

# Mass Casualty Commission

## Interim Report

MAY 2022

JOINT FEDERAL / PROVINCIAL COMMISSION  
INTO THE APRIL 2020 NOVA SCOTIA MASS CASUALTY

 MASS  
CASUALTY  
COMMISSION

April 28, 2022

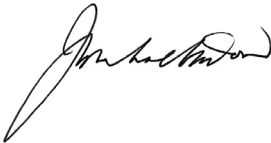
Her Excellency  
The Governor General in Council

His Honour  
The Lieutenant Governor of Nova Scotia

Your Excellency and Your Honour:

We are pleased to deliver to you the Interim Report of the Joint Public Inquiry into the Nova Scotia April 2020 Tragedy (Mass Casualty Commission) pursuant to paragraph (d) of the Terms of Reference for this Inquiry, established by Federal Order in Council PC 2020-822 and subparagraph 1(d) of the Nova Scotia Order in Council 2020-293.

The Interim Report outlines the steps the Mass Casualty Commission has been taking and the steps we anticipate the Commission will continue to take to fulfill its mandate.



Hon. J Michael MacDonald  
Chair



Leanne J. Fitch  
(Ret. Police Chief, M.O.M.)



Dr. Kim Stanton

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May 2022

**JOINT FEDERAL / PROVINCIAL COMMISSION  
INTO THE APRIL 2020 NOVA SCOTIA MASS CASUALTY**

**Honourable J. Michael MacDonald**  
Commissioner, Chair

**Leanne J. Fitch (Ret. Police Chief, MOM)**  
Commissioner

**Dr. Kim Stanton**  
Commissioner

ISBN 978-0-660-42867-3  
CIP CP32-166/1-2022E-PDF

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The Joint Federal / Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty  
ISBN 978-0-660-42867-3  
CIP CP32-166/1-2022E-PDF

Available on the Commission's bilingual website:

[www.masscasualtycommission.ca](http://www.masscasualtycommission.ca)

along with transcripts, exhibits, and all reports prepared by or for the Commission. Details of how members of the public may make submissions and how to contact the Commission are posted on the website.

Available in French under the title:

Rapport provisoire de la Commission des pertes massives

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## **WE REMEMBER**

*Tom Bagley*

*Kristen Beaton, who was expecting a child*

*Greg and Jamie Blair*

*Joy and Peter Bond*

*Lillian Campbell*

*Corrie Ellison*

*Gina Goulet*

*Dawn and Frank Gulenchyn*

*Alanna Jenkins and Sean McLeod*

*Lisa McCully*

*Heather O'Brien*

*Jolene Oliver, Aaron Tuck, and Emily Tuck*

*Constable Heidi Stevenson*

*Joanne Thomas and John Zahl*

*Joey Webber*



# From the Commissioners

We are honoured to have been asked to serve as Commissioners for this Inquiry. We value the opportunity to inquire into the causes, context, and circumstances of the mass casualty, to examine related issues, and to produce a Final Report that will set out the lessons learned and make recommendations to keep us and our communities safe in the future.

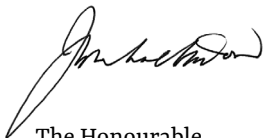
We embrace the fact that we lead a *public* inquiry, and we recognize the importance of public confidence and engagement in our work. Despite the breadth of our mandate and the limited time we have to carry it out, we have developed – and are implementing – a solid plan for our work. In this Interim Report, we explain our multifaceted process in detail.

By the time this Report is released, we will be completing Phase 1 of our journey: establishing the factual foundation of what happened on April 18 and 19, 2020. We have built this foundation through time-consuming groundwork, which we have shared with the public through our public proceedings and on our website.

In Phase 2, by examining a host of related issues, we will build on this factual groundwork to examine how and why the mass casualty happened. In Phase 3, we will refine and share what we have been learning and seek input on what steps can be taken to help prevent and respond to similar incidents in the future.

Please join us on this three-part journey to learn about what happened in the mass casualty, to understand how and why it occurred, and to assist us in making meaningful and pragmatic recommendations in our Final Report.

Yours truly,



The Honourable  
J. Michael MacDonald,  
Chair



Leanne J. Fitch  
(Ret. Police Chief, MOM)



Dr. Kim Stanton



# Introduction

Over approximately 13 hours, from Saturday evening April 18 to Sunday morning April 19, 2020, a man, whom we refer to as the perpetrator, shot and killed 22 residents of Nova Scotia, one of whom was expecting a child. He also shot and wounded two more people before being killed by RCMP officers in the ensuing manhunt. His rampage extended through several communities in the central part of the province. In addition to these gun-related deaths and injuries, many other types of harms are associated with this rampage, and we have chosen the broader term “mass casualty” to encompass them all (see “The Importance of Language,” page 24).

The mass casualty created profound disruption and destabilization in Nova Scotia. The Mass Casualty Commission and we three Commissioners use the ripple image and metaphor to signify the ongoing and expansive impact of what happened over those two days. The ripple effect acknowledges and gives appropriate focus to those most affected (the individuals, families, first responders, service providers, and communities) who are at the centre of our mandate. It also captures the dynamic impact of the mass casualty, expanding outward and affecting large portions of our communities, institutions, and society in Nova Scotia, across Canada, and beyond. We use the present tense to emphasize the continuing nature of the extended impact. The Commission sees every day how the mass casualty is a source of grief, bereavement, and trauma for many individuals, families, and communities.

The mass casualty cannot be understood in simple, straightforward terms. If it could, we would not need a public inquiry. The Commission was established to work with the public to learn what happened, to understand how and why, and to make meaningful recommendations to help prevent and respond to similar incidents in the future. This work is difficult and time consuming, and we extend our gratitude to all those who are engaging with the Commission through the avenues for feedback we have developed – those who are participating directly, those who are

## MASS CASUALTY COMMISSION INTERIM REPORT

listening and learning, and those who are reporting on our work. We invite everyone to share in the collective responsibility to confront the details of what happened, to continue to follow our progress to the extent they are comfortable, and, going forward, to participate as actively as they wish in our public engagement activities.

We have prepared this Interim Report to share with you our progress so far and the steps we anticipate taking as we continue to fulfill our mandate. The first two parts, “Background and Context of the Commission” and “Designing the Inquiry,” outline our mandate and the design of the Mass Casualty Commission. The third, “Building the Core Evidentiary Foundation,” describes what we have done to date to establish the facts of what happened on April 18 and 19, 2020. The fourth, “Broadening the Lens and Evidentiary Foundation,” explains the steps we are taking to widen our frame of reference and give context to the facts we have established. It introduces the themes and issues that will guide us as we try to understand how and why the mass casualty occurred. Finally, in our conclusion, we issue a renewed invitation to our readers and the public at large to contribute or take part as we move away from looking back at what happened to looking forward, so we can identify ways to help prevent future incidents of this kind and, should they occur, to suggest the best ways to respond to them.

We make no findings of fact in this Interim Report. It would be premature to do so as we continue to build our evidentiary record and try to understand how and why the mass casualty happened. The Commission has gathered a tremendous amount of information through its independent investigation, by interviewing individuals, issuing subpoenas, and careful review and analysis of every written, video, and audio record produced to us. We continue to work systematically to examine the mass casualty from many sources and perspectives. As we gain more information and integrate this knowledge into our understanding of what happened, and how and why it occurred, new areas of inquiry may open before us. If so, we will take the necessary steps to ensure complete comprehension. We do not operate in isolation: we are grateful to the Participants – the individuals, families, institutions, and groups that have been granted specific opportunities to participate in the Commission’s work – and their counsel, and for input from many experts, organizations, groups, and interested members of the public.

# Background and Context of the Commission

## Grief and Resilience

The Mass Casualty Commission, like many other public inquiries, was established in the wake of immense loss, and we carry out our mandate amid the ongoing grief and trauma experienced by myriad individuals, families, and communities. Many Nova Scotians describe how the world seemed to stop for a time after April 18 and 19, 2020, as the shock and grief took hold. Every individual responds differently to distressing events, and the experience of trauma can shift over time and emerge in a variety of emotional, cognitive, and physical ways. Simultaneously, responses to the mass casualty have demonstrated immense strength and resilience, the willingness to help one another in dark times – exemplified by the expression “Nova Scotia Strong.”

Our mandate expressly directs us to recognize and take these impacts into account and, therefore, they have become a significant factor in shaping our work. As we describe later in this Report, the Commission team has been open with service providers, community organizations, and governmental entities so they can help people prepare for the difficult information the Commission needs to share as the Inquiry unfolds. Through these activities, the Commission has, for example, heard from people who are experiencing challenges in accessing support and from those without the financial means to get support.



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Our mandate directs us specifically to inquire into the information and support provided after the mass casualty.<sup>1</sup> Unfortunately, we have heard from several sources that, despite their best efforts, many of the individuals, families, and communities most affected are yet to receive the support they need. For example, a comment card left at a Mass Casualty Commission open house in the fall of 2021 stated: “We need a grief and trauma counsellor more than ever.” This theme was reiterated by numerous respondents to our web-based Share Your Experience survey in February and March of 2022. One respondent wrote: “It does not feel like anyone understands what we have gone through. That there is a before and after in our lives. That we were not able to grieve and heal due to the timing of the pandemic. That our community desperately needs additional mental health supports.”

We encourage governmental and non-governmental agencies to act now in a concerted way to provide the necessary mental health, trauma, and bereavement supports that are needed. Ultimately, as we Commissioners strive to complete our understanding in this regard, we anticipate that the lessons learned from this mass casualty will form the basis for recommendations in our Final Report.

### Nature and Role of Public Inquiries

We provided a video overview of public inquiries on our website at the outset of our work and elaborated on it in our Decision on Participation (May 2021), our Public Update (September 2021), and our remarks at the opening of the public proceedings (February 2022). Additional educational information about public inquiries will be available on our website for the duration of the Commission (<https://masscasualtycommission.ca/about/>). Unlike courts and tribunals that are permanent institutions in our justice system, public inquiries are an extraordinary mechanism established for a limited period to deal with a specific issue or with systemic issues. For many individuals, the Mass Casualty Commission will be their first contact with a public inquiry. We believe it is important for the people who are following our work in Nova Scotia, all of Canada, and beyond to understand the nature and role of public inquiries.

## ***Background and Context of the Commission***

A public inquiry is an official independent process designed to examine issues or events that have had a significant impact on the public. Although public inquiries are established and funded by governments, they operate at arm's length. This term means, for example, that while the commissioners are appointed by government, they select their own independent team. It is this freedom from control by governments at large, institutions whose actions are under public scrutiny, and other interested parties that assures independence of both the process of the inquiry and the findings and recommendations it makes. This independence exists not to benefit the Commission but to serve the public interest by ensuring that our process and our recommendations are not subject to any undue outside influence.

The public nature of the inquiry further ensures transparency and guarantees that it will operate independently of government and institutions. A public inquiry is a living process: it has been described as “an investigation out loud.”<sup>2</sup> The fact that the inquiry reports will be made public is another safeguard.

The focus of this Commission is to gather the relevant facts of the mass casualty; to better understand its causes, context, circumstances, and impact; and to make recommendations to governments and other institutions for forward-looking reforms. Public inquiries have powers to ensure that relevant information is produced by, for example, legally requiring individuals and institutions to release documents and other records and by compelling witnesses to appear and provide oral information to the Commission. These powers distinguish them from reviews and other investigations.

Public inquiries are often defined by what they are not: neither criminal trials nor civil trials. The purpose of a civil trial is to settle disputes between opposing parties, while criminal trials establish the guilt or innocence of an accused person. This Commission, like all public inquiries, is prohibited from making findings that could be seen as conclusions of criminal or civil liability.<sup>3</sup> Instead, it will assess where responsibilities lie and respond to what happened by offering clear recommendations for the future. There may be accountability of institutions and people in a public inquiry, but not findings of civil or criminal liability.

Another important distinction is that public inquiries employ inquisitorial rather than adversarial processes. In the courtroom, judges play a relatively

## MASS CASUALTY COMMISSION INTERIM REPORT

passive role: listening to the opposing positions taken by the parties, weighing the merits of what they have heard, analyzing the evidence, and drawing conclusions from that evidence. In public inquiries, commissioners play a more active role – directing the process, including investigations, analysis of evidence, drawing conclusions, and actively asking questions of witnesses in the public hearings, at roundtables, and in expert panels. The inquiry team and other interested individuals and organizations help them in this process.

In civil trials, counsel for the plaintiffs and the defendants prepare their full case ahead of time and present it to the judge, who then decides the outcome. In criminal trials, the Crown prosecutors and the lawyers for the accused prepare their full case in advance and present it to the judge, or in some cases a judge and jury, who decide the outcome. In public inquiries, however, the incoming information is continuous, adding to the narrative throughout the process, and the commissioners consider all the information as they prepare their final report and recommendations.

Civil and criminal proceedings focus on narrow issues between parties or between the state and the accused. Public inquiries, in contrast, have the mandate and power to look beyond narrow sets of facts to seek a deeper understanding of what has transpired and why it happened. They can be less legalistic and more creative in their information-gathering approaches. At the Mass Casualty Commission, our Terms of Reference clearly require us to shift away from the adversarial approach of the courtroom and to demonstrate the effectiveness of an inquisitorial process that allows for a more restorative, collaborative approach.

Public inquiries are much more flexible than criminal or civil trials. The issues before the Mass Casualty Commission are larger than they would be before a court – not simply who did what and when, but broader, systemic issues that assist us to answer the questions of how and why this mass casualty happened. The Commission also has a greater range of tools and mechanisms to carry out its work and to be creative in designing processes toward this end. Inquiries, in contrast to courts, are not subject to the same strict evidence requirements. Because a public inquiry is not about liability or focused on blame, it can be more open to a larger range of information and evidence that might help to make sense of the matters within its mandate.

## ***Background and Context of the Commission***

This flexibility and openness to information and evidence does not mean that an inquiry is less concerned about truth. The inquisitorial system is an official inquiry to ascertain truth, whereas the adversarial system uses a competitive process between two civil parties, or between the prosecutor and the defence, to determine whether certain facts have been proven to a certain legal standard. The key differences are who guides the search for truth and how the process is shaped. Like trials, public inquiries must be guided by “fairness, compassion, independence, expedition, transparency and openness, efficiency and effectiveness, and they must employ careful and well-articulated reasoning.”<sup>4</sup>

Additionally, public inquiries include an important level of public engagement. Interested members of the public have opportunities to learn about the subject matter and to provide input. In turn, commissions depend on that participation to help them to understand their mandate as accurately as possible and to make the best possible recommendations. After the inquiry is complete, the engaged public, as part of its civic responsibility, has an important role to hold governments and other bodies to account as they implement the recommendations and to help ensure that the tragedy, casualties, or other events that were the subject of the public inquiry do not reoccur in the future.

## The Road to This Public Inquiry

Our work has been shaped by the specific history of how and why the Mass Casualty Commission was established. Initially, on July 28, 2020, the Governments of Nova Scotia and Canada announced an independent federal-provincial review of the events of April 18 and 19, 2020. They also appointed three individuals to head that review, two of whom now serve as Commissioners of the Mass Casualty Commission:<sup>\*</sup> the Honourable J. Michael MacDonald, the former Chief Justice of Nova Scotia who chairs the Commission, and Leanne J. Fitch, MOM,

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<sup>\*</sup> The third individual, the Honourable Anne McLellan, declined the appointment when the governments converted the independent review to a public inquiry.

## MASS CASUALTY COMMISSION INTERIM REPORT

a retired Fredericton police chief (<https://masscasualtycommission.ca/about/the-commissioners/>).

Almost immediately, a public outcry against the review as an insufficient response broke out, led by those most affected and their supporters. Families of those whose lives had been taken and of those injured in the mass casualty, joined by many other individuals and groups, placed pressure on the governments and demanded a public inquiry. Their main concerns were that a review, would lack the power needed for its work. Only public inquiries have the authority to compel institutions and individuals to produce documents and to subpoena witnesses to provide testimony. The public wanted the clarity and transparency that a public inquiry would guarantee.

The Joint Orders in Council of the federal and provincial governments establishing the Mass Casualty Commission were issued on October 21, 2020. They are attached to this Report as Appendix 1. The third Commissioner, Dr. Kim Stanton, a lawyer with expertise in constitutional law and public inquiries, was appointed the following day (<https://masscasualtycommission.ca/about/the-commissioners/>).

The people of Nova Scotia showed commendable tenacity in securing this Inquiry. In our view, it is the proper mechanism to establish the causes, contexts, and circumstances of what happened on April 18 and 19, 2020, so that appropriate recommendations will be adopted – recommendations that will mean the suffering has not been in vain and that will keep us safer in the future. All public inquiries are followed closely by those most directly affected, but we Commissioners feel strongly that the important role played by Nova Scotians in the creation of this Inquiry magnifies this sense of public investment and connection. We are reminded of this critical public role every day as we look out from the Commission offices onto the Grand Parade, a civic space and historical landmark in downtown Halifax and the site of some of the demonstrations that led to the Commission's creation. As Commissioners, we acknowledge the need to earn the public's trust and to recognize the high expectations expressed at our appointment. At the same time, we are mindful that we serve the interest of all Nova Scotians and all Canadians, not the more specific interests of any institutions, organizations, or individuals.

## The Impact of the COVID-19 Pandemic

The COVID-19 pandemic had an immediate and lasting impact on everyone affected directly or indirectly by the mass casualty. Family members, friends, acquaintances, and communities were unable to come together to mourn those who had died or to comfort one another to the extent possible during normal times. Even before the mass casualty in April 2020, we had endured several weeks of disorientation and fear about the threat of this unknown virus, the shutdown of our workplaces and communities, and the profound change in nearly all aspects of our lives. Then in the wake of the mass casualty, the challenges continued. It seems likely that the pandemic has magnified the ongoing trauma experienced by individuals, families, and communities because of the inadequate collective spaces available for the expression of grief, comfort, and support.

The Mass Casualty Commission's work has also been affected by the pandemic. We are required by our Terms of Reference to consider COVID-19 restrictions when we organize in-person meetings or contemplate travel.<sup>5</sup> Throughout our work, we have coordinated with Nova Scotia's chief medical officer of health, Dr. Robert Strang, and his office, and we will continue to do so over the course of the Inquiry. We have postponed community and witness engagement, for example, limited attendance at public proceedings, and upheld vaccine requirements. We proceed with extreme care for the health of our staff as well, and, like everyone else, our planning and progress have been hampered by lockdowns, travel restrictions, and isolation requirements.

COVID-19 has challenged our ability to plan our work with firm timelines. We have had to remain flexible as meetings and events were restructured or rescheduled because of quarantine restrictions for those entering the province or surges in cases. Our investigators were ready to carry out witness interviews in the spring of 2021, for example, but they had to be postponed until late summer. For a time, public health orders prevented our staff from travelling through different health regions in the province to conduct their investigations. Our inability to firmly control the timing of our processes complicated our work, making it difficult to plan next steps with certainty.

## **MASS CASUALTY COMMISSION INTERIM REPORT**

The pandemic has also challenged our efforts to work collaboratively with our many Participants. Although we designed the Mass Casualty Commission to operate on a non-adversarial basis with Participant counsel, the reduced ability for counsel to meet in person likely made the shift from the traditional adversarial model even more time-consuming and difficult to achieve. We are pleased to report, however, that just as the Commission team responded to the pandemic restrictions in an agile and resilient fashion, so too have Participants and their counsel teams. We are grateful for their flexibility and responsiveness in the unprecedented situation caused by the COVID-19 pandemic.

# Designing the Inquiry

Our starting point was, by necessity, the mandate given to us by the Governments of Canada and Nova Scotia. Within this framework, we came together as Commissioners to discuss options and to consult with others about the most efficient and effective way to fulfill our task. At the same time, we began to build the Commission team and attend to the other practical details involved in establishing our offices. Together we engaged in planning processes to develop our guiding vision and an approach to our complex mandate.

