

Public Hearing

Audience publique

Commissioners / Commissaires

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

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

Dr. Kim Stanton

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Appearances / Comparutions

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Conseiller de la commission

Mr. Michael Scott

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Mr. Joshua Bryson

Counsel / Conseiller

Ms. Lori Ward

Counsel / Conseillère

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Halifax, Nova Scotia

--- Upon commencing on Friday, September 9, 2022 at 11:03 a.m.

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

COMMISSIONER FITCH: Good morning. Bonjour et bienvenue. 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, including those here in Nova Scotia, across Canada and in the United States, and all others affected by the April 2020 mass casualty in Nova Scotia.

From the start, the Commission's work has been organized into three overlapping phases. Each phase is important, and builds on the others to help us get to where we need to go. Phase 1, our focus has been to establish the foundation of what happened leading up to, during and after the mass casualty.

In Phase 2, we built on what we had learned about what happened to consider how and why it happened, exploring the broader context, causes and circumstances and now, in Phase 3, we are building on everything we have learned so far to consider recommendations that can help make our communities safer.

In order to work efficiently and deal with the emergency of new information and the availability of witnesses, we designed these three phases to overlap. That is why this week we continue to hear from final witnesses who are assisting us with questions from earlier phases of our work while the remainder of our proceedings and activities focus on developing recommendations.

Today, Deputy Commissioner Brian Brennan from the RCMP will

1 join us to talk about a range of topics, including after-action reviews, the "H" Division
2 Issues Management Team, communications within the RCMP and with the public, and
3 "H" Division leadership.

4 I will now ask Senior Commission Counsel Jamie VanWart to
5 begin.

6 Jamie.

7 **MR. JAMIE VanWART:** Thank you, Commissioner.

8 Before I call upon our witness today, I just wanted to deal with
9 some exhibits. And not associated to today's witness, we have a number of documents
10 that have been shared with Participant Counsel, 54 in total, that relate to the community
11 policing and structure of policing roundtables.

12 Madam Registrar, if those could be exhibited.

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

14 **MR. JAMIE VanWART:** And then -- thank you.

15 And with regards to today's witness, Commission Counsel has
16 provided to Participant Counsel and Madam Registrar a number of documents in
17 relation to this witness. If they could be exhibited at this time.

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

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

20 Today's proceedings are virtual, and I understand Deputy
21 Commissioner Brennan is available.

22 And I can see you, Deputy Commissioner Brennan. Can you see
23 me?

24 **D/COMMR. BRIAN BRENNAN:** Yes, I can, and I can hear you
25 clearly as well.

26 **MR. JAMIE VanWART:** Okay. And I can hear you, so just advise
27 you, you are live before the Mass Casualty Commission.

28 Our first order of business this morning is I understand you have a

1 Bible with you.

2 **D/COMMR. BRIAN BRENNAN:** I do.

3 **--- D/COMMR. BRIAN BRENNAN, Sworn**

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

5 **MR. JAMIE VanWART:** So Deputy Commissioner Brennan, your
6 testimony this morning is being transcribed. It's also being translated. To help with
7 transcription, would you be able to say your full name and spell your last name, please?

8 **D/COMMR. BRIAN BRENNAN:** Yes. It's Brian Frederick
9 Brennan, B-r-e-n-n-a-n.

10 **MR. JAMIE VanWART:** And Deputy Commissioner Brennan, you
11 are the Deputy Commissioner of Contract and Indigenous Policing with the RCMP?

12 **D/COMMR. BRIAN BRENNAN:** Yes.

13 **MR. JAMIE VanWART:** And you're posted in Ottawa.

14 **D/COMMR. BRIAN BRENNAN:** Yes.

15 **MR. JAMIE VanWART:** And you are responsible for the RCMP's
16 Contract and Indigenous Policing program, which includes overseeing delivery of local
17 policing services in Canada's three territories and all the provinces except Ontario and
18 Quebec. Is that correct?

19 **D/COMMR. BRIAN BRENNAN:** That's correct.

20 **MR. JAMIE VanWART:** Okay. And across the RCMP, the
21 Divisional Commanding Officers report to you, and that would include the Commanding
22 Officer in Nova Scotia, which, as we know in these proceedings, the RCMP refers to as
23 "H" Division?

24 **D/COMMR. BRIAN BRENNAN:** That's partially correct. Not all
25 Divisions in the contract report directly to me.

26 So the ones that report directly to me are the four Atlantic
27 provinces, Saskatchewan and Manitoba.

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

1 And just, I guess, for some added context, prior to your current
2 position, you were the Commanding Officer in "H" Division from 2014 to 2019?

3 **D/COMMR. BRIAN BRENNAN:** Yes.

4 **MR. JAMIE VanWART:** And before that, from 2011 to 2014 you
5 were the CrOps Officer in "H" Division; correct?

6 **D/COMMR. BRIAN BRENNAN:** That's correct.

7 **MR. JAMIE VanWART:** And just for -- to assist with the context of
8 your testimony today, so at a fairly high level, are you able to give a summary of your
9 principle responsibilities, Deputy Commissioner?

10 **D/COMMR. BRIAN BRENNAN:** Yes. So not only am I Deputy
11 Commissioner of Contract and Indigenous Policing, I'm also the, under the *RCMP Act*,
12 the Senior Deputy in the organisation. My responsibilities are to oversee the, as you
13 mentioned, the delivery of service under the contract, hence the title Contract Policing,
14 and to be responsible for the delivery of policing services within Indigenous
15 communities that we serve.

16 I -- within the government realm, I am in contact with the Federal
17 Government at the ADM level, Associate Deputy Minister level, and I am also in contact
18 with the different Department of Justices across the -- across the contract provinces, if
19 and when required, in terms of administration of policing services, dealing with issues
20 that may arise in conversations with the province, and I am also a member of the Senior
21 Executive Committee within the -- within the RCMP.

22 **MR. JAMIE VanWART:** Okay.

23 **D/COMMR. BRIAN BRENNAN:** I was also -- I was also going to
24 mention that the core work of Contract and Indigenous Policing, or the acronym of
25 C&IP, as it's often referred to, we are the policy centre for operational policing in terms
26 of policy -- policies, initiatives, those types of things that affect policing across Canada
27 within the RCMP.

28 **MR. JAMIE VanWART:** And Deputy Commissioner, you were

1 interviewed by the Mass Casualty Commission on August 10th, 2022?

2 **D/COMMR. BRIAN BRENNAN:** I was.

3 **MR. JAMIE VanWART:** Yes. And that interview lasted
4 somewhere between seven and eight hours; is that ---

5 **D/COMMR. BRIAN BRENNAN:** Yes.

6 **MR. JAMIE VanWART:** Yeah. I just wanted to clarify for those
7 listening to the testimony, there are actually two exhibits now of that transcription. The
8 first is Exhibit P-004223 and the newer version was just entered before you started
9 testifying this morning, and that's COMM0063689. The difference is the newer version
10 had some redactions removed from it. So when I am referring to your statement today,
11 I'll be referring to COMM0063689.

12 I guess what's important for you to know, Deputy Commissioner, is
13 that the statement that you gave to the Mass Casualty Commission, that is before the
14 Commission, so all that information is known to the Commissioner, it's been posted on
15 our website. My objective today isn't to re-ask you questions that you were already
16 asked in your interview and have you recanvas what you've already shared with the
17 Commission, instead, I'll be trying to focus on some follow up questions in some
18 different areas.

19 The first area where I wanted to start is going back to April of 19,
20 2020. And I understand that you first became aware of the mass casualty incident on
21 April 19th, on a Sunday, and you were advised of the incident and updated by Assistant
22 Commissioner Bergerman. Is that correct?

23 **D/COMMR. BRIAN BRENNAN:** That's correct.

24 **MR. JAMIE VanWART:** Okay. And when you receive information,
25 and I appreciate the magnitude of the events were unfolding on Sunday, but when you
26 receive information about a mass casualty incident occurring, like on April 19th, what is
27 your role as Deputy Commissioner?

28 **D/COMMR. BRIAN BRENNAN:** Well, it's complex in terms of the

1 information that comes in. So immediately, when I receive a call of a major incident, my
2 first responsibility is to ensure that the division that is -- that the -- that the event is
3 taking place and I'm asking questions of usually the Commanding Officer, "Do you have
4 the resources you need? Is there anything that we can do from an Ottawa perspective,
5 a national perspective, resourcing, special services that may be required? Is there
6 anything that we can help you with? Are you -- are you in need of legislative assistance
7 under things like Article 9?", those types of things. So trying to determine as quickly as
8 possible what the potential requirements may be based on the scope of it.

9 Once that conversation is over, you know -- and obviously we're
10 having discussions about "Have you advised the Province?", those types of things.
11 Then, once that initial phone call is completed, I am -- usually my first call is to the
12 Commissioner, and to give the Commissioner an initial brief of what's taking place, and
13 potentially, if there's things from a national perspective we may have to be looking at,
14 and then it's monitoring the situation, and then receiving updates throughout the early
15 hours, early days of the event, and then trying to adapt our response, if required, again,
16 from the national perspective, and ensuring that we bring all the necessary resources to
17 bear that are possible from an organisational perspective.

18 **MR. JAMIE VanWART:** Okay. So you mentioned one of your
19 roles is to update the Commissioner. Is there a command chain that you would receive
20 updates from Commissioner Bergerman and then you would go on to update
21 Commissioner Lucki? Is that it works, roughly?

22 **D/COMMR. BRIAN BRENNAN:** Yes. The division would update.
23 Now, sometimes they would be verbal updates, other times the division may be in the
24 position where they're providing updates through situational reports or "sit reps", as we
25 refer to them internally, and those would -- those would flow out depending on the
26 availability to get information. Usually in the early first period, early hours, it's mainly
27 phone calls, sort of first-hand information for quick conversations, and then I would brief
28 similarly up to the Commissioner, and then potentially out to the other Senior Executive

1 members, again, depending on the situation at hand.

2 **MR. JAMIE VanWART:** Okay. And when you brief up to the
3 Commissioner, are you briefing her on all the details that you've learned, or is there a
4 sifting through the details you've learned and prioritising some things to brief her on?

5 **D/COMMR. BRIAN BRENNAN:** It -- again, depending on the
6 situation and the scenario, the first briefing is usually very high level because not a lot of
7 details are known, and once the -- more updates come, then I would -- I would brief her,
8 depending on what she needs to -- what she needs to know, for her to potentially brief,
9 say, up and to the Public Safety Minister's Office, those types of things. So it's a bit of a
10 -- there's not -- there's no standard in it, it's kind of as per the situation is unfolding and
11 what we're trying to accomplish in terms of ensuring a fulsome brief across a -- across a
12 wide spectrum at the senior level.

13 I don't usually -- sorry. I was just going to say, I don't usually get
14 into early stages too many of the operational details on resourcing or those types of
15 things, maybe a comment, you know, "we've mobilised resources, we're putting our
16 efforts on the ground", et cetera, and that's usually how that goes.

17 **MR. JAMIE VanWART:** And so do you recall in -- on April the 19th,
18 and the days follow -- following, were you frequently updating Commissioner Lucki?

19 **D/COMMR. BRIAN BRENNAN:** Yes, I was regularly updating the
20 Commissioner, again depending on the updates that I was receiving from the division.
21 So I do know that immediately after the first call I got from Assistant
22 Commissioner Bergerman, I phoned the Commissioner that morning and provided her
23 with basically the information -- the information that I had received at that time, including
24 the fact that of the number of casualties, including our member, Constable Stevenson.

25 **MR. JAMIE VanWART:** And how -- and so that was a phone call.
26 Is that generally how your -- you would be updating Commissioner Lucki in -- on
27 April 19th and the days immediately after?

28 **D/COMMR. BRIAN BRENNAN:** Yes.

1 **MR. JAMIE VanWART:** And can you give me an example of, just
2 to clarify, just an example of a detail that you would choose not to update
3 Commissioner Lucki on? Like an example of something that you would vet out that you
4 wouldn't need to be updating her on?

5 **D/COMMR. BRIAN BRENNAN:** I wouldn't refer to it as "vetting
6 out", I would probably refer to it more as briefing her on theme. So I would -- I would
7 potentially tell her in the situation that we are looking at obtaining specialised resources
8 for additional ERT members. I'm -- ERT members, members from other divisions,
9 specialized sections. And I may just encapsulate that by saying to the Commissioner,
10 "Commissioner, we're looking at resources from other areas. We are in conversation
11 with neighbouring divisions and we will have a better idea of the number of and what
12 type of resources we're going to request." So really, all the Commissioner would know
13 is that, yeah, we're looking for our field, we're putting our minds to additional resources,
14 without getting to the specifics of how many, which kind. Again, depending on the
15 situation.

16 **MR. JAMIE VanWART:** Deputy Commissioner, I want to ask you
17 some follow up questions about a meeting you were involved in after the April 28th, 2020
18 press conference in Nova Scotia. And I know you've already given a number of
19 answers to questions posed to you in your interview with the Mass Casualty
20 Commission, including your account of that meeting.

21 Just for context, it was at 4:00 p.m. Atlantic, April 28th, the RCMP
22 held a press conference and Supt. Campbell provided an update on the investigation
23 and information learned to date.

24 In your statement to the Mass Casualty Commission, you explained
25 that before that press conference on April 28th, through information you received from
26 Lia Scanlan, you understood that Supt. Campbell was not going to disclose the make or
27 models of any firearms at that press conference? Is that correct?

28 **D/COMMR. BRIAN BRENNAN:** That's correct. Now C/Supt.

1 Campbell was going to speak of long guns and handguns, as opposed to makes and
2 models.

3 **MR. JAMIE VanWART:** Okay. And then also in your statement,
4 you'll recall that you indicated that this information would have been the type of
5 information that you would pass on to Commissioner Lucki as soon as you heard it? Is
6 that correct?

7 **D/COMMR. BRIAN BRENNAN:** Yes, in the normal course of
8 business, yes.

9 **MR. JAMIE VanWART:** Yeah. And then did you watch
10 Commissioner Lucki's testimony? Are you aware of her testimony and the content of it
11 or not?

12 **D/COMMR. BRIAN BRENNAN:** I have watched parts of it. Not all
13 inclusive. But I'm aware of the majority of her testimony ---

14 **MR. JAMIE VanWART:** Okay.

15 **D/COMMR. BRIAN BRENNAN:** --- just through media, et cetera.

16 **MR. JAMIE VanWART:** And are you aware that Commissioner
17 Lucki, she testified before the Commission that you did not advise her of this fact before
18 the press conference? Of the -- with regards to the details about the firearms.

19 **D/COMMR. BRIAN BRENNAN:** Yes, that's correct.

20 **MR. JAMIE VanWART:** And does that surprise you? Is that
21 contrary to your memory or does hearing that refresh your memory?

22 **D/COMMR. BRIAN BRENNAN:** Hearing that at the time refreshed
23 my memory, because I had failed to recall that that particular day, the Commissioner
24 was not working in the office, where I was working in the office. At that time, it was
25 early days of covid and the Commissioner and I were switching weeks. So I would work
26 one week in the office, she would work one week at home, because we needed to have
27 a senior person in National Headquarters. So in the normal course of a daily routine
28 outside of that arrangement, I would instinctively just simply walk down the hall, brief the

1 Commissioner, and as I said in my evidence, I probably would have done that, but in
2 reflection, now recalling that the Commissioner wasn't present in the office with me, it's
3 clear that I did not have that conversation with the Commission through the normal
4 course of ---

5 **MR. JAMIE VanWART:** Okay.

6 **D/COMMR. BRIAN BRENNAN:** --- business.

7 **MR. JAMIE VanWART:** And would -- yeah, I appreciate the image
8 of you walking down the hall and advising the Commissioner, but would the virtual
9 equivalent of that be texting or calling the Commissioner? Do you recall doing that at
10 all?

11 **D/COMMR. BRIAN BRENNAN:** It would be the equivalent, but I
12 don't recall doing it.

13 **MR. JAMIE VanWART:** Okay. So on the 28th, after the press
14 conference, Commissioner Lucki advised you that she wanted to have a call with the
15 leadership group in Nova Scotia; correct?

16 **D/COMMR. BRIAN BRENNAN:** Yes.

17 **MR. JAMIE VanWART:** And were you together with Commissioner
18 Lucki during this conversation or is this a phone call that you had?

19 **D/COMMR. BRIAN BRENNAN:** It was a phone call from the
20 Commissioner to me requesting the meeting.

21 **MR. JAMIE VanWART:** And Commissioner Lucki indicated to you
22 that she wasn't happy with the press briefing done by H Division? Is that correct?

23 **D/COMMR. BRIAN BRENNAN:** Yes, that's correct. But it was
24 more than just the press briefing. She was frustrated with communication flow from -- to
25 and from the Division since about the 19th. So it was kind of a comment -- a build up of
26 things for the Commissioner around communication. But it was right after the press
27 conference that she had determined that she needed to speak to the senior
28 management team.

1 **MR. JAMIE VanWART:** Okay. And your view was that the press
2 conference on the 28th went reasonably well; correct?

3 **D/COMMR. BRIAN BRENNAN:** Yes, better than the previous two
4 prior to that.

5 **MR. JAMIE VanWART:** Okay. And did you share your opinion
6 with Commissioner Lucki that the 28th press conference went well?

7 **D/COMMR. BRIAN BRENNAN:** I did.

8 **MR. JAMIE VanWART:** Okay. Did you, at this point, advise
9 Commissioner Lucki about the information you had received that Superintendent or now
10 C/Supt. Campbell was not going to share the specific detail of makes and models of the
11 firearms during the press conference?

12 **D/COMMR. BRIAN BRENNAN:** Are you referring to the phone call
13 with the Commissioner just prior to the meeting?

14 **MR. JAMIE VanWART:** Yes.

15 **D/COMMR. BRIAN BRENNAN:** No, I did not advise her.

16 **MR. JAMIE VanWART:** Okay. And you distinctly remember
17 though, you suggested to the Commissioner it probably wasn't the best time to make
18 the call to discuss the press briefings being done by H Division; correct?

19 **D/COMMR. BRIAN BRENNAN:** That's correct. I was of the
20 opinion that while I agreed that we needed to address the issue of communications, it
21 was late in the day for the team in Nova Scotia, I could only assume that they were
22 coming off what they thought to be a very successful press conference, they were able
23 to share a lot of information, and the timing may not be right to have that particular
24 conversation on that day given the press conference and all the efforts put into it.

25 **MR. JAMIE VanWART:** Okay. And did Commissioner Lucki give
26 consideration to your request?

27 **D/COMMR. BRIAN BRENNAN:** No, the Commissioner advised
28 that she wanted to have that meeting immediately and it was within 15 minutes of that

1 phone call that the meeting started. It was a teleconference phone call.

2 **MR. JAMIE VanWART:** And again, I won't retread ground that was
3 covered in your interview, I'm not going to ask you about the actual meeting, but I
4 wanted to jump to after the meeting. Assistant Commissioner Lee Bergerman testified
5 before this Commission and she indicated that after the meeting, when she was driving
6 home, she called you and explained to you that -- how poorly the call had gone and that
7 she was quite upset and disappointed with the call. Do you remember having a
8 conversation with Assistant Commissioner Bergerman like that?

9 **D/COMMR. BRIAN BRENNAN:** I do remember a conversation
10 with her, yes.

11 **MR. JAMIE VanWART:** But do you remember that she -- that
12 Assistant Commissioner Bergerman was angry, upset, and disappointed in that call?

13 **D/COMMR. BRIAN BRENNAN:** Yes. She had expressed that to
14 me. She had advised that the messages from the Commissioner were not well received
15 by the participants in H Division. And my understanding is all the participants in H
16 Division were in the same room.

17 **MR. JAMIE VanWART:** And did you brief Commissioner Lucki
18 about the impact of this call she made on April 28th after speaking to Assistant
19 Commissioner Bergerman?

20 **D/COMMR. BRIAN BRENNAN:** No, I did not.

21 **MR. JAMIE VanWART:** Okay. And why would you not brief
22 Commissioner Lucki about that?

23 **D/COMMR. BRIAN BRENNAN:** Well it was a judgement call at the
24 time. And as I said in my interview, I didn't have an appreciation at the time for how
25 deeply affected individuals were in regards to that phone call. Lee did express people
26 were very disappointed in the call and, you know, that the timing of it was improper, that
27 the Commissioner, -- in their opinion, the Commissioner wasn't, I guess, sensitive to all
28 the work and the efforts and the stress that people were under.

1 And it was one of those unfortunate things where when you cannot
2 see the people that you're interacting with, you can't read the body language, you can't
3 see how upset people are. And unfortunately, you know, at senior levels, not just in
4 policing, but in organizations, sometimes difficult conversations are had. People react
5 differently to it. And I was -- I took -- I just took the position that this was something that
6 obviously, people were upset, but that we needed to work our way through this in terms
7 of the goals and objectives. And I've been in meetings where, you know, I'm not happy
8 with the way the meeting went, but you tend to work your way through it. And as I said,
9 in hindsight, if I had of known immediately how deeply affected people were, I would
10 have definitely briefed the Commissioner by letting her know how that really, truly
11 affected people. And it wasn't until much later on, I believe it was almost a year later
12 from the events of April 18th, that one of the Participants wrote a letter to the -- or
13 message to the Commissioner, and that's really at the time when it hit, especially me,
14 how that meeting had gone and how deeply it affected people so.

15 **MR. JAMIE VanWART:** I wanted to move on and ask you a few
16 questions about another topic that was canvassed in your interview about the Issues
17 Management Team, and I just wanted to ask you some follow-up questions. And just
18 for context, you were not part of the decision to create the Issues Management Team; is
19 that correct?

20 **D/COMMR. BRIAN BRENNAN:** That's correct.

21 **MR. JAMIE VanWART:** Okay. Had you -- I guess, was the
22 establishment of an Issues Management Team like that was done in H-Division, is that
23 something that you were familiar with, or was this unique to the RCMP's response to the
24 mass casualty event in April 2020?

25 **D/COMMR. BRIAN BRENNAN:** It's not unique to the events of the
26 mass casualty in Nova Scotia. And I think it's important to understand that the Issues
27 Management Team title was something that was most likely developed just to name that
28 group within Nova Scotia. It could take on -- in other events, it could take on a different

1 name. But if, you know, you look back on some other incidents that have taken place
2 within the RCMP jurisdiction, and from our experience in events such as this where
3 there's, you know, loss of life, loss of a member, we understand that there's going to be
4 reviews, there's going to be potential inquests, there's going to be -- if there's a loss of
5 an RCMP employee's life, there's going to be ESDC investigations. So we would
6 instinctively be putting people in a team or groups to be looking at things that we know
7 are coming in the future, to get prepared for it, to make sure we're coordinated, to make
8 sure we're, you know, maintaining evidence, maintaining notes, etc. So the process is
9 not unique, but the Issues Management Team structure that developed in Nova Scotia
10 was unique to the issues before them at that time.

11 **MR. JAMIE VanWART:** Okay. And with regards to the Issues
12 Management Team developed in Nova Scotia, what was your understanding of the
13 purpose of establishing this particular Issues Management Team?

14 **D/COMMR. BRIAN BRENNAN:** Basically, just what I had said a
15 minute ago, was to ensure that they had the capacity to be looking forward into the
16 future of what the expectations were going to be on the division, the organization. Make
17 sure we're maintaining records, make sure we're maintaining files, that we have a
18 process we're recording information, applying technology to that, and to be looking at
19 things like communication, communication internally to employees, communication to
20 the public. Are we providing for the employee's health services requirements, those
21 types of things, so that understand that we're trying to be strategic in that and we're
22 applying the right resources at the right time to avoid confusion, extra work, trying to go
23 back to the past to find things that, you know, we should have known we needed to
24 keep. So it's kind of a strategic looking forward process.

25 **MR. JAMIE VanWART:** Okay. Thank you. And one of the
26 members of the Issues Management Team was Retired Superintendent Dimopoulos; is
27 -- that's correct?

28 **D/COMMR. BRIAN BRENNAN:** He's retired now, but at the time,

1 he was a serving member from New Brunswick.

2 **MR. JAMIE VanWART:** New Brunswick. Okay. And one of the
3 issues that the Issues Management Team was dealing with in 2020, in the weeks after
4 the mass casualty event was -- relates to a 2011 Criminal Intelligence Service Nova
5 Scotia bulletin that was surfaced about the perpetrator and it contained information
6 about the perpetrator back in 2011 threatening a police officer being in possession of
7 firearms. Are you aware of the bulletin that I'm referring to?

8 **D/COMMR. BRIAN BRENNAN:** I am.

9 **MR. JAMIE VanWART:** Okay. And I want to -- so Superintendent
10 Dimopoulos discussed in his interview, and perhaps I'll first just to kind of -- I'll show you
11 a couple documents to put it in context, then I'll ask you a question. But if, Madam
12 Registrar, if we could first pull up COMM Number 0062686, which is Superintendent
13 Dimopoulos' notes. And I'm looking for you to go to page 15.

14 So there's an entry 16:04 and referring to a call. One of the names
15 at 16:00 is your name, Dennis Daley, and there's an entry that says D.C. And I'll
16 provide a bit more context, so I just wanted to flag this note to you.

17 "This is not only an RCMP issue this is a policing
18 issue. Often PDs and provinces need to get involved.
19 CISNS bulletin discussed. Not to go out proactively.
20 D.C. strongly cautions against being proactive[...]
21 [getting] out public. Speak to other services about
22 issue. CO explains plan to talk to other 2 police
23 [services]."

24 And that is dated on May 12, 2020. And before I ask you a
25 question, I'm wondering, Madam Register, if you could pull up Superintendent
26 Dimopoulos' statement to the Mass Casualty Commission, and that is COMM0063690.

27 **REGISTRAR DARLENE SUTHERLAND:** And that's been marked
28 as Exhibit 4653.

1 --- EXHIBIT NO. 4653:

2 (COMM0063690) Mass Casualty Commission's interview
3 transcript of Costa Dimopoulos

4 **MR. JAMIE VanWART:** Thank you. And if you could go to page
5 49? And if you go up a bit, please, Madam Register? Yeah, just a bit higher -- just,
6 sorry, a bit lower, just so perhaps Mark Underhill is at the bottom of the screen. Thank
7 you.

8 So this is an answer that Superintendent Dimopoulos gave in
9 talking about this bulletin. He references his notes. And he adds a little bit of context to
10 his recollection of a conversation. He says that,

11 "I ended up sort of pushing the narrative forward to
12 National Headquarters and we briefed them on the
13 issue. Specifically, I believe it was Dennis Daley and
14 Deputy Commissioner Brennan as indicated here in
15 my notes. You know, they didn't want -- they
16 recommended not to go out proactively, which we
17 took as a little bit of a surprise because I didn't think it
18 was a big deal. So there was a second attempt. I
19 believe it was a second meeting whereby we sort of
20 wanted -- again reiterated our request that we were
21 going to go out with this and it was strongly, it was
22 strong -- no -- it was a strong no from the centre,
23 from National Headquarters, which I, for one, didn't
24 agree with, but I had no choice but to comply with."

25 (As read)

26 So Deputy Commissioner, I think the context is we're dealing
27 between this window of when this bulletin is known to exist by the RCMP but not yet
28 been made public, which occurs later through a FOIPOP application to the Truro Police

1 Services. And it appears from, at least from Superintendent Dimopoulos's memory, you
2 were of the opinion that the RCMP should not share the -- that it is aware of this bulletin.

3 And are you able to provide a bit of context or what your memory is
4 of this exchange with Superintendent Dimopoulos?

5 **D/COMMR. BRIAN BRENNAN:** So I'm -- I recall the conversation
6 in general about the bulletin, and I think it's indicated in Superintendent Dimopoulos's
7 notes that it wasn't specifically a conversation between him and I, it was a group of
8 individuals in H-Division, the management team, and Assistant Commissioner Daley
9 and myself in Headquarters discussing it as a group. So it wasn't a one-on-one
10 conversation.

11 I don't recall the concern I had was when they spoke about going
12 out with this information publicly, my question was to what end? What are we -- what
13 are we trying to articulate to the public about a bulletin that existed? And it wasn't -- we
14 weren't the originators of the bulletin, it was a Truro Police Service member and I
15 believe an Amherst Police Service member, and it was a CISNS bulletin.

16 And you know, understanding, again back to my earlier comments,
17 understanding that there is probably going to be an inquiry of some sort around this, this
18 could be a piece of evidence or a document of concern, and are we going out into the --
19 into the, sort of the public domain to try to support a position, are we trying to be
20 forward-leaning for a certain reason? Within the policing realm we know this document
21 exists and there will be other forums for which to have a discussion around it.

22 And I do recall providing advice that it may be best for the RCMP
23 H-Division team to have contact with those police services to have a conversation
24 about, "well, this document exists, you know, it's obviously going to be part of a forward-
25 leaning inquiry", and just to have a discussion to be on the same page as the other
26 police services that would be mentioned or affected in the future conversations about
27 this particular document.

28 **MR. JAMIE VanWART:** Okay. And do you recall what

1 Superintendent Dimopoulos's position was, who, clearly from his note and his
2 statement, was of the opinion that it should be released proactively? Can you recall
3 what his rationale was?

4 **D/COMMR. BRIAN BRENNAN:** I cannot.

5 **MR. JAMIE VanWART:** Okay. And from
6 Superintendent Dimopoulos's answer, it appears that you had a fairly strong opinion to
7 not proactively release the bulletin. Is that fair?

8 **D/COMMR. BRIAN BRENNAN:** Yes.

9 **MR. JAMIE VanWART:** Okay. And the -- you were aware that it
10 was going to be released, likely by the Truro Police Services, at that point when you had
11 this conversation, or were you not aware of that, through the *Freedom of Information*
12 *Act* application?

13 **D/COMMR. BRIAN BRENNAN:** I wasn't aware of that.

14 **MR. JAMIE VanWART:** Okay. And would you not think that this is
15 information, certainly in May 2020, that Nova Scotians would want to know, that a
16 bulletin existed that was directly related to the perpetrator?

17 **D/COMMR. BRIAN BRENNAN:** I -- I am sure that people would
18 want to know about it, given the circumstances, but I'm not sure I would know the
19 reasons why or what effect it would have at that particular time, as opposed to it coming
20 out with context, with, you know, the right information around it in terms of a public
21 inquiry. We don't, as a practice in policing, provide intelligence or information bulletins
22 like this to the general -- to the general public or out in the public forum, they're for
23 police use, and from my point of view, it should remain within the policing realm until
24 such time that's either requested through a process or it's brought forward in evidence
25 or in a environment such as this.

26 **MR. JAMIE VanWART:** Okay. And just -- just -- I think this is my
27 last question on that topic, but there's no -- there wasn't any investigative reason to
28 withhold sharing that information; correct?

1 **D/COMMR. BRIAN BRENNAN:** I can't speak to that because I --
2 at the time, I had no eyes on investigations that were taking place within the division ---

3 **MR. JAMIE VanWART:** Okay.

4 **D/COMMR. BRIAN BRENNAN:** --- around that.

5 **MR. JAMIE VanWART:** So -- but -- I guess you can't speak to that,
6 but you can speak to the fact that that wasn't the reason why you were saying it should
7 not be proactively shared?

8 **D/COMMR. BRIAN BRENNAN:** That's correct.

9 **MR. JAMIE VanWART:** Okay. Before I move on to -- from the sort
10 public communications questions, you were asked about a number of public
11 communication questions during your interview. Near the end of your exchange with
12 Counsel Mark Underhill, he sort of the ended the conversation, and he says:

13 "Is it fair to say in these days, Deputy
14 Commissioner..." (As read)

15 And he's talking about the days, April, May, after the -- after the
16 mass casualty event:

17 "...you're spending a little more time on
18 communications than you probably wanted to?" (As
19 read)

20 And you said:

21 "That's a fair statement." (As read)

22 Do you recall that exchange?

23 **D/COMMR. BRIAN BRENNAN:** I do.

24 **MR. JAMIE VanWART:** Yeah.

25 **D/COMMR. BRIAN BRENNAN:** I do.

26 **MR. JAMIE VanWART:** It's not really part of your job description to
27 be involved in public communications; is that fair?

28 **D/COMMR. BRIAN BRENNAN:** It's not part of my core mandate,

1 but obviously, communications with the public around policing operations is critical, it's
2 also critical to ensure that the information that we're providing, not only to the public but
3 to different levels of government, is accurate. And in this situation, given the scope of it,
4 the largest mass casualty event in Canadian history, there was probably a little bit more
5 need for me to be engaged, but not to the level that I was at.

6 **MR. JAMIE VanWART:** Okay. And I just wanted to also give you
7 an opportunity to clarify a comment that you made at the House of Commons Standing
8 Committee on Public Safety and National Security back on July 25th, 2022, and with
9 regards to public communications.

10 And perhaps, Madam Registrar, we could pull that document up,
11 which has been exhibited, P-004208, it's COMM0062473, and I believe it's page 14 of
12 the transcript, which you're already at. And -- oh. Your format that we have exhibited is
13 a bit different than I have printed. And if we could maybe scroll to the top of the page.

14 Oh, yeah, so I mean, like, if you need to read the full -- your full
15 statement for context, I can give you the time to do that, but just -- you made a comment
16 at the end. It's the last paragraph, and you're saying, "My focus..." You're talking about
17 the...

18 Oh. Sorry, the last paragraph at the top of the page. I'm sorry, I'm
19 jumping around and making it hard for Madam Registrar. Yeah, if you could remain
20 there.

21 But the last paragraph of your statement, which is the second
22 paragraph on the second column on the top of the page:

23 "My focus was on policing operations rather than
24 public communications. Understandably, there were
25 many questions about what was happening on the
26 ground and what information was available to share
27 from the division."

28 So is this you expressing that it's not in your job description to really

1 be involved in public communications, or are you expressing that you weren't involved in
2 public communications?

3 **D/COMMR. BRIAN BRENNAN:** No, I'm attempting to express
4 there that I do not oversee public communications, I oversee more the operational side
5 of -- of an incident in this regard ---

6 **MR. JAMIE VanWART:** Okay.

7 **D/COMMR. BRIAN BRENNAN:** --- in that -- oh, sorry. I was just
8 going to mention that at the SECU appearance, there was going to be our
9 communications -- Strategic Communications Director-General was going to speak to
10 her role in terms of managing communications for the organization and in conjunction
11 with "H" Division.

12 **MR. JAMIE VanWART:** Okay. Well, thank you for that
13 clarification, Deputy Commissioner.

14 Before I move on from the Issues Management Team, I just had
15 another question to ask you about it. And you know, this is from the perspective of
16 somebody outside the RCMP looking in, but when I was reviewing Superintendent
17 Dimopoulos' statement and it was in relation to this 2011 bulletin -- Madam Registrar, if
18 you could pull up COMM063690, and this is at page 51.

19 And I'll start with Mr. Underhill's question, which is at -- the
20 timestamp is 1941. He asks:

21 "Did anyone, including yourself, turn your mind to the
22 bulletin and whether it represented a missed
23 opportunity for intervention or any kind of follow-up
24 with respect to the perpetrator by the RCMP? Did
25 anyone have a look at the bulletin in that regard?"

26 Superintendent Dimopoulos' answer was:

27 "Not from an issues management perspective. I think
28 that's -- that opportunity certainly would have

1 presented itself later on through a formal review.” (As
2 read)

3 I guess my question is, you know, when I look at the makeup of this
4 Issues Management Team, you have a set of very experienced RCMP officers,
5 including Chief Superintendent Leather, you have two other Superintendents, is this a
6 missed opportunity to have this, you know, experience and brain trust within the RCMP
7 not be identifying issues and trying to categorize and move forward possible lessons
8 learned from the mass casualty event as opposed to what he seems to be saying is a
9 fairly narrow purpose for the Issues Management Team?

10 **D/COMMR. BRIAN BRENNAN:** That is a difficult question to
11 answer in the sense of the complexity of the situation that they were dealing with in
12 terms of the mass casualty.

13 I would sense from what I've just read is that Superintendent
14 Dimopoulos is saying that they were focused on the issues management from April
15 18th, 19th forward as opposed to going back, you know, to -- I think the bulletin was
16 2011. So the issues management is around the incident, the go-forward and trying to
17 articulate a path of things that need to be -- need to be looked at.

18 I think it would be labour intensive and potentially out of scope for a
19 team such as that to be dealing with an incident in the present and then try to truncate
20 back too far. I think that is more an investigational focus in terms of bulletins and
21 intelligence that may have existed as opposed to his responsibility around or within the
22 Issues Management Team.

23 **MR. JAMIE VanWART:** Okay. Deputy Commissioner, I want to
24 move on to a different topic now and ask you some follow-up questions with regards to
25 the summary report wellness assessment by Quintet, which again was a topic that you
26 were asked a number of questions about in your interview with the Mass Casualty
27 Commission.

28 You indicated in your interview with the Mass Casualty Commission

1 -- just before I go on, are you -- we've -- if you need to take a break at any time, just
2 please let me know. Are you okay to continue?

3 **D/COMMR. BRIAN BRENNAN:** Oh, yes, I'm fine. Thank you.

4 **MR. JAMIE VanWART:** Okay. Sorry. I was just trying to read
5 your body language. I saw you moving a bit there.

6 Okay. So in your interview, you indicate that back in the spring of
7 2021 you considered getting a wellness assessment done to be a pressing and urgent
8 issue with regards to "H" Division leadership.

9 **D/COMMR. BRIAN BRENNAN:** In 2021? Was that the time
10 period?

11 **MR. JAMIE VanWART:** Yes, spring of 2021.

12 **D/COMMR. BRIAN BRENNAN:** Yes. That was a compilation of
13 many factors.

14 I had visited the Division in October of 2020. There was a lot of
15 things expressed to me by senior people in the Division around how the Division was
16 functioning, how it was having an effect on individuals within the Division.

17 I brought that information back to the Senior Executive Committee.
18 We discussed about, you know, the circumstances in Nova Scotia, or "H" Division. We
19 were talking about, you know, wellness and how the Division was doing, overlay that
20 with COVID. You know, sort of a combination of things.

21 And then in, I believe it was, early May of 2021, I had a phone call
22 with Assistant Commissioner Lee Bergerman where she expressed that she was
23 worried about certain people in her senior management team, worried about their
24 health, worried about, you know, whether or not they were considering retiring from the
25 organization because of pressures they were under. Obviously, COVID was having
26 some detrimental effects on people, as it was across the country.

27 And we had a discussion about, you know, maybe we need to bring
28 in somebody to really review the circumstances and try to get a better understanding.

1 We had a conversation at the senior executive table about the possibility of bringing in
2 an outside company to do this so that, you know, it was transparent, confidential,
3 without bias, all of those types of things.

4 And the Chief Human Resource Officer at the time had indicated
5 that she had used outside companies previous in her other positions that she had in
6 government and that this was something that we could easily contract out.

