

Public Hearing

Audience publique

Commissioners / Commissaires

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

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

Dr. Kim Stanton

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II Appearances / Comparutions

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

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Halifax, Nova Scotia

--- Upon commencing on Wednesday, August 24th, 2022, at 9:36 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.

As you know, this week we are hearing from a number of senior police officers so we can consider lessons learned, changes made to date, and opportunities for additional improvements.

Today, we will continue to hear from RCMP Commissioner Brenda Lucki, and tomorrow afternoon we will hear from Chief Dan Kinsella of the Halifax Regional Police.

I will now ask Senior Commission Counsel, Rachel Young, to resume.

Ms. Young?

MS. RACHEL YOUNG: Good morning, Commissioners. This morning, we continue with Participant questioning. I believe Mr. Bryson is next in line.

COMMISSIONER MacDONALD: Thank you. We'll ask the witness to come forward, then.

--- COMMR BRENDA LUCKI, Resumed:

COMMISSIONER MacDONALD: Good morning, Commissioner Lucki.

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

2 **COMMISSIONER MacDONALD:** Thank you again. You're, of
3 course, still under your affirmation from yesterday, and we will continue the process of
4 having Participant Counsel ask you some questions, and we'll begin today with Mr. Josh
5 Bryson.

6 Mr. Bryson?

7 **MR. JOSHUA BRYSON:** Thank you, Commissioners.

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

9 **MR. JOSHUA BRYSON:** Good morning, Commissioner Lucki. My
10 name is Josh Bryson. I, along with my colleague, Erin Wagner, represent the family of
11 Peter and Joy Bond. They resided at 46 Cobequid Court within Portapique, and I'm -- I
12 deal with the surviving family members, the two sons, Harry and Cory Bond.

13 So I do have some questions for you that are going to focus around
14 the issue of culture within the RCMP. So I want to go back in time a bit, and that's
15 where I'm going to start.

16 I'm going to go to 2011. 2011, you had the Mayerthorpe Public
17 Inquiry, which looked into the deaths of four police officers. This report generated
18 recommendations. You're familiar with this particular Inquiry?

19 **COMMR BRENDA LUCKI:** Yes.

20 **MR. JOSHUA BRYSON:** Okay. One of the recommendations was
21 that the RCMP consider establishing policy guidelines for the securing of potential crime
22 scenes, which, in fact, the RCMP did. On April 30th, 2014, you did come up with
23 general scene security guidelines. So you're aware of that history?

24 **COMMR BRENDA LUCKI:** Yes.

25 **MR. JOSHUA BRYSON:** Okay. So less than a month later, we
26 have the Moncton shootings, which generated the MacNeil Report, which I trust you're
27 very familiar with?

28 **COMMR BRENDA LUCKI:** Yes.

1 **MR. JOSHUA BRYSON:** Okay. One of the conclusions of the
2 report was that it did not appear that the members responding to the Moncton incident
3 had followed the National Policy Guidelines for the securing of potential crime scenes.
4 And my understanding of the chronology is that this is about a month after these
5 guidelines were actually instituted.

6 So these are two public inquiries identifying issues related to the
7 RCMP and the securing of potential crime scenes. Do you agree with me so far that
8 this is accurate history?

9 **COMMR BRENDA LUCKI:** Yeah, I'm not, like, familiar with the
10 specific details, but I believe what you're telling me is part of the inquiry.

11 **MR. JOSHUA BRYSON:** Yes, and I'm drawing from the
12 environmental scan of prior recommendations that has been produced and that your
13 lawyers would certainly have a copy of....

14 **(TECHNICAL ISSUE)**

15 **COMMR BRENDA LUCKI:** Yes.

16 **MR. JOSHUA BRYSON:** Mr. Boushie was a young Indigenous
17 man who was shot. There were delays in the RCMP obtaining a search warrant
18 execution. There were significant delays in Major Crime attending the scene as well.
19 There was concern that RCMP had also destroyed recordings and transcripts of
20 telephone calls two years after their creation due to their retention policies.

21 Investigation was that:

22 " In future cases, the Major Crime Unit Commander
23 ensure that a member attend a crime scene in a
24 timely fashion." (As read)

25 There were significant delays when the RCMP had obtained a
26 search warrant, and then its execution, and the concern was that significant probative
27 value was lost, and that lost evidence may have contributed to the acquittal of the
28 person that was charged in connection with this murder.

1 Are you familiar with that investigation?

2 **COMMR BRENDA LUCKI:** Yes.

3 **MR. JOSHUA BRYSON:** Okay. So let's look at -- so in 2020, in
4 Portapique, it took the RCMP 18 hours and 45 minutes to secure potential crime scenes
5 in Portapique, and specifically, Cobequid Court. Are you aware of that fact?

6 **COMMR BRENDA LUCKI:** Yes.

7 **MR. JOSHUA BRYSON:** Okay. So given this history that we've
8 just discussed, why wouldn't you, as leader of this organisation, be motivated to initiate
9 change on your own?

10 **COMMR BRENDA LUCKI:** You raise many, many good points,
11 and obviously policies were put in place, and as you point out, some of the policies
12 weren't enacted in the time of the Moncton event. And I can't -- I can't give you a why --
13 why it happened. I always sort of point to communication. Did we properly
14 communicate that to the people, to the frontline members? I'm not sure. Maybe we
15 didn't. So maybe we have a responsibility to be better at communicating our policies,
16 what it means, why it's important, and make sure that members are aware of it.

17 Because generally-speaking, when members are aware of things
18 they generally do them, but sometimes when they're not... And again, I'm not making
19 excuses, I'm just trying to figure out how in all of this can we not let this happen again.

20 **MR. JOSHUA BRYSON:** Exactly. And isn't that the point of you
21 taking a look at it as leader of the organisation? You're now surmising with me why it
22 may have happened. Was it a communication issue? Was it a resource issue? You're
23 sitting here today, two years later, you don't know why Cobequid Court was unattended
24 for 19 hours ---

25 **COMMR BRENDA LUCKI:** No, I -- and I ---

26 **MR. JOSHUA BRYSON:** --- and you haven't taken any steps to
27 look into this or delegated anyone to look into this; correct?

28 **COMMR BRENDA LUCKI:** No, I haven't.

1 **MR. JOSHUA BRYSON:** Can you tell me why?

2 **COMMR BRENDA LUCKI:** Well, first, I think in my role as
3 Commissioner, I generally -- and it's -- it's not downplaying anything or making
4 something sound less important. With 32,000 employees, like I said, in over 750
5 locations, it's a big organisation, and I can't be the one that goes down and makes sure
6 everything happens, so I have people to do that. And obviously, if it's not happening, I'll
7 have to figure out why it's not happening.

8 And so I can't explain what happened in the past. The only thing I
9 can do is go forward and say, you know what, I have a commitment to you, I have a
10 commitment to the families, we will look into this. We will figure out why that policy
11 wasn't followed, what happened there, why, what can we do better. You have my
12 commitment. I can't undo the past, but I surely can change the future. And it -- and it's
13 -- obviously it's super important and you have my commitment.

14 **MR. JOSHUA BRYSON:** Okay. So we're now 28 months post
15 mass casualty. You're saying we have your commitment. When will this commitment
16 be undertaken?

17 **COMMR BRENDA LUCKI:** Well, when I get back to the office, I
18 have people that are going to take notes of my testimony. When I say you have my
19 commitment, I know they're writing this down. They're going to be tasking it. We're
20 going to figure out -- like I said, I think you can make all the policy in the world, but if
21 nobody knows it's policy or nobody knows that things have changed -- and that is how
22 I've sort of -- when I got in the chair, it was kind of my pet peeve that there was many
23 things happening, but we weren't communicating them. So how can I expect to hold a
24 member to account if they don't know? And so the problem is, how do we make sure
25 they know? And we absolutely have to get better at that.

26 I do -- I do have a bit -- I have a lot of empathy for our members
27 because there's so much policy and so much policy change. Not an excuse, but when
28 things are that important, they need to know.

1 **MR. JOSHUA BRYSON:** But again, you're guessing. You don't
2 know if the April 30th, 2014 general scene security for possible crime scenes policy is
3 adequate, you don't know if ---

4 **COMMR BRENDA LUCKI:** No.

5 **MR. JOSHUA BRYSON:** --- it's an issue of your members
6 understanding the current policy; correct? So even here as you sit, when you say
7 perhaps we're not doing a good job in communicating policy to members, you're
8 guessing because you haven't looked into Portapique?

9 **COMMR BRENDA LUCKI:** Yeah. And I think lack of
10 communication is a pretty good guess. And I think that taking -- obviously a month after
11 in the Moncton, I could understand maybe a month later. But still, if we were working on
12 that prior to that, you know, we have an obligation to, you know, not wait until something
13 is official. If it's important, they need to know.

14 **MR. JOSHUA BRYSON:** So my next question, so any steps you're
15 going to take in regards to looking into matters, can you advise the Commission of
16 those steps when you get back? And obviously you're going to have to run it through
17 your counsel, but if you're going to embark on some changes based on what you've
18 been reading, what you hear today, can you make sure we're aware of this?

19 **COMMR BRENDA LUCKI:** Yeah, I think the first thing we're going
20 to do is review what happened so I can -- the change that we make is pinpointing the
21 issue. So definitely we're going to review it. We're going to make any changes that are
22 necessary so that it doesn't happen again. You know, it's fine for something to happen
23 maybe once, but when it starts repeating itself, there's something fundamentally wrong,
24 so we need to make sure that we get to the bottom of it.

25 **MR. JOSHUA BRYSON:** And before I heard you say that you
26 were content to wait, for example, for the work of this Commission to be concluded.
27 That was one of your reasons in not pursuing any issues within Portapique. And sorry,
28 I'm using Portapique. Obviously there were many more areas than Portapique affected

1 by this mass casualty, but ---

2 **COMMR BRENDA LUCKI:** I know ---

3 **MR. JOSHUA BRYSON:** --- you were content to wait for the work
4 of this Commission to be done?

5 **COMMR BRENDA LUCKI:** Not in every instance. We have
6 people in the room that are, you know, watching what goes on here and are making
7 notes and going back to the Division. So there's work being done. It might not be -- the
8 change might not be fully implemented, but we're keeping our eye on everything that --
9 you know, any gap that's being identified in the witness testimony, or anything that
10 you've pointed out, or somebody else, we have people that are, you know, noting it
11 down, going back, and seeing if we can look at it now. So it's not going on deaf ears,
12 but ---

13 **MR. JOSHUA BRYSON:** Because you understand the risks; right?
14 Like, you know what the general mandate is of this Commission. You don't know if this
15 Commission is going to get into the nuances, for example, of general scene security.
16 And they may not; right? I don't think we're going to see a detailed -- I'm not speaking
17 for the Commission, but I'm just having a discussion with you. I don't think we're going
18 to see recommendations that there be continuity measures about, you know, scene
19 containment, perimeter. There may be recommendations about your policy, but the
20 nuances that you need to be operational, right, -- so you understand that the
21 recommendations of this Commission may not be in operational format; right?

22 **COMMR BRENDA LUCKI:** It doesn't matter. You've brought it up
23 and you've detailed some of the issues. That's good enough for me to review it.

24 **MR. JOSHUA BRYSON:** But you understand that risk, that the
25 recommendations of this Commission may not be operationally ready; right?

26 **COMMR BRENDA LUCKI:** Yes.

27 **MR. JOSHUA BRYSON:** And that you will have work to do once
28 you read the report of this Commission; right?

1 **COMMR BRENDA LUCKI:** Absolutely.

2 **MR. JOSHUA BRYSON:** And you accept, as Commissioner of the
3 RCMP, you have control and management of the RCMP and all matters connected to
4 the Force; right?

5 **COMMR BRENDA LUCKI:** Yes.

6 **MR. JOSHUA BRYSON:** And that's under section 5 of your *Royal*
7 *Canadian Mounted Police Act*.

8 **COMMR BRENDA LUCKI:** Yes.

9 **MR. JOSHUA BRYSON:** You have the power to delegate
10 responsibilities to any member; correct?

11 **COMMR BRENDA LUCKI:** Yes.

12 **MR. JOSHUA BRYSON:** And those members must perform those
13 duties as prescribed by you? In fact, it could be a code of conduct violation if they
14 don't?

15 **COMMR BRENDA LUCKI:** Yes.

16 **MR. JOSHUA BRYSON:** And that's under section 18. You also,
17 under section 24, have the power to appoint your own Board of Inquiry to investigate
18 and report on any matter connected with the organization; right?

19 **COMMR BRENDA LUCKI:** Yes.

20 **MR. JOSHUA BRYSON:** And have you done that for any matter
21 connected to Portapique ---

22 **COMMR BRENDA LUCKI:** No.

23 **MR. JOSHUA BRYSON:** --- or this mass casualty? No?

24 I'm going to go back to the MacNeil Report on another issue,
25 moving away from scene containment. So in the MacNeil Report, and for those who
26 have been following along with the environmental scan, COMM58284, that is not an
27 exhibit. I'm not asking it to be produced. But it's page 208. That's at the bottom. It
28 states that Mr. MacNeil stated, and this is in the review -- sorry, in the inquiry:

1 "Mr. MacNeil stated that chaos is unavoidable in the first
2 moments of a dynamic situation, but order should be
3 restored as quickly as possible through supervisory
4 coordination in the form of command and control.
5 Structure, even when the structure is not perfect, is
6 expected by members in a crisis. Lack of communication
7 and poor situational awareness impeded the
8 establishment of command and control in Moncton.
9 Mr. MacNeil noted that research on active shooting
10 incidents has found that when command and control is
11 not formally established, there is increased failure to
12 share information across responder groups. This can
13 lead to information gaps and delayed responses and can
14 compromise first responder safety." (As read)

15 Were you aware of this finding in the MacNeil Report?

16 **COMMR BRENDA LUCKI:** Yeah, I read the findings when they
17 came out.

18 **MR. JOSHUA BRYSON:** Were you aware that there are similar
19 complaints in this mass casualty ---

20 **COMMR BRENDA LUCKI:** Yes.

21 **MR. JOSHUA BRYSON:** --- event? Okay. That there was lack of
22 communication, that there was information gaps?

23 **COMMR BRENDA LUCKI:** Yes.

24 **MR. JOSHUA BRYSON:** Okay. So I'd like to just pull up a few
25 examples.

26 If we can -- Madam Registrar, if we could look at COMM62377?
27 I'm going to refer to paragraph 4. It's on -- paragraph 4. It's on page 7.

28 **REGISTRAR DARLENE SUTHERLAND:** And that will be marked

1 as Exhibit 4252.

2 **--- EXHIBIT No. 4252:**

3 (COMM0062377) Affidavit of Cpl. Roney Peterson

4 **MR. JOSHUA BRYSON:** Four two five two (4252). Thank you.

5 **REGISTRAR DARLENE SUTHERLAND:** And what page? Sorry,
6 Mr. Bryson.

7 **MR. JOSHUA BRYSON:** It's page 7, paragraph 4.

8 This is an affidavit of Cpl. Rodney Peterson. He's a corporal in
9 Nova Scotia. He was responding to this mass casualty event and he provided some
10 evidence to this Commission by affidavit.

11 Okay. Paragraph 4. This is Cpl. Peterson's comments:

12 "I found the reporting structure confusing during the mass
13 casualty event because I was not instructed who to report
14 to. I was not told to delegate tasks or orders to
15 responding constables. Sgt O'Brien tasked me to take
16 general duty calls and to determine why my members
17 had reported for duty that night and to report back to him.
18 I was dispatched to the Wentworth complaint before I
19 completed this task." (As read)

20 Were you aware of this issue?

21 **COMMR BRENDA LUCKI:** Not in detail, no.

22 **MR. JOSHUA BRYSON:** Cst. Nick Dorrington testified before this
23 Commission. He was on duty on the evening of April 18th and said:

24 "Sgt. O'Brien coming on the comms..." (As read)

25 Which you can actually -- you can review yourself, it's COMM3806,
26 it's a history of all the calls, starting with the 10:01 p.m. 9-1-1 call from Ms. Blair. And
27 you can see -- and I'm going to suggest to you, you can see the confusion in the
28 comms.

1 Cst. Dorrington states that:

2 "Sgt. O'Brien coming on the radio created, in my mind,
3 confusion for the chain of command and who it was that I
4 was responsible for." (As read)

5 And for those that wish to check the reference, that's COMM59596,
6 page 72.

7 So these are prevailing themes after Moncton that still exist. Is this
8 an area that, you as Commissioner, have investigated or directed anyone else to
9 investigate?

10 **COMMR BRENDA LUCKI:** I haven't, no.

11 **MR. JOSHUA BRYSON:** If we can go back to that affidavit,
12 please, Madam Registrar? Six two three seven seven (62377), page 10, paragraph 18.

13 Constable Dorrington. "I knew that..." -- so this is his knowledge of
14 the events coming on shift.

15 **COMMISSIONER MacDONALD:** Sorry, is it Dorrington?

16 **MR. JOSHUA BRYSON:** Yes. We're -- sorry, we're back to
17 Dorrington, yeah. Oh, Peterson. Sorry, my ---

18 **COMMISSIONER MacDONALD:** Peterson; right.

19 **MR. JOSHUA BRYSON:** Yeah.

20 Okay, so this is Peterson:

21 "I knew that there had been shootings in Portapique,
22 and there were also fires; however, I didn't know how
23 many victims there were. I was told the perpetrator
24 had shot his neighbours, and I believe this meant
25 immediate neighbours in one house and not multiple
26 neighbours in multiple locations. I'd received this
27 information from off duty officer, Constable Patrick
28 McNeil. Sergeant O'Brien told me that the suspect

1 vehicle was a police vehicle, but I was not aware it
2 was a fully-marked replica of a police vehicle. I was
3 also aware that several of my members had attended
4 the call the night before and were still on scene." (As
5 read)

6 So there's many examples of that that we've heard in this -- during
7 this Inquiry. We've heard evidence that your own Command Triangle was missing key
8 information that was provided by an actual shooting victim survivor, Andrew MacDonald,
9 at 10:30 p.m. on April 18th. There are many examples of gaps of information being
10 provided to members, provided to the Command Triangle, which has been a theme.
11 And I've just picked one prior Inquiry.

12 Do you have any thoughts on that ---

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

14 **MR. JOSHUA BRYSON:** --- on any actions you have taken or will
15 take?

16 **COMMR BRENDA LUCKI:** I do, actually. I didn't go into the
17 specific details as you pointed out, and these are great examples to your point. And I --
18 I've thought of it in general terms and said how do you deal with a massive amounts of
19 information?

20 And usually in an event, you know, it's -- it's not -- there's not
21 multiple crime scenes, there's not -- even in an active shooter in a school it's in one
22 area, it's not covering multiple geography. And I can -- I can't imagine how they would
23 deal with -- when I was hearing all this, I was thinking how can they deal with all of this
24 information coming in? Even telecoms would be segregated. Someone might take this
25 information from this person. So how do we make it so that everybody is working off the
26 same information?

27 And I kept thinking one of the things that I thought might be useful
28 going forward is the use of analysts. We've really upped our game over the years of the

1 use of analysts, and I'm wondering if there is a possibility, for example, when you have
2 an on-call analyst, if something -- if there's an event going on that's not just a -- in one
3 house or in one little location that's -- it could still be a major event, but it's not covering
4 a lot of area or a lot of information.

5 Bring in an analyst. So the analyst hears all these things, and then
6 they say, "Okay, everybody, stop. The perpetrator is driving a marked police vehicle
7 with this description." Then they'd start -- we get people to work on that, and they say,
8 "This vehicle -- everybody, announcement. This vehicle is not a stolen RCMP vehicle",
9 because that example is fresh in my head, but taking the information and -- because
10 they're coming from all different sides.

11 And I kept thinking I don't know how telecoms would have managed
12 it. I don't know how an Incident Commander would manage it without having people
13 grabbing the information and someone saying, "Okay. I'm in charge of the perpetrator,
14 I'm in charge of this, I'm in charge...", and then gathering everything, and then saying to
15 everybody, "This is an announcement. Everybody pay attention. This is the information
16 we have." Instead, somebody had a little bit here, they gave it to this... And there was
17 no continuity of information in such a big event.

18 And so that was one of the ideas I thought of, and ---

19 **MR. JOSHUA BRYSON:** Well, let's talk about the analyst. Do you
20 know if an analyst would have helped here?

21 **COMMR BRENDA LUCKI:** Yeah, I think just having -- okay. It
22 doesn't necessarily have to be an analyst, but analysts are trained to deal with massive
23 amounts of information and to work through it, that's why I say analyst. But even having
24 people in telecoms to say, "Okay. I'm grabbing that information, I'm going to follow it up.
25 What does it mean?"

26 So if somebody called 9-1-1 and said, "there is a dog running
27 around", you know, or some information that is -- is running with, you know, something
28 that we needed to know—this is a very poor example, I'm just off the top of my head—

1 and if it's important run it down, find out is it -- is it applicable. "No, it's not applicable.
2 Put it to the side. Everybody ignore that. This is important, this is not. Or it is
3 important, but it's not important now. So put it aside, everybody. You need to know
4 what's important now."

5 Because I don't know how they would filter all that. There was a lot
6 of 9-1-1 calls coming in, of course, there was all kinds of information. Some of it was
7 probably conflicting. Some of it, you know, one said it's orange, one said it's green, so
8 what is it? So if you're looking for something green and it's in fact orange, how do you
9 discern between that and how -- who can do that? And I'm -- surely it can't be the
10 telecoms. It can't be the person at the top of the Command structure trying to deal with
11 that. They have to have people working through all of that and feeding it up.

12 And so the Command -- then the Commander is saying, "Okay,
13 everybody, stop. You do not need to be in that area right now, I need you to be here.
14 Stop. We have looked at the area. Someone says there is a road that needs to be
15 covered that we didn't know about." You know, those kinds of information that seemed
16 obviously to get dropped. So that's why I think that way.

17 **MR. JOSHUA BRYSON:** But these observations, this is conjecture
18 on your part ---

19 **COMMR BRENDA LUCKI:** Yeah.

20 **MR. JOSHUA BRYSON:** --- because you didn't investigate any
21 matter connected to Portapique.

22 **COMMR BRENDA LUCKI:** No, but you asked me my thoughts on
23 what I thought ---

24 **MR. JOSHUA BRYSON:** Yes, but ---

25 **COMMR BRENDA LUCKI:** --- might be helpful.

26 **MR. JOSHUA BRYSON:** --- but you're jumping to conclusions,
27 suggestions when you haven't done it. I'm just ---

28 **COMMR BRENDA LUCKI:** No.

1 **MR. JOSHUA BRYSON:** --- surprised that you haven't analysed
2 the problem first ---

3 **COMMR BRENDA LUCKI:** There are people looking at all of this.
4 So any of the -- like I said, any of the gaps that are resulting in these testimonies of
5 things that you're pointing out, or that we have known ourselves, all of these people are
6 being tasked to do things. Where it's at, who's specifically being tasked, I can't give you
7 those details, I don't -- I don't know them. I just know that we're not sitting back and
8 saying, "Okay, let's..."

9 Like I said earlier, even though some of the things we are -- we are
10 in fact respecting the Commission to put the recommendations forward, we are slowly
11 dissecting, analysing the issues and seeing what were the issues, and then we're going
12 to go into our own sort of plotted plan, in conjunction with the recommendations that
13 come out of the Commission.

14 Often in these inquiries, we find ourselves when -- by the time the
15 recommendations come out, we've done a lot of work already.

16 **MR. JOSHUA BRYSON:** So you said you're analysing the
17 information, and that's the members you have that have been present in the proceeding,
18 but you have not instituted any, that you're aware of, changes in regards general scene
19 security, information flow during a mass casualty event?

20 **COMMR BRENDA LUCKI:** Not me personally, no.

21 **MR. JOSHUA BRYSON:** Or that you're aware of?

22 **COMMR BRENDA LUCKI:** Not specifically, no. I don't know
23 specifically who has been tasked to do what, but I know that our H-Strong team is
24 looking at everything that comes in, and then they're bringing it to the attention... Much
25 of this might go through our national Contract and Indigenous Policing. If it is strictly a
26 local issue that isn't -- has no national nexus, we would probably just allow it to happen
27 at the local level.

28 **MR. JOSHUA BRYSON:** I'm going to suggest to you that another

1 risk in waiting 28, and continuing months, is you now have the cadets that have gone
2 through basic training at Depot; right? I'm going to suggest you've missed valuable
3 learning opportunities for those cadets that are now members. You could have been
4 teaching them findings, your findings, based on your reviews, best practices of what
5 came out of Portapique; right?

6 **COMMR BRENDA LUCKI:** Yeah, and I'm not sure if it -- if some of
7 these have been transmitted through our Learning and Development Group or not. I --
8 I'm going to guess that not on a holistic scale, but I would say that, if anything, like, for
9 example, we have national policy on Alert, so that gets fed back through the machine,
10 and the -- we have a group, a training program and support team at our training
11 academy who deal with the curriculum, and so then they would analyse and decide
12 where in the curriculum something like that may be added.

13 **MR. JOSHUA BRYSON:** Can you speak to any changes that have
14 been made with Depot with training since this mass casualty event? Could -- and you
15 do have familiarity with the training, right ---

16 **COMMR BRENDA LUCKI:** Yes, absolutely.

17 **MR. JOSHUA BRYSON:** --- significant familiarity given your
18 previous roles? And also as Commissioner, it's under your mandate. You're
19 specifically tasked with -- you're in charge of training. You can -- you can set training
20 regimens, you can amend the curriculum.

21 **COMMR BRENDA LUCKI:** I think I should just take a step back.
22 In my role as Commissioner, like I said, I'm looking at things at the 10,000 foot level.
23 The questions you're asking, I'm not looking at it at that level. There are people that
24 look at it at that level.

25 And I think, you know, if I had the benefit of knowing some of the
26 things you're asking, I could -- I can certainly ask the questions. I know my people right
27 now are writing it down, and they're going to be asking the questions. But for me to do
28 that, there is -- it's -- it's -- at my level, I don't go down in the weeds. And I feel bad,

1 because I would love to be able to answer your questions with greater detail and I'd love
2 to be able to give you accurate information. I don't have that accurate information. I
3 only have it in general senses. For that, I'm sorry.

4 **MR. JOSHUA BRYSON:** So under section 20.2(1) of the *RCMP*
5 *Act* states:

6 "The Commissioner may determine the learning, training
7 and development requirements of members and fix the
8 terms on which the learning, training and development
9 may be carried out..."

10 Have the members in training since Portapique had their curriculum
11 adjusted ---

12 **COMMR BRENDA LUCKI:** I don't know.

13 **MR. JOSHUA BRYSON:** --- to learn from Portapique?

14 **COMMR BRENDA LUCKI:** I don't know.

15 **MR. JOSHUA BRYSON:** Have you seen, as Commissioner,
16 anything come across your desk to reflect that this learning is taking place?

17 **COMMR BRENDA LUCKI:** No, and I probably wouldn't.

18 **MR. JOSHUA BRYSON:** So another example in this was brought
19 up by my clients, Harry and Corrie. So on April 18th, you have four members working at
20 Bible Hill, and they responded to the initial 9-1-1 call. Three members proceeded into
21 Portapique on foot with no night vision, FLIR, or back up to pursue the perpetrator who
22 was now mobile.

23 According to one member's testimony, they ended up travelling
24 nine to 10 kilometres on foot that evening. Did you know this?

25 **COMMR BRENDA LUCKI:** In a general sense, yes.

26 **MR. JOSHUA BRYSON:** Have you assessed the training
27 protocols to see if IARD training is dynamic enough to cover this type of scenario?

28 **COMMR BRENDA LUCKI:** I know there has been changes to the

1 IARD training in regards to ensuring that it's covering -- well, it was covering day and
2 night scenarios. I don't know the specifics.

3 **MR. JOSHUA BRYSON:** Yeah, I thought you were -- like, in your
4 interview, you had talked about training recommendations that came out of the
5 Bastarache Report that I don't believe were implemented. Do you believe -- are you
6 suggesting that the training recommendations that came out of the Bastarache Report
7 were implemented? In other words, you're behind in updating your training to reflect the
8 public inquiries and reports that have taken place?

9 **COMMR BRENDA LUCKI:** Which recommendation are you ---

10 **COMMISSIONER MacDONALD:** Sorry, Mr. -- there's -- Ms.
11 MacPhee is up.

12 **MS. PATRICIA MacPHEE:** Thank you. I was just going to ask
13 counsel to perhaps bring up and put those specifics to the Commissioner so she can try
14 and address?

15 **COMMISSIONER MacDONALD:** Okay. Mr. Bryson, I think you
16 have them in your hand now?

17 So you mentioned Bastarache. Is it Bastarache or MacNeil?

18 **MR. JOSHUA BRYSON:** Bastarache.

19 **COMMISSIONER MacDONALD:** Bastarache.

20 **MR. JOSHUA BRYSON:** Yeah. Can we bring up COMM62475?
21 That's Commissioner Lucki's interview. Please turn to page 118.

22 Okay. So this is a question from Ms. Young and you're talking
23 about training that came out of the Bastarache Report Recommendations:

24 "Ms. Young: So you don't know whether there's going to
25 be an external expert reviewing the training program?

26 Response: I think that is part of the plan. I'm not sure if
27 they're going to implement that, because I know there's
28 been a few reviews since the Bastarache Report. But

1 like I said, I'm not intimately familiar." (As read)

2 **COMMR BRENDA LUCKI:** Yes, so there was an internal review,
3 it's an academic review that they do, and there was questions as to why the Training
4 Academy would do their own academic review, and that was when our Management
5 Advisory Board went through. They did a review. And it was believed that we needed
6 to do a more fulsome review, and maybe in portions, because the core training
7 standards in the curriculum is quite massive. So to do it all, they're divided into,
8 obviously, units. And so they're preparing to do reviews in various areas of the Training
9 Academy.

10 **MR. JOSHUA BRYSON:** And are you aware of any plans to
11 review training in regards to this mass casualty?

12 **COMMR BRENDA LUCKI:** No, but absolutely everything that
13 comes out of the mass casualty, ---

14 **MR. JOSHUA BRYSON:** No, now though. Can you tell me
15 specifically, are you aware of any plans to review training or have you reviewed training
16 in regards to this mass casualty?

17 **COMMR BRENDA LUCKI:** Not specifically and not yet. Obviously
18 we're waiting -- some of that is waiting until we get the report. Others, if there is
19 anything specific that, like I said, that is high risk and that our members need to know,
20 our new members need to know, it will be put into the core training standards before the
21 recommendations.

22 **MR. JOSHUA BRYSON:** All right. So you're hoping that the
23 recommendations of this Commission are going to be dynamic enough to cover, for
24 example, IARD formation, IARD training, when and when not to send in a second team?
25 Is that your -- is that what your ---

26 **COMMR BRENDA LUCKI:** No.

27 **MR. JOSHUA BRYSON:** --- belief ---

28 **COMMR BRENDA LUCKI:** We don't need the recommendations

1 to be that granular. If there is -- for example, we've already looked at our IARD training
2 since the mass casualty. I know that they've reviewed it and made some changes. I
3 don't -- please don't ask me what they were. I don't know what they are. I know that
4 they've looked at them and adjusted it to some of the things that were discovered in the
5 testimonies and in the reviews.

6 Anything that comes out that raises a red flag of a high risk, it's
7 going to go -- come back through, we're reviewing it. And like another example is the
8 Alert Ready. We're working through it, creating policy, and hen any time we do any of
9 that, it always goes to learning and development. And we figure out where we can
10 insert that throughout not just our cadet training, but maybe our field coaching, maybe
11 the IARD training, maybe the supervisor development training. We have various
12 courses along the way. And so they look at all the suites of courses and say this --
13 where does it get inserted so that any members going forward will be -- this will be
14 incorporated in training, and where does it need to be inserted, if at all, in the cadet
15 training, depending on the type of event, because we -- cadet training is foundational.
16 So sometimes we don't -- not everything is put into the cadet training program. It might
17 be inserted into the cadet field coaching program. It might be inserted in the junior
18 investigator's program. There's -- or the constable development program. There's
19 several different suites of learning. So depending on where is the most appropriate
20 place for that learning to be placed.

21 **MR. JOSHUA BRYSON:** If we can bring up Exhibit 3990?

22 This is the request for a review that we've discussed during your
23 testimony, during your interview, from Darren Campbell to John Robin. The scope of
24 the review is outlined in point form in the body of this email. Have you seen this email
25 before?

26 **COMMR BRENDA LUCKI:** No.

27 **MR. JOSHUA BRYSON:** Okay. I wasn't clear, when you were
28 giving evidence, as to where this proposal from H Division died on the vine?

1 **COMMR BRENDA LUCKI:** From my understanding, it went into --
2 in the discussion of, I believe, doing the terms of reference, or figuring out exactly what
3 that review would encompass, it went into the Critical Incident Command Program in
4 National Headquarters under the direction, I believe, of then Supt. Jamie Solesme, who
5 is the person in charge of that program. From my understand, she spoke with A/Commr
6 Dennis Daley, who is her boss, about the scope and review of this particular review.

7 And in consultation, I'm -- now, this is me surmising, that they may
8 in fact have talked to D/Commr Brennan. That I can't confirm. But it was within the
9 Contract and Indigenous Policing Unit that the decision was made not to hold that
10 review in abeyance and to wait until other reviews were completed.

11 **MR. JOSHUA BRYSON:** Did you participate in this decision?

12 **COMMR BRENDA LUCKI:** No.

13 **MR. JOSHUA BRYSON:** Do you agree that the bullet points here
14 noted in this email are pertinent areas to review, for example, radio communications?

15 **COMMR BRENDA LUCKI:** Yes. Yes.

16 **MR. JOSHUA BRYSON:** Have you taken any efforts to revive this
17 and conduct your own review?

18 **COMMR BRENDA LUCKI:** Some of the areas have been
19 reviewed, like the deployment of ERT. The -- ERT did a full review and came with
20 recommendations, as did EMRT. The Operational Communications Centre did several
21 small reviews on specific things and did a whole scrub down, I've been told, of their
22 standard operating procedures to modernize them.

23 I'm just looking -- I know that we, again, have done some changes
24 to our IARD.

25 So it hasn't been done holistically, but there was smaller reviews
26 done on some of this, to my knowledge, so.

27 **MR. JOSHUA BRYSON:** Okay. So you mentioned the ERT.
28 You're referring to the ERT after-action report?

1 **COMMR BRENDA LUCKI:** Yes.

2 **MR. JOSHUA BRYSON:** Okay. What else?

3 **COMMR BRENDA LUCKI:** EMRT, the ---

4 **MR. JOSHUA BRYSON:** Yes.

5 **COMMR BRENDA LUCKI:** --- Emergency Medical Response
6 Team, did a report with recommendations. The Operational --

7 **MR. JOSHUA BRYSON:** These are the draft reports that we
8 discussed.

9 **COMMR BRENDA LUCKI:** Yeah, they're -- from what I
10 understand and what I've been told recently, they're not draft reports. They're
11 completed reports with recommendations and they're in the midst of implementing
12 recommendations. Some of them have, in fact, been implemented. I don't know
13 specifically the ones.

14 I did read it just two days ago because I knew that -- I'd already
15 been asked about some of this, so I was curious. Just brushed through it very quickly
16 and noted that those two reports had been completed with six to a dozen
17 recommendations each. I'm going by my memory. And some of them have been
18 implemented.

19 **MR. JOSHUA BRYSON:** Okay. So there's a bit of patchwork
20 that's occurring, but why wouldn't you, as Commissioner, adopt the recommendation of
21 "H" Division and put forth a review?

22 **COMMR BRENDA LUCKI:** This is -- it's not a done deal as in
23 we're not going to do the review. It's just that with all the different reviews going on
24 between ESDC, HOIT and all the ones that we talked about yesterday, it was felt that
25 again going back through and reinterviewing people at that time, we wanted to give
26 some time and distance on some of the things that were going on and putting it in
27 abeyance.

28 This type of review can be called at any time. And it's not to say

1 that it won't be called, but I think the strategy is to deconflict with all of the different
2 interviews and to see that some of these might -- we already might have the information
3 that we need.

4 **MR. JOSHUA BRYSON:** Unless it comes to something that you
5 deem to be urgent; right?

6 **COMMR BRENDA LUCKI:** Yes.

7 **MR. JOSHUA BRYSON:** So these bullet points here where no
8 review has been undertaken are not urgent issues for the RCMP?

9 **COMMR BRENDA LUCKI:** No, I'm not saying that. I'm saying that
10 I don't have intimate knowledge of all the reviews that have been done. There could
11 very well be many of these things on this list are already under review. Not in an official
12 sense as you're pointing out through the Critical Incident Command review, but when
13 issues have been identified, as I said before, they're brought through into the
14 organization, deciding how it needs to be reviewed, is there any immediate changes
15 that can be done or should we wait for a fulsome review, what's the risk, is it something
16 we should now, is it something we'll hold in abeyance.

17 And I'm probably not the best person to tell you what all has been
18 reviewed. I just have a bit of knowledge on some of those because I -- they were
19 recently brought to my attention.

20 **MR. JOSHUA BRYSON:** And just to wrap up this area, but it's fair
21 to say that you as leader of this organization, you're content to accept the
22 recommendation that this internal review not take place?

23 **COMMR BRENDA LUCKI:** It's not a decision that it won't take
24 place. For now, it's been held in abeyance.

25 **MR. JOSHUA BRYSON:** Well, we're 28 months out, so ---

26 **COMMR BRENDA LUCKI:** Yes.

27 **MR. JOSHUA BRYSON:** --- when is this internal review going to
28 take place as recommended by your Commanding Officers for the Province of Nova

1 Scotia?

2 **COMMR BRENDA LUCKI:** I'm not sure.

3 **MR. JOSHUA BRYSON:** Are there any immediate plans to do so?

4 **COMMR BRENDA LUCKI:** I'm not sure.

5 **MR. JOSHUA BRYSON:** So in regards to -- you were asked
6 questions and Ms. Bergerman was asked questions as well in regards to culture. And
7 so -- but your understanding is that culture is not going to be an impediment to adopting
8 recommendations to better the RCMP.

9 **COMMR BRENDA LUCKI:** Yes, I agree.

10 **MR. JOSHUA BRYSON:** And why do you say that?

