

Public Hearing

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

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

Dr. Kim Stanton

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Ms. Anna Mancini

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Halifax, Nova Scotia

1
2 --- Upon commencing on Tuesday, May 31st, 2022, at 9:34 a.m.

3 **REGISTRAR DARLENE SUTHERLAND:** Good morning. The
4 webinar will be commencing shortly. I will do a quick rollcall. If you are expecting
5 counsel to be present, whose name is not called, please advise them that we will be
6 starting momentarily.

7 Throughout the day, as we take breaks, the slide on the Zoom
8 webinar will be updated to reflect when we expect to return. Linda Hupman, Glenn
9 Anderson, Jane Lenehan, Samantha Parris, and Tom MacDonald.

10 **COMMISSIONER MacDONALD:** Good morning, et salut. Thank
11 you for following the work of the Commission again today.

12 As explained in our decision of May 24th, we have directed that the
13 testimony we will hear today will be recorded, rather than webcast, in order to remove
14 the time pressure of a live proceeding, and with the aim of obtaining the best possible
15 evidence in the circumstances.

16 Today, we will hear from Sergeant Andy O'Brien, who will provide
17 knowledge of the communications and actions undertaken by RCMP Command
18 personnel on April 18th and 19th, 2020.

19 The video from today will be posted to our website for the public as
20 soon as possible.

21 As noted in our May 24th decision, Participant Counsel were invited
22 to submit questions in advance, and, as was done with yesterday's witness, we will
23 have two breaks where Participant Counsel will meet with Commission Counsel to
24 identify additional questions to be put forward before today's testimony is complete.

25 Media are reminded that there is an embargo on today's
26 proceedings; however, that embargo will be lifted as soon as our session with this
27 witness is complete. To assist the media, we will make it clear when questioning has
28 concluded and the embargo is lifted.

1 I will now ask Commission Counsel, Anna Mancini, to proceed.
2 Ms. Mancini?

3 **MS. ANNA MANCINI:** Thank you, Commissioner MacDonald.

4 As Commissioner MacDonald indicated, my intention today is to
5 conduct an examination of retired Sergeant Andrew O'Brien. Good morning, Mr.
6 O'Brien.

7 **SGT. ANDREW O'BRIEN:** Good morning.

8 **MS. ANNA MANCINI:** Madam Registrar, Mr. O'Brien has indicated
9 a preference to be sworn at this time. If you could proceed with that, I'd be grateful.

10 **--- SGT. ANDREW O'BRIEN, Sworn:**

11 **REGISTRAR DARLENE SUTHERLAND:** Thank you. Be seated,
12 please.

13 **--- EXAMINATION IN-CHIEF BY MS. ANNA MANCINI:**

14 **MS. ANNA MANCINI:** Thank you, Mr. O'Brien.

15 So as Commissioner MacDonald indicated, our focus today is
16 essentially a continuation of evidence pertaining in large part to communications
17 between essentially members of the Northeast Nova command personnel in the course
18 of the mass casualty.

19 So today I'm going to be taking you through what is Exhibit 1461.
20 It's the Command Decisions, is kind of how we've referred to it. It's a Foundational
21 Document.

22 You've had a chance to look at some of the content of that? Is that
23 correct?

24 **SGT. ANDREW O'BRIEN:** That's correct.

25 **MS. ANNA MANCINI:** Okay. And so how it will work, Mr. O'Brien,
26 is when I refer to a particular paragraph, it will come up on that screen that's in front of
27 you, the text that I'm referring to. I'll read it out loud but if you do have any trouble
28 seeing it, just let me know and we'll adjust.

1 I also want to make it clear that when I refer you to a paragraph,
2 that is in no way meant to constrain or limit any of your testimony. Your testimony is
3 what's key here. So I encourage you to correct any errors that you see, elaborate on
4 anything that you think needs some further context. Is that clear?

5 **SGT. ANDREW O'BRIEN:** Yes, ma'am.

6 **MS. ANNA MANCINI:** Okay. Thank you. So, Mr. O'Brien, I'm
7 going to first just go through some of your employment history. I understand that you
8 joined the RCMP in 1990? Is that correct?

9 **SGT. ANDREW O'BRIEN:** Yes.

10 **MS. ANNA MANCINI:** Okay. And that was a year long process for
11 you because you did six months at Depot and six months of language training?

12 **SGT. ANDREW O'BRIEN:** Yes, ma'am. Six months of language
13 training preceded my Depot experience.

14 **MS. ANNA MANCINI:** Oh, I'm sorry. I had it flipped. Okay. All
15 right. And then following that, in 1991, you were posted to Newfoundland?

16 **SGT. ANDREW O'BRIEN:** Correct.

17 **MS. ANNA MANCINI:** Okay. And you were then, in 2001,
18 transferred to Hillsborough, New Brunswick, and you continued general duty service
19 there?

20 **SGT. ANDREW O'BRIEN:** Correct.

21 **MS. ANNA MANCINI:** Okay. And about 2004, transferred to Cole
22 Harbour in Halifax?

23 **SGT. ANDREW O'BRIEN:** Correct.

24 **MS. ANNA MANCINI:** Okay. And you were promoted to corporal
25 at that time?

26 **SGT. ANDREW O'BRIEN:** Yes.

27 **MS. ANNA MANCINI:** Okay. And then in 2006, I understand you
28 became the unit commander at the airport detachment?

1 **SGT. ANDREW O'BRIEN:** Yes.

2 **MS. ANNA MANCINI:** Okay. And then 2008, you became the field
3 coach coordinator for the Province of Nova Scotia?

4 **SGT. ANDREW O'BRIEN:** Yes.

5 **MS. ANNA MANCINI:** Okay. Have I got the title right there?

6 **SGT. ANDREW O'BRIEN:** Field coaching coordinator.

7 **MS. ANNA MANCINI:** Okay.

8 **SGT. ANDREW O'BRIEN:** Yes.

9 **MS. ANNA MANCINI:** Okay. And this was a new position, I
10 understand? Was that correct? At the time.

11 **SGT. ANDREW O'BRIEN:** That's correct, yes.

12 **MS. ANNA MANCINI:** Okay. And do you mind telling me, just sort
13 of high level, a sense of what that role entailed?

14 **SGT. ANDREW O'BRIEN:** The field coaching coordinator's
15 position was a position to help manage the influx of new members into the Division and
16 ensure that coaches were properly trained, and instructed, and supported, and that new
17 members had the full benefit of the field coaching program in existence at the time.

18 **MS. ANNA MANCINI:** Okay. So you're sort of overseeing new
19 recruits being paired up with coaching officers?

20 **SGT. ANDREW O'BRIEN:** That's correct.

21 **MS. ANNA MANCINI:** Okay.

22 **SGT. ANDREW O'BRIEN:** Every member that joins the RCMP
23 completes six months in Depot and then six months of field coaching in the field before
24 they become a fully trained or fully fledged constable.

25 **MS. ANNA MANCINI:** Okay. So then I understand in 2012 you
26 were promoted to sergeant?

27 **SGT. ANDREW O'BRIEN:** Correct.

28 **MS. ANNA MANCINI:** And at that time, you became the career

1 development resource advisor? Have I got that title right?

2 **SGT. ANDREW O'BRIEN:** Correct.

3 **MS. ANNA MANCINI:** Okay.

4 **SGT. ANDREW O'BRIEN:** One of three in the Division -- four in
5 the Division.

6 **MS. ANNA MANCINI:** Okay. And do you mind, again, just given
7 that it's somewhat a different position, do you mind telling us a bit high level about what
8 that is?

9 **SGT. ANDREW O'BRIEN:** The career development and
10 resourcing advisor's position is a position that deals with the posting, training, and
11 career aspirations of members within the Division. It is that job's role to ensure that
12 members have access to career development opportunities, guidance, and support, and
13 also to conduct transfers to fill the operational needs of the Division.

14 **MS. ANNA MANCINI:** Okay. So I take it you're essentially
15 assisting in determining how to rotate members based on new positions that are needed
16 or vacancies that need to be filled, and matching that up with individual officer's
17 interests and career aspirations?

18 **SGT. ANDREW O'BRIEN:** Correct.

19 **MS. ANNA MANCINI:** Okay.

20 **SGT. ANDREW O'BRIEN:** It would be called human resourcing in
21 the civilian world.

22 **MS. ANNA MANCINI:** Okay. All right. Makes sense. And then in
23 2015, I understand you made a lateral transfer to Traffic Services, the Northern Corridor
24 Highway Patrol in Northeast Nova?

25 **SGT. ANDREW O'BRIEN:** Correct.

26 **MS. ANNA MANCINI:** Okay. So that would be the Bible Hill and
27 Amherst areas?

28 **SGT. ANDREW O'BRIEN:** Correct.

1 **MS. ANNA MANCINI:** Okay. And then in 2018, you became the
2 Operations NCO of the Bible Hill Detachment?

3 **SGT. ANDREW O'BRIEN:** Colchester District, Bible Hill office,
4 yes.

5 **MS. ANNA MANCINI:** Colchester. Yes. Okay. Thank you. And
6 can you tell us a little bit about the roles and responsibilities that are associated with
7 that position, Operations NCO?

8 **SGT. ANDREW O'BRIEN:** The Operations NCO is essentially
9 responsible for delivering policing services to the clients of the district under the
10 direction of the District Commander.

11 **MS. ANNA MANCINI:** Okay. So under the direction of the District
12 Commander. So in this case, the District Commander would be S/Sgt Al Carroll at that
13 time?

14 **SGT. ANDREW O'BRIEN:** Correct.

15 **MS. ANNA MANCINI:** Okay. So you reported to S/Sgt Al Carroll?

16 **SGT. ANDREW O'BRIEN:** Yes.

17 **MS. ANNA MANCINI:** Okay. And then in terms of delivering the
18 police services, can you indicate who would have been reporting to you within that
19 detachment?

20 **SGT. ANDREW O'BRIEN:** Yes, the Operations NCO was
21 responsible for the four operational shifts and there's a fifth corporal in the district. On
22 paper, that corporal reports directly to the District Commander, which is a bit of a unique
23 situation and just related to Colchester District. But the Operations NCO work closely
24 with that corporal to ensure unified service and that corporal was responsible for the
25 General Investigation Section, the street crime member, and the court liaison member.

26 **MS. ANNA MANCINI:** Okay. And I am going to ask you a little bit
27 about the specifics of the Bible Hill Detachment soon, but I'm wondering, in general,
28 with respect to Operations NCO, would you have familiarity engaging with, for instance,

1 the CIIDS program?

2 **SGT. ANDREW O'BRIEN:** Yes.

3 **MS. ANNA MANCINI:** Yes? Okay.

4 **SGT. ANDREW O'BRIEN:** Absolutely.

5 **MS. ANNA MANCINI:** And you'd have familiarity engaging with
6 PROS?

7 **SGT. ANDREW O'BRIEN:** Yes.

8 **MS. ANNA MANCINI:** Okay. And would you have occasion or
9 opportunity to use Pictometry?

10 **SGT. ANDREW O'BRIEN:** I don't ever recall using Pictometry. It's
11 entirely possible that at some point we were trained or briefed on it, but my -- any
12 mapping needs I had were filled by CIIDS or by Google Maps.

13 **MS. ANNA MANCINI:** Okay. Okay. So you were -- but you did
14 routinely use, essentially, CIIDS and PROS?

15 **SGT. ANDREW O'BRIEN:** I used CIIDS and PROS on a daily
16 basis, yes.

17 **MS. ANNA MANCINI:** All right. Okay. And I understand you
18 retired in November of 2020?

19 **SGT. ANDREW O'BRIEN:** Correct.

20 **MS. ANNA MANCINI:** Okay. And just in terms of some of the
21 general training, I understand you were IARD trained, obviously, throughout the course
22 of your career?

23 **SGT. ANDREW O'BRIEN:** Yes.

24 **MS. ANNA MANCINI:** Okay. Had you ever engaged in IARD
25 instruction?

26 **SGT. ANDREW O'BRIEN:** No.

27 **MS. ANNA MANCINI:** Okay. And did you ever have any training
28 specific to overseeing a critical incident?

1 **SGT. ANDREW O'BRIEN:** Sort of parallel training. I was trained
2 on -- I can't even remember what it's called now. Trained to work in the Division
3 Operations Centre, DEOP, Division Emergency Operations Centre, in case of mass
4 incidents. But that was a limited role as one of the support personnel. And while I was
5 at the airport, I trained with external agencies on disaster scenarios. Most of those were
6 things like radiological, biological, nuclear threats, lost persons, things like that.

7 **MS. ANNA MANCINI:** Sure. Okay.

8 **SGT. ANDREW O'BRIEN:** Parallel, but not specific to the CIC
9 system.

10 **MS. ANNA MANCINI:** Certainly. So would it be fair to say that you
11 had, certainly, training and familiarity with that procedure in events of environmental
12 disasters, weather disasters, missing persons, but not necessarily any training specific
13 to overseeing a critical incident involving an active shooter?

14 **SGT. ANDREW O'BRIEN:** Yes.

15 **MS. ANNA MANCINI:** Okay. Okay. So yeah, we had started to
16 talk a little bit about the Bible Hill detachment, and you had mentioned the four
17 operational shifts. I'm wondering if you can break that down a little bit for me about the
18 shift structure at the Bible Hill detachment, specifically?

19 **SGT. ANDREW O'BRIEN:** At the time, the Bible Hill detachment
20 had four operational shifts. Each of those shifts was made up of six or seven positions.
21 As with any operational unit, not all the positions are ever going to be filled at once, but
22 each of those shifts would be made up of one corporal, and the remaining positions
23 would be constables. That corporal will be the team leader and reported directly to me.

24 **MS. ANNA MANCINI:** Okay. And so these four shifts, I take it,
25 rotate on 12-hour shifts?

26 **SGT. ANDREW O'BRIEN:** Ten hour shifts ---

27 **MS. ANNA MANCINI:** Ten hour shifts.

28 **SGT. ANDREW O'BRIEN:** --- at the time, and they would, yes,

1 rotate. There is some overlap. We had, I believe, one double shift per week when we
2 had the bulk of two shifts working at once, just by virtue of the way the shift schedule
3 was structured.

4 **MS. ANNA MANCINI:** Okay. And on these shifts, there's the team
5 lead and several other constables. Are they -- are they divided in terms of their service
6 or their coverage into certain zones, or is just sort of a general coverage of the entire
7 geographical area?

8 **SGT. ANDREW O'BRIEN:** Members are assigned to specific
9 positions which are assigned to certain geographical areas within the district, but
10 functionally, the members working would cover the needed area irrespective of their
11 specific zone. The only real exception to that is the members working in the
12 Tatamagouche area would try and spend as much time per shift as possible in the
13 Tatamagouche area where it was rather distanced. And we had a suboffice there so
14 they could work out of that, and we also had a suboffice in Stewiacke -- Shubenacadie.
15 Sorry, I'm ---

16 **MS. ANNA MANCINI:** Sure. No problem. No problem.

17 **SGT. ANDREW O'BRIEN:** One of the two. And members would
18 try and work out of there whenever possible, but typically, it was a very busy unit.
19 Members would go where the calls were irregardless of where their position was
20 assigned.

21 **MS. ANNA MANCINI:** Okay. And so you referenced this briefly
22 about how each shift was designed to have six or seven positions, but that not all
23 positions were filled. So how often, if ever, were you operating at full capacity?

24 **SGT. ANDREW O'BRIEN:** Never.

25 **MS. ANNA MANCINI:** Never. Okay.

26 **SGT. ANDREW O'BRIEN:** I -- virtually impossible to operate a
27 division with every position at full capacity.

28 **MS. ANNA MANCINI:** Okay.

1 **SGT. ANDREW O'BRIEN:** There's just so many members have
2 vacation, sickness, training, secondments, paternal leave, maternal leave, it's just -- it --
3 I don't think I've ever experienced a unit that was operating with every position filled.

4 **MS. ANNA MANCINI:** Okay. And given that strain, were there any
5 policies specific to your detachment, or specific to the RCMP as a institution, with
6 respect to the minimum number of members you could have on duty?

7 **SGT. ANDREW O'BRIEN:** I'm not aware of any organisational
8 policy, but in Colchester District at the time, we considered four the minimum number of
9 people working per shift, as that's our minimum acceptable number.

10 **MS. ANNA MANCINI:** Okay. And you were able to maintain that,
11 generally-speaking?

12 **SGT. ANDREW O'BRIEN:** Yes.

13 **MS. ANNA MANCINI:** Okay. And was there -- did you notice or
14 observe in April of 2020, any impact of COVID-19 with respect to functioning in the
15 detachment?

16 **SGT. ANDREW O'BRIEN:** Yeah, there was an impact. I, myself,
17 was working from home, primarily. I'm high risk medically for COVID-related illness. So
18 there were people that were working from home, but for the most part, our operational
19 members were all working, continued working in the field.

20 **MS. ANNA MANCINI:** Okay. So in your position, Mr. O'Brien,
21 would you have had oversight or I guess awareness of the training of each of the
22 members, each of the constables and corporals of the Bible Hill detachment?

23 **SGT. ANDREW O'BRIEN:** Yes.

24 **MS. ANNA MANCINI:** Okay. And did you have any concerns with
25 respect to any of the training of the members in the Bible Hill detachment?

