

Public Hearing

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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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Mr. Jamie VanWart

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Ms. Emily Hill

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Conseillère de la commission

Ms. Grace MacCormick

Counsel / Conseillère

Ms. Tara Miller

Counsel / Conseillère

Ms. Linda Hupman

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Halifax, Nova Scotia

--- Upon commencing on Tuesday, September 6, 2022 at 8:32 a.m.

COMMISSIONER FITCH: Bonjour et bienvenue. Hello and welcome.

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

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

Today our thoughts are also with the people of James Smith Cree Nation in Weldon, Saskatchewan. The events of this weekend only strengthen our resolve to bring forward recommendations that will help make communities across Canada safer.

All public proceedings this week will be conducted virtually. This morning, representatives from firearms organizations will join us to share their thoughts on potential recommendations related to the access of firearms. Please remember that in addition to these public conversations focused on our mandate, we are continuing other work each day.

Later this afternoon, RCMP witness Constable Greg Wiley will join to talk about his interactions with the perpetrator and his involvement in the Butlin case.

Please note there has been an accommodation request so Constable Wiley's questioning will be on Zoom rather than a regular webcast stream. Anyone is welcome to register to watch and information on how to do that is available on our website on today's date on the calendar.

The full accommodation decision is available on our documents page. A transcript of the testimony will be posted to our website as soon as possible after the testimony is complete.

I will now ask Emily Hill and Jamie VanWart from the Commission

1 Counsel team to begin this morning's Participant consultation.

2 Jamie.

3 **MR. JAMIE VanWART:** I believe Ms. Hill has some opening
4 remarks.

5 **COMMISSIONER FITCH:** Thank you.

6 **MS. EMILY HILL:** Can you hear me? Thank you.

7 Good morning. My name's Emily Hill. Along with my colleague,
8 Jamie VanWart, we are members of the Commission Counsel team, and we'll be
9 facilitating today's session.

10 We're here this morning to have the fourth of a series of sector-
11 based consultation designed to encourage the sharing of views and perspectives. In
12 Phase 3, the Commission is building on everything the Commission has learned
13 through its two earlier phases, investigating what happened and exploring how and why
14 as the focus shifts to how best to make a difference in the future.

15 These sessions are designed to create opportunities for additional
16 input about key issues and potential avenues for reform to assist the Commission to
17 develop effective and meaningful recommendations related to this mandate.

18 This morning we're focused on firearms organizations. Joining us
19 today are Rod Giltaca, CEO and Executive Director for the Canadian Coalition for
20 Firearm Rights, Charles Zach, Executive Director of Canada's National Firearms
21 Association, John Parkin, manager of the Provincial Firearms Program, Department of
22 Justice Nova Scotia, Dr. Wendy Cukier, President of the Coalition for Gun Control, and
23 Rachel Mainville Dale, Director of Firearms Policy for Public Safety Canada.

24 I will now hand it over to my co-facilitator, Jamie VanWart.

25 **--- PARTICIPANT CONSULTATIONS; RCMP WITNESS**

26 **MR. JAMIE VanWART:** Thank you, Ms. Hill.

27 So we begin this Participant consultation with a focus on a report
28 that was prepared by Professors Joel Negin, Phil Alpers and Rebecca Peters. This

1 report is entitled “Firearm Regulation in Australia: Insights from International Experience
2 and Research”.

3 This report is a Phase 3 report, so it has been produced to support
4 conversations about recommendations specifically with respect to firearms-related
5 aspects of our mandate. It provides a detailed case study of the changes to firearms
6 regulations that was adopted in Australia in the wake of a mass casualty event that
7 occurred in 1998 in Port Arthur, Tasmania. It reviews the effectiveness of policy
8 approach that was adopted by the Australian governments after the incident and
9 describes the process that was used to build consensus and implement the relevant
10 regulatory changes. It also seeks to evaluate the impact of the changes in terms of gun
11 violence and suicide while offering an appropriate caution about the challenges of
12 conducting these kinds of evaluations.

13 The last part of the report also reviews changes to firearms
14 regulations that have taken place in other jurisdictions, including in response to mass
15 casualty incidents.

16 We are fortunate enough to have one of the authors of this report
17 with us here today. I’d like to introduce Joel Negin. Dr. Negin is a Canadian who joins
18 us today from Sydney, Australia. Dr. Negin has been the head of the School of Public
19 Health at the University of Sydney since November 2015. He has a PhD from the
20 University of Sydney, a Master’s in International Affairs from Columbia University and a
21 Bachelor of Arts from Harvard University.

22 He has recent publications on firearm violence in the New England
23 Journal of Medicine and the Medical Journal of Australia and in the Sydney Herald
24 newspaper.

25 Dr. Negin is also a member of the New South Wales Firearms
26 Registry Consultative Council working with representatives of shooting clubs and
27 firearms groups on supporting New South Wales policy settings.

28 I am pleased to introduce Dr. Negin. He will be giving an overview

1 of the paper that he was -- he co-authored, and he will be doing that for the next 40
2 minutes.

3 And Dr. Negin, I can give you a bit of a warning as you approach
4 the 40-minute mark if that's of assistance. Thanks.

5 **DR. JOEL NEGIN:** Great. Thank you.

6 It's a pleasure to be here, and thank you for the opportunity to
7 speak to you today.

8 So hopefully everyone can see my slides that are being shared so I
9 don't need to share them from my side. Just confirming that.

10 So as has been mentioned, this is an overview of the paper that we
11 have submitted to the Commission. We're not going to be able to cover every single
12 element of it, but we're going to provide a bit of a summary of some of the key points
13 and, of course, we encourage anyone to look at the report in more detail for further
14 information on our findings and research.

15 Next slide, please.

16 Before I begin, I would like to do, as is traditional in Australia, an
17 acknowledgement of country. I'm here in Sydney, Australia on the lands of the Gadigal
18 people of the Eora Nation. I'd like to pay my respect to elders past, present and
19 emerging, and to any First Nations people present today. And also like to acknowledge
20 the Mi'kmaq people in the area where I think many of you are today.

21 So we -- next slide, please.

22 We're presenting our work on this paper, which has been referred
23 to.

24 So move to the next slide, please.

25 And this is just a bit of an overview of the context that Australia
26 found itself in prior to the Port Arthur mass casualty event in April 1996. There had
27 been 11 mass shootings over 10 years, 100 people shot dead and 56 injured. Sixty-one
28 (61) percent of those victims were shot with a semi-automatic rifle, 70 percent had been

1 committed by licensed gun owners. The vast majority had no previous history of violent
2 crime, and two-thirds had no previous history of mental illness.

3 We are using a definition of mass shooting in line with previous
4 research as five or more victims, not including the perpetrator who are killed by gunshot.
5 I know there's some other research that uses slightly different definitions, whether four
6 or five. I just want to be clear about what we've been using in our report for these
7 definitions.

8 I do also want to highlight something that's been a theme of my
9 own work. While mass casualty events do garner a lot of attention, and rightly so, in
10 many jurisdictions, and I believe it's broadly true in Canada as well, a very large
11 percentage of gun deaths are actually self-harm events and suicides.

12 Next slide, please.

13 So the story of Port Arthur in late April 1996 is known to many
14 people, but I will do a quick overview now.

15 A young man with no recorded history of mental illness or crime
16 armed with semi-automatic weapons killed 35 people at a tourist site in Tasmania,
17 which is one of the states in Australia. These guns were legally available in Tasmania,
18 but banned in most other states, and in fact, Tasmania had the country's weakest gun
19 laws at the time. It constituted the second-largest peacetime massacre by a single
20 shooter ever recorded globally.

21 Now, the focus of a lot of our work in pulling together this report is
22 looking at what happened subsequent to the Port Arthur mass casualty event, and it did
23 ignite an explosion of public sorrow and outrage and a very rapid policy response at the
24 time.

25 Next slide, please.

26 What is notable is that the Prime Minister at the time was a
27 relatively new Prime Minister, only a few months into what ended up being an 11-year
28 long tenure as Prime Minister, one of the longest tenures as Prime Minister, John

1 Howard. He was from the Conservative Party in Australia, and he responded very
2 rapidly to the mass casualty event and proposed a plan for strict uniform gun laws to be
3 enacted across the country. And only 12 days after the event, the Police Ministers from
4 all jurisdictions, so numerous states and territories within Australia, adopted a National
5 Firearms Agreement.

6 The new Prime Minister used considerable of his political capital to
7 secure the National Firearms Agreement, and this photo here is a fairly iconic one from
8 Australia in that the Prime Minister is actually wearing a bulletproof vest underneath his
9 suit because of the strong emotions that his new policies were garnering across the
10 country and he went to speak to a public event about these new policies and was
11 wearing a bulletproof vest at this event.

12 Next slide, please.

13 I'm not going to try and summarize every bit of the National
14 Firearms Agreement, but these -- a fairly long list, and I apologize for the fairly long list
15 of the elements, but it set minimum standards for all states and territories to regulate the
16 import, sale, purchase, possession and use of firearms.

17 Some of the key components, put in a ban on self-loading rifles and
18 shotguns, a registration of all firearms, stringent licensing procedures, and people had
19 to provide a genuine reason for possessing a gun and personal protection/personal
20 safety was specifically explicitly ruled out as a genuine reason.

21 One-off amnesty, the gun buyback, was instituted. There's
22 regulation of ammunition and safe storage. Gun transfers had to go through licensed
23 firearm dealers, who thus became part of the enforcement machinery and mechanism
24 within Australia. And police-approved shooting clubs became the providers of safety
25 training.

26 Next slide, just quick. Thank you.

27 So important to note, and I think this is one of the big lessons
28 coming out of the Port Arthur response in Australia, is that the -- there was not one

1 intervention, there was not one component. These are -- represent an integrated
2 response and these were interdependent where these various pieces work together.
3 The registration, the licensing, the gun clubs, the genuine reason, it was part of a
4 holistic, integrated response that was represented by the National Firearm Agreement,
5 and it was endorsed by all states and territories though, as we can speak about later,
6 the implementation of it has not been complete in every single state and territory, but all
7 of these components were part of the overall agreement.

8 Next slide, please. Thank you.

9 Another part, and this is really what kind of differentiates the
10 Australian story from the one that we hear about a lot, of course, from the U.S. is that
11 part of this was a very explicit recognition and statement that firearm possession is a
12 conditional privilege. And the statement was confirmed in the various laws and also by
13 the High Court of Australia. When the National Firearms Agreement was updated in
14 2017, its opening paragraph has the language "Firearms possession and use is a
15 privilege that is conditional on the overriding need to ensure public safety."

16 And in my work on the New South Wales, which is the most
17 populous state in Australia where Sydney is found, I'm on the New South Wales Police
18 Force's Firearms Registry Consultative Council. And in a lot of our discussions, this
19 notion of public safety being first and foremost does get raised a lot as the foundation
20 stone for firearms policy in all of our discussions.

21 Next slide, please.

22 I'm going to talk a little bit now about the gun buyback, which, you
23 know, people hear a lot about and we do discuss a lot, but I do want to note this was
24 just one piece of the overall National Firearms Agreement and implementation over
25 subsequent years.

26 Next slide, please.

27 So the national firearm buyback was an event over 1996 and 1997,
28 but it actually has been extended and there's been ongoing voluntary hand-ins,

1 amnesties, a handgun buyback as well. And so more than a million civilian guns were
2 collected and destroyed. And this was funded by a one-year Medicare levy of 0.2
3 percent, so about \$15 per taxpayer.

4 Next slide, please

5 Some data from the Australian National Audit Office as I just tried to
6 quantify who was handing in guns, were they legal guns, were they illegal guns and so
7 on. And so we have some data here on that, and a lot of now illegal guns because of
8 the banning of the certain types of weapons, the semi-automatic weapons, were handed
9 in.

10 Next slide, please.

11 Sorry. Click again. It didn't come through.

12 So the objective of the National Firearm Agreement was ultimately
13 to reduce the risk of mass shootings, and next click, please, reduce the overall risk of
14 gun death and injury. And then just the very top line, results, no mass shootings in
15 Australia from late April 1996 through 2018.

16 Next click, please. The overall risk of dying by gunshot was halved.

17 Next click, please. Obviously, reduced risk of being shot with a
18 semi-automatic weapon because those were banned, so considerably less risk there.
19 And no evidence of displacement to other methods.

20 Next slide, please. We're going to go into some of those in more
21 detail.

22 So where there had been more than 10 mass casualty events in
23 previous years, there were none between May 1996 and May 2018. There was a mass
24 casualty event in May 2018 in Western Australia. So that's the kind of top line element
25 to it.

26 And the Prime Minister John Howard, who finished his tenure as
27 Prime Minister in 2007, was still obviously a public figure in Australia, you know, has
28 noted that, you know, this was one of the intended and hoped for outcomes of the

1 National Firearms Agreement and that rapid policy response in 1996.

2 Next slide, please.

3 This is some data from GunPolicy.org, which is a repository of
4 information and data from a number of jurisdictions around the world on gun deaths,
5 gun violence, number of firearms in the country, and so on. And this is a compilation
6 that we then used in our *New England Journal of Medicine* paper.

7 And so between 1979 and 1996, average annual firearm mortality --
8 firearm-related mortality was 3.6 per 100,000 people, and after the policy intervention, it
9 dropped to 1.2 per 100,000 people in the period of 1997 to 2013.

10 Firearm-related mortality had already been falling in Australia, but
11 changes accelerated from an average decrease in three percent per year before the
12 gun laws were upgraded to an average decrease of 4.9 percent per year afterwards.

13 And as you can see here, and I think it's important to note, that
14 decline has been sustained. It wasn't just a drop over a short period of time. It's
15 actually been sustained over what is now a 25-year period since the Port Arthur mass
16 casualty event.

17 Next slide, please. Sorry, next slide, please. Yeah. Thank you.

18 So this shows data on gun suicide and gun homicides over -- in the
19 period of 1979 to 2019 as a rate per 100,000 population, again from the compilation at
20 GunPolicy.org. And we see drops in gun suicides and in gun homicides being
21 sustained in Australia, with declines quite dramatic in the gun suicide, although it still
22 represents a very large percentage of firearm deaths in Australia.

23 Next slide, please.

24 This is rate of civilian firearm possession per 100 population. And
25 see the decline after the gun buy back and the NFA and then relatively, although there
26 was some ups and downs over that time period, and it's kind of stabilized at that 14/15
27 per 100 population.

28 And important to note from the next slide, the number of registered

1 firearms in Australia is actually back on the increase. So it did decrease fairly
2 dramatically after the gun buy back, but it has been moving up over the last few years
3 and is now more than 3.5 million firearms in a population of about 25 million people.

4 We will come back to this, because even though the number of
5 firearms in the country is actually moving up, and so it also suggests that the NFA did
6 not ban firearms, it did not stop lawful owners from having registered firearms, indeed,
7 the number of firearms in the country is back up to the levels that was seen around
8 1996 and the mass casualty events.

9 Next slide, please.

10 Unfortunately, we don't have updated data on this. This is from
11 some household surveys that were conducted years ago and they don't ask this
12 question in the same way anymore. But this is the proportion of households with
13 firearms. And we see a decline in this. So even though the number of firearms in
14 Australia has come back up, the proportion of households still remains lower than it was
15 back in the '90s. So the people who do have firearms in general have more firearms,
16 but the number of households with firearms is reduced. But we don't have exact data
17 that's comparable over this time period. But we do see the decline here over this time
18 period.

19 Next slide, please. Thank you.

20 So Andrew Leigh did a review of some of this data, and Andrew
21 Leigh is actually the Assistant Treasurer now in the Australian Parliament, he's a
22 Professor of Economics at the Australian National University, and he concluded the buy
23 back led to a drop in the fire arm suicide rates of almost 80 percent. The largest falls in
24 firearms deaths occurred in states where firearms were brought back.

25 And I think it's important to note, certainly from my perspective as
26 an academic in public health and looking at reducing harms, the impact not just on
27 mass casualty events, but also on suicides and other assaults is important for the
28 overall story of trying to reduce harm and violence through effective policy.

1 Next slide, please.

2 Some statistical work that was conducted looked at whether the
3 reduction in mass casualty events after Port Arthur, in that 18 years after Port Arthur,
4 could have been just a statistical coincidence or just a random happenstance. Given
5 that mass casualty events were not common events, obviously, they were relatively
6 uncommon before, but none happening in the 18 years after, the statistical analysis
7 suggests that the odds against this being just a coincidence were 200,000 to one. And
8 that was published in the *Annals of Internal Medicine* paper in 2016, which is referred to
9 in our paper.

10 Next slide, please.

11 So I'm going to turn now to actually some research that we
12 published in the *Medical Journal of Australia* last year, I think it was, on the 25th
13 anniversary of the Port Arthur mass casualty event and subsequent policy interactions.
14 And the reason we're showing some of this, it looks just at the data in New South
15 Wales, which is Australia's most populous state. It goes into a little bit more detail on
16 who has been affected by firearms. So it's less focused on the mass casualty side and
17 more focused on some of the longer-term trends and impacts of Australia's firearm
18 policy settings. And I hope this will also be of relevance to the consultations by the
19 Commission.

20 Most research in Australia has focused on mortality and a lot of the
21 debate on mass casualty events, but we also wanted to look specifically at injuries. And
22 so this is actually data that was extracted from Australian hospital data and emergency
23 room data on people who have been injured by firearms.

24 Next slide, please. Sorry, next slide. Yeah, thank you.

25 So between the period 2002 and 2016, in New South Wales, which
26 has a population of about eight million people, there were 2,390 firearm-related injuries
27 and deaths that were officially recorded. And we see the split here between assaults at
28 36 percent, accidents 21 percent, intentional self-harm and suicide attempts 33 percent,

1 and then either undetermined or other was 10 percent, which also just gives a sense of
2 the magnitudes of each of what's happening in New South Wales over this time period.

3 Next slide, please.

4 So the rate of gun injuries per annum by intent. So we do see the
5 overall firearm-related injury rate declined from 3.4 per 100,000 in 2002 to 1.8 per
6 100,000 in 2016. The decline was greatest for injuries caused by assaults or accidents,
7 but the annual rate of intentional self-harm injuries was actually stable. So we see that
8 the policy settings in New South Wales did lead to declines in injuries caused by
9 assaults and accidents but suicides remained persistent.

10 And next click, please.

11 I think this is particularly notable because of the context of
12 increasing numbers of firearms in New South Wales. So I do like to suggest that the
13 current policy settings are doing something right, as even though there are more
14 firearms in New South Wales, the number of accidents is actually going down. And I
15 think that suggests that the training by the shooting clubs is appropriate and going well,
16 the requirements for safe storage are going well, the licensing requirements more
17 broadly are appropriate, and so, you know, that's, to me, a public health success, that
18 even in the context of increasing numbers of firearms, we are seeing declines over an
19 extended period of time.

20 Next slide, please. I know the Commission has been interested in
21 gendered aspects of violence. And I will note before I go into this that I do think that's a
22 missing element of much of the research and much of the data that exists. I think that is
23 a gap in the literature.

24 We do have data on the victims of firearm violence, and we show it
25 here by intent, this is over the data in New South Wales from 2002 to 2016, -- and if you
26 just click forward for a couple -- and one more, thank you -- you do see some of the
27 things that we would like to highlight.

28 First of all, in terms of assaults, 10 percent of the victims of assaults

1 who attended hospitals or emergency room departments were female, whereas
2 intentional self-harm, five percent of people injured or killed were female. And then we
3 also see the age breakdown. Assaults are a much younger population, 19 to 39,
4 whereas intentional self-harm is very high among populations 60 years and older.

5 So we see in terms of the types of firearms injuries that we're
6 seeing in New South Wales, the assaults are younger, younger population victims,
7 intentional self-harm is essentially older men over the age of 60.

8 We also see a fairly high percentage of accidents among the
9 younger population in one of the other red circles.

10 So I think this starts to give us a picture of some of what's actually
11 happening in terms of firearm injuries.

12 Next slide, please.

13 The other aspect which is relevant to a big state like New South
14 Wales, but I think also relevant to some parts of Canada potentially, is the location of
15 residence.

16 So if you just click forward for a couple of the red circles, and one
17 more, thank you.

18 You see assaults are much more common in major cities, whereas
19 the intentional self-harm is much more common in regional areas, rural areas. And so
20 really, the firearms suicide is older rural men, and quite starkly so, whereas assaults is
21 much more urban and younger, and among a much more disadvantaged socio-
22 economic group.

23 I do note that within this data, we do not have data at present as to
24 whether these injuries, or accidents, or assaults, or self-harm, were caused with
25 licensed -- sorry, which registered firearms or by licensed firearm owners. And that's a
26 further piece of work that we are conducting with New South Wales Police Firearm
27 Registry.

28 Next slide, please.

1 We also looked at data mapped over which parts of the State own
2 firearms and firearm ownership. And we did find a correlation between firearm
3 ownership and self-harm injury, but we did not find a correlation between firearm-related
4 assaults and levels of ownership by part of the State, which does suggest that the
5 assaults might not be exclusively among registered firearms. There's very likely to be
6 non-licensed holders and illegal guns being used, which I don't think would shock
7 anyone in the context of a large urban city like Sydney.

8 Next slide, please.

9 There's a lot of missing data on this, -- and just click forward once,
10 please, for some of the red circles -- but we do see that assaults use handguns more
11 frequently, whereas the intentional self-harm and accident are more likely with rifles and
12 shotguns. So that's also part of the context here in terms of the types of firearms being
13 used in these events. So data does suggest that handguns are more often used in
14 assaults, while long guns such as rifles are more often used in self-harm and in
15 accidents.

16 I'm conscious of time, so I'm going to move towards some of my
17 final slides now before Mr. VanWart gives me his warning that he has threatened. So I
18 will finish up with the last few slides.

19 Some of the lessons learned. I approach this from a public health
20 perspective, where we aim to reduce harms through policy, through interventions,
21 through behaviour change, through legislation. And so we look at the three pillars of
22 automobile control to try to reduce harm. And we see that we try and address the
23 person, so we license all drivers, we try and understand what's happening with the
24 object, so we register all vehicles, and we also address the right, which in this case is
25 defined in legislation as a conditional privilege to drive a car.

26 And so we use that same type of framework when we look -- next
27 slide, please. We use these three pillars when we're talking about civilian gun control.
28 We look at the person, in the context of Australia, licensing all gun owners, the object,

1 registering all firearms, and the rights, in this case defined in legislation as a conditional
2 privilege.

3 So this is quite a simple framework, but one that we think is
4 relevant, and we explicitly take a public health approach to this issue. And I think that is
5 how Australia has moved forward with its policies.

6 Next slide, please. Only two left.

7 So some of the lessons learned from the Australian context. In
8 particular, the focus on removing the most dangerous firearms has been impactful. A
9 focus on banning the semi-automatic weapons.

10 A political current by conservative politicians, which was an
11 important factor in the 1996 response.

12 Policies in response to mass shootings have had an impact on
13 suicides and assaults and not only on mass shootings.

14 And the success of firearm legislation has since become a source
15 of pride for many Australians. This is something that Australians are aware of, they see
16 it as a policy success. They see it as something that differentiates them from the
17 American experience. When there is a mass casualty event in the U.S., there is often a
18 flurry of commentary in Australia about, "We're glad we don't have these types of events
19 because of our policy settings.

20 And John Howard as a politician can be a polarizing figure in
21 Australia, but even his political opponents, people who view him negatively on other
22 aspects of his legacy, view the Port Arthur response as something that they commend
23 him for. And so you'll have people say, "John Howard, he's terrible. But what he did
24 with -- after Port Arthur, that was amazing." You know, that type of narrative and
25 respect, even from those who would traditionally be his political opponents.

26 Last slide, please.

27 Australian policy settings have not led to elimination of firearms or
28 to the privilege of firearm ownership. We see firearm ownership has actually returned to

1 pre-Port Arthur levels. Reduction, but not elimination of mass shootings. Firearm injury
2 rates have declined. And firearm suicides remain an area of concern.

3 That's a very rapid summary, Commissioners, on what we learned.
4 I would request that people do spend some time looking at the full report for more
5 information. And obviously all the citations and references are in that full report, so I'll
6 pause there and have a sip of water and hand back to Ms. Hill and Mr. VanWart.

7 **MR. JAMIE VanWART:** Thank you so much for that very
8 informative presentation, Dr. Negin.

9 What we're going to do now after you've had an opportunity to have
10 a sip of water is move to our invited Participants today and allow people to have an
11 opportunity to ask you some questions about your presentation and paper. And how
12 we'll proceed is each Participant will have five minutes to ask you some follow-up
13 questions and then we'll move on to the Commissioners.

14 So I'm going to start with Mr. Rod Giltaca, who is joining us from
15 Vancouver today. And Mr. Giltaca, you have five minutes.

16 **MR. ROD GILTACA:** Thank you very much.

17 It's -- five minutes is a lot of time to discuss and vet this report. The
18 report's lengthy and a lot of the data's been circulating around a lot of these
19 communities for a long time. Many papers have been published on this material that
20 are highly critical of it, but there's just not enough time to get into that here because five
21 minutes is just -- yeah, it's not even close.

22 But anyway, I think the question that I would like to pose to Dr.
23 Negin has to do with how this applies -- how all of his research applies to what
24 happened in Nova Scotia. So just to be clear about all that stuff, we've had a real
25 problem in this Commission with parties coming in and using -- standing on top of what
26 happened to promote and to push their agendas for changing in Canada for whatever --
27 whatever their agenda is. And it's been a very difficult thing that I think the public
28 largely rejects.

1 But to be clear about what happened, so to set the stage for what
2 my question is, we had, in Nova Scotia, on April 18th and 19th, 2020 -- we had an
3 individual with a decade or decades long history of bizarre and violent behaviour -- it's
4 my understanding he even threatened the life of his parents. He's had several
5 interactions with law enforcement throughout that entire period, so he was not flying
6 under the radar. He was well known for these things.

7 Didn't have a firearms licence, didn't have any connection with the
8 lawful firearms community. He smuggled firearms across the border from the United
9 States. He dressed up as a police officer driving a police car and committed the largest
10 spree shooting in Canadian history.

11 So my question is, is being that the Commission has been -- has
12 spent millions upon millions of dollars to find out what happened in this circumstance,
13 what in this report -- what measures were implemented in Australia with the National
14 Firearms Agreement would have prevented or mitigated this shooting spree?

15 **DR. JOEL NEGIN:** Ms. Hill, Mr. VanWart, is this time included for
16 me to respond to that or ---

17 **MR. JAMIE VanWART:** Yes, please. If you could respond, yes.

18 **DR. JOEL NEGIN:** Okay. Sorry. I wasn't sure of the exact
19 process.

20 Thank you, Mr. Giltaca, for the question.

21 So first of all, I just want to be clear, our brief was to write a report
22 for the Commission on the Australian experience. In terms of the relevance of the
23 Australian experience for Nova Scotia specifically or for Canada more broadly, that was
24 not what we were asked to do.

25 The decision on relevance of our work or any of the other work,
26 presumably, on the Canadian policy future is ultimately up to Canadians and to the
27 Commission. We hope that what we present informs and shines a light on some
28 aspects, but I -- we were not asked to look at it specifically in the context of the events

1 in Nova Scotia in 2020.

2 So I take your point that the individual in question had a history and
3 conducted the mass casualty event. In terms of what we think the Australian
4 experience could do specifically for that individual to have prevented that, that's not
5 something we were asked to look at. But are there lessons in terms of firearm
6 registration, licensing, engagement with mental health services, working with general
7 practitioners or family doctors to ask questions about mental health and whether people
8 have firearms, sharing of data across jurisdictions, I mean, those are parts of the
9 National Firearm Agreement. And whether those are policy components that would be
10 of relevance to Nova Scotia and Canada is ultimately a matter for the Commission.

11 **MR. ROD GILTACA:** So it really -- there's nothing in that report
12 that would have mitigated or prevented what happened in Nova Scotia. Does that
13 sound -- does that sound accurate?

14 **DR. JOEL NEGIN:** I'm not in a position -- I'm not in a position to
15 answer that question. Really, I don't know enough of the details. I haven't been
16 involved in the Commission's work.

17 So that's a question for the Commission, ultimately. That's not
18 something I can say one way or the other.

19 **MR. ROD GILTACA:** So in fact, the report itself just contributes to
20 a conversation -- it creates a response to the opportunity presented by this -- the worst
21 spree shooting in Canadian history to talk about gun control. That sounds like that's
22 what's going on.

23 **MR. JAMIE VanWART:** And Mr. Giltaca, Dr. Negin will respond
24 and then we'll move on to Mr. Zach.

25 **MR. ROD GILTACA:** Sure.

26 **DR. JOEL NEGIN:** I can't comment. You're asking me to
27 comment on motives of other people, and that's not something I'm in a position to do. I
28 wasn't -- yeah, I wasn't involved in that.

1 **MR. ROD GILTACA:** Okay. Thank you.

2 And this was a Commissioned Report, so the Commission paid for
3 this. Is that correct?

4 **MR. JAMIE VanWART:** Thank you, Mr. Giltaca. We'll move on to
5 Mr. Zach now.

6 You will have an opportunity later on in our Participant consultation
7 to share your thoughts and ideas with the Commissioners.

8 So next is Charles Zach, who's the Executive Director of Canada's
9 National Firearms Association. You have five minutes, Mr. Zach.

10 And perhaps you could unmute yourself. Thank you.

11 **MR. CHARLES ZACH:** Sorry about that. Greetings, everybody,
12 and thank you for having me here.

13 I'm going to build on what Rod has just said. And what I'm going to
14 ask say before I ask the question is maybe no surprise to Jamie and Emily, is, you
15 know, these Commissioned Reports, we have some issues with this. I mean, when --
16 you know, the last one that was commissioned by Dr. Blake Brown, you know, talked
17 about gun control and the history of gun control. And it was well done. Unfortunately,
18 Mr. Brown did not talk about or admitted to say that, you know, the gun controls over
19 history in Canada just weren't effective.

20 And now we have again another Commissioned Report that doesn't
21 seem to be germane to the Canadian experience and this tragedy here before us. And
22 so I'm just questioning kind of where that is coming from and why it's actually in this
23 process when we're trying to find out the truth about what actually happened in the
24 Canadian context.

25 Anyway, I'm going on here.

26 I also want to mention that, in this Commission, we dedicated
27 ourselves to try to reveal the truth and try to help the Commissioners to, you know, help
28 understand what was going on to come up with a good recommendation in the end. I

1 am not a researcher and we -- once again, we're faced with some research here.

2 I tried to get in some research papers, actually get some
3 researchers actually to speak into this directly. They were pretty much all rejected.

