



**PUBLIC ORDER
EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Public Hearing

Audience publique

**Commissioner / Commissaire
The Honourable / L'honorable
Paul S. Rouleau**

VOLUME 5

Held at :

Library and Archives Canada
Bambrick Room
395 Wellington Street
Ottawa, Ontario
K1A 0N4

Wednesday, October 19, 2022

Tenue à:

Bibliothèque et Archives Canada
Salle Bambrick
395, rue Wellington
Ottawa, Ontario
K1A 0N4

Mercredi, le 19 octobre 2022

INTERNATIONAL REPORTING INC.

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III

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Appearances / Comparutions

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V

Appearances / Comparutions

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Ottawa, Ontario

--- Upon commencing on Wednesday, October 19, 2022, at 9:30 a.m.

COMMISSIONER ROULEAU: Good morning, bonjour.

Welcome to Day whatever. We're going to take a short break.

Counsel have asked to have a few moments to review one piece of evidence before we start, so we're going to take 15 minutes and we'll start at a quarter to 10. And again, I apologize for the delay, but these things will happen. So we're starting at 9:45 this morning. Thank you.

THE REGISTRAR: The Commission is in recess for 15 minutes. La Commission est levée pour 15 minutes.

--- Upon recessing at 9:31 a.m.

--- Upon resuming at 9:45 a.m.

THE REGISTRAR: The Commission is reconvened. La Commission reprend.

COMMISSIONER ROULEAU: Good morning again. Re-bonjour.

I take it there's a witness ready to go? I believe so?

MR. JEAN-SIMON SCHOENHOLZ: Good morning, Mr. Commissioner. Commission Counsel would like to call as their next witness ---

COMMISSIONER ROULEAU: If you could introduce yourself for the record?

MR. JEAN-SIMON SCHOENHOLZ: Yes, Jean-Simon Schoenholz, Commission Counsel, and our next witness is Councillor Diane Deans.

THE REGISTRAR: Councillor Deans, will you swear

1 on a religious document, or do you wish to affirm?

2 **MS. DIANE DEANS:** I will affirm.

3 **THE REGISTRAR:** For the record, please state your
4 full name and spell it out.

5 **MS. DIANE DEANS:** My name is Diane Deans, D-I-A-
6 N-E D-E-A-N-S.

7 **--- MS. DIANE DEANS, Affirmed:**

8 **THE REGISTRAR:** Thank you.

9 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

10 **COMMISSIONER ROULEAU:** Go ahead.

11 **MR. JEAN-SIMON SCHOENHOLZ:** Thanks.

12 **--- EXAMINATION-IN-CHIEF BY MR. JEAN-SIMON SCHOENHOLZ:**

13 **MR. JEAN-SIMON SCHOENHOLZ:** Good morning,
14 Councillor Deans.

15 **MS. DIANE DEANS:** Good morning.

16 **MR. JEAN-SIMON SCHOENHOLZ:** So, Councillor Deans,
17 I understand that you're a City Councillor with the City of
18 Ottawa?

19 **MS. DIANE DEANS:** I am.

20 **MR. JEAN-SIMON SCHOENHOLZ:** And you were Chair of
21 the Ottawa Police Services Board during kind of the events of
22 February -- January/February earlier this year up until February
23 16th; correct?

24 **MS. DIANE DEANS:** Correct.

25 **MR. JEAN-SIMON SCHOENHOLZ:** You had an interview
26 with Commission Counsel on August 16th of this year?

27 **MS. DIANE DEANS:** I did.

28 **MR. JEAN-SIMON SCHOENHOLZ:** And I'll pull up

1 WTS00000010. And this is a summary of your interview; correct?

2 **MS. DIANE DEANS:** Correct.

3 **MR. JEAN-SIMON SCHOENHOLZ:** You had an
4 opportunity to review that summary?

5 **MS. DIANE DEANS:** I have.

6 **MR. JEAN-SIMON SCHOENHOLZ:** Do you have any
7 corrections?

8 **MS. DIANE DEANS:** I do not.

9 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And so we'll
10 put that summary into evidence.

11 Councillor Deans, I understand that the Ottawa
12 Police Services Board, which I'll refer to as the OPSB or the
13 Board, it's a seven-member civilian oversight body for the OPS;
14 correct?

15 **MS. DIANE DEANS:** That is correct.

16 **MR. JEAN-SIMON SCHOENHOLZ:** And the City appoints
17 three councillors to that Board and one resident?

18 **MS. DIANE DEANS:** Correct.

19 **MR. JEAN-SIMON SCHOENHOLZ:** And then the province
20 appoints another three of those members?

21 **MS. DIANE DEANS:** Right.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And you were
23 the chair of the Board during the relevant period?

24 **MS. DIANE DEANS:** I was.

25 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So I want to
26 start by getting a sense of what was known to the Board prior to
27 the convoy's arrival. I understand that the Board was regularly
28 briefed by OPS leadership and that you personally as the Chair

1 also had regular communications with OPS leadership?

2 **MS. DIANE DEANS:** That's right.

3 **MR. JEAN-SIMON SCHOENHOLZ:** How often would you
4 speak to Chief Sloly, for example?

5 **MS. DIANE DEANS:** Daily, sometimes multiple times
6 a day.

7 **MR. JEAN-SIMON SCHOENHOLZ:** I understand that --
8 from your witness summary that you were first briefed on the
9 incoming Freedom Convoy by Chief Sloly and John Steinbachs,
10 Executive Director of Strategy and Communications for OPS on
11 January 24th; is that accurate?

12 **MS. DIANE DEANS:** That is accurate.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And what do you
14 recall about the information that was relayed to you during that
15 briefing?

16 **MS. DIANE DEANS:** It was very -- it was the first
17 indication that I had that this was happening, and I hadn't been
18 following it in the media, so it was the first time I sort of
19 took stock that there was this convoy rolling across the country
20 heading to the nation's capital. So it was basically we know
21 about this, we're working with intelligence agencies to gather
22 information, they're coming at us, and we're preparing for them
23 to arrive on Friday.

24 **MR. JEAN-SIMON SCHOENHOLZ:** And was there any
25 information provided at that time about kind of the -- how
26 significant the number of trucks would be or how long they
27 intended to stay?

28 **MS. DIANE DEANS:** I don't -- the timeline's a

1 little fuzzy in my head, but I don't believe at that very first
2 briefing they had that much detail. They just sort of conveyed
3 to me that this was happening. There was a Council meeting on
4 the 26th. I had asked the mayor if we could come to Council and
5 brief Council on it when we were getting more information, but
6 he said no, so I called a meeting of the Board on the 26th when
7 there was more information shared.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And we'll get
9 to that meeting in just a little bit. Before going to that, I'd
10 like to go to OPS00002978. So this is a copy of a briefing by
11 Deputy Ferguson that was -- if you scroll down to the bottom,
12 please, just a little up? Up, up, up. Okay. So this is an
13 email from Deputy Ferguson to Kim Ayotte forwarding information
14 that was provided to the Board. So you see here it says below
15 is a -- in the third line, "Below is the information we are
16 sharing with our Board."

17 So if we can go down? Over here, perfect. Thank
18 you. And you'll see it says,

19 "The purpose of this email is to update
20 you on a Trucker convoy scheduled to
21 arrive in Ottawa beginning Friday,
22 January 28th. This will be a
23 significant and extremely fluid event
24 that could go on for a prolonged
25 period."

26 And this, again, was on January 25th. Do you
27 remember this information being just ---

28 **MS. DIANE DEANS:** M'hm.

1 **MR. JEAN-SIMON SCHOENHOLZ:** --- provided to you
2 at that time?

3 **MS. DIANE DEANS:** M'hm.

4 **MR. JEAN-SIMON SCHOENHOLZ:** And what was your
5 understanding of significant and extremely fluid event that
6 could go on for a prolonged period?

7 **MS. DIANE DEANS:** Well, it's interesting because,
8 you know, I was starting to watch what was happening coming
9 across the country. I was aware that there was large trucks. I
10 was aware that, you know, they seemed to be picking up some
11 steam as they rolled across the country. I was aware of this
12 unique situation where they were gathering a lot of money
13 through a GoFundMe site. So, you know, I understood that it was
14 coming at us quickly and that it was different than things had -
15 - you know, other -- we see a lot of protests in Ottawa.
16 Everyone that lives here knows that, but this one did feel
17 different. And, you know, it said could go on for a prolonged
18 period. I had discussed with Chief Sloly that possibility, and
19 what I recall Chief Sloly saying to me is that he would be very
20 surprised if they were still here on Monday.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Do you remember when
22 he would have told you that?

23 **MS. DIANE DEANS:** Yeah, it was on the Thursday,
24 so I guess it was this day, the 25th, because I had phoned him
25 several times. And, you know, the more I was watching this, the
26 more concerned I was getting. And he said to me, "What are you
27 so worried about?" And I told him just what I told you, the
28 number of trucks, the size of those trucks, the amount of money

1 that they have. And he said that he would be surprised if they
2 were still here on Monday.

3 **MR. JEAN-SIMON SCHOENHOLZ:** And based on what you
4 just said, is it fair to say that this kind of messaging around
5 significant and extremely fluid event that could go on for a
6 prolonged period, you just said there's a number of protests in
7 Ottawa. Is it fair to say that this messaging was something
8 different than what you were used to?

9 **MS. DIANE DEANS:** Yeah, I think this is
10 different. I mean, I think that there was a recognition that
11 this was unique among demonstrations. I don't think we knew how
12 unique it was going to be in the end, but I think there was, you
13 know -- just watching the whole thing unfold as it moved across
14 the country was something that we really hadn't seen often.

15 **MR. JEAN-SIMON SCHOENHOLZ:** We heard earlier this
16 week from Steve Kanellakos that in the advance of the convoy's
17 arrival, the City had received information from a local Hotel
18 Association advising that protesters were booking stays of 30
19 days, and that that had been forwarded to the OPS. Did the OPS
20 ever brief -- ever kind of work this information to any of the
21 briefings for the Board?

22 **MS. DIANE DEANS:** No.

23 **MR. JEAN-SIMON SCHOENHOLZ:** So did the Board have
24 any information on this at all? Were they notified?

25 **MS. DIANE DEANS:** No.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Okay, so I'd
27 like to pull up OPB00001257. So these are the minutes of that
28 first board meeting on January 26th. This is a public meeting.

1 So you called this special meeting; correct?

2 **MS. DIANE DEANS:** Correct.

3 **MR. JEAN-SIMON SCHOENHOLZ:** And during that
4 meeting, the Board was briefed by Chief Sloly and his deputies?

5 **MS. DIANE DEANS:** Yes.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And I understand this
7 meeting was called on short notice. Why did you feel the need
8 to call this meeting at this time?

9 **MS. DIANE DEANS:** Well, as I said, I had asked
10 the Mayor to allow us to come to Council and share that
11 information through the Council process and include the Board
12 members. He didn't want to do that. So I still felt that it
13 was important, based on what I was hearing and seeing, that we
14 provide an update to the Board and that they have an opportunity
15 to ask any questions they had.

16 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So I'd like to
17 go to page 2, and if we go down to the first kind of substantive
18 paragraph here. It says, second sentence, "They" -- they, being
19 the OPS:

20 "...indicated that there was a
21 coordination of intelligence between
22 agencies, and the Service noted
23 expecting that the 'Freedom Convoy'
24 would arrive in Ottawa as early as
25 Thursday, and likely to remain through
26 Sunday."

27 I'd like to just look at another quote and then
28 get your thoughts. So at the third paragraph, it says:

1 "Operational plans in place had been
2 informed by threat and risk
3 assessments. The Service advised that
4 they had been in contact with
5 demonstration organizers, and the
6 information suggested that it would be
7 a fluid event that could go on for an
8 extended period. The number of people
9 involved was not known."

10 So were you able to -- these two kind of
11 statements seem a little bit different ---

12 **MS. DIANE DEANS:** M'hm.

13 **MR. JEAN-SIMON SCHOENHOLZ:** --- in tone. Was any
14 information provided that would allow you to reconcile them?

15 **MS. DIANE DEANS:** I did speak to Chief Sloly
16 about this, and he did -- he didn't share the intelligence
17 information with me, but he did tell me that he did not feel
18 that anything that they were receiving through Intelligence
19 channels would lead them to believe that this was other than a
20 protest that would come and go in a typical fashion.

21 **MR. JEAN-SIMON SCHOENHOLZ:** And when he advised
22 you of this, this was not -- this was during a one-on-one call
23 or during a Board meeting?

24 **MS. DIANE DEANS:** During a one-on-one call.

25 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. I'd like to go
26 to the third page, and the second paragraph on that page.

27 So it says:

28 "The Service noted that their priority

1 was to the maintain safety of the
2 demonstrators, their members and the
3 community as a whole. The
4 unpredictable nature of an event such
5 as this was referenced."

6 To what extent did the OPS brief the Board on its
7 operational plans during this first meeting?

8 **MS. DIANE DEANS:** They did not provide the Board
9 with a detailed operational plan. In fact, we never saw a
10 detailed operational plan throughout until close to the very
11 end. We were given assurances that there were operational plans
12 in place to address the situation.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And was -- here it
14 talks about the priority being to maintain safety of the
15 demonstrators, their members and the community as a whole. Did
16 the Board enquire as to whether there was a plan to ensure their
17 egress from the City at that time?

18 **MS. DIANE DEANS:** I can't recall.

19 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And at this
20 juncture, before the convoy arrived, did the Board request that
21 it be briefed with the OPS's operational plan?

22 **MS. DIANE DEANS:** They -- the Board was asking
23 about the plan. I don't know that we ever asked for a detailed
24 briefing. I know I had had conversations with Chief Sloly about
25 the plan, and my impression of what he was saying to me is that
26 they didn't want to share too much detail, but they, you know,
27 they were providing assurance that there was planning in place.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Would it be fair to

1 say that at this juncture the Board wasn't asking to see that?

2 **MS. DIANE DEANS:** Yeah. I think as the protests
3 went on, the Board became more interested in a lot more of the
4 details of the planning.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And in this passage
6 that I read, the second paragraph, it sets out what the
7 priorities are. What extent did the Board have an opportunity
8 to direct the OPS as to its priorities with respect to this
9 event?

10 **MS. DIANE DEANS:** We discussed the high level
11 priority, which was that, you know, we recognised the right of
12 protesters to come to our city and protest in a peaceful way.
13 That we recognised the volatility of this situation. We
14 recognised that our Number 1 goal is that there would be no
15 serious injury or loss of life to anyone.

16 **MR. JEAN-SIMON SCHOENHOLZ:** And so as Chair of
17 the Board did you feel that the OPS -- that -- or that the Board
18 had had an opportunity to provide input into those priorities
19 ahead of the convoy's arrival?

20 **MS. DIANE DEANS:** I think we were sympatico with
21 the service on what those high level priorities were.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Let's go to
23 the fifth paragraph on this page, so the one that starts with "A
24 question". It says:

25 "A question was raised regarding
26 actions that would be taken should a
27 highway or other major route be
28 blockaded. The Service explained that

1 there are a number of considerations
2 when faced with unlawful activity, and
3 that their reaction will depend on
4 whether the blockade[s] [create] a
5 large public safety risk. It was
6 further noted that access to certain
7 sites would be limited, and that the
8 OPS plan had been put together to
9 enable maximum flexibility with layers
10 of scalable resources."

11 Was the Board briefed on whether the OPS's plan
12 would allow or restrict access to the downtown core?

13 **MS. DIANE DEANS:** I don't believe that that
14 question specifically was asked until after they got here and we
15 started seeing what was happening, unfortunately. But you can
16 see here what we were told, that it was, you know, flexible
17 layers of scalable resources, and maximum flexibility. But I
18 don't think we got into the details of that. And I -- soon
19 after their arrival, I started asking those questions, like why
20 did we let them in here. Yeah.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And do you
22 know -- again, at this juncture, were you briefed on any
23 contingency plans in the event that the protesters didn't leave
24 at the end of the weekend?

25 **MS. DIANE DEANS:** I think that we were aware
26 there was a possibility that they wouldn't all leave, but
27 listening to the Chief, the probability was that they would. So
28 I -- you know, and the Chief was also telling me that we had

1 negotiators speaking with representatives of the convoy, and he
2 was conveying to me that they were representative of about
3 70 percent of the people that were here, and that not
4 100 percent. So that even when there was discussions, there was
5 some potential that what they were learning wasn't necessarily
6 always going to take place. So I think there was the sense that
7 things could be different than the anticipation.

8 **MR. JEAN-SIMON SCHOENHOLZ:** And were you
9 satisfied that it didn't go as expected and some either
10 remained, or most remained, that there was a plan in that event?

11 **MS. DIANE DEANS:** Yeah, they're -- I mean, I
12 think the level of detail I had is that they were working with
13 the organizers and that they believed, or maybe it was
14 hopefulness, I don't know, but I had the impression that they
15 believed that they were going to leave.

16 **MR. JEAN-SIMON SCHOENHOLZ:** I understand that
17 during this meeting, the OPS advised the Board that it had a
18 staffing plan for this event. Was -- were any resourcing
19 concerns communicated at this juncture?

20 **MS. DIANE DEANS:** Not to the best of my
21 recollection.

22 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know
23 whether there were any contingency plans if resources became
24 overwhelmed?

25 **MS. DIANE DEANS:** No, my impression is that
26 there's a sense at the OPS that being the nation's capital,
27 we've seen a lot, in terms of large-scale events in this city.
28 And generally speaking, there is coordination with, you know,

1 the other policing agencies that occupy space in the City of
2 Ottawa, and that that kind of thing would continue in this. But
3 in terms of looking for extraordinary, you know, assistance, at
4 this point, that wasn't being discussed.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. I'd like to
6 pull up OPP00001494. So this is a provincial operations
7 intelligence Bureau Situational Awareness Bulletin dated January
8 26th. So this is the same day as this Board meeting. And we'll
9 go to the third paragraph on the left side there. So it says:

10 "Once in Ottawa, Freedom Convoy 2022
11 organizers have stated an intent to remain
12 at Parliament Hill until the Federal
13 government concedes to repeal all COVID-19
14 public health restrictions and mandates.
15 Organizers have indicated they are
16 planning to stage disruptions that may
17 gridlock areas around Parliament buildings
18 and parts of Ottawa. There is no
19 expressed departure date for when
20 participants will disperse or the action
21 will end."

22 And I expect that we'll be hearing this
23 afternoon, I believe, that Chief Sloly and some members of the
24 OPS referred these reports from the Bureau that would have
25 contained this kind of intelligence. Were you or the Board ever
26 provided with this kind of intelligence or even kind of a high-
27 level summary of this type of intelligence?

28 **MS. DIANE DEANS:** No.

1 **MR. JEAN-SIMON SCHOENHOLZ:** And this -- the first
2 Board meeting on the 26th, that was a public meeting; correct?

3 **MS. DIANE DEANS:** Correct.

4 **MR. JEAN-SIMON SCHOENHOLZ:** And neither you, nor
5 Chief Sloly, requested that there be an in-camera portion?

6 **MS. DIANE DEANS:** I don't believe so.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Would it be
8 fair to say that more information could have been provided, had
9 there been an in-camera portion?

10 **MS. DIANE DEANS:** Yeah, I think that's fair. I
11 didn't know about this information, so didn't know what to ask
12 for, but, you know, hindsight is a great thing, but in
13 hindsight, yeah, I would have liked to have this information and
14 would have liked to know about it.

15 **MR. JEAN-SIMON SCHOENHOLZ:** And are you able to
16 explain, you know, the -- was there some rationale to why it was
17 felt that there was no in-camera session necessary at that time?

18 **MS. DIANE DEANS:** In my -- my initial goal for
19 that meeting on the 26th was to share the information that was
20 available.

21 Of course, I didn't have the benefit of knowing
22 what information was available, apparently. So, you know, I
23 didn't know that there was perhaps some intelligence information
24 that could have been shared. I guess I really had the
25 impression from Chief Sloly that intelligence information was
26 not to be shared. So maybe a lesson learned there, but I had
27 the impression intelligence information is kept in very close
28 proximity to the people on a need-to-know basis and that it's

1 not generally shared.

2 **MR. JEAN-SIMON SCHOENHOLZ:** So was your
3 understanding that the Board, even in camera, wouldn't
4 necessarily be entitled to this kind of information?

5 **MS. DIANE DEANS:** My impression is this
6 information was not going to be shared with the Board what they
7 were receiving intelligence. I mean, Chief Sloly was telling me
8 things like, you know, "We're not getting any messages from
9 intelligence agencies that it's other than protest. We expect
10 them to be gone on Monday." That's what -- the message I was
11 getting.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And what led
13 you to come to the conclusion that the Board wasn't entitled to
14 receive this kind of information?

15 **MS. DIANE DEANS:** I guess I took Chief Sloly at
16 his word.

17 **MR. JEAN-SIMON SCHOENHOLZ:** Had he requested for
18 an in-camera portion that day, would you have been amenable to
19 that?

20 **MS. DIANE DEANS:** Of course.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So I
22 understand from your witness summary that it's during that first
23 week that you realized that the protest was turning into
24 something that was more prolonged. How did you reach that
25 assessment?

26 **MS. DIANE DEANS:** Well a lot of the protestors
27 did leave on Sunday night, but the expectation was a lot more of
28 them were going to go than actually vacated the Parliamentary

1 precinct. And Chief Sloly was telling me that they had
2 negotiators, they were talking to them, they were still hopeful
3 that they were going to clear out.

4 And I think it was really about the Thursday that
5 the conversations had broken down and it appeared that there
6 were more people coming back on that second weekend, that it
7 really resonated with me that, you know, perhaps it was a bit of
8 wishful thinking that they were going to be able to get this
9 wrapped up and gone after that horrific first weekend. And then
10 the thought of going through a second weekend with more people,
11 you know, wreaking havoc in our neighbourhoods in the downtown
12 core was disturbing.

13 **MR. JEAN-SIMON SCHOENHOLZ:** Who had told you that
14 conversations had broken down?

15 **MS. DIANE DEANS:** Chief Sloly.

16 **MR. JEAN-SIMON SCHOENHOLZ:** And is that
17 communications between the PLT and the protestors? Is that ---

18 **MS. DIANE DEANS:** Yes.

19 **MR. JEAN-SIMON SCHOENHOLZ:** --- what you believe
20 he was referring to?

21 **MS. DIANE DEANS:** Yes.

22 **MR. JEAN-SIMON SCHOENHOLZ:** So from -- you had
23 this first meeting on January 26th. From January 27th through the
24 first week and the first weekend -- or sorry, through the first
25 week, the Board didn't meet again until the next Saturday,
26 February 5th; correct?

27 **MS. DIANE DEANS:** Yes, I believe that's correct.

28 **MR. JEAN-SIMON SCHOENHOLZ:** And why is that when

1 you called the next meeting? Why not earlier?

2 **MS. DIANE DEANS:** So there was some conflict and
3 I was being advised by some people that I needed to limit the
4 number of meetings that we were calling because police resources
5 were stretched thin and every time I called a meeting, it took a
6 whole lot of police resources off the street and off the front-
7 line, and that they needed to prepare for that time consuming
8 endeavour, so we needed to package up questions that we had and
9 filter them through the communications department of police to
10 try and give as much flexibility to police to do their primary
11 job, which was to try to shut down the occupation of our city.

12 So I was trying to be respectful of that, but
13 also, I was in touch with Chief Sloly a lot, I was communicating
14 with Board Members and with Members of Council as they
15 requested.

16 But the Vice-Chair of our Board, Sandy Smallwood,
17 who has been on the Board a lot longer than I had, and has
18 connections across the country, one of the things that he was
19 doing was speaking with other experts in the field of police
20 governance and talking about what we needed to be doing as a
21 Board. And Sandy and I were talking regularly about that
22 because, you know, we're finding our way in something -- I'd
23 never been through something like this before and it was new to
24 us. And we were very concerned. We were cognisant of the --
25 what happened in Toronto with the G20, very aware of the Morden
26 report. I've read the Morden report again through that process
27 and we didn't -- we wanted to make sure that we were doing
28 things properly. And so, Mr. Smallwood was in touch professor

1 Andy Graham at Queens University, he was in touch with Alok
2 Mukherjee who had been the Chair of the Toronto Police Services
3 Board, he was in touch with other experts across the country.

4 And Sandy and I were talking frequently about
5 this, and on the Saturday morning we had this conversation about
6 the depth of questioning that we as a Board were doing, and I
7 had decided at that point that I needed a lot more detail about
8 what the resource requirement was. Because our -- the Board is
9 an oversight body. It has very limited roles, but what we need
10 -- our primary mandate is to ensure adequate and effective
11 policing in the City of Ottawa, and I wasn't feeling comfortable
12 that we could -- we were meeting that test. And so, I decided
13 that I needed to call an emergency Board meeting on that
14 Saturday, to put really a simple question to the Chief, and that
15 was, what do you need? What will it take to end this occupation
16 of our city? And that was the purpose, it was sort of the sole
17 purpose of that meeting, to get to the heart of the resource
18 issue and what it would take for us to restore peace to our
19 city.

20 **MR. JEAN-SIMON SCHOENHOLZ:** And we'll get to that
21 February 5th meeting in a little bit. Who was advising you not
22 to over impose on the police by not calling too many meetings?

23 **MS. DIANE DEANS:** Well, the police and their
24 communications people. I listened to Serge Arpin's testimony
25 the other day, where he noted he had also suggested to me that
26 we not call a lot of Board meetings because it was consuming
27 resources that were needed elsewhere.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So I'd like to

1 go to OPB00001624. So these are notes from a February 1st
2 briefing of the Board by Chief Sloly and Deputy Bell. Do you
3 remember this briefing?

4 **MS. DIANE DEANS:** Vaguely.

5 **MR. JEAN-SIMON SCHOENHOLZ:** There was a lot of
6 them. Was it typical for the Board to receive this kind of
7 briefing outside of regular Board meetings?

8 **MS. DIANE DEANS:** At that point, yes. I mean, we
9 were kind of -- we were kind of finding our way, in terms of not
10 taking up too much time and making sure that we were getting the
11 information that we felt we needed in the performance of our
12 oversight role.

13 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. We can just go
14 down a little bit on the first page. Okay. The fourth bullet
15 down says:

16 "Some resources have returned to GTA,
17 but more resources retained from Peel,
18 Hamilton and OPP More specific requests
19 to OPP and RCMP"

20 So whenever the -- my understanding is that
21 whenever the OPS would receive additional resources from another
22 police force, you were responsible for signing the memorandums
23 of understanding?

24 **MS. DIANE DEANS:** That's correct.

25 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And how --
26 these resources that are mentioned, again this is February 1st,
27 at this stage can you maybe just describe the numbers and how
28 long they were generally staying for?

1 **MS. DIANE DEANS:** Yeah, it varied. There were a
2 lot of police agencies that were offering to assist the City of
3 Ottawa, there was Hamilton and Peel, I think Toronto, Cornwall,
4 there were a lot, and they were coming and going. They were
5 freeing up resources as they could and some of them would stay
6 for a week, some of them would stay for a number of days. We
7 were taking what we could get because we were in need of all of
8 the help we could get at that point.

9 And so, there were other events they would take
10 them back, for example the convoy decided to go to Toronto in
11 that, I think it was the second weekend. And so a lot of the
12 GTA resources that had come to Ottawa got sucked back out of
13 Ottawa to help with the City of Toronto.

14 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And in terms
15 of the significance of the amount of officers, can you speak to
16 that generally?

17 **MS. DIANE DEANS:** Well, we were grateful for the
18 help that we were getting from those other policing agencies.
19 But you know, this was I think the 1st, and it was the 5th when I
20 had actually really drilled down with chief Sloly in that
21 meeting that I called, the special meeting, and said we need to
22 know exactly what this is going to take to end this occupation
23 of our city, and I need to see detail on that. Like, what is
24 it, who is it? And you need to lay that out. And I think that
25 was a turning point.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. I'm interested
27 here when it says, "More specific requests to OPP and RCMP".
28 This was as you mentioned prior to that Board meeting on the 5th,

1 prior to the letter that you and the mayor sent out to the
2 province and the feds. So what kind of requests at this time
3 were being made of the OPP and the RCMP?

4 **MS. DIANE DEANS:** Well, they were -- I guess that
5 was my issue. They were more vague, in that Chief Sloly, and I
6 can't exactly remember the timeline, you probably have it there.
7 But Chief Sloly had made a comment that there may not be a
8 policing solution. I can't recall what day he said that.

9 **MR. JEAN-SIMON SCHOENHOLZ:** I believe it's the
10 2nd, but ---

11 **MS. DIANE DEANS:** The 2nd.

12 **MR. JEAN-SIMON SCHOENHOLZ:** --- I'm sure we'll
13 have that somewhere.

14 **MS. DIANE DEANS:** Okay. He had made that comment
15 and it sort of sent a ripple through the city and the downtown
16 core, and a lot of observers of what was happening there,
17 because it wasn't entirely understood. But it was alarming that
18 the Chief of Police is saying there may not be a policing
19 solution to this situation. And I guess what I took it to mean
20 is that, there wasn't a policing solution locally with OPS, and
21 OPS is -- it's a city police service. It does community
22 policing, and emergency response, and a lot of other things, and
23 certainly it involves itself in large scale events, because we
24 are the national capital and we have over time.

25 But we hadn't seen something like this before.
26 It was clearly different, had a different flavor. You know, the
27 whole thing was not like anything anyone had seen in the city
28 before, and I think it had become clear to Chief Sloly that we

1 did not have the resources inside Ottawa police. Nor did we
2 have the expertise in terms of, you know, setting out a real
3 plan on how you're going to get this tiger by the tail, inside
4 police. We just hadn't had much experience with this, and so
5 that's what I took from what Chief Sloly, is that we're going to
6 need a lot of help, and that's what I took him to mean from
7 that.

8 **MR. JEAN-SIMON SCHOENHOLZ:** You mentioned
9 needing, kind of external expertise. Is that something that
10 Chief Sloly said to you?

11 **MS. DIANE DEANS:** Um, no, I ---

12 **MR. JEAN-SIMON SCHOENHOLZ:** Or was it just your
13 assessment?

14 **MS. DIANE DEANS:** I came to that conclusion. I
15 can't specifically say it to you, he specifically said that to
16 me, but I got there in terms of understanding that, and maybe it
17 was later. Because once the RCMP and the OPP embedded into our
18 command centre and they had a joint command structure where are
19 they brought with them those kinds of resources, we were
20 starting to see things coming together.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So coming back
22 to this briefing, so I understand it, as Chief Sloly is advising
23 you and the Board that more specific requests were being made to
24 the OPP and the RCMP; correct?

25 **MS. DIANE DEANS:** Correct.

26 **MR. JEAN-SIMON SCHOENHOLZ:** But you're not clear
27 on exactly what those resources -- those requests were that were
28 being made?

1 **MS. DIANE DEANS:** I think they were just saying
2 we need help, but my issue when I called that meeting later that
3 week on the Saturday, was that we needed to enunciate what that
4 was.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Is it at this
6 point that the Board was advised that more resources were
7 necessary; is this around the time, the first time the Board is
8 advised?

9 **MS. DIANE DEANS:** I think so.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Okay, if we can go to
11 page six, near the bottom of that page, okay, so -- just going
12 up just a tiny bit, okay. So there's a question asked:

13 "If there was legal authority issued around
14 a Court Order for removal what would be the
15 threshold for removing trucks and people, a
16 large conglomerate of people and vehicles?"

17 And then my understanding is Trish responds:

18 "Indicated earlier on that we had a number
19 of OPP commanders involved with previous
20 occupation events. Consistently what we are
21 hearing an injunction is an option on the
22 table. Everyone we have spoken to we are
23 not feeling that an injunction is the best
24 way to go. Clear indication that an
25 injunction might be the worst way to go. We
26 will keep all options on the table and we'll
27 be able to justify using or not using them."

28 So do you know who made this statement?

1 **MS. DIANE DEANS:** I think it was Trish Ferguson.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Do you remember this
3 discussion about an injunction at this time?

4 **MS. DIANE DEANS:** I don't remember specifically
5 Trish answering this, but I know there was one discussion around
6 an injunction.

7 There was -- I mean it's interesting now that you
8 put it in front of us, but there was a lot going on here. It
9 was as whirlwind for 20 days and it's hard to remember every
10 single thing that every person said and ordered, so it's nice we
11 have notes.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Absolutely. And I'm
13 interested in -- here there's a statement that an injunction
14 might be the worst way to go. I'm wondering if you have any
15 insight into what that meant?

16 **MS. DIANE DEANS:** I phoned David White, who was
17 the City Solicitor, to talk about the issue of an injunction,
18 because it was one of the tools that occurred to me that was in
19 the toolbox that could provide some help. And I had that
20 conversation with David and it was a bit -- it went a bit like
21 this; it was like ---

22 **MR. JEAN-SIMON SCHOENHOLZ:** Well, I'm not
23 necessarily interested in the content of the conversation.

24 **MS. ALYSSA TOMKINS:** There's solicitor/client
25 privilege potentially here, so just try to be careful, please,
26 counsel.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Absolutely.

28 **MR. PAUL CHAMP:** And just for the Ottawa

1 Coalition, I believe solicitor/client privilege has been waived
2 already on a considerable amount of the advice from Mr. White to
3 City Council. We do have his memo; wouldn't this be a subject
4 matter upon which there's already been solicitor/client waived?

5 **MR. ALYSSA TOMKINS:** Mr. Commissioner, the one
6 memo was legal information. Mr. White deliberately did not mark
7 the document solicitor/client privilege because he didn't intend
8 privilege to apply. So there's been no waiver. We have been
9 very reasonable in our redactions where Mr. White was acting as
10 part of the City leadership team -- well, not officially, but an
11 important person providing strategic or tactical advice. We
12 have released that where there's legal advice, though there's
13 been no waiver.

14 **MR. JEAN-SIMON SCHOENHOLZ:** Mr. Commissioner ---

15 **COMMISSIONER ROULEAU:** I think we've got into a
16 bit of a dispute here, so we'll try and get it organized in a
17 proper way.

18 So, firstly, what is being sought? Are you
19 intending to pursue this?

20 **MR. JEAN-SIMON SCHOENHOLZ:** My intention with the
21 question was just to understand what was said at this meeting;
22 and my understanding is that Mr. White was not the person
23 answering this question; so that was my intent for this
24 particular question.

25 **COMMISSIONER ROULEAU:** Okay. So what you're
26 trying to understand is what was the result of that meeting?

27 **MR. JEAN-SIMON SCHOENHOLZ:** Was what the meaning
28 of, you know, an injunction might be the worst way to go, which

1 was apparently communicated in this briefing, what that meant.

2 **COMMISSIONER ROULEAU:** What she understood from
3 that and not to relate the specific statements by ---

4 **MR. JEAN-SIMON SCHOENHOLZ:** Correct.

5 **COMMISSIONER ROULEAU:** --- the lawyer?

6 **MR. JEAN-SIMON SCHOENHOLZ:** Correct.

7 **COMMISSIONER ROULEAU:** Any objection to that?

8 **MS. ALYSSA TOMKINS:** None, Mr. Commissioner.

9 **COMMISSIONER ROULEAU:** Any problem with that? I
10 see you're standing.

11 **MR. BRENDAN MILLER:** To my friend's positions,
12 and I, based on what has been said, I am probably going to go
13 there in my own examination, but I would just like to point out
14 this.

15 I understand that the Police Service Board or
16 Police Commission, has their own legal counsel. It's not Mr.
17 White. There's no solicitor/client relationship between this
18 witness and Mr. White, and in my respectful submission as a
19 result, there's no issue with privilege.

20 Further, if it was a personal solicitor/client
21 relationship if the witness would like to waive solicitor/client
22 privilege, that's her prerogative.

23 **COMMISSIONER ROULEAU:** Thank you. So I think -
24 oh, sorry, yes? You can remain seated, it's probably better for
25 the microphones. As long as I can see you, I'm happy.

26 **MR. TOM CURRY:** I do have a concern in my
27 submission, privilege, if there was privilege, privilege was
28 waived, there is considerable documentation. There are memos

1 from Mr. White; there is a witness statement from Mr. White and
2 it may be, although this witness may not go further, it may well
3 be a subject on which there will be cross-examination because
4 once you open that door, you can't close the door again and say,
5 "Well, I'm only going to give you this, but I won't answer that
6 question."

7 **COMMISSIONER ROULEAU:** Okay. I think there's a
8 real issue around this also with respect to the testimony of the
9 Mayor. I think you talked about this subject I believe also.

10 So what I'd suggest, is counsel can discuss this.
11 At this point it's academic. I understand what you're saying
12 about it and it may come up on cross, so I'd suggest counsel,
13 and Commission counsel, discuss this at the break or at the
14 lunch because it should be discussed before the cross-
15 examination. And certainly there has been a lot of talk about
16 legal opinions, but I'm not going to go much farther at this
17 point; it's a question of what the City is going to -- the
18 position the City will take and if that could be cleared up over
19 the break, or the lunch, that would be appreciated; okay? Go
20 ahead.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you, Mr.
22 Commissioner.

23 **MS. DIANE DEANS:** Maybe then if I could just
24 broadly answer your question; I think that the part that says
25 there was a clear indication that an injunction might be the
26 worst way to go, I think they were referring to the concern if
27 they wrote an injunction in a way that it was denied by a court.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. If we can go

1 to the next page, near the bottom of that page seven. There is
2 a question here:

3 "Can you put boundaries, protect their right
4 to protest but limit where they can go?"

5 And the answer is:

6 "Very little."

7 Do you recall who said this during this meeting?

8 **MS. DIANE DEANS:** I think it might have been
9 Chief Sloly.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And what was your
11 understanding of the reason that there was very little that
12 could be done to limit access to further vehicles wanting to
13 enter the downtown core?

14 **MS. DIANE DEANS:** There seemed to be a view that
15 there was a *Charter* right to allow those vehicles into that
16 area. And also I had taken that up with the City Manager, Steve
17 Kanellakos in an email exchange I did with Mr. Kanellakos, and
18 he said that there were no other places for the vehicles to go
19 basically, so -- that seemed to be their view, those sort of
20 conflicting views, but the two that I had heard at the time when
21 the vehicles were there.

22 **MR. JEAN-SIMON SCHOENHOLZ:** I'd like to go to
23 document ONT40001120. Go to the bottom of that document, just
24 to provide the context; just the very bottom. So moving up from
25 there.

26 So this is just to kind of provide you the
27 context. So my understanding is that on February 1st Krista
28 Ferraro, who is the Executive-Director of the Board; correct?

1 **MS. DIANE DEANS:** Correct.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Had a call with
3 Lindsay Gray; and who's Lindsay Gray?

4 **MS. DIANE DEANS:** She, at the time, was the Board
5 advisor from the Solicitor General's Office.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And there was a call
7 on February 1st at -- about operational decisions; do you -- were
8 you on this call? Do you remember this?

9 **MS. DIANE DEANS:** I don't believe I was on that
10 call.

11 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. If we can just
12 go up to the top, then, of the document.

13 So this is the email from the Solicitor General's
14 Office, Advisor Lindsey Gray, to Ms. Ferraro, and it provides
15 some citations, I guess from the Morden Report.

16 Do you remember seeing this?

17 **MS. DIANE DEANS:** Yes.

18 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And so do you
19 know what the context was for Ms. Ferraro reaching out to the
20 Board advisor on this?

21 **MS. DIANE DEANS:** We were -- the Board was very
22 cognisant of our role as an oversight body, and we -- you know,
23 we really had the problems that the Toronto Police Services
24 Board had gotten into during the G20 in the forefront of our
25 mind, we didn't want to go down the same path and make the same
26 mistakes. So we were trying to, in real time, I guess, learn
27 from that and seek as much advice as we could about our role
28 and, you know, the art of the possible, what we were allowed to

1 do, where that line was.

2 And you know, it might be a little bit foggy to
3 some people, but Morden shed a lot of light on it in their
4 report. And it's a valuable document, and we wanted to
5 understand the Solicitor General's interpretation on some of
6 that.

7 **MR. JEAN-SIMON SCHOENHOLZ:** So it's fair to say
8 that during this first week, the -- you and the Board were
9 trying to come to a full understanding of what your role was in
10 this kind of situation?

11 **MS. DIANE DEANS:** Yes.

12 **MR. JEAN-SIMON SCHOENHOLZ:** And maybe at a high-
13 level, could you -- you know, what were the key takeaways that
14 you can recall of what the Board's role was?

15 **MS. DIANE DEANS:** So the Morden Report,
16 basically, is sort of a guideline for what happens in this kind
17 of a large event situation, large scale situation, and where
18 that line between the oversight and the operations is. And I
19 think what Morden was pointing out, and my understanding, is the
20 Board can -- the Board cannot direct the Chief in terms of
21 Operations, but the Board can certainly ask questions about the
22 plan, the details of the plan. The Board can asks questions
23 about the resource requirements, what the Service needs, and the
24 Board can work to assist the Service in those areas. And so --
25 and you know, all of that, with the backdrop of our mandate, is
26 to ensure the provision and adequate and effective policing.

27 So we were in this situation trying to learn from
28 the Morden Report and make sure that we were ultimately

1 fulfilling our oversight role.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you, that's
3 helpful. Was your understanding also that the Board had a role
4 in setting priorities and objectives in the ---

5 **MS. DIANE DEANS:** Yes.

6 **MR. JEAN-SIMON SCHOENHOLZ:** --- context of a
7 large event?

8 **MS. DIANE DEANS:** Yes. Yes.

9 **MR. JEAN-SIMON SCHOENHOLZ:** Great. Save me time
10 in not having to read a quote, so that's good.

11 If we can just go ONT0001112.

12 So this is just an email a week later.

13 Mr. Swaita, I believe, one of the Board members, I guess had
14 heard...

15 If you can go right to the bottom, to the first
16 email in the chain.

17 Had heard that this engagement between
18 Ms. Ferraro and the advisor had taken place, and was asking to
19 be briefed. Do you know why kind of the information wasn't
20 provided to the whole Board from the outset?

21 **MS. DIANE DEANS:** I would suggest to you that
22 there was -- it was just a resource issue. Our Board office has
23 an executive director and one administrative assistant. And
24 there was an awful lot coming at that Board office during this,
25 and I think it was just a resource issue.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

27 Okay, I'd like to go to OPB00000424.

28 So this is on February 3rd, and it's an exchange

1 between you and Chief Sloly.

2 So if we could go to the first part of the
3 exchange. Keep going down to the next -- yeah.

4 So this is an email from you to the Chief, and my
5 understanding is that you are offering him support in securing
6 additional resources. Do you recall that?

7 **MS. DIANE DEANS:** M'hm.

8 **MR. JEAN-SIMON SCHOENHOLZ:** And then if we go up
9 to Chief Sloly's response. He responds that the OPS is making:
10 "...efforts to secure additional
11 resources from RCMP, OPP and municipal
12 services."

13 And he's encouraging the Board to use their
14 influence to do the same. Do you remember that?

15 **MS. DIANE DEANS:** Yes.

16 **MR. JEAN-SIMON SCHOENHOLZ:** What -- and it may be
17 that you've already given me the answer, but what kind of
18 resource requests did you understand were being made at this
19 time?

20 **MS. DIANE DEANS:** This was for additional, mostly
21 boots on the ground officers. Yeah.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And those were
23 requests being made directly from the OPS to their policing
24 counterparts at the OPP and the RCMP?

25 **MS. DIANE DEANS:** Yes.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Do you know
27 how many officers were being requested at that time?

28 **MS. DIANE DEANS:** See, that was the issue. I --

1 they weren't providing them with, in my estimation, enough
2 information about the resource requirement, they're just saying
3 "we need help, and send what you can." And to me, that wasn't
4 good enough, it wasn't clear enough. That's why I ultimately
5 called that meeting on the Saturday.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And how did you know
7 -- as the requests were being made police to police, how did you
8 come to know that that was the nature of the requests being
9 made?

10 **MS. DIANE DEANS:** I was in constant touch with
11 Chief Sloly. We were talking about resources every day, how
12 many were there, how many were coming, how many were going. You
13 know, they -- what was possible with the resources that we had?
14 We're getting requests from members of Council, especially in
15 the impacted areas, to send more resources, we don't have more
16 resources. We have a police service by now that is very tired.
17 We've had people working overtime, they have been working under
18 very stressful conditions, they haven't had any time off. And
19 we know that there is a real need for more assistance.

20 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know, at
21 this time, these resources, were they being requested to
22 maintain the kind of a tired police force, or was it to build up
23 to enough capacity to take enforcement action? Do you know?

24 **MS. DIANE DEANS:** Well, in one conversation, I
25 can't tell you the day because it's all kind of melded together
26 in my mind, but in one conversation with the Chief, I mean he
27 was saying, "The resources that we're getting now are just
28 allowing us to do what we're doing, they're not allowing us to

1 advance any further. And you know, we have a whole city to
2 police out there, it's not just the downtown, and we've pulled
3 resources out of that as well, but you know, it's not
4 sustainable."

5 **MR. JEAN-SIMON SCHOENHOLZ:** Do you know if that
6 conversation was before your letter went out to the feds and the
7 Province?

8 **MS. DIANE DEANS:** I believe it was.

9 **MR. JEAN-SIMON SCHOENHOLZ:** So on February 5th,
10 as we've discussed, you call this meeting of the Board. And so
11 what -- I understand it was called on short notice. What led
12 you to call it on an urgent basis?

13 **MS. DIANE DEANS:** It was the weekend. A lot more
14 people had come to town. They were wreaking havoc, honking
15 horns, having parties on Parliament Hill, you know, really
16 terrorising our residents, and it was just going on and on. And
17 I felt at that point we're spinning our wheels, and something
18 more had to be done, something had to change.

19 And I was getting frustrated. And we're probably
20 going to talk about this later, but I didn't know that there
21 were issues, you know, that the RCMP and the OPP had because
22 nobody told me that. But I couldn't understand why the
23 resources weren't coming, but in my mind we needed to enunciate
24 exactly the resource requirement and what that was for, and what
25 it would take. I mean, we'd had the Chief say publicly that
26 there was perhaps no policing solution. I took it to mean we
27 didn't have enough at Ottawa Police, so what did we need? What
28 would it take? What did that look like to bring it to an end?

1 And by Saturday, I was just -- I think I was just, you know, at
2 my wit's end, honestly. And I was just bombarded with
3 constituents, and calls from members of Council, and calls from
4 Board members, and people with all kinds of suggestions, and
5 what we might be thinking of doing, from bringing in the army to
6 everything else. And I'm -- and I just -- trying to be rational
7 about this and think we need to lay out exactly what we need,
8 and we need to do it now.

9 And I phoned Chief Sloly and I said, "I'm going
10 to call a special Board meeting and I'm going to ask you what it
11 would take in terms of resource requirement to bring this thing
12 to an end, and I want you to answer that question." And, I
13 mean, he was really busy. I understood that. He didn't want me
14 to do that meeting, but I just felt it had to be done.

15 **MR. JEAN-SIMON SCHOENHOLZ:** If we could go to
16 OPB00001264? So these are the minutes of that February 5th
17 meeting. If we could go to page 5? So in the second paragraph,
18 it says,

19 "Although the Board expressed
20 frustration at the lack of clearly
21 outlined plan that would result in the
22 end of the demonstration, the Service
23 noted having articulated a framework
24 aimed at their surge and contain
25 strategy."

26 So I take it at this meeting the Board was
27 pushing to get more information on what the plan was?

28 **MS. DIANE DEANS:** Right.

1 **MR. JEAN-SIMON SCHOENHOLZ:** And were you advised
2 at this point that there was a plan to actually bring the --
3 bring these events to an end?

4 **MS. DIANE DEANS:** We were advised that there were
5 plans in place, there were pieces of plans, and, you know, that
6 they were working -- it was an evolving strategy, as I
7 understood it. As things evolved, the plan was evolving, and
8 there -- and being worked on in sort of real time. But I just -
9 - I was looking for more detail.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And were you provided
11 with more detail?

12 **MS. DIANE DEANS:** The next day the Chief came
13 back and provided more detail. He provided a list of his
14 resource requirements and what that looked like in terms of
15 officers and other civilians that would be useful in the overall
16 plan.

17 **MR. JEAN-SIMON SCHOENHOLZ:** So the next day he
18 provides you with details on the resources that were necessary?

19 **MS. DIANE DEANS:** M'hm.

20 **MR. JEAN-SIMON SCHOENHOLZ:** And we'll go to that
21 table.

22 **MS. DIANE DEANS:** Okay.

23 **MR. JEAN-SIMON SCHOENHOLZ:** Was any further
24 insight provided on what the, you know, the operational plan was
25 to specifically bring it to an end?

26 **MS. DIANE DEANS:** I don't remember how much
27 information they gave us on, like, detail -- laying out we're
28 going to do this on this day and this on this day. We didn't

1 get that level of detail. Until the very, very end, we were
2 starting to see those levels of here it is, but my impression
3 was it wasn't that well hatched at that point.

4 **MR. JEAN-SIMON SCHOENHOLZ:** And here it says,
5 "...the Service noted having
6 articulated a framework aimed at their
7 surge and contain strategy."

8 What was your understanding of the objective of
9 the surge and contain strategy? Was it to bring this to an end,
10 or was it to manage the situation?

11 **MS. DIANE DEANS:** Yeah. Well, I think the
12 ultimate goal was to bring it to an end. I know that some of
13 their strategies were specifically targeted to specific
14 installations. And, you know, I guess they felt that it was
15 methodical. You had to do things in a certain order and, you
16 know, address one issue before you addressed the next issue, and
17 it was a resource requirement. I guess, the more resources we
18 had, the more they could move forward.

19 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Let's go to
20 page 3 and it's the fourth paragraph down. So it says,
21 "The Service had received supports from
22 the [OPP], the [RCMP], multiple
23 surrounding municipal services, however
24 still needed more."

25 I take it again that you were aware of these
26 resources coming in because you had signed MOUs?

27 **MS. DIANE DEANS:** Yes. But, I mean, yes, I was
28 aware of them coming in, but it was -- there was some creative

1 math around how many resources were actually there and who knew
2 they were there and on the ground, because there were three
3 shifts, I believe. One time there were 10-hour shifts. They
4 moved to 12-hour shifts. So to get the -- to really get a clear
5 understanding of how many police officers at any one time were,
6 you know, in active service was a bit difficult.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And at this
8 point, again, this is on the 5th, are the resources coming in
9 more significant?

10 **MS. DIANE DEANS:** Yes, it's such a good question
11 because, you know, we were hearing that there were more
12 resources than we were seeing. And Chief Sloly and I, not just
13 this day, but many days had conversations about who was there,
14 and who was saying what, and what those officers were, and both
15 from the provincial perspective. I mean, I think Sylvia Jones
16 actually dialed back. She said they had sent 1500 officers.
17 They had done no such thing. And but she did actually walk that
18 back later and said that's actually not correct. And then some
19 of the RCMP officers weren't under the command of Ottawa Police
20 for the purpose of this demonstration. They were doing other
21 things. So there was some creative accounting when it came to
22 the number of police that were available for this occupation.

23 **MR. JEAN-SIMON SCHOENHOLZ:** And when you're
24 saying the RCMP were attending to other things, is it -- I
25 understand some of them were attending to federal institutions -
26 --

27 **MS. DIANE DEANS:** Yes.

28 **MR. JEAN-SIMON SCHOENHOLZ:** --- federal

1 properties?

2 **MS. DIANE DEANS:** Correct.

3 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Maybe it's
4 helpful -- so at this February 5th meeting, the Board approved
5 the appointment of 257 RCMP officers, which I guess would have
6 been sworn in as special constables. So did that mean that 257
7 were on the ground? Like, what does that mean in practice if
8 257 are approved?

9 **MS. DIANE DEANS:** Well, in practice, they're not
10 all on the ground at the same time, obviously, because you have
11 shifts, either two shifts or three shifts a day. So, you know,
12 that many are approved that are available, but in the case of
13 those 257, I believe some of those were ones that weren't under
14 our command. So we -- I mean, it sounded like we had 257, but
15 we didn't. We had far less.