26 **SGT. ANDREW O'BRIEN:** Concerns were addressed at the time.
27 I kept a chart of every member's training, what they needed, what they wanted. For the
28 most part, our Division Training Section enabled or ensured that members received all

1 mandatory training in a timely fashion. I don't recall a situation where we had anybody
2 that we had to remove from service because they were missing mandatory training.

3 **MS. ANNA MANCINI:** Okay. And maybe I'll ask you specifically,
4 too, about carbine training. I know carbine training is not required; is that correct?

5 **SGT. ANDREW O'BRIEN:** I don't -- I always thought it was, but I'm
6 not 100-percent sure.

7 **MS. ANNA MANCINI:** Okay. No, I could be mistaken. And we
8 know, for instance, on this particular evening of April 19th, we had four members
9 respond, three of whom were carbine trained and one who was not, Constable Colford
10 was not. Was there any design or plan with respect to arrangement or staffing of
11 members who are carbine trained versus not carbine trained?

12 **SGT. ANDREW O'BRIEN:** I'll walk my last question -- my last
13 response back. Carbine training is not mandatory. There's always an ongoing effort to
14 try and get members trained in all operational training. There was a... Sorry, could you
15 repeat the question?

16 **MS. ANNA MANCINI:** Yeah, sure, and it's long-winded. So we
17 know on April 18th ---

18 **SGT. ANDREW O'BRIEN:** M'hm.

19 **MS. ANNA MANCINI:** --- we had four members respond to the call
20 in Portapique ---

21 **SGT. ANDREW O'BRIEN:** Right.

22 **MS. ANNA MANCINI:** --- and three of those members were
23 carbine trained, they formed the Contact Team, and entered. One member,
24 Constable Colford, was not carbine trained. And I'm wondering if the allocation of
25 carbine training was a factor in determining who was on which shifts, if that makes any
26 sense?

27 **SGT. ANDREW O'BRIEN:** It would have been part of the global
28 discussion anytime the District Commander was considering assigning someone to a

1 shift or moving someone from or to a shift. Anytime you move someone from one shift
2 to another or assign someone to a shift, there's always going to be a lengthy
3 conversation about length of service, skills, training, background, personality, you know,
4 where they might live, what their interests were. It's a long and involved discussion, and
5 absolutely, if someone had or did not have a particular type of training, like carbine, that
6 would be part of the discussion.

7 **MS. ANNA MANCINI:** Okay. All right. So moving outside of the
8 detachment itself, something that the Commission has been attempting to understand is
9 to get a sense of the relationship and the dynamics between the Risk Manager and
10 other supervisory personnel, including the Operations NCO. So I'm wondering if you
11 can give us a broad sense in general of how your position interacts and engages with
12 the role of the Risk Manager?

13 **SGT. ANDREW O'BRIEN:** It's my understanding that the Risk
14 Manager's position was created to alleviate the necessity for managers to be on-call,
15 essentially constantly, especially in small units where you might have a smaller
16 command structure. Obviously, it's unrealistic to expect supervisors or managers to be
17 on-call always.

18 The Risk Manager's position works 24/7, 365 in the Operational
19 Communications Centre in H-Division, and provides support, guidance, direction as
20 needed for members who are working anytime of the day, but most likely after hours
21 when there are no managers around. To be clear, there are lots of lowly ranked
22 members in this division who are entirely capable of working without direct or close
23 supervision, but if there is a case where you need someone with more experience or
24 rank you have access, as a front-line member, to that 24/7.

25 Generally speaking, in cases where the Risk Manager has a
26 member who needs more direction, or more long term, or more capacity than the Risk
27 Manager can provide, the Risk Manager would try and return that to the local division --
28 the local district management. Anytime there was a serious incident or something that

1 required local knowledge, or again, was going to be something that would occupy the
2 Risk Manager on a larger scale, because that Risk Manager also has to service every
3 other district in the Division at the time, one of the managers would get contacted to
4 step in, or take over, or provide the necessary support, or guidance, direction, whatever.

5 **MS. ANNA MANCINI:** Okay. So I take it in your working history,
6 you've been contacted by a Risk Manager to respond to an event?

7 **SGT. ANDREW O'BRIEN:** Absolutely.

8 **MS. ANNA MANCINI:** Okay. And so when that happens, ---

9 **SGT. ANDREW O'BRIEN:** M'hm.

10 **MS. ANNA MANCINI:** --- you respond?

11 **SGT. ANDREW O'BRIEN:** Correct.

12 **MS. ANNA MANCINI:** Okay. And is there a clear sense or is there
13 a moment when it's established that you've taken a supervisory role over the situation?

14 **SGT. ANDREW O'BRIEN:** Essentially when you arrive on scene,
15 you sort of, as a manger, take over ---

16 **MS. ANNA MANCINI:** Okay.

17 **SGT. ANDREW O'BRIEN:** --- and relieve the Risk Manager so he
18 or she can go back to doing their job.

19 **MS. ANNA MANCINI:** Okay. Okay. So it would be your view that
20 if yourself or S/Sgt Carroll were to become engaged in an incident in Colchester District,
21 your view is that once you're engaged, the Risk Manager is then able to -- handed the
22 supervisory role over to one of that management team?

23 **SGT. ANDREW O'BRIEN:** Ideally, but that's not always the case.
24 We had a member-involved shooting a couple of years back and obviously that's a very
25 serious, very high-risk, complex incident. And we had to continue leaning on the Risk
26 Manager for additional tasks. Certainly not on a, like, "I need you here constantly"
27 basis, but there would be the occasional call to say, "I'll need you to do this for me," or,
28 "Could you do that for me? Contact this person?"

1 In the case of a member-involved shooting, one of the first calls we
2 make is to the Serious Incident Response Team because there has to be an outside
3 investigation. So that call might have -- I believe that call was made by the Risk
4 Manager as I was tied up looking at -- what complicated that situation was that it
5 occurred within Truro Police jurisdiction, so there was a lot of moving parts in that
6 particular incident. So I tasked several other people to do different things at various
7 times.

8 **MS. ANNA MANCINI:** Sure. Okay. So is it fair for me to
9 characterize it as essentially with a complex situation, once management is engaged,
10 you may lean on the Risk Manager as a facilitator, but less so a supervisory role?

11 **SGT. ANDREW O'BRIEN:** It would really depend on the situation.
12 One of the wonderful things about the way the RCMP is structured is there's a lot of
13 flexibility built into our response capabilities because that's what we do every day.
14 There are no two calls that are exactly the same. And we have a long history of figuring
15 things out on the fly. And we're all very familiar with the concept of that may not
16 necessarily fall exactly in my job description, but it needs to be done, it gets done.

17 **MS. ANNA MANCINI:** Okay.

18 **SGT. ANDREW O'BRIEN:** Did I answer that question?

19 **MS. ANNA MANCINI:** Yeah, you did. I guess the follow up
20 question that I would have is, in your view, are there situations, and obviously we're
21 going to be speaking specifically to April 18th and 19th of 2020, but are there situations
22 where that flexibility that you've referenced create confusion or duplication of efforts in
23 response to a critical incident? And I'm obviously just asking for your view on that.

24 **SGT. ANDREW O'BRIEN:** Yeah, there are. I mean, it's -- you're
25 creating a structure akin to a large business in a matter of minutes or hours to do -- to
26 try and hit a moving target that's unique and different. There's always going to be
27 growing pains in any structure, especially one you create on site in a ridiculous short
28 time frame with a completely new or unknown business goal. You have to have all

1 those various parts that a business would have. You have to have someone deal with,
2 you know, purchasing, and receiving, and catering, and 101 other things, external
3 agencies, and communication, and you're creating this thing on the spot in a form that's
4 new and unique to just that circumstance. There are going to be crossed wires. There
5 are going to be duplication of efforts. There occasionally are going to be things that are
6 missed initially. But the flexibility that we have and the experience that the senior
7 members bring to the table is -- their job is to identify those things and rectify them.

8 **MS. ANNA MANCINI:** Okay.

9 **SGT. ANDREW O'BRIEN:** There's no playbook for this.

10 **MS. ANNA MANCINI:** No, I certainly appreciate that. Okay. Well
11 perhaps we'll move into the events of April 18th and 19th of 2020 directly.

12 I wonder, Madam Registrar, if we could pull up paragraph 73 of the
13 Command Decisions Foundational Document?

14 So this, Mr. O'Brien, references Cst Beselt:

15 "While en route to the scene, Cst. Beselt contacted the
16 Bible Hill detachment operations noncommissioned
17 officer [...], Sgt. Andrew [...] O'Brien, to advise him of the
18 call from the Portapique community. Sgt. O'Brien was at
19 home, off duty, on the evening of April 18, 2020. He had
20 consumed four to five alcoholic beverages between
21 approximately 6:00 p.m. and 10:00 p.m., and therefore
22 advised Cst. Beselt that he 'would not be providing
23 direction to him, but that he would contact S/Sgt. Al
24 Carroll.' Sgt. O'Brien and Cst. Beselt discussed the
25 possibility of the perpetrator being in possession of a
26 'retired' RCMP police cruiser. Sgt. O'Brien recalled that
27 Cst. Beselt 'told me that the complaint indicated that
28 there had been a police car in the yard at the site of the

1 shooting.' Sgt. O'Brien indicated that, after speaking with
2 Cst. Beselt and reviewing the dispatch ticket, his initial
3 impression was that 'this could well be a murder, and that
4 it is possible that the perpetrator was in possession of a
5 decommissioned police vehicle.'"

6 So there's a few things that I want to unpack from this paragraph,
7 but the first is the call from Cst Beselt.

8 **SGT. ANDREW O'BRIEN:** M'hm.

9 **MS. ANNA MANCINI:** You recall receiving that telephone call?

10 **SGT. ANDREW O'BRIEN:** Yes.

11 **MS. ANNA MANCINI:** Okay. And do you recall additional details
12 of the call? Or the nature of the call? If you can expand on that for us?

13 **SGT. ANDREW O'BRIEN:** I don't think there's a whole lot to
14 expand on. It was my impression that the vehicle involved was not an actual replica but
15 was a decommissioned police car.

16 **MS. ANNA MANCINI:** Why was that? What caused your thinking
17 to go there, initially?

18 **SGT. ANDREW O'BRIEN:** Used to be when our police cars were
19 sold off at auction after their service with the RCMP, that the decaling on the police cars
20 would leave a difference in the paint. After years of sun and weathering, the paint
21 would fade where the decals weren't. So when you remove the decals, you could still
22 see the shape of the decals. And you -- I have seen many former police cars in the
23 community on which you could see the shadow of the decals, and you'd refer that as a
24 former police car. I -- when I was going to high school, there was a guy who made
25 great efforts to obtain a former Truro police car and drove it around, and we used to
26 refer to it as whatever his name's was cop car because you could tell it was a former
27 police car. Prior to this event, I would not have believed that someone could create a
28 replica police car to match an RCMP vehicle. I had seen situations where in the United

1 States people had created replica police cars, but I would not have thought someone
2 could come across the decaling, not accurate decaling, nor a light bar to create a
3 vehicle, and even go so far as to put numbers on it. If you had asked me beforehand, I
4 would have said that's not possible. So it was a case of me not believing it could be a
5 police car, although we did, I think at one point, somebody said, "We're going to contact
6 telecomms just in case we have a police car in the area, or if there's a police car that's
7 been stolen." But it was certainly my impression after the phone call that it was a retired
8 police car.

9 **MS. ANNA MANCINI:** Okay. Okay. So the paragraph also
10 indicates that you had made the decision that given your consumption of alcohol, you'd -
11 - you would refrain from taking a supervisory role. So can you tell me about that, and
12 can you tell me about, I guess, perhaps starting off, if the number of alcoholic
13 beverages identified appears correct? Or if you recall.

14 **SGT. ANDREW O'BRIEN:** Four or five, yeah, that's correct.

15 **MS. ANNA MANCINI:** Okay.

16 **SGT. ANDREW O'BRIEN:** Well, just to start off with, the RCMP
17 Code of Conduct prohibits you working if you've been ingesting intoxicants, but also,
18 any time that you've been drinking, any member had been drinking, to work would bring
19 into question the integrity of any decision making. I was not intoxicated, but that's not
20 the point. The point is, there's always going to be a perception if people are aware that
21 you've been drinking or using any other intoxicant, that you are compromised to a
22 degree, and that's not -- not only is it prohibited by the *RCMP Act*, it's not -- it would
23 certainly negatively impact the confidence of the members around me and the
24 community.

25 **MS. ANNA MANCINI:** Okay. So there's the Code of Conduct
26 aspect, and then also sort of a personal awareness of potentially raising concerns
27 around your peers; is that correct?

28 **SGT. ANDREW O'BRIEN:** Yeah, and or members of the public if I

1 had to deal with a member of the public.

2 **MS. ANNA MANCINI:** Okay. Okay. But then I want to take you to
3 paragraph 143, if we could, Madam Registrar, because it seems that having made this
4 decision to sort of refrain from engaging, at paragraph 143, we have at 11:21:03,
5 Constable Grund calling over the radio. He,

6 "...again called the risk manager, indicating that
7 another team of RCMP members could be sent into
8 Portapique."

9 So for context, this is Constable Grund is at the head of Portapique
10 Beach Road and the contact team has already entered.

11 "Sgt. O'Brien answered Cst. Grund, and instructed
12 him to hold off due to concerns about potential blue-
13 on-blue (police on police) crossfire"

14 So the excerpt from the radio, Constable Grund says,

15 "Risk Manager. Just checking, I know we have one
16 team up there of three. I think we have another three
17 back here, we can send another team up that way."

18 Sergeant O'Brien comes over the radio,

19 "Hold off on the second team, I only want one team in
20 there if we can avoid having anybody else in the
21 crossfire."

22 So there'll be two questions emerging from this. One is about the
23 actual decision and the call to make, but the other is, in light of the decision that you've
24 made to refrain from providing instruction or taking on a supervisory role, this seems to
25 be at odds or contradictory to that. Can you offer us some insight as to how you -- what
26 prompted you to change your mind and engage?

27 **SGT. ANDREW O'BRIEN:** Yeah. I didn't know who it was at the
28 time that was calling, not that it matters, but you'll notice that Constable Grund's

1 transmission is about 15 seconds prior to mine. This is a case of me knowing the
2 answer and not hearing anybody else intercede. To start with the decision itself, this is
3 less a decision and more this is how we do business. In IARD training, we're told that
4 you don't send a second contact team in to a -- the same position as another contact
5 team. If you have one contact team in the first storey of a concrete building and you
6 have an active threat on the third storey, well, that might be a very different situation.
7 You might send a second contact team in. But we have one contact team in an area
8 with really no coverage as concealment, and this member's asking to send a second
9 contact team in. The answer from any supervisor is going to be, no, we can't do that. It
10 puts our members at risk of blue-on-blue or officer-on-officer fire, either through one
11 team mistaking the other team to be the active threat, or the active threat moving
12 between those two teams and resulting in crossfire.

13 But I heard it on the radio and waited what seemed to me to be a
14 lifetime before anybody responded and nobody did respond. My fear was that the
15 member involved was going to take it upon themselves and go in. And as I did know
16 the answer, and I'd say it wasn't a decision, it was a this is our training, I said, you know,
17 hold off. We're -- we can't send another team in. We're -- we don't want anybody else
18 in the crossfire.

19 **MS. ANNA MANCINI:** So despite your earlier decision to not offer
20 direction, you felt compelled in this instance to speak out over the radio in response to
21 Constable Grund's request?

22 **SGT. ANDREW O'BRIEN:** Absolutely. And although I have no
23 record of it, I am very confident that what I did after that was make a phone call to either
24 Staff Sergeant Carroll or Staff Sergeant Halliday, to let them know. Because obviously,
25 what had happened was when Constable Grund made that radio transmission, none of
26 the other -- none of the managers or the commanders had heard it, for one reason or
27 another. All three of the people who were offering direction that night, Staff Sergeant
28 Rehill, Staff Sergeant Halliday, and Staff Sergeant Carroll, were very busy people that

1 night. And it's a case of, obviously, none of them heard the transmission.

2 **MS. ANNA MANCINI:** Okay. And I'll ---

3 **SGT. ANDREW O'BRIEN:** They all weren't in a position to respond
4 to it, sorry.

5 **MS. ANNA MANCINI:** No, that's fair.

6 I'll just ask you directly, did alcohol impair your judgment in any way
7 over the course of your response to the mass casualty?

8 **SGT. ANDREW O'BRIEN:** I don't feel it did, no.

9 **MS. ANNA MANCINI:** Okay. Okay. So you've indicated reference
10 to Staff Sergeant Carroll, Staff Sergeant Halliday, the risk manager. You, yourself, have
11 made the decision to monitor the situation from home. And I understand you had
12 access to a portable radio at your residence?

13 **SGT. ANDREW O'BRIEN:** I didn't have one at my residence at
14 that time. I had asked my wife to drive me to the office to get one.

15 **MS. ANNA MANCINI:** Okay.

16 **SGT. ANDREW O'BRIEN:** But I did have my laptop home and my
17 laptop was what I used at the office, so I had access to all the same capabilities I did
18 from work.

19 **MS. ANNA MANCINI:** Okay. So once you've returned from the
20 detachment, you have a portable -- access to a portable radio and you have your work
21 laptop as you mentioned?

