

In the Matter of

**The Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty,
established by the federal and provincial Orders-in-Council**

P.C. 2020-822 and 2020-293

(“The Mass Casualty Commission”)

**FINAL WRITTEN SUBMISSIONS
ON BEHALF OF THE ATTORNEY GENERAL OF CANADA**

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Overview

1. The Mass Casualty was an immense tragedy for this province and all Canadians. The families and friends of those who lost their lives have rightly demanded answers in order to better understand what happened and to ensure it does not happen again. The Government of Canada is equally committed to these objectives and jointly initiated this inquiry to inquire into what happened and why, so as to make meaningful recommendations for change.
2. The information gathered by the Mass Casualty Commission (“MCC”) in the course of its work is voluminous. Many months have been spent reviewing the disclosure, hearing from witnesses and exploring a broad range of contextual, social and policy issues that may relate to the Mass Casualty. As the hearings come to a close, the Commissioners are faced with the daunting task of synthesizing all that has been learned into findings and meaningful recommendations for change. Canada recognizes the importance of this work and welcomes the Commission’s final report.
3. Canada’s written submissions on phase 1 and phase 2 addressed a number of factual issues arising in the Inquiry, as did Canada’s closing oral argument. The present submissions will focus on key areas identified during the proceedings where recommendations could be helpful in furthering improvements to systems or policy, and will note where progress has already been made toward improvement. The intent is to provide clarity on particular issues and to demonstrate Canada’s commitment to learn from these events and make any necessary changes to improve public safety for Nova Scotians and all Canadians.

Command Structure and Supervision

4. At the heart of the RCMP’s response to the Mass Casualty is the command structure that directed and guided its members throughout April 18th and 19th, 2020. The command structure was clearly defined and established in accordance to RCMP policy and training. It was comprised of well-trained, experienced senior members of the RCMP.
5. While there has been criticism of the command structure in place during the Mass Casualty, this criticism is not well founded in the evidence. The transcripts and evidence of the

members who formed part of the command structure reveals that all were clearly aware of the structure, and their roles and individual responsibilities therein.¹ Of the hundreds of members involved in the response over 13 hours, only a few General Duty members had indicated they were not clear on who was in command.

6. The evening of April 18th, there was a risk manager on duty. There is clear policy on the role and function of the risk manager.² The requirement of having a risk manager on duty emanated from the recommendations stemming from the MacNeil Report.³ H Division was well ahead of the curve with respect to the creation of a risk manager role within the OCC, having had one in place since 2006.⁴ The purpose is to ensure that there is a senior RCMP member on duty at all times and available to members on duty for advice and guidance. Should a significant incident occur, a risk manager is there on a 24/7 basis to ensure there is support, guidance and assistance to members at all times.
7. Policies and training within the RCMP inform members that the risk manager will remain in a supervisory function for the on scene commander pending the arrival of a senior member of the impacted district. Once that senior member is operational, he/she assumes responsibility of the ongoing incident until the critical incident commander takes over control. The risk manager remains available to offer support to the district commander in responding to the ongoing incident.

¹ For example: MCC Interview of S/Sgt. Halliday, at pp. 24-28, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0019379.pdf?t=1664912316>; MCC Interview of S/Sgt. MacCallum, at pp. 28-29, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0019382.pdf?t=1664912316>; MCC Interview of S/Sgt. Carroll, at pp. 22-26, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0019386.pdf?t=1664912316>; and MCC Interview of S/Sgt. MacGillivray, at pp. 43-44, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0050861.pdf?t=1664912316>.

² H Div OCC Risk Manager Roles and Responsibilities, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0018416.pdf?t=1664912316>.

³ Affidavit of Pharanae Croisetièrè, at paras. 121-124, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0062461.pdf?t=1664912316>. See also RCMP Implementation of MacNeil Recommendation Chart, at recommendation 7.10, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059132.pdf?t=1665062260>.

⁴ H Division RCMP Risk Manager Program, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0043160.pdf?t=1664912316>.

8. This is what occurred in the present case. At the outset of the Mass Casualty, S/Sgt. Brian Rehill was the risk manager on duty. He was present in the OCC and acted in a supervisory function for the unfolding incident with Cst. Beselt taking the role of the incident commander. Meanwhile, S/Sgt. Steve Halliday, S/Sgt. Addie MacCallum and S/Sgt. Al Carroll were learning of the unfolding incident and coming on duty to offer their support. S/Sgt. Halliday was the senior member and he assumed the role of interim Incident Commander, taking over from the Risk Manager until the Critical Incident Commander took over. He divided tasks among the other senior members present, including S/Sgts. MacCallum, Carroll and Rehill. He immediately took steps to have the critical incident package rolled out with a few quick calls, one to the critical incident commander on duty, S/Sgt. Jeff West, who agreed.⁵ S/Sgt. West then contacted now C/Supt. Darren Campbell for authorization, which was provided. This was completed in a matter of minutes. S/Sgt. West then called out the ERT team.⁶
9. There was no confusion among those in the command structure about who was in charge, nor what the process was to roll out the critical incident response package. There was also no question about the fact that S/Sgt. West would not take command of the response until he had arrived at the command post. Until then, control of the response remained with S/Sgt. Halliday, who had the assistance and support of the Risk Manager and other senior members.⁷
10. The fact there were several senior members in the command post should not be interpreted as “too many cooks in the kitchen” as had been suggested. Rather, it is demonstrative of the dedication of those members and their professionalism as they were assigned tasks and worked cooperatively to respond to the unfolding incident. Moreover, given the magnitude of the incident, it was helpful and beneficial to have several experienced senior members working towards creating a comprehensive response. The need for more senior members

⁵ MCC Interview with S/Sgt. Halliday, at pp. 7-9, 20-21, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0019379.pdf?t=1664912316>.

⁶ MCC Interview with S/Sgt. West, at p. 17, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0035916.pdf?t=1664912316>.

⁷ MCC Interview with S/Sgt. Halliday, at pp. 20-28, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0019379.pdf?t=1664912316>.

available to assist during a massive response is readily apparent given the evidence of the Mass Casualty as many members likened the information being received as “drinking from a fire hose”. Having additional well-trained members in place to take on tasks and responsibilities to lessen the strain can only serve to improve the ability to respond to a multi-faceted, massive incident.

11. The allegations of chaos and confusion within the command structure rest on a few and disparate examples. One being the continued presence of S/Sgt. Rehill on the radio after S/Sgt. Halliday had taken control. While he was acting in a supporting role after S/Sgt. Halliday arrived, his presence on the radio might have been confusing for some members.
12. Another basis for the suggestion of confusion about the command structure comes from the transcript of the Colchester radio in the late hours of April 18th and 19th in which Sgt. Andy O’Brien made several comments.⁸ Sgt. O’Brien was not on duty the evening of April 18th and not during the early hours of April 19th. He was in fact at home but when one of the responding members notified him of the unfolding incident in his jurisdiction, he felt compelled to engage.⁹ It is clear he should not have done so after consuming alcohol. He was not part of the command structure and was instead listening to the radio transmissions and trying to keep abreast of the incident that involved his members. His actions in getting involved through his radio transmissions, however peripheral, were motivated by his feeling of responsibility for the members that he supervised. They were the well intentioned, but misguided, actions of one member. To the extent that Sgt. O’Brien provided substantive guidance on one occasion during the incident, he was immediately corrected by the command structure.¹⁰
13. The fact not every single member fully understood the totality of the response is not indicative of a chaotic command structure but the reality of a massive rapidly evolving critical incident. It is also a consequence of many members self-reporting to duty out of a

⁸ Transcript of Colchester Radio, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0003806.pdf?t=1664911554>.

⁹ Sgt. Andy O’Brien’s answers to written questions, at p. 1, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0046250.pdf?t=1664911554>.

¹⁰ Transcript of Colchester Radio, at lines 3233-3249, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0003806.pdf?t=1664911554>.

good faith effort to assist. As they made their presence known to the OCC and the command structure, they were tasked accordingly but it was difficult and not always possible to ensure an in-person briefing of every responding member.

14. In the future, it may be important for the Risk Manager, the District Commander or the Critical Incident Commander to make repeated radio transmissions regarding who is in command throughout an incident where it extends over a large period of time and involves many responding members. This is a point that can be reinforced more directly in the existing training on Initial Critical Incident Response (ICIR) in both the 100 and 200 level courses.
15. There could be more emphasis in the mandatory training provided to all members on ICIR on the command structure and the importance of gaining situational awareness. Members can be reminded of the usefulness of the Computer Aided Dispatch (CAD) system as a means of gaining information about an ongoing event. During the Mass Casualty, the OCC was updating the CAD system with new information throughout and it is a tool that could be used more effectively during the incident as it contained a large volume of information. However, no one was assigned to extract the critical information so it would be more prominently available to the Critical Incident Commander.
16. All members should be conferring within their chain of command before reporting to duty unless scheduled to do so. The process of checking with their supervisor will foster a greater ability for those in command to organize and manage resources throughout an incident. It will also create a mechanism to ensure there are appropriate briefings and taskings prior to members reporting for duty.