4 I had Dr. Gary Mauser. He was deemed to be dated. Dr. Caillin
5 Langmann, who is the foremost expert in Canada with the most up-to-date information.
6 He was deemed to be not germane to the situation. Then I had John Lott, who's written
7 on this a lot as well, too. And he was deemed to be too American. I don't know what
8 that means, but anyway.

9 I have submitted some exhibits into the process hoping the
10 Commissioners can take a look at that. And all those -- all those exhibits refute what
11 Joel has basically said in his conclusions.

12 I'm going to summarize Dr. Kleck's -- Gary Kleck's report on this.
13 In the conclusion he says that, "...and if they did not reduce the prevalence of gun
14 ownership in Australia" -- and Joel's already admitted that -- "and if they only temporarily
15 reduced the total number of guns in civilian hands" -- and Joel has actually confirmed
16 that -- "and if they did not reduce "Australia's homicide rate" -- Joel has confirmed that.
17 "The NFA did not reduce Australia's suicide rate" -- and Joel confirmed that at the end.
18 "The NFA appears to have increased the rate of fatal gun accidents," -- which Joel
19 omitted to say -- " and there is no strong evidence that the NFA reduced mass
20 shootings in Australia."

21 So, you know, I guess my question is going to be here is that
22 seems to be some kind of -- and Ron alluded to this; there seems to be some kind of an
23 effort here to achieve some kind of preconceived message, and it seemed to be to
24 validate the existence of gun control and to double down on that and actually, you know,
25 bring in stronger ones, more gun bans and everything else. And we see from contrary
26 studies to the Alpers Report that they are not affected.

27 So I guess my question here is; why was Joel invited here, and why
28 was this Commission actually commissioned in the first place? Was it to validate Justin

1 Trudeau's gun control edicts that were, I guess, shamelessly exploiting the situation to
2 bring in his own ideological gun controls? I leave the question with Joel to answer that,
3 or not.

4 **DR. JOEL NEGIN:** Thank you, Mr. Zach. I'll answer the best that I
5 can answer. I can't answer the final point that you raised. That's, again, not for me to
6 answer.

7 The -- we are familiar with the work of Kleck and Mauser, and a
8 number of others. There's been a lot of, as you referred to, back and forth over many
9 years. A lot of that, to my mind, is settled; we've had that back and forth. There's been
10 a number of independent reports by the Rand Foundation, by economic professors, by
11 public health academics into this. We are familiar with the work; it doesn't change our
12 conclusions. And looking at the trend data, a lot of the work by Kleck and others was
13 considerably earlier, and we're looking at a much longer-term trend, including, as you
14 will have seen, data to 2019, 2020 in some cases.

15 The NFA -- post the NFA, I think if anyone had asked policymakers
16 in 1996 what would success look like, and if someone said, "18 years of no mass
17 casualty events in Australia after that," that represents a reduction in mass casualty
18 events; to go from one a year to zero for 18 years does represent a reduction.

19 Suicides remain a problem. I did not say that they have not been
20 reduced in that time; they have been reduced, as my data from New South Wales
21 showed, and my data from Australia showed. They have reduced and the same with, in
22 particular, accidents and also assaults. But they did not eliminate to zero. And I
23 actually think it's an important part of the equation that the number of firearms in
24 Australia is still high because it has not -- the NFA has not led to the banning of guns or
25 lawful owners using them lawfully. And so people still have the privilege of owning
26 firearms, and yet there is greater focus on public safety. And, ultimately, I think that's
27 an outcome we would all share as something that we are interested in seeing.

28 So that's my response to those elements.

1 **MR. CHARLES ZACH:** Maybe just -- maybe just one follow-up.

2 **MR. JAMIE VanWART:** Mr. Zach, I'm going to move on now to Mr.
3 John Parkin, who's the manager of the Provincial Firearm Program for the Department
4 of Justice Nova Scotia.

5 Mr. Parkin, do you have any questions for Dr. Negin?

6 **MR. JOHN PARKIN:** I'm not sure -- can you hear me? I just want
7 to make sure of that first. Okay.

8 Just a couple of quick questions. The one thing I was very
9 interested in, in the paper and in the presentation; you've commented repeatedly on the
10 fact that ownership of firearms has continued within Australia and that -- and in the
11 paper there was reference to sporting activities and associations that have continued in
12 Australia, and a very healthy environment.

13 So can you confirm that handgun ownership, in particular, has
14 continued within the -- at least the realm of shooting clubs and within sporting
15 associations such as IPSC, IBPA, SASS, and other types of recognized sporting
16 associations within Australia?

17 **DR. JOEL NEGIN:** Thank you, Mr. Parkin.

18 So, yes, within -- there are different classifications of firearms that
19 can be registered, depending on your valid reason. And so shooters, particularly people
20 who are competitive shooters or members of shooting clubs, there are handguns that
21 are permitted in that process. And so there are -- there is ownership where that is a
22 valid reason that is provided.

23 **MR. JOHN PARKIN:** Okay, thank you.

24 The other question I had that I was interested in, I noticed in the
25 presentation and in your paper as well, the reference to the reforms that were
26 introduced under the Firearms Agreement in 1996, '97. And I look at the correlation
27 between the firearms legislation that was introduced in Canada in 1995, enacted in
28 1998, and the reference to things like the registration of firearms.

1 Now, that has since been repealed in Canada, however -- or for
2 long guns or non-restricted firearms, as we classify them here; handguns have been
3 registered in Canada since 1936, and there's been a process for tracking those and the
4 transfer of registrations of those since that time.

5 The establishment of purpose or a legitimate reason for having
6 firearms, which is a part of the *National Firearms Act* in Canada, at the present time,
7 uniform licensing requirements, which is present in both documents, prerequisite for
8 safety training. So in Canada we have, since 1998 I believe, had the Canadian National
9 Firearms Safety Course, and the Canadian Restricted Firearms Safety Course has
10 been in existence. We have regulations on the storage, transportation, display, and
11 handling of firearms, grounds for refusal and revocation.

12 And I'd like to explore the difference between not of good character
13 and good and sufficient reason, because I have to operationalize a lot of this stuff, and
14 to see what the relationship there might be.

15 There's two more recent things, and unfortunately, these have not
16 been in place long enough for any real data or results to be recorded and reported on, is
17 the reporting of sales, which is now a process in place in Canada to track the transfer of
18 non-restricted firearms. And while there's not a complete ban on self-loading firearms,
19 there was an Order in Council introduced in May of 2020 in Canada, and so my
20 question that relates to all of these things is; are you aware -- because I'm not and your
21 studies have probably been more extensive than mine -- has there been a
22 corresponding increase in safety in Canada under the Canadian regime, compared to
23 the numbers or the statistics that you relate and in relation to the Australian experience?

24 **DR. JOEL NEGIN:** Thank you. So I'd have to admit I'm -- I don't
25 have the Canadian data on me, and I'm not an expert on the Canadian data, so I don't
26 want to overstep my bounds in terms of commenting on that.

27 I do think it's challenging, methodologically, to look at each piece
28 individually and try and attribute how much of a reduction or change or increase in

1 firearm injuries or homicides, or whatever indicator is pertinent, is attributable to
2 changing of each of those components. I think it ends up being as a real-world policy
3 intervention, the suite of interventions that lead to change.

4 I do reflect on some of the points you've just made, Mr. Parkin,
5 around moving weapons across jurisdictions. I mean, there are some ongoing
6 challenges in Australia. Each of the different states and territories have their own
7 mechanism for firearm registries. They don't speak to each other across jurisdictions,
8 so when people move firearms across jurisdictions, they can get mixed up and not
9 tracked well. There's also challenges with deceased estates.

10 So the challenges of firearm policy that I'm working with the New
11 South Wales Police on are perhaps of relevance to the Canadian experience because
12 they are just some of those operational, ongoing challenges.

13 **MR. JOHN PARKIN:** Okay, thank you.

14 **MR. JAMIE VanWART:** I now turn to Wendy Cukier, who's the
15 President of the coalition for gun control.

16 **DR. WENDY CUKIER:** Thanks very much. And I'm joining you
17 here today from the traditional territory of the Mississaugas of the Credit, the
18 Anishinaabe, the Haudenosaunee, the Chippewa, and Wendat peoples. And in
19 Canada, as in Australia, we acknowledge the land that we inhabit as settlers as part of
20 our commitment to truth and reconciliation, which is not, frankly, disconnected from
21 discussion of firearms in this country.

22 I know you didn't have a lot of time, Dr. Negin, to respond to some
23 of the questions. So I'll just focus in on the point that Mr. Zach raised about the
24 research of John Lott, Gary Kleck, and Gary Mauser, specifically with respect to arming
25 for self-protection. Lott's famous book is *More Guns, Less Crime*, for example. And I
26 just wondered, in your preparations and your research, have you formed an opinion on
27 the issue of arming for self-protection and the relevance of the methods that have been
28 used in some of the work that suggests that more guns make us safer?

1 **DR. JOEL NEGIN:** Thank you very much, Dr. Cukier.

2 So in Australian context, that was deemed as not a valid reason for
3 owning a firearm and having one in the household. It was deemed to be not a
4 legitimate reason, and therefore that's not part of the Australian experience, and that
5 was a bold part of the firearm legislation.

6 In terms of the data, my familiarity with it from John Lott's book and
7 work, I haven't seen any evidence that convinces me that more guns lead to less crime
8 and that more guns lead to greater public safety.

9 To me, public health and public safety is about protecting people,
10 and having more guns in the community, I've seen no evidence that -- of any decent
11 methodology that we would use in the type of research that we would do that would
12 convince on that.

13 **DR. WENDY CUKIER:** Thanks very much. And if I have time, one
14 more question.

15 I know that -- I know that it wasn't really addressed in your report,
16 but has there been any gender-based analysis of the Australian experience and the
17 impact of gun laws, specifically with reference to violence against women?

18 **DR. JOEL NEGIN:** Sorry, Dr. Cukier, I think I mentioned briefly,
19 there is a paucity of data that specifically looks at that. One of the challenges that we've
20 had is that the data that exists, for example, the data from New South Wales that we
21 looked at looks at the victim of firearm violence, but it doesn't necessarily link in our
22 systems to the perpetrator. So that is something we are actually working on with some
23 colleagues here to try and do that data linkage across victim and perpetrator to
24 understand who it is, is it a family connection, is it a non-family connection, is it
25 something else. It's quite tricky to do with existing data systems, but we have a team
26 that's actually working on that at present.

27 One of the other challenges is that intimidation with firearms is not
28 actually something that is captured by our data systems all that well. So what would be

1 captured is when it's a crime and that crime has been entered into BOCSAR, which is
2 the crime database, I forget what it stands for, Bureau of Crime Statistics and Research,
3 I think is what it stands for. And that's who we've been working with. But there's a lot of
4 firearm intimidation that is gender-based but doesn't actually make it in. So we've
5 struggled to be able to develop a full picture.

6 Although unfortunately one of our best sources of information on
7 this is coroner reports, when it's incidents that have led to gender-based violence or
8 domestic violence deaths. And then that has a report that we can then look at for some
9 of this. But it's not an easy source, I suppose.

10 **DR. WENDY CUKIER:** And what -- sorry, setting aside the
11 relationship between ---

12 **MR. JAMIE VanWART:** Sorry, Dr. Cukier, ---

13 **DR. WENDY CUKIER:** Oh, sorry.

14 **MR. JAMIE VanWART:** I'm going to ---

15 **DR. WENDY CUKIER:** Okay.

16 **MR. JAMIE VanWART:** I apologize. I'm going to shut you down
17 and move on. We've hit time.

18 If we could move on now to Rachel Mainville-Dale, who is the
19 Director of Firearms Policy at Public Safety Canada? Do you have any questions?

20 **MS. RACHEL MAINVILLE-DALE:** Good morning. So I'll just note
21 that I am in Ottawa, and therefore I am joining you from the unceded and unsurrendered
22 territory of the Anishinaabe Algonquin First Nation.

23 Prof. Negin, thank you very much for your presentation. I found it
24 very informative.

25 I was wondering if you could speak a little bit about that shift in
26 1996? Specifically I was interested to hear about the ban on private sales, and
27 specifically in terms of you talk a lot about firearms ownership in rural areas and how
28 that functioned. Was there necessarily the network of licensed dealers that could

1 handle the transfers? And I'm assuming that part of the reason for that was for tracing
2 purposes?

3 **DR. JOEL NEGIN:** Yeah, so I have to admit, my familiarity with
4 exactly, you know, how many licensed dealers and has that increased, but part of it was
5 to formalize the transfer and sale and tracking of firearms. It also ensured that firearms
6 were being sold and the firearms clubs were involved in safety training, and it formalized
7 the system that involved the firearms clubs and firearms stores and the enforcement
8 mechanism and data collection.

9 And that remains, and in my work with New South Wales Police
10 now, that remains part of the overall mechanism, at least in New South Wales, where
11 the firearms clubs are a part of the solution and part of the community response.

12 There certainly are some parts of the states that are quite remote
13 where there wouldn't necessarily be access as close geographically as some people
14 would like, but a lot of Australians who live in remote areas are quite used to driving
15 quite distances for schooling, for health care, for entertainment, for other activities.

16 So it has been a part -- also what's happened in Australia is the
17 genuine reason for owning a firearm is -- one that's often used in addition to work on
18 farms or culling of certain animals on farm property is membership of a gun club. So
19 gun clubs have actually expanded quite dramatically in some parts of Australia because
20 it is now one of the genuine reasons. So if someone does want to own a firearm, then
21 they almost -- well, in many cases, will have to join a gun club. And so gun clubs have
22 actually expanded or become more successful financially. And actually, in the
23 Australian context, through that, have actually gained some political power through
24 having more available funds. So they've actually ended up having a number of seats in
25 the New South Wales Parliament through a party that is, to some degree, through gun
26 clubs.

27 **MS. RACHEL MAINVILLE-DALE:** Okay. Thank you. That's it for
28 me.

1 **MR. JAMIE VanWART:** Thank you. I'll turn now to the
2 Commissioners.

3 Commissioner Fitch, do you have any questions for Dr. Negin?

4 **COMMISSIONER FITCH:** I do, thank you, Jamie.

5 Thank you, Dr. Negin, for your presentation today. It's greatly
6 appreciated.

7 And I know that you know this difference, but for those who are
8 tuned in and listening today, I just want to make a distinction. I too noticed that Prime
9 Minister Howard was wearing body armour in the opening photograph that you had.
10 And I'd just like to make that distinction. People refer to it as bullet-proof vest, but there
11 is actually no such thing that is totally bullet-proof, to my knowledge. I mean, the hard
12 body armour is certainly helpful, but I just wanted to make that distinction, because I
13 think it lends itself directly to our conversation today around types of weapons and
14 ammunition that is made available.

15 One of the questions that I have for you, or the only question I have
16 for you at this point, is early in your presentation, you made reference to the fact that
17 while all of Australia agreed that this -- that the National Firearms Agreement was a step
18 in the right direction and the Prime Minister has significant support for it across
19 Australia, you also noted that there were some states and territories to this day that
20 have yet to fully implement all aspects of the agreement, and so my question to you is,
21 what are the barriers to implementation, understanding that not all the states and
22 territories talk, as you had noted, and that creates some difficulty.

23 So specifically, I'm looking for what barriers to implementation has
24 Australia faced and that seems to remain an issue despite the updates in 2017. Thank
25 you.

26 **DR. JOEL NEGIN:** Thank you for the question, Commissioner
27 Fitch. And yes, you're correct to call that body armour, so thank you for that correction.

28 I also want to make the point that it was by no means universally

1 supported or universally agreed or certainly vocal opposition at the time, and there
2 remains opposition. I think there's general support in the population, but by no means
3 universal.

4 My colleague, Philip Alpers, did a report a few years ago now -- I'm
5 going to forget the date -- but did look at implementation of the National Firearms
6 Agreement, and no state or territory has fully implemented the National Firearms
7 Agreement. Part of that is just the fact that there are, like in Canada, many states and
8 territories and they all have legislated certain aspects somewhat differently.

9 A lot of the discussions I have with firearms clubs and firearms in
10 the New South Wales context is when they say, "But Queensland does this" or "Western
11 Australia does that" or "Victoria does that. Why does New South Wales do that slightly
12 differently?". And those are around classification of certain firearms are slightly different
13 in different jurisdictions. There's also a lack of data sharing and a lack of data
14 consistency across jurisdictions, differences in dealing with deceased's estates.

15 So the barriers, I think, are not necessarily ill will. I think it's just the
16 fact that you have all these different jurisdictions who all have their own policy priorities
17 and policy settings, and that does lead to slight inconsistencies in the implementation of
18 the National Firearms Agreement. And that is a reality of a federal system in a
19 decentralized policy environment.

20 **COMMISSIONER FITCH:** Thank you very much.

21 **MR. JAMIE VanWART:** Commissioner MacDonald?

22 **COMMISSIONER MacDONALD:** Thank you, Mr. VanWart.

23 And I have no questions other than to express my thanks to you,
24 Dr. Negin, for your very helpful report and for assisting us with our important work and,
25 perhaps most importantly, for joining us well into the evening for you, I think, so that's
26 greatly appreciated. Thank you very much.

27 **DR. JOEL NEGIN:** Thank you.

28 **MR. JAMIE VanWART:** Commissioner Stanton.

1 **COMMISSIONER STANTON:** Yes, thanks. I know it's late at night
2 in Australia. It's also very early morning in B.C. for Mr. Giltaca, so thanks to all of you.

3 With respect to the paper, which I found very interesting and there's
4 a lot more depth in it, as you suggested, in the full paper, in the section of the paper on
5 firearm removal initiatives, so buyback programs and so on, I was quite struck by the
6 sections on Brazil and Argentina. I wondered if there were any statistics or if you are
7 able to follow up on any statistics with respect to the rate of firearms-related deaths in
8 those two jurisdictions or if that's something that your team is continuing to monitor.

9 **DR. JOEL NEGIN:** Thank you.

10 So I don't have that at hand, Commissioner. The gunpolicy.org
11 website, which is hosted by the School of Public Health at the university here, does
12 have some data from most jurisdictions. I'd have to check to see exactly what's
13 available for Brazil and Argentina as trend data, but I can take that on notice and
14 perhaps communicate with Mr. VanWart, if that's appropriate, to try and share the latest
15 data we have from Brazil and Argentina on that.

16 **COMMISSIONER STANTON:** Thank you. That would be helpful.

17 The other question I have at the moment is the comment that you
18 made in answer to one of the questions about how the NFA includes, I think you said,
19 asking GPs or family doctors to ask questions about mental health and firearm
20 ownership as part of the agreement. Could you expand on that a bit for us, please?

21 **DR. JOEL NEGIN:** So thank you.

22 So that's not actually part of the NFA. That was more something
23 that we've been working with the Australian Medical Association and having
24 conversations here. And I know it's also been done in, I believe it's Utah, in the U.S.,
25 and forgive me if that's not the right state. But working with particularly rural GPs, rural,
26 sorry, family doctors, as they're called in Canada, in New South Wales to remind them,
27 to encourage them to ask questions of their patients and people who are coming into
28 their practice about how they're doing, about mental health, about access to firearms as

1 part of their duty of care for the people they're working with. And that's something that
2 is being discussed, and we're also working with something that we have proposed with
3 some of the firearm organizations here in New South Wales to try and make that part of
4 a kind of standard approach that would be accepted.

5 **COMMISSIONER STANTON:** And presumably that's because of
6 the correlation that you're seeing in the data between suicide rates and firearm
7 ownership?

8 **DR. JOEL NEGIN:** Yeah. So particularly older men in rural areas
9 and the correlation with firearm ownership in some of those rural sites, and that
10 correlation we saw in terms of the data, which does suggest that, you know, that would
11 be an appropriate policy response, particularly by general practitioners, but perhaps
12 also something that the shooting clubs themselves might be involved with.

13 And so I know something that has been, I think, again, suggested in
14 Utah is more training at shooting clubs for employees of shooting clubs on recognizing
15 the signs of mental health distress as part of a policy response.

16 So just to be clear, that's not part of the National Firearms
17 Agreement. This is other things that we're seeing and talking about with some of our
18 partners in New South Wales and in other jurisdictions around the world.

19 **COMMISSIONER STANTON:** As part of a public health response.

20 Okay. That's helpful. I'm glad you clarified that it wasn't actually
21 part of the agreement. I would have been surprised if it was, so I'm -- that's helpful to
22 know.

23 And then just the last question, with respect to -- I recognize you've
24 said there's a paucity of data with respect to gender-based analysis of the
25 implementation of the NFA and its impacts. I just wondered if you were aware of any
26 jurisdictions where a gender-based analysis is being applied and -- to access to
27 firearms regulation because where our mandate requires us to look at access to
28 firearms as one of the things that we're required to do, which is why this report was

1 commissioned and why the session is happening today, but I just wondered if you're
2 aware of any jurisdiction where a gender-based analysis is being applied.

3 Thank you.

4 **DR. JOEL NEGIN:** Thank you.

5 So the short answer is no, not offhand. I will speak to my co-
6 authors and see if there's anything that we can pull, but we did try and pull some more
7 gender-based perspectives on it in our report, but we did not end up finding nearly as
8 much as we were hoping to find. I do think there's a gap in the data.

9 I will take that on notice and see if I can identify some -- any other
10 relevant studies, even if it's just one or two, but I do think that is an area for additional
11 research in this community.

12 **COMMISSIONER STANTON:** Thank you very much.

13 **MR. JAMIE VanWART:** Dr. Negin, that does conclude all of the
14 questions, so thank you so much for joining us this evening and for your very thoughtful
15 presentation and your level of engagement in answering questions. I appreciate you
16 joining us and do apologize about the late hour. Thank you.

17 And I would finally add, if you could also extend a thank you to -- I
18 know your two co-authors, Philip Alpers and Rebecca Peters as well. Thank you.

19 **DR. JOEL NEGIN:** Thank you very much.

20 **MR. JAMIE VanWART:** Commissioners, we're now scheduled to
21 have a break. I think if we consider a 10-minute break, would bring us back onto
22 schedule with regards to timing. So we'll take a 10-minute break.

23 --- Upon breaking at 9:52 a.m.

24 --- Upon resuming at 10:09 a.m.

25 **COMMISSIONER MacDONALD:** Welcome back, everyone, and
26 we'll now turn it over to Ms. Hill who will facilitate the second portion of our session
27 today.

28 **MS. EMILY HILL:** Thank you. Can you hear me okay?

1 **COMMISSIONER MacDONALD:** Yes, we can.

2 **MS. EMILY HILL:** So we're now going to ask Participants to share
3 their thoughts about a number of questions focussed on potential recommendations.
4 We'll be asking each Participant to spend no more than 15 minutes addressing the
5 question. Commissioners may also have questions for the Participants during their
6 presentations or at the end.

7 In the coming weeks, there will be opportunities for all Participants
8 to make both oral and written final submissions about all of the work of the Commission
9 and all of the information and evidence received, but today the focus is on hearing from
10 Participants in the contexts of potential areas of reform and meaningful
11 recommendation. The questions we've asked you to consider, or at least some of the
12 questions in the time that you have, are how should access to firearms be regulated in
13 Canada? Do you think the present regime is sufficient or should it be revisited? How
14 can laws about the possession, importation and transfer of firearms be effectively
15 enforced? Do you have additional suggestions for the regulation of access to firearms
16 and the enforcement of regulations? And what would success look like to you in this
17 area?

18 So I'm going to begin by turning the microphone over to Rod
19 Giltaca for 15 minutes.

20 **MR. ROD GILTACA:** Thanks, Emily.

21 I'm not sure I'm going to use the full 15 minutes, but I've just got a
22 couple of comments and then a couple of things to say about the questions we were
23 asked.

24 So as you might have, I guess, guessed when we were speaking
25 with our guest in the last segment, I think it's important -- it's always been important to
26 me to remember why we're all here. We're here, and maybe I misunderstand, but we're
27 here to figure out what happened in Nova Scotia, specifically, and how that can be
28 prevented in the future. And when I got involved in this whole thing, it wasn't to use this

1 opportunity to create a platform for our organization or to push my agenda forward. I've
2 got far more productive things to do at three in the morning. But, you know, it's -- I think
3 that there's an important role for people that understand the current laws and there's an
4 important role to see things from different perspectives, other than the perspectives of
5 the usual people that you see that show up at these things to provide their opinion. So
6 a variety of opinions I think are very helpful, and I think it's just -- it's really important to
7 stay focussed on this event because this is why we're here.

8 Anyway, so the first question was how should access to firearms be
9 regulated in Canada? Do you think the present regime is sufficient or should it be
10 revisited? And when I did my report, my written preliminary report and the oral
11 presentation, the report itself really focussed on this situation. It was six pages long.
12 Because what happened in Nova Scotia was not complex on most levels, and extremely
13 complex at a very -- at one -- from one dimension. So basically, as we know, what
14 happened was we had an individual that broke completely from our society, broke
15 completely from the implied social contract, the observance of laws, of morality, of
16 everything. And because there's that physical reality -- I don't want to repeat my entire
17 oral presentation from last time, but because of that physical reality, any regulations that
18 had existed were rendered completely meaningless to this individual. The only
19 intervention that had the potential of stopping something like this or preventing it from
20 happening in the first place was a physical intervention. That's just reality. It's not
21 debatable.

22 When it comes to firearm regulation in Canada, firearms are very
23 strictly regulated. They've been regulated for a long time this way. And, you know, I
24 hate to say it, but there was no regulation that would have done anything to prevent this.

25 So when it comes to the current regime, I think it's a separate
26 discussion because it didn't have any bearing on what happened there. I went over in --
27 again, in the last block, I went over the circumstances of what happened. And if you
28 look at it from the perspective of any regulation, I would say the most likely regulation

1 that would have come into play was the current red flag provisions in the *Criminal Code*
2 in section 117 that basically says, in an unambiguous manner, says that police can
3 seize firearms from any situation, basically, for any reason if they believe at the time it
4 negatively impacts public safety. Now this individual did not have a firearms license.
5 This individual did not participate in the firearms community in Canada. He wasn't in
6 possession of any legally held firearms. And barring any other information, I believe
7 virtually all of his firearms were illegally imported from the United States, other than one
8 firearm that was obtained through fraud and that, as far as we know, was never actually
9 used against anyone. So the access to firearms via the regulation had no bearing, so
10 it's very difficult to shoehorn that conversation into the context of what happened in
11 Nova Scotia.

12 So is the present regime sufficient? Should it be revisited? I think
13 it's a separate conversation.

14 How can laws about the possession, importation and transfer of
15 firearms be effectively enforced? Well, there are laws on the books that could have
16 given police the legal ability to intervene in a lot of the bad behaviour exhibited by the
17 perpetrator. Obviously, the time for intervention was 10 years before the actual events
18 in 2020, but again, I think that was -- that should be a big part of that conversation.

19 As far as additional suggestions for regulation of access to firearms
20 again, none of these regulations came into play whatsoever. This individual sourced his
21 firearms out of the jurisdiction. And again, you know, when someone reports that
22 somebody has illegal firearms, it's the duty of police to follow up on that and to seize
23 those firearms or do whatever is necessary.

24 Now one of the other aspects, the complex part of all this I think,
25 and again, just my opinion is, is that how many regulations, how many laws are too
26 much? Because with an individual that behaves in a bizarre and potentially violent
27 manner, so making violent threats, again, as I mentioned, to my understanding, against
28 his own parents, how do you take someone out of society for potentially being violent?

1 So that -- I think that's going to be the most complex conversation.
2 I hope that there's a place for that conversation in the Commission because that's an
3 important question. Obviously, we can't just start snatching people, you know, out of
4 their homes because they're -- they behave in a different way than anyone else. And
5 how long can you hold someone for uttering threats? How long can you hold them in
6 jail? So to me, that's the real complicated part of all this.

7 So as far as how -- what success would look like, success would be
8 that violence like this never happens again. But I think it's probably important to
9 understand that whether it's violence from illegally smuggled firearms or there's violence
10 with firearms that are legally held in the country, which doesn't happen that often, but it
11 does happen, whether it's a van attack, killing 10 and injuring 16 in a matter of seven
12 minutes, or whether it's something that we saw yesterday in Canada, I think if we really
13 focus on recognizing violence before it starts, intervening in violent behaviour, no matter
14 how it's perpetrated, I think that should be the focus if we really want a safer Canada,
15 and we leave the agendas out of it.

16 And I think it's -- I think if we ever want to get to that place where
17 we even witness what success looks like, we have to start being honest with ourselves
18 and deal with the root causes of violence.

19 And again, as a final comment, as I said I wasn't going to take too
20 long, but this particular perpetrator was a very complicated case. This wasn't someone
21 from, you know, urban inner-city gang life or whatever that you could see, you know,
22 see that situation coming for a long time, had a long rap sheet so that that person could
23 be incarcerated to keep him out of the public. This was a very complex situation. But,
24 you know, all to say, to wrap it up, there were no regulations that -- I don't think there is
25 a regulation period that could have been implemented to stop this from happening, and
26 we have to look at violent behaviour all together and what we can do when people are
27 exhibiting that kind of behaviour.

28 So I wish I had more answers, but I'm not -- I think that's what the

1 Commission is about. We're all searching for answers that are a little bit hard to find.
2 So I appreciate the time.

3 **MS. EMILY HILL:** Thank you very much, Mr. Giltaca.

4 I'll now turn to you, Mr. Zach.

5 **MR. CHARLES ZACH:** Thanks, Emily.

6 I'm going to kind of build on what Rod was saying about these
7 questions. So it's kind of related to even the commissioning of those reports that I
8 mentioned before.

9 Once again, I kind of question the questions. You know, the
10 questions are not designed, and kind of germane to the situation here, but seem to be
11 taking us down a road of validating the failed gun control illusion.

12 So I'm going to start with the first question, you know, how should
13 we -- how should access to firearms be regulated in Canada?

14 Well, you know, guns are inanimate objects and they're not
15 inherently dangerous. Firearms do not change the morals and principles of the
16 operator. And certainly our gun laws do not change homicide rates. And I've already
17 submitted some articles about that.

18 So if I was going to suggest anything, there is a gaping gap in our
19 current regime, and that is about court-ordered firearms prohibition system. We have a
20 system now that is taking career armed criminals off the street and they go through a
21 revolving door and they're released on their own recognisance, just to go back to their
22 craft and get illegal guns again, and become a potential threat to society once again.

23 So I think that's something that needs to be plugged. I personally
24 have -- well, I've tried to talk to Public Safety about his. They seem to be ignoring the
25 situation. But that is certainly a recommendation that I think the Commission should
26 take forward and, you know, that's something that needs to be addressed.