22 **SGT. ANDREW O'BRIEN:** Correct.

23 **MS. ANNA MANCINI:** Okay. And so on your work computer, once
24 again, you've got access to CIIDS?

25 **SGT. ANDREW O'BRIEN:** Yes.

26 **MS. ANNA MANCINI:** Okay. So you're able to see the GPS of
27 where the vehicles, RCMP vehicles are located?

28 **SGT. ANDREW O'BRIEN:** Yes.

1 **MS. ANNA MANCINI:** Okay. And I understand you're also able to
2 review the notes on the -- I think it's referred to as the CAD log on the CIIDS system, the
3 notes of call takers of 9-1-1 calls; is that correct?

4 **SGT. ANDREW O'BRIEN:** Yes.

5 **MS. ANNA MANCINI:** Okay. And were you able to follow those
6 that night?

7 **SGT. ANDREW O'BRIEN:** Yes.

8 **MS. ANNA MANCINI:** Okay. So you would have seen the
9 information that was being typed in relation to the 9-1-1 call of Jamie Blair?

10 **SGT. ANDREW O'BRIEN:** Yes.

11 **MS. ANNA MANCINI:** Okay. And you recall seeing it?

12 **SGT. ANDREW O'BRIEN:** I don't recall, specifically, but I know I
13 did read it.

14 **MS. ANNA MANCINI:** Okay. And would you also have been able
15 to follow the log pertaining to the 9-1-1 call of the Blair and McCully children?

16 **SGT. ANDREW O'BRIEN:** Yes.

17 **MS. ANNA MANCINI:** Okay. And again, both of these calls
18 reference the RCMP car or police car. Did that have any impact on your thinking or
19 evolve any of your thinking since your conversation with Constable Beselt?

20 **SGT. ANDREW O'BRIEN:** In terms of what I felt the car looked
21 like?

22 **MS. ANNA MANCINI:** Yeah.

23 **SGT. ANDREW O'BRIEN:** No. It still, to me, in my mind, was a
24 decommissioned police vehicle.

25 **MS. ANNA MANCINI:** Okay.

26 **SGT. ANDREW O'BRIEN:** Until I saw a picture of it that was
27 distributed to -- through cell phones, and I believe it came from Lisa Banfield, but I can't
28 say for sure, I still didn't believe that there would be or could be a replica police car or a

1 replica RCMP car.

2 **MS. ANNA MANCINI:** Okay. So you have your work computer,
3 you've got the radio. I'm going to ask you generally, did you feel being physically
4 located at home, as opposed to at the Command Post, ultimately, or at the Bible Hill
5 detachment, do you feel that posed any disadvantage to your engagement in this
6 incident?

7 **SGT. ANDREW O'BRIEN:** It would have been easier for me to
8 communicate with the managers had I been at the Command Post, but I wasn't working,
9 so ---

10 **MS. ANNA MANCINI:** Yeah.

11 **SGT. ANDREW O'BRIEN:** --- it wasn't.

12 **MS. ANNA MANCINI:** Okay. If I were -- if I were to suggest to you
13 that a person in a supervisory role can essentially, immediately from home, provided
14 that they have a radio and provided that they have their working laptop, that they could
15 engage and meaningfully contribute in a ---

16 **SGT. ANDREW O'BRIEN:** Oh, yeah.

17 **MS. ANNA MANCINI:** --- in a critical incident, does that seem fair
18 to you?

19 **SGT. ANDREW O'BRIEN:** It does, yeah, absolutely.

20 **MS. ANNA MANCINI:** Okay. All right.

21 **SGT. ANDREW O'BRIEN:** The -- you have -- the work laptop, a
22 portable radio, and a cell phone is what you would have anywhere you'd be. As a
23 matter of fact, if I had been on scene, I would have had less capability because I would
24 have had the mobile workstation in the car, which has less capability than the laptop
25 that I used at my desk.

26 **MS. ANNA MANCINI:** Okay. Okay, so you broadcast at about
27 10:37 p.m. the perpetrator's addresses, 200 Portapique Beach Road and 193 Portland
28 Street in Dartmouth.

1 **SGT. ANDREW O'BRIEN:** M'hm.

2 **MS. ANNA MANCINI:** And I take it you're accessing that
3 information through your work computer?

4 **SGT. ANDREW O'BRIEN:** Correct.

5 **MS. ANNA MANCINI:** Okay. Through the PROS system?

6 **SGT. ANDREW O'BRIEN:** PROS.

7 **MS. ANNA MANCINI:** Okay. And you also, later in that evening, I
8 think it's around midnight or so, you accessed information about a traffic stop that had
9 been conducted by Constable Dorrington that previous February. You also accessed
10 that through PROS?

11 **SGT. ANDREW O'BRIEN:** Yes.

12 **MS. ANNA MANCINI:** Okay. All right.

13 Madam Registrar, if I could pull up paragraph 194. Thank you.

14 So I take it at midnight:

15 "...on April 19...Cst. Dorrington spoke with Sgt. Andy
16 O'Brien. They discussed a traffic stop that
17 Cst. Dorrington had conducted on the perpetrator in
18 February [of] 2020. The traffic stop involved a 2013
19 white Ford Taurus with licence plate [GMK 905].
20 Cst. Dorrington had taken a picture of the
21 perpetrator's driver's licence and saved it on his
22 phone. Cst. Dorrington and Sgt. O'Brien broadcast
23 this information over Colchester radio and indicated
24 that members could text Cst. Dorrington to obtain a
25 copy of the photograph..."

26 So -- then, this is the Colchester quote:

27 "...Cst. DORRINGTON...: 'So, just a heads-up to
28 members...our SOC...he's associated - one of the

1 vehicles he's associated to is a, ah, white Ford
2 Taurus ah, with ah, RCMP deckling [sic] on the side,
3 like the...reflective striping, just so you are aware."

4 Constable Neil says:

5 "...Copy that."

6 Sergeant O'Brien says:

7 "...Members that want a picture of this guy, you can
8 text DORRINGTON at [his number], he will text it to
9 you."

10 So my first question out of this is, is it a normal means to sort of text
11 out this photograph, or is it something that could be sent out through the MWS?

12 **SGT. ANDREW O'BRIEN:** I assumed that Telecomms has access
13 or the ability to send pictures, information like that out on an MWS, but the cell phone is
14 easier and more capable. I mean, if you're not in your police vehicle, you do have your
15 cell phone with you. Cell phone is the most immediate and universal method of getting
16 information out to members in a format like that.

17 **MS. ANNA MANCINI:** Okay. So you felt it was an effective way to
18 spread the photograph at that time?

19 **SGT. ANDREW O'BRIEN:** Unless someone has a better way,
20 that's -- cell phone is -- is the -- that's the way, the best way.

21 **MS. ANNA MANCINI:** Sure. Okay. And walk me through. So
22 were you able in PROS to observe the photograph, or did you just see the information
23 related to the traffic stop?

24 **SGT. ANDREW O'BRIEN:** Just the information on PROS.

25 **MS. ANNA MANCINI:** Okay. I see. And you subsequently
26 contacted Constable Dorrington, who located the photo in his cell phone?

27 **SGT. ANDREW O'BRIEN:** I don't know if I contacted
28 Constable Dorrington or if he contacted me ---

1 **MS. ANNA MANCINI:** Okay.

2 **SGT. ANDREW O'BRIEN:** --- but yeah, he had used his cell phone
3 to capture the driver's licence. It's typical of someone doing a traffic stop is to capture
4 the driver's licence and usually a picture of a driver's -- the licence plate and a picture of
5 the driver's licence.

6 **MS. ANNA MANCINI:** Okay.

7 **SGT. ANDREW O'BRIEN:** So he obviously still had that on his cell
8 phone.

9 **MS. ANNA MANCINI:** Okay. Okay. I'd like to ask you about some
10 of the broadcasts that you made throughout the first few hours of the mass casualty.
11 You've come over the radio on a number of instances, particularly to communicate with
12 the Contact Team, and you're often urging them to be cautious, to stay together,
13 reminding them to wear their HBA.

14 Perhaps as an example, Madam Registrar, if we could turn to
15 paragraph 115. Thank you.

16 And it indicates "At 10:59", and forgive me, I'm jumping around in
17 time of the night, but:

18 "At 10:59 p.m., Sgt. O'Brien asked for the IARD
19 members to update their location and be cautious if
20 engaging with the perpetrator:"

21 So the excerpt reads, at:

22 "10:59:04...Sgt. O'BRIEN...'Can you clarify your
23 address on Old Orchard?'"

24 And then again, at:

25 "10:59:28...'Stuart, can you clarify your location for us
26 please?'"

27 Constable Beselt says:

28 "...We're in the front yard by [138], we may have

1 found another ah, casualty."

2 Constable Beselt says:

3 "...We also believe the suspect's in the area 'cause
4 there was a – somebody walking with a flashlight."

5 You say -- Sergeant O'Brien says:

6 "...OK, if he's not still an active shooter I want you to
7 be very, very cautious – do not be aggressive."

8 What's the purpose of these comments to the Contact Team?

9 **SGT. ANDREW O'BRIEN:** The first couple of comments are just,
10 obviously I wanted them to clarify their location. I'm not sure what the background
11 context of that was.

12 **MS. ANNA MANCINI:** Sure.

13 **SGT. ANDREW O'BRIEN:** The comment about "if he's still not
14 active shooter, I want you to be very cautious — do not be aggressive", IARD, or Initial
15 Action -- Immediate Action Rapid Deployment, is a set of protocols, they're used when
16 we have an active threat. If the -- if there is not an active threat, the Contact Team has
17 a very risk-averse approach; they have to be very cautious. If there is an active threat,
18 then IARD is implemented with a very different set of risk assessment tools. Members
19 are essentially rushing in as quickly as possible with very little regard for member
20 safety. What I wanted Stuart to be aware of there was his decision-making process.

21 Stuart is an exceptional member anyway. But under stress, and in
22 a situation that I'm quite sure he's never been in anything quite like it, I wanted to make
23 sure that he's reviewing his decision-making process for determining what is IARD,
24 should we use IARD? Should we not? And it is his decision. It has to be the member
25 on the ground because he has the information. I just wanted to remind him to go
26 through that in his head, because if it is not IARD, then we do expect our members to
27 adopt a very risk adverse.

28 And I have a very strong sense of responsibility for the members

1 that I'm responsible to. I lost a member in 2017 who worked for me. My nightmare that
2 night was I was going to lose another member. And I wanted to make sure that Stuart
3 was making the best decisions possible for he and his team. And I just -- it -- I wanted
4 him to be thinking about that and going through that in his head, "Is this what I need to
5 do? Is this the right approach at this particular time?"

6 **MS. ANNA MANCINI:** Okay. Okay. And I understand as the night
7 continued on, there was additional discussion, more communication between yourself
8 and S/Sgt Carroll and S/Sgt Halliday?

9 **SGT ANDREW O'BRIEN:** Yes.

10 **MS. ANNA MANCINI:** Is that correct? Okay.

11 And if we can go, Madam Registrar, sorry, to paragraph 181?

12 Do you recall S/Sgt Halliday contacting you and asking to
13 broadcast the React plan to the member?

14 **SGT ANDREW O'BRIEN:** Yes.

15 **MS. ANNA MANCINI:** Okay. So paragraph 181 says:

16 "According to S/Sgt. Halliday's notes, he called Sgt.
17 O'Brien at 11:50..."

18 So about an hour after that broadcast we just looked at:

19 "...on April 18[th] [...] and instructed him to radio RCMP
20 members regarding potential engagement with the
21 perpetrator. Members were reminded of their authority to
22 'challenge if able and use as much force as necessary to
23 stop the threat.' Sgt. O'Brien radioed the following
24 message over the RCMP Colchester radio group..."

25 So:

26 "All members on scene, if you encounter the suspect, you
27 are to challenge him, if he does not follow your
28 commands, if you feel that there's a threat, you're [...] to

1 use as much force as is reasonable to eliminate the
2 threat. Everybody copy?"

3 So from a layperson's standpoint, it looks to me like over the course
4 of an hour, there's a fundamental shift in the instructions going to the contact team.
5 Can you offer some insight as to that? Or as to the directions?

6 **SGT ANDREW O'BRIEN:** A fundamental shift?

7 **MS. ANNA MANCINI:** Well the broadcast about an hour earlier is
8 asking -- or advising the contact team to be very, very cautious to not be aggressive,
9 and perhaps it's just interpretation, but this broadcast is advising members:

10 "...you are to challenge him, if he does not follow your
11 commands, if you feel that there's a threat, you're [...] to
12 use as much force as is reasonable..."

13 To me, there's a shift there from sort of the risk adverse towards a
14 more confrontational approach. Am I wrong on that? Or can you explain that to me?

15 **SGT ANDREW O'BRIEN:** The first instruction to be risk adverse
16 was to be risk adverse in their movement through the community and their approach to
17 potential risk areas.

18 **MS. ANNA MANCINI:** Okay.

19 **SGT ANDREW O'BRIEN:** Members -- police officers in Canada
20 have a highly engrained knowledge of when to use force. And this message at 11:59
21 was all about use of force. The other message was about tactical approach. This is
22 use of force. Those are two ---

23 **MS. ANNA MANCINI:** Okay.

24 **SGT ANDREW O'BRIEN:** --- two -- two sides of an approach, but
25 two very different sides, two very different hands.

26 This broadcast, the one at 11:59, is about use of force and is
27 nothing new to any of us. It's a reiteration of what our use of force protocols are in this
28 case and is, much like my message to Stuart earlier, it's just a reminder to members

1 that because this is a high stress situation and we want our members to think about this
2 because in a lot of situations like this, your mind is not going to react the same way it
3 does in a training scenario or when you're out having a coffee, or getting lunch, or
4 working on your files.

5 **MS. ANNA MANCINI:** M'hm.

6 **SGT ANDREW O'BRIEN:** So just as a just in case, we're
7 reminding our members, saying, "Just so you know, these are our use of force
8 expectations." And the broadcast earlier was about the tactical approach.

9 **MS. ANNA MANCINI:** Okay. Okay. So you're -- so there's -- the
10 earlier broadcast is about a tactical approach in dealing with the risk and this is a
11 reminder specific to use of force?

12 **SGT ANDREW O'BRIEN:** Correct.

13 **MS. ANNA MANCINI:** Okay.

14 **SGT ANDREW O'BRIEN:** If the earlier -- if the contact team had
15 encountered the threat, even if it wasn't an active threat at the time that I made that
16 initial broadcast, they would still be expected to use the use of force protocols that we
17 all are trained to.

18 **MS. ANNA MANCINI:** Okay. I'd like to move on, if I could, Madam
19 Registrar, to paragraph 169, where there's discussion about the decision ultimately to
20 send that second team into Portapique. So this is, again, around 11:50:

21 "Sgt. O'Brien directed two members stationed at the
22 Portapique Beach Road staging area to attend at the
23 McCully residence to make sure the children were
24 safe..."

25 So at 11:50, Sgt O'Brien states:

26 "Can I get two members at the intersection of Portapique
27 Beach road and Highway 2 to move down onto 135
28 Orchard Beach drive, it's a red house, four children in the

1 house. We need you to go down there and make sure
2 the house is [...] safe.”

3 Cst Neil replies:

4 “GRUND and NEIL are heading now, Bravo-05 [...]
5 what’s your car number?”

6 Cst Grund -- we discussed earlier in the paragraph wherein you
7 had ordered members to refrain from sending in a second contact team, and I’m
8 wondering what has changed in the interval between that initial instruction versus this
9 instruction?

10 **SGT ANDREW O'BRIEN:** First, I want to make clear t hat this
11 team is not going in as a contact team.

12 **MS. ANNA MANCINI:** Sure.

13 **SGT ANDREW O'BRIEN:** These two members are going in for a
14 specific purpose to a specific address for a specific reason. I don’t know the
15 conversation that led up to this decision. It would have been a conversation with myself
16 and one of the other staff sergeants, no doubt. There was obviously a feeling that we
17 needed to get the children out of there, or at least have someone with them.

18 But -- and a risk assessment was obviously done and it was felt
19 that this was a necessary risk to take.

20 **MS. ANNA MANCINI:** Do you recall who you would have had that
21 discussion with?

22 **SGT ANDREW O'BRIEN:** No, I don’t.

23 **MS. ANNA MANCINI:** No? Or the ---

24 **SGT ANDREW O'BRIEN:** No.

25 **MS. ANNA MANCINI:** --- content of?

26 **SGT ANDREW O'BRIEN:** No.

27 **MS. ANNA MANCINI:** Okay. Okay. Mr. O'Brien, did you -- did
28 you have any role with respect to the establishment of containment in the early portion

1 of the night on April 18th, or into the early hours of April 19th?

2 **SGT ANDREW O'BRIEN:** Any role I would have had would have
3 been in -- limited to directing members at the request of one of the managers.

4 **MS. ANNA MANCINI:** Okay. So you wouldn't have moved
5 anybody without authorization from higher up the chain?

6 **SGT ANDREW O'BRIEN:** No.

7 **MS. ANNA MANCINI:** Okay. We know of a broadcast that was
8 made by Cst Colford early on the evening.