RECOMMENDATION: That the RCMP in H Division ensure that all Risk Managers, District Commanders and supervisors, as well as Critical Incident Commanders be required to review national and division specific policy for critical incident responses. This includes the risk manager roles and responsibilities to ensure that all understand their respective roles at all stages of a critical incident response.

That all regular members in H Division from the rank of Corporal and up, including all commissioned officers,

complete the Initial Critical Incident Response 100 and 200 level courses within six months of the release of the final report.

Internal RCMP Communications

17. In large measure, internal RCMP communications throughout the Mass Casualty were effective. A review of the radio transcripts reveals a huge number of responding members were able to share and gather information as the incident unfolded. There were also communications issues, of which many were highlighted throughout the course of the inquiry. Notable examples include a radio communication by Cst. Vicki Colford about information provided to her by Kate MacDonald that was not acknowledged, and queries made by Cst. Beselt and Cst. Heidi Stevenson about trying to issue some type of warning. There was a transmission by Cst. Ian Fahie near the time when Cpl. Rodney Peterson saw the perpetrator wherein he noted that the replica car had a push bar on it. It is unclear if anyone took note of their transmissions. There is also the fact that the command post did not learn of the existence of Andrew MacDonald, a surviving victim, until approximately three in the morning.
18. The RCMP has taken note of these shortcomings and is making changes to improve communications to avoid any loss or delay of the sharing of information during a critical incident. To this end, the RCMP has instituted additional training for all members on the TMR2 radio system.¹¹ The aim is for all members to have a clear understanding of ways in which they can ensure important information broadcast over the radio has been received by those in command.
19. The RCMP has also created standard operating procedures to allow a Risk Manager or the OCC to call in an additional resource to analyze radio transmissions and 911 calls to ensure vital information is captured and shared with the appropriate people.¹²

¹¹ Response to Written Evidence Subpoena, June 2, 2022, at p. 17, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059949.pdf?t=1664911554>.

¹² OCC report “Active Shooter/Active Threat”, GOC00076709; OCC Response to Critical Incidents – Enhancements and Initiatives, COMM0062294; Subpoena #15 – OCC Response to Critical Incidents, GOC00076711.

20. There is more that can be done and the RCMP fully anticipates that further recommendations will emanate from the various reviews of the Mass Casualty response to address and prevent the loss of information during critical incidents and to ensure there is proper communication among operational members during the response.

RECOMMENDATION: That the RCMP in H Division review the existing TMR2 radio training to determine if there is sufficient instruction on how members can ensure critical information that is broadcast has been acknowledged. The training must also include information on use of the Emergency Request To Talk (ERTT) and the words “Break, Break, Break” prior to transmitting critical information.

That the RCMP commit to the study and implementation of any recommendations to improve internal communication that may arise out of various internal and external reviews of the Mass Casualty.

Communications with External Agencies during the Mass Casualty

21. The RCMP made best efforts to keep their policing partners informed of the unfolding incident throughout the Mass Casualty.¹³ There were numerous exchanges made between the OCC and other agencies verbally¹⁴ and through the release of numerous “Be on the Look Outs” (BOLOs).¹⁵ During an evolving situation, these are effective tools to ensure policing agencies are aware of a risk and can make decisions about their response.
22. The RCMP also engaged the Halifax Regional Police (HRP) early on in the incident to request their assistance with checking the perpetrator’s home. Once aware of the unfolding

¹³ See the RCMP Emergency Response Team Foundational Document at para. 143, <https://masscasualtycommission.ca/files/foundational-documents/COMM0057766.pdf?t=1665062260>. See also the RCMP Command Post Operational Communications Centre, and Command decisions, at para. 456, <https://masscasualtycommission.ca/files/foundational-documents/COMM0057771.pdf?t=1664912316>.

¹⁴ For example, see Truro Police Service Foundational Document at para. 25 and 27, <https://masscasualtycommission.ca/files/foundational-documents/COMM0058837.pdf?t=1664911554>. See also: Halifax Regional Police and Halifax District RCMP Operations Foundational Document at paras. 29 and 31, <https://masscasualtycommission.ca/files/foundational-documents/COMM0058878.pdf?t=1664911554>.

¹⁵ See compilation of external BOLOs at <https://masscasualtycommission.ca/files/fd-source-materials/COMM0007861.pdf?t=1664911554>.

incident, they made efforts to protect the family of Lisa Banfield and the boundary of their jurisdiction to prevent entry by the perpetrator.¹⁶

23. The Truro Police Service (TPS) was likewise aware of the risk posed by the perpetrator at several junctures throughout the incident by virtue of the various communications their dispatchers had with the OCC¹⁷, as well as the BOLOs issued by the OCC.¹⁸ The TPS had also been called to the hospital, which had gone on a lock down following the admission of Andrew MacDonald, one of the victims.¹⁹ Further, sometime between 2:15am and 2:45 am two RCMP members encountered Sgt. Richard Hickox, a TPS supervisor, and told him about the unfolding incident, including the fact that there were at least four casualties and that the perpetrator's location was unknown.²⁰ S/Sgt. Bruce Briers, the RCMP risk manager on duty also called Cpl. Edwin Cormier, a TPS member, at approximately 8:43 am on April 19th and provided him with a briefing on the incident, noting that the perpetrator was driving a replica car and that his whereabouts were unknown.²¹
24. The TPS had information early on regarding the unfolding incident and like the HRP, had the discretion to assess the risk their town faced at various points throughout the incident and take appropriate action. They could have decided to call out additional members and they could have tried to protect the boundary of their town to prevent the perpetrator's entrance. These were decisions squarely within their jurisdiction to make.
25. With respect to other partner agencies, such as fire or ambulance, the RCMP recognizes the importance of ensuring they are apprised of any danger they may face when responding to a call for assistance so they can make informed decisions regarding their ability to respond and take any precautions they deem necessary and appropriate. Since the Mass

¹⁶ Halifax Regional Police and Halifax District RCMP Operations Foundational Document at paras. 32, 61-62. <https://masscasualtycommission.ca/files/foundational-documents/COMM0058878.pdf?t=1664911554>.

¹⁷ Truro Police Service Foundational Document at paras. 25, 27, 33, and 61, <https://masscasualtycommission.ca/files/foundational-documents/COMM0058837.pdf?t=1664911554>,

¹⁸ *Ibid.*, at paras. 28, 35, 37 and 45.

¹⁹ Truro Police Service Foundational Document, at paras. 20-24, <https://masscasualtycommission.ca/files/foundational-documents/COMM0058837.pdf?t=1664911554>.

²⁰ *Ibid.*, at para. 30.

²¹ *Ibid.*, at para. 52.

Casualty, the RCMP has reviewed its training and standard operating procedures so that all OCC staff are aware of the requirement to communicate any risk or danger that a partner agency may face when responding to a call for assistance.²²

RECOMMENDATION: That the RCMP review its policies and training to ensure that all OCC personnel understand the importance of communicating any risk or danger to a partner agency when engaging their support in responding to an event.

That all first responders such as fire departments and emergency health services move to encrypted radio channels to facilitate more open and transparent communications between all partner agencies during a critical incident.

That there be regularly scheduled tests that will require all partner agencies to connect with each other so that it becomes a matter of routine procedure known by all, particularly the respective agencies' dispatch centers.

Communications with the Public during the Mass Casualty

26. There is clearly much to be learned from the Mass Casualty with respect to public communications. What has loomed large with respect to the RCMP's response is the non-use of the Alert Ready system. The evidence is clear that while members knew there was a system that was used for weather warnings and Amber Alerts, it had not been considered for use in policing situations.²³ When it was offered to them by the EMO at 11:15am on April 19th, they accepted the offer. It was not ultimately used as the perpetrator was soon apprehended.²⁴

²² OCC Enhancements, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0063180.pdf?t=1665062260>. See also: OCC Report "Active Shooter/Active Threat", GOC00076709.

²³ For example, MCC Interviews of Glen Mason, at p.13, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0053758.pdf?t=1664912316>; Glen Byrne, at pp. 54-55, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0015499.pdf?t=1664911554>; S/Sgt. Jeff West, at p. 50, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0035916.pdf?t=1664911554>; and Supt. Dustine Rodier, at pp.45-47, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0015496.pdf?t=1664911554>.