7 I had a follow-up conversation with Assistant Commissioner
8 Bergerman saying, you know, we have this ability, you know, there's ability for the
9 CHRO to identify a company and that, you know, would this be acceptable to her as the
10 Commanding Officer and, you know, we would engage the officers at the time.

11 She thought it was an excellent idea, so that's when the wheels
12 were put in motion to get a company under contract to undertake this wellness initiative.
13 And it was made quite clear to the company, Quintet, who ultimately got the contract
14 that this -- we were not asking them to do an operational review or asking them to do a
15 wellness review of the senior management within the Division and it needed to be
16 confidential, it needed to be as thorough as possible and then, at the end, provide
17 recommendations that we would examine in terms of steps we could take to help with
18 the wellness of the senior management team in Nova Scotia.

19 **MR. JAMIE VanWART:** So what I'll do, I'll refer to this report -- just
20 it's a mouthful. I'll refer to it as the Quintet report, but just for the record, I am referring
21 to COMM0063605, which is Exhibit P-004609.

22 So you received a copy of this Quintet report on September 30? Or
23 I guess the report was completed on September 30, 2021. I guess I should ask you,
24 when did you receive a copy of the report?

25 **D/COMMR. BRIAN BRENNAN:** I don't recall exactly when I
26 received a copy of the report. It would have been most likely some time in October of
27 that year.

28 **MR. JAMIE VanWART:** Okay. We heard Commissioner Lucki

1 testify that the report was not -- the Quintet report was not shared with Commissioner
2 Lucki until she requested it in advance to a trip to Nova Scotia in the spring of 2022.

3 Why was the report not shared with Commissioner Lucki before her
4 trip to Nova Scotia in the spring of 2022?

5 **D/COMMR. BRIAN BRENNAN:** I cannot provide an answer to that
6 -- to that question from my knowledge, so I think it's important to understand that while
7 "H" Division reports directly to me, and I was in conversation with the Commanding
8 Officer about the possibility of getting an outside company to do a wellness review.

9 As soon as it was decided that a wellness review would be done by
10 an outside company, the responsibility shifted over to the CHRO's area to undertake
11 communications with the company, signing the contract, outlining the scope, the
12 mandate of the contract, etc. cetera. And then to engage and work with the company,
13 receive the report, and then share it within the organization, and also to develop a
14 potential path forward, an action plan, based on the recommendations that we could
15 look at from a national perspective and from a divisional perspective.

16 So I also don't want to give the impression that I am diverting my
17 responsibilities as the Deputy for that division, but there is a whole mechanism under
18 the CHRO's office that would look after this on a day-to-day basis, including the
19 distribution.

20 I can only make the assumption that if I had received the report, I
21 would have assumed that the report would have been shared through the CHRO's
22 office with the Commissioner, and I was actually surprised that it hadn't been because
23 in spring, early summer of this year while I was on annual leave, I did receive a phone
24 call from the new and current CHRO advising me that she had just learned that the
25 Commissioner had not received the report, and I was quite surprised at that time that
26 the Commissioner was not aware of the report.

27 **MR. JAMIE VanWART:** And, again, just from the outside of the
28 RCMP looking in, but there's the sharing of the actual report, but I would assume often

1 when you share information with the Commissioner, there's also follow-up discussions
2 about contents of documents that have been shared with the Commissioner. So, again,
3 why would there not be a follow-up discussion with regards to the report after you've
4 received it and are aware of its contents?

5 **D/COMMR. BRIAN BRENNAN:** With...?

6 **MR. JAMIE VanWART:** Yeah, with the Commissioner. Why
7 wouldn't you be, I guess, briefing the Commissioner on the contents of the report that
8 you received?

9 **D/COMMR. BRIAN BRENNAN:** Again, back to my assumption
10 that the CHRO had engaged the Commissioner in conversations about the report
11 because they were the stewards of the report for the organization.

12 I can't provide an answer as to why I didn't approach the
13 Commissioner about the report mainly because I'm assuming that, again, the
14 responsibility of the CHRO would have allowed that conversation to take place between
15 CHRO and the Commissioner.

16 **MR. JAMIE VanWART:** Okay. When was the Quintet Report
17 shared with Supt. Campbell and C/Supt. Leather?

18 **D/COMMR. BRIAN BRENNAN:** I don't know the exact date of
19 when that was shared. Again, that would have been shared through the CHRO's office.

20 **MR. JAMIE VanWART:** Okay. And it wasn't -- you don't recall
21 having a follow-up conversation advising either Supt. Campbell or C/Supt. Leather that
22 they would be receiving a report, or anything of that nature?

23 **D/COMMR. BRIAN BRENNAN:** I don't recall having any
24 conversations with Supt. Campbell. I do recall having conversations with C/Supt.
25 Leather when he was Interim CO. After the retirement of A/Commr. Bergerman, he was
26 making inquiries about when the report would be done, what was the -- you know, what
27 would the plan be around it, you know, an action plan, et cetera. And some of those
28 conversations, the report had not been completed so I couldn't provide any timeline.

1 But I do remember advising him that, again, this is under the stewardship of the CHRO
2 and as the Interim CO, he was -- he had the ability and the responsibility, he could
3 reach out to the CHRO directly, if he wished, in that capacity. But, again, I'm not trying
4 to divert but, again, the responsibility of the CHRO's office in that regard.

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

6 I wanted to show you a correspondence, and I believe it's
7 COMM0063843, and maybe ---

8 **REGISTRAR DARLENE SUTHERLAND:** And that's been marked
9 as Exhibit 4655.

10 **--- EXHIBIT NO. 4655:**

11 (COMM0063843) Email from Nadine Higgins Re: Wellness
12 Assessment Update

13 **MR. JAMIE VanWART:** And perhaps pull it up. There's a chance
14 I've got the wrong COMM number, but we'll see. Oh, no, it's the right one. Okay.

15 Just if we go through the "To" and the "cc" I don't think I see your
16 name here, D/Commr. Brennan, in this email. And then it's an email from Nadine
17 Higgins, and she's the Chief Human Resources Officer who works in Ottawa in
18 Headquarters; is that correct?

19 **D/COMMR. BRIAN BRENNAN:** Yes, she is the new and current
20 CHRO, yes.

21 **MR. JAMIE VanWART:** Okay. So this is -- the email is dated July
22 18, 2022, and it indicates in the email that there's an attachment, and when you do look
23 at attachments it does look like there's a document there about an action plan with
24 regards to the Quintet Report.

25 **D/COMMR. BRIAN BRENNAN:** Yes.

26 **MR. JAMIE VanWART:** Have you see the action plan?

27 **D/COMMR. BRIAN BRENNAN:** I have, yes.

28 **MR. JAMIE VanWART:** Okay. Just for your information, we don't

1 have that. It wasn't attached to this email when we received it in Department of Justice,
2 so I have not seen the action plan, just for the context of me asking you these
3 questions, so you're aware of that.

4 So in the last paragraph, it states:

5 "We recognize that effecting change needs
6 leaderships. We are ensuring that the right divisional
7 team is in place to weave a collaborative approach.
8 Our collaborative work required to achieve the desired
9 outcomes, and we will build leadership in "H" Division.
10 The National Headquarters team will work closely to
11 continue making progress to address the
12 recommendations stemming from the review. We
13 commit to keeping the Communications channels
14 open and providing meaningful updates as we
15 progress." (As read)

16 Have you ever -- just, I guess, have you ever seen this email
17 before?

18 **D/COMMR. BRIAN BRENNAN:** It looks familiar. I believe I may
19 have been a co-signature on it, if you scroll...

20 **MR. JAMIE VanWART:** Oh, you do, yeah, you're correct. Thank
21 you. So you authored this email, or coauthored this email?

22 **D/COMMR. BRIAN BRENNAN:** I co-signed it. It was authored
23 and developed by the CHRO.

24 **MR. JAMIE VanWART:** I apologize; this is an email I received very
25 recently from Canada in their disclosure.

26 This last paragraph would suggest to me that Headquarters are
27 going to be taking an active role in seeing "H" Division's leadership issues dealt with
28 going into the future; is that fair to say?

1 **D/COMMR. BRIAN BRENNAN:** Yes.

2 **MR. JAMIE VanWART:** Thank you, Madam Registrar; you can pull
3 that down.

4 And at this time, "H" Division is going through some significant
5 changes in its leadership positions?

6 **D/COMMR. BRIAN BRENNAN:** Yes.

7 **MR. JAMIE VanWART:** And the new Commanding Officer for "H"
8 Division, I understand, will be A/Commr. Dennis Daley?

9 **D/COMMR. BRIAN BRENNAN:** Yes.

10 **MR. JAMIE VanWART:** Okay. Does Dennis -- has A/Commr.
11 Dennis Daley, has he been provided a copy of the Quintet Report and the action plan?

12 **D/COMMR. BRIAN BRENNAN:** I don't believe he has seen the
13 report. He may have seen the action plan, but I'm not 100 percent sure.

14 **MR. JAMIE VanWART:** Okay. And when -- just, and I think we've
15 covered this but when A/Commr. Daley takes on his leadership role in "H" Division, he
16 will be a direct report to you?

17 **D/COMMR. BRIAN BRENNAN:** Yes.

18 **MR. JAMIE VanWART:** Okay. Is there a start date for A/Commr.
19 Dennis Daley? Do you know when he will be taking over "H" Division?

20 **D/COMMR. BRIAN BRENNAN:** I can't say for sure because he is
21 currently in the relocation process of selling a house in Ottawa, and then he'll be buying
22 a residence in Nova Scotia. But that process is actively underway. I would suspect that
23 we should see A/Commr. Daley in the chair probably sometime in the month of October,
24 because the Interim CO John Ferguson has commitments that he needs to attend to at
25 the end of October. So we will be doing everything we can to get Dennis on the ground
26 there as soon as possible.

27 **MR. JAMIE VanWART:** Okay. And how -- do you have a plan on
28 how you're going to assist Assistant Commissioner Daley in creating strong positive

1 leadership in H Division?

2 **D/COMMR. BRIAN BRENNAN:** I wouldn't say I have a plan as
3 such, like a document written down. Dennis and I have had numerous conversations
4 about, you know, the expectations that he will have as the new Commanding Officer
5 down there.

6 I think for context, it's important for folks to know that Dennis had
7 been posted in Nova Scotia while I was the Commanding Officer down there. So
8 Dennis -- and he was also posted in the Halifax District Region. So Dennis is well
9 known to the Division, he knows the Division, he understands some of the challenges,
10 which are long term. Some others have obviously come about in just the near past. He
11 is having ongoing conversations with the current Interim CO, Assistant Commissioner
12 John Ferguson, around things that John has been doing in terms of relationship
13 building, in terms of moving agendas forward. So Dennis is part and parcel of these
14 discussions, so he won't be going into the role "cold" as we would say. He already sort
15 of has a little bit of the tempo.

16 Dennis is well known to individuals, say within the Nova Scotia
17 police community, some with government in the Halifax District area. So he will have a
18 leg up, so to speak compared to somebody who has never been in the Division.

19 So we understand that there's areas within the Division that have
20 come to light through my visit back in October of 2020, through the Quintet Report,
21 through the mass casualty, the Commission, and the work being done. So while we
22 don't have a plan, we have a mutual understanding of some of the priorities that Dennis
23 must turn his mind to early days upon his arrival there.

24 **MR. JAMIE VanWART:** Okay. And given you have quite a long
25 history and the connection to H Division, do you see yourself playing a leadership role
26 with Dennis Daley as he, you know works to deal with some of the leadership issues of
27 H Division?

28 **D/COMMR. BRIAN BRENNAN:** Yes, absolutely. You know, I

1 need to be engaged in, you know, ensuring that we're putting the right people in place
2 to support Dennis, to build a strong team. There's a role for me to play, if and when
3 required, in terms of relationships with the Nova Scotia Chiefs of Police, in terms of
4 ensuring that when recommendations come out from the Mass Casualty Commission
5 that, you know, I'm taking a leadership role and accountability on ensuring that those
6 are undertaken. Some will be specific, I'm sure, to the RCMP in Nova Scotia. Others
7 may be for the RCMP from a national perspective, which will most likely fall under my
8 responsibility.

9 So yeah, there is definitely a role for me to play in terms of
10 supporting Dennis, supporting the Division, and interacting at the appropriate levels at
11 the appropriate times with potentially elected officials and other chiefs of police, et
12 cetera.

13 **MR. JAMIE VanWART:** Thank you. While we're talking about
14 Assistant Commissioner Dennis Daley taking over in H Division, I wanted to bring up an
15 entry in your notebook that I recently reviewed. It's COMM0063813.

16 **REGISTRAR DARLENE SUTHERLAND:** And that's been marked
17 as Exhibit 4656.

18 **--- EXHIBIT No. 4656:**

19 (COMM0063813) D/Commr. Brian Brennan's notes, August
20 25, 2021

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

22 And on page 1 of the notebook, there's a date, 2021/08/25. And
23 there's reference to 8:00 a.m., which is irrelevant. And then 8:30 a.m., there's reference
24 to -- and maybe I'll just have you -- it's probably a more productive use of our time to
25 have you read your own handwriting than have me try to read it to you, but this appears
26 to be a team meeting?

27 **D/COMMR. BRIAN BRENNAN:** Sure. So:

28 "MS Teams meeting with Assistant Commissioner Lee

1 Bergerman, CO of H Division as she wanted to provide
2 me information for situational awareness.” (As read)

3 **MR. JAMIE VanWART:** Okay. And then if we go to page 2 of your
4 notes, it appears -- and I can't tell for certain with the -- some of the redactions, but
5 there's a comment which appears to be part of this meeting:

6 “C/Supt Gray wants to move...” (As read)

7 Well why don't you read your own handwriting again for the same
8 reason? What does the entry read here?

9 **D/COMMR. BRIAN BRENNAN:**

10 “C/Supt. Gray wants to move her entire team out of the
11 HRP Police Headquarter Building, HQ Building.” (As
12 read)

13 **MR. JAMIE VanWART:** Okay. Do you remember this meeting and
14 this comment being made by C/Supt. Gray?

15 **D/COMMR. BRIAN BRENNAN:** I don't recall the specific meeting.
16 I recall the conversation around C/Supt. Gray wanting to move out. But I believe -- if I'm
17 following the notes that were put up there, I believe that's part of the conversation
18 between myself, Lee Bergerman, and Dennis Daley. I don't think it's ---

19 **MR. JAMIE VanWART:** Yes.

20 **D/COMMR. BRIAN BRENNAN:** Yeah, so C/Supt. Gray is not in
21 that meeting. So.

22 **MR. JAMIE VanWART:** I see. So this is something that one of the
23 other people in the meeting is relaying to you? I mean, it's hard to tell because of the
24 redactions, but this would be something that is being relayed to you, as opposed to
25 C/Supt. Gray actually saying it to you? Is that what you're saying?

26 **D/COMMR. BRIAN BRENNAN:** Yes, my recollection is that was
27 brought up in that meeting either by Assistant Commissioner Daley or Assistant
28 Commissioner Bergerman. I would assume that it's most likely Assistant Commissioner

1 Bergerman, given she is the Commanding Officer at the time and Dennis Daley would
2 have been in Ottawa. So.

3 **MR. JAMIE VanWART:** And was this a serious request?

4 **D/COMMR. BRIAN BRENNAN:** It was a serious request to the
5 Division and it was brought to my attention. And I do recall the conversations around it.
6 And I do recall the conversations in the future around this point about wanting to -- for
7 C/Supt. Gray to move her entire team out of the Halifax Police building.

8 And I distinctly remember taking the position that that wasn't
9 something that we were going to be entertaining, because it didn't have to do with the
10 condition of the building. Like, it wasn't a health and safety issue. It was more a
11 relationship, working relationship with the senior people at Halifax Regional Police. And
12 my position on that was we have a commitment to the Halifax District or Halifax HRM to
13 be working in an integrated and collaborative fashion with HRP and that moving an
14 entire district management team out of that environment is not productive to the
15 expectations and the responsibility and the accountability that we have in that
16 arrangement.

17 And I remember having conversations with the Commanding
18 Officer, or Assistant Commissioner Lee Bergerman that we needed to ensure that we
19 were having conversations with the Chief of Halifax Regional Police, the senior
20 management team, about if there's issues, things aren't working out, you know, we
21 need to work through them, we have to find areas for improvement, is it compromise, is
22 it personalities, is it -- really, we can't just simply say we're picking up and we're moving
23 and expecting that relationship to be positive, to develop. You know, it doesn't
24 demonstrate good leadership to the people that are working under the integrated
25 environment if we're sort of just leaving our responsibilities behind.

26 So I gave direction to Lee to make sure that we make every effort
27 to resolve whatever is in behind a request to move an entire management team. And it
28 was her responsibility to become engaged, was the responsibility of the RCMP senior

1 management team, including C/Supt. Gray, to make continued efforts to do it, and you
2 know, ensure that we are documenting our efforts and are raising them to the right area,
3 and if they can't be resolved between the two departments we have to elevate it to, say,
4 a government level, but at least we can demonstrate the efforts that we've made in that
5 -- in that regard.

6 **MR. JAMIE VanWART:** Okay. And again, you know, turning to
7 looking forward with the arrival of Assistant Commissioner Daley. During Chief
8 Superintendent Chris Leather's testimony back on July 27th, 2022, when asked about
9 improving relationship with provincial and municipal partners, he described that the
10 change in the leadership in H-Division, the significant changes, is perhaps an
11 opportunity to move forward and improve relations. Would you agree with that? Is this -
12 - is this an opportunity at this point with change in leadership to see improvements in
13 relationships?

14 **D/COMMR. BRIAN BRENNAN:** Oh, absolutely. I think -- I think
15 it's an -- it's an opportunity that's presented itself. I also think it is an opportunity for
16 those on the other side of the relationship to come in with a fresh outlook, a fresh view,
17 you know, in a cooperative manner. It would be extremely disappointing that if six
18 months from now relationships aren't improving, or you know, communications isn't
19 improving, then I think we need to be looking at other strategies in terms of what's the
20 root cause of relationships not working well with any of these entities that Dennis will be
21 engaged in.

22 **MR. JAMIE VanWART:** Okay. And have you had discussions with
23 Assistant Commissioner Dennis Daley, or made plans with Dennis Daley about how
24 you're going to move forward with this file of relationships with other provincial/municipal
25 agencies?

26 **D/COMMR. BRIAN BRENNAN:** I have in the -- in the broad sense
27 because Dennis is not yet on the ground there. I think it will be a continuation of the
28 conversations that I have been having with Assistant Commissioner Ferguson and the

1 efforts that, as the interim CO, he has put in to developing relationships. So for
2 example, when John -- Assistant Commissioner Ferguson first got in the interim role,
3 him and I had a discussion about he needed to personally reach out to all the Chiefs of
4 Police, for example, given that there was a change in the membership level with the
5 RCMP and the Nova Scotia Chiefs of Police, and John needed to, you know, sort of
6 push through that, speak to the Chiefs, which he has done, and he's had conversations
7 and ongoing conversations since. And hopefully, Dennis will simply step into that
8 stream that John has created and will continue to have those discussions.

9 I'm just using that as an example of something that's going forward.

10 **MR. JAMIE VanWART:** Thank you, Deputy Commissioner. I'm
11 going to move to a different topic now.

12 I want to ask, Madam Registrar, if you could please pull up
13 COMM0063838. Do you want me to repeat the COMM number?

14 **REGISTRAR DARLENE SUTHERLAND:** And that's been marked
15 as Exhibit 4660.

16 **MR. JAMIE VanWART:** Thank you, Madam Registrar.

17 **--- EXHIBIT NO. 4660:**

18 (COMM0063838) D/Commr. Brian Brennan's notes dated
19 June 13th, 2022

20 **MR. JAMIE VanWART:** Are you able to show the first page of
21 that?

22 So once again, this, I'm told, are your notes, Deputy
23 Commissioner?

24 **D/COMMR. BRIAN BRENNAN:** Yes.

25 **MR. JAMIE VanWART:** I see a date on top. Perhaps you could
26 just read the date.

27 **D/COMMR. BRIAN BRENNAN:** It's the 13th of June 2022. It's a
28 Monday.

1 **MR. JAMIE VanWART:** Okay. And we have some times in one
2 column, followed by blacked out content. If we slide down, we get to 10:30 a.m., and
3 then there's an entry at 2:00 p.m. And I don't know if you can read your entry at
4 2:00 p.m. for us.

5 **D/COMMR. BRIAN BRENNAN:** Yes.

6 "Participation in the Investment, Oversight, and
7 Prioritisation Committee [IOPC] meeting via MS
8 Team." (As read)

9 The next entry related to that meeting is:

10 "Reinstatement of the sale of RCMP vehicles." (As
11 read)

12 **MR. JAMIE VanWART:** Okay. Do you have recollection of this
13 meeting?

14 **D/COMMR. BRIAN BRENNAN:** Yes.

15 **MR. JAMIE VanWART:** Okay. Who is this group that you're
16 meeting with?

17 **D/COMMR. BRIAN BRENNAN:** This is a group of senior people
18 within the RCMP from the finance sector, from representation of a couple of our
19 business lines, and the working group levels underneath those, so it's a myriad of
20 individuals. But really, it's a senior level committee that's now chaired by the Chief
21 Financial Officer, I had chaired it previously for a term, and it's looking at how we
22 prioritise and invest in major investments and funding within the organisation. So it
23 could be everything from fleet purchases, buildings, infrastructure investments, large
24 investment in frontline equipment, such as pistol modernisation. So it's really looking at
25 the most significant investments within the organisation.

26 **MR. JAMIE VanWART:** Okay. And do you recall the conversation
27 being had that prompted you to write in your notebook:

28 "Reinstatement of the sale of RCMP vehicles." (As

1 read)

2 **D/COMMR. BRIAN BRENNAN:** Yes. If I recall correctly, it was a -
3 - an agenda topic for discussion. There may have been a presentation on it, like a
4 deck, but I can't -- I can't recall. And it was looking at the issue of how we may move
5 forward in terms of -- of what to do with the police fleet that we were holding as a result
6 of a decision made by Procurement Canada, at the direction of the Minister, that there
7 would be no further sales of previous RCMP vehicles as a result of the circumstances
8 around the mass casualty.

9 So what we were finding was that we were having a lot of vehicles
10 in storage, we were paying for storage costs, there was no -- and we're talking all
11 vehicles within the RCMP, so it's important, we're not just talking about vehicles that
12 were once fully marked, decaled policed vehicles. Because the RCMP, we have other
13 vehicles for plainclothes sections, you know, covert operations, et cetera, that would
14 have no police markings on them, no police equipment in them. But they were at the
15 end of their lifecycle, and we were still storing those. And also, there was a discussion
16 around the loss of the financial benefits of the sale of these vehicles to the contracting
17 partners, which was part of the -- of the financial picture.

18 So it was more conversation about looking forward, like, is there --
19 is there things that we can do, or are simply, if we -- if we can't get to a point to resale
20 some of the vehicles, especially those that never had a frontline policing life, so to
21 speak, are we at a point now where we simply need to maybe move on to something
22 like crushing vehicles and disposing of them that way as opposed to continuing to store
23 them waiting for a decision. So it's a forward-looking discussion around the potential
24 liabilities ---

25 **MR. JAMIE VanWART:** Okay.

26 **D/COMMR. BRIAN BRENNAN:** --- of what we maybe do.

27 **MR. JAMIE VanWART:** Yeah, I guess the entry in your notebook,
28 though, the first word is "reinstate", and it would suggest, certainly to someone like me

1 reviewing your notes, that the conversation was about reinstating the sale of RCMP
2 vehicles.

3 **D/COMMR. BRIAN BRENNAN:** Yes. For someone that's -- wasn't
4 in the meeting and just took my notes at face value in terms of the words I have written,
5 yeah, that that -- that would be a fair assumption.

6 **MR. JAMIE VanWART:** Okay. But -- so was it discussed, the idea
7 of reinstating the sale of, say, police cruisers decommissioned by the RCMP?

8 **D/COMMR. BRIAN BRENNAN:** It wasn't a conversation of us
9 making the decision to reinstate that ability, it was us having discussion of can we put
10 forward a plan for some of the vehicles that would never be identified, for example, as
11 having been police vehicles, to approach the Minister and say, you know, "here's the
12 issue at hand, here's a mitigating strategy that wouldn't affect the, you know, the spirit of
13 the first one, and here are the other options that we may put forward", i.e. destruction,
14 you know, crushing, et cetera.

15 **MR. JAMIE VanWART:** Okay. And -- because, and I may be
16 wrong here, I'm going on sort of memory of the evidence I've heard in the Mass
17 Casualty Commission, but it seems like it was GC Surplus that sort of put the -- made
18 the decision not to sell RCMP decommissioned vehicles as opposed to the RCMP; is
19 that accurate?

20 **D/COMMR. BRIAN BRENNAN:** Yes.

21 **MR. JAMIE VanWART:** Is that your -- okay.

22 **D/COMMR. BRIAN BRENNAN:** Yes.

23 **MR. JAMIE VanWART:** And so is it your view, like, as an -- like,
24 Deputy Commissioner of the RCMP, do you have a view on whether or not the RCMP
25 should be selling decommissioned vehicles?

26 **D/COMMR. BRIAN BRENNAN:** Yes, I have a view on it, and I
27 think there needs to be context around different discussions about what vehicles we're
28 talking about. If we're talking about a Ford F150 truck that never was decaled, never

1 had any police equipment in it, that we used for a plain clothes duty, for example, we
2 would have to have a conversation around the risk of selling that as opposed to a
3 vehicle that may have been once a fully decaled out, frontline policing vehicle, and how
4 do we sell that potentially, to strip all the equipment. Again, what's the oversight on it,
5 what are the checks and balances around, because I think it's important to understand
6 that you can go out and buy off a car dealership lot a white vehicle that would look
7 identical to a stripped-down police vehicle, had all the decals removed. It's the decals
8 and the police equipment and those types of things that make it stand out as a police
9 vehicle. So I think we need to talk about it in the context of what type of vehicles we're
10 discussing.

11 **MR. JAMIE VanWART:** Thank you, Deputy Commissioner. I do
12 want to move on to a different topic, and I want to ask you some questions about Alert
13 Ready. And I know this is a topic that was discussed at length in your interview back in
14 October 10, 2022 with the Mass Casualty Commission, but I want to actually go and talk
15 about a different timeframe that was raised in your interview. And I apologize, there'll
16 be a bit of documentation and a bit of a buildup to the question that I eventually will ask
17 you.

18 So I guess first I want, Madam Register, if you're able to pull up
19 COMM-0063694, and I guess we'll start at the top of the page, just to give a bit of
20 context, Deputy Commissioner. This is the Honourable Mark Furey, who recently on
21 August 22nd, 2022, responded to some written questions that was provided to him by
22 the Mass Casualty Commission, and he provided written answers. He's also
23 subsequently done an interview. We don't have the benefit of having the transcript of
24 his interview yet.

25 Madam Register, if you could go down to page 5? And just give me
26 a minute, please.

27 So if you could scroll down to paragraph 8? Under the heading of -
28 - and I'm just going to read. It's not a long portion, so I think it's probably just efficient if I

1 read it to you, Deputy Commission. But under the heading of "Alert Ready", the
2 question is,

3 "On January 4, 2012, as an RCMP staff sergeant, you
4 were sent a briefing note to -- or you sent a briefing
5 note to Criminal Operations regarding EMO Nova
6 Scotia Public Alerting System, PAS." (As read)

7 And I'll pull up these briefing notes in a minute. There's actually
8 two that we have. And the question was,

9 "What prompted this briefing note?"

10 Response: It is my recollection that EMO had
11 approached the RCMP, my office, with this concept.

12 What was your understanding of the Alert Ready
13 System at this time?

14 Response: It is my recollections these were
15 preliminary discussions around the concept tool that
16 would, could afford the law enforcement community
17 the opportunity to use public broadcasting, television
18 radio at the time, to disseminate and/or communicate
19 information to the public at large, if and when the
20 opportunity or need presented itself. Who was this
21 briefing note sent to?

22 Response: The briefing note was forwarded through
23 channels; namely, support services officer and
24 CROPS reviewer to the RCMP Criminal Operations
25 officer, to the best of my recollection. I believe the
26 CROPS officer at the time was Chief Superintendent
27 Brian Brennan, who went on to become the
28 commanding officer for H-Division. I understand

1 Chief Superintendent Brian Brennan is presently the
2 RCMP Deputy Chief of Contract and Indigenous
3 Policing in Ottawa.

4 Did you receive a response?

5 Response: No, there was no formal, written
6 response. Numerous and difficult discussions with
7 the SSO and the CROPS reviewer precede this final
8 version of the briefing note. They were not supportive
9 of the concept. They expressed strong opposition.
10 The briefing note submitted and referred here reflects
11 what my superiors advised they would approve from
12 my office. They were not very -- there was very clear
13 opposition to the concept of Alert Ready by the SSO
14 and CROPS reviewer at the time.

15 Was there further discussions about Alert Ready after
16 the briefing note was submitted?

17 Response: No, there was no further discussions with
18 me or including me about Alert Ready when I was the
19 Emergency Management Program Manager.

20 At this time is it correct that you were the Emergency
21 Management Program Manager?

22 Yes.

23 What other involvement did you have in discussions
24 or decision making about the Alert Ready system
25 while you were a member of H-Division?

26 Response: To the best of my recollection, I would
27 have provided provincial EMO personnel with an
28 update on the position of the H-Division RCMP at the

1 time. I do not recall the extent of that discussion.
2 There were no further discussions internal of the
3 RCMP and Alert Ready that I'm aware of or included
4 in. These frustrations with the SSO and CROPS
5 reviewer were key factors in my decision to retire
6 early in September 2012." (As read)

7 And just before I kind of pose some questions, Deputy
8 Commissioner, I do want to show you the -- we have two briefing notes related to this,
9 first being, Madam Register, COMM-0020391. And I might, as I go through this, get you
10 to help me understand it, Deputy Commissioner. So we have a briefing note to Criminal
11 Operations, a date, 2012-01-04. It's with regards to Public Alerting System, PAS. It's --
12 the purpose is to update the SSO on the EMO Nova Scotia. So this is the support
13 service officer; is that correct?

14 **D/COMMR. BRIAN BRENNAN:** Yes.

15 **MR. JAMIE VanWART:** Okay. And that support service officer, at
16 the time in your role back in 2012, would have been a direct report to you?

17 **D/COMMR. BRIAN BRENNAN:** Correct.

18 **MR. JAMIE VanWART:** Okay. And there's some background
19 information, issue information, but it seems like the outcome of this briefing, if you look
20 at current status, is no commitments have been made, and then it talks about a
21 subsequent meeting tentatively scheduled for early February 2012. And then you go
22 over on the second page, right at the bottom it says approved by senior CROPS
23 reviewer?

24 **D/COMMR. BRIAN BRENNAN:** Yes.

25 **MR. JAMIE VanWART:** Okay. And this, is it Al Hearn (ph)?

26 **D/COMMR. BRIAN BRENNAN:** Hearn ---

27 **MR. JAMIE VanWART:** Hearn.

28 **D/COMMR. BRIAN BRENNAN:** --- with an N.

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

2 **D/COMMR. BRIAN BRENNAN:** Yes.

3 **MR. JAMIE VanWART:** This would have again been a direct
4 report to you?

5 **D/COMMR. BRIAN BRENNAN:** No. No, Hearn ---

6 **MR. JAMIE VanWART:** No?

7 **D/COMMR. BRIAN BRENNAN:** --- would have been a direct
8 report to the support services officer.

9 **MR. JAMIE VanWART:** Okay. I see. I see what you're saying.
10 Okay. So next, perhaps we could look at the next briefing note, which is
11 COMM0031047.

12 **REGISTRAR DARLENE SUTHERLAND:** And that's been marked
13 as Exhibit 4659.

14 **--- EXHIBIT NO. 4659:**

15 (COMM0031047) Briefing Note to Criminal Operations Re:
16 Public Alerting System, dated February 21, 2012

17 **MR. JAMIE VanWART:** Again, see the date there is looks like
18 February 21st, 2012. And it's similar wording. There seems to be an additional -- if you
19 scroll down to "Current Status", this is actually not in the other briefing note. It seems to
20 be added to this one. Under "Current Status", it says:

21 "No commitments have been made to EMO in this
22 regard. Transition to an application of NAADS." (As
23 read)

24 What does NAADS stand for? The NAADS program? Do you
25 know?

26 **D/COMMR. BRIAN BRENNAN:** It's -- the D and the S stand for
27 Dispatch System. I just can't recall what the NAA stands for.

28 **MR. JAMIE VanWART:** Okay.

1 "Would require computer-based training for all risk
2 managers. Risk managers would be required to author
3 the public alert based on pre-written and/or pre-recorded
4 messages consistent with the information made available
5 through the policing agency of jurisdiction." (As read)

6 And then under "Recommendations" it has:

7 "Manage properly the availability and application of a
8 PAS [Public Alerting System] in Nova Scotia could/would
9 be considered an asset in front-line police service
10 providers in response to emergency situations, i.e. forest
11 fires, floods, meteorological events, et cetera." (As read)

12 And then at the bottom, it says "Approved by..." but this time
13 there's nothing beside "Approved by..." Is there any significance that there's no
14 signature by "Approved by..."? Does this mean it wasn't approved, this briefing note?

15 **D/COMMR. BRIAN BRENNAN:** No, it doesn't mean it wasn't
16 approved. It just means that whoever S/Sgt. Furey either hasn't signed it off or it's a
17 copy of one -- of -- sorry, of the briefing note that was approved.

18 **MR. JAMIE VanWART:** Okay. Well thank you for indulging my
19 contextual build up to my series of questions that I have with you.

20 But having seen these written answers from the Honourable Furey
21 and also these briefing notes, do you recall discussions about a public alerting system
22 being adopted by the RCMP or being discussed within the RCMP back in 2012?

23 **D/COMMR. BRIAN BRENNAN:** I recall the topic of public alerting
24 and the desire for Nova Scotia EMO to have a system that could be utilized by police for
25 those things that were mentioned, you know, environmental conditions, snow storms,
26 forest fires, et cetera. And I do recall there being a lot of conversation about, like, what
27 would this mean in terms of investment, what it would mean in terms of resources,
28 policy compliance, those types of things. Almost what was outlined by Minister Furey

1 as his time in there in that area.

2 And I do recall there being conversations about, well, if you go to a
3 public alerting system for these types of things, you need to have the ability to have it
4 resourced and managed 24/7, because you can never predict when you might need it
5 for these types of circumstances. So conversations about investment, et cetera.

6 I wasn't part of any conversations directly with Minister Furey in that
7 role during his time in the RCMP and I don't recall anything coming to my level for a
8 decision around, you know, the Division's furtherance in terms of looking for
9 investments and those types of things.

10 **MR. JAMIE VanWART:** Okay. And, you know, Minister Furey, he
11 discusses that he was bringing the idea forward and there was strong resistance within
12 the RCMP to the idea. Do you know what he's referring to, other -- beyond what you've
13 already answered?

14 **D/COMMR. BRIAN BRENNAN:** I'm making the assumption, based
15 on what I read in the briefing notes, that the opposition that he's speaking of was with
16 S/Sgt Hearn and the Support Services Officer who, at the time, was Supt. Frank Foran.
17 And that would have been part of their role in terms of examining the, you know, the
18 pros and cons of the system, the investment in it, what it would mean for the RCMP,
19 other police agencies. So when he says within the RCMP, I'm making the assumption,
20 again based on what I've read, that he's specifically talking about his interaction with
21 those two individuals.

22 **MR. JAMIE VanWART:** Okay. And do you recall being part of any
23 of these conversations of a public alerting system?

24 **D/COMMR. BRIAN BRENNAN:** I do not, no.

25 **MR. JAMIE VanWART:** Okay. And, you know, would the CrOPs
26 reviewer and the SSO, would they be able to, without your direction, you know,
27 essentially not allow this initiative to look into the public alerting system to go forward?
28 Or would that be something that they would have to get direction from you on?

1 **D/COMMR. BRIAN BRENNAN:** It would depend on at what stage
2 these discussions were taking place and what the context around them would be.

3 So if they're talking about -- and again, I'm making some
4 assumptions here, but if the process in their discussions were to talk about something
5 like the RCMP taking over, and manning, and resourcing the public alert system, they
6 may be able to say, "That's not even, you know, feasible at this time, we're not
7 interested in taking that over for all of the policing community in Nova Scotia. We just
8 don't have the infrastructure, et cetera." They could probably have that conversation at
9 that level.

10 If it was a decision, "We can do this, however, it's going to need
11 resourcing and finances," then it would probably come to my level for a decision or for
12 further research into it.

13 So there's a level of responsibility and accountability in that flow
14 and it would be well within the purview of the Support Services Officer to make a
15 decision, you know, based on the information before him if it just absolutely wasn't
16 obtainable by the RCMP.

17 But as it moves along in terms of being enacted, then things would
18 get raised to my level then as the CrOPs officer. Then I would have the responsibility of
19 putting forward a plan to the Commanding Officer, and then discussions, for example,
20 with the Province.

21 So it depends where it is in the linear discussions.

22 **MR. JAMIE VanWART:** Okay. And the briefing note references a
23 public alerting system and gives examples of forest fires, floods, meteorological events.
24 Do you know if there were any discussions at that time within the RCMP of a public
25 alerting system being used for something like an active shooter event?

26 **D/COMMR. BRIAN BRENNAN:** You're speaking about it on the
27 national scale?

28 **MR. JAMIE VanWART:** Yeah, back in 2012. I'm ---

1 **D/COMMR. BRIAN BRENNAN:** No, I don't -- sorry.

2 **MR. JAMIE VanWART:** Yeah, I'm -- I guess I'm talking within the
3 context of 2012 and Honourable Furey trying to push this issue forward. But framing it
4 within that context, I'm wondering why it wasn't a broader context?

5 **D/COMMR. BRIAN BRENNAN:** I don't have any recollection of
6 there being discussions around utilizing a public alert system for an operational real-
7 time incident, criminal or otherwise incident, at either the divisional level or the national
8 level, because at the time, I would have been sitting on the National Criminal
9 Operations Committee, which is all the CrOPs officers from across Canada. I don't ever
10 recall us having conversations about utilizing a tool such as that for policing operations.

11 **MR. JAMIE VanWART:** Okay. And do you have a sense of why
12 not? It doesn't seem -- I guess, again, from the outside looking in, you know, as a
13 policing organization, it doesn't seem to be a significant leap to the concept of being
14 able to use a public alerting system for a forest fire, say, to think, "Oh, well this might
15 apply to some policing operational issues where we need to alert the public."

16 **D/COMMR. BRIAN BRENNAN:** I would take a different opinion on
17 that from the lens that I would look through in terms of policing operations.

18 So if we're talking about advising the public of an event such as a
19 forest fire, major snow storm, flooding, et cetera, we're talking about alerting people
20 about an environmental condition that's being monitored by, you know, weather
21 forecasters, other agencies, you know, avoid the area. Like, I can remember, you
22 know, during my time in Nova Scotia, you know, putting out advisories, you know,
23 travelling in the wintertime during the Cobequid Pass, "It's impassable, please don't
24 venture out there." Et cetera, et cetera.

