

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

Ms. Lori Ward

Counsel / Conseillère

Mr. Michael Scott

Counsel / Conseiller

Ms. Patricia MacPhee

Counsel / Conseillère

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Halifax, Nova Scotia

--- Upon commencing on Tuesday, August 23rd, 2022, at 9:35 a.m.

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

COMMISSIONER FITCH: Bonjour, et bienvenue. Hello, and welcome. We join you from Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq.

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

We begin today by continuing to hear from Retired Assistant Commissioner Lee Bergerman, who will rejoin us to answer questions from myself and my fellow Commissioners. After that, we will be hearing from RCMP Commissioner Brenda Lucki, who will speak to a number of issues, including RCMP culture, after-action reviews, H-Division leadership and supervision, and the role of communications in the RCMP. We have more time reserved to continue hearing from Commissioner Lucki tomorrow as needed.

As you know, it is important we hear from these senior RCMP officers so we can consider lessons learned, changes made to date, and opportunities for additional improvements.

I will now ask Retired Assistant Commissioner Bergerman to return for our questions.

Just one moment. Go ahead, Ms. Young.

COMMISSIONER MacDONALD: Ms. Young?

MS. RACHEL YOUNG: Thank you, Commissioner Fitch. Before the witness comes back, I just wanted to let you know that last night, at about 9:30, the

1 Attorney General of Canada produced to the Commission new notes of Lee Bergerman,
2 the witness currently on the stand, that we haven't seen, therefore, they haven't been
3 disclosed, we don't know what they say, and so I just invite Ms. Ward to tell us what she
4 knows about that.

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

6 **MS. LORI WARD:** Thank you, Commissioners.

7 We had collected and disclosed Assistant

8 Commissioner Bergerman's notes up to October of 2020. As you know she retired. We
9 were collecting her notes after that date and took some time to track them down. We
10 recently received them and were attempting to review them and disclose them before
11 her evidence, and I regret that we were not able to do so. They are the notes from
12 October 2020 to present.

13 **COMMISSIONER MacDONALD:** They are from when to when?

14 Sorry?

15 **MS. LORI WARD:** October 2020, I believe, to the present, or to --
16 up to her retirement.

17 **COMMISSIONER MacDONALD:** Okay. Thank you -- thank you,
18 Ms. Ward.

19 **MS. LORI WARD:** We regret the situation.

20 **COMMISSIONER MacDONALD:** Thank you.

21 Ms. Young, it strikes me that we're going to have to roll with this
22 and finish Ms. Bergerman's testimony and see where that takes us. Of course, we -- we
23 -- when we get the notes we will -- we will chart whatever course is necessary to make
24 sure that -- that whatever steps are needed will be taken at that time. So thank you.

25 **MS. RACHEL YOUNG:** Thank you.

26 **COMMISSIONER MacDONALD:** Thank you.

27 **--- A/COMMR LEE BERGERMAN, Resumed:**

28 **COMMISSIONER MacDONALD:** Good morning, former ---

1 **A/COMMR LEE BERGERMAN:** Good morning.

2 **COMMISSIONER MacDONALD:** --- Assistant

3 Commissioner Bergerman. Thank you ---

4 **A/COMMR LEE BERGERMAN:** Good morning.

5 **COMMISSIONER MacDONALD:** Thank you very much for coming
6 back. And as promised, the Commissioners will have some questions for you, and we'll
7 begin with Commissioner Fitch.

8 **A/COMMR LEE BERGERMAN:** Thank you.

9 Good morning.

10 **COMMISSIONER FITCH:** Good morning, I guess you're going by
11 Ms. Bergerman now, or you were yesterday?

12 **A/COMMR LEE BERGERMAN:** That's fine, yes.

13 **COMMISSIONER FITCH:** Okay. Thank you.

14 **A/COMMR LEE BERGERMAN:** The Retired Assistant
15 Commissioner handle is a bit long.

16 **COMMISSIONER FITCH:** Well, thank you very much for your
17 contributions thus far in the proceedings. Yesterday was a long day, and as is our
18 custom, we tend to follow up with questions of our own. Some of these are looking
19 back, so some questions that we'd like clarification on, and obviously forward-looking as
20 well. Even though you're retired, based on your experience, we'd be interested in
21 hearing any further recommendations or suggestions that you may have that you
22 haven't already covered in your testimony or in your previous interview with the
23 Commission.

24 Yesterday, when you started your sharing with us, and you talked
25 about the number of changes that have happened in the RCMP over your 36 year
26 tenure, and you made the comment that "especially for women". And I'd like you to
27 expand on that, if you could, if you're referring to especially for women serving within the
28 RCMP, whether it's civilian, whether it's sworn members, whether it's outward-facing for

1 the women that are being served in the community. So if you could expand on what
2 you meant when you said, "especially for women"?

3 **A/COMMR LEE BERGERMAN:** Well, for example, when I joined
4 the RCMP, and my first posting was Thompson, Manitoba. So the detachment had,
5 let's say, 50 regular members within the detachment and we did both rural and city
6 policing. And at that time, there was three female members in the detachment, so
7 disproportionate, I would say.

8 Now, I am -- I would say there are up to probably 30 percent of
9 female members, and also in leadership roles is where I really see it now, you know,
10 having gone through the ranks where there is many more opportunities for female
11 members and visible minorities so that you have that diversity in the senior ranks of the
12 RCMP.

13 So I've seen a -- I've seen a big change in that regard, and of
14 course because I am a female, I take notice of my female colleagues that are now in
15 leadership roles that maybe wasn't like that 25 years ago.

16 **COMMISSIONER FITCH:** Thank you. I'm sure you were aware in
17 2021 of the Bastarache Report that ---

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

19 **COMMISSIONER FITCH:** --- came out, and I believe that came
20 out in February of 2021, which would be leading up to your last year as Assistant
21 Commissioner. I'm wondering if the findings from the Bastarache Report gave you
22 pause for thought on some of the changes that may or may not have taken hold, and
23 have -- has had an influence on your -- on your thinking?

24 **A/COMMR LEE BERGERMAN:** Well, yeah. The Bastarache
25 Report was hard to read, and disappointing. I think people in the organisation, not just
26 the RCMP but any police organisation or military organisation need to really examine
27 that report and look at recommendations of a way forward because, honestly, if this is
28 what we're still talking about, in my view, then there needs to be a lot of work done,

1 respectfully.

2 **COMMISSIONER FITCH:** Do you have any personal thoughts to
3 share on that, on what some of those solutions may be going forward?

4 **A/COMMR LEE BERGERMAN:** Specific to that report? I think
5 there needs to be a committee that -- so we're not just talking about the
6 recommendations, that you actually have a committee that is working with different
7 individuals, a diverse group of individuals that are kind of an oversight of
8 implementation, not just for the RCMP but for any police agency, and military, about
9 respectful workplaces for everybody.

10 So what does that look like? I don't know. I think that's something
11 that federally could be organized and facilitated by -- at a federal level. So that it's not
12 just, you know, Ottawa; that it's facilitated out of Ottawa but that it includes the entire
13 country, and people from different areas because there's, as you know, diversity,
14 diverse cultures that are different from one end of the country to the other, that would be
15 one of my thoughts.

16 **COMMISSIONER FITCH:** Thank you.

17 I realize that you have a very deep operational background over
18 your 36 years, and you spoke briefly about your transition into the Commanding
19 Officer's position in H-Division. Could you share with us a little bit around the
20 promotional process? I know that you talked about some of your duties as
21 Commanding Officer post-April 2020, being you're involved in the promotional process
22 of others. And I'm wondering what the promotional process is for Commanding Officers
23 to reach that rank. If you could just share that with us publicly, because we haven't
24 talked a lot about that during our proceedings.

25 **A/COMMR LEE BERGERMAN:** Okay, sure. So I can -- I'll speak
26 to my personal experience.

27 So just going up through the ranks within the RCMP, you know,
28 going to a commissioned officer, starting at the level of Inspector, and then

1 Superintendent and Chief Superintendent, and then because of my experience and my
2 diverse background in policing, I had the opportunity to be interviewed for the
3 Commanding Officer position in H-Division. And so that interview is done with our
4 officer staffing individuals, and the Deputy Commissioner at that time was Kevin
5 Brasseur. And the Deputy Minister for the Province sits on the Board, and they really
6 have a voice on who is selected as the commanding officer, not just for H-Division but
7 for other provinces. So that was my process. And I don't know how many other people
8 were interviewed for my -- for the position; you don't necessarily know that. And
9 generally it's not like 10 people, it's maybe three or four people. And in my case, I don't
10 know how many were interviewed.

11 **COMMISSIONER FITCH:** Thank you. You had mentioned that the
12 transition into the CO's role, it sounded somewhat informal, and we have heard
13 recommendation that there could be improvements, in terms of binders and that type of
14 things to prepare people for that transition. And the role of CO, from my understanding,
15 is that it's very, very administrative rather than operational.

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

17 **COMMISSIONER FITCH:** Can you explain to us how you kind of
18 juggle that leadership responsibility between operational oversight and your
19 administrative responsibilities? And the reason I ask that is that through your sharing
20 yesterday and in your interview, you really heavily relied up on briefing up for your
21 situational awareness. So I'm trying to get a good understanding on how you personally
22 juggled that responsibility, specifically on the 18th and 19th and the lead-up to that during
23 your tenure as Commanding Officer.

24 **A/COMMR LEE BERGERMAN:** Okay. So I'll start with the
25 transition from -- in my former position was I was the OIC of Halifax District. So when
26 you assume the role of Commanding Officer, you're obviously responsible at a very high
27 level for the entire division. So with that comes HR issues, or human resources; Code
28 of Conducts; promotions; harassment; planning; multiyear financial plans; budgets.

1 Federal policing comes under the Commanding Officer, and all that comes under
2 federal policing, specialized services of federal policing because they all report up to the
3 Commanding Officer.

4 So I think it's a really good point, and maybe that's what you're
5 getting at, is that although the April 18th, 19th, was all-consuming, there were still
6 responsibilities within -- for me within the division that you can't take your eye off. So
7 you have to -- so Code of Conducts have time restrictions; harassment complaints have
8 time restrictions. I was doing promotion boards because they can't wait.

9 So that's a -- something that should be understood is that although
10 this was a major event, everything else continues to happen, right? And that includes
11 for the members and for the DPOs and for CrOps and for support services because
12 even though we were dealing with this catastrophic event, we're still having fatalities,
13 you know, on our roads; we're still having homicides; we're still having serious assaults
14 and serious sexual assaults that we have to attend to as the police.

15 So it's -- at times there's not enough of you to go around, if that
16 makes sense.

17 **COMMISSIONER FITCH:** Thank you. And part of my reason for
18 wanting to flesh that out a little bit more was in response to -- I think it was Mr. Bryson,
19 Participant Counsel, yesterday had asked about some of your responsibilities, and so I
20 just wanted to flesh that out a little more fully. Thank you.

21 When you went into your position in 2019, I believe that the
22 modernization and transformation mandate had already been assigned to
23 Commissioner Lucki at the national level.

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

25 **COMMISSIONER FITCH:** And you talked a little bit yesterday
26 about provincial priorities and national priorities and, you know, reconciling those. And
27 so I'd like to know what your thoughts were on the modernization and transformation
28 priorities set nationally, and how they aligned with your local priorities in Nova Scotia.

1 **A/COMMR LEE BERGERMAN:** So yeah, so the mandate and the
2 modernization falls under what we've labelled as Vision 150, and I'm sure you've heard
3 of it.

4 **COMMISSIONER FITCH:** M'hm.

5 **A/COMMR LEE BERGERMAN:** And so in my view -- and it's
6 something that the division works on regularly. And it aligns nicely with what's
7 considered priorities within the divisions, not just H-Division, because one of my
8 recommendations to you as the Commissioner is an examination of modernization in
9 not only culture and our people and our diverse communities, but modernization in the
10 way that funding and resourcing of policing should be done now that we're in 2022 and
11 the cost of policing is so extraordinary compared to what it was even five years ago, and
12 I'm sure you know that. And you've heard that in this Commission, but that would be
13 my thoughts on that. And I really hope that that's something that this Commission looks
14 at going forward and providing recommendations for not only the province and
15 municipality, but at a national level.

16 **COMMISSIONER FITCH:** Were there -- are there any examples of
17 what you could share with us that you were embracing the modernization and
18 transformation going forward in your -- in your role as Commanding Officer:

19 **A/COMMR LEE BERGERMAN:** So we all had the responsibility,
20 as Commanding Officers, not just in "H" Division, to embrace the modernization
21 mandate letter, and that included our people, our communities, our indigenous
22 communities and stewardship. So that was -- that is part of the Vision 150 initiatives
23 that are going on in the Division. Of course, we had all kinds of speed bumps along the
24 way, as you've heard here, the mass casualty, but COVID. And I can't -- we don't want
25 to use COVID as an excuse, but we were really restricted in what we could do and -- as
26 far as facilitating and training and the initiatives that we were trying to do under the
27 Vision 150 mandate and modernization initiatives.

28 **COMMISSIONER FITCH:** Thank you.

1 One of the reasons I wanted to revisit that today was you were
2 asked a question yesterday, I believe it was from our Commission Counsel, about your
3 thoughts on community policing. So I'm wondering, you mentioned in some of your
4 testimony or -- about the opportunity for your officers to be able to drop in and build
5 relationships in community, have a coffee, get information.

6 Just wondering if you have any other thoughts on the
7 modernization of community policing efforts and how that can help communities be
8 safer in the future.

9 **A/COMMR LEE BERGERMAN:** Yeah, we talked about that and, in
10 general, I'm a big believer in community policing but I worked in small communities
11 where it was very important to embrace that and also foster it and participate in it. And I
12 found it very beneficial as a police officer in small communities. A little harder to do in
13 your bigger communities, but you have teams that do that within the schools and
14 community events.

15 But I think that there could be probably more effort towards that,
16 and I know that one thing that we did talk about, you know, the auxiliary policing
17 program is not the -- what it used to be and the auxiliaries are generally people from the
18 community, so perhaps there's a way of modernizing that initiative so that you have
19 community people that can be embedded in, let's say, a Critical Incident Command
20 post, I think would be beneficial. And I think more resourcing -- doesn't need to be a
21 police officer, but more resourcing towards the community policing program in the
22 detachments and working with our Victim Services people would be something that I
23 would like to see enhanced within this province, for sure.

24 **COMMISSIONER FITCH:** Thank you.

25 I just want to pick up on a couple of your comments.

26 Would you agree with me that community policing approach is
27 something that should be embedded in and intertwined in all aspects of policing ---

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

1 **COMMISSIONER FITCH:** --- and not relegated as a unit or a
2 program?

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

4 **COMMISSIONER FITCH:** Thank you. I just wanted to clarify that.

5 Yesterday, Ms. Ward had asked you a closing question around
6 policing standards and the concern that the RCMP try to impose standards on provincial
7 standards. And I just wanted a point of clarification.

8 Is it fair to say that there are certain standard operating procedures,
9 policies and practices that are directed at the national level that you can't stray from
10 regardless of your divisional autonomy? And an example I'll use is the ongoing
11 changes to the former use of force model with the intervention management model, the
12 IMIM model.

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

14 **COMMISSIONER FITCH:** So if the Province of Nova Scotia, for
15 example, created their own intervention incident management model or use of force
16 model, would the RCMP adopt to that in Nova Scotia or would you be required to
17 adhere to the model that is directed nationally?

18 **A/COMMR LEE BERGERMAN:** Well, I would hope, and I know
19 that this work is going on -- and I actually believe that Commissioner Lucki is the -- I
20 think she's still the Chair of it whereby they are examining use of force, de-escalation,
21 different ways of -- for police intervention, but it's not just a provincial initiative. And I
22 would hope that whatever this committee comes up with, that it's something that is
23 consistent in not only being just Nova Scotia, but across the country. I just don't see
24 how you can have different intervention policies province to province. So that would be
25 my hope.

26 And I'm sorry, Commissioner, what was the first part of your
27 question?

28 **COMMISSIONER FITCH:** Sorry, it was a little convoluted.

1 **A/COMMR LEE BERGERMAN:** That's okay.

2 **COMMISSIONER FITCH:** So it's fair to say that there are times
3 provincially that the RCMP Division Commander or senior staff working with provincial
4 governments don't have the autonomy to say we are going to follow this particular
5 standard if it does not align with directives nationally.

6 **A/COMMR LEE BERGERMAN:** Right. So that would be -- are
7 you talking about the *Canada Labour Code* and our training standards?

8 **COMMISSIONER FITCH:** Not necessarily. We were talking about
9 -- that would be an example, but we were talking about the need for improved policing
10 standards in the Province of Nova Scotia. And you know, some provinces have more
11 robust standards than others, and we've heard through our process that that is
12 something that is being undertaken currently and that there's committees set up and
13 RCMP are at the table with municipal representatives and government representatives
14 to create those standards.

15 Is it fair to say that there are certain standards that would be
16 invoked in the new provincial standards that may not completely align with RCMP
17 national standards and that the RCMP provincially would have to adhere to the national
18 standards and not provincial?

19 **A/COMMR LEE BERGERMAN:** Right. So I think I can explain
20 this.

21 So I'll give you -- there are examples across the country, and what
22 it comes down to with your policing standards is the interoperability. So in order for us -
23 - and this is like us when -- I mean the RCMP. It's beneficial for the RCMP if you're
24 working side by side with municipal or provincial agencies, so in order to do that, you all
25 have to be trained to the same standard. And I'll give you ERT as an example. I'll give
26 you police dogs. Those are the two like examples where the standards for the RCMP
27 are national standards and they're higher than what is currently deployed within the
28 municipalities and provinces except for a few.

1 So you have your BCs and your Albertas where their
2 interoperability is fairly robust and they train together, they work together, and they're
3 from different agencies across the provinces. So that, to me, is an ideal model.

4 **COMMISSIONER FITCH:** Thank you.

5 And I think the ERT example and police service dog examples are
6 very good.

7 One of the things that we heard very early on in our -- feels like
8 very early on in our proceedings -- the year's gone by fast -- is about the training
9 standards at the Canadian Police College, which is a division of RCMP?

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

11 **COMMISSIONER FITCH:** And we know that municipal police
12 officers get their accreditation for certain courses through the Canadian Police College.

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

14 **COMMISSIONER FITCH:** It's been my experience over the years
15 that although people are getting the same training, exposed to the same nomenclature,
16 some of the same practices, that when they return to their home jurisdictions, that they'll
17 individualize them towards their agency, the resources they have available, the
18 community needs, the expectations. And so we end up with, although we have
19 common training platforms, once people get back to their own jurisdictions, there's
20 some tinkering with those standards. So I would just like your -- you know, the
21 interoperability of ERT I think is a very important one ---

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

23 **COMMISSIONER FITCH:** --- for all the reasons that we've heard
24 so far. So would you agree that that happens and that is an area that we can improve
25 in policing nationally?

26 **A/COMMR LEE BERGERMAN:** Absolutely. And I'll give you an
27 example from Nova Scotia that I'm familiar with. So a small agency, municipal agency
28 within Nova Scotia, spends the money because it's expensive, the training, to send one

1 of their members to the Canadian Police College for the Critical Incident Command to
2 become a Critical Incident Commander. So the training is fantastic.

3 They come back to their home unit, very small agency, they're not
4 getting the experience that they need to learn and maintain their accreditation. So one
5 of the things when I was there, and I know Supt. Campbell, or now C/Supt. Campbell
6 was in favour of having these police officers that are trained as a Critical Incident
7 Commander to shadow call outs with the RCMP because, of course, we have -- we're
8 called out all the time for critical incidents. These smaller agencies are not. So you're
9 not getting -- you're not getting experience, you're not getting the background in
10 decision making that you need. It's -- they're not getting the development they need on
11 the ground. So that was something I think should be fostered in the provinces and with
12 the smaller police agencies in the province.

13 **COMMISSIONER FITCH:** Thank you. I'm going to switch gears.
14 And I apologize, my questions are kind of back and forth because we covered a lot of
15 ground yesterday. So just switching gears, when you came into your position as
16 commanding officer in 2019, that was at the same time that the RCMP had established
17 unionization for the non-commissioned ranks.

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

19 **COMMISSIONER FITCH:** And so I'm wondering if, as a new CO in
20 your Division, if you had any pressures, either nationally or provincially to find savings,
21 cut staffing, have any type of budget restrictions imposed on you as a new CO? You
22 mentioned yesterday that the previous budgetary request had gone through quite well in
23 the Province of Nova Scotia and you said, you know, it's not that you didn't feel
24 supported by the Province in your request, but you certainly didn't get all ---

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

26 **COMMISSIONER FITCH:** --- that you'd asked for. And so I'm just
27 wondering if you felt that there was any bearing on the unionization with respect to
28 governments trying to prepare financially for what was coming down the pipe in terms of

1 wage increase? Because it was a very well-known fact that wage increase was going to
2 be one of the number one priorities of union. I'm just wondering if you could share your
3 experience with us about that period of time when you came in and any pressures that
4 perhaps some of your predecessors may or may not have faced?

5 **A/COMMR LEE BERGERMAN:** So me personally, I had no
6 pressure because of the unionization and the obvious increase in pay that was coming
7 down the pipe. I personally had a no pressure, at a national level, or from the Province.
8 For us and my team within the province, it was important for us to educate because, of
9 course, we didn't know what the actual raise was going to be. We knew it was going to
10 be significant. But it was an education for the Province to prepare, and for the
11 municipalities. And this is not just for H Division. This is across the country, that these
12 provinces had to prepare for what was going to be a significant increase in their budget,
13 because there had not been since I believe it was 2016, a wage increase.

14 So that was my experience, but certainly nobody was imposing or
15 pressuring me to make cuts so that we can pay for a raise. Not at all.

16 **COMMISSIONER FITCH:** Thank you. There's mention of Article 9
17 in the PPSA. I think that's kind of considered a bit of a safety valve in terms of staffing.

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

19 **COMMISSIONER FITCH:** And there's been some contradiction
20 amongst people whether or not that is an effective mechanism or not. Can you
21 comment on that, please?

22 **A/COMMR LEE BERGERMAN:** I can give you my experience
23 since becoming the CO, because we had to invoke Article 9 three times. So -- which is
24 unusual. So the first one was obviously for the resources required for the aftermath of
25 the mass casualty. So that was fairly fluid. I didn't have any pushback whatsoever from
26 the Province and they were very supportive and recognized the need and what was
27 required.

28 And then I also was granted extensions, because it's not just -- it's

1 not a blank cheque, so to speak. It's, you know, let's check back in a couple months
2 and let's check back in a couple weeks. And I was supported in the extensions and I'm
3 sure they've been filed here, but there were several for H Strong specific.

4 And then the next time we had to invoke Article 9 was for the
5 fishing dispute. And it was on the heels of a much-publicized event that happened in
6 Southwest Nova and we didn't have the adequate resources in place to deal with that.
7 so it became very apparent that we needed that. And so we got Article 9 invoked again.
8 Several extensions. Then -- and then the fisheries kind of died down, like, you know,
9 there's August -- a time where nobody is fishing, obviously, in the winter, so you don't
10 need all these resources and there's no disputes. Then they ramp up again in the
11 spring. So then had to invoke Article 9 again.

12 And then we ran into I would call some snags in that regard,
13 because in my view, it was we had a different Minister and different views on who is
14 responsible for paying for our response to the fisheries dispute. Is it a federal
15 responsibility or is it a provincial responsibility? And our view is it's a provincial
16 responsibility and it falls to the provincial police, which is the RCMP. So that became a
17 dispute. And it was a continued dispute when I left. So it was at the Public Safety
18 Minister federally and provincially as far as who is paying for what. But we couldn't stop
19 bringing the resources in. I got assurances from National Headquarters and from my
20 superiors that, "You just continue on. Eventually somebody is going to pay this bill. It
21 could be a -- it could be some sort of litigation, but you have to ensure public safety."
22 So that's how we conducted ourselves in that regard.

23 **COMMISSIONER FITCH:** Thank you for walking us through that.
24 You had mentioned yesterday and/or in your interview with the Commission about the
25 vicious cycle of hiring for overtime and the consequences of that on membership.

26 Would you agree with me that that reliance on overtime is
27 unsustainable over time and that not only does it contribute to mental -- physical
28 exhaustion of members working extended shifts, would you agree with me that it also

1 increases their chance of exposure to traumatic events, and therefore greater impact on
2 overall mental health and wellbeing of your members?

3 **A/COMMR LEE BERGERMAN:** Yes, absolutely, I would agree
4 with that.

5 **COMMISSIONER FITCH:** And how do you feel about that, impacts
6 on the community safety overall?

7 **A/COMMR LEE BERGERMAN:** Well, I think that when you have
8 police officers that are burnt out, I think that it impacts on, you know, their ability to be
9 engaged as much as they would probably like to. And I agree with you, that it's not
10 sustainable, and when you don't have a work/life balance neither area is getting -- your
11 home life isn't getting the attention it needs and neither is your work/life.

12 So I would agree that it's not an ideal way managing shortfalls and
13 resources. And I can tell you that we often would analyse who's getting all the overtime
14 and what their health and wellness is like, and are there any public complaints coming
15 out of -- you know, because it kind of -- it -- there can be a pattern in that regard, and I'm
16 sure you've experienced that.

17 So those are all very good points, and considerations for resourcing
18 levels, but also maintaining or filling holes with constant overtime.

19 **COMMISSIONER FITCH:** Thank you. You had talked about the
20 multi-year budget cycle and putting in requests and not getting all that you asked for,
21 and I think anybody working in public sector recognises those pressures. But I am
22 curious, we've heard a little bit about your previous talk about different formulas used for
23 staffing with respect to what I would -- what we call the population to cop or the "pop to
24 cop" ratio, but we also know that complex community safety issues requires more than
25 just throwing bodies at a solution.

26 So I'd be curious, and I recognise that the multi-year budget
27 planning process wouldn't fall just directly to you, that you would have many people
28 contributing to that. Can you share with us what that formula would look like or did look

1 like to try and right-size staffing and resources for H-Division during your time, and if
2 you have recommendations going forward in that regard?

3 **A/COMMR LEE BERGERMAN:** So specifically, what the formula
4 is, depending on -- it depends on geographics, it depends on how many calls, it
5 depends on population of a certain area. And there is -- we have an entire planning
6 section. I'm sure it's probably been spoken about here. That's -- that's what they do.
7 That's -- they work with the municipalities, they work with the Province, and they -- they
8 also take into consideration diversity within certain communities. Because there are
9 certain communities that we would want individuals who represent the people in these
10 diverse communities, so your African Nova Scotian communities and your Indigenous
11 communities. So that's all a consideration as well.

12 But I think, and as we spoke about yesterday, and I want to
13 emphasise that, you know, municipalities and provinces want to and do support you, but
14 as you mentioned, in the public sector there's so many pressures, the least of which in
15 this province is healthcare, that you don't always get what you want when it comes
16 down to dollars and cents. And I don't know if that answers your question, but it's a
17 process, and I think it can be modernised.

18 And I think -- and I mentioned yesterday, and I'm going to mention it
19 again because I think it's a comprehensive analysis of the policing and budgets and the
20 PPSA. And it's -- was submitted to the Mass Casualty Commission by the RCMP
21 Veterans Association, and it's a document, I think it's about 14 pages long, and it's very
22 comprehensive and it's well-resourced. And I would hope that this Commission
23 examines it carefully because it really explains the complexity of the budgeting and the
24 resourcing in the Province of Nova Scotia.

25 **COMMISSIONER FITCH:** Thank you. And just one more question
26 on the planning cycles and formulas. You've listed off a number of things, and we've
27 heard others talk about that as well, and I'm wondering in your thought process, and
28 that, perhaps, of some of your colleagues, what thought was given to creative and

1 innovative ways to do policing that didn't involve response? And I've often said, and I'm
2 sure many others have said, that once the police are engaged to respond to an incident
3 things have already gone wrong.

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

5 **COMMISSIONER FITCH:** That society as a whole in some cases
6 has failed even before that response call has come in.

7 So in your multi-year budget cycles, and knowing about the efforts
8 of modernisation, transformation of the RCMP, what thoughts have been proposed for
9 the Province of Nova Scotia from the RCMP in the past in terms of prevention, problem-
10 solving, intervention models to help reduce the need for response?

11 **A/COMMR LEE BERGERMAN:** So a couple of examples I can
12 talk about is the -- again, the auxiliary and kind of modernising that -- that process of
13 what that program looks like. Areas where you don't necessarily need a police officer
14 wearing a gun to show up to assist people. But I also think one of the things that we
15 implemented in this Division that was helpful was what we called the Call-back Unit.

16 So that was -- I'm just giving you an example of something that we
17 did, and I don't know if you've heard about at this -- at this venue, but it was -- it -- the
18 calls for service that you don't necessarily need a police officer to show up for, but that it
19 required a discussion with a police officer, and that over the phone. So that's one area.
20 And I think more -- looking at more civilianisation of some positions within the province
21 would be helpful as well going forward.

22 Those are just a couple of examples that I was aware of that we
23 were doing to try and eliminate, you know, the calls for service.

24 **COMMISSIONER FITCH:** Thank you. I'm going to switch gears
25 here again.

26 When you came into H-Division as a leader, and you talked a lot
27 about briefing up during April 18th and 19th, and I realise that you got a call from your
28 CrOps officer, who's your second in command, around 11 o'clock on the evening of

1 April 18th with some details that there had been a -- that there had been a shooting in
2 the north, and then again, in the morning you received a phone call from Chris Leather.

3 By that time, I understand that there was knowledge of the replica
4 police car, but yet it was some hours later that you actually saw the picture in the news
5 of the replica police vehicle. And I think your comment was that you were stunned to
6 see that, which I think was a common reaction ---

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

8 **COMMISSIONER FITCH:** --- by a lot of people.

9 But as a leader of your organisation, how did you respond to
10 learning such a significant piece of information in the media and not from your own
11 senior command staff?

12 **A/COMMR LEE BERGERMAN:** So I was aware that there was,
13 just in brief discussions with Chris Leather, because of course it was a flurry of
14 discussions in the morning, and I was aware that there was a replica police car. And it
15 wasn't for a lack of trying because they had tried to send a picture of it over the phone to
16 me, and there was a corruption of the picture coming, and this was as it's going out to
17 news medias. And so I'm trying to open it on my phone and then, poof, there it is on
18 CTV News.

19 And I was -- and as I said, I was stunned because I was convinced,
20 my immediate reaction is that we had a stolen police car. And so -- and of course not
21 knowing that they've already fleshed that out, I called Chris and said, "This has got to be
22 a stolen police car", and then -- and he said, "No, all the" -- you know, you've heard he's
23 -- he -- he said that all the cars were accounted for, and then the call -- then the call
24 sign, which is obvious is not a call sign. That's an "H" Division vehicle, so -- but that --
25 disappointing, and I would -- I would have liked to have had more details early in the
26 morning, but I also know that it was -- there was a flurry of things going on and I just
27 knew I needed to get off my own phone and get in the car and get to the office so that
28 you're in the middle of it and -- because you just -- you can't keep up on the phone.

1 You just can't.

2 And I didn't have a radio, which would have been helpful, but I
3 didn't. So that was -- that was how I thought, "I've got to get to the office", and then
4 you're in it and people don't have to phone you.

5 **COMMISSIONER FITCH:** Thank you.

6 Actually, you jumped one of my questions, and that was going to be
7 whether or not you had access to a radio to listen to any of the communications real
8 time for your own situational awareness, but -- is that just something that's not assigned
9 to the CO, or...?

10 **A/COMMR LEE BERGERMAN:** No, but it's -- it's not that it can't
11 be. I mean, if the CO wants a radio, then that should not be an issue. And that would
12 be a recommendation, I would say, because it certainly was helpful for me because as
13 soon as I got to the office, Chief Superintendent Campbell had a radio and we were all
14 kind of mustered listening because it -- everything was going very, very quickly, as you
15 know and you've heard, so that was the only way to keep up with what was going on.

16 **COMMISSIONER FITCH:** Throughout the 18th and the 19th and
17 the days that followed, and we know that there were a lot of issues that have surfaced in
18 the last few weeks around phone calls and communications, do you feel, as
19 Commanding Officer, that you were getting the timely and accurate information that you
20 required in order to fulfil your role and responsibility of briefing up to your provincial
21 responsibilities as well within the RCMP up to Deputy Commissioner Brennan?

22 **A/COMMR LEE BERGERMAN:** So are you talking in the 13 hours
23 or are you talking in the week of after?

24 **COMMISSIONER FITCH:** I'm talking from the 18th through to any
25 of the critical conversations that you had in the weeks that followed.

26 Do you feel that you had trusted, timely and accurate information
27 from your senior command staff that enabled you to be able to do your job effectively?

28 **A/COMMR LEE BERGERMAN:** Upon -- well, no. Obviously, in

1 hindsight, I wasn't getting the most accurate information, and I think that's obviously
2 come out. However, it wasn't for lack of trying. And everything -- information kept
3 changing minute by minute by minute by minute, and so it was a pretty difficult thing to
4 do, to have the exact number of casualties and even for me from going from my home
5 into my car where I thought we had an injured member and by the time I got to my car
6 driving in to work, I learned of a fallen member. So -- and that was within two minutes.

7 So that was -- that was the problem. It was just everything was
8 changing like by the minute.

9 **COMMISSIONER FITCH:** I understand that since the 18th and
10 19th -- and there's been, you know, some reflection and some changes made within the
11 structure of "H" Division. The OCC was already in progress. There was a
12 modernization effort prior to. And I understand from testimony that we've heard over
13 the last couple of months that there's now a room that is dedicated at headquarters for
14 kind of a critical incident.

15 Can you talk a little bit about what that room was originally
16 designated for and how it functions or did function at the time that you left? Can you
17 speak to that improvement for us, please?

18 **A/COMMR LEE BERGERMAN:** I don't know what the -- to be
19 honest, what the original -- could have been an extra lunch room or something like that.
20 But I think post mass casualty that the space was then fitted up so that now it's in the
21 OCC and it is a dedicated room for the Critical Incident Command, so you have OCC
22 and call-takers, but you also have what we call a war room, so to speak. So you have,
23 you know, the white boards and phones and teleconferencing and videoconferencing
24 capabilities within that room.

25 **COMMISSIONER FITCH:** Do you know if that was being prepared
26 for any of the activities with the emergency management group -- forgive me. I can't
27 recall the full name of it. It's the -- a unit around general emergency management within
28 the RCMP that was originally staffed at seven members and was reduced to two.

1 **A/COMMR LEE BERGERMAN:** Right. So we also have a DEOC,
2 and I don't know ---

3 **COMMISSIONER FITCH:** Right.

4 **A/COMMR LEE BERGERMAN:** --- if that's been spoken about.

5 So that -- that would be like in a disaster or a critical event, you
6 stand up the DEOC, which is Division Emergency Operations Centre, which is a very
7 large, fitted with all the technical equipment within the building. This is, in my
8 understanding, specific to a Critical Incident Command post within the OCC.

9 **COMMISSIONER FITCH:** Looking -- forward looking, and I
10 recognize that the emergency management system is -- has been, in the past, intended
11 for natural disasters, pre-planned events, some human-made disasters as well. Would
12 it be your recommendation going forward that when a Critical Incident Command post is
13 established in the field and that your new room in headquarters is up and running that
14 there would be value added to having your emergency management system enacted to
15 be able to work in collaboration with other agencies and provincial partners?

16 **A/COMMR LEE BERGERMAN:** Yes. So you're talking about the
17 DEOC working collaboratively. And I think that would be situational, depending on the
18 situation, and so I would say -- let's say a riot. And I've seen that happen before where
19 you have the Critical Incident Command post running collaboratively with the DEOC,
20 yes.

21 **COMMISSIONER FITCH:** And it's my understanding that that was
22 not done on April 18th and 19th.

23 **A/COMMR LEE BERGERMAN:** No. We didn't have the facilities
24 and, really, by the time you could get the DEOC stood up, the event was -- was over,
25 right, like the actual critical event, so that would be my understanding. And I'm not -- I
26 believe there was -- you know, they were in the process of it when the event ended.

27 **COMMISSIONER FITCH:** Thank you.

