

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. Robert Pineo	Counsel / Conseiller
Ms. Kelly McMillan	Counsel / Conseillère
Mr. Thomas Macdonald	Counsel / Conseiller
Mr. Joshua Bryson	Counsel / Conseiller
Ms. Patricia MacPhee	Counsel / Conseillère
Ms. Tara Miller	Counsel / Conseillère
Ms. Lori Ward	Counsel / Conseillère

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Halifax, Nova Scotia

--- Upon commencing on Monday, August 22, 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: Good morning. Bonjour et bienvenue. Welcome back. We hope you had some time to rest and recharge over the last few weeks.

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

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

Our work as Commissioners includes bringing forward findings and recommendations to help make our communities safer. Working with our Commission team, Participants and their counsel, witnesses, community representatives and many others, we continue to explore what happened, how and why it happened and share what we are learning with the public as we progress through each phase of our work.

During proceedings this week, we will hear from another two senior RCMP officers about their roles in response to the mass casualty. In particular, we are keen to learn about lessons learned, changes made to date and opportunities for additional changes and improvements.

Today we will hear from retired Assistant Commissioner Lee Bergerman, who was the RCMP's Commanding Officer in Nova Scotia at the time of the mass casualty.

In addition to what she has already provided during her earlier interviews with the Commission, we anticipate Assistant Commissioner Bergerman will

1 be able to share more on a range of topics including RCMP culture, the psychological
2 autopsy of the perpetrator, after-action reviews, and issues related to leadership and
3 supervision.

4 We have time reserved tomorrow morning to continue with
5 Participants' questions for Assistant Commissioner Bergerman as needed.

6 Tomorrow afternoon, we anticipate hearing from Commissioner
7 Brenda Lucki, the RCMP's national leader, with more time reserved to hear from the
8 Commissioner on Wednesday.

9 On Thursday, we will hear from Chief Dan Kinsella of the Halifax
10 Regional Police.

11 I will now ask Senior Commission Counsel Rachel Young to begin.

12 **MS. RACHEL YOUNG:** Good morning, Participants and everyone.
13 We're ready for the witness.

14 **--- A/COMMR LEE BERGERMAN, SWORN**

15 **--- EXAMINATION IN-CHIEF BY MS. RACHEL YOUNG:**

16 **MS. RACHEL YOUNG:** Good morning, Ms. Bergerman. You were
17 Commanding Officer of "H" Division of the RCMP in Nova Scotia at the time of the mass
18 casualty events?

19 **A/COMMR LEE BERGERMAN:** Yes, I was.

20 **MS. RACHEL YOUNG:** And you're now retired?

21 **A/COMMR LEE BERGERMAN:** Yes.

22 **MS. RACHEL YOUNG:** I've already interviewed you for a full day,
23 so I'm not going to cover the same ground that we covered in that interview. I would
24 like to make the transcript of former Assistant Commissioner Bergerman's interview an
25 exhibit now, please. It's COMM0062441.

26 **REGISTRAR DARLENE SUTHERLAND:** And that's Exhibit 4141.

27 **--- EXHIBIT No. 4141:**

28 (COMM0062441) Transcript of Mass Casualty Commission

1 Interview of Assistant Commissioner Lee Bergerman, August
2 2, 2022

3 **MS. RACHEL YOUNG:** In that interview, we talked about your
4 background, your role and what you did during the mass casualty events and the
5 immediate aftermath, your role in public communications, relations with the province
6 and various areas of responsibility during your time as the rank as Assistant
7 Commissioner and then the role as Commanding Officer of "H" Division; right?

8 **A/COMMR LEE BERGERMAN:** Yes, we did.

9 **MS. RACHEL YOUNG:** Since you did retire almost a year ago, I'm
10 hoping to get some perspective from you from a bit of a distance, if possible.

11 Today what I'm going to ask you about is RCMP culture, the
12 psychological autopsy of the perpetrator, the role of the Issues Management Team, "H"
13 Division leadership issues, supervision of frontline officers, police advisory boards and
14 local governments, your communications with CAOs or municipal representatives after
15 the mass casualty, and a little bit about community policing. And then counsel for
16 Participants will have questions, okay?

17 **A/COMMR LEE BERGERMAN:** Yes.

18 **MS. RACHEL YOUNG:** Starting with the culture of the RCMP, I'd
19 like you to help the Commissioners understand how change gets implemented at the
20 RCMP. For example, when they make their recommendations, would the commander
21 of "H" Division have any ability to consider them and implement them directly, or does
22 this only happen at a national level?

23 **A/COMMR LEE BERGERMAN:** No, it doesn't happen only at the
24 national level. I would imagine there will be some recommendations that would be a
25 national initiative. But if at all possible, the Commanding Officer can implement those
26 changes. You know, I'm guessing there might be funding issues or resource issues, but
27 certainly they would have the ability to do that.

28 **MS. RACHEL YOUNG:** If there are funding and resource issues,

1 can the Division work directly with the Province of Nova Scotia to make certain things
2 happen?

3 **A/COMMR LEE BERGERMAN:** Yes.

4 **MS. RACHEL YOUNG:** Who within the Division would do that?
5 Would it be the Commanding Officer at the time?

6 **A/COMMR LEE BERGERMAN:** When the recommendations
7 come from the -- yes, it will be.

8 **MS. RACHEL YOUNG:** And I understand that's to be Dennis
9 Daley now?

10 **A/COMMR LEE BERGERMAN:** Yes.

11 **MS. RACHEL YOUNG:** And how is any progress tracked that "H"
12 Division wants to make?

13 **A/COMMR LEE BERGERMAN:** Well, similarly to what we did with
14 the MacNeil Report, I'm sure that's been entered here as an exhibit, like the initiatives or
15 recommendations that are complete. I would imagine similarly, that would be a good
16 way to track implementations that are able to be completed within the Division, so
17 there's obviously going to be ones that are more national in scope, not just for the
18 RCMP, but for all policing.

19 So I would imagine that there would be some sort of national
20 tracking system for that.

21 **MS. RACHEL YOUNG:** In your experience, can the culture of the
22 organization act as a barrier to implementing recommendations?

23 **A/COMMR LEE BERGERMAN:** Not in my experience. I've always
24 been involved with change within the RCMP. I mean, I joined over 36 years ago, so a
25 lot has changed, you know, particularly for women in the RCMP. So I don't see a lot of
26 barriers. I think there has been over the years, but I think that's much better.

27 **MS. RACHEL YOUNG:** When Chief Superintendent Leather
28 testified on July 28th, and this would be page 174 and 76 of his hearing transcript, he

1 was having an exchange with the Commissioners about change in the RCMP. And I
2 understood him to be saying that if cultural change is needed within the RCMP that a
3 culture change would typically need to be nationally driven.

4 Do you -- do you agree with that?

5 **A/COMMR LEE BERGERMAN:** Yes.

6 **MS. RACHEL YOUNG:** Who has the most influence on the
7 mentality of RCMP members, do you think? Would it be the immediate supervising
8 officers or senior officers in the Division or the national leadership?

9 **A/COMMR LEE BERGERMAN:** I think it can be all three. Based
10 on my own experience, mentors that I had and respected had a lot of influence on me.

11 **MS. RACHEL YOUNG:** And would the attitude of immediate
12 members towards the senior leadership affect the members' views of the senior
13 leadership?

14 **A/COMMR LEE BERGERMAN:** Sorry. I don't really understand
15 that question.

16 **MS. RACHEL YOUNG:** So like if an immediate supervisor said,
17 "Oh, this is what they're saying from Ottawa but, you know, who cares?" or is it -- or if
18 they say, "This is what our leadership is saying. That's really important. We need to do
19 it".

20 **A/COMMR LEE BERGERMAN:** That's what I would expect.

21 **MS. RACHEL YOUNG:** The latter?

22 **A/COMMR LEE BERGERMAN:** The latter, yes.

23 **MS. RACHEL YOUNG:** Okay. And Chief Superintendent Leather
24 also testified that accountability for implementing any recommendations coming out of
25 this inquiry needs to be driving by policing standards and audits of police services by
26 the provincial government, and that was in his testimony of July 28th at page 177.

27 Do you agree with that?

28 **A/COMMR LEE BERGERMAN:** I do.

1 **MS. RACHEL YOUNG:** Does the RCMP view it as mandatory to
2 participate in provincial audits, or is that something that it does voluntarily?

3 **A/COMMR LEE BERGERMAN:** Well, we didn't know whether -- I
4 didn't know whether it was mandatory or not, but we always participated in them.

5 **MS. RACHEL YOUNG:** Chief Superintendent Leather did testify
6 that he felt at a certain point that the standards in Nova Scotia were not adequate and,
7 therefore, he was reluctant to participate in the audit process. Are you aware of that?

8 **A/COMMR LEE BERGERMAN:** Yes, and that was a recent audit.
9 And I know that the Department of Justice is working with the
10 policing agencies in Nova Scotia to develop policing standards, so it was the thought
11 within, I know in the Criminal Operations that let's get our policing standards in place
12 and then do appropriate audits so that at least we have a matrix in place.

13 **MS. RACHEL YOUNG:** And when you say Department of Justice
14 in that context, you're referring to the Department of Justice Nova Scotia?

15 **A/COMMR LEE BERGERMAN:** Yes, I am.

16 **MS. RACHEL YOUNG:** Can the Province compel the RCMP to
17 make operational changes as a result of an audit, or would that be something that would
18 need to be done voluntarily by H-Division or ordered by National Headquarters to
19 H-Division?

20 **A/COMMR LEE BERGERMAN:** The Province could do that,
21 working with, in consultation with the policing agencies within Nova Scotia, and the
22 RCMP, obviously.

23 **MS. RACHEL YOUNG:** Can you give the Commissioners a sense
24 of how the RCMP as an institution learns?

25 **A/COMMR LEE BERGERMAN:** By, well, after action reviews. But
26 I think the work of the Commission here is going to be extremely important for, not only
27 RCMP learning, but all policing agencies.

28 **MS. RACHEL YOUNG:** So that's where feedback might come

1 from, but then how, if at all, is it then absorbed and translated into change?

2 **A/COMMR LEE BERGERMAN:** Yes, it is. And I'll give you an
3 example of, obviously not the scope of this Commission, but the MacNeil Report, that
4 was taken very seriously post recommendations, and the implementation of those
5 recommendations were taken very seriously and implemented in the Division and
6 across the country.

7 **MS. RACHEL YOUNG:** Do you think the RCMP is open to learning
8 from past mistakes ---

9 **A/COMMR LEE BERGERMAN:** Yes.

10 **MS. RACHEL YOUNG:** In terms of accountability to the public,
11 was H-Division during your tenure free to communicate to the media as it saw fit, or was
12 that controlled by National Headquarters?

13 **A/COMMR LEE BERGERMAN:** It was both. In the aftermath of
14 the mass casualty, certainly.

15 **MS. RACHEL YOUNG:** We did already talk in your interview about
16 the April 28th, 2020 press conference and the meeting ---

17 **A/COMMR LEE BERGERMAN:** Yes.

18 **MS. RACHEL YOUNG:** --- the meeting afterwards with
19 Commission Lucki -- Commissioner Lucki, but we didn't talk about the Fifth Estate
20 interview that was contemplated for the fall of 2020. Do you recall that in September of
21 2020, you approved then Superintendent Campbell appearing in an episode of the Fifth
22 Estate, and maybe we can just show that approval to see if it refreshes your memory.
23 It's COMM0054815.

24 Is that already an exhibit, Madam Registrar?

25 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 4142.

26 **--- EXHIBIT NO. 4142:**

27 (COMM0054815) Assistant Commissioner Bergerman approval of
28 Lia Scanlan's Fifth Estate Proposal

1 **MS. RACHEL YOUNG:** This is an email chain, and at the top
2 you're approving a request, and it's from Ms. Scanlan, who is the H-Division Director of
3 Communications. She says she's drafting, sorry, attaching a draft for your approval.

4 And if we could just look at the attachment, it's COMM0037889.

5 **REGISTRAR DARLENE SUTHERLAND:** And that's 4143.

6 **--- EXHIBIT NO. 4143:**

7 (COMM0037889) Proposal from Lia Scanlan re Fifth Estate

8 **MS. RACHEL YOUNG:** This is a Communications brief, and so
9 these are the approvals needed, your own, Chief Superintendent Chris Leather,
10 Superintendent Campbell, and this is in support of ---

11 **A/COMMR LEE BERGERMAN:** Yes.

12 **MS. RACHEL YOUNG:** --- Superintendent Campbell appearing on
13 the show. And did that then have to go to National Headquarters for approval?

14 **A/COMMR LEE BERGERMAN:** Through Lia Scanlan's office, as
15 the Director of Communications, she would work directly with Communications at
16 National Headquarters.

17 **MS. RACHEL YOUNG:** And why did you feel it was a good idea
18 for Superintendent Campbell to participate?

19 **A/COMMR LEE BERGERMAN:** Well, again, getting more
20 accurate information on into the public I think was important. The Fifth Estate is a
21 reputable news documentary series, and I relied, too, on Lia Scanlan's
22 recommendations, and that's her expertise, but also our, you know, faith in -- with
23 Superintendent Campbell, now Chief Superintendent Campbell, and his skills and
24 abilities to be able to sit through an interview and share the information that he could
25 without jeopardising the investigation, we thought it would be beneficial.

26 **MS. RACHEL YOUNG:** Did you not have the ---

27 **COMMISSIONER MacDONALD:** Sorry, sorry, Ms. Young.

28 I didn't -- I just saw you now, Mr. Pineo. Did you have ---

1 **MR. ROBERT PINEO:** (Off mic) ...further back in the room.

2 They're having trouble hearing (off mic)...

3 **COMMISSIONER MacDONALD:** Oh. Thanks for letting us know.

4 Sorry about that.

5 **MS. RACHEL YOUNG:** Just in case anyone didn't hear what
6 Mr. Pineo said, apparently some people are having trouble hearing the witness. I
7 believe that the staff is just going to take a moment and look into that.

8 **COMMISSIONER MacDONALD:** Thank you.

9 **MR. ROBERT PINEO:** Thank you.

10 **COMMISSIONER MacDONALD:** Thank you. Go ahead,
11 Ms. Young, and of course let us know again, Mr. Pineo, if there's a problem.

12 **MR. ROBERT PINEO:** Thank you.

13 **MS. RACHEL YOUNG:** Perhaps we'll just do a quick recap of what
14 you were just saying in case people didn't hear it.

15 And so we're looking at a Communications brief, which is from your
16 Communications Director at H-Division, recommending that then
17 Superintendent Campbell, now Chief Superintendent Leather, Darren Campbell,
18 participate in an interview with the Fifth Estate about the mass casualty events, and you
19 indicated you had approved that, it had to go to National Headquarters for approval.
20 And so my next question was did you not have autonomy to decide this yourself?

21 **A/COMMR LEE BERGERMAN:** I certainly thought I did, but the
22 circumstances of this event, I don't know who made the decision in Ottawa, I think it was
23 probably collective, I don't know, but we were told that this would not be a good idea.

24 **MS. RACHEL YOUNG:** So just to refresh your memory. Do you
25 have email correspondence at the time that Commissioner Lucki decided that
26 H-Division could not participate, and then you forwarded this decision on, I think,
27 September 28th or 29th, 2020.

28 Can we see the email that's COMM0054839, please?

1 **REGISTRAR DARLENE SUTHERLAND:** And that's Exhibit 4144.

2 **--- EXHIBIT NO. 4144:**

3 (COMM0054839) Email from Assistant Commissioner Bergerman
4 to Deputy Commissioner Daley re Fifth Estate, September 28, 2020

5 **MS. RACHEL YOUNG:** This is just a cover email, so we'll look at
6 what it was covering. This is September 28th, 2020, and from you to Dennis Daley
7 saying, "FYI, will call you." So at that time what role was Dennis Daley in?

8 **A/COMMR LEE BERGERMAN:** Dennis Daley was Assistant
9 Commissioner in Contract and Indigenous Policing in Ottawa, so he worked directly
10 under Deputy Brennan.

11 **MS. RACHEL YOUNG:** And -- so Contract Policing covers when
12 the RCMP is in a role as a provincial police force ---

13 **A/COMMR LEE BERGERMAN:** Yes.

14 **MS. RACHEL YOUNG:** --- is that correct?

15 **A/COMMR LEE BERGERMAN:** Yes.

16 **MS. RACHEL YOUNG:** If we can see the attachment, it's
17 COMM0054840.

18 **REGISTRAR DARLENE SUTHERLAND:** And that's Exhibit 4145.

19 **--- EXHIBIT NO. 4145:**

20 (COMM0054840) Email correspondence re Fifth Estate,
21 September 28, 2020

22 **MS. RACHEL YOUNG:** If we can just scroll down.

23 This is the email from the journalist. So Jennifer Clarke, she was
24 the RCMP Communications person?

25 **A/COMMR LEE BERGERMAN:** Yes.

26 **MS. RACHEL YOUNG:** And was she at H-Division or National
27 Headquarters?

28 **A/COMMR LEE BERGERMAN:** H-Division.

1 **MS. RACHEL YOUNG:** Okay.

2 And then scrolling up.

3 So here, it's saying that the request had actually been accepted
4 and the date for the meeting had been set for September 29th, and then they were told
5 it was cancelled. And it was -- this is -- so this...

6 Sorry, can we scroll to the bottom of this one?

7 This is Gillian Findlay from the CBC writing to Commissioner Lucki.

8 And then can we scroll up from there.

9 And then you forwarded that, or sorry, that was forwarded from
10 Darren Campbell to Chris Leather. So these are emails that were happening at the
11 time.

12 And then, just if we can look at another email, COMM0054861.

13 **REGISTRAR DARLENE SUTHERLAND:** And that's already been
14 marked, Exhibit 3914.

15 **MS. RACHEL YOUNG:** So let's scroll down a bit more.

16 So in the middle of this chain, so this is the same email at the
17 bottom here from Gillian Findlay to Commissioner Lucki, but then immediately above
18 that we have Commissioner Lucki's reply. And so there it's Commissioner Lucki telling
19 Gillian Findlay they would not be participating. And then immediately above that, we
20 have Ms. Findlay's reply to Commissioner Lucki expressing frustration about the
21 cancellation. And then if we can scroll up from there? So there's -- forwarded by Dan
22 Campbell, it says "FYSA". Is that -- what does that stand for?

23 **A/COMMR LEE BERGERMAN:** For your situational awareness.

24 **MS. RACHEL YOUNG:** The situational awareness meaning so
25 you know what's going on kind of thing?

26 **A/COMMR LEE BERGERMAN:** Yes.

27 **MS. RACHEL YOUNG:** Yeah. And then you replied to him, Chris
28 Leather, and Lia Scanlan, saying:

1 "Saw that coming as soon as I read the Commissioner's
2 response." (As read)

3 **A/COMMR LEE BERGERMAN:** Yes.

4 **MS. RACHEL YOUNG:** You recall that?

5 **A/COMMR LEE BERGERMAN:** Yes.

6 **MS. RACHEL YOUNG:** And so does that refresh your memory as
7 to whose decision it was to cancel the Fifth Estate interview?

8 **A/COMMR LEE BERGERMAN:** I'm not sure that it was hers
9 alone. So ---

10 **MS. RACHEL YOUNG:** Okay. So the Commissioner ---

11 **A/COMMR LEE BERGERMAN:** I'm not sure.

12 **MS. RACHEL YOUNG:** The Commissioner communicated it, but
13 you're saying she may have had input into that decision?

14 **A/COMMR LEE BERGERMAN:** Yes.

15 **MS. RACHEL YOUNG:** Did you agree with that decision?

16 **A/COMMR LEE BERGERMAN:** No.

17 **MS. RACHEL YOUNG:** And was it up for debate? Could you
18 disagree at that point and try and convince her otherwise?

19 **A/COMMR LEE BERGERMAN:** Well it -- I definitely spoke with
20 Deputy Brennan, but it wasn't up for debate.

21 **MS. RACHEL YOUNG:** What did you mean there when you said
22 you saw that coming?

23 **A/COMMR LEE BERGERMAN:** Because the Commissioner
24 referred to Gillian Findlay as Mr. Findlay, where she's clearly a female reporter. So I
25 thought that was obviously going to be annoying to Gillian Findlay, so that's what I
26 meant by that.

27 **COMMISSIONER FITCH:** Sorry, Ms. Young, the sound now is only
28 coming through these speakers when you're talking and Assistant Commissioner

1 Bergerman's voice is a bit off from the front of the stage now. So if maybe we could
2 have tech address that? Thank you.

3 **MS. RACHEL YOUNG:** Commissioners, I'm advised there are
4 adjustments happening in real time.

5 Ms. Bergerman, can you just say hello and see if the sound is any
6 better? Just say anything so that we can hear you.

7 **A/COMMR LEE BERGERMAN:** Oh, sorry. Testing. Hello.
8 Testing.

9 **MS. RACHEL YOUNG:** Is that better? All right. Thank you.
10 And please, anyone let me know if the problem continues.

11 In a press conference on December 4th, 2020, I could take you to it,
12 I don't think I need to, but just for reference, it's in COMM0057762, which is an
13 appendix to the Foundational Document about public communications, which is already
14 in exhibit, and at page 87, we have Supt. Campbell saying that the RCMP would refrain
15 from further commenting on these matters outside the inquiry. Do you recall that?

16 **A/COMMR LEE BERGERMAN:** No, I would have to see the ---

17 **MS. RACHEL YOUNG:** Okay.

18 **A/COMMR LEE BERGERMAN:** --- documents.

19 **MS. RACHEL YOUNG:** All right. Can we see that document,
20 please, Madam Registrar? It was page 87. Keep going, I think. No, okay, it must be
21 higher. If you could keep scrolling up, please, ---

22 **A/COMMR LEE BERGERMAN:** Yeah, I'm just ---

23 **MS. RACHEL YOUNG:** It's the December -- December 4th press
24 conference.

25 **A/COMMR LEE BERGERMAN:** Who is the author of this?

26 **MS. RACHEL YOUNG:** This is -- the Commission created it, but
27 it's cut and pasted from transcripts of various press conferences. So they were all put
28 together in one place for convenience.

1 **A/COMMR LEE BERGERMAN:** Okay. So I'm not -- I haven't seen
2 that document.

3 **MS. RACHEL YOUNG:** So just to show you, so just at paragraph
4 37 there, so it's actually page 85, not 87, ---

5 **A/COMMR LEE BERGERMAN:** Okay.

6 **MS. RACHEL YOUNG:** --- this is a statement by Supt. Campbell,
7 and he's already testified about it. I don't think there's any dispute that this is what he
8 said on that day. So if we could just scroll down a bit more? He's saying charges were
9 laid.

10 And if you could keep going down? And it's just at the bottom of
11 paragraph 37 there, so on page 86.

12 It says that:

13 "The RCMP will respectfully refrain from further
14 commenting on these matters outside of the inquiry."

15 **A/COMMR LEE BERGERMAN:** Yes. Okay.

16 **MS. RACHEL YOUNG:** My question to you is whose decision was
17 that, to stop communicating to the media outside the Inquiry?

18 **A/COMMR LEE BERGERMAN:** Collectively within the Division
19 because we had the charges laid, but we also had the knowledge of this inquiry that
20 was going to be happening. So we just wouldn't -- we decided we wouldn't be speaking
21 any further about it.

22 **MS. RACHEL YOUNG:** And so you agreed with that decision?

23 **A/COMMR LEE BERGERMAN:** Yes.

24 **MS. RACHEL YOUNG:** Okay. And that was not a direction from
25 National Headquarters?

26 **A/COMMR LEE BERGERMAN:** No.

27 **MS. RACHEL YOUNG:** Okay. Turning then to the psychological
28 autopsy of the perpetrator.

1 **A/COMMR LEE BERGERMAN:** Yes.

2 **MS. RACHEL YOUNG:** The Commission's already seen this
3 document. There's a summary that was prepared that's COMM0059942. This was a
4 report dated June 3rd, 2020. You're familiar with that document?

5 **A/COMMR LEE BERGERMAN:** Yes.

6 **MS. RACHEL YOUNG:** What was the purpose of it?

7 **A/COMMR LEE BERGERMAN:** The investigative team, and I
8 think the Commission has already heard this, that Dr. Logan works for our Behavioural
9 Science Unit in the RCMP in Ottawa.

10 **MS. RACHEL YOUNG:** You're referring to Matt Logan, who is ---

11 **A/COMMR LEE BERGERMAN:** Yes.

12 **MS. RACHEL YOUNG:** --- the author of the report?

13 **A/COMMR LEE BERGERMAN:** Yes. And he was -- it was
14 requested -- my understanding, and I'm sure that C/Supt. Campbell explained it, that he
15 was -- it was a request from the investigative team to have a comprehensive analysis of
16 the perpetrator done by that Behavioural Science Unit.

17 **MS. RACHEL YOUNG:** Was it intended to be impartial, like an
18 expert psychological report in court?

19 **A/COMMR LEE BERGERMAN:** No.

20 **MS. RACHEL YOUNG:** How common is this type of report?

21 **A/COMMR LEE BERGERMAN:** This was a pretty extensive
22 report. I am familiar with reports that are similar, but probably not as extensive for that
23 unit to do on other perpetrators, like threat assessments they would do. For example, a
24 recent one would be a threat against a police officer. So that unit would do an
25 assessment of the person doing the threat, making the threats.

26 **MS. RACHEL YOUNG:** Typically whose decision is it to request a
27 report like this?

28 **A/COMMR LEE BERGERMAN:** Typically it would be the

1 investigative team or the investigator seeking to understand a person or a target better.

2 **MS. RACHEL YOUNG:** In this case, do you recall whose decision
3 it was? Do you know whose decision it was to request it?

4 **A/COMMR LEE BERGERMAN:** Directly, no, but it's my
5 understanding is it's the investigative team, the Command Triangle.

6 **MS. RACHEL YOUNG:** Was it intended for public consumption?

7 **A/COMMR LEE BERGERMAN:** Well I don't think that it was not
8 going to be disclosed, knowing that any documentation that went on a file would be
9 subject to disclosure. But it was never going to be used, like, in a court proceeding.

10 **MS. RACHEL YOUNG:** Supt. Campbell did refer to it in a press
11 conference that he did with you on June 4th, 2020. Can we see COMM0057762,
12 please? I think it's at page 72. We'll see.

13 What are the qualifications of Matt Logan, while we wait for the
14 document to come up?

15 **A/COMMR LEE BERGERMAN:** Well he's obviously a psychologist
16 with a doctorate. He has an extensive resume. I don't know exactly. I'm sure it could
17 be obtained from -- for the Commission. But he's ---

18 **MS. RACHEL YOUNG:** And he works for the RCMP; right?

19 **A/COMMR LEE BERGERMAN:** Yes, he does.

20 **MS. RACHEL YOUNG:** And before he became a psychologist,
21 was he an RCMP member?

22 **A/COMMR LEE BERGERMAN:** Years ago, yes.

23 **MS. RACHEL YOUNG:** So if we could scroll down a bit? Stop.
24 That's good.

25 So this is on page 71 of the counter. This is Supt. Campbell
26 speaking. He says:

27 "Behavioral analysts have shared some of their
28 preliminary findings with the investigative team. In those

1 findings, the gunman was described as what is called an
2 'Injustice Collector', one who held on to conflict or
3 differences with others, turning them inward until they
4 boiled over in rage.

5 Some recipients of his wrath of violence were targeted for
6 perceived injustices of the past, others were reactive
7 targets of his rage and some were just random targets."

8 And so you agree those statements in that paragraph, he's getting
9 that from the report, right, from the psychological autopsy?

10 **A/COMMR LEE BERGERMAN:** I'm not sure if he's getting them
11 from a report in that or a briefing from that behavioural science team.

12 **MS. RACHEL YOUNG:** But when he's talking about behavioural
13 analysts, he's -- so he's referring to their work? Is that what you mean?

14 **A/COMMR LEE BERGERMAN:** To the work of Matt Logan and his
15 team.

16 **MS. RACHEL YOUNG:** Okay. So that might be -- have come from
17 more of a briefing than the actual document? Is that ---

18 **A/COMMR LEE BERGERMAN:** I'm sorry.

19 **MS. RACHEL YOUNG:** When you say -- so you mean it might
20 have been them briefing them as opposed to him reading the report and choosing
21 excerpts from it?

22 **A/COMMR LEE BERGERMAN:** Right, because I don't believe the
23 report came for quite some time after.

24 **MS. RACHEL YOUNG:** Okay.

25 **A/COMMR LEE BERGERMAN:** And I know that the team was
26 brief on the findings of that behavioural science group.

27 **MS. RACHEL YOUNG:** I think of the report dated June 3rd and
28 this is a June 4th press conference, so it would have been the next day, so I don't -- do

1 you recall how soon after it was completed ---

2 **A/COMMR LEE BERGERMAN:** No.

3 **MS. RACHEL YOUNG:** --- "H" Division received it?

4 **A/COMMR LEE BERGERMAN:** No.

5 **MS. RACHEL YOUNG:** I'm going to show you some emails.

6 There's COMM0052315, if that could be brought on screen and made an exhibit,

7 please.

8 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 4146.

9 **--- EXHIBIT No. 4146:**

10 (COMM0052315) Email correspondence, Matt Logan,
11 Assistant Commissioner Bergerman, Chief Superintendent
12 Janis Gray, Superintendent Campbell, Cindy Bayer, and
13 Chief Superintendent Leather, June 23, 2020, re
14 Psychological Autopsy

15 **MS. RACHEL YOUNG:** So lower down on the chain, we have Matt
16 Logan emailing you, Janis Gray, Darren Campbell, and the subject line is "Media idea".
17 And he's sending a Global News article, and then he ---

18 **COMMISSIONER SCANLAN:** Sorry. Can you enlarge the
19 document for us, please?

20 Thank you.

21 **MS. RACHEL YOUNG:** He suggests that:

22 "It would be a good time to release the full
23 psychological autopsy report in light of media criticism
24 of the RCMP."

25 And then if we scroll up, you replied and said, "Couldn't agree
26 more. This is June 23rd, 2020. Have looked in the strat comms", which that stands for
27 strategic communications; right?

28 **A/COMMR LEE BERGERMAN:** M'hm.

1 **MS. RACHEL YOUNG:**

2 "...Cindy Bayer and CrOps Chris Leather. Open for
3 discussion any time. I know something is in the works
4 this week. Haven't seen the final plan." (As read)

5 So the psychological autopsy report formed part of the "H Strong"
6 investigation; right?

7 **A/COMMR LEE BERGERMAN:** It was part of the -- yeah, of the
8 investigation.

9 **MS. RACHEL YOUNG:** And what was the reason for considering
10 the release of the report to the public at this time?

11 **A/COMMR LEE BERGERMAN:** I think to understand the
12 motivations of the perpetrator.

13 **MS. RACHEL YOUNG:** Was it motivated by a desire to change
14 certain media narratives?