## Mandate

The mandate for the Mass Casualty Commission is set out under the authority of the Governments of Canada and Nova Scotia in accordance with both federal<sup>6</sup> and provincial<sup>7</sup> public inquiry statutes. The details of the mandate are written in official documents known as Orders in Council (OICs), which provide the parameters for the Mass Casualty Commission to proceed with its work.\*

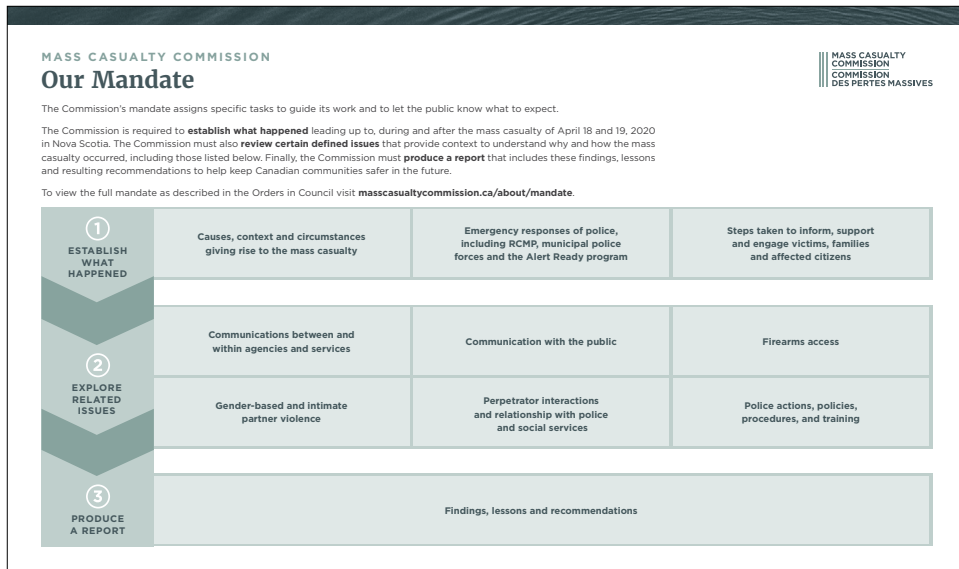
The Commission's mandate assigns us specific and interrelated tasks that not only shape our work but let the public know what to expect. The Commission is required to establish what happened leading up to, during, and after the mass casualty of April 18 and 19, 2020, in Nova Scotia. In order to establish what happened, the Commission has to pay attention to all the causes, context, and circumstances, including specific defined issues, that help us to understand why and how the mass casualty occurred. Finally, the Commission must

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\* See Appendix 1 at the end of this Report.



# MASS CASUALTY COMMISSION INTERIM REPORT



produce a Report that includes findings, lessons learned, and recommendations to help keep Canadian communities safer in the future. These three main interrelated functions – “to inquire into what happened and make findings,” “to examine related issues,” and “to produce a report” – are described in some detail in the Orders in Council. We summarize them here.

The Mass Casualty Commission’s first function is to inquire into what happened and make findings on

- the causes, context, and circumstances giving rise to the April 2020 mass casualty;
- the responses of police, including the Royal Canadian Mounted Police (RCMP), municipal police forces, the Canada Border Services Agency, the Criminal Intelligence Service Nova Scotia, the Canadian Firearms Program, and the Alert Ready Program; and
- the steps taken to inform, support, and engage those most affected.<sup>8</sup>

The Commission’s second function is to examine issues that contributed and are related to the causes, context, and circumstances giving rise to the mass casualty, including but not limited to the following:

### ***Designing the Inquiry***

- contributing and contextual factors, including the role of gender-based and intimate partner violence;
- access to firearms;
- interactions with police, including any specific relationship between the perpetrator and the RCMP and between the perpetrator and social services, including mental health services, prior to the event and the outcomes of those interactions;
- police actions, including operational tactics, response, decision-making, and supervision;
- communications with the public during and after the event, including the appropriate use of the public alerting system under the Alert Ready Program;
- communications between and within the RCMP, municipal police forces, the Canada Border Services Agency, the Criminal Intelligence Service Nova Scotia, the Canadian Firearms Program, and the Alert Ready Program;
- police policies, procedures, and training in respect of gender-based and intimate partner violence;
- police policies, procedures, and training in respect of active shooter incidents;
- policies with respect to the disposal of police vehicles and any associated equipment, kit and clothing;
- policies with respect to police response to reports of the possession of prohibited firearms, including communications between law enforcement agencies; and
- information and support provided to the families of victims, affected citizens, police personnel, and the community.<sup>9</sup>

**The Commission's third function is to produce a Report that**

- sets out lessons learned as well as recommendations that could help prevent and respond to similar incidents in the future.<sup>10</sup>

Significantly, the Terms of Reference direct the Commission to go beyond establishing what happened and to examine and review the full causes, context,

## MASS CASUALTY COMMISSION INTERIM REPORT

and circumstances that provide information to help us understand why and how the mass casualty occurred.

Our Terms of Reference also direct us to be guided by restorative principles in carrying out our mandate. As part of a restorative approach, we take steps to reduce the chances of doing further harm, to be trauma-informed and attentive to the needs of those most directly affected by the mass casualty,<sup>11</sup> and “to give particular consideration to any persons or groups who have been differentially impacted by the mass casualty,” who, because of their particular circumstances, have been affected in different ways. (See the sections below for details about this terminology.<sup>12</sup>)

In addition, our Terms of Reference authorize us to adopt any procedures and methods we consider expedient for the proper conduct of the Inquiry and to consider previous examinations or investigations we deem relevant to our Inquiry.<sup>13</sup> As noted, we are directed to perform our duties without expressing conclusions or recommendations regarding the civil or criminal liability of any person or organization.<sup>14</sup> We are responsible for performing our obligations in a way that will not jeopardize “any ongoing criminal investigation or proceeding or any other investigation.”<sup>15</sup>

### Establishing the Inquiry

On our appointment, we were eager to get the Inquiry underway. We realized that pressure had built among Nova Scotians during the months when the federal and provincial governments were deciding to hold a public inquiry, setting its Terms of Reference, and appointing us as Commissioners. Like all commissioners, however, we had to start from scratch to develop a budget, build a team, find premises for our workplace, and create a plan for our work. Initially, we met in a borrowed boardroom, with a few office supplies piled into a shoebox.

We Commissioners had not met before our appointment, but we quickly came together to form a strong three-person Commission. As we began working together and discussing how to fulfill our mandate through our Inquiry process, we immediately agreed on our first preliminary step: consultation.

### *Designing the Inquiry*

We spoke with many experts and individuals who had previously served as commissioners or as senior members at other Canadian public inquiries. We asked for their advice about a broad range of issues, from administration to report writing. They included (in alphabetical order) the Honourable Louise Arbour, Ronda Bessner, Jennifer Cox, QC, Patricia Jackson, Professor Jennifer Llewellyn, the Honourable Dennis O'Connor, and Professor Kent Roach. They were generous with their time and provided us with invaluable advice, helping us to avoid pitfalls and providing us with a solid grounding on which to make our formative decisions. Several of them continue to assist us as we carry out our mandate.

Two of our early hires were Christine Hanson as our executive director and chief administrative officer and Ms. Bessner as our senior legal advisor. With their assistance we secured premises, developed internal policies, and built our team. Ms. Hanson joined the Mass Casualty Commission from her role as the director and chief executive officer of the Nova Scotia Human Rights Commission. Her tasks include managing our budget and overall responsibility for our staff. She also leads our reporting relationships with the Governments of Canada and Nova Scotia. Ms. Bessner has extensive legal experience working in public inquiries and teaching law school courses about them. Before she joined our Commission team, she had served on six inquiries in various roles and co-authored a textbook on public inquiries in Canada. She assists us in countless ways, including as a primary source of legal advice on matters relating to our role as Commissioners.

As a priority, in March 2021, we began to meet with the people who were injured and with family members of those whose lives were taken. These meetings were arranged with the assistance of our public engagement, community liaison, and mental health teams working in collaboration with representatives of Victims Services. Some individuals and family members who did not meet with us initially reversed that decision later, in September and October 2021. In these meetings, we listened to the experiences of those most affected and extended our deepest sympathies. We also explained our Commission's work and approach and shared how, as some family members became Participants in the Inquiry, they would meet again with Commission counsel and support staff. We are grateful to those who agreed to meet with us: the views they expressed

## MASS CASUALTY COMMISSION INTERIM REPORT

continue to galvanize our work. All our encounters with them have left an indelible, inspiring impression on us.

A key early decision was to create two offices: one in Truro and the other in Halifax. It was of fundamental importance to us that the Commission be accessible to members of the communities most affected by the mass casualty, and establishing a Truro office was a step toward this end.

Throughout the fall of 2020 and winter of 2021, we assembled our staff, selecting each member independently. Among the most important appointments we made were the directors for the Commission teams, who bring extensive, relevant, and valuable experience and perspectives to our work as well as a demonstrated commitment to public service. Each team – legal, investigations, research and policy, community liaison, communications and public engagement, and mental health support – is assisted by a secretariat. They operate not as silos but as collaborative cross-disciplinary groups. We review their role in greater detail below when we describe the Commission’s work to date.\*

Two features are particularly important to the way we have structured our work. First, although commissioners vary in their inquisitorial style from a restrained quasi-judicial approach to an active role in directing and managing the commission process, we have chosen to be engaged leaders. We are integrally involved in making choices about how the Commission’s work is carried out and in supervising the core Inquiry processes. We seek the advice of our team leaders, but the decisions are ours. Second, collaboration is key to our workplace culture, especially as we are a team of three Commissioners. We recognize that we each bring unique perspectives, experience, and knowledge to our task, and we share the work among us, both functionally and by subject matter. The Commission is in turn highly collaborative, within teams, across teams, and in working with outside parties. This co-operation is essential to our restorative approach, which encourages inclusive and integrated ways of working.

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\* Short biographies of the Commission’s team leads are available on our website (<https://masscasualtycommission.ca/about/commission-team/>).

## Our Vision and Values

We have developed a statement of vision and values to guide our process for the Mass Casualty Commission.

### **VISION**

To provide clarity around the causes, context, and circumstances that led to the April 2020 mass casualty in Nova Scotia and make meaningful recommendations to help keep communities safer in the future.

### **VALUES**

**Independence:** This Commission is independent of any governments, institutions, or other associations of individuals or groups.

**Respect:** To create a thorough, evidence-based record, difficult questions will need to be asked and uncomfortable facts will need to be considered. We intend to perform our duties with compassion and with an unwavering commitment to a full, transparent, and independent Inquiry.

**Transparency:** The Commission's process will be inclusive, accessible, transparent, and conducted with humanity. The Commission will listen, learn, investigate, and share what has been brought to light in a Final Report, with sustainable recommendations and a thorough, evidence-based record.

Our statement of vision and values takes our official Terms of Reference and infuses them with principles we developed to guide our work. This approach puts restorative principles to work in the context of our Inquiry. These principles act as guideposts against which we measure every choice we make both as Commissioners and as members of the Commission team. They translate into practice through, for example, our decisions on participation, our Rules of Practice and Procedure, the design and content of our website, our opening statements, the ways we communicate with the Participants, their counsel, and members of the public – and in this Interim Report. They will continue to

## MASS CASUALTY COMMISSION INTERIM REPORT

guide us until the Inquiry is complete and our Final Report is submitted to the federal and Nova Scotia governments.

### Our Restorative Approach

The mandate of the Mass Casualty Commission directs us to be guided by restorative principles in carrying out our work. This approach is consistent with recent practices in several public inquiries and commissions.<sup>16</sup> Nova Scotia, with its significant experience in applying restorative approaches within its social and legal institutions,\* is developing a national and international reputation for expertise in restorative approaches.

#### **MASS CASUALTY COMMISSION TERMS OF REFERENCE: RESTORATIVE PRINCIPLES**

The Joint Orders in Council establishing the Commission direct the Commissioners, in carrying out their work,

(e)(i) to be guided by restorative principles in order to do no further harm, be trauma-informed and be attentive to the needs of and impacts on those most directly affected and harmed, and

(e)(ii) to give particular consideration to any persons or groups that may have been differentially impacted by the tragedy

The restorative approach will differ according to the purpose and context in which it is being used, but each of these applications shares a set of common principles. These principles are associated most commonly with the criminal justice system<sup>17</sup> and with therapies designed to promote healing. In our case, the Commission is employing a restorative approach to develop an

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\* For example, in schools, in the youth criminal justice system, and in the human rights complaint resolution process adopted by the Nova Scotia Human Rights Commission.

## *Designing the Inquiry*

understanding of the events and issues within the mass casualty and to recommend responses to them.

### **PUTTING PRINCIPLES INTO PRACTICE**

A restorative approach is human-centred, focusing first on the people involved, and based on building relationships among them as a foundation for the work at hand. In our statement of vision and values above, we capture this idea in our commitment to conduct our work with compassion and humanity. That pledge in no way eliminates or compromises procedural fairness, nor does it mean avoiding disagreements or sharing emotional or difficult information. Rather, it means taking active steps to avoid harm wherever possible; prioritizing relationship building with those most affected and with communities; and, throughout the Commission process, identifying moments in which to include people and seek information and feedback. We believe that fostering a restorative approach is an indispensable part of our mandate, and we encourage our readers and all those who are following our progress to consider these principles.

Restorative principles require a non-adversarial, inclusive, and collaborative approach. They require us to focus on facts and issues in context rather than in isolation, and on accountability and responsibility rather than liability or blame. These principles underscore that in seeking answers, we can develop clear understandings, acknowledge harms done, and develop practical reforms. Although these qualities are all consistent with the role of a public inquiry, we have found that they have encouraged us to be creative in our choices about process and, in particular, to look beyond traditional public hearings as the central feature of our work. They have helped us to concentrate on understanding the causes, context, and circumstances of the mass casualty and kept us focused on identifying the lessons to be learned and on formulating our forward-looking recommendations.

In addition, restorative principles guide us to do no further harm, to be trauma-informed, and to be attentive to the needs of and the impact of the mass casualty on those most directly affected. Ensuring that our work is trauma-informed does not mean that the Commission is a service provider



## MASS CASUALTY COMMISSION INTERIM REPORT

or that we play a healing role. It does not limit our ability to thoroughly and independently investigate the mass casualty.<sup>18</sup> In short, trauma awareness provides us with an opportunity to make adjustments to our processes that improve our ability to carry out our mandate.

### THE IMPORTANCE OF LANGUAGE

A major aspect of the restorative approach we employ is the Commission's close attention to language and terminology. One of our guiding principles is to be respectful and to recognize that "every word matters." The Commission has prepared an internal lexicon of key terms that we considered through a trauma-informed lens and aligned with our mandate and our integrated approach. In our view, using specific terminology helps to ensure clarity and consistency across the many team members working on the Inquiry. We have updated our lexicon several times to integrate feedback we received on language from experts and from those most affected, as well as to reflect specific decisions we made as Commissioners around phrasing. Our evolving use of language is an example of how we continue to learn and adapt as we carry out our mandate.

We share a few examples to illustrate the importance of language. In the Orders in Council establishing the Commission, the events of April 18 and 19, 2020, are referred to as a "mass shooting." We consider it important to recognize that many types of harms resulted from this occurrence in addition to the gun-related deaths. The broader term "mass casualty" encompasses these other harms.

Another example is that we decided not to use the word "victim," even though the Orders in Council refer to "innocent victims" and "victims and their families." This decision is consistent with restorative principles and accords with feedback we received during our early consultations with family members and experts. Wherever possible, we use the phrase "those most affected" as an inclusive term to refer to the affected individuals, families, first responders, service providers, and communities.

A third early decision was not to mention the perpetrator by name or to use the terms "gunman," "shooter," or "lone wolf" in referring to him. This small step will help to minimize the perpetrator's notoriety and associated social status.

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The Commission's website includes a Key Terms section. It defines terms that are not common or used in daily conversation but that we employ in our work (<https://masscasualtycommission.ca/about/key-terms/>).

### **DIFFERENTIALLY AFFECTED GROUPS**

Another aspect of our statement of vision and values is our commitment at the Commission to inclusive processes. Our mandate requires us “to give particular consideration to any persons or groups who might have been differentially impacted by the tragedy.” Seeking out and valuing knowledge and input from individuals and groups with different lived experiences is also a component of our restorative approach.

Early on in the design of the Inquiry, the research and policy team developed a framework to assist us, in all stages of our work, in paying attention to groups and individuals identified as differentially impacted by the mass casualty and, more generally, by the dynamics of policing, rural living, and violence at the core of the Inquiry.

## Our Work: Three Phases

Many Canadian public inquiries undertake similar tasks, although they tailor them to their particular mandate. As a result, the way the tasks are handled can vary. At a general level, inquiries consist of these steps:

- conducting investigations;
- gathering evidence and information, including by seeking all relevant documents, interviewing witnesses, commissioning research and policy studies, and consultations;
- providing individuals and groups that have a substantial and direct specific interest in the subject matter with an opportunity to participate in the inquiry processes;
- creating a public record of the relevant evidence and information;

## MASS CASUALTY COMMISSION INTERIM REPORT

- inviting Participants and members of the public to comment on and add to this record;
- reviewing and synthesizing evidence and information;
- considering evidence and information and determining relevant facts;
- reviewing information, research, and submissions by Participants and members of the public about potential areas for reform and specific recommendations;
- formulating recommendations relevant to the mandate; and
- preparing a final report.

While sharing these general steps, each public inquiry develops a unique process suited to its mandate. Commissioners make important choices about the way they will go about their work. They have considerable latitude in designing their processes.

Our approach is to bring all interested parties and the community together to examine, understand, and look to the future. Our objective is to find out what happened, how and why it could happen, and what is significant about it, so we can distil the lessons learned from the mass casualty and make recommendations to help ensure the safety of our communities in the future. We are endeavouring to create conditions that will encourage people to co-operate with us and participate in our efforts to achieve these goals. To that end, we have adopted an inclusive restorative approach rather than a divisive, adversarial one, in the hope that those entrusted with the effectiveness of our institutions and systems will, in the aftermath of the mass casualty, continue to operate in this same spirit of individual and collective responsibility.

The danger in blaming individuals is that it may distract from a careful scrutiny of institutional accountability. If we restrict our investigations to pointing fingers at alleged human errors, we could easily overlook broader issues relating to the causes, context, and circumstances that explain how and why the errors occurred. Processes that focus on individuals can offer scapegoats for institutions and systems that hold the ultimate responsibility for the response that is needed to the mass casualty. Our lens must, instead, be systematic and expansive enough to look at individual and collective actions, decisions, and

## Designing the Inquiry

other behaviours and, in addition, to the cultures, policies, practices, and institutional structures and systems giving rise to them and shaping them. We cannot go back in time to change what happened on April 18 and 19, 2020, but we can and we must look back at what happened in order to look forward and make evidence-based recommendations to help prevent and respond to similar incidents in the future.

We have developed a phased approach to our work that systematically matches the three functions assigned to us in our mandate:

- **PHASE 1:** establishing the foundation (what happened?)
- **PHASE 2:** learning and understanding (how and why did it happen?)
- **PHASE 3:** shaping and sharing (the significance of what happened and how we must respond)

### Our Work: Three Phases

OUR WORK INVOLVES A SERIES OF OVERLAPPING KEY PHASES:

1

ESTABLISHING THE FOUNDATION  
**What Happened**  
Spring 2021 – Winter 2022

#### UNDERSTANDING PERSPECTIVES

of those most affected, Participants, first responders, service providers, community members

**OBTAINING DOCUMENTS,**  
analyzing information, and conducting research

**CARRYING OUT INVESTIGATIONS**  
and speaking with witnesses

**WORKING WITH PARTICIPANTS**  
to develop Foundational Documents that organize and share an understanding of the large volumes of information gathered by the Commission

**HOLDING PUBLIC PROCEEDINGS**  
about information and gaps in the Foundational Documents

2

LEARNING & UNDERSTANDING  
**How & Why**  
Spring 2022 – Summer 2022

#### EXPLORING THE BROADER CONTEXT

including issues such as firearms access, police and service-provider responses, emergency communications, and intimate partner violence

**HOLDING PUBLIC PROCEEDINGS**  
including activities such as hearings and roundtables with Participants, experts, policy makers, and others about their understanding of causes, context, and circumstances

**SHARING INITIAL INFORMATION**  
and insights and seeking input

3

SHAPING & SHARING  
**Findings & Recommendations**  
Summer 2022 – Fall 2022

#### HOLDING PUBLIC PROCEEDINGS

including activities such as hearings and roundtables with Participants, experts, policy makers, and others about their proposed recommendations

**CREATING OPPORTUNITIES**  
for input from those most affected, those who will be responsible for implementing recommendations, and the public

**DRAFTING THE FINAL REPORT**  
with Commission findings and recommendations

## MASS CASUALTY COMMISSION INTERIM REPORT

In Phase 1, the priority is on establishing the foundation of what happened leading up to, during, and after the mass casualty. This work is described in “Building the Core Evidentiary Foundation” below. One of our priorities is to inform people about what happened by sharing what we learn along the way rather than waiting until our Final Report. This approach serves two purposes. First, the public has known little more than speculation about what happened on April 18 and 19, 2020, beyond what the RCMP has communicated about their investigation in what they call the “H-Strong” file. Second, by sharing information throughout our process, we hope to encourage public engagement with the Commission’s work of trying to understand what happened – how and why.