11 **COMMR BRENDA LUCKI:** Well, in -- since I've become
12 Commissioner, we've put in a lot of great initiatives under the Vision 150 and the Vision
13 150 and Beyond. I mentioned the four pillars, and there's been several initiatives under
14 each of those pillars.

15 They've been widely accepted. There's been a lot of enthusiasm
16 from the employees. There's been a lot of suggestions from the employees. I can see
17 their engagement in Vision 150, for example. Anything -- from my experience as a
18 district officer, Critical Incident Commander, Tactical Troop Commander, a detachment
19 commander, all of those experiences, there's one thing that is always true, is that any
20 time it comes to tactical or training, tactical equipment, uniform, the membership is all
21 over it and they provide several suggestions.

22 And they sometimes do their own little review when they present
23 suggestions to the -- to their management.

24 There's been lots of great ideas, things have been reviewed. Lots
25 of buy-in from the membership and the employees of the RCMP.

26 There is a real motivation from the employees to be a more
27 inclusive and more tolerant, a more transparent organization, a more diverse
28 organization. And we see it with all the initiatives that are going on.

1 So I'm confident -- because I know I will be committed to any of the
2 recommendations that come out of -- that we can implement out of this Commission that
3 I'm a big believer that the things that you measure get done, so these will be tracked,
4 they will be reported on on a regular basis. They will be put on our website like all of --
5 since I've been in the chair, anything that we've done or any reports with inquiries and
6 recommendations -- we never used to put them on our website, but in an effort to be
7 more transparent to the Canadian public, we're putting as much as we can on our
8 website so people can see what we're doing. And tracking it, showing timelines,
9 milestones, measurements and reporting on it.

10 **MR. JOSHUA BRYSON:** You're familiar with the findings by the
11 Honourable Justice Michael Bastarache in November 2020?

12 **COMMR BRENDA LUCKI:** Yes.

13 **MR. JOSHUA BRYSON:** The Bastarache Report?

14 **COMMR BRENDA LUCKI:** Yes.

15 **MR. JOSHUA BRYSON:** And that related to the successful claims
16 -- and I should not use the word "successful" because it's quite disheartening. There's
17 2,300 females that had gone through the RCMP awarded compensation as a result of
18 sexual harassment.

19 Bastarache found that the RCMP culture is toxic and tolerates
20 misogynistic and homophobic attitudes from leaders and members, incalculable
21 damage to female members of the RCMP and Public Service employees. Change
22 cannot come from within the RCMP, but must be initiated from external sources.

23 With those findings relatively recent, you are still content that you
24 can overcome culture to implement your strategy based on Vision 150?

25 **COMMR BRENDA LUCKI:** Absolutely. I've had a few
26 conversations with Justice Bastarache about that -- those very ideas about internal
27 versus external, and he actually has publicly said to us that he feels confident that we
28 can, in fact, evoke change within our organization by reviewing aspects of our

1 organization.

2 We have -- in particular with the Bastarache Report, we have a new
3 independent centre for harassment resolution that is external facing. There are some
4 internal parts to it. It's a bit of a hybrid model right now. We are using external
5 investigators. And it's about when -- sometimes if everything -- and this is just my
6 belief.

7 If everything is from the outside in, often there might not be as
8 much ownership, so we have to decide sometimes when something might be better off
9 being reviewed from the outside.

10 So an example, when we talk about Justice Bastarache's
11 recommendations, we have chosen to do a full review of our sanctions in our Code of
12 Conduct process. We have taken outside lawyers who are experts in their field to do
13 such a review.

14 They have created an internal panel so that they can have access
15 to people who are conduct advisors and provide some context. We've provided -- for
16 example, our new union, National Policing Federation, are part of that panel. So that's
17 a full external review.

18 And the first part was on sexual conduct, and there were 17
19 recommendations, which we've committed to implementing.

20 The second part of that review is a review about everything else
21 outside of sexual misconduct, and they're in the midst of doing that. And when they
22 come with the recommendations, again, we will review the recommendations.

23 So I think it's not always your default should be external reviews
24 because there are some things that we can review ourselves, we can come up with
25 recommendations through those reviews and implement them.

26 **MR. JOSHUA BRYSON:** So who's conducting your external
27 review?

28 **COMMR BRENDA LUCKI:** Paul Sisson, and Scott -- I forget his

1 last name.

2 **MR. JOSHUA BRYSON:** You know when the report is due, or
3 what the status of that review is?

4 **COMMR BRENDA LUCKI:** The first report on sexual misconduct
5 is completed.

6 **MR. JOSHUA BRYSON:** And the second one?

7 **COMMR BRENDA LUCKI:** The second one is due at the end of
8 this calendar year, I believe. That's just but one example. And we have used various
9 consulting firms to do certain reviews on logistical things. Also to do -- they helped us
10 with our environmental scans; reviews or gathering information on best practices. So if
11 we're looking at making changes on something, we want to know what the rest of the
12 policing universe is doing, often we'll go to consulting firms, for example.

13 **MR. JOSHUA BRYSON:** Just a few other questions here.

14 What's the RCMP's relationship to the GC Surplus, Government of
15 Canada surplus, do you know? Is there any oversight function, any ---

16 **COMMR BRENDA LUCKI:** I know that ---

17 **MR. JOSHUA BRYSON:** --- partnering?

18 **COMMR BRENDA LUCKI:** I'm not completely familiar with that but
19 I know that our Chief Financial Officer, who is dealing with -- the whole procurement
20 falls under our Chief Financial Officer, and anything to do with GC Surplus that has
21 anything to do with the RCMP would fall under her responsibility.

22 **MR. JOSHUA BRYSON:** So they're under your umbrella?

23 **COMMR BRENDA LUCKI:** Obviously the Chief Financial Officer
24 reports to me, yes.

25 **MR. JOSHUA BRYSON:** Okay. So GC Surplus is under your
26 umbrella?

27 **COMMR BRENDA LUCKI:** Yes.

28 **MR. JOSHUA BRYSON:** Yeah, okay.

1 **COMMR BRENDA LUCKI:** Not specifically, though. I think they're
2 an entity to their own and we access that.

3 **MR. JOSHUA BRYSON:** So yes, they're under your umbrella, or
4 no?

5 **COMMR BRENDA LUCKI:** I don't believe -- specifically they don't
6 report to me, no.

7 **MR. JOSHUA BRYSON:** But your Chief Financial Officer reports
8 to you.

9 **COMMR BRENDA LUCKI:** And deals with GC Surplus.

10 **MR. JOSHUA BRYSON:** And deals with GC Surplus.

11 **COMMR BRENDA LUCKI:** It's a Government of Canada so it's not
12 -- it reports through somebody else in the Government of Canada, to my knowledge.

13 **MR. JOSHUA BRYSON:** So were you aware that -- so prior to this
14 mass casualty that the perpetrator had shopped frequently at the GC Surplus store, and
15 on occasions he had appeared there he showed -- and I'm using testimony we received
16 from a Max Liberatore; he notes that he showed him and most of the staff pictures of
17 the cop car that he had and told staff that, again, according to him, that he was building
18 a cop car.

19 **COMMR BRENDA LUCKI:** Who did -- I didn't get the name.

20 **MR. JOSHUA BRYSON:** Max Liberatore testified at this ---

21 **COMMR BRENDA LUCKI:** And who is he?

22 **MR. JOSHUA BRYSON:** --- inquiry. Pardon?

23 **COMMR BRENDA LUCKI:** And who is he?

24 **MR. JOSHUA BRYSON:** He's -- I think he's a manager. He
25 definitely works for GC Surplus, I'm just not familiar with his title.

26 **COMMR BRENDA LUCKI:** Like I said, GC Surplus is a
27 Government of Canada entity that is used by all agencies in the Government of
28 Canada. They don't -- like I said, they don't specifically report to the RCMP; it's

1 something that we have access to and use. Of course, there is a relationship in that
2 procurement portion of the RCMP.

3 **MR. JOSHUA BRYSON:** Do you find that concerning, that the
4 perpetrator showed up at GC Surplus, made it obvious to those in attendance that he
5 was building a cop car, and showed pictures, and then nothing was done about it?

6 **COMMR BRENDA LUCKI:** Yes, it's concerning.

7 **MR. JOSHUA BRYSON:** Besides stopping the sale of former
8 police cars by GC Surplus, are you aware of any other measures that have been taken
9 by GC Surplus in connection to this mass casualty event?

10 **COMMISSIONER MacDONALD:** Sorry Mr. Bryson.

11 **MR. JOSHUA BRYSON:** Yeah.

12 **COMMISSIONER MacDONALD:** Ms. MacPhee?

13 **MS. PATRICIA MacPHEE:** Just for clarity, Max Liberatore and GC
14 Surplus falls under, I think it's Public Service Procurement Canada, which is a separate
15 government department. So I think some of these questions may be difficult for the
16 Commissioner to answer since he's not an employee of the RCMP.

17 **COMMISSIONER MacDONALD:** Mr. Bryson, I get the impression
18 that there's a financial relationship but not a governing relationship. But that's my sense
19 from her evidence.

20 **MR. JOSHUA BRYSON:** Thank you.

21 So just on the topic of the tweets that were sent out on April 18th
22 and 19th, and I don't know what your level of familiarity is going to be with respect to the
23 tweets, but my question for you; do you know, directly or indirectly, if anyone outside of
24 H-Division had any involvement in saying what to tweet?

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

26 **MR. JOSHUA BRYSON:** Okay.

27 **COMMR BRENDA LUCKI:** There might have been some
28 consultation with national Communications, but the relationship is that of consultation

1 but I'm not familiar if there was or not. Especially in the early hours, I would say that
2 there wasn't, but I can't say for sure.

3 **MR. JOSHUA BRYSON:** Why do you say there wasn't?

4 **COMMR BRENDA LUCKI:** Only because things happened so
5 quickly in the early morning hours, I think that they were dealing with that on their own.

6 **MR. JOSHUA BRYSON:** Do you have any knowledge or
7 understanding of why, for example, that the RCMP received a picture of this cop car at
8 roughly 7:30 and it's not tweeted out until 10:17 a.m. that same morning on April 19th?

9 **COMMR BRENDA LUCKI:** I don't have any knowledge why that
10 happened.

11 **MR. JOSHUA BRYSON:** Okay. Are you aware of any involvement
12 by anyone outside of H-Division that contributed to that delay in sending out that tweet?

13 **COMMR BRENDA LUCKI:** No, I'm not aware of any involvement.

14 **MR. JOSHUA BRYSON:** Thank you for your time.

15 Thank you, Commissioners. Those are my questions.

16 **COMMR BRENDA LUCKI:** Thank you.

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

18 Ms. Hupman?

19 **--- CROSS-EXAMINATION BY MS. LINDA HUPMAN:**

20 **MS. LINDA HUPMAN:** Good morning, Commissioner Lucki. My
21 name is Linda Hupman. With my colleagues, Stephen Topshee and James Russell, we
22 represent the families of Jolene Oliver, Aaron Tuck, and Emily Tuck, who were killed in
23 their home on Cobequid Court in Portapique the night of April 18th, and we represent the
24 family of Lillian Campbell, who was killed while out for her Sunday morning walk near
25 Wentworth on April 19th.

26 I just have a couple of areas to -- for questions, and they got
27 shorter during Mr. Bryson's session, so he covered a couple of areas that I had notes
28 on.

1 One area I want to -- and he raised with you the Fatal Inquiry
2 Report coming out of the Mayerthorpe event in 2011, I believe it was. There's one
3 recommendation from that report that I want to draw your attention to, and in fact, it was
4 raised with you during your interview with Ms. Young, and that is the recommendation of
5 a -- that a Threat Assessment Coordinator should be designated at each detachment.

6 And I just wonder if, Madam Registrar, we could pull up the
7 Mayerthorpe Inquiry, COMM number 58319, and we would be looking for page 22.
8 Because I just want to bring up that recommendation in its -- as it's written from the
9 report.

10 (SHORT PAUSE)

11 **MS. LINDA HUPMAN:** So it starts off, "I therefore recommend
12 that:" And then from there that:

13 "Each detachment should designate a member (as
14 distinct from staff) to fill the role of Threat Assessment
15 Coordinator....This person would be primarily, but not
16 exclusively, responsible for the collection and
17 maintenance of master and individual threat
18 assessment files."

19 That they:

20 "...would be tasked to query members on a regular
21 basis and...brief new members."

22 And that they could also liaison with Behavior Services Group as
23 appropriate, and then it goes on and explains a bit more.

24 And I think when you were in the -- your response during your
25 interview may have been an understanding that this was to be a special position, but it's
26 obviously, in my reading of it, intended to be something to be assigned to an existing
27 detachment member.

28 You indicated in your response in your interview that you weren't --

1 you weren't sure if this has been implemented. Do you have any further information on
2 that since that time?

3 **COMMR BRENDA LUCKI:** No, unfortunately I don't.

4 **MS. LINDA HUPMAN:** So -- and then that brings up, I guess just
5 for me, the question of, you know -- and obviously, Mayerthorpe was an Inquiry and a
6 report that came out before your tenure, obviously, as Commissioner, but going forward
7 -- and the Bastarache Report, of course, is November 2020, and that was discussed
8 briefly or just by the previous counsel, and then we have this Commission, which will be
9 bringing out recommendations, and we can certainly assume they are going to be some
10 applicable to the RCMP.

11 In your role as Commissioner of the RCMP, I know you've referred
12 several times to you're kind of at the 10,000 foot level, and you know, people who are
13 tasked with things. But when there are recommendations coming out of things like
14 public inquiries on very serious matters and bringing in recommendations going to basic
15 and concerns that relate to public safety, officer safety, and so on, isn't it incumbent
16 upon you as the Commissioner to be tracking those recommendations and knowing
17 what's happening? I mean, ultimately, the buck stops with you; doesn't it?

18 **COMMR BRENDA LUCKI:** I would say, yes. I know during my
19 tenure, obviously I can't speak to a lot of the reports that were done before, but at one
20 point during my tenure I had asked the question for people to review previous reports
21 that -- to make sure there was no outstanding recommendations. Under the Contract
22 and Indigenous Policing, most of those reports go through -- often go through them
23 when it comes to any responses. I didn't do any further follow up, I just said let's -- you
24 know, I can't control what happened before, but let's ensure that, you know -- in my
25 tenure I said if -- when we have any inquiries, any recommendations, they will be
26 tracked, they will be assigned, there will be a lead for each recommendation. We will
27 research it, we will have timelines, milestones, measurements. We will publicly put
28 them on our website. And that was my commitment to transparency and accountability

1 for my organisation and part of our culture change in -- under Vision 150.

2 **MS. LINDA HUPMAN:** And so as part of that would be a continual
3 updating and tracking by you and to stay on top of those things?

4 **COMMR BRENDA LUCKI:** Yes. I have people that are
5 responsible for each and every one of those reports. And depending on -- like, for
6 instance, when a report first comes out, or when recommendations come out, or we
7 have tasks to do, obviously there's a lot of front-end work that's -- and so there's a lot of
8 work going on, and there's -- the reporting is more regular, and then we make the
9 reporting, depending on how far along we are in that -- in those recommendations, it
10 might not be as often as it was.

11 So for example, I was given a mandate letter from the government
12 through the Minister's Office. In the first instances, we were setting up who was going
13 to be the lead, who was -- who was going to be tracking -- who was going to be
14 responsible for tracking it. At the beginning, we had, I think, bi-monthly reporting, and
15 as things got set up we had made that reporting, I think we're still at bi-monthly, we
16 could be at monthly. So we sometimes ease off because there's less action happening,
17 especially if it's a longer-term recommendation.

18 But all that to say is that it's important, even if nothing's happening,
19 nothing happening's means something. So it means why is nothing happening? If
20 you've -- especially if you're not meeting the prescribed dates that have been set, why
21 aren't we meeting those prescribed dates? If there is a good explanation, maybe it's a
22 delay in a procurement process, maybe it's a delay in obtaining some technology or the
23 technology is being piloted and it's going to take several months, well, that's reasonable.
24 But if somebody says, "yeah, we just -- we just don't have the resources." "Okay, that's
25 -- that is a reasonable thing to say, but what are you doing to get the resources, or what
26 are you doing to get this? It's fine to not have it. Have you put in a submission for some
27 funding? Have you -- you know, has it been denied? Is that why it's being held in
28 abeyance?" Because as important as things moving along is why aren't they moving

1 along.

2 **MS. LINDA HUPMAN:** And your role is to stay on top of that and
3 to ---

4 **COMMR BRENDA LUCKI:** Yes ---

5 **MS. LINDA HUPMAN:** --- and make sure ---

6 **COMMR BRENDA LUCKI:** --- as best I can.

7 **MS. LINDA HUPMAN:** --- that those that can go ahead, go ahead?

8 **COMMR BRENDA LUCKI:** Absolutely.

9 **MS. LINDA HUPMAN:** Right. And coming back to the Threat
10 Assessment Coordinator recommendation from the Mayerthorpe Report, I guess one of
11 the reasons it's been in -- a past recommendation has been a concern to our team and
12 has been raised several times in -- with witnesses, locally and from various detachment
13 levels and command levels in terms of its -- whether it was something they were aware
14 of or in place, is the connection to information that's come out through the Inquiry and
15 through the investigation of previous involvement of police with the perpetrator here,
16 and whether, even though some of that involvement probably took place before
17 Mayerthorpe Report came out, that somebody in that role may have been able to better
18 track and understand and have access to that information over the years that may have
19 alerted people to the perpetrator and his behaviours and actions.

20 So that is a concern. And I'm wondering if you would be, as part of
21 this process, revisiting that recommendation?

22 **COMMR BRENDA LUCKI:** Yes. The Threat Assessment
23 Coordinator, that -- that's an incredible idea. And you -- I can't speak to specifically how
24 it's been rolled out, but you have my commitment that there will be a follow up on this
25 from me, personally, through my chain of command to find out exactly where we are
26 with that.

27 **MS. LINDA HUPMAN:** Okay, thank you. Appreciate that.

28 **COMMR BRENDA LUCKI:** No, thank you.

1 **MS. LINDA HUPMAN:** I just have a couple of areas. One other
2 question, and I think it's been -- and it appears to be being addressed, because you
3 were asked about it during your interview, and that is the -- and this arises -- it's a
4 concern arising, obviously, from -- and Mr. Bryson referred to it, and that was the
5 situational awareness, and the lack thereof, for the -- for the first officers responding on
6 scene the night of April 18th, the concern throughout that night, and as the events
7 unfolded, with the lack of GPS tracking, and there they were, out of vehicles, on foot, in
8 the dark, in the middle of the woods, essentially.

9 So there's been a lot of discussion here, before the Inquiry, about
10 their portable radios having had GPS capability but not enacted. There was -- there's
11 been opinions about whether that's feasible on the long-term for general duty members
12 in all situations. And it appears from your interview and from information in -- that's
13 come forward in terms of what's happening on that issue that the ATAK, I'm not quite
14 sure what to call it, but it's a system ---

15 **COMMR BRENDA LUCKI:** Platform, yeah.

16 **MS. LINDA HUPMAN:** --- or it's a -- it's -- it's a tool that would
17 provide that, as opposed through the radios, is my understanding?

18 **COMMR BRENDA LUCKI:** Yes. That system is sort of near and
19 dear to my heart because the first detachment visit I did as Commissioner was in New
20 Brunswick. And they brought me to a demonstration of ATAK that they had taken from -
21 - the FBI gave it to them to try out, and the ERT team was using it.

22 And it was interesting because, of course, I'm not an ERT person,
23 but I was -- in detachment, I was a -- a district officer in three different districts, and I
24 said can -- how can this be applied to frontline policing. And so we brought it back -- I
25 brought it back to Contract and Indigenous Policing, and I said, I really would like to see
26 this -- see if we could try this out. And I suggested Grand Prairie, because I had been in
27 Grand Prairie, and a district officer out of Grand Prairie, to try it out on the frontline
28 officers. And it simply started like that.

1 Of course, there's been a lot of work done. From my
2 understanding, all ERT teams have the ATAK platform, and we are in the midst of
3 rolling out to the other 18,000 officers that platform.

4 What's interesting, what I think intrigued me the most about that
5 platform is you can have it on your phone, but if you don't use it you're not very adept at
6 it. So when I talked to the frontline members in Grand Prairie, they said the biggest
7 advantage of the platform is, although they don't use it on a day-to-day basis, they
8 practice with it, which makes them practising tactical response. So that's a good thing.

9 If we can have them -- we always equate training to, "Okay. You
10 need to come, you need to do a week of this." "But how about just five minutes before
11 your shift? Why don't you practise this, or why don't you practise that?" And the feeling
12 is, and this is my belief, if members were to practise or train five minutes per shift that
13 equates to almost three weeks of training in a year. And maybe it's just something as
14 simple as bringing out the spike belt out of your trunk. If you haven't used it for two
15 years, how do you know you're good at it anymore if you don't practise?

16 So I've really encouraged our training people to look at sort of a
17 five-minute type training scenario, where people can just hone their skills, whether it's
18 handcuffing, ATAK, for example. So it's really near and dear to my heart.

19 The other portion of that is that we're in the midst of ruling out body-
20 worn cameras. And I've asked the question if body-worn cameras can serve in that
21 same capacity of tracking members, because it is another platform on the member's
22 body, and does it have that capability. I don't know the answers to that. I've just simply
23 asked the question because that is another method. Do we need to duplicate platforms
24 and have it on your phone when it can be used on your body-worn camera for the
25 tracking purposes?

26 **MS. LINDA HUPMAN:** H'm. Well that's an interesting -- that's
27 interesting. And perhaps that will work too.

28 I did note from your response during your interview that -- it was

1 indicated as information that has come in from H Division as well, that it is on track to be
2 to all front-line workers by April/March 2023.

3 **COMMR BRENDA LUCKI:** I'm not sure of the month, but in 2023.

4 **MS. LINDA HUPMAN:** So that is still a committed timeline by the
5 Force for that?

6 **COMMR BRENDA LUCKI:** That's what we're tracking for. Unless
7 something unusual happens, -- I think, if I was to be fair, I think the dates were more in
8 the fall of 2023.

9 **MS. LINDA HUPMAN:** Okay.

10 **COMMR BRENDA LUCKI:** Yeah.

11 **MS. LINDA HUPMAN:** I may be -- I may -- maybe it just said 2023,
12 but ---

13 **COMMR BRENDA LUCKI:** Yeah.

14 **MS. LINDA HUPMAN:** --- maybe I was being optimistic in putting
15 as an early as possible date on it.

16 But my key issue is that it is happening and that it's on track and
17 will be in place, because certainly that was a real concern for -- at many levels, for the
18 response during this event.

19 **COMMR BRENDA LUCKI:** Absolutely.

20 **MS. LINDA HUPMAN:** My questions on the police culture and
21 area regarding the Bastarache Report I think were sufficiently covered by Mr. Bryson,
22 so I'll go back to another topic that we haven't talked much about, but which I have
23 interest in and particularly in that, you know, I see some potential that it impacts on
24 particularly general duty members in detachments like were involved in the events here,
25 such as the Colchester area where the Bible Hill Detachment is located. And I'm --
26 what I'm talking about is the RCMP's historical, and which I believe continues to be their
27 routine, if you will, transfer practice with officers coming up through the ranks.

28 I know that, you know, you've been, I think, something like 36 years

1 or so with the RCMP. My expectation is that this long predates that, but do you have
2 information and can you tell us the root of this practice or the genesis and the rationale
3 for why this would be kind of the routine practice?

4 **COMMR BRENDA LUCKI:** Well, first of all, we have, like I said,
5 700 -- close to 750 locations. We do police in the northern territories as well. So we do
6 rotations into the north, because that is something that people would not stay very often
7 their whole career in the north. So we need to do those rotations and then bring them
8 back down to the south.

9 There's also promotions, I didn't mention that the other day, where
10 sometimes a detachment is very small, so you might only have a sergeant and a
11 corporal. So if in fact a constable who may want to stay in Colchester but wants to get
12 promoted, may not have the opportunity to do that in Colchester, so they may have to
13 leave to take a promotion elsewhere. Or they may want to get into some specialized
14 services, which they can't do, for example, in Colchester. So there is other reasons.

15 I think, as I said I think yesterday, I think it's a good mix to have
16 some corporate knowledge in that detachment. We do rely on the detachment service
17 assistants very often for much of that corporate knowledge and some of the people that
18 stay in the detachment for lengthier periods of time. There are people who would like to
19 stay in those detachments.

20 And so we used to be more forceful on promotion -- like, on
21 promoting mobility. We're finding that people aren't as mobile as they once were.
22 Unfortunately, we'll always be a mobile work force in the RCMP because of the many
23 locations we police. But if we can find a great balance between having that corporate
24 knowledge and having new people come in with new ideas, new perspectives -- what I
25 find interesting is when I see somebody coming from another -- even another division
26 especially, and they've done something in that division and then they bring it to this
27 division, and watching that change, that's such a great thing to happen, to watch that
28 happen, and that's how change gets made. But if you change everybody at once -- so

1 when I talked about the changes in senior management in H Division, that's
2 unprecedented. We have -- I've never, in my -- well, in my four and a half years as
3 Commissioner, have never had to take the top three positions and change them all at
4 once. It just was a set of circumstances. We do succession planning. I think we need
5 to be better.

6 When I was in Manitoba, they had some great succession planning
7 for the members that arrived newly to Manitoba and they basically charted out their first
8 10 years of their career. And I found it was a lot easier to deal with the members
9 because they knew what to expect. They knew that in 10 years, this is what was going
10 to happen to them. They could go home to their family, they could explain hat was
11 going to happen in the next 10 years. They even knew what kind of training they were
12 going to get in the 10 years.

13 That is a great model. It's -- I think for the most part though, it's not
14 something we do on a day-to-day basis. I think we do -- I hate saying it. We're filling
15 holes. So when somebody leaves, we replace them. But we don't look at succession
16 planning in the way it should, and I don't think we're managing employees' expectations
17 as well. We have to do better at the succession planning, as I mentioned yesterday.

18 **MS. LINDA HUPMAN:** And I appreciate that. And what's
19 happening in Manitoba sounds promising, in the sense that it sounds as though people
20 would be more settled. And one of the concerns I have, or where my concern arises
21 here, is particularly in general duty members, you know, coming in from somewhere
22 else to -- and we'll use Colchester, the Bible Hill posting as an example simply because
23 that is a very large rural area of Nova Scotia with very spread out, takes a long time to
24 drive from one end to another. And one thing that came out in certain testimony and
25 evidence related to people having been here three or four years and they still didn't
26 know their way around, the geography of that area, let alone them be transferred
27 somewhere else and have someone new come in that, again, has to learn the
28 geography, the layout, the communities, and so on.

1 And so appreciating that obviously there's always going to be a
2 need for the northern postings and people going in and out, there's always going to be
3 people who will want to move to seek promotions, career advancement, and so on. But
4 it's the practice, I guess, of the kind of traditional "send them somewhere three to four
5 years, then move them on, then bringing someone else in, then move them on," that
6 doesn't allow -- or which I see as creating some negative impacts on the communities
7 that they're coming into fresh and new. Yes, they may have new ideas, but at the same
8 time, they don't have local knowledge, they don't have connections that will help them in
9 their response to the service in the area that they've been posted to.

10 So those are concerns that I would see, and I don't know if you
11 would agree that that has negative -- potentially negative impacts on police
12 effectiveness in those rural areas?

13 **COMMR BRENDA LUCKI:** No, you raise some excellent points.
14 And obviously having somebody there longer, they get a better familiarity.

15 We should also include technology. Is there something in
16 technology that can assist them in knowing their geography? That's one example.

17 The other thing I think of is if you have the same people staying
18 there, and maybe somebody is not doing their job, do you still want them to stay there
19 because they know the area? You know, sometimes people get settled in their ways.

20 I think, if I understand you correctly, a good balance and having
21 that -- those people that want to stay and contribute positively to the detachment,
22 absolutely we should be looking at extending their time.

23 I don't think we have -- the only places that we have set times are
24 in what we call limited duration postings, and those are mostly in northern postings with
25 less amenities, sometimes they don't have schools, hospitals, depending on the areas.
26 But for the most part, in places where there's amenities, there's not a prescribed time,
27 sometimes it's a guideline. But we have been looking at it because, for the most part,
28 people aren't as mobile as they used to be.

1 **MS. LINDA HUPMAN:** And I'm -- I was wondering, I mean you've
2 raised several times this Vision 150, and so on, and beyond, and whether that strategy
3 has looked deeply into some of these ingrained practices of the organisation and
4 whether those are open for change as part of your other strategies under that ---

5 **COMMR BRENDA LUCKI:** Yes, absolutely. We actually have a
6 task force on retention, and this issue falls into that because there are some people who
7 may leave our organisation because they don't want to be mobile. And so how do we
8 retain them? And so it's led by Assistant Commissioner Rhonda Blackmore, who's the
9 Commanding Officer of Saskatchewan, and we're rolling up our sleeves and just trying
10 to figure out, okay, what are the barriers to retention in our organisation? And one of
11 those barriers is in fact mobility. So we are looking at it, and it -- the task force has only
12 been struck, like maybe less than a year ago, maybe eight months ago.

13 **MS. LINDA HUPMAN:** Thank you, Commissioner Lucki, those are
14 my questions.

15 **COMMISSIONER MacDONALD:** Thank you, Ms. Hupman.

16 **COMMR BRENDA LUCKI:** Thank you.

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

18 **MS. PATRICIA MacPHEE:** Commissioners?

19 **COMMISSIONER MacDONALD:** Sorry?

20 **MS. PATRICIA MacPHEE:** Thank you. Can I suggest that we take
21 a break now?

22 **COMMISSIONER MacDONALD:** Sure. We'll take a 15-minute
23 break. Thank you.

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

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

27 --- Upon resuming at 11:16 a.m.

28 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The

1 proceedings are again in session.

2 **COMMISSIONER MacDONALD:** Have the witness return, please.

3 Ms. Miller?

4 **--- COMMR BRENDA LUCKI, Resumed:**

5 **--- CROSS-EXAMINATION BY MS. TARA MILLER:**

6 **MS. TARA MILLER:** Good morning, Commissioner Lucki. My
7 name is Tara Miller, and with my colleague, Alix Digout, we represent a family member
8 of the late Kristen Beaton and her unborn child. She was -- Kristen, of course, was
9 murdered on Debert Road -- Plains Road in Debert on Sunday morning of April the
10 19th.

11 Lots of ground has been covered, so I'm going to try to be focussed
12 in areas where I am going to start. And the first thing I wanted to do was talk to you
13 about the family liaison role.

14 In your statement that you provided on April the 4th, you were
15 asked about whether or not any training was available specific for that role, and you
16 said at the time:

17 "I don't know if training is available, actually. I'd have
18 to check." (As read)

19 That's just, for reference, at page 65.

20 Have you had an opportunity to check since then?

21 **COMMR BRENDA LUCKI:** No, I haven't.

22 **MS. TARA MILLER:** Okay. You then go on on the next page to
23 talk about, so we're -- I'm on page 66.

24 And perhaps we could, Madam Registrar, bring up
25 Commissioner Lucki's mass casualty statement. It's Exhibit 4221. And it's at the top of
26 the page. Thank you.

27 Ms. Young asks you sort of a -- a catchall question, "Are there any
28 questions on that topic...", and the topic is the family liaison officer, "...before I move

1 on?"

2 And you go on to say:

3 "I would like to add, though, you know, the role of
4 victims services is so important, and it's not
5 standardised because it's provincially run. And I've
6 been in divisions where the victims services has been
7 outstanding and I've been in other divisions where not
8 so much, and they play such a key role. Because I
9 think we don't want police officers necessarily in those
10 roles because there's -- there's other position -- other
11 things that they could be doing." (As read)

12 I want to ask you some questions about that. My takeaway from
13 that, Commissioner Lucki, is that you're suggesting that this family liaison role should be
14 done outside of the RCMP and done by victims services in the provincial entities?

15 **COMMR BRENDA LUCKI:** No, I think the day-to-day oversight of
16 the victims, which falls under victims services mandate, but obviously there has to be a
17 connection to the organisation.

18 **MS. TARA MILLER:** Yes.

19 **COMMR BRENDA LUCKI:** And if you look at any of the victims
20 services offices, they're usually in -- the divisions I have worked in, their office is actually
21 in the RCMP detachment, in the front, where people can access them from the outside,
22 coming into the lobby, they also have a back entrance into the detachment usually.

23 **MS. TARA MILLER:** Okay.

24 **COMMR BRENDA LUCKI:** The better the relationship is with your
25 victims services officer, the better it is for the victims, obviously. Those victims services
26 officers have specific mandates to tell victims of funding, tell them about ---

27 **MS. TARA MILLER:** Yes.

28 **COMMR BRENDA LUCKI:** --- court, but anything to do with the

1 actual file, they do have -- I think in some divisions they have access but not in detail, so
2 they absolutely have to have a connection.

3 **MS. TARA MILLER:** Okay.

4 **COMMR BRENDA LUCKI:** So in this case, given the situation, I
5 think it's really important that we have a family liaison officer that provides that
6 connection between those victims' families and the RCMP.

7 **MS. TARA MILLER:** Okay. So I just want to be clear, you're not
8 suggesting that this gets outsourced. You're -- what I'm hearing you say is that in
9 addition to an RCMP family liaison service there would be, as part of that team, victims
10 services, and they would work in concert closely with the victim and the family of the
11 victims?

12 **COMMR BRENDA LUCKI:** Yes. And I also would suggest, and I
13 don't know the answer to this, I always ask the question does it need to be a regular
14 member of the RCMP or could it be a public servant or a civilian member of the RCMP
15 that could fulfill that role?

16 **MS. TARA MILLER:** And when you say does it need to be a
17 regular member of the RCMP, do you mean a regular -- we're not about ---

18 **COMMR BRENDA LUCKI:** Uniformed.

19 **MS. TARA MILLER:** --- the provincial victims services, we're
20 talking about the individual who organisationally would work directly with the victim and
21 the victim's families. And your thought ---

22 **COMMR BRENDA LUCKI:** Yes.

23 **MS. TARA MILLER:** --- is could be not a member but somebody in
24 a civilian role?

25 **COMMR BRENDA LUCKI:** I'm not sure I asked the question
26 because often our regular members are put into roles -- they're fully trained to be police
27 officers and often we put them in roles where, you know, other people with specialised
28 skills may be better suited for it. I -- I don't know the answer, we haven't -- I haven't

1 reviewed it personally.

2 **MS. TARA MILLER:** Sure. And -- but on that, because this is, I
3 would expect, an area that the Commissioners are going to be addressing in their
4 report, the robustness and the detail around family liaison services, so I do want to
5 spend a little bit of time on it.

6 On that, I want to bring your attention to, and it's COMM
7 Number 63045. It's the Independent Administrative Review of F-Division RCMP
8 investigation relating to the homicide of Colten Boushie. And this was an Administrative
9 Review, report was January 13, 2020. Of course, Mr. Boushie's death was in August of
10 26 [sic], the review was started in August of 2018, and the report came out in
11 January 13, 2020.

12 Are you familiar with this review, Commissioner Lucki?

13 **COMMR BRENDA LUCKI:** Not the specific details, yes, but ---

14 **MS. TARA MILLER:** Okay.

15 **COMMR BRENDA LUCKI:** --- I know there was a review done.

16 **MS. TARA MILLER:** Right. And it certainly would have come out,
17 the report would have come out two years into your tenure as Commissioner. Have you
18 had a chance to review it?

19 **COMMR BRENDA LUCKI:** I'd have to look at it to ---

20 **MS. TARA MILLER:** Okay.

21 **COMMR BRENDA LUCKI:** --- see if it jogs.

22 **MS. TARA MILLER:** Would you have any -- would you have had
23 any role in relation to this specific review?

24 **COMMR BRENDA LUCKI:** Not directly, no.

25 **MS. TARA MILLER:** Okay. So the report itself has 44
26 recommendations, and there are specific recommendations, which start at page 77, that
27 deal with family management. And there's, you know, a lot of content in here which is
28 helpful in terms of reviewing the role of the family liaison. It starts at page 77, and it

1 talks about:

2 "Death notification becoming the first step in a
3 broader strategy to manage the family in a manner
4 which recognises that this is an important part of
5 overall quality of the investigation."

6 I'm not going to take you through it all because it goes through a
7 number of pages, but if we could go, Madam Registrar, to page 86. And this is
8 recommendation 18 at the bottom of the page.

9 And the recommendation coming from the Boushie report was --
10 well, there were several relating to family management. It was consider the potential
11 value to service delivery and its continuity by creating two-person family liaison teams
12 comprised of a detachment resource and an MCU resource.

13 And MCU, as I understand that, to be Major Crime Unit. Is that
14 your understanding?

15 **COMMR BRENDA LUCKI:** Yes.

16 **MS. TARA MILLER:** Okay. As much as possible, ensure that
17 MCU resource is not in any dual role with a Command Triangle position.

18 And then there's a little bit more detail under this, which is
19 structured implementation of strategies for family management:

20 "A trustful relationship can be best developed by the
21 assignment of dedicated family liaison resources who
22 can conscientiously implement a structured approach
23 to family management from the initial death
24 notification until the conclusion of the team."

25 And then under recommendation 19, it talks about identifying
26 divisional best practices for this structured approach.

27 And having looked at that -- and I appreciate you haven't reviewed
28 this in detail, but you know, it strikes me that having a civilian member serve in this role

1 would be contrary to this more comprehensive, complete, trusted role of somebody who
2 is an important part and would play an important part in the overall quality of the
3 investigation.

4 Would you agree with that?

5 **COMMR BRENDA LUCKI:** Not necessarily because why I say that
6 is if -- you know, if you get somebody who's got highly skilled background, maybe has,
7 you know, background on dealing with people dealing with grief who has education in
8 that area, maybe they're better suited than a uniformed member who's at that
9 detachment, for example. Maybe it's a combination of that MCU member.

10 I don't know the answer. I'm not saying one is another. I just --
11 these are some of the things that I think about because we always revert to a uniformed
12 member and sometimes they're not the right skill set. So can we develop that skill set?
13 In this type of structure, maybe not because in a small detachment, for example, if you
14 have a four-person detachment and if, under this, you are to take somebody from that
15 detachment, would they be able to -- would they have the right skill set. Could we
16 create a training course that fulfils that that skill set?

17 **MS. TARA MILLER:** That being my point, yeah.