15 **A/COMMR LEE BERGERMAN:** No, I think it was to -- and I wasn't
16 involved in the discussions, although I agreed with it, to better understand the
17 motivation of the perpetrator and to get it out in the public based on Matt Logan and his
18 team's analysis.

19 **MS. RACHEL YOUNG:** Is it normal practice for a psychologist
20 working for the RCMP to conduct a psychological assessment and also to provide
21 advice on when to release the report to the media?

22 **A/COMMR LEE BERGERMAN:** I think it would be in a case-by-
23 case basis.

24 **MS. RACHEL YOUNG:** And he also interviewed Lisa Banfield as
25 part of the report; right?

26 **A/COMMR LEE BERGERMAN:** I believe so, yes.

27 **MS. RACHEL YOUNG:** Did you check whether he had run the
28 idea of making the report public by the command triangle?

1 **A/COMMR LEE BERGERMAN:** Well, he was working with Darren
2 Campbell, so Darren Campbell is best to answer that question. But that would be the
3 normal process.

4 **MS. RACHEL YOUNG:** Could we have the exhibit back up,
5 please, Madam Registrar, 4146?

6 And scroll down a bit, please.

7 I just noticed that when he emails you, Janis Gray and Darren
8 Campbell, the email starts "Good morning, my friends". Did you have a friendship with
9 him outside of work?

10 **A/COMMR LEE BERGERMAN:** No, but I have worked with him
11 over the years. When I was at the Unsolved Homicide Unit in British Columbia, Matt
12 Logan did a lot of work with us in undercover and our homicide investigations.

13 **MS. RACHEL YOUNG:** What would his role be in that capacity?

14 **A/COMMR LEE BERGERMAN:** Advising us on how to best
15 approach targets based on his analysis of who that individual was. And they're
16 homicide investigations. They're not like break and enters or -- they're serious
17 investigations. So he was -- he was a valuable resource in that regard.

18 **MS. RACHEL YOUNG:** And to your knowledge, had he previously
19 worked with Janis Gray and Darren Campbell as well?

20 **A/COMMR LEE BERGERMAN:** I believe so because he worked a
21 lot of -- with a lot of us in B.C.

22 **MS. RACHEL YOUNG:** Do you know if he had a social
23 relationship with them outside of work?

24 **A/COMMR LEE BERGERMAN:** No, I don't.

25 **MS. RACHEL YOUNG:** Now I'm going to ask you about the Issues
26 Management Team that was formed in the aftermath ---

27 **A/COMMR LEE BERGERMAN:** Yeah.

28 **MS. RACHEL YOUNG:** --- of the events.

1 The Commission has seen, I believe, already an email from Chief
2 Superintendent Leather, so about 10 days after the events, April 29th, 2020, "H"
3 Division set up this Issues Management Team. Does that sound about right to you?

4 **A/COMMR LEE BERGERMAN:** Yes.

5 **MS. RACHEL YOUNG:** And why was it set up, in your mind?

6 **A/COMMR LEE BERGERMAN:** Well, for me, a number of issues
7 were identified early on after the mass casualty and, like I said in my interview, for
8 example, decommissioning of police cars, decommissioning of police uniforms, Alert
9 Ready. And I know there was a list. And so we thought it would be important for a
10 team to flesh out these issues.

11 And I gave the example during my interview that yes, we all know
12 that we decommission old police cars, but I really didn't understand the process. I know
13 it was done with our fleet people and Surplus Canada and then they sell these cars off,
14 but I really didn't understand the process. I had a basic understanding, but I thought it
15 was important for everybody to understand how that's done.

16 Same with police uniforms, like what's the policy and how -- how
17 are we disposing of police uniforms.

18 And the Alert Ready, for example, exploring why not and should we
19 and to have that fleshed out. And it's my understanding that we now have -- well, for
20 one, we haven't been selling any more police cars. And we have policy -- a new policy
21 around disposing of uniforms and also Alert Ready in dynamic police situations.

22 So in my mind, that's -- that was an important part of their work
23 because we didn't have a -- we didn't have people or a team that could do that kind of
24 work for us. We didn't have the capacity. So that was the idea.

25 And I know that Chris Leather, because of the conversation on April
26 28th in discussions with myself, thought it would be important to have somebody that
27 could flesh all these things out, but also have more timely communication or help us
28 with more timely communication not only with the public, but with National

1 Headquarters.

2 **MS. RACHEL YOUNG:** So to brief up to Ottawa, in other words.

3 **A/COMMR LEE BERGERMAN:** And the public.

4 **MS. RACHEL YOUNG:** Yeah.

5 Okay. So can we see COMM0035705, please?

6 **REGISTRAR DARLENE SUTHERLAND:** And that's been
7 previously marked Exhibit 3991.

8 **MS. RACHEL YOUNG:** 3991? Okay.

9 This is -- if you scroll -- well, actually, yeah, there at the bottom is
10 the first email, so that's from Chris Leather to Dennis Daley.

11 So this -- if you scroll to the top, you can see the emails are from
12 April 29th, 2020, so the day after that meeting with Commissioner Lucki. And he says,
13 "It became very clear during our TC", being telephone call, I assume:

14 "...with the Commissioner and Deputy Commissioner
15 yesterday evening that we are not meeting the
16 reporting requirements/needs. Very soon we'll need
17 input and support from C&IP..."

18 That's Contract and Indigenous Policing; right?

19 **A/COMMR LEE BERGERMAN:** Yes.

20 **MS. RACHEL YOUNG:** "...on the myriad of current and future
21 issues."

22 And then later:

23 "We are constructing Issues Management Team in
24 the Division and have drafted in Supts Dimopoulos
25 from 'J' Division and Santosuosso from 'B' Division
26 given their historical involvement in Moncton and
27 IHIT/MTU to assist and oversee this."

28 So you agree that, then, the -- part of the initial reason for forming

1 the IMT was to staff the task of reporting up to National Headquarters?

2 **A/COMMR LEE BERGERMAN:** It was part of it, but not the -- not
3 the -- in my view, what their priority would be or priorities should be. I mean, obviously
4 that would be helpful. But the issues, we had a list of them, and I know that -- I think
5 that's been entered as an exhibit. There was an initial list of issues that we had
6 identified that needed to be fleshed out.

7 **MS. RACHEL YOUNG:** Right. But just the night before,
8 Commissioner Lucki ---

9 **A/COMMR LEE BERGERMAN:** Yeah.

10 **MS. RACHEL YOUNG:** --- had expressed frustration at the lack of
11 timely communication from H Division; right? And part of the reason to brief National
12 Headquarters would be to allow National Headquarters and the Commissioners to, in
13 turn, brief up from there; right?

14 **A/COMMR LEE BERGERMAN:** Well this is in -- on the heels of
15 the April 28th call and there was clear frustration because obviously there was some
16 communication that she thought was accurate, and it wasn't. So this was something
17 that Chris Leather, after that call, was trying to develop ways in which we could be
18 better in our communication with National Headquarters. That was part of it.

19 **MS. RACHEL YOUNG:** So this issues management team was
20 staffed by a group of officers, including the two superintendents from out of province
21 that are mentioned in the email?

22 **A/COMMR LEE BERGERMAN:** Eventually.

23 **MS. RACHEL YOUNG:** And you told us some of the issues that
24 were looked at, and were those issues for the RCMP because they had implications for
25 how the RCMP might be perceived or criticism that it might encounter?

26 **A/COMMR LEE BERGERMAN:** Well that was -- certainly wasn't
27 my intention or the team's intention. It was we had these issues that clearly needed to
28 be explained to the public and needed to be explained with accuracy. So that was in

1 the importance of that team, part of it. And then it morphed and became H Strong 2.

2 **MS. RACHEL YOUNG:** And why and when did that change
3 happen?

4 **A/COMMR LEE BERGERMAN:** Upon arrival of John Robin,
5 because it took on more of an active role in being the team that would be facilitating all
6 things for this Mass Casualty Commission.

7 **MS. RACHEL YOUNG:** Can we please see COMM0020276?

8 **REGISTRAR DARLENE SUTHERLAND:** And that's been marked
9 Exhibit 3992.

10 **MS. RACHEL YOUNG:** This is an email from Cindy Bayers, May
11 6th, 2020 saying that all media responses -- can you read that all right, Ms. Bergerman?

12 **A/COMMR LEE BERGERMAN:** Yes.

13 **MS. RACHEL YOUNG:** Can we make it a little bit bigger, please?

14 **A/COMMR LEE BERGERMAN:** A little bit bigger would be helpful.

15 **MS. RACHEL YOUNG:**

16 "[All] media responses related to H Strong [...] not
17 directly related to the investigation [...] should be
18 approved by [Supts. Dimopoulous or Santosuosso or to
19 Supt. Leather]."

20 So why did the IMT become involved in managing media
21 statements?

22 **A/COMMR LEE BERGERMAN:** For accuracy of the work that they
23 were doing. That's my understanding of that email.

24 **MS. RACHEL YOUNG:** And your spouse, Mike Butcher, was
25 appointed to this team?

26 **A/COMMR LEE BERGERMAN:** Yes.

27 **MS. RACHEL YOUNG:** And Dept. Comm. Brennan said in his
28 Commission witness interview that no other candidates were considered for this

1 position. Is that correct?

2 **A/COMMR LEE BERGERMAN:** I don't know.

3 **MS. RACHEL YOUNG:** Were you involved in the hiring?

4 **A/COMMR LEE BERGERMAN:** No.

5 **MS. RACHEL YOUNG:** Are you aware of a competition having
6 been posted for that position?

7 **A/COMMR LEE BERGERMAN:** No.

8 **MS. RACHEL YOUNG:** And so at the time, Mr. Butcher would
9 have been collecting a pension from his time at the RCMP and being paid on contract
10 for this work?

11 **A/COMMR LEE BERGERMAN:** No. He was working for -- at the
12 time, he was working for, remotely, E Division Major Crime in -- while he was here in
13 Nova Scotia. And he had -- he was being paid by E Division Major Crime.

14 **MS. RACHEL YOUNG:** So it was more like a secondment?

15 **A/COMMR LEE BERGERMAN:** That was my understanding.

16 **MS. RACHEL YOUNG:** Not coming back from retirement to work?

17 **A/COMMR LEE BERGERMAN:** No.

18 **MS. RACHEL YOUNG:** Okay. Can we see COMM0039711,
19 please?

20 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 4147.

21 **--- EXHIBIT No. 4147:**

22 (COMM0039711) RCMP Administrative Manual, Chapter
23 17.1, "Conflict of Interest"

24 **MS. RACHEL YOUNG:** This is the RCMP Administrative Manual,
25 Chapter 17.1, "Conflict of Interest". Are you familiar with this document?

26 **A/COMMR LEE BERGERMAN:** No.

27 **MS. RACHEL YOUNG:** You're familiar that the RCMP has
28 "Conflict of Interest" policies?

1 **A/COMMR LEE BERGERMAN:** Yes.

2 **MS. RACHEL YOUNG:** Okay. And this is National Policy. If we
3 could go down to 9.2.1, please? There. That's on page 10 of the counter, under
4 "Employee". And 9.2.1 says:

5 "Do not give preferential treatment or advantage to
6 family, friends, or any other person or entity." (As read)

7 **A/COMMR LEE BERGERMAN:** Yes.

8 **MS. RACHEL YOUNG:** And then 9.2.2 says:

9 "Avoid hiring or directly supervising members of your
10 family or any person with whom you have or have had a
11 personal relationship in order to avoid a conflict of
12 interest." (As read)

13 Did you think that applied in this case?

14 **A/COMMR LEE BERGERMAN:** Well, upon reflection, yes. But
15 certainly at the time, there was no intention to -- I was not involved in any hiring of Mike
16 Butcher. I think probably you're going to have witnesses testifying that have a better
17 idea of how that all came to pass. But of course upon reflection, it was not a good
18 decision.

19 **MS. RACHEL YOUNG:** The policy -- whose decision was it?

20 **A/COMMR LEE BERGERMAN:** To hire -- again, I believe it was
21 with Criminal Operations.

22 **MS. RACHEL YOUNG:** Chris Leather?

23 **A/COMMR LEE BERGERMAN:** Yes.

24 **MS. RACHEL YOUNG:** So the policy goes on to say what you're
25 supposed to do if there is someone hired, like, to advise someone. But you were the
26 boss of H Division. So did you notify anyone about this potential conflict of interest?

27 **A/COMMR LEE BERGERMAN:** No.

28 **MS. RACHEL YOUNG:** And who did Mr. Butcher -- or what was

1 his rank at the time?

2 **A/COMMR LEE BERGERMAN:** Public service employee.

3 **MS. RACHEL YOUNG:** Oh, he's a civilian?

4 **A/COMMR LEE BERGERMAN:** Yes.

5 **MS. RACHEL YOUNG:** Okay. So who did he report to during his
6 time on the Issues Management Team?

7 **A/COMMR LEE BERGERMAN:** I don't have any direct knowledge
8 of that, but you had Costa Dimopoulous, and Derek Santosuosso, and Chris Leather.
9 And then eventually, he would have reported to John Robin.

10 **MS. RACHEL YOUNG:** So Chris Leather and John Robin led the
11 Issues Management Team?

12 **A/COMMR LEE BERGERMAN:** Eventually John Robin did. Chris
13 Leather, no, I think he -- initially, it was his concept, but he had Derek Santosuosso and
14 Costa Dimopoulous do it.

15 **MS. RACHEL YOUNG:** So maybe not day to day, but they did
16 report to him; right?

17 **A/COMMR LEE BERGERMAN:** They reported to Chris Leather.

18 **MS. RACHEL YOUNG:** And then Chris Leather reported to you?

19 **A/COMMR LEE BERGERMAN:** Yes.

20 **MS. RACHEL YOUNG:** So ultimately, you were an indirect
21 supervisor of Mike Butcher at the time?

22 **A/COMMR LEE BERGERMAN:** Well no. I didn't have anything to
23 do with his supervision.

24 **MS. RACHEL YOUNG:** You weren't directing his day-to-day work?

25 **A/COMMR LEE BERGERMAN:** No.

26 **MS. RACHEL YOUNG:** Right. So you did say in your Commission
27 interview that there was this research function of the Issues Management Team. We
28 don't need to bring it up, but just, again, for the record, the transcript is COMM0062441.

1 And the reference is -- to the research function are at pages 55, 56, 60, and 61. And
2 you talked about how you wanted to find out more about these various issues; right? Or
3 you wanted the IMT ---

4 **A/COMMR LEE BERGERMAN:** M'hm.

5 **MS. RACHEL YOUNG:** --- to do that. Was the purpose of that
6 research to -- rather than learning from it, control the public perception of the RCMP
7 with respect to those issues?

8 **A/COMMR LEE BERGERMAN:** No.

9 **MS. RACHEL YOUNG:** Another thing Supt. Dimopoulous did was
10 he sent emails to RCMP H Division members asking for feedback about the events and
11 the response and their thoughts on that. Do you know who asked him to do that and
12 why?

13 **A/COMMR LEE BERGERMAN:** No. I'm not even sure I've seen
14 that email.

15 **MS. RACHEL YOUNG:** C/Supt. Leather said not much came of it.
16 There were a handful of responses. So you're not able to speak to that?

17 **A/COMMR LEE BERGERMAN:** No.

18 **MS. RACHEL YOUNG:** We'll just have a look at one response,
19 which is COMM0062679.

20 **REGISTRAR DARLENE SUTHERLAND:** That will be marked
21 Exhibit 4148.

22 **--- EXHIBIT No. 4148:**

23 (COMM0062679) Response from the Attorney General of
24 Canada to Supt. Dimopoulous' emails

25 **MS. RACHEL YOUNG:** So the Commission asked for responses
26 to Supt. Dimopoulous' emails. This is the only one that the Attorney General of Canada
27 has supplied to date. They said it was the only one they could find. We've subpoenaed
28 all of them. So I believe they're continuing to look. So you haven't seen this before?

1 **A/COMMR LEE BERGERMAN:** No.

2 **MS. RACHEL YOUNG:** Okay. And the identity of the responder
3 and the detachment are redacted. Commission Counsel disagrees with those
4 redactions and will be asking the Commissioners to resolve it if this can't be resolved on
5 consent.

6 So if we just scroll down to number 4, this member who appears to
7 have had some involvement in the events says:

8 "On the topic of containment, to be blunt, containment
9 of the scene was not done." (As read)

10 Did that feedback ever make its way back to you?

11 **A/COMMR LEE BERGERMAN:** Well, obviously, the -- this goes
12 back to the -- what we learned later about what we called the blueberry field or the
13 blueberry trail, but that's obviously part of that. I don't know who wrote this, I've never
14 seen this document before.

15 **MS. RACHEL YOUNG:** And you don't know why
16 Superintendent Dimopoulos was sending out these questions?

17 **A/COMMR LEE BERGERMAN:** No.

18 **MS. RACHEL YOUNG:** So as far as you know, it was not in lieu of
19 a more formal review, for example?

20 **A/COMMR LEE BERGERMAN:** Not that I'm aware of. I can't
21 speak to it.

22 **MS. RACHEL YOUNG:** I'm going to move on to After-action
23 reports and reviews, then, because we've heard about various thoughts or attempts to --
24 for the RCMP internally to look at what happened, and it seems like there are variations
25 on the same theme, or possibilities to look at different aspects of a response.

26 So broadly-speaking, how would you define an after-action report?

27 **A/COMMR LEE BERGERMAN:** Broadly-speaking would be a
28 team of individuals to do a after-action review of an event, or an investigation, or, you

1 know, a call -- an ERT callout or a critical incident callout, an after-action review would
2 be kind of a -- an analysis of what happened and if we can learn any best practices or
3 change something that maybe didn't go right. That would be kind of a -- that's a very
4 broad view of it.

5 **MS. RACHEL YOUNG:** And what went well, what didn't, and so
6 on?

7 **A/COMMR LEE BERGERMAN:** Of course.

8 **MS. RACHEL YOUNG:** And would you think the sooner the better
9 for that to happen?

10 **A/COMMR LEE BERGERMAN:** Well, it depends. If there's an
11 investigation ongoing, and I would suggest that you wait until after the investigation to
12 have a review and then it would depend on what kind of review you're doing. I'm not --
13 are you asking about a specific...?

14 **MS. RACHEL YOUNG:** For the moment, just asking a general
15 question, then I'll ask you about the different ones that we've heard about.

16 **A/COMMR LEE BERGERMAN:** Okay. So that would be my
17 answer, is that it would depend on the situation of whatever the review that you were
18 considering.

19 **MS. RACHEL YOUNG:** So different types of reviews we've heard
20 about are the possibility of an after-action report of the whole H-Strong investigation, is
21 Number 1; Number 2 is a NOISP review, which is the National Office of Investigative
22 Standards and Practices. So that would be more of an investigative file assessment?

23 **A/COMMR LEE BERGERMAN:** Yes.

24 **MS. RACHEL YOUNG:** Okay. Third, we've heard about an
25 attempt to ask for a review of the critical incident response only.

26 **A/COMMR LEE BERGERMAN:** Yes.

27 **MS. RACHEL YOUNG:** Then, we've seen at least a draft after-
28 action report of the Emergency Response Team's response. Then, Number 5, there's a

1 draft response of the EMRT, the Emergency Medical Response Team. Then six,
2 there's this review or questions sent out by Superintendent Dimopoulos, which appears
3 to be an informal attempt to get feedback from members.

4 So those are six different things, and then this also does not include
5 work -- which are more workplace type of investigations, the ESDC and the HOIT
6 investigations, which I gather are still ongoing. Does that cover the universe of types of
7 reviews that you're aware of that have been contemplated with respect to the mass
8 casualty events internally to the RCMP?

9 **A/COMMR LEE BERGERMAN:** That I'm aware of, yes.

10 **MS. RACHEL YOUNG:** Or I guess the last two aren't internal to
11 the RCMP, but they're ---

12 **A/COMMR LEE BERGERMAN:** Yeah.

13 **MS. RACHEL YOUNG:** --- but they're internal to the federal
14 government.

15 Okay. So starting with the first one, an after-action report of the
16 entire H-Strong investigation, in his interview, Deputy Commissioner Brennan said that
17 this was the responsibility of the Division to prepare. Do you agree with that?

18 **A/COMMR LEE BERGERMAN:** Yes, but this Division currently,
19 well certainly when I was there, wouldn't have the capacity to do that. And I believe that
20 it was too early to do it because we didn't have -- the investigation was still ongoing and
21 we still had charges before the court, so an after-action review, like an overarching one,
22 might be something that should be considered now or in the near future.

23 **MS. RACHEL YOUNG:** So you never asked for an overall after-
24 action report of the H-Strong ---

25 **A/COMMR LEE BERGERMAN:** No.

26 **MS. RACHEL YOUNG:** --- investigation?

27 **A/COMMR LEE BERGERMAN:** No.

28 **MS. RACHEL YOUNG:** Okay. And now, Chief

1 Superintendent Campbell said he didn't think H-Division in any event would be capable
2 of being emotionally distant enough to conduct such a review. Do you agree with that?

3 **A/COMMR LEE BERGERMAN:** I agree with that.

4 **MS. RACHEL YOUNG:** Did you consider whether an after-action
5 report was necessary?

6 **A/COMMR LEE BERGERMAN:** Not while I was still the CO.

7 Certainly something that could be done after the Inquiry, but I didn't consider it.

8 **MS. RACHEL YOUNG:** Were you concerned about initiating an
9 after-action report that could expose errors that could be used against the RCMP in
10 subsequent litigation?

11 **A/COMMR LEE BERGERMAN:** No.

12 **MS. RACHEL YOUNG:** Turning, then, to the second type of review
13 that we've heard talk of, a NOISP review. So is that the same thing as an after-action
14 report of the whole H-Strong investigation or is it something different?

15 **A/COMMR LEE BERGERMAN:** So the NOISP is the National
16 Office of Investigative Standards and Practices, and some divisions have their own
17 OISP teams, and it's the -- they're more having a -- doing a review of the investigative
18 file and offering recommendations and ways forward.

19 **MS. RACHEL YOUNG:** And could it be used, for example, if an
20 investigation gets stuck and a case is turning cold, like brainstorming for leads and
21 things like that?

22 **A/COMMR LEE BERGERMAN:** Yes.

23 **MS. RACHEL YOUNG:** And so H-Division doesn't have one, so it
24 would -- it would -- any reviews like that would go to the national OISP?

25 **A/COMMR LEE BERGERMAN:** Or another division who has a
26 team and has the capacity.

27 **MS. RACHEL YOUNG:** Are you aware of a review like that having
28 been initiated with respect to H-Strong?

1 **A/COMMR LEE BERGERMAN:** Sorry, say that again.

2 **MS. RACHEL YOUNG:** Are you aware of a NOISP review being
3 started for the H-Strong response?

4 **A/COMMR LEE BERGERMAN:** I'm not aware of that, no.

5 **MS. RACHEL YOUNG:** And would you expect to have been made
6 aware if that happened while you were Commanding Officer?

7 **A/COMMR LEE BERGERMAN:** Yes.

8 **MS. RACHEL YOUNG:** Is it possible to bring up COMM0036667,
9 Madam Registrar?

10 **REGISTRAR DARLENE SUTHERLAND:** And that's Exhibit 4149.

11 **--- EXHIBIT NO. 4149:**

12 (COMM0036667) Letter, dated August 14th, 2020, to
13 Inspector Murray Marcichiw, OIC of Major Crime and BSG

14 **MS. RACHEL YOUNG:** This is a letter, dated August 14th, 2020,
15 to Inspector Murray Marcichiw, who is the OIC of Major Crime and BSG. What does
16 BSG stand for?

17 **A/COMMR LEE BERGERMAN:** Behavioural Science -- sorry,
18 what are you asking about?

19 **MS. RACHEL YOUNG:** What BSG stands for?

20 **A/COMMR LEE BERGERMAN:** I'm not sure what you're looking
21 at, I can't ---

22 **MS. RACHEL YOUNG:** Oh, just his -- the address there under
23 Inspector Marcichiw, his title.

24 **A/COMMR LEE BERGERMAN:** Oh, I'm sorry. He's the officer in
25 charge of Major Crimes and Behavioural Science Group.

26 **MS. RACHEL YOUNG:** Okay. So this appears to be a mandate
27 letter. It says:

28 "The Office of the Investigative Standards and

1 Practices has been requested to conduct a major
2 case management based investigative file
3 assessment on Project Strong." (As read)

4 Which I gather is H-Strong. And the bottom of that first paragraph it
5 says:

6 "The review will focus on the point in time when the
7 investigative team took over from the Critical Incident
8 Command." (As read)

9 Were you aware of this letter? Did you know about it?

10 **A/COMMR LEE BERGERMAN:** No.

11 **MS. RACHEL YOUNG:** And why would it go to
12 Inspector Marcichiw and not to you?

13 **A/COMMR LEE BERGERMAN:** Who is it from?

14 **MS. RACHEL YOUNG:** Can we scroll down to the bottom, please?
15 Signed by Inspector Kim Hopkins from NOISP.

16 **A/COMMR LEE BERGERMAN:** Because he's the officer in charge
17 of Major Crime, and so the investigative team working on H-Strong works under him.

18 **MS. RACHEL YOUNG:** And Inspector Marcichiw never told you
19 about this?

20 **A/COMMR LEE BERGERMAN:** No. But that -- this -- this would
21 be not unusual. I mean, that's a discussion between to officer in charge of -- she's in
22 charge of the National Office of Investigative Standards and Practices, and he's the
23 officer in charge of Major Crime for H-Division, so that would be a normal flow of
24 communication. Myself and Chief Superintendent Leather, eventually, one would hope
25 that we would be, we would be advised if a team was coming to our division. Well,
26 obviously we would know that, to perform this function.

27 **MS. RACHEL YOUNG:** Could we scroll up a little bit, please,
28 Madam Registrar?

1 It says that, in that first paragraph, that the review is scheduled for
2 September through to November 2020. So I take it you don't know if that ever took
3 place?

4 **A/COMMR LEE BERGERMAN:** No, I'm not sure, but COVID and
5 COVID protocols and restrictions could have had a play in that. I'm not sure.

6 **MS. RACHEL YOUNG:** Can we see COMM0043946, please?
7 And can that be made an exhibit?

8 **REGISTRAR DARLENE SUTHERLAND:** Can you provide the
9 COMM number again? Sorry.

10 **MS. RACHEL YOUNG:** Zero zero four three nine four six
11 (0043946).

12 **(SHORT PAUSE)**

13 **REGISTRAR DARLENE SUTHERLAND:** I don't seem to have
14 that ---

15 **MS. RACHEL YOUNG:** Okay.

16 **REGISTRAR DARLENE SUTHERLAND:** --- document. Sorry.

17 **MS. RACHEL YOUNG:** Okay. It's not a document you authored.
18 We'll find the document number reference later. It's on the list for Commissioner Lucki's
19 documents. It's a briefing note from Commissioner Lucki to the Minister dated
20 December 4th, 2020, which is the day that charges were laid in this case. And on page
21 2, under "Strategic Considerations," it says that there is a NOISP review of H-Strong,
22 which is ongoing.

23 So you were not aware of it at that time either? Because according
24 to the mandate letter, it should have been over by then, but it says it's ongoing,
25 December 4th, 2020, so...

26 **A/COMMR LEE BERGERMAN:** Yeah. No, I'm not aware of them.
27 And that's communication with the Commissioner and Public Safety Minister.

28 **MS. RACHEL YOUNG:** Yeah. Yes.

1 **A/COMMR LEE BERGERMAN:** I can't speak to that.

2 **MS. RACHEL YOUNG:** Okay.

3 And can we see COMM0008669, please?

4 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 4150.

5 **--- EXHIBIT NO. 4150:**

6 (COMM0008669) Update to CNIP in Ottawa from H-Division

7 **MS. RACHEL YOUNG:** This is a situation report, and if we can just
8 -- so it's an update to CNIP in Ottawa from H-Division. If we can go down to the bottom
9 to see who authored that, and the date?

10 So this is submitted by a Cpl. Jamie Lutz. Who's that?

11 **A/COMMR LEE BERGERMAN:** She was working in H-Strong, too.

12 **MS. RACHEL YOUNG:** Okay. So she's from the Issues
13 Management Team?

14 **A/COMMR LEE BERGERMAN:** Yeah. She came on once -- or,
15 no; she was there before John Robin. Yeah, she was part initially of the Issues
16 Management Team.

17 **MS. RACHEL YOUNG:** And then it's signed by John Robin ---

18 **A/COMMR LEE BERGERMAN:** Yeah.

19 **MS. RACHEL YOUNG:** --- and C/Supt. Chris Leather, January
20 18th, 2021.

21 **A/COMMR LEE BERGERMAN:** M'hm.

22 **MS. RACHEL YOUNG:** So would you normally be copied on
23 situation reports from H-Division to Ottawa?

24 **A/COMMR LEE BERGERMAN:** Not normally.

25 **MS. RACHEL YOUNG:** Okay. So if we can scroll back up, ---

26 **A/COMMR LEE BERGERMAN:** I'm wondering; this went to CNIP?

27 **MS. RACHEL YOUNG:** Yes.

28 **A/COMMR LEE BERGERMAN:** So that would be going to -- to

1 A/Commr. Daley, and I wouldn't necessarily be copied on this situational report, unless
2 it was going to the Deputy or the Commissioner.

3 **MS. RACHEL YOUNG:** There's some redactions imposed by the
4 Attorney-General for Canada there, the third bullet point down from the redactions says:
5 "RCMP National Office of Investigative Standards and
6 Practices (NOISP) has stopped their review of
7 Operation H-Strong following the recent charges.
8 Once the court proceedings are completed, NOISP
9 will resume and complete their review." (As read)

10 So you didn't know that was happening ---

11 **A/COMMR LEE BERGERMAN:** No.

12 **MS. RACHEL YOUNG:** --- either?

13 **A/COMMR LEE BERGERMAN:** No.

14 **MS. RACHEL YOUNG:** Okay. And do you know, now that
15 charges have stopped, whether this review is continuing?

16 **A/COMMR LEE BERGERMAN:** I can't speak to that.

17 **MS. RACHEL YOUNG:** Another form of review we've seen, the
18 third one, is a draft request for a review of the critical incident response sent by Darren
19 Campbell, Chris Leather, and John Robin, March 29, 2021 to Insp. Jamie Solesme in
20 Ottawa. That's S-o-l-e-s-m-e. You're aware of that one?

21 **A/COMMR LEE BERGERMAN:** I haven't seen it. I was aware of
22 the concept.

23 **MS. RACHEL YOUNG:** I'll just bring up -- we have an associated
24 email chain, but the draft document that we have right now is a COMM60017, which is
25 Exhibit 3989. And the related emails, just for the record, are Exhibits 3987, 3988, and
26 3990.

27 And so you see this -- who it's from at the top, ---

28 **A/COMMR LEE BERGERMAN:** Yeah.