²⁴ See NS EMO Sequence of Events, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0000999.pdf?t=1664911554>.

27. There is no evidence before the Commission that any policing agency across the country had operationalized the Alert Ready system for policing purposes. In this regard, H Division's lack of understanding of the role that Alert Ready could play in policing situations was not unique. The Mass Casualty laid bare the important role that emergency alerting can play in responding to policing situations. The RCMP has learned and acted quickly following the Mass Casualty to make it operational for policing situations. They were the first police agency to obtain trusted user status in Nova Scotia and the first to use it in a policing situation on April 24, 2020.²⁵ The RCMP has developed and implemented emergency alerting policy in H Division and nationally.²⁶ This was a lesson learned not only for the RCMP but for policing organizations across the country.
28. There were missteps in communications to the public with respect to the initial incident as well as the replica RCMP car. Although the first 911 calls made it clear that people had been shot, the first Twitter message referenced a firearms complaint, and did not convey the gravity of the situation.²⁷ Confusion as to who needed to approve messages factored into the delay in putting out the photo of the replica car in particular. The evidence highlights that there was a lack of clarity within the Strategic Communications group about what information it was authorized to release and when. There was also a lack of clarity within Strategic Communications about who had to approve the wording of a tweet before it could be posted.²⁸ The evidence highlights the need for creating a better process for communicating with the public during a critical incident.

²⁵ Situation Report of Cpl. Feddema, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0001309.pdf?t=1665062260>.

²⁶ Subpoena for Written Evidence, June 2, 2022 at pp. 10-12, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059949.pdf?t=1664911554>.

²⁷ See the Timeline of Public Communications at p. 15, <https://masscasualtycommission.ca/files/foundational-documents/COMM0058836.pdf?t=1664911554>.

²⁸ Hearing Testimony of Lia Scanlan at pp. 34-40, 51-79, https://masscasualtycommission.ca/files/documents/transcripts/EN_20220608_PublicHearings_Transcript.pdf?t=1665001133.

29. Changes have already been made to ensure there is a strategic communications person imbedded within the command post during a critical incident.²⁹ This will enable the release of timely and detailed information to the public as needed during a critical incident.
30. There is more work to be done, including the need for a better reporting structure within Strategic Communications to ensure that in the future, there is clarity in message content and no unnecessary delays in the release of information to the public. There needs to also be additional policy or training to reinforce the importance of the public safety aspect of strategic communications and thus the importance of releasing as much information as possible during a critical incident in the interests of public safety.

RECOMMENDATION: That the RCMP review its policy and training for members in strategic communications to ensure there is clear guidance on the chain of command and reporting requirements as well as emphasis on the importance of timely and detailed public communications where there is a public safety risk.

That reliance by H Division Strategic Communications on preformatted messages be restricted to those that clearly match what is known about the incident at the time and that a protocol be put in place for a bilingual employee, potentially from the OCC, to review the message content in both official languages so it can be sent without further delay.

Communications with the Public after the Mass Casualty

31. The RCMP made efforts in the immediate aftermath of the Mass Casualty to share information with the public. There was a good faith attempt to synthesize the details about what had happened and to provide accurate information to the public as quickly as possible. However, it is clear that H Division did not have the resources from a communications

²⁹ Subpoena for Written Evidence, June 2, 2022 at p. 10, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059949.pdf?t=1664911554>.

perspective to meet public expectations. This was in no small part the result of the COVID pandemic as it restricted the inflow of additional resources to assist H Division.³⁰

32. With the benefit of hindsight, the most senior members of the RCMP have acknowledged that resources should have been brought in to assist the division respond to the call for more timely and detailed public communications in the wake of this tragedy.³¹ Deputy Commissioner Brennan gave evidence of lessons learned from this event with the creation of a team of subject matter experts across the organization who are able to mobilize and travel to a division in need of support when facing a major policing incident. Included within this team are strategic communications experts who would be available to travel to an affected division and offer additional support and expertise to ensure timely and effective public communications.³²
33. More training and defined standard operating procedures may also be required to ensure all Strategic Communications staff understand the priority that public safety takes in communications. Their training should also emphasize the importance of a streamlined process for sharing information in a timely way when public safety is engaged.

RECOMMENDATION: The RCMP review its training for strategic communications to ensure as much information as possible is shared with the public in a timely manner through regularly scheduled media briefings and/or media releases.

Technology

(i) Android Tactical Assault Kit

34. The desirability for a “Common Operating Picture” in order to track the location of RCMP members when they exit their vehicles was universally noted. This allows personnel in the

³⁰ MCC Interview with D/Comm. Brennan at pp. 53-54, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0063046.pdf?t=1665054222>.

³¹ Hearing Testimony of Comm. Lucki, August 23, 2022 at pp. 99-100, https://masscasualtycommission.ca/files/documents/transcripts/EN_20220823_PublicHearings_Transcript.pdf?t=1665058284. See also MCC Interview with Comm. Lucki at pp. 16-17, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0062475.pdf?t=1665054222>.

³² MCC Interview with D/Comm. Brennan at pp. 58-59, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0063046.pdf?t=1665054222>.

OCC to monitor the location of members in real time, particularly those engaged in the front line response to a critical incident. This makes it possible to direct members on the ground during a critical incident, whose situational awareness may be hampered by darkness and terrain. It could also make it possible to deploy additional resources, such as IARD contact teams, as “blue on blue” or crossfire situations are more easily avoided.

35. The Android Tactical Assault Kit (ATAK) is a “common operating picture” cellphone app. It had been available in a pilot program to H Division ERT members before the Mass Casualty, however, the necessary certificates to operate it had lapsed.
36. After April 2020, the H Division Information Management and Information Technology Program made arrangements with the ATAK project team to bring in 12 additional devices for ERT and update the six existing devices. Since that time, ATAK has been deployed to the Critical Incident Command (CIC) Teams. The required support is available to operate in a 24/7 policing environment with monitoring and support response. This ensures that the service remains available when it is needed to support operations for:
 - 15 Emergency Response Team Members (ERT)
 - 5 Police Dog Services Members (PDS)
 - 6 Tactical Support Unit Members (TSU)
 - 3 Emergency Medical Response Team Members (EMRT)
 - 3 OCC and Risk Managers on Wintak (software to map SA)
37. The issue with expired licenses or certificates that existed in April 2020 will not happen again. The production environment is now working on a stable platform. The stabilization of the environment eliminated the need for certificates as members are now using their own identity credentials to secure connections to ATAK. The project team continues to work on improvements to the system and increased functionality.
38. In April 2022, a plan for an ATAK national rollout to all frontline general duty members was presented to the Investment Oversight Prioritization Committee in Ottawa to request funding. This committee oversees the development and execution of the RCMP’s Investment Plan and prioritizes investment recommendations put forward by program-specific committees. It was supported by the Investment Oversight Prioritization

Committee with a recommendation to the RCMP Senior Executive Committee (SEC). In turn, SEC has fully supported the national rollout with funding for the RCMP to roll out ATAK across the country. It has already been requested that H Division be considered for initial, priority rollouts. There are two H Division representatives on the ATAK working group. The rollout is to be completed by the end of 2023.³³

RECOMMENDATION: No recommendation is necessary in this regard.

(ii) Night Vision Equipment

39. Night Vision Equipment does not currently form part of the RCMP General Duty member tool kit. Emergency Response Teams are equipped with Night Vision Goggles (NVGs.) These NVGs were developed by the US Department of Defense, and have classified specifications.
40. In early 2021, the H Division Emergency Response Team (ERT) received new night vision equipment. Since the night vision equipment that was being replaced was still functional, it was distributed for use by General Duty members. Each District received at least one set. ERT provided a training session on how to use and maintain the night vision equipment to some district supervisors and they would share this training with the members in their district.
41. Due to the turnover of members as part of the normal staffing processes, the District Policing Officers and the Support Services Officer will ensure that training for night vision equipment is renewed annually in those detachments with night vision equipment.³⁴
42. The operational requirements for General Duty NVGs are not expected to be the same as those used by ERT. NVGs are heavy, expensive, and require training and maintenance. Any initiative to equip front line General Duty members with NVGs, would require an evaluation of many factors, and be subject to the usual federal government procurement

³³ Nova Scotia Mass Shooting After Action Reports Review, COMM0064616, at pp. 4-5.