25 Well trying to apply something like an alerting system like the mass
26 casualty, where it is dynamic, it's fluid, it's over a large geographical area, it's very hard,
27 in 2012, to have applied that alert system without the requisite resources, policies,
28 investment in technology. All of those things that didn't exist in 2012 in terms of an

1 active policing matter, because we just didn't have -- you didn't have the infrastructure,
2 we just didn't have the policy, we've never tested it, we've never trained our employees
3 and our members on the use of it and how to communicate it properly. Because again,
4 didn't -- as mentioned in the briefing note, it was mostly T.V. and radio. We didn't have
5 social media as we have today. So I just don't think the pieces were in place, tested,
6 supported, that we could simply just say, "Oh, there was an alerting system for
7 environmental reasons, easily translated into an operational policing environment
8 without having, you know, as I mentioned, the technology, the systems, the protocols,
9 all of those things laid out. They're not interchangeable that easily. And if you're going
10 to use it, you have to ensure that it's accurate, effective, and timely. Again, those
11 pieces not in place in 2012.

12 That's the lens that I would look through it at that time.

13 **MR. JAMIE VanWART:** Thank you. I'm going to move on to a
14 different topic perhaps. I think, Commissioners, and Deputy Commissioner Brennan,
15 I'm thinking I'll probably -- I'll be done by 1:30, just looking at the time. I am moving on
16 to a topic, I'll just sort of maybe check in with the Commissioners and you, Deputy
17 Commissioner. Should I continue or does anybody need to take a break at this
18 moment?

19 **COMMISSIONER MacDONALD:** Deputy Commissioner Brennan,
20 you're okay to go another 40 minutes and then we'll have a break for probably about an
21 hour?

22 **D/COMMR. BRIAN BRENNAN:** Yes, that would be fine. Thank
23 you.

24 **COMMISSIONER MacDONALD:** Okay.

25 **MR. JAMIE VanWART:** I'll continue.

26 **COMMISSIONER MacDONALD:** Go ahead, Mr. VanWart.

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

28 So I guess I want to talk a little bit now about learning from the

1 events of April 2020. And in your role, I guess you would agree, I think you would agree
2 that the RCMP's response to a mass casualty incident such as what occurred in April
3 2020 is something that the RCMP should analyze and try to learn from to better -- be in
4 a better position to respond in the future to similar type events? Is that a fair statement?

5 **D/COMMR. BRIAN BRENNAN:** It's a 100 percent accurate
6 statement, yes.

7 **MR. JAMIE VanWART:** Okay. And you working in National
8 Headquarters in the role that you have, the RCMP is a national institution involved in
9 policing throughout Canada, you know, a mass casualty incident involving an active
10 shooter really can happen anywhere in Canada. So this is not only something that H
11 Division should learn from in how to respond and lessons learned, but it's something,
12 really, that police services across the country really should be trying to learn from? Is
13 that fair?

14 **D/COMMR. BRIAN BRENNAN:** Yes.

15 **MR. JAMIE VanWART:** And I guess, how does, you know, an
16 institution like the RCMP, with I don't know how many members, 30,000? Like, how
17 many members are in the RCMP?

18 **D/COMMR. BRIAN BRENNAN:** There's about 30,000 employees
19 and roughly 20,000 regular members.

20 **MR. JAMIE VanWART:** Okay. So how does the RCMP go about
21 learning from an incident that happens in Nova Scotia and sort of translating that
22 information to 30,000 members across the country?

23 **D/COMMR. BRIAN BRENNAN:** That is an excellent question that
24 has many responses.

25 So I think the best way for me to answer that question is to provide
26 a real -- an example that unfortunately happened here in Saskatchewan during the last
27 seven days. So while not a mass casualty shooting, a mass casualty event where a
28 large number of individuals in a small Indigenous community in north-central

1 Saskatchewan were victims of a horrendous act by two individuals, so without going into
2 the details, I'm sure everybody is well aware of it from news media reporting, et cetera,
3 so in terms of lessons learned from Nova Scotia that we have applied in the last week
4 as an organization.

5 So lessons learned around communication, public alerting. So
6 since the unfortunate incident in Nova Scotia, policing, RCMP, have worked very hard
7 to set up public alerting with the right background, tools, training, et cetera. And in this
8 current situation in Saskatchewan, I believe there was six or seven public alerts that
9 went out updating the public during this time frame of the incident here within early
10 hours of the incident being reported and understanding the scope of it, understanding
11 that two suspects were identified and they were on the move, public alerting, Public
12 COMMS were engaged, National Headquarters was engaged immediately by the
13 Division, a coordination was set up, air assets were put in the air, one from Regina, and
14 before that asset was even deployed, we were already looking into the next air asset,
15 where would it come from, like, you know, in 10 hours or whatever the timeline was.
16 ERT teams, Emergency Response Teams within the Division stood up. Again,
17 mobilization, reaching out to other divisions to ensure that ERT teams would be on
18 standby, engagement immediately with other police agencies. So in this particular case
19 in Saskatchewan, engagement with Saskatoon Police Services, who have their own air
20 craft, who put that air craft up at first opportunity to assist us. So extremely timely good
21 communications with another agency.

22 Things that we learned obviously from the examination of the mass
23 shooting in Nova Scotia. Engagement in terms of putting specialized resources on the
24 scene. I don't think it needs to be described but, you know, the scenes that needed to
25 be looked after, ensuring we had resources from our forensic identification section,
26 specialists to go in there under that crime scene security, utilizing members, reaching
27 out to the Province and asking, "Are there other peace officer resources that we could
28 possible draw down on to do crime scene security at the known sites so that we can

1 deploy our operational members into the investigation?”

2 So these are just examples of lessons learned that we instinctively
3 undertook within our organization and communicating throughout the last two and a half
4 years with our Commanding Officers to say, you know, “While the Mass Casualty
5 Commission does their work, we know that these are things that we need to improve on.
6 These are things that we need to be aware of. We need to do better at
7 communications.”

8 So when I got the phone call from Assistant Commissioner
9 Blackmore, the Commanding Officer in Saskatchewan, of this incident, these are the
10 things that she and I touched on. “Let’s make sure we do this. Remember, these are
11 the shortcomings in Nova Scotia. We need to apply these immediately.” She was
12 instinctively already on top of them. “Yes, we’ve already reached out to other divisions
13 for support. We’re looking at our air asset capability in the future. We’re talking to the
14 communities.” In this case, it was an Indigenous community. Engagement with the
15 Indigenous leaders in the province, briefing the province timely. And if you saw in the
16 media, doing much more informative, to the extent we could, press briefings, bringing in
17 our partners, so the Chief of Regina City Police to stand beside us, to give his account
18 of what his department was doing in the bigger picture.

19 So I use that as an example. So while this may not be written down
20 in a document, it may not be yet have made its way into policy, these are real-time
21 operational things that we have put in place because of the things we have learned.

22 Now, back to your question in terms of how do we put things in
23 place, how do we educate. Well, we look at changing policy. Once we change policy
24 we make sure that that policy is distributed organisationally-wide, new policies come out
25 on whatever the particular topic is. If it's in terms of training, we are educating our
26 employees about new training coming. We're setting up training, we're doing
27 procurement to get new equipment, we're engaging with the provinces to help us do
28 that. So there's ongoing mechanisms that we use.

1 And I think it's also important, and I would be remiss if I didn't point
2 out that we are constantly making efforts to improve based on things we observe within
3 our own organisations, but we're not -- we're not only subjected to things like major
4 reviews of incidents, such as Mayerthorpe, Spiritwood, Moncton, we are reviewing
5 recommendations out of CRCC, ESDC, HOIT, policy changes based on legislation. So
6 in behind the scenes we are -- we are being proactive in terms of changing the way we
7 do business, changing our policies, changing our training, expanding, those types of
8 things from a wide variety of sources.

9 And these may not be changes that the public sees outright, but
10 they are changes that we are constantly making to improve our ability to provide public
11 safety, ensure that our employees are well-trained, well-invested in, and we really
12 should -- those types of things should just be seamless into the general public. They
13 may not even know that it's happening, but hopefully they will know based on -- they will
14 know that we are providing the most up-to-date policing service that we possibly can
15 based on recommendations from a wide variety of sources.

16 So hopefully -- I know that was a long answer, but hopefully that
17 gives you context.

18 **MR. JAMIE VanWART:** No, thank you for that answer. I want to
19 follow up and ask you just some -- a few specific questions about reviews if I could.
20 And I just want to -- and I'm not going to go through all the reviews. I know there was a
21 number that were put to, for example, Commissioner Lucki, a number of the different
22 reviews were put to you. I just want to ask you about a few specific ones.

23 The first is the -- just this National Office of Investigative Standards
24 and Practices Review. And I understand that this review was -- this is a review that I
25 guess -- but it seems it starts at the point that the critical incident has ended and it's
26 really more of a review of the investigative phase of the response. Is that -- is that fair?

27 **D/COMMR. BRIAN BRENNAN:** Yes.

28 **MR. JAMIE VanWART:** Okay.

1 **D/COMMR. BRIAN BRENNAN:** Yeah, we're looking at -- we're
2 looking at the standards and practices utilised, or potentially not utilised in a certain
3 situation.

4 **MR. JAMIE VanWART:** Okay. And I think there has been some
5 discussion, it was in Commissioner Lucki's testimony, but this was started and then
6 there were charges, it was suspended, but my understanding this review has
7 recommenced. Is that your understanding as well?

8 **D/COMMR. BRIAN BRENNAN:** Yes, my understanding is that the
9 unit within Contract and Indigenous Policing and Headquarters is now determining how
10 to move forward with the principles of major case management. So it's now doing the
11 logistics of getting those individuals in place to move forward with that review.

12 **MR. JAMIE VanWART:** Okay. And I just really just had one
13 question about that review, and it was with regards to trying to understand the scope.
14 And while it's easy to say that this is more of an investigative review, as opposed to a
15 critical incident response, is I'm just trying to get an understanding of when a critical
16 incident ends and the investigation starts, and I'll give you an example.

17 So you know, one of the, you know, tragic consequences that --
18 arising out of April 2020 is, you know, in Portapique we had a circumstance where after
19 it was identified in the morning of the 19th that the perpetrator was no longer in
20 Portapique there was a response to the Wentworth area, and it wasn't I think really
21 almost 19 hours until after the first information about the perpetrator's actions came in
22 that the victims on Cobequid Court were located by the RCMP.

23 Is that management of Portapique after the -- after it's been
24 identified that the perpetrator is no longer in Portapique, would that be part of an
25 investigative review? Like, would that be captured by the -- is it NOISP? I don't know
26 the acronym to use. Is that right, NOISP?

27 **D/COMMR. BRIAN BRENNAN:** NOISP, yes.

28 **MR. JAMIE VanWART:** Yeah. Would that be captured by the

1 NOISP review, or would that be outside of its scope?

2 **D/COMMR. BRIAN BRENNAN:** It would depend on what the
3 agreed upon scope was between National Headquarters and the division, like what we
4 think we need to be looking at, given the circumstances. It could be. It also could be
5 subject to a different type of review. If it was specific to that circumstance and that
6 particular area, if you just want to focus on just that, NOISP would look at more of the
7 broader context of the whole investigation. It may be part of it, but there is the ability for
8 the organisation to look at very specific things, maybe using an independent officer
9 review type of report to look at that particular circumstance and area that you described.

10 **MR. JAMIE VanWART:** And who's involved in setting out the
11 scope?

12 **D/COMMR. BRIAN BRENNAN:** It's usually -- in terms of NOISP?

13 **MR. JAMIE VanWART:** Yeah.

14 **D/COMMR. BRIAN BRENNAN:** It would be the Director of NOISP,
15 which is the Superintendent, in conjunction with the -- of the division. But NOISP has
16 sort of a standard template of review that they would follow, and if there was anything to
17 be added or more closely examined, that would be part of the, you know, the
18 understanding of work to be done by NOISP if the division felt that it would have value
19 in terms of, you know, moving forward, lessons learned, et cetera.

20 **MR. JAMIE VanWART:** Okay. I want to ask a couple of questions
21 about After Action Reports. And when you gave your interview with the Mass Casualty
22 Commission you indicated that it's -- it was a policy requirement that after an incident,
23 such as the mass casualty incident in Nova Scotia, that there -- that there be an After
24 Action Report. Do you recall that exchange?

25 **D/COMMR. BRIAN BRENNAN:** Yes, I recall -- I recall the
26 conversation. I think there -- in retrospect, in reviewing the conversation, I think there
27 may have been a little bit of confusion around the After -- the policy on After Action
28 Reports because in policy the After Action Reports in that regard refer to national

1 exercise programs, whether they be an actual incident or the table-topping of a
2 scenario, those types of things of -- those types of things. I think there was just a little
3 bit of misunderstanding around an emergency operation versus a critical incident ---

4 **MR. JAMIE VanWART:** Okay.

5 **D/COMMR. BRIAN BRENNAN:** --- in that regard.

6 **MR. JAMIE VanWART:** Well, I mean, I guess, could we bring
7 clarity to that issue, then? Is there a policy within the RCMP to do an After Action
8 Report after a mass casualty incident, such as occurred in April 2020?

9 **D/COMMR. BRIAN BRENNAN:** I don't believe there is policy that
10 specific. There is policy around the discretion of Commanding Officers or the
11 organisation to undertake a review, so independent officer review, or similar the
12 direction that Commissioner Paulson gave after the Moncton tragedy years ago, that
13 ability rests within the organisation.

14 **MR. JAMIE VanWART:** When Assistant Commissioner Brennan --
15 Bergerman testified before the Commission on August 22nd, when asked about doing a
16 review, she believed that it was too early -- that the -- this is, I guess, immediately after -
17 - in the days afterwards that -- I get -- well, let me put it this way. She thought that
18 something like an After Action Review might be something that should be considered
19 now or in the future. Would you agree with that? Is an After Action Review of the mass
20 casualty incident something that should be considered now or in the future?

21 **D/COMMR. BRIAN BRENNAN:** Absolutely. I mean, consideration
22 should be given to reviewing any large investigation, but especially something that, you
23 know, rises to this level. The conversation then needs to be what type of review, what
24 is ongoing. So within -- if we use the mass casualty, you know, the reviews were -- are
25 being undertaken and have been undertaken, so we're looking at HOITs, we're looking
26 at ESDC reviews. You know, we obviously have the work that's being done by the
27 Mass Casualty that, given the mandate of the Mass Casualty, you know, that's going to
28 be reviewing a lot of the things that we would look at organizationally. But that doesn't

1 mean that if things are raised of concern, or by the division, the Mass Casualty, et
2 cetera, that we can't do reviews to focus in on certain aspects of what took place or
3 potentially what didn't take place. And so a review can be done at any time. I think the
4 conversation about what type of review and the timeliness of that review is important to
5 have as well.

6 **MR. JAMIE VanWART:** Okay. The other testimony we heard back
7 in July 25th was from Superintendent Campbell, who testified and he talked about
8 approaching Contract and Indigenous Policing in Ottawa, Operational Response and
9 Readiness, and he felt that there was a need for a Critical Incident Program, like,
10 review, and that it should be independent. Are you aware of this request by
11 Superintendent Campbell?

12 **D/COMMR. BRIAN BRENNAN:** I am aware of it, yes.

13 **MR. JAMIE VanWART:** Yes. And I think in your interview you
14 made a distinction between an After-Action Review and a Critical Incident Review such
15 as being suggested by Superintendent Campbell. Can you explain what the difference
16 between a Critical Incident Review and an After-Action Review would be?

17 **D/COMMR. BRIAN BRENNAN:** Well, simply put, an After-Action
18 Review would be much wider in scope. It would take in -- again, depending on the
19 situation to be examined, it would be looking at a multitude of things. Could be
20 communications on top of operations, response, et cetera. Where a Critical Incident
21 Command Review, Incident Review is more focussed on, like, the critical incident team,
22 the command structure that undertook that investigation, were they -- did they have
23 pieces in place, were they functioning. So when Superintendent Campbell is asking for
24 an outside of the organization, what he's referring to is bringing in peers, so critical
25 incident commanders from other police agencies to undertake the review specific to the
26 critical incident command structure, the function of it, how did it work, what were the,
27 you know, examining gaps, best practices. And to do that, we would have to rely on
28 getting those peer experts, subject matter experts together. And my understanding was

1 that in the conversations around that, given the scope and magnitude of the mass
2 casualty incident, it's not something that these SMEs felt could be done without being
3 on the ground, without understanding the context of the geography, the layout, you
4 know, all of those types of things. And we have to sort of view that at the time in terms
5 of coordination of getting those resources, because of COVID, into the environment, to
6 do the work, to talk to the individuals. That played a role, my understanding is, in the
7 decision of when to do that, because of, obviously, the logistical challenges of that.

8 So the CS -- CIC Review was put on hold, and then there would
9 have been, my understanding is, conversations with the Director General of that area,
10 which is Chief Superintendent Jamie Solesme, and around how to coordinate it and
11 other priorities that may have come up. So I do know that a lot of the resources within
12 the RCMP that would need to assist at one time period were heavily involved in the
13 trucking convoy. So, again, more delays. This doesn't mean that we still can't do the
14 CIC Review, but it's much more focussed in scope, using subject matter experts from
15 outside. Coordination, logistics, et cetera, has led to that not being undertaken at this
16 point.

17 **MR. JAMIE VanWART:** And who made the decision either to not
18 proceed or to delay proceeding with a Critical Incident Review as requested by
19 Superintendent Campbell?

20 **D/COMMR. BRIAN BRENNAN:** My understanding is that decision
21 was ultimately made by Chief Superintendent Solesme in consultation with her Critical
22 Incident SME Superintendent Phil Lue, and they may have had discussions with
23 Assistant Commissioner Daley as well in that regard.

24 **MR. JAMIE VanWART:** Okay. When -- on the 23rd of August,
25 when Commissioner Lucki was asked essentially that same question, her response
26 was, "Ultimately, I believe it would have been Dennis Daley, but it may have been, in
27 fact, D/Commissioner Brian Brennan. I don't exactly know." Were you involved at all in
28 making the decision either not to proceed or delay proceeding with a Critical Incident

1 Review?

2 **D/COMMR. BRIAN BRENNAN:** I wasn't involved in the ultimate
3 decision around delaying the review, so it would be well within the purview of Chief
4 Superintendent Solesme and/or in consultation with Assistant Commissioner Daley.

5 **MR. JAMIE VanWART:** Okay. And certainly Assistant
6 Commissioner Daley reports to you; is that right?

7 **D/COMMR. BRIAN BRENNAN:** Yes, direct report to me ---

8 **MR. JAMIE VanWART:** Okay.

9 **D/COMMR. BRIAN BRENNAN:** --- in his current role.

10 **MR. JAMIE VanWART:** Okay. Would he -- if he was involved in a
11 decision of that nature though, would he seek direction from you before making a
12 decision?

13 **D/COMMR. BRIAN BRENNAN:** He could. I do recall having a
14 conversation with Dennis Daley, he approached me, around, you know, doing a review.
15 More in the context of, like, how would we manage, how would we manage it in terms of
16 in conjunction with what's going on with the Mass Casualty mandate. I think at the time
17 it might have even have been when they first were talking about a public inquiry
18 mandate, but the timing around that I can't quite recall. And, you know, asking my
19 advice about, you know the timeliness of it. And I was concerned with, you know,
20 review fatigue by the division, obviously, with HOIT and ESDC, and preparing for the
21 Mass Casualty, et cetera. And would it -- would the independence of it be what it
22 needed to be if all of these things were going on at the same time. So Dennis and I had
23 general conversations about sort of the -- he was seeking advice, but more about, like,
24 the logistics of it, how does it fit in with other processes. But again, I wasn't part of the
25 ultimate decision around either delaying it or saying no to it at that time.

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

27 And, Madam Register, if you could pull up COMM Number
28 0062978?

1 I'm going to show you this email. It's from Dennis Daley, May 3rd, to
2 John Robbin, Jamie Solesme, dated May 3rd, 2021, subject H-Strong CIC Review. And
3 in the body -- I'll just give you a minute to read the email.

4 You can just let me know when you're done.

5 **D/COMMR. BRIAN BRENNAN:** Okay. I'm done reading what I
6 can see, if there's -- okay.

7 **MR. JAMIE VanWART:** And so this is Dennis Daley talking about
8 discussions he says he has with you on April 27, '21 and relaying some information that
9 you shared with A/Commr. Daley. And first I'll just ask you; are the bullet points that he
10 reflects are your input, is that an accurate reflection of your input back on April 27th, '21?

11 **D/COMMR. BRIAN BRENNAN:** Yes, and I think it's reflective of
12 my comments just a few minutes ago about things that we were discussing.

13 **MR. JAMIE VanWART:** Okay. So your first comment:

14 "Is the Commission Counsel aware and supportive of
15 the review so as to not undermine the Commission
16 work?" (As read)

17 What was the concern you had that made you raise this comment?

18 **D/COMMR. BRIAN BRENNAN:** Well, I just was sort of thinking out
19 loud through the process of, you know, would it be important for us to make the
20 Commission Counsel aware that we're undertaking a review that mirrors the mandate --
21 some of the mandate points of what the Commission was to examine. And you know,
22 would it either undermine their work; would it be contrary to the independence of the
23 Commission; those types of things because it would, unknowing at the time, we may be
24 asking some of the same resources from other police agencies to do our potential
25 review that the Commission may be asking subject matter experts to look into. So I just
26 wanted, you know, to be sure and to be transparent that, you know, do they have any
27 concerns, and if not, then okay, we can, you know, sort of tick that box off at no
28 concerns around that, wouldn't affect their work. So obviously because ---

1 **MR. JAMIE VanWART:** So ---

2 **D/COMMR. BRIAN BRENNAN:** Sorry. Obviously because, you
3 know, the large mass casualty, you know, investigation and review, we wanted to make
4 sure that we were as transparent as possible.

5 **MR. JAMIE VanWART:** Okay. And what about your concern --
6 you indicate there what if it contradicts the findings of the Commission review. Why was
7 that a concern?

8 **D/COMMR. BRIAN BRENNAN:** Well, because it -- if we do a
9 review and it contradicts a potential review by the Mass Casualty, these reviews would
10 be evidence-based, so how do we -- how do we sort of square those two contradictory
11 -- potential contradictory reports, and to what benefit. Is it, you know, are we simply,
12 you know, confusing the work to go forward after that, and should it be in conjunction
13 because, you know, we want to be sure that as we're moving through, you know, does
14 this process and the recommendations that are to come that, you know, we shouldn't be
15 trying to be, intentionally or unintentionally, contradictory to the work of the Mass
16 Casualty Commission.

17 So I just had a concern that we needed to think through, like, the
18 what if. What if that happens? And that's sort of part of strategic thinking, leadership,
19 you know, concerns around, you know, supporting a review such as this.

20 **MR. JAMIE VanWART:** Okay. And what about the next bullet?

21 You say:

22 "If the review is completed, let's say, by September 1,
23 2021, how would we communicate the result? A
24 controlled leak to the media?" (As read)

25 **D/COMMR. BRIAN BRENNAN:** Yeah, so my concern was so we
26 do the review, and the Mass Casualty Commission hasn't finished their work, or
27 potentially their review on something like CIC, so do we just hold it? What do we do
28 with it? Like, how would we communicate it to our organization? Like, would we start

1 changing policy? Would we start doing, you know, other activities? And then, like, if it
2 gets out in the media, which we have seen through this process, information is given
3 out, like, how do we manage that? How do we manage the media -- the media stir that
4 could potentially come from it? And if we're putting things or things are getting out in
5 the media that we're doing and not in conjunction with the Mass Casualty, how do we
6 represent ourselves to the Mass Casualty Commission by saying, "Yeah, we undertook
7 this separate review. We didn't advise you of it, and now we're going to move forward"?
8 It just didn't -- it just -- in my sort of evaluation and thinking about this, it just wasn't in
9 step with -- potentially, with the things that were taking place by an independent review.
10 Like, these are the questions that we needed to be asking. So it's, you know, that
11 overused term, issues management around steps that we were potentially going to be
12 taking.

13 **MR. JAMIE VanWART:** Okay. And perhaps just to finish off your
14 bullets, what about your last concern? How will the review ensure that we not
15 intentionally revictimize those employees, RMs or otherwise, or retired members?

16 **D/COMMR. BRIAN BRENNAN:** So, again, my point on that is
17 there's so many reviews going on, it's -- you know, as I mentioned, Hoyt, ESDC, ERT
18 had their own after-action review, as did EMERT. These are all probably individuals
19 within our organization that we're going to be asking similar questions that they're going
20 to be getting asked by, you know, these reviews, by the -- potentially by the Mass
21 Casualty, and so how are we going to manage potential revictimization? Because, you
22 know, while we take a trauma-informed approach with how we deal with victims of crime
23 in our day-to-day activities, we also have to take and be considerate of a trauma-
24 informed approach with our own employees. And, you know, to what end at that
25 particular time for this particular review, like, we needed to be thinking about, okay, is
26 this a good time for us to undertake a review and revictimize our employees, you know?
27 And some of them, obviously I'm sure the Mass Casualty Commission has heard, some
28 early days were on the road to sort of their own recovery, whatever that would be, and

1 maybe getting supports they need, and do we really need to overlay this review if it's not
2 absolutely crucial and critical at this time? Maybe in the future, or maybe some of our
3 questions will get answered through these other reviews. So I was very cognizant of
4 the impact this could have on our employees, especially some employees that would
5 have been core to a CIC review.

6 So, again, putting a trauma-informed lens on it and, you know,
7 thinking about it in those compassionate terms when, like I say, this review could be
8 done at any time and that also we were going to be getting probably a lot of answers
9 from other teams as well.

10 **MR. JAMIE VanWART:** I just wanted to show you one more
11 document on this topic.

12 Madam Registrar, if you could pull up COMM0063780?

13 And I'm looking at what I understand to be your notebook,
14 D/Commr. Brennan. And this is -- the date being April 27, 2021. I don't have a question
15 about this part of your notebook, but perhaps I'll just show you, on page 3 there is --
16 you have a note of talking to A/Commr. Daley, which is the same date that he says in
17 his notebook that he had a discussion with you.

18 But that's not what I wanted to ask you. I wanted to scroll to earlier
19 in the day, at 11:30 you have your regular monthly meeting with A/Commr. Bergerman.
20 And if you scroll down to number 3 -- oh, sorry; it's on the same page. Just up; right
21 there. It says, "CIC review for mass shooting."

22 Do you remember what this conversation was about with Assistant
23 Commissioner Bergerman on April 27, 2021?

24 **D/COMMR. BRIAN BRENNAN:** I don't recall the specifics of that
25 conversation. I obviously made a note that we had a discussion about it. And because
26 I didn't expand on it, you know, I -- my normal course of making notes in that regard
27 would be, you know, I made a decision or we're going to talk about it in the future. It
28 just must have been a conversation without a decision being made on the go-forward

1 around it. I can't recall the specifics of it.

2 **MR. JAMIE VanWART:** Okay. Thank you. You can take that
3 down, Madam Registrar.

4 Those are my questions, but before I conclude, Deputy
5 Commission, and you are someone who has had a long history of policing, a connection
6 to Nova Scotia, I just wanted to give you an opportunity, if there are any suggestions
7 you wanted to share with the Commissioner as they consider possible
8 recommendations and look forward to their report writing process, I just wanted to give
9 you an opportunity to share anything?

10 **D/COMMR. BRIAN BRENNAN:** Sure. Thank you very much.

11 So I did give some overall comments in my interview regarding, you
12 know, potential recommendations. And I've had, you know, some time to think about
13 recommendations since my interview and obviously taking into consideration the
14 unfortunate circumstances in Saskatchewan around recommendations.

15 So I would I guess reemphasize to the Commission and to the
16 Commissioners, I think that when we're looking at large incidents like this and we go
17 back to things like the MacNeil Report, Mayerthorpe, Spirit wood, you know, those types
18 of things, I think it's important for public safety. And I include policing in that, but I think
19 recommendations should reflect the public safety lens or look through the public safety
20 lens and take a broader scope than just what about policing? We have responsibility
21 and accountability in this for sure, but I think it's beneficial to look at in the public safety
22 lens. So I would suggest to the Commission that the -- any recommendations be
23 achievable. They need to be ones where, in the public safety realm, and for policing,
24 they're achievable. And they're achievable in time frames. Some may be achievable,
25 you know, in short order, for example policy or policy compliance, those types of things.
26 If recommendations are to be considered around investment in, say, equipment, there
27 may -- there has to be sort of an understanding of what needs to take place to provide
28 that equipment or that training. So it's -- the expectation can't be it'll be in six months. It

1 might take a year. It might take two years.

2 And I think the recommendations -- it would be helpful if the
3 recommendations were separated into two categories, especially for ones that relate to
4 policing. And again, my lens is the -- my lens is the RCMP is that they be operational
5 recommendations and administrative recommendations. You know, sometimes we see
6 recommendations that are so large and encompassing that they -- that there's so much
7 intersection between operations and administration that it's hard to separate them and
8 move the pieces together in a timely fashion.

9 So, I think that's important for us to achieve the achievability around
10 that.

11 And I take a different position than some of the evidence that
12 you've heard or some of the conversation in the working group levels around funding.
13 Funding is fundamental to a vast majority of the recommendations we see coming out of
14 especially large incidents, ESTC reports, even CRCC complaints when we're talking
15 about investments in training and investments in resources.

16 And to do that, to do -- to make those recommendations come to
17 fruition, you know, it's almost impossible to escape proper funding of those types of
18 things.

19 If the communities, elected officials, and governments are not
20 willing to be supportive of the recommendations in terms of funding, then what that will
21 cause is it will cause policing to re-examine the budgets that they have and then to
22 make, potentially, some very difficult decisions to drop off other things that are important
23 to other groups and other people, but we need to find the funding, and then we're into,
24 you know, taking away policing responsibilities, if there's no inject in funding.

25 And so I think that's a critical consideration of the Commission
26 around ensuring that if a recommendation is that, you know, policing or the RCMP
27 should invest in a piece of equipment, then there's a responsibility of governments to
28 help us achieve that in terms of funding and resources. And there's, you know,

1 obviously things that take place in that.

2 I think there needs to be accountability identified within the
3 recommendations, whether they be accountability to the RCMP, accountability to
4 policing, accountability to governments, accountability to communities. I think it would
5 be extremely helpful if there was clarity around the expectation of the Commission in
6 terms of their recommendations and who should be accountable for it, which sometimes
7 is lacking in recommendations that we receive. So funding was a good example of that.

8 So those -- and I think there is room, on reflection of a lot of things
9 that have been brought up, as I look internally to the organization, things around note
10 taking. I know that has been a topic. And while we have policy on it, I do not believe
11 the organization, and from my perspective, that we would be adverse a
12 recommendation around having clear compliance around our policy, just like we do for
13 compliance and training, that we have, you know, compliance about how many of our
14 members will be trained in carbines or their first aid, or those types of things.

15 So I would welcome recommendations around compliance in terms
16 of any recommendations for policy. I think that would ground us in monitoring and being
17 able to clearly articulate that we are doing those things, because if something is not
18 measured, then it's, you know, rarely focused on. And I think that would be beneficial to
19 supervisors that are managing front-line resources or managing employees, that they
20 know that there's a compliance piece that must be met. So whether it be, you know,
21 yearly reviews, percentages of, you know, getting to certain things, I would be very
22 welcome to the Commission considering those types of parameters, I guess, around
23 any recommendations.

24 And I know that, you know, recommendations provided by the mass
25 casualty and in support of the families of the loved ones lost, that there needs to be a
26 degree of accountability within our organization. So that rests with me, the
27 accountability piece. It also rests with me in terms of my responsibilities. And it rests
28 with every senior member of this organization and every police force that these

1 recommendations will touch on, but it also touches on the responsibilities we have right
2 down to our front-line members.

3 So -- and if I'm not in a position to, you know, move these
4 recommendations on in my time in the organization, my responsibility is to ensure that I
5 lay the ground work that though these recommendations can be filled in the timeline set
6 out.

7 So I leave you with that in terms of -- excuse me, in terms of how I
8 would see recommendations being framed for the benefit of everybody that I've
9 mentioned and give us -- it would give us the ability to meet those recommendations so
10 that we can continue to provide, you know, the best possible public safety policing that
11 we can possibly do in conjunction with our partners and to really, really represent the
12 go-forward for the communities that we serve. So I would end there with that.

13 **MR. JAMIE VanWART:** Deputy Commissioner, thank you. Those
14 are my questions for you this afternoon.

15 I turn to the Commissioners.

16 **COMMISSIONER MacDONALD:** Yes, Commissioner MacDonald
17 here. Thank you, Deputy Commissioner Brennan, for your testimony so far.

18 The process we follow is we will now break and our counsel,
19 Mr. VanWart and others, will meet the lawyers for the various Participants, and they will
20 attempt to organise questions for you so that it avoids repetition and it's done in the
21 most efficient manner. So it's also 1:40 in the afternoon here, and I guess it's
22 mid-morning for you, but it's lunchtime here. So we'll break for an hour and hopefully
23 work the caucus, we call it a caucus, it's essentially a meeting, in that hour and come
24 back at 2:40 our time, which is three hours earlier for you.

25 And thank you so far. Of course, you're still under oath, and when
26 you come back we will have counsel questioning you, and each one of them will let you
27 know who they represent, the interests they represent before they start. So thank you,
28 Deputy Commissioner Brennan.

1 We'll break for an hour.

2 **D/COMMR. BRIAN BRENNAN:** Thank you.

3 **REGISTRAR DARLENE SUTHERLAND:** Thank you. The
4 proceedings are now on break and will resume at 2:40.

5 --- Upon recessing at 1:40 p.m.

6 --- Upon resuming at 2:43 p.m.

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

9 **MR. JAMIE VanWART:** Good afternoon, it's Jamie VanWart again
10 speaking.

11 I just -- before we move on to questions from Participant Counsel, I
12 just wanted to take this opportunity to make a couple of corrections to a few things I said
13 in my questioning.

14 First, with regards to making reference to statements -- a statement
15 that Deputy Commissioner Brennan made with the Mass Casualty Commission, I may
16 have inadvertently referenced a wrong date. It was August 10th, 2022, and that's in
17 relation to COMM0063689.

18 The second is when I was questioning Deputy
19 Commissioner Brennan with regards to the Quintet Report and an action report that I
20 had indicated that Commission and counsel had not yet received, we have received a
21 copy of the action report associated to the Quintet Report, and that was received on
22 September 1st, 2022. I apologise, I wasn't aware that we had received that. The
23 document has a COMM number of 0063665, and I would ask that that be made an
24 exhibit.

25 **REGISTRAR DARLENE SUTHERLAND:** That's Exhibit 4667.

26 **--- EXHIBIT NO. 4667:**

27 (COMM0063665) H Div Wellness Report Action Plan, draft
28 dated July 15, 2022

1 **MR. JAMIE VanWART:** Thank you, and
2 Commissioner MacDonald.

3 **COMMISSIONER MacDONALD:** Thank you.

4 **--- C/COMMR. BRIAN BRENNAN, Resumed:**

5 **COMMISSIONER MacDONALD:** And good afternoon, or still good
6 morning for you, I guess, Deputy Commissioner Brennan. As I indicated before the
7 break, counsel -- our counsel would meet with the various lawyers for the Participants to
8 discuss a process, and three counsel will be asking you questions, beginning with
9 Mr. Michael Scott.

10 So Mr. Scott, whenever you're ready.

11 **MR. MICHAEL SCOTT:** Thank you, Commissioner.

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

13 **MR. MICHAEL SCOTT:** Good afternoon, Deputy
14 Commissioner Brennan. Can you hear me?

15 **D/COMMR. BRIAN BRENNAN:** I can, and good afternoon.

16 **MR. MICHAEL SCOTT:** Very good. My friend, Mr. VanWart,
17 asked you this morning some questions about Ready Alert, and am I correct that Ready
18 Alert was an issue of concern for the national -- for National Headquarters and was
19 being dealt with quite extensively in the -- in the days immediately following the mass
20 casualty; is that right?

21 **D/COMMR. BRIAN BRENNAN:** Yes.

22 **MR. MICHAEL SCOTT:** And do I also understand correctly that
23 you were quite involved in that issue, in particular?

24 **D/COMMR. BRIAN BRENNAN:** You mean involved in ensuring
25 that we were moving forward with examining Ready Alert for across the country?

26 **MR. MICHAEL SCOTT:** Well, even perhaps before that, in trying
27 to get to the bottom of how Ready Alert was used or not used in this particular incident.

28 **D/COMMR. BRIAN BRENNAN:** Yes. The folks that work in my

1 area were involved in figuring out the usage or non-usage of that particular tool, yes.

2 **MR. MICHAEL SCOTT:** Am I correct that the -- what prompted
3 that review, informally, was the fact that there were a lot of questions coming from the
4 media and the public, specifically, why was Ready Alert not employed in this particular
5 case?

6 **D/COMMR. BRIAN BRENNAN:** Yes, that was the genesis for us
7 looking at it.

8 **MR. MICHAEL SCOTT:** And I -- in reviewing the interview that you
9 did with the Mass Casualty Commission, and I'm referring to page 13, I see you say:

10 "I was interested in understanding the context of Alert
11 Ready and decisions made to use or not use....I was
12 looking for information to understand what decisions
13 were made in the Division."

14 Does that accurately reflect sort of what the enquiry was at the
15 time?

16 **D/COMMR. BRIAN BRENNAN:** Yes.

17 **MR. MICHAEL SCOTT:** Right. And I draw your attention in this
18 case to your use of the word "decisions" because certainly when somebody talks about
19 reviewing a decision that was made it gives the implication that options were being
20 weighed, perhaps the pros and cons, that it was being considered one way or the
21 other?

22 **D/COMMR. BRIAN BRENNAN:** Yes, it could, if someone was to
23 read that statement, yes.

24 **MR. MICHAEL SCOTT:** And am I correct that, presumably, as a
25 result of making enquiries with H-Division after the mass casualty event, what you
26 determined was that a decision wasn't made to use or not use Ready Alert, the genesis
27 of the problem was that H-Division simply wasn't aware of how to use it?

28 **D/COMMR. BRIAN BRENNAN:** It wasn't in their toolbox in terms

1 of using it for a -- an incident such as this. So...

2 **MR. MICHAEL SCOTT:** Right. And are you aware that when we --
3 when Chief Superintendent Leather was testifying before the Mass Casualty
4 Commission he was -- he was quite clear, he said:

5 "We simply didn't know that technology existed at the
6 time of Portapique." (As read)

7 Does that accurately reflect what your understanding was
8 immediately after April 18th, 19th, 2020?

9 **D/COMMR. BRIAN BRENNAN:** Yes, in regards to the technology,
10 again, being used for a criminal investigation as opposed to an alert for a weather
11 situation, forest fire, flood, et cetera.