1 **MS. RACHEL YOUNG:** --- who it's to, the date is March 29th,
2 2021, and it's requesting a review. You can -- if you want to take a minute to read that.
3 Have you seen this document before?

4 **A/COMMR LEE BERGERMAN:** No, but I was aware of the
5 concept behind it.

6 **MS. RACHEL YOUNG:** You were aware ---

7 **A/COMMR LEE BERGERMAN:** And supported it, yes.

8 **MS. RACHEL YOUNG:** You supported it?

9 **A/COMMR LEE BERGERMAN:** Yes.

10 **MS. RACHEL YOUNG:** And can we scroll down to the bottom?
11 So it's unsigned.

12 **A/COMMR LEE BERGERMAN:** Yeah.

13 **MS. RACHEL YOUNG:** You weren't copied on it ---

14 **A/COMMR LEE BERGERMAN:** No.

15 **MS. RACHEL YOUNG:** --- but you would have known about it at
16 the time?

17 **A/COMMR LEE BERGERMAN:** I didn't know about the letter. I'm
18 not even sure it was sent to anyone. But I certainly understood the concept of it at the
19 time and supported the request.

20 **MS. RACHEL YOUNG:** And we did already talk about it in your
21 witness interview, which we don't need to look at but it's COMM62441 at pages 70 to
22 73. You said you supported it; it had been discussed with you, and you didn't know why
23 the request itself wasn't formalized. So as far as we know, there was never a signed
24 copy that was sent to Ottawa, and so you don't know anything about why that ---

25 **A/COMMR LEE BERGERMAN:** No.

26 **MS. RACHEL YOUNG:** --- might be, right?

27 **A/COMMR LEE BERGERMAN:** No.

28 **MS. RACHEL YOUNG:** And then you don't know who decided

1 against it?

2 **A/COMMR LEE BERGERMAN:** Not directly. I can't speak to that.

3 **MS. RACHEL YOUNG:** And you said in your interview at page 71
4 that the review was John Robin's idea, right?

5 **MS. RACHEL YOUNG:** It was a concept that he came up with, I
6 believe in consultation with C/Supt. Campbell, but it was something that I discussed with
7 John Robin.

8 **MS. RACHEL YOUNG:** Because I had understood from C/Supt.
9 Campbell's evidence that it was his idea. Do you know for certain where the idea
10 originated?

11 **A/COMMR LEE BERGERMAN:** No.

12 **MS. RACHEL YOUNG:** And do you recall any discussions that --
13 there's a later email from May of 2021 where there's a discussion of narrowing the
14 scope of the requested review. Do you recall any discussions about that; that, for
15 example, it might have more of a chance of success of being approved as a review at
16 the national level if the scope were narrower? Does that ---

17 **A/COMMR LEE BERGERMAN:** No.

18 **MS. RACHEL YOUNG:** --- ring any bells? No?

19 **A/COMMR LEE BERGERMAN:** No, I'm not aware of that.

20 **MS. RACHEL YOUNG:** Okay. The fourth type of review which I
21 want to ask you about was the draft after-action report of the ERT response; that's
22 COMM54285, Exhibit P-001445.

23 Do you know whether this was finalized?

24 **A/COMMR LEE BERGERMAN:** No. And I never saw a final draft
25 of this.

26 **MS. RACHEL YOUNG:** Okay. So you don't know why that didn't
27 move to ---

28 **A/COMMR LEE BERGERMAN:** No.

1 **MS. RACHEL YOUNG:** --- its final stages? And if we can go to the
2 end of the document, there are a number of "gaps" identified. And even if it wasn't
3 finalized, are you aware of whether any of these identified gaps were acted upon as
4 suggestions for improvement?

5 **(SHORT PAUSE)**

6 **A/COMMR LEE BERGERMAN:** I can't speak to -- I know that a
7 number of issues as it relates to radios and encrypted and non-encrypted, and I believe
8 there's a document that's been submitted by C/Supt. O'Malley, who has addressed
9 some of the gaps that were identified early on, and I've seen the document by C/Supt.
10 O'Malley, but I can't speak to the specifics. But I do know that they were working on
11 filling these gaps early on.

12 **MS. RACHEL YOUNG:** This document from C/Supt. O'Malley, can
13 you tell us more about it; what the date of it would have been?

14 **A/COMMR LEE BERGERMAN:** It's something that was a
15 submission to, I think it's from July of this year, and it was a written submission based
16 on questions from the Commission.

17 **MS. RACHEL YOUNG:** Okay. The fifth form of review was the
18 after-action report of the RCMP EMRT team. That's COMM0054284.

19 That's already an exhibit, Madam Registrar?

20 **REGISTRAR DARLENE SUTHERLAND:** Yes, Exhibit 1127.

21 **MS. RACHEL YOUNG:** Was this a draft as well or was this
22 finalized?

23 **A/COMMR LEE BERGERMAN:** I haven't seen this and ---

24 **MS. RACHEL YOUNG:** You've never seen this before?

25 **A/COMMR LEE BERGERMAN:** No.

26 **MS. RACHEL YOUNG:** So it was never presented to you as a
27 suggestion for improvement?

28 **A/COMMR LEE BERGERMAN:** No, and I'm not sure what the

1 date -- okay. I'm not sure what the date is on this.

2 **MS. RACHEL YOUNG:** Can we scroll down to the bottom, please?

3 The date of -- I assume that's July 4th?

4 **A/COMMR LEE BERGERMAN:** Yeah.

5 **MS. RACHEL YOUNG:** Must be July 4th, 2020.

6 **A/COMMR LEE BERGERMAN:** And there's no signatures of any
7 supervisors within, like a Criminal Operations Officer or in "H" Division on this
8 document.

9 **MS. RACHEL YOUNG:** So you're not aware whether it was
10 finalized or put forward to anyone ---

11 **A/COMMR LEE BERGERMAN:** No.

12 **MS. RACHEL YOUNG:** --- to take action?

13 **A/COMMR LEE BERGERMAN:** No. One would -- one would
14 expect that it would be signed off by the Criminal Operations Officer, for one, or/and
15 Chief Superintendent Campbell.

16 **MS. RACHEL YOUNG:** So as far as you can tell looking at this
17 document, then, it must not be a final version; right?

18 And you're saying no?

19 **A/COMMR LEE BERGERMAN:** No, I'm saying -- I'm saying no, it
20 wouldn't be a final if it's not signed off by anybody.

21 **MS. RACHEL YOUNG:** Can we just scroll up a little bit, please,
22 Madam Registrar?

23 So there are some recommendations made here. To your
24 knowledge, then, these were never brought forward or acted upon?

25 **A/COMMR LEE BERGERMAN:** I can't speak to that.

26 **MS. RACHEL YOUNG:** And then the sixth form of review was the
27 one we talked about with Superintendent Dimopoulos, but you don't know anything
28 about that one, I guess.

1 **A/COMMR LEE BERGERMAN:** No.

2 **MS. RACHEL YOUNG:** Okay. And then I guess it would be 7 and
3 8, they're not internal RCMP reviews, but there's ESDC, which is -- I think it's -- I forget
4 what it stands for -- Employment Development Standards, something like that. But it's -
5 --

6 **A/COMMR LEE BERGERMAN:** Yes.

7 **MS. RACHEL YOUNG:** --- essentially workplace safety
8 investigation.

9 **A/COMMR LEE BERGERMAN:** Yes.

10 **MS. RACHEL YOUNG:** And so what is that about and do you
11 know where that's at or where it was when you left?

12 **A/COMMR LEE BERGERMAN:** It was ongoing when I left, and I'm
13 not sure that it's been completed yet. I haven't been advised one way or the other.

14 **MS. RACHEL YOUNG:** I believe that's ongoing as well.

15 And there's a HOIT Review, H-O-I-T.

16 **A/COMMR LEE BERGERMAN:** Yeah.

17 **MS. RACHEL YOUNG:** What's that one?

18 **A/COMMR LEE BERGERMAN:** That one, I'm not sure that one's
19 been completed, either.

20 **MS. RACHEL YOUNG:** So of all these various things we've talked
21 about, there hasn't been one that's been finished and actioned, to your knowledge.

22 **A/COMMR LEE BERGERMAN:** To my knowledge, no.

23 **MS. RACHEL YOUNG:** Did you ever sit down and look at all the
24 various ways that there could be internal reviews of various pieces of the response to
25 the mass casualty and try to coordinate them or discuss with National Headquarters
26 how they could be best coordinated and at what time it would be most appropriate to do
27 them?

28 **A/COMMR LEE BERGERMAN:** The one -- the only one that I had

1 conversations with National Headquarters, and that would have been Dennis Daley,
2 was the Critical Incident Review. And that was very early on, long before that letter was
3 written on what myself and Chief Superintendent Rodman thought would be a good idea
4 to have independent experts in critical incident response kind of do a tabletop exercise
5 based on a scenario that was similar. These were just kind of ideas, didn't have
6 anything on paper or just ideas that we floated with -- with National Headquarters. And
7 at the time, Assistant Commissioner Daley thought it was a good idea, but I'm not sure
8 why it was never actioned.

9 Could be -- well, I'm not going to even speculate. I think it's best to
10 ask those that made that decision as to why not.

11 **MS. RACHEL YOUNG:** My understanding is that Chief
12 Superintendent Campbell ideally wanted that Critical Incident Response Review to be
13 done by people who were Critical Incident Commanders but from outside the Division.
14 Is that something that's theoretically possible?

15 **A/COMMR LEE BERGERMAN:** Yes. But you would definitely
16 need the support of National Headquarters to facilitate that. And also, we were looking
17 more having some independents, like Critical Incident Commanders with vast
18 experience from different police forces, ideally.

19 **MS. RACHEL YOUNG:** I'm going to turn to "H" Division leadership
20 issues now.

21 **A/COMMR LEE BERGERMAN:** Yes.

22 **MS. RACHEL YOUNG:** When did you first join "H" Division?

23 **A/COMMR LEE BERGERMAN:** I came to "H" Division in May
24 2016 as the Officer in Charge of Halifax District.

25 **MS. RACHEL YOUNG:** And were you promoted within Halifax
26 District prior to becoming Assistant Commissioner, or prior to becoming Commanding
27 Officer of "H" Division?

28 **A/COMMR LEE BERGERMAN:** I came to Nova Scotia as --

1 because I was promoted to the position of the Chief Superintendent Halifax District.

2 **MS. RACHEL YOUNG:** That was Chief Superintendent. So is that
3 the equivalent of what Janis Gray was?

4 **A/COMMR LEE BERGERMAN:** Yes. I was in Janis Gray's
5 position and when I became the Commanding Officer, she became the OIC of Halifax
6 District.

7 **MS. RACHEL YOUNG:** And when did you become the
8 Commanding Officer?

9 **A/COMMR LEE BERGERMAN:** I started January 7th, 2019.

10 **MS. RACHEL YOUNG:** So between that date and April 18th,
11 2020, how would you describe the relationship between the senior officers in "H"
12 Division?

13 **A/COMMR LEE BERGERMAN:** I would describe the relationship
14 as good. There were some conflict. Nothing that I saw as serious at the time. And
15 early on in my tenure with -- in the Division -- and we had a lot of new officers coming in.
16 We did an educational retreat with the officers of the Division, so in order to get to know
17 each other, we did teambuilding exercises, but we also had outside people come in and
18 talk about leadership and teambuilding concepts to build a strong management team.

19 **MS. RACHEL YOUNG:** And Chief Superintendent Leather came in
20 as CrOps Officer in the fall of 2019? Is ---

21 **A/COMMR LEE BERGERMAN:** Yes.

22 **MS. RACHEL YOUNG:** --- that right?

23 And do you recall when Superintendent Campbell took on the role
24 as SSO?

25 **A/COMMR LEE BERGERMAN:** I can't ---

26 **MS. RACHEL YOUNG:** Was it before or after you became
27 Commanding Officer?

28 **A/COMMR LEE BERGERMAN:** After.

1 **MS. RACHEL YOUNG:** So there were a number of new people in
2 those key leadership roles; right?

3 **A/COMMR LEE BERGERMAN:** Yes.

4 **MS. RACHEL YOUNG:** How would you describe the relationship
5 between the RCMP and the Nova Scotia Department of Justice prior to the events?

6 **A/COMMR LEE BERGERMAN:** I would describe it as good.

7 **MS. RACHEL YOUNG:** And what about relations with municipal
8 police forces in the province, or regional police forces?

9 **A/COMMR LEE BERGERMAN:** Prior to the event, I ---

10 **MS. RACHEL YOUNG:** Yes.

11 **A/COMMR LEE BERGERMAN:** --- would describe as good and
12 collaborative.

13 **MS. RACHEL YOUNG:** Do you think there were any interpersonal
14 issues or organizational relationship issues that affected the response to the mass
15 casualty events?

16 **A/COMMR LEE BERGERMAN:** No, I don't. I think it's important to
17 know that the leadership team here was probably some of the strongest, most capable
18 police officers I've worked with.

19 **MS. RACHEL YOUNG:** Did the relationship with the -- between
20 the senior officers, the municipal Chiefs and the province change after the events?

21 **A/COMMR LEE BERGERMAN:** I would say yes.

22 **MS. RACHEL YOUNG:** Can you tell us more about that?

23 **A/COMMR LEE BERGERMAN:** Well, I believe and it was
24 apparent that it became popular to distance yourself from the RCMP because we were
25 receiving a lot of criticism publicly and there were -- there were times when there was
26 an opportunity that certain Chiefs would publicly say negative things, so that's -- that
27 was the start of it. And I think, too, that the push for policing standards has caused a rift
28 between the RCMP, the Department of Justice and municipal policing agencies.

1 **MS. RACHEL YOUNG:** Why is that?

2 **A/COMMR LEE BERGERMAN:** Because there aren't any policing
3 standards and there's a push on to have -- certainly we have been pushing for it
4 because we have policing standards in a number of divisions throughout the country.
5 And it's important for a Division and a Province to have policing standards that
6 everybody follows.

7 **MS. RACHEL YOUNG:** Why would that cause a rift?

8 **A/COMMR LEE BERGERMAN:** Because we have policing
9 standards, the RCMP, and we wanted policing standards. And you would have to ask a
10 municipal police chief why that might cause problems, because with policing standards
11 come specialized units, ERT teams, all of which are cost prohibitive for a lot of
12 municipalities.

13 And I also think that the -- some of the municipal chiefs were, I
14 don't know if you want to call it upset, but we were starting to -- the RCMP was starting
15 to track, financially, expenditures that were being expended in municipalities that we
16 don't police. So for example, units or agencies that don't have specialized units, like an
17 ERT or an undercover [*sic*] team -- water recovery team. Then we would go into those
18 communities with those resources. But we don't get any extra funding for that, so that
19 comes directly out of our budget.

20 So in the last year, maybe six months, that I was there, we started
21 tracking what we were expending in municipalities that aren't RCMP. Like, for example,
22 a Truro, or a Bridgewater, or one of those communities. And I think that caused some
23 concern, and concern from the chiefs, because they were concerned that they were
24 going to start getting billed for services. But really, they've never been billed, to my
25 knowledge. Certainly when I was there.

26 And it was important for us because every year we started off with
27 a deficit. It was important for us as the RCMP to be able to track and to tell our story to
28 the Province as to why we're in a deficit, because we weren't always spending money

1 within our own policing jurisdictions. So I think that contributed to that.

2 And I also think there was personality conflicts with some of the
3 chiefs and some of our members.

4 **MS. RACHEL YOUNG:** How was the morale of H Division after the
5 events?

6 **A/COMMR LEE BERGERMAN:** It got bad because, well obviously
7 it was traumatic, but the negative press was very traumatic.

8 **MS. RACHEL YOUNG:** What about specifically with
9 commissioned officers at H Division?

10 **A/COMMR LEE BERGERMAN:** What's the question?

11 **MS. RACHEL YOUNG:** The morale of senior officers?

12 **A/COMMR LEE BERGERMAN:** Oh, they -- say a year after, there
13 was a lot of burnout with the officers of H Division. We had a number of our key senior
14 people who were off duty sick. And a lot of our commissioned officers were doing three
15 jobs.

16 **MS. RACHEL YOUNG:** In your witness interview, we talked about
17 a wellness assessment ---

18 **A/COMMR LEE BERGERMAN:** Yes.

19 **MS. RACHEL YOUNG:** --- that you told us you initiated. That's in
20 your interview at page 131 to 132. The document is COMM0062465. The -- this is a
21 redacted summary of the H Division Wellness Report by Quintet Consulting. You don't
22 have that? Okay. I'll ask that it be made an exhibit. But we can't bring it on screen?
23 Okay.

24 **REGISTRAR DARLENE SUTHERLAND:** It's Exhibit 4151.

25 **--- EXHIBIT No. 4151:**

26 (COMM0062465) Redacted summary of the H Division
27 Wellness Report by Quintet Consulting

28 **MS. RACHEL YOUNG:** I'll just note Commission Counsel

1 disagrees with most of the redactions that are on this document and has applied to
2 Commissioners to un-redact it according to Rule 19 and that the Commissioners order it
3 to be produced to the Commission.

4 So you said in your interview that commissioning this report was
5 your idea. And why was that?

6 **A/COMMR LEE BERGERMAN:** Well, it wasn't -- this is not --
7 certainly what I was seeking. So I had a handful of officers come to me about their
8 health and wellness, burnout, succession planning, and looking for some sort of, you
9 know, assistance, and how to manage this. And concerning, obviously.

10 So I went to Dept. Brennan and explained that I had these senior
11 officers who were burning out who, you know, were suffering. And you know, and I was
12 looking to him for strategies. And so like I was thinking was, can we bring in
13 independent people to help us with health and wellness, mental health, at the senior
14 officer level, and what does that look like? And also succession planning interviews,
15 because a number of the people that spoke to me about their wellness were burnt out
16 and were looking to get transferred out of the Division, but not tomorrow, like a
17 succession planning plan.

18 So I went to Dept. Brennan with that and he -- you know, and he
19 said, you know, maybe we can find an independent company that could help us, you
20 know, work through this thing. And he said that he was going to be talking to the Chief
21 Human Resource Officer, Gail Johnson, because she has experience in that. So I don't
22 know what those discussions looked like, but I know that they eventually came out with
23 this health and wellness plan with this company Quintet. And I was looking more for
24 strategies and coping mechanisms.

25 **MS. RACHEL YOUNG:** When was your conversation with Dept.
26 Brennan? When did you first raise it with him?

27 **A/COMMR LEE BERGERMAN:** I would have to look at my notes.
28 And I would also have to look in my notes because it was right on the heels of when

1 these handful of officers came to me.

2 **MS. RACHEL YOUNG:** It would have been in 2020 though; right?

3 **A/COMMR LEE BERGERMAN:** I can't say for sure. I think
4 actually it could have been 2021.

5 **MS. RACHEL YOUNG:** And if so ---

6 **A/COMMR LEE BERGERMAN:** I can't say for sure.

7 **MS. RACHEL YOUNG:** Okay. If so, it would have been early
8 2021?

9 **A/COMMR LEE BERGERMAN:** Yes, because I think we ended up
10 doing the interviews in July of 2021 for that Quintet company.

11 **MS. RACHEL YOUNG:** How did you feel you were doing, yourself,
12 in the aftermath of the events?

13 **A/COMMR LEE BERGERMAN:** Okay.

14 **MS. RACHEL YOUNG:** Were you aware of any senior officers
15 having concerns about your performance?

16 **A/COMMR LEE BERGERMAN:** No.

17 **MS. RACHEL YOUNG:** Specifically, absenteeism, for example?

18 **A/COMMR LEE BERGERMAN:** No.

19 **MS. RACHEL YOUNG:** And if someone said that, would you agree
20 with that?

21 **A/COMMR LEE BERGERMAN:** No.

22 **MS. RACHEL YOUNG:** Were you aware of any of your senior
23 officers making complaints about you to Dept. Brennan after the events?

24 **A/COMMR LEE BERGERMAN:** Yes.

25 **MS. RACHEL YOUNG:** Can you tell us about what you know
26 about that?

27 **A/COMMR LEE BERGERMAN:** He called me and said that, and
28 this would be in the fall.

1 **MS. RACHEL YOUNG:** Of 2020?

2 **A/COMMR LEE BERGERMAN:** I believe so. And said that there
3 had been some complaints about me. And I completely disagreed with him and
4 suggested that he come to the Division, not only to talk to other officers, but I also
5 thought it was important for him to come and touch base with -- because we had
6 fisheries disputes going on here that was monumental events, and we had a number of
7 members from other divisions that were supporting us, so I thought it would be
8 important for him to come down and touch base with that group. So ---

9 **MS. RACHEL YOUNG:** So it was your idea for him to come to H
10 Division?

11 **A/COMMR LEE BERGERMAN:** Yes.

12 **MS. RACHEL YOUNG:** And did he tell you who complained about
13 you?

14 **A/COMMR LEE BERGERMAN:** No, he did not.

15 **MS. RACHEL YOUNG:** So he did come to visit in October of 2020;
16 right?

17 **A/COMMR LEE BERGERMAN:** Yes.

18 **MS. RACHEL YOUNG:** And what, if anything, did you tell other
19 people at H Division that he was there for?

20 **A/COMMR LEE BERGERMAN:** I told them -- I didn't say too
21 much, only that he wanted to come and touch base with officers in the Division, and that
22 I encouraged them to talk with him and be open and honest about what they thought
23 and how they felt.

24 **MS. RACHEL YOUNG:** How did you feel he was received by
25 members of H Division or officers when he came?

26 **A/COMMR LEE BERGERMAN:** I later learned not very well.

27 **MS. RACHEL YOUNG:** Did you understand why that might be?

28 **A/COMMR LEE BERGERMAN:** Well his intentions were genuine

1 and he was just trying to do kind of a fact-based, you know, exploratory visit. So not
2 really. But I later learned that people were upset.

3 **MS. RACHEL YOUNG:** The Commissioned interviewed Insp. Rob
4 Bell, for example, he talked about not feeling happy about that visit because he felt that
5 it was, you know, National Headquarters coming in, especially because people had got
6 word of that April 20th meeting and kind of, you know, coming in, especially since
7 Deputy Brennan was formerly of H-Division, and implying that this would not all have
8 happened the way it did if he was still CO. Did you take it that way?

9 **A/COMMR LEE BERGERMAN:** Not at all.

10 **MS. RACHEL YOUNG:** Okay. And -- so what conversations did
11 you have with Deputy Brennan while he was there?

12 **A/COMMR LEE BERGERMAN:** Well, after he interviewed people,
13 him and I went on the road to go and visit with the different areas down in Southwest
14 Nova where we had all these members from different divisions supporting -- supporting
15 the public safety part of the fisheries dispute. I think at the time, we probably had 30
16 police officers here from other divisions supporting us, and so we went down and did
17 detachment visits in Southwest Nova. And then when we got back to our headquarters,
18 he sat down with Chief Superintendent Leather and I and talk about priorities and
19 strategic ways forward in -- on working on relationships with the partners in the
20 Indigenous communities, and that we would continue to have discussions going
21 forward.

22 **MS. RACHEL YOUNG:** Did he talk to you and Chief
23 Superintendent Leather about your relationship with each other and how it needed to be
24 improved?

25 **A/COMMR LEE BERGERMAN:** Sorry?

26 **MS. RACHEL YOUNG:** Did Deputy Chief Brennan speak to you
27 and Chief Superintendent Leather about your relationship with each other and that it
28 needed to improve?

1 **A/COMMR LEE BERGERMAN:** No. Not that I recall.

2 **MS. RACHEL YOUNG:** Do you recall him telling you both that you
3 needed to take your annual vacation leave?

4 **A/COMMR LEE BERGERMAN:** He told -- he told myself and he
5 told, yeah, Chris, that we needed to take a week off.

6 **MS. RACHEL YOUNG:** I don't recall you mentioning his visit of
7 October 2020 in your Commission interview. Was there a reason for that?

8 **A/COMMR LEE BERGERMAN:** No, I just didn't know it was
9 something that was to be -- it was kind of a performance management issue, I didn't
10 know it was part of this Commission.

11 **MS. RACHEL YOUNG:** How as the relationship between you and
12 Chief Superintendent Leather?

13 **A/COMMR LEE BERGERMAN:** Good.

14 **MS. RACHEL YOUNG:** Did you ever feel that it was not good and
15 affected your work?

16 **A/COMMR LEE BERGERMAN:** No.

17 **MS. RACHEL YOUNG:** Okay. So you were aware that this
18 consultants report was ordered; right?

19 **A/COMMR LEE BERGERMAN:** Yes.

20 **MS. RACHEL YOUNG:** And the consultants ended up reporting to,
21 was it to Deputy Chief Brennan or the Chief Human Resources Officer?

22 **A/COMMR LEE BERGERMAN:** Both. Both to my understanding.

23 **MS. RACHEL YOUNG:** But not to you?

24 **A/COMMR LEE BERGERMAN:** Not to me.

25 **MS. RACHEL YOUNG:** You weren't directing their work?

26 **A/COMMR LEE BERGERMAN:** No. But we were told, because I
27 made a -- an enquiry with Deputy Brennan as to if we would get a copy of the report,
28 and I was told that we would get a executive summary of the report.

1 **MS. RACHEL YOUNG:** And did you?

2 **A/COMMR LEE BERGERMAN:** No.

3 **MS. RACHEL YOUNG:** Were you ever told why not?

4 **A/COMMR LEE BERGERMAN:** No.

5 **MS. RACHEL YOUNG:** Were you ever told it was done?

6 **A/COMMR LEE BERGERMAN:** No.

7 **MS. RACHEL YOUNG:** Did you ask to see the results?

8 **A/COMMR LEE BERGERMAN:** Well, I think, to be fair, the
9 interviews were done July 2021, and my last day at work was October 2021, so I'm not
10 even sure the report was done.

11 **MS. RACHEL YOUNG:** Then report was -- the one we have, the
12 summary, was dated September of 2021. So ---

13 **A/COMMR LEE BERGERMAN:** September, yeah, that was why I
14 never, I never saw it.

15 **MS. RACHEL YOUNG:** And you hadn't -- you hadn't seen it until I
16 showed parts of it to on screen during your Commission interview on August 2nd, 2022;
17 right?

18 **A/COMMR LEE BERGERMAN:** That's right, because I think it was
19 -- it was dropped on the 28th of July, and then ---

20 **MS. RACHEL YOUNG:** Of 2022?

21 **A/COMMR LEE BERGERMAN:** Yes.

22 **MS. RACHEL YOUNG:** Dropped on the ---

23 **A/COMMR LEE BERGERMAN:** And it -- meaning it was -- it was
24 given to you, given to the Commission, and then I was away, and I never saw it until you
25 showed me portions of it on the 2nd.

26 **MS. RACHEL YOUNG:** And I think you said in your interview that
27 the Acting Assistant Commissioner, John Ferguson, who is the Acting CO of H-Division,
28 alerted you on that Friday before your interview, ---

1 **A/COMMR LEE BERGERMAN:** Yes.

2 **MS. RACHEL YOUNG:** --- the 28th, that there would be things in
3 there that ---

4 **A/COMMR LEE BERGERMAN:** Yeah.

5 **MS. RACHEL YOUNG:** --- were not flattering about you, for
6 example?

7 **A/COMMR LEE BERGERMAN:** Yes.

8 **MS. RACHEL YOUNG:** But he didn't send you a copy?

9 **A/COMMR LEE BERGERMAN:** No. I had a copy from -- from
10 National Headquarters, a redacted copy, but I couldn't -- I was in the United States at
11 the time, and I couldn't open it in my -- on my phone.

12 **MS. RACHEL YOUNG:** Have you ever seen the unredacted copy?

13 **A/COMMR LEE BERGERMAN:** No.

14 **MS. RACHEL YOUNG:** And this is a summary. Have you ever
15 seen the full report?

16 **A/COMMR LEE BERGERMAN:** No.

17 **MS. RACHEL YOUNG:** Now that you've seen this redacted
18 summary, was this what you had in mind when you asked for a wellness assessment?

19 **A/COMMR LEE BERGERMAN:** No.

20 **MS. RACHEL YOUNG:** How does it differ from what you thought it
21 would be?

22 **A/COMMR LEE BERGERMAN:** Well, as I said, I was looking for
23 how do we -- what strategies can we put in place to help people heal? Do we do team
24 building? Do we go on retreats? Do we bring in psychologists? Do we bring in extra
25 members to support the officers that were here? That's -- that's what I was looking for.
26 And I also wanted succession planning interviews. These people had requested them,
27 and so I asked for that. So that was done eventually. People weren't transferred very
28 quickly, but practically that didn't make sense either, having your management team

1 transfer out. But that -- that's what I was looking for.

2 **MS. RACHEL YOUNG:** Did you have any say in the questions the
3 consultants asked people?

4 **A/COMMR LEE BERGERMAN:** No.

5 **MS. RACHEL YOUNG:** Did you answer any questions yourself?

6 **A/COMMR LEE BERGERMAN:** Yes.

7 **MS. RACHEL YOUNG:** So was that an in-person meeting or
8 virtual? Did they come ---

9 **A/COMMR LEE BERGERMAN:** Virtual.

10 **MS. RACHEL YOUNG:** Okay. So did they interview everybody by
11 Zoom? Is that the process?

12 **A/COMMR LEE BERGERMAN:** Teams.

13 **MS. RACHEL YOUNG:** Teams?

14 **A/COMMR LEE BERGERMAN:** And some phone calls, I believe.

15 **MS. RACHEL YOUNG:** And was your interview recorded?

16 **A/COMMR LEE BERGERMAN:** I'm not sure.

17 **MS. RACHEL YOUNG:** Do you think this report will have the
18 desired effect that you originally had in mind?

19 **A/COMMR LEE BERGERMAN:** No.

20 **MS. RACHEL YOUNG:** Has any of it been implemented that you
21 know of?

22 **A/COMMR LEE BERGERMAN:** Not that I know of, and it's
23 unfortunate because the people that participated thought it would be confidential.

24 **MS. RACHEL YOUNG:** Turning to a different area now, I want to
25 ask you about supervision of frontline officers.

26 We talked about this in your interview, and again, the transcript is
27 COMM62441, and the page references are 125 and 148. We don't have to look at it
28 now, but the reason I was asking about it is this Commission has heard evidence of

1 some contact or some information that came to the RCMP regarding the perpetrator in
2 the past, and when we tried to find the notes they're sparse, possibly inaccurate, or not
3 retained for posterity, for example, by Members Maxwell and Wiley. And so, you know,
4 the Commissioners are interested in knowing whether there is any recommendations
5 they could make about notetaking, note retention, and so on.

6 So we know in terms of ensuring these kinds of things happen
7 there are provincial audits that could include notetaking practices; right?

8 **A/COMMR LEE BERGERMAN:** Yes.

9 **MS. RACHEL YOUNG:** And then there are also, we've heard
10 about these Unit Level Quality Assurance reviews, so ULQA. Can you explain what
11 those are?