³⁴ RCMP H Division Response to June 2, 2022 Subpoena for Written Evidence, at pp. 13-14, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059949.pdf?t=1664802766>.

rules. Such a process would include the consideration of operational requirements, development of technical specifications, securing a source of funds, consultation with contract partners on funding implications, procurement, training and policy development.

RECOMMENDATION: That RCMP Contract and Indigenous Policing conduct a study on the feasibility of how best to provide frontline operational members with better equipment to be used in low light / nighttime operations.

(iii) Forward Looking Infrared (FLIR) Devices

43. Forward Looking Infrared (FLIR) is a technology that allows for thermal imaging, so that objects that give off heat, including people, can be detected. It can detect people in darkness, and could have assisted IARD contact team(s) to detect the perpetrator or others such as Lisa Banfield or Clinton Ellison in the woods of Portapique.
44. This fiscal year, H Division will purchase FLIR devices. Each district will receive some of these devices. These are straightforward devices that should provide the frontline members an additional tool to use in low light situations.
45. Similar to training for breathalyzer technicians, Detachment Commanders will determine which members will be trained to use the thermal imaging equipment. Some members have already completed the E-Basic Thermographers (FLIR) training during previous assignments in Federal Policing or other specialized programs. At least two General Duty members per team will be trained so that if one is off, the other is available. Training will coincide with the procurement of the equipment.³⁵

RECOMMENDATION: No recommendation is necessary in this regard.

(iv) Mapping Software

46. The RCMP polices vast rural areas in the province of Nova Scotia. Members cannot easily become familiar with every area they police, its geography and landmarks. During the

³⁵ RCMP H Division Response to June 2, 2022 Subpoena for Written Evidence, at p. 14, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059949.pdf?t=1664802766>.

Mass Casualty event, it became apparent that mapping software could be extremely helpful to gain valuable information with respect to the area of Portapique, its roads and terrain.

47. H Division has access to mapping software. In the OCC, the mapping system generally used is through their CAD system, that is, the Computer Integrated Information Dispatch System (CIIDS), which provides a regional map. CIIDS also has access to other mapping software such as Google maps, Bing maps and the National Operations Center (NOC) map.³⁶
48. H Division Mobile Workstations (MWS) also have access to the regional map through the CIIDS, except those in Halifax District. RCMP vehicles in that district use the Versadex application and a different CAD system, thus different mapping software in their MWS.
49. With respect to Pictometry, it is the primary mapping system used by the OCC during critical incidents or other significant policing events. General duty members also have access as every frontline detachment has at least two log in accounts.³⁷ However, during the Mass Casualty, some RCMP members had difficulty accessing the Pictometry program that had been installed on computer workstations.³⁸ This is an issue that should be addressed through further training.
50. While there has been discussion about broadening the availability of Pictometry, even to MWS, it is worth noting that it was never meant to be a widely-used operational tool used by frontline officers from their vehicles. Pictometry was meant to be used as a tool for situational awareness and preplanning, such as planning for the execution of a search warrant, in a detachment, command post or DEOC. It provides the command structure with the necessary situational awareness for decision making. From a frontline perspective, there is concern with having members using mapping software not linked to the CAD system as this removes their focus from their operational police tools.

³⁶ MCC Interview of Darryl Macdonald, COMM005351, at p. 38, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0053351.pdf?t=1665066862>.

³⁷ Pictometry – Geographic Imagery of Nova Scotia, COMM0065014.

³⁸ MCC Interview of S/Sgt. Al Carroll, at p. 20, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0019386.pdf?t=1665058866>; OCC Enhancements and Initiatives Since April 2020 (002) (003), COMM0063066.

RECOMMENDATION: That the RCMP provide training to its members on the use of Pictometry or an equivalent mapping program, and ensure it is easily accessible in every district and detachment.

Air Support

51. We have learned that throughout the Mass Casualty, attempts were made to secure air support. The Atlantic Region Air Section (ARAS) of the RCMP, located in Moncton, was unavailable to provide its helicopter to support the critical incident response as it was out of service for regularly scheduled maintenance. The unfolding events were outside of the mandate of the Joint Rescue Coordination Centre (JRCC) in Halifax, whose main responsibility is to coordinate search and rescue (SAR) responses to air and marine incidents³⁹. Although a helicopter was secured from Nova Scotia's Department of Natural Resources (DNR), its use was limited, including only being able to fly in daylight and at a high altitude of 1500 feet.
52. The Mass Casualty event highlighted the importance of air support contingency plans for all policing agencies in Canada. This is particularly so given the human resources and physical assets required to support air services, making it difficult to operate on a 24/7 basis. Additionally, there are a variety of different scenarios wherein police may require the assistance of an air asset. Documented contingency plans for air support will help to streamline requests for these resources in times of urgency.
53. Since the Mass Casualty, H Division has implemented an air support contingency plan for when the RCMP ARAS aircraft are unavailable. ARAS now shares both the pilot duty schedule and aircraft maintenance schedule with the H Division OCC. When aircraft unavailability is known in advance, for example, during periods of routine maintenance, ARAS will ensure relief requests to other Air Sections are made and resources are brought in, when possible. When an aircraft cannot be released from another RCMP Air Section,

³⁹ During the Mass Casualty event, JRCC SAR Halifax initiated a request for a military helicopter on behalf of the RCMP. Shortly after the request was made, the RCMP advised that the suspect was "in custody" and requests for air services could be cancelled. See Air Support Foundational document, at paras. 111-114 <https://masscasualtycommission.ca/files/foundational-documents/COMM0058856.pdf?t=1664298560>.

an aircraft will be sought to be on standby in a neighbouring division in the event of an urgent operational request.⁴⁰

54. When an Air Section is not able to respond to a Priority 1, high priority operational flight request in the context of an active, imminent risk to member and/or public safety, the NOC is to be notified without delay. The NOC will ensure the appropriate Air Services Branch personnel will be contacted immediately.⁴¹
55. Part of the H Division contingency plan relies on non-RCMP air asset service providers. H Division OCC Standard Operating Procedures have been updated for air support requests for various types of incidents. Along with contact information for ARAS, the OCC has readily available contact information for DNR, the Canadian Armed Forces (CAF), and the JRCC.⁴²
56. As set out in CAF's defense policy document, defending Canada and Canadians is the CAF's top priority.⁴³ That said, the CAF's missions also include that of providing assistance to civil authorities and law enforcement in response to international and domestic disasters or major emergencies. Provincial authorities may request CAF assistance through the engagement of federal authorities, which can include CAF support in regards to any law enforcement activities. Following the Mass Casualty, additional training was implemented for JRCC members to reinforce their knowledge in redirecting assistance to law enforcement agency requests and other non-SAR related calls to the proper authorities.⁴⁴ This will improve response time when CAF assets are required in support of other government departments.

⁴⁰ RCMP H Division Response to June 2, 2022 Subpoena for Written Evidence, at pp. 18-19, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059949.pdf?t=1664802766>.

⁴¹ Nova Scotia Mass Shooting After Action Reports Review, COMM0064616, at pp. 6.

⁴² RCMP H Division Response to June 2, 2022 Subpoena for Written Evidence, at pp. 18, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059949.pdf?t=1664802766>.

⁴³ Letter from Col David Holmes, dated July 14, 2022, referring to the publicly available document *Strong Secure and Engaged*, COMM0061172. See *Strong Secure and Engaged*, at p. 83.

⁴⁴ MCC Interview with CAF Col David Holmes, at pp. 10-11, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059685.pdf?t=1664802766>.

57. H Division has strengthened its partnership with DNR Air Services. Since the Mass Casualty, the RCMP has done radio training with the DNR helicopter and the radio difficulties experienced during the Mass Casualty have been remedied. The OCC has collaborated with DNR Air Services to implement regular testing on the encrypted Law Enforcement talk groups with DNR pilots. Finally, there are Standard Operating Procedures for the OCC and regular testing of Mutual Aid talk groups with DNR once a month. This testing is done without patching so that all involved are required to physically change talk groups on their radio, providing practice time to enhance “muscle memory” of these radio functions.⁴⁵
58. When aircraft is needed for transportation or surveillance, H Division OCC has access to approved commercial operator lists that are on standing offer for the RCMP in Nova Scotia. These lists include both helicopters and airplanes.⁴⁶
59. The RCMP also works collaboratively with Transport Canada Air Services Directorate (ASD). This relationship is governed by three memoranda of understanding (MOUs) that provides the RCMP with transportation services in support of national policing and emergency deployment of Emergency Responses Teams along with hangar and maintenance services in Moncton, New Brunswick. The ASD has both airplanes and helicopters, aircraft which are spread between six hangars in Canada, including Moncton.⁴⁷ At present, the MOUs between the RCMP and Transport Canada are being renewed.⁴⁸
60. Finally, the RCMP has implemented additional tactical resources since the Mass Casualty. The National ERT Program has created the Special Activities Group (SAG) with the mandate and ability to support divisions when there is a situation involving a clear and imminent threat to life. SAG has an airplane on standby in Ottawa that is available to

⁴⁵ RCMP H Division Response to June 2, 2022 Subpoena for Written Evidence, at p. 18, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059949.pdf?t=1664802766>; see also TMR-NS Aviation Services/Hants East RCMP Interoperability Testing, GOC00076707.