28 I'm down to my last couple of questions.

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

2 **COMMISSIONER FITCH:** I've gone a little longer than I'd
3 anticipated.

4 **A/COMMR LEE BERGERMAN:** It's fine.

5 **COMMISSIONER FITCH:** You had mentioned earlier about
6 civilianization within the RCMP, and we've heard a lot through our work about concerns
7 around the family liaison position and the role of Victim Services provincially. There are
8 municipalities across Canada that have victim service coordinators and supports
9 embedded within their organizations. Is this something that you think could be value
10 added going forward to work in concert with whatever provincial body is established?

11 **A/COMMR LEE BERGERMAN:** Yes, I do. And I also think that
12 formalization of a family liaison program would be something that I would recommend,
13 like an actual program where there's training and -- because I understand that's been
14 some of the testimony here that there really is no training for that position. And I also --
15 it's situational, but I know my experience in other divisions with big events such -- you
16 know, like gang killings of multiple people, and you have multiple families, that they
17 have set up family liaison coordinators for that purpose. And it's not -- and in those
18 cases, you're going to court, you know, and the perpetrator is at court who has
19 murdered their loved one. So there is all of that that comes with that position. But I
20 think it's -- I think it's an important program that should be enhanced for sure.

21 **COMMISSIONER FITCH:** Thank you. I had a number of questions
22 as of yesterday around crime scene management, containment, critical incident
23 response, but I recognize some of that has already been covered in your interviews with
24 the Commission and also surfaced with our Commission Counsel and Participant
25 Counsel, which I appreciate some of those questions that have been fleshed out. So
26 those are all my questions for today. Thank you.

27 **COMMISSIONER MacDONALD:** Thank you very much,
28 Commissioner Fitch.

1 Commissioner Stanton?

2 **COMMISSIONER STANTON:** Thank you. In a conversation with
3 C/Supt. Leather when he was in the chair you are occupying right now, I talked a bit
4 about the loss of trust in the institution of the RCMP. And I wondered, with respect to
5 the Bastarache Report, which, for the public, is a 2021 report by former Supreme Court
6 Justice Bastarache in regard to the implementation of the Merlo-Davidson Settlement
7 Agreement. It's called "Broken Lives Broken Dreams: The Devastating Effects of
8 Sexual Harassment on Women in the RCMP".

9 In that report, Justice Bastarache called for wholesale culture
10 change in the RCMP, but he expressed considerable pessimism as to whether that was
11 possible. He said:

12 "It's time to discuss the need to make fundamental
13 changes to the RCMP and federal policing. I am of the
14 view that cultural change is highly unlikely to come from
15 within the RCMP."

16 And you mentioned yesterday when you were asked about police
17 culture, that you -- that you don't see barriers to implementation of recommendations.
18 And so I just wondered, you're retired now, what your reflections are upon those, sort of,
19 competing views of the degree to which the institution is able to change?

20 **A/COMMR LEE BERGERMAN:** I don't think that there's an
21 unwillingness to change. It's required. And I think there's a recognition. And I'm sure
22 you're going to hear from the Commissioner today, and you're going to hear from the
23 Deputy Commissioner, and they're in the chairs that can make this happen, this change.
24 And you have Commanding Officers across the country that are committed to the
25 change. And I just think it takes time. And it's time -- it takes time to kind of turn that --
26 turn that around.

27 And I personally have seen a lot of change in culture, but there's
28 obviously still more work to do. And I don't think that there's anybody in a senior rank

1 within the RCMP that doesn't recognize that.

2 **COMMISSIONER STANTON:** So I think it would be more than
3 time though that's needed; right? And you mentioned yesterday the need for, I think
4 you said "robust tracking mechanisms ---

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

6 **COMMISSIONER STANTON:** --- to ensure implementation." Can
7 you perhaps expand upon what you would mean -- what you would think would be
8 robust tracking mechanisms? What kind of accountability mechanisms need to be built
9 in in order for implementation of recommendations, please?

10 **A/COMMR LEE BERGERMAN:** I think, as I mentioned with
11 Commissioner Fitch, I think some sort of a body that includes not only the police, and
12 police -- a police officer or police officers who have the rank and authority to make
13 decisions, but a committee that has a diverse group, along with police officers and
14 community people, that should be kind of an oversight of a recommendation report.

15 And what does that look like? I don't know. But it's certainly
16 something that I think should be explored, and to not just leave it up to individual
17 agencies to just kind of do their own thing. I think there needs to be some sort of
18 oversight and tracking mechanism that can be reported on.

19 **COMMISSIONER STANTON:** So some civilian engagement ---

20 **A/COMMR LEE BERGERMAN:** Absolutely.

21 **COMMISSIONER STANTON:** --- in that to ensure it's an
22 accountability mechanism?

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

24 **COMMISSIONER STANTON:** Okay. Just switching gears a bit,
25 the -- Madam Registrar, if you wouldn't mind, COMM number 34818 is a document that
26 was exhibited, but it wasn't touched upon in testimony yesterday and I just wonder if
27 you could pull it up for us, please?

28 It's -- this is a request from the vice president of the NPF, Pete

1 Merrifield, dated April 27th, 2020, sent to you. it asks -- or it backs up a request from
2 members asking that part time ERT and EMERT folks be assigned to the full time ERT
3 unit for 14 days in April 2020.

4 We heard from retired Cpl Mills, ---

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

6 **COMMISSIONER STANTON:** --- Tim Mills, in May that -- it was
7 quite a sore point for him in his testimony, that this hadn't transpired. And it seemed,
8 from what I could gather, some people saw it as a sort of miscommunication issue, but
9 others saw it as essentially a failure to do what was requested by the folks who had
10 been first responders that night. He said how helpful it would have been for them all to
11 be together for that period of time, and they didn't understand why it hadn't happened.

12 There's an additional document, Madam Registrar, it's 34817,
13 which I believe is the email being forwarded by you to then Supt. Campbell asking for a
14 discussion about this request.

15 And I wondered if you could tell us, please, whether that
16 conversation with Supt. Campbell occurred?

17 **A/COMMR LEE BERGERMAN:** So I supported that request and I
18 also supported the idea, as did C/Supt. Leather, based on the trauma that these
19 individuals had gone through. So I was supportive of this request and it was with -- they
20 report to Darren Campbell, and also Insp. Don Moser. And it wasn't for a lack of trying.
21 My understanding, it was a lack of -- because you had the part-time members who were
22 supposed to be reporting to watch the following night, I think is what the circumstances
23 were, and we didn't have the resources to fill those plugs. So it took too long to
24 facilitate that request, is what my understanding, and that was my view of it.

25 And I remember one time saying to Chris Leather, "Why is this
26 taking so long for people to make a decision on this? Like, this is not an unreasonable
27 request and we need to make it happen." So that was work done. And I'm not sure if
28 C/Supt. Leather spoke about it, but that was him working with Darren Campbell and

1 Don Moser.

2 **COMMISSIONER STANTON:** So whose -- whose decision or lack
3 of decision was it that caused the delay?

4 **A/COMMR LEE BERGERMAN:** I don't think there was a lack of a
5 decision. It was, "Get these resources to backfill the part time people so that they can
6 have this time to debrief together." That took some time because, as you've heard
7 here, resource levels were critical and we had people off. And I think the part time
8 members came from -- two, I think, were from Halifax District on a watch and one was
9 from Southwest Nova and one was from Northeast Nova. And the staffing levels in
10 those detachments were critical, were at a critical level, in that there weren't any,
11 because we had members that had gone off ODS as a result of this event.

12 **COMMISSIONER STANTON:** So it would have been whoever was
13 responsible for back filling those positions?

14 **A/COMMR LEE BERGERMAN:** Yeah. And that's a discussion
15 between the DPOs and C/Supt. Campbell.

16 **COMMISSIONER STANTON:** Okay. And that gets back to a
17 discussion I think I had with C/Supt. Leather as well about a recommendation of the
18 Brown Report in 2007 with respect to backfilling of positions and the situation that that --
19 -

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

21 **COMMISSIONER STANTON:** --- that that may cause. So this is a
22 longstanding problem that just simply hasn't been addressed over time.

23 So ---

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

25 **COMMISSIONER STANTON:** So again, some sort of
26 accountability mechanism in terms of implementation of recommendations is ---

27 **A/COMMR LEE BERGERMAN:** Yeah. Fair enough, but I think it
28 cannot be overstated how critical our lack of resources were in the immediate aftermath

1 of this event. Like we didn't have enough of us to go around.

2 **COMMISSIONER STANTON:** So we've heard quite a bit about
3 different forms of after-action reports and reviews and so on, and one of the reasons
4 given yesterday, I believe by you, was that an after-action report didn't occur was
5 because there was an ongoing investigation. But from my perspective, an investigation
6 into the crime is a completely separate thing from an analysis of what went well, what
7 didn't go well with respect to a response.

8 So I just want to understand a bit better about the -- the after-action
9 report situation, but in particular, the critical incident analysis that was requested by
10 Chief Superintendent Leather. And I'll get to that in a moment, but -- or Campbell, sorry.

11 Chief Superintendent Leather told us in his testimony that an after-
12 action report could have been ordered by you, as Commanding Officer, by the CrOps
13 officer, or an admin or personnel officer. And in his interview with us recently, Deputy
14 Commissioner Brennan told us that there is an RCMP policy requiring the preparation of
15 an after-action report after a major critical incident.

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

17 **COMMISSIONER STANTON:** So are you aware of that policy?

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

19 **COMMISSIONER STANTON:** Okay. And Deputy
20 Commissioner Brennan also said the policy would require H-Division, as opposed to the
21 National Headquarters, to take the lead on the preparation of the after-action report. Is
22 that your understanding?

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

24 **COMMISSIONER STANTON:** Okay. So did you make a decision
25 at any point that H-Division would not conduct an after-action report?

26 **A/COMMR LEE BERGERMAN:** Not that they would not, but the
27 timing of it and the capacity for us to do it, the -- also, the ongoing investigation was not
28 complete. So information was changing. So I would think that it would be a -- a more

1 meaningful after-action report if you had all the information required that would have
2 been obtained through an investigation.

3 **COMMISSIONER STANTON:** But again, I don't understand the
4 conflation of the investigation of the crime and the analysis of the response.

5 **A/COMMR LEE BERGERMAN:** Well, I mean, there was still a lot
6 of investigation going on. Video canvassing went on for months, reviewing of 9-1-1
7 calls went on for months.

8 **COMMISSIONER STANTON:** Right, but that relates to what
9 happened in terms of the actual criminal event.

10 **A/COMMR LEE BERGERMAN:** Yes, but it would also play a part
11 of what happened and be a part of what you would expect in an after-action report.

12 **COMMISSIONER STANTON:** Okay.

13 **A/COMMR LEE BERGERMAN:** So -- but I think Chief
14 Superintendent Campbell spoke about it, we did not have the capacity in this division to
15 do an after-action report, and what was required for personnel to do it.

16 **COMMISSIONER STANTON:** So you thought a report was
17 important, I gather, but that the -- and you're saying that it was a lack of capacity to...?

18 **A/COMMR LEE BERGERMAN:** To do an overall after-action
19 report. I was -- I was supportive of the critical incident analysis and review. I knew
20 there was a ERT after-action report happening, I never did see it, and also, an EMRT
21 report.

22 **COMMISSIONER STANTON:** Right. So there's the after-action
23 reports of sort of the elements of the response, two of which I believe were done in
24 draft, but there was nothing completed and no other after-action reports were initiated
25 by you?

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

27 **COMMISSIONER STANTON:** So I mean, my understanding of
28 them is that they're an opportunity to learn from what has gone well and what has not,

1 you know, what were the shortcomings, what were the strengths. Given that there's a
2 policy that requires it, how do you reconcile that that didn't occur?

3 **A/COMMR LEE BERGERMAN:** I'll go back to capacity issues, and
4 we didn't have that within the division. So if I was to do an after-action report, I would
5 have to go to another division or I would have to go to National Headquarters to assign
6 somebody. And it's not just somebody, it's a team. And at the time, post mass
7 casualty, and then we had fisheries, at any given time I had 30 to 50 resources from
8 other divisions already here supporting us in Operations, so frontline policing. So an
9 after-action review to take five or six or ten individuals out of frontline policing just wasn't
10 feasible, and at the time, just wasn't considered by me.

11 **COMMISSIONER STANTON:** So we had heard from now Chief
12 Superintendent Campbell that the reason for seeking a critical incident review from
13 outside H-Division was because people were essentially too emotionally engaged, but
14 actually, from your perspective, it was more a capacity question.

15 **A/COMMR LEE BERGERMAN:** It's both. I wouldn't -- no, we
16 talked about the critical incident review by independent of the RCMP Critical Incident
17 Commanders who have experience, so for example, Critical Incident Commanders from
18 OPP, Vancouver City Police, other provincial police force in Quebec. But as far as an
19 after-action review, is what I think Chief Superintendent Campbell was talking about,
20 was the people within this division, emotionally it would be too difficult.

21 **COMMISSIONER STANTON:** So we understand that this request
22 was made to National Headquarters for an independent review of the critical incident
23 response. When was that first brought to your attention, that proposal?

24 **A/COMMR LEE BERGERMAN:** I had general discussions about it
25 with Chief Superintendent Robin upon his arrival and upon his analysis of the overall
26 H-Strong2 and Issues Management Team, and ---

27 **COMMISSIONER STANTON:** I'm sorry. He ---

28 **A/COMMR LEE BERGERMAN:** --- Assistant Commissioner Daley.

1 **COMMISSIONER STANTON:** Sorry. He arrived on ---

2 **A/COMMR LEE BERGERMAN:** January.

3 **COMMISSIONER STANTON:** In January. Okay.

4 **A/COMMR LEE BERGERMAN:** 2021.

5 **COMMISSIONER STANTON:** Right. Okay, I'm sorry. You were
6 saying there was other people that you had the discussion with as well?

7 **A/COMMR LEE BERGERMAN:** With Assistant
8 Commissioner Daley, myself, and Chief Superintendent Robin had just a general
9 discussion about the idea, and that we thought it was a good idea to have a
10 independent review of the critical incident response, and perhaps a tabletop exercise
11 with -- with a scenario similar.

12 **COMMISSIONER STANTON:** So that's early 2021. What -- why
13 not request it earlier? We've got from April 2020 to early 2021. Why not in the
14 intervening months?

15 **A/COMMR LEE BERGERMAN:** I'm not sure that there weren't any
16 discussions. I certainly didn't have any. There could have been discussions about that
17 with, and I'm not privy to it, with Chief Superintendent Campbell and the National Critical
18 Incident Program. It could have -- concept. But it wasn't considered at that time, or I
19 didn't have any knowledge of discussions prior to John Robin arriving.

20 **COMMISSIONER STANTON:** So as Commanding Officer, when
21 you know that there's a policy that requires an after-action report, and you see that your
22 own folks don't have capacity, would it not be incumbent on you to request that from an
23 external body?

24 **A/COMMR LEE BERGERMAN:** For a critical incident?

25 **COMMISSIONER STANTON:** Well, it appears that that is where it
26 went to, but I would think at all any aspect of the -- of the mass casualty.

27 **A/COMMR LEE BERGERMAN:** Well, I'm not -- I'm not
28 understanding the question.

1 **COMMISSIONER STANTON:** So I'm just wondering why it took
2 from April of 2020 to March of 2021 before there was even a draft request for an
3 independent review of the response.

4 **A/COMMR LEE BERGERMAN:** Well, at that time, the priority from
5 the aftermath up until December 2020 was -- the investigation was the priority. And
6 then upon arrival of Chief Superintendent Robin is the first time I had discussions about
7 the critical incident response review.

8 Again, we were in the middle of an investigation and I -- capacity
9 and resources to do that within the division wasn't there.

10 **COMMISSIONER STANTON:** But you're not in charge of the
11 investigation per se; your interest is in the health and wellbeing and responsiveness of
12 the organization writ large, right? So given that the investigation was happening, and
13 people were on that, why not take it upon yourself to be looking elsewhere for the
14 resources to address the analysis of what went well and what didn't?

15 **A/COMMR LEE BERGERMAN:** I was looking for resources at the
16 time in between the aftermath that could backfill frontline policing within the province.
17 So that was my priority. A review at that time was not my priority.

18 **COMMISSIONER STANTON:** So when -- you did mention
19 yesterday that you spoke with A/Commr. Daley, and that -- or rather, sorry; you said that
20 he was the one who made the decision not to proceed with the independent review. Did
21 you discuss that with him?

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

23 **COMMISSIONER FITCH:** Why not?

24 **A/COMMR LEE BERGERMAN:** Well, that would have been a
25 discussion he had with C/Supt. -- I believe it was Robin. I didn't have any direct
26 discussion, but his thoughts were, as it was relayed to me, that this Commission had
27 already been announced and that -- you know, and I really should let him tell you this,
28 but he -- that was what was explained to me, that the critical incident response would be

1 analyzed and examined here at the Commission and that it would be something that
2 could be done afterwards.

3 **COMMISSIONER FITCH:** And did you accept that explanation?

4 **A/COMMR LEE BERGERMAN:** Well, it didn't really matter
5 whether I accepted it or not, I needed the independence and I needed it to be facilitated
6 out of National Headquarters. So there was nothing, really, I could do at that point until
7 -- until this examination was done, the Mass Casualty, and it's something that could be
8 done afterwards.

9 **COMMISSIONER STANTON:** Did you discuss with Deputy
10 Commissioner Brennan the request for the review?

11 **A/COMMR LEE BERGERMAN:** No, I did not.

12 **COMMISSIONER STANTON:** Okay. I guess I'm just trying to
13 understand within -- and others have asked the questions about the different roles and
14 responsibilities of the various people in senior positions. As an Assistant Commissioner
15 and a Commanding Officer at H-Division, what decisions did you make about the
16 priorities for you in that role following the mass casualty?

17 **A/COMMR LEE BERGERMAN:** The priorities for me were
18 resourcing, the critical resourcing issues that we were dealing with in the aftermath. We
19 had a number of members that were off duty and required some wellbeing to be
20 addressed. So the priority for me for months after was, through Article 9, to mobilize
21 and have police officers from across the country come and assist us in backfilling the
22 detachments.

23 **COMMISSIONER STANTON:** So in terms of your priorities, it was
24 mainly with respect to resourcing the frontline?

25 **A/COMMR LEE BERGERMAN:** The frontline, it's the health and
26 wellness of our members, and ensuring that they were supported through Health
27 Services; this went on for months after the mass casualty. And also ensuring that the
28 communities were supported and ensuring that they had police officers to respond to

1 their 9-1-1 calls was a priority.

2 **COMMISSIONER STANTON:** So can you just give some
3 examples of concrete steps, then, that you would have taken to ensure, for example,
4 that your leadership team remained cohesive and focused on the needs of Nova
5 Scotians, and then, in particular, the affected communities, or the most affected
6 communities? Could you give some examples of some of the concrete steps that you
7 took during that time?

8 **A/COMMR LEE BERGERMAN:** Our leadership team was very
9 engaged with the detachments who were mostly affected, and we had strategy
10 meetings about how we could best address the needs of the community and the needs
11 of the members in the community, and myself and C/Supt. Leather did a lot of work in
12 working with the Health Services officer and our Health Services; and doing detachment
13 visits and community visits that we did and our leadership team did. And C/Supt.
14 Campbell worked very closely in the communities that were most affected and meeting
15 with families and community leaders, you know, I would say six to eight months
16 afterwards.

17 **COMMISSIONER STANTON:** Madam Registrar, there's another
18 document that I wonder if you could pull up. It's COMM57233. It's a 2015 document
19 called, "C-3 Command, Control, and Communications Guide."

20 Ms. Bergerman, yesterday you noted that Marlene Snowman, I
21 believe you said she was OIC in Codiac in 2014. Am I right in my recollection there?

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

23 **COMMISSIONER STANTON:** That you said yesterday that
24 Marlene Snowman was the OIC in Codiac in 2014?

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

26 **COMMISSIONER STANTON:** Okay. And you said yesterday she
27 was very passionate about the implementation of recommendations of the MacNeil
28 Report, which would be understandable, given her role.

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

2 **COMMISSIONER STANTON:** So she's a coauthor of this report,
3 and I just wondered if you're aware of this report.

4 It's -- maybe you could enlarge it for us, Madam Registrar, just the
5 -- scroll down a little for us. It's a Response and Planning Guide: Best Practices and
6 Lessons Learned from Major Incidents Throughout North America.

7 I just wondered if you're familiar with this guide.

8 **A/COMMR LEE BERGERMAN:** I have not seen this document.

9 **COMMISSIONER STANTON:** You have not seen it. Okay.

10 **A/COMMR LEE BERGERMAN:** I have not seen that document.

11 **COMMISSIONER STANTON:** Okay.

12 And thanks, Madam Registrar.

13 C/Supt. Leather stated in his interview with us that he hadn't seen it
14 until after the mass casualty, and the authors are quite -- I mean, you mentioned
15 yesterday she was passionate about implementation and these -- the authors of this
16 report, which has been previously exhibited with the Commission, are quite passionate
17 as well about the need to follow -- they've sort of taken a lot of lessons learned and
18 analyzed and put together a sort of plan of action for critical incident decision-makers,
19 and particularly for the Atlantic region.

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

21 **COMMISSIONER STANTON:** And they were seeking support of
22 all members to implement what is quite a comprehensive program for operations in a
23 critical incident. And so I'm just wondering if you weren't aware of this, and C/Supt.
24 Leather wasn't aware of it, how might -- how might that lack of sharing of very
25 comprehensive thinking after action -- I mean, even if we had an after-action report, you
26 know, how would it be shared effectively so that people in leadership roles, you know,
27 become champions of implementing known recommendations?

28 **A/COMMR LEE BERGERMAN:** I think -- on a go-forward?

1 **COMMISSIONER STANTON:** M'hm.

2 **A/COMMR LEE BERGERMAN:** I think that a document such as
3 that should be part of an introduction binder for a Criminal Operations Officer or a
4 Critical Incident Commander, Support Services Superintendent would be a way,
5 obviously, to ensure that they're educated by that. And I was -- I had a lot of reading
6 material that I was provided, and that was not included in it.

7 So I wouldn't say that it necessarily should be, because it's very
8 operational, but it would have been beneficial to have read that document, obviously.

9 **COMMISSIONER STANTON:** So I just -- I guess I'm -- it's not a
10 criticism of you not having read it if you didn't know it existed. I guess what I'm trying to
11 get at is, how will people in the positions to implement change be sure that they're
12 getting the information where their colleagues, for example, have done these kinds of
13 analyses? And it seems to me there are layers and layers of managers who all have a
14 sort of piece of the pie but don't have the whole picture or -- mixed a metaphor.

15 What I'm struggling with is, how do we ensure that in a
16 recommendation we say -- for information to be distributed well, how do we ensure that
17 people will -- the people who need to get the information will get it. Is there a -- you
18 know, a central structure that -- we understand there's a policy centre, but that can
19 ensure that there's an information pipeline that these kinds of things are distributed

20 **A/COMMR LEE BERGERMAN:** So that specific -- that document,
21 I think I saw on the front of it is specific to the Atlantic region.

22 **COMMISSIONER STANTON:** It was authored by four officers
23 leading critical incident responses in the Atlantic region. It's intended, actually, for
24 across the RCMP, from my reading of it.

25 **A/COMMR LEE BERGERMAN:** Right. So that would be
26 something that I think out of a recommendation from this Commission, but it's not
27 something that can easily be rectified now whereby we have a new Criminal Operations
28 Officer coming in to "H" Division and there's a new one in Prince Edward Island. And

1 it's something that I know Chief Superintendent O'Malley, who's running "H Strong"
2 team, could, you know, rectify that today. But going -- on a go-forward, I think that that's
3 something that could come out of a recommendation from this Commission ensuring
4 that previous reports, MacNeil Reports, that report, are part of an introductory binder
5 that I know has been talked about at this Commission, should be required for when
6 people come into these senior roles.

7 **COMMISSIONER STANTON:** Okay. So just in -- my last area of
8 questions is, you mentioned yesterday or, actually, I think earlier today, you noted the
9 extraordinary cost of policing. That must have been in response to a question from
10 Commissioner Fitch. And we've heard a lot about resources from witnesses, from
11 RCMP witnesses.

12 I think we -- I think given the budgetary circumstances that we all
13 live in, we should assume there won't be more resources and consider what we might
14 do instead, just as a hypothetical.

15 So I'm just wondering -- and I had asked Chief Superintendent
16 Leather if, for example, there was any analysis being done of how members are
17 spending their time, on what tasks are they spending it. Is there an analysis in -- and
18 did you, when you were heading "H" Division, look at having some metrics of, you know,
19 where people are spending most of their time as far as administrative tasks, for
20 example, or we heard from one first responder or one of the members who responded
21 the night of the 18th that if they could not spend so much time on mental health calls,
22 they would have a tremendous amount more time to be out in the community doing the
23 community policing they would like to be doing.

24 So that would require, though, leadership to analyze how are they
25 spending their time and then figure out how to arrange things differently.

26 **A/COMMR LEE BERGERMAN:** So I think I've got -- so your
27 question is what are we doing to alleviate some of these time-consuming events and
28 that they have more time to be front line in the community?

1 **COMMISSIONER STANTON:** Well, I guess I wonder if that was
2 something you were looking at when you were there. I appreciate you're retired now ---

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

4 **COMMISSIONER STANTON:** --- but is it something that you
5 analyzed or tried to have analyzed while you were there?

6 **A/COMMR LEE BERGERMAN:** Yes. I mean, I don't know if
7 "analyzed" is the right word ---

8 **COMMISSIONER STANTON:** Or measured.

9 **A/COMMR LEE BERGERMAN:** --- but it's certainly through our
10 DEC meetings -- and I'm sure they've been talked about, which is the Division
11 Executive Committee. That would be a venue where district policing officers would
12 bring their concerns as far as -- so for example, Chief Superintendent Campbell came to
13 the DEC committee because he had a critical shortage of police dogs in the province
14 and that we required more police dogs to be spread around the province because he
15 was down to two and I think they were doing the whole province.

16 But it was an analysis that he had done, and this is kind of an
17 individual thing that your DPOs would do to amplify the shortages and the hours spent
18 driving. And that was the example in his. And that to seek support and approval
19 through the DEC committee to request, so this would be either put into the multi-year
20 financial plan or it would be an out of cycle request to the province for -- and I'm using
21 the police dogs as an example -- to get more police dogs to fill those gaps.

22 Mental health calls, a lot to unpack there, and that's not an "H"
23 Division issue. That is a national issue because police officers do spend a lot of time on
24 mental health calls. And in this division, under the Act, we have to stay with them at a
25 hospital, which can be up to 12 or 14 hours. So if you're doing that, you're not on the
26 road and in your community. So there are -- there is a lot of analysis on that particular
27 issue.

28 And it's -- if something is identified from your DPOs, we do do

1 research and kind of flesh out what it is and how we can -- how we can best address it
2 within a division with the resources that we have.

3 **COMMISSIONER STANTON:** So there are steps that are taken to
4 determine what proportion of work is being done that's proactive, what proportion of
5 work that's ---

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

7 **COMMISSIONER STANTON:** --- reactive, what's -- you know, I'm
8 just -- so how detachments are spending their time. So I'm just wondering, if senior
9 command are taking time to find efficiencies with respect to how their regular members
10 are ---

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

12 **COMMISSIONER STANTON:** --- are spending their time.

13 **A/COMMR LEE BERGERMAN:** Yes. And that's working with a
14 district policing officer. That's their responsibility in consultation with detachment
15 commanders, what support they need, what is the problem. And through myself and
16 the Division Executive team, we're there to help and support based on the requests or
17 issues that are identified, but from the DPO.

18 **COMMISSIONER STANTON:** But I guess given the climate over
19 the last few years with different social justice movements and the challenges of the
20 institution of policing broadly, but for the RCMP, and the resource constraints and so on,
21 are you -- as a Commanding Officer, would you have been looking at ways in which to
22 essentially reimagine policing rather than just looking at, you know, how many police
23 dogs are there and how many mental health calls are we doing, but how might policing
24 be done differently in this province in order to modernize it.

25 And you talked about this a bit earlier.

26 I know it's a big question, but we're wrestling with big questions
27 here and I'm ---

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

1 **COMMISSIONER STANTON:** --- I'm thinking that because you've
2 had some time to reflect on your time as Commanding Officer you might be able to
3 share with us some of your ideas for the way forward for policing in the province.

4 **A/COMMR LEE BERGERMAN:** Okay, yeah. That is a lot to
5 unpack, but I can just -- one of the main things that we have to do in this province is --
6 and all the provinces, I think, are in the same boat because of shortages and
7 resourcing, but to get our resources up to an adequate level so that we can get back to,
8 instead of being reactive in our policing, be more proactive. I think it's better for
9 communities and public safety.

10 And in this Division, I think there needs, as far as the modernization
11 piece goes, I think there needs to be an analysis of the need for the amount of
12 detachments that we have that are in close proximity and could we start pooling these
13 resources in one detachment area I think is something that should be looked at.

14 Difficult to do all these things if you're not adequately resourced
15 and you don't have the adequate budget to implement the changes would be my initial
16 comments on your question.

17 **COMMISSIONER STANTON:** Okay. Thank you so much for your
18 time and for your responses. I certainly appreciate it.

19 Commissioner MacDonald?

20 **COMMISSIONER MacDONALD:** Yes, thank you so much, Former
21 Assistant Commissioner Bergerman. All of my questions have been answered. So
22 thank you so much for being with us, not just this morning, but most of yesterday. We
23 greatly appreciate it. These are difficult subject matters, difficult work we're doing, and
24 it's not been an easy experience for you, and we greatly appreciate the fact that you
25 came here and assisted us. Thank you.

26 **A/COMMR LEE BERGERMAN:** Thank you for allowing me to
27 speak my truth. And I wanted to express my sincere condolences to the families.

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

1 We will take a 15-minute break.

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

4 --- Upon breaking at 11:16 a.m.

5 --- Upon resuming at 11:41 a.m.

6 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
7 proceedings are again in session.

8 **COMMISSIONER MacDONALD:** Ms. Young?

9 **MS. RACHEL YOUNG:** Commission Counsel calls Brenda Lucki,
10 the Commissioner of the RCMP.

11 **COMMISSIONER MacDONALD:** Thank you.

12 **--- COMMR BRENDA LUCKI, Affirmed:**

13 **REGISTRAR DARLENE SUTHERLAND:** Thank you. Be seated,
14 please.

15 **COMMISSIONER MacDONALD:** Ms. Young?

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

17 **MS. YOUNG:** Good morning, Commissioner Lucki.

18 **COMMR BRENDA LUCKI:** Good morning.

19 **MS. RACHEL YOUNG:** You're Commissioner of the RCMP?

20 **COMMR BRENDA LUCKI:** Yes, I am.

21 **MS. RACHEL YOUNG:** And you have been since 2018?

22 **COMMR BRENDA LUCKI:** Yes.

23 **MS. RACHEL YOUNG:** How long have you been with the RCMP?

24 **COMMR BRENDA LUCKI:** Since 1986.

25 **MS. RACHEL YOUNG:** I have already interviewed you for a full
26 day, so I'm not going to go over the same ground again. I would like to make the
27 transcript of your interview an exhibit. It's COMM0062475. And that interview took
28 place on August 4th, 2022.

1 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 4221.

2 **--- EXHIBIT No. 4221:**

3 (COMM0062475) Commission interview of Commissioner
4 Brenda Lucki

5 **MS. RACHEL YOUNG:** Just to give people an idea of what we've
6 already talked about, we've discussed about a dozen topics, including your background,
7 what you were doing during the mass casualty events on April 18th and 19th, 2020 and
8 its immediate aftermath, the information flow from H Division to RCMP National
9 Headquarters in Ottawa, communications during and after the events, the Issues
10 Management Team at H Division, the draft request for an After-Action Review of the
11 critical incident, the NOS -- NOIS peer review, the treatment of victims' families, post
12 event resourcing and supports for members, aspects of RCMP member training, the
13 structure of policing, H Division leadership issues, and we talked about some of the
14 evidence you gave at past inquiries. Do you recall that?

15 **COMMR BRENDA LUCKI:** Yes.

16 **MS. RACHEL YOUNG:** Today I'm going to ask you about RCMP
17 culture, After-Action reports or reviews, or the lack thereof, H Division leadership issues,
18 and the role of communications in the RCMP.

19 Starting with RCMP culture, I'd like you to help us understand how
20 change gets implemented at the RCMP. So, for example, when the Commissioners of
21 this inquiry make their recommendations, what happens at RCMP National
22 Headquarters?

23 **COMMR BRENDA LUCKI:** Well thank you, that's a great question
24 because obviously there's been a lot of change when I became Commissioner in 2018,
25 we brought in what we call Vision 150, and then Vision 150 and Beyond. So you can
26 bring in all types of initiatives, but there has to be a foundation piece before that. So for
27 example, building trust amongst the employees of the RCMP and leading change. So
28 often if it's something that is not something completely familiar with somebody, it's

1 always best to explain why you're doing the change or why it's important. And
2 sometimes what's the risk of not changing? So that's part of change management.

3 But it's also about, you know, the only things that get done, I
4 believe, are the things that get measured. So it's really important to have tracking
5 mechanisms so when -- if you look at Vision 150, for example, you can go on our
6 website, we track all the initiatives, provide timelines, milestones. And as important as
7 how things are moving along is why they aren't moving along. So having people
8 regularly report up and explain why -- what's the barrier -- you know, the barrier to
9 implementing this? Is it a question of money? Resources? You don't have the proper
10 technology? So it's really important to ensure that it is always brought forward in a
11 regular sort of rhythm.

12 And I think I use Vision 150 because that is our four pillars of
13 change. It's our people, our culture, our stewardship, and our policing services. And
14 underneath all four of those pillars are all the various ways that we can be a more
15 modern organization and improve our relationships with Indigenous people, make
16 ourselves a more modern policing agency. And so that's a lot of change. And it can't
17 be from the top down. It also has to be from the bottom up and have people buy into
18 that organizational change.

19 And I'm actually quite proud of the employees of the RCMP and
20 how they've been very, very receptive to all the different things that we've been doing in
21 the Vision 150 and beyond.

22 **MS. RACHEL YOUNG:** So when external recommendations come
23 in, who is in charge of absorbing them and figuring out whether and how to implement
24 them?

25 **COMMR BRENDA LUCKI:** Well with external recommendations,
26 the first thing we do is we scrub down the recommendations and try to theme them up
27 and see where they are most prevalent. So is it mostly operational? Is it mostly on the
28 human resources side? And the reason why I say that is because we try to pick a lead

1 that is most appropriate to the actions we're trying to accomplish. Sometimes it covers
2 multiple business lines, but we -- if it's -- the majority is on human resources, we may
3 pick the chief human resource officer, or if it's operational, we'd pick the deputy in
4 charge of Contract and Indigenous Policing.

5 We take that, we lay out all the recommendations in a tracking
6 document, we provide a lead, we divide them into short term, long term, medium term,
7 and start mapping out actions. And so each lead is responsible for that.

8 Since I got in the chair, one of things that we've really been
9 focusing on is transparency and accountability, outward-facing. So many of the things
10 that we've been doing since I became Commissioner have been put on our outside
11 website. So for instance, all of our intervention option actions are put on our website, all
12 the actions of different various reports, the recommendations are put on the website
13 with the tracking document so the public can see how we are faring in implementing
14 recommendations.

15 Again, with that becomes regular reporting, and if people miss a
16 diary date or a date that they've set out to do something we need to know why.
17 Because I find sometimes when you get a report, there's all this energy in the first three
18 to five months, six months, and then it sort of fizzles off. So if you don't keep up with the
19 regular reporting and the tracking, and letting the public see what you're doing so that
20 they are in fact helping us be accountable.

21 **MS. RACHEL YOUNG:** Is that your intention with this Commission
22 Inquiry?

23 **COMMR BRENDA LUCKI:** Absolutely.

24 **MS. RACHEL YOUNG:** And when you say "we will decide who
25 lead", do you mean you or is it a group of people?

