

Robert Lewis – Questions

- 1) Can a civilian member be attached to a CIC in a critical incident?
- 2) Is S/Sgt MacGillivray scribe, Jen Reid a civilian?
- 3) What time does Jen Reid attach herself to MacGillivray?
- 4) Why does Jen Reid not start scribing for MacGillivray, 20 minutes after he assumes command?
- 5) Where is Jen Reid's MCC interview?
 - a. The interview with Jen Reid is vital because she was the scribe at the time of Wortman's takedown and the shooting of Cst. Morrison and the murder of Cst Stevenson.
- 6) Where is Jen Reid's member report and personal notes?
 - a. Has the MCC tried to obtain copies of these?
 - i. It is my understanding that a member writes both a written member report and personal notes after scribing, usually within a couple of days of the critical incident that they scribed for.
- 7) Where their any photo, audio, or video recordings from the days in question from Jen Reid, phone, or device, whether personal or company?
 - a. Did the MCC ask specifically if Sgt. Lewis had any video or audio recording from inside the command centre, to supplement his scribing?
- 8) Has the MCC ever asked for any photo's, on any devices, personal or company, of S/Sgt MacGillivray?
 - a. In COMM0026772 typed scribe notes of Jen Reid's, which look different from the final typed scribe notes from Sgt. Lewis, (COMM0010695 pages 13-25). Page 5 of Reid's scribe notes 13:53, in the "task" portion on the page, it indicates "photo taken on MacGillivray's phone" of timelines to Major Crime Unit.
- 9) Was their honestly only four tasks to follow up on from that night?
 - a. Sgt. Lewis's MCC interview pages 12/13, says he would make a note in the "review" section on the page, indicating something he had to follow up on, then make a mark to indicate it was done. In COMM0010695, page 26 – 49 "Written Notes of Incident Commander" Scribed by Sgt. Lewis there are four asterisks to indicate something needs to be followed up on, and one marked done.
- 10) Has the MCC tried to obtain Sgt. Lewis's member report and personal notes?

- 11) Did the MCC attempt to contact Cpl. Kevin MacDougall was involved with CNT?
- 12) In COMM 0014411, why was Crisis Negotiating Team (CNT), why is Steven Power, text messaging the perpetrator at 4:23 am if they believe he was deceased?
- 13) What number were they texting?

- 14) Why did Stephen Power (CNT) send an email to the perpetrator at 9:12 am on April 19th, if members had been sent home believing that the perpetrator was deceased and if nothing on hunter road had happened?
- 15) How did they come to the conclusion that he was still alive?
- 16) Why did the MCC not interview the CNT members?
 - a. S/Sgt. Royce Macrae
 - b. S/Sgt Stephen Power
- 17) Why does the MCC not have any member reports from the CNT members?
- 18) Who were all the members on the CNT team from April 18/19?
- 19) Was the CNT ever in contact with the perpetrator?
- 20) Has the MCC ever spoken to Paul Clayfield, dentist?
 - a. In COMM14410 there is a notation of Atlantic Denture Clinic phone number being the same as Clayfield Denture Clinic.
 - b. According to service NB Clayfield Denture Clinic is owned by Atlantic Denture Clinic, why has this never been investigated?
 - i. They use the same business address, which is 175 Aberdeen Street, PO Box 3121, Fredericton NB. This address is one of Tom Evan's properties, that the perpetrator inherited.
- 21) Who was in charge at the Incident Command Centre during the events of April 18/19?
 - a. Sgt. Lewis's typed scribe notes indicate that West was IC until 10:20 with an entry indicating that IC changed to MacGillivray. This is not initialed by either Lewis or West to indicate an entirely new entry that was not in the handwritten scribe notes.
 - b. Sgt. Lewis's written scribe notes, COMM0010695 page 47, indicate that there was NO turnover to S/Sgt MacGillivray at 10:20.
 - i. Page 24 of the scribe notes (page 49 of COMM0010695) 10:55 entry by Sgt. Lewis: "IC to MacGillivray 3 crime scenes marked car 18B11". If MacGillivray took command at 10:20, he would not be speaking to himself. West is communicating with MacGillivray as CIC.
 - ii. 11:00 marked an addition after the fact of a turnover to MacGillivray at 10:20.
 - iii. It appears S/Sgt West is acting as IC, because it wasn't handing over command, it was handing over a report.
 1. On Page 51, 10:20 entry of S/Sgt MacGillivray "took command, however, could not broadcast due to radio traffic. S/Sgt West and S/Sgt Surrette remained in CP" (command Post)
 - c. Gray sends Isp Bell to relieve Halliday
- 22) Why did Kevin Surrette request S/Sgt. MacGillivray and S/Sgt Morin to come in and take over command?
- 23) Why is there no notation of West ordering this since West was in charge?