16 **MR. JEAN-SIMON SCHOENHOLZ:** If we go to page 3
17 and the third paragraph? Okay. Oh, sorry, third paragraph from
18 the bottom. So second sentence,

19 "The Service later, however,
20 highlighted the need for additional
21 legal supports in both the short and
22 medium term, requesting assistance to
23 find uncharted legal territory. The
24 Service referenced the *Criminal Code* as
25 being archaic and both the *Provincial*
26 *Highway Traffic Act* and City of Ottawa
27 Bylaws as being limiting in that they
28 all failed to consider events such as

1 the trucker convoy."

2 Do you recall who said this?

3 **MS. DIANE DEANS:** I believe it was Chief Sloly.

4 **MR. JEAN-SIMON SCHOENHOLZ:** And what did you
5 understand this to be -- to mean?

6 **MS. DIANE DEANS:** Well, just ---

7 **MR. JEAN-SIMON SCHOENHOLZ:** I guess, did you ---

8 **MS. DIANE DEANS:** --- that we didn't have the
9 tools that we needed in terms of this specific convoy with large
10 18-wheel vehicles to be able to effectively address legal issues
11 around that, because this had not perhaps ever been considered
12 in terms of criminal code or even our own Ottawa bylaws in the
13 past.

14 **MR. JEAN-SIMON SCHOENHOLZ:** Did you understand it
15 to be saying that they needed new enforcement authority to
16 effectively end this -- these events?

17 **MS. DIANE DEANS:** I don't know that I would say I
18 understood it just to mean enforcement authority. I think I
19 understood it to mean that the actual policies that were in
20 place under those Acts were insufficient to deal with this
21 particular event.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Was there any
23 specific type of authority that you understood they were asking
24 for?

25 **MS. DIANE DEANS:** I honestly can't recall what
26 those would have been now.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Let's go to page 5,
28 paragraph 5:

1 "A question was raised regarding whether
2 the Service's assumption that the
3 demonstration was only going to last for
4 the initial weekend was due to a lack of
5 intelligence. The Service noted having had
6 a large amount of intelligence from the
7 time the convoy began its travels cross-
8 country. The intelligence indicated that
9 there would be small groups staying into
10 the week, but ultimately it had seemed as
11 though the crowd would be departing."

12 Do you know who provided this information to the
13 Board?

14 **MS. DIANE DEANS:** Most of the information the
15 Board was receiving was provided by Chief Sloly. Some of it was
16 provided by Deputy Chief Bell, and others was provided by Acting
17 Deputy Chief Ferguson, but most of the information conveyed to
18 the Board -- I mean, really, the Police Service and the command,
19 senior command, was the Board's really only point of
20 information.

21 **MR. JEAN-SIMON SCHOENHOLZ:** If we could go to
22 OPB00001647? So these are the in-camera minutes for this same
23 meeting. Page 2, paragraph 4. Sorry, yeah:

24 "The Chief reassured the Board that there
25 was a comprehensive plan, however he could
26 not provide all the details of what the
27 Service was doing operationally."

28 Why was this raised during the in-camera portion

1 of this meeting?

2 **MS. DIANE DEANS:** I think that the Board was
3 increasingly becoming concerned that there wasn't enough of a
4 plan. And I can't specifically remember that conversation, or
5 who had raised it in-camera, but I think the point was that
6 there was some pressure being brought to bear on the Chief for
7 more detail around that plan.

8 **MR. JEAN-SIMON SCHOENHOLZ:** And did you
9 understand him to be saying that the Board was not entitled to
10 that information?

11 **MS. DIANE DEANS:** You know, there's always this
12 little push and pull between an oversight body and the service
13 itself, and the senior command. And you know, if you talk to
14 chiefs across the country, it wasn't just ours, they will tell
15 you that we're only entitled to this much and we can't
16 interfere. And there is some tension between boards and the
17 service in this regard. And I think it's fair to say that as
18 this occupation of our city continued, the Board started pushing
19 harder and harder for more details around that plan and were
20 perhaps a little embolden in recognizing that we needed that
21 information.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Do you recall the
23 Chief ever telling the Board, or telling you, that he needed to
24 receive the resources before he could finalize a plan?

25 **MS. DIANE DEANS:** I don't remember those words,
26 but, you know, I definitely had the impression that we didn't
27 have the resources to bring about an end to this occupation.
28 He'd made that very clear. So yes, you need to understand your

1 resource availability in having an operational plan.

2 **MR. JEAN-SIMON SCHOENHOLZ:** OTT at 00017349. So
3 this is a February 5th email that a resident forwarded to -- an
4 email between a resident and Councillor McKenney that was
5 forwarded to the Board as well.

6 And if we just go down just a little bit? Thank
7 you.

8 We see here a response from your colleague,
9 Councillor Meehan. And she was also a Board Member; correct?

10 **MS. DIANE DEANS:** Yes.

11 **MR. JEAN-SIMON SCHOENHOLZ:** And you see she says:
12 "So very sorry Catherine" who she had forwarded this resident's
13 email, "Wish we had the power to do something, besides watch."

14 Did you or other members of the Board share in
15 this sentiment?

16 **MS. DIANE DEANS:** Well I think in fairness, there
17 was a lot of frustration and we all wished that there was more
18 we could do. You know, this is Councillor Meehan's statement,
19 that she felt that we were watching from the sidelines. I mean,
20 I don't think I necessarily fully share that sentiment that's
21 expressed here, but certainly the role of the Police Services
22 Board in terms of oversight is limited.

23 **MR. JEAN-SIMON SCHOENHOLZ:** So what did you feel
24 that you could do as a Board?

25 **MS. DIANE DEANS:** I mean, I think I've described
26 that to you earlier, that we felt we could push for more details
27 of a plan, we felt we could high-level set an expectation, we
28 thought we could assist in the acquisition of resources from

1 other police services and use our political channels to perhaps
2 put pressure on other levels of government to shake loose those
3 resources that we needed.

4 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So let's go to
5 OTT10010. So these are notes from Jessica Bradley, who I
6 understand is your assistant, of a meeting between you, the
7 Chief, and the Mayor on February 6th. Do you remember that
8 meeting?

9 **MS. DIANE DEANS:** Yes.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And you've seen these
11 notes before?

12 **MS. DIANE DEANS:** Yes.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And they reflect,
14 generally, you know, the content of that meeting?

15 **MS. DIANE DEANS:** Yes.

16 **MR. JEAN-SIMON SCHOENHOLZ:** So at the top, it
17 says:

18 "Large operation going on at Coventry.
19 Planning has gone on overnight. Operation
20 commenced around 4pm
21 Elevated level of resistance, brought in
22 more resources.
23 Not going well."

24 So I take it an operation was ongoing at Coventry
25 to clear out Coventry at that time?

26 **MS. DIANE DEANS:** That's right.

27 **MR. JEAN-SIMON SCHOENHOLZ:** And why was it not
28 going well?

1 **MS. DIANE DEANS:** Yeah, I mean a good question
2 for the Chief, but the -- I think it boiled down, again, to lack
3 of resources. I mean, they secured one area, but the plan was
4 to secure the entire area, and they didn't manage to do that.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And was the Board
6 advised as to -- you or the Board as to why it failed?

7 **MS. DIANE DEANS:** Chief Sloly and I spoke about
8 some of those issues around the failure. Again, I think our
9 focus was on the resources that were needed and what was
10 happening there. And you know, a lot of information about, you
11 know, did they have more information, did the freedom convoy
12 people have more information about that operation than we
13 anticipated? Did we have enough resources? But it didn't go
14 well. I mean, that was the bottom line. And again, it came
15 down to having a plan that we could operationalize and having
16 the boots on the ground to make it happen.

17 **MR. JEAN-SIMON SCHOENHOLZ:** If we go down just a
18 little bit, you see the heading: "Pass or enhance existing
19 bylaws" and then there's a number of sub-bullets, and then it
20 says:

21 "Sloly to provide top 3 Bylaws we should
22 focus on."

23 Can you maybe just explain what this discussion
24 was about?

25 **MS. DIANE DEANS:** Yeah.

26 There were a lot of concerns. By this time I
27 think there was, you know, a growing lack of faith in the City,
28 in the Police Service and just about everyone to get this job

1 done. There were frustrations being spoken about, about how By-
2 law Services was or was not assisting and, you know, I had heard
3 issues around By-law Services giving our own citizens in those
4 areas tickets but failing to ticket the Freedom Convoy members.
5 There was just a lot of frustration.

6 So, you know, we're trying to practically assess
7 are there by-laws that we could focus on right now, in real
8 time, that would be of assistance to help with the situation
9 we're in.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And that included the
11 possibility of passing new by-laws?

12 **MS. DIANE DEANS:** I think we could have passed
13 new by-laws if they would be helpful, yes.

14 **MR. JEAN-SIMON SCHOENHOLZ:** And so this final
15 bullet:

16 "Slowly to provide top three by-laws we
17 should focus on..."

18 That was kind of the action item from this discussion?

19 **MS. DIANE DEANS:** Yeah, yeah.

20 **MR. JEAN-SIMON SCHOENHOLZ:** And what was he
21 supposed to do?

22 **MS. DIANE DEANS:** Well, just tell us what we're
23 not doing as a municipality. I mean this is where wearing my
24 hat as a member of Council and the Mayor wearing his hat as the
25 head of Council, to say, well, if they're shortcomings in our
26 by-laws that are an impediment to progress here, then tell us
27 what by-laws you need fixed and what that would like that and
28 we'll take it from there.

1 **MR. JEAN-SIMON SCHOENHOLZ:** And was that list of
2 three by-laws provided?

3 **MS. DIANE DEANS:** I don't think so.

4 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And what was
5 the idea here -- I guess the question that comes to mind is, if
6 there was difficulty enforcing existing by-laws, what was the
7 reasoning here in identifying additional enforcement power under
8 by-laws?

9 **MS. DIANE DEANS:** Well, the difficulty in
10 enforcing by-laws was specific to some of the by-laws we were
11 asking them to enforce, and if there were other by-laws that
12 would be useful. I mean I think just the exercise of passing a
13 by-law in the middle of this and bringing attention to it might
14 have been helpful, and there might have been by-laws that Chief
15 Sloly could have assisted -- could have identified that were
16 enforced.

17 **MR. JEAN-SIMON SCHOENHOLZ:** Then it says at the
18 very bottom of the page there:

19 "The Chief needs 1800 officers".
20 Is that the first time he kind of specified the number?

21 **MS. DIANE DEANS:** It was on the 6th; I think this
22 meeting is on the 6th -- it was on the 6th, yes.

23 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So let's go
24 to OTT0005590.

25 So the next day, my understanding is that you and
26 the Mayor received a table from Chief Sloly setting out the
27 resources he required and substantiating essentially that 1800
28 number; do you remember this?

1 MS. DIANE DEANS: Yes.

2 MR. JEAN-SIMON SCHOENHOLZ: So let's go just
3 down to see the table; there we go; thank you.

4 And so this was a response to that discussion the
5 day prior?

6 MS. DIANE DEANS: Correct. Well, it was a
7 response to the discussion the day prior and to the meeting of
8 the Board on the 5th.

9 MR. JEAN-SIMON SCHOENHOLZ: And were you
10 satisfied with the level of detail provided in this table?

11 MS. DIANE DEANS: Generally-speaking, yes.

12 MR. JEAN-SIMON SCHOENHOLZ: Did Sloly ever brief
13 the Board on how these 1800 officers would fit in to his
14 operational plan?

15 MS. DIANE DEANS: No.

16 MR. JEAN-SIMON SCHOENHOLZ: You weren't provided
17 with that kind of level of detail?

18 MS. DIANE DEANS: I do not believe we were.

19 MR. JEAN-SIMON SCHOENHOLZ: I expect that we'll
20 hear testimony suggesting that in preparing this table and this
21 request for 1800, Chief Sloly instructed his officers to ask for
22 double of what they required; had you ever heard anything about
23 this?

24 MS. DIANE DEANS: No.

25 MR. JEAN-SIMON SCHOENHOLZ: And so later that
26 day this -- I don't think I've mentioned it; I think this email
27 is dated the 7th; if we could just -- thank you.

28 So later this day you and the Mayor issued those

1 letters to the Feds and the Province requesting the 1800; was
2 this table ever provided to the Province or the Federal
3 Government; do you know?

4 **MS. DIANE DEANS:** I do not know.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Do you know if they
6 ever received a detailed breakdown to go along with your
7 request?

8 **MS. DIANE DEANS:** I mean that would be a question
9 I think best put to Chief Sloly.

10 **MR. JEAN-SIMON SCHOENHOLZ:** We heard from Mr.
11 Arpin the other day that the Mayor was initially reluctant to
12 send out that letter but that the OPS had essentially told him
13 that their requests were not being heard and so it needed to be
14 escalated to the political level; does that align with your
15 recollection?

16 **MS. DIANE DEANS:** Can you just repeat that
17 question?

18 **MR. JEAN-SIMON SCHOENHOLZ:** So, Mr. Arpin
19 testified that the Mayor was reluctant to sign the letters to
20 the Province and to the Federal Government initially but that
21 the OPS had communicated to him that their own request for
22 resources, the ones we talked about earlier, were not being
23 received; were not being heard. And so -- that it required
24 escalation and at the political level?

25 **MS. DIANE DEANS:** Well, certainly I was aware
26 that the Chief was frustrated in being stonewalled in getting
27 the resources he believed he needed. I was not aware that the
28 Mayor was reluctant to sign the letter.

1 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Thank you.

2 And so you sent, and "you", I mean you and the
3 Mayor, sent these letters to both the Province and the Federal
4 Government at essentially the same time. I expect that we'll
5 hear that the Federal Government had some concerns that this
6 request didn't follow the proper process set out in the *Police*
7 *Services Act* where it should have essentially -- the notion
8 being that it should have gone first to the Province, and then
9 if necessary, to the Federal Government.

10 Were you made aware of those concerns at any
11 point?

12 **MS. DIANE DEANS:** No.

13 **MR. JEAN-SIMON SCHOENHOLZ:** Did anyone ever
14 advise you from the Federal Government or the Province that a
15 different process should have been followed?

16 **MS. DIANE DEANS:** No.

17 **MR. JEAN-SIMON SCHOENHOLZ:** You weren't advised
18 that this would somehow delay the process or delay the response
19 to the request?

20 **MS. DIANE DEANS:** Not to the best of my
21 recollection.

22 **MR. JEAN-SIMON SCHOENHOLZ:** I'd like to pull up
23 ONT5000851. So do you recognize this letter?

24 **MS. DIANE DEANS:** Yes.

25 **MR. JEAN-SIMON SCHOENHOLZ:** This is the response
26 from Minister Jones on February 10th.

27 **MS. DIANE DEANS:** M'hm.

28 **MR. JEAN-SIMON SCHOENHOLZ:** If we could just go

1 to the top of page two. So it says:

2 "Regarding the City of Ottawa and Ottawa
3 Police Services Board's request for
4 significant additional operational
5 resources, please note that I have shared
6 your correspondence with Ontario Provincial
7 Police Commissioner Thomas Carrique.
8 Commissioner Thomas Carrique and Royal
9 Canadian Mounted Police Commissioner Brenda
10 Lucki will continue to liaise with Chief
11 Peter Sloly ... to determine how policing
12 partners can provide support based on
13 available policing resources and the
14 operational plan proposed by the Ottawa
15 Police Service."

16 Do you remember reading this?

17 **MS. DIANE DEANS:** Yes.

18 **MR. JEAN-SIMON SCHOENHOLZ:** And what were your
19 thoughts on reading this letter?

20 **MS. DIANE DEANS:** I mean I took it as generally
21 positive that the lines of communication at the police level
22 were open; they were going to continue to discuss it. I guess,
23 you know -- we're politicians; we sent the letter between
24 politicians to try and put a little pressure because Chief Sloly
25 was expressing concern that he wasn't getting the resources at
26 the policing level that he needed. And so, you know, my feeling
27 was we needed to exert some political pressure on the process.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Let's pull up

1 OPB858. So this is an email chain with respect to your approval
2 -- and sorry, this is on February 10th -- your approval of 400
3 RCMP appointments. If we can just go down, so if -- yeah, it's
4 that one, if we can just go down? So if you -- yeah, so that
5 one in the middle, sorry. So you see this email from Krista
6 Ferraro to yourself and asking you to please provide approval
7 for the ---

8 **MS. DIANE DEANS:** M'hm.

9 **MR. JEAN-SIMON SCHOENHOLZ:** --- 400 officers.
10 And if we just go up to the top of the chain, there's the
11 response from Julia Keast. She's from your office; correct?

12 **MS. DIANE DEANS:** Correct.

13 **MR. JEAN-SIMON SCHOENHOLZ:** And she says,
14 "The Chair approves this request.
15 She's asked me to convey her
16 concern[...] that MOUs for new
17 resources articulate that RCMP officers
18 are fully embedded in the OPS and [...]
19 fully deployable."

20 That was in reference to your concerns that
21 you've previously indicated that they would be assigned to
22 federal resources or otherwise not deployable; is that correct?

23 **MS. DIANE DEANS:** That is correct. They were not
24 helpful to us in this situation unless they were embedded in the
25 OPS and deployable.

26 **MR. JEAN-SIMON SCHOENHOLZ:** Can you briefly
27 explain to us -- I think it would be helpful if we could
28 understand the process for swearing in these officers. So, you

1 know, you -- the -- and I understand this only happens with RCMP
2 officers; correct?

3 **MS. DIANE DEANS:** No, we -- yeah, you may be
4 correct. I wasn't at any of the swearing in personally.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

6 **MS. DIANE DEANS:** But the swearing in was done by
7 the CEO of Ottawa Police. It was done twice daily, I believe,
8 at nine in the morning and nine in the evening. And it was
9 flexible, so if there was a need to do it any other time, Blair
10 was flexible to do that.

11 **MR. JEAN-SIMON SCHOENHOLZ:** So could we just walk
12 through, let's say the RCMP says we're going to give you 250
13 officers. What's the first thing that needs to happen?

14 **MS. DIANE DEANS:** Well, I guess ---

15 **MR. JEAN-SIMON SCHOENHOLZ:** Do you need -- is it
16 that you need to approve it?

17 **MS. DIANE DEANS:** Yeah, I -- so I would do the
18 approval, and then the CEO would do the swearing in. There was
19 -- I asked Blair Dunker about this, was there any delay on our
20 end in swearing in officers and her answer was no.

21 **MR. JEAN-SIMON SCHOENHOLZ:** And then what happens
22 after the swearing in?

23 **MS. DIANE DEANS:** Presumably, there's some -- I
24 mean, that's an operational issue, so probably best to put to
25 the Chief, but I presume there's some sort of training that goes
26 with, you know, being deployed under the OPS and, you know, our
27 specific issues and then they would be deployed.

28 **MR. JEAN-SIMON SCHOENHOLZ:** So is it fair to say

1 your line of sight is just on the approval ---

2 **MS. DIANE DEANS:** Yes.

3 **MR. JEAN-SIMON SCHOENHOLZ:** --- and the swearing
4 in?

5 **MS. DIANE DEANS:** Correct.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And at -- I think the
7 only other element is the signing of the MOUs. At what point
8 does -- did that occur in kind of that sequence?

9 **MS. DIANE DEANS:** It was occurring throughout.
10 When they'd send me a pile of MOUs, I would sign them.

11 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And do you
12 know if that came before the swearing in?

13 **MS. DIANE DEANS:** It would come before the
14 swearing in.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. All right.

16 And my understanding is it's necessary to swear
17 in the RCMP officers as special constables, so that they can
18 have the authority to enforce provincial by-laws and ---

19 **MS. DIANE DEANS:** Right.

20 **MR. JEAN-SIMON SCHOENHOLZ:** --- laws; correct?

21 **MS. DIANE DEANS:** Right.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Thank you.

23 So I think you've already said that -- we've
24 heard from Mr. Arpin and his communications with Mr. Jones from
25 Minister Mendocino's office. That was -- there was a difficulty
26 reconciling the numbers being provided by the RCMP and the
27 numbers being provided by the OPP. You were aware of that, I
28 take it?

1 **MS. DIANE DEANS:** I was aware through Chief Sloly
2 that the numbers that he was actually seeing on the ground and
3 the numbers that were being communicated were different.

4 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And I think we
5 missed our -- we missed one step in our previous discussion. I
6 believe the Solicitor General's office also needs to sign off on
7 the approval of these officers; are you aware of that?

8 **MS. DIANE DEANS:** I'm not aware of that.

9 **MR. JEAN-SIMON SCHOENHOLZ:** No? Okay.

10 **MS. DIANE DEANS:** No.

11 **MR. JEAN-SIMON SCHOENHOLZ:** So you wouldn't be
12 aware if there was any delays at that level?

13 **MS. DIANE DEANS:** No.

14 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. We heard the
15 other day that Mr. Jones reported to Mr. Arpin that RCMP
16 officers were assigned to Ottawa but on standby because they
17 hadn't been given an assignment by the OPS. Are you -- do you
18 have any information, you know, are you able to confirm or deny
19 that -- those kind of statements?

20 **MS. DIANE DEANS:** No.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Okay.

22 **MS. DIANE DEANS:** That information was not shared
23 with me or with the Board. And I was actually a little bit
24 surprised to hear that City officials were given information in
25 that regard that was not shared with the police oversight body.

26 **MR. JEAN-SIMON SCHOENHOLZ:** So you were never
27 told that RCMP officers were assigned to OPS but on standby?

28 **MS. DIANE DEANS:** No.

1 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So from your
2 vantage point, where was the holdup in the deployment of these
3 resources?

4 **MS. DIANE DEANS:** I didn't have a vantage point
5 on where the holdup was. It's just the way it was communicated
6 to me was more that there was confusion or, you know, some sort
7 of creative accounting in the actual numbers, but what was being
8 spoken about and the reality were different, but that was as far
9 as it went.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Mr. Jones also
11 reported to Mr. Arpin on February 12th that there was delays in
12 deploying officers because Chief Sloly hadn't signed off on a
13 plan. Had you heard anything about that?

14 **MS. DIANE DEANS:** No.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. By this point
16 on February 12th, had you seen a plan?

17 **MS. DIANE DEANS:** They were -- we had not seen
18 the full plan.

19 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. So let's go to
20 OPB00001272. This is the -- these are the minutes from the
21 February 11th public meeting. And if we could just scroll down?
22 Okay. So right in the first paragraph. Can we just expand that
23 so it fills the screen?

24 "Chief Sloly provided opening remarks,
25 indicating that there remained
26 sensitivity surrounding the OPS'
27 operational plans. He noted that
28 demonstrators were now subject to

1 higher penalties and fines. The
2 Service was aware that more people were
3 planning to return to Ottawa over the
4 weekend, and they were deploying all
5 available resources. The Chief
6 indicated that although progress was
7 being made, the key remained
8 resourcing."

9 Do you know again here why this was raised at the
10 very beginning of the meeting in terms of sensitivity around
11 OPS' operational plans?

12 **MS. DIANE DEANS:** I think this was the real point
13 of tension in the whole thing that we needed to have a solid
14 plan, they needed to be properly resourced, and there was this
15 continuing tension that we weren't getting the resources that we
16 needed. And by then, there -- you know, the incidents had
17 happened in I think Coutts, Alberta and the Ambassador Bridge
18 and other places, and there appeared that the resources load
19 easier to other locations than they'd flown to Ottawa. So it
20 was a point of contention.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Were you beginning to
22 suspect at this time that there was some association between the
23 delay and the plan?

24 **MS. DIANE DEANS:** No.

25 **MR. JEAN-SIMON SCHOENHOLZ:** No.

26 **MS. DIANE DEANS:** And I know because I was
27 listening to the testimony in the last 48 hours that City
28 officials were made aware of that, but they did not communicate

1 that to myself as Chair of the Board or to the Board.

2 **MR. JEAN-SIMON SCHOENHOLZ:** So let's go to
3 OPB00001648. These are the in-camera minutes for the same
4 meeting on February 11th. At the outset, it mentions that
5 threats were received by you and your staff. Can you maybe shed
6 some light on what that was about?

7 **MS. DIANE DEANS:** Just I think they were similar
8 threats, threats that other officials were receiving. They were
9 extremely aggressive, mostly by telephone call. I had forwarded
10 the most egregious ones to the Ottawa Police Service who
11 followed up. They offered me -- they offered security. I
12 turned it down. I didn't think I needed to take those
13 resources. And I believe that some of the most egregious one,
14 which were, you know, threats of murder and -- it was -- they
15 were ugly. I mean I -- some of them weren't even coming from
16 inside the country so -- but one of my assistants, a young woman
17 that works for me and was the person on the frontline because
18 she answered the phone, was very, very upset by some of the
19 messages that we received and I ended up giving here some time
20 off work because she was so triggered by it.

21 **MR. JEAN-SIMON SCHOENHOLZ:** And do you recall,
22 these threats, was there any information provided in them that
23 would associate them with, you know, your response to the convoy
24 or something like that?

25 **MS. DIANE DEANS:** Yeah. Yeah, there -- there
26 were a number of them. Like, there were a number of them and,
27 yeah, they were definitely linked to the occupation of the City
28 and comments that I had made publicly that they took exception

1 to.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. Let's go
3 to page -- I guess the bottom of this page. Okay, so a question
4 was raised regarding resource supports received from the OPP and
5 RCMP. They had 60 OPP officers and 40 RCMP at that time and had
6 since Monday. That was the total additional officers received -
7 - or provided. Was this aligning with the number of officers
8 that had been committed by the province and the federal
9 government?

10 **MS. DIANE DEANS:** It's a tough question because
11 what they were talking about publicly was, you know, that they
12 would send more than this, but the commitments that were being
13 made at the police-to-police level, I couldn't answer that.

14 **MR. JEAN-SIMON SCHOENHOLZ:** And is -- do I
15 understand this correctly that there had effectively been no
16 change in the number of resources between February 7th when you
17 made your request and Friday February 11th?

18 **MS. DIANE DEANS:** I believe that is the case.

19 **MR. JEAN-SIMON SCHOENHOLZ:** And again, these
20 number reported were reported to you via Chief Sloly; you
21 weren't seeing these numbers directly?

22 **MS. DIANE DEANS:** Right. As I said, almost all
23 the information the Board was receiving was through that sole
24 channel.

25 **MR. JEAN-SIMON SCHOENHOLZ:** Do you remember
26 during this meeting a conversation about a possible request to
27 invoke the -- to ask for the use of the *National Defence Act*?

28 **MS. DIANE DEANS:** I know there was starting to be

1 conversations about what tools would be available to assist. I
2 can't recall any details. I know I was actually receiving calls
3 from lawyers who were also my constituents suggesting that we
4 needed to ask for enactment of special, you know, help, whatever
5 that would look like, because this was not being resolved and
6 the anxiety was just growing and the public concern was growing.
7 And it wasn't about people's freedom to protest; it was about
8 the occupation of our city and the disruption of people's daily
9 lives.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Let's go to the top
11 of page 4. It was noted that at the time of the convoy's
12 arrival, there was no intelligence that suggested the
13 demonstration would turn into the occupation that it had become.
14 Do you remember that?

15 **MS. DIANE DEANS:** Yes.

16 **MR. JEAN-SIMON SCHOENHOLZ:** And who made that
17 statement; do you recall?

18 **MS. DIANE DEANS:** I don't know who made that
19 statement.

20 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Let's go to
21 OTT00010555.

22 **COMMISSIONER ROULEAU:** Is this a good moment to
23 take the morning break or ---

24 **MR. JEAN-SIMON SCHOENHOLZ:** Sure.

25 **COMMISSIONER ROULEAU:** So before you turn to
26 that, we're going to take a 15-minute break and so we'll be back
27 at a quarter to 12.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

1 **COMMISSIONER ROULEAU:** Thank you.

2 **THE REGISTRAR:** The Commission is in recess for
3 15 minutes. La Commission est levée pour 15 minutes. Order. À
4 l'ordre.

5 --- Upon recessing at 11:30 a.m.

6 --- Upon resuming at 11:47 a.m.

7 **THE REGISTRAR:** The Commission has reconvened.
8 La Commission as reprendre.

9 **COMMISSIONER ROULEAU:** Okay.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

11 **COMMISSIONER ROULEAU:** Go ahead.

12 --- MS. DIANE DEANS, Resumed:

13 --- EXAMINATION BY JEAN-SIMON SCHOENHOLZ, (cont'd):

14 **MR. JEAN-SIMON SCHOENHOLZ:** Okay, so I'm just
15 going back to the minutes of the February 11th meeting that we
16 were looking at, and if we could just expand that. So I just
17 want to ask again about the -- this last paragraph:

18 "The Board expressed concern that it
19 did not seem as though the service was
20 being provided with the resources
21 required. A question was raised
22 regarding whether the service would be
23 in favour of a number of councillors
24 asking the Mayor to request the
25 Attorney General's support through the
26 *National Defence Act.*"

27 Do you remember, you know, here's it's "...whether
28 the service would be in favour...". Do you remember what that --

1 how that discussion went? Were they in favour of that?

2 **MS. DIANE DEANS:** I don't remember. I don't
3 think I can comment on it because I don't think I have a clear
4 enough recollection.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Fair to say
6 the request was never made?

7 **MS. DIANE DEANS:** Yes.

8 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. All right, so
9 let's go to OTT1055. This is a text you had with Blair Dunker
10 who's the CAO of OPS, correct?

11 **MS. DIANE DEANS:** Correct.

12 **MR. JEAN-SIMON SCHOENHOLZ:** And this is on
13 February 12th. And let's just go to the first -- sorry, back to
14 the top, the first text exchange there -- down, down, down,
15 okay. So you say:

16 "How many RCMP officers have been sworn
17 in since the start of the
18 demonstration? Are any pending?"

19 And if we scroll down, Blair responds:

20 "421 RCMP officers are on the list
21 provided to OPS. Of those, 306 are
22 sworn in. There is no delay in
23 swearing in. RCMP asked for two
24 swearing in times, when shifts change,
25 9:00 a.m. and 9:00 p.m. From the time
26 we get the name from the RCMP to
27 getting it approved by the Ministry and
28 sworn in, it's within in a day or less.

1 We are very flexible. It's important
2 to note that this does mean the
3 officers sworn in are deployed and it
4 doesn't mean the ones on the list that
5 are not sworn in have arrived."

6 So do you know who was deciding whether or not to
7 deploy an RCMP officer that had been sworn in. Was it OPS or
8 the RCMP; do you know?

9 **MS. DIANE DEANS:** I believe it would be OPS.
10 When they come under our command, it would be OPS that would
11 make those deployment decisions.

12 **MR. JEAN-SIMON SCHOENHOLZ:** And when she says,
13 "It doesn't mean the ones on the list that are not yet sworn in
14 have arrived."

15 So am I -- is my understanding correct that they
16 would first have to arrive in Ottawa and then they would be
17 sworn in by Ms. Dunker?

18 **MS. DIANE DEANS:** Yes.

19 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And you asked
20 Ms. Dunker to provide you with a table of daily deployments,
21 correct?

22 **MS. DIANE DEANS:** Yes.

23 **MR. JEAN-SIMON SCHOENHOLZ:** So let's look at
24 OPB00001014. This is a copy -- you can confirm for me, but I
25 believe this is a copy of the table you were provided by Ms.
26 Dunker?

27 **MS. DIANE DEANS:** Yes.

28 **MR. JEAN-SIMON SCHOENHOLZ:** So if we can try to

1 fit the table on -- there we go. Thank you.

2 And so you've seen this table?

3 **MS. DIANE DEANS:** Yes.

4 **MR. JEAN-SIMON SCHOENHOLZ:** I believe it was
5 provided to you the next day, on the 13th?

6 **MS. DIANE DEANS:** Yeah.

7 **MR. JEAN-SIMON SCHOENHOLZ:** Can you describe what
8 it shows?

9 **MS. DIANE DEANS:** You'll have to give me a
10 minute. I mean, large scale, it shows the number of
11 deployments, I believe by shift, and it shows the officers from
12 each municipality, Durham, London, Peel, York that were here;
13 the numbers from OPP that were here; RCMP; and then other
14 municipal services.

15 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know
16 whether -- and maybe we just scroll up a bit so we can see the
17 title of the chart -- do you know, is this showing officers that
18 were deployable or officers that had actually been deployed?

19 **MS. DIANE DEANS:** I believe these are officers
20 that have been deployed.

21 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And what was
22 your impression the first time you looked at this table?

23 **MS. DIANE DEANS:** I don't know if I was terribly
24 impressed one way or the other with it. I mean, it was just --
25 it's a chart, it's information, it's showing that we have a
26 pretty specific understanding of who's here on shifts and where
27 they're from.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Would you --

1 so if we can -- I look on the big screen. It's okay.

2 So would you agree that there seems to be some
3 increase, a rather significant increase in the RCMP and OPP
4 numbers on the very last day, on the 12th?

5 **MS. DIANE DEANS:** Yes.

6 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know why
7 that was?

8 **MS. DIANE DEANS:** This is getting closer to the
9 end and the logjam seemed to be breaking. And at the time, my
10 understanding is because the command centre had integrated RCMP
11 and OPP into the command. And once they were integrated in the
12 command centre and started having more of a senior role in terms
13 of decision making, they were freeing up more resources.

14 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know if
15 this trend continued over the rest of your term, at 13, 14, 15,
16 16?

17 **MS. DIANE DEANS:** It's a short term. Yes, I
18 believe it did.

19 **MR. JEAN-SIMON SCHOENHOLZ:** Do you know how many
20 resources were available to OPS when you were removed on the
21 16th?

22 **MS. DIANE DEANS:** I don't have that number off
23 the top of my head, but I do know that when the ultimate climax
24 occurred that the number of resources deployed were very similar
25 to the number that Chief Sloly had weeks before told us that he
26 needed.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Let's go to
28 OPS00011610, and go down. Okay. So it's the second email

1 there, an email from Jessica Bradley from your office to John
2 Steinbachs. Who is John?

3 **MS. DIANE DEANS:** John? He's the Communications
4 Director for Ottawa Police.

5 **MR. JEAN-SIMON SCHOENHOLZ:** And so you say:

6 "I recognize that this was not part of
7 the initial request for the in-camera
8 briefing, but the Chair and the Board
9 have been asking Chief Sloly to provide
10 an overview of the Plan to end this
11 occupation. Specifically, the Chair
12 would like to know the methodology
13 behind the request for 1,800 additional
14 resources and how the will be deployed.
15 We recognize that some information with
16 respect to the plan will be
17 confidential and cannot be shared;
18 however, as [an] oversight body, the
19 Board should be apprised of the general
20 priorities and objectives of the Plan.
21 The Chair would like to be able to put
22 out a statement similar to the one
23 Toronto put out last weekend."

24 And then if we go down, you say, "I have
25 highlighted the relevant sections."

26 Sorry, let's go back up. Okay. So the third
27 paragraph under the bold heading there:

28 "Board Members were briefed on the

1 details of the operational plan,
2 including the priorities and objectives
3 [of] the operation, and had
4 opportunities to ask questions of the
5 chief and obtain further information."

6 So you remember making this request on ---

7 . **MS. DIANE DEANS:** I do.

8 **MR. JEAN-SIMON SCHOENHOLZ:** --- February 14?

9 **MS. DIANE DEANS:** Yes.

10 **MR. JEAN-SIMON SCHOENHOLZ:** And was your -- and
11 so why did you make this request?

12 **MS. DIANE DEANS:** I was a little frustrated that
13 Toronto City Council seemed to get more -- or Toronto Police
14 Board seemed to get more information from their senior command
15 than we got from ours, and we had been asking and asking. And
16 so I just got to the point where I want the whole thing laid
17 out.

18 **MR. JEAN-SIMON SCHOENHOLZ:** So when you read
19 this, what led you to conclude that they were getting more than
20 you had?

21 **MS. DIANE DEANS:** Well, the line that you just
22 read to us, the Board members were briefed on the details of the
23 operational plan including the priorities and objectives for the
24 operation and had opportunities to ask the chief to -- and
25 obtain further information. I mean, I never felt that we were
26 briefed on all of the details of the operational plan.

27 I mean, given there was one day -- well, sort of
28 melding together in my mind -- but there was one day when there

1 was an intention to go in with an operation to take out the
2 installation at the corner of Rideau and Sussex, and the chief
3 had not given me the details of the plan, but he told me that
4 there was a significant operation to occur that evening, and it
5 didn't happen.

6 And so I just -- at that point, I just felt like
7 we weren't getting the whole story. We weren't getting enough
8 information. I just felt the Board, as the oversight body,
9 needed to understand more about the operation, so I was pushing
10 harder. I was -- from the beginning to where we are now, two
11 and a half weeks in, or whatever it is -- and maybe my patience
12 is running a little thin -- but I wanted more information about
13 what was happening, what we needed to do, and how this was going
14 to end.

15 **MR. JEAN-SIMON SCHOENHOLZ:** So the Toronto Police
16 Services Board has actually provided us with an institutional
17 report, and that's TPB.IR.00000001. I won't take you to
18 specific passages, but they relay that in applying the lessons
19 from Morden, they had integrated a Board representative into --
20 there was one sitting at the executive management table for the
21 event, one was invited to attend the services executive command
22 centre, and that this allowed ongoing Board access to
23 operational briefings and updates in real time.

24 Was this -- was anything similar offered to the
25 Ottawa Board?

26 **MS. DIANE DEANS:** No.

27 **MR. JEAN-SIMON SCHOENHOLZ:** And do you know why
28 that was felt not to be possible?

1 **MS. DIANE DEANS:** No. I didn't know it was
2 possible. I mean, I hadn't been around that long. You know, I
3 was in my first term as Chair of the Board and so I mean, this
4 was a bit of a learning curve for me too.

5 **MR. JEAN-SIMON SCHOENHOLZ:** So you were
6 requesting a greater -- more insight into what the plan was?

7 **MS. DIANE DEANS:** Yes.

8 **MR. JEAN-SIMON SCHOENHOLZ:** And what the
9 operational plan was, and you were not receiving it; correct?

10 **MS. DIANE DEANS:** We were getting little
11 snippets.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Little snippets.

13 **MS. DIANE DEANS:** But we weren't getting a whole
14 plan.

15 **MR. JEAN-SIMON SCHOENHOLZ:** Yeah.

16 **MS. DIANE DEANS:** Yeah.

17 **MR. JEAN-SIMON SCHOENHOLZ:** Did the Board -- how
18 did the Board push back? You know, presumably when it was not
19 getting what it was asking, how does the Board push back?

20 **MS. DIANE DEANS:** Well, I think you can sort of
21 see it in the flow of information and in just the information
22 you put up here this morning that it was getting like, okay, now
23 I wanted -- I want the number, I want the resource requirement,
24 I want the plan, I want it -- I want to see the details. And it
25 was like that. It was -- I think it was growing as we went
26 along, and we were realizing we weren't getting information.
27 And I have to say, through this Commission I've realized there
28 was a lot more information the Board was not privy to that the

1 City was. It was very frustrating.

2 **MR. JEAN-SIMON SCHOENHOLZ:** And did you ever --
3 did the Board ever formally direct Chief Sloly to produce
4 additional information? My understanding is under the *Police*
5 *Services Act* there is authority to direct the Chief. Was any
6 kind of formal direction ever issued in that respect?

7 **MS. DIANE DEANS:** I would have to look back at
8 the motions that we did. I know we certainly were asking for
9 it. Were we directing it through motion? I'm not sure.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Was it -- did you
11 understand that that would be an option?

12 **MS. DIANE DEANS:** I mean, we were working
13 together. I mean, this was a -- this was a tough situation. It
14 wasn't -- you know, it wasn't that we wanted to create any more
15 angst for the Chief than he was already under. We're just
16 trying to assist him in bringing about an end to this, and be as
17 useful as possible and ensure that, as the oversight body, we
18 were doing our job. So it wasn't -- it wasn't -- it wasn't a
19 relationship that I would describe as, "We're going to tell you
20 what to do because you're not doing it." And it was more
21 conversational. It was like, "We're all working together here,
22 and we need to get this done."

23 **MR. JEAN-SIMON SCHOENHOLZ:** In your witness
24 statement you said that when you requested to see the plan you
25 would receive "wiggly words"; can you explain what you mean by
26 that?

27 **MS. DIANE DEANS:** Well, I think just what I've
28 been describing here this morning, that we'd see parts of a

1 plan; we'd hear little bits about, you know, there's going to be
2 some form of an operation. But, you know, I recall at one point
3 Chief Sloly telling me that he couldn't share the details
4 because, you know, obviously the element of surprise is
5 important in these operations and if you start sharing the
6 details, the City has a way of that not becoming a secret for
7 very long. So I mean, on one level I kind of accepted that
8 because I know that to be true. But on the other hand, I just
9 felt that we needed more.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Can we go to
11 OPB00001646?

12 So these are text messages between yourself and
13 Amanda Galbraith ---

14 **MS. DIANE DEANS:** M'hm.

15 **MR. JEAN-SIMON SCHOENHOLZ:** --- I'm not sure how
16 to pronounce that -- February 12th. If we can just go down to
17 February 12th at 10:59 a.m.

18 So who is Ms. Galbraith?

19 **MS. DIANE DEANS:** She's a principal at Navigator,
20 which is a crisis communications firm that the Ottawa Police
21 Service uses to assist in communications in lieu of having a
22 communications -- a full-blown communications department at OPS.

23 **MR. JEAN-SIMON SCHOENHOLZ:** And so she was
24 advising you on communications matters.

25 **MS. DIANE DEANS:** She was advising the Service,
26 but I was also speaking to her.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. And so here,
28 February 12th at 10:59 -- these are texts, again, between

1 yourself and Ms. Galbraith -- you say:

2 "I wish I thought there was a plan!"
3 "Yeah. I hear you. Ignorance on
4 operational matters (while appropriate)
5 only provides so much comfort."

6 And you respond:

7 "Not much at all. Joanne Chianello
8 from CBC sent me a message last night
9 and asked if I think there is a plan.
10 I didn't respond."

11 I think we've already talked about you not being
12 satisfied with the disclosure of the plan to this point. Had
13 you concluded by this date that there was a possibility that
14 there wasn't yet a plan on how to bring an end to the
15 occupation?

16 **MS. DIANE DEANS:** I was worried that there -- I
17 mean, I knew they were working on a plan. I knew there were
18 pieces of a plan. I knew there had been some operations. But I
19 was just increasingly becoming concerned that there wasn't a
20 soup-to-nuts plan to bring this thing to a peaceful, expeditious
21 end.

22 **MR. JEAN-SIMON SCHOENHOLZ:** So from what I heard
23 from you earlier, it sounds like the reason that the Board
24 didn't direct the Chief more formally to provide that
25 information was because you wanted to maintain a cooperative
26 relationship; would that be accurate?

27 **MS. DIANE DEANS:** The Chief was under intense
28 stress. Throughout this I was -- I was just doing wellness

1 checks with him. I was just calling to say, "Are you okay?" I
2 mean, he had the weight of the city on his shoulders. He was
3 getting it from every corner; from the public, from Council,
4 from the Board, from internal sources inside police that were --
5 I mean, I think some of them using it to get to Chief Sloly. I
6 mean, there was a lot going on and I was concerned for Chief
7 Sloly. He was our coach, if you will, and we had a crisis and
8 we needed to see this through, and I -- it was not my goal to
9 add to his anxiety level. It was my goal to support him and to
10 support the Service and to assist them to get the resources they
11 need to get this job done.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Do you know during
13 the relevant period, did the Board issue any formal directions
14 to Chief Sloly?

15 **MS. DIANE DEANS:** I would have to check through
16 the minutes. I just can't recall offhand what the motions that
17 we did were.

18 **MR. JEAN-SIMON SCHOENHOLZ:** And did the Board
19 adopt any policies during that time?

20 **MS. DIANE DEANS:** Pertaining to the Freedom
21 Convoy?

22 **MR. JEAN-SIMON SCHOENHOLZ:** Yes.

23 **MS. DIANE DEANS:** Not that I specifically recall.

24 **MR. JEAN-SIMON SCHOENHOLZ:** So I just want to get
25 your understanding here of kind of the tools available to you
26 and the exercise of that oversight function.

27 If you were to have directed the Chief to provide
28 additional information and that was not done, were there any

1 tools available to you to enforce that request, to your -- to
2 the best of your knowledge?

3 **MS. DIANE DEANS:** Well, we are the employer for
4 the Ottawa Police Service, and we are Chief Sloly's employer, so
5 to the extent that we have an employee/employer relationship,
6 there are tools available. Some of them are hammers. I mean,
7 one is suspension; I mean, I don't think -- that's a big hammer
8 in the middle of a crisis. So, you know, the tools that are
9 available, in my mind, it wasn't about that. I wasn't focused
10 on that so much as I was focused on working together. My view,
11 we needed to be in the same boat; we needed to be rowing in the
12 same direction. We didn't need to be infighting or fighting
13 amongst ourselves or, you know, calling each other out; we
14 needed to be working collaboratively every step of the way at
15 all levels to bring this thing to a peaceful end.

16 And I still believe that to this day. I mean,
17 one of the issues I think at play here is that it was new. We
18 didn't -- it wasn't like the G20; we didn't have a lot of
19 preparation time to really get our ducks in a row. But we
20 didn't work as smoothly together; it wasn't a well-oiled
21 machine, and there were a lot of people, in my estimation,
22 working at cross-purposes here. And everybody, you know, with
23 the best of intentions, let's assume, but not necessarily
24 working at their very best. And when people aren't working
25 together, I don't think you get the best result, and I think
26 that's what we saw.

27 **MR. JEAN-SIMON SCHOENHOLZ:** Were you aware that
28 OPS had arranged for an *in camera* briefing by the OPP on

1 February 15th that would include a briefing on some of the
2 intelligence that had been provided to it?

3 **MS. DIANE DEANS:** I believe that was aware of
4 that.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Had you
6 requested that kind of a briefing? How did that come about?

7 **MS. DIANE DEANS:** Yeah, it's so hard to remember
8 the details of, you know, who asked for what when, but I can't
9 tell you how it came about, but I believe I was aware of it.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Do you know why that
11 kind of briefing was not provided earlier?

12 **MS. DIANE DEANS:** With the OPP?

13 **MR. JEAN-SIMON SCHOENHOLZ:** M'hm.

14 **MS. DIANE DEANS:** I don't have a clear
15 recollection of when they were fully embedded and taking more of
16 a -- they took more of a leadership role coming near the end,
17 which I think was very helpful. But I think it was at that
18 point when they started providing this kind of information.

19 **MR. JEAN-SIMON SCHOENHOLZ:** Did -- and I
20 understand that that briefing was cancelled, was put off because
21 of Chief Sloly's resignation that same day.

22 **MS. DIANE DEANS:** Right.

23 **MR. JEAN-SIMON SCHOENHOLZ:** Correct?

24 **MS. DIANE DEANS:** Yeah, yeah. Yes, that's right.

25 **MR. JEAN-SIMON SCHOENHOLZ:** Did you ever have any
26 briefings with OPP or RCMP?

27 **MS. DIANE DEANS:** Well, it was scheduled, I
28 think, for the next day or day after, but then I was gone so I

1 never saw it.

2 **MR. JEAN-SIMON SCHOENHOLZ:** A lot changed in
3 those few days.

4 **MS. DIANE DEANS:** Yeah.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Let's go to
6 ONT00001116. So this is a PowerPoint that the OPSB prepared for
7 the February 15th meeting, that's my understanding. Have you
8 ever seen this document?

9 **MS. DIANE DEANS:** I saw it in the documents that
10 were provided in the run up to this hearing, yes.

11 **MR. JEAN-SIMON SCHOENHOLZ:** Previously, had you
12 seen it?

13 **MS. DIANE DEANS:** I don't think so.

14 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Is it possible
15 that it was also part of that, kind of, cancelled briefing on
16 the 15th?

17 **MS. DIANE DEANS:** Yes.

18 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. We can take
19 that down, thank you.

20 Could you please tell us how Chief Sloly's
21 resignation on the 15th came about?

22 **MS. DIANE DEANS:** Yeah. So as I was describing
23 to you a little while ago, you know, there was increasing
24 anxiety in this community at all levels, and a lot of the
25 concern was aimed at Chief Sloly. And you know, I told you I
26 was doing wellness checks with him. I was, you know, checking
27 to make sure he was okay, because he's a human being and he was
28 under intense stress, and I felt that that was important to do.

1 And I'd had a conversation with him the week
2 previous and I had made some comment along the lines of, Chief
3 Sloly, you know there's a lot of people in this city that want
4 your head. And he sort of surprised me with the reply that he
5 made. His reply was, well, cut me a check and I'll be out of
6 here. And I didn't expect that, and that didn't know if it was
7 kind of just in passing, if it was flip, it was just you know,
8 frustration in the heat of the moment. I didn't know, I didn't
9 really understand the context necessarily of that comment.

10 But in the days after that, in the next week,
11 there was a lot going on and one of the things that was going
12 on, and you heard it inside of the testimony from the witnesses
13 that came before me, is that members of council were considering
14 a motion to ask Chief Sloly for his resignation in a public
15 forum. I was very opposed to that, that one, it's not City
16 Council's job, and I know they were under intense pressure too,
17 and they wanted to look like they were doing something, but they
18 were not members of the Police Services Board. Chief Sloly was
19 not their employee, and it was not their job.

20 It was also in my mind, constructive dismissal to
21 ask a public official like that, in heat of the crisis, for his
22 resignation is tantamount in my mind to constructive dismissal.
23 And you know, if I can take a moment to explain the sort of
24 culture that exists at City Hall, the mayor has a group of
25 counselors that are very supportive of his agenda, and generally
26 speaking, will deliver to him any vote on any issue at anytime.
27 And so -- and that's a reality. And I know that no motion of
28 that magnitude would ever see its way onto the floor of council

1 without the mayor's consent.

2 And so, when I got wind that this was being
3 contemplated, I started asking the mayor's staff if this motion
4 was coming, because I was very concerned about it. I didn't
5 share it with Chief Sloly, I thought he had enough stress,
6 frankly, and if it was never going to see the light of day on
7 the council floor, I wasn't going to tell him about it because
8 he didn't need that stress. But if it was going to see the
9 light of day on the council floor, then I felt that I needed to
10 let him know.

11 So there was that happening, and then there was
12 what I would describe as some sort of insurrection from within
13 that was happening, and there was always some tension in the
14 ranks with Chief Sloly, right from the beginning. The honeymoon
15 for Chief Sloly in this town was short lived and there was
16 always -- I never -- I don't think he ever felt -- maybe I
17 shouldn't speak for him, he can speak for himself, but I don't
18 think he ever really felt entirely supported by his senior
19 command, or by the rank and file inside police.

20 And so, in the midst of a big crisis like this it
21 all comes to a head, that's what happens, crisis sort of beget
22 crisis. And he -- I don't think he had enough support from
23 within, and then I was contacted by, I believe his name was
24 Steven Hoff, a producer at CBC, and he told me that there was a
25 story coming out about Chief Sloly and his behavior inside
26 police, and he offered to share with me the highlights of that
27 story, and they were extremely damning.

28 And they were also disturbing in that, I mean, we

1 at Ottawa police, and the Board is the employer of Ottawa
2 police, and you know, we've spent a lot of time on the issues
3 around workplace sexual harassment violence, and you know, I
4 really take seriously the notion of having a positive working
5 environment. And so, this kind of -- these kinds of serious
6 accusations against our Chief, I mean if I describe them to you
7 in broad strokes it's like, he's yelling at people, and is sort
8 of a tyrannical dictator, I mean that was -- I might be
9 overstating it slightly, but not too much. I mean it was that
10 kind of accusations that clearly came from within the service.