In Phase 2, as described in “Broadening the Lens and Evidentiary Foundation,” we will continue to build on what we have learned about what happened by seeking answers to questions about the how and why of the mass casualty. Here the focus will be on exploring the causes, context, and circumstances, including issues set out in our Terms of Reference such as firearms access, police and service-provider responses, emergency communications, and intimate partner violence.

In Phase 3, as set out briefly in our conclusion, we will continue to build on what we are learning and understanding as we focus on how best to make a difference in the future. In this phase, we will also work to shape what we learned and share it in our Final Report and recommendations.

### The Phases: A Layered Approach

From the beginning of our work, we knew we would have to be flexible and that the phases would overlap. Overall, we have found the division into three phases to be helpful in organizing our work, sequencing, priority-setting, and facilitating how we communicate our shared endeavour. Our phased approach is intentionally layered: as illustrated in the image on page 31, one phase or layer might overlap or run parallel to another, or we might need to circle back. To help clarify this process, we describe one example, the public alerting system established under the Alert Ready Program, in the paragraphs below.

## *Designing the Inquiry*

Through a variety of communications and public engagements, we have assured Nova Scotians that public alerting is one issue we will be learning about and sharing with them (layer 1). Through our review of documents, investigations, and witness interviews, we have gathered information about what happened with respect to public alerting on April 18 and 19, 2020 (layer 2). Summaries of this information are integrated into the relevant Phase 1 Foundational Documents (layers 3 and 4). During the Phase 1 public proceedings, these Foundational Documents are being presented along with other evidence such as witness transcripts and investigational reports and, where appropriate, witnesses will also be heard (layer 5). This testimony could include, for instance, a technical witness about how the Alert Ready system functions.

Additional Foundational Documents as well as expert reports that provide information about how and why public alerting functioned the way it did on April 18 and 19, 2020, are being prepared for Phase 2 (layer 6). This additional information could include, for example, analyses of the decision making, applicable policies and training, practices in other jurisdictions, and a consideration of relevant past reviews and recommendations tracked in our “environmental scan” of the existing literature. Phase 2 Foundational Documents and commissioned reports on this topic will be presented and explored in the Phase 2 public proceedings (layer 7). It is anticipated that this set of proceedings will include a range of witnesses, including those involved in the decision making on public alerting as well as expert witnesses. The Commission will also hold a roundtable on communications with the public and emergency alerting, and, in addition, there will be opportunities for submissions by Participants and other individuals and organizations. By the end of Phase 2, the Commission will have developed an extensive public record on these critical issues.

In Phase 3, the Commission will focus on taking what it has learned and developing recommendations about communications with the public and emergency alerting during mass casualties. At this stage, public proceedings will include community meetings and stakeholder dialogues to elicit and explore potential recommendations. We will also encourage further submissions by Participants and other individuals and organizations. Additional reports may be commissioned, and research carried out as needed (layer 8). Our final role as Commissioners will be to consider and report on all we have learned about

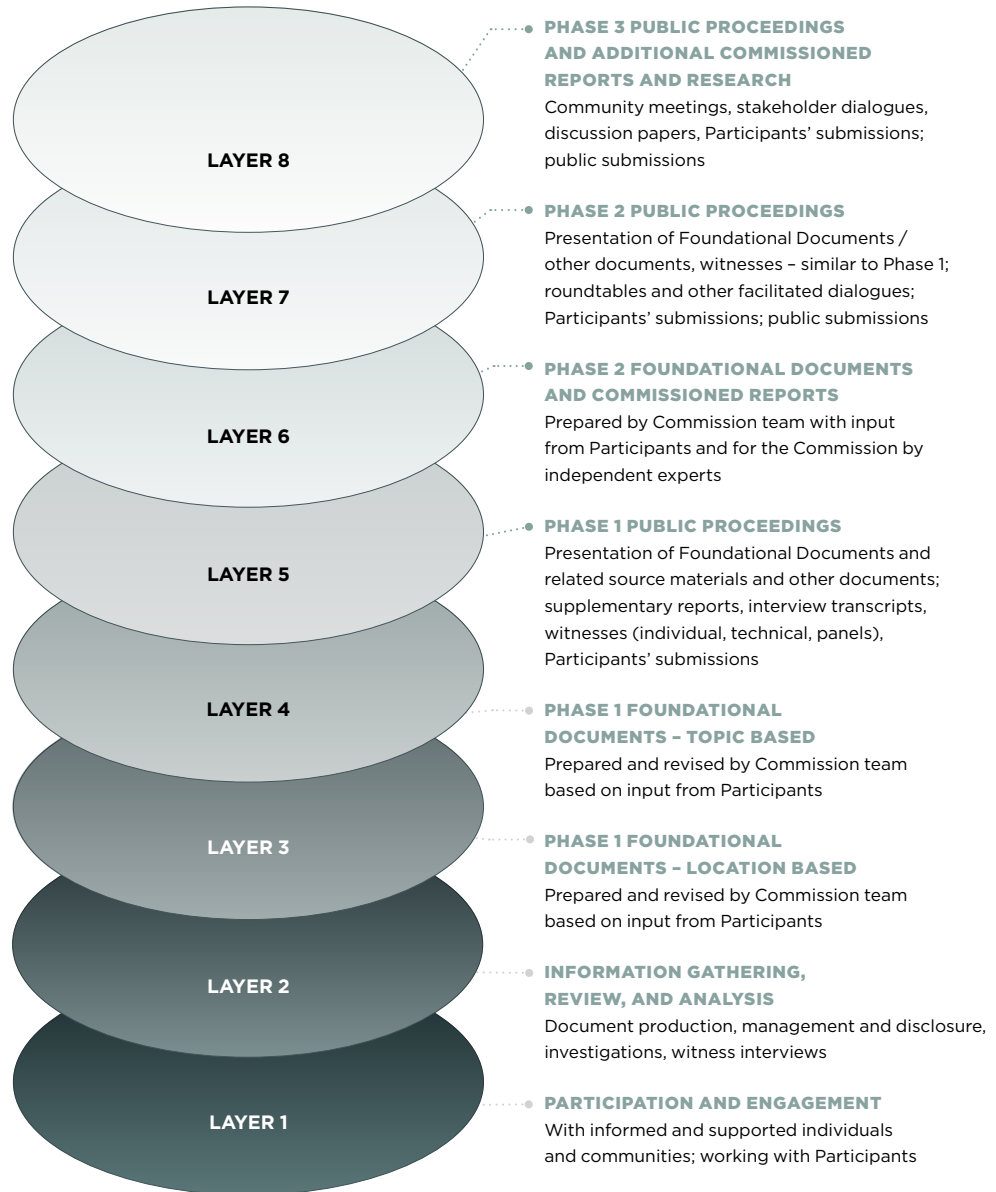
## MASS CASUALTY COMMISSION INTERIM REPORT

communications with the public and emergency alerting during and after the mass casualty, including lessons learned and recommendations for the future to help prevent and respond to similar incidents in the future.

In addition to building the factual foundation, the Commission is taking steps that will assist us to understand the broader effects of the mass casualty and to inform the recommendations that will help to make communities across Canada safer in the future. We are setting the groundwork for this research and consultation now and, by Phase 3, they will take centre stage in our work.

While we were developing our overall approach and the phases and layers just described, we also began to develop thematic approaches to refining the many issues arising from the mass casualty. The Commission's work is organized around three main themes: policing, community, and violence. Early in our planning we set up integrated work teams consisting of members of the investigations, research and policy, and Commission counsel teams to assist us in identifying all relevant issues and to gather and analyze information and evidence about each of these issues. We call these integrated work teams "pods." More information about these themes and the work of the pods is set out in "Broadening the Lens and Evidentiary Foundation" below, where we describe efforts the Commission team is undertaking to widen our scope and provide us with additional evidence, research, and policy advice to support our work in Phases 2 and 3.

## The Phases: A Layered Approach





# Phase 1 – Building the Core Evidentiary Foundation

Phase 1 of the Mass Casualty Commission’s work establishes the core evidentiary foundation of what happened leading up to, during, and after the mass casualty. This part of the Report, which describes the strategies we developed to assemble a complete factual record, is divided into four sections. The first describes the steps that we took to facilitate participation and engagement. The second, “The Factual Foundation,” describes our approach to investigation and information gathering. The third describes the purpose and function of Foundational Documents, which are key to our approach. The fourth describes the Commission’s Phase 1 public proceedings.

The Phase 1 public proceedings, which started on February 22, 2022, are ongoing at the time we prepare this Interim Report. Although the public proceedings are the heart of the Commission, many people view them as our only work. It is important, however, to understand the great amount of effort involved in their preparation. The more visible part of our work is based on the substantial efforts of all members of the Commission team, and we are committed to providing public access to a wide range of the information we have all gathered.

## Participation and Engagement

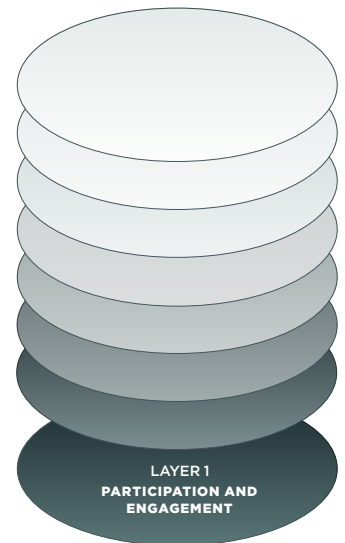
The Commission works with the public to learn, understand, and make meaning out of the mass casualty. One of our first priorities was to facilitate inclusive participation through our communications, community liaison, and public

## ***Phase 1 - Building the Core Evidentiary Foundation***

engagement activities. At the same time, given that our activities would magnify attention on the mass casualty, we wanted to take steps to ensure that individuals engaging with us have access to wellness supports and the opportunity to work with service providers. As noted earlier, the Commission is not a healing process, nor are we a service provider. We do, however, have a deep and legitimate interest in fostering public engagement, which is essential to our mandate. This engagement requires not only doing our best to avoid retraumatizing anyone through the Commission's actions wherever possible, but also cultivating understanding and wellness in the affected communities. We set out our efforts below.

As well as fostering public engagement, the Commission is responsible for ensuring that individuals and institutions that are directly involved in or have a significant interest in our mandate be provided with opportunities to participate in our processes. These individuals and institutions are called Participants. In this section, we also describe the role of Participants in public inquiries, the process we used to select Participants, and the decisions we have made in this area.

Fostering public engagement and developing working relationships with Participants are the first layer of our work. This work is ongoing throughout all three Phases.



## **COMMUNICATIONS AND COMMUNITY ENGAGEMENT**

Communications, community, and public engagement play an integral role in all aspects of the Commission's work, ensuring that people know what to expect and how to take part. In taking on our role as Commissioners, we knew we had to establish and maintain trust in, and an understanding of, the Commission's work. We did not take this trust or understanding for granted, and we and our team continually work with great care to earn it. We know that we will be able to fulfill our mandate only with the co-operation of the community and that our findings and recommendations will be most effective if they are accepted by society and championed through community and institutional leadership. From our first day on the job, our communications and engagement work has been an important

## MASS CASUALTY COMMISSION INTERIM REPORT

vehicle for maintaining transparency and accountability. That commitment will continue until we complete our work.

The work of our communications and community engagement team serves three interconnected purposes:

- to ensure that interested members of the most affected communities have easy access to information about our work and their opportunities to participate in it;
- to ensure that interested and diverse members of the most affected communities, and communities throughout Nova Scotia, are aware of and feel encouraged to engage with the Commission; and
- to ensure that the work of all members of the Commission team is informed by input from the community.

Our communications and community engagement team, which is responsible for all communications and for developing our public engagement strategies, works closely with the community liaison and mental health teams. Our chief engagement officer is Sarah Young, former managing partner at NATIONAL Public Relations, Atlantic Canada. Ms. Young brings to the Commission more than 25 years of experience providing communications leadership and counsel for private and public organizations across Canada. She is leading the Commission team in designing and implementing a wide range of communications and engagement activities.

The Commission has undertaken a range of initiatives to communicate with the public, to liaise with the most affected individuals and communities, and to encourage broad public engagement in our work.

The Commission's Truro office, which was set up in January 2021, is an anchor for our community liaison efforts. To assist us, we hired Maureen Wheller to serve as our community liaison director. Ms. Wheller has worked mainly in the mental health and addictions field, where she focused on building relationships among community-based organizations, public and private sector partners, individuals, families, and healthcare providers to promote understanding through dialogue.

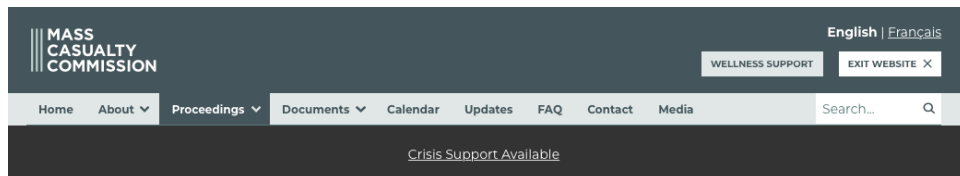
The Mass Casualty Commission's website was designed to be highly accessible. It was launched on December 10, 2020, and is updated frequently. The website describes our mandate and provides information, updates on our work, our

### ***Phase 1 - Building the Core Evidentiary Foundation***

Rules of Practice and Procedure, and our decisions. The Commission uses several approaches to convey information in a less text-heavy manner by, for example, developing graphics and videos to illustrate our phased approach to work, our main themes, and an explanation of the Foundational Documents. The website also includes answers to frequently asked questions and videos explaining our mandate. The website and materials are made available simultaneously in English and in French.

Our public proceedings are webcast live, with French and American Sign Language (ASL) interpretation and captioning using Community Action Real-Time Transcription (CART), and the webcasts are archived on our website. This approach makes our proceedings transparent and more accessible. It also permits viewers to follow the proceedings at their own pace. The website provides easy access to significant parts of the evidence through the posting of Foundational Documents, with links to source materials, technical reports, and expert reports once they are entered into the Commission's public record. Transcripts of the proceedings are also available on our website. We know that, because not everyone has ready and available access to the internet, the Commission has also offered a telephone line, and people can call in to listen to the public proceedings live. We have also placed ads with this information and mental health support numbers in local newspapers and on the radio, and we sent a direct mail piece to homes across Nova Scotia when our public proceedings began.

The website acknowledges the challenging nature of the subject matter and includes warnings and resources for wellness support. An important design feature is that the heading above the tab-heading bar includes both the wellness support button and a prominently placed exit button that allows a viewer to leave the page quickly if the information has a negative impact. At the top of each page is also a link, "crisis support available." The screenshot below illustrates these three features.



## MASS CASUALTY COMMISSION INTERIM REPORT

In addition to the website we have also used digital channels, including Facebook, Twitter, and regular emails to stakeholders, to provide updates on our progress, explanations of our processes, and opportunities for public engagement. The stakeholder updates by email began weeks after the Commission was struck. The Commission team contacted family members to ask if we could share updates by email. The team also reached out to community stakeholder groups and the media (later we would add Participants) to ask if they wanted to receive updates. Those initially contacted were asked to forward the information to anyone who might be interested in being added to the distribution list. The Commission also has a link on its website which encourages anyone interested in receiving the updates to contact us. Updates are sent out whenever there is information to share, or approximately every two weeks. Information is always sent to those most affected and other Participants before being shared on the website or more broadly with the media.

Early in our work, when we were hampered by COVID-19 restrictions, the communications and engagement team did a mailing to all individuals living in the most affected communities. This mailing provided a brief overview of our mandate, outlined available mental health supports, invited participation, and directed people to our website for further information. In the fall of 2021, the Commission held a series of six community open houses in Dartmouth, Debert, Milford, Millbrook, Truro, and Wentworth. People from the most affected communities were invited to meet with members of the Commission staff; learn about the Commission's mandate, team, and work; and ask questions and provide feedback.

In addition to inviting people to our open houses, the communications and engagement team has carried out extensive outreach to a wide range of community organizations and other groups and made presentations to all interested groups including, among others, municipal and regional councils, Indigenous representatives, and not-for-profit organizations. As the Commission's work has advanced, the focus of our public engagement strategies has expanded to include gathering input on different aspects of our work from various groups and members of the public in affected communities. We have undertaken several specific initiatives to achieve these objectives, and more are planned in conjunction with Phases 2 and 3 of the Commission's work.

### ***Phase 1 - Building the Core Evidentiary Foundation***

People can reach the Commission team directly through our 1-800 telephone number as well as a local number and an email address. The team has responded to questions or provided appropriate sources of information.

Early in 2022, the Share Your Experience initiative invited people from the communities where the mass casualty took place, and from across Nova Scotia, Canada, and beyond, to contribute by sharing how the mass casualty affected or continues to affect them. Our process was based on input sought from open house attendees and an initial consultation through a web-based survey in the fall of 2021. Based on this consultation, the Commission offered a number of channels for providing input through a second web-based survey, in writing (email or letter), or orally at a virtual or in-person meeting. More than 900 responses were received from individuals across Canada and beyond. All information given and experiences related are currently under review by the Commission team. These accounts, which will be drawn together in a background report, will help us understand the broader effects of the mass casualty. We will also use them to inform the recommendations that will help make communities across Canada safer.

Throughout our mandate, the Commission has been working closely with the community and Participants, including those most affected, to ensure they are prepared and well informed before information related to them is made public. In the lead-up to the opening of the public proceedings, our communications and public engagement team created resources to assist people to prepare for the potentially traumatic information that would be released during the proceedings and would likely receive renewed and sustained media attention. The objective was both to raise awareness and to help people be proactive in putting in place wellness supports.

One principle underlying this work is the recognition that the Mass Casualty Commission has a time-limited mandate and that the issues and trauma will inevitably persist in the community long after we submit our Final Report to the federal and Nova Scotia governments. Consequently, we have prioritized building resilience and capacity in the community to address the long-term implications of the mass casualty. The Commission has supported the Integrated Service Management table, which is an interagency provincial initiative that includes representatives from the provincial government, the Commission, and mental health and wellness professionals, as well as cross-departmental representatives

## MASS CASUALTY COMMISSION INTERIM REPORT

from the Province of Nova Scotia. This table is convened to help ensure access to the supports across systems that may be needed as the Commission's work unfolds.

The Commission team has also held a series of meetings with dozens of community organizations not only to share information about our work, but also to gather input on how best to prepare and support communities, inform recommendations, and build a network of support that will remain in place when the Commission's work is complete. To encourage partnership and collaboration, we held many of these meetings with groups of organizations with aligned mandates. For example, before the public proceedings began, we arranged a meeting with organizations focused on mental health, including the Canadian Mental Health Association and the Nova Scotia Mental Health Foundation, to share information about what to expect and seek input on how the Commission could help to prepare the community for the difficult information that would be shared. Based on feedback from those meetings, the Commission developed and presented a community information package for organizations to share with staff and other partners about how to prepare for and what to expect during the public proceedings. These conversations are ongoing, and regular check-in meetings with community organizations provide information and gather input.

Our communications team also takes active steps to maintain a constructive relationship with the media. We see the media as an important partner in providing accurate information on our work and have worked with them to offer access to and build an understanding of the Commission's work. We provided regular and timely information sessions or technical briefings before and during public proceedings as a way of sharing information with the media and learning what they would find helpful. The Commission established a direct email for media, as well as a special page on its website for press releases, images, and other materials.

### MENTAL HEALTH SUPPORTS

The Commission established a mental health team as a priority early in our mandate to assist us in developing and implementing the restorative approach. The team is integrated into all aspects of the Commission's work and collaborates

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closely with the communications, community liaison, and public engagement teams in designing and providing content for the website; developing community resources; and facilitating networking to help build supportive communities. Mary Pyche, who serves as our mental health director, assists in providing wellness support to those affected by the Commission's work. She has more than 30 years of experience in the fields of mental health and addictions as a therapist, teacher, program leader, manager, and innovator.

Members of the mental health team are on-site during witness interviews by the Commission team, meetings, and public proceedings. They provide human contact and support if required. The team also takes proactive steps to support the wellness of the Commission staff. The mental health team has developed a range of resources, including tip sheets available on the website (<https://masscasualtycommission.ca/support/resources/>).