- a. S/Sgt. MacGillivray could not get on the radio, to indicate a change of command. However, he is on the Colchester radio logs COMM0003806.
 - i. His first message on the radio is at 11:21, line 5631 to 5634. Two transmissions stating he has assumed command from S/Sgt. West.
- 24) Why does this take him an hour to communicate on the air he is in command?
- a. We can see S/Sgt. West is communicating on the radio throughout the morning of April
 - i. 10:21 line 4982-83; 10:23 line 5007; 10:27 line 5067-69; 10:32 line 5140; 10:38 line 5217-18.
- 25) Has the MCC looked into who was in charge during the time frame of between 10:38am April 19 to 11:20am April 19?
- a. In COMM0003806 Colchester logs I/C West hands command of uniform members to S/Sgt Briers
 - i. 4968 4/19/2020-9:20:00 AM -S/Sgt. WEST (H-60C0S/H -ERT Base): All uniform members on this call from 4969 Staff WEST. Bruce BRIERS, the Risk Manager will start directing the uniform resources from here on in.
- 26) It seems to appear that no one is in charge of the command centre, during the time of Cst. Stevenson's murder and Cst. Morrison is shot.
- a. HRP is looking for the incident commander without any answer: 11:12 line 5513-14; 11:15 line 5563-64; 11:18 line 5591-93; OCC answers HRP's unanswered calls at 11:18:43 line 5601, OCC is now answering for IC. Again, at 11:19:12 line 5602-03; HRP IC is seeking to speak to RCMP IC. The next entry 11:19:20, S/Sgt Halliday answers for IC. This conversation continues to line 5610.
- 5513 4/19/2020 -10:12:01 AM -UM (H-SWN MCU P3): RCMP Incident Command, let me know when I can 5514 give you an update.
- 5563 4/19/2020-10:15:41 AM -UM (H-SWN MCU P3): HRP Incident Command. RCMP Incident Command.
- 5564 Let me know when I can give you an update
- 5591 4/19/2020-10:18:02 AM -UM {H-SWN MCU P3): HRP Incident Command. RCMP Incident Command.
- 5592 Let me know when I can get their Incident Commander in direct contact with you. He's standing right
- 5593 beside me.
- 5601 4/19/2020-10:18:43 AM -UF (RCMP OP4): HRP, we're copying. Stand-by.

5602 4/19/2020-10:19:12 AM -UM (H-SWN MCU P3): HRP Incident Command to RCMP Incident Command.

5603 Copy?

5604 4/19/2020-10:19:20 AM -S/Sgt. HALLIDAY (H21): Go ahead.

5605 4/19/2020-10:19:22 AM -UM (H-SWN MCU P3): 193 Portland Street is secured. We're not in a

5606 position to go in and clear it right now, but it is still secured with members. Copy?

5607 4/19/2020-10:19:31 AM -S/Sgt. HALLIDAY {H21): Copy.

5608 4/19/2020 -10:19:35 AM -UM (H-SWN MCU P3): Incident Commander Superintendent MATTHEWS is

5609 here and listening in real-time.

5610 4/19/2020-10:19:43 AM -S/Sgt. HALLIDAY (H21): (Inaudible)

- b. The next time that a CIC (either S/Sgt West or S/Sgt Macgillivray) appear in the radio logs is 11:21:23 and 11:21:39 when MacGillivray informs members he is now in charge a full hour AFTER we are told that S/Sgt MacGillivray has assumed command. S/Sgt MacGillivray also indicates that OCC Truro will be directing all calls for uniform members.

5631 4/19/2020 -10:21:23 AM -S/Sgt. MACGILLIVRAY (11478): All members on Colchester -East Hants ah,

5632 talk group ah, from Staff Sergeant MACGILLIVRAY, Critical Incident Commander. Stand-by for broadcast.

5655 4/19/2020-10:23:21 AM -S/Sgt. MACGILLIVRAY (11478): Members of Colchester and East Hants, from

5656 MACGILLIVRAY. Continue the broadcast ah-the OCC Command Post here will be ah, monitoring all

5657 channels. We'll be ah, directing ah, TAC resources. Break.

5658 4/19/2020 -10:23:43 AM -S/Sgt. MACGILLIVRAY (11478): The objective at this point is to locate this

5659 ah, vehicle -the suspect vehicle believed to be a silver Tracker. Locate, use ah, all caution as a

5660 extremely high risk situation. Whoever this individual, if contacted, is not to leave the scene. Copy?

- Why OCC Truro? Did Isp Dustine Rodier assume control of members from S/Sgt Briers? Why has MCC not investigated? Rodier, Ettinger and Briers would be in OCC together

- 27) Why would MacGillivray need to speak to Tim Mills to assume command from West if MacGillivray had assumed command 50 minutes earlier?
 - i. According to S/Sgt MacGillivray's scribe notes, COMM0010695 page 52), spoke to Tim Mills, H1, he is taking over command from West.
 - 28) Why are no other members indicating they're having problems with the radio and that there appears to be no one in charge?
 - 29) Why do West or MacGillivray's scribe notes not indicate that MacGillivray can not get onto the radio to change commander?
 - 30) When did the military show up on April 18/19? We know that Sgt. Lewis believed that he saw the military inside the command centre.
- 1) East Hants radio logs COMM0003809 S/Sgt Briers transmission at 10:39:05 (line 422) dispatched two members who were carbine trained to Colchester:
- "4/19/2020 - 10:39:05 AM - S/Sgt. BRIERS (RCMP OP7 /DP07): Enfield members ah, can you free up two people to send towards Colchester? And ah, are - are carbine-preferred if they can"

The two people that ended up responding were Cst Morrison and Cst Stevenson, who were subsequently ambushed and shot.