11 And Chief Sloly had been intimating to me that
12 there was infighting occurring inside Ottawa Police. I didn't
13 ask him for a lot of detail on that, nor did he share a lot of
14 detail. He did tell me the Deputy Chief Patricia Ferguson had
15 gotten caught up with some of the wrong elements and that, and
16 he had had to send her home for a number of days, which was in
17 the middle of a crisis so obviously extremely worrisome. He had
18 told me that the Incident Commander had changed more than once
19 during this crisis, and so there was obviously this other
20 problem that we had inside Ottawa police, probably not well
21 known to the public. But inside Ottawa police there's a bit of
22 an insurrection going on and there seems to be -- there seems to
23 be an intent to use this crisis to undermine the Chief further.
24 That was my assessment of what I saw in that situation.

25 And that story, they gave me a heads up, CBC gave
26 me a heads up that they were going to be breaking that story
27 within hours. I believe that was the evening of the 14th, so I
28 called Chief Sloly about 9:30 at night. I asked him -- I talked

1 to him a little bit about the CBC story. I asked him if he was
2 aware of it, which he was. And I just said to him, I said,
3 "Chief Sloly, last week when I spoke to you, you said if we cut
4 you a cheque, that you would be out of here. And I just wanted
5 to ask you if you meant that, or not, or if you wanted to stay."
6 And Chief Sloly said to me that, you know, that he's the Chief
7 of Police. He's put his heart and soul into this operation.
8 He's worked very hard. We're getting close to bringing this
9 thing to an end. He had every intention of seeing it through to
10 the end, and that he wasn't going anywhere. And I said, "Okay,
11 fine, Chief. I just wanted to check with you because, you know,
12 it's going to be a little bit of a rough ride." And I just left
13 him with saying, "If you sleep on it and change your mind, let
14 me know." And the next morning, I think it was about 8:30 in
15 the morning, he called me, and he said, "I want to leave."

16 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. Did
17 anyone reach out to you ahead of his resignation to suggest that
18 you should put pressure on him to resign or anything like that?

19 **MS. DIANE DEANS:** No, I mean, I heard all the
20 talk about, you know, my Council colleagues wanting to push him
21 out and interfere in all of that, but, no, not directly.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Did the -- I
23 understand from your witness statement that the Board had some
24 conversations about his leadership. Did it consider whether it
25 had the authority to remove him?

26 **MS. DIANE DEANS:** Yes, because in light of the
27 CBC story, the Board felt that we needed to understand our
28 options and expectations that would be upon us and what would be

1 the right thing for the Board to do. And, yeah, so, yes.

2 **MR. JEAN-SIMON SCHOENHOLZ:** And you concluded
3 that you did not have that authority as the Board?

4 **MS. DIANE DEANS:** We concluded we did not have
5 the authority to remove the Chief. We did conclude that we had
6 the authority to suspend the Chief.

7 **MR. JEAN-SIMON SCHOENHOLZ:** And is it fair to say
8 that the concerns that the Board discussed about his leadership
9 were related to what you previously have talked about in terms
10 of in-fighting and those kind of issues?

11 **MS. DIANE DEANS:** Yes, and -- yeah, the -- yes,
12 it was related to the allegations that CBC were going to run
13 with.

14 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.
15 Did your personal interactions with Chief Sloly
16 give rise to any concerns about his leadership?

17 **MS. DIANE DEANS:** My personal interactions or my
18 interactions as the Chair of the Board?

19 **MR. JEAN-SIMON SCHOENHOLZ:** As the Chair of the
20 Board, yes, sorry.

21 **MS. DIANE DEANS:** There were some occasions,
22 there -- there had been two issues raised about Chief Sloly's
23 performance that the Board had referred to the OCPC for follow-
24 up. Neither one of those, I believe, have been dealt with. One
25 was an anonymous complaint, and one was a complaint from an
26 inspector at Ottawa Police.

27 **MR. JEAN-SIMON SCHOENHOLZ:** And I guess what I
28 meant by my question is in your own interactions with him in

1 your role, did you have any -- you know, did anything arise from
2 those communications that gave you concerns?

3 **MS. DIANE DEANS:** I mean, I -- Chief Sloly is a
4 very passionate person. Chief Sloly was under intense pressure.
5 And I saw the emotion in him, and I know that he could get very
6 excited. And when I spoke to him about, you know, some of the
7 things that were outlined in that Ottawa -- in the CBC story, he
8 didn't deny that, you know, he had raised his voice and perhaps
9 acted in a manner that he would prefer he had not acted in. But
10 -- and I think he also -- you know, his defence was that it was
11 very stressful at all levels.

12 **MR. JEAN-SIMON SCHOENHOLZ:** And coming back to
13 the plan to end the protests in Ottawa, did the Board ever lose
14 faith in his ability to accomplish that task?

15 **MS. DIANE DEANS:** The Board never stated that
16 they had lost faith in Chief Sloly. I do not believe the Board
17 had lost faith in Chief Sloly as the Chair of the Board. I
18 publicly stated my support for him. I did it willingly. I did
19 support the Chief. I did not agree with my Council colleagues
20 interfering. I understood that there were a lot of questions
21 that were being raised and I believed that there would be time
22 after this incident had ended for a post-mortem where we could -
23 - you know, we could consider all of what had happened and, you
24 know, hopefully, learn some lessons from it and make some
25 determinations, if any changes had to be made. But in the midst
26 of this crisis, in my opinion, it was not the time to be
27 questioning the actions of our Chief.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Turning to the

1 February 15th meeting, once, you know, the announcement was made
2 that he had resigned, but then there was a briefing from OPS,
3 would you agree that during that meeting it was clear to the
4 Board that the OPS -- the wheels were in motion to now bring
5 this to an end? Can you maybe describe that?

6 **MS. DIANE DEANS:** It was clear that things were
7 improving. I could not tell you that I understood how imminent
8 the end was.

9 **MR. JEAN-SIMON SCHOENHOLZ:** Do you know what led
10 to this change in tone?

11 **MS. DIANE DEANS:** You know, I've contemplated
12 that so many times since this. I really feel that integrating
13 the OPP and the RCMP into the command centre and giving them
14 more of a role in developing a plan was important because I
15 don't think OPS really had the skillset inside OPS to really
16 build a plan like that. I just don't think they had the
17 experience. So I think having those senior police agencies
18 integrated into the centre had helped a lot in developing a
19 plan. And you started seeing in the stuff you're showing me,
20 you start seeing more of the development of a plan as they
21 integrated. And as they integrated, they started sending more
22 resources and it was always that we were never going to end this
23 thing without a clear plan and without the resources that Chief
24 Sloly had said early on that he needed.

25 **MR. JEAN-SIMON SCHOENHOLZ:** Turning to the 16th,
26 and I don't have much time left, and so I'll only briefly touch
27 on the events on the 16th, let's go to OTT8842. This is the
28 draft letter that I discussed with Mr. Arpin the other day that

1 he drafted on behalf of the mayor to explain their perspective
2 on what occurred on February 16, and specifically, your decision
3 to sign a contract with Mr. Torigian ---

4 **MS. DIANE DEANS:** Torigian.

5 **MR. JEAN-SIMON SCHOENHOLZ:** --- to replace former
6 Chief Sloly. So if we can go to the top of page 2 is the
7 section that I'm most interested in. Just a little higher.
8 Sorry. Just the -- if you have the overlap between the two
9 pages. Okay. So it says here,

10 "No votes were taken and no authority
11 was delegated that would allow the
12 Chair to finalize an arrangement -
13 Board members believed that they had
14 mandated the Chair to undertake a
15 search for an external Chief of Police.
16 Board members insist on the fact that
17 the Board Chair did not seek delegated
18 authority to execute a contract for a
19 new Chief of Police."

20 And Mr. Arpin told me the other day that this
21 information was provided to him by some of your fellow Board
22 members. I'm just interested in your response to this
23 information.

24 **MS. DIANE DEANS:** Well, it is absolutely a
25 hundred percent false. Mr. Arpin did not ask me about this.
26 There are in-camera board minutes available that reviewed this.
27 It was -- the authority was delegated, unanimously delegated.
28 And Mr. Arpin discussing this issue with Board Members frankly

1 was putting them in conflict of the Code of Conduct because this
2 was in-camera information not to be shared. So it's wrong. He
3 should not have been asking them about this in-camera meeting.

4 And, I mean, if a Member of the Board -- and I
5 don't -- I wish perhaps you had asked who, but if a Member of
6 the Board did provide that information, I would suggest to you
7 that it was probably a Board Member does not have a lot of
8 governance experience and perhaps did not understand delegated
9 authority. But it was the unanimous vote of the Board.

10 **MR. JEAN-SIMON SCHOENHOLZ:** Mr. Arpin, in his
11 testimony the other day, and the Mayor's witness statement, say
12 that you told the Mayor on the morning of February 16th that you
13 wouldn't sign the contract with the new Chief without his
14 approval and that you then did it anyways later that day and
15 that that's when he lost faith in you.

16 Did you tell the Mayor that morning that you
17 would not sign the contract without his approval?

18 **MS. DIANE DEANS:** No.

19 **MR. JEAN-SIMON SCHOENHOLZ:** What did you tell the
20 Mayor?

21 **MS. DIANE DEANS:** I had a conversation with the
22 Mayor. I told him that the Board had come to a decision to hire
23 a new chief, Matt Torigian, and that I would be signing a
24 contract that afternoon. The Mayor expressed his concern, I
25 think from a place of not fully understanding all of the
26 internal issues that the Board was aware of, but nonetheless,
27 he's the Mayor of the City and I provided that information in
28 advance of the announcement to him, and out of respect for the

1 Office of the Mayor of the City.

2 And I said to the Mayor, "If you are telling me
3 not to sign that contract, then I will go back to the Board."
4 But the Board decision had been made. Let's be clear. The
5 Board -- that was done. And I said, "If you are telling me not
6 to sign the contract, I will go back to the Board." But the
7 Mayor stopped short of giving me that direction. So we
8 proceeded.

9 In the intervening time, I mean, the Mayor was on
10 the telephone to my colleagues, who in turn were letting me know
11 that he was asking them to unseat me as the Chair of the Board.
12 And by the way, you also heard some testimony in the last couple
13 of days that when I was asking about the council looking to
14 constructively dismiss Chief Sloly, they were also looking to
15 unseat me as Chair of the Board, and I was aware of that, asked
16 them about it, and they said they didn't know. But nothing
17 comes before Council without the Mayor's knowledge and consent.

18 So it was pretty clear to me that that was the
19 event that was unfolding. As soon as I left that room, the
20 phone calls started to set up the votes to unseat me.

21 And a member of the media, I recognize it's
22 hearsay, but it's a member of the media that I held in high
23 regard that told me that it was the Mayor's Office that leaked
24 the information about the hiring of Matt Torigian, and the
25 problem with the leaking of that information was that it
26 created, in my estimation, a false narrative about the hiring of
27 a new chief.

28 I mean, they were suggesting to the public that

1 we had abandoned our own process, we didn't go through, you
2 know, the normal process. And this was a short-term hiring
3 designed to shore up the senior command. We were flying with
4 one wing in our senior command. Senior command normally has two
5 deputies, a chief, and a CEO. We had hired a brand-new CEO, we
6 had one of our deputies was suspended from the service, our
7 chief had just resigned, we were bare bones senior command in
8 the middle of our biggest crisis ever. And so there were a
9 number of considerations that the Board had made in coming to
10 the conclusion that it was in the best interest of the police
11 service and our citizens to go outside. One was to shore up the
12 senior command to get the resources.

13 Frankly, one was to protect Deputy Chief Bell,
14 because in my estimation at the time, anybody that was going to
15 assume that role, if it didn't come to a positive conclusion
16 quickly, was probably going to, you know, take some of the
17 criticism for it. And I would have expected that he would, in
18 all probability, be a prime candidate to be our next chief and I
19 didn't want to damage Steve Bell through this process.

20 And frankly, we were looking for depth of
21 experience in these types of issues than we had internal to OPS
22 at the time.

23 And it was basically those three reasons that
24 said, okay, we need to shore up our senior command, we need to
25 get more help from the right people, and we need to protect
26 Deputy Chief Bell. And it was for that reason that we thought
27 hiring someone on an interim basis from outside the service made
28 sense.

1 And with all due respect to the Mayor, I do
2 believe that the Board and the Chair of the Board were in a
3 better position to make that calculation than was he.

4 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. My
5 understanding is that your assistant made an audio recording of
6 this conversation with the Mayor?

7 **MS. DIANE DEANS:** She did.

8 **MR. JEAN-SIMON SCHOENHOLZ:** And that recording
9 was disclosed to Commission Counsel this morning?

10 **MS. DIANE DEANS:** It was.

11 **MR. DAVID MIGICOVSKY:** Just hold on a moment.

12 **MR. JEAN-SIMON SCHOENHOLZ:** Yes.

13 **MR. DAVID MIGICOVSKY:** Thank you.

14 **MR. JEAN-SIMON SCHOENHOLZ:** Yes.

15 **MR. DAVID MIGICOVSKY:** I have a concern. We
16 received a copy of that audio recording 10 minutes, or 13
17 minutes, I believe, before the hearing commenced. I was
18 surprised that it had not been disclosed previously. The Ottawa
19 Police Board disclosed a number of other documents. It was
20 clearly something that they believed was relevant. It was not
21 put to Mayor Watson yesterday.

22 And I guess what I'm concerned about is the
23 integrity of the process when we get these kinds of things 10
24 minutes before a witness is about to testify. I need to obtain
25 instructions with respect to this. I have not been able to do
26 so. And I guess what I worry about is what else is not being
27 disclosed or what are we going to see after witnesses have
28 already testified?

1 It's unfair to Mayor Watson and it's unfair to
2 the process, quite frankly, to have this kind of recording come
3 up 10 minutes before the witness testifies.

4 **COMMISSIONER ROULEAU:** Okay. Well thank you for
5 the comments. Firstly, as I think was noted, you received it
6 maybe two minutes after the Commission received it. So it's not
7 a question of the Commission, it's a question of the
8 documentation coming in. I think it's been generally explained
9 why it was not produced, but I think that could be explored
10 further.

11 I do share, obviously the Commission shares, the
12 concern about fairness. Fairness is fundamental to this
13 process. So if there are fairness issues, I will entertain
14 them.

15 Whether that's required or not at this stage, I
16 don't know. Nor do you, I gather, because you don't have
17 instructions.

18 So what I'd suggest is that we explore a little
19 further why this wasn't produced so that the record is clear, at
20 a minimum, and then once you get instructions, we'll see where
21 we go from there.

22 **MR. DAVID MIGICOVSKY:** Yes, that's fine. I think
23 I'm the first person to cross-examine, so I'd like to get those
24 instructions before.

25 And I just want to make clear; I wasn't
26 suggesting that the Commission hadn't disclosed it. I
27 appreciate that they only just received it as well. My concern
28 was ---

1 **COMMISSIONER ROULEAU:** I think your concern was
2 clear; I understand it; I was simply putting for the record that
3 -- and the reality is, and I think it was clearly put in my
4 original statement, is that, you know, we are pressed for time;
5 so are all the parties, but first let's start where the -- why
6 this was late disclosure; I think that's important it be on the
7 record and maybe that can be explored briefly. And if it's any
8 comfort, you're not the first on the list to cross-examine, so
9 you'll have the opportunity to get more time on that. But be
10 assured, the Commission is concerned to the degree that we want
11 to be fair and not knowing what's in the recording, me either,
12 I'm not in any position to say much more. Go ahead.

13 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you, Mr.
14 Commissioner. I think the Commissioner framed the question.
15 Can you tell us why the disclosure occurred this morning?

16 **MS. DIANE DEANS:** Sure. So when I provided
17 documentation to the Commission, I might be a technological
18 misfit; I don't know a lot about getting all of this stuff off
19 my telephone. And so effectively -- or off my devices. So I
20 handed over my devices to the City to take whatever they wanted
21 from any of this and then yesterday when I was listening to the
22 Mayor's testimony on this point -- because in my estimation it
23 was quite inaccurate.

24 I sent a message to my former assistant who is
25 now on a leave of absence from my office, but I said did we --
26 did they get that document? And she said, no, because it was on
27 my phone, not your phone. And so I had -- Mayor Watson is aware
28 of the existence of this recording because I had shared it with

1 the City's Integrity Commissioner.

2 So I sent a message to the City's Integrity
3 Commissioner yesterday and asked if that recording was still in
4 her possession, and it was, and she sent it to me. So I
5 disclosed it this morning to you.

6 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you.

7 **COMMISSIONER ROULEAU:** So I think that's helpful,
8 I assume, for your getting instructions in terms of the process
9 and the fairness issue, and we can deal with it after lunch if
10 there are further -- if there's follow-up on that.

11 **MR. JEAN-SIMON SCHOENHOLZ:** Mr. Commissioner,
12 would it be appropriate for me just to state for the record, the
13 document I need?

14 **COMMISSIONER ROULEAU:** Yes, go ahead.

15 **MR. JEAN-SIMON SCHOENHOLZ:** So it's POE, and I
16 don't need anyone to bring this up -- POE-OPD00000001.

17 **COMMISSIONER ROULEAU:** Okay.

18 **MR. JEAN-SIMON SCHOENHOLZ:** I have two short
19 questions before I wrap up.

20 **COMMISSIONER ROULEAU:** Yeah, you're going to have
21 to make it quick.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Yes, I'll be very
23 quick.

24 You were the Chair of the OPSB for one day after
25 Chief Sloly's resignation; did you notice any change in that
26 short time?

27 **MR. DAVID MIGICOVSKY:** I'm sorry ---

28 **COMMISSIONER ROULEAU:** There's another objection.

1 **MR. DAVID MIGICOVSKY:** No, my own concern is,
2 now that we have assigned it a number, my understanding was that
3 it would then be an Exhibit at the hearing and I would ask, if
4 my understanding of the rule is correct, then I would ask that
5 we defer making it an Exhibit at this time, at least so that we
6 can get instructions and speak to that issue.

7 **MR. DAVID MIGICOVSKY:** Mr. Commissioner,
8 Commission counsel, that's fine. Mr. Migicovsky is correct.
9 Typically when we refer to a document ID, it is made an Exhibit;
10 those are the rules we've set up, but in the circumstances where
11 there may be objections and we haven't -- you haven't ruled on
12 the sort of admissibility, I think my colleague was just reading
13 it out for the benefit of counsel in the room and it won't be
14 marked an Exhibit until we've dealt with its admissibility after
15 lunch.

16 **COMMISSIONER ROULEAU:** Thank you. Okay, go
17 ahead.

18 **MR. JEAN-SIMON SCHOENHOLZ:** In that one day did
19 you notice any changes?

20 **MS. DIANE DEANS:** Yes. We saw a lot more detail
21 around the plan.

22 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you. And did
23 the Board ever consider making a request -- I understand under
24 Section 9(5) of the *Police Services Act* there can be a request
25 by the Board for the OPP to provide assistance. Did the Board
26 ever consider making such a request?

27 **MS. DIANE DEANS:** I don't recall.

28 **MR. JEAN-SIMON SCHOENHOLZ:** Okay. Those are all

1 my questions. Thank you, Mr. Commissioner.

2 **COMMISSIONER ROULEAU:** Okay. So we have a little
3 bit more time. The first to cross-examine I think is counsel
4 for the former Chief, Mr. Sloly.

5 **--- CROSS-EXAMINATION BY MS. REBECCA JONES:**

6 Good afternoon, Councillor Deans and
7 Commissioner; I'm Rebecca Jones and I am part of the counsel
8 team for Chief Peter Sloly.

9 I will not be able to complete my examination of
10 you, Councillor Deans, before the lunch break, but why don't we
11 get started and then we can come back after the break.

12 So I'm going to start with the hiring of Chief
13 Sloly by the Board. Councillor Deans, after you were appointed
14 to the Board in January 2019. Part of your important work was to
15 hire the new chief?

16 **MS. DIANE DEANS:** Correct.

17 **MS. REBECCA JONES:** And Chief Sloly was recruited
18 and asked to apply for the position?

19 **MS. DIANE DEANS:** He was.

20 **MS. REBECCA JONES:** And he had been a Deputy
21 Chief in the Toronto Police Service for many years?

22 **MS. DIANE DEANS:** Correct.

23 **MS. REBECCA JONES:** And he was known as a
24 national police leader at the time?

25 **MS. DIANE DEANS:** He was.

26 **MS. REBECCA JONES:** And one of the areas he was
27 particularly known for was his progressive community-based
28 approach to policing; right?

1 **MS. DIANE DEANS:** Right.

2 **MS. REBECCA JONES:** And that is exactly what the
3 Police Services Board was looking for; right?

4 **MS. DIANE DEANS:** That's correct.

5 **MS. REBECCA JONES:** At the time that Chief Sloly
6 was hired, the Ottawa Police Service was facing a lot of
7 challenges?

8 **MS. DIANE DEANS:** Yes.

9 **MS. REBECCA JONES:** Okay. And they were facing
10 challenges, both in their relationship with the community, and
11 in particular racialized members of the community?

12 **MS. DIANE DEANS:** Yes.

13 **MS. REBECCA JONES:** And the Police Services Board
14 was also facing challenges internally within the Police Service?

15 **MS. DIANE DEANS:** Yes.

16 **MS. REBECCA JONES:** Okay. And there had been
17 audits done of these issues within the Police Service; correct?

18 **MS. DIANE DEANS:** Correct.

19 **MS. REBECCA JONES:** And there was very low
20 morale?

21 **MS. DIANE DEANS:** Yes.

22 **MS. REBECCA JONES:** And there was very low morale
23 among racialized members of the Police Service in particular?

24 **MS. DIANE DEANS:** Yes.

25 **MS. REBECCA JONES:** And when Chief Sloly came
26 into the City, he was given a change mandate?

27 **MS. DIANE DEANS:** He was, yes.

28 **MS. REBECCA JONES:** And not everyone was happy

1 about that, and you've talked about that; right?

2 **MS. DIANE DEANS:** Right.

3 **MS. REBECCA JONES:** Okay. And the Police
4 Association wasn't happy about that?

5 **MS. DIANE DEANS:** No.

6 **MS. REBECCA JONES:** You agree with me?

7 **MS. DIANE DEANS:** I do.

8 **MS. REBECCA JONES:** Chief Sloly was not their
9 preferred candidate?

10 **MS. DIANE DEANS:** Well, I don't think so but -- I
11 had the impression that the Police Association would have liked
12 to choose their own candidate; I don't think they were pleased
13 with who our second choice would have been either, from messages
14 that were sent my way.

15 Actually I don't know initially how much
16 information or knowledge they had of Chief Sloly, but I can tell
17 you that the honeymoon was short-lived.

18 **MS. REBECCA JONES:** Right. And part of the
19 reason the honeymoon was short-lived was because Chief Sloly
20 published an op-ed after a black motorist was stopped by the
21 Ottawa Police Service; correct?

22 **MS. DIANE DEANS:** I don't recall the details of
23 that, but I'll take you at your word.

24 **MS. REBECCA JONES:** Okay. You won't disagree
25 with me that the Police Association, the head of the Police
26 Association said it was a failure of leadership, or that he had
27 failed the leadership test in raising this issue publicly?

28 **MS. DIANE DEANS:** Right.

1 **MS. REBECCA JONES:** So that was the circumstance
2 faced by the Chief before the Convoy arrived; is that fair?

3 **MS. DIANE DEANS:** Yes.

4 **MS. REBECCA JONES:** Okay. And you've talked
5 about Chief Sloly and his Deputy Chiefs briefing the Board
6 before the Convoy arrived on January 26th; right?

7 **MS. DIANE DEANS:** Right.

8 **MS. REBECCA JONES:** And you made a statement at
9 that Board meeting about the importance of the right to protest;
10 right?

11 **MS. DIANE DEANS:** Yes.

12 **MS. REBECCA JONES:** And it was important to do
13 that because Ottawa is the Capital Region; right?

14 **MS. DIANE DEANS:** Right, and I happen to believe
15 in the right to protest. I've participated in some of those
16 protests.

17 **MS. REBECCA JONES:** Right. And the citizens of
18 Ottawa are very respectful of the right to protest?

19 **MS. DIANE DEANS:** Yes.

20 **MS. REBECCA JONES:** Okay. And so you talked
21 about the priorities for this protest that you had and that the
22 police service had; right? And the priorities were shared;
23 correct?

24 **MS. DIANE DEANS:** Correct.

25 **MS. REBECCA JONES:** Okay. And those priorities
26 were to provide a space for protests and to protect the right to
27 protest?

28 **MS. DIANE DEANS:** Yes.

1 **MS. REBECCA JONES:** But to ensure that this
2 protest happened without any loss of life or serious injury.

3 **MS. DIANE DEANS:** Correct.

4 **MS. REBECCA JONES:** And that of course is what
5 happened; right?

6 **MS. DIANE DEANS:** It is.

7 **MS. REBECCA JONES:** Okay. So you also gave
8 evidence about the information that you had available to you
9 from Chief Sloly. And we've heard a lot about Chief Sloly this
10 morning.

11 **MS. DIANE DEANS:** Yeah.

12 **MS. REBECCA JONES:** Haven't we?

13 **MS. DIANE DEANS:** We have.

14 **MS. REBECCA JONES:** And Chief Sloly wasn't
15 operating on his own, was he?

16 **MS. DIANE DEANS:** What do you mean?

17 **MS. REBECCA JONES:** He had a command team; right?

18 **MS. DIANE DEANS:** He did.

19 **MS. REBECCA JONES:** Okay. And Acting
20 Chief Ferguson was in charge of Operations; you knew that?

21 **MS. DIANE DEANS:** Yes.

22 **MS. REBECCA JONES:** Okay. And Deputy Chief --
23 Acting Deputy Chief Ferguson, I should have said. And Deputy
24 Chief Bell was in charge of Intelligence.

25 **MS. DIANE DEANS:** Yes.

26 **MS. REBECCA JONES:** Okay. And this is a team
27 effort, of course, but led by the Chief?

28 **MS. DIANE DEANS:** Right.

1 **MS. REBECCA JONES:** Now, you talked about the
2 information that you were provided. And Commission Counsel
3 showed you a snippet of a situational report. Do you remember
4 that?

5 **MS. DIANE DEANS:** M'hm.

6 **MS. REBECCA JONES:** And that situational report
7 referred to the fact that certain people were saying they
8 weren't leaving until whatever demand was met; right?

9 **MS. DIANE DEANS:** Right.

10 **MS. REBECCA JONES:** Okay. And your expectation,
11 though, for your Police Service, for Chief Sloly, for head of
12 the Intelligence effort, Deputy Chief Bell, would be that they
13 would take all of the intelligence into account; correct?

14 **MS. DIANE DEANS:** Yes.

15 **MS. REBECCA JONES:** Okay. And you don't have
16 access to all of the intelligence, you rely on them for that.

17 **MS. DIANE DEANS:** I don't have access to any of
18 the intelligence.

19 **MS. REBECCA JONES:** Well, let me ask you about
20 that because a lot has been made about that today. You
21 understand, Councillor Deans, in your role as the Chair of the
22 Board, that you are not provided with Intelligence reports.

23 **MS. DIANE DEANS:** Yes.

24 **MS. REBECCA JONES:** Okay. You haven't been
25 provided with Intelligence reports in the past either; correct?

26 **MS. DIANE DEANS:** Correct.

27 **MS. REBECCA JONES:** And the reason for that is
28 because Intelligence reports are highly confidential.

1 **MS. DIANE DEANS:** Right.

2 **MS. REBECCA JONES:** And if we actually look at
3 the Hendon reports, which we can do now or after lunch, we'll
4 see that on each page of the Hendon reports, which came from the
5 OPP, it specifically states that they are not to be shared.
6 Okay; is that fair?

7 **MS. DIANE DEANS:** Makes sense.

8 **MS. REBECCA JONES:** Okay, it makes sense. So
9 when we're talking about what Intelligence reports, and you
10 didn't see the Intelligence reports, you said you relied on
11 Chief Sloly for telling you that that was normal; right?

12 **MS. DIANE DEANS:** Correct.

13 **MS. REBECCA JONES:** But you also knew, based on
14 your own experience, that Intelligence reports are not given to
15 the Board; right?

16 **MS. DIANE DEANS:** Right.

17 **MS. REBECCA JONES:** Okay.

18 **MS. DIANE DEANS:** I think what I was saying is we
19 relied on Chief Sloly to provide us that information.

20 **MS. REBECCA JONES:** The information he could
21 provide.

22 **MS. DIANE DEANS:** Right.

23 **MS. REBECCA JONES:** Legally?

24 **MS. DIANE DEANS:** Right.

25 **MS. REBECCA JONES:** Operationally?

26 **MS. DIANE DEANS:** Right.

27 **MS. REBECCA JONES:** So if we can put up a
28 document now, please. It's OPP1024.

1 I just referred to Project Hendon reports, and
2 this is an example of one, Councillor Deans. And if you scroll
3 down the bottom of the page you'll see the reference to the
4 Third Party Rule, and that's a rule that when one Intelligence
5 agency shares information with another, that agency isn't --
6 they're not to share it outside of the Police Service; right?

7 **MS. DIANE DEANS:** Right.

8 **MS. REBECCA JONES:** Okay.

9 And if we can go to page 4, please. Here, we see
10 -- actually if you scroll down a little bit more. Here we go.

11 At the last paragraph. It says:

12 "Although the stated intent of some
13 convoy participants is to remain at
14 Parliament Hill until the convoy [sic]
15 rescinds all COVID-19 restrictions and
16 mandates, this goal is likely to prove
17 unrealistic in the long term."

18 Right?

19 **MS. DIANE DEANS:** "...until the government
20 rescinds all COVID restrictions", not the convoy.

21 **MS. REBECCA JONES:** Thank you. "...until the
22 government rescinds all COVID restrictions." And then, but
23 says, you know, "even a small number remaining would be
24 disruptive"; right?

25 **MS. DIANE DEANS:** Right.

26 **MS. REBECCA JONES:** And this is actually the
27 information that you obtained from the Ottawa Police Service.
28 That the expectation was that people would leave, but there

1 could be some people that hung on; right?

2 **MS. DIANE DEANS:** That was much more the
3 information that we were getting.

4 **MS. REBECCA JONES:** Right, so you agree with me.

5 **MS. DIANE DEANS:** I don't know how much I really
6 understood the part about there would be some hangers-on, but I
7 guess there's always some hangers-on.

8 **MS. REBECCA JONES:** Right, because we've heard
9 that Ottawa has 99 or 100 protests a year, and it's very common
10 for there to be some people that hang on at the end of a
11 protest; right?

12 **MS. DIANE DEANS:** Well, we would hope to enjoy
13 what Ottawa has to offer and not to continue the protests.

14 **MS. REBECCA JONES:** Right, but sometimes they're
15 there to continue to protest; right?

16 **MS. DIANE DEANS:** Yeah, I suppose.

17 **MS. REBECCA JONES:** Okay. And so this
18 information that the goal to remain in any numbers was
19 unrealistic, this is the kind of information that you would
20 expect the OPS to put together with all the rest of the
21 Intelligence information to share their assessment with the
22 Board; correct?

23 **MS. DIANE DEANS:** Yes.

24 **MS. REBECCA JONES:** Okay.

25 We can take that down now.

26 And Mr. Commissioner, I don't know the time, but
27 if this is a convenient time for the lunchbreak.

28 **COMMISSIONER ROULEAU:** We certainly can. It's a

1 little early, but if it's a good time for you, we'll take the
2 lunchbreak, and come back at two o'clock.

3 **MS. REBECCA JONES:** Thank you.

4 **THE REGISTRAR:** The Commission is in recess for
5 one hour. La Commission est levée pour une heure.

6 --- Upon recessing at 12:57 p.m.

7 --- Upon resuming at 2:01 p.m.

8 **THE REGISTRAR:** À l'ordre. The Commission is
9 reconvened. La Commission reprend.

10 **--- MS. DIANE DEANS, Resumed:**

11 **--- CROSS-EXAMINATION BY MS. REBECCA JONES (Cont'd):**

12 **MS. REBECCA JONES:** I'm going to turn at now,
13 Councillor Deans, to planning, and we heard a lot of evidence
14 this morning about the plan.

15 So you testified that there is always some
16 tension between the police and the Police Services Board about
17 the sharing of operational planning details; right?

18 **MS. DIANE DEANS:** Right.

19 **MS. REBECCA JONES:** And we spoke before the break
20 about the sensitivity of Intelligence information, and I suggest
21 to you that there are very similar sensitivities involved in
22 sharing operational information.

23 **MS. DIANE DEANS:** Yeah.

24 **MS. REBECCA JONES:** The information of Police
25 Operations is considered highly confidential for safety reasons.

26 **MS. DIANE DEANS:** Right.

27 **MS. REBECCA JONES:** Including the safety of
28 officers.

1 MS. DIANE DEANS: Right.

2 MS. REBECCA JONES: And as Chief of Police, the
3 safety of officers would be of the utmost importance; right?

4 MS. DIANE DEANS: Of course.

5 MS. REBECCA JONES: And like in the case of
6 Intelligence reports, it was not the practice of the Board to
7 demand operational planning information prior to the convoy;
8 right?

9 MS. DIANE DEANS: I don't think we demanded
10 operational planning information, I think we, you know, enquired
11 about operational issues in accordance with what we understood
12 that limit to be under the Act.

13 MS. REBECCA JONES: Fair. So prior to the
14 convoy, you wanted some high level operational information, but
15 you weren't asking for tactical plans, for example?

16 MS. DIANE DEANS: No.

17 MS. REBECCA JONES: You agree with me on that?

18 MS. DIANE DEANS: I do.

19 MS. REBECCA JONES: Okay. But here, with the
20 convoy, everyone was under a tremendous amount of pressure.

21 MS. DIANE DEANS: A lot.

22 MS. REBECCA JONES: Okay. And you were under a
23 tremendous amount of pressure.

24 MS. DIANE DEANS: Yes.

25 MS. REBECCA JONES: As was Chief Sloly?

26 MS. DIANE DEANS: Yes.

27 MS. REBECCA JONES: And you and the Board started
28 wanting more information about the operational plans; right?

1 MS. DIANE DEANS: That's fair, yeah.

2 MS. REBECCA JONES: And you'll agree with me that
3 it was a highly volatile situation during the Freedom Convoy?

4 MS. DIANE DEANS: I will.

5 MS. REBECCA JONES: And there were threats, as
6 you testified this morning, to members of the Board; right?
7 There were threats to Chief Sloy, there were threats to the
8 Mayor; right? Yes?

9 MS. DIANE DEANS: Yes, yes.

10 MS. REBECCA JONES: And you also testified this
11 morning about leaks of sensitive information from the Board;
12 right?

13 MS. DIANE DEANS: Yes.

14 MS. REBECCA JONES: Yes. And that there had been
15 leaks of information from the Board in the past; is that fair?

16 MS. DIANE DEANS: It is fair.

17 MS. REBECCA JONES: Okay.

18 And Commission Counsel also showed you an email
19 from one Board member, Mr. Swaita, asking for more information
20 about the planning; correct?

21 MS. DIANE DEANS: M'hm.

22 MS. REBECCA JONES: And, I'm sorry; if you can
23 just say, "Yes".

24 MS. DIANE DEANS: Yes.

25 MS. REBECCA JONES: Okay, thank you.

26 MS. DIANE DEANS: Sorry.

27 MS. REBECCA JONES: I know it's -- that's fine.
28 And Mr. Swaita, a few weeks later, stepped down

1 from the Board, is that right?

2 **MS. DIANE DEANS:** Yes.

3 **MS. REBECCA JONES:** Okay. And he stepped down
4 from the Board after evidence emerged that he had attended the
5 Freedom Convoy protest on two occasions, right?

6 **MS. DIANE DEANS:** I don't know if that's why he
7 stepped down. My impression at the time was he stepped down the
8 same day the other two provincial appointees stepped down. And
9 I was left with the definite impression that they got pushed
10 out.

11 **MS. REBECCA JONES:** Okay. Were you aware of the
12 media reports at the time that he'd attended protests and
13 wouldn't answer questions about whether or not he had donated
14 food to the protesters?

15 **MS. DIANE DEANS:** Yes.

16 **MS. REBECCA JONES:** Okay. An example of the lack
17 of operational detail that you felt you were getting was in
18 relation to the operation and Rideau and Sussex, right?

19 **MS. DIANE DEANS:** An example of it? Yes.

20 **MS. REBECCA JONES:** Yes. And you told the
21 Commissioner that you were told that there was going to be an
22 operation in advance, right?

23 **MS. DIANE DEANS:** Yes.

24 **MS. REBECCA JONES:** And you were told some
25 details of that operation?

26 **MS. DIANE DEANS:** Not a lot but a very, very high
27 level.

28 **MS. REBECCA JONES:** Right. You were given high

1 level details of a police operation, right?

2 MS. DIANE DEANS: Yes.

3 MS. REBECCA JONES: Okay. And that is the kind
4 of details that the Board gets about police operations, right?

5 MS. DIANE DEANS: In Ottawa that's the kind of
6 detail we were accustomed to getting.

7 MS. REBECCA JONES: Okay. But you didn't get, as
8 you put it, the full plan for the operation, right?

9 MS. DIANE DEANS: No. Or even as much
10 information as, after I had seen that Toronto report, I thought
11 they were getting.

12 MS. REBECCA JONES: Okay. Well, I think this is
13 before the Toronto report.

14 MS. DIANE DEANS: Yeah, okay.

15 MS. REBECCA JONES: Okay.

16 MS. DIANE DEANS: But no -- okay, carry on.

17 MS. REBECCA JONES: Okay. So you've been
18 following the evidence in this Commission so far?

19 MS. DIANE DEANS: Yes.

20 MS. REBECCA JONES: Okay. So I take it that
21 you've heard the evidence that the operation at Rideau and
22 Sussex was seen to be a particularly sensitive operation.

23 MS. DIANE DEANS: Yes.

24 MS. REBECCA JONES: Right?

25 MS. DIANE DEANS: Correct.

26 MS. REBECCA JONES: There was reports that there
27 were people involved from criminal organizations in Quebec?

28 MS. DIANE DEANS: I heard that evidence.

1 **MS. REBECCA JONES:** Right, okay. And so you
2 would agree with me that with a Board with the history of leaks,
3 maybe a little concerning to share the full plan of operational
4 details of going into Rideau and Sussex; is that fair?

5 **MS. DIANE DEANS:** No, I don't think I would agree
6 with you on that. I -- you know, as Chair of the Board, any
7 highly sensitive information that was being shared with the
8 Board, I would have really, you know, read the riot act to the
9 Board members about confidentiality and reminded them of their
10 oath that they took when they joined that Board, and the
11 sensitive nature and potential for putting officers in harms way
12 by leaking that information.

13 So, no, I don't think I can fully accept your
14 premise.

15 **MS. REBECCA JONES:** Okay. Well, maybe you'll
16 fully accept this: ---

17 **MS. DIANE DEANS:** Okay.

18 **MS. REBECCA JONES:** --- that for Chief Sloly, he
19 would be concerned about his officers going into an operation
20 like that.

21 **MS. DIANE DEANS:** Absolutely.

22 **MS. REBECCA JONES:** Okay. And you were asked by
23 my friend for the Commission whether you were ever offered by
24 Chief Sloly to be -- have a member of the Board embedded within
25 the Police Service, like we heard about in Toronto, right?

26 **MS. DIANE DEANS:** Right.

27 **MS. REBECCA JONES:** And you weren't asked whether
28 you asked whether you could be embedded, or someone could be

1 embedded within the Police Service.

2 **MS. DIANE DEANS:** I don't believe we asked.

3 **MS. REBECCA JONES:** Okay. And in terms of your
4 evidence about the plan and your concerns about the plan, just
5 for the benefit of the public and for the Commissioner, I take
6 it that you are not commenting on the sufficiency or the
7 appropriateness of the plan; that would go beyond your
8 expertise.

9 **MS. DIANE DEANS:** Correct.

10 **MS. REBECCA JONES:** Okay. And so what we can
11 take from you is you were concerned solely about the level of
12 detail you and the Board were given about the plans.

13 **MS. DIANE DEANS:** I would like to have seen more
14 detail. I'd also like to have been able to greater satisfy
15 ourselves that there was a plan.

16 **MS. REBECCA JONES:** Well, you were assured there
17 was a plan, and you were given details about that plan, I
18 suggest to you, daily by Chief Sloly.

19 **MS. DIANE DEANS:** What days are we talking about?
20 We were seeing more details of a plan as we went on but for a
21 lot of those 20 days, it did not feel that I was getting
22 detailed information about a plan.

23 **MS. REBECCA JONES:** Right. And I hear you about
24 that.

25 **MS. DIANE DEANS:** Okay.

26 **MS. REBECCA JONES:** And what I'm trying to
27 establish here is that what you were not satisfied with was the
28 information you were getting, the level of detail you getting

1 about the operational plan; correct?

2 **MS. DIANE DEANS:** Yes. And for at least a
3 considerable amount of the time that there was a full plan.

4 **MS. REBECCA JONES:** Well, you understood, as
5 Chief Sloly said repeatedly in Board meetings and Council
6 meetings that are recorded, that the plan was well in hand and
7 was evolving as information evolved, right?

8 **MS. DIANE DEANS:** Yes.

9 **MS. REBECCA JONES:** Okay. So I want to talk now
10 a bit about resources. I think you gave evidence that you first
11 heard about the OPS requiring more resources around February 1.

12 **MS. DIANE DEANS:** Yeah.

13 **MS. REBECCA JONES:** Okay. And just to refresh
14 your memory about that, and I can put the documents up if you
15 like, you were actually signing Memorandums of Understanding for
16 additional police officers from before the convoy arrived in
17 Ottawa.

18 **MS. DIANE DEANS:** Oh, yes, yes.

19 **MS. REBECCA JONES:** Okay. So you knew from
20 before the convoy arrived that Chief Sloly was making efforts to
21 secure additional resources.

22 **MS. DIANE DEANS:** Yeah. I think that was sort of
23 standard practice in some large-scale events that the City
24 hosted in the past, that there was sharing of some resources at
25 that level.

26 **MS. REBECCA JONES:** Exactly. And, actually,
27 that's exactly what I wanted to get to with you, which is that
28 is how resources are, in the ordinary course, obtained, right,

1 for big protests or big events?

2 **MS. DIANE DEANS:** Yes.

3 **MS. REBECCA JONES:** Okay. They're obtained by
4 Chief Sloly, drawing on his police relationships.

5 **MS. DIANE DEANS:** Yes.

6 **MS. REBECCA JONES:** Okay. And that's what he was
7 doing from before the convoy arrived; correct?

8 **MS. DIANE DEANS:** Correct.

9 **MS. REBECCA JONES:** Okay. And you have no basis,
10 I take it, to disagree with me that he was doing that on a near
11 constant basis during the convoy; reaching out for additional
12 resources.

13 **MS. DIANE DEANS:** Yeah, and it amped up as time
14 went on.

15 **MS. REBECCA JONES:** And it amped up.

16 **MS. DIANE DEANS:** Yes.

17 **MS. REBECCA JONES:** Exactly. And what was
18 exceptional here was not that Chief Sloly was asking for
19 additional resources, although the extent to which he was asking
20 was exceptional; what was exceptional here was that he was
21 asking for so much help from the Board in getting those
22 resources, right? We saw the February 3rd email where he wrote
23 to you and said, "I need your help getting resources"?

24 **MS. DIANE DEANS:** Yeah.

25 **MS. REBECCA JONES:** Right. And that wasn't
26 usual; correct?

27 **MS. DIANE DEANS:** No, it wasn't usual.

28 **MS. REBECCA JONES:** It was unusual. And so that

1 when you get to the February 5th meeting where you say to him, "I
2 want to hear what you need," he had already been asking for help
3 from the Board.

4 **MS. DIANE DEANS:** He had been asking for help,
5 but we hadn't -- it's like, "Send more resources. Send more
6 resources" but I didn't -- I didn't have the information what
7 that actually looked like; how much.

8 **MS. REBECCA JONES:** The number.

9 **MS. DIANE DEANS:** The numbers.

10 **MS. REBECCA JONES:** The numbers.

11 **MS. DIANE DEANS:** What would it take, and he had
12 made that comment, as you will recall. He had made that comment
13 about not being certain that there was a policing solution. So,
14 yeah, with all of, like, yeah, we need to understand this
15 better.

16 **MS. REBECCA JONES:** Right. And you understood
17 his comment about there not being a policing solution, or there
18 may not be a policing solution to be a call for help, right?

19 **MS. DIANE DEANS:** I did, yes.

20 **MS. REBECCA JONES:** Okay.

21 **MS. DIANE DEANS:** Very much so.

22 **MS. REBECCA JONES:** And the call for help was,
23 "We cannot, as the local police of jurisdiction, do this on our
24 own"?

25 **MS. DIANE DEANS:** Yes.

26 **MS. REBECCA JONES:** Okay. And you understood it
27 that way, and he also explained it that way. We saw it up on
28 the screen, right?

1 MS. DIANE DEANS: Yes.

2 MS. REBECCA JONES: He explained, "We need the
3 help from all levels of government."

4 MS. DIANE DEANS: Yes.

5 MS. REBECCA JONES: And people, you say, didn't
6 understand that comment, right, when he first made it?

7 MS. DIANE DEANS: Yes.

8 MS. REBECCA JONES: And -- but you've said
9 publicly, and we all know now, that he was right.

10 MS. DIANE DEANS: I believe he was very right.

11 MS. REBECCA JONES: He was just right earlier
12 than a lot of other people.

13 MS. DIANE DEANS: Probably had more information
14 than everyone else but, yeah, I think the way this all ended
15 actually did prove that Chief Sloly, what he said early on, was
16 in fact correct.

17 MS. REBECCA JONES: Now, Chief Sloly, after
18 getting the Board's request on February 5th for a number, more
19 details about resources, the next day, he provided that number
20 and you were satisfied, and they mayor has given evidence that
21 he was satisfied with the level of detail of that request?

22 MS. DIANE DEANS: M'hm.

23 MS. REBECCA JONES: Yes?

24 MS. DIANE DEANS: Yes.

25 MS. REBECCA JONES: Okay. And my friend asked,
26 you know, was it ever suggested to you that he asked for twice
27 as many resources as he needed? What you weren't asked was to
28 confirm that he was right about that too, wasn't he?

1 **MS. DIANE DEANS:** What he asked for?

2 **MS. REBECCA JONES:** Yes.

3 **MS. DIANE DEANS:** I believe that he was right
4 about what he asked for.

5 **MS. REBECCA JONES:** Okay. Now, I'm going to turn
6 to Chief Sloly's resignation. You gave evidence that a week
7 before his resignation, you called him as part of a wellness
8 check?

9 **MS. DIANE DEANS:** Well, I was in constant touch
10 with Chief Sloly, but we were chatting about -- you know, we had
11 a lot of stuff to talk about, but I also wanted to make sure
12 that he was okay and that he was aware of, you know, what was
13 happening in the broader community, and so we did speak about
14 that.

15 **MS. REBECCA JONES:** Okay. And during that
16 conversation, you expressed to him that a lot of people wanted
17 his head?

18 **MS. DIANE DEANS:** I don't know if it was those
19 exact words, but I mean, in a broad sense, that was -- he knew
20 that. I knew that. There were calls for his resignation and
21 you know, I probably crassly described, but I think the
22 sentiment was clear.

23 **MS. REBECCA JONES:** And just to be fair to you,
24 I'm going to suggest to you that he didn't say, "Cut me a
25 cheque. I'm not resigning," but rather, "I'm not resigning so
26 if you want me out, you're going to have to buy out my
27 contract"?

28 **MS. DIANE DEANS:** No. I mean, that might be what

1 happened the next week in terms of closer to what you're
2 suggesting, but the first week, I mean, I think it -- as I said
3 this morning, I wasn't certain of the -- what he was trying to
4 convey. Was it just the frustration of the moment, or like, is
5 it something he actually had in his mind? I didn't have a sense
6 of that.

7 I didn't pursue it. I had just heard that
8 comment, and it may have been -- and I said this this morning --
9 it may have just been off the cuff and he may not have meant it
10 at all. I didn't know. I didn't pursue it, so I didn't know.
11 I followed up on a week later.

12 **MS. REBECCA JONES:** Right. And then -- so a week
13 later, you called him again, and we're right now in the middle
14 of the crisis, right?

15 **MS. DIANE DEANS:** Yes.

16 **MS. REBECCA JONES:** And you ask him about
17 resigning, right?

18 **MS. DIANE DEANS:** I asked him if what he had said
19 the week previous was what he was thinking about.

20 **MS. REBECCA JONES:** And you testified that as far
21 as you saw, he was never supported by the senior command?

22 **MS. DIANE DEANS:** There was -- there were
23 problems in the senior command.

24 **MS. REBECCA JONES:** Okay. And is it fair to say
25 that that call on that evening of the 14th asking him about
26 resigning would have felt to him like a lost support by his
27 Board?

28 **MS. DIANE DEANS:** It wasn't intended to be that.

1 It was -- I don't know how he would interpret it. I was
2 concerned for him, as I said this morning, and was concerned for
3 the story that was going to be coming out from CBC that was
4 casting him in a particularly dark light. And I didn't know how
5 much he could withstand, and I -- you know, I wasn't doing it to
6 suggest in any way that he should leave.

7 And when he said no, he was going to see it
8 through that evening, I said, "That's fine, Chief." It's like,
9 I didn't want to leave him with the impression that we were
10 pushing him out. That wasn't the case. It was a conversation.
11 I probably knew more about some council motive than he did
12 because I hadn't shared that with him, and I -- you know, I just
13 thought it was going to be a tough few days.

14 **MS. REBECCA JONES:** Very briefly, on the CBC
15 article, the article you're referring to refers to confidential
16 sources, including within the OPS, about tension, raised voices
17 during the crisis, correct?

18 **MS. DIANE DEANS:** Correct.

19 **MS. REBECCA JONES:** And is it fair that -- we've
20 seen footage, for example, of the February 16th council meeting,
21 that there were a lot of raised voices to go around in this
22 period?

23 **MS. DIANE DEANS:** Oh my goodness, yes.

24 **MS. REBECCA JONES:** Everyone had difficult days
25 during this period?

26 **MS. DIANE DEANS:** Yes.

27 **MS. REBECCA JONES:** Okay. And I can see from the
28 Commissioner that I'm out of time, but you have, Mr.

1 Commissioner, some more questions for this witness. I would ask
2 for leave for a few more minutes to continue my cross-
3 examination.

4 **COMMISSIONER ROULEAU:** Make it very short,
5 please.

6 **MS. REBECCA JONES:** Okay. If we can pull up,
7 please, OBP1649? If we could go to page 6, please?

8 These are the minutes, in-camera minutes of the
9 Ottawa Police Service Board on February 15th, and this was the
10 day of Chief Sloly's resignation, correct?

11 **MS. DIANE DEANS:** M'hm.

12 **MS. REBECCA JONES:** If you can scroll -- oh,
13 there we go. So in the first big paragraph, we see at the top,
14 a point was raised regarding Mr. Sloly having struggled to be
15 accepted within the organization, given that he was considered
16 an outsider, and you've given evidence about that, correct?

17 **MS. DIANE DEANS:** Yes.

18 **MS. REBECCA JONES:** And then the last sentence of
19 that paragraph reads:

20 "In conversation with Chair Deans the
21 week prior, Deputy Chief Bell had
22 advised that he would not have done
23 anything differently if he were in
24 charge."

25 Right?

26 **MS. DIANE DEANS:** Yes.

27 **MS. REBECCA JONES:** And Deputy Chief Bell told
28 you that?

1 MS. DIANE DEANS: He did.

2 MS. REBECCA JONES: Okay. You've also publicly
3 stated that in your view, Chief Sloly was the subject of racism?

4 MS. DIANE DEANS: Yes.

5 MS. REBECCA JONES: And that he was the subject
6 of scapegoating?

7 MS. DIANE DEANS: Yes.

8 MS. REBECCA JONES: And that at the end of this,
9 there were a lot of finger pointing and a lot of blame, right?

10 MS. DIANE DEANS: Yes.

11 MS. REBECCA JONES: And a lot fell at the feet of
12 the first Black police chief in Ottawa, right?

13 MS. DIANE DEANS: Exactly.

14 MS. REBECCA JONES: And you'll agree with me that
15 it would be very unfair to lay blame for the events of the
16 Freedom Convoy on the feet of Chief Sloly alone?