9 And sorry, Madam Registrar, if we could go to paragraph 101?

10 That's where the quote is:

11 "Cst. Colford was monitoring the intersection of
12 Portapique Beach Road and Highway 2 and providing
13 support to Andrew and Kate MacDonald. Ms.
14 MacDonald advised Cst. Colford that there was another
15 road out of Portapique. Cst. Colford aired the following
16 information over her radio at 10:48:21 [sic]:

17 "Mill Brook, if you guys want to have a look at the map
18 we're being told there's a road, kind of a road that
19 someone could come out, before here....if they know
20 the roads well."

21 Did you hear this broadcast while you were monitoring?

22 **SGT. ANDREW O'BRIEN:** I have no memory of it.

23 **MS. ANNA MANCINI:** Okay.

24 **SGT. ANDREW O'BRIEN:** It was my impression -- and I don't
25 know how I got this impression, I'm not familiar with the area, or I wasn't at the time, but
26 it was my impression that the road that you're referring to did not connect to the
27 community and was not passable by car. And, again, I don't know how I came to that
28 knowledge, but I remember when I learned that he had escaped the community through

1 that road, my thought was, "How did he get out there? You can't do that in a car."

2 **MS. ANNA MANCINI:** Okay, so you're talking about the access
3 point with Brown Loop?

4 **SGT. ANDREW O'BRIEN:** Yeah.

5 **MS. ANNA MANCINI:** Okay. So were there discussions -- or I
6 guess you had an awareness of Brown Loop itself at the time, did you?

7 **SGT. ANDREW O'BRIEN:** I wasn't familiar with the topography ---

8 **MS. ANNA MANCINI:** Okay.

9 **SGT. ANDREW O'BRIEN:** --- at the time. I hadn't -- prior to this, I
10 had never been into the community, although I had been by numerous times. But -- and
11 I can't tell you how I had that knowledge, but it was obviously from a discussion with
12 somebody that night, either over the air or over the radi -- over a telephone. But it was
13 my understanding that there was or had been a road there, but it was no longer
14 passable by vehicle.

15 **MS. ANNA MANCINI:** Okay. So in the course of the evening you
16 recall having a -- either via telephone or over the radio, having discussions about the
17 potentiality of Brown Loop being an access point and it being dismissed; have I got that
18 right?

19 **SGT. ANDREW O'BRIEN:** I wish I did. I don't know whether it was
20 -- I don't know how I came to that knowledge, whether it was somebody else talking on
21 the radio, whether I had a conversation with somebody on the radio, whether I had a
22 conversation with someone over the telephone, I don't know.

23 **MS. ANNA MANCINI:** Okay.

24 **SGT. ANDREW O'BRIEN:** It obviously was in passing. My
25 memory is not what it used to be, but I can't -- there's nothing there to scratch to bring
26 up any further memory of that, other than I remember when I learned that that's how he
27 escaped the community, that my thinking was, "You can't do that by car." I was -- my
28 understanding or expectation was that was not a passable road anymore.

1 **MS. ANNA MANCINI:** Okay, all right.

2 Well, it's 20 to 11:00. Perhaps what I'll do at this juncture is stop for
3 about a 10-, 15-minute break, if that's agreeable with you, Mr. O'Brien, or...?

4 **SGT. ANDREW O'BRIEN:** Sure.

5 **MS. ANNA MANCINI:** Yeah? Okay. And we'll resume at 5 to
6 11:00. Thank you.

7 --- Upon breaking at 10:40 a.m.

8 --- Upon resuming at 10:55 a.m.

9 **--- SGT. ANDREW O'BRIEN, Resumed:**

10 **--- EXAMINATION IN-CHIEF BY MS. ANNA MANCINI:**

11 **MS. ANNA MANCINI:** So Mr. O'Brien, we had left off just before
12 the break talking about containment of Brown Loop, specifically, but I want to move on
13 to later the next morning, actually probably around 5:00 a.m., and there's a Colchester
14 broadcast, radio broadcast.

15 Madam Registrar, if you can pull up the text of that.

16 Are you able to read that? I know it's fairly small.

17 **SGT. ANDREW O'BRIEN:** Yes, I can read that.

18 **MS. ANNA MANCINI:** Okay, perfect. So this indicates
19 Sergeant O'Brien stating:

20 "...Yeah, Natasha, we're gonna scale down that
21 checkpoint ah, so you can relieve now as long
22 as...we've got two other people there and I think we
23 do. Right now [we've] got Vicki and Rodney
24 MACDONALD, correct?"

25 Corporal Jamieson says:

26 "...10-4. So, myself and Constable GRUND are good
27 to start heading back?"

28 Sergeant O'Brien states:

1 "...10-4, you are. Thank you very much."

2 Corporal Jamieson says:

3 "...No problem, thank you."

4 Corporal Mills says:

5 "...OK, if the ERT guys want to mount up at the TAV,
6 we're gonna go down to [123] and...clear the
7 residence there."

8 Staff Sergeant West states:

9 "...Sergeant O'BRIEN, ah, stand-by on that order
10 please ah, till I clear that with the CIC."

11 Sergeant O'Brien says:

12 "...10-4, my mistake."

13 Staff Sergeant West says:

14 "...Everybody stay in their positions ah, for now
15 please."

16 So this was, I take it, your attempt to relieve some members who
17 had been on shift for quite a -- quite a long time that evening?

18 **SGT. ANDREW O'BRIEN:** Yes.

19 **MS. ANNA MANCINI:** Okay. And you proceeded with instruction
20 in advance of having cleared that with the Incident Commander?

21 **SGT. ANDREW O'BRIEN:** I'm not sure how that evolved. I believe
22 that was instructions given to me by one manager, and then a -- either a rethink or a
23 correction by another manager.

24 **MS. ANNA MANCINI:** Okay. So you believe that you may have
25 been advised to shuffle resources based on instructions from one superior and then
26 another superior had issue with it?

27 **SGT. ANDREW O'BRIEN:** It's also possible that I misinterpreted
28 the conversation with whoever I was speaking with. I don't know, like I have no memory

1 or notes on that.

2 **MS. ANNA MANCINI:** Yeah. And one of -- one of the questions
3 that we've put to many of your colleagues is this, and forgive the colloquial phrase, but
4 "too many cooks in the kitchen" concept and this idea of a confusion aspect as to who is
5 issuing commands and who is making the decisions over the radio. And I wonder if you
6 feel that this is an example of that, or if you think it's something else?

7 **SGT. ANDREW O'BRIEN:** I think it's entirely possible that it was a
8 case of just a crossed wire. You are, in essence, and I think I made reference to it
9 earlier, creating a business structure or an organisational structure, basically, from
10 nothing to a fully-functioning, in this case, an incorporation of over a hundred people in
11 a space of a few hours with a business plan no one has seen before you've started the
12 task. It's impossible to create something of that breadth in that timespan with that lack
13 of understanding of what the challenges are without having some crossed wires. It's --
14 excuse me.

15 **MS. ANNA MANCINI:** Yes, of course.

16 **SGT. ANDREW O'BRIEN:** It's just -- it's very difficult to relate to
17 civilians the size and the many arms that this beast that you're building to try and
18 combat the threat has or comprises.

19 I wasn't in the Command room that night, but I have in other
20 circumstances been in a CIC room, and I know from speaking with the commanders
21 after, the amount of information coming in, the decisions that need to be made, the
22 number of things that have to be done is overwhelming. You couldn't do it with fewer
23 people, you need many people to be able to accomplish that. The next morning, when I
24 walked into the CIC that was set up in Great Village in the firehall, there had to be
25 20 people in that room, but that's necessary for a response to this kind of thing.

26 And if you could practice it with the same set of circumstances, it
27 would give you an opportunity to iron out all the little kinks beforehand, but you don't get
28 that opportunity because you never know what the circumstances are going to be for

1 the next one. You never know what the tasks are going to be, what the needs are going
2 to be.

3 There are -- there are going to be things that you're always going to
4 need. You're always going to need somebody, "Okay, start calling around to see if we
5 can get extra members in." You're always going to need somebody to set up the radios
6 and make sure we have communications. You're always going to need somebody to
7 actually fill in all the dozens of pieces of paper that go up on the walls with all the org
8 charts and the information and the threat assessments and all the myriad of information.

9 But there's no way one or even two people can process all that
10 information and manage and direct all those dozens of tentacles that this structure will
11 necessarily grow as it evolves. If you could have one person who was capable of
12 consuming all that input and making a coherent approach, it would be wonderful, but we
13 just -- you know, we don't have that capability. There's no human that's capable of that
14 yet. There's so many things going on, so many things to do.

15 It's a beast by necessity, and it's -- there are going to be kinks but
16 you can't avoid that, it's just -- it's a part of the process.

17 **MS. ANNA MANCINI:** Okay. Okay. I want to talk to you a little bit
18 about public communications. I understand that you contacted Corporal Croteau at
19 approximately 11:30 with respect to public communications of this incident?

20 **SGT. ANDREW O'BRIEN:** Yes.

21 **MS. ANNA MANCINI:** Okay. And Corporal Croteau was the
22 contact. What was her role at that stage in your mind?

23 **SGT. ANDREW O'BRIEN:** She was with the, I would call it Public
24 Relations, I'm sure there's a more modern description of it, but she essentially is the --
25 one of the public faces of the RCMP in Nova Scotia at the time.

26 **MS. ANNA MANCINI:** Okay.

27 **SGT. ANDREW O'BRIEN:** I was asked to contact her to see if we
28 could notify the public of the threat, and I called her and I explained to her what we had

1 and what we needed, and I said, "Use whatever platforms you can, notify people. Tell
2 them to stay in their houses." And -- yeah.

3 **MS. ANNA MANCINI:** Okay. Do -- are -- have you -- do you have
4 past experience engaging with Public Relations?

5 **SGT. ANDREW O'BRIEN:** Yeah, oh, yeah. Any time that there
6 would be a newsworthy situation in Colchester District, one of my roles would be to
7 contact the Public Relations people and either forward them a media release or have
8 them create one for me or make whatever steps need to be taken to keep the public
9 informed.

10 **MS. ANNA MANCINI:** Okay.

11 And did you have any other engagement with Public Relations over
12 the course of the mass casualty after that initial 11:30 discussion?

13 **SGT ANDREW O'BRIEN:** No.

14 **MS. ANNA MANCINI:** Okay. Were you aware of or privy to any
15 conversations that were taking place or discussions relating to public communications
16 over the 18th and 19th?

17 **SGT ANDREW O'BRIEN:** No.

18 **MS. ANNA MANCINI:** Okay. And do you, yourself, have any
19 familiarity with the Alert Ready System?

20 **SGT ANDREW O'BRIEN:** I do now.

21 **MS. ANNA MANCINI:** Right. At the time of, sorry.

22 **SGT ANDREW O'BRIEN:** At the time, for me, it was the weather
23 app.

24 **MS. ANNA MANCINI:** Okay. What do you mean by that?

25 **SGT ANDREW O'BRIEN:** It's the notification you get on your
26 phone of severe storm warning or whatever the situation might be. The question has
27 been asked, "Why didn't we use that to notify the public?" And it didn't occur to me.
28 and I can't speak for anyone else, but I'm betting that's just a case of none of us thought

1 of it because none of us had seen it used in anything but a weather capacity.

2 **MS. ANNA MANCINI:** Okay. So as there's that transition from the
3 18th into the 19th, I understand that you were essentially told to try to get a couple of
4 hours of sleep and to return on the 19th to relieve S/Sgt Carroll? Am I correct?

5 **SGT ANDREW O'BRIEN:** Correct.

6 **MS. ANNA MANCINI:** Okay. All right.

7 **SGT ANDREW O'BRIEN:** And that would be in the role of District
8 Representative in the Critical Incident Command.

9 **MS. ANNA MANCINI:** Okay. So the next morning, or the morning
10 of the 19th, you first attended the Bible Hill Detachment?

11 **SGT ANDREW O'BRIEN:** I did.

12 **MS. ANNA MANCINI:** Okay. And I understand you encountered
13 Cpl Peterson at this location?

14 **SGT ANDREW O'BRIEN:** I'm told. I have no memory of a
15 conversation with him that morning, but I'm told that I did speak to him on my way out of
16 the detachment.

17 I went in simply to get kitted up, to get my carbine, and a police car,
18 and the necessary tools to head to the CIC. And on my way out, apparently, I
19 encountered Cpl Peterson, but ---

20 **MS. ANNA MANCINI:** Don't have any memory of it?

21 **SGT ANDREW O'BRIEN:** I have this vague, vague image of a
22 conversation, but it's -- if you -- and I was told of the contents of the -- or the broad
23 strokes of the contents of the conversation, but even after that, I -- if I hadn't been told
24 the conversation had taken place, I'd have no memory of it.

25 **MS. ANNA MANCINI:** Okay. And do you have any recollection of
26 feelings at the time? Or feelings associated with -- no? No?

27 **SGT ANDREW O'BRIEN:** No.

28 **MS. ANNA MANCINI:** Okay. Okay. So you travelled from the

1 Bible Hill Detachment to the Command Post?

2 **SGT ANDREW O'BRIEN:** Correct.

3 **MS. ANNA MANCINI:** Okay. And how long were you at the
4 Command Post, Mr. O'Brien?

5 **SGT ANDREW O'BRIEN:** I couldn't have been there more than, I
6 wouldn't think, maybe a half an hour. When I got there, they were still setting it up and
7 my initial meeting with the CIC, I was assigned a task of starting to call in members.
8 And I had only gotten three or four phone calls done when we received a report of
9 another shooting. The shooter had reactivated. And at that point, we had a location on
10 where that shooting had just taken place and any member that wasn't currently
11 engaged in a specific task left and headed for that zone or that area.

12 I had a conversation with S/Sgt. Carroll at that time and our
13 concern was members were leaving the scene or the area in Portapique, and our
14 concern was that we were going to lose continuity of the various scenes in the
15 community of Portapique.

16 So Staff Carroll and I both travelled to Portapique and identified that
17 all our scenes were still under control. Staff Carroll asked me to stay there as the scene
18 manager and he then returned to the CIC.

19 **MS. ANNA MANCINI:** Okay. Did you travel together? Separate
20 vehicles?

21 **SGT ANDREW O'BRIEN:** Separate -- it's possible we travelled
22 together, because I remember at the scene, I was given Staff Halliday's vehicle. I think
23 it's probable that we both travelled to the scene together then.

24 **MS. ANNA MANCINI:** Okay.

25 **SGT ANDREW O'BRIEN:** And I ended up with Staff Halliday's
26 vehicle -- police vehicle.

27 **MS. ANNA MANCINI:** In Portapique?

28 **SGT ANDREW O'BRIEN:** In Portapique, yeah.

1 **MS. ANNA MANCINI:** Okay. All right. And so when you attended
2 that area, you said your role was scene preservation, or?

3 **SGT ANDREW O'BRIEN:** Scene management.

4 **MS. ANNA MANCINI:** Scene management. Okay. So tell me
5 what that entails and what it means?

6 **SGT ANDREW O'BRIEN:** At that point, we had a crime -- we had
7 several crime scenes in the community. And once we -- once the -- I guess the, for lack
8 of a better term, the criminal activity ceases in that scene, we have to maintain
9 continuity of the scene for evidentiary purposes. So later in court, or in a hearing, we
10 can confirm for the judge or the commission that the scene has been not tampered with
11 and the evidence is as it should be.

12 So each of the four or five crime scenes in Portapique had a
13 member guarding them to ensure that no one entered those crime scenes or that all
14 evidence was preserved, and would be preserved until the Forensic Identification
15 Section could attend and do their work.

16 **MS. ANNA MANCINI:** Okay. And while you were there as part of
17 the scene management, I take it you didn't -- well, did you conduct a canvass for
18 possible witnesses or victims elsewhere in the community?

19 **SGT ANDREW O'BRIEN:** No, we didn't. There's two aspects of
20 that. One is a canvass for witnesses. Any kind of crime scene, we're going to do an
21 investigation. But in this case, the investigation was clearly going to be done by our
22 Major Case Unit. And in a case like that, we wouldn't want detachment members
23 conducting a survey and we want them -- we want the MCU to have their witnesses
24 fresh and not, you know, already interviewed, if possible.

25 Also, we didn't have members to do a canvass for witnesses at that
26 time. I had one member at each crime scene and myself. My job was to circulate
27 amongst those scenes, make sure the members had what they needed, water, snacks,
28 relieve to go to bathroom breaks, relieve them to get a break.

1 The canvass for additional crime scenes, it was just a case of me
2 not thinking to look. And I don't think anybody else did either. We just -- we fall into
3 habits, I guess, and to manage the scene, the crime scenes, and make sure that the
4 evidence is preserved and it, for some reason, never occurred to me that there might be
5 other scenes. And I wish we had. I feel for the families. But the fact is, it just didn't -- it
6 wasn't something that we -- it was such a unique situation. I'd never been to a crime
7 scene that extended past what we were aware of.

8 **MS. ANNA MANCINI:** You indicated that you were circulating
9 amongst the scenes. Do you recall how far into the community of Portapique you drove
10 in?

11 **SGT ANDREW O'BRIEN:** I circulated, I don't know the names of
12 the roads, I apologize for that, but there was a loop, including Portapique Beach Road, I
13 believe, where the perpetrator's house was, and we had a couple of scenes on that
14 road, and then you loop around and go back up a parallel road and there were, I
15 believe, three more scenes on that road. And then it loops back around.