12 **MR. MICHAEL SCOTT:** Right. Now, you used the phrase "it just
13 something that was in the toolbox." What do you mean by that?

14 **D/COMMR. BRIAN BRENNAN:** Well, the -- in terms of using it in a
15 scenario such as this we hadn't yet developed a protocol, an understanding of how it
16 would be used, how it would be communicated, who would trigger it, what were the
17 resources required in behind an alert in terms of managing information coming in. It just
18 wasn't something that was in place operationally, ready to use that would have been in
19 the, you know, the Critical Incident Command thought process as a tool, compared to
20 something like deployment of an ERT team or the use of Air Services or something
21 operationally like that.

22 **MR. MICHAEL SCOTT:** Right. But am I correct that the RCMP
23 was going to send an alert through the Ready Alert System, it just happened to come at
24 a point late enough on the 19th that before the message could go out the perpetrator
25 was killed?

26 **D/COMMR. BRIAN BRENNAN:** That's my understanding from the
27 information received, yes.

28 **MR. MICHAEL SCOTT:** And is it your understanding that what

1 prompted that was officials from the Province contacting the RCMP and saying, you
2 know, "Do you want us to send out an alert?"

3 **D/COMMR. BRIAN BRENNAN:** I'm not aware of how that was
4 generated or started.

5 **MR. MICHAEL SCOTT:** Okay. But am I correct that but for the
6 fact that the perpetrator was killed at Enfield when he was can we reasonably assume
7 that an alert would have been put out?

8 **D/COMMR. BRIAN BRENNAN:** Based on -- based on the
9 information I now know, I think that's a -- that's a reasonable statement, yes.

10 **MR. MICHAEL SCOTT:** Right. So my -- just to be clear, so the
11 issue here is not that a Ready Alert could not be sent out, or that, you know, that it was
12 deemed to be inappropriate in the circumstances, really the genesis of why an alert
13 wasn't sent out in the early hours was just simply that the RCMP didn't -- wasn't aware
14 of how to do it?

15 **D/COMMR. BRIAN BRENNAN:** Yes, I would agree with that.

16 **MR. MICHAEL SCOTT:** And in fact, you're also aware that the
17 RCMP, the Nova Scotia RCMP, was sending out alerts, small "a" alerts, but they were
18 doing it through Twitter?

19 **D/COMMR. BRIAN BRENNAN:** Yes.

20 **MR. MICHAEL SCOTT:** And you can appreciate that while there
21 has been some criticism of the wording that was used or whether it was particularly
22 clear, can I assume that the intention of sending those messages out, even the early
23 ones about a firearms complaint in Portapique, the intention of those messages was to
24 reach communities in Nova Scotia so they would be aware?

25 **D/COMMR. BRIAN BRENNAN:** Yes.

26 **MR. MICHAEL SCOTT:** Okay. And can we also agree that had
27 those exact same messages, generated by the Nova Scotia Strategic Communications
28 Division, had they then -- that wording been given to EMO officials they could have

1 been broadcast in the Ready Alert format?

2 **D/COMMR. BRIAN BRENNAN:** I can't speak to the exact wording,
3 but the concept of that, yes, I would agree with.

4 **MR. MICHAEL SCOTT:** Are you aware of any reason why instead
5 of Lia Scanlan's office sending those messages out by Twitter why they could not have
6 been sent by Ready Alert?

7 **D/COMMR. BRIAN BRENNAN:** No, I'm not aware of any
8 impediments or reasons for that.

9 **MR. MICHAEL SCOTT:** And you said at page 19 of your
10 statement to the Mass Casualty Commission:

11 "...using Ready Alert wasn't something that was
12 immediately in the forefront of people's initial thinking
13 around communication to the public."

14 Would it be more precise to say it's not a matter of whether it was in
15 the forefront, they just had no awareness?

16 **D/COMMR. BRIAN BRENNAN:** Yes, in retrospect, I would agree
17 with that, yes.

18 **MR. MICHAEL SCOTT:** And can we agree that if the exact same,
19 god forbid, the exact same scenario were to happen here tomorrow, can we reasonably
20 assume that with the policies that have now been put in place and the awareness that
21 the RCMP has of Ready Alert, could members of the community in Nova Scotia could
22 we expect that RCMP would use the Ready Alert System to make them aware of a
23 situation like that?

24 **D/COMMR. BRIAN BRENNAN:** Absolutely, because,
25 unfortunately, we have used what we've learned from the mass casualty in Nova Scotia
26 to use Ready Alert very effectively, unfortunately, in the past week here in
27 Saskatchewan, with the mass casualty at the James Smith Cree Nation.

28 **MR. MICHAEL SCOTT:** And in referencing Saskatchewan, it

1 appears that, and we don't have the details, but it appears that Ready Alert was used
2 quite extensive in that incident.

3 **D/COMMR. BRIAN BRENNAN:** Yes, it was used extensively in
4 that incident, and by circumstance, it was used in two other incidents at the same time
5 for a firearms -- firearms complaints within the province, so yes.

6 **MR. MICHAEL SCOTT:** And do I understand that, going back to
7 April 2020, in or around April 22nd of 2020, you had a teleconference regarding Ready
8 Alert with members of H-Division, including Assistant Commissioner Bergerman and
9 Chief Superintendent Leather, Lia Scanlan, Sharon Tessier, a person named Barb
10 Massey, and another person named Scott McCrossin?

11 **D/COMMR. BRIAN BRENNAN:** Yes.

12 **MR. MICHAEL SCOTT:** Right. And that was a teleconference that
13 you had, again, the primary topic of conversation was the use or not use of Ready
14 Alert?

15 **D/COMMR. BRIAN BRENNAN:** That's correct.

16 **MR. MICHAEL SCOTT:** And I note that -- so Sharon Tessier and
17 Lia Scanlan would respectfully be the heads of the divisional and national Strategic
18 Communications Departments; correct?

19 **D/COMMR. BRIAN BRENNAN:** Yes.

20 **MR. MICHAEL SCOTT:** And am I also correct that Barb Massey
21 and Scott McCrossin are both, effectively, in-house lawyers with the RCMP?

22 **D/COMMR. BRIAN BRENNAN:** Yes, DOJ representatives, yes.

23 **MR. MICHAEL SCOTT:** And in your statement to the Mass
24 Casualty Commission in reference to that meeting, you said:

25 "We're trying to basically scope out what we know
26 and then how are we going to move that into the
27 Comms realm without potentially infringing on any
28 liability that may exist." (As read)

1 First of all, what do you mean when you say, "trying to scope out
2 how we're going to move it into the Comms realm"?

3 **D/COMMR. BRIAN BRENNAN:** We're -- we're thinking about and
4 understanding that the use or non-use, in this particular case, of Ready Alert there's
5 going to be questions about it, there are going to be questions from the media around it,
6 and so how are we going to scope out a reply, like what are we able to say, what's the
7 approach that we need to use, what's our consistent messaging. So there's a strategy
8 in terms of our awareness that it's going to be something that's going to be raised in the
9 public forum.

10 **MR. MICHAEL SCOTT:** And am I correct, by that point, by
11 April 22nd, you'd already spoken to the Commanding Officer and the Chief
12 Superintendent? Am I correct that you understood why Ready Alert hadn't been used
13 by that point?

14 **D/COMMR. BRIAN BRENNAN:** I was -- I was made aware of the
15 decisions and non-decisions that the division had made in terms of using the Ready
16 Alert System by that time, yes.

17 **MR. MICHAEL SCOTT:** Right. So wouldn't it be -- wouldn't it be
18 fair to say that in terms of how this is going to be communicated and answering
19 questions that the public would have, you know, answering that question, why wasn't
20 the Ready Alert sent, would not have been a terribly complicated question to answer?

21 **D/COMMR. BRIAN BRENNAN:** If the facts were known, so the
22 decisions made by the Critical Incident Commander, like, you have to understand -- we
23 would have to understand the context of that, but by that time, as you say, we would
24 have -- we should have had clarity on that. But again, I don't know if at that point we
25 truly understood the context and the flow of and rhythm of that investigation two days
26 afterwards.

27 **MR. MICHAEL SCOTT:** Right. But what you did understand was
28 we didn't send out a Ready Alert because Nova Scotia RCMP didn't know how to send

1 out the Ready Alert?

2 **D/COMMR. BRIAN BRENNAN:** That's a fair statement, yes.

3 **MR. MICHAEL SCOTT:** Right. And without, you know, the need
4 for a -- for a meeting with lawyers and Strategic Communications people, the
5 messaging certainly could have been you're asking us why we didn't send an alert, this
6 is why we didn't send an alert.

7 **D/COMMR. BRIAN BRENNAN:** Yes, if the facts were known at
8 that time, yes, that could be simple as the message could have been.

9 **MR. MICHAEL SCOTT:** And the facts were known at that time.

10 **D/COMMR. BRIAN BRENNAN:** I -- I'm assuming that they were --
11 they were known especially to the people in Nova Scotia. I can't say if I, at that
12 particular time, I knew all the facts. But I think in retrospect, I would have known
13 enough to agree that it could have been -- we could explain why it wasn't sent out.

14 **MR. MICHAEL SCOTT:** Right. And taking you back, you had
15 talked about moving this into the COMMS realm without potentially infringing on any
16 liability. What do you mean by that?

17 **D/COMMR. BRIAN BRENNAN:** I can't recall why I made that
18 particular note. It may have been part of the conversation and I was just taking notes of
19 it. I honestly can't recall the discussion around that piece.

20 **MR. MICHAEL SCOTT:** Okay. And to be clear, I'm not talking
21 about your notes. I'm referring to the statement that you gave to the Mass Casualty
22 Commission a few weeks ago at page 15, where you say:

23 "How are we going to move that into the COMMS realm
24 without potentially infringing on any liability that may exist
25 around what we would say in the public forum or what we
26 understood of operations at the time?" (As read)

27 And what I'm asking you is do -- why, in your statement to the Mass
28 Casualty Commission, are you referencing potentially infringing on liability?

1 **D/COMMR. BRIAN BRENNAN:** I can't recall -- I mean, I recall my
2 interview, I can't recall why I used that terminology.

3 **COMMISSIONER MacDONALD:** Sorry, Deputy of Mr. Scott.
4 There may be an objection coming through.

5 **MS. LORI WARD:** Thank you, Commissioner. I'm just -- not an
6 objection at this point, but wonder if Mr. Scott is starting to sway into matters of
7 solicitor/client privilege. So I would just caution Mr. Scott on that.

8 **COMMISSIONER MacDONALD:** Mr. Scott?

9 **MR. MICHAEL SCOTT:** I can confirm that I won't ask the Deputy
10 Commissioner any questions that would require him to disclose solicitor/client
11 information.

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

13 **MS. LORI WARD:** Thank you, Mr. Scott.

14 **MR. MICHAEL SCOTT:** Deputy Commissioner, again taking it
15 back, what did you mean when you said -- when you suggested you were trying to avoid
16 potentially infringing on any liability? What were you referring to?

17 **D/COMMR. BRIAN BRENNAN:** Again, I'm not trying to be
18 evasive. I can't recall the -- why -- what I was trying to express using that terminology.
19 It may have been around, you know, a discussion about in our COMMS, are we
20 admitting to something that would lead us to be liable for something down the road?

21 **MR. MICHAEL SCOTT:** Right. And without -- obviously without
22 getting into any advice you may have received, what I hear you saying is, "We were
23 talking about how we're going to answer these questions about why Ready Alert wasn't
24 sent. We've got to think about the way we present that to the public without
25 unnecessarily exposing ourselves to potential legal liability." That was the concern?

26 **D/COMMR. BRIAN BRENNAN:** Yes.

27 **MR. MICHAEL SCOTT:** Right. And when you talk about moving
28 into the COMMS realm, despite having a pretty good idea by April 22nd why a Ready

1 Alert wasn't sent out, the concern was if you'd just come out and said that, that might
2 have implications for the RCMP; correct?

3 **D/COMMR. BRIAN BRENNAN:** Potentially, yes.

4 **MR. MICHAEL SCOTT:** And you'll agree with me that in this
5 particular circumstance, that concern seems to be in conflict with, presumably, a desire,
6 or at least an obligation to be transparent, and forthcoming, and candid with the people
7 of Nova Scotia?

8 **D/COMMR. BRIAN BRENNAN:** Yes, with caution.

9 **MR. MICHAEL SCOTT:** Sorry, what do you mean with caution?

10 **D/COMMR. BRIAN BRENNAN:** Will we needed to have been
11 clear, and concise, and informative, but we needed to, you know, always be thinking
12 about, okay, what we say and how we say it. We need to be cautious that we're not,
13 again, as mentioned, moving into that liability realm.

14 **MR. MICHAEL SCOTT:** And just, you know, given your senior
15 position within the RCMP, how do you, in this circumstance or others, balance those
16 competing interests? The competing interest that, you know, you want to not
17 unnecessarily expose the RCMP to, say, legal liability or lawsuits and then balance that
18 against, presumably, a sincere belief that your responsibility is to be perfectly honest
19 with the public regardless of what the implications are for the organization?

20 **D/COMMR. BRIAN BRENNAN:** So yeah, so that's why we engage
21 our in-house legal counsel, to say if, you know, if we go out and we say this in this
22 format or this way, is there anything that we should be concerned about, but still
23 understanding that we have to get messaging out that's accurate, timely, and, you
24 know, clear in the messaging that we're trying to send in that particular statement.

25 **MR. MICHAEL SCOTT:** Just moving on, in your interview with the
26 Mass Casualty Commission, you were asked by Commission Counsel, and for my
27 friend, page 75:

28 "...do you think H Division [...] is better positioned [...]"

1 than it was in April of 2020...”

2 The inference being a better position to respond to an incident of
3 the kind that we saw in April 2020. And your answer was yes. And presumably that’s
4 still how you feel?

5 **D/COMMR. BRIAN BRENNAN:** Yes, because I think that there’s
6 obvious lessons learned, there’s a lot of self-reflection, you know, things that we would
7 do different and things that are in place, so i.e., Ready Alert, procedures around that,
8 protocols in terms of things that were raised around air services support, you know,
9 getting the right resources in at the time, understanding, you know, communication, you
10 know, again, lessons learned. And when I say communications, I am speaking of
11 communications in wholistic, whether it be communications to the public, whether it be
12 internal communications within the Division back and forth to National Headquarters,
13 lessons learned there. We continue to, you know, advance our training for our
14 members and providing them the tools and equipment that they need.

15 So I think it would be naïve to believe or to think that there aren’t
16 immediate lessons learned that we wouldn’t apply to another incident, whether it be in
17 Nova Scotia or in another part of the country. And that came to fruition, as I mentioned
18 before, unfortunately, with the mass casualty incident here in Saskatchewan.

19 **MR. MICHAEL SCOTT:** And in the response you gave to that
20 question to the Mass Casualty Commission when you were being interviewed by
21 Commission Counsel, one of the reasons you gave was yes:

22 “...in terms of the dedication of the employees that are
23 down there.”

24 And I assume you mean -- down there, you mean Nova Scotia?

25 **D/COMMR. BRIAN BRENNAN:** Yes, that’s correct. Yes.

26 **MR. MICHAEL SCOTT:** All right. You’ll agree with me that we had
27 lots of dedicated RCMP members in April 2020?

28 **D/COMMR. BRIAN BRENNAN:** Without question.

1 **MR. MICHAEL SCOTT:** Right. We don't have more dedicated
2 RCMP members than we did in April 2020, do we?

3 **D/COMMR. BRIAN BRENNAN:** In terms of numbers or their
4 dedication level?

5 **MR. MICHAEL SCOTT:** Well in terms of their dedication level.
6 That -- any criticisms we may have in response, it's not your understanding the
7 dedication of the members was a material issue?

8 **D/COMMR. BRIAN BRENNAN:** Oh, absolutely not. And I was
9 making a point that our members continue to be dedicated to their responsibilities and
10 that hasn't waived as a result of this unfortunate incident.

11 **MR. MICHAEL SCOTT:** Right. So it's -- it remains. It's not that
12 we're better positioned to respond to a critical incident, it's that we are -- we maintain
13 that level of dedication? That's what you were saying?

14 **D/COMMR. BRIAN BRENNAN:** Yes. But I also think there was,
15 you know, comments provided by -- to the Commission by many people who remained
16 in the Division staying that we continued to be dedicated. So sort of re-emphasizing
17 that.

18 **MR. MICHAEL SCOTT:** You also said:

19 "I've never wavered in my position that the members [...]
20 would answer the call to the best of their ability and
21 without hesitation."

22 Presumably referring to potential events in the future. But again,
23 there was no issue in April 2020 with respect to the willingness of members to respond
24 to the call? That's nothing something that's been improved since April 2020; is it?

25 **D/COMMR. BRIAN BRENNAN:** Not from their personal
26 standpoint. But organization, I think we're better positioned to support them.

27 **MR. MICHAEL SCOTT:** You also said that:

28 "I hope that we would [...] be able to rely on better

1 engagement and functionality with other agencies within
2 that province...”

3 And I assume what you're referring there to were things like a
4 better relationship or better interoperability with municipal police forces? Do I read that
5 correctly?

6 **D/COMMR. BRIAN BRENNAN:** Yes, with municipal police forces,
7 with emergency management around the Alert Ready. I'm sure there was, you know,
8 other areas. EMS. You know, medical examiner's offices. Et cetera.

9 So you know, out of this, a lesson learned, relationships cannot be
10 made in the time of crisis. They need to be made before that so in a time of crisis, you
11 are operational, you're interoperable, and you're communicating.

12 **MR. MICHAEL SCOTT:** Right. And I think this morning you were
13 talking about how critical that was in terms of the recent events in Saskatchewan and
14 collaboration with the Regina Police Service?

15 **D/COMMR. BRIAN BRENNAN:** Regina and Saskatoon Police
16 Services. Yes. Yes.

17 **MR. MICHAEL SCOTT:** And you're obviously aware that the
18 RCMP relationship with municipal police forces in Nova Scotia has been a live issue
19 throughout this inquiry?

20 **D/COMMR. BRIAN BRENNAN:** Unfortunately, yes.

21 **MR. MICHAEL SCOTT:** And, you know, I note, perhaps, just to
22 turn a phrase here, but you say:

23 “I hope that we would [...] be able to rely on better
24 engagement...”

25 While we certainly appreciate that, are you aware of any concrete
26 or articulable steps that have been taken to remedy the issues that we've seen between
27 Nova Scotia RCMP and the municipal police forces?

28 **D/COMMR. BRIAN BRENNAN:** Yes. So I -- in my conversations

1 with the now Interim Commanding Officer John Ferguson, early days when he was
2 going to be going there to fill that role for us, one of the priorities that I gave to Assistant
3 Commissioner Ferguson was, "You need to start reaching out to our partners, in
4 particular the Nova Scotia Chiefs of Police, to re-engage conversation, to understand
5 the reasons why the relationship had gotten to the point where it had, and work to start
6 laying the runway for the new permanent Commanding Officer to take over," because,
7 again, I can only talk about the lens that I look through.

8 I was the Commanding Officer in Nova Scotia up until the end of
9 2018 and in my estimation, we had -- I had, personally, and the Division, had extremely
10 good relationships with the Chiefs of Police. And obviously something shifted. I can't
11 speak to all the reasons why that would have happened. But we needed -- we need to
12 get that relationship back on track for the benefit of public safety and the communities
13 we serve, interoperability, all of those things that we mentioned. No one police agency
14 in any province can go it alone. And if we don't have those relationships and another
15 incident of any scale happens and we weren't able to work together, it does not reflect
16 that we truly understood the lessons that needed to be learned from the mass casualty.

17 **MR. MICHAEL SCOTT:** And I hear you saying that when you were
18 CO of H Division, this wasn't a live issue. And obviously we're very much aware of the
19 fact that in recent years it has been. Is it your understanding that the source of those
20 issues can be tied to either the Commanding Officer or senior officers within H Division
21 since 2018?

22 **D/COMMR. BRIAN BRENNAN:** I would say that that is part of the
23 equation, yes.

24 **MR. MICHAEL SCOTT:** What's the other part of the equation?

25 **D/COMMR. BRIAN BRENNAN:** It would have to do around things
26 that I have come to learn about since. So things like policing standards was an issue in
27 terms of relationships and, you know, what the provincial government potentially could
28 bring in, sort of separated the objectives of the municipal chiefs and the RCMP. Some

1 of it, obviously, was personalities within those relationships. And I believe that has led
2 to a lack of trust between the senior leaders and, you know, senior managers trying to
3 work together to achieve common goals for public safety in Nova Scotia.

4 So I think it's a gradual build up of issues, concerns, personalities,
5 et cetera, that just grew into something that ended up not being productive in terms of
6 policing leadership in that province.

7 **MR. MICHAEL SCOTT:** Just changing gears, Deputy
8 Commissioner, you recall you came to Nova Scotia personally in October of 2020?

9 **D/COMMR. BRIAN BRENNAN:** Yes.

10 **MR. MICHAEL SCOTT:** And that was precipitated by a phone call
11 you received on October 5th, 2020 by Assistant Commissioner Daley?

12 **D/COMMR. BRIAN BRENNAN:** I'm not making that linkage.

13 **MR. MICHAEL SCOTT:** Do you recall around that time period
14 receiving a call from Assistant Commissioner Daley regarding issues that he was
15 hearing about with H Division?

16 **D/COMMR. BRIAN BRENNAN:** Oh, yes. Yes. That in and of
17 itself was not the impetus for me necessarily going down there. There was other factors
18 involved in that.

19 **MR. MICHAEL SCOTT:** Okay. But the Assistant Commissioner
20 had relayed to you concerns related to the performance absenteeism from office, no
21 engagement with the province related to the Commanding Officer of H Division? Is that
22 ---

23 **D/COMMR. BRIAN BRENNAN:** Yes.

24 **MR. MICHAEL SCOTT:** --- a fairly accurate description?

25 **D/COMMR. BRIAN BRENNAN:** Yes.

26 **MR. MICHAEL SCOTT:** And your understanding was that these
27 were messages that the Assistant Commissioner was receiving and then passing on to
28 you as, obviously, the person who has oversight for the Division?

1 **D/COMMR. BRIAN BRENNAN:** Correct.

2 **MR. MICHAEL SCOTT:** And some of the concerns that were
3 relayed to you were with respect to things like poor relationship between the RCMP in
4 Nova Scotia and the Halifax Regional Police?

5 **D/COMMR. BRIAN BRENNAN:** Correct.

6 **MR. MICHAEL SCOTT:** And poor relationship with the municipal
7 chiefs of police, which we were just talking about?

8 **D/COMMR. BRIAN BRENNAN:** Yes.

9 **MR. MICHAEL SCOTT:** And poor relationship with -- between the
10 Nova Scotia RCMP and the Provincial Department of Justice?

11 **D/COMMR. BRIAN BRENNAN:** Yes. I've found that out, yes.

12 **MR. MICHAEL SCOTT:** And poor relationship between the Nova
13 Scotia RCMP and the Nova Scotia Indigenous Chiefs?

14 **D/COMMR. BRIAN BRENNAN:** So I'm not quite following the -- I
15 understand -- sorry. I understand your questioning, I'm just not following the trail from
16 that initial phone call or that conversation I had with Assistant Commissioner Daley,
17 because in the lead up to my visit, I received unsolicited phone calls from senior
18 managers expressing those things, and then upon my meeting with senior leaders on
19 the 20th, these things that you are outlining were relayed to me. So I don't think all of
20 that was contained within my conversation with Dennis Daley. However, what you are
21 saying were things that I came to learn in those areas through phone calls and through
22 my conversations during my visit on October 20th. So I just want to be sure that I'm
23 understanding the sort of time period or the realm of your question.

24 **MR. MICHAEL SCOTT:** No, that's fair. I guess maybe we can put
25 it this way. So you were alerted that there are issues at H Division through this call from
26 Dennis Daley, which is followed by you receiving some unsolicited phone calls, and
27 then actually travelling to Nova Scotia in October 2020 to interview senior management
28 and others to try to get a clear picture of what's going on at H Division?

1 **D/COMMR. BRIAN BRENNAN:** Yes, that encapsulates sort of the
2 chain of events, I guess.

3 **MR. MICHAEL SCOTT:** And in that, for want of a better way of
4 putting it, in the course of you investigating those issues, some of the things that you're
5 learning, or are being relayed to you, are these things that I'm referencing?
6 Relationship with HRP, and chiefs of police, Department of Justice, Indigenous Chiefs?

7 **D/COMMR. BRIAN BRENNAN:** Yes, those were the four themes
8 that came out of my visit to Nova Scotia and meeting with the senior management team
9 as individuals. Those were the four themes that were consistent through the majority of
10 those conversations.

11 **MR. MICHAEL SCOTT:** Now, what was also being communicated
12 to you was the suggestion that there were -- some people felt there were two camps at
13 H Division, either you're with the Commanding Officer, Assistant
14 Commissioner Bergerman, or you're on the other team, and that that was impacting the
15 functioning of the division?

16 **D/COMMR. BRIAN BRENNAN:** Absolutely, yes.

17 **MR. MICHAEL SCOTT:** And you were also receiving criticisms
18 that some of the senior management felt that the Assistant Commissioner, the
19 Commanding Officer wasn't showing up to the office frequently enough, and wasn't
20 engaging, had no vision, wasn't pushing anything forward?

21 **D/COMMR. BRIAN BRENNAN:** Yes. Those were some of the
22 comments relayed to me, yes.

23 **MR. MICHAEL SCOTT:** Would it be fair to characterise it, and I'm
24 not going to ask you to speak to whether they're true or not, but just in terms of the
25 concerns that are being relayed to you, that the picture that you were being provided
26 with was one of dysfunction at the management level within H-Division?

27 **D/COMMR. BRIAN BRENNAN:** Yes, and I would go as far to say
28 on behalf of the management team. It was affecting the entire executive team of the

1 division to function as a team and at, what I would determine, an acceptable level for a
2 divisional command structure.

3 **MR. MICHAEL SCOTT:** And am I correct that what you were being
4 told didn't suggest that this was something that had just arisen after April 19th, 2020, but
5 actually had been, to one degree or another, issues that had predated the mass
6 casualty event?

7 **D/COMMR. BRIAN BRENNAN:** Based on the comments from the
8 individuals, yes.

9 **MR. MICHAEL SCOTT:** All right. And what, if any action, was
10 taken by you to address those issues of dysfunction within the division?

11 **D/COMMR. BRIAN BRENNAN:** So after my -- after my meetings
12 with the senior management people, and I must -- I think it's important that I be clear
13 that I did -- I went down there and offered to speak to people who wanted to speak to
14 me, I didn't schedule or make anybody come see me. It was voluntary on their part, and
15 I probably met with in excess of, you know, 15 individuals that wanted to come talk to
16 me.

17 So after those interviews or those conversations took place, and I
18 did a little tour of the detachments, because the fishery dispute was on, and I went out
19 to Enfield, I met with Assistant Commissioner Bergerman and Chief
20 Superintendent Leather to advise them of the comments that I heard, to advise them of
21 those four themes, and to talk about that, you know, this division is split into two camps,
22 by the observations, and I gave them clear direction that they needed to resolve these
23 issues of these two camps. They need to have a strategic go-forward and engagement
24 with how the senior team was going to work.

25 Because some individuals who were new to the division, post the
26 mass casualty in the senior leadership roles, would tell me, and I'm paraphrasing, would
27 say, "I know what my job is, but I don't know how I fit into the Senior Management
28 Team." So there was no strategic outlook. People weren't understanding, "Okay, what

1 else am I supposed to do?"

2 So -- and the other thing that was obviously clear to me was that
3 while the division had provincial policing mandates and direction, they didn't have any
4 priorities for the division itself on the go-forward. They were so consumed with a lot of
5 other things that they weren't focussing on how to make that division function in a time
6 of COVID, post the mass casualty, et cetera. And without the strategic priorities and
7 plans nobody would find their way, and they needed -- they needed to have self-
8 examination about that. And these are senior -- these are the two top senior leaders in
9 the division I'm talking with, that's their responsibility to lead and try to resolve those --
10 resolve those issues.

11 And so I gave them a diary date, for lack of a better term, to
12 establish strategic divisional priorities that could be attainable to bring this management
13 team back to a function that was productive and efficient by sort of the next planning
14 cycle in our world, so into the new calendar year, because this is October of 2020. And
15 that was agreed to be done.

16 The other thing that I personally observed was senior managers in
17 that division were exhausted, they were tired, and I had the belief that it was leading to
18 some of this. So I directed both Assistant Commissioner Bergerman and Chief
19 Superintendent Leather would be taking annual leave, sustained, like, not a day or two
20 here, but two or three weeks to demonstrate that it's okay to go off, for them to refocus,
21 recharge their batteries, and to have the same expectation that their senior people
22 would take leave.

23 So I'm giving them the opportunity -- I've raised the concerns. I'm
24 giving them an opportunity to sort of correct what they should be doing, and looking
25 after their well-being and moving into a new phase of what that division needed to be.

26 **MR. MICHAEL SCOTT:** Thank you for that. Just shifting gears,
27 you were asked briefly this morning about the now well-known meeting of April 28th,
28 2020 with Commissioner Lucki?

1 **D/COMMR. BRIAN BRENNAN:** M'hm.

2 **MR. MICHAEL SCOTT:** And just to be clear that in advance of that
3 meeting it was completely clear to you that H-Division was not going to be releasing the
4 make and model of firearms used or possessed by the perpetrator?

5 **D/COMMR. BRIAN BRENNAN:** That was the information that I
6 was provided in a verbal conversation with Ms. Scanlan, and then she subsequently
7 followed up with an email to me stating what Superintendent Campbell was willing and
8 able to say within the press conference that was going to be held later that afternoon.

9 **MR. MICHAEL SCOTT:** Right. And that confirmation that you
10 were receiving from Lia Scanlan is on the afternoon of the 28th?

11 **D/COMMR. BRIAN BRENNAN:** Yes.

12 **MR. MICHAEL SCOTT:** And what was made clear to you through
13 those communications was that they would -- they -- Chief Superintendent Campbell
14 would be talking about the fact that there were handguns and long guns used, he just
15 wouldn't be talking about things like the caliber of those weapons or, you know, whether
16 it was a Winchester or a Ruger, he wasn't going to talk about the make or the caliber.

17 **D/COMMR. BRIAN BRENNAN:** And he wasn't going to talk about
18 the forensics of the weapons used or seized, et cetera.

19 **MR. MICHAEL SCOTT:** Well -- and your understanding at that
20 point was that he couldn't because they didn't have the information on the forensics?

21 **D/COMMR. BRIAN BRENNAN:** Correct, yes. Yeah.

22 **MR. MICHAEL SCOTT:** Right. And your understanding was also
23 that they were going to communicate that there were no other weapons because by this
24 point the RCMP had searched the perpetrator's other residences, so the only weapons
25 were the ones that were found at -- in the car at Big Stop?

26 **D/COMMR. BRIAN BRENNAN:** That was my understanding, yes.

27 **MR. MICHAEL SCOTT:** Right. So your understanding is that
28 information about firearms was going to be released, it was just this very narrow band of

1 some very specific details that Chief Superintendent Campbell was, in Lia Scanlan's
2 words, not comfortable releasing?

3 **D/COMMR. BRIAN BRENNAN:** Correct.

4 **MR. MICHAEL SCOTT:** And you're getting that in the hours just
5 before the press conference?

6 **D/COMMR. BRIAN BRENNAN:** Yes.

7 **MR. MICHAEL SCOTT:** And you had said previously that you
8 advised Commissioner Lucki about that, and if I heard you correctly this morning, you
9 have now -- you have now reconsidered that position and say that you did not pass that
10 information on to the Commissioner.

11 **D/COMMR. BRIAN BRENNAN:** Yes, I believe the words I used in
12 my interview is "I probably", I used the word "probably" had advised the Commissioner,
13 not realising or recalling that she wasn't in the building and I was at the time. Because
14 in the normal course of business, I would have walked down the hall, probably had a
15 conversation with her, so I -- I was thinking more along of the lines of "well, that would
16 have been my normal practice", but then becoming aware of the Commissioner saying
17 that she did not receive it, I then recalled that, yes, she was not in the office, I was. So
18 on reflection it's clear that I did not advise the Commissioner of my conversation with
19 the division around what they would say.

20 **MR. MICHAEL SCOTT:** Okay. And when did you come to that
21 realisation?

22 **D/COMMR. BRIAN BRENNAN:** When I realised that the
23 Commissioner, in her testimony, had said she wasn't in the office on that day.

24 **MR. MICHAEL SCOTT:** Okay. Can we agree that obviously there
25 were some concerns about the way a number of those press conferences had gone, in
26 terms of the information provided and how smoothly it went, there were certainly
27 concerns at the national level about Nova Scotia was communicating publicly?

28 **D/COMMR. BRIAN BRENNAN:** Yes.

1 **MR. MICHAEL SCOTT:** Right. And can we also agree that the
2 press conference that was headed by C/Supt. Campbell on April 28th, 2020 was, by that
3 point, hand over fist better than the ones that had come before?

4 **D/COMMR. BRIAN BRENNAN:** Clearly, yes.

5 **MR. MICHAEL SCOTT:** And it was certainly your view, and I think
6 some similar phrase was communicated through the Justice Minister, the Honourable
7 Minister Furey, about how well C/Supt. Campbell performed and provided clarification
8 on a number of issues? Is that correct?

9 **D/COMMR. BRIAN BRENNAN:** Yes.

10 **MR. MICHAEL SCOTT:** And following that press conference, you
11 received a phone call from Commissioner Lucki expressing her displeasure and asking
12 for a meeting?

13 **D/COMMR. BRIAN BRENNAN:** Yes.

14 **MR. MICHAEL SCOTT:** Am I correct that the only issue, as you
15 understood it, that the Commissioner had with that press conference was this one issue
16 about make and model of the firearms?

17 **D/COMMR. BRIAN BRENNAN:** It was about, partly about the
18 make and model, but more to talking about the firearms and becoming clear in it as well.
19 It's not strictly just about make and model.

20 **MR. MICHAEL SCOTT:** All right. Well what else is it about with
21 regard to firearms?

22 **D/COMMR. BRIAN BRENNAN:** It's about talking about and
23 acknowledging that certain styles of -- like, handguns and long guns were seized in the
24 investigation. So to what Darren Campbell -- because we were -- as I said this morning,
25 it wasn't, in my opinion, the Commissioner -- it wasn't strictly about that press
26 conference. It was about what we would now say was inadequate communication over
27 that week and this kind of cumulative with the point that the Commissioner was given
28 wrong information, I believe through Sharon Tessier, a wrong understanding about what

1 would be said. That didn't come to fruition, so she wanted to have this conversation
2 about communications with the Division.

3 **MR. MICHAEL SCOTT:** Right, but the difference between what
4 was expected and what C/Supt. Campbell actually spoke about in the press conference,
5 the only thing missing was the issue about the make and model; was it not?

6 **D/COMMR. BRIAN BRENNAN:** From the Commissioner's point of
7 view, yes.

8 **MR. MICHAEL SCOTT:** Right.

9 **D/COMMR. BRIAN BRENNAN:** Yes.

10 **MR. MICHAEL SCOTT:** And I appreciate that -- and we heard the
11 same from Commissioner Lucki, that this was sort of the straw that broke the camel's
12 back, there had been concerns about -- but in terms of what that straw is, what triggers
13 this phone call, it is -- it's not that, you know, guns weren't mentioned or firearms
14 weren't mentioned. It's really specifically this make and model issue?

15 **D/COMMR. BRIAN BRENNAN:** Yes. From what the
16 Commissioner believed was going to be said and what did not happen.

17 **MR. MICHAEL SCOTT:** And did it strike you at the time that, you
18 know, certainly we can appreciate that sometimes things are cumulative, but if that's the
19 straw that broke the camel's back, it's a pretty small straw?

20 **D/COMMR. BRIAN BRENNAN:** I guess that would depend on
21 who's making that determination. For the Commissioner, it was the straw that broke the
22 camel's back. I'm not sure that I could unequivocally say that it was a small straw for
23 everybody.

24 **MR. MICHAEL SCOTT:** All right. But in terms of advising the
25 public and keeping the public informed, whether or not a long gun is, you know,
26 chambered in .223 calibre or 7.62 is not perhaps the most important bit of information to
27 be put out? Or is there some particular significance to naming things like, "Well, this
28 handgun is made by this company," or, "This rifle is chambered in this calibre"?

1 **D/COMMR. BRIAN BRENNAN:** It would depend -- it would
2 depend on how critical that information would be to an ongoing investigation.

3 So as C/Supt. Campbell has articulated, there was ongoing
4 investigations about where, potentially, some weapons were sourced from. So
5 potentially giving out a descriptor of the weapon, you know, could alert somebody that
6 they're looking into that particular weapon that, you know, maybe an individual sold or
7 transferred to the perpetrator.

8 So it may -- it seems like a small point when we think about it in the
9 grand scheme of things, but it may be a key point of what we would refer to as hold
10 back information or hold back evidence not to be made public at that time.

11 So I know it's a small nuance, but sometimes that's some
12 information that needs to be protected for an ongoing investigation.

13 **MR. MICHAEL SCOTT:** No, and maybe I wasn't clear. I'm
14 suggesting to you that yes, of course there's times where certain details need to be held
15 back because of an ongoing investigation, but in terms of the necessity of providing that
16 information to the public in a press briefing, I guess what I'm asking you is whether you
17 have any sense of why those particular issues not being held back, being shared by the
18 Chief Superintendent, why that seemingly small detail seems so important to the
19 Commissioner?

20 **D/COMMR. BRIAN BRENNAN:** Yeah, I can't speak -- I don't know
21 why it was.

22 **MR. MICHAEL SCOTT:** Right. Now, when Commissioner Lucki
23 contacted you to ask that you set up this call, I assume she advised you what her -- sort
24 of the source of her ire?

25 **D/COMMR. BRIAN BRENNAN:** Yes.

26 **MR. MICHAEL SCOTT:** Right. And I appreciate that you're now
27 saying that you didn't know -- or you didn't communicate the information you received
28 from H Division that afternoon, but presumably at that point, if you're getting a call from

1 Commissioner Lucki saying, "I'm really annoyed that this information wasn't announced
2 about the make and calibre," presumably at that point you would have said to her, "Oh,
3 about that, they were never going to. They made it very clear to me. I don't know
4 where you're getting your information from, but they actually told me this afternoon that
5 they're not releasing that information." Did that come up?

6 **D/COMMR. BRIAN BRENNAN:** No, it did not.

7 **MR. MICHAEL SCOTT:** Because at that point, you know, if your
8 understanding is that we're having this call so that Commissioner Lucki can, if we want
9 a better way of putting it, take the senior executives from H Division to task for saying
10 they were going to do this, and then not doing it, presumably you were well positioned
11 to intervene on behalf of Supt. Campbell and others to say, "Actually, you know, they've
12 been quite consistent. This isn't their fault. This may be an issue with Sharon Tessier,
13 or maybe I should have communicated it to you, but this isn't H Division's fault. They've
14 been very clear that they weren't going to release this"?