27 So in short, the -- this whole -- the firearms control system in
28 Canada is irrelevant in this situation because it had no effect on persuading this

1 particular perpetrator from doing what he did. So like Rod said, this is another
2 conversation and this question is not really getting at the heart of the matter.

3 Now, the second question, how laws about firearms possession,
4 importation, transfer of firearms can be effectively enforced, well, the short answer is
5 you can't. I mean, we live along the longest undefended border in the world, sitting atop
6 of the U.S., which is the greatest small arms light weapons manufacturer in the world.

7 So we tried prohibition in the past. I'm talking about the '30s when
8 the U.S. banned liquor sales, you know, across the board. And that backfired because
9 of that porous border, that there's just no way that you can defend that. And of course,
10 criminals took advantage of that and the black market thrived. And the same thing is
11 already happening here.

12 And we've seen that in the urban centers where -- in Toronto, for
13 instance, where, you know, 80 -- over 80 percent of the handguns that are coming in
14 are illegal and Public Safety doesn't even know how many guns are coming in. They
15 pretend to tell us that they're keeping us safe by taking, you know, a small portion of
16 those guns off some people that are coming across the border, but they have no idea
17 how much is coming across those non-border crossings.

18 So, you know, let's get to the next question. Do you have any
19 additional suggestions for the regulation and enforcement of regulations?

20 Well, the -- I just want to say this, that the *Firearms Act* basically
21 has failed and, you know, this whole access, the regulations would have no bearing on
22 this particular case here. That's all I'm going to say on that.

23 So what would success look like in terms of -- you know, on some
24 of the issues I've raised? Well, you know, we've seen that gun control did not stop this
25 particular perpetrator. And that doesn't stop others that are determined to do this.

26 We've also seen a failure of the police. You know, as much as they
27 herald the police as being our protectors, they're not even legally responsible to protect
28 us from this kind of thing. And the Commission has already heard strong evidence that

1 they really dropped the ball here in terms of stopping the shooting spree. They could
2 have done that sooner.

3 So relying on the police in this kind of circumstance, you know, can
4 get you killed.

5 Now, the -- and also, the -- they also talked about the *Criminal*
6 *Code* here. There's a lot of amendments that have gone to the *Criminal Code* over the
7 last 30 years and it's focused on the law-abiding responsible firearms owners out there.
8 It's an abuse of the *Criminal Code*. It was -- the *Criminal Code* is meant to protect, you
9 know, basic human rights, not to usher in bureaucratic edicts into this kind of, you know,
10 into criminal law without legislative review. So that's something else that I think that
11 should be reviewed.

12 So what would be my final recommendation? Well, we see that our
13 gun control is lacking in terms of public safety, despite what the current liberal regime is
14 heralding as more gun control equals public safety. It does not. And actually, they've
15 done more restrictive regulations, they've banned guns and everything else, and on
16 their watch, the urban crime has actually escalated. So there is no correlation between
17 what they're saying and what is actually happening in the streets.

18 So as a remedy, given that the police cannot really protect you, and
19 they can't be omnipresent, I don't think we actually want that anyone, and our gun
20 control regime does not persuade -- deter miscreants from causing harm with or -- you
21 know, causing harm with firearms, legal or otherwise, I think it's incumbent on the
22 people that are actually going to be affected.

23 So the first responder in any attack is going to be the victim. So we
24 have to allow the victim to be able to defend themselves as a God-given right of self-
25 defence. And sadly, in Canada, and as we heard, in Australia, using a gun for, or
26 having a gun for self-defence, is unacceptable. And I think that's quite ludicrous.

27 I mean, there was a situation in this whole tragedy where the
28 murderer came up the lane of one of the people, I forget what his name was, and he

1 was knocking on the door and, you know, the person in the residence came down with a
2 shotgun, racked the shotgun, and the perpetrator fled. Now, we don't know exactly
3 what the details are there, but the implications are that, you know, the murderer was
4 deterred from going any further because he feared for his life. That's an effective
5 deterrent. It's the inconvenient truth. Like it or not, but that's exactly what it is.

6 So what I suggest is that we should be liberalizing our current
7 ATC3 permitting system. For those who don't know what that is, that's where you give
8 or grant the -- you know, the public out there the right to carry defensive firearms in
9 public, so right now it is a "may" issue, which is really a "no" issue because it's been
10 nullified over time, some suggesting that we should make that into a "shall" issue so
11 people that are -- you know, who are in fear of their life like these people were in this
12 particular region -- they knew of this person. They knew that he was a powder keg
13 ready to go off. They should have the tools in hand to be able to defend themselves
14 when they're confronted with some mortal danger.

15 So I just want to close by saying that law-abiding gun owners and
16 businesses are not -- they're not to blame for the acts of remorseless criminals and the
17 NFA will oppose any attempt to shift the blame onto our members and to the lawful
18 industries that support them. No compromise.

19 That's the end of my report.

20 **MS. EMILY HILL:** Thank you. Thank you, Mr. Zach.

21 I'll now turn over to Mr. Parkin.

22 **MR. JOHN PARKIN:** Hi, good morning. I'm going to open this -- in
23 listening to some of the conversations and it's some -- obviously, some people have had
24 the opportunity to present papers and have prior input on some of these topics, which is
25 -- my involvement is very, very recent, basically in the past week when I was invited to
26 participate.

27 I also want to add a caveat and I look at my introduction when I was
28 introduced as the manager of the Provincial Firearms Program, Department of Justice

1 Province of Nova Scotia is that that may be my job title, but -- and my responses to
2 these questions are going to be based upon my personal observation and my personal
3 experience following 32 years of law enforcement and the nine plus years that I've been
4 in in this role. It does not reflect the Government of Nova Scotia or any policies or
5 practices that they may have because I have not been included in any of those
6 discussions and I do not speak on behalf of that.

7 So I'm going to address the first question, how should -- or from my
8 perspective, how should access to firearms be regulated in Canada.

9 And my response to that is that access to firearms in Canada is
10 already heavily regulated. There's a detailed and complex piece of legislation in the
11 *Firearms Act*, and the complexity and the language that's used in that is sometimes
12 confusing to some people and at times the interpretation that can be applied to it when
13 we face, as firearms officers, challenges to our decisions can be somewhat difficult
14 obstacles to overcome at times.

15 There's an entire part of the *Criminal Code*, Part III of the *Criminal*
16 *Code*, with various pieces of legislation that speak to what persons can and can't do
17 and where they may do certain things. There are 16 separate enacted regulations
18 underneath the *Firearms Act*. More recently, there's an Order in Council on military-
19 style assault firearms which deals with a large segment of the self-loading category of
20 firearms.

21 In some provinces, there's provincial legislation, and I refer
22 specifically to Quebec as the one that I'm most familiar with, with the provincial law
23 there. And there are, in some places, even in this province, there have been local by-
24 laws that can regulate the activities that people may engage in by regulating the
25 discharge of firearms within certain limits, so there's already a considerable volume of
26 legislation and regulation that governs the activities of firearms and the access to
27 firearms within Canada.

28 Where that might be improved is some clarity around licensing,

1 authorizations, eligibility for persons who would be able to obtain licences, prohibition
2 orders and the legal interpretation of what exactly is a prohibition order.

3 The second part of the first question was, do you think that the
4 present time is sufficient or should it be revisited. My short answer to that is that I would
5 say that the present time is sufficient.

6 As far as revisiting, which is a term that hasn't been defined, so I
7 don't know the extent, but rewriting or readdressing all of the legislation, I think, would
8 be an over-reaction. From my personal perspective again, I would say that we would
9 use the last two decades of experience since the current regime was introduced to look
10 at where gaps exist and, again, what I spoke to earlier is I'm in the front line of the
11 operational end of things, so I'm not in the decision-maker's line. I'm not consulted in
12 that regard and have never been consulted in that regard.

13 But looking at the challenges that we face as regulatory workers
14 when it comes to actually applying this legislation, looking at court cases and decisions
15 to see if the intent of the existing legislation is actually being applied or if it's being met
16 or fulfilled or if it's actually being subverted in some extent, closing gaps to prevent the
17 avoidance of what may have been intended, and when I look at that, I look at things like
18 domestic violence. And recent amendments to the *Firearms Act* and the *Criminal Code*
19 and section 5 of the *Firearms Act*, we can go all the way back to 1997 and '98 when this
20 current legislation was enacted and section 16 of the *Firearms Licence Regulation*,
21 which says very explicitly that a chief firearms officer shall, so it's mandatory, consider
22 revoking a licence if they become aware of an incident of domestic violence or stalking.
23 And yet we deal regularly with cases where that involved exactly those types of
24 circumstances that are dispensed with in the courts by way of peace bonds, court
25 orders that speak nothing and say nothing about firearms and charges are withdrawn
26 and it leaves the frontline workers, the regulatory officers, trying to put together enough
27 information to establish good and sufficient grounds to actually take any meaningful
28 action and do anything and follow-up to these types of things.

1 The next question was, how can laws about possession,
2 importation and transfer of firearms be effectively enforced. With possession -- and I go
3 back to my law enforcement days, is I look at possession as similar in one aspect as
4 impaired driving and the hazards that that creates for public safety. And licensing is a
5 key factor in that.

6 And whether an individual is eligible to hold a licence or if
7 circumstances mean that they should not have a licence, if they don't have a licence
8 then the onus is on the applicant. If they're found in possession of firearms from looking
9 at it again in hindsight as a former law enforcement officer is there should really be no
10 debate over the issue. You're unlawfully in possession of it and it's a criminal matter
11 and it should be dealt with in a straightforward way that way.

12 On importation, it's a little bit more tricky. One of the previous
13 speakers spoke about the percentage of handguns in Toronto that are coming in across
14 the border. In the paper that we looked at earlier and examples from the UK, Australia
15 and New Zealand, one factor of particular note there is that they're all island states.
16 They don't share an 8,800 kilometre land border with a country where firearms are
17 prolific and where they have a huge manufacturing industry, no real system of
18 regulation or -- I shouldn't say regulation -- of registration or tracking those firearms or
19 where they go and where they've come.

20 And when we look at the situation that led to this particular inquiry
21 and the circumstances that are under review, they -- it's the nature of that border and
22 the fact that the individual in question crossed that border, from my understanding, more
23 than once bringing in firearms into this country that he was unlawfully in possession of,
24 so my point in that is it was not a failure point in the current regime.

25 From my opinion, the current regime is sufficient. There are good
26 tools there. Those tools need to be given an opportunity.

27 Transfers and transferring firearms. The registration itself, to my --
28 again, to my opinion, should be left to the registrar. That's their responsibility. It's the

1 same as registrations for motor vehicles in that sense. However, when it comes to
2 whether the transfers should be permitted, I think that should go to the local authorities
3 that are doing the regulatory controls to ensure that the persons actually do have a
4 legitimate purpose or a reason for having those firearms and it can be monitored.

5 The local authorities are more familiar with legitimate shooting
6 clubs, legitimate activities within their regions or within their jurisdictions that are taking
7 place and can justify what's happening and where it's happening.

8 The next question was, do you have additional suggestions for the
9 regulation of access to firearms and the enforcement of regulations. My initial sense is
10 given the current system the means and the authority and the opportunity to do what it
11 appears that the present time was intended to accomplish.

12 And what I mean by that is -- and this is something I've spoken to
13 before, so it's not a secret of any sort. We're currently operating on a budget and
14 staffing level that was set in 2011. The past decade has seen complexity of the issues
15 that we're dealing with increase dramatically, and things that are much more subtle that
16 we're looking into, so mental health illness and those types of factors that we're looking
17 at. Look at one of the previous speakers used the term, actually, duty of care and
18 referring to medical practitioners.

19 And I spoke at this at the Desmond Inquiry where I had appeared
20 and given evidence as well, is that there's a huge gap there as far as a tool that's
21 available to frontline regulators to be able to do something and to act upon something in
22 that you have the confidentiality issue between medical practitioners and their patients,
23 and so they don't want to discuss. We also have certain regions of the country where
24 there's a lack of medical practitioners to be available to individuals, so if they want to try
25 to demonstrate that they don't have a serious medical concern, then -- and somebody
26 has maybe alluded that they do, then the opportunities for them to be able to find a
27 professional and get an opinion on that are just not present. Walk-in clinics are not a
28 viable alternative. Generally, those persons in those types of scenarios don't know their

1 patients. They're strangers who are walking on the street. They have no prior history.
2 They're unable to put anything together to tell whether this person is a risk, or they
3 aren't a risk.

4 Another issue when it comes to public safety aspect of things that I
5 look at is there is -- and depending on where you are in the country, there are for certain
6 pieces of legislation, often provincial, I believe, that require that persons who are in
7 positions of authority report on instances when they become aware that there's a public
8 safety risk. Child abuse would be probably the most common type of scenario. Yet
9 there's nothing in there to alert the regulatory authorities when there is an individual who
10 has a potential risk to themselves or to other individuals because of other medical
11 conditions that may exist. And when we're dealing -- that doesn't have to be necessarily
12 a safety issue that arises because of a violent tendency or anything, but -- and when
13 you have aging populations like we deal with, you start to see an increased incidents of
14 dementia and other things that are creeping that affect individual's cognitive ability.
15 They're not necessarily going out and being assaultive or a threat, but they now no
16 longer possess the individual judgment or the capacity to be able to make rational
17 decisions on information. So those are the types of things that I would like to see
18 addressed.

19 There are also gaps that exist in the present legislation that could
20 be very simple and unobtrusive. One that I've frequently referred to in some of my past
21 conversations is add the word approval to section 58 of the *Firearms Act*. And that may
22 not sound or like a whole lot, but right now, section 58 says that a chief firearms officer
23 can add reasonable conditions to a license or an authorization. A shooting range or a
24 shooting club is not an authorization or a license. It's an approval, and yet there's no
25 method in there, yet the chief firearms officers are responsible to inspect shooting
26 ranges, to make sure that they're being used safely, to make sure that they meet certain
27 design and construction standards, and has no authority to really be able to go in there
28 and levy much on the top of that.

1 Section 28, which is the justification of purpose, or and gives the
2 reason for purpose is one of the things that we'll frequently be challenged on is
3 individuals will say, "Well, you show me where it says I have to belong to a shooting
4 club," for example, if they say they're going target practicing, competition. And if we
5 were to say, "Well, demonstrate that that's what you're doing." You show me where it
6 says that in the legislation. Well, the legislation doesn't say that, but I can go to section
7 67 that says that a chief firearms officer shall confirm that that's what you're using it for
8 at the time of your license application. So the law kind of circles around on itself. So
9 things like that could be cleared up and clarified and made a little plainer for individuals
10 as far as that part of it goes.

11 And what would I measure as -- what would success look like to
12 me. It's -- I think the first speaker put it well. We would like to see an elimination of
13 crime and violence, but I don't think that that's going to be realistic within society and
14 within human nature. And I think the entirety of human history demonstrates that fact.
15 But I think that we do have the tools at hand now. It's a matter of giving those tools a
16 chance, to be more -- to have more inclusion with the regulatory aspect, and the
17 enforcement aspect of things. From what I've seen, and this is something I've spoken
18 to again at the Desmond inquiry, is that there's a lack of communication or
19 responsiveness from the enforcement type of agencies typically to those of us in the
20 more regulatory atmosphere. So when we're dealing with potential risks or potential
21 threats, if we make requests for information, it tends to be we oftentimes just don't --
22 simply do not get a response. So there's not -- I think that there may be a perception
23 that we're not the enforcement team, so therefore, we don't really play in that realm, and
24 they'll just get to us if or when they get to us.

25 Clarifying the language and the intent of the present legislation, I've
26 already spoken a bit about that. And more clarity around what makes a person
27 ineligible to hold a license when we're doing assessments. So again, look at the
28 Australian example and of people of good character. I'm not quite sure what that

1 means, but it's -- we have terms that are equally broad in Canadian legislation when it's
2 for good and sufficient reason to look at. It would be nice to get a little bit more clarity,
3 perhaps training in those regards, as to what should be looked at and what should be
4 excluded. But the bottom line is ---

5 **MS. EMILY HILL:** About 30 more seconds, Mr. Parkin.

6 **MR. JOHN PARKIN:** Yeah, I'm going to wrap up. I was just going
7 to say that the bottom line of it is, I think the tools are there. Give the present regime a
8 chance.

9 **MS. EMILY HILL:** Thank you so much. Thank you, Mr. Parkin.
10 I'll pass now to Dr. Cukier.

11 **DR. WENDY CUKIER:** Thanks very much. And I'll try to be brief.
12 It's always a challenge.

13 So the first question was about the current regime and what the
14 Commission potentially should look at. I think based on much of the evidence that's
15 been provided and certainly the discussion this morning, it would be really helpful, I
16 think, if the Commission set some principles at the outset with respect to understanding
17 that firearm violence is complex. There are different facets to it. And no regulations can
18 be judged based on preventing a single incident. What we need is a coordinated
19 approach which addresses the root causes of violence, the availability of the
20 instruments of violence and the justice system and support for victims.

21 I think the second point that is really fundamental is that there is no
22 right to bear arms in Canada. The Supreme Court has been very clear about that. And
23 in our view, the proliferation of handguns, which is legal ownership of handguns is
24 almost triple in the last 15 years, is a function of increased arming for self protection.
25 And we've seen a number of serious and tragic consequences of that. So I think we
26 really need to recognize that while rifles and shotguns serve legitimate purposes for
27 hunting, indigenous peoples have rights, there is no right to own guns in Canada and
28 there's certainly no right to use them to protect property or take the law into your own

1 hands. Very restrictive conditions around that.

2 In terms of the legislation, there are -- I would agree with the
3 comments about implementation, and I'll talk about that more in a moment, but there are
4 still loopholes in the current regime, partly as a result of amendments that were
5 introduced over the last decade. While the federal government has attempted to
6 address some of those loopholes with, for example, Bill C-71, which is only recently fully
7 implemented, with the updating of the Orders in Council to prohibit military-style assault
8 weapons -- sorry, military-style semi-automatics, and the recent stated intention to ban
9 the import, transfer and sale of handguns except for very restrictive purposes, it remains
10 to be seen how those provisions will play out.

11 And so we also note that with respect to C-21, for example, while
12 there are welcome amendments to strengthen the screening provisions, I think that the
13 broad provisions in the law which allow the firearms officer to refuse a license to anyone
14 who in their opinion is a threat to themselves or other people is a very broad and
15 appropriate set of powers. And one of the challenges we see is that often that is not
16 being used and there's real focus on very specific risk factors as opposed to doing, for
17 example through a reference checks, using the spousal notification provisions or doing
18 secondary investigations, which are allowed in the law but often are not done, in part
19 because, as Mr. Parkin noted, there's a lack of resources. I would argue there's also a
20 lack of priority.

21 The other concern that we have is with the elimination of the
22 requirement to register unrestricted rifles and shotguns, and the destruction of the
23 records of six million firearms, we also lost the 1977 provisions which require tracking
24 the sale of firearms, and while some of those regulations have been reinstated, our
25 belief is that they should, again, be broadly applied so that police have inspection
26 powers, in order to try to trace the source of firearms recovered in crime. And there's
27 specific language around that that I think is still a bit ambiguous.

28 But the bottom line is for the last decade, there's been no legislative

1 requirement to record the sales of rifles and shotguns; the records were destroyed, and
2 it's part of the reason why there's ambiguity in this case about the sources of firearms
3 recovered in crime.

4 The prohibition on military-style assault weapons is appropriate. It
5 was promised 20 years ago and -- but, again, there are issues around implementation
6 and the buy-back, which we're still waiting to see.

7 I think with respect to the second question about the
8 implementation and the enforcement of existing laws; laws are words on paper if they're
9 not appropriately enforced, and many, many inquiries, including the Desmond Inquiry,
10 which was referenced, as well as other inquiries into cases of domestic violence, do, as
11 Mr. Parkin noted, reveal that people in the community or professionals -- physicians and
12 other community workers -- may have had information that would have been very
13 valuable to police in making interventions.

14 And in that case that you're investigating, it's very clear that over a
15 number a of years, there was information in the community, some of it was reported to
16 the police; some of it, frankly, was tolerated. We saw cases where legal firearm owners
17 diverted ammunition to the killer, and so on.

18 And so that whole process of how we get the community to
19 understand the risks of firearms, which are not restricted to urban centres -- and, in fact,
20 the rates of gun violence in rural communities is much higher and certain types of gun
21 violence, suicide, murders of police officers, and murders of women are also much
22 higher -- we really need a community response and that means understanding what the
23 risks are and having in place the mechanisms to translate those risks into action. And
24 the '95 legislation did introduce the notion of firearms-interested persons, red flags that
25 were supposed to be used as part of the continuous eligibility requirement to identify
26 where there were risks. The evidence is those have not been used, and, in fact, many
27 of them have been eliminated because the police said, "We were getting too many red
28 flags."

1 So we really need to think through the risks associated with all
2 firearms in our communities, and the mechanisms to reduce the chances that people
3 who are a threat to themselves or others will get access to those firearms.

4 Screening of applicants, as I mentioned, in our view needs to be far
5 more rigorous. We've seen real -- real gaps in the issuance of restricted permits.
6 Again, as Mr. Parkin noted, people pushing back against the requirements that they
7 demonstrate that they're a member of a gun club or a *bona fide* collector and so on, and
8 that has fuelled the proliferation of handguns.

9 The enforcement of weapons prohibitions and immediate action
10 when those prohibitions are issued, as well as mandatory revocations need to be
11 addressed.

12 Immediate and proactive action when licences are expired; we've
13 seen the tragic consequences when no action was taken. And when firearm owners
14 die, and there is no, currently, mechanism or accountability for ensuring that their
15 firearms are not diverted to unlicensed owners.

16 The issue of mandatory reporting by healthcare workers and
17 others, while complex from a legislative perspective, because much of the authority, for
18 example, is currently used to require mandatory reporting around people who are
19 considered a risk for driving, are provincial regulations and unevenly administered
20 across the country. But there need to be similar provisions.

21 Quebec introduced provincial legislation to that end, and it would be
22 very helpful if the Commission at least encouraged the exploration of mechanisms
23 which would allow that to happen.

24 The other thing which relates to the implementation of the law is
25 around accountability and transparency in the administration of the *Firearms Act*, as
26 well as the standards and expectations of those charged with administering the Act. We
27 seen real unevenness in the extent to which the provisions in the law are actually
28 applied; the extent to which reference checks, secondary checks and so on are actually

1 undertaken, and tapping into current police policing regimes around quality assurance
2 and accountability, and ensuring that there is scrutiny and review of those processes
3 could be helpful. There's need for training.

4 We see that the tolerance in some communities for bad behaviour,
5 the lack of understanding of what the risks are associated with firearms in the wrong
6 hands varies considerably. And this is particularly important when we're dealing with
7 issues related to domestic violence, but also hate crimes. And remember; most mass
8 shooters in Canada have been legal owners or used legal guns, and a lot of those mass
9 shootings were connected to domestic violence, as well as to hate.

10 The other issues -- in the moments, I have remaining, the other
11 issues I wanted to address really relate to our international obligations and actions.

12 So Canada is party to many international agreements, whether the
13 OAS agreements or the program of action through the United Nations to prevent the
14 illicit trafficking of small arms. And we are not -- we haven't -- and the marking and
15 tracing provisions.

16 We have not ratified many of the -- many of the -- those obligations
17 because we don't have our ducks in a row, frankly, in terms of implementation.

18 So marking and tracing is absolutely fundamental to controlling the
19 illicit trade in firearms. And while there are strong and effective partnerships between,
20 for example, the National Weapons Enforcement Support Team of the RCMP and the
21 Alcohol and Tobacco Firearms Administration, and we have good examples of
22 intelligence-led policing, which has had an impact on some illegal trafficking operations,
23 there are real gaps in the administration of the law and border controls.

24 And I'll just note a couple of things. One is that the impact of
25 bringing guns into Canada, especially if it's one or two and the excuse is, "I forgot," yield
26 very different results than those targeted policing identified trafficking efforts, and yet in
27 many cases, the onesies and twosies could be the act of criminal entrepreneurs. There
28 is a high level of tolerance for, "I forgot", which needs to be addressed.

1 We also don't see the U.S. Department of Justice pursuing criminal
2 charges when Americans are found to be either selling illegally or giving firearms to
3 Canadians. So I think there's lots of work that can be done there.

4 And remember, while we do have a big border, we also have 1/7th
5 the rate of firearm homicide as the United States, which does suggest that in spite of the
6 large border, our regime does work.

7 There are ---

8 **MS. EMILY HILL:** You have about -- just so you know, you have
9 about 30 seconds left.

10 **DR. WENDY CUKIER:** There are opportunities to improve
11 transparency, education, and research, which we can talk about more, but success, to
12 us, looks like an integrated strategy which is evidence-based and recognizes the nature
13 of the problem, bringing a gender lens to this issue is absolutely fundamental, ensuring
14 that Canadian values are enshrined and we recognize there is no right to own guns, it's
15 a privilege, and if we could reverse the trends, we were on the same trajectory as
16 Australia until 2013 and now we have double the homicides we had then.

17 Thank you very much.

18 **MS. EMILY HILL:** Thank you. I'll now turn to Rachel Mainville-
19 Dale.

20 **MS. RACHEL MAINVILLE-DALE:** There we go. I was having a
21 hard time unmuting. Thank you very much ---

22 **MS. EMILY HILL:** No problem.

23 **MS. RACHEL MAINVILLE-DALE:** --- for the opportunity.

24 So I'm actually going to go in reverse order in terms of what would
25 success look to me, or more particularly, the public safety in the area.

26 Looking at the Commission's mandate to look at access to firearms,
27 I think that the access always has to be rooted in public safety, and public safety, when
28 it comes to firearms, the risk to public safety with firearms is very complex, as many of

1 you have noted. The issue of a mass shooting versus, you know, gang violence, versus
2 initiate partner violence, versus, you know, suicides and mental health are very, very
3 distinct problems, yet are all kind of linked by, you know, an access to firearms from one
4 way or another.

5 So I think in terms of success, it always has to be rooted in public
6 safety.

7 In terms of how -- you know, do I have additional suggestions for
8 the regulation of firearms and the enforcement of regulations in Canada, I think that
9 many -- I've been very interested to hear the comments this morning with regards to
10 various aspects, various concerns that have been brought forward in terms of, for
11 example, if we're looking at, you know, mental health and the risk of suicides is looking
12 in terms of how do we, you know, better intervene, how do we better find out, how do
13 we equip the system to be able to respond in those types of situations? If we're looking
14 at intimate partner violence, how are we using tools effectively, or enforcing them, or
15 giving access so that people can flag issues where there is a concern for violence in the
16 home or in the community.

17 And I think when we look at, as well, as illegal firearms, and gang
18 violence, I think, you know, again, there's various tools available in how we do that.

19 For me, one of the -- is better understanding the problem. I think
20 we have improvements that we can make to data in terms of better understanding the
21 various issues, in terms of what are the contributing factors, how do we group them,
22 how do we classify them in order to kind of work on concrete solutions for them?

23 As a government official, it's a little difficult for me to pinpoint
24 exactly all of how I would regulate it, because that's essentially what my department and
25 my team does, is manage the *Firearms Act* and its regulations.

26 And for the other two, I'm actually going to keep my comments very
27 brief and say while it's difficult for me to be able to comment on the enforcement of laws
28 on firearms, or access, how it should function as an official, as a government official

1 who is supposed to be non-partisan, especially that my group administers those pieces
2 of legislation.

3 So I'll turn my time back over to you.

4 **MS. EMILY HILL:** Thank you very much.

5 And I in turn will look to Commissioners to see if there are any
6 questions or comments you have about what you've heard or with regard to something
7 you may want to ask the participants.

8 **COMMISSIONER FITCH:** I have no further questions at this time.
9 I appreciate the insights and the information shared by all the panelists today. Thank
10 you.

11 **COMMISSIONER MacDONALD:** Yes, thank you.

12 I just have one question. It's for you, Mr. Parkin. You indicated that
13 you weren't. If I understood correctly, consulted by the policy makers on the various
14 policies. Could I confer that you recommend that you be consulted and those in your
15 position be consulted?

16 **MR. JOHN PARKIN:** Well I think there's a benefit to discussing
17 these things with the people who are the front end and operationalizing the policies and
18 the legislation that is in place. The challenges that we experience -- and I could go on
19 for -- at length about some of the things that we've run into, but I've been here for more
20 than nine years. Nobody has come down to ask me a question from any level to say,
21 "How is it going? What could we do better? What do you think is wrong?" Like I said,
22 I've been here for more than nine years.

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

24 **COMMISSIONER STANTON:** Thank you. My -- it's Commissioner
25 Stanton. I would invite you to say more now than. We're asking, Mr. Parkin. I took it --
26 I took the same inference from what you had to say and I wondered if, in particular, you
27 could speak a bit more about use of the mandatory requirement for the Chief Firearms
28 Officer to revoke a license when they're aware of domestic violence. And you

1 mentioned that there were challenges around operationalizing that. And I just wondered
2 if you have recommendations on how that might be operationalized, please?

3 **MR. JOHN PARKIN:** Well I think that's probably a consultation that
4 would have to be done in a different forum, because you would be talking with
5 enforcement agents as well.

6 You have to understand from the Firearms Officer's aspect, we are
7 a regulatory aspect of this regime. We're not an enforcement. We don't go out and
8 knock on doors, or kick down doors, seize firearms, or do anything like that
9 operationally. We're doing assessments and evaluations based upon information that
10 we have. So when I referred to the firearms license regulation, what it says is that a
11 Chief Firearms "shall consider revoking". So it's "shall consider". It doesn't make it a
12 mandatory revocation or refusal. But we have to look at the circumstances.

13 So then when we begin trying to do investigations, or if we look at a
14 decision from a court, oftentimes, particularly with intimate partner violence, there
15 seems to be a significant percentage of the time, those types of cases will be dealt with
16 by other means, rather than an actual prosecution and a decision of the Court. So the
17 charges will end up withdrawn, you'll end up with a peace bond that simply says "Keep
18 the peace, be of good behaviour," or something like that.

19 It then falls to the Firearms Officers charged with the regulatory
20 aspect to try to formulate the grounds. And it's not as simple as simply saying just find
21 good and sufficient reason to say this person shouldn't have one, because every
22 decision that we make to refuse or revoke is subject to a judicial review if that individual
23 so chooses to challenge the decision. If that happens, then we have to be in front of a
24 court room and present evidence to a judge to make them or satisfy them that our
25 decisions were reasonable.

26 And I've been in those types of situations many times. I have been
27 very successful, because I always do a lot of ground work. And when I go in, I think that
28 my decisions are reasonable and are well-founded, and so I haven't had much to regret

1 there.

