

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”)

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

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Overview

1. The amount of factual material gathered by the Mass Casualty Commission (“MCC”) is staggering, and to a great extent, the facts related to these events that are known are not in dispute. These facts are horrific and the impacts of this extraordinary tragedy are far-reaching for victims, families, and the entire community.
2. The Commissioners have repeatedly stated that, as a joint public inquiry under federal and provincial legislation, the MCC is not engaged in a fault-finding exercise, but that its mandate requires it to inquire into what happened and why, so as to make meaningful recommendations for change. For recommendations to be meaningful and effective, they must be based on a fair and complete assessment of the facts about what happened.
3. As with any event viewed in hindsight, particularly an event that spanned 13 hours, with so many people and places involved, it can be difficult to separate what was known at the time, from what has become common knowledge after the fact. It is very easy to unconsciously make judgments based on what we know now, but doing so can create a skewed narrative if those things were not actually known at the time. In other cases, incorrect narratives are based on isolated pieces of evidence, but are not supported by the evidence taken as a whole.
4. These submissions will address six narratives that have emerged in Phase 1 of the Inquiry about what happened on April 18 and 19, 2020. When examined in light of the evidence as a whole, it is apparent that these narratives are not supported by the facts.

Replica Police Car

5. There has been much criticism leveled at RCMP members for seemingly dismissing the accounts of a marked police car that came in from initial witnesses, however, the evidence shows that the possibility that the perpetrator had an actual marked police car was not dismissed, and factored into the first efforts to respond.
6. There is no dispute that when Jamie Blair called 911 at 10:01 pm on April 18, 2020, she said, “[T]here’s a police car in the fucking driveway.” She went on to say, “There is a

police car...but he drives, he's a dentist and he drives like a... There is an RCMP...it's decked and labelled RCMP...[inaudible]...but it's not a police officer.¹

7. When one of the Blair children called 911 from the McCullys' house at 10:16 pm, he told the call taker that "[I]t was a police car... Just like the um, the – like a police car." At 10:30, when asked if the car had lights, the boy said, "Yeah it did, well it just looks like that. Yeah and it – and it has the cop symbol on it, like, and he owns a cop car. Yeah he does – cause he owns like seven Ford like white Ford cars they're all identical."²
8. Andrew MacDonald called 911 around 10:28 pm to report one of the fires in Portapique. He stated, "There's a police officer in the driveway." Later, after her husband was shot by Wortman, Kate MacDonald, when asked if there was a police officer there, told the call taker, "It's not a cop. It's not the cops. It was somebody else."³ In a later call, Kate MacDonald and S/Sgt. Brian Rehill, who was in the Operational Communications Center (OCC), acting as Risk Manager, had the following conversation:

Rehill: Did you see a car?
MacDonald: Yes.
Rehill: What...
MacDonald: Somebody in a cop car shot at us.
Rehill: In a cop car.
MacDonald: We thought it was a cop, I don't know.
Rehill: Was it white?
MacDonald: Yes.
Rehill: Stripes?
MacDonald: I think so. Yes.
Rehill: Did you see any roof lights on it?
MacDonald: No.⁴

9. There is certainly no dispute that the initial reports referenced "a police car," and that the reports of Mrs. Blair and her son referenced "decked and labelled" and "the cop symbol on it," respectively. The initial RCMP response, based on these descriptions was to

¹ Transcript of Jamie Blair 911 call, COMM0003870, p. 2.

² Transcript of 911 call of AD/AB, COMM0002884, lines 58-63.

³ Transcript of Andrew and Katie MacDonald 911 call, COMM0003851, pp. 2-3.