⁴⁶ Nova Scotia Mass Shooting After Action Reports Review, COMM0064616, at pp. 7.

⁴⁷ ASD-RCMP Portfolio Collaboration Deck, October 23, 2019, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0000767.pdf>.

⁴⁸ Nova Scotia Mass Shooting After Action Reports Review, COMM0064616, at pp. 5.

deploy at any given time. The aircraft is able to provide air support in the form of technical and optical surveillance during critical incidents. This asset would be in addition to any support available through RCMP Air Services Sections, other government agency or commercial aircraft in a province or region.⁴⁹

61. H Division ERT had a Remote Piloted Aircraft System (RPAS) Aeryon R60 Skyranger with them during the Mass Casualty. This RPAS lack of portability and ability to deploy quickly hampered its operational effectiveness during this active and dynamic operation. The J ERT Division were able to quickly deploy their DGI Mavic 2 Enterprise RPAS at the Glenholme scene. Citing the importance of this expedient, and more portable thermal RPAS solution, H Division ERT procured their own Mavic 2 Enterprise following the Mass Casualty.⁵⁰

RECOMMENDATION: That all police services have documented contingency plans for air support services.

Interoperability

62. Interoperability is an important goal for policing in Nova Scotia moving forward. The Commission has heard evidence that an effective and economical way to achieve greater public safety is to focus on interoperability between policing agencies. There has been much discussion throughout the proceedings about resourcing. Policing is expensive, and provinces and municipalities are already stretched trying to meet the competing and important demands of their constituents. This has to be borne in mind when considering recommendations, which must be affordable in order to be implementable. If a significant influx of sustained funding is unlikely, greater consideration must be given to leveraging the resources already present in this province to improve public safety.

⁴⁹ RCMP H Division Response to June 2, 2022 Subpoena for Written Evidence, at p. 18, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059949.pdf?t=1664802766>; Nova Scotia Mass Shooting After Action Reports Review, COMM0064616, at p. 5.

⁵⁰ Nova Scotia Mass Shooting After Action Reports Review, COMM0064616, at p. 7.

63. For example, there were discussions throughout the proceedings about the use of police resources to respond to mental health call and wellness checks. Police officers are required to remain at the hospital with persons apprehended under the *Mental Health Act* for extended periods of time. This means they are not available for other calls for service.⁵¹ A more holistic, multi-agency approach to mental health calls should be examined. The province needs to lead this initiative.
64. The province and the policing agencies have also been working together on a new set of policing standards as a means of bringing all agencies in line with one set of benchmarks for the way they operationalize policing. The RCMP is a proponent of this move and believes it will provide greater guidance for all agencies for what is expected of them when delivering service. It will also allow enhance provincial oversight by setting clear benchmarks for the supervision of policing.⁵²
65. In addition, more robust standards should enable policing agencies to work together more seamlessly. This can carry through to joint training exercises so that policing agencies have a greater ability to respond and offer their assistance to other jurisdictions within the province when needed. It should foster the development of standard operating procedures when assistance is required from other agencies and a greater ability to work together in responding to critical incidents.
66. The ability to work together is also dependent on relationships, and the Commission has heard evidence that this has been a roadblock in recent years. The RCMP is committed to

⁵¹ RCMP H Division Response to June 2, 2022 Subpoena for Written Evidence, at p. 24, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059949.pdf?t=1664802766>.

⁵²See for example MCC Interview with C/Supt. Darren Campbell on June 28, 2022, at pp. 103-104, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059847.pdf?t=1664912316>; RCMP H Division Response to June 2, 2022 Subpoena for Written Evidence, at p. 24, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059949.pdf?t=1664802766>; discussed in Phase III sessions: https://masscasualtycommission.ca/files/documents/transcripts/EN_20220901_PublicHearings_Transcript.pdf; https://masscasualtycommission.ca/files/documents/transcripts/EN_20220908_PublicHearings_Transcript.pdf; Roundtable: Police Oversight, Supervision and Accountability of September 14, 2022.

establishing stronger and more cooperative working relationships with its policing partners.⁵³ This is only one part of the puzzle. The RCMP also needs the partnership of other law enforcement agencies in the province to ensure a more concerted and collaborative approach to public safety.

67. The Commission has heard evidence about the concerns of some municipal policing agencies regarding the availability of specialized services from the RCMP and their recent practice of trying to track these costs. It also heard that these services have not been withheld or denied despite the fact that there is no contractual obligation requiring the RCMP to provide specialized policing services to municipalities that have their own police service.⁵⁴
68. Further, as the RCMP has a responsibility to report to the province on how its resources are allocated and utilized, there is a sound rationale for tracking those expenses. It is also important to track so as to understand if the practice is having a negative impact on resourcing for specialized services, which would have been established based only on RCMP calls for service, and not on calls from other municipal police services.⁵⁵
69. The provision of specialized services is expensive, and the cost has largely been borne by the RCMP when assisting other agencies. The funding of these specialized services should be reviewed going forward to ensure there are adequate resources in place at the provincial level to pay for these services when they are required in a jurisdiction that does not have its own.
70. The RCMP is open and willing to engage in discussions with the province and its policing partners about the way forward in this respect. There is no doubt that the cost of policing is

⁵³ See for example MCC Interview with A/Comm. Daley, COMM0065065, at pp. 115-116; MCC Interview with C/Supt. Campbell on June 28, 2022 at p. 112 (<https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059847.pdf?t=1664912316>).

⁵⁴ MCC Interview with C/Supt. Leather at pp. 85-94 (<https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059832.pdf?t=1665062260>). See also MCC Interview with Hayley Crichton, at pp. 11-16, and 27, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0051428.pdf?t=1665062260>.

⁵⁵ MCC Interview with C/Supt. Leather at pp. 85-94 (<https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059832.pdf?t=1665062260>).

unlikely to decrease. There needs to be a discussion about new ways of resourcing and ensuring that those services are available to all Nova Scotians.

71. With respect to recommendations, new policing standards are already being formulated. It is possible that a new approach to funding and resource allocation may be a useful endeavor for the province as a means of ensuring that all municipalities have access to an adequate and sustainable level of policing services.

RECOMMENDATION: That the province and police agencies across Nova Scotia work collaboratively to create contingency plans to ensure the comprehensive provision of multi-agency policing services across Nova Scotia during any future critical incident or major policing event.

Crime Scenes/Canvassing Residences

72. The evidence before the Commission highlighted some deficiencies in the handling of crime scenes following the Mass Casualty. The RCMP has a policy in place in this respect and is reviewing it to determine if changes should be made to prevent the type of incidents that occurred following the Mass Casualty that caused much distress to the victims' families.
73. With respect to the vehicles in which some of the victims were killed, it is the role of the insurance provider, in consultation with the affected family, to make necessary arrangements regarding the disposition or cleaning of the vehicle as the case may be. Generally, families do not have to take possession of a vehicle that has signs of trauma. As will be addressed below, the release of two vehicles that had signs of trauma were at the insistence of their respective families. The RCMP has no mandate or internal capabilities to remediate vehicles or any other violent crime scenes. Ultimately, with respect to the return of those vehicles, the RCMP had no choice but to respect the wishes of the families.⁵⁶

⁵⁶ See for example the transcript of the interview with Cst. Wayne Bent at pp. 18-19, 25-27, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0057740.pdf>; see also the Hearing Testimony of Cst. Wayne Bent, p. 80, https://masscasualtycommission.ca/files/documents/transcripts/EN_20220621_PublicHearings_Transcript.pdf.