26 **COMMR BRENDA LUCKI:** No. I'm a -- I'm a very collaborative-
27 type leader, and so my Senior Executive Committee, we meet up to three times a week.
28 And it's very -- I always like to speak with people who are impacted by decisions that we

1 make, whether it's internal or external, and try to get a sense. Because there's so much
2 going on in the RCMP with 32,000 employees in 750 locations, I can't have my finger on
3 the pulse, so I rely on my team and I rely on our senior management team, which is all
4 the commanding officers as well.

5 **MS. RACHEL YOUNG:** Leaving aside recommendations that
6 would require legislative change, so that would require Parliament, if it's something
7 that's not of that nature, but perhaps more of a policy or implementation nature, can the
8 RCMP decide on its own what to do and what to implement or does there have to be
9 government or political approval?

10 **COMMR BRENDA LUCKI:** Well, each and every initiative we
11 would have sort of an action plan. So if it was legislative, obviously we don't control for
12 legislation, but we can also be the subject matter experts in helping to initiate legislation,
13 so that might be our role. If it requires funding, for example, something -- or a certain
14 technology, well then that would be in the action plan, and it might take longer. There
15 might in fact be some recommendations, if we're not working with the Commission on
16 the recommendations, there might in fact be recommendations, and that is that we can't
17 implement. And so I have found that in previous reports, where sometimes it's too
18 prescriptive or too granular and it makes it difficult sometimes for us to implement those
19 recommendations.

20 **MS. RACHEL YOUNG:** So you've been involved in this process
21 before?

22 **COMMR BRENDA LUCKI:** Excuse me?

23 **MS. RACHEL YOUNG:** You've been involved in this process
24 before of implementing recommendations?

25 **COMMR BRENDA LUCKI:** Yeah. For example, when I became
26 Commissioner, shortly after we had the Bastarache Report, and there was -- an
27 example I can give out of that is there was a recommendation on having daycares in
28 every detachment, for example. It was a little too granular because first and foremost,

1 for liability reasons, I don't think we would have children in our detachments at a
2 daycare, but if you bring it up one or two levels and talk about providing support for shift
3 workers, then daycare might be one of those solutions, care for the elderly if people are
4 dealing with that situation, different, you know, different aspects of what happens when
5 you're a shift worker, and looking at it at a higher level gives us more flexibility to
6 provide that support and implement the recommendation.

7 **MS. RACHEL YOUNG:** You mean if the recommendations are
8 pitched to the higher level rather than getting into detail about how ---

9 **COMMR BRENDA LUCKI:** How.

10 **MS. RACHEL YOUNG:** --- the objective should be reached?

11 **COMMR BRENDA LUCKI:** Yeah, a very good point. Sometimes
12 it's, you know, it's great to know what you're trying to accomplish, but if we can decide
13 how to do that we usually get better results.

14 **MS. RACHEL YOUNG:** You said if you're not working with a
15 Commission. What do you mean by that?

16 **COMMR BRENDA LUCKI:** It's absolutely important that the
17 Commission is completely independent, but we are not immune to reviews, we've had a
18 lot of reviews and we have a lot of review bodies. And often when a review body is
19 going to take on some form of review, we will -- often they will come to us and we'll
20 speak about the scope and have that discussion. Ultimately, the review body, it's their
21 decision on the scope, but consulting often helps narrow down what they're trying to
22 accomplish.

23 When they get to recommendations, it's important -- we have a lot
24 of our review bodies who give us a draft of their recommendations, and we can weigh-
25 in. It doesn't mean that we're going to change anybody's mind, that's not -- it's just to
26 provide context and say, "You know what, maybe if you did this it would give us more
27 flexibility to accomplish more tasks or to better approach that if it's not so prescriptive."

28 **MS. RACHEL YOUNG:** What factors, other than the

1 recommendations themselves, does the RCMP need to take into account when going
2 through the implementation process?

3 **COMMR BRENDA LUCKI:** Well, obviously finances, resourcing.
4 We will stand up a team when we have major reports. So we have to -- obviously we
5 don't have financing or additional resources sitting there waiting to do these types of
6 work, and it is very intensive, especially in the first six months to a year when you're
7 trying to set the road to success. So it might be legislative. It might be contrary to
8 legislation. It might be contrary to some operational policy. It doesn't mean that it's not
9 still doable, or implementable, there just might be more steps or there may be a -- an
10 explanation as to why we can't implement it in the way that it's suggested; however, we
11 can do this.

12 I always say, and it's been my sort of mantra for several years in
13 my career, is never start the conversation with no. Like, let's try to see how we can do
14 something. And I think these -- these recommendations and the implementation, it's a --
15 it's a non-negotiable for us.

16 **MS. RACHEL YOUNG:** Have you thought about how this process
17 is going to work with this Inquiry?

18 **COMMR BRENDA LUCKI:** Yeah, absolutely. We haven't gone
19 into any details because we want to see, like I said, scrub them down, theme them up
20 and see who's the best to lead. Of course, we know that some of the recommendations
21 we've already worked on. Because anything that may affect the safety of Canadians
22 and the safety of the first responders, keeping Canadians safe, we can't wait until we
23 have recommendations from the Commission.

24 So for example, the Alert Ready. That was a huge issue. So of
25 course, Nova Scotia has worked with their provincial counterparts, they've created a
26 policy on that. We've taken it one step further, and we've shared -- we obviously share
27 everything with all the other commanding officers, and there's a lot of police agencies
28 outside the RCMP who are wanting information as well because it's one of those

1 non-negotiables; we don't -- can't wait for the recommendations. So we've created
2 national policy, and now we're looking at training and awareness.

3 Each province right now has their own system, and there will be a
4 review to see if there's a possibility of a national system. Because the more -- because
5 we're a decentralised organisation, and people move from province to province, the
6 more we can, not standardise, but speak with one voice, the more we can make things
7 standard from one place to another, the easier it is for the frontline personnel to know
8 what to do when they move from Nova Scotia to New Brunswick, they're not learning a
9 whole new system.

10 So the more we can keep things similar, they might not be identical,
11 but I have another mantra that says one voice with flexibility, and we need to speak with
12 that one voice, but we have to have the flexibility because what we can do in Lower
13 Mainland B.C. cannot be done in Prince Edward Island or Northwest Territories.

14 **MS. RACHEL YOUNG:** Yes. And we were talking to Retired
15 Assistant Commissioner Bergerman yesterday about whether any implementation can
16 happen directly at the divisional level. And so, her perspective was yes, that a
17 commanding officer could act on some recommended changes without waiting for
18 approval from National Headquarters and if it was a question of resources could go
19 directly to the Province to fund those initiatives.

20 Do you agree with that, or would you want divisions to wait until
21 National Headquarters decided whether and -- or how to implement recommendations?

22 **COMMR BRENDA LUCKI:** Anything that would affect the safety of
23 Canadians or the people responding, we can't wait. We can't wait and say, "Oh, we
24 have another incident and we sat back and did nothing." These things that are tactical
25 and have a high risk, we need to deal with. Other things we can wait.

26 And I don't completely agree that it's up to the division to be
27 implementing everything. I think it's a combination. Because some things have national
28 implications, and even if the division may not think it's national, we want -- again, if

1 something has been identified in Nova Scotia that is so important that it's a
2 recommendation in Nova Scotia, it is probably something that across the country, in the
3 RCMP, for example, we should look at, but go one step further and talk about it with
4 other police agencies.

5 Since I became Commissioner, I created what I call the Chiefs of
6 Police Roundtable. We talk about a lot of different commonalities and issues. And of
7 course, people are interested in what we do because often we have resources to do a
8 bit more research or to implement things.

9 So an example is, we're in the midst of implementing body worn
10 cameras. In our procurement process, we are creating an avenue for all police
11 agencies to use our contract. Why? Because a policing agency of 10 or 20 or 50 may
12 not be able to afford the research, and all the policy and the training that goes along
13 with implementation, so we like to share that. It doesn't mean they have to use it, but at
14 least they have the option.

15 **MS. RACHEL YOUNG:** Who are the members of that
16 organisation?

17 **COMMR BRENDA LUCKI:** There is one to two representatives
18 from each province and territory, and it's policing chiefs, it's chiefs of various police
19 agencies representing big municipalities, small Indigenous police agencies, and
20 medium size across from coast to coast to coast.

21 **MS. RACHEL YOUNG:** Is that a voluntary body focussed on
22 policy-making?

23 **COMMR BRENDA LUCKI:** It's focussed on issues such as
24 systemic racism was one of the issues, which led into crisis intervention de-escalation.
25 Our first goal was to create the first ever one model across the entire country of all
26 police agencies of crisis intervention and de-escalation, where right now we've created
27 a taskforce, they're in the consultation phase, with the communities most affected by our
28 intervention.

1 There is -- it -- there's a real appetite to be speaking with the same
2 voice more than ever, and having a strong voice in policing. We're very fortunate in
3 Canada, there's 194 police agencies as opposed to 18,000 in the United States, so we
4 have the ability to speak more with one voice. And I don't think years ago there was
5 much of an appetite for that, everybody was kind of going their own way, but they
6 realise that there is strength in numbers of doing things together. So we have a
7 taskforce on de-escalation and crisis intervention, we have one on calls to mental
8 wellness, external-facing, and the third one we just created was hate crimes.

9 **MS. RACHEL YOUNG:** The idea of different police forces
10 speaking with one voice is not always well-received by other chiefs of police. For
11 example, in Nova Scotia the perception of some municipal chiefs of police was the
12 RCMP just wanted that one voice to be the voice of the RCMP. So how do you deal
13 with that?

14 **COMMR BRENDA LUCKI:** I agree with you. When I first got in
15 the chair I kept hearing the expression "the big red machine". I went, honestly that's not
16 who we are, that's not who we want to be, and we're better together. And so I say
17 relationships have to be built every single day, just like trust. You don't gain it and then
18 put a checkmark and say okay, we're done. You really need to focus on that
19 relationship and build it during good times, and then when things are not so good it
20 happens because you've built the relationship beforehand.

21 I think we often take relationships for granted and think, yeah,
22 we've built it, it's all good. But people change, ideas change, pressures change. If
23 you're competing for the same dollars within a province, it's sometimes difficult because
24 you say to yourself, you know what, maybe we're looking as if we're trying to take
25 control instead of actually trying to assist. And so it's important that you build that
26 relationship of trust and credibility before you start trying to have conversations about
27 policing standards or having conversations about how we can work better together.

28 **MS. RACHEL YOUNG:** In your experience, can the culture of the

1 RCMP be a barrier to accepting recommendations for change?

2 **COMMR BRENDA LUCKI:** Anything can be a barrier, absolutely,
3 but in my experience since I've been Commissioner, I've never seen such a great
4 willingness for people to change. Our generations thrive on change, and especially
5 when it comes to anything, training, tactical, equipment, uniform, anything that can
6 make them respond better or more efficiently or more effectively, they are on it. Like,
7 there is -- you don't even have to manage that change, they're just begging for more
8 and more.

9 But when you're looking at things that aren't operational, like culture
10 change, and looking at things, when you talk about systemic racism or systemic
11 barriers, sometimes it's harder. And that's when I referred to, you know, talking about
12 why it's important. What's the risk of doing it and what's the risk of not doing it? And
13 having people buy into it. You know, you have to make sure that people buy into it
14 because otherwise you -- it's a really a waste of time.

15 And so it has to -- ideas have to come from the bottom up. You
16 can't just say to yourself, "I'm the Commissioner of the RCMP, and my Senior Executive
17 Committee is -- we're right and this is what we're going to do", because one of the old
18 expression, "you can lead a horse to water but you can't make them drink." So how do
19 you -- how do they become part of the solution, part of the ideas, and we've seen it with
20 Vision 150 and the buy-in and the excitement around that, and we've really been able to
21 push the envelope and move the yardstick quite a bit in those initiatives.

22 **MS. RACHEL YOUNG:** Have you seen that mentality change over
23 the years since 1986?

24 **COMMR BRENDA LUCKI:** Sorry?

25 **MS. RACHEL YOUNG:** Have you seen the approach to change
26 change since 1986?

27 **COMMR BRENDA LUCKI:** Oh my goodness, yes. 1986. Yikes.
28 You know, it's interesting, when I was on the -- when I was part -- a

1 Commanding Officer and I would go to Ottawa and see the big table, and I remember it
2 was very rank conscious. And it was -- on one side of the table was all the people from
3 Ottawa and on the other side of the table were all -- there was only two female COs,
4 and we were all on one side of the table, and the lower your rank the further you were
5 from the centre. It was very rank conscious.

6 And I remember, and this -- I was not thinking of being the
7 Commissioner at this point, but I said if I was ever Commissioner that I would never
8 have this table. I hate this table. I hate what this table represents.

9 And so when I got to there, I had the opportunity -- I remember
10 bringing up something at that table and getting shut down, and I said that is not
11 conducive to creativity, innovation, hearing people's points of view. So it was really
12 important to me when I got in the chair to create a table where people could speak
13 honestly and forthright, be respectful, challenge the Commissioner, challenge the
14 Senior Executive Committee, challenge the Commanding Officers and be able to speak
15 freely, and we can do it in breakout sessions, we can do it together in groups, we're at
16 roundtables, people are mixed and matched, rank -- there is no rank in that table. And
17 I'm really proud of that.

18 And when I got to the table, first of all, when I first joined the RCMP,
19 every single senior executive was a white male and was a police officer. Now, my
20 Senior Executive Committee is a mix of civilians and regular members, there is males
21 and there's more females, actually. We have diversity in experience, diversity in colour,
22 we have diversity in gender. And our Commanding Officers, when I came in as
23 Commissioner, there was two Commanding Officers that were female. At one point, we
24 were over 50 percent female, we're a little bit below 50 percent because of some of the
25 changes. And I'm so proud of that because it's -- it just lends so many different lenses
26 to everything.

27 And we do really work on using the gender-based analysis plus on
28 everything we do, including equipment. So when we're in the midst of integrating our

1 firearm, do we need a 10-pound trigger pull on a firearm? does that, you know,
2 eliminate small statured people? How can we be more inclusive? So everything's
3 about being more inclusive, more diverse and more accountable.

4 **MS. RACHEL YOUNG:** When thinking about change, does the
5 possibility of litigation or the reality of litigation impact how the RCMP reviews itself and
6 how it communicates to the public?

7 **COMMR BRENDA LUCKI:** It's definitely a consideration of one of
8 many because we have to think of the risks and we have to think of the benefits. So
9 sometimes a risk of litigation, that would maybe change us to go our legal services and
10 say, "Okay, this is what we're doing. what's the risks?" Because we're not the experts in
11 that. We have people smarter than us in legal services who will do all that, and they
12 would outline the risks. And then it's up to us as decision-makers to say, "Can we
13 mitigate these risks?", and then make the decision.

14 If something is not mitigatable, then maybe we have to change the
15 course, slightly alter it, but it doesn't mean that we, again, start with no, I think it's just
16 being more open to trying to make change. And you don't want to be keeping your --
17 holding yourself liable every time you make change because you couldn't sustain
18 yourself as an organisation if you were making change and getting sued every time you
19 made a change. So it is definitely part of our decision-making.

20 **MS. RACHEL YOUNG:** I'm going to turn to the mass casualty
21 events and the various after-action reports and reviews that have been discussed, but
22 as far as we know none completed.

23 We did talk about this a bit in your witness interview. And again,
24 the transcript number is COMM62475, and that was at pages 59 to 63, just for people's
25 reference.

26 You did say you weren't too familiar with all the details, so I'm not
27 going to ask you questions at that level, but we did go through yesterday with Retired
28 Assistant Commissioner Bergerman several reports and reviews of portions of the

1 police response that were considered with respect to the mass casualty events.

2 So I counted up eight. So there's the concept of an after-action
3 report of a mass casualty event, which wasn't done by the division. Secondly, there
4 was the NOISP review, and that was the investigative file assessment, which was
5 started at the national level but suspended due to criminal charges. Third, there was a
6 draft request for an independent review of the critical incident response, which was put
7 forward by Superintendent John Robin, Superintendent Campbell and Chief
8 Superintendent Chris Leather, but appears to have been informally declined by Contract
9 and Indigenous Policing.

10 Then there was an ERT after-action report which the authors say
11 was more or less finalized, but it is in draft in the sense that it doesn't appear to have
12 been signed off on or approved.

13 There was an EMRT draft report, so Emergency Medical Response
14 Team. And then there was some sort of an informal review done by email by
15 Superintendent Dimopoulos of the Issues Management Team. He sent emails for
16 feedback with apparently very little response.

17 So those are six internal ones.

18 And then there was the ESDC, Employment and Social
19 Development Canada, investigation because there was a workplace occupational injury
20 or death at federally regulated workplace, so that's ongoing.

21 Then there's the HOIT, Hazardous Occurrence Investigative Team,
22 investigation which is a *Canada Labour Code* investigation.

23 So those first six are internal to the RCMP. The last two are
24 mandated by statute and are external. None of them were finished.

25 So just looking at the first six, on the first one, an after-action,
26 Deputy Commissioner Brennan said in his interview that there's a policy requiring that,
27 but we haven't seen that policy, I don't believe. Are you aware of such a policy
28 existing?

1 **COMMR BRENDA LUCKI:** Vaguely. Not intimately.

2 **MS. RACHEL YOUNG:** Do you know what it requires?

3 **COMMR BRENDA LUCKI:** Not intimately. I think it has to do with
4 doing a review and then it translates itself into some tabletop exercises, I believe, but
5 I'm not completely familiar with it.

6 **MS. RACHEL YOUNG:** Ms. Bergerman was saying this morning
7 that she was aware of it but that she did not order one. She agreed with Deputy
8 Commissioner Brennan that it would be a divisional responsibility, but she was just too
9 worried about getting enough resources to keep things going at "H" Division. So in that
10 scenario, would it make sense for the CO to appeal to -- for help at the national level
11 with an after-action review?

12 **COMMR BRENDA LUCKI:** Yeah, absolutely. I think what
13 happened -- you know, when I look at this, because when you asked me the question at
14 the interview, of course, I did a bit more digging in all of this because I was surprised at
15 all the different reviews internally.

16 When -- right after the incident, within days, there was already a
17 talk about an inquiry. We already knew that there would be an ESDC report looking at
18 the *Canadian Labour Code*. We knew there was going to be a HOIT review. These are
19 pretty standard.

20 We normally often do a Critical Incident Review, but sometimes
21 when there's a bunch of different things happening, sometimes we will wait. The Critical
22 Incident Review, for example, or an after-action, can sometimes be done at any time.
23 There's no prescribed time. And sometimes we look at the whole picture to see what is
24 going on and do we want to reinterview people multiple times or do we want to take
25 everything and deconflict it at the end and find out where the gaps are.

26 And I've -- for instance, I know with the ERT, the ERT and the
27 EMRT report both were completed, actually, but they weren't -- all the recommendations
28 are not completed. So they've come to their conclusions, there's recommendations. I

1 think it's like half a dozen or so, or more, for each report. Some of the
2 recommendations have been completed in those, and they were on specific activities,
3 obviously, the Emergency Response Team and the Emergency Medical Response
4 Team.

5 And there's also been -- like, for example, OCC, the Operational
6 Communications Centre, has done some reviews on interoperability between radio
7 systems, encryption and unencrypted radio systems. They've done some things on -- a
8 scrub-down of their entire system to see if their standard operating procedures fit in the
9 context of what happened.

10 So there has been these little one-off reviews on units, but an after-
11 action or a critical incident, the decision, I know specifically with the Critical Incident
12 Report, was made to wait till many of these other reviews were done and see where the
13 gaps are and then decide if there were, in fact, gaps in our reviews and decide what to
14 review at that point.

15 **MS. RACHEL YOUNG:** Do you know whose decision it was not to
16 proceed with the Critical Incident Review?

17 **COMMR BRENDA LUCKI:** It was brought forward by the Division
18 and it was brought into the Contract and Indigenous Policing Deputy -- not even at his
19 level. It was brought to the Assistant Commissioner level and the Critical Incident
20 Program. And they looked at it and they -- what they do is they look at it and say,
21 "Okay, what are we trying to accomplish here? Is there anything else that will
22 accomplish this or anything else that will affect this?"

23 And they felt between the ESDC, the HOIT, the inquiry and some of
24 the smaller reviews they were doing that they would wait and hold it in abeyance.

25 It doesn't mean that it's not going to get done, but at the end of the
26 day, if everything has been reviewed and there's zero gaps, which I'm not sure would
27 happen, but if there were zero gaps in the -- in all the different reviews, then we would
28 have to look at what wasn't reviewed and make sure that was covered.

1 **MS. RACHEL YOUNG:** The draft request for the Critical Incident
2 Review from March of 2021 was emailed to Jamie Solesme, who I gather has just
3 retired. So would it have -- but Commissioner -- Ms. Bergerman thought it was Dennis
4 Daley's decision to refuse that review.

5 When you say "they", do you know, was there a particular person
6 whose decision it was?

7 **COMMR BRENDA LUCKI:** Well, it would have -- first of all, Jamie
8 Solesme was in charge of the Critical Incident Program. She would have reviewed it.
9 Her boss is Dennis Daley. He would, in fact, review it. And he may have even had a
10 discussion with Deputy Commissioner Brian Brennan because, again, people don't want
11 to just automatically say no. They want to make sure that, at the end of the day, we're
12 accomplishing what we're setting out to accomplish. And maybe it's not a no. It's just
13 maybe a "not now, and let's hold it off until we see what happens".

14 And so ultimately, I believe it would have been Dennis Daley, but it
15 may, in fact, have been Deputy Commissioner Brian Brennan. I don't exactly know.

16 **MS. RACHEL YOUNG:** So it was under their responsibility.

17 **COMMR BRENDA LUCKI:** Yeah, it was in that -- in that business
18 line, Contract and Indigenous Policing.

19 **MS. RACHEL YOUNG:** Likely with some consultation between
20 them, it sounds like.

21 And the request wasn't signed formally by the Division and so it
22 wasn't formally declined. Is that usual, that they would be given an informal no, so kind
23 of not bother sending in the formal request, or decide not to?

24 **COMMR BRENDA LUCKI:** I'm not sure what the usual event is or
25 the order of affairs. I'm not familiar. The only thing I keep thinking when people ask me
26 in regards to this event, there was nothing usual about this event, so I don't know if
27 bringing it forward was usual or not. I know that, obviously, capacity within the Division
28 was an issue, but that's not why we wouldn't review something because it's about us

1 providing them the capacity if they need to.

2 And often in the case you don't want the Division reviewing
3 themselves anyways, so maybe it was a question of, you know, let's not reinterview a
4 lot of people that will be interviewed during the inquiry, during the ESDC and the HOIT.
5 Let's wait and see. And it -- sometimes you can actually do a document review if
6 everything has been covered.

7 I'm not saying whether this would be the case or not, but it is a
8 possibility.

9 **MS. RACHEL YOUNG:** But it doesn't -- it is certainly an unusual
10 scale of event, but it doesn't sound like anyone sat down and said, "Okay, here's all the
11 different ways we could sit down and think about what went right, what went wrong, let's
12 decide which one we're doing and who's doing it. Like are we doing something at the
13 national level or doing something at the divisional level?" and sort of rationalize the
14 approach to after-action reports or reviews. That didn't happen as far as you're aware,
15 did it?

16 **COMMR BRENDA LUCKI:** Well, I do know that certain events like,
17 for example, when they talk about the Alert Ready, they did, you know, fulsome reviews,
18 looked at they needed policy, looked at working with the province figuring out how that
19 translates itself on the ground operationally. And since then, I know there's been almost
20 a dozen incidents within just the Province of Nova Scotia, for example, where that's
21 been used.

22 So that, in itself, is a review. It wasn't a full after-action review from
23 A to Z. It only covered the Alert Ready.

24 And I think what they did was they gleaned out some of the things
25 that were high risk and saying, "We need to review these first because we can't wait".

26 So instead of doing a full A to Z review, pulling out things that may
27 have been risk is how I understood it.

28 **MS. RACHEL YOUNG:** You did sign a briefing note advising the

1 Minister of Public Safety that there was a NOISP review under way. That was of the
2 investigation after the moment that the critical incident ended.

3 And I believe it's already an exhibit. Can we see COMM0043946
4 just to refresh your memory?

5 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 4173.

6 **MS. RACHEL YOUNG:** So it says:

7 "Issued to provide you with an update regarding the
8 status of ongoing investigations into multiple homicides."

9 (As read)

10 And if you could just scroll down to the bottom so that we could
11 see?

12 So that's signed by you, dated December 4th, 2020, which is the
13 date that criminal charges were laid in this matter.

14 **COMMR BRENDA LUCKI:** Yeah, it's -- from what I understood on
15 the NOISP review is first of all it's about the investigation. And as soon as the
16 investigation was brought into play and the charges were laid -- sorry, at the first
17 instance, they had intended to bring people from outside the Division and start doing a
18 review. But what happened was, with the covid restrictions and with the capacity in
19 some of the divisions, because there's specific experts in this field that do these
20 reviews, they weren't able to get people on the ground. And then all of a sudden,
21 charges were being laid. So as soon as that happens, they -- the NOISP review is held
22 in abeyance. And so again, after our interview, I followed up on it, and found out,
23 obviously, because in July, the charges were dealt with in court, and we usually wait on
24 the NOISP review to have everything dealt with in court. So now it has been dealt with
25 in court, so I inquired as to what we were doing, and it's being reinvigorated and a full
26 major case management review will be done.

27 **MS. RACHEL YOUNG:** So it will be reactivated?

28 **COMMR BRENDA LUCKI:** Yes.

1 **MS. RACHEL YOUNG:** Okay. And just to point out, can we scroll
2 up a bit, please, Madam Registrar? So can stop there. Just go up again. Down again,
3 please. I think it's under "Strategic Considerations".

4 **COMMR BRENDA LUCKI:** Yeah, that was the intention,
5 obviously, in the first paragraph, is to send people down there. And then following the
6 charges in December, they're going to re-evaluate certain areas that no longer ---

7 **MS. RACHEL YOUNG:** Yeah, so at that point, you're advising the
8 Minister that the review is ongoing. We did see another situation report from January
9 2021 to say it had been suspended due to the criminal charges, although it doesn't
10 seem to be mentioned in this document. So ---

11 **COMMR BRENDA LUCKI:** It's kind of ironic that it would say that
12 we were -- it was ongoing when charges have been laid, ---

13 **MS. RACHEL YOUNG:** Yes.

14 **COMMR BRENDA LUCKI:** --- because usually once charges are
15 laid, we usually put that abeyance. So it must have been just a question of fluke timing
16 ---

17 **MS. RACHEL YOUNG:** Timing.

18 **COMMR BRENDA LUCKI:** -- or something.

19 **MS. RACHEL YOUNG:** Okay. And one thing was we saw the
20 mandate letter for this review yesterday from August of 2020 and it was sent to the head
21 of the MCU at H Division, not copied to then CO Bergerman, and she testified that even
22 as of yesterday, she didn't know that there had been a NOISP review begun. Did that
23 surprise you?

24 **COMMR BRENDA LUCKI:** Well it would, unless the -- you know,
25 people assumed that she would know and we know what, you know, it's what happens
26 when you assume. So it was -- I'm surprised that they didn't brief her on it and say,
27 "Okay. This is what we're going to do," because you obviously want your Commanding
28 Officer to have -- they might not -- as per myself, you don't know things intimately, but

1 you're aware that they exist. And if it comes to wanting to know more information, you
2 at least know it exists and you can request. You can also request, you know, updates.
3 But if you don't know it exists, it's pretty hard to do that. So I was fairly surprised.

4 **MS. RACHEL YOUNG:** So you would have expected her officers
5 to brief her on that review happening; right?

6 **COMMR BRENDA LUCKI:** I would assume. Or at least, you
7 know, the Criminal Operations Officer would be the one who would be overseeing that,
8 because they see everything operational. And often there's a lot of things going on in a
9 division, so not everything gets briefed up to the Commanding Officer, you know, of
10 every single thing that happens. But anything of importance, and I would say that this
11 probably reaches that threshold, that they would probably want to advise her that it was
12 in progress.

13 **MS. RACHEL YOUNG:** And DC Brennan indicated in his
14 Commission interview, and that transcript is COMM63046, at around page 80, he talked
15 about this NOISP review potentially starting up again and he said that National
16 Headquarters would engage H Division. So you would expect that perhaps this time
17 they would make sure that everyone in H Division actually knew the review was starting
18 up again?

19 **COMMR BRENDA LUCKI:** Yeah, absolutely.

20 **MS. RACHEL YOUNG:** Next I'm going to ask you about leadership
21 issues in H Division. We did touch on it before somewhat. And we talked about the -- a
22 little bit about the wellness assessment summary report, which was from September of
23 2021. I don't think we need to see it at this moment, but it's COMM62465. And you
24 recall that I did show it to you on screen during your interview? And that was the first
25 time you had actually seen the document? Is that right? No, you had seen it before.

26 **COMMR BRENDA LUCKI:** The wellness review?

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

28 **COMMR BRENDA LUCKI:** No, I saw the wellness review in June,

1 just a few days prior to coming to Nova Scotia for Cst Heidi Stevenson's ---

2 **MS. RACHEL YOUNG:** That was 2022?

3 **COMMR BRENDA LUCKI:** Yes.

4 **MS. RACHEL YOUNG:** Would you have expected to have seen it
5 sooner, given that it was completed in September of 2021?

6 **COMMR BRENDA LUCKI:** Yeah, I was quite surprised. You
7 know, it didn't -- I didn't think about it during that time. And it wasn't until I was going to
8 Nova Scotia and I was having a town hall with the officers, and one of the potential
9 questions was, "Can we have an update on the wellness review?" And all of a sudden,
10 myself, I was like, "Oh my goodness. I hadn't even thought of the wellness review. It
11 had fallen off my radar. And so when I went to find out, I knew that I was, at that time,
12 advised that yeah, it was still on the radar, that the report had been finished in
13 September 2021, I believe. I had not gotten a copy of the report, so I quickly reviewed it
14 before going to H Division. I had, you know, some -- I told them that we were going to
15 give them more information going forward and that there was some work to be done.

16 **MS. RACHEL YOUNG:** When you say you went to find out, who
17 did you go to find out from?

18 **COMMR BRENDA LUCKI:** It was with both the -- the activity was
19 being sort of co-run by primarily the Chief Human Resource Officer, as well as the
20 D/Commr. Brennan were co-facilitating the process, if you want to say.

21 **MS. RACHEL YOUNG:** Why were you going to Nova Scotia in
22 June of 2022? Or July.

23 **COMMR BRENDA LUCKI:** Yeah, I was going to Cst. Heidi
24 Stevenson's memorial, and at the same time, usually when I travel anywhere, to any of
25 the divisions, I try to have town halls with different groups and visit different
26 detachments if I can.

27 **MS. RACHEL YOUNG:** So what we talked about the document
28 that the Commission has is a summary report. Have you ever seen the full report?

1 **COMMR BRENDA LUCKI:** Yes.

2 **MS. RACHEL YOUNG:** So that does exist?

3 **COMMR BRENDA LUCKI:** Yes.

4 **MS. RACHEL YOUNG:** And the summary we saw summarized
5 feedback from H Division officers to the effect that dysfunctional relationships with
6 provincial and municipal partners had been allowed to continue for years. Were you
7 aware of that dynamic prior to reading the report?

8 **COMMR BRENDA LUCKI:** I wasn't intimately knowing about that
9 from before the mass casualty, but in recent months, there was -- I received a letter
10 from the President of the Nova Scotia Association of Chiefs of Police talking about
11 changing the status of the RCMP and that organization. And that's when I -- obviously
12 when I got the letter, I dug deeper and said, "What's going on here? Why is this
13 happening?" And I knew -- obviously I don't follow the media intimately, but I knew that
14 there was some strain in some of the events at the mass casualty event between some
15 of the police agencies. So I wasn't oblivious to the fact that there was some strains in
16 the relationship. I didn't know to what extent. Bu when I received the letter and replied
17 back, that's when I received more information.

18 **MS. RACHEL YOUNG:** And I should note, the Commission has
19 subpoenaed the full Quintet report.

20 Ms. Bergerman yesterday appeared to disagree that ---

21 **COMMISSIONER MacDONALD:** Sorry.

22 **MS. RACHEL YOUNG:** Oh, my microphone?

23 **MS. PATRICIA MacPHEE:** Thank you. I just thought it would be a
24 good time to clarify that the report that was provided to the Commission is the only
25 report. There is no other version. I know it's called a summary report, but there's no
26 longer version of that report.

27 **MS. RACHEL YOUNG:** Oh.

28 **MS. PATRICIA MacPHEE:** It is just the one report.

1 **MS. RACHEL YOUNG:** Ms. MacPhee is giving evidence that's
2 contradicting the evidence the witness is giving on the stand, so.

3 **COMMR BRENDA LUCKI:** There is only -- I've only seen one
4 report.

5 **MS. RACHEL YOUNG:** Oh, I thought ---

6 **COMMR BRENDA LUCKI:** I know we did provide -- when I say
7 summary, the officers in the Division were given an email that provided a summary of
8 the themes, but those themes were gleamed out of the report. There was no short
9 version or executive summary report. It was all just one report. Sorry for the confusion.

10 **MS. RACHEL YOUNG:** Can we see the document, please,
11 Madam Registrar?

12 **COMMISSIONER MacDONALD:** Yes, we'll get that clarified to
13 make sure.

14 **MS. RACHEL YOUNG:** Six-two-four-five-six (62456). So it says
15 on the title page, it's Summary Report - Wellness Assessment, and that is the document
16 that I was talking to you about ---

17 **COMMR BRENDA LUCKI:** Yeah.

18 **MS. RACHEL YOUNG:** --- in your interview.

19 **COMMR BRENDA LUCKI:** Yeah, and there is no other documents
20 in regards to this wellness assessment. This is the one and only document that we got
21 from the company.

22 **MS. RACHEL YOUNG:** So I had understood you to say a moment
23 before Ms. MacPhee said this was the only document that there was also a full report
24 that you have seen.

25 **COMMR BRENDA LUCKI:** No, I think when you referred to the full
26 report I was talking about the unredacted version. I saw it unredacted, and then
27 obviously I saw it redacted.

28 **MS. RACHEL YOUNG:** Can we just scroll down a little bit, please,

1 Madam Registrar. Keep going. And scroll down some more, please, maybe just slowly.

2 So here we have on page 4 of the counter, sections -- I believe this
3 is—if you can just scroll up a bit to see the heading on this section—this is Key
4 Elements - The Statement of Work. So this has ellipses between paragraphs, so they're
5 excerpts, so that appears to be not the complete Statement of Work. Have you seen
6 the full Statement of Work?

7 **COMMR BRENDA LUCKI:** I believe I have, but I didn't read it
8 intimately. But there is, when we were going through the -- it's one part of the
9 procurement process is a Statement of Work.

10 **MS. RACHEL YOUNG:** Okay. And the Commission has also
11 subpoenaed that document, the Statement of Work.

12 So Ms. Bergerman's perspective that she said yesterday was that
13 relations between the RCMP and municipal partners in Nova Scotia were not really that
14 bad before the events, but that they deteriorated after the mass casualty once the
15 RCMP started being subject to public criticism.

16 Are you aware of any change in dynamics between H-Division
17 leadership and its provincial and municipal partners before and after the events?

18 **COMMR BRENDA LUCKI:** Not before, only from what the media
19 was reporting afterwards or what was -- you know, what was coming out of the, you
20 know, the different reactions to the operational response.

21 **MS. RACHEL YOUNG:** The report that we have seen cited
22 significant morale issues within the ranks of H-Division officers. Is that something you
23 would have liked to know about at the time the report was completed in September of
24 2021?

25 **COMMR BRENDA LUCKI:** I was made privy. I got periodic
26 briefings on what was happening at H-Division and when they decided to do the
27 wellness review. So I was -- I didn't get like full, intimate things of what was going on,
28 but Deputy Commissioner Brennan had gone -- had spoken to a few employees, was

1 going down to H-Division to do more fact-finding, and then, as a result, like anything, we
2 try to get things dealt with at the lowest level, and I believe he had tasked the
3 Commanding Officer and the CrOps officer to do some work in improving the situation.
4 And then as a result, he did come to the Senior Executive Committee and say, "Okay,
5 the issues are still there."