⁴ Ibid., p. 8.

account for the whereabouts of their own marked cars.⁵ En route to Portapique at 10:12 pm, Cst. Aaron Patton was inquiring about the whereabouts of any genuine marked cars.⁶

10. In addition, as some members thought Sgt. Dave Lilly had a cottage in the area of Portapique, phone calls were made to ascertain his whereabouts.⁷ Although descriptions of the car varied somewhat, these actions are an indication that the RCMP did hear and take seriously the descriptions of a marked police car, or they would not have set about accounting for their own cars.
11. Once they had done so, and were satisfied that all RCMP cars were accounted for, RCMP personnel reasonably turned their minds to other possible scenarios. By the time Cst. Stuart Beselt arrived on scene, Andrew MacDonald told him that Wortman was in a “white car.”⁸ Cst. Patton was speaking with the MacDonalds at 10:30 pm, and based on that conversation, he relayed information on the radio to the effect that the perpetrator had “a car that looks like a police car.”⁹
12. Csts. Beselt and Patton saw a Ford Taurus at Wortman’s property at 200 Portapique Beach Road shortly thereafter, and Patton noted it had reflective tape all around.¹⁰
13. Around midnight, it came to light that Wortman had been stopped for speeding in February, 2020 by Cst. Nick Dorrington. Sgt. Andy O’Brien called Cst. Dorrington, who broadcast on the radio at 12:12 am that Wortman was associated to a “white Ford Taurus ah, with ah, RCMP deckling [sic] on the side, like the- the reflective striping...”¹¹
14. The reality is that except for those who had seen or knew of Gabriel Wortman’s replica police car before these events, it was beyond reasonable comprehension at the time that someone could build himself such a car from scratch. Thus, once real police cars were accounted for, it was logical and reasonable for RCMP personnel to begin to think about

⁵ Cumberland Radio, COMM0043478, pp. 1-2.

⁶ Cumberland Radio, COMM0043478, p. 3.

⁷ MCC Interview of S/Sgt. Halliday, COMM0019379, p. 8.

⁸ Statement of Cst. Beselt, COMM0003891, lines 33-35.

⁹ Colchester Radio, COMM0003806, lines 223-33.

¹⁰ MCC Interview of Cst. Patton, COMM0003928, p. 49.

¹¹ Colchester Radio, COMM0003806, lines 1378-81.

other scenarios for what “police car” could mean, given other information they were gathering, such as the multiple Ford Tauruses registered to Wortman’s company, and the encounter Cst. Dorrington had had with Wortman in a car with reflective striping. To assert that they should have continued to search for a car identical to their own, as opposed to turning their minds to alternatives, like decommissioned cars is to view the events through the lens of someone who has now been familiar with the existence of the replica car for more than two years.

Push Bar

15. There has been much discussion in relation to the “push bar” (properly known as an “external equipment guard”) that Wortman had installed on the replica vehicle. It has been portrayed as a crucial distinguishing feature of the vehicle that would have set it apart from authentic RCMP H Division cars. In reality, there were differing accounts of whether a push bar would have immediately differentiated Wortman’s replica police car as an impostor.
16. When the photo of the replica police car came to light on the morning of April 19, 2020, S/Sgt. Addie Maccallum did not notice the push bar in the photo. He later agreed that it would have been a “helpful” piece of information.¹² Conversely, Cst. Ian Fahie instantly recognized the push bar when he saw the photo at the OCC. He also said that he “knew” there were no real RCMP cars in the area with push bars, and formulated a “takedown plan” if he and his partner Cst. Devonna Coleman saw one.¹³
17. However, it does not appear to have been universally believed that the existence of a push bar was a telltale sign of a fake RCMP cruiser. In her evidence with respect to formulating the tweet that would accompany the photo of the replica police car, Public Information Officer Cpl. Jennifer Clarke said:

I know that some of our traffic cars may have a whip antenna on them, so did I didn’t [sic] think it was descriptive or distinct enough for me to use that criterion. And that applies as well to the push bar. I know that some detachments have push

¹² MCC Interview of S/Sgt. Maccallum, COMM 0019382, pp. 39-40.