17 MS. DIANE DEANS: Alone? Absolutely.

18 MS. REBECCA JONES: Right.

19 MS. DIANE DEANS: There was a lot of blame to go
20 around.

21 MS. REBECCA JONES: A lot of blame to go around,
22 a lot of things that we can learn about how things could have
23 gone differently, correct?

24 MS. DIANE DEANS: Oh, correct.

25 MS. REBECCA JONES: Okay. But as you've
26 confirmed, you never lost confidence in your chief of police
27 during this entire event?

28 MS. DIANE DEANS: I did not.

1 **MS. REBECCA JONES:** Okay. Those are my
2 questions. Thank you, Commissioner.

3 **COMMISSIONER ROULEAU:** Okay. Thank you.
4 Next on the list we have the Ottawa Coalition.

5 **--- CROSS-EXAMINATION BY MR. PAUL CHAMP:**

6 **MR. PAUL CHAMP:** Thank you, Commissioner and Ms.
7 Deans.

8 My name is Paul Champ. I'm legal counsel for the
9 Ottawa Coalition of Residents and Businesses.

10 I just have some questions for you further to
11 your testimony of this morning.

12 Ms. Deans, I just want to ask you first about the
13 context or the environment with the Ottawa Police Service
14 immediately preceding the Freedom Convoy. This was a bit of a
15 tough time for the Ottawa Police; would you agree?

16 **MS. DIANE DEANS:** Yes.

17 **MR. PAUL CHAMP:** There had been a series of
18 scandals. You had a -- Deputy Chief Jaswal had been suspended
19 due to sexual harassment allegations; there'd been a termination
20 of the CAO, the Chief Administration Officer; there were
21 workplace reviews that were coming out of low morale and
22 harassment and discriminatory attitudes in the police. These
23 were all the things that were going on just in the previous
24 year; is that fair?

25 **MS. DIANE DEANS:** That is fair.

26 **MR. PAUL CHAMP:** And when you referred to this
27 morning about the Ottawa Police was flying with one wing, to
28 some extent, you meant that there was only permanent deputy

1 chief, that being Deputy Chief Bell, and then the other deputy
2 chief position that had a number of rotating superintendents?
3 Is that what you meant?

4 **MS. DIANE DEANS:** That's what I meant.

5 **MR. PAUL CHAMP:** And we know that Acting Deputy
6 Chief Ferguson, who was in charge of this operation, was one of
7 those superintendents who was just acting deputy chief at that
8 time?

9 **MS. DIANE DEANS:** Correct.

10 **MR. PAUL CHAMP:** So presumably had a bit less
11 experience than others who would have been in that role
12 otherwise?

13 **MS. DIANE DEANS:** Right.

14 **MR. PAUL CHAMP:** Now, turning to the freedom
15 convoy, and just before the arrival, as a lay person, I think
16 you told us this morning that, you know, you were following the
17 news, you were following some social media, and you saw the huge
18 number of trucks that were rumbling across the country, and you
19 saw the millions of dollars being raised in GoFundMe. And on
20 that basis, you had concerns that these protestors looked like
21 they were planning to stick around for a while. Is that right?

22 **MS. DIANE DEANS:** I was concerned. M'hm.

23 **MR. PAUL CHAMP:** And were you aware that some
24 police intelligence at that time, I think we're going to hear
25 about that evidence later today, were that some of these
26 protestors were saying that they planned to stay in Ottawa until
27 their demands were met? Were you aware of that?

28 **MS. DIANE DEANS:** I don't think I was aware of

1 that.

2 **MR. PAUL CHAMP:** Okay. But notwithstanding all
3 of this, Chief Sloly was reassuring you that in their
4 assessment, and based on all the other inputs they had, that
5 they believed that the freedom convoy protestors were going to
6 be moving out by the Monday? Is that right?

7 **MS. DIANE DEANS:** Yes.

8 **MR. PAUL CHAMP:** But did he give you any
9 indication whether the Ottawa Police had a contingency plan in
10 the event that didn't happen?

11 **MS. DIANE DEANS:** Yeah, I don't believe I was
12 aware of a contingency plan.

13 **MR. PAUL CHAMP:** Okay. And Councillor Deans,
14 looking at one of the documents that's referred to in your
15 interview summary about some texts that you were having with
16 Deputy Chief Bell on January the 31st, just after the weekend,
17 where you asked him how we can ensure that no more trucks are
18 allowed into the city, we had all these trucks that were ---

19 **MS. DIANE DEANS:** M'hm.

20 **MR. PAUL CHAMP:** --- gridlocking downtown, and
21 you wanted to know that there were no more trucks allowed in,
22 and Deputy Chief Bell told you that no more trucks could drive
23 into that area now. Do you recall getting that assurance?

24 **MS. DIANE DEANS:** If it's in a text message, I
25 guess I got it. There were a lot of text messages.

26 **MR. PAUL CHAMP:** Yeah, for sure. Not with the
27 Mayor, but we'll get to that in a moment.

28 But the -- there were more trucks coming in after

1 that first weekend; correct?

2 **MS. DIANE DEANS:** Yes, there were.

3 **MR. PAUL CHAMP:** And did you ever get any answer
4 to that from either Deputy Chief Bell or Chief Sloly about why
5 more trucks were being allowed into downtown Ottawa after that
6 first weekend?

7 **MS. DIANE DEANS:** Yeah, there were -- I mean,
8 there were a number of questions being asked about that because,
9 I mean on one hand, first they were telling us that there was a
10 constitutional right, there was no where else to put the trucks,
11 they were allowed to come. Then it was like, "We're going to
12 try to kick them out." And then they're coming in.

13 It was just -- it was -- it was a fluid
14 situation.

15 **MR. PAUL CHAMP:** Just a brief question about your
16 telephone conversation with City Solicitor David White about the
17 potential for an injunction, I've had some conversations with
18 counsel. I'm going to ask you a question that doesn't get to
19 the substance of what Mr. White was advising you, but I'm -- Mr.
20 White did express to you that they did not have a plan to go for
21 an injunction; correct?

22 **MS. DIANE DEANS:** Yes.

23 **MR. PAUL CHAMP:** Now, did he say it was because
24 of one of two reasons, one, that there was concerns that the
25 Ottawa Police would be unable to enforce an injunction? Or was
26 he suggesting that they would be concerned about their
27 reputation if they were unsuccessful, that they might be
28 embarrassed if the Court denied their injunction?

1 **MS. DIANE DEANS:** Well I think it was the latter,
2 and perhaps partially the former too.

3 **MR. PAUL CHAMP:** Is that what he expressed to
4 you?

5 **MS. DIANE DEANS:** Yeah, I don't know if I'm
6 allowed to tell you what he told me.

7 **MS. ALYSSA TOMKINS:** We've been permissive. I
8 think that's the end of the discussion.

9 **MR. PAUL CHAMP:** Did Mr. White tell you who would
10 make the decision or who was responsible for making the
11 decision?

12 **MS. DIANE DEANS:** Mr. Kanellakos.

13 **MR. PAUL CHAMP:** The City Manager. That's -- and
14 Mr. Kanellakos, he's the city manager who later on referred to
15 Ms. Zexi Li, the person who did get the injunction as "some 20-
16 year-old"? That's the same city manager?

17 **MS. DIANE DEANS:** He is. It's the only city
18 manager.

19 **MR. PAUL CHAMP:** Now, you testified this morning,
20 Councillor Deans, that you weren't aware that the OPP and the
21 RCMP were perhaps delaying deployment of officers or resources
22 because they had some concerns about the OPS operational plans.
23 You never had heard about that before? Is that right?

24 **MS. DIANE DEANS:** No, and I listened to the
25 testimony and I have to say I was angered by it. I really
26 believed that the oversight body could have usefully used that
27 information in the performance of our duty. And I listened to
28 the testimony from Mr. Kanellakos, where he said, "Well it was

1 operational. There was no need to give it to Councillor Deans
2 or the Board." And I respectfully disagree with that. That was
3 very important.

4 **MR. PAUL CHAMP:** What could the Board have done
5 with that information?

6 **MS. DIANE DEANS:** Well we definitely could have
7 questioned, we could have asked, "What is it about the plan that
8 is insufficient to gain resources? What do they need?" I mean,
9 I think there was a lot we could have done. I think our focus
10 would have, perhaps, shifted to that plan and what we needed to
11 shore up the plan to get resources, rather than just asking for
12 resources. But we didn't have that information.

13 **MR. PAUL CHAMP:** And had you heard concerns that
14 the OPP were raising concerns that their officers, at times,
15 were being mis-deployed, sent one place and then sent to
16 another, and time was being wasted and they had concerns about
17 that? I think we're going to hear about that from ---

18 **MS. DIANE DEANS:** Yeah, no, that information was
19 not shared with the Board.

20 **MR. PAUL CHAMP:** And Ms. Deans, did you -- when
21 we were getting later into the protest and there was all these
22 concerns, or this or that happening, did you ever speak to
23 either the deputy chiefs about, you know, what was happening,
24 whether they had concerns about how things were unfolding, or
25 what the Ottawa Police -- how the Ottawa Police were responding?

26 **MS. DIANE DEANS:** I phoned Deputy Chief Bell one
27 day. I mean, I felt that I had a good relationship with him and
28 it was a, you know, just between him and I conversation, which

1 obviously it's not now, but I intended it to be then, and I just
2 said to him, "Deputy Chief Bell, I just really just wanted to
3 ask you one question. If you were the chief right now, what
4 would you be doing differently?" And his answer was very
5 simple. It was, "Nothing."

6 **MR. PAUL CHAMP:** And so from that, you drew that
7 there was no concerns at the senior command with Chief Sloyly's
8 leadership, per say?

9 **MS. DIANE DEANS:** I don't know if that's what I
10 drew from it. I just drew from it that they wouldn't be doing
11 anything ---

12 **MR. PAUL CHAMP:** Wouldn't have been doing ---

13 **MS. DIANE DEANS:** --- different.

14 **MR. PAUL CHAMP:** Fair enough. Now, I want to
15 turn a bit to your relationship with Mayor Watson. If you --
16 while you were Chair of the Board, if you ever wanted to have a
17 private conversation with Mayor Watson, could you just call him?

18 **MS. DIANE DEANS:** No.

19 **MR. PAUL CHAMP:** And why was that?

20 **MS. DIANE DEANS:** I asked Mayor Watson early on
21 in my tenure as Chair of the Police Services Board if he would
22 share his phone number with me in order that we could converse
23 and, I mean, in times like this in particular, it was actually
24 during the protests of the Black Lives Matter, and you probably
25 recall that ---

26 **MR. PAUL CHAMP:** M'hm.

27 **MS. DIANE DEANS:** --- there was a lot of tension
28 during that particular protest. And I had gone through his

1 Chief of Staff to get to him and I said, "Could you just give me
2 your phone number? Because, like, it would just be easier if I
3 could phone you when there are issues that, you know, are on the
4 front burner and urgent?" And he just said, "No." He said he
5 doesn't answer his phone, he doesn't usually have it on, nobody
6 has the number, and you know.

7 **MR. PAUL CHAMP:** With some of these other key
8 players that we've heard about, Chief Sloly, Deputy Chief Bell,
9 Mr. Arpin himself, City Manager Kanellakos, you had all of their
10 numbers and communicated with them; right?

11 **MS. DIANE DEANS:** Yes, yes.

12 **MR. PAUL CHAMP:** And is it fair to say over the
13 years, Councillor Deans, you've had a number of political
14 disagreements with Mayor Watson? Is that fair to say?

15 **MS. DIANE DEANS:** Yes.

16 **MR. PAUL CHAMP:** You've both been on City Council
17 in one fashion or another for two decades or more?

18 **MS. DIANE DEANS:** Yes.

19 **MR. PAUL CHAMP:** And just prior to the freedom
20 convoy, or around that time, you had been -- you'd indicated an
21 intention you planned to run for mayor this year at that time?

22 **MS. DIANE DEANS:** In December, yes.

23 **MR. PAUL CHAMP:** And did Mayor Watson ever speak
24 to you about that? About whether he thought it was a good thing
25 for you to turn for mayor or not? Did he say anything to you
26 about that?

27 **MS. DIANE DEANS:** No.

28 **MR. PAUL CHAMP:** And notwithstanding your

1 political history with the mayor, did you believe that all of
2 Ottawa needed to respond as one team to this crisis?

3 **MS. DIANE DEANS:** Absolutely. I think I
4 described that this morning. You know, you can have
5 disagreements with someone at any point. We're not all going to
6 like each other. But you have to be able to rise above that and
7 work together. And especially in a time of crisis, that has to
8 be entirely set aside. You have to be, as I described it this
9 morning, in the same boat, rowing in the same direction.

10 **MR. PAUL CHAMP:** And in retrospect, Councillor
11 Deans, does it now seem to you that this political rivalry, to
12 some extent, did in fact interfere with the ability of you to
13 work collaboratively or effectively with the mayor, or your
14 ability to work together during this crisis?

15 **MS. DIANE DEANS:** I mean, certainly, it was
16 impeded. I guess I take a little bit of issue with the term
17 "rivalry". I was always willing to work with Mayor Watson.
18 Always. And, you know, I -- I mean, we have political
19 disagreements. It doesn't have to extend to a personal
20 animosity, and I didn't want that. I had spoken to Mayor Watson
21 about that on a number of occasions. I didn't see the benefit
22 of it. So I don't know if I was feeling any need to carry on a
23 rivalry. I was just feeling a need to do my job.

24 **MR. PAUL CHAMP:** But did you perceive that he had
25 some animosity towards you?

26 **MS. DIANE DEANS:** Yes.

27 **MR. PAUL CHAMP:** Just turning to then after Chief
28 Sloly resigned and you and the Police Services Board took steps

1 to find a temporary replacement for him. We'd heard Mr. Arpin
2 testify that he had a lot of criticism, or even Mayor Watson,
3 you know, they didn't follow a process and so on and so forth.
4 Why didn't you follow a big, lengthy, extensive process like the
5 eight-month period that we're seeing Police Services Board now
6 following?

7 **MS. DIANE DEANS:** I mean, it's just -- to me, the
8 suggestion of that is kind of ridiculous. I mean, you can't go
9 through a protracted process in the middle of an emergency when
10 you're trying to shore up your senior command and make sure that
11 that senior command has the tools in place to address a crisis
12 in your city. And so there was never an intention to hire
13 anyone to be the ongoing Chief of Police in Ottawa without a
14 process. And I was frustrated that it was characterized -- I
15 mean, the mayor's office got ahead of that story in the media by
16 leaking it, which it was confidential information that was
17 leaked, and they got ahead of that story and characterized it as
18 something quite different than it was intended to be.

19 **MR. PAUL CHAMP:** You felt they were playing a bit
20 of politics with you in the midst of this crisis in the city?

21 **MS. DIANE DEANS:** Yeah, I guess to a certain
22 extent that old maxim about never wasting a good crisis, it also
23 presents an opportunities to settle some old scores, and I guess
24 that's the way I viewed that.

25 **MR. PAUL CHAMP:** Yeah, that's how you felt.

26 **MS. DIANE DEANS:** Yeah.

27 **MR. PAUL CHAMP:** And I'm not getting into the
28 reasons why, you've already explained them quite well the

1 rationale to the Board about why they were preferring external
2 candidate, but just to be clear, without Mr. Torigian taking
3 over as Chief, as a result, there left the Ottawa Police Service
4 with an Acting Chief and two Acting Deputy Chiefs; is that
5 right?

6 **MS. DIANE DEANS:** That's right, yes.

7 **MR. PAUL CHAMP:** So the three top positions, the
8 Ottawa Police were all acting ---

9 **MS. DIANE DEANS:** Senior command is two deputies
10 and a chief and the CEO. And as you mentioned, we had released
11 our CEO in the past year and we had just brought in a new
12 civilian senior member of the command team, Blair Dunker, and
13 she had only just started. So not only did we have everybody in
14 an acting position, we also had a brand new hire in the civilian
15 member of that senior command.

16 **MR. PAUL CHAMP:** And just taking a -- and just a
17 half a step back, you told us about you got wind over the
18 weekend of a potential motion by City Council to call for the
19 removal or resignation of Chief Sloly. And when you heard about
20 that, you contacted Mr. Arpin ---

21 **MS. DIANE DEANS:** Yes.

22 **MR. PAUL CHAMP:** --- is that right?

23 **MS. DIANE DEANS:** Yes.

24 **MR. PAUL CHAMP:** Mr. -- Mayor Watson's Chief of
25 Staff. Now Mr. Arpin testified that he communicated to you that
26 such a motion would be a bad idea. He didn't -- you know, that
27 you needed to work together to try to stop such a motion. Is
28 that what he told you?

1 **MS. DIANE DEANS:** We had some text exchanges, I
2 know that they've been provided to you, about this, but, yeah, I
3 think, you know, he intimated through that that at that point,
4 they weren't going to agree to it. But there was a lot of room
5 for that to change in the conversation. And there was one text
6 he said -- I forget what he was referring to now, but he said if
7 Peter's that stupid, then it's his own funeral. So he didn't
8 give me any confidence that the mayor's office -- and I had
9 described before this strong mayor model before Doug Ford even
10 conceived of a strong mayor model, we had one in Ottawa that was
11 devised by the mayor at the beginning of the term, and that our
12 mayor could really win any vote, and, you know, put on -- have
13 any resolution put on the floor of Council, or not have a
14 resolution, as the case may be, put on the floor of Council. So
15 it was always with the consent of the mayor that what Council
16 was dealing with.

17 **MR. PAUL CHAMP:** So if I understand what you're
18 telling us is that notwithstanding Mr. Arpin saying to you,
19 reassuring you that, you know, the mayor wouldn't necessarily
20 support such a motion, you yourself had concerns that he might
21 flip suddenly and then support a motion like that without notice
22 ---

23 **MS. DIANE DEANS:** I didn't hear anything that was
24 telling me that motion wouldn't come forward. It was there was
25 some hesitation there that didn't give me relief. And it --
26 when I say that any motion wouldn't come to the floor of Council
27 without the consent of the mayor, I'm talking about with his 15
28 members of Council that, you know, always vote with him. There

1 are other ---

2 **MR. PAUL CHAMP:** We'll say it Watson.

3 **MS. DIANE DEANS:** --- more into ---

4 **MR. PAUL CHAMP:** Yeah.

5 **MS. DIANE DEANS:** Often referred to as the Watson
6 Club. But the independent members of Council may well have
7 brought a motion, but that group usually worked with the mayor -
8 --

9 **MR. PAUL CHAMP:** Now turning to your telephone
10 call with the mayor the morning after Chief Sloly had resigned
11 and you were about to later that day announce that a new Chief
12 had been hired; correct?

13 **MS. DIANE DEANS:** Correct.

14 **MR. PAUL CHAMP:** And so we've heard testimony
15 from you already and Mayor Watson about him and you've got this
16 recorded conversation. I just want to ask you, did you record
17 that conversation with the mayor because you didn't trust him
18 completely; is that fair?

19 **MS. DIANE DEANS:** Yes.

20 **MR. PAUL CHAMP:** And -- oh, by the way,
21 incidentally, were you aware when you were having that
22 conversation with the mayor that the mayor's staff were already
23 working on a motion to remove you, were you aware at that time?

24 **MS. DIANE DEANS:** I'd heard it, yeah.

25 **MR. PAUL CHAMP:** But he didn't tell you that
26 that's what he was trying to do?

27 **MS. DIANE DEANS:** No, I knew it.

28 **MR. PAUL CHAMP:** Yes, Machiavelli had nothing on

1 our mayor. Thank you very much, Ms. Deans. That's all I have.

2 **COMMISSIONER ROULEAU:** Thank you. So the next up
3 is the Ottawa Police Service.

4 **MR. DAVID MIGICOVSKY:** Commissioner, I was
5 wondering if I might raise this matter. I understand that there
6 is going to be -- that the recording, the audio recording was
7 going to be played. I understand that that request has been
8 made and we are not opposed to it, and I would suggest that if
9 it is going to be played, that it be played now before I start
10 my cross-examination.

11 **COMMISSIONER ROULEAU:** Okay. So just to get
12 confirmation, is there any objection to the recording being
13 played?

14 **MS. ALYSSA TOMKINS:** No, Mr. Commissioner. The
15 City consents.

16 **COMMISSIONER ROULEAU:** Seeing no objection, we'll
17 sit back and listen to the witness in her own words and the
18 witness from yesterday. Okay. Is that -- has that been lined
19 up? Are we able to do that now or is that a problem?

20 **MR. JEAN-SIMON-SCHOENHOLZ:** I believe we can.
21 This has sort of just been dealt with on the fly, but I believe
22 the hearing's clerk has it. It's POE.OPB000001.

23 **COMMISSIONER ROULEAU:** Oh, very efficient, eh?
24 Okay. Madam Clerk, you can play it.

25 **[AUDIO PLAYBACK]**

26 **COMMISSIONER ROULEAU:** Okay. So that's
27 10 minutes of your time. So go ahead.

28 **MR. DAVID MIGICOVSKY:** That's what I was trying

1 to avoid.

2 (LAUGHTER)

3 --- CROSS-EXAMINATION BY MR. DAVID MIGICOVSKY:

4 MR. DAVID MIGICOVSKY: Good afternoon,
5 Councillor Deans. My name is David Migicovsky. I act for the
6 Ottawa Police Service.

7 Councillor Deans, am I correct that while
8 Chief Sloly was the Chief, he had asked for an increase in the
9 number of officers?

10 MS. DIANE DEANS: Yes.

11 MR. DAVID MIGICOVSKY: And officers had been
12 hired over the last several years, but just to cover attrition.
13 There was a hiring freeze; correct?

14 MS. DIANE DEANS: Yes.

15 MR. DAVID MIGICOVSKY: And as of 2022, I
16 understand that Ottawa Police had less officers, sworn officers,
17 than it did in 2019; is that correct?

18 MS. DIANE DEANS: I'll take your word for it.

19 MR. DAVID MIGICOVSKY: Could I ask you, please,
20 to turn up OPB01278. And if we could please go to page 4.

21 You'll see, this was the meeting that you were
22 at; correct?

23 MS. DIANE DEANS: Yes.

24 MR. DAVID MIGICOVSKY: And at this point, Interim
25 Chief Bell was in command?

26 MS. DIANE DEANS: Yes.

27 MR. DAVID MIGICOVSKY: And a question was raised
28 regarding the Service's operational plan, and then you got some

1 information from Interim Chief Bell; correct?

2 **MS. DIANE DEANS:** Yes.

3 **MR. DAVID MIGICOVSKY:** He provided a briefing.

4 And is it fair to say that you got a lot more information as a
5 Board on operationally what was going on at the time when
6 Chief Bell became the Interim Chief?

7 **MS. DIANE DEANS:** There was definitely more
8 information provided this day. So yes.

9 **MR. DAVID MIGICOVSKY:** And I believe on page 4,
10 if we go to the paragraph that starts, "A question was raised."
11 Yeah, thank you.

12 You'll see:

13 "A question was raised regarding the
14 ineffective policing having been seen
15 in the City, and it was
16 suggested...there were instances in
17 which police could have engaged in
18 enforcement but did not."

19 Am I correct, then, the minutes accurately
20 reflect:

21 "[Interim] Chief Bell noted that the
22 Service had committed to a review of
23 all actions having brought them to
24 their current situation."

25 **MS. DIANE DEANS:** Yes.

26 **MR. DAVID MIGICOVSKY:** He indicated he would
27 review it. And then if you look two paragraphs later...

28 If you go down to the paragraph:

1 "A question was raised regarding why
2 roadblocks had not been installed prior
3 to the arrival of any convoys. The
4 Service again noted...they were
5 supportive of a full review being
6 conducted to identify any mistakes made
7 or laws that required updating, however
8 their focus at the time was forward-
9 looking."

10 Correct?

11 **MS. DIANE DEANS:** Yes.

12 **MR. DAVID MIGICOVSKY:** And if you go to page 5,
13 there was a request in the third paragraph for twice daily
14 updates from the Service to the Board, and this is because the
15 Board wanted to get more information than they felt they'd been
16 getting from Chief Sloly. Is that right?

17 **MS. DIANE DEANS:** Yeah. I mean, things were
18 really heating up, and I think the Board was getting more
19 assertive in demanding information. So yes.

20 **MR. DAVID MIGICOVSKY:** And Interim Chief said he
21 supported increased communications with the Board, but twice
22 daily updates wouldn't be possible because from a resource point
23 of view that's taking a lot of Command staff away from time that
24 is needed operationally; correct?

25 **MS. DIANE DEANS:** That's right.

26 **MR. DAVID MIGICOVSKY:** And that seemed reasonable
27 to you?

28 **MS. DIANE DEANS:** It did.

1 **MR. DAVID MIGICOVSKY:** You talked about not
2 trusting the Mayor. Is that correct?

3 **MS. DIANE DEANS:** I don't think I talked about
4 it. I think I confirmed in answer to a question that I had
5 recorded that conversation.

6 **MR. DAVID MIGICOVSKY:** Right. And in fact, the
7 person who recorded it, we can hear at the beginning, is
8 Jessica; correct?

9 **MS. DIANE DEANS:** Correct.

10 **MR. DAVID MIGICOVSKY:** That's Jessica Bradley?

11 **MS. DIANE DEANS:** My executive assistant.

12 **MR. DAVID MIGICOVSKY:** That's Jessica Bradley?

13 **MS. DIANE DEANS:** Yes.

14 **MR. DAVID MIGICOVSKY:** And you asked her to
15 record it.

16 **MS. DIANE DEANS:** I did.

17 **MR. DAVID MIGICOVSKY:** And that was a Teams
18 meeting; correct?

19 **MS. DIANE DEANS:** Right.

20 **MR. DAVID MIGICOVSKY:** Right. And so Teams has a
21 function in which you can record a meeting, but if you do that
22 it will show that the meeting is being recorded. So that's not
23 what you did, is it?

24 **MS. DIANE DEANS:** That's not what we did. I
25 don't know if I knew that or not. I -- as I said earlier to the
26 Commissioner, I'm not the leading-most expert in anything
27 technical, but I just wanted to make sure that we had an
28 accurate reflection of that meeting.

1 **MR. DAVID MIGICOVSKY:** And you didn't tell the
2 Mayor that you were recording that phone call?

3 **MS. DIANE DEANS:** I did not, nor did the Mayor
4 mention to me that Steve Kanellakos, the City Manager, was a
5 silent observer in that room. You heard at the beginning, he
6 said that Serge was in the room, but he failed to mention the
7 City Manager was also in the room.

8 **MR. DAVID MIGICOVSKY:** And are you saying that by
9 way of justifying why you recorded it in detail?

10 **MS. DIANE DEANS:** No, I don't feel a need to
11 justify why I recorded it.

12 **MR. DAVID MIGICOVSKY:** You don't have any
13 problems with the ethics of recording a conversation and not
14 telling somebody that you're doing it?

15 **MS. DIANE DEANS:** I didn't understand there to be
16 any reason not to, and I could see in this particular tense
17 situation, where I was hearing rumours that I was going to be
18 unseated, that there might be a reason for me to file an
19 Integrity Commissioner complaint later, and an accurate record
20 of our conversation might be in order.

21 **MR. DAVID MIGICOVSKY:** And wouldn't you be able
22 to file an accurate record of the conversation by saying, "Hey
23 Mayor, I'm taping this conversation"?

24 **MS. DIANE DEANS:** Yes. I wouldn't have had any
25 problem with that either, I just failed to do it.

26 **MR. DAVID MIGICOVSKY:** Right.

27 **MS. DIANE DEANS:** I don't think it was
28 calculated.

1 **MR. DAVID MIGICOVSKY:** And is that something you
2 do regularly, tape ---

3 **MS. DIANE DEANS:** No.

4 **MR. DAVID MIGICOVSKY:** --- conversations?

5 **MS. DIANE DEANS:** It's not.

6 **MR. DAVID MIGICOVSKY:** So this just seemed like a
7 good idea to you at the time?

8 **MS. DIANE DEANS:** This was a very tense moment.
9 I've been a member of Council for 28 years. I take pride in my
10 reputation. I think I've worked hard for this city and for the
11 citizens of our city. And I could see that -- you know, my
12 feeling was that the -- at this point... You know, there was a
13 lot of information that was possessed by senior City officials
14 and the Mayor that had not been shared with the Board, and they
15 felt no reason to do that, even though we had the political
16 oversight. And the only time we seemed to come into their orbit
17 was when they were looking for a scapegoat.

18 **MR. DAVID MIGICOVSKY:** I take it,
19 Councillor Deans, you support openness and transparency?

20 **MS. DIANE DEANS:** I do.

21 **MR. DAVID MIGICOVSKY:** And you would agree with
22 me that openness and transparency doesn't include doing a secret
23 recording of a conversation with the Mayor?

24 **MS. DIANE DEANS:** I would suggest to you,
25 Counsel, that openness and transparency is providing to a
26 Commission a fair and reasonable and accurate description of a
27 conversation. And what I said to the Mayor is that if he told
28 me not to go ahead with a motion that had been approved by the

1 Board, I wouldn't, but he fell short of that. He never -- he
2 said he hoped I would reconsider, but he never told me not to.

3 And so if you want to talk about openness and
4 transparency, maybe we could start there.

5 **MR. DAVID MIGICOVSKY:** Could we go back to my
6 question?

7 **MS. DIANE DEANS:** Sure.

8 **MR. DAVID MIGICOVSKY:** My question was would you
9 agree with me that openness and transparency doesn't support
10 doing a secret recording of a conversation with the Mayor?

11 **MS. DIANE DEANS:** No, I don't think I would.

12 **MR. DAVID MIGICOVSKY:** You don't agree with that?

13 **MS. DIANE DEANS:** No, I think these were tense
14 times, and I think that, you know, there -- I felt a need to do
15 that.

16 **MR. DAVID MIGICOVSKY:** And openness and
17 transparency isn't a problem for you?

18 **MS. DIANE DEANS:** I think I've been very open and
19 transparent in my career.

20 **MR. DAVID MIGICOVSKY:** And what I understood when
21 I listened to the recording was what you said to the Mayor was,
22 "If you don't want me to sign the contract I won't."

23 **MS. DIANE DEANS:** There was ---

24 **MR. DAVID MIGICOVSKY:** I heard those exact words
25 on the audio.

26 **MS. DIANE DEANS:** Yes, and then you also heard --
27 -

28 **MR. DAVID MIGICOVSKY:** Sorry, I haven't asked my

1 question yet.

2 And am I correct that that Mayor -- that at the
3 end of that -- and Mayor Watson's response to that comment was:
4 "I think it would be destabilizing. I
5 don't favour it. I don't want it to
6 occur."

7 Was there any doubt in your mind after that
8 conversation that Mayor Watson did not support what you were
9 doing?

10 **MS. DIANE DEANS:** No. I agree. Mayor Watson did
11 not support what I was doing, but Mayor Watson does not direct
12 the operations of the Board. I -- I'm the Chair of a Board that
13 had taken a decision, and unless the mayor of the city was
14 directing me not to, then I was going to proceed, and I think I
15 made that clear. I mean, I can understand there's some nuance
16 on the tape. I understand that. But I thought I was quite
17 clear. If you are telling me not to, then I won't, and I'll go
18 back. But he fell short. He said he hoped I would reconsider
19 at the end of that message.

20 **MR. DAVID MIGICOVSKY:** Well, aren't we playing
21 word games, Ms. Deans?

22 **MS. DIANE DEANS:** No, I don't think so.

23 **MR. DAVID MIGICOVSKY:** Well, let me finish my
24 question, if you don't mind.

25 What you said was, "If you don't want me to sign
26 the contract, I won't."

27 And my question to you was, was there any doubt,
28 at the end of that conversation, that he did not want you to

1 sign, direct you to not sign it?

2 **MS. DIANE DEANS:** No, and I ---

3 **COMMISSIONER ROULEAU:** Just ask the question.

4 Don't add the editorial.

5 **MR. DAVID MIGICOVSKY:** Sure.

6 **MS. DIANE DEANS:** Yeah. I think there were two
7 parts, but perhaps we'd have to play it again. But I said, "If
8 you are telling me not to, I won't."

9 **MR. DAVID MIGICOVSKY:** Okay. So ---

10 **MS. DIANE DEANS:** And I understand there's some
11 nuance on the tape and perhaps he misunderstood what we were
12 saying to each other, but I thought it was quite clear that
13 unless I had a direction from the mayor of the City of Ottawa to
14 overturn a decision of the oversight body, that had been taken,
15 then I would proceed.

16 I report to the Board, not to the mayor. I
17 informed the mayor out of courtesy and out of respect to the
18 office of mayor.

19 **MR. DAVID MIGICOVSKY:** You indicated -- I am
20 correct, by the way, when I say the mayor cannot direct you as
21 Chair of the Police Services Board to not to sign a contract,
22 correct?

23 **MS. DIANE DEANS:** Yes. I told him if he did
24 direct me, at that point, I would go back and have another
25 conversation.

26 **MR. DAVID MIGICOVSKY:** One of the things you
27 indicated was that Graham Wight ---

28 **MS. DIANE DEANS:** Yes.

1 **MR. DAVID MIGICOVSKY:** --- said that your
2 suggestion of Matt Torigian was an elegant choice, correct?

3 **MS. DIANE DEANS:** An elegant solution, I said.

4 **MR. DAVID MIGICOVSKY:** If I could ask, please, to
5 turn up Document ONT001121?

6 **THE REGISTRAR:** Can you repeat the number,
7 Counsel?

8 **MR. DAVID MIGICOVSKY:** I'm sorry. It's
9 ONT000001121. And you'll see there's an email from Graham
10 Wight. Graham Wight was the Police Services Board Advisor?

11 **MS. DIANE DEANS:** Yes.

12 **MR. DAVID MIGICOVSKY:** And so if you'd be good
13 enough, please, to scroll down?

14 And so sorry, you can go up for the first
15 paragraph. Just there, perfect. Thank you.

16 "Chair Dean stated that Matt Torigian
17 had tentatively agreed to take the role
18 and asked if the advisor, me, thought
19 that was a good idea. I stated that I
20 could not endorse any person for the
21 role, but that the Board needs to have
22 a chief in place ASAP, because Chief
23 Sloly's agreement expired at the end of
24 the day. I stated clearly to the Board
25 that they are prohibited from not
26 having a chief in place and should take
27 steps to appoint a chief of police as
28 soon as possible."

1 That is what Mr. Wight's advice to you was?

2 **MS. DIANE DEANS:** Yes.

3 **MR. DAVID MIGICOVSKY:** And you talked about the
4 various complaints that you heard about in the Ottawa Police
5 Service, which you described as a "poisoned environment", I
6 think?

7 **MS. DIANE DEANS:** M'hm.

8 **MR. DAVID MIGICOVSKY:** Right. And I take it, in
9 spite of those concerns, you took no steps to investigate
10 whether that was true or not true?

11 **MS. DIANE DEANS:** We had taken a lot of steps to
12 delve into the significant issues of workplace sexual violence
13 and harassment inside Ottawa Police. We hired Janice Rubin from
14 Rubin Tomlinson in Toronto. We conducted a 10-month
15 investigation into what was happening inside Ottawa Police with
16 a view to improving the work environment and the culture.

17 **MR. DAVID MIGICOVSKY:** Sure. That related to
18 issues of sexual harassment and sexism in the workplace,
19 correct?

20 **MS. DIANE DEANS:** And ---

21 **MR. DAVID MIGICOVSKY:** That's what ---

22 **MS. DIANE DEANS:** And harassment in the
23 workplace.

24 **MR. DAVID MIGICOVSKY:** Right. And so you did
25 nothing to investigate the specific poisoned environment that
26 apparently you heard about from others and from Chief Sloly, and
27 in your capacity as Board Chair, you did not investigate?

28 **MS. DIANE DEANS:** We forwarded specific concerns

1 to the OCPC for investigation.

2 **MR. DAVID MIGICOVSKY:** And you had -- and there
3 had not yet been any investigation; is that correct?

4 **MS. DIANE DEANS:** We had not received a report
5 from the OCPC as to the outcome of their investigation. It's
6 not the Board that investigates themselves. They forward it to
7 OCPC for investigation.

8 **MR. DAVID MIGICOVSKY:** And so of course, until
9 you have some sort of investigation, you don't know. You're
10 operating on rumours and innuendo and hearsay, right?

11 **MS. DIANE DEANS:** Well, you're operating on
12 perhaps allegations, but they are unsubstantiated until the
13 outcome of an investigation.

14 **MR. DAVID MIGICOVSKY:** And so you indicated that
15 you heard that there was some issue with respect to Deputy Chief
16 Bell? No particulars were provided and you never investigated
17 that, correct?

18 **MS. DIANE DEANS:** Well, we didn't have time to
19 investigate that, but I had heard that Deputy Chief Bell was
20 involved in some of it, yes.

21 **MR. DAVID MIGICOVSKY:** And so you thought it was
22 okay to tarnish his reputation and what he had done without any
23 investigation into that?

24 **MS. DIANE DEANS:** I don't think I was tarnishing
25 Deputy Chief Bell's reputation. With all due respect, I mean, I
26 had felt that we were making a good decision at a very difficult
27 time and the way I saw it at the time is, we were preserving
28 Deputy Chief Bell's reputation.

1 **MR. DAVID MIGICOVSKY:** And you indicated that
2 ultimately, Chief Sloly was right, proved to be right?

3 **MS. DIANE DEANS:** I believe he was.

4 **MR. DAVID MIGICOVSKY:** Right. And so -- and yet,
5 when you spoke to the mayor, you recounted that when you spoke
6 to Deputy Chief Bell at the time, and he said to you he would
7 not have done something different, you thought that was a mark
8 against him. And yet, you're saying Chief Sloly was correct in
9 what ---

10 **MS. DIANE DEANS:** Well, it turned out that what
11 he had identified early on as the resource requirement to end
12 the occupation of our city was quite correct. In the midst of
13 that chaos that our city was facing, I was wondering if there
14 was more that could be done, and I phoned Chief Bell -- he had a
15 lot of experience inside the Ottawa Police Service -- to ask
16 him, frankly, what he might do different, and he said,
17 "Nothing."

18 **MR. DAVID MIGICOVSKY:** And in fact, what he said
19 was that changing the leadership would not be a good thing to do
20 at this point. You phoned him before you'd made the deal with
21 Chief Sloly, you asked him about it, and he showed that he was
22 loyal to the chief. And he said it would be destabilizing to
23 now change leadership, correct?

24 **MS. DIANE DEANS:** Yeah, I think that's fair.

25 **MR. DAVID MIGICOVSKY:** And you talked about
26 allegations of racism?

27 **MS. DIANE DEANS:** I don't think I talked about
28 it. I think I answered a question about it.

1 **MR. DAVID MIGICOVSKY:** And again, am I correct
2 that you had no particulars of it? You weren't faulting
3 anybody, it may be a systemic issue in policing? Is that fair?

4 **MS. DIANE DEANS:** Yeah, it was just my
5 observation of what Chief Sloyly faced when he got here, racist
6 memes, other things I'm sure you're familiar with that made it
7 very difficult for him early on in his tenure.

8 **MR. PAUL CHAMP:** And as a result, you entered
9 into an agreement to pay Chief Sloyly how much money to terminate
10 his contract?

11 **UNIDENTIFIED SPEAKER:** So, Commissioner, I'm sure
12 there are 1,000 people who would want to be heard on this issue.
13 I have no idea how that could possibly be relevant to the
14 mandate of the Commission.

15 **MR. DAVID MIGICOVSKY:** I don't see why it isn't.

16 **COMMISSIONER ROULEAU:** That's not the test.

17 **MR. DAVID MIGICOVSKY:** Well the test is -- it's a
18 pretty broad mandate, Commissioner, that you have. You're
19 looking into all of the circumstances. We've looked at whether
20 the Service had enough resources, you're going to look at how
21 they expended their funds, the decisions they made during the
22 convoy. I submit that it may indeed be relevant about an
23 expense that the Board procured at a time when this was going
24 on. And it was a rather, I suspect, significant expense.

25 **COMMISSIONER ROULEAU:** I'm sorry, I've missed
26 something. You say the Commission is to look into the expenses
27 of the City?

28 **MR. DAVID MIGICOVSKY:** No. Sorry. I was -- what

1 I said is -- or what I intended to say was that the Commission
2 will be looking into the circumstances that led to the
3 *Emergencies Act*, you're looking at what was going on in the
4 Ottawa Police Service, you're looking at what happened at the
5 Ottawa Police Services Board, and it seems to me that in looking
6 at that issue, it may be relevant to determine what funds the
7 Board expended at this time.

8 **COMMISSIONER ROULEAU:** I don't see it as having
9 any relevance, the amount that was paid. I think it's been in
10 evidence that he was paid severance, and I don't think we -- I
11 don't see the relevance of going any further.

12 **MR. DAVID MIGICOVSKY:** That's fine. Thank you.
13 You indicated ---

14 **COMMISSIONER ROULEAU:** And by the way, your time
15 is up.

16 **MR. DAVID MIGICOVSKY:** If I might just have two
17 more minutes?

18 **COMMISSIONER ROULEAU:** I'll give you a minute and
19 a half.

20 **MR. DAVID MIGICOVSKY:** One of the things you said
21 in your conversation with the Mayor was a lot of people don't
22 support Steve Bell; correct?

23 **MS. DIANE DEANS:** Yes.

24 **MR. DAVID MIGICOVSKY:** And you would agree with
25 me that a lot of people did not support Chief Sloly either?

26 **MS. DIANE DEANS:** Yes.

27 **MR. DAVID MIGICOVSKY:** And so those kinds of
28 things are not really things that you can take into account in

1 making decisions; fair?

2 **MS. DIANE DEANS:** Well I think what I was
3 referring to in that conversation is the reason that the Board
4 had decided to go outside with the temporary hire.

5 **MR. DAVID MIGICOVSKY:** And finally, my question
6 to you is, in retrospect, because we have not had the full
7 review that Chief Bell indicated would take place, you would
8 agree with me that we really do need to examine what went on,
9 why it went on, and ultimately how to prevent it for the future?

10 **MS. DIANE DEANS:** I ---

11 **MR. DAVID MIGICOVSKY:** We don't know who was
12 responsible for that?

13 **MS. DIANE DEANS:** Yeah, I would agree with you
14 that there needs to be a full examination. We need to learn
15 from this, ---

16 **MR. DAVID MIGICOVSKY:** Thank you.

17 **MS. DIANE DEANS:** --- lest we repeat it.

18 **MR. DAVID MIGICOVSKY:** Thank you very much.

19 **MS. DIANE DEANS:** You're welcome.

20 **COMMISSIONER ROULEAU:** Thank you. You came under
21 time.

22 Okay. Next is the convoy organizers.

23 **--- CROSS-EXAMINATION BY MR. BRENDAN MILLER:**

24 **MR. BRENDAN MILLER:** Good afternoon, Ms. Deans.

25 **MS. DIANE DEANS:** Good afternoon.

26 **MR. BRENDAN MILLER:** My name is Brendan Miller.
27 I'm counsel for Freedom Corp, which is an organization that was
28 incorporated to represent the protestors who were in your city

1 in January and February of 2022.

2 First off, though I am not from here, thank you
3 for your service as the Police Commissioner -- or, we call it
4 the Police Commissioner back home.

5 **MS. DIANE DEANS:** Fair enough.

6 **MR. BRENDAN MILLER:** So thank you very much.

7 I just want to start off, of course we didn't get
8 the recording until this morning. In that recording of your
9 conversation with Mayor Watson, you said you had been contacted
10 by someone within OPS who had been called off under the interim
11 chiefship that was then in place with Steve Bell. Can you kind
12 of explain that for me?

13 **MS. DIANE DEANS:** Yeah, a senior officer inside
14 police had phoned and shared his version of events with me, sort
15 of just informing me, from his perspective, what was happening.
16 And he said that the day of that particular planned event, that
17 the Incident Commander was changed that day, and that all --
18 there was some internal disagreement and it led to the end of
19 that particular operation.

20 **MR. BRENDAN MILLER:** Okay. And so I'm just going
21 to have to ask you to clarify what is the event and what is the
22 operation you speak of?

23 **MS. DIANE DEANS:** It was to -- a planned takeout
24 of the intersection of Sussex and Rideau.

25 **MR. BRENDAN MILLER:** Okay. So the plan that got
26 cancelled so that my clients could move on and then -- oh, well
27 that confirms what I was looking for. Thank you.

28 You -- did you know about the tripartite meetings

1 that the Mayor was having with federal government elected
2 officials on February 7th, 8th, and 10th of 2022, at the time?

3 **MS. DIANE DEANS:** No.

4 **MR. BRENDAN MILLER:** He didn't tell you about
5 that?

6 **MS. DIANE DEANS:** No.

7 **MR. BRENDAN MILLER:** Okay. And so obviously you
8 weren't invited?

9 **MS. DIANE DEANS:** I was not invited, no.

10 **MR. BRENDAN MILLER:** Right. And of course, that
11 meeting was about police resources?

12 **MS. DIANE DEANS:** Yes.

13 **MR. BRENDAN MILLER:** Right. And you're the Chair
14 of what, you don't call it the Commission, the Ottawa Police
15 Service Board?

16 **MS. DIANE DEANS:** Correct.

17 **MR. BRENDAN MILLER:** And so you run that Board
18 that decides how to dole out resources to the police; right?

19 **MS. DIANE DEANS:** Right.

20 **MR. BRENDAN MILLER:** Okay. And did you know that
21 on January 30th, 2022, Chief Sloly had asked the City and the
22 City somewhat agreed to get an injunction? Were you aware of
23 that?

24 **MS. DIANE DEANS:** On what date?

25 **MR. BRENDAN MILLER:** January 30th, 2022.

26 **MS. DIANE DEANS:** It's all a little foggy. There
27 was definitely discussions about injunctions that didn't move
28 forward. I don't think I can confirm for you exactly the dates.

1 **MR. BRENDAN MILLER:** Okay. The injunctions that
2 you did discuss, did you ever discuss that the terms of that
3 injunction would be to both remove the trucks and get the
4 honking to stop? Is that fair?

5 **MS. DIANE DEANS:** I don't think I had that level
6 of detail, no.

7 **MR. BRENDAN MILLER:** Okay. Did Chief Sloly ever
8 tell you, in any of your conversations, that on January 31st,
9 2022, RCMP Commissioner Brenda Lucki told him not to get the
10 injunction because it would be an official movement to another
11 stage, that it would involve the whole country, and that
12 anything official will spark a national response? Did he ever
13 say that to you?

14 **MS. DIANE DEANS:** Not to the best of my
15 recollection.

16 **MR. BRENDAN MILLER:** I'll ask him and
17 Commissioner Lucki then.

18 So you did not know that -- well, you did know
19 that the federal police service, the RCMP, had been involved in
20 the matter, in dealing with the protestors?

21 **MS. DIANE DEANS:** Yes.

22 **MR. BRENDAN MILLER:** Okay. And to your
23 knowledge, after January 31st, 2022, did Chief Sloly ever advise
24 to get an injunction still after that point?

25 **MS. DIANE DEANS:** There was -- I believe -- I
26 mean, the timeline is just a little bit all meshed together in
27 my mind, but I believe there were still ongoing discussions.

28 **MR. BRENDAN MILLER:** Okay. And to your

1 knowledge, and I just want to make this clear, because I know
2 that you were in sort of a vacuum, so but you did know that from
3 January 25th to February 14th, 2022, that there were multiple
4 police services involved in dealing with this matter?

5 **MS. DIANE DEANS:** Yes.

6 **MR. BRENDAN MILLER:** Right. And that included
7 the Ottawa Police Service, the Ontario Provincial Police, and
8 the RCMP?

9 **MS. DIANE DEANS:** Yes.

10 **MR. BRENDAN MILLER:** Among others that you ---

11 **MS. DIANE DEANS:** Among others. Yes.

12 **MR. BRENDAN MILLER:** Right. And I take it that
13 you know as well, at the federal level and the provincial level,
14 it's not politicians that decide to execute or carry out and
15 apply police resources with respect to events and
16 investigations, but it's the police agency itself because
17 they're independent? Right.

18 And to my knowledge as well, and I wanted to put
19 this to you, is there any prohibition on yourself or members of
20 the Ottawa Police Service Board, of Council, contacting someone
21 like Commissioner Lucki or the Commissioner of the OPP to have a
22 discussion about resources?

23 **MS. DIANE DEANS:** I don't believe there's any
24 prohibition doing that. I think the protocol though would be
25 that politicians speak to politicians and police officers speak
26 to police.

27 **MR. BRENDAN MILLER:** Right, but is it true with
28 the Commission that you do invite sworn members of police

1 agencies like the OPP and the RCMP to meet with the Ottawa
2 Police Service Board at times and you have in this case too, I
3 believe?

4 **MS. DIANE DEANS:** Yeah.

5 **MR. BRENDAN MILLER:** Right. So is it fair to say
6 that there was nothing stopping the Ottawa Police Service Board
7 from asking for any of the Commissioners from the OPP or the
8 RCMP to come before them in order to have a conversation about
9 resources?

10 **MS. DIANE DEANS:** Yeah, I think that's fair to
11 say.

12 **MR. BRENDAN MILLER:** Okay. Can I ask just -- and
13 I'm not trying to poke, but why wasn't that done?

14 **MS. DIANE DEANS:** Yeah, I've been asking myself
15 that question too. I mean, our -- I don't know. I mean, if I
16 were doing it again would I do that? Probably yes. But at the
17 time, we were receiving information through the channel of the
18 Police Service and that was our primary source of information.

19 **MR. BRENDAN MILLER:** Okay. And you'd already
20 discussed the company Navigator a little bit, and it was in the
21 news, and I know they contacted you. When was Navigator
22 retained for the Ottawa Police Service; do you remember?

23 **MS. DIANE DEANS:** Months and months previous to
24 this event. I mean, we -- the Board had given a direction to
25 the Police Service to amp up the communications function because
26 we felt that it was quite inadequate, but they came back to the
27 Board with -- I mean, I'm not going to get this entirely right,
28 but they -- the sentiment was we don't have time to amp up

1 because we don't have enough ---

2 **MR. BRENDAN MILLER:** Yeah.

3 **MS. DIANE DEANS:** --- people to do that. So we
4 just need to hire some help for now. And they wanted to hire
5 Navigator because they had some relationship with Navigator, and
6 so that's -- they chose -- I know they're a crisis
7 communications firm, but they were also providing regular
8 communications advice to Ottawa Police.

9 **MR. BRENDAN MILLER:** Okay. Because how it was
10 seemed to have been spun in the media is that they were hired
11 specifically due to ---

12 **MS. DIANE DEANS:** Yeah.

13 **MR. BRENDAN MILLER:** --- Chief Sloyly not being
14 able to deal with this.

15 **MS. DIANE DEANS:** Yeah. No, that was not the
16 case.

17 **MR. BRENDAN MILLER:** That was done way in
18 advance?

19 **MS. DIANE DEANS:** Way in advance.

20 **MR. BRENDAN MILLER:** Okay. That's good. I just
21 wanted to know that. And then I understand that when the
22 retainer did happen, and it's good to know it was that far away,
23 if what I'm about to just ask you is correct, I understand the
24 retainer with Navigator was \$75,000 on a fee-for-service basis
25 but it was a -- maybe not pay up front, but it was a \$75,000
26 cap, which is usually less than what their normal retainer of
27 100,000 is. Is that about accurate?

28 **MS. DIANE DEANS:** I don't know if I actually knew

1 what the details of that retainer were.

2 **MR. BRENDAN MILLER:** Okay. Now I also understand
3 the Ottawa Police Service had retained the assistance from a
4 company called Advanced Symbolic Inc., also known as ASI.

5 **MS. DIANE DEANS:** Yes.

6 **MR. BRENDAN MILLER:** Are you aware of them? When
7 was ASI retained?

8 **MS. DIANE DEANS:** In -- certainly in advance of
9 this occasion. Chief Sloly had brought a representative from
10 ASI to the Board basically to talk about the benefits of ASI,
11 and he felt that there was -- that their services could be
12 useful.