S/Sgt Briers next transmission is at 11:25:50 on the newly merged East Hants/Colchester channel on line 926:
"S/Sgt. BRIERS (RCMP OP7 /DP07): Bravo-14 from BRIERS,
(BACKGROUND:S/Sgt. MACGILLIVRAY: ... resources are on scene.) ERT
ah, head towards Irving Big Stop."

According to Dan MacGillivray's MCC interview COMM0050861:

Dan MACGILLIVRAY [01 :15:12] "... I further directed and such that the OCC, Bruce Briers was and Staff Sergeant Risk Manager at the time, and I had him take ... take control of all uniformed resources, and I was going to look after the tactical resources"

How was S/Sgt Briers directing uniform members if he wasn't present on the radio? How could he direct a response to the shooting of Cst Heidi Stevenson and Cst Chad Morrison?

S/Sgt Steve Ettinger is called by Briers to help at 10:27 according to OCC Risk Manager S/Sgt Briers notes COMM0009061.

S/Sgt Ettinger was "beside" S/Sgt Briers in OCC according to S/Sgt Briers' MCC interview COMM0035921 on page 49:

Then at 10:49 ... and I'm going from the ... not from my notes but from the radio logs, Cst. Chad Morrison reports that he was engaged with Wortman, the subject, and had been hit. And then ... and I remember that call coming in. **Steve and I are beside each other**; I don't know if he's on the radio or if I'm on the radio.

S/Sgt Ettinger identifies himself on the radio as being Risk Manager. In Colchester radio logs COMM0003806 at 11:19:50 AT (time adjusted):

5612 4/19/2020 -10:19:50 AM -S/Sgt. ETTINGER (RCMP OP7): IES from the Risk Manager, ETTINGER.

- Who was the Risk Manager? Was it Briers? Was it Ettinger?
- Why was it only S/Sgt Ettinger speaking for almost an hour during which Cst Morrison and Cst Stevenson was shot?

MacGillvray can be heard in the background of S/Sgt Briers radio transmission, according to COMM0003809 East Hants log lines 926-928:

4/19/2020 - 11:25:50 AM - S/Sgt. BRIERS (RCMP OP7 /DP07): Bravo-14 from BRIERS, **(BACKGROUND: S/Sgt. MACGILLIVRAY: ... resources are on scene.)** ERT ah, head towards Irving Big Stop.

4/19/2020-11:25:51 AM -S/Sgt. **MACGILLIVRAY** (11478): To where ERT **resources are on scene.**

However, in Colchester radio logs COMM0003806 lines 5681-5683 it reads:

5681 4/19/2020-10:25:50 AM -S/Sgt. BRIERS (RCMP OP7): Bravo-14, from BRIERS. **(BACKGROUND: UM:**

5682 **Resources are on scene** ...) ERT ah, head towards the Irving Big Stop.

5683 4/19/2020-10:25:51 AM -S/Sgt.. **MACGILLIVRAY** (11478): To where? ERT **Resources are on scene.**

I believe that it is safe to conclude that the unknown male referred to in Colchester logs, is in fact S/Sgt MacGillvray saying “resources on scene”.

- Is S/Sgt MacGillvray “beside” OCC Risk Manager S/Sgt Briers in Truro? There would be a delay if they were far apart
- Does that mean that S/Sgt MacGillvray and S/Sgt Briers were together in OCC in Truro and S/Sgt MacGillvray was not at Command Post in Great Village?

S/Sgt MacGillvray repeatedly says communications will be done through OCC in Truro according to Colchester radio logs COMM0003806:

5636 4/19/2020 -10:21:52 AM -S/Sgt. MACGILLIVRAY (11478): Please be advised that ah, the **OCC-Truro**
5637 **OCC** are directing all uniformed resources in this matter. If a shooting or if a location pops up, it's the
5638 **OCC** directing resources. Break.

5655 4/19/2020-10:23:21 AM -S/Sgt. MACGILLIVRAY (11478): Members of Colchester and East Hants, from
5656 MACGILLIVRAY. Continue the broadcast ah-the **OCC Command Post here will be ah, monitoring all**
5657 **channels**. We'll be ah, directing ah, TAC resources. Break.

5667 4/19/2020-10:24:28 AM -S/Sgt. MACGILLIVRAY (11478): OK, copy that. Bill, can you communicate ah
5668 -all that information will be communicated to the **OCC** so just keep them in the loop ah, I -I obviously
5669 you're on our Colchester ah, talk group at the moment, right?

The mention of “OCC Command Post here” infers that there **may** have been a shift from the Command Post in Great Village Firehall to OCC Truro and that S/Sgt MacGillvray **may not** have gone to Great Village.

- Did the MCC probe this?