18 You could certainly ensure that there was training for the divisional
19 member and training for the member of the MCU team. I think the rationale in this
20 report for having those two is because MCU is going to leave at some point. Like once
21 they've completed their investigation, they may leave the division, but having a central
22 person in the division to complement that team, it's not just one person -- it's a team.

23 **COMMR BRENDA LUCKI:** Team.

24 **MS. TARA MILLER:** And what I'm hearing you say is, if I could
25 suggest that to complement that team would also be Victim Services.

26 **COMMR BRENDA LUCKI:** Yes.

27 **MS. TARA MILLER:** Okay. Back to Victim Services. You said
28 that -- and I reviewed the section from your interview.

1 You said you've been in divisions where Victim Services has been
2 outstanding and in other division were not so much. For the benefit of the
3 Commissioners as we consider these recommendations and what they might look like
4 moving forward, what makes Victim Services outstanding and what makes them not
5 outstanding, and how can we make sure that -- if this is a recommendation, how can we
6 make sure that if Victim Services is part of this family liaison team that we make sure it's
7 robust and, as you said, outstanding?

8 What are the things that make it outstanding?

9 **COMMR BRENDA LUCKI:** Okay. Well, I'm going back in my time.

10 Much of it was surrounded by capacity because there are people
11 that come from the community and sometimes they have difficulty filling the positions. I
12 don't know what the specific qualifications are for a Victim Services person. It doesn't
13 fall under the RCMP. Obviously, being able to connect with people who are
14 traumatized, having that trauma-informed approach, being able to build relationships
15 with not just the RCMP, but other community resources because -- and knowing all the
16 various aspects of what's available for a victim would be important. Knowing a little bit -
17 - well, obviously knowing the court process and how that works because they are the
18 person who's explaining what happens next, connecting -- being able to connect with
19 people. And probably having some kind of not necessarily grief, but some type of
20 training that allows them to deal with people in -- you know, in vulnerable positions
21 because of what's happened to them or in distress or with anxiety.

22 **MS. TARA MILLER:** Okay. So what I'm hearing you say is the
23 Victim Services, if done well, could be a good complement to the family liaison role that
24 the RCMP plays, but you -- the RCMP doesn't have any control over the quality control
25 of Victim Services. But you do have control over the quality of service and the training
26 of your own members who would be able and do perform this role; correct?

27 **COMMR BRENDA LUCKI:** Yes.

28 **MS. TARA MILLER:** Okay. Thank you.

1 I'm going move on, Commissioner Lucki, to your background. You
2 were an instructor at Depot ---

3 **COMMR BRENDA LUCKI:** Yes.

4 **MS. TARA MILLER:** --- from 1996 to 1999.

5 **COMMR BRENDA LUCKI:** Yes.

6 **MS. TARA MILLER:** And what did you instruct in?

7 **COMMR BRENDA LUCKI:** Applied Police Sciences, which is all
8 the -- more or less the academic portion.

9 **MS. TARA MILLER:** Okay. Would that include things like note
10 taking, those sort of basics?

11 **COMMR BRENDA LUCKI:** *Criminal Code, law* ---

12 **MS. TARA MILLER:** Yeah, okay.

13 And then you went on to become the Commanding Officer of the
14 academy in Regina between 2016 and 2018; correct?

15 **COMMR BRENDA LUCKI:** Yes.

16 **MS. TARA MILLER:** Okay. So you returned there in a senior
17 command role.

18 **COMMR BRENDA LUCKI:** Yes.

19 **MS. TARA MILLER:** Okay. Part of your job, and you talked about
20 it in your interview and yesterday, was that your mandate letter has directed you to
21 implement change, cultural change in the RCMP. And in connection with that, did I
22 understand you correctly yesterday when you said the -- when my friend, Ms. Young,
23 was asking you about the implementation of recommendations and I understood you to
24 say the only things that will get done are things that can be measured, that there are
25 actual tracking mechanisms for measuring. Is that correct?

26 **COMMR BRENDA LUCKI:** For the most part, yes.

27 **MS. TARA MILLER:** Okay. I'm going to move now to the wellness
28 report that is dated September 2021. This is COMM62465.

1 We heard from Retired Assistant Commissioner Lee Bergerman
2 that what she had requested through Brian Brennan was, really, some immediate
3 resources for her senior officers. And I'm paraphrasing her evidence from my notes, but
4 she said with respect to -- when she was questioned about whether or not the report
5 was her idea, she said, "Well, it wasn't what I was seeking. I had a handful of officers
6 come to me about their health, burnout, succession planning, looking for assistance on
7 how to manage it. It was concerning. I went to Deputy Commissioner Brennan, told
8 him senior officers were burning out, suffering. I was looking to him for strategies, can
9 we bring in independent people re mental health, also succession planning interviews".

10 And what I understand from her evidence is what happened from
11 there is that it was taken away by Deputy Commissioner Brennan and turned into this
12 report, but it wasn't what she had been asking for, which was immediate support for the
13 senior officers.

14 Were you aware that that was the genesis of this report, the
15 wellness report?

16 **COMMR BRENDA LUCKI:** That wasn't my understanding. My
17 understanding was the visit that Deputy Commissioner Brennan did after, I think it was
18 in October, and interviewed -- or spoke to a bunch of different officers. There was
19 issues brought forward and he spoke to both Commanding Officer Bergerman and the
20 CrOps Officer, Chris Leather, asking them to do certain things in relationship building
21 and various other things. I don't know the specifics.

22 And as a result of that not being completed, I think it turned into
23 having an independent officer review.

24 **MS. TARA MILLER:** And who told you that? Was that Deputy
25 Commissioner Brennan?

26 **COMMR BRENDA LUCKI:** That was through, yeah ---

27 **MS. TARA MILLER:** That was -- he was the individual who
28 advised of the sort of genesis of the report.

1 **COMMR BRENDA LUCKI:** Some of it, actually, I read in his
2 testimony, but for the most part we were -- I didn't get into the specifics of what he was
3 doing, like the specific results, but just in a general sense, yes.

4 **MS. TARA MILLER:** So you're not aware if he facilitated retired
5 Assistant Commissioner Bergerman's request at that time she was ---

6 **COMMR BRENDA LUCKI:** No, I wasn't.

7 **MS. TARA MILLER:** You don't know if those resources were
8 provided that she was seeking for her senior officers.

9 **COMMR BRENDA LUCKI:** No, not at all.

10 **MS. TARA MILLER:** Okay. I want to be just very clear, and I
11 apologize for going over ground if -- but it's a critical point and I want to be clear.

12 We heard yesterday you indicated that there was suggestion -- left
13 us with the impression that there might have been another version of this report, and I
14 think that was clarified.

15 So I just want to be very clear. The report that we have exhibited --
16 because you said in your evidence there needed to be given an executive summary
17 with recommendations, which was properly vetted. That's never happened?

18 **COMMR BRENDA LUCKI:** That's never happened.

19 **MS. TARA MILLER:** No such version that looks like that exists?

20 **COMMR BRENDA LUCKI:** No, where I got confused is the fact
21 that that report is called a summary, and made it sound like a second report. There's
22 only been one report. The way in which that report was written couldn't be shared with
23 the Participants because it was identified.

24 **MS. TARA MILLER:** I understand that from your evidence
25 yesterday.

26 **COMMR BRENDA LUCKI:** So that's why I made reference to
27 when I talked to the divisional officers, I said, "We need to provide you with an executive
28 summary." And the themes had already been provided and the recommendations.

1 There wasn't a separate report. They were given a list of recommendations identical
2 to what was in the report.

3 **MS. TARA MILLER:** So you initially read the report unredacted?

4 **COMMR BRENDA LUCKI:** Yes.

5 **MS. TARA MILLER:** And then now we have that exact same
6 report with redactions?

7 **COMMR BRENDA LUCKI:** Yes.

8 **MS. TARA MILLER:** And there's been no further summary or
9 vetting ---

10 **COMMR BRENDA LUCKI:** No.

11 **MS. TARA MILLER:** --- done to your knowledge? Okay. Thank
12 you.

13 Also on the report around timing, we know it was dated September
14 30th, 2021. Certainly just coming to light now. You were asked in your August 4th, MCC
15 interview, as I recall your evidence in your interview, and certainly here, the report came
16 to your attention when you were getting ready to travel to Nova Scotia for Cst.
17 Stevenson's memorial and some town halls. And someone asked you about what's the
18 update on this report. Who asked you what's the update on this report?

19 **COMMR BRENDA LUCKI:** No, what happened was when I do
20 town halls, I usually get my people to go to the participants and say, "Do you have any
21 questions for the Commissioner?"

22 **MS. TARA MILLER:** Yeah.

23 **COMMR BRENDA LUCKI:** Because I'd like to at least be able to
24 research or have people look into the answer. So one of the questions was, "Can we
25 get an update on the wellness report?" I don't know who specifically asked it, ---

26 **MS. TARA MILLER:** Okay.

27 **COMMR BRENDA LUCKI:** --- but it came through my office. And
28 that's when I said, "Oh my goodness. Where is that wellness report?"

1 **MS. TARA MILLER:** And then what did you do once it came to
2 your office? What did you do, that question, to understand what had become of that
3 report?

4 **COMMR BRENDA LUCKI:** I didn't even get an opportunity to read
5 it at that time. It was so close to when I was traveling. But what I just got asked for an
6 update on what the next steps would be, so when they asked me at the town hall, I
7 could say, "This is what we plan to do."

8 **MS. TARA MILLER:** Okay.

9 **COMMR BRENDA LUCKI:** And that was through the Chief Human
10 Resource Officer.

11 **MS. TARA MILLER:** So you came to Nova Scotia for the memorial
12 and the town hall, you hadn't had the report at that point?

13 **COMMR BRENDA LUCKI:** I had the report, but I hadn't had an
14 opportunity to go through it.

15 **MS. TARA MILLER:** Okay. And you were asked in your
16 Commission interview by Ms. Young at page 92, just for reference, you don't need to
17 bring it up, Madam Registrar. She was asking you:

18 "The report is dated September 2021. Do you know why
19 you didn't see it sooner?" (As read)

20 And you said:

21 "No. I asked that question. I think." (As read)

22 And I want to ask you a little bit of detail about that portion of your
23 statement. You said:

24 "I asked that question. I think. I think." (As read)

25 So who did you ask the question to in terms of why you hadn't seen
26 it sooner?

27 **COMMR BRENDA LUCKI:** To both D/Commr Brian Brennan and
28 the new Chief Human Resource Officer, Nadine Huggins.

1 **MS. TARA MILLER:** When did you ask them?

2 **COMMR BRENDA LUCKI:** Probably the week before I went to the
3 Nova Scotia, when I -- when it was discovered that I didn't have the -- that the report
4 was completed and I didn't -- I was doing the -- sort of preparing my response for the
5 town hall.

6 **MS. TARA MILLER:** Okay. So they gave you the report, but what
7 was the answer that they gave you in terms of why you hadn't seen that report before?

8 **COMMR BRENDA LUCKI:** Both had no idea. The Chief Human
9 Resource Officer was new to the position. The Retired Chief Human Resource Officer
10 would have probably been the best source of information. I'm not sure if anybody has
11 reached out to her, I myself haven't, on that subject.

12 **MS. TARA MILLER:** Just on that ---

13 **COMMR BRENDA LUCKI:** Gail Johnson.

14 **MS. TARA MILLER:** Gail Johnson.

15 **COMMR BRENDA LUCKI:** Yes.

16 **MS. TARA MILLER:** And she had retired, I understand, ---

17 **COMMR BRENDA LUCKI:** Yes.

18 **MS. TARA MILLER:** --- from your evidence yesterday. When did
19 she retire?

20 **COMMR BRENDA LUCKI:** Oh, I want to say in the spring of this
21 year.

22 **MS. TARA MILLER:** So sometime in the spring of ---

23 **COMMR BRENDA LUCKI:** Just -- yeah, like ---

24 **MS. TARA MILLER:** --- 2022?

25 **COMMR BRENDA LUCKI:** Maybe February/March.

26 **MS. TARA MILLER:** Okay. And so that position was, from her
27 retirement to when Nadine Hudgens ---

28 **COMMR BRENDA LUCKI:** Huggins.

1 **MS. TARA MILLER:** Huggins. Sorry. When she took over, that
2 position was not filled by anybody, even in an interim basis?

3 **COMMR BRENDA LUCKI:** No, Nadine took over right as soon as
4 Gail left, because actually, Nadine Huggins was in human resources.

5 **MS. TARA MILLER:** Okay.

6 **COMMR BRENDA LUCKI:** So she wasn't -- she didn't come -- she
7 came from the outside when she first came to our organization ---

8 **MS. TARA MILLER:** Okay.

9 **COMMR BRENDA LUCKI:** --- about a year and a half ago.

10 **MS. TARA MILLER:** So she would have been part of Gail ---

11 **COMMR BRENDA LUCKI:** Gail's team.

12 **MS. TARA MILLER:** Gail's team.

13 **COMMR BRENDA LUCKI:** Yeah.

14 **MS. TARA MILLER:** And you understand that Gail retired in
15 February or March of 2022 and then immediately Nadine Huggins took over?

16 **COMMR BRENDA LUCKI:** Yes.

17 **MS. TARA MILLER:** Okay. So that is longer than a few weeks
18 before -- I think your evidence yesterday was that she had only been in the position a
19 few weeks, so she had very little time to understand it.

20 **COMMR BRENDA LUCKI:** Oh, you know what, my dates might be
21 wrong. She may have been in the position for -- she could have been in the acting
22 position for a few weeks and then got in the position for another few weeks. So might
23 have been about a month or so. It wasn't very long. I'm guessing -- I think that it may
24 have even been April that Gail left. I'd have to check my calendar, sorry.

25 **MS. TARA MILLER:** So we're -- it's about two to three, maybe four
26 months ---

27 **COMMR BRENDA LUCKI:** Yeah.

28 **MS. TARA MILLER:** --- in terms of when Gail left and when you

1 became aware of the report?

2 **COMMR BRENDA LUCKI:** I don't even think it was that long.

3 **MS. TARA MILLER:** Okay. So had a member in Nova Scotia not
4 posed that question in advance of the town hall, do you think you ever would have
5 become aware of that report?

6 **COMMR BRENDA LUCKI:** I think eventually it would have come
7 up. It's amazing that it didn't.

8 **MS. TARA MILLER:** It is amazing that it didn't.

9 **COMMR BRENDA LUCKI:** I know. I was very surprised. And
10 then of course ---

11 **MS. TARA MILLER:** I think that's what I'm struggling with, how ---

12 **COMMR BRENDA LUCKI:** Yeah.

13 **MS. TARA MILLER:** Is this another example of a report where
14 energy, resources, are spent and people participate and then it goes someplace and no
15 one is aware of it?

16 **COMMR BRENDA LUCKI:** No, it's -- like, it is completely
17 surprising to me, because that's not the normal way things happen. So I'm actually
18 quite shocked that although, you know, the CHRO has told me that they're working on
19 these things, like, especially in the wellness area for officers, we're looking at peer-to-
20 peer programs and things like that have been looked at. But the fact that it hasn't been
21 brought -- and I think because it wasn't sort of a -- something national, for example, it
22 wasn't even divisional, it was for that group of officers, that it didn't get the profile that it
23 ought to have, for some reason.

24 I'm guessing. I have no ---

25 **MS. TARA MILLER:** I appreciate that. If that is the case, is that
26 not deeply concerning for you?

27 **COMMR BRENDA LUCKI:** It is. It is deeply -- I'm not going to
28 deny it.

1 **MS. TARA MILLER:** Yeah. Have you initiated any kind of review
2 in terms of your human resources office to see what happened here? How did this
3 report ---

4 **COMMR BRENDA LUCKI:** I've asked the question. They're
5 supposed to get back to me. I haven't followed ---

6 **MS. TARA MILLER:** Who did you ask the question to?

7 **COMMR BRENDA LUCKI:** To the Chief Human Resource Officer.

8 **MS. TARA MILLER:** The new Chief?

9 **COMMR BRENDA LUCKI:** Yes.

10 **MS. TARA MILLER:** And what have you asked her to do? Have
11 you just asked her what happened or have you asked her to do a review?

12 **COMMR BRENDA LUCKI:** No, I asked her to find out what
13 happened, why I wasn't made aware of the report. And then obviously she gave me an
14 update on what they've been doing. I got that already. She ---

15 **MS. TARA MILLER:** When did she provide you with the update of
16 what they've been doing?

17 **COMMR BRENDA LUCKI:** Well we talked about it before I went to
18 Nova Scotia a bit because that was part of my response to the officers. And then most
19 recently, there was -- I asked for a full update on the recommendations, and so I was
20 given a management action plan on each and every recommendation.

21 **MS. TARA MILLER:** And do we -- you've been recently provided
22 with a management action plan on each of the recommendations?

23 **COMMR BRENDA LUCKI:** In July. Yeah.

24 **MS. TARA MILLER:** Commissioners, perhaps I can -- we'll raise
25 this with counsel for DOJ, but production of that ---

26 **COMMISSIONER MacDONALD:** Thank you.

27 **MS. TARA MILLER:** --- update, full management plan. Thank you.
28 And when Ms. Huggins gave you the update on the status of the

1 recommendations before you went to Nova Scotia, or you came to Nova Scotia, ---

2 **COMMR BRENDA LUCKI:** Very generally.

3 **MS. TARA MILLER:** Generally. Yeah. And I think you said
4 yesterday, and again I want to confirm your evidence, you said:

5 "I know the Chief Human Resources Officer has been
6 working on some things informally." (As read)

7 **COMMR BRENDA LUCKI:** Well I say informally in the sense that
8 there wasn't a formal management action plan created. The recommendations were
9 very well known. They were in the report.

10 **MS. TARA MILLER:** M'hm.

11 **COMMR BRENDA LUCKI:** And so I asked what -- if there was an
12 action plan.

13 **MS. TARA MILLER:** Okay.

14 **COMMR BRENDA LUCKI:** And why I say informally is I say
15 because things were being worked on, but they weren't all put in a document to track.
16 And that's kind of my ---

17 **MS. TARA MILLER:** That goes back to ---

18 **COMMR BRENDA LUCKI:** That's kind of my schtick. Like, ---

19 **MS. TARA MILLER:** Yeah.

20 **COMMR BRENDA LUCKI:** --- put it in there so we can see it, who
21 is responsible, ---

22 **MS. TARA MILLER:** Yeah.

23 **COMMR BRENDA LUCKI:** --- what are the timelines. And so ---

24 **MS. TARA MILLER:** We're not doing change unless we can track
25 it and it's measurable.

26 **COMMR BRENDA LUCKI:** Yeah.

27 **MS. TARA MILLER:** So it struck me that if it's been done
28 informally, there's no way to track it or measure it.

1 **COMMR BRENDA LUCKI:** She might have had a process. I didn't
2 ask her that, ---

3 **MS. TARA MILLER:** Okay.

4 **COMMR BRENDA LUCKI:** --- if she had a process to do that. But
5 I wanted to see it all in one document.

6 **MS. TARA MILLER:** And that is the document, the full
7 management action plan?

8 **COMMR BRENDA LUCKI:** Yes.

9 **MS. TARA MILLER:** And when we see that, there will be people --
10 there will be things identified, and who is responsible, and timelines? Is that what you
11 would expect to see in that?

12 **COMMR BRENDA LUCKI:** There will definitely be ---

13 **MS. TARA MILLER:** Or what you have seen in it?

14 **COMMR BRENDA LUCKI:** --- the recommendations. There will
15 be the actions to date. And there should be timelines. I've glanced at it very quickly
16 because it only came out and -- while I was away. So my memory is not very good on
17 it. Sorry.

18 **MS. TARA MILLER:** Okay. Thank you. I'm going to move from
19 that now, Commissioner, to a topic about note taking and retention. You confirmed that
20 when you were an instructor at Depot from 1996 to 1999, you would have been part of
21 what -- your curriculum that you taught would have been about that sort of basic critical
22 notetaking part of policing. And will you agree with me that that's such an important part
23 of policing because notes serve to refresh memory, justify decisions made, and record
24 evidence?

25 **COMMR BRENDA LUCKI:** Yeah, it's very important.

26 **MS. TARA MILLER:** And well-documented notebook entries lend
27 credibility to testimony and can substantiate information years after an original entry
28 was made?

1 **COMMR BRENDA LUCKI:** Yes.

2 **MS. TARA MILLER:** Okay. And that from your perspective then,
3 and now, it's mandatory for all members to make written and/or electronic notes as soon
4 as practical in order to prepare accurate, detailed, and comprehensive notes setting out
5 their observations made, and actions taken during the course of duties?

6 **COMMR BRENDA LUCKI:** Yes.

7 **MS. TARA MILLER:** Okay. And that all notes made during an
8 investigation are an integral part of an operational file, which would be subject to
9 disclosure.

10 **COMMR BRENDA LUCKI:** Yes.

11 **MS. TARA MILLER:** Okay. And that's a core part of the training
12 for cadets in their six-month program at Depot?

13 **COMMR BRENDA LUCKI:** Yes.

14 **MS. TARA MILLER:** Okay. Do you know if there's a current policy
15 on notetaking in the RCMP?

16 **COMMR BRENDA LUCKI:** Yes, there's policy and reviews, when
17 to review notebooks. Again, I don't know them by -- verbatim, but there is policy on
18 notebooks.

19 **MS. TARA MILLER:** Fair enough. And I'll help you with that
20 because I'm going to go back to the Boushie Report, and that is COMM ---

21 **COMMR BRENDA LUCKI:** Sorry; what report?

22 **MS. TARA MILLER:** The Administrative Review that was done in

23 ---

24 **COMMR BRENDA LUCKI:** I didn't get the name.

25 **MS. TARA MILLER:** Colten Boushie.

26 **COMMR BRENDA LUCKI:** Oh, Boushie. Okay.

27 **MS. TARA MILLER:** Yeah.

28 **COMMR BRENDA LUCKI:** Sorry, I couldn't ---

1 **MS. TARA MILLER:** That's COMM number 17899, and it's been
2 exhibited 4214, Madam Registrar.

3 There's a whole section in that report that deals with notetaking.
4 And perhaps if we could bring that up, Madam Registrar?

5 **REGISTRAR DARLENE SUTHERLAND:** And the COMM number
6 is actually 63045.

7 **MS. TARA MILLER:** Thank you.

8 **(SHORT PAUSE)**

9 **MS. TARA MILLER:** And if we could go to page 205, this is the
10 section, Commissioner, that deals with investigator's notes. And I'm not going to take
11 you through the pages of it, but I will get to page 208, which is where the
12 recommendations start, Madam Registrar.

13 **(SHORT PAUSE)**

14 **MS. TARA MILLER:** Actually, page 209, and this -- at this point --
15 apologies; this isn't where the recommendations start but this references the National
16 Operational Manual; that's the National RCMP Operational Manual, and that's been
17 disclosed and it's online, and Chapter 25.2 deals with investigator's notes. And then we
18 see a reference, "Independent External Review from "E" Division."

19 Madam Registrar, that's -- just if you could scan down to the bottom
20 of that page?

21 So the authors of this report would have looked at existing
22 governance documents, which would have included the Operations Manual, and then
23 this review out of British Columbia, which had identified best practices around
24 notetaking, and there's information there.

25 And then if we go to the bottom of page 210, there are a number of
26 recommendations, and I do want to take some time to just go through them. The
27 Recommendation 42:

28 "Divisionally implement training and supervisory

1 strategies to ensure all members take complete,
2 accurate, and comprehensive notes.” (As read)

3 And my understanding is that this arose out of the fact that in at
4 least 2016 -- this report is in 2020 -- there were issues with the thoroughness and
5 accuracy of the notes that were taken. Is that your understanding of one of the findings
6 from this report?

7 **COMMR BRENDA LUCKI:** I will -- excuse me; I will add that
8 notetaking is always an issue.

9 **MS. TARA MILLER:** Yes.

10 **COMMR BRENDA LUCKI:** It's often an issue.

11 **MS. TARA MILLER:** Why is it an issue? If it's such a fundamental,
12 basic part of policing that's addressed in Depot, why is it an issue and why are we still
13 seeing an issue? And I'll give you a little bit of context, which I'm sure you're aware of.
14 I know in 2014, there was a national audit done of the RCMP investigator's notes. So
15 this is then a perennial problem and we've seen some issues around it with respect to
16 the investigation leading up to the mass casualty as well, which I'll go through in a bit.
17 But why is it such a problem?

18 **COMMR BRENDA LUCKI:** I have my thoughts on it, and -- it's
19 interesting because when I was a constable, it wasn't long into my tenure as a
20 constable, that I testified in court. And you only need to testify in court once and then
21 you will honestly understand the importance of your notebook.

22 **MS. TARA MILLER:** M'hm.

23 **COMMR BRENDA LUCKI:** Our members don't testify very much
24 like they used to. They don't go to court. We often -- I've been in districts where I've
25 actually said, "We will go to court on traffic tickets if we have to because they need the
26 experience to go to court." Because until you get tested on your notes, you think you're
27 -- you know, people can supervise you and they can look at it and say, you know,
28 "You're missing this," but until you've actually had to open your notebook in court, that's

1 -- these are my feelings.

2 I remember the first time I opened my notebook in court and then
3 they asked me questions that I didn't have the answer to, my notes changed
4 exponentially. And I think that's one of the reasons.

5 I think that we ask supervisors to verify the notes, but we ask a
6 thousand things from supervisors and notebooks are but one. I think the amount of
7 demands we put on people. I think the generations are changing. They're not writers,
8 they're texters, they're -- so we have to find a way to modernize that and -- so that it is
9 in fact following court rules. Because often electronic disclosures get questioned
10 whereas handwritten notes have been the standard on investigations, from day-to-day
11 investigations; generations now are not hand-writers. So I think there's a bunch of
12 different things.

13 **MS. TARA MILLER:** Yeah.

14 **COMMR BRENDA LUCKI:** I'm not the expert, obviously. These
15 are just my opinions.

16 **MS. TARA MILLER:** If I could ---

17 **COMMR BRENDA LUCKI:** Yeah, go ahead.

18 **MS. TARA MILLER:** If I could take you on one of your comments,
19 in terms of your own personal experience and what resonated with you, in terms of the
20 importance of notetaking was your first appearance in court. Could we not -- could the
21 RCMP not take that and do practice runs with officers to sort of use that as an
22 experiential way to highlight for them the significant importance of notes?

23 **COMMR BRENDA LUCKI:** Yeah. I did that when I was in
24 Thompson, Manitoba with the crew; we'd get the Crown Prosecutor. Again, that's,
25 again, part of it, but it's one of many things that we expect them to do. And I'm not
26 saying it's not important because obviously it's very important. And so we really stress
27 it.

28 I have seen improvements, though, I have to say, because I review

1 all of the CRCC complaints, Review Commission reports on public complaints. And
2 when I first got in the Chair, the number of times that I would see the recommendation
3 of providing operational guidance to a member about the importance of notetaking, and
4 the ones that I've been seeing in the last year and a half, very few have that
5 recommendation. So that's sort of my guide that maybe things are improving a little bit.

6 It is something that we put under our unit level Quality Assurance,
7 it's one of those standing items.

8 **MS. TARA MILLER:** M'hm.

9 **COMMR BRENDA LUCKI:** And I just can't figure out how to put
10 the Caramilk in that Caramilk bar, for some reason.

11 **MS. TARA MILLER:** Madam Registrar, if we could go to the
12 bottom of page 211?

13 And these are the two other recommendations with respect to
14 notes:

15 "Divisionally ensure all Major Crime units conduct
16 audits of in-progress files or files awaiting court to
17 determine whether well-established, full-disclosure
18 obligations are being met properly -- or are being
19 properly met." (As read)

20 Is that what you're talking about in terms of making supervisors
21 review notes, or that's more discrete?

22 **COMMR BRENDA LUCKI:** No. With Major Crimes they are
23 specialized. That's a specialized disclosure, that's a specialized -- they're asking about
24 disclosure, that wouldn't be the General Duty frontline member ---

25 **MS. TARA MILLER:** Right.

26 **COMMR BRENDA LUCKI:** --- that would apply to.

27 **MS. TARA MILLER:** So these two recommendations appear to
28 apply to the more specialized Major Crime unit?

1 **COMMR BRENDA LUCKI:** Yes.

2 **MS. TARA MILLER:** So they wouldn't capture the General Duty
3 members and the importance of their reviews?

4 **COMMR BRENDA LUCKI:** Not in this recommendation, but on --
5 our issues are never usually on big files where Major Crimes units are coming in. They
6 have a -- you know, they're well-trained, they have a command structure. Where I find
7 that things fall through the cracks are on the smallest of files.

8 We have what's called sometimes paperless files, and sometimes
9 those are the ones that can cause us grief. Some of the smaller files that members
10 don't pay attention to, they think -- they write a few things down and then, all of a
11 sudden, it becomes something else, or they actually end up going to court, they didn't
12 have the notes that they needed.

13 So it's not the big files like the Major Crimes ones, they're usually
14 pretty good.

15 **MS. TARA MILLER:** You're not worried about those ones?

16 **COMMR BRENDA LUCKI:** I'm not worried about those.

17 **MS. TARA MILLER:** And when you say you have paperless files,
18 that's not sanctioned by the RCMP, that's just you get files that have no notes in them?
19 Is that what you're saying?

20 **COMMR BRENDA LUCKI:** Yeah, they're ---

21 **MS. TARA MILLER:** Despite your best efforts?

22 **COMMR BRENDA LUCKI:** It might be something like a barking
23 dog complaint comes in. You know, it's put on what we call a paperless file. It's not --
24 as there's no follow up. It might have been dealt with by telecoms, the operational
25 comms center. It might have -- in divisions that have Risk Managers, they may have
26 dealt with it. so it didn't actually have a full file with a folder.

27 **MS. TARA MILLER:** Okay.

28 **COMMR BRENDA LUCKI:** That's why we call it paperless.

1 **MS. TARA MILLER:** But would you expect, even on a call that
2 might seem insignificant, would you expect on a call that there would be notes taken by
3 a member who is responding physically to a location to identify or respond to a call?

4 **COMMR BRENDA LUCKI:** I would hope so, yes.

5 **MS. TARA MILLER:** I just wanted to go back. You talked about
6 handwritten versus electronic notes. You talked about that in your statement as well.

7 **COMMR BRENDA LUCKI:** Sorry.

8 **MS. TARA MILLER:** That's okay. You all right?

9 **COMMR BRENDA LUCKI:** Yeah.

10 **MS. TARA MILLER:** Okay. You talked about, you know, young
11 officers are not really into handwriting things and the issue that you talked about in your
12 statement in here is how to take notes in a more modern way. What initiatives are
13 being taken by the RCMP to address the modernization of note taking?

14 **COMMR BRENDA LUCKI:** I'm not sure specifically what's being
15 undertaken. I just know that we have to -- it's something that -- it's not a new issue, and
16 it gets better when it's reviewed, and then it's left, and it's unreviewed for a while, and
17 then it starts to drop, and then it's reviewed and it gets better. You know, it's one of
18 those activities that you have to keep on top of it at all times. And we expect the
19 supervisors -- I think per policy, they're supposed to review member's notebooks once a
20 month and initial inside them. Sometimes they will do that review on a file, so you might
21 not see them initialing it in an actual notebook, because often the notes are scanned
22 and put in the electronic file. So they may in fact be reviewed, we just don't have a
23 good record of that review because they've looked at it in amongst all the other
24 documents in the file.

25 Early on, obviously it's very important, we stress it in the training
26 academy, the notebooks are reviewed constantly. And we stress that importance. And
27 they're -- you know, they're provided feedback on good notes, poor notes. And then
28 they get so busy that it's one of the first things, for some reason, in some cases, to drop

1 by the wayside. Or they still do notes, but they might not be sufficient enough.

2 **MS. TARA MILLER:** Which is a significant problem when the
3 reliance on those notes is such a big piece of the administration of justice as you work
4 your way through to the court system; correct?

5 **COMMR BRENDA LUCKI:** Yeah, I will say though, there's often --
6 we have what's called the 1624s, their reports, and they are typing what's happening.
7 So they may not put things in their notebook and they may in fact type them on a 1624
8 electronically. But when people actually refer to their notebook, they'll look at it and say
9 they don't have any notes, and they may in fact have written a bunch of things inside a
10 1624, which for court purposes, it seems to still be the standard of referring and flipping
11 open your notebook.

12 **MS. TARA MILLER:** Right.

13 **COMMR BRENDA LUCKI:** So it's not that the information is
14 completely lost, in many cases it's there. But it's not in the notebook.

15 **MS. TARA MILLER:** And on that point, if it's in the system, is that
16 not at risk of being purged ---

17 **COMMR BRENDA LUCKI:** Yes.

18 **MS. TARA MILLER:** --- at various points in time ---

19 **COMMR BRENDA LUCKI:** At various points.

20 **MS. TARA MILLER:** --- and you've lost all of it?

21 **COMMR BRENDA LUCKI:** Yes.

22 **MS. TARA MILLER:** You don't have any handwritten notes and
23 you don't have the system notes because they've been purged. So that's a risk of that.

24 **COMMR BRENDA LUCKI:** And that's why we're not asking them
25 to do one or the other. Their notebook is still their primary source.

26 **MS. TARA MILLER:** Okay.

27 **COMMR BRENDA LUCKI:** But in some ways, that's how ---

28 **MS. TARA MILLER:** And the notebook is the primary source of

1 record keeping, I want to talk about that, in terms of retention of those notebooks. And
2 I'm going to give you some background here that's come from evidence from the
3 Inquiry, which I'm going to assume you aren't aware of. Correct me if I'm wrong.

4 But we've heard evidence from a member, Cst. Troy Maxwell, July
5 19th, 2022. That was the date he gave his evidence before the Inquiry.

6 His involvement, Commissioner Lucki, arose in around July of
7 2013. And the evidence that we understand before the Commission is that a neighbour
8 had called the RCMP to say the perpetrator had assaulted his common-law wife and
9 had illegal weapons. And Cst. Maxwell and two others investigated that complaint.

10 Of those three individuals, the only notes that have been produced
11 or located were with respect to Cst. Maxwell. His evidence was he didn't know if the
12 others kept notes or if they even would have made notes.

13 So on that point, would it have been your expectation that all
14 responding officers to an incident of any magnitude would be keeping notes of that?

15 **COMMR BRENDA LUCKI:** Not necessarily, because somebody
16 could arrive on the scene and leave. Somebody might just be providing backup and
17 wasn't privy to any conversations. So depending on their role.

18 **MS. TARA MILLER:** Okay. Cst. Maxwell did keep notes. When
19 the mass casualty happened, this neighbour came forward and said, "I told the RCMP
20 that he was -- he had this illegal cache of weapons and that he had assaulted his
21 common-law wife," and the RCMP was unable to locate any information until they
22 requested that members look for their notebooks.

23 **COMMISSIONER MacDONALD:** Sorry, Ms. Miller.

24 Ms. MacPhee?

25 **MS. PATRICIA MacPHEE:** I think in fairness to the witness,
26 perhaps there are two accounts of that complaint that was made by Ms. Forbes, and for
27 her understanding, we understand what Ms. Forbes' version of that was, but there was
28 also other information provided. In fairness to her, to be commenting on a situation that

1 is, you know, disputed between two witnesses isn't fair, or perhaps useful to the
2 Commission even.

3 **MS. TARA MILLER:** I'm getting there, Commissioner. I'm just ---

4 **COMMISSIONER MacDONALD:** In response, Ms. Miller?

5 **MS. TARA MILLER:** I appreciate that Commissioner Lucki,
6 probably, as she said, she's at 10,000 feet. She probably has no knowledge of this. I'm
7 trying to give her the background. And that is certainly a relevant part. And that is on
8 my list of things to review with you.

9 **COMMISSIONER MacDONALD:** Go ahead then, Ms. Miller.

10 Thank you.

11 **MS. TARA MILLER:** So Cst. Maxwell and other members in Bible
12 Hill were directed to go and look to see if they could find notes. And he was able to
13 locate his notes from the summer of 2013, seven years before, and was able to locate
14 about half a page of a notebook which had some names and some references to this
15 call. His evidence was that he responded to a complaint of driving in an irregular
16 manner in the neighbourhood. So materially different accounts. Just to give you some
17 context.

18 And what I'm getting to, you know, the notes were pretty sparse,
19 and we've talked about the importance of more robust notes, but that varies from, you
20 know, member to member and can cycle in terms of how good note taking is, as you've
21 said.

22 What I'm getting at is that these notes that Cst. Maxwell was able to
23 locate, he found them at home. And so I had asked him whether or not there was any
24 policy in terms of where these notes, which are such a critical piece of a crime
25 investigation, where they should be retained, and he said it was ad hoc. He was at
26 home working through covid and had been off duty sick at some point. So he had
27 actually moved them from the headquarters to his home. But he also said that people,
28 when they retire -- oh, he was retired at the time. But he also said when people retire,

1 their notes could be at home.

2 So from your perspective, is there a retention policy around where
3 members' notebooks should be held?

4 **COMMR BRENDA LUCKI:** I would have to review. We just did a
5 recent audit on exit procedures, and part of that was the notebooks, I believe, are
6 included in that. and I think -- obviously there was some inconsistencies identified, and
7 I think there was a recommendation, I'd have to go back. It's just I'm pulling it out of
8 memory that because normally what should happen is you normally keep your
9 notebooks, unless you create a specific notebook for a specific file. That is usually left
10 with the file.

11 So in the case of -- you know, I was in a detachment, there was a
12 murder investigation. I was part of that murder investigation. I started a new notebook
13 specifically on request of Major Crimes. And then I give them that notebook and that's
14 their notebook, as part of the file.

15 **MS. TARA MILLER:** Yeah.

16 **COMMR BRENDA LUCKI:** That's what normally happens.

17 Your day-to-day notebooks that you, you know, continue and work
18 through, normally, in my time, we kept our notebooks, we brought them with us from
19 detachment to detachment, because sometimes you might have had to reference those.

20 **MS. TARA MILLER:** Did you keep them at the detachment or did
21 you keep them at home?

22 **COMMR BRENDA LUCKI:** I kept them at home.

23 **MS. TARA MILLER:** You kept them at home? Okay.

24 **COMMR BRENDA LUCKI:** Yeah. Actually, in some cases I had a
25 locker and I had a little box and I kept that little box at the detachment and brought it to
26 my next detachment.

27 **MS. TARA MILLER:** Okay.

28 **COMMR BRENDA LUCKI:** In some cases.