16 I also was making trips out to the intersection of the main highway
17 and Portapique, the road coming into Portapique itself. We had members at that
18 location making sure no one unauthorized came into the community. And I was
19 managing that member as well to make sure they had what they needed.

20 **MS. ANNA MANCINI:** Okay. And do you recall -- I appreciate you
21 don't recall all the names, but do you recall whether you would have gone down to
22 Cobequid Court?

23 **SGT. ANDREW O'BRIEN:** I never did.

24 **MS. ANNA MANCINI:** Okay.

25 **SGT. ANDREW O'BRIEN:** Didn't occur to me.

26 **MS. ANNA MANCINI:** Okay. And so I take it you didn't see that
27 segue from Cobequid Court to the blueberry field while you were on scene?

28 **SGT. ANDREW O'BRIEN:** No.

1 **MS. ANNA MANCINI:** Okay. Okay. Madam Registrar, I'm
2 wondering if I can pull up page 2 of the supplementary report that's COMM 58252?

3 So, Mr. O'Brien this is a supplementary report just undertaken by
4 the Commission with an examination of events in Portapique post sort of 9:40 a.m. And
5 if we can scroll to page 2 -- perhaps we're already there. And I want to ask you
6 specifically about your engagement with Constable Dorrington.

7 **SGT. ANDREW O'BRIEN:** M'hm.

8 **MS. ANNA MANCINI:** I'm trying to find it on the page here. Give
9 me one second. Sorry. It is, sorry, Madam Registrar, just that second paragraph under
10 overview. There we go. Constable Dorrington. Right at the top of the screen.

11 So Constable Dorrington, he was a member on scene; correct, in
12 Portapique?

13 **SGT. ANDREW O'BRIEN:** Correct, yes.

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

15 "Cst. Dorrington was further directed to patrol inside
16 the Portapique community. According to Cst.
17 Dorrington's interview with the Mass Casualty
18 Commission, Sgt. O'Brien directed him to drive
19 through the community to see if there were other
20 "fatalities on front lawns or structural fires that [hadn't
21 been --] haven't been reported [...]."

22 And then at the bottom of the page we see,

23 "A review of the GPS for Police Vehicle 05b09,
24 operated by Cst. Dorrington, shows him in front of the
25 Bond residence..."

26 Which is on Cobequid Court.

27 "His vehicle is stationary at this location for about 30
28 seconds..."

1 So I'm not going to ask you about what Constable Dorrington saw
2 or did obviously, but do you recall providing him with this task?

3 **SGT. ANDREW O'BRIEN:** I'd like to say I do recall it, but I don't
4 really, but I can sort of -- I can understand how it came about. Part of my task is to
5 make sure that the members are not overtasked, that their -- their mental health is
6 important to me as well. One of the things I would do when a member had been at a
7 particular site for an extended period of time was to tell them to go for a walk, or go for a
8 drive, get a break. Constable Dorrington is an extremely dedicated police officer. He
9 would stand there for days at a time, if asked, at a scene. In order to get him a break
10 from his scene, which was probably one of the more difficult scenes, was to just tell him
11 to go do something, to give him a task. Say go, and I didn't seriously think he would find
12 additional casualties or additional house fires, but I knew that was a way that I could get
13 him to go for a 10 or 15-minute drive, to get away from what he was guarding, to give
14 him a bit of a break. And it's -- yeah.

15 **MS. ANNA MANCINI:** Okay. So this instruction was essentially
16 rooted in trying to provide a bit of a mental break to Constable Dorrington as opposed to
17 an actual investigative task?

18 **SGT. ANDREW O'BRIEN:** And I have no specific memory of the
19 rationale, but this -- I can't imagine that there was anything but. Some members you
20 could say go take a break and they'll go take a break. Constable Dorrington, if I had
21 gone up and said, "Take a break," he'd have said, "No, I'm fine." But you have to make
22 sure sometimes members take care of themselves.

23 **MS. ANNA MANCINI:** And so I take it you don't recall whether or
24 not he reported any information back to you about what he observed as he had travelled
25 around the community?

26 **SGT. ANDREW O'BRIEN:** I can tell you that if he had reported
27 back to me that he had found additional casualties or additional fires, that would have
28 appeared in my notes and there would have been action taken.

1 **MS. ANNA MANCINI:** Okay. I'm wondering if we can, Madam
2 Registrar, pull up Sergeant O'Brien's typed notes.

3 I wanted to ask you, sir, about a quote on the second page. Yeah,
4 it's that line just at the top of the screen. Writer spoke with Staff Sergeant Carroll. So,
5 sorry, Mr. O'Brien. These are -- this is your typed report from post-event.

6 **SGT. ANDREW O'BRIEN:** M'hm.

7 **MS. ANNA MANCINI:** And the final paragraph there,

8 "Writer spoke with Staff Sergeant Carroll pertaining to
9 the number of deceased located. Constable
10 Dorrington was tasked with reviewing all files received
11 via CAD since last evening, to see if a count of
12 possible victims from the files could be made. At
13 about 1500 hours, writer was relieved by Corporal
14 Jarret MacDonald." (As read)

15 So I just want to ask about that ---

16 **SGT. ANDREW O'BRIEN:** M'hm.

17 **MS. ANNA MANCINI:** --- particular task. Would that have been --
18 it's just a bit out there to me. Would that have been you tasking it or Staff Sergeant
19 Carroll?

20 **SGT. ANDREW O'BRIEN:** I would think that would have been -- I
21 had a conversation with Staff Sergeant Carroll, and we were trying to determine how
22 many victims we had, and that was the task that I gave to Constable Dorrington.

23 **MS. ANNA MANCINI:** Okay. And when you're indicating reviewing
24 the files in the CAD ---

25 **SGT. ANDREW O'BRIEN:** M'hm.

26 **MS. ANNA MANCINI:** --- what does that task entail?

27 **SGT. ANDREW O'BRIEN:** Reviewing the files that had come in
28 since the initial 9-1-1 call to review the files, go through them, and see if we could make

1 an assessment of how many had been shot or injured.

2 **MS. ANNA MANCINI:** Okay. And do you recall whether he
3 performed this and reported any information to you about it, or do you have any
4 recollection about what happened ---

5 **SGT. ANDREW O'BRIEN:** I have no recollection about it, but if I
6 tasked him with it, it was done.

7 **MS. ANNA MANCINI:** Okay. Well, we do know that at about 10:41
8 a.m. on the 19th, there were -- there was a call that came into the OCC regarding
9 inquiries about the status of family members at Cobequid Court. So those were calls
10 obviously coming into the OCC. Would you have been privy to any of that information
11 when you were on scene?

12 **SGT. ANDREW O'BRIEN:** I was not.

13 **MS. ANNA MANCINI:** Okay. And would that be information you'd
14 expect to see coming in on the CAD log?

15 **SGT. ANDREW O'BRIEN:** It would not necessarily be on the CAD
16 log if it was not dispatched to anyone.

17 **MS. ANNA MANCINI:** Okay.

18 **SGT. ANDREW O'BRIEN:** It might be, but in this case, I'm going to
19 suggest it probably wasn't, or Constable Dorrington would have found it.

20 **MS. ANNA MANCINI:** Okay. So help me out with that. So in
21 order for information to show up on the CAD log, I'm assuming that's -- I'll use all the
22 acronyms, but that's being viewed through an MWS presumably, mobile workstation?

23 **SGT. ANDREW O'BRIEN:** Yes.

24 **MS. ANNA MANCINI:** Okay.

25 **SGT. ANDREW O'BRIEN:** Constable Dorrington's review of the
26 CAD log would have been done on his MWS.

27 **MS. ANNA MANCINI:** Okay.

28 **SGT. ANDREW O'BRIEN:** But for someone to have -- excuse me.

1 **MS. ANNA MANCINI:** Yes, of course.

2 **SGT. ANDREW O'BRIEN:** For that information to have appeared
3 on a CAD log, a dispatcher would have received a telephone call, and then associated
4 that information and typed it manually into a particular call as an addendum or additional
5 information on that call. If it was not associated by the dispatcher to a particular call, it
6 would not appear on a CAD log.

7 **MS. ANNA MANCINI:** Okay.

8 **SGT. ANDREW O'BRIEN:** That's my understanding of how that
9 works.

10 **MS. ANNA MANCINI:** No, that makes some sense to me.
11 Madam Registrar, if you could pull up page 6 of the supplementary
12 report? And I'm just looking, Sergeant O'Brien, at the very last line of this page. This is
13 your phone log ---

14 **SGT. ANDREW O'BRIEN:** M'hm.

15 **MS. ANNA MANCINI:** --- from the day of. And at 11:27, there's
16 outgoing to telecomms times two. I take it telecomms is the OCC; is that ---

17 **SGT. ANDREW O'BRIEN:** Correct.

18 **MS. ANNA MANCINI:** --- correct? Okay. And do you recall -- I
19 know it's some time ago, but -- and a specific timestamp here, but do you recall any
20 content from that telephone call ---

21 **SGT. ANDREW O'BRIEN:** No.

22 **MS. ANNA MANCINI:** --- or those telephone ---

23 **SGT. ANDREW O'BRIEN:** No.

24 **MS. ANNA MANCINI:** --- calls? Okay.

25 And so I take it you don't recall if there was any information coming
26 to you at that stage about wellness check requests ---

27 **SGT. ANDREW O'BRIEN:** No.

28 **MS. ANNA MANCINI:** --- from family?

1 **SGT. ANDREW O'BRIEN:** I -- and to sort of get to the root of it, if
2 there had been any awareness on my part that there would have potentially been more
3 victims, that would have been my first priority. And I -- I've -- I wish we had known. I
4 wish we had found them sooner. I can't imagine what the families went through. But it
5 wasn't -- it never appeared on my radar or it would have been -- like I say, it would have
6 been my number one priority at that point.

7 **MS. ANNA MANCINI:** Do you have any thoughts with respect to
8 how this gap or... We have this information clearly coming into the OCC from
9 concerned family members, and we have members on scene, and you, yourself have
10 indicated you would have liked to have respond had you known. Do you have any
11 thoughts on, you know, systematically how we can change that or make changes to the
12 system that would have allowed you to respond to that information earlier?

13 **SGT. ANDREW O'BRIEN:** There is no magic solution. There is no
14 -- you're dealing with a situation where you have a hundred people dealing with
15 something that is -- is unbelievable to start with, and just in terms of trying to wrap your
16 mind around it, and you have one radio channel for all those people to use, and you
17 have people coming on duty, people going off duty. It's such a multi-legged process
18 that there are going to be gaps. I -- there is lots of things about this incident that I wish
19 had been different, starting with I wish it had never happened, but we can't change
20 those, we just -- we did our best. And there were parts of this process that I really wish
21 we could have done better, but we did the best with what we had at the time, and that's
22 all there is to it. I wish we could have, but we didn't.

23 **MS. ANNA MANCINI:** No, and I appreciate that, and I know, you
24 know, there's a certain tendency to look back and say "woulda, shoulda", but looking
25 forward, I'm interested in your thoughts on how if you -- if you have any insights? I
26 mean, I see that at 11:27 in that report you contacted the OCC on two occasions. We
27 know further on in the supplementary report, I believe it's around page 31—and don't
28 worry about scrolling there, Madam Registrar—but Corporal Jarrett MacDonald, his

1 mobile workstation, I believe he indicates in his notes that he was receiving information
2 over his MWS from the OCC, but of course this is much later in the day.

3 And so I'm wondering, looking forward, are there ways that that
4 communication between the OCC and members on scene can be enhanced or can be
5 rectified, such that family members aren't struggling to learn about the status of family
6 members, or that potential victims aren't left unattended to?

7 **SGT. ANDREW O'BRIEN:** I don't think this was a technical thing
8 that we could put a better technology in place. I think this was just a case of humans
9 having limitations to their capabilities. And just because I spoke with Telecomms
10 doesn't mean that the person I spoke with was even aware of what the call-taker,
11 because you have two sides to the Telecomms, there's a bank of call-takers and a bank
12 of dispatchers. So the families would have called in and spoken with the -- with the call-
13 takers, and I would have called in and spoken with the dispatchers. There's a
14 necessary gap there because in the past we have found that's what works best for most
15 occasions.

16 But this is not a one size fits all, and short of redoing your entire
17 infrastructure to make it more suitable to a mass shooting situation, which occurs,
18 thankfully, once a lifetime, we have to have a system that works for the other
19 99.99-percent of the time effectively. And I'm no expert on Telecomms or
20 communication systems or why what we have works the way it does, I wish I could say,
21 "This is your fix", but I can't, I'm sorry.

22 **MS. ANNA MANCINI:** No, I appreciate it. I'm going to move on to
23 a final area of questioning, and it's -- actually, it's a question that had previously been
24 asked to some of your colleagues by my friend, Mr. Bryson, who is Participant Counsel,
25 he represents the Bond family. And he had a question to Staff Sergeant Briers as well
26 as Staff Sergeant Carroll, and it pertains to some untested evidence that indicates that
27 the person was able to drive on the blueberry field road, is what we refer to it, at around
28 2:04 p.m. on April 19th, and that the driver was able to get onto that road, take a

1 photograph and leave without encountering any roadblocks or containment by RCMP.

2 Do you know whether or not there was any containment or scene
3 security on that side of Portapique at that time?

4 **SGT. ANDREW O'BRIEN:** I do not.

5 **MS. ANNA MANCINI:** Okay. And is that something, that scene
6 security, would have fallen kind of under your umbrella at the time?

7 **SGT. ANDREW O'BRIEN:** If I had known that that was part of the
8 scene. At that point, I didn't even -- I was still under the assumption that that was not an
9 access or egress road. We'd like to know everything and be aware of everything, but
10 we're not and we weren't. If I had known that that was his route of egress, I would have
11 made sure that it was guarded and that the public didn't have access to it because that's
12 potential evidence.

13 But we, as investigators, find evidence as we proceed with the
14 investigation, and it was a process of getting to the point where we understood that was
15 his route of egress, and as such, there may be evidence there. We hadn't gotten to that
16 point yet.

17 **MS. ANNA MANCINI:** Certainly. And your -- I think you already
18 commented on this, but your knowledge of that blueberry field road access, do you
19 recall when you became aware of that?

20 **SGT. ANDREW O'BRIEN:** I don't even know if it was in -- at that
21 time period or if it was later after the Commission started its work, I don't know. I just
22 remember thinking when I learned -- it was probably, actually, before the Commission
23 was struck, but it would have been definitely after those two first initial days, yeah.

24 **MS. ANNA MANCINI:** Okay. And sorry, I said last question, and
25 it's always a false promise from lawyers. But I do have one more question for you,
26 Mr. O'Brien, and I don't need you to get into the content of it, if it took place, but did you
27 partake or were you aware of any type of debrief following the incident with Command --
28 other Command personnel?

1 **SGT. ANDREW O'BRIEN:** Everybody was given access to a
2 debrief, and I attended a debrief.

3 **MS. ANNA MANCINI:** Okay. Was that an Operational debrief or
4 a...?

5 **SGT. ANDREW O'BRIEN:** Don't know what you mean by
6 Operational ---

7 **MS. ANNA MANCINI:** Yeah, sure.

8 **SGT. ANDREW O'BRIEN:** --- debrief.

9 **MS. ANNA MANCINI:** Yeah.

10 **SGT. ANDREW O'BRIEN:** It was -- it wasn't -- from my memory,
11 the -- it was -- it was -- yeah, I don't know. What -- I don't think any of them were
12 focussed, I don't know.

13 **MS. ANNA MANCINI:** Okay. Okay.

14 **SGT. ANDREW O'BRIEN:** I just know there were debriefs.

15 **MS. ANNA MANCINI:** Okay. And you attended?

16 **SGT. ANDREW O'BRIEN:** Yes, ma'am.

17 **MS. ANNA MANCINI:** Okay. All right. So Sergeant O'Brien, those
18 are my questions. The way the process works now is we'll take a break. I will caucus
19 with my friends who represent various Participants. I will be coming back to you with
20 some additional questions informed by them, and the Commissioners may, as well,
21 have some questions for you.

22 So what I'll suggest is that we break, perhaps until 1:00, and we
23 can do that process over lunch. Thanks.

24 --- Upon breaking at 11:39 a.m.

25 --- upon resuming at 2:18 p.m.

26 **--- SGT. ANDREW O'BRIEN, Resumed:**

27 **--- EXAMINATION IN-CHIEF BY MS. ANNA MANCINI (Cont'd):**

28 **MS. ANNA MANCINI:** All right. Thank you, Mr. O'Brien. I

1 appreciate your patience. I've had an opportunity to consult with various counsel and
2 one of the areas of questioning that I had left off on was discussion about a debrief
3 following the events of the 18th and 19th of 2020. And perhaps to start off this area of
4 questioning, I'll ask you, in terms of the type of debrief that was, was it specific to sort of
5 a dissection or review of operational tactics and decisions over the course of those two
6 days?

7 **SGT ANDREW O'BRIEN:** No. The debrief that I attended was a
8 mental health debrief.

9 **MS. ANNA MANCINI:** Okay. All right. Thank you. And so there
10 wasn't -- you didn't attend, at any point, a debrief where there was an analysis of
11 decision making or technological aspects or tactical aspects of the response?

12 **SGT ANDREW O'BRIEN:** No.