15 **D/COMMR. BRIAN BRENNAN:** In hindsight, yes, I think that's --
16 that would make sense at the time. It's not something I thought about. And I also
17 wasn't in possession of any knowledge of what Sharon Tessier or Communications had
18 reported to the Commissioner, so I didn't have that context around it.

19 **MR. MICHAEL SCOTT:** And I appreciate you would have gotten
20 that later, but certainly at the time, even putting Sharon Tessier aside, you had received
21 information from H Division that they weren't going to release that information. I guess
22 I'm wondering why you sat through that whole meeting and didn't think to put your hand
23 up and say, you know, "In fairness to Supt. Campbell, or in fairness to the CrOps officer,
24 they didn't say they were going to release this information. I just talked to Lia Scanlan a
25 few hours ago and she made it very clear what Darren Campbell was comfortable
26 talking about and what he wasn't"?

27 **D/COMMR. BRIAN BRENNAN:** I never -- it never crossed my
28 mind to interject in that meeting with those facts, because I was operating under the

1 assumption that if Lia Scanlan is telling me that they're not going to do it, she's telling
2 National COMMS that they're going to do it, and that would have been relayed to the
3 Commissioner. I didn't have the other side of what the Commissioner was told was
4 going to be said. I just would make the assumption that whatever Ms. Scanlan is
5 briefing me on, she's briefing National COMMS on.

6 So oversight on my part, in hindsight, absolutely. I take
7 responsibility for that.

8 **MR. MICHAEL SCOTT:** All right. But what you're saying is you
9 didn't deliberately refrain from acknowledging what you knew? It just never crossed
10 your mind that perhaps the H Division officers were getting blamed for something that
11 they didn't do?

12 **D/COMMR. BRIAN BRENNAN:** I never intentionally withheld that
13 information. I just didn't think of it at the time.

14 **MR. MICHAEL SCOTT:** Okay. And you said earlier that one of the
15 issues here was, you know, we have to get -- we're getting a lot of questions about this
16 from the media and we need to answer the media.

17 But in the meeting with Commissioner Lucki, what the
18 Commissioner is saying to the people at H Division is she was talking about how
19 important the firearms issue is to the federal government, because, you know, it was no
20 secret that for us working with the Federal Government, that they were looking at future
21 gun legislation. That's what Commissioner Lucki was communicating in that meeting,
22 wasn't he?

23 **D/COMMR. BRIAN BRENNAN:** Yes, she mentioned that, yes.

24 **MR. MICHAEL SCOTT:** Right. She wasn't saying, "We need to
25 get this information out about, you know, whether this is a Ruger Mini 14 or it's this
26 particular calibre because we need the public to be well-informed." She's not saying
27 anything like that in the meeting, is she?

28 **D/COMMR. BRIAN BRENNAN:** No, she's not.

1 **MR. MICHAEL SCOTT:** No. She specifically tying the importance
2 of that information to the interests of the Liberal government.

3 **D/COMMR. BRIAN BRENNAN:** That was part of what she was
4 expressing to the "H" Division team, along with the fact that the information that she was
5 being provided was sort of ever-changing, non-consistent, didn't allow her to engage
6 with accurate information to the Federal Government, the Public Safety Minister's
7 Office, et cetera.

8 **MR. MICHAEL SCOTT:** Right. But the focus of the conversation
9 was about this one omission.

10 **D/COMMR. BRIAN BRENNAN:** I don't think I could -- I don't think
11 I could agree that it was a focus. It definitely was raised. There were other issues that
12 the Commissioner expressed, but it was raised in the conversation, for sure.

13 **MR. MICHAEL SCOTT:** And after that meeting, I think you said
14 you received a phone call from the Commanding Officer, from Lee Bergerman?

15 **D/COMMR. BRIAN BRENNAN:** Yes.

16 **MR. MICHAEL SCOTT:** Right. And obviously she was very
17 unhappy with the meeting?

18 **D/COMMR. BRIAN BRENNAN:** yes.

19 **MR. MICHAEL SCOTT:** And later on, you received a call from
20 Chris Leather as well, did you not?

21 **D/COMMR. BRIAN BRENNAN:** Um ---

22 **MR. MICHAEL SCOTT:** Or perhaps it's sometime down the road?

23 **D/COMMR. BRIAN BRENNAN:** I recall having, you know, a
24 conversation or conversations with Chris Leather about, you know, not feeling that that
25 meeting called by the Commissioner was necessary. He had some concerns about,
26 you know, why it came about, when it happened; like, right after the press conference,
27 et cetera. So because I was dealing with Chris on other matters gave him the
28 opportunity for me to speak to him -- or for him to speak to me about -- excuse me ---

1 **MR. MICHAEL SCOTT:** Yeah, but his concern wasn't primarily
2 about the timing of the meeting, was it? It was about Commissioner Lucki's -- the things
3 that Commissioner Lucki said in that meeting. He suggested to you that he felt it was
4 unprofessional.

5 **D/COMMR. BRIAN BRENNAN:** Oh yes. Yes, for sure, yeah.

6 **MR. MICHAEL SCOTT:** Right. And you've obviously been
7 involved in this now for a while and you've heard, I'm sure, the testimony between the
8 Mass Casualty Commission and SECU, that there appears to be two very different
9 accounts of what happened in that meeting; would that be fair?

10 **D/COMMR. BRIAN BRENNAN:** Yes.

11 **MR. MICHAEL SCOTT:** And you're aware that Chris Leather and
12 Darren Campbell and Lia Scanlan and Lee Bergerman all seem to provide one account
13 of that meeting, and then we have the version that we heard from Commissioner Lucki a
14 few weeks ago.

15 **D/COMMR. BRIAN BRENNAN:** Yes.

16 **MR. MICHAEL SCOTT:** And as somebody who was in on that
17 meeting and has firsthand knowledge, because obviously we don't, whose version of
18 that meeting is more accurate; the people at "H" Division in Halifax, or Commissioner
19 Lucki?

20 **D/COMMR. BRIAN BRENNAN:** That's a very difficult question for
21 me to answer because people had their perspectives of what was said, what was
22 received, how they interpreted it. So from my perspective, I was not privy to any
23 conversations with government around those particular issues, nor at any time did the
24 Commissioner ever express to me any concerns she had with government, you know.
25 So I think we're talking about the political interference piece, if I'm correct?

26 **MR. MICHAEL SCOTT:** Well, it's certainly one of them but there
27 were -- you understand that some of those witnesses have said that certain things were
28 said and that Commissioner Lucki has said that to the best of her recollection, they were

1 not.

2 **D/COMMR. BRIAN BRENNAN:** So yes. So in terms of things
3 said, how they were said, I didn't take any -- as you can see in my notes, I didn't take
4 any particular notes about, you know, exact wording of things that were said. I don't
5 recall anything derogatory towards -- like, the Commissioner spoke towards anybody.
6 She never -- she never, like, yelled; she never used inappropriate language; she never
7 called anybody out personally, so, i.e., "You, so-and-so, didn't do this." It wasn't that
8 type of -- that type of conversation. Was she frustrated; was she disappointed; was she
9 -- was concerned. I think she even used the term, "Disrespected." So, like, those
10 words were used. But, again, I didn't take any specific notes about it, and I cannot
11 recall, you know, exact language used or how people perceived it.

12 I am not discounting either side of the story; I just don't have a
13 recollection that would allow me to honestly fall to one side or the other of the question
14 you've asked. Like, who do I believe is most accurate? I just don't have that
15 recollection to give that answer.

16 **MR. MICHAEL SCOTT:** I mean, in fairness, if you don't remember
17 the meeting, I mean, that's one thing, but you appreciate the distinction between -- you
18 know, we may not be able to understand how somebody perceives something or how
19 they interpret something. That's a very different thing than a disparity in the
20 fundamental nature of the meeting, because while you may not have taken very good
21 notes, you were at that meeting, you know, you heard everything that was said.

22 **D/COMMR. BRIAN BRENNAN:** Absolutely. I just can't, two and a
23 half years later, recall enough specifics, or I don't have anything before me that
24 refreshes my memory to allow me to give a fulsome answer to the question that you're
25 asking. And I'm not trying to be -- again, I'm not trying to be evasive. I said, I can
26 remember what the Commissioner's tone was, you know how she presented the
27 meeting. I can't speak to how it was received because, again, it's a teleconference. I
28 couldn't see the individuals, I couldn't read the body language, I couldn't do any of that.

1 So again, I'm -- I just cannot recall specific enough details around that, I believe, to
2 answer your initial question.

3 **MR. MICHAEL SCOTT:** Approximately a year later you received --
4 or you were shown a copy of the letter that Lia Scanlan had sent to Commissioner
5 Lucki?

6 **D/COMMR. BRIAN BRENNAN:** Yes.

7 **MR. MICHAEL SCOTT:** And you reviewed that letter?

8 **D/COMMR. BRIAN BRENNAN:** I read it, yes.

9 **MR. MICHAEL SCOTT:** And would you say that what Ms. Scanlan
10 writes in her letter, what she sets out in her letter, her depiction of that meeting, is that a
11 fair representation of the meeting, or did you read that and think to yourself, "Well, I --
12 this doesn't accord with the meeting that I was at"?

13 **D/COMMR. BRIAN BRENNAN:** I -- actually when I read it, I was
14 disheartened that that was a meeting that I participated in and did not grasp the effect
15 that that meeting had on Lia in that regard. I mean, I could not recall that meeting
16 leading to things that had expressed in that letter. And it shocked -- it shocked me that
17 the conversation and a year later that had affected her so deeply.

18 So in hindsight I actually questioned myself to say, "What was
19 said?" Like, can I recall anything that allows me to say, like, "Oh my God, yeah, I can
20 see why Lia's feeling that way"? And I couldn't recall it. Again, it's Lia's interpretation of
21 the message that she received and how it affected her personally, and obviously
22 professionally, over a long period of time.

23 **MR. MICHAEL SCOTT:** To the extent that Ms. Scanlan says that
24 Commissioner Lucki said something to her to the effect that, you know, "You let those
25 boys down"; that's not an interpretation, is it? That's a statement of fact.

26 **D/COMMR. BRIAN BRENNAN:** Absolutely, and I did not recall -- I
27 never -- I don't recall, I'm not saying it didn't happen, I just don't recall that particular
28 statement.

1 **MR. MICHAEL SCOTT:** Do you not think that if it was said you
2 would -- you would probably have noted that because it would be a wildly inappropriate
3 thing for the Commissioner of the RCMP to say to the Nova Scotia Director of Strategic
4 Communications? Would that not be memorable?

5 **D/COMMR. BRIAN BRENNAN:** It should have been if it was said,
6 I just don't recall it.

7 **MR. MICHAEL SCOTT:** Okay. Now, obviously what would -- what
8 would really clear this issue up would be if there was some sort of, like, an audio
9 recording of that meeting. That would be of great assistance, would it not?

10 **D/COMMR. BRIAN BRENNAN:** It would leave absolutely no doubt
11 what was said and how it was said, yes.

12 **MR. MICHAEL SCOTT:** Right. And who's Dan Brien?

13 **D/COMMR. BRIAN BRENNAN:** Dan Brien is a member of the
14 National Headquarters Communications Team.

15 **MR. MICHAEL SCOTT:** And was he participating in that phone call
16 on April 28th, 2020?

17 **D/COMMR. BRIAN BRENNAN:** Yes.

18 **MR. MICHAEL SCOTT:** And what, if anything, do you know about
19 the possibility that Mr. Brien recorded that meeting?

20 **D/COMMR. BRIAN BRENNAN:** I am aware that Mr. Brien had
21 recorded -- I can't -- I don't know if it was all of the meeting, but partial -- parts of the
22 meeting, and I did not find that out until sometime spring of this year. I didn't know that
23 that -- that had existed or that he undertook to record that call.

24 **MR. MICHAEL SCOTT:** Right. And you say spring of this year, so
25 you're talking about, like, April and May or around the time that we were discussing the
26 revelation of Superintendent Campbell's notes? Was it around that time that you were
27 alerted to the fact that Dan Brien may have recorded that meeting?

28 **D/COMMR. BRIAN BRENNAN:** Yeah, I believe it was post that, so

1 probably April, May is my recollection.

2 **MR. MICHAEL SCOTT:** Right. And to the extent that you were
3 alerted to the fact that there's a recording of that meeting, I note that at no point in your
4 interview with the Mass Casualty Commission did you make any mention of that.

5 **D/COMMR. BRIAN BRENNAN:** No. No.

6 **MR. MICHAEL SCOTT:** And did you not think that it would be, you
7 know, given the fact that you've now testified, you know, before the, you know, the
8 Standing Committee in Ottawa, and you've obviously dedicated a -- an extraordinary
9 amount of time to this issue here, did you not think that it would be of assistance to
10 mention that "By the way, we think there may be a recording of that meeting that would
11 really clear up this glaring discrepancy between the accounts"?

12 **D/COMMR. BRIAN BRENNAN:** I don't -- I don't disagree. It never
13 came up in terms of -- in terms of the meeting. And I don't have a whole lot of
14 information about the recording. I do know that there's a -- there's an investigation into
15 the recording, you know, where is it, can it be retrieved? I know that there's an internal
16 investigation taking place, but I'm not privy to the -- to the details of it. I was basically
17 just informed that it appears that Dan Brien recorded either all or -- all or part of that
18 conversation, and that it's being looked into further. And I believe -- I believe I also was
19 advised early on that apparently the recording doesn't exist anymore.

20 **MR. MICHAEL SCOTT:** Anymore.

21 **D/COMMR. BRIAN BRENNAN:** Anymore.

22 **MR. MICHAEL SCOTT:** And do you have any information that
23 would explain why it no longer exists?

24 **D/COMMR. BRIAN BRENNAN:** I don't. I believe it was -- I believe
25 it was because -- it doesn't exist because Mr. Brien has deleted it from whatever phone
26 he was using it at the time, but...

27 **MR. MICHAEL SCOTT:** I see. So -- so this has been under
28 investigation since the spring of 2022?

1 **D/COMMR. BRIAN BRENNAN:** I don't know when the -- when the
2 exact investigation started, I just know that it was brought to -- brought to my attention
3 as another -- another fact in the matter and that the internal processes were going to be
4 put in place to investigate, you know, where the recording is, does it still exist, can we
5 obtain it, you know, all of -- all of those types of things ---

6 **MR. MICHAEL SCOTT:** Right.

7 **D/COMMR. BRIAN BRENNAN:** --- which is not -- is not falling
8 under my core responsibilities in terms of the Deputy Commissioner level.

9 **MR. MICHAEL SCOTT:** How much investigation is required to
10 track down Mr. Brien and say, "Where is that recording? And if you deleted it, why?
11 And if it's deleted from that device give us that device?" It doesn't strike me, and maybe
12 I'm missing something, as a particularly complicated issue if it was recorded by a senior
13 staff member at the RCMP.

14 **D/COMMR. BRIAN BRENNAN:** Yeah, I mean, it's -- it's not -- it's
15 not that complicated to say these are the things we should -- that should be done to do
16 that, I just can't speak to where they are in that process. If, you know, if the recording is
17 deleted from his phone, is there an ability investigation-wise to technically retrieve it?
18 Like, I don't know if it's sitting in a cloud base. I don't know -- like, I don't have any of
19 that -- any of that information. So there may be steps that are being taken around
20 investigation, privacy, you know, potentially, you know, getting a search warrant to
21 search a phone, I don't have any of that background information in terms of required
22 steps to find out where the recording is, retrieve it, what his intentions were, has he -- I
23 don't even know if Mr. Brien has yet been interviewed.

24 **MR. MICHAEL SCOTT:** If we are able to retrieve a copy of that
25 recording, how confident are you that it will bear out the version of that conversation that
26 you've described?

27 **D/COMMR. BRIAN BRENNAN:** If the recording is the entirety of
28 the -- of the conversation, so the entire thing, it would bring absolute clarity to all the

1 questions that are being asked, by not only the Mass Casualty Commission, by the
2 SECU, et cetera, there would be no doubt no room for interpretation, if it's there in its
3 entirety.

4 **MR. MICHAEL SCOTT:** Right. Those are the questions that I
5 have for you, but I appreciate your time, Deputy Commissioner.

6 **D/COMMR. BRIAN BRENNAN:** Thank you.

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

8 Deputy Commissioner, the next counsel to ask you some questions
9 will be Mr. Josh Bryson.

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

11 **MR. JOSHUA BRYSON:** Good afternoon, Deputy Commissioner.

12 | ---

13 **D/COMMR. BRIAN BRENNAN:** Good afternoon.

14 **MR. JOSHUA BRYSON:** I, and my colleague, Erin Wagner,
15 represent the family of Peter and Joy Bond. They resided at Cobequid Court. And I
16 also work closely with Stephen Topshee's team. They represent the families of the
17 Oliver/Tuck Family, also on Cobequid Court, and the family of Lillian Campbell.

18 So I have a few questions for you. I want to start with the National
19 Office of Investigative Standards and Practices. So you do have familiarity with this
20 office; correct?

21 **D/COMMR. BRIAN BRENNAN:** Yes, it falls under my area of
22 responsibility in Contract and Indigenous Policing and National Headquarters.

23 **MR. JOSHUA BRYSON:** Yes, thank you. And this office can
24 review investigations that are ongoing or concluded; correct?

25 **D/COMMR. BRIAN BRENNAN:** Yes, I believe so, yes.

26 **MR. JOSHUA BRYSON:** Yeah. And in fact, do you not, yourself,
27 on occasion personally receive requests for these reviews to take place?

28 **D/COMMR. BRIAN BRENNAN:** In my time, in this position, I have

1 never directly received a request for a NOISP investigation.

2 **MR. JOSHUA BRYSON:** Okay.

3 Madam Registrar, if we can bring up COMM42991, please, page 5.

4 And while we're waiting for that, Deputy Commissioner, but you do
5 agree that this office does report to you; correct?

6 **D/COMMR. BRIAN BRENNAN:** Yes, it eventually reports up to me
7 through several levels of supervisors, yes.

8 **MR. JOSHUA BRYSON:** Yes. And in this matter, this mass
9 casualty, the RCMP did in fact receive a request, as you discussed in your interview, for
10 a national investigation review; right?

11 **D/COMMR. BRIAN BRENNAN:** By NOISP? Yes.

12 **MR. JOSHUA BRYSON:** Yeah. And were you involved in either
13 setting its mandate or approving or putting this review, like, in abeyance, essentially
14 terminating this review?

15 **D/COMMR. BRIAN BRENNAN:** I was not.

16 **MR. JOSHUA BRYSON:** Did anyone consult with you?

17 **D/COMMR. BRIAN BRENNAN:** In terms of not going ahead?

18 **MR. JOSHUA BRYSON:** Yes.

19 **D/COMMR. BRIAN BRENNAN:** No. I don't recall that.

20 **MR. JOSHUA BRYSON:** And the termination occurred, my
21 understanding is that it occurred on or about December 14, 2020, in that timeframe, and
22 the rationale that you had discussed during your interview, and I read in other
23 documents, was that it was due to the fact that there were ammunition charges that
24 were laid against three persons, and given this pending criminal charge against three
25 people in relation to ammunition, the decision was made to terminate that review. Is
26 that your understanding?

27 **D/COMMR. BRIAN BRENNAN:** That's the information I was
28 provided, yes.

1 **MR. JOSHUA BRYSON:** Okay.

2 So we have the policy up. Are we on page 5?

3 **REGISTRAR DARLENE SUTHERLAND:** Yes, Mr. Bryson. And
4 that's going to be marked Exhibit 4668.

5 **--- EXHIBIT No. 4668:**

6 (COMM0042991) National Office of Investigative Standards
7 and Practices (NOISP) Policy, ch. 33.4

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

9 So can you see that, Deputy Commissioner?

10 **D/COMMR. BRIAN BRENNAN:** Yes, I can.

11 **MR. JOSHUA BRYSON:** Okay. So on page 5, at the very bottom,
12 it talks about the review and it says:

13 "If required, submit a request for support and approval to
14 the Deputy Commissioner, Contract and Indigenous
15 Policing, Delegate for Contact, or core policing cases, or
16 in federal policing cases, again it's the Deputy
17 Commissioner." (As read)

18 So that would be you; correct?

19 **D/COMMR. BRIAN BRENNAN:** Yes.

20 **MR. JOSHUA BRYSON:** And you're indicating you've never
21 received a request?

22 **D/COMMR. BRIAN BRENNAN:** A request? Sorry?

23 **MR. JOSHUA BRYSON:** You've never received a request for a
24 review under this policy?

25 **D/COMMR. BRIAN BRENNAN:** A request has never reached my
26 level in this regard, no.

27 **MR. JOSHUA BRYSON:** Okay. Now I'm sure you've reviewed
28 this policy prior to today? You're familiar with the policy?

1 **D/COMMR. BRIAN BRENNAN:** I'm familiar with it in general
2 terms. I did not review it prior to appearing before you today.

3 **MR. JOSHUA BRYSON:** Okay. I'm going to suggest to you that
4 when I review this five-page policy, I can't find anywhere where it states that a review is
5 to be terminated once criminal charges are to be laid. Do you know different?

6 **D/COMMR. BRIAN BRENNAN:** I do not know different, except for
7 the information that I was provided was that from the NOISP unit, it's their practice not
8 to engage in a NOISP review if there's criminal charges before the courts that have yet
9 been disposed of before engaging.

10 Now that is not obviously in policy, but that's the information that I
11 was provided.

12 **MR. JOSHUA BRYSON:** Okay. So if we turn to page 2, "File
13 Review Types", I'm going to suggest to you that the file review types actually
14 contemplate several scenarios where investigations are ongoing. In fact, read the first
15 one:

16 "Independent file assessment is a review of an ongoing
17 investigation that provides an impartial assessment of the
18 strengths and weaknesses of a case for the purposes of
19 providing strategic, corrective, and investigative
20 recommendations." (As read)

21 Do you see that there?

22 **D/COMMR. BRIAN BRENNAN:** I do not. So you're looking at 2.2
23 something? Sorry?

24 **MR. JOSHUA BRYSON:** Sorry, 3.21.

25 **D/COMMR. BRIAN BRENNAN:** Oh, it's 2.2 up on the screen.

26 **MR. JOSHUA BRYSON:** Okay. I'm on page 2. It's under "File
27 Review Types". The bottom of page 2, 3.2.

28 **D/COMMR. BRIAN BRENNAN:** Three point two two (3.22)?

1 **MR. JOSHUA BRYSON:** Three point two one (3.21).

2 **D/COMMR. BRIAN BRENNAN:** Oh.

3 **MR. JOSHUA BRYSON:** We'll start there.

4 **D/COMMR. BRIAN BRENNAN:** Sorry. Okay.

5 **MR. JOSHUA BRYSON:** That contemplates that the investigation
6 is ongoing; correct?

7 **D/COMMR. BRIAN BRENNAN:** Yes.

8 **MR. JOSHUA BRYSON:** And let's turn to the next page? Three
9 point -- I'm going to jump to 3.23. Independent Practice Assessment, IPA, also
10 contemplates that the investigation could be ongoing. There's no limits placed on this
11 review, or it's linked to criminal charges being laid in a particular matter. Is there?

12 **D/COMMR. BRIAN BRENNAN:** Just give me one second to
13 review.

14 I don't see anywhere in 3.2.3 relating to an ongoing investigation. I
15 don't see where it is.

16 **MR. JOSHUA BRYSON:** Sorry, my question is, there's no where
17 in this 3.23 that limits this type of review to files that haven't involved charges being
18 laid?

19 **D/COMMR. BRIAN BRENNAN:** Oh, yes. Correct.

20 **MR. JOSHUA BRYSON:** And similarly with the strategic advisory
21 group under 3.24, there's no limitation placed that I can see in the wording here in this
22 section, 3.24, or anywhere else, to suggest that these cannot be occurring when
23 charges are before the Court; correct?

24 **D/COMMR. BRIAN BRENNAN:** Yes. Yes, I would agree. Yes.

25 **MR. JOSHUA BRYSON:** Okay. So essentially here's my
26 question. So even if, let's accept your premise there that these reviews have to be
27 stalled when charges -- or terminated when charges are laid. Why couldn't you review
28 all other aspects of this mass casualty besides the one that dealt with providing

1 ammunition to the perpetrator?

2 **D/COMMR. BRIAN BRENNAN:** I'm sorry, I didn't follow the
3 second half of your question, sorry.

4 **MR. JOSHUA BRYSON:** So the reason why this review was
5 terminated was because three individuals were charged with providing ammunition to
6 the perpetrator; correct?

7 **D/COMMR. BRIAN BRENNAN:** That's the information that was
8 provided to me for the decision made, yes.

9 **MR. JOSHUA BRYSON:** Yes. So why couldn't the review
10 continue and focus on all other aspects of the mass casualty response and leave out
11 anything to do with the ammunition, which is one part of this overall file?

12 **D/COMMR. BRIAN BRENNAN:** Well I'm not sure that that couldn't
13 have taken place. I'm just not familiar enough with the processes and the structure
14 used to do an on the ground NOISP investigation. What you're referring to seems
15 reasonable and logical. Again, I just can't relate it to what the normal practices are for a
16 NOISP review in practice.

17 **MR. JOSHUA BRYSON:** Well, in fact, I'll give you an example,
18 and I'll use this Commission as the example. This Commission has carried out its work
19 with no or limited commentary on the pending criminal charges; right? It's been able to
20 carry out its work. But you're suggesting that NOISP needs a complete clean slate of
21 any and all criminal charges, even on matters that will be wholly unrelated to the
22 criminal charge?

23 **D/COMMR. BRIAN BRENNAN:** I'm -- I don't think I'm stating it
24 quite in that fashion. I'm just saying that the information that was provided to me was
25 that was the reason that NOISP gave for not continuing with the review, was because
26 there was charges. So I'm taking that at face value from them, is that their practice.
27 But I'm also saying that I don't disagree that potentially other things could be examined
28 in that realm. But I'm just not sure of the procedures and practices that NOISP used to

1 do those reviews.

2 **MR. JOSHUA BRYSON:** So when did you learn -- so I suggested
3 to you, and I'm basing this on a document we have, it's a task action report, it's
4 COMM7031. I don't need it produced. But that indicates that this review was
5 terminated on or about December 14th, 2020. When did you learn this review was
6 terminated?

7 **D/COMMR. BRIAN BRENNAN:** I would have learned that when I
8 was preparing for my interview with the Mass Casualty Commission.

9 **MR. JOSHUA BRYSON:** Wow, so you did not know that this
10 review was terminated until recent preparation for the Mass Casualty interview? Is that
11 correct?

12 **D/COMMR. BRIAN BRENNAN:** That's correct. It never came to
13 my level for a decision.

14 **MR. JOSHUA BRYSON:** And in your role as Deputy
15 Commissioner, you do have the ability to resurrect this review at any time; right?

16 **D/COMMR. BRIAN BRENNAN:** I would have that authority, yes.

17 **MR. JOSHUA BRYSON:** And have you done that to date?

18 **D/COMMR. BRIAN BRENNAN:** I have not undertaken that action
19 because I have been advised that as of, I believe it's July of this year, because the
20 charges are -- that have been dealt with, that the NOISP is now re-engaged with
21 determining the path forward on completing a NOISP review in this regard.

22 **MR. JOSHUA BRYSON:** And you also agreed in your interview
23 that certainly there are areas that could have been reviewed; right?

24 **D/COMMR. BRIAN BRENNAN:** Within NOISP or the totality of the
25 incident?

26 **MR. JOSHUA BRYSON:** The totality of this incident.

27 **D/COMMR. BRIAN BRENNAN:** Yes.

28 **MR. JOSHUA BRYSON:** Okay. I just want to give you some

1 examples. So for example, an area of review, and you can tell me if you agree with me
2 or not, why did it take 45 minutes to initiate the Critical Incident Package after the initial
3 9-1-1 call was made? I don't know if that was too long? If it could have been initiated
4 earlier? We had some evidence from Campbell, Supt. Campbell, that suggested that he
5 could have issued -- he could have consented to the Critical Incident Package after that
6 first 10:01 call, but we have a 45-minute period here that it takes to initiate this Critical
7 Incident Package. So that to me seems like an area that the RCMP could review, for
8 example.

9 **D/COMMR. BRIAN BRENNAN:** Yes.

10 **MR. JOSHUA BRYSON:** And that hasn't been done; right?

11 **D/COMMR. BRIAN BRENNAN:** Not to my knowledge.

12 **MR. JOSHUA BRYSON:** Okay. And in this case, we know that by
13 the time the Critical Incident Package was initiated, there were already 13 victims of this
14 mass casualty? By 10:45/10:46?

15 **D/COMMR. BRIAN BRENNAN:** Yes.

16 **MR. JOSHUA BRYSON:** Another area, for example, is why did it
17 take ERT several hours to arrive on scene?

18 **D/COMMR. BRIAN BRENNAN:** Yes.

19 **MR. JOSHUA BRYSON:** Can that be ---

20 **D/COMMR. BRIAN BRENNAN:** Pardon me, sorry?

21 **MR. JOSHUA BRYSON:** Let's assess that. Why isn't that
22 reviewed?

23 **D/COMMR. BRIAN BRENNAN:** It could be, yes.

24 **MR. JOSHUA BRYSON:** Okay. Another area could be the -- and
25 Mr. VanWart had discussed with you in your direct, but the 19 hours to conduct a proper
26 major crime scene containment in Portapique, okay. It took -- from the first 9-1-1 call at
27 10:01 on the 18th, it took until 4:46 p.m. on April 19th to have scene containment and to
28 discover the deceased persons at [redacted] and [redacted] Cobequid Court. That's an area that could

1 have been reviewed; right?

2 **D/COMMR. BRIAN BRENNAN:** Yes.

3 **MR. JOSHUA BRYSON:** And it hasn't been to date, to your
4 knowledge?

5 **D/COMMR. BRIAN BRENNAN:** Not to my knowledge.

6 **MR. JOSHUA BRYSON:** Okay. Let's look at information gaps.
7 Patterson Law has mentioned this previously. Richard Ellison lost
8 his son, Corrie, in this tragedy. Mr. Ellison had called at 10:59 to indicate that his son,
9 Clinton, reported to him that Corrie had been shot in Portapique. There was at least 10
10 minutes before that information was broadcast on the comms, and it was also coded as
11 a Priority 3 when you look at the CAD system. That's the lowest priority you have in the
12 system. That, to me, seems like an area that could be reviewed.

13 **D/COMMR. BRIAN BRENNAN:** Yes.

14 **MR. JOSHUA BRYSON:** The next day, when the perpetrator
15 resumed his activity, we know that there was a 9-1-1 call that was made at 9:34 and we
16 now know that that was, in fact, Lillian Campbell deceased at the roadside. The caller
17 had indicated very early on in the 9-1-1 call that someone was deceased at the roadside
18 and they saw a cop car driving by. It took roughly seven minutes for that information to
19 be broadcast on the comms and to be relayed.

20 I see that as a problem. Do you agree?

21 **D/COMMR. BRIAN BRENNAN:** I do.

22 **MR. JOSHUA BRYSON:** And that's an area that could be
23 reviewed.

24 **D/COMMR. BRIAN BRENNAN:** Yes.

25 **MR. JOSHUA BRYSON:** Other issues. Patterson Law has
26 mentioned this before. The two officers that shot up the Oslo fire hall, okay, they were
27 permitted to return to duty immediately. Shortly thereafter, they had a very close
28 encounter with an HRP plainclothes officer when we can see on the comms they said,

1 "We're going to take him down", okay. This is after firing roughly five rounds into a fire
2 hall.

3 This is an area that could be reviewed to see if that decision was
4 appropriate in the future should members that have this type of incident remain on duty
5 or they should be released from duty for that day. That's an area that could be
6 reviewed; right?

7 **D/COMMR. BRIAN BRENNAN:** Yes.

8 **MR. JOSHUA BRYSON:** Okay. Another issue.

9 And stop me if any of these areas have been reviewed, to your
10 knowledge, okay?

11 **D/COMMR. BRIAN BRENNAN:** I'm not aware up to this point of
12 any of those things being reviewed in detail.

13 **MR. JOSHUA BRYSON:** Okay. Another issue is that the RCMP
14 had possession of a picture of the perpetrator's replica cruiser from HRP at 7:30 a.m. on
15 the 19th, okay. There's been an explanation for some of the delay, at least in the minds
16 of some of the members that suggested they had to confirm first if that RCMP vehicle
17 had been burned out or not. But we have from 7:30 a.m. to 10:17 a.m. until the Nova
18 Scotia public and Canadians at large are advised that the perpetrator is in a mock --
19 sorry, a replica cruiser. That's over two hours. That's almost three hours.

20 That's an area that could be reviewed; right?

21 **D/COMMR. BRIAN BRENNAN:** Yes.

22 **MR. JOSHUA BRYSON:** When this incident started at 11:32 p.m.,
23 have you seen the -- and I'm going to get into your notes, but did you see the -- like you
24 indicated you first became aware of this unfolding tragedy when you received a call
25 from Commanding Officer Bergerman. Is that correct?

26 **D/COMMR. BRIAN BRENNAN:** On the Sunday morning, yes.

27 **MR. JOSHUA BRYSON:** Sunday morning.

28 And based on your interview, you had said that that call had come

1 in at roughly 9 o'clock?

2 **D/COMMR. BRIAN BRENNAN:** It was early morning, yes.

3 **MR. JOSHUA BRYSON:** And in the interview you had said 9
4 o'clock. I'm just confirming with you if that's accurate or if it's a different ---

5 **D/COMMR. BRIAN BRENNAN:** No, that's approximately when it
6 occurred.

7 **MR. JOSHUA BRYSON:** And are you in Ottawa at this time?
8 That's Eastern time?

9 **D/COMMR. BRIAN BRENNAN:** Yes, that's 9 o'clock my time in
10 Ottawa. Yes.

11 **MR. JOSHUA BRYSON:** Eight o'clock our time?

12 **D/COMMR. BRIAN BRENNAN:** That would be 10 o'clock your
13 time.

14 **MR. JOSHUA BRYSON:** Yes, 10 o'clock.

15 So the Tweet at 11:32 said that it was responding to a firearms
16 complaint, essentially. And at this point, that's what the RCMP Tweeted, that
17 responding to a firearms complaint, but at this time we know that the RCMP knew that
18 there were more than shots fired, that there were shooting victims. They, in fact, at
19 10:30 encountered Andrew and Kate MacDonald.

20 There were reports by multiple 9-1-1 callers of deceased persons
21 and there were homes that were on fire, and the RCMP had information that the
22 perpetrator was now mobile, so another area for review is the messaging to the public
23 informing them of the severity of the situation.

24 **D/COMMR. BRIAN BRENNAN:** Yes.

25 **MR. JOSHUA BRYSON:** That's an area that could be reviewed;
26 right?

27 **D/COMMR. BRIAN BRENNAN:** Yes.

28 **MR. JOSHUA BRYSON:** And in terms of the internal review -- so

1 your department rejected the request of Nova Scotia RCMP leadership to conduct a
2 Critical Incident Review; correct?

3 **D/COMMR. BRIAN BRENNAN:** That's correct.

4 **MR. JOSHUA BRYSON:** You as Deputy Commissioner had the
5 authority to approve this request. You also have the authority to approve it even now;
6 correct?

7 **D/COMMR. BRIAN BRENNAN:** Correct.

8 **MR. JOSHUA BRYSON:** And have you?

9 **D/COMMR. BRIAN BRENNAN:** I have not.

10 **MR. JOSHUA BRYSON:** During your interview and today -- during
11 your interview, you had used the words that part of the rationale for denying the request
12 was that you felt that "H" Division was being reviewed *ad nauseum*, was the word you
13 used. Today you used the word "review fatigue". But why not -- so this is in regards to
14 review fatigue of "H" Division.

15 Why not accept the recommendation of "H" Division that says we
16 want this Critical Incident Review and put time, energy into it, sent a very detailed
17 proposal on areas to review -- why would that -- why would you not accept the
18 recommendation of "H" Division and go forward with that review?

19 **D/COMMR. BRIAN BRENNAN:** So to be -- to be clear, at the time,
20 the request for the CIC review was working its way into National Headquarters at Chief
21 Superintendent Jamie Solesme's area and then into discussions with Assistant
22 Commissioner Daley. As I mentioned in my testimony earlier today, I had conversations
23 with Assistant Commissioner Daley about the timing of it and, you know, is it going to be
24 conflicting with the Mass Casualty Commission given that they were -- the mandate of
25 the mass casualty is to look at certain things. There's a number of reviews ongoing.
26 Does it have to be done now?

27 So in -- in consultation with -- between, sorry, Assistant
28 Commissioner Daley and Jamie Solesme and that staff, they made a decision not to

1 proceed with the CIC review at that time. That's not to say that, you know, now or into
2 the future, maybe post the formal part of the MCC being completed that we could easily
3 undertake a CIC review.

4 There was also concerns about, as I mentioned earlier, getting the
5 external SMEs together on the ground at that time to do a holistic CIC review given the
6 obvious extent and precedent of this unfortunate tragedy, so that accumulated into a
7 decision made by Assistant Commissioner Daley and Chief Superintendent Solesme.

8 But nothing precludes us at any time for doing -- for doing a review.

9 **MR. JOSHUA BRYSON:** Yeah, but we're 28 months out now,
10 right, and you already had talked about in your direct and cross about, in fact, your
11 memory. Twenty-eight (28) months later, memories start to fade. Knowledge is lost
12 with the passage of time.

13 You've lost knowledge through 28 months; right? I think that's a
14 pretty easy thing to agree with, that memories are going to fade over time?

15 **D/COMMR. BRIAN BRENNAN:** I would agree with that statement
16 if it wasn't for the fact that the key -- some of the key people that CIC review would be
17 engaging are people that have come before the mass casualty that have already given
18 statements in terms of HOIT and ESDC review, an IRT review, so some of those --
19 some of that information has already been captured that we could use in a CIC review,
20 so it's not like there hasn't been any accumulation of those memories over the last two
21 and a half years.

22 A lot of things have -- questions have been asked and questions
23 have been answered that could form part of the ongoing -- excuse me, for a future CIC
24 review.

25 **MR. JOSHUA BRYSON:** Do you not see the risk in maintaining
26 the status quo for over two years on some of these areas that were recommended for
27 review, which means that the changes that may come from such a review will not be
28 implemented and now we're 28 months out?

1 **D/COMMR. BRIAN BRENNAN:** Yes, there's some risk to that.
2 But just because a review hasn't been done and recommendations normally made does
3 not mean that we haven't applied lessons learned in some of those areas that we've
4 applied in investigations since then.

5 I did mention this morning about, you know, using some of those
6 lessons learned in a critical incident and have applied them to the unfortunate situation
7 in Saskatchewan.

