

Public Hearing

Audience publique

Commissioners / Commissaires

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

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

Dr. Kim Stanton

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II Appearances / Comparutions

Ms. Rachel Young	Commission Counsel / Conseillère de la commission
Mr. Michael Scott	Counsel / Conseiller
Ms. Lori Ward	Counsel / Conseillère
Mr. Joshua Bryson	Counsel / Conseiller
Mr. Thomas Macdonald	Counsel / Conseiller
Mr. Joshua Bryson	Counsel / Conseiller
Ms. Tara Miller	Counsel / Conseillère
Ms. Jane Lenehan	Counsel / Conseillère
Ms. Patricia MacPhee	Counsel / Conseillère

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Halifax, Nova Scotia

--- Upon commencing on Thursday, July 28, 2022 at 9:34 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'gma'gi, 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.

Today we will continue to hear from Chief Superintendent Chris Leather about his role as the Criminal Operations Officer for the RCMP in "H" Division, Nova Scotia, at the time of the mass casualty. Senior Commission Counsel Rachel Young will continue to facilitate today's questioning, which will include questions from the counsel for Participants.

Thank you for joining us again today.

Ms. Young.

MS. RACHEL YOUNG: Good morning, Commissioners, Participants, and everyone. Last night, counsel had the opportunity to caucus and everyone has agreed on the time estimates for cross-examination today.

The estimates are, at the outside, as follows: Michael Scott, an hour and a half, most likely then we'll take the morning break around 11:00 a.m., followed by Tom MacDonald for 30 minutes, Josh Bryson for an hour, then lunch at 1 o'clock, approximately. Tara Miller for 30 minutes, Jane Lenahan for 30 minutes, Samantha Parris for 30 minutes, Nasha Nijhawan for 30 minutes, Lori Ward for 30

1 minutes, and then possibly Commission Counsel and Commissioners after that.

2 **COMMISSIONER MacDONALD:** Thank you so much.

3 Then let's bring the witness in.

4 **MS. RACHEL YOUNG:** Yes. And just a small matter of
5 housekeeping. There was one document yesterday that was exhibited twice in
6 advertently. It's COMM20316. It was made Exhibit P-003982 as well as 984, and so if
7 984 could be vacated and that will be assigned to the next exhibit.

8 **COMMISSIONER MacDONALD:** Thank you.

9 **--- C/SUPT. CHRIS LEATHER, Resumed**

10 **COMMISSIONER MacDONALD:** Good morning, Chief
11 Superintendent Leather. You're still under oath, and thank you for appearing.

12 As I mentioned yesterday, counsel for the Commission would meet
13 and they did, in fact, meet with counsel for the various Participants and they've agreed
14 on a process for you to be questioned throughout the day, and it begins with Mr.
15 Michael Scott. And each counsel will introduce themselves, of course, and who they
16 represent.

17 **C/SUPT. CHRIS LEATHER:** Thank you.

18 **COMMISSIONER MacDONALD:** Thank you.

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

20 **MR. MICHAEL SCOTT:** Good morning, Chief Superintendent. My
21 name's Michael Scott. I'm counsel for a number of the victims' families and those that
22 were directly impacted by the mass casualty.

23 When you left here yesterday, I expect you heard Chief
24 Commissioner MacDonald confirm that you were to remain under oath before coming
25 back this morning?

26 **C/SUPT. CHRIS LEATHER:** Yes.

27 **MR. MICHAEL SCOTT:** And can you confirm that between when
28 you left the stand yesterday to when you resumed your testimony this morning that you

1 had not been contacted or had any contact with anyone verbally or in writing with
2 respect to the content of your evidence?

3 **C/SUPT. CHRIS LEATHER:** Correct.

4 **MR. MICHAEL SCOTT:** Now, yesterday Commission Counsel, in
5 questioning you, raised a phone call that you had received on your cell phone from the -
6 - from Commissioner Lucki. Do you recall that?

7 **C/SUPT. CHRIS LEATHER:** Yes.

8 **MR. MICHAEL SCOTT:** And to the best of your recollection, can
9 you tell us what the content of that conversation was?

10 **C/SUPT. CHRIS LEATHER:** The initial part of the conversation --
11 and as I said, was the Commissioner calling to me on my cell at my desk in my office at
12 the time on my own. Initially, it was wishing me all the best and I would call it a wellness
13 check, and then she quickly moved into, I would say, the reason for the call, which had
14 to do with her request to me to provide her with a gun inventory of the guns that were
15 found in the possession of the gunman on the -- on the day that he was killed at the Big
16 Stop gas station and to have that prepared and forwarded to her.

17 I can't recall whether she said directly back to her or through the
18 CO, but as I testified to yesterday, the normal course of action would be through the
19 Commanding Officer and up the chain.

20 **MR. MICHAEL SCOTT:** Did you say you received that phone call
21 at your desk in your office?

22 **C/SUPT. CHRIS LEATHER:** Yes.

23 **MR. MICHAEL SCOTT:** And was that on your cell phone?

24 **C/SUPT. CHRIS LEATHER:** On my cell phone.

25 **MR. MICHAEL SCOTT:** Okay. Your work phone or your personal
26 phone?

27 **C/SUPT. CHRIS LEATHER:** My work cell phone.

28 **MR. MICHAEL SCOTT:** And would it be unusual for the

1 Commissioner to contact you directly?

2 **C/SUPT. CHRIS LEATHER:** I think it's the only time I've heard
3 from the Commissioner directly over the last three years, or prior to. Obviously, I've had
4 one-on-one conversations with her where she's come to the Division, but in terms of a
5 phone call, that would be atypical.

6 **MR. MICHAEL SCOTT:** And to the extent that you have
7 communication with the Commissioner of National Headquarters, presumably that
8 would come through the chain of command to you through people between you and the
9 Commissioner.

10 **C/SUPT. CHRIS LEATHER:** Well, certainly it would normally be
11 the Commanding Officer, my direct report in the Division, who would come to see me to
12 pass on a request or a message from the Commissioner or the Deputy Commissioner,
13 typically.

14 **MR. MICHAEL SCOTT:** Did it strike you as unusual that you were
15 getting a direct phone call from the Commissioner being asked about the gun inventory?

16 **C/SUPT. CHRIS LEATHER:** Yeah, unusual. But again, under the
17 circumstances, the extraordinary circumstances, I could understand her wanting that
18 information, as I said yesterday, for the purpose of informing her senior executive
19 RCMP team, so that's the Deputy Commissioners and equivalents, that sit with her and
20 surely were sitting with her daily, if not more frequently, post the mass casualty event.

21 **MR. MICHAEL SCOTT:** So that was your understanding as the
22 reason that that information was being requested, was to brief her own staff and also to
23 make sure that she had a fulsome understanding of the facts around these.

24 **C/SUPT. CHRIS LEATHER:** Yes, that was my understanding.

25 **MR. MICHAEL SCOTT:** Did the Commissioner say anything to you
26 to indicate that or is that just something that you'd assumed?

27 **C/SUPT. CHRIS LEATHER:** She didn't indicate to me, so that was
28 my understanding.

1 **MR. MICHAEL SCOTT:** Okay. Did the Commissioner provide any
2 indication as to the purpose for her wanting that information?

3 **C/SUPT. CHRIS LEATHER:** I don't recall that at all.

4 **MR. MICHAEL SCOTT:** Now, as my friend, Ms. Young, noted
5 yesterday, that phone call never came up in the course of your interview with the Mass
6 Casualty Commission; correct?

7 **C/SUPT. CHRIS LEATHER:** Correct.

8 **MR. MICHAEL SCOTT:** And Ms. Young asked you why you didn't
9 mention that phone call when you were being interviewed. And I think your response
10 was that you couldn't answer -- you didn't want to answer that question until you had
11 had a chance to speak to counsel. Is that correct? Did I hear you correctly?

12 **C/SUPT. CHRIS LEATHER:** I wasn't at liberty to answer that
13 question at the time.

14 **MR. MICHAEL SCOTT:** You know the answer to that question?

15 **C/SUPT. CHRIS LEATHER:** Yes, I do.

16 **MR. MICHAEL SCOTT:** And in answering that question, would it
17 require you to divulge the substance of any legal advice that you've received?

18 **C/SUPT. CHRIS LEATHER:** Yes.

19 And for the Commissioners, I would like to put it on the record at
20 this time that I would like to waive my solicitor/client privilege in order to answer the
21 question from counsel.

22 **COMMISSIONER MacDONALD:** Ms. Ward, it's pretty obvious.

23 **MS. LORI WARD:** I would say that C/Supt. Campbell [sic] can
24 waive his privilege for this limited purpose.

25 **COMMISSIONER MacDONALD:** Thank you.

26 Go ahead, Mr. -- C/Supt. Campbell [sic]. Please answer the
27 question.

28 **C/SUPT. CHRIS LEATHER:** Yes, sir. So prior to coming to testify,

1 I have spoken to independent legal counsel and have had discussions with him about
2 this very issue.

3 During the course of my preparation for my interview with the Mass
4 Casualty Commission Counsel, who examined me yesterday, there were two issues
5 that I wanted to raise and did raise with the Department of Justice counsel, Ward and
6 MacPhee, who are here today, and received advice from them. And the one issue that
7 you're asking me about, as did Ms. Young yesterday, was a part of that discussion.
8 And the advice that I received was not to proactively disclose the conversation and the
9 emails leading up to the meeting on the 28th.

10 I knew from my notes and the emails that I had prepared and
11 submitted that it was obviously relevant to what would become the infamous phone call
12 of April 28th, and the subsequent SECU testimony of various witnesses and was
13 troubled by that, and wanted their advice, and was advised to take a reactive posture.

14 My question was whether or not I should proactively disclose that
15 during the course of my MCC interview.

16 **MS. LORI WARD:** If I could respond?

17 **COMMISSIONER MacDONALD:** Ms. Ward?

18 **MS. LORI WARD:** I think there's been a misunderstanding as
19 between C/Supt. Leather and counsel. I'm not sure -- well I didn't know until know what
20 C/Supt. Leather understood from our discussion.

21 Shortly before his interview with Commission Counsel, he had
22 raised a document, of which we had no knowledge, in the context of our discussions
23 about the meeting with Commissioner Lucki. From his description of the document, we
24 thought it was potentially relevant, but possibly privileged and based on assurances of
25 confidentiality given to those who were involved in the making of the document.

26 As such, we told C/Supt. Leather we would obtain that document
27 and review it and disclose it if it was relevant.

28 **MR. JOSHUA BRYSON:** Objection. I do have to object. This

1 witness is under oath testifying to the exact matters that Ms. Ward is now providing her
2 narrative about, and I believe it's completely inappropriate for Ms. Ward to give her
3 narrative on the very issue that this witness is testifying about at this very moment. It
4 may impact his narrative based on Mr. Scott's follow-up questions and I just believe it's
5 completely inappropriate at this stage for this narrative to come forward. Thank you.

6 **COMMISSIONER MacDONALD:** Thank you, Mr. Bryson.

7 C/Supt. Leather, why don't you step back outside, and to the extent
8 that what might become evidence, part of your evidence, you won't hear the exchange.

9 Ms. Ward?

10 **MS. LORI WARD:** Thank you, Commissioner.

11 I wanted to say, when we became aware of this document, which
12 C/Supt. Leather had connected to discussions of the April 28th meeting, we immediately
13 alerted Commission Counsel Director, Mr. Cromwell, of its existence, and undertook to
14 obtain the document and review it and state a position.

15 We've now reviewed it and it will be disclosed imminently.

16 At no time did we advise C/Supt. Leather not to speak about it if it
17 came up, and not to speak the truth.

18 But we were unaware of any connection of that document to the
19 call from Commissioner Lucki. So I'm not sure what the connection is. But I do not
20 recall a discussion about the emails and the lead up to the meeting. And he was
21 certainly, from our position, not advised not to tell the truth.

22 **COMMISSIONER MacDONALD:** I don't think the issue was ever
23 to tell the truth.

24 **MS. LORI WARD:** Or to hide anything.

25 **COMMISSIONER MacDONALD:** I think it was proactive versus
26 reactive.

27 Thank you, Ms. Ward. Let's call the witness back then, Mr. Scott.
28 He's going to answer the question and you're going to continue on with your questions.

1 **MR. MICHAEL SCOTT:** I will. Thank you.

2 **COMMISSIONER MacDONALD:** Thank you, C/Supt. Leather. Mr.
3 Scott will continue with his questions.

4 **MR. MICHAEL SCOTT:** Chief Superintendent, I just wanted to get
5 some clarification, because you talked about, I think, a couple of different lawyers, and
6 perhaps you were talking about your preparations for both your testimony before the
7 Mass Casualty Commission, but did I hear also correctly you were referencing your
8 preparations to give evidence before the House of Commons Committee?

9 **C/SUPT. CHRIS LEATHER:** Well I was specifically referring to the
10 preparation for my testimony for the MCC interview.

11 **MR. MICHAEL SCOTT:** Where you were interviewed by Ms.
12 Young?

13 **C/SUPT. CHRIS LEATHER:** Where I was advised by DOJ
14 counsel.

15 **MR. MICHAEL SCOTT:** All right. And are you saying that the
16 lawyers that prepared you for that were counsel for the Attorney General of Canada?

17 **C/SUPT. CHRIS LEATHER:** Yes.

18 **MR. MICHAEL SCOTT:** And that would be Ms. Ward and Ms.
19 MacPhee?

20 **C/SUPT. CHRIS LEATHER:** Yes.

21 **MR. MICHAEL SCOTT:** Okay. And when you said that you
22 received advice to not raise the issue of this communication with Commissioner Lucki,
23 was that advice given to you by counsel for the Attorney General?

24 **C/SUPT. CHRIS LEATHER:** I was -- yes. I was trying to make the
25 distinction between a proactive and a reactive disclosure of the information. That's the
26 nature of the conversation we had. But of course if I was asked during the course of the
27 interview, or today, then I would respond truthfully and to the full extent of the question.
28 But it had more to do with whether I should bring it up proactively during the course of

1 my interview with Ms. Young or not.

2 **MR. MICHAEL SCOTT:** Okay. And sorry, earlier you had
3 mentioned that you had sought advice from your own private counsel. That's a
4 separate issue; is it? In terms of your disclosure of the call with Commissioner Lucki?

5 **C/SUPT. CHRIS LEATHER:** No, it pertains to this very issue. Post
6 my interview, given my discomfort with how things proceeded and the fact that it didn't
7 surface during the course of the interview, and I felt I needed independent legal counsel
8 to get advice on how to manage the situation on a go-forward basis.

9 **MR. MICHAEL SCOTT:** All right. So your testimony today is that
10 in preparing to be interviewed by the Mass Casualty Commission, specifically by Ms.
11 Young, you met with counsel for the Department of Justice, Ms. Ward and Ms.
12 MacPhee?

13 **C/SUPT. CHRIS LEATHER:** Yes.

14 **MR. MICHAEL SCOTT:** And in the course of that preparation, you
15 were advised not to bring up this communication with Commissioner Lucki.

16 **C/SUPT. CHRIS LEATHER:** Yes.

17 **MR. MICHAEL SCOTT:** And it wasn't raised by Commission
18 Counsel in the interview.

19 **C/SUPT. CHRIS LEATHER:** Correct.

20 **MR. MICHAEL SCOTT:** And to the best of your knowledge, the
21 fact of that phone call had not been raised in any other form before you were
22 interviewed by Ms. ---

23 **C/SUPT. CHRIS LEATHER:** To the best of my knowledge, it had
24 not.

25 **MR. MICHAEL SCOTT:** Right. You had no reason to think that
26 Ms. Young would be aware of that phone call previously.

27 **C/SUPT. CHRIS LEATHER:** No, I had no reason to believe that,
28 and certainly not from the interview.

1 **MR. MICHAEL SCOTT:** And what you're saying is that after that
2 interview was completed, you felt uncomfortable and sought independent legal advice.

3 **C/SUPT. CHRIS LEATHER:** Yes, for the very -- here we are today
4 dealing with this very issue, and on how to address this very issue should it surface and
5 here we are. And I felt I needed independent counsel on how to navigate that.

6 **MR. MICHAEL SCOTT:** You were concerned that it might be
7 viewed as your improperly holding back relevant information.

8 **C/SUPT. CHRIS LEATHER:** Correct.

9 **MR. MICHAEL SCOTT:** And you were fully aware of the fact that
10 in being interviewed by the Mass Casualty Commission that it was critically important
11 that you provide all relevant information.

12 **C/SUPT. CHRIS LEATHER:** Yes.

13 **MR. MICHAEL SCOTT:** And that's why you were uncomfortable
14 and sought separate advice.

15 **C/SUPT. CHRIS LEATHER:** Correct.

16 **MR. MICHAEL SCOTT:** Is there any other information that you
17 were advised to not raise that you think is relevant to the substance of this inquiry?

18 **C/SUPT. CHRIS LEATHER:** There were two issues that I raised.
19 One pertained to the phone call and notes around the Commissioner. The second
20 refers to what I -- what is known as a wellness review that was conducted on the senior
21 officers of the Division last summer and into the fall by independent third party
22 consulting firm in Ottawa focusing on the wellness of the senior officers in Nova Scotia
23 related to the impacts from Portapique and, more specific to myself, I can say for certain
24 that during the course of the interview that I had with the consultant that -- or the
25 investigator for that report that I, on the record in a recording, made comments about
26 the meeting with Commissioner Lucki on April 28th.

27 So there we had a recorded statement taken from me that was
28 provided by me to an investigator, albeit, as has been stated by DOJ counsel on an

1 internal matter, nonetheless contained my depiction or assessment of that call some
2 year plus later, which would have had much more context than I had on the 28th
3 because, as you will recall from my testimony either here or at SECU, how caught off
4 guard by that I was and then to learn what I did subsequently and was then able to
5 share my observations and thoughts about what had occurred on the 28th in much
6 more detail to that investigator.

7 **MR. MICHAEL SCOTT:** Sorry. What was the organization that
8 conducted that interview?

9 **C/SUPT. CHRIS LEATHER:** Quintet Consulting. I don't know the
10 rest of their name. They're a well-known firm in Ottawa that the RCMP hired to conduct
11 this review.

12 **MR. MICHAEL SCOTT:** And your understanding was that the
13 scope of that was to review -- of that review was to assess the impact of the mass
14 casualty on senior officers?

15 **C/SUPT. CHRIS LEATHER:** Yes, and then to make
16 recommendations on how we could, as a management team, look to support the
17 wellness of the senior officers in the Division specifically. It did not extend to the NCOs
18 or the -- or the Constables. It was just because of the impacts that we were seeing, in
19 particular, three Chief Superintendents, Robin, Gray and myself, and our
20 correspondence to the Deputy Commissioner and the CO about the need to address
21 this, come up with a plan and implement some recommendations. It was obviously the
22 decision of Headquarters to hire this firm who were specialists to conduct this review.

23 And I can just say for myself again, my statement would contain
24 relevant information pertaining to the meaning of April 28th.

25 **MR. MICHAEL SCOTT:** When you say the review was intended to
26 examine the impacts on senior officers, can you be more specific? What kind of
27 impacts were being reviewed?

28 **C/SUPT. CHRIS LEATHER:** The wellness.

1 So it truly was an internal wellness review that Quintet was hired to
2 oversee and, if not all, the majority of our officer cadre were interviewed to share their
3 thoughts and feelings and recommendations on a course forward to help the CO and
4 myself and the Admin and Personnel Officer with a roadmap, a plan, to help support
5 senior officers, whether it's transfers or -- whatever the case may be based on the
6 feedback that was received and the recommendations made.

7 **MR. MICHAEL SCOTT:** To the best of your knowledge, was Chief
8 Superintendent Campbell interviewed as part of that process?

9 **C/SUPT. CHRIS LEATHER:** To the best of my knowledge, he
10 was.

11 **MR. MICHAEL SCOTT:** And do you recall who interviewed you in
12 that process?

13 **C/SUPT. CHRIS LEATHER:** By name, no. He was a retired Navy
14 Captain, for what it's worth. I think it was the same principal that did, if not all, the
15 majority of the interviews, but I'm sorry, I don't recall his name.

16 **MR. MICHAEL SCOTT:** And approximately when was that
17 interview conducted?

18 **C/SUPT. CHRIS LEATHER:** June or July of last year.

19 **MR. MICHAEL SCOTT:** Twenty twenty-one (2021).

20 **C/SUPT. CHRIS LEATHER:** Yes.

21 **MR. MICHAEL SCOTT:** To the best of your understanding, was a
22 report of any kind completed in that matter?

23 **C/SUPT. CHRIS LEATHER:** Yes, it's my understanding.

24 **MR. MICHAEL SCOTT:** And have you seen that report?

25 **C/SUPT. CHRIS LEATHER:** No, I have not.

26 **MR. MICHAEL SCOTT:** Have you received any information about
27 the outcome of the findings of that report?

28 **C/SUPT. CHRIS LEATHER:** A week ago, we received an update

1 from the CHRO, or Chief Human Resource Officer, with a series of recommendations
2 for the new Commanding Officer as it relates to the wellness and supports for the
3 members, senior officers in the Division.

4 **MR. MICHAEL SCOTT:** And those recommendations were sent to
5 you. You've seen them personally?

6 **C/SUPT. CHRIS LEATHER:** I believe they were sent to all those
7 that participated in the -- in the review.

8 **MR. MICHAEL SCOTT:** Okay. Do you know or have you ever had
9 a transcript or a recording of the interview that you gave in that process?

10 **C/SUPT. CHRIS LEATHER:** No, and as I recall from the joining
11 instructions, although a recording was taken for the purpose of assisting the investigator
12 consultant, it was noted that it would not be retained but a summary would be made
13 from the interview.

14 **MR. MICHAEL SCOTT:** Did you ever receive a summary?

15 **C/SUPT. CHRIS LEATHER:** No.

16 **MR. MICHAEL SCOTT:** And you said that it would be relevant to
17 the April 28th meeting that's been raised in this matter. And to be clear, you're talking
18 about the meeting by teleconference with Commissioner Lucki and Superintendent
19 Campbell and Lia Scanlan.

20 **C/SUPT. CHRIS LEATHER:** And Ms. Bergerman and Deputy
21 Brennan, yes, that call.

22 **MR. MICHAEL SCOTT:** And am I correct that the reason that that
23 was -- that became a live issue in the interview that you did as part of that review was
24 given the impact that meeting had on morale?

25 **C/SUPT. CHRIS LEATHER:** Well, for me, it was a one-on-one
26 interview. It was based on the impact it had on me and I was describing the impact that
27 it had on me and why it had the impact it did and my observations of the impact it had
28 on the other people that I could see in the room with me.

1 **MR. MICHAEL SCOTT:** And you said the content of that interview
2 that was taken last year would have information relevant to that meeting. Is there -- to
3 the best of your recollection, did you discuss anything in that meeting that would not
4 already be known to the Mass Casualty Commission by way of your notes or the
5 reporting of others?

6 **C/SUPT. CHRIS LEATHER:** Certainly by way of my notes
7 because my notes were admittedly rather brief as it relates to that meeting. So yes,
8 there would be additional context and details because I had had the benefit of over a
9 year to reflect and learn more about what had gone on in that key 24 hours beforehand
10 in my discussions with Ms. Scanlan and Mr. Campbell.

11 **MR. MICHAEL SCOTT:** And given that it was almost a year ago,
12 presumably your memory would have been to some extent fresher than it is now?

13 **C/SUPT. CHRIS LEATHER:** It -- I'm sorry. I'm not sure I follow
14 your question.

15 **MR. MICHAEL SCOTT:** Does the fact that that interview was
16 conducted about a year before now, do you have any sense that your memory at the
17 time when you were recounting in that interview would be better or clearer than it is
18 now, given the passage of time.

19 **C/SUPT. CHRIS LEATHER:** I would say yes.

20 **MR. MICHAEL SCOTT:** And bringing us full circle, do I hear you
21 as saying that it was suggested to you by counsel that you not raise the fact of that
22 interview in preparation for your interview with the Mass Casualty Commission?

23 **C/SUPT. CHRIS LEATHER:** I asked specifically whether I should
24 bring that up proactively or not.

25 **MR. MICHAEL SCOTT:** And what were you told?

26 **C/SUPT. CHRIS LEATHER:** Not to.

27 **MR. MICHAEL SCOTT:** And who told you to do that?

28 **C/SUPT. CHRIS LEATHER:** It was Ms. MacPhee and Ms. Ward

1 that we -- that I had the conversation with, in my boardroom at Headquarters.

2 **MR. MICHAEL SCOTT:** So you talked about the two issues, one
3 would be the fact of that interview and the second was the phone call with
4 Commissioner Lucki.

5 **C/SUPT. CHRIS LEATHER:** Phone call and my notes, and the
6 context and the leadup to the call and the two meetings.

7 **MR. MICHAEL SCOTT:** Okay.

8 **C/SUPT. CHRIS LEATHER:** And for my belief that that was -- now
9 referring to the call on the 28th, that my role in the leadup to the 28th was a key piece of
10 the story which I began to tell at SECU on record. And it's on the public record there
11 already and, of course, there's no reason why it shouldn't be available to the MCC.

12 **MR. MICHAEL SCOTT:** Moving on, Chief Superintendent, we
13 heard earlier in the week from your former colleague, C/Supt. Campbell, and one of the
14 things that he said in his testimony was that he was unsatisfied with the results of the H-
15 Strong investigation, in terms of the ability to follow up on, particularly, issues related to
16 how the perpetrator was able to obtain firearms. Do you share that view?

17 **C/SUPT. CHRIS LEATHER:** Yes.

18 **MR. MICHAEL SCOTT:** And would you agree with me that a
19 central part of the H-Strong investigation -- because the perpetrator's actions were fairly
20 well known and his responsibility for the mass casualty was known, but there's this key
21 issue of how is that person being permitted to access firearms.

22 **C/SUPT. CHRIS LEATHER:** That was a key part of the
23 investigation.

24 **MR. MICHAEL SCOTT:** To the best of your understanding, that
25 person should not have been able to access firearms in Canada?

26 **C/SUPT. CHRIS LEATHER:** That's my understanding, yes.

27 **MR. MICHAEL SCOTT:** It was known early on that he didn't have
28 a possession acquisition licence.

1 **C/SUPT. CHRIS LEATHER:** Yes.

2 **MR. MICHAEL SCOTT:** Certainly didn't have a restrictive firearms
3 licence.

4 **C/SUPT. CHRIS LEATHER:** I would agree.

5 **MR. MICHAEL SCOTT:** You were aware of no reason why he
6 would be able to lawfully possess, purchase, or acquire any sort of firearm or
7 ammunition?

8 **C/SUPT. CHRIS LEATHER:** He did not have such a licence that I
9 was aware of.

10 **MR. MICHAEL SCOTT:** And to the extent that he was able to
11 access or had assistance from others in acquiring those weapons, it would be your view
12 that that directly contributed, in a material way, to his ability to kill 23 people?

13 **C/SUPT. CHRIS LEATHER:** Yes.

14 **MR. MICHAEL SCOTT:** And in the course of that investigation,
15 obviously, leads were followed cross-border to the United States and certain individuals
16 were identified?

17 **C/SUPT. CHRIS LEATHER:** Yes.

18 **MR. MICHAEL SCOTT:** And while there are jurisdictional issues,
19 it's certainly your view that the way the perpetrator was able to access several weapons
20 is reasonably clear?

21 **C/SUPT. CHRIS LEATHER:** I believe the investigation has
22 uncovered the -- if not all, certainly the majority of sources of weapons that the
23 perpetrator used in the US.

24 **MR. MICHAEL SCOTT:** And it's your understanding that the
25 American authorities, the ATF and FBI specifically, have no intention of laying charges;
26 that's the best of your understanding as the matter stands now?

27 **C/SUPT. CHRIS LEATHER:** Yes. I mean, I've not made any
28 recent inquiries in that regard but that's my understanding coming here today.

1 **MR. MICHAEL SCOTT:** And to your mind, that leaves that issue
2 unresolved but, to some extent, beyond the control of the RCMP?

3 **C/SUPT. CHRIS LEATHER:** Yes.

4 **MR. MICHAEL SCOTT:** You were asked the other day by my
5 learned friend, Mr. Lockyer, about -- or I guess your colleague Mr. Campbell was asked
6 about a meeting that he had with you shortly before Ms. Banfield was charged. Do you
7 recall that meeting?

8 **C/SUPT. CHRIS LEATHER:** I do.

9 **MR. MICHAEL SCOTT:** And it was suggested that in the course of
10 that meeting there was a discussion between you and now-C/Supt. Campbell about
11 whether charges would be laid in relation Ms. Banfield.

12 **C/SUPT. CHRIS LEATHER:** They were updating me on the
13 investigation and were seeking my -- well, A, awareness and support for next steps.
14 And I think it's important to make the distinction; they weren't looking for my authority.
15 This was not a formal, I needed to authorize what they were proposing, it was merely an
16 update. This was a course of action that they were -- had charted, and the next step, as
17 I think you've heard from my testimony and C/Supt. Campbell, is that the command
18 triangle would then pursue discussions with the advisory Crown on the possibility of
19 charges being laid. And I was fully supportive of that course of action at the time.

20 **MR. MICHAEL SCOTT:** And I appreciate that you weren't being
21 asked to make the decision, but do you recall in the course of that conversation,
22 discussion about the potential optics of laying criminal charges against Ms. Banfield?

23 **C/SUPT. CHRIS LEATHER:** Yes.

24 **MR. MICHAEL SCOTT:** And concerns over whether the victims'
25 families would be supportive or not supportive; how it would look to the public?

26 **C/SUPT. CHRIS LEATHER:** Yes, the impact on the public, and
27 that we needed to be cognizant that it would have impacts whether charges were laid or
28 charges were not laid, and that was the nature of our conversation as it relates to that.

1 **MR. MICHAEL SCOTT:** I would suggest to you that -- did it not
2 strike you as unusual to be having a conversation about what the optics of laying
3 criminal charges would be? Would you not agree with me that the issue is simply
4 whether or not there is evidence upon which the RCMP, in good faith, believe that a
5 case can be proven beyond a reasonable doubt?

6 **C/SUPT. CHRIS LEATHER:** Well, I agree and that's what I
7 testified to yesterday. We have a job to perform, a mandate to follow; that's the criminal
8 investigation, which we pursued. And it was merely a conversation amongst three
9 senior managers in the Division, and I can't remember which of the three of us tabled
10 that particular item, but that is normal. We won't -- we're not just going to focus in a
11 conversation like that strictly on, you know, whether there's evidence or not to lay
12 charges. Let's consider for a minute the impact that that's going to have on the families;
13 what will the community think; and, beyond that, a conversation with our corporate
14 communications folks because questions surely will be asked -- and were -- once that
15 decision became public.

16 So that's natural. These are the types of conversations I would
17 expect the SSO and the officer in charge of Major Crime to be having with me in
18 regards to something as high profile and important as that investigation.

19 **MR. MICHAEL SCOTT:** In the context of that conversation, is the
20 nature of it, "We're going to discuss the various factors in terms of the evidence that we
21 have and how it will be perceived and how it will be received leading to whether or not
22 we should lay charges," or is it, "We think we have the evidence or we're in the process
23 of making that determination, but we should also consider that this is going to have
24 implications or there may be a reaction"? And I guess the distinction I'm drawing here
25 is, is it a matter of, "We should be alive to the fact that our decision is going to bring
26 questions or criticisms but we're going to do whatever we think is right," or was it your
27 understanding that, "We're factoring in the public relations piece and making a
28 determination about whether criminal charges are going to be laid against a citizen"?

1 **C/SUPT. CHRIS LEATHER:** No, the first scenario that you laid
2 out. It's being aware and discussing the implications, but refreshing -- not that it was
3 required with two very senior Major Crime investigators. Our primary mandate is to
4 investigate crime, to collect the evidence, to do the best that we can in doing so, and to
5 present the case as we did, my understanding that we did, through the command
6 triangle to the advisory Crown and to the Prosecution Service.

7 **MR. MICHAEL SCOTT:** Regardless of whether it's popular or not?

8 **C/SUPT. CHRIS LEATHER:** We make many unpopular decisions
9 when it comes to prosecution -- or not prosecution but forwarding cases to the
10 Prosecution Service.

11 **MR. MICHAEL SCOTT:** Do you recall ever any discussion or any
12 communication or indication that a motivating factor in laying charges against
13 Ms. Banfield or -- or the other two parties was in any way motivated by a desire to delay
14 or in any other way obstruct the Mass Casualty Commission's ability to secure
15 documents?

16 **C/SUPT. CHRIS LEATHER:** You know, the -- if you're asking
17 whether we had discussions about that, I mean, the idea of even the sentiment of
18 obstructing any agency is foreign to me, and certainly to those two other officers. And
19 while we were -- while we had discussed and were aware that the Inquiry had just been
20 called, it wasn't going to impact our decision on whether to continue with the
21 investigation and present that to the Prosecution Service.

22 As I noted yesterday in my testimony, we were going to pursue that
23 with all our ability, unless we were directed to do otherwise, and there are few sources
24 that can provide that kind of direction to have us halt an investigation, you know, for all
25 intents and purposes, park an investigation. And I can just say for myself, we certainly
26 did not receive any such recommendation or direction from any authority above us to do
27 so.

28 And we briefed up on this. You know, this is not a decision that

1 was taken in isolation within the division, C&IP, were well aware of this status as it
2 moved through the investigation, and so there was corporate awareness at the highest
3 level of this -- of our decision to continue the investigation and submit it to the public.

4 **MR. MICHAEL SCOTT:** To the best of your understanding, in
5 making a determination that criminal charges be laid against Ms. Banfield and two
6 others, was there ever any discussion about potential section 10(b) issues that had
7 arisen in taking statements from those witnesses?

8 **C/SUPT. CHRIS LEATHER:** No. I have to say the first time I
9 heard about that was while I was watching Mr. Lockyer's questions for Chief
10 Superintendent Campbell the other day. I had no awareness of that.

11 **MR. MICHAEL SCOTT:** And no one ever raised to you any
12 concerns about the -- the viability of a case against Ms. Banfield because of any
13 concerns there were with her not being properly cautioned before providing her
14 evidence?

15 **C/SUPT. CHRIS LEATHER:** No, sir, that never came to my
16 attention.

17 **MR. MICHAEL SCOTT:** And then, discussing this matter with
18 Commission Counsel yesterday, I noted that my friend, Ms. Young, asked you a
19 question, I think she described the charges that were laid against Ms. Banfield as being
20 -- in light of them being minor charges. Would it have been your view at the time or now
21 that the charges involving helping the perpetrator acquire the necessary materials to
22 carry out the acts are minor?

23 **C/SUPT. CHRIS LEATHER:** My personal opinion whether they're
24 minor?

25 **MR. MICHAEL SCOTT:** Yes.

26 **C/SUPT. CHRIS LEATHER:** I mean, I more look at the charges
27 more clinically. They -- the charges are what they are, and of course, depending on the
28 circumstances they may be looked at as rather benign in terms of the scale of firearms

1 offences, right, that we typically investigate. But that, of course, is not the lens that I
2 would look at these particular charges. They would be high profile, serious under the
3 circumstances, and -- serious under the circumstances.

4 **MR. MICHAEL SCOTT:** You'd agree with me that, like, while often
5 in firearms crimes there's a focus on accessing the firearms, the ability to access
6 ammunition is no less important; is it?

7 **C/SUPT. CHRIS LEATHER:** If you don't -- and again, I'm
8 borrowing Chief Superintendent Campbell's analogy, without ammunition the guns are
9 metal and wood, or metal can be used, of course as a weapon on their own to strike
10 someone with, but once you combine ammunition with a firearm, stating the obvious, it
11 becomes something else.

12 **MR. MICHAEL SCOTT:** Was it your understanding or the position
13 of the RCMP at the time that the distinction between how the perpetrator acquired
14 firearms and how he acquired ammunition, that there was any particular distinction
15 between the two? Was it viewed as being just as important as tracking down the
16 persons of interest in Houlton, Maine that had supplied the firearms themselves?

17 **C/SUPT. CHRIS LEATHER:** I'm not aware of any distinction that
18 was made, as you say, the different avenues of investigation in terms of importance. It
19 would have had the same importance as any aspect of the H-Strong investigation. But
20 you know, particularly where we had the evidence to -- we had an evidentiary path to
21 pursue that may actually lead to charges, was something that we were going to follow
22 with our full capabilities.

23 **MR. MICHAEL SCOTT:** I'm going to take you to -- to the beginning
24 of your involvement in the mass casualty. And we've heard evidence that you received
25 your initial briefing at 6:30 a.m. on April 19th by Staff Sergeant Halliday; is that correct?

26 **C/SUPT. CHRIS LEATHER:** Yes.

27 **MR. MICHAEL SCOTT:** And we have your -- your notes. We have
28 them now.

1 And Madam Registrar, if we could, could we pull up COMM51406,
2 and specifically, PDF page 55?

3 Do you see that, Chief Superintendent?

4 **C/SUPT. CHRIS LEATHER:** Yes.

5 **MR. MICHAEL SCOTT:** And these are your notes from the
6 morning of April 19th?

7 **C/SUPT. CHRIS LEATHER:** Yes, they are.

8 **MR. MICHAEL SCOTT:** And can you advise whether the notes
9 that you made on the 19th were made contemporaneously, or did you make them at a
10 later date?

11 **C/SUPT. CHRIS LEATHER:** No, literally, at the time, I can see --
12 and I know, because I have them here beside me, that they were made on a scratchpad
13 that I had at home on my home desk, and literally, as I was taking these calls with the
14 various officers throughout the morning, I was doing the best I could to take it down
15 directly into the book.

16 **MR. MICHAEL SCOTT:** Okay.

17 And Madam Registrar, if we can just scroll a bit. I think if we go
18 down, the full page is -- there we go.

19 So:

20 "6:30 a.m. - "Call with [Staff Sergeant] Halliday."

21 And below there are a number of bulleted items. Do I understand
22 correctly that those are the -- that's the information you were receiving from
23 Staff Halliday?

24 **C/SUPT. CHRIS LEATHER:** Again, literally as Staff
25 Sergeant Halliday was providing with information I was trying to take it down on the
26 scratch pad.

27 **MR. MICHAEL SCOTT:** Right. And so you reference:

28 "10pm - 911 with female - Shots -- just shot friend."

1 This would be referring to the 9-1-1 call from Jamie Blair. And if we
2 look down through that list a little bit, we see "love triangle involved". Do you recall
3 Staff Halliday giving you that information?

4 **C/SUPT. CHRIS LEATHER:** Yes. I would not have known
5 anything about the victims, witnesses, or the gunman at the time. That would have
6 been words that he shared with me.

7 **MR. MICHAEL SCOTT:** Okay. And did you at the time, or do you
8 now know what the basis of where Staff Halliday was getting that information?