2 It's -- but the other thing that we'll see if we'll see court orders
3 where a prohibition is introduced in a court order and then handwritten in and along
4 "except while lawfully hunting."

5 Now I'm having to make a decision, whether the Court has actually
6 reviewed evidence to determine whether that was a legitimate reason or whether it was
7 a good argument that was presented and the person says, "Well, I like hunting." I have
8 seen personal experience in situations where I've been in the court and the individual
9 was arguing sustenance and admitted during the questioning that -- and this was in
10 relation to controlled drugs and substances charges, they applied for a 113 lifting of the
11 prohibition, they argued sustenance, but said they had sufficient income, they bought
12 their meat. They hunted because they liked it, but they ate what they killed. And this is
13 the sort of arguments that -- so this is where I say clarity on some things should be
14 enhanced as to what sustenance really means or what it ought to mean, and looking at,
15 you know, when orders -- when it comes to enforcement aspect, and I'll give you one
16 anecdote from personal experience, again, of an individual where the law enforcement
17 agencies responded. There was a number of safety concerns and issues. They seized
18 two out of three firearms but left one other with the individual just in case they needed it.
19 So these are the challenges that we face on an ongoing basis, and these are the
20 conversation. Like I said, it would be much longer than we have time for here to discuss
21 where some of these issues are, but nobody has ever really come down to the frontline,
22 not in my personal experience, and asked any of these questions.

23 **COMMISSIONER STANTON:** So it sounds like you would
24 recommend that that kind of consultation take place. And so who would need to -- what
25 roles would need to be present at a table like that in order to get the information that all
26 of the actors related to these kinds of provisions? And thank you for pointing out that I
27 misspoke that it's a requirement to consider revocation as opposed to revocation itself.
28 But could you tell us, aside from a person in your role, who are the other agencies or

1 actors that would need to be present in order to have that discussion, to really connect
2 the dots between the tools that you said are sufficient, but that the operationalization of
3 them is lacking?

4 **MR. JOHN PARKIN:** Well, I think it needs to be somebody from a
5 level where they're capable of making decisions or at least passing along a decision to
6 the people who have the ability to make decisions, and that's far outside my mandate or
7 my role. My role is to implement and action the decisions that others have made, and
8 the legislation that is forwarded to us, and then to put that into action, as I say. It's -- I
9 don't really have the opportunity to decide what is or what isn't right. But I do think that
10 it would be a benefit of having somebody at a decision-making level, even if it was a
11 periodic assessment or review or a committee of some sort that we were to review from
12 time to time, to say, what's going well? What's working? What isn't working? What
13 should we look at for improvements?

14 **COMMISSIONER STANTON:** Thank you. And you said that the
15 current regime with respect to importation is sufficient, that there's good tools, but they
16 need to be given the opportunity to work. Could you talk to us a bit about what the good
17 tools are? What are you thinking of when you say there's good tools that need to be
18 given the opportunity to work?

19 **MR. JOHN PARKIN:** Well, there's some pieces of the existing
20 legislation where with -- I think with very small tweaks, and I don't think that they would
21 be intrusive to the average individual, that could be looked at that would improve and
22 streamline how things are done. But a big thing I guess I would look at, and again, I'm
23 speaking from personal experience on this one and the time that I have been here, is
24 that we're dealing with a budget that was set in 2011 and the same staffing levels in
25 2011. And a word that has come up repeatedly through all of the speakers is the
26 complexity of firearms legislation and the layering of various aspects of the firearms
27 within the broad spectrum of public safety that need to be looked at. And I think that we
28 need to really look at and evaluate to have enough staff and the proper people and the

1 proper funding and the proper attention given to make that all possible.

2 **COMMISSIONER STANTON:** And what do you say to the
3 comment that Dr. Cukier made that -- I mean, and we've heard a quite a bit throughout
4 the course of the Commission about the need for more resources in various places, but
5 on the assumption that more resources aren't coming, prioritization is perhaps the root.
6 And so would it assist your work to have direction with respect to prioritization given the
7 lack of resources that you're citing?

8 **DR. JOHN PARKIN:** Yeah. My concern there would be the risk
9 would be -- depending on what you were prioritizing and how you look at that word is
10 you're going to overlook other things that are equally important. It's -- the firearms
11 ownership is just such a broad subject in its own right and covers so many things. I
12 don't think that it's that simple.

13 **COMMISSIONER STANTON:** Yeah, which is -- which takes us
14 back to your point about the need for consultation with the people who are
15 operationalizing in order to understand all the moving parts and make decisions that
16 assist people like you in your role. Thank you for that.

17 Dr. Cukier, I wondered, you mentioned just towards the end of your
18 submissions about that there are operations for transparency. And I wondered if you
19 could expand on that for us, please.

20 **DR. WENDY CUKIER:** Sure. So one of the biggest challenges we
21 have in doing research, understanding impacts and so on, is access to data. And so
22 that's a much bigger issue. But transparency in terms of operations, for example, the
23 Commissioner of the RCMP reports on how many licenses are denied each year and
24 how many revocations there are and how many licenses were issued and a few other
25 things. But there really is a lack of reporting around, for example, when we look at
26 license applications, what level of investigation was done. Anecdotally it seems, for
27 instance, people are more likely to get called for passport application references than
28 for firearms applications. We've seen some real gaps in terms of spousal notification.

1 We've seen some real gaps in terms of action when licenses are expired, because
2 everyone says we don't have the resources. So I think we need much more granular
3 and specific accountability around who's doing what where, and understanding regional
4 variations, understanding differences between jurisdictions.

5 I mean, one of the challenges we see especially in some
6 communities is, frankly, the people who are charged with administering the *Firearms Act*
7 are experts in firearms. They're experts in firearms because they like them. And you
8 see far less expertise in risk assessment, or in violence prevention, or -- and the gun
9 control chill that has existed for almost a decade also made many police officers and
10 others reluctant to apply the laws because they were likely to get their wrists slapped.

11 So I think there's a lot more work that needs to be done in really
12 unpacking the administration of the *Firearms Act*, and many police agencies have very
13 rigorous quality assurance mechanisms in place that track just about everything that
14 they do, but they don't apply the same rigour around the administration of the firearms
15 law. We know many police agencies, part of the reason why we don't have good data
16 on where the guns come from, is a lot of police agencies don't trace firearms they
17 recover in crime, don't track, don't analyze data and so on. So there are multiple layers
18 which we need better data and more accountability to understand where the gaps are
19 occurring. And again, to the points that were previously made, firearm death and injury
20 has been estimated to be a \$6 billion cost to the Canadian economy, second leading
21 cause of death next to motor vehicle fatalities for some populations. Think about how
22 much we invest in trying to keep the roads safe relative to how much we invest in
23 managing firearms legislation, and I think you'll see real inequity that has to be
24 addressed.

25 So it's really data, process and investments that require more
26 transparency and accountability.

27 **COMMISSIONER STANTON:** Thank you very much. Appreciate
28 your input. Thank you.

1 **MS. EMILY HILL:** Well, if there aren't any further questions from
2 the Commissioners, I would just now take direction to thank you all very much for your
3 time this morning, especially for those of you who had to get up earlier to join us from
4 earlier time zones and also for your preparation on relatively short notice. The
5 Commission benefits from hearing different perspectives on what everyone agrees is a
6 complex area. So thank you all very much for your contributions this morning.

7 **COMMISSIONER MacDONALD:** Thank you, Ms. Hill, so much for
8 your work with -- and thank you to you, Mr. VanWart, for your work and organizing a
9 very helpful presentation and session for us today. It's greatly appreciated.

10 And thank you, representatives of the various firearms
11 organizations, and others who took part in this morning's Participant consultation.

12 I repeat our thanks to Dr. Negin as well, of course.

13 All of you are contributing to our thinking about the kinds of
14 recommendations that should be included in our final report.

15 We are encouraging others as well, of course, with suggestions for
16 recommendations to share your ideas with us, and that can be through our website, by
17 phone or by mail. And while we welcome hearing from people with relevant expertise
18 and experience, you do not have to be an expert to take part. All of us are responsible
19 for community safety and all of us can play a role in making it stronger.

20 A reminder that this afternoon, we will hear from RCMP Constable
21 Greg Wiley as a witness and information on how to join that session live is available on
22 our website under our calendar for today's date.

23 Tomorrow, we will hear from people with relevant knowledge and
24 experience in a roundtable focused on contemporary community policing, community
25 safety and well-being. Then on Thursday, the structure of policing in Nova Scotia will
26 be the focus of another roundtable discussion.

27 So thank you, everyone, again.

28 --- Upon breaking at 11:19 a.m.

1 --- Upon resuming at 1:03 p.m.

2 **COMMISSIONER MacDONALD:** Good afternoon, and welcome,
3 everyone. The Commission received an application pursuant to Rule 43 of the
4 Commission's Rules of Practice and Procedure from the Attorney General of Canada on
5 behalf of Constable Greg Wiley, who we will hear from shortly.

6 In response to that accommodation request, our decision as
7 Commissioners includes that Constable Wiley, like all witnesses, will give his testimony
8 under oath or affirmation. He will first be questioned by Commission Counsel and then,
9 after a caucus or meeting, remaining questions relevant to the mandate may be asked
10 by Participant Counsel in the normal course.

11 In order to receive the best evidence possible from Constable
12 Wiley, we have directed that Constable Wiley's testimony not be webcast. However, a
13 transcript will be posted on our website.

14 Pursuant to Rule 8 of the Commission's Rules of Practice and
15 Procedure, we as Commissioners have issued an Order that the audio and video of the
16 testimony of Constable Wiley shall not be disseminated, released, published or shared
17 and shall not be audio or video recorded for the purposes of being disseminated,
18 released, published or shared. This includes recording and sharing on sites like
19 Facebook and YouTube during or after the testimony.

20 Any breach of this Order of the Commission could result in a
21 charge pursuant to section 127 of the *Criminal Code of Canada*.

22 You can read the complete decision on our website.

23 Now I will ask Senior Commission Counsel Jamie VanWart to
24 begin.

25 Mr. VanWart.

26 **MR. JAMIE VanWART:** Thank you, Commissioner MacDonald. If
27 we're able to bring up Constable Wiley.

28 Good afternoon, Constable Wiley. Are you able to see and hear

1 me? It's Jamie VanWart.

2 **CST. GREG WILEY:** Yes. Good afternoon. I can see you. You're
3 a small person at the top. I'd like to have you bigger when you're speaking, but I'm
4 trying to play with the controls. I can't get you bigger here.

5 There we go. That's better. Now I feel like I'm talking to a person
6 and not a meme, a little tiny thing.

7 **MR. JAMIE VanWART:** I appreciate that.

8 Certainly if you have any technological issues, please advise me
9 and I can pause till you sort it out.

10 Our first order of business, though, this afternoon is to have you
11 sworn. You are live now before the Commission, and I understand you have a Bible
12 with you.

13 **CST. GREG WILEY:** That's correct. Right here.

14 **MR. JAMIE VanWART:** And I'm going to turn it over to Madam
15 Registrar to administer an oath.

16 **--- CST. GREG WILEY, Sworn**

17 **--- EXAMINATION IN-CHIEF BY MR. JAMIE VanWART:**

18 **MR. JAMIE VanWART:** Next, Constable Wiley, these proceedings
19 are being transcribed. They're also being translated. And I would ask you if you could
20 state your full name and spell your name for the purposes of the transcription.

21 **CST. GREG WILEY:** Well, Constable Gregory Bruce Wiley.
22 Gregory is regular spelling, Bruce is regular spelling, and Wiley is W-i-l-e-y.

23 **MR. JAMIE VanWART:** Thank you, Constable.

24 The other thing I wanted to mention is you recall you gave two
25 statements, one on April 25th, 2020, and that was to Corporal Alan Foster, and also one
26 on June 11th, 2021 to the Mass Casualty Commission.

27 I'd just like to indicate that both those statements have been
28 marked as exhibits and are before the Commission. My intention today isn't to re-ask

1 you questions that you've already had an opportunity to answer in those statements.
2 Those answers are already before the Commission and are evidence before the
3 Commission.

4 Do you understand that?

5 **CST. GREG WILEY:** Yes, I do.

6 **MR. JAMIE VanWART:** Great.

7 So Constable Wiley, I'd just like to begin just outlining a bit about
8 your history as a police officer. You were first posted to Bible Hill on February 27th,
9 2006. Is that correct?

10 **CST. GREG WILEY:** That's correct. That's when I graduated from
11 Depot, and within probably two weeks I was at work at Bible Hill.

12 **MR. JAMIE VanWART:** Okay. And Bible Hill, obviously, in
13 Colchester County, you remained at the Bible Hill detachment until August 8th, 2011,
14 when you were transferred to Parrsboro in Cumberland County?

15 **CST. GREG WILEY:** Yeah. The exact date of that year, I wouldn't
16 be sure, but July or August. That would be correct.

17 **MR. JAMIE VanWART:** Of 2011.

18 **CST. GREG WILEY:** That's correct.

19 **MR. JAMIE VanWART:** And then you returned to Bible Hill in
20 Colchester County June 20, 2017?

21 **CST. GREG WILEY:** Correct.

22 **MR. JAMIE VanWART:** Okay. And then you were transferred out
23 of Nova Scotia to Ontario June 27, 2018.

24 **CST. GREG WILEY:** That's correct.

25 **MR. JAMIE VanWART:** With regards to -- you're aware of the
26 community of Portapique, obviously?

27 **CST. GREG WILEY:** Yes, I am.

28 **MR. JAMIE VanWART:** And now, Portapique is in Colchester

1 County. That would be within the jurisdiction of the Bible Hill detachment?

2 **CST. GREG WILEY:** Yes, it would be.

3 **MR. JAMIE VanWART:** Okay. And Parrisboro being in
4 Cumberland County, is Portapique outside of your jurisdiction when you're in -- when
5 you're at the Parrisboro office?

6 **CST. GREG WILEY:** Yes. You're functioning -- when you're in
7 Parrisboro, you're functioning in -- you're working in Cumberland County. When you're -
8 - if you respond to a call in Portapique, it will be Colchester members that will do that.

9 **MR. JAMIE VanWART:** Okay. So when you're in Parrisboro
10 between 2011 and 2014, were you doing any policing work at all in Portapique?

11 **CST. GREG WILEY:** Not in Portapique. We might have been
12 called across -- I think I was called across to Five Islands, which is almost right on the
13 border of Colchester and Cumberland. To travel from Bible Hill to Five Islands is almost
14 an hour. So if they were short members, or if it was a call where they needed help, they
15 might reach out to us at Parrisboro. We were only about a half hour away, 20 minutes
16 away at our detachment. One of us could go over, or more, I guess, but usually only
17 one of us on there, we could go over and assist Colchester, and I might have done that
18 a time or two.

19 **MR. JAMIE VanWART:** Okay. Thank you. And I wanted to --
20 Madam Registrar, if we could show on the screen Exhibit P-001202, and this is
21 Constable Wiley's statement to the Mass Casualty Commission on June 11, 2021? And
22 I'm looking for page 38.

23 Are you able to see this, Constable Wiley?

24 **CST. GREG WILEY:** I just see you at this point. Should I -- what
25 should I be tapping on to be able to see the document?

26 **MR. JAMIE VanWART:** I don't think you'll -- perhaps I'll just give it
27 a minute. I don't know if you need to tap on anything or if it should be -- it should show -
28 --

1 **CST. GREG WILEY:** Yeah.

2 **MR. JAMIE VanWART:** --- through out tech team, but I'll give it a
3 minute.

4 **CST. GREG WILEY:** Yeah, I just see you on my big screen right
5 now.

6 **MR. JAMIE VanWART:** Just let me know if it changes and you see
7 a document before you.

8 **CST. GREG WILEY:** From on course show to me, you'll need to
9 unpin Jamie. So we're getting technical advice here.

10 **MR. JAMIE VanWART:** If I said to you, Constable Wiley, could
11 you unpin me, would that sentence make any sense to you?

12 **CST. GREG WILEY:** I'm going to try to do that. Just give me a
13 second. Remove pin. Here we go. Now I see -- now you're small at the top and I've
14 got written stuff in front of me. Okay.

15 **MR. JAMIE VanWART:** Okay. Thank you.

16 So this is a transcription of the statement that you gave to the Mass
17 Casualty Commission back in June 11, 2021, and I wanted to ask you a follow-up
18 question and answer that you gave. And, Madam Registrar, if you could just scroll up a
19 couple paragraphs?

20 And I just want to quote you something that you gave in your larger
21 answer, but just to give you a context, this is Stephen Henkel, who's the investigator.
22 He was asking you questions about your average call of volume during a day while
23 you're at Bible Hill. You provide a response about the number of calls that you take in a
24 day. And then he asks you how you manage those investigations as well as responding
25 and taking occurrences, for which you provide an answer. And I wanted to draw a
26 quote from the answer you gave and ask you a follow-up question about it. About
27 midway through your answer, you state, and I'll quote directly, I'm -- this is you
28 indicating that a sergeant that you had early on is how he put it to you, how you manage

1 your daily investigations.

2 "I'm going to teach you something here, so listen,
3 [...] he said almost everybody here gets [to this --
4 gets] this and at here in Colchester, here in Bible Hill,
5 there [are] two types of investigations. The one [...]
6 you investigate and the one that you conclude. And
7 he said you have to figure out, is there anything to it
8 or not. And [what's -- and] that's what you have to
9 decide. We [get] so many ticky tacky calls [...]. If we
10 wanted to [put] my cue out and just go through things
11 like if you could just wring out [all those --] all the calls
12 like 700 calls [...] a year or whatever, it would have
13 been down [to -- it would have been down] the things
14 sort of looking at. The thing is that how many [of]
15 what what did we get here sort of thing, you could you
16 could [-- you could] see that there's a lot of ticky tacky
17 stuff where [...] you don't look to write something off
18 and that's the expression you use, write it off. But you
19 have to decide, is this have anything here? Do you
20 have [any] offense being committed? Do you have a
21 suspect? Do you have physical evidence? Do you
22 have a witness or witnesses? If you don't have an
23 offense being committed, then you're being a little bit
24 of Dr. Phil, a little bit of the figurative[...] speaking, a
25 little [bit] rub between the shoulder blades and a pat
26 on the back, and they're there now [...], like, listen to
27 the guy's problem and sort of try [and] suggest that
28 you [can] get along with your neighbour a little

1 different[...] or whatever. Was there [...] offense?

2 No, there wasn't an offense here."

3 I'm just going to end the quote there. And I apologize, my reading -
4 - I'm reading your oral response that has been transcribed. But just as a follow-up to
5 that answer that you gave, do you remember who the sergeant was at Bible Hill that
6 gave you that direction in your early days?

7 **CST. GREG WILEY:** It was Sergeant Dave Darrah.

8 **MR. JAMIE VanWART:** Okay. And was this -- like, what did you
9 understand to be the direction to you when you're out on patrol with regards to
10 responding to calls?

11 **CST. GREG WILEY:** Okay. And it was -- what it was, was friendly
12 advice as much as anything, because when you landed there -- remember, that was my
13 first posting from Depot. When you land there, you can get swamped with calls and
14 investigations, and when you're -- come out of training, you're sort of wired up to
15 investigate everything to the nth degree, and what he was trying to do was help me be
16 able to figure out more quickly -- and I wasn't the only guy that got that talk, I'm sure,
17 because you'll just get buried in a lot of inconsequential and smaller things, the -- by
18 keeping investigations open when you don't have a suspect, when you don't have
19 evidence, when you don't have witnesses, and you're -- you don't know any better than
20 to -- those are investigations, when you don't have anything like that, you should close
21 those investigations, conclude them pending any future information, or evidence, or a
22 suspect, or a witness coming to light. But you have to remove those things from your
23 queue, or you get buried.

24 And you're answering calls -- the other thing people need to
25 understand about working in a rural setting like Bible Hill is the distances you're
26 travelling. The County of Colchester, I took the liberty of looking it up on Wikipedia, is
27 3600. That's 3,600 plus square kilometres of territory for us to cover. And when you're
28 travelling from one call to another, like, somebody who's an urban police officer or

1 metropolitan police officer, they think, wow, they take 10 or 15 calls on a summer day.
2 That's an easy day. Well, it is for them when they're maybe only driving five minutes to
3 a call. The -- from Bible Hill, I can tell you that when you drive down the coast to Five
4 Islands, like I mentioned earlier, that's the better part of an hour. To go to Folly Lake is
5 the better part of probably 35, 40 minutes. To go to Tatamagouche, similarly, 40, 45
6 minutes. To go to Upper Stewiake -- these are all in different directions too -- Upper
7 Stewiake, another 50 minutes to an hour. And I'm not talking lights and sirens. I'm just
8 talking that somebody has a complaint. Maybe they got their property broken into or
9 something vandalized, and you're just driving to get there. It's a very large county, and
10 a lot of your time's going to be taken up on getting to calls. You have to become
11 efficient at determining whether there's an investigation to continue with based on that
12 suspect, witness, physical evidence, and if there was an offense even committed. You
13 have to be able to call those calls out that do not meet those factors. And that's what he
14 was -- to clarify, that's what he was explaining to me. And to a guy who was relatively
15 new from Depot and our training, that helped me.

16 **MR. JAMIE VanWART:** Well, thank you for that answer, Constable
17 Wiley. And I want to move now, and obviously the clear focus, both of the statements
18 that you gave were in relation to the perpetrator. And I just wanted to put to you an
19 outline that I gleaned from your statements, and I'll just put it in the way of leading
20 questions, but, please, if I'm incorrect in anything I'm stating to you if -- please correct
21 me. But my understanding is that you would have first met the perpetrator back
22 somewhere in the years 2007 or 2008. You would have last seen him in 2017. Is that
23 the right window of years?

24 **CST. GREG WILEY:** I'll -- and I'll add some context to that. When
25 I met him in 2007, 2008, it was when he was the victim of a property crime, and I was
26 the investigator of it.

27 And I had contact with him mostly up until the end of 2011, or the --
28 very early 2012 would have been the last time I had contact with him.

1 The 2000 -- from that point all the way until 2017, the only contact I
2 had with him in 2017 was a brief five-minute encounter when he was ATVing on a trail I
3 pulled into with a police truck. And he just pulled up and said, "Hi." He said, "I haven't
4 seen you in a while." And he said, "You're back?" And I said, "Yeah, I'm working in the
5 area again." And he said, "Stop -- you should stop by sometime if you're down in the
6 area." He had to leave because it was getting dark and he wasn't going to see where
7 he was going on his ATV.

8 So basically, from the end of 2011 until I left Nova Scotia in 2018, I
9 didn't really have any meaningful conversation with that guy and I never phoned him, I
10 never -- aside from what I would have done on the initial investigation, I never spent
11 time with him, personal time. Anytime I ever stopped at his house in Portapique, I was
12 in uniform in a marked police vehicle and I was on the clock.

13 **MR. JAMIE VanWART:** And is that reduction of times you saw him
14 in 2011, does that correspond with you being transferred to Parrsboro and no longer
15 servicing Portapique?

16 **CST. GREG WILEY:** Yeah. I think -- I think what I might have
17 been up for to go take a course -- like, I travelled from Parrsboro to Bible Hill. That took
18 me past his place. And I can't remember whether -- I stopped, whether I actually spoke
19 with him or he wasn't home at that time. I can't remember.

20 **MR. JAMIE VanWART:** Okay. And you indicated in your
21 statements that in total, you had somewhere between 10 to 15 interactions with the
22 perpetrator?

23 **CST. GREG WILEY:** I think I remember when I was giving the
24 statement I said if you told me it was any less than 12, I might be surprised. I'd
25 definitely be surprised if you told me it was more than 20. And I had so about 15 or 16
26 interactions.

27 Again, it was within that window of time from 2007/2008 when I first
28 met him with the investigation that I was doing with him for the property crime until the

1 end of 2011.

2 I -- and it was incidental that I even got to know him, in a sense. I
3 followed up with him after the property crime, a few months later, and said that it would
4 be normal for me to do that when somebody would make an insurance claim to replace
5 valuable things, like he would have been replacing, and that they should be more wary
6 at that time because sometimes thieves came back to steal again from you. So he was
7 grateful for that insight.

8 And I talked with him a bit. He was somebody who was handy with
9 his hands, did a lot of projects around his home. He showed me some of those things
10 and I got to know him. So I thought, you know, this guy, he seems pro-police. And one
11 of the key factors was in that investigation of the property crime, he was the person that
12 by keeping his ear to the ground, you might say, in the community, he contacted me
13 and gave me the name of the suspect, who turned out to be the person who had
14 committed the crime. And at the end of the day, he did not go, whatever you want to
15 call it, rogue. He did not have a sense of frontier justice, where he was going to go after
16 the guy himself. He phoned me. So somebody who put his case in the hands of the
17 police officer and did it the right way, was helpful, seemed to have an ear to the ground
18 in the community, he seemed like a good person to have as a community contact.

19 I know in retrospect, as everyone looks at this and sees what he's
20 done, they'll probably think I'm out of my mind. But at the time, that -- the individual that
21 I was dealing with was very -- was level-headed, articulate, well spoken, mannerly,
22 seemed pro-police, and he'd helped me in his investigation without being -- taking
23 things into his own hands. So that's how I ended up even communicating with him.

24 **MR. JAMIE VanWART:** Thank you. And I just wanted to clarify, I
25 think the challenges of leading is you've got to make sure you clearly state the question.
26 I think I said 10 to 15. I meant to say 10 to 20 times was what I gleaned from your
27 statements. But your answer reflected that, so I apologize.

28 **CST. GREG WILEY:** And that's -- that's correct.

1 And the other context that people need to have within this is that,
2 as I said, he was often doing little projects around his home, some were bigger, I guess.
3 But I might pull into his driveway, he might walk out to the truck and say, "I'm in the
4 middle of varnishing something," or, "I'm in the middle of doing this. Maybe see you
5 another time?" Just maybe have a "How's it going," sort of talk, and that was it. he --
6 other -- and there were a couple of times where I was out of the vehicle and he'd be
7 showing me projects. The longest I was probably ever in his -- on his property was
8 probably somewhere between half an hour and 45 minutes. A lot of the visits were
9 probably more like 10 to 20 minutes. And like I said, there were several, many, that
10 were shorter visits because he was busy with something.

11 So the amount of time that I spent with him wasn't as great -- like,
12 when people think 15 or 20 visits or whatever, some of them were quite short. And as I
13 said, he was never a personal friend of mine. I only ever stopped to see him as a
14 community contact.

15 **MR. JAMIE VanWART:** And with regards to community contact, I
16 think you've given some context of why you identified the perpetrator as a community
17 contact in your answers today, but I just wanted to -- could you elaborate on what you
18 mean by community contact? And I'm particularly interested in, like, how many
19 community contacts did you have when you were in Bible Hill and what communities
20 were they in? And what -- and for what purpose did you have them? If that question
21 isn't too long.

22 **CST. GREG WILEY:** Okay. You'll meet -- you'll meet different
23 people in the course of your job and travelling out amongst the public and you'll get an
24 idea. It's going to be somebody who is pro-police, somebody that you can build a
25 rapport with, and it's a trust. They're not a source. They're not coded. It's just
26 somebody that if things are going on in that community, you can ask just, "How are
27 things going? Have you heard about this or that?" It's somebody that might be able to
28 point you in the right direction informally and that you're not going to drag their name

1 out. You're just getting a little bit of direction. You don't take their word as the gospel
2 on anything. What it is is advice and direction that you wouldn't have otherwise had.

3 As for how many other community contacts I would have had, just
4 in that neck of the woods, going from Bible Hill down to Five Islands, I would have had
5 one, two, three, four, five others besides him.

6 **MR. JAMIE VanWART:** Thank you. I wanted to shift and ask you
7 some questions about 2010.

8 And I'm going to ask that Madam Registrar brings onto the screen a
9 Foundational Document that's entitled Violence in Perpetrator's Family of Origin. It's
10 Exhibit P00334.

11 And, Cst. Wiley, this is going to be a long set up for this question so
12 please be patient. I want to read you some portions from this Foundational Document.
13 I'm going to start at paragraph 85.

14 **CST. GREG WILEY:** Okay.

15 **MR. JAMIE VanWART:** And I'm going to -- I'll read it aloud, Cst.
16 Wiley. Just need to -- so at paragraph 85, the Foundational Document reads:

17 "The RCMP's compilation of police reports on the
18 perpetrator states that on June 2, 2010, Glynn Wortman
19 phoned the Codiac detachment to report the perpetrator's
20 threat to kill his parents. Glynn called from Edmonton,
21 Alberta, and talked to Codiac RCMP member Cst. Len
22 Vickers, who wrote up an initial officer's report that was
23 shared with the HRP. In his report, Cst. Vickers stated
24 that he had received information from Glynn Wortman
25 'concerning death threats made against (the
26 perpetrator's) parents,' and Cst. Vickers requested a call-
27 back. The HRP [record indicated -- the HRP] recorded
28 an incident of 'uttering threats' in their file and assigned

1 HRP Sgt. Poirier as the lead investigator.”

2 I'm going to go down to paragraph 88 and continue:

3 “Sgt. Poirier recorded two possible addresses for the
4 perpetrator: the apartment above the denture clinic at
5 193 Portland Street and a cottage (in Portapique) that the
6 Bible Hill RCMP were going to check. Sgt. Poirier noted
7 [that] there was also a possibility the perpetrator was in
8 possession of “several long-barrelled weapons.”

9 I'm going to jump ahead now to paragraph 97:

10 “Sgt. Poirier spoke to Bible Hill RCMP member Cst. Greg
11 Wiley, ‘who advised he is a friend of (the perpetrator).’
12 Cst. Wiley told Sgt. Poirier he was ‘aware of the family
13 situation of (the perpetrator) and the stress that it has
14 been causing him.’ Cst. Wiley said he had been to the
15 perpetrator’s cottage in Portapique several times and had
16 never seen a firearm. Cst. Wiley said he would try to
17 meet with the perpetrator at his Portapique cottage to
18 speak to him in relation to this complaint. In his interview
19 with the Mass Casualty Commission in July 2021, Cst.
20 Wiley said he ‘(found] it tricky that I would have even (–)
21 and I’m not trying to distance myself from the guy (–) that
22 I would have referred to (him) as a friend . . . I would
23 have put it that I know the guy and I’ve got a fairly good
24 handle on him from the contact I’ve had with him and he
25 doesn’t come across as a violent guy to me.”

26 And then I'm going to continue on with paragraph 98:

27 “Sgt. Poirier advised...”