8 So -- but I do agree with your point, but I think it's important to say
9 that it's not simply status quo in terms of us applying lessons learned and best practices
10 in ongoing files. It's -- those aren't contingent on necessarily a review, a written review,
11 and, you know, recommendations that come from it.

12 **MR. JOSHUA BRYSON:** But you're going to have a fulsome
13 opportunity to correct issues if you do a Critical Incident Review that have not been
14 captured to date; right?

15 **D/COMMR. BRIAN BRENNAN:** Potentially, yes.

16 **MR. JOSHUA BRYSON:** And this review had support outside of H
17 Division?

18 **D/COMMR. BRIAN BRENNAN:** Yeah, I -- as you would have
19 maybe seen in the correspondence from Assistant Commissioner Daley, I supported the
20 review, I had a number of questions and sort of, not concerns, but things I felt we
21 needed to scope out a little bit better. But supportive of the review at the time. And a
22 decision was made by others within their realm of responsibility and authority not to
23 proceed with the CIC review at that time.

24 **MR. JOSHUA BRYSON:** Just on that point though, and I won't
25 belabour it, my last question on that, but you're their boss; right? They're under you.
26 The buck stops with you on this issue. If you want the review to take place, you order
27 the review to take place; right?

28 **D/COMMR. BRIAN BRENNAN:** Yes, that could happen.

1 **MR. JOSHUA BRYSON:** Madam Registrar, if we could just look at
2 COMM63678?

3 **REGISTRAR DARLENE SUTHERLAND:** And that's marked
4 Exhibit 4669.

5 --- EXHIBIT No. 4669:

6 (COMM0063678) Email from Jamie McGowan to Jamie
7 Solesme, Phil Lue, David Elms, Tara Norman RE H Div
8 Review

9 **MR. JOSHUA BRYSON:** Deputy Commissioner, who is Jamie
10 McGowan?

11 **D/COMMR. BRIAN BRENNAN:** So Jamie McGowan is currently
12 an inspector in Cornwall, Ontario. At the time of this, he would have been, I believe, a
13 sergeant in the Emergency Response Team Unit in National Headquarters.

14 Is there an ability for me to see the bottom of the message? Sorry.

15 **MR. JOSHUA BRYSON:** Yeah. Madam Registrar will open -- and
16 essentially, I'm going to ask you to read paragraph 3 as well. Once you see the bottom,
17 then we'll go to paragraph 3.

18 **D/COMMR. BRIAN BRENNAN:** Okay. I was just looking for
19 maybe his signature block to see exactly where he was at the time of this -- I'm
20 assuming it's an email.

21 **MR. JOSHUA BRYSON:** So paragraph 3, I'll call him -- is it Sgt.
22 McGowan? Or now Insp. McGowan, so ---

23 **D/COMMR. BRIAN BRENNAN:** Yes. Now Insp. McGowan. Yes.

24 **MR. JOSHUA BRYSON:** Okay. Insp. McGowan states:

25 "The review is an opportunity to not just try and correct
26 issues for H Div[ision], but for the whole of the
27 Force...perhaps a recommendation for Full-time CIP
28 resources, or Central Governance. Conversely, it [may

1 also] cause the Force to have to eat some crow...ATAK
2 for instance. We have been trying to get this for ERT
3 since 2014 and have been ready to go with it since at
4 least 2017...but we are not much further ahead due to
5 funding.”

6 Did you see this email prior to today?

7 **D/COMMR. BRIAN BRENNAN:** No, this is the first I’m seeing it.

8 **MR. JOSHUA BRYSON:** Did you know that Insp. McGowan
9 supported this review on H Division?

10 **D/COMMR. BRIAN BRENNAN:** I did not.

11 **MR. JOSHUA BRYSON:** Was the decision to forgo a review
12 driven by concerns of liability?

13 **D/COMMR. BRIAN BRENNAN:** Not to my knowledge, no.

14 **MR. JOSHUA BRYSON:** I’m going to turn to your notes. You did
15 discuss this during your interview, but I wasn’t clear. On page 6, I’ll just -- actually,
16 Madam Registrar, can we bring up COMM59954? And it’s six pages in.

17 So at the very top, the 1:30 p.m. entry, can you read that for us,
18 please?

19 **D/COMMR. BRIAN BRENNAN:** Sure. “T/C” stands for
20 teleconference:

21 “...with Sgt. Davermann, Kiki Janes, and Krista McKenzie
22 regular check-in call. Krista [is] to do a review of major
23 incident after action reports to provide document for the
24 Force and ‘H’ Division.”

25 **MR. JOSHUA BRYSON:** And you didn’t speak about this in your
26 interview. This is a note from April 22nd, 2020. The timestamp is 1:30; correct?

27 **D/COMMR. BRIAN BRENNAN:** I would have to -- I’d have to see
28 the date, but it’s 1:30 for sure on that date, yes.

1 **MR. JOSHUA BRYSON:** I'll just advise you that it's -- we can
2 certainly scroll back then. Just ---

3 **D/COMMR. BRIAN BRENNAN:** Okay. Yes, that's accurate, yes.

4 **MR. JOSHUA BRYSON:** On April 22nd. Krista McKenzie was your
5 strategic advisor at the time?

6 **D/COMMR. BRIAN BRENNAN:** Yes, she was.

7 **MR. JOSHUA BRYSON:** And she reports to you?

8 **D/COMMR. BRIAN BRENNAN:** She did at that time, yes.

9 **MR. JOSHUA BRYSON:** And I wasn't clear on your answer. Is it
10 mandatory to conduct these major incident reviews after a major incident under your
11 policy?

12 **D/COMMR. BRIAN BRENNAN:** I'm not sure I understand the
13 question. Doing a review of the reviews?

14 **MR. JOSHUA BRYSON:** Under your -- you talked in the interview,
15 and again today in direct, about policy pertaining to completing After Action Reports for
16 major incidents.

17 **D/COMMR. BRIAN BRENNAN:** Emergency Management
18 Operations, yes.

19 **MR. JOSHUA BRYSON:** Okay. In this context though, a context
20 of major incident After Action Reports, which is referenced by Ms. McKenzie, do you
21 have policy that mandates these types of reviews after a critical incident like we're
22 dealing with here in Portapique?

23 **D/COMMR. BRIAN BRENNAN:** I don't believe so.

24 **MR. JOSHUA BRYSON:** Would that be beneficial to have policy
25 that would mandate reviews of this nature after a major incident like this?

26 **D/COMMR. BRIAN BRENNAN:** Yes. We do have -- we do have
27 the ability to conduct reviews that don't necessarily fall into a specific policy. So for
28 example, if you look at the Moncton shooting, then Commissioner Paulson ordered a

1 review, which falls under his authority, and that's when Retired Assistant Commissioner
2 Alphonse MacNeil undertook the review of that. So we do have the ability to do -- to
3 ask for reviews or order reviews like that. We have the ability to order independent
4 officer reviews. We can order management reviews. But I am not aware of a clearly
5 written policy that after a critical incident, the RCMP would undertake, you know, very
6 specifically to use -- I'm not aware of a clear and distinct policy in that regard, although
7 we do have the mechanism to do those things, I don't believe we have a policy that
8 states "thou shall..." so to speak.

9 **MR. JOSHUA BRYSON:** So Ms. McKenzie indicates that she will:
10 "...review [the] major incident after action reports [and]
11 provide [the] document for the Force and 'H' Division."

12 Was that done?

13 **D/COMMR. BRIAN BRENNAN:** Yes, I believe so.

14 **MR. JOSHUA BRYSON:** And are you referring to the ERT and
15 EMRT After Action Reports?

16 **D/COMMR. BRIAN BRENNAN:** No, in this case, Krista is referring
17 to reviewing the reports of things like Mayerthorpe, Sprit Wood, Moncton. So they come
18 in all different fashions like, you know, for example, Alphonse MacNeil doing a review,
19 the judge in Alberta doing the Mayerthorpe review. She was going to look at all of those
20 reviews and provide a document to us about what had taken place, how these reviews
21 were undertaken, under what authorities those reviews may have been done. I believe
22 the one for Mayerthorpe was done under the *Fatalities Act of Alberta*.

23 So in the early days, as my strategic advisor, Krista, was just
24 undertaking to provide as much information about how other reviews were done and
25 things that -- and to provide us with some thoughts and advice on how we may wish to
26 move forward, for H-Division, specifically, but potentially for the organisation as a whole,
27 she's providing us options and insight into past reports.

28 **MR. JOSHUA BRYSON:** Okay. I thought based on your interview

1 with the Mass Casualty Commission that the major incident After Action Reports pertain
2 directly to this mass casualty. In your interview, you start -- because you're asked by
3 Ms. McLean specifically about that, and then you start talking about the Ready Alert,
4 and I believe you said, "well, that would be part of it" in the context of this mass
5 casualty. But you're suggesting that this note to you means that it was -- it meant a
6 review of major incident After Action Reports in relation to other major incidents, not the
7 Portapique incident?

8 **D/COMMR. BRIAN BRENNAN:** Yes, that's correct. She's doing a
9 historical lookback, as my strategic advisor, to give advice on "here's the things that we
10 saw in the other reports, and here's maybe what we should be looking at on the
11 go-forward." Because -- can you just repeat the date of that meeting to me; sorry?

12 **MR. JOSHUA BRYSON:** April 22nd, 2020.

13 **D/COMMR. BRIAN BRENNAN:** So that's just a few days after the
14 incident. So she's being forward-looking in terms of, you know, someone needs to start
15 looking back to see what things have taken place, best practices, maybe, and those
16 types of things. So it's sort of a historical review to sort of maybe help guide us as we
17 move into the future in ---

18 **MR. JOSHUA BRYSON:** And you've seen the document that was
19 generated as a result of that review?

20 **D/COMMR. BRIAN BRENNAN:** Yes, the -- I believe it was a two
21 or three page WordPerfect document, something like that.

22 **MR. JOSHUA BRYSON:** And do you know if that's been
23 disclosed?

24 **D/COMMR. BRIAN BRENNAN:** I am not sure. It may -- it may be
25 an attachment to an email that Krista may have sent me in that regard, but I'm not sure
26 if it's been disclosed or not.

27 **MR. JOSHUA BRYSON:** Okay. I'm going to move to the Issues
28 Management Team that you talked about in your interview as well. My understanding is

1 that the Issues Management Team essentially looked at three issues. The issues that
2 they had looked at were the Brenda Forbes complaint that she made in 2013 about the
3 perpetrator, that was one issue; the other issue was the CISNS bulletin in 2011; and the
4 third issue was the Ready Alert. Is that your understanding?

5 **D/COMMR. BRIAN BRENNAN:** This is the -- this is the first time
6 that I've -- I have heard those three specific principal themes in the sort of the role or the
7 mandate of the -- of that particular team.

8 **MR. JOSHUA BRYSON:** Okay. So you don't know if there was
9 more to it than those three areas I just addressed?

10 **D/COMMR. BRIAN BRENNAN:** Yes, that team would have been a
11 direct report to the Commanding Officer, and I don't -- I don't recall anybody articulating,
12 like I said, these three points as being their primary mandate.

13 **MR. JOSHUA BRYSON:** Okay. Okay, so I'm going to suggest this
14 to you: So when I read those three items, certainly important issues to look at, but it
15 appears to me, and I'll suggest it to you, that the issues identified by the Issues
16 Management Team were the ones that garnered media attention. They were not
17 necessarily the ones that required the most urgent action, such as -- or equally urgent
18 action, such as the ones I read to you a few minutes ago, but they were the ones that
19 were -- that were basically aimed at what was obtaining media attention, and we have to
20 address this because these items are being discussed in the media. Is that your
21 understanding?

22 **D/COMMR. BRIAN BRENNAN:** Based on the three points that
23 you've given me, yes. They were, especially in the early days, the three -- the three
24 most popular I guess for lack of a better terminology, areas in the media, yes.

25 **MR. JOSHUA BRYSON:** Yeah, but why wasn't Cobequid Court
26 being unattended for 19 hours as popular as these three items that were in news at that
27 time?

28 **D/COMMR. BRIAN BRENNAN:** I can't -- I can't speak to -- speak

1 to that. I wasn't involved in any direction to this Issues Management Team, and I didn't
2 have the requisite knowledge of a lot of the thing -- a lot of the examples that you
3 provided until, you know, some of them well into the timeline of post -- the events of
4 April 18th and 19th.

5 **MR. JOSHUA BRYSON:** My concern is that the Issues
6 Management Team is relying on the media in these mass casualties to set their
7 priorities as to what they're going to review. Can you comment on that?

8 **D/COMMR. BRIAN BRENNAN:** I -- I -- on the face of it, I wouldn't
9 disagree with your -- with your comment. I am sure that, you know, given the scope of
10 this matter there were many, many issues that they were possibly examining, but I'm not
11 -- like I say, I have no intimate knowledge of those -- of those discussions, and I'm not
12 even sure if these particular points were articulated in a written document as a priority
13 for the Issues Management Team.

14 **MR. JOSHUA BRYSON:** Okay.

15 **D/COMMR. BRIAN BRENNAN:** I have no knowledge of that.

16 **MR. JOSHUA BRYSON:** The -- I just want to touch briefly on the
17 ESDC external review. You're familiar with this review; correct?

18 **D/COMMR. BRIAN BRENNAN:** Yes.

19 **MR. JOSHUA BRYSON:** And this is the Employment and Social
20 Development Canada, and they're reviewing what, if any, contraventions occurred
21 under the Canada Labour Code during this mass casualty; right?

22 **D/COMMR. BRIAN BRENNAN:** That's their mandate, yes.

23 **MR. JOSHUA BRYSON:** Yeah. And there were findings, I
24 understand, findings of contraventions, I don't have to list them now, but there were
25 findings of contraventions under the Labour Code, and the RCMP was ordered to cease
26 contravening the *Act*. Is that your understanding?

27 **D/COMMR. BRIAN BRENNAN:** That's my overall understanding
28 of those, yes.

1 **MR. JOSHUA BRYSON:** Yeah. And are you aware that deadlines
2 have been set by which the contraventions must cease and that some of those
3 deadlines have since passed?

4 **D/COMMR. BRIAN BRENNAN:** I am aware that there were
5 deadlines and timelines on that. I can't speak specifically about which ones have
6 passed or not.

7 **MR. JOSHUA BRYSON:** Can you tell me what, if any, steps the
8 RCMP has taken to remedy these Labour Code violations?

9 **D/COMMR. BRIAN BRENNAN:** I can't speak specifically to that. I
10 would have to rely on getting an update from Chief Superintendent Mike O'Malley in that
11 regard. I know he's tracking them and asking for the requisite information required, but
12 I'm not aware of them specifically.

13 **MR. JOSHUA BRYSON:** Okay. And so there's no changes that
14 you can -- that come to mind right now that have been adopted as a result of the
15 contravention of the Labour Code; is there?

16 **D/COMMR. BRIAN BRENNAN:** I can't recall them at this moment,
17 no.

18 **MR. JOSHUA BRYSON:** So I just want to go back to your -- to
19 your notes.

20 Madam Registrar, if we could, it's COMM74515, and we'll just look
21 at the first page.

22 So I just want to -- so once that is up I just have a question here to
23 start, and I'll give you a moment to read if you wish to refresh your memory on the note.

24 **REGISTRAR DARLENE SUTHERLAND:** Excuse me, Mr. Bryson.
25 I'm not sure that's the proper COMM number.

26 **MR. JOSHUA BRYSON:** Oh, sorry. Oh, I was looking at the GOC
27 number. It's, yeah, sorry, it's COMM59954.

28 So I don't know if we have the notes up. I don't see them yet.

1 So -- oh, there we go. All right. So my first question, Deputy
2 Commissioner, is just in regards to your notetaking. So I see a couple of paragraphs,
3 and then I see a line scribbled, and then I see another line of content, two more
4 paragraphs, actually, of content, then another line. Is this meant to capture, like,
5 glimpses of time? So for example, this first block of information is the information you
6 obtained from Bergerman, Commanding Officer Bergerman and ---

7 **D/COMMR. BRIAN BRENNAN:** Yes.

8 **MR. JOSHUA BRYSON:** --- and her phone call ---

9 **D/COMMR. BRIAN BRENNAN:** Yes.

10 **MR. JOSHUA BRYSON:** Sorry, go ahead.

11 **D/COMMR. BRIAN BRENNAN:** So yes. So when I -- when I take
12 my notes, it -- so you can see I'm not -- I'm not referencing times in the margins, like
13 other notes, I'm representing blocks of information that was received. So the first one is
14 the initial phone call I got from Lee, so I put a line there to remind myself that that's what
15 I was given in the first instance, and then the next block is more information that came
16 in, and then the next line is, okay, that's the end of that information. So it's just so that I
17 can, I guess, compartmentalize that, you know, I -- what was the first information I got,
18 and then what was the next information -- what was the next block of information that I
19 got. So I'm blocking out -- I'm sorry; I'm blocking the information as it's coming to me
20 without making specific notes at the time, and then blocking the next one.

21 **MR. JOSHUA BRYSON:** Okay. So this first block is information
22 you received in that very first call from Bergerman.

23 **D/COMMR. BRIAN BRENNAN:** Yes, and that I immediately spoke
24 to the Commissioner and updated her on the known details, which are above.

25 **MR. JOSHUA BRYSON:** Okay. So I just want to just perhaps
26 question you on the timing because in here you are referencing the death of Cst.
27 Stevenson, which we know didn't occur until 10:40, roughly 10:40 a.m. on the 19th.
28 Okay? And that's Atlantic time.

1 **D/COMMR. BRIAN BRENNAN:** Okay.

2 **MR. JOSHUA BRYSON:** So that must mean that the earliest you
3 would have received that initial call is -- well, 9:45 or so your time. Would you agree?

4 **D/COMMR. BRIAN BRENNAN:** Yes, if that was -- if that was the
5 timeline. I didn't know what time Heidi had passed away so, again; I didn't make a note
6 in the margin on specifics of the time. I didn't make these notes exactly at the time, so
7 in my -- you know, in my interview in that, you know, I was relying on my memory that it
8 was, you know, early on the Sunday morning.

9 **MR. JOSHUA BRYSON:** Yeah, and that's fine. I'm not going to --
10 I'm not going to critique on the time. I just wanted to make sure that this represents the
11 -- you know, the initial call and initial flow of information you received, which you've
12 indicated.

13 So I'll get to my main question and my concern.

14 **COMMISSIONER MacDONALD:** But you'll have to remind him --
15 sorry, Mr. Bryson, you'll have to remind the witness the difference between Ottawa time
16 and Atlantic time when you're probing him.

17 **MR. JOSHUA BRYSON:** Yes, thank you. Okay.

18 So, again, just to make sure I haven't confused anyone, so Cst.
19 Stevenson was deceased as of, I believe, roughly 10:40 a.m.; that's Atlantic time, okay?
20 And that would be 9:40 Eastern time; correct? So the earliest you could have received
21 this information is sometime after 9:40 Eastern, 10:40 Atlantic?

22 **D/COMMR. BRIAN BRENNAN:** Correct.

23 **MR. JOSHUA BRYSON:** My concern is that you had -- you were
24 asked, "What is your role in the mass casualty event that's unfolding?" And your
25 response included, "My role is to see what, if any, potential requirements are needed,
26 and also to update the Commissioner."

27 So my concern is that we're roughly 10 hours since this mass
28 casualty has unfolded and only now is someone reaching out to you to give you

1 information about this unfolding mass casualty, and if your role -- part of your role is to
2 see if the division has the assets, the resources they need, people are waiting too long
3 to reach out to you in a serious incident; would you agree?

4 **D/COMMR. BRIAN BRENNAN:** Oh, absolutely, yes.

5 **MR. JOSHUA BRYSON:** Any idea why it took so long for someone
6 to contact you and provide you with information?

7 **D/COMMR. BRIAN BRENNAN:** No, I cannot speak to that.

8 **MR. JOSHUA BRYSON:** So up to this point, 10:40 Atlantic, had
9 you seen any of the tweets that had gone out?

10 **D/COMMR. BRIAN BRENNAN:** No.

11 **MR. JOSHUA BRYSON:** Any of the media content?

12 **D/COMMR. BRIAN BRENNAN:** No.

13 **MR. JOSHUA BRYSON:** So you had no idea that this mass
14 casualty was unfolding as of 10:40 a.m. Atlantic time?

15 **D/COMMR. BRIAN BRENNAN:** I wasn't aware of it until I received
16 this particular phone call from A/Commr. Bergerman.

17 **MR. JOSHUA BRYSON:** Okay. So perhaps there should be some
18 engagement with HQ much earlier. And I'm just suggesting that as a recommendation,
19 that there has to be earlier engagement with HQ to advise them of what's occurring,
20 right?

21 **D/COMMR. BRIAN BRENNAN:** I would agree, yes.

22 **MR. JOSHUA BRYSON:** I just want to touch briefly on the bulletin.
23 So the -- I believe you indicated, and correct me if I'm misstating your evidence, that the
24 decision to withhold the 2011 CISNS bulletin, that you had supported that particular
25 decision, right?

26 **D/COMMR. BRIAN BRENNAN:** I'm not sure I understand the
27 "withhold" part of your question; sorry.

28 **MR. JOSHUA BRYSON:** Not to disclose the existence of the

1 bulletin.

2 **D/COMMR. BRIAN BRENNAN:** You mean publicly?

3 **MR. JOSHUA BRYSON:** Publicly, yes.

4 **D/COMMR. BRIAN BRENNAN:** Oh, sorry. Yes, I -- I wasn't
5 convinced that there was a need for us to disclose that bulletin at that time to the public;
6 to what end? It wasn't our information; it wasn't our bulletin to disclose. You know, it
7 involved two other police agencies, and I was questioning what is the purpose of us
8 disclosing it, and we need to be having conversations with those particular agencies
9 around this bulletin and we need to, you know, work our way through that. My question
10 was; why we would disclose -- what was the purpose of disclosing it in the public realm?

11 **MR. JOSHUA BRYSON:** Okay.

12 **D/COMMR. BRIAN BRENNAN:** Which is not something we would
13 do normally anyway.

14 **MR. JOSHUA BRYSON:** Right. I'm going to suggest to you that
15 the purpose could have been to correct a misconception. I'm going to suggest to you
16 that on April 19th, C/Supt. Chris Leather -- and this is in COMM57762; that on April 19th
17 he was specifically asked by a journalist, "Was he known to police?" And he replied,
18 "No, he was not." Okay? So releasing this CISNS bulletin would have corrected that
19 misconception that was in the public that the perpetrator was not known to police, right?

20 **D/COMMR. BRIAN BRENNAN:** It could have cleared up that
21 particular point, but, you know, you could also take the position that C/Supt. Leather
22 could have, in another media availability, correct that by saying something, "There was
23 information known to police through intelligence held by CISNS." I don't think the actual
24 releasing of the bulletin itself was necessarily a required step to clarify something like
25 that.

26 **MR. JOSHUA BRYSON:** And just my final question is on your
27 notes. So I won't pull it up, but we looked at the last notes that Mr. VanWart had put on
28 you had some vetting. It said, "Not relevant" and it was in the context of four -- there

1 were four points that were being discussed, and I believe -- it doesn't really matter
2 which ones were not disclosed, but one and two were disclosed, say, and three and four
3 were vetted, with a description, "Not relevant"; do you recall seeing that when Mr.
4 VanWart put your notes to you?

5 **D/COMMR. BRIAN BRENNAN:** Yes, but I think I need the context
6 of it again, if they can be shown?

7 **MR. JOSHUA BRYSON:** Okay. Well, here's my question; it's
8 more general.

9 **D/COMMR. BRIAN BRENNAN:** I'm sorry.

10 **MR. JOSHUA BRYSON:** You don't need the notes.

11 So my concern, and the concern of the Bond family, is that we get
12 all these notes, and we see these redactions. We see redactions that have been made,
13 presumably by you, that state, "Irrelevant"; that they're in the timeframe of this, for
14 example, mass casualty; that there's notes before and after relating to this mass
15 casualty.

16 So are you looking at your unredacted notes and deciding that the
17 content beneath the redaction is irrelevant?

18 **D/COMMR. BRIAN BRENNAN:** It would depend on -- it would
19 depend on what the note was saying.

20 **MR. JOSHUA BRYSON:** Understood, but are you making that
21 determination? So my question is this; you've disclosed, I think it was roughly 15
22 documents that contain your notes in relativity and are in database right now with
23 markings of "Irrelevant" -- and this is not just you; I'm just mentioning it to you but other
24 witnesses, it's the same thing. My question is; has the practice been, are you looking at
25 your notes to say, "Okay, this has no bearing open this mass casualty. I'm crossing it
26 out." Going go the next page, "This is irrelevant." Are you involved in that process,
27 Deputy Commissioner?

28 **D/COMMR. BRIAN BRENNAN:** I was not. I provided 971 pages

1 of notes to the Counsel process, and the redactions were done after I provided my
2 unredacted notes.

3 **MR. JOSHUA BRYSON:** Well, these are your notes, right? So
4 how does anyone other than you know for certain that the content behind these
5 redactions is irrelevant?

6 **D/COMMR. BRIAN BRENNAN:** That question would have to be
7 put to the process that's redacting the notes. It's -- I think it's important to understand
8 that I am making daily notes all the time. I don't have a separate notebook for mass
9 casualty, so within my notes, there could be everything from my personal information to
10 Code of Conducts with other people -- oh, sorry, with people. There could be other
11 investigations that are not tied to the mass casualty in any connection.

12 Some of them, I'm assuming, would be quite obvious. Some of the
13 notes would be like irrelevant, you know, arrived at the office, reviewed, you know,
14 correspondence.

15 **MR. JOSHUA BRYSON:** What you're telling me is that you weren't
16 involved in that determination for each one of these irrelevant redactions.

17 **D/COMMR. BRIAN BRENNAN:** No, I was not.

18 **MR. JOSHUA BRYSON:** No further questions, Commissioners.
19 Thank you very much.

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

21 Deputy Commissioner, we're going to take a break now until 5
22 o'clock Atlantic, which will in 11 minutes' time. And just for your information, we expect
23 only one more counsel to question you. It will be Ms. Lori Ward from the Federal
24 Department of Justice. And there may be some follow-up questions, of course, from Mr.
25 VanWart and the Commissioners may very well have some questions for you.

26 So we'll see you in 11 minutes.

27 **D/COMMR. BRIAN BRENNAN:** Thank you.

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

1 The proceedings are now on break and will resume at 5:00 p.m.

2 --- Upon breaking at 4:50 p.m.

3 --- Upon resuming at 5:02 p.m.

4 **REGISTRAR DARLENE SUTHERLAND:** Welcome back. The
5 proceedings are again in session.

6 **COMMISSIONER MacDONALD:** Thank you.

7 Deputy Commissioner Brennan, are you there? Hello again.

8 And Ms. Ward, you're there. Great. Okay.

9 Ms. Ward, whenever you're ready.

10 **--- D/COMMR. BRIAN BRENNAN, Resumed**

11 **--- CROSS-EXAMINATION BY MS. LORI WARD:**

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

13 Can you hear me okay?

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

15 Can you hear her okay, Deputy Commissioner Brennan?

16 **(SHORT PAUSE)**

17 **D/COMMR. BRIAN BRENNAN:** Can you hear me now?

18 **COMMISSIONER MacDONALD:** Yes, we can. Thank you.

19 Ms. Ward.

20 **MS. LORI WARD:** Thank you.

21 Deputy Commissioner Brennan, as you know, my name's Lori

22 Ward and I'm counsel for the Attorney General of Canada. And I don't have too many
23 questions for you today.

24 I wanted to ask you about community policing. We've heard many
25 witnesses talk about community policing and their views, and we've heard that there are
26 pros and cons, I think, to either moving RCMP members around a lot or keeping them in
27 one place. And I wonder if you have views about that in the -- in relation to community
28 policing.

1 **D/COMMR. BRIAN BRENNAN:** Thank you for the question.

2 I think -- just in terms of community policing, I think we need to
3 have a broader discussion about what community policing is. In my opinion, I believe
4 that too often, in general terms, we hang on to a former definition of community policing
5 around a police officer in a community, you know, walking a beat, doing those things.
6 We kind of long for a different time in policing, you know, many years ago.

7 So when I started my career in the mid-80s in rural Saskatchewan,
8 community policing was a lot about that. It was a lot about getting to know the
9 community -- which we still do, but I mean, getting to know the community. Needs and
10 expectations of communities were different at this time.

11 If we talk about community policing in 2022, I think that we need to
12 broaden our understanding of community. So for me, our community has changed.
13 With technology, the worldwide web we are now policing a community virtually. We're
14 policing on the web, we're policing things like frauds, frauds against seniors. We're
15 policing the dark side of the web, intelligence gathering, extremism, bank fraud, those
16 types of things. And the community is not simply the bricks and mortar and the
17 greenery of the place we live any more in terms of policing, it's much broader than that.

18 It requires a different skill set within policing in terms of
19 investigators, intelligence gatherers, people who can work their way through the
20 technology. You know, as one -- one person in the technological field told me not that
21 long ago, there's more technology power in your Smartphone than there was on the first
22 rocket that went to the moon. So you know, in my lifetime, that's the difference.

23 So -- and what are the expectations of this expanded or new
24 community that we're in? I don't think we explore that enough in terms of policing when
25 we talk about the communities that citizens are expecting us to make them safe from or
26 to investigate crimes against them.

27 So I'm all about having that broader conversation which leads into
28 things that we've touched on earlier today, investment in, you know, recommendations,

1 using technology, you know, to help support investigations.

2 If we go back to the more sort of traditional sense of community
3 policing and the expectations of communities about policing, there's -- there needs to
4 also be a conversation in there about need versus expectation. What is the need of a
5 community to remain safe in policing and what is the community, the elected officials,
6 the citizens, et cetera -- what is their expectation of policing? Because if those two don't
7 meet, then there's always going to be this divide of need versus expectation, what the --
8 what police and public safety can deliver in that regard.

9 And our communities are changing. You know, a lot of our citizens
10 are moving into larger centres. You know, we're not seeing the large families of the
11 rural environments, you know, people are moving in to their closest town, their closest
12 city, and that's changing the dynamics of crime as well. It's -- you know, the population
13 base versus how many police officers do you need?

14 And the expectations of people in today's society, police officers
15 included, are that, you know, they want to have those opportunities to raise their
16 families closer to major centers, you know, while they enjoy their time in smaller
17 communities, personal lifestyles change it.

18 So for the RCMP, we're constantly trying to balance that desire for
19 especially our regular members to have opportunities to grow and develop, to take on
20 different responsibilities that they may not get if they stay in a rural or more rural
21 community setting for a long period of time.

22 So while we encourage mobility for development and for
23 operational needs, we are not the same police force we were a number of years ago
24 when, "Oh, you have three years in that community. It's time for you to leave." That's
25 not how we base our planning around -- moving people just for the sake of moving
26 them. You know, we're trying to build their expertise, we're listening to their needs.
27 They may say, "You know, I've worked in small town Canada for 15 years. My children
28 are getting close to university. I've developed a skill set and I want to move closer to a

1 major center.” And we try to accommodate that.

2 And it’s really no different if you take a large municipal police
3 agency with the growth in cities, a police officer -- I’ll pick a city, say Vancouver. Could
4 be working in the downtown core of Vancouver for a number of years and for
5 operational reasons, they decide to transfer that member to a different district out in the
6 suburbs. Well if it’s not an area that that particular police officer has lived in, they’re
7 going to have no sense of that community. They’re not going to know all the business
8 people. They’re not going to know all the, you know, the streets, the access, like, all of
9 the things that, you know, we’ve often heard and talked about in some of the things
10 presented before the mass casualty.

11 So community policing is different today than it was a number of
12 years ago. Expectations are different in terms of what community policing should be.
13 And the expectation of the police officers themselves have changed in terms of they go
14 to their shift, they work their eight, 10-hour, 12-hour shift, and they’ve honoured their
15 commitment in terms of their job. How much they get involved in the community may be
16 changing for personal reasons.

17 So there needs to be that connection with the community, and I
18 think, you know, we need to be focusing on community policing in terms of engaging
19 with elected officials and citizens around what are your needs, what are your
20 expectations, where’s the balance, what’s the investment required to do that? And how
21 can we work collaboratively to meet the needs based on the resources available, et
22 cetera. Those are the conversations that need to be had around community policing,
23 and service delivery models as well.

24 We have examples where we have across -- within the RCMP, you
25 may have a detachment of four people and they may get 200 calls -- criminal code calls
26 for service a year. Do we really need to put resources there or are we leaving them
27 there because that’s the traditional and historical thing that we have done in the past?

28 So again, community policing against service delivery models,

1 expectations, et cetera.

2 So I know we all think about community policing in a different
3 realm, but especially for us in the RCMP, policing a rural environment, it's very difficult
4 to apply the same standards and expectation that we would have done 20/30 years ago.

5 **MS. LORI WARD:** Okay. That's a lot of interconnected things,
6 some of which I want to follow up on. It's starting -- the Commission is now having
7 some roundtables and panels and looking at the structure of policing in Nova Scotia.
8 And I wonder if you could just give us in a nutshell how the funding works in Nova
9 Scotia? Because I know there are differences between the municipalities and the
10 specialized services. And if you could just give us a thumbnail sketch of how the
11 funding works in Nova Scotia?

12 **D/COMMR. BRIAN BRENNAN:** So funding for the RCMP with the
13 province is under service -- what is called service exchange. It's an agreement that was
14 developed in 1995, I believe it was, between the Province of -- the Government of Nova
15 Scotia and the communities, the municipalities of Nova Scotia.

16 So what the agreement basically states is that the Province of Nova
17 Scotia will pay 100 percent of the costs for specialized sections, such as Traffic
18 Services, ERT, Forensic Ident, Major Crimes, Police Dog Services, Street Crime
19 Resources. There's a few others mixed in there. So the government pays for 100
20 percent of those for the RCMP, and then those services are available to all police
21 services in Nova Scotia, if required, at no additional charge to the communities.

22 So then what happens is the municipalities determine a budget
23 level for policing. They decide that they're going to invest X number of, say, millions of
24 dollars into their policing budget. They speak to the province and the province says,
25 "The cost per an RCMP member, all costs in, is X number of thousands of dollars. So
26 based on your budget, this would allow you to have X number of police officers serving
27 your community." So it really is, for lack of a better word, it's a broker decision between
28 the municipality's affordability and what the province is able to provide to them based on

1 service exchange, understanding that if there's a call for service for those specialized
2 resources, the municipality will not be charged for them separately.

3 So it's a benefit to the municipalities that they can get all these
4 services at no additional cost, but what it does though, it doesn't allow the Province, or
5 technically the RCMP, to leverage the amount of resources that go into an area
6 because of the funding exchange formula around that.

7 So while we can give advice to municipalities by saying, "If you
8 want X number of police officers covering, you know, certain time periods, you're going
9 to need X number of members," it really is a final decision by the municipality on
10 affordability that they're willing to invest in policing through the RCMP and the Province.

11 **MS. LORI WARD:** So ultimately, the municipality decides what
12 level of policing they want, or how many members they want? Is that correct?

13 **D/COMMR. BRIAN BRENNAN:** So basically, they determine what
14 their investment in policing will be, and then the formula is calculated against how many
15 resources that would -- you could buy for that, for lack of a better term.

16 **MS. LORI WARD:** And I think we heard from former CO Lee
17 Bergerman of H Division, as well as perhaps C/Supt. Leather, that those specialized
18 services though that are provided by the RCMP at no cost to municipalities are coming
19 out of RCMP budgets. And so they're operating at deficits. And they had instituted
20 some forms to track this spending so that they could make a case for the Province on
21 where the dollars were going. Does that ring a bell with you?

22 **D/COMMR. BRIAN BRENNAN:** It does, but it's not -- it's not the
23 municipalities that are under RCMP contract. I believe what Assistant Commissioner
24 Bergerman is speaking to is the other municipal police forces, tracking ---

25 **MS. LORI WARD:** Oh, right.

26 **D/COMMR. BRIAN BRENNAN:** --- specialized resources to them.
27 So if you take a municipal police agency in Nova Scotia and they require RCMP ERT, or
28 Forensic Ident, or Dog Section, or maybe a Major Crime investigational team has to go

1 assist, or assume an investigation in those areas. The RCMP does not charge the
2 municipality -- or sorry, the municipal police department for those services. If there was
3 to be a charge to that municipality with that police service, that would have to come from
4 the Province to the municipality for reimbursement. So what they're doing is they're
5 tracking the costs of what the RCMP is contributing to a provincial -- the provincial
6 policing environment at no cost to other police services so that when it's time in the
7 budget cycle to explain expenditures they can articulate we spent X number of dollars
8 on an investigation in, you know, the police service of X, and we funded that, and if you
9 want to recover the costs you're going to have to go the -- to the municipality of that
10 police agency to recover those costs.

11 So it's a -- it's a tracking mechanism just to demonstrate to the
12 province how we are honouring our commitment to be a partner in policing in Nova
13 Scotia. And depending on the investigations and assistance that you give, they can run
14 into the millions of dollars in total during a fiscal year, which obviously would potentially
15 set the division at a deficit starting out each year.

16 **MS. LORI WARD:** Thank you for that. Switching gears for a
17 second. You spoke earlier about the Nova Scotia Chiefs of Police Association, and as
18 we know, the municipal Chiefs voted to downgrade the RCMP's membership down to, I
19 think it's called Associate status, which is a non-voting status.

20 We heard some witnesses give their opinions on what the effect of
21 that was, and some people were of the opinion it didn't make that much difference. I'm
22 wondering if you have an opinion on the import of the RCMP becoming a non-voting
23 member of the Association?

24 **D/COMMR. BRIAN BRENNAN:** Well, I -- I find it discouraging,
25 given my experience in working with the other Nova Scotia Chiefs, and working in that
26 realm of the Nova Scotia Chiefs of Police Association. I think I would take the position
27 and ask the question that if it doesn't make a difference, then why did you do it? So
28 there's obviously a message being sent there. It seems to be a -- an unfortunate

1 separation of municipal police services and RCMP, which creates a divide. You know,
2 the RCMP polices quite a high percentage of the geographical area in Nova Scotia, and
3 if we're not equal partners with our colleagues in the Nova Scotia Chiefs of Police,
4 sitting at a table, having the same ability to input, to vote, to lead certain maybe
5 subcommittees and certain things, how do we translate that into a policing partnership
6 for public safety across Nova Scotia? It -- it -- it doesn't -- it doesn't align well with
7 cooperation, it doesn't align well with, you know, being partners at all levels at all times.

8 Because no one police agency, RCMP included, can provide public
9 safety alone, it's just not doable in today's -- in today's environment. And I think it
10 speaks to me, at least, from my observation, it speaks to other issues that need to be --
11 that need to be addressed. So I'm hoping that, you know, if a new leadership team
12 going in, re-engagement with the Nova Scotia Chiefs can find a solution to bring us all
13 back to the same table at the same sort of level of understanding, cooperation, voting,
14 et cetera, because there's no benefit in being, you know, separated in that fashion.