74. With respect to one of the victims remaining in a vehicle after his death as it was towed away from the scene, it was deemed necessary under the circumstances to preserve evidence of the homicide in order to allow a thorough investigation into what had happened.⁵⁷
75. The experience of the Goulet family is truly regrettable. The fact Ms. Goulet's house was released as a crime scene without proper notification of her family appears to be the result of human error. H Division was heavily tasked in those early days grappling with 17 different crime scenes. It makes it no less painful, and the RCMP is committed to reviewing its policy to determine what changes need to be made to avoid a similar circumstance in the future. With respect to the bullet found by the Goulet family in their home after the scene was released, again, it appears to be the result of human error.
76. The fact the victims of Cobequid Court were not found until the evening of April 19th is another instance that requires comment. There is no satisfactory answer to the families' questions regarding why it took so long to find those crime scenes. The evidence before the Commission is that the ERT team had begun canvassing the surrounding homes in the early hours of April 19th but were pulled away due to the evolving circumstances.⁵⁸ Even once the perpetrator had reanimated in the Wentworth area, and was thus known to be out of the area, members never made it to the homes of those families before the late afternoon.
77. While the majority of efforts and resources needed to be focused on stopping the perpetrator, a small number of resources could have been tasked to simultaneously conduct a door to door canvass of Portapique to determine who was still in their homes and discover crime scenes or evidence not already known. Only after the crime scenes in Cobequid Court were discovered did the RCMP undertake a full community canvass.⁵⁹ The command triangle

⁵⁷ MCC Interview of Cpl. McKay, at p 24, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0057755.pdf?t=1665066862>; Support Services for Survivors, Families and Communities Foundational Document, at para. 313 (<https://masscasualtycommission.ca/files/foundational-documents/COMM0059120.pdf?t=1665062260>).

⁵⁸ See the RCMP Emergency Response Team Foundational Document at para. 143, (<https://masscasualtycommission.ca/files/foundational-documents/COMM0057766.pdf?t=1665062260>). See also the RCMP Command Post Operational Communications Centre, and Command decisions, at paras. 438, 445, <https://masscasualtycommission.ca/files/foundational-documents/COMM0057771.pdf?t=1664912316>.

⁵⁹ See the Supplemental Investigative Report "Nature of RCMP contact, canvass and attempts to contact persons within Portapique community during the mass casualty", at p. 2, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0053340.pdf?t=1665062260>.

should have ensured that this was done much sooner. The RCMP will be reviewing its policy regarding crime scenes and canvassing to determine whether it needs to be amended to ensure it addresses the need for thorough canvassing of an area when there has been a critical incident of this nature involving multiple casualties.

RECOMMENDATION: That the RCMP review its policies and training with respect to crime scene management to ensure there is appropriate guidance and direction with respect to the release of crime scenes to victims' families. Additionally, that RCMP policy and training reflect the requirement to hold crime scenes until such time as signs of trauma are cleaned through the coordination of victim services, insurers or other third party.

That the RCMP review its policies and training to ensure there is proper guidance regarding the timely and comprehensive canvassing of residences in the vicinity of scenes where critical incidents have occurred.

Family Liaison Officer

78. The RCMP recognizes that policy is required to guide its members acting in the role of a family liaison officer (FLO). The Mass Casualty has highlighted the need for greater clarity on what are the reasonable expectations for a FLO and what other supports might be engaged to provide the type of support that families are seeking.
79. Cst. Wayne Bent was the FLO assigned to the families of the Mass Casualty. He was chosen for this task because of his compassion and committed nature. It is important to note that Cst. Bent worked tirelessly in the days and years following the Mass Casualty, making himself available to the families to share information, act as a conduit to other services in some cases and to be a general support as they dealt with this terrible tragedy. He made himself available to these families on a 24/7 basis, always trying to respond and assist when contacted.⁶⁰

⁶⁰ MCC Interview of Cpl. Rose-Berthiaume, at p. 16, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0057748.pdf?t=1665074692>. See also MCC Interview with Cst. Bent (<https://masscasualtycommission.ca/files/fd-source-materials/COMM0057740.pdf?t=1665062260>).

80. Without the benefit of policy, he forged ahead, and attempted to establish contacts with one member of each of the families to keep them abreast of developments in the investigation, the court proceedings, and with respect to the eventual criminal charges. He also reached out to each of the families regularly to check in and offer support.⁶¹
81. There has been criticism of the RCMP for only assigning one FLO to all the victims' families. It is important to note that assigning one FLO was never meant to downplay the importance of the families having a direct contact within H Division to keep them apprised of developments in the investigation or to answer their questions. Never having faced a tragedy of this magnitude, H Division simply did not foresee the extent of the demands that would be placed on the FLO.
82. There has been particular criticism directed at Cst. Bent with respect to some of the information he is alleged to have shared with a couple of the families. He disputes their recollection of some of the comments attributed to him and this was addressed in the feedback on the foundational document and in his evidence before the Commission.⁶²
83. There has also been criticism of him for not knowing certain family dynamics and that there was a need to have more than one family contact in some cases. In this case, as family dynamics became known, Cst. Bent adapted and ensured that more than one contact was in place in appropriate cases.⁶³
84. Cst. Bent has also been criticized for allowing the release of cars to the families and sometimes properties, before they were cleaned. At the outset, with respect to the release of cars, the RCMP, including Cst. Bent, tried to persuade those families who asked for the return of their loved ones' vehicles against it given the evidence of the trauma in those vehicles.

⁶¹ See MCC Interview with Cst. Bent, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0057740.pdf?t=1665062260>.

⁶² Hearing Testimony of Cst. Bent, https://masscasualtycommission.ca/files/documents/transcripts/EN_20220621_PublicHearings_Transcript.pdf.

⁶³ Hearing Testimony of Cst. Bent, https://masscasualtycommission.ca/files/documents/transcripts/EN_20220621_PublicHearings_Transcript.pdf.

However, as they wanted their return, there was little he could do. He should not be faulted for responding to the choices made by the families.⁶⁴

85. This is not to suggest that the experiences of the victims' families have not been heard. The RCMP is in the process of updating the national Major Case Management (MCM) policy that provides direction to Major Crime Units. The updated policy will include a section to provide more guidance to members who are assigned as FLOs.
86. Contract and Indigenous Policing is also examining the creation of a guidebook that would be more in-depth than the MCM policy. Although it takes longer to implement, they are also looking at developing on-line training to assist any member who has to liaise with victims' families in the course of an investigation. The RCMP is planning on the creation of a national RCMP working group comprised of subject matter experts (SMEs) from across the country to assist in this process.
87. It is important to note that some of the expectations of the FLO might not be realistic given the FLO's role and training. It is clear that some of the families were in need of guidance in navigating what services were available to assist them in practical matters such as the cleaning crime scenes, dealing with insurance providers, and accessing counselling. This is an important issue that requires further consideration and the participation of the appropriate stakeholders to ensure that all relevant factors are considered in creating a more supportive and responsive system for victims' families.

RECOMMENDATION: Formulate policy and training to address the role of the Family Liaison Officer, what it is and what it is not, including best practices for identifying family representatives and communicating with families throughout the duration of the investigation.

⁶⁴ See MCC Interview with Cst. Bent, at pp. 18-19, 27-27, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0057740.pdf>; Hearing Testimony of Cst. Wayne Bent, p. 80, https://masscasualtycommission.ca/files/documents/transcripts/EN_20220621_PublicHearings_Transcript.pdf.

After-Action Reports

88. The RCMP is motivated to learn from its response to the Mass Casualty and to improve its ability to respond effectively to large scale critical incidents in the future. To this end, the RCMP has committed to a full review of the critical incident response, in addition to the ERT and EMRT After-Action Reviews that were already completed.⁶⁵ It will be undertaken by subject matter experts from both within and outside of the RCMP. This will be completed by the end of March 2023 and the RCMP is committed to the implementation of any recommendations that may be forthcoming.
89. There has been significant criticism of the decision not to engage in a full scale critical incident review immediately after the Mass Casualty. The decision was based in part on the large number of reviews that had been commenced or would soon be commenced to review the response to the Mass Casualty, including the *Canada Labour Code* reviews, a National Office of Investigative Standards and Practices (NOISP) review, and what was to become this joint public inquiry.⁶⁶ There was consideration given to the members and their wellness being subjected to so many different review bodies.⁶⁷ There were also capacity issues with the COVID pandemic making it difficult to engage a team of subject matter experts from outside H Division to conduct the review. These were reasonable considerations driven by a good faith desire to allow the other processes to run their course to try and avoid the potential of multiple recommendations emanating from various sources potentially layering or even conflicting, making them difficult to implement.⁶⁸
90. With respect to the ERT and EMRT, there were issues related to their completion and submission of those After Action Reports. It was not clear whether either report had been submitted through the H Division Support Services office or to the National Critical Incident program.⁶⁹ There was no indication that the reports had been reviewed or supported by

⁶⁵ MCC Interview with A/Comm. Daley, COMM0065065, at p. 61.