28 Oh, sorry. Actually, I will not. I will skip ahead -- no, I'll read --

1 sorry, I'll read 98:

2 "Sgt. Poirier advised Cst. Wiley that the main concern at
3 that point in his investigation was whether the perpetrator
4 had weapons at his cottage in Portapique. Sgt. Poirier
5 told Cst. Wiley that if Cst. Wiley found any weapons at
6 the perpetrator's cottage, they would be seized under a
7 Public Safety Warrant."

8 And then finally, I'll ask Madam Registrar to go down to paragraph
9 104:

10 "On July 17, 2010, Sgt. Poirier spoke to Cst. Wiley and
11 updated his file accordingly:
12 Writer spoke to Cst Greg Wiley, Bible Hill RCMP today
13 and he has not spoken to (the perpetrator) to date. He
14 states that he will attempt to speak to him in the next 2
15 days. He will get back to writer with the result.
16 Since last month writer has not received any further calls
17 from the original complainants (Paul and Evelyn
18 Wortman) which is an indication that their son (the
19 perpetrator) has not had any contact with them since the
20 incident was reported to Codiac RCMP in [...] June."

21 And then on paragraph 105:

22 "After repeated unsuccessful attempt to contact Paul and
23 Evelyn Wortman, Sgt. Poirier closed the HRP's 'uttering
24 threats' file on the perpetrator on August 26, 2010. In his
25 concluding report, he wrote that no further action was
26 required on the file because there was 'insufficient
27 evidence to proceed at this time.' He explained:
28 Writer made several attempts to contact the complainant

1 to see if (the perpetrator) has made any negative contact
2 with them. Unable to get an answer unable to leave a
3 message.

4 Since the complainant has not contacted writer since
5 initial contact and Cst Wiley from Bible Hill was looking
6 after speaking to (the perpetrator) to determine if any
7 charges are to be laid there in their jurisdiction, no further
8 action required on [our] HRP file.

9 File closed.”

10 So thank you for enduring that long setting up of this question.

11 Madam Registrar, you can take the Foundational Document down
12 from the screen.

13 Do you have any specific memory of following up on Sgt. Poirier's
14 request in 2010, which I outlined to you in reading from the Foundational Document?

15 **CST. GREG WILEY:** I don't have any specific memory of dealing
16 with Sgt. Poirier at all. The -- and I'm not saying that he wouldn't have contacted me.
17 I'm not going to call the guy a liar or anything. But I don't have any recollection of
18 speaking with him about that. The -- as to what he was saying, he seems to provide
19 details saying I reached out and I apparently had said I would check on -- to see if there
20 were firearms.

21 I know that one thing that, again, I will assume that Sgt. Poirier is in
22 an urban area of policing, where going and checking and doing a door knock can be
23 done fairly regularly, to check to see if somebody is there.

24 The one thing that people do need to understand, if indeed I was
25 trying to go and see Mr. -- well the perpetrator about this to see if he had firearms, is
26 that's a meeting I'm going to have with the person, with the perpetrator. That's not one
27 you phone in, especially if there were a file going on like what Sgt. Poirier said to do
28 with a threats complaint and that. I'm going to want to go and speak directly with the

1 perpetrator.

2 The thing that people need to understand is that the perpetrator
3 only ever went to Portapique on weekends. That was my knowledge. I never tried to
4 stop there any other time than weekend day shifts. The schedule that we worked was a
5 28-day schedule that cycled and there were two weekend day shifts. They were a
6 Saturday and Sunday on the same weekend that occurred once a month.

7 So in order -- and the other thing people need to understand, to
8 travel from what I would call the central or home-based district of Bible Hill to go down
9 the coast to Portapique, you're a 25-minute drive, thereabouts, to get there. And if
10 you're working on a weekend day shift, there's some things -- the stars have to align for
11 you, the weather, the -- whether it's a holiday weekend. All these things can affect call
12 volume. Your -- in a situation like that, your first allegiance is to answering calls that day
13 for service and being available to take calls for service. Hence, whenever I would have
14 ever stopped by normally, just not on any specific business, just stopped by the
15 perpetrator's place, it would have been on a weekend day shift where I had a call that
16 took me either close to where -- to Portapique, or beyond Portapique down the coast,
17 and it would be me coming back up the coast and me sort of listening and sort of
18 anticipating what the call volume was and what was going on as to whether I had the
19 time to stop or not.

20 So again, not to confuse things, I would really only have one
21 weekend per month that I could stop and actually try to have a face-to-face with him. If
22 the perpetrator wasn't there, too bad so sad. I can't go meet somebody who is not
23 there. If our radio is busy and we've got other priority calls that we've got to take but
24 we're short on the shift, which was not uncommon, we didn't have an abundance of
25 members working at any time in Bible Hill, you're busy, you're reacting to things you
26 need to react to here and now.

27 Now, with respect to what he had to say, again, I don't recall having
28 a conversation with him about this. I know that if I would have went to speak to the

1 perpetrator about guns, I wouldn't have been asking him directly, "Hey, do you have
2 guns?" I probably would have taken an approach where I would have said, you know,
3 "We've got some sort of wildlife concern, like a bear or some coyotes running through
4 the area and I'm just checking with a few different people I know down here to know if
5 they have hunting rifles or a shotgun or anything that they can defend themselves with
6 or even assist Department of Natural Resources, or us, if it came to that, in dealing with
7 an animal or an animal threat." I would have approached it that way.

8 Now, further on again, I read some of the stuff and the girlfriend of
9 the perpetrator, she had memory of me being at the ---

10 **MR. JAMIE VanWART:** Yeah, Cst. Wiley, I may interrupt -- or I will
11 interrupt, because I can put to you -- I'll ask you specifically about that in a moment. It's
12 ---

13 **CST. GREG WILEY:** Okay. Okay. I was just trying to give a
14 picture of this firearm thing. Okay. So you can go ahead.

15 **MR. JAMIE VanWART:** Well why I don't I put that -- but I can do
16 that now. I think you're talking about Lisa Banfield, who provided statements to the
17 Mass Casualty Commission and also testified before the Mass Casualty Commission.

18 And Madam Registrar, if we could first -- and again, I'll give you a
19 long question here, Cst. Wiley, with me doing some reading, but if we could first pull up
20 -- it's from the testimony of July 15th, 2022. It's COMM No. 0061288, and I will read
21 from -- on the transcript, it's page 67. And just above -- starting at line 6, you're asked,
22 "So it was before the perpetrator made the threat against his parents and the Halifax
23 Police started to investigate."

24 You -- Lisa Banfield answers, "Yes. Yes."

25 Asked, "Okay. And so do I correctly understand that Cst. Wiley
26 came to the cottage...".

27 Oh, you're not -- okay. Sorry. I'll give you a minute.

28 It's -- I believe it's PDF page 70. It's page 67 of the...

1 Yes, that's correct. So I'll start -- I'll pick up from line 9.:

2 "Okay. And so do I correctly understand that Cst.
3 Wiley later came to the cottage in Portapique in
4 connection with this.

5 Yes.

6 Tell me what you know about that.

7 I remember he came to the door. He came through
8 the living room up into the master bedroom and
9 Gabriel had, like, a little musket kind of gun, and he
10 showed him that. And he showed him the gun above
11 the fireplace that was filled with wax, so it was just for
12 decoration. And he said, 'That's what I have.'"

13 So you said he came in through the door. I just want
14 to be clear, was that the -- which door?

15 The cottage door, the main door.

16 Okay. And then you said the perpetrator also showed
17 him firearms over the fireplace. Was that in the
18 cottage?

19 Yes.

20 Okay. Did he go to the warehouse?

21 No.

22 Did you have the warehouse at the time?

23 I don't know. I can't remember if we had even built
24 the warehouse.

25 Do you recall anything else about sergeant -- about
26 Cst. Wiley's visit?

27 No. He was only there maybe 10 minutes. Gabriel --
28 sorry; he just showed him that and then they talked

1 for a second, and then he left.
2 Okay. Did he look around or conduct any sort of
3 search independent?
4 No, not that I noticed.
5 Did he speak to you?
6 Just if I was standing there, he would have said, but
7 that would have been it.
8 At any point in time did he speak to you separately
9 from the perpetrator?
10 No.
11 And did he take a statement from the perpetrator?
12 Did he write anything down, you mean?
13 I mean do you recall him ---
14 They talked.
15 --- asking questions?
16 He just asked if he had any guns or whatever, and he
17 showed him those two guns, basically, and that was
18 pretty much it.”

19 That concludes what I’m going to read from Ms. Banfield’s
20 testimony, but I’m wondering, Madam Registrar, if you could now pull up Exhibit P-
21 003470. This is a statement that Ms. Banfield gave to the Mass Casualty Commission
22 on April 16, [sic] 2022. And starting at page 75, and this time we’ll make sure you’re on
23 the right page before I start reading.

24 You’ll see at 2: Ms. Banfield’s asked:
25 “Greg Wiley.
26 Greg Wiley. Did you ever meet him?
27 He’s from the Portapique area, right. Yeah, he...I
28 don’t know how Gabriel ever met him, but he met him

1 obviously up there at some point because he told me
2 about this Greg guy. And then when Gabriel had
3 threatened to kill his parents, the police had come to
4 the door in Dartmouth and they gave me a card to
5 give to Gabriel to say that they would be back. And I
6 think this Greg guy is the guy that came up to the
7 house to check to see if there were guns or whatever.
8 But he just came in and he might have been there five
9 minutes and he was gone.
10 Were you there?
11 Yeah.
12 And did you see what he did when he walked in to go
13 through?
14 He came in, and I think Gabriel and I were in the
15 bedroom at the time and he came in and Gabriel is
16 like, oh, this is the gun I have, it's a pellet gun. It
17 looks like a handgun, but it's silver, but it's a pellet
18 gun. So he said, this is what I had, you know, I was
19 only joking around. That's what I think he said to the
20 guy that I can remember it's such a long time ago.
21 But it was as quick as that and he was gone. So it
22 wasn't...nothing really stands out.
23 So you don't recall, he asked some, a lot of questions
24 related to any kind of firearms or access to...
25 I don't remember any of that
26 ...if he had a licence for firearms.
27 I don't remember. If he did, I don't remember it,
28 because it just seemed like he was there for such a

1 short period of time that it...yeah.
2 When you say he came in, did he knock on the door
3 or did he walk in?
4 No, he would have knocked on the door.
5 So you...did he seem familiar with the residence
6 when he came in?
7 Yeah. But Gabriel...Gabriel also me that somebody
8 broke into the cottage when he was there. I wasn't
9 there, and I don't know if that same cop is the one
10 that showed up. So he seemed to be familiar with it,
11 but I don't know. And he seemed to have a rapport
12 with Gabriel. From what I, you know, if I met you for
13 the first time, that it didn't seem like that to me. Do
14 you know what I mean.
15 Yeah. I do. OK.
16 And when you talk about him coming in to check the
17 place, are we talking about the apartment in
18 Dartmouth or the cottage in Portapique?
19 Cottage.
20 OK.
21 That's the same guy.
22 You describe that he just kind of walked through the
23 residence and Gabriel showed him a pellet gun that
24 was silver, said this was it, and that's all that was
25 done was it.
26 Yeah, I think. I believe, that I recall. It was such a
27 long time ago.
28 Yeah, I appreciate that. Thank you.

1 Did he ask you any questions directly?
2 Not that I remember him asking me anything.
3 Did he talk to you separately? Like, did...did at one
4 point he take you to another room and ask you any
5 questions?
6 No, and I don't know if Gabriel walked him out or
7 something. I couldn't tell you."

8 And I think I'll end there.

9 So Constable Wiley, I hope you had an opportunity to read along as
10 I was reading that to you, but does hearing that -- does that refresh your memory at all
11 about attending the residence and inquiring about firearms?

12 **CST. GREG WILEY:** No, it doesn't, and yet she provides a lot of
13 detail and the -- her statement seems consistent that there was a deactivated gun that
14 he showed me and then a pellet gun. The -- I'm almost led to believe, if anything, either
15 my memory has slipped to do with the whole thing to do with Sergeant Poirier and I was
16 there asking for that purpose and doing it in a way that, obviously, whatever way I would
17 have taken didn't offend him or get his back up or it was coincidental that we talked
18 about firearms around that same period of time and that I had no idea that there was an
19 interest in him with firearms.

20 If I was -- if this is a memory slip of mine to do with Sergeant
21 Poirier, after something like that I could see myself perhaps leaving a voicemail
22 message for somebody that wanted information like that and maybe they didn't get it
23 through the jigs and reels. I have no idea.

24 But the -- as I sort of listened to and sort of studied the statement of
25 Ms. Banfield, the thing that people need to understand, even if I was there to casually
26 sort of ask preliminary -- in a preliminary sense about firearms, we're not there to
27 search. Like when she's saying I attempted -- did any search anywhere else and stuff,
28 did he look around more, I don't have the right to do that. I don't have a search warrant.

1 I need judicial authority to do that.

2 And if we were going to go somewhere to actually look for firearms
3 in a thing like that, we would go with a lot of members. We would have searching
4 members, we would have safety overwatch members in a case like that.

5 I was never privy to anything that Bible Hill was organizing anything
6 like that. I had no knowledge of anything like that even being in the wind.

7 The thing, I guess, to bear in mind is, to the best of my recollection,
8 I was never officially tasked to investigate the perpetrator of the Portapique incident in
9 any way, shape, or form with him as a suspect. The only official police capacity that I
10 ever acted in with respect to the perpetrator in Portapique was with him as a victim of a
11 property crime, and that was it.

12 So I can't -- and I certainly can't remember being into anywhere
13 else in the house. I was into the house on a couple of visits where I would have been in
14 the living room and maybe walked through the kitchen onto the back deck with him, but
15 I can't remember being in a bedroom or ever using the washroom there or anything like
16 that. But her recollection is her recollection, and I don't have recollection of anything
17 like that occurring with him, having that interaction.

18 **MR. JAMIE VanWART:** If, when I put to you the Foundational
19 document with Sgt. Poirier's information from 2010 -- I appreciate you don't remember,
20 but would that be a task that you would do on your own, to follow up on a firearm
21 complaint, or would it be normal in Bible Hill to involve a second member in responding
22 or doing inquiries like that?

23 **CST. GREG WILEY:** If it was almost -- the way his report writes,
24 it's almost like I'm doing a little bit of preliminary feeling out.

25 The other thing with his report, where I wonder about the content of
26 his report, is where he describes me as a friend or that I said I was a friend of the
27 perpetrator. I would have never described myself as a friend. I may have said I'm on
28 friendly terms with him; I have good rapport with him, something like that. I would have

1 never described him as a friend. I never saw him in my personal time. As I said before,
2 I was only ever in uniform, only ever in a police vehicle, and only ever on the clock the
3 few times that I stopped there and saw him as a community contact.

4 **MR. JAMIE VanWART:** And what about as a follow-up -- and,
5 again, I appreciate we're into the hypothetical if you don't have memory of it, but would
6 it be normal practice for you to try to speak to somebody's partner independently if you
7 were following up on a complaint about a firearm to see if you could get different
8 information?

9 **CST. GREG WILEY:** Okay. Again, it would come -- it would come
10 -- like, that I don't have memory of it makes me think that the request wouldn't -- if the
11 request was made and it was made to me, it wouldn't have been registering high on the
12 -- on, like, the -- how do you want to call it? It would have been just covering off on
13 whether he had firearms. It wasn't that they had direct knowledge he had firearms. It
14 might have been taken -- I might have went at it a different way.

15 Again, walking into a situation, I knew him well enough, and like I
16 said, I would have taken a sideways approach to learning about firearms by discussing
17 some other aspect of it like, "Do you have guns you could protect yourself from a bear
18 that seems to be running around down here?" I would have taken an approach like that.
19 I doubt I would have directly asked him if he owned firearms, just cold turkey asked that.
20 I don't think I would have.

21 **MR. JAMIE VanWART:** Okay. So I'd like to incorporate some
22 further information concerning the perpetrator into my next series of questions.

23 Madam Registrar, if you could put up Exhibit P-003368? This is the
24 Foundational Document, "Perpetrator's Violent Behaviours Towards Others." And if you
25 could -- it's the PDF page 56, paragraph 207.

26 Again, Cst. Wiley, I'm going to read and set up a bit of background
27 to ask you the -- some questions.

28 Starting at paragraph 207, the Foundational Document reads:

1 “As further detailed in the *Firearms* Foundational
2 Document, while on duty on May 3, 2011, Cpl. Greg
3 Desmond [*sic*] of the Truro Police Service[...]was
4 approached by an unknown source who provided
5 information about the perpetrator. The source told
6 Cpl. Desmond [*sic*] that the perpetrator had ‘stated he
7 wants to kill a cop,’ and[...]the perpetrator was in
8 possession of at least one handgun and several long
9 [guns]. The source said the perpetrator was
10 transporting the handgun[s] between the Atlantic
11 Denture Clinic and his residence [in] Portapique
12 Beach Road, and that the [rifle was] stored in a
13 compartment behind the flue at his cottage in
14 Portapique. The source had seen the perpetrator’s
15 firearms. The source told Cpl. Desmond [*sic*] the
16 perpetrator was upset because he felt the police did
17 not properly investigate a 2008 break-and-enter
18 complaint he had filed. Cpl. Desmond’s [*sic*] source
19 said the perpetrator was ‘under a lot of stress lately
20 and starting to have some mental health issues.’”

21 I’m going to ask to scroll down to paragraph 209:

22 “Since the information Cpl. Desmond [*sic*] received
23 was not specific to the Truro area but covered other
24 policing agencies, he decided to initiate a bulletin
25 through the Criminal Intelligence Service Nova
26 Scotia[....The] CISNS bulletins are distributed to law
27 enforcement agencies across the province. Cpl.
28 Desmond [*sic*] conveyed the perpetrator’s threat to kill

1 a police officer to CISNS, which circulated an Officer
2 Safety Bulletin on May 4, 2011:”

3 And then we have a redacted version of that bulletin now showing
4 on the screen, which is at page 56 of the Foundational Document.

5 Do you recall seeing this bulletin that’s now showing on the screen,
6 Cst. Wiley, ---

7 **CST. GREG WILEY:** No, I do not.

8 **MR. JAMIE VanWART:** --- in Nova Scotia in 2011?

9 **CST. GREG WILEY:** No, I do not.

10 **MR. JAMIE VanWART:** And these CISNS bulletins, like, I guess
11 were they usually shared to members by email?

12 **CST. GREG WILEY:** As far as I know, email was the only way it
13 was shared.

14 **MR. JAMIE VanWART:** Okay. And so if we could continue, ---

15 **COMMISSIONER STANTON:** Sorry, Mr. VanWart, just to record
16 their record, it’s Cpl. Densmore, ---

17 **MR. JAMIE VanWART:** Oh, sorry.

18 **COMMISSIONER STANTON:** --- who’s a reference with respect to
19 the bulletin, as opposed to Cpl. Desmond. Just for the people doing the transcript.

20 Thank you.

21 **MR. JAMIE VanWART:** Thank you, Commissioner Stanton.

22 So if we could -- it’s PDF page 58, page 57 on the Foundational
23 Document, paragraph 212:

24 “On May [3rd], Sgt. Poirier contacted the perpetrator’s
25 father, Paul Wortman. Mr. Wortman told Sgt. Poirier
26 that he was ‘very concerned about his son’s mental
27 [health].’ Mr. Wortman said [that] the perpetrator was
28 a ‘heavy drinker’ who likely had weapons at his

1 Portapique cottage. Sgt. Poirier attended the Atlantic
2 Denture Clinic, but no one was there and there [was]
3 no vehicles in the yard. He[...]contacted the Bible Hill
4 RCMP detachment and advised the on-duty
5 supervisor, Cst. John MacMinn, of the situation. Sgt.
6 Poirier provided Cst. MacMinn with a summary [of
7 the] report from the 2010 investigation into the
8 perpetrator's threat to kill his parents, noting that Cst.
9 Greg Wiley of the Bible Hill RCMP detachment had
10 followed up on it. Cst. MacMinn advised Sgt. Poirier
11 that he would follow up with Cst. Wiley and then
12 contact Sgt. Poirier with the updated information."

13 The next paragraph, 213:

14 "Sgt. Poirier told the [Commissioners] that he never
15 got an update back: I contacted..."

16 This is a quote from Sgt. Poirier:

17 "I contacted Bible Hill and I spoke to [the] acting
18 supervisor, it was a Cst. John MacMinn,[...]and
19 advised him of the information that he was not aware
20 of. He advised me that he was ... he would review the
21 file [and] that Cst. Wiley did and determine what
22 action, if any, was taken last year[...]... on the original
23 report that I had given him. As well, he would speak
24 to Cst. Wiley and [advise] me he'll get back to me with
25 an update either tonight or tomorrow night. I never
26 got that update. I don't know if he contacted
27 somebody in our department and passed [on] the
28 information along, but I never got any information, so."

1 And then paragraph 214:

2 "Cst. MacMinn conducted a [...] (CPIC) search
3 regarding the perpetrator on May 3, 2011."

4 And then at paragraph 215,

5 "Cst. Wiley told the Commission that he had no
6 recollection of [...] dealing with Cst. MacMinn nor of
7 speaking with anyone from [...] Bible Hill detachment
8 with respect to the perpetrator during this period, but
9 mentioned that he would check for any notes he has
10 for the May 2011 period. On December 10, 2021, the
11 Commission received a letter from the Department of
12 Justice (Canada) informing that Cst. Wiley had
13 searched for and could not locate any relevant notes
14 pertaining to the perpetrator."

15 Is that last paragraph, Constable Wiley, still accurate, that you don't
16 have a recollection of receiving this information from Constable MacMinn?

17 **CST. GREG WILEY:** That's correct. I don't even have any
18 memory whatsoever of ever working with a Constable MacMinn, to be honest with you.
19 I was -- I would have been -- if that was in May, I would have been transferring out and
20 maybe he was just transferring in and was on a different watch. I have no idea, but I
21 don't even recall working with a Constable MacMinn. And I didn't receive any
22 information to further anything or do anything with respect to the perpetrator.

23 **MR. JAMIE VanWART:** Okay. And sometimes -- sorry,
24 sometimes you're fading out when you answer, Constable Wiley. But even though you
25 indicate you did not see the bulletin that was part of the Foundational Document I put to
26 you, were you aware of any of the information that was in the bulletin back in 2011?

27 **CST. GREG WILEY:** I had more of a memory of, like, a -- almost,
28 like, a general email that had went out, and it -- I can't remember whether I was already

1 at Parrsboro or not, but the email would have had something along the lines of talking
2 about there being a threat's complaint from New Brunswick to do with the perpetrator,
3 and that members should be -- like, he lives in Portapique. Members should be
4 cautious in dealing with him or whatever. I -- something like that. And the thing is, is
5 before, to the best of my knowledge when I'm seeing these dates of threat's complaints
6 and stuff like that, I had knowledge of a disagreement that was going on within the
7 perpetrator's family between he and a family member, or other family members. And if I
8 -- I vaguely remember, it would have been something to do with property, or a will, or
9 money. Money related. That's the bottom line of these things. He had some sort of
10 disagreement going with them, and I can remember talking about that because I
11 witnessed these things. And even within my family, we've had such a thing happen in
12 the past. I've seen it with other people. I've seen it within the job as a police officer. So
13 we -- I can remember vaguely talking about things like that in general, and just saying,
14 "You're best off to get as good information as you can for your lawyer, and hope that
15 you've got a good lawyer that can make your case."

16 And I remember him being in -- not off track with that. I can't
17 remember exactly what I would have said or what he would have said, but that was the
18 spirit of that conversation. He was going to be handling things a legal way, like, legal,
19 not illegal, but legal fashion for the lawyer. And there wasn't anything about any -- there
20 wasn't a feeling of anger coming off of him, any more than the frustration that people
21 would normally get with that. He never expressed any desire to do harm to anybody,
22 and it didn't seem amped up to that level. So, yeah. I already had knowledge of the
23 threat's complaint sort of ahead -- ahead of time, and I continued to periodically stop
24 and talk with him. And his attitude towards me and just life in general had not become
25 more amped up or hostile that I could determine.

26 **MR. JAMIE VanWART:** Do you ever remember running the
27 perpetrator's name on CPIC?

28 **CST. GREG WILEY:** Not specifically on CPIC. When -- like what

1 I'm saying, an email would have come or something. The most I probably would have
2 done would have been run him on PROS, which is our incident file sort of thing, to just
3 take a look at what was going on quickly. But I don't have recollection of even doing
4 that specifically.

5 **MR. JAMIE VanWART:** Okay. Thank you, Constable Wiley. I
6 want to shift and ask you a couple questions about Susan Butlin, and specifically we
7 have an Exhibit P-004605. It's the independent officer review, Susan Butlin, Ernie
8 Duggan complaints. And are you familiar with this -- perhaps you could just first go to
9 the first page, Madam Register?

10 Are you familiar with this review, Constable Wiley?

11 **CST. GREG WILEY:** I wasn't until the other day when I had a look
12 at it, but before that, I wasn't aware of it at all.

13 **MR. JAMIE VanWART:** Okay. And by the other day, you mean?

14 **CST. GREG WILEY:** Thursday.

15 **MR. JAMIE VanWART:** Okay.

16 **CST. GREG WILEY:** Thursday just past.

17 **MR. JAMIE VanWART:** Okay. Now, Madam Register, if you could
18 go to the PDF page 14?

19 Near the top of 14, Constable Wiley, there's a reference to a PROS
20 file 2017 1146039 and an investigation into a harassment complaint. And you're
21 indicated on this investigation as being a lead investigator. Do you recall this complaint,
22 harassment complaint and responding to it?

23 **MR. GREG WILEY:** Yes, I do, quite clearly. I can -- I haven't
24 provided any statement. I haven't been asked to provide any statement to do with this
25 before. And right now, with some of the things where they're trying to sort of cross-
26 pollinate this investigation with the one from Portapique, I'd like to take an opportunity to
27 speak on this, and for people to understand the -- my involvement in this incident with
28 Ms. Butlin.

1 So it was August 26th, 2017. It was a weekend day shift. It was a
2 Saturday, I believe. I know it was a weekend day shift because there was no one at the
3 -- no civilian members at the detachment. A call was dropped down to me by dispatch
4 shortly after seven a.m. And I looked at it, and I saw it was a harassing
5 communication's complaint, something where I knew I would go and speak -- make a
6 phone call. And so what I did, I was right in Bible Hill. I went over to College Road in
7 Bible Hill and parked just down at the bottom of the athletic field there. I was facing the
8 sun. I can remember this vividly. And I'll explain to you why later, why I can remember
9 this so vividly. I phoned Ms. Butlin and I identified myself as Constable Wiley from Bible
10 Hill RCMP and what could I do for her. She said she was being harassed by the
11 perpetrator. I'll refer to him as the perpetrator in this as well. And he -- I said, "Okay,
12 what's going on?" She says, well -- one of the first things out of her mouth was -- is that
13 he was up on charges, or he'd been charged with sexual assault. Well, that got my
14 attention pretty quickly, because I thought if he's been charged with sexual assault,
15 more than likely he's appeared before a judge to be released, and he would have been
16 released on conditions, and what we have here is a serious breach. And even if he was
17 released by a police officer through an undertaking, that's a serious breach, and that the
18 risk level is quite high.

19 So I asked her, I said, "He's been charged?" She says, "Yes.
20 Charged with sexual assault." And I said, "Well, is he -- has he been released?"
21 Because I was thinking he maybe communicated with her from in custody. She said,
22 "Yes, he was released." And I said, "When he was released, was he released in court?
23 Was he released by a police officer?" I said, "Someone must have come to you and
24 given you either, like, a recognizance or an undertaking and gone over the conditions"
25 that he was being released under. And I said, "First and foremost would be no contact
26 allowed with you, directly or indirectly. That's almost always the top thing in a situation
27 like that." She says, "Well I never got any piece of paper." And I'm thinking, like, "How
28 the heck could this happen? How could this guy be out on a sexual assault -- be

1 released on that, and she hasn't had the conditions explained to her?"

2 So I said, "When is it due in court next?" She says, "The peace
3 bond hearing is on Wednesday. So the following Wednesday. This was Saturday I was
4 speaking with her. I said, "Peace bond?" I said, "Is the peace bond to do with the
5 perpetrator?" She says, "Yes." I said, "To do with this same incident?" She goes,
6 "Yes." And I said, "You're absolute --" like, I was very confused and I was trying to
7 make absolutely sure that she knew what she was talking about. She said it was a
8 peace bond hearing. She had applied for it. And I'm thinking, "Okay. There's no way
9 the perpetrator had been charged with a sexual assault." So I explained that to her, that
10 he had not been charged. She had made a complaint, but at this point, no charges had
11 been laid, and if she was in the peace bond process, I said you're basically seeking
12 what a lot of people would call in civilian terms like a restraining order.

13 And I said, "That's where this is right now." I said, "Okay. Now we
14 know where our -- where we're at today. Tell me why you called today. What prompted
15 you to call the police today?" She says, "Well I got these text messages from him." And
16 I, "Okay. What can you tell me about that?" She read me the text messages, didn't
17 show them. I had no means of seeing them or whatever. But she read me the text
18 messages. And I was thinking, "Well, did he threaten her?" They didn't meet the
19 standard -- the elements of a charge for a threshold for a threat. And I thought, "Okay.
20 What do we have here if we don't have threats? What else can we do? We have the
21 harassing communications."

22 I asked her directly, I said, "Have you directly communicated to the
23 perpetrator not to communicate with you anymore? Not to send you any electronic
24 messages, or to phone you, or to try to speak to you in person? Have you done this?"
25 And she said, "Well, no, I haven't." And I said, "Okay." I said, "To get harassing
26 communications going effectively, to get it where we could do something potentially with
27 a charge of that, you need to start the clock on that."

28 And I explained to her that she should choose one, or use any of

1 the electronic platforms she had, to send a message to the perpetrator that she wished
2 no further communications from him at all in person or by any other means and that any
3 further communication after this message to him would be reported to the police and
4 would be looked upon as harassment or harassing communications. I would have said
5 one or the other to her.

6 I asked her if she understood that. She said yes. I said, "You can
7 send it on one or whatever things you do connect with him on electronically." And I
8 said, "Now, as for where we're at today," I said, "You can send that message and if you
9 do send that message, something I could do, if you'd like," and I said, "This is only if
10 you'd like," I said, "You know him. You know the dynamic between the two of you. You
11 know the circumstances surrounding all of this, which I don't. But what I can do, if you
12 would like and you think it would help, I can phone him and let him know that this has
13 come to the attention of the police and at this point, any further attempts by him to
14 communicate with you directly or indirectly will be viewed upon -- viewed by the policing
15 as harassing communications or harassment." And I said, "I can do that but phone," but
16 also, given the nature of what her previous allegation had been, I -- and I didn't do this
17 with everybody, what I just mentioned, I would do with just about anybody who was
18 getting harassing communications, but anything that seemed to be, as I would say, like
19 a higher stakes or of greater gravity, which this seemed to be if she made an accusation
20 of sexual assault, I offered to even go and visit the perpetrator in person, so -- because
21 sometimes a police officer showing up on your door yard to speak to you about
22 something like this would be a little bit more impactful, would carry a little bit more
23 weight with it, would give somebody like the perpetrator maybe more time for pause for
24 thought about what they were doing. They'd realize, "Hey, police drove up here and
25 they're standing in my door yard talking to me about this. They sort of -- they mean
26 business about this." And so I offered that to her. Either one of those. That I could
27 phone or attend in person.