13 **MR. BRENDAN MILLER:** Okay. And what was ASI
14 doing for the Ottawa Police Service exactly; could you explain
15 that? I have an understanding but I'd ---

16 **MS. DIANE DEANS:** Yeah.

17 **MR. BRENDAN MILLER:** --- like you to explain it.

18 **MS. DIANE DEANS:** I'd like Chief Sloly to explain
19 it, if you don't mind, because, I mean, my very, very limited
20 understanding of ASI is that it basically searches many, many,
21 many sites and sort of pulls out key words to create an
22 impression of public opinion, if you will.

23 **MR. BRENDAN MILLER:** Right. Would it be fair to
24 say when ASI was discussed with you, did they refer to the
25 phrase "data analytics"?

26 **MS. DIANE DEANS:** Probably, yes.

27 **MR. BRENDAN MILLER:** Okay. So they get all this
28 stuff and then they give you in a report or to Chief Sloly the

1 public perception of what's going on, so that Chief Sloly and
2 his team know how to react; right?

3 **MS. DIANE DEANS:** I think generally speaking
4 that's correct.

5 **MR. BRENDAN MILLER:** Okay. Now I want to take
6 you to one part, and I'm wondering if you're aware of this, and
7 it's come up at some of the production. Do you remember when it
8 was announced -- I believe the Ottawa Police Services had
9 mentioned that they had been in touch with Provincial Child and
10 Family Services about apprehending children in the protest; do
11 you remember that?

12 **MS. DIANE DEANS:** Vaguely.

13 **MR. BRENDAN MILLER:** Were you aware that it was
14 Navigator who told them to do that?

15 **MS. DIANE DEANS:** No.

16 **MR. BRENDAN MILLER:** Thank you.

17 Now I just want to get into sort of your -- you
18 know, what you had said. You stated that you had an intention
19 to work together and put aside political differences, and it's
20 good to hear that, and I'm sure the public is happy to hear that
21 as well. I'm just going to have to ask you, can you tell me
22 about your relationship between yourself and Mayor Watson?

23 **MS. DIANE DEANS:** I mean, I don't know what there
24 is to tell. I have worked with Mayor Watson for a very long
25 time. We have worked on many files together over the years. I
26 think I enjoyed more confidence in the mayor until relatively
27 recently, until this term of Council when I detected just
28 perhaps a change in Mayor Watson's general approach. And it

1 goes far beyond me. He had, for whatever reason, at the start
2 of this term, decided to build more of a coalition approach to
3 governing than he had in the past. And I wasn't part of that
4 coalition, so I suppose in some ways became a bit more of an
5 outsider than I had been before. But when I had worked with him
6 on Transit Commission, for example, we were landing a PRESTO
7 card that didn't work, we worked very well together.

8 **MR. BRENDAN MILLER:** Okay. Could you agree with
9 me that the tension also started when you decided to -- you had
10 announced, at least to him maybe privately or maybe publicly,
11 that you intended to bring a motion to fund litigation as
12 against Bill C21; do you remember that?

13 **MS. DIANE DEANS:** Well, I don't think that's when
14 it started. That was just one of many, many, many disagreements
15 politically we had. And listen, I don't think there's anything
16 wrong with political disagreements. I think it's actually quite
17 healthy for our democracy. So we don't have to agree on every
18 issue. I think the issue is when it becomes personal.

19 **MR. BRENDAN MILLER:** Okay. And so moving on to
20 the issue with the hiring of the Interim Chief. You heard
21 yesterday and in the recording we heard that Mayor Watson
22 claimed that he had concerns about your and your Council's
23 appointment of the proposed new Interim Chief Matthew Torigian
24 because there was not enough consultation with stakeholders;
25 right?

26 **MS. DIANE DEANS:** Right.

27 **MR. BRENDAN MILLER:** Before Steve Bell became the
28 Interim Chief, how much consultation was there?

1 **MS. DIANE DEANS:** You mean at the very end when
2 he ---

3 **MR. BRENDAN MILLER:** Right at the beginning. So
4 when Steve Bell took over as Interim Chief, how much
5 consultation did Mayor Watson do?

6 **MS. DIANE DEANS:** I don't think he did any.

7 **MR. BRENDAN MILLER:** Right. So it's fair to say
8 that the issue that Mayor Watson took with your Council or your
9 Board appointing a Chief on the basis that there was no
10 consultation, it's fair to say he went about it and did no
11 consultation and had his own appointed; would you say that?

12 **MS. DIANE DEANS:** Yes.

13 **MR. BRENDAN MILLER:** Thank you.

14 Now I just wanted to cover one point and I
15 believe it was covered, but just not with a specific
16 association, because there's two police unions; correct?
17 There's the one for senior officers and then the other one?

18 **MS. DIANE DEANS:** Correct.

19 **MR. BRENDAN MILLER:** I also understand your
20 evidence that it was also the Ottawa Police Senior Officer's
21 Association which is those with ranks of inspector and higher
22 who also did not want Sloly as their first choice for mayor --
23 or for Chief back in 2019; is that correct?

24 **MS. DIANE DEANS:** Yeah, I don't think I really
25 knew that until, you know, some time after he was hired.

26 **MR. BRENDAN MILLER:** Okay. And with respect to
27 Chief Sloly's relationship, in your statement you specifically
28 mention he had issues with the relationship with the Community

1 Health Resource Centre. Can you elaborate on what that was?

2 **MS. DIANE DEANS:** Yeah, it was just an
3 observation that I had made through the budget process in the
4 setting of the 2022 budget. The Ottawa Community Health and
5 Resource Centres came forward with a proposal really for some
6 alternative service delivery in terms of addressing mental
7 health calls and addictions calls and housing crisis calls, and
8 there was a lot of tension through the budget process between
9 those organisations that I observed.

10 **MR. BRENDAN MILLER:** Okay. And was that
11 organisation with the community health and resource centres, I
12 take it if there was issues in the budget it had to do with
13 tension between funding that the Ontario Police Service was
14 getting versus funding they were not, or et cetera? Is that
15 what it was?

16 **MS. DIANE DEANS:** Ontario Police Service?

17 **MR. BRENDAN MILLER:** Oh, sorry, sorry, Ottawa
18 Police Service. So the Ottawa Police Service was getting some -
19 - a lot higher funding. I take it they wanted more funding.
20 And was that the tension?

21 **MS. DIANE DEANS:** No, I don't think it was that.
22 I think it was that there was a growing perspective in our
23 community that police are responding to calls for crisis
24 situations, like someone experiencing homelessness, or someone
25 having an addictions crisis or a mental health crisis, and that
26 that isn't always the right response. And there are growing
27 cries in the community to set up a new system where if you
28 called 9-1-1 you might be calling for a paramedic, you might be

1 calling for fire, you might be calling for police, or you might
2 be calling for a mental health worker.

3 And -- so I think there are a lot of voices in
4 the community, and including community health and resource
5 centres that would like to see, you know, at least an
6 opportunity to where, I mean, if you might be dispatching more
7 than one. You might dispatch fire and police and a mental
8 health worker. But right now, police are the responders because
9 they take up that space, not because they're necessarily trained
10 in crisis response of that nature, or not because they're
11 necessarily the best response.

12 And so I think there was some tension between
13 Chief Sloly and the community that would like to see a change in
14 -- some modest change in police response to those types of
15 calls.

16 **MR. BRENDAN MILLER:** That was very detailed. Has
17 anyone ever told you maybe you should be the Chair of the Police
18 Board Panel?

19 **(LAUGHTER)**

20 **MS. DIANE DEANS:** Not recently.

21 **MR. BRENDAN MILLER:** So my last question is this:
22 Is it fair to say that one of the biggest contentions with
23 respect to getting information from Chief Sloly wasn't so much
24 just with the information based on everyone's public statements
25 within your Council, what they wanted to know was "Can you give
26 us a date when the protests will end and can you give us a date
27 if it's not going to end how you're going to remove them?" Is
28 that fair? That's really what you wanted to know. That's what

1 your constituents were bugging you about in all the emails.

2 **MS. DIANE DEANS:** Yeah, I -- I mean, in broad
3 strokes I think that's fair.

4 **MR. BRENDAN MILLER:** Right. And Chief Sloly, and
5 to no fault of his own, he couldn't tell you that because he
6 didn't even know.

7 **MS. DIANE DEANS:** No. And if those resources
8 hadn't arrived, or perhaps if we hadn't had extra tools, like
9 the *Emergencies Act*, they might still be here.

10 **MR. BRENDAN MILLER:** Well -- and I understand the
11 extra tools, and I guess we can argue about that, but ---

12 **MS. DIANE DEANS:** Sure.

13 **MR. BRENDAN MILLER:** --- any -- would you agree
14 with me that if there was a like order to the *Emergencies Act* to
15 remove the protesters, et cetera, as long as you had the
16 resources that, you know, based on your knowledge as a former
17 Chair of the Police Service Board the police could've removed
18 these protesters simply with a court order on the same terms.
19 Is that fair?

20 **MS. DIANE DEANS:** I don't know if that's fair. I
21 don't think that I am the person to assess that.

22 **MR. BRENDAN MILLER:** Thank you.

23 **MS. DIANE DEANS:** Okay.

24 **MR. BRENDAN MILLER:** I'll make the pitch to him
25 instead. Thank you very much.

26 **COMMISSIONER ROULEAU:** Okay, thank you.

27 The next is the Government of Canada. And as you
28 come up, if I can just be clear, I'm sure you know this,

1 Mr. Migicovsky, is that if it becomes relevant, the question
2 about salary with another witness or you -- somehow it becomes a
3 relevant to this Commission, you can of course renew the
4 question. I'm sure you know that, but I just want to be clear
5 about that.

6 **MR. DAVID MIGICOVSKY:** Thank you very much,
7 Commissioner.

8 **--- CROSS-EXAMINATION BY MR. BRENDAN van NIEJENHUIS:**

9 **MR. BRENDAN van NIEJENHUIS:** Thank you,
10 Ms. Deans. I'm Brendan van Niejenhuis. I'm one of the lawyers
11 for the Government of Canada on this Inquiry. I'm just going to
12 try to ask you some, hopefully, less controversial questions
13 about your experience in your capacity as the Board Chair for
14 this jurisdiction at the time.

15 **MS. DIANE DEANS:** Sure.

16 **MR. BRENDAN van NIEJENHUIS:** And I'm going to do
17 so by reference to some of the documents that you've looked at
18 already, but I'm going to focus on some particular effects that
19 come out of them.

20 May I ask to pull up OPB00001624?

21 This is the February 1st Board update document,
22 Councillor Deans, which just to situate you, February 1st was
23 the Tuesday after the initial convoy weekend.

24 If we could go to page 7, please. And if you can
25 just move down a little bit, and to that paragraph that starts
26 "Chief" there.

27 Just to confirm, what the Chief is reporting to
28 you already by February the 1st, a few days into this, was the

1 international dimensions of this matter; is that fair?

2 **MS. DIANE DEANS:** Yes.

3 **MR. BRENDAN van NIEJENHUIS:** And that this is
4 going to have provincial, national, international consequences,
5 and he's referring to demonstrations already being seen in the
6 United States stemming from this one?

7 **MS. DIANE DEANS:** Yes.

8 **MR. BRENDAN van NIEJENHUIS:** And he points to the
9 fact that this is coming out of a global pandemic, and it's a
10 very different scenario than what you saw in November of the
11 previous year; right?

12 **MS. DIANE DEANS:** Yes.

13 **MR. BRENDAN van NIEJENHUIS:** Could we go now,
14 please, to OPB00001264.

15 And this would be several days later,
16 Councillor Deans. It's the February 5th meeting of the Board.
17 And that would've occurred, am I right, on the Saturday of the
18 second weekend?

19 **MS. DIANE DEANS:** That's correct.

20 **MR. BRENDAN van NIEJENHUIS:** If we go to page 3,
21 please.

22 I think this is the initial occasion on which
23 Chief Sloly, both in this Board meeting and elsewhere, indicates
24 the view that there may not be a policing solution alone to the
25 demonstration. Do you see that?

26 **MS. DIANE DEANS:** Yes.

27 **MR. BRENDAN van NIEJENHUIS:** And if we look
28 further down the page, on page 3, to the third last paragraph,

1 just a little further down. Thank you.

2 It's that paragraph that starts, "In the medium
3 term" there. Do you see that there's an indication that "The
4 Service", in the second sentence, is highlighting:

5 "...the need for additional legal
6 supports in...the short and medium
7 term, [and is] requesting assistance to
8 find uncharted legal territory."

9 **MS. DIANE DEANS:** Yes.

10 **MR. BRENDAN van NIEJENHUIS:** And you appreciated
11 that you were being informed that the Criminal Code powers, the
12 *Highway Traffic Act*, and the City of Ottawa by-laws were
13 somewhat limiting in respect of their application to the trucker
14 convoy?

15 **MS. DIANE DEANS:** Yes.

16 **MR. BRENDAN van NIEJENHUIS:** If you could just go
17 over the page to page 4, in the third paragraph.

18 The Service pointed out to you and the rest of
19 the Board, did it, that there was an:

20 "...ability of the demonstration
21 organizers to spread a narrative via
22 social media..."

23 Yes?

24 **MS. DIANE DEANS:** Yes.

25 **MR. BRENDAN van NIEJENHUIS:** And that this was
26 connected to the need for:

27 "...additional legal resources to
28 advocate for legislative changes that

1 would provide for increased powers of
2 enforcement in these kinds of
3 situations."

4 Fair?

5 **MS. DIANE DEANS:** Fair.

6 **MR. BRENDAN van NIEJENHUIS:** And did you take
7 that as a suggestion that existing legal authorities at the time
8 were, at least in the view of the Service, not adequate to deal
9 with the situation already by that second weekend?

10 **MS. DIANE DEANS:** I took that they believed there
11 was a possibility that through legislative changes we could
12 create a better situation.

13 **MR. BRENDAN van NIEJENHUIS:** Okay. If we go to
14 OPB00001647. This is the continuation of that same meeting, but
15 the in-camera portion of it. And if you could to page 3 of the
16 in-camera minutes. If you can just move down the page a little
17 bit, and just stop there.

18 Do you see the paragraph in which Chief Sloly is
19 speaking and comparing the situation to that of the 2011 Stanley
20 Cup riots in Vancouver?

21 **MS. DIANE DEANS:** Yes.

22 **MR. BRENDAN van NIEJENHUIS:** And here, he
23 characterises a distinction here in the second -- in the last
24 two sentences. He says:

25 "The demonstration ongoing in Ottawa
26 consisted of thousands of people
27 convinced that the pandemic approach
28 has been wrong."

1 Right?

2 **MS. DIANE DEANS:** Yes.

3 **MR. BRENDAN van NIEJENHUIS:** And that's an
4 approach that was taken by, not just the municipalities, but by
5 the federal government, and of course, by provincial governments
6 across the country.

7 **MS. DIANE DEANS:** Yes. Yes.

8 **MR. BRENDAN van NIEJENHUIS:** And he suggested
9 that:

10 "The Service's intelligence [at that
11 time] suggested that some
12 participants, [for them] being
13 arrested, injured or even being killed
14 was viewed as achieving a level of
15 martyrdom rather than a deterrent."

16 **MS. DIANE DEANS:** He said that.

17 **MR. BRENDAN van NIEJENHUIS:** Yeah. Was that a
18 serious concern when the Board heard that?

19 **MS. DIANE DEANS:** I think all of this was taken
20 seriously by the Board, yes.

21 **MR. BRENDAN van NIEJENHUIS:** Could we go to
22 COM00000641.

23 This is an article from the CBC website that
24 appeared on February the 5th, and I take it this was the same --
25 oh, that would be the same date as that Board meeting, so
26 probably prior to that meeting; is that fair?

27 **MS. DIANE DEANS:** Yes.

28 **MR. BRENDAN van NIEJENHUIS:** Okay. If we could

1 go to -- I think it's the second page, just continue on
2 downwards. I'm looking for a quote from yourself, Councillor
3 Dean, so if you could just keep going down the page? Maybe a
4 bit further?

5 Okay. So just at the top of the next page, which
6 is page 4, you see you're quoted there as saying, "The City is
7 under siege"?

8 **MS. DIANE DEANS:** Yes.

9 **MR. BRENDAN van NIEJENHUIS:** And looking for a
10 concrete plan?

11 **MS. DIANE DEANS:** That is how I felt.

12 **MR. BRENDAN van NIEJENHUIS:** Yeah. Could you go
13 to the top of the next page? You are quoted here, Councillor
14 Deans, as saying:

15 "People can't go to work or open their
16 businesses. They can't sleep, walk,
17 shop, go to medical appointments, or
18 enjoy their neighbourhood. This group
19 is a threat to democracy. What we're
20 seeing is bigger than just a City of
21 Ottawa problem. This is a nationwide
22 insurrection. This is madness."

23 Is that a fair attribution of your comments?

24 **MS. DIANE DEANS:** That is exactly what I said.

25 **MR. BRENDAN van NIEJENHUIS:** And is that how you
26 viewed things that second weekend already?

27 **MS. DIANE DEANS:** It is.

28 **MR. BRENDAN van NIEJENHUIS:** Could we go to --

1 well, I don't need the document, I just want to bookmark the
2 timing.

3 Two days later, on February the 7th, which would
4 be the Monday after the second weekend, you co-signed a letter
5 with Mayor Watson to the prime minister and to Minister
6 Mendicino, right ---

7 **MS. DIANE DEANS:** Yes.

8 **MR. BRENDAN van NIEJENHUIS:** --- requesting more
9 resources from the federal government?

10 **MS. DIANE DEANS:** Yes.

11 **MR. BRENDAN van NIEJENHUIS:** And that same
12 Monday, February the 7th, you sent a similar letter or you
13 signed a signed a similar letter with the mayor that was sent to
14 the premier as well as to Solicitor General Jones, right?

15 **MS. DIANE DEANS:** That's correct.

16 **MR. BRENDAN van NIEJENHUIS:** And we've seen those
17 before, so we won't go back to them.

18 Could we now go to OTT00006610? This will be the
19 minutes of the council meeting, the special council meeting that
20 was convened on the Monday evening of the 7th?

21 **MS. DIANE DEANS:** Yeah.

22 **MR. BRENDAN van NIEJENHUIS:** Or afternoon,
23 rather. And if I could ask that we turn to page 10, it'll be
24 the bottom of the page, a motion at the bottom of the page, and
25 just so you can see the move in a second there, but go to the
26 top of page 11 and you'll see the output. This is the motion
27 that asked the Government of Canada to take responsibility for
28 policing, in effect, in the Parliamentary precinct, right?

1 MS. DIANE DEANS: Yes.

2 MR. BRENDAN van NIEJENHUIS: And you were in
3 favour of that motion?

4 MS. DIANE DEANS: Yes.

5 MR. BRENDAN van NIEJENHUIS: And if you go then
6 to page 17 of the same document, and carry down the page, you'll
7 see this motion to move by Councillor Meehan and Councillor
8 McKenney referring to the federal *Emergencies Act* and resolving
9 that the City should enter into discussions with the Minister of
10 Public Safety to see whether the *Emergencies Act* could be
11 invoked, right?

12 MS. DIANE DEANS: Yes.

13 MR. BRENDAN van NIEJENHUIS: And that's because
14 you saw the need already for additional legal measures from what
15 the service had been telling you to date?

16 MS. DIANE DEANS: Yes.

17 MR. BRENDAN van NIEJENHUIS: And you voted in
18 favour, did you, of this motion?

19 MS. DIANE DEANS: I did.

20 MR. BRENDAN van NIEJENHUIS: February 8th was the
21 Tuesday. If we could go to OTT00005837? And I don't need to
22 spend a lot of time on this, but this is a note from Chief Sloly
23 the next morning -- or sorry, the next evening, rather, and he's
24 writing in reference to that motion, the first motion we'd
25 looked at with respect to the RCMP assuming jurisdiction over
26 the precinct.

27 MS. DIANE DEANS: Right.

28 MR. BRENDAN van NIEJENHUIS: Right. And if you

1 just scroll down the page for -- in fairness to you, do you
2 recall Chief Sloly providing you this information to remind you?
3 I'm sure you are familiar with it already, but that under the
4 *Ontario Police Services Act*, the RCMP is not defined as a police
5 service, right?

6 **MS. DIANE DEANS:** Right.

7 **MR. BRENDAN van NIEJENHUIS:** And for that reason,
8 some of these steps that we've spoken about earlier -- you've
9 spoken about earlier, had to be taken, such as having each of
10 the RCMP officers formally sworn in in groups?

11 **MS. DIANE DEANS:** Right.

12 **MR. BRENDAN van NIEJENHUIS:** And another one of
13 the steps that had to occur was the signing of a formal
14 memorandum of agreement to define their roles, correct?

15 **MS. DIANE DEANS:** Correct.

16 **MR. BRENDAN van NIEJENHUIS:** And I believe you
17 signed that on February the 8th as well, right?

18 **MS. DIANE DEANS:** Right.

19 **MR. BRENDAN van NIEJENHUIS:** And if we could go
20 to OPB00000858? This is on February 10th. It's the Wednesday
21 now, ahead of the third weekend after the second. This appears
22 to be an email from Julia Keast of your office?

23 **MS. DIANE DEANS:** Yes.

24 **MR. BRENDAN van NIEJENHUIS:** And you are one of
25 the addressees, and it is approving a request -- if you want to
26 scroll down the page -- it reflects you approving a request to
27 delegate the authority to swear in up to 400 members of the
28 RCMP, correct?

1 **MS. DIANE DEANS:** Correct.

2 **MR. BRENDAN van NIEJENHUIS:** And the last thing
3 that would need to happen in that regard was the approval of the
4 Solicitor General for those officers as well, right?

5 **MS. DIANE DEANS:** Right.

6 **MR. BRENDAN van NIEJENHUIS:** Okay. If we could
7 go now to OPB00001272? This will be February 11th, the minutes
8 again of the Board meeting, and these will be the public
9 minutes. That will be the Thursday ahead of the third weekend,
10 right?

11 **MS. DIANE DEANS:** Yes.

12 **MR. BRENDAN van NIEJENHUIS:** Oh, excuse me, the
13 Friday?

14 **MS. DIANE DEANS:** Friday.

15 **MR. BRENDAN van NIEJENHUIS:** If we could go to
16 page 3, to the second-last paragraph? It was emphasized again
17 to you by a service, if I'm understanding this right, that there
18 was a number of different reasons that individuals were
19 demonstrating and no one particular line of thinking, right?

20 **MS. DIANE DEANS:** Right.

21 **MR. BRENDAN van NIEJENHUIS:** The demonstrations
22 had become, or continued to become a local, provincial,
23 national, and even international issue?

24 **MS. DIANE DEANS:** Yes.

25 **MR. BRENDAN van NIEJENHUIS:** And the Service was
26 concerned about money and supports coming in from other
27 countries, including the U.S.?

28 **MS. DIANE DEANS:** Right.

1 **MR. BRENDAN van NIEJENHUIS:** If we could go to
2 page 4, in the third-last paragraph? There, you'll see the note
3 that the Service had been in conversation regarding the
4 mitigation of risks associated with counter-protest. Do you see
5 that?

6 **MS. DIANE DEANS:** No.

7 **MR. BRENDAN van NIEJENHUIS:** It's ---

8 **MS. DIANE DEANS:** Oh, right. Okay, yeah.

9 **MR. BRENDAN van NIEJENHUIS:** And what that's
10 referring to, if I understand right, is the fact that Ottawa
11 residents by now were awfully tired, angry, and frustrated,
12 right?

13 **MS. DIANE DEANS:** Very.

14 **MR. BRENDAN van NIEJENHUIS:** And there was a real
15 concern that citizens would start to take matters into their own
16 hands in a fashion that could lead to real violence, right?

17 **MS. DIANE DEANS:** There was growing evidence of
18 that.

19 **MR. BRENDAN van NIEJENHUIS:** Yes. And that was a
20 concern to you and your colleagues on the Board?

21 **MS. DIANE DEANS:** It was.

22 **MR. BRENDAN van NIEJENHUIS:** Lastly -- and I see
23 I'm almost out of time so I'll wrap this up very quickly -- if
24 we could just go to the in-camera minutes for one item, it's
25 OPB00001648, and to the top of page 4?

26 Thank you. And I just want to point out that
27 again, here you're informed by the Service in-camera that
28 national and international security blind spots were being

1 pointed to, and due to the cumulative blind spots, the OPS
2 lacked the capacity to address the unfolding situation, right?

3 **MS. DIANE DEANS:** Yes.

4 **MR. BRENDAN van NIEJENHUIS:** Did that refer, in
5 part or a substantial part to the awareness of the organization
6 of the convoy online and the impact of social media on those
7 who'd come in to occupy Ottawa?

8 **MS. DIANE DEANS:** I believe it did.

9 **MR. BRENDAN van NIEJENHUIS:** Thank you. Those
10 are my questions.

11 **COMMISSIONER ROULEAU:** Thank you. Next is the
12 Democracy Fund and JCCF.

13 **--- CROSS-EXAMINATION BY MR. ROB KITTREDGE:**

14 **MR. ROB KITTEREDGE:** Just caught a little off
15 guard there.

16 And for the sake of the sign language
17 interpreters, who I'm sure I tortured a little bit yesterday,
18 I'll try and go a little more slowly today.

19 Good afternoon, Councillor Deans. I'm Rob
20 Kitteredge. I represent the Justice Centre for Constitutional
21 Freedom.

22 As someone who was caught up in, as you put it,
23 what happened in Toronto during the G20, and in some of the more
24 egregious events addressed in the Morden Report, I was
25 encouraged to hear that you did your best to prevent similar
26 mistakes in overreach in Ottawa.

27 And in furtherance of that goal, you felt that
28 you and the OPSB might have been able to intervene to help with

1 OPS requests for assistance from other police forces or various
2 levels of government; is that correct?

3 **MS. DIANE DEANS:** That's correct.

4 **MR. ROB KITTREDGE:** You understood the OPS's
5 expressed need for "additional resources" to mean that they
6 needed additional police officers; correct?

7 **MS. DIANE DEANS:** Yes. After that February 5th
8 meeting when Chief Sloly outlined his resource requirement, not
9 all 1800 were uniformed officers; some were civilian, but he
10 made that clear at that time.

11 **MR. ROB KITTREDGE:** Right. But it was
12 essentially people on the ground that was meant by resources?

13 **MS. DIANE DEANS:** Yes, skilled resources, yes.

14 **MR. ROB KITTREDGE:** Did he use the word
15 "resources" to refer to anything other than people on the
16 ground?

17 **MS. DIANE DEANS:** You mean like weapons or what
18 are you ---

19 **MR. ROB KITTREDGE:** No, like -- I guess I'm just
20 getting at the point that we've heard the word "resources" a lot
21 today and I just want to understand what that means.

22 **MS. DIANE DEANS:** Yeah, I think by and large it
23 means skilled, trained people.

24 **MR. ROB KITTREDGE:** Right. While we've heard
25 that the *Criminal Code*, existing By-laws, et cetera may have
26 been somewhat limiting, the OPS didn't express to you any
27 specific need for any specific additional legislated powers; did
28 they?

1 **MS. DIANE DEANS:** I do not believe so.

2 **MR. ROB KITTREDGE:** And your understanding was
3 that while legislative change may have been useful to the
4 police, it wasn't required, strictly-speaking, is that a fair
5 characterization?

6 **MS. DIANE DEANS:** I don't know the answer to that
7 question. I mean it may well be required and it might be
8 something that's very useful, but in the moment it probably
9 wasn't going to happen.

10 **MR. ROB KITTREDGE:** Right. Do you feel that OPS
11 was making effective use of the resources, personnel and
12 equipment that they had available to them at all times during
13 the protest?

14 **MS. DIANE DEANS:** It's probably a question much
15 better put to Chief Sloly, because as we've made pretty clear,
16 I'm not involved in the day-to-day operations.

17 **MR. ROB KITTREDGE:** Right. As a citizen of
18 Ottawa were you satisfied with the use that they were making of
19 the resources, personnel and equipment that they had available
20 to them?

21 **MS. DIANE DEANS:** Yeah, another kind of difficult
22 question to answer because, you know, was I satisfied with the
23 response the whole way through? No, I was not. But did that
24 mean they weren't using the resources wisely? I couldn't answer
25 that question with any degree of certainty. I was aware that
26 they did not have sufficient resources.

27 **MR. ROB KITTREDGE:** Fair enough. And a similar
28 question that I suspect will get a similar answer, did you feel

1 that the OPS was effectively enforcing existing laws and by-laws
2 at all times during the protests, given the resources available
3 to them?

4 **MS. DIANE DEANS:** I was frustrated with some of
5 the enforcement efforts, especially getting calls from
6 constituents and other members of Council about enforcement. I
7 understood the reasons that were given to us. They had to put
8 public safety first and the safety of the by-law officers and
9 their officers first. I certainly understood it, but from a
10 public perspective, it was frustrating.

11 **MR. ROB KITTREDGE:** We've heard that during the
12 protests there was an amendment made to the City's idling by-
13 law; can you tell me what the time-frame for making that change
14 was; how quickly it was able to be done?

15 **MS. DIANE DEANS:** It was done quite quickly, I
16 believe. I can't tell you exactly how long it took.

17 **MR. ROB KITTREDGE:** Would it be something in the
18 order of day?

19 **MS. DIANE DEANS:** Possibly.

20 **MR. ROB KITTREDGE:** Would it be fair to say that
21 if the OPS required further by-law amendments, these also would
22 have been put in place very quickly?

23 **MS. DIANE DEANS:** Yes.

24 **MR. ROB KITTREDGE:** And in light of us having
25 reached a reasonable set of agreements on my questions a few
26 questions ago, I'll skip this one.

27 So how would you say that the tension between
28 yourself and the Mayor interfered with the resolution of the

1 process? We've heard a lot about the fact that there was
2 tension, but how did it interfere with a resolution?

3 **MS. DIANE DEANS:** You know -- as I said earlier,
4 I believe that everyone needed to be working together. You can
5 equate that to a team sport, to kicking the ball up and down the
6 field in two different directions and you're on the same team,
7 you're probably not getting where you need to go. And I don't
8 think it was just the Mayor and myself, I think that there were,
9 you know -- just listening to the evidence about the information
10 that was shared with the City of Ottawa and not shared with the
11 Police Board, is frustrating to me. We all needed to be on the
12 same team. And I think -- you know, I'm not going to center it
13 at the Mayor for special intention, I just think that -- I mean
14 -- and possibly part of it was the pandemic and we weren't all
15 in the same room; we weren't all operating out of City Hall. I
16 was operating out of my home the entire time. And, you know,
17 perhaps some of it was that too. Because when you're not
18 together, you're not getting that same dynamic as if you're all
19 in the same room, and it might have been some of that too.

20 **MR. ROB KITTREDGE:** And in that, I understand
21 there was some tension between Chief Sloly and Bill Blair and
22 also some in-fighting at the OPS, that may have also
23 contributed; is that fair to say?

24 **MS. DIANE DEANS:** I think it's fair to say that
25 we weren't all on the same boat or working in the same direction
26 at all times.

27 **MR. ROB KITTREDGE:** Right.

28 **MS. DIANE DEANS:** It wasn't optimal.

1 **MR. ROB KITTREDGE:** All right. You would hope
2 that Ottawa would avoid the sort of mistakes and overreach that
3 occurred under then Chief Bill Blair's command at the Toronto G-
4 20 in 2010. But OPS didn't really have a plan to deal with the
5 protests; the City lost control of its streets and in the event
6 a national emergency was declared. And here we are hard at work
7 on Ottawa's own version of the Morden Report.

8 As much as well-intentioned people like yourself
9 try to apply lessons from Toronto's G-20, you weren't able to
10 prevent mistakes and overreach on a similar scale; were you?

11 **MS. DIANE DEANS:** Not entirely, no. Maybe --
12 maybe we made different mistakes. You know, if you don't learn
13 from your mistakes you risk repeating them, and I think that's
14 the benefit of all of this. Hopefully we're going to learn from
15 our mistakes and the next time something happens, it will go
16 smoother than it did this time.

17 **MR. ROB KITTREDGE:** Right, but this time the
18 crisis was mishandled by police and all levels of government;
19 wasn't it?

20 **MS. DIANE DEANS:** I think we could have done
21 better.

22 **MR. ROB KITTREDGE:** Thank you very much; that's
23 my questions.

24 **MS. DIANE DEANS:** You're welcome.

25 **COMMISSIONER ROULEAU:** Thank you. Next we have
26 the National Police Federation.

27 **MR. JOHN MATHER:** Commissioner, they've advised
28 Commission counsel that they're ceding their time.

1 **COMMISSIONER ROULEAU:** Okay. So we're now back
2 to the final -- the Ottawa Police Services Board. Do you have
3 any re-examination?

4 **MR. DAVID MIGICOVSKY:** None whatsoever; thank you
5 very much.

6 **MS. ALYSSA TOMKINS:** I think the City of Ottawa
7 had some time.

8 **COMMISSIONER ROULEAU:** It did and I skipped you.
9 I apologize. Go ahead.

10 **MS. ALYSSA TOMKINS:** No problem, Alyssa Tomkins;
11 counsel for the City of Ottawa.

12 --- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:

13 Councillor Deans, am I correct that your evidence
14 was, that the first time you heard that resources were being
15 held up was because Chief Sloly did not have a plan for the
16 resources, was when Mr. Kanellakos said it on Monday?

17 **MS. DIANE DEANS:** Yeah, I believe that's the
18 case. I have not been told that throughout.

19 **MS. ALYSSA TOMKINS:** Mr. Commissioner, can I
20 have permission to take the witness to her witness summary to
21 refresh her memory?

22 **COMMISSIONER ROULEAU:** I think it's been entered,
23 as I understand it, so, yes.

24 **MS. ALYSSA TOMKINS:** Okay. Can we please bring
25 up document WTS.00000010? And Councillor Deans, this is your
26 witness summary?

27 **MS. DIANE DEANS:** Yes, it is.

28 **MS. ALYSSA TOMKINS:** You reviewed the summary

1 and had an opportunity to make any changes that you wanted?

2 **MS. DIANE DEANS:** I did, yeah.

3 **MS. ALYSSA TOMKINS:** And you adopted it this
4 morning, in fact?

5 **MS. DIANE DEANS:** Yeah.

6 **MS. ALYSSA TOMKINS:** So if we could just go to
7 the bottom of the third page, and the last complete sentence
8 states:

9 "According to Councillor Deans, there is a
10 possibility that resources were being held
11 up because Chief Sloly did not have a plan
12 for the use of the resources."

13 Councillor, you'll agree that in fact this is something that you
14 suggested during your interview with Commission counsel and not
15 something that you heard for the first time during Mr.
16 Kanellakos' evidence?

17 **MS. DIANE DEANS:** Yeah I'm going to agree with
18 that because it's right there, but I can't recall exactly what I
19 was referring to in this statement. I mean the level of detail
20 that I've been hearing through this process and heard from Mr.
21 Kanellakos and are in the reports from the OPP and RCMP about
22 their level of concern, was never intimated to me. I mean I may
23 have broadscale heard something but I had no detail that is now
24 entered into evidence from this Commission, and it came as a
25 huge surprise to me.

26 **MS. REBECCA JONES:** No further questions.

27 **COMMISSIONER ROULEAU:** Yes, Commission Counsel?

28 **MR. JEAN-SIMON SCHOENHOLZ:** I think that was it

1 for the -- oh, sorry.

2 **UNIDENTIFIED SPEAKER:** May I address you on just
3 one point, Commissioner?

4 The question that you ruled not relevant holds
5 great significance for the Board as the employer of the former
6 Chief. And we're not a party, and I don't know how we would
7 deal with the possibility of that being revisited. I know that
8 counsel from -- for Chief Sloly and the Board would take the
9 same position, but I don't know that there's any -- is there
10 some other way to deal with that, if the Board's interests were
11 engaged again? I may not be able to achieve anything, but I
12 thought I would at least raise it with you.

13 **COMMISSIONER ROULEAU:** Well, you can raise it. I
14 think Chief Sloly's counsel, or former Chief Sloly's counsel
15 would raise the issue if it is brought up, as I understand it.
16 I just was pointing out the normal routine, and if it becomes
17 relevant I'm not sure how we would deal with it, it was simply
18 there. Because when Chief Sloly testifies I can't anticipate
19 what's going to happen. And sometimes something is not relevant
20 at one point, but further evidence raises issues. I -- not much
21 I can do about that, but I'm on the notice that you have a view
22 and I think we can deal with it when and if the time comes.

23 **UNIDENTIFIED SPEAKER:** Thank you very much for
24 your consideration. That's all I have today.

25 **COMMISSIONER ROULEAU:** Okay.

26 And so that completes, as I understand it,
27 subject to re-examination -- because I take it you have no
28 further submissions on behalf of the Board?

1 **UNIDENTIFIED SPEAKER:** None whatsoever.

2 **COMMISSIONER ROULEAU:** Or questions, rather.

3 Okay.

4 So go ahead.

5 **MR. JEAN-SIMON SCHOENHOLZ:** Two brief questions.

6 **COMMISSIONER ROULEAU:** Go ahead.

7 **--- RE-EXAMINATION BY MR. JEAN-SIMON SCHOENHOLZ:**

8 **MR. JEAN-SIMON SCHOENHOLZ:** Councillor Deans, you
9 were asked a number of questions on cross about the information
10 you received. Do you feel that the Board received the
11 information it required to exercise its oversight functions?

12 **MS. DIANE DEANS:** I believe the Board could have
13 done a better job in exercising its oversight function if it had
14 been provided with relevant information that it did not receive.

15 **MR. JEAN-SIMON SCHOENHOLZ:** And we listened to
16 the recording, and there was a number of questions about that as
17 well. In your view, did the Mayor interfere with the Board's
18 autonomy by exerting pressure on the Chair?

19 **MS. DIANE DEANS:** The Mayor fell short of
20 directing me not to do something, so that clearly would have
21 been interfering with the Board. I think that the Mayor and
22 Council came very close, in the Mayor made some public
23 statements that he was going to ask Matt Torigian to step aside
24 and put Chief Bell into place. And I think the *Police Services*
25 Act there is some draft legislation that hasn't been proclaimed
26 yet that would preclude that type of interference in the work of
27 the Police Services Board, and not allow that kind of political
28 interference by a Council or a Mayor.

1 So I think it was very close to the line, yes.

2 **MR. JEAN-SIMON SCHOENHOLZ:** Did you feel like it
3 was undue pressure was being imposed on you?

4 **MS. DIANE DEANS:** Well, I understood the
5 consequences being imposed on me, that was pretty clear. But I
6 felt -- I've always felt this way; I'm there to do a job and I
7 have to do the job to the best of my ability, and I believe --
8 and I believed I had the most information, that that is in the
9 interest of the community, then I need to do the job and not be
10 unduly influenced by political pressure.

11 **MR. JEAN-SIMON SCHOENHOLZ:** Thank you, Councillor
12 Deans.

13 Thank you, Mr. Commissioner.

14 **COMMISSIONER ROULEAU:** Okay. So I think that
15 ends the testimony of Councillor Deans. Thank you very much for
16 your evidence, for coming forward, and as was said earlier, for
17 your service.

18 We're going to go take a 15-minute break, until
19 we move to the next witness. It looks like it'll be another
20 late day, so people should prepare in consequence. I'm not sure
21 how late we'll go because what we don't get done today will be
22 added to tomorrow.

23 So 15 minutes. We'll come back at 25 after 4:00.

24 Thank you.

25 **THE REGISTRAR:** The Commission is in recess for
26 15 minutes. La Commission est levée pour 15 minutes

27 **COMMISSIONER ROULEAU:** And just one last -- I
28 just want to thank counsel for having worked out the potential

1 issues. It's appreciated, and resolution is always appreciated
2 with respect to time and disputes.

3 Thank you.

4 --- Upon recessing at 4:10 p.m.

5 --- Upon resuming at 4:25 p.m.

6 **THE REGISTRAR:** La Commission reprend.

7 **COMMISSIONER ROULEAU:** Okay, go ahead.

8 **MR. ERIC BROUSSEAU:** Commissioner Rouleau,
9 Commission Counsel would like to call OPP Superintendent Pat
10 Morris as the Commission's next witness.

11 (SHORT PAUSE)

12 **THE REGISTRAR:** Superintendent Morris, will you
13 swear on a religious document, or do you wish to affirm?

14 **SUPT. PATRICK MORRIS:** I will swear.

15 **THE REGISTRAR:** We have the Bible, the Qur'an, or
16 the Torah available.

17 **SUPT. PATRICK MORRIS:** Bible.

18 **THE REGISTRAR:** Please take the Bible in your
19 right hand.

20 For the record, please state your full name and
21 spell it out.

22 **SUPT. PATRICK MORRIS:** Patrick John Joseph
23 Morris, M-o-r-r-i-s.

24 **--- SUPT. PATRICK MORRIS, Sworn:**

25 **--- EXAMINATION IN-CHIEF BY MR. ERIC BROUSSEAU:**

26 **MR. ERIC BROUSSEAU:** Good afternoon, Supt.
27 Morris.

28 **SUPT. PATRICK MORRIS:** Good afternoon.

1 **MR. ERIC BROUSSEAU:** I'll start with an easy one;
2 what is your current rank?

3 **SUPT. PATRICK MORRIS:** I'm a Superintendent in
4 the OPP, Bureau Commander of the Provincial Operations
5 Intelligence Bureau.

6 **MR. ERIC BROUSSEAU:** And is that the rank that
7 you held in January and February of 2022?

8 **SUPT. PATRICK MORRIS:** That's correct.

9 **MR. ERIC BROUSSEAU:** Okay. And I'd like to call
10 up your interview summary, which is WTS00000035. And this is a
11 summary of the interview that Commission Counsel conducted with
12 you in the summer; correct?

13 **SUPT. PATRICK MORRIS:** Correct.

14 **MR. ERIC BROUSSEAU:** And you're familiar with the
15 contents of this summary?

16 **SUPT. PATRICK MORRIS:** I am.

17 **MR. ERIC BROUSSEAU:** You have no corrections to
18 make to it?

19 **SUPT. PATRICK MORRIS:** No.

20 **MR. ERIC BROUSSEAU:** Thank you.

21 And you mentioned that you are -- you oversee the
22 OPP's Provincial Operations Intelligence Bureau, which I will
23 refer to as POIB. Can you tell us; how long have you overseen
24 that Bureau?

25 **SUPT. PATRICK MORRIS:** I've been the
26 Superintendent in charge of POIB since September of 2021, having
27 acted in that position since July of 2021, and prior to that I
28 was an Inspector in POIB responsible for two sections that are

1 relevant to these matters.

2 **MR. ERIC BROUSSEAU:** And can you give us the 30-
3 second elevator pitch of what POIB does?

4 **SUPT. PATRICK MORRIS:** Yes. Provincial
5 Operations Intelligence Bureau is the Intelligence Directorate
6 or Bureau for the Ontario Provincial Police, so responsible for
7 our jurisdiction, and also under the *Police Services Act* for
8 issues where we provided specialized investigative services.

9 We have six sections within the Bureau. The
10 first is Intelligence Operations Section, which has to do with
11 organized crime, et cetera. The second is the Protective
12 Services Section, which has to do with close body protection for
13 protective persons in the Province of Ontario. The third is
14 Covert Operations Section, which has to do, administratively,
15 with policies and procedures in relation to covert operations,
16 undercover operations, informant recruitment, agent recruitment
17 and handling, and also the operational responsibility for that.

18 The next section is the Criminal Intelligence
19 Production Section, which is primarily the handling of metadata
20 information and the translation of information into
21 intelligence. And the last section is the Provincial Anti-
22 Terrorism Section, which is a large-scale, joint-force operation
23 which engages in intelligence operations, covertly and overtly,
24 in relation to national security threats.

25 Lastly, we're engaged in the Integrated National
26 Security Enforcement Teams.

27 **MR. ERIC BROUSSEAU:** Thank you.

28 **COMMISSIONER ROULEAU:** If I could just interrupt,

1 Superintendent? Just if you could slow down a little bit
2 because all this is getting translated as you go.

3 **SUPT. PATRICK MORRIS:** Sure.

4 **COMMISSIONER ROULEAU:** So I know you're
5 effective, but -- effective with a little more patience in
6 speaking will help.

7 **SUPT. PATRICK MORRIS:** Thanks. Will do.

8 **MR. ERIC BROUSSEAU:** Thank you, Superintendent.
9 You're familiar with the term Project Hendon.
10 Can you describe for us what Project Hendon is?

11 **SUPT. PATRICK MORRIS:** Yes. You'll have to cut
12 me short probably.

13 In 2019, early 2020, the OPP witnessed a
14 significant amount of protest, dissent, some of which caused us
15 reasonable grounds to suspect or believe that those issues would
16 engage in criminal activity or illegal activity that would have
17 a public safety impact.

18 As a result of that, we created a collection plan
19 and reached out to partners in law enforcement and in the
20 intelligence community to create a cooperative collaborative
21 approach to collect information on issues that related to that.
22 The reasoning was many of these issues, I might say all of those
23 issues, are larger than any specific jurisdiction.

24 So we collected a collection plan -- sorry, we
25 made a collection plan, we created business rules, and we
26 formally reached out to multiple agencies in Ontario, law
27 enforcement, intelligence, we went further than Ontario,
28 engaging federal agencies such as the RCMP, many components

1 within the RCMP, the Canadian Security Intelligence Service,
2 Department of National Defence, and then other police services
3 were added as we went along, because there was impacts. So for
4 example, the Vancouver police Department, Sûreté du Québec, et
5 cetera.

6 The rationale for Hendon was to deal with large
7 scale protest matters that impacted public safety. Very
8 specifically, we did look at reasonable grounds to suspect and
9 believe, as a sort of precursor for our involvement.

10 In a very practical way, at the beginning of 2020
11 and the end of 2019, there was activity going on that had to do
12 under the umbrella of Shut Down Canada. There was activity that
13 activists would engage in to have a negative impact on the
14 Canadian economy and on the Canadian democratic system
15 generally.

16 As we moved towards February of 2020, one of the
17 major points of consideration was rail blockades, rail
18 shutdowns, which came to pass in Tyendinaga for approximately
19 three weeks, emanating from events in British Columbia,
20 specifically the Wet'suwet'en issues and dealing with gas
21 pipelines, coastal gas link, et cetera.

22 We began, at that time, to engage closely with
23 all of our partners because there were main events, such as
24 Tyendinaga, such as British Columbia, but there were also a
25 proliferation of events. And as my colleague, Insp. Bowden,
26 will say, and Provincial Liaison Team, it was impacting multiple
27 jurisdictions. And so that is how we chose to approach it.

28 As time evolved, we had several events in

1 Caledonia, and in the McKenzie Meadows occupation, which were
2 relevant to our duties, and also had impact for other police
3 services. I believe at that time, we engaged approximately 30
4 entities. We had regular calls, we had regular dissemination of
5 intelligence products, and we regularly collected information
6 for that purpose.

7 As the pandemic became more pronounced, or more
8 prolonged, some of those public safety concerns or threat
9 variants altered. By April of 2021, we noted the emergence of
10 something that we referred to as the Patriot Movement. And we
11 focused on this specifically because it presented different
12 threat components.

13 I will say this. We had concerns. There was
14 very, very little criminal activity, there was illegal activity,
15 and there were impacts that we were facing.

16 So through the summer of 2021, we noted more and
17 more of that activity.

18 I will also say that other factors occurred, such
19 as hate crime statistics that were published in August of 2021.
20 As a result of that, we evolved our collection plan and
21 collaborated with our partners to focus on what we considered to
22 be the primary threats. Our findings, our intelligence, our
23 assessed information, was produced to all of our partners in the
24 form of the Hendon Strategic Intelligence Reports, and I believe
25 that was going out at that time to about 32 agencies, and it was
26 going out to approximately 200 individuals within those
27 agencies.

28 **MR. ERIC BROUSSEAU:** Thank you. If I could ask

1 for Document OPP00004571?

2 And Superintendent Morris, I don't know if you
3 can see that on your screen. Is this a list of the Hendon
4 Reports and who they were distributed to?

5 **SUPT. PATRICK MORRIS:** Yes. So I recall this
6 list very specifically. What you note in blue is a Hendon
7 Strategic Intelligence Report, or Situation Report that was
8 disseminated. What you note in white in the first column on the
9 left is a teleconference, because that was regular as well. And
10 then we evolved our dissemination.

11 We had our main Hendon group. On January 21st of
12 2021, our Commissioner, Commissioner Carrique asked me to begin
13 to disseminate that intelligence product to nine police
14 services, the Chiefs of the nine police services, to ensure that
15 they were aware. So that's what you see in one column.

16 The Hendon Group in the next column, where you
17 see the highlight in yellow.

18 The third column is a column I created because of
19 our geographical distribution to keep the OPP commanders aware.
20 And the last column is our Commissioners Command Team, which
21 consists of three deputy commissioners and our commissioner.

22 **MR. ERIC BROUSSEAU:** And those are all
23 individuals or groups who received the Hendon Reports? Is that
24 right?

25 **SUPT. PATRICK MORRIS:** That's correct.

26 **MR. ERIC BROUSSEAU:** Thank you. And you also
27 mentioned teleconferences, and so I'd just like to bring up
28 Document OPP00001782. I believe this may be a list that you put

1 together as well. Is this a list of all of the Hendon
2 teleconferences during this period?

3 **SUPT. PATRICK MORRIS:** Beginning on January 21st,
4 yes, of 2022. That's correct.

5 **MR. ERIC BROUSSEAU:** Okay. And roughly how often
6 were the teleconferences?

7 **SUPT. PATRICK MORRIS:** Only germane to this
8 issue?

9 **MR. ERIC BROUSSEAU:** Yes.

10 **SUPT. PATRICK MORRIS:** We held our first one on
11 January 21st, and then on January 24th, we completed them daily, I
12 believe with one exception.

13 **MR. ERIC BROUSSEAU:** Okay. And who from the OPS
14 participated in those teleconferences?

15 **SUPT. PATRICK MORRIS:** Okay. So that's a
16 difficult question to answer, but I will do my best.

17 We had a dissemination list which was very large,
18 as I've described. At this point in time, I mean January 21st,
19 we had grown to approximately 300 participants.

20 From the Ottawa Police Service, given that Hendon
21 had evolved since 2020, there were multiple people on the
22 distribution list for the documents, and that same list received
23 a request to participate in a teleconference.

24 We could not go through our entire list from
25 Vancouver across Canada every time, so we only knew the people
26 who identified as participating.

27 I can say that the members from Ottawa that
28 showed great consistency in their participation were Det/Cst.

1 George Boris (Phonetic), Det/Cst. Steph Quinell (Phonetic), at
2 other times, and I apologize, I'm not always aware of their
3 rank, I believe it's S/Sgt. Isabelle Lemieux. The
4 superintendents participated at times. In that case, I mean
5 Supt. Mark Patterson, Insp. Ken Bryden. There were other people
6 from Events and Intelligence that participated at various times,
7 and we would only know it specifically by them self-identifying.

8 **MR. ERIC BROUSSEAU:** Thank you. I want to take
9 you to one of the early Hendon Reports at OPP00001600. This is
10 the Hendon Report from Thursday, January 13th. Is this the first
11 Hendon Report in which the idea of a convoy approaching downtown
12 Ottawa is mentioned?

13 **SUPT. PATRICK MORRIS:** I'd like to make a point
14 of clarification here. The simple answer is yes.

15 **MR. ERIC BROUSSEAU:** Okay.

16 **SUPT. PATRICK MORRIS:** But from August of 2021 to
17 the end of December 2021, there were regular reports,
18 approximately one a week.

19 The discussion about the possibility of a
20 galvanized effort to illustrate to Ottawa some of the grievances
21 and the possibilities of doing that via a convoy was often
22 discussed and was often in the Hendon Reports. The events that
23 were planned came to very little fruition, I would say, or
24 minimal fruition.