1 **MS. TARA MILLER:** You said there was a recent audit on exit
2 procedures and you think there's a recommendation in that?

3 **COMMR BRENDA LUCKI:** In regards to notebooks, I believe.

4 **MS. TARA MILLER:** And when was that audit done?

5 **COMMR BRENDA LUCKI:** Well it was done in the last year or so.

6 **MS. TARA MILLER:** Last year.

7 **COMMR BRENDA LUCKI:** And the results just came forward. But
8 I can't say for certain, but for some reason I think there was something on notebooks.

9 **MS. TARA MILLER:** And would that be available, the audit be
10 available on the RCMP ---

11 **COMMR BRENDA LUCKI:** It should.

12 **MS. TARA MILLER:** --- webpage under the Audit section?

13 **COMMR BRENDA LUCKI:** It should be if it's been -- I may have
14 signed it off, and so it might not be public yet ---

15 **MS. TARA MILLER:** Okay.

16 **COMMR BRENDA LUCKI:** --- because it has to go to the Minister.
17 Usually, it gets signed -- there's a signing process.

18 **MS. TARA MILLER:** Okay.

19 **COMMR BRENDA LUCKI:** But we could -- we could do a follow-
20 up.

21 **MS. TARA MILLER:** Yeah, I'm going to...

22 Commissioners, if it's okay, we'll get our friends at DOJ to follow up
23 on that if there was a recommendation around retention of ---

24 **COMMR BRENDA LUCKI:** It -- and it may not have been specific
25 to notebooks, but it could have been like RCMP property needs to be handed in at, you
26 know, at the -- at the -- at the time of resignation or retirement.

27 **MS. TARA MILLER:** So from your perspective, you've indicated
28 that just -- this is a perennial problem in terms of notetaking and the robustness of the

1 notetaking. There have been audits. There was certainly the one done in 2014. We
2 have the National Operations Manual.

3 Have there been any audits on investigators' notes done since
4 2014?

5 **COMMR BRENDA LUCKI:** Well, there is usually under the Unit
6 Level Quality Assurance, there is reviews done by the supervisors. Nationally, I am not
7 familiar if there has been one recently.

8 **MS. TARA MILLER:** Okay. And how would such an audit come
9 about nationally again? Like a bringing forward, almost 20 years later, from or ---

10 **COMMR BRENDA LUCKI:** In order to have an audit?

11 **MS. TARA MILLER:** --- yeah, or 10 years later from 2014?

12 **COMMR BRENDA LUCKI:** It would become a priority. Like what
13 would happen is we would -- we have meetings on what the priorities are going to be for
14 the audits. They have an audit schedule five years in advance.

15 **MS. TARA MILLER:** Okay.

16 **COMMR BRENDA LUCKI:** You know, they'll decide this is what's
17 this year. And they also have smaller reviews under the audit umbrella ---

18 **MS. TARA MILLER:** Okay.

19 **COMMR BRENDA LUCKI:** --- they can do smaller reviews. I -- we
20 can easily look back to see when was the last time if notebooks were audited, if they're
21 being scheduled in the next few years to be audited.

22 **MS. TARA MILLER:** Do you -- does it strike you that that would be
23 something beneficial to do again, to follow up on the results of 2014, and especially if it's
24 a five-year out planning track?

25 **COMMR BRENDA LUCKI:** No, definitely. If you're saying the last
26 official was 2014, I'm going to ask my team to sort of do a review to see what has been
27 done and see if there is anything that has been fulsome enough to have been classified
28 as a audit or a review. I'm not familiar if there has been, and ---

1 **MS. TARA MILLER:** Because it's certainly been an issue in the
2 Boushie Administrative Review and it has been an issue, to some extent, in the Inquiry
3 in terms of notes from critical time periods before the mass casualty.

4 And the second one that I didn't -- I'll give you for context was we
5 also know that in 2011, the perpetrator made a death threat against his parents, and
6 there was an officer, Constable Wiley, who was tasked to follow up and contact the
7 perpetrator. We're going to hear from Constable Wiley September the 6th. He was a
8 member in Bible Hill at the time of his mass casualty statement. In July, a year ago, in
9 2021, he was working in Toronto, and we, to my knowledge, don't have his notes, and in
10 the mass casualty statement he said he was going to have to check his notes, he was
11 unsure if he still had notebooks from that summer.

12 So these are two instances where notetaking and their availability
13 of them, the robustness and/or the availability of them have some relevance to,
14 Ms. Hupman -- Ms. Hupman talked about this, in the context of the threat assessment.
15 That these were areas, issues which, you know, conceptually could have or should
16 have put the perpetrator on the awareness of the RCMP, and there are some deficits
17 around, in this case, the notetaking.

18 **COMMR BRENDA LUCKI:** Yeah, it's an -- it's interesting what you
19 say because something that, let's say, happened 10 years ago, and then there's the
20 whole retention, or the fact that is that still an issue for that person in -- as part of your
21 risk assessment. Just because it happened 10 years ago, and I'm not using this case
22 as an example, but there has been cases where people have reformed, so if something
23 happens here they might not be the same person. And that's exactly why we have
24 retention, we have parole, we have all, you know, all different systems based on that.
25 And taking something that happened, let's say, 10 years ago, let's say it's one incident
26 that happened 10 years ago, is it the basis for your approach 10 years later, 15 years
27 later? So that would be part of a risk assessment if it actually existed. In some cases, it
28 may not exist, given the nature -- if it's on a file. If there were no notes, let's say a

1 person did three types of calls, an erratic driver arrived on the scene, no driver, that, you
2 know ---

3 **MS. TARA MILLER:** But that would be something worthwhile for
4 you, and I would assume that you would want to do a review to make sure that there
5 aren't some things coming out of this mass casualty that could be used to enhance to
6 make the notetaking process more robust, notetaking and retention.

7 **COMMR BRENDA LUCKI:** Absolutely. There's no reason why --
8 notebooks should be reviewed regularly. It's one of the issues that we need to keep on
9 top of. I agree with you.

10 **MS. TARA MILLER:** And it seems like from the -- at least 2016, as
11 reported in 2020, that there have been some real issues with the notetaking, as was
12 identified in the Boushie Administrative Report as well.

13 **COMMR BRENDA LUCKI:** In some cases, but I have -- I do have
14 to say, as many reports as I've read that criticize the notebooks, I have gotten reports
15 on great notebooks. So it's -- I think it's -- and it almost can be based on supervision
16 sometimes. But yeah, it's -- the fact of the matter is we want everybody to have great
17 notebooks.

18 **MS. TARA MILLER:** I'm going to move now to my final area of
19 questioning, Commissioner Lucki, and it is about workplace culture. You were given
20 your mandate letter to change culture in the RCMP, and you said in your statement at
21 page 129:

22 "My goal within the first couple of years was to rebuild
23 trust within the organisation." (As read)

24 And that trust, I'm assuming, was both with the Canadian public
25 and also with members in the RCMP?

26 **COMMR BRENDA LUCKI:** Yeah. The focus was actually both,
27 but with an emphasis internally because there was a loss of trust in the organisation. In
28 my mind, I felt, you know, going out and listening to all the employees was important ---

1 **MS. TARA MILLER:** Yes.

2 **COMMR BRENDA LUCKI:** --- to make sure if we were going to
3 put in change they had to feel that they could trust that change would be done.

4 **MS. TARA MILLER:** So the emphasis was on rebuilding trust
5 internally with your employees, the 32,000 members?

6 **COMMR BRENDA LUCKI:** Yes, and then of course building
7 partnerships because I was the new Commissioner.

8 **MS. TARA MILLER:** Were you given any specific training when
9 you took on the role of Commissioner to lead change?

10 **COMMR BRENDA LUCKI:** No, but I've had different -- you know,
11 I've gone to different conferences, different webinars. Also, I ---

12 **MS. TARA MILLER:** So I just want to pause on that. So when you
13 took on the role ---

14 **COMMR BRENDA LUCKI:** No, none.

15 **MS. TARA MILLER:** --- there was no specific training.

16 **COMMR BRENDA LUCKI:** No.

17 **MS. TARA MILLER:** You were never given any training in the
18 executive level to lead an organisation when you took on the role?

19 **COMMR BRENDA LUCKI:** Not specifically ---

20 **MS. TARA MILLER:** Okay.

21 **COMMR BRENDA LUCKI:** --- to that, no.

22 **MS. TARA MILLER:** All right. And did that concern you a little bit?
23 Given that you had this mandate to change culture in the RCMP, did that concern you
24 that you weren't given tools necessarily or skills? And that's a pretty specific skillset,
25 leading change, and particularly in a massive organisation. Did that concern you that
26 you didn't have any of that training?

27 **COMMR BRENDA LUCKI:** Not at all because part of the reason I
28 was chosen to be Commissioner was my track record for making good change.

1 **MS. TARA MILLER:** Okay. And so the -- the training that you
2 have on leading change comes from your on-the-job training, but also I think you've said
3 you've done some webinars and courses?

4 **COMMR BRENDA LUCKI:** Courses, and I took a series of -- like a
5 sort of -- I don't -- a two to three-week course at the Asper School of Business in
6 Manitoba ---

7 **MS. TARA MILLER:** Okay.

8 **COMMR BRENDA LUCKI:** --- and a lot of it was about change,
9 management.

10 **MS. TARA MILLER:** Okay. I want to talk specifically about the
11 Nova Scotia experience. We know from the Wellness Report that an area of trust was -
12 - there were serious concerns relating to trust with leadership from National
13 Headquarters and there were serious -- that was both on the -- during the, I'm sorry,
14 during the mass casualty event and in the aftermath that was identified. That these
15 senior officers had serious concerns relating to trust and the worsening of trust and
16 cooperation within H-Division and National Headquarters. And as I listened and we
17 learned of the interaction between Headquarters and Nova Scotia, there's a few things
18 that I just want to review.

19 We know, of course, the impact of your April 28th call on senior
20 leadership that was reviewed yesterday, and you got a letter. You said that you didn't
21 know about the impact of your call until a year later when you got Ms. Scanlan's letter?

22 **COMMR BRENDA LUCKI:** Yes.

23 **MS. TARA MILLER:** Okay. We've heard from Lee Bergerman that
24 she told Deputy Commissioner Brennan that very day about the impact of the call, and
25 that was not reported up to you?

26 **COMMR BRENDA LUCKI:** No.

27 **MS. TARA MILLER:** No? He didn't tell you that?

28 **COMMR BRENDA LUCKI:** No.

1 **MS. TARA MILLER:** Okay. Is that a failing of him not to share that
2 information with you?

3 **COMMR BRENDA LUCKI:** Not necessarily, and it depended how
4 he took in that information. But it would have been nice to have that conversation, but I
5 don't know what the conversation was.

6 **MS. TARA MILLER:** Right. We also heard you indicate or review
7 why you had vetoed the CBC Fifth Estate interview with Darren Campbell, and that was
8 in the face of all of the Nova Scotia senior leadership saying that they were in favour of
9 that. Did you explain to those leaders in Nova Scotia why the decision to veto was
10 made?

11 **COMMR BRENDA LUCKI:** No, I believe that would have been
12 Deputy Commissioner Brennan.

13 **MS. TARA MILLER:** And that's one of the fundamental tenets I
14 think you had articulated yesterday about change management is -- you know,
15 sometimes you have to tell people what the reason is, what happens if you don't or if
16 you do do the change. And from your perspective, you didn't -- you didn't ---

17 **COMMR BRENDA LUCKI:** I didn't personally, but I ---

18 **MS. TARA MILLER:** You believed Deputy Commissioner Brennan
19 did?

20 **COMMR BRENDA LUCKI:** When they closed the loop on the -- on
21 the decision, it would have been either Deputy Commissioner Brennan or Assistant
22 Commissioner Dennis Daley.

23 **MS. TARA MILLER:** Okay. And that was an idea from your senior
24 commands, an idea from the bottom up that they were all in support of and that got shut
25 down, so you can understand how that would be demoralizing for them.

26 **COMMR BRENDA LUCKI:** I'm not sure. There's all kinds of ideas
27 -- like I say this because there's all kinds of ideas that come forward and we can't -- we
28 don't do every idea that comes forward. We -- like I said, it was -- the people who are

1 experts put their mind to the matter and the decision was made.

2 **MS. TARA MILLER:** I appreciate that.

3 **COMMR BRENDA LUCKI:** Unfortunately, we don't ---

4 **MS. TARA MILLER:** But you also talked about ---

5 **COMMR BRENDA LUCKI:** --- always have to ---

6 **MS. TARA MILLER:** --- change management. You know, ideas
7 come from the bottom up and they have to be collaborative and they have to be
8 involved in change, and then this was a case where they came up with this proposal
9 and it was kiboshed at the national level. And I understand why. You gave your
10 evidence yesterday. But you can understand why that would be demoralizing.

11 **COMMR BRENDA LUCKI:** Yeah. It may have been demoralizing.

12 **MS. TARA MILLER:** Okay. We also have heard evidence from
13 Ms. Scanlan and certainly in the communications Foundational Document that the Nova
14 Scotia communications group had asked repeatedly National Headquarters to be able
15 to lead the dissemination of information. They had asked for that to happen. And in
16 certain cases, that didn't happen.

17 You can agree with me that that would be demoralizing for the --
18 the "H" Division staff with respect to that issue.

19 **COMMR BRENDA LUCKI:** You would have to ask them if it was
20 demoralizing. I think doing day-to-day decision-making and day-to-day work, there are
21 some times that -- it's the decision-making cycle. A decision is made and now you need
22 to support it. Whether you agree with it or not, you need to -- something comes forward,
23 a decision is made and then the person gets the information, they make the decision.

24 What happens on the ground is only but one part of the decision,
25 and I find that happens a lot. Something comes forward, just because this person or
26 this group thinks that this is the right decision, there's many other factors when I get
27 presented things that I have to look at, so there's many other factors I have to look at
28 that they may not be aware of. There's bigger picture items.

1 So a decision is made. Yes, we should explain why the decision
2 was made. It doesn't mean just because somebody wants something that we're going
3 to agree with it. The decision's made and now the second part of that decision-making
4 cycle is that the people on the ground have to learn how to support that decision
5 because they might not have all the information when they decide something or when
6 they've asked for something, and so it comes through a decision-maker, whether it's the
7 Commanding Officer, the CrOps Officer, a detachment commander.

8 A constable can go to a detachment commander and say, "I think
9 we should do this".

10 **MS. TARA MILLER:** I appreciate that.

11 **COMMR BRENDA LUCKI:** So that's ---

12 **MS. TARA MILLER:** But certainly we know that from the evidence
13 that we've heard it was very frustrating for the Nova Scotia communications individuals
14 to have been asked -- to ask headquarters if they -- if Nova Scotia could lead the
15 dissemination of information. So when I asked you if that would be demoralizing, you
16 said you'd have to ask them.

17 We know that they were frustrated. You can understand that that
18 would be frustrating.

19 **COMMR BRENDA LUCKI:** Okay. So what if ---

20 **MS. TARA MILLER:** Could you understand that that could be
21 frustrating?

22 **COMMR BRENDA LUCKI:** Well, it could be frustrating for them,
23 but if, for example -- and I'm not going to say it in this case.

24 If, for example, somebody is not doing what needs to be done and
25 somebody else needs to do that, yeah, it could be moralizing, but it's about making sure
26 that things get done. So it can be done collaboratively. It's not an "us and them" and
27 you don't do this and we'll do this. It's supposed to be a collaborative type relationship.

28 So because people may or may not like a decision that's being

1 made, it's unfortunate that they may feel demoralized or they may feel frustrated, but
2 sometimes we can't always make the decisions that people want. We can't always
3 agree. And sometimes the people asking for that don't have all the information, and
4 that's why it's so important that, you know, we need to explain that.

5 And then they need to -- whatever that decision is made, you need
6 to learn to support that decision.

7 **MS. TARA MILLER:** Okay. Thank you.

8 **COMMR BRENDA LUCKI:** That's part of it.

9 **MS. TARA MILLER:** I'm going to move on because there's two
10 other -- two other issues that came up out of the mass casualty that feed into this
11 theme.

12 Of course, we know that recommendations were -- a
13 recommendation was made for an internal review to take place by "H" -- and that
14 recommendation was made by "H" Division senior officers. And that didn't happen
15 either, and that evidence that we've heard from those officers is that that was
16 frustrating.

17 You can understand that that would be frustrating again. It's
18 another example of, you know, senior leadership in Nova Scotia in the midst of the
19 mass casualty, in the aftermath looking to do certain things. You could agree that that
20 would be frustrating?

21 **COMMR BRENDA LUCKI:** Yeah, but I also respect the decision
22 that was made.

23 **MS. TARA MILLER:** And then the last ---

24 **COMMR BRENDA LUCKI:** The people on the ground might not
25 have all the information.

26 **MS. TARA MILLER:** I appreciate that.

27 And then the last one was we reviewed at the beginning of my
28 questioning Lee Bergerman's request for support, immediate support, mental health

1 support for her senior officers. And you didn't have any awareness of that in terms of
2 the genesis of the wellness report.

3 And I think you said that that would be Deputy Commissioner
4 Brennan who would be better served to respond to that.

5 **COMMR BRENDA LUCKI:** Yes, but what ---

6 **COMMISSIONER MacDONALD:** Yeah, we've been through that,
7 Ms. Miller.

8 **MS. TARA MILLER:** Yeah. Thank you.

9 I'm just ---

10 **COMMR BRENDA LUCKI:** I can't ---

11 **MS. TARA MILLER:** --- giving it in the context of these are five
12 examples.

13 **COMMR BRENDA LUCKI:** Yeah. I want to add, though,
14 specifically to wellness, wellness is super important. It's one of the things of Vision 150.
15 It's all about member wellness.

16 **MS. TARA MILLER:** I understand that.

17 **COMMR BRENDA LUCKI:** But in the early days ---

18 **MS. PATRICIA MacPHEE:** Excuse me.

19 Can I just ask that Ms. Miller allow the witness to answer the
20 questions? And several times she's been interrupted as she's speaking.

21 And she's asking a question. She should be entitled to speak her
22 mind on that.

23 **COMMISSIONER MacDONALD:** Yeah. You're right.

24 **MS. TARA MILLER:** I'm mindful of time, Commissioners, as well.
25 I'm trying to ---

26 **COMMISSIONER MacDONALD:** Yeah. You're over an hour right
27 now.

28 **MS. TARA MILLER:** I do understand that, and I'm trying to give

1 the witness leeway with her responses, but I'm also trying to keep her focused.

2 **COMMISSIONER MacDONALD:** Okay. I don't think we need to
3 hear any more, Ms. -- sorry, Ms. MacPhee. What were you going to say?

4 **MS. PATRICIA MacPHEE:** We're taking lots of time to ask the
5 questions, but the witness deserves the opportunity to answer.

6 **COMMISSIONER MacDONALD:** Yeah, we understand that.
7 That's for sure.

8 I'll allow her to answer the question.

9 **MS. PATRICIA MacPHEE:** Thank you.

10 **COMMR BRENDA LUCKI:** What I wanted to add was, the -- very
11 early on in the -- in the two -- maybe within a day or two, wellness was so important to
12 me that I reached out to an experienced psychologist in Alberta and said, "I want to
13 make sure that each and every employee, no matter what their rank is, their category,
14 has access to psychological assistance, critical incident debrief, whether they were
15 directly or indirectly involved".

16 I got a senior psychologist who had the experience of Mayerthorpe
17 because it was a new psychologist in "H" Division and the current psychologist was on
18 their way out. And I said, "Gather up every Force psychologist. Let's make sure they
19 get all the assistance they need. If people need more than one critical incident session,
20 make sure they have access".

21 I left that responsibility -- I personally made that phone call because
22 that's how important member wellness is for me, so to say that it wasn't important and
23 for the Commanding Officer of "H" Division to say that is disheartening because there
24 was a lot of work put into making sure people had all kinds of access to critical incident
25 debriefings, Wounded Warrior assistance through their programs. There was a lot of
26 work done.

27 **MS. TARA MILLER:** Thank you.

28 Did you need the wellness report to convey to you that there had

1 been serious concerns with trust and leadership in Nova Scotia at a senior level with
2 National Headquarters?

3 **COMMR BRENDA LUCKI:** Not necessarily the idea of it, but what
4 were they specific -- what are they specifically referring to. And it wasn't just -- that
5 wasn't the impetus of the report. It wasn't for the relationship between Headquarters
6 and the Division. It was actually issues within the Division itself, was the reason that
7 that report was requested.

8 **MS. TARA MILLER:** But the report itself concludes that ---

9 **COMMR BRENDA LUCKI:** It has ---

10 **MS. TARA MILLER:** --- both during the mass casualty event and
11 the aftermath, there have been serious concerns noticed with respect to trust and the
12 erosion of trust. And going back to that fundamental tenet of building trust with you
13 members internally is the most important part, does it concern you that the trust has
14 been so eroded in Nova Scotia with senior leadership and National Headquarters?

15 **COMMR BRENDA LUCKI:** Absolutely. And we're going to do
16 everything to put that back on track.

17 **MS. TARA MILLER:** And what are the steps -- it's my final
18 question. What are the steps are you taking to rebuild trust in Nova Scotia? What's the
19 plan?

20 **COMMR BRENDA LUCKI:** Well, we've -- we're bringing in a new
21 Commanding Officer, a new Criminal Operations Officer, a new officer at the Halifax
22 Regional District, a new officer in the support services. We're ensuring that the
23 vacancies in the officers -- because there was some vacancies because people post the
24 event wanted to leave, so we've had a number of vacancies. So of course, that can
25 lead to burnout.

26 The fact that the narrative on the RCMP was negative, that has a --
27 has, you know, a negative impact on your psyche, on your psychological well-being.
28 Making sure they continue to get the assistance they need and the support that they

1 need, building the relationship with other agencies, other police agencies, other social
2 agencies. You know, just getting that division on track and making it a place where
3 people want to go to, because right now we were having difficulty filling some of the
4 positions because people didn't want to go.

5 **MS. TARA MILLER:** Bringing in the new senior officers, that
6 predated the wellness report and that was a -- that's an operational thing. You have to
7 fill those positions. Is that fair to say? Like, you can't leave those positions empty.

8 **COMMR BRENDA LUCKI:** No, but you're asking me what we're
9 doing.

10 **MS. TARA MILLER:** Yes, no, I appreciate that.

11 **COMMR BRENDA LUCKI:** And that's part of it. Yeah.

12 **MS. TARA MILLER:** But that had to happen in any event; correct?

13 **COMMR BRENDA LUCKI:** Yes.

14 **MS. TARA MILLER:** Okay. So, again, I'm just trying ---

15 **COMMR BRENDA LUCKI:** But it didn't.

16 **MS. TARA MILLER:** --- to get an understanding of what other
17 items, concrete items, are being done to help rebuild the trust in Nova Scotia.

18 **COMMR BRENDA LUCKI:** Yeah, it didn't necessarily have to
19 happen because some of the officers could have stayed. So we didn't have to replace
20 them. We could have said, "No, you can stay." You know, "You haven't finished your
21 tenure." But we found it important to make sure that, for people's wellness, so we
22 accommodated those requests, because they were before -- they were shorter stints of
23 time.

24 The other thing, we're looking at peer-to-peer specifically for the
25 officer group. I'm trying to think off the top of my head, because there are a bunch of
26 recommendations in that wellness report, ---

27 **MS. TARA MILLER:** Yeah.

28 **COMMR BRENDA LUCKI:** --- which you would have seen in

1 there.

2 **MS. TARA MILLER:** And we would expect to see these, the plan
3 for rebuilding trust I guess, that's a broad concept, but the plan for rebuilding trust based
4 on the wellness report, in that management action plan?

5 **COMMR BRENDA LUCKI:** Yeah, you've asked for that, I think.

6 **MS. TARA MILLER:** Yes. Thank you.

7 **COMMR BRENDA LUCKI:** I believe. Yeah.

8 **MS. TARA MILLER:** Okay. Those are my questions,
9 Commissioner Bergerman.

10 **COMMR BRENDA LUCKI:** Thank you.

11 **MS. TARA MILLER:** Or Lucki. Thank you for your time.

12 **COMMISSIONER MacDONALD:** Thank you, Ms. Miller.
13 Mr. MacDonald?

14 **MS. PATRICIA MacPHEE:** Can we just check in with the witness
15 to see if she'd like a quick break or anything before we continue?

16 **COMMISSIONER MacDONALD:** Yeah, sure.

17 Commissioner, we were -- we have a schedule. Mr. MacDonald is
18 scheduled for 30 minutes. Sometimes they're longer. Sometimes they're shorter. Ms.
19 Lenehan is scheduled for 30 minutes. We were going to try to get at least Mr.
20 MacDonald in before lunch, but how are you doing?

21 **COMMR BRENDA LUCKI:** Yeah, I can ---

22 **COMMISSIONER MacDONALD:** You're okay.

23 **COMMR BRENDA LUCKI:** --- for another 30 minutes.

24 **COMMISSIONER MacDONALD:** We'll see how we get along.

25 Thank you.

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

27 **MR. THOMAS MACDONALD:** I guess it's afternoon now,
28 Commissioner Lucki, so good afternoon.

1 And to the Commissioners.

2 My name is Tom MacDonald. I am the counsel for Scott McLeod,
3 whose brother, Sean, was lost in Wentworth on April 19th, 2020.

4 The first question I have relates to the RCMP response to the mass
5 casualty. I just want to put it in context first. So I'm speaking about the totality of the
6 response over those two days, April 18/19 of 2020.

7 And I want you to know that for the purposes of my question, we've
8 heard a lot of evidence about the response, pro and con, if I can put it that way. So I
9 will say for the purposes of my question, I accept that the RCMP members tried their
10 best. I accept there was bravery, whether it was the IARD members who entered
11 Portapique or your members in Shubenacadie. Of course your ERT members at the
12 Enfield Big Stop. I accept you -- you as in the force -- were dealing with the resources
13 you had at the time. I accept it was an extraordinary circumstance, 22 people brutally
14 murdered with the worst mass murder in Canadian history.

15 But having said that, we have also heard evidence that in the early
16 hours of the response in Portapique, there may have been confusion in the command
17 structure. There was, we've heard, a lack of containment. The active shooter became
18 mobile, left the community. We've heard evidence about the accidental shooting at the
19 volunteer firefighters at the Onslow Fire Hall. We've heard about a delay in sending the
20 Tweet the next morning about a fully marked police car. We've heard about a lack -- an
21 alleged lack of awareness, I guess more than alleged, and use of Alert Ready by the
22 RCMP. And of course, we've heard about the tragedy of some bodies not being
23 discovered for about 18 hours.

24 As Commissioner of the National Police Force, even at the 10,000-
25 foot level, would you agree the response by the RCMP could have been better?

26 **COMMR BRENDA LUCKI:** It can always be better. In any
27 operational response I say that, because even at the most basic level of a response in a
28 non-big event, I myself have reviewed things I've done and went, "Oh, I could have

1 done that better.” There’s always better ways of doing things.

2 **MR. THOMAS MACDONALD:** I want to move to public
3 communications specifically during the mass casualty. And we’ve heard evidence from
4 both people who run the Public Alert system in the province, and of course your senior
5 commanders at the time in Nova Scotia, whether it was A/Commr Bergerman or the
6 Critical Incident Commander West, or Criminal Operations Chief Superintendent
7 Leather about a lack of awareness of the availability and the use of Alert Ready.

8 Would you agree with me that the fact that there was a lack of
9 awareness and use was unacceptable?

10 **COMMR BRENDA LUCKI:** No, I actually -- I think a lot about this
11 and I think that given the fact that the Alert Ready system was used for natural disaster,
12 it hadn’t been used in criminal events, wouldn’t bring them to a default of the first thing
13 they’re thinking of is, “Let’s use Alert Ready.” In fact, the MacNeil Report said, “Use
14 Twitter.” And so that’s -- and it’s interesting that’s what -- the avenue they took,
15 following the recommendation of a report.

16 So the fact that it didn’t come to their mind in the first instance, I
17 wouldn’t call it unacceptable. I just -- it wasn’t in their normal occurrence of response. I
18 look at now, I look at the difference, I look at the briefing notes and I look at the amount
19 of times people are actually using it across the country is a great advancement, but to
20 think that that was part of a response. And if you don’t practice that, I always say, you
21 know, if it’s not something that you do everyday, or you’ve never done it, then it’s pretty
22 hard to say that that’s going to come to your mind.

23 **MR. THOMAS MACDONALD:** So as Commissioner today sitting
24 here this afternoon, if there was a mobile active shooter critical incident in Nova Scotia
25 that occurred tonight, can you assure nova Scotians that if your Critical Incident
26 Commander in an area policed by the RCMP deemed it necessary, Alert Ready will be
27 used?

28 **COMMR BRENDA LUCKI:** Yes. In fact, I think they’ve used it

1 almost a dozen times since this event because they've put a protocol in place with the
2 Province and policy.

3 **MR. THOMAS MACDONALD:** We've had lots of evidence of late
4 about the political interference issue. And of course I've listened to your evidence. I
5 heard your evidence before Parliament. I read your transcript. The good news is I'm
6 not taking you all back through it again. I think it's been covered.

7 But I took the point yesterday from -- and correct me if I'm wrong,
8 from your side there was none. You and your team, say there was none. You were in
9 the meetings with the politicians. And then we have the other side, which is three very
10 senior commanders in Nova Scotia, Assistant Commissioner, former, Bergerman, who
11 would say that it would appear that it was, we have C/Supt. Leather saying he had the
12 impression there was not at first, but later. And then of course we have now C/Supt.
13 Campbell saying there was.

14 I know you mentioned yesterday in your evidence that there
15 seemed to be discrepancies, but I will call it, as a member of the public, it seems to be
16 there's a gulf. There's two solitudes. Two sides completely different.

17 Have you taken any steps to deconflict that impression by reaching
18 out to those senior commanders to try to reconcile the two points of view?

19 **COMMR BRENDA LUCKI:** No, I haven't to date. It's part of
20 something I want to do going forward, but given the testimonies at the Parliamentary
21 appearance, and given various testimonies here, I didn't want to interfere with that.

22 **MR. THOMAS MACDONALD:** And do you, as Commissioner,
23 have any plan to put into place some kind of a refresher for your senior command
24 people, including yourself, so that everybody is once again reminded and clear where
25 the line is in terms of alleged interference in a police investigation ---

26 **COMMR BRENDA LUCKI:** Yeah, and I would ---

27 **MR. THOMAS MACDONALD:** --- involving the RCMP?

28 **COMMR BRENDA LUCKI:** I would really like to take it a step

1 further, because I would like to take it to sort of a national level, where Members of
2 Parliament, elected officials of any kind, know what police independence is and what it
3 isn't. And I say that because I'm part of the Five Eyes group, which is Australia, New
4 Zealand, the U.K., and the U.S. And we've talked about this. And, you know, they're
5 struggling with it as well. They struggle with it especially in Australia and New Zealand,
6 about police independence. And so if it's happening there, I want to be very careful that
7 it's not happening here. And I've mentioned it to my counterpart in Public Safety, the
8 Deputy Minister, saying, you know, we really need to put this on the table and have
9 some kind of document that makes it very clear. And so that when people come into a
10 position, whether it's a Commanding Officer, whether it's a Minister or it's a Member of
11 Parliament, to say, "This is what you need to know about your interactions with policing
12 agencies."

13 **MR. THOMAS MACDONALD:** I want to look towards the forward-
14 thinking mandate of the Commission, and also, organizational change within the RCMP.
15 So I have two questions. The first one is, we've heard a lot about staffing issues and
16 how frontline officers feel that they're doing administrative duties and they're not being
17 able to frontline police like they could. Have you given thought to more use of civilian
18 personnel, whether it's existing civilian personnel or hiring more to do some of those
19 administrative tasks to free up police officers to police?

20 **COMMR BRENDA LUCKI:** Absolutely, and we actually are going
21 one step further because there are certain investigations that do not require a fully
22 trained frontline member. So, for example, when you're investigating cybercrime, do
23 you need a fully armed, trained, regular member to do a cybercrime investigation? No,
24 you don't. You need somebody who's very good at cyber. Same with financial crime.

25 However, if you're going to execute a search warrant and you need
26 to go through a house where officer safety or public safety could be an issue, you need
27 to have that armed personnel.

28 Go one step further; do you need police personnel do to a full

1 disclosure package in court? Probably not. It's not a function that you need to have a
2 gun on your belt to do disclosure. So maybe we can look at different people who can
3 be those people that do disclosure.

4 So looking at it, we're looking at a college type of approach to
5 certain types of investigations don't necessarily need a fully trained, General Duty
6 member.

7 **MR. THOMAS MACDONALD:** As the Commissioner of the
8 national police force, is it time for the RCMP to consider whether it should get out of
9 municipal and rural policing in Canada?

10 **COMMR BRENDA LUCKI:** It's definitely a topic of conversation,
11 and I think that each and every one of the 194 contracts that we have across the
12 country -- no, sorry; 169, 169 contracts that we have, I believe that -- I think any
13 municipality or province would be remiss not to review their policing services.

14 I do know, though, in any of the cases that are being reviewed right
15 now, every single person has said it's not about the service delivery. I am a firm believe
16 -- obviously, I'm a little bit biased, our service delivery is second-to-none. I think where
17 sometimes what happens in a provincial contract is often there is a connection to
18 Ottawa, which the provinces don't like. Obviously when Ottawa is paying 30 percent of
19 the bill, there's probably 30 percent of the interest of the federal side of the house.

20 In some cases people are looking at it as a cost saver and they find
21 out very early that they will not save costs going on their own; that's been done in a
22 couple of instances. I think, though, that everybody should review their policing
23 services to make sure it meets their needs.

24 Conversely, I think as an organization we need to do the same. We
25 need to provide that governance structure so that people feel that they have a say in
26 their policing. I think some of our solutions need to be community-led, community-
27 driven, community-focused. One size does not fit all. We need to be able to adjust to
28 that and provide different levels of policing for different circumstances. We've generally

1 shied away from that. It was sort of the one size fits all. But I think if -- you know, if you
2 want to be customer service-orientated, you have to look at things a bit differently and
3 look at making sure that you have that relationship with the contract partners, which
4 could be municipal or provincial, and in some cases, Indigenous policing services, and
5 make sure that you're meeting their needs and how do we do that, and how do we
6 provide that oversight and that governance so that they feel part of their policing.

7 So it's a great question. Thinking a lot about it because we are
8 thinking about just that whole, you know, is there places where we should change our
9 footprint? Is there places where we, you know, need to look at it differently? I don't --
10 I'm not saying one way or the other; I'm just saying that reviews need to be completed.

11 **MR. THOMAS MACDONALD:** Just to follow up on your answer, is
12 it helpful or is the RCMP considering that assuming that you do stick with specifically
13 rural policing, that you are going to review your policies, in terms of how you police rural
14 communities including, of course, in Nova Scotia, in light of your financial resources and
15 your staffing resources?

16 **COMMR BRENDA LUCKI:** Yeah, we have absolutely have to
17 review the resourcing mechanism because, like I said, when we have put often -- in
18 some cases, when we have taken the police resource methodology and put it on
19 detachments, often -- not often but at times it's not even about the resources or the
20 number of resources, it's how the resources are used, and looking at the shifts
21 scheduling, and, you know, can you do this instead of that? How can you realign your
22 resources. But often the case is that we are not resourced to do the policing that we are
23 asked to do.

24 In municipalities, it's very easy, they can usually do a -- what we
25 call a cop-to-population because you're not travelling by snowmobile over to a
26 hovercraft, you know, grabbing a plane; you're not travelling one hour to get to a call.
27 Ideally, of course, we'd like to have a detachment in every single town. Financially
28 that's not possible, so can we look at different service delivery methods?

1 So example, in Manitoba, we're looking at fly-in models, to make
2 sure we have the consistent amount of resources at any given time. So the resources
3 come from the south, they go in -- the same resources will go in for -- in Saskatchewan I
4 think it's they go in for eight and then come out for six. They have fresh resources for
5 eight days -- or for however many. I say for eight days, however many it is. They are
6 not losing resources to training, they're not losing resources to vacation, they're not
7 losing resources to people being off duty sick. They're getting a full complement, and
8 then they leave and another one comes in.

9 It also helps with mobility, for example. Families don't have to
10 move because there's a big hub at a centre in Manitoba where these resources go.

11 That's what I mean by looking at service delivery. Is there different
12 ways we can deliver the service with better results, because we need to have a
13 minimum amount of resources for public and officer safety.

14 **MR. THOMAS MACDONALD:** So of course, it goes without saying
15 we're in Nova Scotia, not in Manitoba, not in Saskatchewan. We're two years now post-
16 event. Can you advise today whether you as Commissioner are aware of the RCMP
17 looking at changes specifically, not only in Nova Scotia but also Colchester County, as a
18 result of the mass casualty?

19 **COMMR BRENDA LUCKI:** I don't know the specifics. All I know is
20 that any Commanding Officer is asked to continually review resources in each and
21 every one of their detachments. So they may have done it, I can't answer that question.
22 Sorry.

23 **MR. THOMAS MACDONALD:** Who could answer that in your
24 organization?

25 **COMMR BRENDA LUCKI:** The Commanding Officer would be, or
26 the Criminal Operations Officer under the -- I don't know if it's called the Operational
27 Strategy Branch, which is the normal entity that was -- would do those reviews ---

28 **MR. THOMAS MACDONALD:** So ---

1 **COMMR BRENDA LUCKI:** --- within the division.

2 **MR. THOMAS MACDONALD:** Okay. So as I understand it ---

3 **COMMR BRENDA LUCKI:** I'm not sure.

4 **MR. THOMAS MACDONALD:** --- who's the Commanding Officer
5 of Nova Scotia? We don't have one ---

6 **COMMR BRENDA LUCKI:** Yes.

7 **MR. THOMAS MACDONALD:** --- at the moment.

8 **COMMR BRENDA LUCKI:** A/Commr. Denis Daley, but ---

9 **MR. THOMAS MACDONALD:** Okay.

10 **COMMR BRENDA LUCKI:** --- he's not here yet.

11 **MR. THOMAS MACDONALD:** Right. So there's a gap at the
12 moment?

13 **COMMR BRENDA LUCKI:** Yeah.

14 **MR. THOMAS MACDONALD:** Okay.

15 **COMMR BRENDA LUCKI:** Right now, C/Supt. Chris Leather is the
16 acting Commanding Officer.