9 **C/SUPT. CHRIS LEATHER:** I don't know, sir.

10 **MR. MICHAEL SCOTT:** Okay. There's a -- there seems to be a
11 related reference there:

12 "One of his vics also someone he dated. Mistress
13 deceased."

14 Do you recall Staff Halliday telling you that as well?

15 **C/SUPT. CHRIS LEATHER:** Yes, I do.

16 **MR. MICHAEL SCOTT:** Okay. And you're not aware of what the
17 basis it was ---

18 **C/SUPT. CHRIS LEATHER:** No, I wouldn't have followed up on
19 something like myself.

20 **MR. MICHAEL SCOTT:** You note that in the -- there is no
21 reference in those notes to the use of a marked police cruiser.

22 **C/SUPT. CHRIS LEATHER:** Certainly not in what you've shown
23 me there I don't see it.

24 **MR. MICHAEL SCOTT:** Can we assume from that that -- that that
25 wasn't part of what you were briefed by Staff Halliday that morning?

26 **C/SUPT. CHRIS LEATHER:** No. Again, if that's -- if that's the end
27 of the notes, then that was the information I received.

28 **MR. MICHAEL SCOTT:** It goes without saying that if Staff Halliday

1 had told you at that time, "By the way, the perpetrator is travelling around in a marked
2 police cruiser" that would warrant mention in your notes?

3 **C/SUPT. CHRIS LEATHER:** I would like to think I would have
4 included that in my notes.

5 **MR. MICHAEL SCOTT:** You would have considered that to be a
6 very significant issue?

7 **C/SUPT. CHRIS LEATHER:** Yes.

8 **MR. MICHAEL SCOTT:** Madam Registrar, if we could go down a
9 page, please.

10 And again, these would have been your notes from the same call,
11 presumably?

12 **C/SUPT. CHRIS LEATHER:** They appear to be, yes. I don't see a
13 time on the column yet on the left side.

14 **MR. MICHAEL SCOTT:** You see there's note to 10 years ago
15 threatened. Am I reading that correctly?

16 **C/SUPT. CHRIS LEATHER:** Yes, threatened moth, meaning
17 mother, I would say, and father. That's a plus sign.

18 **MR. MICHAEL SCOTT:** Right. And below that you see mother
19 and father no contact, and then Moncton guarding them.

20 **C/SUPT. CHRIS LEATHER:** Yes.

21 **MR. MICHAEL SCOTT:** Is it your recollection that in that briefing at
22 6:30 on the morning of the 19th that Staff Halliday had advised you that they had pulled
23 some information about the perpetrator and specifically about a prior threat he had
24 made against his parents?

25 **C/SUPT. CHRIS LEATHER:** No, that was the only notation I made
26 around that, and I don't recall that kind of detail around any sort of queries or
27 background checks that might have been done around.

28 **MR. MICHAEL SCOTT:** Do you recall what you were told that

1 would have -- that caused you to make these notes about 10 years ago, threatened
2 mother and father, no contact?

3 **C/SUPT. CHRIS LEATHER:** Again, these are verbatim comments
4 from Staff Sergeant Halliday and me doing my best to record them, you know, on the
5 scratch pad. That's it.

6 **MR. MICHAEL SCOTT:** Okay. And were you -- there's an entry
7 Moncton guarding them. Is it your understanding that Moncton RCMP have been sent
8 out to guard the perpetrator's family?

9 **C/SUPT. CHRIS LEATHER:** Yes.

10 **MR. MICHAEL SCOTT:** Would it be fair to say that at that very first
11 briefing, it was confirmed to you, at least through Staff Halliday, that there was some
12 awareness of who the perpetrator was, his name, some prior interaction with police, and
13 who his family was?

14 **C/SUPT. CHRIS LEATHER:** Yes.

15 **MR. MICHAEL SCOTT:** You can take that down, Madam
16 Registrar, if you would.

17 Chief Superintendent, yesterday you were testifying about issues of
18 interoperability and your interactions with Truro Police Service Chief MacNeil was
19 discussed to some extent. You're aware that the Commission has emails from the
20 morning of the 19th between you and Chief MacNeil?

21 **C/SUPT. CHRIS LEATHER:** Yes.

22 **MR. MICHAEL SCOTT:** Right. And to save us having to go
23 through the emails, am I correct in summarizing that you were contacted by email by
24 Chief MacNeil that morning?

25 **C/SUPT. CHRIS LEATHER:** Yes.

26 **MR. MICHAEL SCOTT:** And he sent you an email at somewhere
27 around eight o'clock in the morning, offering to provide assistance if needed?

28 **C/SUPT. CHRIS LEATHER:** Yes.

1 **MR. MICHAEL SCOTT:** Okay. And approximately two hours later,
2 you responded and suggested that, thank you, and we think we have the perpetrator
3 pinned down in Wentworth.

4 **C/SUPT. CHRIS LEATHER:** Yes, that's my recollection.

5 **MR. MICHAEL SCOTT:** And you recognize now that the
6 information that you provided to Chief MacNeil was incorrect?

7 **C/SUPT. CHRIS LEATHER:** Information that I was provided which
8 I passed on was incorrect.

9 **MR. MICHAEL SCOTT:** And you didn't follow up to -- once you
10 became aware that it was incorrect, you didn't follow up with Chief MacNeil to correct
11 that?

12 **C/SUPT. CHRIS LEATHER:** No, I did not.

13 **MR. MICHAEL SCOTT:** And you did not take Chief MacNeil up on
14 his offer to have Truro Police take any local calls, to take pressure off of RCMP?

15 **C/SUPT. CHRIS LEATHER:** No, and as I said in my statement to
16 MCC Counsel, and it's an area I would truly like to see explored in more detail, Chief
17 MacNeil would know that his best contact for this situation, if not people on the ground
18 closer to the action, then certainly the District Police Officer, the Detachment
19 Commander, there are others who he is both more familiar with and who are closer to
20 the action able to provide him with those sorts of responses. So it's not a good
21 communication line to have established in the first instance. Look, I admit that I didn't
22 get back to him. I was dealing with many other issues, as you're well aware. But I hope
23 Chief MacNeil, and I believe he knew enough to look for information elsewhere, any
24 number of sources that he could have gone to with better access and closer visibility on
25 what was actually happening on the ground than myself.

26 **MR. MICHAEL SCOTT:** And I think -- do I hear you correctly,
27 you're suggesting that he contacted the wrong person. He should have contacted
28 somebody closer to the ground?

1 **C/SUPT. CHRIS LEATHER:** Yes.

2 **MR. MICHAEL SCOTT:** Right. In fairness, you didn't -- you could
3 have told him that. You could have said, "I'm not the guy to talk to. Go talk to Archie
4 Thompson or somebody closer to the ground." Correct?

5 **C/SUPT. CHRIS LEATHER:** I could have said that, yes.

6 **MR. MICHAEL SCOTT:** And would it also be fair to say that really
7 the reason you didn't respond to him is because you were busy doing other things and
8 you didn't get to it?

9 **C/SUPT. CHRIS LEATHER:** Right. It literally fell off the table for
10 me in terms of circling back with him, I would agree with that, because of everything
11 else going on.

12 **MR. MICHAEL SCOTT:** And notwithstanding the issues of
13 interoperability that you were talking about yesterday and how, you know, particulars
14 that would relate to a direct response to the mass casualty, there really would have
15 been no issue with accessing Truro resources to do things like cover local calls that
16 couldn't -- you know, general patrol calls to take some of the burden off of members
17 who were directly involved in the mass casualty?

18 **C/SUPT. CHRIS LEATHER:** Absolutely. I hope, you know, a day
19 does come where those sorts of seamless calls and requests for service and
20 understanding exist. Those decisions about the nature of the kinds of deployments
21 you're talking about should be seamless, and coming right out of the OCC are the, you
22 know, the radio dispatch area, and there should be -- it should be a seamless transition
23 to the municipal services to help with things like traffic points, road closures, and things
24 like that. I would agree.

25 **MR. MICHAEL SCOTT:** On the 19th of April, you contacted SiRT
26 directly; correct?

27 **C/SUPT. CHRIS LEATHER:** Yes.

28 **MR. MICHAEL SCOTT:** And at the time, you had contacted Acting

1 Director Pat Curran.

2 **C/SUPT. CHRIS LEATHER:** Yes.

3 **MR. MICHAEL SCOTT:** And that was because the Director, Felix
4 Cacchione was on leave at that time, if I recall?

5 **C/SUPT. CHRIS LEATHER:** Director Cacchione was on medial
6 leave for some time, yes.

7 **MR. MICHAEL SCOTT:** And you were referring obviously the
8 matter involving the shooting of the perpetrator as a SiRT file?

9 **C/SUPT. CHRIS LEATHER:** Yes.

10 **MR. MICHAEL SCOTT:** And that would be normal anytime an
11 officer is involved in a discharge of a firearm, particularly where, in this case, a civilian
12 was killed?

13 **C/SUPT. CHRIS LEATHER:** Yes, the Big Stop incident.

14 **MR. MICHAEL SCOTT:** Your understanding is that that would
15 trigger your obligation to then refer the matter to SiRT for an independent investigation?

16 **C/SUPT. CHRIS LEATHER:** A clear referral, in my mind, to SiRT.

17 **MR. MICHAEL SCOTT:** You also made two other referrals. One
18 was in relation to the Onslow Belmont Fire Hall shooting.

19 **C/SUPT. CHRIS LEATHER:** Yes.

20 **MR. MICHAEL SCOTT:** And that was because, obviously, two
21 RCMP officers had discharged their weapons in questionable circumstances?

22 **C/SUPT. CHRIS LEATHER:** Yes.

23 **MR. MICHAEL SCOTT:** Right. And there was a third referral
24 regarding the Shubenacadie scene.

25 **C/SUPT. CHRIS LEATHER:** Yes.

26 **MR. MICHAEL SCOTT:** And do I understand correctly that there
27 was a response from Acting Director Curran, and it appears that he was initially
28 somewhat upset about having that matter referred by you?

1 **C/SUPT. CHRIS LEATHER:** That's my recollection.

2 **MR. MICHAEL SCOTT:** And what was your understanding of what
3 the issue was?

4 **C/SUPT. CHRIS LEATHER:** The issue there for me was it was
5 possible that there may have been an exchange of gunfire between the gunman and
6 Constable Stevenson. And that the victim that had been kidnapped, for lack of a better
7 term, by the gunman ---

8 **MR. MICHAEL SCOTT:** Mr. Webber.

9 **C/SUPT. CHRIS LEATHER:** --- Mr. Webber, could his death -- you
10 know, albeit we know that -- how he unfortunately appeared to have died in terms of the
11 incineration that occurred at that scene to the cruisers, was there a possibility that he
12 was struck or not by any gunfire during the exchange, and that that actually contributed
13 to his passing.

14 So it was to say bringing this to your attention in case you decide to
15 invoke based on that very limited fact pattern that I was presenting as something for
16 them to consider.

17 **MR. MICHAEL SCOTT:** So just to put it another way, do I hear you
18 saying that in the event that it came to be that in the gunfire exchanged between
19 Constable Stevenson and the perpetrator, if inadvertently Mr. Webber had been any
20 way harmed by a bullet fired from Cst. Stevenson's gun that, in your mind, would be a
21 SiRT issue?

22 **C/SUPT. CHRIS LEATHER:** Yeah. Really, either gun, because it
23 was as a result of what I understood was an exchange of gunfire between the two. But
24 yes, more so at Cst. Stevenson's round struck him.

25 **MR. MICHAEL SCOTT:** And to be clear, when you made that
26 referral, did you have -- was there any evidence that you are aware of, anything that you
27 would have been told to suggest that that is what had happened, that there was any
28 issue there? Or were you simply proactively referring it to SiRT in case they wanted to -

1 --

2 **C/SUPT. CHRIS LEATHER:** The latter.

3 **MR. MICHAEL SCOTT:** --- look at the issue?

4 **C/SUPT. CHRIS LEATHER:** Proactively referring.

5 **MR. MICHAEL SCOTT:** So you're not privy to any information that
6 would have suggested that there was a good reason to think that the death of Mr.

7 Webber had been anyway related to anything other than the actions of the perpetrator?

8 **C/SUPT. CHRIS LEATHER:** Correct.

9 **MR. MICHAEL SCOTT:** Now, in -- ultimately, SiRT refused to take
10 carriage of that file?

11 **C/SUPT. CHRIS LEATHER:** Yes, that's correct.

12 **MR. MICHAEL SCOTT:** But in regards to the other two SiRT
13 matters, do I understand that H Division provided their FIS services to examine those
14 scenes?

15 **C/SUPT. CHRIS LEATHER:** At least to one scene. I believe it was
16 the Shubenacadie scene. I'm not sure that they were involved at the Big Stop. But yes,
17 they were involved in at least one of the scenes at SiRT's request.

18 **MR. MICHAEL SCOTT:** All right. So if I suggest to you that it was
19 RCMP Forensic Identification Services that were sent to examine the Onslow Belmont
20 Fire Hall scene, that's -- you don't have any recollection of that?

21 **C/SUPT. CHRIS LEATHER:** I don't know who -- which ident
22 section attended the firehall.

23 **MR. MICHAEL SCOTT:** You agree with me that there's an
24 inherent potential for conflict, wherein the RCMP is directly involved in the investigation
25 of RCMP officers?

26 **C/SUPT. CHRIS LEATHER:** Yes. And again, as I said in my
27 statement to MCC counsel, it's less than ideal to have our members involved in a
28 support service capacity when the potential exists, or it's quite apparent that our officers

1 have been involved. But this is an established protocol that the Province and SiRT
2 have agreed to with our service that goes back to the inception of SiRT, because they
3 simply don't have the capacity. And given the number of resources that would have
4 been deployed across at least two scenes, they require the assistance of our FIS and
5 their specialized skill set to process the scene on their behalf.

6 **MR. MICHAEL SCOTT:** When you worked in Ontario, the -- I can't
7 remember the corollary to SiRT in Ontario.

8 **C/SUPT. CHRIS LEATHER:** SIU.

9 **MR. MICHAEL SCOTT:** SIU used their own forensic identification
10 services? Is that right?

11 **C/SUPT. CHRIS LEATHER:** Yes. They're a much larger
12 organization, but they're also much more self-sustaining and would have an ident
13 section or FIS section that was in their employ and full time SIU. I think it's very rare
14 that they use any sort of outside expertise pursuant to their investigations they do. But
15 it's rare, because they have capacity.

16 **MR. MICHAEL SCOTT:** And that's specifically to avoid -- to avoid
17 impacting, in anyway, the independence of that investigation?

18 **C/SUPT. CHRIS LEATHER:** I'm sure that's what the SIU director
19 would say, yes.

20 **MR. MICHAEL SCOTT:** Now, it would be normal in a SiRT
21 investigation that obviously you, as the CrOps Officer, or senior management, would
22 make the referral to the director of SiRT, in this case Pat Curran?

23 **C/SUPT. CHRIS LEATHER:** Yes. I mean, under the -- there are a
24 number of authorities that can make the referral, but given the magnitude and severity, I
25 thought it appropriate for, A, for me to have telephone communications with Mr. Curran,
26 which started early on, and that it be myself also, given the magnitude.

27 And -- but what I would say is it's actually not typically me that has
28 those discussions with the director. More often than not, it comes from the detachment

1 commander or the district policing officer, as opposed to myself.

2 **MR. MICHAEL SCOTT:** Right. So in this case, it was you?

3 **C/SUPT. CHRIS LEATHER:** It was.

4 **MR. MICHAEL SCOTT:** For Onslow and Big Stop?

5 **C/SUPT. CHRIS LEATHER:** Yes.

6 **MR. MICHAEL SCOTT:** Okay. And it wouldn't be unusual that you
7 would have some initial communication with SiRT to advise them on what the issue was
8 and then, at that point, RCMP would largely step away from involvement in a SiRT
9 investigation; correct?

10 **C/SUPT. CHRIS LEATHER:** Yes. Although two things there. If
11 you're talking about criminal operations, our function is to initiate the referral and
12 provide whatever basic information SiRT requires to initiate their investigation. There's
13 that. But what we've already talked about are when specialized policing services are
14 required, for instance, down the line, let's say, a day or hours in. Those requests
15 wouldn't necessarily and in fact would not ordinarily come into Criminal Operations.
16 They would go into Support Services because it's their specialized police services that
17 they're looking for for deployment.

18 **MR. MICHAEL SCOTT:** Am I correct that to the extent that it's
19 reasonably possible, you would want to separate yourself from the SiRT investigation to
20 protect the independence of that investigation?

21 **C/SUPT. CHRIS LEATHER:** Yes.

22 **MR. MICHAEL SCOTT:** Right. You would not want to be seen as
23 being involved or in any way influencing or meddling with an investigation into the
24 actions of the RCMP; correct?

25 **C/SUPT. CHRIS LEATHER:** Correct. But again, it's a difficult line
26 sometimes when we have parallel criminal investigations. So of course, as it related to
27 Big Stop, that would become a feature of the H Strong investigation, and arguably a
28 central feature. So whilst the H Strong investigation is running, of course a SiRT

1 investigation is running parallel. And of course, the MOU and policy talks about privacy
2 and requirements as it relates to joint interviews and other sorts of initiatives, the
3 sharing of forensic ident records and the fruits of the SiRT investigation so as not to
4 duplicate. And -- so it's critical that the lead homicide investigators in the Command
5 Triangle have that connection with the SiRT lead.

6 So I just wanted to say that that would be where those -- where we
7 are connecting with them on parallel investigations. But very different than inquiries, or
8 influence, or any sort of inquiries being made from people from the outside as it relates
9 to the SiRT investigation. There's a good reason for our Major Crime folks to be
10 communicating and liaising with their SiRT counterparts in situations such as that.

11 **MR. MICHAEL SCOTT:** Well let's talk about the Onslow SiRT
12 investigation specifically. Do I understand correctly that at some point before that
13 investigation was concluded, that the director of SiRT, Felix Cacchione, met with you
14 and other members of the Issues Management Team at RCMP Headquarters?

15 **C/SUPT. CHRIS LEATHER:** Mr. Cacchione did meet with Darren
16 Campbell, John Robin, and myself, and Glen Byrne and the topic of that meeting or
17 discussion had to do with radio communications. I believe there was even a member of
18 the EMO, Emergency Management Office, who was there who deals with radio
19 communications, portable radio communications or police communications. And that
20 had surfaced in the media as an issue in terms of the communications issue and there
21 were discussions about hard body armour interference, members talking over each
22 other, communications issues. So Mr. Cacchione wanted to bring people to the table
23 who could, A, shed light on those issues, so the SMEs, or subject matter experts, as it
24 related to radio communications were the EMO member and Mr. Byrne for us, Glen
25 Byrne, who I know was a witness here previously. And I would describe it as about an
26 hour-long conversation. And that was the nature of those discussions.

27 **MR. MICHAEL SCOTT:** So just to be clear, was the director of
28 SiRT seeking information from your subject matter experts, or from you, or Mr. Robins,

1 or was he providing you with information?

2 **C/SUPT. CHRIS LEATHER:** I would describe it more as he -- and
3 as I recall, he brought one of his investigators as well. So there were two members of
4 SiRT there. Had questions for the two SMEs in particular, as it related to the radio
5 system, transmissions, interference issues. And I was really there to broker the
6 discussion because I was Mr. Cacchione's counterpart, and so I facilitated the
7 discussion.

8 **MR. MICHAEL SCOTT:** Who was the other member of SIRT that
9 was in attendance at that meeting?

10 **C/SUPT. CHRIS LEATHER:** Sorry. It'd be in my notes. I don't
11 recall. He was one of the investigators from SIRT that joined Mr. Cacchione.

12 **MR. MICHAEL SCOTT:** He was a SIRT investigator?

13 **C/SUPT. CHRIS LEATHER:** Yes.

14 **MR. MICHAEL SCOTT:** Was it a Mr. Legere?

15 **C/SUPT. CHRIS LEATHER:** I know Mr. Legere certainly was one
16 of their investigators at the time, but I think their whole staff were obviously engaged on
17 the various investigations. I don't recall.

18 **MR. MICHAEL SCOTT:** Why was John Robins at that meeting?

19 **C/SUPT. CHRIS LEATHER:** Because by this time, he was
20 obviously in the Division and assigned to the -- we'll call it the H-Strong 2 disclosure
21 prep, and -- no more reason than that. That was his role in the Division.

22 **MR. MICHAEL SCOTT:** To be clear, when Mr. Robins came on
23 initially, it was as part of the issues management team?

24 **C/SUPT. CHRIS LEATHER:** The issues management team wound
25 down in its -- in that iteration very soon after Mr. Robin's arrival.

26 **MR. MICHAEL SCOTT:** And it turned into what ---

27 **C/SUPT. CHRIS LEATHER:** H-Strong 2, the mandate changed
28 slightly, the makeup of the team. There was a real transition then from when Derek

1 Santosuosso was there to when Mr. Robin took over.

2 **MR. MICHAEL SCOTT:** Okay. And am I correct that whether it
3 was -- I appreciate that you're saying that the mandate changed to some extent. And
4 just to be clear, we're going to talk about the issues management team. But initially,
5 that group was formed to deal with issues and that morphed later into the H-Strong 2
6 group that was more focused, as I understand it, on disclosure for this process, for the
7 Mass Casualty Commission.

8 **C/SUPT. CHRIS LEATHER:** Yes.

9 **MR. MICHAEL SCOTT:** Is that a fair summary?

10 **C/SUPT. CHRIS LEATHER:** That's a fair summary in terms of the
11 evolution of IMT to H-Strong 2.

12 **MR. MICHAEL SCOTT:** It's not -- in neither iteration was it part of
13 the H-Strong investigation. It wasn't an operative group in ---

14 **C/SUPT. CHRIS LEATHER:** No, they ---

15 **MR. MICHAEL SCOTT:** --- terms of actively investigating the mass
16 casualty; correct?

17 **C/SUPT. CHRIS LEATHER:** Correct.

18 **MR. MICHAEL SCOTT:** All right. So then my question is, is
19 presumably Mr. Robins is -- I mean, you were the CrOps Officer at that point. Mr.
20 Robin's only role is in relation to whatever iteration the Issues Management Team or H-
21 Strong 2, a non-operative group. Why is he there in a meeting with the Director of
22 SIRT?

23 **C/SUPT. CHRIS LEATHER:** I mean, aside from asking him, of
24 course, I would say for interest's sake and likely Chief Superintendent Campbell invited
25 him to the discussion. He would have seen some value for Chief Superintendent Robin
26 to be there for those discussions. Nothing more than that.

27 He was a -- I would describe him more as a passive observer
28 during the course of the meeting.

1 The bulk of the conversation, as you said, had to do with technical
2 questions around the radio system.

3 **MR. MICHAEL SCOTT:** Do I understand correctly that after a
4 SIRT referral has been made and subject to some of the exceptions that you've been
5 talking about, if the member involved in a SIRT investigation wants information from
6 SIRT, they would not contact SIRT directly; correct?

7 **C/SUPT. CHRIS LEATHER:** I would -- I would not expect that to
8 occur. I am aware now from my MCC interview that that did occur. And if I'm being
9 honest, that's the first time I became aware of that contact was actually during my
10 interview would be inappropriate and highly unusual for such a call to be made.

11 What I had said at the time was it wouldn't be unusual for the Police
12 Federation to make inquiries, particularly for protracted investigations where things went
13 into the many months or a year and beyond on behalf of a member, maybe. But the
14 member directly, very unusual.

15 **MR. MICHAEL SCOTT:** And to be clear what we're talking about,
16 there was an incident in which Constable Terry Brown, who was one of the subjects of
17 the Onslow fire hall shooting, contacted one of the SIRT investigators to get information
18 about the investigation. That's your understanding?

19 **C/SUPT. CHRIS LEATHER:** Well, that's how it was described to
20 me and, again ---

21 **MR. MICHAEL SCOTT:** That's my question. I'm asking you is that
22 your understanding.

23 **C/SUPT. CHRIS LEATHER:** Yeah. But that was actually what
24 was shared with me in my interview, so like my understanding is rudimentary at best, so
25 was it more innocuous than that or was it actually as it related to the, as you noted,
26 update on the status of the investigation because they would be very different, and I'm
27 afraid I don't know what the content of that inquiry was.

28 **MR. MICHAEL SCOTT:** So until it was raised with you by Ms.

1 Young earlier this month, you would not have received any information suggesting that
2 the subject of a SIRT investigation had reached out directly to SIRT investigators before
3 that investigation was closed. That was news to you.

4 **C/SUPT. CHRIS LEATHER:** I don't recall hearing about that until
5 my interview.

6 **MR. MICHAEL SCOTT:** And subject to -- hypothetically, if it were
7 true that that is what happened, you would agree that that would be an inappropriate
8 contact between the member and SIRT.

9 **C/SUPT. CHRIS LEATHER:** If it pertained to the investigation,
10 yes. If it was an innocuous request about something not related to the investigation,
11 then perhaps there could be an explanation, but I don't know what was asked by Mr.
12 Brown.

13 **MR. MICHAEL SCOTT:** And presumably in those circumstances,
14 you would expect that an explanation would be asked of the member to confirm whether
15 this was appropriate or not. That there would be some looking into that issue.

16 **C/SUPT. CHRIS LEATHER:** Yes.

17 **MR. MICHAEL SCOTT:** With respect to Enfield, am I correct that I
18 -- I understand there's parallel investigations, but wherever possible, your position at the
19 time was that the Irving Big Stop was SIRT's scene because they were dealing with that
20 matter. Would that be fair?

21 **C/SUPT. CHRIS LEATHER:** It'd be fair to say they had primacy at
22 the scene, yes.

23 **MR. MICHAEL SCOTT:** So to some extent, you would defer to
24 SIRT in terms of how that scene would be handled or getting authorization to do -- to
25 release information, example.

26 **C/SUPT. CHRIS LEATHER:** Releasing information, let's say the
27 video captures, you know, the security video, other investigative steps that might have
28 been taken, I would have expected and I'm certain the MCU investigators liaised

1 appropriately with SIRT investigators for that kind of evidence.

2 **MR. MICHAEL SCOTT:** All right. I want you to take a document
3 where we're having a little bit of an issue with it this morning. And I'll hope Madam
4 Registrar can help me with it.

5 It's -- in Relativity, I'll just advise the Commissioners it's
6 COMM0027736, which appears to be an email that I can describe.

7 My understanding from speaking with Madam Registrar this
8 morning is that that's not in the registrar's system because it's yet to be vetted or there's
9 some other issue with it, so -- unless something's changed in the last hour, and Madam
10 Registrar is indicating it hasn't.

11 What I propose to do is describe the email to the extent that it's
12 relevant and then we can address how that gets facilitated to others.

13 I'm hearing no objection.

14 Chief Superintendent, I'm going to suggest to you that you were
15 aware of an email that you were copied on on May 6th, 2020. It appears to be an email
16 from Costa Dimopoulos to Pat Curran, the Acting Director at the time. And I just want to
17 read to you some excerpts.

18 It appears to be an email suggesting from Mr. Dimopoulos to Mr.
19 Curran that an issue has arisen with the videotape at the Enfield Big Stop. Do you
20 know the email I'm talking about?

21 **C/SUPT. CHRIS LEATHER:** No, I don't.

22 **MR. MICHAEL SCOTT:** All right. I'm going to suggest that you
23 were copied on an email where Mr. Dimopoulos is advising Mr. Curran that the owners
24 of the gas station, Irving, have the original copy of the videos and that what the RCMP
25 has and what SIRT has are simply copies and that there was some concern that
26 because the original copies were not in the control of the RCMP that they may be
27 released or leaked to the public.

28 Do you recall a conversation or a discussion of that issue?

1 **C/SUPT. CHRIS LEATHER:** Vaguely.

2 **MR. MICHAEL SCOTT:** And I'd note that you were copied on this
3 email, but the passage that caught my attention is:

4 "I bring this to your attention [that being Mr.
5 Dimopoulos to Mr. Curran] as the RCMP does not
6 currently control who may access these videos in the
7 future at Irving, make copies or perhaps post them
8 online. Should this happen, it would have implications
9 for both our organisations, presumably the RCMP and
10 SiRT.'" (As read)

11 To the extent that Mr. Dimopoulos or Superintendent Dimopoulos---

12 **C/SUPT. CHRIS LEATHER:** Superintendent Dimopoulos.

13 **MR. MICHAEL SCOTT:** --- is suggesting that the release of videos
14 from the Irving Big Stop may have implications for both of our organisations. Do you
15 have any idea what he's talking about?

16 **C/SUPT. CHRIS LEATHER:** Well, this is May of 2020, so I'm sure
17 he was quite concerned that had video footage found its way to the media and shown
18 up online it would not only have significant implications for the organisations involved in
19 terms of the integrity of the investigation, but also, the victims' families and the
20 community, it's the last thing that they needed to be watching. And
21 Superintendent Dimopoulos began with his experience, I -- I see that email as him doing
22 his due diligence in trying to flag an issue to Mr. Curran that he should perhaps be
23 aware of, and maybe he was, maybe he wasn't. I don't know what the follow up to that
24 email exchange was.

25 **MR. MICHAEL SCOTT:** Okay. But you agree with me that the --
26 the fact of a third-party who has -- I mean, those videos were not released to Irving by
27 the RCMP or, to the best of your knowledge, by SiRT with their own video. In what way
28 would that have any implications on the RCMP or SiRT if they were leaked by a party

1 unrelated to the RCMP?

2 **C/SUPT. CHRIS LEATHER:** Well, I think if we look as a real
3 example that's related to this file and we think of the armoured car company video, for
4 instance, that was leaked by someone online from when the gunman retrieved a cash
5 payment, purportedly, and that was certainly early in the H-Strong investigation, that's
6 not helpful.

7 **MR. MICHAEL SCOTT:** Sorry, how is that not helpful?

8 **C/SUPT. CHRIS LEATHER:** Well, there's an ongoing criminal
9 investigation still as it relates to the video and his presence there, and it's all part of the
10 H-Strong investigation. I'm not saying that it's not helpful at some point to release it, but
11 I doubt very seriously that either Command trials, SiRT or Major Crime, would be
12 wanting or happy to learn that the video from the Big Stop was released with at least a -
13 - with, sorry, without a conversation with the, is it Irving, Irving principals about that
14 going out. So there's evidence integrity and investigative integrity issues at play for both
15 organisations as far as I can tell from what would be key evidence collected by their
16 security cameras at the gas station.

17 **MR. MICHAEL SCOTT:** You were testifying yesterday about ---

18 **COMMISSIONER MacDONALD:** Sorry, Mr. Scott, for interrupting.
19 How are you doing for time?

20 **MR. MICHAEL SCOTT:** I'm not doing well, but if -- if we want to
21 take a 15-minute break I can go to my notes and see if I can pare it ---

22 **COMMISSIONER MacDONALD:** Well ---

23 **MR. MICHAEL SCOTT:** --- pare some things down.

24 **COMMISSIONER MacDONALD:** --- I interrupted you when you
25 were about to go to another ---

26 **MR. MICHAEL SCOTT:** I'm about to go to a new section.

27 **COMMISSIONER MacDONALD:** So that would be five minutes or
28 so, do you think?

1 **MR. MICHAEL SCOTT:** Let me say 10 minutes so I can speak
2 with my colleague, and then I'll see if I can cut some down.

3 **COMMISSIONER MacDONALD:** Yeah, why don't we do that.

4 **MR. MICHAEL SCOTT:** All right.

5 **COMMISSIONER MacDONALD:** Thank you. We'll take a
6 15-minute break.

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

9 --- Upon recessing at 10:56 a.m.

10 --- Upon resuming at 11:15 a.m.

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

13 **COMMISSIONER MacDONALD:** Thank you. We'll bring the
14 witness back.

15 **--- C/SUPT. CHRIS LEATHER, Resumed:**

16 **COMMISSIONER MacDONALD:** Thank you, Chief
17 Superintendent Leather.

18 Just before you start, Mr. Scott, just an abundance of caution. A
19 question for me.

20 Chief Superintendent Leather, I understand you were chatting with
21 Inspector, or I'm not sure, is it Superintendent now, Rodier, over the break. I presume
22 you were chatting about the weather and other things and not about your testimony?

23 **C/SUPT. CHRIS LEATHER:** Yes, sir. She was asking how I was
24 doing.

25 **COMMISSIONER MacDONALD:** Yeah. Okay, thank you.
26 Mr. Scott.

27 **MR. MICHAEL SCOTT:** Thank you, Commissioner. And just
28 before we move on, one of my friends raised issue with me. I'll clarify it on the record. I

1 had suggested to Chief Superintendent Leather that the FIS team that had handled the
2 investigation in Onslow-Belmont was from the RCMP. I've been directed to
3 COMM14889, which seems to indicate that it was a -- an HRP FIS division that handled
4 that, and HRP and RCMP are obviously not integrated in that way.

5 **COMMISSIONER MacDONALD:** Thank you.

6 **MR. MICHAEL SCOTT:** I just wanted to correct that on the record.

7 **COMMISSIONER MacDONALD:** Thank you.

8 **--- CROSS-EXAMINATION BY MR. MICHAEL SCOTT: (Cont'd)**

9 **MR. MICHAEL SCOTT:** Chief Superintendent, yesterday in your
10 testimony you were asked a number of questions about certain issues that had come up
11 in public communications in some of the early media briefs that you had done. Do you
12 recall that?

13 **C/SUPT. CHRIS LEATHER:** Yes, I do.

14 **MR. MICHAEL SCOTT:** I think you talked about the -- what you
15 described as the infamous, "more than 10", comment?

16 **C/SUPT. CHRIS LEATHER:** "In excess of 10", yes.

17 **MR. MICHAEL SCOTT:** "In excess of 10." And there were other
18 similar issues identified, like the Tweet that went out referring to the incident as a
19 firearms complaint, et cetera.

20 **C/SUPT. CHRIS LEATHER:** Yes.

21 **MR. MICHAEL SCOTT:** Okay. And to be clear, I think you said
22 with respect to the number of victims being in excess of 10 people, your testimony was
23 that you were getting conflicting information before that press conference.

24 **C/SUPT. CHRIS LEATHER:** Yes, in terms of the number of
25 victims.

26 **MR. MICHAEL SCOTT:** Am I correct, though, that at a Criminal
27 Operations meeting, just before 4 o'clock that afternoon, the number you were given
28 was 14 plus?

1 **C/SUPT. CHRIS LEATHER:** That sounds correct.

2 **MR. MICHAEL SCOTT:** Right. And then shortly, about an hour
3 before the press conference, around 5:01, you were advised that there was three more
4 believed victims, bringing the number up to 17.

5 **C/SUPT. CHRIS LEATHER:** Yes, and as I had noted yesterday,
6 "believed", "believed to be", "being confirmed", I wasn't satisfied with the numbers.

7 **MR. MICHAEL SCOTT:** But to be clear, you weren't getting
8 conflicting numbers. It's not that you had one investigator telling you 10 and one telling
9 you 12, it's that the nature of the numbers that you were getting were, "we believe it's
10 14" or "we believe it's 17", but those numbers had not been conclusively determined?

11 **C/SUPT. CHRIS LEATHER:** Not only that, but I was also informed
12 that there were almost certainly going to be additional victims. So I -- it was both, yes.

13 **MR. MICHAEL SCOTT:** Right. So in going with the number 10
14 plus, in what way would that have been any better than simply doing the press
15 conference and saying what you -- what was true, which is that the best information you
16 had was that "At this point in time we believed that the number of victims is 17, and we
17 believe there may be more." What would have been the harm in that messaging?

18 **C/SUPT. CHRIS LEATHER:** Well, I was pretty clear yesterday. I
19 wish I had, I think the term I used, put a line in the sand and come up with a number
20 that was closer to the actual total that I was provided. I conceded that yesterday. My
21 evidence is the same today. Whether that, you know, was 15 or 17, or whatever that
22 number would be, in hindsight I wish I had used a higher number.

23 **MR. MICHAEL SCOTT:** Right. Because you would agree that it
24 was somewhat misleading to say 10 plus. That was not the best information you had at
25 the time.

26 **C/SUPT. CHRIS LEATHER:** In excess of 10 was not misleading,
27 but it was not as accurate as I could have been.

28 **MR. MICHAEL SCOTT:** Right. Would you agree with me that if

1 you had attended that press conference and said, "In excess of one"; that would be
2 misleading, wouldn't it?

3 **C/SUPT. CHRIS LEATHER:** Right. So where do we draw the
4 line? Is it 12; is it 13; is it 10? I'm not really sure. I guess it depends on the recipient of
5 the information. But "Misleading" also would suggest that it's done with some intent and
6 that was not my intent to mislead or misinform; it was a decision I made at the time, and
7 I wish I had given a higher total.

8 **MR. MICHAEL SCOTT:** In the evidence we heard from Ms.
9 Scanlan, who would have been the Director of Strategic Communications at the time, if I
10 understood her evidence, she suggested that the issue with that number was that at
11 some point you have to go with a number because we have to go do this press
12 conference. Is that your recollection of why that number was chosen?

13 **C/SUPT. CHRIS LEATHER:** Well, that was -- that would part of
14 the reason. There was also the suggestion that there's a translation ---

15 **MR. MICHAEL SCOTT:** Yes.

16 **C/SUPT. CHRIS LEATHER:** --- requirement part of the reason.

17 You know, there's that, call it finish time or go to press time and you don't want to
18 deviate, in terms of changing the contents of the speaking points. Again, Ms. Scanlan
19 would be much better to speak to what that was, but these are additional factors, yes.

20 **MR. MICHAEL SCOTT:** Okay. Tell me, Chief Commissioner [*sic*],
21 if the issue is one of translation, you know what the French word is for "ten"?

22 **C/SUPT. CHRIS LEATHER:** Yeah, it wasn't an issue for me. I'm
23 just saying that this was a factor, and I think I could have -- if I was asked to give the
24 French of "17" or "16," I probably could have done that. So I didn't -- personally, that
25 wasn't an issue for me. I think it's fair to say that was an issue for corporate
26 communications and their translation responsibilities internal to their processes.

27 **MR. MICHAEL SCOTT:** On April 20th at the 2:00 p.m. briefing, you
28 were noted as saying that the victims, some of whom were known to the perpetrator,

1 were both men and women, and all were adults. Do you recall saying that?

2 **C/SUPT. CHRIS LEATHER:** I do.

3 **MR. MICHAEL SCOTT:** And at the time, you were fully aware that
4 one of the victims, Emily Tuck, was 17 years old?

5 **C/SUPT. CHRIS LEATHER:** I had been briefed to that and I would
6 -- I regret to this day having said that.