6 And the CHRO at the time, was since retired, had dealings with
7 doing a wellness report with that particular company and said, you know, "There is
8 possibilities; if you want to do an independent review to get to the bottom of all the
9 issues, you could do this." And then he brought that idea forth to the Senior Executive
10 Committee and he had decided that he was going to do such a report. I think we
11 discussed it slightly, like just on the peripheral, and he and the CHRO went into a
12 procurement process to secure the independent company to do the review. So there
13 was a procurement process, the terms of reference, the statement of work, and then of
14 course, I believe they did twenty-plus interviews as part of their review, twenty-five or
15 thirty.

16 **MS. RACHEL YOUNG:** Do you know how this particular firm was
17 selected, Quintet?

18 **COMMR BRENDA LUCKI:** I think they had a standing offer. So it
19 made the procurement process easier, is what I was told, I believe.

20 **MS. RACHEL YOUNG:** Do you know that there are former RCMP
21 people working at Quintet?

22 **COMMR BRENDA LUCKI:** No, I had no idea.

23 **MS. RACHEL YOUNG:** Were you concerned when you heard that
24 there were wellness issues in H-Division leadership?

25 **COMMR BRENDA LUCKI:** Oh, I'm always -- I'm always
26 concerned. I wasn't surprised completely because I think what that division went
27 through post this mass casualty, and you know, hearing criticism about your people, or
28 your division, or your organisation within the province is not easy to take. And of

1 course, you know, giving people a confidential voice to allow themselves to speak freely
2 about any of the issues, I think a lot of things come out as a result of it, and not
3 undermining anything that was said, we just have to go through that, scrub it down, and
4 figure out what the issues, what the root causes are if you want to be solution-based.

5 So it's all about -- you know, even though somebody might have
6 said something that they believed, I'm not saying it's not true, it's just is it an issue that
7 needs to be dealt with or is it -- is there a bigger issue, or is there something completely
8 else? And trying to deconflict what everybody is saying and come up with what are the
9 issues and how can we come to solutions?

10 **MS. RACHEL YOUNG:** When it occurred to you relatively recently
11 that you hadn't seen this report, and you went and asked about it, was there an
12 explanation given to you about why it wasn't brought to your attention in a timely way?

13 **COMMR BRENDA LUCKI:** No, there wasn't a big explanation
14 because the person who was the keeper of the report, the previous CHRO, had since
15 retired, and it was only the new CHRO, who had been in the position for weeks, maybe,
16 not -- even, you know, six weeks, that was in the process of dealing with it. So she had
17 no real explanation, obviously, because that was -- stemmed back from
18 September 2021.

19 Deputy Commissioner Brian -- Brennan was part of that, but from
20 what I understood, the dealing with the company, the -- you know, the rolling out of the
21 Quintet contract was done on the CHRO side, and so I'm not sure why he didn't come
22 forward or the then CHRO. I was completely surprised. I was -- yeah, I was surprised
23 that I -- that it had been out for months, like six to eight months and I wasn't aware of it.

24 **MS. RACHEL YOUNG:** And you are aware that it was initially
25 suggested by CO Bergerman that there were these problems and she went to
26 DC Brennan and that's how it came about?

27 **COMMR BRENDA LUCKI:** That's not the understanding I had in
28 briefings with DC Brennan. I was -- I think some -- Deputy Commissioner Brennan had

1 -- has a -- quite an extensive relationship in Nova Scotia, so he knows a lot of people
2 that are working there, and I think a few people reached out to him to voice some
3 concerns. Then that's when he decided to go down to the Division and interview some
4 people to see the extent of the problem. And as a result of that, that's when he brought
5 that to the attention of the Commanding Officer, then Lee Bergerman, and the CrOps
6 Officer, Chief Superintendent Leather, and sort of gave them the opportunity, "Here are
7 the issues. Let's see -- you know, let's get a plan, let's deal with it, and deal with it at
8 your level."

9 And obviously that didn't -- I'm assuming, of course, it didn't work
10 because then they got into hiring an independent company to do a full wellness review.

11 **MS. RACHEL YOUNG:** Once the review was done, though,
12 wouldn't you think it would be important for the CO of H-Division to know the results as
13 soon as possible so they could start implementing any recommendations?

14 **COMMR BRENDA LUCKI:** Oh yeah, absolutely. Like, I know that
15 -- people have told me that they have been working on some of the recommendations,
16 but honestly, you know, the second that report is out and you scrub it down and you
17 decide who's going to take the lead from there and theme up, again, like I said, the
18 recommendations, and start working on an action plan, it should include the division,
19 obviously, because the wellness review is of the division.

20 **MS. RACHEL YOUNG:** It didn't, though. So ---

21 **COMMR BRENDA LUCKI:** No.

22 **MS. RACHEL YOUNG:** --- the report was completed September of
23 2021. CO Bergerman didn't retire until October 2021. It was never provided to her, it
24 was not provided to her successor, and it appears that it was only shared with
25 H-Division in July of 2022.

26 **COMMR BRENDA LUCKI:** I think part of it is, if I recall, Lee --
27 Assistant Commissioner Bergerman had retired in 2021, I think at the end of it ---

28 **MS. RACHEL YOUNG:** But after the report. She was there until

1 October of 2021.

2 **COMMR BRENDA LUCKI:** Yes. And the report came out at the
3 end of September, so it might have just been "Well, she's -- you know, her last working
4 days are within a month", I'm guessing, and then there was no successor right away
5 that was in the position, so it was Acting Commanding Officer Chris Leather who should
6 have been made aware of it.

7 **MS. RACHEL YOUNG:** Well, not only that, we've heard evidence
8 that in a interview that Chris Leather, when he was Acting CO, asked for it. He asked
9 for it in late fall of 2021, after it was completed, and it wasn't provided to him. Do you
10 know why that was?

11 **COMMR BRENDA LUCKI:** No, I have no idea. I just know that I --
12 the intention was when we got the report and the way that the report was written, and
13 I'm obviously finding this out after the fact, it was written in such a way that it didn't
14 protect the confidentiality of the many people who came forward, and many came
15 forward because it was going to be confidential, they could speak freely. And the way it
16 was written, in certain respects, wasn't respecting the confidentiality. So I don't think
17 anybody had an intention after they read the report to say, "Okay. We're just going to
18 share this freely." It needed to be either given an executive summary with the
19 recommendations and an action plan, or it needed to be properly vetted, because it did
20 not protect the confidentiality of the participants that was guaranteed at the onset.

21 **MS. RACHEL YOUNG:** What's your view of the usefulness of the
22 report then if it can't be shared in the way it was intended?

23 **COMMR BRENDA LUCKI:** I think that lessons learned, when we
24 go down this road again, if we're ever doing a wellness review, the report needs to be
25 written in such a way that it can be shared. If there are issues that are one-off issues or
26 something that would not protect the confidentiality, then maybe it's a separate
27 conversation. But you can't have things that identify what people said when they're told
28 that it's confidential. They can't be identified, because that's against the protocol that

1 you set up in place. If you were to say, "Listen, you're getting interviewed and
2 everything is going to be disclosed," well that's the rules. Then you know going forward.
3 I don't know how honest of an assessment you would get in that case, and so that's why
4 it worries me in this particular report, because the participants were provided -- were
5 told that they were going to remain confidential. I'm worried now, going forward, how,
6 as an organization, how we would ever do anymore wellness reports, because if it was
7 me, I don't think I would ever participate in one, only because if it's totally disclosed to
8 the public and it discloses some of the participants' comments that can be identifiable to
9 the participant, that worries me.

10 I think for the Commission's use, I truly believe that the
11 Commission should have access to it. Having access. But I don't know how it should
12 be -- maybe they can translate what is in that report into things that will protect the
13 confidentiality of the participants and use it in a very closed type setting. That's just my
14 feelings.

15 **MS. RACHEL YOUNG:** So in terms of the report having any utility
16 for change in H Division, you're saying, given the way it was written, ideally the key
17 points would have been taken out with an action plan sent to H Division. Did that ever
18 happen, to your knowledge?

19 **COMMR BRENDA LUCKI:** No, only recently. Because when I
20 was going to H Division, then of course I found out that the report had been completed.
21 I also was told that in -- there was some small email in December and then in January
22 talking about the report in general and some themes, and that they were going to work
23 through it and come to some actions. I only learnt this recently.

24 When I spoke to the officers in E Division, I committed to them
25 getting minimally a summary, and getting a list of each and every recommendation, and
26 that if an action plan was not created, that an action plan would be created and shared
27 with the participants.

28 So all of that has happened, but only recently.

1 **MS. RACHEL YOUNG:** July of 2022?

2 **COMMR BRENDA LUCKI:** Yeah.

3 **MS. RACHEL YOUNG:** So you don't really know why National
4 Headquarters didn't act on it sooner?

5 **COMMR BRENDA LUCKI:** I just think it -- someone dropped the
6 ball or it fell through the cracks amongst 100 other things. I'm not even sure. Like, it's
7 really unfortunate because I sort of feel if participants take the time to come forward and
8 be interviewed, then they have a right to know what's going to happen. And how are
9 you going to fix something if you don't, you know, follow through? And it's closing that
10 loop. And I'm -- that's why I think I was -- because I'm such a stickler about compliance
11 and closing the loop, I was -- wasn't happy with the fact that -- I know that there are
12 some things though, I will say, that have been worked on, unofficially, like not through a
13 tracking document, but I know that the CHRO has been working -- previous CHRO is
14 working through some of the things.

15 But again, in the spirit of transparency and accountability, that just
16 sort of falls against that. So we do need -- like, that needed to be done better.

17 **MS. RACHEL YOUNG:** That was almost a year where the ---

18 **COMMR BRENDA LUCKI:** Yeah.

19 **MS. RACHEL YOUNG:** --- dysfunction and problems with retention
20 were allowed to continue; right?

21 **COMMR BRENDA LUCKI:** Yeah, absolutely.

22 **MS. RACHEL YOUNG:** Ms. Bergerman said a number of her
23 officers complained to her after the events about feeling burn out and wanting to start
24 charting their course to retirement and so on. Did you ever consider whether the
25 demands of reporting up to National Headquarters and aligning public messaging with
26 National Headquarters was itself a stressor on the senior leadership at H Division?

27 **COMMR BRENDA LUCKI:** Well in a general sense, in any of our
28 major events, there always is sort of a spike in attrition. People -- some people just re-

1 evaluate their life and say, you know what? "I'm at the retirement age," or "I'm going to -
2 - you know, this is too stressful." You know, sort of do a self-evaluation. So that's not
3 unusual.

4 To say that it's attributable to the Headquarters and divisional
5 relationship, I don't think, for the majority of the people, they're thinking in those terms. I
6 think they're thinking about the effect of what happened and the negative narrative that
7 resulted, and Canadians losing trust in their local RCMP, which up to then, they had a
8 fairly good relationship with the citizens of Nova Scotia. So post-event, it's really hard to
9 listen to that and it's really hard to take that, because as a manager, I know when I was
10 a district officer and I'd hear criticism, I would know that the majority of my people are
11 out there doing a great job, connecting with the community, working hard, solving crime,
12 stopping crime. But then things happen and you don't want that to be a defining
13 moment. You don't want that to be a turning point. And that's sort of what happened.
14 And I think it was a hard pill to swallow for the managers because they take it in
15 internally.

16 And I honestly wouldn't expect anything differently because I think
17 as Commissioner, and I'm far removed directly in this situation, and when I saw the
18 narrative in the news and I see some of the narrative or some of the -- you know, some
19 of the theories that are out there, it's hard to take. I'm not a person who watches the
20 news, but I hear enough of it that I couldn't imagine, you know, day in and day out
21 listening to that. If that does not have a negative effect on you, and if that doesn't make
22 you want to retire if you're at that age when you can, -- it's hard.

23 You know, and -- my hat's off to people that have, you know,
24 worked through it and, you know, come on the other end of that. I don't know. You
25 know, it's not an easy task to do. It saddens me and it hurts me to see some of the
26 effects that it had on people.

27 I look at -- you know, I look at the senior managers, I look at Lee
28 Bergerman, I look at Chris Leather, and I look at Darren Campbell. They were under

1 extreme pressure all the time and carrying the weight of the Division. I know what it's
2 like because often I carry the weight of the RCMP and I -- it's not an easy thing to be a
3 leader and, under that criticism. And it's not just criticism on this event. We have the
4 events of George Floyd and criticism of systemic racism in policing, not just the RCMP,
5 in policing. And it affects our recruiting. When people don't want to join your
6 organization, and before this, we had thousands of people wanting to join our
7 organization, that's got to take a toll on you. And I know it does, because it takes a toll
8 on me every single day. And I think, "How can we do better? And we need to do better.
9 And how can we be more modern?"

10 And I said -- when I took the job, I said I would not leave any stone
11 unturned, and I joke and I say I didn't realize I was in a gravel pit, because there's a lot
12 of stones that you have to -- you know, modernization doesn't stop and it doesn't start.
13 Like all of a sudden, I can say, "Oh, today we are now modern." It doesn't work like
14 that. every single thing that we look at, we have to say, "Okay. We need to change
15 this. But it's good enough right now, because we don't have the resources to do
16 everything." "This one, it can wait another year." "This one, oh my gosh. No, we've got
17 to do this one right now." So it's prioritizing things and making change.

18 And I equate it to dieting. I did not gain weight over night. I'm not
19 going to lose it overnight. The second I do a quick fix, I will regain that weight.

20 So culture change in a big organization of 32,000 people takes
21 time. And it -- for it to be sustainable, it has to take time, because if it's a quick fix, it will
22 come and go. It will be the treat of the week, the flavour of the month. I don't want to
23 make change like that. I want things to be very strategic, very succinct, and very
24 sustainable.

25 So it's all about creating processes, which we will do in Nova
26 Scotia, so that when Lee comes and goes, and now Dennis Daley's going in the chair,
27 when Dennis Daley comes and goes, it's not going to drop because Dennis Daley had a
28 good idea and as soon as he leaves, "Oh, it's gone." No. It has to be processed and

1 protocol, policy, procedure. People have to know what you're doing. You have to
2 communicate it. So there's a lot of work to changing a culture.

3 **MS. RACHEL YOUNG:** That was one thing that C/Supt. Leather
4 identified as having made his job more difficult. When he came in as CrOps officer,
5 there was no meeting with his predecessor, she was already gone. When he left, his
6 successor had not been named. There was no transition planning process. So he
7 identified that as something he would actually -- he mentioned it to Commissioners in
8 the context of a possible recommendation. Is that a weakness that you plan to
9 address?

10 **COMMR BRENDA LUCKI:** Well I'm not so concerned about if
11 there's a transition, because sometimes someone will leave very quickly, and you might
12 not have the benefit of the transition.

13 **MS. RACHEL YOUNG:** But he gives six-months' notice.

14 **COMMR BRENDA LUCKI:** Yes.

15 **MS. RACHEL YOUNG:** And he was asking and asking could his
16 successor be named; he wants to meet with them. When he left his old position, he
17 actually travelled back just to meet with that person for their benefit.

18 **COMMR BRENDA LUCKI:** Yeah.

19 **MS. RACHEL YOUNG:** But nobody did that for him. So it was
20 identified as an issue.

21 **COMMR BRENDA LUCKI:** No. And why I say I'm not as
22 concerned, I'm more concerned with there has to be a transition process. So when I
23 came in as Commissioner, my predecessor had left and -- but I had a whole team that
24 briefed me on -- continually for months. Like, it would start off with, "Here's the urgent
25 stuff, here's..." -- you know, as you go on. The same thing I do with the Minister when
26 they changed ministers from Minister Blair to Mendicino, I was re-briefing. I had already
27 briefed Minister Blair when he came in the chair; we have a briefing binder, so to speak.
28 We make sure that we prioritize the briefings, we combine briefings, we make sure that

1 he gets the issues. And then, obviously, there's one-offs. All of a sudden, something
2 comes up and you go, "Oh, okay, we're going to brief you on that."

3 So there has to be a process; there has to be a transition binder.
4 We -- there is processes in place for when the Commanding Officer -- there's a
5 corporate side of the house, Strategic Planning, they're called, or Operational Strategy
6 Branch; there's different names in different divisions. They're responsible for putting
7 together a transition binder and making sure.

8 So if in fact they don't have the benefit of having that time with the
9 person who came before them, there needs to be some form of process for them to get
10 the information they need to be most effective. If we can, in the case of having -- I'll
11 give you a recent example, my Professional Responsibility Officer, who's responsible for
12 all conduct matters, grievances, and public complaints in the RCMP gave enough notice
13 and we were able to name her replacement. So we brought the replacement in a
14 month in advance and there was a great transition.

15 When that happens, when we can do that, that should absolutely
16 happen, I agree with you. Sometimes it can't.

17 **MS. RACHEL YOUNG:** Do you agree that that lack of transition
18 management can affect relationships with outside organizations? So, for example,
19 there was a large amount of turnover in senior leadership in H-Division in the 2018,
20 2019 period. Now again, you know, four major players are gone and, you know, if
21 someone could be in the chair long enough to kind of give you the idea of who's who in
22 the province and stuff, would that not help with relations with other provincial and
23 municipal partners?

24 **COMMR BRENDA LUCKI:** Absolutely. But I have to say that, you
25 know, in all the time, the four and a half years I've been Commissioner, that was very
26 unusual, what happened in H-Division with all the people leaving. Obviously some of it
27 had to with the affects of the mass casualty, people were leaving a little earlier than their
28 prescribed time, which there's not a set prescribed time but we have sort of a general

1 guideline. And having three of your senior leaders leave at the same time, in all my
2 time in the four and a half years, we've only had, okay, a CrOps Officer's leaving so we
3 replace, but the Commanding Officer is still there so your corporate knowledge is going
4 out the door all at once. So it was very unusual.

5 And then there was a lot of unusual circumstances because we
6 actually had somebody named, ready to go, and then some unusual circumstances
7 occurred. Then we had somebody else named, and unbelievably, some very unusual
8 circumstances occurred. And then I don't know if it was pure luck, we were able to
9 secure Dennis Daley going back when he was originally slated to go. So it worked out
10 in the end, but it was very painful, I have to say, to watch that happen.

11 And, like, someone like Chris Leather is thinking, "I'm only going to
12 be here for a month or two," because that's what usually happens. All of a sudden,
13 those two months turned into many more months, and it wasn't a usual way of
14 succession planning that we do. It was just almost like a little bit of a perfect storm that
15 happened there.

16 And so there's lessons to be learned. I've had discussions with our
17 Executive Officer, resource developing, saying we need to be far more future-leaning,
18 looking at doing more succession planning. I hate to say it, but our staffing is not based
19 primarily on succession planning, sometimes it is actual cold filling, and that's
20 unacceptable. We need to get better at succession planning and know when this
21 person leaves, who is the potential candidates, and if somebody in that group leaves
22 and then all of a sudden we're left with nobody, well, then we need to replenish the
23 potential candidates. We have to get better at succession planning, yes.

24 **MS. RACHEL YOUNG:** I want to ask you about a particular issue
25 that's been cited by Municipal Chiefs of Nova Scotia as having affected their
26 relationship with the RCMP in 2021 and 2022, including the way it was communicated
27 or not, and what I'm interested in knowing from you is whether it's a Nova Scotia issue
28 or it's happening across the country; and that is, the relatively new practice of tracking

1 RCMP expenditures on specialized services used in provincial policing or in municipal
2 areas where it doesn't act as the municipal police force. So historically, at least in Nova
3 Scotia, we've been told that under a legacy provision of the PPSA, this cost was
4 absorbed by the Province where, for example, the RCMP assisted with the ERT team or
5 the FIS team or another specialized service. When C/Supt. Leather came in, he started
6 the process of tracking, so the RCMP could account to the provincial government why it
7 was starting in deficit each year. And so is that a change that's happening in all
8 provinces where the RCMP acts as a provincial police force?

9 **COMMR BRENDA LUCKI:** Well, it's interesting that you ask that
10 question because in 2009 when I was in -- I was a District Officer in Thompson,
11 Manitoba, we actually had a tracking document for the municipal contract that we had
12 with the City of Thompson, and quarterly I would report specifically on every extra
13 resource or groups of resources that they would receive, attached to file numbers, and
14 the amount that it cost. We didn't recover the money, but we showed them that this is
15 what they were getting for nothing.

16 There was -- a few years before I became Commissioner, there --
17 the government asked for KPMG study to do -- to look at the RCMP in regards to
18 funding and resourcing.

19 **MS. RACHEL YOUNG:** What year was that?

20 **COMMR BRENDA LUCKI:** I want to say, oh, in 2016'ish, I can't
21 remember. All I know is that out of that, they said to the RCMP, they said to the
22 government, "The RCMP is not funded or resourced to do everything you're asking
23 them to do." And we estimate, I think it was in that report, over several hundred million
24 dollars of unrecovered money or work that the RCMP has done for other agencies that
25 they have not recovered. And this is a very -- this happens quite a bit and we're looking
26 at it because obviously in 10 years we will have a new contract. In 2032, there's -- so
27 we need to start talking about the contract, and we have to look at things that are not
28 recovered.

1 So I used the example -- the easiest example I use is, for example,
2 witness protection. We do witness protection. It is 100 percent federally paid for, yet 80
3 to 90 percent of the files are provincial. So this is something that the federal side of the
4 RCMP pays for, but it's consumed by 70, 80, depending on what we're talking about,
5 percent is consumed by other municipalities or provinces. So there's a lot of things that
6 aren't being recovered.

7 **MS. RACHEL YOUNG:** So when you say provincial, do you mean
8 because they're prosecuted by the Province, or they're ---

9 **COMMR BRENDA LUCKI:** The person is protected underneath a
10 provincial file, not a federal file.

11 **MS. RACHEL YOUNG:** Okay.

12 **COMMR BRENDA LUCKI:** So it's not a national security file that is
13 under the federal policing mandate; it's a *Criminal Code* provincial-generated file. The
14 same would go for surveillance, another example, but -- so it's the sustainability ---

15 **MS. RACHEL YOUNG:** So -- but are you saying this is a
16 longstanding practice? And if so, where did it originate? Was it from the Commissioner
17 of the day saying, "We start -- we need to start tracking," or was it -- is it something from
18 the Contract and Indigenous Policing Office?

19 **COMMR BRENDA LUCKI:** No, it's not being done from coast to
20 coast to coast, to my knowledge. But I -- in the case of Nova Scotia, when you're trying
21 to present a case and make evidence-based decisions, you need to provide the
22 evidence. So if you're saying -- if you're going to go to the Province and say, "We
23 provide umpteen different dollar amounts of resourcing that are not recovered, which
24 puts us in a deficit at the beginning of the year," well, you ought to do your research,
25 and so that's probably why it was done. We have other entities who have done that but
26 it's not standard across the country.

27 **MS. RACHEL YOUNG:** My understanding of why some of the
28 municipal Chiefs took umbrage at this was that there was some correspondence

1 implying that this wasn't sustainable to keep doing this, and so it was perceived as a
2 threat that the RCMP would stop providing the services. Is that a possibility?

3 **COMMR BRENDA LUCKI:** We will never compromise the safety
4 of Canadians. If something that we do -- even though that we're paying for it and we
5 shouldn't be paying for it, if it's going to compromise the safety of Canadians, we will
6 continue to do it; we will find a way. But if we keep doing that, we get to the point of -- a
7 breaking point where we may not be able to sustain certain things. So although that
8 activity would not be stopped because it -- we don't want to compromise officer safety,
9 other things might have to drop off the table, and the last thing we want to do is drop
10 things off our own table to sustain activities for different agencies. But again, we won't
11 ever compromise Canadians' safety over dollars. We have to figure that out, absolutely.

12 **MS. RACHEL YOUNG:** We've heard that the Province of Nova
13 Scotia's about to introduce new policing standards. Will the RCMP follow those
14 standards?

15 **COMMR BRENDA LUCKI:** It depends. We've had different
16 divisions who have certain standards that we actually can't because they're against
17 some federal legislation. So if something comes up that is contrary to a federal
18 legislation that we're bound to, we have to figure out a way to reconcile it.

19 I think a good example that comes to my mind is -- and I don't know
20 the intimacies, but Claire's Law when it came into Saskatchewan, we couldn't do it
21 because of the *Privacy Act*, which is a federal statute. So we weren't allowed to do it in
22 the form it was presented or the legislation, the way it was presented provincially. We
23 would be breaking the *Privacy Act* if we had enforced it.

24 So we've worked with the province and we worked with the feds
25 and we found a way to be able to do it, so that's an example where it's not a lack of
26 willingness. Sometimes it's just we would be breaking legislation if we did.

27 **MS. RACHEL YOUNG:** And the RCMP is participating in this
28 process and has a say, but if, for example, the new provincial policing standards conflict

1 with RCMP policies, then the RCMP would follow its own policies?

2 **COMMR BRENDA LUCKI:** Policy is adaptable, so when I --
3 legislation not so much, or depending on the guidelines. If it's something that is non-
4 negotiable, we have to figure out a way to work with the province on the standards.

5 It's the same as when we look at body worn cameras. It's an
6 expensive ticket item, so the government said, "We will fund this for a certain period of
7 time to allow you the opportunity to get your funding together so that you can continue
8 to fund it".

9 They didn't flick a switch and say, "You are now paying", they've
10 given the notice. So that's an example of trying to work together for the greater good.

11 **MS. RACHEL YOUNG:** I want to ask about the connection. Is
12 there a connection between policing standards and costs?

13 So do we know whether revamping policing standards in Nova
14 Scotia would result in increased costs for provincial policing, for example?

15 **COMMR BRENDA LUCKI:** It's hard to say. It depends on the
16 standard. But generally speaking, when you change a standard there is always some
17 type of cost to it. Some of it might be very sustainable. Some might be because you're
18 taking away costs here, so you can move money here.

19 There's no set rule that you're automatically raising the cost
20 because you can up your game without it costing money. You know, it's -- if we put in a
21 policy for people to do better on a certain part of an investigation, for example, it doesn't
22 mean it's going to cost money. But if it's something that requires training, now we --
23 we'll have to figure out where we're going to get money to create training for that. And
24 that might cost -- we may need additional resources for that.

25 **MS. RACHEL YOUNG:** Are you aware of whether there are any
26 discussions as to who would bear those costs?

27 **COMMR BRENDA LUCKI:** Not -- I'm not intimately involved with
28 the policing standards in Nova Scotia and exactly how they're rolling that out. I know as

1 an organization, we look at our own standards and there's been talk, obviously, of
2 Commissioner standards, for lack of -- that's the word they were using.

3 So for instance, in the MacNeil Report, they talk about carbines.
4 So when something is that important and that crucial to safety of Canadians and the
5 safety of the officers responding to the safety of Canadians, it shouldn't be that one
6 province has them because they have money and another province doesn't it if it's that
7 important, if it's that high risk.

8 So we have to figure out how we can make it so that if we change a
9 standard that everybody gets to implement that standard at the same time and it's not a
10 have and a have not province where we -- that there's different standards if it's that
11 important and that high risk.

12 **MS. RACHEL YOUNG:** So is that a discussion that needs to be
13 had nationally regarding all provinces for which the RCMP acts as a provincial police
14 force?

15 **COMMR BRENDA LUCKI:** Well, it's always important -- when a
16 province is changing their standards, we always bring it into a National Headquarters
17 lens because if a province feels that that is that important that they want to make a
18 standard, maybe it's something that we need to do across the country. And maybe it's
19 just a great idea coming out of this province that they say this. We have to look at it as
20 an organization because of our decentralized nature of our police agency and the
21 different contracts we have.

22 An example is -- and it's not a standard, but Alberta brought in a
23 reintegration program when people are off work for an extended period of time and how
24 they can reintegrate and rebuild their confidence and rebuild their skills to be going back
25 to frontline policing. It was such a great program that we said, well, why would only the
26 members in Alberta get that program. Why don't we roll that out across the country and
27 how can we do that minimizing cost?

28 And you know, the program was fully baked in Alberta. We didn't

1 have to reinvent the wheel.

2 Another great example out of Nova Scotia is swearing oaths on an
3 eagle feather came out of Nova Scotia. We said my goodness, that's a great initiative.
4 Why wouldn't we do that across the country? Very minimal cost to it, but the idea was
5 there, the policies were there, the procedures, how to implement it, so we just stole it
6 and copy it and use it.

7 **MS. RACHEL YOUNG:** Commissioners, I'm going to be moving to
8 a different area. Would this be a convenient time to break for lunch?

9 **COMMISSIONER MacDONALD:** Yes, it would be. We'll break for
10 one hour.

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

12 The proceedings are now on break and will resume in one hour.

13 --- Upon breaking at 1:03 p.m.

14 --- Upon resuming at 2:14 p.m.

15 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
16 proceedings are again in session.

17 **COMMISSIONER MacDONALD:** Thank you.

18 We'll ask the witness to come forward.

19 Hello again, Commissioner Lucki. We will have Ms. Young
20 continue her questions.

21 **--- COMMR BRENDA LUCKI, Resumed**

22 **--- EXAMINATION IN-CHIEF BY MS. RACHEL YOUNG, cont'd:**

23 **MS. RACHEL YOUNG:** Good afternoon, Commissioner Lucki.

24 Next I'm going to ask you about the role of communications in the
25 RCMP post events.

26 We've heard a lot about the RCMP's communication strategies.
27 You said in your interview at page 36 that you have a full team of communications
28 experts at National Headquarters and that they assist or even take over

1 communications for a division during a major event; right?

2 **COMMR BRENDA LUCKI:** Depending on the circumstances, yes.

3 **MS. RACHEL YOUNG:** And for the first several months after the
4 events, you had some press conferences and “H” Division also had press conferences;
5 right?

6 **COMMR BRENDA LUCKI:** In the days. Maybe not in the months
7 following, but definitely within the first 10 to 12 days.

8 **MS. RACHEL YOUNG:** And as well, part of the media
9 communications strategy for “H” Division involved something called the Issues
10 Management Team, which we talked about in your interview. And I'd just like to
11 understand a bit more about the purpose of that team.

12 So I gather an Issues Management Team was stood up in “H”
13 Division in part to enable briefing up from “H” Division to National Headquarters; right?

14 **COMMR BRENDA LUCKI:** Yeah. I wasn't too familiar with the
15 Issues Management Team when you mentioned it in the interview. I know that it was
16 something -- I did learn a bit about it, but I wasn't -- I didn't correspond with them at all
17 and I didn't know it existed at the time of when it was created.

18 **MS. RACHEL YOUNG:** Well, there were two Superintendents
19 moved in from out of province. You knew about that ---

20 **COMMR BRENDA LUCKI:** Yes.

21 **MS. RACHEL YOUNG:** --- Superintendent Dimopoulos and
22 Superintendent Santosuosso.

23 So is this a regular thing? Does the RCMP set up these Issues
24 Management Teams after a major event, or was this a one-off for this situation?

25 **COMMR BRENDA LUCKI:** That's the first I was familiar with
26 something like that.

27 There might have been some form of that in other divisions
28 following events. They obviously didn't call it an Issues Management Team because

1 post-Mayerthorpe or post-Spiritwood there was a lot of things that needed to be done
2 and so they created, you know, a working group, so to speak. And I don't know if it was
3 specifically issues management that they called it.

4 **MS. RACHEL YOUNG:** It does appear that you had some direct
5 contact with members of the team.

6 Can we see COMM62686, please? This is the notes of
7 Superintendent Dimopoulos at page 54 of the counter.

8 And so you see there on the left -- I realize these aren't your notes,
9 but we've got the date there, September 1st, 2020, and at the time, 1400, it says:

10 "Briefing with Commissioner, Darren Campbell, Chris
11 Leather, Brian Brennan, Dennis Dailey, Alison Whelan
12 and Rob O'Reilly." (As read)

13 So I think we know who most of those people are. Rob O'Reilly
14 was your Chief of Staff at the time?

15 **COMMR BRENDA LUCKI:** Yes.

16 **MS. RACHEL YOUNG:** And who's Alison Whelan?

17 **COMMR BRENDA LUCKI:** Alison Whelan, right now she's my
18 Strategic Policy and External Relations Officer, and she would have probably been in
19 that position at that time. She wasn't in the position at the time of the mass casualty.

20 **MS. RACHEL YOUNG:** And so what was her position at the time
21 of the mass casualty?

22 **COMMR BRENDA LUCKI:** She was in federal policing, I believe.

23 **MS. RACHEL YOUNG:** Okay. But she's a civilian?

24 **COMMR BRENDA LUCKI:** Yes.

25 **MS. RACHEL YOUNG:** So that was at 2 o'clock. And then at
26 1605, so just over two hours later, it says:

27 "Presentation over, not completed. Commissioner
28 had to go. Presentation not completed, issues not

1 discussed and superficial comment made about style
2 of presentation by Commissioner regarding the use of
3 a second monitor. Alison Whelan..."

4 Can we make it a bit bigger, please, Madam Registrar?

5 "...questioned objectives. Explanation provided by
6 Darren Campbell. Very frustrating presentation. No
7 engagement. No understanding of gravity of what's
8 coming." (As read)

9 Do you recall this presentation?

10 **COMMR BRENDA LUCKI:** No, I don't, actually. The only -- the
11 first thing I thought it might be, which then it wouldn't be that, is when I got a full briefing
12 on the sequence of events, and that was several months after the event. But I don't
13 think this was that.

14 **MS. RACHEL YOUNG:** Given who's present, it's safe to infer -- it
15 doesn't actually say this -- but that it was a briefing about the "H Strong" investigation;
16 right?

17 **COMMR BRENDA LUCKI:** Yeah. Whose notes are these?

18 **MS. RACHEL YOUNG:** This is Superintendent Dimopoulos, Costa
19 Dimopoulos, who ---

20 **COMMR BRENDA LUCKI:** Okay.

21 **MS. RACHEL YOUNG:** --- was a member of the Issues
22 Management Team.

23 **COMMR BRENDA LUCKI:** Unfortunately, I do not recall this.

24 **MS. RACHEL YOUNG:** So you don't recall why he would have
25 been there with these other people.

26 **COMMR BRENDA LUCKI:** It was some form of briefing from the
27 "H Strong" or, you know, the mass casualty event, but what it was specifically in regards
28 to when it says "issues not discussed", I'm not sure what the presentation was about.

1 And the fact that it -- we were there for two hours, I have no recollection.

2 **MS. RACHEL YOUNG:** So you don't recall why you had to leave
3 before they were done presenting?

4 **COMMR BRENDA LUCKI:** Sorry?

5 **MS. RACHEL YOUNG:** You don't recall -- it said that you had to
6 leave and that they weren't finished the presentation.

7 **COMMR BRENDA LUCKI:** Yeah, I don't recall it.

8 **MS. RACHEL YOUNG:** You don't recall it? Okay.

9 Another member of the Issues Management Team, Chief
10 Superintendent John Robin, was out in the community speaking to civilian witnesses
11 during a pending SIRT investigation with a business card saying "Mass Casualty
12 Commission" on it.

13 If we could see COMM0060021, please. This is already an exhibit,
14 P-004021.

15 Now, I appreciate the French side on the right does say "réponse"
16 to the Commission, but on the left it just says "Nova Scotia Mass Casualty Commission"
17 at the bottom.

18 So you're aware of that; right?

19 **COMMR BRENDA LUCKI:** I was made aware of it through a letter
20 from the Commissioners of the Mass Casualty Commission. I didn't actually see the
21 card.

22 **MS. RACHEL YOUNG:** Okay. And so that letter is at
23 COMM0061748. Can we see that, please?

24 There's also -- we don't need to bring it up, but there's an
25 associated email chain that's been made an exhibit, P-094022, which explains how the
26 Commission got the business card.

27 So this is the letter that the Commissioners wrote to you May 11th,
28 2021 expressing their concern about this business card business. And then you replied

1 -- can that be made an exhibit, please?

2 **REGISTRAR DARLENE SUTHERLAND:** That's 4225.

3 **--- EXHIBIT No. 4225:**

4 (COMM0061748) Letter from the Commissioners wrote to
5 Commissioner Lucki on May 11th, 2021 expressing their
6 concern about this business card

7 **MS. RACHEL YOUNG:** You replied at COMM61749.