¹³ MCC Interview of Cst. Fahie, COMM0018358, pp. 4, 12-13, 17.

bars on their vehicles and some don't...And from my experience with the response to the incident in Moncton, I knew that police cars had come from all over the province to help with that. So I didn't know which units were in the area and which units may have had push bars on their vehicles...I can tell you for sure that Meteghan Detachment, they were putting push bars on their cars, because they were hitting a lot of deer.¹⁴

18. In any event, once Cpl. Rodney Peterson radioed to say that he had passed Wortman on Highway 2, Cst. Fahie broadcast on the Colchester channel at 9:48 am that the car had a push bar, and this information was also disseminated on HRP Primary West and Hants East channels.¹⁵
19. It is difficult to know what each individual member may have thought of the presence of a push bar on the replica police car. In any event, the fact that RCMP members did not know that RCMP cruisers with push bars were scarce in Nova Scotia was not a failing of training or skill.

Alert Ready

20. At the time of the mass casualty in Nova Scotia, the idea that the Alert Ready system could be used for a policing situation was in its infancy, and it had never been used for such an event.
21. The facts surrounding the use of a public alert during the event are not in dispute. On the morning of April 19, 2020, at approximately 11:15 am, Michael Bennett, from the provincial Emergency Management Office (EMO), contacted Glen Mason, the manager of Emergency Management Services (EMS) at the RCMP to offer the use of the public alerting system. Mr. Mason, who was at home and not on duty, reached out to his then-supervisor, Insp. Dustine Rodier, who was at the OCC in Truro at the time. Mr. Mason called the OCC and spoke to S/Sgt. Steve Ettinger, who was acting as a second Risk Manager that morning and relayed the offer made by the EMO to use the public alerting system. S/Sgt. Ettinger then relayed the offer to Supt. Rodier who accepted the offer. At approximately 11:21 am, Mr. Mason called Mr. Bennett back and advised him that the

¹⁴ Transcript of Hearing, June 8, 2022, pp. 58-9.

¹⁵ Colchester Radio, COMM0003806, lines 4576-7, East Hants Radio, COMM0003809, lines 386-7, Primary West Radio, COMM0058803, p. 9.

RCMP wanted to use the system and told him to call Supt. Rodier. At approximately 11:30 am, Mr. Bennett tried to reach Supt. Rodier by phone but there was no answer. At approximately 11:31 am, Mr. Bennett called Mr. Mason back to advise that Supt. Rodier was not answering. Mr. Mason called the Risk Manager back and was advised that the suspect had been apprehended.¹⁶ Mr. Mason passed on the information to Mr. Bennett.¹⁷

22. The contentious issue that arises is whether the Alert Ready system was a tool known to the RCMP for policing applications at the time of the mass casualty. The narrative that the RCMP knew that it could be used in such a scenario is incorrect. This narrative originated in the evidence of certain provincial employees like Paul Mason, the Executive Director of EMO. In his evidence, Mr. Mason assumed that the RCMP must have known about its use, based on his belief that the Alert Ready system was “very high profile.” He also noted several engagements the EMO had with policing partners over the years on the issue of Alert Ready and the fact that it was regularly discussed at their regular 911 meetings.¹⁸
23. However, RCMP witnesses were consistent in their evidence that they had no knowledge that the system could be used for policing applications with the exception of Amber Alerts.¹⁹ Following the mass casualty, the RCMP conducted a search of its own records to determine what was known or conveyed to the RCMP about the public alerting system prior to April 18, 2020, and found very little.²⁰ There was nothing that would suggest or support the contention that the Alert Ready system was a tool known to the RCMP for policing purposes.
24. There is also no evidence that EMO had created or shared with the RCMP, or any other police force, any standard operating procedures, policies or practices to govern its use in

¹⁶ Transcript of 911 Calls, April 19, 2020, COMM0006369, lines 560-680.

¹⁷ NS EMO Sequence of Events, COMM0000999.

¹⁸ MCC Interview of Paul Mason, COMM054268, pp. 18-19. The reference to “911 meetings” is a reference to the minutes of the PSAP Managers’ Meetings. Written Submission to Mass Casualty Commission, Additional Questions – Glen Byrne, COMM0058798, see pp. 6-9.