7 **MR. MICHAEL SCOTT:** So my question is; the issue was raised
8 by S/Sgt. Halliday in an email confirming that issue, and we have an email response
9 from Sgt. Seeley, who I believe was working with you, saying:

10 "Leather is aware of all the victims' ages. He
11 released what he felt comfortable confirming at the
12 time." (As read)

13 Is that how you would describe why you suggested that all the
14 victims were adults?

15 **C/SUPT. CHRIS LEATHER:** No, my -- so first of all, Sgt. Seeley
16 and I wouldn't have spoken more than a couple of times in all of 2020, and certainly not
17 around this. She may have been on the conference call earlier; can't recall. More likely
18 I heard from Darren Campbell. But I spoke yesterday about the volume of information
19 and the requirement to have effective recall on the spot during the Q and A, and that
20 was a recall problem. It was not done, I dare say obviously, out of malice or to mislead,
21 giving a female -- excuse me; attributing a female 17-year-old to being an adult, it was a
22 recall problem for me during the Q and A, period. Not based -- and would it have been
23 nice for me to have that briefing card for me to refer to -- because at that point I was
24 referring to my recollection without my notes of a briefing that I'd received earlier that
25 day.

26 **MR. MICHAEL SCOTT:** So to the extent that Cst. Seeley advised
27 S/Sgt. Halliday that you released what you felt comfortable confirming at the time,
28 you're telling us that Sgt. Seeley was wrong; that's not why ---

1 **C/SUPT. CHRIS LEATHER:** I don't know where she got this
2 comfort analogy from. That's not something that I'm familiar with.

3 **MR. MICHAEL SCOTT:** Well, just to be clear, the question I asked
4 you is you're saying that Sgt. Seeley is wrong; the reason you didn't say that -- the
5 reason you said that they were all adults is just purely you made an error?

6 **C/SUPT. CHRIS LEATHER:** That's what happened; I made an
7 error on the ages.

8 **MR. MICHAEL SCOTT:** At the April 19th press conference, you
9 indicated in response to a media question that the perpetrator was not known to police.
10 Do you recall that?

11 **C/SUPT. CHRIS LEATHER:** Yes.

12 **MR. MICHAEL SCOTT:** And that wasn't true, was it?

13 **C/SUPT. CHRIS LEATHER:** He was known to police.

14 **MR. MICHAEL SCOTT:** Right.

15 **C/SUPT. CHRIS LEATHER:** I would agree with that.

16 **MR. MICHAEL SCOTT:** And at the time that you said that he
17 wasn't known to police, you knew that that was untrue?

18 **C/SUPT. CHRIS LEATHER:** Oh, going back to that particular ---

19 **MR. MICHAEL SCOTT:** Right, but I'm just going to -- my question
20 is; at the time you said it, you knew it was untrue? It wasn't a mistake like suggesting
21 that all the victims were adults; it wasn't an issue with recollection.

22 **C/SUPT. CHRIS LEATHER:** Well, I was trying to respond to your
23 question by saying that going through my mind at the time was "Known to police"
24 meaning has a criminal record; is known because he's a person of interest for intel
25 purposes, and that's what was running through my mind at the time. I wasn't aware of
26 any such, or I couldn't at least recall any such designation, and that's the reason I
27 responded the way I did.

28 **MR. MICHAEL SCOTT:** You were also asked whether the

1 perpetrator's wife, children, and relatives were among the casualties, and your answer
2 was, "I'm not at liberty to answer at this stage"; do you recall that?

3 **C/SUPT. CHRIS LEATHER:** Yes.

4 **MR. MICHAEL SCOTT:** And am I correct that in your very first
5 briefing from S/Sgt. Halliday at 6:30 in the morning, you'd been advised that the
6 common-law spouse, Ms. Banfield, was alive; yes?

7 **C/SUPT. CHRIS LEATHER:** Yes.

8 **MR. MICHAEL SCOTT:** And that there was this issue with the
9 family in Moncton and that RCMP in Moncton were protecting them?

10 **C/SUPT. CHRIS LEATHER:** Yes, I was aware of that.

11 **MR. MICHAEL SCOTT:** And is there any reason why you could
12 not have simply answered that question and said that, "Yes, we know his common-law
13 spouse is alive, he doesn't have any children that we're aware of, and his family
14 appears to be fine as well"?

15 **C/SUPT. CHRIS LEATHER:** That was done out of caution for the
16 ongoing investigation. It was fair to say at the time that Ms. Banfield's status had not
17 been clearly communicated to me, whether she was a victim, witness, or suspect, and
18 the last thing I wanted to do was speak to her involvement in any shape or form so early
19 after the incident.

20 **MR. MICHAEL SCOTT:** Right, but what you -- what was clearly
21 communicated to you was that she was alive.

22 **C/SUPT. CHRIS LEATHER:** Yes.

23 **MR. MICHAEL SCOTT:** Right? But the question that was put to
24 you was whether the perpetrator's child -- or wife, children, or relatives were among the
25 casualties, not whether they were involved or whether they were suspects, but if they
26 were casualties, and you knew at that point ---

27 **C/SUPT. CHRIS LEATHER:** Well, I didn't know anything about
28 whether there were children or parents, or any other family members that resided with

1 him, and I didn't feel comfortable answering that without knowing more about the
2 familial situation that the gunman was involved in. I simply didn't feel comfortable
3 answering that without having more information about his family status.

4 **MR. MICHAEL SCOTT:** I think in relation to this issue yesterday,
5 you were offering some suggestions for things that could change at the RCMP, and the
6 one that caught my ear was you said it would have been beneficial if you had more
7 media training.

8 **C/SUPT. CHRIS LEATHER:** Yes.

9 **MR. MICHAEL SCOTT:** Has it ever occurred to you that perhaps
10 what you and people in your position require is less media training, or less focus on
11 things like strategic communications and crafting messages and talking points, but
12 rather focusing simply on clearly communicating the facts that you can disclose and
13 providing that information to the public? Has it ever occurred to you that the issue is the
14 over-management of communications; the lack of candour?

15 **C/SUPT. CHRIS LEATHER:** Well, I would agree with the former
16 comment, and if that's part of a training, you know, how it's captioned doesn't really
17 matter to me. I would agree with your assessment; is better understanding what it is we
18 ought to include fundamentally in our release to the public; what we should and
19 shouldn't, the timing of that, and improving on the accuracy, and I offered some possible
20 solutions to that yesterday. And I would be very open to that.

21 I'm not saying for a minute that it has to be media training per se,
22 and for folks much more experienced in this area than me to decide what the best
23 approach would be, but I would agree with your comments around that.

24 **MR. MICHAEL SCOTT:** And to be clear, none of the issues that
25 we have addressed, like, the tweet that went out regarding a firearms complaint and,
26 you know, in excess of 10, those are all things where there was the direct involvement
27 of people from an office called the Office of Strategic Communications; correct? You
28 weren't doing these things on your own?

1 **C/SUPT. CHRIS LEATHER:** Correct. And in fact, the on my own
2 portion would be more the Q and A and very little to do with the talking points other than
3 some short discussions and if time permitted.

4 **MR. MICHAEL SCOTT:** Right. And am I correct that the issue
5 about things that cannot be shared, you know, we talk about holdback evidence or
6 evidence that may negatively impact an ongoing investigation, those are police issues;
7 right? Those are not Strategic Communications issues? As a matter of policing, you
8 would be aware of why we would not be able to release that particular information.

9 **C/SUPT. CHRIS LEATHER:** Well, what I would agree with is
10 you're up there on your feet, trying to make those very determinations as the questions
11 are coming at you, with the limited briefings you've received on, let's say, the status of
12 the investigation at that time, and they were limited, admittedly, so early after. And so
13 you're struggling with the questions and your, in many cases, limited knowledge actually
14 of the status of the investigation or the status of certain individuals, like I spoke about in
15 terms of Banfield. And so the option is to say not at liberty to discuss, or I'll have to
16 update the public later, and that creates a whole host of issues unto itself because then
17 it appears to be, well, perhaps you're not misleading, but you're not sharing what you
18 ought to be sharing. So I don't -- that balancing act and accuracy with the pressure and
19 the time constraints is almost an art unto itself, and we have work to do.

20 **MR. MICHAEL SCOTT:** Right. And I'd suggest to you that in those
21 moments where you're trying to make a determination of whether this is something that
22 might impact an ongoing investigation, or whether it's something that should be
23 communicated, you in that moment are in a far better position to make that assessment
24 than a civilian who's perhaps got a university degree in communications; correct?

25 **C/SUPT. CHRIS LEATHER:** I would agree if it relates to the
26 investigation, investigative techniques, where the benefit comes from having that
27 corporate communications or Public Information Officer close at hand is -- what I
28 referred to yesterday is more the data, the important, empirical, numerical updates that

1 you end up referring strictly to your memory during the Q and A session. And so having
2 them close by would have benefitted greatly under the circumstances.

3 **MR. MICHAEL SCOTT:** We talked briefly earlier about the Issues
4 Management Team that morphed into H-Strong 2. And I had a few questions about that
5 specifically. Initially, as part of that team, you were tasked, you were directly involved in
6 the Issues Management Team; correct?

7 **C/SUPT. CHRIS LEATHER:** Yes.

8 **MR. MICHAEL SCOTT:** Right. And am I correct that that group
9 was formed in response to the call that you had with Commissioner Lucki on April 28th?

10 **C/SUPT. CHRIS LEATHER:** Yes.

11 **MR. MICHAEL SCOTT:** And specifically, the Issues Management
12 Team was not operational, it was not investigative. It was outside of the H-Strong
13 investigation dealing with issues?

14 **C/SUPT. CHRIS LEATHER:** Right, but, yes; however, operational
15 issues were often coming to the attention of the Issues Management Team through their
16 updates, but they did not have an operational or investigative mandate.

17 **MR. MICHAEL SCOTT:** Right. And a number -- the key issues
18 that the Issues Management Team dealt with would be the Brenda Forbes complaint;
19 correct?

20 **C/SUPT. CHRIS LEATHER:** It was surfaced by the Issues
21 Management Team, yes, or brought to the attention of, I should say.

22 **MR. MICHAEL SCOTT:** And the 2011 Officer Safety Bulletin that
23 arose?

24 **C/SUPT. CHRIS LEATHER:** Yes.

25 **MR. MICHAEL SCOTT:** And the issue around public alerting?

26 **C/SUPT. CHRIS LEATHER:** Yes.

27 **MR. MICHAEL SCOTT:** And I'm going to suggest to you that the
28 reason the Issues Management Team was dealing with those matters is because they

1 were seen as things that could raise public relations issues. People were asking a lot of
2 questions about those matters.

3 **C/SUPT. CHRIS LEATHER:** Well, that would be one reason of
4 several. That's not to be ignored. It certainly is not something that Corporate
5 Communications or H-Strong should be responsible for, so that's why the team of two
6 superintendents, myself and the H-Strong team were formed.

7 **MR. MICHAEL SCOTT:** Right. But you were the Criminal
8 Operations Officer at the time?

9 **C/SUPT. CHRIS LEATHER:** Yes.

10 **MR. MICHAEL SCOTT:** You were the second most senior RCMP
11 officer in the province?

12 **C/SUPT. CHRIS LEATHER:** Yes.

13 **MR. MICHAEL SCOTT:** And rather than having you directly
14 involved in the H-Strong investigation and the mass casualty, you were tasked with
15 running a team to deal with issues.

16 **C/SUPT. CHRIS LEATHER:** Well, it was one of many areas of
17 responsibility that reported to me, and I looked at it as just an extension, really, of
18 criminal operations, and for short duration. So the team itself, the day-to-day, we'll call
19 it, operation of the team in terms of the drafting of the sit reps, the meetings, the
20 acquisition of information that was relevant for the sit reps was really on the shoulders
21 of Derek Santosuosso and Costa Dimopoulos. However, when they felt something
22 raise to the point where it was relevant to be placed into a sit rep, they brought it to my
23 attention. So in that sense, the team, I was part of the team, but as an oversight
24 function.

25 **MR. MICHAEL SCOTT:** And aside from you and others, two
26 superintendents were brought in from outside the province?

27 **C/SUPT. CHRIS LEATHER:** Yes.

28 **MR. MICHAEL SCOTT:** And that would be Superintendent Robins

1 *[sic]* and Butcher?

2 **C/SUPT. CHRIS LEATHER:** Sorry, I thought you were -- not for
3 Issues Management Team initially. So it was Santosuosso and Dimopoulos, both
4 superintendents.

5 **MR. MICHAEL SCOTT:** M'hm.

6 **C/SUPT. CHRIS LEATHER:** And then as part of H-Strong 2, Chief
7 Superintendent Robin was brought in some time later. Prior to that, Mr. Butcher was
8 added to the Issues Management Team File Coordination Team. So they reported -- he
9 was one of the team members, along with Sergeant Romanchych, who we heard about
10 earlier, who reported to Derek Santosuosso.

11 **MR. MICHAEL SCOTT:** Right. And Mike Butcher, you knew at the
12 time, was the spouse of the CO ---

13 **C/SUPT. CHRIS LEATHER:** Yes.

14 **MR. MICHAEL SCOTT:** --- Lee Bergerman. And you always
15 thought that that created a potential issue for conflict; didn't you?

16 **C/SUPT. CHRIS LEATHER:** There was a potential, yes.

17 **MR. MICHAEL SCOTT:** And Mr. Robins *[sic]*, you knew at the
18 time, similarly, was the spouse of Chief Superintendent Janis Gray?

19 **C/SUPT. CHRIS LEATHER:** Yes, of course.

20 **MR. MICHAEL SCOTT:** And you were aware that that could raise
21 a potential issue of a conflict?

22 **C/SUPT. CHRIS LEATHER:** Yes, and as I said in my interview, sir,
23 I said, while it could raise the potential, they were both highly qualified and experienced,
24 solid and high integrity individuals who -- look, in the case of Mike Butcher, I had
25 certainly had some input, right, in terms of his membership in IMT. Chief
26 Superintendent John Robin's assignment to the division was a discussion between the
27 Commanding Officer and Deputy Commissioner Brennan. I had no role in that. But I
28 was happy that he arrived in the division to assist. And when he arrived, he had no

1 reporting responsibilities to me, nor did I have any input in his selection.

2 **MR. MICHAEL SCOTT:** Very good.

3 And, Madam Registrar, if we could, and Chief Superintendent,
4 there should be a document in front of you that appears to be an RCMP business card.
5 We've provided copies of this document to our friends, and, Madam Registrar, if you
6 could -- oh, that's right. We don't have it on the screen, but you have a copy of it in front
7 of you.

8 **C/SUPT. CHRIS LEATHER:** Yes.

9 **MR. MICHAEL SCOTT:** I think the Commissioners have a copy?

10 **COMMISSIONER MacDONALD:** We have it, Mr. Scott.

11 **MR. MICHAEL SCOTT:** And if I could perhaps, just for the
12 formality, we can mark that as an exhibit and then we'll address having it put on the
13 system?

14 **COMMISSIONER MacDONALD:** Right

15 **REGISTRAR DARLENE SUTHERLAND:** And there's another
16 document that you neglected to mark as an exhibit previously. So COMM0027736 will
17 be marked as Exhibit 3984.

18 **--- EXHIBIT NO. 3984:**

19 (COMM0027736) Email from Costa Dimopoulos to Pat
20 Curran RE SiRT Referral

21 **REGISTRAR DARLENE SUTHERLAND:** And this document will
22 be marked as Exhibit 4021.

23 **--- EXHIBIT NO. 4021:**

24 (COMM0060021) RCMP business card for John Robin

25 **MR. MICHAEL SCOTT:** Thank you, Madam Registrar.

26 Chief Superintendent, you're looking at what appears to be an
27 RCMP business card for John Robins *[sic]*. You see that?

28 **C/SUPT. CHRIS LEATHER:** I do.

1 **MR. MICHAEL SCOTT:** And in his title it says "Chief
2 Superintendent Contract and Indigenous Policing RCMP National Headquarters, Nova
3 Scotia Mass Casualty Commission." Do you see that?

4 **C/SUPT. CHRIS LEATHER:** Yes.

5 **MR. MICHAEL SCOTT:** And to be clear, to the best of your
6 knowledge, John Robin has never worked for the Mass Casualty Commission?

7 **C/SUPT. CHRIS LEATHER:** That's correct.

8 **MR. MICHAEL SCOTT:** Right. He was at all times employed by
9 the RCMP?

10 **C/SUPT. CHRIS LEATHER:** Yes.

11 **MR. MICHAEL SCOTT:** And specifically assigned to this issues
12 management team?

13 **C/SUPT. CHRIS LEATHER:** He was assigned to H Strong too. As
14 I said earlier, when he arrived, he took all responsibility for what was the Issues
15 Management Team, and it quickly became the H Strong too.

16 **MR. MICHAEL SCOTT:** And you're aware of an incident in which
17 John Robin attempted to interview a woman named Ms. McLellan in relation to the
18 Onslow Belmont Fire Hall matter?

19 **C/SUPT. CHRIS LEATHER:** Yes, I became aware of that.

20 **MR. MICHAEL SCOTT:** And our understanding, and I suspect is
21 yours as well, is that he provided Ms. McLellan with his business card?

22 **C/SUPT. CHRIS LEATHER:** Yes, I learned about that afterwards.

23 **MR. MICHAEL SCOTT:** A business card suggesting that he was
24 associated with or affiliated with the Nova Scotia Mass Casualty Commission?

25 **C/SUPT. CHRIS LEATHER:** Yes.

26 **MR. MICHAEL SCOTT:** And at the time, the Onslow Belmont Fire
27 Hall matter was subject to a SiRT investigation?

28 **C/SUPT. CHRIS LEATHER:** I -- yes. In terms of the timeline, I

1 don't know exactly when Mr. Robin attended, but that sounds correct.

2 **MR. MICHAEL SCOTT:** I'll suggest to you April of 2021.

3 **C/SUPT. CHRIS LEATHER:** All right.

4 **MR. MICHAEL SCOTT:** And do you know, as a senior officer on
5 the Issues Management Team, why John Robin would be, number one, handing out
6 business cards that suggested that he was affiliated with the Mass Casualty
7 Commission? And the second part of my question being why is he in Onslow
8 interviewing witnesses in relation to what was a SiRT investigation?

9 **C/SUPT. CHRIS LEATHER:** So first question, you know, stating
10 the obvious, you'll have to ask Mr. Robin why he placed that on his business card. But
11 knowing him as I do, it was not done to mislead or misrepresent. That's all I will say
12 about that.

13 I became aware of this business card, you know, months into his
14 tenure.

15 As it relates to the Onslow Fire Hall interview, my understanding is
16 he did that with the best intentions of talking to members of the public in the area of the
17 fire hall who were affected by the, what was referred to as a blue-on-blue shooting
18 incident there from a support and wellness perspective. I never knew it to be an
19 interview, per say. I've not heard it described that way. But a check in with one of the
20 neighbours in the vicinity who may have been impacted by the terrible incident there.

21 **MR. MICHAEL SCOTT:** Okay. So to be clear, your understanding
22 is that it wasn't necessarily an interview, but simply him reaching out to members of the
23 community?

24 **C/SUPT. CHRIS LEATHER:** An outreach initiative that he was
25 undertaken, similar to what he and I did with Mr. Westlake from the Colchester EMO,
26 where he and I went to meet with Mr. Westlake and to speak with him, and that was
27 nothing more than a check in, a wellness check, as I did with the Chief and the Deputy
28 Chief of the Onslow Fire Hall prior to that without Mr. Robin. He was nowhere near in

1 the Division at that point.

2 **MR. MICHAEL SCOTT:** Sorry, you mentioned that you met at one
3 point with the Chief and Deputy Chief of the Onslow Belmont Fire Hall?

4 **C/SUPT. CHRIS LEATHER:** Yes.

5 **MR. MICHAEL SCOTT:** At the fire hall; correct?

6 **C/SUPT. CHRIS LEATHER:** Yes, sir.

7 **MR. MICHAEL SCOTT:** And what was the purpose of that
8 meeting?

9 **C/SUPT. CHRIS LEATHER:** This was weeks after the incident. I
10 would say there were multiple reasons for the meeting. Still working for the RCMP at
11 the time was Supt Thompson and S/Sgt Carroll. So by virtue of them being there, we
12 know that it was not long after the tragedy. They both retired that fall.

13 I wanted to meet with the Deputy and the Chief, to have a tour of
14 the hall, to learn, as I did, in great detail from the Deputy, especially the effect of that
15 incident and what it had on he and his colleagues that were at the hall, to see the
16 damage to their signage, their fire truck, the side of their building, to learn about the
17 trauma that they dealt with, and to try to inspire and instill some confidence in them that
18 our members would always need to work and value their relationship with the Onslow
19 Fire Department, as they still do to this date, and how regrettable the situation was, and
20 I hoped, with the passage of time, that this would not interfere with our professional
21 relationship with the Onslow Fire Department. These are a number of things that we
22 talked about. I remember sitting with the Chief and Deputy, and I'm going to say for
23 about an hour, perhaps longer, and then being given a tour of the hall.

24 **MR. MICHAEL SCOTT:** Did -- at any point in that meeting, did you
25 raise with the Chief or the Deputy Chief their options with regards to accessing Victim
26 Services?

27 **C/SUPT. CHRIS LEATHER:** Yes.

28 **MR. MICHAEL SCOTT:** You recall specifically raising those issues

1 with them?

2 **C/SUPT. CHRIS LEATHER:** I did.

3 **MR. MICHAEL SCOTT:** And making them aware that they could
4 access resources through Victim Services?

5 **C/SUPT. CHRIS LEATHER:** There was a conversation about
6 Victim Services. I remember discussing that because I remember talking to the Deputy
7 in particular about what or would not be available to him through his -- through the fire
8 service and him expressing to me some of the challenges that they would have, and
9 noting to him that we would be following up to see what provincial resources might be
10 available to assist him, should he wish.

11 I remember leaving my business card with the Chief, and I know --
12 and perhaps the Deputy too. I can't recall. But certainly the Chief. And he and I -- the
13 Chief and I had follow-up email and I think phone call discussions as well, if I remember
14 correctly, at least one. Although to be clear, that had more to do with the damage to the
15 fire hall and one of their trucks, and the sign, and efforts that we were making to make
16 right on the repairs and replacement.

17 **MR. MICHAEL SCOTT:** In the interest of time, Chief
18 Superintendent, I want to bring you to my last line of questioning, which is Ready Alert.
19 We spoke about that yesterday and will not go back through it. My understanding is
20 that you were very directly involved in looking at policies with respect to Ready Alert
21 after the mass casualty; correct?

22 **C/SUPT. CHRIS LEATHER:** Yes.

23 **MR. MICHAEL SCOTT:** And now there is, if I understand it
24 correctly, both a divisional and a national policy for the RCMP with respect to Ready
25 Alert?

26 **C/SUPT. CHRIS LEATHER:** Yes.

27 **MR. MICHAEL SCOTT:** And you were directly involved in creating
28 that policy?

1 **C/SUPT. CHRIS LEATHER:** Certainly the divisional or provincial
2 policy, and I also provided input to the national policy, yes.

3 **MR. MICHAEL SCOTT:** And we've heard a number of issues with
4 respect to why Ready Alert was used at the time of the mass casualty. And am I correct
5 that if we boil it down, the primary issue is that the RCMP was simply not aware of
6 Ready Alert? That's why Ready Alert wasn't ---

7 **C/SUPT. CHRIS LEATHER:** Boiling it down to that, yes. We were
8 not aware that it was an option.

9 **MR. MICHAEL SCOTT:** So we can talk about the potential issues
10 associated with whether it would overwhelm 9-1-1 or whether, you know, there would be
11 issues with officer safety, but that's not why a Ready Alert wasn't issued that day? It
12 was because no one knew how to use it?

13 **C/SUPT. CHRIS LEATHER:** I agree with that.

14 **MR. MICHAEL SCOTT:** Right. And that's because there was no
15 operational knowledge of it within the RCMP?

16 **C/SUPT. CHRIS LEATHER:** Yes.

17 **MR. MICHAEL SCOTT:** And I assume that you're familiar with the
18 evidence that we had from Truro Police Service Chief MacNeil, who has suggested that
19 at least his municipal service was aware of Alert Ready? You're aware of that
20 evidence?

21 **C/SUPT. CHRIS LEATHER:** A provincial Alert Ready ---

22 **MR. MICHAEL SCOTT:** Yes.

23 **C/SUPT. CHRIS LEATHER:** --- access? No, I'm not aware of that.
24 I knew that Colchester had their own alerting system, and I was aware that he had
25 access to that through the county. I was not aware that he was aware of the provincial
26 or EMO managed Alert Ready system. No, I wasn't.

27 **MR. MICHAEL SCOTT:** So to the extent that in response to media
28 and public requests about questioning why an alert wasn't sent, to the extent that there

1 were other issues raised after the mass casualty, the most honest answer would have
2 been because we didn't know how to do it?

3 **C/SUPT. CHRIS LEATHER:** And I would agree, Mr. Scott. We've
4 seen a lot of those issues being conflated; right? What we learned after the fact and
5 what we knew at the time. But to your point, we simply didn't know that the technology
6 existed at the time of Portapique, and that's why it wasn't deployed.

7 **MR. MICHAEL SCOTT:** And through your involvement and various
8 meetings with municipal chiefs and over the past two years, my understanding is that
9 those policies are in place and have been remedied? Is that correct?

10 **C/SUPT. CHRIS LEATHER:** Policies are in place, direct access
11 has been obtained by the RCMP, Halifax as well, I believe, and we have advanced
12 leaps and bounds now and have full confidence in our ability to deploy Alert Ready
13 across a number of decision makers. And I know I went through that yesterday in my
14 testimony.

15 **MR. MICHAEL SCOTT:** Madam Registrar, if you could, could we
16 go to Exhibit 3892, which I believe is the transcript of Chief Superintendent Leather's
17 MCC interview? And specifically, if we could turn to page 125.

18 Now, I just wanted to bring this to your attention, Chief
19 Superintendent, because based on what you've said about Ready Alert, one would think
20 that when my friend, Ms. Young, asked you the question in your interview, she asked
21 you -- sorry. We're looking at the wrong -- page 125.

22 Sorry. Just down from that page.

23 Right there. Perfect.

24 The question was posed to you by Ms. Young:

25 "So if, God forbid, the same exact events happened
26 today with the new policy and protocols in place,
27 would an alert be issued?"

28 And I suggest to you, Chief Superintendent, that I would have

1 thought that would have been the easiest question in the world. And it seems notable
2 that the response that we have up on the screen says, first, pauses for 16 seconds
3 before answering:

4 "It's a very difficult question to answer because, unlike
5 the principals that were in command, Halliday,
6 MacCallum, West, Surette, the issue of alerting in a
7 situation that would have been fraught with risk for
8 both the public and the police and I think me opening
9 that up is irresponsible because I wasn't there." (As
10 read)

11 And then you go on and on and on.

12 As you sit here today, can we agree that when you -- when you
13 read Ms. Young's question, "If, God forbid, the same exact events happened today with
14 the new policies and protocols in place", with your knowledge of Ready Alert [sic], can
15 we confirm that the answer to Ms. Young's question is "Yes, we would send an alert"?

16 **C/SUPT. CHRIS LEATHER:** No, I stand by the response I gave.

17 **MR. MICHAEL SCOTT:** Very good.

18 Those are my questions, and I appreciate your time.

19 **COMMISSIONER MacDONALD:** Thank you, Mr. Scott.

20 Mr. MacDonald?

21 **--- CROSS-EXAMINATION BY MR. THOMAS MACDONALD:**

22 **MR. THOMAS MACDONALD:** Good morning, Chief
23 Superintendent. My name is Tom MacDonald. I'm counsel to Tara Long and to Scott
24 McLeod. Tara's brother, Aaron Tuck, was lost in Portapique on the night of the 18th,
25 and Scott's brother, Sean McLeod, was lost in Wentworth on the 19th.

26 I want to pick up where Mr. Scott left off just now in terms of you
27 sticking by your interview with Ms. Young on the issue of this Alert Ready.

28 So I don't want to repeat all of what he had to say, but as I

1 understood and I thought he put it very well, he read you the passage, I don't
2 understand and can you help me and Nova Scotians understand why you can't answer
3 "Yes, Alert Ready will be used in this province if a critical incident arises with a mobile
4 active shooter like in Portapique on the 18th"?

5 Why won't it be used? Why can't you say yes?

6 **C/SUPT. CHRIS LEATHER:** Well, the response I was giving was
7 the decision to deploy in that instance surely would have rested with the CICs, who are
8 the most informed, were receiving updates, had familiarity with the location or not of the
9 perpetrator and to answer that question more effectively and what I said in my interview
10 with Ms. Young is I'd hope one day that a proper analysis would be done of that case at
11 some point, you know, a study, if you will, or analysis because for me to say
12 automatically in that circumstance we would alert without being in there at the time,
13 albeit we know a great deal about the decision-making that was going on and the
14 information that was learned, I think is an irresponsible position to put myself in because
15 I wasn't there.

16 It's a better question for the CICs that were, particularly those who
17 have learned about Alert Ready since there, and a number of them have, because
18 deploying that technology under the circumstances that we had with Portapique with the
19 perpetrator driving a police vehicle dressed as a police officer, there are significant
20 public and officer safety risks associated to that that would have had to have been
21 analyzed and would have been analyzed by the CICs in a scenario such as that before
22 they would agree or not to issue an alert.

23 They would have to satisfy themselves that the need to inform the
24 public using an alert was not recklessly going to put members of the public or police
25 officers responding in harm's way by the issuance of the alert. And looking at this from
26 the outside, it seems quite clear that that could, in fact, be a significant risk associated
27 to a deployment alert under those circumstances.

28 **MR. THOMAS MACDONALD:** Would you agree with me that if the

1 same scenario that happened in Portapique was to happen in rural Nova Scotia tonight
2 and it's deemed a critical incident that the Critical Incident Commander has complete
3 authority to direct Alert Ready be used in that situation without any other barriers in front
4 of he or she?

5 **C/SUPT. CHRIS LEATHER:** I would agree with that.

6 **MR. THOMAS MACDONALD:** Thank you.

7 I want to turn to the issue of the request for the review of decision-
8 making and the response by "H" Division to the events of Portapique.

9 And perhaps we could start, Registrar, with Exhibit 3989.

10 And Chief Superintendent, this is -- you saw this yesterday. Ms.
11 Young took you through this letter.

12 **C/SUPT. CHRIS LEATHER:** Yes.

13 **MR. THOMAS MACDONALD:** This is the March 29th, 2021 letter.
14 And did I understand you correctly yesterday that this is a draft
15 letter?

16 **C/SUPT. CHRIS LEATHER:** Yes.

17 **MR. THOMAS MACDONALD:** And is that why -- because the one
18 we're looking at and the one I have, the one you have, there are no signatures. Your
19 name is there and Chief Superintendent Robin's name is there, Superintendent
20 Campbell's name is there, but no one signed this because it was never formally signed
21 and sent.

22 **C/SUPT. CHRIS LEATHER:** That's correct.

23 **MR. THOMAS MACDONALD:** Okay. And you'll -- if you look at
24 page 1, and so let's just -- for the benefit of the Commissioners, it's a "Critical Incident
25 Response Review Nova Scotia Mass Casualty Incident April 18th and 19th, 2020". It's
26 sent to Chief Superintendent is it Solesme?

27 **C/SUPT. CHRIS LEATHER:** Solesme.

28 **MR. THOMAS MACDONALD:** Solesme, yes.

1 And at the bottom paragraph on page 1, it says the -- well, sorry. In
2 the first paragraph, it begins, in part, "As you're aware, 'H' Division has requested an
3 independent review".

4 Then if we go to the bottom paragraph on page 1:

5 "The independent aspect of this review is crucial to
6 ensuring an objective assessment of a multitude of
7 factors, including the decision-making and the
8 response by the 'H' Division RCMP over the 18th and
9 19th of April, 2020 can be made." (As read)

10 And I'm reading as the words appear on the page.

11 Over on page 2, then, in the sort of beginning and middle, there are
12 two black bullet points, and this is under the heading, "The Intention and Scope of the
13 CIRR Should Include the Following". And it's a list of what should be reviewed. Are we
14 agreed?

15 **C/SUPT. CHRIS LEATHER:** Yes.

16 **MR. THOMAS MACDONALD:** Okay. The last sub-bullet point
17 under the first black bullet point, so the very last paragraph on the list, says:

18 "Communications with the public during the event,
19 including the use of, availability and feasibility or non-
20 use of public alerting mechanisms, including the Alert
21 Ready program." (As read)

22 Do you see that?

23 **C/SUPT. CHRIS LEATHER:** I do.

24 **MR. THOMAS MACDONALD:** And at the time this letter was
25 written and today, that's a very important issue around the Portapique mass casualty,
26 that -- this timing and extent and type of public communication; correct?

27 **C/SUPT. CHRIS LEATHER:** Yes, it is.

28 **MR. THOMAS MACDONALD:** Okay. Registrar, could we have

1 Exhibit 3990, please?

2 So this one, Chief Superintendent, Ms. Young, I think, took you
3 through that yesterday as well. You've seen this email chain before.

4 **C/SUPT. CHRIS LEATHER:** Yes, sir.

5 **MR. THOMAS MACDONALD:** It's a short email chain. It begins --
6 it's from, as he was then, Superintendent Campbell to Chief Superintendent Robin, who
7 you spoke about earlier this morning, and then the important part is back from Chief
8 Superintendent Robin to Darren Campbell, and it begins,

9 "Darren, I have drafted a narrower mandate of the
10 review which will hopefully provide more clarity on
11 scope and distinguish it further from the MCC." (As
12 read)

13 And then he goes on with a list of things. Now, did I understand
14 your evidence yesterday that your view was that what Chief Superintendent Robin was
15 trying to do was put the list that would eventually be asked to form the review, if there
16 was a better chance of having the review approved if this shorter list was put forward; is
17 that what you think Robin was trying to do?

18 **C/SUPT. CHRIS LEATHER:** That's my assessment of this, but
19 again, not being part of the conversation, it's -- it is supposition on my part, but that
20 certainly makes sense from the email.

21 **MR. THOMAS MACDONALD:** Sure. When is the last time you
22 read this email?

23 **C/SUPT. CHRIS LEATHER:** The last time would have been
24 yesterday.

25 **MR. THOMAS MACDONALD:** Okay. Do you need to read it? I'm
26 going to ask you a question about it, but I want to -- I'd like you to read the list again, if
27 you could take a moment, and let me know when you're through? So this -- when I say
28 the list, this is the narrower mandate scope of review that Chief Superintendent Robin

1 has detailed here on page 1 in this exhibit. Let me know when you're finished, please.

2 **C/SUPT. CHRIS LEATHER:** Okay.

3 **MR. THOMAS MACDONALD:** Okay. What jumps out at me is
4 that there's no specific reference in this shorter list to public communications, in other
5 words, what we just looked at in the earlier exhibit about public communications isn't in
6 this one; do you agree?

7 **C/SUPT. CHRIS LEATHER:** I do. I don't see it.

8 **MR. THOMAS MACDONALD:** Yeah. Can you offer any
9 explanation -- I know it's not your email, but can you offer any explanation why the
10 public communications, that important aspect that you agreed with me was a very
11 important issue, is not in this shorter list?

12 **C/SUPT. CHRIS LEATHER:** Sorry, I can't.

13 **MR. THOMAS MACDONALD:** Okay. I just want to take you, for a
14 moment, to the now famous conversation with Commissioner Lucki that now Chief
15 Superintendent Campbell made notes about and Ms. Scanlon was in the room, people
16 were upset. You were on that call; correct?

17 **C/SUPT. CHRIS LEATHER:** Yes, I was.

18 **MR. THOMAS MACDONALD:** So my question to you is really a
19 simple one. Did you come away from that call personally with the impression that there
20 was political interference in the RCMP investigation of the mass casualty?

21 **C/SUPT. CHRIS LEATHER:** I did not come away from the call
22 immediately feeling that; however, once I had the opportunity to learn more about the
23 context, particularly of the leadup 24 to 48 hours, and reflect on, after I'd spoken to Lia
24 Scanlan and Darren in particular, to learn more about the speaking point debate, we'll
25 call it, in terms of what could and couldn't be in it, so to answer your question, not
26 immediately. Subsequently, yes, when I gathered all the facts and had an opportunity
27 to learn what had occurred in those final hours before that press conference of the 28th.

28 **MR. THOMAS MACDONALD:** So then is it your evidence today

1 that you're of the impression there was political interference?

2 **C/SUPT. CHRIS LEATHER:** That's my impression.

3 **MR. THOMAS MACDONALD:** Those are my questions, Chief
4 Superintendent. Thank you.

5 **COMMISSIONER MacDONALD:** Thank you, Mr. MacDonald.
6 Mr. Bryson?

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

8 **MR. JOSHUA BRYSON:** Good morning, Commissioners. Good
9 morning, Chief Superintendent. My name is Josh Bryson. I, along with my colleague,
10 Erin Wagner, represent the family of Peter and Joy Bond. They resided at 46 Cobequid
11 Court. I'm also working very closely with Stephen Topshee and his team. They
12 represent the family of Oliver Tuck, who also were in Cobequid Court, and also the
13 family of Lillian Campbell. So I do have some questions for you.

14 I just have a follow-up question on the wellness review that you
15 spoke of earlier. So presumably this is information we do not have, that this
16 Commission does not have, to the best of your knowledge; correct?

17 **C/SUPT. CHRIS LEATHER:** I can't answer that, sir. I don't think
18 so, but I really don't know what's been disclosed.

19 **MR. JOSHUA BRYSON:** And would you agree that this
20 information would be relevant in considering the impact that this mass casualty has had
21 on its senior management?

22 **C/SUPT. CHRIS LEATHER:** On the senior officers in the division?

23 **MR. JOSHUA BRYSON:** Yes.

24 **C/SUPT. CHRIS LEATHER:** Yes.

25 **MR. JOSHUA BRYSON:** I want to start by talking about
26 interagency cooperation. So yesterday you were asked questions about why you didn't
27 call resources from the neighbouring partnering agencies, Truro and we're going to talk
28 about Millbrook as well. And I'm not sure if your evidence is changing today. Yesterday

1 you used words like it's fraught with danger, that there could be communication issues,
2 that there could be interoperability issues. So do you stand by that evidence that you
3 gave yesterday?

4 **C/SUPT. CHRIS LEATHER:** Yes.

5 **MR. JOSHUA BRYSON:** Okay. So specifically in terms of
6 communication and interoperability issues relating to Truro, what do you mean when
7 you talk about communication issues?