17 **MR. THOMAS MACDONALD:** Yes, okay. And we've had ---

18 **COMMR BRENDA LUCKI:** I'm not sure if he has gone as far as to
19 be more proactive, or if he's just working on all the different things that -- from day to
20 day, but I'm not sure who would be -- I know that in the Operational Strategy Branch,
21 the corporate side of the RCMP in Nova Scotia, they would have an idea of any of those
22 types of reviews that you're referring to, they should know if any of those are being
23 done. And we could surely follow up with that, if need be.

24 **MR. THOMAS MACDONALD:** Well, I was just going to ask you,
25 I'm assuming as Commissioner, if you could perhaps undertake through your counsel --
26 if you call those people today, I'm guessing they're going to report back to you.

27 **COMMR BRENDA LUCKI:** Yeah, if I had time to call them today,
28 yeah.

1 **MR. THOMAS MACDONALD:** Well, I -- a little facetious there,
2 Commissioner, ---

3 **COMMR BRENDA LUCKI:** No.

4 **MR. THOMAS MACDONALD:** --- if you wish, you could direct ---

5 **COMMR BRENDA LUCKI:** But it wouldn't -- I wouldn't do that,
6 from my point of view. There's a whole -- sorry; go ahead.

7 **MR. THOMAS MACDONALD:** Oh, sorry, I didn't see you.

8 **MS. PATRICIA MacPHEE:** Sorry; I was just asking if there was a
9 request here for an undertaking, and maybe if there is, we could make it a little more
10 clear?

11 **MR. THOMAS MACDONALD:** Sure. And the undertaking would
12 be; could you provide, through Counsel to the Commission, an update on change in
13 Nova Scotia, specifically Colchester County, in rural policing, please?

14 **COMMR BRENDA LUCKI:** Okay.

15 **MS. PATRICIA MacPHEE:** I can say that we have submitted some
16 information ---

17 **MR. THOMAS MACDONALD:** Yes.

18 **MS. PATRICIA MacPHEE:** --- with respect tot changes that have
19 occurred in H-Division by form of a written evidence subpoena.

20 I think, also, retired CO Bergerman yesterday spoke to some of the
21 changes in resourcing, specifically in that detachment. But if there's any additional
22 information, we will report back, certainly.

23 **COMMISSIONER MacDONALD:** Thank you.

24 **MR. THOMAS MACDONALD:** Well, I guess, Commissioners, from
25 my point of view this now would be an undertaking at the direction of the Commissioner
26 of the RCMP, who's now asking today for this to ---

27 **MS. PATRICIA MacPHEE:** With respect to an undertaking, we'll
28 take it under advisement.

1 **MR. THOMAS MACDONALD:** Okay.

2 **COMMISSIONER MacDONALD:** Mr. MacDonald?

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

5 **COMMISSIONER MacDONALD:** Thank you.

6 **COMMR BRENDA LUCKI:** Thank you.

7 **COMMISSIONER MacDONALD:** Thank you. Commissioner, we'll
8 break now until 2:00 p.m. Thank you.

9 **COMMR BRENDA LUCKI:** Thank you.

10 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
11 proceedings are now on break and will resume at 2:00 p.m.

12 **COMMISSIONER MacDONALD:** And thank you, Mr. MacDonald.

13 --- Upon recessing at 12:43 p.m.

14 --- Upon resuming at 2:15 p.m.

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

17 **COMMISSIONER MacDONALD:** Thank you. We'll have the
18 witness come back.

19 **--- COMMR BRENDA LUCKI, Resumed:**

20 **--- CROSS-EXAMINATION BY MS. JANE LENEHAN:**

21 **MS. JANE LENEHAN:** Good afternoon, Commissioner. Along
22 with my associate, Dan White, I represent the family of Gina Goulet, and my name is
23 Jane Lenehan. Gina was, as you probably know, the perpetrator's last victim, and she
24 was murdered in her home on Highway 224 at about 11 o'clock in the morning on
25 April 19th, 13 hours after the perpetrator started his rampage in Portapique.

26 So I want to ask you a couple of questions about subject matter
27 experts first. My recollection is that you testified yesterday that you see this
28 Commission as your subject matter expert in policing. Do I have that right?

1 **COMMR BRENDA LUCKI:** I don't think that's what I was referring
2 to. I'd have to ---

3 **MS. JANE LENEHAN:** Okay.

4 **COMMR BRENDA LUCKI:** --- see the actual testimony.

5 **MS. JANE LENEHAN:** All right. Maybe I'll ask the next question
6 and we'll go back to it. So if I understood the gist of a lot of your answers yesterday and
7 today, as Commissioner, essentially you're waiting for this Commissioner or these
8 Commissioners to write the report before you start to act on the problems that arose or
9 became apparent from Portapique. I know some things have been addressed, but
10 you're really waiting on the Commissioners' report.

11 **COMMR BRENDA LUCKI:** Not necessarily, because like I said,
12 we have a team that listens to all of the things that are going on. There is daily
13 overviews done. If there's things that we see that we can correct or things that we can
14 adjust we're not going to sit back and wait. If it's something of a bigger nature that
15 maybe will take a bigger review, maybe we'll start gathering the things that we need to
16 look at it. We -- depending on what it is we may not want to go down the road only to
17 find out that it might be a different recommendation.

18 So no, I find in general when we get reports on inquiries we're often
19 three-quarters down the road on most of it because it's already things that we've
20 realised if we haven't identified them ourselves the people listening to the testimonies
21 have flagged it.

22 **MS. JANE LENEHAN:** All right. So my point was really that as
23 Commissioner of the RCMP wouldn't it be fair to say that you and your team, your
24 management team are subject matter experts on policing?

25 **COMMR BRENDA LUCKI:** In some regards. Like some of my
26 policing might be a little bit dated, like on the ground of certain technologies or certain
27 things. Concepts, yes, we've all got, like I've said, I've got over 36 years experience,
28 but some of the nuances and some of the new technologies, techniques, policies,

1 procedures, I'm not, like, hands-on familiar with.

2 **MS. JANE LENEHAN:** All right. So just on accountability, would
3 you agree that as Commissioner, and you've mentioned a number of times that that
4 you're responsible for a 32,000 member force. And is that -- would that be consisting of
5 commissioned officers, non-commissioned officers, and civilian members?

6 **COMMR BRENDA LUCKI:** And public servants, yes.

7 **MS. JANE LENEHAN:** And public servants. Okay. So you're
8 ultimately answerable and accountable for the Force, that's part of your role ---

9 **COMMR BRENDA LUCKI:** Yes.

10 **MS. JANE LENEHAN:** --- as Commissioners? Do you agree with
11 that?

12 **COMMR BRENDA LUCKI:** Yes.

13 **MS. JANE LENEHAN:** Okay. And would you also agree that your
14 ultimate role, and the role of the RCMP, is to serve and protect Canadians?

15 **COMMR BRENDA LUCKI:** That's our primary mandate, yes.

16 **MS. JANE LENEHAN:** So in terms of decision-making and
17 accountability, what I'd like to know is if what follows is an accurate high-level summary
18 in terms of decision-making and accountability:

19 So if a decision needs to be made, you might make the decision
20 yourself. For instance, you chose to respond to the subpoena and come here to testify,
21 so that's one option. You delegate the decision, if it's within your immediate
22 management group or team. That's another option of making a decision? You're not
23 actively making it, but you're delegating it and you might take part in that delegation?

24 **COMMR BRENDA LUCKI:** Yeah, and I will add that some of these
25 delegations are pre-set.

26 **MS. JANE LENEHAN:** Okay.

27 **COMMR BRENDA LUCKI:** We have a whole matrix on -- on
28 certain things of authorities and under whose authority it is. We sign it off every year.

1 So it's not a question of me today saying today I'm going to delegate that to somebody,
2 it might already have been pre-delegated.

3 **MS. JANE LENEHAN:** All right. So in that category that I just
4 described an example would be, I would suggest, the decision that Chief
5 Superintendent Campbell wouldn't participate in that Fifth Estate episode. That was
6 kind of a decision of your management team.

7 **COMMR BRENDA LUCKI:** (Non-verbal response.)

8 **MS. JANE LENEHAN:** So below that, and I realise I'm sort of
9 jumping down to the ground level, and maybe I'm missing something, you can tell me if I
10 am, but decisions made below that, whether it be the provincial Commanding Officer or
11 an RCMP officer who just stopped somebody on the highway for a traffic stop, those
12 decisions must be made in a way that meets with your expectations as Commissioner.

13 **COMMR BRENDA LUCKI:** And within the policies, procedures,
14 legislation as well. It's not just -- it's not about me as the Commissioner, it's about all
15 the policies and procedures, and legislation especially.

16 **MS. JANE LENEHAN:** So I guess that -- and an example of that
17 might be the media releases in Nova Scotia about the mass casualty. Those had to
18 meet with your expectations as Commissioner. I'm looking, I guess, more at the
19 discretionary decisions in addition to the decisions whereby you have to follow RCMP
20 policy.

21 **COMMR BRENDA LUCKI:** Well, I think with any decision there is
22 a level of discretion, and we try to provide as much guidance in general terms. The
23 biggest difference is when there is something of national interest or something, a much
24 bigger event, often those decision trees change, and it's not -- it's not necessarily
25 documented in the same way. Like, if something happens on the ground in B.C. and
26 the media relations people are dealing with it, if it's going to get a lot of media interest
27 we ask them to advise. So there's no decision-making, it's just -- often it's an advisory-
28 type of function. If in fact they are looking for something outside of their division, then

1 the requests are made and decisions are made.

2 So to narrow it down, just as the way you're doing it, there's so
3 many exceptions, that's the problem, because it depends on the event. Right?

4 **MS. JANE LENEHAN:** All right. Well, maybe I'll just give you
5 some specific examples. You know that Nova Scotians are looking to the RCMP for
6 accountability and explanations about why and why things unfolded as they did ---

7 **COMMR BRENDA LUCKI:** M'hm.

8 **MS. JANE LENEHAN:** --- in April of 2020? So I have a couple of
9 examples here, and what I'm looking for is your response to whether or not the following
10 decisions or actions of RCMP members during those two days met or meet with your
11 expectations as you're learning about them now.

12 So -- and I appreciate that you're 10,000 feet up, and I'm sure your
13 counsel will jump up if I'm -- if I'm mischaracterising anything. So the first one is Sgt.
14 O'Brien, who was in charge of the Bible Hill Detachment. Does that name -- do you
15 know that name? Does that sound familiar?

16 **COMMR BRENDA LUCKI:** Yeah, it was brought in today,
17 obviously. Yes.

18 **MS. JANE LENEHAN:** Okay. So what I would like to know is what
19 -- did it meet your expectations when he decided to self-deploy, essentially, on the night
20 of April 18th after consuming five ounces of rum? And that's by his own reporting. He
21 said:

22 "I had about five ounces of rum. I heard about what was
23 going on. I was very concerned. [He then] jumped in,
24 got a radio, and took an active role in directing people on
25 the ground in Portapique on the night of the 18th." (As
26 read)

27 Does that behaviour meet with your expectations?

28 **COMMR BRENDA LUCKI:** It's not about the consumption of rum.

1 Was he, like, at a state where he could do that? Was those five ounces of rum 10 hours
2 ago? Was he impaired? Was he note impaired?

3 **MS. JANE LENEHAN:** Fair enough.

4 **COMMR BRENDA LUCKI:** I would not expect him to be at work if
5 he was impaired.

6 **MS. JANE LENEHAN:** So his evidence was that he was off that
7 night and he was watching television with his son, and between the hours of 6:00
8 o'clock and 10:00 o'clock, he estimates that he consumed about five ounces of rum,
9 and when he heard about the situation, he felt that he shouldn't get involved, and then
10 he did.

11 **COMMR BRENDA LUCKI:** And at what time did he get involved?

12 **MS. JANE LENEHAN:** Ten (10:00) o'clock.

13 **COMMR BRENDA LUCKI:** In the morning?

14 **MS. JANE LENEHAN:** P.m.

15 **MS. LORI WARD:** I'm sorry, did you ---

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

17 **MS. LORI WARD:** --- say 10:00 o'clock in the morning?

18 **MS. JANE LENEHAN:** No, I didn't.

19 **MS. LORI WARD:** Oh.

20 **MS. JANE LENEHAN:** P.m.

21 **COMMR BRENDA LUCKI:** So he drank from 6:00 to 10:00 and
22 then went to work at 10:00?

23 **MS. JANE LENEHAN:** That was ---

24 **MS. LORI WARD:** Just ---

25 **MS. JANE LENEHAN:** --- his evidence.

26 **MS. LORI WARD:** Sorry. I'm not sure if we agree about what his
27 evidence was. My recollection is that when he learned about the events unfolding on
28 Saturday night, he knew he had consumed alcohol and thought he should not go in, but

1 he was in text contact with some of his members and he did go in much later on and
2 had his wife drive him to the detachment, and he did have a role in sending some
3 messages to his members. But I don't think it's accurate to say that on Saturday night
4 when he first got notice of events unfolding, that he immediately said, "I need to get
5 involved," if that's what you're saying.

6 **COMMISSIONER MacDONALD:** Ms. Lenehan?

7 **MS. JANE LENEHAN:** So I guess my question, Commissioner, is
8 that something you would condone? Is that a reasonable decision? I'm not suggesting
9 that Sgt. O'Brien was not able to sit with his adult son and watch a hockey game or
10 whatever and recreationally consume alcohol. My question for the victims' families is,
11 was that reasonable? Is that what he should have done at that point? Should he have
12 gotten involved if he had consumed alcohol?

13 **COMMR BRENDA LUCKI:** That's a very broad question, in the
14 sense that I would expect people, if they were going to come into work, that they would
15 not be over the legal limit. That's what I -- that would be our expectation, and as per our
16 Code of Contact.

17 To be in contact with somebody when you've had something to
18 drink, it depends on the contact. To say you can't be in contact because you've had
19 alcohol, I couldn't be in the position to say. I don't have enough details to answer you
20 question, I think.

21 **MS. JANE LENEHAN:** My recollection, and again, I'm sure Ms.
22 Ward will jump if she recalls it differently, is that not long after the IARD team arrived
23 and decisions were being made as to whether or not to send a second team in, Sgt.
24 O'Brien waded in with his opinion on whether another team should go in. He was home
25 with his radio, having consumed enough alcohol, again, five ounces of rum by his
26 report, that he did not drive to the station to pick up a radio. He had his wife take him.

27 In that scenario, are you comfortable, as the Commissioner of the
28 RCMP, with Sgt. O'Brien involving himself in that capacity that night?

1 **COMMR BRENDA LUCKI:** I will say again, my expectation is that
2 when people go to work, they are prepared to work and not in a state of over the legal
3 limit. Whether he was or not, I cannot speak to that.

4 **MS. JANE LENEHAN:** All right. Thank you. The next scenario I
5 want to ask you about is an email exchange between C/Supt Leather and Truro Police
6 Chief MacNeil on the morning of April 19th. And this was shortly after the incident
7 unfolded in Wentworth, where Lillian Campbell was killed by the perpetrator on the side
8 of the road and the RCMP responded.

9 So on that morning, shortly after that, and I don't have the exact
10 time stamp, Chief MacNeil emailed C/Supt. Leather an offer of assistance:

11 "We know what's going on. What can we do to help?"

12 (As read)

13 And the reply email from C/Supt. Leather was:

14 "We think that we have the perpetrator contained in

15 Wentworth." (As read)

16 And of course -- sorry, it's up on the screen. Thank you, Madam
17 Registrar.

18 And we now know, of course, that they didn't have the perpetrator
19 contained in Wentworth. And basically, I'm paraphrasing, "I'll let you know if we need
20 help."

21 And we also now know from Cst. Leather, and from the record, that
22 -- Chief Superintendent, sorry, C/Supt. Leather, didn't ever get back to Chief MacNeil.

23 So when C/Supt. Leather was questioned at this inquiry as to why
24 he didn't get back to C/MacNeil on April 19, he explained that there was a lot going on,
25 he was very busy, he simply didn't get back to him. But he went on to say:

26 "But in any event, there was a more appropriate RCMP
27 officer that Chief MacNeil should have contacted rather
28 than me." (As read)

1 He didn't tell us who that RCMP officer was, nor did he tell us
2 whether or not he gave the name of that RCMP, whoever it was, Staff Sergeant, CIC,
3 I'm not sure who, or their contact information, to Chief MacNeil.

4 I would suggest to you that the appropriate response was, "Thanks
5 for your help," to a neighbouring police chief, and looping him in immediately, whether
6 the Chief contacted the right person or not.

7 So again, does that meet your expectations for a nimble
8 responsible force in the middle of a critical incident?

9 **COMMR BRENDA LUCKI:** What I would say is that first response
10 from C/Supt. Leather seems very reasonable, considering the circumstances. I would
11 expect Chief MacNeil to know or appreciate how busy C/Supt. Leather would be in this
12 situation. And I agree with the fact that there are many other contacts that he could
13 have used instead of going to -- straight to C/Supt. Leather.

14 At his level -- and I don't think, and I found this in general, I don't
15 think people appreciate the level at which some of the members in the RCMP are at as
16 compared to other local police agencies. So when I get asked questions at my level, I
17 don't get into the weeds of many of these questions. Chris Leather shouldn't be getting
18 into the weeds. He should have the system set up for other people to deal with it.

19 Chief MacNeil, being the chief of police of a detachment that has
20 many neighbouring detachments around that area should be able to also reach out to
21 those, which may in fact be his primary contact.

22 I don't know the nuances of the ground. I just know that if
23 somebody contacted me and asked me if they needed help, I would think, "Why are you
24 phoning --" the first thing that would probably cross my mind is, "Oh my gosh, why are
25 you phoning me?" There's probably another contact that he could have contacted. But
26 I'm making a lot of assumptions here because there's a lot to the question you're asking
27 me.

28 **MS. JANE LENEHAN:** Well, with respect, Commissioner, he

1 wasn't contacting you in Ottawa. He was contacting the CrOps officer in Nova Scotia to
2 see if his police service could assist. I'm suggesting to you that was a very reasonable
3 thing for him to have done. And further, that the appropriate response should have
4 been a substantive one, not a, "You've called the wrong guy."

5 **COMMR BRENDA LUCKI:** I have a very difficult time, I'm really
6 sorry, to comment. There's way more facts and details to this. You're giving me the
7 overview. I don't know all the details. To make a judgement call without all the details,
8 I'm sorry, I can't do that. and it's not that I don't want to make a judgement call, it's not
9 that I don't know if it's appropriate or inappropriate, I just don't feel that I have all the
10 facts. So to make that call, there's a lot of things that, you know, that could be done and
11 there's a lot of people that could be called.

12 Chief Superintendent Leather is at a very high level in the RCMP in
13 Nova Scotia. There are other people that -- you know, and maybe one of his responses
14 would be "I'm too busy, contact Sally." "I'm too busy, contact Fred." I'm not even sure.
15 But his initial response seems reasonable.

16 **MS. JANE LENEHAN:** I'm talking about the failure to provide the
17 name and contact information of who the chief of the Truro Police should have called,
18 and the failure -- and then the failure to follow up.

19 **COMMR BRENDA LUCKI:** Well, I think at the time he didn't think it
20 would be necessary because he actually thought the suspect was contained. So to him
21 -- to give him another name, he's -- there's a thousand things going on, and he's --
22 we've got the suspect contained. "We're good, thanks." Now, when it changes, and
23 they go through their resourcing and they need additional resourcing, maybe that's
24 when he goes back to them. And like he said, obviously that dropped off the table.

25 Should it had been on his to-do list? Probably, if he needed -- but
26 he probably remembered that he had access to resources. Whether or not he was in
27 the position -- at his level he would not be deploying resources, there's somebody else
28 that would be doing that.

1 **MS. JANE LENEHAN:** So the next -- so I guess your answer to all
2 of that is that you don't know enough to tell me whether or not that meets with your
3 expectations?

4 **COMMR BRENDA LUCKI:** Yes.

5 **MS. JANE LENEHAN:** So the last one is the crime scene at the
6 Goulet residence on Highway 224. The family of Gina Goulet believe that the RCMP
7 failed them miserably, and they've lost trust in the RCMP. And it's -- in part -- it's for a
8 number of reasons, but these are the ones I want to ask you about: their crime scene
9 was left unsecured and unattended; Gina's daughter and son-in-law drove by the day
10 after her murder and found the scene in that state, unsecured and unattended; during
11 the weeks following the murder, they found evidence that was not found and seized by
12 the RCMP Forensic Team, and in particular, a bullet casing and a piece of lead; Gina's
13 daughter and son-in-law were never formally notified that she was deceased, and they
14 were never told by the RCMP where her body had been taken.

15 And what I'm asking you is based on the information I have
16 provided to you are those actions of the various members involved within your
17 expectations?

18 **COMMR BRENDA LUCKI:** It doesn't appear that -- first of all, I'm
19 sorry that happened. When -- when somebody loses a life and family are needing
20 answers to questions, I can't imagine what that would be like, and the fact that we
21 weren't there to be able to provide that, the fact that we didn't meet the family's
22 expectations, and there may in fact be all kinds of reasons, but it really doesn't matter
23 because we didn't meet the family's expectations.

24 I -- I -- I don't have any explanation for it. The fact that -- I can't
25 imagine the myriad of things that were going on. I -- it still doesn't -- it still doesn't make
26 it any better for the family. I'm sure they're... The fact that people didn't tell their family
27 that their loved one was deceased, not knowing where the body was, the only thing I
28 can say is that, and it's not any solace to the family, nobody would do that intentionally,

1 it doesn't make it right though. And I think that when the members -- when things --
2 when they fall short of expectations, that's not what they want to do. And I just -- I'm
3 sort of at a loss for words.

4 **MS. JANE LENEHAN:** So Commissioner Lucki, I -- first of all,
5 thank you for your apology, and I will extend that to my clients, and they will appreciate
6 it, so thank you for that.

7 You made a comment this morning that in your view the service
8 delivery of the RCMP is second to none. As I started out saying, Nova Scotians are
9 looking for some accountability, and I would suggest to you that the first step is
10 acknowledging, for the RCMP to acknowledge incidents where their actions did not
11 meet the expectations of... And I'm putting it to you, the RCMP Commissioner, I
12 understand that that underneath that we have policy, we have everything else, but you
13 answered that you appreciate that -- that your members' actions did not meet the
14 expectations of my clients. My question was did they meet the expectations of you, as
15 the Commissioner of the RCMP?

16 **COMMR BRENDA LUCKI:** Again, I -- I'm not here to protect,
17 defend my members, but I'm kind of a fact gal. I kind of -- I like to have all the -- all the
18 information. But it doesn't appear that they have met some of the expectations. If what
19 how you say it is exactly how it happened, without all the, you know, the overlying,
20 because I'm sure there's a lot of details to all of that, it doesn't appear that they met my
21 expectations.

22 **MS. JANE LENEHAN:** Thank you. So my key question for the
23 Commissioners is really moving forward how are we going to hold the RCMP
24 accountable to Canadians? So I'd just like to know if you agree with this observation:

25 It appears that the management structure of the RCMP, from an
26 outsider's perspective, is this incomprehensible web that actually thwarts efforts to hold
27 the RCMP accountable and thwarts the RCMP's own efforts to change. And what I'm
28 referring to is if I had a dime for the number of times I have heard an RCMP officer say,

1 "Not my department." "Can't answer that question." "Not sure." You need to ask this
2 person." And really, the question with regard to Chief Superintendent Leather was in
3 that realm. You are a -- he is a representative of the RCMP. A municipal police chief is
4 saying, "Hey, what can I do to help?", you provide a substantive response.

5 So I'm just wondering what your thoughts are, because it does
6 seem to be the management, that big clump in the middle between you and between
7 the members on the ground, really does seem to be quite an incomprehensible web for
8 someone on the outside. Do you -- do you agree with that, and do you think that that
9 sort of dense management system that you have, where you talk about business lines,
10 but it's not clear where they connect, whether that is thwarting accountability and
11 thwarting your own efforts to change this organisation that you lead?

12 **COMMR BRENDA LUCKI:** Well, when you -- when you consider
13 the size of the division, there has to be these various layers. I'm not expecting anybody
14 from the outside to understand all of that because it -- it's -- it's a big organisation, and
15 it's -- it's very structural. And what we have to make sure is that in-between those
16 structures things go back and forth freely and timely and accurately, and when that
17 doesn't happen...

18 So when I -- when you give me the example of
19 Superintendent Leather, that's just one snippet of what happened during that time.
20 Could he have responded in a more fulsome manner to Chief MacNeil? Yes, he could
21 have. Under the circumstances that the fact that they thought that they had the suspect
22 in their sights, the fact that he pushed him off to the side and said, "we've got this for
23 now", that seemed reasonable. Afterwards, when that wasn't the case, could somebody
24 have dealt with it? Yes, somebody could have dealt with it.

25 So there's a bunch of different circumstances, and I'm not trying to
26 make excuses or give explanations, I'm just trying to figure it out in my head because
27 obviously I'm not on the ground. There has to be levels of decision-makers, there has
28 to be an org chart and a structure. And I, myself, during that time, all of that -- some of

1 that went out the window because of the size of this event, the dynamic-ness of this
2 event, the fact that, and I know people don't want to hear it. The fact that, and I know
3 people don't want to hear it, the fact that in my case, covid was a huge factor. It doesn't
4 -- it doesn't make things right. I'm just saying that things were different in this event
5 than any other event. And we should be able to have foundational responses. And
6 foundational responses work when you're not covering a half a province of geography.

7 And so the fact that the perpetrator was moving, the fact that they
8 didn't think the perpetrator was moving at one point, they based their decisions on the
9 facts that they felt were before them. Obviously, the benefit of hindsight changes all
10 that.

11 The only part of hindsight that my members have is experience.
12 They don't have the hindsight to say, "You know what, this is what we need to do in this
13 case." They use their experience, they use their training, they use their knowledge to
14 formulate a response.

15 In most cases, that works. In some cases, it doesn't. And there
16 was, like you pointed out, things that weren't perfectly executed.

17 Looking at it from the now after the fact, there's a lot of things that
18 could be done differently. But in the moment, people use their experience, their
19 knowledge, their training, and responded according to the facts before them.

20 **MS. JANE LENEHAN:** I'm just concerned about what you said in
21 the middle of all of that explanation, that it's a big organization and you don't expect
22 people from the outside will understand the complexity of it.

23 So my question is, how are we, as the people that you serve, going
24 to be able to hold you accountable if we don't have that transparency that you've told us
25 you agree is so important?

26 **COMMR BRENDA LUCKI:** I'm not going to sacrifice transparency
27 here. That's not what I -- I don't think that's what the question is about, transparency. I
28 think it's about, first of all, providing me with three lines of part of an event and asking

1 me to make a judgment call? I don't think that's a fair -- I don't think it's fair for me to do
2 that. I don't have all the facts.

3 From the outside, what you say, it doesn't seem -- some of the
4 things don't seem reasonable. It also doesn't -- maybe there was better ways of doing
5 it. Absolutely. There's always better ways of doing something. But I don't know if I am
6 the best person, with the little bit of information you've given me, to make a judgement
7 call. I would like to dig into all of this much more. Like, you tell me -- I wrote down five
8 things that happened in the case of Gina and I'm going, "My goodness. We need to
9 look into that. What happened there? It doesn't seem reasonable. What happened?
10 Let's figure this out." Absolutely. Because when I look at all the things, we have policy
11 that covers a lot of these things, but my gosh. Does that mean anything? No, it doesn't
12 mean anything if we don't follow our policies. It doesn't mean anything if we don't do
13 the right things.

14 So I really want to look into these things and say, "My goodness.
15 Why did that happen? Why wasn't the family told where the body was? Why weren't
16 they given a proper next of kin? You know, how did we overlook that evidence? How
17 did -- you know, how is a family allowed to drive by and we had not secured the scene?"
18 Those are questions that we need to ask. Most definitely. And we need to give good
19 answers to that. And that's where I see the transparency, and that's where I see the
20 accountability. But for me to provide a judgement call, you know, I don't think I'm in the
21 position to do that.

22 **MS. JANE LENEHAN:** Well I think my question -- the question that
23 you're answering at this point, I think you're going back, and I appreciate those
24 comments, to earlier questions, but was really, don't we, as Canadians, need to be able
25 to go onto the RCMP website and clearly find an organizational chart so that if we have
26 a question, we know who to ask that question to, we know whose field of responsibility it
27 is, and we can see the lines going sideways and up and down as to how the institution
28 itself holds itself accountable? Does that seem reasonable?

1 **COMMR BRENDA LUCKI:** Well I think that when you live in Area
2 X, the Detachment Commander is your point of contact. And if the Detachment
3 Commander is not -- if you ask a question to that Detachment Commander that may be
4 out of their realm of responsibility, for instance, you're asking the Detachment
5 Commander of Colchester about something that's happening in another area, of course
6 it won't be his or her responsibility, but he should be able to direct the person. It's not
7 different than when I call Walmart and get the wrong department. I would expect
8 somebody to direct me.

9 **MS. JANE LENEHAN:** Thank you. In the same way that C/Supt.
10 Leather ideally could have simply directed Chief MacNeil to whoever he felt he should
11 have spoken to?

12 **COMMR BRENDA LUCKI:** Yes. And I would also expect Chief
13 MacNeil to have some knowledge of who he should be speaking to.

14 **MS. JANE LENEHAN:** I want to ask you some training questions,
15 and I know that this ground has been covered, but I did note that you used to be, I
16 guess, the Commanding Officer at the Training Academy, and before that, you taught;
17 correct?

18 **COMMR BRENDA LUCKI:** Yes.

19 **MS. JANE LENEHAN:** A number of years prior to that?

20 So what I'm not clear in the evidence you've given between the
21 interview and your answers to various questions is do you believe that the 26-week
22 training program that RCMP cadets receive at Depot is adequate for the modern police
23 force that you say the RCMP aspires to be?

24 **COMMR BRENDA LUCKI:** Twenty-six (26) weeks is -- it's a
25 foundational training. It also has an additional six months of field coaching. So it's
26 basic training. And I say that because we always get requests, "Can you add this? Can
27 you add that? Can you add this?" And we always have to look at it and say, "Okay. Is
28 it basic training or is it something that we need to add to the --" sorry, phone is -- is it

1 something that we add to the basic training? Is it in fact basic? Or is it something that
2 we could add onto the cadet field coaching? Is it something that might go into the
3 investigator or the constable training program?

4 And as well, in our version, I think I forget what version we're in, but
5 each and every year we make over 200 changes to our cadet training program, and that
6 could be because there's a new piece of equipment that comes in, there's a new policy
7 change, there's a new course that's being given, or there's something that comes out of
8 an inquiry that we need to add to the training program. And those are just the day-to-
9 day type changes, or the year-to-year changes.

10 But we also do a full review of the program holistically, and that's
11 the road we're embarking on as we speak, of doing a holistic review. We've done some
12 portions of it, but now we want to look at it holistically, exactly to your question, is our
13 training meeting the modern -- you know, is it modern? Is it meeting the needs of the
14 modern police officer?

15 **MS. JANE LENEHAN:** All right. So thank you for that correction. I
16 guess what you're telling me is that the training, you have to look at it as a six-month
17 training program plus six months of let's call it an internship with, as you call it, a field
18 coach. So you're really saying it's a year training?

19 **COMMR BRENDA LUCKI:** Yes, but then there's all kinds of
20 courses after that ---

21 **MS. JANE LENEHAN:** Yes.

22 **COMMR BRENDA LUCKI:** --- that they will take in their first few
23 years as a constable.

24 **MS. JANE LENEHAN:** All right. So former Justice Bastarache
25 recommended to you in his report, the "Broken Dreams Broken Lives", that the RCMP
26 require applicants to have at least two years of post-secondary education or training.
27 So I want to know if you, as the Commissioner, accept that recommendation? I
28 understand it's being looked at, but do you, as the Commissioner, accept that?

1 And before you answer, I am aware that some of this ground was
2 covered in your interview with Commission Counsel and you talked about concerns that
3 the requirement of the university education would pose barriers for some diversity
4 applicants.

5 So I know that's what you said, and if that's where we're going with
6 this, I would like to know about the second part of the recommendation from Michel
7 Bastarache, which is that you look at sort of a way to look at equivalency standards
8 between post-secondary education and an applicant's life experience or other training
9 so as not to create the barrier.

10 **COMMR BRENDA LUCKI:** I sort of lean towards my original
11 answer, because I say that because I'm trying to get people from Nunavut to apply so
12 that we can have Inuit applicants within our organization. Any of what you just said
13 would pose a barrier for many of those applicants.

14 When we want to increase our Indigenous content, to have more
15 Indigenous applicants, or people from the BIPOC communities, in many cases,
16 sometimes that poses a barrier.

17 So we're trying to do the exact opposite. We're trying to remove
18 the barriers. So we've changed our entrance exam because there was barriers in our
19 entrance exam.

20 To say that one way of doing it is the way of doing it, I think in fact,
21 in some ways, it would up our game, but I think we have to have exceptions, because I
22 don't want to close a door on applicants who have maybe life experience that isn't
23 equivalent to two years of university or post-secondary. So it would have to be
24 examined from an academic point of view. And what would it be -- what would the
25 results be in the number of applicants that we had? So we'd have to really study it,
26 because right now, all police agencies and many other professions, but police agencies
27 are struggling to get applicants into their organization. So the last thing I want to do is
28 reduce the number of applicants. So if somebody told me, "If you put in a two-year

1 post-secondary requirement and the 5,000 applicants that you have right now would
2 now be 1,000 applicants,” that would be extremely problematic for us. So we have to
3 look at all the cause and effect of such a decision, and is there another way of doing it?

4 **MS. JANE LENEHAN:** So going back to my clients and the family
5 members of Gina Goulet and some of their specific concerns, this family has concerns
6 with what we have learned throughout this inquiry about the RCMP’s poor relationship
7 with the Truro Police Force and Halifax Regional Police and its impact on Gina on April
8 19, 2020.

9 So just by way of background, because I know that you’re coming
10 at this from 10,000 feet up, the perpetrator drove straight through the town of Truro
11 shortly after 10:00 a.m. on Sunday, April 19. He then continued on and met up with Cst.
12 Morrison and Cst. Stevenson in Shubenacadie, where he injured Cst. Morrison and
13 killed Cst. Stevenson. And then he continued on to Gina Goulet’s home, which is
14 located -- was located about five and a half kilometres away from the Shubie Cloverleaf
15 on Highway 224, where he killed her.

16 So the second part of that background is that her home is located
17 not very far. It’s in Hants County, but the location is not far from the border with Halifax
18 County.

19 So the Goulet family question is whether better relations between
20 the RCMP and municipal forces, which would have allowed those forces to work
21 collaboratively and effectively together during the response to that critical incident could
22 have saved her life?

23 **COMMR BRENDA LUCKI:** That’s a big question. The first thing I
24 think of is, from the knowledge I have about the relationships, it’s not about the
25 relationships on the ground, it’s about the relationships at the executive level or at the
26 management level, where there’s been some issues. I often hear in divisions,
27 sometimes there are some issues between a chief here and a chief here, but on the
28 working level, it doesn’t translate into issues.

1 I know, generally speaking, when a response is happening, it's all
2 hands on deck. I can't see a constable saying, "I'm not going to respond because I
3 don't think we have a good relationship." Police officers don't work like that. It's about
4 the greater good.

5 I think, though, you can't have ---

6 **MS. JANE LENEHAN:** I'm just ---

7 **COMMR BRENDA LUCKI:** You can't have a poor relationship.

8 **MS. JANE LENEHAN:** Sorry.

9 **COMMR BRENDA LUCKI:** You can't have a poor -- can I just --
10 one ---

11 **MS. JANE LENEHAN:** Of course.

12 **COMMR BRENDA LUCKI:** You can't have a poor relationship
13 because it will affect things. I just don't think it affects it at the ground level where
14 people are trying to catch a perpetrator, they're trying to stop a perpetrator. I don't think
15 Chad Morrison was thinking about the relationship with Truro Police when that
16 happened at all, or even if it was in Truro Police's area. Nobody is thinking that way
17 when a bad person is on -- when you're trying to catch a bad person. They don't think
18 in terms -- in those terms, "I'm not going help that person. I'm not going to help save
19 Canadians because we don't have a good solid relationship with Truro Police."

20 **MS. JANE LENEHAN:** So is it your understanding that the Truro
21 Police Service and the Halifax Regional Police were involved in the response? Is that
22 your understanding?

23 **COMMR BRENDA LUCKI:** No. I'm just saying that I don't think
24 that if -- if I am on the ground and something -- and I am on the border of my territory, of
25 my jurisdiction, and somebody goes past me speeding at 200 kilometres an hour, I'm
26 not going to stop at the border and say, "No, you know what, I'm not going to go there
27 because, you know what, we don't get along with that police agency." That's what I'm
28 saying. Because you're asking me if the relationship affected the results. I don't think

1 on the ground it does. I think at an executive level or a mid-executive level, there may
2 be things that needed to be worked out, but I don't think it translates on the ground.
3 That's my belief.

4 **MS. JANE LENEHAN:** So from that, I take it that you would agree
5 with me that the RCMP needs to be able to work effectively and cooperatively with the
6 other police services in its jurisdiction?

7 **COMMR BRENDA LUCKI:** Absolutely. I think they all have to
8 work together. It's a two-way street.

9 **MS. JANE LENEHAN:** All right. So we've also repeatedly heard
10 throughout this inquiry, from both commissioned and non-commissioned RCMP officers,
11 that interoperability issues and different training backgrounds do prevent the RCMP,
12 and did prevent during the response to the mass casualty, prevent them from working
13 with other police forces effectively and cooperatively.

14 So my question is, in your view, from where you sit, do you think
15 that all police officers in Canada should be trained together at whatever location and
16 should receive the same training? Would that help improve our communities' safety?

17 **COMMR BRENDA LUCKI:** Not necessarily. You know, obviously
18 if we did things all the same, and if we were one police agency, it may in fact make life
19 easier. But I look at even within the RCMP, we're one big organization, but how things
20 work in the Lower Mainland in B.C. and how things work in Cape Dorset, Nunavut, we
21 can't expect them to have the same type of response to things. There's different
22 nuances. Basic training, yes. You know, if we all had the same basic training. But it's
23 not always about basic training. There's -- you know, there's all this other training that
24 happens in your career that makes it -- when you speak about training, I don't know
25 what you're referring to when you say interoperability. Do you have any specifics on
26 that?