## **PARTICIPANTS**

A public inquiry invites the assistance of individuals and groups to become formal participants in its process. The term Participant refers to individuals, groups, governments, agencies, institutions, or other entities granted “an opportunity for appropriate participation” in the Commission's proceedings.<sup>19</sup>

### **Role of Participants**

Participants remain independent of the Commission but they are invited to work with the Commission to help build a complete and accurate public record on which we, as Commissioners, will base our conclusions and recommendations. The Commission prepared Rules on Participation and Funding, which appear as Appendix 2 at the end of this Report. Pursuant to the Orders in Council, the opportunity to participate is granted on the basis that the individual or group has a “substantial and direct interest” in the work of the Inquiry that is beyond the general public interest. This interest is often related to one or more of four factors:

- a direct, significant role in the subject matter of the Inquiry;
- a direct, significant impact by the subject matter of the Inquiry;



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- a significant continued interest and/or expertise in the subject matter of the Inquiry; and/or
- the potential that the individual will be subject to explicit criticism during the proceedings.

Participants can be involved in a wide range of ways consistent with the Commission's Rules of Practice and Procedure (the Rules), which appear as Appendix 3 at the end of this Report. For example, they may be granted disclosure of documents before they are made public and may be granted the right to have a direct voice in public proceedings and/or to propose questions to be asked during proceedings. We say more below about the opportunities for participation available to Participants.

It is important to keep in mind that not everyone who has information which is helpful to the Public Inquiry will be a Participant. For example, although witnesses have an important role to play in the fact-finding work of the Commission, they do not necessarily have a substantial and direct interest. Similarly, individuals and groups who have a genuine concern about the subject matter of the Commission or have expertise in an area that will be considered by the Commission may be of great assistance by providing us with their information, views, and suggestions, but they do not necessarily have a sufficient interest to warrant participation status. As we explained earlier, the Mass Casualty Commission is providing a number of engagement opportunities to all members of the public and to other entities not directly involved in its public proceedings. We value this input and look forward to continuing to hear from you as we move forward with our work.

The Orders in Council that established the Mass Casualty Commission specify two entities and a group of individuals who would automatically have "an opportunity for appropriate participation." These are the Government of Canada, the Government of Nova Scotia, and "the victims and families of the victims."<sup>20</sup> Our role was therefore to decide what other parties, again using the language in our Terms of Reference, had "a substantial and direct interest in the subject matter" and would therefore provide us with assistance in carrying out our mandate.

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### **Application Process**

Shortly after we established our office and set up our website, we issued a call for applications to prospective Participants and provided explanatory materials on the role of Participants. On March 10, 2021, we published an application form for both participation and funding, with a deadline for applications of March 30, 2021. We took a number of steps to publicize the application process and to make it more accessible. For example, in addition to the information found in the Rules on Participation and Funding,<sup>21</sup> we posted notices in a wide range of media, prepared a Q&A about the application process, and invited interested individuals to contact our offices if they had further questions or required assistance.

We engaged in a four-step process to select Participants and define their role in our work:

- Invite applications for participation.
- Consider the applications and decide on whether to grant an opportunity for appropriate participation to each applicant.
- Determine whether to recommend funding to Participants.
- Determine the parameters of each Participant's involvement in Commission proceedings.

Public inquiries do not provide funding to Participants to pay their legal and other expenses arising from their participation in our public proceedings. These costs are paid for by government.<sup>22</sup> The Orders in Council provide us, as Commissioners, with the power and responsibility to recommend to government authorities that public funding be provided for those who “would not otherwise be able to participate.” This funding is subject to government guidelines and may not cover all the costs of participation. We asked applicants to provide information about their need for funding so we could make informed recommendations to the government.

The decision to grant an opportunity for appropriate participation is not a simple yes or no. Parameters to the form of and limits to participation can also be set to ensure effective, efficient, and timely proceedings. For example, a commission can direct that some applicants share participation with those with

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whom they have a common interest by working in a coalition. As guardians of our process, we are responsible for deciding the aspects of the Commission's work in which a Participant would be invited to engage.

In the context of the Mass Casualty Commission's work, for example, a Participant could be invited to engage in all public proceedings, in only one phase of work, or on only one issue within our mandate. The role of a Participant varies according to how the Participant's contribution could help the Commission fulfill its mandate. For example, some Participants are in a position to assist us in the Phase 1 work of helping the Commission understand what happened on April 18 and 19, 2020. Others will be more involved in Phases 2 and 3 – exploring the broader context of how and why the mass casualty happened and contributing to our thinking about potential recommendations.

In addition to deciding the phase of the proceedings at which Participants would be granted the opportunity to participate, we made decisions on how they would provide their input. In some cases, we set out this information in our original participation decision; in others, decisions are made as our processes unfold. For example, we may seek a Participant's input in writing, through participation in a meeting or proceeding, or by inviting oral submissions at various stages of our public proceedings. Directing individuals and groups to participate in relation to the specific issues in which they have a substantial and direct interest ensures that the Commission receives the benefits of a Participant's contribution while promoting efficiency.

### Application Decisions

We released our decision on participation on May 13, 2021, by way of a live webcast and in writing. The webcast remains available on our website. (We had planned to release it in a public forum but were prevented from doing so by public health orders.) This webcast was our first public proceeding, and we saw it as an opportunity to share information with the public about our work to date and to provide an introduction to our next steps. At the time we are preparing this Interim Report, we have issued four addenda to this decision, adding new Participants, making additional recommendations for funding, and addressing concerns raised by Participants about our direction that they work in coalition with one of more other entities. These decisions were issued in June, September,

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November 2021, and January 2022. The addenda clarify or add things to our original decision.

The Participation Decision and addenda, which appear as Appendix 4 at the end of this Report, were based on completed application forms and supporting documentation. We received applications for participation from some individuals and groups who expressed an interest in participating in all or part of the Commission's work. In their applications, they explained their connection to the mass casualty or their experience and knowledge in areas related to the Commission's mandate. We retained the discretion to hear oral submissions on issues related to participation but, because the written application process was effective and efficient, did not exercise it. We thank the many individuals and groups who applied for an opportunity to participate in the Commission's process.

Consistent with restorative principles and supporting an inclusive and participatory process, we took a broad and flexible approach to our application of "substantial and direct interest." In making our determination, we avoided a one-size-fits-all approach and were guided by

- our mandate;
- the connection of each applicant to our mandate;
- the type of interest in the mandate held by the applicant;
- whether an applicant has a "continued interest and involvement in the subject matter of the Inquiry";
- whether an applicant may be significantly affected by the Commission's recommendations;
- whether an applicant is uniquely situated to offer information that will assist the Commission with its work; and
- the requirement to balance the need for a thorough inquiry with the need to avoid duplication.<sup>23</sup>

**In our decision, we acknowledged that**

the April 2020 mass casualty visited unthinkable pain on the families of those who were killed and their communities. It sent shock waves throughout the Province of Nova Scotia that reverberated throughout our entire

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country. The sheer magnitude of its repercussions prompts us to interpret “substantial and direct interest” broadly so that we may hear as many affected and interested voices as possible.<sup>24</sup>

At the same time, we had to consider that we had an extensive mandate to fulfill in a limited time. Our challenge was to promote inclusiveness while honoring our time constraints. We met this challenge by granting participation status to a relatively large number of Participants while being creative in finding effective ways to engage them efficiently. We also created appropriate coalitions so that several Participants may speak together on issues about which they have a shared interest or expertise. Coalitions also offer the advantage of creating balance and reducing duplication where various organizations have similar areas of expertise.

As of early April 2022, we had granted Participant status to 61 individuals (those most affected and other individuals) and groups. One Participant withdrew from this role but continues to assist the Commission, so the Commission currently has 60 active Participants. We categorize the group applicants according to their purpose, focus, and characteristics as follows:

- victim advocacy organizations;
- health-related organizations;
- firearms organizations;
- justice organizations;
- gender-based organizations; and
- police-related organizations.

Beginning in May 2021, the Commission team held meetings every other week with counsel for the Participants with the opportunity to participate in Phase 1 of the Commission’s work. Commission counsel continue to hold regular meetings with all Participant counsel to share information and work through issues as they arise. The list of Participants and their counsel appears as Appendix 5 at the end of this Report.

## The Factual Foundation

The focus of the Commission's work to date has been on building the factual foundation for both the Phase 1 inquiry into what happened on April 18 and 19, 2020, and the Phase 2 examination of the causes, context, and circumstances that help us to understand the how and why of what happened. Our initial approach has been threefold:

- to carry out extensive investigation and information gathering;
- to review and analyze this information and summarize it in draft Foundational Documents that provide a narrative account of the mass casualty and related issues; and
- to consult with Participants on the drafts and prepare revised Foundational Documents based on the input received.

This extensive foundation-building work is being carried out collaboratively by our Commission counsel, investigations, and research and policy teams. We provide an overview of the role of these three teams and introduce the team leaders and a more detailed overview of the work they have carried out to date.

### **ROLES OF COMMISSION TEAMS**

Commission counsel are the lawyers who work for a Commission and act on behalf of and under the instructions of the Commissioners. They provide support and advice to Commissioners on a wide range of issues and help to ensure that the Inquiry is run in an orderly manner. Another critical function of Commission counsel is to maintain regular communication with Participants.

Commission counsel, like the Commissioners and the entire Commission team, are objective and impartial. They must ensure that all matters which bear on the public interest are brought to the attention of the Commissioners.<sup>25</sup> Unlike in adversarial proceedings, a Commission's legal team does not act for particular interests or advocate for a client's specific point of view. Commission counsel are not criminal prosecutors, nor is their role the same as lawyers

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who represent plaintiffs or defendants in civil proceedings. Commission counsel act impartially and thoroughly with the goal of assisting the Commissioners in arriving at the truth by ensuring that all issues, all evidence, and all significant theories are brought forward.<sup>26</sup> As discussed above, as Commissioners we play an active role as inquirers and we direct Commission counsel so they can support and assist us in that function.

Given our extensive and complex mandate, we have assembled a relatively large team of lawyers to serve as our Commission counsel. We were fortunate that the Honourable Thomas Cromwell, a former justice of the Nova Scotia Court of Appeal and the Supreme Court of Canada, agreed to serve as the director of our legal team and our instructing counsel. Under his direction, the Commission's counsel work is carried out by six senior Commission counsel – Roger Burrill, Jennifer Cox, QC, Emily Hill, Gillian Hnatiw, Jamie Van Wart, and Rachel Young – supported by a team of lawyers, paralegals, and legal assistants.

The role of the investigations team is to assist the Commission in determining what happened, and to help set up the discussion around the broader context in which the mass casualty occurred and what could be done going forward to enhance community safety. Our director of investigations is Barbara McLean, a senior police leader with a long and distinguished career with the Toronto Police Service, who was born and raised in Antigonish, Nova Scotia, and attended St. Francis Xavier University. Deputy chief of the Toronto Police Service, she is on secondment with the Commission and has assembled a team of 10 investigators, including a crime analyst. She recruited her team on the basis of policing and intelligence experience, familiarity with Nova Scotia specifically or the Maritimes generally, and a demonstrated public service orientation. To maintain investigative independence in conducting work on behalf of the Commission, no current or former members of the RCMP or any Nova Scotian police service were hired for this team.

Our mandate requires us to understand how and why the mass casualty occurred and to make recommendations that could help protect communities in the future. Our work therefore has a strong research and policy component, helping us to take the information gathered in the investigation, place that information into a broader systemic and institutional context, and inform our ability to make meaningful recommendations. The research and policy team

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works closely with our Commission counsel and investigations teams to ensure that this work is evidence based. In many public inquiries, the fact-finding and policy dimensions of the mandate are carried out separately. Our mandate makes these two aspects of work more integrated.

To this end, our research and policy team helps us to prepare the factual record and to identify and gather relevant policies and procedures. The team also assisted us in designing and implementing an extensive research and consultation program. These aspects of their work are discussed in the following major part of this Report, where we outline our planned Phase 2 proceedings.

Dr. Emma Cunliffe serves as our research and policy director. She is a professor at the Allard School of Law at the University of British Columbia and a visiting professor at the Schulich School of Law at Dalhousie University. Her research focuses on the investigation and fact-finding process in complex criminal matters, and she has particular expertise in the field of expert evidence.

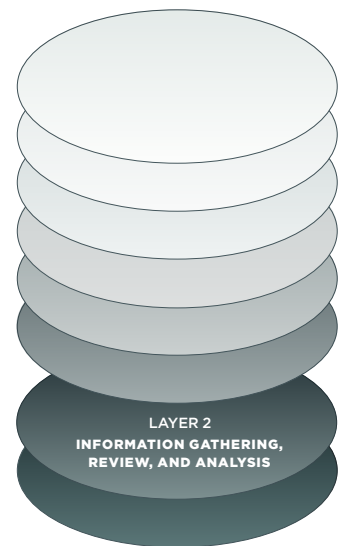
### **INVESTIGATION AND INFORMATION GATHERING**

The Mass Casualty Commission is taking steps to independently obtain all information necessary to carry out its mandate. In the following discussions, we describe the three interrelated avenues in the Commission’s investigation and information-gathering work: document production, management, and disclosure; investigations; and witness interviews. This is our second layer of work, which will continue throughout Phases 1 and 2.

#### **Document Production, Management, and Disclosure**

The Canadian *Inquiries Act*<sup>27</sup> and the Nova Scotia *Public Inquiries Act*<sup>28</sup> empower commissioners to summon before them any witness, require them to give evidence orally or in writing, and “produce such documents as the commissioners deem requisite to the full examination of the matters into which they are appointed to examine.”<sup>29</sup>

One of a public inquiry’s main information-gathering tools is the power to require document production, which is a legal





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process where individuals, organizations, and institutions are compelled to share information. Through the production process, the Commission can subpoena documents and information from various sources. (In the context of our work, a subpoena is a legal document that orders a named individual, institution, or organization to produce documents and other types of information or to appear before the Commission to provide evidence or testimony. Disclosure refers to the process through which the Commission shares with Participants the documents that have been produced.)

The Commission initiated the process of seeking document production from all relevant parties as soon as practicable after we established our offices and the core Commission team was in place. The first step was to initiate discussions with the Governments of Canada and Nova Scotia and the RCMP to understand where all the requisite documents were held. General subpoenas were then issued to the Attorney General of Nova Scotia and the RCMP on March 18 and 25, 2021, respectively. As of March 24, 2022, the Commission had issued more than 70 subpoenas and had disclosed more than 50,000 documents, including investigative files, emails, notes from first responders, transcripts of police radio communications, visuals such as photographs, and more than 1,000 audio and video files. The obligation to produce documents is ongoing, which means the Commission will continue to seek, receive, and disclose requisite documents during the course of its public proceedings.

Document production is a time-consuming part of any legal process, especially public inquiries with their broad terms of reference. The Mass Casualty Commission has been seeking a wide range of documents: both those related to the mass casualty itself, which are the focus of Phase 1, and those related to the broader contextual issues required to build the evidentiary foundation for Phase 2. These requests include institutional records and various types of policies and training manuals. Compelling a party to produce all requisite documents is rarely straightforward and often requires several requests.

The Commission has experienced some delays in this process caused by a number of factors beyond its control, including that government offices were closed for a period because of COVID-related health orders. A separate factor is that the Commission does not have the power to require parties to provide documents organized in a specific manner. For example, the Commission cannot

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require parties to produce documents all at once or to produce intact original electronic documents in their native format, the way the police can with a search warrant. These limitations create additional work for the Commission to analyze what has been received. Commission counsel continue to work with Participants to address these issues.

Managing, reviewing, and sharing these documents and other records has been a monumental task. The Commission hired a team from the firm of Cox & Palmer in Halifax, experienced with the document management of other public inquiries, to assist us with this work.<sup>30</sup> This team is contracted for a limited scope of work and does not provide legal opinions.

Under the supervision of Commission counsel, the documents are entered into a database, using a litigation management platform called Relativity, and undergo a preliminary review for relevance. Each document is scanned into the database with a unique number as well as other objective identifying features such as author, recipient, date, and source. These features permit anyone with access to the database (Commission counsel, research and policy staff, Participants) to search the content of a document. All documents must be treated as confidential until they are made part of the Commission's public record. The confidentiality requirements are standard and ensure that documents which are not required for the Inquiry, because, for example, they are not relevant to the Commission's mandate, are not disclosed to the public.

The Commission established a system to vet all documents and records for graphic content. The Commission carefully balances the importance of transparency with the privacy and dignity of people who are the subject of various documents. Accordingly, although the Participants were provided with access to all source materials, the Commission did not release unnecessarily graphic materials if their evidential value did not outweigh the harm that releasing them would cause. An investigator and a lawyer reviewed all documents, ensuring consistency in the classification. For example, images of the deceased individuals were classified as graphic whereas crime scene photos that provided situational information were not (although in some cases parts of the image were obscured). Documents classified as graphic were catalogued with a description of the image and stored on encrypted hard drives – they were not loaded into the Relativity database. Although these documents were not automatically disclosed,

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Participants could apply to see them. Some family members did apply and were granted access to some of these documents. There is a strict protocol governing the limited number of people within the Commission with access to these most graphic materials as needed, and access is logged.

In a few instances, for privacy and dignity reasons, summaries rather than the original documents are made public. For example, we have summarized source material that contains first-hand observations of minors as the mass casualty was unfolding. The media and Participants still have access to the complete documents, so they can satisfy themselves of the accuracy of the summaries.

### Investigations

Concurrent with the document production process, the Commission team carried out an extensive independent investigation. Steps taken by the investigations team included

- reviewing and analyzing what was in disclosure, including documents, statements, audio, and video;
- identifying other required documents based on this review and requesting additional documentation where gaps were found;
- visiting sites where the mass casualty took place to collect respectful aerial images of the roads and landscape - routes and terrain - including
  - photographic images (day and night),
  - video imaging (day and night),
  - mapping, and
  - thermal-imaging images;
- interviewing witnesses;
- following leads; and
- participating in open houses to establish a dialogue with community members about the Commission's work.

Members of the investigations team do not rely solely on material provided to them; rather, they have followed professional investigative practices and sought out additional disclosure, witnesses, and leads. Their work is highly

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coordinated with that of Commission counsel. Members of the investigations team have been proactive in reaching out to the most affected communities. People, including some who had not been previously interviewed by the RCMP or other investigative bodies, have come forward to speak to investigators. We received investigative leads through the Commission's website, from our initial mailing in the communities most affected, at our open houses, and from other public engagement activities.

The investigations team works closely with Commission counsel and the research and policy team, focusing on areas of expertise including

- operational police tactics, responses, decision making, and supervision;
- communication with the RCMP, with other police forces and agencies, and with the public;
- training policies and practices related to gender-based and intimate partner violence and active shooter incidents; and
- policy and practices in the management of police equipment and vehicles.

Although the initial and primary focus of the investigations team has been to assist in building the factual foundation, team members also assist us as we examine the broader issues within our mandate.

#### **Witness Interviews**

Over the course of its document review and investigations, the Commission team identified a large number of civilian and non-civilian individuals who had knowledge related to the mass casualty. Members of the Commission team interviewed these witnesses and prepared transcripts. The Commission team carefully reviewed documents and records in the H-Strong file of interviews that the RCMP had carried out. (The RCMP named its investigation "Operation H-Strong.") The objective of this review was to determine if aspects of the RCMP interviews were sufficient for the Commission's purposes, since we were mindful of the potentially traumatic impact re-interviewing might have on an individual.

The Commission's practice is to prepare transcripts of the interviews it conducts. Where appropriate, transcripts are entered as evidence on the public record rather than through witness testimony. One of our objectives is to minimize

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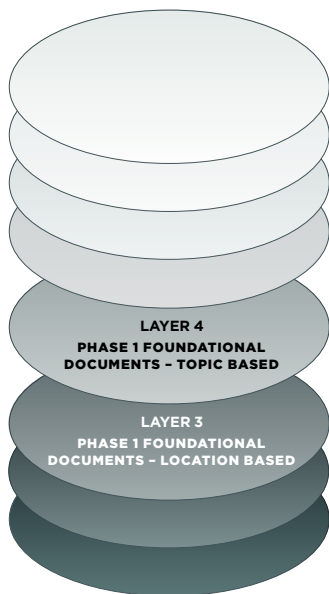
the number of times an individual is asked to speak about a potentially difficult subject. By proceeding this way, we are able to include the testimony of many individuals in an effective, efficient manner while being attentive to the needs of those who may continue to experience trauma. As we describe below, in our discussion of public proceedings, the Commission will hear from witnesses wherever required. Our team has carried out over 150 interviews, with more scheduled. Transcripts will be entered into our public record through Foundational Documents or by other means.

### PREPARATION OF FOUNDATIONAL DOCUMENTS

The Commission is undertaking an expansive and thorough approach to gathering information through document production, investigations, and witness interviews. The Commission team reviews materials and prepares draft Foundational Documents that summarize the facts as they are understood up to that point in the inquiry process. These summaries reference all applicable sources of evidence in our possession at the time of preparation. The objective is to prepare comprehensive documents written in a style that is accessible to the public. The

Commission’s work to collect and analyze all relevant information will continue throughout our mandate and, therefore, the Foundational Documents remain a work in progress for as long as we continue our document review and disclosure, investigations, and witness interviews.