28 She declined both and she just said, "I think it would likely stir him

1 up or make matters worse.” And that’s not an uncommon reply or answer to get from
2 people when you make them that kind of offer, that you’ll phone the subject of the
3 complaint or attend in person. Oftentimes, they will feel that it might stir the pot worse.

4 So I got her to that point in the day, and explaining things, and I
5 said, “I can’t really do too much more for you here today based on what you’ve shared
6 with me. What I can do is tell you that despite you making the complaint you made a
7 few weeks ago or whatever of the sexual assault, and despite making this complaint of
8 harassing communications, just because we weren’t able to action these things the way
9 you might have felt they could be actioned, that please -- that if -- listen to me that when
10 I say that if circumstances change or situation changes with the perpetrator, that you
11 can call the police. And I mean between now and next Wednesday, if things change.”

12 And I would have told her, “You don’t have to ask for me. You can
13 ask for any member that’s on and you can just give them your name and they’ll find the
14 stuff in the computer. You’ll get quicker action by dealing with whoever is available than
15 perhaps waiting for me or any other investigator that you had dealt with when you were
16 making your sexual assault complaint.” So that was my advice is provided to her.

17 And I asked her if she understood all of these things and she did.

18 And finally I asked her, as I would in a situation like this, I asked
19 her, “Do you, at this time, have any reason to be concerned for your safety or the safety
20 of anyone you know because of this person?” Being the perpetrator. And she
21 answered me a clear, “No.”

22 And I -- that was it for the call, basically. I just told her to remember
23 that she could call us if things changed and I left it at that. There really wasn’t anywhere
24 else, given the limit of the circumstances, the information, and the events that had taken
25 place between she and the perpetrator, like, to do with these harassing complaints,
26 harassing communications, I -- there wasn’t really anywhere else I could go with it.

27 To be clear, I never had anything in any way, shape, or form to do
28 with the investigation into the sexual assault or the review. There were -- I believe there

1 were a couple of reviews of that file. And I always sort of wondered if I was the last
2 Mouny that she ever spoke to before the perpetrator took her life. And I saw in a
3 timeline thing of police contacts with her that there were other members that had
4 spoken to whether, mostly to do with the sexual assault allegation, between the time
5 she spoke with me and the time that her life was taken.

6 Now, people can sit back and wonder, "How the heck can this guy
7 have such a clear memory of this conversation?" The night that her life was taken, I
8 was on shift, on night shift, and as things started coming in, and names, and addresses,
9 it rang a bell in my head, I realized it was this woman, and I realized that the man in
10 question was the subject of the complaint in my file and in the other sexual assault
11 investigation, I -- that was the last shift I worked. I'd had vacation time scheduled, and
12 for the next couple of weeks while I was on my regularly scheduled vacation, I can tell
13 you as a human being and as a -- as a police officer that I ran my phone call with Ms.
14 Butlin through my head innumerable times asking myself if there was anything I could
15 have done more, did I ask her this, did I do that.

16 When you run it through your head, something like that, that many
17 times, it's branded in your memory forever. That was the extent of my contact with Ms.
18 Butlin.

19 And I'm sorry for the loss. My testimony today for both of these
20 incidents, something I want to make clear is yes, I'm appearing in front of an official
21 inquiry and Commission or whatever it's called to look at police practices and to look at
22 everything to see what could be done better. I'm fulfilling that by giving my testimony,
23 but I'm also here to be full, frank and fair and honest, total honesty, with my -- my
24 actions in these incidents and my knowledge of these people and that my testimony
25 here today is to provide some clarity. If my interaction in each one of these -- with these
26 people in each one of these incidents is a piece of the puzzle in it, I'm hoping that the
27 families and friends of the victims of these crimes get clarify from at least what I have to
28 say today as much as I can provide.

1 **MR. JAMIE VanWART:** Constable Wiley, sorry, I don't mean to
2 interrupt. I do have a couple more questions for you.

3 Are you okay to continue or would you ---

4 **CST. GREG WILEY:** Yes.

5 **MR. JAMIE VanWART:** --- like to take a break?

6 **CST. GREG WILEY:** No, I'm -- that was a hard thing for me to say,
7 but it's spoken from my heart.

8 **MR. JAMIE VanWART:** Well, thank you for your answer,
9 Constable Wiley.

10 A couple follow-up questions. Did you know -- and just to avoid
11 confusion, I will use his name -- Ernie Junior Duggan from the community or have any
12 prior dealings with him before investigating Butlin's harassment complaint in August --
13 on August 26th?

14 **CST. GREG WILEY:** Never met the man, never knew of the man.

15 **MR. JAMIE VanWART:** You never knew him before that?

16 **CST. GREG WILEY:** No, I didn't, sir.

17 **MR. JAMIE VanWART:** Okay. And then as part of the review
18 which you've already testified that you didn't see until last Thursday, there is a section
19 that says areas noted for improvement, and there is a section that talks about the
20 harassment complaint, the file for which you were the lead investigator on.

21 Did anybody -- I know you say you haven't seen the report, but did
22 anybody contact you or review the findings of this report with you with regards to the
23 noted areas of improvement and comments in the review?

24 **CST. GREG WILEY:** No, I sir, I wasn't contacted.

25 **MR. JAMIE VanWART:** Okay. And in ---

26 **CST. GREG WILEY:** I don't have any memory of it, anyways.

27 I don't know whether -- I transferred out of Nova Scotia in the
28 summer of 2018, so I don't know whether that would have had something to do with it or

1 not. I have no idea.

2 **MR. JAMIE VanWART:** Yeah, the date of the report would have
3 been -- is December 19th, 2018.

4 But you don't have any recollection of anybody reviewing the
5 findings of the report with you or any follow-up?

6 **CST. GREG WILEY:** No, I have no memory of that.

7 **MR. JAMIE VanWART:** Okay. Madam Registrar, just to complete
8 the record, we did receive three additional documents relevant to the Butlin report.
9 Perhaps I'll just tender them as exhibits at this time.

10 It was a transcript from August 30th, 2017, COMM0063632. That's
11 a Provincial Court transcript.

12 As well as COMM0063631, another Provincial Court transcript from
13 September 13, 2017.

14 And then finally, COMM0063633, which is a letter dated January
15 11, 2018 from Mark Furey to Assistant Commissioner Brian Brennan re complaint.

16 If those three documents could be tendered.

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

18 --- **EXHIBIT**

19 (COMM0063632) NS Provincial Court Transcript – Butlin v. Duggan
20 – August 30, 2017

21 --- **EXHIBIT**

22 (COMM0063631) NS Provincial Court Transcript – Butlin v. Duggan
23 – September 13, 2017

24 --- **EXHIBIT**

25 (COMM0063633) Letter dated January 11, 2018 from Mark Furey
26 to Assistant Commissioner Brian Brennan re: Complaint

27 **MR. JAMIE VanWART:** Well, thank you for your time, Constable
28 Wiley. Those are the questions that I have for you today. Normally, at this point we

1 take a break and we have a caucus with the Participant Counsel to see if there are
2 further questions that will be asked of you from Participant Counsel and, of course, the
3 Commissioners will have an opportunity to ask you questions as well.

4 So I'd ask the Commissioners if we could take our afternoon break
5 at this time to facilitate that.

6 **COMMISSIONER MacDONALD:** Yes, we will.

7 And Mr. VanWart, I would suggest, based upon earlier caucuses or
8 meetings you've had with Participant Counsel, that a half an hour would be an
9 appropriate time.

10 **MR. JAMIE VanWART:** Thank you.

11 **COMMISSIONER MacDONALD:** So Officer Wiley, thank you so
12 far for your testimony. We'll break now for a half an hour and, as Mr. VanWart said, he
13 and members of the Commission Counsel team will meet with counsel for the various
14 Participants and discuss who will be asking you questions and in what order so that it
15 will unfold as efficiently as possible, so we would ask you to come back and make
16 yourself available in 30 minutes.

17 It may take longer, depending on how it goes, but please come
18 back then and, of course, you'll remain under oath until released.

19 Thank you.

20 **CST. GREG WILEY:** Okay. Do we want to, for simplicity, just
21 make it 2 o'clock, like, our time and 3 o'clock your time because it's like ---

22 **COMMISSIONER MacDONALD:** Sure. That's fine, 3 o'clock.
23 Thank you.

24 **CST. GREG WILEY:** All right. Thank you.

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

26 The proceedings are now on break and will resume at 3 o'clock.

27 --- Upon breaking at 2:27 p.m.

28 --- Upon resuming at 3:27 p.m.

1 **MR. JAMIE VanWART:** Good afternoon, Commissioners. Thank
2 you for the break. We've had a successful caucus and we will be returning to Constable
3 Wiley with Participants asking follow-up questions.

4 Before we call upon Constable Wiley, I did want to make -- take a
5 just this moment to deal with some housekeeping. We shared with Participant Counsel
6 a list of a number of exhibits that we intend to tender today. Included is exhibits
7 relevant to the forthcoming round tables on the 7th, 8th and 15th of September, and I just
8 asked Madam Registrar, who's been provided a copy of this list, if these 41 documents
9 could be tendered as exhibits?

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

11 **MR. JAMIE VanWART:** Thank you. And so now we'll return to
12 Constable Wiley, who I see is on screen, and we have Grace MacCormick and Tara
13 Miller and Linda Hupman who wish to ask follow-up questions.

14 **COMMISSIONER MacDONALD:** Thank you. And we would ask,
15 as always, that each Counsel let the witness know who they represent. Thank you.

16 Whenever you're ready, Ms. MacCormick.

17 **--- CONSTABLE GREG WILEY, Resumed:**

18 **--- CROSS-EXAMINATION BY MS. GRACE MacCORMICK:**

19 **MS. GRACE MacCORMICK:** Thank you, Commissioner, and
20 thank you, Constable Wiley.

21 My name is Grace MacCormick and I'm an associate lawyer at
22 Patterson Law. Along with several of my colleagues, I represent the families, the
23 majority of those who were killed on April 18th and 19th, as well as a number of the
24 surviving victims of the mass casualty.

25 So I just have a few remaining questions for you.

26 First, we're going to go back to your relationship with the
27 perpetrator. So you've disputed that the perpetrator was your friend, but you would
28 agree that you did have familiarity with him?

1 **CST. GREG WILEY:** That would be correct. I'm not disputing that
2 he was my friend. I'm stating categorically he was not my friend.

3 **MS. GRACE MacCORMICK:** Okay. Understood. So in your
4 conversations with him, of which you say there were quite a few, 16, what sorts of
5 things did you talk to him about?

6 **CST. GREG WILEY:** Well, often, with something like that, a
7 community contact person, you're going to build rapport with people, just like you would
8 when you're interviewing a witness or a suspect, you want to -- you're going to talk to
9 things that interest them. So a lot of what we talked about would have been the various
10 projects he was doing around his home. And one thing I can remember a couple
11 different talks on was that he had a -- what I called a pretty innovative deck and stair
12 system going down to his dock, and his dock was on the Portapique River, and that's a
13 tidal river. It goes up and down with the Bay of Fundy, Cobequid Bay there. And he
14 just -- the way it was engineered, I come from a farm originally. I look at engineering
15 and how people solve problems and I find that just a personal interest how people do
16 things. So talking about that, about other, different woodworking projects he'd shown
17 me that he'd done and different things. We often talked about things like that.

18 So we might talk about -- like, I don't remember him being a sports
19 person, so I wasn't going to say, like, hey, how did the Leafs do, or the Canadians, or
20 whatever. But we would talk a little bit about the things that he'd been up to in terms of
21 his projects. And at some point, I would weave into it, so is everything quiet in the
22 neighbourhood? How are things, sort of thing. Anything going on that we should know
23 about? He never, ever did provide any lead on anything or anything like that. And the
24 only the odd time would somebody -- like, any of my other community contacts, it wasn't
25 a usual thing that they would be providing information to you. They're not a coded
26 source. So it's -- if you got a tidbit on something, on who might have been breaking in
27 to places or doing this and that, that was a bonus if you got a little crumb thrown your
28 way that way. But it was part of community policing too, to just know people in the area

1 that you could go to in a situation if you were needing -- feeling that you could be having
2 your investigation receive some advantage from maybe seeing if there was local
3 knowledge that could contribute.

4 **MS. GRACE MacCORMICK:** Okay. And so you mentioned the
5 tidal river, did you talk much about the geography of Portapique?

6 **CST. GREG WILEY:** Not really that I am -- remember, that was --
7 he had a fairly steep drop off from his log home. People refer to it as a cottage. I don't
8 know, maybe I just come from a different background. It looked fancier than a cottage
9 to me. It was a pretty nice log home, I thought, but that's my opinion. But, no, the drop
10 off down to the river and the way he'd done it, that was the only time I'd really talked
11 about Portapique sort of thing. It's not a place with mountain ranges or anything like
12 that to it. There's not really that interesting a topography to it that I can remember.
13 Pretty flat there, other than when you drop down to the river or to the bay.

14 **MS. GRACE MacCORMICK:** So did you ever speak to the
15 perpetrator about the blueberry field road?

16 **CST. GREG WILEY:** No, I didn't. And I've been down to the end
17 of the Portapique Beach Road and to turn around and come back as well. It wasn't as
18 though I had just always stopped at his place. I might go past his place, down to the
19 end, a little bit of what I would call police presence, show the flag, and then stop in and
20 see if he's there. But I had no awareness of there being any road, and I had learned
21 something from someone else involved in it, they've said something about a blueberry
22 road. They asked me if I knew about it. I said no.

23 And yet, the one thing I'll share with you is that I lived down that
24 way, when I moved to Bible Hill, I took to work in that detachment, I -- there's basically
25 what I would call three arms of the Colchester County. There'd be the Tatamagouche
26 arm, there would be the Stewiacke arm, and then there would be what I would call the
27 Cobequid Bay or Bass River arm going down that way. And I probably spent the most
28 of my time patrolling -- I patrolled more often down the Bass River way than I did

1 probably up to Tatamagouche or over to Stewiacke, just when you were out on free
2 patrol. I got to know those roads quite well. And even when I first moved there on my
3 days off, it was that first summer, I can remember I had a couple of dogs, my pickup
4 truck. I'm a guy from the country -- I'm a country boy myself. I'd go for a drive on my
5 time off to just learn the roads. There are a lot of roads there.

6 Like and I think that was one of the things that I followed very little
7 with the Commission, to be honest with you, but one of the concerns was, is that
8 members couldn't locate him, and that they didn't seem to know the roads. And I would
9 venture to say that if I didn't know the roads perhaps better than anyone that had ever
10 worked down there, like, in Bible Hill, I'm on the short list for the people that would have
11 because I drove them in my free time too, to just know them. And at the end of the day,
12 people showing up to try to locate him, if they weren't as familiar with the roads just in
13 general down there, that would make it more difficult. And the other thing is, is a lot of
14 the people that would have assisted in this probably came from outside the county. So I
15 can only imagine, it would be like me going to East Hants and thinking I was going to
16 look and I wasn't familiar at all with East Hants County, it would have been very hard for
17 me to go and assist in a search. I could have maybe used my MWS map and had it
18 maybe on a setting where I could read the main roads, but really, it would be difficult. I
19 would be hamstrung in a different county.

20 So I'm not making excuses for the RCMP. I'm trying to -- and I'm
21 not. I'm trying to have people understand even with all the time I spent down there,
22 there's roads that I don't know down there or that I'd be immediately familiar with. So
23 I'm just sharing that with you.

24 **MS. GRACE MacCORMICK:** Sure. Thank you.

25 And so could you just tell me what kind of timeframe you would
26 have been down driving those roads?

27 **CST. GREG WILEY:** Like, you mean from the time -- like, when I
28 lived there, the first summer for sure and probably even in the second summer, on days

1 off, it wouldn't have been unusual in the summer to spend two afternoons, maybe three
2 afternoons of time off, in the first year for sure, each month, driving the roads on top of
3 patrolling down there. And so, again, being a guy from the country, I'd get to see -- and
4 I'm not knocking city people. It's just we tend to use benchmarks or things like how do
5 you get to buddy's place? Drive until you pass the red barn on your left, and then it's
6 the next road on your right. Like, we use landmarks. We don't use always roads. So I
7 became familiar even visually in the daytime seeing stuff to know where I was sort of
8 thing. So I spent a fair bit of time learning those roads. And like I said, I wouldn't have
9 known them all, by any means.

10 **MS. GRACE MacCORMICK:** Sure. So what years, approximately,
11 would this have been?

12 **CST. GREG WILEY:** Right from 2006 to when I first arrived to
13 2011 when I left Bible Hill to go to Cumberland.

14 **MS. GRACE MacCORMICK:** Thank you.

15 **CST. GREG WILEY:** And then afterwards as well, when I was
16 back in Bible Hill in 2017 and part of 2018. So, yeah.

17 **MS. GRACE MacCORMICK:** Okay. So moving then to the 2010
18 report about the perpetrator and making threats to kill his family, so am I correct that
19 you have no recollection of investigating this weapon's complain?

20 **CST. GREG WILEY:** I don't. I don't have any recollection of it. I --
21 as far as there being a complaint about threats or whatever, like I said, I have a vague
22 memory of something like an email coming out to do with that, but it was already
23 something that in my -- and there was a talk we had that was a little different, where he
24 discussed with me the -- or told me about it. I can't say he went into great depth with it,
25 but he told me about having a dispute with family members and, again, it was -- whether
26 it was over property, an estate, a will, money, basically, is what it would have been over.
27 And I shared with him my observations and my experiences in my life, and that usually,
28 you hope that you could get as good of documentation and information as you can for

1 your lawyer and hope that your lawyer does a good job of making your case. And he
2 seemed to be in agreement with that. There wasn't anything that would have indicated
3 to me that he was planning any violence against anyone. That was my impression of
4 the conversation.

5 **MS. GRACE MacCORMACK:** So you never reported back to the
6 Halifax Regional Police about whether or not he had weapons?

7 **CST. GREG WILEY:** I don't -- I don't recall anything to do with
8 whether I was contacted by the Halifax Regional Police, or that I would have
9 investigated anything to do with weapons, or that I would have gotten back to him.

10 The -- Sgt. Poirier's account makes me wonder about things right
11 away when he says I indicated I was a friend of the perpetrator. I would have never
12 described myself -- and I'm not trying to distance myself from him, like, after the fact. I
13 just never would have described myself as a friend. I would have described it as I may
14 be on a friendly basis with him, I have good rapport with him, something like that. A
15 friend is somebody you see in your off hours in your civilian clothes and do social things
16 with. I never did anything like that ever on any occasion with the perpetrator. I was
17 always in uniform, always in a vehicle, and always on the clock. So, like, working.

18 So at the end of the day, I don't have memory of a gun complaint,
19 and yet there's Ms. Banfield saying that I was there. I can only assume that that was
20 coincidental, that I was ever there. And if I was asked and it's simply my memory
21 failing, that, like I said, I would have taken a sideways approach, I wouldn't have just
22 shown up and knocked on the door and said, "By the way, do you have any guns?" I
23 would have taken a different approach. People might say a little sneaky. But a way that
24 wouldn't have alarmed him, where he would have just -- if I would have said, "There's a
25 bear. We've got a report of a bear people think is running around. We're just seeing
26 who has got guns down here that could help DNR or us if it comes to it." Somebody
27 being presented with that could say, "Well, I've got my grandfather's shot gun." They're
28 going to start talking about it before they even know they're talking about it. And I don't

1 want to sound sneaky, but that's kind of guy I would be to present that to someone. So
2 anyhow. Okay.

3 **MS. GRACE MacCORMACK:** So you never saw the Halifax Police
4 file?

5 **CST. GREG WILEY:** No. Back in the day? Back then? Or just
6 recently?

7 **MS. GRACE MacCORMACK:** Back in the day.

8 **CST. GREG WILEY:** No, I don't have any recollection of that. And
9 I've only seen the things that have been shared -- put on the screen for me. Thursday, I
10 had a bit of a review of this and today. So a bit -- yeah. That's the first I was aware of
11 it.

12 **MS. GRACE MacCORMACK:** And am I correct that Halifax
13 Regional Police and Halifax RCMP use a different filing system than the rest of the
14 province?

15 **CST. GREG WILEY:** Yes, up in the city -- I never worked there,
16 but I think the Halifax RCMP and the Halifax Regional Police, they use something called
17 Prime. And I believe the rest of the Province of Nova Scotia uses PROS. It's a different
18 information base.

19 **MS. GRACE MacCORMACK:** But you never asked to see the
20 Halifax Police File?

21 **CST. GREG WILEY:** When do you mean? Back in the day?

22 **MS. GRACE MacCORMACK:** Back in the day.

23 **CST. GREG WILEY:** I don't have any recollection of speaking with
24 Mr. Poirier, so I -- why would I have asked for a police file? Like, yeah. I don't know
25 what to answer to that. No, I don't remember asking for a police file to do with a
26 conversation I can't remember having.

27 **MS. GRACE MacCORMACK:** Sure. And so no one in the RCMP
28 ever followed up with you about this weapons investigation that you did; correct?

1 **CST. GREG WILEY:** Not to my recollection, no.

2 **MS. GRACE MacCORMACK:** Okay. So moving on then to the
3 2011 officer safety bulletin. So that's that bulletin that says that the perpetrator has
4 guns and wants to kill a cop. You've stated you don't recall that bulletin. Is that
5 correct?

6 **CST. GREG WILEY:** You're speaking to the CISNS bulletin?

7 **MS. GRACE MacCORMACK:** Yes.

8 **CST. GREG WILEY:** I don't recall seeing that, no. Like I said, my
9 only recollection of any communication to do with the perpetrator was -- and I just, it's a
10 vague thing in my head, was of like an email going out and it was that he was being
11 investigated for -- there was a threats complaint originating in New Brunswick and that
12 he lived in, like, a rural area and members should be aware. That's my recollection. A
13 vague communication like that. Not anything like the CISNS bulletin where it was
14 saying he was looking to kill a cop or anything like that.

15 **MS. GRACE MacCORMACK:** So in your Mass Casualty
16 Commission Interview at page 50, you say that you were -- after hearing about this
17 report, at first a little uneasy, and then you ran into the perpetrator at the Canadian Tire
18 parking lot?

19 **CST. GREG WILEY:** Yeah, I think it was in Lower Truro. I can't
20 remember whether I was in the store or in the parking lot. And I think he was in the
21 store at some point because at first I was thinking, "I'm in my civilian clothes. I don't
22 even know whether to approach the guy." And then I thought, "Well, I'm in a public
23 place. I'll go up and I'll talk with him and I'll test the waters here. Like, he's -- he'll figure
24 out who I am and he's either going to be ornery and hostile or difficult or negative or
25 whatever you want to call it, or he's going to be okay."

26 And I went up and spoke with him, and I spoke with him long
27 enough that he knew who I was, because -- but a lot of members will probably tell you,
28 it's been my experience and several others that I've known, that we've talked about it,

1 that someone that you could arrest, let's say on a Friday night, next Thursday afternoon,
2 you could be standing in a grocery store beside them in the detergent aisle figuring out
3 which detergent to buy and they wouldn't even recognize you. You were the person -- if
4 you were standing in your civis, they'd -- so I made sure he knew who I was.

5 And it would have been following up the email saying that members
6 should be careful because he lives in a more rural area or whatever. That was my
7 feeling from it. I just thought, you know, I'll speak with him and see how he is. He was
8 fine with me. So -- and he knew who I was. That was my big thing. Does he know who
9 I am and then how does he react to me? And he knew who I was and he didn't act like
10 anything was out of the ordinary to our normal rapport that we had.

11 **MS. GRACE MacCORMACK:** Yeah, so your direct quote from the
12 interview is:

13 "So. I'm thinking whatever it was that I got in the way of
14 email, maybe he's pissed off with [the] police out there.
15 I..he's not pissed off at me, very engaging and that was
16 the thing with him..."

17 Do you recall that?

18 **CST. GREG WILEY:** If I -- again, I'm surmising something. Like,
19 you're asking me -- I was kicking around ideas in front of the Commission -- in the
20 Commission interview as to what could have been going through my head. Like, I
21 would have walked away thinking that, thinking he doesn't seem ticked off at me, and
22 yet they're saying, "Well, bear in mind where he lives, be cautious or whatever." I'm
23 thinking, yeah, he's -- he doesn't seem like a risk to me.

24 So I don't know. That's ---

25 **MS. GRACE MacCORMACK:** So that was the end of your
26 investigation into this email or bulletin?

27 **CST. GREG WILEY:** Email bulletin? I never -- I wasn't conducting
28 an interview into the email bulletin. I was never a conducting a formal investigation.

1 The only investigation I was ever involved in with the perpetrator was when I
2 investigated the break and enter that he reported to us, where he was the complainant
3 and the victim in it. I never formally investigated. I have no recollection of being
4 involved in any investigation or being officially tasked to ever investigate him for
5 anything.

6 **MS. GRACE MacCORMACK:** And no one higher up in the RCMP
7 ever followed up with you on this?

8 **CST. GREG WILEY:** Not to my recollection, no.

9 **MS. GRACE MacCORMACK:** Okay. So throughout your two
10 interviews, both the one with the RCMP and the one with the Mass Casualty
11 Commission, you talk about the volume of threats that are received by the RCMP. So in
12 your interview with the RCMP on April 25th, 2020, you said -- and I don't think it's
13 necessary to bring this up unless you feel the need:

14 "I don't remember anybody ever asking me about it. It
15 would have seemed -- we got a gazillion threats
16 complaints. Like, I don't know where you've worked, but
17 out east, everybody and their dog is phoning in threats
18 complaints. And if we actioned every threats complaint
19 by looking back at, often, PROS, and going and
20 interviewing or talking to the officer, "What was this guy
21 like to deal with?" we'd need a whole separate police
22 force. We'd need a police force five times the size of
23 what we've got out there just to do that. and then we've
24 got the regular front-line guys, plus five members for
25 every member doing police work, doing checkups. It's
26 not realistic. I don't think the Force dropped the ball on
27 this." (As read)

28 Do you recall that statement?

1 **CST. GREG WILEY:** If I made it, then I did. And I agree with a lot
2 that is there. There is a lot of -- we live in a very -- and it's my anecdotal impression, I'm
3 not anybody who's an expert here, but anecdotally, I'll look at it that we live in a society
4 that there's a lot of adversarial and contentious contacts between people. I think social
5 people has made it a lot easier for people to air their laundry and give somebody a
6 piece of their mind, if you want to call it that. And with those things, we get a lot of
7 complaints.

8 Somebody's boyfriend broke up with them and a boyfriend -- or
9 they broke up with their boyfriend, the boyfriend's sour and he's putting something on
10 Facebook about her or whatever, very common type of complaints. And when we --
11 when you look at those, if I'm going to look on every one of those, if I'm going to look up
12 on PROS, read the thing, reach out to the officer that investigated it and all of that to put
13 my finger on the pulse of everything, like I said, you'd need a whole new underground
14 police force just doing those checks.

15 There is more volume of these types of complaints where
16 somebody's just bitter with somebody else. We get complaints -- I answered a
17 complaint once years ago where somebody was complaining and wanting a mischief file
18 done and wanted their neighbour charged literally because they've mowed their lawn
19 one inch over onto the guy's side.

20 We deal with complaints sometimes that, I'm sorry, you would roll
21 your eyes.

22 And I'm not saying all of them. I'm just saying occasionally, you
23 come across stuff that is just over the top.

24 And I had a guy pulling out -- on that same call, he was pulling out
25 surveyors' maps and saying, "Look at the point here, look at this point there and you tell
26 me he's not at least an inch over onto my lawn". He phoned the police about that.

27 How much time are we going to put into something like that?

28 Number one, I'm not an accredited surveyor. That was the first

1 thing that I told the guy. And I said, "How do we know that the stake hasn't been
2 moved, the marker hasn't been moved?". I said, that's only as good as the day the
3 surveyor was actually here. The next morning, somebody could have moved one of the
4 markers.

5 So we deal with things sometimes that are a little bit over the top in
6 terms of people just wanting to get after a neighbour or to get after a former intimate
7 partner or whatever, so it's -- it's the police world. What else can I say?

8 **MS. GRACE MacCORMACK:** Sure. And so then, again, page 49
9 of your interview with the Mass Casualty Commission, you say again regarding threat
10 complaints:

11 "Not talking about him, but there was some sort of, I
12 remember, communication that came out almost like
13 an email sort of thing. There was something came
14 out and I might have already been down at Parrsboro
15 when I would have read it and it was something do to
16 with...um, it wasn't that he'd assaulted anybody. I'm
17 quite sure it wasn't to that gravity. I think it was like
18 threats. He made threats to somebody."

19 Do you recall that?

20 **CST. GREG WILEY:** That would be the email that I'm talking
21 about. I only ever recall ever seeing one thing to do with him.

22 **MS. GRACE MacCORMACK:** But you'd agree that all threat
23 complaints do need to be investigated.

24 **CST. GREG WILEY:** I wasn't assigned to investigate a threats
25 complaint with him. I was never dispatched to such a call.

26 **MS. GRACE MacCORMACK:** And so I just have a few more
27 questions for you, Constable Wiley, and these are questions that I'd like to ask you on
28 behalf of the Coalition for the Transition House Association of Nova Scotia, Women's

1 Shelters Canada and the Be the Peace Institute.

2 So first, were you aware of any services for victims of gender-
3 based violent in the Colchester-Cumberland County areas?

4 **CST. GREG WILEY:** There's victims services.

5 And which file are we talking about right now? Are you talking
6 about Butlin or the one in Portapique? Portapique or Tatamagouche?

7 **MS. GRACE MacCORMACK:** I'm just asking a general question
8 about your knowledge ---

9 **CST. GREG WILEY:** Okay.

10 **MS. GRACE MacCORMACK:** --- of the services in the area.

11 **CST. GREG WILEY:** Okay. Yeah, we'd have Victim Services
12 cards that we would carry with us and if somebody were assaulted or anything like that,
13 you could give them a Victim Services card.

14 **MS. GRACE MacCORMACK:** Were you aware of places like the
15 Third Place Transition House in Truro or the Autumn House in Amherst?