27 **MS. JANE LENEHAN:** Well it was raised by Cpl. Mills, who was
28 the ERT team lead on the night in question, in response to questions about why the

1 New Brunswick ERT team was called in before the HRP ERT team. And my
2 understanding is that it's different equipment, it's different training, it's talking a different
3 language, whereas the example you used, from what we've heard, my understanding is
4 that an RCMP member in Cape Dorset and an RCMP working in the B.C. Lower
5 Mainland, in the Surrey Detachment, that they do talk the same language, that they did
6 have the same training, that it's going to be easier for them to work together than it is,
7 for instance, for the Halifax Division RCMP ERT to work with the HRP ERT team.

8 **COMMR BRENDA LUCKI:** But they should be training together.
9 They should -- like, I know ---

10 **MS. JANE LENEHAN:** That wasn't my question.

11 **COMMR BRENDA LUCKI:** Okay. But I'm just saying when I was
12 a tactical troop commander in F Division in Saskatchewan, we were only one ERT
13 team. Part of our mandate was to train with another team because often we would be
14 brought together, and that included municipal teams.

15 So within a province, you don't always have the full capacity for a
16 full response in an event like this. You can't staff to such an event. But you have to
17 make sure that you have a contingency. So if you need those resources, where are you
18 going to get them from? It's part of your business continuity planning. So if you're -- for
19 example, if they're replacing an ERT team, it's -- I would see it normal for them to go to
20 New Brunswick and say, "Okay. This ERT team is working until noon. They will be
21 replaced by the one in New Brunswick." That I can see. But if they say, "We need an
22 ERT team now, they should be going to the closest ERT team, which would be, I would
23 say Halifax regional, if they needed instant back up. But if it was about a replacement,
24 because as a Critical Incident Commander, the second I put an ERT team on the
25 ground, the next thing I'm thinking about is who is replacing that ERT team? So I would
26 normally go to another division, or if a division had two ERT teams, I'd go to the north
27 team versus the south. But if it's about immediate response, and if you are counting on
28 them in your plan as a backup to your own response, then you need to train together.

1 You can't just assume it's going to work. Just you have to make sure that you prepare
2 for that type of response. So if in fact the backup for an immediate response to the H
3 Division ERT team is Halifax Region, then they should train together so that they know
4 how they can operate together.

5 **MS. JANE LENEHAN:** So would it be fair for the Commissioners
6 to say to the RCMP, "We appreciate your repeated requests for more funding. What
7 we'd like to see first is a demonstration that you're going to work with the police, other
8 police agencies near you in your jurisdiction"? Because that's another way to get more
9 resources; wouldn't you agree?

10 **COMMR BRENDA LUCKI:** It is. And I put a little *caveat* because
11 there has to be a standard. So if, for example, our standard is here and another police
12 agency's standard is here, we have to find some kind of way to work through that gap
13 because then it's hard to be -- it's hard to be operable.

14 But I know since this, one of the things that we looked at is a
15 fulltime ERT team, and we only had six fulltime ERT, I think, on the ground; we're now
16 up to 12. We've already changed that and we're gearing towards 18. That's going to
17 be very helpful for the Nova Scotia ERT contingent, so that they have fulltime
18 resources. But they still should look at working with other ERT teams within the
19 province. If it looks as if they want to replace a team, often they will go to that
20 neighbouring province, because by taking that Halifax Regional team and replacing the
21 RCMP team, you're now making Halifax vulnerable. So we try to use own resources for
22 replacement.

23 **MS. JANE LENEHAN:** Doesn't that make New Brunswick
24 vulnerable?

25 **COMMR BRENDA LUCKI:** Sorry?

26 **MS. JANE LENEHAN:** Doesn't it make New Brunswick vulnerable

27 ---

28 **COMMR BRENDA LUCKI:** It could.

1 **MS. JANE LENEHAN:** --- to pull in the New Brunswick team?

2 **COMMR BRENDA LUCKI:** --- but we also have other resources to
3 draw on.

4 **MS. JANE LENEHAN:** Okay.

5 **COMMR BRENDA LUCKI:** We have multiple provinces to draw
6 on.

7 **MS. JANE LENEHAN:** So the RCMP is repeatedly characterized
8 as a paramilitary organization. Can you explain that term to me?

9 **COMMR BRENDA LUCKI:** It's interesting because we just did a
10 full review on that exact concept. Coming out of our training academy, we did a review
11 of the paramilitary style.

12 I say that because when we talk about paramilitary, to me, is
13 obviously we're in uniform; we have a command-and-control structure. The command-
14 and-control structure, it's not -- in certain events, you can't have -- you can't be a
15 consultative type leader; sometimes you just have to make the decision and people
16 have to follow that decision, and that's where that sort of paramilitary style comes in.

17 It's also spoken about because we teach our cadets marching and
18 drill, and that really is sort of not -- I don't want to say it's an artificial paramilitary. We
19 use parts of drill for -- to have teaching points on multitasking when somebody is in your
20 face. There's all these learning points.

21 So although it translates itself into marching, that doesn't -- I don't
22 include that in the paramilitary. From the outside, though, it does look very military, but
23 we do use that for teaching certain skillsets.

24 Where the paramilitary, I would say that any organization -- police
25 organization is, in fact, partially paramilitary by the command structure. It comes from
26 the fact -- and I think people still call us paramilitary because we are actually called a
27 regiment; we're the oldest regiment in Canada, as a matter of fact, and our Chief
28 Commander is the Queen as a regiment. And that has its roots in military. And when

1 the RCMP started, it was very military, very similar to military, and then as time goes on,
2 it's really we are a police agency. The only thing that's paramilitary about us is the fact
3 that we have a command structure where somebody will, in fact, make a decision. We
4 have ranks similar to the military, as does any police agency.

5 **MS. JANE LENEHAN:** Do you see that as any sort of impediment
6 to change, and, in particular, to morph into the modern police agency that you envision
7 with Vision 150?

8 **COMMR BRENDA LUCKI:** I think if it's taken to an extreme where
9 it's -- it is impeding response; if it was impeding a response then it would be something
10 that we would need to look at.

11 I don't -- I'm trying to -- as I'm speaking to you, trying to come up
12 with the results of that review that we did of the RCMP as a paramilitary structure, and
13 I'm drawing a blank.

14 **MS. JANE LENEHAN:** I guess what I'm asking; is there something
15 in terms of that characterization, the paramilitary background, those characteristics, that
16 the Commissioners should be aware of, in terms of the RCMP being able to change and
17 be more responsive should there be an event such as the one that we tragically had
18 here, again in the future?

19 **COMMR BRENDA LUCKI:** No, I don't think so, because, as I
20 spoke earlier, organizational change, we've been doing it for years. But we've really
21 focused on a lot of change since I got in the Chair, given the mandate I was given by
22 then-Minister Goodale to change the culture, transform the culture of the RCMP.

23 And I have not seen any resistance to the change. So paramilitary
24 or not, I don't even consider ourselves, really, paramilitary; I don't see it as a -- I don't
25 see it playing itself into, "I'm not going to change." And most all people that we hire
26 have no military background.

27 **MS. JANE LENEHAN:** Thank you. I just have one more series of
28 questions. And you were asked about this by Commission Counsel in your interview;

1 your very recent decision in July of this year with regard to -- or I don't know if the
2 decision was July, but it was released publicly in July, in relation to Cst. Devin Pulsifer
3 and the 2018 incident where he was accused of sexually assaulting two female RCMP
4 members, and being an RCMP member himself.

5 So, really, what I want to know, and I want to give you an
6 opportunity -- I know that you canvassed this with Ms. Young, but I wanted to give you
7 an opportunity to respond to the idea that this may very well have been a missed
8 opportunity for you to demonstrate cultural change, both to your own members and to
9 the Canadian public. So I'm just going to quickly go through, and I know you -- I don't
10 believe that your decision is -- I don't believe that it's -- we have it in relativity, and it's
11 not been exhibited, so you know, if you feel that I'm not accurately stating this, please
12 let me know.

13 My understanding is the allegation was that the constable in
14 question grabbed two female members' breasts, and it was at a team social --
15 teambuilding social event for RCMP members following, I think, a day of training. And
16 further, that the member in question didn't deny the allegations but said that he was
17 "blackout drunk" at the time.

18 SIRT investigated and found that there were grounds to lay criminal
19 charges of sexual assault against the member. Then the two female complainants
20 decided that they didn't wish to pursue criminal charges. The matter was then referred
21 to the RCMP Conduct Board, and the Board's decision was to dock Constable -- the
22 constable in question 35-days pay, directed that he was ineligible for promotion for two
23 years, and ordered him into alcohol abuse counselling.

24 Then retired Commanding Officer Bergerman appealed to you,
25 arguing that the constable's actions met the definition of sexual assault, and he should
26 either resign or be dismissed, and your decision released last month was that you were
27 not going to interfere with the Board's ruling.

28 So that was kind of a longwinded background question. I just want

1 to give you the opportunity to speak to this because, certainly, I would say that an
2 argument in this submission could be made that this is a demonstration that it's just
3 same old, same old with the RCMP, nothing's changed.

4 **COMMR BRENDA LUCKI:** Your facts aren't exactly true.

5 The Commanding Officer doesn't appeal to me. They make an
6 appeal to the Board; the Board made a decision on the dismissal. So it goes through
7 the conduct process. It went to a Board, the Board -- the member was up for dismissal.
8 They do the aggravating/mitigating, they make their decision. They made a decision
9 with all of those sanctions, as you said. And then the Commanding Officer appeals that
10 decision.

11 **MS. JANE LENEHAN:** To you.

12 **COMMR BRENDA LUCKI:** No, it goes to the ERC.

13 **MS. JANE LENEHAN:** Okay.

14 **COMMR BRENDA LUCKI:** To the External Review Committee,
15 which is external to the RCMP, and they appealed the decision.

16 The ERC makes a decision on the appeal, and if there is an error in
17 process in that appeal. And they made the decision that the decision was proper; the
18 decision of the Board.

19 And so then it comes to me to decide if there has -- if the ERC is
20 incorrect or if they, in fact -- if there was errors in the decision-making and I don't agree
21 with the of the ERC. So my role is to take the ERC's decision on the Board's decision
22 and decide if there was any errors, and I found there to be no errors in the decision-
23 making process. It's all different obviously labour law. I didn't make the decision in
24 isolation, of course, the decision is reviewed at -- you know, I go to my subject matter
25 experts.

26 Our sanctions and our code of conduct is based on a -- it's not
27 based on punitive measures, it's based on reform measures, that's part of the labour
28 laws or labour concepts. In this case, the sanctions that were given, and given -- were

1 given based on, like I said, aggregate -- aggravating versus mitigating circumstances. It
2 wasn't a decision that I took lightly. I -- there was no error in the decision-making, and
3 therefore, I agreed with the external review committee's decision on the appeal to the
4 board's decision.

5 **MS. JANE LENEHAN:** Do you have any concerns about what that
6 says to female members of the RCMP?

7 **COMMR BRENDA LUCKI:** Absolutely. And when I think of zero
8 tolerance, I think zero tolerance does not specifically or always mean dismissal. It can
9 mean some of the -- some of the discipline that was given, if in fact there is an ability for
10 rehabilitative assistance to a member, if... Like I said, I don't have all the decision in
11 front of me, but from what I recall there was a lot of mitigating circumstances in this
12 particular case, and there wasn't an error in the decision-making.

13 **MS. JANE LENEHAN:** Can you speak to what support, if any, was
14 provided to those two female members?

15 **COMMR BRENDA LUCKI:** Sorry?

16 **MS. JANE LENEHAN:** Can you speak to what support, if any, was
17 provided to the two female member complainants in that case?

18 **COMMR BRENDA LUCKI:** Not specifically.

19 **MS. JANE LENEHAN:** Okay.

20 **COMMR BRENDA LUCKI:** That would have been done at the
21 divisional level.

22 **MS. JANE LENEHAN:** Thank you. Those are ---

23 **COMMR BRENDA LUCKI:** You know, it's something -- I just want
24 to say, it's something -- you know, this is not something I take lightly, and I can say that
25 as a female member, and I can say that as a -- with a 36-year history in my
26 organisation, and I can say that with history as a female before I joined the RCMP. It is
27 not something that I take lightly, and it's something that's really near and dear to my
28 heart, and something that I follow, you know, I follow what the process is. I don't always

1 agree with sometimes the process, but it's something that is not -- it was not an easy
2 decision to make, and I hope I never have to make the decision again because you
3 grapple with all of the legalities of the decision and you grapple with the moral part of
4 the decision, and those two things don't go together often in cases like this.

5 So my commitment to my organisation is to modernise our conduct,
6 modernise our conduct. So this is why I've asked for a full review, an external review
7 that I referred to earlier on all the conduct measures. This is where I have to put my
8 fight. This is where I have to make the changes in my organisation.

9 And so there has been some major bold recommendations in the
10 sexual misconduct that's been done so far, things that we did not have in our repertoire.
11 And so that's where I'm going to put my fight, and we're going to do the rest of the
12 sanctions, and that is again where I'm going to put my fight, changing the process so I
13 don't have to grapple with the legalities and the moralities of all of this.

14 **MS. JANE LENEHAN:** Thank you, Commissioner, those are all of
15 my questions.

16 **COMMR BRENDA LUCKI:** Thank you.

17 **COMMISSIONER MacDONALD:** Thank you, Ms. Lenehan.

18 Ms. McMillan?

19 **--- CROSS-EXAMINATION BY MS. KELLY McMILLAN:**

20 **MS. KELLY McMILLAN:** Good afternoon, Commissioner. My
21 name is Kelly McMillan, and along with my colleagues, Nasha Nijhahawan and Jaime
22 Burnet, I represent the National Police Federation.

23 As you know, the NPF is a union representing RCMP members
24 below the rank of inspector, including approximately a hundred members who
25 responded operationally on April 18th and 19th, 2020, and who were involved in the
26 subsequent H-Strong investigation.

27 The NPF's members remain deeply and directly affected by the
28 mass casualty and the events that followed, both from their exposure to trauma related

1 to the mass shooting and from the loss of their friend and colleague. And the NPF has
2 heard from many of its members who feel that they have not heard enough from you in
3 terms of public statements in support of them and in support of their efforts, and that
4 they have not heard from you directly when they've needed it the most over these most
5 difficult two-and-a-half years.

6 And this support from their leadership is badly needed, and it's
7 sorely missed. And I know that many members are watching these proceedings today
8 to hear what you have to say. So on their behalf, the National Police Federation would
9 like to ask you to share with the Commission anything that you feel that the members
10 who responded to these events and who have mourned the loss of their colleague
11 deserve to hear from you as Commissioner of the RCMP about their service in
12 response to the mass casualty.

13 **COMMR BRENDA LUCKI:** I can't -- I can't imagine what our
14 employees and our members went through on that night. I can't imagine, now looking
15 back, how helpless some of them may have felt in trying to, like I said, using their
16 experience, their knowledge, their training and the facts before them, responded.

17 When I saw pictures of the Portapique area and what they were
18 walking through, it sent shivers up my spine, and the fact that they were walking, as
19 pointed out today, 9, 10 kilometres towards danger, thinking that they were actually
20 walking towards the perpetrator and were prepared to walk towards that threat, that to
21 me is sure heroism.

22 Is it reflective in the results? I'm sure, as we've heard in many of
23 the testimonies, or many of the questions, many feel we did not meet their expectations.
24 There's always things we can do better, and each and every one of those members
25 went into that call to do the best they could, putting themselves before others, and that's
26 all I can ask from those members and those people that supported them.

27 We will look at this incident. We will, of course, look at the things
28 that we can do better, but that doesn't change the trauma. Actually, all of this just adds

1 to the trauma of what they went through. To put their best foot forward and to be
2 criticized and to look at it from a, you know, hindsight, oh my gosh, if we had hindsight
3 you wouldn't need police, ever, and to hear the criticism in those first days made me
4 sick to my stomach, and if it made me sick to my stomach I can only imagine how they
5 felt.

6 Because many of them, born and raised in Nova Scotia, many of
7 them wanted -- many of them are part -- they're part of the community whether or not
8 they're born there or not. They're part of the community, they know people, they know
9 many of the people that died, they know the families and the friends of families that
10 have been affected, they lost one of their own, another got injured.

11 I don't know how we get through this. we're going to do the best we
12 can. I'm -- I'm hoping to god that everything that we have in place to assist all of these
13 employees will help them get through the other side of this. There is so much resilience
14 that's been shown by the membership so far.

15 And you know, it's interesting, we talk about H-Strong, and I'm
16 telling people because I was at -- at a -- somebody who deals with crisis management,
17 you don't have to be strong right now. If you need help please go get help. Don't feel
18 that you have to be strong and that you have to be a certain way. Don't suffer in
19 silence. We have worked far too hard to get rid of the stigma of traumatization and
20 mental health. We'll be there for you whatever you need. I want that message out to
21 everybody that get the help that you need.

22 We need to make things better so that they won't struggle with a
23 response, so that -- but I also want to say there was a person who killed 22 people, a
24 heinous crime, a highly-motivated person that was there to do harm, who actually did a
25 lot of planning. Could we have figured that out beforehand? Maybe we could have
26 figured out parts of it. But if somebody is that highly motivated to do harm, we use the
27 response we have, but it -- it doesn't always work.

28 If somebody wants to kill somebody, they can kill somebody, and

1 that's unfortunate.

2 And so I really think that they have done extremely well under the
3 circumstances. I think the aftermath has been worse than the -- in some ways in the
4 days following, and I'm really proud of our members and our employees and I'm proud
5 of what they've done. And I'm not saying -- and my message to the families, I'm not
6 saying we're perfect. We are not perfect. We will always try to do better.

7 I think that before this incident, I think Nova Scotians had trust in
8 their RCMP. I think they believed in their RCMP, and this incident has shattered that
9 trust for many, but my message is, I hope that one day in your heart you can find
10 yourself to find some trust. I know it's not going to be easy. It's not something -- it's
11 something that we have to earn.

12 It's not something that we have and hold forever, but I know that
13 the members in Nova Scotia are committed to that. They're committed to the
14 community. They're committed to Canadians. They do not want to see anything like
15 this ever happen again.

16 And I -- I think that, you know -- I think one of the things that was
17 sad was people were scared -- it's pretty hard to talk about the good work that your
18 members do when 22 people die, and a lot of criticism. And when we look back with
19 hindsight, there are things that, yes, we could have done better.

20 And it's hard to come out in front of that without offending
21 somebody and saying how proud you are of your members and trying not to rekindle a
22 negative narrative. So sometimes you think, well, I'm going to pick up the phone and
23 I'm going to talk to that member, I'm going to say something to them.

24 And I should have been out there a lot earlier. That I can -- I can't -
25 - I can't go backwards. I can say there was all kinds of reasons, but I should have been
26 on the ground. I played too close to the -- I followed the rules. I shouldn't have been
27 following the rules. I should have been there to support our membership, and I really do
28 apologize for that.

1 And it's not because I wasn't thinking about them. It wasn't -- I was
2 doing everything behind the scenes that I could to make sure that they were supported.

3 And I really want them to know that I am proud of each and every
4 one of them.

5 I'm going to stop there.

6 **MS. KELLY McMILLAN:** Thank you very much, Commissioner.

7 I just have one follow-up. What can make -- what commitment can
8 you make to the members of the RCMP on behalf -- or what commitment can you make
9 to the members of the NPF on behalf of the RCMP that they will be safer and they will
10 be better prepared the next time they're asked to serve in a major incident where their
11 lives are endangered as occurred in this incident?

12 **COMMR BRENDA LUCKI:** Well, first, nobody -- on those 22 lives,
13 nobody should die in vain and each and everything that we can improve, whether it's
14 tactical, equipment, training, communication, relationships with other police agencies,
15 containment, evidence gathering. You know, I wrote a bunch of lists down. All of those
16 things. Anything that we can do to make that response better, stronger, more efficient
17 and provide the tools and the training that our members need, God forbid, to deal with
18 another one of these heinous crimes, I am completely committed to that.

19 And I think we have shown over the years a lot of the things that
20 we've brought forward with various different tactical training, equipment and training,
21 tactical responses.

22 And I still think that our -- part of our response when we talk about
23 things, we have to go back to basics with our community policing, which our members
24 do exponentially and do very well, and that's how we connect to the community. That's
25 how we might save a life of a person who's in a mental health crisis. That's where we
26 might have connected with somebody who was ideologically motivated and turned that
27 motivation into violence. That's part of our -- of who we are, and we do that very well,
28 and we have to continue to do that because I say anything to extreme, if we become too

1 tactical or if we become too orientated towards community policing, we need the
2 strength to find the balance to do both.

3 Members and employees of the RCMP have my commitment that
4 these recommendations, any of the ones that we can implement, we will implement.
5 We will track them, we will communicate them, we will assign timelines, we will -- not
6 only do the members and the employees deserve that, everybody in this room deserves
7 that. Every family member, every friend of a victim, every lawyer that's representing the
8 families, all Nova Scotians, Canadians because it's not about -- for me, it's bigger than
9 Nova Scotia because this can happen anywhere.

10 So the lessons that we learn here will affect all Canadians and all
11 police agencies across the country. My commitment to your question is I'm fully
12 committed to making it so that the members have a more effective response so that we
13 can stop someone from doing what they're doing.

14 **MS. KELLY McMILLAN:** Thank you, Commissioner. I have no
15 further questions.

16 **COMMR BRENDA LUCKI:** Thank you.

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

18 Ms. MacPhee.

19 **--- CROSS-EXAMINATION BY MS. PATRICIA MacPHEE:**

20 **MS. PATRICIA MacPHEE:** Thank you.

21 Good afternoon, Commissioner.

22 **COMMR BRENDA LUCKI:** Good afternoon.

23 **MS. PATRICIA MacPHEE:** As you know, I'm Patricia MacPhee
24 with my colleagues, Lori Ward and Heidi Collicutt. We represent the Attorney General
25 of Canada.

26 It's been a long day, so I'm going to try and be brief, but bring us
27 back to the issue of recommendations coming from this Commission. We're really
28 going to pick up where Ms. MacMillan left off just a moment ago.

1 How can the Commission be sure that the recommendations they
2 make in this inquiry are realistic and capable of implementation? Is there anything you
3 can share on that issue?

4 **COMMR BRENDA LUCKI:** Yeah, I mentioned it a little bit
5 yesterday. You know, if things are very granular, if they're very specific, sometimes it's
6 difficult. So I've used the example with the Bastarache report and daycare. You know,
7 instead of saying daycare, how can we help shift workers. So making it so that we will
8 figure out the how. You figure out what the issue is and we'll figure out how to correct
9 that.

10 But obviously, there's going to be reference to certain things that
11 have come out of these testimonies, so it doesn't have to be so high that nobody really
12 even knows what it means. It's just sometimes when it's too prescriptive, it makes it
13 difficult.

14 And I have found -- we have several review bodies, and the review
15 bodies that come to us with a draft of their recommendations, usually those
16 recommendations are far more stronger than if they're not. And nobody here is trying to
17 influence the recommendations. They're just trying to make it so that, together, we can
18 make viable, we can make meaningful change.

19 I've had review bodies who haven't done that and they've actually
20 brought in recommendations that aren't even our responsibility, something that we've
21 already tried and failed on for good reason. So it's not to influence. We do not want to
22 influence the independence of the Commission. We only want to assist in making the
23 best recommendations to make the best change to make Canadians safe.

24 **MS. PATRICIA MacPHEE:** And does the ability to implement
25 some recommendations come down to funding? How does that play into this?

26 **COMMR BRENDA LUCKI:** Absolutely. There's a few things. It's
27 funding, it's technology, it's legislation, it's contradictory to policy. Things -- it doesn't
28 mean that things can't happen, but there's usually some conditions to it. So if

1 somebody was to say, and I know my union people will smile, if they came up with the
2 recommendation that there needed to be two to every vehicle after 7:00 o'clock at night,
3 nobody can afford that right now. It can't be afforded. But how can -- how can we
4 increase our capacity? How can we know what our capacity should be in any given
5 place? We have the police resource methodology, but you know what? It's very labour
6 intensive. We can only do a couple a year. Is it completely accurate? We have the
7 unfair advantage, compared to our municipal counterparts, who can very easily do it
8 because their responses are with a small geographic area. When our members press --
9 I always use the example when Toronto Metro presses their emergency button on their
10 radio, they would get 17 people -- 17 cars with 34 people in 17 seconds. In areas we
11 police, somebody nobody hears that button because of the bandwidth or because of the
12 lack of connection. Sometimes backup is an hour away. ERT teams are down south
13 and need to get to another area. We can't have two ERT teams in a small province. So
14 how do we make up for that difference?

15 And we are so effective at making up for those differences,
16 because if you look at our ratio of police to population, it is the lowest of anybody. We
17 are the least expensive, we are the least resourced. So of course things come down to
18 money. And so sometimes we just can't do things because we don't have the money.
19 And money means maybe we need -- like, changing the ERT team from a six-person
20 full time ERT team to an 18-person full time ERT team, that is expensive. And the
21 training that goes along with that, that's an expensive venture. It should be non-
22 negotiable, but can provinces afford that? Can Nova Scotia afford that? We're making
23 it work and sometimes we make it work on the backs of members. So we don't have
24 enough resources.

25 And today somebody was talking to me about overtime. We
26 supplement resources with overtime. That sounds great. It's good for the paycheck in
27 a temporary measure, but it burns out the members. We need members that are crisp,
28 clean, clear to work their shift. And we don't have enough resources.

1 We've had many studies that said the RCMP is not resourced or
2 funded to do everything that we're asked to do. People question our model. Our model
3 is the envy of most all police agencies outside of Canada because the ones in Canada
4 we work with. The fact that we have the flexibility to move entire people to the fire in
5 Fort MacMurray, and to the manhunt in Manitoba, and resources to Nova Scotia during
6 this mass casualty, yeah, were they on the ground during the actual tactical response?
7 Maybe not. But did they relieve the members who couldn't work another second? Yes.

8 When we had Heidi Stevenson's memorial, it was important that the
9 people from OCC went to the memorial. How can we do that? We need people in the
10 OCC. We were allowed -- we could bring people in from another division and cover that
11 off.

12 So we do the best we can with what we have, and we have a great
13 model. We just need to make sure that we're funded for it.

14 And so yeah, some of these recommendations will cost money.
15 Technology is crazy expensive.

16 **MS. PATRICIA MacPHEE:** And I would imagine from what you're
17 saying that that kind of feedback would be important for the Commissioners to know
18 when they're developing the recommendations, where it comes down to, like, provincial
19 funding, municipal funding, you know, and the ability for these various
20 recommendations to be put in place. It seems like there's going to have to be an
21 interplay of many parties in making them a reality.

22 **COMMR BRENDA LUCKI:** Absolutely. Because if you say
23 something and you expect the federal government to take care of that, it might not be
24 the federal government's responsibility. It might be under the provincial contract. It's a
25 contractual obligation.

26 So we have to make sure that we're not putting in
27 recommendations that contradict legislation or contracts. But it's not to say -- those are
28 not -- they're not impediments. They could be delays, especially when you talk about

1 timelines and technology. My goodness, things do not happen overnight. And people
2 say, "Oh, you know, that's an impediment for the RCMP." Well when you're rolling out
3 20,000 body-worn cameras, it's not Truro Police, where you might roll out 50, or
4 however many. This is a huge contract. And so when we do those things, we're very
5 effective, but it's a lengthy process.

6 But we also include everybody around us so they don't have to
7 reinvent the wheel, and allow them to jump on our contract.

8 So having timelines, sometimes, on recommendations sometimes
9 are restrictive. And we'll know if we can get that done in that time, not because of a
10 willingness, there's not a lack of willingness. It's finances or resources.

11 **MS. PATRICIA MacPHEE:** Okay. And just one final question,
12 because it was raised by some of Participants' counsel. Would you expect all of your
13 members on the ground to know how various recommendations from various inquiries,
14 such as even the MacNeil Report, or Mayerthorpe, have actually been implemented
15 practically? Would you expect them to have that knowledge?

16 **COMMR BRENDA LUCKI:** No, I wouldn't. I wouldn't even expect
17 them to all read reports.

18 What's important, and I can use the example of, okay, let's say in
19 the MacNeil Report, hard body armour was a recommendation. I don't need them to
20 say, "I'm wearing hard body armour because of the MacNeil Report." I need them to
21 say, "As soon as I get to this type of call with this type of threat assessment, I need to
22 stop my car, I need to open my trunk, I need to put my hard body armour on to keep
23 myself safe so I can keep Canadians safe." I don't need them to know that Mr. MacNeil
24 made that recommendation.

25 But in some cases, when we're trying to evoke change, there's a
26 whole why factor when you're leading change. Sometimes you have to tell them why.
27 Sometimes it's because of a mass casualty in Nova Scotia, or it's because of
28 Mayerthorpe, because maybe it's something that's not easily acceptable and they'll

1 scratch their head and say, "Why are they making me doing this? "Well, this is why
2 we're making you do this."

3 But I can tell you, anything to do with tactical equipment,
4 technology, uniform, kit, training, you will never get members questioning anything on
5 the operational side. We can never, ever, ever give them enough of that. And they beg
6 for it. And we have to prioritize, including our IT and what we do on the technology side,
7 because there is some incredible technologies out there, but they're very expensive. So
8 we have to prioritize what we can and cannot do.

9 So what -- and it's not just about us. If we're rolling out 18,000
10 platforms of ATAK, it's not the Federal Government paying 100 percent of that. It's
11 Nova Scotia paying 70 percent of that. It might be St. Albert paying 90 percent of that,
12 depending on the contract.

13 So we can't just arbitrarily say, "Yes, let's do this," because we
14 have to make sure the people who are funding that have the ability to fund that. Maybe
15 they say, "Yes, we can in fact do that, but we need three years." Okay. So that would
16 affect a recommendation. As much as we would like to snap our fingers and say, "Yes,
17 we want that," we might have to roll it out in a phased approach. Maybe we do the
18 research one year and give them the ability to have time to put money aside.

19 **MS. PATRICIA MacPHEE:** Okay. Just one last question. Is there
20 anything you thought you'd be asked about here today that hasn't been covered that
21 you think is important for the Commissioners to know?

22 **COMMR BRENDA LUCKI:** No, I did think there was some things
23 that got a lot of attention that were probably not going to change anything on the
24 ground, and that's just my own personal opinion, obviously.

25 I'm really -- I'm glad to see the families here, because then for me,
26 it means everything resonates far deeper. To be in a room, or doing it virtually, or being
27 somewhere else wouldn't resonate. It -- obviously I'm still committed, but it doesn't
28 resonate as deeply to see the faces of families and to see the pain, and just to try to

1 walk a mile in their shoes.

2 I can't imagine -- this has been the longest inquiry I've ever seen,
3 but it's a big event. And I can't imagine the responsibilities of the Commission. I can't
4 imagine the pressure or the weight that they are feeling, because I'm looking in this
5 room of the commitment. I'm looking at all the lawyers who are going to hold us all to
6 account in this, and rightfully so.

7 And I did want to apologize to, and I forget your name, I was losing
8 a little patience with your questions yesterday.

9 But holding us to account is super important.

10 I think too that I want to apologize for the RCMP, but, you know, in
11 such a way that we weren't what you expected us to be, and I don't think we were what
12 you wanted us to be or what you needed us to be. And I wish that we could have been
13 more and we could have been different and we could have predicted and we could have
14 had more hindsight, we could have had a lot of things. But I still think that it was
15 extremely heinous. It was -- I've never seen anything like this. I have 37 years of
16 experience. I read up on all kinds of immediate, you know, active shooters. And if
17 anybody ever thought this would happen in Nova Scotia -- nobody could predict this.

18 And so we have to make sure we get this right. And there's a lot of
19 -- we have to make sure those recommendations will help us.

20 And there are a lot of things that maybe we can't do, and maybe
21 with the push of the Commission, we can. And so that's the type of thing I think I
22 challenge in the sense that we tell our story, but we're not -- we don't own a contract.
23 It's public safety. We're the service delivery people. We don't own the contracts, we
24 don't tell the provinces what they can spend their money on, we try to present the best
25 case we can. But I think if there's recommendations to be had that help us tell that
26 story, I'm there. And we have to make sure we get this right. Thanks.

27 **MS. PATRICIA MacPHEE:** Thank you.

28 **COMMISSIONER MacDONALD:** Thank you, Ms. MacPhee.

1 And thank you, Commissioner Lucki. Those are all the questions
2 that the various counsel for the various Participants have. But the Commissioners will
3 have some questions for you, so would you like to take a break, a brief break now, or
4 would you like to continue on?

5 **COMMR BRENDA LUCKI:** Just a quick ---

6 **COMMISSIONER MacDONALD:** Yeah. We'll take 10 minutes.

7 Thank you.

8 **COMMR BRENDA LUCKI:** Thank you.

9 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
10 proceedings are now on break and will resume in 10 minutes.

11 --- Upon breaking at 3:46 p.m.

12 --- Upon resuming at 4:08 p.m.

13 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
14 proceedings are again in session.

15 **COMMISSIONER MacDONALD:** Thank you.

16 Ms. Young, I presume you have no follow up questions, do you?

17 Thank you.

18 We'll have the witness come back.

19 Thank you again, Commissioner Lucki. Commissioner Fitch will
20 begin with some questions for you.

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

22 **COMMISSIONER FITCH:** Good afternoon, Commissioner. It's -- I
23 appreciate you being here for the last two days and recognize that it's been a long haul.

24 I do have a few questions for you today, and my fellow
25 Commissioner Stanton as well.

26 A number of my questions have been asked thus far by some of the
27 Participant counsel, so I recognize that some of the answers that you're not able to
28 provide us are because you do work at a higher level of the organization and, you know,

1 don't necessarily know all the nuts and the bolts at the ground level. And so with that in
2 mind, some of my questions will be posed to you from that height, I guess.

3 I'm going to start, first off, with a question that has been asked a
4 few times over the last couple of days around barriers to change and your reply that you
5 don't feel that culture is necessarily a barrier to change. And keeping in mind that the
6 mandate that you've been given as Commissioner is to change the culture of the
7 organization. We know that there have been several reports and reviews over a series
8 of years, some things that have been successfully implemented, changes that have
9 been made, and others that haven't taken hold.

10 I wonder if you can help me reconcile how it is that you anticipate
11 engraining Vision 150 in all that that encompasses without making changes in the
12 culture itself? I'm having difficulty reconciling that.

13 **COMMR BRENDA LUCKI:** Yeah, it's something that we talked
14 about when we brought out Vision 150 and having the -- you know, it put under those
15 four pillars. And our basis was, if we invest in our people, our people will be better,
16 which will make Canadians safer. And that was sort of the basis of it. But when we
17 look at things obviously from the Bastarache Report, there was, you know, that culture
18 of not wanting to come forward, or when we talk about member wellness and people not
19 wanting to admit they need help.

20 So these are all things as part of our culture. And I look at now -- I
21 look at some of the viable changes. I was in a town hall in Nova Scotia, for example,
22 and one of the participants, one of the regular members, put their hand up, went into a
23 story about her PTSD and some of the medications and how she was retiring but she
24 was coming back as a reservist. And she said, "I just don't see the change." I said,
25 "The fact that you can say that out loud and nobody flinched, nobody giggled, nobody --
26 you know, everybody just nodded." I was -- I said, "That's change." Because before,
27 we would have different reactions. People would kind of roll their eyes, people would
28 start whispering. There was none of that. There was a lot of head nodding. That's one

1 tangible example.

2 But I think of things like the increase in when we brought in the
3 Independent Centre for Harassment Resolution, and there was an increase in reporting.
4 That's good. It doesn't mean there's more harassment, it just means that more people
5 feel free to come forward and report.

6 So all of these, you know, changing the ability -- and changing from
7 the top. So I look at my senior executive committee, I look at the conversations that we
8 can have, I look at the fact that it's -- you know, people are free to say things that, in my
9 day, I was never free to say. I look at the diversity, I look at the gender parity, I look at -
10 - that in itself. And every time we do a board for a selection, we make sure there's a
11 woman. We make sure there's somebody from the BIPOC community. We make sure
12 that there is that diversity, because those are the people that are going to look at the
13 selection. So to make sure that, you know, we have people looking at that.

14 Bringing in race-based data. If you had told me that we were
15 bringing in race-based data five years ago, I would have said there was no way. And
16 our culture would have said, "We can do this."

17 What did we do? We brought in an expert from Toronto Police
18 Service who rolled it out at Toronto Police Service, and now she has come to us for two
19 years, well, we're extending her for another two years, and the opportunity that you
20 have.

21 I look at the things that we've done in reconciliation. I look at the
22 relationships on the ground. It doesn't always translate when I'm in the world of Ottawa
23 and nothing seems to resonate. But when I go outside those -- that -- those borders
24 and I see the changes and I see the fact that, you know, communities are -- two days
25 ago they had -- or a week ago they had a blanket ceremony for our members for what
26 they did for guns and gangs in their communities. I would have never seen that. And
27 the fact that they're appreciating the work, the fact that they're working with the RCMP
28 instead. These are all cultural changes. These are examples that I can think of off the

1 top of my head.

2 New generations. New generations want a more sophisticated,
3 they want a more diverse, they want a more inclusive, and a more tolerant organization.
4 They won't accept anything less. So if we're going to attract people in, we have to be
5 that and have a good process to bring people in, which is a big work we're doing in
6 recruitment, but people have to be able to see themselves in our organisation so they'll
7 stay. So we're doing a lot of work on retention and all...

8 So it's -- there's many, many initiatives. And I'm so confident. I get
9 emails. I look at when I first became Commissioner and the tone of the emails and the
10 anger and the pessimistic type of tone. The emails I get now are very optimistic. And
11 so I feel very encouraged and feel very confident that we are able to make these
12 changes.

13 **COMMISSIONER FITCH:** And I do want to say that after 36 years
14 in policing, as you have, that your optimism and commitment is certainly noteworthy.
15 And to that point around cynicism and pessimism and optimism, you had mentioned in
16 your testimony today and in your interview with Commission Counsel that you feel that
17 there's good engagement, that there has been good input from the membership, that
18 you're open to hearing ideas, and presumably those who surround you are open to
19 those ideas and input as well. And you also talk a lot about measurement.