¹⁹ MCC Interview of Rodier, COMM0015496, pp. 45-48; MCC Interview of Byrne, COMM0015499, pp. 53-54; MCC Interview of West, COMM0035916, p. 50; MCC Interview of Briers, COMM0035921, pp. 55-6; MCC Interview of Surette, COMM0049694, p. 60.

²⁰ MCC Interview of Glen Mason, COMM0053758, p. 22. Glen Mason’s Typed Notes, COMM0017964; Transcript of Hearing, June 8, 2022, p. 223, line 26–p. 224, line 27.

policing situations.²¹ Nor is there evidence that there had been any training by EMO with the RCMP or other policing bodies about how to access the system prior to the mass casualty. Finally, with reference to the regular 911 meetings, while the minutes reflect general discussions about the public alerting system, there is no indication that there was ever any discussion about its use in policing situations.²² Nor would this be the setting to discuss how and when policing bodies might access the system.

25. What we do know is that in 2016 EMO gave a PowerPoint presentation to law enforcement agencies, including the RCMP, about the public alerting system that references the possibility of using the system for policing applications and of law enforcement entities gaining direct access. The presentation suggests that “criminal activity” is one of the 32 identified broadcast intrusive alerts, however, it is not a category for Broadcast Intrusive alerts and does not appear on the list of alerts as set out in the Broadcast Immediately NAAD System Support Policy.²³ The evidence suggests that there were similar overtures made to policing agencies in the years that followed, but no policing agency was interested in gaining access to the system, which at the time, was in its infancy, according to Rodney Legge.²⁴ Paul Mason acknowledged that when Alert Ready was developed, it was not with policing applications in mind, with the exception of Amber Alert.²⁵ In fact, aside from tests, the public alerting system was only used for the first time on April 10, 2020 to warn the public about the COVID-19 pandemic and the state of emergency in the province.²⁶ Moreover, there is no evidence the system had ever been used in Canada in relation to a policing situation prior to the mass casualty.

²¹ MCC Interview of Paul Mason, COMM0054268, p. 21. While the EMO appears to have had policy and procedures in place with respect to the use of the alerting system (see COMM0001001,) there is no evidence that it was shared with policing entities or that there was any training from EMO in this respect leading up to the mass casualty. See also MCC Interview of Bennett, COMM0056395, pp. 16-17, 36-37, and 42-43; MCC Interview of Legge, COMM0056199, pp. 23-24.

²² See for example PSAP Managers’ Meeting Minutes from October 17, 2018, COMM0035866; June 15, 2016, COMM0043668; and September 13, 2017, COMM0043680.

²³ PowerPoint presentation entitled “Public Alerting System,” COMM0001015; Broadcast Immediately NAAD System Support Policy, November 2014, COMM0001008, pp. 4-8.

²⁴ MCC Interview of Legge, COMM0056199, p. 37.

²⁵ MCC Interview of Paul Mason, COMM0054268, p. 17.

²⁶ See COMM0057408, Alerts Issued by the Nova Scotia Emergency Management Office, December 16, 2015-April 18, 2020. See also MCC Interview of Legge, COMM0056199, p. 13.

26. What is clear from the evidence is that the public alerting system was just becoming fully operational in Nova Scotia and its application and scope were yet to be explored.

“Too Many Cooks”

27. Another narrative which has been suggested to many RCMP witnesses at the Inquiry is that there were “too many cooks in the kitchen,” meaning that the RCMP’s response was hampered by too many senior officers giving direction. This narrative is not supported by the evidence.
28. The notion that there were “too many cooks in the kitchen,” seems to be a narrative that began with Cpl. Trent Milton.²⁷ The following exchange took place during Cpl. Milton’s cross-examination:

Mr. Pineo: You also, Corporal Milton, made the statement that there was chaos in communications and then your exact quote was, “Too many cooks in the kitchen.” Can you explain your experience that evening with too many cooks in the kitchen when it came to communications?