8 **C/SUPT. CHRIS LEATHER:** Well, when I was making those
9 comments yesterday, I don't believe I was directing them specific to Truro. I think it was
10 more in a general conversation about interoperability, in particular, in a dynamic
11 response involving GD or uniform members. And my concern, as I think I went through
12 at great length yesterday, has to do with us -- I do not believe, this is my opinion, being
13 prepared in those sorts of circumstances effectively for a sustained, dynamic
14 deployment have addressed all the issues that we ought to in terms of communications,
15 training, interoperability, for instance, in an IARD deployment. It's not to say that these
16 agencies don't have the training, and I think I even went on to say it's quite possible or
17 likely that some of our municipal partners have better training. But what I can say for
18 certain is we haven't had the opportunity to do practical exercises, classroom training,
19 and what would I expect, or I think we need to do to deploy under those circumstances.
20 And without that, I feel that there's a fair amount of risk, potentially creating danger for
21 our officers, and not just the RCMP officers, but for officers who are being thrust
22 together in a situation like that, having not received the training and opportunities to
23 deploy under those circumstances in a sustained, high-risk, tactical deployment
24 scenario.

25 **MR. JOSHUA BRYSON:** So does that danger, does that risk
26 outweigh the harm that comes from not canvassing areas like Portapique for 18 hours
27 after this mass casualty commenced?

28 **C/SUPT. CHRIS LEATHER:** I'm having a hard time equating the

1 two. So meaning ---

2 **MR. JOSHUA BRYSON:** So let me ask it this way, what are the
3 interoperability concerns that would prevent you from calling Truro and saying, look,
4 we're tied up. We're unable to canvass Portapique. We've only checked a few of the
5 homes. Can you please take over the canvassing, the look for survivors, the look for
6 witnesses, the look for further deceased? What are the interoperability concerns that
7 would prevent you, sir, from making that phone call?

8 **C/SUPT. CHRIS LEATHER:** Yeah, under those circumstances ---

9 **MR. JOSHUA BRYSON:** Yes.

10 **C/SUPT. CHRIS LEATHER:** --- because when I described that
11 previous scenario, it is not at all that. I don't see risk associated to what you just
12 described to me.

13 **MR. JOSHUA BRYSON:** And was that done in this case?

14 **C/SUPT. CHRIS LEATHER:** I don't believe it was.

15 **MR. JOSHUA BRYSON:** Was -- what is the interoperability
16 concerns with having Truro conduct checkpoints?

17 **C/SUPT. CHRIS LEATHER:** Well, now we are starting to move
18 into a more visible, tactical deployment. I think, again, if we're just going to be using
19 Truro in this instance as opposed to any service, then I'll speak to specifically Truro. I
20 don't believe they had more than two or three officers working for the bulk of this
21 deployment, certainly on the evening before. And I know that we had made a request of
22 Truro Police to assist us, specific to guarding one of the victims at -- or at least
23 attending the local hospital. And that depleted their three to two, to two members. So if
24 we're going to make it about Truro, then I know that they had some real resourcing
25 constraints on the 18th and 19th.

26 If we're going to talk ---

27 **MR. JOSHUA BRYSON:** So just please try to address my
28 question. My question was specifically what are the interoperability concerns you would

1 have in, for example, having Truro conduct checkpoints?

2 **C/SUPT. CHRIS LEATHER:** On these dates or generally
3 speaking?

4 **MR. JOSHUA BRYSON:** On these dates.

5 **C/SUPT. CHRIS LEATHER:** Well, on these dates, just what I
6 described in terms of ---

7 **MR. JOSHUA BRYSON:** Resources.

8 **C/SUPT. CHRIS LEATHER:** --- their resourcing.

9 **MR. JOSHUA BRYSON:** Did you contact Truro to see if they had
10 the resources to set up checkpoints and monitor checkpoints?

11 **C/SUPT. CHRIS LEATHER:** I wouldn't. And ---

12 **MR. JOSHUA BRYSON:** Are you aware of anyone else that did?

13 **C/SUPT. CHRIS LEATHER:** I am aware that there was
14 communications with their members and with their dispatch or radio room. I'm not sure
15 what the proper nomenclature is. There was communications certainly between the two
16 agencies. Do I know the nature of what the requests were? No, I don't.

17 **MR. JOSHUA BRYSON:** Are you aware of any response from
18 Truro suggesting what you indicated, which is, sorry, we don't have the manpower to
19 assist.

20 **C/SUPT. CHRIS LEATHER:** I'm aware of a response that had to
21 deal with their resourcing numbers, yes.

22 **MR. JOSHUA BRYSON:** So can you please tell me who made
23 that specific request and who replied that they didn't have the resources to assist?

24 **C/SUPT. CHRIS LEATHER:** I -- sir, I would not be involved in
25 those discussions, and I -- I have not done any sort of post fact analysis on the
26 communications between our OCC, who likely would be making the calls to CICs or
27 their service. My only contact, as you've heard, was by email with the Chief of Police,
28 and that's it.

1 **MR. JOSHUA BRYSON:** Can you think of any examples?

2 **C/SUPT. CHRIS LEATHER:** Of?

3 **MR. JOSHUA BRYSON:** Of that concern that someone had
4 reached out to Truro and that the response they received was, "Sorry, we don't have the
5 resources to participate in the way you're asking us to participate"?

6 **C/SUPT. CHRIS LEATHER:** Well, I'm -- again, I'm aware of there
7 being communications, I'm -- I can't name the person, I don't know specifically who, and
8 it's likely persons, both at the working level, on the road if you will, but with their radio
9 room, and perhaps other NCOs, Non-Commissioned Officers, within Truro, during the
10 course of the 18th and 19th. Who exactly, the nature of the conversations, I know
11 resourcing was a topic of discussion, but in terms of could they do canvasses, could
12 they do traffic points or road closures, I'm sorry, I don't know the answer to that.

13 **MR. JOSHUA BRYSON:** But nothing you're saying suggests to me
14 that the RCMP received a reply from Truro that they did not have the resources to
15 accomplish specific tasks. Are you aware of any specific examples of receiving that
16 reply from them?

17 **C/SUPT. CHRIS LEATHER:** No, I'm only aware of the resource
18 constraints, not of the specific task request.

19 **MR. JOSHUA BRYSON:** The resource constraints, is that -- is that
20 conjecture on your part or was that communicated to you or a member of the RCMP on
21 the evening of April 18th or 19th?

22 **C/SUPT. CHRIS LEATHER:** I saw in the FOIPOP for the Officer
23 Safety Bulletin, and there were a number of communications in there between their
24 Operations Centre or their Dispatch Centre and our Risk Manager and Communications
25 Centre, and that was a topic of discussion.

26 **MR. JOSHUA BRYSON:** This is a FOIPOP that was done after
27 this mass casualty?

28 **C/SUPT. CHRIS LEATHER:** It was a FOIPOP I believe that was

1 initiated by the CBC as it related to the Officer Safety Bulletin, and it was in records that
2 Truro Police provided to CBC.

3 **MR. JOSHUA BRYSON:** So this is information you learned post
4 mass casualty ---

5 **C/SUPT. CHRIS LEATHER:** Yes.

6 **MR. JOSHUA BRYSON:** --- that you're now applying to your
7 thinking during the mass casualty?

8 **C/SUPT. CHRIS LEATHER:** No, it's information that I learned post
9 fact that I'm trying to share with you in terms of my knowledge of the communications
10 between the two agencies. That's all it is.

11 **MR. JOSHUA BRYSON:** But knowledge you didn't have during the
12 mass casualty.

13 **C/SUPT. CHRIS LEATHER:** I did not have.

14 **MR. JOSHUA BRYSON:** And was one of the concerns --
15 something else I've heard floated was a concern that Truro did not have encrypted
16 radios and that there would be communication barriers because of that. Is that -- do
17 you stand by that assertion?

18 **C/SUPT. CHRIS LEATHER:** I'm aware that there's been
19 conversations about encrypted radios. Again, whether that was a specific barrier for
20 communications with Truro, I don't know.

21 **MR. JOSHUA BRYSON:** Are you aware of any efforts made by
22 anyone in the RCMP to speak to Truro Police on the evening of April 18th or on the 19th
23 to discern if they had encrypted radios?

24 **C/SUPT. CHRIS LEATHER:** I'm not aware of those conversations.

25 **MR. JOSHUA BRYSON:** And we have had the benefit of
26 Chief MacNeil testifying before this Commission, he's also given an interview, and I can
27 produce it on the screen if you wish, but we do know that Truro Police had handheld
28 portable encrypted radios that would have been able to be put in their car. Did you

1 know that?

2 **C/SUPT. CHRIS LEATHER:** No, I did not know that.

3 **MR. JOSHUA BRYSON:** If we can look at your notes.

4 Madam Registrar, at COMM53317, page 22, please. I believe
5 these have previously been entered as an exhibit. Can we scroll down, perhaps? I'm
6 using the page counter.

7 **COMMISSIONER MacDONALD:** See the page counter on the top
8 of the document, Mr. Bryson, there. You can see we're 2 of 68, if that helps, on the
9 screen, on the top.

10 **MR. JOSHUA BRYSON:** Okay.

11 **COMMISSIONER MacDONALD:** Yeah.

12 **MR. JOSHUA BRYSON:** So page -- page 22, please. Entry here.
13 These are your handwritten notes, sir?

14 **C/SUPT. CHRIS LEATHER:** Yes.

15 **MR. JOSHUA BRYSON:** Okay.

16 These notes have been -- have been -- I believe they have been
17 previously marked as an exhibit, Madam Registrar; is that correct?

18 **REGISTRAR DARLENE SUTHERLAND:** Yes. Exhibit 3960.

19 **MR. JOSHUA BRYSON:** So if you can take a moment, if you can
20 look at the notes. These are comments you made in respect to Truro:

21 "History of Truro, PS negligence and disruption;
22 historical reluctance to respond pre COVID." (As
23 read)

24 They're your comments made on this date; correct, sir?

25 **C/SUPT. CHRIS LEATHER:** Yes.

26 **MR. JOSHUA BRYSON:** What's your -- do you stand by this
27 statement that Truro has historically been reluctant to respond to RCMP requests for
28 assistance?

1 **C/SUPT. CHRIS LEATHER:** Can we just go up further and -- so I
2 can see the top of ---

3 **MR. JOSHUA BRYSON:** Sure.

4 **C/SUPT. CHRIS LEATHER:** --- where the notes start? Okay,
5 thank you. That helps because what this is, as the previous page indicates, that's -- just
6 -- yeah, there, at 1100 hours is a townhall that I had at the Bible Hill detachment with
7 the members from the detachment, and the notations that I'm making here pertain to the
8 information that I was receiving during the course of the townhall from our members as
9 they were sharing their issues and concerns with me on those dates.

10 **MR. JOSHUA BRYSON:** Is that your personal belief, though, that
11 Truro has had a reluctance to respond pre COVID?

12 **C/SUPT. CHRIS LEATHER:** I'm not aware of that.

13 **MR. JOSHUA BRYSON:** We do have disclosure that has been...
14 Perhaps, Madam Registrar, if we can bring this up. It's at
15 COMM54260.

16 Have you seen this document before, Chief Superintendent?

17 **C/SUPT. CHRIS LEATHER:** No, sir, it doesn't look familiar to me.

18 **MR. JOSHUA BRYSON:** Okay. So what I'm going to suggest to
19 you that it is, it's a Mass Casualty Commission exhibit. It outlines since January 2020,
20 over a hundred occasions that the Truro Police have provided assistance to the -- to the
21 RCMP. And my question for you is—if we can scroll to the very end, for example—I'm
22 just going to pick a couple of examples, and this feeds into something we were
23 discussing earlier about how perhaps interoperability may be fraught with danger.

24 I'm just going to look at the last two entries, for example:

25 "Assist Millbrook RCMP - fight with weapons - ballistic
26 vest and carbines deployed."

27 The next -- that's in 2016. 2018:

28 "Assist Colchester RCMP - domestic with weapons -

1 ballistics vest and carbines deployed."

2 For these particular operations, did you have the concerns that they
3 be fraught with danger? And I know you weren't here in these years, and perhaps we
4 could look at later ones, but yesterday you had talked about concerns that
5 interoperability may be fraught with danger for serious offences, and we can scroll
6 through here and see some involvement by Truro in relation to serious offences.

7 **C/SUPT. CHRIS LEATHER:** Well, sir ---

8 **MR. JOSHUA BRYSON:** Do you have concerns that it was fraught
9 with danger when you were involved then in these operations?

10 **C/SUPT. CHRIS LEATHER:** No, but I thought I had at least had
11 tried to make a distinction between single incident response or a sustained operational
12 deployment over several hours, in the case of Portapique, days, because that's where
13 training, communications, equipment differences, deployments begin to break down.
14 The examples you're showing, I mean, first of all, I don't know much about the incident
15 other than the one caption line, nor do I know anything about the duration. We get a
16 date, fine. In fact, I would suggest it was just on one date. I would agree, "light
17 weapons - ballistic vest, carbines deployed", that is a serious issue, and I would expect
18 even today, without what I was describing yesterday and just now, we continue to and
19 ought to be providing support to one another in these types of scenarios. But this is not
20 what I was describing.

21 **MR. JOSHUA BRYSON:** So it's operations, so it's the duration of
22 an operation, you're suggesting?

23 **C/SUPT. CHRIS LEATHER:** Well, that is one of the risk factors,
24 yes, of course, because the longer we're deployed in that posture, as ourselves, let
25 alone including other agencies, is where you begin to see differences percolate
26 because of the amount of time that you're deployed in that posture. So it is a bit of, for
27 me, apples and oranges comparing this to what I was describing yesterday.

28 **MR. JOSHUA BRYSON:** So, for example, when they're assisting

1 Colchester RCMP a domestic with weapons, there's no idea of duration at that time of
2 deployment, is there?

3 **C/SUPT. CHRIS LEATHER:** I would agree there's not when
4 they're deploying.

5 **MR. JOSHUA BRYSON:** When you're reaching out to Truro to set
6 up a checkpoint, if you had done so, for example, during this mass casualty, you don't
7 know what the duration would be, right?

8 **C/SUPT. CHRIS LEATHER:** No, we don't.

9 **MR. JOSHUA BRYSON:** So why is duration a relevant
10 consideration to you? You're clearly engaging with Truro when the duration is unknown
11 on prior occasions.

12 **C/SUPT. CHRIS LEATHER:** Yes. From a -- we'll call a corporate
13 responsibility standpoint, from sustained deployments, when we have, here at this
14 Commission, discussed and identified and delineated between the two different
15 scenarios, I think -- at least I've tried to, we become more responsible, rightfully so,
16 when we're talking about a sustained deployment when we recognize that the
17 vulnerabilities and weaknesses will naturally begin to come to the surface because of
18 the duration. The duration of a deployment is a key factor when we're talking about risk
19 for something like this. That was the stuff I was talking about where you absolutely
20 need the training and communications to be rock solid for that to be effective. I shorter
21 scenario, agreed, we don't know if that was minutes or hours, you can accept the risk
22 and we carry on, until we're able to develop the type of training and protocols that I'm
23 talking about for sustained deployment like a Portapique.

24 **MR. JOSHUA BRYSON:** So just one more question, then I'm
25 going to leave this area because I don't understand the distinction that you're making
26 because any one of these examples, assist RCMP in locating suicidal female; you have
27 no idea about duration when you're calling Truro for help. No different than, "Truro, can
28 you set up a checkpoint for this mass casualty"; no idea about duration. But now for

1 some reason you're attaching some significance, some probative value to duration
2 when clearly during these deployments, you don't know what the duration will be. How
3 do you know if looking for the suicidal female could involve weapons; it could be hours;
4 it could be days, but you're attaching significance to this concept of duration. That's
5 your evidence?

6 **C/SUPT. CHRIS LEATHER:** Of course I am.

7 **MR. JOSHUA BRYSON:** Okay. So if we can go back to your
8 notes, please?

9 Three seven (37), Madam Registrar, are the notes that we had up.
10 And you'd agree that Truro is about 30 minutes from Portapique?

11 **C/SUPT. CHRIS LEATHER:** Yes.

12 **MR. JOSHUA BRYSON:** That's 53317, the same page, Madam
13 Registrar, please?

14 We have two names; we have O'Brien and Bernard. Why is -- we'll
15 start with O'Brien. Why is O'Brien in your notes?

16 **C/SUPT. CHRIS LEATHER:** Those were two sergeants working at
17 the detachment at the time, and I'm going to -- I'm going to suggest it's because -- and I
18 recall Bernard -- Sgt. Bernard being one of the main contributors to this Town Hall. So
19 O'Brien and Bernard are RCMP members who were in attendance.

20 **MR. JOSHUA BRYSON:** Are they there because they were two
21 issues you had to address because you knew there were issues surrounding your
22 interactions with both of these individuals?

23 **C/SUPT. CHRIS LEATHER:** I would have noted that so I could
24 recall in terms of follow-up, and there was significant follow-up to our Town Halls, but
25 these were the main contributors in terms of providing comments at the Town Hall.

26 **MR. JOSHUA BRYSON:** So O'Brien is Staff Andy O'Brien?

27 **C/SUPT. CHRIS LEATHER:** Sgt. O'Brien, yes.

28 **MR. JOSHUA BRYSON:** Sgt. O'Brien, and his name is there

1 because you were aware that O'Brien was home, off duty; that he had consumed
2 alcohol and was making command decisions as part of this engagement?

3 **C/SUPT. CHRIS LEATHER:** Well, no, not at all. They were there
4 at this Town Hall because they're two senior NCOs for -- well, Bernard's case I think
5 Millbrook Detachment at the time, and Andy O'Brien because he was Bible Hill. So we
6 had Al Carroll and other senior NCOs from that area in attendance. It didn't have
7 anything to do with Portapique or their roles and responsibilities on those dates.

8 **MR. JOSHUA BRYSON:** Did the RCMP do any reviews,
9 assessments, and forward-looking thinking to address the issues with respect to Sgt.
10 O'Brien and the appropriateness of having consumed four to five alcoholic drinks of rum
11 and making command decisions such as denying a second team entering into
12 Portapique on the night of this mass casualty?

13 **C/SUPT. CHRIS LEATHER:** My understanding is those matters
14 have been reviewed since that was learned.

15 **MR. JOSHUA BRYSON:** Reviewed by whom?

16 **C/SUPT. CHRIS LEATHER:** By the District, by Northeast Nova,
17 which is where he's attached.

18 **MR. JOSHUA BRYSON:** And do we have disclosure, do you
19 know, pertaining to that?

20 **C/SUPT. CHRIS LEATHER:** I don't know, and I don't know the
21 status of that review at this moment either.

22 **MR. JOSHUA BRYSON:** Do you know who conducted the review?

23 **C/SUPT. CHRIS LEATHER:** No, I don't.

24 **MR. JOSHUA BRYSON:** And Sgt. Bernard, that's Sgt. Bernard
25 from Millbrook RCMP?

26 **C/SUPT. CHRIS LEATHER:** Yes.

27 **MR. JOSHUA BRYSON:** Okay. And Millbrook is, again, roughly
28 39 kilometres from Portapique; correct?

1 **C/SUPT. CHRIS LEATHER:** Yes.

2 **MR. JOSHUA BRYSON:** And Sgt. Bernard is the First Nations
3 Sergeant for that RCMP detachment; correct?

4 **C/SUPT. CHRIS LEATHER:** Was, yes, at the time. He's since
5 retired.

6 **MR. JOSHUA BRYSON:** And Sgt. Bernard was quite upset that he
7 was also felt -- he felt he was ignored through this mass casualty and that he only
8 learned about it the next day sometime after 10:00 a.m.; correct?

9 **C/SUPT. CHRIS LEATHER:** I'm not familiar with his observations
10 about Portapique.

11 **MR. JOSHUA BRYSON:** Okay. So let's bring up COMM15888,
12 please?

13 (SHORT PAUSE)

14 **MR. JOSHUA BRYSON:** Are you aware of the RCMP formally
15 engaging Sgt. Bernard on the night of this mass casualty to advise Millbrook that this
16 mass casualty was unfolding?

17 **C/SUPT. CHRIS LEATHER:** No, I'm not.

18 **MR. JOSHUA BRYSON:** Okay. Now, in fairness to you I will note
19 that there was a Millbrook officer that was present on the evening of April 18th, but it's
20 apparent based on the statement from Sgt. Bernard that the chain of command was not
21 followed in the sense that Sgt. Bernard was never made aware that this mass casualty
22 was occurring, especially given that fact that he was 39 kilometres -- that his area is 39
23 kilometres from Portapique, and also given the video evidence that has surfaced where
24 we know that the perpetrator actually pulled over in Millbrook, removed his jacket; and
25 we have surveillance that has been entered as an exhibit here, and that was through
26 Millbrook.

27 So I'm going to ask you to take a look at Sgt. Bernard's comments.
28 And page 26, this is Sgt. Bernard's statement. I'm going to start with, "There's no limit";

1 do you see where I'm at halfway down the page in that large paragraph?

2 **C/SUPT. CHRIS LEATHER:** No, I don't.

3 **MR. JOSHUA BRYSON:** "There's no limit... there's no
4 word to describe how offended I am..."

5 Oh, sorry, Madam Registrar, if you can scroll down a line? Yeah,
6 right there is fine:

7 "There's no limit... there's no word[s] to describe how
8 offended I am that I had to leave Millbrook that
9 morning with zero information at, you know, 10:00,
10 you know, however many hours after this happened.
11 It's a ... it's a ... I find it, you know, ethically offensive,
12 really."

13 Were you aware of this sentiment prior to today?

14 **C/SUPT. CHRIS LEATHER:** No.

15 **MR. JOSHUA BRYSON:** And are you aware of any RCMP efforts
16 to contact Millbrook, contact its sergeant to advise of this unfolding mass casualty on
17 April 18th or 19th?

18 **C/SUPT. CHRIS LEATHER:** I wouldn't be aware of the contacting
19 of the detachment, no.

20 **MR. JOSHUA BRYSON:** Do you accept that as a result of the
21 RCMP's actions in this mass casualty, that the relationships with Millbrook have been
22 strained; that the relationships with Truro Police have been strained?

23 **C/SUPT. CHRIS LEATHER:** Well, certainly based on -- and this is
24 the first time I've seen Sgt. Bernard's statement, that it's quite clear how he felt, but
25 we've also since then, as it relates to Millbrook, I was there myself at least twice, if not
26 three times in the months afterwards to meet with Sgt. Bernard and his staff. And he
27 was, of course, as we already discussed, invited to the Bible Hill Detachment meeting
28 and -- to give him an opportunity to express his concerns, which he did, obviously here

1 in his statement, in great detail at the Town Hall. And I would suggest that since, great
2 efforts have been taken by my office and by the Commanding Officer through the Admin
3 and Personnel Office to meet with and learn more from the members of Millbrook
4 Detachment.

5 As it relates to Truro Police, there's no question that relations
6 between Truro, and I would say the Division, not so much Millbrook or Bible Hill
7 Detachment, I don't think that's fair, that relations haven't been lower in probably many
8 years, if ever.

9 **MR. JOSHUA BRYSON:** And you recognize that the RCMP has
10 work to do with First Nation communities?

11 **C/SUPT. CHRIS LEATHER:** Yes, of course we do.

12 **MR. JOSHUA BRYSON:** And that's actually a comment that Sgt.
13 Bernard makes on the previous page, and it states -- page 25, Madam Registrar. I'm
14 going to start with:

15 "But most of our leaders..." (As read)

16 Which is 13 lines from the bottom:

17 "But most of our leaders are very out of touch what is the
18 modern demands of, you know, tactical intervention.
19 They're out of touch with communities. They're out of
20 touch especially with First Nations communities." (As
21 read)

22 These are Sgt. Bernard's words. Were you aware of this sentiment
23 prior to today?

24 **C/SUPT. CHRIS LEATHER:** I was not aware of Sgt. Bernard's
25 sentiments around that, no.

26 **MR. JOSHUA BRYSON:** The -- I'm going to move along to the
27 review -- the request for the internal review. We can bring it up if we need to, but one of
28 the points raised in the internal review was communication, interoperability

1 communication. But we agree that there was virtually no communication with, for
2 example, the Chief of Millbrook, the sergeant, and the Chief of Truro Police; right?

3 **C/SUPT. CHRIS LEATHER:** Well certainly from the statement that
4 we've just seen from Sgt. Bernard, that's absolutely how he felt. But I actually can't
5 answer more fully the communication between Truro and the Chief because I hope that
6 an email exchange with me or two did not stall him from attempting to have additional
7 communications. So meaning I don't know who else he did or didn't speak to from the
8 RCMP, whether it was the District Policing Officer, which is the normal person he ought
9 to have been speaking to, or the Detachment Commander, or others that he knew from
10 Millbrook or Bible Hill Detachments. So I don't know.

11 **MR. JOSHUA BRYSON:** Well let's take a look at COMM1652,
12 page 1. This is Truro Police's letter to the Minister requesting a review. This touches
13 on some of the evidence that you gave earlier to my friends. Page 2, second last
14 paragraph. Your page is different. Sorry, page 2. Page 2 it should be. Under 2,
15 "Failure to Use Truro Police Service". That's a different exhibit. Okay.

16 I'm just simply, in the interest of time, what I'm going to do is just
17 simply read it to you. It's COMM1652. Yeah, I'm not sure why it's showing up
18 differently. It's a different document.

19 **COMMISSIONER STANTON:** Try the next page, please. Page 3.

20 **MR. JOSHUA BRYSON:** Oh, it's a multi-page document. I see.
21 Okay. Thank you. There we are.

22 If we could continue to scroll, Madam Registrar? Get to just before
23 point three. Okay. Right there. Yeah. So this is:

24 "For the Town of Truro, the failure to utilize the TPS or
25 effectively communicate with the force, was dramatically
26 demonstrated when video was released showing the
27 assailant driving through the centre of Town. This
28 occurred ten (10) minutes after the RCMP assured the

1 Truro Chief of Police that they had him 'pinned down' in
2 Wentworth, which clearly substantiates a breakdown in
3 command and control of the situation."

4 So again, this reflects that you have a lot of work to do in building
5 relationships with your partnering agencies in and around the province; right?

6 **C/SUPT. CHRIS LEATHER:** Well it's a mutual responsibility. We
7 have our role to play and the Chiefs have a lot of work to do as well. Yes, I would
8 agree.

9 **MR. JOSHUA BRYSON:** I'm going to move to COMM59858. This
10 is in the topic -- Commissioners, the topics I have left are audits, provincial audits. I
11 have -- then I wish to talk briefly about the ESDC investigation. And a couple of
12 questions on the press release from April 19th. So I'm at your pleasure as to what you
13 wish to do.

14 **COMMISSIONER MacDONALD:** Keep going, please.

15 **MR. JOSHUA BRYSON:** Thank you.

16 Okay. Paragraph 178 of audits, 59858, of this Foundational
17 Document, please, Madam Registrar.

18 **REGISTRAR DARLENE SUTHERLAND:** Do you have a page
19 number, Mr. Bryson?

20 **MR. JOSHUA BRYSON:** Paragraph -- sorry, paragraph 178. I do
21 not have a page number.

22 So while we're waiting, my understanding, the RCMP's position in
23 terms of why they stopped complying with the provincial DOJ audits was that they felt
24 that the standards of policing were antiquated. I think you used the word antiquated;
25 correct? And you did not want to be audited?

26 **C/SUPT. CHRIS LEATHER:** I wouldn't agree with that
27 characterization because the audits had ceased. That would suggest that they were
28 ongoing and that we decided not to participate. Very different from they had ceased,

1 they were looking to restart the audit process, and I think I gave extensive testimony on
2 that yesterday in terms of our position about why we felt standards were necessary first
3 before you could have an effective audit regime.

4 **MR. JOSHUA BRYSON:** But you did use the word “antiquated”; I
5 believe?

6 **C/SUPT. CHRIS LEATHER:** Yes, related to the current policing
7 standards in the province.

8 **MR. JOSHUA BRYSON:** Okay. And that was a concern and that
9 was the concern that influenced the RCMP’s decision to participate or not participate in
10 the audience -- in the provincial audits?

11 **C/SUPT. CHRIS LEATHER:** Yes, it was one factor, but I would
12 say it was far less relevant than the fact that we didn’t have an audit regime in place.

13 **MR. JOSHUA BRYSON:** All right. So let’s look at the audits from
14 2017/2018. Sorry, Madam Registrar. I’m just getting to that paragraph now.

15 This is the audit, 2017/2018. These are audits in relation to
16 domestic violence. And this paragraph tells us -- at paragraph 178, Madam Registrar.

17 This audit -- this paragraph tells us that none of the RCMP
18 detachments participated in the domestic violence audits in 2017/2018, but that the
19 municipal forces did participate in the audits. And are you aware of why the RCMP
20 detachments did not participate in these important domestic violence audits, considering
21 the Minister’s directive?

22 **C/SUPT. CHRIS LEATHER:** No, it predates my tenure in the
23 Division by a year and I’m afraid I can’t speak to it, why that decision was made.

24 **MR. JOSHUA BRYSON:** Is it your view that the policing standards
25 in relation to domestic violence are antiquated and therefore the RCMP would not be
26 assessed under that standard and that’s why you didn’t participate?

27 **C/SUPT. CHRIS LEATHER:** I’d be speaking for the previous
28 Criminal Operations Officer and the CO to answer that effectively. I don’t know what

1 their thought process was around the condition of the standards at the time.

2 **MR. JOSHUA BRYSON:** So let's go to paragraph 171, Madam
3 Registrar.

4 These are the sexual assault investigation audits in 2016/2017,
5 only a year prior. Ms. Flanagan tells us that many RCMP detachments participated in
6 these audits. Do you know what the difference is as to why they participated in
7 2016/2017, but refused to participate in 2017/2018?

8 **C/SUPT. CHRIS LEATHER:** No, I don't know why there was a
9 change of posture by the Division between 2017 and 2018, which again predates my
10 time in the Division.

11 **MR. JOSHUA BRYSON:** So despite there being the same -- and
12 correct me if I'm wrong -- the same policing standards that were in place in 2016-2017
13 would have been in place in 2017-2018, the RCMP participated in '16-17 but didn't
14 participate in 2017-2018. Correct?

15 **C/SUPT. CHRIS LEATHER:** I guess the standards were the same.
16 I don't know if the standards changed in that timeframe and I don't know why the senior
17 management team of the Division had a change of heart. I can't speak to that.

18 **MR. JOSHUA BRYSON:** But as CrOps Officer, isn't it your job to
19 know, sir?

20 **C/SUPT. CHRIS LEATHER:** Historically, if I was -- I would agree it
21 is my job to know. If the province came to me and asked why there was a change of
22 heart in that timeframe, I would have to do some digging, some analysis, and I'd provide
23 them with a response. No such request came to me looking at it from a historical
24 perspective. I can only speak to the meetings that I had with the province, which I
25 detailed yesterday, but not this timeframe, and nor was a part of our conversation in the
26 2020 -- late 2020, early 2021 conversation we had with the province.

27 **MR. JOSHUA BRYSON:** You'd agree that your organization
28 participated in 2017 integrated training for auditing for police and law enforcement.

1 **C/SUPT. CHRIS LEATHER:** In Nova Scotia?

2 **MR. JOSHUA BRYSON:** Yes.

3 **C/SUPT. CHRIS LEATHER:** If that's what your records show, I
4 would agree.

5 **MR. JOSHUA BRYSON:** And you would agree that you also
6 participated in a major crime audit in 2017?

7 **C/SUPT. CHRIS LEATHER:** I can't agree or disagree because I
8 don't know about this historically.

9 **MR. JOSHUA BRYSON:** And to the best of your information and
10 belief, policing standards have not changed from 2016 to we'll use 2020, for example.

11 **C/SUPT. CHRIS LEATHER:** I would say it's unlikely, but I actually
12 don't know if there's been any changes to the standards in that timeframe.

13 **MR. JOSHUA BRYSON:** But you have no reason to distinguish
14 between why you're participating in some years and not in others.

15 **C/SUPT. CHRIS LEATHER:** Historically, no, I can't.

16 **MR. JOSHUA BRYSON:** I'm going to move on. Just one question
17 on this topic.

18 You had talked about the municipal forces using specialized
19 services and you gave an example of Ident and you said that, for example, municipal
20 forces are using Ident for files like shoplifting.

21 **C/SUPT. CHRIS LEATHER:** Yes.

22 **MR. JOSHUA BRYSON:** Do you recall saying that?

23 **C/SUPT. CHRIS LEATHER:** I do.

24 **MR. JOSHUA BRYSON:** You're actually aware of a shoplifting file
25 that went to Ident?

26 **C/SUPT. CHRIS LEATHER:** I am.

27 **MR. JOSHUA BRYSON:** A shoplifting file?

28 **C/SUPT. CHRIS LEATHER:** Yes. Exhibits associated to a

1 shoplifter that we were asked to examine by one of the municipal police services.

2 **MR. JOSHUA BRYSON:** I'm going to move to the ESDC
3 investigation that you spoke briefly about yesterday. You're familiar with this
4 investigation?

5 **C/SUPT. CHRIS LEATHER:** Yes.

6 **MR. JOSHUA BRYSON:** And you agree that there has been
7 coverage by the media in regards to this investigation?

8 **C/SUPT. CHRIS LEATHER:** Yes.

9 **MR. JOSHUA BRYSON:** And in fact, there was an article written
10 by the Chronicle-Herald that noted that they actually have a copy of this investigation.
11 Did you see that press clipping?

12 **C/SUPT. CHRIS LEATHER:** No, sir.

13 **MR. JOSHUA BRYSON:** Do you have awareness of the findings
14 related to this ESDC investigation?

15 **C/SUPT. CHRIS LEATHER:** There's been some directions given.
16 Yes, I'm aware of the first tranche of directions.

17 **MR. JOSHUA BRYSON:** You'd agree that this investigation is now
18 in the public domain based on the fact that it's been published by the media.

19 **C/SUPT. CHRIS LEATHER:** Well, I'm distinguishing between the
20 investigation. I don't know that, you know, the investigation itself has been disclosed.
21 What I do know is that the findings and direction to us because some of them were time
22 sensitive while this Commission under way which directed us to address certain
23 deficiencies that they came up with, but I'm not aware of the ESDC investigation or their
24 holdings being released to the media, no.

25 **MR. JOSHUA BRYSON:** You'd agree that the findings of the
26 ESDC investigation that found contraventions and gave dates for the RCMP to remedy
27 those contraventions were posted in the workplace?

28 **C/SUPT. CHRIS LEATHER:** Yes.

1 **MR. JOSHUA BRYSON:** And that's the workplace of the RCMP,
2 the various detachments?

3 **C/SUPT. CHRIS LEATHER:** Yes. It's a requirement that ESDC
4 gave to us to do so.

5 **MR. JOSHUA BRYSON:** And you would agree that those findings
6 included, for example, general duty members operating in an environment of confusion
7 as to who had command and control on April 18th.

8 **C/SUPT. CHRIS LEATHER:** That sounds familiar.

9 **MR. JOSHUA BRYSON:** That members responding showed a
10 lack of understanding and knowledge of their radio operation and function requirements,
11 including bonk and busy signals.

12 **C/SUPT. CHRIS LEATHER:** Yes.

13 **MR. JOSHUA BRYSON:** That following the RCMP member fatality
14 inquiries of both Mayerthorpe and Spiritwood, the employer conducted an assessment
15 clearly indicating that night vision capability should be available to frontline members.

16 **C/SUPT. CHRIS LEATHER:** Yes.

17 **MR. JOSHUA BRYSON:** That ERT response was not present in a
18 timely manner.

19 **C/SUPT. CHRIS LEATHER:** Yes.

20 **MR. JOSHUA BRYSON:** And I'm just picking on -- picking out a
21 few, and I'm going to suggest to you that the RCMP was ordered by the *Canada Labour*
22 *Code*, Part II, to cease these contraventions immediately.

23 **C/SUPT. CHRIS LEATHER:** Yes.

24 **MR. JOSHUA BRYSON:** Sorry. Not immediately. There was a
25 date. No later than September 29th, 2022.

26 **C/SUPT. CHRIS LEATHER:** Well, to your point, I recall there
27 being some that were immediate, some over the course of the summer in terms of a
28 review that was ordered and then some that were diary dated in the fall, so I think there

1 were actually three different date cycles that were given to us, depending on what the
2 direction was.

3 **MR. JOSHUA BRYSON:** And so if the Commission wishes to
4 obtain copies of these orders, you, sir, or someone else with the RCMP could simply
5 take them down from the RCMP detachment, photocopy them, and provide them to this
6 Commission if it's requested; correct?

7 **C/SUPT. CHRIS LEATHER:** Well, that wouldn't be our process.
8 Typically, we would release the material through Chief Superintendent O'Malley to
9 Department of Justice for review to make sure that it's in compliance with the disclosure
10 requirements, but if it met the disclosure requirements for that process, then I'm sure
11 they would be released.

12 **MR. JOSHUA BRYSON:** My question is essentially that you'd
13 have the means to easily satisfy that subpoena or that direction because the -- you do --
14 the RCMP does have all the information.

15 **C/SUPT. CHRIS LEATHER:** Yes. We could produce those
16 records quite quickly, if that's what you're ---

17 **MR. JOSHUA BRYSON:** Thank you.

18 **C/SUPT. CHRIS LEATHER:** --- referring to.

19 **COMMISSIONER MacDONALD:** Ms. Ward?

20 **MS. LORI WARD:** Chief Superintendent Leather may be unaware
21 of the legislation under the *Canada Labour Code* that governs information from --
22 involved in ESDC investigations, and we know that the Commission has attempted to
23 seek those documents from ESDC with an unfavourable result.

24 **COMMISSIONER MacDONALD:** Right. So it looks like Chief
25 Superintendent Leather was absolutely right, Mr. Bryson, that subject to the law as it
26 applies to disclosure and whatnot that physically he can make it happen, but there's this
27 process and you're probably aware we've been trying to secure those documents.

28 **MR. JOSHUA BRYSON:** Yes, thank you.

1 **COMMISSIONER MacDONALD:** Thank you.

2 **MR. JOSHUA BRYSON:** Thank you, Commissioner.

3 Final question. If we can bring up the press release from April 19th.

4 And that's -- sorry, Madam Registrar. I'm not helping you there at
5 all by just saying that, 57762. Page 6.

6 Okay, sir. So this is the press release you did on April 19th. And I
7 have to qualify my comments before I make this statement and question to you. I do
8 not intend to be insensitive at all to the -- to Constable Stevenson's family. They
9 suffered a very serious loss.

10 But the concerns that have been raised by the family that I
11 represent and other families is that -- and this press conference is one example. So this
12 is a press conference you did at 6:00 p.m. on April 19th.

13 **C/SUPT. CHRIS LEATHER:** Yes.

14 **MR. JOSHUA BRYSON:** Okay. And in this press conference, you
15 note the terrible loss that your organization suffered, appropriately so. You note that the
16 RCMP was to visit the Stevenson family, okay.