⁶⁶ Hearing Testimony of D/Comm. Brennan, at p. 59, https://masscasualtycommission.ca/files/documents/transcripts/EN_20220909_PublicHearings_Transcript.pdf;

⁶⁷ See H Strong – CIC Review Email, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0062978.pdf?t=16651400651>;

⁶⁸ MCC Interview of Dennis Daley, COMM0065065, at page 61.

⁶⁹ Nova Scotia Mass Shooting After Action Reports Review, COMM0064616, at page 3.

division or program management. This likely derives from a gap in the Tactical Operations Manual regarding the process for ensuring those reports are elevated to appropriate units for review. While some of the issues identified in those reports were addressed following the Mass Casualty, there is a need to clarify the process to ensure that they are properly actioned following a critical incident so that any issues and recommendations can be addressed.

91. That said, a summary of the ERT and EMERT reports has been done, and the Assistant Commissioner for Contract and Indigenous Policing, as well as the Commanding Officer of H Division, have been tasked with ensuring any remaining issues are addressed.

RECOMMENDATION: That the RCMP engage in a full scale review of the Tactical Operations Manual to ensure it is up to date and incorporates more structure into the requirements of debriefings immediately after a critical incident and direction on when a more detailed After Action Report is required. To assist ERT Team Leaders, a template for an After Action Report should be developed to ensure consistency across the RCMP.

Training with Respect to Intimate Partner Violence

92. The RCMP recognizes the importance of providing members with an understanding of the intricacies of intimate partner and gender based violence (“IPV/GBV”). Beginning at RCMP Depot, cadets complete the Domestic Violence Investigations Course, an interactive program designed to enhance a member’s ability to investigate these incidents. The Domestic Violence Investigations Course explains, among other things, the role of and importance of working with other stakeholders, how to gather information and assess risk, and explains the importance of checking for orders and firearms.⁷⁰

⁷⁰ Domestic Violence Investigations: National HRMIS Coding Information, COMM0057935.

93. Specific to H Division, all members are required to take the H Division Domestic (Intimate Partner) Violence Investigations Course⁷¹ as well as the Ontario Domestic Assault Risk Assessment (ODARA) training.⁷²
94. Additional training on IPV/GBV is available to the RCMP and can be found on both the AGORA and Canadian Police Knowledge Network platforms.⁷³
95. As discussed during the interview of RCMP Learning and Development staff members Inspector Adam MacNeill and Genevieve Tremblay, over the past five years police services, including the RCMP, began to re-evaluate their approaches to IPV/GBV investigations. Files were reviewed with a lens of understanding which topics or issues required enhanced training. This review also highlighted the need to develop a curriculum that taught a trauma-informed and victim-centered approach IPV/GBV investigations.⁷⁴
96. Training developed since this time includes topics on demystifying common myths around sexual offences as well as ensuring members have a better understanding of consent law. Recently, a Sexual Offence Investigations online course has been launched. Also underway is the creation of an advanced classroom course for investigators who are assigned to serious offences. The RCMP has been incorporating a trauma-informed approach in much of its

⁷¹ Domestic Violence Investigations: H Division HRMIS Coding Information, COMM0057905.

⁷² HDIV Supplemental - OM - ch. 2.4 Criminal Code Offences - Persons - Violence/Abuse in Relationships, COMM0040310.

⁷³ RCMP H Division Response to June 2, 2022 Subpoena for Written Evidence, at pages 18-19, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0059949.pdf?t=1664802766>; see also Training Storyboards for other IPV/GPV course content: COMM0057837, COMM0057838, COMM0057840, COMM0057862, COMM0057863, COMM0057864, COMM0057865, COMM0057866, COMM0057867, COMM0057868, COMM0057869, COMM0057870, COMM0057871, COMM0057872, COMM0057873, COMM0057876, COMM0057878, COMM0057879, COMM0057880, COMM0057886, COMM0057888, COMM0057890, COMM0057892, COMM0057894, COMM0057896, COMM0057898, COMM0057900, COMM0057901, COMM0057903, COMM0057904, COMM0057906, COMM0057907, COMM0057909, COMM0057911, COMM0057913, COMM0057915, COMM0057917, COMM0057919, COMM0057921, COMM0057923, COMM0057937, COMM0057939, COMM0057941, COMM0057943, COMM0057945, COMM0057947, COMM0057949, COMM0057951, COMM0057953, COMM0057955, COMM0057978, COMM0057982, COMM0057984, COMM0057988.

⁷⁴ MCC interview of Insp. MacNeill and Genevieve Tremblay, COMM0064884, at pages 7-8.

existing courses and language is being updated to be more reflective of the importance of being victim-centered in the RCMP's approach to their work.⁷⁵

RECOMMENDATION: Examine existing policies and training related to IPV and Trauma Informed Approach. Work with stakeholders to develop ways to increase victims' confidence in reporting IPV-GBV to police.

Supports for Victims of Crime through the Federal Victims Strategy

97. As set out in the Constitution, the federal, provincial and territorial governments share the responsibility for criminal justice and responding to the needs of victims and survivors of crime.
98. Provinces and territories are principally responsible for the administration of justice, which includes the delivery of victim services and enacting victim legislation at the provincial level. Each of the provinces and territories has enacted victim legislation that establishes their victim services programs. The provinces and territories determine how these programs will be administered, and decisions regarding who is eligible for services is at the jurisdiction's discretion.
99. The federal government plays a role in supporting the work of groups who advocate for victims of crime and their needs. Justice Canada leads the Federal Victims Strategy (FVS), a horizontal initiative that works towards the objectives of enhancing access to justice for victims and giving them a greater voice in the criminal justice system. Through the FVS, Justice Canada makes available millions of dollars in grants and contributions each year. Eligible recipients for this funding include non-governmental organizations and provincial and territorial governments. These funds are used to support recipients in providing victim services, delivering specialized projects, and promoting awareness and understanding of victim issues and legislation through policy-related activities.⁷⁶

⁷⁵ MCC interview of Insp. MacNeill and Genevieve Tremblay, COMM0064884, at pages 7-8.

⁷⁶ For more information about these initiatives, please see the Federal Victims Strategy Evaluation Final Report at [Microsoft Word - Final Report-DOJ-VS-Jan 20 final for commsv2 feb 10 3 .docx \(justice.gc.ca\)](#) as well as the Victims Fund webpage at [Victims Fund \(justice.gc.ca\)](#).

Implementing Recommendations

100. The Commissioners have expressed their desire to ensure that their recommendations are taken up by identifying responsible authorities charged with their implementation. One suggestion was the formation of an implementation committee. This idea has merit, as recommendations often have implications for various stakeholders, including multiple levels of government and different government agencies.
101. The RCMP has begun planning how it will track progress on the implementation of MCC recommendations. It will be important to be as open and transparent as possible, both internally and externally. The RCMP will develop a publicly available tracker, similar to what is used to track the RCMP's Vision 150 initiatives. Each MCC recommendation could have its own section or they could be grouped like was done for the MacNeil Review recommendations. This will depend on how the MCC Final Report presents the recommendations. Regular progress updates will be provided as well as details on how recommendations were implemented once completed.
102. Work is already underway to capture what changes and improvements the RCMP have made since 2020. The RCMP web presence will capture that information and evolve as the MCC recommendations are presented. The RCMP is considering similar trackers for any recommendations coming out of other external final reports.

RECOMMENDATION: An Implementation Committee be formed, comprised of representation from RCMP National Headquarters (Contract and Indigenous Policing), RCMP Divisional Headquarters, Federal Government (Public Safety), Provincial Government (DOJ NS), and municipal policing agencies.

Obstacles to Implementing Recommendations

103. Several RCMP witnesses stressed that recommendations must be actionable and feasible. Deputy Commissioner Brennan gave an example of a recommendation arising from the Mayerthorpe incident to have a member in every detachment in Alberta with an intelligence function that was not sustainable. He explained that the requirements to train such a person

to gather intelligence and analyze it in every single detachment was not feasible for reasons related to capacity and technology.⁷⁷ Sometimes, if recommendations are too detailed or granular, they can be difficult to implement as they will run into technical, policy, or legislative impediments.⁷⁸

104. Similarly, recommendations that will only add to the substantive roles and responsibilities of service providers who are already fully tasked run the risk of falling by the wayside. Several witnesses spoke of projects that were run “off the side of someone’s desk.”
105. Although many have opined that police are already sufficiently funded, this assertion stands in sharp contrast to much of the evidence before the Commission with respect to resources and staffing levels in rural Nova Scotia. In addition, there is evidence before the commission that many Nova Scotia municipalities have requested policing reviews in an effort to reduce costs without sufficient consideration of the impacts to service delivery. Calls for additional funding in this context are often met with resistance, especially when there are many competing demands for tax cuts or for tax dollars, such as for health care, education, or infrastructure. Consideration must be given to the cost inherent in recommendations.

