

Public Hearing

Audience publique

Commissioners / Commissaires

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

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

Dr. Kim Stanton

VOLUME 50

Held at :

Halifax Marriott Harbourfront Hotel
1919 Upper Water Street
Halifax, Nova Scotia
B3J 3J5

Tuesday, July 19, 2022

Tenue à:

Hotel Marriot Harbourfront d'Halifax
1919, rue Upper Water
Halifax, Nouvelle-Écosse
B3J 3J5

Mardi, le 19 juillet 2022

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| Ms. Ronke Akinyemi | Commission Counsel / Conseillère de la commission |
| Ms. Emily Hill | Commission Counsel / Conseillère de la commission |
| Mr. Joshua Bryson | Counsel / Conseiller |
| Ms. Patricia MacPhee | Counsel / Conseillère |
| Ms. Erin Breen | Counsel / Conseillère |
| Ms. Tara Miller | Counsel / Conseillère |

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Halifax, Nova Scotia

--- Upon commencing on Tuesday, July 19, 2022 at 9:33 a.m.

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

COMMISSIONER FITCH: Bonjour et bienvenue. Hello, and welcome.

We join you from Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq.

Please join us in remembering those whose lives were taken, those who were harmed, their families and all those affected by the April 2020 mass casualty in Nova Scotia.

During proceedings yesterday, we heard a roundtable discussion about the connections between mass casualties, intimate partner violence and gender-based violence and family violence. These broad discussions assist us in exploring issues related to the mass casualty.

Today, Commission Counsel will present a Foundational Document focused on the perpetrator's financial misdealings. Together with the Foundational Documents presented last week, this will build on our understanding of the perpetrator's actions in the lead-up to the mass casualty.

You will recall that last week we also heard from former Portapique resident witness Brenda Forbes, who spoke about her recollections of the perpetrator's violent behaviour and her complaint lodged with the RCMP. Later today, Constable Troy Maxwell will join us to provide his recollections of the complaint from Ms. Forbes.

I will now ask Commission Counsel Ronke Akinyemi to present today's Foundational Document.

Ronke.

1 **MS. RONKE AKINYEMI:** Good morning, everyone. My name is
2 Ronke Akinyemi, and my task today is to introduce the Foundational Document on the
3 Perpetrator's Financial Misdealings.

4 Madam Registrar, may I ask that this Foundational Document
5 please be marked as an exhibit?

6 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 3533.

7 **--- EXHIBIT No. 3533:**

8 Foundational Document - Perpetrator's Financial
9 Misdealings and source documents

10 **MS. RONKE AKINYEMI:** Thank you.

11 May I also ask that all source documents attached to this
12 Foundational Document be marked as exhibits, please?

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

14 **--- FOUNDATIONAL DOCUMENT - PERPETRATOR'S FINANCIAL MISDEALINGS**
15 **AND SOURCE DOCUMENTS**

16 **--- PRESENTATION BY MS. RONKE AKINYEMI:**

17 **MS. RONKE AKINYEMI:** Thank you.

18 The presentations last week explored the role of violence in the
19 perpetrator's life, both his experience of violence as well as the ways in which he moved
20 about the world, acting in violent, aggressive and intimidating ways in his interactions
21 with other people prior to the mass casualty.

22 You may recall that during the presentation on Violence in the
23 Perpetrator's Family of Origin, one witness said that, growing up, the perpetrator was
24 taught by his father that committing the crime isn't bad, but getting caught is what's bad.

25 The information being presented today about the perpetrator's
26 financial dealings appears to demonstrate some of that same attitude.

27 Today's presentation on the perpetrator's financial history is the last
28 in this series of four Foundational Documents which provides a backward-looking

1 contextual lens into the perpetrator's background in service of the Commission's broad
2 mandate to investigate the causes, context and circumstances giving rise to the mass
3 casualty.

4 From the beginning of its work, the Commission recognized that it
5 was important to understand the perpetrator's financial history and how it may/may not
6 have factored into the mass casualty. This is because the perpetrator's financial
7 history, particularly his financial misdealings, are relevant to the Commission's mandate
8 on a broad range of issues, including his criminal or manipulative behaviour in
9 victimizing others, potential financial crimes committed by the perpetrator, sources of
10 the perpetrator's wealth, which in turn is relevant to his ability to amass the resources
11 required to commit the mass casualty, as well as the impact of the pandemic on the
12 perpetrator's financial situation, which in turn is relevant to his mental state at the time
13 of the mass casualty.

14 The Foundational Document summarizes information presently
15 available to the Commission with respect to the perpetrator's history of financial
16 misdealings. Like all Foundational Document presentations, this presentation is an
17 overview and there is a great deal of further information contained in the document.

18 Like the Financial Misdealings Foundational Document, the
19 presentation today summarizes a complicated and disjointed collection of information on
20 the subject. This is because the perpetrator's illicit financial activity occurred in various
21 areas of his life, and although there are some connections between some of these
22 areas, others are isolated instances of misdealing.

23 There are seven topics that will be discussed during this
24 presentation today, which you will hear about in the following order. First, the
25 perpetrator's earnings as a dentist. Second, an illegal immigration scheme the
26 perpetrator discussed with a lawyer friend. Third, evidence related to assets the
27 perpetrator inherited from his close friend, Tom Evans. Fourth, the perpetrator's
28 associated corporations, first Northumberland Investments, and then Berkshire Broman.

1 Fifth, the \$475 000 CIBC withdrawal the perpetrator made in the weeks preceding the
2 mass casualty. Sixth, cash located by the RCMP after the mass casualty. And finally,
3 this presentation will discuss rumours about drug dealing, money laundering and
4 organized crime.

5 Before discussing these matters, it is important to first provide
6 some context.

7 What you see on the slide is a snapshot of the perpetrator's
8 financial holdings at the time of his death. The perpetrator worked as a denturist at
9 Atlantic Denture Clinic. He held accounts at a number of financial institutions across the
10 country, as well as in the United States. He was the sole shareholder of three
11 corporations: Atlantic Denture Clinic, Berkshire Broman, and Northumberland
12 Investments. He also had several properties, which he either owned personally or via
13 one of his corporations in both Portapique and Dartmouth, and close to \$750,000 cash-
14 in-hand at the time of his death.

15 I will now -- I will now talk about the sources of information
16 contained in the Foundational Document.

17 As part of its investigation, the RCMP obtained records from some
18 financial institutions used by the perpetrator, Lisa Banfield, and two of his corporations:
19 Northumberland Investments and Atlantic Denture Clinic. These records ranged in
20 time, but all fell within the period of December 31st, 2017 and April 30th, 2020.

21 The RCMP provided these records to the Forensic Accounting and
22 Management Group, and directed them to review and summarise the records in their
23 reports. The perpetrator's bookkeeper also provided the Forensic Accounting and
24 Management Group with relevant tax records from the period of 2013 to 2019.

25 Additionally, the Commission subpoenaed and reviewed relevant
26 records from a range of sources, including the Denturist Licensing Board, the
27 perpetrator's estate, the RCMP, and a number of financial institutions.

28 The Commission also retained Dwayne King as its lead financial

1 investigator. Mr. King has several years of expertise in financial crimes and forensic
2 accounting. Some of Mr. King's observations about the perpetrator's financial history
3 are discussed later on in this presentation.

4 As I said, the perpetrator's financial history touches on a range of
5 issues within the Commission's mandates. However, as its independent investigation
6 progressed, the Commission made necessary decisions prioritising the avenues of
7 investigation central to the mandates. Consequently, there will be questions about the
8 perpetrator's financial history that remain unanswered. It is important to recognise that
9 in addition to unanswered questions, there are also unanswerable questions, and there
10 are at least two reasons for this:

11 First, the nature of misdealing generally, financial or otherwise,
12 does not typically lend itself well to an accurate paper trail. As such, documents that
13 might help explain some curious aspects of the perpetrator's historical financial activity
14 do not exist. Records authored by the perpetrator and located after the mass casualty
15 pertaining to some of his financial affairs invite more questions than they bring answers.
16 Second, given the passage of time, some data, such as historic banking records, are no
17 longer available.

18 The goal of this presentation and the Foundational Documents is to
19 provide an understanding of what it is possible to know today about the perpetrator's
20 acquisition of wealth. While we may not have all of the information, it is obvious that
21 there is a clear pattern of misdealing.

22 And this brings me to the first topic in this presentation, which
23 discusses finances related to the perpetrator as a denturist.

24 The perpetrator worked as a denturist from 1998 until his death.
25 He owned Atlantic Denture Clinic, which had two locations, one in Dartmouth at the
26 bottom floor of his residence; and a second location he rented in Halifax. Atlantic
27 Denture employed the perpetrator and Ms. Banfield.

28 It is unclear exactly how much the perpetrator earned as a

1 denturist. There are two reasons for this:

2 First, Atlantic Denture Clinic did not keep accurate and complete
3 records of their earnings. The second, and related reason, is that many patients paid
4 for denture services in cash or by cheques payable to the perpetrator in his name,
5 rather than to the name of the business. However, data from external sources help
6 demonstrate at least part of the money the perpetrator earned at Atlantic Denture Clinic.

7 The perpetrator obviously unreported his income. For example,
8 between 2015 and 2020, the Nova Scotia Department of Community Services paid
9 Atlantic Denture Clinic approximately \$434,000 in relation to denturist services provided
10 to patients receiving provincial income assistance and those in the Disability Support
11 Program. However, the perpetrator's total declared income for the years between 2015
12 and 2019 was \$200,000. This is less than half of the money he received from just the
13 Department of Community Services alone during the same period.

14 Lisa Banfield told the Commission that the perpetrator made good
15 money as a denturist, but wasn't claiming what he actually made, and that to her
16 knowledge the perpetrator did not have other sources of income aside from the denture
17 business.

18 The Denturist Licensing Board of Nova Scotia oversees the
19 conduct of denturists in the province. In 2005, the Board investigated the perpetrator for
20 professional misconduct. This investigation was based on patient complaints as well as
21 concerns that the perpetrator was improperly or fraudulently billing. The perpetrator
22 would bill an insurance provider the full amount of his fee, but only charge patients the
23 amount covered by the insurance company. The perpetrator would not charge patients
24 the co-pay required by insurance companies.

25 Two insurance companies told the Board that the perpetrator's
26 practice of billing insurance companies for more than he actually earned on a service
27 was contrary to their policies and could constitute -- constitute insurance fraud. During
28 the Board's investigation, the perpetrator claimed that he was unaware that his practice

1 of submitting complaints to insurance -- insurers in this manner was wrong. He entered
2 a settlement agreement with the Board, admitting the allegations against him. He was
3 reprimanded and directed to pay the costs associated with the investigation.

4 This section deals with evidence related to an immigration scheme
5 that the perpetrator and his lawyer friend discussed for many months in 2019.

6 The Atlantic Immigration Pilot Program was a federal government
7 program which set out a process for businesses to sponsor qualified foreign candidates
8 for a year period to work in jobs that had not been filled locally.

9 How it worked was that, after the end of the one-year period
10 working at the sponsor's business, the candidates were eligible to receive permanent
11 residence status in Canada.

12 Over the course of several months in 2019, the perpetrator and a
13 friend, a lawyer in Ontario, discussed a scheme to take advantage of people seeking to
14 immigrate to Canada and illegally exploit the Atlantic Immigration Pilot Program to do
15 so. They told potential candidates that it was necessary to pay an administration fee of
16 40,000 U.S. dollars as well as pre-pay a year's salary to Atlantic Denture Clinic. In
17 return, Atlantic Denture would make them an employee for the year through the Atlantic
18 Immigration Pilot Program.

19 The Commission has not found further evidence of the perpetrator
20 or his friend taking further steps to pursue this illegal plan after December 2019 or
21 that anyone was actually brought into the country under their sponsorship.

22 This next section of the presentation discusses evidence about
23 Tom Evans's estate.

24 The perpetrator was friends with Tom Evans, a lawyer in
25 Fredericton, New Brunswick, for several decades. The perpetrator met Mr. Evans while
26 at the University of New Brunswick and remained friends with him until Mr.
27 Evans died on November 5th, 2009.

28 A Will was found among the perpetrator's belongings after the

1 mass casualty which appears to be signed by Tom Evans. In this Will, Mr. Evans left
2 everything he owned to the perpetrator as his sole beneficiary. The perpetrator was
3 also named as the executor of Mr. Evans' estate, and this means he was in charge of
4 preparing an inventory of the estate, settling any debts of the estate prior to distributing
5 the remaining assets to himself.

6 In an affidavit, the perpetrator swore that Mr. Evans had no assets
7 of any real value.

8 Because Mr. Evans' Will did not go through the probate process,
9 there are no records available with respect to the full content or value of Mr. Evans's
10 estate. As mentioned, the perpetrator's position was that Mr. Evans's estate had "no
11 assets of any real value", but this is inconsistent with what a number of witnesses who
12 knew the perpetrator told the RCMP after the mass casualty, which was that the
13 perpetrator benefited financially from being Mr. Evans's sole beneficiary.

14 Aside from these recollections, there are three pieces of information
15 that show that, there was, at the very least, tens of thousands of dollars that the
16 perpetrator inherited from Mr. Evans' estate.

17 The first piece of evidence is money received from the estate of
18 Tom Evans's mother. Tom Evans's mother's estate was unsettled at the time of his
19 death, and so his share passed to the perpetrator as his beneficiary. After her estate
20 was settled, the perpetrator received approximately \$26,000, which represents Tom
21 Evans's share of his mother's estate.

22 The second piece of information is that Lisa Banfield told the
23 Commission that after Mr. Evans's death, she and the perpetrator went to Fredericton to
24 deal with his estate and that Mr. Evans had a safety deposit box at the bank containing
25 either 20 or 40 thousand dollars in cash

26 Thirdly, Tom Evans was connected to two properties in Fredericton
27 owned by Northumberland Investments. The perpetrator sold these properties after
28 Tom Evans died.

1 The relationship between Tom Evans, the perpetrator and the two
2 properties in Fredericton owned by Northumberland is complicated. To help explain
3 this, I will now turn to a discussion of Northumberland Investments.

4 As you will see, the perpetrator was involved in a lot of activity
5 concerning Northumberland shortly after Tom Evans died.

6 Tom Evans and a woman named Sybil Rennie incorporated
7 Northumberland Investments in 1984 and were its original Directors. After Tom Evans
8 died, the perpetrator claimed in court documents that he was the sole shareholder of
9 Northumberland because he had purchased all of the company's shares from Sybil
10 Rennie in August 1996 for \$100.

11 Corporate records filed in 2001 state that Ms. Rennie ceased to be
12 a Director of the corporation and that the perpetrator and a woman named Kathleen
13 Gebkenjans were the new Directors, effective a day after the perpetrator allegedly
14 bought all of the company's shares from Ms. Rennie. However, 11 days after Tom
15 Evans died, Ms. Gebkenjans appears to have signed a document giving the perpetrator
16 a general Power of Attorney over Northumberland.

17 In a news article after the mass casualty, an unnamed woman who
18 served as the Director of Northumberland and whom the Commission believes to be
19 Ms. Gebkenjans said that she believes the perpetrator got hold of the two properties
20 owned by Northumberland and sold them by tricking her.

21 In 1984, Northumberland Investments, through Mr. Evans and Ms.
22 Rennie as the Directors at the time, purchased an apartment building located at 345
23 Northumberland Street in Fredericton for \$88,000. In July 1997, the company
24 purchased the adjacent building, 175 Aberdeen Street, for approximately \$125,000.
25 The perpetrator was a Director of Northumberland in July 1997 and signed a
26 \$100,000 mortgage on behalf of the company for 175 Aberdeen Street.

27 A little over a month after Mr. Evans died, the perpetrator, in his
28 capacity as Director of the Company, entered into purchase and sale agreements

1 between Northumberland Investments and a purchaser for these buildings. On
2 February 23, 2010, the perpetrator claimed in court documents that Mr. Evans did not
3 own any of the assets of Northumberland, including these two buildings.

4 The perpetrator's claim that he was the beneficial owner of
5 Northumberland Investments after having purchased all the shares from Ms. Rennie in
6 1996 for \$100 is inconsistent with what a number of witnesses told the RCMP and/or
7 the Commission about how the perpetrator acquired these properties. A number of
8 witnesses said that the perpetrator had inherited these properties from Mr. Evans upon
9 his death.

10 The Commission has not found any explanation for why the shares
11 of a company, which at that time owned 345 Northumberland Street, which was
12 purchased for \$88,000 would have been sold to the perpetrator for only \$100.

13 The sale of 345 Northumberland Street and 175 Aberdeen Street
14 was completed in February 2010 when the properties were transferred to the buyer.

15 In either August or September of 2010, Northumberland's bank
16 account received a wire transfer for \$78,000 from the trust accounts of the law office as
17 the net proceeds of the sale of 175 Aberdeen Street. The perpetrator also deposited a
18 cheque for approximately \$154,000 from the trust account of the same law office,
19 presumably paid out in relation to the sale of 345 Northumberland Street.

20 The perpetrator then withdrew these funds, which were a little over
21 \$232,000, via bank drafts he made payable to himself.

22 Also, in August of 2010, the perpetrator made two cash deposits
23 into Northumberland's bank accounts which totalled \$200,000. He then immediately
24 withdrew these funds from the account via bank draft, also payable to himself.

25 The Commission cannot trace, with certainty, the source of
26 \$200,000 cash deposits. As opposed to known deposits, where the payor can be
27 identified, at least to some degree, the source of cash deposited in the bank accounts
28 cannot be known by simply reviewing banking records. Additionally, it is unclear which

1 of the perpetrator's accounts either of the \$232,000 bank draft or the \$200,000 bank
2 drafts were paid into as the perpetrator's banking records for 2010 are no longer
3 available.

4 The Commission does not have an explanation for why the
5 perpetrator was making such significant deposits into Northumberland's accounts and
6 shortly thereafter withdrawing the corresponding amounts to himself.

7 So I've talked about Atlantic Denture Clinic, the perpetrator's
8 denturist clinic. We've also talked about Northumberland, a company connected to Tom
9 Evans and to properties in Fredericton the perpetrator sold. I'll now move to the final
10 corporation known to the Commission as associated with the perpetrator, Berkshire
11 Broman.

12 Berkshire Broman was incorporated in New Brunswick in June
13 2008. An individual named Kipling MacKenzie was identified as the president of the
14 corporation and the sole incorporator. There is no mention of the perpetrator in this
15 company's Articles of Incorporation.

16 The perpetrator registered several vehicles in Berkshire Broman's
17 name, including three decommissioned RCMP Ford Tauruses, which were purchased
18 between March and August 2019.

19 The Commission made efforts to review banking records of
20 Berkshire Broman, but has not been able to locate these records. The Commission
21 believes that Berkshire Broman likely did not have any bank accounts.

22 As I said, Kipling MacKenzie was identified as Berkshire Broman's
23 president and incorporator. Mr. MacKenzie knew the perpetrator through Tom Evans,
24 from whom he used to rent a room in Fredericton, and for whom he also did some work.

25 Mr. MacKenzie told the RCMP after the mass casualty that he
26 helped obtain cocaine and cannabis for the perpetrator, Mr. Evans, and their friends.

27 He also told the RCMP that the perpetrator and Mr. Evans were
28 sneaky and asked him to sign papers for a post office box and "some kind of company"

1 called Berkshire Broman in approximately 2005.

2 Mr. MacKenzie also told the RCMP that in subsequent years he
3 would sign additional papers in exchange for the perpetrator purchasing him beer.

4 Mr. MacKenzie said he did not know the purpose of the post office
5 box, but assumed it was “definitely something illegal.”

6 During his interview with the RCMP, Mr. MacKenzie was shown
7 Berkshire Broman’s Articles of Incorporation. He confirmed that his signature was on
8 the document but stated that he did not know who wrote the other information on the
9 form.

10 A document found in the perpetrator’s belongings titled, “Transfer of
11 Shares” dated November 10, 2009, five days after Tom Evans died, states that Kipling
12 MacKenzie transfers his shares in the company to the perpetrator and resigns as a
13 director. The document is unsigned but there is a line for Mr. MacKenzie’s signature.

14 The following sections will discuss the \$475,000 large cash
15 withdrawal the perpetrator requested from CIBC in the weeks preceding the mass
16 casualty.

17 This diagram summarizes the sources of the \$475,000.

18 Seventy-five thousand dollars (\$75,000) was transferred from an
19 investment account into a line of credit and then transferred into a general business
20 account. The perpetrator also redeemed four GICs worth \$100,000 each early,
21 forfeiting a little over \$16,000 in interest by doing so. The original source or sources of
22 the \$400,000 initial GIC investments is not known.

23 Numerous witnesses describe how the perpetrator was motivated
24 to withdraw the money because he was concerned that the banks would collapse as a
25 result of the pandemic and that his money was not safe in the bank.

26 The perpetrator’s request for \$475,000 had to pass through CIBC’s
27 internal approval process because of the large amount of cash involved. CIBC’s
28 processes included speaking with the perpetrator to assess whether he was at risk of

1 being defrauded or victimized, as well as ensuring that the cash would be transferred in
2 a safe and secure manner.

3 Numerous CIBC employees who interacted with the perpetrator in
4 relation to his withdrawal request recalled that the perpetrator was angry and
5 aggressive in his dealings with them and was frustrated about CIBC's processes which
6 he felt were delay tactics.

7 A CIBC representative told the Commission that the decision to go
8 through Brinks was because of the amount of cash involved and needing to ensure the
9 safety of the bank's clients and employees. The representative also said that prior to
10 the perpetrator's request, the same Brinks' procedure had been used in the past to
11 facilitate a large cash withdrawal for a client in Calgary.

12 When the perpetrator arrived at the Brinks facility in Dartmouth on
13 March 30th, 2020 to pick up his cash, the branch manager performed a security
14 verification confirming the perpetrator's identity and vehicle information against
15 information he had received from CIBC.

16 Soon after the mass casualty, there was speculation that the
17 perpetrator may have been an RCMP informant. This speculation was largely driven by
18 the fact of his March withdrawal of \$475,000.

19 The Commission has no evidence that the perpetrator was an
20 RCMP informant. As discussed earlier on in the presentation, the source of the
21 \$475,000 was the early redemption of \$400,000 in GICs, as well as \$75,000 in
22 investments.

23 In June 2020, the RCMP told a media source that the RCMP was
24 not the source of the \$475,000, as had been assumed in some media articles at that
25 time. In October 2021, the RCMP wrote a letter to the Commission stating that the
26 perpetrator was never a confidential informant, nor a civilian police agent for the RCMP.

27 The Commission's lead financial investigator, Dwayne King, said
28 that cash is used by law enforcement for the payment of confidential informants

1 because of its anonymous nature. Mr. King explained that law enforcement ensures
2 that an informant's confidentiality is maintained.

3 The perpetrator had to present government identification both at
4 CIBC and Brinks prior to the receipt of this cash, and he also had to attend a facility
5 where he was subject to video surveillance. This is not typical of how confidential
6 informants receive cash from law enforcement, as this would compromise their
7 confidentiality. Additionally, Ms. Banfield told the Commission that she had no
8 knowledge of the perpetrator being a confidential RCMP informant.

9 This part of the presentation focusses on cash located by the
10 RCMP after the mass casualty.

11 After the mass casualty, the RCMP located a metal ammunition
12 container at the perpetrator's cottage in Portapique, hidden below the ground in a
13 crawlspace under the deck. The ammunition container had bundles of cash, which the
14 RCMP counted and determined was \$705,000 in total. Most of the money was in bank-
15 stamped bands wrapped in foil.

16 This slide provides the Commission's best understanding of the
17 sources of the \$705,000 located at the perpetrator's cottage. There are at least three
18 sources of this cash:

19 First, numerous bundles of the cash located in the ammunition
20 container were wrapped in CIBC paper bands, dated March 26, 2020, which suggests
21 that at least part of the March withdrawal was buried in the ammunition container.

22 Further, Ms. Banfield told the Commission that all of the \$475,000
23 was buried in the ammunition can because after receiving the money from Brinks the
24 perpetrator drove back to Portapique and combined this amount with money he had
25 previously hidden around his properties. Ms. Banfield told the Commission that it was
26 normal in their relationship for the perpetrator to have large bundles of bank-stamped
27 money, and recalled that at one point the perpetrator had over \$200,000 at their home
28 in Dartmouth. So the second source of the \$705,000 is money previously hidden

1 around the perpetrator's properties.

2 Thirdly, Ms. Banfield told the Commission that some of the cash
3 with the brown bands that are bank-stamped was money the perpetrator received from
4 Tom Evans's estate, presumably the \$20,000 or \$40,000 Ms. Banfield estimated that he
5 collected from Tom Evans's security deposit box.

6 After the mass casualty, the RCMP photographed the remnants of
7 burned Canadian currency located in the trunk of the perpetrator's replica RCMP
8 cruiser. The Commission's lead financial investigator, Dwayne King, reviewed
9 photographs of the burned cash, and he estimated that there was approximately
10 \$20,000 in burned cash recovered, which included bundles of \$100 notes that were
11 severely damaged by the fire. Some photographs of the burned cash are on the slide.

12 The Attorney General of Canada advised the Commission that the
13 perpetrator's clinic and home in Dartmouth were searched for cash by the RCMP after
14 the mass casualty, and that no further cash was located.

15 Following the mass casualty, allegations arose that the perpetrator
16 engaged in various financial crimes. During the course of the Commission's
17 investigations, questions about the perpetrator's finances, including speculation about
18 his involvement in drug trafficking, money laundering, and organised crime, have been
19 explored at length. The Commission subpoenaed records from various law
20 enforcement agencies in Nova Scotia, which covered, among other things, any
21 confidential tips received about the perpetrator. The Commission also addressed these
22 rumours during interviews with numerous witnesses.

23 Several witnesses recounted that the perpetrator smuggled
24 cigarettes across the border decades ago while he was a student at the University of
25 New Brunswick. The perpetrator appeared to be proud of this. The Commission has no
26 evidence that the perpetrator continued to smuggle cigarettes illegally after leaving
27 university.

28 The perpetrator and Lisa Banfield travelled to Punta Cana in

1 Dominican Republic for vacation quite often. She recalled that during these trips, she
2 and the perpetrator would often be apart.