8 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 4226.

9 **--- EXHIBIT No. 4226:**

10 (COMM0061749) Reply from Commissioner Lucki

11 **MS. RACHEL YOUNG:** Can we see that letter, please?

12 You recall this letter, Commissioner?

13 **COMMR BRENDA LUCKI:** Yes, I do.

14 **MS. RACHEL YOUNG:** So that was -- you replied May 19th and
15 thanked the Commissioners for sharing their concerns, assured the Commissioners that
16 you respect the mandate.

17 And then if we can scroll down.

18 And it's been clarified he's not an employee of the Mass Casualty
19 Commission. And can you scroll down again?

20 And you extended your sincerest apologies.

21 So did you look into that to find out what John Robin was doing?

22 **COMMR BRENDA LUCKI:** Not me personally, but when it was
23 brought to my attention, of course I tasked it out. I have a Commissioner's Tasking
24 Unit. They would have tasked it back to the division to find out what went wrong so that
25 -- and in order to prepare my response, they would have done -- looked into it, and
26 that's when we discovered that, obviously, from what I understood, there wasn't an
27 intention to misrepresent, but I could -- I could obviously see connection to the
28 Commissioners' concerns and was grateful that it was brought to our attention because

1 if we had compromised the independence of the Mass Casualty Commission, especially
2 at that point, it could be detrimental for them.

3 We didn't want to be affecting the independence, so it was good
4 that we fixed that. We seized -- got Chief Superintendent Robins to stop using the
5 cards and, as well, I think we did some media to explain to make sure we detached
6 ourselves from that.

7 **MS. RACHEL YOUNG:** But I mean, what was he doing?
8 He's not a member of the investigation itself; right?

9 **COMMR BRENDA LUCKI:** That part I don't know. I think it was
10 more of a pre-emptive of what we know to be "H Strong", gathering up facts in order to
11 be able to respond to the Commission's requests.

12 I intimately don't know specifically, but I know he was -- he was
13 brought into the division to assist with the issues coming out of the -- not the
14 investigation, but the event.

15 **MS. RACHEL YOUNG:** We saw an email from Chris Leather
16 which was April 29th, so the day after you met with "H" Division officers to say you
17 weren't happy with the briefing up, to say that in light of the fact that there was
18 unhappiness from Ottawa about the briefing up, they were going to stand up this Issues
19 Management Team. So there was that role.

20 There was apparently a role in gathering disclosure, but as far as I
21 know, there's no direct operational or investigative role. Is that your understanding as
22 well?

23 **COMMR BRENDA LUCKI:** Yes. And like I I'm not sure because I
24 had very little direct involvement with the Issues Management Team per se other than,
25 obviously, I had a meeting with them, but I don't recall a lot of interaction. For me, it
26 was more briefings in general and I wasn't attaching it to an entity. I was thinking more
27 that I'm getting briefed on the events themselves and some of the issues resulting in the
28 reviews that were being done, for example.

1 But I didn't attach it to an Issues Management Team.

2 **MS. RACHEL YOUNG:** This is the same Chief Superintendent
3 John Robin who was the husband of Chief Superintendent Janis Gray of "H" Division;
4 right?

5 **COMMR BRENDA LUCKI:** Yes.

6 **MS. RACHEL YOUNG:** And you're also aware that Mike Butcher,
7 who was on the Issues Management Team, is the husband of Lee Bergerman?

8 **COMMR BRENDA LUCKI:** Yes.

9 **MS. RACHEL YOUNG:** Can we see COMM0039711, please,
10 Madam Registrar? I believe this is already an exhibit.

11 This is the RCMP Conflict of Interest Policy. If we could go down to
12 Section 9, please.

13 So that 9.2 is about employees, 9.2.1 says "Do not give preferential
14 treatment or advantage to family, friends or any other person or entity." 9.2.2:

15 "Avoid hiring or directly supervising members of your
16 family or any person with whom you have or have had
17 a personal relationship in order to avoid a conflict of
18 interest."

19 So you would expect senior "H" Division officers to be aware of this
20 policy; right?

21 **COMMR BRENDA LUCKI:** Yes.

22 **MS. RACHEL YOUNG:** And to follow it?

23 **COMMR BRENDA LUCKI:** Yes.

24 **MS. RACHEL YOUNG:** And can we also see COMM0054503,
25 please?

26 This is the RCMP Code of Conduct.

27 That's already an exhibit, I believe, Madam Registrar.

28 **REGISTRAR DARLENE SUTHERLAND:** It's Exhibit 4213.

1 **MS. RACHEL YOUNG:** Can we go down to number 6, please?

2 So number 6 is "Conflict of Interest", and it says:

3 "Members avoid actual, apparent or potential conflicts
4 between their professional responsibilities and private
5 interests."

6 So you'd expect your senior officers to follow that; right?

7 **COMMR BRENDA LUCKI:** Yes.

8 **MS. RACHEL YOUNG:** So in your view, did the appointment of
9 Mike Butcher and John Robin to the Issues Management Team run afoul of these
10 RCMP policies?

11 **COMMR BRENDA LUCKI:** Yeah, I believe -- well, I believe so.
12 And we actually did a review of that when it came to light and it was in fact -- it was, I
13 think, at the onset, was fairly obvious that the conflict existed, but we just wanted to
14 make sure that we did the proper investigation to afford fair process.

15 **MS. RACHEL YOUNG:** And they were both let go from those
16 positions after that; right?

17 **COMMR BRENDA LUCKI:** Yes.

18 **MS. RACHEL YOUNG:** The men were. And were there any
19 consequences for them? Any discipline consequences or anything -- or for the wives?

20 **COMMR BRENDA LUCKI:** Not to my knowledge.

21 **MS. RACHEL YOUNG:** Okay. Do you know who made the
22 decision to hire the two spouses?

23 **COMMR BRENDA LUCKI:** I am not sure. I think I read
24 somewhere it was in-between C/Supt. Chris Leather, but I'm not sure. No, I didn't
25 know.

26 **MS. RACHEL YOUNG:** Would that have been a part of the
27 review? Looking into that? Who made the decision.

28 **COMMR BRENDA LUCKI:** Yeah, that was part of the review, who

1 made the decision to hire.

2 **MS. RACHEL YOUNG:** We talked about your April 28th, 2020
3 meeting with H Division officers after their press conference in your interview, but since
4 that interview on August 4th, a couple of things have surfaced that I wanted to ask you
5 about.

6 So last Friday at 6:58 p.m. Atlantic, the Commission received an
7 email from the Attorney General of Canada, which was new disclosure, and perhaps we
8 can see that? It's COMM0063051. And can that be made an exhibit, please?

9 **REGISTRAR DARLENE SUTHERLAND:** It's Exhibit 4227.

10 **--- EXHIBIT No. 4227:**

11 (COMM0063051) Email from the Attorney General of
12 Canada

13 **MS. RACHEL YOUNG:** If we can just scroll down first? So this is
14 the email from you that we have seen different variation on this chain. So this is from
15 you to Zita Astravas, who is the Minister's Chief of Staff with the firearms details. And
16 then so one of the people copied on that, if we can stop there, we've got Rob O'Reilly
17 copied. So he was your Chief of Staff. And then Rob Stewart was the Deputy Minister
18 of Public Safety?

19 **COMMR BRENDA LUCKI:** Yes.

20 **MS. RACHEL YOUNG:** Okay. And then if we go up one little part
21 of the chain, stop there please, we have Mr. Stewart forwarding this email and asking:

22 "Are any of these on the to-be banned list?" (As read)

23 That's April 23rd, 2020.

24 So did you ask him to forward that email and make that inquiry?

25 **COMMR BRENDA LUCKI:** No, I did not.

26 **MS. RACHEL YOUNG:** Or was that tasked out?

27 **COMMR BRENDA LUCKI:** No, I didn't. It wouldn't surprise me
28 though. I know for myself personally, when I get certain emails that I have no

1 knowledge or I don't have the expertise, I often will go to my experts. In that case, the
2 person that he sent it to was the -- sort of the subject-matter expert in Public Safety to
3 deal with the firearms legislation.

4 **MS. RACHEL YOUNG:** That's Randall Koops?

5 **COMMR BRENDA LUCKI:** Yes.

6 **MS. RACHEL YOUNG:** And so obviously if you CC someone, then
7 you lose control of it, to the extent that anyone you copy can then forward that email;
8 right?

9 **COMMR BRENDA LUCKI:** Yes.

10 **MS. RACHEL YOUNG:** And were you aware that H Division, that
11 certainly in the mind of I believe Chris Leather, that that wasn't going to be shared
12 beyond the RCMP? The firearms information.

13 **COMMR BRENDA LUCKI:** When I sent that information on the
14 23rd? I -- the request was that the Minister and the Government of Canada was looking
15 for that information when I made the initial request. When I got the information, there
16 was no caveat to that information. I sent it forward and it was almost at the same time,
17 or even before, but I didn't see the email until after, was an email about sharing it only
18 internally, which for myself, I found that a little bit redundant because we would never --
19 we share things internally at certain levels. Like I have no hesitation, anything that I
20 know, I have no hesitation sharing it with people in my senior executive committee. So
21 to say -- usually when I get information, if there's caveats, you'd say, "Please do not
22 share outside the RCMP. Please do not share with Government of Canada or share up
23 to the Minister." When I get information -- I get a lot of information, for example, from
24 the Federal Policing National Security side, and there's certain caveats -- there's always
25 caveats on that. The information that I got in the initial instance had no caveats and it
26 was shared up.

27 **MS. RACHEL YOUNG:** By "to-be banned list", Mr. Stewart meant
28 was it on the list of guns in the forthcoming firearms legislation to be announced May

1 1st, 2020; right? That's what he meant by "to-be banned"?

2 **COMMR BRENDA LUCKI:** Yes, because we had been working for
3 the past few years under then Minister Goodale and then Minister Blair on gun
4 legislation. The legislation was created -- or drafted and created in January of that year,
5 of 2020 and it didn't change. What you saw, I want to say advertised, but not
6 advertised, but presented in May 2020 was the exact same. Nothing had changed. So
7 it didn't matter which guns were used in the incident because that legislation was
8 already drafted in its final form and it was presented in May of 2020.

9 **MS. RACHEL YOUNG:** Well if it didn't matter, why was he asking?

10 **COMMR BRENDA LUCKI:** Probably because they have an
11 interest in guns, and given the list of guns, he doesn't know the legislation well enough,
12 he's the Deputy Minister, and so he would have gone to his subject-matter expert,
13 Randall Koops, curious as to whether this was part and parcel of the lists that they had
14 put together, because they couldn't change the legislation by then.

15 **MS. RACHEL YOUNG:** But if it was part of the list, then what?
16 What use was going to be made of that?

17 **COMMR BRENDA LUCKI:** Excuse me?

18 **MS. RACHEL YOUNG:** Well so if the answer is yes, some of these
19 guns are on the to-be banned list, then what? What's the purpose of knowing that?
20 Was there going to be some use made ---

21 **COMMR BRENDA LUCKI:** I'm not sure. Maybe it would be part of
22 -- when they eventually release the legislation, maybe that's part of what they may use
23 as part of their argument. I'm not even sure. It could be. But it wasn't used -- like,
24 none of it was used for media or -- and none of it was -- they were asked not to share
25 that, like, any further in that email, contrary to what happened, actually.

26 **MS. RACHEL YOUNG:** And were you aware that Darren Campbell
27 didn't want the firearms details shared because it was ---

28 **COMMR BRENDA LUCKI:** Not directly ---

1 **MS. RACHEL YOUNG:** --- related to the investigation?

2 **COMMR BRENDA LUCKI:** --- from Darren Campbell, no. Like I
3 said, when I got the information on the firearms, there was no caveats of what could and
4 couldn't be shared. The only thing -- the only caveat that I had at that point was, "These
5 are the firearms seized, not the firearms used," because those were still under forensic
6 examination. And that was the only sort of descriptor I got of that list.

7 **MS. RACHEL YOUNG:** Can we please see COMM0049334,
8 please?

9 So since the Commission interviewed you on August 4th, the
10 Commission interviewed DC Brennan on August 10th, 2022, and he discussed some of
11 the emails and conversations around April 28th, 2020 before and after the press
12 conference. And the email that we're bringing up is between Lia Scanlan and DC
13 Brennan earlier -- before the press conference on April 28th, 2020.

14 **REGISTRAR DARLENE SUTHERLAND:** Could I have the COMM
15 number again, please? Sorry.

16 **MS. RACHEL YOUNG:** COMM0049334. That's the transcript.
17 Well, we can work with that. I think, if we scroll down to page 44 to 46 it probably has
18 the document number of the email as well. Keep scrolling down, please. Was that -- so
19 it's not page 44 to 46 of the counter? No? All right. We'll find the email.

20 But there's an email chain between -- so Lia Scanlan and DC
21 Brennan. In his interview, which the transcript is there, he said she told him before the
22 press conference, so the afternoon of the 28th, that Darren Campbell was not
23 comfortable discussing the details of the firearms. Now, we have the email on the
24 screen.

25 So if we scroll down to the bottom. Can we make it bigger, please?
26 And then scroll down to the bottom.

27 And so this was at 12:44 p.m. on April 28th,
28 "Superintendent Campbell..." -- this is from Ms. Scanlan:

1 "...intends to confirm semi-automatic handguns and
2 what can be considered as assault weapon. He and
3 the Investigative Team believe people may have
4 information about the guns. No other guns seized,
5 other than what was in the vehicle. This is what he is
6 comfortable saying." (As read)

7 And then if you scroll up. So DC Brennan is saying, "Will he be..."
8 -- he's asking, you know:

9 "Just to be clear, Darren's not comfortable noting the
10 make and model of the weapons seized." (As read)

11 And then she's -- if you look at the top it says:

12 "Thanks, Brian. See below." (As read)

13 So she is giving her answers to the right of the questions. She
14 says:

15 "Correct. Investigative Team, including Campbell."
16 (As read)

17 And so DC Brennan told the Commission that was made clear
18 before the press conference in terms of the expectations of what H-Division was going
19 to say, and he said that you were working down the hall from each other. He would
20 have walked down the hall and told you this. It made sense that he probably did that.
21 He did not have a note of it or said he had an explicit recollection, but he said he would
22 have let you know that because you were aware of the upcoming press conference.

23 So do you recall him telling you before the press conference
24 H-Division is not comfortable releasing the firearms details?

25 **COMMR BRENDA LUCKI:** No, and I think on that day, on the
26 28th, I was working from home. Like, we were very seldom in the office during the
27 COVID period. There was hardly anybody in the office, it was very early on in COVID. I
28 don't recall that conversation at all. I do recall, like I said, being asked about if the

1 weapons were going to be part of the media release.

2 I also recall my COMMS people really on, not just weapons, but on
3 the number of deceased, so location of the deceased, the types of -- the vehicles, the
4 background of the perpetrator, anything to do with the event, they were really pushing
5 the COMMS people on the ground, like in Nova Scotia. My COMMS people look at
6 things strategically, so they watch what's going on in the communications with media.
7 They look at what the criticisms are, what the gaps are in the communication. There
8 was a lot of criticism about asking -- there was a lot of questions about the weapons, so
9 they were really, from what I understood from my COMMS people, they were really
10 trying to push them to be more transparent in their approach to communications instead
11 of not being transparent because of an investigation.

12 This was a little different than in the fact that the perpetrator was
13 deceased, so there wasn't going to be a big court proceeding to determine the guilt or
14 innocence of a perpetrator because the perpetrator was deceased. So they were really
15 pushing the envelope with the Communications people to be as forthright and be more
16 proactive than reactive. Because the narrative, as was -- as we spoke about before,
17 was changing negatively towards the -- towards the event and towards the RCMP, and
18 my Strategic Communications was looking at that and trying to figure out how we could
19 best address that and counter that.

20 **MS. RACHEL YOUNG:** So your Communications people include
21 Sharon Tessier; right?

22 **COMMR BRENDA LUCKI:** Yes.

23 **MS. RACHEL YOUNG:** Okay. And -- so are you saying that you
24 thought it would help counteract negative media coverage to release firearms details?

25 **COMMR BRENDA LUCKI:** No, I wasn't really involved in that
26 portion of it on that day, I only got a question from the Minister's Office asking if the
27 details about the weapons were going to be part of the media event on the 28th. I had
28 no idea. I reached into my COMMS people and asked them if that information would be

1 part of the media event on the 28th. They came back and said yes in fact it would.

2 All of this back and forth I wasn't aware of, and I -- in fact, the final -
3 - there was so many versions of the speaking notes. I got a version early on in the day.
4 I didn't get -- I think there was other versions that kept coming, but it was such a moving
5 target. They were working fast and furious to get ready for the afternoon. The speaking
6 notes changed several times. I didn't follow the changes.

7 And normally what I would do is I would take that final version and -
8 - of the speaking notes and I would fire it up to my usual people that I brief up to, which
9 includes the Deputy Minister of Public Safety, the Minister through his Chief of Staff and
10 the National Security Advisor, but I didn't do that because I -- the versions -- the final
11 version, I think, almost came out the same time as the media event itself, so I didn't
12 even bother forwarding it.

13 **MS. RACHEL YOUNG:** DC Brennan was liaising with H-Division?

14 So -- right?

15 **COMMR BRENDA LUCKI:** Yeah, I wasn't.

16 **MS. RACHEL YOUNG:** So you would expect him to keep you
17 briefed, wouldn't you?

18 **COMMR BRENDA LUCKI:** Normally, like I said, we were -- in
19 normal circumstances we'd probably would have had my boardroom set up and we
20 would have been working out of the boardroom and being able to communicate face-to-
21 face. There was days where I was -- I was the only one in the office. I was not even
22 there with my chief of staff in the majority of the time. DC Brennan was working from
23 home often, as was Sharon Tessier. We did not -- very seldom were we in a room
24 together or even on the same floor. I know for the most part many of those days I was
25 working from my house.

26 **MS. RACHEL YOUNG:** And the reason I'm asking is ---

27 **COMMR BRENDA LUCKI:** Yeah.

28 **MS. RACHEL YOUNG:** --- by all accounts you expressed a strong

1 view that you had expected those details to be released at the press conference.
2 DC Brennan is saying he told you before the press conference that that would not -- that
3 H-Division did not want to release those details. So you're saying he didn't tell you that?

4 **COMMR BRENDA LUCKI:** Well, if he had told me that the first
5 thing I would have done is just briefed up and said it won't be part of the press
6 conference. And that's why I don't believe I was told because I -- it's -- the weapons
7 itself did not matter to me, it was the fact that I was given erroneous information that
8 bothered me because I pride myself on giving the right information. So when I was told
9 that -- I was asked a question, were they going to be included, I was told yes. I took the
10 time to return the answer to the question and say yes they would be part of the media
11 release.

12 If I had been told that they weren't part of the media release I would
13 have got on the phone and said no, they're not going to be part of it. So then I would
14 have had the information corrected. The fact that I was given the wrong information
15 was the part that frustrated me because it was just yet another example of the
16 miscommunication over the past 8 to 10 days.

17 **MS. RACHEL YOUNG:** Were you having Ms. Tessier pressure
18 Ms. Scanlan to have those details released?

19 **COMMR BRENDA LUCKI:** No. It was a question, are they going
20 to be released, not -- not do -- not any direction to release the documentation or to
21 release the information.

22 But I know in general my COMMS people were extremely frustrated
23 because they wanted the Communications in H-Division to be more transparent, more
24 forthright, try to provide more information. It was frustrating when even in one of the
25 media releases I -- we were talking about the number of deceased and my number was
26 different than the media's number, that was different than the H-Division number, which
27 we got the information from H-Division. So it was very confusing why different
28 information's were being given. But I don't make up the information. I just get the

1 information through my COMMS people, I repeat the information in a media event.

2 So there was a lot of frustration. Normally in an event like this there
3 would be two to three briefing notes or situational reports per day. I think I received
4 maybe three in 8 to 10 days. So the flow of communication wasn't at the normal pace
5 that is usual for an event such as this or for any major event. So there was some
6 frustration being experienced. Me giving the wrong information to the Minister's Chief of
7 Staff, the Deputy Minister, and the National Security Advisor was yet another example
8 of that.

9 **MS. RACHEL YOUNG:** And Madam Registrar, you brought that
10 email on screen between Ms. Scanlan and DC Brennan, but I don't know if we got the
11 COMM number. And has that been made an exhibit?

12 **REGISTRAR DARLENE SUTHERLAND:** It's COMM
13 Number 0049334, and it's been marked as Exhibit 4228.

14 **--- EXHIBIT NO. 4228:**

15 (COMM0049334) Email between Ms. Scanlan and DC
16 Brennan

17 **COMMR BRENDA LUCKI:** I've -- could I just add something ---

18 **MS. RACHEL YOUNG:** Sure.

19 **COMMR BRENDA LUCKI:** --- in regards to Communications?

20 Because I don't think it's the fault of any one individual or even the people on the
21 ground. The Communications Unit in Nova Scotia is set up for day-to-day
22 communications, but they're not set up for big events, such as what happened in this
23 mass casualty. They didn't have the capacity, and so it was very difficult for them to
24 keep the flow and the speed of the information coming forward. It was hard for them to
25 be proactive in their communications because they didn't have time to look at things
26 strategically.

27 And so that's where our Communications in National
28 Communications would lend a hand. In normal circumstances, we would have sent

1 those people down there immediately. But given the restrictions we only brought down
2 operational personnel in the first instance because we were afraid that we might bring
3 COVID to Nova Scotia with the restrictions, and part of their rules and restrictions for
4 Operational members.

5 I look at it now, and I go, you know what if this was -- if I was to do
6 this differently, I would have -- I think the importance of Communications, it's different
7 than the Operational response, but the Communications is as important. Because it's
8 one thing for something to happen, but if you can't communicate it, the families deserve
9 no less, the people in Nova Scotia deserve no less. Canadians want to know what was
10 happening. This was an, and I hate using the word, unprecedented event, and so we
11 needed to be better at our communications.

12 They just didn't have the capacity, and we didn't provide them.
13 They can't set up a Communications Unit for a what-if, but what we have to do is make
14 sure we have a contingency plan. So if something big like this happens, they may not
15 have the capacity, but we need to assist them and provide them with the capacity, and
16 we didn't do that. We did it about about Day 8 or 9, and that was when literally their
17 COMMS Unit was working 24/7 for eight or nine days, they couldn't sustain it, then we --
18 then there was a sense of urgency. But hindsight, if I could do that over again, that
19 tagger team or COMMS Team that we would have put together should have been there,
20 like the first -- that first or second day to assist.

21 **MS. RACHEL YOUNG:** Would you normally expect
22 Communications to take up a large percentage of the senior officers' time?

23 **COMMR BRENDA LUCKI:** Generally, no, but they didn't have
24 COMMS people -- like, a lot of times it won't be the actual person. In the first instances,
25 though, people -- it's beneficial for the person who is leading, or like the Commanding
26 Officer or the Criminal Operations Officer, it's important that people see them and
27 provide the calm that they need in those instances. As things start to progress, then
28 you should transition. Sometimes you will transition to a -- your actual Communications

1 person. And it depends.

2 So the event on the 28th, I know they spent a lot of time preparing
3 for that. That was a huge event. That was over two hours long, and you can't just fly by
4 the seat of your pants on a two-hour media event with questions and answers.

5 **MS. RACHEL YOUNG:** We heard one estimate that they spent
6 seven days getting ready for that press conference on April 28th.

7 **COMMR BRENDA LUCKI:** Well, I'd -- for myself, I didn't realise it
8 was seven days. But you know what, that's a lot of time to prepare. But there was a
9 massive amount of information that they were trying to share. But it goes back to if they
10 were continually providing information day-to-day-to-day as and when they had it, they
11 may not have needed to have a huge -- one big huge conference. So ---

12 **MS. RACHEL YOUNG:** Do you mean to the media or to Ottawa?
13 To the ---

14 **COMMR BRENDA LUCKI:** To the media.

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

16 **COMMR BRENDA LUCKI:** To the media.

17 **MS. RACHEL YOUNG:** So just to give you an idea, Chief
18 Superintendent Leather estimated in his Commission interview, which is
19 COMM0059832, Exhibit 3892, at page 15, that over -- it was higher right after the
20 events, but over the six months following the events he spent about 20 percent of his
21 time on what he called, quote, "corporate communications", end quote. So this is not
22 public messaging during emergencies, but you know, public messaging, you know,
23 some of which appears to have been after the fact to justify the RCMP's actions.

24 Do you think that is an appropriate amount of time for a CrOps
25 Officer to spend?

26 **COMMR BRENDA LUCKI:** I don't think personally -- it's
27 unfortunate that the CrOps Officer himself spent that much time, but there should have
28 been people to assist him in doing that. As much as we don't think things are important,

1 like Communications, they're absolutely important. And so when we need to respond to
2 requests for information on this event, or anything else, we need to be able to respond,
3 we need to be able to communicate. And so we -- both internally and externally. And
4 so if it's requests for information, if we're talking -- you know, some of that could have
5 been spent on Alert Ready, some of it could be spent on various aspects. Well, we
6 can't ignore that.

7 It's -- you know, it's part of his responsibilities as the CrOps Officer
8 to be able to provide information. Does it mean that he personally should be doing
9 that? I don't think so. I think he needs to have people working with him to be able to do
10 that because I think there's other things that he could use his time on.

11 **MS. RACHEL YOUNG:** Because to the extent the Issues
12 Management Team, all the messaging, media messaging was being run through them
13 at a certain point, at least two superintendents were brought from out of province for
14 that, you -- we've heard about how scarce policing resources are. Do you think that's
15 the best use of the time for senior officers to be preoccupied with this?

16 **COMMR BRENDA LUCKI:** Well, some of it is a necessary evil,
17 some of it they have -- you know, some of it they may be the keepers of the information
18 and nobody else has that information, so of course they have to. But if it's something
19 that is within the divisional documentation or let's say they need information from the
20 Operational Communications Centre or they need information from X detachment, he
21 shouldn't personally be the person trying to track that down, we should have people
22 there to assist him. I know I have an entire tasking team for when I get requests or
23 requests from bottom up or requests from top down. I don't personally go and start
24 flipping through documents or files because it's not a very good use of my time, nor
25 would it be a good use of Chief Superintendent Leather's time.

26 **MS. RACHEL YOUNG:** Are there any suggestions you would like
27 to make to the Commissioners as they consider possible recommendations?

28 **COMMR BRENDA LUCKI:** Oh my goodness. You know, I think

1 about this, and the first thing that comes to my mind is anything that will keep
2 Canadians safe, anything that will keep Nova Scotians safe, that's got to be our priority.
3 If we can make things better, more efficient, more safe, absolutely.

4 There is some big ticket items here, there's some big ideas, like big
5 concepts, like resourcing. That's huge. That you don't solve overnight. If there was an
6 easy solution I would have hoped that we would have found that already. But anything
7 that will make us a better organisation, an organisation that can be trusted by
8 Canadians, that can respond to things that are -- you know, events that happen like this,
9 where we're better positioned, whether it's through equipment, technology, resources,
10 training, of course that's always going to be helpful. And as long as they're, you know,
11 implementable you have my commitment that we're going to be doing everything we
12 can to be a better RCMP from these recommendations.

13 **MS. RACHEL YOUNG:** Madam Registrar, I'd like to exhibit the rest
14 of the documents on the list for this witness that was circulated to Participants, please.

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

16 **MS. RACHEL YOUNG:** Thank you, Commissioners, those are my
17 questions for the moment.

18 **COMMR BRENDA LUCKI:** Thank you.

19 **COMMISSIONER MacDONALD:** Yes, thank you, Commissioner.
20 The process we have been following we will continue with that process this afternoon, is
21 that our counsel will meet with the various lawyers for the -- for the Participants and
22 discuss the order of questioning so that it's done in an orderly fashion. So that'll
23 probably take about a half-an-hour, and we'll take a half-an-hour now. If you need more
24 time, Ms. Young, simply let us know. And we have you for the rest of today and for
25 tomorrow, but we'll see how the -- we call it a caucus but it's essentially a meeting for
26 that purpose and we'll see how the meeting goes and report back to you in half an hour.

27 **COMMR BRENDA LUCKI:** Okay, thank you.

28 **COMMISSIONER MacDONALD:** Thank you.

1 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
2 proceedings are now on break and will resume in 30 minutes.

3 --- Upon recessing at 2:54 p.m.

4 --- Upon resuming at 3:48 p.m.

5 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
6 proceedings are again in session.

7 **COMMISSIONER MacDONALD:** Thank you. We'll ask the
8 witness to come back.

9 **--- COMMR BRENDA LUCKI, Resumed:**

10 **COMMISSIONER MacDONALD:** Hello again,
11 Commissioner Lucki. We -- the counsel have had a chance to meet and discuss the
12 order of questioning, and we'll begin with Mr. Michael Scott. I will -- we'll make a start
13 today, and continue tomorrow, of course. And each counsel will tell you who they
14 represent ---

15 **COMMR BRENDA LUCKI:** Thank you.

16 **COMMISSIONER MacDONALD:** --- as they come forward so
17 you'll have that context.

18 Mr. Scott?

19 **MR. MICHAEL SCOTT:** Thank you, Commissioner.

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

21 **MR. MICHAEL SCOTT:** Good afternoon, Commissioner Lucki. My
22 name's Mike Scott. I'm counsel to a number of those who are the families of victims of
23 April 2020, and a number of those who were directly impacted.

24 I just wanted to follow up on a question that Commission Counsel
25 asked you. You understand that we have been at this now for a number of months, and
26 we've heard from dozens of witnesses, and combed through thousands of documents,
27 and I expect that you appreciate the complexity of the issues that the Commission has
28 been tasked with reviewing and producing a report on. Yes?

1 **COMMR BRENDA LUCKI:** Oh, yes. Yeah.

2 **MR. MICHAEL SCOTT:** And you understand that at the end of this
3 process, obviously, the intention is the Commission will produce a report that, I think is
4 probably safe to say, will be in excess of, you know, a thousand pages, given the broad
5 mandate that we have been dealing with. You understand that?

6 **COMMR BRENDA LUCKI:** Yes.

7 **MR. MICHAEL SCOTT:** Yeah. And when Ms. Young asked you
8 whether, having presumably turned your mind to this as the Commissioner of the
9 RCMP, whether you had any ideas for recommendations that the Commission could
10 make, did I hear you correctly that -- that the best you could offer is anything that makes
11 Canadians safe? Did I hear you right?

12 **COMMR BRENDA LUCKI:** Yes. And I said that because there
13 was so many different tentacles to this situation, and I don't -- I'm not in the position that
14 I wanted to be influential.

15 I think that for all of you, unfortunately, who have had to sit through
16 and listen to the various testimonies, you're going to take the information. I don't have a
17 lot of the on-the-ground information. I don't -- you know, I'm in charge of 32,000
18 people in over 750 locations. I don't intimately or get down into the weeds on a lot of
19 things, and so I think that there's people, subject matter experts, that I rely on and I
20 consider that, you know, the Commission is going to be one of those subject matter
21 experts.

22 **MR. MICHAEL SCOTT:** Have you been following the -- these
23 proceedings and, you know, looking into the issues ---

24 **COMMR BRENDA LUCKI:** No.

25 **MR. MICHAEL SCOTT:** --- as the Commissioner?

26 You have not.

27 **COMMR BRENDA LUCKI:** Not -- no. There's people that do that.

28 **MR. MICHAEL SCOTT:** Who are those people?

1 **COMMR BRENDA LUCKI:** Various people. There's people on the
2 ground with "H Strong", Chief Superintendent Mike O'Malley, who represents "H Strong
3 2" in conjunction with his team. There's people in -- depending on what the issue is.
4 When we talk about, for example, Alert Ready and working through that, the Deputy
5 Commissioner of Contract and Indigenous Policing is working through that.

6 When it came to -- if it's HR issues, then our Chief Human
7 Resource Officer might work on things like that so far.

8 We haven't had a team set up yet to tackle everything from A to Z.

9 **MR. MICHAEL SCOTT:** Right. And when you refer to the "H
10 Strong 2" team, my understanding is that, effectively, all "H Strong 2" is does is help
11 facilitate document disclosure for the Commission. Is that correct?

12 **COMMR BRENDA LUCKI:** Well, and also I believe that Chief
13 Superintendent Mike O'Malley is here, he's listening. There's, you know, flagging things
14 for people if there's things that we need to pay attention to. I haven't been able to watch
15 the proceedings, but you know, there's conversations about issues that are raised. And
16 of course, if there's something that we can do to make things better immediately or if it's
17 -- like I said earlier, if it's high risk, then we should be looking at that.

18 **MR. MICHAEL SCOTT:** But you're content to wait for the report of
19 this Commission to -- before taking any concrete steps to address the issues that may
20 have contributed to the mass casualty and prevent a similar incident from happening in
21 the future.

22 **COMMR BRENDA LUCKI:** Depending on the issues, of course.

23 Like I said, if there's anything high risk or something that we can
24 change that even if we did make changes, we wouldn't have to, you know, take it away
25 and change it completely. We're -- you know, we're very cognizant of the fact that we
26 want to be respectful of the recommendations and, in fact, if we go 90 percent down a
27 road and that's not the road that's discovered, then, you know, we're making changes
28 for the -- you know, for the wrong reason.

1 **MR. MICHAEL SCOTT:** Okay. Earlier today, I think I heard you
2 make reference to media coverage after the mass casualty. And I think you said that it
3 was -- that there was a narrative that was changing negatively after the event. And
4 we've heard that from a number of senior RCMP people, the reference to this "negative
5 narrative".

6 Do I understand correctly that your view as the Commissioner is
7 that the RCMP was treated unfairly by the media?

8 **COMMR BRENDA LUCKI:** No, I don't know -- I don't categorize it
9 as "fairly" or "unfairly". I know what some of the actions of the members on the ground.
10 I know what some of them did. I also know that there were things that we look at that,
11 you know, there's always room for improvement.

12 I try not to -- I'm a glass half full kind of person and I try not to have
13 a jaded point of view about the media. I do find that they report and when we don't
14 provide the information, then they find the information elsewhere. And sometimes it
15 might not be the most accurate source, so that's why it's important that we spend time
16 or we invest in our communications.

17 **MR. MICHAEL SCOTT:** Right. Because the easiest solution to
18 that issue would be to provide the information directly; correct?

19 **COMMR BRENDA LUCKI:** Yes.

20 **MR. MICHAEL SCOTT:** Right. So if the media asks a valid
21 question and the RCMP simply doesn't respond or responds in a way that's practically
22 non-responsive, you know, there can be little complaint if they seek information from
23 other sources. That's right?

24 **COMMR BRENDA LUCKI:** Absolutely. And we're doing a lot of
25 work in that regard and my strategic communications people are providing sort of -- you
26 know, trying to push the envelope with Commanding Officers and their teams to be
27 more forthright instead of saying that it's under investigation or that a Serious Incident
28 Response Team is taking carriage of the event, you know, providing some

1 commentaries of some of the more obvious things without compromising.

2 **MR. MICHAEL SCOTT:** In your interview with the Mass Casualty
3 Commission -- and we don't need to pull it up, but for my friends I'm at page 98 -- you
4 did -- again, talking about negativity in the media, you said:

5 "I think the negativity in the media and all the negative
6 narrative that they feel that they've been, you know,
7 wrongly -- I don't want to use the word 'accused', but
8 wrongly labelled, and there's been a lot of that
9 negative narrative and it did feel disgusting, as they
10 said, knowing that it's not like that all the time." (As
11 read)

12 Do I understand you were saying that negative media stories in the
13 aftermath of the mass casualty you thought had a significant impact on the RCMP and
14 the morale in terms of how they were being portrayed in the media?

15 **COMMR BRENDA LUCKI:** Absolutely if it's negative media about
16 the RCMP. People take that personally because -- like I said, I'm a firm believe that
17 people go to work each and every day wanting to do the best they can, and when that --
18 sometimes that might not happen, but to be, you know, critical of the actions, some
19 people want to make sure that they do better and it's sometimes hard to take criticism
20 like that.