Cpl. Milton: Yeah, I think this morning’s audio clip kind of portrayed that well and then followed by Tim’s conversation with the risk manager that, you know, too many people were trying to chime in over the radio and it was leading to confusion. Everybody had that piece of information that they wanted to relay, which, you know, certainly a lot of it’s important information, but there was just—there was too much comms going on at certain points throughout the night.²⁸

29. It is clear that Cpl. Milton was speaking of communications issues with clogged radio traffic. This was a concept many witnesses, police officers and radio experts alike, agreed is a problem inherent in radio systems, particularly during such a sweeping event, with so many responders. It does not mean that there was disorganization in the RCMP’s command of the response to the mass casualty.
30. However, the notion of “too many cooks in the kitchen” was suggested to many RCMP witnesses, especially the senior non-commissioned officers (NCOs) who were in control of operations on April 18 and 19, 2020. The idea seemed to be based on the number of

²⁷ MCC Interview of Milton, COMM0037115, pp. 70-1.

²⁸ Transcript of Hearing, COMM0058512, p. 108.

NCOs who attended the events, some who were making “command decisions” and giving orders to operational members, and some who were not. Counsel consistently put the idea to witnesses that there were too many people “in charge,” insinuating that this led to confusion and chaos.

31. Commission counsel Roger Burrill had this exchange with Critical Incident Commanders S/Sgts. Jeff West and Kevin Surette:

Mr. Burrill: Now, I’m wondering about the command structure here again. I understand the Critical Incident Commander is -- had contact with you to come assist Associate CIC, but all of a sudden, we now have Steve Halliday involved. Are you able to say how that fits in in terms of your responsiveness to this occasion?

S/Sgt. Surette: I honestly don’t know why Steve called me. Steve and I know each other fairly well. We’ve trained together. We’re both instructors and stuff like that. Why he called me at that time, I don’t know, but he did loop in Jeff. And I just remember him, I have in my notes the details of that call that I recall as to what the situation was. And I think he was probably trying to impress upon on the magnitude of the call. And he certainly did suggest that we might want to bring two CICs in, but at the end of the day, after that call, Jeff and I spoke privately and we made that decision.

Mr. Burrill: Yeah. Did you see that as any sort of confusion of command or too many cooks in the kitchen at this point?

S/Sgt. Surette: I didn’t.

Mr. Burrill: Okay. S/Sgt West, any concern of Acting Officer Halliday being involved?

S/Sgt. West: No.²⁹

32. For his part, S/Sgt. Halliday said:

When you have a major event like that, it's, you know, it's kind of an all hands on deck type of approach, because, you know, in my experience, I knew there was going to be an awful lot of tasks that needed to be done in order to prepare for the Critical Incident Package to arrive.³⁰

²⁹ Transcript of Hearing, May 18, 2022, pp. 36-7.

³⁰ Transcript of Hearing, May 17, 2022, p. 22.

33. When questioned by Commission Counsel Anna Mancini about the presence of multiple senior NCOs on the radio, S/Sgt. Halliday responded:

Ms. Mancini: And in your listening to the radio, you didn't have any sense of members getting confused over who's providing direction or who's in command? Did you have any sense of that, or I take it no?

S/Sgt. Halliday: I didn't hear--I didn't hear that. Again, you know, I was taking phone calls and, you know, doing other things, so I wasn't--my ear wasn't to the radio constantly. But I didn't get a sense from what I heard that there was confusion around who was in charge. In fact, I believe it was clearly announced over the radio that Sergeant [sic] Rehill had command of the resources. I know--I know myself, you know, I got on the radio myself at one point and provided direction. No, I'm sorry, not on the radio. I spoke directly with Sergeant O'Brien myself at one point to make sure information was getting relayed to the members in terms of their immediate action response...So you know, there are occasions when someone who's in charge on the radio, you know, may be supported by someone else in a position of authority. That's--you know, that does happen.³¹

34. On the command structure in general, during his appearance at the Inquiry, S/Sgt. Halliday outlined the taskings of the various NCOs present early in the event, including S/Sgts. Rehill, Maccallum, Carroll, Sgt. O'Brien, and himself, before stating:

So everybody had a role, everybody had a function, everybody knew what that role was. In my view, there was no mistake in that. And, you know, in my view, they were carrying their functions out well and doing what needed to be done.³²

35. Commissioner Fitch questioned S/Sgt. Halliday specifically on whether having members of the same rank in the chain of command for such an incident could lead to confusion:

Comm. Fitch: And I'm sure there's seniority within the ranks as well. My question is, having members of the same rank within the Critical Incident Command Post, knowing that the Critical Incident

³¹ Transcript of Hearing, May 17, 2022, pp. 27-8.

