

## **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

## **VOLUME 76**

**Held:**

Thursday, October 27, 2022

**Tenue:**

Jeudi, le 27 Octobre 2022

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**II**  
**Appearances / Comparutions**

Mr. Jamie VanWart

Commission Counsel /  
Conseiller de la commission

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Truro, Nova Scotia

--- Upon commencing on Thursday, October 27, 2022 at 11:02 a.m.

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

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

Please join us in remembering those 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.

**(SHORT PAUSE)**

**COMMISSIONER FITCH:** Although public proceedings concluded on September 23<sup>rd</sup>, we are reconvening briefly today to mark additional documents as exhibits.

The Commission requires any outstanding documents that should be part of the public record, and that may inform our final report, to be marked as exhibits. Participants' Counsel and Commission teams have been working to bring forward a large number of the final groups of documents, including supporting material for public proceedings that were not previously marked; transcripts of recent interviews; correspondence between the Commission and Participants for the public record; and documents produced to the Commission after the completion of the public proceedings.

As you know, we've been under time constraints throughout this Inquiry, and with this complex mandate, but we are committed to completing the final report within our timeframe, ensuring it is both comprehensive and effective.

The documents to be exhibited today were shared with Participants

1 in advance, and we are providing time for any Participants who want to make  
2 submissions based any of these additions. We know this is not optimal, given the  
3 number of documents, but we continue to believe that Participant input is important,  
4 while we also strive to work within our timeframe. We are appreciative of the effort that  
5 Participants and counsel have put into reviewing material.

6 This appreciation also extends to the public and the media. Our  
7 hope is that you will review the documents of interest to you in the coming weeks and  
8 months.

9 I will now turn to Commissioner MacDonald for further details.

10 Thank you.

11 **COMMISSIONER MacDONALD:** As you know, we have faced  
12 significant challenges relating to document disclosure in the course of our work. Many  
13 of the documents that will be tabled today were shared with the Commission either very  
14 late in the proceedings, or after public proceedings concluded.

15 While there is a tremendous amount of content, our intent is to  
16 have it all available for your access and review, in addition to being available to us as  
17 we write our final report.

18 As the Commission continues to make progress in preparing the  
19 final report, we encourage Participants and other interested members of the public to  
20 stay engaged. To assist you, all transcripts from public proceedings are now available  
21 on the Commission's website, where you will also find the following: Proceedings'  
22 webcasts; the Foundational Documents and source materials; investigations  
23 supplementary reports; commissioned reports; and much more information about what  
24 happened and how and why it happened.

25 Addenda and errata to Foundational Documents arising from our  
26 work have also been added to the website, along with other related source materials.  
27 Addenda, as the name suggests, includes additional material; and errata, as well as the  
28 name suggests, include the correction of any errors.

1                   We also want to reiterate our thanks to the many people who met  
2 with us during the final few weeks of public proceedings, including those who took part  
3 in community stakeholder sessions, and especially to the family members who joined us  
4 in small group sessions to speak to us about their experiences of the mass casualty,  
5 and suggested recommendations.

6                   These conversations were challenging. It took a lot of courage and  
7 will -- but they will make a strong contribution to our ongoing work. We want to thank  
8 you all.

9                   We are currently focused on preparing the final report, and we  
10 remain committed to making sure it is rigorous and comprehensive, sharing findings of  
11 what happened, and recommendations that are clear and implementable.

12                   As we have said, public safety is a shared responsibility and an  
13 opportunity. It will take many people in many settings and roles to help make our  
14 community safe.

15                   I will now ask Senior Commission Counsel, Jamie VanWart, to  
16 table today's documents.

17                   Mr. VanWart?

18                   **MR. JAMIE VanWART:** Thank you, Commissioners, and good  
19 morning.

20                   As the Commissioners have indicated, our last day of proceedings  
21 was on September 23<sup>rd</sup>, and we are reconvening today for the purpose of marking a  
22 series of documents as exhibits. And the documents being marked as exhibits today  
23 really fall into three general categories. The first that are documents that had not yet  
24 been received by the Commission as of September 23<sup>rd</sup>. The second are documents  
25 that had been received by the Commission but not yet fully reviewed and processed  
26 such that they were ready to be marked as exhibits by September 23<sup>rd</sup>. And, finally, the  
27 third is documents that had been received by the Commission but not yet identified as  
28 needing to be marked as exhibits by September 23<sup>rd</sup>.

1                   The number of documents being marked as exhibits today is 2,036,  
2 and that brings the total number of exhibits in the Mass Casualty Commission's public  
3 proceedings to 7,634.

4                   Making these documents -- or, sorry; marking these documents as  
5 exhibits today is a means by which documents that are not in the public domain can be  
6 shared with the public and considered by the Commission as it prepares its final report.

7                   All of the documents being marked as exhibits today will soon be  
8 available on the Mass Casualty Commission website. Exhibits are posted on the  
9 Foundational Documents page under the header, "Source material and additional  
10 exhibits".

11                  To understand why documents are being marked as exhibits today,  
12 as opposed to earlier in the proceedings, it is important to emphasize that one of the  
13 many ways public commissions differ from other legal proceedings is the pace and  
14 process by which they unfold.