Foundational Documents are a mechanism by which the Commission can share in a timely and transparent way both the information and the evidence obtained thus far and our understanding of the evidence to date. This early sharing enables others to identify any gaps, errors, or additional concerns as relevant to the work of understanding how and why the mass casualty could happen. The documents are “foundational” because they provide the Commission, Participants, and the public with a base on which to identify the next level of “how and why” questions – questions that will inform the work of Phase 2 – in a timely way.



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The Foundational Documents are a critical feature of the Mass Casualty Commission which will permit us to conduct a thorough and complete inquiry and make solid recommendations for the future within the timeframe set out in the Orders in Council. Without them, inevitably the wait for answers would be prolonged well beyond our two-year mandate.

At the same time, the preparation of the Foundational Documents is a massive undertaking involving all members of our legal, investigations, and research and policy teams. We are, in effect, “front-end loading” our process by pulling together all the information into a streamlined narrative rather than simply releasing huge volumes of unprocessed data. The Commission is taking great care to document where any facts are unclear or where there is conflicting evidence, so we can then take additional steps to develop a more complete and accurate understanding. The process is a transparent one: Participants have access to the full document production and other information gathered by the Commission team (such as witness interviews) and can make independent assessments of the information. Participants have also had the opportunity to comment on draft Foundational Documents before they were made public. Input from Participants has been extremely helpful, and we detail this process in the next section of the Report.

The objective of the Phase 1 Foundational Documents is to develop, in an efficient and effective manner, a common information base about what happened. These documents are divided into two categories: location-based and topic-based. The location-based documents lay out the factual matrix and timeline of what happened at the sites of the mass casualty. The topic-based documents lay out the factual matrix concerning the specific issues, the role of specific institutions, and the structure and interplay of various institutions and programs. These topic-based Foundational Documents extend from before to beyond April 18 and 19, 2020, and build onto the location-based timeline. The division between location-based and topic-based information separates and clarifies overlapping actions, decisions, capabilities, and policies, and the resulting consequences. Together the two sets of Phase 1 Foundational Documents are designed to provide a thorough factual basis for the Commission’s inquiry into the mass casualty.

At the end of our public proceedings, the Commission will be able to bring together information from a location-based Foundational Document with information from one or more of the topic-based Foundational Documents. In

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that way, we can merge what we have learned was happening on the ground at a specific time (from the former) with any related command decision and any related policy or practice guideline (from the latter). The Foundational Documents are not the final word on or conclusion about what happened. They are a platform from which to build a shared understanding of what happened that can support the inquiry into the causes, context, circumstances, and impact of what happened. Our initial focus is on exploring the central facts that are essential to move forward with the Commission's mandate to understand how and why the mass casualty could happen and to make recommendations to help prevent and respond to similar events in the future.

The Commission team is also preparing a series of Phase 2 Foundational Documents. These are discussed below.

### INPUT FROM PARTICIPANTS AND WORKING GROUP MEETINGS

The Commission engaged Phase 1 Participants in a series of Working Group meetings to provide their input on the Phase 1 Foundational Documents to Commission counsel. These meetings took place over several weeks in November and December 2021, before the presentation of the Foundational Documents in public proceedings, with the goal of ensuring the documents' accuracy.

Drafts of the Foundational Documents were sent to Phase 1 Participants on a confidential basis as they were prepared, beginning in late August 2021. Initially, we had asked for written comments from Participants' counsel, with a view to receiving their input and finalizing the documents in time for the public proceedings first scheduled for the fall of 2021. When it became clear that we required more time to review source materials and complete the Foundational Documents, we revised our process to address Participants' needs.

Commission counsel as well as Participants and their counsel had set aside time, and meeting space had been booked for public proceedings. We decided to make effective use of this time and space and keep our process moving by holding Working Group meetings where counsel could carry out a joint review of the Foundational Documents. Participants interested in or wanting to make a contribution to Phase 1 matters were invited to hear what other Participants had to

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### **FOUNDATIONAL DOCUMENTS - PHASE 1**

#### *LOCATION BASED*

Portapique, April 18-19, 2020

First Responders' Actions in Portapique

Perimeter Containment in and Around Portapique

Overnight in Debert

2328 Hunter Road

Highway 4, Wentworth

Highway 4, Glenholme

Plains Road, Debert

Onslow Belmont Fire Brigade Hall

Shubenacadie

Highway 224

Enfield Big Stop

#### *TOPIC BASED*

Truro Police Service

RCMP Emergency Response Team

Confirmation of Replica RCMP Cruiser

Air Support

RCMP Public Communications

Command Post, Operational Communications Centre,  
and Command Decisions

Halifax Regional Police and Halifax District RCMP Operations

Overview of Radio Communications System in Nova Scotia

Overview of 911 Call-Taking and Dispatch in Nova Scotia

Applicable Legislation and Regulations:

- Firearms
- Public Alerting
- Police Paraphernalia
- Structure of Policing in Nova Scotia

Perpetrator's Access to and Use of Police Vehicles  
and Associated Equipment, Kit, and Clothing

Perpetrator's Access to Firearms

Public Communications from the RCMP and Governments  
About the Mass Casualty



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say, and feedback was encouraged. This approach put into practice our core principles of inclusion, participation, collaboration, and transparency.

These meetings served two purposes. First, they were a dedicated opportunity for Participants to provide input on the content of the draft Foundational Documents, helping to ensure that they were as accurate as possible before being shared with the public. Second, we sought Participant input and insights on aspects of the factual account which required clarification, explanation, and exploration during Phase 1 public proceedings. This feedback helped us to determine how best to use hearing time, with the focus on what the public needs to understand, as a basis for the work in Phases 2 and 3. Each meeting was structured around a specific Foundational Document, with the same questions asked:

1. Are there gaps in the information?
  - a. If so, please identify the gaps you see, and
  - b. Tell us why that information is important to learn / understand?
  - c. If there is a gap requiring more detail, who should we hear from?
2. Are there inaccuracies or other perspectives relating to any of the information, and why are the other perspectives important? What information are you aware of that forms the basis of your view on the content of the document?
3. Are there areas that require more attention or detail, and why?  
If there is an area requiring more detail, who should we hear from?

The Working Group meetings operated on the principle of ensuring that we share credible facts with the public. Meetings were held on a without prejudice basis, which in this context means that Participants were not giving up any rights, including the right to give an independent assessment of the Foundational Documents later in the process. To encourage open sharing, the meetings were held on a confidential basis. Transcripts were not produced, and recordings were not permitted. (Meetings also needed to be confidential and held behind closed doors because documents were not ready to be made public.)

Each Working Group session was moderated by a designated Commission counsel who helped to make sure that all voices were heard in a fair and respectful manner. A meeting was not a mediation or negotiation. It was an opportunity

### ***Phase 1 - Building the Core Evidentiary Foundation***

for Participants to give input orally rather than in writing, and to do so in the presence of other Participants. The collective format meant that Participants could learn from one another, and that questions could be answered and some concerns allayed. We recognized that there were some conflicting interests among Participants and took steps to reinforce the non-adversarial character of this process (and the Commission process overall).

Representatives of the Commission counsel, the investigations, and the research and policy teams also attended the Working Group meetings. Their role was to hear Participants' contributions and to provide clarification as appropriate. Areas where additional investigation might be required or further document production sought were noted and brought back to the Commission for appropriate follow-up. Mental health support was available for attendees.

These meetings were the first substantive opportunity to put our restorative principles to work in collaboration with Participants. The process was designed to ensure that Participants helped us to produce Foundational Documents that contain an accurate understanding of what happened and to determine what aspects of the factual account would require clarification, explanation, and exploration before or during the public proceedings. The active inclusion of Participants made a meaningful difference to the Commission's draft Foundational Documents. This assistance was essential to our process, and the Working Group meetings were, from our perspective, an effective collaborative mechanism. These meetings were also important because they were the first chance for in-person meetings between Commission counsel and Participants and their counsel. Because of public health restrictions, earlier meetings were all held virtually.

Following these Working Group meetings, the Commission team began working on revisions to the draft Foundational Documents and preparing to present them at the public proceedings.

## Public Proceedings

The Mass Casualty Commission has invested considerable time and resources in building the core evidentiary foundation to date. This work has involved creating

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and maintaining the conditions for public engagement and Participant input on a collaborative basis. These two aspects of our work are brought together in public proceedings, which began on February 22, 2022, and are anticipated to continue until September 29, 2022. The Commission's public proceedings will take a variety of formats, but all have the shared goals of

- openly sharing what we are learning about what happened;
- deeply and transparently probing into the causes, context, and circumstances of how and why it happened; and
- working together with Participants and the public to meet the urgent need to understand all the issues raised by our mandate.

The Commission's public proceedings are guided by our Rules of Practice and Procedure. We provide an overview of these Rules as an introduction to this aspect of our work and conclude this section by introducing the approach we are taking in Phase 1 public proceedings.

## Rules of Practice and Procedure

The Commission's Rules of Practice and Procedure (the Rules) were developed by the Commission team in consultation with Participants, and we adopted them on August 16, 2021. The Rules provide the framework for the Inquiry's public proceedings and are intended to ensure that everyone has a common understanding of the roles, processes, and approach. The Rules put into practice the Commission's vision and values. Rule 11, for example, sets out our inclusive definition of public proceedings as including community meetings; expert, institutional, or policy roundtables; witness panels; and hearings. Rules 26–30 deal with Foundational Documents.\*

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\* The Rules of Practice and Procedure appear as Appendix 3 of this Report.

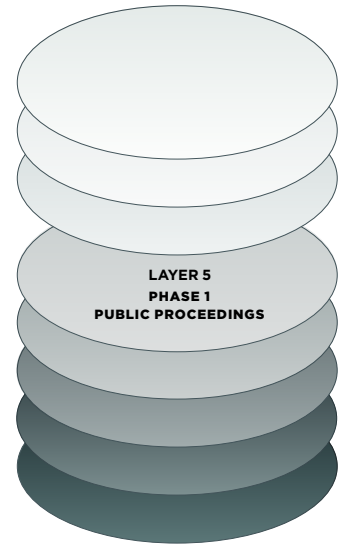
## Public Proceedings – Phase 1

As noted, the Commission opened Phase 1 of its public proceedings on February 22, 2022. On that day, we three Commissioners made remarks that provided an update on our progress and presented an overview of our vision and plans for this set of proceedings. We started by recognizing that the mass casualty took the lives of many people, caused serious physical and emotional injuries for others, and left people in Canada and beyond feeling fear, anger, and grief. We contributed to honouring the memories of those whose lives were taken in the mass casualty by reading out their names and inviting everyone with us to join in moments of silent reflection for them, their loved ones, and all those affected by this mass casualty.

Following these opening remarks, the Commission continued to focus attention on individual and community trauma, resilience, and wellness. A panel discussion, “The Human Impact – Broad Reach and Impacts on Wellness Context,” addressed the broad range of people and communities affected by the mass casualty. Panellists discussed what it means to normalize and validate emotions and helped to prepare people for the information that would come from the Commission’s work. The panel was facilitated by Starr Cunningham. Panellists were Dr. Keith S. Dobson, Katherine Hay, Robin Cann, Susan Henderson, Crystal John, and Cheryl Myers. The Commission team also provided an orientation to our website and other resources that support and assist members of the public who are following the proceedings.

One focus of the Commission’s public proceedings is to give context to the factual analysis contained in our Foundational Documents. Toward this end, on the second day of public proceedings the Commission team introduced information about life in rural Nova Scotia and, in particular, life in the counties where the mass casualty took place.

The purpose of the community panel was to establish important context at the start of proceedings about the rural communities in which the mass casualty took place – what the people and places are like, what makes them special, and what



## MASS CASUALTY COMMISSION INTERIM REPORT

they may have in common with other Canadian communities. The Commission's goal was to invite a cross-section of community representatives to share their voices and perspectives about life in rural Nova Scotia. This introduction was made by a panel facilitated by Alana Hirtle and included presentations by the Reverend Nicole Uzans, Chief Sidney Peters, Mary Teed, and Dr. Ernest Asante Korankye. The panellists also helped us remember that their communities are far more than just the locations where this mass casualty occurred. We anticipate hearing from more panels or circles that provide context and share experiences. They are key to the Commission's mandate and to our commitment to ensure that the human impact of the mass casualty receives proper attention.

In addition, Commission counsel presented a technical report, "The Structure of Policing in Nova Scotia," prepared for us by Barry MacKnight, a former chief of police in New Brunswick and former vice-president of the Canadian Association of Chiefs of Police. Following this presentation, the full report was made available on the Commission's website (<https://masscasualtycommission.ca/documents/commissioned-reports/#structure-of-policing-in-nova-scotia-author-barry-macknight>).

Technical witness Darryl Macdonald, commander of the PEI RCMP Operational Communication Centre, provided an understanding of 911 call-taking and dispatch operations.

During these first few days, the Commission placed the information in the location-based Foundational Documents in context. These documents were then presented by Commission counsel in chronological order following the timeline of the mass casualty. Multiple media, including maps, graphs, and modeling, were integrated into these presentations to further an understanding of what happened on April 18 and 19, 2020. Over the course of the proceedings, witnesses will continue to be called on to provide technical or human context and to address gaps in the Foundational Documents.

Both before and throughout Phase 1 proceedings, Participants have been invited to provide input on potential witnesses and to propose questions to be asked of witnesses by Commission counsel. In addition, Participants have been invited to make submissions on the Foundational Documents introduced in the public proceedings.

We have considered Participants' submissions on their proposed witnesses relating to the Portapique Foundational Documents. In a decision issued on

### ***Phase 1 - Building the Core Evidentiary Foundation***

March 9, 2022, we provided reasons concerning whether each of the proposed witnesses would be subpoenaed to appear either as individual witnesses or on witnesses panels. This decision appears as Appendix 6 of this Report.

In this decision, we also determined that additional witnesses who had not been the subject of Participant applications would be heard later in the proceedings. In this decision, we explained that a great deal of the factual record will be established through Foundational Documents (only three of a planned 30 Foundational Documents had been presented to the public at that point in the proceedings). We also clarified that it has always been our intention to hear oral evidence when it could add to the factual record in a meaningful way. The Commission's Rules address the issue of witnesses in some detail.<sup>31</sup>

In the March 9 decision, we also explain that a restorative approach that requires the Commission to be trauma-informed is completely consistent with a full inquiry and vigorous examination to determine the truth:

Being trauma-informed does not mean not hearing from a person; it does mean thinking carefully about how we hear from a person. A trauma-informed approach does not automatically excuse someone from testifying, but rather seeks to create conditions in which testifying will be less traumatic. This is accomplished by giving clear direction about what is being asked, a respectful environment, the possibility of taking breaks, etc. It may also mean seeking accommodations such as Participant counsel suggested, insofar as a person's testimony may be gathered in ways other than through subpoena (such as written questions, sworn affidavits, appearing by video, etc.). This is done in order to create conditions in which it is more likely to get the best, most reliable evidence from individuals who are experiencing or have experienced trauma.<sup>32</sup>

By the time this Interim Report is released, we anticipate that we will have completed or will be nearing completion of Phase 1 proceedings on the location-based Foundational Documents. As we move forward, we will be integrating public proceedings on the topic-based Foundational Documents of Phase 1 with Phase 2 proceedings; this integration will help to expand our view of how and why the mass casualty happened and to build a more expansive evidentiary base on which to build our findings and recommendations.

## Phase 2 – Broadening the Lens and Evidentiary Foundation

In Phase 2, the Mass Casualty Commission continues to build on what we have learned about what happened and to extend that knowledge by seeking answers to the questions about the how and why of the mass casualty. Here, the focus is on broadening our lens and evidentiary foundation by exploring more deeply the causes, context, and circumstances of the mass casualty, including issues set out in our Terms of Reference. Our work on Phase 2 was initiated at the same time as Phase 1, with the understanding that we would work toward sharing our knowledge in a phased sequence.

In this part of the Interim Report, we describe the steps we have taken to broaden our lens and evidentiary foundation through the preparation of Phase 2 Foundational Documents, the establishment of a Research Advisory Board, the conducting of an environmental scan of relevant past reports, and the commissioning of a series of technical and expert reports. We also share a preliminary list of some of the issues and questions identified through the Commission's work to date and an outline of our plans for Phase 2 of our public proceedings.

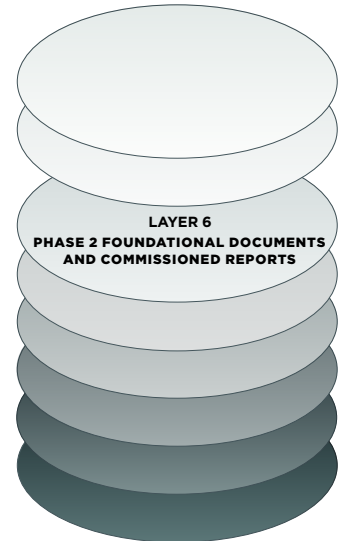
### A Wider Lens

An integral part of the Commission's approach is to work with the Participants and other interested individuals and groups to understand the causes, context, and circumstances of the mass casualty. In designing our work, we have established certain themes to bring together related questions and issues. The three

## ***Phase 2 – Broadening the Lens and Evidentiary Foundation***

overarching themes provide a framework to help guide our work: policing, community, and violence. This thematic approach assists us to connect the dots between specific facts, incidents, issues, contexts, causes, and consequences.

The policing, community, and violence themes bring together the issues specifically identified in our Terms of Reference. From this starting point, we have identified a range of sub-issues arising from our initial information gathering carried out in Phase 1. We anticipate that other issues and perspectives will be added as we explore these themes in depth throughout Phase 2. This thematic framework has guided us in the development of additional Foundational Documents, the commissioning of technical and expert reports, and the establishment of our Research Advisory Board. It has also assisted us in carrying out an environmental scan of past reports relevant to our mandate and identifying additional areas for research and analysis. The Phase 2 Foundational Documents and commissioned reports will be a sixth layer, adding to the evidentiary foundation we are developing through our Phase 1 activities.



### **FOUNDATIONAL DOCUMENTS – PHASE 2**

The Commission team has used the approach set out above to develop a set of Foundational Documents related to our Phase 2 examination of how and why the mass casualty occurred. Members of the research and policy, investigations, and Commission counsel teams conducted interviews and reviewed and analyzed documents. Based on Phase 2 paths of inquiry, additional subpoenas were issued. These subpoenas included demands for institutional records and for certain policies and training manuals from various institutions, including the RCMP. The research and policy team also identified relevant information already in the public domain, such as government policies that apply to elements of the mass casualty. The Foundational Documents for Phase 2 address the wider scope of time contemplated in the Commission’s mandate to examine relevant events before and after April 18 and 19, 2020. They include earlier relevant facts such as



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the perpetrator's past activities and interactions with institutions and the community, as well as post-event issues including next-of-kin notifications and issues related to support services. The list of these documents is set out below.

### **FOUNDATIONAL DOCUMENTS – PHASE 2**

Perpetrator's Violence Toward Common-Law Spouse

Perpetrator's Violence Toward Others

Perpetrator's Financial Misdealings

Violence Within the Perpetrator's Family

Applicable Legislation and Regulations

- Death Notification
- Victim Support

Next-of-Kin Notifications to Families

Resources and Services Requested by and Provided to Families

Support Services Available to the Community

To meet its mandate, the Mass Casualty Commission must fully understand the legislative, regulatory, and policy contexts for policing and other services involved in emergency response in Nova Scotia. Policing institutions have produced a vast array of documents, including ones on the institutional decision-making structures, policies and programs, and training manuals and programs. Given the complexity of the RCMP structure and the large number of relevant policies and programs, the Commission has directed the RCMP to prepare written evidence reports of how the structure, programs, policies, and training are designed to work individually and how these elements interconnect.<sup>33</sup> In our decision of March 9, 2022, we confirmed that the Commission will be calling a number of institutional witnesses to testify during upcoming public proceedings.\* Institutional witnesses present institutional reports and answer questions about their contents. They assist the Commission by providing contextual information about the institution itself.

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\* *Decision with respect to proposed witnesses by Participants relating to the Portapique Foundational Documents (March 9, 2022)*, para 13 (Appendix 6).