3 During an interview with the Commission, Ms. Banfield was asked
4 about drug trafficking on these trips. Ms. Banfield told the Commission that she did not
5 see any evidence of the perpetrator trafficking drugs during these trips. For example,
6 she did not observe him carrying packages or large quantities of cash across the
7 border, and she always packed her own bag.

8 The nature of the perpetrator's relationship with Ms. Banfield was
9 such that he hid a number of things from her, and the couple also spent considerable
10 time apart. Nonetheless, throughout their 19 year relationship, Ms. Banfield reported
11 that she never saw drugs, drug paraphernalia, or anything to suggest that the
12 perpetrator was involved in drug trafficking, money laundering, or organised crime.

13 At present, the only document linking the perpetrator to drug
14 trafficking that the Commission has discovered during the course of its investigation is a
15 printed VIA Rail boarding pass in the perpetrator's name, dated September 20th, 2018.
16 This boarding pass was found among the perpetrator's belongings in Dartmouth. On
17 the back page of the boarding pass, which is shown on the slide, are handwritten notes,
18 which appear to be a pricelist referencing various strains of cannabis.

19 In her interview with the Commission, Ms. Banfield confirmed that it
20 was the perpetrator's writing on the boarding pass but stated that she had not seen this
21 writing before and did not understand what it was about. She had also never seen any
22 other documents containing drug lists before.

23 Based on its investigation thus far, the Commission has no basis
24 upon which to conclude that the perpetrator was involved with the purchase or sale of
25 drugs, money laundering or organized crime.

26 This concludes the presentation of the Foundational Document
27 about the perpetrator's financial misdealings.

28 Thank you, Commissioners, and thank you, everyone, for listening.

1 **COMMISSIONER MacDONALD:** Thank you so much, Ms.
2 Akinyemi.

3 Ms. Hill?

4 Yes. We need a couple of minutes to change the platform and I will
5 call on you, Ms. Hill. Thank you.

6 (SHORT PAUSE)

7 **COMMISSIONER MacDONALD:** Thank you.

8 Ms. Hill?

9 **MS. EMILY HILL:** Commissioners, there's just a bit of
10 housekeeping to take care of. We'd like to mark a number of exhibits -- a number of
11 documents as exhibits. These have been provided to the Participants.

12 The first documents -- the first is a policy document on violence and
13 the related lot source.

14 The next is the Legislative Brief on Violence and the source
15 material.

16 There are a number of documents related to the roundtable that will
17 be scheduled for tomorrow and a number of documents related to the roundtable
18 scheduled for July 21st.

19 There are also just a handful of documents related to a roundtable
20 that was held on January -- sorry, July 14th, and as well some documents related to the
21 roundtable that was held on July 18th.

22 So as I say, all those COMM numbers have been provided to
23 participants and to Madam Registrar.

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

25 **COMMISSIONER MacDONALD:** Thank you.

26 **MS. EMILY HILL:** Thank you.

27 Next we would like to hear from Constable Troy Maxwell, who I see
28 has joined us virtually.

1 Good morning, Constable Maxwell. Can you hear me all right?

2 **CST. TROY MAXWELL:** Yes, I can.

3 **MS. EMILY HILL:** All right. Thank you.

4 So Madam Registrar, if Constable Maxwell could be sworn, please.

5 **--- CST. TROY MAXWELL, Sworn**

6 **--- EXAMINATION IN-CHIEF BY MS. EMILY HILL**

7 **MS. EMILY HILL:** Constable Maxwell, thank you for joining us.

8 If there's any point today where you have any trouble hearing or
9 seeing something that we're referring to, please speak up and we can make sure that
10 you're able to fully participate.

11 **CST. TROY MAXWELL:** Absolutely.

12 **MS. EMILY HILL:** And just so that you're aware, there is some
13 information that is already available in the record, so the Commission does already
14 have a copy of the interview that you did with the Commission as well as a copy of your
15 notes. So those already exhibits in our proceedings. I will bring them up, but I wanted
16 you to be aware of that.

17 **CST. TROY MAXWELL:** Okay. Thank you.

18 **MS. EMILY HILL:** We're primarily going to be speaking today
19 about a report that you were involved in that dates back to 2013, but before we get
20 there, I just want to ask a few questions about your background.

21 **CST. TROY MAXWELL:** Sure.

22 **MS. EMILY HILL:** I understand that you joined the RCMP in the
23 year 2000?

24 **CST. TROY MAXWELL:** Yes, ma'am.

25 **MS. EMILY HILL:** And you were first posted in Port Hawkesbury in
26 Cape Breton?

27 **CST. TROY MAXWELL:** Yes, ma'am. I was there for
28 approximately five years.

1 **MS. EMILY HILL:** And ---

2 **CST. TROY MAXWELL:** And from there -- sorry.

3 **MS. EMILY HILL:** You go ahead.

4 **CST. TROY MAXWELL:** From there, I was posted to We'koqma'q
5 First Nations. From there, I went to Enfield, and from Enfield detachment, I went to
6 Bible Hill.

7 **MS. EMILY HILL:** I understand you worked at Bible Hill until you
8 retired in 2021?

9 **CST. TROY MAXWELL:** Yes, ma'am.

10 **MS. EMILY HILL:** The Commission has heard from a witness
11 named Brenda Forbes that she made a report to the RCMP about the perpetrator in the
12 summer of 2013. And I will want to ask you some questions about this, but first I want
13 to ask you some questions about the time following the mass casualty in 2020.

14 So first, immediately following the mass casualty that occurred on
15 April 18th-19th, 2020, did you recall at that time that you had once received a report
16 about the perpetrator?

17 **CST. TROY MAXWELL:** Yes.

18 **MS. EMILY HILL:** And what did you -- did you do anything with
19 that information or report that to anybody?

20 **CST. TROY MAXWELL:** I think that members asked me if I had
21 any notes in regards to the event. I went, looked and found my notes from 2013 and I
22 provided that to the Bible Hill detachment.

23 They spoke to me in regards to the incident and I advised them of
24 my actions on that date, and yeah. That was it.

25 **MS. EMILY HILL:** All right. So just to ask you a few questions
26 about what you've just said, maybe it would be helpful, Madam Registrar, if you could
27 bring up the Foundational Document which is entitled the "Perpetrator's Violence
28 Toward His Common-Law Spouse". It's Exhibit 3437 at page 49.

1 So I think I'm just going to read this, Constable Maxwell, and make
2 sure that -- this is a document that's produced by the Mass Casualty Commission and it
3 outlines some information that you have already spoken about, but I just want to make
4 sure that I've got a clear -- your evidence clearly.

5 Paragraph 175 says:

6 "On May 23, 2020, in a Task Action Report pertaining
7 to Brenda Forbes's media articles, Cst. Shawn
8 Stanton reported that 'after exhaustive queries the
9 occurrence from 2013 that Ms. Forbes discusses
10 reporting has still not been located in any police data
11 bank.'

12 ...

13 As a next step in the investigation, in early June 2020,
14 the RCMP requested the notes of all members who
15 were working in the Bible Hill Detachment between
16 the period of June and July 2013 in which Brenda
17 Forbes stated she spoke with the RCMP members
18 about the perpetrator's domestic abuse.

19 ...

20 Constable (Cst.) Troy Maxwell provided the RCMP
21 with one page of handwritten notes."

22 And then it sets out what your notes say, and we'll talk about that in
23 a minute.

24 Thanks, Madam Registrar.

25 So is that correct in terms of how you sort of came to locate your
26 notes and bring -- and make them available?

27 **CST. TROY MAXWELL:** Yes, ma'am.

28 **MS. EMILY HILL:** And -- oh, go ahead.

1 **CST. TROY MAXWELL:** No. I just don't know where I'm looking
2 sometimes.

3 **MS. EMILY HILL:** Okay. Now, according to some notes that we've
4 seen that were taken by Sergeant Angela McKay dated June 3rd, 2020, that suggests
5 that that was the day you brought your notebooks in to be photocopied at the Bible Hill
6 detachment. Does that accord with your memory?

7 **CST. TROY MAXWELL:** Sure. I don't know the exact date, but I --
8 I remember going in and providing the notes.

9 **MS. EMILY HILL:** And the RCMP didn't do a formal recorded
10 interview with you at that time. Is that right?

11 **CST. TROY MAXWELL:** No, ma'am.

12 **MS. EMILY HILL:** Okay. So I'd now like to ask you some
13 questions about what you recall about that report that came from Brenda Forbes.
14 Events happened nine years ago, so let me just begin by saying, do you have a
15 recollection today of investigating a report from somebody named Brenda Forbes?

16 **CST. TROY MAXWELL:** I don't necessarily remember the name
17 Brenda Forbes, but I do remember responding to a complaint out in Portapique. It was -
18 - for us, it was a first instance file of somebody driving around the neighbourhood, being
19 belligerent towards people.

20 So a first instance file for us is something that -- it can be concluded
21 in a first instance. So if I'm going to do anything with a first instance file, especially with
22 somebody that is a driving complaint or somebody being belligerent towards people, the
23 very first thing that we do is respond because we have to get there to see the event. I
24 have to see his driving. I have to be able to, you know, I have to be able to express, in
25 my words, what his driving is like. Because what somebody's words of driving in a
26 unruly manner to somebody is completely different to a police officer. So it's my job to
27 be able to get up and explain to a judge, or anybody else, what the driving or what his
28 actions would be. So we responded.

1 I remember going to his residence to advise him of a complaint
2 that was made against him. I remember there being nobody at home at his residence.
3 In my recollection, I can remember there being two or three vehicles in his yard, one
4 seemed to be an older vehicle that was, like, off to the left that had some damage to it
5 or something. There was a vehicle backed in, another vehicle behind that. I remember
6 it being -- there was lights on in his house, so I remember it being dusk-ish, like, around
7 dusk when we arrived. We didn't make contact with anybody at the residence. I
8 remember there was a little bungalow off to the right of his house that had a back porch
9 light on. So I do remember it being kind of, like, you know, in the evening at dusk. I
10 remember going to the home. I remember us knocking on the door, and us leaving. I
11 believe I located a phone number for this -- the subject of my complaint. I would have
12 placed a phone call to that individual. I would have even left a message on his
13 answering machine or spoke with him in regards to the complaint because that's part of
14 my job. And the last part of my job at that point in time would have been to advise the
15 complainant of our actions.

16 **MS. EMILY HILL:** Okay. So in terms of what you've just told me,
17 I'm going to kind of break that down a little bit. So first of all, let me ask you what -- if
18 you recall, how you first became aware of this complaint.

19 **CST. TROY MAXWELL:** Well, I think what people need to
20 understand is the complaint goes into our OCC section, which is our dispatch. There,
21 the people that actually take the complaint, they are the ones that send us what the
22 complaint is on our mobile workstations, which is a in-board computer in our police cars.
23 So we'll have the name of complainant, it will have a blurb about the complaint is, and
24 our job is to go to respond and deal with that complaint.

25 **MS. EMILY HILL:** So maybe I'll just bring up -- we talked about this
26 -- you talked about this with Commission staff in your interview.

27 So if you could bring up, Madam Registrar, the interview of Troy
28 Maxwell? It's Exhibit 2583, at page 9.

1 So scroll down just a little bit. Thank you. I think this is what you're
2 just talking about, Constable Maxwell. You see there was a note, Wayne Fowler at
3 23:18 says,

4 "So, the call would have come through your radio..."

5 Troy MAXWELL [...] Yes.

6 Wayne FOWLER [...] ...communications bureau
7 versus the station?

8 [...] Yes. [...] it [would have] come through [a]
9 station, but [it would have] ... it would only come
10 through the station ... a lot of times what happens is
11 people would call into our office, the office would type
12 up the complaint, [and] send it to the OCC, the OCC
13 would then dispatch it to us. So, even if it did come
14 [...] through the office, it was still ... it [would] still [...] have
15 [...] to [be] dispatched through the OCC."

16 And then the question is,

17 "And then when a call is dispatched from the OCC, it's
18 recorded as a certain type of call?

19 Troy MAXWELL [...] Yes. So, we would have
20 received a complaint of causing a disturbance or, you
21 know, a motor vehicle infraction complaint or
22 whatever it was and I would have taken the complaint.
23 I remember me and my buddy, we were in separate
24 police cars, but me and Carl Maclsaac, we attended
25 and we dealt with the situation."

26 So, Constable Maxwell, is that correct with regard to your memory
27 today about how this -- how you received this dispatch?

28 **CST. TROY MAXWELL:** Yes, ma'am.

1 **MS. EMILY HILL:** Okay. And when you say "we attended," do I
2 understand that that means that you went to Portapique?

3 **CST. TROY MAXWELL:** Yes, ma'am.

4 **MS. EMILY HILL:** Okay. And so just in terms ---

5 **CST. TROY MAXWELL:** At that time, my job is to try and locate
6 him, and catch him in the act of committing a motor vehicle infraction and/or causing a
7 disturbance with his neighbours.

8 **MS. EMILY HILL:** So in terms of your notes, and maybe we can
9 just bring up those notes, Madam Registrar, the notes of Constable Maxwell, Exhibit
10 001181.

11 Those are your notes from July 6, 2013; is that right?

12 **CST. TROY MAXWELL:** Yes, ma'am.

13 **MS. EMILY HILL:** Okay. And just to ---

14 **CST. TROY MAXWELL:** Yes.

15 **MS. EMILY HILL:** --- just to understand what is captured in those
16 notes, can you tell from your notes what shift you were working that day?

17 **CST. TROY MAXWELL:** Seven a.m. to -- yeah, seven a.m. to five
18 p.m.

19 **MS. EMILY HILL:** Okay. And can you see what time that call
20 came from dispatch about this report?

21 **CST. TROY MAXWELL:** No.

22 **MS. EMILY HILL:** Pardon me?

23 **CST. TROY MAXWELL:** I can't see what time it came in.

24 **MS. EMILY HILL:** Okay. Do you remember what time it came in?

25 **CST. TROY MAXWELL:** No.

26 **MS. EMILY HILL:** Okay. And ---

27 **COMMISSIONER STANTON:** Could we enlarge the note on the
28 screen, please, Madam Registrar? Thank you.

1 **MS. EMILY HILL:** The notes that were made, you made these
2 notes, Constable Maxwell?

3 **CST. TROY MAXWELL:** Yes, ma'am.

4 **MS. EMILY HILL:** In terms of what you've told me about you
5 received a dispatch, then you attended in Portapique, and then I think that you said that
6 you then reported back to Ms. Forbes. When would -- when in that sequence would you
7 have made these notes?

8 **CST. TROY MAXWELL:** Well, how it happens is, is the file gets
9 dispatched to us. It comes in as an occurrence type. So, at that point in time, the very
10 first thing that we do is we call the complainant. We want to know what's going on. We
11 want to know -- you know, we want to gather as much information as we can at that
12 point in time. The things that you're going to do, because of the RCMP and their
13 databank, you're going to try to obtain as much information about complainant, what the
14 complaint is about, their information and what's going on. After you take your notes,
15 you go, and you respond to the complaint. There really wasn't anything to the complaint
16 because we didn't deal with Ms. -- the subject of the complaint at that time. And for us,
17 because we did not locate him in the act of committing an offence, there's really not a
18 whole lot for us to do other than to advise him of the complaint and advise the
19 complainant of our actions.

20 So I would say that what happened is, is we went -- I remember,
21 again, attending his residence and there was nobody home. And so, at that point in
22 time, we locate a phone number, or we go back to the residence, we will advise him of
23 the complaint. And that's part of the job that I have to do before I can have my file
24 concluded. So it's just a step that you have to do within, you know, our job so that we
25 can finish off our files.

26 **MS. EMILY HILL:** So in terms of, again, just making sure I've got
27 the order right, you think you said so you would have spoken to Ms. Forbes on the
28 telephone before you went to Portapique?

1 **CST. TROY MAXWELL:** The first that you're going to do is -- it's
2 called a complaint, right, and ask what's going on.

3 **MS. EMILY HILL:** So can I just stop you there? So did you call
4 Ms. Forbes? Do you recall if you called Ms. Forbes?

5 **CST. TROY MAXWELL:** I -- I don't recall, but I would say that I did
6 because that's something that is ingrained in us. That's exactly what you do.

7 **MS. EMILY HILL:** Okay. And either -- do you have a memory
8 today about what Ms. Forbes told you in the phone call?

9 **CST. TROY MAXWELL:** What I remember responding to was that
10 there was a neighbour of hers in the Portapique area driving around recklessly and
11 being belligerent towards people in the neighbourhood. And that's what we were
12 responding to.

13 **MS. EMILY HILL:** Okay. So in terms of the information that you've
14 given the Mass Casualty in your interview...

15 If we can bring that up, Madam Registrar, 2583, and at page 6,
16 please.

17 Okay. So I think the question at the top of the page from Wayne
18 Fowler, it says:

19 "Can you tell us what you remember or what you
20 recall about that day?"

21 The answer, it says "Troy Maxwell":

22 "\"Yes. I remember Ms. Forbes calling and
23 stating...there was a gentleman in the neighbourhood
24 driving around in an old, decommissioned police car.
25 He was tearing around the neighbourhood, driving in
26 a fast manner or unsafe manner. I remember
27 attending, me and a buddy of mine, Carl Maclsaac.\""

28 And then it goes on to say some of the steps that you -- that you

1 took.

2 So just with regard to that statement to the Mass Casualty
3 Commission that the complaint was about a gentleman in the neighbourhood driving
4 around in an old, decommissioned police car, tearing around the neighbourhood in a
5 fast manner, unsafe manner, is that -- can you tell me what you think of that statement?
6 Is that correct?

7 **CST. TROY MAXWELL:** Well, that -- absolutely.

8 **MS. EMILY HILL:** And that was -- that's what you understood the
9 complaint you were responding to?

10 **CST. TROY MAXWELL:** Yes, ma'am.

11 **MS. EMILY HILL:** Okay. So if we could bring up your notes again.
12 One-one-eight-one (1181), please. Thank you.

13 So if I understand those notes, so the notes on the first four lines,
14 are those notes that you would just make at -- on the beginning of your shift?

15 **CST. TROY MAXWELL:** Yes.

16 **MS. EMILY HILL:** Okay. And the first -- the first name I see there
17 looks to me to be Steve Kirby.

18 **CST. TROY MAXWELL:** Yes, ma'am.

19 **MS. EMILY HILL:** What does that name mean?

20 **CST. TROY MAXWELL:** Nothing.

21 **MS. EMILY HILL:** Okay. Do you know who Mr. Kirby is?

22 **CST. TROY MAXWELL:** No, ma'am.

23 **MS. EMILY HILL:** Okay. Do you know if it relates to the next
24 name on the page, which is Brenda Leah Forbes?

25 **CST. TROY MAXWELL:** No, ma'am.

26 **MS. EMILY HILL:** Okay.

27 **CST. TROY MAXWELL:** I don't -- I've never -- the only person I
28 have met out of any of those people on that page is Ms. Forbes.

1 **MS. EMILY HILL:** And -- so ---

2 **CST. TROY MAXWELL:** Well, I may have met Mr. Kirby and don't
3 remember, but I don't remember ever meeting him.

4 **MS. EMILY HILL:** Okay. With regard to the information that is in
5 these notes, as it relates to what you've told me so far, which I think is that you would
6 have likely made these notes during a phone conversation with Ms. Forbes to
7 understand ---

8 **CST. TROY MAXWELL:** Yes.

9 **MS. EMILY HILL:** --- the complaint you were receiving. Have I got
10 that right?

11 **CST. TROY MAXWELL:** Yes, ma'am. Yes, ma'am.

12 **MS. EMILY HILL:** Okay. So the first name is -- that we are
13 speaking about, Brenda Leah Forbes, and then there's an address. Do you know ---

14 **CST. TROY MAXWELL:** Yes, ma'am.

15 **MS. EMILY HILL:** --- what that address is?

16 **CST. TROY MAXWELL:** Her, her residence.

17 **MS. EMILY HILL:** Okay. And then it looks like there's a phone
18 number.

19 **CST. TROY MAXWELL:** Yes, ma'am.

20 **MS. EMILY HILL:** Do you know what the phone number is?

21 **CST. TROY MAXWELL:** It would have been Ms. Forbes's phone
22 number.

23 **MS. EMILY HILL:** Okay. The next is the name Gabriel Wortman,
24 and an address, 200 Portapique Beach Road, Bass River. Thinking back now, do you
25 know why you would have taken that information down?

26 **CST. TROY MAXWELL:** Yes, ma'am. He would have been the
27 subject of the complaint.

28 **MS. EMILY HILL:** Okay. I don't see any information in these notes

1 about what the complaint was about. Is that normal for your notes not to have any
2 indication about what the complaint was actually about?

3 **CST. TROY MAXWELL:** Yes, ma'am, because when the file is
4 dispatched it comes with blurb; it tells us what the complaint is. So the information has
5 already been received through the OCC; we don't have to repeat that information. So
6 basically, once the complaint is sent to us on our Mobile Workstations, you open up
7 your Mobile Workstation and you receive a complaint, at that point in time... Well, I
8 guess if you want, I can go back and kind of tell you a little bit about how usually it
9 works.

10 **MS. EMILY HILL:** Maybe, if you don't mind, Constable Maxwell, I
11 will ask you some questions in a little bit about that ---

12 **CST. TROY MAXWELL:** Okay.

13 **MS. EMILY HILL:** --- the OCC workstation, but I just want to stay
14 with the notes, just to make sure that I've got the information. Is that all right?

15 **CST. TROY MAXWELL:** Okay. So at that time, the very first thing
16 I'm doing, I'm trying to gather as much information I can about this -- this file. You --
17 basically, when you're on the road, you take a call, you pull off to the side of the road,
18 you open up your notebook, you make the phone call, you take down as much
19 information as you can. Within the RCMP, we need certain things that -- when we add
20 entities to our reporting system, so that's the information that you're trying to obtain, and
21 then you're going to go deal with the situation.

22 **MS. EMILY HILL:** So in terms of the notes...

23 If they could be brought back up, please.

24 There's no information there about a make or a model of any sort of
25 vehicle with regard to a driving complaint. Again, is that normal that you wouldn't have
26 recorded that information?

27 **CST. TROY MAXWELL:** Yes, ma'am, because it would have
28 already been in the complaint. Like he -- driving around in an unsafe manner in an old

1 police car or an old Crown Vic is something that we would know automatically, because
2 we -- an old Crown Vic is something that we drove until about 2010. So at the
3 beginning of my career, I drove a Crown Vic, so I know exactly what a Crown Vic looks
4 like. So it isn't like I would go looking for a vehicle that I wouldn't know what it would
5 look like.

6 **MS. EMILY HILL:** Okay. The next bit of information that I see on
7 those notes is a name, Glynn Workman -- Glynn Wortman. And again, it looks like it
8 says Orchard Beach Estates. Do you know what that name -- what information was
9 being captured with that name?

10 **CST. TROY MAXWELL:** No, ma'am. I have no idea.

11 **MS. EMILY HILL:** Do you have a memory of how that name was
12 related to the complaint you were investigating?

13 **CST. TROY MAXWELL:** Well, being honest, I would assume that
14 he would be related to Gabriel Wortman.

15 **MS. EMILY HILL:** Okay. You're making that assumption, but you
16 don't know?

17 **CST. TROY MAXWELL:** Yes. I have no idea who him or the other
18 person is.

19 **MS. EMILY HILL:** Okay.

20 **CST. TROY MAXWELL:** I just would have took that information
21 from the complaint. I would have wrote that down.

22 **MS. EMILY HILL:** Okay. So that information -- who would that
23 information have come from?

24 **CST. TROY MAXWELL:** Ms. Forbes.

25 **MS. EMILY HILL:** Okay. And the next line looks like it says
26 Richard Ellison. Do you have any memory of how that name is related to the complaint
27 you were investigating?

28 **CST. TROY MAXWELL:** No, ma'am.

1 **MS. EMILY HILL:** Okay. On the side of notebook, in the margin, I
2 see the name Lisa in brackets.

3 **CST. TROY MAXWELL:** Yes, ma'am.

4 **MS. EMILY HILL:** Do you have any memory of how that name is
5 related to the complaint you were investigating?

6 **CST. TROY MAXWELL:** Well, I will tell you that I have no idea
7 why that's written there, but I would tell you that usually what happens is if I'm having a
8 conversation with somebody, and somebody tells me something that might be useful, I
9 might put a little blurb up there and then put brackets around it so that it would remind
10 me later of that. But I have no reason -- I don't -- I don't know why it's there, but I
11 definitely wrote it.

12 **MS. EMILY HILL:** So let me make sure I've understood you. You
13 don't have a memory of why you wrote that word Lisa in brackets?

14 **CST. TROY MAXWELL:** Yes.

15 **MS. EMILY HILL:** But thinking back to how you took your notes,
16 sometimes you would put things to side and in brackets if they were important?

17 **CST. TROY MAXWELL:** Well, your notes are kind of a reflection of
18 what you did, so you have to kind of have that snapshot in time; right? So what you do
19 is you write down things that are going to jog your memory; right? So when you get
20 ready to write a report, or whatever, you can look at your notes refer back to them and
21 add whatever mention you can in. So I mean, I took those notes nine years ago. I
22 couldn't tell you exactly why I took those notes, but I can tell you that those notes would
23 have came from Ms. Forbes, that information, because I would have wrote them down
24 after that complaint.

25 **MS. EMILY HILL:** Okay. Thank you for answering those questions
26 about the notes.

27 Now, I think you were wanting to tell me some information about
28 the OCC and information that you might receive from them.

1 So perhaps, Madam Clerk, you could bring up the interview -- the
2 Commission interview, Exhibit 2583, at page 7.

3 And right where it's at the bottom of the page, if you scroll up a bit,
4 the question at 1559 from Wayne Fowler, it says, "Okay. Do you remember doing any
5 checks on Mr. Wortman?"

6 And the answer from your interview, it says:

7 "Troy MAXWELL: Back in the day when we would
8 have been doing this, there was a time where we had
9 to do different checks, CPIC checks, those type of
10 things, especially because [...] there was a long rifle
11 registration thing. So, we would do CPIC checks to
12 make sure if there was any guns in the home or any
13 registered guns in the home, those type of things.
14 That was common practice for us, that's something
15 that the police do. We would a lot of times even
16 check the residence to see how many calls had come
17 into that residence, if there had been other calls, what
18 we were attending to, whether or not Mr. Wortman or
19 anybody else was in the system, to make sure when
20 we arrived there we were safe [...] because,
21 depending on, you know, where you go a lot of times
22 we're out ... this is very far out in the county. A lot of
23 people have guns. A lot of people hunt, those type of
24 things. So, for us, it's more of a safety precaution for
25 us and how we would attend, how we would respond,
26 how we would show up at the residence, how we
27 would approach the residence, anything like that."