17 But what's occurring with other families, and I'll just make reference
18 to the family that I represent, the Bond family, is they don't even have a next of kin
19 notification at this time on April 19th. They are frantically calling to find out what
20 happened, not getting any answers, okay, on April 19th at 6:00 p.m.

21 So my question and statement is perhaps in your messaging that
22 it's important that families not be made to feel that there's a two-tiered system, that --
23 and you can tell me if you agree with me or not -- that these types of factors are
24 considered, that, for example, if you're setting up family liaisons that perhaps 22 families
25 not share one, and another has two to share. So are they relevant considerations, sir,
26 that you can sort of reflect on and consider?

27 **C/SUPT. CHRIS LEATHER:** Very relevant. I'm also aware that
28 this has come up in previous testimony, and when you look at this, and I hear your

1 feedback, essentially, and input from the families, the disparity is noteworthy, it's even
2 remarkable in some ways, and we would endeavour, of course, in future to do a better
3 job to address the needs of all.

4 Yeah, I'm less sort of knowledgeable about the flow or liaison
5 position. There was much discussion, even to debate, about how many liaisons should
6 be assigned, and whether one individual, Constable Bent, was sufficient. I remember
7 asking myself, or not myself, asking Superintendent Campbell and myself about that
8 very issue. It would take a herculean effort for one person over years, 18 months, a
9 year to sustain the kind of commitment that the families, the public, and the organisation
10 would expect.

11 I'm not even to this date sure that I fully understand why that
12 decision was taken, and I would expect, and I'm almost certain, that we are and will look
13 at the flow program to make improvements, both in terms of numbers, but also, more
14 formalised training and, not to overuse a word, but standards, national standards.
15 Because of course this is an issue, on the flow of family liaison, that is an issue coast to
16 coast. It's obviously not just unique to hear. There are, sadly, there are tragedies
17 everywhere, and your points on both of those are well-taken.

18 **MR. JOSHUA BRYSON:** Thank you for your time.

19 Thank you, Commissioners.

20 **COMMISSIONER MacDONALD:** Thank you, Mr. Bryson.

21 We'll break for one hour for lunch. Thank you.

22 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
23 proceedings are now on break, and we'll resume in one hour.

24 --- Upon recessing at 12:52 p.m.

25 --- Upon resuming at 1:55 p.m.

26 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
27 proceedings are again in session.

28 **COMMISSIONER MacDONALD:** Thank you. We'll have the

1 witness back.

2 **--- C/SUPT. CHRIS LEATHER, Resumed:**

3 **COMMISSIONER MacDONALD:** And Ms. Miller, I believe you're
4 up next.

5 **MS. RACHEL YOUNG:** Commissioners, I note counsel for the
6 Department of Justice is not here yet.

7 **COMMISSIONER MacDONALD:** Okay. We'll just wait a second.
8 Thank you, Ms. Young.

9 (SHORT PAUSE)

10 **COMMISSIONER MacDONALD:** Thank you.

11 Ms. Miller, whenever you're ready.

12 **MS. TARA MILLER:** Thank you, Commissioners.

13 **--- CROSS-EXAMINATION BY MS. TARA MILLER:**

14 **MS. TARA MILLER:** Chief Superintendent Leather, my name is
15 Tara Miller, and with my colleague, Alix Digout, we represent the family member of the
16 late Kristen Beaton and her unborn child, both of whom were murdered in Debert on
17 April the 19th by the perpetrator.

18 I just want to do a little bit of a background check-in. My
19 understanding from your mass casualty interviews that you were posted to Nova Scotia
20 in July of 2019 in the CrOps position?

21 **C/SUPT. CHRIS LEATHER:** Yeah, July/August of '19, yes.

22 **MS. TARA MILLER:** Okay. And you are still currently here, but
23 you're on your way out with a transfer to National Headquarters?

24 **C/SUPT. CHRIS LEATHER:** Yes.

25 **MS. TARA MILLER:** That's imminent, I guess, in August?

26 **C/SUPT. CHRIS LEATHER:** Yes, it is.

27 **MS. TARA MILLER:** Okay. And who's your replacement going to
28 be? I know you said the name yesterday.

1 **C/SUPT. CHRIS LEATHER:** They haven't announced the
2 replacement yet.

3 **MS. TARA MILLER:** Oh, okay. I thought there was somebody
4 who had been announced, and then they didn't come, and then they were going to be
5 re-bringing them back.

6 **C/SUPT. CHRIS LEATHER:** It is confusing. I was the Acting
7 Commanding Officer for the better part of a year, during which time Assistant
8 Commissioner Daley was due to arrive, and then wasn't, and now is again.

9 **MS. TARA MILLER:** Okay.

10 **C/SUPT. CHRIS LEATHER:** And he's due to arrive in the fall, but
11 currently, Assistant Commissioner Ferguson is the Acting Commanding Officer for
12 H-Division.

13 **MS. TARA MILLER:** Sorry, Assistant Commissioner Ferguson is
14 the Acting -- will be acting in your position?

15 **C/SUPT. CHRIS LEATHER:** No.

16 **MS. TARA MILLER:** Okay.

17 **C/SUPT. CHRIS LEATHER:** I reverted back to my Criminal
18 Operations position about a month ago ---

19 **MS. TARA MILLER:** Yes.

20 **C/SUPT. CHRIS LEATHER:** --- after having been the Acting
21 Commanding Officer after Assistant Commissioner Bergerman retired last fall.

22 **MS. TARA MILLER:** Okay.

23 **C/SUPT. CHRIS LEATHER:** Now, there's been a series of moves.
24 No one announced to take over my role yet as the Criminal Operations Officer, but a
25 new CO and CrOps Officer coming in, Daley being into the CO's role in probably
26 September.

27 **MS. TARA MILLER:** But as of right now, there has been no CrOps
28 Officer identified to come in to take over your role when you leave in August?

1 **C/SUPT. CHRIS LEATHER:** That's right, and I expect that
2 announcement will be made this week or imminently.

3 **MS. TARA MILLER:** Thank you. And your predecessor was Chief
4 Superintendent Marlene Snowman; is that correct?

5 **C/SUPT. CHRIS LEATHER:** Yes.

6 **MS. TARA MILLER:** Okay. And do you know how long she held
7 the position here in Nova Scotia?

8 **C/SUPT. CHRIS LEATHER:** Four years, I believe.

9 **MS. TARA MILLER:** Okay. We talked yesterday and today about
10 the RCMP's participation in provincial audits, but what I'd like to focus on now, Chief
11 Superintendent Leather, is any audits that the RCMP does, and I'll narrow it in focus.
12 We know from Chief Superintendent Campbell, he noted that the National CrOps Officer
13 is responsible for responding to recommendations which would have been found, for
14 example, in the MacNeil Report. That was the evidence that he gave earlier this week.

15 Does that accord with your understanding of the responsibility for
16 responding to recommendations in the MacNeil Report and other reviews?

17 **C/SUPT. CHRIS LEATHER:** Yes. It would make sense that it
18 would be a shared responsibility, but primarily it would fall to the Criminal Operations
19 Officer, but also, the federal CrOps Officer for those matters that pertain to federal
20 policing. Now, I know you referenced MacNeil. So very few of those recommendations,
21 but some still would be relevant to the federal pillar as well.

22 **MS. TARA MILLER:** Okay. So when you say it's a shared
23 responsibility, is it a shared responsibility between the federal CrOps Officer and then
24 the divisional CrOps Officer?

25 **C/SUPT. CHRIS LEATHER:** Well, maybe responsibility is the
26 wrong word. It's -- I'll just speak for myself. I would say that it's our -- the onus is on
27 use to be familiar with the recommendations. I'm just saying, though, as it pertains to
28 federal policing, it would not be my responsibility, it would be the federal CrOps Officer.

1 **MS. TARA MILLER:** Yes. But as regards your responsibility here
2 in the division, in Nova Scotia, would it be your responsibility to ensure that
3 recommendations flowing from reports that had divisional application were
4 implemented?

5 **C/SUPT. CHRIS LEATHER:** Yes, except for in the federal area of
6 responsibility. For that area it would not be.

7 **MS. TARA MILLER:** Thank you. And what steps are you aware of
8 that the RCMP, either nationally and/or divisionally, have taken to audit adherence or
9 implementation to the MacNeil and any other prior reports?

10 **C/SUPT. CHRIS LEATHER:** And anticipating that this might be a
11 question, I did do some analysis, but I certainly don't have it committed to memory;
12 however, I have made some notes, if that's helpful for me or not?

13 **MS. TARA MILLER:** The ---

14 **COMMISSIONER MacDONALD:** That's no problem. Go ahead,
15 Officer ---

16 **MS. TARA MILLER:** Thank you.

17 **COMMISSIONER MacDONALD:** --- or Superintendent.

18 **C/SUPT. CHRIS LEATHER:** So, Ms. Miller, as you probably are
19 aware, there was, first of all, an implementation report dated February of 2016 that was
20 national in scope, which revisited what the recommendations were, divided into the
21 areas of supervision training, equipment and technology, communications, after care.
22 And this report was submitted and overseen by C&IP, but it was also overseen by a
23 small group of officers to implement the recommendations, most which are national in
24 scope, but also some which, while they're national in scope, there would be a check-in
25 essentially with the divisions to see where we were with the various recommendations.
26 And, well, again, as you no doubt are aware, there were 52 recommendations. And if --
27 I can certainly go through all 52 or ---

28 **MS. TARA MILLER:** When you say 52 recommendations, in the

1 MacNeil Report?

2 **C/SUPT. CHRIS LEATHER:** Yes.

3 **MS. TARA MILLER:** My understanding is there's 64. In any event,
4 what I want to do, I believe I have a finite window of time here.

5 **C/SUPT. CHRIS LEATHER:** Yes.

6 **MS. TARA MILLER:** And so what I was really interested in in
7 terms of the -- I appreciate the -- there's been the 2016 implementation report, there
8 was a webhosting on September of 2017 with updates in terms of implementation.
9 There was one in January of 2020, with further updates in terms of implementation of
10 the MacNeil recommendations. My question, what I really wanted to hear from you on if
11 you can speak to this, Chief Superintendent Leather, is whether or not you're aware of
12 any audits that the RCMP has done federally and/or divisionally to ensure that the
13 recommendations which are indicated as implemented are actually being followed. We
14 talked about yesterday it's one ---

15 **C/SUPT. CHRIS LEATHER:** Okay.

16 **MS. TARA MILLER:** --- thing to have policies and procedures, but
17 if they're -- they're only as good as the action that comes, so that's the focus of that
18 question ---

19 **C/SUPT. CHRIS LEATHER:** Sorry, I did misunderstand your
20 question.

21 **MS. TARA MILLER:** That's okay.

22 **C/SUPT. CHRIS LEATHER:** So, again, as I look through the
23 recommendations, and I obviously, because of the time, won't go into it, but, for
24 instance, as it relates to the training section and carbine implementation, IARD training,
25 ensuring that there are annual firearms qualifications, training videos and ammunition
26 being provided for practice shooting in the districts, you know, I'm happy to say that I'm
27 aware that in the division, with the exception of the training video portion, all of those
28 training recommendations have been implemented and are either part of the current

1 training, or were part of the initial rollout as it relates to IARD, so good news on that
2 front. But ---

3 **MS. TARA MILLER:** So, Chief Superintendent Leather, again, my
4 question was not about being implemented. It was about an audit ---

5 **C/SUPT. CHRIS LEATHER:** Right.

6 **MS. TARA MILLER:** --- following up on the -- the on paper says
7 they've been implemented, but in terms of actual use, practice and moving forward,
8 auditing that the RCMP did.

9 **C/SUPT. CHRIS LEATHER:** Yes.

10 **MS. TARA MILLER:** And if you don't know the answer, you can
11 just say no, but if there hasn't been audits that you're aware of or there are audits?

12 **C/SUPT. CHRIS LEATHER:** So there's not -- okay. So there's not
13 a national audit that I'm aware of; however, what you do see are areas in supervision
14 training equipment that come up individually; okay? So as to say C&IP will come out
15 with a request for us to provide an update on, for instance, carbines, and that's a priority
16 and we receive requests for updates on that issue, which flows from MacNeil, quarterly.
17 So not an overarching audit that deals with all the recommendations for sure, either
18 nationally or divisionally, but individualized requests that continually come out from
19 national headquarters, but not on all the issues for certain, but on some of the
20 recommendations.

21 **MS. TARA MILLER:** Okay. I'll ask you specifically with respect to
22 it, and I don't have the recommendation in front of me, but it related to each division
23 identifying entry and exit points of major transportation routes that would be relevant for
24 alerting and crisis and access. The 2017 -- September 2017 report said that that had
25 been implemented in all divisions. That would certainly be not a -- it has a national
26 reach, but also would have a Nova Scotia impact. And we heard from two of the Critical
27 Incident Commanders that they were not aware that that had ever been done in Nova
28 Scotia. So has there been any audit done by you or anyone else in the RCMP to

1 assess whether or not that recommendation, you know the one I'm speaking of, has
2 actually been implemented?

3 **C/SUPT. CHRIS LEATHER:** In terms of exit routing, I'm not aware
4 of a national audit, for sure.

5 **MS. TARA MILLER:** What about a provincial audit or anything that
6 would fall under your parameters as the CrOps officer?

7 **C/SUPT. CHRIS LEATHER:** I've not initiated an audit on that
8 issue.

9 **MS. TARA MILLER:** So what I'm hearing you say is there may be
10 some processes in place to provide feedback, which would indicate that some of these
11 things have been implemented, and you're referencing the carbine training, but you're
12 not aware of any national and/or provincial audits to look at the specifics of the other
13 recommendations in terms of how they're being followed through on?

14 **C/SUPT. CHRIS LEATHER:** Correct, there is not an overarching
15 audit function for the province or national headquarters on these.

16 **MS. TARA MILLER:** Okay. On the theme of reviews, there was a
17 review done in the Atlantic region. It's called the Atlantic Regional Council of Criminal
18 Operations Officers. And you were asked about this in your mass casualty statement.
19 It's from the fall of 2015. And the title is "Best Practices and Lessons Learned for Major
20 Incidents Throughout North America." And certainly your predecessor, Chief
21 Superintendent Marlene Snowman, she was a contributor to this report. She's one of
22 the authors. You're aware of that?

23 **C/SUPT. CHRIS LEATHER:** Yes.

24 **MS. TARA MILLER:** Okay. The report itself, Madam Registrar,
25 just for you, is 57233. And if we could bring up page 2, I believe.

26 First of all, Chief Superintendent Leather, when did you become
27 aware of this report?

28 **C/SUPT. CHRIS LEATHER:** About a year ago.

1 **MS. TARA MILLER:** Okay. And how did you become aware of it?

2 **C/SUPT. CHRIS LEATHER:** It was brought to my attention by one
3 of the inspectors that works for me, and it's because one of his colleagues had brought
4 it to his attention. So it was very ad hoc, if I'm being frank, the way it came to my
5 attention. And I believe it's as a result of a disclosure requirement for the MCC.

6 **MS. TARA MILLER:** Okay. And what did you do with the report
7 once it was brought to your attention?

8 **C/SUPT. CHRIS LEATHER:** Read it.

9 **MS. TARA MILLER:** Okay.

10 **C/SUPT. CHRIS LEATHER:** Reviewed it.

11 **MS. TARA MILLER:** Did you do anything in terms of operational,
12 or actioning things, or reviewing things once you read the report?

13 **C/SUPT. CHRIS LEATHER:** No, I discussed it with the fellow's
14 name is Inspector Auld. I referenced him yesterday. He's in Criminal Operations. And
15 we discussed its contents, but we never moved to a point of, you know, reiterating any
16 of the recommendations or directions that are provided.

17 **MS. TARA MILLER:** Okay. So I take it from that, that you didn't
18 review the implementation of any of the best practices in H-Division based on when you
19 read this report?

20 **C/SUPT. CHRIS LEATHER:** Any of the reviews that have been
21 going on were not as a result of this report.

22 **MS. TARA MILLER:** Okay. Thank you.

23 The preface, which is on the screen, has a couple of lines and they
24 were put to you in your mass casualty interview. About a third of the way down there's
25 a line that says, "Each component..." my words, of this report,

26 "...is vital to operational policing. This is not a one-
27 time read or nice to have. It's the very core of
28 frontline policing in today's environment." (As read)

1 You'd agree with me that it's concerning that as the incoming
2 CrOps officer in Nova Scotia, you were not even aware of this report until a year ago
3 when somebody brought it to your attention on an ad hoc basis?

4 **C/SUPT. CHRIS LEATHER:** And I think it goes to some of my
5 comments ---

6 **MS. TARA MILLER:** Is that a yes, sorry?

7 **C/SUPT. CHRIS LEATHER:** Well ---

8 **MS. TARA MILLER:** I think you're nodding your head. Would you
9 agree with me?

10 **C/SUPT. CHRIS LEATHER:** I would agree that that was part of my
11 testimony yesterday and I laid out my concerns around the whole transitional planning
12 piece.

13 **MS. TARA MILLER:** Yes. Yeah. That was one of your
14 recommendations at the end of your evidence yesterday.

15 **C/SUPT. CHRIS LEATHER:** Yes.

16 **MS. TARA MILLER:** Yeah.

17 Madam Registrar, if we could go to page 6. And this is introduction.
18 What I wanted to review with you is the bolded information on the right-hand column
19 midway down through the page. And it says, "Receiving information" -- and just to give
20 listeners a context, this is with respect to critical incidents, this report. That's my
21 understanding.

22 Is that your understanding as well?

23 **C/SUPT. CHRIS LEATHER:** Yes.

24 **MS. TARA MILLER:** Okay. So directly applicable -- it would have
25 been directly applicable to the mass casualty; correct?

26 **C/SUPT. CHRIS LEATHER:** Yes, it would be.

27 **MS. TARA MILLER:** "Receiving information, making timely
28 decisive decisions and communicating these

1 decisions as direction to those entrusted to carry out
2 the action as well as receiving feedback about that
3 action is the basis of C3.” (As read)

4 This is the -- I guess the principle of command, control,
5 communication?

6 **C/SUPT. CHRIS LEATHER:** Yes.

7 **MS. TARA MILLER:** And then it goes on to say:

8 “C3 is less consultative than other forms of leadership
9 simply because urgency of action often does not
10 permit consultation.” (As read)

11 And you’d agree with that?

12 **C/SUPT. CHRIS LEATHER:** Yes, I agree with that.

13 **MS. TARA MILLER:** And I think certainly now in hindsight, we can
14 see how that -- you know, that need for immediate decision-making, we take it from a
15 macro level and we can apply it in hindsight to the micro level with what happened in
16 the mass casualty. And I think specifically -- I’m going to direct you to a specific
17 example, Chief Superintendent Leather.

18 We know that at 7:55 a.m. on April the 19th, Staff Sergeant Halliday
19 issued the direction for the Tweet with the identifying information about the mock cruiser
20 to go out.

21 **C/SUPT. CHRIS LEATHER:** Yes.

22 **MS. TARA MILLER:** Yes. That Tweet ultimately went out at
23 10:17. It had been approved by Staff Sergeant Halliday some 27 minutes earlier, but
24 the communications member who was addressing that felt that there was -- additional
25 approval was necessary, and she referenced that there’s an unwritten rule that you
26 have to go get some more approval when it’s something of this magnitude.

27 It strikes me that that quote we just looked at, the need to remove
28 the levels of approval so that there is immediate action in a crisis requiring urgency, that

1 that would have been exactly the practical reality that this quote we just read from this
2 best practices report would have -- that would have been a practical application in this
3 case; correct?

4 **C/SUPT. CHRIS LEATHER:** I would agree.

5 **MS. TARA MILLER:** Thank you.

6 You just referenced your recommendation from yesterday was that
7 there should be a transitional planning requirement for CrOps Officers. This is sort of
8 an onboarding, is how I would call it. And you indicated earlier that your replacement
9 hasn't been named yet. You expect that this week.

10 But have you prepared for this type of a transition for the incoming
11 CrOps Officers? You talked about a briefing binder, a checklist and an in-person
12 transition between senior executives.

13 Have you prepared for that for when this individual comes?

14 **C/SUPT. CHRIS LEATHER:** I've certainly begun to prepare both in
15 terms of the checklist, a briefing binder is being prepared and, of course, the offer
16 because it's an offer that the incoming CrOps Officer would, of course, have to agree to,
17 so I'll have to wait to have that conversation.

18 **MS. TARA MILLER:** Okay. You don't need approval from National
19 or anyone else to action this kind of a transition plan for your successor. Is that fair to
20 say?

21 **C/SUPT. CHRIS LEATHER:** It is fair to say.

22 **MS. TARA MILLER:** Okay. Will you have time to do that?

23 **C/SUPT. CHRIS LEATHER:** I would come back for that purpose,
24 so -- as I did in the example I gave you yesterday when I went back to Toronto to
25 provide that briefing. I think it's important enough to return if necessary to do that.

26 In fact, there's some advantage to that because then your
27 successor's actually been in the chair for a month or six weeks and then can build their
28 questions, et cetera for that, so there would be things you would want to transition

1 immediately within a half a day, but I see the value of coming back weeks later to
2 provide a more fulsome transition.

3 **MS. TARA MILLER:** Okay. Thank you.

4 I'm going to move on now to some other questions.

5 As you can appreciate, for clients, they have been awaiting this
6 series of evidence from you and your colleagues at this level, so some of these
7 questions I want to make sure we do cover and then I'll move into some other things.

8 My client understands from a conversation with a now retired
9 member that there may have been a sighting of the perpetrator exiting Portapique on
10 Portapique Beach Road. We know, of course, there were at least two sightings of the
11 perpetrator driving the mock cruiser. There was EHS en route to Portapique on the
12 evening on April 18th and then Corporal Peterson in Glenholme the morning of April
13 19th and then, of course, the incident with Constable Morrison and then Constable
14 Stevenson.

15 Are you aware, Chief Superintendent Leather, of any other
16 sightings by members of the mock cruiser passing them at any other time?

17 **C/SUPT. CHRIS LEATHER:** No, I'm not.

18 **MS. TARA MILLER:** I want to take you now to your notes.

19 And Madam Registrar, that's COMM51406, at page 55 of the PDF.

20 Just to orient you with where we're starting, those are your notes.

21 We've looked at them yesterday and today.

22 And then Madam Registrar, if we can go to page 58.

23 Seven lines down, Chief Superintendent, there is a line that says,
24 "may have fled through" and then there looks like there's some handwriting that might
25 have been erased or removed. I'm going to ask you first if you have any recollection of
26 the note "may have fled through".

27 **COMMISSIONER MacDONALD:** Is that the word "through"?

28 **MS. TARA MILLER:** Pardon me?

1 It says "though".

2 **COMMISSIONER MacDONALD:** It says "though". "May have fled
3 though".

4 **MS. TARA MILLER:** "May have fled though". Yeah.

5 Well, I guess that's a great place to start. Thank you,
6 Commissioner MacDonald.

7 That is may have fled through or through. What is -- how do you
8 interpret your notes?

9 **C/SUPT. CHRIS LEATHER:** May have fled, though.

10 **MS. TARA MILLER:** Okay.

11 **C/SUPT. CHRIS LEATHER:** And I can't explain the -- what looks
12 like ink or some smudging beside the hyphen. I don't -- I certainly didn't -- I don't erase
13 my notes. They're in pen. But I don't know what caused that.

14 **MS. TARA MILLER:** Do you have your actual notes here with
15 you?

16 **C/SUPT. CHRIS LEATHER:** Yes, I do.

17 **MS. TARA MILLER:** Okay. And would you be able to check that?

18 **C/SUPT. CHRIS LEATHER:** I could check right now if you'd like.

19 **MS. TARA MILLER:** If that's okay with the Commissioners.

20 **COMMISSIONER MacDONALD:** Sure.

21 **C/SUPT. CHRIS LEATHER:** Can you just help me with the time,
22 please?

23 **MS. TARA MILLER:** This would have been -- well, it's -- I have it
24 noted at page 63, so your notes start at page ---

25 **C/SUPT. CHRIS LEATHER:** Oh, yes. Okay.

26 My notes don't really help. It just looks like smudging from the
27 hyphen on the page.

28 **MS. TARA MILLER:** Thank you for checking.

1 And now I'm going to go to page 63, Madam Registrar.

2 The line I'm looking at is at the bottom of this page, and it says --
3 there's a few lines I wanted to ask you questions about. The line that says "interview
4 teams truth verifications", are you able to help us understand what that meant?

5 **C/SUPT. CHRIS LEATHER:** Truth verification usually refers to the
6 polygraphist and, of course, the polygraphists are usually or in our Division, members of
7 the interview teams, so I'm not -- can I just see the line above just to see if it's linked at
8 all to -- no, it's not.

9 Interview teams, it strikes me that these are resources that were --
10 or team resources that we're looking at including command post community centre,
11 likely. Interview teams are going to be required. Truth verification may be required.

12 That's what that, for me, is. It's a listing of the areas we may need
13 assistance from.

14 **MS. TARA MILLER:** Are you aware if there were interview teams
15 that were actioned on the weekend of the 18th and the 19th?

16 **C/SUPT. CHRIS LEATHER:** How quickly they were mustered, I
17 mean, we have a formal interview team in the Division and we would certainly look for
18 assistance where necessary from outside the Division for that kind of expertise.

19 **MS. TARA MILLER:** Sorry. I just -- again, with the time -- would
20 that interview team be part of the ERT package?

21 **C/SUPT. CHRIS LEATHER:** No, that would -- again, this is more
22 referring to specialists, the full-time interview team members, which would also include
23 truth verification members, so they work together in the same unit.

24 **MS. TARA MILLER:** In parallel.

25 **C/SUPT. CHRIS LEATHER:** Yes.

26 **COMMISSIONER STANTON:** Ms. Miller, could we just go up and
27 see what we're looking at in terms of day or time or what this is about just so that we
28 have a sense of the context of this set of notes?

1 **MS. TARA MILLER:** Are you able to help us with that, C/Supt.
2 Leather?

3 **C/SUPT. CHRIS LEATHER:** I'd have to go right back to the start of
4 the first entry for this section. I'll look in my notes here.

5 **COMMISSIONER STANTON:** Just to get a sense of which day
6 and which -- it looks like it's the 19th. Which time of day ---

7 **MS. TARA MILLER:** Correct.

8 **COMMISSIONER STANTON:** --- would be helpful.

9 **MS. TARA MILLER:** Yes.

10 **COMMISSIONER STANTON:** Thank you.

11 **MS. TARA MILLER:** So I have that at page 57, April 19th date
12 stamp.

13 **C/SUPT. CHRIS LEATHER:** The bulk of these entries appear still
14 to be my notations related to the call that I had with Steve Halliday when he was
15 providing me with his fulsome update of the events that occurred up to that point, up to -
16 --

17 **MS. TARA MILLER:** Okay. At the top of the page, you note one
18 hour 15 minutes, at least at page 63. Does that give you any reference in terms of a
19 timeframe?

20 **C/SUPT. CHRIS LEATHER:** It doesn't ring a bell for me what that
21 notation pertains to right at this minute.

22 **MS. TARA MILLER:** Okay. But to the best of your recollection,
23 this is continuation of your note taking with your conversation with S/Sgt. Halliday?

24 **C/SUPT. CHRIS LEATHER:** Yes.

25 **MS. TARA MILLER:** Okay. If we could go back to page 63? And
26 I'll move on to the next line. And I'm not able to read -- it says -- I read:

27 "[Something] child victim [something]." (As read)

28 Are you able to help us with understanding what that line is?

1 **C/SUPT. CHRIS LEATHER:** No child victims known? Is that ---

2 **MS. TARA MILLER:** They're you're notes.

3 **C/SUPT. CHRIS LEATHER:**

4 "Fast and furious questions." (As read)

5 **MS. TARA MILLER:** Okay.

6 **C/SUPT. CHRIS LEATHER:**

7 "Star Media. Part hyphen national hyphen SNR." (As
8 read)

9 Meaning senior management.

10 **MS. TARA MILLER:** All right. I wondered if the child victims had
11 anything to do with interviewing and then interviewing the children who were witnesses
12 to that night, which we know they weren't interviewed that night. So you've given me
13 the context of that. No child victims known.

14 **C/SUPT. CHRIS LEATHER:** Known at that point when he is
15 speaking to me.

16 **MS. TARA MILLER:** Okay. And then the notation:

17 "Fast and furious questions." (As read)

18 What was that in reference to?

19 **C/SUPT. CHRIS LEATHER:** I don't recall.

20 **MS. TARA MILLER:** Okay. We'll move on now to page 64,

21 Madam Registrar. And the line I'm looking at is the top one third. It says:

22 "Specific info that he is alive." (As read)

23 Can -- did I read that line correctly? That's what it says?

24 "Specific info that he's alive." (As read)

25 **C/SUPT. CHRIS LEATHER:** Yes. And this does switch over to
26 Lia, Lia Scanlan. You'll see ---

27 **MS. TARA MILLER:** Yes.

28 **C/SUPT. CHRIS LEATHER:** --- at the top, 7:43; right? And that's

1 what I read as well.

2 **MS. TARA MILLER:** Okay. So can you give us -- the "He's alive."

3 Who are you -- who is being referred to in terms of he's ---

4 **C/SUPT. CHRIS LEATHER:** The gunman would ---

5 **MS. TARA MILLER:** The gunman?

6 **C/SUPT. CHRIS LEATHER:** Would be a reference ---

7 **MS. TARA MILLER:** The perpetrator?

8 **C/SUPT. CHRIS LEATHER:** --- to the gunman.

9 **MS. TARA MILLER:** Okay. And were you -- what was the specific
10 information you were given that he was alive at 7:43 in the morning?

11 **C/SUPT. CHRIS LEATHER:** Again, like the call with Steve
12 Halliday, I'm feverishly trying to take down the updates that Lia is providing to me on the
13 phone. This is a phone call.

14 Well, to me, it's included in a message that she's wishing to send,
15 would be specific information that he is alive and not deceased. That's how I interpret
16 that.

17 **MS. TARA MILLER:** That she was wanting to send a Tweet out to
18 people to warn them that he was alive, versus deceased?

19 **C/SUPT. CHRIS LEATHER:** Well that he -- the perpetrator is still
20 alive, as opposed to the threat has ended. That there's no longer a concern would be
21 how I interpret that.

22 **MS. TARA MILLER:** All right. I'll move on now to page 72. This is
23 my last question for the notes. And -- yes, thank you, Madam Registrar.

24 So this is halfway through the page. And under the heading, which
25 I read it as:

26 "Met with CIC team." (As read)

27 And what I'm looking at is the line that says:

28 "PC moved around a road block." (As read)

1 Did I read that correctly?

2 **C/SUPT. CHRIS LEATHER:** Yes.

3 **MS. TARA MILLER:** Are you able to give us any context of the
4 information surrounding making that note?

5 **C/SUPT. CHRIS LEATHER:** Well this is me also taking notes from
6 -- if we could just go back to the top, and I'll confirm, but I believe it's from Supt.
7 Campbell. Yes. There it is. And again, I remember him in his testimony talking about
8 this meeting with the CIC. So this is him imparting to me, right, what he knows.

9 PC would refer to a police car:

10 "...moved around hyphen a road block. Four victims."

11 (As read)

12 **MS. TARA MILLER:** Would this be -- the PC be a reference to the
13 perpetrator's mock cruiser, or would this be a reference to one of your police cruisers
14 from the RCMP? Or do you know?

15 **C/SUPT. CHRIS LEATHER:** I don't know.

16 **MS. TARA MILLER:** Okay. And you have no further memory
17 about the detail around the notation that indicates that there was a road block and
18 somebody moved around it?

19 **C/SUPT. CHRIS LEATHER:** I'd be guessing.

20 **MS. TARA MILLER:** Thank you. Moving from the notes, I want to
21 move now just to touch quickly on a few other issues. We've heard a lot of evidence in
22 terms of family liaison and the supports provided to the families, and certainly
23 understanding from you and C/Supt. Campbell that there's more work that could have
24 been done and should be done in that regard.

25 I just wanted to confirm one thing. Are you aware that Ms. Banfield
26 had her own individual liaison officer?

27 **C/SUPT. CHRIS LEATHER:** From the RCMP? I wasn't aware of
28 that. If it was RCMP, no.

1 **MS. TARA MILLER:** And would you have any understanding as to
2 why she would have had her own individual ---

3 **C/SUPT. CHRIS LEATHER:** I wouldn't have any understanding of
4 that assignment. If it was an RCMP liaison officer, no.

5 **MS. TARA MILLER:** Okay. Thank you. I want to move now to
6 your 20 -- April 20th press conference and statement that you made that the RCMP
7 relied on Twitter because its account has thousands of followers and judged -- was
8 judged as a superior way to communicate this ongoing threat. We can pull it up, if you
9 want. But that's the premise -- the foundation for my question. Thank you.

10 Who told you, C/Supt. Leather, that Twitter was the best way to get
11 this information out to the public?

12 **C/SUPT. CHRIS LEATHER:** This was advice provided to me by
13 Corporate Communications.

14 **MS. TARA MILLER:** And other than you being told that as advice,
15 did you, on your own, have any understanding, knowledge, or information to support
16 that Twitter was the best way to get this information out to the public?

17 **C/SUPT. CHRIS LEATHER:** The way it was explained to me is
18 that reference came from Corporate Communications interpretations of the MacNeil
19 Recommendations.

20 **MS. TARA MILLER:** You're aware that in 2020, Nova Scotia's
21 population was about 950,000 people? As of today, when I look at the RCMP Nova
22 Scotia Twitter account, there's 134,000, almost 135,000 followers, and the Facebook
23 account is similar. So using those social media tools, Twitter and Facebook, they would
24 represent and reach about 14 percent of the Nova Scotia population, if they were relied
25 on for distribution of messaging? You'd agree with that?

26 **C/SUPT. CHRIS LEATHER:** I'd agree that it should not be done in
27 isolation of the other methods of communicating with the public. And I don't think
28 anyone would suggest for a minute that it's the only way to communicate, but it is a

1 powerful platform to utilize.

2 **MS. TARA MILLER:** It was judged as a superior way to
3 communicate the threat in April of 2020, and we've heard, of course, none of your folks
4 were aware of the availability of the public alerting.

5 You say it wouldn't have been done in isolation. What are the other
6 tools been used -- that could have been used in April to complement Twitter and
7 Facebook to get this information out to the public?

8 **C/SUPT. CHRIS LEATHER:** Certainly advising the broadcast
9 outlets so they could utilize their -- sorry, I don't know the proper name for it, but a
10 crawl, essentially, on the broadcast media. That would be one method for people that
11 are watching television. Similarly with radios. But Facebook. I mean, there are a
12 number of platforms, but there's -- I would say it's -- it would be a conglomeration of
13 different platforms that we would have to approach to ask for them to utilize for the
14 purpose of a public service or emergency message in that fashion. And that while it's
15 only 14 percent, as you noted, for Twitter, I think if we look at those other options, it's
16 still a significant portion. I bet if we looked at a pie graph and divided it out, you would
17 see that they'd all probably be fairly thin slices of that pie. So it's not like there's a
18 on-stop shop, it's going to several different distribution nodes to get the message out.

19 **MS. TARA MILLER:** Okay, thank you. I'm going to take you to...
20 Madam Registrar, the Foundational Document, the Appendix of
21 Press Briefing Transcripts, COMM No. 57762, and I'm at page 7 of 88.

22 This, as I understand it, Chief Superintendent Leather, was a --
23 your April 19th press conference, and what I'm looking is towards the bottom on third --
24 two-thirds of the page. The question was -- sorry. Maybe I'm not at the right page.

25 Page 7 of 88? Oh, the next one. Thank you.

26 I'm looking at the question:

27 "Was there gunfire exchanged between the officers
28 and the suspect in Shubenacadie?"

1 And your answer was:

2 "I can't tell exactly what location because I'm not
3 sure, but at one point during the course of the evening
4 there was an exchange of gunfire."

5 So this was -- this was your statement on the 19th, and you're
6 referencing an exchange of gunfire during the course of the evening, which I take to be
7 the 18th. Is that an error or was there gunfire that you were aware of that occurred
8 during the evening of the ---

9 **C/SUPT. CHRIS LEATHER:** An error I should have noted that
10 during the day not the evening, referring to, well, it would be referring to the
11 Shubenacadie incident involving Constable Stevenson is what I was thinking when I
12 made those comments.

13 **MS. TARA MILLER:** Okay. And then if we could go,
14 Madam Registrar, to page 9, I believe, of the -- this document. It's -- sorry, it's actually
15 page 8. Thank you.

16 My friend, Mr. Scott, this morning asked you about your answer to a
17 question about whether:

18 "...this [man] his wife, or children, or any of his
19 relatives were among the initial casualties?"

20 And your response was:

21 "Sorry I'm not at liberty to answer at this stage."

22 And I believe your answer was that one of the issues for you is at
23 that point you didn't know about if the spouse or the common-law was a victim or
24 suspect at that point; is that correct? Did I understand that correctly?

25 **C/SUPT. CHRIS LEATHER:** That was part of my response.

26 **MS. TARA MILLER:** Yes. And at what point did your knowledge
27 change from whether you considered or the RCMP considered her a suspect or a
28 victim?

1 **C/SUPT. CHRIS LEATHER:** Well, without looking through my
2 notes, I would say it was a matter of days not hours. Given the circumstances that
3 Ms. Banfield emerged and her relationship with the gunman, it was obvious that it
4 required significant investigation before a proper determination could be made about
5 that, her status.

6 **MS. TARA MILLER:** Okay. You gave your MCC statement on
7 July 6th, 2022. Was there any reason from your perspective that it took so long to
8 provide a statement to the Mass Casualty Commission?

9 **C/SUPT. CHRIS LEATHER:** I don't know how long it took; sorry.

10 **MS. TARA MILLER:** Okay. Do you know when you were asked by
11 the Mass Casualty Commission to give a statement before the date that you actually
12 gave it?

13 **C/SUPT. CHRIS LEATHER:** Weeks before. I don't know the exact
14 timeline.

15 **MS. TARA MILLER:** Okay. And have you given any other
16 statements, Chief Superintendent Leather, with respect to the mass casualty? I mean,
17 we heard this morning ---

18 **C/SUPT. CHRIS LEATHER:** Yes.

19 **MS. TARA MILLER:** --- that you gave a statement in the context of
20 the Wellness Review. Have you given statements with respect to the SiRT
21 investigation, the ESDC investigation, or the Hazardous Occurrence investigates?

22 **C/SUPT. CHRIS LEATHER:** My ESDC interview is pending,
23 nothing for HOIT, nothing for SiRT, and obviously I gave public testimony at SECU, and
24 that's it.