## ***Phase 2 – Broadening the Lens and Evidentiary Foundation***

### **RESEARCH ADVISORY BOARD**

Another early step in our Phase 2 preparation was to establish a Research Advisory Board to advise on the design and implementation of our research and policy process. The members of the Research Advisory Board are eminent academics with expertise in community-engaged policy processes that encourage meaningful and inclusive two-way dialogue in consultation and policy development. Their collective expertise spans areas important to our work, including criminology, sociology, law, and psychology. We also ensured significant representation from academics in Nova Scotia, recognizing the importance of an understanding of culture and community. We consult with the Research Advisory Board at key points in our work, and members of our research and policy team are in ongoing contact with individual members of this board. As a group, the Research Advisory Board provides us with invaluable advice about key research questions, expert reports, policy roundtables, and the process of formulating recommendations. A list of board members is set out in the text box and additional information about the members is available on our website.

#### **RESEARCH ADVISORY BOARD MEMBERS**

Professor Judith Andersen, University of Toronto

Professor Diane Crocker, Saint Mary's University

Professor Ian Loader, University of Oxford

Professor Naiomi Metallic, Schulich School of Law, Dalhousie University

Professor Akwasi Owusu-Bempah, University of Toronto

Dr. Peter Russell, professor emeritus, University of Toronto

The Honourable Lynn Smith, honorary professor, Peter A. Allard School of Law, University of British Columbia

### **ENVIRONMENTAL SCAN**

One of the first tasks initiated by the research and policy team was an environmental scan of relevant existing reports pursuant to our Terms of Reference that require us to consider the findings of relevant previous examinations and investigations.<sup>34</sup> The environmental scan tracks work that is external to the Commission and brings together recommendations from previous reviews conducted in

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Canada about the matters identified in our mandate. The scope of this tracking includes reports of

- commissions of inquiry,
- government standing committees,
- law reform commissions,
- government-commissioned evaluations and reviews,
- the Civilian Review and Complaints Commission for the RCMP, and
- coroner's inquests.

Reports from public interest groups or think tanks are not included, nor are reviews that do not contain recommendations. The research and policy team has been reviewing and will continue to review and analyze other types of reports and research as needed to fill any gaps in our understanding throughout our mandate.

This compilation and analysis of the findings and recommendations of past public inquiry reports and institutional reviews provide us with a solid understanding of problems previously identified and possible solutions proposed by others. The analysis allows us to learn from and build on past recommendations rather than reinventing the wheel. We are also trying to find out what past recommendations have been implemented and, where possible, any evaluations of their impact. Equally important, we are investigating institutions that were given opportunities to change but have not fully implemented recommendations. Learning about past obstacles and challenges to implementation will assist us to design recommendations capable of addressing common roadblocks to change. Our public proceedings, in conversations with individuals and groups through a range of Phase 2 and Phase 3 activities, will, we expect, give us a better understanding of these past experiences.

The Mass Casualty Commission's environmental scan is a compilation and analysis of the findings and recommendations contained in past public inquiry reports and institutional reviews to provide us with a solid understanding of problems previously identified and paths already proposed by others.

## ***Phase 2 – Broadening the Lens and Evidentiary Foundation***

The environmental scan includes an analysis of 58 public inquiry reports and institutional reviews which are grouped according to topics relevant to the Commission's mandate and approach:

- police oversight, training, preparation, culture;
- communications among and within law enforcement agencies;
- communications with community (contemporaneous response to victims, community; emergency alerts);
- active shooter events; and
- gender-based and intimate partner violence.

Not all mass casualty incidents lead to reviews or recommendations. There was a coroner's inquest into the deaths of the 14 women killed at the École Polytechnique in Montreal on December 6, 1989, along with the death of the perpetrator. That inquest made findings of fact and raised questions regarding the response to the mass casualty but did not make recommendations. Several of the reviews that have examined active shooter events resulting in multiple homicides have made recommendations; however, these incidents have not generally been referred to as mass casualties.<sup>35</sup> The Commission team is also examining reviews of mass casualties in other countries, and several of the experts we have engaged will inform us about experiences outside Canada.

Within each topic area, the scan starts with any Nova Scotia reviews and then looks at national reviews and select reviews from other provinces. The background and mandate of each review is summarized briefly, and the issues on which recommendations were made are listed. Recommendations with relevance to the Commission's mandate are set out. Where known, information on the implementation of recommendations is included.

The relevance of the recommendations has been assessed at a general level with reference to our Terms of Reference and preliminary understanding of the mass casualty. The Commission has not completed its fact-finding process, and nothing should be inferred from this review of existing and potentially relevant recommendations. There are additional issues within our mandate for which we have been unable to identify past official reviews. No priority should be inferred as between issues that have previously been subject to official review in Canada

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and included in our environmental scan and those that have not. The environmental scan is only one aspect of our research plan, and the Commission is also adopting other approaches to ensuring that we have a comprehensive research and policy base for our work.

### COMMISSIONED REPORTS

The Commission has commissioned reports focused on key issues rather than on broader policy themes. Building on the factual foundation of the Foundational Documents, the environmental scan, and with the advice of the Research Advisory Board, the research and policy team identified potential research topics and writers. We decided on two types of reports: technical reports and expert reports. Our focus was to add another layer of knowledge to help us understand the causes, context, and circumstances of the mass casualty. This knowledge will assist us to formulate effective recommendations.

Technical reports are intended to provide factual information about matters such as the structure of policing in Nova Scotia, and the report on this subject was presented early in the Phase 1 public proceedings (<https://masscasualtycommission.ca/documents/commissioned-reports/>). These types of reports provide an objective and factual account of some of the key government and policy structures relevant to our mandate. In selecting writers for technical reports, the Commission focused on their independence and relevant experience.

Expert reports gather and analyze public policy, academic research, and lessons learned from previous mass casualties. These reports will further the Commission's mandate by analyzing matters such as policing, critical incident responses, rural community safety, and how best to support individuals and communities following a mass casualty. In selecting writers for these reports, the Commission focused on the Canadian legal criteria for expert witnesses, including independence, the suitability and reliability of research methods, and depth of knowledge.

The selection of topics for expert reports followed the themes of policing, community, and violence. The Commission team consulted with Participants on potential topics and possible authors when deciding what expert reports should be commissioned. These reports are shared with Participants first to allow them

## ***Phase 2 – Broadening the Lens and Evidentiary Foundation***

to prepare for the Commission’s public proceedings. The reports will be made public as part of the Commission’s Phase 2 and Phase 3 proceedings. It is anticipated that authors of the expert reports will be invited to participate in these public proceedings as witnesses, as members of expert panels, and/or as participants in roundtable discussions.

A list of the more than 20 reports we have commissioned to date for our Phase 2 work along with more information on them is available on our website (<https://masscasualtycommission.ca/about/what-are-commissioned-reports/>). We may commission additional reports to respond to questions raised by Participants and to assist us during the third and final phase of the Commission’s work as we develop recommendations.

In the next section, we provide an overview of the issues we plan to examine in our Phase 2 work, as well as what we anticipate learning from the expert reports.

## Issues

Collaboration is essential in the design of our work. To facilitate the Commission team’s working in integrated rather than fragmented ways or silos, we established cross-disciplinary ”pods,” or internal working groups, to tackle key topics. These topics include critical incident response and police context (including oversight, accountability, and management); firearms; police paraphernalia; intimate partner violence / gender-based violence; rural communities; and post-event support.

In this section, we describe the work of these pods to illustrate the range of issues arising from our examination of the causes, context, circumstances, and impact of the mass casualty. Our work is very much in progress, and what follows is only an overview of the issues we are examining. This outline of some of the major issues in no way prejudices what we will eventually determine to be the lessons to be learned from the mass casualty and the recommendations that we will propose to help prevent and respond to future similar incidents. We believe that sharing this information in our Interim Report can foster a better understanding of our process and encourage a shift toward understanding the mass casualty through the broader knowledge base that is relevant to our mandate.

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### POLICING

The Commission's work on policing is being carried out by three cross-disciplinary pods: police paraphernalia, critical incident response, and the police context. The technical report "The Structure of Policing in Nova Scotia," introduced in Phase 1, provides background information that assists the work of each of these pods. Several of the expert reports we have commissioned are relevant to both critical incident response and the police context and are introduced with respect to the most relevant pod.

#### Police Paraphernalia

The police paraphernalia pod is building the evidentiary base with respect to questions such as how the perpetrator acquired the uniform and vehicle used during the mass casualty, and who assisted him and/or knew he had this paraphernalia. The pod is also examining why the perpetrator dressed up as an RCMP officer and what impact this fact had on the response during the mass casualty. This evidence will be summarized in a Foundational Document on the perpetrator's access to and use of police vehicles and associated equipment, kit, and clothing. Broader issues include the current regime for regulating procurement, access, and disposal of police paraphernalia, understanding the problem of police imposters in Canada, and the effect of this perpetrator's police impersonation on the community's trust in police.

No earlier reviews consider the problem of police impersonation or the regulation of police equipment and clothing, and few experts study this issue. The perpetrator of the 2011 mass casualty on Utøya Island, Norway, also posed as a police officer, and the impact of this aspect of that incident will be addressed in two of the expert reports commissioned by the Commission: "Survivors and the Aftermath of the Terrorist Attack on Utøya Island, Norway," by Grete Dyb, Kristen Alve Glad, Ingebjørg Langaas, and Synne Øien Stensland, and "An International Perspective on Critical Incident Response: Communications, Risk Planning, and Deployment," by Bjørn Ivar Kruke.

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### **Critical Incident Response**

“Critical incident” is the term used by emergency services to describe a life-threatening situation in which demand for emergency services outstrips resources, immediate responses are necessary even though information about the nature of the incident may be incomplete, and the stakes are very high. The critical incident response pod is marshalling information about the issues and perspectives that shaped the response to the mass casualty. The location-based Foundational Documents record the responses at each location but by design don’t address other critical response aspects. Topic-based Foundational Documents look at individual elements of the critical incident response:

- Truro Police Service;
- RCMP Emergency Response Team;
- Air Support;
- RCMP Public Communications;
- RCMP command post, operational communications centre, and command decisions;
- Halifax Regional Police and Halifax District RCMP Operations;
- Overview of Radio Communications System in Nova Scotia; and
- Overview of 911 Call-Taking and Dispatch in Nova Scotia.

We have commissioned five expert reports, as follows. One is a technical report on emergency alerting and communications interoperability during critical incidents: Chris Davis, Cheryl McNeil, and Peter Gamble, “Communications Interoperability and the Alert Ready System.” This report will explain the Canadian Communications Interoperability Continuum and the Alert Ready system as it has been designed and implemented. Specifically, the report will explain what communications interoperability means, how efforts to pursue communications interoperability are governed, and how interoperability systems are designed in Canada. The report will also describe the Alert Ready Program, explaining how it works and how it is governed and designed, as well as its capabilities and limitations. In addition, the Commission will receive expert evidence about best practices and useful models for emergency communications from other countries.



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We have commissioned Rakhi Ruparelia to examine the history of the duty to warn the public: “A Legal History of the Police Duty to Warn the Public.” This report will describe the situation in Canada, drawing on relevant examples from other cases and instances in which the duty to warn has been explained and/or applied. The report will explain the purpose of the duty as described in case law, reports, and academic literature and, where relevant, will discuss the history of debates about the purpose, scope, and limits of the duty.

Two reports will provide overviews of research, policy, and practice with respect to critical incident response decision making. Laurence Alison and Neil Shortland, “Critical Incident Decision Making: Challenges of Managing Unique and High-Consequence Events,” will explain the psychological aspects of critical incident decision making by emergency personnel. This report will consider the role of training and preparation for critical incident decision making, the impact of stress, and common cognitive challenges faced by critical incident decision makers. A report by Bjørn Ivar Kruke, “An International Perspective on Critical Incident Response: Communications, Risk Planning and Deployment,” will provide an international perspective on critical incident response: communications, risk planning, and deployment. It will consider police and first responder decision making during mass casualty events based on research and lessons learned from other such events, including what happened at Utøya in 2011 and the subsequent review of police responses to those events. This report will also address the challenges of preparing police and first responders for mass casualty events, the community and policing resources drawn on in a crisis response, and the role played by civilians within critical incident response.

We have also commissioned an expert report by Curt Taylor Griffiths, “Inter-agency Communications, Cooperation and Interoperability Between Police Services and Between Police Services and Other Emergency Services: A Review.” This report will describe the structural, training, and cultural measures that police services can adopt to foster collaboration across agencies.

The Commission’s environmental scan identified seven reviews that have addressed issues related to communications among law enforcement agencies and between law enforcement agencies and the community, with a focus on contemporaneous communications with the community and emergency alerting. None of these reviews were in the context of critical incident response; rather,

## ***Phase 2 – Broadening the Lens and Evidentiary Foundation***

they were mainly undertaken in response to serial crimes carried out over longer periods of time. Nevertheless, we can draw lessons from the recommendations made, including those on community engagement in the design of alerting systems.

### **Police Context**

The police context pod is gathering information to help us understand both senior command decision making during the response to the mass casualty and RCMP operations in the days and weeks that followed. The pod is also assisting us to understand the influence of police culture, where relevant to our mandate, and the known contextual factors that preceded and influenced the mass casualty response. These factors include but are not limited to the following:

- decision making around the use and deployment of police resources in Nova Scotia, including financial and human resources, technical assets, and equipment issues, and the preparation and management of those resources for daily delivery of police services, including response to a critical event;
- executive-level and strategic decision making, including supervision within and stewardship of the RCMP and the role of RCMP National Headquarters;
- decision making around communications
  - internal communications, including communications between H Division (Nova Scotia) and RCMP National Headquarters;
  - interagency communications and collaboration and criminal intelligence sharing with municipal police forces and enforcement and public safety entities, specifically
  - communications with the public, including the role of and relationship with the media; and
- role of oversight bodies and the provincial and federal governments, where relevant to the Commission's mandate.

Many of the expert reports commissioned on topics related to critical incident response also contain important perspectives on the police context. We have commissioned three additional reports to further broaden our evidentiary

## MASS CASUALTY COMMISSION INTERIM REPORT

base. Holly Campeau's study, "Culture in Policing Organizations: Definitions, Research and Challenges," will provide an overview of the literature on police culture. It also will look at organizational culture in other spaces, such as public service organizations, to the extent that useful analogies can be drawn. The report will explain the role of organizational culture in making sense of significant events such as those we are studying.

A report by Bethan Loftus, "Police Culture: Origins, Features and Reform," will examine key research conclusions emanating from the literature on police culture and efforts to encourage change. The report will explain the methodologies used to understand policing research and police culture. It will define the concept of police culture and key features of this culture over time and in different settings. The report will also identify some standard strategies used by police services to change aspects of their culture and to evaluate reasons for the successes and failures.

The report by Benjamin Goold, "Exercising Judgment: Understanding Police Discretion in Canada," will deal with discretion and oversight within policing. It will examine the scholarly literature on the nature of police discretion, focusing on how the working culture and organization of law enforcement agencies structure the exercise of police discretion and associated powers, such as the powers of arrest, detention, and use of force. In particular, it will highlight some of the key barriers to making police discretion more transparent, information sharing more routine, and oversight more effective. Where possible and useful, it will identify examples from non-Canadian jurisdictions of best practices and promising approaches to ensuring that the police have meaningful legal oversight and are accountable to the diverse communities they serve.

Numerous Nova Scotian and other Canadian reviews have made recommendations with respect to police oversight, training, preparation, and culture. These recommendations and assessments of their implementation provide us with an additional perspective into the police context and identify recurring challenges in achieving reform.

## **COMMUNITY**

The Commission has established three cross-disciplinary pods within the community theme: rural communities, firearms, and post-event support.

### **Rural Communities**

The rural communities pod is working to develop an understanding of the rural context in Colchester, Cumberland, and Hants counties, where the mass casualty occurred, as well as the aspects of life in rural communities more generally as they relate to our mandate. The circumstances of the mass casualty require that we understand rural policing, community safety, and health resources in these communities, as well as the prevalence of crime, the extent of poverty, and the relationship of poverty to crime and safety. One of the facets of rural life can be closer relationships among community members and between the police and community members. The Commission is investigating what relationships, if any, police might have had with the perpetrator and what information, if any, police and community members might have had about the perpetrator, with a view to understanding whether either might have influenced the course of events.

We have commissioned two expert reports to add to our understanding of policing and community safety in the rural context. The first, by Anna Souhami, “A Systematic Review of the Research on Rural Policing,” is a general report to enrich our understanding of the mass casualty and of possible ways to increase rural community safety. This report will review the literature on rural policing, addressing topics such as community relationships and the nature and challenges of rural policing. The second report, “The Intersection of Government Policy and Everyday Life in Rural Nova Scotia: Local Services and Community Safety,” by Karen Foster, will provide us with a view of crime prevention and community safety in the Canadian context. It will address the “urban bias” that exists in research and policy development and, in addition, it will explore the questions of what is different about rural places and what constitutes safe communities.

Several of the reports reviewed in the environmental scan discuss the differences between rural and urban policing in responses to gender-based and intimate partner violence and active shooter events, noting, for example, how much time is required for emergency response.

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### Firearms

The firearms pod has been working to develop our understanding of the perpetrator's access to firearms and ammunition. The pod is preparing a Foundational Document that includes the information gathered to date about how the perpetrator acquired his weapons, including trans-border smuggling. The document will include individual and community knowledge about his acquisitions and opportunities to report and respond to illegal firearms acquisition. We need to consider these questions within the broader context of rural gun ownership and community safety. We also need to understand the Canadian legal framework for the regulation of firearms, including the trans-border issues under the Canada Border Services Agency.

We have commissioned two expert reports on firearms. Blake Brown, "The History of Gun Control in Canada," will be a legal history of firearms control, with attention to border control and illegal firearms. The report will explain the strategies that have been used to regulate firearms and the public policy debates about these strategies. It will also address policy measures regarding the smuggling and illegal trafficking of firearms and associated paraphernalia. The report will identify the kinds of weapons that have been implicated in specific mass casualty events in Canada, as well as the legislative or policy response, if any, to these events.

We have also commissioned an expert report on firearms regulation in Australia focusing on the policy response to a mass casualty event in 1996. "Firearms Regulation – Insights from the Australian Experience and Research," by Joel Negin, Philip Alpers, and Rebecca Peters, will describe the legislative response and its implementation, including the buyback of prohibited weapons and harmonization of laws across Australia. The paper will provide an impact assessment of these policy responses after 25 years and the lessons learned, including the implementation of similar regimes in New Zealand and internationally.

The acquisition and use of firearms is an issue that is considered in a range of reports reviewed in the environmental scan, particularly in the reviews of active shooter events and gender-based and intimate partner violence. A wide range of legal and policy interventions are assessed and recommendations are made on topics such as the limitations of firearms registration systems, risk assessment,

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the limitations of reporting mechanisms when civilians are worried about safety as a result of the acquisition / presence of firearms, and the use of pro-removal policies in situations of relationship violence.

### **Post-Event Support**

The post-event support pod has been building the factual record around what types of information and support have been available to survivors, families, and first responders and service providers affected by the mass casualty. This investigation includes both reviewing policies and practices and interviewing those engaged in providing and receiving the support services. Questions include whether the information provided to those most affected and to the broader community was accurate and timely, the handling of next-of-kin notifications, the role of specific institutions and programs in providing post-event support, and the adequacy of support services provided after the mass casualty. The pod is preparing three Foundational Documents: next-of-kin notifications to families, resources and services requested by and provided to families, and support services available to the community. The post-event support pod is also helping to improve our understanding of the initial and ongoing impact of the mass casualty.

Two expert reports have been commissioned on post-event support: Jaclyn Schildkraut, “Supporting Survivors and Communities After Mass Shootings: A Report Presented to the Mass Casualty Commission,” and Grete Dyb, Kristen Alve Glad, Ingebjørg Lingaas, and Synne Øien Stensland, “Survivors and the Aftermath of the Terrorist Attack on Utøya Island, Norway.” These reports will provide overviews of empirical research and experience in the United States and Norway on how best to understand the needs of survivors and communities, how these needs may change over time, and how they may differ depending on the context of a specific mass casualty and the community in which it occurs. The report on the experiences of survivors of mass shooting incidents in the United States will draw on research with survivors and those who provide support services to affected communities. It will describe some of the less well understood challenges navigated by survivors and communities after a mass casualty, and will convey insights shared by survivors themselves about what kinds of interventions are most helpful.

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The report on the Utøya mass casualty in 2011 and its aftermath will describe the immediate, medium-term, and long-term supports offered to survivors and their families, and the gaps identified in those supports. The authors will share insights and recommendations emerging from their research about how institutions and communities can prepare for and respond to mass casualty events both at the time and later.

Several of the studies on gender-based and intimate partner violence included in our environmental scan review and make recommendations concerning the availability of services for individuals experiencing abusive relationships, but none deal with post-event support in the context of a mass casualty. Although not directly within the scope of our mandate, some of the recommendations have a general relevance, including, for example, recommendations concerning how to ensure that support services are available to differently affected groups. Given these gaps, our research and policy team is reviewing other kinds of studies, including academic research, into the needs of those affected by mass casualties.