12 **A/COMMR LEE BERGERMAN:** So that would be a unit review
13 that you would do, maybe a unit or a -- detachments within a district, and you would
14 focus on say maybe two things, like notetaking and exhibits, and then they would do a
15 quality assurance on that within the detachment.

16 **MS. RACHEL YOUNG:** So the notes we were looking at were from
17 the range of 2010 to 2013. One example we have of a ULQA that covers notetaking,
18 albeit from Cumberland RCMP detachment, was from 2015.

19 If we can just look at COMM0061474, please.

20 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 4152.

21 **--- EXHIBIT NO. 4152:**

22 (COMM0061474) ULQA review of investigators' notebooks
23 in Cumberland County

24 **MS. RACHEL YOUNG:** So you see this is a ULQA, there it says
25 on the top, and then it says, "investigator's notebook".

26 If we could go down to page 3.

27 It looks -- so this is provided to contract -- so this is detachment
28 level, but it gets provided to Contract and Indigenous Policing, or where does this go

1 when these reviews are done?

2 **A/COMMR LEE BERGERMAN:** This -- well, it -- to the divisional
3 headquarters, but also to the district policing officer would be his responsibility, along
4 with the Detachment Commander, to ensure that these gaps are addressed.

5 **MS. RACHEL YOUNG:** Okay. So if we can go to page 3. You
6 see Number 7 there, it says:

7 "Did the supervisor review the notebooks monthly to
8 verify quality and content?" (As read)

9 And then there's a reference on the left, OM, with a bunch of
10 numbers. So that would be the applicable RCMP policy ---

11 **A/COMMR LEE BERGERMAN:** Yes.

12 **MS. RACHEL YOUNG:** --- is that right?

13 **A/COMMR LEE BERGERMAN:** Operational Manual 25.2.3.

14 **MS. RACHEL YOUNG:** And under Findings, it says "30-percent
15 compliance". So I take that to mean that's only happening 30-percent of the time.
16 Would that be your understanding?

17 **A/COMMR LEE BERGERMAN:** Well, if the question did the
18 supervisor review the notebooks monthly to verify quality and content? Yes. My
19 question would be in this what was the -- like how many -- how many notebooks did
20 they analyse, or how many -- like what was the sample size, I would wonder? But
21 certainly, if that's the finding, and I'm just generalising here, then that would be
22 something that the Detachment Commander would have to address, and the DPO, so
23 the District Policing Officer would have to be following up on this compliance.

24 Because the reason why you do a ULQA is to identify gaps. So
25 here's a gap, so then I would suggest that there should be some, and the expectation
26 would be that the Detachment Commander, along with the District Policing Officer,
27 would bring those numbers up, definitely.

28 **MS. RACHEL YOUNG:** And then are there follow up ULQAs after

1 that to see if the compliance improves?

2 **A/COMMR LEE BERGERMAN:** Well, there could be. I mean, I
3 don't know if there was one done on this. What's the year of this one?

4 **MS. RACHEL YOUNG:** 2015.

5 **A/COMMR LEE BERGERMAN:** Yeah. Okay, so I don't know if
6 there was one done it, but their -- they would be following up with the gaps.

7 **MS. RACHEL YOUNG:** Recognising that this is before your time
8 as ---

9 **A/COMMR LEE BERGERMAN:** Yeah.

10 **MS. RACHEL YOUNG:** --- Commanding Officer, can you tell us
11 whether there is reason to believe that this practice has improved?

12 **A/COMMR LEE BERGERMAN:** I think, based on my experience
13 working with the detachment commanders and DPOs, I think -- I think for sure that this
14 compliance has improved. I can't speak to it because I haven't -- we haven't done an
15 additional ULQA, but if that was the state of affairs that would be something that would
16 be something that they would have to work on. And again, that's the whole purpose of a
17 ULQA.

18 **MS. RACHEL YOUNG:** You wouldn't be happy with that state of
19 affairs; right?

20 **A/COMMR LEE BERGERMAN:** I would not be happy with that ---

21 **MS. RACHEL YOUNG:** Yeah.

22 **A/COMMR LEE BERGERMAN:** --- state of affairs, no.

23 **MS. RACHEL YOUNG:** I want to ask you now about the RCMP's
24 interaction with various community bodies and municipalities. So starting with police
25 advisory boards and local governments.

26 There was -- the Commission sent a request for written evidence to
27 the RCMP on March 9th, 2020, and one request was to provide a summary of
28 community-based policing initiatives, and the resources dedicated to these initiatives in

1 the years 2016 to 2021, inclusive in Northeast Nova.

2 Can we see that piece of the response, Madam Registrar? It's
3 0062474.

4 **REGISTRAR DARLENE SUTHERLAND:** And that's Exhibit 4153.

5 **--- EXHIBIT NO. 4153:**

6 (COMM0062474) "NEN Community-based policing initiatives
7 2016-2021", sent with an interim response to written
8 evidence subpoena, July 2022

9 **MS. RACHEL YOUNG:** And just to explain what this document is.
10 The -- because it was a very large request for written evidence, the RCMP supplied
11 answers on a rolling basis over several months, so this was actually a piece that was
12 supplied on July 5th, 2022. Since then, this has all been rolled into a cumulative
13 response, but this document is taken from the July response. The cumulative response
14 was provided August 14th, 2022.

15 So if we can go down to page 12, please.

16 So this is an answer to various community policing, community
17 contact things that the RCMP does. If you look at the third bullet point, it says --
18 actually, the fifth bullet point, I think, that:

19 "The RCMP commanders and/or their designate
20 meets monthly with Mayor and Council and Chief and
21 Council in Indigenous communities and hears and
22 addresses concerns from the council regarding issues
23 in the communities." (As read)

24 Is that -- was that a practice that was happening when you were
25 Commanding Officer?

26 **A/COMMR LEE BERGERMAN:** Yes. What's the date of this
27 document?

28 **MS. RACHEL YOUNG:** Well, it was supplied to the Commission

1 July 5th, 2022, but the request was to provide information covering the period 2016 to
2 2021.

3 **A/COMMR LEE BERGERMAN:** And when was that request
4 made?

5 **MS. RACHEL YOUNG:** March 9th. Or I might have said 2020, it
6 should be 2022.

7 **A/COMMR LEE BERGERMAN:** March 9th, 2022?

8 **MS. RACHEL YOUNG:** Yes.

9 **A/COMMR LEE BERGERMAN:** Okay. Yes, this is -- looking at
10 this, this is certainly what I experienced and observed when I was the CO.

11 **MS. RACHEL YOUNG:** Police advisory boards are created by
12 section 57 of the *Nova Scotia Police Act*, and section 68(1) of the *Act* says:

13 "The function of an advisory board is to provide
14 advice to the council in relation to the enforcement of
15 law, the maintenance of law and order and the
16 prevention of crime in the municipality, but the
17 advisory board shall not exercise jurisdiction relating
18 to complaints, discipline, personnel conduct or the
19 internal management of the Royal Canadian Mounted
20 Police."

21 So how does the RCMP interact with police advisory boards, if at
22 all?

23 **A/COMMR LEE BERGERMAN:** So I can speak to my experience,
24 because I sat on the Board of Police Commission in -- when I was in Halifax District,
25 and it's actually a -- an -- a very good venue for us to get kind of the granular concerns
26 of the community, I found anyway, and that's certainly what our detachment
27 commanders that attend these meetings in the smaller communities experience, and
28 that's also a way for the communities to identify issues that they see within their

1 communities to the police. So I'm a -- I'm not sure what your question is, but I -- I think
2 it's a -- an excellent venue for us to participate in to get that local flare of what the
3 concerns are.

4 **MS. RACHEL YOUNG:** Yeah, that's helpful. I think my question is
5 trying to translate what it says on paper to what happens in real life and make sure that
6 we understand. So the police advisory boards, as I understand the *Police Act*, advise
7 the council ---

8 **A/COMMR LEE BERGERMAN:** Yeah.

9 **MS. RACHEL YOUNG:** --- and then the written evidence response
10 says the RCMP meets with council. So then, when you go out there into the
11 communities, so is there also direct contact between RCMP and the police advisory
12 boards or is everyone there together talking about policing issues?

13 **A/COMMR LEE BERGERMAN:** No. For the most part in -- the
14 detachment or a designate would be part of the advisory board that sits regularly within
15 the communities.

16 **MS. RACHEL YOUNG:** So the RCMP is on the police advisory
17 board?

18 **A/COMMR LEE BERGERMAN:** Yes.

19 **MS. RACHEL YOUNG:** Okay. When the RCMP is thinking about
20 how it should conduct community policing, does it consider what advice police advisory
21 boards have given municipal councils?

22 **A/COMMR LEE BERGERMAN:** Yes.

23 **MS. RACHEL YOUNG:** Turning, then, to CAOs or Chief
24 Administrative Officers in municipalities, they would also be municipal representatives
25 that you would have interaction with from time to time?

26 **A/COMMR LEE BERGERMAN:** In my experience, personally,
27 over in Halifax District, yes, because the CAOs are generally part of the advisory board.
28 But yeah, there's a regular communication in that regard.

1 **MS. RACHEL YOUNG:** They manage the purse strings of the
2 municipality; right?

3 **A/COMMR LEE BERGERMAN:** Sorry?

4 **MS. RACHEL YOUNG:** They manage the purse strings? They
5 would be the ---

6 **A/COMMR LEE BERGERMAN:** Yes.

7 **MS. RACHEL YOUNG:** --- financial person for the municipality?
8 And -- so there would be some discussion, at least with municipal policing, about
9 budgeting for policing with the CAOs; right?

10 **A/COMMR LEE BERGERMAN:** There would be some. That also
11 would happen, too, between the CAOs and the provincial government, Department of
12 Justice.

13 **MS. RACHEL YOUNG:** And in the case of the municipal chiefs, for
14 example, I think Chief MacNeil told us he would have very frequent contact with his
15 CAO, but that's a different ---

16 **A/COMMR LEE BERGERMAN:** Yes.

17 **MS. RACHEL YOUNG:** --- scenario.

18 **A/COMMR LEE BERGERMAN:** The direct funding comes from
19 the municipality.

20 **MS. RACHEL YOUNG:** Right. Okay.

21 Can we see COMM0052192, please, Madam Registrar?

22 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 4154.

23 **--- EXHIBIT NO. 4154:**

24 (COMM0052192) Letter from Chief Administrative Officers of
25 Colchester County municipalities to Assistant Commissioner
26 Bergerman, June 8, 2020

27 **MS. RACHEL YOUNG:** This is a letter to you from the Chief
28 Administrative Officers of three municipalities in Colchester County, dated June 8th,

1 2020. Do you recall this letter?

2 **A/COMMR LEE BERGERMAN:** Yes.

3 **MS. RACHEL YOUNG:** They're explaining their concerns,
4 requesting information about the lack of the Alert Ready system, the Onslow shooting
5 involving their REMO employees, and -- employee who was shot at, and the failure to
6 use the Truro Police Service for assistance during the mass casualty.

7 **A/COMMR LEE BERGERMAN:** Yes.

8 **MS. RACHEL YOUNG:** And then you responded on June 16th;
9 that's COMM0052223.

10 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 4155.

11 **--- EXHIBIT NO. 4155:**

12 (COMM0052223) Letter from A/Commr. Lee Bergerman

13 **MS. RACHEL YOUNG:** Do you recall this letter?

14 **A/COMMR LEE BERGERMAN:** Yes.

15 **MS. RACHEL YOUNG:** And so you talked to them about -- you
16 responded to their concerns and addressed the issues, your perspective on the Alert
17 Ready system as well.

18 **A/COMMR LEE BERGERMAN:** Yes.

19 **MS. RACHEL YOUNG:** And did you go out and meet with them at
20 all?

21 **A/COMMR LEE BERGERMAN:** No, I did not.

22 **MS. RACHEL YOUNG:** When they -- when COs write and ask you
23 for information, did you feel an obligation to respond?

24 **A/COMMR LEE BERGERMAN:** Absolutely.

25 **MS. RACHEL YOUNG:** Okay. And did you consider whether it
26 would be effective to go down and meet with them in person?

27 **A/COMMR LEE BERGERMAN:** Yes, and that was always a
28 consideration when I did detachment visits. But during this time and probably eight to

1 ten months after, there was restrictions, as you know. And so any sort of meeting might
2 have been virtual, but I was always open to, and worked with, my DPOs to -- if the
3 CAOs or mayors or councils or anything wanted to meet with me when I was going to
4 be in the community, then I was certainly open to that.

5 **MS. RACHEL YOUNG:** Tell us about your practice in terms of
6 detachment visits. Before and after COVID and before and after the events, how often
7 did you get out there, and why?

8 **A/COMMR LEE BERGERMAN:** So before COVID, I did
9 detachment visits regularly throughout the division when I could. Certainly when I
10 became the CO, I went to as many as I could. And then, of course, when COVID came
11 along, it restricted us, and there was times within Nova Scotia that if you were in Halifax
12 or in what they considered hotspots, you weren't allowed to travel up to certain areas
13 unless it was an operational requirement. So those were barriers.

14 And then when I could, I started going to the detachments, if it
15 wasn't weekly, it was biweekly, and I went not only to see the members and show
16 support for them and find out, on the ground, the needs. It was also important that I
17 was getting -- because normally we would have long-service medal ceremonies and
18 ceremonies for recognition and commendations; and, of course, as you can well
19 imagine, those were piling up because we weren't doing those things for a couple of
20 years. So that was another reason is that I could go out to all the detachments with
21 these recognitions and their long-service medals and give those out.

22 **MS. RACHEL YOUNG:** How many of the detachments did you
23 visit in Nova Scotia?

24 **A/COMMR LEE BERGERMAN:** All of them, and a lot of them
25 more than once.

26 **MS. RACHEL YOUNG:** I was going to ask you about community
27 policing, although the Commission has heard evidence from others on this, in that that
28 same response to the request for it in evidence, Exhibit 4153, the RCMP refer to some

1 community policing initiatives. Is that something you're able to speak to in any detail?

2 **A/COMMR LEE BERGERMAN:** Not in any detail, no.

3 **MS. RACHEL YOUNG:** Looking back, do you have your own
4 views on what went well and what didn't go well, in terms of the RCMP's response to
5 the mass casualty events?

6 **A/COMMR LEE BERGERMAN:** There's obvious things that -- I
7 think communication. Some communications didn't go well, and I'm hoping, like, some
8 really good lessons learned come out of that. But I also think a number of things went
9 well and some things went very well, and in some cases, the response of the members
10 was awesome. But I look forward to the examination of -- and I know that the RCMP
11 does, certainly the new CO, looks forward to the recommendations that come from this
12 Commission.

13 **MS. RACHEL YOUNG:** Would H-Division be in any better position
14 today if a similar mass casualty event happened again?

15 **A/COMMR LEE BERGERMAN:** I believe so. I believe that we
16 have learned, just on the things that we've discussed, that the response and
17 communication and upgrading radios and the Alert Ready and all of those things that
18 have been looked at, and policy in place, I believe so.

19 **MS. RACHEL YOUNG:** Do you have anything to suggest to the
20 Commissioners as they consider what recommendations to make?

21 **A/COMMR LEE BERGERMAN:** Yes. So one of the things that I
22 think is important for the Commissioners is to really have a hard look at the PPSA.
23 Sorry; I'm turning away from the -- and to look at the resourcing within the division, and
24 it's something that, you know, and the Province and the way that we're funded within
25 this division needs to be something that the Commissioners and this Commission does
26 a close examination on and comes up with recommendations, not only for the RCMP
27 but for the Province.

28 **MS. RACHEL YOUNG:** Madam Registrar, I'd like to exhibit the

1 other documents with respect to this witness that were circulated to participants,
2 please?

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

4 **MS. RACHEL YOUNG:** Thank you, Ms. Bergerman, those are my
5 questions for you.

6 **COMMISSIONER MacDONALD:** Thank you very much, Ms.
7 Young, and thank you so much, former Assistant Commissioner.

8 I believe Ms. Young mentioned this to you at the beginning of your
9 testimony, but we'll break now.

10 **A/COMMR LEE BERGERMAN:** Okay.

11 **COMMISSIONER MacDONALD:** And Counsel for the Commission
12 will meet with Counsel for the various Participants, and will, in an organized way, come
13 up with a proposal for questioning you, asking you various questions that haven't been
14 asked yet. So we'll break.

15 Ms. Young, you -- it strikes me, and I believe the Commissioners
16 would agree, that we should probably fold this into a lunch break and folks will need
17 time to eat and counsel will need time to discuss matters. So we typically take an hour
18 but in this circumstance, because it will involve a caucus, ---

19 **MS. RACHEL YOUNG:** Yes, understood.

20 **COMMISSIONER MacDONALD:** --- which is just another name for
21 a meeting, among counsel, then we'll break until 1 o'clock.

22 And, of course, you're still under oath during that period of time.

23 **A/COMMR LEE BERGERMAN:** Of course.

24 **COMMISSIONER MacDONALD:** Thank you.

25 **A/COMMR LEE BERGERMAN:** Thank you.

26 **COMMISSIONER MacDONALD:** We'll break till 1 o'clock. Thank
27 you.

28 **MS. RACHEL YOUNG:** Thank you.

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

2 The proceedings are now on break and will resume at 1 o'clock.

3 --- Upon breaking at 11:32 a.m. ...

4 --- Upon resuming at 1:09 p.m.

5 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
6 proceedings are again in session.

7 **COMMISSIONER MacDONALD:** Thank you.

8 I understand we have an agreed-upon process for questioning the
9 witness, so we'll have the witness come forward.

10 **--- A/COMMR LEE BERGERMAN, Resumed**

11 **COMMISSIONER MacDONALD:** Hello again, former
12 Commissioner Bergerman.

13 **A/COMMR LEE BERGERMAN:** Hi.

14 **COMMISSIONER MacDONALD:** As I mentioned before lunch that
15 counsel would -- our counsel would meet with the counsel for the various Participants
16 and agree upon an order for them to ask you questions, and that's been done.

17 So we'll begin by, I believe, Ms. McMillan, you're coming forward.

18 And counsel will tell you who they represent at the outset so you'll
19 understand the context.

20 **A/COMMR LEE BERGERMAN:** Okay. Thank you.

21 **--- CROSS-EXAMINATION BY MS. KELLY McMILLAN:**

22 **MS. KELLY McMILLAN:** Good afternoon ---

23 **A/COMMR LEE BERGERMAN:** Good afternoon.

24 **MS. KELLY McMILLAN:** --- Assistant Commissioner. My name is
25 Kelly McMillan, and my firm represents the National Police Federation ---

26 **A/COMMR LEE BERGERMAN:** Okay.

27 **MS. KELLY McMILLAN:** --- which I'm sure, as you know, is a
28 union representing members below the rank of Inspector, including almost all of the

1 members who responded operationally on April 18th and 19th, 2020.

2 I wanted to start off with my questions where we left off this
3 morning. I understand as Commanding Officer of "H" Division that you were
4 responsible for negotiating funding levels for policing services or provincial policing
5 services by the RCMP with the province. Is that right?

6 **A/COMMR LEE BERGERMAN:** That's right.

7 **MS. KELLY McMILLAN:** Can you help me understand generally,
8 what is the process for determining how much funding the RCMP seeks from the
9 province?

10 **A/COMMR LEE BERGERMAN:** So I'm sure that this Commission
11 has what we call multi-year financial plans as exhibits. And those are done in
12 conjunction with the rest of the senior management within the Division on what the
13 needs are for resourcing throughout the province and then they are submitted generally
14 every June with kind of the wish list and what that costs. And then the province will
15 decide, you know, what it can and can't afford and what it will and will approve. That's a
16 general overview.

17 There are what we call out of cycle requests, which means, say, we
18 have a need -- and I'll give you an example, which was the "H Strong" Issues
19 Management Team. We needed like support staff in there, so that was a business case
20 that was submitted to the province.

21 And prior to my departure, none of that had been approved in the --
22 for that, you know, kind of a special needs team.

23 And during my tenure, I signed three multi-year financial plans, so
24 2019-2020, 2020-2021 and then '21-2022.

25 **MS. KELLY McMILLAN:** Thank you. That's very helpful.

26 And for those three multi-year financial plans that you were
27 involved in, would you say that the resourcing levels accorded by the province were
28 adequate to meet the expectations of policing service delivery of Nova Scotians?

1 **A/COMMR LEE BERGERMAN:** No. The first two, in my
2 recollection, no extra resourcing was approved. I think -- if you remember this morning,
3 a -- two years that I was the CO, we had deficits when we started the year, and that's
4 why it became really important for us to be able to tell our story and why we have a
5 deficit, which is why we were starting to track funding that we spent outside of our own
6 POJs, like jurisdictions.

7 So -- but as my understanding, and I don't know, but that this latest
8 year's financial plan -- multi-year financial plan does have some approvals for
9 resourcing for Northeast Nova, Major Crime and ERT, but there could be more. That's
10 just what I've become aware of.

11 **MS. KELLY McMILLAN:** And this would be the year following your
12 departure ---

13 **A/COMMR LEE BERGERMAN:** Yes.

14 **MS. KELLY McMILLAN:** --- as Commanding Officer?

15 **A/COMMR LEE BERGERMAN:** Yes.

16 **MS. KELLY McMILLAN:** So going back to those three years
17 where you were involved, I take it from your answer that you didn't always get approvals
18 for the asks ---

19 **A/COMMR LEE BERGERMAN:** No.

20 **MS. KELLY McMILLAN:** --- that you made.

21 **A/COMMR LEE BERGERMAN:** We did not.

22 **MS. KELLY McMILLAN:** Did you feel supported by the province or
23 Department of Justice Nova Scotia in your ask for resourcing for policing services?

24 **A/COMMR LEE BERGERMAN:** Well, I -- well, obviously, if you're
25 not getting the resources that you're asking for, disappointment. I wouldn't say I wasn't
26 supported because generally they were very good to work with and understood, you
27 know, what the -- what the challenges were and -- you know. And we explained, you
28 know, our operations to them in semi-annual presentations that we did so that they

1 understood what the challenges for resourcing and for policing in the province were.

2 And I would imagine, you know -- I don't know this, but I would
3 imagine that, you know, it comes down to dollars and cents within the province. And a
4 big priority for this province is health care and doctors and nurses so, you know, I'm
5 wondering, you know, if it -- if there's a discussion do we want five doctors or 10 police,
6 you know.

7 I would think that that would be a major discussion, you know, and -
8 - given what this province is going through as it relates to health care.

9 **MS. KELLY McMILLAN:** Sure.

10 **A/COMMR LEE BERGERMAN:** Those are just my thoughts, but
11 certainly I didn't feel not supported. It was just we didn't get the resources we
12 requested.

13 **MS. KELLY McMILLAN:** At the conclusion of your questioning this
14 morning in response to a question from my friend, Ms. Young, you identified issues with
15 PPSA and police funding as an issue that you'd like the Commission to ---

16 **A/COMMR LEE BERGERMAN:** Yes.

17 **MS. KELLY McMILLAN:** --- be examining.

18 Based on your experience as Commanding Officer, can you
19 expand on that answer a little bit and tell us about the way or how the way each division
20 is funded under the PPSA poses a challenge to resourcing from your perspective?

21 **A/COMMR LEE BERGERMAN:** Okay. So how they're -- what
22 was the question?

23 **MS. KELLY McMILLAN:** You had identified the PPSA and the
24 funding process as an issue you'd like the Commission to examine, and I was
25 wondering if you could just expand on that answer a little bit and help us understand
26 what the challenges are from your perspective.

27 **A/COMMR LEE BERGERMAN:** Well, the ones that I just
28 explained, obviously, the dollars and cents. And that's a reality, it doesn't matter what

1 police force you work for, whether you work for the RCMP and you're going to province
2 or you work for a municipality and you're going to the municipality because, you know, if
3 you're giving more money to the police or funding more to the police or any other
4 agency within the municipality or the federal government or the province, the money has
5 to come from somewhere. And that usually means taxes.

6 So I know -- I've become aware and I know that a very
7 comprehensive document has been submitted to the Mass Casualty Commission by the
8 RCMP Veterans' Association, and it's a very comprehensive document about how the
9 PPSA works and dollars and cents, and they call it cop-to-pop ratio, like how many
10 police you should have for how many people live in a certain area. But I believe that it'll
11 be really important for this Commission to examine the resourcing levels and funding
12 levels in this Division.

13 **MS. KELLY McMILLAN:** I wanted to take you to a comment that
14 was made by Deputy Commissioner Brian Brennan in his recent interview with the Mass
15 Casualty Commission which occurred on August 10th of this year. And unfortunately,
16 we can't bring it up on the screen because it hasn't been formally disclosed. However, I
17 understand from Commission Counsel that it will be made an exhibit in these
18 proceedings.

19 So what I'll just do it I'll just read out the passage that he -- the
20 passage of his interview that I'd like you to respond to and get your thoughts on it. He
21 says, and this is at page 124, for the record, just at the top, "So in other divisions, it
22 would be that the Province" -- and he's speaking about the PSSA, I should say:

23 "...in other divisions, it would be that the Province
24 would have more say in how many police officers
25 should be deployed in a geographical populated area
26 based on crime trends. In Nova Scotia, that doesn't
27 happen. The municipalities decide how much they're
28 willing to spend on policing. The Province sets the

1 rate per police officer. So I don't know what the
2 numbers are, but we can make numbers up. If they're
3 willing to spend -- if a municipality is willing to spend
4 \$2 million, the formula says for two million you get six
5 members. That's what you get. Whereas in other
6 provinces, the Province would say, for your
7 geographical area, population, et cetera, et cetera,
8 you need this many police officers. This is what the
9 funding model is. This is what the cost is, and that's
10 what we'll contribute to the costing." (As read)

11 And he goes on to say, a little bit further, that the RCMP, in the
12 context of the RCMP:

13 "The RCMP bills quarterly to the Province for how
14 many resources are on strength. That's the amount
15 of money that comes into the coffers, as deposited to
16 in other provinces, where they get so much money for
17 so many police officers throughout the province. And
18 it sounds like a small thing, but when we're talking
19 about how many resources are put in certain areas,
20 it's decided at the municipality level, and so in this
21 particular case, in Colchester, against what they can
22 afford based on -- and what they're willing to spend.
23 So they make the investment, we supply the service,
24 at that level." (As read)

25 Is that consistent with your understanding of how those discussions
26 work in H Division?

27 **A/COMMR LEE BERGERMAN:** Yeah. So -- just so we're clear,
28 Dept. Brennan, because of his position of the entire country, has way more visibility on

1 how all those contracts work with other divisions. But I would agree with his
2 assessment of Nova Scotia.

3 **MS. KELLY McMILLAN:** And did you ever see a disconnect
4 between the levels that, say, the municipalities determined that they were able to afford
5 and what the RCMP assessed was the need, or what the RCMP's ask was for that
6 particular geographical area?

7 **A/COMMR LEE BERGERMAN:** Yes. And that would be
8 something that we discuss that would go into a multi-year financial plan or a business
9 case out of cycle.

10 **MS. KELLY McMILLAN:** Okay. So out of cycle? Can you just
11 clarify that piece again?

12 **A/COMMR LEE BERGERMAN:** Because -- so you're a bit -- a
13 multi-year financial plan ---

14 **MS. KELLY McMILLAN:** M'hm.

15 **A/COMMR LEE BERGERMAN:** --- is something that we work on
16 all year and that we submit it with what we see as priorities for resources. The out of
17 cycle business case is something that we see as a special need that just comes up. So
18 that's how we ask for funding and resource. And working with the municipalities, you're
19 correct, if they can't afford it, then you won't get anymore resources.

20 So Dept. Brennan's assessment of that is correct.

21 **MS. KELLY McMILLAN:** If you didn't get the ask that you had
22 made based on the assessment of what the need was, what were the options available
23 to you or the recourses available to you to address that?

24 **A/COMMR LEE BERGERMAN:** Well, not many, as you can
25 imagine, but we would fill holes, you know, like you have maternity leaves, paternity
26 leaves, people that are long term ODS. And we would fill those gaps and the
27 resourcing with, say, traffic services, because they're not responding to 9-1-1 calls like
28 our people are in the communities. So that's how we would fill the gaps going forward.

1 **MS. KELLY McMILLAN:** But there's no recourse vis-a-vie the
2 Province for ---

3 **A/COMMR LEE BERGERMAN:** No.

4 **MS. KELLY McMILLAN:** --- obtaining ---

5 **A/COMMR LEE BERGERMAN:** No.

6 **MS. KELLY McMILLAN:** --- additional resources under the PPS?

7 **A/COMMR LEE BERGERMAN:** No.

8 **MS. KELLY McMILLAN:** So just my final question for you,
9 Assistant Commissioner, as you know, the National Police Federation is particularly
10 interested in resourcing from the perspective of tis impact on officer safety and member
11 wellness. So can you offer us any perspective on how the issue of resourcing may
12 have an impact on officer safety or member wellness?

13 **A/COMMR LEE BERGERMAN:** Well what we're finding,
14 particularly in the aftermath of this tragic event that we had a number of police officers
15 affected by the trauma. So we have a lot of holes to fill, but also what we're doing to
16 augment it is we have too many people working too much overtime. So it's going to be
17 an obvious burnout; right? So that would be an obvious one. But it's just not
18 sustainable to continue forward.

19 I did note that this year, I believe, that there has been an approval
20 of six additional police officers for Northeast Nova. That's something that came out of
21 the multi-year financial plan. But it's just -- it's a vicious circle, for lack of a better term.
22 You don't have enough resources, you're using the resources that you do have on
23 overtime, and it's not sustainable.

24 **MS. KELLY McMILLAN:** And would you agree with me also that
25 staff shortages of the nature that you're describing might mean that members are
26 unwilling to take time off that they may need for mental health reasons because they're
27 concerned about what that will mean for their colleagues that they're leaving short
28 staffed?

1 **A/COMMR LEE BERGERMAN:** Yes.

2 **MS. KELLY McMILLAN:** And did you see that in your time as
3 Commanding Officer in ---

4 **A/COMMR LEE BERGERMAN:** Yes.

5 **MS. KELLY McMILLAN:** --- in H Division?

6 Thank you. Those are my questions.

7 **A/COMMR LEE BERGERMAN:** Okay.

8 **COMMISSIONER MacDONALD:** Thank you so much.
9 Mr. MacDonald?

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

11 **MR. THOMAS MACDONALD:** Thank you, Commissioner.

12 Good afternoon, former A/Commr Bergerman. Is that the proper
13 way to address it?

14 **A/COMMR LEE BERGERMAN:** Yeah, it's a bit of a long handle
15 though, so if you just want to call me Mrs. Bergerman -- actually, I'm not a Mrs.
16 anymore. You can call me Ms.

17 **MR. THOMAS MACDONALD:** Perfect. Thank you very much.