15 And it's going to -- it's going to affect how the public and
16 governments view the cooperation level of policing. And I know that, you know, it's
17 been brought to the Mass Casualty Commission, you know, the assumption that we
18 should be looking at a provincial police force. Well, the province already has a
19 provincial police force. The RCMP fulfills that role. Through service exchange, we
20 allow for resources to be shared, you know, at no cost. And to build up a provincial
21 police force, with all the expectations around service delivery, if you look at everything
22 from technology to specialised support, Air Services, who is that going to fall to? It's
23 going to fall on the backs of taxpayers, in addition to what they already have -- what
24 they already have now.

25 So again, I speaks to some fundamental issues and some
26 conversations that are going to need to be taking place around what are we doing as a
27 policing community to ensure the highest level of public safety and to move beyond --
28 move beyond those types of issues.

1 **MS. LORI WARD:** Thanks. With respect to recommendations, I
2 know that the Commissioners have expressed, encouragingly and appropriately, their
3 desire to make recommendations that are feasible and workable, otherwise what's the
4 point. So I wonder, you mentioned earlier sometimes funding is an impediment, and
5 you used an example of, you know, equipment, which is an obvious cost. But I wonder
6 if you could comment on other impediments to recommendations, whether it's funding
7 that's not for equipment, or if you have examples of recommendations in the past that
8 were not feasible, and why?

9 **D/COMMR. BRIAN BRENNAN:** So capacity is a -- is a -- is an
10 impediment to, potentially to recommendations. I think of the example from
11 Mayerthorpe, where the recommendation was to have an -- basically an intelligence
12 function by a member at every single detachment in Alberta. That's not sustainable.
13 While it may make sense in terms of the practicality of one particular incident, it's very
14 hard to do that consistently across every single detachment, at least for the RCMP, to
15 have a consistent system that's being fed, is it being supported by technology, and what
16 are the expectations around that, who's monitoring it, and is that person that you give
17 that particular task to are they trained in intelligence gathering, examination of
18 intelligence, analytics, those types of things? So that would be an example where
19 capacity and technology would be an impediment to try to get that across every single
20 detachment in -- for the RCMP in Canada.

21 The addition of training can sometimes be an impediment to
22 frontline policing. So for recommendations that require a linkage to training, that means
23 we are sending people to training sessions more often, we're most likely going to be
24 recertifying them in their training, they're -- or if it's online training they're going to be
25 spending, you know, an hour to ten hours sitting in front of a computer doing training,
26 which takes them away from the -- from the frontline duties and responsibilities that they
27 have.

28 So training can sometimes be an impediment to providing

1 consistent frontline policing. So the scope of recommendations in training needs to sort
2 of consider, okay, what are the downstream effects? How much training is this really
3 going to take, or how much is this new tool going to -- going to take us away from
4 frontline policing? And is the tool something that is a good investment for public safety
5 all the time? So there's these types of sort of impediments to getting recommendations
6 enacted and making sure we're maintaining a service delivery model.

7 The other -- the other -- one of the other pieces that I kind of
8 touched on a little bit is the impediment of interoperability. If a recommendation is made
9 to, say, for the RCMP to do this or acquire that training. How does that affect
10 interoperability with neighbouring police agencies that you may need to call upon
11 operationally to work?

12 So that's why I think when the scope of recommendations is narrow
13 to the RCMP, especially in the contracting environment, it really has a potential effect on
14 interoperability with other police agencies and, you know, clearly we have seen that in
15 some examples, unfortunately, with this particular mass casualty.

16 And the other impediment to some recommendations for Nova
17 Scotia, and I know this is a topic that's been raised, is policing standards. So a policing
18 standard recommendation for one department could inadvertently affect another
19 department in terms of what the policing standard may become.

20 So again, that's why earlier on, I talked about recommendations
21 being looked through a more broader lens of public safety, not just to a single police
22 agency, because policing standards, to my understanding, are coming to Nova Scotia. I
23 think they should be welcomed. I think it should be the minimum expectation of citizens
24 that regardless of what police agency they call or what police agency arrives on to that
25 call or to that scene, the expectation from the public is regardless of the stripe on their
26 pants, there is a standard that they've met in terms of equipment, training,
27 interoperability. And if a police agency can exceed that standard, excellent.

28 The caution I have around that is that we need to ensure that

1 policing standards are the minimums, not the maximums, so that we're continuously
2 able to add on and grow.

3 So those are some of the things that are potential impediments to
4 recommendations that sometimes aren't sort of thought out or practiced [sic] into the
5 everyday functioning of a police service.

6 **MS. LORI WARD:** Is it fair to say that almost any recommendation
7 would require some kind of funding or investment, like training? I mean, we think about
8 equipment is expensive; right? If, you know, if we're going to get a second helicopter,
9 that's a high dollar item. But training is sometimes thought to be an easy thing to
10 implement. And do you have any comments on that?

11 **D/COMMR. BRIAN BRENNAN:** Sure. Training can be seen as an
12 easy, achievable recommendation. However, it's -- what does that training entail? If it's
13 online training, then that entails an investment in developing a course training standard,
14 putting it on a computer system, having it become interactive. All of those things in
15 behind the actual training. It costs money to develop. It costs money to maintain. It --
16 you know, we talk about things like a requirement for bandwidth for, you know,
17 detachments that are in the rural or northern parts of Canada. So while it sounds
18 simple to do, there's always costs that are associated to it.

19 If we talk about training where we are physically taking members
20 from their location of work, to say, in the case of Nova Scotia, to the training centre in
21 Halifax, the training means you're putting them in hotels, you're paying meals, you're
22 paying expenses, you're potentially paying overtime for people to backfill in against
23 those training needs.

24 And then if -- depending on the training, it could be one-time
25 training, so it's a one-time cost, but it could be a training that, you know, is required
26 every second year, recertifications, again, which then become ongoing costs against a
27 budget. And if there's no inject in funding or augmenting of funding, that means that
28 police forces are forced to use existing budgets and stop doing things to do the new

1 recommendations.

2 Now, in saying that, some recommendations may not have much
3 effect on a budget. So I think of things like, as I mentioned this morning, I would be
4 most welcome to see the Commission recommend compliance in our policies. So to
5 change policy, relatively easy to do. And to check compliance on things like, say,
6 notebooks and to report back on it, minimal costs. Probably, you know, really, in the
7 grand scheme of things, not very expensive. So recommendations like that don't
8 always have a dollar attached to them. So I think there's room there. But I would
9 conservatively say that 80 to 90 percent of most recommendations that come out of
10 commissions or reviews have dollars attached to them that do require extra funding for
11 police to ensure that those recommendations are met, whether it be training, investment
12 in equipment. If you think of just the recommendation for carbine training out of
13 MacNeil, you know, the tool itself, expensive, when you're talking about outfitting, you
14 know, 65 percent of a 20,000 person police service. The ammunition that you go
15 through. The training that must take place. People coming into certain areas where
16 you can only shoot at these ranges. Hiring extra firearms technicians.

17 So all of these downstream of things, you start adding those up,
18 significant dollars required to move those forward.

19 And that requires conversations with policing partners like
20 provinces and municipalities to fit -- foot the bill for those additions through the
21 recommendations.

22 **MS. LORI WARD:** Thank you. I have one last question for you,
23 and that is, you're not appearing in uniform today. Can you tell me why that is?

24 **D/COMMR. BRIAN BRENNAN:** I'm not appearing in uniform
25 because it was my understanding that the Commission asked that police officers and
26 others that may wear a uniform not appear as part of the trauma-informed approach in
27 this given situation, given that the perpetrator dressed himself as a police officer and
28 used a police car.

1 I am very supportive of trauma-informed approach and to contribute
2 where we can.

3 I would not take the fact that, by not wearing a uniform, that it sends
4 a message to the employees of the RCMP that, you know, as witnesses before this
5 committee, that we're not proud of the uniform that we wear everyday, that -- you know,
6 it doesn't represent -- excuse me, that not wearing it doesn't represent that we're not
7 supportive of the work done by the front-line members every single day, because we
8 are. It's just our contribution to the trauma-informed approach, and a necessity for the
9 victims' families and others in this process.

10 You know, we cannot forget that in times of crisis, when police are
11 called, it's the uniforms that attend and the uniforms that show up.

12 So that's the reason that I am not wearing my uniform today.

13 **MS. LORI WARD:** Thank you. Those are my questions.

14 **COMMISSIONER MacDONALD:** Thank you, Ms. Ward.

15 Mr. VanWart?

16 **MR. JAMIE VanWART:** Thank you, Commissioner. I don't have
17 any further questions and that does conclude the questions from counsel this afternoon.

18 **COMMISSIONER MacDONALD:** Thanks so much.

19 Commissioner Fitch?

20 **COMMISSIONER FITCH:** I can almost say good evening, Deputy
21 Commissioner Brennan, from Atlantic Canada.

22 I'd first like to say thank you for spending the better part of the day
23 with us so far, and we do recognize that you are in Saskatchewan under very difficult
24 circumstances, and I'm sure participating as a witness in our process is an added thing
25 to have to manage during a difficult time. So I just want to say that we are cognizant of
26 the dual roles that you're fulfilling today.

27 That said, that hasn't taken me away from my task of amassing
28 quite a few questions to ask.

1 As I say to any of the other witnesses because we are going
2 through so much information, and then with the newness of testimony, there is
3 inevitably questions that come up, but because we're taking notes throughout the day
4 and we don't have time, necessarily, to go away and categorise them, my questions are
5 going to be starting at the beginning of the day and working forward. So it'll appear that
6 I'm jumping around a little bit, so I do apologise for that. And some of the questions I
7 have, of course, have been canvassed Participant Counsel and by our own Commission
8 Counsel, so I'll be skipping through those. So I just ask for your patience as I -- as I skip
9 through my -- through my notes here.

10 At the very beginning of your testimony this morning, you were
11 talking about your briefing up to the Commissioner of the RCMP, of course, as her
12 direct -- as direct report, and I think you have to weigh the level of detail that is shared
13 with the Commissioner. And I'm wondering how you determine what -- what informs
14 your decision-making on what level of detail the Commissioner needs to know in order
15 to fulfill her duties?

16 **D/COMMR. BRIAN BRENNAN:** Yeah, there's -- there's no set sort
17 of formula or structure. A lot of times it's a -- it's a judgement call on my part, but
18 sometimes it's instinctive that knowing who the Commissioner needs to brief, potentially,
19 around how much information to provide and the accuracy of the information.
20 Sometimes we will receive information that hasn't been confirmed or hasn't been exact,
21 and so instead of providing, "oh, we think this is correct, Commissioner", I may wait and
22 say, "More information is coming, but we are looking at this particular issue. I will get
23 back to you when the information has been confirmed."

24 So I try to weigh the accuracy of the information against the
25 timeliness of who the Commissioner may brief. Some of the information or some of the
26 decisions are at my level and my responsibility, so I potentially may not be briefing the
27 Commissioner, "oh, I'm thinking about making this decision", I would just make the
28 decision and then brief later on that "this is the decision I made and this is why I made

1 it" to give her an understanding of -- understanding of it. And sometimes it's my ability
2 to collect enough information to give a fulsome briefing, as opposed to trying to give her
3 information in pieces and not being able to really articulate sort of a totally clear picture.

4 So it's based circumstance, it's also based on the relationship that I
5 have with -- with the Commissioner after four years of working with her in this role. You
6 know, I've -- we've become adept with each other of understanding what information is
7 required when, and how she likes to get that information, et cetera. So it's kind of a --
8 through that relationship.

9 And then there's some absolutes; right? You know, loss of a
10 member, you know, the mass casualty, as much information early on as possible.
11 Because it's going to be out in the media, not wanting her or the people she would
12 report to to get it from any other source but us.

13 **COMMISSIONER FITCH:** Thank you. And fair to say that you can
14 only brief up, as you've explained, what you know. So in light of that, what are your
15 expectations? I know you have a number of Assistant Commissioners from across the
16 country that report directly to you. What are your instructions to your Assistant
17 Commissioners that report in to you on the timeliness of -- and importance of sharing
18 information for you so that you are able to do your job in informing the Commissioner?

19 **D/COMMR. BRIAN BRENNAN:** So the expectation that I have
20 with my direct reports is that they need to be reporting to me as soon as possible on
21 situations that are, obviously, serious, that may be breaking in the media, that are of a
22 serious matter, and to provide me with as much information as they can, understanding
23 that it's an ongoing, potentially an ongoing situation. I am not waiting for a situational
24 report, it could be simple as a phone call to me, "Brian, this is what we have going on.
25 This is what I know now. We'll get back to you." It may be, potentially, a BBM or a text
26 message to say, "This is what we have. Nothing further at this time." But I am not
27 waiting for the formal process of briefing to kick in. My expectation is a phone call as
28 quickly as possible with as much information, and then, obviously, continued follow up

1 from there. So I'm really asking them to be responsible and to be timely and not to
2 worry about the formality of process to advise myself or anybody else in the Senior
3 Executive about an ongoing -- an ongoing issue.

4 **COMMISSIONER FITCH:** And I think we established earlier today
5 that close to a 10-hour delay in you getting briefed would be outside of what you would
6 expect in your position?

7 **D/COMMR. BRIAN BRENNAN:** Absolutely. I think that's -- that's
8 too long. Again, I don't know what the circumstances were in behind that, but the
9 10 hour timeline is -- is too long. There could have been potentially shorter bursts of
10 information early on, and then those would become larger pieces of information as more
11 became known and confirmed, et cetera.

12 **COMMISSIONER FITCH:** Thank you. And I think we -- we've
13 learned throughout our process that there was a fairly significant delay in updating the
14 Assistant Commissioner in Halifax as to some of the unfolding events throughout the
15 night and the severity of the incident. So again, we're back to it's hard to report up and
16 brief up when that information chain is -- is not smooth from the -- from bottom to top.

17 So do you -- in terms of going forward, would you have any
18 recommendations for us on how that might be improved upon in the future?

19 **D/COMMR. BRIAN BRENNAN:** Yes. I think that -- again, every
20 situation, based on -- based on ---

21 **COMMISSIONER FITCH:** Sure.

22 **D/COMMR. BRIAN BRENNAN:** --- the circumstances. But I
23 believe there needs -- there could be a recommendation that within a reporting structure
24 there is a requirement for someone to be tasked with the -- with the responsibility of
25 briefing to the next level. So from the Operations on the ground to maybe a District
26 Policing Officer, you know, the CrOPS Officer, or to the CO, and then into National
27 Headquarters from the divisional perspective.

28 And again, it's -- we should not get bogged down by trying to get

1 100 percent of the story every single time, with the understanding that "tell us what you
2 know now, understanding that there's more to come." But you know, something as
3 simple in this case is "We have multiple victims in multiple areas, which appear to be a
4 mass shooting, Members engaged on the ground. More to come." That would be the
5 start, potentially, of information flow around that.

6 **COMMISSIONER FITCH:** Thank you very much. And I meant to
7 say in the beginning, some of my questions and that of my fellow Commissioners are
8 looking back over what we've learned through the course of our process, and some of it
9 is, obviously, forward-leaning and picking your mind for recommendations and input.

10 So I'm not going to spend a lot of time on the -- the April 28th issue,
11 I think that's been well-covered over the last month or so. But I am interested in the
12 phone call that you had with the Commissioner where she expressed frustration with the
13 lack of briefing up, or the information flow, not just relative to the firearms but over the
14 course of, I guess, you know, seven, eight days from the time of the mass casualty.

15 Did she express any frustration directed at you as her Deputy
16 Commissioner for not getting information to her in a more timely fashion? Was any of
17 that frustration directed at you or was it more expressed towards the members of H
18 Division?

19 **D/COMMR. BRIAN BRENNAN:** She did not direct it towards me
20 personally. She did direct frustration about, you know, "Why don't we have a system in
21 place where information is better flowing? You know, you're responsible for that
22 Division. What's going on there? I need you to, you know, try to get the flow of
23 communication going." And I'm not talking about, sorry, sort of the media
24 communication. She's talking about ---

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

26 **D/COMMR. BRIAN BRENNAN:** --- updates, timeliness, because
27 there was -- I believe my notes indicate it might be three days in when I had a
28 conversation with Assistant Commissioner Bergerman that we hadn't got a formal

1 SITREP report yet. And that needed to be required.

2 So it wasn't frustration at me personally. It was frustration with, "I
3 need you to look after that because that Division reports to you and we've got to get
4 better at doing this."

5 And that totally falls to my responsibility and accountability, in
6 reporting to her.

7 **COMMISSIONER FITCH:** Okay. Thank you. And one last
8 question on this issue. And appreciating, absolutely, the exercising of your judgement
9 and discretion in what the Commissioner would need to know or would want to know,
10 was any of your consideration around not relaying the information from Assistant
11 Commissioner Bergerman on the level of -- I guess for lack of a better word, hurt of the
12 H Division senior staff from that phone conversation, not sharing that level of detail with
13 the Commissioner, were you in any way shape or form shielding her from that
14 knowledge? Because it's hard to fix things or address things when they're not known.

15 So I'm trying to figure out why, precisely, that information was not
16 relayed to the Commissioner for her situational awareness?

17 **D/COMMR. BRIAN BRENNAN:** Yeah, I've thought about that, you
18 know, given all that's come to light. Again, I'm repeating my answer, but again, from
19 that phone call with Lee Bergerman, yes, I understood that they were very disappointed
20 that the Commissioner would have that phone conversation at that time after that press
21 conference, you know, and that they were disappointed in the Commissioner and the
22 Commissioner was disappointed in them.

23 But it didn't resonate with me that it had such an effect on people to
24 that degree. It was just another -- I shouldn't say just another, but it was one of those
25 difficult conversations and meetings that come up from time to time at senior levels in,
26 you know, not just policing organizations, but other organizations. The Commissioner
27 was a participant in the call. You know, it just didn't seem like something that was going
28 to continue on the sort of -- everything got out in the open, now we needed to focus on

1 how we were going to create a better go forward. And I just did not realize at the time
2 the effect that that would have.

3 And because I didn't have that self-awareness around that, it just
4 didn't register with me that I needed to brief the Commissioner.

5 Had I had a better appreciation for how people reacted, again, not
6 being able to see them, you know, not finding out for quite some time later, I just didn't -
7 - I just didn't feel it necessary that that was something that I needed to have a
8 discussion with the Commissioner on.

9 **COMMISSIOENR FITCH:** Okay. Thank you. And I'm not trying to
10 get you to repeat your questions, I'm just trying to better understand some of the
11 thought processes so that we can make better recommendations.

12 So I'm going to jump now to the issue of the 2010 Criminal
13 Intelligence Service Nova Scotia Bulletin. And we've seen notes today that suggested
14 that you didn't feel that the bulletin should go out proactively. You've answered some
15 questions around decision making with respect to that.

16 And at one point late in the day, and forgive me, I can't recall who
17 you were answering, it may have been Participant Counsel Bryson, you had made
18 comment that it wasn't the RCMP's bulletin to release. Did I understand that correctly?

19 **D/COMMR. BRIAN BRENNAN:** Yes, I was referring -- there was a
20 CISNS bulletin.

21 **COMMISSIONER FITCH:** Okay. And is it not true that the CIS
22 Nova Scotia is a Provincial Bureau of Criminal Intelligence Service Canada?

23 **D/COMMR. BRIAN BRENNAN:** That's correct.

24 **COMMISSIONER FITCH:** And is CIS Canada not a division or
25 operating under the direction of the RCMP.

26 **D/COMMR. BRIAN BRENNAN:** It operates under the direction of
27 the Commissioner, yes.

28 **COMMISSIONER FITCH:** So to the point that was raised earlier,

1 would it be within the authority of the RCMP to be able to say, "Yes, he was known to
2 the police. Yes, there was a bulletin. And we had this information"? Even though it
3 was submitted by another police agency? Or is that third-party protected?

4 **D/COMMR. BRIAN BRENNAN:** I don't believe that would be third-
5 party protected, as you describe how that information would go out.

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

7 Did you at any time brief the Commissioner or at what time did you
8 brief the Commissioner on the discovery of the 2010 bulletin?

9 **D/COMMR. BRIAN BRENNAN:** I don't recall myself briefing the
10 Commissioner. If my memory is correct, I believe that that was done by H Division in a
11 briefing that the Division had provided us. We had a number of briefings. I believe we
12 had one on April 20th, the Monday following. Not sure if it was mentioned at that time.
13 But later on, we received a full briefing of the operation by then Supt. Campbell, who
14 walked us through the timeline, I think it was over a couple of meetings. And I believe it
15 was also mentioned about the bulletin being known during one of those briefings. I
16 don't specifically ever remember me briefing the Commissioner personally on that.

17 **COMMISSIONER FITCH:** Okay. Do you recall if that briefing,
18 however it happened, whether it was a SIT report or a meeting, however that
19 information made it to yourself and the Commissioner, was there a follow-up
20 conversation between you and the Commissioner on the release of that bulletin?

21 **D/COMMR. BRIAN BRENNAN:** I don't ever recall having a
22 conversation with the Commissioner on releasing of that bulletin.

23 **COMMISSIONER FITCH:** Okay. Thank you. I'm going to switch
24 topics now to the Quintet Report and the role and responsibility of both yourself and the
25 Chief Human Resource Officer. And I understand that both yourself and the Chief
26 Human Resource Officer report directly to the Commissioner?

27 **D/COMMR. BRIAN BRENNAN:** That's correct.

28 **COMMISSIONER FITCH:** And the CHRO is a civilian position?

1 **D/COMMR. BRIAN BRENNAN:** That's correct.

2 **COMMISSIONER FITCH:** Okay. Thank you. I'm just curious,
3 when you started receiving calls from H Division expressing concern about some of the
4 wellness and performance issues that were occurring there, and I certainly appreciate
5 that you oversee operations, and I would expect that you would agree with me that in
6 order to fulfil operations, we have to have the human resources and the resources to do
7 that.

8 Did you consult with the CHRO prior to going to Halifax and/or was
9 there any consideration to having the Chief Human Resources Officer attend with you or
10 go in your place, given that it was a wellness issue that was -- and performance issue?

11 **D/COMMR. BRIAN BRENNAN:** So the initial information was
12 more around management, performance, and leadership in the initial stages of
13 information coming to me.

14 I did have conversations at our senior executive table about, you
15 know, information that was being unsolicitedly provided to me and that I felt that, you
16 know, there was a requirement from me to get to the Division to try to understand it
17 better, to try to maybe have a broader conversation with people, if they were willing to
18 have that conversation with me, and it just happened to, in terms of timing of covid, that
19 in that October time period, travel was available to me in that regard, so I advised SEC
20 that I would be going down, spending a few days down there, speaking to the senior
21 people that wished to speak to me, travelling through the Division a little bit ---

22 **COMMISSIONER FITCH:** Right.

23 **D/COMMR. BRIAN BRENNAN:** --- trying to get a sense of ---

24 **COMMISSIONER FITCH:** Sorry, I don't mean to -- I do recall this
25 from your transcript, but I was wondering specifically about engaging the Chief Human
26 Resource Officer.

27 **D/COMMR. BRIAN BRENNAN:** So, yes.

28 **COMMISSIONER FITCH:** Sorry.

1 **D/COMMR. BRIAN BRENNAN:** So, yes. So I was just going to
2 say, so the CHRO is a member of SEC.

3 **COMMISSIONER FITCH:** Yes.

4 **D/COMMR. BRIAN BRENNAN:** And then I did say after I would do
5 all that, I would come back and further the conversation with what we potentially could
6 be doing for the Division. And at that time, once I had that information, doing all of that,
7 that that's when the conversation started about the CRHO saying, you know, "There's
8 companies that can help us out with this." And then Lee Bergerman called me and said
9 she's worried now about now just the things I was talking about before, but the actual
10 emotional and physical wellness of the employees. That's what triggered the movement
11 towards having then Quintet go down and do an independent review.

12 **COMMISSIONER FITCH:** Thank you. In your previous role in H
13 Division, or in your current role, what responsibility do you have in the promotion and
14 selection of the Assistant Commissioners and any of their senior command staff? Does
15 that fall within your purview?

16 **D/COMMR. BRIAN BRENNAN:** It does. So in my current role, I'm
17 more often than not a participant in the selection process, interview process for the
18 Commanding Officers either at the Assistant Commissioner level or the chief
19 superintendent level, for example in Prince Edward Island, if they fall within -- under the
20 contracting umbrella.

21 So I start the initial conversation with the province about, "What are
22 your expectations? What are you looking for in a new Commanding Officer?" We have
23 a conversation. I bring it back to the CHRO's office under officer development to start
24 looking for candidates that may meet those interests, and then I participate.

25 I don't often participate in my current role in the selection of, say,
26 the Criminal Operations Officer underneath the A/Com, and further down. Then -- that
27 usually holds the responsibility to the Commanding Officer to participate in the process
28 of interviewing and selecting Criminal Operations Officers in key positions in his or her

1 division, or around that.

2 **COMMISSIONER FITCH:** Okay. Thank you. And in your outgoing
3 role as Assistant Commissioner of H Division, did you have a role or a hand in the
4 promotion of Assistant Commissioner Bergerman?

5 **D/COMMR. BRIAN BRENNAN:** No, and I was purposively not
6 participant in that selection board. Because I had been in Nova Scotia for an extended
7 period of time myself and the Deputy that I was reporting to at the time thought it was in
8 the best interest for me not to optically have any influence in the selection process of
9 the person coming in behind me, because they would then be a direct report to me in
10 my new role.

11 **COMMISSIONER FITCH:** And your working relationship with
12 Assistant Commissioner, I guess, at that time, would have been a District Officer or
13 Commanding Officer when you worked together in H Division, what was the tone of that
14 working relationship?

15 **D/COMMR. BRIAN BRENNAN:** You're speaking of Lee
16 Bergerman when she was in Halifax District?

17 **COMMISSIONER FITCH:** Yes. Yes. Thank you.

18 **D/COMMR. BRIAN BRENNAN:** Okay. Sorry. It was a good
19 working relationship. The structure in Nova Scotia is the Halifax District Policing Officer,
20 so the Chief Superintendent, reports to the CrOps officer and the CrOps officer reports
21 to me.

22 However, so I didn't have a lot of direct oversight and management
23 of the Halifax District Position, but that position was a participating member of the
24 Divisional Executive Team. So there would have been a working relationship there as
25 well.

26 And outside of the roles, Assistant Commissioner Berman and I
27 knew each other from working in covert operations for years before that. So we knew
28 each other in a professional sense in that regard.

1 **COMMISSIONER FITCH:** Okay. And can you -- sorry, it's getting
2 late for everyone, I know, but can you remind me who the CrOps officer was when you
3 were Commanding Officer in H Division?

4 **D/COMMR. BRIAN BRENNAN:** Marlene Snow.

5 **COMMISSIONER FITCH:** Oh, yes. Okay. Thank you. Thank you.

6 **D/COMMR. BRIAN BRENNAN:** I was wondering if you had a role
7 in mentoring Assistant Commissioner Bergerman in her new -- in her duties at that time
8 when she transitioned in the A/Comm and you were outgoing? And the reason I'm
9 asking is I know that you're taking a very direct interest in the mentoring of incoming
10 Assistant Commissioner Daley. And I'm just wondering if you can say how that
11 transition of knowledge and experience was done with Assistant Commissioner
12 Bergerman and how you plan to go forward with Assistant Commissioner Daley? And
13 the reason I'm asking that question is that I understand from your testimony today that
14 you felt that you left your house in good order when you left H Division, that there were
15 good relationships with government, good relationships within your senior command
16 staff, good relationship with Nova Scotia Chiefs. So if you could help me understand
17 how that transition happened and how we can hope for better success with this new
18 transition?

19 **D/COMMR. BRIAN BRENNAN:** So I think it would be -- I would be
20 remiss if I didn't acknowledge that it wasn't always perfect under my tenure. But I felt
21 that it -- there was good working relationships.

22 So because Assistant Commissioner Bergerman was coming from
23 within the Division, she would have had a higher level of understanding of the issues of
24 the Division, because she was around the Divisional Executive Table, she would have
25 been participant in decision making, she would have been a participant in setting the
26 strategic direction of the Division. So she had a good solid working knowledge of how
27 the Division ran. She would have had a relationship with a lot of the officers that were
28 there at the time, prior to any vacancies coming under her command. She would have

1 been working with, obviously, the Chief of Halifax Regional Police because she was
2 coming from that role. So she had developed a relationship with the then Chief Jean-
3 Michel Blais, the councillors. So she had a good control and understanding of the
4 dynamics within Halifax District and with the other districts in the Division.

5 What my focus was when Lee was assuming the position of
6 Commanding Officer was to bring her up to speed on those issues that probably only
7 the Commanding Officer would be delving into. So staffing issues, conduct matters.
8 Those types of things. So Lee and I met two or three times prior to me leaving to have
9 meetings, to discuss -- I would give her, you know, my thoughts on where I saw the
10 Division going in terms of key positions that needed to be looked at in the future that I
11 would have taken on had I remained the Commanding Officer, the reasons I was
12 thinking about why I would be looking at certain positions, why I was focusing, you
13 know, relationship building with, you know, potentially certain chiefs of police, trying to
14 change the narrative with the Provincial Government in terms of how we reported to the
15 Government, what I felt were strategic investments that needed to be made by the
16 Province. You know, things like the upcoming pay raise that we knew was coming,
17 ensuring that we were, you know, as open and honest with communication around
18 budgeting, those types of things, because there was a lot of momentum that was
19 building up and we were, for lack of a better term, reaping the benefits of those
20 relationships, especially with the Provincial Government.

21 And we had made extremely large strides with our Indigenous
22 communities, not necessarily simply because of the work I was doing, but because of
23 the work that other people were doing in the Division and, you know, I mentioned from
24 time to time the Eagle Feather Initiative, the Sweat Lodge on our RCMP property. So
25 we needed to continue this. So I was kind of outlining to Lee the things she needed to
26 be aware of, and understanding that because I was coming to this new role, I was -- Lee
27 was going to be reporting to me that that ability for her to rely on me, if required, was
28 easily done, because we would have that other relationship so that we needed to keep

1 communicating.

2 So that's how the transition between Lee Bergerman and I took
3 place.

4 And it would have been totally different if Lee was coming from
5 another province, had no knowledge, probably would have been a transition binder, you
6 know, more documented things. But easier for us to have a conversation because we
7 knew most of the issues and the players at that time.

8 **COMMISSIONER FITCH:** Okay. Thank you. And I think were
9 some changes as well in the senior command staff below her after you left?

10 **D/COMMR. BRIAN BRENNAN:** That's correct.

11 **COMMISSIONER FITCH:** Yeah. Okay. Thank you. On the topic
12 of the alert, of course we're always looking for areas of improvement, and we recognize
13 that some of those improvements have already been made, but one thing that I was
14 reminded of today was when we were going over the 2012 memo from S/Sgt Furey,
15 who was a member of the RCMP at that time, who had put forward this memo with an
16 idea of how an alert could be embraced going forward, and ultimately that didn't get
17 actioned. Would you agree with me that Amber Alert had been well established by
18 2012? If my memory serves me correctly.

19 **D/COMMR. BRIAN BRENNAN:** Yes, I believe so.

20 **COMMISSIONER FITCH:** And would you agree with me that the
21 Amber Alert is considered a life-saving alert?

22 **D/COMMR. BRIAN BRENNAN:** Without question.

23 **COMMISSIONER FITCH:** Okay. So not a far stretch, and I think
24 we've established that that would have been done by the late in the morning on the 19th,
25 notwithstanding there weren't other protocols and processes in place, there was
26 protocols and processes in place that were well established with Amber Alert prior to
27 2020?

28 **D/COMMR. BRIAN BRENNAN:** Yes, there was -- there's very

1 strict protocols in place for the issuing of an Amber Alert. Absolutely.

2 **COMMISSIONER FITCH:** So where I'm going with all of this is,
3 and I think every organization probably has different ways of doing this, when a
4 potentially good idea is brought forward, either from the constable level, from a civilian
5 member, from a staff sergeant, and it gets kind of put into the hopper, is there a
6 formalized process that the RCMP has to gather some of these suggestions and inputs
7 from people who are outside of the management branch, so to speak, to really give
8 those serious consideration and put them through a proper analysis to determine
9 whether or not they should be actioned?

10 **D/COMMR. BRIAN BRENNAN:** Yes. Most recently, the best
11 mechanism for that, in terms of sort of getting that from the ground, as you mentioned,
12 is the ability for our employees to put suggestions forth through what is -- internally what
13 is known as our 150 Tracker. It's a process where they can get into the tracking system
14 and literally type in an idea they have, or a concern they have that they would want
15 management, and sometimes it could be the management within their division, but
16 sometimes it could be national in scope, that they feel that it's something that should be
17 looked at, and that tractor -- tracker is monitored consistently.

18 And, you know, often we'll see that there may be, you know, a large
19 number of employees commenting on this certain issue.

20 So the one that comes to mind for me is around cargo pants for the
21 RCMP. A lot of members talked about a better fitting pant, a washable pant, you know,
22 something that meets their operational needs. So that generated the examination of
23 cargo pants, and now we now have policy and procedure about members being able to
24 purchase cargo pants, that meet a certain standard, for reimbursement, because not
25 everybody is the same size, the same shape. You know, all of those types of things.
26 So that's an example of where something from the ground could work its way up into an
27 organizational change around that. But that's one example using the tracker.

28 **COMMISSIONER FITCH:** Okay. Thank you. And Commissioner

1 Lucki did speak to that with respect to the Vision 150 work as a way of getting input
2 from across the organization, if memory serves me correctly, which I think it does on
3 that.

4 So it's kind of -- really, it's an online -- almost like an online
5 modernized suggestion box. And I'm wondering if it's both with name and if there's an
6 anonymous component to it? Or is it all kind of put into the hopper so people can put
7 into their suggestions, be brought into the process, maybe be part of an implementation
8 process of an idea that was kind of borne from an individual member, civilian or regular
9 member?

10 **D/COMMR. BRIAN BRENNAN:** Yeah, I don't think there's any
11 requirement that the person be identified. I don't think that's a mandatory in the tracker.
12 And it's just one example. Sometimes we'll have our employees generate an idea and
13 a new process and demonstrate it, and then it becomes -- it could just be at the unit
14 level, and then it becomes a best practice. There's many mechanisms to it. They're not
15 always national in scope.

16 **COMMISSIONER FITCH:** Great. Thank you very much. I am
17 getting there.

18 In your list of examples of learnings from April 2020, I didn't hear
19 mention of family liaison supports. And given your current circumstance, I'm just
20 wondering if you have any updates for us on that or that's just something we can wait
21 for and that's fine too?

22 **D/COMMR. BRIAN BRENNAN:** In terms of national policy, I don't
23 have any updates, but I can tell you that practically the lessons learned on the family
24 liaison issue during the Nova Scotia mass casualty were applied to the mass casualty
25 situation here in Saskatchewan, where early, early in the process, the Division was
26 ramping up with liaisons, whether it be support -- the community support through the
27 Indigenous communities. So that was -- that was triggered early on because of the
28 lessons learned in Nova Scotia and in engagement with the Province for community

1 support for the families, trauma informed, approaching it from a cultural sensitivity
2 perspective because it occurred in an Indigenous community.

3 So again, practical lessons learned that have not potentially yet
4 made their way to formal policy or procedures, but are being undertaken.

5 **COMMISSIONER FITCH:** Thank you. And on that note, when you
6 were talking about, again I think this was in reply to Participant Counsel Bryson, that
7 you don't necessarily need to have a review in order to start making improvements
8 within your processes, and you listed off a number of very important -- he listed off a
9 number of very -- I think nine points. And you had replied that there is actually nothing
10 that precludes you from doing a review at any time or actioning or improving upon some
11 of the identified areas of concern and that you have started to make some changes on
12 lessons learned.

13 But I'm wondering if those activities are being tracked and is there a
14 mechanism in place to evaluate those as they're put into place? Because I know
15 through our processes, we've heard some concern about, well, we don't want to
16 implement what we think is a solution, only to have the Commission recommend
17 something else, and then have to go down another path.

18 So I'm just wondering, for some of the lessons learned to date, not
19 only are you tracking them, but is there a process in place to evaluate to see if they are
20 fulfilling what you would hope that it would?

21 **D/COMMR. BRIAN BRENNAN:** Yes. Maybe not a formal
22 structure. Again, you know, the lessons learned apply here to Saskatchewan. We are
23 tracking what the results of those were for the incident here in Saskatchewan and, you
24 know, what Saskatchewan has learned from those best practices, and are there other
25 things that could be developed that we are going to, obviously when, you know, the
26 investigational piece sort of starts to settle a little bit, that we're going to be implying a
27 review into the circumstances here, apply the best practices, and implement change
28 that we can do easily.

1 I think we would -- we will be cautious if we're talking about
2 investing a large sum of money into something that we think is a good idea and, you
3 know, maybe it doesn't quite align with the recommendations that may come out of the
4 work that you're doing.

5 So -- but again, large investments take time. So I think that we're in
6 good stead that in terms of that, by -- you know, simply by the timeline that you're under
7 to produce the report, I don't think there's any barriers to us to start -- even if we don't
8 do the investments, to at least start exploring the options and having a game plan, you
9 know, mapped out to, say, get funding. And if we have to pivot based on the
10 recommendations of the work you're doing, that's fine. So nothing's stopping us, really,
11 from starting the engagement. We're not standing still waiting to see what
12 recommendations you will bring forth.

13 **COMMISSIONER FITCH:** Thank you for that reassurance. I'm
14 down to kind of two and a half points, and one is a bit of a narrative, and I apologize for
15 that up front. But it is linked to a question, and it is on the topic, a couple of the topics
16 that Lori Ward from the Department of Justice raised towards the end of the day. And
17 one is around community policing.

18 And I have to thank you for having a more nuanced view of
19 community policing, or as I like to call it, contemporary community policing, not just
20 myself, but others, and recognizing that true community policing is continually evolving.
21 It's not an A-to-Z program, it's not a unit. It's something that is engrained in how we do
22 business. And I think your Carver model speaks to that.

23 And, you know, we've heard a lot about community policing, we've
24 heard a lot about the structure of policing and what that will look like going forward. And
25 it always strikes me when we talk about policing models and the way that we do
26 business and people get hung up on hierarchy. I know some of the earlier days of
27 community policing, the real stumbling blocks were people not accepting the autonomy
28 that came with that within an organization, so had to be layers upon layers of approval,

1 and that that caused concern. In today's day and age, we hear a lot about
2 collaboration, collaboration within organizations, external to organizations, and, you
3 know, between the ranks as well.

4 But I would just like to put a pin in, to take an expression from
5 somebody else this past week, put a pin in the fact that, you know, a lot of people
6 struggle with what the definition of community policing is or what contemporary
7 community policing is, or community engaged policing, and modern policing. But I think
8 that there's also a lot of area for consensus to be built around what collaboration
9 means. And when we talk about collaboration and we talk about community policing, to
10 me, some of the fundamentals of that are true and honest reciprocal relationships.