### VIOLENCE

The Commission's violence pod has been working to develop our understanding of three sets of issues: the sociology of mass casualties; what is known about the perpetrators of mass casualty events; and the phenomena of intimate partner violence, gender-based violence, and family violence, including community and police responses to these phenomena more generally. This pod is preparing a range of Foundational Documents bringing together information the Commission has gathered concerning the perpetrator's antecedents, including violence toward his common-law spouse and others, violence within his family, and his financial misdealings (financial and commercial misdeeds). This work includes identifying and interviewing potential witnesses and adding their statements to our inventory of documents.

To broaden our lens on the types and dynamics of violence involved in the mass casualty, we have commissioned six expert reports in this area. Two of these reports are on the sociology of mass casualty events. David Hoffman, Lorne Dawson, and Willa Greythorn write on the "Core Definitions of Canadian Mass

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Casualty Events and Research on the Background Characteristics and Behaviours of Lone-Actor Public Mass Murderers,” and Tristan Bridges and Tara Leigh Tober provide the US context in “Mass Shootings and Masculinity.” The reports will explain how policy makers define mass casualty events and provide an overview of scholarship and policy work in this area. They will identify central lessons that can be drawn and identify some key gaps in scholarly research and policy. Topics covered will include the characteristics of perpetrators of mass violence, debates about “lone-actor” events, how research into mass casualties helps to shape policy understandings of these incidents, and research into the relationship between masculinity and mass violence.

The relationships among mass casualties, family violence, and gender-based violence will be explored in greater depth in an additional expert report. Jude McCullough and Jane Maree Maher, in “Understanding the Links Between Gender-Based Violence and Mass Casualty Attacks: ‘Private’ Violence and Misogyny as Public Risk,” will describe trends within research and policy with respect to these kinds of violence. They will explain how expertise in family violence and gender-based violence may help researchers and those engaged in creating policy to better understand, prepare for, identify warning signs for, and respond to mass casualty events. The authors will also consider how other forms of inequality and marginalization are also implicated in the perpetration of mass casualty events.

A fourth report provides background on various forms of violence and coercive control: Carmen Gill and Mary Aspinall, “Understanding Violence in Relationships.” It will assist us by defining these phenomena and explaining what is known from empirical studies of how these forms of violence manifest in Canada and, more specifically, in Nova Scotia. The report will also provide an overview of research regarding police perceptions of and responses to these phenomena, and it will identify barriers to reporting these harms and to other non-state responses, such as assisting abused persons to leave relationships.

The first of the Commission’s reports based on psychological and psychiatric expertise is by Alexander (Sandy) Simpson, “Predicting the Risk of Committing Mass Casualty Events from Psychiatric Evidence.” It will define the concepts of risk assessment, prediction, prevention, and late enablers and explain the use of these psychiatric terms in identifying potential danger and understanding



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the perpetration of mass casualty offences. The report will review and assess the psychiatric literature on whether there is or could reasonably be a meaningful profile for those at risk of perpetrating mass casualty offences. It will also identify other challenges to developing evidence-based approaches to preventing or predicting the perpetration of mass casualty events, and to understanding them after they have occurred.

The second report, by Kristy Martire and Tess Neal, is “Report on Rigorous Forensic Psychological Assessment Practices.” It will define the field of forensic psychological assessment and draws on decades of research to lay out eight best practices that may be used by law enforcement agencies and courts to evaluate the rigour and value of a psychological evaluation. This report will aid the Commission in assessing the extent to which the “Psychological Autopsy” and “Behavioural Profiles” produced about the perpetrator of the April 2020 mass casualty reflect evidence-based techniques and best practices in forensic psychology.

The Commission’s environmental scan provides an overview of 32 reviews on gender-based and intimate partner violence that address issues relevant to our mandate. These reviews contain a wide range of recommendations for reform, including police responses and risk assessment tools, responses by other institutions, and the intersections of policing and other responses. In some cases, recommendations have been made repeatedly over the years and across Canadian jurisdictions. We will review these recommendations carefully to try to understand obstacles to implementation while focusing on what might have made a difference in the circumstances of this mass casualty.

## Public Proceedings – Phase 2

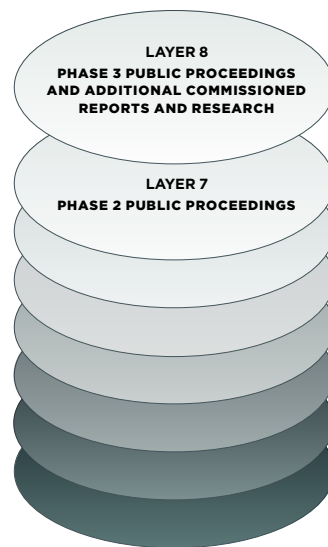
We anticipate that by the time we issue this Interim Report, the Phase 1 presentation of location-based Foundational Documents and hearing from related witnesses will have progressed to the next stage: sharing of topic-based Foundational Documents and the beginning of a transition to Phase 2. This next phase will be marked by the integration of an additional range of public proceedings, including hearing from expert witnesses and the convening of roundtables. We

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also plan to hear from police witnesses who will provide insights into policies, practices, training, institutional structures, and accountability mechanisms. We have organized our public proceedings for Phase 2 around the work of the Commission’s pods, as described previously. This approach provides us with the flexibility to hear and share various types of information and experiences in a comprehensive, orderly, and timely manner.

The Commission’s roundtables will help extend our understanding of the causes, context, and circumstances of the mass casualty. In these sessions, experts and other individuals with helpful knowledge will give us the benefit of their perspectives, experience, and research on a specific theme, issue, or topic within our mandate. The Commission is designing more than a dozen roundtables, identifying key topics of concern to Participants, and ensuring that Participants and the public have opportunities to help shape our understanding of these issues. Updated information about the Commission’s Phase 2 roundtables will be available on our website.

Phase 2 Foundational Documents, commissioned reports, and public proceedings will contribute to our understanding of how and why the mass casualty happened and will assist us to develop a list of issues for further consideration when we shift to our Phase 3 work. That work is to develop recommendations designed to help prevent similar incidents in the future and, if they should occur, to understand how best to respond to them. We are at an early planning stage for our Phase 3 activities, but we anticipate they will include a range of public hearings, community meetings, stakeholder dialogues, and submissions from the public and Participants. If we identify gaps in our knowledge base, we will commission additional reports and the Commission team will continue to carry out supportive research and policy analysis.



## Conclusion – A Call for Continued Engagement

The Commission’s mandate requires us to be guided by restorative principles that necessitate a forward-looking and outcome-focused approach. We are investigating what happened leading up to, during, and after April 18 and 19, 2020, in a comprehensive and holistic way. We seek to understand individual actions within their causes, contexts, and circumstances, including in relationship to each other. This approach involves examining the mass casualty from many perspectives and using several methodologies to understand each element alone as well as how all the elements interact.

We began our work on this Commission with the priority of meeting with those most affected and consulting with others who could assist us to design an effective public inquiry. We have continued throughout our work to seek to foster collaboration with the public, with stakeholders, and among our own staff members. At the beginning of this Interim Report, we invited all interested individuals, communities, groups, organizations, and institutions to join us in the difficult work of confronting the details of what happened on April 18 and 19, 2020, and to wrestle with how and why it happened. To facilitate this engagement, we have provided an overview of the Commission’s work to date and our continuing efforts to develop a full understanding of the issues assigned to us in our mandate. In our Final Report, we expect to answer these questions of how and why the mass casualty happened, to set out clearly the lessons learned, and to make strong and sustainable recommendations for the future.

In our phased and layered approach, each activity has an important independent role, but it is the relationship and interplay among these activities that is vital. We have worked and will continue to work collaboratively with

### ***Conclusion - A Call for Continued Engagement***

Participants. We have worked and will continue to work on gathering, reviewing, and analyzing information. Rather than waiting until we prepare our Final Report, we are using a variety of means to share information gathered by the Commission at intervals throughout our mandate. For example, Commission counsel are presenting the Foundational Documents during our public proceedings, and we are making this information accessible by posting the documents themselves as well as the webcast of the presentation, and other related evidence in source materials, on our website. The Commission is employing a range of public proceedings and will hear from people in a variety of ways including witness testimony (individually or in panels); expert, institutional, or policy roundtables; and circles or community meetings. Each type of proceeding assists us to gather information and understand it in a distinctive way. We are tailoring the proceedings for particular purposes, and, by not using hearings alone, we can listen to and absorb more information – and from a much broader range of individuals, perspectives, and areas of expertise.

We have been and will remain flexible in our approach. We will adapt to what we are learning and to the expressed needs of Participants and the community, just as we did to the constraints that COVID-19 safeguards placed on our work.

We conclude our Interim Report with a call for continued engagement from all of you. Through this ongoing, dynamic learning, and sharing of information about the mass casualty, we are establishing the groundwork for our Phase 3 activities. As we move closer to the ultimate task of formulating recommendations for our Final Report, we will be creating opportunities for additional input from those most affected, from experts, and from other interested members of the public, groups, organizations, and institutions that are responsible for keeping us safe. These avenues will include public proceedings but also opportunities for individuals and groups to provide their views and recommendations to the Commission in the form of written submissions. We have invited and are receiving proposals for future reform through both email and our website. We keep track of this input and will consider it as we move forward. The Commission will also be seeking input through an online platform to be launched close to the publication of this Interim Report. Please assist us in making meaningful and pragmatic recommendations in our Final Report.

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### MASS CASUALTY COMMISSION PUBLIC SUBMISSIONS

An important part of the Commission's work is to explore the causes, context, and circumstances giving rise to the April 2020 mass casualty and to make meaningful recommendations for the future.

We want to make sure we have gathered input on these issues from all possible sources, including members of the public who have experience in these areas, either professionally or personally. Public submissions will provide an opportunity for you to share your perspective and help inform the Commission's draft recommendations to make communities safer.

You will be able to upload your suggestions, written submissions, and any additional information, such as research articles.

We encourage you to review the Commission's mandate (<https://masscasualtycommission.ca/about/mandate/>) and list of commissioned reports (<https://masscasualtycommission.ca/about/what-are-commissioned-reports/>) to inform your submissions.

Submissions will be accepted throughout the late spring and the summer of 2022. Please check the Commission website for updated information.

We have much ground to traverse together over the coming months. Yet, it is also the time to start preparations to receive, consider, and implement our Final Report. It is not too early for the institutions, organizations, and systems responsible for keeping communities safe and well to take proactive steps to create mechanisms and processes toward this end. This is clearly where the primary obligations to help prevent and respond to future incidents reside. At the same time, we recognize that we may all have individual and collective opportunities to keep each other safer and to support each other in the future. In doing so, we can acknowledge those most affected and help ensure that their suffering is not in vain. We are all part of the way forward from the Nova Scotia mass casualty.

# Notes

1. *Joint Public Inquiry into the Nova Scotia April 2020 Tragedy*, PC 2020-0822 [*Federal Order in Council*] at s (b)(xi); OIC 2020-293 (Nova Scotia, *Public Inquiries Act*) [*Nova Scotia Order in Council*], s (b)(xi).
2. Ronda Bessner and Susan Lightstone, *Public Inquiries in Canada: Law and Practice* (Toronto: Thomson Reuters, 2017), 85 (Bessner and Lightstone, *Public Inquiries in Canada*).
3. OICs, s (g)(i).
4. Ontario, Report of the Elliot Lake Commission of Inquiry, Part Two: *The Emergency Response and Inquiry Process* (Ontario: Minister of the Attorney General 2014) (Commissioner Paul Bélanger), 439.
5. *Federal Order in Council*, s (g)(x), and *Nova Scotia Order in Council*, s (g)(vii).
6. *Inquiries Act*, RSC 1985, c I-11 [Canada, *Inquiries Act*].
7. *Public Inquiries Act*, RSNS 1989, c 372 [Nova Scotia, *Public Inquiries Act*].
8. OICs, ss (a)(i), (ii), (iii).
9. OICs, ss (b)(i)–(xi).
10. OICs, s (c).
11. OICs, s (e)(i).
12. OICs, s (e)(ii).
13. OICs, s (f)(i), (ii).
14. OICs, s (g)(i).
15. OICs, s (g)(ii).
16. Examples include: Nova Scotia, Restorative Inquiry – Nova Scotia Home for Colored Children, *Journey to Light: A Different Way Forward – Final Report of the Restorative Inquiry – Nova Scotia Home for Colored Children* (Nova Scotia: Province of Nova Scotia, 2019), 1; Ontario, Motherisk Commission, *Harmful Impacts: The Reliance on Hair Testing in Child Protection* (Toronto: Ministry of the Attorney General, 2018), (Commissioner Judith C. Beaman), ix; and Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (Canada, June 2019), 1.
17. Nova Scotia Restorative Justice Program, online: <https://novascotia.ca/just/rj/>.
18. Mass Casualty Commission, *Decision of March 9, 2022 with respect to proposed witnesses by Participants relating to the Portapique Foundational Documents* (March 9, 2022), online: <https://masscasualtycommission.ca/documents/procedural-rules-and-decisions/> [*March 9, 2022*]

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- Witness Decision re Portapique Foundational Document*], para 38 (reproduced in Appendix 6): see the discussion below in “Public Proceedings – Phase 1.”
19. *Federal Order in Council*, ss (f)(iii), (iv) and (g)(ix); *Nova Scotia Order in Council*, ss (f)(iii),(iv) and (g)(vi). See also Rule 4, Commission Rules on Participation and Funding (Appendix 2 of this Report).
  20. *Federal Order in Council*, ss (g)(ix), (f)(iii); *Nova Scotia Order in Council*, ss 1 (g)(vi), (f)(iii).
  21. Rules on Participation and Funding, ss 9–16 (Appendix 2).
  22. Rules on Participation and Funding, ss 17–22 (Appendix 2).
  23. Mass Casualty Commission, *Participation Decision* (May 13, 2021), online: [https://masscasualtycommission.ca/files/documents/Mass\\_Casualty\\_Commission\\_Participation\\_Decision\\_May132021\\_2022-03-09-165733\\_owbc.pdf](https://masscasualtycommission.ca/files/documents/Mass_Casualty_Commission_Participation_Decision_May132021_2022-03-09-165733_owbc.pdf) at para 31, fns 2 and 33, fn 6 [*Participation Decision*] reproduced in Appendix 4. There the Commission relied on: Canada, Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, Ruling on Standing and Funding (May 4, 2004) (Hon. Dennis R. O’Connor), online: [https://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/maher\\_arar/07-09-13/www.ararcommission.ca/eng/ruling01.pdf](https://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/maher_arar/07-09-13/www.ararcommission.ca/eng/ruling01.pdf); Ontario, Inquiry into Pediatric Forensic Pathology in Ontario, Ruling on Standing and Funding (August 17, 2007) (Hon. Stephen T. Goudge), online: [https://www.attorneygeneral.jus.gov.on.ca/inquiries/goudge/li/pdf/Decision\\_on\\_Standing\\_and\\_Funding\\_en.pdf](https://www.attorneygeneral.jus.gov.on.ca/inquiries/goudge/li/pdf/Decision_on_Standing_and_Funding_en.pdf) at 3; see also Hon. Freya Kristjanson, Chapter 6, “Procedural Fairness and Public Inquiries,” in Bessner and Lightstone, *Public Inquiries in Canada*, 134.
  24. *Participation Decision*, para 38.
  25. Ronda Bessner, Chapter 3, “Serving as Commission Counsel at a Public Inquiry,” in Bessner and Lightstone, *Public Inquiries in Canada*, 50–51. See also *Southern First Nations Network of Care v Hughes*, 2012 MBCA 99.
  26. *Southern First Nations Network of Care v Hughes*, 2012 MBCA 99, para 77.
  27. Canada, *Inquiries Act*, s 4.
  28. Nova Scotia, *Public Inquiries Act*, s 4.
  29. Canada, *Inquiries Act*, s 4. This is the wording of the Canadian statute, but the Nova Scotia statute is substantially similar.
  30. For example: Nova Scotia, *In the Matter of a Fatality Inquiry Regarding the Death of Howard Hyde, Halifax, Nova Scotia* (Nova Scotia: Provincial Court, November 30, 2010) (Hon. A Derrick); Nova Scotia, Nunn Commission of Inquiry, *Spiralling Out of Control: Lessons Learned from a Boy in Trouble* (Nova Scotia: Governor in Council, December 2006) (Hon. D. Nunn); Nova Scotia, *Desmond Fatality Inquiry* (ongoing) (Hon. W Zimmer).
  31. Rules of Practice and Procedure, Rules 36–44 (Appendix 3).
  32. *March 9, 2022 Witness Decision re Portapique Foundational Document*, para 38.
  33. Pursuant to Canada, *Inquiries Act*, s 4.
  34. OICs, s f(ii).
  35. For example: RCMP, *Independent Review – Moncton Shooting* – June 4, 2014 (Assistant Commissioner Alphonse MacNeil, ret’d) (2014); Alberta, *Public Fatality Inquiry into the deaths of Constables Anthony Gordon, Lionide Johnston, Brock Myrol, Peter Schiemann, and Mr. James Roszko* (Alberta: Attorney General, March 2011) (Assistant Chief Judge Daniel Pahl)(Mayerthorpe Inquiry, 2011).

## Appendix 1: Orders in Council of Canada and Nova Scotia

Appendix 1-A: Order in Council, Government of Canada, October 21, 2020

P.C. 2020-822  
October 21, 2020

Whereas the mass shooting that took place in Nova Scotia on April 18 and 19, 2020 took the lives of 22 innocent victims and forever changed the lives of countless others;

Whereas the incident, the largest mass shooting in Canadian history, devastated families, friends and entire communities and saddened all Nova Scotians and all Canadians;

Whereas the Government of Canada and the Government of Nova Scotia have committed to launching a comprehensive public inquiry to determine what happened and to make recommendations to avoid such tragic events in the future;

Whereas the Government of Canada and the Government of Nova Scotia desire that the commissioners conducting the comprehensive public inquiry have, in accordance with Part I of the *Inquiries Act* and the *Public Inquiries Act* of Nova Scotia, the power to summon witnesses, enforce their attendance and require them to

- (a) give evidence, orally or in writing, and on oath or, if they are persons entitled to affirm in civil matters, on solemn affirmation, and
- (b) produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine;

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And whereas it is the expectation of the Government of Canada and the Government of Nova Scotia that by establishing the public inquiry under their respective authorities the terrible tragedy of April 18 and 19, 2020 will be fully examined;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Prime Minister, directs that a Commission do issue, for the period ending on December 15, 2022, under Part I of the *Inquiries Act* and under the Great Seal of Canada, appointing three Commissioners, namely, the Honourable J. Michael MacDonald as Chief Commissioner, together with Kim Stanton and Leanne J. Fitch, to conduct an inquiry under the name of the Joint Public Inquiry into the Nova Scotia April 2020 Tragedy ("the Joint Public Inquiry"), which Commission must

- (a) direct the Commissioners to inquire into and make findings on matters related to the tragedy in Nova Scotia on April 18 and 19, 2020, including
  - (i) the causes, context and circumstances giving rise to the tragedy,
  - (ii) the responses of police, including the Royal Canadian Mounted Police (RCMP) and municipal police forces, and
  - (iii) the steps taken to inform, support and engage victims, families and affected citizens;

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(b) direct the Commissioners to examine issues as they relate to the tragedy in Nova Scotia on April 18 and 19, 2020, including

(i) contributing and contextual factors, including the role of gender-based and intimate partner violence,

(ii) access to firearms,

(iii) interactions with police, including any specific relationship between the perpetrator and the RCMP and between the perpetrator and social services, including mental health services, prior to the event and the outcomes of those interactions,

(iv) police actions, including operational tactics, response, decision-making and supervision,

(v) communications with the public during and after the event, including the appropriate use of the public alerting system established under the Alert Ready program,

(vi) communications between and within the RCMP, municipal police forces, the Canada Border Services Agency, the Criminal Intelligence Service Nova Scotia, the Canadian Firearms Program and the Alert Ready program,

(vii) police policies, procedures and training in respect of gender-based and intimate partner violence,