13 **MS. ANNA MANCINI:** Okay. Thank you. I'm going to ask you
14 some further questions about the consumption of alcohol on the night of the 18th. I think
15 you had indicated in your statement that it was several drinks of rum?

16 **SGT ANDREW O'BRIEN:** Correct.

17 **MS. ANNA MANCINI:** Okay. And do you know how many, or can
18 you recall roughly how many ounces of rum you had had that evening?

19 **SGT ANDREW O'BRIEN:** It was four or five drinks, so four or five
20 ounces.

21 **MS. ANNA MANCINI:** Four or five drinks or ounces. And what
22 time frame was that over, roughly?

23 **SGT ANDREW O'BRIEN:** Six (6:00)-ish to 10:00-ish.

24 **MS. ANNA MANCINI:** Okay. And so perhaps the answer is
25 obvious, but why was it that you had requested that your wife drive you to the
26 detachment in order to get the portable radio?

27 **SGT ANDREW O'BRIEN:** Perception is very powerful and I did not
28 feel intoxicated, I was not intoxicated, but if anything -- if I had driven myself and

1 anything had happened, I had encountered a member of the public, or another member,
2 or if I had been involved in an accident, even one that was not my fault, it would have --
3 there would have been a perception that I had been drinking and was possibly
4 intoxicated, and that's always a bad thing.

5 **MS. ANNA MANCINI:** Okay. Did you, at any point in the course of
6 the evening, take any approved screening device or breathalyzer? And if so, do you
7 know what the results were?

8 **SGT ANDREW O'BRIEN:** I did not.

9 **MS. ANNA MANCINI:** Okay. Did you consume any other
10 intoxicating substances that evening?

11 **SGT ANDREW O'BRIEN:** No, I did not.

12 **MS. ANNA MANCINI:** Okay. You had referenced the RCMP Code
13 of Conduct in relation to concern about operating under the influence. And I think you
14 may have been referring to Section 4.3. Correct me if I'm wrong. That's the section
15 that states "Duties and Responsibilities of Members", Section 4.3:

16 "Members on duty are fit to carry out their duties and
17 responsibilities, and are not impaired by drugs, alcohol or
18 other substances."

19 Is that what you were referring to in your direct when you had
20 talked about the RCMP Code of Conduct?

21 **SGT ANDREW O'BRIEN:** Yes.

22 **MS. ANNA MANCINI:** Okay. And did you feel at any point in the
23 course of that evening that you were in breach of this Code of Conduct?

24 **SGT ANDREW O'BRIEN:** No.

25 **MS. ANNA MANCINI:** Okay. I want to ask you about engagement
26 of other resources or persons. So why it was that there was a decision on your part to
27 engage in the incident, given the decision that you had made to sort of refrain from
28 taking a supervisory role, rather than alerting Sgt Darren Bernard, who I understand his

1 Millbrook members were also involved in the incident. So why was there no reach out
2 to Sgt Bernard?

3 **SGT ANDREW O'BRIEN:** Sgt Bernard was not in my chain of
4 command. I'm not sure if I understand the question. My responsibility flows through the
5 District Commander, who was S/Sgt Al Carroll. And the first thing I did was have a
6 conversation with S/Sgt Al Carroll about what was going on, and my current situation,
7 and what my plans were and were not. If Al Carroll had felt the need to call additional
8 resources in, he -- it would have been his job or responsibility to reach out. And I'm
9 sure that someone did, because we had Millbrook members under -- Millbrook was Sgt
10 Bernard's unit and Millbrook members were some of the first members involved, other
11 than Colchester District members.

12 **MS. ANNA MANCINI:** Okay. So you would view it as S/Sgt
13 Carroll's jurisdiction or responsibility to reach out to other detachment commanders?

14 **SGT ANDREW O'BRIEN:** Yeah. Now if -- yeah. Yeah. Just leave
15 it at that.

16 **MS. ANNA MANCINI:** Okay. And would you feel the same way
17 about engagement with Truro Police Services? Did you have any engagement with
18 them or would it fall to you, in your responsibility, to engage with them?

19 **SGT ANDREW O'BRIEN:** It would be different under every kind of
20 circumstance. Were I in charge of a situation, and I felt the need to reach out to another
21 external police service, I would do so through our telecommunications center.

22 **MS. ANNA MANCINI:** Okay.

23 **SGT ANDREW O'BRIEN:** If I were not in charge, say if S/Sgt Al
24 Carroll were in charge, it would be his responsibility. If the situation were being
25 managed by his supervisor, S/Sgt Halliday, it would be his responsibility.

26 **MS. ANNA MANCINI:** Okay.

27 **SGT ANDREW O'BRIEN:** It would turn with who was managing
28 the situation.

1 **MS. ANNA MANCINI:** Okay. And those types of requests for
2 communications, are they generally facilitated through the OCC?

3 **SGT ANDREW O'BRIEN:** Generally.

4 **MS. ANNA MANCINI:** Okay.

5 **SGT ANDREW O'BRIEN:** Just out of convenience. And again, it's
6 -- each circumstance is completely different. If you've got a situation that's not time
7 sensitive, you're sitting there with a phone at hand and you want to have a conversation
8 with an external police service and it's not something that would have to go through
9 higher ups because there are circumstances that would have to go through criminal
10 operations for certain types of requests. But it would ---

11 **MS. ANNA MANCINI:** In the context, I guess, of a critical incident,
12 it would typically go through the OCC? Or would there be other avenues of relaying
13 information to other police agencies?

14 **SGT ANDREW O'BRIEN:** It would typically go through OCC in my
15 experience.

16 **MS. ANNA MANCINI:** Okay. All right.

17 **SGT ANDREW O'BRIEN:** Now, I'm sure that would be followed up
18 by a telephone call, but normally it would be something akin to contacting OCC, "Could
19 you please let Truro Police know I need a call? They can call me at this number."
20 Because you don't know who is working or who is going to get that phone call, so.

21 **MS. ANNA MANCINI:** Okay. And you yourself, sorry if I asked
22 this, didn't have any engagement with Truro Police Services?

23 **SGT ANDREW O'BRIEN:** No.

24 **MS. ANNA MANCINI:** Okay. Okay. Are you aware if there is a
25 threat assessment coordinator, or was a threat assessment coordinator at the
26 Colchester District RCMP? Or any other detachment in Nova Scotia?

27 **SGT ANDREW O'BRIEN:** Not sure what a threat assessment
28 coordinator is.

1 **MS. ANNA MANCINI:** Okay.

2 **SGT ANDREW O'BRIEN:** We do threat assessments.

3 **MS. ANNA MANCINI:** Okay. No knowledge of a specific position
4 referred to as a threat assessment coordinator?

5 **SGT ANDREW O'BRIEN:** No.

6 **MS. ANNA MANCINI:** Okay. Do you feel that the use of night
7 vision goggles and/or the use of FLIR would have been helpful to first responders in this
8 instance?

9 **SGT ANDREW O'BRIEN:** That's probably a question better asked
10 to the people that were on the ground. It couldn't have hurt.

11 **MS. ANNA MANCINI:** Okay. Would there have been any
12 technology that would have assisted in your role, your supervisory role, that would have
13 assisted you in your engagement with the contact team or with other members?

14 **SGT ANDREW O'BRIEN:** None of which I'm aware.

15 **MS. ANNA MANCINI:** Sure.

16 **SGT ANDREW O'BRIEN:** I mean, ---

17 **MS. ANNA MANCINI:** We've talked a lot throughout these
18 proceedings about the GPS technology and the fact that on the CIIDS screen, there's
19 an ability to see the location of vehicles, but not the location of individual members once
20 they depart from their vehicles.

21 Do you have a view as to whether GPS placed inside portable
22 radios would have provided any assistance to you?

23 **SGT ANDREW O'BRIEN:** I'm going to rethink my last response
24 and say yes, I would have liked to have had that capability.

25 **MS. ANNA MANCINI:** Okay.

26 **SGT ANDREW O'BRIEN:** Absolutely.

27 **MS. ANNA MANCINI:** Is there any type of resource or a binder at
28 the Bible Hill Detachment that would list all of the available assets in the event of a

1 critical incident that could be accessed? Do you have access to any type of resource
2 like that?

3 **SGT ANDREW O'BRIEN:** Each unit has unit supplements in our
4 manuals that would deal with local possible critical incident type things. Say you have a
5 large mill, well you'd probably have a section in your division -- your unit supplements
6 which would deal with what to do in the case of a fire at that mill, is there any roads we
7 need to shut down? You know, what can we do to assist the fire department, et cetera?

8 But I've never -- I mean, you can't -- trying to predict what kind of
9 crisis you're going to have is impossible. As many as possible are covered, realistically
10 speaking, in unit supplements. But you would need an unreasonably large amount of
11 knowledge, and forethought, and paper, and pen and everything to try to conceive of
12 every possible catastrophe.

13 **MS. ANNA MANCINI:** Oh, sure. And I think this question is aimed
14 more in the idea of resources that would be available as an assistance. So for instance,
15 listing out AR services that are available, police dog services that are available. Is there
16 anywhere where there's sort of a consolidation of the resources available to members
17 that's accessible from your detachment?

18 **SGT ANDREW O'BRIEN:** Telecomms.

19 **MS. ANNA MANCINI:** Telecomms. So OCC?

20 **SGT ANDREW O'BRIEN:** That's -- OCC would be our resource. If
21 you need something, -- now, I'm sure there are -- there's probably -- yeah, there would
22 be a directory somewhere in the detachment with all that. But it -- the idea is that OCC
23 is there to support the members and the member in the field is much more -- much
24 better served to call OCC and say, "Is there a dog man available?" They would have,
25 certainly, current accurate information on who is available at that particular time, or have
26 the ability to find that out at the drop of a hat.

27 **MS. ANNA MANCINI:** Okay. And the unit supplements, those are,
28 you indicated, sort of resources specific to a certain geographical area?

1 **SGT ANDREW O'BRIEN:** Yes.

2 **MS. ANNA MANCINI:** Okay.

3 **SGT ANDREW O'BRIEN:** Each unit or district would have a unit
4 supplement which would deal with potential policing issues in their given area.

5 **MS. ANNA MANCINI:** Okay.

6 **SGT ANDREW O'BRIEN:** Each policing unit has a different
7 community to serve and there are always going to be unique circumstances, or unique
8 situations, unique geography. So.

9 **MS. ANNA MANCINI:** Okay. And I realize that you've been retired
10 for a bit of time, but do you have any recollection as to references made with respect to
11 the unit supplements in the Bible Hill Detachment or what was contained in the unit
12 supplements?

13 **SGT ANDREW O'BRIEN:** I have read them, ---

14 **MS. ANNA MANCINI:** Yeah.

15 **SGT ANDREW O'BRIEN:** --- or reviewed them, anyway. Well, of
16 course, the college is the big -- the big concern. You know, what were to happen if
17 there was a shooting on the college, or labour unrest at the college, or unruly parties at
18 the college. I'm sure there are lots of smaller, more unique issues in the manual that I
19 don't recall now.

20 **MS. ANNA MANCINI:** Okay. Thank you. Okay. So you had
21 indicated over the night of the 18th and into the 19th, I think you had said you were using
22 mostly Google Maps? Was that ---

23 **SGT ANDREW O'BRIEN:** I used primarily CIIDS, ---

24 **MS. ANNA MANCINI:** Okay.

25 **SGT ANDREW O'BRIEN:** --- but I do recall at least once
26 referencing Google Maps. We were discussing whether or not you could get by foot
27 from the perpetrator's house sort of west over to the next road that went south off the
28 Number 2. I think it was the Number 2. The main highway that goes through there.

1 And CIIDS does not show any geographical detail, any -- you can't see it, whereas
2 Google has a satellite feature and you could open Google up and you could see that it's
3 essentially a marsh.

4 Now, still, we're not able to eliminate the possibility that it could be
5 transited on foot, but certainly it was obvious that it wasn't -- you know, it wouldn't be
6 just simply walking across the field.

7 **MS. ANNA MANCINI:** Sure. And so you were looking at the
8 Google Maps for the terrain aspect of ---

9 **SGT ANDREW O'BRIEN:** Yes.

10 **MS. ANNA MANCINI:** --- the information gathering?

11 **SGT ANDREW O'BRIEN:** Yeah.

12 **MS. ANNA MANCINI:** And you've indicated looking at it for the
13 purposes of informing the containment strategy, but did you take any look at it on the
14 19th when you were present in Portapique?

15 **SGT ANDREW O'BRIEN:** On the 19th, I wouldn't have had access
16 to Google because I was in a police car with a mobile workstation. So I would have
17 been restricted to a limited form of CIIDS.

18 **MS. ANNA MANCINI:** Okay.

19 **SGT ANDREW O'BRIEN:** Not the same capabilities that I had on
20 my laptop.

21 **MS. ANNA MANCINI:** And you're not able to access Google Maps
22 from the MWS?

23 **SGT ANDREW O'BRIEN:** You may be, but I don't have the
24 technical knowledge to do that.

25 **MS. ANNA MANCINI:** Sure. And can you recall whether or not
26 you would have been able to see, in particular, Cobequid Court or the residences
27 around that area on the Google Map terrain view?

28 **SGT ANDREW O'BRIEN:** I don't know. I didn't look for that.

1 **MS. ANNA MANCINI:** Okay. Are you aware of a national policy
2 guideline for securing potential crime scenes?

3 **SGT ANDREW O'BRIEN:** I'm sure there is one. It's part of our
4 training.

5 **MS. ANNA MANCINI:** Okay. What does your training with respect
6 to scene security entail?

7 **SGT ANDREW O'BRIEN:** That's a very broad question. We're --
8 and I may not be going in the right direction here. We guard scenes to maintain the
9 integrity of any evidence that can be collected and to prevent danger to the public or to
10 members. So if we have a scene that's a burnt-out house with a basement, we don't
11 want people walking in and falling into the hole, kind of thing. But most importantly, we
12 guard scenes to maintain and preserve evidence, to make sure that that evidence is --
13 we have continuity of that evidence.

14 And a scene can be anything from a mark on a ground that we're
15 guarding to a football stadium sized scene. And you have to be flexible with how you
16 ensure continuity of the scene, based on the scene itself.

17 **MS. ANNA MANCINI:** Okay. So what are the -- I mean, I know it
18 is a broad question, but broadly speaking, I mean, what are the main priorities with
19 respect to guarding a scene? What are the main goals?

20 **SGT ANDREW O'BRIEN:** Preservation of evidence.

21 **MS. ANNA MANCINI:** Preservation of evidence. Okay.

22 **SGT ANDREW O'BRIEN:** Security of community and members.

23 **MS. ANNA MANCINI:** Okay. That morning of April 19th, when you
24 attended the Portapique community, did you recall -- or did you encounter the resident
25 from that area, Mr. Merzbach?

26 **SGT. ANDREW O'BRIEN:** I don't recall that.

27 **MS. ANNA MANCINI:** Do you recall encountering any community
28 members while you were there?

1 **SGT. ANDREW O'BRIEN:** One -- one gentleman was driving up
2 the street and I stopped him, and I said, "You know, sir, is there a need for you to be
3 travelling today?", and he said, "I'm going to the store." I said, "Could I get you to go
4 home?" He said, "No, I'm going to the store." So I said, "Okay."

5 **MS. ANNA MANCINI:** Okay. Was that the only person that you
6 encountered?

7 **SGT. ANDREW O'BRIEN:** It's the only one I recall.

8 **MS. ANNA MANCINI:** Okay. And what was your thinking with
9 respect to the direction, asking him to go home and letting him proceed on his way?

10 **SGT. ANDREW O'BRIEN:** There was no legal reason for me to
11 prevent him from going on his way.

12 **MS. ANNA MANCINI:** Okay. As we had discussed this morning,
13 you were aware that Constable Colford was not carbine trained. Was there any
14 concern or consideration about having a carbine trained officer with her at the
15 containment point at the head of Portapique Beach Road and Highway 2?

16 **SGT. ANDREW O'BRIEN:** I don't think I was aware at the time that
17 she was not carbine trained.

18 **MS. ANNA MANCINI:** Okay.

19 **SGT. ANDREW O'BRIEN:** I was aware that there were members
20 in the detachment not carbine trained, but it wasn't something that I thought about or
21 considered that night, and probably an error on my part. I sort of assumed that
22 everybody there was.

23 **MS. ANNA MANCINI:** Okay. Okay. So you weren't aware of the
24 carbine status of Corporal Jamieson?

25 **SGT. ANDREW O'BRIEN:** No. Corporal Jamieson didn't work in
26 Colchester District, so I wouldn't have been routinely aware of her anyway ---

27 **MS. ANNA MANCINI:** Okay.

28 **SGT. ANDREW O'BRIEN:** --- or what training she had.

1 **MS. ANNA MANCINI:** Okay. I guess given the knowledge now, if
2 this incident were to occur again, would you have any thoughts with respect to having a
3 non-carbine trained member performing the containment aspect?

4 **SGT. ANDREW O'BRIEN:** You work with what you have, and in
5 that case, when the members got there, there were only four of them, and three of them
6 went in as a Contact Team. Would I have preferred to have a non-carbine trained
7 member on the Contact Team or at the head of the road? I would have preferred to
8 have the non-carbine trained member at the head of the road as opposed to the Contact
9 Team because the Contact Team was a higher probability of encountering the active
10 threat. But -- I mean, you don't know who is going to encounter him or her when, and
11 ideally every member would be carbine trained and fully outfitted. But the reality is you -
12 - you're not going to say don't go to a member that's not carbine trained, that member is
13 just going to have to take into consideration that they have a limitation and they're going
14 to have work to overcome that somehow.