21 **MR. MICHAEL SCOTT:** And did I hear you say that part of the
22 strategy for addressing that sort of negativity is to put in place a more robust strategic
23 communications team?

24 **COMMR BRENDA LUCKI:** Yes, and also, we -- in the last year or
25 so, we've invested in training our upper management in each division with media and
26 sort of committee presentation type training so that -- because for the most part,
27 including myself, I'm not super comfortable doing live media interviews. It's -- I find it
28 very nerve wracking. I like to prepare for them, but they're difficult. And so you don't

1 run to things that you feel uncomfortable doing, so we need to make our commanding
2 officers feel more comfortable doing it.

3 So we've actually challenged them in the last year or so to come
4 out with -- every month to come out with one sort of media type event. It's not
5 something that they like to do, and I don't think we've been super successful with that
6 idea of mine.

7 **MR. MICHAEL SCOTT:** We're definitely going to come back to
8 media training, but just before we leave the negative media issue, it'd be fair to say that
9 a lot of the negative media that the RCMP was attracting in the early days directly after
10 the mass casualty wasn't because the RCMP didn't have media training or
11 communications issue, but because of actual things that happened in the course of the
12 mass casualty. Would you agree with me on that?

13 **COMMR BRENDA LUCKI:** Not completely because I think it was
14 also a capacity issue. They weren't thinking strategically. So like I said in earlier
15 testimony, we have communications people who follow what the media is saying, follow
16 what is trending negatively, can we counteract that with some information, is it trending
17 negatively because we haven't provided the information and people are making
18 assumptions or surmising. What are the reasons, and how can we turn it to a more
19 positive, so it's not completely by -- because of actions.

20 **MR. MICHAEL SCOTT:** You put a more positive view on the issue.

21 **COMMR BRENDA LUCKI:** Yes.

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

23 When the media reports that two RCMP officers have opened fire
24 on a volunteer fire department and shot at a volunteer -- or at an EMO official, that's not
25 a negative narrative, is it? That's -- that's just reporting the news.

26 **COMMR BRENDA LUCKI:** No, if they have the information and
27 that's factual, then yes.

28 **MR. MICHAEL SCOTT:** That's what happened. You know that ---

1 **COMMR BRENDA LUCKI:** Yes.

2 **MR. MICHAEL SCOTT:** --- right?

3 So there's not amount of putting a shine on it that's going to be
4 make that a positive thing, is there?

5 **COMMR BRENDA LUCKI:** Well, I sort of disagree in the sense
6 that that is a fact, but then there was other -- you know, there's the whole what was
7 going through the mind of the person that -- when that happened, how did that happen,
8 why did it happen. There's a ton of questions that are still unanswered, so I'm not
9 saying it's going to change it in the end for some people, but it's providing context and
10 understanding that sometimes may change that narrative.

11 **MR. MICHAEL SCOTT:** And I appreciate that there's a number of
12 questions that went unanswered, and it's one of the reasons that we're here, is to get
13 some of those answers that, to some extent, weren't provided by the RCMP. But I want
14 to clear, in fairness, you're not suggesting that through communications or media
15 training that there's a way to make that a positive story.

16 **COMMR BRENDA LUCKI:** It's not about making it positive. It's
17 about providing as much information as you can and let Canadians come to their own
18 opinion. So if -- often if it's only -- and I'm not saying in this case, but if something is
19 only providing one side of the facts, sometimes there's another side, sometimes there's
20 three sides to every story. But allowing those facts to present themselves and allowing
21 educated and aware Canadians to come to their own conclusions.

22 **MR. MICHAEL SCOTT:** You can appreciate that a lot of the
23 negativity surrounds specific issues like when the media reports a story on the fact that
24 Nova Scotians weren't warned that there was an armed gunman wandering the
25 province killing people, because the RCMP didn't use the Ready Alert system. That's
26 not the media being unfair or picking on the RCMP. That's just reporting a fact, is it
27 not?

28 **COMMR BRENDA LUCKI:** Yes. And like I said before, there's

1 always -- as we know, with anything, there's always context. I'm not saying it's going to
2 change people's opinion, but there is context to some of those things that they report.
3 And providing that context allows people to have an informed view of what happened.

4 **MR. MICHAEL SCOTT:** We heard yesterday that it took 19 hours
5 for the RCMP to locate the Oliver-Tuck and Bond scenes. And I think Lee Bergerman
6 suggested that that was a failure on the part of the RCMP. Is there any context that
7 makes that acceptable?

8 **COMMR BRENDA LUCKI:** Well first of all, I can't imagine what
9 those families went through, not knowing what's happening with their loved ones. I
10 know that at the time, if I was to provide some context, at the time, one of the priorities
11 was to ensure that the perpetrator was stopped and the threat ended. So that was
12 definitely a priority. Once that was completed, then it was a question of, again, using
13 your incident command, using your gold/silver/bronze, organizing a proper -- a proper
14 scene, going through each scene. I can't speak to the 19 hours. I can only speak to
15 some of the context at the beginning. And I -- my heart goes out to the families
16 because I keep thinking if that was my family member, I don't know how I would feel.

17 **MR. MICHAEL SCOTT:** You were talking a few minutes ago about
18 a push, and I think you discussed it in your Mass Casualty Commission interview as
19 well, a push to get senior management more strategic communications training, media
20 training, to help facilitate their participation in things like media events or, you know, you
21 had testified at the SECU Parliamentary Committee recently, or perhaps even for a
22 setting like this, for an inquiry.

23 **COMMR BRENDA LUCKI:** M'hm.

24 **MR. MICHAEL SCOTT:** Is that something that's mandatory for
25 senior executives or simply being encouraged at this point?

26 **COMMR BRENDA LUCKI:** We provided the training. We didn't
27 call it mandatory, but every Commanding Officer was told to go have the training and
28 was offered the training. I know myself, when I first got in the position, I had several

1 days of it because of the types of duties I do. I don't think it makes it any easier, but it's
2 always good to have something to rely on when you're going into these and trying to,
3 you know, make sure that you can fully express yourself.

4 **MR. MICHAEL SCOTT:** Right. In situations like what we're doing
5 right now, ---

6 **COMMR BRENDA LUCKI:** Exactly.

7 **MR. MICHAEL SCOTT:** --- you're giving testimony and I'm asking
8 you questions.

9 So my question is, how many courses do you have to take to be
10 able to sit in the chair that you're sitting in now and tell the truth?

11 **COMMR BRENDA LUCKI:** You don't need any courses ---

12 **MR. MICHAEL SCOTT:** Right.

13 **COMMR BRENDA LUCKI:** --- to tell the truth.

14 **MR. MICHAEL SCOTT:** If I ask you a simple question and the
15 answer to that question is yes, then presumably you'll say yes; right?

16 **COMMR BRENDA LUCKI:** Depending, yes, on the question,
17 obviously.

18 **MR. MICHAEL SCOTT:** And if I asked you a question and you
19 didn't know the answer, presumably you would simply say, "I don't know the answer";
20 right?

21 **COMMR BRENDA LUCKI:** Not always. I might say that I'm not -- I
22 don't know about that, but what I can say is something like this, to provide some value
23 added.

24 **MR. MICHAEL SCOTT:** Right. But you agree with me that there is
25 -- and you've spoken about it before, there's a genuine need, and never more so than in
26 the aftermath of the mass casualty, for things like transparency, and candor, and
27 truthfulness, and bring forthcoming, and providing accurate information to the people
28 that the RCMP is expected to serve? You'd agree with me on that?

1 **COMMR BRENDA LUCKI:** Yeah, it's important.

2 **MR. MICHAEL SCOTT:** Right.

3 **COMMR BRENDA LUCKI:** Yes.

4 **MR. MICHAEL SCOTT:** Because if there is any concern that the
5 people of Nova Scotia or farther have lost trust in the RCMP, you appreciate, as the
6 Commissioner, that a huge component of that is a feeling that the information being
7 provided in Nova Scotia is not accurate? You understand the importance of that in a
8 trust relationship?

9 **COMMR BRENDA LUCKI:** Yeah, that's one part of trust, most
10 definitely, is communication.

11 **MR. MICHAEL SCOTT:** A pretty important part of a relationship;
12 isn't it?

13 **COMMR BRENDA LUCKI:** Well, so is, you know, relationship
14 building. So is, you know, treating people with respect. There's a lot of things that go
15 with trust.

16 **MR. MICHAEL SCOTT:** And I think you actually said in your Mass
17 Casualty Commission interview:

18 "That's how we're going to strengthen trust, being more
19 transparent, being more open, providing timely and
20 accurate information, and not hiding behind a culture of
21 less is more." (As read)

22 And I presume by "less is more", you mean less information ---

23 **COMMR BRENDA LUCKI:** Less information.

24 **MR. MICHAEL SCOTT:** --- is better. So you fully support the idea
25 that we need to communicate more frankly, more clearly, ---

26 **COMMR BRENDA LUCKI:** Yeah, ---

27 **MR. MICHAEL SCOTT:** Right.

28 **COMMR BRENDA LUCKI:** --- as much as possible and when we

1 can. Absolutely.

2 **MR. MICHAEL SCOTT:** And part of the strategy for that is
3 providing things like media and strategic communications training for upper
4 management?

5 **COMMR BRENDA LUCKI:** That's helpful, yes.

6 **MR. MICHAEL SCOTT:** Right. And have you received that sort of
7 training?

8 **COMMR BRENDA LUCKI:** Yes.

9 **MR. MICHAEL SCOTT:** Yeah. So again, I suppose, perhaps I'm
10 being overly simplistic, but wouldn't you agree with me that things like strategic planning
11 and reference to messaging, and talking points, and narratives, are the absolute
12 antithesis of transparency?

13 **COMMR BRENDA LUCKI:** No, not at all.

14 **MR. MICHAEL SCOTT:** No.

15 **COMMR BRENDA LUCKI:** Because a lot of that would provide,
16 like I referred to, context. Taking what's out there, and if there is a negative narrative
17 due to misinformation or disinformation, for example, it's important that we correct that.
18 So even though the narrative might be negative, it might be erroneous and it might be
19 something that we can correct if we're -- if we provide the information in a timely
20 manner.

21 **MR. MICHAEL SCOTT:** You say that, but if I put that back to you
22 another way, aren't you just saying that if somebody is saying something that's untrue,
23 then we will correct it with truth?

24 **COMMR BRENDA LUCKI:** I'm not ---

25 **MR. MICHAEL SCOTT:** If somebody is putting out a false
26 narrative, something that's not true, if I'm reading between the lines, what you're
27 suggesting is then we can address that false narrative by putting forward things that are
28 true.

1 **COMMR BRENDA LUCKI:** Sometimes we can, and sometimes it's
2 not the biggest benefit for us to continue having the narrative out there. So maybe it's
3 just leaving it be and letting it run its course. Sometimes we can get out in front of it.
4 Sometimes if we're more proactive, then that won't happen in the first place. So there's
5 many different strategies.

6 **MR. MICHAEL SCOTT:** And that's -- to your mind, when you talk
7 about building a trust relationship and building on transparency, that's what you're
8 talking about?

9 **COMMR BRENDA LUCKI:** Well it's about building that trust. It's
10 about giving as much information as you can when you can. It's about being timely and
11 making sure that, you know, if there are things that you can do to increase the trust
12 through communication, you should do that.

13 There's -- I use the example, there's a ton of great work that
14 members do each and every day, but we don't always put that in the media. Often in
15 the media, you know, I say you don't talk about the plane that lands. It's always often
16 about the things that don't work that are in the media. So there's so much great work
17 that each and every day our employees do, and sometimes we share that with the
18 media and it's of zero interest. And it's unfortunate because that's always a way to
19 increase trust.

20 **MR. MICHAEL SCOTT:** Well let's use a specific example. So we
21 were -- we heard testimony a couple weeks ago from C/Supt. Leather, and one of the
22 issues that we got on is one that I think that you're already well aware, was at an early
23 press conference after the mass casualty, a journalist had asked the Chief
24 Superintendent how many people have been murdered, which, in the circumstances, is
25 probably a very reasonable question to ask. And the response that was given was, "In
26 excess of 10," when the Commission has information that -- the best information the
27 RCMP had at the time was 15 and probably more, and that was the information that
28 was actually provided to you as the Commissioner.

1 So my question is; what course does C/Supt. Leather have to take
2 to not create an issue like that? Is that not simply an issue of if you're asked a simple
3 question, and the honest answer is, "We're pretty sure that 15 people have been killed
4 and there's probably more," then just say that?

5 **COMMR BRENDA LUCKI:** Yeah. You know, I agree with you in
6 certain respects, absolutely, but I think sometimes people want -- part of policing culture
7 is perfect, get to perfect. And perfect is a second in time because a second later, it's
8 not perfect. People do not want to provide inaccurate information. And they get so
9 worried about it. It's all-consuming sometimes. So when you say I was -- like, using, "In
10 excess of 10," there's other ways that that could have been said, which maybe would
11 have provided more comfort to people like, "There's 12, and there's 13 people
12 unaccounted for," as an example; I'm just making it up. Because that's the type of
13 information you might have, but they're worried that they're going to provide, you know,
14 grieving families wrong information, and especially when it comes to deceased, and
15 when you have -- we have this sort of culture unless you have given a complete next
16 kin, which includes extended family, we're not going to release information. Well, you
17 know what, maybe we have to revisit that because it's often we get caught up in the
18 details and sometimes we just have to, you know, look at the risk. And that's where I'm
19 not expecting someone like C/Supt. Leather to be an expert in that. That's why he has
20 a Communications Unit who looks at things strategically and advises him accordingly,
21 just as I do.

22 **MR. MICHAEL SCOTT:** In fairness, Commissioner, it's certainly
23 not controversial that if we're talking about a person, we're going to release a name,
24 and it's unclear whether that person is living or not, we don't want to recklessly suggest
25 that they were.

26 **COMMR BRENDA LUCKI:** M'hm.

27 **MR. MICHAEL SCOTT:** We're not talking about that, though, are
28 we? We're talking about numbers and the best information that the RCMP had at that

1 time, for the example that we're using, the information that was actually communicated,
2 I believe to you, was that, "We think that there's 15 casualties and probably more." Why
3 can't we just say that when asked? How is trying to find a way of comforting the public
4 less important than simply giving the best information that we have, the most truthful
5 information that we have?

6 **COMMR BRENDA LUCKI:** No, that's an absolute great point. I
7 struggled with it myself during those days. I know that things were very dynamic, and
8 I'm trying not to sound like I'm making excuses. I can understand how it can happen.
9 I'm not saying I completely agree with it either, but I can totally understand how it can
10 happen because people are just nervous about providing wrong information.

11 Police officers always -- you know, we -- they testify in court very
12 often, and they always pride themselves on giving the most accurate information. It's
13 part of our culture. I'm not sure it's always the best approach, but I try to -- I always try
14 to seek some understanding as to why that would happen.

15 I don't think saying, "In excess of 10" is -- I've never heard that until
16 that day, and even myself I scratched my head and said, "What does that mean?" And
17 so I was struggling with that. And so that's why I say, you know what, if we had brought
18 our Comms team on the ground and said, "You know what, just let's talk about what
19 happened here? What can we release? Let's look at that and be more succinct, more
20 clear, more transparent to Canadians."

21 **MR. MICHAEL SCOTT:** Right. "In excess of 10," you'll agree with
22 me, is misleading? You know, we're talking about the concern for giving accurate
23 information in everything but the most technical sense, ---

24 **COMMR BRENDA LUCKI:** I don't think it's misleading, though.
25 Actually, I just think it's ---

26 **MR. MICHAEL SCOTT:** You don't?

27 **COMMR BRENDA LUCKI:** I don't think -- because when I think of
28 the word, "misleading" I think of intention, and I don't think their intention was to

1 mislead. I think their intention was to not -- to try to manage expectations. Whether it's
2 right or wrong or whether you or I agree with it, I think they were really trying to manage
3 expectations and not go too far down something that they may have to go back on
4 because things were happening so fast.

5 Again, I'm not saying I'm completely in agreement, I'm just trying to
6 understand how it happened and how we can -- when I try to understand how things
7 happen, then I try to figure out how we can make it not happen for the next time.

8 **MR. MICHAEL SCOTT:** Because it's not very transparent, is it?

9 **COMMR BRENDA LUCKI:** No. For people -- you know, for the
10 families with loved ones, I can't imagine what that would -- what that meant to them. I
11 couldn't imagine -- they're trying to make sense of something, and I don't think that's
12 helping it.

13 **MR. MICHAEL SCOTT:** Well, surely you can appreciate what it's
14 like when you're looking for information and the person that's giving information to you
15 is not being candid or is couching things in a way to maintain a certain predetermined
16 messaging or narrative, and that doesn't instill a great deal of trust between you and
17 that person, does it?

18 **COMMR BRENDA LUCKI:** Yeah, and I don't think it was about a
19 predetermined -- like, there was nothing nefarious about it. It was just they were, you
20 know, doing the best they could with the resources they had and the capacity that they
21 had, which was very, very little in the Comms department. And that's where we should
22 have stepped in and assisted on the ground. We tried to do it from a distance; it didn't
23 work so well.

24 **MR. MICHAEL SCOTT:** Yeah. And I noted that you were saying
25 that earlier in your testimony. We've heard that the H-Division, a person with the title,
26 "Director of Strategic Communications" was directly involved in those press
27 conferences. I mean, there's an actual office. And I appreciate that it's not quite as
28 robust as yours in Ottawa, but people like Chris Leather and Darren Campbell are

1 surrounded by Communications people, are they not?

2 **COMMR BRENDA LUCKI:** I wouldn't use the word, "Surrounded";
3 it makes it sound like there's a lot of people.

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

5 **COMMR BRENDA LUCKI:** But, you know, I heard at one point
6 that -- at one point in one testimony that, like, Ms. Scanlan had almost two phones on
7 each -- you know, a phone on each ear trying to manage the requests from the media,
8 and then trying to make sure that the communications were as accurate as possible.
9 For somebody to do that 24/7 for more than 24 hours, that's not -- you know, you're
10 creating an environment where you're not going to make maybe the most strategic
11 decisions because you're reacting to everything. And so you're trying to catch up, and
12 you'll never be strategic.

13 **MR. MICHAEL SCOTT:** Yeah. I guess my question, then, is why
14 do we have to be strategic? Why do we have to -- you know, I think your answer to the
15 issue was that National Headquarters should have sent in a team of Strategic
16 Communications people ---

17 **COMMR BRENDA LUCKI:** Yeah.

18 **MR. MICHAEL SCOTT:** --- to bolster H-Division in their response.
19 Why is it so hard to do a press conference and if asked reasonable questions, to
20 answer them reasonably, and if we don't know, then we say we don't know; and if it's,
21 "Can't be released right now," either do to legislation or because of an ongoing
22 investigation, why not say that? Why does Chris Leather need a host of
23 Communications people around him to answer questions frankly?

24 **COMMR BRENDA LUCKI:** Well, I maybe shouldn't have used the
25 word, "Strategic"; maybe I could have used being more proactive than reactive.

26 So when I heard today that they spent seven days preparing for
27 that media event, the first thing I was thinking in my mind was, if we had the ability to do
28 Comms every day on a regular basis and provide information as we had it, there would

1 be no need to prepare for seven days for a two-hour media event. We could have
2 provided it in small portions as we knew, as it was happening. And that's why I mean
3 being more proactive than waiting and putting all your eggs in a two-hour media event.
4 A lot of that stuff may have been able to be shared far before that day.

5 **MR. MICHAEL SCOTT:** Sure. And I think we can agree that it
6 would be objectively absurd to spend seven days preparing for a press conference, and
7 it might lead someone to ask, "What were you doing in those seven days?" I assume
8 that you didn't prepare for seven days to come here and answer questions.

9 **COMMR BRENDA LUCKI:** I did -- not seven days straight, no. I
10 did a lot of preparation ---

11 **MR. MICHAEL SCOTT:** Did you?

12 **COMMR BRENDA LUCKI:** --- to come here, yeah. Because, like,
13 as Commissioner, I don't have my -- you know, I'm not, like, into the weeds. And so
14 when I get asked certain questions, I like to be informed and so of course there's a lot of
15 issues that have been raised that prior to -- between my seven-hour statement and
16 today, there was things that I couldn't answer and so I -- of course I pride myself on
17 knowing that information or getting the information. I'm not the keeper of most
18 information, I get it from a business line or a person, then I transmit it. I'm not the
19 keeper of much information.

20 **MR. MICHAEL SCOTT:** No, but there's a significant difference
21 between becoming familiar with the subject material, the way that I might review
22 documents before I come here today and being prepped by professionals on how you're
23 going to respond to things, or the messaging you're going to put forward or ensuring
24 that a certain narrative is protective. Those are strategic communications issues;
25 correct?

26 **COMMR BRENDA LUCKI:** Yes, exactly. But in this case when
27 there's information, for example, on the ground coming from all different sources, there
28 was several crime scenes and there was all different information. So to expect that

1 Chris Leather at any given time could just start talking about all of that without any
2 preparation ---

3 **MR. MICHAEL SCOTT:** Right.

4 **COMMR BRENDA LUCKI:** --- you know, he would -- he would
5 need to -- he wants to be a good source of information, so he wants to make sure he
6 has the accurate information, and these are coming in bits and pieces. And this was
7 something that they didn't have a way of putting it all together very quickly. So they had
8 to, you know, work through that.

9 **MR. MICHAEL SCOTT:** You were talking about being more
10 proactive and less reactive, and I assume that that includes engaging with the media,
11 maybe in different ways, going to them with information rather than simply reacting
12 when a negative story comes forward. So you'd agree with me that you using the media
13 to ensure that the public is well-informed is a good thing. It's a good thing for the
14 relationship between the RCMP and the community, and it's a way for the RCMP to get
15 information to the community.

16 **COMMR BRENDA LUCKI:** Yes, and building the relationships with
17 media. Because you shouldn't be building a relationship during the event.

18 **MR. MICHAEL SCOTT:** And we can agree that there were
19 definitely shortcomings in H-Division's communications with the media in the days
20 immediately after the mass casualty?

21 **COMMR BRENDA LUCKI:** There was criticism, yes.

22 **MR. MICHAEL SCOTT:** Right. And in fact, we're going to get to it
23 later, but one of the reasons that you called the meeting on April 28th was to address
24 concerns you had about information flow from H-Division, you weren't happy with it?

25 **COMMR BRENDA LUCKI:** Yes.

26 **MR. MICHAEL SCOTT:** Yes. We know that in September of 2020,
27 H-Division was planning to do -- to participate in an interview and do background for a
28 CBC documentary I believe called 13 Hours, and they had decided, I believe, Darren

1 Campbell was going to participate. And do I understand correctly that right before that
2 was to happen your office overrode that decision and cancelled it? Is that correct?

3 **COMMR BRENDA LUCKI:** There was -- it wasn't just my office, it
4 was in consultation with the Contract and Indigenous Policing Officer, Deputy
5 Commissioner Brennan ---

6 **MR. MICHAEL SCOTT:** Right.

7 **COMMR BRENDA LUCKI:** --- and with the Communications or
8 Strategic Communications.

9 **MR. MICHAEL SCOTT:** Right. But it was -- H-Division was
10 overridden by ---

11 **COMMR BRENDA LUCKI:** yes.

12 **MR. MICHAEL SCOTT:** --- your office, the Deputy Commissioner's
13 Office, and your respective Communications people?

14 **COMMR BRENDA LUCKI:** Yes.

15 **MR. MICHAEL SCOTT:** Right. And you got an email back from
16 one of the producers, who was not very -- a woman named Gillian Findlay, who was not
17 very happy about having been called off after Darren Campbell had agreed to
18 participate. Do you recall that?

19 **COMMR BRENDA LUCKI:** I do recall that. Not -- like not the
20 exact words, but I -- now that you're saying it, yes.

21 **MR. MICHAEL SCOTT:** And I'm going to suggest to you that in
22 your -- in your reply to Ms. Findlay you said a number of things, but one of them was in
23 order -- that the RCMP would not be participating in that interview:

24 "In order to protect the integrity of the public inquiry,
25 unfortunately we will not be participating in this
26 interview..." (As read)

27 And I wanted to take you to that wording where you said, "so as not
28 to -- so to protect the integrity of the public inquiry."

1 Now, can you help me understand, in what possible scenario could
2 Darren Campbell, participating in an interview with the CBC, negatively impact the
3 integrity of the work that the Mass Casualty Commission is doing?

4 **COMMR BRENDA LUCKI:** First, I should say, that is but one of
5 the reasons. There were several other reasons why we had chosen not to participate in
6 that interview. But given the fact that many of the information and the facts, people
7 having the facts, and many of that would be fleshed out through the Inquiry, and we
8 preferred that avenue versus fleshing it out in the media.

9 **MR. MICHAEL SCOTT:** Why?

10 **COMMR BRENDA LUCKI:** Yeah. Some of the other reasons
11 were the emotions were still ---

12 **MR. MICHAEL SCOTT:** No, but, sorry, Commissioner. My
13 question is why? Why would you prefer ---

14 **COMMR BRENDA LUCKI:** Oh, I thought you said "one". Sorry.

15 **MR. MICHAEL SCOTT:** No, sorry.

16 **COMMR BRENDA LUCKI:** "Why?" Why? I think that, you know,
17 when -- this was an unprecedented event ---

18 **MR. MICHAEL SCOTT:** Yes?

19 **COMMR BRENDA LUCKI:** --- that was going to have a huge
20 inquiry behind it, and the government was taking great lengths to make sure that they
21 got the right people, the right, you know, the terms of reference, everything, and so we
22 felt that they needed to do their job first, and that if you wanted to put everything in front
23 of the media then maybe you wouldn't even need an inquiry. And so we felt because
24 the Inquiry had been called that they should have the information.

25 **MR. MICHAEL SCOTT:** Right. Why?

26 **COMMR BRENDA LUCKI:** Because we felt it was important that
27 they were the first ones to deal with that information and that it wasn't out -- it didn't
28 need to be put out in the public. There was all kinds of -- that was just but one reason,

1 like I said.

2 **MR. MICHAEL SCOTT:** Well, we'll get to the other reasons ---

3 **COMMR BRENDA LUCKI:** Yeah.

4 **MR. MICHAEL SCOTT:** --- in a minute, but I -- but I want to deal
5 with this issue of you've identified that you knew at that point that a -- that a public
6 inquiry was going to be called; right?

7 **COMMR BRENDA LUCKI:** Yes.

8 **MR. MICHAEL SCOTT:** Notwithstanding the fact that the -- this
9 Commission actually hadn't been struck until October of that year, and we're in
10 September, but presumably you had been hearing things that I ---

11 **COMMR BRENDA LUCKI:** Yes.

12 **MR. MICHAEL SCOTT:** --- that a public inquiry was coming. And
13 in fact, you were involved in the -- in the striking of this Commission, were you not?

14 **COMMR BRENDA LUCKI:** We were consulted, yes.

15 **MR. MICHAEL SCOTT:** You were consulted on the terms of
16 reference and the scope; yes?

17 **COMMR BRENDA LUCKI:** Yes.

18 **MR. MICHAEL SCOTT:** Yeah. So you were perfectly aware that a
19 public inquiry was coming.

20 **COMMR BRENDA LUCKI:** Yes.

21 **MR. MICHAEL SCOTT:** Right. And do I hear you saying that the
22 concern was that if Darren Campbell did an interview with CBC that that might simply
23 obviate the need for a public inquiry?

24 **COMMR BRENDA LUCKI:** No. I was exaggerating for the sake of
25 ---

26 **MR. MICHAEL SCOTT:** Right.

27 **COMMR BRENDA LUCKI:** --- emphasis. Really, it was about, you
28 know, sitting back, letting things take its course. There was a lot of information out

1 there. He had gone through the sequence of events on previous interviews. We
2 weighed out the options, we weighed out the risks, we weighed out the benefits. And
3 subject matter experts, not -- I am -- one of which I am not in -- when it comes to
4 Communications, presented the pros, the cons, the risks, the benefits, and the decision
5 was made not to proceed.

6 **MR. MICHAEL SCOTT:** And I -- we are fully aware that the
7 decisions was made not to proceed, but what we're trying to get down to is, is to the
8 extent that you suggest that it was done in order to protect the integrity of the public
9 inquiry, aside from the fact that maybe by giving information to the CBC, and having to
10 do it again, the public inquiry might be redundant, will -- can you not agree with me that
11 there is no possible way that doing that media could have in any way negatively
12 impacted, obstructed, or interfered with the workings of this Commission?

13 **COMMR BRENDA LUCKI:** No, but there might have been
14 differences of information over time. This was very -- still very new, so presenting that
15 information in the media and then re-presenting it differently, for example, because
16 things had changed, could impact.

17 **MR. MICHAEL SCOTT:** Well, if information changed or better
18 information came along, that's just the process of acquiring information, isn't it?

19 **COMMR BRENDA LUCKI:** It could be, yes.

20 **MR. MICHAEL SCOTT:** Right. And even if it turns out that there's
21 actually, you know, 23 people that have died, if the best information you have at the
22 time is that it's 15 and probably more, then there's nothing wrong with giving the best
23 information that you have; right?

24 **COMMR BRENDA LUCKI:** I guess it boils down to us probably
25 agreeing to disagree because I -- when I was presented, or it was actually through
26 Deputy Commissioner Brennan, when we went through all of that for many reasons the
27 decision was made not to do that, and I -- I think it was a good decision.

28 **MR. MICHAEL SCOTT:** What were the other -- you said there was

1 many reasons. What were the other reasons?

2 **COMMR BRENDA LUCKI:** Some of it was, first of all, emotions
3 were very high in -- on the ground in Nova Scotia, and the narrative was not good
4 against the RCMP in Nova Scotia.

5 **MR. MICHAEL SCOTT:** Correct.

6 **COMMR BRENDA LUCKI:** And Superintendent Campbell felt that
7 this was going to be the gamechanger, and that by providing all of that information that
8 everybody would now feel positive about the RCMP.

9 We know that's not how it works, and we know that the media isn't
10 always about, you know, what we have to say and how that would be presented. So we
11 felt the risk of -- of an -- of a more negative narrative or a -- just having information out
12 there that would be spun into something else, there was a risk to that. So we felt that
13 there was going to be a full inquiry, the facts would roll out as they would in testimonies,
14 just like mine, or other members, and the media would have an opportunity to look at all
15 the different facts of the case through the Inquiry.

16 **MR. MICHAEL SCOTT:** Right. And you appreciate that obviously
17 that was two years ago.

18 **COMMR BRENDA LUCKI:** M'hm.

19 **MR. MICHAEL SCOTT:** Right. So for a long period, while we've
20 been working through this process, it certainly hasn't done much to ensure that the
21 people of Nova Scotia are informed, has it?

22 **COMMR BRENDA LUCKI:** I'm not sure.

23 **MR. MICHAEL SCOTT:** Yeah. And when we talk about your
24 concern that the media will spin things into a negative narrative or that it might not --
25 people might still have a negative narrative, how do I reconcile that with your earlier
26 comments, that the real strategy for building trust with the community is that we
27 communicate transparently, candidly ---

28 **COMMR BRENDA LUCKI:** Yeah, it's -- it's a tough one to

1 reconcile, I'm not going to -- I'm not going to deny that. It wasn't an easy decision. And
2 it's -- you know, we're trying to balance and give the most information we can. And then
3 we have all these other mitigating and aggravating factors. And sometimes it flies in the
4 face of what we're trying to accomplish, but sometimes there's a greater good.
5 Sometimes it's about you know what? There's going to be people who will testify to the
6 facts that we will -- you know, that they will be presented in a matter that the media can
7 take what they wish from those testimonies. It's not always -- you know, there's always
8 a fear that there's a risk to the organization. And so you balance it and you try to make
9 a decision. Some people may not agree with the decision. That's all right. But the
10 decision was made.

11 **MR. MICHAEL SCOTT:** The decision was made. And I guess the
12 most important question is, are you one of those people that thinks that in certain
13 circumstances, to protect the organization, that we should withdraw from
14 communicating or sharing information that might make the institution look bad?

15 **COMMR BRENDA LUCKI:** Well reputational risk is always one of
16 the risks we look at. It's not the only risk we look at, but it's one of the risks, absolutely,
17 as an organization.

18 **MR. MICHAEL SCOTT:** And that's fair. But can I suggest to you
19 that that was the overriding concern ---

20 **COMMR BRENDA LUCKI:** No.

21 **MR. MICHAEL SCOTT:** --- when you -- no. Your testimony is that
22 really it was out of an effort to protect the Mass Casualty Commission and the integrity
23 of that process?

24 **COMMR BRENDA LUCKI:** Well I think the timing was just not the
25 right timing because we were right in the midst of announcing, imminently, a Mass
26 Casualty Commission.

27 **MR. MICHAEL SCOTT:** Right.

28 **COMMR BRENDA LUCKI:** And to run out in front of the media,

1 just prior to announcing a Mass Casualty Commission, may look that -- you know, it
2 may look like self-serving, almost. And so there's risk to doing something and there's
3 risk to not doing something. And it's -- you know, you're darned if you do and you're
4 darned if you don't sometimes. And sometimes people are going to criticize you no
5 matter what decision you make. So I think there would have been more criticism if we
6 ran out in front of the media and did a fulsome interview on all of the facts associated
7 with this mass casualty just prior to a commission being announced.

8 **MR. MICHAEL SCOTT:** So your view is that depending on the
9 timing or what's happening, it's not always a good idea to be honest, forthcoming, and
10 transparent with the media, and by extension, the community? There are strategic
11 considerations?

12 **COMMR BRENDA LUCKI:** Yeah, absolutely. It's not about being
13 honest or dishonest. It doesn't boil down to that. There's just a lot of factors that people
14 have to look at, mitigating and aggravating circumstances, and those change from one
15 decision to another. And there's several different factors that one needs to look at. And
16 I rely on my strategic communications people, who have the expertise in that, and they
17 provide advice, and I can take the advice or I can't take the advice. And in this case, I
18 took their advice. Or we took their advice, because it was both the Deputy and myself
19 at that point.

20 **MR. MICHAEL SCOTT:** And if you had to go back and do it again,
21 you'd do the same thing?

22 **COMMR BRENDA LUCKI:** I believe so.

23 **MR. MICHAEL SCOTT:** In 2018 you testified before the National
24 Inquiry into Missing and Murdered Indigenous Women and Girls? Is that correct?

25 **COMMR BRENDA LUCKI:** Yes.

26 **MR. MICHAEL SCOTT:** And I believe you testified in June of that
27 year, which would have been shortly after you were appointed Commissioner?

28 **COMMR BRENDA LUCKI:** Yes.

1 **MR. MICHAEL SCOTT:** And I was struck -- it was raised in your
2 Mass Casualty Commission interview that you spoke about the family liaison role and its
3 importance within the RCMP. You remember that?

4 **COMMR BRENDA LUCKI:** Yes.

5 **MR. MICHAEL SCOTT:** Yeah. And I expect you're aware that
6 there have certainly been issues in this matter with respect to the family liaison. You're
7 aware of that?

8 **COMMR BRENDA LUCKI:** I don't know all of the specific details,
9 but I'm aware that there were some issues.

10 **MR. MICHAEL SCOTT:** Are you aware that one family liaison from
11 the RCMP was assigned to all of the civilian victims' families?

12 **COMMR BRENDA LUCKI:** Yes.

13 **MR. MICHAEL SCOTT:** And we heard testimony from that family
14 liaison a few months ago now and it came out in evidence that he had no training of any
15 kind, no -- specific to the role of family liaison. And I suspect one of the issues that the
16 Commission will be looking at is whether recommendations need to be made in regards
17 to family liaison?

18 **COMMR BRENDA LUCKI:** Yeah, that would be beneficial.

19 **MR. MICHAEL SCOTT:** And when you addressed the issue of the
20 family liaison well back in 2018 for that inquiry, what you said was:

21 "Everything, all the issues I hear, it's always about
22 communication, lack of communication, not timely, poor
23 communication, disrespectful communication. But it's
24 always communication. So we really need to get better
25 at it and make sure that our members are equipped to
26 have that, and if they aren't, then they need training, and
27 if they aren't, then maybe we need to find somebody who
28 can." (As read)

1 And do I understand your messaging there to be that how the
2 RCMP communicates with those families is critically important and we need to have
3 people that are trained to do it, and if we had people who aren't suited to it, then we
4 need to find somebody else who is better suited to that role?