28 So it sounded -- sounds from that information that you provided that

1 it was a fairly common practice to get information from CPIC when you were attending
2 to this kind of complaint or, really, any complaint. Is that right?

3 **CST. TROY MAXWELL:** Yes, ma'am. So essentially what
4 happens is a complaint would come in and we have a -- you know, an OCC Office that
5 does a lot of this work for us, so they're looking at the information for us as we're going
6 to a complaint. So generally, we will receive a complaint. It's very common for the
7 OCC to run PROS checks, CPIC checks and those type of things so we could obtain
8 any type of information going to a call that we can use to know who we're dealing with.

9 **MS. EMILY HILL:** So can you recall that day whether that was
10 something that was done for you, that OCC would have done a check before you
11 attended in Portapique?

12 **CST. TROY MAXWELL:** I would say that it is a common thing that
13 happens pretty much with every file.

14 **MS. EMILY HILL:** And just to make sure I'm -- we're talking about
15 the same thing, CPIC, that stands for Canadian Police Information Centre?

16 **CST. TROY MAXWELL:** Yes, ma'am.

17 **MS. EMILY HILL:** Okay. I'm going to bring up a document that
18 outlines some CPIC checks that have been done. The exhibit number is 1201, and it's
19 page 5.

20 And if -- in the middle of that page, it's a bit hard to see. I don't
21 know whether it's possible to make it a little bit bigger. There.

22 So in the centre of the page on the very furthest left-hand column,
23 the date 2013/07/06, 1057 Wortman, Gabriel. So Constable Maxwell, I see if you
24 continue on that line under the heading -- and it's a bit hard to tell, but under the
25 heading "Remarks", I see your name. It says O -- I think it says 5B02 Maxwell, Troy
26 293 Portapique and then it continues.

27 **CST. TROY MAXWELL:** Yes, ma'am.

28 **MS. EMILY HILL:** Okay. And then under the next column, the next

1 column is called "Agency name" and it says "RCMP provincial OCC".

2 **CST. TROY MAXWELL:** Yes, ma'am.

3 **MS. EMILY HILL:** So I don't know if you've seen this kind of
4 printout before, but I understand it to be a printout of checks that were done on CPIC.
5 And I don't know if you can tell us, from this document, can you tell whether that was a
6 check that was done by OCC or a cheque that was done yourself?

7 **CST. TROY MAXWELL:** I don't know. I've never seen this type of
8 document before, but I would say that it was the OCC that ran the CPIC check for us.

9 **MS. EMILY HILL:** Okay. Thanks.

10 And if that's correct, based on your -- based on your -- if I
11 understand that you're not going on a memory of exactly that date, you're going how
12 things usually work. Is that fair?

13 **CST. TROY MAXWELL:** Yes, ma'am.

14 **MS. EMILY HILL:** Okay. And so what -- once OCC did that check,
15 what information would they send to you? If they learned something from their CPIC
16 check, what would they -- how would they send that to you and what information would
17 they send to you?

18 **CST. TROY MAXWELL:** Well, generally what happens is they
19 would run CPIC, PROS, different checks for us and what they do is they would dispatch
20 it to you. So they would let you know if there was any hits on CPIC. They would let you
21 know if there was any hits on PROS. They would let you know if there was any type of
22 previous calls to that address, those type of things.

23 So again, we're gathering as much information as we can before
24 we attend a residence, and that's essentially what's going on there.

25 **MS. EMILY HILL:** So would everything that was on CPIC about
26 the perpetrator have been available to OCC; do you know?

27 **CST. TROY MAXWELL:** Yes, they would have looked it up on a --
28 on a computer, I would assume.

1 **MS. EMILY HILL:** And they would have shared any -- everything
2 with you?

3 **CST. TROY MAXWELL:** Yes, ma'am. They would have like at
4 least shared with us like -- especially through PROS. I mean, PROS is going to give
5 you, you know, how many times you've been to the residence. PROS is going to give
6 us any type of complaints that were at that location, the different types of calls that we
7 would be going to.

8 CPIC is going to tell us whether or not an individual has been
9 arrested and charged for something. It's more going to give me information about a
10 person's height, weight, those type of things. It's not going to give me the information
11 that PROS would, for sure.

12 **MS. EMILY HILL:** Okay. So likely that on investigating this
13 complaint, you would have had information from OCC based on their review of what
14 was available at that time on both PROS and CPIC.

15 **CST. TROY MAXWELL:** Yes, ma'am.

16 **MS. EMILY HILL:** Okay. We have some information that there
17 may have been information added to CPIC in 2010 about a note that this person may be
18 of interest to firearms officer, firearms interest police, that that sort of note may have
19 been made on CPIC in 2010.

20 Do you have any knowledge of whether such a note was on CPIC
21 and whether -- so you're shaking your head "no"?

22 **CST. TROY MAXWELL:** No, ma'am.

23 **MS. EMILY HILL:** Okay. And do you have any recollection of
24 being advised of that by OCC?

25 **CST. TROY MAXWELL:** No, ma'am.

26 **MS. EMILY HILL:** Okay.

27 **CST. TROY MAXWELL:** They could have. Again, for us, it's a
28 very common practice. CPIC is something -- it's just a regular check. It's something

1 that it's done with probably 99 percent of the files.

2 But if there was something like a long gun registry or something like
3 that where we knew there was firearms in the house or something, that information is
4 definitely relayed to us.

5 **MS. EMILY HILL:** So it was common practice, but you don't -- you
6 can't recall today if that -- if that happened back in 2013.

7 **CST. TROY MAXWELL:** I would say that that happened, but
8 again, we're talking nine years ago and it's a -- you know, it's a routine thing. It's kind of
9 like -- so common that it -- pretty much every call you go on that, you know, that's what
10 happens.

11 **MS. EMILY HILL:** Okay. So I'm just going to ask you some
12 questions about that -- what you recall about going to Portapique.

13 **CST. TROY MAXWELL:** Yes, ma'am.

14 **MS. EMILY HILL:** There's some information that that -- perhaps
15 that dispatch came at some point in the morning to you. Is that -- do you have any
16 recollection of when you received or when you had that call with Brenda Forbes and
17 made those notes?

18 **CST. TROY MAXWELL:** No, ma'am.

19 **MS. EMILY HILL:** But I think you do have a memory about what
20 time you went to -- what time of day you went to Portapique.

21 **CST. TROY MAXWELL:** Yes, ma'am.

22 **MS. EMILY HILL:** Okay.

23 **CST. TROY MAXWELL:** It was -- it was dusk. I remember it being
24 dusk.

25 **MS. EMILY HILL:** Okay. And you travelled with another RCMP
26 officer?

27 **CST. TROY MAXWELL:** Yes. I was -- we were out on -- working
28 together. My team would be Team 3, is what it said in my notes, so I worked with a

1 group of individuals that we worked together on a regular basis. So we would be out,
2 you know, going to calls together, backing one another up, those type of things. So I
3 was with Constable Maclsaac when we attended out in Portapique.

4 **MS. EMILY HILL:** Okay. And did you travel together in one car or
5 in two different cars?

6 **CST. TROY MAXWELL:** No, ma'am, we were in two different cars.

7 **MS. EMILY HILL:** Okay. And I think you described earlier coming
8 to the residence and seeing three cars in the driveway. Have I got that right?

9 **CST. TROY MAXWELL:** If I'm being honest, I know there was two
10 or three cars, I -- I can't remember exactly, but I remember a vehicle being off to the left.
11 It was either damaged or something, it was over here, but there was definitely a car
12 backed in and another car behind.

13 **MS. EMILY HILL:** Any recollection about make or model or colour
14 of those cars?

15 **CST. TROY MAXWELL:** I believe -- I remember the cars being
16 white. Definitely remember the cars being white. Again, I remember, you know, the
17 house had like cedar shakes on it or something, it was a brown colour, the lights were
18 on. I remember those type of things. Again, I remember the next door neighbour's
19 house had a back porchlight on. I can recall those type of things, but I mean when
20 you're getting down to minor details from nine years ago, I mean, that's a little difficult.

21 **MS. EMILY HILL:** Okay. Do you recall how long you were there?

22 **CST. TROY MAXWELL:** Oh, geez, no. We -- we would have went
23 up, we would have knocked on the door, we would have waited for a response. If
24 nobody came to that -- the door, we would have left. We would have been on to the
25 next complaint.

26 **MS. EMILY HILL:** Do you recall today whether you attended
27 Portapique more than once in response to this complaint?

28 **CST. TROY MAXWELL:** I don't really recall being there twice. I

1 definitely remember going with Carl. I don't remember being there twice. But I do -- I
2 definitely remember going there with Carl.

3 **MS. EMILY HILL:** And I think you had said earlier that you -- you
4 had mentioned about phoning the perpetrator, having a phone number and phoning the
5 perpetrator. And I'm just wanting to know, is that something you remember doing?

6 **CST. TROY MAXWELL:** Yes, ma'am.

7 **MS. EMILY HILL:** Okay. Do you ---

8 **CST. TROY MAXWELL:** I would have -- part of our job is after we,
9 you know, do our actions, we have to advise the subject of our complaint that a
10 complaint was made against them; right? So part of our job is to make contact with
11 them, advise them of the complaint. I don't believe I even spoke to Mr., or the
12 perpetrator, or anything. I believe I may have left a message on his answering machine
13 to advise him of the complaint, and then my job would have been to speak with the
14 complainant.

15 **MS. EMILY HILL:** In your -- in terms of your memory today, are
16 you -- do you recall correctly whether it was that you spoke to him or whether you left a
17 message for him?

18 **CST. TROY MAXWELL:** I -- I'm not 100-percent, but I'm pretty
19 positive I left a message on his answering machine. I don't remember ever speaking
20 with him personally. So I do know that I made a call to a residence or a number, I
21 believe it was in Dartmouth or Halifax or somewhere, and I remember leaving a
22 message on -- I believe I left a message on his answering machine.

23 **MS. EMILY HILL:** And do you recall today whether he ever
24 phoned you back?

25 **CST. TROY MAXWELL:** Oh, god, no. I mean -- I'm not being
26 ignorant when I say that. I mean, most times or when you call the complainant and you
27 advise them that, you know, there -- a complaint was made against them, we do rarely
28 get calls back from people saying, like, "What do you mean? Am I being charged?",

1 whatever, whatever because if that was the case then we would have charged him. All
2 right? So a lot of times in these situations, you call somebody, you let them know that a
3 complaint has been made, and then you go on, you advise the complainant of what your
4 actions were, then your file is going to be concluded from there.

5 **MS. EMILY HILL:** So I want to make sure that I ask you some --
6 just some clear questions about what you remember about the nature of the complaint.

7 Brenda Forbes says that she told the RCMP officer, who she met
8 with, she says she met with an officer in Debert, that the perpetrator physically
9 assaulted his common-law spouse, Lisa Banfield, by choking her while she was down
10 on the ground. Did Brenda Forbes tell you that?

11 **CST. TROY MAXWELL:** No, ma'am.

12 **MS. EMILY HILL:** She says that she told the RCMP officer, who
13 she met with at Debert, about the perpetrator having illegal firearms. Did she tell you
14 that?

15 **CST. TROY MAXWELL:** No, ma'am.

16 **MS. EMILY HILL:** Brenda Forbes says she told the RCMP officer,
17 who she met with at Debert, that this assault was witnessed by Glynn Wortman and
18 Richard Ellison. Do you have a recollection of Brenda Forbes telling you that?

19 **CST. TROY MAXWELL:** No, ma'am.

20 **MS. EMILY HILL:** She said that she made her initial complaint.
21 Nobody from the RCMP called her back or met with her to tell her what happened. So
22 I'm wondering what you say to the suggestion that Ms. Forbes makes that no one
23 contacted her in response to what had happened with regard to her complaint.

24 **CST. TROY MAXWELL:** I would say that's completely false. I
25 actually attended Debert. I went out there and spoke with the complainant myself,
26 personally. I remember going out there, because being somebody from the area I didn't
27 know that the Debert Airfield was still in use, so when I went out there it was quite --
28 kind of cool for me to see that they were actually still using the airfield. I remember

1 speaking to Ms. Forbes in a trailer type of thing that they had out there where her office
2 was located. So I definitely know that I spoke and advised her of what my actions were
3 in the complaint.

4 **MS. EMILY HILL:** And just to make sure that I understand your
5 evidence correctly about the order of events. You received the dispatch, then you
6 attended in Portapique, and ---

7 **CST. TROY MAXWELL:** Yes.

8 **MS. EMILY HILL:** --- then you attended Debert? Have I got that
9 correctly?

10 **CST. TROY MAXWELL:** Well -- so it wouldn't have all been on the
11 same day; right? I mean, there's -- it's not the same day. But we would have attended
12 Portapique, we would have, you know, did our investigation, or whatever. Then, you
13 know, at some point in time, I would have made a call to the subject of that complaint to
14 advise him, and then before I can conclude my file part of my job is to explain to the
15 complainant what we did. And so that has to be documented on the file; right? So
16 that's part of the file that, you know, when your supervisors start looking at different
17 things that need to be done, those are the things that have to be done before you can
18 actually conclude the file.

19 **MS. EMILY HILL:** As best you can recall today, I think you've told
20 me I've got the order right but that it didn't all happen on the same day. So do you recall
21 whether you went to Portapique on the same day that you received that dispatch?

22 **CST. TROY MAXWELL:** Absolutely. We would have responded
23 after. Well, if I'm being completely honest, a driving complaint or a cause disturbance,
24 depending on if -- how busy we were that day and depending on what type of files were
25 coming in, I mean it would take precedent, something that was more urgent would take
26 precedent over a speeding vehicle. So generally when you take a complaint, you try to
27 respond to that complaint as fast as you can. So if I'm making assumptions about who I
28 am and how I used to work, I would say that I would have stopped, would have written

1 down my notes, I would have went to Portapique, we would have dealt with that
2 situation, then we would have left. And then afterward, you would have done the things
3 that you would have needed to do to conclude your file.

4 **MS. EMILY HILL:** So I just want to make sure I've got your answer
5 to that question about whether you can recall whether you went to Portapique on the
6 same day that you received the complaint.

7 **CST. TROY MAXWELL:** Yes, I would have went to Portapique
8 that day, yes.

9 **MS. EMILY HILL:** Okay. And do you remember whether it was the
10 next day or several days after, or can you recall when you would have gone to Debert?

11 **CST. TROY MAXWELL:** Oh, geez. I would say that it probably
12 would have been within that block. And what I mean by block, it would have been within
13 that set of shifts that I was working. So the way our shift would have worked, we would
14 have been on five days on, four days off. So those five days that I was working, it would
15 have been within those five days.

16 **MS. EMILY HILL:** And there's no other notes that you've been able
17 to locate with regard to Ms. Forbes or Mr. Wortman; is that right?

18 **CST. TROY MAXWELL:** Yes, ma'am.

19 **MS. EMILY HILL:** Okay. So the exact -- we don't have notes that
20 tell us exactly what day that happened?

21 **CST. TROY MAXWELL:** No, ma'am, because at that point, my
22 files are -- after I contact the subject of the complaint, my complaint is 90 percent done;
23 right? The last thing you got to do is contact the complainant, advise them of that, and
24 then I got to write up my file, and put in my reports, and then send it off to my corporal.
25 But if you're doing that in the moment, you really don't need notes because you're doing
26 it right in the moment. So if I attended, I just say, oh, yeah, I attended and spoke to Ms.
27 Forbes on this date at this time, blah, blah, blah, blah, blah. So, yeah.

28 **MS. EMILY HILL:** Okay. And do you recall when you went to

1 Debert whether you went alone or whether you had another RCMP member with you?

2 **CST. TROY MAXWELL:** I believe I went by myself. I don't recall
3 anybody going to Debert with me. I recall it being a nice day, and again, I think more
4 than anything, what I remember is the planes and, you know, I think they were -- they
5 had gliders and stuff, I think, and that's kind of, like, what I remember about that
6 morning. And I remember going to the -- a little trailer type of thing to speak to Ms.
7 Forbes in her office.

8 **MS. EMILY HILL:** Okay. I want to ask you a little bit about what
9 you said earlier today that you understood that part of the complaint was that the
10 perpetrator was driving carelessly or fast in decommissioned police cars. I understood
11 you correctly saying that to me earlier today?

12 **CST. TROY MAXWELL:** Yes, ma'am.

13 **MS. EMILY HILL:** Okay. And so the information that's available to
14 the Commission so far is that the perpetrator purchased the Ford decommissioned
15 police cars that he had at the time of the mass casualty in 2019. And Brenda Forbes
16 and Lisa Banfield have both said that they didn't think the perpetrator had
17 decommissioned police cars in 2013. And so I just want to check with you about your
18 evidence about that and if that information affects your answer to that question.

19 **CST. TROY MAXWELL:** No, ma'am, it doesn't. I recall, back in
20 the day, they used to take the old Crown Vics, strip them down, and they would auction
21 them off. And you would always -- or you would see people driving around in these old
22 Crown Vics that used to have the RCMP markings or whatever on the sides and
23 whatever, but you could purchase those at auction. Again, I drove a Crown Vic from
24 2000 to probably 2008, 2009, so I know what a Crown Vic is. And, yeah, there was
25 definitely -- or in my mind, there was definitely a Crown Vic back in that yard. There
26 was another vehicle behind it and there was a vehicle off to the side, if my memory's
27 correct, that was damaged, and it was just kind of over here to the left. So Crown Vic
28 was here, there was a car behind it and there was a car over here. There was a tree

1 actually over here as well. And I can remember that. Or, you know, that's my
2 recollection.

3 **MS. EMILY HILL:** Okay. I'm going to jump forward to June 2020
4 when you brought your notes to be copied at Bible Hill. And we have some notes from
5 Sergeant Angela McKay, and it looks to me like from those notes that you and she had
6 a conversation that day. Do you recall speaking with Sergeant McKay on the day you
7 brought your notes in?

8 **CST. TROY MAXWELL:** Yes, ma'am.

9 **MS. EMILY HILL:** Okay. If we could bring up Exhibit 3443, which
10 are the handwritten notes of Angela McKay dated June 3rd?

11 And just at the top there, you'll see it says Wednesday, June 3rd,
12 2020, and there's a stamp that says Corporal Angela McKay. So if we go to the next
13 page -- thanks.

14 Now, Constable Maxwell, this is a record of her notes, not your
15 notes, so when I ask you questions about what they say, please tell me what you can
16 remember, not ---

17 **CST. TROY MAXWELL:** Yes.

18 **MS. EMILY HILL:** If it doesn't match within these notes, just please
19 tell me that. Is that fair?

20 **CST. TROY MAXWELL:** Yeah.

21 **MS. EMILY HILL:** Okay. I just want to ask you of a few aspects of
22 this conversation that she recorded. You'll see at the top it says -- there's a name I
23 don't quite know how to pronounce. Cliff Boyman (ph)?

24 **CST. TROY MAXWELL:** Berriman.

25 **MS. EMILY HILL:** "...Berriman came..."

26 **CST. TROY MAXWELL:** Yes.

27 **MS. EMILY HILL:** "...to MCU with Troy Maxwell. Troy was
28 contacted by Cliff to request notes from summer of

1 2013. Troy found notes and came in to copy notes
2 from that time.
3 Troy is open to providing a statement on this to one of
4 the investigators."

5 So in terms of what Angela McKay says you spoke with her about
6 on that date in June 2020, the notes say, and I'll just read out the relevant pieces. I
7 want to ask you first about the conversation with Brenda Forbes. It says -- the second
8 bullet point says,

9 "Speaking to her on phone - did not meet in person -
10 actually did go meet her out where they fly the planes.
11 - Poss..."

12 Possibly, I assume.

13 "...with Carl Maclsaac - on team at the time (sep
14 vehs)."

15 Which I assume to mean separate vehicles. And so is that what
16 you recall -- is that consistent with what you recall from you going to talking to Brenda
17 Forbes?

18 **CST. TROY MAXWELL:** I'm not quite sure what you mean. I
19 remember going, speaking with Ms. Forbes, because I remember, more than anything,
20 her telling me that she was in the military. I believe she was in the Air Force. I believe
21 she informed me that Mr. Wortman was kind of, like, a bully in the neighbourhood. I
22 remember her telling me that there -- it was a quiet kind of neighbourhood, that had,
23 like, retired military, there was a few retired military in the area. Again, I remember
24 attending Debert.

25 **MS. EMILY HILL:** These notes seem to suggest that Corporal
26 McKay at least, or Sergeant McKay at least understood that you might have gone to
27 Debert with Constable Carl Maclsaac.

28 **CST. TROY MAXWELL:** Yes, it totally could have been true. I

1 don't remember attending there with Carl, but it's totally possible.

2 **MS. EMILY HILL:** Do you remember if you told Angela McKay
3 that?

4 **CST. TROY MAXWELL:** I don't know. No, I don't know. Like I
5 said, I -- again, I'm telling -- or I've provided a statement that really is off the top of my
6 head, and I'm giving all the information I have from my memory. I'm trying -- I would
7 love to provide as much information as possible. And so I can't be a hundred percent
8 sure if Carl was there or not, but I remember attending Debert for sure. I know I went
9 there.

10 **MS. EMILY HILL:** And I appreciate that, Constable Maxwell, and if
11 there's something I'm asking you about today that you can't recall, that you just tell me
12 that. That's just fine.

13 **CST. TROY MAXWELL:** Okay.

14 **MS. EMILY HILL:** Yeah. In terms of the nature of the complaint, if
15 I see at the top of -- if you could scroll up just a little bit? Sorry, it's the other way, scroll
16 down perhaps. The first line there says,

17 "Told him about Wortman being aggressive in
18 neighbourhood - nothing criminal."

19 And then scroll down just a little bit. "Brenda said scared of him."
20 And then a couple of lines down, "Believe it had to do with her - Brenda." And then
21 again if you could scroll to the next page, the last line of this section.

22 "Nothing criminal reporter - more bullying and driving
23 fast in [the] neighbourhood."

24 So, Constable Maxwell, that's what Sergeant McKay's notes seem
25 to indicate you told her on June 3rd. So in terms of what you recall about the nature of
26 the complaint, is that accurate for your memory today?

27 **CST. TROY MAXWELL:** Yes, ma'am.

28 **MS. EMILY HILL:** Okay. And so is it -- do you recall whether that's

1 what you told Sergeant McKay on June 3rd, 2020?

2 **CST. TROY MAXWELL:** Sure. If she wrote it down, then I believe
3 that. I would have stated what my truth was, yes.

4 **MS. EMILY HILL:** Okay. The notes say at the top of that page that
5 we're looking at,

6 "Troy had an impaired at 1259 or before - went to
7 Wortman's before impaired - certain.
8 Went to talk to Brenda where they have the gliders -
9 Cadets."

10 **CST. TROY MAXWELL:** Yes, that's in Debert.

11 **MS. EMILY HILL:** Right:

12 "Prob would have been within that block that went to
13 WORTMAN'S - Prob [at] night - poss [with] Kenda
14 SUTHERLAND."

15 **CST. TROY MAXWELL:** Yes.

16 **MS. EMILY HILL:** Okay. With regard to what those notes indicate,
17 I take from those notes that Sergeant McKay wrote down that you attended Portapique,
18 possibly with Kenda Sutherland. Is Kenda Sutherland one of your colleagues?

19 **CST. TROY MAXWELL:** Yes, ma'am. She was on our team.

20 **MS. EMILY HILL:** Okay. So in terms of your recollection today, is
21 that -- how does that accord with what you recall today about attending Portapique?

22 **CST. TROY MAXWELL:** If I'm being completely honest, I
23 remember going to Portapique with Carl, I don't really ever remember ever going there
24 with Kenda. But possibly I did, but I don't remember that.

25 **MS. EMILY HILL:** Okay. And do you recall if it's what you told
26 Sergeant McKay on June 3rd?

27 **CST. TROY MAXWELL:** I -- I guess if asked, I probably would
28 have said if I had went anywhere with anybody, because generally, again, we used to

1 travel kind of like to back up people, so if I did go with somebody, it would have been
2 with, you know, Carl, or if I had anybody else to throw in there it would have been
3 Kenda I would have went to the house with her.

4 **MS. EMILY HILL:** And the next line says:

5 "...- think lights, but no one home. 6th to 10th July.
6 Believe spoke to neighbours - don't have names of
7 neighbours or further notes for returning to
8 Wortman's.
9 Next block no notes - checked...[arrest] of 2013."

10 Can you tell me a little bit about -- what I think this is -- what this is
11 talking about is with regard to your reports of going to Portapique and what you did
12 there. These notes seem to indicate to me that Sergeant McKay took from you that you
13 spoke to neighbours. Do you recall if you spoke to neighbours?

14 **CST. TROY MAXWELL:** I remember speaking to, I don't know
15 who he was, but he was a gentleman, he was in the military, he was of slim build. And
16 that's kind of a common thing for us as well, to do neighbourhood enquiries, to speak to
17 neighbourhood, or neighbours to see whether or not they remember anything, if they
18 have anymore information for us, those type of things. Again, that's kind of like a best
19 practice thing that we did, but if I'm being completely honest, I -- I don't remember if I
20 spoke to -- like who I spoke to, but I believe I spoke to neighbours.

21 **MS. EMILY HILL:** Okay. So that sounds like you're saying today
22 that you believe you spoke with neighbours, and the notes seem to say be -- seem to
23 say that that's what you told Sergeant McKay on that date as well?

24 **CST. TROY MAXWELL:** Yes, ma'am.

25 **MS. EMILY HILL:** Okay.

26 Commissioners, I don't have a great number of more questions, but
27 I wonder if it might be wise just to take a break. We have been going straight through
28 since 9:30. Just a short break?

1 **COMMISSIONER MICHAEL MacDONALD:** Certainly. We'll break
2 for 15 minutes.