20 And so where I'm going with this is how are you able to measure?
21 How do you kind of capture in a bottle that enthusiasm and that engagement and that
22 optimism in your organisation when we look at organisational cultures, and all the
23 dynamic pieces of that, tradition, agendas, personal agendas, different motivations,
24 different goals and aspirations, competing interests? So how is it that tangibly, as an
25 organisation, you are able to, like I say, capture in a bottle what the actual degree of
26 engagement and enthusiasm is? And I ask that as it relates to the trust in where you're
27 getting that information and where you're getting that feedback.

28 **COMMR BRENDA LUCKI:** No, that's a great question, and the

1 first thing that I thought of when you said that was well first of all, we do a survey every
2 year of all employees that asks a lot of those questions, like, things like "I can do my
3 work during my work time." "I trust my manager will take my concerns seriously." All
4 these little gauges. There is some that have gone up, and recently there are some that
5 have gone down. And so what we do -- where we have fallen short on the survey that
6 I'm really pushing the envelope on is the analysis.

7 So if in fact somebody -- the number of people who feel that they
8 have experienced harassment at work, let's say it goes up, what does that mean? Is it
9 one area of the country that went up so exponentially that that changed the numbers?
10 Is it all across the country? Because if it is one part of the country and there is one
11 District Officer or one Commanding Officer who is causing grief, then I need to know
12 that. So I need the analysis, so we're really working hard on better analysis of the
13 survey.

14 We also gauge things like codes of conduct, the types of codes,
15 what are the -- we do a lot of statistics on -- and the analysis on that. We do analysis on
16 the public complaints to see where that is landing. Members off duty/sick, is that
17 increasing? And exit interviews, we get a lot of great information off of exit interviews
18 from members who leave. We do full -- they can do a survey and then we also do a
19 face-to-face interview.

20 So these are the things off the top of my head, but there is -- I think
21 there is more that we're doing, and I just can't think of it, but these are all gauges. The
22 survey is a big one, though, because we really can see how things change, especially in
23 a big organisation.

24 **COMMISSIONER FITCH:** Thank you, and we've heard a lot as
25 well over the last few months, and in the last couple of days, about various reviews,
26 reports, recommendations for change, and we know some have been taken up, and
27 then we also know that some great ideas, some initiatives, we talked about the C3
28 report the other day, don't get communicated, don't get shared, don't get actioned.

1 So my question on some of the examples that you just provided,
2 what is your Senior Command Team and those around you doing to make sure that that
3 feedback is being taken in, passed on to you, so that you can make informed decisions
4 in your leadership?

5 **COMMR BRENDA LUCKI:** Well, first and foremost, from the top
6 down when we have our senior management teams, for example, we're really -- and we
7 have weekly meetings, we're really big into giving the Commanding Officers the
8 communications so that they can communicate down.

9 We also -- and these are small things, and they sound like they're
10 not important, but before when I used to go to these meetings I wouldn't get the agenda
11 or the items until they were all table-dropped. And I said, "How can you get feedback
12 from your people when you come to these meetings if they don't have this -- the items in
13 advance?" So we make sure that the COs get the items well in advance so they can
14 actually have the conversations with their management team, get the feedback, and
15 bring it up because I just don't want to hear from the COs, I want to hear from their
16 team.

17 So making sure -- we often will reach out, we -- in my meetings with
18 the COs, we have co-chairs and they're usually COs, and we have a bunch of tier
19 committees. We have a Management Committee, we have an Operational Committee,
20 we have a -- and I don't remember all the -- there is four of them and I'm drawing a
21 blank on the two others. And these are made up of the various Commanding Officers
22 that they can feed into it.

23 So we used to have -- and we also have the National Criminal
24 Operations Committee. So that's a lot of the Operational things.

25 That feeds into that, it comes up through into the Senior Executive
26 Committee. And so they hash it out, they work it through, they roll up their sleeves, they
27 work on what should be brought up, and when it's been consulted with, and all the
28 players get a chance to have their say and feed into it, then it gets brought up. Before

1 we used to bring everything down and say, "What do you think?" "Check." Back up.
2 We're asking them to create it from that level and bring it up and so then it's -- now we
3 know that where they're at.

4 And if we -- if it comes to us and we go, "Gee, is that -- I don't know
5 about that", we'll bring it back down and ask them that question. Say, "Why -- why did
6 you get to this?", because we were thinking differently, let's say, and it'll go back down
7 to the committees and they'll work through it.

8 We've changed -- we've brought in some key players from the
9 outside of the RCMP in a civilian capacity to really work on our governance because we
10 felt that that -- there was a lot of work that needed to be done. I know, like for example,
11 our Chief Policy and External Relations Officer, she has been in the RCMP but she's
12 also been in government working on, you know, she worked on this years ago. Our
13 Chief Financial Officer, somebody who's never been in the RCMP, so there's a different
14 way of doing things.

15 So just having that diversity of experience and bringing in people
16 from other police agencies. We just brought in the Chief of Waterloo Police, who was
17 the previous President of the Canadian Association of Chiefs of Police, Brian Larkin.
18 Huge, huge difference in the way he looks. And he's taking care of -- in our
19 organisation we provide policing services to several of the -- all of the policing agencies,
20 and he was a receiver of that service, so now he is overseeing that, and he has a
21 connection with all the police agencies via his role as President. So it's just doing those
22 changes to make the flow of information go back and forth.

23 **COMMISSIONER FITCH:** Thank you, and you've actually
24 answered part of my next question. As new Command -- Commissioner, you no doubt
25 created your Senior Management Team and changed processes. You talked earlier
26 about in your career about going and changing up even the setup of the table to make it
27 more collaborative.

28 And I'm wondering, in terms of your meetings with your

1 Commanding Officers from coast to coast to coast how often you would meet with
2 them? How do you, and we've talked about communication, how you would
3 communicate and impart your direction and vision to them, which is one part of the
4 communication? But how are you being assured that those directions are being
5 followed?

6 **COMMR BRENDA LUCKI:** That's a good question. We meet --
7 we used to meet every week on Wednesdays. We lead this every other Wednesday for
8 special meetings, so we meet every second week. But we have four, three day
9 meetings a year. And before that meeting, the Cos have a caucus and they go through
10 all the issues and they work through all the issues and then we have a half day during
11 the senior management team meetings to work through those issues.

12 We also include our union in that. I do meet, obviously, with the
13 unions on a quarterly basis and get a lot of the information, the word on the street, so to
14 speak, so that feeds up.

15 I forgot to mention that when we do these -- the senior executive
16 committee meets twice a week as well, and that's the -- all the people. The business
17 lines plus the Commanding Officer of BC and the Commanding Officer of Alberta are
18 part of the senior executive committee.

19 Any of the decisions that are made in any of those forums, they're
20 actually put on our inside website for people. I think even sometimes on the outside,
21 but for sure on the inside. And just the number of hits that have increased on that alone
22 tells me that people are engaged because they want to know the decisions that the
23 senior executive committee and the senior management team are making, and so we
24 can count the number of hits on that.

25 And so people are reading what's being done at the top so that they
26 know, and we're expecting, at the end of these meetings, they are given a one or two-
27 page communication so they all give the same message back down when they go to
28 their divisional executive committees.

1 If there's anything that needs to be done, that needs to be tracked,
2 we will track it instead, instead of just asking and coming back. We also use the -- their
3 performance agreement to put big-ticket items on when we wanted to -- for example, if
4 we want to decrease leave liability, we will put that as a measure on their performance
5 agreement, which is reported on at the end -- mid-year and at the end of the year.

6 **COMMISSIONER FITCH:** Just on that topic of performance
7 measures, would financial accountabilities be part of that?

8 **COMMR BRENDA LUCKI:** Most of the financial accountabilities
9 are done -- of course, we keep an eye on all that, but it's more with their provincial
10 because their budget comes from the province. It's obviously topped up at the 30 or the
11 10 percent from the feds, but budget accountability is mostly done with their -- with their
12 Deputy Minister of the policing portfolio.

13 **COMMISSIONER FITCH:** So their Commanding Officer's ability to
14 manage their finances within their area of responsibility or their province would not be
15 something that would be tracked on their performance?

16 **COMMR BRENDA LUCKI:** Yes.

17 **COMMISSIONER FITCH:** It would be?

18 **COMMR BRENDA LUCKI:** No, it's not tracked on their
19 performance. Each and every one of their financial officers report to the Chief Financial
20 Officer.

21 **COMMISSIONER FITCH:** Right.

22 **COMMR BRENDA LUCKI:** So it's not a -- they're not on their own.
23 Each of those financial officers at the divisional level report through to the Chief
24 Financial Officer so that that's how they keep track of -- and of course, we get very
25 regular reporting from the Chief Financial Officer and they provide that to the
26 Commanding Officers as well.

27 **COMMISSIONER FITCH:** Now, I understand that the
28 Commanding Officers have a certain degree of autonomy within their divisions to meet

1 local and provincial needs while being aligned with the national responsibilities that they
2 have. And I'm to understand that they are direct reports to the -- your Deputy
3 Commissioners.

4 **COMMR BRENDA LUCKI:** Some of them, yes. Some of the -- the
5 two Deputy Commissioners are direct report to me. The Chief Superintendents report
6 to the Deputy Commissioners and the Assistant Commissioners -- sorry, the
7 Operational Deputy Commissioners, and the rest of the Assistant Commissioners report
8 to the Deputy Commissioner of Contract and Indigenous Policing.

9 That changed because it -- when I got in the chair, they all reported
10 to me and I had, I think it was, 42 direct reports when I got in the chair and I couldn't do
11 that, so I don't think they -- they still have a dotted line to the Commissioner because I
12 want them to have the ability if they need to come straight to the Commissioner on
13 something, they can.

14 **COMMISSIONER FITCH:** Okay. I'm just curious if there are
15 Commanding Officers anywhere in the country -- and I recognize you have, I think, 720
16 locations and, you know, your divisions are spread across the country.

17 If there were problems with the direction of a division under a
18 Commanding Officer that perhaps wasn't necessarily following their marching orders
19 from the Commissioner, how would that come back to you? How would you be aware
20 of that? How would you know that things aren't in sync with national, provincial visions
21 as you would expect?

22 **COMMR BRENDA LUCKI:** Much of that is discussed at our senior
23 executive committee meetings, which we have on Mondays and Fridays. And any of
24 the issues that come out of the divisions, of course, either come from -- the Deputy
25 Commissioner of Federal Policing covers a couple of divisions. The Deputy
26 Commissioner of Contract and Indigenous Policing and the two Deputy Commissioners
27 who are in charge of BC and Alberta, they cover the rest of the COs.

28 Of course -- and we have the two COs on the senior executive

1 committee, but they report to me so we have the regular bilats.

2 **COMMISSIONER FITCH:** I think we've established that it's a big
3 machine. It's a large organization with a lot of structure and hierarchy, and that's been
4 pointed out by Commission Counsel.

5 And we've talked a lot about communication and the importance of
6 communication both internally and externally. I'm going to jump to an example that was
7 given, I think, by Ms. Lenehan when she was asking about how the Goulet residence
8 could have been missed in terms of crime scene security, the location of evidence that
9 hadn't been seized and where the deceased went and communications with the family.
10 And I could be wrong, but it seemed that that bit of information perhaps hadn't been
11 shared with you prior to today.

12 **COMMR BRENDA LUCKI:** No, not in -- no.

13 **COMMISSIONER FITCH:** And the reason I raise that -- and I
14 should have started with the caveat like I have with all of our other people who have
15 been here sharing with us over the last several months, is that some of my questions
16 are going to jump around a little bit because I've made notes as we've gone through.

17 **COMMR BRENDA LUCKI:** That's okay.

18 **COMMISSIONER FITCH:** But to me, it just really speaks to the
19 importance of communication. And when we have important policies and procedures
20 and great ideas that get dropped and when we have a major incident, which is the
21 reason that we're having this inquiry, that you as the Commissioner haven't been
22 briefed up with some of those really important details -- and I recognize it's a big country
23 and there's a lot of things going on.

24 How confident are you in your command structure that you are
25 being given accurate, timely, important information so that you can make informed
26 decisions?

27 And it's the same question I asked of Assistant Commissioner
28 Bergerman because it's about those who you've surrounded yourself with as a

1 Commissioner and are relying on to get that information.

2 **COMMR BRENDA LUCKI:** No, that is an excellent question.

3 And of course, there hasn't been -- there's been a couple of not so
4 good examples brought forward which are unusual in my mind because I get briefed
5 regularly on almost everything. And I -- I know a lot about everything. I'm not an expert
6 in anything.

7 But for example, there are daily reports that come out of this -- out
8 of this inquiry. Do I read every one of those reports? No.

9 There's issues identified and they're sort of tasked out in my -- I
10 have an entire tasking unit that tasks all my stuff out. I know with this, these come
11 through, they're -- if they apply to a certain business line, they're highlighted like, okay,
12 pay attention to this or if it's for the division, have a look at this. And then it's decided on
13 the course of action that's going to be taken.

14 Now, if it gets to something that's a huge red flag, normally
15 somebody will bring that to my attention. I know that there has been general comments
16 about -- so the -- the idea of what was brought forward wasn't foreign to me. The
17 details -- I didn't get into the details because I was let's work this out, absolutely. And
18 now that all the things that have been brought forth by the various counsels, this is
19 going to be a good check and balance for me because I'm going to go back to my team
20 and say, okay, you know, these things were brought forward.

21 I know that our -- the person in charge of "H Strong 2", Mike
22 O'Malley, has been -- you know, he takes tons of notes. He's farming it out. But I'm
23 going to be asking questions and just testing the waters to make sure that, in fact, all of
24 these things that we talk about are what's happening with them. And if somebody
25 continues to say, "Oh, nothing, nothing, nothing" -- well, obviously I'm almost 100
26 percent confident that's not going to happen. But how are we tracking all that? How are
27 we doing that? Because I haven't gotten in on the weeds on this, only because I've
28 been -- I've gotten different reports through DOJ, I've gotten different reports through H-

1 Strong too. But I haven't looked at it from the holistic point of view, and now that it's
2 coming, not to a close but, you know, the testimonies are coming to a close, that's when
3 I think we have to start wrapping this into something. Not -- we're not going to fully bake
4 anything at this point, but we are going to need to start mixing the ingredients and
5 putting it on paper for sure. And, like I said, I made a few commitments today that --
6 and I know that now that it's coming to a close, I want to -- see, if there's things that
7 happened, you know, that are part of a testimony on day three that it affected day
8 seven, that affected day 21 -- you know, I didn't need it in small chunks; I need it when
9 it's more altogether and then I can deal with it in that way. But getting little pieces, it's
10 just too much information in small pockets like that.

11 **COMMISSIONER FITCH:** I can certainly appreciate what you're
12 saying about, you know, information overload, I'm sure.

13 When you went in as Commanding Officer and assembled your
14 senior management team and you meet with your CAOs, do they clearly understand the
15 level of information that you would expect to be briefed up on?

16 **COMMR BRENDA LUCKI:** Yes, and every so often -- because the
17 checks and balances, obviously, are social media, and the media because everything
18 lands there eventually, when things don't -- when I don't get briefed at the level that I
19 should be, or if I find something out in the media -- because what we've done is we've
20 said you don't need to stop and do a full briefing, send three lines up through to the
21 Deputy Commissioner in charge of that, whether it's federal or on the contract side.
22 Give a heads-up, and then we will wait for the fulsome briefing, unless we need it --
23 need something, we might just get it verbally.

24 For the most part, there's been very few times, and there's just
25 been one example recently where I was surprised I didn't get the information in
26 advance, and -- but I can count on less than one hand how many times that has
27 happened.

28 The COs are very good at briefing, and sometimes actually there's

1 information that I think, "Oh, I didn't really need to know that." But, you know, it's nice to
2 know if it's something at a level that probably didn't affect anything in particular. So
3 there's no lack of briefings.

4 **COMMISSIONER FITCH:** We've certainly heard, you know, the
5 surprise that people had when they learned certain details in the chain of command,
6 and the gap in time of passing on very critical information that leaders, either of their
7 division or as Commanding Officer, or as Commissioner or Deputy Commissioner, one
8 ought to, I imagine, have known.

9 And the reason I'm going down this road is -- and we've covered
10 the waterfront, I think, certainly on the April 28th call, so I don't want to spend
11 unnecessary time on that. But some of those key, key pieces of information, you know,
12 we say sometimes we -- you know, it's not the little things -- it's not the big things, it's
13 the little things that will get you in trouble. This s a big thing. And there's a big gap in
14 communication, and it sounds like there's a gap in accountability for that gap in
15 communication. And I'm just wondering what your thoughts are in improving that going
16 forward.

17 **COMMR BRENDA LUCKI:** Yeah, you know, what I've been
18 thinking a lot about is the command structure. And you can set up any command
19 structure, if you don't practice it and if you don't test it, and I think that may have been
20 some of the issues. There wasn't a solid, solid command structure set up, and I don't
21 think they had all the positions filled because they didn't have the capacity.

22 So we've talked about, you know, the creation of a tagger team that
23 would actually go down to divisions when big events happen to make sure that the
24 Command Centre is properly set up by the people that need to be in there; it doesn't
25 have to be outsiders, and who is -- you always have to think about, "Okay, you have a
26 Gold Commander. Who's replacing the Gold Commander when the Gold Commander
27 is not there?" They can't work 24/7. "Who's your Silver? Who's your Bronze? Who's
28 your Logistics? Who's your Comms person?" And setting up that Gold, Silver, Bronze.

1 And I think there was an Incident Command put up -- I don't know if there was a full
2 command structure in the way that we do for COVID, for example; we set up Gold,
3 Silver, Bronze. We've done it enough in the National Headquarters environment that
4 we put it up very quickly when there was another event; I forget which one. I just
5 remember it was during COVID, so we took the COVID Command Centre and
6 translated it into something different. During the convoys, we set up a huge command
7 structure that was with multiple police agencies.

8 And so that -- sometimes divisions when they don't need to set --
9 when they don't set those up very often, sometimes they're not as effective. So what
10 we've thought about is creating this team that can go in there and help them set it up,
11 make sure it's consistent with the principles of Gold, Silver, Bronze command; making
12 sure that they've thought of the replacements, thinking of Communications, thinking and
13 bringing in a Communications team to start delving through the strategic side of it so
14 that, you know there's the on-the-ground communications but there's what's trending,
15 what's not. How do we fill the gaps of that?

16 So I think there is some structure that we need to help the divisions
17 with. Like I said, you can't fill a division with a full capacity to deal with an incident like
18 this, but they have to have a contingency somewhere. And so what is that
19 contingency?

20 And so in the question of a command structure, the contingency
21 would probably need to come from National Headquarters. In the contingency of an
22 ERT team, it might come from a neighbouring division. But you have to put your mind
23 to the matter, and you can't do that during the event.

24 And I say the same thing with the Alert Ready; you can't think about
25 using a system that you've never used in a situation like this. You can try, and they
26 were trying. Not quick enough, obviously, but it was something that wasn't part of the
27 DNA of what we did. We were doing Twitter and we were expecting media to pull off on
28 Twitter; all kinds of explanations for that.

1 But anything that you're going to do, obviously you need to practice
2 that. And so we're really incorporating these tabletop exercises so that they can sit
3 down, they can talk it through, they can figure out, "Oh, my goodness, we need to
4 contact Truro Police Service at this point in time. We need to get the resources set up
5 from them." And you need to practice those things.

6 **COMMISSIONER FITCH:** And these are all great ideas and
7 suggestions and recommendations that we're hearing -- we have been hearing, and of
8 course the challenge is, is to make those great ideas and recommendations into reality.

9 **COMMR BRENDA LUCKI:** Yes.

10 **COMMISSIONER FITCH:** And on the public alerting piece, in your
11 testimony today you've mentioned that you were aware that they've been used for
12 natural disasters in the past. They've obviously been utilized for COVID, and for many
13 years public alerting has been used for Amber Alerts, ---

14 **COMMR BRENDA LUCKI:** Yes.

15 **COMMISSIONER FITCH:** --- which is, you know, the potential of a
16 criminal event that had taken place.

17 Were you aware in the last several years that there was a
18 recommendation within RCMP H-Division to pursue the use of the alert, and in recent
19 years an offer by the provincial EMO to give H-Division and Nova Scotia police
20 agencies direct access and responsibility for using public alerting? Were you aware of
21 that?

22 **COMMR BRENDA LUCKI:** Only through this Commission, in the
23 sense that there was a discussion about it. It wasn't -- the understanding I got was it
24 wasn't a big initiative that was, you know, talked about in any complete depth. It was
25 talked about; people were thinking more of it, like I said, in the natural disaster sense.

26 And it's funny how, like, I look at it and I go, "How could we not?"
27 I'm scratching my head now, going, "Given this situation and given how I've seen the
28 public alert system being used," obviously the criminal landscape has changed because

1 we didn't use alerting like that at all, and I think back to my time when I was in charge of
2 districts, and I thought, did we not have a need for it? Or has the landscape changed?
3 I can't even imagine how we couldn't have that, now that it's happened. But something
4 obviously has changed that we didn't need it before.

5 You know, I'm thinking -- and I'm trying to think of calls that I've
6 gone on, you know, as a constable. Would we have needed it? But obviously we
7 definitely -- it's a definite -- it was a definite gap and it's been addressed at the provincial
8 level, and at many provincial levels it's been addressed. So that's a good outcome.
9 Unfortunately in the face of a disaster.

10 **COMMISSIONER FITCH:** Thank you. The -- I'm going to go back
11 a little bit to my questions around culture and culture change and communication.

12 The culture of the RCMP is -- it is still very much command and
13 control structure.

14 **COMMR BRENDA LUCKI:** I kind of disagree in the sense that,
15 you know, everybody hid because that command and control. Command and control is
16 when something is happening. You need command and control. You can't sit down
17 and say, "So how do you feel about that decision?" when things are happening. That's
18 when command and control is in place. And that's really what I've been pushing since I
19 became Commissioner. Do not make the mistake of thinking that when we're talking
20 about an administrative change in my organization, it is not about command and control.
21 It's about talking about -- to the people most impacted by the decisions we make,
22 whether it's external or internal. We have been remis as police agencies in total where
23 we have not thought about how is this impacting people?

24 So the best example I have recently is the de-escalation and crisis
25 intervention model. It's great that we can create one, but if we do not talk to the people
26 who are the receivers of that, or affected by that, we have completely missed the boat.
27 So we've actually hired an entire company to do an engagement strategy on that
28 because at the end of the day, we need to be able to -- when things happen in de-

1 escalation, we need to explain that and we need to make sure that we've covered off
2 how it affects the BIPOC community when we are in de-escalation, how it affects the
3 people suffering from mental health and addictions, how it affects people in crisis, how it
4 affects vulnerable populations. Because if we don't do that, we are making a decision
5 only from one side of a point. And so that's where -- command and control is
6 completely for incidents like what happened in Portapique and in the mass casualty in
7 Nova Scotia. It's not for when we're deciding -- even when we're looking at Alert Ready
8 and looking at changing it. We're not going to go into, "This is the way it is because I'm
9 Commissioner and this is the way it is." No. We need to consult, we need to
10 collaborate, and we need to look at best practices.

11 **COMMISSIONER FITCH:** The balance, I think, that you had talked
12 about earlier today between community policing, we can't be too tactical and we can't
13 be too community policing. So would you suggest that the command and control
14 structure, the ability to build partnerships and collaborate externally is -- are two
15 important pieces of finding that balance?

16 **COMMR BRENDA LUCKI:** Absolutely. And, you know, I saw in
17 the convoy, when we set up a command structure with multiple agencies, it's very
18 achievable. But you have to have those rules of engagement, you have to have done
19 that before. You have to have the leaders at the top agreeing on who is on first, what's
20 on second. That was an amazing example of how command and control across
21 multiple agencies works.

22 When we talk about the balance, I look at post 9/11. And anybody
23 who is in policing will understand this. Post 9/11, all of a sudden, everything went
24 tactical. The pendulum went up. Everything was about armoured vehicles, tactical
25 responses, tactical equipment, tactical weaponry. And we became very tactical and we
26 forgot our roots and we forgot our connection to community. We still had it, but it
27 wasn't, you know.

28 And so now we've slowly been bringing the pendulum down. And I

1 use the example when I'm talking at town halls, I say it's like standing on that half ball in
2 the gym and you're trying to balance. You need the inner core strength to stay on the
3 ball. Well, we need that strength as an organization to keep the pendulum in the
4 middle. Every so often it will fly to the left or fly to the right, but we need to bring it back
5 down quicker, because we can't go down a road of all community policing or all tactical.
6 We can't go down a road of just RCMP response with building partnerships with our
7 other agencies.

8 And so it's really important. And I've really given -- the new
9 Commanding Officer coming into Nova Scotia has got specific marching orders in
10 regards to the relationship. And it didn't -- it hasn't -- it won't start with him. The interim
11 Commanding Officer was given the same marching orders, to have those
12 conversations, rebuild those relationships, strengthen it. It's non-negotiable. It's non-
13 negotiable because in provinces, they can't do things by yourself. You can't do them in
14 isolation. And we do a lot of work for the other agencies, but we need the other
15 agencies as well, and we have to figure that out.

16 **COMMISSIONER FITCH:** Thank you for bringing that up. That is
17 an area I'm a little troubled by. From what we've been hearing through these
18 proceedings, and some of the experience I bring to the table as a former municipal
19 chief, and I know that in an ideal world, we would like those relationships to work. I'm
20 not doubting the desire for that to happen on both sides. I had raised this issue with
21 Acting A/Commr Leather when he was here around organizational -- the culture of
22 organizational humility.

23 And it does trouble me to hear that Chief Leather, as I pointed out,
24 as second in command in the province, that his assistant commissioner would not see
25 his municipal police chief counterpart as somebody that he would have direct contact
26 with.

27 It troubles me insofar as, yes, personalities have a play, and
28 dynamics that people might not understand. But it isn't consistent, I would say, across

1 the country, in how those relationships are built, and how they're sustained, and the
2 mutual respect that is had.

3 And so I find that -- from a municipal chief's perspective, I find that
4 troubling, because as a farmer in my local neighbourhood, I can call just about anybody
5 of my neighbours and -- this is about neighbourhoods. These are communities that are
6 shoulder to shoulder. And they should be good neighbours that can call upon one
7 another.

8 **COMMR BRENDA LUCKI:** Yeah, it is troubling. And I say at that
9 level of leadership, you need to put personalities aside. Honestly. That's -- you have to
10 have that level of maturity of leadership that it's not about -- it's not about the
11 personality. It's not about you. It's about the greater good. It's about the organization.
12 It's about the safety of Nova Scotians. So put that aside.

13 I think you would probably agree, at the working level, guys and
14 gals, they don't think about that stuff. They just do it. They just -- they're interoperable.
15 They don't go, "Geeze, my chief doesn't like, you know, the CO of this division." They
16 don't think of that. They just think, "How can we work together?" And in most cases,
17 many of the smaller agencies, they want to work with us. As do we want to work with
18 them. There's much to be learned from both sides.

19 So it's -- but if it doesn't work at the top, then not -- then it might not
20 translate itself at the bottom, but it's going to translate itself in other ways. And we have
21 to make sure we get that right. And you can't just assume that that relationship, even if
22 John Ferguson creates these great relationships. Dennis Daley can't come in and
23 assume that, "Okay. That's done." No, it's you build it. It's networking. It's relationship
24 building when things are calm, so when spam hits the fan, people can -- that
25 relationship just gets put into place very quickly and nobody thinks anything about it.

26 And it is troubling when you hear that happening. So let's put
27 processes in place so it doesn't happen. Put people aside.

28 **COMMISSIONER FITCH:** I think it is important to note, as

1 Commission Counsel Lenehan pointed out, you have a municipal police chief that is
2 reaching out offering help. You have a neighbour that's offering help. It's hard to
3 engage the front-line members if approval isn't given within their own organization, so
4 it's hard for those members on the street that would be there in a heartbeat if that level
5 of engagement isn't approved by the leadership of those organizations. And so I do
6 hope that that is something that is worked on under your -- under your direction.

7 And you know -- and I know we've talked a lot about policing
8 standards, standards in Nova Scotia, and it's difficult for agencies to reconcile the
9 differences when it's considered to be our standard is here and somebody else's
10 standard is here. It could just be that they're different standards.

11 And as an organization -- as a province, the organizations have to
12 come together to develop standards that work for everybody. I think, you know, we've
13 talked a lot about interoperability and I'm hoping that, through the recommendations
14 from the Commission, that that will be something that we'll see improved upon.

15 **COMMR BRENDA LUCKI:** Absolutely. And you know, the
16 example I have is with the Chiefs of Police roundtable, and our mantra is one voice with
17 flexibility. It doesn't mean that we should be able to talk the same language, but we
18 need enough flexibility to be able to have our differences -- our differences in
19 approaches because different size, different locations, different geography, everything,
20 but there should be some commonality. And that's where we have to get to.

21 And you know, if -- you know, working towards one de-escalation
22 model, if you had told me five years ago we could do this, I would probably say we
23 couldn't. But I think there's such an appetite amongst the various police chiefs to speak
24 with one voice, and it's more important than ever. And there's -- I get a lot of
25 appreciation from that table that we're all together to be able to have those
26 conversations. And so I think the time is good for that and making even more things
27 standard amongst police agencies.

28 **COMMISSIONER FITCH:** I have to say, I have a lot of questions

1 written down. I am cognizant of the time. Our Commission Counsel has asked and
2 you've answered a number of our questions, as have Participant Counsel.

3 I would love to continue on, but I am cognizant of the time and
4 would like to turn the opportunity over to my fellow Commissioners. Thank you very
5 much.

6 **COMMR BRENDA LUCKI:** Thank you.

7 **COMMISSIONER MacDONALD:** Thank you, Commissioner Fitch.
8 Commissioner Stanton?

9 **COMMISSIONER STANTON:** Thank you.

10 You mentioned the Task Force on Retention that was struck in the
11 last eight months. I wonder if you could tell me on whose initiative that was struck and
12 when the report is expected.

13 **COMMR BRENDA LUCKI:** It was struck on the fact that we're
14 doing a lot of work in recruitment and the COs -- the COs at their CO caucus brought
15 the topic of retention up. And so what we've started to do instead of bringing it up at the
16 table discussing it, we've decided to take like the -- sort of the task force approach
17 where a group of people, including some of the COs, but including some of the people
18 that may have pieces of the puzzle like in human resources, put them together and
19 come up with some options or solutions to the -- to the problem.

20 I can't tell you -- I'm -- I don't know the diary date for the next -- I
21 know they report back each SMT, so they report quarterly back to the SMT table, Senior
22 Management Team table, which are next -- a meeting is in two weeks in Regina.

23 I don't know what -- I think they were supposed to have their terms
24 of reference done. They were supposed to have a framework and come back with a
25 timeline for when they were going to bring the options forward, and I'm going by an old
26 memory, so.

27 **COMMISSIONER STANTON:** Okay. Because I'm seeing a
28 number of threads come together and I can appreciate the complicated picture for this

1 institution to enact some of the change that is being requested of you in your mandate
2 and so on. I can imagine there would be retention issues in an organization that has
3 had, you know, a succession of very challenging reports made of it on systemic racism,
4 on widespread sexual harassment, on the death of officers in terrible circumstances, the
5 deaths in custody or encounters with police, failures of major crime investigations like
6 the Boushie case, and then the -- there was the report on police investigating police and
7 the citizen, you know, oversight complaints commission piece as well.

8 And so all of that has created, you know, a challenging environment
9 in which to attract recruits and then I would think once you do have them, you invest in
10 their training and may lose some to municipal forces who are in their home communities
11 and if you're rotating people to the north or whatever and they want to be home and
12 some of the municipal forces pay better and there are all these issues for retention, so I
13 can see -- I can see why that would be an issue. And it's certainly tied to recruitment.

14 And Ms. Lenehan touched on it a bit earlier that the prerequisite
15 idea -- and I appreciated that you had said in your interview with the Commission that
16 you didn't want to create barriers to having a diverse Force by requiring an undergrad,
17 for example.

18 Your committee may be interested in some of the information that
19 was provided to us in some of the roundtables that we've had where, for example, the
20 former Director of the Finnish Police University College talked about how Finland now
21 has one of the highest percentage in the world of the public's trust in their national
22 police force. Ninety-one (91) percent of the people have trust in their police. And part
23 of that, I surmise from what he talked to us about, is that every police officer in the
24 country goes through a three-year program which engages them in tactical training, in
25 legal training, but also in participating in -- actively in research about policing, so they're
26 part of the research that gets done because we also have heard that researchers in
27 Canada who do work on things that would actually assist frontline officers in some ways
28 like how do you deal with stress physiologically in the moment that you're in a critical

1 incident have -- police bodies, including the RCMP, have been reticent to engage in
2 research activities with some researchers.

3 And so perhaps building that research component into an education
4 component that produces a police force with people who have -- you know, who aren't
5 sort of 18 and have no life experience to bring to the role may attract and assist with
6 retention.

7 So I guess I'm not so much asking you a question there as wanting
8 you to be aware of some of the information that we are hearing and how it may overlap
9 with some of the work that you're doing.

10 The -- and perhaps you do want to comment on that before I just
11 move on.

12 **COMMR BRENDA LUCKI:** I actually do because there's a few
13 things that came to my mind.

14 We've been doing a lot of work on recruiting and gearing towards a
15 character-based recruitment, and we just did our first pilot in Prince Edward Island on
16 our recruiting evaluation centre, which in our past we would base our applicant selection
17 on past behaviour. If they didn't have good behaviour, they were filtered out. If they
18 did, they went forward.

19 Now we're looking forward leaning, so we're bringing them in for a
20 week in person. They do some of their physicals. But they also do scenarios on stress,
21 they do scenarios on ethics and more -- and moral type of scenarios, so we want to look
22 at how they will perform as opposed to what they did in their past, so it's a whole new
23 way of doing things.

24 And the second thing I wanted to mention was the -- we do have
25 two research units in the RCMP, and one of them is doing the longitudinal study on
26 PTSD with Nick Carlton at University of Regina. And in that, the -- one of the groups
27 that -- you know, one of the test groups -- they divide them into two groups -- get this
28 resiliency training. and it was so positively commented on that we've actually made it

1 mandatory in the cadet training program for all cadets, instead of just the groups that
2 are in the testing group. So -- and then we have a research unit in Ottawa who does --
3 most of the stuff that they do is on the tactical side of the policing, and the one in Regina
4 is more on the wellness portion. So it's probably not at the level -- like, with this, you'd
5 get maybe more projects going. So I definitely think we need to look into that. So thank
6 you for bringing that to my attention.

7 **COMMISSIONER STANTON:** Great. And another thing that we've
8 heard quite a bit about, as I mentioned to Ms. Bergerman yesterday is, from RCMP
9 witnesses in particular, is that really, we need more resources. And I am operating on
10 the assumption that more resources are not on the way, because generally speaking,
11 they're not. And so wanting to make implementable recommendations and wanting to
12 consider maybe there are other ways to go about getting to where we all want to go in
13 terms of it improving community safety.

14 And you mentioned that Commanding Officers are asked to review,
15 continually, ways to do service delivery with better results, and you said there's
16 operational strategy branches who would know about those reviews. Does each
17 Division have an operational strategy branch? And what are these? And can you tell
18 me a bit more about them, please?

19 **COMMR BRENDA LUCKI:** They're the client service part of the
20 RCMP at the divisional level. Some of them are called operational strategy branch.
21 Some of them are called corporate and client services. So they're an arm of the
22 Commanding Officer's office and they are the ones who work with the Province on
23 service delivery. They work on things like the police resource methodologies that are
24 completed. They also work on relationships with the political entities, like the mayors,
25 the reeves, the premiers, when they have the municipality associations and the rural
26 municipality associations, they deal with those groups and bring the RCMP together
27 with those groups.

28 **COMMISSIONER STANTON:** Because I guess what I'm trying to

1 understand is who does -- who would do the metrics for an analysis of -- I mean, is the
2 RCMP taking steps to understand how detachments spend their time? You know, what
3 proportion of work is proactive? What proportion of work is reactive? What steps is
4 senior command taking to find efficiencies in how regular members spend their time?
5 Because, well, perhaps you can tell me about ---

6 **COMMR BRENDA LUCKI:** That's ---

7 **COMMISSIONER STANTON:** --- who is looking into the metrics ---

8 **COMMR BRENDA LUCKI:** Yeah.

9 **COMMISSIONER STANTON:** --- of it so that the analysis can be
10 done?

11 **COMMR BRENDA LUCKI:** That's exactly what the police resource
12 methodology is. It's a complete review of the detachment in allocated and unallocated
13 time. And the goal is -- I think at one point it was to have, I'm guessing, from my
14 memory, about 20 -- basing everything on 25 percent of unallocated time so that for
15 other activities. But they do -- they look at the calls for service, they look at the shifting,
16 they look at the resourcing, they look at the travel times, they look at the -- and they
17 have formulas for travel times and they have formulas for this call should take this much
18 time, because we have committees that have pre-determined that. And then they do
19 the full analysis. It's quite labour intensive, so usually that group that I refer to, the
20 operational strategy branch, may only do two or three of those a year because they are
21 so labour intensive.

22 But they -- and then they come back with recommendations like,
23 "Okay. First of all, you need to change your shift to this because you're missing this."
24 Whatever this would be.

25 **COMMISSIONER STANTON:** So those branches, sorry, are doing
26 that in each division across the country and ---

27 **COMMR BRENDA LUCKI:** Yeah, they ---

28 **COMMISSIONER STANTON:** --- they report back to the CO ---

1 **COMMR BRENDA LUCKI:** Yes.

2 **COMMISSIONER STANTON:** --- in each division?

3 **COMMR BRENDA LUCKI:** Yeah.

4 **COMMISSIONER STANTON:** Okay. And so I guess then the
5 review of policing in Colchester District RCMP, which we exhibited as P003278, would
6 be one of those, it sounds like? From what I read, it does exactly what you're
7 mentioning.

8 And so one of the things, for example, that it referenced was that
9 the highest workload driver in Colchester District overall are mental health act
10 occurrences. And we heard anecdotally from S/Sgt. MacCallum's testimony before is
11 that the time for mental health calls, if those could be sort of de-tasked, he would have
12 so much more time to do the community policing that he would want to do.

13 So that is the kind of measuring that I'm trying to find out, is that
14 happening?

15 And I guess, you know, I'm wondering, has the RCMP and Nova
16 Scotia DOJ considered opportunities to reassign some community safety functions
17 away from police to other service providers?