18 So my name is Tom MacDonald. I'm counsel for Sean McLeod,
19 who lost his brother, Scott, in Wentworth on the morning of April 19th, 2020.

20 **A/COMMR LEE BERGERMAN:** Yes.

21 **MR. THOMAS MACDONALD:** I'm going to jump around a little bit
22 for a few different topics. And the first thing I wanted to ask you about was the
23 response in Portapique. And I wanted to put it in some context for you.

24 So you retired last October 2021?

25 **A/COMMR LEE BERGERMAN:** Yes.

26 **MR. THOMAS MACDONALD:** Okay. I take it though you've
27 probably been following the work of the Commission to some extent; have you?

28 **A/COMMR LEE BERGERMAN:** Have I been following ---

1 **MR. THOMAS MACDONALD:** Yes.

2 **A/COMMR LEE BERGERMAN:** Not a lot. I have not. Just ---

3 **MR. THOMAS MACDONALD:** Okay.

4 **A/COMMR LEE BERGERMAN:** Just because I've been out of the
5 country in ---

6 **MR. THOMAS MACDONALD:** Sure.

7 **A/COMMR LEE BERGERMAN:** --- areas of ---

8 **MR. THOMAS MACDONALD:** Right.

9 **A/COMMR LEE BERGERMAN:** --- sketchy internet. But no.

10 **MR. THOMAS MACDONALD:** So the Commission has heard
11 evidence in terms of the response in the early hours of the 18th in Portapique, where
12 you have the risk manager, which H Division policy says ---

13 **A/COMMR LEE BERGERMAN:** M'hm.

14 **MR. THOMAS MACDONALD:** --- runs the response in a critical
15 incident until the Critical Incident Commander assumes command and announces that
16 command. And as we know, Critical Incident Commander West was coming from
17 Halifax. So it was -- there was about a two-and-a-half-hour gap until he got to the area
18 and announced that he was in command.

19 So my question is this. We've heard evidence that would suggest
20 there may have been, in the early hours, the first few hours of the critical incident,
21 confusion in the command structure in terms of who was running the response, whether
22 it was the risk manager, as policy would say it should have been, or whether it was the
23 risk manager and other commanders in North Nova assisting, well intentioned, but
24 overlapping.

25 Do you think there was confusion in the command structure that
26 night?

27 **A/COMMR LEE BERGERMAN:** Well I can't speak to that
28 specifically because I don't know exactly what -- you know, who was doing what or

1 saying what, and that's kind of an operational level of decisions. I know you had some
2 very capable people in the very early onset of this trying to bring some semblance and
3 get the resources that they need, but specifically, I can't speak to the level of confusion.

4 **MR. THOMAS MACDONALD:** So you personally wouldn't have
5 seen or conducted any kind of a review of the response yourself?

6 **A/COMMR LEE BERGERMAN:** No.

7 **MR. THOMAS MACDONALD:** All right. In your view, now looking
8 in overview, two and a half years later or so, was the response adequate to the critical
9 incident in Portapique?

10 **A/COMMR LEE BERGERMAN:** I think the response and the
11 members that were there did the best that they can with what they had at the time, and
12 it was an extraordinary event, and I believe that everybody did the best that they can at
13 the time.

14 Now we're learning, you know, two and a half years later, about
15 communication, break downs, and things of that nature, which is what I would expect,
16 and these are the things that we can help improve going forward. But my answer to that
17 is they did the best that they can with what they knew and what they had at the time.

18 **MR. THOMAS MACDONALD:** I'm going to move to strategic --
19 sorry, well I guess it would fall under RCMP Strategic Communications, but public
20 communications, that topic, during the mass casualty.

21 So we've heard evidence that, as I understand it, the RCMP
22 weren't fully aware of the existence of Alert Ready for use?

23 **A/COMMR LEE BERGERMAN:** No, I have never, and I've been in
24 the RCMP for 36-plus years, never heard of an Alert Ready being used for a dynamic
25 police situation.

26 **MR. THOMAS MACDONALD:** But the suggestion from some
27 witnesses at this Commission was that the RCMP should have been well aware of it,
28 that it could have been used.

1 Do you think, if that's true, that it's acceptable that the RCMP did
2 not -- was not aware of it, that the education wasn't there to know it could have been
3 used?

4 **A/COMMR LEE BERGERMAN:** I certainly wasn't aware of any
5 education or that it was something that could be used in that type of a dynamic
6 situation.

7 **MR. THOMAS MACDONALD:** We've also heard evidence -- and
8 Corporal Jennifer Clarke, now retired, who was here, and she spoke about -- she, as
9 you know, was in the communications -- strategic communications, the 28-minute --
10 longest 28 minutes of her life before the Tweet was sent about the fully-marked police
11 car and that that was, her view and the view of others, a long time. Do you know think
12 that that's acceptable, the internal delay in approving and sending a Tweet like that
13 within the RCMP?

14 **A/COMMR LEE BERGERMAN:** No, I think that that can be and
15 has been streamlined, to my knowledge. And obviously, that was learned early on,
16 about the delay. And I believe now we've got where we can have a strategic comms
17 person within a Critical Incident Command Centre that I think would help alleviate those
18 delays in messaging going out and approval processes. But that's my sense of what I
19 know.

20 **MR. THOMAS MACDONALD:** Earlier this morning to Ms. Young,
21 you mentioned in your evidence that your view was -- and if I have it wrong, tell me --
22 that some things went well and some things went very well in terms of the overall
23 response, if I can put it that way, with the mass casualty from the RCMP's perspective.
24 Am I getting that right?

25 **A/COMMR LEE BERGERMAN:** Just about, yeah.

26 **MR. THOMAS MACDONALD:** Okay.

27 **A/COMMR LEE BERGERMAN:** I'll explain that.

28 I think there were some communication breakdown. There's some

1 failures in that regard. But the IARD and the members that showed up, the first
2 responders that two stacked up and went in and then a third came in, heroic. ERT's
3 efforts under really challenging circumstances I thought were heroic. And the eventual -
4 - the eventual locating and eliminating the perpetrator I think was also very well done.

5 **MR. THOMAS MACDONALD:** So looking back now again two
6 years plus since the incident, can you help us this afternoon by telling us, in your view
7 as the Assistant Commissioner formerly running "H" Division, what things didn't go so
8 well?

9 **A/COMMR LEE BERGERMAN:** Well, from what I'm hearing -- I
10 don't know directly because I haven't been listening to all the evidence here -- I think
11 some of the radio communications and communications between the command post
12 and people on the ground could have been better. Communications with the public.
13 Streamlining of the messaging coming out. Coordination of where members could be
14 and where and maybe having community members closer to a command centre so they
15 would know about the obscure roads that maybe aren't on the mapping system. Those
16 are all things that I think we can learn from, and I'm hoping that a lot of this comes out of
17 this Commission, like these facts. But that -- those would be my thoughts.

18 **MR. THOMAS MACDONALD:** Because the Commission has a
19 forward-looking mandate in terms of ---

20 **A/COMMR LEE BERGERMAN:** Absolutely.

21 **MR. THOMAS MACDONALD:** --- recommendations. Yeah.

22 Do you have any more recommendations you might like to suggest
23 to the Commission this morning on topics?

24 **A/COMMR LEE BERGERMAN:** Well, my main -- my main
25 recommendation, and I think is very important, is the resourcing levels. And under the
26 circumstances, it would have been helpful to have more resources that we could draw
27 from during the event.

28 So that would be -- that would be my recommendation.

1 **MR. THOMAS MACDONALD:** You mentioned this morning, I think
2 it was in relation to the First Nations fisheries issues, that members of other divisions
3 were brought in to assist Nova Scotia.

4 **A/COMMR LEE BERGERMAN:** Yes.

5 **MR. THOMAS MACDONALD:** Generally speaking, if that was
6 necessary with a critical incident involving a mobile active shooter in a rural area, are
7 those kinds of costs that are associated with the RCMP, in other words, taking people
8 from one division to help at another division, are they tracked and are they recoverable?

9 **A/COMMR LEE BERGERMAN:** Under Article 9. So for example,
10 in the fisheries, we had invoked Article 9, which gives me the ability to bring in
11 resources from other divisions, and those funds or the monies spent for those resources
12 is recoverable by other divisions. And the same thing happened, too, in the aftermath of
13 this tragedy where we had members come in from other divisions to come help
14 augment the most impacted detachments in Northeast Nova and Enfield and in around
15 that area, so -- and those resources came here to -- under Article 9 of PPSA.

16 **MR. THOMAS MACDONALD:** Again in line with the forward-
17 looking thinking of the Commission, and this touches on some of the evidence this
18 morning about the report -- with the wellness report, would it be helpful just in a general
19 sense, if it doesn't already exist, for senior members of the RCMP, in this province, at
20 least, where your work is -- and we know you do urban work, but also mainly in rural
21 areas as well -- to actually, from time to time, have a mandated number of days where
22 they would actually go on patrol, leave the -- leave Halifax or leave the office and go in
23 these rural areas to get back to their roots in terms of seeing firsthand the problems that
24 the members might face in terms of resources, response, containment, those things?

25 **A/COMMR LEE BERGERMAN:** Well, I think it's certainly a
26 concept and something that can be considered, but realistically, the Halifax members
27 are over-tasked as well and have shortages, so to have members leave Halifax to go up
28 into the rural part of Nova Scotia -- not that they don't do it, because they do, and they

1 go up and do overtime shifts. But I think the cross-knowledge for members to go to
2 each community I think is beneficial and is something that could be looked at and be a
3 recommendation for the Commission.

4 You know, I think it's something that might be beneficial.

5 **MR. THOMAS MACDONALD:** You can tell me if I'm wrong, but
6 you may have misunderstood part of my question, so maybe I put it poorly.

7 But -- so what I'm saying is if we were winding back two years, for
8 example, when ---

9 **A/COMMR LEE BERGERMAN:** Yeah.

10 **MR. THOMAS MACDONALD:** --- when you were still here, would
11 it be beneficial for the Assistant Commissioner in "H" Division, the Criminal Operations
12 Officer in "H" Division, someone who has -- who then was Superintendent Campbell's
13 position "H" Division to physically go out from time to time with members in cars?

14 **A/COMMR LEE BERGERMAN:** Oh, I'm sorry. So like ride-alongs
15 and ---

16 **MR. THOMAS MACDONALD:** Yes.

17 **A/COMMR LEE BERGERMAN:** Yes.

18 **MR. THOMAS MACDONALD:** Yes.

19 **A/COMMR LEE BERGERMAN:** And that does happen.

20 **MR. THOMAS MACDONALD:** Okay. All right.

21 Does it happen in the rural areas?

22 **A/COMMR LEE BERGERMAN:** Yes.

23 **MR. THOMAS MACDONALD:** I want to turn to the request by
24 senior commanders of the RCMP in "H" Division for the internal RCMP review. And I'm
25 speaking of that request that was put forward by Chief Superintendent Leather, Chief
26 Superintendent Robbin, Superintendent Campbell, as he then was, and there was a
27 draft letter and there was an email chain. I don't need to show you any of that.

28 But were you aware of their request?

1 **A/COMMR LEE BERGERMAN:** I was not aware of the actual
2 document that I was shown. Like I had not seen the document. I was aware of the
3 concept.

4 **MR. THOMAS MACDONALD:** Okay. Did you support the
5 concept?

6 **A/COMMR LEE BERGERMAN:** Yes, I did.

7 **MR. THOMAS MACDONALD:** Can you tell us this morning who
8 would have had the final say in the RCMP hierarchy to deny the request?

9 **A/COMMR LEE BERGERMAN:** I don't have direct knowledge of it.

10 **MR. THOMAS MACDONALD:** Okay. Do you have any anecdotal
11 knowledge?

12 **A/COMMR LEE BERGERMAN:** Well, I believe it was C&IP, and I
13 don't have direct knowledge, but Dennis Daley.

14 **MR. THOMAS MACDONALD:** And where would he have been
15 located; Ottawa?

16 **A/COMMR LEE BERGERMAN:** He was the Assistant
17 Commissioner in Contract and Indigenous Policing.

18 **MR. THOMAS MACDONALD:** Okay. I can't leave without
19 speaking about the -- one of the latest issues that has come up in the last four, five
20 weeks here, which is of course this suggestion, more than a suggestion, by senior
21 RCMP commanders about political interference in their investigation. "Their", being the
22 RCMP investigation of the mass casualty in Nova Scotia. And to refresh your memory,
23 Superintendent Campbell if I have it right, says there was, and Chief
24 Superintendent Leather said that he didn't have that impression when he cut off the
25 phone call with the Commissioner, but that's his view now, now, as in a couple of weeks
26 ago when he was here. What's your view, Retired Assistant Commissioner?

27 **A/COMMR LEE BERGERMAN:** After -- after that phone call, that
28 was my impression as well.

1 **MR. THOMAS MACDONALD:** That there was political
2 interference?

3 **A/COMMR LEE BERGERMAN:** Yeah. Attempted.

4 **A/COMMR LEE BERGERMAN:** Okay. Attempted. Yeah, okay.
5 Those are my questions. Thank you very much.

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

7 **MR. THOMAS MACDONALD:** Thank you, Commissioner.

8 **COMMISSIONER MacDONALD:** Mr. Bryson?

9 **MR. JOSHUA BRYSON:** Thank you.

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

11 **MR. JOSHUA BRYSON:** Good afternoon, Retired Assistant
12 Commissioner. My name is Josh Bryson. I represent the family of Peter and Joy Bond.
13 They resided at 46 Cobequid Court, and I work with their surviving sons, Harry and
14 Cory, and their extended family.

15 Pour a glass of water here. Excuse me for a moment.

16 So just to confirm: You remained in the role as Commanding
17 Officer for this province for roughly 18 months after this mass casualty event?

18 **A/COMMR LEE BERGERMAN:** Yeah. So April 2020 to...

19 **MR. JOSHUA BRYSON:** October 2021?

20 **A/COMMR LEE BERGERMAN:** Yeah, October 2020 [sic].

21 **MR. JOSHUA BRYSON:** So I want to talk first about Cobequid
22 Court. So Cobequid Court is a street within Portapique, there's roughly five homes on it,
23 it contains five victims of this mass casualty event. We know that Cobequid Court had
24 not been canvassed for roughly 19 hours after the commencement of this mass
25 casualty event began. When did you learn this fact?

26 **A/COMMR LEE BERGERMAN:** A couple of months after, maybe
27 a month after. And I can't speak to how they cleared the area or how they did the
28 scenes because I wasn't there and ---

1 **MR. JOSHUA BRYSON:** Well, they didn't -- they didn't clear the
2 area, that's -- that's the issue.

3 **A/COMMR LEE BERGERMAN:** No, no, but how they cleared
4 scenes or sites, I don't how they -- how they did it and what their methodology was, but I
5 was aware that there was that delay in that area.

6 **MR. JOSHUA BRYSON:** Okay. So we know, and there has been
7 a supplementary report authored by this Commission, indicating that after ERT had
8 been called out at roughly 9:30 in response to the Lillian Campbell homicide that when
9 members left that essentially area remained uncanvassed from 9:30 a.m. until 4:46 p.m.
10 that same day, on the 19th. Do you know why no one in command directed members to
11 search all of Portapique?

12 **A/COMMR LEE BERGERMAN:** I can't speak to that directly
13 because that wouldn't -- that wasn't something or a decision that I would make on the
14 ground. No, I don't.

15 **MR. JOSHUA BRYSON:** Okay. And that's my -- so you don't
16 know why that occurred?

17 **A/COMMR LEE BERGERMAN:** No, I don't.

18 **MR. JOSHUA BRYSON:** Do you know why the RCMP did not, if
19 it's a resourcing issue, and that's an issue we've heard, we didn't have the resources,
20 we were dealing with Wentworth and so on. Do you know why the RCMP would not
21 have called Truro Police members, from one of the other 50 detachments within Nova
22 Scotia, to help conduct a proper crime scene management and canvassing of
23 Portapique?

24 **A/COMMR LEE BERGERMAN:** No, I don't know why those
25 decisions were made by the people on the ground at that time.

26 **MR. JOSHUA BRYSON:** Okay. Are you aware of any efforts to
27 deploy resources from outside Bible Hill to canvass Portapique on April 19th?

28 **A/COMMR LEE BERGERMAN:** Sorry?

1 **MR. JOSHUA BRYSON:** Are you aware of any efforts by RCMP to
2 gather resources from other jurisdictions on April 19th to canvass Portapique?

3 **A/COMMR LEE BERGERMAN:** For a specific canvassing
4 purpose? No, I'm not ---

5 **MR. JOSHUA BRYSON:** For crime scene management and for
6 canvassing.

7 **A/COMMR LEE BERGERMAN:** No. I think eventually that
8 happened once we had eliminated the perpetrator, but I can't speak to who was -- who
9 was making those calls and who was the site commander making those decisions on
10 the ground.

11 **MR. JOSHUA BRYSON:** You would agree that this was a clear
12 failing by the RCMP to canvass Cobequid Court in a reasonable period of time?

13 **A/COMMR LEE BERGERMAN:** I think it's a very unfortunate
14 situation and a very unfortunate -- at a very unfortunate time.

15 **MR. JOSHUA BRYSON:** It's unfortunate, but it's also a failing.
16 Would you agree?

17 **A/COMMR LEE BERGERMAN:** Well, when you -- it takes
18 19 hours to find a crime scene, I would say, but again I would add that it was very
19 extraordinary event that we were dealing with.

20 **MR. JOSHUA BRYSON:** You would say what? Sorry, you didn't --
21 I asked you ---

22 **A/COMMR LEE BERGERMAN:** A very extraordinary event that
23 we were dealing with, and probably needed more resources on the ground.

24 **MR. JOSHUA BRYSON:** So my question, and you haven't
25 responded to it, you would agree that this was a clear failing by the RCMP to canvass
26 Portapique?

27 **A/COMMR LEE BERGERMAN:** Well, I think we canvassed it, but I
28 think it took too long for us to canvass.

1 **MR. JOSHUA BRYSON:** So you're -- are you satisfied with the
2 canvassing and crime scene management within Portapique on April 19th?

3 **A/COMMR LEE BERGERMAN:** Not when it takes 19 hours to find
4 a crime scene.

5 **MR. JOSHUA BRYSON:** Can we agree that that was a failing of
6 the RCMP?

7 **A/COMMR LEE BERGERMAN:** Well, I don't want to -- I don't want
8 to blame people on the ground when I wasn't there to canvass or do it myself or have --
9 be the site commander, but it's obviously -- if it takes 19 hours to find a crime scene,
10 that's a failure to have the appropriate resources in place to do it.

11 **MR. JOSHUA BRYSON:** Yeah. Thank you. And here's the other
12 question I have. So I've looked at the subject matters for the Issues Management
13 Team, I've looked at the proposal for internal reviews, the scope of after-action reports.
14 Can you tell me why there was no internal review about the crime scene management
15 or canvassing within Portapique?

16 **A/COMMR LEE BERGERMAN:** No, I cannot.

17 **MR. JOSHUA BRYSON:** Yeah. Wouldn't that seem to be a logical
18 place to conduct a review?

19 **A/COMMR LEE BERGERMAN:** I think it would -- it will be after-
20 action review or a critical incident ---

21 **MR. JOSHUA BRYSON:** Yeah.

22 **A/COMMR LEE BERGERMAN:** --- review, I think ---

23 **MR. JOSHUA BRYSON:** Yeah.

24 **A/COMMR LEE BERGERMAN:** --- that would be logical.

25 **MR. JOSHUA BRYSON:** Yeah. So what are some of the
26 reasons? You've indicated a few, but just if you can just summarise for my benefit.
27 Why has the RCMP held off in conducting these reviews?

28 **A/COMMR LEE BERGERMAN:** Well, capacity is one, and

1 ongoing investigation would be another. I don't think that going forward now, and we
2 have the Mass Casualty Commission, I think that's something that will be looked at by
3 the new CO.

4 **MR. JOSHUA BRYSON:** Do you think that the next active shooter
5 is going to wait until these reviews are complete?

6 **A/COMMR LEE BERGERMAN:** Well, I can't comment on that.

7 **MR. JOSHUA BRYSON:** You understand that delays, we're now
8 two years post without a review of these very obvious defects in the response, and
9 those defects could cost lives if we had an active shooter tomorrow in this province.
10 Would you agree?

11 **A/COMMR LEE BERGERMAN:** No.

12 **MR. JOSHUA BRYSON:** You don't agree?

13 **A/COMMR LEE BERGERMAN:** No. I think we have -- I think we
14 have on the critical things that we learned, communication, Alert Ready, radios, I think
15 we've filled the gaps there. Again, I refer to a report from Chief
16 Superintendent O'Malley about some things that have been -- gaps that have been
17 filled, but I wouldn't -- I would say we're in a better position. Is it perfect? No. But I do
18 think reviews are going to be important to do, and we would have to make sure that we
19 have the right people doing the right reviews and that we have the capacity to do it.
20 And I would echo what Chief Superintendent Campbell said, is that perhaps the people
21 in this Division are not the right ones to do that review.

22 **MR. JOSHUA BRYSON:** Well, let's talk about a review. The first
23 place to likely start in a review is to identify the issues; correct?

24 **A/COMMR LEE BERGERMAN:** Yes.

25 **MR. JOSHUA BRYSON:** So how do you even know that you know
26 what the issues are without conducting a review?

27 **A/COMMR LEE BERGERMAN:** Well, they've been identified
28 through the investigation.

1 **MR. JOSHUA BRYSON:** And specifically, let's look at the crime
2 scene management and the canvassing of Portapique. What issues were identified?

3 **A/COMMR LEE BERGERMAN:** Well, I can't speak to that. I would
4 have to ---

5 **MR. JOSHUA BRYSON:** Well, you were there 18 months post
6 event; right? So ---

7 **A/COMMR LEE BERGERMAN:** Right. But I ---

8 **MR. JOSHUA BRYSON:** So tell me.

9 **A/COMMR LEE BERGERMAN:** I don't have the intimate details of
10 crime scene management.

11 **MR. JOSHUA BRYSON:** So what did you do in your role as -- as
12 top officer in this province for the 18 months post mass casualty to take a look at the
13 crime scene management and the canvassing issue that occurred in Portapique?

14 **A/COMMR LEE BERGERMAN:** Well, I -- I did -- for me, that
15 wouldn't be my role, that would be something that I would rely on your team
16 commander, your Command Triangle, Darren Campbell, to do that analysis and decide
17 on what review and what's required. For myself and C/Supt. Leather, we wouldn't be
18 down in that -- at that level to have an understanding.

19 **MR. JOSHUA BRYSON:** But you're the top official in the RCMP in
20 this province; correct?

21 **A/COMMR LEE BERGERMAN:** I was.

22 **MR. JOSHUA BRYSON:** Yes. For 18 months ---

23 **A/COMMR LEE BERGERMAN:** Yes.

24 **MR. JOSHUA BRYSON:** --- post-mass casualty. So why do you
25 say that that would not be part of your role? I would think that that would be a very
26 relevant and important part of your role, which is oversight at the top.

27 **A/COMMR LEE BERGERMAN:** Well I had people underneath me
28 that were looking after that, and nobody had reported to me that we should do a review

1 on crime scene management. And I would think that that would be part of an overall
2 review.

3 **MR. JOSHUA BRYSON:** And so last question on this subject, so
4 you personally are not aware of any efforts you made to either ---

5 **A/COMMR LEE BERGERMAN:** No.

6 **MR. JOSHUA BRYSON:** --- give someone direction to conduct
7 this review, ---

8 **A/COMMR LEE BERGERMAN:** No.

9 **MR. JOSHUA BRYSON:** --- and you did not receive any feedback
10 from others that they were embarking on this review?

11 **A/COMMR LEE BERGERMAN:** No.

12 **MR. JOSHUA BRYSON:** And as far as you know, the 18 months
13 as of when you left, that did not take place and was not under way?

14 **A/COMMR LEE BERGERMAN:** No, there's been no After-Action
15 Review.

16 **MR. JOSHUA BRYSON:** So I just want to -- and actually my next
17 topic is understanding what in fact your role was as the commanding officer for the
18 province. You gave a statement, I've reviewed it thoroughly, but I don't have a clear
19 idea of what your role as commanding officer was, and what you would do on a day-to-
20 day basis, for example. Can you just summarize for me what your role was?

21 **A/COMMR LEE BERGERMAN:** Well, as the commanding officer,
22 you have the overall responsibility for the province, but you have subordinates that
23 report to you and are your direct reports that advise you on what's going on. And my
24 role was also to develop partnerships and relationships and work with the Province, and
25 our Indigenous leaders, and leaders within the community.

26 Specifically, if you have a question as to my role?

27 **MR. JOSHUA BRYSON:** Yes. So these types of -- like, this
28 extreme event, ---

1 **A/COMMR LEE BERGERMAN:** Yeah.

2 **MR. JOSHUA BRYSON:** --- what is your involvement?

3 **A/COMMR LEE BERGERMAN:** Well my involvement was early on
4 in the morning. I was aware of a shooting the evening of the 18th. But I didn't become
5 aware of any of the details until early in the morning of Sunday on the 19th. And my
6 responsibility would be to attend and support the ongoing investigation. And at that
7 point, we still had an active shooter, and also to keep the Minister and the Deputy
8 informed as to what was going on.

9 **MR. JOSHUA BRYSON:** So this is April 2020. Were you working
10 at home due to covid at this time?

11 **A/COMMR LEE BERGERMAN:** No.

12 **MR. JOSHUA BRYSON:** Okay. So you were -- where were you
13 working out of?

14 **A/COMMR LEE BERGERMAN:** Well it was -- I was off duty on -- I
15 was working out of Headquarters, H Division Headquarters.

16 **MR. JOSHUA BRYSON:** Which was located where at that time?

17 **A/COMMR LEE BERGERMAN:** In Burnside.

18 **MR. JOSHUA BRYSON:** Burnside. But you were off duty on April
19 18th?

20 **A/COMMR LEE BERGERMAN:** Yes.

21 **MR. JOSHUA BRYSON:** Okay. So on April 18th we know that you
22 received a phone call, you didn't make any notes, you indicated that you didn't have a
23 notebook?

24 **A/COMMR LEE BERGERMAN:** I didn't get a phone call.

25 **MR. JOSHUA BRYSON:** Or sorry, ---

26 **A/COMMR LEE BERGERMAN:** I got a text.

27 **MR. JOSHUA BRYSON:** --- a text.

28 **A/COMMR LEE BERGERMAN:** Yeah.

1 **MR. JOSHUA BRYSON:** My apologies. A text. You did not -- I
2 don't think we've seen the text. Have you produced that text? Do you still have that
3 text?

4 **A/COMMR LEE BERGERMAN:** That text was disclosed, along
5 with -- because it was Chris Leather who I got the text from. That would have been
6 where the disclosure was.

7 **MR. JOSHUA BRYSON:** You disclosed it to your ---

8 **A/COMMR LEE BERGERMAN:** Yes.

9 **MR. JOSHUA BRYSON:** --- counsel?

10 **A/COMMR LEE BERGERMAN:** Yes.

11 **MR. JOSHUA BRYSON:** Okay. And then ---

12 **A/COMMR LEE BERGERMAN:** Well, through the H Strong.

13 **MR. JOSHUA BRYSON:** And you're sure of that?

14 **A/COMMR LEE BERGERMAN:** Yes. I disclosed everything that I
15 had as far as notes and texts as it related to this.

16 **MR. JOSHUA BRYSON:** What did the text say, to the best of your
17 recollection?

18 **A/COMMR LEE BERGERMAN:** Just that, "We have a shooting up
19 in a rural part of Northeast Nova. We'll keep you posted."

20 **MR. JOSHUA BRYSON:** And you did make some notes the next
21 morning at 7:00 a.m.?

22 **A/COMMR LEE BERGERMAN:** Yes.

23 **MR. JOSHUA BRYSON:** And that's:

24 "Call from Chris re: shooter. Text Minister and Brennan."
25 (As read)

26 And you talked about that during your interview and I won't get into
27 it again, but that's -- so up until -- I'm going to get into the situational report that was
28 done at 9:30 that same day that was done on your behalf, but the only note I have from

1 you up until 9:30 is there's one 7:00 a.m. entry with two lines of text; correct?

2 **A/COMMR LEE BERGERMAN:** Yes.

3 **MR. JOSHUA BRYSON:** Okay. So if could pull up COMM15960,
4 please, Madam Registrar?

5 Do you recognize this situational report?

6 **A/COMMR LEE BERGERMAN:** I'd ---

7 **MR. JOSHUA BRYSON:** This is ---

8 **A/COMMR LEE BERGERMAN:** I'd have to read it. And who is it
9 from?

10 **MR. JOSHUA BRYSON:** This is -- this was Dwayne.

11 **A/COMMR LEE BERGERMAN:** Okay.

12 **MR. JOSHUA BRYSON:** And Ms. Young had put this to you
13 during your interview.

14 **A/COMMR LEE BERGERMAN:** Pardon me?

15 **MR. JOSHUA BRYSON:** Ms. Young had put this to you ---

16 **A/COMMR LEE BERGERMAN:** Yeah.

17 **MR. JOSHUA BRYSON:** Had put this before your during your
18 interview ---

19 **A/COMMR LEE BERGERMAN:** Okay.

20 **MR. JOSHUA BRYSON:** --- before the Commission. And you can
21 see below the line, it says:

22 "On behalf of Assistant Commissioner Lee Bergerman..."

23 **A/COMMR LEE BERGERMAN:** Yeah.

24 **MR. JOSHUA BRYSON:**

25 "...H' Division Commanding Officer..."

26 And you were asked questions about this and your knowledge of
27 this. But I got the sense that you did not recall seeing this email.

28 **A/COMMR LEE BERGERMAN:** I didn't see the actual situational

1 report before it went out.

2 **MR. JOSHUA BRYSON:** Okay.

3 **A/COMMR LEE BERGERMAN:** I had an idea of what the contents
4 were.

5 **MR. JOSHUA BRYSON:** Okay. So if we go to background -- and
6 this was, in fact, sent on your behalf; correct?

7 **A/COMMR LEE BERGERMAN:** Sorry?

8 **MR. JOSHUA BRYSON:** This was sent on your behalf?

9 **A/COMMR LEE BERGERMAN:** By -- so Dwayne Cooper would
10 have been sending it on my behalf just as a quick update for National Headquarters.

11 **MR. JOSHUA BRYSON:** And you gave -- you consented to this
12 being sent on your behalf?

13 **A/COMMR LEE BERGERMAN:** Yes.

14 **MR. JOSHUA BRYSON:** Okay. So how did he know to send it?
15 Did he speak to you and say, "I've drafted this email"?

16 **A/COMMR LEE BERGERMAN:** I don't recall.

17 **MR. JOSHUA BRYSON:** "Do you wish to send?"

18 **A/COMMR LEE BERGERMAN:** I don't recall.