3 Thank you, Officer Maxwell, so far. We'll be back in about
4 15 minutes and join you at that time. Thank you.

5 **CST. TROY MAXWELL:** Okay, thank you.

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

8 --- Upon recessing at 11:24 a.m.

9 --- Upon resuming at 11:43 a.m.

10 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
11 proceedings are again in session.

12 **COMMISSIONER MICHAEL MacDONALD:** Thank you.

13 Ms. Hill?

14 **--- CST. TROY MAXWELL, Resumed:**

15 **--- EXAMINATION IN-CHIEF BY MS. HILL (Cont'd):**

16 **MS. EMILY HILL:** Hi there, Constable Maxwell. You can hear me
17 okay?

18 **CST. TROY MAXWELL:** Yes, ma'am.

19 **MS. EMILY HILL:** Thanks. I just have some more questions to ask
20 you.

21 I think you told us that you recalled attempting to contact the
22 perpetrator as part of your duties with this investigation to advise him that a complaint
23 that had been made. And I'm wondering if you can recall where you would have
24 received the phone number to contact him?

25 **CST. TROY MAXWELL:** I would have either tried to look that up
26 on PROS, Canada 4-1-1, whatever, to try and get a phone number for that individual.

27 **MS. EMILY HILL:** Do you recall today how you got that phone
28 number?

1 **CST. TROY MAXWELL:** No, ma'am.

2 **MS. EMILY HILL:** Okay. And do you recall what number that was
3 that you called?

4 **CST. TROY MAXWELL:** No, ma'am.

5 **MS. EMILY HILL:** Okay. And that's not in your notes I don't
6 believe.

7 **CST. TROY MAXWELL:** No, ma'am.

8 **MS. EMILY HILL:** Okay. So -- I know that you wrote down
9 Ms. Forbes's phone number. So would it have been ---

10 **CST. TROY MAXWELL:** Yes, ma'am.

11 **MS. EMILY HILL:** --- a common practice for you to have written
12 down other phone numbers, such as -- such as the perpetrator's number?

13 **CST. TROY MAXWELL:** Well, what happens is when a complaint
14 is made we have to call the complainant back because that's how we're going to garner
15 that information. She would have given me the information about Mr. Wortman. If she
16 had his phone number, or whatever, I would have obtained it at that point in time, but if
17 she didn't had it -- have it, then I would have had to try to locate that from a different
18 means.

19 **MS. EMILY HILL:** And in terms of your note-taking, I guess, I
20 wonder what training you received about for what purpose you make notes?

21 **CST. TROY MAXWELL:** As a police officer, your notes are
22 probably one of the most important things you'll ever have. Case in point, this
23 experience right now. You take your notes in a manner that's going to give you a
24 snapshot or a picture in your mind so that it can take you back to a place and give you
25 an idea of that complaint. Your notes are -- you're going to take good notes because if
26 you're ever going to write reports the things that have been said or done and times and
27 those type of things are things that you want to record and put in your -- in your file. So
28 generally if you're going to take notes on a situation that is something that you're going

1 to have write, you know, write reports about, or whatever, there's going to be a lot of
2 note-taking; right? So the notes are, yeah, your memory; right? It's giving you -- it's
3 putting you in a place that you can remember an incident so that you can go back there.
4 Nine years later I can talk about it.

5 **MS. EMILY HILL:** And in this case, you don't have any notes about
6 who -- when or how or where you actually contacted the perpetrator, and so that not
7 being in your notes makes it hard to know that information today; is that right?

8 **CST. TROY MAXWELL:** Yes, ma'am. But as a common -- I know
9 I contacted him; right? I know that personally. And again, when you're writing a first
10 incidence file, I can say in my file that at 7:08 p.m. on the 23rd of whatever, a phone call
11 was made to the subject of a complaint and advised of this. So that information would
12 have been on the file. So I wouldn't have to put that in my notes.

13 **MS. EMILY HILL:** So I think you're telling me other records are
14 kept of an investigation in addition to the notes of an individual officer?

15 **CST. TROY MAXWELL:** So your notes are gathering the
16 information. So when you're on the road you're taking notes, but when you're in the
17 office you have the actual file sitting in front of you. So you're able to link entities, you're
18 able to put your reports on, you're able to tell exactly what's going on in that exact
19 moment. So if I made a phone call, I can say -- I can go on the -- my report and say at
20 this time and date a phone call was placed to the subject of the complaint and advised
21 of blah, blah, blah. So those -- that information wouldn't go in your notes because it's
22 actually on the file.

23 **MS. EMILY HILL:** Let me see if I can ask some more questions
24 about this. I wonder if we could bring up the Firearms Foundational Document. That's
25 Exhibit 001099, at page I think it's 26.

26 So, Constable Maxwell, this is again another Foundational
27 Document that's prepared by the mass casualty, and it sets out some of the information
28 that we received from the H-Strong file, and it refers to H-Strong situation reports. So at

1 paragraph 84, and this is about this incident that we're discussing today,

2 "In an H-Strong Situation Report dated June 9, 2020,
3 Sgt. Chris Romanchych wrote: Follow up notebook
4 checks were completed with two additional Members
5 [Cst. Maclsaac and Cst. Sutherland] who were
6 previously stationed in Colchester on July 6th, 2013
7 and had assisted on Brenda Forbes' complaint. No
8 notes were located in relation to Forbes and/or [the
9 perpetrator], nor do they have any specific
10 recollection about that complaint."

11 And then the next paragraph says,

12 "An RCMP Task Action Report dated June 3[rd],
13 2020, states, Initial conversation of Cst. MAXWELL. It
14 was determined that he attended the Debert Military
15 Base with Cst. Karl MACISAAC on July 6th, 2013 and
16 later that evening he went to [the perpetrator's]
17 Portapique residence with Cpl. Kenda
18 SUTHERLAND.
19 Cpl. MCKAY liaised with "H" Division ORMS
20 [Operational Records Management Systems] and
21 reviewed the purged occurrences for July 6th, 2013. It
22 was noted there were zero domestic occurrences filed
23 on July 6th, 2013. The lone PROS occurrence of note
24 was 2013-827716, dispatched as "Causing of
25 Disturbance" at 1001 hours but concluded as "Assist
26 to General Public". The occurrence was purged on
27 August 8th, 2015."

28 So, Constable Maxwell, in that information that's included there,

1 where it says the occurrence was purged on August 8th, 2015, is that the case file that
2 you're talking about where there would be additional information?

3 **CST. TROY MAXWELL:** Yes.

4 **MS. EMILY HILL:** Okay.

5 **CST. TROY MAXWELL:** The PROS occurrence.

6 **MS. EMILY HILL:** Okay. And so that information that you just
7 described to me a moment ago about, for example, a telephone call to the perpetrator,
8 that's information that would have been included in that?

9 **CST. TROY MAXWELL:** Yes, ma'am.

10 **MS. EMILY HILL:** The information that I just read to you from the
11 RCMP Task Action Report says that the file was dispatched as causing a disturbance
12 and that that happened at 10:01. That designation that the file was causing a
13 disturbance, is that something that you would have known as the officer who was being
14 dispatched?

15 **CST. TROY MAXWELL:** I'm sorry, I don't understand what you
16 mean.

17 **MS. EMILY HILL:** If OCC dispatched this call as -- classified as
18 causing of disturbance ---

19 **CST. TROY MAXWELL:** Yes.

20 **MS. EMILY HILL:** --- is that information that you as the officer
21 being dispatched would know about? Would you know that it was being classified as
22 causing a disturbance?

23 **CST. TROY MAXWELL:** Oh, yes, ma'am. When this gets
24 dispatched to you, it's dispatched as an occurrence type; right? So it'll -- when they
25 dispatch to you, so whatever information that they would have received, they would
26 have given it an occurrence type and then it's dispatched to me.

27 Now, my job is when I go into PROS, I can, you know, call it what I
28 believe it is. And so, at that point in time, I would call it what I believe it is, and then my

1 job is to fill out the file so that my corporal can read it and understand it and say, okay,
2 that's what this is. So, yeah, they would call it a cause disturbance. They would give
3 the occurrence type.

4 **MS. EMILY HILL:** Okay. And so is that -- with your understanding
5 of what that occurrence type means, what cause disturbance means, is that consistent
6 with a complaint of someone calling and saying someone's driving too fast in my
7 neighbourhood?

8 **CST. TROY MAXWELL:** Yes. And being aggressive towards
9 people, yes.

10 **MS. EMILY HILL:** Okay. That was going to be my next question.
11 What about a report about someone being a bully or being aggressive, would that also -
12 --

13 **CST. TROY MAXWELL:** Yes, yes.

14 **MS. EMILY HILL:** Okay. And then the information that we have
15 there in the Foundational Document says that it was concluded with the occurrence type
16 assist to general public. And so ---

17 **CST. TROY MAXWELL:** Yes.

18 **MS. EMILY HILL:** --- do you recall, was that you that changed it to
19 assist to general public?

20 **CST. TROY MAXWELL:** I would say that I don't recall doing that,
21 but I would say that it was definitely me that would have done that because it's my file.
22 All right. I can't tell you in the moment that, you know, I did that, but I would say that,
23 yes, that was definitely me.

24 **MS. EMILY HILL:** Okay. And is that occurrence type assist to
25 general public, is that consistent with a report about driving too fast or being a bully or
26 aggressive in a neighbourhood?

27 **CST. TROY MAXWELL:** Absolutely.

28 **MS. EMILY HILL:** Okay.

1 **CST. TROY MAXWELL:** Because once I go out and conduct my
2 interviews or my investigation, it's my job now to give it an occurrence type. Because at
3 that point in time, we have to do something that's called scoring, and we have to make -
4 - we have to -- I don't -- how does scoring goes -- it's -- you know, it's about obtaining
5 information. It's about being able to say that there's been so many break and enters in
6 the area, so many domestics, or whatever. And so our job is to give it those type of --
7 those titles and then explain the reason why it was.

8 **MS. EMILY HILL:** So in terms of the next steps you would take on
9 a file like this, if you've told me that you would enter the -- change the occurrence type
10 to assist general public, do you recall other steps you took with regards to this file to
11 conclude your work on it?

12 **CST. TROY MAXWELL:** The last thing that I would have done
13 would have been to speak to the complainant and advise them of our actions. So you
14 speak to the complainant, you advise them, you write up your reports. That report then
15 goes to your corporal. Your corporal reviews your file. And then if he has any
16 questions or she has any questions, they can send that file back to you, so that you can
17 answer them and/or file will be concluded.

18 **MS. EMILY HILL:** So in terms of this file, you recall going to
19 Debert and speaking with Ms. Forbes about how the file was being concluded?

20 **CST. TROY MAXWELL:** Yes, ma'am.

21 **MS. EMILY HILL:** Do you recall what her reaction was to what you
22 told her about how the file was being concluded?

23 **CST. TROY MAXWELL:** No, ma'am.

24 **MS. EMILY HILL:** Okay. And do you recall whether -- you told me
25 that you would complete your notes and then it would be reviewed by your corporal.

26 **CST. TROY MAXWELL:** Yes.

27 **MS. EMILY HILL:** Do you recall whether your corporal -- who your
28 corporal was at that time?

1 **CST. TROY MAXWELL:** No, ma'am.

2 **MS. EMILY HILL:** Okay. Do you recall with this file whether your
3 corporal had any further questions for you or direction for you?

4 **CST. TROY MAXWELL:** No, ma'am. See, I didn't have any. It
5 was concluded.

6 **MS. EMILY HILL:** Okay. So to make -- I didn't ask that question
7 very well. So is it fair to say your corporal didn't -- you recall that you didn't have any
8 further direction given?

9 **CST. TROY MAXWELL:** No, ma'am.

10 **MS. EMILY HILL:** Okay. And so it was resolved without taking any
11 further steps?

12 **CST. TROY MAXWELL:** Yes, ma'am.

13 **MS. EMILY HILL:** And do I understand correctly that when that
14 happens, that there's a complaint received and resolved without any further steps, that's
15 what's called a first instance file?

16 **CST. TROY MAXWELL:** Yes, ma'am.

17 **MS. EMILY HILL:** Okay. In your interview, you talk about third-
18 party complaints. And can you talk about what a third-party complaint is?

19 **CST. TROY MAXWELL:** When we receive a third-party complaint,
20 it's kind of like me saying I heard Jim and Frank had a fight the other night, and Frank
21 beat the crap out of Jim. Jim or Frank, either made the complaint. The other person
22 who heard about it is making a complaint, but they didn't witness it either. So it's what
23 we would consider a third-party complaint.

24 **MS. EMILY HILL:** And in your experience, does domestic violence
25 ever get reported that way?

26 **CST. TROY MAXWELL:** Yes. Yes, it would -- there's a possibility
27 of that, for sure.

28 **MS. EMILY HILL:** Brenda Forbes said that she -- I think it sounds

1 like she was making a third-party complaint against -- about violence against Lisa
2 Banfield. And does the fact that the name Lisa appeared in your notes suggest to you
3 that what was being reported was a third party complaint about domestic violence?

4 **CST. TROY MAXWELL:** No, ma'am.

5 **MS. EMILY HILL:** Why do you say that?

6 **CST. TROY MAXWELL:** When you -- the way you investigate files
7 depends on the type of file that you have. A domestic file is completely investigated
8 completely different than a first instance of a complaint or a cause to service right down
9 to if there's any allegations of a domestic, two people have to attend regardless, right.
10 There has to be notes from both parties. Statement would have had to have been
11 obtained, those type of things.

12 A first instance file isn't going to be a file that you're going to obtain
13 statements and those type of things, and for me, if I'm being completely honest, the lack
14 of notes shows me that this was a first instance file because any time you have anything
15 that you're going to be investigating, there would be way more information than that in
16 your notes, right.

17 You would need to know who Lisa was. You would need to know
18 how can you contact Lisa. You would need to know all these different information
19 because you need to contact them because that's where you're garnering -- or that's
20 where you're getting your information from that's going to give you enough to go forth
21 with an investigation.

22 **MS. EMILY HILL:** So if I've understood your evidence today
23 correctly, you're saying that part of the reason that you're confident that this file did not
24 come to you as a complaint about domestic violence was because of the very limited
25 notes that you have from that incident.

26 **CST. TROY MAXWELL:** Well, I would say that if you're going to
27 run any type of information, you would -- that's the information that's going in your
28 notebook for sure, right. Those are the things that you definitely want to write down

1 because those are the things that's going to give you the information to go forth to
2 contact other people to try and find out whether or not this event happened.

3 **MS. EMILY HILL:** One of the things I think you just said about how
4 domestic violence files would be investigated, at least at the time that we're talking
5 about, was that two people would attend.

6 **CST. TROY MAXWELL:** Yes.

7 **MS. EMILY HILL:** Have I got that right?

8 In this case, I think your evidence has been that two people did
9 attend, and so I'm ---

10 **CST. TROY MAXWELL:** Yes.

11 **MS. EMILY HILL:** --- just wanting to understand the difference
12 between how you -- how -- what you can tell me about the fact that two people attended
13 this and whether or not that makes it more or less likely that this was a domestic
14 complaint.

15 **CST. TROY MAXWELL:** Okay. When a domestic is reported, two
16 vehicles are attached to a file. If I take the file, it's my file, but I definitely need a partner
17 to go with me because that's policy. Two people are going to show up, we're going to
18 separate the parties, we're going to have a conversation. We're going to have to take
19 statements. And from there, we would try to figure out who the dominant aggressor
20 was.

21 In that situation, whoever your partner is also has to add his notes.
22 They would have to add their reports, and all that goes on the files.

23 The fact that, in this situation, none of that occurred, in my head,
24 shows me that this was a first instance file.

25 **MS. EMILY HILL:** In that scenario that you just described about
26 attending and two officers attending and separating parties and getting ---

27 **CST. TROY MAXWELL:** Yes.

28 **MS. EMILY HILL:** --- statements, would that protocol still be the

1 case if you're reporting a domestic that had happened, say, 24 hours earlier, or is that
2 your protocol for a domestic that's going on right then as you're attending?

3 **CST. TROY MAXWELL:** Now, you -- if it's a domestic or a
4 domestic related in any way, you're showing up with two members. And again, that
5 member would have notes, you would have notes. There would have to be statements.
6 Those are things that would -- that would be required for a file of a domestic.

7 So even if it was 24 hours earlier or whatever, yes, two members
8 would still attend.

9 **MS. EMILY HILL:** Okay. In terms of the paperwork I think you're
10 telling us would be generated as a result of investigating an allegation of domestic
11 violence, you're talking about there being statements taken. That's statements from
12 witnesses. Do I have that right?

13 **CST. TROY MAXWELL:** Yes, ma'am. And the victim and we
14 would try to obtain a statement from the dominant aggressor as well.

15 Now, whether or not they want to provide one, you would still try to
16 take one.

17 **MS. EMILY HILL:** And so since we are trying to work backwards
18 about something that happened in 2013 ---

19 **CST. TROY MAXWELL:** Yeah.

20 **MS. EMILY HILL:** --- and we know that the records, other than
21 your handwritten records, notes have been purged, is there anything else that tells you,
22 in your mind, that this was not a domestic violence call?

23 **CST. TROY MAXWELL:** Absolutely.

24 In a domestic violence situation, you have to make contact. You
25 have to make contact with the individuals. And -- sorry. I have a cold or I'm getting
26 over a cold.

27 And if we attended Portapique and the -- nobody answered the
28 door or whatever, we would have had to return and if we didn't locate them there, then

1 we would have tried to locate them wherever they lived and then we would have had
2 whatever police detachment in that area attend and speak to them as well.

3 So there's way -- there's more involved to a domestic than there is
4 a first instance file, for sure.

5 **MS. EMILY HILL:** And I think you'd been explaining about sort of
6 the designation of occurrence types and how that -- what you call your occurrence at
7 the end of your investigation then goes and is reviewed by your supervisor.

8 **CST. TROY MAXWELL:** Yes.

9 **MS. EMILY HILL:** Okay. What are the occurrence types that might
10 -- you might see if there -- the allegation was about domestic violence?

11 **CST. TROY MAXWELL:** It would have been called a domestic.
12 Domestic assault.

13 And even if it was unfounded, it would still have to be called what
14 the event is.

15 **MS. EMILY HILL:** Another thing that Brenda Forbes has given
16 evidence about is that she says that she telephoned Glynn Wortman, who she says was
17 a witness to the assault, in the presence of an RCMP officer and had a conversation
18 with him on speakerphone.

19 Do you recall that happening?

20 **CST. TROY MAXWELL:** No, ma'am.

21 **MS. EMILY HILL:** Okay. Did it happen when you were present in
22 Debert?

23 **CST. TROY MAXWELL:** No, ma'am.

24 **MS. EMILY HILL:** She says that she was told by the RCMP
25 member she spoke to that without a witness, the file couldn't go any further. Is that --
26 do you -- is that something that you would have -- you told her?

27 **CST. TROY MAXWELL:** I don't -- no.

28 What I would say if that was the case, if she was making an

1 allegation of a domestic, with the third party I would think that -- and again, I'm saying I
2 would think. One of the things that somebody would do is at least contact the victim
3 and/or her witness to ask if this event did happen. If they said yes, then the first thing
4 you're going to do is try to take a detailed statement from that individual, all right.

5 So you get the information that would then lead to you going forth
6 with the investigation.

7 **MS. EMILY HILL:** A few more questions about decisions, how
8 decisions are made about what occurrence type is listed or how the file is understood.

9 So in the first call that someone makes when they speak to
10 someone at the OCC, it's somebody who's answering the phone at OCC who decides
11 how the file is being dispatched. Is that right?

12 **CST. TROY MAXWELL:** Yes, ma'am.

13 **MS. EMILY HILL:** And that's based on what they understand the
14 complaint to be about.

15 **CST. TROY MAXWELL:** Yes, ma'am.

16 **MS. EMILY HILL:** And then -- and so is it possible or does it
17 happen that the OCC person receiving that information gets it wrong, misunderstands
18 sometimes what the issue is that the person's complaining about? Does that happen?

19 **CST. TROY MAXWELL:** Well, I think that they give the information
20 that they've received. Now, it's my job to go investigate that and it's my job to
21 determine whether or not it is actually what they dispatch or not.

22 **MS. EMILY HILL:** In your experience, is it sometimes the case that
23 when you go to investigate something, you get a slightly different version of events or
24 understand things slightly differently than what you'd understood ---

25 **CST. TROY MAXWELL:** Absolutely.

26 **MS. EMILY HILL:** --- from the OCC?

27 **CST. TROY MAXWELL:** Yes, ma'am.

28 **MS. EMILY HILL:** Is it also sometimes the case as an investigator

1 that you've misunderstood information that you've received?

2 **CST. TROY MAXWELL:** I don't quite understand what you mean.

3 **MS. EMILY HILL:** You're speaking to a complainant, for example,
4 who's ---

5 **CST. TROY MAXWELL:** Yeah.

6 **MS. EMILY HILL:** --- explaining what's happened to them, have
7 you had occasions where you've misunderstood what they're telling you in the course of
8 your conversation with them?

9 **CST. TROY MAXWELL:** I'm not quite understanding what you
10 mean. Like, what I would say is once a complaint is made and you speak to the
11 complainant, and you go investigate -- now, they could say that, I don't know, you know,
12 he was -- or somebody was driving in an unsafe manner, and you show up, and it's, you
13 know, something completely different, of course. But again, when you show up as that
14 member, it's -- you're making the determination of what that file is; right? You're the one
15 that's going to say, well, no, it wasn't a driving complaint, it was this. So I don't know if I
16 answered your question, but what I would say is, is you're the person that's got to make
17 the determination on what that file is.

18 **MS. EMILY HILL:** In that role as the person who's going to make
19 the determination about what that file is ---

20 **CST. TROY MAXWELL:** Yes.

21 **MS. EMILY HILL:** --- you have -- you're making a judgment call
22 based on what you've learned from that person; is that right?

23 **CST. TROY MAXWELL:** Yes, ma'am.

24 **MS. EMILY HILL:** Okay. And then based on that, you investigate
25 accordingly?

26 **CST. TROY MAXWELL:** Yes. And if it turns out to be something
27 else, then you would score it as something else.

28 **MS. EMILY HILL:** Okay. And score, that's -- is that about writing

1 down the occurrence type?

2 **CST. TROY MAXWELL:** Yes. Yeah, the occurrence type, where it
3 happened, what took place, those type of things.

4 **MS. EMILY HILL:** Okay. And those decisions in turn might lead to
5 either more or less paperwork, depending on ---

6 **CST. TROY MAXWELL:** Yes.

7 **MS. EMILY HILL:** --- what type of investigation you're doing?

8 **CST. TROY MAXWELL:** Absolutely. And my job is to present that
9 to my corporal, because a lot of times, your corporal's not there, so they want to know
10 exactly what happened. So you have to lay your file out in a manner in which they can
11 read it, they can understand it, they can grasp what you're saying, they -- that you've
12 met all the different things that you need to do as a police officer to be able to conclude
13 that file. So all that information has to be in there. Once they read it, they determine
14 that, you know, the file is good enough to be concluded. Then the file goes off to a
15 sergeant, right, a reader who reads the file, who then reviews the file. If they have any
16 questions, then they will return the file to me and they will ask questions that you'll have
17 to answer. So that's my job.

18 **MS. EMILY HILL:** And in terms of understanding your job in that
19 chain, the corporal is making their assessment about if anything more is needed based
20 on what they're seeing about the work that you've done from what you've written down;
21 is that right?

22 **CST. TROY MAXWELL:** Yes, ma'am.

23 **MS. EMILY HILL:** And the sergeant is doing the same thing. The
24 sergeant is looking at ---

25 **CST. TROY MAXWELL:** Yes.

26 **MS. EMILY HILL:** --- the corporal's, perhaps the corporal's
27 comments and work, but also, fundamentally, looking at your work in terms of what you
28 did at the beginning of the file?

1 **CST. TROY MAXWELL:** Yes, ma'am, and making sure that
2 everything that I was supposed to do has been done, and so that when they do
3 conclude the file, they know that everything that was done meets the criteria of a
4 concluded file.

5 **MS. EMILY HILL:** And in this case, trying to make sense of what
6 we've heard about this report on July 6th, 2013, is it -- could it be that Ms. Forbes
7 reported a situation with -- where she says there were witnesses to a physical assault
8 from the perpetrator on Lisa Banfield but that that wasn't understood either by dispatch
9 or by yourself to be the actual nature of the complaint?

10 **CST. TROY MAXWELL:** No, ma'am.

11 **MS. EMILY HILL:** Is there anything else that you recall about your
12 interactions with Brenda Forbes or this file that I haven't asked you about that you'd like
13 to tell me about?

14 **CST. TROY MAXWELL:** No, ma'am, I -- like I say, I spoke to Ms.
15 Forbes. I remember her telling me that she was in the military. I think she was retired.
16 And I believe she worked with cadets -- well, I -- she worked with cadets in Debert.
17 That's all I really remember.

18 **MS. EMILY HILL:** Okay. Constable Maxwell, I suspect right now
19 we will take a break and probably both have lunch, and so I hope that you can take a
20 break and also have some lunch, and then also have a conversation amongst some of
21 the other Counsel who are here. Some of them may have questions for you when we
22 come back.

23 **CST. TROY MAXWELL:** Absolutely.

24 **MS. EMILY HILL:** So I'll hand it back to Commissioner MacDonald,
25 who will let us know what's happening next.

26 **COMMISSIONER MacDONALD:** Yes, thanks, Ms. Hill.

27 As Ms. Hill has indicated, thank you, Officer, so far for your
28 evidence. We'll break until 1:15. And in the meantime, Ms. Hill and Commission

1 Counsel will meet with the lawyers for the various Participants and decide what further
2 questions would be asked of you and who will be asking them, so we'll try to organize
3 that over lunch. And probably a good idea to give Participant's Counsel some time to
4 get some lunch among them, so why don't we say the caucus can begin in 20 minutes
5 from now. So we'll be back at 1:15, Mr. Maxwell, if you could please make yourself
6 available at that time.

7 Thank you.

8 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
9 proceedings are now on break and will resume at 1:15.

10 --- Upon breaking at 12:14 p.m.

11 --- Upon resuming at 12:23 p.m.

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

14 **COMMISSIONER MacDONALD:** Ms. Hill?