5 **COMMR BRENDA LUCKI:** Yeah, we need to create -- I don't even
6 believe we have training for that role. You know, it's not something that we use a lot of,
7 because often I've been in other provinces where their Victim Services, their provincially
8 run Victim Services, is exactly that, the family liaison. They're well trained. That's their
9 job each and every day. And in some provinces, it's so effective that we would never
10 have -- there would be a liaison for the Victim Services Unit to the RCMP, but the actual
11 RCMP wouldn't be the direct liaison with the family because they have very effective
12 Victim Services Units.

13 **MR. MICHAEL SCOTT:** Do I understand you to be saying that
14 nationally the RCMP has no training program for the family liaison role?

15 **COMMR BRENDA LUCKI:** I don't believe so. I would have to
16 check that out, but I don't believe so.

17 **MR. MICHAEL SCOTT:** Well presumably if there was, you would
18 know about it, would you not?

19 **COMMR BRENDA LUCKI:** Not necessarily. We do hundreds and
20 hundreds of training courses per year.

21 **MR. MICHAEL SCOTT:** But to the best of your understanding,
22 there is no training program?

23 **COMMR BRENDA LUCKI:** Like I said, I don't believe there is, but I
24 can't -- I'm not 100 percent sure.

25 **MR. MICHAEL SCOTT:** Right. And you were discussing the
26 importance of the family liaison role back in 2018 before that inquiry, so that would have
27 been two years before the mass casualty, and I guess four years from now. Do I
28 understand correctly that since you made this point, since you addressed this issue and

1 identified it, that the RCMP, and you as its commissioner, have done absolutely nothing
2 to address it?

3 **COMMR BRENDA LUCKI:** The family liaison in the MMIWG was
4 slightly a different type of liaison. This was a mass casualty. I know I've actually had
5 presentations in the last couple of years about mass casualties and dealing with victims
6 of mass casualties and families of victims of mass casualties, and I think there's a lot of
7 work that can be done. I don't know if you've ever spoken to, I believe it's Sue Sullivan,
8 who used to be the Commissioner of the OPP. She's very passionate about this and
9 she's spoken to me and we've looked at some of that. It's a huge project that we -- I
10 don't think we've, sort of, unraveled it completely, but it's definitely something that we
11 should look at, because unfortunately I think, I hate to even say that we would need to
12 have that, because that would mean that we'd have more big events, but I think we
13 need to look at it for sure. I think there's a lot to be said.

14 **MR. MICHAEL SCOTT:** There is. And I appreciate that. But my
15 question was, since 2018, nothing has happened -- wait for me to ask the question.
16 Nothing has happened in terms of training for family liaison?

17 **COMMR BRENDA LUCKI:** I can't say for sure. I'm not the Chief
18 Learning Officer. I don't know. There could be, possibly, online courses. I have no
19 idea. Sorry.

20 **MR. MICHAEL SCOTT:** No -- fair to say, none that you know of?

21 **COMMR BRENDA LUCKI:** None that I know of.

22 **MR. MICHAEL SCOTT:** No. None that you've undertaken?

23 **COMMR BRENDA LUCKI:** I wouldn't take the course. I imagine I
24 wouldn't be in the position to be a family liaison.

25 **MR. MICHAEL SCOTT:** No, I meant in terms of pushing a forward

26 ---

27 **COMMR BRENDA LUCKI:** Oh, okay.

28 **MR. MICHAEL SCOTT:** --- a mandate for establishing training?

1 **COMMR BRENDA LUCKI:** Well, if in fact we are able to create
2 such a course, I'd be fully supportive, yes.

3 **MR. MICHAEL SCOTT:** Right. But that -- my question was, have
4 you done anything yourself in terms of ---

5 **COMMR BRENDA LUCKI:** Myself, no.

6 **MR. MICHAEL SCOTT:** No.

7 **COMMR BRENDA LUCKI:** No.

8 **MR. MICHAEL SCOTT:** Commissioner, sorry, are you -- I couldn't
9 tell if you were trying to get my attention or ---

10 **COMMISSIONER MacDONALD:** No.

11 **MR. MICHAEL SCOTT:** Okay. We've been hearing,
12 Commissioner Lucki, about a meeting that you had with some of the senior officers at H
13 Division on April 28th, 2020. You know the meeting I'm talking about?

14 **COMMR BRENDA LUCKI:** Yes.

15 **MR. MICHAEL SCOTT:** And you've already testified about those
16 matters before the Parliamentary Standing Committee on Public Safety and National
17 Security?

18 **COMMR BRENDA LUCKI:** Yes.

19 **MR. MICHAEL SCOTT:** And obviously it's been addressed by
20 Chris Leather, and Darren Campbell, and Lia Scanlan. And given the information that
21 has -- that's come forward on that, it appears that there's two very different accounts of
22 what transpired in that meeting. Would that be fair?

23 **COMMR BRENDA LUCKI:** They're not similar, but I wouldn't say
24 in many respects that they're completely different, either.

25 **MR. MICHAEL SCOTT:** So it's your view that ---

26 **COMMR BRENDA LUCKI:** They're not -- definitely some
27 discrepancies, yes.

28 **MR. MICHAEL SCOTT:** There are definitely some discrepancies.

1 In fact, there are a number of things that some of the people in Nova Scotia report as
2 having been said that you've been quite clear just weren't said.

3 **COMMR BRENDA LUCKI:** Yes.

4 **MR. MICHAEL SCOTT:** And you've also been very clear that the
5 purpose for that meeting was because your expectations were not being met in regards
6 to communications and the flow of communications between the division and National
7 Headquarters.

8 **COMMR BRENDA LUCKI:** Yes.

9 **MR. MICHAEL SCOTT:** Your intention was to make the CO and
10 Chris Leather and Darren Campbell all aware of your expectations.

11 **COMMR BRENDA LUCKI:** Yes.

12 **MR. MICHAEL SCOTT:** And really, all you had were some
13 concerns about the accuracy of the information that was being provided to National
14 Headquarters that you were then passing on to the government.

15 **COMMR BRENDA LUCKI:** No, not necessarily, because I was
16 doing a lot of media as well, so there was the flow of information, the accuracy, the
17 timing of the information.

18 **MR. MICHAEL SCOTT:** There was a lot of issues.

19 **COMMR BRENDA LUCKI:** So the rhythm, yes. And I know my
20 communications folks had come to me with some concerns about just trying to really
21 push the envelope again to -- for them to be a bit more proactive and not so reactive
22 because it was -- it was difficult, and to be more prepared and getting them more
23 prepared for media events.

24 **MR. MICHAEL SCOTT:** Right. So your communications people
25 were complaining about the job that "H" Division was doing in terms of communications.

26 **COMMR BRENDA LUCKI:** They were expressing some
27 frustrations. They knew that they didn't have the capacity. They were trying to help
28 from a distance, but it wasn't working out so well.

1 **MR. MICHAEL SCOTT:** But the general impression from your
2 office and from your communications people was that there were serious problems
3 going on with ---

4 **COMMR BRENDA LUCKI:** Yeah, there were some issues.

5 **MR. MICHAEL SCOTT:** --- with "H" Division ---

6 **COMMR BRENDA LUCKI:** There were some issues.

7 **MR. MICHAEL SCOTT:** --- and their communications.

8 Right. Including their handling of things like press conferences and
9 media, things like that. Yes?

10 **COMMR BRENDA LUCKI:** Yes.

11 **MR. MICHAEL SCOTT:** Right. Madam Clerk, could we pull up
12 COMM0020441? It should be an email from Commissioner Lucki to Darren Campbell
13 dated April 24th.

14 Thank you, Madam Clerk.

15 **REGISTRAR DARLENE SUTHERLAND:** And that will be marked
16 as 4229.

17 **--- EXHIBIT No. 4229:**

18 (COMM0020441) Email from Commissioner Lucki to Darren
19 Campbell, dated April 24th

20 **MR. MICHAEL SCOTT:** Thank you, Madam Clerk.

21 Commissioner, can you see that email?

22 **COMMR BRENDA LUCKI:** Yeah. If it could be made a bit bigger.

23 **MR. MICHAEL SCOTT:** Sure. I think we can make it a little bit
24 bigger for you, if that helps.

25 It appears to be an email sent from you to Darren Campbell on the
26 26th ---

27 **COMMR BRENDA LUCKI:** Yeah.

28 **MR. MICHAEL SCOTT:** --- of April, 2020.

1 **COMMR BRENDA LUCKI:** Yes.

2 **MR. MICHAEL SCOTT:** And if you see in that email -- if we could
3 go down, Madam Clerk.

4 Yeah. Sorry. If we could go just a little bit further. The one I want
5 is the April 24th.

6 Do you see that ---

7 **COMMR BRENDA LUCKI:** Yeah.

8 **MR. MICHAEL SCOTT:** --- April 24, 2020, 3:11 p.m.? Again, from
9 you to Darren Campbell, I believe:

10 "Great job on the press conference today. You
11 represented the RCMP extremely well and provided
12 the information that people need to answer their many
13 questions." (As read)

14 And you go on to talk about how the Minister of Public Safety, Bill
15 Blair, passes on his gratitude for a job well done, that the Minister was impressed by the
16 outstanding job that Darren Campbell did of explaining a very complex and tragic
17 situation with calm and composure, the fact that "you very succinctly answered every
18 question you received".

19 So do I -- do I read this correctly that certainly on the 24th of April,
20 you didn't have any concerns about the job that people like Darren Campbell are doing?

21 **COMMR BRENDA LUCKI:** Not on that particular press event ---

22 **MR. MICHAEL SCOTT:** No.

23 **COMMR BRENDA LUCKI:** --- no.

24 **MR. MICHAEL SCOTT:** So the significant concerns about "H"
25 Division's communications and dealings with the press, that would have been outside of
26 what you were ---

27 **COMMR BRENDA LUCKI:** This was ---

28 **MR. MICHAEL SCOTT:** --- referring to here.

1 **COMMR BRENDA LUCKI:** --- one particular event that I was
2 commenting on, yes.

3 **MR. MICHAEL SCOTT:** So by the time you get to the 28th, a few
4 days later, that's when you feel it's necessary -- I think you described it as the straw that
5 broke the camel's back because there's been all these issues ensuing between the 19th
6 and the 28th.

7 **COMMR BRENDA LUCKI:** And it wasn't in particular to Darren
8 Campbell or Lia Scanlan or Lee Bergerman or Chris Leather. It was about their lack of
9 capacity, it was about the fact that things were not flowing the way they ought to have.
10 And it wasn't meeting my expectations, so I wanted to have that conversation.

11 **MR. MICHAEL SCOTT:** And you weren't angry or upset?

12 **COMMR BRENDA LUCKI:** Pardon?

13 **MR. MICHAEL SCOTT:** You were not angry or upset?

14 **COMMR BRENDA LUCKI:** No, I don't -- I'm not a person who gets
15 angry. I get frustrated. Sometimes I get disappointed. But to be angry, I'm not that
16 type of person.

17 **MR. MICHAEL SCOTT:** Right. I think you've said before that's just
18 not in your DNA.

19 **COMMR BRENDA LUCKI:** Yeah.

20 **MR. MICHAEL SCOTT:** You're a calm person. Yeah.

21 And you said that it was just a conversation that had to happen.

22 **COMMR BRENDA LUCKI:** Yeah. I think I would be remiss -- if
23 people aren't meeting my expectations, if I was to ignore it, how am I expecting anything
24 to change if I don't bring it forward?

25 **MR. MICHAEL SCOTT:** Well, it's your role, is it not?

26 **COMMR BRENDA LUCKI:** Part of my role, yes.

27 **MR. MICHAEL SCOTT:** Right? It's your role if the people around
28 you are not meeting your expectations and you have reasonable expectations to

1 communicate to them, then that would be entirely within the scope of your -- of your
2 role, would it not?

3 **COMMR BRENDA LUCKI:** Yes.

4 **MR. MICHAEL SCOTT:** Yes.

5 Am I correct, though, that that particular meeting seemed to have a
6 particular focus on one issue?

7 **COMMR BRENDA LUCKI:** Well, it was the example that I used
8 because that was the example that was sort of, like I said, the straw that broke the
9 camel's back. I don't like to give misinformation or disinformation. It really bothers me
10 when I do that. And if it's something that I can change, I need to change it.

11 And so I felt that -- it could have been about widgets or this glass of
12 water. It wasn't about the topic. It was about the fact that I asked a question, I got the
13 wrong answer, I transmitted the wrong answer. And that is not something that I like to
14 do. When I brief, I like to be as accurate as I can.

15 **MR. MICHAEL SCOTT:** Right. It was about -- it wasn't about the
16 subject matter, the details of these firearms. It was about the accuracy of that
17 information.

18 **COMMR BRENDA LUCKI:** Yeah.

19 **MR. MICHAEL SCOTT:** Right?

20 **COMMR BRENDA LUCKI:** Part of it, yes.

21 **MR. MICHAEL SCOTT:** Yeah. You weren't angry that that
22 information hadn't been revealed. You were frustrated because the information that you
23 had relayed was inaccurate. You had no vested interest in whether the information
24 about the firearms was released publicly.

25 **COMMR BRENDA LUCKI:** No, there was a ton of information that
26 we were requesting at any given time, and by that point in time there was only a few
27 outstanding issues left that needed to be brought out in the public, and weapons was
28 one. The chronology of events. And there was a few things about the perpetrator

1 themselves that -- himself that had to be -- that were still outstanding, so there was a
2 few things that needed to be addressed in media because we were getting a ton of
3 questions.

4 **MR. MICHAEL SCOTT:** It strikes me as particularly reasonable
5 that if you were getting inaccurate information from your subordinates that that would be
6 something that you would raise in a meeting to see if we can address that and ensure
7 that that's going forward.

8 But in your interview with the Mass Casualty Commission, you said,
9 and I'm quoting -- for the benefit of my friends, I'm at page 84:

10 "We talk about that meeting. It sickens me. When I
11 think about it before I go to bed, I can't sleep. I don't
12 even like talking about it." (As read)

13 What I wonder is, if we're simply talking about having a calm
14 conversation with subordinates to address a fairly mundane issue about the fact that,
15 you know, we've had some communications mix-up, why would that prevent you from
16 sleeping? Why would it sicken you to think about that meeting?

17 **COMMR BRENDA LUCKI:** It sickens me because the letter I got a
18 year later. That's what sickens me. If I had known that I had that negative effect on Ms.
19 Scanlan, if I had caused her sadness or grief or anxiety or any one of those negative
20 emotions, I would have wanted to have that conversation right away, the next day.
21 Make the right wrong. That's who I am. I'm not afraid to admit if I have -- I could have
22 been more sensitive.

23 I look at -- I look at it from a leadership point of view. I forget, first
24 of all, the -- the power of the Commissioner's office. Sometimes I even forget I'm the
25 Commissioner, honestly, because I know -- I like to connect with people.

26 I could have been more sensitive. I could have tempered my
27 comments with more positiveness. There's a few things. But I was truly frustrated. I
28 was hurt that the negative narrative on my people watching it happen when I knew they

1 did the best they could during -- with the circumstances they faced and watching that
2 happen before my eyes and feeling completely powerless, it was difficult. It was difficult
3 as a leader.

4 And I ought to have maybe just waited 24 hours. Maybe I should
5 have only talked to the Commanding Officer. But I felt that, you know, it was so difficult
6 in those days. We weren't face to face. We didn't -- I had no indication of body
7 language. It was difficult. And it was difficult because when I found out a year later the
8 effect it had on Ms. Scanlan, I don't wake up in the morning and say I want to do that to
9 any person. I don't want to hurt anybody. So that's why, when I replay that meeting
10 and I think of the things that I could have done better as a leader, I know that I still
11 needed to outline the problems and I still needed to outline my expectations, but I could
12 have done it differently. And that's the thing that keeps me up at night.

13 **MR. MICHAEL SCOTT:** Madam Registrar, if we could go to
14 COMM0058827? That'd be the letter from Lia Scanlan.

15 You're referring to the letter that you got from Lia Scanlan about a
16 year later, April of 2021. And I understand that up to that point, you had no awareness
17 that there had been any issue with that phone call?

18 **COMMR BRENDA LUCKI:** None.

19 **MR. MICHAEL SCOTT:** And I think you'd also testified that part of
20 the issue may have been that because it was by teleconference and there was no
21 Teams or Zoom, that you couldn't gauge body language?

22 **COMMR BRENDA LUCKI:** Well also, all the people in Ottawa, we
23 were all at individual -- our own locations, our homes, most of us. And the group in
24 Nova Scotia was all together. And it was post that big media event, so of course, you
25 know, people were -- it was very emotional for them. They were -- they just came off of
26 a very successful media event and here I came in and burst their bubble by outlining my
27 expectations. It wasn't an easy conversation to have. Like I said in other testimony, I
28 was always framing things about the issues and how it made me feel. I was very calm

1 about it. So when I saw some of the comments that she said in her letter, I was
2 shocked, because that's not how it happened. That's not how I saw it happen. And I
3 verified with people that were at the meeting to see if, you know, if I missed something,
4 if I had zero self-awareness. And people said I didn't say certain things or I didn't do
5 certain things. I knew I hadn't, but, you know, of course you want to validate that.

6 But even to this day, I don't even want to read the letter.

7 **MR. MICHAEL SCOTT:** Right.

8 **COMMR BRENDA LUCKI:** I don't even want to see the letter.

9 **MR. MICHAEL SCOTT:** Well I can read it for you. In the letter
10 from Ms. Scanlan, she suggests that your conduct in that meeting was:

11 "...appalling, inappropriate, unprofessional, extremely
12 belittling." (As read)

13 And I assume that your position is that that bears no resemblance
14 to the meeting that you were a part of?

15 **COMMR BRENDA LUCKI:** I respect her opinion. I completely
16 disagree with it.

17 **MR. MICHAEL SCOTT:** See, that's -- that's my understanding
18 from listening to your SECU evidence, is that your position is that:

19 "They remember the meeting one way and I remember a
20 different way. And maybe it's because we're all in
21 different places and on the phone. I couldn't see body
22 language. There was some misunderstanding, but wires
23 got crossed." (As read)

24 Is that generally how you would resolve the issue?

25 **COMMR BRENDA LUCKI:** No. I know what I said. I know how I
26 said it.

27 **MR. MICHAEL SCOTT:** And you know that it's not the things that
28 Ms. Scanlan is suggesting that you said?

1 **COMMR BRENDA LUCKI:** According to her letter, no.

2 **MR. MICHAEL SCOTT:** Right. So you can see why there are
3 some that, given the disparity between these two reports, have concerns that perhaps
4 somebody isn't being entirely candid or transparent about what was said at that
5 meeting? You can understand that? Because the issue of ---

6 **COMMR BRENDA LUCKI:** Well I do.

7 **MR. MICHAEL SCOTT:** --- the issue of reconciling those two
8 accounts.

9 **COMMR BRENDA LUCKI:** Yeah, I do. And, you know, obviously
10 everybody has a different opinion. And like I said, I respect it. I know that I was made
11 privy to some of her notes that she made during that meeting and it was reflective of
12 any of this. So it sort of surprised me. And I -- like, I said, I find it extremely hurtful and
13 that's not the person I am. And I would never say that, and I never said that.

14 **MR. MICHAEL SCOTT:** No, which ---

15 **COMMR BRENDA LUCKI:** And so ---

16 **MR. MICHAEL SCOTT:** --- raises the question, why is Ms.

17 Scanlan ---

18 **COMMR BRENDA LUCKI:** I don't know.

19 **MR. MICHAEL SCOTT:** --- saying that? Yeah.

20 **COMMR BRENDA LUCKI:** Yeah.

21 **MR. MICHAEL SCOTT:** I mean, Ms. Scanlan suggests at three
22 points in that letter that while berating the H Strong -- the H Division team, that you told
23 them that they had "let the boys down", which she interpreted as being reference to the
24 Blair and McCully children. And you categorically suggest ---

25 **COMMR BRENDA LUCKI:** Categorically -- I ---

26 **MR. MICHAEL SCOTT:** --- you didn't say those words?

27 **COMMR BRENDA LUCKI:** If she had just put "let the boys down",
28 I would have no idea what that meant. And it wasn't -- it's only in that letter that I know

1 what it meant. I had no idea. And that's why I say -- that's why I say how hurtful it is,
2 because I'm not a hurtful person and for her to say that, and knowing I didn't say that --
3 but you know what? I cannot walk an inch in Ms. Scanlan's shoes. I can't walk a mile.
4 I can't walk anything. She had -- she was on the ground. She knew the people. She
5 went through a lot of -- a lot of things that obviously I didn't. I can't imagine what she's
6 going through, what she went through. And so when I read the letter, I really just
7 through maybe it's just a way for her to deal with a bunch of different things.

8 I don't know. I'm not a psychologist.

9 **MR. MICHAEL SCOTT:** No.

10 **COMMR BRENDA LUCKI:** But it was around the one-year
11 anniversary. I just can't imagine what -- the things that she went through, what she
12 saw, what she had to report on. That's got to take its toll on people.

13 **MR. MICHAEL SCOTT:** Oh, I have no doubt. You know, and
14 certainly we can never walk in the shoes of anyone else, but that's not what we're --
15 we're talking about, by your evidence, Ms. Scanlan is reporting things that didn't
16 happen. You can walk a mile in her shoes to the extent that you were in the meeting.
17 We weren't there.

18 **COMMR BRENDA LUCKI:** Yeah.

19 **MR. MICHAEL SCOTT:** And you would know better than anybody
20 whether those things were said or not, and to the best of your understanding, it sounds
21 like Ms. Scanlan was making things up?

22 **COMMR BRENDA LUCKI:** Well there are things, like when Ms.
23 Scanlan, for instance, talks about when we make reference to things like political
24 interference. She was never in any of the conversations that I was in, so for her to have
25 that view, I don't know where she would get that view.

26 So everybody is entitled to their perspective and their opinion. And
27 like I said, I respect it, I just don't agree with it.

28 **MR. MICHAEL SCOTT:** Yeah, every ---

1 **COMMR BRENDA LUCKI:** That is not how it happened.

2 **MR. MICHAEL SCOTT:** Everyone is entitled to their opinion, but
3 surely, we don't have different sets of facts. Something was either said or it wasn't said;
4 right? There's no "my truth" and "your truth". There's just the truth.

5 **COMMR BRENDA LUCKI:** Well, you know, in policing we often
6 say there's three sides to a story. But I just say that, you know what? Its perception is
7 what you were -- what was going through your mind during that day can affect your
8 perception of words. I'm not saying that -- I would never want to call anybody a liar. I
9 just don't think that way. I just, like I said, I know what I said and I know what I didn't
10 say.

11 **MR. MICHAEL SCOTT:** Yeah. And I think you also suggested that
12 there were other people on that call that you went to and they sort of agreed with your
13 recollection?

14 **COMMR BRENDA LUCKI:** Yes.

15 **MR. MICHAEL SCOTT:** And can I assume that those people were
16 all in Ottawa?

17 **COMMR BRENDA LUCKI:** Yes.

18 **MR. MICHAEL SCOTT:** So those were all people that work on
19 your team?

20 **COMMR BRENDA LUCKI:** They're in Ottawa, yes.

21 **MR. MICHAEL SCOTT:** Yeah.

22 **COMMR BRENDA LUCKI:** Brian Brennan, and Sharon Tessier.

23 **MR. MICHAEL SCOTT:** And Brian?

24 **COMMR BRENDA LUCKI:** Yes.

25 **MR. MICHAEL SCOTT:** And you're aware that we've heard from
26 Darren Campbell, and Chris Leather, and Lia Scanlan?

27 **COMMR BRENDA LUCKI:** M'hm.

28 **MR. MICHAEL SCOTT:** And each of them have reported a version

1 of the conversation that's quite consistent. Do you know that?

2 **COMMR BRENDA LUCKI:** I know that they've talked about it,
3 yeah, in -- from their perception and their point of view, yes.

4 **MR. MICHAEL SCOTT:** And that there's some understanding that
5 their recollection, everybody in Nova Scotia seems to have heard a very different
6 conversation than the one that you and your staff participated in; yes?

7 **COMMR BRENDA LUCKI:** Yes.

8 **MR. MICHAEL SCOTT:** Yeah.

9 **COMMR BRENDA LUCKI:** There's certain things in Ms. Scanlan's
10 letter that other people in Nova Scotia have not spoken about, so I'm not sure. So that's
11 why I struggle with everything. I struggle with what those words are. They're -- like I
12 said, I find it extremely hurtful.

13 **MR. MICHAEL SCOTT:** I think you said that if you had known the
14 impact that your words had back at the time, you would have fixed it the next day? You
15 would have made it right?

16 **COMMR BRENDA LUCKI:** Yeah, I was told that people left in -- or
17 a person left in tears, I think it was.

18 **MR. MICHAEL SCOTT:** Ms. Scanlan. Yeah.

19 **COMMR BRENDA LUCKI:** Yeah, there's no -- I would never --
20 today I don't want anybody here leaving in tears. I don't want anybody leaving in tears,
21 no matter how bad a situation is. So to hear that she left in tears saddens me, because
22 then I would have had -- I would love to have a conversation with her. And I have
23 reached out to her.

24 **MR. MICHAEL SCOTT:** But presumably when you got that letter in
25 April 2021, the first thing you did was pick up the phone and call Ms. Scanlan?

26 **COMMR BRENDA LUCKI:** No. I read it. I absorbed it. I
27 wondered where it was coming from. I looked at the calendar. It was almost to the one-
28 year anniversary. Ms. Scanlan wasn't working at the time. I tried to write a letter back.

1 I wrote one several times. Rewrote it, rewrote it, rewrote it several times. And I thought
2 to myself there wasn't anything that I could say in that letter that I felt would change
3 things for her or make her think differently, or make her -- take her hurt away. I didn't
4 think I could do that for her.

5 And so I thought the best thing I could do was speak to her in
6 person.

7 And I thought about it, and the only reason I didn't was, first of all,
8 she wasn't at work and I didn't -- I didn't want to affect her wellness plan; and the
9 second reason was that, again, the integrity of the Mass Casualty Commission, I didn't
10 want to in any way have people feel that their testimony was being influenced by the
11 Commissioner of the RCMP, so I felt it was best just to wait until people's testimony was
12 done, and that's what I did in the case of Lia. As soon as her testimony was done,
13 again, I -- I'm very conscious of trauma and hurt and not wanting to be that person, so I
14 got somebody who knew her to reach out to her so that she wouldn't receive an email
15 from the Commissioner of the RCMP and feel anxiety of any sort. I had the person
16 reach out to her to see if she would like to meet with me or give her the option of
17 meeting with me when I went down to Nova Scotia, and she chose not to.

18 **MR. MICHAEL SCOTT:** That was in June.

19 **COMMR BRENDA LUCKI:** Yes.

20 **MR. MICHAEL SCOTT:** Right. But she sent you that letter back ---

21 **COMMR BRENDA LUCKI:** Yes.

22 **MR. MICHAEL SCOTT:** --- in April of 2021.

23 **COMMR BRENDA LUCKI:** Yeah, she hadn't testified yet. She
24 had given statements but hadn't testified until in this last six months, I believe.

25 **MR. MICHAEL SCOTT:** Right. Right around the time that Darren
26 Campbell's notes became public as part of this public inquiry?

27 **COMMR BRENDA LUCKI:** Sorry?

28 **MR. MICHAEL SCOTT:** Is that -- is that when you reached out to

1 Ms. Scanlan?

2 **COMMR BRENDA LUCKI:** No, I reached out just before I was
3 going to Nova Scotia, actually, and when she was finished her testimony. She had
4 finished -- there was -- there was a question that she might go back for a second
5 testimony, so I was waiting until it was done. And I knew that I was going to Nova
6 Scotia in June, so that's when I had planned to meet.

7 **MR. MICHAEL SCOTT:** Well, you received the letter in April of
8 2021, and for the -- for various reasons you didn't make any attempt to make it right.

9 **COMMR BRENDA LUCKI:** No, I wrote the letter but I didn't send
10 it.

11 **MR. MICHAEL SCOTT:** Do you have that letter?

12 **COMMR BRENDA LUCKI:** Not with me, no.

13 **MR. MICHAEL SCOTT:** And do you have a draft of it?

14 **COMMR BRENDA LUCKI:** I believe so. I still kept it I think.

15 **MR. MICHAEL SCOTT:** Would you be willing to produce that
16 letter?

17 **COMMR BRENDA LUCKI:** Yeah.

18 **MR. MICHAEL SCOTT:** I'll ask you to undertake to produce the
19 draft letter or any drafts you have that you were ---

20 **COMMISSIONER MacDONALD:** I think you should -- I think you
21 should direct that to counsel, Mr. Scott.

22 **MS. PATRICIA MacPHEE:** We'll take that -- we'll take that under
23 advisement for now and deal with it at the end of the proceedings today.

24 **COMMISSIONER MacDONALD:** Thank you.

25 **MR. MICHAEL SCOTT:** So my question is if an -- a civilian
26 employee of your writes you a letter that not -- is not simply expressing "you've said
27 some things that have hurt me", but is rather plainly accusing you of having acted in a
28 way that was appalling, inappropriate, unprofessional, belittling, and is attributing things

1 to you that you know firsthand are factually false, she's suggesting that you said things
2 that you just didn't say, how does that not warrant immediately picking up the phone and
3 saying, "What is this letter? What are you talking about? I don't know what room you
4 were in, but I was part of that conversation and I didn't say any of those things?"

5 **COMMR BRENDA LUCKI:** Why would I want to do that at that
6 point in time when Ms. Scanlan was dealing with her own wellness issues? Why would
7 I want to do that at that time? That's the questions I ask myself. And I didn't feel it was
8 appropriate. I did not want to cause her any more hurt. I wanted her to get well. I
9 wanted her to come back to work. I wanted a lot of things. And so for me to pick up the
10 phone, as you suggest, I would never do that.

11 **MR. MICHAEL SCOTT:** So your concern was that any of these
12 things that Ms. Scanlan or others may have imagined were a result of perhaps some
13 sort of illness or trauma or?

14 **COMMR BRENDA LUCKI:** No, my concern was for Ms. Lia
15 Scanlan, for her to get better. For me to try to explain things or try to have that
16 conversation would be only self-serving and it wouldn't do anything for Ms. Scanlan the
17 way you suggested.

18 **MR. MICHAEL SCOTT:** So Darren Campbell, and Chris Leather,
19 and Lia Scanlan all seem to be under the impression in that meeting you were very
20 clear that you were upset about this information, details about the firearms not being
21 released because it was tied to pending gun legislation from the Liberal Government.

22 **COMMR BRENDA LUCKI:** It was a part of a mandate letter and
23 legislation, yes, but that wasn't -- it wasn't about -- like I said, it was just about the
24 erroneous information that I was given.

25 **MR. MICHAEL SCOTT:** So you recall mentioning why it was that
26 the government had wanted that information released?

27 **COMMR BRENDA LUCKI:** When I talked about the fact that I was
28 told that the information would be part and parcel of the -- of the media, and the fact that

1 the government asked me if it was going to be part of it, I explained that obviously it's
2 important to them because they're in the midst of, or they actually had legislation
3 already completed, but it was an interesting to them, just like any other unfortunate
4 event across -- around the world. They reach in during the Christchurch crisis, they've
5 reached in at other active shooters in and around North America. Whenever those
6 things have happened they have requested the same type of information, wanting to
7 know more.

8 **MR. MICHAEL SCOTT:** Which you said in your -- in your interview
9 with the Mass Casualty Commission was:

10 "I was explaining why it was important to the
11 government. Don't be surprised that they are asking
12 for this information because the mandate letter for the
13 Minister is gun legislation and gun banning. He's
14 interested in that stuff." (As read)

15 **COMMR BRENDA LUCKI:** Yeah.

16 **MR. MICHAEL SCOTT:** Does that -- that sum it up?

17 **COMMR BRENDA LUCKI:** Yeah, that's why I asked for the
18 information on the 23rd.

19 **MR. MICHAEL SCOTT:** Right. So my question is if the only
20 reason we're having this meeting and there's an issue and you're feeling frustrated in
21 trying to express your expectations is because of the accuracy of the information that's
22 being provided, and as you've said, you have no vested interest in whether that
23 information is disclosed or not, you just want to make sure that you're giving accurate
24 information to the government, then -- then why in that meeting would you be stressing
25 the reason why it was so important that that information be released publicly? That the
26 government wanted it released because it was tied to their pending gun legislation?

27 **COMMR BRENDA LUCKI:** No, not at all. It was about the -- it was
28 about all of the issues that we were having about communication, that was but one of

1 many examples. Many other things were brought through our COMMS to their
2 COMMS, but there was many issues with Communications. Like I stated earlier in
3 some of my testimony, in normal circumstances I would get two to three situational
4 reports a day. I wasn't getting that.

5 \ We weren't getting the information that we needed. I was doing a
6 lot of media, and it was very difficult, and I'm never usually in the position where I
7 actually have to ask for the information, it usually just comes free-flowing through a
8 process and through a rhythm, and that rhythm wasn't there. I wanted, again, them to
9 be more proactive, and not reactive, we've talked about that, and they weren't meeting
10 the expectations that I would expect in a -- in a COMM situation.

11 **MR. MICHAEL SCOTT:** We don't need to pull it, but in a -- in an
12 email to H-Division on April 23rd, I think you've seen it, where you're expressing:

13 "GoC and Minister anxiously awaiting, talking about
14 we need this information about the gun details." (As
15 read)

16 You sent that email to Commissioner Bergerman or ---

17 **COMMR BRENDA LUCKI:** Commanding Officer Bergerman ---

18 **MR. MICHAEL SCOTT:** --- Commanding Officer?

19 **COMMR BRENDA LUCKI:** Yeah. We were asking -- there was
20 that and there was I think at another time I had also asked about the chronology. There
21 was a bunch of different little outstanding ones, but one of them was the weapons ---

22 **MR. MICHAEL SCOTT:** Right.

23 **COMMR BRENDA LUCKI:** --- in that particular email; yes.

24 **MR. MICHAEL SCOTT:** And then right around the same time, you
25 called Chris Leather directly to enquire about "when are we going to get the information
26 about the firearms?"

27 **COMMR BRENDA LUCKI:** I don't recall that phone call either.

28 **MR. MICHAEL SCOTT:** You're aware that when Chief

1 Superintendent Leather was here he testified that he got a call from you?

2 **COMMR BRENDA LUCKI:** Yeah, I -- that's when I heard about it.

3 I didn't have any ---

4 **MR. MICHAEL SCOTT:** You don't dispute that?

5 **COMMR BRENDA LUCKI:** I have no recollection of that phone
6 call.

7 **MR. MICHAEL SCOTT:** No. And he also said that he'd never
8 received a phone call from you prior to that. Normally communication would have gone
9 obviously to the Commanding Officer?

10 **COMMR BRENDA LUCKI:** It's not unusual for me to reach out to
11 CrOps officers, Criminal Operations Officers; sorry.

12 **MR. MICHAEL SCOTT:** Did you ever call Chris Leather before that
13 day?

14 **COMMR BRENDA LUCKI:** No. I don't ---

15 **MR. MICHAEL SCOTT:** No.

16 **COMMR BRENDA LUCKI:** --- I didn't -- I didn't realise I called him
17 that day.

18 **MR. MICHAEL SCOTT:** Were you aware that Deputy
19 Commissioner Brennan, who reports directly to you, had contacted Lia Scanlan to ---

20 **COMMR BRENDA LUCKI:** No, I wasn't made aware of that.

21 **MR. MICHAEL SCOTT:** Let me ask the question. To ask for
22 details about the firearms?

23 **COMMR BRENDA LUCKI:** No, I wasn't made aware of that. Only
24 through this process.

25 **MR. MICHAEL SCOTT:** Sharon Tessier is your Strategic
26 Communications, or at the time was your Strategic Communications ---

27 **COMMR BRENDA LUCKI:** The Director.

28 **MR. MICHAEL SCOTT:** --- Director or?