³² Transcript of Hearing, May 17, 2022, pp. 35-6.

Commander is supposed to be responsible for the entire operation,---

S/Sgt. Halliday: Yes.

Comm. Fitch: ---does that leave itself to confusion, either in the Command Post or in communications with members working in the field?

S/Sgt. Halliday: That has not been my experience...³³

36. In short, a narrative that began as an observation that radio communications were at times chaotic should not be confused with the idea that there were too many senior members “in charge,” which was not borne out in the evidence.

Heather O’Brien’s Passing

37. The evidence also does not support the narrative that the tragic death of Heather O’Brien could have been prevented by a faster or a different medical response to her injuries.
38. Through his April 13, 2022 testimony, Dr. Matthew Bowes, Chief Medical Examiner for Nova Scotia, addressed questions surrounding the nature of the injuries inflicted by the perpetrator on Ms. O’Brien. His opinion was unequivocal, stating that “these injuries are rapidly and certainly lethal”³⁴ and that “...from the moment the gunshot wound to the head occurred, Ms. O’Brien was never going to recover. Her consciousness left her at that moment and it was never going to come back.”³⁵
39. Despite the almost immediately lethal nature of Ms. O’Brien’s injuries, Dr. Bowes explained how organs may continue to function for a brief period of time:

...the fact of Ms. O’Brien’s death was certain from the point that the injury of her brain was created. I would expect that her death, for all practical purposes, was instant or seconds or something like that. But sometimes, the organs, in spite of that, continue to work for a little while after.³⁶

³³ Transcript of Hearing, May 17, 2022, p. 129.

³⁴ Transcript of Hearing, April 13, 2022, p. 57, lines 15-16.

³⁵ Transcript of Hearing, April 13, 2022, p. 56, lines 19-21.

³⁶ Transcript of Hearing, April 13, 2022, p. 60, lines 24-28.

40. Dr. Bowes' opinion aligns with the observations and actions taken by RCMP members who responded to the Plains Road scene shortly after Ms. O'Brien's encounter with the perpetrator. Noises from a person in a condition such as that of Ms. O'Brien soon after being fatally wounded are possible and include agonal breathing.³⁷ During his testimony before the Commission, responding RCMP member Cst. Fahie clarified that noises he recalled hearing were "the air and the gases leaving, leaving your, your, body."³⁸
41. Cst. Fahie and Emergency Medical Response Team (EMRT) Member Cpl. Duane Ivany both testified that they initially felt something they attributed to Ms. O'Brien having a pulse. As Cpl. Ivany's assessment progressed, aided by EMRT Member Cst. Jeffrey Mahar, both EMRT members agreed that any pulse initially attributed to Ms. O'Brien was Cpl. Ivany's own pulse. Their assessment of Ms. O'Brien was comprehensive and included a bilateral check of different pulse sites by both EMRT members, as well as a check for pupil responsiveness and observations of her physical injuries.³⁹ In accordance with his training and EMRT's medical directions as overseen by Dr. Ed Wasser,⁴⁰ Cpl. Ivany concluded that there were no resuscitation measures possible for Ms. O'Brien.⁴¹
42. Every life taken by the actions of Wortman on April 18 and 19, 2020 is a tragedy. RCMP members responded to Ms. O'Brien quickly. As Cst. Fahie testified, members wanted people to survive that day. The actions of the RCMP with Ms. O'Brien speak to that desire—from their thorough assessment of Ms. O'Brien to requesting that EHS LifeFlight initiate its auto launch procedures.⁴² Yet none of these steps, nor the steps of any medical professional, could have saved Ms. O'Brien, given the severity of her injuries.⁴³

Single IARD Contact Team

43. The first three RCMP members on the scene in Portapique, Csts. Beselt, Merchant, and Patton, formed an "Immediate Action, Rapid Deployment" (IARD) contact team and set

³⁷ Transcript of Hearing, April 13, 2022, p. 61, lines 5-12.