15 **MS. EMILY HILL:** Mr. MacDonald, Constable Maxwell is with us
16 and I believe that there are three or four counsel who have some follow-up questions.

17 **COMMISSIONER MacDONALD:** So Officer Maxwell, as I
18 indicated before the lunch break counsel have met and decided who would be asking
19 you questions or agreed upon that, which of course we agree with. So there will be
20 three or four as Ms. Hill has indicated and each one will tell you who they represent as
21 they come up. Okay?

22 **CST. TROY MAXWELL:** Okay.

23 **COMMISSIONER MacDONALD:** Thank you.

24 **MS. EMILY HILL:** Mr. Bryson will be first.

25 **COMMISSIONER MacDONALD:** Good afternoon, Mr. Bryson.

26 **--- CROSS-EXAMINATION BY MR. JOSHUA BRYSON:**

27 **MR. JOSHUA BRYSON:** Good afternoon, Commissioners. Good
28 afternoon, Constable Maxwell; can you hear and see me okay?

1 **CST. TROY MAXWELL:** Yes, sir.

2 **MR. JOSHUA BRYSON:** Thank you. I represent the family of
3 Peter and Joy Bond; they resided within Portapique; so I have a few questions for you; I
4 want to start by just clarifying the difference between you actually remembering
5 something sitting here today or where you're relying on past practice or where you
6 relying on your notes. So do you have a clear recollection, an independent recollection
7 of attending the Debert airbase on July 6th?

8 **CST. TROY MAXWELL:** Yes.

9 **MR. JOSHUA BRYSON:** You do? Okay. Do you have a clear
10 recollection of attending the perpetrator's cottage in Portapique?

11 **CST. TROY MAXWELL:** Yes.

12 **MR. JOSHUA BRYSON:** Okay. So in terms of – I want to clarify
13 the chronology here; so I believe we agree that this file initiated with a call at 10:01 a.m.
14 from Brenda Forbes on July 6th, 2013; correct?

15 **CST. TROY MAXWELL:** Yes.

16 **MR. JOSHUA BRYSON:** Okay. And that was a call to OCC
17 Provincial Dispatch?

18 **CST. TROY MAXWELL:** Yes.

19 **MR. JOSHUA BRYSON:** And you had already commenced your
20 shit at that point?

21 **CST. TROY MAXWELL:** Yes.

22 **MR. JOSHUA BRYSON:** So you then pull over to the side of the
23 road to take the call?

24 **CST. TROY MAXWELL:** Well, that is best practice, but I mean if
25 you ask me, you know, in that moment did I do that, I would say to you my best practice,
26 that's what I would have done.

27 **MR. JOSHUA BRYSON:** Do you have a memory of doing it?

28 **CST. TROY MAXWELL:** No.

1 **MR. JOSHUA BRYSON:** Okay. So you received the information
2 from Dispatch and you believe you were in your vehicle?

3 **CST. TROY MAXWELL:** Yes.

4 **MR. JOSHUA BRYSON:** And the next thing that happens, did you
5 tell us that you then went to – so based on the information provided to you by Dispatch,
6 you then made notes in your notebook?

7 **CST. TROY MAXWELL:** Yes, from talking with Ms. Forbes.

8 **MR. JOSHUA BRYSON:** From you personally talking with Ms.
9 Forbes or from Dispatch talking with Ms. Forbes?

10 **CST. TROY MAXWELL:** Me personally talking with Ms. Forbes.

11 **MR. JOSHUA BRYSON:** So you received the information from
12 OCC, you the contact Ms. Forbes?

13 **CST. TROY MAXWELL:** Yes.

14 **MR. JOSHUA BRYSON:** By telephone or do you go visit her?

15 **CST. TROY MAXWELL:** No, by telephone.

16 **MR. JOSHUA BRYSON:** Okay, you reach her by telephone; and
17 do you have notes of that conversation?

18 **CST. TROY MAXWELL:** Well, those are the notes that would be in
19 – that have been submitted as evidence.

20 **MR. JOSHUA BRYSON:** Okay. So that's the one-page that runs
21 roughly three-quarters of a page, half page in length?

22 **CST. TROY MAXWELL:** Yes.

23 **MR. JOSHUA BRYSON:** And they are your entire notes that you
24 have in regards to this complaint from Ms. Forbes; correct?

25 **CST. TROY MAXWELL:** Yes.

26 **MR. JOSHUA BRYSON:** So the notes you make are from the call
27 with Ms. Forbes; what do you do then? Is that when you then go to Portapique to look
28 for the perpetrator?

1 **CST. TROY MAXWELL:** Yes.

2 **MR. JOSHUA BRYSON:** And you don't have further contact with
3 Ms. Forbes prior to your visit to Portapique; is that correct, besides the telephone call
4 you mentioned?

5 **CST. TROY MAXWELL:** Yes.

6 **MR. JOSHUA BRYSON:** So you go to Portapique, you make an
7 attempt to have contact with the perpetrator, you're unsuccessful; right?

8 **CST. TROY MAXWELL:** Yes.

9 **MR. JOSHUA BRYSON:** And you remember knocking on the
10 door, leaving Portapique?

11 **CST. TROY MAXWELL:** Yes.

12 **MR. JOSHUA BRYSON:** And then at some point after that visiting
13 Ms. Forbes at the Debert airbase?

14 **CST. TROY MAXWELL:** Yes.

15 **MR. JOSHUA BRYSON:** And the purpose of that visit was to say
16 that you were basically concluding the file?

17 **CST. TROY MAXWELL:** Well, the purpose of that visit is to explain
18 what you've done in regards to the file and then advise them the file will be concluded.

19 **MR. JOSHUA BRYSON:** Okay. So what did you do in regards to
20 that file; you visited Portapique; anything else?

21 **CST. TROY MAXWELL:** Yes. Did I do anything else?

22 **MR. JOSHUA BRYSON:** Yes.

23 **CST. TROY MAXWELL:** I would have contacted the complainant
24 to let him know of the complaint.

25 **MR. JOSHUA BRYSON:** And we will get into that, so that the
26 subject of the complaint – oh, you contacted the complainant or the subject of the
27 complaint?

28 **CST. TROY MAXWELL:** Oh, sorry, I would have called the subject

1 of the complaint to advise of the complaint and then I would have spoke to the
2 complainant to advise what we've done as far as the file is concerned and then it would
3 be concluded.

4 **MR. JOSHUA BRYSON:** And you contacted the subject of the
5 complaint after you left Portapique?

6 **CST. TROY MAXWELL:** Yes.

7 **MR. JOSHUA BRYSON:** And do you recall if that was on the
8 same day?

9 **CST. TROY MAXWELL:** No.

10 **MR. JOSHUA BRYSON:** It could have been on the same day, it
11 could have been a different day; you don't recall?

12 **CST. TROY MAXWELL:** Yes. Yes, I don't recall.

13 **MR. JOSHUA BRYSON:** But it was before your visit with Ms.
14 Forbes at the Debert airbase?

15 **CST. TROY MAXWELL:** Yes.

16 **MR. JOSHUA BRYSON:** And you believe you left a voicemail to
17 simply inform him that there was a complaint but the matter is concluded?

18 **CST. TROY MAXWELL:** Yes. Not that the matter will be
19 concluded, but there was a complaint.

20 **MR. JOSHUA BRYSON:** That there was a complaint against him
21 by Brenda Forbes?

22 **CST. TROY MAXWELL:** Yes. No. You don't tell who made the
23 complaint, you advise them that a complaint has been made, but you wouldn't provide
24 who made the complaint against you.

25 **MR. JOSHUA BRYSON:** And do you have a recollection of
26 leaving that voicemail?

27 **CST. TROY MAXWELL:** Yes, I called him and left a message; I'm
28 pretty sure that I called and left a message on his answering machine.

1 **MR. JOSHUA BRYSON:** And that would have been a phone
2 number you received and likely noted in your notebook?

3 **CST. TROY MAXWELL:** No, not necessarily; it could have been
4 a number that I looked up, located through PROS or whatever, made a phone call to the
5 residence.

6 **MR. JOSHUA BRYSON:** But you did note it in your notebook, the
7 phone number you dialed?

8 **CST. TROY MAXWELL:** I wouldn't have to, because if I looked it
9 up and I'm sitting in front of the computer I would just put it on my file.

10 **MR. JOSHUA BRYSON:** What if you had to call him again?

11 **CST. TROY MAXWELL:** It would already be on my file.

12 **MR. JOSHUA BRYSON:** You have other phone numbers in your
13 notebook; correct?

14 **CST. TROY MAXWELL:** Absolutely.

15 **MR. JOSHUA BRYSON:** Yes, but you don't have the perpetrators
16 phone number in your notebook there for July 6th?

17 **CST. TROY MAXWELL:** Because the complainant wouldn't be
18 able to – didn't provide that to me.

19 **MR. JOSHUA BRYSON:** So you looked it up, you didn't notice
20 and then you called him and left a voicemail?

21 **CST. TROY MAXWELL:** Yes.

22 **MR. JOSHUA BRYSON:** And the content of that voicemail, what
23 information did you convey in that voicemail?

24 **CST. TROY MAXWELL:** You convey what the complaint was and
25 let him know that a complaint has been made against him.

26 **MR. JOSHUA BRYSON:** And then after that is when you went to
27 the Debert airbase to visit with Ms. Forbes?

28 **CST. TROY MAXWELL:** At some point in time, yes.

1 **MR. JOSHUA BRYSON:** At some point; and that's the meeting
2 that you had and advised her that the file was basically closed?

3 **CST. TROY MAXWELL:** Yes.

4 **MR. JOSHUA BRYSON:** Okay. Thanks. That's just a brief
5 overview of some of the issues we'll get into, so thanks for that overview.

6 **CST. TROY MAXWELL:** Okay.

7 **MR. JOSHUA BRYSON:** I want to start by looking at
8 COMM11709, please; that's your notes. And perhaps while we're doing that I can cover
9 something else off. You keep referencing a first instance file.

10 **CST. TROY MAXWELL:** Yes.

11 **MR. JOSHUA BRYSON:** What's a "first instance file"?

12 **CST. TROY MAXWELL:** A first instance file is a file that acts –
13 something that you would attend and it can be concluded within the first instance. You
14 conduct your investigation; there's no charges, nothing else is going to be done in the
15 file and then it's going to be concluded.

16 **MR. JOSHUA BRYSON:** Okay. And what investigation did you
17 conduct in this file to conclude it?

18 **CST. TROY MAXWELL:** Well, my job at that point in time was to
19 go out and try to locate the individual job at that point in time was to go out and try to
20 locate the individual. If I caught him driving in a reckless manner and/or causing a
21 disturbance, my job at that point in time would have been able to -- would have been to
22 deal with that individual whatever way I felt fit, either to provide a ticket with him and/or
23 charge him under the *Criminal Code*.

24 **MR. JOSHUA BRYSON:** So you were operating under an
25 assumption that you had to witness the crime being committed in order to charge the
26 perpetrator with an offence? Is that your testimony?

27 **CST. TROY MAXWELL:** If he's driving around in an unruly
28 manner, it's my job to determine if that's the -- how he's doing it and if he's causing a

1 disturbance, I would be there to see if he caused a disturbance and, if so, then I would
2 speak to whoever he was dealing with and causing disturbance to, take statements from
3 those individuals and go from there.

4 **MR. JOSHUA BRYSON:** But you're suggesting to us that because
5 you did not locate him, because you did not witness the commission of this offence that
6 the file was then concluded.

7 **CST. TROY MAXWELL:** Yes.

8 **MR. JOSHUA BRYSON:** So your evidence is that you had to
9 witness an offence being committed in order to get the reasonable grounds to arrest or
10 to charge. Is that your evidence?

11 **CST. TROY MAXWELL:** Yes.

12 **MR. JOSHUA BRYSON:** So if someone calls you up and says that
13 they -- that the perpetrator's robbing a bank on Pleasant Street and if you arrive and a
14 bank's been robbed and the perpetrator's no longer present, you didn't witness the
15 robbery, so you cannot arrest that suspect for bank robbery?

16 **CST. TROY MAXWELL:** No, sir. At that time, what you do is you
17 would take statements from individuals, take detailed statements about what occurred
18 so that they give you the information that then allows you to proceed with your
19 investigation.

20 **MR. JOSHUA BRYSON:** What detailed statements did you take in
21 this case, sir?

22 **CST. TROY MAXWELL:** There was none.

23 **MR. JOSHUA BRYSON:** Did you take a statement from Glynn
24 Wortman?

25 **CST. TROY MAXWELL:** No.

26 **MR. JOSHUA BRYSON:** Do you have a record of reaching out to
27 Glynn Wortman?

28 **CST. TROY MAXWELL:** I don't even know who Glynn Wortman is.

1 **MR. JOSHUA BRYSON:** He's in your notes; right?

2 **CST. TROY MAXWELL:** Absolutely.

3 **MR. JOSHUA BRYSON:** Did you take a statement from anyone
4 named Lisa?

5 **CST. TROY MAXWELL:** No.

6 **MR. JOSHUA BRYSON:** Did you make contact with anyone
7 named Lisa?

8 **CST. TROY MAXWELL:** No. How would I know who "Lisa" is?

9 **MR. JOSHUA BRYSON:** It's -- well, you have a "Lisa" noted in
10 your notes; right?

11 **CST. TROY MAXWELL:** Absolutely.

12 **MR. JOSHUA BRYSON:** Did you make contact ---

13 **CST. TROY MAXWELL:** That's the information that I would have
14 received from the complainant.

15 **MR. JOSHUA BRYSON:** Did you follow up with any of the witness
16 names or the names in your notes to further your investigation in this matter?

17 **CST. TROY MAXWELL:** It was a driving complaint.

18 **MR. JOSHUA BRYSON:** Yes. And there's names in ---

19 **CST. TROY MAXWELL:** Okay. So ---

20 **MR. JOSHUA BRYSON:** Go ahead.

21 **CST. TROY MAXWELL:** So when you attend, my job is to catch
22 him driving in an unsafe manner.

23 **MR. JOSHUA BRYSON:** Well, what if you have three witnesses
24 that observed him driving in an unsafe manner?

25 **CST. TROY MAXWELL:** Then you would take statements from
26 those three individuals.

27 **MR. JOSHUA BRYSON:** So where are your efforts to locate the
28 names in your notes? Did you make any, sir?

1 **CST. TROY MAXWELL:** No.

2 **MR. JOSHUA BRYSON:** How was your investigation furthered by
3 a failed attempt to visit the perpetrator at his cottage in Portapique?

4 **CST. TROY MAXWELL:** I'm sorry?

5 **MR. JOSHUA BRYSON:** How did visiting the perpetrator --
6 attempting to visit the perpetrator in Portapique, being unsuccessful, how did that further
7 your investigation such that you could close it?

8 **CST. TROY MAXWELL:** Because that event of him driving around
9 or being aggressive towards people is over.

10 **MR. JOSHUA BRYSON:** So what does that mean?

11 **CST. TROY MAXWELL:** So what more am I going to investigate?

12 **MR. JOSHUA BRYSON:** Well, under section 494, 495 of the
13 *Criminal Code*, you can arrest someone that has committed an offence; correct? It
14 doesn't have to be ---

15 **CST. TROY MAXWELL:** Yes.

16 **MR. JOSHUA BRYSON:** --- a current -- right?

17 **CST. TROY MAXWELL:** Right.

18 **MR. JOSHUA BRYSON:** So you have a complaint -- and we can
19 leave aside for the moment the substance of that complaint, whether it's a
20 decommissioned car complaint or whether it's a domestic assault complaint, but you are
21 investigating an offence; correct?

22 **CST. TROY MAXWELL:** Yes.

23 **MR. JOSHUA BRYSON:** And I'm asking you what, if any, efforts
24 did you make to investigate that offence?

25 You went to the perpetrator's cottage.

26 **CST. TROY MAXWELL:** Well, we made a patrol. We went out
27 there looking for the individual. We're looking for -- to obtain the information that's going
28 to allow us to -- again, to proceed with a charge under the *Motor Vehicle Act* and/or if

1 we locate and speak with the individual or anybody else that has witnessed this event,
2 we would have taken statements at that point in time ---

3 **MR. JOSHUA BRYSON:** And that's ---

4 **CST. TROY MAXWELL:** --- all right.

5 **MR. JOSHUA BRYSON:** That's what ---

6 **CST. TROY MAXWELL:** So we went to the house. We go to the
7 house. We knock on the door. There's nobody else out on the streets, there's nobody
8 come to us to say, "We witnessed this" or whatever. And we're off to another call.

9 **MR. JOSHUA BRYSON:** So no one came up to you voluntarily
10 and said, "We didn't witness this". But you agree with me that you did not reach out to
11 any of the witnesses or the individuals named in your notes; right?

12 **CST. TROY MAXWELL:** I didn't know any of the individuals
13 named in the notes.

14 **MR. JOSHUA BRYSON:** So why do you think these names are in
15 your notes?

16 **CST. TROY MAXWELL:** I would assume that Ms. Forbes provided
17 those names to me.

18 **MR. JOSHUA BRYSON:** Right. As witnesses; correct?

19 **CST. TROY MAXWELL:** No, not necessarily.

20 **MR. JOSHUA BRYSON:** What other reason?

21 **CST. TROY MAXWELL:** It could be -- again, if we're getting into
22 hyperbole here or if -- what could have, we can talk all day, right. I -- the thing of it is, is
23 you have to understand, sir, I don't have my file sitting in front of me. I'm going off
24 nothing but my memory, okay. I don't have the ability to sit here and say, okay, at this
25 time this happened, at this time this happened, at this time this statement was made or
26 this was done. I don't have any of that. I'm going off nothing but my memory.

27 So you have to understand that I can give you snippets. I can give
28 you what I remember, but as far as the file, the information would have been in the file.

1 I don't have that, so I'm relying on nothing but memory.

2 **MR. JOSHUA BRYSON:** Understood. And you've outlined, I think,
3 with a memory -- you've outlined what you did in the course of this investigation.

4 **CST. TROY MAXWELL:** Absolutely.

5 **MR. JOSHUA BRYSON:** And we went over that at the outset;
6 right?

7 **CST. TROY MAXWELL:** Yes.

8 **MR. JOSHUA BRYSON:** So my question to you was, how was
9 your investigation -- how were you able to conclude your investigation. And I believe
10 you said you were able to conclude it, and correct me if I'm wrong, because you did not
11 witness the perpetrator either driving erratically or causing a disturbance, but since you
12 didn't witness it, that was enough for you and you wrapped up your file.

13 **CST. TROY MAXWELL:** Well, again, my job is to deal with the --
14 the information that I have. My job is to deal with the file that's in front of me. And then
15 my job is then to go on to the next file because this isn't the only call that I took that day,
16 right.

17 So we don't have the ability to sit around and say, "Oh, yeah, we're
18 going to spend an hour on this". There's other calls that are coming in. There's other
19 files that you have to go to.

20 **MR. JOSHUA BRYSON:** And this was deemed to be the lowest
21 priority, correct, assist to general public?

22 **CST. TROY MAXWELL:** It depends on what other files were going
23 on at that time.

24 **MR. JOSHUA BRYSON:** No, my question is, the codification you
25 used for this file, assist to general public, that's the lowest ---

26 **CST. TROY MAXWELL:** Yes.

27 **MR. JOSHUA BRYSON:** --- that's the lowest codification you have
28 in your system; correct?

1 **CST. TROY MAXWELL:** Oh, I don't know. I wouldn't be able to
2 tell you that.

3 **MR. JOSHUA BRYSON:** Can you think off the top of anything to
4 indicate a less serious offence than assist to general public?

5 **CST. TROY MAXWELL:** In my business, cause disturbance, noise
6 complaints, driving plates, speeding, people on the highway.

7 **MR. JOSHUA BRYSON:** So just one final question on your trip to
8 Portapique and then I'm going to move on.

9 So when you set out to Portapique to engage with the perpetrator, it
10 was to make firsthand observations yourself; correct?

11 **CST. TROY MAXWELL:** Yes.

12 **MR. JOSHUA BRYSON:** Okay. So you didn't make those
13 observations. You didn't reach the perpetrator. There was nothing else that you
14 learned to further your investigation from the time that you had set out to investigate and
15 travel to Portapique; correct?

16 **CST. TROY MAXWELL:** No.

17 **MR. JOSHUA BRYSON:** Yeah.

18 **CST. TROY MAXWELL:** Oh, yes, correct. Sorry.

19 I didn't find out any more information, no.

20 **MR. JOSHUA BRYSON:** And then after -- so when you set out to
21 meet with the perpetrator, you didn't meet with him. You left a voice mail to advise that
22 he was the subject of the complaint and then -- and then you advised Brenda Forbes
23 that the complaint was being dismissed, essentially.

24 **CST. TROY MAXWELL:** Yes.

25 **MR. JOSHUA BRYSON:** Did I miss any of your investigation steps
26 that you took in the course of this investigation? Did I overlook anything?

27 **CST. TROY MAXWELL:** Not to my knowledge.

28 **MR. JOSHUA BRYSON:** All right. So if we can please bring up

1 COMM11709.

2 All right. So were all these notes made on July 6, 2013?

3 **CST. TROY MAXWELL:** Yes.

4 **MR. JOSHUA BRYSON:** And so at the top there, I see the
5 13/07/06, that's July 6, 2013?

6 **CST. TROY MAXWELL:** Yes.

7 **MR. JOSHUA BRYSON:** And 0700 is your start time of your shift?

8 **CST. TROY MAXWELL:** Yes.

9 **MR. JOSHUA BRYSON:** And 1700, that's the -- that's the time
10 your shift ended that day?

11 **CST. TROY MAXWELL:** That's what the shift is.

12 **MR. JOSHUA BRYSON:** Okay. That's what the shift is.
13 And to the best of your knowledge, that's when your shift ended
14 that day?

15 **CST. TROY MAXWELL:** I have no idea.

16 **MR. JOSHUA BRYSON:** Okay. And you made notes about the
17 roads, "Sunny, clear, dry roads."

18 **CST. TROY MAXWELL:** Yes.

19 **MR. JOSHUA BRYSON:** Okay. On the right side, what are those
20 notes next to "Sunny/Clear"?

21 **CST. TROY MAXWELL:** My team, it's team 3.

22 **MR. JOSHUA BRYSON:** Team 3.

23 **CST. TROY MAXWELL:** I had a portable that I carry on me which
24 is B-09.

25 **MR. JOSHUA BRYSON:** Yes.

26 **CST. TROY MAXWELL:** And 05-Bravo-2 would be the call sign of
27 my vehicle.

28 **MR. JOSHUA BRYSON:** Okay. And you indicated, okay, moving

1 along, Steve Kirby, you don't know who that is?

2 **CST. TROY MAXWELL:** No.

3 **MR. JOSHUA BRYSON:** Brenda Forbes you do know who that is.

4 That's the ---

5 **CST. TROY MAXWELL:** She would have been the complainant.

6 **MR. JOSHUA BRYSON:** She was the complainant. 293 is her

7 address that she likely gave you ---

8 **CST. TROY MAXWELL:** Yes.

9 **MR. JOSHUA BRYSON:** --- when speaking with her? And there's
10 C1 personal information, are they both phone numbers?

11 **CST. TROY MAXWELL:** I don't know. I guess, I don't know. I ---

12 **MR. JOSHUA BRYSON:** Well, she ---

13 **CST. TROY MAXWELL:** Her phone number would have definitely
14 been there. I don't know what this second one would be.

15 **MR. JOSHUA BRYSON:** Yeah. And I'm not going to ask you to
16 read me what the actual ---

17 **CST. TROY MAXWELL:** It might have been her date of birth,
18 sorry.

19 **MR. JOSHUA BRYSON:** Okay. I'm not asking you what the
20 content is.

21 **CST. TROY MAXWELL:** Oh, I'm sorry.

22 **MR. JOSHUA BRYSON:** I'm not asking you what the actual
23 personal information is. In other words, I'm not going to ask you to read out a phone
24 number or read out a date of birth. I'm just asking you simply what the nature of the
25 information that is under the C1 redaction.

26 So the first one I see 902, so that's a phone number.

27 **CST. TROY MAXWELL:** Yes.

28 **MR. JOSHUA BRYSON:** And do you know now whose phone

1 number that is?

2 **CST. TROY MAXWELL:** That would be Ms. Forbes.

3 **COMMISSIONER MacDONALD:** Sorry, Mr. Bryson, you can't see,
4 but Counsel for the DOJ is on her feet.

5 **MR. JOSHUA BRYSON:** Okay.

6 **MS. PATRICIA MacPHEE:** Thank you. Just a brief note, I'm not
7 sure if Constable Maxwell has the unredacted notes before him, but, I mean, you've hit
8 the right things. I mean, I could tell that what's under those redactions if it's required, if
9 he doesn't have it in front of him. That's all.

10 **COMMISSIONER MacDONALD:** Yeah. You mean you can tell
11 the nature of what's under the redactions as opposed to ---

12 **MS. PATRICIA MacPHEE:** I can advise ---

13 **COMMISSIONER MacDONALD:** --- the redactions?

14 **MS. PATRICIA MacPHEE:** --- Counsel if Constable Maxwell is not
15 able to ---

16 **COMMISSIONER MacDONALD:** Yeah.

17 **MS. PATRICIA MacPHEE:** I don't know if he has a copy of the
18 unredacted notes before him.

19 **COMMISSIONER MacDONALD:** Well, he surmised a phone
20 number and a date of birth.

21 **MS. PATRICIA MacPHEE:** Okay.

22 **MR. JOSHUA BRYSON:** Thank you.

23 Okay. And then next we have the perpetrator's name, the date of --
24 or not date of birth, but that's ---

25 **CST. TROY MAXWELL:** Approximate age.

26 **MR. JOSHUA BRYSON:** Approximate age. That would have been
27 provided to you by Ms. Forbes. What did you take that to mean?

28 **CST. TROY MAXWELL:** Where his residence was.

1 **MR. JOSHUA BRYSON:** Below that, Glynn Wortman. What did
2 you understand that name was in reference to?

3 **CST. TROY MAXWELL:** Again, I don't know.

4 **MR. JOSHUA BRYSON:** Okay. And below that, Orchard Beach.

5 **CST. TROY MAXWELL:** Yes.

6 **MR. JOSHUA BRYSON:** There's a word I can't ---

7 **CST. TROY MAXWELL:** I would assume that would be where he
8 would live.