19 **MR. JOSHUA BRYSON:** Okay. So I just wish to look at the
20 "BACKGROUND". So it says:

21 "On April 18 [...] at 22:00 hrs a 911 call was received
22 reporting shots fired in Portapique, Nova Scotia."

23 Next bullet point:

24 "Initial police response and investigation revealed
25 multiple victims had been shot. It was also discovered
26 residences, outbuildings, and vehicles had been set on
27 fire in the area."

28 So the first point, which you've covered already, but there's no

1 reference to the fact that the 10:01 9-1-1 call by Ms. Blair had mentioned the fact that
2 there was a police car in the driveway?

3 **A/COMMR LEE BERGERMAN:** M'hm.

4 **MR. JOSHUA BRYSON:** Right? You don't mention a police car in
5 this email; do you?

6 **A/COMMR LEE BERGERMAN:** In this, no, we don't.

7 **MR. JOSHUA BRYSON:** Okay. Nor the fact that the children,
8 when they called, had referenced a police car as well? You don't mention that in this
9 email either; ---

10 **A/COMMR LEE BERGERMAN:** Yeah.

11 **MR. JOSHUA BRYSON:** --- do you?

12 **A/COMMR LEE BERGERMAN:** I wasn't aware of it at this time.

13 **MR. JOSHUA BRYSON:** So what due diligence, if any, did you do
14 to make sure that this was -- that this situational report going to the chain of command
15 was accurate?

16 **A/COMMR LEE BERGERMAN:** I was relying on the members that
17 were drafting the document that had better information that I had.

18 **MR. JOSHUA BRYSON:** So I'm going to jump to bullet point 3:

19 "Witnesses report[ing] the shooter left the area on foot."

20 Do you see that note?

21 **A/COMMR LEE BERGERMAN:** Yeah.

22 **MR. JOSHUA BRYSON:** What evidence did you have, or are you
23 aware of even today, that there was any witness reporting the shooter had left on foot?

24 **A/COMMR LEE BERGERMAN:** I can't speak to that.

25 **MR. JOSHUA BRYSON:** Okay. I'm going to suggest to you that
26 the only evidence suggested that was that the perpetrator was mobile?

27 **A/COMMR LEE BERGERMAN:** I can't speak to -- I can't speak to
28 that.

1 **MR. JOSHUA BRYSON:** You don't know why this was sent on
2 your behalf indicating that the:

3 "Witnesses reported the shooter left the area on foot"?

4 **A/COMMR LEE BERGERMAN:** I think it was a snapshot at time
5 and what they knew at the time. And I can't speak to it. This is the information that
6 Dwayne Cooper would have had. And I can't give you anymore details as to why things
7 were omitted, and why things were put in there, and what information Dwayne Cooper
8 had at the time.

9 **MR. JOSHUA BRYSON:** Okay.

10 **A/COMMR LEE BERGERMAN:** I don't know.

11 **MR. JOSHUA BRYSON:** So in the 18 months post-mass casualty,
12 did you come across any information from anyone suggesting that there was a witness
13 reporting the shooter left on foot?

14 **A/COMMR LEE BERGERMAN:** No.

15 **MR. JOSHUA BRYSON:** So just in regards to you had spoke
16 during your direct about some of the tensions that exist with the municipal police forces,
17 and one of the points you had raised was your believe that perhaps it had something to
18 do with the RCMP's efforts to impose policing standards. Did I characterize that fairly?

19 **A/COMMR LEE BERGERMAN:** I wouldn't say impose, but ---

20 **MR. JOSHUA BRYSON:** Adopt.

21 **A/COMMR LEE BERGERMAN:** Yeah. I think it's important for
22 policing agencies within a province to have policing standards.

23 **MR. JOSHUA BRYSON:** Okay. Can you speak to the municipal
24 policing agencies' initiatives to adopt policing standards in this province?

25 **A/COMMR LEE BERGERMAN:** Not specifically. I am aware that
26 there are a number, maybe three or four, a handful of the municipal chiefs that are on a
27 working committee with the Department of Justice to establish the policing standards.

28 **MR. JOSHUA BRYSON:** So given this concern over standards

1 that you're articulating, can you help me understand why the RCMP, in some years,
2 failed to cooperate with provincial audits on certain types of matters, such as the
3 domestic violence audit that was done by the province in 2017-2018. In some years
4 they participated, for example, the sex assault audits that occurred in 2016-2017, the
5 major crime audits they participated in in 2017.

6 So given the given concerns about standards, why not voluntarily
7 participate in audits conducted by the Department of Justice in this province?

8 **A/COMMR LEE BERGERMAN:** I can't speak to those that you're
9 speaking of, why the decision was made.

10 **MR. JOSHUA BRYSON:** As Commanding Officer, during your
11 tenure you were never aware of this or the rationale behind it?

12 **A/COMMR LEE BERGERMAN:** Well, they're from 2017, 2016.
13 No.

14 **MR. JOSHUA BRYSON:** Well, you came in January 2019; right?

15 **A/COMMR LEE BERGERMAN:** Right.

16 **MR. JOSHUA BRYSON:** So from January 2019 to October 2021,
17 you can't speak to why the RCMP participated or did ---

18 **A/COMMR LEE BERGERMAN:** Or did not participate.

19 **MR. JOSHUA BRYSON:** --- not participate?

20 **A/COMMR LEE BERGERMAN:** No, I cannot.

21 **MR. JOSHUA BRYSON:** Did you give anyone direction to the
22 RCMP -- sorry. Did you give anyone direction to either participate or not participate?

23 **A/COMMR LEE BERGERMAN:** No.

24 **MR. JOSHUA BRYSON:** I'm just -- that strikes me as something
25 that would be fully within your purview as the top officer within this province. We're
26 talking policing audits ---

27 **A/COMMR LEE BERGERMAN:** Audits and -- audits and reviews
28 are typically within working with the province from the Criminal Operations Office, and

1 then that would be something that would be reported up to me from the Criminal
2 Operations Officer.

3 **MR. JOSHUA BRYSON:** But you wouldn't be as part of a mission
4 statement giving a directive as to whether they should participate or not?

5 **A/COMMR LEE BERGERMAN:** I don't know what audits were
6 going on. I didn't have any requests for participation in an audit to myself. The only one
7 I had was an email from Candice Thomas, who wanted the participation of somebody
8 on a -- I believe it was a sexual violence committee.

9 **MR. JOSHUA BRYSON:** And just in terms of the municipal police
10 forces, so can you tell me, did you ever visit, for example, Truro police station,
11 Bridgewater Police, Cape Breton Regional Police? Have you been to their
12 detachments?

13 **A/COMMR LEE BERGERMAN:** Yes.

14 **MR. JOSHUA BRYSON:** All three?

15 **A/COMMR LEE BERGERMAN:** Yes.

16 **MR. JOSHUA BRYSON:** Yeah.

17 **A/COMMR LEE BERGERMAN:** I actually worked very closely with
18 the Chiefs in my tenure as the Chair of the Nova Scotia Chiefs of Police for the Drug
19 Committee, so I worked really closely with the municipal Chiefs for training because we
20 had taken on the opioid crisis. And we did a lot of training and workshops in all the
21 communities throughout the province, which was funded by the province.

22 **MR. JOSHUA BRYSON:** Thank you.

23 I just wish to turn to -- we have notes that have been disclosed that
24 were sent to us by email, and I have copies here, Commissioners. It's the notes of Ms.
25 Scanlan, Lia Scanlan.

26 Thank you.

27 I'm just conversing with Commission Counsel, Commissioners, just
28 to...

1 (SHORT PAUSE)

2 MR. JOSHUA BRYSON: Commissioners, if I could approach the
3 witness.

4 COMMISSIONER MacDONALD: Yeah. I presume you're going to
5 ask her about a document that we only have paper copies of? Is that right?

6 MR. JOSHUA BRYSON: Yes, that's correct.

7 COMMISSIONER MacDONALD: And they've been circulated
8 appropriately.

9 Thank you.

10 Have these already -- they'll have to be marked as an exhibit, I
11 presume, then?

12 REGISTRAR DARLENE SUTHERLAND: They'll be marked as
13 Exhibit 4157.

14 COMMISSIONER MacDONALD: Thank you.

15 --- EXHIBIT No. 4157:

16 (COMM0063053) Ms. Scanlan's notes

17 MR. JOSHUA BRYSON: Thank you.

18 So these are notes of Ms. Scanlan, Strategic Communications, the
19 Director.

20 And I'm going to ask you to turn to page 112.

21 This is in the context of -- it says at the top "Alert Ready". And
22 again, this is Ms. Scanlan's notes in regards to discussions she had with you, okay.

23 So if you can go to -- see at the top where it says page 112?

24 A/COMMR LEE BERGERMAN: M'hm.

25 MR. JOSHUA BRYSON: And do you see where it says "Alert
26 Ready meeting with DOJ Minister Furey, Chris Leather", and it lists a bunch of names?

27 And then further down it says "Lee", the third paragraph, "911
28 system".

1 **A/COMMR LEE BERGERMAN:** Yeah.

2 **MR. JOSHUA BRYSON:** Okay. And let me just back up.

3 This is in relation to the meeting that took place on April 28th and
4 the notes ---

5 **A/COMMR LEE BERGERMAN:** Sorry. Sorry, you lost me here.

6 **MR. JOSHUA BRYSON:** Okay. So this is -- these notes, the date
7 stamp that's a few pages before is April 28th.

8 Well, let me go through the content and then we can -- we can
9 perhaps worry about the date later, okay. Do you recall ---

10 **COMMISSIONER MacDONALD:** It's right on page 109, the first
11 entry.

12 **MR. JOSHUA BRYSON:** Oh, thank you, yes. Yeah. April 28th
13 there on page 109.

14 Does that help refresh your memory?

15 **A/COMMR LEE BERGERMAN:** It is 109, and it does say April
16 28th. But when you go to what you're talking about, "Alert Ready meeting with DOJ
17 Minister Furey", that was ---

18 **MR. JOSHUA BRYSON:** Yes.

19 **A/COMMR LEE BERGERMAN:** --- not on April 28th.

20 **MR. JOSHUA BRYSON:** Okay. What date was that on?

21 **A/COMMR LEE BERGERMAN:** I have no idea.

22 **MR. JOSHUA BRYSON:** Was it after April 28th or before?

23 **A/COMMR LEE BERGERMAN:** Yeah, I believe so because I was
24 not -- I was not in the office on April 28th. I was in detachments.

25 **MR. JOSHUA BRYSON:** Okay. So the content I want to deal with
26 is comments that are attributable to you and just discuss them very briefly because you
27 did touch on this during your interview.

28 But it's -- in the third paragraph, it says, "911 system and IES". And

1 can you please tell us what IES stands for?

2 **A/COMMR LEE BERGERMAN:** Integrated Emergency System.

3 **MR. JOSHUA BRYSON:** Thank you.

4 The 9-1-1 system and the Emergency Integrated System was
5 “overwhelmed” and then “inundated” is at the top.

6 Do you recall making those comments? And the next line says
7 “post alert”.

8 **A/COMMR LEE BERGERMAN:** This was at a meeting with
9 Minister Furey, and this was what was reported to me by now Superintendent Dustine
10 Rodier. And this is one -- just a kind of an introduction of what we wanted to talk to
11 Minister Furey about. And then Dustine Rodier explained because she’s got some
12 expertise in that area as to what happened.

13 **MR. JOSHUA BRYSON:** So do you now accept that you did not
14 have the evidence at that time to suggest that the 9-1-1 system in Nova Scotia was
15 overwhelmed due to an alert?

16 **A/COMMR LEE BERGERMAN:** No, I don’t accept that.

17 **MR. JOSHUA BRYSON:** You don’t accept that?

18 **A/COMMR LEE BERGERMAN:** No.

19 **MR. JOSHUA BRYSON:** So what’s the evidence that the 9-1-1
20 system was overwhelmed?

21 **A/COMMR LEE BERGERMAN:** We have data that we supplied to
22 KPMG ---

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

24 **A/COMMR LEE BERGERMAN:** --- that I’m sure the Commission
25 has that report.

26 **MR. JOSHUA BRYSON:** We do have it, yeah. It’s a Commission
27 Report.

28 **A/COMMR LEE BERGERMAN:** And I think that it’s safe to say

1 that a risk analysis would have to be attached to an Alert Ready because it's important,
2 given the research that was done, that in order to be able to get all the 9-1-1 calls and
3 not miss any that you have the appropriate resources in place.

4 **MR. JOSHUA BRYSON:** So these specific data that you're
5 referring to in this province is the April 24th use of the alert; correct?

6 **A/COMMR LEE BERGERMAN:** As I understand it, yes.

7 **MR. JOSHUA BRYSON:** And the suggestion in the KPMG report
8 that 29 percent of those calls were -- they're being referred to as "abandoned".

9 **A/COMMR LEE BERGERMAN:** As, pardon me?

10 **MR. JOSHUA BRYSON:** Abandoned ---

11 **A/COMMR LEE BERGERMAN:** Okay.

12 **MR. JOSHUA BRYSON:** --- or dropped or dismissed.

13 **A/COMMR LEE BERGERMAN:** Yeah. I haven't seen the KPMG
14 report.

15 **MR. JOSHUA BRYSON:** Okay. So here's my question.

16 But do you now appreciate -- and you can agree or disagree -- that
17 the fact that there were 29 percent of the calls not answered by the first PSAP station
18 does not mean they were dropped? That only means they were transferred to the next
19 PSAP station and you have no evidence to suggest that at any time was your 9-1-1
20 system overwhelmed?

21 **A/COMMR LEE BERGERMAN:** Well, that's new to me, so I would
22 have to review a report that you're suggesting that says that before I can agree or
23 disagree with your assertion.

24 **MR. JOSHUA BRYSON:** Okay. But what due diligence did you
25 do? Because these are comments -- this is information that's being relayed to the
26 Minister, it's a line that I've heard from the RCMP when we started this mass casualty
27 event. Who investigated, to your knowledge, this claim that 29 percent of these calls on
28 this April 24th use of the alert were abandoned?

1 Who examined that data, to your knowledge?

2 **A/COMMR LEE BERGERMAN:** At that -- to my knowledge, at that
3 time it would have been Glen Byrne, who was in charge of the OCC, and Dustine
4 Rodier, who has some experience. And they were the ones that did the data research
5 on that and would have provided it to KPMG.

6 **MR. JOSHUA BRYSON:** Are you aware ---

7 **COMMISSIONER MacDONALD:** Mr. Bryson, sorry.
8 Ms. MacPhee.

9 **MS. PATRICIA MacPHEE:** Thank you.

10 I'm just going to point out that in Ms. Scanlan's notes she actually
11 wrote notes that the 9-1-1 system and IES was overwhelmed post alert, so just for
12 accuracy, I don't think there's any assertion in Ms. Scanlan's notes that Ms. Bergerman
13 made any such assertions of 29 percent of dropped calls. I think he's mixing the
14 ultimate KPMG report with perhaps these notes and the attribution to Ms. Bergerman.
15 So just for clarity, I think she said overwhelmed is the reference in Ms. Scanlan's notes
16 that she can speak to.

17 **COMMISSIONER MacDONALD:** Okay. Just for clarity,
18 Mr. Bryson, you were talking -- referring to the notes, and I think you may have then
19 have gone on to the KPMG report. So just make the distinction clear for the witness if
20 you don't mind.

21 **MR. JOSHUA BRYSON:** Yes.

22 And it's my understanding that this is in fact does relate to the
23 Ready Alert [sic], that when you're referring to the 9-1-1 system being overwhelmed it's
24 in the context of deploying the Ready Alert [sic]?

25 **A/COMMR LEE BERGERMAN:** Well, this is what Lia Scanlan has
26 written. I, again, to agree with your assertion that there wasn't any dropped calls, I
27 would need to see that report. I haven't seen that.

28 **MR. JOSHUA BRYSON:** And we can forget about Lia Scanlan's

1 notes for a second.

2 **A/COMMR LEE BERGERMAN:** Yeah.

3 **MR. JOSHUA BRYSON:** It was your position up until recently that
4 the 9-1-1 system was overwhelmed when the alert was issued on April 24th; right?

5 **A/COMMR LEE BERGERMAN:** That's what I was told.

6 **MR. JOSHUA BRYSON:** Yeah. And you now understand that to
7 be false?

8 **A/COMMR LEE BERGERMAN:** No, I don't.

9 **MR. JOSHUA BRYSON:** Okay. You ---

10 **A/COMMR LEE BERGERMAN:** Because I haven't seen any
11 documentation put towards me that that is not correct.

12 **MR. JOSHUA BRYSON:** Okay. And did you make any efforts to
13 inform yourself post April 24th, prior to your leaving on October 2021, to discern if those
14 concerns were valid or not, personally?

15 **A/COMMR LEE BERGERMAN:** Well, we had a committee set up
16 to examined those concerns, plus the Alert Ready system, to come up with a policy,
17 plus to have KPMG do a risk analysis based on the data that we had.

18 **MR. JOSHUA BRYSON:** I'm going to leave it there.

19 And I apologise, Commissioners, I have gone over the time that I
20 estimated. So they are my questions. Thank you.

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

22 Mr. Pineo?

23 **--- CROSS-EXAMINATION BY MR. ROBERT PINEO:**

24 **MR. ROBERT PINEO:** It's customary for us to begin by saying who
25 each lawyer or law firm represents, and my firm, Patterson Law, has regularly simply
26 said a majority of those affected. But today, I'd like to take just a couple of moments
27 and read through the list of names. I think it's important that everybody is remembered
28 front and centre here.

1 So Patterson Law represents the family of Alanna Jenkins; the
2 family of Sean McLeod; the family of Tom Bagley; the family of Kristen Beaton and her
3 unborn child; the family of Greg Blair; the family of Jamie Blair; the individual Mallory
4 Colpitts; the individual Darrell Currie; the family of Heather O'Brien; the individual
5 Clinton Ellison; the individual Richard Ellison; the family of Corrie Ellison; the family of
6 Dawn Madsen; the family of Frank Gulenchyn; the individual Adam Fisher; the individual
7 Carole Fisher; the family of Lisa McCully; the individual Greg Muise; the individual the
8 late Bernie Murphy; the individual Deborah Thibeault; the family of Joey Webber; the
9 family of John Zahl; and the family of Elizabeth Thomas. Thank you.

10 Ms. Bergerman, on or about June of 2021, 9-1-1 tapes were leaked
11 to a local magazine regarding the Andrew MacDonald and Greg and Jamie Blair
12 families. Do you recall that incident?

13 **A/COMMR LEE BERGERMAN:** Yes.

14 **MR. ROBERT PINEO:** And you were in charge at that time?

15 **A/COMMR LEE BERGERMAN:** Yes.

16 **MR. ROBERT PINEO:** And an investigation into that leak was
17 promised. Do you recall that?

18 **A/COMMR LEE BERGERMAN:** Yes, and it was embarked upon --

19 -

20 **MR. ROBERT PINEO:** Yes.

21 **A/COMMR LEE BERGERMAN:** --- by an independent police
22 agency.

23 **MR. ROBERT PINEO:** Yes. Ontario; correct?

24 **A/COMMR LEE BERGERMAN:** Yes.

25 **MR. ROBERT PINEO:** Yes. And to date, has, or at least until the
26 time you left in October of 2021, was that leak identified?

27 **A/COMMR LEE BERGERMAN:** It was still ongoing, the
28 investigation, when I left.

1 **MR. ROBERT PINEO:** To your knowledge has it been identified or
2 released since?

3 **A/COMMR LEE BERGERMAN:** No.

4 **MR. ROBERT PINEO:** Prior to you leaving in October of 2021, did
5 you enquire as to the progress of that report?

6 **A/COMMR LEE BERGERMAN:** That investigation we remained
7 independent of it, and I didn't have any progress reports from the OPP until -- up until
8 the time I left.

9 **MR. ROBERT PINEO:** The answer to my question was no?

10 **A/COMMR LEE BERGERMAN:** No.

11 **MR. ROBERT PINEO:** Okay. Prior to -- or sorry. You gave a
12 statement to the Mass Casualty Commission earlier this summer; correct?

13 **A/COMMR LEE BERGERMAN:** Yes.

14 **MR. ROBERT PINEO:** And in preparing for that statement were
15 you advised by legal counsel or anybody to not discuss any issues?

16 **A/COMMR LEE BERGERMAN:** No.

17 **MR. ROBERT PINEO:** Were any restrictions in any way put on
18 your testimony?

19 **A/COMMR LEE BERGERMAN:** No.

20 **MR. ROBERT PINEO:** Same question for your testimony here
21 today.

22 **A/COMMR LEE BERGERMAN:** No.

23 **MR. ROBERT PINEO:** In the Province of Nova Scotia, and you
24 can correct me if I'm wrong, there are three -- three levels of service that the RCMP
25 provides. One is as the national police force, one is as the provincial police force, and
26 one is by way of municipal service by contract with individual municipalities; correct?

27 **A/COMMR LEE BERGERMAN:** Correct.

28 **MR. ROBERT PINEO:** Yes. And the -- the issues that the national

1 police force deals with would be things like terrorism, security for federal politicians or
2 provincial politicians, visits from the Queen, those sorts of things; correct?

3 **A/COMMR LEE BERGERMAN:** Those are very -- those are some
4 of them, but they deal with all what we call serious and organised crime. So traditional
5 organised crime, border integrity, marine watch, terrorism ---

6 **MR. ROBERT PINEO:** Okay.

7 **A/COMMR LEE BERGERMAN:** --- those ---

8 **MR. ROBERT PINEO:** Sure.

9 **A/COMMR LEE BERGERMAN:** --- are a few.

10 **MR. ROBERT PINEO:** Sure. Issues that are greater than just
11 Nova Scotia?

12 **A/COMMR LEE BERGERMAN:** Yes.

13 **MR. ROBERT PINEO:** And in terms of the provincial police force,
14 and you can add to my list, I'm just going to suggest some examples, but the provincial
15 police force would be in charge of matters such as a crime that crosses different
16 municipal borders for example?

17 **A/COMMR LEE BERGERMAN:** Correct.

18 **MR. ROBERT PINEO:** Major Crime Unit?

19 **A/COMMR LEE BERGERMAN:** Yes.

20 **MR. ROBERT PINEO:** The -- sending information the Crime Lab in
21 Ontario? Is that one of the functions?

22 **A/COMMR LEE BERGERMAN:** I'm not sure what you're referring
23 to. We -- you mean to our lab in ---

24 **MR. ROBERT PINEO:** Yes.

25 **A/COMMR LEE BERGERMAN:** --- in...? Yes, we have a lab in
26 National Headquarters.

27 **MR. ROBERT PINEO:** What other sorts of jurisdiction does the
28 provincial police force have?

1 **A/COMMR LEE BERGERMAN:** Jurisdiction? Well ---

2 **MR. ROBERT PINEO:** Yes.

3 **A/COMMR LEE BERGERMAN:** --- we have the frontline policing,
4 we have the community policing, we have Indigenous policing, we have, oh boy, traffic
5 services, to name a few.

6 **MR. ROBERT PINEO:** And then on the municipal level, at least in
7 the jurisdictions that the RCMP is the contract municipal police force, they would deal
8 with purely local criminal matters; correct? Responding to local 9-1-1 calls, you know,
9 being in the community, community policing, that sort of thing?

10 **A/COMMR LEE BERGERMAN:** Yes.

11 **MR. ROBERT PINEO:** Okay. Now, when resources are required
12 in a local area, resources of the provincial police force are required in a local area, I
13 take it that -- is there some of a budget balancing done after the fact?

14 **A/COMMR LEE BERGERMAN:** Are you talking about specialised
15 services?

16 **MR. ROBERT PINEO:** Yes.

17 **A/COMMR LEE BERGERMAN:** So if I need ---

18 **MR. ROBERT PINEO:** EMRT, ERT ---

19 **A/COMMR LEE BERGERMAN:** Yeah. So -- so you need Major
20 Crime in Bible Hill or you need Major Crime in Stewiacke? Is that your question?

21 **MR. ROBERT PINEO:** Yes.

22 **A/COMMR LEE BERGERMAN:** So if it's RCMP jurisdiction, there
23 is no cost recovery with the municipalities.

24 **MR. ROBERT PINEO:** Okay. That's purely a provincial matter,
25 and it comes out of the provincial budget.

26 **A/COMMR LEE BERGERMAN:** Yes.

27 **MR. ROBERT PINEO:** Okay. Now, you gave testimony in your,
28 sorry, when the National Police Federation asked you questions regarding Colchester

1 specifically, and the question was prefaced by a more general question, which was that
2 the municipality is responsible for setting policing levels and paying for it, and you
3 agreed with that proposition.

4 **A/COMMR LEE BERGERMAN:** Well, the municipality is, and in
5 conjunction with, depending on their split of the cost share, the Province Department of
6 Justice, and the Public Safety Minister.

7 **MR. ROBERT PINEO:** All right. So but it is the municipality that's
8 responsible for approving the policing level in the municipality?

9 **A/COMMR LEE BERGERMAN:** And -- well, they're responsible for
10 the funding for it.

11 **MR. ROBERT PINEO:** Yes. And I think, at least the impression
12 that you left when those questions were asked of you was it was, you know, squarely
13 the municipality that makes the decision on policing levels?

14 **A/COMMR LEE BERGERMAN:** Well they would pay -- sorry, they
15 would pay the lion's share of a member.

16 **MR. ROBERT PINEO:** But what I'm talking about is setting the
17 level, the number of police officers, the local resources. You left the impression in your
18 testimony that it was purely the municipality that sets that.

19 **A/COMMR LEE BERGERMAN:** No, the municipality works with
20 the Department of Justice and our planning section that does all the number crunching
21 for policing requirements and then our police officers that you need for a certain
22 amount, whatever the population is, and the area, like, geographical area.

23 **MR. ROBERT PINEO:** Okay. And you're aware, I assume, from
24 your position as commanding officer, that in Colchester, between 2009 and 2020, the
25 municipal council consulted with the local RCMP detachment in terms of their budgetary
26 resources? Were you aware of that?

27 **A/COMMR LEE BERGERMAN:** Generally, but I don't have the
28 details.

1 **MR. ROBERT PINEO:** I'm going to suggest to you, and perhaps it
2 will jog your memory, that between those years, 2009 and 2020, Colchester would
3 receive the request from the Bible Hill Detachment for their policing levels and their
4 resource requirements, and in every one of those years between 2009 and 2020, that
5 budget was approved? Do you have knowledge of that?

6 **A/COMMR LEE BERGERMAN:** No, I don't. I can't speak to that
7 specifically.

8 **MR. ROBERT PINEO:** I'm going to just read to you from a letter
9 that Mayor Blair from Colchester County sent to the Mass Casualty Commission on
10 December 14, 2020.

11 And I don't believe it's been exhibited, but I'll just -- my intention is
12 to read a paragraph to her and see if she has knowledge of that.

13 **COMMISSIONER MacDONALD:** Okay.

14 **A/COMMR LEE BERGERMAN:** So the paragraph on page 7 is:

15 "The Municipality is not an expert in the provision of
16 policing services. Over past decades, it has relied on the
17 RCMP to provide guidance on the staffing levels required
18 to meet Colchester County's policing needs, and on the
19 Minister of Justice to confirm that staffing levels under the
20 PPSA are adequate." (As read)

21 So do you have knowledge that that is how Colchester conducted
22 its business regarding the RCMP?

23 **A/COMMR LEE BERGERMAN:** Not specifically.

24 **MR. ROBERT PINEO:** Okay. Does that sound like the proper
25 procedure to be followed though?

26 **A/COMMR LEE BERGERMAN:** Well I would expect that the CAO
27 for Colchester, working with our planning division and the Department of Justice, would
28 develop a formula for an appropriate number of resources.

1 **MR. ROBERT PINEO:** The next paragraph says:

2 “The municipality has never refused a request for an
3 increase in police funding or increased police services
4 put forward by the RCMP.” (As read)

5 **A/COMMR LEE BERGERMAN:** I can’t speak to that specifically.

6 **MR. ROBERT PINEO:** Okay. Thank you. You are aware
7 generally that one of the major concerns of the RCMP from the members on up to
8 command following the mass casualty event was a lack of resources?

9 **A/COMMR LEE BERGERMAN:** Yes.

10 **MR. ROBERT PINEO:** And depending on which group of members
11 or commanders were speaking, it would depend on who was responsible for the
12 resourcing that they say was lacking?

13 **A/COMMR LEE BERGERMAN:** Yes.

14 **MR. ROBERT PINEO:** Yeah. So for example, if the ERT team
15 said that they were lacking in resources, that would be a provincial issue; correct?

16 **A/COMMR LEE BERGERMAN:** Yes.

17 **MR. ROBERT PINEO:** And you are aware that now-retired Tim
18 Mills and current, I think he’s a corporal, Milton, had some pretty heavy criticisms of the
19 lack of resources that they had on April 18th and April 19th?

20 **A/COMMR LEE BERGERMAN:** Yes.

21 **MR. ROBERT PINEO:** And did you have actual knowledge of
22 those lack of resources or were you relying on them?

23 **COMMISSIONER MacDONALD:** Sorry, before or after April? Just
24 so I understand your question, when -- you posed a question, is your question before
25 the mass casualty or after the mass casualty?

26 **MR. ROBERT PINEO:** It was the lack of resources during and the
27 criticisms following.

28 **COMMISSIONER MacDONALD:** Thank you.

1 **MR. ROBERT PINEO:** I hope that clarified my question.

2 **A/COMMR LEE BERGERMAN:** No. And we have, over the years,
3 been trying to fit resources within ERT so that we had a complement of -- which is
4 considered kind of a minimum standard, which is 12. And I understand that that has
5 just recently been approved.

6 But to go to Mayor Blair's comments, they've always approved and
7 -- I would need to see the letters back and forth between our planning section and the
8 Department of Justice, and from her, where that indicates that.

9 So I can't comment on what she says about approvals of
10 resourcing, because I certainly wasn't aware of that, plus I'm not aware of any
11 documentation that has that.

12 **MR. ROBERT PINEO:** You're responding to one of my earlier
13 questions.

14 **A/COMMR LEE BERGERMAN:** Well it goes to the resourcing;
15 right? In Colchester.

16 **MR. ROBERT PINEO:** I'm talking about ERT right now.

17 **A/COMMR LEE BERGERMAN:** Yeah, and ERT -- ERT, not for the
18 lack of trying, they now have approved those extra resources that they were looking for.

19 **MR. ROBERT PINEO:** Yeah.

20 **A/COMMR LEE BERGERMAN:** They're also augmented by --
21 there are federal policing resources that are funded within ERT as well.

22 **MR. ROBERT PINEO:** Okay. So I'm going to go back though to
23 the After-Action Report that ERT published or drafted. And Tim Mills and Trenton Milton
24 testified quite extensively about it when they were here at the Commission. And they
25 listed, or ERT listed quite a number of areas of equipment and manpower, person-
26 power, that was lacking during the mass casualty event. And one of those -- and I'm
27 going to ask you if you had knowledge of this before, during, or after the mass casualty
28 event. So the first one was situational awareness, that the common operating picture

1 that ERT previously had had been taken away from them some time around February of
2 2020. Did you have knowledge of that?