15                  In order to complete our work within the limited time our mandate  
16 allows the process of gathering and reviewing documents from various sources has  
17 taken place concurrently with witness interviews and public proceedings. This means  
18 that our understanding about the significance of some information has evolved as new  
19 information is learned. It also means that new issues have come to light relatively late  
20 in the process, prompting subsequent subpoenas for related documents to have been  
21 issued.

22                  The reality of the situation today is that the Commission is now at a  
23 stage where it must focus on writing the final report. Consequently, in recent weeks our  
24 focus has shifted to finalizing the review of documents we have already received, and, if  
25 appropriate, marking them as exhibits so they are available to both the public and to  
26 you, the Commissioners.

27                  To this end, we set a deadline of October 4<sup>th</sup> to receive documents  
28 from the Government of Canada, which has been the source of most of the documents

1 received by the Commission since the last day of hearings on September 23<sup>rd</sup>. All  
2 documents being marked as exhibits today have been shared with Participants.

3 Counsel for the many Participants in our process, including  
4 families, governments, and community organizations, had, and continue to have, an  
5 opportunity to review and make submissions on documents received by the  
6 Commission. Even though the oral proceedings concluded on September 23<sup>rd</sup>,  
7 Participant Counsel provided written submission to the Commission on October 7<sup>th</sup>.  
8 Further written submissions will be received from Participant Counsel on October 28<sup>th</sup>,  
9 and November 14<sup>th</sup>.

10 The Participant Counsels' written submissions will be posted on the  
11 Mass Casualty Commission's website, located on the page entitled, "Procedural  
12 Documents and Decisions".

13 Commissioners, with regards to the documents being marked as  
14 exhibits today, I'll give a general guide to the categories of the documents.

15 There are five supplemental reports from the Mass Casualty  
16 Commission's investigators, along with 87 source documents referenced in the  
17 supplemental reports.

18 There are two further Foundational Document errata, correcting  
19 some typographical errors.

20 There are 30 documents which includes four summaries done by  
21 the Mass Casualty Commission's Research and Policy Team, resulting from a Scan for  
22 relevant international reports.

23 There are 18 further transcripts of Mass Casualty Commission  
24 interviews. There is a policy book of collected relevant RCMP policies that have not yet  
25 been marked as exhibits. There are 42 letters exchanged between the Government of  
26 Canada and the Mass Casualty Commission.

27 Seventy (70) documents referenced by Participant Counsel in their  
28 written and oral submission; 27 documents requested to be marked as exhibits by



1 Participant Counsel.

2                   Seven (7) documents related to the recording of a meeting between  
3 members of the RCMP's "H" Division and the Head Office on April 28<sup>th</sup>, 2020; 13  
4 documents related to the prosecution of Lisa Banfield; 50 documents from the RCMP  
5 relating to the Issues Management Team After-Event Debriefing, Strategic  
6 Communication, a 2011 CISNS Bulletin; record retentions; complaints by Brenda  
7 Forbes; the Alert Ready system; and Tactical Armoured Vehicles; 21 documents related  
8 to the Serious Incident Response Team; 7 documents related to the National Office of  
9 Investigative Standards and Practices; 6 documents related to the Provincial Police  
10 Service Agreement; 19 documents containing additional relevant portions of the  
11 notebooks of the RCMP Chief Superintendent Chris Leather and retired Chief  
12 Superintendent Janice Grey.

13                   Two hundred and eight (208) documents related to the RCMP's  
14 Human Resource Management Information Systems Records; 139 documents of  
15 additional Memoranda of Understanding and Standard Operating Procedures.

16                   A series of 571 documents received by the Commission from the  
17 Government of Canada on August 31<sup>st</sup> consisting of RCMP-related correspondence,  
18 reports, and documents.

19                   An additional 184 documents received from the Government of  
20 Canada subsequent to that last day of proceedings on September 23<sup>rd</sup>, including further  
21 RCMP officer notes, correspondence, reports, logs, policies, and videos.

22                   And, finally, Commissioners, there are 529 additional documents  
23 that don't fall neatly within one category but have been identified as being relevant to  
24 the work of the Commission.

25                   Madam Registrar, I would ask at this time if you could please mark  
26 the 2,036 documents you have been provided as exhibits.

27                   **REGISTRAR DARLENE SUTHERLAND:** Thank you, Mr.  
28 VanWart.

1                   Those documents are so exhibited.

2                   **MR. JAMIE VanWART:** And thank you, Commissioners. That  
3 concludes the comments from Commission Counsel.

4                   **COMMISSIONER STANTON:** Thank you, Mr. VanWart, and  
5 everyone, for joining us today. As usual, all of the documents tabled today will be  
6 available on the Commission's website.

7                   We'll continue to keep you updated on our progress as we develop  
8 the final report, which will be shared publicly by March 31<sup>st</sup> next year.

9                   In the meantime, please keep the many conversations taking place  
10 about ways to help make our communities safer. The discussion guide about the issues  
11 we're exploring can continue to be a helpful resource, along with all the other  
12 documents and information available on our website.

13                   We do appreciate your ongoing engagement and shared  
14 commitment to community safety.

15                   Thank you.

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

17                   The proceedings are adjourned.

18 --- Upon adjourning at 11:16 a.m.

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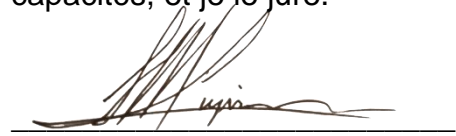
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**CERTIFICATION**

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I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sandrine Marineau-Lupien