9 **MR. JOSHUA BRYSON:** Okay. And why do people normally give
10 you other names? Can you tie this in based on your experience why these other names
11 are in your notes?

12 **CST. TROY MAXWELL:** It could be anything from do you know
13 who Glynn Wortman is, no. Do you know -- do you know what I mean? Like, I don't
14 know. I can only tell you that those are the notes that I took that day.

15 **MR. JOSHUA BRYSON:** Yeah.

16 **CST. TROY MAXWELL:** Those are the only notes that I took in
17 regards to this incident. Those are the notes that I provide.

18 **MR. JOSHUA BRYSON:** So you describe the function of
19 notetaking that one of the most important things is to note the relevant information;
20 right?

21 **CST. TROY MAXWELL:** Absolutely.

22 **MR. JOSHUA BRYSON:** Yeah. So the fact that you have other
23 names here, what's relevant is likely the fact that they're witnesses; would you not agree
24 with that?

25 **CST. TROY MAXWELL:** No.

26 **MR. JOSHUA BRYSON:** But you can't think of any other reason
27 why these names might be in your notes?

28 **CST. TROY MAXWELL:** Again, sir, it could be for any reason. It

1 could be do you know Richard Elison. I don't know Richard Elison. I don't know Glynn
2 Wortman. I don't know Gabriel Wortman.

3 **MR. JOSHUA BRYSON:** Why are they in your notebook though?
4 I'm asking you, based on your experience and past practice, what ---

5 **CST. TROY MAXWELL:** This is the information that Ms. Forbes
6 provided.

7 **MR. JOSHUA BRYSON:** Thank you. So other names that Ms.
8 Forbes likely provided to you are in your notebook; correct?

9 **CST. TROY MAXWELL:** Sure, yes.

10 **MR. JOSHUA BRYSON:** Okay. And below that we have Richard
11 Elison.

12 **CST. TROY MAXWELL:** Yes.

13 **MR. JOSHUA BRYSON:** And these are individuals that you never
14 contacted through the course of your investigation; right?

15 **CST. TROY MAXWELL:** No. It would have nothing to do with my
16 file.

17 **COMMISSIONER MacDONALD:** No as you never contacted them
18 because the question was right. You said no, so, can you ask the question again?

19 **MR. JOSHUA BRYSON:** Yes. And the names that we just went
20 over in your notebook, these are names -- besides Brenda Forbes, these are names of
21 persons you had no contact with in the course of this investigation; correct?

22 **CST. TROY MAXWELL:** Correct, because they have nothing to do
23 with my file in my -- to my knowledge.

24 **MR. JOSHUA BRYSON:** These people had nothing to do with
25 your file or the complaint from Brenda Forbes, even though she provided you with the
26 names; is that your evidence?

27 **CST. TROY MAXWELL:** Again, sir, what I'm saying to you is I
28 wrote down the information that Ms. Forbes gave me. When I go out and I conduct my

1 file, I'm going out looking for an individual who's driving around the neighbourhood in an
2 unsafe manner, being belligerent or whatever towards people. I go out, that's what my
3 job is. I'm going out looking for these -- this individual. I don't know if Glynn Wortman
4 was in the car with him. I don't know if Richard Elison was in the car with him. I don't
5 know. I don't have that information, because I don't have my file. I can only give you
6 what I remember.

7 **MR. JOSHUA BRYSON:** And do you know how much of these
8 notes were comprised of information given to you by OCC and how much of these notes
9 were given to you or comprised by information given to you by Brenda Forbes in that
10 first telephone conversation?

11 **CST. TROY MAXWELL:** Well, again, sir, what I would tell you is
12 best practice, I'm not going to write down what OCC is going -- giving me because it's
13 going to be on my file already. So that information would have come from Ms. Forbes.

14 **MR. JOSHUA BRYSON:** All of it?

15 **CST. TROY MAXWELL:** To the best of my knowledge, yes.

16 **MR. JOSHUA BRYSON:** Okay. So I thought you had said
17 previously that when OCC had dispatched the call to you that you made notes. That's
18 not correct?

19 **CST. TROY MAXWELL:** No, it gets sent to our car.

20 **MR. JOSHUA BRYSON:** Okay.

21 **CST. TROY MAXWELL:** It comes down to our car on a computer.
22 So when you open up the screen, it'll tell you what the complaint is, who the
23 complainant is, what the number is, all those type of things. So when you call your
24 complaint, you're creating a database for the RCMP. So you're going to put the
25 complainant down. You're going to put her full name down, her address, her date of
26 birth, her phone number, all those things, because it goes into a database. So, again, I
27 can only answer the questions in a manner in which I know. And again, this information
28 would have come from Ms. Forbes.

1 **MR. JOSHUA BRYSON:** And just to clarify in terms of the
2 chronology here, I'm just trying to confirm how much of this investigation was conducted
3 on July 6th. So we agree that the OCC dispatch occurred on July 6th; is that fair?

4 **CST. TROY MAXWELL:** Yes.

5 **MR. JOSHUA BRYSON:** That you had initial contact with Ms.
6 Forbes on July 6th?

7 **CST. TROY MAXWELL:** I would have spoken to her on the phone.

8 **MR. JOSHUA BRYSON:** Yes.

9 **CST. TROY MAXWELL:** Yes.

10 **MR. JOSHUA BRYSON:** And that was on July 6th?

11 **CST. TROY MAXWELL:** Yes.

12 **MR. JOSHUA BRYSON:** And then you went to Portapique on July
13 6th?

14 **CST. TROY MAXWELL:** Yes, to the best of my knowledge. It is in
15 notebook on the 6th, so I would have went there on the 6th.

16 **MR. JOSHUA BRYSON:** Okay. Where is it in your notebook that
17 you went to Portapique?

18 **CST. TROY MAXWELL:** The date is above it.

19 **MR. JOSHUA BRYSON:** Yes. I see names ---

20 **CST. TROY MAXWELL:** So that -- that would have been my file to
21 attend.

22 **MR. JOSHUA BRYSON:** Yes, my question is you're telling us that
23 you attended Portapique on July 6th?

24 **CST. TROY MAXWELL:** Yes.

25 **MR. JOSHUA BRYSON:** And did you phone the perpetrator on
26 July 6th?

27 **CST. TROY MAXWELL:** I have no idea about that.

28 **MR. JOSHUA BRYSON:** Did you go to the Debert Air Base on

1 July 6th?

2 **CST. TROY MAXWELL:** No.

3 **MR. JOSHUA BRYSON:** That was another day?

4 **CST. TROY MAXWELL:** Yes.

5 **MR. JOSHUA BRYSON:** Okay. When this mass casualty
6 happened April 18th and 19th, 2020, and you heard the names involved, did that register
7 with you at all? Just in ---

8 **CST. TROY MAXWELL:** Well ---

9 **MR. JOSHUA BRYSON:** --- terms of the familiarity?

10 **CST. TROY MAXWELL:** No.

11 **MR. JOSHUA BRYSON:** Okay. Did you -- in terms of Brenda
12 Forbes, when you heard -- did you come across Brenda Forbes media releases in
13 regards to her contact with police?

14 **CST. TROY MAXWELL:** No.

15 **MR. JOSHUA BRYSON:** When was the first time you heard
16 Brenda Forbes' name?

17 **CST. TROY MAXWELL:** For this?

18 **MR. JOSHUA BRYSON:** Yes. Well, for anything. Besides this.

19 **CST. TROY MAXWELL:** To tell you God's honest truth, I probably
20 would have heard about her giving some sort of interview, but that probably would have
21 been this year.

22 **MR. JOSHUA BRYSON:** Did it register with you at the time she
23 gave the interview in 2020 2 years ago that this was someone you had dealt with and
24 that you were the officer involved?

25 **CST. TROY MAXWELL:** I -- no.

26 **MR. JOSHUA BRYSON:** Okay.

27 **CST. TROY MAXWELL:** I didn't -- I didn't even -- other than the
28 event occurring?

1 **MR. JOSHUA BRYSON:** That's right.

2 **CST. TROY MAXWELL:** I don't -- other than this event and when
3 the event happened?

4 **MR. JOSHUA BRYSON:** And we're talking the July 6th event?

5 **CST. TROY MAXWELL:** No, in 2020.

6 **MR. JOSHUA BRYSON:** 2020 event, yes.

7 **CST. TROY MAXWELL:** Yes. No, I don't watch the news. No, I
8 don't -- I didn't watch any of this stuff unfolding other than what was being reported in
9 the news. And then somebody

10 contact me and asked me to look at my notes.

11 **MR. JOSHUA BRYSON:** And who contacted you?

12 **CST. TROY MAXWELL:** Constable Cliff Berriman.

13 **MR. JOSHUA BRYSON:** And do you recall when that was?

14 **CST. TROY MAXWELL:** No.

15 **MR. JOSHUA BRYSON:** Would that have been around the June
16 3rd meeting with Corporal McKay June 3rd meeting with Corporal McKay?

17 **CST. TROY MAXWELL:** It would have been before that.

18 **MR. JOSHUA BRYSON:** Okay, before that?

19 **CST. TROY MAXWELL:** Yes.

20 **MR. JOSHUA BRYSON:** And you had your notes stored, I take it,
21 and you found your notebook

22 **CST. TROY MAXWELL:** Yes, yes.

23 **MR. JOSHUA BRYSON:** And then you came across this one
24 page of entry?

25 **CST. TROY MAXWELL:** Yes.

26 **MR. JOSHUA BRYSON:** And as you were looking or your notes
27 did you have any reason to believe that you were the officer that had dealt with Ms.
28 Forbes or had named the perpetrator in your notebook as a subject of complaint?

1 **CST. TROY MAXWELL:** I don't understand your question.

2 **MR. JOSHUA BRYSON:** So you were asked to look for your
3 notes; right?

4 **CST. TROY MAXWELL:** Yes.

5 **MR. JOSHUA BRYSON:** And I believe everyone in the
6 detachment was asked to look through their notes...

7 **CST. TROY MAXWELL:** Right.

8 **MR. JOSHUA BRYSON:** ...to go back?

9 **CST. TROY MAXWELL:** Yes.

10 **MR. JOSHUA BRYSON:** When you were looking for your notes
11 did you have any recollection of dealing with Ms. Forbes or the perpetrator or the
12 perpetrator being named in your notebook as you were starting your look through your
13 notebooks?

14 **CST. TROY MAXWELL:** No, you look through your notebook so
15 that it will give you that snippet in time that would jog your memory.

16 **MR. JOSHUA BRYSON:** So what I'm saying is, that you didn't
17 expect to see the name in other words?

18 **CST. TROY MAXWELL:** I don't know – like that's why I went to
19 look.

20 **CST. TROY MAXWELL:** You went to look, but did you have any
21 independent recollection of meeting with Ms. Forbes when you went to look prior to
22 coming across your notebook?

23 **CST. TROY MAXWELL:** No.

24 **MR. JOSHUA BRYSON:** Okay. And then you came across your
25 notebook and at that point your memory was refreshed to having dealt with Ms. Forbes?

26 **CST. TROY MAXWELL:** No. If I'm being honest, I remember
27 going to Portapique on the call. That was my first memory, was, yeah, I attended that
28 residence.

1 **MR. JOSHUA BRYSON:** Okay. I want to talk about the meeting
2 with Corporal McKay. You went to Corporal McKay's office to meet...

3 **CST. TROY MAXWELL:** No, I went to – well, it was my office as
4 well. Major Crime is in the Bible Hill Detachment.

5 **MR. JOSHUA BRYSON:** Yeah.

6 **CST. TROY MAXWELL:** So I was asked to look for my notes; I
7 located the notes; I walked down to her office and said "I found these notes".

8 **MR. JOSHUA BRYSON:** Now, in reviewing the notes it appears
9 that – and sorry, Berriman is a constable; right?

10 **CST. TROY MAXWELL:** Yes.

11 **MR. JOSHUA BRYSON:** I just wasn't sure if it was a Sergeant.
12 You were with Constable Berriman at the time of this meeting with Corporal McKay?

13 **CST. TROY MAXWELL:** Yes. Well, I wouldn't say it was a
14 meeting; I took him my notes and we sat down and had a conversation.

15 **MR. JOSHUA BRYSON:** Sorry and was Corporal – sorry,
16 Constable Berriman there with you?

17 **CST. TROY MAXWELL:** Just because he was there.

18 **MR. JOSHUA BRYSON:** Is he a Union rep or does he provide
19 any advice?

20 **CST. TROY MAXWELL:** No. He's just another member.

21 **MR. JOSHUA BRYSON:** Did he participate in the discussion?

22 **CST. TROY MAXWELL:** I don't know.

23 **MR. JOSHUA BRYSON:** So during this meeting did Corporal
24 McKay discuss with you a possible Code of Conduct violation depending on what you
25 recalled?

26 **CST. TROY MAXWELL:** No.

27 **MR. JOSHUA BRYSON:** Did you hear that after the meeting,
28 anything to do with a possible Code of Conduct violation?

1 **CST. TROY MAXWELL:** No.

2 **MR. JOSHUA BRYSON:** Is this the first time you're hearing it,
3 when I speak these words to you now?

4 **CST. TROY MAXWELL:** Yes.

5 **MR. JOSHUA BRYSON:** So you had no idea that Corporal
6 McKay in her notes had surmised and referenced the topic of a Code of Conduct
7 investigation for potentially failing to investigate; you did not know that?

8 **CST. TROY MAXWELL:** No.

9 **MR. JOSHUA BRYSON:** And you're just learning of it now?

10 **CST. TROY MAXWELL:** Yes.

11 **MR. JOSHUA BRYSON:** And, sir, what did you do to prepare for
12 today?

13 **CST. TROY MAXWELL:** Nothing; I showed up.

14 **MR. JOSHUA BRYSON:** Did you read your statement to the
15 MCC?

16 **CST. TROY MAXWELL:** No.

17 **MR. JOSHUA BRYSON:** Okay. Did you read the summary of
18 your meeting with Corporal McKay?

19 **CST. TROY MAXWELL:** No.

20 **MR. JOSHUA BRYSON:** Did you watch Ms. Forbes' testimony
21 last week or read about it?

22 **CST. TROY MAXWELL:** No.

23 **MR. JOSHUA BRYSON:** Oh, you didn't even read the news
24 articles afterwards?

25 **CST. TROY MAXWELL:** No.

26 **MR. JOSHUA BRYSON:** And why – I'm just curious; why is that;
27 why wouldn't you pay attention?

28 **CST. TROY MAXWELL:** Well, I struggle with PTSD and for me, I

1 stay anyway from anything that's going to cause me any type of stress or anxiety, so I
2 generally don't watch the news or listen to interviews or anything because of my mental
3 health.

4 **MR. JOSHUA BRYSON:** So I want to move to an email and I may
5 not have to produce it on-screen; we'll see how this goes. But I'm referring for the
6 benefit of everyone, I'm referring to COMM36508. And, Madame Registrar, can you
7 refresh my memory; is this an Exhibit or this is not – is this one we can display or not
8 display?

9 **REGISTRAR DARLENE SUTHERLAND:** We can.

10 **MR. JOSHUA BRYSON:** Okay. Perhaps if we can produce it on
11 the screen then.

12 **REGISTRAR DARLENE SUTHERLAND:** And that will be Exhibit
13 3534.

14 **--- EXHIBIT No. 3534:**

15 (COMM0036508) Email

16 **MR. JOSHUA BRYSON:** Thank you. And can we make that
17 bigger so that Constable Maxwell can read the content and we can all read it. I just
18 want to take you down to – you can stop after the file was, so we can leave it there,
19 Madame Registrar: "The file was purged on August 8, 2015", which means it was
20 concluded on August 8th, 2013. Is that date significant to you or do you recall anything
21 about that specific date in this matter?

22 **CST. TROY MAXWELL:** No.

23 **MR. JOSHUA BRYSON:** Okay. My understanding was, that the
24 July 6th complaint was processed mostly on the 6th; it might have been wrapped up on
25 the 7th or 8th of July. Is that your recollection or do you recall anything about that
26 timeline?

27 **CST. TROY MAXWELL:** I'm sorry, what are you asking me?

28 **MR. JOSHUA BRYSON:** So my understanding in terms of when

1 you actually concluded this file was one or possibly two days at most after July 6th.

2 **CST. TROY MAXWELL:** I would have tried to do whatever I
3 needed to for that file within that block, those five shifts.

4 **MR. JOSHUA BRYSON:** Right, okay.

5 **CST. TROY MAXWELL:** And if you can't get it done within those
6 five shifts, then you continue it until you can.

7 **MR. JOSHUA BRYSON:** And, again, I think we addressed there
8 really wasn't anything more for you to do though, right?

9 **CST. TROY MAXWELL:** No.

10 **MR. JOSHUA BRYSON:** This email references the complaint
11 coming in at July 6th at 10:01 and I think you've already accepted that that's accurate;
12 right?

13 **CST. TROY MAXWELL:** Are you asking me a question?

14 **MR. JOSHUA BRYSON:** Yes. At 10:01 is accurate, to the best of
15 your recollection?

16 **CST. TROY MAXWELL:** I don't know; that would have been on
17 the file.

18 **MR. JOSHUA BRYSON:** You're noted as lead on this file in this
19 email; that's your understanding as well; you were lead?

20 **CST. TROY MAXWELL:** Yes.

21 **MR. JOSHUA BRYSON:** And the file was concluded as assistance
22 to the general public; we've covered that; right?

23 **CST. TROY MAXWELL:** Yes.

24 **MR. JOSHUA BRYSON:** And in terms of any other progress that
25 you can note on this investigation from the time that you left the perpetrator's cottage I
26 believe you indicated that there was no further progress you made on this investigation;
27 right?

28 **CST. TROY MAXWELL:** Again, that would have been in the file,

1 right? So whatever I would have done, would have been documented in the file within
2 either reports or whatever. So at that point in time I don't have the file here to look
3 back on. So I can tell you that – so I'm not quite sure what you're asking.

4 **MR. JOSHUA BRYSON:** I'm actually going to move on. So these
5 notes and in corporal McKay's notes that the Commission Counsel has put before you,
6 there is the subject matter of the complaint and I believe you agreed that the subject
7 matter of the complaint as noted by Corporal McKay, you had no reason to doubt the
8 accuracy of her notes; in other words, what she likely notes as you telling her, is likely
9 what you told her on this day, June 9th, 2020; is that fair?

10 **CST. TROY MAXWELL:** Yes, the first time I ever even seen the
11 notes were today.

12 **MR. JOSHUA BRYSON:** And you had a chance to read them?

13 **CST. TROY MAXWELL:** No.

14 **MR. JOSHUA BRYSON:** You didn't have a chance to read them
15 when Commission Counsel had them up on the screen?

16 **CST. TROY MAXWELL:** Well, yes, that's when I read them.

17 **MR. JOSHUA BRYSON:** So I'm going to suggest this to you, sir.
18 So this reference to a decommissioned car is not found anywhere
19 in the notes of your conversation with Corporal McKay; right?

20 You didn't mention decommissioned car to Corporal McKay, did
21 you?

22 **CST. TROY MAXWELL:** I have no idea.

23 **MR. JOSHUA BRYSON:** I'm going to suggest to you that the first
24 time you reference a decommissioned car complaint is in your interview with the Mass
25 Casualty Commission.

26 **CST. TROY MAXWELL:** Okay.

27 **MR. JOSHUA BRYSON:** Okay. Well, you can certainly tell me
28 different if I'm wrong.

1 **CST. TROY MAXWELL:** I don't know. I have no idea about that.

2 **MR. JOSHUA BRYSON:** And you have a memory now of
3 suggesting that the complaint involved the decommissioned car; right?

4 **CST. TROY MAXWELL:** Again, sir, I can remember there being
5 three cars in a driveway. There was a car backed in, there was a car behind it, and I
6 believe there was a crashed or damaged car to the left of me.

7 That's my memory. I can't give you more than that.

8 **MR. JOSHUA BRYSON:** And in terms of -- I'm just going to talk
9 about the issues that a decommissioned car might raise with you.

10 So a decommissioned car. So you're aware of provisions in the
11 *Criminal Code* for impersonation of police officers; correct?

12 **CST. TROY MAXWELL:** Yes.

13 **MR. JOSHUA BRYSON:** Okay. You're aware of provisions that
14 pertain to stunting, which is 50 kilometres over the speed limit, right, if someone's
15 speeding?

16 **CST. TROY MAXWELL:** Yes.

17 **MR. JOSHUA BRYSON:** You're aware of also offences under the
18 *Motor Vehicle Act* pertaining to lesser forms of speeding, one to 15, over 16 to 30, 31
19 and over ---

20 **CST. TROY MAXWELL:** Yes.

21 **MR. JOSHUA BRYSON:** --- correct?

22 **CST. TROY MAXWELL:** Yes.

23 **MR. JOSHUA BRYSON:** So there are potential *Criminal Code*
24 offences and motor vehicle offences when the subject matter involves a
25 decommissioned car speeding around a neighbourhood; right?

26 **CST. TROY MAXWELL:** I don't -- I don't understand what you
27 mean.

28 **MR. JOSHUA BRYSON:** Can you think of *Criminal Code* offences

1 that could ---

2 **COMMISSIONER MacDONALD:** Sorry, Mr. Bryson.

3 Ms. MacPhee?

4 **MS. PATRICIA MacPHEE:** I'm just going to object. I'm just not
5 sure what the foundation of that question is. Mr. Bryson's suggesting that there's
6 evidence that there was a decommissioned car at play or that he had information that
7 there was a decommissioned car driving around the neighbourhood.

8 **MR. JOSHUA BRYSON:** Pardon?

9 **MS. PATRICIA MacPHEE:** I'm wondering if it's in evidence that
10 the complaint involved a decommissioned car driving around the neighbourhood.

11 **MR. JOSHUA BRYSON:** Is there evidence...?

12 **MS. PATRICIA MacPHEE:** You're asking him -- you know, you're
13 suggesting to him there are possible criminal offences, and I'm just wondering if there's
14 a foundation for the criminal offences you're putting to him that relate actually to the
15 complaint that he was investigating.

16 **MR. JOSHUA BRYSON:** Commissioners, I would suggest that
17 that objection is not appropriate. What I'm suggesting to this witness is that even the
18 subject -- we can disagree about domestic assault or other types of investigation, but
19 the -- but even if the matter involved a decommissioned car, there are criminal and
20 regulatory offences that could be triggered for this member to investigate.

21 **COMMISSIONER MacDONALD:** Yeah, I don't think she's -- I don't
22 think that's the nature of her objection. The nature of her objection is can you ask the
23 witness whether or not he -- when he gave his statement to the Mass Casualty
24 Commission, was it his understanding that he -- that the offence involved a
25 decommissioned police car or that -- I think that's the foundation that she's ---

26 **MS. PATRICIA MacPHEE:** It is, but further, I would actually point
27 out that the fact that he noticed a white, I think, Crown Victoria was his evidence doesn't
28 mean that there's a regulatory offence on owning a white Crown Victoria in 2013, to my

1 knowledge, unless there's something here that we don't know.

2 **COMMISSIONER MacDONALD:** Anyway, Mr. Bryson, I'll direct
3 you, let's get his statement up where he talked about a decommissioned car ---

4 **MR. JOSHUA BRYSON:** Sure.

5 **COMMISSIONER MacDONALD:** --- and that'll be a foundation
6 and you can ask whatever questions you want from there.

7 **MR. JOSHUA BRYSON:** Thank you.

8 If we can do that, please.

9 Turn to page -- if we could turn to page 6, please.

10 Sir, tell me when you're finished reading that paragraph.

11 **CST. TROY MAXWELL:** Okay. Go ahead.

12 **MR. JOSHUA BRYSON:** Okay. Thank you.

13 So this is your answer to a question from Mr. Fowler that you
14 remember the substance of the complaint that involved a gentleman in the
15 neighbourhood driving around in an old decommissioned police car. He was tearing
16 around the neighbourhood driving in a fast manner or unsafe manner; correct?

17 **CST. TROY MAXWELL:** Yes.

18 **MR. JOSHUA BRYSON:** Okay. And my question to you is that
19 even if we accept that this was the subject matter of the complaint, decommissioned
20 police car, that this subject matter is going to possibly trigger *Criminal Code* and *Motor*
21 *Vehicle Act* violations to investigate; right?

22 **CST. TROY MAXWELL:** I still don't understand your question.

23 **MR. JOSHUA BRYSON:** If someone told you that someone is
24 driving around, speeding around, unruly in a decommissioned police car, what offences
25 are you investigating?

26 **CST. TROY MAXWELL:** Speeding.

27 **MR. JOSHUA BRYSON:** Can you think of any offences you're
28 investigating under the *Criminal Code*?

1 **CST. TROY MAXWELL:** Causing a disturbance.

2 **MR. JOSHUA BRYSON:** Thank you.

3 And so this complaint of a possible *Criminal Code* offence, causing
4 a disturbance, and this complaint of a possible *Motor Vehicle Act* -- and again, I'm just
5 using what you're telling us is what the substance of the complaint was. Your
6 investigation of this possible *Criminal Code* offence and this possible *Motor Vehicle Act*
7 violation concluded without speaking with the witnesses, any witnesses.

8 **CST. TROY MAXWELL:** Ms. Forbes was the witness.

9 **MR. JOSHUA BRYSON:** Well, she was a third party; right? That
10 was your understanding. She didn't witness anything.

11 **CST. TROY MAXWELL:** No. She was a third party to the assault.
12 She -- she called in the complaint about the driving, right. From what I understand
13 today, what you're saying is, Ms. Forbes provided information or provided information to
14 somebody about an assault. And what I said was, in that regard, that that would be a
15 third party complaint, right.

16 I didn't say anything about Ms. Forbes not having information about
17 this complaint.

18 **MR. JOSHUA BRYSON:** So let's go back to my question.

19 There's possible *Criminal Code* violation. There's possible *Motor*
20 *Vehicle Act* violation. You concluded it without taking a statement from any witness;
21 right?

22 **CST. TROY MAXWELL:** Yes.

23 **MR. JOSHUA BRYSON:** And I think we covered this, but
24 decommissioned car's not noted anywhere in your notebook; correct?

25 **CST. TROY MAXWELL:** No, it's not.