16 **CST. GREG WILEY:** Yes, I was. Yes, I am. Yeah.

17 **MS. GRACE MacCORMACK:** And did the RCMP provide you with
18 these contacts proactively or did you have to discover them yourself through your work?

19 **CST. GREG WILEY:** No, we actually had a community -- what do
20 you want to call it -- community helping tree that would -- basically was like a diagram, I
21 remember, that you could -- you knew what shelters were available like in the wintertime
22 so that people could get to a warm shelter. There was the women's protection places,
23 the shelters. There were churches. There was counselling. There were all sorts of
24 services on like a -- now, I could be remembering in Cumberland, but we had similar
25 things in Colchester.

26 We could direct people to services, so -- and a number of time, I
27 know I would have asked or I would have heard people ask on the radio, "I'm just
28 dealing with someone here" or they'd phone and ask a member does -- or they just go

1 up on the radio, usually, "Does anyone know -- I'm dealing with this situation. Does
2 anyone where -- how I can help this person? Is there any community organization that
3 will help them?"

4 And members would go up on the radio if there was such a place
5 and suggest it, so we worked as a team. Quite often, on shift you were -- if you didn't
6 know the answer, you reached out and asked, so -- to your supervisor or your
7 teammates just over the radio.

8 **MS. GRACE MacCORMACK:** Sure. And so with regard to
9 training, what sort of gender-based violence training did you receive in Depot and
10 throughout your time with the RCMP?

11 **CST. GREG WILEY:** I can't speak to that specifically, but I know
12 that there were lots of updates on policy, things -- I'm quite sure by -- well, since the
13 time I'd come out from Depot, there was a thing from Ontario, for instance, to do with
14 spousal violence. It was an ODARA score sheet, basically, that was like a risk --
15 Ontario Domestic Assault Risk Assessment, I'm going to guess that's ODARA. And if it
16 is, I'm pretty impressed that I remember that because it's -- I'm years away from it.

17 But that would give you a score on different things to do with the
18 history and the circumstances to do with the domestic assault and it would help you
19 gain a bit more clarity as to almost the gravity or the severity or the risk that was present
20 from -- in that particular case. And that would be in all domestic assault files and things
21 like that, or charges. That's a regular document that would be in there, an ODARA
22 sheet.

23 At least when I left it still was. Maybe they've updated it to
24 something else.

25 **MS. GRACE MacCORMACK:** Sure. And so Constable Wiley,
26 you've been in the RCMP for over 15 years.

27 Do you feel, based on your experience, that your training in gender-
28 based violence and that sort of thing is adequate?

1 **CST. GREG WILEY:** Well, I'm away from working in general duty
2 policing now, but up until the time I was there in 2018, I would have had, at that point,
3 12 years in. So for general duty policing and the type of policing I was doing, contract
4 policing, it was -- I believe that all of the updates and different courses, they would have
5 things like -- we call it AGORA. I don't know what that stands for, but it's like online
6 training.

7 And there were other courses that you would go to. I had a course
8 that I went to, and it was for doing investigations particularly -- like -- well, it was more of
9 an emphasis on child sexual assaults, investigating ones present-day and also historical
10 ones. And it was a lot to do with how to interview people in a sensitive fashion that
11 would still give good results.

12 And we often conducted those interviews like with children in
13 particular. That would be done with Child Protective Services. There'd be one of each
14 of us in the room, and I did that on many occasions.

15 So again, that's -- that is assisting you in asking questions to
16 people of a sensitive -- now, that was -- that was training that not every member would
17 have gotten, but I was glad I got that training, for instance, because in the case of
18 somebody who was a victim of sexual assault, it allowed me to be able to not lead them
19 with questioning, so it would protect the pureness of their statement for evidence, but it
20 would also be sensitive to their emotions in those types of cases.

21 **MS. GRACE MacCORMACK:** Sure. And so I did just have a few
22 more questions. Are you okay to continue?

23 **CST. GREG WILEY:** Go ahead.

24 **MS. GRACE MacCORMACK:** Sure. So I just wanted to go back
25 to your relationship with the perpetrator.

26 Did you have -- did you, at any point, report to your supervising
27 officer, I just had this chat with my community contact; everything's fine in Portapique,"
28 anything like that?

1 **CST. GREG WILEY:** No, there'd -- there would be -- I don't want to
2 sound dismissive. There'd be no reason to do that. We're only reporting on things that
3 are happening. And there would be no reason, and it's a good question in a way. I was
4 being sort of funny that way. It is a good question in that members -- different members
5 would have different community contacts in an area. So let's say, for instance, on shift I
6 get a call to a break-in at Bob's Autobody Shop in Debert or something. I'm just making
7 something up. So I go to the call, and I deal with it, and later at the end of the shift
8 when we're in the office, we're just tidying up our paperwork and we're ready to head
9 out, one of the guys on my watch says, "You caught that file down at Bob's Autobody.
10 How was that?" I says, "It wasn't really anything to go on at this point. I don't think he
11 was aware of it, blah, blah, blah." "Well, how was Bob to deal with?" "Ah, he was okay.
12 Why?" "Ah, he's just a guy that I talk to now and then down there." And that -- and I
13 never had occasion to ever say anything to anyone about the perpetrator in Portapique.
14 And, in fact, this is the thing in this whole thing, when the tragedy happened in 2020
15 with him Portapique and surrounding areas, I was stunned that I found it hard to believe.
16 I hadn't really had a real conversation with him since, like, I would say late 2011, and I
17 had the 1 brief little hull on a trail sort of thing for 5 minutes, if that, in 2017. That wasn't
18 a check up on anybody by any means, on him for me to assess how he was doing or
19 anything. And at the -- I'm losing my train of thought here now.

20 You were asking about the relationship.

21 **MS. GRACE MacCORMICK:** Yeah, and thank you. That's a
22 sufficient answer to my question.

23 I guess just to confirm then, you have no ---

24 **CST. GREG WILEY:** Can you restate it again, please?

25 **MS. GRACE MacCORMICK:** Oh, it was whether or not you had
26 reported up to your supervisor ---

27 **CST. GREG WILEY:** Yeah.

28 **MS. GRACE MacCORMICK:** --- at any point about your

1 relationship.

2 **CST. GREG WILEY:** And that's the thing. I had never got
3 information from him that I would have shared with another member, and people
4 wouldn't normally -- you're not just parading out -- like, they're just -- they're casual
5 contacts that you have in the area, somebody you know that's pro-police, that if we're
6 hitting just nothing but a dead end in an investigation or something, that you could just
7 go and bounce it off them. They can keep their ear to the ground from that point on, or
8 maybe they have a tidbit for you. Do they -- is it often a profitable thing? I didn't find it
9 to be very profitable -- not profitable at all with him. But you don't know what you're
10 going to get, in a sense. He gave me the name of the suspect in the break and enter
11 that he suffered. So I had reason to believe that he could be a good source of
12 information in the community, as a community contact. So, yeah.

13 **MS. GRACE MacCORMICK:** Sure. And I think you've already
14 confirmed this, but you have no notes recording your interactions with the perpetrator?

15 **CST. GREG WILEY:** No, I'm sorry, I don't.

16 **MS. GRACE MacCORMICK:** Okay.

17 **CST. GREG WILEY:** And I wouldn't -- I'll tell you, I wouldn't -- if
18 you're asking with my interactions with the perpetrator, I wouldn't make a note of any of
19 those contacts with him. I never made a note of any of the occasional or periodic stop-
20 bys with any of my community contacts. Unless they had something relevant to say, I
21 wouldn't put it in my notebook.

22 **MS. GRACE MacCORMICK:** Sure. And thank you. Those are my
23 questions, Constable Wiley.

24 **CST. GREG WILEY:** Okay. Thank you.

25 **COMMISSIONER MacDONALD:** Thank you, Ms. MacCormick.

26 Ms. Miller?

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

28 **MS. TARA MILLER:** Thank you, Chief Commissioner.

1 Constable Wiley, my name is Tara Miller, and with my colleague,
2 Alix Digout, we represent a family member of Kristen Beaton and her unborn child, who
3 were murdered on the morning on Sunday, April the 19th.

4 I'm going to pick up on my friend, Ms. MacCormick, she was asking
5 you about your notes and you indicated you have no notes of the 2010 or the 2011
6 weapon's complaint. I wanted to ask you, when is the first time that you looked for
7 whether or not you would have notes relating to anything back in 2010, 2011?

8 **CST. GREG WILEY:** It was after it was brought up at the -- with
9 the Mass Casualty Commission statement that I gave back in 2021. And they asked
10 me, and I looked for notes, and I told them I would, and I did look for notes, and I didn't
11 find any notes to do with that.

12 **MS. TARA MILLER:** Okay. So prior to meeting with I think it was
13 investigator -- the lead investigator Stephen Henkel, prior to meeting with Mr. Henkel,
14 no one had asked you to look to see if you had notes from 2010?

15 **CST. GREG WILEY:** No.

16 **MS. TARA MILLER:** Okay. And then after ---

17 **CST. GREG WILEY:** I had ---

18 **MS. TARA MILLER:** --- you met with -- sorry.

19 **CST. GREG WILEY:** No, I was just going to say, I had spoke with -
20 - I provided a statement to RCMP investigators ---

21 **MS. TARA MILLER:** Yes.

22 **CST. GREG WILEY:** --- in 2020. Okay.

23 **MS. TARA MILLER:** So from that time of that statement in 2020 to
24 when you met with Investigator Henkel in June of 2021, there was no request for a
25 search for notes; correct?

26 **CST. GREG WILEY:** No, not to my ---

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

28 **CST. GREG WILEY:** --- recollection, no.

1 **MS. TARA MILLER:** And then following your interview with the
2 Mass Casualty, with Investigator Henkel, you said you did look for notes. I understand
3 at that point you were living and working -- obviously, you were no longer in Nova
4 Scotia. You were in Ontario. So tell me about the process you engaged in to look for
5 your notes flowing from 2010.

6 **CST. GREG WILEY:** I looked for notes that would have been --
7 came with me from Nova Scotia to Ontario. And the -- I couldn't locate notes for that
8 period of time.

9 **MS. TARA MILLER:** Okay. So you had retained your RCMP-
10 issued notebooks for investigation, you had taken them with you when you moved to
11 Ontario?

12 **CST. GREG WILEY:** That's correct.

13 **MS. TARA MILLER:** Okay. And where were they located?

14 **CST. GREG WILEY:** In my residence.

15 **MS. TARA MILLER:** Okay. And when you looked through those
16 notes, did you look through just from the summer of 2010, or did you look through them
17 from the time in -- that you would have had initial contact with the perpetrator, starting
18 back in 2007, 2008 with the theft investigation?

19 **CST. GREG WILEY:** I looked for the notes for the period that the
20 investigators requested I look for them.

21 **MS. TARA MILLER:** Okay. And from your statement, it's at page
22 54, it looks like you were directed to look for June, July, August of 2010. Is that what
23 you recall doing?

24 **CST. GREG WILEY:** I can't recall. If you say so, then that's what it
25 is.

26 **MS. TARA MILLER:** Okay. Still on the topic of notes, and I have
27 some questions from other Participants, and this is one of them, and this is with respect
28 to the investigation you told us about earlier involving Susan Butlin. We have seen --

1 my friend Mr. VanWart referenced the investigation report, and your typed and your
2 handwritten notes with respect to your communication with Ms. Butlin are embedded in
3 that report. You told us this afternoon, Constable Wiley, a fair amount of detail about
4 offering to call and visit Ms. Butlin's perpetrator, asking her if she or any other people
5 she knew was in fear of him and her saying no. Your notes are silent on many of those
6 issues that you offered today in testimony, Constable Wiley. Can you offer any
7 explanation as to why these items would not be in the notes that you had taken at that
8 time?

9 **CST. GREG WILEY:** The notes that I would have put would have
10 covered the things more to do with the -- whether there was anything investigatively,
11 was there -- the elements of the charge being met anywhere. That's what a report will
12 cover off on more. As I shared with Mr. VanWart, the -- I have a very good memory of it
13 afterwards because I had a lot of time to think about the conversation I'd had with her.

14 **MS. TARA MILLER:** Yes.

15 **CST. GREG WILEY:** And what I shared was it verbatim word-for-
16 word? Probably not. But was that -- were those questions asked and were those things
17 offered to her? Absolutely.

18 **MS. TARA MILLER:** Thank you. Your last interaction with the
19 perpetrator in Portapique you indicated was a chance encounter on a trail in 2017, when
20 you were in your police vehicle, and he was on an ATV. Do you recall where that trail
21 was relative to Portapique?

22 **CST. GREG WILEY:** Yeah, it would be between Bass River and
23 Portapique, and I know the road that the -- was it, like, a two-track road. I'll share a little
24 bit of rural policing with you. There's not always a washroom handy, so you'll back in off
25 the road. You don't want to be the Mountie that's on YouTube answering nature's call.

26 So I backed in, got out of the vehicle, went behind the vehicle and
27 answered the call of nature. I was actually just using the hand sanitizer and was about
28 to get in the truck, and I heard the sound of an ATV coming through the woods down

1 further, and it popped out. I figured it would pop out, and it did, onto the two track I was
2 on; I don't know, maybe 100 yards away or thereabouts.

3 And it came towards me and it stopped, and I can't remember what
4 type of helmet he had or whatever. He shut the ATV off, but he exposed his face, and I
5 recognized the perpetrator. And the extent of the conversation was, is "Hey, it's you,"
6 he said to me. And I said, "Yeah." And he said, "You're back in the area?" And I said,
7 "Yeah. I've been away for a while but I'm back now." And he just said, "Well, it's good
8 to see you." He says, "It's getting dark" -- and it was; it was, I think, late summer or
9 early fall of 2017. And he said, "I got to get home before it's dark," because he was
10 travelling on a -- cross-country through the woods. And he just said, "If you're down this
11 way again sometime, stop by."

12 He seemed perfectly normal, the way he normally was with me.
13 That was, as I said, late summer, early fall 2017. The conversation lasted a maximum
14 of five minutes.

15 **MS. TARA MILLER:** Okay, thank you.

16 The visits that you had with the perpetrator, I think they ranged from
17 10 to 20, and you may have said there were 15 in total ranging from minutes to at most
18 over an hour, and they would have ranged from 2007, 2008 to 2011. Did I capture
19 those details correctly, Cst. Wiley?

20 **CST. GREG WILEY:** More or less, yeah.

21 **MS. TARA MILLER:** Okay.

22 **CST. GREG WILEY:** There were probably two visits that I had that
23 may have been, like, 45 minutes or longer, maybe -- maybe one was as much as an
24 hour. But there would have been four or five of the visits, easily, that were two minutes,
25 three minutes where I never got out of my police vehicle; he just wandered over and
26 said he was busy with something, so -- but at different times, I was out of the vehicle,
27 generally, I found I was there 10 -- 10 to 20 minutes, depending on what was going on,
28 what he was working on or whatever. We'd have a little chat and I'd get back in the

1 vehicle and go.

2 **MS. TARA MILLER:** And these visits would always have been on
3 the weekend.

4 **CST. GREG WILEY:** That's correct.

5 **MS. TARA MILLER:** Am I correct?

6 **CST. GREG WILEY:** That's correct.

7 **MS. TARA MILLER:** Yes, okay.

8 **CST. GREG WILEY:** That's the only time I was aware he ever
9 travelled down there was weekends, and the only time I ever stopped was weekend
10 dayshifts. I'm not going to go around and knock on somebody's door -- we're busy on
11 weekend nightshifts. I don't have time for -- to drop by and check on a community
12 contact at that point, as simple as that.

13 **MS. TARA MILLER:** Did you have any other community contacts
14 in the Portapique area?

15 **CST. GREG WILEY:** Not in Portapique. Portapique's very small.
16 I'm not sure what the population would be but it's miniscule.

17 **MS. TARA MILLER:** Did you ever observe the perpetrator during
18 your visits to him consuming alcohol or under the influence of alcohol?

19 **CST. GREG WILEY:** Never.

20 **MS. TARA MILLER:** Okay. And did you have any discussions
21 with him about his profession?

22 **CST. GREG WILEY:** Loosely. I just knew that he was some sort
23 of dentist.

24 **MS. TARA MILLER:** Okay.

25 **CST. GREG WILEY:** And that he was a -- I've learned since after
26 all this, the tragedy, that he was a denturist, or something it's called. I just thought he
27 was some sort of dentist that specialized, like, in braces or something like that.

28 **MS. TARA MILLER:** Okay. Did you or any of your family

1 members or friends ever receive any dental, denturist services from the perpetrator?

2 **CST. GREG WILEY:** I can speak for myself that I never did, and
3 my family wouldn't travel all the way from Ontario to get dental service, I don't think.

4 **MS. TARA MILLER:** Okay. And with respect to the community
5 contact, I take it, then, other than the first visit where you were there on official visit --
6 official business, and the chance encounter you described earlier of running in to him in
7 the Canadian Tire parking lot, the other occasions that you would have met with the
8 perpetrator in Portapique would have been as a community contact?

9 **CST. GREG WILEY:** That's correct.

10 **MS. TARA MILLER:** Okay. And I think in response to questions
11 from Ms. MacCormack, you answered this question already, but would you have made
12 any notes with respect to visits with the perpetrator in the capacity as a community
13 contact or other community contacts?

14 **CST. GREG WILEY:** No.

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

16 **CST. GREG WILEY:** I wouldn't have been in the habit of doing
17 that.

18 **MS. TARA MILLER:** Would you have made any reports with
19 respect to information gleaned from the perpetrator as a community contact or any
20 community contacts?

21 **CST. GREG WILEY:** I may have written it down and even shared it
22 with people on shift, if it wasn't something that was to do with a particular crime and an
23 offence that's taken place and we have a suspect or something, you'd act on that, but I
24 don't recall anything like that ever occurring.

25 **MS. TARA MILLER:** Okay. And I think -- correct me if I misheard
26 your evidence just moments ago, Cst. Wiley, but did you say that other than the
27 perpetrator giving you a suspect of somebody who ultimately turned out to have broken
28 in for the theft investigation, it wasn't very profitable? I think you said that the

1 community contact, he wasn't very profitable; there wasn't much information that you
2 got from him?

3 **CST. GREG WILEY:** Yeah. And that's the way it is with a lot of
4 people. But what it is, is again, if something is happening in the community, you've at
5 least got somebody pro-police you can go to and ask, whereas you're not just floating
6 around with nobody that you could really plug into.

7 **MS. TARA MILLER:** And so in the absence of any information
8 from the perpetrator, is there any reason why you continued to visit him, particularly
9 given the fact that, as you noted in your statement, the resources available for policing
10 in Colchester County were pretty limited?

11 **CST. GREG WILEY:** Well, I never -- as I said before, I never made
12 a special trip down there to ever see him. It was -- it would be on a weekend; it would
13 be a dayshift, and that would only occur once a month. And, again, if the call volume
14 was such and it was never taking us that way, down that way, you don't make a 25-
15 minute, half-hour drive to go down to talk to a community contact, and then you're out of
16 position if something happens in the core area of, like, Bible Hill.

17 So at the end of the day, continuing to drop in, it was a very low
18 investment with -- of time and effort because I was usually answering a call beyond
19 Portapique, down the coast road, down the Cobequid Bay coast, so I'd be to Bass River
20 or to Economy, or to Five Islands, and on the way back, if the radio wasn't busy, I could
21 take the time to drop in. Very low investment model to stop in and talk with somebody.
22 And asking the question like that is you never know when that person might provide you
23 with information. That's the very idea behind it, is -- it's like people going to the casino
24 and pulling on the one-arm bandit. They do it; they never know when it's going to pay
25 off, so...

26 **MS. TARA MILLER:** Thank you. You described the perpetrator, in
27 terms of your initial interaction with him that led to him becoming a community contact,
28 you described him as somebody who was pro-police. What was it about the perpetrator

1 that left with the impression that he was pro-police, Cst. Wiley?

2 **CST. GREG WILEY:** He was pleased with the outcome of the
3 investigation; and going along with that, to make him a good -- what -- a good candidate
4 for a community contact was that he was the one that provided me with the name of the
5 suspect. He ended up hearing it. That made me think, "Wow, this guy lives in the city
6 but he's down here. He's put his ear to the ground. He must have a good enough ear
7 to the ground or a finger on the pulse around here that he could come up with the
8 name." That showed me that he could be somebody that could get information; it
9 showed me, when he said he was pleased with the investigation's outcome, that he was
10 pleased with the police. It showed me as well when he found out who the person was,
11 or who he believed had done it, he didn't go over and try to confront that person himself.
12 He did the right thing and phoned me and let me handle it, let the police handle it. He
13 came across as very polite to me, as a person.

14 He was -- and I know this is stuff people don't want to hear about
15 this guy, but it is what it is. That's my experience with the guy, is he was polite, and he
16 was well-spoken. And at the end of the day, some of these other behaviours that
17 people are talking about; like, you suggested alcohol and whatever, I never saw that.

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

19 **CST. GREG WILEY:** So I can only speak to what I experienced
20 and what I encountered.

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

22 And did the perpetrator ever share with you, Cst. Wiley, any interest
23 or collection that he had of gathering police paraphernalia; uniform; equipment?

24 **CST. GREG WILEY:** I'm glad you asked that.

25 Different people you encounter, and you meet in the public and
26 you're a uniformed police officer, people have a natural curiosity. Some people look at
27 your duty belt with your gun and if you have a pepper spray thing or you're going to
28 have on your belt, all of the equipment on your belt; you might have a taser strapped to

1 your thigh; these different things, your vest, your radio, all of it's -- a lot of people find it
2 interesting. There's a natural curiosity that goes with it, and then there's the curiosity
3 that you realize somebody's looking at you and sizing up, like, could they get that off of
4 you, or, "I wonder how that works," or whatever.

5 He fell into neither of those categories. He was absolutely neutral.
6 He never asked -- I never noticed him looking at my equipment, he never questioned
7 me about my equipment, never questioned me about what the radio, how it
8 communicated or who I could talk to, didn't ask me any questions about the gun, the
9 Taser, anything that I was carrying. He, at the time when I would have been seeing
10 him, we didn't have the new police carbine, CA carbine. We had a shotgun up in the
11 rack in the truck, in the police vehicle. He never asked about what the shotgun did. He
12 never asked about -- and he stood by the police vehicle at different times and never
13 asked about what we could learn about on our computer, never asked how fast this
14 went, never asked -- he had absolutely zero interest in my police uniform, equipment,
15 vehicle, or what I did as a policeman.

16 So that's the thing that I find the most amazing about this. I don't
17 know when he first started collecting police memorabilia or whatever you want to call it,
18 or made -- went to an auction and bought a used police car, if that's how he got it, which
19 he probably would have, because they auction them, I believe, off at times. And, like,
20 you know, older police cars, decommissioned ones. I don't know when he got into that.
21 I was aware of none of that. I never saw anything around his home. I never saw a
22 commemorative photograph or plate for anybody serving in the military or serving in the
23 -- in a police force or anything in his living room. I wasn't in there all that many times,
24 but I -- if I'd seen something like that, I know I would have used it as a bit of an
25 icebreaker with him and communicated, "Oh, you had a relative in the Force? In the
26 Armed Forces?" "Oh, my uncle was in it." You build connections with people. I never
27 saw anything like that. Zero.

28 **MS. TARA MILLER:** Thank you. The last area I want to ask you

1 questions about is the 2010 death threat. And we have, of course, Cst. Poirier's
2 detailed notes, we have the occurrence report, and we have your statement that you
3 have no recollection of ever being contacted by Cst. Poirier.

4 I appreciate that you have no recollection of being contacted by
5 Cst. Poirier, but is it possible that you may have been, Cst. Wiley? I mean, you said
6 you've -- there would be gazillion or zillions of threat complaints that would be received.
7 Is it possible that you were contacted by him and you just don't remember?

8 **CST. GREG WILEY:** That is possible. I've stated that from the
9 beginning, that it is possible.

10 **MS. TARA MILLER:** And leaving aside what you don't -- what you
11 remember and you don't remember about 2010, but there's a continuum of threats, I
12 would suspect, when you receive them, you get the guy calling about the one inch
13 mowing over his property, or his neighbour mowing one inch over the property. But that
14 would certainly, I would say, triage of a lot lower than it would be a death threat? Is that
15 fair to say?

16 **CST. GREG WILEY:** I don't recall getting a death threat, but I
17 believe what ---

18 **MS. TARA MILLER:** No, no. I'm sorry, just ---

19 **CST. GREG WILEY:** --- Sgt. Poirier is ---

20 **MS. TARA MILLER:** I'm just ---

21 **CST. GREG WILEY:** --- talking about is could I go and see if there
22 was -- see about firearms or whatever. To me, -- and I don't -- again, if this was a very
23 high risk and high intensity thing, I think -- I would think that it would have been more --
24 it would have come to management right at my office and we would have been --
25 somebody would have been assigned a file on it to action it. And that's why I'm saying.
26 I was never officially tasked in any investigation of the perpetrator ever.

27 **MS. TARA MILLER:** When you say you were never officially
28 tasked, would you consider a call from a municipal police officer such as HRPD asking

1 for your assistance, would you consider that an official tasking, or would that have to
2 come through the RCMP office?

3 **CST. GREG WILEY:** Again, I don't remember the conversation,
4 but if the conversation had been that -- had that much thrust to it, had been that
5 impactful, had been that forceful, I would have acted on it. It sounds to me, when I read
6 his report, that they're sort of thinking there might be guns down there, could I go down
7 and ask him to see if he owns any guns. That's what -- that's what it seems to be to
8 me, that his -- that's how I interpret what his thing is there.

9 **MS. TARA MILLER:** No, my question, Cst. Wiley, and I'll rephrase
10 it, if you were to get a request from not the RCMP, but from another municipal police
11 agency asking for your engagement on a file, for example, to check for weapons, you
12 said -- because you had classified this with you had never been officially tasked. So
13 how would you need to be officially tasked to be engaged in this type of an incident
14 where you've got a municipal officer calling from the HRPD, for example, asking for your
15 assistance in looking into the possibility of weapons in your jurisdiction? Would you
16 need that to come from the RCMP OCC or Depot or would you have to have that --
17 would you consider a request for assistance from Cst. Poirier as a tasking?

18 **CST. GREG WILEY:** Well when Sgt. -- again, I don't have
19 recollection of the conversation. All I can say is -- and without recollection of the
20 conversation, I don't have recollection of taking any action despite what Ms. Banfield
21 said in a statement as well, that I was there and looking for guns.

22 My thing would be is if I had -- and this is -- if I had been contacted
23 by Sgt. Poirier and he'd said, "Can you go and just see if the guy's got any guns there,"
24 or whatever, I could have went down, taken, like what I've explained to the other people
25 today, a more sideways approach to it. He -- Ms. Banfield has him -- says that I was
26 there and that I -- he was showing me what he had. If I had gone back to Bible Hill with
27 that and that's all I had and if I -- if I could -- if anything, I might have just phoned him,
28 left a voice mail message or whatever, saying, "I checked it out. He's got nothing for us

1 to be concerned of, like active long guns or whatever.” I could see that happening.

2 What has happened here, and what Sgt. Poirier’s statement of, like,
3 that I was friends with the guy and all this sort of stuff, he’s off base on some things. So
4 I’ll say that straight away with that. But I’m not going to throw the guy under the bus.
5 I’m the guy that’s not having the memory of it.

6 But at the end of the day, if giving credence to what Ms. Banfield
7 said, “Oh, he was down here. He asked about guns. He showed them,” I could see if I
8 had done that, I would have went back and it would have been a phone call to Poirier
9 saying, “There was nothing there.”

10 So that would be the extent of it.

11 **MS. TARA MILLER:** Cst. Wiley, I’m still not certain on your answer
12 to my specific question and I will try it again.

13 My question was, in a situation like this, I appreciate you have no
14 memory of it. But in a situation like this where you receive a call from a municipal police
15 agency from another officer, whether it would be from the Amherst Department, or the
16 Truro Department, or the HRPD, you get a call like this, do you need there to be some
17 official direction from the RCMP to go ahead and investigate the possibility of weapons
18 or would you just take that on in your initiative and make a log about it in PROS?

19 **CST. GREG WILEY:** Depends on the details I receive from the
20 officer reporting it.

21 **MS. TARA MILLER:** Okay. So it would depend on the nature of
22 the information you received?

23 **CST. GREG WILEY:** Yeah.

24 **MS. TARA MILLER:** Okay. And if you received information from a
25 municipal agency that there was information which led them to want to determine
26 whether there have been weapons somewhere, would that require an official tasking or
27 is that something that you would just take on on your own?

28 **CST. GREG WILEY:** Again, everything -- every situation has its

1 unique set of circumstances. It's hard for me to speak to a hypothetical like that.

2 To answer your question though, there would be situations where
3 yes, you would absolutely start your investigation on your own.

4 **MS. TARA MILLER:** Okay. I'm going to read a phone number ---

5 **CST. GREG WILEY:** Okay. Go ahead. I was going to say,
6 bearing in mind, all of this was occurring in 2010 and the tragedy happened in 2020.

7 **MS. TARA MILLER:** I appreciate that. but we do have, and this
8 hasn't been exhibited yet, but we did review this with Commission Counsel, these are --
9 or it's a page of Cst. Poirier's handwritten notes, and it's COMM15411. And it hasn't
10 been exhibited, but it will be. And at the bottom of this one page, it says:

11 "Writer also spoke to Cst. Greg Wiley, RCMP.
12 There's a phone number given, an 893 number. I
13 won't read the entirety of the number. It says,
14 "Rider also spoke to Constable Greg Wiley, RCMP
15 Bible Hill, who advised Rider he is a good friend of
16 Gabriel and will attempt to find out if he in fact does
17 have any weapons in his possession at the cottage.
18 Update added to Versadex." (As read)

19 And that's the end of the note. That's his note recalling what
20 happened. And leaving apart, you know, that you don't have any memory of that, with
21 that background, are you saying that you would have had to be tasked through the
22 RCMP or you would have engaged in a call like that to go directly and investigate the
23 presence of weapons?

24 **CST. GREG WILEY:** Interesting question how you phrased that.
25 You work it in again that supposedly I'm his friend. So ---

26 **MS. TARA MILLER:** Well, I'm not ---

27 **CST. GREG WILEY:** No, stop, stop, stop ---

28 **MS. TARA MILLER:** --- working it in. It's ---

1 **CST. GREG WILEY:** Once again ---

2 **MS. TARA MILLER:** --- I'm reading from the notes.

3 **COMMISSIONER MacDONALD:** Excuse me. Constable Wiley,
4 just listen to the question and answer the question. She was reading from his notes.
5 Go ahead.