25 **MS. TARA MILLER:** Okay. There's nothing else that you've given
26 a statement with that I haven't identified, proactively, if you can think of anything?

27 **C/SUPT. CHRIS LEATHER:** I can't think of anything else right
28 now.

1 **MS. TARA MILLER:** This morning, in your cross-examination with
2 Mr. Scott when you shared the Wellness Review and the statement you've given there,
3 there was reference to a document that is outstanding, and DOJ counsel indicated that
4 that document was brought to their attention when they met with you to prep for your
5 Mass Casualty Commission interview, and that they have taken that document the head
6 Commissioner in charge of document production here, Cromwell. Are you able to
7 identify what that document is?

8 **C/SUPT. CHRIS LEATHER:** I'm not sure. I'm sorry, I don't follow
9 the question. Document that hasn't been produced?

10 **MS. TARA MILLER:** Well, according to the Department of Justice
11 they are going to produce it. It's imminently being produced, but they became aware of
12 it through you during a meeting they had with you to prepare for your mass casualty
13 interview.

14 **C/SUPT. CHRIS LEATHER:** I haven't had any subsequent
15 discussions with DOJ about a document that hasn't been produced, so I don't know.

16 **MS. TARA MILLER:** Okay. It wasn't the -- you weren't referring to
17 the Wellness Review statement that you gave in June or July of 2021?

18 **C/SUPT. CHRIS LEATHER:** Again, I had no subsequent
19 discussions about the production of documents post that prep session, so I don't know.

20 **MS. TARA MILLER:** Okay. I'm going to touch now briefly on the
21 CISN Bulletin.

22 And Madam Registrar, if you could bring up the Firearms
23 Foundational Document, COMMs No. 56215, and if we could go to paragraph 74.

24 Chief Superintendent, this is in relation to the May 4th Security
25 Intelligence Bulletin. To summarise, we know it was prepared to by a Truro Police
26 officer through information he received, and then he distributed it through all of the --
27 well, he distributed it through the CISNS service to all policing agencies, and then
28 Halifax Police became involved in it, and Constable Poirier was involved.

1 And in paragraph 74, this is what I want to direct you to, it says:
2 "Sergeant Poirier reported that he contacted the Bible
3 Hill detachment and spoke to the on duty supervisor,
4 Constable John McMinn, advising of the situation.
5 Sergeant Poirier wrote that Constable McMinn was
6 unaware of Corporal Densmore's bulletin.
7 Sergeant Poirier wrote that he provided
8 Constable McMinn with the Police Reporting
9 Occurrence System, PROS, report from 2010, and
10 gave him the information he had about the
11 perpetrator's vehicle from the original report.
12 Sergeant Poirier reported that Constable McMinn said
13 he would follow up with another officer and contact
14 Sgt Poirier with the updated information." (As read)

15 There's no evidence that that happened, that Constable McMinn
16 provided any additional information. Are -- were you aware of that?

17 **C/SUPT. CHRIS LEATHER:** No, I wasn't.

18 **MS. TARA MILLER:** Okay. And so you're learning of that for the
19 first time, that a RCMP officer was going to do some follow up, and it looks like that
20 never occurred with respect to this bulletin?

21 **C/SUPT. CHRIS LEATHER:** It's -- I vaguely recall reading it in the
22 -- in this particular document when I was doing my review, but it's not something that I'm
23 familiar with.

24 **MS. TARA MILLER:** You had talked about wanting to convene the
25 municipal chiefs to do a joint release to deal with this bulletin, and that didn't happen for
26 a variety of reasons. My question for you, Chief Superintendent, is why didn't the
27 RCMP do their own release to get out ahead of this issue through the Issues
28 Management Team? Was that ever discussed.

1 **C/SUPT. CHRIS LEATHER:** Yes, it was.

2 **MS. TARA MILLER:** And? It didn't happen. Why? Why not?

3 **C/SUPT. CHRIS LEATHER:** It was proposed that we do a press
4 conference, or some sort of, sorry not a press, a release to the public, and it was
5 decided by National Headquarters that that was not a position we were going to be
6 taking.

7 **MS. TARA MILLER:** National Headquarters made that decision?

8 **C/SUPT. CHRIS LEATHER:** NIP made that decision that we
9 wouldn't be doing that proactively.

10 **MS. TARA MILLER:** Okay. My last area to touch on is on public
11 alerting, and I'm not going to go back over the evidence, it's very clear that the RCMP
12 did not know that this is a tool in the toolbox. But I want to follow up on is what the
13 RCMP has done to educate the public on alerting. And you -- this was reviewed with
14 you yesterday with Commission Counsel, and my understanding of your evidence is
15 that you believe it's inappropriate for the RCMP to do any education on its own because
16 it needs to be done jointly with all chiefs and Emergency Measures. Did I capture that
17 correctly?

18 **C/SUPT. CHRIS LEATHER:** I think the best-case scenario, yes, is,
19 as you described, would be one that would see the NS Chiefs and EMO, who are the
20 gatekeepers of the system in the province, working together on a public education
21 program versus us going off individually and providing inconsistent updates. There
22 needs to be standardisation with that, and it was quite clear, and is clear that the EMO
23 sees themselves as the gatekeeper and the leads for the public education program,
24 should there be one, given that they continue to lead the Provincial Working Group in
25 that regard.

26 I've been very strong in my recommendations, and even urging that
27 we do this, and ---

28 **MS. TARA MILLER:** That you educate the public?

1 **C/SUPT. CHRIS LEATHER:** Well, that we work together ---

2 **MS. TARA MILLER:** That you work together. Okay, I understand
3 that. Yes.

4 **C/SUPT. CHRIS LEATHER:** --- to -- and that EMO, as the
5 gatekeepers, who do have a website that does speak to alerting.

6 **MS. TARA MILLER:** And just to interject because I've gone over
7 my time and I'm mindful of time, but -- so I don't mean to be rude, but as Ms. Young
8 pointed out yesterday, two years have passed and there is no information and it was
9 obviously something that you felt you wanted to try to educate the public during one of
10 your initial press conferences, so it didn't seem to be a barrier at that point. And you
11 know, I've looked at the RCMP websites and there's certainly an alerting section on the
12 BC site where they publish the alerts and in the Nova Scotia and many of the Divisions,
13 there's a quick hit list.

14 Wouldn't it be easy to be able to post some information for Nova
15 Scotians, for Canadians in your quick hit list that even links to the EMO sites?

16 **C/SUPT. CHRIS LEATHER:** Yeah, that's a good idea and we
17 should do that because even as you say, if EMO's not going to and there's not a
18 coordinated effort, we could make that link on our homepage.

19 **MS. TARA MILLER:** It feels like there's this sort of perfection
20 paralysis here that you're waiting to get it perfect before you do anything, and when I
21 say you, I mean the global RCMP, and it reminds of that saying, "A done something is
22 better than perfect nothing".

23 And that's what we have here. We have a perfect nothing because
24 we're waiting, so something would be better than -- some basic principles -- would you
25 agree with me that that would be helpful for Nova Scotians?

26 **C/SUPT. CHRIS LEATHER:** That something would be better than
27 nothing, I would agree with you as it relates to alerting.

28 **MS. TARA MILLER:** Basic education instead of a full halt on

1 anything.

2 **C/SUPT. CHRIS LEATHER:** We could be doing something. It's a
3 shame, though, that we can't unify on this and put out ---

4 **MS. TARA MILLER:** Can't unify across the country in the RCMP?

5 **C/SUPT. CHRIS LEATHER:** That we can't, in the province ---

6 **MS. TARA MILLER:** In the province.

7 **C/SUPT. CHRIS LEATHER:** --- with the municipal Chiefs and
8 EMO with a consistent voice one web page or a link to that one web page with a
9 modernized public education campaign. It's something that I've been ---

10 **MS. TARA MILLER:** But you as an RCMP, you have your own
11 duty to warn and that exists independent of working in collaboration with other agencies;
12 correct?

13 **C/SUPT. CHRIS LEATHER:** Yes, we all do. That's right.

14 **MS. TARA MILLER:** Yes.

15 And you would be able to -- as I understand it, you're -- the Nova
16 Scotia website of the national RCMP page is governed and controlled content-wise by
17 Nova Scotia; correct?

18 **C/SUPT. CHRIS LEATHER:** The national page?

19 **MS. TARA MILLER:** There's a national page and ---

20 **C/SUPT. CHRIS LEATHER:** Yes.

21 **MS. TARA MILLER:** --- then there are divisional pages.

22 The Nova Scotia page, that is controlled by Nova Scotia; correct?

23 **C/SUPT. CHRIS LEATHER:** Yes, it would be.

24 **MS. TARA MILLER:** Yeah. And so somebody in strategic
25 communications could upload some information, basic information helping the public
26 understand and participating in this basic education, which is going to continue and get
27 more robust with other agencies. Fair?

28 **C/SUPT. CHRIS LEATHER:** As an interim measure, yes. That's

1 fair.

2 **MS. TARA MILLER:** Thank you.

3 I appreciate the indulgence of the time, Commissioners.

4 Thank you, Chief Superintendent.

5 **COMMISSIONER MacDONALD:** Thank you, Ms. Miller.

6 Ms. Lenehan?

7 **--- CROSS-EXAMINATION BY MS. JANE LENEHAN:**

8 **MS. JANE LENEHAN:** Good afternoon, Chief Superintendent. My
9 name is Jane Lenehan, and along with my colleague, Dan White, we represent the
10 Goulet family, which you know as the last victim at hour 13.

11 My first question for you is, are you familiar with -- and perhaps we
12 can bring this up, Madam Registrar. The RCMP "H" Division Response to the June 2nd
13 Subpoena for Written Evidence from the Commission.

14 **C/SUPT. CHRIS LEATHER:** I don't have any familiarization with
15 the written subpoenas.

16 **MS. JANE LENEHAN:** Well, this is the -- this is the RCMP's
17 response. I'm just wondering if you're familiar with this 27-page document.

18 **C/SUPT. CHRIS LEATHER:** The subpoenas are typically handled
19 by Chief Superintendent O'Malley between his office and Department of Justice. They
20 don't -- unless Chief O'Malley brings this to my attention, this is not something I'm
21 familiar with.

22 **MS. JANE LENEHAN:** So I can advise you that this response
23 deals with the changes that the RCMP has made in response to the mass casualty and
24 whether or not there's any obstacles.

25 So would you be familiar with that subject area?

26 **C/SUPT. CHRIS LEATHER:** As I look down the notes, certainly
27 the encrypted/unencrypted radio communications, the review or after action report -- I
28 mean, as I said, this is something, as I look down, I may have seen and perhaps even

1 contributed to, but it would have been routed through Mr. O'Malley's office.

2 This was a response that he provided.

3 **MS. JANE LENEHAN:** All right. So I have a couple of just specific
4 questions ---

5 **C/SUPT. CHRIS LEATHER:** Yes.

6 **MS. JANE LENEHAN:** --- so we'll see if you're familiar with the
7 topics.

8 If we could just go to page 8, the final paragraph. So that reads:

9 "Since the perpetrator was able to purchase a
10 decommissioned RCMP Ford Taurus and use it to
11 create an almost exact replica of an operational
12 RCMP car, the sale of all surplus RCMP vehicles was
13 suspended."

14 You're aware of that?

15 **C/SUPT. CHRIS LEATHER:** Yes, I am.

16 **MS. JANE LENEHAN:** So I'm just wondering, the past tense there,
17 it was suspended, do you know if the sale is currently suspended or if the RCMP has
18 begun to auction off those vehicles again?

19 **C/SUPT. CHRIS LEATHER:** It's my understanding the suspension
20 remains in place, and that's a Government of Canada directive, but more specifically for
21 us from the Minister of Public Safety. And I'm not aware of it being amended or lifted.

22 **MS. JANE LENEHAN:** Okay. Thank you.

23 This morning, my friend, Mr. Bryson, asked you about Sergeant
24 O'Brien, and I'm going to skip through a bunch of my questions that I had, but I just
25 have some concluding questions on that.

26 So as Sergeant O'Brien's Commanding Officer that night of April
27 18th, does it cause you any concern that Sergeant O'Brien assessed his own level of
28 impairment on April 18 and then reported to duty?

1 **C/SUPT. CHRIS LEATHER:** On a point of just accuracy, I wasn't
2 his Commanding Officer on that particular night. I was the Criminal Operations Officer,
3 my substantive role. But if that's how he described his condition, yes, of course, I ---

4 **MS. JANE LENEHAN:** It does cause you concern?

5 **C/SUPT. CHRIS LEATHER:** It would cause me concern.

6 **MS. JANE LENEHAN:** So would you agree, then, that it was
7 inappropriate and unacceptable for Sergeant O'Brien to be engaged in this critical
8 incident given that he had consumed, by his own report, four to five ounces of rum in
9 the four-hour period preceding his engagement in this incident?

10 **C/SUPT. CHRIS LEATHER:** Look, I don't know enough about
11 what Sergeant O'Brien's role was on the night, just to be clear, whether he stayed at
12 home or attended. I've certainly become aware through the testimony that this has
13 been a topic of much interest, but members consuming alcohol and reactivating
14 themselves or going in for duty is not -- it's not just not ideal, it's not allowed by police.

15 It's fairly clear in terms of intoxicants, whether it be alcohol or
16 drugs.

17 **MS. JANE LENEHAN:** Thank you.

18 So as the CrOps Officer, are you concerned that general division
19 officers in Colchester County were not familiar at all with an area they police? And for
20 example, we've heard from Constable Merchant that he might have been to Portapique
21 once or twice with his family but he had been posted to Bible Hill since 2016, so he'd
22 been there for four years by the time of this incident.

23 So does that level of unfamiliarity with the jurisdiction that he is
24 policing concern you?

25 **C/SUPT. CHRIS LEATHER:** It's hard to believe, really, if you think
26 about it. I don't know what the square -- you know, the square kilometre would be for
27 that detachment area, that at some point in the six years that he's -- or five years that
28 he's been posted there he hasn't worked in that particular patrol area.

1 Not unheard of, but I would say unusual because that's a fairly -- in
2 our world, that's a fairly lengthy deployment to one detachment, if what you're telling me
3 he's been there since 2016. Yeah, it's difficult to understand.

4 **MS. JANE LENEHAN:** That he wasn't familiar with the entire
5 jurisdiction?

6 **C/SUPT. CHRIS LEATHER:** Well, perhaps not down to its -- you
7 know, the nuances of pathways and back roads, but if it was a general awareness, say,
8 of a village or town and he's been there for six years, it does strike me as being a bit
9 unusual.

10 **MS. JANE LENEHAN:** So the next thing I want to ask you about,
11 and this is a concern for my clients, and it's related to the issue of policing standards.

12 So we've learned that during the response to this mass casualty
13 that most members were travelling alone, so one member per one police car. Is that the
14 norm for rural policing in Nova Scotia?

15 **C/SUPT. CHRIS LEATHER:** Yes, I would certainly say that there
16 are many more one-vehicle patrol cars than two persons. Yes.

17 **MS. JANE LENEHAN:** So during this incident, members have
18 testified that they were travelling at very high rates of speed, well in excess of the
19 posted speed limits. And my recollection is that we heard speeds of 167 kilometres an
20 hour, 204 kilometres an hour, on secondary winding roads to get to Portapique as
21 quickly as possible.

22 Are you aware of that evidence?

23 **C/SUPT. CHRIS LEATHER:** No, I'm not.

24 **MS. JANE LENEHAN:** Does that surprise you that they would be
25 travelling at that rate of speed to get to the crime scene?

26 **C/SUPT. CHRIS LEATHER:** Is it to a scene, or is it in the hunt for
27 the perpetrator?

28 **MS. JANE LENEHAN:** Sorry; it's in response to the callout from

1 dispatch.

2 **C/SUPT. CHRIS LEATHER:** If as you described it, I think you said
3 windy roads or not -- it does seem excessive. But having been in general duty or
4 uniform myself, given the magnitude of the situation, I'm not surprised by those speeds
5 because the members would have been doing everything in their power to participate,
6 and locate the perpetrator.

7 **MS. JANE LENEHAN:** So in addition of driving to the scene as
8 quickly as they could, members were also required to use their radios to receive and
9 possibly to convey critical information; correct?

10 **C/SUPT. CHRIS LEATHER:** Yes.

11 **MS. JANE LENEHAN:** And in addition, to use their mobile work
12 stations to possibly figure out where they were going, whether other members were,
13 and possibly to do some background work to learn more about the incident?

14 **C/SUPT. CHRIS LEATHER:** Yes, I think ---

15 **MS. JANE LENEHAN:** Is that fair?

16 **C/SUPT. CHRIS LEATHER:** It's fair that they could be reading
17 messages on their mobile data terminal while driving to try to educate themselves, yes.

18 **MS. JANE LENEHAN:** Okay. And presumably, would it be fair to
19 say, that they were also observing their surroundings, watching other traffic, and being
20 alert to possible relevant information related to the callout?

21 **C/SUPT. CHRIS LEATHER:** Yes.

22 **MS. JANE LENEHAN:** So my question is this; given the
23 requirements of police officers today, and in particular, the need for them to use
24 technology, would you agree that a minimum policing standard would be two officers to
25 a vehicle, one to drive safely and the other to do everything else needed for effective
26 policing?

27 **C/SUPT. CHRIS LEATHER:** I think if that was the standard, while
28 it would be optimal -- look, that is the optimal state. The optimal state is we have two-

1 person vehicles, and some jurisdictions, particularly in more urban centres have that.
2 It's not a, I would say a luxury, that we have in this province, mostly due to resourcing
3 constraints as opposed to decisions to not put members together. And we should strive
4 for an environment where we do have more two-person or two-man cars, but -- and
5 particularly in light of the backup situations where officers backing each other up could
6 be many, many minutes apart.

7 So, again, having your partner at your shoulder in a patrol vehicle,
8 of course, especially for those more remote patrol areas, is the ideal approach. And I
9 think the detachment commanders consider that when they're deploying their members
10 for those areas that are more remote from, we'll call it the centre; the centre of the patrol
11 area where the detachment's located, that's just good human resource deployment
12 planning. But I think it's an ideal state that we, I can say, may never get to, but we're a
13 long way away from having that level of resourcing in our uniform detachments in the
14 province.

15 **MS. JANE LENEHAN:** So I want to put a couple of examples to
16 you and just to be clear, Chief Superintendent, I wasn't suggesting earlier -- I wasn't
17 criticizing the rate of speed. I think all Nova Scotians were very grateful that the officers
18 got there as quickly as they did, so that wasn't the point of my question. It was really,
19 are we asking too much of them?

20 So in the Overnight in Debert Foundational Document at page 17,
21 paragraph 13 -- 12 and 13. I'll give you a minute there just to review those.

22 (SHORT PAUSE)

23 **C/SUPT. CHRIS LEATHER:** Okay.

24 **MS. JANE LENEHAN:** So we're talking about the period of time
25 that we now know, in hindsight, was likely the getaway route of the perpetrator. So we
26 learned from this that a witness on Station Road observed a police cruiser with flashing
27 lights, "travelling quickly southbound on Station Road" toward Portapique, and then,
28 "two to three minutes later, he saw a 'cruiser' that 'looked like a cop car' travelling

1 northbound at...[only] 70 kilometres [an] hour.” And the witness says the flashing lights
2 weren’t activated and it had its regular headlights on.

3 And then shortly after that, the witness reports hearing a siren and
4 seeing, “the red and blue flashing lights from another vehicle driving south” towards
5 Portapique at a high rate of speed.

6 So we now have the GPS data that indicates that the witness may
7 have seen Csts. Cheesman and Blinn. We know that neither of these officers reported
8 seeing the perpetrator. So this is an incident where would resources, in hindsight, have
9 justified somebody in the passenger seat who might have been able to watch the road
10 around them and let the other officer focus on driving?

11 **C/SUPT. CHRIS LEATHER:** There’s no question, whether it’s
12 surveillance operation and plainclothes or in uniform patrol, two sets of eyes will always
13 be better than one, and particularly under circumstances like this where we’re actually in
14 the throes of trying to locate a vehicle or an individual. It’s a force multiplier of more
15 than just one because likely that passenger is not nearly as engaged as the driver is in
16 all of the other things that you already described. You know, I don’t know what the force
17 multiplier would be, but it would be more than double.

18 Yeah, so the power that that brings in terms of observation is
19 significant over one-person police car, I would agree.

20 **MS. JANE LENEHAN:** So without going into all the details, with
21 respect to Cpl. Peterson and the Highway 4 in Glenholme, would you agree that
22 somebody in the passenger seat may have made it easier for Cpl. Peterson to respond
23 quicker and more confidently after having seen the perpetrator?

24 **C/SUPT. CHRIS LEATHER:** If I understand that situation correctly,
25 the perpetrator essentially disappeared into a longer laneway when Cpl. Peterson was
26 stopping and turning around, and by the time he turned around and got -- resumed his
27 line of sight, the vehicle was gone. Would a second set of eyes made a difference?
28 Possibly. I think the first scenario that you shared is a more likely scenario where it

1 would have made a difference. With Cpl. Peterson, not knowing the topography, the lay
2 of the land exactly, and only what I do know about the perpetrator's activities after he
3 saw Peterson going the other direction, maybe it would have made a difference.

4 **MS. JANE LENEHAN:** So to the extent that there may have been
5 some reluctance or lack of confidence, in terms of the ability of Cpl. Peterson to engage
6 the perpetrator, would somebody at his side have assisted that?

7 **C/SUPT. CHRIS LEATHER:** I don't know about Cpl. Peterson's
8 reluctance to engage the perpetrator. Common sense dictates that any time we have a
9 backup beside us or nearby, it does have an impact on our members, in terms of
10 boosting their confidence, of course, because you feel like you're in a more fortified
11 position when you're dealing with a threat.

12 **MS. JANE LENEHAN:** Okay, thank you.

13 So the last example where I'm going to suggest to you that it could
14 have made a difference, in hindsight -- and, again, I'm not criticizing either member -- is
15 the Shubenacadie scene. Can we agree that had the perpetrator faced two officers in
16 Cst. Morrison's car and two in Cst. Stevenson's vehicle, that there could have been a
17 different outcome?

18 **C/SUPT. CHRIS LEATHER:** Yes, of course.

19 **MS. JANE LENEHAN:** Just I want to go back to that RCMP
20 response document, and to page 14. And I'm just looking at the first paragraph under
21 "Mobile Work Station" and the last sentence.

22 So that last sentence reads -- and this is the part of the document
23 that talks about the changes that have been made in response to the casualty by the
24 RCMP:

25 "Since there are at least two members in an ERT
26 vehicle when responding to a callout, the driver can
27 focus on the road while another member receives and
28 sends information through the various tools available

1 to them, which now includes the Mobile Workstation."

2 (As read)

3 So, again, I think you've answered the question, but ideally, the
4 same would apply to general duty members as well, for more effective policing?

5 **C/SUPT. CHRIS LEATHER:** Yes, well, more effective because
6 now you're, say, passenger in this situation can look after the data management issues
7 that are going on in terms of updates on the call that you're attending, any updates in
8 terms of the movements of the suspect that you may be looking for, or witnesses, or a
9 complainant. And, of course, the driver's not having to do that whilst driving, while
10 communicating with the OCC. So again, I think it's fairly obvious that that makes it a
11 more effective response when you have two members in a car.

12 **MS. JANE LENEHAN:** So the obstacle to giving Nova Scotians
13 that more effective response is the resources and funding, in your view?

14 **C/SUPT. CHRIS LEATHER:** Yes.

15 **MS. JANE LENEHAN:** Okay. So yesterday, you testified that the
16 RCMP cannot deliver on Nova Scotia's expectations with their current resources. Do
17 you recall that?

18 **C/SUPT. CHRIS LEATHER:** Yes.

19 **MS. JANE LENEHAN:** Would another solution be for the RCMP to
20 offload certain time-consuming responsibilities to other perhaps better suited and better
21 trained professionals who could work in conjunction with the RCMP? And maybe I'll
22 give you some examples to just kind of populate that idea. Mental health calls. And
23 again, if we could turn to that RCMP response, page 24, and this is the part of the
24 document that talked about obstacles to the RCMP. And in the end of that paragraph
25 there's -- the concluding line is, "Thus valuable police resources are tied up guarding
26 mental health patients awaiting assessment."

27 **C/SUPT. CHRIS LEATHER:** Yes, I'm acutely aware of that
28 pressure.

1 **MS. JANE LENEHAN:** So I realize this is not in the RCMP budget
2 necessarily, but could the RCMP workload be alleviated considerably by expanding the
3 number of mobile mental health crisis units with one police officer for scene safety and
4 then other professionals, such as mental health professionals, paramedics to deal with
5 the crisis? Do you have thoughts on that suggestion?

6 **C/SUPT. CHRIS LEATHER:** Well, my thought is I believe that's a
7 tried and tested and true model that's being used, including in Halifax and in other
8 Canadian jurisdictions, and it's something that we've been looking at. But again, as it
9 relates to the passage here, for me, which is an even easier issue in terms of what the
10 issue is, identifying the issue and workarounds is there has to be a better recognition
11 and closer collaboration with our medical colleagues, health especially. And I have to
12 tell you, this is a conversation that's been going on for over a decade, probably longer.
13 And we actually have a Chiefs of Police Committee that's been struck to work with
14 Health Services Nova Scotia to come up with solutions to address issues such as that,
15 because our members continue to be used, as that paragraph depicts, as guards for
16 mental health patients who require that level of oversight while they're in the custody of
17 the hospital. And, of course, that takes two members off the road, many times for
18 many, many hours at a time, instead of on patrol or on calls.

19 **MS. JANE LENEHAN:** And to be blunt, the problem is that it's not
20 police work, other than the scene safety aspect of it, and the police are not trained to
21 handle those calls; are they? To deal with mental health patients?

22 **C/SUPT. CHRIS LEATHER:** Yeah, I mean, they're literally there to
23 restrain patients who are out of control, for instance, and there are, in 2022, surely
24 better methods for addressing those kinds of subjects, and there are, but I believe it
25 comes down to funding, the funding pressures that health are also under, that they're
26 unable to sufficiently resource their emergency wards, or mental health wards with the
27 appropriate amount of guard staff. And we're the resort to, we as in the police, to
28 provide that service.

1 **MS. JANE LENEHAN:** So the second example I'd ask you for your
2 comments on deals with the issue of -- that we've heard about with Constable Bent and
3 him being overtasked, for want of a better phrase. So what about better utilizing Victim
4 Services to do most of the family liaison work that Constable Bent did other than
5 updating on the investigation? We heard he was delivering gifts. Do we need a police
6 officer to do that?

7 **C/SUPT. CHRIS LEATHER:** I don't think we need a police officer
8 to do that. There are obviously certain benefits to it in terms of continuity with the
9 Command Triangle, the investigation, but civilian members, public sector employees
10 who work for us, with the proper training are -- could be, are in other jurisdictions, as
11 qualified or sometimes more qualified to do that work.

12 **MS. JANE LENEHAN:** Okay. Thank you.

13 Chief Superintendent, are you aware of the experience that the
14 Goulet family had with the state of the property at 198 Highway 224 after the police and
15 the forensics team left?

16 **C/SUPT. CHRIS LEATHER:** I think I am, yes.

17 **MS. JANE LENEHAN:** They reported that the house was left
18 unsecured. They were not advised that the police were leaving, and that the home was
19 now their responsibility. Evidence was left there that they ended up finding. And the
20 crime scene had not been cleaned. Are you aware of all of ---

21 **C/SUPT. CHRIS LEATHER:** Yes.

22 **MS. JANE LENEHAN:** --- those concerns and complaints? So the
23 Halifax Regional Police also has a Forensics ID Team; don't they?

24 **C/SUPT. CHRIS LEATHER:** Yes, they do.

25 **MS. JANE LENEHAN:** Okay. So the Commissioners have yet to
26 hear evidence from Chief Kinsella, but are you able to tell the Commission if the RCMP
27 requested the assistance of HRP Forensics, or if it was offered?

28 **C/SUPT. CHRIS LEATHER:** I'm sorry, I don't know whether they

1 assisted or offered help. Our teams work very closely together. It would surprise me if
2 they didn't, but I don't know.

3 **MS. JANE LENEHAN:** So you don't see any obstacle in calling in
4 the HRP team?

5 **C/SUPT. CHRIS LEATHER:** No, no, we regularly call upon HRP
6 for assistance in, you know, what we refer to our specialized policing services, I think
7 they refer to as support services, ident, traffic, their ERT team certainly has assisted us
8 and our team. So it wouldn't surprise me at all that we utilized them.

9 **MS. JANE LENEHAN:** So from your perspective, that would have
10 made good sense to call them and bring them in to assist the workload of the RCMP
11 team?

12 **C/SUPT. CHRIS LEATHER:** If they were available to assist, yes,
13 because, I mean, we know from testimony here that they were also busy assisting SiRT,
14 for instance, right, at different scenes. And I know that HRP Ident or FIS were very
15 busy over those two days and beyond assisting.

16 **MS. JANE LENEHAN:** So earlier this week, we heard from Chief
17 Superintendent Campbell that one change that has been made by the RCMP in
18 response to April of 2020 is the ERT team. And I think that's set out again at that
19 RCMP response to subpoena document at page 19. So if you could just read that
20 paragraph under Emergency Response Team?

21 **C/SUPT. CHRIS LEATHER:** Yes.

22 **MS. JANE LENEHAN:** So that was encouraging news to Nova
23 Scotians that maybe that had been corrected, or addressed; however, based on your
24 evidence yesterday that the RCMP can't deliver on the current budget, and that you
25 foresee pulling from specialty services to fill general duty deficiencies, it feels like one
26 step forward this week and now one step back. Is ERT at risk of being depleted again?

27 **C/SUPT. CHRIS LEATHER:** No, because as I testified to
28 yesterday, ERT would be at the top of the priority chart, if you will, in terms of ensuring

1 that it has the proper resources. When we consider the service that it provides and the
2 training and skill required and the numbers required to sustain that team, it is, and it will
3 remain a priority.

4 I specifically had referred to traffic services and some of the other
5 plain clothes units as being an area where we would look for that relief long before we
6 would return to revising the ERT plan. We have commitment from the Province to help
7 us fund and grow that team to the proper numbers within the next year or so. Actually
8 sooner than what is even reported in the paragraph there.

9 **MS. JANE LENEHAN:** And how did the ERT teams with the
10 Halifax Regional Police and the Cape Breton Police fit in with that? Do the three teams
11 work together?

12 **C/SUPT. CHRIS LEATHER:** They do, in terms of relieving one
13 another in operational periods for sustained deployments. And I know that the HRP
14 ERT and our ERT have been training together. We provide our TAV, which is that large
15 vehicle -- armoured vehicle to assist with HRP. And there's a fair bit of cross-training
16 and training activities that have been going on for some months, many months, and will
17 continue between HRP.

18 Cape Breton, geographically, just the distance, well we haven't
19 begun -- or we've just begun the interoperable training piece. We have called on them
20 as recently as earlier this week, or last weekend, to assist us in the Cape Breton area
21 with an ERT call out.

22 So that's an area in terms of ERT resources back filling and
23 relieving one another that I'm, you know, happy to report is in good shape and
24 continuing to move down that path of more interoperability and more training together to
25 make those transitions even more effective. So that's a scenario I think we can be
26 proud of in terms of development and interoperability in policing.

27 **MS. JANE LENEHAN:** So with a province the size of Nova Scotia,
28 with a population the size of Nova Scotia, are we adequately served with three ERT

1 teams that you tell us are working together?

2 **C/SUPT. CHRIS LEATHER:** I think the biggest -- you know, two
3 geographical areas of concern, just due to the response time, the -- we'll call it the
4 southwest end of the province, Yarmouth, just given the travel time from Halifax, where
5 two of the three teams I've described are situated, and even North Nova Scotia,
6 Amherst, Cumberland County, again because of the travel distance, and you're almost
7 more likely to see our J Division team, that's New Brunswick, dip in to assist our
8 Amherst detachment, or even Amherst PD if they required assistance. And certainly if
9 there was a need for sustained assistance, we would be getting help from J Division
10 coming in.

11 So those contingency plans are in place. But there are
12 geographical challenges. But it's one step at a time. I think we need to get our team
13 built up to the numbers where we can be fully sustainable and address the wellness
14 issues in the team, and we're well on our way, and I'm talking just about our team, and
15 then we can begin to look at other options in areas like Southwest Nova, because of the
16 geographical challenges.

17 Thankfully, in terms of reps, the team does not get deployed to
18 Southwest Nova for too many tactical call outs. They certainly assist our drug
19 enforcement teams and street crime teams with planned events, in terms of take downs,
20 but of course the travel time is built into that and that doesn't present as an issue,
21 because they typically go down the day before.

22 **MS. JANE LENEHAN:** So the last -- I think it's the last thing I want
23 to ask you about, is you talked yesterday, Chief Superintendent, for the need for the
24 RCMP Chiefs and the municipal Chiefs to resolve their differences and learn to work
25 together.

26 **C/SUPT. CHRIS LEATHER:** Yes, I did.

27 **MS. JANE LENEHAN:** And I take it that from your perspective,
28 and certainly from the evidence we heard, it appears that this is critical to ensuring the

1 safety of our communities?

2 **C/SUPT. CHRIS LEATHER:** It is.

3 **MS. JANE LENEHAN:** C/Supt. Campbell testified that a dispute
4 resolution process would be beneficial. Do you agree with that?

5 **C/SUPT. CHRIS LEATHER:** It may not be necessary with the
6 changes that have occurred. And I've already testified to that. but if that is not sufficient
7 in the eyes of the municipal chiefs, well then, I think dispute resolution is the only next
8 option available.

9 **MS. JANE LENEHAN:** So the changes are the three RCMP chiefs
10 leaving the scene?

11 **C/SUPT. CHRIS LEATHER:** Yes.

12 **MS. JANE LENEHAN:** Transferred elsewhere or retired?

13 **C/SUPT. CHRIS LEATHER:** Yes.

14 **MS. JANE LENEHAN:** So my concern there, Chief
15 Superintendent, is you also spoke yesterday about the RCMP problem of corporate
16 memory loss. And my question is, how will that potential corporate memory loss with
17 respect to the Portapique scene and the lessons that we need to learn from it, how is
18 that going to be mitigated by the RCMP since you and now C/Supt. Campbell, and
19 Assistant Commissioner Bergerman, will all be out of the picture?

20 **C/SUPT. CHRIS LEATHER:** Well I did talk about that in my
21 recommendations, and I think it's, you know, a significant issue, and one that I hope,
22 and will do my very best to live up to my obligations in terms of an effective transition,
23 because while we will benefit from the work of this Commission and the
24 recommendations and report that's produced, that will not be sufficient. And in terms of
25 policing transition, as you noted, and ensuring that three new senior executives that
26 come into the Division have a good understanding of what the pressures are and aren't
27 just reading about it, but actually getting opportunity to spend time with their
28 predecessors. And that's the only way I see us succeeding in terms of that knowledge

1 transfer, onboarding, as Ms. Miller alluded to earlier, and that file knowledge transfer to
2 the incoming senior members to the Division.

3 **MS. JANE LENEHAN:** So, sir, I'm sure you can appreciate that
4 from the perspective of the families of the victims and Nova Scotians in general, all of
5 the evidence that we've heard about this turf warfare, for want of a better term, between
6 the municipal Chiefs and the RCMP Chiefs is frustrating, and I expect there's probably
7 not a whole lot of patience amongst us.

8 What will you do, in terms of your transition plan, to ensure that the
9 information that's needed to address this is passed along to your successor?

10 **C/SUPT. CHRIS LEATHER:** Well again, it's in person discussions,
11 it's a briefing binder, it's a transition document highlighting the priorities. It's in-person
12 meetings, not only individually with my successor, but with the Halifax District Policing
13 Officer, who is also a Chief Superintendent, and the new Commanding Officer, Dennis
14 Daley, when he arrives. If we do this right, it should have at least Janis Gray and Lee
15 Bergerman calling in for some of those discussions. They're retired, after all. I'm not.
16 Better still, attending in person to ensure that this transition happens with the required
17 time and effort that it will take to do the knowledge transfer. And I'm not talking about a
18 half day. It's probably a good two solid days to go through the material and have those
19 discussions and meetings with our colleagues.

20 **MS. JANE LENEHAN:** And where on the priority list is mending
21 fences with the municipal Chiefs and learning to work together?

22 **C/SUPT. CHRIS LEATHER:** Well I hope it's very high on both the
23 list of the municipal Chiefs and the incoming senior executives.

24 But what I will say is we cannot have any more votes of relegation,
25 for instance, as we did recently, when we were relegated to essentially advisory status
26 with the Chiefs. You cannot -- and that's the municipal Chiefs that did that to us. If
27 you're looking to foster discussions, engagement, building public trust, and working
28 together, then actions speak louder than words. If you relegate and remove us from key

1 associations, what do you think or where do you think the expectations in terms of
2 outcomes are going to be for that? Nothing but more difficulties and challenges.

3 So I would expect that those sorts of activities will cease and the
4 new command that comes into the Division will be given the opportunity again to work
5 with their municipal counterparts.

6 **MS. JANE LENEHAN:** Thank you. Those are all of my questions.

7 **COMMISSIONER MacDONALD:** Thank you, Ms. Lenehan.

8 MS. Ward, we'll be breaking some time this afternoon for about
9 20 minutes. You can go now or we can break now, your call. I don't believe that other
10 counsel have questions. I think you're next.

11 **MS. LORI WARD:** We'll break now.

12 **COMMISSIONER MacDONALD:** Thank you.

13 **MS. RACHEL YOUNG:** The MPF also had an option. I don't know
14 -- they have no questions. Thank you.

15 **COMMISSIONER MacDONALD:** Thank you. Twenty minutes.
16 Thank you.

17 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
18 proceedings are now on break and will resume in 20 minutes.

19 --- Upon recessing at 3:22 p.m.

20 --- Upon resuming at 4:04 p.m.

21 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
22 proceedings are again in session.

23 **COMMISSIONER MacDONALD:** Thank you. We'll have the
24 witness return, please.

25 **--- C/SUPT. CHRIS LEATHER, Resumed:**

26 **COMMISSIONER MacDONALD:** Thank you, Chief
27 Superintendent Leather.

28 Ms. Ward? Or Ms. MacPhee?

1 **MS. PATRICIA MacPHEE:** Thank you.

2 **--- CROSS-EXAMINATION BY MS. PATRICIA MacPHEE:**

3 **MS. PATRICIA MacPHEE:** It's Patricia MacPhee for the Attorney
4 General of Canada. I'm here, of course, with my colleagues, Lori Ward and Heidi
5 Collicutt.

6 I just have a couple of questions to ask you. One is about the
7 CISNS bulletin that we've discussed several times over the past two days. And I know
8 you testified that after you learned of this bulletin you did some work to learn more
9 about it. Is that fair?