Disclosure

106. From its inception, Canada approached this inquiry in good faith with a commitment to assist the Commission in its work with the overall goal of learning from the process in the interests of public safety. There has been much criticism of its efforts in the disclosure process with allegations that it has attempted to hide or shield documents and relevant facts. Nothing could be farther from the truth.
107. The RCMP had a team in place from the outset working on gathering documents and records for the purposes of disclosure. This was a huge undertaking given the scope of the Mass

⁷⁷ See MCC Interview with D/Comm. Brennan, at p. 121, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0063046.pdf?t=1665062260>.

⁷⁸ See MCC Interview with Comm. Lucki, at pp. 121-125, <https://masscasualtycommission.ca/files/fd-source-materials/additional-exhibits/COMM0062475.pdf?t=1664912316>.

Casualty. The task was made more difficult given the broad scope of material sought by the Commission.

108. The RCMP produced almost all of its policies both nationally and with respect to H Division from 2010 onwards. It produced its contracting documents regarding resourcing from 2010 onwards. It responded to numerous subpoenas, including a “subpoena for written evidence,” which required extensive document collection, additional research, and analysis on a myriad of issues. In attempting to respond, AGC counsel as well as RCMP personnel offered to meet with Commission staff on many items to attempt to clarify the requests and provide assistance in understanding documents provided.
109. The basis for the criticism appears rooted in several discrete areas. One is the fact the disclosure was not presented in the manner anticipated by the Commission. There were many questions early on as to why the disclosure was not being provided in “Crystal Reports” with all relevant documents attached to one master document through hyperlinks. The inability to create such a report given the scope of disclosure in this case was explained to Commission counsel. Given the time constraints imposed on the Commission by its mandate, attempting to prepare one or several Crystal Reports to hyperlink tens of thousands of documents in one or even several packages was not feasible.
110. Subsequently, there was criticism directed at the Department of Justice Canada (JUS) with respect to the organization of the disclosure. As is the case in all civil productions, it is the role of JUS to review and redact the documents for disclosure. From a process perspective, generally the documents are organized in a particular manner to suit file requirements before they are disclosed. This type of organizational work was not possible in this case given time constraints and the Commission’s request that JUS produce material in accordance with its priorities and on a rolling basis.
111. The work of gathering and producing documents has been extensive. It has been extremely difficult to meet the disclosure expectations in the allotted time given the breadth of the requests, comprising 45 subpoenas with over 2,151 line items. That said, however difficult at times to reconcile issues of relevance, there were no legal challenges to the subpoenas issued. Instead, JUS worked diligently to gather and disclose the requested material. In the

end, Canada has disclosed over 77,000 documents and records to the Commission, the vast majority emanating from the RCMP. It was a huge undertaking given the short timelines set out in the Commission's mandate.

112. The RCMP and JUS have also been criticized for the late disclosure of documents and the redactions applied to some of the material. As the inquiry evolved, it became clear that the Commission wanted to examine additional issues, leading to additional production requests. This was due in part to new issues of interest coming to light through the interviews and testimony of some of the witnesses in the past few months. Canada has consistently made best efforts to comply with the requests for additional disclosure in a timely way.
113. With respect to the redaction process, the reality of this type of disclosure is that there will be some inconsistency in coding, given the large number of different lawyers and paralegals needed for such an undertaking, as well as some human error inherent in the process. In addition, JUS has worked collaboratively with the Commission to revisit redactions when requested.
114. There needs to be recognition that disclosure takes time, and given the broad mandate pursued by the Commission and the relatively short timelines, the disclosure was comprehensive and done in good faith.

Factual Matter: Origins of Handcuffs, CSC Jacket and Pants

115. While the balance of these submissions is on areas that have been identified for potential recommendations, there is a remaining factual matter to be addressed regarding the allegation that the perpetrator obtained some of his police paraphernalia from the Correctional Service of Canada (CSC) prior to the Mass Casualty. The evidence does not support such a finding, as discussed below.
116. The MCC has heard that during the Mass Casualty event, the perpetrator used a set of handcuffs on his common-law spouse on the evening of April 18, 2020, when they were inside the structure known as the "Warehouse". The handcuffs that are believed to have been

used on Ms. Banfield by the perpetrator were later recovered at the Cloverleaf scene, where the replica cruiser was ultimately set ablaze.

117. During interviews with the Commission and again during her testimony, Ms. Banfield shared that the perpetrator told her he was given the handcuffs, along with pieces of uniform, by Sean McLeod.⁷⁹ Both Mr. McLeod and his spouse, Alanna Jenkins, were CSC employees. This is the only source of information regarding the origins of the handcuffs that has been disclosed by the MCC.
118. Both Nova Institution, where Ms. Jenkins worked, and Springhill Institution, where Mr. McLeod worked, use Peerless brand handcuffs, the same brand as those recovered at the Cloverleaf scene. However, both Springhill and Nova Institutions use a specific model of Peerless handcuffs, the 700C. Unlike the handcuffs used during the Mass Casualty event, the Peerless 700C handcuffs are assigned a unique serial number, factory engraved on the cheek plate. On the opposite side, the model number, 700C, is factory engraved.⁸⁰ Photos of the handcuffs recovered from the Cloverleaf scene show no such markings.⁸¹
119. CSC has also confirmed that there are no records of either Mr. McLeod or Ms. Jenkins losing possession of their CSC-issued handcuffs.⁸²
120. There was also a blue jacket with CSC shoulder flashes and badging found in Joey Webber's vehicle, which the perpetrator had stolen and then abandoned at Gina Goulet's home. There is no evidence that this piece of uniform was worn by the perpetrator during the Mass Casualty event. This is supported by forensic analysis showing only the DNA of the perpetrator on the jacket and none from any of his victims.⁸³ Despite the perpetrator showing

⁷⁹ Lisa Banfield's MCC Interview of April 11, 2022, at p. 57, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0058495.pdf?t=1664802766>; Lisa Banfield's MCC Interview of April 20, 2022, at p. 19, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0058497.pdf?t=1664802766>; Hearing Testimony of Lisa Banfield, https://masscasualtycommission.ca/files/documents/transcripts/EN_20220715_PublicHearings_Transcript.pdf.

⁸⁰ Affidavit of Jeff Rix at Exhibit A.

⁸¹ Photo of Handcuffs recovered from the Cloverleaf [COMM0037165.pdf \(masscasualtycommission.ca\)](https://masscasualtycommission.ca/files/documents/transcripts/EN_20220715_PublicHearings_Transcript.pdf).

⁸² Affidavit of Jeff Rix, at paras. 4, 6.

⁸³ See Police Paraphernalia Foundational Document, at para. 32, <https://masscasualtycommission.ca/files/foundational-documents/COMM0055715.pdf?t=1664211496>.

Ms. Banfield various uniform pieces prior to the Mass Casualty, a CSC jacket was never mentioned. There has been no information to suggest that the perpetrator was in possession of this alleged uniform item prior to the Mass Casualty event. It is possible that he took the jacket while he was at the home of Mr. McLeod and Ms. Jenkins in the morning hours of April 19, 2020.

121. The only uniform pants known as being in the possession of the perpetrator during the Mass Casualty were blue pants with a yellow stripe.⁸⁴ Steven Carroll, National Program Manager of the RCMP Materiel & Asset Management, Uniform & Equipment Program, reviewed photographs of the pants. The Uniform & Equipment Program authenticated the pants as being RCMP issued.⁸⁵ There is no evidence suggesting these yellow striped pants were worn by the perpetrator during the Mass Casualty event.⁸⁶ Nor is there physical evidence of the perpetrator being in possession of CSC uniform pants, which are not striped.

Conclusion

122. It is hoped that this information will be of assistance to the Commission in formulating recommendations that are responsive, targeted, and feasible in order to address some of the areas identified for improvement in a meaningful way.

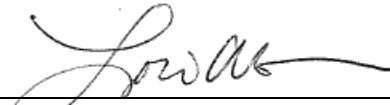
⁸⁴ Photo of Striped Pants, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0046725.pdf>.

⁸⁵ Letter from Lori Ward Re: Uniform Authentication, <https://masscasualtycommission.ca/files/fd-source-materials/COMM0051971.pdf>.

⁸⁶ See Police Paraphernalia Foundational Document, at para. 30 <https://masscasualtycommission.ca/files/foundational-documents/COMM0055715.pdf?t=1664211496>.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

DATED at the City of Halifax, in the Province of Nova Scotia, this 7th day of October, 2022.



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