25 So it was discussed, it was commented upon the
26 reports previous to this, but in this report is the first finite
27 plan that says, "We are going to do this and we are going to do
28 it on these dates."

1 **MR. ERIC BROUSSEAU:** Okay. And so that
2 information, I think it appears under the information Point
3 Number 1:

4 "Individuals within the Patriot
5 Movement have undertaken to organize
6 through closed communication channels
7 and in-person networking toward[s]
8 large scale protest actions. One of
9 these actions includes a commercial
10 truck work stoppage and highway
11 slowdown scheduled for January 23...
12 Information shared through social media
13 networks indicates some of the
14 participants of this action may be
15 mobilizing from across the country to
16 arrive in Ottawa for a mass anti-
17 government protest calling for an end
18 to all COVID-19 mandates."

19 **MR. ERIC BROUSSEAU:** And is it fair to say that
20 is the -- that's the extent of POIB's knowledge at the time?

21 **SUPT. PATRICK MORRIS:** Well, I think it's a
22 little bit more extensive than that, but that's just a summation
23 provided for quick reference for people who are reading the
24 document.

25 **MR. ERIC BROUSSEAU:** Okay.
26 And if we can go down to the bottom of the page.
27 It's a little bit small, but:

28 "Meanwhile, the shift from the

1 government appears to have had little
2 effect on the organizing underway by
3 members of the Patriot Movement who
4 have taken to social media advising
5 'truckers' plan to carry out their
6 intended work stoppage..."

7 And so as of January 13th, was POIB of the view
8 that there was going to be a mass convoy to Ottawa?

9 **SUPT. PATRICK MORRIS:** Yes.

10 **MR. ERIC BROUSSEAU:** And what were the sources of
11 this early knowledge of the convoy?

12 **SUPT. PATRICK MORRIS:** So we had multiple
13 investigative techniques that were employing. So I could run
14 through them. One was open source collection. And I want to
15 stress, that's information. Open source -- so I put a lesser
16 value on that, at the origin point. Also, we had covert
17 operations ongoing, which you won't see as related in the
18 documentation before you because of the sensitivities. We
19 engaged in a large degree of analysis, and at times surveillance
20 operations, and that's -- and source recruitment for covert
21 operations. That information, all of which is information, is
22 collected, and then we go through the collation and analysis
23 process, and then we provide our analysis, which I refer to as
24 Intelligence. And that is how we came to the conclusions and
25 assessments that we did.

26 **MR. ERIC BROUSSEAU:** Okay. And I want to take
27 you to the next appended report, which is OPP00001028, and that
28 one is dated Thursday, January 20th. So at this point,

1 Superintendent, the reports are being published just on a weekly
2 basis; is that correct?

3 **SUPT. PATRICK MORRIS:** That's correct.

4 **MR. ERIC BROUSSEAU:** Okay. And if you see the
5 information and the key information box there, Number 1:

6 "The FREEDOM CONVOY 2022, and OPERATION
7 BEARHUG, will almost certainly disrupt
8 the movement of vehicular traffic and
9 goods on Canadian highways and,
10 possibly, at ports of entry along the
11 border with the United States"

12 And then Point 2:

13 "Some participants in these convoys may
14 attempt to disrupt the business of
15 government at both the provincial and
16 federal level by blocking access to
17 government legislatures and
18 Parliament."

19 Does that accurately summarise the risk as POIB
20 understood it?

21 **SUPT. PATRICK MORRIS:** Yes, it does. And if I
22 can just add a comment. As a result of the information we
23 became aware of in early January, as reflected in the first
24 report you showed to me, we stepped our assignments, our
25 taskings and our information collection in order to produce more
26 intelligence on what we felt was a burgeoning priority.

27 **MR. ERIC BROUSSEAU:** Okay. And if I could take
28 you now to page 3. There's a paragraph there, "Further",

1 redacted:

2 "...that there does not yet appear to
3 be an exit strategy for departing
4 Ottawa: the intent appears to be to
5 remain in Ottawa until all COVID-19
6 mandates and restrictions are lifted."

7 So what can you tell us about what POIB
8 understood the timeline for this protest to be, as of the date
9 of this report, which is January 20th?

10 **SUPT. PATRICK MORRIS:** Yeah, it's an important
11 question. For those not actively engaged in intelligence
12 operations, there are knowns and unknowns, and we key in on
13 those as intelligence gaps. So in this case, the fact that
14 there was no exit strategy but there were extensive demands
15 being placed, and the fact that we felt those demands could not
16 be met, it meant that they, meaning the protesters, would be
17 there for a long period of time.

18 And I do want to say this. This may appear to be
19 anecdotal. I refer to Intelligence as being engaged in
20 acquiring secrets or mysteries. Their plans, while in Ottawa,
21 were not a secret that we couldn't discern. The plans while in
22 Ottawa were a mystery until they got there, and I think that is
23 borne out by events.

24 **MR. ERIC BROUSSEAU:** And I think we'll see some
25 reports later.

26 If we could go to page 4, towards the bottom, I
27 believe. There we go:

28 "In addition to the convoys themselves,

1 police of jurisdiction resources could
2 be stretched if rallies are organized
3 at the local level to coincide with the
4 arrival of the convoys in a given
5 community."

6 So can you just sort of unpack that for us in
7 terms of your concern about the police and jurisdiction?

8 **SUPT. PATRICK MORRIS:** Sure. So throughout
9 COVID-19, and the impacts of COVID-19, specifically since I'll
10 say the spring of 2021, the growth of various movements, and I
11 want to be clear on this, this is not one monolithic entity.
12 These are grassroots, what I refer to as affinity groups, that
13 share grievances. They acted locally, and also tried to
14 coalesce, and I would say that this was the first successful
15 coalescence.

16 So in doing so, the information that we were
17 collecting and the analysis that we were engaging in to produce
18 the intelligence illustrated that yes, Ottawa would be the
19 culmination of this, but there would be other factors along the
20 way and across the country, and specifically in relation to
21 specific infrastructure, like border crossings, and specifically
22 in relation to what we refer to as the business of government,
23 so Queen's Park and also obviously Parliament. That's what I
24 mean, and discussion of plans to exceed our resources and our
25 capacity to respond.

26 **MR. ERIC BROUSSEAU:** And I'd like to ask you
27 about the next paragraph, which I believe Councillor Deans may
28 have been taken to as well:

1 "Although the stated intent of some
2 convoy participants is to remain at
3 Parliament Hill until the government
4 rescinds all COVID-19 related
5 restrictions and mandates, this goal is
6 likely to prove unrealistic in the long
7 term. However, even a small number of
8 tractor trailers parked at Parliament
9 Hill will almost certainly be
10 disruptive in the short term."

11 So why did POIB think that it was unrealistic in
12 the long term and -- but extremely disruptive in the short term?

13 **SUPT. PATRICK MORRIS:** Yeah, I'm thankful you
14 asked me that. They had certain demands. We felt the demands
15 could not be met. But we believed it would be unlikely for them
16 to follow through on the promise to stay until the mandates were
17 lifted, but we did think that it would be a long-term. It's
18 just that over the period of time that would transpire people
19 would become frustrated, people would need to return home. I
20 want to be clear, we felt this would be a long-term event.

21 **MR. ERIC BROUSSEAU:** And when you say long-term,
22 we're in January 20th, when you say long-term what did you mean
23 by long-term at that time?

24 **SUPT. PATRICK MORRIS:** We felt that they would
25 arrive on January 28th to 29th, and we were positioning
26 ourselves to be prepared for a longer term. I don't know that I
27 had a specific idea in mind, but we were even beginning to
28 schedule and plan at that time for, you know, two weeks, three

1 weeks, a month, et cetera. And we also didn't know what the
2 nature of negotiations or discussion would be, i.e., Tyendinaga
3 that occurred with multiple levels of government, so those
4 things would have impact as well. But even at this time we were
5 talking about scheduling to have relief, et cetera, and we were
6 engaged in the OPP within our Major Incident Management group to
7 be planning between the various entities that engage in that
8 group.

9 **MR. ERIC BROUSSEAU:** I'd like to take you next to
10 the Hendon Report from Saturday, January 22nd. It's
11 OPP00001603. And if we could go to page 2 when we get there.

12 Under the Assessment it says:

13 "It is almost certain that the Freedom
14 Convoy will disrupt the flow of traffic
15 and goods along Canadian roadways and
16 at border points."

17 So how is it and why is it that POIB had
18 concluded that that was almost certain by January 22nd?

19 **SUPT. PATRICK MORRIS:** Because the information
20 that we were collecting from open sources and other venues, it
21 was consistent that this is what they intended to do. That's
22 one point. One of the critical points in producing intelligence
23 is the reliability of the source, but also the validity of the
24 information in juxtaposition with all the other information.

25 Travelling from British Columbia or Nova Scotia
26 to Ottawa shows an incredible motivation, and we felt that it
27 would be there for a long period of time, and we felt that for
28 the most part the entities that were engaged in the planning

1 would follow through on what they were saying?

2 **MR. ERIC BROUSSEAU:** Why did you feel that the
3 entity is engaged in the planning; you mean the organizers, the
4 Convoy organizers?

5 **SUPT. PATRICK MORRIS:** Yes.

6 **MR. ERIC BROUSSEAU:** Why did you feel that they
7 were going to follow through?

8 **SUPT. PATRICK MORRIS:** The pronouncements they
9 made were in earnest. I felt that they meant what they said.
10 The grievances, and I want to stress, there were multiple
11 grievances, had been expressed at this point for about 18
12 months. We had seen expressions of those grievances in multiple
13 jurisdictions throughout Ontario specifically. There were new
14 factors that we took into account. The experiences that were
15 faced during the federal election illustrated that people were
16 prepared to go to further lengths to illustrate dissatisfaction.
17 The experience with the incoming passports that had occurred in
18 relation to Covid-19, the impacts in the workplace for some
19 people and how some people experienced that; the vaccination --
20 I think it was called "pediatric vaccination", these were all
21 factors for the people involved, for the people motivated, that
22 impacted their motivation and increased their frustration and we
23 believe that they would follow through on what they were saying
24 they would do.

25 **MR. ERIC BROUSSEAU:** If we could scroll down on
26 the page, there's a section called "Intelligence Gaps
27 (Collection Requirements)". Can you explain for us what appears
28 in this section?

1 **SUPT. PATRICK MORRIS:** Sure. In any intelligence
2 initiative you create a collection plan. And when you satisfy
3 the collection plan and you feel you filled that gap, but always
4 you have gaps that are still there. The numbers are always a
5 gap. Like so, for example, I've been asked a lot about the
6 numbers. We couldn't possibly know what the numbers would be
7 because until that given day, we don't know how many will
8 arrive. What we could do, and what we did do, was reach out to
9 our colleagues in the RCMP through the Divisions, to get
10 assessments of the numbers of people to the extent they could;
11 the numbers of vehicles to the extent they could; and
12 specifically on tractor trailers, the types of vehicles, the
13 mood, the behaviour, et cetera, et cetera. So we were trying to
14 determine the size, the impact of the protest, et cetera.

15 Now, that's for all. Now, also in terms of being
16 armed, I want to be clear on this. We had no -- we produced no
17 intelligence to indicate that these individuals would be armed.
18 And there has been a lot of hyperbole about that. That was
19 something we wished to in the -- when people think about what
20 happened on January 6th of 2020, that is presence of mind, but we
21 produced no intelligence to indicate that that would be the
22 case.

23 **MR. ERIC BROUSSEAU:** I understand. If we could
24 go down, I want to go to the last two points in Intelligence
25 Gaps, which are on the next page -- if we could scroll up,
26 sorry.

27 The last two points. One is "Plan for any
28 further action should demands not be met" and "Plans for

1 departing Ottawa." So this is information that POIB does not
2 have at that time?

3 **SUPT. PATRICK MORRIS:** That's correct. So if I
4 could just use, I guess, perhaps some of my experience. I've
5 worked in undercover operations and managed undercover
6 operations in entities that have significant grievances. And in
7 some of those instances very specific plans are made and
8 followed through or not followed through.

9 Apart from stages, music, speeches et cetera, we
10 could see no specific plans for actions of that type. And we
11 believe, because of the amalgamation of affinity groups, there
12 really was no specific plan in relation to that. It was a
13 matter of -- we call it being event-driven and we'll see what
14 happens when we get there et cetera. We had no expectation that
15 their demands would be met and so we wondered if that would
16 create increased frustration and then we tried to collect
17 information to produce intelligence on how that frustration
18 might be borne out.

19 **MR. ERIC BROUSSEAU:** Thank you.

20 I want to take you to the Hendon Report from
21 Monday, January 24th now, which is OPP00001608 and I'll take you
22 to page two under "Assessment" when we get there.

23 So the first paragraph:

24 "Convoy organizers will almost certainly
25 have minimal ability to influence the
26 behaviour of convoy participants and protest
27 attendees."

28 Why was that -- was that a concern, and if so, why was that a

1 concern?

2 **SUPT. PATRICK MORRIS:** We were collecting
3 information and producing intelligence on the organizers. That
4 was a fast moving atmosphere of individuals that we didn't
5 necessarily know a lot about, nor do they come from our
6 province.

7 So those individuals may have a plan, probably a
8 fairly loose plan, but when a large scale protest event et
9 cetera occurs, there will be a lot of individuals or entities
10 that attach themselves to that protest atmosphere. And then
11 they may engage in activity that has absolutely nothing to do
12 with what the individuals who are organizing the protests,
13 entertain.

14 So we were collecting information, which is part
15 of our normal operation, about affinity groups or associated
16 entities that may attach themselves to this protest and trying to
17 determine what their actions may be.

18 **MR. ERIC BROUSSEAU:** So did POIB take any
19 additional steps when it realized that the convoy organizers
20 weren't necessarily going to have control over the participants?

21 **SUPT. PATRICK MORRIS:** I can say that we had
22 already taken steps. In terms of individual entities that we
23 were concerned about, we already had ongoing operations that
24 would inform us as to what was occurring on those milieu and
25 would they be engaged et cetera.

26 **MR. ERIC BROUSSEAU:** If we could pull up
27 OPP00001047, please. This is an email exchange between yourself
28 and Sebastien Tremblay. And I just want to go down to the

1 bottom of the first page. Sebastien writes you:

2 "Loved that you asked the RCMP to take some
3 lead on their side to get information from
4 west and east. I can't believe that you had
5 to ask though!"

6 So can you tell me a bit about the process of getting
7 information from the RCMP, and specifically what that comment
8 there was referring to?

9 **SUPT. PATRICK MORRIS:** Our collection plan for
10 this issue specifically needed to have the information on
11 numbers, vehicles, mood, et cetera that was emanating from
12 several different locations at various times. If I can just
13 give an example. From BC on January 22nd. But it's not just BC,
14 Alberta, Saskatchewan and Manitoba; it's various locations.
15 Also on route there were a number of mini events that occurred
16 in Regina, Medicine Hat, Winnipeg. And I'm only speaking to the
17 west, because that was the longest period of time and we needed
18 to get that information. And so we were reaching out -- excuse
19 me - during the Hendon calls, to basically create what we
20 referred to as an intelligence requirement for the divisions of
21 intelligence in the RCMP. And the reason Sébastien is referring
22 to it, is we did the same thing with the Sûreté du Québec.

23 **MR. ERIC BROUSSEAU:** Thank you. If we could pull
24 up the Hendon Report for Tuesday, January 25th, which is
25 OPP00001609. And so here we're -- just to situate us for
26 Tuesday before the -- sort of the arrival of the convoys in
27 Ottawa.

28 On page one under "Information", those first

1 three bullet points, and I won't read them all, but it's
2 suggested there's 1200 trucks coming -- the Regina Police said
3 there were 1200 trucks coming; there's another unconfirmed
4 information about 162 trucks and 1000 private vehicles and the
5 Sûreté du Québec says 1000 to 1500 trucks.

6 Is it fair to say that as of January 25th it was
7 anticipated that the convoy would involve thousands of trucks
8 and vehicles?

9 **SUPT. PATRICK MORRIS:** It's fair to say that the
10 numbers would be extensive, and I would say in the hundreds.
11 And the reason I say that is this. A lot of the events in the
12 western part of the country were still a great distance from
13 Ottawa and may not come to Ottawa. And there were a lot of
14 localized events where people might just drive and participate.
15 Exuberantly, yes, but they might only participate as far as
16 Winnipeg.

17 And for us in the Ontario Provincial Police, we
18 are cognizant the drive from the Manitoba border to Ottawa is,
19 like, a 20-hour drive. So we could not assess, necessarily,
20 whether those truck drivers, or the drivers of private vehicles,
21 commercial vehicles, would continue.

22 In Quebec, much easier to do due to proximity,
23 Sébastien in Quebec, sorry, Quebec City and Montreal.

24 Certainly though, to your point, we knew it would
25 be in the hundreds and we knew it would be significant. And
26 there were multiple convoys, because that's the information
27 coming at that time from the west due to the distance to be
28 travelled. But there were multiple convoys from within Ontario

1 that just hadn't left yet.

2 **MR. ERIC BROUSSEAU:** Okay. And I'd like to go
3 down to page 2 of this report, and to the second last bullet.
4 Can I just ask you about fundraising? It indicates that at this
5 point, on the 25th, the GoFundMe is at 4.4 million, which is an
6 increase of almost a million dollars in the last 24 hours. Was
7 this something that POIB was keeping an eye on and concerned
8 about?

9 **SUPT. PATRICK MORRIS:** We were definitely keeping
10 an eye on it, and here's why. For any type of event of this
11 nature, no matter what the motivation is, social media has
12 altered the way we collect information and the meaning that we
13 derive from it. we can always significantly discount some of
14 the numbers that like it or say they'll be there.

15 What we noticed in this event, and in some other
16 previous events related to these grievances, was that there was
17 much more meaning in the support. And the reason that the
18 finances are so important is money is a powerful motivator, and
19 this was growing rapidly. And I can say it was growing at a
20 rate that, for us, was unprecedented. And so that added impact,
21 that added impact to our assessment that this would be
22 significant.

23 **MR. ERIC BROUSSEAU:** And if you can just help me
24 understand, was it concern about what the money would be used
25 for? Or is it that the money coming in is a reflection that
26 this is truly -- there's some widespread support for it and
27 that's concerning? Or is it both?

28 **SUPT. PATRICK MORRIS:** I think it's both. We

1 definitely felt there was widespread support. I mean, I realize
2 that the narrative, going back to the spring of 2021, the
3 narrative was that people who felt a certain way were a small
4 number of people, et cetera. The fringe, so to speak.

5 This was difficult for us to deal with in
6 policing in Ontario specifically because there was a large
7 degree of support and there were a number of instances. So it
8 spoke to that support. That's one thing.

9 And yes, how the money would be utilized. There
10 were a lot of ways we knew the money would be utilized, and our
11 information -- fuel and logistics, et cetera. We didn't know
12 all the factors, but the biggest take away from the money was
13 the degree of support and the means that would be in possession
14 to make it more long-term, even for things such as
15 accommodations.

16 **MR. ERIC BROUSSEAU:** If we could go down? I just
17 want to ask you about the last paragraph under "Assessment":

18 "The lack of information relayed to the
19 OPP about events in Ottawa during the
20 period from [January 28th to the 29th] and
21 on [January 30th] represents a serious
22 intelligence gap. Information provided to
23 the OPP to date indicates a high degree of
24 planning for the protest, and
25 communications appear to have been open
26 between the OPP and convoy organizers. It
27 is unknown why the details for these time
28 frames would not be shared with police:

1 attempts should be made to obtain this
2 information."

3 Why weren't you able to get that information out
4 of the convoy organizers if there was a kind of good rapport
5 with the PLT or undercover officers?

6 **SUPT. PATRICK MORRIS:** I think the answer is
7 quite simple, because there was no major definitive plan. The
8 organizing went into the convoy, the transport, the
9 participation, but the event, what would actually transpire, was
10 less organized. And I would say that in my experience, that
11 isn't that unusual.

12 **MR. ERIC BROUSSEAU:** And so we're now -- it's
13 Tuesday, January 25th. By this date, what was POIB's expectation
14 about how long this would last?

15 **SUPT. PATRICK MORRIS:** It's -- I can't give a
16 day. I can say this. We saw significant support. We saw
17 significant fundraising. In real terms, we saw that play out in
18 significant numbers of people and significant numbers of
19 commercial vehicles and private support.

20 In fact, our information from coming across
21 western Canada was not only that, it was almost unanimous in our
22 calls that there were people lined up on the sides of highways
23 and on overpasses. And we even got to the point of talking
24 about inclement weather that people were there. And we were
25 quite surprised. So we felt it would be a significant event and
26 it would be a long-term event, specifically because the demands
27 could not be met. And the promise was to stay until they were
28 met.

1 **MR. ERIC BROUSSEAU:** I'm going to put my long-
2 term question to you again, because I don't know that I got an
3 answer, but when you say long-term, you mean it's not just the
4 weekend? It's a week? It's two weeks? Possibly three weeks?
5 What do you mean by long term?

6 **SUPT. PATRICK MORRIS:** Oh, certainly a couple
7 weeks, three weeks. I mean, there's just so many variables
8 after a plan meets a response that I can't speak to that. And I
9 didn't know what the plan of the Ottawa Police Service was. So
10 certainly -- when I say long term, I'm going to say, you know,
11 certainly a week, probably two weeks, et cetera.

12 **MR. ERIC BROUSSEAU:** Okay. And why isn't it that
13 it was ever spelled out in that degree of specify in the Hendon
14 Reports to say these people might stay for two weeks, or three
15 weeks, or four weeks?

16 **SUPT. PATRICK MORRIS:** It's a good point. And
17 perhaps that's something we can take away to improve our
18 products in the future. These are strategic intelligence
19 reports. There were other products that were provided that were
20 operational and tactical in nature. We felt that we were
21 stating that this will be a significant event and a long-term
22 event, but we didn't say the number of days. And I can't --
23 I've played this back in my mind in terms of knowing what I know
24 today, what would I say if I could myself back on January 25th,
25 to use an example, and I would basically say what we said. But
26 I don't know that I could have put a day to it.

27 **MR. ERIC BROUSSEAU:** I understand. If we could
28 pull up OPP00001612?

1 This is, I believe, a situational awareness
2 bulletin for the freedom convoy.

3 So who would have received this, Superintendent?

4 **SUPT. PATRICK MORRIS:** So these are documents
5 that we create and put out to our frontline officers so that
6 they are aware of what's occurring, and so all -- and there may
7 be an officer safety component, it may just be informational,
8 but we also have a vested interest. It's a way to collect
9 information.

10 So this document absolutely would have gone to
11 every member of the Ontario Provincial Police. And I have an
12 independent recollection that this document was sent with our
13 Hendon Report to our recipients. So in so saying, that would go
14 to approximately 32 services as well.

15 We also provided it to the Criminal Intelligence
16 Services of Ontario so it could be further disseminated.

17 So it was disseminated broadly.

18 **MR. ERIC BROUSSEAU:** And it would have been up to
19 those other agencies to disseminate it to their officers if they
20 chose to?

21 **SUPT. PATRICK MORRIS:** Right. They could utilize
22 it in any way they could, parade briefings, shift briefings, et
23 cetera, or dissemination.

24 **MR. ERIC BROUSSEAU:** Okay. And if we look at the
25 second paragraph under background, I won't read that whole
26 thing, but this is generally POIB's understanding, as of January
27 26th, that:

28 "There is no expressed departure date for

1 when participants will disperse or the
2 action will end."

3 **SUPT. PATRICK MORRIS:** That's correct.

4 **MR. ERIC BROUSSEAU:** Did -- on the Hendon
5 teleconferences, did you or anyone from POIB specifically say --
6 you know, take the next step and say, "So you should be
7 preparing for a two-week protest, a three-week protest, a four-
8 week protest"?

9 **SUPT. PATRICK MORRIS:** We talked about it being
10 long term. We talked about the logistical capacity of the
11 entities involved. We talked about the degree of grievances.
12 Most of the discussion was involved in collecting -- just to
13 give you -- I would do an overview and introduce it and say what
14 the pertinent issues were for the day in terms of information
15 collection and intelligence production. Then our Inspector,
16 Brian Barclay, who was our case manager, would have an
17 analytical overview provided by our lead analyst, strategically
18 and tactically, and then we would go to the other entities in
19 basically, an order of primary importance, Ottawa Police Service
20 being key, the RCMP being key, and the Sûreté du Québec being
21 key. And then we would do a roundtable for everybody's input,
22 et cetera.

23 Certainly, we discussed this being long term, and
24 how -- what intelligence requirements we would have in order to
25 be -- help out. We recognized that the Ottawa Police Service
26 was our primary client. There's only a few points in time over
27 this period of time, roughly up til February 20th, where the
28 clients alter to Toronto Police Service, et cetera. Ottawa is -

1 - and the Windsor Police Service.

2 **MR. ERIC BROUSSEAU:** Yeah. If we could pull up
3 OPP00001611, which is the Hendon Report for the next day,
4 Thursday, January 27th, and on the front of this Hendon Report,
5 there's a list of convoys, and a number of them -- I mean, one -
6 - the first one has 471, but many of them have TBD. Why is
7 that?

8 **SUPT. PATRICK MORRIS:** So there's some -- I
9 noticed that we were being pressed for numbers, and at this
10 point, I reached out to our Indigenous Policing Bureau. And
11 that may seem strange to some people who are listening, but our
12 Indigenous Policing Bureau houses our provincial liaison teams,
13 and our provincial liaison teams are interlocuters to
14 organizers, to truck drivers, to all the people who are
15 responsible for running the protest. And they had established
16 relationships, so they were the individuals who were providing
17 the numbers because they were there to observe them and stay in
18 once place to do that.

19 So at the start, it was difficult. And I believe
20 in some of the cases, there was really difficult weather, et
21 cetera, so we made a clear delineation about who would be
22 responsible for which tasks. So on this case -- I'm sorry, what
23 is the date of that?

24 **MR. ERIC BROUSSEAU:** January 27th.

25 **SUPT. PATRICK MORRIS:** Okay. So that's why the
26 numbers weren't there on that point in time.

27 **MR. ERIC BROUSSEAU:** Did POIB extrapolate or have
28 any kind of estimate of the numbers as of that date, or this is

1 the best estimate there is?

2 **SUPT. PATRICK MORRIS:** I think in our assessment,
3 we said, you know, it's going to be significant, like, in the
4 hundreds.

5 **MR. ERIC BROUSSEAU:** Okay. If we could go down
6 to page ---

7 **SUPT. PATRICK MORRIS:** Can I just make a point?
8 I just -- a lot of your questions have to do with preparation
9 and the purpose of intelligence. I just want to explain my
10 mindset.

11 This might seem anecdotal, but it's important to
12 me. intelligence is made up of two words, "inter" and "legare".
13 And in Latin, that means to choose between. So I really see it
14 as our job as the Intelligence Bureau, insomuch as the *Police*
15 *Service Act* permits us to help police of jurisdiction and in
16 specialized services, to inform decision making, to allow them
17 to choose between operational courses of action in their
18 preparation. So that's how -- that's the premise under which we
19 were working.

20 **MR. ERIC BROUSSEAU:** I see. If we could go down
21 to -- yes, sorry, to the bottom of page 4, the first paragraph
22 there:

23 "It is highly unlikely that heavy
24 machinery would be transported in the
25 convoy if there was no intent to use it
26 or if some individuals in the convoy
27 did not anticipate that it would be
28 needed."

1 What can you tell us about the risk of heavy
2 machinery and what steps POIB took to gather that information?

3 **SUPT. PATRICK MORRIS:** Right. So this is a key
4 component. I'd have to put you in the mindset of the Ontario
5 Provincial Police at this point. In terms of large-scale
6 critical incidents and protests, McKenzie Meadows occupation,
7 which occurred in close proximity to Six Nations, for which
8 there was an injunction in September of 2020, was something that
9 we were contemplating at this time.

10 There was the theft of some large-scale heavy
11 machinery, and the use of that heavy machinery to tear up roads
12 and impact rail lines and to threaten critical infrastructures
13 such as gas lines, et cetera. So that was something that was
14 heavy on our minds at the time.

15 We had no intelligence to indicate what the use
16 of that heavy machinery would be, be it compressors, be it
17 tractors, et cetera, apart from some in relation to snow
18 clearing for the purposes of parking. So that was a key thing
19 that we were trying to determine, because the inductive leap
20 there is why bring the equipment if you have no intent to
21 utilize it?

22 **MR. ERIC BROUSSEAU:** What kind of heavy equipment
23 did you see?

24 **SUPT. PATRICK MORRIS:** There were, like, on the
25 back of flatbeds, there was a large compressor. There were all-
26 terrain vehicles, and I'm sorry, I don't know the -- I mean,
27 very, very large, like, a monster truck type all-terrain
28 vehicle. And then there were -- there was equipment that could

1 be utilized for digging, et cetera.

2 **MR. ERIC BROUSSEAU:** If we could go to the next
3 Hendon Report, it's OPP00000815? And this is the report for
4 Friday, January 28th, and it's got an updated list of convoy
5 numbers at the front.

6 And so by the next day, essentially, you've got
7 some more information about convoys coming, descending upon
8 Ottawa, and can you just explain for us what CMV and PMV are?

9 **SUPT. PATRICK MORRIS:** Yeah, Commercial Motor
10 Vehicles and Personal Motor Vehicles. And the rationale for the
11 delineation is that large-scale commercial motor vehicles would
12 be consistent with the intentions of the organizers, and also
13 more detrimental, more impactful in terms of impeding the
14 business of government in downtown Ottawa.

15 **MR. ERIC BROUSSEAU:** And the number has jumped
16 from 500 and something the day before. Now, there's over 1,300
17 vehicles that are sort of confirmed. Was that concerning to
18 POIB?

19 **SUPT. PATRICK MORRIS:** Yeah, absolutely, it was
20 concerning. I mean, just from a planning perspective, what this
21 is causing, this puts me in a hard spot, because I'm not in the
22 Ottawa Police Service, but if I -- I was a detachment commander
23 in Orillia, and if I was facing this situation, you're saying to
24 yourself, "Where are these trucks planning to go, and how will
25 we house this, how will be manage this?"

26 And at a certain point, the numbers become
27 irrelevant, because once you surpass a certain number, it
28 basically becomes impossible.

1 **MR. ERIC BROUSSEAU:** And did you know where the
2 trucks were planning to go or where OPS was planning to put the
3 trucks at this point?

4 **SUPT. PATRICK MORRIS:** No. I was not involved in
5 OPS planning.

6 **MR. ERIC BROUSSEAU:** If we could go down to page
7 7? Before we get there, just were you concerned about what was
8 being done with this information, sort of in the week leading up
9 and the Hendon Reports we've just looked at, were you concerned?
10 You just told us you weren't involved in the planning, but were
11 you concerned that planning wasn't being based on the reports at
12 all?

13 **SUPT. PATRICK MORRIS:** Well, I'll be blunt. I
14 wouldn't know if the planning was being based on the reports.
15 We have an expression often in policing that you stay within
16 your lane, and so my lane -- pardon the pun -- my lane is
17 intelligence and my goal, as I saw it, was to produce
18 intelligence to assist in decision making, both to the Ontario
19 Provincial Police and to the Ottawa Police Service, which was
20 what I was attempting to do.

21 I was involved in planning, as I've mentioned, in
22 the Ontario Provincial Police. We created the Major Incident
23 Management Group, and so we were having discussions about that,
24 as it would impact other jurisdictions, including -- and most
25 specifically including our own.

26 **MR. ERIC BROUSSEAU:** Okay. And so just for
27 clarity, did you observe anything that caused you to believe
28 that the intelligence wasn't being actioned on the OPS planning

1 side?

2 **SUPT. PATRICK MORRIS:** No. Yeah, I didn't see
3 Ottawa Police Service planning. I assume they were planning. I
4 now know information I didn't in terms of other people's witness
5 statements. I assumed they were planning. Ottawa is a very
6 experienced police service and has dealt with many of these
7 events, so I knew that they would be planning and utilizing that
8 information.

9 **MR. ERIC BROUSSEAU:** Okay. If we could go down
10 to the bottom of page 7, there's -- under "Assessment", the
11 first paragraph.

12 "The available information indicates
13 that the protestors plan to remain in
14 Ottawa at least until February 4th. We
15 continue to identify indicators to
16 support at least some protestors
17 remaining beyond the weekend of the
18 29th and 30th. These indicators
19 include collecting donations of cash,
20 food, and water from supporters."

21 When was the February 4th date chosen, and how
22 was that date arrived at?

23 **SUPT. PATRICK MORRIS:** I can't recall
24 specifically why February 4th was said, but I believe it was the
25 collection or capturing of open source information that cited
26 February 4th.

27 But I'll say again, that would have only been
28 from one entity of many. And so for me, personally, the dates

1 are less important than the fact that there was going to be
2 significance and longevity to the event.

3 **MR. ERIC BROUSSEAU:** Right.

4 **SUPT. PATRICK MORRIS:** If I could just use an
5 example -- I know you're asking a lot about that, and it's an
6 important question. In other events, such as Toronto, both on
7 the 5th of February and the 12th of February, in that case, we had
8 definitive information about timing from the events; "We will
9 not be there for long. It will be this long," et cetera; "We
10 will not stay."

11 **MR. ERIC BROUSSEAU:** I'd like to take you to the
12 Saturday, January 29th, HENDON Report, which OPP00001614. And so
13 this is the first day, essentially, of the planned protest. I
14 believe some of the convoys arrived the day before but this is
15 the first day. And if we could go down to page 3, under the
16 "Assessment", there's a bolded sentence:

17 "The protest in Ottawa has the
18 potential to pose a real public safety
19 and officer safety threat."

20 And so can you unpack that for us and tell us why
21 you had -- why POIB had made that conclusion on day one of the
22 protest?

23 **SUPT. PATRICK MORRIS:** Yeah. Just with the
24 numbers that were there and the grievances that were possessed,
25 we felt that there was the potential for a public safety threat
26 and an officer safety threat due to the role that police
27 officers are put into in these situations. There was,
28 specifically, a great deal of frustration in the Province of

1 Ontario with police services in Ontario enforcing the *Reopening*
2 *Ontario Act* because a lot of people, and some people who are
3 philosophically supportive of that side, felt that it wasn't our
4 role and that even the fact that it was unjust and
5 unconstitutional and that would elevate the threat posed by some
6 people towards the police.

7 **MR. ERIC BROUSSEAU:** And so, I guess, what can
8 you tell us about -- was that just a worry or were you actually
9 seeing sort of threatening or aggressive behaviour right out at
10 the outset?

11 **SUPT. PATRICK MORRIS:** So, first, coming across
12 Canada -- and I'm going to speak bluntly but I have to say that
13 -- I'm trying to be blunt but I don't have all the facts in
14 relation to this. There was almost no reported criminal
15 activity of any of this activity coming across Canada. There
16 was a motor-vehicle collision on the day before the event, and
17 that had to do with somebody running into somebody who was in
18 the freedom convoy, so it was conspicuous for the absolute lack
19 of criminal activity.

20 So we were concerned because when a plan meets a
21 counterplan, we didn't know what would transpire. We were also
22 concerned, in large cities such as Ottawa, such as Toronto,
23 protests attract a multitude of elements who may have absolutely
24 nothing to do with the protest. There's been a lot made of
25 extremists, et cetera. That's a difficult word for me because
26 it doesn't really have a definition in law and it's very
27 subjective. But individuals with an individual agenda --
28 sometimes I refer to it as an "independent asymmetric threat",

1 in the vernacular, lone wolf -- that's the type of thing that
2 were more concerned about.

3 **MR. ERIC BROUSSEAU:** If we could go to the next
4 day's HENDON Report -- or sorry, Tuesday, February 1st, not the
5 next day, OPP00001617, and if we could go down to page 4, at the
6 bottom:

7 "We are unable to confirm a potential
8 second convoy that may travel to Ottawa
9 from Western Canada. We continue to
10 monitor this issue closely. We also
11 continue to monitor the blockade at the
12 Canada-US Border in Alberta. The
13 strategy for managing or resolving this
14 blockade is highly likely to have
15 repercussions in Ontario."

16 Can you tell you us why POIB saw them as related
17 and why managing one would have repercussions in the other?

18 **SUPT. PATRICK MORRIS:** Sure. We in the
19 Interprovincial Police, we've come to call this the "elastic
20 effect". When we deal with a specific event in a specific
21 locale, the dealing with that event will immediately lead to a
22 flurry of social media, some true, some not, and that
23 information that emanates will have an impact. So we've
24 experienced that with a large of degree of protests elsewhere.
25 We experienced that in G8 and G20; we've experienced that with
26 Indigenous critical incidents. So whenever we go to take an
27 action in a location, we do a strategic intelligence assessment
28 to try to ascertain what the impact of that action will have.

1 So to be very specific to this, if the RCMP took
2 action on the border in Alberta, and if the individuals in
3 Alberta, or the individual entities were closely connected to
4 people in the Ottawa, then there would be an impact.

5 **MR. ERIC BROUSSEAU:** And so let me ask you ---

6 **SUPT. PATRICK MORRIS:** Sure.

7 **MR. ERIC BROUSSEAU:** --- did -- having been in
8 charge of intelligence for HENDON throughout this, did you
9 observe that at any point?

10 **SUPT. PATRICK MORRIS:** Sorry, did I observe what?

11 **MR. ERIC BROUSSEAU:** Did you observe a sort of
12 reaction in one part of the country to some sort of enforcement
13 action in a different part of the country?

14 **SUPT. PATRICK MORRIS:** Yeah, so just please
15 recall that HENDON wasn't all about this threat variant. So
16 HENDON actually came to fruition as a result of the enforcement
17 action in British Columbia in relation to the Wet'suwet'en
18 having immediate and apparent ramifications in Tyendinaga for
19 three weeks, and then in the area of Six Nations for like a
20 month, and then in the area of Six Nations again in Caledonia
21 McKenzie Meadows for a period of months, so significantly, yes.

22 In relation to this activity, yes, the
23 publications of enforcement in relation to the *Reopening Ontario*
24 *Act* lead, at times, to other activity and other protests. I
25 remember specifically events Toronto that had to do with certain
26 restaurants acting in defiance of the *Reopening Ontario Act*
27 having an impact in relation to protests. So that is why
28 Coutts, Alberta was important to us.

1 And I should also say that at this point, and
2 from January 29th on, our lens and our collection had evolved
3 significantly. From January 29th on, and every day until the
4 fruition, the Ontario Provincial Police, with the permission of
5 the Ottawa Police Service was engaged on ground in a covert
6 capacity to collect information about all the things that we'd
7 be interested in in terms of mood, tenor, plans, et cetera.

8 **MR. ERIC BROUSSEAU:** I'd like to go to the HENDON
9 Report, OPP00001619; this is from Thursday, February 3rd. And
10 when we're there, if we can go to page 5, under the "Combined
11 Assessment" heading:

12 "The ongoing truck blockades in Ottawa
13 in Coutts, Alberta, have the potential
14 to develop into a national civil
15 disobedience movement that could extend
16 to Maritime transportation and
17 potentially other major transportation
18 sections. It is highly likely that new
19 convoys blockades and protests in
20 support of the Ottawa blockade will
21 occur in Ontario for the foreseeable
22 future and will strain law enforcement
23 resources."

24 And so can you tell us why you thought -- or why
25 the term "national civil disobedience movement" was chosen here?

26 **SUPT. PATRICK MORRIS:** Yeah, "civil disobedience"
27 or "direct action" are terms we use for protests when it pushes
28 beyond totally lawful descent, like entirely lawful descent.

1 And given that we had a great deal of online rhetoric
2 requesting, "If you cannot travel here, act locally," and we had
3 organic movements communicating that they would do things in
4 certain locations -- I know right near general headquarters in
5 Orillia and Barrie, there was an organic growth of a group that
6 would engage in low-scale civil disobedience on highways.

7 So we certainly saw growth in this regard and
8 HENDON, every day, talked about, and these reports tracked what
9 activity was occurring in what locales. And there was an
10 extensive, so much so that some things we just didn't look at
11 because it was sort of not below our radar but below the
12 threshold of what we would engage ourselves in. I know that
13 there was information collected in relation to Maritime
14 transportation so we were concerned about different ports in
15 Vancouver and on the East Coast, and we were certainly concerned
16 about border crossings because we had collected information to
17 that regard.

18 **MR. ERIC BROUSSEAU:** And let me ask you about the
19 sort of foreseeable future prediction because a few days earlier
20 there was the February 4th date in the Hendon Report, and now
21 we're at February 3rd, the day before, and the report is saying
22 these will continue for the foreseeable future. Why is that?

23 **SUPT. PATRICK MORRIS:** The grievances still
24 exist, and the people aren't changing, and they're not achieving
25 their goals at ending mandates, and several other factors, so we
26 felt that they would continue. And I'll be honest for two --
27 like I have to say, a lot of this stems from pandemic
28 legislation and -- but there were a raft of grievances involved

1 here. Some, I would say, is anti-authoritarian, some may have
2 had to do with firearms legislation, some had to do with oil and
3 gas prices. There were a multitude of grievances that people
4 possessed. Some was specific to individuals, such as the Prime
5 Minister or the Federal Government. So there are multitude of
6 grievances occurring. Some was specific to our premier,
7 Premier Ford.

8 **MR. ERIC BROUSSEAU:** I won't pull it up, but the
9 Friday, February 4th, Hendon Report has a section about the
10 protesters gathering intelligence, their own intelligence and
11 sort of publishing it online. What can you tell us about that?

12 **SUPT. PATRICK MORRIS:** That's a fairly common
13 event. If I could go back to even the G8 and G20 in Kananaskis,
14 and the G8 and G20 in Huntsville area in Toronto, entities of
15 various natures create a security culture and collect
16 information and produce intelligence reports, and that is how
17 they maintain their own security. And there are various
18 skillsets, and I would say the skillsets in this entity were
19 fairly significant, especially with some of the individuals, so
20 they produced intelligence documentation in terms of what they
21 anticipated, law enforcement techniques, et cetera, negotiating
22 processes. So it was something that we were going through.

23 **MR. ERIC BROUSSEAU:** Okay. I'd like ---

24 **SUPT. PATRICK MORRIS:** There was also -- sorry, I
25 should say one other thing. There was also information
26 collected that they -- some of the individuals involved were
27 looking for, quote/unquote "infiltrators" because of course they
28 would be cognizant, I would think they would be cognizant that

1 there would be undercover operators collecting information
2 during the protest.

3 **MR. ERIC BROUSSEAU:** I'd like to take you to the
4 Hendon Report for Sunday, February 6th, which is OPP00001622.

5 And if we can go down to the assessment section,
6 paragraphs 4 and 5, so just down a little bit more.

7 I won't read them out, but it talks about support
8 from public officials or other influential figures having an
9 effect on the protests. I'm wondering if you can speak to that
10 in terms of what you saw from an intelligence perspective.

11 **SUPT. PATRICK MORRIS:** Yeah. I would say that
12 for any protest of this type, and I mean various types of
13 protests, they're primarily made up of regular citizens, and
14 they're looking for a form of legitimacy, and then in the media
15 they are presented in a very different light, depending upon the
16 nature of the media, whether it's news reporting or
17 editorialising, but by and large they're looking for legitimacy.
18 So -- and I'm not casting a judgement on this, but when they
19 receive legitimacy, whether it's an Indigenous issue in
20 Tyendinaga, based upon past grievances, residential schools, or
21 whether it's a Freedom Convoy issue in Ottawa, based upon
22 perceptions of civil liberties and constitutional rights, they
23 become emboldened. Because they feel themselves to be
24 illegitimate already, and when they're leant legitimacy they
25 feel emboldened.

26 **MR. ERIC BROUSSEAU:** Thank you.

27 **SUPT. PATRICK MORRIS:** And they communicate to
28 that effect. That's part of the strategy.

1 **MR. ERIC BROUSSEAU:** I want to take us to the
2 next day's Hendon Report, OPP00001623, and under assessment on
3 page 5.

4 **SUPT. PATRICK MORRIS:** Sorry, I lose track of the
5 date. What ---

6 **MR. ERIC BROUSSEAU:** This is ---

7 **SUPT. PATRICK MORRIS:** Okay, the 7th. The 7th,
8 yeah.

9 **MR. ERIC BROUSSEAU:** --- Monday, February 7th.
10 So we're past the sort of second weekend of the protest in
11 Ottawa.

12 And so the assessment, the first paragraph:
13 "The situation in Ottawa remains
14 volatile and represents a public safety
15 threat; an officer safety threat; and,
16 potentially, a national security
17 threat. The available information
18 suggests that the blockade has ample
19 moral, logistical and financial support
20 to remain in place long-term."

21 Why did it use the phrase "national security
22 threat"?

23 **SUPT. PATRICK MORRIS:** Yeah, it's a great
24 question, and it's one I anticipated, and it's one that on that
25 day we had a great deal of discussion about. Why? We put in
26 that there was a potential national security threat because of
27 the movement to the borders, and specifically to the Ambassador
28 Bridge. The apparent long-term capacity for the protesters to

1 stay in place in Ottawa, the ongoing calls for actions
2 elsewhere, the events in Coutts and the movement to the
3 Ambassador Bridge and discussion of the tunnel. The Ambassador
4 Bridge specifically because I believe it has the largest sort of
5 exchange in terms of financial -- a dollar value in our country.
6 So that is why we put that in in terms of a potential.

7 I will say I spoke about that with colleagues
8 from the Canadian Security Intelligence Service and with the
9 Integrative National Security Enforcement Team, and they did not
10 see things that reached their threshold in terms of what would
11 be deemed a threat to the security of Canada. So we were an
12 anomaly in that regard, but we phrased that as a potential.

13 **MR. ERIC BROUSSEAU:** And so you beat me to it,
14 but I'll take you to an email where you reference that. It's
15 OPP00001038. This is an email from yourself to Jim Walker and
16 Brian Barclay, and just after midnight on February 8th, so just
17 after you've published this Hendon Report on the 7th.

18 If we could scroll down, at the bottom, to Point
19 Number 5:

20 "In terms of national security, the
21 wording in HENDON assessment concerned
22 me slightly. I agree with the
23 potential for officer safety and public
24 safety but INSET and CSIS
25 concur...there are no national security
26 concerns. Confirmed today. If we have
27 access to something they don't, we can
28 meet them to discuss, but I am not

1 aware of it."

2 And so what is it -- again, from your discussions
3 with them, what were their concerns about your use of the word
4 "national security threat"?

5 **SUPT. PATRICK MORRIS:** Sorry. Okay, I just want
6 to be clear. They weren't concerned about me utilising it. I
7 wanted to be certain that we were using the best terminology we
8 could in a very fluid situation. So when this information is
9 collected, our analysts are, I use the phrase "drinking from a
10 firehose" in some regards, and trying to produce intelligence
11 under tight timelines. So they came to the determination that
12 there were potential national security threats.

13 I reviewed the report, and we had
14 Inspectors Barclay and Walker, and I, significant discussions
15 about it and it's why I reached out to my colleagues. I became
16 content with the phrasing that it was a potential and that they
17 -- I was also content with their assessment.

18 **MR. ERIC BROUSSEAU:** I want to take you to the
19 next day's Hendon Report, February 8th, which is OPP00001624.

20 And we'll go to page 4 when we get there, under
21 the assessment section.

22 So:

23 "The situation in Ottawa remains
24 volatile and represents a public safety
25 threat and an officer safety threat."

26 And then the last sentence in that paragraph:

27 "As such, the ongoing series of
28 protests and blockades represents a

1 potential threat to Canada's
2 sovereignty and national security."

3 Is that -- can you sort of compare us -- compare
4 for us the language from this February 7th report to the one
5 here on February 8th.

6 **SUPT. PATRICK MORRIS:** I think in essence it
7 means the same thing, that we have a potential concern in terms
8 of sovereignty in our border crossings, and our economic
9 integrity in terms of trade and national security in that
10 regard. It might also have to do with the analytical
11 assessments of threat to reputation by virtue of coverage in the
12 international media of what was transpiring in Canada.

13 **MR. ERIC BROUSSEAU:** Okay. And do you feel that
14 that assessment was accurate at the time, that it was a
15 potential threat to the sovereignty and national security?

16 **SUPT. PATRICK MORRIS:** I agreed with the fact
17 that it had potential to be so.

18 **MR. ERIC BROUSSEAU:** And if we could pull
19 OPP00001837.

20 These are meeting minutes, I think they're dated
21 February 11th. I believe the meeting may have occurred a couple
22 of days earlier. This is an early Integrated Planning Cell
23 meeting. Your name is in the attendees.

24 Do you remember attending this meeting?

25 **SUPT. PATRICK MORRIS:** I've never seen this
26 document. I did have a meeting with the Integrated Planning
27 Cell when it was initiated. So I'm going to say yes. I'm just
28 not familiar with the document.

1 **MR. ERIC BROUSSEAU:** Okay. And if we could go
2 down?

3 **SUPT. PATRICK MORRIS:** I believe, just to be
4 clear, I was contacted by then Chief Superintendent Pardy of the
5 Ontario Provincial Police, and he was contacting me, together
6 with, I believe a chief superintendent from the RCMP, Lou, and
7 they were in discussions about the creation of a joint planning
8 cell, an integrated planning cell, and I offered to them an
9 intelligence briefing. I believe that's what this is about.

10 **MR. ERIC BROUSSEAU:** Okay. And if we go down to
11 page 4, there's a -- something that's attributed to you. It's:

12 "PLT framework has been excellent in the
13 past - we have a significant portion of
14 this event - if proper messaging and
15 options in the form of negotiation could
16 occur, this could dissipate."

17 Chief Superintendent Pardy agreed.

18 "Meeting with Chief SLOLY at noon today
19 and will be stressing the need for a plan
20 and an overview - we need to come to terms
21 with what the intelligence really is, vs.
22 what is perceived."

23 I want to ask you about that last part, if you
24 remember?

25 **SUPT. PATRICK MORRIS:** Yeah, so this is a bit
26 difficult, because these aren't my notes.

27 Okay. So I was discussing provincial liaison
28 teams and I believe that they are an absolutely excellent source

1 -- sorry, they're an excellent aspect to two-way communication
2 in events of this type. So they can communicate the situation
3 to people who are engaging in terms of perhaps what jeopardy
4 they may be, what consequences they may face, and also lead
5 towards negotiated solutions. So that's a very positive thing
6 that we've utilized in the past, if it's done, if it's done
7 properly. That was my component of this.

8 In terms of the meeting with Chief Sloly at noon,
9 that's not me. That's C/Supt. Pardy.

10 I know that we discussed the intelligence with
11 Chief Pardy, and there were other -- I'm sorry, I didn't look at
12 the list. I had my entire intelligence management team to give
13 a complete overview.

14 Chief Pardy was of the opinion that the planning
15 wasn't Intelligence-led. And so he wanted to have a discussion
16 of that with the -- sorry, with Ottawa Police Service.

17 **MR. ERIC BROUSSEAU:** Okay. If we could go to
18 OPP00001158? This is an email that you sent on the same day, or
19 sorry, it's on February 10th, the next day. And you sent it to
20 Mark Patterson. Who is Mark Patterson?

21 **SUPT. PATRICK MORRIS:** Mark Patterson was the
22 superintendent of the Ottawa Police Service Intelligence
23 Directorate. We were notified of that in early January.

24 **MR. ERIC BROUSSEAU:** Okay. And you've copied
25 Chuck Cox and Brian Barclay of your -- of the OPP, and Ken
26 Bryden. Who is he?

27 **SUPT. PATRICK MORRIS:** Ken Bryden was the
28 Inspector of the Ottawa Police Service Intelligence Directorate

1 and reported to Mark Patterson.

2 **MR. ERIC BROUSSEAU:** Okay. And I don't need you
3 to sort of read out the whole email, but perhaps if the Hearing
4 Clerk could kind of scroll through and you can skim it? And I
5 just want to ask you why you sent this email at this point in
6 time?

7 **SUPT. PATRICK MORRIS:** Sorry, my eyes aren't the
8 best. I'm trying to keep up.