3 **A/COMMR LEE BERGERMAN:** No, I did not. And I would say
4 again, some of the equipment issues and things that were identified have been, and you
5 have the document here from C/Supt Mike O'Malley, where he speaks to what has been
6 resolved with equipment issues and gaps that were identified.

7 **MR. ROBERT PINEO:** Sure. And I'm not talking -- I didn't ask you
8 about what has been resolved since.

9 **A/COMMR LEE BERGERMAN:** Yeah.

10 **MR. ROBERT PINEO:** I'm asking you about what was deficient
11 immediately before and during the mass casualty event. And we can deal -- or
12 somebody else can deal with you regarding what has happened since, but that's not
13 what ---

14 **A/COMMR LEE BERGERMAN:** Okay.

15 **MR. ROBERT PINEO:** That's not what I'm concerned with in my
16 questions.

17 So another complaint, and this is also coming from the After-Action
18 Report, was also identified that none of the ERT vehicles were equipped with a mobile
19 workstation to be able to utilized CIDS or Versadex within the HRM. Were you aware
20 that that technology was not available to them ---

21 **A/COMMR LEE BERGERMAN:** No.

22 **MR. ROBERT PINEO:** --- during the mass casualty event?

23 **A/COMMR LEE BERGERMAN:** No. I think, to be clear, there is
24 an ERT After-Action Review that was done. The first time I saw it was last Friday. And
25 as far as I know, it's a draft that has not been approved or sent anywhere.

26 **MR. ROBERT PINEO:** So the Mass Casualty Commission does
27 not have access to that?

28 **A/COMMR LEE BERGERMAN:** Well I don't think it was ever sent

1 anywhere.

2 **MR. ROBERT PINEO:** Okay. So you received a copy of it last
3 Friday, although you're retired?

4 **A/COMMR LEE BERGERMAN:** No, I was shown a copy by the
5 Department of Justice.

6 **MR. ROBERT PINEO:** During your preparation for testimony here
7 today?

8 **A/COMMR LEE BERGERMAN:** Yeah, just, "Have you ever seen
9 the report?" And I had not seen it.

10 **COMMISSIONER MacDONALD:** Just hope this helps, Mr. Pineo, I
11 think we're talking about the same document, actually.

12 **MR. ROBERT PINEO:** Sorry?

13 **COMMISSIONER MacDONALD:** I think we're talking about the
14 same document.

15 **MR. ROBERT PINEO:** Oh, we are. Okay. Okay.

16 **MS. PATRICIA MacPHEE:** I was just going to clarify that point.

17 **MR. ROBERT PINEO:** Okay. Perfect. I thought she was talking
18 about a newer document. So.

19 **COMMISSIONER MacDONALD:** No, it was discussed ---

20 **MR. ROBERT PINEO:** Yeah.

21 **COMMISSIONER MacDONALD:** -- earlier this morning, I think,
22 that it was a draft and we don't -- in fact, she indicated that it's never been signed off, to
23 her knowledge.

24 **MR. ROBERT PINEO:** Sure. Thank you.

25 So back to my original question. Were you aware that the
26 CIDS/Versadex -- CIDS and Versadex were not available to ERT during the mass
27 casualty event?

28 **A/COMMR LEE BERGERMAN:** No.

1 **MR. ROBERT PINEO:** You weren't aware of that.

2 **A/COMMR LEE BERGERMAN:** No.

3 **MR. ROBERT PINEO:** You've since become aware of it because
4 of the after-action report.

5 **A/COMMR LEE BERGERMAN:** I haven't read the after-action
6 report. I was just shown it last Friday to -- first of all, to see if I'd seen it, which I had not,
7 and secondly, if there -- I was -- who had signed it off because I -- it would have gone
8 through me had it been signed off by somebody, and it hasn't been signed.

9 **MR. ROBERT PINEO:** You're obviously aware that during the
10 mass casualty event the RCMP helicopter was not available due to maintenance?

11 **A/COMMR LEE BERGERMAN:** Correct.

12 **MR. ROBERT PINEO:** Yes. And you're equally aware that the
13 replacement helicopter provided by the province wasn't adequate for conducting a
14 manhunt during the day or night; correct?

15 **A/COMMR LEE BERGERMAN:** That's what I was told, correct.

16 **MR. ROBERT PINEO:** Yeah.

17 You understand that it didn't have the capability to communicate
18 with people on the ground, for example. It didn't have infrared capability to see people
19 on the ground, that sort of thing.

20 **A/COMMR LEE BERGERMAN:** That was my understanding.

21 **MR. ROBERT PINEO:** And again, who supplies the RCMP
22 helicopter? Is that a provincial matter or is that a federal matter?

23 **A/COMMR LEE BERGERMAN:** It's a cost sharing between the
24 Atlantic provinces.

25 **MR. ROBERT PINEO:** And is there any reason why there -- why
26 there's not two, why there's not -- so that there's always that capability in the air at any
27 given time?

28 **A/COMMR LEE BERGERMAN:** I think it comes down to budgets

1 and the availability of helicopter out of Ottawa could be a secondary resource. But I
2 think it's just the budgeting and the expense of it.

3 **MR. ROBERT PINEO:** During your tenure as CO, had a second
4 helicopter ever been requested of the Province of Nova Scotia?

5 **A/COMMR LEE BERGERMAN:** I believe during the fisheries
6 dispute we had -- we had support of a helicopter out of Ottawa.

7 **MR. ROBERT PINEO:** Okay. And that was after the mass
8 casualty event by ---

9 **A/COMMR LEE BERGERMAN:** After.

10 **MR. ROBERT PINEO:** --- several months. Yes.

11 **A/COMMR LEE BERGERMAN:** Yeah. Yes.

12 **MR. ROBERT PINEO:** Prior to the mass casualty event?

13 **A/COMMR LEE BERGERMAN:** Not that I'm aware of.

14 **MR. ROBERT PINEO:** Were you aware that the general duty
15 vehicles in Nova Scotia did not have their call numbers on the roof of the cars so they
16 could be identified by aerial technology?

17 **A/COMMR LEE BERGERMAN:** No, I was not.

18 **MR. ROBERT PINEO:** And whose responsibility would it be for
19 marking police vehicles? Would that be a provincial ---

20 **A/COMMR LEE BERGERMAN:** Yes ---

21 **MR. ROBERT PINEO:** --- responsibility?

22 **A/COMMR LEE BERGERMAN:** --- with our fleet management and
23 with the operations -- like Criminal Operations and that support team.

24 **MR. ROBERT PINEO:** The ERT team that did respond and the
25 EMRT team that did respond during the mass casualty event, they were provincial
26 assets, were they?

27 **A/COMMR LEE BERGERMAN:** And federal.

28 **MR. ROBERT PINEO:** That's a -- so they were both?

1 **A/COMMR LEE BERGERMAN:** Well, there are federal resources
2 that are part of ERT.

3 **MR. ROBERT PINEO:** Okay. So the ERT team that came from
4 the Halifax area and responded, was that a provincial ---

5 **A/COMMR LEE BERGERMAN:** Yes.

6 **MR. ROBERT PINEO:** It was.

7 **A/COMMR LEE BERGERMAN:** It's a provincial team.

8 **MR. ROBERT PINEO:** And who was the federal ERT? Would that
9 be "J" Division's ERT?

10 **A/COMMR LEE BERGERMAN:** No. There are members that are
11 federally funded within the ERT team.

12 **MR. ROBERT PINEO:** And did they respond to the mass ---

13 **A/COMMR LEE BERGERMAN:** Yes.

14 **MR. ROBERT PINEO:** --- casualty event?

15 **A/COMMR LEE BERGERMAN:** Yes.

16 **MR. ROBERT PINEO:** Okay.

17 **A/COMMR LEE BERGERMAN:** I believe they're part of the full-
18 time team.

19 **MR. ROBERT PINEO:** Okay. So they're part of the team that
20 came out of Halifax and responded.

21 **A/COMMR LEE BERGERMAN:** Yes.

22 **MR. ROBERT PINEO:** Okay. And they are -- they are funded by
23 the federal government ---

24 **A/COMMR LEE BERGERMAN:** No.

25 **MR. ROBERT PINEO:** --- in addition to the provincial government?

26 **A/COMMR LEE BERGERMAN:** Yeah. The provincial government
27 funds the majority, and there are resources within ERT that are funded by federal
28 policing because there are occasions where federal policing will rely upon the service of

1 the provincial team.

2 **MR. ROBERT PINEO:** A full ERT complement is 18 members? Is
3 that your understanding?

4 **A/COMMR LEE BERGERMAN:** Yes.

5 **MR. ROBERT PINEO:** And at the time of the mass casualty event,
6 there were 13, including five full-time and eight part-time?

7 **A/COMMR LEE BERGERMAN:** Yes.

8 **MR. ROBERT PINEO:** Is that your understanding?

9 **A/COMMR LEE BERGERMAN:** That's my understanding.

10 **MR. ROBERT PINEO:** And whose responsibility would it have
11 been to bring that number up to a full complement of 18?

12 **A/COMMR LEE BERGERMAN:** This is through the multi-year
13 financial plan, and -- that I spoke of, and my understanding now is that they have the
14 approval for 12 full-time with the next two to three years to bring it up to 18.

15 **MR. ROBERT PINEO:** Yeah. I'm talking about back at the time of
16 the mass casualty event.

17 So whose responsibility would it have been to have supplied the full
18 18 members, the province or the feds?

19 **A/COMMR LEE BERGERMAN:** The province.

20 **MR. ROBERT PINEO:** Similarly with the EMRT, is it the same
21 funding formula?

22 **A/COMMR LEE BERGERMAN:** Yes. And for the most part,
23 EMRT, my understanding is they're not all full-time positions.

24 **MR. ROBERT PINEO:** They're not.

25 **A/COMMR LEE BERGERMAN:** They roll with the ERT team, yes.

26 **MR. ROBERT PINEO:** Okay. Now, for example, if a member is a
27 member of a municipal police force who's a member of EMRT or ERT, who foots the bill
28 for that person's participation?

1 **A/COMMR LEE BERGERMAN:** Municipal -- I don't understand
2 your question.

3 **MR. ROBERT PINEO:** Sorry. I'll back up.

4 Could a municipal -- could an RCMP member who's a member of a
5 municipal unit, that is, say, Colchester where it's contracted to the RCMP -- could one of
6 those members be a member of ERT?

7 **A/COMMR LEE BERGERMAN:** ERT or EMRT?

8 **MR. ROBERT PINEO:** Either.

9 **A/COMMR LEE BERGERMAN:** Yes, on a part-time basis. Yes.

10 **MR. ROBERT PINEO:** Okay. And who pays that person's costs?

11 **A/COMMR LEE BERGERMAN:** Their overtime and such would be
12 covered by the province.

13 **MR. ROBERT PINEO:** One of the deficiencies in resources
14 identified by EMRT that occurred during the mass casualty event, but the criticism came
15 afterwards, was a dedicated vehicle with the ability to extricate additional victims if
16 needed, so I think they were just talking about another vehicle for extricating injured
17 persons. Was that a deficiency that you were aware of at the time of the mass casualty
18 event?

19 **A/COMMR LEE BERGERMAN:** No.

20 **MR. ROBERT PINEO:** How much of a role did you have in
21 overseeing ERT or EMRT in your position as Commanding Officer?

22 **A/COMMR LEE BERGERMAN:** They reported directly up to
23 Superintendent Campbell at the time, and then Chris Leather. That's who they reported
24 to. They wouldn't report to me.

25 Obviously, if there was any problems or issues, that would be
26 reported to me by Chief Superintendent Leather.

27 **MR. ROBERT PINEO:** We know during the mass casualty event
28 the ERT team from "J" Division came to Nova Scotia to relieve the Nova Scotia ERT

1 some time in the morning of the 19th. That's your -- you do recall that, do you?

2 **A/COMMR LEE BERGERMAN:** Yes.

3 **MR. ROBERT PINEO:** Yeah. And I think one of the reasons that
4 we've heard here for using New Brunswick as opposed to HRP's ERT is that if HRP's
5 ERT or, you know, whatever their equivalent is called, was brought out to rural Nova
6 Scotia it would leave Halifax unprotected. Do you recall that being one of the reasons
7 that it was -- that HRP wasn't used?

8 **A/COMMR LEE BERGERMAN:** No, I haven't heard that
9 reasoning. I would think that -- and I don't know the direct reasons, but interoperability
10 and the radios and so on could probably be a reason why, and training standards
11 between the two and just the way that they are trained are different.

12 **MR. ROBERT PINEO:** Okay. So leaving Halifax unprotected, in
13 your view, isn't one of the reasons for ---

14 **A/COMMR LEE BERGERMAN:** Not that I'm aware of.

15 **MR. ROBERT PINEO:** But that would be something you would be
16 aware of as the Commanding Officer, wouldn't it?

17 **A/COMMR LEE BERGERMAN:** I would think so, that that would
18 have been something that I was told.

19 **MR. ROBERT PINEO:** Were you one of the officers who
20 commissioned the Quintet Report?

21 **A/COMMR LEE BERGERMAN:** No, I didn't commission it. As I --
22 as I spoke this morning, I went to Deputy Brennan about concerns I had for health and
23 wellness of senior members of my team and I was looking for suggestions for having
24 independent people help with kind of a wellness plan for these members. And Deputy
25 Brennan suggested that he would -- he would work with CHRO at the time, Chief
26 Human Resource Officer, which was Gail Johnson, because he had heard through her
27 that there were independent companies that did that kind of work.

28 **MR. ROBERT PINEO:** Okay. I'm looking now at the wellness

1 report, and I'll just put a couple of propositions to you from it. We can bring it up if we
2 need to, but if I can navigate without having to do that I will.

3 So at page 7 of the wellness report, the author notes:

4 "Many pointed to provincial authorities, such as
5 Ministers of Justice, Deputy Ministers, and others in
6 the Department of Justice, who they said for years
7 have underfunded the RCMP on an ongoing basis
8 and have been slow or stingy in implementing
9 Article 9 when needed." (As read)

10 And I'll paraphrase and say, you know, the reason given was for the
11 small tax base. Do you agree with that sentiment that the Province has underfunded
12 the RCMP for years?

13 **A/COMMR LEE BERGERMAN:** Generally, I would say yes. And
14 as far as the Article 9, I would say that in the latter part of my tenure the Province was
15 not willing to approve Article 9 for the fisheries dispute, so that became kind of a dispute
16 between province and federal government.

17 **MR. ROBERT PINEO:** And that occurred after the mass casualty
18 event. Are you aware of any similar, I'll call them disputes but maybe that's too strong
19 of a word, but any tension points regarding a lack of funding being provided prior to the
20 mass casualty?

21 **A/COMMR LEE BERGERMAN:** Not conflicts or disputes.
22 Generally, what I've already explained is through the multi-year financial plans and
23 looking for funding and not getting it is -- but it didn't mean we had disputes and that we
24 didn't have a working relationship. And as far as Article 9 goes, up until the latter part of
25 my tenure I always had the support of the Province to invoke Article 9 to support not
26 only the aftermath of the Mass Casualty Commission but the fisheries dispute.

27 **MR. ROBERT PINEO:** I think you said in your testimony, and
28 forgive me, I can't recall whether it was in your direct testimony or when the National

1 Police Federation questioned you, but you -- you at least intimated that once the
2 Province said no you had no recourse. Am I understanding your testimony correct?

3 **A/COMMR LEE BERGERMAN:** Yeah. I mean, unless I put
4 through a supplemental out of -- out of -- out of circuit business plan, the funding came
5 from the Province, and if there was a denial then there was really, you know, other than
6 further conversations with the Province and the people that advised the Ministers as
7 how we approached it.

8 **MR. ROBERT PINEO:** Thank you. Page 9, there's a comment
9 from the -- or the editor has stated -- the author has stated:

10 "Several commented bluntly that attitudes towards
11 policing in Nova Scotia were, quote, '20 years behind
12 the times', end quote, compared to high-tech, high-
13 intensity policing requirements elsewhere in Canada,
14 but said that the Maritimes were reluctant or accept
15 advice from outsiders." (As read)

16 Do you agree with the sentiment of that statement?

17 **A/COMMR LEE BERGERMAN:** Not in -- not in totality, but we are
18 within this Division, and that gets back to the policing standards and just the overall
19 funding picture is not what I would call adequate.

20 **MR. ROBERT PINEO:** And who -- whose fault is that or, you know,
21 is that because the Province wouldn't adopt standards and provide more money?

22 **A/COMMR LEE BERGERMAN:** Well, I think it's been in the works
23 for many years these policing standards, and now we actually have a committee, my
24 understanding, that's working on it and it's collaborative with the other police agencies,
25 so I'm hopeful that we'll have some policing standards. And as far as the funding, that's
26 with the Province and municipalities, and I think we've made some progress this year
27 with this last multi-year financial plan.

28 **MR. ROBERT PINEO:** Up to the time of the mass casualty event,

1 was it the Province that was dragging its heels putting and accepting policing standards
2 and providing more money?

3 **A/COMMR LEE BERGERMAN:** I can't specifically speak to that,
4 but it certainly was a challenge. And then, of course, with COVID, there was a lot of
5 provincial funding that was going towards the COVID response.

6 **MR. ROBERT PINEO:** Thank you, those are my questions.

7 **COMMISSIONER MacDONALD:** Thank you, Mr. Pineo.

8 We'll take a 15-minute break. Thank you.

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

11 --- Upon recessing at 2:44 p.m.

12 --- Upon resuming at 3:16 p.m.

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

15 **COMMISSIONER MacDONALD:** Okay. We'll ask the witness to
16 come forward.

17 **--- A/COMMR LEE BERGERMAN, Resumed:**

18 **COMMISSIONER MacDONALD:** Hello, again.

19 Ms. Miller.

20 **--- CROSS-EXAMINATION BY MS. TARA MILLER:**

21 **MS. TARA MILLER:** Good afternoon, Assistant Commissioner
22 Retired Bergerman. My name is Tara Miller, and with my colleague, Alix Digout, we
23 represent a family member of Kristen Beaton. Ms. Beaton and her unborn child were
24 murdered by the perpetrator on the morning of Sunday, April the 19th, in Debert.

25 I'm going to focus really on one sort of area, which is getting a
26 better understanding of how the MacNeil Report and its recommendations were
27 implemented and executed in Nova Scotia. So I'll start with just some general
28 questions.

1 From your perspective, who was responsible for ensuring the
2 MacNeil Report recommendations would have been implemented nationally, and then if
3 there's a different person who would have been responsible for ensuring that they were
4 implemented in Nova Scotia?

5 **A/COMMR LEE BERGERMAN:** So my understanding, having not
6 been here at that time, but been privy to some of it when I first arrived, the person
7 responsible in this division ---

8 **MS. TARA MILLER:** Yes.

9 **A/COMMR LEE BERGERMAN:** --- was the Criminal Operations
10 Officer and her team. So that was Chief Superintendent Marlene Snowman. But it's
11 obviously a team effort, and everybody would have been -- her team was heavily
12 involved in implementing those recommendations. And then from a national
13 perspective, the recommendations generally fall to the Criminal Operations Officer and
14 their team for implementation.

15 **MS. TARA MILLER:** The national Criminal Operations Officer?

16 **A/COMMR LEE BERGERMAN:** In each division.

17 **MS. TARA MILLER:** Okay.

18 **A/COMMR LEE BERGERMAN:** Not the national Criminal
19 Operations Officer in Ottawa, but each division has a Criminal Operations Officer.

20 **MS. TARA MILLER:** Okay.

21 **A/COMMR LEE BERGERMAN:** So they would be responsible, or
22 a delegate, to implement those recommendations.

23 **MS. TARA MILLER:** Is there a national CrOps officer?

24 **A/COMMR LEE BERGERMAN:** Not -- not the way we have one
25 here.

26 **MS. TARA MILLER:** Okay.

27 **A/COMMR LEE BERGERMAN:** It's -- the Criminal Operations
28 Officer is the Criminal Operations, which the divisions that we have were the provincial

1 police, and the other divisions where we aren't the provincial police, like Ontario and
2 Quebec, they have a Criminal Operations Officer who is federal.

3 **MS. TARA MILLER:** Okay. We heard from I think it was Chief
4 Superintendent Campbell who said that the national CrOps officer would have been
5 responsible for responding to the recommendations, so I just wanted to see if that
6 accorded with ---

7 **A/COMMR LEE BERGERMAN:** Probably a coordination of it, but
8 I'm not sure if they are called the Criminal Operations Officer. I would think that perhaps
9 that that would be coordinated out of C&IP, which is the Contract ---

10 **MS. TARA MILLER:** And Indigenous Policing?

11 **A/COMMR LEE BERGERMAN:** --- and Indigenous Policing.

12 **MS. TARA MILLER:** Thank you. And when you took command of
13 H-Division in 2019, what was your understanding at that point in terms of the execution
14 and implementation of the MacNeil recommendations?

15 **A/COMMR LEE BERGERMAN:** What I understood and observed,
16 that H Division was well on its way in completing, or at least engaged in the
17 recommendations within the Division. And I would say that this Division, based on
18 seeing other Divisions, they were ahead than most.

19 **MS. TARA MILLER:** And what was that based on? Your
20 understanding that they're well on their way in terms of completing, what was that based
21 on? Who told you that? How did you come to that information?

22 **A/COMMR LEE BERGERMAN:** Well the Criminal Operations
23 Officer at the time was C/Supt. Marlene Snowman. And for those that don't know, she
24 was the officer in charge of Kodiak Detachment, which is where the event took place in
25 New Brunswick, and the MacNeil Review came out of that. So she was very passionate
26 about the implementation and following the recommendations.

27 **MS. TARA MILLER:** And I think you said that in your interview,
28 your Mass Casualty interview, and I think your evidence this morning, was the MacNeil

1 Report was taken very seriously post recommendations and the implementation of the
2 recommendations was taken very seriously?

3 **A/COMMR LEE BERGERMAN:** Yes.

4 **MS. TARA MILLER:** Yes, okay. So from your perspective, I
5 understand that you were of the view that the recommendations were implemented.
6 And I appreciate your evidence that you haven't been following the evidence of the
7 Commission, but what we also have heard, Ms. Bergerman, is that there were various
8 members who were involved in the mass casualty, either as a member or civilians, who
9 really had no knowledge of some of these critical recommendations. They hadn't been
10 trained on the report. And there were certain recommendations which, you know, it
11 became apparent through their evidence were either -- they weren't aware of and they
12 hadn't been actioned.

13 So I want to talk to you about that sort of broader picture, this sort
14 of disconnect. But what -- and I'll give you the specifics of these members to help you
15 orient that. We had the two critical incident Commanders, S/Sgt. West and S/Sgt.
16 Surette who gave evidence on May the 18th, and they talked about not having been
17 trained in the report, not really having awareness of what some of these
18 recommendations were, and there were a couple of specific recommendations that
19 were put to them. One was Recommendations 3.6, that:

20 "Each Division should establish a policy and protocol
21 through an emergency operational plan to identify entry
22 and exit points and major transportation routes that
23 should be alerted and monitored in the event of a
24 relevant crisis." (As read)

25 Of course that was directly relevant to certainly the 19th, when the
26 perpetrator was moving ---

27 **A/COMMR LEE BERGERMAN:** Yeah.

28 **MS. TARA MILLER:** --- through the province, past through what I

1 call the sort of central choke point in Truro, Highway 102/Highway 104, with no visibility
2 over his travel through that point. They had no awareness of this recommendation, and
3 certainly weren't aware that there had been any update to the emergency operational
4 plan. So that's one example.

5 And then we heard from Lia Scanlan, who we talked about today as
6 well, and my friend, Ms. McCulloch, took her through some of the recommendations that
7 are directly relevant to communications. This was on her June 8th evidence. And there
8 was some -- just to characterize her evidence, but there was some things she wasn't
9 sure what had been done, she was part of the recommendations ---

10 **A/COMMR LEE BERGERMAN:** M'hm.

11 **MS. TARA MILLER:** --- in the MacNeil Report because she had
12 worked on that, but some of the communications recommendations, she wasn't sure
13 they had been done. And one in specific was 8.2:

14 "The development of standard operating procedures to
15 have communication staff as part of the rollout of Critical
16 Incident Package." (As read)

17 And she said that as of April 2020, that had not been done, even
18 though the report says that it had been implemented in Nova Scotia.

19 So I give you those two concrete examples of people on the
20 ground, ---

21 **A/COMMR LEE BERGERMAN:** Yeah.

22 **MS. TARA MILLER:** --- right, and what strikes me as a huge gap
23 or disconnect in-between what senior command understands has been done in terms of
24 executing and implementing these recommendations, and then what's going on in
25 practice, the people who are ultimately delivering the services, the policing, in the
26 communities.

27 And I think that, you know, certainly for a lot of the families, that's a
28 concern about what happens with the report that comes out of here? How do we avoid

1 this type of disconnect again that we have? We've been provided with an extensive
2 affidavit dated August the 11th, 2022. The COMM number is 62461. And this is an
3 affidavit of Insp. Pharanae Croisetiere, who -- she's in Ottawa. And what the purpose of
4 this affidavit -- have you seen it? Have you had a chance to review it?

5 **A/COMMR LEE BERGERMAN:** No.

6 **MS. TARA MILLER:** Okay. So just ---

7 **A/COMMR LEE BERGERMAN:** Not aware of it.

8 **MS. TARA MILLER:** --- to give you some background, my
9 understanding is the purpose of this affidavit is to review -- thank you, Madam Registrar
10 -- and has that been exhibited yet? Okay. So if we can give that an exhibit number?

11 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 4158.

12 **--- EXHIBIT No. 4158:**

13 (COMM0062461) Affidavit dated August 11th, 2022

14 **MS. TARA MILLER:** Thank you. I'm not going to take you through
15 it, Ms. Bergerman, but the purpose of this is an affidavit to go through, one by one, each
16 of those MacNeil Recommendations and to identify how they've been implemented and
17 executed. The one ---

18 **A/COMMR LEE BERGERMAN:** Sorry, sorry, what
19 recommendations?

20 **MS. TARA MILLER:** The MacNeil Report ---

21 **A/COMMR LEE BERGERMAN:** Okay.

22 **MS. TARA MILLER:** --- Recommendations.

23 And I will -- Madam Registrar, if we could go to page 5 of this
24 report?

25 And we see recommendation 3.6. So this, Ms. Bergerman, was the
26 recommendation that I referenced with respect to the two Critical Incident Commanders
27 about:

28 "Establishing a policy and protocol through the

1 Emergency Operational Plan to identify entry/exit points
2 in major transportation routes that should be alerted and
3 monitored.” (As read)

4 And this, from Ottawa Headquarters, from this affidavit, indicates
5 that that was all done in March of 2015.

6 “The Emergency Operational Plan templates were
7 amended to ensure entry/exit points and major
8 transportation routes were included. The amended
9 Emergency Operational Plan templates were then
10 disseminated to all RCMP Divisions.” (As read)

11 So, you know, from the Command Structure, it looks like this has all
12 been done, and that has certainly what has been presented online with the RCMP
13 accessing, any civilian can access, you know, what has been the outcome of the
14 MacNeil Recommendations. But in practice, it appears that a lot of this information is
15 not making its way to those front-line policing providers.

16 And I’m wondering and curious about any recommendations,
17 thoughts that you may have for the Commissioners about how we can bridge this gap
18 moving forward between policy and implementation of policy, but then execution of the
19 actual recommendations moving forward, because that’s a key concern coming out of
20 this Inquiry.

21 **A/COMMR LEE BERGERMAN:** Yeah.

22 **MS. TARA MILLER:** Are we going to find ourselves, you know,
23 eight, six years down the road with another affidavit that says it’s all been implemented,
24 but the people on the ground aren’t aware and they’re not using?

25 **A/COMMR LEE BERGERMAN:** So it was just the three people on
26 the ground that weren’t aware of these two recommendations from the MacNeil Report?

27 **MS. TARA MILLER:** Well I use these as sort of the classic
28 examples ---

1 **A/COMMR LEE BERGERMAN:** Yeah.

2 **MS. TARA MILLER:** --- in the evidence. We have evidence on
3 these.

4 **A/COMMR LEE BERGERMAN:** Yeah.

5 **MS. TARA MILLER:** And there were two, you know,
6 communications.

7 **A/COMMR LEE BERGERMAN:** Yeah.

8 **MS. TARA MILLER:** And then Critical Incident Commanders who
9 had no visibility over the fact that the MacNeil Report said that major transportation
10 routes, exit/enter points should be monitored ---

11 **A/COMMR LEE BERGERMAN:** Yeah.

12 **MS. TARA MILLER:** --- and alerted ---

13 **A/COMMR LEE BERGERMAN:** Yeah.

14 **MS. TARA MILLER:** --- in the event ---

15 **A/COMMR LEE BERGERMAN:** Surprised ---

16 **MS. TARA MILLER:** --- of a relevant crisis.

17 **A/COMMR LEE BERGERMAN:** Surprised by that, to say the least.
18 But as far as what I can say now, I mean, obviously I'm retired, the RCMP very much
19 looks forward to, as do, I think, all of the policing community, the recommendations that
20 come out of this Commission. I certainly am. And I know that my former superiors are
21 as well.

22 And I think there has to be some implementation of robust tracking
23 mechanisms that can be followed up on by -- whether that's somebody left over from
24 the Commission or what that looks like, or lawyers. I don't know. But that would be my
25 recommendation to ensure that happens.

26 **MS. TARA MILLER:** Do you see value -- along the same lines of
27 what you just indicated, do you see value in there being an ongoing committee that's
28 perhaps populated by senior RCMP command members, street policing officers who

1 are in the community?

2 **A/COMMR LEE BERGERMAN:** Yes.

3 **MS. TARA MILLER:** Because that's where the disconnect seems
4 to have happened here. And then members of the public to ensure that the legacy of
5 this work and the recommendations don't just sit on the shelf somewhere, that there is
6 accountability moving forward?

7 **A/COMMR LEE BERGERMAN:** Yes, I agree with that.

8 **MS. TARA MILLER:** Okay. You talked earlier about accountability
9 needs to be driven by provincial audits and policing standards. I think C/Supt. Leather
10 said that and you had agreed about that in terms of making sure things are getting done
11 properly, that policies and procedures are being followed.

12 **A/COMMR LEE BERGERMAN:** Yes.

13 **MS. TARA MILLER:** And that, as I understood your evidence, Ms.
14 Bergerman, it was that the expectation was that provincial audits and policing standards
15 would be used as a mechanism to ensure that these policies and procedures were
16 executed; did I understand that?

17 **A/COMMR LEE BERGERMAN:** Yes.