³⁸ Transcript of Hearing, May 5, 2022, p. 124, line 28.

³⁹ Transcript of Hearing, May 5, 2022, p. 175, line 15 – p. 177, line 3.

⁴⁰ MCC Interview of Ivany, COMM0050856, pp. 2-3.

⁴¹ Transcript of Hearing, May 5, 2022, p. 177, line 3.

⁴² Transcript of Hearing, May 5, 2022, p. 177, lines 23-28.

⁴³ Transcript of Hearing, April 13, 2022, p. 57, lines 22-24.

off on foot toward the perceived threat. While some general duty members opined that a second IARD contact team should have been sent into Portapique early in the incident, it was universally agreed among those with significant IARD experience, as well as those in command that sending a second team was too risky.⁴⁴

44. IARD is a tactical approach that was devised in response to the Columbine school shooting tragedy in the U.S. It involves police first responders taking immediate action to neutralize an active threat, as opposed to waiting for specialized services, such as an Emergency Response Team (ERT).
45. An IARD response involves the first responding members (who are all IARD-trained) entering a “hot zone” in formation in order to move towards an immediate threat and engage. The sole focus is to stop the active threat, as opposed to dealing with any other, less pressing matters, including wounded or deceased casualties. An IARD formation varies, depending on how many members are available. Given the fact that the members’ locations could not be tracked once they exited their vehicles, sending a second IARD team into the pitch-black woods in Portapique risked a scenario where RCMP members could fire on one another, also known as a “blue-on-blue.”⁴⁵
46. Many witnesses, including senior NCOs, as well as the IARD contact team that went into Portapique on foot, agreed that sending another IARD team into Portapique on April 18, 2020 was not advisable:

Mr. Burrill: Then let me ask you point blank then, as you're moving around Portapique Beach Road and in through those woods and out onto Orchard Beach Drive, would you have preferred to have another team in there or not, given what you've described?

Cst. Patton: It's a hard question.

Cst. Merchant: Yeah, it's ---

Cst. Beselt: It's -- if I knew where they were ---

⁴⁴ Transcript of Hearing, May 30, 2022, pp. 100-101, 123-5; Transcript of Hearing, May 31, 2022, p. 19.

⁴⁵ MCC Interview of Beselt, COMM0015529, p. 18.

Mr. Burrill: Yeah.

Cst. Beselt: --- I would love to have another team in there.

Mr. Burrill: Yeah.

Cst. Beselt: If I don't know where they are and I have an opportunity that we're going to, you know, run into each other, then no.

Mr. Burrill: Yeah, understood.

Cst. Merchant: I don't have -- and without having a plan for it, I think it could have been a real mess.

Cst. Beselt: Yeah.

Cst. Merchant: Like, maybe if they put one team here and one team here, and if something came up, send that team out, or send that team out, but having two teams running around in there, I think it could have been disastrous.⁴⁶

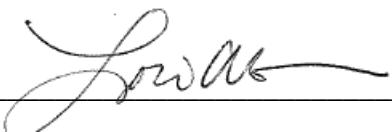
47. The suggestion that the RCMP should have sent two IARD teams into Portapique early in the incident is not supported by the evidence as it was not operationally advisable in the circumstances, when members could not maintain visibility on the whereabouts of other members.

Conclusion

48. It is important to be mindful of the tendency to review events such as these through the lens of what we know now, as opposed to what was known then. While there are very few factual disputes on the evidence, the topics addressed above have proven to be somewhat contentious and call out for additional context as noted.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

DATED at the City of Halifax, in the Province of Nova Scotia, this 8th day of July, 2022.



⁴⁶ Transcript of Hearing, March 28, 2022, p. 91.

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