9 Yeah. Okay. So I began giving -- I was
10 requested by Commissioner Carrique and Supt. Mack Denala
11 (Phonetic) of the OPP to provide intelligence briefings to what
12 were referred to as the Big 12, meaning the Big 12 services of
13 Ontario, the Chiefs of Police.

14 I did so. And following that briefing, there's
15 parts of this that don't involve me, so I believe D/Cst.
16 Stephane Quesnel of the Ottawa Police Service sent an email to
17 Insp. Barclay of the OPP and that email stipulated that Chief
18 Sloly wished to have every Hendon report since its inception.
19 And I was surprised by that request because the Ottawa Police
20 Service did have every Hendon report since its inception, and
21 Chief Sloly himself had received every Hendon report since
22 January 1st of 2021. So for over a year.

23 And so we were very, very engaged in a lot of
24 operations and analysis and I didn't want people to be looking
25 for reports to disseminate for the course of what was almost two
26 years at that point, when the police service already possessed
27 them, and they weren't relevant. The Hendon reports in February
28 of 2020 were not relevant to the situation at hand. So I was

1 explaining this to Mark Patterson so that he could deal with it
2 internally in the Ottawa Police Service.

3 **MR. ERIC BROUSSEAU:** And did you understand why
4 someone on your team was being asked to put all this information
5 together?

6 **SUPT. PATRICK MORRIS:** It's -- I referenced
7 Hendon in my report to the Big 12 and gave a background on it.
8 And all of the people who participated, their services were
9 participating in Hendon. It surprised me that we got that
10 request, because I would have thought they would have already
11 known and had their reports. So that's why I was very specific
12 in my response and told Mark all the things that had been going
13 on, including providing an excerpt to my invitations to
14 teleconferences that were relating to the issue at hand, the
15 freedom convoy.

16 **MR. ERIC BROUSSEAU:** And Chief Sloly asked you
17 directly for some information at some point? Is that correct?

18 **SUPT. PATRICK MORRIS:** Yeah. So -- and I'm
19 sorry, I don't have my notebook. But anyways, I believe it was
20 on February 11th. It was a Friday. I believe it was Friday,
21 February 11th. And so that was a briefing that I provided to the
22 Big 12 again.

23 I want to be clear on this, I can't tell you how
24 many people were on that call, but they were chiefs of police.
25 There were definitely more than 12. And I had been asked to
26 provide this, and it was -- I think it occurred seven times.

27 So I was asked to provide, I believe I had five
28 questions. And they pertained to four geographic locales. So

1 the locales were the City of Ottawa, the City of Toronto, the
2 City of Windsor, and Sarnia/the 402 just outside of Sarnia in
3 OPP jurisdiction. That was the four locales.

4 The questions, to the best -- I think I should be
5 able to remember.

6 **MR. ERIC BROUSSEAU:** I can pull up a document if
7 you'd like.

8 **SUPT. PATRICK MORRIS:** Okay.

9 **MR. ERIC BROUSSEAU:** Why don't we do that?

10 **SUPT. PATRICK MORRIS:** I do recall them.

11 **MR. ERIC BROUSSEAU:** If you can pull up
12 OPS00010411? This, I believe, is an email -- it's a forward of
13 your email that you ultimately sent answering the questions. So
14 if we can just scroll down to the bottom of your email? I think
15 the next page. There it is.

16 Are these the five questions that Chief Sloly
17 asked you to answer?

18 **SUPT. PATRICK MORRIS:** Yeah. That's correct.

19 **MR. ERIC BROUSSEAU:** And if we could just scroll
20 down? If we stop there:

21 "...he clarified that he wished the answers
22 to be provided by 'confirmed intelligence'
23 not aspirational information."

24 What did you understand that to mean?

25 **SUPT. PATRICK MORRIS:** Well, what I understood it
26 to mean is the best information possible, but he was very clear
27 in articulating "only confirmed intelligence". And that's
28 problematic in that you receive information, you produce

1 intelligence, intelligence is not necessarily always factual.
2 It's an assessment. And I certainly cannot provide a
3 confirmation of a quantitative factor about the future. So in
4 terms of I only want confirmed intelligence of the number of
5 people in a location in the future, intelligence trade craft, or
6 any trade craft, could not possibly provide that.

7 **MR. ERIC BROUSSEAU:** And had you had this request
8 previously in the last two weeks before this? Or was this the
9 first time you had faced this request?

10 **SUPT. PATRICK MORRIS:** No, that was the first
11 time we had the request.

12 **MR. ERIC BROUSSEAU:** And was it unusual for the
13 Chief of Police of a sort of different police force to ask you
14 for this kind of information?

15 **SUPT. PATRICK MORRIS:** Yeah, I've never
16 experienced it before. I found it unusual. And one thing that
17 I perhaps found unusual is that generally the Chief of Police is
18 trying to ascertain information or intelligence about their
19 jurisdiction and, you know, the Ontario Provincial Police, or
20 the RCMP, may be different in that regard, but not about the
21 exact number of protestors on Highway 402 in Sarnia in the
22 future.

23 **MR. ERIC BROUSSEAU:** And I understand the next
24 day, so that puts us at Saturday, February 12th, you gave a
25 presentation to the OACP; do you remember that?

26 **SUPT. PATRICK MORRIS:** Yes. Yeah, sorry, there
27 are two presentations, so just for clarity, I -- there were a
28 lot of briefings that I was asked to provide. The Ontario

1 Association of Chiefs of Police had formulated a planning
2 entity. Our lead in that regard was Superintendent Mike
3 McDonnell and Superintendent Dan O'Lakas(ph). So I would
4 provide briefings on what was transpiring in multiple
5 jurisdictions and what I felt would occur in those locations.
6 And the specific purpose of that, was that the various police
7 services could then make decisions about the dispersal of
8 uniformed resources, be they uniformed resources or public order
9 units: soft TACT, hard TACT in terms of that -- so that's the
10 OACP meeting.

11 **MR. ERIC BROUSSEAU:** Right. And you attended one
12 on the 12th, and I believe Chief Sloly was there; correct?

13 **SUPT. PATRICK MORRIS:** Yes, so that meeting
14 occurred later in the evening of the 12th; I know it was set for
15 19:00hrs, it may have been delayed, and that's the so-call "Big
16 12" meeting, which is a different meeting than the OACP.

17 **MR. ERIC BROUSSEAU:** Okay. And can you tell us
18 about what happened at that meeting?

19 **SUPT. PATRICK MORRIS:** I was asked by the OPP
20 Commissioner Carrique to provide an intelligence overview. I
21 have to say that on that day -- for Thursday and Friday -- I'm
22 sorry, I'm going by memory -- the 10th and 11th, there were
23 multiple priorities. So the Convoy protestors or the leadership
24 of several segments, were planning to not move the entire
25 protest, but to make a show of a protest in Toronto, and
26 specifically at Queen's Park.

27 So I created, and my team created a separate
28 collection plan and an operational plan to assist the Toronto

1 Police Service. And it involved multiple entities -- I mean
2 police services, because there were multiple rallying points and
3 we were dispersing our intelligence personnel to go to the
4 rallying points to collect the information to produce the
5 intelligence for Toronto in real time in their Incident Command
6 Centre/Major Event Centre et cetera.

7 That protest was to have occurred and did occur
8 on Saturday the 12th. So the meeting you're referring to
9 occurred after that.

10 So I gave an intelligence overview of what was
11 transpiring across the province. Obviously Toronto, the events
12 in Toronto played a significant component -- or took up a
13 significant component of that.

14 Chief Sloly was not happy with the briefing or
15 the presentation. He made his displeasure evident and
16 articulated that he didn't like comparisons between Toronto and
17 Ottawa and then spoke about Hendon, basically about the Ontario
18 Provincial Police not fulfilling their intelligence mandate to
19 assist police services of jurisdiction and that he and his -- I
20 don't want to misspeak -- I'm going to say his team, but he
21 referred to a scribe and he referred to a lawyer that were
22 present, which surprised me, I never encountered that before in
23 an intelligence briefing either -- had reviewed the Hendon
24 reports and there was nothing -- I don't know what his word was,
25 so I don't -- nothing of value nothing of significance or
26 nothing that could have assisted them.

27 So the meeting went -- I mean it was difficult.
28 Our Commissioner intervened and we ended up having a separate

1 discussion between Commissioner -- this is all virtual --
2 between Commissioner Carrique, myself and Deputy Commissioner
3 Chuck Cox.

4 **MR. ERIC BROUSSEAU:** And what was your view of
5 Chief Sloly's assessment of the Hendon reports?

6 **SUPT. PATRICK MORRIS:** Well, I completely
7 disagree. I'll use the terms "inter and legere", I believe we
8 provided -- I believed that a discerning read of the
9 intelligence products throughout the fall of 2021 and certainly
10 from the 13th of January in 2022, and then with the tele-
11 conferences where the Ottawa Police Service participated in, and
12 the intelligence products that had been produced daily since
13 that period of time leading to on this date, February 12th, said
14 that there will be a significant event in Ottawa. It will begin
15 on the 28th or 29th of January. It will incorporate large groups
16 of motivated people who are protesting and these are their
17 grievances. It will incorporate large use of commercial motor
18 vehicles, tractor trailers. Their intention is to impede the
19 business of government and to be in the downtown area. They
20 used terminology like "gridlock". We said there was no exit
21 strategy and their demands could not be met and it would be
22 significant and there would be other calls for resources because
23 there would be other events.

24 I believe -- I did say to him, there's no golden
25 key. Like sometimes when people look for a product, an
26 intelligence product, it's like a golden key that will answer
27 absolutely everything.

28 Intelligence is designed to inform decision-

1 making. I believe that our information collected and our
2 intelligence produced from our entire partnership, were
3 instrumental in informing decision-making about what would
4 occur. So I disagree.

5 But I did say that in terms of his displeasure
6 with what he referred to as a comparison of Toronto and Ottawa,
7 one of the issues is, sometimes in planning people fail to
8 appreciate an event that hasn't occurred yet. I call it a
9 deference of the important for the urgent.

10 When Toronto acted, Toronto had the benefit of
11 the experience in Ottawa to say, "Yeah, this is a big deal; this
12 is really going to happen". So -- and I agree with that, and I
13 did also tell him that he and the Ottawa Police Service were
14 faced with a difficult situation, 100 per cent, I totally agree
15 with that.

16 **MR. ERIC BROUSSEAU:** I want to ask you about one
17 last document and then I'll be done, which is the Hendon report
18 from Monday, February 14th, the day the *Emergencies Act* was
19 invoked. It's OPP00001630.

20 If we can go to page six, there's a bolded
21 paragraph:

22 "The situation in Ontario remains volatile.
23 Protestors and their supports are unlikely
24 to be significantly deterred by any
25 invocation of the Emergencies Act. The
26 potential for conflict or an act of violence
27 is likely increasing as the Ottawa blockade
28 continues."

1 Why did POIB conclude that the Act was unlikely to deter the
2 protestors and actually that the violence was likely to
3 increase?

4 **SUPT. PATRICK MORRIS:** From a philosophical or
5 ideological perspective many of the grievances believe that the
6 legislation that was being passed during Covid-19 was
7 unconstitutional and unjust and that the restrictions on their
8 freedoms were resultantly unjust. So new legislation being
9 passed was a self-fulfilling prophecy. I mean some people on
10 one side of the coin call it a conspiracy theorist, there's a
11 conspiracy theory that they're going to invoke the *Emergencies*
12 *Act*. So when the *Emergencies Act* is invoked, it impacts the
13 people who feel that way and it aggravates their perspective and
14 creates more frustration.

15 So the people who are engaged in the protest did
16 not believe that the *Emergencies Act* should be invoked, did not
17 believe government should have more powers and police should
18 have more powers. So they are seen, and from their perspective,
19 the correctness of their stance.

20 **MR. ERIC BROUSSEAU:** Thank you, Superintendent
21 Morris, those are my questions.

22 **COMMISSIONER ROULEAU:** Thank you, we're going to
23 keep going if you're up to it, and if so -- I take it you are up
24 to it? Okay. So we're going to take a 15 minute break so that
25 you can load up with water or whatever and come back and we'll
26 go through the cross-examinations. Fifteen minutes.

27 **THE REGISTRAR:** The Commission is recessed for 15
28 minutes. La commission est levée pour 15 minutes.

1 --- Upon recessing at 5:59 a.m.

2 --- Upon resuming at 6:15 p.m.

3 **THE REGISTRAR:** Order. À l'ordre. The
4 Commission is reconvened. La Commission est reprend.

5 **--- SUPT. PATRICK MORRIS, Resumed:**

6 **THE COMMISSIONER:** Okay. Welcome back.
7 First up is the Ottawa Police Service.

8 (SHORT PAUSE)

9 **--- CROSS-EXAMINATION BY MR. DAVID MIGICOVSKY:**

10 **MR. DAVID MIGICOVSKY:** Good evening, Supt.
11 Morris, how are you?

12 **SUPT. PATRICK MORRIS:** Good, thank you.

13 **MR. DAVID MIGICOVSKY:** I am David Migicovsky; I'm
14 a lawyer for the Ottawa Police Service.

15 I understand that the OPP has quite a bit of
16 experience dealing with protests over the years?

17 **SUPT. PATRICK MORRIS:** Yes, that's correct.

18 **MR. DAVID MIGICOVSKY:** And some of the protests,
19 I take it, would have been successfully handled; some have
20 resulted in some public criticism of OPP's role.

21 **SUPT. PATRICK MORRIS:** Yes, that's correct.

22 **MR. DAVID MIGICOVSKY:** For instance, if we go
23 back, Ipperwash and Dudley George were notorious examples of
24 where things went wrong. And then I understand in 2013, the OPP
25 was also subject to much criticism -- I'm not saying merited,
26 but criticism for how it responded to the Idle No More protest,
27 is that right?

28 **SUPT. PATRICK MORRIS:** I'm not aware of the

1 criticism in relation to Idle No More but that is certainly
2 possible.

3 **MR. DAVID MIGICOVSKY:** I seem to recall that
4 there was criticism of the OPP for not ending blockades of rail
5 arteries at the time, and injunctions had been issued. Is that
6 coming back to you?

7 **SUPT. PATRICK MORRIS:** I do -- I do recall that
8 criticism, yes.

9 **MR. DAVID MIGICOVSKY:** And as I recall, the OPP
10 Commissioner went on YouTube and said it can be sometimes
11 difficult for the public to understand why the police don't
12 always immediately take enforcement action.

13 **SUPT. PATRICK MORRIS:** And I recall that, and I
14 certainly understand that as well.

15 **MR. DAVID MIGICOVSKY:** And you would agree with
16 that as well, I take it?

17 **SUPT. PATRICK MORRIS:** I agree that the events
18 are difficult. I agree that it would be difficult for the
19 public to understand what actions the police do or do not take,
20 yes.

21 **MR. DAVID MIGICOVSKY:** And in some situations,
22 the right approach may be to not take immediate enforcement
23 action but, for instance, use the national framework for
24 protests, and investigate and lay charges after the event, where
25 appropriate.

26 **SUPT. PATRICK MORRIS:** And that may be the
27 appropriate approach, yes.

28 **MR. DAVID MIGICOVSKY:** And so -- and that may be

1 because immediate enforcement can sometimes be dangerous, in
2 terms of the public and officer safety.

3 **SUPT. PATRICK MORRIS:** And certainly that's a
4 consideration, that's a possibility, yes.

5 **MR. DAVID MIGICOVSKY:** And immediate action can
6 inflame or incite, or lead to even death in some cases; correct?

7 **SUPT. PATRICK MORRIS:** Yes, it could, as in it
8 occurred in Ipperwash, yes.

9 **MR. DAVID MIGICOVSKY:** Am I correct that based on
10 the OPP's significant experience, they've learned some valuable
11 lessons and have developed some expertise ---

12 **SUPT. PATRICK MORRIS:** Yes.

13 **MR. DAVID MIGICOVSKY:** --- in protests?

14 **SUPT. PATRICK MORRIS:** I agree with that, yes.

15 **MR. DAVID MIGICOVSKY:** And much of that expertise
16 comes from the experiences they've had, and I take it after a
17 protest is handled by the OPP there's probably a review and an
18 analysis of what went well and what did not.

19 **SUPT. PATRICK MORRIS:** That's correct, yes.

20 **MR. DAVID MIGICOVSKY:** And then you built on that
21 experience to address policing protests in the future to
22 hopefully do it better.

23 **SUPT. PATRICK MORRIS:** That's correct.

24 **MR. DAVID MIGICOVSKY:** And the situation in
25 Ottawa, we've heard, was unique and unprecedented, are words
26 that we've seen. And you agree with that; correct?

27 **SUPT. PATRICK MORRIS:** I agree that there were
28 elements of this protest in Ottawa that were unprecedented; the

1 financial component, the travel. I agree there were elements of
2 that that were unprecedented, yes.

3 **MR. DAVID MIGICOVSKY:** And a demonstration of
4 this size involving large vehicles which became an occupation,
5 and resulted in upheaval and trauma to the community, there's no
6 other municipal police service in Canada that's experienced
7 something like that, is there?

8 **SUPT. PATRICK MORRIS:** I don't know that I can
9 answer that, necessarily. I can say this: I do believe there
10 were elements that were unprecedented, as you said. I do
11 believe there have been attempts to do things like this for
12 shorter period of times, as in Toronto on February 12th. But I
13 definitely agree that the longevity and some of the tactics
14 utilized are unprecedented, and the financing.

15 **MR. DAVID MIGICOVSKY:** And we're going to be
16 hearing from some other witnesses -- and you can tell me if you
17 would agree with that -- that planning for major events can be a
18 very labour-intensive job; is that fair?

19 **SUPT. PATRICK MORRIS:** It's fair that planning
20 can be labour intensive, yes.

21 **MR. DAVID MIGICOVSKY:** And so sometimes months of
22 planning take place with consultation with many experts in
23 different areas in preparation for an event.

24 **SUPT. PATRICK MORRIS:** It's true that months
25 could be required in relation to certain events. It's also true
26 that circumstances present themselves that require more
27 immediacy in terms of planning: The G8, G20 is an example of
28 the months of planning. Other examples illustrate themselves

1 and don't permit that.

2 **MR. DAVID MIGICOVSKY:** Right. The first mention
3 of the Freedom Convoy, I think, was on the January 13th Hendon;
4 is that correct?

5 **SUPT. PATRICK MORRIS:** That's the first
6 production of intelligence from the Ontario Provincial Police,
7 yes.

8 **MR. DAVID MIGICOVSKY:** And then 15 days later it
9 began to arrive in Ottawa, on the 28th of January.

10 **SUPT. PATRICK MORRIS:** That's correct.

11 **MR. DAVID MIGICOVSKY:** And so there wasn't a lot
12 of advance notice.

13 **SUPT. PATRICK MORRIS:** No, that's true. I mean,
14 there was 15 days, yeah.

15 **MR. DAVID MIGICOVSKY:** And then the January 13th,
16 I'm not going to pull it up in order to save some time, but I
17 think you're pretty comfortable with it but if you're not please
18 let me know. The January 13th Hendon Report did not provide a
19 lot of information because not a lot of information was known at
20 that time.

21 **SUPT. PATRICK MORRIS:** It provided our best
22 assessment based upon the known information, and it stimulated
23 further collection.

24 **MR. DAVID MIGICOVSKY:** Right. So there was no
25 indication in that report of the size of the convoy?

26 **SUPT. PATRICK MORRIS:** I'm not able to remember
27 the wording specifically. I mean, you'd have it in the
28 assessment but I -- honestly, I don't want to say what it says

1 in the assessment.

2 **MR. DAVID MIGICOVSKY:** Okay. We have it marked
3 so we can look at it. Do you recall it saying that there was no
4 indication of what the convoy would do when it arrived?

5 **SUPT. PATRICK MORRIS:** Yes.

6 **MR. DAVID MIGICOVSKY:** Okay.

7 **SUPT. PATRICK MORRIS:** And that's something that
8 remained true until it came to fruition.

9 **MR. DAVID MIGICOVSKY:** In fact, in your summary
10 that you prepared of the Hendon Report, you said the details of
11 the convoy on January 13th were "Scant".

12 **SUPT. PATRICK MORRIS:** Okay.

13 **MR. DAVID MIGICOVSKY:** Can I ask, please, if you
14 could turn up OPP00348.

15 **(SHORT PAUSE)**

16 **MR. DAVID MIGICOVSKY:** And if you go -- if you
17 scroll down a bit, there's an email from you to Deputy
18 Commissioner Cox at 6:30 on February 14th?

19 **SUPT. PATRICK MORRIS:** Yes.

20 **MR. DAVID MIGICOVSKY:** And if we go to the second
21 page of that email...

22 Is it the full page? Thanks.

23 And so the second-last paragraph, I just want to
24 read that to you.

25 **SUPT. PATRICK MORRIS:** Yeah.

26 **MR. DAVID MIGICOVSKY:** "I should also mention
27 there was a serious complication in
28 relation to these activities. These

1 individuals and entities are not, for
2 the most part, participating in the
3 realm of criminal activities. Most
4 from Vancouver to Ottawa have engaged,
5 as they said they would, in the lawful
6 sphere. The arrests from Windsor to
7 Ottawa illustrate this. So the balance
8 of civil liberties and public safety
9 crime prevention, not to mention
10 proactive intelligence targeting, is a
11 sensitive one, especially in these
12 politicized times." (As read)

13 And you agree with that. You wrote that;
14 correct.

15 **SUPT. PATRICK MORRIS:** Yes, I agree.

16 **MR. DAVID MIGICOVSKY:** And so the first real
17 reference to the convoy where we have some more information
18 coming to Ottawa is in the January 20th Hendon Report, I believe
19 you said.

20 **SUPT. PATRICK MORRIS:** That's the first -- sorry;
21 that is the next provision of a written intelligence document.
22 In the interim there had been communication back and forth
23 between the Provincial Operations Intelligence Bureau and Ottawa
24 Police Service Intelligence personnel.

25 **MR. DAVID MIGICOVSKY:** And so the January 20th
26 one, again, without turning it up, you would agree with me I
27 take it that there was some information that turned out not to
28 come to fruition. And so I can give you some examples if you

1 want.

2 **SUPT. PATRICK MORRIS:** Sir, do you mind pulling
3 it up just ---

4 **MR. DAVID MIGICOVSKY:** So I'll give you this
5 example and one of the things in -- okay. So one of the things
6 they did say was that it would almost certainly disrupt the
7 movement of vehicular traffic. And that obviously is true. And
8 that's true about most protests; correct?

9 **SUPT. PATRICK MORRIS:** That's true, yeah.

10 **MR. DAVID MIGICOVSKY:** And then it said some
11 participants may attempt to disrupt the business of government
12 at the provincial and federal level by blocking access to
13 Parliament. Do you remember that? Now that didn't happen in
14 Ottawa because the work of Parliament went on throughout the
15 convoy; correct?

16 **SUPT. PATRICK MORRIS:** I think that they did
17 impede the activity of government by virtue of their presence,
18 and I think that led to significant discussion about the
19 workings of Parliament and some security concerns. I think they
20 also attempted to impede activity in Toronto in relation to
21 Queens Park on February 5th and 12th.

22 **MR. DAVID MIGICOVSKY:** Right. I'm sorry, I -- my
23 question wasn't clear. I'm talking about Ottawa. The work of
24 Parliament continued; correct? Parliament sat during that
25 period?

26 **SUPT. PATRICK MORRIS:** Okay. I can't -- yeah, I
27 can't speak to whether any of the members of Parliament felt
28 impeded, so, yeah, so I -- yeah.

1 **MR. DAVID MIGICOVSKY:** Another thing noted at
2 that time was that some individuals from the United States may
3 join and that appeared occasionally in Hendon reports. That
4 didn't occur either; did it?

5 **SUPT. PATRICK MORRIS:** I can't honestly say. I
6 mean, I guess if there was any American citizen that
7 participated, I guess that would be true. I can say that the
8 impact and influence that was feared possibly by some American
9 activists never occurred.

10 **MR. DAVID MIGICOVSKY:** And most of the
11 information as of January 20th was that the protesters were
12 aiming at a lawful and peaceful event, and there's no -- is that
13 true?

14 **SUPT. PATRICK MORRIS:** Yes.

15 **MR. DAVID MIGICOVSKY:** And there was no
16 indication in the January 20th report that the trucks would end
17 up in residential neighbourhoods, and that they'd break noise
18 by-laws? That wasn't part of the Hendon report; was it?

19 **SUPT. PATRICK MORRIS:** Yeah, but to be honest, we
20 don't concentrate, I mean, generally speaking in intelligence on
21 by-law infractions, although that was an important point here.
22 I do believe that it spoke to impeding the business of
23 government in the downtown core and business.

24 **MR. DAVID MIGICOVSKY:** Right.

25 **SUPT. PATRICK MORRIS:** But it did not make
26 specific reference to residential areas.

27 **MR. DAVID MIGICOVSKY:** Right. And so there was
28 no reference to perhaps idling their engines, or having hot

1 tubs, or bouncy castles, or harassing residents, or engaging in
2 anti-social behaviour?

3 **SUPT. PATRICK MORRIS:** Yeah, it's a subjective
4 term, but, no, there's no reference to that, no.

5 **MR. DAVID MIGICOVSKY:** And there was an
6 indication though that although it was planned to be peaceful,
7 there was the possibility of lone actors or small groups
8 engaging in activities that present public safety threats?

9 **SUPT. PATRICK MORRIS:** Yes, that was certainly a
10 potential, a possibility.

11 **MR. DAVID MIGICOVSKY:** And the possibility that
12 lone actors and small fringe groups would present public safety
13 issues was, in fact, addressed by the Ottawa Police and the OPP
14 in preparation; correct? We had POU units here?

15 **SUPT. PATRICK MORRIS:** Yes, I mean, I have to
16 say, from my perspective, the proactive handling of those
17 possibilities was done through Intelligence operations. The
18 presence of a Public Order Unit would respond to the outcome
19 coming to fruition.

20 **MR. DAVID MIGICOVSKY:** And the threats to public
21 safety, fortunately, didn't materialize on that first weekend;
22 is that right?

23 **SUPT. PATRICK MORRIS:** Yeah, I would concur with
24 that.

25 **MR. DAVID MIGICOVSKY:** And although obviously
26 very inconvenient for residents, that first weekend was calm, no
27 serious threats or acts of serious violence?

28 **SUPT. PATRICK MORRIS:** Correct.

1 **MR. DAVID MIGICOVSKY:** The January 20th Hendon
2 report, it was noted was difficult to complete comprehensively
3 because it involved a wide array of individuals with multiple
4 motivations and plans that were loosely formed?

5 **SUPT. PATRICK MORRIS:** That's correct. So I just
6 want to point out on that, there were multiple affinity groups
7 and multiple individuals, multiple grievances, and we were
8 trying to address that and did through the creation of Tactical
9 Intelligence Reports. They were completed later in that week
10 and provided to the Ottawa Police Service.

11 **MR. DAVID MIGICOVSKY:** And so another Hendon
12 report on January 22nd that I believe you referenced earlier
13 notes that the number of potential participants in Ottawa was
14 unknown, and I believe what we see on it is that online claims
15 of the size are of unknown reliability.

16 **SUPT. PATRICK MORRIS:** Yeah, that's true. So, I
17 mean, when we follow social media, it will be of unknown
18 reliability. We try to mitigate that unknown factor with
19 juxtaposing it in the context, and we came to the determination
20 that there was significant support.

21 **MR. DAVID MIGICOVSKY:** And the January 22nd Hendon
22 report in the assessment section also notes that an Intelligence
23 gap at that point is the number of participants; correct?

24 **SUPT. PATRICK MORRIS:** That's correct. And I
25 should say as part of Intelligence tradecraft, that is always a
26 gap right up until the event actually occurs, because we would
27 never know the exact numbers.

28 **MR. DAVID MIGICOVSKY:** And the January 22nd Hendon

1 report has a section headed tactical considerations. And I see
2 in that section, I don't know if this -- you recall this, that
3 one organizer there claimed a million individuals and 10,000
4 trucks would attend. Do you remember that?

5 **SUPT. PATRICK MORRIS:** I do remember reading
6 that.

7 **MR. DAVID MIGICOVSKY:** That didn't happen; did
8 it?

9 **SUPT. PATRICK MORRIS:** No.

10 **MR. DAVID MIGICOVSKY:** January 26th, so that's
11 another Hendon report, that's 2 days before the arrival; am I
12 right?

13 **SUPT. PATRICK MORRIS:** Yeah.

14 **MR. DAVID MIGICOVSKY:** And that has a section
15 called the seriousness of the threats and lists a number of
16 points in terms of the seriousness. None of those threats
17 mention the horns, or the idling, open fires, harassment of
18 residents, that's not one of the threats; is it?

19 **SUPT. PATRICK MORRIS:** It's not listed as one of
20 the threats, no.

21 **MR. DAVID MIGICOVSKY:** And again, it talks about
22 the potential presence of individuals who espouse fringe
23 ideological ideologies and have access to weapons. And that too
24 wasn't a problem in Ottawa; correct?

25 **SUPT. PATRICK MORRIS:** That's correct.

26 **MR. DAVID MIGICOVSKY:** And ---

27 **SUPT. PATRICK MORRIS:** Well, I should comment on
28 that. In terms of it's a -- weapons, no, in terms of being

1 discerned as such, no. Presence of people with fringe views, I
2 would say there were people present with fringe views, depending
3 upon your determination of fringe.

4 **MR. DAVID MIGICOVSKY:** And I believe that Hendon
5 report indicates, so two days before, and it's I believe in
6 bold, that Project Hendon has not identified any concrete,
7 specific or credible threats with regard to the convoy.

8 **SUPT. PATRICK MORRIS:** That is accurate, true.

9 **MR. DAVID MIGICOVSKY:** And the concern about the
10 heavy machinery, that heavy machinery wasn't used for any
11 destructive purposes in Ottawa; was it?

12 **SUPT. PATRICK MORRIS:** I -- not that I'm aware
13 of. That would be best posed to the Ottawa Police Service.

14 **MR. DAVID MIGICOVSKY:** And so ---

15 **SUPT. PATRICK MORRIS:** I just want to point out,
16 just I was involved in the production of strategic intelligence
17 and providing a best assessment to inform decision making. In
18 terms of some of the questions you're asking in terms of the use
19 of, I think that's best to the operational commanders from the
20 City of Ottawa -- or, sorry, from the Ottawa Police Service.

21 **MR. DAVID MIGICOVSKY:** And if we look at January
22 26th again, even 2 days before the arrival, we still don't have
23 any good indications -- and I'm not being critical of the
24 intelligence, of the numbers and the length of the stay;
25 correct?

26 **SUPT. PATRICK MORRIS:** Well, words such as
27 significant in terms, I mean, the numbers to me become -- if
28 it's significant and there are large numbers, then perhaps the

1 actual quantity is not as important. But, no, we didn't mention
2 the length of stay, but we did certainly say that we felt it
3 would be long term based upon the fact that they were going to
4 stay until their demands were met and we felt they couldn't be.

5 **MR. DAVID MIGICOVSKY:** And the OPP and the Ottawa
6 Police Service did work together from even before the first
7 convoy arrived and had POU units in Ottawa, cooperated with each
8 other?

9 **SUPT. PATRICK MORRIS:** So we worked together in
10 Hendon with the Ottawa Police Service, and that was sort of my
11 purview of responsibility. In terms of public order, et cetera,
12 that would be a question that should be asked to Superintendent
13 Abrams in terms of the OPP operations.

14 **MR. DAVID MIGICOVSKY:** Okay. I didn't see any
15 memos or briefings or emails from the OPP to the OPS saying what
16 are you doing, what are your plans. You're not aware of such
17 memos; are you?

18 **SUPT. PATRICK MORRIS:** I'm not aware of the
19 memos, but I wouldn't be in my capacity as the Intelligence
20 leader.

21 **MR. DAVID MIGICOVSKY:** And the OPP, I take it,
22 knows that if Ottawa Police needs assistance, it's likely to
23 call on the OPP because of their size. You have a very large
24 police service?

25 **SUPT. PATRICK MORRIS:** Yes.

26 **MR. DAVID MIGICOVSKY:** And OPS has -- OPP has
27 PLTs who were activated for this protest?

28 **SUPT. PATRICK MORRIS:** Yes, that's correct.

1 **MR. DAVID MIGICOVSKY:** And OPS also had PLTs who
2 were activated before the protest as well, correct?

3 **SUPT. PATRICK MORRIS:** That is not -- I'm not
4 certain how PLT was utilized in the Ottawa Police Service.

5 **MR. DAVID MIGICOVSKY:** Okay. And if I look at
6 the Hendon Report of January 27th, the day before, I still see
7 that indication in bold that there's no concrete, specific, or
8 credible threat identified, correct?

9 **SUPT. PATRICK MORRIS:** That's correct. And to be
10 quite blunt, you're going to see that throughout because there
11 was no -- apart from the public order event that would occur and
12 be significant and of long standing, there was no specific
13 intelligence about a specific action, i.e., an attack on
14 Parliament, an attack on anything else.

15 **MR. DAVID MIGICOVSKY:** If you could please turn
16 up OPP00815, page 7?

17 **COMMISSIONER ROULEAU:** Your time is just about
18 out on my clock, so if you could try and wrap up?

19 **MR. DAVID MIGICOVSKY:** Sure.

20 **THE REGISTRAR:** Sorry, can you repeat the number,
21 Counsel?

22 **MR. DAVID MIGICOVSKY:** OPP00815. Thank you. If
23 you could please turn to page 7, under the section "Assessment".

24 So this is the January 28th report, so January
25 28th being the date that they're here.

26 And so what we see in the first paragraph is, the
27 available information indicate that the protestors plan to
28 remain in Ottawa at least until February 4th, 2022, correct?

1 **SUPT. PATRICK MORRIS:** Yes.

2 **MR. DAVID MIGICOVSKY:** And then we see -- we
3 continue to identify indicators to support at least some
4 protestors remaining beyond the weekend of 2022/01/29/30. So in
5 other words, some of them are going remain past 29/30, and some
6 of them are going to remain until February 4th, correct?

7 **SUPT. PATRICK MORRIS:** I want to be clear on
8 this. We felt it would be of long standing. The reason that
9 February 4th was cited was because there was a specific piece of
10 information that they would be there until at least February
11 4th, but it does not preclude the long-standing significant
12 event that we said that would occur until the demands were met,
13 which they wouldn't be.

14 **MR. DAVID MIGICOVSKY:** And finally, my final
15 point is, I understand that the OPP provided some assistance to
16 Toronto when they had the protest occurring in Toronto the
17 following week, correct?

18 **SUPT. PATRICK MORRIS:** Yes. There were two. I'm
19 sorry, is it the one on February 12th, which was the more -- the
20 Saturday, February 12th?

21 **MR. DAVID MIGICOVSKY:** Yes, and there was another
22 one as well.

23 **SUPT. PATRICK MORRIS:** There was one on February
24 5th as well.

25 **MR. DAVID MIGICOVSKY:** Right. And so when I
26 looked at your notes, I saw that you, in fact, attended meetings
27 with Toronto prior to the protest arriving in Toronto. Do you
28 recall that?

1 **SUPT. PATRICK MORRIS:** Yeah, virtual meetings
2 with the people in intelligence to set up our collection and our
3 information and intelligence routing to assist them in their
4 plans.

5 **MR. DAVID MIGICOVSKY:** Right. And you referenced
6 what happened in Ottawa?

7 **SUPT. PATRICK MORRIS:** Yeah.

8 **MR. DAVID MIGICOVSKY:** What -- the experience?

9 **SUPT. PATRICK MORRIS:** Yes.

10 **MR. DAVID MIGICOVSKY:** Thank you very much.
11 Those are my questions.

12 **COMMISSIONER ROULEAU:** Thank you. Next is the
13 Convoy organizers.

14 **--- CROSS-EXAMINATION BY MR. BRENDAN MILLER:**

15 **MR. BRENDAN MILLER:** Hello, sir. My name is
16 Brendan Miller. I'm counsel for the Convoy or Freedom Corp.
17 which is an entity that represents the protestors that were in
18 Ottawa on January and February of 2022. I just have a few
19 questions for you.

20 **SUPT. PATRICK MORRIS:** Yeah.

21 **MR. BRENDAN MILLER:** First, again, thank you for
22 your services and thank you very much for your forthright
23 testimony earlier.

24 Just on something you spoke about in your
25 evidence in-chief, you spoke about the demand of protestors and
26 those demands would simply not be met. I take it that by that
27 you mean the demand for the removal of vaccine or COVID
28 mandates; is that correct?

1 **SUPT. PATRICK MORRIS:** In the main, yes. There
2 were multitudes of demands, but those were some significant
3 ones, and for the federal government to drop some of their
4 regulations and mandates, and we didn't feel that would be met,
5 yes.

6 **MR. BRENDAN MILLER:** Right. And these questions
7 are going to be -- you're going to be able know exactly where
8 I'm going, so I'm just going to be blunt.

9 You didn't see any evidence in the intelligence
10 of espionage or in support of espionage; is that correct?

11 **SUPT. PATRICK MORRIS:** That's correct.

12 **MR. BRENDAN MILLER:** You didn't see any evidence
13 in the intelligence of sabotage or anything in support of
14 sabotage?

15 **SUPT. PATRICK MORRIS:** That's correct.

16 **MR. BRENDAN MILLER:** You didn't see anything in
17 the evidence -- in any evidence in the intelligence of any form
18 of foreign influenced activities within or relating to Canada
19 that involved the threat to any person?

20 **SUPT. PATRICK MORRIS:** I saw many accounts, yes.
21 I saw no information collected or intelligence produced in that
22 regard, no, to support that, no.

23 **MR. BRENDAN MILLER:** Now, for my following
24 question, when I say "serious violence against a person", you'll
25 understand I mean violence that would result in serious personal
26 injury, okay?

27 You didn't see any evidence in the intelligence
28 of activities within or relating to Canada directed toward or in

1 support of the threat of a use of acts of serious violence
2 against persons, with the purpose of achieving a political,
3 religious, or ideological objective within Canada or a foreign
4 state?

5 **SUPT. PATRICK MORRIS:** So yes, I know where
6 you're going, and I want to be fair to my colleagues in
7 planning, I saw online rhetoric, I saw information on social
8 media, I saw assertions of that type of activity, information.
9 I'm aware of no intelligence that was produced that would
10 support concern in that regard.

11 **MR. BRENDAN MILLER:** Thank you.

12 And now, my next question, when I say "serious
13 violence against property", you'll understand I mean violence
14 against property of the nature such as arson or destruction, a
15 bomb, that sort of thing, okay?

16 You didn't see any evidence in the intelligence
17 of activities within or relating to Canada directed toward or in
18 support of a threat of use of acts of serious violence against
19 property for the purpose of achieving a political, religious, or
20 ideological objective within Canada or a foreign state?

21 **SUPT. PATRICK MORRIS:** So again, not to be
22 contradictory, because I'm just trying to be fulsome, our role
23 is crime prevention, law enforcement, assistance to victims,
24 public order, and emergency management. Therefore, in relation
25 to the things you are discussing, we collected all the
26 information which some information asserted attempts at that, so
27 we did see that and had to consider that.

28 Did we have any credible intelligence that that

1 would occur? No.

2 **MR. BRENDAN MILLER:** Thank you.

3 And you touched on, in your oral evidence, about
4 the labelling of someone as being an extremist. You said that
5 that term, you have a lot of problems with, and I'm wondering if
6 you can elaborate on that for me?

7 **SUPT. PATRICK MORRIS:** I can. Sorry, where did I
8 say I have problems with that?

9 **MR. BRENDAN MILLER:** You said just in your
10 evidence in-chief.

11 **SUPT. PATRICK MORRIS:** Okay. So the word
12 "extremism" does not have a description in law. Section 83 of
13 the Criminal Code speaks to terrorist offences which possibly
14 could be synonymous with extremism.

15 Sections 318, 319, and 320 of the Criminal Code
16 speak to hate-motivated crimes, advocacy of genocide, et
17 cetera.

18 Other sections of the Criminal Code such as
19 section 430 speak to acts against religious property that could
20 be deemed to be extremist.

21 I have problems with the term because everyone
22 has a subjective belief as to what extremism means. At the low
23 end and banal end, it means someone I disagree with, and I find
24 that problematic.

25 As a working definition for myself, I utilize
26 "extremism" and I try to premise it in law by somebody who would
27 advocate and utilize violence to achieve their goals, and they
28 could be motivated politically, ideologically, religiously, et

1 cetera.

2 **MR. BRENDAN MILLER:** Right. And I take it that
3 in practice, if the federal government's intelligence apparatus
4 or law enforcement sees a legitimate, credible threat, as we
5 just discussed, they would let you know about it, correct?

6 **SUPT. PATRICK MORRIS:** I work -- we work with the
7 Canadian Security Intelligence Service on a daily basis. We
8 have a Provincial Anti-Terrorism Section that is integrated with
9 the Canadian Security Intelligence Service. We are integrated
10 with the Integrated National Security Enforcement Team and have
11 members on that. That is their threshold and, as you've cited,
12 Section -- Part II of the *CSIS Act* in terms of the threats to
13 Canada. I communicated with my colleagues in INSET in Ottawa,
14 INSET in Toronto, CSIS in Toronto, CSIS in Ottawa. They
15 participated on the HANDON calls. I believe that I would have
16 been informed.

17 And in terms of those delineations, I guess I'll
18 know more at the end of these hearings but I received no
19 information in relation to those -- the probability of that
20 activity.

21 **MR. BRENDAN MILLER:** Right, and of course the
22 intelligence apparatus in Canada, they're not technically law
23 enforcement. They provide information and it is the OPP and the
24 RCMP and the Ottawa Police Service who would carry out any law
25 enforcement aspects with respect to any threat domestically,
26 correct?

27 **SUPT. PATRICK MORRIS:** Yeah, the O'Connor
28 Commission spoke to that in the Arar Inquiry.

1 **MR. BRENDAN MILLER:** Yes.

2 **SUPT. PATRICK MORRIS:** CSIS collects, advises,
3 retains for government security intelligence. We act on
4 criminal intelligence and translate that into evidence for law
5 enforcement action.

6 **MR. BRENDAN MILLER:** Right. And the federal
7 government would always tell you about these things because they
8 don't to have any Canadians and individuals harmed, right? They
9 want you to protect them?

10 **SUPT. PATRICK MORRIS:** We have a great
11 relationship -- and I'm not trying to skirt your question. We
12 have a great relationship with intelligence entities. I know
13 that CSIS will present, as will the RCMP. We have a good
14 relationship and I believe that I would be informed. But I also
15 believe there would be instances where activity is occurring
16 within that sphere that I may not be advised of because it may
17 not be within my purview of the *Police Services Act* and criminal
18 intelligence international in scope, perhaps.

19 **MR. BRENDAN MILLER:** To your knowledge, have you
20 been advised by any of those actors that you have not been
21 informed of everything?

22 **SUPT. PATRICK MORRIS:** Have I been advised by
23 those actors that I have not been informed of something?

24 **MR. BRENDAN MILLER:** Yes.

25 **SUPT. PATRICK MORRIS:** No.

26 **MR. BRENDAN MILLER:** Thank you. Now, dealing
27 with the issue of lone wolf attackers, can you agree that the
28 last lone wolf attack in the Capital was on October 22nd, 2014,

1 when Michael Zehaf-Bibeau attacked parliament with a firearm; is
2 that correct?

3 **SUPT. PATRICK MORRIS:** I remember the events and
4 I would attribute that to what I refer to as "independent
5 asymmetric threat". I don't want to say that that's the last
6 event just because I don't want to misspeak. I am aware of
7 other events but they weren't, that I'm aware of, in the
8 National Capital Region.

9 **MR. BRENDAN MILLER:** Now, can you agree that
10 following that attack, lessons were learned on how law
11 enforcement intelligence agencies would gather intelligence with
12 respect to lone wolf attackers?

13 **SUPT. PATRICK MORRIS:** Yes, I believe that
14 lessons were learned. I believe that resources were increased.
15 I believe that cooperation and collaboration was enhanced. I
16 was say this, as a caveat, an independent asymmetric threat, a
17 lone wolf, is the largest concern for somebody in a position
18 such as mine or other people who appear before you because we
19 rely upon the collection of information to produce intelligence
20 and, in the instance of an independent asymmetric threat, the
21 circle of trust may be one, and that is a very difficult
22 environment in which to succeed.

23 **MR. BRENDAN MILLER:** Right. And those lessons
24 that were learned from that attack, they were incorporated
25 within the intelligence gathering apparatus both of the OPP and
26 federally, correct?

27 **SUPT. PATRICK MORRIS:** Yes, certainly. I mean
28 can -- that's an area where the age of social media can assist

1 because in many examples of lone wolves, as you refer to, those
2 are preceded by indicators of activity.

3 **MR. BRENDAN MILLER:** M'hm.

4 **SUPT. PATRICK MORRIS:** So that is of assistance
5 and that is something the Provincial Operations Intelligence
6 Bureau engages in.

7 **MR. BRENDAN MILLER:** Right. And a lone wolf
8 attack does not need a protest in order to be carried out, does
9 it?

10 **SUPT. PATRICK MORRIS:** It does not require one,
11 no.

12 **MR. BRENDAN MILLER:** Thank you. Those are my
13 questions.

14 **COMMISSIONER ROULEAU:** Thank you.

15 Next is for Former Chief Sloly.

16 **--- CROSS-EXAMINATION BY MR. TOM CURRY:**

17 **MR. TOM CURRY:** Superintendent, I'm Tom Curry. I
18 want to start at the end, recommendations. The Commissioner has
19 the task of considering whether there are recommendations that
20 he can make concerning the issues we're here about, the
21 *Emergencies Act*, demonstrations, and the kind.

22 One of the things that Chief Sloly I anticipate
23 will say to the Commissioner is that there, in his experience,
24 is -- are what he would describe as "structural deficits" in
25 gathering intelligence between agencies -- you've mentioned them
26 -- CSIS, RCMP, OPP, other law enforcement and security agencies.
27 Just stopping there, do you agree that the Commissioner should
28 consider a recommendation that will enhance a national security

1 framework for intelligence now?

2 **SUPT. PATRICK MORRIS:** Can I give you my answer
3 in two parts?

4 **MR. TOM CURRY:** Yes.

5 **SUPT. PATRICK MORRIS:** Okay. I would always
6 agree with any recommendation such as that, to review what
7 transpired and to how we can improve. I myself have done that
8 already with -- in relation to these events. I will say that I
9 honestly believe that we do have a high degree of collaboration
10 in this province and in this country, and we do have trusted
11 partnerships, and we do produce credible intelligence. It is
12 not perfect, and it can always be improved, and I would gladly
13 participate in any entity of that sort.

14 **MR. TOM CURRY:** All right, thank you. One of the
15 things, as well, that I expect you'll also be able to help the
16 Commissioner with is this. Am I correct that HENDON and the
17 work that your intelligence bureau does arose in order to fill a
18 gap that you saw in the way that you described? And I don't
19 have time to go back through that history. Am I correct; that's
20 how it arose ---

21 **SUPT. PATRICK MORRIS:** Yes.

22 **MR. TOM CURRY:** --- to fill a gap?

23 **SUPT. PATRICK MORRIS:** I think that's a correct
24 assessment.

25 **MR. TOM CURRY:** Right.

26 **SUPT. PATRICK MORRIS:** And I just want to give
27 you like two -- there are issues we face as a law enforcement
28 community proactively that are broader than our jurisdictions

1 and galvanizing and collaborating can assist us in that regard.

2 **MR. TOM CURRY:** And in that respect, I haven't
3 met someone from an agency that doesn't want more funding but am
4 I correct that a recommendation from the Commissioner to
5 consider the funding question to support those initiatives as
6 the issues have arisen that you have identified would be
7 helpful?

8 **SUPT. PATRICK MORRIS:** That's difficult ground
9 for me. I can't speak for the Ottawa Police Service. I can say
10 that I'm happy with the ---

11 **MR. TOM CURRY:** No, I'm sorry. I'm going to stop
12 you -- not Ottawa ---

13 **SUPT. PATRICK MORRIS:** Okay.

14 **MR. TOM CURRY:** --- Ontario Provincial Police.

15 **SUPT. PATRICK MORRIS:** Okay. That would be for
16 other people ---

17 **MR. TOM CURRY:** Okay.

18 **SUPT. PATRICK MORRIS:** --- to consider. I do
19 believe that we had the resources that were required -- I'm
20 speaking of intelligence -- to engage proactively and
21 strategically ascertain what would transpire.

22 **MR. TOM CURRY:** The coalescing -- back to these
23 events now, please, the coalescing of these disparate groups
24 that you described and the financing that you described that you
25 had seen for the first time, you described those as
26 unprecedented in your experience, correct?

27 **SUPT. PATRICK MORRIS:** Aspects of it. The
28 fundraising, yes. The issues, the grievances, were different.

1 So there are certainly unprecedented components of it.

2 **MR. TOM CURRY:** Fair. And in that respect, just
3 focusing on the funding alone, do you accept that that
4 represents a paradigm shift in protests and descent of the kind
5 that you're experienced in?

6 **SUPT. PATRICK MORRIS:** It presents a logistical
7 change in the capacity of entities to fundraise. But I will say
8 that we had already experienced that in McKenzie Meadows
9 occupation and had approached entities such as GoFundMe to take
10 steps in relation to that it aligns with their terms of
11 agreement.

12 **MR. TOM CURRY:** Right. McKenzie Meadows, if I
13 understand that protest or occupation, was a single development
14 parcel; that's a First Nations or Indigenous land dispute; is
15 that correct?

16 **SUPT. PATRICK MORRIS:** Roughly, yeah. It's
17 complex but that's accurate.

18 **MR. TOM CURRY:** Complex. And this, the
19 coalescing of a national -- on a national scale ---

20 **SUPT. PATRICK MORRIS:** Yeah.

21 **MR. TOM CURRY:** --- people coming from across the
22 country to one destination, that's a first?

23 **SUPT. PATRICK MORRIS:** Yeah, it's different, for
24 sure, 100 percent, I agree.

25 **MR. TOM CURRY:** Now, the -- my colleague for the
26 Ottawa Police Services already reviewed some details of the
27 HANDON Reports. I don't have the time to go back through them
28 but, suffice it to say, it was not your purpose in describing

1 the HANDON Reports to provide operational planning; is it an
2 input into operational planning; correct?

3 **SUPT. PATRICK MORRIS:** Yeah. Sorry, I think I
4 understand. Our purpose in the Strategic Intelligence Reports
5 of Hendon was to inform decision-making. Part of that decision-
6 making is police operational planning to prepare.

7 **MR. TOM CURRY:** Understood.

8 **SUPT. PATRICK MORRIS:** But I will -- I just have
9 to say that there were other components. Once the event becomes
10 a reality then the tactical intelligence collection through
11 different investigative techniques and the information acquired
12 by that activity lends itself to more operational and enhanced
13 operational planning.

14 **MR. TOM CURRY:** Right. So for example, we won't
15 see in a Hendon Report or any of those other documents to which
16 you've referred any advice to the Ottawa Police Service in the
17 days ahead of the convoy that it should close specific roads;
18 correct?

19 **SUPT. PATRICK MORRIS:** That's correct.

20 **MR. TOM CURRY:** That it should divert traffic in
21 a particular fashion?

22 **SUPT. PATRICK MORRIS:** That's correct.

23 **MR. TOM CURRY:** And the OPP itself, so far as you
24 know, Intelligence Bureau didn't direct OPP Operations in any
25 part of the province to intercept convoy protesters at the
26 border of Manitoba or Quebec; correct?

27 **SUPT. PATRICK MORRIS:** The OPP Intelligence
28 Bureau did not advise entities to do that, that's correct. I

1 just want to say that in the interprovincial police, like within
2 a police service, intelligence is part of the Major Incident
3 Management group where when things impact our jurisdiction we
4 have discussions of that. But no, we certainly as an
5 Intelligence Bureau, as a Hendon, did not act to advise Ottawa
6 what they should do.