15 **MS. ANNA MANCINI:** Okay, thank you.

16 Madam Registrar, I'm wondering if there's a -- any availability to pull
17 up COMM14753?

18 And I believe, Mr. O'Brien, that these are the call logs, your call logs
19 from the night of the 18th, and in particular, I believe at 2341, right, so there's some
20 reference here to calls from members, Constable Rodney MacDonald, Constable Nick
21 Dorrington is at 2343, and in both instances there's this "told to stand-by".

22 **SGT. ANDREW O'BRIEN:** M'hm.

23 **MS. ANNA MANCINI:** What does -- what does this mean the "told
24 to stand-by"?

25 **SGT. ANDREW O'BRIEN:** I was not the person making decisions
26 on continuity of manpower, so I told them to stand-by. I contacted management and
27 said, "This member has offered to come in. Here is the number." Then they would then
28 proceed with the decision on whether to call that person in.

1 You can't just have everybody come in at once, you have to ensure
2 that when the members that are working need relief that you have members ready to
3 come in and relieve them. So somebody somewhere in the -- in the organisation of the
4 CIC was going to be making those decisions and was going to create plans for when
5 they needed members and where, it was not up to me. So when those members
6 contacted me directly, because I was their sergeant, I couldn't make that decision, so I
7 told them "Stand-by, someone will be in touch." Passed their names on to the people
8 making those decisions, whoever they were.

9 **MS. ANNA MANCINI:** And who was that? Do you recall who?

10 **SGT. ANDREW O'BRIEN:** I don't know. I would have contacted
11 either Staff Sergeant Al Carroll or Staff Sergeant Steve Halliday and said, "We have
12 Rodney MacDonald and we have Nick Dorrington offering to come in. Here is their
13 numbers."

14 **MS. ANNA MANCINI:** Okay. And do you have any recollection as
15 to whether any of those members were directed by Staff Sergeant Carroll or Staff
16 Sergeant Halliday to attend or...?

17 **SGT. ANDREW O'BRIEN:** I know both those members were at the
18 scene later, so I would assume, based on the fact that they showed up later, that they
19 were given direction to come in.

20 **MS. ANNA MANCINI:** Okay. You weren't sure whether or not they
21 were given the direction or whether they may have just deployed themselves?

22 **SGT. ANDREW O'BRIEN:** Nobody deployed themselves. We had
23 members attend unbidden but they didn't go to the scene. They come in and said, "I'm
24 here at the detachment. Where do you need me to go?"

25 **MS. ANNA MANCINI:** I see. I see. Okay.

26 **SGT. ANDREW O'BRIEN:** At least that's my understanding of how
27 it happened.

28 **MS. ANNA MANCINI:** Okay. No. And I'm going to take you back

1 to, I had asked you this morning about your conversation in the parking lot with
2 Corporal Peterson, and you indicated you couldn't really recall that conversation.

3 **SGT. ANDREW O'BRIEN:** M'hm.

4 **MS. ANNA MANCINI:** And I'm going to pull up a portion of his
5 interview, and the quote that I'm referring to -- I apologise. Bear with me, Mr. O'Brien.
6 Towards the middle of the page, I think.

7 **SGT. ANDREW O'BRIEN:** M'hm.

8 **MS. ANNA MANCINI:** So the line starts with Command Post and
9 he needed another battery, and this is from his interview, and he states, "So he",
10 referring to you:

11 "...he's walking pretty fast and then he came towards
12 me. And so I'm sitting in my car or truck, the SUV, the
13 Tahoe, I think it is. So I'm sitting in the Tahoe and he
14 comes at me and says, "Why did your guys come out
15 last night?", and I said, "I don't know, I don't know
16 why." He said, "Do you know we had something
17 going on last night?", and I said, "Yeah, I heard
18 something went on." And so from there, he said, "We
19 have nobody to take calls today and you're going to
20 have to take calls today", and he was like, like pointed
21 his finger at me, and I said, "Okay." And so first of all,
22 from there, I said, "Okay, I'll find out. I don't know
23 what happened last night. I'm just getting here", sort
24 of that, that "I'm just getting here but I'll find out for
25 you." So from there, I remember that he was starting
26 to walk away..." (As read)

27 And then it goes on.

28 But in reading this or having this presented to you, does that assist

1 you in recalling any of your conversation?

2 **SGT. ANDREW O'BRIEN:** There is no question in my mind that
3 Rodney felt very confronted by me; however, none of that sounds like me, none of that
4 is consistent with how I deal with Rodney, and I have known Rodney for several years
5 and supervised him for three. I -- I have vague, vague, vague memories of coming out
6 that door that morning, but I would have to rely on somebody else for the -- for the -- for
7 the confirmation of that conversation. And all I can say is I'm certainly sorry Rodney felt
8 that way, but that's not how I interacted with Rodney, and it doesn't -- it doesn't sound
9 like me at all.

10 **MS. ANNA MANCINI:** Was this ---

11 **SGT. ANDREW O'BRIEN:** And because -- and ---

12 **MS. ANNA MANCINI:** I'm sorry.

13 **SGT. ANDREW O'BRIEN:** If I can just ---

14 **MS. ANNA MANCINI:** I didn't -- please finish.

15 **SGT. ANDREW O'BRIEN:** I knew that members on his team had
16 come out, and I knew why they had come out, so I would question why I would even ask
17 that of Rodney at that time.

18 **MS. ANNA MANCINI:** Yeah, that's actually what I was going to ask
19 you is whether this issue of members coming out, was there an issue, in your view, over
20 the course of the 18th to the 19th in terms of having fresh members, the availability of
21 fresh members to attend on the 19th? Was that an issue that you were dealing with; do
22 you recall?

23 **SGT. ANDREW O'BRIEN:** I wasn't dealing with it because it
24 wasn't anything I was assigned to, but I had no concerns about it. On an average
25 Friday night, if someone calls in sick, it can be difficult to get somebody to come in and
26 work overtime to backfill them, because on the average Friday night, most members
27 have entertainments going on. But when something like this happens, when something
28 big happens, there's never any trouble finding members. You have trouble finding

1 members who are close enough, but there's always an influx. And I knew we would
2 have members coming from local detachments, from neighbouring detachments. I
3 knew we'd have members coming from the city, we would have Emergency Response
4 Teams, we would have dog teams, we would have people coming from New Brunswick
5 if we need them. And over the course of the next couple months, our detachment was
6 flooded with members from all over the country. And that started in the middle of the
7 night on the 18th, the 19th, and I knew we wouldn't have trouble getting members the
8 next day. So, again, not consistent with my apparent concerns.

9 **MS. ANNA MANCINI:** Okay. Thank you. On the evening of the
10 18th, there were some early containment points voiced by Staff Rehill, one of those
11 being an instruction for a member to stage at the location of Hillview Lane, which would
12 have been to the east side of Portapique Beach Road and Highway 2. Do you recall
13 hearing that dispatch at all?

14 **SGT. ANDREW O'BRIEN:** No.

15 **MS. ANNA MANCINI:** Okay. Madam Registrar, I apologize. I'm
16 wondering if we can pull up the call log again? I have the COMM number here if you
17 need it, 14753. And I'm going to ask to go to -- I think it's 23:09. Yeah, so 23:09,
18 there's a series of calls here, 4 calls to Constable Colford, where there was no
19 response, and then 1 call where she picked up, or it appears there was a conversation.

20 **SGT. ANDREW O'BRIEN:** M'hm.

21 **MS. ANNA MANCINI:** I know it's listed here as having unknown
22 content, but do you have any recollection of what the content of that discussion was?

23 **SGT. ANDREW O'BRIEN:** No, I don't.

24 **MS. ANNA MANCINI:** Okay. And you don't recall, I assume, any
25 discussion with respect to containment points or any comments that witnesses had
26 relayed to her about an alternative route out of Portapique?

27 **SGT. ANDREW O'BRIEN:** No.

28 **MS. ANNA MANCINI:** I think I had asked you this, Mr. O'Brien, but

1 I'll make sure I'm -- it's clear for the record. April 18th, you were current in your IARD
2 training?

3 **SGT. ANDREW O'BRIEN:** Yes.

4 **MS. ANNA MANCINI:** Okay. And with respect to decisions made
5 pertaining to the contact team, there was the initial decision to refrain from sending in a
6 second team. Was there any consideration on your part of adding additional members
7 to the initial contact team that had already entered?

8 **SGT. ANDREW O'BRIEN:** I don't recall considering that myself,
9 no, and I don't recall having a conversation with anyone about it.

10 **MS. ANNA MANCINI:** Okay. And I apologize for jumping around
11 here a little bit. You testified with respect to while you were in Portapique on the 19th
12 you were using Staff Sergeant Halliday's vehicle?

13 **SGT. ANDREW O'BRIEN:** That's correct.

14 **MS. ANNA MANCINI:** Okay. And does Staff Sergeant Halliday's,
15 or did Staff Sergeant Halliday's vehicle have an MWS in it; do you recall?

16 **SGT. ANDREW O'BRIEN:** I don't recall, but I do remember driving
17 around the loop, as I think of it, in a Ford marked unit. I don't know whose vehicle that
18 would have been. In my role that day, it didn't really matter what I drove, and obviously,
19 there were times when other members needed particular vehicles, and I sort of took
20 what was available. I -- just trying to think. I don't know if Staff Sergeant Halliday's
21 truck had an MWS or not, but when I was driving around the loop, somehow, I'd
22 inherited a marked vehicle with an MWS because I remember working on the MWS.

23 **MS. ANNA MANCINI:** Okay. So you did -- you do recall accessing
24 an MWS while you were in Portapique?

25 **SGT. ANDREW O'BRIEN:** Yes.

26 **MS. ANNA MANCINI:** Okay. And what was -- what were you
27 using -- do you recall what you were using the MWS for at that stage?

28 **SGT. ANDREW O'BRIEN:** No. No.

1 **MS. ANNA MANCINI:** Okay. It would have had the mapping on it,
2 I suppose, through the CIIDS system?

3 **SGT. ANDREW O'BRIEN:** The CIIDS MWS mapping, yes.

4 **MS. ANNA MANCINI:** Okay.

5 **SGT. ANDREW O'BRIEN:** Yeah.

6 **MS. ANNA MANCINI:** And do you have a rough sense of whether
7 it was earlier on in your time in Portapique, or later on in your time in Portapique that
8 you were accessing the MWS?

9 **SGT. ANDREW O'BRIEN:** I want to say later because I think that's
10 the car I drove back to the detachment in, but I can't say for sure.

11 **MS. ANNA MANCINI:** Okay.

12 **SGT. ANDREW O'BRIEN:** And it might just as well have -- I mean,
13 I could have just swapped cars with one of the members that was guarding the scene,
14 so I'd have an MWS, if that's -- if Staff Sergeant Halliday's car didn't have one, which is
15 probably a pretty good reason why I might have.

16 **MS. ANNA MANCINI:** Okay. And we had talked this morning
17 about how the MWS in Corporal MacDonald's vehicle, he indicated seeing calls coming
18 in, or a reference to calls coming in for wellness checks. Did you see anything like that
19 when you were looking ---

20 **SGT. ANDREW O'BRIEN:** No, I didn't.

21 **MS. ANNA MANCINI:** Okay. So on the 19th in Portapique, we
22 know that initially, prior to your arrival, the ERT team had commenced an evacuation
23 plan, and that that was, of course, interrupted when information came in about the
24 perpetrator being sighted in the Wentworth area. Do you recall whether there was any -
25 - upon your arrival, any discussion, or plan, or commencement, a recommencement of
26 that evacuation plan?

27 **SGT. ANDREW O'BRIEN:** I wasn't aware of an evacuation plan.

28 **MS. ANNA MANCINI:** Okay. And when Corporal MacDonald

1 attended the scene, he was the member who relieved you; is that ---

2 **SGT. ANDREW O'BRIEN:** That's correct.

3 **MS. ANNA MANCINI:** Okay.

4 **SGT. ANDREW O'BRIEN:** Corporal Jarret MacDonald.

5 **MS. ANNA MANCINI:** Jarret MacDonald. Thank you. And do you
6 recall what your debrief was with Corporal Jarret MacDonald?

7 **SGT. ANDREW O'BRIEN:** I went over, I believe, who was where,
8 who the members were at each scene, and where the scenes were. I think I might have
9 even driven around the loop with him. I can't say for sure. But it -- basically, it was
10 scene containment. I was showing him where the scene were -- the scenes were, who
11 was at each scene, and I probably passed onto him who had been there for an
12 extended period of time and should expect relief soon. These are all logistical issues
13 concerning scene containment.

14 **MS. ANNA MANCINI:** Okay. And, sorry, you had indicated what --
15 this route this morning, but I just want to make sure I'm clear. When you say "drove the
16 loop" in Portapique what's your recollection of that?

17 **SGT. ANDREW O'BRIEN:** I think it's Portapique Beach Road,
18 which is the main road that comes in from the main highway and goes down past the
19 perpetrator's house to sort of the end, its natural end, and then it goes sort of east
20 again, and then turns back north and becomes a different street, which then again goes
21 back west and joins up with Portapique Beach Road. Now that's not -- you know, I
22 stand to be corrected on that, but there was definitely a loop that -- I drove that covered
23 all of the scenes that we had, and then I would go back out to the road to visit the
24 member at the head of the road.

25 **MS. ANNA MANCINI:** So if I were to suggest you were travelling
26 Portapique Beach Road and Orchard Beach Drive, those were the two roads that you
27 think you were likely traversing during your time in Portapique that day?

28 **SGT. ANDREW O'BRIEN:** I want to say yes, but I don't know what

1 ---

2 **MS. ANNA MANCINI:** Sure.

3 **SGT. ANDREW O'BRIEN:** --- Orchard Beach Drive is, so ---

4 **MS. ANNA MANCINI:** No, I appreciate that.

5 **SGT. ANDREW O'BRIEN:** But ---

6 **MS. ANNA MANCINI:** We had had some discussion about
7 handing the scenes and handing the investigation, such as canvassing for witnesses,
8 over to MCU, Major Crime investigators. Did you, yourself, have any conversations with
9 any of the MCU investigators that morning?

10 **SGT. ANDREW O'BRIEN:** No.

11 **MS. ANNA MANCINI:** Okay. Did you see any of them attend the
12 scene before you were relieved?

13 **SGT. ANDREW O'BRIEN:** No.

14 **MS. ANNA MANCINI:** Okay. Sorry, Mr. O'Brien. Just bear with
15 me here. I just want to make sure I've covered.

16 Those are the questions that I have as a result of the previous
17 caucus, Mr. O'Brien. The way it works now is I'll step back out, see if there's any areas
18 that I need to expand upon or refine, and we'll resume then.

19 So perhaps -- it's 3 o'clock now. If we could take a 20-minute
20 break.

21 --- Upon breaking at 3:00 p.m.

22 --- Upon resuming at 3:30 p.m.

23 **--- SGT. ANDREW O'BRIEN, Resumed:**

24 **MS. ANNA MANCINI:** Thank you very much, Mr. O'Brien.

25 I've had an opportunity to consult with counsel through our caucus,
26 and at this stage there are no further questions on behalf of the Participant Counsel
27 participating today. So at this stage what I'll do is defer to the Commissioners, who I
28 understand will likely have some questions for you. And I will turn it over to them and

1 you will be able to see them, I believe, in the screen in front of you.

2 Thank you very much, sir.

3 **SGT. ANDREW O'BRIEN:** Thank you.

4 **COMMISSIONER FITCH:** Good afternoon, Sgt. O'Brien? May I
5 call you "Sergeant" knowing that you're retired, or would you prefer Mr. or...?

6 **SGT. ANDREW O'BRIEN:** Mr. O'Brien.

7 **COMMISSIONER FITCH:** Okay, Mr. O'Brien. Well-deserved title,
8 to be called Mr. O'Brien after your many years of service.

9 First and foremost, Mr. O'Brien, I would like to say that I don't have
10 a lot of questions on behalf of Commissioners today, or myself specifically.

11 And on that note, I want to thank both our Commission Counsel
12 and Participant questions that really were quite thorough and have answered any of the
13 -- or most of the outstanding questions that we would have.

14 So the first question that I have for you, Mr. O'Brien, is the -- you
15 talked a lot about the need to be flexible, when we were talking earlier, where you were
16 answering questions earlier about the number of people that may or may not have
17 weighed in on decisions at any given time. And the need to be able to be very flexible
18 when you're out in the field, and I think that at one point you may have even said
19 something to the effect of you need to be flexible and be able to kind of adjust on the fly.
20 That's the nature of policing sometimes.

21 So I'd like to give you an opportunity to share with us, if you would,
22 how the Incident Management Intervention Model, I think it's called IMIM, also the
23 CAPRA model that I know that you'd be familiar with, how that factors into your
24 decision-making, in terms of how you were trained, how -- you know, you talked about
25 the flexibility. We heard yesterday from your former colleague how situations are
26 dynamic and shifting. Can you talk to us a little bit about how your training and the IMIM
27 model or -- and CAPRA would factor in to that flexibility and why that's so important?