10 **C/SUPT. CHRIS LEATHER:** Yes.

11 **MS. PATRICIA MacPHEE:** With respect to the actual substance of
12 that bulletin, what did you learn about it? And by that, I mean, you know, what it
13 actually was reporting.

14 **C/SUPT. CHRIS LEATHER:** It was reporting about a -- well, it was
15 a 2010, as I recall, report that detailed information about the gunman, his intentions,
16 about his mental state, and his association to weapons, just going by memory, and
17 where he resided, the fact that he had dual residences, Dartmouth and Portapique, that
18 there was I believe a threat there related to police, and I don't remember much more
19 than that.

20 **MS. PATRICIA MacPHEE:** And Madam Registrar, I'm sorry, I
21 should have perhaps asked you, or at least given you the COMM number. It's
22 COMM0006667.

23 Did you form any conclusions with respect to the reliability of the
24 information therein?

25 **C/SUPT. CHRIS LEATHER:** No, and that to me would have been
26 discovered, at least partially through the interview, pursuant to H-Strong and their
27 investigators in meeting with Corporal Densmore, and then, of course, with the hope
28 that there would be some additional materials or filed information that might assist to do

1 just that, add credence to, learn if there was more reporting, although we doubted it, but
2 of course that didn't come to fruition.

3 **MS. PATRICIA MacPHEE:** Okay. And do you recall having read
4 the CISNS bulletin, did you feel based on your policing experience that there was
5 enough information there to act upon? Or I should say, what types of actions could you
6 take based on the information that was in the bulletin?

7 **C/SUPT. CHRIS LEATHER:** In terms of action. I suppose had it
8 been known to an investigator immediately, as it was in 2010, 2011, there were steps
9 that should be taken. As we learned about it many years later, stating the obvious,
10 there was nothing that we could do outside of looking to determine who the information
11 came from or person or persons, and again, that was part of the H-Strong inquiry and
12 what we were to -- were trying to arrange.

13 At the time, though, in 2010, of course it would have required
14 additional investigation before any sort of, I think before any sort of enforcement action
15 could have been taken. Perhaps the source or sources of information could have been
16 refreshed or would have had additional information, or an active investigation perhaps
17 could have been considered. But in terms of enforcement action, based on the bulletin
18 as a standalone document, very unlikely.

19 **MS. PATRICIA MacPHEE:** And I think we learned that the CISNS
20 bulletin was kept for a period of two years. We've learned that that was the retention
21 that CIS -- CISNS had. Do you know if that same retention period is used for all the
22 information that the CISNS receives and turns into bulletins, for example?

23 **C/SUPT. CHRIS LEATHER:** Well, just in terms of retention of
24 bulletins, and I know it came up in the -- in today's questioning, although I didn't speak
25 to it, of course our, and I'm sure testimony has already been received, our role with
26 bulletins being produced by other agencies is no longer. Of course, this was a service
27 that we provided in that timeframe, in the 2010, 2011 timeframe. That was -- we were,
28 or as CISNS, used to -- as a de facto broadcaster of bulletins on behalf of other police

1 agencies, as we did for Truro in this instance. And so there were bulletins that we were
2 distributing or disseminating on behalf of the other agencies, and of course we had our
3 own bulletins. And the retention periods would have been the same.

4 But that practice doesn't continue. I don't know when exactly when
5 it ended, but it was several years ago. Now each agency has the ability and
6 wherewithal to do that on their own. But for us, the two hour, sorry, two hour, two-year
7 retention, pursuant to a retention schedule, which is set by a national policy, is designed
8 to be inline with a federal privacy policy. I mean, it's -- the governance over the
9 retention periods that we receive from the federal government, which is then overseen
10 by the Privacy Commissioner. So the minute we move beyond a two-year retention, for
11 instance, on this document, we run afoul of federal policy and subject to sanctions,
12 worst case scenario, by the Privacy Commissioner.

13 So it's a very strictly adhered to policy guideline, it's not an arbitrary
14 rule, and it's not even an RCMP decision per se, it comes from the Government of
15 Canada in terms of retention.

16 **MS. PATRICIA MacPHEE:** Okay. And does that stem from,
17 because of course we know that, say, with the CPIC check, I mean anyone's
18 convictions stay on their CPIC record; correct? With respect to the CISNS bulletin,
19 particularly the one we're talking about here, the privacy concerns come into play. Is
20 that tied to the fact that, you know, tied to reliability or, you know, the fact that there's
21 actually no conviction here for anything, it's -- it's just that it's information? Is there -- is
22 there something that weighs into that?

23 **C/SUPT. CHRIS LEATHER:** The simple answer is no. I think
24 intuitively, as you're describing it, it would only make sense because as a standalone
25 document, with no further reporting, with no additional information to validate it, at the
26 time at least, for good reason the government has implemented a retention period as
27 opposed to it being retained, you know, forevermore on a database. While there is
28 obvious advantages for future investigative reasons, it's clear to me that in this instance

1 privacy rights of the individual trump the investigative necessity or requirement. And
2 that's, again, maybe not something that we would subscribe to if it was our decision, I
3 mean, I could see us perhaps expanding that retention period slightly, but the way
4 things are currently organised it's not an RCMP decision.

5 **MS. PATRICIA MacPHEE:** Okay. So what you're saying is that
6 the privacy rights of the individual, the individual rights may trump this desire, perhaps,
7 even by policing agencies to retain information like this bulletin?

8 **C/SUPT. CHRIS LEATHER:** That's what I'm saying, yes, and
9 that's an outside of -- while our policy, of course, mirrors the federal policy that governs
10 us, it would be internal national policy, but it's simply aligned with the federal legislation
11 that informs our policy on this issue. That's where our retention schedules are kept.
12 That's where the internal national policy is retained, informed by the *Privacy Act*.

13 **MS. PATRICIA MacPHEE:** Okay. Thank you. Yesterday, I think
14 we talked a little, or it could have been this morning, we talked about a business card,
15 John Robin's business card. I think you probably still have the photocopy before you.

16 **C/SUPT. CHRIS LEATHER:** I do.

17 **MS. PATRICIA MacPHEE:** Okay. Thanks. And I don't believe this
18 has a COMM number yet, so I think all the Participants have a copy of it. I just wanted
19 to ask you a quick question about this.

20 **C/SUPT. CHRIS LEATHER:** Yes.

21 **MS. PATRICIA MacPHEE:** I'm going to bring you to the right-hand
22 side of the business card. You'll see that it's the French version of the information.

23 **C/SUPT. CHRIS LEATHER:** Yes.

24 **MS. PATRICIA MacPHEE:** And do you understand French? I
25 should have asked you this first, I suppose.

26 **C/SUPT. CHRIS LEATHER:** Not well.

27 **MS. PATRICIA MacPHEE:** Okay. Do you -- can you read or
28 understand what the last two lines of that says on the right-hand side in the French

1 block?

2 **C/SUPT. CHRIS LEATHER:** Response to the Commission Mass
3 Casualty for Nova Scotia, but I could be wrong, de la nouvelle Ecosse. I'm not sure.

4 **MS. PATRICIA MacPHEE:** Thank you. I mean, I think that's a fair
5 representation, I would say, it's in response to the Mass Casualty Commission. But do
6 you see that represented on the English side there?

7 **C/SUPT. CHRIS LEATHER:** No, I don't.

8 **MS. PATRICIA MacPHEE:** Okay. So just looking at that, it's
9 possible that there could have been a mistake perhaps even or an oversight in the
10 creation of this business card ---

11 **C/SUPT. CHRIS LEATHER:** Yes, there is.

12 **MS. PATRICIA MacPHEE:** Sorry?

13 **C/SUPT. CHRIS LEATHER:** There is a possibility that occurred.

14 **MS. PATRICIA MacPHEE:** Okay. Thank you.

15 I just had one other question to ask you. We talked a lot about
16 audits today, about provincial audits and the RCMP. I just wanted to ask you if you're
17 aware of any internal auditing that the RCMP may or may not do in H-Division
18 specifically?

19 **C/SUPT. CHRIS LEATHER:** We do not have a audit bureau,
20 certainly. We used to have Atlantic Review Services years ago. We no longer have
21 that. We can undertake administrative reviews, our own internal reviews, but we don't
22 have a formalized audit process in the division.

23 **MS. PATRICIA MacPHEE:** Okay. Are you familiar with unit level
24 quality assurance?

25 **C/SUPT. CHRIS LEATHER:** Yes.

26 **MS. PATRICIA MacPHEE:** Okay. Can you tell me a little bit about
27 what that is?

28 **C/SUPT. CHRIS LEATHER:** So units are responsible for

1 developing an acronym for everything, their ULQAs annually, and identifying what we
2 refer to as risk areas in their program area that they want to audit and manage, but it's
3 done at the unit level, as the title would suggest. And that information feeds into
4 planning, which feeds into the admin and personal area of the division. So there is an
5 accountability mechanism with ULQAs, but it's, I would call it, decentralized. In other
6 words, it's done at the unit level as opposed to centrally controlled. The reporting is to
7 the centre, or to the centre -- to the division, but there's no centralized function to go out
8 and then conduct audits pursuant to the ULQAs. We would have to identify the need to
9 do that, and we certainly do reviews on exhibits on our own, on drug exhibits especially,
10 on firearms in those high-risk areas, but, sorry, back to your ULQA, yes, we do have
11 that, but it's a decentralized function. And with ULQAs, that's something that every
12 detachment is responsible for and therefore every district, to report on to headquarters.
13 So it comes up through the districts and into headquarters, and there is a reporting, a
14 timeline associated to that, and it's all administrated through -- I wouldn't call it a
15 sophisticated, but a computer database. It's a computer database accessible and that's
16 where the inputs and risking is done is online internally.

17 **MS. PATRICIA MacPHEE:** Okay. What would be an example of a
18 unit? You say it's a unit level. Is that detachment level? Is that ---

19 **C/SUPT. CHRIS LEATHER:** Detachment level ---

20 **MS. PATRICIA MacPHEE:** --- what you're saying?

21 **C/SUPT. CHRIS LEATHER:** --- or if it's not a detachment, let's
22 say, within headquarters, serious and organized crime might have a ULQA, or broken
23 up within that group of 50 or so members, they may have several ULQAs, depending on
24 how they're divvied up. So unit level or detachment level as opposed to program level.
25 So you wouldn't see a ULQA, in other words, for all of general duty policing in the
26 province. It would be too expansive. And by making it unit level, it gives the unit
27 manager the discretion to identify the risk areas. And, of course, that would be tailored
28 upon the detachment or unit that's undergoing the ULQA or performing that ULQA

1 planning and response. And so it ought to be that way, so those units can set and
2 adjust according to their unit and program needs.

3 **MS. PATRICIA MacPHEE:** Okay. And when you say it's -- they're
4 looking at risk level, like, can you give me an example of that? Like, how would a -- you
5 know, would a detachment be looking at its operations for a year and looking at, I
6 assume, high-risk files? Is that ---

7 **C/SUPT. CHRIS LEATHER:** Yeah, high risk --

8 **MS. PATRICIA MacPHEE:** --- what you're referring to?

9 **C/SUPT. CHRIS LEATHER:** --- high-risk files or high-risk areas.
10 Again, I use confidential informers, or notebooks, or exhibit audit, like, exhibits, firearms,
11 investigations, so sex assault investigations -- maybe not a good example, but
12 investigations. There are, off the top of my head, probably 20 risk areas that can be
13 identified, but we normally only would ask a unit to identify 2 or 3 per year to look at and
14 report on quarterly as the year goes through, as to -- as opposed to a whole series of
15 risk areas, because it does take a fair bit of work in terms of reporting, and it waters
16 down the overall quality, I would say, of the ULQA at the end of the year. And so
17 working through that, it's the manager in consultation with his key staff members that
18 identify the areas that they want to assess over that given year. And I would say that's
19 based on experience, intuition. And also, you will see from time-to-time my office will
20 identify areas like notebooks or confidential informers or monies on deposit, for
21 instance, in a detachment as risk areas that we want as part of these ULQAs. But I
22 would say that that's not every year, but we have the ability to push that out to the
23 districts as well.

24 **MS. PATRICIA MacPHEE:** Okay. Thank you. And who in the
25 detachment, I'm assuming it's someone in the detachment is responsible for doing the
26 quality assurance; right? You know, once they choose a type of file that they're going to
27 look at, who's doing that quality assurance?

28 **C/SUPT. CHRIS LEATHER:** It's either being done by the

1 detachment assigned member themselves, or, in the case of confidential informer files,
2 which are essentially only housed in one location in the division, or monies, the option
3 exists within the district to have external NCOs, non-commissioned officers come in and
4 conduct those audits. But to be clear, it would be a responsibility that's shared within
5 the division. I'm not familiar with any cases where we've brought in either the province
6 or another municipal agency to do an audit on our gun inventory, but certainly, in risk
7 areas, I have seen and encourage detachments to bring in senior NCOs from other
8 parts of the province. It provides for some additional objectivity during the course of the
9 review and less connection to the detachment, so the quality of the assessment should
10 be higher based on that.

11 **MS. PATRICIA MacPHEE:** Okay. Thank you very much.

12 **COMMISSIONER MacDONALD:** Thank you, Ms. MacPhee.
13 Ms. Young?

14 **--- RE-EXAMINATION BY MS. RACHEL YOUNG:**

15 **MS. RACHEL YOUNG:** Good afternoon again, Chief
16 Superintendent Leather.

17 **C/SUPT. CHRIS LEATHER:** Yeah.

18 **MS. RACHEL YOUNG:** Following up on what you were asked this
19 morning, that I didn't squarely ask you about a meeting I didn't know about, April 22nd, or
20 a call, in the context of a public inquiry, is there any other information that you have, that
21 you know is relevant and you've not been asked that you would like to tell the
22 Commissioners now.

23 **C/SUPT. CHRIS LEATHER:** No. Those were the two items that
24 were of concern to me, and I don't have any additional items to report on or to provide.

25 **MS. RACHEL YOUNG:** Just a couple of things on the business
26 card used by John Robin.

27 We were able just today to get a COMM number for that. It has
28 been made an exhibit. It's Exhibit 004021, and it's not COMM No. 0060021.

1 Also, newly available to the Participants today is an associated
2 email chain, and that is COMM0060020. Could that document please be made an
3 exhibit, Madam Registrar?

4 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 4022.

5 **--- EXHIBIT No. 4022:**

6 (COMM0060020) Email chain regarding John Robin's
7 business card

8 **MS. RACHEL YOUNG:** You may recall yesterday there was an
9 exhibit that I wasn't able to bring on screen, and we do have it today.

10 Madam Registrar, can you please pull up Exhibit 3954? It's
11 COMM0059946. This is on the topic of audits.

12 As we discussed yesterday, the RCMP's accountable as a
13 provincial police force to the Nova Scotia Department of Justice under the *Nova Scotia*
14 *Police Act*; correct?

15 **C/SUPT. CHRIS LEATHER:** Yes.

16 **MS. RACHEL YOUNG:** And is there any RCMP policy saying that
17 it need only comply with an audit if the RCMP deems the provincial police standards
18 adequate?

19 **C/SUPT. CHRIS LEATHER:** No, adequacy in terms of audits, I'm
20 not familiar with any linkage there.

21 **MS. RACHEL YOUNG:** It would be the Nova Scotia Minister of
22 Justice who decides if the standards are adequate. Is that correct?

23 **C/SUPT. CHRIS LEATHER:** That's my understanding, yes. He
24 was the final signatory once the standards are established.

25 **MS. RACHEL YOUNG:** When you were saying yesterday that you
26 were concerned that Nova Scotia's police standards were dated, was the implication
27 that the standards were too low?

28 **C/SUPT. CHRIS LEATHER:** Well, they're -- yes, both. They're

1 dated and they're, if you look at them, anemic and very difficult to use them to provide
2 any sort of guidance for the most part to our membership in terms of what the standards
3 truly are. And that's not just my assessment. That's the assessment of the Department
4 of Justice as well, which is why we're going through this -- or have been going through
5 this yearlong process to modernize and update the standards.

6 **MS. RACHEL YOUNG:** If the standards are too low and they're
7 applied to the RCMP, then wouldn't the RCMP come out with flying colours after an
8 audit like that anyway?

9 **C/SUPT. CHRIS LEATHER:** Yes. I don't know how useful that
10 audit report would be if we know going into the audit that the standards are
11 unnecessarily low.

12 **MS. RACHEL YOUNG:** Can we see page 7 of the document,
13 please, Madam Registrar?

14 This is an email from David MacLean to you dated December 1st,
15 2020. The subject is "DOJ audit process". We referred to it yesterday, but we couldn't
16 see it.

17 Can you please confirm, is that your handwriting on the document?

18 **C/SUPT. CHRIS LEATHER:** Yes, it is.

19 **MS. RACHEL YOUNG:** And is Mr. MacLean -- was he Hayley
20 Crichton's predecessor as Executive Director of the Public Safety Division?

21 **C/SUPT. CHRIS LEATHER:** Yes.

22 **MS. RACHEL YOUNG:** And that's in the Nova Scotia Department
23 of Justice?

24 **C/SUPT. CHRIS LEATHER:** Yes.

25 **MS. RACHEL YOUNG:** And can we go to the next page, please?
26 In the second-last paragraph there, it was -- is that your highlighting
27 as well on this document?

28 **C/SUPT. CHRIS LEATHER:** Likely.

1 **MS. RACHEL YOUNG:** So the last sentence of that paragraph is
2 highlighted, “The RCMP would remain the owner of the RCMP audit information.”

3 That’s what Mr. MacLean’s telling you. And then you have a note,
4 “No DOJ record”. So are you saying there that you’re concerned about the idea that the
5 DOJ would be able to keep the audit results?

6 **C/SUPT. CHRIS LEATHER:** Well, more a question of, yes, would
7 they also have a copy? Like who is going to have a copy at the end of the day?

8 Presumably the Department of Justice would. We certainly would if
9 it’s an audit on our service. But the next line, which goes to *ATIPP FOIPOP*, is we
10 would need to know how to respond to those requests simply knowing whether it was
11 just retained by us or the province also kept a copy. That’s all it is, is just being clear on
12 where the final report was going to be housed once the audit was complete.

13 **MS. RACHEL YOUNG:** Just to separate those two ideas, did you
14 have any concerns? Did you feel that the Department of Justice should not be able to
15 keep the audit results?

16 **C/SUPT. CHRIS LEATHER:** They should be able to keep them,
17 yes.

18 **MS. RACHEL YOUNG:** And did you have any concerns with the
19 results becoming available to the public? Is there anything wrong with the public
20 knowing audit results?

21 **C/SUPT. CHRIS LEATHER:** No, I don’t see any issue with that.

22 **MS. RACHEL YOUNG:** Because if they identified weaknesses that
23 the RCMP had to improve, then presumably you would also have a response that you
24 were going to work on it; right?

25 **C/SUPT. CHRIS LEATHER:** Correct.

26 **MS. RACHEL YOUNG:** Next page, please.

27 This is an email to you from Robert Doyle. Who is Robert Doyle?

28 **C/SUPT. CHRIS LEATHER:** He’s the previous Administration

1 Personnel Officer in the Division.

2 **MS. RACHEL YOUNG:** This is dated December 4th, 2020.

3 Subject line is "DOJ Audit Process". So this is a part of the same discussion. Is that
4 correct?

5 **C/SUPT. CHRIS LEATHER:** Yes.

6 **MS. RACHEL YOUNG:** Okay. And he says he discussed with --
7 he discusses with Alison in planning. Who's that?

8 **C/SUPT. CHRIS LEATHER:** Alison Matthews, who's the head of --

9 -

10 **MS. RACHEL YOUNG:** Can you explain her role?

11 **C/SUPT. CHRIS LEATHER:** Sorry.

12 **MS. RACHEL YOUNG:** Explain her role, please.

13 **C/SUPT. CHRIS LEATHER:** Yes. Director of Planning and Policy.

14 **MS. RACHEL YOUNG:** For who?

15 **C/SUPT. CHRIS LEATHER:** With the RCMP.

16 **MS. RACHEL YOUNG:** Okay. It says:

17 "She's also provided a very articulate analysis of this
18 request identifying serious faults and risks we would
19 face if we were to proceed."

20 So that means proceeding with being audited by the provincial
21 Department of Justice. Is that right?

22 **C/SUPT. CHRIS LEATHER:** Under the guise of what was being
23 proposed in late November or December of 2020.

24 **MS. RACHEL YOUNG:** Can you explain what you mean by -- or
25 what he meant, your understanding of what these risks were?

26 **C/SUPT. CHRIS LEATHER:** I think it's -- Superintendent Doyle's
27 articulation around those concerns follow in paragraph 2, the lack of policing standards
28 and the ability or inability to measure an audit against standards, his view that they don't

1 have the expertise, training and capacity to conduct the audits. In his opinion, they
2 don't have a deep enough understanding of the audit or MR, which is Management
3 Review, process. And he says, finally, from a departmental security perspective, he has
4 concerns about the Department of Justice accessing our files or information to conduct
5 the audit.

6 **MS. RACHEL YOUNG:** He doesn't say he has concerns about it.
7 He says "I'm challenging their authority to access any of our files/information".

8 **C/SUPT. CHRIS LEATHER:** Yes, he does.

9 **MS. RACHEL YOUNG:** And this is the Ministry that the RCMP is
10 responsible for as the provincial police force, and he's saying he doesn't think they
11 should be allowed to have access to the files.

12 **C/SUPT. CHRIS LEATHER:** That's his -- that's his opinion.

13 **MS. RACHEL YOUNG:** And what did you think?

14 **C/SUPT. CHRIS LEATHER:** Well, I don't necessarily share that
15 opinion, but I have equal concerns with the points that are made and I've made them
16 several times during my testimony at the start of the paragraph.

17 I'm not sure I would share the second point that deals with the
18 expertise, training and capacity. Capacity, yes. But I think in some areas like intimate
19 partner violence they likely do have the expertise, so for me, in other words, it would
20 depend on the particular standard that they were going to be auditing.

21 I don't have an opinion on whether they have a deep enough
22 understanding of the audit process other than to say again what I already said in my
23 testimony, which was they're now looking for us, as in the RCMP and some of the
24 municipal services, to participate with them in helping them to design an audit process.

25 So that, I guess, validates in some way some of Superintendent
26 Doyle's concerns that he's raising here. But the last section, I wouldn't necessarily -- I
27 wouldn't share the same opinion around access to files.

28 **MS. RACHEL YOUNG:** Is it your opinion that it's -- or your

1 understanding that it's optional for the RCMP to comply with audits which are part of the
2 Ministry's efforts to ensure an adequate and effective level of policing?

3 **C/SUPT. CHRIS LEATHER:** I don't see it as an option. Once the
4 standards are established and an audit regime that is agreed upon by the police
5 services, to me, it's a decision of the province whether they're going to be conducting
6 audits and we would participate accordingly.

7 **MS. RACHEL YOUNG:** The last paragraph, he says:

8 "As I mentioned at our meeting, the timing of this is
9 suspicious and it presents yet another case where
10 DOJ has an elementary, at best, understanding of the
11 processes on which they wish to engage us." (As
12 read)

13 What does that mean, "the timing of this is suspicious"?

14 **C/SUPT. CHRIS LEATHER:** I -- I'm not sure what Supt. Doyle is
15 referring to there and I wouldn't want to put words in his mouth in regards to that.

16 **MS. RACHEL YOUNG:** I realize you didn't write it, but as the
17 recipient, and then looking at the timing, which is December 4th, 2020, do you recall the
18 context of this and why the suggestion to restart audits was so negatively received ---

19 **C/SUPT. CHRIS LEATHER:** I've ---

20 **MS. RACHEL YOUNG:** --- by the RCMP?

21 **C/SUPT. CHRIS LEATHER:** Well just going back to that
22 paragraph, my sense is, giving the timing, not so long after the Inquiry was announced,
23 that perhaps there was suspicion that the government was now looking to establish this
24 process and to get on with audits, where they had laid dormant for a period of time in
25 the lead up to the MCC.

26 But again, I'm only going by memory of my conversation with Doyle
27 after I received that. He'd be best to respond to that question.

28 **MS. RACHEL YOUNG:** Is there anything wrong with whether or

1 not there's an inquiry happening just getting moving on getting police standards going,
2 rather than waiting another couple of years?

3 **C/SUPT. CHRIS LEATHER:** Not for me.

4 **MS. RACHEL YOUNG:** Page 19, please. These are meeting
5 notes. Perhaps we could just scroll up to the beginning of the meeting just to appreciate
6 the context. So this is on page 14. We see there's a meeting between the Nova Scotia
7 Department of Justice and RCMP H Division Criminal Operations December 7th, 2020.
8 Purpose is "Collaboration in mutual areas of interest". And it looks like you attended
9 that meeting along with C/Supt. Gray, Insp Auld, and others, and Allison Matthews, who
10 you referred to, and Rob Doyle. Do you recall this meeting?

11 **C/SUPT. CHRIS LEATHER:** I do.

12 **MS. RACHEL YOUNG:** And Mr. MacLean was there, and another
13 colleague of his for the Nova Scotia Department of Justice.

14 If we could go back to page 19, please?

15 So this is part of the same discussion, very close in time? Is that
16 right?

17 **C/SUPT. CHRIS LEATHER:** I'm sorry?

18 **MS. RACHEL YOUNG:** This is part of the same discussion, same
19 general timeframe?

20 **C/SUPT. CHRIS LEATHER:** Same general timeframe where we
21 were discussing standards and audit, yes.

22 **MS. RACHEL YOUNG:** Can we go down to where C/Supt. Leather
23 is speaking?

24 So this portion in red, do you understand that to be something you
25 said? Your name is in the column on the right there. Beside the paragraph above. So
26 I'm just wondering if you also did the speaking in this paragraph in red?

27 **C/SUPT. CHRIS LEATHER:** Yeah, that's what I'm looking at. I
28 agree that my name is beside the first paragraph. I was just beginning to read the red

1 font here.

2 Yeah, that was me talking about -- it looks like, of course it's cut off
3 -- is the collection process that we're going through to collect and destroy out of date
4 and discarded police clothing that had been accumulated across the Division.

5 **MS. RACHEL YOUNG:** So that was with reference to that, as
6 opposed to any audits? Is that right?

7 **C/SUPT. CHRIS LEATHER:** Yeah, I was talking about -- it's more
8 of an initiative that we were undertaking.

9 **MS. RACHEL YOUNG:** Okay. And you mentioned to Ms.
10 MacPhee that there could be some quality assurance done at the unit level. Has that
11 been happening in the last two years?

12 **C/SUPT. CHRIS LEATHER:** Yes.

13 **MS. RACHEL YOUNG:** And have the results of any such self-
14 analysis, if I can call it that, been provided to the Provincial Department of Justice?

15 **C/SUPT. CHRIS LEATHER:** I believe planning provides a snap
16 shot of the ULQAs that are conducted in the Division year over year in a larger general
17 report. But I'm not 100 percent. It's my understanding they do that.

18 **MS. RACHEL YOUNG:** You'd agree that since the Minister of
19 Justice has the responsibility to ensure adequate policing, that it would be helpful to
20 know if the RCMP had identified any of its own areas of improvement, right, that are
21 needed?

22 **C/SUPT. CHRIS LEATHER:** Yes. And that's why I think we do.
23 And if it's not in a more formalized report, going back to my testimony yesterday, where
24 I talked about the number of communications we have with Hayley Crichton, so Dave
25 MacLean's successor, and these are the various things that come up in our
26 conversations. That's either Ms. Crichton with the APO, the Admin Personnel Office
27 staff, so that's Supt. Doyle, Supt. Rodier, Allison Matthews. More on the ULQA
28 budgetary items, and with Insp Auld and I more to deal with operations. So if it's not

1 coming to them in a formal work product, which I believe it is, it's certainly part of the
2 ongoing discussions that we have with the department.

3 **MS. RACHEL YOUNG:** Are you aware of any areas for
4 improvement that have been identified in these unit level quality assurance initiatives on
5 topics relevant to the Commission?

6 **C/SUPT. CHRIS LEATHER:** Well all relevant to the Commission.
7 Yeah, I would say wellness or health and wellness has been -- is one of the ULQA
8 areas that can be reviewed, and I would -- I'm certain that Detachment Commanders,
9 District Policing Officers, would have and have identify that as an area that they wanted
10 to audit over a year since Portapique. So that certainly would be relevant.

11 There's likely some -- well not likely. There are. There have been
12 firearms ULQAs done in Southwest Nova for instance, for sure. Likely in other
13 detachments. Because it is a high-risk area. So the long answer is yes. There would
14 be ULQA product that would be relevant to the actions that we've undertaken since
15 Portapique that would be relevant.

16 **MS. RACHEL YOUNG:** And then does the RCMP then act on
17 them to make the improvements necessary?

18 **C/SUPT. CHRIS LEATHER:** That's the whole point of it; right? Is
19 to identify those risking areas, implement strategies to address any deficiencies, and
20 then to follow up quarter over quarter on what the improvements are that have been
21 introduced, and the improvements that we are seeing and measuring, frankly, success,
22 but the improvements that are made over the year that that particular risk area has been
23 worked on, identified and then worked on, and mitigation strategies implemented.

24 **MS. RACHEL YOUNG:** And are those reported back to the
25 province?

26 **C/SUPT. CHRIS LEATHER:** Again, I want to -- this is all part of
27 what I was talking about before in terms of a general reporting on ULQAs, which I
28 believe does go to the Province. And the Province would be interested, I would

1 suggest, on the trends, as opposed to, you know, a unit level analysis of notebooks. I
2 think it's stating the obvious. So they're more interested in trends across the Division,
3 which is I believe that more generalized reporting is providing. Safe to say that they
4 don't get copies of the detachment level ULQAs. It'd just be filling up their email boxes,
5 quite frankly, with a lot of data and analysis.

6 **MS. RACHEL YOUNG:** Thank you. Those are my questions.

7 **COMMISSIONER MacDONALD:** Thank you, Ms. Young.

8 Commissioner Fitch, do you have any questions for Supt. Leather?

9 **COMMISSIONER FITCH:** Yes. Thank you, Commissioner
10 MacDonald.

11 C/Supt. Leather, it's been a long two days. I appreciate that. And
12 as I've said to other witnesses in the past, I do take notes throughout, and they'll be a
13 little disjointed when I ask them because I've been following along with the questions
14 from Commission Counsel, as well as Participant Counsel. And some of my questions
15 will be backwards looking, and then some of them will be for the, you know, the sole
16 purpose of forward-looking, which even looking in reverse at past decisions, et cetera,
17 will help us going forward as well.

18 So I appreciate your patience and I know it's been a long day, a
19 long two days.

20 I'd like to start, actually, from the back of my notebook here today
21 with picking up the last few questions that Commission Counsel Young just surfaced for
22 us.

23 And I think I have the right COMM number, Madam Registrar. It's
24 59946. It's the email with your handwriting on it with respect to the DOJ audit. I just
25 wanted to take another look, if I could. There was some handwriting on there specific to
26 IPV, if you could bring that back up? It was on the first page.

27 **MS. RACHEL YOUNG:** I believe it might be page 9 ---

28 **COMMISSIONER FITCH:** Page 9?

1 **MS. RACHEL YOUNG:** --- Madam Registrar?

2 Or page 7.

3 **COMMISSIONER FITCH:** Apologies. I didn't write the page
4 number down at the time. Yeah, it's this page, if you can just scroll down a little bit?

5 **MS. RACHEL YOUNG:** Or page 8.

6 **COMMISSIONER FITCH:** Yeah, the last line, it says speak to
7 approach. I can't quite make out the next line, with Dean *[sic]* McLean. Looks like re
8 IPV to date. Are you able to explain that?

9 **C/SUPT. CHRIS LEATHER:** Yes, as best I can, that's referring to
10 Janis Gray, first of all, Chief Superintendent Janis Gray and her conversations to date
11 with Dave McLean on intimate partner violence to date. Chief Superintendent Gray and
12 Mr. McLean were on a joint Department of Justice, RCMP, Municipal Chiefs, I believe
13 Chief MacNeil, as a matter of fact, for at least a year, and they met on several
14 occasions to discuss policy initiatives, which were Department of Justice led but
15 included, as I said -- and I think there was another chief, perhaps Chief Walsh as well
16 from Cape Breton, seeking input. Janis's background made her the right candidate for
17 that, given her extensive work in child abuse and sexual assault investigations from her
18 time in E-Division. So that's what that would relate to.

19 **COMMISSIONER FITCH:** Thank you. Knowing that intimate
20 partner violence has become a key topic with the Commission and our analysis of the
21 context and circumstances of the mass casualty, it's a very important topic, and I note
22 that this is dated in the December of 2020. The -- further down in the document, there
23 was another email or a letter from Rob Doyle that made comment that the analysis
24 showed that there would be a serious risk of failing that we would face if we were to
25 proceed, and that was referenced by Commission Counsel, and later going on to say
26 that DOJ has an elementary, at best, understanding of the process, more or less, that
27 they are asking the RCMP to engage in. I'm just wondering, and I don't want to put
28 words in your mouth, so please clarify if I'm wrong, but the serious risk of failing we

1 would face if we were to proceed, would that be if, based on the current standards,
2 anemic or otherwise, that the RCMP on the topic of IPV would not measure up
3 favourably if they were to participate in an audit on IPV at that particular time?

4 **C/SUPT. CHRIS LEATHER:** My interpretation would be that the
5 audit itself, the process would fail with the standards as they were in 2020 -- and,
6 again, this is Superintendent Doyle's view of things -- if we were to participate in an
7 audit at that time. He obviously had grave concerns about us participating because he
8 felt the standards weren't there and the audit process to go along with it was not
9 developed.

10 **COMMISSIONER FITCH:** So the opposite of that isn't a possibility
11 then that the RCMP wouldn't measure up well with the IPV standard set out by the
12 province at that time?

13 **C/SUPT. CHRIS LEATHER:** It's possible. And, of course, we
14 never did an audit, so it's hard to know where we would have -- how we would have
15 stood up based on an audit that was completed, which never was completed. I don't
16 know how we would have fared with that, but again, that's not my interpretation of his
17 comments.

18 **COMMISSIONER FITCH:** Thank you. Are you familiar with the
19 Canadian Association of Chiefs of Police National Framework on Collaborative Police
20 Action towards intimate partner violence that was launched in 2016?

21 **C/SUPT. CHRIS LEATHER:** I'm not.

22 **COMMISSIONER FITCH:** Okay. So you wouldn't know if the
23 RCMP in their work with the Nova Scotia Association of Chiefs of Police adopted some
24 of that work that was being done at the provincial level through Nova Scotia Chiefs as
25 one of the priority items that the province was working on over the last several years?

26 **C/SUPT. CHRIS LEATHER:** The committees, and I referenced it
27 very briefly earlier, Commissioner, that relate to the work that the NS Chiefs were doing
28 and were resurrected in the last couple of years by the NS Chiefs, I don't believe

1 intimate partner violence was one of the standing committees. I could be wrong. I did
2 not participate in that committee, but I'm certain that it will be stood up if it isn't because
3 that was one of the priorities reiterated to us very recently by the province in terms of
4 policing priorities. And I've already spoke at length about our status that relates to the
5 NS Chiefs, so even if it did -- it was standing, we wouldn't have access to that work
6 currently.

7 **COMMISSIONER FITCH:** Okay. So earlier in our proceedings,
8 Chief Cecchetto, in her previous role as a member of Nova Scotia Chiefs of Police
9 Association and as her former role as president, had actively engaged with Nova Scotia
10 Chiefs and a multitude of stakeholders to advance that work on IPV. So you wouldn't
11 be familiar with that?

12 **C/SUPT. CHRIS LEATHER:** Historically, I'm familiar with it, and, of
13 course, Chief Cecchetto only left about a year or 18 months ago. If there was a
14 committee, frankly, right up to the spring of this year, we would have been participating
15 in it. We had membership in all the committees. I just -- I can't speak to it because I
16 wasn't on the committee. Sorry.

17 **COMMISSIONER FITCH:** Okay. Thank you.

18 Just on the topic of Nova Scotia Chiefs, I know that in the RCMP
19 culture, a lot of times you'll hear RCMP members talk from the staff sergeant level in
20 charge of detachments up to CrOps officer of being equivalent to municipal police
21 chiefs, that they see themselves in the same role as a municipal chief of police. And I'm
22 just wondering, in terms of the association membership with Nova Scotia Chiefs, what
23 was the rank level that participated in those annual meetings and in the working
24 committees? Was there a cut-off point within the hierarchy of the RCMP?

25 **C/SUPT. CHRIS LEATHER:** Yes, it was the same as what we
26 were seeing on the municipal side. So it was commissioned officers, so inspectors and
27 above from the RCMP who were contributing or participating in the committees with

1 their equivalents on the municipal side, so municipal inspectors, deputies and chiefs
2 primarily.

3 **COMMISSIONER FITCH:** So the annual conferences and the
4 annual meetings would be inspector and up that would attend?

5 **C/SUPT. CHRIS LEATHER:** Yeah, you'd see the odd invited
6 senior staff sergeant attend from a large detachment, but they were from the RCMP, but
7 it was primarily inspectors, superintendents, chief supers and the assistant
8 commissioner from the RCMP that would attend.

9 **COMMISSIONER FITCH:** Okay. And did that change any time
10 prior to 2020 in terms of the membership attendance of RCMP to the Nova Scotia
11 Chiefs meetings?

12 **C/SUPT. CHRIS LEATHER:** Only by virtue of, for instance, with
13 northeast NOVA where Staff Sergeant Halliday held the district policing officer position
14 at a superintendent level as a tenured staff sergeant for over a year. So I seem to recall
15 him actually attending in an acting role. But in terms of prior to 2020, again, less than a
16 handful of staff sergeants would have been attending as far as I can recall back to 2019,
17 and then, of course, we hit COVID and there were no meetings for 18 months. But it
18 was commissioned officers.

19 **COMMISSIONER FITCH:** Okay. So jumping around here a little
20 bit, when we were talking earlier today about the call for assistance or not with Truro
21 Police, you had felt that Chief MacNeil ought to have known better to call somebody
22 else at an operational level to offer assistance. Is it fair to say that you as a CrOps
23 officer and second in command of your organization in the province of Nova Scotia
24 shouldn't feel above being reached out to by a municipal police chief at any time,
25 especially in the middle of such a complex unfolding of events that it would make sense
26 that the Chief of Police would call the second in command of the Provincial Police Force
27 to offer assistance, rather than bothering or trying to interfere with people who are
28 closer on the ground that were actively involved in the events. And I'm just wondering

1 about the culture humility, I guess is what I'm getting at. It seems to me that that is a
2 missing factor there.