7 **MR. TOM CURRY:** Nor its own -- nor your own team.
8 Why was the convoy not intercepted at the Manitoba Border? Many
9 people have asked that question in hindsight, of course. Why
10 not?

11 **SUPT. PATRICK MORRIS:** I think the answer there
12 were there were no reasonable grounds to believe that they were
13 committing a criminal offence at the time.

14 **MR. TOM CURRY:** Right.

15 **SUPT. PATRICK MORRIS:** They were in transit, and
16 we were collecting information for that purpose. They were in
17 transit and they were engaging in a lawful way. In fact, we
18 were -- that was impressed upon us by the information collected.

19 **MR. TOM CURRY:** Right. And that remained as that
20 -- as a convoy protester individually or collectively came into
21 the border of the City of Ottawa; correct?

22 **SUPT. PATRICK MORRIS:** I would agree with that
23 assessment, and also the intelligence said that there would not
24 be an event, a public order event until they entered the City of
25 Ottawa.

26 **MR. TOM CURRY:** Right. Most of the -- most -- my
27 colleague has already dealt with this, but many of the Hendon
28 reports, the 25th, my friends for the Commission took you to one

1 document on the 25th and showed you a line or two. But in that
2 report, it refers to what is likely to be a three-day event.
3 There are a number of references that pointed that way; correct?

4 **SUPT. PATRICK MORRIS:** I don't accept that. I
5 don't recall any information which would lead to the induction
6 that this will only be a three-day event. We believed, and our
7 belief only became more enhanced as time went on, that it would
8 be a longer event. I do know that February 4th, that came from
9 a piece of information, but in all of our discussions and my
10 read of the intelligence is this will be a significant event and
11 it will be an event of longstanding. And there were also
12 convoys arriving, leaving, et cetera, with a great deal of
13 alteration.

14 **MR. TOM CURRY:** I don't have time to take you to
15 it, but later look at the 25th.

16 **SUPT. PATRICK MORRIS:** Okay.

17 **MR. TOM CURRY:** Can I show the witness, please,
18 OPP00004348.

19 You see this now, 27th of January. Do you
20 recognise this Situational Report?

21 **SUPT. PATRICK MORRIS:** Sorry, I actually don't.
22 I don't know if it's the colour scheme. Is there something at
23 the top?

24 **MR. TOM CURRY:** It's an OPP -- yeah. Well, it's
25 an OPP document, and maybe ---

26 **SUPT. PATRICK MORRIS:** I think this is a
27 Provincial Liaison Team document.

28 **MR. TOM CURRY:** I don't know, we can scroll up to

1 see something different.

2 **SUPT. PATRICK MORRIS:** Yeah.

3 **MR. TOM CURRY:** But do you recognise this as a
4 Situational Report from your Police Service?

5 **SUPT. PATRICK MORRIS:** Yeah, I'm sorry, it's the
6 first document that I have seen that I don't recognise as such.
7 It may be -- I've never seen this before, and it may be a
8 provincially... Oh, I'm just going to read. So I recognise it
9 as an OPP document.

10 **MR. TOM CURRY:** There you go. Just stop there.

11 **SUPT. PATRICK MORRIS:** Okay.

12 **MR. TOM CURRY:** It looks like it's ---

13 **SUPT. PATRICK MORRIS:** So it's an East Region
14 document, okay.

15 **MR. TOM CURRY:** Okay, you got.

16 Can you scroll back up now, please? Thank you.

17 I want to draw your attention, please, to the --
18 it's got to be about the eighth bullet point, begins, "Ottawa
19 Police Service" ---

20 **SUPT. PATRICK MORRIS:** Yeah.

21 **MR. TOM CURRY:**

22 "...has developed a robust plan that
23 would allow for capacity to accommodate
24 up to 3000 commercial vehicles."

25 There are a number of other things there. But
26 colleagues of yours in the OPP, different -- a different group
27 no doubt ---

28 **SUPT. PATRICK MORRIS:** Yeah.

1 **MR. TOM CURRY:** --- had access clearly to the
2 plans that the Ottawa Police Service had described; correct?

3 **SUPT. PATRICK MORRIS:** Yeah. And I'm sorry if I
4 spoke incorrectly. Scott Semple, Inspector Semple, who is
5 referenced here, and Superintendent Abrams, who I believe will
6 be here tomorrow, they would be aware of this. And I'm not
7 trying to say there wasn't a plan. My engagement as an
8 intelligence professional wouldn't lead me to be engaged in
9 that.

10 **MR. TOM CURRY:** Understood. So to put it this
11 way, if OPP had an issue with the plan that the Ottawa Police
12 Service was pursuing to allow the protesters to protest, then it
13 would've spoken up you would expect?

14 **SUPT. PATRICK MORRIS:** I can speak to this
15 document. If Scott Semple felt the plan was robust that's what
16 he articulated here

17 **MR. TOM CURRY:** Yeah. He's a good experienced --
18 -

19 **SUPT. PATRICK MORRIS:** He's a Critical Incident
20 Commander and Inspector in the OPP and Detachment Commander.

21 **MR. TOM CURRY:** Got it.

22 Could I show the witness, please, OPP00001007.

23 Just while this is coming up, you have an -- you
24 have a Deputy Commissioner Cox, C-O-X?

25 **SUPT. PATRICK MORRIS:** That's correct.

26 **MR. TOM CURRY:** And you work with him?

27 **SUPT. PATRICK MORRIS:** That's correct.

28 **MR. TOM CURRY:** Is your bureau report up through

1 his command?

2 **SUPT. PATRICK MORRIS:** He is the Commander of the
3 Investigations Organized Crime Command, and I am one of the
4 bureaus that reports to him.

5 **MR. TOM CURRY:** Thank you. Look at this, please.
6 Scroll down, if you would, Madam Registrar or
7 Clerk.

8 Twenty-eighth. Do you see 28 January?

9 **SUPT. PATRICK MORRIS:** Yeah.

10 **MR. TOM CURRY:** So here we are on the, is that
11 the Friday? To you from him. "Pat", Convoy Protest is the
12 subject:

13 "There has been great collaboration
14 amongst our intelligence bureaus [and]
15 units as well as with our policing
16 partners along the route to Ottawa.
17 The established integration and
18 cooperation..."

19 All those police services ---

20 **SUPT. PATRICK MORRIS:** Yeah.

21 **MR. TOM CURRY:** --- including Ottawa:

22 "...along with the planning undertaken
23 by the OPS have positioned us well to
24 maintain safety and security throughout
25 the weekend.

26 Please extend my gratitude..."

27 Et cetera.

1 And you responded to that.

2 Please just scroll up to show the witness.

3 I won't read it all, but you express your
4 gratitude and you share the thanks with your team; correct?

5 **SUPT. PATRICK MORRIS:** Yes.

6 **MR. TOM CURRY:** Clearly, the Deputy Commissioner
7 thought this was going to be a weekend event, didn't he?

8 **SUPT. PATRICK MORRIS:** I can't speak to that
9 exactly. I think -- that may be the case. I think that he had
10 a discussion, I'm going from an independent recollection, with
11 other police services, including Ottawa, and he got a lot of
12 positive feedback, and he sent that email. I think that that's
13 what happened.

14 **MR. TOM CURRY:** No. Great, I accepted that. The
15 Hendon reports provided very important intelligence, and
16 Chief Sloly will confirm that. But in terms of what -- your --
17 put it this way: At that time, Superintendent, you didn't say
18 to him, "It -- the plan's great for the weekend, but after that
19 we're in a lot of trouble."

20 **SUPT. PATRICK MORRIS:** Yeah. I'm just -- sorry,
21 I'm just going to have a quick -- yeah.

22 **MR. TOM CURRY:** You can scroll down if you wish.

23 **SUPT. PATRICK MORRIS:** Yeah. Is it my comments?
24 "Further analytical" ---

25 **MR. TOM CURRY:** Yes. Him to you; you to him.

26 **SUPT. PATRICK MORRIS:** Okay. Sorry, I'm just
27 looking. I didn't mention any time in my email.

28 **MR. TOM CURRY:** No, no. Sorry, can you go to ---

1 **SUPT. PATRICK MORRIS:** That's what I was checking
2 for. And I see, I see that Deputy Cox mentions that it should
3 maintain safety and security throughout the weekend.

4 **MR. TOM CURRY:** Yes.

5 **SUPT. PATRICK MORRIS:** And that's what he said.
6 I accept that. I didn't make any comment in relation to time
7 sensitive.

8 **MR. TOM CURRY:** Thank you. Just the last thing,
9 then, if I can. You had -- you received a request from
10 Chief Sloly for Hendon information. You told the Commissioner
11 about that.

12 **SUPT. PATRICK MORRIS:** Yeah.

13 **MR. TOM CURRY:** And at the same time, or just
14 ahead of that, actually, you received another communication,
15 this time from someone who reports to Chief Sloly, named
16 Patterson, you've described him already, Mark Patterson. I
17 think he's an inspector.

18 **SUPT. PATRICK MORRIS:** He's a superintendent.

19 **MR. TOM CURRY:** Superintendent.

20 **SUPT. PATRICK MORRIS:** Yeah.

21 **MR. TOM CURRY:** And he told you, "You are about
22 to get a response, or you're about to get a request from
23 Chief Sloly or a bunch of questions from Chief Sloly. Don't
24 respond to them." Do you recall that? I can you your notes if
25 ---

26 **SUPT. PATRICK MORRIS:** I do ---

27 **MR. TOM CURRY:** --- it helps you.

28 **SUPT. PATRICK MORRIS:** Yeah, I remember -- sorry.

1 I just want to be clear. So the request's from Chief Sloly, and
2 I'm speaking to the four locations, the five questions, that
3 came on the 11th. I believe that the comments you're referring
4 to, and I do remember them, came on the 13th, and that had to do
5 with the request to appear before the Ottawa Police Services
6 Board.

7 **MR. TOM CURRY:** Thank you.

8 **SUPT. PATRICK MORRIS:** So they're two different
9 factors.

10 **MR. TOM CURRY:** Fair enough. So it's -- no,
11 thank you for that. You were asked by Chief Sloly to come and
12 brief the Police Services Board on the 15th; correct?

13 **SUPT. PATRICK MORRIS:** That's correct.

14 **MR. TOM CURRY:** And of course you resigned before
15 that presentation, and it was adjourned?

16 **SUPT. PATRICK MORRIS:** Yeah.

17 **MR. TOM CURRY:** Okay. Prior to -- thank you for
18 orienting me to that. What was unusual, you agree with me, was
19 that a superintendent of the Ottawa Police Service told you that
20 you were about to be invited to that Police Services Board
21 meeting to give a briefing with the Chief and that you should
22 not attend; correct?

23 **SUPT. PATRICK MORRIS:** It was -- I mean, to be
24 blunt, the entire circumstance was unusual. It's unusual to be
25 asked as the head of Intelligence for the OPP to brief the
26 Ottawa Police Services Board. That's point one. And then to be
27 followed up with the next day, I think -- I'm sorry, I don't
28 recall her name, Christiane -- I think it was the lawyer for the

1 Ottawa Police Services Board that provided the email. And I
2 know that Superintendent Patterson felt that we should not --
3 we, the OPP, should not be doing that because that should be the
4 responsibility of the Ottawa Police Service Intelligence
5 Director. And that is -- the entire situation is unusual, yes.

6 **MR. TOM CURRY:** So and did you -- I take it you
7 didn't decline the invitation to go to the Police Services Board
8 when Chief Sloly asked you?

9 **SUPT. PATRICK MORRIS:** So Chief Sloly asked
10 verbally in the meeting, and he asked me together when I was
11 with my Commissioner and Deputy Commissioner. The formal
12 invitation came the next day on the Sunday morning. When I
13 received the invitation, I didn't respond at first. I discussed
14 it with Deputy Commissioner Cox and Commissioner Curry, and we
15 agreed.

16 **MR. TOM CURRY:** To attend?

17 **SUPT. PATRICK MORRIS:** We agreed to attend.

18 **MR. TOM CURRY:** Yes, so as unusual as that might
19 have been, you agreed to attend?

20 **SUPT. PATRICK MORRIS:** Yeah.

21 **MR. TOM CURRY:** And then you get a call from
22 Superintendent Patterson saying Chief Sloly is -- I'm reading
23 you from your notes. I'll show you them if you need to be
24 refreshed, I'm just -- in the interest of time.

25 "Chief Sloly is possibly trying to pin
26 this on the OPP and a lack of
27 intelligence." (As read)

28 That's what Superintendent Patterson told you;

1 right?

2 **SUPT. PATRICK MORRIS:** That's correct.

3 **MR. TOM CURRY:** And did you report that to -- I
4 know you reported that to your own command. Do you know whether
5 that information was ever shared with anybody at the Ottawa
6 Police Service about what Superintendent Patterson was
7 suggesting?

8 **SUPT. PATRICK MORRIS:** I spoke about that with
9 Deputy Cox and Commissioner Carrique. That too was unusual, not
10 that I spoke with it but that it occurred. I do not know if
11 that was discussed by them with Chief Sloly.

12 **MR. TOM CURRY:** Right. I mean, you -- a
13 significant undermining of a command officer to have a
14 superintendent speak about that; isn't it?

15 **SUPT. PATRICK MORRIS:** I found it unusual, I will
16 say that. I understand the desire to have the OPS Intelligence
17 brief the OPS Police Services Board. I found it unusual, to be
18 honest, from the 11th, 12th and 13th, 14th and 15th, there was a lot
19 that transpired that was unusual in relation to our integration
20 and relationship.

21 **MR. TOM CURRY:** Inappropriate? Can I have that
22 at least? What Superintendent Patterson did was inappropriate.

23 **SUPT. PATRICK MORRIS:** Perhaps. It's unusual,
24 for certain.

25 **MR. TOM CURRY:** I'll leave it.

26 **COMMISSIONER ROULEAU:** Okay. Next I call on the
27 Ottawa Coalition.

28 **MS. EMILIE TAMAN:** Good evening, Mr.

1 Commissioner. Emilie Taman for the Ottawa Coalition of
2 Residents and Business and our questions have been asked and
3 answered. Thank you.

4 **COMMISSIONER ROULEAU:** Next the City of Ottawa.

5 **MS. ANNE TARDIF:** Good evening, Superintendent.
6 We also have no additional questions to those that have been put
7 to you so far. Thank you.

8 **COMMISSIONER ROULEAU:** The pressure is on the
9 Government of Canada.

10 **--- CROSS-EXAMINATION BY MS. DONNAREE NYGARD:**

11 **MS. DONNAREE NYGARD:** Good evening,
12 Superintendent.

13 **SUPT. PATRICK MORRIS:** Good evening.

14 **MS. DONNAREE NYGARD:** My name's Donnaree Nygard.
15 I'm Counsel for the Government of Canada. I just have a couple
16 of brief questions for you.

17 When my friend from the Commission was discussing
18 with you your January 29th Hendon report, you talked about -- and
19 this is right at the beginning, obviously, of the protest, and
20 you talked about the fact that there had been no criminal
21 activity as the convoy moved across the country, but -- and I'm
22 not going to quote you directly because I'm not that good a note
23 taker, but something to the effect of but when a plan meets a
24 counterplan, you don't know what to expect, and that these kinds
25 of events attract others with other agendas, including lone
26 wolves. Does that roughly accord with your recollection ---

27 **SUPT. PATRICK MORRIS:** Yes.

28 **MS. DONNAREE NYGARD:** --- of what you said?

1 **SUPT. PATRICK MORRIS:** That's roughly -- can I
2 just comment on that?

3 **MS. DONNAREE NYGARD:** Absolutely.

4 **SUPT. PATRICK MORRIS:** Just in Intelligence
5 tradecraft, I find it's a bit like financial advice. You always
6 want exactly what's going to happen in the future. And we like
7 to say that a plan never survives contact with the enemy. So
8 it's impossible to expect that it will be exactly like that. So
9 I just say that as context to what you said.

10 **MS. DONNAREE NYGARD:** Yeah.

11 **SUPT. PATRICK MORRIS:** But I agree with what you
12 said.

13 **MS. DONNAREE NYGARD:** Yes. And what I wanted to
14 ask you about that, because one of my other friends said that --
15 asked you the question that a protest is not necessary for a
16 lone wolf attack. But I take it from those comments you made
17 about what can happen when these groups come together that an
18 event such as this that brings all these groups together can
19 increase the likelihood or provide more opportunity for a lone
20 wolf attack. Would that be ---

21 **SUPT. PATRICK MORRIS:** I agree with that ---

22 **MS. DONNAREE NYGARD:** --- a reasonable ---

23 **SUPT. PATRICK MORRIS:** --- assessment.

24 **MS. DONNAREE NYGARD:** Can we have document
25 OPP00001837, please? Now one of my friends took you to this
26 document earlier. It was -- you said you hadn't seen it before.
27 It was the notes from the Integrated Planning Cell on February
28 11th that you attended. And just so I'm understanding correctly,

1 this was a briefing that you were giving on the intelligence
2 that you had collected in relation to these events?

3 **SUPT. PATRICK MORRIS:** Sorry, can you just go up
4 to the very top? I just want to make sure. So I'm a little bit
5 -- yeah, I'm a little bit uncertain because it isn't my
6 document, but I do recognize the names, and I do know what the
7 Integrated Planning Cell is, and I was contacted by Chief Pardy
8 and others who are participating. And they had said what their
9 purpose was and what their integration was and what they were
10 trying to achieve. And we arranged to have an intelligence
11 briefing. I'm thrown off slightly because it says start time
12 0700. And I'll be -- I got an invitation to a meeting that ran
13 the entire day. I remember being confused by that because I
14 didn't know when I was required to provide my briefing, which I
15 believe I provided at either 0900 or 0930.

16 **MS. DONNAREE NYGARD:** Okay.

17 **SUPT. PATRICK MORRIS:** So that's -- so that is
18 why I'm saying what I'm saying, and we provided a briefing on
19 everything, and I had all of the managers there to provide the
20 different aspects, provincial, Ottawa, all the different areas
21 that were ongoing.

22 **MS. DONNAREE NYGARD:** So if we scroll down just a
23 little bit so you can see where it says minutes and then it says
24 that you're speaking; correct?

25 **SUPT. PATRICK MORRIS:** Yeah.

26 **MS. DONNAREE NYGARD:** And if we scroll onto the
27 next page, just a few lines up from that redaction, it says,

28 "In terms of Ottawa convoy, since they

1 started on 24[th of] Jan, there have
2 been very few criminal acts.
3 Yesterday, there was an increase in
4 hostility, antagonism, anti-
5 police/anti-establishment sentiment."

6 And then if we go down to the next two bullet
7 points,

8 "This situation is incredibly volatile
9 which may have national security
10 implication[s]."

11 And then the next bullet point there ---

12 **SUPT. PATRICK MORRIS:** Sorry, just one -- I'm
13 sorry, I ---

14 **MS. DONNAREE NYGARD:** Oh, you're not following?

15 **SUPT. PATRICK MORRIS:** --- I'm just trying to --
16 no, no, I'm just trying to find where we are.

17 **MS. DONNAREE NYGARD:** So this situation ---

18 **SUPT. PATRICK MORRIS:** Okay. I got you ---

19 **MS. DONNAREE NYGARD:** --- is incredibly volatile.

20 **SUPT. PATRICK MORRIS:** --- yeah, yeah. Sorry.

21 **MS. DONNAREE NYGARD:** And then two lines down,

22 "There are extremist groups - DIAGALON
23 involved. [And] FAARFADA is a QC based
24 group."

25 So just a couple of questions for you on this. I
26 assume that you were telling this group all of this information
27 because this was based on the intelligence you had gathered?

28 **SUPT. PATRICK MORRIS:** Okay. So the difficulty

1 with this for me is these aren't my notes. And it's consistent
2 with what we told Chief Sloly in relation to his questions.
3 Everybody was asking about extremism. We weren't seeing much
4 evidence of it. The group DIAGALON, I -- in my experiences,
5 they are an extremist entity. They hold extremist views.
6 FAARFADA is a group that until this event I was not familiar
7 with, and I was informed by the Sûreté du Québec that they were
8 not a violent group, although they were opposed to the pandemic
9 mandates, et cetera, et cetera. So I referenced that DIAGALON
10 and FAARFADA were two entities and that FAARFADA was
11 geographically situated in a specific area. I believe Rideau
12 and Sussex. And that we had people on ground ascertaining
13 intent, motivation, individual's mood, sentiment, et cetera.

14 **MS. DONNAREE NYGARD:** Okay. Thank you.

15 **SUPT. PATRICK MORRIS:** That is my recollection of
16 what I was providing.

17 **MS. DONNAREE NYGARD:** So maybe I'll just back up
18 for a moment. Is -- from your recollection, is what's here, or
19 at least the parts that I took you to, is that, from your
20 recollection, an accurate recording of what you would have told
21 this group ---

22 **SUPT. PATRICK MORRIS:** Yeah.

23 **MS. DONNAREE NYGARD:** --- amongst other things?

24 **SUPT. PATRICK MORRIS:** I think the -- generally,
25 yes. I may have is synonymous with potential national security
26 implications and that spoke to issues beyond Ottawa. I was
27 talking about the situation at a global level ---

28 **MS. DONNAREE NYGARD:** Yes.

1 **SUPT. PATRICK MORRIS:** --- and the increasing
2 volatility was -- there were points in the Ottawa Police Service
3 -- I remember Ken Bryden, the Inspector, talking about this.
4 There were points when information came back from people on the
5 ground speaking to joviality and congeniality, and there were
6 points when it became more aggressive and egregious.

7 And this specific location was a location where
8 things were more egregious and it was the collection of our
9 officers on scene that volatility was escalating. And I
10 remember very specifically it had to do with the issuance of a
11 provincial offence notice where people became aggrieved and
12 there was a verbal exchange.

13 **MS. DONNAREE NYGARD:** I don't think -- well, this
14 February 11th so you would not have been aware of it yet, but in
15 addition there was at one point some arrests made in Coutts,
16 Alberta which you asked about.

17 **SUPT. PATRICK MORRIS:** Yes.

18 **MS. DONNAREE NYGARD:** And that was also informing
19 what was going on in Ottawa?

20 **SUPT. PATRICK MORRIS:** Yeah. So to be fair on
21 that, when the arrests occurred we took multiple steps to
22 acquire the information specifically as I discussed with the
23 former counsel, to see what is the impact; what is the
24 connection et cetera.

25 We determined, we got the information from the
26 RCMP. I spoke with the Assistant Commissioner; I believe it was
27 Assistant Commissioner and Deputy Commissioner Mark Lynn and
28 then with the person leading the investigation, and we

1 determined that there was very little connection to Ottawa, and
2 that therefore, our assessment was there would be very little
3 impact and there was not.

4 **MS. DONNAREE NYGARD:** And then lastly I want to
5 take you to OPP00001783. And this is the timeline document that
6 you referred to in your statement.

7 **SUPT. PATRICK MORRIS:** Oh okay, yeah.

8 **MS. DONNAREE NYGARD:** And I understand from your
9 statement that although this was mostly written by an analyst,
10 it was something that you approved, the entire document?

11 **SUPT. PATRICK MORRIS:** That's correct.

12 **MS. DONNAREE NYGARD:** And I just wanted to take
13 you to page three.

14 **SUPT. PATRICK MORRIS:** Can I just say that this
15 document was produced -- I can't be entirely specific -- it was
16 produced for our Commissioner Carrique for his presentation or
17 testimony, I'm not sure which, to a parliamentary committee in
18 March of 2022, and we were asked by Superintendent McDonnell, to
19 comment on certain elements. I personally believe that this
20 document to a reader might seem unusual because the last
21 component in relation to sexual assault seems to be out of
22 context. That was a specific request due to a specific
23 incident.

24 **MS. DONNAREE NYGARD:** And I wasn't going to go to
25 that part.

26 **SUPT. PATRICK MORRIS:** Okay.

27 **MS. DONNAREE NYGARD:** But just -- so I take it,
28 given the fact that you reviewed and approved it, that the

1 information in this document you considered to be accurate?

2 **SUPT. PATRICK MORRIS:** Yes.

3 **MS. DONNAREE NYGARD:** So just before the title
4 towards the bottom of page three that says "With respect to
5 intelligence failure", you're discussing in the paragraph above
6 that, the Freedom Movement or this document is discussing the
7 Freedom Movement and the Freedom Convoy. And that paragraph
8 concludes saying:

9 "These potentially unintended consequences
10 that stretched into national security realm
11 could not be left unaddressed and the
12 political climate along with the growing
13 civil unrest of the movement as a whole
14 where threats of violence were omnipresent
15 and particular to the Ottawa occupation
16 appeared to necessitate enhanced policing
17 powers to resolve the conflict."

18 So the reference to the threats of violence or omnipresent, is
19 that in particular -- in relation to the Ottawa occupation or
20 was that the movement as a whole?

21 **SUPT. PATRICK MORRIS:** That was a movement as a
22 whole and they were threats of violence; the threats were
23 omnipresent and we tried to address them as we went along. In
24 terms of producing intelligence, we found no credible
25 intelligence of threats.

26 **MS. DONNAREE NYGARD:** When you say you found no
27 credible intelligence of threats, were you involved in the
28 investigations into particular threats that were made to various

1 politicians and other public figures in Ottawa, or is that
2 something that the OPS dealt with?

3 **SUPT. PATRICK MORRIS:** Primarily that would be
4 activity that the -- sorry, that the OPS engaged in.

5 **MS. DONNAREE NYGARD:** Okay.

6 **SUPT. PATRICK MORRIS:** And also, I'm talking
7 about, yeah, threats generally that would be premised in
8 intelligence.

9 I'll give you an example On February 2nd at 18:30
10 hours "We are going to breach security to the west wing of
11 Parliament" et cetera.

12 And I have been engaged in protests before where
13 things like that have happened and we could find no credible
14 intelligence of threats.

15 **MS. DONNAREE NYGARD:** Of those kinds of threats.
16 So you're not talking about a threat that may be made against a
17 particular individual, for example?

18 **SUPT. PATRICK MORRIS:** But we never -- that's
19 true, but we never had intelligence of that, threats of those,
20 and I mean I've reviewed the arrest and the charges and stuff to
21 try and ascertain how accurate we were and there was -- I would
22 say, the lack of violent crime was shocking, the lack -- I mean
23 even in the arrests and charges considering the whole thing in
24 totality, I think there were ten charges for violent crimes, six
25 of which were against police officers.

26 **MS. DONNAREE NYGARD:** But where threats were made
27 against individuals, precautions were taken to protect those
28 individuals?

1 **SUPT. PATRICK MORRIS:** Right. Yeah.

2 **MS. DONNAREE NYGARD:** Those threats didn't
3 actually materialize, but that doesn't mean that the threats
4 weren't originally credible?

5 **SUPT. PATRICK MORRIS:** Yeah, and I can't speak to
6 whether those threats were cred -- I mean if they were, I guess
7 charges would have been laid for uttering threats, death
8 threats.

9 **MS. DONNAREE NYGARD:** Potentially?

10 **SUPT. PATRICK MORRIS:** Or if there was actual ---

11 **MS. DONNAREE NYGARD:** But you weren't involved in
12 any of those?

13 **SUPT. PATRICK MORRIS:** No, but if there was an
14 actual threat, then there would have been an investigation, and
15 if it was an actual threat, I assume the Ottawa Police Service
16 would have laid a charge for uttering threats.

17 **MS. DONNAREE NYGARD:** If the person who uttered
18 the threat could be identified?

19 **SUPT. PATRICK MORRIS:** Right, right.

20 **MS. DONNAREE NYGARD:** It's hard to lay a charge
21 if you can't identify an anonymous threat?

22 **SUPT. PATRICK MORRIS:** Or even to ascertain if
23 it's an actual threat if you can't identify the individual.

24 **MS. DONNAREE NYGARD:** No, but when security is
25 provided ---

26 **SUPT. PATRICK MORRIS:** Right.

27 **MS. DONNAREE NYGARD:** --- then presumably the
28 threat is credible?

1 **SUPT. PATRICK MORRIS:** Right.

2 **MS. DONNAREE NYGARD:** Thank you.

3 **COMMISSIONER ROULEAU:** Okay. Next is the
4 Democracy Fund.

5 **MR. ALAN HONNER:** Good evening everyone. I just
6 have a -- I'm getting a message here that I cannot start my
7 video because the host has stopped it. Mr. Commissioner, if
8 it's fine by you, I will ask my questions without any video.

9 **COMMISSIONER ROULEAU:** I think that's probably
10 the best way to proceed if we can't get video, if you're
11 prepared to do that, otherwise we can find another option. But
12 are you prepared to proceed on that basis?

13 **MR. ALAN HONNER:** I am prepared to proceed on
14 that basis.

15 **--- CROSS-EXAMINATION BY MR. ALAN HONNER:**

16 Good evening, sir, my name is Alan Honner and I'm
17 a lawyer from the Democracy Fund. I only have five minutes, but
18 most of my questions have been answered. Can somebody please
19 pull up OPP00000789.

20 Sir, do you recall this email dated February 22nd,
21 2022? This is an email from you to Deputy Cox.

22 **SUPT. PATRICK MORRIS:** I do.

23 **MR. ALAN HONNER:** Sir, is it fair to say that in
24 your view policing should be apolitical; it should be objective
25 and it should view events in their context?

26 **SUPT. PATRICK MORRIS:** Yes.

27 **MR. ALAN HONNER:** In this letter you say that law
28 enforcement is at a critical stage in terms of its ethics, its

1 operational independence and its decision-making; right at the
2 top, sir; do you agree with me?

3 **SUPT. PATRICK MORRIS:** Yes, I agree.

4 **MR. ALAN HONNER:** Thank you very much.

5 **SUPT. PATRICK MORRIS:** That was an easy one.

6 **MR. ALAN HONNER:** If we can scroll down to the
7 second last paragraph of the second page. I'm going to read --
8 I'm going to read something to you but before I do that, can you
9 just confirm for me that it's fair to say that one of your
10 concerns here, is that the public discourse has become
11 sensationalized and it's become inaccurate?

12 **SUPT. PATRICK MORRIS:** Yes, so this is a large
13 conversation; I mean I think it's evident that I was concerned
14 by a politicization and I was concerned by hyperbole and I was
15 concerned by the affixing of labels without evidence to
16 individuals' movements et cetera.

17 And if I can, I don't want to waste your time,
18 but this doesn't just speak to this movement; I can give you a
19 very specific example.

20 Many people, law enforcement included, have an
21 insatiable appetite. I can give you an example of person of
22 interest profiles et cetera. I've always been very hard and
23 fast no matter what the event is. I can use protest against
24 coastal gaslink et cetera, that we don't do POI, person of
25 interest profiles unless we have reasonable grounds to suspect
26 or reasonable grounds to believe that those individuals will be
27 engaged in criminal activity or illegal activity that will
28 present a public safety risk.

1 And I just -- and I believe that the public
2 expects people like me in my position to consider those things
3 in the course of my duties.

4 **MR. ALAN HONNER:** Your concerns aren't limited to
5 this protest, but they do apply to this protest; is that fair?

6 **SUPT. PATRICK MORRIS:** That's correct, yeah.

7 **MR. ALAN HONNER:** I'm just going to read you one
8 paragraph here and then I'm going to ask you the question which
9 I really want to -- which is what I really want to explore --
10 and I'm almost finished here.

11 But the second-last paragraph of the second page:

12 "But now the public discourse is
13 dominated by political figures and the
14 media, and the commentary is providing
15 a very different picture from what law
16 enforcement collectively gathered. It
17 is painting a different picture. It
18 speaks to extremism. It offers
19 parallels to terrorism. It speaks of
20 sedition."

21 This is a reference to what is going on in
22 Ottawa; is that right?

23 **SUPT. PATRICK MORRIS:** It's a reference to what's
24 going on in relation to the protest writ large, not just Ottawa,
25 but Ottawa, but Ottawa is certainly the largest component of it.

26 **MR. ALAN HONNER:** Thank you, sir. And here is my
27 question to you. In your view, were politicians and the media
28 responsible for a certain amount of disinformation and

1 misinformation with respect to these protests?

2 **SUPT. PATRICK MORRIS:** I'm just trying to
3 articulate this properly. I was concerned by comments made
4 publicly, by public figures and in the media that I believed
5 were not premised in fact. I would be just another person with
6 a subjective perspective in this case, except for the fact that
7 from my perspective, I was leading the criminal intelligence
8 collection of information and the production of criminal
9 intelligence in relation to these events. So I believed I was
10 in a unique situation to understand what was transpiring. So
11 when I read accounts that the State of Russia had something to
12 do with it; or that this was the result of American influence,
13 either financially or ideologically; or that Donald Trump was
14 behind it; or that it was un-Canadian; or that the people
15 participating were un-Canadian and that they were not Canadian
16 views and they were extremists; I found it to be problematic,
17 because what I ascertained from my role -- which is not all
18 knowing, and certainly, there may be information that is
19 presented to this committee that illustrates the error of my
20 ways -- but I did not see validation for those assertions.

21 **MR. ALAN HONNER:** You found it to be problematic,
22 and the media was part of the problem; is that right?

23 **SUPT. PATRICK MORRIS:** I hesitate to -- I don't
24 want to say that, necessarily, because the media has an
25 important role and I'm not trying to skirt the question. The
26 media can provide editorials, and editorial boards can have
27 stances. I believe that a lot of people were making assertions
28 that weren't accurate, and if they were based in investigation

1 and in fact, then there was information that I was not privy to,
2 and I wondered why.

3 And I accept that I might not be privy to it. If
4 the Communication Security Establishment of Canada or the
5 Canadian Security Intelligence Service or the Integrated
6 National Security Enforcement Team has received information at a
7 classification above my level, I accept that, and that's fine.
8 I'm just saying that from my perspective, as Operational Command
9 of Hendon and that joint force operation, I did not see
10 information that substantiated what was being said publicly and
11 via the media. And I found that the subjective assertions
12 sensationalized, yes, and exacerbated conflict.

13 **MR. ALAN HONNER:** Thank you. And just one last
14 question for you when you speak of media there. And when I read
15 to you from your letter, you said the public discourse is
16 dominated by the media, you're speaking about the mainstream
17 media; is that right?

18 **SUPT. PATRICK MORRIS:** Again, that's highly
19 subjective. I mean ---

20 **MR. ALAN HONNER:** Well, it's your letter ---

21 **SUPT. PATRICK MORRIS:** --- in my line of work ---

22 **MR. ALAN HONNER:** --- so you can tell me what you
23 meant.

24 **SUPT. PATRICK MORRIS:** Well, a lot of media that
25 I read, I can't say that they were slanted, and I mean on both
26 sides. I can't say that, because I'd have to know subjectively
27 what they were hoping to achieve. The person who was writing it
28 could have objectively believed that they were speaking the

1 truth, and I'm not in a position to know that.

2 But I do know that there are multiple media
3 outlets -- even the definition of media has altered
4 substantially -- and there are multiple perspectives, and some
5 of those perspectives seem to be based in confirming a world
6 view as opposed to -- and I'm not talking about editorials
7 because that's different -- I'm talking about news reporting --
8 that's what's important to me because people, including law
9 enforcement officers, are informed by that information, and I
10 saw that information, those assertions, foreign influence,
11 monies, et cetera, being played out by any number of people and
12 talked about. And I would challenge that.

13 And my point in this email was to make this
14 point, which I believe is an ethical and moral point, and a
15 point premised in law, you know, things like *mens rea* and *actus*
16 *reus* are incredibly important in this in determining what we see
17 and what we base it on. So the labelling was problematic to me.

18 **MR. ALAN HONNER:** Thank you, sir. I believe I'm
19 out of time, so thank you for your answers to my questions.

20 **COMMISSIONER ROULEAU:** Okay, thank you. Next is
21 the CCLA.

22 **--- CROSS-EXAMINATION BY MS. CARA ZWIBEL:**

23 **MS. CARA ZWIBEL:** Good evening, Superintendent
24 Morris. Can you hear me okay?

25 **SUPT. PATRICK MORRIS:** I can. Good evening.

26 **MS. CARA ZWIBEL:** My name's Cara Zwibel. I am a
27 lawyer for the Canadian Civil Liberties Association. I have
28 also just five minutes with you and I know I'm the only person

1 now keeping everyone from their dinner, so I will try to be as
2 brief as possible.

3 If I could get the document actually that we just
4 had up on the screen, OPP0000789, please? And I just want to --
5 -

6 **COMMISSIONER ROULEAU:** What was that number
7 again, sorry?

8 **MS. CARA ZWIBEL:** Sorry, it's OPP0000789.

9 **COMMISSIONER ROULEAU:** Go ahead.

10 **MS. CARA ZWIBEL:** Yeah, I don't think that was
11 it. It was the email we were just looking at,

12 **MR. ALAN HONNER:** Five zeroes.

13 **MS. CARA ZWIBEL:** Oh, five zeroes, I'm sorry.
14 Thank you.

15 So I just want to take you to -- if you can just
16 scroll -- okay, that's great, thank you.

17 And here you're sort of explaining why you're
18 writing this email, that you have a somewhat unique view into
19 the intelligence that was gathered leading up to these events.

20 And in the middle of the paragraph that begins
21 "Further", you say:

22 "By way of example, I see a marked
23 increase in the conversation of
24 extremists participating in these
25 events, and Canadians with extreme
26 ideologies leading the charge.

27 Although there are exceptions, I have
28 not seen evidence of this; in fact,

1 Hendon received and reported very
2 little of this activity. It was not in
3 evidence at the Ambassador Bridge, nor
4 events related to the Blue Water
5 Bridge. Further, the events in Toronto
6 did not illustrate this. By way of
7 example, the Canadian Security
8 Intelligence Service had very little to
9 report on. I noted that their targets
10 were not engaged. INSET --- "

11 And sorry, can you just tell us what INSET is?

12 **SUPT. PATRICK MORRIS:** Yeah. INSET is a federal
13 joint force operation led by the RCMP. It stands for Integrated
14 National Security Enforcement Team, and they have a
15 responsibility to engage in investigations that meet the
16 threshold of section 83 of the Criminal Code.

17 **MS. CARA ZWIBEL:** Okay. And so:

18 "INSET reported that the activity did
19 not meet their threshold in national
20 security. So I do not know where the
21 political figures are acquiring
22 information on intelligence on the
23 extent of extremist involvement."

24 So here, just, you're expressing the concern that
25 this narrative around extremism is not consistent with the
26 intelligence that you gathered, collected, reviewed over the
27 course of, you know, the weeks leading up to these events?

28 **SUPT. PATRICK MORRIS:** That's correct.

1 **MS. CARA ZWIBEL:** Okay. And is it fair to say, I
2 think Commission counsel took you to, I think it was the
3 February 7, the February 7th document where you had a discussion
4 about sort of the use of the term "a threat to national
5 security" and why you were careful about that term, and how you
6 explained that to some of your colleagues within the OPP.

7 Is it fair to say that at no point during the
8 convoy protest did you receive reliable intelligence that would
9 lead you to conclude that there was a risk to national security,
10 that would rise above the potential threat to national security
11 that you identified in that report?

12 **SUPT. PATRICK MORRIS:** That's correct.

13 **MS. CARA ZWIBEL:** Okay, thank you. Can I get
14 document OPP000850? I think it's four zeros, maybe it's five.
15 This is going to be an email that you sent to -- is it Deputy
16 Commissioner Cox?

17 **SUPT. PATRICK MORRIS:** That's correct.

18 **MS. CARA ZWIBEL:** Okay -- Deputy Commissioner Cox
19 and you're expressing -- you're expressing here -- this is dated
20 February 2nd so we're in the midst of these events and you're
21 saying that your office:

22 "POIB, is increasingly receiving
23 requests for information, intelligence,
24 open-source scrapes, background checks,
25 et cetera, on a wide array of societal
26 actors. Many of these entities are
27 social movements that have perspectives
28 that divert from the mainstream. They

1 may not be engaged in criminal
2 activity, nor do we have grounds to
3 believe or suspect that they are.
4 These requests are emanating from many
5 clients internal and external to the
6 OPP at an escalating rate and with
7 great urgency."

8 And you're expressing some concerns here. And
9 maybe we can scroll down. Can you explain the nature of your
10 concerns about these requests for intelligence about various
11 entities? I think this gets a little bit to the point that you
12 were making and the questions you were just being posed a moment
13 ago.

14 **SUPT. PATRICK MORRIS:** Yeah, there seems to be a
15 causal linkage in some people's minds between certain things
16 that are not illegal or criminal, they just may not be in line
17 with, and a nexus to, somehow, and intelligence threat. I can
18 give you an example. I have had instances where people have
19 approached me professionally because there were bumper stickers
20 that had to do with entities that they disagreed with, so
21 therefore those people shouldn't be police officers, or they
22 shouldn't be parked in policing -- sorry, parking lots. And I
23 heard terminology, "That person is right-wing so...and then
24 therefore an assumption." I used to hear all that all the time
25 about left-wing.

26 And I was very concerned about it because I
27 worked in Anti-Terrorism at the time of the 9/11 attacks and I
28 saw what these kneejerk reactions do, where we get information

1 from the public on any number of issues related to what they
2 perceived to be threats from Wahabism, or Salafism, or Suni
3 Extremism, and there always seems to be an overreach that comes
4 with this politicization. And I've had many instances where
5 I've been asked to go through these intelligence checks without
6 the reasonable grounds to suspect or believe that there is a
7 threat posed. There is merely the presence of something or
8 someone that someone doesn't like.

9 **MS. CARA ZWIBEL:** Okay, thank you. And on the
10 ethical front, you noted you were concerned that the targets of
11 these requests were not engaged in criminal activity or there
12 was no reasonable and probably grounds that they were; is that
13 right?

14 **SUPT. PATRICK MORRIS:** Yeah, can I give you an
15 example, just to make an example of this?

16 **MS. CARA ZWIBEL:** Sure.

17 **SUPT. PATRICK MORRIS:** If somebody engages in
18 criminal activity, violent activity, et cetera that impacts
19 people, such as has occurred in London, Ontario, such as has
20 occurred in Nova Scotia, these terrible things, or people who
21 are engaged in weapons stockpiling, et cetera, et cetera, or
22 illegal activity, or we even have grounds to suspect that, then,
23 certainly, ideological affiliations, religious -- political
24 motivations, mental health issues, all become issues to assess
25 and look at. But because somebody has -- and I'm just going to
26 use an example -- a Trump sticker on their bumper, it's not a
27 requirement to put the powers of the State against that
28 individual. It illustrates to me that somebody who owned that

1 car, previously or currently, supported, or wanted to be seen as
2 supporting, a Former President or Candidate Trump and it's as
3 simple as that.

4 **MS. CARA ZWIBEL:** Okay, thank you.

5 **SUPT. PATRICK MORRIS:** It's indicative of
6 politicization.

7 **MS. CARA ZWIBEL:** Thank you. That was my timer.
8 I'm just -- if I can get the Commission's indulgence for just
9 one more question.

10 You distinguished earlier between unlawful
11 activity, civil disobedience -- or civil disobedience and
12 criminal activity. And am I right in saying that the -- you
13 don't view all acts of civil disobedience as rising to the level
14 of threats to national security, or rising to the level of
15 threats, of acts of violence, or even criminal activity.

16 **SUPT. PATRICK MORRIS:** I'm sorry, I'm not sure I
17 -- I'm not sure I entirely got that but you're asking me --
18 you're saying -- asking me to agree with that I don't agree that
19 all acts of civil disobedience rise to the level of criminal
20 activity; is that the question?

21 **MS. CARA ZWIBEL:** No, sorry, this was in relation
22 to a question you were posed by Commission counsel. I think in
23 one of your reports you noted that there was a serious of sort
24 of a mass amount of civil disobedience and you distinguished
25 between those acts and acts that amount to serious criminal
26 activity or that could pose threats to national security.
27 There's a distinction between those things; is that right?

28 **SUPT. PATRICK MORRIS:** Yes, there is a

1 distinction. Yes, I agree with that; there is a distinction
2 between. And I also premised that within where we, as an
3 intelligence entity focus. We don't focus on smaller acts of
4 civil disobedience, i.e., a small business owner opening their
5 business in contravention to the *Reopening Ontario Act*. That's
6 a matter for education from a detachment or a police service and
7 a possible laying of a Provincial Offence Notice, et cetera, et
8 cetera. But more broad issues and more significant issues of
9 civil disobedience that present as public safety issues require
10 our assessment and collection to determine the nature of the
11 threat and the gravity of the threat. Does that answer you
12 question?

13 **MS. CARA ZWIBEL:** Yes, it does. There's a
14 proportionality to these things?

15 **SUPT. PATRICK MORRIS:** Exactly, yes.

16 **MS. CARA ZWIBEL:** Okay. Thank you. Thank you
17 very much. Those are my questions.

18 **COMMISSIONER ROULEAU:** Okay.

19 Next, the Ontario Provincial Police; any ---

20 **--- CROSS-EXAMINATION BY MR. CHRISTOPHER DIANA:**

21 **MR. CHRISTOPHER DIANA:** Superintendent, my name
22 is Christopher Diana, as you know. I'm counsel to the OPP.
23 Just a couple of questions. You'll recall my friend from the
24 Commission brought you to a document that showed the various
25 HENDON Reports and their distribution; do you remember seeing
26 that document?

27 **SUPT. PATRICK MORRIS:** Yes.

28 **MR. CHRISTOPHER DIANA:** And there were quite a

1 large number of recipients; correct?

2 **SUPT. PATRICK MORRIS:** Yes, correct.

3 **MR. CHRISTOPHER DIANA:** You mentioned some names
4 of people you know within the Ottawa Police Service that
5 received those reports and you named them. I'm not going to but
6 you remember naming those individuals?

7 **SUPT. PATRICK MORRIS:** Yes, I do.

8 **MR. CHRISTOPHER DIANA:** If a recipient
9 organization or person wants to ask questions about a HANDON
10 Report, how do they go about doing that?

11 **SUPT. PATRICK MORRIS:** Well, one, we're open any
12 time to any questions. I, myself, am. Secondly, we had
13 teleconferences regularly and, in relation to these events,
14 daily, and there was a lot of give-and-take questions back and
15 forth. And three, I communicated directly -- I did so today to
16 the entire intelligence distribution list and actually created a
17 different distribution list of intelligence managers to
18 articulate goals, intentions, et cetera, and solicited any
19 feedback.

20 **MR. CHRISTOPHER DIANA:** So before the arrival of
21 the convoy in Ottawa, did you receive any requests directly from
22 Ottawa Police Service for more information about intelligence or
23 to clarify any of the information that had been provided?

24 **SUPT. PATRICK MORRIS:** We received no request for
25 extra activity. We received a great deal of gratitude for the
26 activity that was on ongoing.

27 **MR. CHRISTOPHER DIANA:** Do you recall whether you
28 received gratitude from Ottawa Police Service?

1 **SUPT. PATRICK MORRIS:** Yes, we -- yes, we did,
2 from the people involved in intelligence, et cetera.

3 **MR. CHRISTOPHER DIANA:** Now, do you recall any of
4 the specific individuals that gave you that gratitude?

5 **SUPT. PATRICK MORRIS:** Yeah, I remember Supt.
6 Mark Patterson saying thank you, you know, for the collection
7 efforts and the intelligence products. I believe Insp. Bryden
8 as well, and I remember Interim Chief Bell saying, you know,
9 thank you in terms of the Big 12 meetings, et cetera, for the
10 information.

11 **MR. CHRISTOPHER DIANA:** Before the arrival of the
12 convoy, did anyone from any of your recipient organizations
13 express any concerns about the quality of your intelligence
14 product?

15 **SUPT. PATRICK MORRIS:** No, absolutely not.

16 **MR. CHRISTOPHER DIANA:** Thank you,
17 Superintendent. Those are my question.

18 **COMMISSIONER ROULEAU:** Okay.

19 Any re-examination?

20 **MR. ERIC BROUSSEAU:** None, Commissioner.

21 **COMMISSIONER ROULEAU:** Okay. I just have maybe a
22 general question. You talked about, and we heard a lot about,
23 Project HENDON. Is there a federal equivalent to that type of
24 updated information circular, almost, like, you provide?

25 **SUPT. PATRICK MORRIS:** Sorry, sir, I'm not aware
26 of any federal project that is the equivalent to HENDON. I can
27 say that my RCMP colleagues are very engaged in HENDON. And
28 this can't be comprehensive but the divisional intelligence

1 officers were engaged, INSET is engaged, federal policing,
2 national security is engaged, protective security is engaged.
3 There's an entity and it's an acronym in relation to
4 ideologically motivated extremists that are engaged. And at
5 various times, other divisions such as Alberta and British
6 Columbia, et cetera, participated.

7 **COMMISSIONER ROULEAU:** Do you know of any reason
8 why it's Ontario that's -- the Ontario Provincial Police that's
9 quarterbacking this rather than a federal agency?

10 **SUPT. PATRICK MORRIS:** That's a good question. I
11 do know the reason. I know the reason is because we started it.
12 That is the reason, and that question has been asked of me
13 several times. But, yeah, we started the Project HENDON, so
14 that's the reason why we are.

15 **COMMISSIONER ROULEAU:** And then just another
16 thing and I'm not sure, my note is not clear, but I thought you
17 distinguished between a potential national security threat or a
18 risk to -- of national security -- to national security. Is
19 there a difference between the two ---

20 **SUPT. PATRICK MORRIS:** I ---

21 **COMMISSIONER ROULEAU:** --- and could you explain
22 that for me?

23 **SUPT. PATRICK MORRIS:** --- I think it's lexicon
24 or semantics. The highest level we got to was a potential for
25 the national security threats. I would like to place that in
26 context, just to be fair to all parties. So Ottawa's
27 transpiring, Coutts is transpiring, the events in the Ambassador
28 Bridge occur, and then there was posturing on the 402, not at

1 the Blue Water Bridge in Sarnia, Port Huron, but close. And we
2 had other information in relation to the Nipigon Bridge, not a
3 border, but an incredibly important logistical link in
4 northwestern Ontario, and Pigeon River between Minnesota and
5 Ontario. So when we talk about potential national security,
6 that's what we were concerned with, if those events transpire
7 and if they're successful, then that's very problematic in terms
8 of our national borders.

9 **COMMISSIONER ROULEAU:** Now you didn't mention the
10 Manitoba border crossing or the Surrey border crossing.

11 **SUPT. PATRICK MORRIS:** No.

12 **COMMISSIONER ROULEAU:** Is there a reason for
13 that?

14 **SUPT. PATRICK MORRIS:** No, I didn't mention them.
15 You know, I heard about them at the time. I honestly, sir,
16 haven't been -- there are -- were others, the Peace Bridge, Fort
17 Erie and Buffalo was a significant one. The bridge at Cornwall
18 was very short lived, a threat it was going to be, and it ended
19 very quickly. The Lansdowne crossing east of Gananoque,
20 Watertown was also. The organic mobilization once the example
21 was set, these were all possibilities, and so we tried to
22 posture to try to prevent.

23 **COMMISSIONER ROULEAU:** Okay. Well, thank you
24 very much for your testimony and it's very interesting and
25 forthright. Thank you very much. You're free to go.

26 **SUPT. PATRICK MORRIS:** Thank you, sir.

27 **COMMISSIONER ROULEAU:** So we're now going to
28 break until tomorrow morning, 9:30, and tomorrow should be a

1 little bit shorter day, but don't count on it. We have always
2 some uncertainties which makes it always a challenge but also
3 interesting.

4 **THE REGISTRAR:** The Commission is adjourned. La
5 commission est ajournée.

6 --- Upon adjourning at 7:48 p.m.

7

8

C E R T I F I C A T I O N

9

10 I, Mitchell Kersys, a certified court reporter, hereby certify
11 the foregoing pages to be an accurate transcription of my
12 notes/records to the best of my skill and ability, and I so
13 swear.

14

15 Je, Mitchell Kersys, un sténographe officiel, certifie que les
16 pages ci-hautes sont une transcription conforme de mes
17 notes/enregistrements au meilleur de mes capacités, et je le
18 jure.

19

20



21 Mitchell Kersys