18 **COMMR BRENDA LUCKI:** Well and wholistically, as an
19 organization, we're looking at all those different best practices. So for instance, having
20 certain calls for service not attended by RCMP in areas where there's social services.
21 So if there's a model in LA, for example, that these certain codes, the mental health
22 people get called before the police.

23 It's very difficult in rural settings. It doesn't work as well because,
24 first of all, you don't have those resources. And second of all, your availability for
25 immediate backup isn't exactly there. But we do have mental health practitioners
26 inserted into shifts in certain detachments, like in Grande Prairie. There's a pilot going
27 on in Fredericton on using body-worn cameras and having your mental health
28 practitioner in your OCC, which we're looking at. There's a few other projects. Because

1 we're finding mental health calls are on the increase.

2 We have a computer program that they use in Alberta and
3 Manitoba where they go through to see if somebody needs to be brought to a mental
4 health institute or should there be something else different done, because what
5 happens is when -- what you're referring to is when we have to bring a mental health
6 case to a hospital, we could spend hours, and hours, and hours with that person before
7 the hospital will actually take them from our custody.

8 **COMMISSIONER STANTON:** Right.

9 **COMMR BRENDA LUCKI:** And that's time better well spent. So --
10 -

11 **COMMISSIONER STANTON:** Yeah.

12 **COMMR BRENDA LUCKI:** --- the whole issue of mental health
13 needs a big, big review.

14 **COMMISSIONER STANTON:** Well, and there have been, now,
15 several reports specifically with respect to police handling of mental health encounters
16 that have gone very, very badly, that tend to suggest that the police aren't the right
17 people to be turning up to a mental health call.

18 And so, you know, to the degree that senior command is looking for
19 efficiencies in how regular members spend their time, it's good to know that these kinds
20 of analyses are being done. And I'm just wondering if those kinds of analyses, if they're
21 going to the COs, are then coming to the HQ to be analyzed ---

22 **COMMR BRENDA LUCKI:** Analyzed.

23 **COMMISSIONER STANTON:** --- more broadly?

24 **COMMR BRENDA LUCKI:** I think they come into Contract and
25 Indigenous Policing after they're completed. There's only -- when you were saying that,
26 I only say one caution, and I get asked this question all the time, about when we have
27 detachments where there's no hospitals, there's not even nursing stations. So to have
28 mental health practitioners, there's no addictions services north of the 50th -- you know,

1 55th parallel and in many of the places that we police, so we are everything to
2 everybody in those communities.

3 Is it right? No, it's not right. We're not -- but so now what we have
4 to do is we have to make sure, in those cases, that our members are trained differently,
5 are trained to deal with that, because there are no other social services.

6 And it's not the best response, but it's the only response.

7 **COMMISSIONER STANTON:** Well, I mean, it would be a good
8 idea, of course, to have your folks trained in that way, but it would also be a good idea,
9 perhaps, to follow the recommendation of the 2007 Brown Report that said, you know,
10 essentially there are things that the police are being asked to do that they ought not to
11 say, "Yes, we will do that." They ought to say, "Actually, that is not appropriate for us to
12 be doing. You need to sort out, government." And you said earlier that "We're the
13 service provider and we answer to the people who hire us." Right? Like, -- and so if -- if
14 it is not actually the best use of anybody's energy, and time, and money, to have people
15 who aren't trained for the task answering the task, then, you know, I think it's a two --
16 you know, yes, of course you're in the situation, you have the training, great. But
17 fundamentally, perhaps we should be talking about restructuring. And there are, of
18 course, reports that have suggested this as well. And so you said you have 32,000
19 people, 750 detachments. Is restructuring in order? Is following some of the
20 recommendations that we saw, you know, for example, in 2007, which say the tasks
21 that are given to this federal police force, or this national force, may be better done in a
22 different way by a different body. So should we be talking about district models?
23 Should we be talking about integration with municipal forces? Is there a different
24 policing model for the rural context, for example, that makes sense? And of course,
25 Canada geographically, so, so large a country, there are different rural contexts as well.
26 As you've noted, in some communities there is no access to a hospital or a psychologist
27 or...

28 So -- and then it seems to us as well, and based on one of the

1 commissioned reports we had, the policing policies are often designed for an urban
2 model, not a rural model.

3 So I just wonder if you might want to comment on any of that?

4 **COMMR BRENDA LUCKI:** Yeah, we obviously are looking at
5 various different policing models because when you have a fly-in detachment with 700
6 people and 5,000 prisoners a year in a community of 700 people, with no hospital, no
7 mental health, it's -- in perfect sense it's fine to say we're not doing that, that's not our
8 job, but that -- I can never -- you know, there -- there is not ---

9 **COMMISSIONER STANTON:** And let me be clear ---

10 **COMMR BRENDA LUCKI:** Yeah.

11 **COMMISSIONER STANTON:** --- I'm not suggesting that.

12 **COMMR BRENDA LUCKI:** Oh.

13 **COMMISSIONER STANTON:** And I recognise, of course,
14 intergenerational harm, and the reason why we are in a situation as a country ---

15 **COMMR BRENDA LUCKI:** Yeah.

16 **COMMISSIONER STANTON:** --- where we have those kinds of
17 horrendous statistics. But I am suggesting that we have to have -- yes, there need to be
18 implementable recommendations in the immediate term, but we also need to be thinking
19 about longer term.

20 And some of the other reports have been saying perhaps we're at a
21 point now where we need to be talking about a restructuring. So I guess that's -- you
22 know, I think we have to be thinking on all of these levels.

23 **COMMR BRENDA LUCKI:** Well, we will definitely be -- given the
24 fact that the RCMP contract with the provinces and municipalities, 169 contracts, are
25 due in 2032, which is less than 10 years now away ---

26 **COMMISSIONER STANTON:** Which is not a lot of time.

27 **COMMR BRENDA LUCKI:** It's not a lot of time. The last time ---

28 **COMMISSIONER STANTON:** Yeah.

1 **COMMR BRENDA LUCKI:** --- they reviewed the contract they did
2 it five years out. It didn't give them enough runway. So we're asking the government,
3 we need to start having those conversations now.

4 So if we're looking at a restructure in any given contract province,
5 then we need to start talking about that now and looking at different service models and
6 looking at, like you say, you know, like you suggested, having district policing, which we
7 do. Looking at different models that have people in maybe one geographical area and
8 can get to those areas through drive -- we have drive models and fly models, looking at
9 different types of police officers, special constables, potentially, who are from the
10 community, who live in the community, who will stay in the community. Looking at --
11 there is the community safety officers, and we have a great model in Kwanlin Dün in
12 Northwest Territories. Things like this, we have to start capitalising on those
13 opportunities.

14 And that's why I say before, when I was -- years ago tiered policing
15 was not well accepted, so most everybody was getting rid of that type. And then they
16 realised that, you know what, that's not a bad word, tiered policing. You have people
17 doing specialised different services, and I gave the example of cyber crime where you
18 don't necessarily need a police officer. So maybe that frees up resources to be doing
19 other things.

20 And everything should be on the table, but there is -- definitely it's
21 the time. I agree with you.

22 **COMMISSIONER STANTON:** Well, and there's a piece of
23 recruiting too that makes -- you know, that you might want to look at lateral hiring for
24 specific areas as opposed to having everybody come up through this Depot model and
25 so on. And so -- but then, you know, I'm also thinking about the -- like what are the
26 measures taken in light of the previous reports about engagement with contract
27 policing?

28 So you have a June 2021 report of the Standing Committee on

1 Public Safety and National Security on Systemic Racism and Policing in Canada, which
2 recommended that the Government of Canada explore the possibility of ending contract
3 policing with the RCMP, and that the Government work with the provincial -- provinces,
4 territories and municipalities to help those interested establish their own provincial and
5 territorial police services.

6 You have a 2019 Briefing Book of the Minister of Public Safety
7 Canada identifying systemic sustainability challenges impacting the whole of the RCMP,
8 which relate to contract policing, noting the growing dissatisfaction from contract
9 jurisdictions with regard to costs, officer vacancies, and resulting impact on community
10 safety.

11 2022 report on the Special Committee on Reforming the *Police Act*,
12 which recommended a transition away from contract policing in B.C. to address
13 inconsistencies with respect to service delivery and improved local accountability
14 responsiveness and decision-making.

15 And then of course, Alberta's 2020 report, which also
16 recommended the creation of an Alberta Police Service, although different set of issues
17 there.

18 But you know, what are the measures being taken in light of these
19 reports with respect to contract policing?

20 **COMMR BRENDA LUCKI:** Well, it's interesting because
21 everything gears towards the words "ending contract policing", and part -- I say if
22 contract policing was properly resourced and properly funded it's not a bad model, it's
23 just that it's -- it hasn't been properly funded or properly resourced. And the ---

24 **COMMISSIONER STANTON:** But does that require a
25 restructuring, though? I ---

26 **COMMR BRENDA LUCKI:** Yeah. That's ---

27 **COMMISSIONER STANTON:** --- I guess that's what I'm getting at;
28 right?

1 **COMMR BRENDA LUCKI:** --- exactly to your point.

2 **COMMISSIONER STANTON:** Because there isn't going to be
3 more funding. So how do we -- I mean, maybe there is. I will be -- I'm happy to be
4 proven wrong, but I have not seen governments happily at the end of reports say, "Oh,
5 we'll step up and hand over more money." So ---

6 **COMMR BRENDA LUCKI:** Well, it's going to be interesting when -
7 - some of these reviews that are being done are actually finding out some of the costs of
8 policing that they're not paying for with the RCMP. And that's part of the conversation
9 that we have going forward with the renewal of the contract, saying, "Okay. You know
10 what, you haven't paid for the provincial Major Crimes Team because you're a
11 municipality. You're -- actually, every murder in your municipality is being paid by the
12 province, or -- and 30 percent of that's being paid by the feds."

13 So all of these different things that people -- you know, when they
14 go to that conversation about how there won't be anymore money, yet if you look at
15 some of the preliminary reports of the Alberta report, they have to almost double the
16 costs of policing if they want to get rid of the RCMP. So why not stop that and start
17 funding what you have and looking at that in those terms? And those are some of the
18 conversations that I think we need to have.

19 And the fact that we have 169 contracts, that in itself -- in itself is
20 very costly. Why do we need 169 contracts? Why can't we have one contract with
21 each province and all of the other contracts fall underneath?

22 So there's all kinds of topics on that, but to your point, yeah, it's
23 time to look at the structure and see if that is in fact... You know, if I -- if I talk to my
24 union president, I can tell you that what he's going to say to me is he's going to say,
25 "Well, instead of thinking about the contracts we should get out of, why don't we police
26 all of Lower Mainland? Why doesn't the RCMP police all of it and be one standard
27 police agency?" So there is different points of view on that. It's -- and wondering if it
28 isn't a question of service delivery, if in fact nobody's questioned our service delivery,

1 then maybe it's time to look at things differently.

2 But I am not saying one solution or one -- one or the other. All I'm
3 saying is I'm completely agreeing with you, but there's many sides to this coin and ---

4 **COMMISSIONER STANTON:** Absolutely.

5 **COMMR BRENDA LUCKI:** --- it's interesting to have that
6 discussion. And we are talking about the sustainability of contract policing, as per some
7 of these reports with the government, and so that will be definitely a topic of
8 conversation that's already happening.

9 **COMMISSIONER STANTON:** Yeah, that's I guess what I'm
10 wondering is, is this an internal conversation such that there's openness to having that?
11 Because obviously there would need to be quite a number of stakeholders at a table to
12 make that kind of restructuring happen because it's system change, it's not -- and so it
13 isn't of course an immediate solution to anything. But it -- if this is unsustainable as it is
14 then someone needs to be actually starting that discussion.

15 **COMMR BRENDA LUCKI:** Leading the charge, yeah.

16 **COMMISSIONER STANTON:** So -- yeah. So I'm wondering if
17 someone is.

18 **COMMR BRENDA LUCKI:** Well, it's interesting for us because we
19 don't hold the contract, it's Public Safety. So every time it -- we -- if we -- if we try to go
20 down a road too far it's always brought back because we're just the -- you know, we're
21 not the contractor.

22 [**COMMISSIONER STANTON:** But you have a fairly strong voice in
23 the -- in the context. So I just ---

24 **COMMR BRENDA LUCKI:** Yeah.

25 **COMMISSIONER STANTON:** --- you know, I mean if you're not
26 putting up your hand and saying -- because it wouldn't appear to be self-interested to do
27 that, especially if you have a union saying, "Well, you know, you should be paying us
28 better, and our work conditions need to be better", and so on, you have a lot of different

1 tensions on you, I get that. But I'm suggesting that in the face of so many reports that
2 say this is unsustainable. Then someone does need to be willing to look at it. So.

3 **COMMR BRENDA LUCKI:** Yeah. And the conversation has
4 started.

5 **COMMISSIONER STANTON:** Okay.

6 **COMMR BRENDA LUCKI:** I can promise you that. It's been going
7 on for a good year with our Public Safety counterparts. And looking at how we're going
8 to start the engagement with all the contracting partners. So that's the first thing that we
9 want to do as -- in concert with Public Safety is, first of all, talking to all the contract
10 partners and saying, "What is it that you're looking for from your police?" So asking,
11 "What are the issues?" So we may assume that it might be the cost. We may assume
12 it might be Ottawa's interference, or however they want to place it.

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

14 **COMMR BRENDA LUCKI:** But until we actually ask the questions
15 and have those conversations -- but there's a little bit of reticent until we get a structure
16 set up to have those conversations and an engagement strategy.

17 **COMMISSIONER STANTON:** I mean, it's interesting because the
18 Brown Report in 2007, one of its recommendations was with respect to decentralizing
19 decision making and giving greater weight to the views and priorities of contracting
20 authorities. So if you are starting that now, then it's, what, 15 years later, ---

21 **COMMR BRENDA LUCKI:** Yeah.

22 **COMMISSIONER STANTON:** --- but it's happening. So and, you
23 know, part of that, as well as dealing with barriers to relationship building between the
24 RCMP and the communities they police. So addressing some of those structural
25 barriers and resource constraints. But it has been recommended to the RCMP that
26 giving greater voice to the contract partner in that discussion will be an important way
27 through that.

28 **COMMR BRENDA LUCKI:** Yeah, and that's -- that is a great point,

1 because we've recently -- we're looking an entire governance structure. The Contract
2 Management Committee that has the voice for all the provinces is a Public Safety led
3 committee. It doesn't help us out because it's more from the contract point of view, yet
4 there's tons of interest to have the RCMP voice at that table, which we were at, but the
5 majority of the issues are not to do with the contract. They're to do with other issues.
6 So we are looking at the governance structure.

7 We've put in an advisory committee in Alberta for the first time.
8 We're looking at that structure and we want to duplicate it, for example, in B.C.

9 And then how do we create that in each province, having -- where
10 the contract partner can have a voice -- a bigger or a stronger voice in their policing?
11 And then how do we have that same structure in Ottawa, bringing representatives from
12 each of those advisory committees, for example, and bringing it in to a national
13 committee, because part of my mandate, in my mandate letter, is looking at oversight ---

14 **COMMISSIONER STANTON:** Yeah.

15 **COMMR BRENDA LUCKI:** --- in the RCMP. So that sort of falls in
16 line with that, and the governance.

17 **COMMISSIONER STANTON:** So actually, where I was going next
18 was with respect to advisory boards. So I'm not sure if those advisory committees are
19 separated. It sounds like they are. There's the Management Advisory Board, which I
20 gather is a federally appointed body that is to provide you, as Commissioner, either on
21 its initiative or at your request, with advice and information.

22 What is the degree to which you're taking the advice of that board?

23 **COMMR BRENDA LUCKI:** Oh, all of it, actually. It's -- they've
24 created various task forces on various initiatives. And, for example, we had a task force
25 on the independent centre for harassment resolution and it was most of all of their
26 suggestions and advice were how we built that.

27 **COMMISSIONER STANTON:** Can I just ask you to move your mic

28 ---

1 **COMMR BRENDA LUCKI:** Oh, sorry.

2 **COMMISSIONER STANTON:** --- a little closer to you? Because
3 you're turned towards me. if you just move it closer to you on the table, then I think it
4 will ---

5 **COMMR BRENDA LUCKI:** I'll turn it there.

6 **COMMISSIONER STANTON:** --- get picked up a little better.

7 Yeah.

8 **COMMR BRENDA LUCKI:** Okay. Sorry.

9 **COMMISSIONER STANTON:** I'm just conscious of the webcast.
10 Thank you.

11 **COMMR BRENDA LUCKI:** Sorry. Yeah, that entire independent
12 centre for harassment resolution was created on the work done by the Management
13 Advisory Board. And there was some great academics who had a lot of experience in
14 that area. Now we're looking at how we -- the externalization, maximising the
15 externalization of that, because that is, again, another mandate commitment on my
16 mandate letter. But, of course, we're dealing with the academics in our Management
17 Advisory Board who are providing advice that might be slightly to the contrary of the
18 mandate commitment because of their experience in that field and dealing with
19 externalization and accountability within an organization. So we're looking at various
20 models and they're still working on it.

21 We have a Recruitment Task Force from the Management Advisory
22 Committee, and as well, the Depot Task Force, who is reviewing many of the aspects of
23 our Training Academy. They've been extremely helpful, especially there's some very
24 key people in that that have a huge amount of experience in some of the areas that
25 we're reviewing.

26 **COMMISSIONER STANTON:** So what importance do you place
27 on the RCMP's engagement with local police advisory boards? So the -- I'm wondering
28 about the efficacy of those boards as a means of increasing local control and

1 accountability with respect to the RCMP.

2 **COMMR BRENDA LUCKI:** I'm not -- it changes from province to
3 province. I don't have much experience on the local police advisory boards because a
4 lot -- many of the towns that we're policing don't have those boards.

5 What we do have is a Detachment Performance Plan. So what
6 happens is the detachment commander works with the various stakeholders and
7 partners to identify priorities within their detachment boundaries and what they feel is
8 important, and then they develop priorities and they report back on the priorities. We
9 have -- each detachment, it's mandatory that they have that.

10 We're actually in the midst of revamping the system from an IT
11 perspective to make it a bit more user friendly. But it's a great way for the detachment
12 commander to engage with their partners, their stakeholders, and their elected officials
13 to get a sense of the priorities. And then they have the conversations with their
14 detachment to say, "Okay. What are the priorities from your level?" They put that
15 together, they decide on three priorities, they have to have measures, initiatives,
16 measures, timelines. It's all part of that program. And then they report on it, I believe
17 quarterly. It's a whole one-year cycle of this. And it works quite effectively if it's done
18 properly.

19 **COMMISSIONER STANTON:** Okay. Because there have been
20 past reports and recommendations about building community connections and trust
21 building. And this is partly about, you know, addressing some of the cultural change
22 that needs to happen, some of the resistance to change, but community engagement is
23 part of that because it helps with accountability, of course, and also with just ---

24 **COMMR BRENDA LUCKI:** Ownership.

25 **COMMISSIONER STANTON:** --- better relationships and
26 ownership. So the Forsaken report, which was the Missing Women Inquiry out of B.C.,
27 talked about the failure to learn about the community being an impediment to effective
28 investigations, for example. And the MacNeil Report of course identified early

1 identification of individuals who go on to commit crimes will depend upon the
2 engagement of members of the community who have the trust to share information.

3 So those kinds of -- I'm wondering what steps are being taken to
4 implement some of these recommendations to work on building community connection
5 and rebuilding trust in communities?

6 **COMMR BRENDA LUCKI:** Well it's absolutely -- it's absolutely
7 important. And most recently -- I have an Indigenous Advisory Committee and one of
8 the representatives in B.C. gave the example of how, you know, the connection in her
9 home community, the connection that the RCMP have with the people have changed
10 their response exponentially, in the sense that when you know you're community and
11 you know the people in your community, absolutely, like, in a mental health crisis,
12 maybe you don't know that individual, but you know their cousin, or you know their --
13 you know, a person in their family that you can rely on, which could change your
14 response.

15 So we -- obviously we have -- we ask our members to make that
16 connection. We reported, for example, on all the different reconciliation efforts and in
17 many of our northern communities and the activities that we're doing in those
18 communities, connecting with youth, connecting with community. The detachment
19 commander does go to the community council meetings, reports back, reports to them,
20 "Here's the concern." Community members are there. They often have town hall
21 meetings with the communities. So they're -- that's part of the measurement in the
22 Detachment Performance Plan.

23 **COMMISSIONER STANTON:** Okay. Because I was going to ask
24 about that, because that was also a recommendation in the Forsaken report, was to
25 have performance measurement depend in part on the ability of members to develop
26 and maintain community relationships. So that's good to know that that's underway.

27 Just moving on to -- I'm getting there -- the approach that you took.
28 You mentioned that there's been a number of reviews, and I don't think we're the first

1 public inquiry to be established under your -- during your tenure. I believe the National
2 Inquiry was part of your tenure as well, and I know ---

3 **COMMR BRENDA LUCKI:** Sorry. Which one?

4 **COMMISSIONER STANTON:** The National Inquiry on Missing and
5 Murdered Indigenous Women and Girls.

6 And I wonder about the approach that is taken by RCMP leadership
7 to -- to an inquiry that is, you know, publicly mandated to look into RCMP actions,
8 responses, responsibilities and so on. And the public inquiry, as you know, does not --
9 isn't a trial, doesn't determine criminal or civil liability. It's intended to create the under --
10 the awareness and understanding to be able to make positive change.

11 So when an inquiry is struck, do you, as the Commissioner,
12 express to everyone in the organization the importance of cooperation with the inquiry?

13 **COMMR BRENDA LUCKI:** Yeah, I believe early on there was a
14 communique from myself on that. I think -- you know, I was thinking a lot about this
15 inquiry and thinking about -- obviously, this was different than anything I've been part of.
16 The MMIWG was, again, different. And I was thinking about how we could better
17 communicate, how we could better prepare our membership for such an inquiry.

18 And so I've asked at the end of this that we have that type of
19 conversation and sort of a scrub-down of what worked, what didn't work, where did we
20 fall -- fail on the actual inquiry itself. Not the recommendations, not -- just is there any
21 way we could have, you know, made it so that it was easier for the inquiry. Is it less
22 traumatic for our members? Is there anything we could have done differently?

23 So I think we're going to need, obviously, to have conversations
24 with the participants to see how this inquiry -- what we could have done better or
25 differently and do a scrub-down because I think we'd miss a great opportunity to -- you
26 know, if we ever had another inquiry and it could be an inquiry on something positive,
27 maybe, that we would be able to better accommodate the needs of the inquiry, but also
28 make sure that the results, you know, are very factual, make sure that the information

1 brought forward is actual, make sure we're prepared to provide the disclosure and the
2 various things that go along with an inquiry.

3 Obviously, each and every inquiry is slightly different, but there
4 should be some basic tenets that we should be prepared for when there's talk of an
5 inquiry. And I think it's very important because, obviously, oversight in the RCMP is not
6 something new and I'm not sure we -- we've covered everything possible on this inquiry.

7 Like we've covered -- you've covered all the events, but have we --
8 you know, have we done -- you know, what's the report card on the member wellness,
9 what's the report card on the disclosure, what's -- you know, so we're doing a scrub-
10 down on that.

11 **COMMISSIONER STANTON:** Yeah, I'm glad to hear you say that
12 because the pace and format of disclosure has been an ongoing challenge for all of us.
13 And I did wonder, you know, what were the instructions internally to -- from leadership
14 to prepare people to participate in the inquiry because we are aware now that there was
15 this Issues Management Team formed in anticipation of there being an inquiry that, in
16 part, was mandated to prepare for disclosure, which any organization who is going to be
17 the subject of an inquiry knows there's going to be a whole disclosure process.

18 So you know, was there any briefing for people to understand what
19 to expect, right?

20 And it sounds like you are thinking to do that because people need
21 to know that they are going to be asked for their documents. And so to know what
22 documents are going to be asked for, they need to understand the scope of the inquiry,
23 right, so they need to understand the mandate of the inquiry. They need to know that
24 they'll need to expect subpoenas for their documents and for -- for their testimony and
25 what that might mean.

26 And so having a process by which management and members are
27 briefed on what to expect with an inquiry and how -- that there isn't going to be, you
28 know, a finding of civil liability or criminal liability but that we actually want to do right by

1 everyone by getting the information early, getting it in good form so that we're able to
2 actually be as effective as possible for the -- for the whole process.

3 And so you know, we've had some challenges with that and I think
4 that, going forward, having those conversations -- and some of the challenges, I think,
5 frankly, seem to be from a different interpretation of our mandate and what the scope of
6 our mandate is. And so from our perspective, the health and the effectiveness of the
7 leadership in "H" Division is very much part of at least two clear parts of the mandate in
8 terms of what the terms of reference say. And so maybe an early discussion with
9 people from a Commission and from an institution to have a common understanding of
10 here's what we're talking about when we're asking for documents that relate to this
11 mandate.

12 And so it's good to hear that you're thinking that in future having
13 that kind of approach to participating in a public inquiry will come to pass.

14 **COMMR BRENDA LUCKI:** Yeah, you have raised a lot of
15 excellent points and it helps me compartmentalize some of the ideas that I -- that we've
16 thought of as a group.

17 I know most recently we have another inquiry coming up on the
18 *Emergencies Act* and we've used some of the things that we -- that didn't go so well for
19 the disclosure and the -- and now we're going to a panel and then eventually testimony,
20 same sort of idea. They have one -- but they only have the one year from the time that
21 it's enacted. But we've had some great lessons learned just from this experience.

22 But I think each and every person has to be hello, you will be a
23 potential person in this inquiry. What does that mean? And giving them -- because I
24 find if you manage expectations a bit better, then, first of all, it takes down the level of
25 anxiety, but also it -- I think it gives a better product.

26 **COMMISSIONER STANTON:** Of course it does because if -- if
27 we're not getting the notes disclosed of the person who's being interviewed until after
28 they're interviewed, it does a disservice to the person being interviewed ---

1 **COMMR BRENDA LUCKI:** Yes.

2 **COMMISSIONER STANTON:** --- as well as to the public.

3 So -- and those people ought to have anticipated that they would be
4 called by this inquiry to provide an interview, and so it's just going forward, I think,
5 incumbent upon institutions that are subject to these things to prepare their membership
6 for that, so it's good to hear you're thinking along those lines.

7 One of the documents that we sought ---

8 **COMMR BRENDA LUCKI:** I just want to ask a question.

9 **COMMISSIONER STANTON:** Sure.

10 **COMMR BRENDA LUCKI:** If I can encourage any feedback that
11 you have from the Commission and your team that could be provided back to the RCMP
12 on the process itself, not necessarily the outcomes or the recommendations, would be
13 greatly appreciated because it will be very helpful for us.

14 **COMMISSIONER STANTON:** Thank you.

15 One of the documents that we sought for quite some time was
16 essentially an organizational chart of the RCMP. And Ms. Lenehan, earlier, talked to
17 you about how the structure of the management of the RCMP is impenetrable to people
18 who aren't part of the RCMP.

19 And for those of us outside of the RCMP, could you explain why the
20 RCMP doesn't have a written command structure or an organizational chart that could
21 have just been provided that would assist the public and us in understanding the roles
22 and responsibilities within each division and within the RCMP National Headquarters?

23 **COMMR BRENDA LUCKI:** Well, frankly, I'm quite surprised
24 because I know that we have all kinds of -- you know, if -- when we talk about just the
25 organizational chart. But how -- to your question, I'm not sure if it has descriptions for
26 each of those boxes, so to speak.

27 And that's something that I'm definitely going to have to look into
28 because I know that, you know, I sign off on changes in organizational charts all the

1 time, so I know they exist. I know myself in districts, when we've changed the org chart
2 of a detachment, you know, we put it in and it gets changed and Organization and
3 Classification sign off on it, but having descriptors -- like I know each type of position
4 like a Detachment Commander at a sergeant's level has a description, you know, of
5 what they do, at a, you know, corporal level. We do have those in our career
6 management manual. So -- but I don't think they're married together on one easily
7 accessible document, if I may.

8 **COMMISSIONER STANTON:** Right. And so I guess if you want
9 implementable recommendations, your structure and the role and responsibilities of
10 everyone in that structure really need to be transparent to the rest of us so that we can -
11 - that we can make recommendations that people can actually -- that are addressed to
12 the right role.

13 **COMMR BRENDA LUCKI:** Role.

14 **COMMISSIONER STANTON:** Yeah. Okay. You mentioned an
15 implementation plan for the recommendations. And so -- and I know there's the -- there
16 are entities within -- for example, Contract and Indigenous Policing has a Critical
17 Incident Policy Centre. And you've mentioned -- and I understand that it analyses past
18 reports and recommendations within their scope. And you mentioned today the
19 Management Action Plan. I just wanted to get a sense of what other bodies would be
20 engaged in assessing and implementing recommendations from a public inquiry?

21 **COMMR BRENDA LUCKI:** I'm imagining that there's going -- most
22 of the business lines will be involved, because anything with technology is specialized
23 policing services. Anything on an operational response is Contract and Indigenous
24 Policing. Anything to do with wellness and mental health is under the Chief Human
25 Resource Officer. Anything under procurement or finances would be the Chief Financial
26 Officer.

27 I'm trying to think of the other business -- I don't think, in some
28 cases, in the intelligence function it might fall under Federal Policing.

1 So what we do is the business lines, of course, might be
2 responsible for some of the initiatives, but what we will do is if, for example, the majority
3 of the initiatives are human resource related, we would probably make the Chief Human
4 Resource Officer the lead. It doesn't mean that that person is responsible for each and
5 every initiative, because we will have the proper business line be the owner of each
6 implementation. But we'll also work at the divisional level, because there might be
7 things, and I'm guessing, there might be things specific to H Division. And so we can't -
8 - they can't do it on their own. It shouldn't be Ottawa or National Headquarters led. I
9 think it's a combination of bringing divisional lead and a National Headquarters lead and
10 working through that plan and the reporting structure on that, because there's a lot of
11 things that are going to be done on the ground here and then there's going to be things
12 that might be a national scope that need to be a policy change, for example, and we
13 wouldn't expect people in H Division to be working on a national policy. Of course we'd
14 be consulting, but not actually doing it.

15 **COMMISSIONER STANTON:** For sure. One of the things that
16 we've been trying to do in our approach here has been to look at, "Okay. What are the
17 things that are new with respect to the circumstances that gave rise to this inquiry that
18 require recommendations? And what are the things that have come up time, and time,
19 and time again and there's been a slew of recommendations, but there, for some
20 reason, is a barrier to implementation of those recommendations? And how to address
21 those barriers?"

22 So part of that, I'm heartened to know that you have instituted an
23 approach of having timelines and milestones in order to track implementation. But of
24 course, tracking alone isn't going to do it; right? It needs leadership. It needs -- and it
25 needs champions to -- internal to the organization, but also externally. And so when I
26 asked Ms. Bergerman yesterday about barriers to implementation or accountability
27 mechanisms, because she also talked about the need for tracking, she suggested that
28 an implementation committee that included RCMP members, as well as civilian

1 members who would act as an accountability mechanism, was a possibility. And you
2 said earlier that you have consultants that do some of this kind of work with you. They
3 sounded to me like quite police-oriented consultants. And I wanted to mention to you
4 about the B.C. Missing Women Inquiry Coalition.

5 So there were quite a number of people, women's families and
6 local organizations, who boycotted that inquiry, the Oppal Inquiry in B.C. And they
7 formed a coalition that still exists now and still puts -- holds the feet of the RCMP and
8 the provincial government and other institutions, holds their feet to the fire and
9 continues to champion those recommendations. And they are an example of the ways
10 in which citizen engagement can be really important for institutions to properly
11 understand the impact of their actions, and also to see how change might be still
12 important to people.

13 And so I wonder if some citizen engagement in an implementation
14 committee like that would be something that you would be open to?

15 **COMMR BRENDA LUCKI:** Yeah, it sounds like an interesting
16 concept. When you were asking me about it, one of the things that I was thinking about
17 is the role of our Management Advisory Board in such an inquiry, and is there a place
18 for them in our accountability structure providing that advice and accountability.

19 But having an implementation ---

20 **COMMISSIONER STANTON:** Committee.

21 **COMMR BRENDA LUCKI:** --- committee, or having a coalition, as
22 you say, definitely that's something we should definitely consider.

23 **COMMISSIONER STANTON:** Because if they have eyes on your
24 tracking mechanism and are given meaningful opportunities to check in to ensure that
25 you are in fact on track, then perhaps that heightens the possibility of some of these
26 recommendations not gathering dust.

27 The -- you had said that the reviews that have been successful in
28 terms of recommendations have provided you with draft recommendations. We're an

1 independent public inquiry. We're not going to be passing our draft recommendations
2 by you. But we do have a recommendation phase that is starting on Monday, where we
3 have consultations scheduled and we -- it's very important for the recommendations to
4 be implementable for the right people to be at the table for those discussions. So we
5 really encourage you to ensure that the right delegates come. We've sent the
6 invitations. So choosing the people who really can provide the input to make sure that
7 the recommendations that we make are pragmatic, are useful, are implementable, that's
8 -- that's -- you know, the opportunity to have the input is over the next four weeks or so.
9 So I just wanted to -- and, of course, also the final submissions from the RCMP as a
10 Participant, right, in written form, and the oral submissions are an opportunity to provide
11 those to us.

12 So be prepared to be creative and provide us with the meaningful
13 input that the public deserves. So.

14 **COMMR BRENDA LUCKI:** Well thank you for flagging that,
15 because that will be important to get exactly what you said, get the right person there,
16 because if we don't have the right person, they're not going to be very much value
17 added.

18 **COMMISSIONER STANTON:** That's it. Yeah. And you've had
19 people here, as you've mentioned throughout, paying attention and taking notes and so
20 on. And so we really do anticipate that the knowledge transfer that needs to happen will
21 occur, because there's been some very rich information in terms of the roundtables, but
22 also, of course, the impact upon the people that have been affected needs to be treated
23 with that respect of really sending the right people to make the recommendations.

24 So I appreciate your time. Thank you very much.

25 **COMMR BRENDA LUCKI:** No, thank you.

26 **COMMISSIONER MacDONALD:** Thank you very much,
27 Commissioner Stanton. All of my questions have been answered, Commissioner, and it
28 falls to me to thank you for the time you've spent with us. I can only imagine how busy

1 you are with your very challenging position.

2 It's been a long two days for you and you've been asked a lot of
3 difficult questions and we greatly appreciate the fact that you've come here and
4 answered them all.

5 And it's been grueling, I'm sure, but so important.

6 And so I want to, on behalf of the Commissioners and the entire
7 Commission, thank you so much, and tell you we really do appreciate the fact that
8 you've been here.

9 I wonder if I could also leave you with a request; in fact, it's more
10 than a request. I would implore you to assist us with the implementation of the -- of our
11 recommendations. And in fact it's more than that; I would ask you to be a champion for
12 those recommendations.

13 I was struck by the fact that you said sometimes you don't even
14 think of yourself as the Commissioner. And that is -- that's a sign of humility, but you
15 are the Commissioner of the RCMP, and you are in a very powerful position, and we
16 need courageous leaders in powerful positions to make sure that our recommendations
17 get implemented.

18 They're independent recommendations. It's an independent
19 inquiry. We don't represent one side or the other. We represent the public interest.
20 And we've worked hard to make sure -- and there's been a lot of effort put in, and I'm
21 not talking about myself; I'm talking about a lot of people, the Participants, the lawyers,
22 everyone. But that's not what it's about. It's not about us.

23 I said in our opening remarks we're on the lucky side of this
24 equation. Everyone involved in this Commission, we're on the lucky side of this
25 equation. It's about -- and they're in our binders every day; it's about the families, it's
26 about those who lost their lives; it's about the first responders, the communities, those
27 have been hurt physically in so many ways; the people of the province.

28 It reverberates around the country. Two of the people who lost

1 their lives were from the United States, so it reverberates everywhere. And, you know,
2 we've seen recommendations come and go, and these have to be implemented. As I
3 say, not for us, but for the memories, and for all the harm that's been done.

4 You know, there's a lot of hurt in this province. There's pain and
5 sorrow here everyday. We see it. And they deserve to have good recommendations,
6 pragmatic recommendations, implementable recommendations, and we will do our best.
7 And Commissioner Stanton has mentioned some ideas.

8 We will do our best from our end to make sure they're
9 implemented, but from us they're recommendations. And so I am passionately
10 imploring you as a person in a powerful position to champion those recommendations
11 for the benefit of all the -- to ameliorate some of the suffering, and so that the lives lost
12 will not be in vain. And if people push back, be they politicians, be they colleagues,
13 push back harder, please, for the memory of the people who lost their lives, and for all
14 the suffering. And I'm going to implore you to do that, and that with my thanks as well.

15 **COMMR BRENDA LUCKI:** Chair, you have my commitment, but
16 more than that, you have the commitment of my senior executives, you have my
17 commitment of my membership.

18 I use the word, "Opportunity"; we have an opportunity here to make
19 positive change, not just for the RCMP, but for Nova Scotia, but for the entire policing
20 community. It's a responsibility that I hold near and dear to my heart, and I feel
21 honoured to have that responsibility, and I take that responsibility extremely seriously,
22 as does my team. And my commitment is not just to the Commission, my commitment
23 is to the families and friends of the victims, to all the people who have worked tirelessly
24 over the last two years to make this happen.

25 And I agree with you, nothing is easy and only -- nothing is easy,
26 and we will -- we will champion this. You have my commitment.

27 **COMMISSIONER MacDONALD:** Thank you.

28 And we'll start at 2 o'clock tomorrow. I want to thank everybody for

1 everything, all their contributions, the Counsel, the Participants, of course; as always the
2 media is here religiously every day, and still here.

3 Thank everyone for their ongoing involvement and 2 o'clock will be
4 the start tomorrow and we will hear from Halifax Regional Police Chief Kinsella at that
5 time.

6 And so thank you to everyone, and we'll break, then, until tomorrow
7 at 2:00 p.m.

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

9 The proceedings are adjourned until August 25th, 2022 at 2:00 p.m.

10 --- Upon adjourning at 6:01 p.m.

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C E R T I F I C A T I O N

14

15 I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing
16 pages to be an accurate transcription of my notes/records to the best of my skill and
17 ability, and I so swear.

18

19 Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hauts
20 sont une transcription conforme de mes notes/enregistrements au meilleur de mes
21 capacités, et je le jure.

22

23



24 Sandrine Marineau-Lupien

25