6 **CST. GREG WILEY:** Well, I'm going to contest his notes. I never
7 would have said -- I would have never described myself ever being friends with him. I
8 would have said I have a good rapport, I'm on a friendly basis with him. He would have
9 never been described as a friend. I never saw the perpetrator in my private life, never
10 did I see him when I was out of uniform, or not there -- the only time I ever saw him was
11 in uniform, in a police vehicle, and on shift, other than the time I incidentally ran into him
12 at the Canadian Tire.

13 **COMMISSIONER MacDONALD:** Yeah, we understand that ---

14 **CST. GREG WILEY:** So ---

15 **COMMISSIONER MacDONALD:** --- we understand that to be your
16 evidence. Just listen to the question and answer it, please.

17 **CST. GREG WILEY:** Okay. Fire away.

18 **MS. TARA MILLER:** So again, my question is -- and you've been
19 very clear with your evidence, and I appreciate that, in terms of the friend piece. But
20 what I'm asking you is that this is the note that Constable Poirier made
21 contemporaneously that has been produced to the Commission, and there's detail in
22 this that says that you were going to find out if, in fact, the perpetrator had any weapons
23 in his possession at the cottage. So my question is, would you have done that on your
24 own, or would you have needed to have someone from the RCMP officially task you to
25 do that?

26 **CST. GREG WILEY:** No, I would have done it on my own.

27 **MS. TARA MILLER:** Okay. Thank you. And at the time, would
28 you have had an 893 cell number?

1 **CST. GREG WILEY:** Quite possibly. I don't know that I'd even
2 have a cell number at that time because of the cell phones were in the vehicles at that
3 time still, I believe. We hadn't been issued with them to carry ourselves. I -- you'd have
4 to check the timeline on that.

5 **MS. TARA MILLER:** Okay. And last question on this, did you ever
6 have an opportunity, Constable Wiley, to canvass with any neighbours in Portapique
7 whether they heard or observed any evidence of weapon use by the perpetrator?

8 **CST. GREG WILEY:** No, I never had been called to service, never
9 had it drawn to my attention by anyone down there that he may have had firearms, and I
10 was never tasked to go down there and ask around if he did have firearms.

11 **MS. TARA MILLER:** And when you were in the perpetrator's home
12 -- oh, sorry, go ahead.

13 **CST. GREG WILEY:** Apparently I -- according to Ms. Banfield, I
14 spoke to him directly about it.

15 **MS. TARA MILLER:** Okay. And we heard Mr. VanWart review
16 parts from Ms. Banfield's testimony and also from her statement where she reviews you
17 being shown various antique guns on display in the cottage. Did you -- do you have an
18 independent memory, Constable Wiley, of any of those such things from your visits to
19 the cottage in Portapique?

20 **CST. GREG WILEY:** No, I don't.

21 **MS. TARA MILLER:** Okay. Thank you, Constable Wiley. Those
22 are my questions.

23 **COMMISSIONER MacDONALD:** Thank you, Ms. Miller.
24 Ms. Hupman?

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

26 **MS. LINDA HUPMAN:** Yes, thank you, Commissioner MacDonald.
27 Constable Wiley, my name is Linda Hupman. I'm here with my
28 colleague, Stephen Topshee and James Russell. And we represent the families of the

1 Aaron Tuck, Jolene Oliver and Emily Tuck and Lillian Campbell. The Tuck/Oliver family
2 were killed on Saturday night, April 18th in Portapique, and Ms. Campbell on Sunday
3 morning, April 19th in Wentworth.

4 And I just have one area, one question really to put to you,
5 Constable Wiley, and it goes back to when Mr. VanWart was questioning you earlier this
6 afternoon about the -- your involvement in the harassment complaint involving -- made
7 by Susan Butlin back in 2017. He in -- near the end of his discussion with you on that
8 matter, Mr. VanWart referred to the independent officer review that was completed in
9 December of 2018 and that you had not seen it, I guess, until just last week. And Mr.
10 VanWart referred to the fact that the author of that review had identified significant
11 areas of improvement in a number of areas involving the sexual assault and the
12 harassment complaint and so on of Ms. Butlin and her interaction with Mr. Duggan,
13 including that there were some areas identified as needing improvement in respect of
14 the harassment complaint that you were the -- tasked with as the investigator. And but
15 Mr. VanWart did not go over those, and I just want to put those to you in terms of what
16 the -- what was being recommended or noted by the investigators, the review author.

17 And in that, in regards to the harassment complaint relating to the
18 text messages, the areas identified as needing significant areas of improvement
19 involved that there was no formal statement taken from Ms. Butlin, that the investigator
20 did not obtain copies of her document, the text messages themselves, did not obtain a
21 statement from April Duggan, Mr. Duggan's spouse, and did not interview Mr. Duggan
22 about the complaint. Would you agree that those things were not done?

23 **CST. GREG WILEY:** Yeah, I did not do those things.

24 **MS. LINDA HUPMAN:** Okay. Thank you. That's my questions.

25 **COMMISSIONER MacDONALD:** Thank you.

26 Mr. VanWart?

27 **MR. JAMIE VanWART:** Commissioners, that does conclude the
28 questions from Counsel, so I turn it over to you.

1 **COMMISSIONER MacDONALD:** Thank you.

2 Constable Wiley, the Commissioners may have some questions for
3 you.

4 Commissioner Fitch, beginning with you?

5 **COMMISSIONER FITCH:** Good afternoon, Constable Wiley.

6 Thank you for all of your time thus far this afternoon. Some of our questions, some of
7 my questions are forward leaning, looking to the future, and perhaps some suggestions
8 that you might have for improvement or recommendations going forward, and some of
9 my questions are looking in the rear-view mirror at some areas that I still have some
10 niggling questions at.

11 Before I start though, I do want to recognize that I know it's difficult
12 revisiting some of these difficult memories and cases, and just -- I just want to
13 acknowledge that, that I know that that's not an easy ask.

14 In terms of the 2010, 2011 first the threat's complaint and then the
15 Officer Safety Bulletin, just based on some of your answers that you've given, is it
16 possible that maybe you're combining the 2 of those incidences into 1 when you're
17 trying to recall? It seems to me that some of your answer seems to tread on both of
18 those calls.

19 **CST. GREG WILEY:** Okay. I -- what I can say is I don't remember
20 seeing anything -- like, when you would get a CISNS bulletin and it's officer safety
21 related, that usually puts a pretty big stamp on your -- front of your brain with that. And I
22 can say that I don't recall ever seeing that to do with the perpetrator. That's what leads
23 me to believe that there was an email of some sort that might have been a more general
24 warning, might have been for Cumberland, like -- or it could have just been Colchester,
25 but I could have still been on Cumberland's -- or on Colchester's email list, not been
26 transferred over yet to Cumberland. So do you understand what I mean?

27 So, like, they have group lists in Colchester, so if somebody sent
28 out a group email, it may have still landed with me when I was in Cumberland.

1 **COMMISSIONER FITCH:** Okay.

2 **CST. GREG WILEY:** So ---

3 **COMMISSIONER FITCH:** And I understand that the CIS Nova
4 Scotia bulletins came out as attachments in emails; is that correct?

5 **CST. GREG WILEY:** I can't recall off hand.

6 **COMMISSIONER FITCH:** Okay.

7 **CST. GREG WILEY:** It's been some miles behind me after that.
8 I'm sorry.

9 **COMMISSIONER FITCH:** Okay. The -- in terms of getting
10 information on uttering threats or firearms complaints, is that something that your
11 supervisor would typically be aware of?

12 **CST. GREG WILEY:** Can you please restate that, please?

13 **COMMISSIONER FITCH:** In terms of a call that would come in for
14 uttering threats or related to firearms such as the 2010 complaint, would that be copied
15 to your supervisor if you were dispatched on a call? Would your supervisor be aware of
16 that?

17 **CST. GREG WILEY:** If you were officially dispatched on a call, like
18 through OCC, it'll -- it would be in your PROS file queue and your supervisor would be
19 able to see that, and the way -- the system wouldn't have worked that way back then. I
20 think we had case managers come in after that where if you are dispatched to a file and
21 you solve it in the first instance, like okay -- I'll use the example with the Ms. Butlin file.

22 Because I concluded it in the first instance, it would have went to a
23 case manager, which is normally a Sergeant. They review it to see that you took all the
24 investigational steps based on what's there, and they can conclude it. And if it's not
25 concluded, they send it back to you to rework the investigation. It comes back into your
26 file queue and then your supervisor's, of course, aware of it then.

27 **COMMISSIONER FITCH:** Thank you.

28 Do you -- Ms. Miller, I think, had -- or Participant Counsel Miller had

1 posed the question around the continuum of threats. Would -- where would uttering
2 threats and firearms complaint fall on a continuum of calls that would come in? Would
3 that be a high priority call or a low priority call?

4 **CST. GREG WILEY:** Well, uttering -- to me, uttering threats is --
5 again, if it's tied in to firearms, it's -- they can be a higher priority thing, but it wasn't -- it
6 wasn't an ongoing thing right at the time. Like it wasn't something that we were being
7 dispatched to, lights and sirens, like if a call came in like that.

8 If somebody's uttered threats and then the person that's the
9 complainant says, "They're out in their back yard shooting the gun off and said they're
10 coming over to shoot me", that's a different call.

11 And like I said, I wish -- believe me, no one wishes they could
12 remember clearly having spoken with Sergeant Poirier more than me. It makes me
13 uncomfortable, not to cover my own neck or skin or whatever, but just simply I wish I
14 could remember to reassure myself. But if it was something that was coming in or it
15 was like a red alert, I would have thought that his management would have reached out
16 to our management and said, "Listen, we've got something, a threats complaint coming
17 from New Brunswick and we've got one of his residences here. You have a residence
18 there and can we coordinate things to -- in a more formal thing?", if it was perceived as
19 that big of a threat. I don't know. That's just me talking.

20 **COMMISSIONER FITCH:** You had mentioned in your testimony
21 and also in your statement of how you would approach trying to ascertain whether or
22 not somebody had firearms in their home, but you also had mentioned, you know, that
23 you would -- to use your words, you'd be all sneaky about it and trying to determine
24 whether or not they had arms, maybe, to help DNR with a bear issue, but then you've
25 also testified to the fact that if it was a serious incident, that you would be coordinating --
26 you know, there could be an ERT response. There would be -- you know, you go in and
27 you would search a residence.

28 And I'm just -- I'm struggling to try and determine how you would

1 exercise your discretion to decide whether or not information coming in is something
2 that you're going to act by protocol in bringing in reinforcements, getting a warrant if
3 need be or just following up in a more laissez faire approach to the complaint.

4 **CST. GREG WILEY:** I think you hit the nail on the head with what
5 you said about getting a judicial authorization and that. But to get those, you're going to
6 need a lot of evidence and information to persuade a justice or a judge to grant that.
7 And even by Sergeant Poirier's notes and even the thing with Sergeant -- Corporal
8 Densmore from Truro, having somebody coming up and giving a -- like Poirier's doesn't
9 sound compelling enough. He isn't saying, here. Here's all this information that you
10 can include in getting a warrant. We have this and we can share this with you.

11 I don't have recollection of the call, but even his notes -- and I'm not
12 finding fault. I'm just saying, there wouldn't have been substance there to go for
13 anything like a warrant. And similarly with the Densmore thing, when I look at it, I start
14 weighing it in terms of could you -- what would be your odds of getting a judicial
15 authorization from an anonymous source who's just saying this week, you have to start
16 giving the history of the source, have they provided credible information in the past, and
17 different things. There's a whole bunch of layers to building the credibility and strength
18 for an Information to Obtain, to write that Information to Obtain a search warrant. And in
19 none of those things is there any evidence of that to me.

20 And I'm just saying that, right away assessing it, there wasn't a
21 whole lot of information coming that was -- if it had spilled out that we've got four
22 different people that have seen him with guns, he's done this, he's done that, and this,
23 that and the other thing. We know. They've seen him at the cottage. It's this, that and
24 the other thing.

25 We had all of these statements and all these were reliable people,
26 and they had supplied reliable information to police in the past for solving crimes and
27 whatnot or getting warrants, then you could think about writing a warrant, an Information
28 to Obtain.

1 **COMMISSIONER FITCH:** Would you agree with me that in order
2 to ascertain all that information, there would have to be an investigation?

3 **CST. GREG WILEY:** But I think the way his thing -- even in his
4 notes, and I -- again, I don't have the recollection of it. But even by his notes, he's
5 asking me to go by and check to see if he has firearms.

6 **COMMISSIONER FITCH:** And I recall from your interview with the
7 Mass Casualty Commission I noted that you are very officer safety aware. In your
8 statement you spent a lot of time talking about tactical responses and officer safety.
9 And having a request from another agency to go and check a residence for firearms
10 complaint related to death threats, is it fair to say that typically there would be a number
11 of investigative questions that would be asked before you would go and approach that
12 residence?

13 **CST. GREG WILEY:** In a case like this where -- again, going by
14 his notes, if I had a conversation with him and going by the tone of his notes, it was a
15 request to go and see, and I had a good rapport with him. I would have felt safe in
16 taking the approach I was and approaching it in a way to just sort of casually ask if he
17 had firearms, like based on wildlife concerns or whatever, and take it from there, like.

18 And if he brought out what he thought -- like what were deactivated
19 guns, antique guns or whatever and showed them to me, as Ms. Banfield says -- and
20 again, I don't have memory of that -- then I could -- if all this is just my memory not good
21 on this, I could see me going back to Bible Hill and phoning and leaving a message or
22 whatever to Porier saying, "I've checked his -- checked with him at his residence and he
23 was forthcoming. He showed me a couple of deactivated guns".

24 **COMMISSIONER FITCH:** So if I could interrupt, Constable Wiley,
25 and try and get you to focus on what was done, not what you may or could have done. I
26 recognize you're answering my question.

27 I'm just going to be very straightforward in saying what -- part of
28 what I'm troubled by is that your recollection that you've shared with us has been fairly

1 detailed in some of the encounters that you've had with the perpetrator, whether it was
2 the ATV incident on the side of the road, the Canadian Tire incident, conversations you
3 had with him, descriptions of inside -- of going inside of the house, but yet on this one
4 particular officer safety related bulletin and also the uttering threats in 2010 and the
5 firearms and the information that we've obtained that suggests that you were in fact
6 involved in those, you have zero recollection, and I'm struggling with that. I don't know
7 how there can be that gap.

8 **CST. GREG WILEY:** Alls I can say is that I'm sharing with you
9 what I can recollect.

10 **COMMISSIONER FITCH:** Okay.

11 **CST. GREG WILEY:** That's all I can answer that with.

12 **COMMISSIONER FITCH:** Okay.

13 **CST. GREG WILEY:** I'm sorry.

14 **COMMISSIONER FITCH:** You had mentioned in your statement
15 as well that you were going to go back and look for your notebooks, and I know that
16 Participant Counsel have asked you some questions around your notebooks. You had
17 mentioned that had hoped that you could find them, but that you had some of your
18 personal items that were missing or stolen during your transfer from one place to
19 another. Can you confirm for us that all of your notebooks were accounted for when
20 you went to look for your notebooks in your residence?

21 **CST. GREG WILEY:** I'm sorry, your question isn't clear to me
22 there. Can I do which?

23 **COMMISSIONER FITCH:** Sorry, can you confirm for us that when
24 you went to seek out your notebooks that, in fact, all of your notebooks were accounted
25 for and that you weren't missing any as you had indicated in -- I believe in your
26 statement, that you were worried that some of your material, personal items had been
27 missing in one of your transfers?

28 **CST. GREG WILEY:** I couldn't find the notebooks that they were

1 seeking, that they had asked me for, and I had mentioned in the course of it, I wouldn't
2 have had occasion to really even look at what notebooks I had and didn't have, the
3 review notebooks. I've moved four times in the time of being a -- since the time I would
4 have been in Bible Hill the first time. And I'd also lost in similar moving boxes a thing of
5 CDs and a thing of DVDs, so and they were in similar-sized boxes, probably weighed
6 about the same. So maybe people cracked a box and thought they were getting three
7 boxes of electronic things and got two boxes and one box of notebooks. I can't explain
8 otherwise.

9 **COMMISSIONER FITCH:** But did you have any of your other
10 notebooks accounted for?

11 **CST. GREG WILEY:** Yes, I had other notebooks in another box. I
12 went through them.

13 **COMMISSIONER FITCH:** Okay. Thank you. And I apologize if I
14 misunderstood your earlier answer on that.

15 I am getting close to the end of my questions, and I appreciate your
16 patience. The -- and I'm going to take you to the Butlin harassment complaint, and
17 again, I recognize that this is hard for you. When she called and spoke with you on the
18 phone at I think you said it was shortly after 7 a.m. on August 26th, and through the
19 course of your conversation with her, she decided that it would be best if you didn't
20 reach out to him by phone or in person, do you know what her intent was when she first
21 called the RCMP to make the complaint, what it was that she was looking for?

22 **CST. GREG WILEY:** I think she was looking to see if he could be
23 charged with harassment. And in the end, when I had explained everything to her, we
24 worked our way through, when I initially thought it was a breach and so on, and we
25 figured out that it -- she was -- no charges had been laid in the sexual assault, and there
26 was -- she was going for a peace bond, and I walked her through everything. At the
27 end of the day, she -- I assured her that this was -- I'd created a police report and that --
28 I gave her the file number as well, of the file, and told her that when she went to the

1 peace bond hearing, she could share that information at the peace bond hearing with
2 the judge, to sort of demonstrate that she had concerns beyond -- that went beyond just
3 when she had laid her information for the peace bond, so that she could say there was
4 ongoing issues, in a sense, and she understood that. So she was -- I said if we have
5 done anything here today, you've documented that you had a concern here of further
6 contact that's unwanted. She knew how to start the clock, if you will, by telling him that
7 he did -- she didn't want any further contact. And she knew that she could call us if
8 anything changed between the Saturday and the Wednesday peace bond hearing.
9 And, yeah, she had those things laid out to her sort of thing.

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

11 I believe in the statement from the perpetrator's father -- sorry, I'm
12 jumping back to your contact with the perpetrator of the Mass Casualty Commissions in
13 trust, that the perpetrator's father had described in his communications with police that
14 his son was, I think, "chummy" with a police officer. Do you know if that would have
15 been in reference to you, or do you know if the perpetrator had any other contact with
16 any other police officer on a regular basis from any other agency?

17 **CST. GREG WILEY:** I have no idea.

18 **COMMISSIONER FITCH:** Thank you.

19 We've heard, you know, a fair amount about firearms and checking
20 for firearms, and I'm just curious if you had a lot of experience prior to 2010, 2011 with
21 firearms seizures. And the reason I'm asking that, Constable Wiley, is we had a panel
22 this morning about firearms and access to firearms, and I'm just wondering if you have
23 any thoughts or recommendations that might help improve a knowledge base for
24 officers on the frontline.

25 **CST. GREG WILEY:** Yeah, base, our firearms training, we -- a lot
26 of our firearms training centres around us being able to operate our firearms that we're
27 given to perform our duties with. So but we don't receive a lot of training in other
28 aspects of firearms. I've taken firearm safety course in the past. I could figure out that if

1 he showed me guns, or somebody showed me a gun, anybody hypothetically, said it's
2 been deactivated, and I could ask them how, and then I could look to see if that would
3 constitute a deactivation of a gun, but I'm not a firearms expert, not by any means. So
4 and so I think we have basic training in it. We have -- if we have questions, there's a
5 firearms officer that you can call. We have people even within the force that we can
6 call. Quite often if you're dealing with firearms, if you get something and you think is this
7 legal or not, you would contact the firearms officer. And generally, most types of
8 firearms, I know the basics, the safety of how to unload it, make sure it's safe, and that
9 it's safe. But beyond that, I'm not an expert.

10 **COMMISSIONER FITCH:** Okay. And recognizing that back in
11 2010, 2011 you were still relatively junior on the force, in your recollection, do you recall
12 having training on search and seizure for firearms?

13 **CST. GREG WILEY:** Oh, not specifically, no.

14 **COMMISSIONER FITCH:** Okay. Thank you very much. That's all
15 my questions for now. Appreciate it.

16 **COMMISSIONER MacDONALD:** Thank you, Commissioner Fitch,
17 and thank you, Constable Wiley. I have no further questions for you, but I'll turn it over
18 to Commissioner Fitch -- or Commissioner Stanton.

19 **COMMISSIONER STANTON:** Thank you, Commissioner
20 MacDonald.

21 Just one question really and it's a bit forward looking, Constable
22 Wiley. We've heard about that you had not been provided with a copy of that review of
23 the Butlin file until last week, and you were -- you moved from Bible Hill detachment out
24 to Ontario in 2018 when that review occurred, and Ms. Hupman listed some of the
25 recommendations from it. And would you as an officer want to be contacted when
26 there's been a review like that that has some recommendations, even if you've been
27 moved to a different jurisdiction and maybe were doing different kind of work, would you
28 want to know that a review like that had made some recommendations? Would you

1 want someone to contact you and say to you, you know, "This is what we've found and
2 just want you to know that"?

3 **CST. GREG WILEY:** They could. I wouldn't be offended by it or
4 anything. But the type of policing that I was doing in Nova Scotia as opposed to what
5 I'm doing here are sort of two different things. One is federal policing here and the other
6 is more -- it's like larger investigations. I don't want to get too much into it. But it's --
7 because I don't know what's going to be shared out of this.

8 But the things a would learn for handling a harassment complaint or
9 anything like that, or anything else that came up from this, if they sent me a thing that
10 was an email, that was a review, like your review thing, and I reviewed what my thing
11 was and somebody wanted to call and talk to me about it, that would have been fine to
12 do that. So it's something that I don't know how pertinent that was to the job I'm doing
13 right now, but that's not to say it wouldn't be worthwhile in some way that I couldn't
14 foresee. So.

15 **COMMISSIONER STANTON:** Right. I guess I'm just trying to
16 learn about what the feedback loops are for officers when there are reviews. You know,
17 what the process is. But that's perfectly okay that that's maybe a policy level thing. And
18 I just wondered if it would have been an expectation of yours to know about it?

19 **CST. GREG WILEY:** Not necessarily an expectation of mine, but it
20 would have surprised me if they would have reached out, to a certain degree, but it
21 wouldn't -- and in a way, it wouldn't have. I don't know how to say it. That would have
22 been something -- if I would have stayed general duty, let's say I was working down in
23 Yarmouth now, I'm sure I would have been kept abreast of what was going on with this
24 and the findings with respect to areas where I could improve in my investigation. I
25 would have expected that to happen at that point.

26 Had I moved out to Saskatchewan and was still doing contract
27 policing, I would have expected the same, for them to reach out to me and say, "By the
28 way, please bear this in mind and take these learning points from this." But when I'm

1 doing what I'm doing right now, someone may have made the decision and just said,
2 "He's not really working in that field right now." I don't know. I can't speak to that.

3 **COMMISSIONER STANTON:** No, actually that's really helpful. It
4 gives me a sense of, you know, why a follow up may or may not occur. And that's really
5 helpful.

6 I believe that we have concluded our questions then, Cst. Wiley. I'll
7 just ask Mr. VanWart if there's anything further before we close?

8 **MR. JAMIE VanWART:** Yes. Just to close the loop, Ms. Miller
9 was referring to a COMM number of Sgt. Poirier's notes. Perhaps that could be entered
10 as an exhibit? It's COMM0015411.

11 **REGISTRAR DARLENE SUTHERLAND:** And that's Exhibit 4649.

12 **--- EXHIBIT No. 4649:**

13 (COMM015411) Sgt. Poirier's notes

14 **COMMISSIONER STANTON:** Okay. Thank you, Mr. VanWart.
15 And thank you, Cst. Wiley, for being here this afternoon and for
16 helping us.

17 **CST. GREG WILEY:** Okay. Is it possible to just, again, add a bit of
18 insight into this from having gone through this process and make a suggestion or two to
19 the Commission how maybe -- it would be things to help you guys. Would that be
20 possible?

21 **COMMISSIONER STANTON:** Please do.

22 **CST. GREG WILEY:** Okay. The first thing I'll start with is that I
23 was really surprised the other day when I first saw my transcription of my Mass
24 Casualty Commission interview that I did a year ago. When I was reviewing it, I was
25 finding great difficulty myself in deciphering what was being said. And to be honest, I
26 got to the end of it, and I was like -- I was thinking, "My gosh. Like, I must have been
27 speaking gobbledygook the whole time." And I thought, "Who in the world transcribed
28 this?" Because I've done transcriptions myself, put the headphones on and away you

1 go. You're typing it out. And if you don't understand something, you put "unintelligible"
2 or "couldn't make it out" or whatever. I had trouble reading my transcript and I thought,
3 "Who transcribed it?" I looked at the top of the page and it appears as though it's done
4 by a machine, an audio program that transfers it over to written print. The person that
5 interviewed me I believe signed off on it to say they'd checked it.

6 I'm not going to point fingers or anything. All I can is I've got a
7 Masters Degree in Education. I used to be a reading teacher. I taught kids to read and
8 write, and I'm used to trying to decipher gobbledygook and I couldn't even decipher my
9 own gobbledygook on the transcript. And I think, looking at it as an investigator,
10 foundationally, if you want to have a good investigation, you want to get clear and
11 straightforward communications, especially when my audio file wasn't being handed
12 around for people to listen to, but the transcript was being handed around for people to
13 read.

14 And if they are not getting clear information, and I think I speak
15 English quite well, if they weren't getting clear information from the get go from my
16 transcript, then that's a very weak foundation to build your questions upon and this
17 whole -- your Inquiry is almost like an investigation and our statements are the key
18 building blocks of evidence for you. And I just think it would help you if those were
19 either transcribed by people and checked by the investigator, or they could send the
20 audio file to the person that interviewed, like on an encrypted thing and the transcription
21 as it is, and to get them to sign off on it as well, or to have a means of putting a
22 correction in, because I think -- I think people who were looking at this, all of the lawyers
23 who have been looking at this, have had a hard time. I had a hard time looking at my
24 own statement. So that would be one thing that I would say.

25 The second thing that I would say, and I'm not going to say this on
26 my behalf, I'm going to say this on behalf of the families and friends of the victims of
27 both of these incidents, and I never really paid attention to the media too much until the
28 last week leading up to when I was going to appear, and it appeared to me, and now it

1 could bet that they were only going on the transcripts, I don't know if the media had
2 access to the transcripts, and if it was, some of it is they were looking at things that
3 were hard to decipher, but if it wasn't that, they seemed to be playing rather fast and
4 loose with their facts. And that's one thing if it's going to hurt me. that's whatever. I'm
5 a policeman. But I can't help but feel that sensationalist reporting that -- one of the
6 articles I remember from a week ago, they basically -- the only thing they got right in it
7 was the spelling of my name. They were suggesting that I was the lead investigator in a
8 sexual assault file, that I had been a lead investigator in a firearms investigation and
9 stuff with the Portapique thing. It was way over the top.

10 And I think that just subjects the family and friends of the victims to
11 anguish, wondering whether there was incompetency, or neglect, or just apathy on the
12 part of the police in terms of dealing with these complaints as they came in. We do the
13 best we can.

14 Now, I'd ask the media and everyone to consider that the police
15 and the media perform similar functions in our society. The police, we provide
16 information, provide -- gather statements, gather evidence to provide to the Crown and
17 the courts and we need to do that well. And hence, an inquiry like this, where we can
18 improve, we need to do that, we're held to that standard, because that's -- our
19 investigations and our evidence is what underpins the success of our judicial system.

20 The media, on the other hand, they work in a parallel universe in
21 that they gather information that's out in the public and they share it with public -- with
22 the public, and they're not really held to an account of how accurate they are with that.
23 and in essence, I think the media being able to view something like this is a privilege on
24 their part, and if they're going to be allowed to cover something like this, they should be
25 held to a standard where they're going to report with greater accuracy, let me just be
26 diplomatic and put it that way. And that the -- it maybe be considered that there's a
27 means where if the media has been found to be not be being straightforward with the
28 facts and being -- like, the one story about me, and I can speak to it because it

1 happened to me, I don't know what's happened to other people in this proceeding and
2 other members that have had to appear and stuff, but if there's a penalty box for
3 hockey, there should be a timeout corner for media that are putting things that -- like I
4 said, not about me or other police officers, things that put surviving family members and
5 friends of the victims on an emotional roller coaster. And I just -- that -- that's what
6 broke my heart, just thinking of those families, and that wasn't fair to them. It wasn't fair
7 to me but that doesn't matter. If they have to live with it the rest of their lives, they live
8 with that. That made me sick.

9 I'm sorry.

10 **COMMISSIONER STANTON:** Thanks, Cst. Wiley. We've certainly
11 heard you today, and we also know that the -- there's a lot of challenges with respect to
12 having a public inquiry and the media do play a part in having it be a public inquiry, and
13 it's always challenging to -- depending on what circumstance you're in with respect to a
14 public inquiry, I think everybody has a really challenging role in this, no matter which
15 perspective. And we certainly recognize that this has been a challenging one for you
16 today, and we're glad you were able to join us.

17 You're free to go now. We're going to wrap up for today, if that was
18 everything. So thank you so much for your time and for appearing with us today and
19 helping us understand what happened.

20 **CST. GREG WILEY:** Today was for the families.

21 **COMMISSIONER STANTON:** Thank you, Cst. Wiley.

22 And thank you, too, to counsel for your questions today, and to all
23 of you who have joined us today.

24 Just a reminder that there's no recording of this testimony to be
25 posted publicly by any attendees today, including on media or social media. A
26 transcript will be posted to the website in due course.

27 We do thank you, everyone who attended, for your continued
28 interest in the Commission's work. Public proceedings will resume tomorrow, and just

1 like earlier today, they will be webcast only this week because all of our proceedings
2 this week are virtual.

3 So thanks again, and we'll see you back here tomorrow.

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

5 The proceedings are adjourned until September the 7th, 2022 at
6 9:30 a.m.

7 --- Upon adjourning at 5:13 p.m.

8

9

C E R T I F I C A T I O N

10

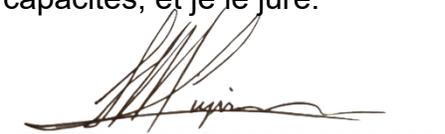
11 I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing
12 pages to be an accurate transcription of my notes/records to the best of my skill and
13 ability, and I so swear.

14

15 Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hautes
16 sont une transcription conforme de mes notes/enregistrements au meilleur de mes
17 capacités, et je le jure.

18

19

A handwritten signature in black ink, appearing to read 'S. Marineau-Lupien', is written over a horizontal line.

20 Sandrine Marineau-Lupien

21