18 **MS. TARA MILLER:** Okay. Do you -- what about the RCMP
19 driving some accountability around that? Do you use a role for the RCMP instead of
20 just relying solely on the province to do provincial audits?

21 **A/COMMR LEE BERGERMAN:** No, on, we definitely have
22 responsibility in conjunction and in consultation with them -- with the Province, and
23 probably other police agencies.

24 **MS. TARA MILLER:** Okay. I want to circle back to what you said
25 about the -- being surprised with the recommendation 3.6 that the Critical Incident
26 Commanders weren't aware about the Emergency Operational Plan, and the fact that
27 these major transportation routes should be alerted and monitored in the event of a
28 relevant crisis? You said you were surprised?

1 **A/COMMR LEE BERGERMAN:** Yes.

2 **MS. TARA MILLER:** Yes.

3 **A/COMMR LEE BERGERMAN:** Because -- well, I know both
4 those Critical Incident Commanders and they're -- at least my knowledge of both of
5 them, highly, highly qualified police officers and my understanding, based on
6 conversations with them is they had a pretty good understanding of the MacNeil Report.

7 **MS. TARA MILLER:** Okay.

8 **A/COMMR LEE BERGERMAN:** So I'm kind of -- I'm surprised that
9 they wouldn't have known that.

10 And as far as the embedding of a media person within a Critical
11 Incident Command structure, I believe that now is -- has been done.

12 **MS. TARA MILLER:** Yes.

13 **A/COMMR LEE BERGERMAN:** And I was -- and surprised that
14 Lia wasn't able to speak to it, Lia Scanlan, so...

15 **MS. TARA MILLER:** Well, she was able to speak to it. What she
16 said was that although that recommendation said it had been implemented ---

17 **A/COMMR LEE BERGERMAN:** She had not ---

18 **MS. TARA MILLER:** --- it was not in place in April of 2020, six
19 years after the MacNeil Report.

20 **A/COMMR LEE BERGERMAN:** Right. And was there any reason
21 that she was aware of, having been in ---

22 **MS. TARA MILLER:** No, not that I'm aware of.

23 **A/COMMR LEE BERGERMAN:** --- Communications?

24 **MS. TARA MILLER:** No.

25 **A/COMMR LEE BERGERMAN:** Okay.

26 **MS. TARA MILLER:** Thank you on that. I'll move along. I just
27 have one small final question to follow up on.

28 The only other recommendation that you have presented today was

1 this morning that, you know, your recommendation to the Commissioners is that a lot of
2 these issues are really based on funding; more resources are needed.

3 **A/COMMR LEE BERGERMAN:** Yes.

4 **MS. TARA MILLER:** And in addition to that, would you agree with
5 me, Ms. Bergerman, that there are ways that the RCMP can leverage existing
6 resources that don't necessarily need funding? And by that, I mean leveraging
7 municipal police forces, and even leveraging their own existing RCMP detachments;
8 that that -- funding is one thing but there's also ways to be able to enhance the RCMP's
9 responsiveness, and certainly on the weekend of the 18th and 19th in 2020, that that
10 could have been done by leveraging municipal police forces, to a certain extent, and
11 also to existing RCMP detachments. Would you agree with that?

12 **A/COMMR LEE BERGERMAN:** Part of it I would; existing RCMP
13 detachments, but as far as any kind of large contingent from a municipal police force
14 wasn't available at the time. But I do think that going forward that something that needs
15 to be worked upon in the interoperability to make sure they can speak to each other on
16 the radios, make sure they have the same radios as far as encryption, all those things
17 that I'm sure this Commission's already heard.

18 **MS. TARA MILLER:** Yeah.

19 **A/COMMR LEE BERGERMAN:** But I do think that that should --
20 that could be a recommendation for sure.

21 **MS. TARA MILLER:** Yeah. That's part of a cultural, I think,
22 change, too, as well in terms of working with municipal forces. And we know, for
23 example, Truro had reached out to both you and ---

24 **A/COMMR LEE BERGERMAN:** No, not to me.

25 **MS. TARA MILLER:** No, they had not? Okay.

26 **A/COMMR LEE BERGERMAN:** No.

27 **MS. TARA MILLER:** Offering resources ---

28 **A/COMMR LEE BERGERMAN:** Yeah.

1 **MS. TARA MILLER:** --- that day. And you know, certainly for
2 when Cobequid Court, for example, my friend Mr. Bryson reviewed with you the, you
3 know, inordinate delay in the crime scene management there.

4 **A/COMMR LEE BERGERMAN:** Yes.

5 **MS. TARA MILLER:** would that have been an appropriate place
6 that you could have utilized the resources of municipal forces?

7 **A/COMMR LEE BERGERMAN:** I think that could be definitely a
8 lesson learned.

9 **MS. TARA MILLER:** Yeah.

10 **A/COMMR LEE BERGERMAN:** For sure.

11 **MS. TARA MILLER:** Yeah. And we've also heard evidence that
12 the Millbrook RCMP Detachment was not engaged at all through the course of the
13 weekend. I mean, that was the RCMP's own resource that was not enlisted to assist.

14 **A/COMMR LEE BERGERMAN:** I was not aware of that.

15 **MS. TARA MILLER:** Okay.

16 **A/COMMR LEE BERGERMAN:** Now, was there any resources in
17 Millbrook at the time? Because we had significant shortages in some of these small
18 detachments due to COVID and people just ---

19 **COMMISSIONER MacDONALD:** Just -- I'm sorry. My recollection
20 -- oh, maybe you have ---

21 **MS. PATRICIA MacPHEE:** Thank you.

22 **COMMISSIONER MacDONALD:** --- the same concern I do.

23 **MS. PATRICIA MacPHEE:** I was just going to make the same
24 point.

25 I do believe there are resources that were used from the Millbrook
26 Detachment, actually, including, I believe -- and I'm looking at my friend, Ms. MacMillan,
27 but I believe Cst. Grund was one of those members.

28 **COMMISSIONER MacDONALD:** Right.

1 **MS. TARA MILLER:** Okay. And I'll check and follow-up but there
2 -- I know we've had an affidavit from a senior person at the Millbrook Detachment who
3 went home and didn't even know about the fact that this mass casualty had unfolded.
4 And the name escapes me right now. I see Commissioner Fitch shaking -- nodding her
5 head.

6 **COMMISSIONER MacDONALD:** Right.

7 **MS. TARA MILLER:** That is my point.

8 **COMMISSIONER MacDONALD:** But those are two different
9 points. Your question was, nobody from Millbrook participated, as I understood it, and
10 that's just not the case.

11 **MS. TARA MILLER:** Fair, yeah.

12 **COMMISSIONER MacDONALD:** There were folks. But if
13 someone from Millbrook was unaware, then that's a different question, ---

14 **MS. TARA MILLER:** Yes.

15 **COMMISSIONER MacDONALD:** --- and you can put that to the
16 witness.

17 **A/COMMR LEE BERGERMAN:** And I wouldn't be -- I'm not aware
18 of that.

19 **MS. TARA MILLER:** Fair enough. My point being that there were
20 resources that were available, they could have been used situationally, and you've
21 acknowledged that certainly deploying resources from Truro for Cobequid Court would
22 have been something lesson learned, and we have the evidence in terms of the
23 Millbrook individual.

24 So apologies, Commissioners, I don't have that name right at my
25 fingertips.

26 Thank you, Ms. Bergerman, those are my questions.

27 **COMMISSIONER MacDONALD:** Thank you, Ms. Miller.

28 Ms. Hupman?

1 **--- CROSS-EXAMINATION BY MS. LINDA HUPMAN:**

2 **MS. LINDA HUPMAN:** Good afternoon, Ms. Bergerman. My name
3 is Linda Hupman. With my co-counsel, Stephen Topshee and James Russell, we
4 represent the families of the -- the Oliver-Tuck families. The Oliver-Tuck family was --
5 resided in Cobequid Court, and the family of Lillian Campbell, who lost her life walking
6 on the highway in Wentworth.

7 I just have a few questions. There's been some eliminations
8 because of what's been covered by my -- by Ms. Young and by my fellow counsel, and
9 I'm going to attempt to get through the scratching-out that I've done on my notes to
10 make sure I cover what's left.

11 I wanted to speak to -- and this has been covered, or there's
12 certainly material about this in your interview, and it was touched on this morning in
13 regards to the -- I think various terms have been used but dysfunctional relationships
14 between RCMP in Nova Scotia and -- in the Wellness Report it's referred to as -- or
15 several examples are given as between RCMP and Department of Justice and the
16 Province, between RCMP and municipal forces, and on various levels, apparently.

17 And I know that this morning you spoke at one point and -- that as
18 far as you were concerned, before the mass casualty event, effectively, these kinds of
19 relationships were relatively good, at least in your view. Which brings me to the fact
20 that in the Quintet Wellness Report at page -- between 7 and 9, and I'm not sure
21 whether -- if you need us to bring it up, we certainly can. But there's the quote in there,
22 I think, from the authors of the report, that almost all Participants spoke at length about
23 the RCMP's role as Nova Scotia's provincial police, and major dysfunction which they
24 said had been allowed to exist for many years.

25 So this is an indication that this was a widespread belief, I guess,
26 amongst people in the management level at H-Division. So how do you reconcile this
27 with your view that everything was, essentially, good before the Mass Casualty
28 Commission?

1 **A/COMMR LEE BERGERMAN:** Well, my experience, having been
2 here for five and a half, six years, the relationship -- and the former CO here was
3 Deputy Brennan -- was relatively good. And I worked very closely with Nova Scotia
4 Chiefs, as I've already testified to. The deterioration has happened since the mass
5 casualty event.

6 **MS. LINDA HUPMAN:** Okay.

7 **A/COMMR LEE BERGERMAN:** And I believe there's a number of
8 different factors, but I do believe you had a number of officers that were here from other
9 divisions where the relationship is quite a bit more functional, I'll say. And I think what
10 you're seeing in the report -- I can't -- I don't know who said what, ---

11 **MS. LINDA HUPMAN:** Sure.

12 **A/COMMR LEE BERGERMAN:** --- but I can say that there
13 probably -- and I'm just making -- I'm surmising here -- a comparison in the functioning
14 versus dysfunctioning [sic], and a lot of that happened post the mass casualty.

15 **MS. LINDA HUPMAN:** Okay. So that would be your take on it,
16 that it ---

17 **A/COMMR LEE BERGERMAN:** Yes.

18 **MS. LINDA HUPMAN:** --- it -- the root of it is really post the
19 casualty in that things ---

20 **A/COMMR LEE BERGERMAN:** Well -- yeah. And I don't think it's
21 any secret here that, and I've seen it, where the municipal police forces are distancing
22 themselves from the RCMP because of the criticism.

23 **MS. LINDA HUPMAN:** Sure.

24 **A/COMMR LEE BERGERMAN:** So -- and in any case, in
25 relationships you have to have both parties willing to come to the table and work
26 together. So I don't know that we're there right now.

27 **MS. LINDA HUPMAN:** Right. But you would agree that in a
28 province the size of Nova Scotia, with the structure of policing in this province, that one

1 would think that it -- that it's critical that these parties all try to get on the same page?

2 **A/COMMR LEE BERGERMAN:** Absolutely.

3 **MS. LINDA HUPMAN:** And to that end, I guess one thing that
4 struck me from your -- from your testimony this morning when this was -- when you
5 were covering this area with Ms. Young, was a comment you made with respect to the
6 fact that essentially now this management team is either retired or have all been
7 transferred, promoted and moved on, and that you didn't -- you weren't too sure that
8 that was the way to go. Can you explain your -- what you were getting at there?

9 **A/COMMR LEE BERGERMAN:** What I was talking about is when
10 that handful of officers came to me, one -- you know, about their wellness and burnout,
11 and one of the requests was succession planning, and that didn't mean being
12 transferred today, it meant a light at the end of the tunnel so to speak. And some of
13 those people have been transferred with normal succession planning with replacements
14 coming in, and I think Chris Leather at least said that he thinks that might be good for
15 fostering of relationships or renewal or a reset with the Nova Scotia chiefs, is what he
16 thought. I was surprised by that comment, but I think and I -- and I know the new CO
17 coming in, Assistant Commissioner Dennis Daley, worked here for many years, he
18 knows the partners really well, he had good working relationships with them, so I see
19 that as a positive moving forward with his new team.

20 **MS. LINDA HUPMAN:** Okay. Yes, I mean, certainly for many
21 people, myself included, it would be -- the thought would be how can we really repair all
22 of this is -- if everybody is different now.

23 **A/COMMR LEE BERGERMAN:** Yeah. I actually think there could
24 be some positives in that, and I know Chris Leather echoed that, but I also know that
25 the new CO coming in also has very good working relationships with the chiefs, and I
26 think -- I think you're going to see that improve.

27 **MS. LINDA HUPMAN:** Okay. I want to go and change the tact to
28 an entirely different area, and it's one that has not really been explored in any depth

1 today, but it has come up throughout our process in hearing from witnesses and people
2 on the ground at earlier parts of or earlier sessions of this hearing. And what I'm getting
3 at is, or the issue I want to discuss with you or have your comment on is what is the
4 practice within the RCMP of transferring of general duty members, particularly I'm
5 thinking of, or at least my understanding is that it's quite -- it's the routine practice. That
6 as recruits come out, they get posted, they are posted at some location in the country
7 for, you know, three, four years, then they typically are then transferred, could be
8 another province, could be within that province, and that this practice is kind of
9 ingrained in the RCMP, part of it may be their culture, but is ingrained as part of how
10 they manage their force. Is that accurate or fair?

11 **A/COMMR LEE BERGERMAN:** I would say yes and no. And I
12 know there's concerns within the municipalities because they just get new to a -- used to
13 a new detachment commander and then he may get promoted and go to the next
14 detachment down the road, there is those concerns that have been a voice. But I also
15 know that within this Division, particularly, there is a lot of members that are here that
16 are from here. So they have been -- they go to Depot, they go to -- through training and
17 they go -- say they go up North or they go to a limited duration post, so that kind of
18 works their -- that gives them the opportunity to come back to Nova Scotia.

19 So I hear your concerns, and I have heard that, but there is -- there
20 is two -- there is two sides of that because I think -- I think it's good to not have the
21 same person in a detachment for 15 years because you don't get any good ideas or you
22 don't get any new ideas and might get complacent. And I think members coming from
23 different detachments or different divisions can bring some really great ideas and fresh
24 ideas and different ways of engaging in community. So I think -- I think there's positives
25 on both sides of that.

26 And definitely the culture is changing, because I'll tell you when I
27 went through Depot there wasn't a chance that I would ever be able to go back to B.C.
28 where I'm from. Now, that's not the case.

1 **MS. LINDA HUPMAN:** Do you know where -- what's the genesis of
2 that concern to send people back to where they came from?

3 **A/COMMR LEE BERGERMAN:** It's many, many, many years old,
4 before -- so I had 36 years, so it's before that, and I think it's the fear, or not a fear, but
5 just the practice of it of not having young police officers back in their communities where
6 they experienced their formative years.

7 **MS. LINDA HUPMAN:** Yeah, I'd be interested to know just what
8 the real rationale for that is or whether there's a science behind that. I think of other
9 types of -- or other police forces, like municipal forces, large city forces, I'm sure there's
10 -- many of their officers grew up and lived in the ---

11 **A/COMMR LEE BERGERMAN:** Yes.

12 **MS. LINDA HUPMAN:** --- city that they work in, and so, you know,
13 I don't know -- understand I guess what would be the difference.

14 **A/COMMR LEE BERGERMAN:** Yeah. And remember, we have
15 very unique policing responsibilities throughout the country. So we have police officers
16 in very remote communities and there's maybe one or two of them there. There's no
17 other police force that can have those -- that can go up there or do that kind of policing.
18 So I think -- I think, and you might be able to get better information, actually out of the
19 Commissioner and out of Deputy Brennan, because I think he's going to be testifying
20 here, because they have been around a long time too and might have more visibility on
21 that based on their -- based on their positions, but I think it's a -- I think it's a balance.

22 **MS. LINDA HUPMAN:** Yeah, and I can certainly appreciate that
23 there would be certain types of postings, like remote and isolated ---

24 **A/COMMR LEE BERGERMAN:** Yeah.

25 **MS. LINDA HUPMAN:** --- postings where people wouldn't be
26 expected to necessarily put down roots if that's not their -- if that's not where they're
27 from ---

28 **A/COMMR LEE BERGERMAN:** Right.

1 **MS. LINDA HUPMAN:** --- and would be transferred in and out, but
2 there's many other more urban and rural type settings where that -- maybe the rationale
3 for that no longer really exists. And ---

4 **A/COMMR LEE BERGERMAN:** Yeah.

5 **MS. LINDA HUPMAN:** --- and the reason I'm bringing this up is,
6 you know, in this -- arising out of the mass casualty event, you know, there's been --
7 there's been some evidence of, you know, newer members to -- you know, somebody
8 comes into a detachment, like Bible Hill, in a large rural municipality of a very significant
9 area, they don't know one end of the ---

10 **A/COMMR LEE BERGERMAN:** Yeah.

11 **MS. LINDA HUPMAN:** --- district from the other, it takes them
12 three, four years to even get really comfortable probably knowing all of the backroads
13 and the ways ---

14 **A/COMMR LEE BERGERMAN:** Yeah.

15 **MS. LINDA HUPMAN:** --- to get from Point A to Point B as quickly
16 as you can, and then they're transferred out and somebody new comes in, and they
17 have to learn how to get around their new detachment area and so on. And to me, it
18 raises questions around the effectiveness of policing these rural -- these communities
19 when you have such changes happening and you don't have the ability for people to
20 really become familiar with the geography that they're dealing with, and I think some of
21 that came to light through the unfamiliarity with even some members in Bible Hill that
22 night of exactly where they were going.

23 **A/COMMR LEE BERGERMAN:** Yeah.

24 **MS. LINDA HUPMAN:** Although it wasn't -- in the scheme of
25 things, for us who live in that area, it wasn't that far away, but if you haven't travelled
26 around and got to know some of the outlying parts of your community, so it raises for
27 me issue of whether or not there is more value or more negativity to these kinds of
28 transfer policies and practices in -- except for, you know, obviously the remote situations

1 and so on.

2 **A/COMMR LEE BERGERMAN:** Yeah. Yeah. No, I ---...

3 **MS. LINDA HUPMAN:** And certainly I will explore that.

4 **A/COMMR LEE BERGERMAN:** Yeah, I think it's really good to -- I
5 mean, I've given you my comments and thoughts, because I think there's plusses and
6 negatives, because you really do get some really great ideas from new police officers
7 coming into a community. And the expectation too is, is that they should know their
8 communities. But some of these rural communities, and I've worked in them and gone
9 to the wrong place when I was supposed to be over here, and I went -- because I didn't
10 know the community. But it takes a while, ---

11 **MS. LINDA HUPMAN:** M'hm.

12 **A/COMMR LEE BERGERMAN:** --- to your point, to learn.

13 **MS. LINDA HUPMAN:** Yeah.

14 **A/COMMR LEE BERGERMAN:** But I think perhaps maybe a
15 recommendation out of this, that that should be explored to have a more balanced
16 approach to that.

17 **MS. LINDA HUPMAN:** Just on that, and I certainly agree, I think
18 that is an area worthy of consideration for sure, you indicate of course that this practice
19 has existed long before your time, or at least, ---

20 **A/COMMR LEE BERGERMAN:** Yes.

21 **MS. LINDA HUPMAN:** But have you -- up until the point of your
22 retirement, have you heard any discussions withing the RCMP of whether or not they
23 have any thoughts, or have they focused on whether or not there's a need to look at that
24 practice that they've -- or is it just, "We've always done that, so we always will"?

25 **A/COMMR LEE BERGERMAN:** No, that's not -- not -- that's
26 actually not why. So you have a lot smaller detachments in Nova Scotia and the
27 opportunity for promotion for constables, say, might be down the road in Bible Hill and
28 they're in Stewiacke. So those -- you have those. But you also have those that want to

1 go to a bigger center, so they're up in Bible Hill or Stewiacke and they want to
2 experience a more urban policing just for the experience, right, ---

3 **MS. LINDA HUPMAN:** M'hm.

4 **A/COMMR LEE BERGERMAN:** --- in Halifax, for example. So it's
5 developmental opportunities, balanced with community needs, balanced with
6 promotions. I think all of those things have to be a consideration. But that's why.

7 **MS. LINDA HUPMAN:** But that might be addressed through more
8 optional approaches to transfers and ---

9 **A/COMMR LEE BERGERMAN:** Yes.

10 **MS. LINDA HUPMAN:** --- redeployments than having it more of a
11 routine thing, based on a particular constable's career path and what their aspirations
12 are, as opposed to it kind of being forced upon them?

13 **A/COMMR LEE BERGERMAN:** Right. So for example, in the
14 Lower Mainland, and you can't compare, but there are big detachments there, and you
15 could probably compare not Halifax District, but it's a big detachment area, that a
16 member could be there for an extended period of time and be afforded the
17 developmental opportunities to, you know, do some plain clothes work, to do drug work,
18 to get a promotion, because it's big enough that they can just go from one watch to
19 another.

20 **MS. LINDA HUPMAN:** M'hm.

21 **A/COMMR LEE BERGERMAN:** We don't have those opportunities
22 in small communities where you have two constables and a corporal.

23 **MS. LINDA HUPMAN:** Oh, yes. Certainly. And I ---

24 **A/COMMR LEE BERGERMAN:** Right.

25 **MS. LINDA HUPMAN:** --- certainly would take that point.

26 Okay. So we'll move on to my next two areas, which should be
27 quite brief. Several of my friends have touched on air support questions. In particular,
28 Mr. Pineo did ask you a couple of questions about that, and about the helicopter based

1 in Moncton being off duty sick, and the issue about a second -- the potential -- and
2 reasons why we don't have a second back up helicopter in this region.

3 My question goes more to the fact that it was -- the helicopter was
4 off duty sick and there seemed -- that seemed to not have been communicated to the
5 area that it serves so that people would know, A, and B, that it's apparent from the
6 testimony we've seen from reading the communication logs and so on, that once the
7 initial response teams, late in the night of the 18th and early hours of the 19th, had this
8 information, there seemed to be no established Plan B as to where they went next to try
9 and get helicopter support. Can you speak to that?

10 **A/COMMR LEE BERGERMAN:** I can't speak to the logistics
11 because I do know, and it was my understanding that there was a -- they were
12 searching for some sort of air support from different agencies ---

13 **MS. LINDA HUPMAN:** Right.

14 **A/COMMR LEE BERGERMAN:** --- and were turned down.

15 **MS. LINDA HUPMAN:** Yes. That's what I'm ---

16 **A/COMMR LEE BERGERMAN:** As far as the helicopter being
17 down, they're down -- because it serves three provinces; right? Actually, maybe four.
18 No, three. So that -- for it to be down for maintenance on a Saturday is not uncommon.
19 But there -- maybe that could be something that could be a joint funding like they do
20 already with the one helicopter that we have, it's a funding model with the Atlantic
21 provinces, to fund a second one, but that would be a funding issue as well because
22 they're not cheap. They're an expensive asset to have, but necessary when you need
23 them, obviously.

24 **MS. LINDA HUPMAN:** Yeah, obviously.

25 **A/COMMR LEE BERGERMAN:** And so that would be one thing in
26 answer to your question.

27 And the other would be maybe an SOP, a Standard Operating
28 Procedure, that a fan out goes out. I'm pretty sure OCC is aware what air support is

1 available, like on a -- you know, as a general practice.

2 **MS. LINDA HUPMAN:** M'hm.

3 **A/COMMR LEE BERGERMAN:** But again, I would have to -- you
4 would have to defer to OCC, like a Glenn Byrne. But that's my understanding, is that
5 they have awareness of what assets, and your Risk Manager should too, are available
6 to them.

7 **MS. LINDA HUPMAN:** M'hm. Yeah. And that night, apparently it
8 wasn't known though until they went to make the call for the air support, and then that's
9 the answer they got from Moncton at the time.

10 **A/COMMR LEE BERGERMAN:** That the helicopter was down,
11 yeah. So there's ---

12 **MS. LINDA HUPMAN:** That the helicopter was down.

13 **A/COMMR LEE BERGERMAN:** There's a streamline SOP that
14 could be established very easily that be within the OCC, what's available as far as air
15 support and ERT support and what's in the area. That would be easy to, I would think,
16 streamline.

17 **MS. LINDA HUPMAN:** Right. And just to follow up and to go a
18 little bit further on that topic, and you referred to them attempting to get help from other
19 agencies, and eventually a DNR helicopter was organized for early in the morning on
20 the 19th to help with evacuation and -- however, of course, it had far greater limitations
21 than the RCMP asset would have had.

22 **A/COMMR LEE BERGERMAN:** Right.

23 **MS. LINDA HUPMAN:** We understand through, and I apologize, I
24 don't have the exact documents to point to right now, but -- because I thought of this
25 late as I -- this afternoon as I was making notes, but there have been exhibited emails, I
26 think from personnel in H Division that morning attempting to arrange with Ottawa for
27 aircraft to come down from either Ontario or Quebec.

28 But my recollection is that that -- those arrangements weren't -- and

1 those steps taken to reach out for that was not until around -- I'm going to say around
2 10:00 o'clock or so Sunday morning.

3 Any insight you can give us as to why once they knew that Moncton
4 wasn't available early in the -- or late in the night of the 18th and early 19th, that that
5 wouldn't have been a step to start immediately, as opposed to reaching out for those
6 other resources?

7 **A/COMMR LEE BERGERMAN:** So that's an operational detail that
8 I cannot speak to, and I'm wondering had that been explored with Supt. Campbell or
9 Chris Leather, probably Supt. Campbell, or C/Supt. Campbell, because I'm not sure the
10 answer and why that would have been the next day. Like, that doesn't make sense to
11 me. But I haven't seen any emails going back and forth on who was asking for what
12 and when and maybe they had -- they thought they had an asset and then didn't. So I
13 can't speak to the specifics of that.

14 **MS. LINDA HUPMAN:** Okay. I know that it did get approved and it
15 did get in the works, but by that time, it was no longer ---

16 **A/COMMR LEE BERGERMAN:** Yeah.

17 **MS. LINDA HUPMAN:** --- required.

18 I may be at the end, just give me one moment here. Yeah, I think
19 my other questions have been answered. Thank you. Those are my questions.

20 **COMMISSIONER MacDONALD:** Thank you, Ms. Hupman.

21 Ms. MacPhee or Ms. Ward?

22 **--- CROSS-EXAMINATION BY MS. LORI WARD:**

23 **MS. LORI WARD:** Thank you. I think I just have one question.
24 But before I ask it, I just wanted to note that with respect to Millbrook members
25 responding, it is on record that Cpl. Jamieson and Cst. Grund were from Millbrook, and
26 as well as Sgt Bernard, who responded on the Sunday.

27 Ms. Bergerman, as you know, my name is Lori Ward and I
28 represent the Attorney General of Canada. I think I just have one question.

1 We've talked a lot about policing standards, and you spoke of them
2 this morning, and we heard evidence from Chief Superintendent Campbell as well as
3 Chief Superintendent Leather. In particular, Chief Superintendent Leather spoke about
4 policing standards in the context of audits, and he opined that those audits proposed by
5 the Province would not be meaningful without having policing standards in place. And
6 so he went on to talk about getting that process on track, and he was very
7 complimentary of Hayley Crichton ---

8 **A/COMMR LEE BERGERMAN:** Yes.

9 **MS. LORI WARD:** --- at the Province. So that was on the vein of
10 accountability, but my question for you is how could policing standards improve public
11 safety? Because we haven't talked a lot about that.

12 **A/COMMR LEE BERGERMAN:** Well, because with policing
13 standards comes the recommendation or the need to have the resources and the
14 specialised resources within your communities to respond to drownings, critical
15 incidents, you know, like -- and barricaded individual, or... If you don't have any policing
16 standards that everybody follows, and we have standards within the RCMP that we
17 follow, it's important for the other police agencies to have those policing standards
18 because they're doing their own sexual assault investigations and if they're not up to a
19 certain standard then it's not -- you're not serving the public or the public safety
20 mandate of policing. So -- and it would be helpful if everybody had consistent policing
21 standards when you're working in a province with different police agencies.

22 **MS. LORI WARD:** And so I think we heard from Chief
23 Superintendent Campbell as well that that goes to the interoperability between forces.

24 **A/COMMR LEE BERGERMAN:** Yes.

25 **MS. LORI WARD:** And can you comment on that further?

26 **A/COMMR LEE BERGERMAN:** Yeah. So if you all have the
27 same policing standards then the interoperability becomes more fluid because you have
28 the same sort of SOPs or policies around training and how you approach a scene and

1 different investigative techniques. So it -- it's helpful and it's -- it only works if you're all
2 on the same page as far as what's required for whatever that investigation is.

3 **MS. LORI WARD:** So is it -- is it a case -- we've heard I think from
4 various corners that the impression is that the RCMP wants to impose their own
5 standards on the other policing agencies. Is that your impression?

6 **A/COMMR LEE BERGERMAN:** That's not correct. We are part of
7 a committee with the Department of Justice and municipal police forces that are all
8 working towards a common police standards program, or policies. So that's in the
9 works, and that's been -- I believe Hayley Crichton is still heading that up and working
10 with the municipal police chiefs.

11 **MS. LORI WARD:** Thank you, those are my questions.

12 **COMMISSIONER MacDONALD:** Thank you, Ms. Ward.
13 Ms. Young?

14 **MS. RACHEL YOUNG:** I have no questions. No questions, thank
15 you.

16 **COMMISSIONER MacDONALD:** Thank you.

17 Well, thank you, former Assistant Commissioner Bergerman. We
18 very much appreciate you being here and to assisting the Commission. The
19 Commissioners would like to take the rest of the day and this evening to consider
20 whether or not whatever questions we may have for you and would ask you to come
21 back tomorrow morning at 9:30 to address -- I don't think it'll be very long, but
22 procedurally it would be important for us to reflect on that and then come back and give
23 -- present you whatever questions we might have at 9:30 tomorrow morning. And of
24 course, as I mentioned earlier in the day, you -- we will not swear you again tomorrow
25 morning, just consider that you're still under oath ---

26 **A/COMMR LEE BERGERMAN:** Of course.

27 **COMMISSIONER MacDONALD:** --- and we will -- we will see you
28 again tomorrow at 9:30.

1 **A/COMMR LEE BERGERMAN:** Okay. Thank you.

2 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
3 proceedings are adjourned until August 23rd, 2022, at 9:30 a.m.

4 --- Upon adjourning at 4:04 p.m.

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C E R T I F I C A T I O N

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8 I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing
9 pages to be an accurate transcription of my notes/records to the best of my skill and
10 ability, and I so swear.

11

12 Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hautes
13 sont une transcription conforme de mes notes/enregistrements au meilleur de mes
14 capacités, et je le jure.

15

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17 Sandrine Marineau-Lupien

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