1 **COMMR BRENDA LUCKI:** Yeah, Director of Strategic
2 Communications.

3 **MR. MICHAEL SCOTT:** Were you aware that during the press
4 conference on April 28th, the one where Darren Campbell didn't mention the guns, were
5 you aware that Sharon Tessier was emailing Lia Scanlan in real-time?

6 **COMMR BRENDA LUCKI:** No.

7 **MR. MICHAEL SCOTT:** I know we were having some trouble with
8 the documents earlier, but for the record, I'm referring to COMM0023788, which
9 appears to be an email from Sharon Tessier to Lia Scanlan at 1636 hours, which would
10 be 4:36 p.m. And it says:

11 "Please tell me Darren is going to mention the guns.
12 My phone is lighting up."

13 Were you aware of her sending that message or why she would be
14 sending that message?

15 **COMMR BRENDA LUCKI:** No. The only reason I could think of is
16 that she told me that she -- that the weapons were going to be part of the media release
17 and maybe because she told that to me and it wasn't happening, maybe she felt an
18 obligation. I'm not sure.

19 Like I said, it was a question. It wasn't, "Are the guns going to be
20 mentioned in the media release?". It wasn't -- it wasn't bigger than what everybody is
21 making it out to. It's becoming very politicized, this whole event, as far as I'm
22 concerned, because it was not nearly as big as you're making it sound. It was very,
23 "Are they going to mention it?" because there was so many other things.

24 We talked about the replica vehicle. We talked about the replica
25 uniforms. We talked about the background of the perpetrator. We talked about the
26 event at the fire hall. We talked about the sequence of events, the number of
27 deceased.

28 There was a ton of information that was going back and forth and

1 there was some outstanding information that was left, and so I had told, at some point,
2 that they were having a big press event in Nova Scotia that was going to cover all of the
3 outstanding issues. That was what I was led to believe, that this was going to be the big
4 one.

5 And so when -- like I said, there was different speaking notes. I
6 think I read the first one. I never read anything after that. I assumed that everything
7 was going to be -- I didn't see issues with certain details on the guns myself, but I didn't
8 -- it didn't matter to me. It was just getting the information out.

9 I look back and I think to myself I know that in the first media I did
10 with Minister Blair, I think half of it was directed to him about weapons. I know that I had
11 another media with another outlet, and they were asking about that as well. It was
12 obviously a topic that was of interest to everybody, as was many other topics. But most
13 of it got released as we were -- as the week had gone by.

14 So when the Minister asked -- or not even the Minister. The
15 Minister's Chief of Staff asked if the details for the weapons were going to be released, I
16 had no idea. I wasn't in the details of that media event at all.

17 I asked the question, I got the answer, I transmitted the answer.

18 If I had known that they weren't going to be released, I would have
19 said, "Sorry, they're not going to be released". That was the end of it.

20 At the end of all of this when they said -- when I realized it wasn't
21 released and it was brought out through, I think, a Q and A, I said, "Not the execution
22 we were expecting. It's not" -- I think later on I said, "It's not going to be released". That
23 was the end of that conversation. There was never mention about it again.

24 So I'm trying to explain myself seven different ways of Sunday
25 here. I'm just -- I find myself a little bit frustrated because I -- honestly, I know the
26 conversations I had with the Minister. I know the conversations I had with the Minister's
27 staff, with the Deputy Minister, the National Security Advisor. There was never any
28 direction provided, no interference, no political pressure.

1 Was there pressure? Yeah, there was a lot of pressure, most of it
2 coming from the media itself. But as far as what people think happened, it didn't.

3 And Minister Blair, of all people, is very cognizant of interference
4 because he, himself, was the Chief of Police of Toronto. Very often we have meetings
5 and when we have Ministers outside of the RCMP or outside of the portfolio, there's
6 always reminders about that.

7 So I'm not -- I'm trying to -- trying to answer the questions to the
8 best of my ability, but I don't think I'm -- I'm communicating properly because it seems
9 to still be an issue. And I'm sorry if I'm trying to clarify myself, but.

10 **MR. MICHAEL SCOTT:** Do you remember what the question was?

11 **COMMR BRENDA LUCKI:** No. Sorry.

12 **MR. MICHAEL SCOTT:** You weren't aware that Sharon Tessier
13 sent an email to Lia Scanlan at 4:36 p.m. saying, "Please tell me Darren is going to
14 mention the guns."

15 **COMMR BRENDA LUCKI:** No.

16 **MR. MICHAEL SCOTT:** "My phone's lighting up."

17 **COMMR BRENDA LUCKI:** No, I wasn't aware.

18 **MR. MICHAEL SCOTT:** That's the answer, isn't it, is no?

19 **COMMR BRENDA LUCKI:** No.

20 **MR. MICHAEL SCOTT:** Right. And do you know -- if it wasn't a
21 big deal and it wasn't that important and it's been blown out of proportion, why is Sharon
22 Tessier's phone lighting up?

23 **COMMR BRENDA LUCKI:** I have no idea. You'd have to ask
24 Sharon Tessier. Like I said ---

25 **MR. MICHAEL SCOTT:** Was it you calling her?

26 **COMMR BRENDA LUCKI:** I doubt it. I wasn't -- I didn't even
27 watch the full media event.

28 I started to watch it and I think I was -- there was a lot of other

1 things going on in the RCMP at that point in time, unfortunately, with COVID and the --
2 still a bunch of other events, so.

3 **MR. MICHAEL SCOTT:** Were you aware that a few minutes later,
4 4:49, Ms. Tessier sent another email to Ms. Scanlan saying, "Is there any way to relay
5 to Jennifer/Darren the need to talk about the guns?"?

6 **COMMR BRENDA LUCKI:** No, I wasn't aware of that.

7 **MR. MICHAEL SCOTT:** Note that she's saying "the need to talk to
8 the guns". And we can presume that by Jennifer she's referring to Jennifer Clarke and
9 Campbell being Darren Campbell.

10 Those messages weren't sent at your direction?

11 **COMMR BRENDA LUCKI:** No.

12 **MR. MICHAEL SCOTT:** No.

13 It does seem, however, that given the communication that there
14 appears to be a great deal of concern at that point that this information isn't going to be
15 released publicly.

16 **COMMR BRENDA LUCKI:** Like I said, the only reason I can think
17 that Sharon's sending those messages is because she already told me that it -- the
18 weapons were going to be part of the media event and that I transmitted that
19 information up and so maybe because she was misinformed or she misinformed me,
20 that she was trying to correct that. I'm not sure.

21 **MR. MICHAEL SCOTT:** And based on your previous testimony
22 and when you spoke at SECU, is it fair to say that your position has always been that,
23 number one, you can confirm that Minister Blair never directed you to release any
24 information; correct?

25 **COMMR BRENDA LUCKI:** Never. He has never directed me.

26 **MR. MICHAEL SCOTT:** No. He's never ordered you to ---

27 **COMMR BRENDA LUCKI:** No.

28 **MR. MICHAEL SCOTT:** --- to do anything. And you recognize that

1 that would be incredibly inappropriate and it would be your responsibility at that point to
2 say no; right?

3 **COMMR BRENDA LUCKI:** Absolutely.

4 **MR. MICHAEL SCOTT:** Okay. And I think in your preamble to
5 your SECU testimony, you said:

6 "Specifically, I was not directed to publicly release
7 information about weapons used by the perpetrator to
8 help advance pending gun control legislation." (As
9 read)

10 But you do agree that through the government, the Minister, Chief
11 of Staff, the Prime Minister's Office, it was a request, can this information be released
12 publicly at ---

13 **COMMR BRENDA LUCKI:** No.

14 **MR. MICHAEL SCOTT:** --- at the press conference.

15 No.

16 **COMMR BRENDA LUCKI:** No, it wasn't that. They were asking if
17 it was going to be part of the media event, the big media event that day.

18 **MR. MICHAEL SCOTT:** So the distinction you're drawing is
19 between direction or an order, which is improper, and somebody simply asking ---

20 **COMMR BRENDA LUCKI:** When somebody says "Can you do
21 that", that's, to me, direction, and it wasn't that at all. It was just an "if".

22 It was, is that information going to be part of that media event.

23 **MR. MICHAEL SCOTT:** Commissioner Lucki ---

24 **COMMR BRENDA LUCKI:** So that's why I'm having a difficult time
25 with your questions.

26 **MR. MICHAEL SCOTT:** You understood that ---

27 **COMMR BRENDA LUCKI:** There was no benefit for the
28 government ---

1 **MR. MICHAEL SCOTT:** Let me ask the question.

2 You understood that the question was, even if it was framed as, is
3 that information going to be released, the message was, “We’d really like to have that
4 information released”.

5 **COMMR BRENDA LUCKI:** I didn’t see it like that.

6 **MR. MICHAEL SCOTT:** No?

7 **COMMR BRENDA LUCKI:** No.

8 **MR. MICHAEL SCOTT:** You thought it was just out of sheer
9 curiosity.

10 **COMMR BRENDA LUCKI:** No, because it was one of the
11 outstanding items that still wasn’t out in the public. And we had made it very clear to the
12 government that you could not talk about anything until the RCMP released the
13 information.

14 “H” Division on the ground had a very specific protocol of the
15 release of the information. They wanted a “no surprise” environment, as did I, so until
16 they released it, none of the government officials could speak about it or release it in
17 their media events.

18 **MR. MICHAEL SCOTT:** Right. But I guess my question is, then, if
19 you’re suggesting that you had no idea why they were asking for it, it was just a
20 question, is this going to be included or not, then why on the 28th when you’re meeting
21 with “H” Division are you telling them, “This is tied to pending gun legislation”?

22 **COMMR BRENDA LUCKI:** Well, because it -- it was about the
23 weapons, so it was really -- like I said, it wasn’t -- the specific meeting was -- the fact
24 that I gave the wrong information is what frustrated me the most, and it was yet another
25 example of issues with communication. So when they -- when I -- I am asked a
26 question and I give the wrong answer, I don’t like to do that. I don’t want to give
27 misinformation.

28 There’s enough misinformation out there. I don’t want to be the

1 perpetrator of that.

2 So when I gave the misinformation, that's the part that frustrated
3 me. And it was, again, part of many other issues and so it was watching things happen
4 that we could be better at. We could be better at those communications. And the
5 weapons was but one example. And because that was the most recent example, that's
6 the one I spoke about.

7 **MR. MICHAEL SCOTT:** My question, Commissioner, was, if your
8 understanding was that you were being asked -- you didn't know why you were being
9 asked for this information or what the purpose was, ---

10 **COMMR BRENDA LUCKI:** M'hm.

11 **MR. MICHAEL SCOTT:** --- then why, in that meeting, are you
12 expressly telling Darren Campbell ---

13 **COMMR BRENDA LUCKI:** Because ---

14 **MR. MICHAEL SCOTT:** Wait for me to ask the question. Darren
15 Campbell, and Chris Leather, and Lia Scanlan, telling them, "This is -- you don't
16 understand how important this is. It's tied to pending gun legislation"?

17 **COMMR BRENDA LUCKI:** Because the question that was asked
18 to me was about the weapons. That's why I said -- that's why they asked if the
19 weapons would be included, I'm guessing, because it's part of their mandate and it's
20 part of legislation. So I was tying it to the reason why they asked if the ---

21 **MR. MICHAEL SCOTT:** Right.

22 **COMMR BRENDA LUCKI:** --- information of the weapons would
23 be included in the release.

24 **MR. MICHAEL SCOTT:** You understood what the interest was in
25 that information.

26 **COMMR BRENDA LUCKI:** And I was just expressing what I felt
27 was their interest in that information being part of it. And they're asking if it's part of it.
28 I'm advised yes. I tell them yes. And like I said, that was the end of those

1 conversations. The fact of the matter was that it was -- it was not an issue after that.
2 As soon as that was done, there was no question the day after or the day after that of
3 the Government saying, "Hey, are you having another press release? Are you going to
4 release the guns?" There was nothing like that. That was -- it was over. And I said,
5 "Yeah, they're not talking about that." And it was actually at that meeting on the 28th
6 when Darren Campbell told me that it was part of another investigation. So that's when
7 that was the end of it. Up to that point, I didn't connect it because I knew the perpetrator
8 was deceased. I didn't connect it to that at all.

9 **MR. MICHAEL SCOTT:** To be fair, you were more intimately
10 involved with that pending gun legislation than simply being aware that it was part of the
11 Minister's mandate; weren't you?

12 **COMMR BRENDA LUCKI:** No. There was a lot of briefings, but I
13 usually wasn't the ones doing it. We have two or three experts that do it. The odd time
14 I was briefing, but I'm not a gun expert by any means.

15 **MR. MICHAEL SCOTT:** Yeah, under the *Firearms Act*, the RCMP
16 Commissioner also serves as the Chief Executive of the Canadian Firearms Program.
17 Isn't that right?

18 **COMMR BRENDA LUCKI:** I'm the commissioner of the Firearms
19 Program. Yes.

20 **MR. MICHAEL SCOTT:** Right. Making you the most senior
21 administrator with respect to the *Firearms Act* in Canada?

22 **COMMR BRENDA LUCKI:** Yes, but not the most senior subject-
23 matter expert on those -- all things guns.

24 **MR. MICHAEL SCOTT:** Right. And you would say that you had
25 been working with the Liberal Government for two to three years on gun legislation,
26 providing them with information on different guns?

27 **COMMR BRENDA LUCKI:** Many -- like the RCMP. Not me
28 personally. That -- this has been going on for two/three years at least. There are

1 briefings that are given, but we have two or three, like I said, subject matter experts. I
2 very rarely brief on anything to do with the guns.

3 **MR. MICHAEL SCOTT:** You recall doing an interview with my
4 colleague, Ms. Young, back on Thursday, August 4th, 2022?

5 **COMMR BRENDA LUCKI:** With who?

6 **MR. MICHAEL SCOTT:** Ms. Young?

7 **COMMR BRENDA LUCKI:** Oh, yes.

8 **MR. MICHAEL SCOTT:** I believe you were interviewed by Rachel
9 Young?

10 **COMMR BRENDA LUCKI:** Yes.

11 **MR. MICHAEL SCOTT:** And I'm going to suggest to you that at
12 page 26 of your transcript, you said -- it says:

13 "Commissioner Brenda Lucki: Yeah, of course they were
14 curious about the guns. That's part of their mandate.
15 But the gun legislation was already -- had already been
16 presented. We've been working with them for two or
17 three years on gun legislation, so we've been providing
18 them with information on different guns, what happened
19 in Christchurch, what happened in this situation." (As
20 read)

21 Right? So you were consulted and participated in the gun
22 legislation that was announced on May 1st, 2020?

23 **COMMR BRENDA LUCKI:** Like I said, I wasn't -- I wasn't directly
24 involved. There was times early on where I was part of the briefings, but for the most
25 part, like I said before, there were two or three subject matter experts that were the
26 leaders of those briefings sessions that have the expertise in firearms and firearms --
27 everything firearms. I am so not that person. I'm just not an expert in firearms.

28 **MR. MICHAEL SCOTT:** You understood it enough to know that

1 the centerpiece of that legislation was effectively banning certain makes and models of
2 firearms?

3 **COMMR BRENDA LUCKI:** It was the banning of firearms. Yes.

4 **MR. MICHAEL SCOTT:** Right. So certain firearms that Canadians
5 would have otherwise legally have been able to possess if they had the requisite
6 licensing, would now be on a list of prohibited firearms?

7 **COMMR BRENDA LUCKI:** I'm not even that -- I'm ashamed to
8 say, I'm not even that intimately involved with the firearms even at that level. Like I
9 said, there's so many aspects to firearms, and lists, and the categories, and the
10 classifications. I don't know that stuff.

11 **MR. MICHAEL SCOTT:** Madam Registrar, if we could go to
12 COMM0059637? That should be an email from you, Commissioner Lucki, to -- on April
13 23rd, forwarding the firearms information ---

14 **COMMR BRENDA LUCKI:** M'hm.

15 **MR. MICHAEL SCOTT:** --- onto, I believe, the Minister's Chief of
16 Staff. And you had cut and paste that from information that was received from H
17 Division, if I understood.

18 **COMMR BRENDA LUCKI:** Yes.

19 **MR. MICHAEL SCOTT:** If we could go down? Right there.
20 So we see April 23rd, 2020 at 3:58 p.m. from Brenda Lucki.

21 **COMMR BRENDA LUCKI:** M'hm.

22 **MR. MICHAEL SCOTT:** Zita. That's the Minister's Chief of Staff?

23 **COMMR BRENDA LUCKI:** Yes.

24 **MR. MICHAEL SCOTT:** Right. And you're providing her with the
25 information that you had received from H Division?

26 **COMMR BRENDA LUCKI:** Yes.

27 **MR. MICHAEL SCOTT:** Right. And you've listed out the various
28 firearms that were seized from the perpetrator when he was killed?

1 **COMMR BRENDA LUCKI:** Yes.

2 **MR. MICHAEL SCOTT:** You also -- I just want to direct your
3 attention towards the bottom where it says:

4 "Preliminary trace results are as follows: colt carbines,
5 sourced at a gun shop in California..." (As read)

6 And two, Ruger Mini-14, and there's reference to the Ruger P-89.

7 So do I understand correctly that at that time, what's this date, the
8 23rd, when you're sending this information about the firearms that were involved, the
9 RCMP was fully aware that the perpetrator did not have any sort of firearms license or
10 certification and, for the most part, had acquired these firearms illegally and out of
11 country?

12 **COMMR BRENDA LUCKI:** I believe at that point that they -- we
13 did know that he didn't have a license. It wasn't -- yeah, without the license, I would say
14 he's obtaining them illegally.

15 **MR. MICHAEL SCOTT:** The working theory that -- I know the
16 investigation hasn't been closed, but the working theory at the time was that he had
17 smuggled the illegal firearms in? He had acquired firearms illegally in the United States
18 in Maine, had smuggled them across the border, and was, in about five different ways,
19 illegally in possession of firearms?

20 **COMMR BRENDA LUCKI:** Yeah, I didn't know the details that
21 you're -- specifically. I don't believe I was given specific ---

22 **MR. MICHAEL SCOTT:** Well they're right there in the email that
23 you sent.

24 **COMMR BRENDA LUCKI:** No, but it was this would, could have,
25 or this would thus be unlawfully smuggled into Canada.

26 **MR. MICHAEL SCOTT:** Well ---

27 **COMMR BRENDA LUCKI:** Those things.

28 **MR. MICHAEL SCOTT:** --- I'll direct you down to the bottom where

1 it says:

2 "Glock 23. Sourced to a gun shop in Maine. This would
3 have been unlawfully smuggled into Canada." (As read)

4 That's reasonably ---

5 **COMMR BRENDA LUCKI:** Yeah.

6 **MR. MICHAEL SCOTT:** --- clear; isn't it? Right.

7 **COMMR BRENDA LUCKI:** Like I said, that was information I
8 received, yes.

9 **MR. MICHAEL SCOTT:** And as the head of the Firearms Program
10 in Canada, presumably you understand that without a PAL, either restricted or
11 unrestricted, that in any way that that person is in possession of firearms, it's a criminal
12 offence?

13 **COMMR BRENDA LUCKI:** Yes.

14 **MR. MICHAEL SCOTT:** And to the extent that he acquires
15 ammunition is a criminal offence?

16 **COMMR BRENDA LUCKI:** Yes.

17 **MR. MICHAEL SCOTT:** And to the extent that any license holder
18 knowingly assists him in acquiring the materials used as part of his ---

19 **COMMR BRENDA LUCKI:** I don't -- I'm -- I have to say, I don't
20 know those laws intimately. I'm -- I know that there are obviously illegalities when you
21 don't have the proper licensing. I know that. The restricted, the prohibited, what people
22 can and cannot do with a license, I don't intimately know those. But I -- what you're
23 saying, I'm trusting that it's true.

24 **MR. MICHAEL SCOTT:** The reason I'm ---

25 **COMMR BRENDA LUCKI:** I don't want to say that yes, in fact, it --
26 because I ---

27 **MR. MICHAEL SCOTT:** All right. The reason I'm asking is that,
28 you know, while it seems in these communications, particularly in the meeting you had

1 on the 28th with H Division, the suggestion that it's obvious that, you know, why the
2 Government is looking for this information is tied to pending gun legislation. What I was
3 hoping that you could help me with was what is the connection? What is the connection
4 between that legislation and what happened here in Nova Scotia, beyond the fact that
5 firearms are involved?

6 **COMMR BRENDA LUCKI:** I wouldn't do it justice to make that
7 connection for you.

8 **MR. MICHAEL SCOTT:** To the best of your understanding, that
9 legislation wasn't in anyway closing any loopholes or doing anything that would have, in
10 any way, helped prevent the perpetrator from committing his crimes here; right?

11 **COMMR BRENDA LUCKI:** I can't answer. Like I said, I can't
12 answer those questions.

13 **MR. MICHAEL SCOTT:** You're not aware if any efforts were taken
14 to beef up things like border security and address issues of smuggling firearms illegally
15 over the -- over the border?

16 **COMMR BRENDA LUCKI:** Sorry, what was the question?

17 **MR. MICHAEL SCOTT:** You're not aware of anything in that
18 proposed legislation at the time that would have addressed issues like illegal smuggling
19 of firearms, things that would have prevented the perpetrator from bringing a Colt
20 carbine ---

21 **COMMR BRENDA LUCKI:** No, I know that ---

22 **MR. MICHAEL SCOTT:** --- across the border?

23 **COMMR BRENDA LUCKI:** I just know in general that the
24 government has -- obviously they are looking at smuggling, they're looking at guns and
25 gangs, and they're looking at banning certain firearms in a general sense in legislation.

26 **MR. MICHAEL SCOTT:** You can't point to anything that would
27 suggest that -- that there's an -- a logical connection between what happened here in
28 Nova Scotia and those issues being addressed by that legislation, the legislation that

1 was announced on May 1st, 2020?

2 **COMMR BRENDA LUCKI:** No, I wouldn't. Sorry.

3 **MR. MICHAEL SCOTT:** And you can appreciate that there are
4 those that would be concerned that the optics of that are that the collective grief and
5 pain of my clients and others was being exploited ---

6 **COMMR BRENDA LUCKI:** I ---

7 **MR. MICHAEL SCOTT:** --- for the -- wait ---

8 **COMMR BRENDA LUCKI:** Sorry.

9 **MR. MICHAEL SCOTT:** --- to affect the crass political objectives of
10 legislatures? You could see why that would be a very serious issue and one that we
11 would be -- we would be very interested in?

12 **COMMR BRENDA LUCKI:** I could see that as being an issue, but
13 it's not something that is at all when you talk about that I could see the optics of that,
14 absolutely, but I couldn't -- I can't make that connection for you.

15 **COMMISSIONER MacDONALD:** Sorry, Mr. Scott. It's 5:30. I -- I
16 presume you're wrapping up. Or maybe you could tell us where you are in the -- in the -
17 --

18 **MR. MICHAEL SCOTT:** I'm happy to keep going.

19 **COMMISSIONER MacDONALD:** I'm sorry?

20 **MR. MICHAEL SCOTT:** I'm happy to keep going if the
21 Commissioners will hear me.

22 **COMMISSIONER MacDONALD:** Sure. How much longer do you
23 think you'll be?

24 **MR. MICHAEL SCOTT:** Not long.

25 **COMMISSIONER MacDONALD:** Okay, thank you.

26 **MR. MICHAEL SCOTT:** Madam Registrar, can we go to
27 COMM0059637? I believe it's that -- the email that we were just looking at, the
28 April 23rd email. Can we go down, please? Okay, and if we can zoom in.

1 Now, Commissioner Lucki, do you see about three lines down in
2 bold that you write:

3 "Please do no disseminate further. Do not share this
4 information past the [Prime] Minister and the PM as it
5 is directly related to this active investigation."

6 And that's on the 23rd of April; correct?

7 **COMMR BRENDA LUCKI:** Yes.

8 **MR. MICHAEL SCOTT:** Right. You understood that this was
9 information tied to an active investigation, and while you obviously report up ---

10 **COMMR BRENDA LUCKI:** M'hm.

11 **MR. MICHAEL SCOTT:** --- and keep those in government and the
12 Public Safety Minister apprised, you didn't want to compromise the integrity of the
13 investigation by having that disseminated more widely. Right?

14 **COMMR BRENDA LUCKI:** That was why it was put there, yes.

15 **MR. MICHAEL SCOTT:** Right. And I think with respect to the
16 April 28th press conference, and subsequent meeting you had with H-Division, when
17 you were interviewed by the Mass Casualty Commission, the suggestion was that as
18 soon as Darren Campbell said to you "this is part of an active investigation, that's why I
19 don't want to disclose it", your response was, "That's it. I don't need it. I asked for it
20 because the government wanted to know if it was coming up, but if you're telling me that
21 this is for an active investigation, that's it. I'll report that back and we'll never ask for it
22 again." Right?

23 **COMMR BRENDA LUCKI:** I didn't connect the -- it was kind of odd
24 because I was thinking more about the deceased and the connection with the firearms
25 to the deceased and the use of those firearms. I wasn't connecting it to auxiliary sort of
26 investigations, and so that's the investigation that I was thinking of. I wasn't thinking of
27 the smuggling, I was thinking more about connecting the guns to the perpetrator.

28 **MR. MICHAEL SCOTT:** Right. In your interview with the Mass

1 Casualty Commission, what you said, and I'm at page 38:

2 "As soon as he said that, that was it. You know, don't
3 need it, don't need any information on the guns." (As
4 read)

5 **COMMR BRENDA LUCKI:** Yeah.

6 **MR. MICHAEL SCOTT:** Yeah.

7 **COMMR BRENDA LUCKI:** Well, it was -- it was a moot point then,
8 because -- but I still think that, now the benefit of hindsight, I think things like the
9 classification of guns wouldn't -- there was certain of information that may been -- may
10 have been able to be shared that may not compromise. I'm saying that now, I wasn't
11 thinking that then, but I was thinking, you know, how do we push the envelope a bit
12 more so that -- because -- and most recently, of course, seeing some of the active
13 shooters in the States and how they release information, so I've been thinking a lot
14 about it ---

15 **MR. MICHAEL SCOTT:** Right.

16 **COMMR BRENDA LUCKI:** --- wondering how we can be more
17 transparent in that regard.

18 **MR. MICHAEL SCOTT:** But no matter how you think about it, if the
19 information is you know tied to an active investigation that either you believe or
20 somebody who's on the ground believes will impact the integrity of the investigation,
21 obviously that supersedes other considerations and that's the end of the conversation;
22 right?

23 **COMMR BRENDA LUCKI:** Yeah, but sometimes we can -- like
24 sometimes we automatically assume we can't release any information because
25 something's under investigation, but I think sometimes we have to flush through it and
26 think about, you know, can -- is it an absolute or is there things that may or may not be
27 able to be released that wouldn't compromise it to provide that information to the public.
28 So that's -- that's what I meant by how I think of it and trying to push the envelope a little

1 bit.

2 **MR. MICHAEL SCOTT:** Sure. On April 23rd, when you're sending
3 information to the Minister of Public Safety, you're not saying, "Well, maybe we can
4 flush this through and find out what information we can...". What you're saying is "Don't
5 release this as part of an ---

6 **COMMR BRENDA LUCKI:** No.

7 **MR. MICHAEL SCOTT:** --- of an active investigation."

8 **COMMR BRENDA LUCKI:** No, I'm saying that I think that ---

9 **MR. MICHAEL SCOTT:** Yeah.

10 **COMMR BRENDA LUCKI:** --- now, and I think that's why we try to
11 provide that sort of training to the commanding officers. We provide templates for them
12 to be able to say more than just the fact that something's under investigation. Because
13 we've seen it done in other police agencies across Canada where something goes on,
14 and they're -- they seem to be able to talk more about things and for some reason in the
15 RCMP we're very guarded about our communications under the umbrella of an
16 investigation, so trying to figure out how we can push the envelope a little bit more.

17 **MR. MICHAEL SCOTT:** Right. Presumably, if you're telling the
18 Minister on the 23rd that "don't release it, it's under -- it's part of an active investigation",
19 it wasn't your impression by the time you go to the 28th of April that somehow that
20 investigation had been wrapped up?

21 **COMMR BRENDA LUCKI:** No, my COMMS people were talking
22 about we could provide as much information as possible, even under an umbrella of an
23 investigation, that was part of the conversations. I wasn't privy to a lot of it, but I know
24 that they were trying to get more information instead of waiting for just the one, like I
25 said, the one event.

26 **MR. MICHAEL SCOTT:** Who was part of those conversations?

27 **COMMR BRENDA LUCKI:** Well, I -- I -- the person I spoke with
28 was Sharon Tessier, mostly, with just -- I know that that was when she was expressing

1 some of the frustration about trying to get more COMMS out and being more in front of
2 the camera and being more -- providing more information.

3 **MR. MICHAEL SCOTT:** And that wasn't -- those efforts to see
4 "maybe if we can find something and even though we -- couple of days ago we knew it
5 was part of an active investigation", that was just out of nothing other than a desire to
6 ensure that the RCMP was being transparent in providing as much information to the
7 Canadian public as was possible. It had nothing to do with a particular interest that the
8 government had in getting the make, model and caliber of those firearms out into the
9 public discourse.

10 **COMMR BRENDA LUCKI:** Sorry, what's your question?

11 **MR. MICHAEL SCOTT:** My question is that are you suggesting
12 that the only reason those conversations were being had about "Is there anything we
13 can do here to get that information out?", it's not because there was any particular
14 interest in ---

15 **COMMR BRENDA LUCKI:** No, it wasn't just about the guns, it was
16 about all kinds of information. Like you had spoke about earlier, you know, the number
17 of deceased and a chronology, just getting the -- more information out as and when it
18 happened there was often -- in one -- I recall in one media event where I had said I
19 believed that there was 13 deceased and in the same media event the last line from the
20 reporter was that there was 16. So there was all kinds of -- you know, it seemed like in
21 accuracies or things that maybe it was just happening too fast, I'm not sure, but there --
22 obviously they were having trouble being accurate with the information.

23 **MR. MICHAEL SCOTT:** It -- would it be at all concerned that we've
24 heard from both Darren Campbell and Chris Leather the suggestion that they are
25 concerned that there was political interference. And I should add retired A/Commr.
26 Bergerman to that list as well, of people who were on that call and viewed it as being
27 either improper interference in their investigation, or at least attempted. Should we be
28 concerned about that?

1 **COMMR BRENDA LUCKI:** You should be concerned if they were
2 in the meetings. They weren't in any meetings that would suggest that. They have no
3 direct knowledge of any of that. The fact is I had many conversations with the Minister
4 or the Minister's staff, and there was no such interference, there was no such direction,
5 and there was no such political pressure.

6 **MR. MICHAEL SCOTT:** They were in the meeting with you.

7 **COMMR BRENDA LUCKI:** But they were never in any of the
8 meetings that I had.

9 **MR. MICHAEL SCOTT:** Right.

10 **COMMR BRENDA LUCKI:** So I'm really the only person that can
11 tell you if I was getting direction or if I was getting interference from the Minister's office.
12 I'm the only one who can tell you that. They weren't in any of those meetings with any
13 of the government officials, so for them to connect the dots in the way that they
14 connected them, that -- obviously that's their opinion, but it's not based on fact.

15 **MR. MICHAEL SCOTT:** Right. You understand that it would be
16 equally concerning if -- whether you were directed or ordered or not, if you, in your role
17 as Commissioner of the RCMP, were using that position to try to affect certain
18 outcomes for the government, that that would be interference as well; you appreciate
19 that, don't you?

20 **COMMR BRENDA LUCKI:** I appreciate that, and that wasn't done.

21 **MR. MICHAEL SCOTT:** Because all that was happening was what
22 we were asking about whether that information -- we weren't directing, and that's the
23 distinction you draw? It's fair ball to simply ask is that information going to be released.
24 It's very different thing to order it, right?

25 **COMMR BRENDA LUCKI:** There was no direction provided.

26 **MR. MICHAEL SCOTT:** No, but my question is, that's the
27 distinction you draw; it's been asking about it and directing that it be done.

28 **COMMR BRENDA LUCKI:** That's a big distinction, yes.

1 **MR. MICHAEL SCOTT:** Right. But you'll agree with me that
2 sometimes when people are in positions of power, when they ask a question it's not
3 really a request.

4 **COMMR BRENDA LUCKI:** I didn't ask the question, though. It
5 was the Communications person who asked the question. I didn't ask the question to
6 the group. I asked my Communications person, "Are the weapons going to be part of
7 the media event?" My Comms person went to somewhere in Nova Scotia, I'm
8 imagining they went to their Comms people and asked the question. She came back
9 and said, "Yes, it will." I transmitted that information,

10 **MR. MICHAEL SCOTT:** The question was asked, and the question
11 was, you know, "Will no-one rid me of this troublesome priest?"

12 **COMMR BRENDA LUCKI:** Sorry; I didn't hear that.

13 **MR. MICHAEL SCOTT:** Because it was a question, you viewed
14 that as being perfectly fine; you were simply irritated that you got the wrong information
15 from Sharon Tessier, at the end of the day.

16 **COMMR BRENDA LUCKI:** That was the question that I asked
17 Sharon Tessier, yes.

18 **COMMR BRENDA LUCKI:** And did you ever apologize to anybody
19 at H-Division for the fact that, as it turns out, they never said that they were going to
20 release that information at the 28th; in fact, it was just a miscommunication that Ms.
21 Tessier had?

22 **COMMR BRENDA LUCKI:** And that was pointed out in the
23 meeting on the 28th that -- at that point, I think it was Ms. Tessier who pointed out that
24 she gave me the wrong information.

25 **MR. MICHAEL SCOTT:** Then why didn't, at that time, didn't you
26 take the time to say, "Listen guys, I had it all wrong here. I thought you would agree
27 that you are going to put this out and you had given me correct information but now
28 realize that I'll take this up with Ms. Tessier later"?

1 **COMMR BRENDA LUCKI:** Yeah.

2 **MR. MICHAEL SCOTT:** That would have been a pretty reasonable
3 response, given the circumstances, and obviously Darren Campbell didn't do anything
4 wrong; he was very clear about why he didn't release that information.

5 **COMMR BRENDA LUCKI:** Yeah.

6 **MR. MICHAEL SCOTT:** But you didn't do that, did you?

7 **COMMR BRENDA LUCKI:** I could have, yes, I could.

8 **MR. MICHAEL SCOTT:** You could have but that's ---

9 **COMMR BRENDA LUCKI:** And I didn't.

10 **MR. MICHAEL SCOTT:** --- far away from you didn't.

11 **COMMR BRENDA LUCKI:** No, and I didn't. No, you're absolutely
12 right.

13 **MR. MICHAEL SCOTT:** I appreciate your time, Commissioner,
14 and those are my questions.

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

16 And thank you, Commissioner. We will continue tomorrow. Thank
17 you for joining us today.

18 **COMMR BRENDA LUCKI:** Yes.

19 **COMMISSIONER MacDONALD:** It's been a long day for you, and
20 we greatly appreciate it. And we will adjourn, then, until 9:30 tomorrow morning.

21 **COMMR BRENDA LUCKI:** Okay.

22 **COMMISSIONER MacDONALD:** And we won't bother to re-affirm
23 you tomorrow, ---

24 **COMMR BRENDA LUCKI:** Okay.

25 **COMMISSIONER MacDONALD:** --- you can remain under oath, of
26 course. And we'll see you then.

27 **COMMR BRENDA LUCKI:** Thank you.

28 **COMMISSIONER MacDONALD:** Thank you.

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

2 The proceedings are adjourned until August 24th, 2022 at 9:30 a.m.

3 --- Upon adjourning at 5:44 p.m.

4

5

C E R T I F I C A T I O N

6

7 I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing
8 pages to be an accurate transcription of my notes/records to the best of my skill and
9 ability, and I so swear.

10

11 Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hautes
12 sont une transcription conforme de mes notes/enregistrements au meilleur de mes
13 capacités, et je le jure.

14

15

A handwritten signature in black ink, appearing to read 'S. Marineau-Lupien', is written over a horizontal line.

16 Sandrine Marineau-Lupien

17