26 **MR. JOSHUA BRYSON:** If we can turn to the CPIC. I just have a
27 couple of questions on the CPIC, COMM14702.

28 And actually, before I get there, I just want to ask you a question

1 about your -- just back to your investigation. So you had said to me that it was a very
2 busy day; right?

3 **CST. TROY MAXWELL:** No, I did not say that, sir.

4 **MR. JOSHUA BRYSON:** Okay.

5 **CST. TROY MAXWELL:** What I said to you is when I'm working
6 general duty or I'm the general duty police officer, we go to multiple calls a day.

7 **MR. JOSHUA BRYSON:** Yeah.

8 **CST. TROY MAXWELL:** On that day, I don't know how busy that
9 day is. It was nine years ago.

10 So I can only tell you that when I left that complaint, we would move
11 on to another complaint.

12 **MR. JOSHUA BRYSON:** Yeah. So just back to your notes, do any
13 of your notes reflect your visit to Portapique to the perpetrator's residence?

14 **CST. TROY MAXWELL:** No.

15 **MR. JOSHUA BRYSON:** But it occurred that day, is what you're
16 telling us; right?

17 **CST. TROY MAXWELL:** Yes.

18 **MR. JOSHUA BRYSON:** And your notebook is chronological in
19 fashion. In other words, you started your shift at 7:00 a.m. and you start making notes
20 regardless of the matter involved. So if you're not this file at 10:00 a.m. and you jumped
21 to another file at 12:00, well, that's going to follow in your notebook as the next matter;
22 correct?

23 **CST. TROY MAXWELL:** Yes.

24 **MR. JOSHUA BRYSON:** Okay. And these are the entirety of your
25 notes for July 6. Is that correct?

26 **CST. TROY MAXWELL:** In regards to this file, yes.

27 **MR. JOSHUA BRYSON:** Do you have other notes of activities
28 you'd done on July 6th?

1 **CST. TROY MAXWELL:** In my notebook.

2 **MR. JOSHUA BRYSON:** Have you looked at them to see if there's
3 other activities noted on July 6th?

4 **CST. TROY MAXWELL:** No.

5 **MR. JOSHUA BRYSON:** Are there any other notes pertaining to
6 your trip to Portapique?

7 **CST. TROY MAXWELL:** No.

8 **MR. JOSHUA BRYSON:** Okay. And you finished your shift at 5:00
9 p.m. that day, is what your notes indicate.

10 **COMMISSIONER MacDONALD:** No, that's not his evidence.

11 **MR. JOSHUA BRYSON:** Pardon?

12 **COMMISSIONER MacDONALD:** That's not his evidence.

13 **MR. JOSHUA BRYSON:** Based on the notebook, you had written
14 at the top that your shift ended at 1700 hours, and I think I asked you if that was
15 accurate.

16 **CST. TROY MAXWELL:** No, I said ---

17 **COMMISSIONER MacDONALD:** He said he didn't know what --

18 **CST. TROY MAXWELL:** --- I wouldn't know what time I finished.

19 **COMMISSIONER MacDONALD:** Excuse me, Mr. Maxwell.

20 **CST. TROY MAXWELL:** That's what my shift is.

21 **COMMISSIONER MacDONALD:** Yeah. Mr. Bryson, his shift, that
22 was his scheduled shift. He said he didn't know what time he finished that day.

23 **MR. JOSHUA BRYSON:** Okay.

24 Would you normally change your notes if, for example, your shift
25 ended later that day at the ---

26 **CST. TROY MAXWELL:** No.

27 **MR. JOSHUA BRYSON:** You would just leave it at -- would you
28 have notes to say when your shift ended?

1 **CST. TROY MAXWELL:** You would finish your notes whatever --
2 just because your shift's supposed to end at five, doesn't mean your shift's going to end
3 at five.

4 **MR. JOSHUA BRYSON:** Yeah.

5 **CST. TROY MAXWELL:** If you receive a call at 4:53, you're going
6 to go on a call. That call might end at eight o'clock.

7 **MR. JOSHUA BRYSON:** Yeah.

8 **CST. TROY MAXWELL:** But you're still -- I'm still going to put
9 down -- every day I start, I put down my shift I'm supposed to be working.

10 **MR. JOSHUA BRYSON:** Okay. So what I'm trying to understand
11 is in your statement to the Mass Casualty Commission, you had indicated, and in your
12 statement today, I believe, that you had attended the Portapique residence at dusk;
13 correct?

14 **CST. TROY MAXWELL:** That's my memory, yes.

15 **MR. JOSHUA BRYSON:** And this is in July, so dusk is seven?

16 **CST. TROY MAXWELL:** Again, I can only tell you my memory and
17 my memory would be that it was dusk, the sun was coming down. There was lights on
18 in the house.

19 **MR. JOSHUA BRYSON:** Yeah.

20 **CST. TROY MAXWELL:** The next-door neighbour's porch light
21 was on. I remember that.

22 **MR. JOSHUA BRYSON:** So let's go to the CPIC, just a couple of
23 questions there on the COMM 14702. At the top of the page, it says page 3.

24 Okay. Madam Registrar, if we could go to page 5? It says 3 at the
25 top but, yeah, okay, we're there.

26 So there's a time entry here, Officer, and I'm just wondering if you
27 can tell us what that means based on your experience. So there's a 1057 timestamp
28 next to this entry for the perpetrator and your name. Do you know what that 1057 would

1 indicate?

2 **CST. TROY MAXWELL:** I'm still trying to find where we're at.

3 **MR. JOSHUA BRYSON:** Okay. So if we can just scroll down to
4 20130706, left-hand column? Yeah, we are still on the same page. The same entry
5 you looked at before with Ms. Hill.

6 **CST. TROY MAXWELL:** I've never seen one of these documents
7 before, sir, so I -- I'm not even sure where I'm looking or what I'm looking at here.

8 **MR. JOSHUA BRYSON:** Would that be the time of the CPIC
9 inquiry, or you just simply don't know?

10 **CST. TROY MAXWELL:** Oh, there it is there. So the 10 -- I have
11 no idea what that 1057 ---

12 **MR. JOSHUA BRYSON:** Okay.

13 **CST. TROY MAXWELL:** --- means.

14 **MR. JOSHUA BRYSON:** Yeah. And then my other question on
15 this document, we don't have to go there, but it says -- so this entry appears twice. It
16 appears also under CNI name queries. Do you know what that means, CNI name
17 queries?

18 **CST. TROY MAXWELL:** Oh, shit. No, I don't know what the
19 acronym stands for.

20 **MR. JOSHUA BRYSON:** Now in terms of your evidence, at one
21 point you had indicated that you attended the residence with Constable Maclsaac;
22 correct?

23 **CST. TROY MAXWELL:** Yes.

24 **MR. JOSHUA BRYSON:** Now does the fact that Constable
25 Maclsaac not recall ever attending this location with you cause you to change your
26 evidence in any way?

27 **CST. TROY MAXWELL:** No.

28 **MR. JOSHUA BRYSON:** There's also a reference to you attending

1 Portapique possibly with Constable Sutherland. Does the fact that she has no notes or
2 memory of this incident cause you to change your testimony in any way?

3 **CST. TROY MAXWELL:** No.

4 **MR. JOSHUA BRYSON:** Did you speak to either officer about
5 this?

6 **CST. TROY MAXWELL:** No.

7 **MR. JOSHUA BRYSON:** So just in regards to that, two years ago,
8 in June, we have the recollection from Corporal McKay that you had indicated that you
9 had gone to Portapique with Kenda -- Constable Sutherland; right?

10 **CST. TROY MAXWELL:** Yes.

11 **MR. JOSHUA BRYSON:** Okay. And now we have the recollection
12 that you attended there with Constable Maclsaac. Do you have ---

13 **CST. TROY MAXWELL:** Oh, I ---

14 **MR. JOSHUA BRYSON:** Pardon? Sorry, go ahead.

15 **CST. TROY MAXWELL:** Who, me?

16 **MR. JOSHUA BRYSON:** Yes, yeah.

17 **CST. TROY MAXWELL:** Oh. I remember going there with
18 Constable Maclsaac. I remember attending, again, and this is from my memory, I
19 remember attending the residence, knocking on the door, there being no response.

20 **MR. JOSHUA BRYSON:** So here's my question about that though,
21 because you had said, based on Corporal McKay's notes that it was someone else two
22 years ago, do you have any reason to believe that your memory got better over time?
23 Two years ago, you had indicated to Corporal McKay, if we accept her notes, and I think
24 you indicated you do, that it was Kenda -- Constable Sutherland that you attended the
25 Portapique residence with. Two years later, you're telling us it was Constable
26 Maclsaac. So my question to you is, do you have any reason to believe your memory's
27 better now than it was two years ago?

28 **CST. TROY MAXWELL:** No.

1 **MR. JOSHUA BRYSON:** They're all my questions. Thank you
2 very much.

3 **COMMISSIONER MacDONALD:** Thank you, Mr. Bryson.
4 Next?

5 Thank you. Next Counsel then, please.

6 Mr. Maxwell, a second lawyer will be asking you some questions.
7 She'll introduce herself.

8 **CST. TROY MAXWELL:** Okay. Thank you.

9 **--- CROSS-EXAMINATION BY MS. ERIN BREEN:**

10 **MS. ERIN BREEN:** Thank you.

11 Constable Maxwell, my name is Erin Breen. I am Counsel for
12 Avalon Sexual Assault Centre LEAF and Wellness Within. Good afternoon.

13 **CST. TROY MAXWELL:** Okay. Hello, good afternoon.

14 **MS. ERIN BREEN:** Constable Maxwell, I'll be brief, but I did want
15 to ask you, we have your Commission interview and evidence. And you did ---

16 **CST. TROY MAXWELL:** Yes.

17 **MS. ERIN BREEN:** --- talk about the fact that Bible Hill was a busy
18 detachment.

19 **CST. TROY MAXWELL:** It is a busy detachment.

20 **MS. ERIN BREEN:** Can you just -- can you expand on that in
21 terms of your daily duties? How many calls would you be taking per day?

22 **CST. TROY MAXWELL:** Oh, I don't know that, ma'am, but what I
23 would say to you that outside of Halifax Detachment, Bible Hill is the busiest
24 detachment in Nova Scotia. So I wouldn't be able to tell you how many calls a day, or
25 how many calls a year, or anything like that, but from my experience from working in
26 Port Hawkesbury, Waycobah and Enfield, it's much busier than those three locations.

27 **MS. ERIN BREEN:** Okay. And I also understand you spend a lot
28 of time on the road; is that correct, driving?

1 **CST. TROY MAXWELL:** Yes.

2 **MS. ERIN BREEN:** And in particular in relation to this
3 investigation, you would have driven to at least Portapique, correct, from Bible Hill?

4 **CST. TROY MAXWELL:** Like, for this instance?

5 **MS. ERIN BREEN:** Yes.

6 **CST. TROY MAXWELL:** Yes.

7 **MS. ERIN BREEN:** Okay. And what is the distance there, just so
8 that we have it in the record?

9 **CST. TROY MAXWELL:** Probably 40 minutes, 45 minutes.

10 **MS. ERIN BREEN:** Okay. And the Debert airfield that you've
11 referenced, how far would that be from Bible Hill?

12 **CST. TROY MAXWELL:** Maybe 30 minutes.

13 **MS. ERIN BREEN:** Okay. Thank you. And the kinds of offences
14 that you were investigating which you state were driving and causing a disturbance, are
15 they common kinds of investigations that you would be doing?

16 **CST. TROY MAXWELL:** Yes, ma'am.

17 **MS. ERIN BREEN:** Okay. So if I was to say to you, you would
18 have had hundreds of those kinds of files over the last nine years, would that be
19 accurate?

20 **CST. TROY MAXWELL:** Well, ma'am, I've been off the road for
21 the last five years and retired for the last two.

22 **MS. ERIN BREEN:** Okay.

23 **CST. TROY MAXWELL:** And I was -- I've been injured, so I've
24 been off the road for about five years.

25 **MS. ERIN BREEN:** Okay.

26 **CST. TROY MAXWELL:** So before that, it would be a relatively --
27 sorry, what was the question?

28 **MS. ERIN BREEN:** I was just trying to get a sense of how common

1 these kinds of files are for Bible Hill.

2 **CST. TROY MAXWELL:** For ---

3 **MS. ERIN BREEN:** But ---

4 **CST. TROY MAXWELL:** In Bible Hill, what I would say to you, for
5 general duty members, which I am -- or I was, assaults, domestics, driving complaints,
6 sudden deaths, you know, these are something that we would investigate on a regular
7 basis.

8 **MS. ERIN BREEN:** Okay. And, Constable Maxwell, do you know
9 a Constable Greg Wiley?

10 **CST. TROY MAXWELL:** I do.

11 **MS. ERIN BREEN:** Okay. Have you worked with him at Bible Hill
12 Detachment?

13 **CST. TROY MAXWELL:** Very rarely.

14 **MS. ERIN BREEN:** Okay.

15 **CST. TROY MAXWELL:** If ever.

16 **MS. ERIN BREEN:** Constable Wiley is -- he's also given an
17 interview for the Commission, and we anticipate he will be called as a witness, and
18 there was something in his interview that I just wanted to read to you, to see ---

19 **CST. TROY MAXWELL:** Okay.

20 **MS. ERIN BREEN:** --- if you could comment.

21 And, Commissioners, that is at Exhibit 1202, page 38, Madam
22 Registrar, if we could pull that up for Constable Maxwell?

23 So Constable Maxwell, can you see the statement there on the
24 screen?

25 **CST. TROY MAXWELL:** Yes, ma'am.

26 **MS. ERIN BREEN:** Okay. And you'll see the entry there "Greg
27 Wiley".

28 **CST. TROY MAXWELL:** Yes.

1 **MS. ERIN BREEN:** And if you go down partially through that
2 paragraph, I'm having some difficulty seeing it, but it starts with, "But the way the Sgt
3 put it to me". Do you see that there, where that begins?

4 **CST. TROY MAXWELL:** Yes.

5 **MS. ERIN BREEN:** Okay. And -- okay. I'm just going to read it to
6 the best of my ability.

7 Thank you very much, Madam Registrar.

8 "But the way the Sgt put it to me, he said it was an
9 older dude, Gregory -- Gregory -- who the -- who the
10 hell's Gregory? It's me, Gregory. I'm going to teach
11 you something here, so listen. And he said almost
12 everybody here gets this and at here in Colchester,
13 here in Bible Hill there's two types of investigations,
14 the one you investigate and the one that you
15 concluded. And he said you have to figure -- you
16 have to figure out is there anything to it or not? And
17 that's what you have to decide. We got so many
18 ticky-tacky calls like if we wanted to pull my queue out
19 and just go through things, like if you could just bring
20 out all the calls, like 700 calls in a year or whatever, it
21 would have been down. The thing sort of looking at --
22 the thing is that how many, what -- what did we get
23 here, sort of thing. You could see that there's a lot of
24 ticky-tacky stuff where you don't look to write
25 something off, and that's the expression you use,
26 write it off. But you have to decide is this have
27 anything here. Do you have an offence being
28 committed? Do you have a suspect? Do you have

1 physical evidence? Do you have a witness or
2 witnesses?" (as read)

3 So Constable Maxwell, did you get an opportunity to read that
4 segment?

5 **CST. TROY MAXWELL:** Just now with you.

6 **MS. ERIN BREEN:** Okay. And what I take from that is Constable
7 Wiley is saying that in Bible Hill -- and he makes the comment that he believes other
8 members would have gotten the same talk from the Sergeant when they started.

9 Do you recall being told this by your Sergeant in Bible Hill, this kind
10 of a message?

11 **CST. TROY MAXWELL:** No.

12 **MS. ERIN BREEN:** So this was never told to you, that, you know --

13 -

14 **CST. TROY MAXWELL:** No.

15 **MS. ERIN BREEN:** And as I understand it, it -- the message is
16 basically, "We're busy and when you get to call, if you don't have the evidence, you
17 know, you write it off". You're saying you were never told that by your Sergeant.

18 **CST. TROY MAXWELL:** No.

19 **MS. ERIN BREEN:** Okay. And sir, I just want to conclude on that.
20 I'm going to suggest to you in terms of what is being said by Ms. Forbes -- because I'm
21 a little concerned if you haven't read it. Do you know that Brenda Forbes is saying that
22 she did report an assault against Lisa Banfield to you?

23 **CST. TROY MAXWELL:** I didn't know that, no. But she didn't
24 report that to me.

25 **MS. ERIN BREEN:** Okay. But do you understand that that's what
26 she has testified to here at this inquiry?

27 **CST. TROY MAXWELL:** No, I didn't know that.

28 **MS. ERIN BREEN:** You didn't know that?

1 **CST. TROY MAXWELL:** No.

2 **MS. ERIN BREEN:** Do you understand that she has said in at least
3 her original police statement that she gave you the names of two witnesses to that
4 assault because she hadn't witnessed it herself?

5 **CST. TROY MAXWELL:** Okay. But no, I don't remember that.

6 **MS. ERIN BREEN:** Okay. You don't remember.

7 But she says that she gave you two names, being Glynn Wortman
8 and Richard Ellison.

9 **CST. TROY MAXWELL:** Okay.

10 **MS. ERIN BREEN:** And those names do appear in your notebook,
11 you said.

12 **CST. TROY MAXWELL:** Yes.

13 **MS. ERIN BREEN:** Okay. She's also said that in her original
14 police statement that when she met with you, she basically told you that Mr. Ellison she
15 didn't expect to cooperate or give any information and that Mr. Wortman she had on
16 speakerphone and that he said to you, "I'm not going to give any information".

17 Do you understand that that's what she's told the Commission?

18 **CST. TROY MAXWELL:** From what you're just telling me now.

19 **MS. ERIN BREEN:** Okay. So my question to you is that if you
20 arrive at a call and you're told of an offence that is basically at this point hearsay and
21 you're told ---

22 **CST. TROY MAXWELL:** Yes.

23 **MS. ERIN BREEN:** --- that you don't have any witnesses to
24 interview, is it ---

25 **CST. TROY MAXWELL:** Yes.

26 **MS. ERIN BREEN:** --- likely that that is going to be concluded as a
27 first instance file?

28 **CST. TROY MAXWELL:** Well, it depends. You can put that in

1 your notes and if you put that in your notes, what Ms. Forbes alleges that she's told me,
2 my Corporal would ask me at that point in time, "Did you investigate this further?", right.

3 You're just not going to go in and write it off because there are
4 checks and balances within the situation, right. So any information that I get -- and
5 again, the lack of notes is what gets me because any time you have notes, those are
6 the things that you're going to write down and those are the things that you're going to
7 put in your reports.

8 **MS. ERIN BREEN:** Right. And you did note those names. As you
9 said ---

10 **CST. TROY MAXWELL:** Yes.

11 **MS. ERIN BREEN:** --- you'd noted those names.

12 **CST. TROY MAXWELL:** Yes.

13 **MS. ERIN BREEN:** Okay.

14 **CST. TROY MAXWELL:** She would have provided those names.

15 **MS. ERIN BREEN:** And in terms of what you would have put in the
16 PROS file, we no longer have that, correct, because it's been purged?

17 **CST. TROY MAXWELL:** Yes, ma'am.

18 **MS. ERIN BREEN:** Okay. Those are all my questions, sir. Thank
19 you very much.

20 **COMMISSIONER MacDONALD:** Thank you.

21 A third counsel, Ms. Miller, will be asking you some questions, Mr.
22 Maxwell.

23 Ms. Miller.

24 **--- CROSS-EXAMINATION BY MS. TARA MILLER:**

25 **MS. TARA MILLER:** Good afternoon, Constable Maxwell. My
26 name is ---

27 **CST. TROY MAXWELL:** Hello.

28 **MS. TARA MILLER:** Hi. My name is Tara Miller and I, with my

1 colleague, Alex Digout, represent a family member of Kristen Beaton and her unborn
2 child. They were victims of, as were many, when the mass casualty.

3 **CST. TROY MAXWELL:** Yes.

4 **MS. TARA MILLER:** I have two areas I want to cover with you,
5 really, with a lens of looking at these things through the Commission's forward-looking
6 mandate to be able to give recommendations.

7 And the first area I want to cover, just so that I have a better
8 understanding, is the function of notetaking and preserving notes.

9 **CST. TROY MAXWELL:** Yes.

10 **MS. TARA MILLER:** We have your notes. They are dated July 6,
11 2013, and we know they were disclosed to the RCMP on June 3rd, 2020; correct?

12 **CST. TROY MAXWELL:** Yes, ma'am.

13 **MS. TARA MILLER:** Okay. And my understanding of your
14 evidence today is that you were contacted by someone and advised to look for notes
15 from the summer of 2013?

16 **CST. TROY MAXWELL:** Yes, ma'am.

17 **MS. TARA MILLER:** Okay. And was that Constable Cliff Berriman
18 who would have conveyed that request to look for notes from the summer?

19 **CST. TROY MAXWELL:** Yes, ma'am.

20 **MS. TARA MILLER:** Okay. And just generally speaking,
21 Constable Maxwell, when you take notes when you're on duty, they're in a notebook;
22 correct?

23 **CST. TROY MAXWELL:** Yes, ma'am.

24 **MS. TARA MILLER:** Okay. And is that notebook issued by the
25 RCMP to you or do you purchase your own?

26 **CST. TROY MAXWELL:** No, the RCMP issues those to you.

27 **MS. TARA MILLER:** Okay. And during the course of a year, for
28 example, how many notebooks would you go through?

1 **CST. TROY MAXWELL:** It depends.

2 **MS. TARA MILLER:** Okay.

3 **CST. TROY MAXWELL:** Like a lot -- it would depend on the
4 individual.

5 So I'm a person that generally takes notes, so I might have, say,
6 seven or eight notebooks or two or three, where somebody might have one or two, right.
7 So it just depends on the individual.

8 **MS. TARA MILLER:** Okay. And we know from the material that's
9 been produced by the RCMP -- and my friend, Mr. Bryson, took you to a June 10th,
10 2020 email from Angela MacKay. It was Exhibit 3534.

11 We don't need to bring it up, but it was an email where she was
12 reviewing and Mr. Bryson reviewed with you sort of the sequence of what the RCMP
13 had done to investigate, and it was noted that you were the lead investigator on this
14 matter involving the Brenda Forbes complaint. Remember that?

15 **CST. TROY MAXWELL:** Yes, ma'am.

16 **MS. TARA MILLER:** Okay. And it also noted that Constables
17 Maclsaac and Corporal Sutherland were involved in investigating with you.

18 **CST. TROY MAXWELL:** They would have backed me up.

19 **MS. TARA MILLER:** Okay. And would it be your expectation that
20 they would have had or made notes themselves independent of what you were doing or
21 was that a function that the lead investigator took responsibility for?

22 **CST. TROY MAXWELL:** Well, that would be dependent on what
23 the complaint was.

24 So if this was any type of domestic or anything like that, two
25 members would have been dispatched to that and both of those members are then
26 required to put reports on a file. So in this situation, I'm the lead investigator.

27 **MS. TARA MILLER:** Yes.

28 **CST. TROY MAXWELL:** I'm going out looking for a speeding

1 vehicle with a gentleman who's driving around in an unruly manner. At that point in
2 time, they're out looking for the same individual, but it's my notes. It's my file. So
3 because I'm the lead investigator, it's my file.

4 **MS. TARA MILLER:** It's your file, so you're primarily responsible
5 for making notes, but what I'm hearing you say ---

6 **CST. TROY MAXWELL:** Yes.

7 **MS. TARA MILLER:** --- is depending on the nature of the call, not
8 just in this instance, but in any instance, the other members that are supporting the lead
9 investigator may or may not make their own notes in these notebooks; correct?

10 **CST. TROY MAXWELL:** Correct.

11 **MS. TARA MILLER:** Okay. And we know from the June 10th,
12 2020 email that a search revealed your notes, of course, but the email from Angela
13 MacKay says that Constable Maclsaac and Corporal Sutherland had no notes
14 themselves, and I take from that we don't know if that means they never had any notes,
15 or they just weren't able to locate notes. You're not able to offer any insight into that;
16 are you?

17 **CST. TROY MAXWELL:** No, ma'am.

18 **MS. TARA MILLER:** Okay. Notes as you said earlier, notes are
19 one of the most important things you will have. You take good notes because you need
20 them to write reports. That was your evidence earlier this morning when you were
21 asked about the function of notetaking.

22 **CST. TROY MAXWELL:** Yes, ma'am.

23 **MS. TARA MILLER:** Thank you. And we know that the report, of
24 course, that you did write was purged in August of 2015. Would you have expected that
25 Constable Maclsaac and/or Corporal Sutherland would have contributed to that report
26 on PROS in any way, given that they were supporting you at various times in this
27 investigation?

28 **CST. TROY MAXWELL:** No.

1 **MS. TARA MILLER:** Okay. You would not have expected them to
2 have made any entries into that report?

3 **CST. TROY MAXWELL:** No, ma'am.

4 **MS. TARA MILLER:** Okay. So your notes were somewhere for
5 seven years before you found them, and that's what I want to sort of narrow in on now,
6 Constable Maxwell. You were asked to go look for your notes. Where were your
7 notes?

8 **CST. TROY MAXWELL:** In my house.

9 **MS. TARA MILLER:** Okay. And we talked about the notebooks
10 that you're supplied by the RCMP, and you keep them.

11 **CST. TROY MAXWELL:** Yes.

12 **MS. TARA MILLER:** And you kept your notes.

13 **CST. TROY MAXWELL:** Yes.

14 **MS. TARA MILLER:** And you keep all of your notebooks at home?

15 **CST. TROY MAXWELL:** Yes.

16 **MS. TARA MILLER:** Okay. And is that ---

17 **CST. TROY MAXWELL:** Well, now that I'm retired.

18 **MS. TARA MILLER:** Now that you're retired?

19 **CST. TROY MAXWELL:** Yes.

20 **MS. TARA MILLER:** Okay. What does that mean? You mean you
21 -- obviously, you don't have notes to keep now that you're retired; correct?

22 **CST. TROY MAXWELL:** No, ma'am, like, what I'm saying is a lot
23 of times when you have your notes and your notebooks, your ex-notebooks, you might
24 keep them at the office, keep them locked up somewhere. But now that I'm retired, I
25 took those -- everything that -- I leave the office, my stuff comes with me.