11 And so when you were asked today about, you know, the structure
12 of funding and service exchange, I scratched my head a little bit. And some of this is
13 from my own municipal experience, is that -- it isn't a one-way -- it really isn't a one-way
14 relationship when you have a provincial police force that provides services to the
15 municipalities. And correct me if I'm wrong, but there's also a reciprocal relationship in
16 that municipalities also are in positions to help the RCMP.

17 So when we -- for example, we've been told that there's been
18 renewed tracking and accounting of services rendered for municipalities, i.e. Forensic
19 Services, Dog, and so forth, and again, feel free to correct me if I'm wrong, but are there
20 not occasions in Nova Scotia, and dare I say across Canada, where the municipalities
21 that have their own services, such as Explosive Disposal, Crowd Management,
22 Emergency Response Team, Underwater Recovery Team, I think I said ERT already,
23 and Dog, if I didn't already say that, will provide those services in return to the RCMP?
24 Likewise with the Department of Natural Resources with their dog handlers, for
25 example.

26 So there are times, I think, that the municipal services that have
27 those specialized sections, many of whom were trained through the Canadian Police
28 College or through accredited RCMP training, does the RCMP track when they aren't --

1 when the RCMP isn't able to provide those services in their contracted areas that they
2 rely on a municipality to fill in? Or is it just a one-way tracking?

3 **D/COMMR. BRIAN BRENNAN:** No, it's not simply a one-way
4 tracking. In the response to the question, I was referring to municipalities that don't
5 have those services that you mentioned. Like, not every police service in Nova Scotia
6 has a dog, and ERT, et cetera, or they don't have the capacity to take on, say, a large
7 Major Crime homicide file over an extended period of time using covert techniques,
8 undercover operations. It's those things.

9 But I want to be crystal clear. There are countless, countless times
10 when municipal agencies that have those services are more than willing to come in and
11 assist the RCMP in operations at no billing cost to the organization.

12 I can't speak to whether every division tracks the costs or, you
13 know, the value of, in a dollar sense, of another agency coming into assist, but it is well
14 recorded within that investigation or that file that we received support from another
15 municipal agency, or the dog person on this particular file came from another municipal
16 agency, or the ERT team.

17 I think it would be beneficial for that municipal police agency to
18 advise their Board of Police Commissions, or their elected officials, "Here's how many
19 times we helped the RCMP and here was the cost that would have covered it," because
20 it gives transparency to police boards and to elected officials about the interoperability
21 and the cooperation and, you know, most times than not, it's just good to know, cost of
22 doing business, glad we could help.

23 If it starts getting into the millions of dollars, I think it's ---

24 **COMMISSIONER FITCH:** Yeah.

25 **D/COMMR. BRIAN BRENNAN:** --- a different conversation.

26 And I know you personally provided those services from your
27 department in Fredericton to the Moncton shootings. Like, it's just what needs to be
28 done at the time. But if those relationships aren't built and that understanding is not

1 there, very hard for that cooperation to happen in times of crisis.

2 **COMMISSIONER FITCH:** Thank you. And that's -- you probably
3 knew that's where I was going. Those reciprocal relationships are so very important
4 and I think valued. And of course, the winners in all of that are safer communities.

5 And so just on the very last thing that was raised by the Department
6 of Justice, Lori Ward, this afternoon, was the Nova Scotia Chiefs scenario. And just
7 planting a seed, I guess, for forward looking for any recommendation that you might
8 want to have there, is there a way that the RCMP could encourage consistency from
9 province to province knowing that there's a certain level of autonomy with the Assistant
10 Commissioners and how they engage with their provincial counterparts and their
11 municipal counterparts? Is there a recommendation to be had that would help from the
12 national level to help nurture those relationships? Is there a recommendation that you
13 could suggest?

14 **D/COMMR. BRIAN BRENNAN:** Well, for me, given that, as you
15 mentioned, the autonomy, I think there's -- there is an opportunity for the entities of like
16 Nova Scotia Chiefs of Police, New Brunswick Chiefs of Police to maybe be asked to
17 report on -- to their counterparts across the country, to report on best practices within
18 their relationships, how they've adapted, maybe, service delivery models, how they're
19 examining resource exchange, development, cross-training, sharing ability to acquire
20 equipment at an efficient, you know, rate.

21 You know, CACP may fill some of that void, but I think if there could
22 be a recommendation for an annual exchange of best practices and forward-looking
23 things.

24 I think of things like, say, Claire's Law, for example. Very fractured
25 across the different policy agencies, us because of the *Privacy Act* and things we had to
26 work through. But I mean, if we could have a mechanism to share things that we're
27 doing or things we think we need to be doing as a collective, I think that would go a long
28 way with building relationships, especially given the autonomy.

1 And you know, while the CACP does that, they are a big
2 organization and it may not get down to that level.

3 So I think any type of recommendation around exchanging of
4 information, best practices, forward leaning would be beneficial. It doesn't have to be
5 anything overly complicated or fancy, but something that can easily be shared through
6 technology or through an existing mechanism, I think, would be very beneficial because
7 there's not a police agency that can go it alone and there are no more borders. There's
8 no more borders provincially, internationally. We are a borderless society, and our
9 communication with each other has to be borderless as well.

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

11 And I think you -- I was really pleased to hear you say that
12 community policing in the 21st century isn't just about out walking the beat or boots on
13 the street. And what I'm finding interesting through our whole process, and sorry if I'm
14 pontificating a bit tonight at this hour, but a reoccurring theme through this whole inquiry
15 has -- continues to circle back on healthy relationships, whether it's in an individual
16 family unit, in an organization or in a community. So thank you for sharing your
17 thoughts with us today. It's much appreciated.

18 **D/COMMR. BRIAN BRENNAN:** Thank you.

19 **COMMISSIONER MacDONALD:** Thank you, Commissioner Fitch.
20 Commissioner Stanton?

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

22 And I apologize. We're looking at a monitor as opposed to at the
23 cameras because that's how we can see you, so if it doesn't look like we're having eye
24 contact with you, that's why. It feels like it is to us, but it probably doesn't feel that way
25 to the people watching the webcast.

26 I wonder, Madam Registrar, if you could pull up the document that
27 was exhibited this afternoon. It was COMM63665, but I'm afraid I didn't make a note of
28 the exhibit number.

1 **REGISTRAR DARLENE SUTHERLAND:** It's Exhibit 4667.

2 **COMMISSIONER STANTON:** Thank you.

3 And this was the -- it's called "Working Draft Management Action
4 Plan 'H' Division Wellness Review". And I gather it's organized under four themes. And
5 under that first theme of having a strong -- there's an identified need for a strong
6 governance model, on the second page just before -- the last part just before theme 2,
7 the left-hand box says:

8 "Review and amend the strategy and resource guide
9 to distinguish between issues which arise in the
10 normal course of duty and mass casualty events in
11 which the 'fog of choices' becomes confusing. Within
12 this review, seek to establish a triage format to assist
13 individuals and organizations in making informed
14 choices." (As read)

15 Can you help me understand that guidance there?

16 I'm wondering, first of all, which strategy and resource guide that
17 might reference.

18 **D/COMMR. BRIAN BRENNAN:** Is it possible just to expand that a
19 little bit? I'm having trouble reading it on my screen.

20 **COMMISSIONER STANTON:** Yeah. You know what; it's a really
21 small font, so absolutely.

22 If you can make it even larger, Madam Registrar.

23 Does that help? Are you able to see it?

24 **D/COMMR. BRIAN BRENNAN:** Yes, thank you. That's much
25 better.

26 I'm just going to re-read it. Excuse me.

27 So I believe if you go to the third box over, it's talking about the
28 employee, family and resource guide. I believe that's what it's referring to in the action

1 piece. It's that guide that they're referring to.

2 **COMMISSIONER STANTON:** Okay. So the strategy and resource
3 guide is the employee, family and resource guide.

4 **D/COMMR. BRIAN BRENNAN:** That's the way I read it, yes.

5 **COMMISSIONER STANTON:** Okay. And can you tell me what is
6 meant by the "fog of choices"?

7 **D/COMMR. BRIAN BRENNAN:** I can't speak specifically to that
8 choice of words. Upon reading it, I just believe that there was so many choices out
9 there that it -- there wasn't a clear understanding of what people could access and what
10 they were sort of to focus on or entitled to. It just needs -- it says it's becoming
11 confusing. There's too much in it, too much information to absorb, especially in a time
12 of crisis, so I think what they're looking to do there is make it clearer, make it more user
13 friendly and not add additional pressure with so many choices to an already stressful
14 situation.

15 That's how I interpret the "fog of choices" that's quoted there.

16 **COMMISSIONER STANTON:** Okay. So it's choices with respect
17 to mental health services or support services for personnel? Is that ---

18 **D/COMMR. BRIAN BRENNAN:** Yeah. Medical choices, you
19 know, leave, potentially. A whole myriad of things would fall under that title.

20 **COMMISSIONER STANTON:** Okay. And so the individuals and
21 organizations that would be assisted to make informed choices there, those are -- are
22 those individuals and organizations within the RCMP?

23 **D/COMMR. BRIAN BRENNAN:** Yes, that would be correct. Yes.

24 **COMMISSIONER STANTON:** Okay. Thank you.

25 And then on the last page, Madam Registrar, the next page over,
26 the last theme says:

27 "Benefit would be realized with the RCMP normalizing
28 the provincial, municipal and local leader relationships

1 as well as the Division's outward appearance with the
2 public, developing stronger community relations and
3 providing the necessary positive support for these
4 interactions." (As read)

5 And then under Progress -- that first point under Progress, it says,
6 "Briefing to be provided to the new permanent CO."

7 And I just wondered -- and then there's an analysis that's under
8 way on what initiatives can be used that would meet the requirement of preparing and
9 maintaining the joining package, which is the action on the left-hand side there. And the
10 first action to which the briefing would be provided in response, that's the "provide
11 additional knowledgeable support to the new CO".

12 And it sounds as though you're on that and planning to provide that
13 briefing, but I just wondered, given the breadth of that theme of normalizing
14 relationships as well as the Divisions, you know, need to develop community relations
15 and so on, it seems like a pretty short action list to me. I just wondered if you are aware
16 of other actions that might be undertaken to address that theme or if you can comment
17 on that at all, please.

18 **D/COMMR. BRIAN BRENNAN:** So I would suggest that these are
19 four points that would have various subsections to them. I think that, you know, to put
20 everything down would expand the document beyond what an action plan would be.

21 You know, to me, I think a word that's missing there is
22 "communication", the establishment of regular communication. It may be a given, but
23 as we've seen through all the work that's been done by the Mass Casualty Commission,
24 communication and relationships seem to be the two major hurdles that need to be
25 addressed, especially in Nova Scotia.

26 In moving a lot of these other things forward, there are -- I'm just
27 quickly reading as I'm speaking here.

28 **COMMISSIONER STANTON:** Yeah, that's okay. I just ---

1 **D/COMMR. BRIAN BRENNAN:** Yeah.

2 **COMMISSIONER STANTON:** Sorry. Go ahead.

3 **D/COMMR. BRIAN BRENNAN:** No, I was just going to say that I
4 would say this is the skeletal blueprint of a lot of things that are going to take place and I
5 think what will add to this will be the transition between the work done by the current
6 interim CO, Assistant Commissioner Ferguson, and the permanent CO, Dennis Daley.
7 I'm sure there will be other things that John will have started that Dennis can pick up on
8 that may relate to a lot of these things, and there may be some granular things that are
9 of critical important that just wasn't or hasn't been known to the people that drafted this
10 action plan from the Headquarters perspective.

11 So I would consider this a living document in terms of actions that
12 need to be undertaken.

13 **COMMISSIONER STANTON:** Okay. I appreciate your help with
14 that. It's just the document's new to us, so I just -- while I have someone to help me
15 understand it, it's helpful.

16 The people who've been following the Inquiry will know that I have
17 a bit of a preoccupation with the recommendations of past inquiries and the barriers to
18 implementation that we're trying to identify so that when we see that there are
19 recommendations that have been made many times but, for whatever reason, haven't
20 been adopted or implemented, we're trying to sort of figure out why that might be.

21 And one of the areas where there have been quite a number of
22 past recommendations is with respect to local police advisory boards. And the -- those
23 boards have been suggested as efficacious and increasing local control and
24 accountability with respect to policing in communities, and I just wondered if you could
25 talk a bit about the importance you would place on the RCMP's engagement with local
26 police advisory boards.

27 **D/COMMR. BRIAN BRENNAN:** Well, from my experience as a
28 Commanding Officer, police advisory boards are a critical partnership and a critical

1 mechanism to inform the RCMP about local needs and expectations, but they also
2 provide an avenue or a portal for the RCMP to use to explain and develop strategic
3 plans at the community level with advisory boards. And that's based on the willingness
4 and the engagement of those sitting on the advisory boards to engage with the local
5 detachment or the division, depending on the topic at hand.

6 You know, there have been times where advisory boards are put in
7 place and for whatever reason they don't either pick up the momentum or sustain the
8 momentum required for them to be a fully functioning police advisory board with the
9 RCMP, and sometimes the RCMP plays a role in that because the detachment
10 commander could not -- maybe is not as engaging as they need to be in developing
11 those relationships, not bringing things forward, you know, adhering to records of
12 decisions. And sometimes policing advisory boards just don't continue the momentum
13 and then they're just sort of forgotten and they just sort of disappear in terms of their
14 efficiency.

15 But you know, any advisory board, police advisory board,
16 indigenous advisory board, you know, community advisory board representing Nova
17 Scotia, African-Nova Scotian communities, et cetera should all be tools and avenues for
18 not only the RCMP, but policing in general to be utilized, to be leveraged, to be
19 considered and for advice given.

20 And I think sometimes the efficiency of boards in general come
21 down to the commitment and the people that are on the board and understanding the
22 direction and the accomplishments that you're trying to achieve. If those things aren't in
23 place, as I'd mentioned before, they tend to fade away and aren't as effective, as
24 efficient as they could be.

25 **COMMISSIONER STANTON:** Yeah. We've been hearing about
26 how perhaps it's important to have more structures in place for those boards to be more
27 efficacious rather than relying on the personality of who happens to be in the chair in
28 any given term.

1 So one of the other suggestions that we heard was to have a single
2 provincial oversight body in Nova Scotia, so a single provincial advisory board. I
3 wondered if you had any view on that.

4 **D/COMMR. BRIAN BRENNAN:** If I could just ask for some clarity.
5 Is that an advisory board strictly for the RCMP or policing overall?

6 **COMMISSIONER STANTON:** For the RCMP.

7 **D/COMMR. BRIAN BRENNAN:** I would welcome that. I would
8 welcome that concept in any contract division that we have, and some have -- some of
9 our divisions with the provinces have structures similar to that.

10 Again, I think if the structure is right and the mechanism is correct
11 and there's reporting responsibilities and measurements, I think it only enhances our
12 commitment to doing what we call community policing and understanding the
13 expectations and priorities of, you know, the communities that we serve. And if there
14 could be the establishment of an oversight body to that, I think that is something that we
15 would welcome.

16 You know, we're working on the national level with the
17 Management Advisory Board, which would be similar in terms of goals and scope, but
18 just at a provincial level, I think that is something that we would absolutely love to
19 participate in the development of and then see it through to a successful functioning
20 body.

21 **COMMISSIONER STANTON:** And potentially, if their remit is to
22 assist with or to identify prioritization of tasks for police in a given district or division, that
23 might of assistance as well given that also there are past reports, in the Brown Report in
24 particular, that talked about the -- one of the issues with the RCMP is that they're saying
25 yes to everything when there are -- and getting away from what they might consider to
26 be core police functions.

27 Do you have some water handy to you? I know you've been talking
28 all day, so I just want to make sure if you need some water.

1 **D/COMMR. BRIAN BRENNAN:** I do. I'm just going to slide out of
2 frame to -- I just can't quite reach the bottle. Excuse me.

3 **COMMISSIONER STANTON:** Yeah.

4 **D/COMMR. BRIAN BRENNAN:** Thank you.

5 **COMMISSIONER STANTON:** Absolutely. We don't want you to
6 be parched when we still need you to be able to speak for a few minutes longer. Thank
7 you.

8 So there have also been past reports that have, of course, made
9 recommendations with respect to the possibility of ending contract policing for the
10 RCMP and that talk about sustainability or systemic sustainability challenges for the
11 RCMP which relate to contract policing, and there's been some recommendations to
12 move away from contract policing.

13 And I'm wondering, you know, having led "H" Division and now
14 you're at Contract and Indigenous Policing in Ottawa, if you have reflections from
15 having been in those two places -- two roles on those recommendations about contract
16 policing and whether, from your perspective, contract policing is still the way forward or
17 whether, you know, restructuring and moving away from that is the way of the future.

18 **D/COMMR. BRIAN BRENNAN:** Yes, that is a very large topic, and
19 I think the conversation is becoming more prevalent as we move towards the
20 renegotiation of the contract in 2032. It's -- 10 years sounds like a long time, but it's
21 really not when you're talking about a structure in which policing is undertaken by the
22 RCMP in the contract divisions or provinces.

23 I don't -- from my perspective, I can't envision a scenario or a
24 structure where the RCMP would be completely removed from contract policing. When
25 you look at the communities that we police, for the most part across Canada, you know,
26 they're smaller communities, they're in the north. Some of them are extremely isolated.
27 I don't know as if removing an established entity on the whole can be replaced by
28 another policing model that's going to look after those types of communities that require,

1 you know, investments in infrastructure, recruiting for people to go there, ensuring that
2 there is mobility because it would be -- I don't know if there's a policing structure that
3 you could have somebody go to an isolated community and spend their entire career
4 there, for example.

5 And the other thing in regards to contract policing, in all the
6 discussions that I've had with provinces and elected officials and community groups, it's
7 never a question about the service that's provided by the RCMP, it almost exclusively
8 comes down to affordability, service delivery models, expectations of communities
9 around what they would like to see in their policing -- in their police force of jurisdiction.

10 So we know that these communities are going to have to be policed
11 and if you're replacing the -- if the RCMP is getting out of contract policing, then you're
12 going to be asking another entity to take on the same roles. I'm not sure there's a
13 benefit of savings given, you know, the policing universe pay scale is pretty close in,
14 you know, the top number, and to attract people to go to some of these locations and do
15 the work that needs to be done there or the work that needs to support those,
16 individuals in today's society are going to be expecting to be well compensated for
17 undertaking those duties.

18 So I think the conversation is less about service that's provided and
19 more about the affordability of policing in some of these areas.

20 And you can also look at policing -- in the contract policing, there
21 are some areas in the country that we police that the expense of living there is another
22 possibility. We look at the lower mainland, the cost of housing. You know, the question
23 will be raised, does the RCMP need to be the police force in large municipalities.
24 Maybe we need to be the police force of a larger entity within those areas. Again, it's up
25 to the affordability of the -- of the local governments and the police service that they
26 want to provide.

27 So I just can't envision, from my experience, the RCMP being 100
28 percent removed from the responsibilities of contract policing coast to coast to coast in

1 this country.

2 Is there opportunities for us to examine service delivery models
3 utilizing tiered policing, supporting other police forces, the creation of other police forces
4 such as indigenous policing forces? Absolutely. But I think that because we've woven
5 into the fabric of this country through our policing activities, I'm just not sure that it's
6 easily removed and replaced with efficiency and expectation around things that we're
7 discussing here today about, you know, response to critical incidents and those types of
8 things.

9 **COMMISSIONER STANTON:** Right, okay. Thank you.

10 And you know, you have noted the extraordinary cost of policing
11 and we've heard, certainly, a lot of focus on resources from RCMP witnesses. And I
12 have, on occasion, asked the witnesses to reflect upon the likelihood that there will not
13 be an increase in resources any time soon, and so some of the solutions that we have
14 been hearing have been, you know, in the vein of analyzing what are the reactive and
15 proactive things that the various detachments are doing and figuring out whether there
16 might be possibilities around detasking and having service delivery of some of the
17 things that RCMP find themselves doing that perhaps aren't the most effective or
18 efficient things for them to be doing and then moving resources around, so perhaps
19 rather than go into that now we might hope that in the written submissions that the
20 RCMP will no doubt be making to the Commission that some of the considerations
21 around not just looking for more resources, but rather, how the resources that are
22 presently there might be best prioritized and whether there are other models that may
23 assist with that likelihood that we're not going to be seeing a larger cheque written to
24 meet the recommendations that we might make.

25 So I'll pause for a second if you want to comment before I move on.
26 I've just got a couple other areas to ask you about.

27 **D/COMMR. BRIAN BRENNAN:** Sure. Just a brief comment on
28 that.

1 I think it's very important that we start examining what we're asking
2 police officers to do within their core mandate. I'm sure you've heard about police
3 officers dealing with people in crisis for mental health and then spending hours and
4 hours and hours at a hospital waiting for them to be examined. That's not a policing
5 role.

6 EMS doesn't -- when they deliver somebody to an emergency
7 room, they don't wait around to see how that person is being treated or where they're
8 being done, so the same should apply for us. Our responsibility is to get that individual.

9 I've used it in the past before and when I was in "H" Division we'd
10 come up with a false alarm policy. It's not the responsibility of the RCMP to be the
11 responders for an alarm company that's getting paid to install an alarm and the default
12 is, "Oh, we'll contact the police and they'll show up". Police can't afford to be going to
13 five, six, seven false alarms in a night which is taking them away from their core duties.

14 The other thing that we need to do in terms of policing, I think we
15 need to begin to start to leveraging technology in terms of using our police resources.

16 There are many examples internationally where police services are
17 using technology -- I think the terminology is i-cop where you can literally get on your
18 home computer if you want to report something and you get into a queue and a police
19 officer pops up on the screen, takes your information so you don't need to dispatch a
20 person to a call that, you know, they may be reporting theft of a bicycle or something as
21 opposed to a police officer going.

22 So we need to be examining using technology so that our core
23 policing mandate first response officers are not tied up with things that can be managed
24 in a more efficient way. Lots of opportunities in that regard.

25 And these are sometimes one-time investments, whereas
26 resources are investments ongoing for almost like ever and day because you're always
27 going to be paying a salary, always going to be transferring them. So opportunities for
28 sure to help policing without putting a price tag on your resourcing.

1 **COMMISSIONER STANTON:** Right. And with the body-worn
2 cameras coming in and with the remit of rural policing, one of the ideas that was
3 suggested was the -- embedding a mental health resource at the OCC, for example,
4 and so that when officers are responding to what is a mental health call, there's
5 someone there who can actually assist with directing a good response or the person to
6 the right service or having, you know, that kind of resource available using technology to
7 make that kind of accessibility possible and potentially, you know, increasing or
8 leveraging, you know, a person in one place for people who are patrolling in rural areas
9 that where there aren't mental health specialists available and so on.

10 So I think you're right that there are potentially technological
11 solutions or changes that may well be something to be explored.

12 One thing I'm just not clear on still, having heard quite a bit about
13 after-action reports and reviews and so on, is whose responsibility it would be to review
14 the response and reassessing of policy and operational procedure in light of a mass
15 casualty. And is it the division's responsibility to ensure there's an after-action report or
16 does that rest with divisions or departments in Ottawa and, if so, which ones?

17 **D/COMMR. BRIAN BRENNAN:** In the first instance, it usually falls
18 to the division to make the determination if an after-action report or review of some time
19 -- of some kind, excuse me, needs to be initiated. Depending on the scope of the
20 incident, it may require a larger corporate lens put on it. And for the most part, these
21 particular events happen within the contracting jurisdiction frontline policing, so that
22 responsibility would lie with my area in terms of, you know, applying a review of some
23 type. And we'd mentioned the different kinds of it.

24 Some can be initiated without my approval, others may have to
25 come to me.

26 So ultimately, the responsibility and the need for that to potentially
27 take place would rest with me as the Deputy Commissioner, but obviously with the
28 support and the decision of people that report up to me that head these various groups

1 that do these reviews on a regular basis.

2 **COMMISSIONER STANTON:** Okay. And so I heard you say that
3 you expect there would be a review in Saskatchewan after the terrible events there this
4 past weekend, and so you would expect an after-action report there or a review there to
5 be initiated by that division?

6 **D/COMMR. BRIAN BRENNAN:** Yes. I can advise that we've
7 already had the preliminary discussions on that from my level through my folks in
8 National Headquarters who are currently liaising with the division around a review
9 into the mass casualty here.

10 It's obviously early days. We haven't scoped out the mandate yet,
11 but we are talking that, yes, there will be a review and we need to understand what
12 we're looking at and for what reasons, so we've already engaged in that for -- again, this
13 was partially a lesson learned from the mass casualty in Nova Scotia to be having these
14 discussions early on as opposed to later on and not having to pivot for one reason or
15 another.

16 **COMMISSIONER STANTON:** Thank you.

17 And so I would assume, then, that you would also be ensuring that
18 that -- that a review will occur and that you would apprise yourself of whatever lessons
19 are learned from that.

20 **D/COMMR. BRIAN BRENNAN:** Absolutely, yes.

21 **COMMISSIONER STANTON:** And so similarly with whatever
22 comes out of the Commission -- one of the things that I -- I mean, I appreciate your
23 thoughts on the need for recommendations that are implementable and it's certainly
24 something that we have a focus of. And the challenge for us sometimes is locating,
25 well, the locus of responsibility for implementation.

26 So you mentioned when Mr. VanWart asked you about how to get
27 new policy from recommendations from various inquiries out to 30,000 people and
28 within C&IP where you are in Ottawa, there's a Critical Incident Policy Centre, there's

1 operational strategy branches that oversee divisional reviews of service delivery.

2 I just wonder if there can be a clearer mechanism for taking new
3 recommendations or policy that is recommended on board and operationalizing it. And
4 perhaps, again, that's an area for counsel for the RCMP to ponder in making their
5 written submissions, is to assist us in, as you say, identifying who would be the right
6 people to whom to direct recommendations in various areas to ensure that they can be
7 tracked in their implementation, to ensure that someone is able to say yes, that's my
8 job. I will make sure that that gets done. And just to have that accountability for
9 implementation element included in the recommendations so that there is a clear
10 roadmap for folks within such a large organization to try to assist with ensuring that the
11 right people have it on their desk and make it happen.

12 **D/COMMR. BRIAN BRENNAN:** So this may help you formulate
13 the go-forward for your recommendations.

14 So it's not lost upon us in the RCMP that the recommendations
15 coming out of the work you're doing will be significant, either in terms of importance or
16 scope. There may be a large number of them.

17 We've already started to turn our mind and our conversation within
18 the senior executive at the National Headquarters for the need for us specific to this
19 particular -- these particular recommendations that will come out of your work to
20 dedicate a group of individuals that can be focused on coordinating the
21 recommendations that come for the RCMP to engage the subject matter experts in all
22 the different potential business lines that may be affected, HR, technology. I'm
23 assuming a lot of them would fall under my area of responsibility. But that we ensure
24 that people aren't doing this off the side of their desk, that we're -- that we develop a
25 plan, that we develop an implementation, that we respect potential timelines around that
26 and that there is one stop accountability that it's being monitored, it's being
27 implemented, it's being reported on and it's being communicated in whatever fashion
28 that would be.

1 So we've already turned our minds to the necessity for that. We
2 haven't got to the phase yet where we've identified people or a budget or, you know, all
3 of those types of things that need to be examined, but it's not lost on us the importance
4 of exactly what you're referring to in terms of accountability and responsibility for the
5 RCMP in this regard.

6 **COMMISSIONER STANTON:** Thank you.

7 And I think it is daunting, given the complexity of the organization,
8 so it's encouraging to hear that that thinking is under way.

9 And one of the suggestions that was made, I believe it was Retired
10 Assistant Commissioner Lee Bergerman's suggestion, that perhaps including members
11 of civil society on a committee like that that's doing monitoring and evaluation would
12 assist with that accountability aspect so that there's some of the people that you're
13 serving who are also engaged in assisting you with that accountability piece, so that's
14 something to consider.

15 Just lastly, we've heard as well throughout our process quite a lot
16 about police culture and, of course, there are quite a few past reports now that address
17 RCMP culture in particular. And some suggest that a fundamental shift is required for
18 the RCMP to sort of have the scope to -- for the uptake of recommendations that come
19 out of inquiries, for example.

20 And I just wondered if you might address a bit of the culture piece.
21 I haven't heard you talk about Vision 150 yet, and I wondered if you have some
22 reflections on that and on also the potential for your institution to have the openness to
23 change.

24 **D/COMMR. BRIAN BRENNAN:** So I do know the Commissioner
25 spent some time speaking about, you know, Vision 150 and one of the pillars being our
26 culture.

27 You know, as I reflect, you know, my 36 years in this organization, I
28 struggle to understand why some people are not seeing some of the more obvious

1 culture changes that this organization has made over the years, you know, from females
2 coming in as regular members, to us changing the culture around, you know, people
3 from minority communities coming into our organization, changing our uniform to adapt
4 to the citizens we serve and the people that we want in our organization in terms of
5 examples such as introduction of the turban or the dakstah, the hajib, allowing people of
6 indigenous backgrounds to wear certain pieces reflecting of their culture on their
7 uniform, you know, our open transparency in terms of reporting on race-based data, on
8 changing our recruiting strategies to make it more desirable and more equitable for
9 everybody that sees themselves as a police officer within the RCMP or an employee
10 within the RCMP to have that ability to come in.

11 I'm speaking to you from our RCMP training academy. The
12 diversity of cadets here is astounding. You know, Sikh members wearing turbans.
13 People joining us from other countries around the world to be a police officer here.

14 Our culture should not be confused with our history and the
15 traditions that we keep alive, but you know, we are constantly trying to find mechanisms
16 to adapt the culture of being a police officer in Canada, being a member of the Royal
17 Canadian Mounted Police, being an employee of the Royal Canadian Mounted Police.

18 Some of these changes are subtle, some are more obvious, but I
19 just don't accept the contention that we are an institution and an organization that is not
20 willing to change. I just don't -- I just don't see that from my experience in this
21 organization.

22 Are there things that we can continue to learn? Absolutely. Are
23 there things that we need to do better that have been highlighted in reports? Without
24 question. But that should not be a reflection that this organization is not willing to
25 change. All we need to do is look around our senior management table, female regular
26 members in leading roles, including the Commissioner, Commanding Officers, Criminal
27 Operations Officers. These are things that, 20 years ago, you would never have seen,
28 so some of our cultural changes and our ability to change are quite obvious.

1 **COMMISSIONER STANTON:** So I guess I would just say that,
2 from my perspective, some of the changes that you're describing have occurred
3 because of the external pressure to do so because you've had reports like the
4 Bastarache Report in 2021 with respect to the Merlo Davidson settlement agreement
5 which describes the devastating effects of sexual harassment of women in the RCMP.
6 So yes, you have many more women in the RCMP now than you used to have, but
7 there's problems with respect to sexual harassment and discrimination that you're
8 addressing because you've had, you know, class actions and reports that have required
9 you to take notice of them.

10 And so I think, as with any large institution, change doesn't always
11 come easy and while I can see that there have been shifts over time from my
12 perspective, they're often happening because there's been repeated recommendations
13 from other inquiries and reviews that have essentially -- the RCMP has had to respond
14 to those.

15 And so it's good to see that some of the changes that you were
16 suggesting are there, are there, but from the reports that say things like, "I'm of the view
17 that cultural change is highly unlikely to come from within the RCMP" and it's a 2021
18 report of Justice Bastarache, there's obviously still work to be done, and so I think
19 having some openness to that potentially, you know, that there are different views of
20 how pliable the culture is perhaps helpful.

21 But I realize it's been a very long day for you and, as Commissioner
22 Fitch has noted in the midst of dealing with some very challenging circumstances, and
23 our hearts do go out to the people of Saskatchewan who are dealing with the aftermath
24 of a mass casualty there. And we certainly appreciate your time today.

25 I'll pass it back over to Commissioner MacDonald. Thank you.

26 **COMMISSIONER MacDONALD:** Yes. Thank you so much,
27 Deputy Commissioner, on a number of fronts.

28 First of all, it dawned on me about an hour ago that when we took

1 our -- what was our midafternoon break that we took it for 10 minutes and it was your
2 lunch hour, so I apologize for that. We don't normally -- well, we have kept witnesses
3 this long, but we don't try to keep witnesses this long, but you're a very important
4 witness and we are greatly appreciative of you taking a good part of your day, almost all
5 of your day, not only to provide us with your direct evidence, but to provide us with your
6 insights and experience. It's very helpful.

7 Thirty-six (36) years of experience leads to some very valuable
8 insights, and we greatly appreciate that.

9 And this has been a long day. It's been a difficult day. And I must
10 say that we've had a lot of difficult days and a lot of long days, and they don't get easier
11 and we never get used to them, actually. And when -- we're doing this virtually, but
12 we're typically in physical spaces and when we're there, the difficulty and the sadness
13 and sorrow is palpable.

14 And when I talk about difficult days, I'm really talking about difficult
15 days for those most affected. And I feel it's incumbent upon me to take us all back to
16 why we're all here for all these various days and why you're here today, and that is the
17 unimaginable pain and sorrow felt by so many cascading outwardly from the families of
18 the lives taken to those injured to the trauma suffering first responders to the
19 communities in Nova Scotia to the Province of Nova Scotia to Canada, and with the
20 Zahl Thomas family to the United States of America.

21 And so that's why we're here, and I feel it's important to put that
22 context for you in thanking you, that it's been a very difficult day, but it's been a very --
23 and a long day, but a very important day and that makes us very grateful.

24 You know, Deputy Commissioner, the stakes are high here.
25 They're very high. We're learning that there's a lot to be fixed and we're here to call
26 people in, not to call them out. We're here not to blame, but we're here to try to come
27 up with very important recommendations. And I've been dealing with justice issues for
28 over 40 years, and I've never seen higher stakes than these. These are really high

1 stakes that we're dealing with, and our recommendations will be the product, a
2 significant product, of our efforts. And we owe it to the families, we owe it to the
3 communities, we owe to our country, a nation, as a -- and I said the United States.

4 You're a pivotal player here. You're a pivotal player. You've had
5 eight years in Nova Scotia, I think, if my math is right. There's a new regime, if that's
6 the right word, but there are four new leaders at the top in Nova Scotia, and the new
7 Assistant Commissioner reports to you, so you are -- the direct report to you. And if I
8 understand correctly, you're the direct report to the Commissioner. In other words, you
9 are -- I heard you say the senior Deputy, which means that you are as close to the
10 Commissioner as they get. I've had a similar conversation or discussion with the
11 Commissioner as well, and we're really counting on you.

12 And we will do our best to make recommendations that are
13 pragmatic, and thank you for that advice, doable, pragmatic recommendations that, to
14 the best of our ability, will attribute responsibility, but we need champions. And the "we"
15 I'm talking about, really, are those most affected, so that these lives, this -- those
16 injuries, this sorrow just can't be in vain. It cannot be in vain.

17 And so my plea to you, sir, in addition to my thanks, is to be a
18 champion for those most affected, and I know you will, and we're counting on you.

19 So thank you very much.

20 **D/COMMR. BRIAN BRENNAN:** Thank you.

21 And you have my commitment on that, for sure.

22 **COMMISSIONER MacDONALD:** I appreciate it. Thank you.

23 So I'll turn it over to Commissioner Stanton just for some closing
24 remarks, and thank you again, Deputy Commissioner.

25 **COMMISSIONER STANTON:** You are free to go, sir, and have
26 some more water and probably some -- a late lunch, so thank you very much.

27 **D/COMMR. BRIAN BRENNAN:** Thank you.

28 **COMMISSIONER STANTON:** And thanks to Deputy

1 Commissioner Brennan for being here and assisting the Commission and to the
2 extraordinary team of Commission Counsel, investigators, research and policy folks
3 who've reviewed thousands of documents and conducted days of interviews and slept
4 very little to prepare for and identify witnesses so that we can learn from them in the
5 way that we have.

6 Thank you also to Participant Counsel for your questions and to
7 everyone who joined us for public proceedings this week and everyone who helped
8 make these proceedings possible late on a Friday night here in Nova Scotia. It's 20
9 past 7:00.

10 Ben and Rob and Shaun and Idalo (phonetic) and Lee and Nate
11 and Alex and Ashley and Brittany, Jennalee, Darlene, Sidney, Jen Cotterill, who is the
12 person who puts so much together for us every week. You've all stayed here late and
13 long. And Andre, our French interpreter, Deb and Peg and Richard, we really are so
14 grateful to all of you and I really hope I haven't missed anyone, and I probably have,
15 and I apologize now.

16 But this is our last day, too, at the Halifax Convention Centre. It's a
17 venue where we started our public proceedings back in February, and we really want to
18 express our thanks to everyone here at the Convention Centre in Halifax for looking
19 after us so well while we've been here.

20 This week we continued our focus on potential recommendations.
21 We heard from representatives from firearms organizations and from experts taking part
22 in roundtables looking at policing and community safety. We've also heard from what
23 we anticipate will be our final witnesses who've assisted us with some questions
24 remaining from earlier phases of our work.

25 Next week, in-person proceedings will resume at the Doubletree
26 Hilton in Dartmouth except for the Participant consultation on September 15th, which
27 will be virtual. Our webcast will continue to be available as well.

28 We'll be engaging with representatives from African-Nova Scotian

1 and indigenous communities, making sure they have opportunities to share their
2 suggestions for recommendations, and I would just note that our mandate requires us to
3 consider differentially-impacted persons and groups. And since it's clear that the history
4 and the reality of colonialism and systemic racism in Canada means that policies and
5 processes relating to policing could have a disproportionate impact and do have a
6 disproportionate impact on these populations, it's incumbent upon us to hear their
7 voices.

8 We'll also hold another roundtable focused on police oversight,
9 supervision and accountability, and we'll hold additional Participant consultations,
10 including with justice-related organizations who are Participants in our process.

11 Please do remember to keep sharing your ideas for
12 recommendations and making use of the discussion guide available on our website.
13 We welcome your suggestions through to the end of September.

14 Thanks, everyone, so much, and we'll see you again next week.

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

16 The proceedings are adjourned until September the 12th, 2022 at
17 9:30 a.m.

18 --- Upon adjourning at 7:26 p.m.

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CERTIFICATION

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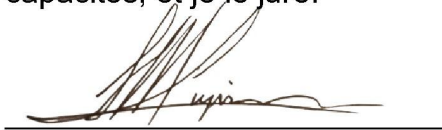
3 I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing
4 pages to be an accurate transcription of my notes/records to the best of my skill and
5 ability, and I so swear.

6

7 Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hautes
8 sont une transcription conforme de mes notes/enregistrements au meilleur de mes
9 capacités, et je le jure.

10

11

A handwritten signature in black ink, appearing to read 'S. Marineau-Lupien', is written over a horizontal line.

12 Sandrine Marineau-Lupien

13