28 **SGT. ANDREW O'BRIEN:** That's a very broad question, Ma'am.

1 **COMMISSIONER FITCH:** It is, it is. So take your time and
2 answer it to the best of your ability, if you would.

3 **SGT. ANDREW O'BRIEN:** As you're aware, the Incident
4 Management -- IMIM, Incident Management Intervention Model, is the framework upon
5 which the RCMP hangs their response to calls. It's necessary to have this framework,
6 and part of that framework is CAPRA; part of that framework is our -- the use of force
7 regulations. These are sort of the bones of the response that we have to calls.

8 If you don't have those bones, flexibility becomes unmanageable.
9 You need to have those sort of spinal support forms so that even when members are
10 being flexible, they have a group of expectations on which to base decisions. If you
11 attend a call and it's not at all like what you expected, or you attended a call and it starts
12 in the one direction and then changes course significantly, which happens frequently in
13 policing, you need to be able to make those judgment calls and be flexible but still using
14 those sort of core principles to -- as a guide for the decisions.

15 Ma'am, were you looking for specific examples?

16 **COMMISSIONER FITCH:** No, I wasn't looking for a specific
17 example. I thought it's important for context, when you talked about the need to be
18 flexible in responding, and how situational awareness factors into that and how situation
19 and the information coming in changes, perhaps, your approach.

20 **SGT. ANDREW O'BRIEN:** Well, you can have ---

21 **COMMISSIONER FITCH:** How it influences your ---

22 **SGT. ANDREW O'BRIEN:** Well, take an example, the decision-
23 making process needed to determine whether IARD protocols are going to be used
24 versus whether they're not going to be used. And that is something that can change
25 multiple times during an incident, depending on the actions of the threat, whether it's an
26 active threat or whether it's not an active threat. And all of the principles that you've
27 talked about, all of the frameworks that you've mentioned, IMIM, IARD, all of that, those
28 are the points, the decision-making points that a member would have to use. Is this

1 threat active? Is it an -- is he actively or she actively causing a threat or harm to
2 civilians or police? Is the -- is there cover? Is there concealment? Is this just wide,
3 open ground? Is there any chance that I'll be able to use the lower scale of my IMIM to
4 intervene, to bring this to a conclusion, or am I going to have to elevate from simply
5 speaking to the person to lethal force, or any one of a number of interventions in
6 between? These are -- this is the basics that each member has on board already. And
7 when you go to a call, whether that call is a complaint of a mailbox knocked over, or a
8 complaint of a possible homicide, all of the same decision-making frameworks are used,
9 and that's universal across our organization, which allows us, hopefully, to make
10 informed decisions that will be consistent, and that each of the members attending a
11 scene would be able to relate to, and understand, and react to as well. Because you
12 have, especially in the case of the contact team on the night of April 18th, that had to
13 communicate with each other and they had to understand each other's decisions, so
14 they have to have all of the same frameworks on which to base their decisions. So
15 when Constable Beselt said, "Okay, this is what we're going to do," Constable Merchant
16 and Constable Patton didn't second-guess, didn't go, why are we doing that, they
17 understood because they had the same education, the same training. They understood
18 if Stuart had said, okay, this is no longer an IARD, or this is now an IARD, or we're
19 going to seek cover, or we're just going to use this concealment, or why each particular
20 step is taken. Do I use verbal intervention? Do I use open-hand intervention? Do I skip
21 those and go straight to lethal force? And when Staff Sergeant Halliday asked me to
22 broadcast the expectations for members in case they encountered the threat, he was
23 just reinforcing with each of those members the decision-making protocols and the
24 frameworks on which they had to base decisions should they encounter the threat.
25 Does that answer your question, ma'am?

26 **COMMISSIONER FITCH:** Very nicely. Thank you. That's the type
27 of explanation I think that helps, certainly myself, and hopefully others, understand the
28 backbone pieces that you talked of. I think my question stemming from that after your

1 explanation is, Mr. O'Brien, do you feel that you were well prepared to operate within
2 those three frameworks? I know we've heard a lot of credit given to Constable Beselt in
3 some of those decision makings. In your role as NCO assisting, do you feel that you
4 were sufficiently trained and versed in those three backbone pieces on the use of force
5 on CAPRA and the Incident Management Models?

6 **SGT. ANDREW O'BRIEN:** Yes, ma'am.

7 **COMMISSIONER FITCH:** Thank you. That was a long way to get
8 into my direct question but thank you very much for that.

9 And this one is a question that may have already been asked, so
10 I'm asking it just for a point of clarification. When -- I understand that you don't recall if
11 Constable Dorrington contacted you first or if you contacted him first after accessing
12 information on PROS around the traffic stop in February of 2022, and I understand that
13 cell phone was the mode of sharing that information and having members reach out to
14 Constable Dorrington if they wanted to see that picture. Do you know if there was a
15 BOLO sent to all members that were signed in to their MBT to be on the lookout for that
16 vehicle from that traffic stop, or to contact Constable Dorrington to get the text picture?

17 **SGT. ANDREW O'BRIEN:** I don't know.

18 **COMMISSIONER FITCH:** You don't know? Who would typically
19 be the one that would initiate a BOLO to ensure that all members receive that and that it
20 wasn't just an instruction that went out on the air to contact Constable Dorrington on a
21 one of basis?

22 **SGT. ANDREW O'BRIEN:** Normally, it would be whoever was
23 managing a scene or an incident. That person would contact Telecommunications
24 Center or OCC and ask that a BOLO be sent out, and indicate the radius, and the
25 details, and what information he or she wanted distributed to the membership.

26 **COMMISSIONER FITCH:** So that would be something that would
27 rest with the scene commander?

28 **SGT. ANDREW O'BRIEN:** Normally, yes.

1 **COMMISSIONER FITCH:** Okay. And who would you consider to
2 be the scene commander at that particular time?

3 **SGT. ANDREW O'BRIEN:** Can you enlighten me as to what time
4 of day that might have been, give me some -- and I ask that because there -- most of
5 that evening, and I think it was the Friday evening, I perceived Staff Sergeant Steve
6 Halliday to be the one in charge. Given my understanding of the risk manager's
7 functions and roles, once Staff Sergeant Al Carroll took over management of the scene,
8 he would have been in charge. And then when Steve Halliday, who was his direct
9 report or his superior, came on the air or entered the scenario, he would have been in
10 charge. So that's -- now I'm not a hundred percent sure if that's the actual chain of
11 command at the time that Constable Dorrington provided that information or not.

12 I don't know if a BOLO was sent out, and I'm -- it may be my error
13 for not pushing that more clearly and directly up to Staff Sergeant Carroll or Staff
14 Sergeant Halliday, but, at the time, certainly radio would have been the method that
15 OCC had used and I think we had just about everybody there was -- would have been --
16 had access to a radio at that time, although -- and a BOLO probably would have been a
17 little more thorough.

18 **COMMISSIONER FITCH:** Okay. Thank you for answering that for
19 us, Mr. O'Brien.

20 My next question pertains to the blueberry field road, which we
21 recognize wasn't known as such on the 18th and 19th, but there were a few comments
22 that you made in response to questions from Ms. Mancini about knowledge of the area
23 and whether or not there was believed to be another way out, and certainly I understand
24 from what you've shared with us today that you were quite certain -- you weren't overly
25 familiar with the area, but that you felt quite certain, as did others, that there was only
26 one way in and one way out.

27 **SGT. ANDREW O'BRIEN:** M'hm.

28 **COMMISSIONER FITCH:** But I also heard you say that you didn't

1 believe it to be a passable road anymore. And the reason I'm flagging that is, and
2 perhaps I misinterpreted your response there, but we know that yourself and others had
3 access to a variety of map types, some certainly more clear than others perhaps, but
4 your specific comment was you didn't believe it to be a passable road anymore.

5 **SGT. ANDREW O'BRIEN:** Correct.

6 **COMMISSIONER FITCH:** So do you recall having conversation
7 with anybody in particular that led you to believe that at one point in time that road may
8 have been passable?

9 **SGT. ANDREW O'BRIEN:** I don't recall a conversation with
10 anyone to that effect, but I have a vague memory of seeing a road designation on a
11 map that extended off the main road a limited distance but then just ended. Now, I don't
12 know if that is what prompted a conversation or an interaction that led me to believe that
13 that road was not passable anymore. I have a vague memory of seeing, basically, the
14 road name or an indication on the map that there was a spur off the main road there,
15 but nothing that's connected to anything else. But that alone wasn't what formed my
16 opinion that it was not passable. And I wish I could remember what it was or who I had
17 the conversation with that gave me to believe that the road was not an option for egress
18 from the community, but I don't.

19 **COMMISSIONER FITCH:** Okay. And I know -- I apologise. I didn't
20 mean to cut you off there. The -- when you say the main road, do you mean back to,
21 like, Highway 2 or to Portapique?

22 **SGT. ANDREW O'BRIEN:** Highway 2.

23 **COMMISSIONER FITCH:** Highway 2. Okay, thank you.

24 **SGT. ANDREW O'BRIEN:** Yeah.

25 **COMMISSIONER FITCH:** And this is a question associated again
26 to knowledge or lack of knowledge with yourself and others, and I know you can't speak
27 for others, but -- so you can only speak to yourself on this. I understand that you don't
28 recall hearing Constable Colford make mention of this possible other way out. Could it

1 be that she was heard but it was dismissed because it was already a foregone
2 conclusion that there was no way out, no other way out?

3 **SGT. ANDREW O'BRIEN:** I would doubt that, simply because if
4 she had information that this was an option for egress from the community it would have
5 been something that we would have wanted to explore as a possible escape route. And
6 I find it hard to believe that anybody would dismiss that. Certainly, if it was on the open
7 radio, there would have been multiple people who would have heard that.

8 My supposition with that is that she was stepped on. That,
9 meaning that as she transmitted someone else transmitted at the same time. And as a
10 person using our radio system, you may not be aware that someone transmitted at the
11 same time and you may -- I know I talked with Staff Sergeant Al Carroll, and he says, "I
12 know I made a particular radio transmission that's not in the -- in the logs, so I'm just
13 assuming that someone stepped on me and I wasn't aware of it." One of the limitations
14 of the trunk mobile radio system is that if two people broadcast at the same time, and a
15 broadcast of the same duration, neither will know that their message did not go through,
16 and anybody listening to the radio would not even be aware. They would hear
17 interference, but not be aware maybe that someone had tried to broadcast.

18 **COMMISSIONER FITCH:** Okay, thank you. This is my last
19 question, and it's -- again, it's a rather -- a rather broad one, so I can break it down for
20 you. And so I'm going to ask you to speak to it in terms of what a normal practice for
21 you would be, but then I'm going to ask those specific questions again to you with
22 respect to your role on the 18th and 19th. And it's really a communications piece in a
23 number of ways.

24 In a typical circumstance, as the NCO in charge of your shift, what -
25 - what is -- what was your normal practice of assigning -- on assigning duties to those in
26 your command and ensuring that they did those? If you could just tell me, like did you --
27 what was your typical practice if you were assigning a task to one of your members and
28 ensuring it was complete?

1 **SGT. ANDREW O'BRIEN:** My practice was to assign any tasks for
2 the shift to the Shift Supervisor, the corporal, or the corporal's position, and let the
3 corporal disseminate those tasks to his or her team as he or she saw fit. Follow up
4 would be dependent on the type of task, the timeframe.

5 If say we had a request from someone to do a patrol of a given
6 area because of an event that was going on, I would meet with the team leader who
7 was working on the weekend and say we need to ensure that there are patrols done of
8 this area for this reason with these expectations. Then on Monday, when I read the
9 shift report, I would expect to see indications on the shift report that those patrols were
10 done, and if there was no indication on the shift report, I would speak with the
11 supervisor at the next opportunity to find out if the task was done, and if not, why.

12 Obviously, if it was a more time sensitive or critical task, it would be
13 assigned differently. There would be very few occasions when I would go to a member
14 of the team without going through the corporal. That would have to be something that
15 was urgent enough that I didn't -- if the corporal wasn't in the office, I would just go
16 directly to the team member.

17 **COMMISSIONER FITCH:** Okay. Would there typically be a CAD
18 number or a CAD log associated with a task?

19 **SGT. ANDREW O'BRIEN:** Not if it was routine. If it were
20 something that would require a file, then it would -- I would have a file created and
21 generated and the follow up would be in that manner, a review of the file later. There is
22 a number of tasks that would be assigned to the working team or a team that is going to
23 be working at a given time that would not initiate a formal CAD task or a file. Maybe if
24 we needed someone to move the mobile radar to another particular area, there is a log
25 of where it's placed, et cetera, that would be filled out by the member that moves it, but
26 that wouldn't create a CAD task or any ---

27 **COMMISSIONER FITCH:** Okay.

28 **SGT. ANDREW O'BRIEN:** Yeah ---

1 **COMMISSIONER FITCH:** The reason that I'm asking that,
2 Mr. O'Brien, is I'm wondering what your process was, particularly on the morning of the
3 19th, when you were in the fields, when you would assign one of the members a task.
4 For example, Constable Dorrington, you asked him to go check the scenes and ---

5 **SGT. ANDREW O'BRIEN:** Yeah.

6 **COMMISSIONER FITCH:** --- and you know, possible files that
7 were missed, understanding that you did so through a mental health lens. But if we
8 were to take a scenario that you had assigned a task to one of the constables in the
9 area, recognising that you were without a corporal at that particular time for that duty,
10 what -- how did you close the loop on that? How did you track what you were tasking,
11 and how were you closing the loop to ensure that that got done?

12 **SGT. ANDREW O'BRIEN:** There were very few tasks assigned at
13 that time. When I arrived there, members were already posted to particular scenes.
14 The only tasks per se that I would have assigned would have been when I asked
15 Constable Dorrington to review the files to see if he could determine how many
16 casualties we had. That -- I don't recall following up on that, but I'm highly confident that
17 I did and reported back to Staff Sergeant Carroll or, Staff Sergeant Carroll, who is very
18 diligent, would have poked me about it.

19 I -- there -- I should have added a CAD task to one of the files. I
20 don't think that that was done. Normally, in a case like that, I would contact Telecomms
21 and ask them to put it on the CAD for -- on the task for me. At that time, things were a
22 little hectic. Not that that's an excuse, but...

23 **COMMISSIONER FITCH:** And I -- no. And I can certainly
24 appreciate the many moving parts, and so that question really is a forward-looking type
25 of question on how perhaps we can better support in the future task assignment and
26 follow up and making sure that information that must get passed on gets passed on to
27 the appropriate place.

28 And so the second part to my question is related again to

1 communications and closing the loop, and that's with respect to Major Crime that were
2 on scene and were starting to commence their tasks. And I'm wondering how you, as
3 being on the ground communicated necessary information to Major Crime, did you know
4 who was in charge of Major Crime, and did you have any takeaway instructions from
5 them?

6 **SGT ANDREW O'BRIEN:** I didn't have any communication with
7 Major Crime on the 18th or 19th. We were holding the scene for Forensic Identification
8 Section as the next step. I -- at no point on either of those two days did I have anything
9 -- any conversation at all or communication. I do know who was in charge of Major
10 Crime at the time. I knew most, if not all of the members of the unit. But -- they
11 obviously are housed in the same building in which we occupy.

12 But there's -- their process didn't begin, to my eyes, on either of
13 those days.

14 **COMMISSIONER FITCH:** Okay. As an Operational NCO at a
15 major crime scene, would you typically have an exchange of information with the
16 investigator from Major Crime?

17 **SGT ANDREW O'BRIEN:** Typically, yes. In that case, my role
18 was not as the Operations NCO. My role at that particular time was rather singular. It
19 was scene management. And the corresponding with Major Crime would, at that time,
20 have to come through the CIC.

21 **COMMISSIONER FITCH:** Okay. Thank you very much for
22 clarifying that for me, Mr. O'Brien. I truly appreciate your time and response to my
23 questions. Thank you.

24 **SGT ANDREW O'BRIEN:** Thank you.

25 **COMMISSIONER MacDONALD:** Thank you so much, Mr. O'Brien.
26 As I say most days, this is difficult work we're engaged in and this is a difficult day for
27 you. And we very much appreciate you being here with us and sharing your testimony
28 with us. Again, that's greatly appreciated.

1 **SGT ANDREW O'BRIEN:** Certainly.

2 **COMMISSIONER MacDONALD:** Thank you.

3 I now have some brief comments for the Participants present and
4 the general public.

5 Thanks so much to our counsel, Ms. Mancini, and involved
6 Participants and their counsel, along with our entire support team.

7 I can confirm that the embargo is lifted as it applies to Mr. O'Brien's
8 testimony today. I can also confirm that the video from today will be posted on our
9 website as soon as possible. The video from yesterday's testimony, I can now confirm,
10 is available on our website.

11 Tomorrow, we will be in Truro to begin the first of our Critical
12 Incident Response related roundtables, and they will take place over the course of
13 tomorrow and Thursday.

14 So we thank everyone again for their participation today.

15 Until tomorrow at 9:30 in Truro. Thank you all very much.

16 --- Upon adjourning at 4:00 p.m.

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C E R T I F I C A T I O N

I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.

A handwritten signature in black ink, appearing to read 'S. Marineau-Lupien', is written over a solid horizontal line.

Sandrine Marineau-Lupien