3 **C/SUPT. CHRIS LEATHER:** Humility, I'm not sure it factored into
4 my description, is to say that, and what I was trying to say was he had the contacts and
5 familiarity with the district policing officers and the detachment commanders who he
6 would have been dealing with and seeing far more frequently than myself, and if he was
7 noticing that I was not getting back to him, which I didn't, and I admitted to this much
8 because of my other pressures, then that's where he should have gone to connect with,
9 and I said I think especially the District Policing Officer, so the Superintendent for
10 Northeast Nova, who he knows quite from well, both from Archie Thompson's time more
11 recently and then previously in the division, because he served twice, so I knew there to
12 be a relationship there.

13 So in non-chaotic times, I totally agree, Commissioner, with your
14 assessment, and Chief MacLean, excuse me, MacNeil and I did speak, and I would
15 encourage the chiefs or the deputy chiefs to have those conversations with me. In
16 these circumstances, where I wasn't getting back or I wasn't available, all I was saying
17 is there were others that more readily available who he knew personally and knew how
18 to get a hold of, who he had more frequent dealings than he did with, say with myself,
19 especially on Operational matters, or certainly his deputy would too, Deputy
20 Chief Hearn.

21 **COMMISSIONER FITCH:** Thank you. I just, you know, from
22 reviewing past transcripts of various members that were involved, it seemed that
23 everybody had their hands full.

24 Just bear with me for a moment. We talked a lot over the last
25 couple of months, actually, about the importance of training, and you've raised some
26 excellent around the perishable skills of training and how the one time training isn't
27 enough. I'm wondering if you have thoughts about the need to expand basic training,

1 generally, in Canadian policing? The RCMP basic training is 26 weeks, I don't know if
2 that includes your coach officer training period or that's just at Depot.

3 **C/SUPT. CHRIS LEATHER:** Just at Depot.

4 **COMMISSIONER FITCH:** And then you have a coach officer
5 training, the APA has I think 24 weeks, the other agencies as well have upwards of
6 20 weeks.

7 So knowing the demands on policing in today's environment, would
8 you suggest that rather than looking at the ad hoc training program, which we're going
9 to need on an ongoing basis anyway just to keep current, that perhaps nationally and
10 provincially we should be looking at increasing standardisation of basic training and
11 lengthening the criteria to get into policing and the length and content of training
12 nationally?

13 **C/SUPT. CHRIS LEATHER:** The short answer is yes, because I
14 think it's inevitable because of the demands on policing. And to your point about the,
15 we'll call it decentralised training or ongoing training, and I tried to refer to that in my
16 testimony yesterday about the sheer volume of those courses, and the constant need to
17 be prioritising them, because otherwise, you end up with a list of 30 to 40 courses that
18 we expect our members to be taking, and to be refreshed on every year or two years,
19 and it becomes daunting and overwhelming.

20 So one of the options, as you alluded to, is moving some of that,
21 especially the, we'll call it more basic or frontline training, that surfaces over time as
22 policing evolves, yes, into the introductory or basic constable training that goes on either
23 at a police college or at Depo. I think that that happens organically anyways, but I think
24 the front-end basic training, with the demands, has to be increased.

25 And it -- more needs to be done at the front-end, to your point, yes,
26 because while that's important, where that also falls down, though, is, for instance, with
27 the CIC training that we talked about because the point I was trying to make there is any
28 learnings from the Commission and the recommendations will be dynamic for the CICs

1 who have yet to go through training, but until they include that in the decentralised
2 training that goes on, and include it in their training standard, I'm not sure that the CICs,
3 for instance, are going to get the requisite training. They probably will because they're
4 on and in terms of what we've been discussing.

5 **COMMISSIONER FITCH:** Thank you. That's actually a good
6 segue into my next question that is focussed on interoperability, and some of the
7 Participant Counsel raised questions about the RCMP reaching out to their law
8 enforcement agencies and partners.

9 So we know that general duty constables from across Canada go
10 through similar forms and lengths of training, whether municipal, provincial, or federal,
11 and a lot of the specialised training, for example, forensic identifications, explosive
12 disposal, critical incident command, and so forth, are housed out of Canadian Police
13 College, so your municipal agencies are getting the same training, the same certification
14 as the RCMP officers.

15 So when we look at it -- and I think Police Dog Services, I think
16 there's a couple of different models out there, but a lot of municipalities go through the
17 RCMP Program as well.

18 Would that not make it easier to accept that some of the municipal
19 agencies have their credentials and the skills to help out as need be? And the reason I
20 raise that is at one point in your testimony yesterday, when we were talking about
21 relying on different services for assistance, you had made reference to there being
22 better options out there, for example, the OPP. And I'm just wondering why they would
23 be any better positioned than some of your municipal counterparts?

24 **C/SUPT. CHRIS LEATHER:** In terms of interoperability or...? So I
25 think for plainclothes, and I talked at great length about, you know, the CFSUs and the
26 integrated units. I think we're there. I think, you know, the history shows that we've
27 established those relationships coast to coast. My concerns were related to the

1 interoperability and those sustained operational frontline deployments. I agree with you
2 in terms of the consistency in training.

3 But as you were talking, I was thinking one of the things that we
4 should consider, and maybe it has been considered, is more integration at the basic
5 constable training level; right? Is to see municipal officers at Depo, and likewise, our
6 members at the Atlantic Police College or the Ontario Police College, or whatever the
7 case, well, that's a bad example because of course I did and we do go, but more
8 integration there is going to ensure both consistency of training and familiarity with one
9 another. Of course we don't do that.

10 And outside of doing it at a police academy, at the front-end, then
11 of course, we need to look for ways to do it within the provinces that our members are
12 working and return to, and that, frankly, has to be governed and directed by the Chiefs
13 of Police, in conjunction with the Province, yes, in terms of being an awareness piece.
14 But developing those programs and ensuring the consistency of standards,
15 employability are there, I hope I didn't make it sound like it was a daunting task, more
16 that it just hasn't been done, and I think we might find that it may not be as much work
17 as we think. But we haven't been through those exercises.

18 **COMMISSIONER FITCH:** Thank you, that's helpful.

19 The fact that I'm flipping through pages is a good sign. It means
20 that a lot of my questions have been answered.

21 Just on the last answer that you gave in talking about the
22 opportunity for general duty members to train together and to work together, which I
23 certainly appreciate that, we've heard from some of the senior members, and also from
24 the general duty members who have been before us in proceedings that there's a
25 general sense that the members on the ground work quite well together and that we've
26 continued to hear that some of the frictions have been within the upper echelons of
27 municipal and RCMP. But when you did your wellness review with the members at
28 Bible Hill, I think it was ---

1 **C/SUPT. CHRIS LEATHER:** And Amherst. Bible Hill and Amherst.

2 **COMMISSIONER FITCH:** Yes. Bible Hill and Amherst. You did
3 get a lot of feedback that suggested that there were frustrations at the ground level as
4 well.

5 Is it fair to say that perhaps it isn't quite as rosy at the ground level
6 as what we've been hearing? Is it more pervasive than perhaps what we've heard?

7 **C/SUPT. CHRIS LEATHER:** I think for Cumberland County and
8 our Amherst Detachment, Amherst PD, I don't believe it is. I wasn't hearing that.
9 Certainly in the Bible Hill Detachment meetings.

10 But what also tends to happen is the senior men on the floor in that
11 case were the *de facto* spokespersons for a number of people, I think, in the instance of
12 one of the sergeants, and they happened to be sharing some of the most concerning
13 issues, but they also shared with us a lot of positive stories too about when the bell
14 rings and not even when it's an officer needs assistance, that's a given, our members
15 are backing each other up consistently across the province. And I would say that it's
16 actually not as pervasive as we might think, and maybe not rosy, but actually it's a good
17 news story for me and it's gladly not an area that I think we need to spend much
18 attention on. Are there pockets? Yes, of course. There would be. But I would say
19 that's more individually driven and it's not something that's pervasive.

20 **COMMISSIONER FITCH:** Thank you. On the topic of sharing of
21 resources, and this has been touched on and largely answered, I think, throughout the
22 course of the day, but it is safe to say that RCMP, ERT for the province, will
23 occasionally be deployed outside of the province, just as J Division came down to help
24 here. H Division has gone to PEI, New Brunswick on occasion. And during those times
25 over the years, has there been occasion where Halifax ERT or Cape Breton ERT have
26 had to cover off in the absence of H Division ERT? And if so, have those been long and
27 protracted events?

1 **C/SUPT. CHRIS LEATHER:** Yes to both. And again, I can only
2 speak to the last three years, really, as it relates to that.

3 The protracted events that come to mind are the two man hunts.
4 The one in Cape Breton, where we worked shoulder to shoulder with Cape Breton
5 Regional Police, including their ERT or their ERT equivalent. I'm not sure if that's the
6 proper term. And our teams worked and relieved each other over several days. You
7 know, there was some bumps along the way, but generally it was an excellent
8 deployment and we had a successful arrest in that case.

9 The other one was in Bridgewater, where we had assistance from
10 Halifax Regional Police. And I don't believe so much so in Bridgewater, but certainly
11 covering for us because our team was there for at least two or three days and we had to
12 bring in resources from outside the province, and then the Halifax ERT moved into a
13 position to helping us out for coverage in the rest of the province.

14 So both; right? Both, in terms of relieving each other at an incident,
15 and an agreement, and I think I spoke about it in my testimony with Cape Breton, where
16 they covered off a call for us in our area of Cape Breton earlier this week or late last.
17 So that's an answer, as I said, where I believe we're doing quite well in terms of relief,
18 backfilling, even training opportunities, and that's advancing quite well. And I give
19 credit, frankly, to our ERT commander and their counterparts with Halifax and Cape
20 Breton, to see that evolve the way it is.

21 **COMMISSIONER FITCH:** Thank you. On the evening of the 18th,
22 or the morning of the 19th, when you received your call from S/Sgt Halliday -- so
23 switching lanes here -- thank you for making your notes on your scratchpad. The -- I
24 know that you were getting briefed up from S/Sgt Halliday and you were making some
25 good notes. As you were being briefed up, were you asking him any probing questions
26 or providing him any advice or direction?

27 **C/SUPT. CHRIS LEATHER:** I don't recall asking him any probing
28 questions, aside from, "Do you have the help you need? Do you have the resourcing

1 and help that you need in the Command Post?" And the answer was yes, he felt he
2 was supported there.

3 In terms of updates, of course I didn't have anything to provide to
4 him. That was very much a one-way conversation. He was providing me with an
5 update. And early on, in that first call, which is, I think, what you're referring to, I
6 wouldn't have provided him any guidance. It was literally an opportunity for him to
7 provide me with an update. I knew that other CICs were either there or on their way,
8 and that both the ERT commander and support services officer, C/Supt. Campbell were
9 fully engaged.

10 And you can tell by the length of the call, I had consumed probably
11 10 minutes or so of his time and I wanted to let him go so he could get back to his
12 responsibilities.

13 **COMMISSIONER FITCH:** Thank you. And typically you would be
14 getting your briefing up from your direct report, Darren Campbell, Supt. Campbell?

15 **C/SUPT. CHRIS LEATHER:** Yes, this is unusual, I would say. I
16 don't normally hear from either -- well, I don't hear from CICs or even District Policing
17 Officers. Typically, in those scenarios, it's usually the support services officer, because
18 he's the authorizing authority for the CIP to go. But again, unusual circumstances,
19 which is why I heard directly from Steve.

20 **COMMISSIONER FITCH:** Thank you. On the issue of the
21 business card for John Robin, does the RCMP have policy or protocol on business
22 cards, what goes on the business card, what the content is, and is there approval
23 process for that?

24 **C/SUPT. CHRIS LEATHER:** Yes to both. There is policy, and
25 typically your line officer has to sign off on, you know, the -- what you want on the card
26 and the number of cards you want. That's the standard process, yes.

27 **COMMISSIONER FITCH:** Do you see any room for improvement
28 in that process? Is it stringent enough? I'm just -- you know, I'm looking at the exhibit

1 that we received today with it clearly written on there, "Nova Scotia Mass Casualty
2 Commission", and I recognize that DOJ noted that en Francais there's an extra word,
3 that potentially this means that it's the response to or liaison to. Would you agree that
4 that business card does not reflect that in English?

5 **C/SUPT. CHRIS LEATHER:** Yes.

6 **COMMISSIONER FITCH:** And that it could be easily misconstrued
7 if it was given out to a member of the public?

8 **C/SUPT. CHRIS LEATHER:** Yes, the English side of the card, I
9 could see it being confusing.

10 **COMMISSIONER FITCH:** And who would have approved that
11 wording on that business card?

12 **C/SUPT. CHRIS LEATHER:** Well, if it went through the normal
13 process, it would have been Assistant Commissioner Daley, that's who Chief Robin was
14 reporting to at the time, as opposed to through the Division, even, right? It would have
15 gone right up to Headquarters for approval. So that -- and, of course, I wouldn't have
16 seen it and I don't think I saw the car until it was in the media myself, if I'm being frank.

17 **COMMISSIONER FITCH:** Okay. It may seem like a small thing,
18 but it is some of these small things that really could perhaps benefit from tightening
19 those processes.

20 I'm getting down in my questions.

21 Building on a question from Mr. MacDonald, Participant Counsel,
22 today, you were talking about the decision -- where the decision would rest in terms of
23 an Alert Ready request going out, and I believe I heard you that you think that that
24 would rest squarely with the Incident Commander in the future?

25 **C/SUPT. CHRIS LEATHER:** Yes. So a similar situation, God help
26 us, if we're immersed in an active shooter, I would expect the CIC -- well, they all have
27 the training and they would be the decision-makers.

1 It doesn't mean, as I said yesterday, Commissioner, that they
2 couldn't or wouldn't want to bounce a certain aspect off one of their colleagues, but they
3 would have the authority under the current policy to have the alert issued.

4 **COMMISSIONER FITCH:** Okay. And in your reply, you'd
5 mentioned that, and that make sense because the Critical Incident Commander is the
6 person that would have the most information and the most up-to-date information in
7 which to make that decision.

8 **C/SUPT. CHRIS LEATHER:** Yes, and he would best understand
9 the risks associated with deploying or not.

10 **COMMISSIONER FITCH:** Right. And we know in this case that
11 there was a considerable lapse in information getting to the Critical Incident
12 Commander, in some cases by hours.

13 **C/SUPT. CHRIS LEATHER:** Yes.

14 **COMMISSIONER FITCH:** So an area, I'm sure, that can stand for
15 some improvement there.

16 (SHORT PAUSE)

17 **COMMISSIONER FITCH:** Just in follow-up to Participant Counsel
18 Lenehan's questions around two officers per car. And, again, some of these questions
19 are forward-leaning. I know in Fire Services and Emergency Health Services,
20 paramedics, there seems to be industry standards around, for example, in the Fire
21 Service, that they have to have x-number of firefighters on a pump truck, for example.
22 There -- to my knowledge, there isn't any kind of industry standard, in terms of staffing
23 for policing, and I'd be really interested to know if you've given that any thought, or any
24 suggestions that you can offer us going forward.

25 **C/SUPT. CHRIS LEATHER:** You know, first of all, I would think
26 that the CLC investigation will speak to this very issue as well; it will surely be relevant
27 to their review of the situation. And as you know, our union situation is in its relative
28 infancy with the RCMP and these are the very sorts of things I think we can see in the

1 next bargaining agreements are on the table for discussion as the -- surely the union will
2 be looking to solidify more around policing numbers and numbers of members on
3 watches, and, by extension, in police vehicles.

4 So I think to answer your question, that it's going to happen one
5 way or another. It's going to happen as a result of the evolution of our union and their
6 negotiations and the working agreements that come from that. And I think there are
7 going to be some strong recommendations, perhaps made by the ESDC -- not speaking
8 for them, obviously, and I haven't been interviewed by them, but that seems to me to fit
9 within their purview, and look forward to seeing what they recommend.

10 **COMMISSIONER FITCH:** Thank you.

11 And this is my last question, and it has to do with the questions that
12 were asked around the provincial audits. And I do appreciate that the Province is
13 modernizing their standards and their audit process. I wasn't quite clear, though, in
14 your explanation of the audit -- the internal unit-level quality assurance, where that
15 goes. I understand that there's a computerized element to that with data input. What
16 I'm wondering is; is there an evaluation built into that quality assurance process?

17 So in other words, once something is identified as a risk area, and
18 some solutions are put to that risk, and it's implemented, presuming it's tracked, is there
19 a cycle of continuous improvement with the evaluation to see if that implementation of
20 the solution to the risk is evaluated, and is that done provincially or is there a -- yeah, if
21 you could just respond to that, that would be great, thanks.

22 **C/SUPT. CHRIS LEATHER:** Good question, and I would say that
23 where that system can break down is with the transfer, promotion, retirement of senior
24 commanders because -- and detachment commanders, unit commanders, because
25 while the system leaves behind a signature in terms of the ULQAs that have been done
26 historically, and it's there for reference from the incoming detachment commander, and
27 those detachment commanders are usually very good at reviewing what has been
28 reviewed historically because that's what they should be doing, and do, is identify new

1 risk areas to look at over the years. So there is that. There's the District Policing
2 Officer's responsibility to be aware and receive input from all the ULQAs that are
3 underway in his or her district; that is occurring and that includes support Services. And
4 there's a report feature or function that provides the Division on the admin and
5 personnel side with that overarching view which, again, I said I believe that report is
6 what is shared then with the Province, which is the Division-wide snapshot of the work
7 that's being done.

8 It's a fairly good program. Are there rooms for improvement? Yes.
9 I don't think the system has been improved in several years, in terms of its inputs and
10 monitoring. But it is effective because it does give the detachment commander a good
11 snapshot, and it's easy for them to go in, in the detachment or remotely, to take a look
12 at not just, as you mentioned, the risk items, but more importantly, what efforts are
13 underway to address the risks; what does the tracking look like? Is the risk item even
14 being addressed in the quarter now that we've just worked through, and if not, why not?
15 So there is that ongoing requirement for the supervisors to manage that and monitor.

16 But I think it's going to be important for -- and I noted it on the
17 email, you'll recall, that was up on the screen, is how is that going to interface effectively
18 with the new audit and standards features that are being implemented by the Province,
19 because surely this can inform a lot of the work that will be or could be done when the
20 Province identifies areas that they want to review.

21 So I'm sure that there will be a feed-in to provide the Province with
22 those snapshots so they can then make informed decisions on the areas that they then
23 want to look at based on the work that we've done through our own ULQAs.

24 **COMMISSIONER FITCH:** Thank you very much, appreciate
25 everything that you've shared in the last two days. I know it's been a heavy lift, and it's
26 greatly appreciated.

27 **C/SUPT. CHRIS LEATHER:** Thank you.

28 **COMMISSIONER MacDONALD:** Commissioner Stanton?

1 **COMMISSIONER STANTON:** Thank you.

2 In our Foundational Document on the Halifax Regional Police, we
3 say that at the time of the mass casualty, the RCMP and HRP, I think, if I'm
4 remembering correctly, that the Major Crime units were integrated at the time of the
5 mass casualty, and I'm just wondering if you know if that is still the case.

6 **C/SUPT. CHRIS LEATHER:** Within CID, so the CID office, there
7 are several units. However, the Major Crime unit from the RCMP, although still housed
8 within CID, so still in the same building beside our headquarters, has changed its work
9 responsibilities and is not working any longer in an integrated function with Halifax CID.
10 So the remainder of the CID resources remain -- officers remain in place. The MC
11 remains housed there, but they're no longer working with their Halifax counterparts.

12 **COMMISSIONER STANTON:** Do you know why that decision was
13 made?

14 **C/SUPT. CHRIS LEATHER:** Yes, there was a breakdown in
15 communication, unreasonable expectations, according to our officer in charge who was
16 working in CID on our members, and the decision was taken to withdraw them. And
17 there was also some issues that surfaced as it related to forensic ident and their support
18 to investigations in CID, particularly, homicides and major crimes. And we had
19 meetings, we being myself, Chief Superintendent Gray, Superintendent Campbell at the
20 time and our Halifax counterparts, along with the two inspectors and superintendent
21 from CID to try to resolve the issue, along with discussions around the still outstanding
22 MOU for CID, and little progress was made on that front. And so those bodies -- those
23 members are there but not integrated at this time.

24 **COMMISSIONER STANTON:** So I guess given you've discussed
25 the benefits of integration, and the goals and so on, and the potential that a change in
26 leadership may assist with progress in that area, but that sounds like an area where
27 some dispute resolution may in fact be helpful at some point.

1 **C/SUPT. CHRIS LEATHER:** There's no doubt because we've
2 been in discussions with HRP now for coming up on a year on these issues and have
3 made little progress.

4 **COMMISSIONER STANTON:** Okay. I'm just following up on the
5 discussion about training. I wondered about recruitment actually and the possibility for
6 the RCMP to move toward having some prerequisites for recruits. We've heard about
7 the Finnish model of a three-year Police University College, which includes participation
8 in policing research as part of the curriculum. In Norway, there's a three-year university
9 program that is a prerequisite. The FBI requires people to be at least 23-years old, to
10 have an undergrad. And in his report and the Merlo Settlement, former Supreme Court
11 of Canada Justice Bastarache's report, he suggests that it's time to re-evaluate the
12 RCMP's application requirements. He suggested post-secondary education and
13 specific skills and competencies, and I just wondered if, given you're heading to the -- if
14 I understood correctly, the modernization taskforce; is it?

15 **C/SUPT. CHRIS LEATHER:** Yes, for federal policing.

16 **COMMISSIONER STANTON:** Federal policing, okay. I'm just
17 wondering if you have thoughts with respect to recruitment prerequisites.

18 **C/SUPT. CHRIS LEATHER:** I think all police services, in Canada
19 at least, would like to see their recruits arrive with at minimum an undergraduate
20 degree, and I think there was a time in fact where that was, if not the stated
21 requirement, the unwritten rule. But what's happened with policing, I would say over the
22 last five years especially, it's becoming more and more difficult to recruit candidates to
23 policing. And what's naturally occurred is the standards for entry and education in
24 particular seems to have gone down along with that. So as the interest level has
25 decreased, the standards have decreased as well in many ways in terms of the
26 qualifications that we see for some of the recruits that are entering the RCMP, but not
27 just the RCMP, other services as well. So we're a victim of our own inability to recruit,
28 and some of the best and brightest who we historically may have attracted to policing

1 are going into other career paths. And I know it's a concern of the Commissioners, and
2 she has created a new taskforce led by Director General Chief Superintendent to really
3 look at identifying strategies, working with our Depot Division in Regina to begin to
4 address or continue to work on some of the initiatives that we've already implemented.
5 So it is getting the attention and focus that it needs internally. Time will tell whether
6 we're successful in creating a larger pool of recruits, but there is no magic button.
7 There's no panacea for that, and it's an issue that all police services, as I say, are
8 wrestling with.

9 And so on that, I know that CACP, for instance, has a committee
10 that works on this very issue, because it is a pan-policing in Canada, and we would
11 have membership on that committee. And my guess is we have some of the
12 headquarters folks that I'll be working with who sit there and they work on strategies to
13 identify methods to improve our recruiting and retention.

14 **COMMISSIONER STANTON:** So I think it might be related then to
15 one of the criticisms is -- also in the -- you can tell I've been spending a little bit of time
16 with some past reports with the Bastarache Report and with the Brown Report. He --
17 Bastarache's Report has a criticism of adopting a model of not backfilling leave
18 positions, which creates both operational and cultural difficulties in detachments, and
19 that was further to the 2007 Brown Report that noted what he referred to as
20 unacceptable vacancy rates in every detachment he visited and concluded that there
21 was an inability to fill vacant positions. So I just wondered if there -- maybe it's related,
22 or if there are separately steps that the RCMP's taken to address that aspect of the
23 situation.

24 **C/SUPT. CHRIS LEATHER:** It's a complex issue, for sure. That's
25 the off-duty sick file, in particular, that I think you're referring to, and the vacancy
26 patterns that that creates, not for this division but others. We need to have that
27 insurance policy in place for our members, so they can recover, and return to work, and
28 be supported while they away from the workplace. But to your point, Commissioner,

1 while they are gone getting the help they need and hopefully returning, it does create a
2 blockage to the position that they were working in while they're away for months or
3 years, while they're getting better.

4 **COMMISSIONER STANTON:** I think in the Bastarache Report, it
5 might have been also with respect to mat leave.

6 **C/SUPT. CHRIS LEATHER:** Mat leave as well, yes.

7 **COMMISSIONER STANTON:** M'hm.

8 **C/SUPT. CHRIS LEATHER:** Mat leaves create a block position
9 because those members almost always return to the workforce. We don't have a
10 strategy currently to backfill those positions. It's the -- I won't say the bane of our
11 existence, but it's a constant pressure that all commanding officers are dealing with,
12 another issue that is affecting us coast to coast. There is no real solution to that
13 because there is significant financial implications. If you begin to fill those positions and
14 then those members come back from their sick leave, and then you're in a surplus
15 situation, so then you're looking at moving people out of the detachment or unit, and it
16 creates a whole host of human resource challenges as well.

17 But this too, like the recruiting challenge, is one that is under
18 constant study and review by the commanding officers and our counterparts at
19 headquarters to come up with strategies, but it's a difficult one.

20 **COMMISSIONER STANTON:** I think Brown's suggestion was that
21 the federal government needed to re-examine RCMP priorities and determine if things
22 weren't a priority, then discontinue them. And but it relates a bit to another aspect of his
23 report and to testimony that we've heard here from one of the members of H-Division
24 about RCMP officers being mired in administrative tasks, and that's -- I mean, RCMP
25 officers mired in administration was a header in one of the reports, the 2007 Brown
26 Report. And we've heard a lot about multi-year financial planning and negotiations with
27 the Nova Scotia government about filling positions and the need for more resources and
28 so on, but let's assume that there will not be more resources, and the testimony that we

1 heard was the members spend a considerable amount of time at their desk doing
2 paperwork when they really prefer to be out in the community doing community policing
3 and learning the geographic areas that they're part -- you know, responsible for.

4 So I just wondered if the RCMP's taking any active steps to study
5 how members are using their time, for starters? And then, whether efficiencies can be
6 sought, obviously with respect to technology or software that would reduce some of the
7 paperwork and streamline some of the systems. And in some ways it relates back to
8 recruitment and training on technologies that could make things more efficient, but first,
9 are there steps taken to study how members' time is used?

10 **C/SUPT. CHRIS LEATHER:** We know that there are, just in
11 Halifax, in the HRM, there are two different policing models, which are relevant to your
12 comments and question. One that Halifax uses, which I am more used to in municipal
13 policing from my start in policing, which is where the frontline members are doing more
14 of that work, frontline work, and the investigations go to the Criminal Investigation
15 Bureau or Division, in the case of CID here. And it certainly means for more members
16 on the road, on patrol, doing their primary function, answering calls and enforcing the
17 laws.

18 It's not as strong in terms of developing our members because until
19 they get an opportunity to move into plainclothes or into CID, they don't get the
20 exposure to investigations. That's more akin to our model, where our GD members will
21 do everything, up to a major investigation, just before it goes to, say, a specialised
22 policing unit.

23 Very different models. The upside to that model is it allows for
24 better officer development, but the large downside to it is it does exactly what you're
25 talking about. It mires those members in administration and preparing Crown briefs and
26 doing investigations in the detachments, away from their general duty patrol work.

27 And those two policing models, as I've described in a very
28 rudimentary sense, is part of where some of the rub is between HRP and our RCMP

1 members in the district, and it just exemplifies the different models. And it's not that one
2 model is better than the other, but they have a hard time co-existing with one another
3 because they're -- both those models are supposed to be feeding into a CID.

4 As you mentioned, technology, civilianisation of non-operational
5 duties, these are certainly strategies that we've been looking at for many years. I think
6 out of those two, and I mentioned it in my recommendations, but very specifically
7 related to communications. I think technology is a -- has a much larger role to play than
8 civilianisation, for instance, and while it's costly, if we're talking about sustainability,
9 which we are now in this province, we have to look very seriously at leveraging
10 technology to make those types of shifts in the way that we do policing, there's no doubt
11 about it.

12 I don't have any specific recommendations to give on that, other
13 than to say these are areas that we're looking at in the division, that National
14 Headquarters is looking at, but these are long-term studies, and they are areas that
15 again I know the CACP looks at as well, that's the Canadian Association of Chiefs of
16 Police, to come up with strategies to help us become more efficient.

17 **COMMISSIONER STANTON:** So just the -- in terms -- I get the
18 studying of the different models, but are you measuring the time that members are
19 spending on various tasks ---

20 **C/SUPT. CHRIS LEATHER:** Not currently we're not.

21 **COMMISSIONER STANTON:** Okay.

22 **C/SUPT. CHRIS LEATHER:** We're not. There are programs that
23 would allow us to do that. Of course, they're more administration for the members
24 because they're having to account for their hours, literally, at the end of their shift and
25 distribute that into a system. It would be helpful to implement that for two or three
26 months just to get a sense of where we are in terms of administration versus operations,
27 but we haven't done that certainly in the three years that I have been in the division to
28 do that sort of workplace analysis in terms of their hourly workflow.

1 **COMMISSIONER STANTON:** Because it would seem to me to be
2 helpful. I mean, we've heard anecdotally about the amount of time that is spent on
3 mental health calls that are not necessarily utilising the skillset, and so having the data
4 at the outset in order to determine where the streamlining needs to occur seems to me
5 to be ---

6 **C/SUPT. CHRIS LEATHER:** It would be helpful.

7 **COMMISSIONER STANTON:** --- a helpful start.

8 The -- it does seem that you have spent -- you've given a lot of
9 thought to sort of operational recommendations, which I appreciated hearing yesterday
10 and today. One of the things that's come out of a number of past reports with respect to
11 the RCMP is the suggestion that it's time to discuss a fundamental change in the
12 organisation of the RCMP and in policing. And I -- again, I understand you're going to
13 be part of the Modernisation Initiative that's under -- that's underway, but as is -- as is
14 often said, "culture eats policy". And I wonder if you see an appetite amongst
15 leadership for assessing and identifying the issues that need improvement?

16 **C/SUPT. CHRIS LEATHER:** As you would know, Commissioner,
17 the Province has initiated a policing review. There's a number of jurisdictions in the
18 province as well in terms of counties that have asked for policing reviews. There's the
19 Commission that's underway. And safe to say that the government, the Provincial
20 Government, probably the Federal Government as well in terms of public safety, are
21 waiting for the results of those reviews because they will include stakeholder
22 engagement with the communities where these reviews are being done in, Halifax,
23 Colchester, Cumberland, the list goes on across the province.

24 And you don't have to be an academic to recognise that the tides of
25 change are upon us in policing, and I would say, almost frankly, we don't have a choice.
26 I mean, there is going to be a change in policing in this province, and in other provinces,
27 and those reviews will be... In other words, I welcome the reviews because they will be
28 helpful and they will clearly message to us what the expectations of the public are,

1 which would include looking at the modelling of policing in this province, provincial,
2 regional, federal policing, as it is, and that's inevitable. It's occurring as we sit here.
3 And we look forward to the results of those reviews.

4 But also being given the chance to provide our input, as you're
5 providing me with now in this venue, with our thoughts and input on the good, the bad,
6 and the otherwise with -- and what comes with those different policing models. I think
7 it's fair to say that the current model is not sustainable, I've said that two or three times
8 already. But what the end state is, I think that that's exactly what these reviews will tell
9 us, and that's exactly what the government's waiting for in terms of their deliberations on
10 what policing looks like here in the future.

11 **COMMISSIONER STANTON:** I guess the thing is that there --
12 there's been quite a number of reviews and some recommendations that come up time
13 and time again, and I wonder if you've thought about what the barriers to
14 implementation of some of those repeated recommendations might be. It seems to me
15 that it comes back to culture quite often, and perhaps, you know, when you say you're
16 having difficulty attracting recruits, that, you know, it may be that a culture shift will
17 assist with that.

18 Thinking about the information that we received from the former
19 rector of the Finnish Police University College the -- 91 percent of people in Finland
20 have trust in their police force, and it's one of the highest rates in the world. And we're
21 all here because of a loss of trust. And so I'm really interested in finding ways to
22 address the barriers that it seems there have been to some implementation, and how
23 we might ensure that the people that we want to answer the calls to help in public safety
24 and community safety will be encouraged to engage in picking up recommendations we
25 might make and implement them.

26 **C/SUPT. CHRIS LEATHER:** A couple comments in terms of the
27 Finnish study. It seems to me those are the very reports and the kind of engagement
28 that we should be having with those senior police officials, or university officials that are

1 involved in those programs. Why reinvent the wheel is what I'm saying. Clearly they've
2 demonstrated a high level of success. And are there methods, and techniques, and
3 cultural changes that they've made that have given them such a high-level approval
4 rating? It's staggering, actually, to hear that.

5 But, you know, those sorts of levels of engagement wouldn't be
6 occurring at even the level of a Commanding Officer, the CrOps Officer, unless asked.
7 These are typically nationally driven initiatives. And it will be important for our
8 headquarters to learn of that. I'm sure they already know. But in terms of your
9 comments about the recommendations, well I don't think you need to be told, but all
10 levels of government are eagerly looking forward to the report and recommendations,
11 and I have no doubt, as they were with MacNeil, the MacNeil Review, the
12 Recommendations, the After-Action Reporting will be done in a timely way.

13 I think though, as you've seen and has been illustrated by some of
14 the counsel here, the passage of time is what is hard on the recommendations. Any
15 Commission's recommendations, it's the sustainability of the recommendations that are
16 made and the program changes that need to be made from the recommendations, as
17 opposed to a checklist approach. I'm not suggesting we took that, but if that was the
18 approach, to be able to demonstrate that we've met the recommendations. But there
19 needs to be a sustained After-Action to go along with it. You know, that literally has to
20 be a recommendation unto itself, that this can't be perishable and that we look at things
21 like the effect of transitional plans and things like that as a way to ensure that the
22 learnings don't fade when members retire, resign, and move on in the senior leadership
23 positions, because I'm afraid that could happen.

24 **COMMISSIONER STANTON:** Right. So I mean in addition to
25 obviously the leadership that's required, accountability mechanisms need to be built in.
26 And we've talked a bit about audits. And I just wonder if there's any other thoughts with
27 respect to what might be effective accountability mechanisms for ensuring the kind of
28 uptake that we all would like to see?

1 **C/SUPT. CHRIS LEATHER:** Well I think that's going to be crucial
2 for, in the Province of Nova Scotia, for the Department of Justice to embrace the
3 recommendations. And I'm sure they will. And to see those reflected in the standards
4 and in the audit process is that we spent so much time discussing. There's your
5 accountability mechanism for policing in the province in the post-Commission year or
6 years that follow. And that's where those recommendations should and could show up.
7 And of course, there will be policy change, but in terms of ensuring accountability, I
8 think it really needs to be driven through the standards and the audits of the police
9 services across the province, including ourselves. That's where you're going to see the
10 recommendations sustained.

11 **COMMISSIONER STANTON:** Okay. Thank you so much.

12 **COMMISSIONER MacDONALD:** C/Supt. Leather, thank you.
13 Thank you for helping us with our very challenging tasks. And we have difficult
14 conversations every day in our work, but they're very important conversations and we
15 really appreciate the fact that you've been here for two full days, not just answering our
16 questions, the collective "our" questions, many of them very difficult but necessary, but
17 also thank you for your insights. We really appreciate it. So you've assisted us with our
18 work and for that we're very grateful and appreciative.

19 And you're free to go, sir. Thank you.

20 **C/SUPT. CHRIS LEATHER:** Thank you, sir.

21 **COMMISSIONER STANTON:** Ms. Young?

22 **MS. RACHEL YOUNG:** Thank you. I don't have anything for the
23 witness, Commissioners. I just had a quick point of housekeeping before we ---

24 **COMMISSIONER MacDONALD:** Oh, sorry.

25 **MS. RACHEL YOUNG:** --- adjourn.

26 **COMMISSIONER MacDONALD:** Sorry. Ms. Young?

27 **MS. RACHEL YOUNG:** So since the Commission won't be sitting
28 again until August 22nd, I was asked just to put a bit of housekeeping on the record.

1 On July 11th, 2022, Commission Counsel exhibited a bundle of
2 documents, which are Exhibit P003364, and apparently that bundle included a
3 document number CORR0000231. And I've been asked to just correct that it should
4 now be COMM0059746. But still have the same exhibit number.

5 **COMMISSIONER MacDONALD:** So noted. Thank you ---

6 **MS. RACHEL YOUNG:** Thank you.

7 **COMMISSIONER MacDONALD:** --- so much, Ms. Young.

8 **COMMISSIONER STANTON:** Thank you, counsel. And thanks
9 again to the witness. Thanks to counsel for your questions.

10 Over the last four days, we've sought information from two senior
11 RCMP officers involved in the response to the mass casualty, including lessons learned,
12 changes made to date, and opportunities for additional changes and improvements.

13 We do look forward to exploring these areas more when
14 proceedings resume on October -- sorry, good Heavens, August 22nd. And we'll hear
15 from retired Assistant Commissioner Lee Bergerman and from Commissioner Brenda
16 Lucki at that time.

17 In the meantime, we encourage members of the public to access
18 the extensive and comprehensive information available on the Commission's website
19 about what happened, how, and why. This includes all the Foundational Documents,
20 supporting source materials, commissioned reports, and recording of earlier
21 proceedings.

22 We are still welcoming public submissions through our website,
23 where you can share your suggestions about recommendations or ideas for change.

24 Thanks again to everyone who makes the proceedings possible,
25 including the Participants and their counsel, the Commission team, our technical
26 partners, the media, and members of the public.

27 A special mention today, please, to our Registrar, Darlene
28 Sutherland, and Alex sitting there next to her. Darlene has been doing a fantastic job of

1 pulling up last minute documents and marking exhibits and we are very, very grateful to
2 her, as I'm sure are Participant counsel too for her agility and patience with all of us.

3 We've come a long way together in our work. Soon we'll be moving
4 in focus in greater detail on the recommendations that we hope will help make our
5 communities safer.

6 The Commission team will continue working over the coming weeks
7 to prepare for that phase, and for the upcoming witnesses.

8 Until then, please do get some rest and enjoy the summer. And
9 we'll be back with you when proceedings resume on August 22nd.

10 Thank you.

11 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
12 proceedings are adjourned until August 22nd, 2022 at 9:30 a.m.

13 --- Upon adjourning at 5:52 p.m.

14

15

C E R T I F I C A T I O N

16

17 I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing
18 pages to be an accurate transcription of my notes/records to the best of my skill and
19 ability, and I so swear.

20

21 Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hauts
22 sont une transcription conforme de mes notes/enregistrements au meilleur de mes
23 capacités, et je le jure.

24

25



26 Sandrine Marineau-Lupien

27