26 **MS. TARA MILLER:** Okay. And that's where I wanted to go with
27 that. Where -- when you -- when did you retire, Constable Maxwell?

28 **CST. TROY MAXWELL:** January 2021.

1 **MS. TARA MILLER:** Okay. So you found these notes though in
2 June of 2020 when you were still working; correct?

3 **CST. TROY MAXWELL:** I would have been working in the
4 callback unit, if I was working, yes.

5 **MS. TARA MILLER:** Okay. And where did you find your notes?

6 **CST. TROY MAXWELL:** In my house.

7 **MS. TARA MILLER:** You found them in your house. I heard you
8 say that ---

9 **CST. TROY MAXWELL:** All my -- I have all my notebooks ---

10 **MS. TARA MILLER:** Yes.

11 **CST. TROY MAXWELL:** --- together ---

12 **MS. TARA MILLER:** Yes.

13 **CST. TROY MAXWELL:** --- in my house.

14 **MS. TARA MILLER:** Okay. Did you ever ---

15 **CST. TROY MAXWELL:** So ---

16 **MS. TARA MILLER:** --- keep them in the detachment locked up?

17 **CST. TROY MAXWELL:** Yes.

18 **MS. TARA MILLER:** Okay. And when did you move them to your
19 house?

20 **CST. TROY MAXWELL:** When I retired.

21 **MS. TARA MILLER:** You told me you retired in January of 2021.
22 Is that date correct?

23 **CST. TROY MAXWELL:** Yes.

24 **MS. TARA MILLER:** Okay. These notes were found by you in
25 June of 2020.

26 **CST. TROY MAXWELL:** Yes. I was working from home, and I've
27 been working at from home because I -- my injuries, or whatever, so I went to what they
28 call a callback unit.

1 **MS. TARA MILLER:** Okay.

2 **CST. TROY MAXWELL:** Now, I used to go to the office until
3 COVID hit, and then after COVID, of course, we worked from home.

4 **MS. TARA MILLER:** Okay.

5 **CST. TROY MAXWELL:** So basically, my desk and everything
6 around there gets boxed up because there's other members that need to use that
7 location. So I then take my stuff, I would lock it up in my, say, my locker. But then at
8 that point in time, I had been off because of injuries and whatever, so my stuff had been
9 boxed up. So then I just took my stuff home.

10 **MS. TARA MILLER:** Okay. So your historical RCMP work notes
11 left the detachment and went to your home ---

12 **CST. TROY MAXWELL:** Yes.

13 **MS. TARA MILLER:** --- when you went in this callback unit?

14 **CST. TROY MAXWELL:** Not necessarily then. I don't know when
15 they would have come home, but it would have been ---

16 **MS. TARA MILLER:** Okay.

17 **CST. TROY MAXWELL:** --- like, after I was off the road and ---

18 **MS. TARA MILLER:** Okay.

19 **CST. TROY MAXWELL:** --- whatever.

20 **MS. TARA MILLER:** All right. And so if a member had taken notes
21 home, for example, and then passed away, would there be any way for the RCMP to
22 find those notes after the fact if they were looking for them?

23 **CST. TROY MAXWELL:** Well, it depends. Some members will
24 wrap their notes up and leave them at the office. Some members will take them home
25 and lock them up. It depends on the member.

26 **MS. TARA MILLER:** Okay. And I guess that's where I'm going
27 with this, Constable Maxwell. It seems like there's an ad hoc policy around where
28 RCMP notes are kept, whether they're kept in the detachment, whether they're kept at

1 home. It sounds like it's up to the member to determine what to do with those notes; is
2 that fair to say?

3 **CST. TROY MAXWELL:** Yes, ma'am.

4 **MS. TARA MILLER:** Okay.

5 **CST. TROY MAXWELL:** Yes.

6 **MS. TARA MILLER:** Are you aware of any direction or policy from
7 the RCMP for members either then in 2013, 2020, or now that gives direction on where
8 notes should be properly retained and preserved?

9 **CST. TROY MAXWELL:** Oh, God, no.

10 **MS. TARA MILLER:** Okay. So to the best of your knowledge, it's
11 still up to the individual member to do with notes, to store them, preserve them where
12 they choose to?

13 **CST. TROY MAXWELL:** Well, I ---

14 **MS. TARA MILLER:** You're nodding your head yes. Was that a
15 yes?

16 **CST. TROY MAXWELL:** Well, I'm saying I think that that's how it
17 is, but I -- again, it's up to the member whether or not he locks his notes up at home or if
18 he leaves them at the detachment.

19 **MS. TARA MILLER:** Okay. And you said whether he locks them
20 up at home. When your notes were at home with you, were they locked up somewhere
21 or were they in ---

22 **CST. TROY MAXWELL:** I lock -- well, I have a room that I put
23 them in and everything in there, like, that would have been from stuff that I had from the
24 RCMP would have been locked up.

25 **MS. TARA MILLER:** Okay. All right. I want to move on to the
26 second and final area that I wanted to cover again, with a view to forward-looking
27 mandate of the Commission and recommendations. You told us about the going, of
28 course, on -- to the perpetrator's cottage in Portapique and that somebody at OCC likely

1 did the CPIC check for you. I think your evidence was 99 percent of files we do a CPIC
2 check.

3 **CST. TROY MAXWELL:** And PROS.

4 **MS. TARA MILLER:** And a PROS check, thank you. But
5 specifically with respect to CPIC, and the purpose of that check, as I understood your
6 evidence, Constable Maxwell, is to capture important, relevant information that's
7 germane to you visiting a subject's residence; is that fair to say?

8 **CST. TROY MAXWELL:** No. CPIC is more or less used for court
9 purposes; right? It'll outline what charges a person has been charged with and those
10 type of things.

11 **MS. TARA MILLER:** Okay.

12 **CST. TROY MAXWELL:** Or convicted of. PROS is more important
13 to me; right? Because the PROS checks are going to tell me how many times we've
14 been called to that residence. PROS checks are going to tell me what type of calls
15 we're going to, those type of things.

16 **MS. TARA MILLER:** Okay.

17 **CST. TROY MAXWELL:** CPIC is -- CPIC, running CPIC is, for a
18 lack of better words, is -- it's just what you do. It's, like, that's what the dispatch does.

19 **MS. TARA MILLER:** Okay.

20 **CST. TROY MAXWELL:** They will run it, they will run PROS, they
21 will run checks, and then they will give you the information, so that you, when you're
22 heading to a call, you know exactly what to expect.

23 **MS. TARA MILLER:** Okay. Madam Registrar, if you could pull up
24 Corporal Maxwell's interview, which is ---

25 **CST. TROY MAXWELL:** Constable.

26 **MS. TARA MILLER:** Sorry, Constable. Sorry. His mass casualty
27 interview. It's COMM 57751. And I'm looking at page 16 of 25, at the top of the page.

28 And the section, Constable Maxwell, where you have been asked,

1 and you're talking about certain things that OCC will do for you as you're a responding
2 officer. And it's -- what I'm focussing in on is your mass casualty interview where you
3 say,

4 "There have been five complaints earlier from this
5 address in regards to this, this, this and this. CPIC
6 tells us that Mr. Wortman has this, this, this and this."
7 And again, it's ... it's just information for us so that
8 [when -- so that] we, when we attend, again, it's about
9 our safety."

10 So that's why -- thank you, Madam Registrar. That's why I had
11 suggested to you that CPIC was helpful for officer safety, to make sure that when you
12 attend at a residence, you have information, and that's where I glean that from. But
13 what I'm hearing you say is that PROS is actually the more relevant thing for officer
14 safety?

15 **CST. TROY MAXWELL:** Yes. CPIC is going to give me -- the only
16 thing CPIC is really going to give me is things like height and weight and those type of
17 things. So I know what size this individual I'm going to deal with, those type of
18 information. That's the information you're getting from CPIC.

19 **MS. TARA MILLER:** Okay.

20 **CST. TROY MAXWELL:** PROS is going to tell me more, like, what
21 type of calls we were there for, why we were at the residence, those type of things.

22 **MS. TARA MILLER:** Okay. And are you familiar, Constable
23 Maxwell, with the Criminal Intelligence Service of Nova Scotia?

24 **CST. TROY MAXWELL:** I don't know. CSIS?

25 **MS. TARA MILLER:** CSIS, yes.

26 **CST. TROY MAXWELL:** Yes.

27 **MS. TARA MILLER:** Okay. And the reason I'm going there next is
28 because we know, of course, that CSIS ---

1 **COMMISSIONER MacDONALD:** Sorry, Ms. Miller. CSIS or ---

2 **MS. TARA MILLER:** Well, I -- yes, thank you. I think the -- I'm
3 saying Criminal Intelligence Service of Nova Scotia, CISNS. Is that what you're
4 referencing?

5 **CST. TROY MAXWELL:** Oh, no, no, sorry, yes. I know what
6 CISNS is.

7 **MS. TARA MILLER:** Okay. Thank you, Commissioner, just so that
8 we're clear. Yes, we're talking about the same thing, CISNS. You're familiar with that
9 service?

10 **CST. TROY MAXWELL:** Yes.

11 **MS. TARA MILLER:** Okay.

12 **CST. TROY MAXWELL:** I think.

13 **MS. TARA MILLER:** Okay. And are you aware that CISNS issued
14 an officer safety bulletin with respect to the perpetrator on May 4th, 2011 indicating that
15 the perpetrator had stated he wanted to kill a police officer?

16 **CST. TROY MAXWELL:** No.

17 **MS. TARA MILLER:** Okay. And the same bulletin ended with,
18 "Use extreme caution when dealing with the perpetrator." Is this the first you're hearing
19 about that bulletin?

20 **CST. TROY MAXWELL:** Yes, Ma'am.

21 **MS. TARA MILLER:** Okay. So it strikes me, from an officer safety
22 perspective, as you're approaching the residence, that that would have been helpful
23 information to have.

24 **CST. TROY MAXWELL:** Absolutely.

25 **MS. TARA MILLER:** Yeah, you're not -- you weren't aware of that
26 as you approached the perpetrator's cottage two years after that bulletin was issued.

27 **CST. TROY MAXWELL:** Yes.

28 **MS. TARA MILLER:** And I take it from that, that this bulletin didn't

1 show up in the CPIC check or the PROS checks that would have been done for you on
2 that day?

3 **CST. TROY MAXWELL:** Yes.

4 **MS. TARA MILLER:** That's correct, they were not done?

5 **CST. TROY MAXWELL:** I don't -- I don't remember the -- what I
6 can tell you, Ma'am, when you go to somebody's house and if they have something like
7 that, how you would have approached that house or how you would have went to that
8 house would have been completely different.

9 **MS. TARA MILLER:** Okay.

10 **CST. TROY MAXWELL:** Right? And so ---

11 **MS. TARA MILLER:** If you were aware of that?

12 **CST. TROY MAXWELL:** Yes.

13 **MS. TARA MILLER:** Yes, which you were not.

14 **CST. TROY MAXWELL:** Yes.

15 **MS. TARA MILLER:** Okay.

16 **CST. TROY MAXWELL:** Right.

17 **MS. TARA MILLER:** And how would that type of a bulletin, an
18 officer safety bulletin issued by CISNS, how would you have been made aware of that?

19 **CST. TROY MAXWELL:** I think CISNS bulletins come out, they're
20 sent to you, I believe, in emails, and then you read those emails and then, you know,
21 you go from there.

22 **MS. TARA MILLER:** Right. And if you don't read the email or if
23 you've forgotten about it because it was two years before, you would never have that
24 information, from an officer safety perspective.

25 **CST. TROY MAXWELL:** Correct.

26 **MS. TARA MILLER:** Okay. Thank you, Cst. Maxwell, those are
27 my questions.

28 **CST. TROY MAXWELL:** Thank you.

1 **COMMISSIONER MacDONALD:** Thank you.

2 Ms. Hill?

3 One more counsel will be asking you questions, Mr. Maxwell.

4 **CST. TROY MAXWELL:** Okay.

5 **--- CROSS-EXAMINATION BY MS. PATRICIA MacPHEE:**

6 **MS. PATRICIA MACPHEE:** Good afternoon, Cst. Maxwell. My
7 name is ---

8 **CST. TROY MAXWELL:** Hello.

9 **MS. PATRICIA MACPHEE:** Hi. We haven't met. I'm Patricia
10 MacPhee; I'm Heidi Collicutt's colleague, counsel for the Attorney-General of Canada.

11 **CST. TROY MAXWELL:** Okay, hello.

12 **MS. PATRICIA MACPHEE:** And I just have a quick question for
13 you.

14 A couple of times today you talked about the PROS report that has
15 since been purged regarding this particular complaint that you answered.

16 **CST. TROY MAXWELL:** Yes, Ma'am.

17 **MS. PATRICIA MACPHEE:** Okay. Can you just tell us a little bit
18 more about what would be in the PROS report, what information it would contain?

19 **CST. TROY MAXWELL:** Your PROS report, when you do up your
20 file, you have to type in a beginning, middle, and end at the beginning of your file,
21 because that's for other police agencies that don't have PROS, they're able to access it
22 and then be able to read that file.

23 Within that file there's going to be a general report. That general
24 report will explain everything that you've done. If there's any other reports from your
25 partners would be on there, any advice from your corporals would be on there, any
26 questions from anybody else, as far as your sergeant or anybody else that reads your
27 files, would be on there. You -- depending on if the file -- what type of file it is, and
28 whether or not it's going to court, there would be a lot of other information on there. So I

1 guess ---

2 **MS. PATRICIA MACPHEE:** Would that ---

3 **CST. TROY MAXWELL:** --- in that file, whenever you do
4 something, that's where you would report it.

5 **MS. PATRICIA MACPHEE:** Okay.

6 **CST. TROY MAXWELL:** So if on the 1st of January I went to a call,
7 I would have a report. If I went to that call on January 5th, I would have a report. If I
8 went to that call on January 8th, I would have a report, right? So you would put down
9 whatever you did on that file.

10 **MS. PATRICIA MACPHEE:** Okay. And where would you be when
11 you're filling out your PROS report?

12 **CST. TROY MAXWELL:** You can be in the police car, but I -- well,
13 a lot of times you would be in the office typing those reports.

14 **MS. PATRICIA MACPHEE:** Okay. So you'd be using a computer
15 to type in the information?

16 **CST. TROY MAXWELL:** Yes, Ma'am.

17 **MS. PATRICIA MACPHEE:** Okay. And would you be using your
18 notes for the PROS report? Would that be -- would you be referencing notes in the
19 preparation of your PROS report?

20 **CST. TROY MAXWELL:** Well, it depends. For me in this instance,
21 I took my notes from the very first complaint. And if I went out to another call or I went
22 out and did another situation, then you would add that into your notes, right? Attended,
23 whatever, whatever. And/or you could go back and type that into your file. So
24 everything that you would have done would have been on that file, if that makes sense.

25 **MS. PATRICIA MACPHEE:** No, it does. Thank you very much.
26 That's just that's the end of my questions.

27 **CST. TROY MAXWELL:** You're welcome.

28 **MS. PATRICIA MACPHEE:** Thank you.

1 **COMMISSIONER MacDONALD:** Thank you.

2 **MS. EMILY HILL:** I don't believe there are any further questions.

3 **COMMISSIONER MacDONALD:** Thank you.

4 Commissioner Fitch, do you have any questions for Mr. Maxwell?

5 **COMMISSIONER FITCH:** Hello, Mr. Maxwell. I'm not sure if you
6 can see us or not.

7 **CST. TROY MAXWELL:** Yes, Ma'am.

8 **COMMISSIONER FITCH:** Okay. Thank you so much. I know it's
9 been a long day. I do have a couple of follow-up questions based on some questions
10 that Commission Counsel have asked, and Participant Counsel as well. So if you just
11 bear with me for a few minutes. And they're going to seem out of order because I've
12 been making notes throughout the day.

13 **CST. TROY MAXWELL:** Okay.

14 **COMMISSIONER FITCH:** So don't hesitate to ask me to reframe a
15 question if it's confusing.

16 But if I could just start with the last question posed by Patricia
17 MacPhee, and this was for my own clarification, and forgive me if you've already
18 explained this.

19 When you get -- a CAD is made up and you're sent on a call.

20 **CST. TROY MAXWELL:** Yes.

21 **COMMISSIONER FITCH:** And you get it on your mobile work
22 station and there's some information already populated in the mobile work station.

23 **CST. TROY MAXWELL:** Yes, Ma'am.

24 **COMMISSIONER FITCH:** And if it comes in categorized, for
25 example in this case as -- let's say it came in as a driving complaint.

26 **CST. TROY MAXWELL:** Yes, Ma'am.

27 **COMMISSIONER FITCH:** I believe it came in -- if you can remind
28 me what it originally came in as.

1 **CST. TROY MAXWELL:** I believe it was a driving complaint.

2 **COMMISSIONER FITCH:** Driving complaint or cause ---

3 **CST. TROY MAXWELL:** Causing a disturbance.

4 **COMMISSIONER FITCH:** --- disturbance.

5 **CST. TROY MAXWELL:** Yes.

6 **COMMISSIONER FITCH:** And I think it was concluded as an
7 assist general public, ---

8 **CST. TROY MAXWELL:** Yes.

9 **COMMISSIONER FITCH:** --- if my memory serves me. So if in a
10 case like this you're going on a cause disturbance, and you talk to Ms. Forbes, you
11 understood it to be a driving complaint, you checked the area, appeared to be gone on
12 arrival. Is that typically the type of complaint that you'd actually have to write out a
13 PROS report, or can you just conclude that on your CAD without actually doing an
14 occurrence report?

15 **CST. TROY MAXWELL:** You can, but you would have to be able
16 to put it within the -- there's a -- at the bottom of every PROS file there's a section where
17 you would write the beginning, middle, and end of a file. And you would write that up so
18 that anybody that reads that file would know what this file is about. And if it is a first-
19 instance file where nothing was going to be investigated, then, yes, you could do that.
20 But if you're going to, you know, make reference to anything, you're going to have to
21 explain out your actions, and that's what I would do in a general report.

22 So I would sit there, I would fill out that little section, and then you
23 would then go in and fill out your general report so that anything that your corporal
24 reads or has any questions, it would be answered within the body of that report.

25 **COMMISSIONER FITCH:** So if there's really no investigative steps
26 that were taken when you answered this call, could you -- is it possible that that was just
27 concluded at the CAD level and that there was no file whatsoever to be purged, or was
28 there actually, like, an occurrence report that was written up, retained, and then purged

1 at the retention date? I'm just not clear on that.

2 **CST. TROY MAXWELL:** I really can't tell you. That was nine
3 years ago, Ma'am. I know that I went to a call. I know that -- what my best practice
4 would have been. So that's all I can give you.

5 **COMMISSIONER FITCH:** Okay, thank you.

6 Mr. Bryson had asked some questions around your notebook and
7 when you signed off for duty on the 6th of July 2013, and I appreciate you don't have
8 your notebook with you, but, if need be, you could go back and access your notebook to
9 see what your last call of the day was, what time you logged out?

10 **CST. TROY MAXWELL:** No, Ma'am. Logging out would be on the
11 system, as far as in OCC, but for me, generally, a lot of times after shift you're going to
12 be sitting at your desk typing up files. So you could be done your shift at 5:00 but you
13 might not end up typing your files until 7:30 or something. So I wouldn't say at 7:30 I
14 went home.

15 **COMMISSIONER FITCH:** Okay, bear with me for one moment.

16 I noticed in your notebook that it did appear to be the first call of the
17 day, and you had irrelevant information not related to this. The reason I'm asking that is
18 just I'm wondering if you received the call and then went directly to that call, if you got
19 rerouted. I'm not asking you to answer anything about the nature of the call.

20 **CST. TROY MAXWELL:** Yeah. Again, we're going back nine
21 years. What I would say is my best practice is, is when you take a call, or when OCC
22 calls in a complaint to your dispatch, you take the call, that dispatch gets sent down to
23 you. At that point in time, the first thing that I'm going to do is try to call the complainant
24 and find out what's going on. And then go from there. I can't -- I would tell you that I
25 responded right, but I don't know that for a fact.

26 **COMMISSIONER FITCH:** Okay. Ms. MacPhee?

27 **MS. PATRICIA MacPHEE:** Thank you. Thank you. I just want to
28 perhaps offer some assistance with respect to that issue with his notes because there is

1 information obviously that's redacted and the Participants haven't had the benefit to
2 view that because at the time the notes were prepared, it wasn't deemed relevant what
3 he was doing for the rest of the day. It is an issue that we can address and maybe we
4 should just take a pause for a minute and see how to deal with it, if you have some
5 questions, because maybe Constable Maxwell could view his notes that are
6 unredacted, if that would be helpful and assist the Commissioners in addressing the
7 issue.

8 **COMMISSIONER MacDONALD:** Okay. Ms. MacPhee, let me try
9 to understand your offer. Thank you. Just we'll break for a little while and allow Mr.
10 Maxwell to look at his unredacted notes.

11 **MS. PATRICIA MacPHEE:** I think it might be helpful, given some
12 of the questions that even Participant's ---

13 **COMMISSIONER MacDONALD:** All right.

14 **MS. PATRICIA MacPHEE:** --- Counsel have raised.

15 **COMMISSIONER MacDONALD:** Thank you. Ten (10) minutes?
16 Mr. Maxwell, we're going to break just for 10 minutes, if you don't
17 mind waiting there or stretch your legs, of course, and we'll be back then. Thank you.

18 **CST. TROY MAXWELL:** Thank you.

19 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
20 proceedings are now on break and will resume in 10 minutes.

21 --- Upon breaking at 2:54 p.m.

22 --- Upon resuming at 3:11 p.m.

23 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
24 proceedings are again in session.

25 **TROY MAXWELL, Resumed:**

26 **COMMISSIONER MacDONALD:** Thank you. Ms. Hill?

27 **--- RE-EXAMINATION BY MS. EMILY HILL**

28 **MS. EMILY HILL:** Yes, thank you, Commissioners.

1 Constable Maxwell, I understand that ---

2 **CST. TROY MAXWELL:** Yeah.

3 **MS. EMILY HILL:** --- over the break you had the opportunity to
4 review your unredacted notes; is that correct?

5 **CST. TROY MAXWELL:** Yes, ma'am.

6 **MS. EMILY HILL:** Okay. And so I'll just ask a question about that.
7 The notes that we've brought up on the screen have a white box over some information,
8 and I'm just going to ask you to confirm, but I think the information under that white box
9 that's marked C4 irrelevant information relates to an investigation of an impaired charge
10 that began at 12:59; is that correct?

11 **CST. TROY MAXWELL:** Yes, ma'am.

12 **MS. EMILY HILL:** Okay. And just to make -- connect a couple of
13 dots, Commissioners, Madam Registrar, if you could bring up Corporal McKay's notes?
14 And that's on the third page of those notes at the top you'll see, Commissioners,
15 Corporal McKay's notes say,

16 "Troy had an impaired at 12:59 or before - went to
17 Wortman's before impaired - certain."

18 So, Constable Maxwell, I just want to check that those notes that
19 are there in Corporal McKay, that matches with what's in your notebook with regard to
20 what your activities were at 12:59?

21 **CST. TROY MAXWELL:** Yes, ma'am.

22 **MS. EMILY HILL:** Okay. And, Commissioners, because the only
23 relevant material with regard to this investigation was contained on that one page of
24 Constable Maxwell's notes, that has all that been provided to the Commission. Now
25 that questions have arisen about the balance of Constable Maxwell's day, and
26 specifically about what time his notes might end, I understand that the Attorney General,
27 Counsel for the Attorney General has agreed to make inquiries and produce those
28 notes to the Commission, which will then be disclosed to Participants.

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

2 **MS. EMILY HILL:** Thank you.

3 **COMMISSIONER MacDONALD:** Commissioner Fitch?

4 **COMMISSIONER FITCH:** Thank you. That was all of my
5 questions.

6 **COMMISSIONER MacDONALD:** Commissioner ---

7 **CST. TROY MAXWELL:** Thank you.

8 **COMMISSIONER MacDONALD:** --- Commissioner Stanton?

9 And all of my questions have been answered as well, so, Mr.
10 Maxwell, it's been a long day for you, and we thank you very much for coming and
11 assisting us with our difficult work, and you're free to sign off and, again, with our
12 thanks.

13 **CST. TROY MAXWELL:** Well, thank you, sir.

14 **COMMISSIONER STANTON:** Do you have anything further, Ms.
15 Hill?

16 Okay. Thank you. So thanks again to our witness and to
17 Commission and Participant Counsel for your questions. And to Commission Counsel,
18 Ms. Akinyemi for sharing today's Foundational Document. The presentation of that
19 Foundational Document marks the final one. It's an important milestone in our work.
20 There are now 31 in depth and comprehensive Foundational Documents available on
21 the website. They are detailed on the screen.

22 As we've said before, we've developed these Foundational
23 Documents to help organize a vast amount of material gathered by the Commission
24 through our investigation to date related to the mass casualty. These Foundational
25 Documents, along with over 2300 supporting materials are available on the website to
26 aid in the public's understanding of what happened.

27 A growing number of supplementary reports are also available on
28 our website, focussing on particular questions or events that required further

1 investigation, as are policy booklets and legislative briefs that provide an overview of the
2 relevant policies and laws in place on April 18th and 19th, 2020.

3 The Foundational Documents represent hundreds and hundreds of
4 hours of work by many people over the last 18 months. Thanks to everyone who's
5 contributed, including Commission team members, witnesses and Participants and their
6 Counsel for helping to review and identify material gaps and issues.

7 Reminder that while thorough and substantive, the Foundational
8 Documents and supporting materials are not intended to be the final word on what
9 happened. If changes are required to the Foundational Documents, we'll prepare
10 addenda for those documents rather than revising the entire Foundational Documents
11 themselves. Our findings and recommendations will be included in the Commission's
12 final report, of course.

13 Tomorrow we'll hear a round table discussion focussed on police
14 and institutional understandings and responses to intimate partner, gender-based and
15 family violence.

16 Thanks very much and we'll see you here tomorrow morning.

17 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
18 proceedings are adjourned until July the 20th, 2022, at 9:30 a.m.

19 --- Upon adjourning at 3:16 p.m.

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CERTIFICATION

I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sandrine Marineau-Lupien