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- (viii) police policies, procedures and training in respect of active shooter incidents,
  - (ix) policies with respect to the disposal of police vehicles and any associated equipment, kit and clothing,
  - (x) policies with respect to police response to reports of the possession of prohibited firearms, including communications between law enforcement agencies, and
  - (xi) information and support provided to the families of victims, affected citizens, police personnel and the community;
- (c) direct the Commissioners to set out lessons learned as well as recommendations that could help prevent and respond to similar incidents in the future;
- (d) direct the Commissioners to submit, in both official languages, an interim report on their preliminary findings, lessons learned and recommendations no later than May 1, 2022 and a final report on their findings, lessons learned and recommendations no later than November 1, 2022, simultaneously, to the Governors in Council of Canada and of Nova Scotia, which reports must be made public by the Minister of Public Safety and Emergency Preparedness, in coordination with the Attorney General and Minister of Justice of Nova Scotia, as soon as feasible after receipt by the Governor in Council;
- (e) direct the Commissioners, in carrying out their work,

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- (i) to be guided by restorative principles in order to do no further harm, be trauma-informed and be attentive to the needs of and impacts on those most directly affected and harmed, and
  - (ii) to give particular consideration to any persons or groups that may have been differentially impacted by the tragedy;
- (f) authorize the Commissioners to
- (i) adopt any procedures and methods that they may consider expedient for the proper and efficient conduct of the Joint Public Inquiry and to sit at any times and in any places in Nova Scotia that they may decide,
  - (ii) consider findings, as they consider appropriate, of previous examinations or investigations that may have been conducted that they deem relevant to the Joint Public Inquiry,
  - (iii) grant to the victims and families of the victims of the tragedy of April 18 and 19, 2020 an opportunity for appropriate participation in the Joint Public Inquiry,
  - (iv) grant to any other person who satisfies the Commissioners that they have a substantial and direct interest in the subject matter of the Joint Public Inquiry an opportunity for appropriate participation in it,

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- (v) engage the services of the experts and other persons referred to in section 11 of the *Inquiries Act*, at the Commissioners' discretion, at remuneration and reimbursement approved by the Treasury Board, and
  - (vi) recommend to the Clerk of the Privy Council that funding be provided, in accordance with approved guidelines respecting the remuneration and reimbursement and the assessment of accounts, to any person described in subparagraph (iii) or (iv), if in the Commissioners' view they would not otherwise be able to participate in the Joint Public Inquiry; and
- (g) direct the Commissioners to
- (i) perform their duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization,
  - (ii) perform their duties in such a way as to ensure that the conduct of the Joint Public Inquiry does not jeopardize any ongoing criminal investigation or proceeding or any other investigation, and provide notice to the government institution responsible for any ongoing investigation or proceeding about any potential jeopardy, identified by the Commissioners, that could result from the conduct of the Joint Public Inquiry,

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(iii) follow established security procedures, including the requirements of the Government of Canada's security policies, directives, standards and guidelines, with respect to persons whose services are engaged under section 11 of the *Inquiries Act* and the handling of information at all stages of the Joint Public Inquiry,

(iv) use the electronic data systems and procedures specified by the Privy Council Office and consult with records management officials within the Privy Council Office on the use of standards and systems that are specifically designed for the purpose of managing records,

(v) not disclose publicly or in any report any *personal information*, as defined in section 3 of the *Privacy Act* or subsection 3(1) of the *Freedom of Information and Protection of Privacy Act* of Nova Scotia, or *personal health information*, as defined in section 3 of the *Personal Health Information Act* of Nova Scotia, that has been received in evidence during any portion of the Joint Public Inquiry conducted in camera, unless the person to whom it relates consents or, in the opinion of the Commissioners, the public interest in the disclosure outweighs any invasion of privacy that could result from the disclosure,

(vi) make any disclosure referred to in subparagraph (v) in a way that minimizes, to the greatest extent possible, any invasion of privacy that could result from the disclosure,

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**MASS CASUALTY COMMISSION INTERIM REPORT**

P.C. 2020-822

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(vii) ensure that, in respect of any portion of the Joint Public Inquiry conducted in public, members of the public can, simultaneously in both official languages, communicate with and obtain services from it,

(viii) file the papers and records of the Joint Public Inquiry with the Clerk of the Privy Council as soon as feasible after the conclusion of that Inquiry,

(ix) provide the Government of Canada and the Government of Nova Scotia an opportunity for appropriate participation in the Joint Public Inquiry, and

(x) take into account the coronavirus disease 2019 (COVID-19) restrictions when in-person meetings are being organized and if travel is being considered.

**Appendix 1: Orders in Council of Canada and Nova Scotia**

Appendix 1-B: Order in Council, Government of Nova Scotia, October 21, 2020



Nova Scotia

**Executive  
Council**

*A certified copy of an Order in Council dated  
October 21, 2020*

2020-293

The undersigned has the honour to recommend that the Governor in Council make an Order in the following form or to like effect:

WHEREAS the mass shooting that took place in Nova Scotia on April 18 and 19, 2020 took the lives of 22 innocent victims and forever changed the lives of countless others;

WHEREAS the incident, the largest mass shooting in Canadian history, devastated families, friends and entire communities and saddened all Nova Scotians and all Canadians;

WHEREAS the Government of Canada and the Government of Nova Scotia have committed to launching a comprehensive public inquiry to determine what happened and to make recommendations to avoid such tragic events in the future;

WHEREAS the Government of Canada and the Government of Nova Scotia desire that the commissioners conducting the comprehensive public inquiry have, in accordance with Part I of the *Inquiries Act* (Canada) and the *Public Inquiries Act*, the power to summon witnesses, enforce their attendance and require them to:

(a) give evidence, orally or in writing, and on oath or, if they are persons entitled to affirm in civil matters, on solemn affirmation, and

(b) produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine;

AND WHEREAS it is the expectation of the Government of Canada and the Government of Nova Scotia that by establishing the public inquiry under their respective authorities the terrible tragedy of April 18 and 19, 2020 will be fully examined;



## MASS CASUALTY COMMISSION INTERIM REPORT

THEREFORE, the Governor in Council, on the report and recommendation of the Attorney General and Minister of Justice dated October 20, 2020, and pursuant to Sections 2 and 3 of Chapter 372 of the Revised Statutes of Nova Scotia, 1989, the *Public Inquiries Act*, is pleased, effective on and after October 21, 2020, to:

(1) direct that a Commission do issue, for the period ending on December 15, 2022, appointing three Commissioners, namely, the Honourable J. Michael MacDonald as Chief Commissioner, together with Kim Stanton and Leanne J. Fitch to conduct an inquiry under the name of the Joint Public Inquiry into the Nova Scotia April 2020 Tragedy (“the Joint Public Inquiry”), and approving the rate of remuneration for the Chief Commissioner at \$2,000.00 *per diem* and for the Commissioners at \$1,800.00 *per diem*, which Commission must:

(a) direct the Commissioners to inquire into and make findings on matters related to the tragedy in Nova Scotia on April 18 and 19, 2020, including

- (i) the causes, context and circumstances giving rise to the tragedy,
- (ii) the responses of police, including the Royal Canadian Mounted Police (RCMP) and municipal police forces, and
- (iii) the steps taken to inform, support and engage victims, families and affected citizens;

(b) direct the Commissioners to examine issues as they relate to the tragedy in Nova Scotia on April 18 and 19, 2020, including

- (i) contributing and contextual factors including the role of gender-based and intimate partner violence,
- (ii) access to firearms,

**Appendix 1: Orders in Council of Canada and Nova Scotia**

(iii) interactions with police, including any specific relationship between the perpetrator and the RCMP and between the perpetrator and social services, including mental health services, prior to the event and the outcomes of those interactions,

(iv) police actions, including operational tactics, response, decision-making and supervision,

(v) communications with the public during and after the event, including the appropriate use of the public alerting system established under the Alert Ready program,

(vi) communications between and within the RCMP, municipal police forces, the Canada Border Services Agency, the Criminal Intelligence Service Nova Scotia, the Canadian Firearms Program and the Alert Ready program,

(vii) police policies, procedures and training in respect of gender-based and intimate partner violence,

(viii) police policies, procedures and training in respect of active shooter incidents,

(ix) policies with respect to the disposal of police vehicles and any associated equipment, kit and clothing,

(x) policies with respect to police response to reports of the possession of prohibited firearms, including communications between law enforcement agencies, and

## MASS CASUALTY COMMISSION INTERIM REPORT

(xi) information and support provided to the families of victims, affected citizens, police personnel and the community;

(c) direct the Commissioners to set out lessons learned as well as recommendations that could help prevent and respond to similar incidents in the future;

(d) direct the Commissioners to submit, in both official languages, an interim report on their preliminary findings, lessons learned and recommendations no later than May 1, 2022 and a final report on their findings, lessons learned and recommendations no later than November 1, 2022, simultaneously, to the Governors in Council of Canada and of Nova Scotia, which reports must be made public by the Attorney General and Minister of Justice, in coordination with the Minister of Public Safety and Emergency Preparedness of Canada, as soon as feasible after receipt by the Governor in Council;

(e) direct the Commissioners, in carrying out their work,

(i) to be guided by restorative principles in order to do no further harm, be trauma-informed and be attentive to the needs of and impacts on those most directly affected and harmed; and

(ii) to give particular consideration to any persons or groups that may have been differentially impacted by the tragedy;

(f) authorize the Commissioners to:

(i) adopt any procedures and methods that they may consider expedient for the proper and efficient conduct of the Joint Public Inquiry and to sit at any times and in any places in Nova Scotia that they may decide,

(ii) consider findings, as they consider appropriate, of previous examinations or investigations that may have been conducted that they deem relevant to the Joint Public Inquiry,

**Appendix 1: Orders in Council of Canada and Nova Scotia**

(iii) grant to the victims and families of the victims of the tragedy of April 18 and 19, 2020 an opportunity for appropriate participation in the Joint Public Inquiry,

(iv) grant to any other person who satisfies the Commissioners that they have a substantial and direct interest in the subject matter of the Joint Public Inquiry an opportunity for appropriate participation in it,

(v) engage the services of experts and other persons, in accordance with the Order in Council of Canada establishing the Commission of the Joint Public Inquiry, and

(vi) recommend, in accordance with the Order in Council of Canada establishing the Commission of the Joint Public Inquiry, that funding be provided to any person described in subparagraph (iii) or (iv), if in the Commissioners' view they would not otherwise be able to participate in the Joint Public Inquiry; and

(g) direct the Commissioners to:

(i) perform their duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization,

(ii) perform their duties in such a way as to ensure that the conduct of the Joint Public Inquiry does not jeopardize any ongoing criminal investigation or proceeding or any other investigation, and provide notice to the government institution responsible for any ongoing investigation or proceeding about any potential jeopardy, identified by the Commissioners, that could result from the

## MASS CASUALTY COMMISSION INTERIM REPORT

conduct of the Joint Public Inquiry,

(iii) not disclose publicly or in any report any “personal information” as defined in section 3 of the *Privacy Act* (Canada) or subsection 3(1) of the *Freedom of Information and Protection of Privacy Act* or “personal health information” as defined in section 3 of the *Personal Health Information Act* that has been received in evidence during any portion of the Joint Public Inquiry conducted in camera, unless the person to whom it relates consents or, in the opinion of the Commissioners, the public interest in the disclosure outweighs any invasion of privacy that could result from the disclosure,

(iv) make any disclosure referred to in subparagraph (iii) in a way that minimizes, to the greatest extent possible, any invasion of privacy that could result from the disclosure,

(v) ensure that, in respect of any portion of the Joint Public Inquiry conducted in public, members of the public can, simultaneously in both official languages, communicate with and obtain services from it,

(vi) provide the Government of Canada and the Government of Nova Scotia an opportunity for appropriate participation in the Joint Public Inquiry, and

(vii) take into account the coronavirus disease 2019 (COVID-19) restrictions when in-person meetings are being organized and if travel is being considered;

(2) authorize the Commission to exercise in Nova Scotia those provincial powers that are ancillary or incidental to their powers as provided to them by the *Inquiries Act* (Canada) and by any Order in Council issued under that Act for purposes of the Joint Public Inquiry; and

**Appendix 1: Orders in Council of Canada and Nova Scotia**

(3) order that the portion of such remuneration, expenses and other costs payable by the Government of Nova Scotia in respect of the Joint Public Inquiry shall be paid out of the General Revenue Fund of the Province.

The Governor in Council is further pleased, pursuant to Section 19 of Chapter 24 of the Acts of 1998, the *Public Archives Act*, to direct that the Provincial Archivist shall not be required to have care and control of the records of the Commission and directs the Commission, as soon as feasible after the conclusion of the Inquiry, to transfer all records of the Commission in accordance with the Order in Council of Canada establishing the Commission of the Joint Public Inquiry.

**Certified to be a true copy**

  
.....  
**Laura Lee Langley**  
Clerk of the Executive Council

## Appendix 2: Rules on Participation and Funding



The Joint Federal/Provincial Commission into  
the April 2020 Nova Scotia Mass Casualty  
MassCasualtyCommission.ca

### RULES ON PARTICIPATION AND FUNDING

#### General

1. These Rules on participation and funding apply to the Mass Casualty Commission (the "Commission"), established pursuant to Nova Scotia Government Order in Council 2020-293 and Government of Canada Order in Council 2020-0822.
2. The Commissioners may amend, supplement, vary, or depart from any rule as they deem necessary to ensure the Commission is thorough, fair, and timely.
3. These Rules relate to the opportunity for participation in the Commission's proceedings, including the fact-finding and policy aspects of the mandate.
4. In these Rules, "participants", refers to individuals, groups, governments, agencies, institutions, or other entities granted an opportunity to participate in the Commission's proceedings.
5. Those applying for an opportunity for appropriate participation are "applicants" in these Rules.
6. All participants, witnesses, and their lawyer or representative in the proceedings shall be deemed to undertake to adhere to these Rules, and may raise any issue of non-compliance with the Commissioners.
7. The Commissioners may deal with a breach of these Rules as they deem appropriate.
8. Commission Counsel have the primary responsibility of representing the public interest throughout the Commission, including the responsibility to ensure that all matters that bear on the public interest are brought to the attention of the Commissioners. Commission Counsel will assist the Commissioners throughout the inquiry and ensure the orderly conduct of the inquiry process.

**Participation**

9. Any individual or group who wishes to be a participant must download the PDF application form (<https://masscasualtycommission.ca/files/documents/participation/participation-and-funding-form.pdf>) and send the completed form via email to [participation@masscasualtycommission.ca](mailto:participation@masscasualtycommission.ca) no later than April 12, 2021. Should you require support completing your form, or if you would like to receive a hard copy form, please contact Maureen Wheller, Community Liaison Director for assistance: [Maureen.Wheller@masscasualtycommission.ca](mailto:Maureen.Wheller@masscasualtycommission.ca) or 902-626-8673. Please visit the Mass Casualty Commission website for additional information on the Applications for Participation: <https://masscasualtycommission.ca/participation/>.
10. Applications in writing for the opportunity to participate must include the following information:
  - (a) The applicant's name, address, telephone number, email address;
  - (b) The name of the lawyer or representative, if any, representing the applicant together with their address, telephone number, and email address;
  - (c) An explanation of the applicant's substantial and direct interest in the subject matter of the Commission having specific regard to the mandate of the Commission.
11. Participation in various aspects of the Commission's work will be granted at the discretion of the Commissioners in accordance with the mandate.
12. The Commissioners will make decisions about participation in the Commission's proceedings based on the completed application form and supporting documentation. Should oral submissions be required, the Commissioners will determine an appropriate time and format.
13. The Commissioners may determine those aspects of the Commission's work in which a person granted an opportunity for appropriate participation may engage and the form of their participation.
14. The Commissioners may direct that a number of applicants share participation with those with whom they have a common interest.
15. Those granted an opportunity for participation will be designated as "participants" before the Commission.
16. Further information with respect to participation may be available on the Commission's website: <https://masscasualtycommission.ca/>.



## MASS CASUALTY COMMISSION INTERIM REPORT

### Funding

17. Pursuant to the mandate of the Commission, the Commissioners may make recommendations to the Clerk of the Privy Council regarding funding for a participant, where, in the view of the Commissioners, the person would not otherwise be able to participate in the Commission without such funding. Funding recommendations will correlate with the Commissioners' determination of the appropriate degree of participation for each application for funding.
18. Any individual or group who wishes to be a participant must download the PDF application form (<https://masscasualtycommission.ca/files/documents/participation/participation-and-funding-form.pdf>) and send the completed form via email to [participation@masscasualtycommission.ca](mailto:participation@masscasualtycommission.ca) no later than April 12, 2021. Should you require support completing your form, or if you would like to receive a hard copy form, please contact Maureen Wheller, Community Liaison Director for assistance: [Maureen.Wheller@masscasualtycommission.ca](mailto:Maureen.Wheller@masscasualtycommission.ca) or 902-626-8673.  
Please visit the Mass Casualty Commission website for additional information on the Applications for Participation: <https://masscasualtycommission.ca/participation/>.
19. Applications in writing for funding must include the following information:
  - (a) The applicant's name, address, telephone number, email address;
  - (b) The name of the lawyer or the representative, if any, representing the applicant, together with their address, telephone number, and email address;
  - (c) An indication that the applicant requests funding due to the risk of personal financial hardship which would prevent participation; or an indication that the applicant does not require funding in order to participate.
20. Funding will be recommended at the discretion of the Commissioners in accordance with the Government of Canada Order in Council 2020-0822 (1) (f) (vi) and the Nova Scotia Government Order in Council 2020-293 (1) (f) (vi).
21. Where the Commissioners' funding recommendation is accepted, funding shall be in accordance with Treasury Board guidelines respecting rates of remuneration and reimbursement and the assessment of accounts.
22. Further information with respect to funding may be available on the Commission's website: <https://masscasualtycommission.ca/>.

## Appendix 3: Rules of Practice and Procedure



The Joint Federal/Provincial Commission into  
the April 2020 Nova Scotia Mass Casualty  
MassCasualtyCommission.ca  
Commission fédérale-provinciale sur les événements  
d'avril 2020 en Nouvelle-Écosse  
CommissionDesPertesMassives.ca

### Rules of Practice and Procedure

#### GENERAL

1. By Order in Council 2020-0822 and Order in Council 2020-293, the Government of Canada and the Government of Nova Scotia established an independent public inquiry to examine the April 18-19, 2020 mass casualty in Nova Scotia and to provide meaningful recommendations to help protect Canadians in the future (the “Mass Casualty Commission”, the “Commission”, or the “Inquiry”). Subject to the Orders in Council, the federal *Inquiries Act*, RSC, 1985, c I-11 and the Nova Scotia *Public Inquiries Act* RSNS 1989 c 372, the Commission has the power to control its own processes and make rules governing its practice and procedure.
2. These Rules of Practice and Procedure (the “Rules”) apply to the Mass Casualty Commission. The Commission process will utilize a range of activities and provide various opportunities for public engagement. These Rules however are designed to guide the public proceedings of the Inquiry.
3. In the Ruling on Participation released on May 13, 2021 and the addendum released on June 25, 2021, the Commissioners identified those who can participate in the proceedings of the Commission (the “Participants”). On June 16, 2021, the Commissioners provided the Participants with copies of the draft Rules of Practice and Procedure and invited them to provide written comments on the draft Rules by July 5, 2021.
4. After considering the Participants’ comments and suggestions, the Commissioners finalized the Rules of Practice and Procedure and made them public by posting them on the Commission’s website.
5. All Participants, witnesses, and their lawyers or representatives are bound by the Rules of Practice and Procedure, and may raise any issues of non-compliance they cannot first resolve in consultation with Commission Counsel with the Commissioners.

## MASS CASUALTY COMMISSION INTERIM REPORT

6. The Commissioners may deal with non-compliance with the Rules of Practice and Procedure as they deem appropriate.
7. The Commissioners may amend, supplement, vary, or depart from any rule as they deem necessary to ensure the Commission is thorough, fair, and timely.
8. The Commissioners may make such orders or give such directions as they consider proper to maintain order and to prevent the abuse of the Commission's process.
9. In these Rules, "persons" refers to individuals, groups, governments, agencies, institutions or other entities.
10. The Commission encourages anyone who may have information helpful to the Mass Casualty Commission, including documents and the names of witnesses, to provide this information as soon as possible to Commission Counsel.
11. The Commission will utilize a range of proceedings in order to fulfill its mandate. Public proceedings may include community meetings, expert, institutional or policy roundtables, witness panels, or hearings.
12. The Commission will publish the times, dates and locations of the public proceedings.
13. Public proceedings will be webcast. A webcast of all public proceedings will be posted to the Commission website and public hearings will be transcribed. As required by the Orders in Council, public proceedings will be accessible simultaneously in both official languages.
14. The use of television cameras or other electronic or photographic equipment in the room during public proceedings will be permitted at the discretion of the Commissioners.

### DOCUMENT

15. The term "documents" is intended to have a broad meaning and includes the following: written, electronic, audio, video, or digital productions; photographs; maps; graphs; and any data and information recorded or stored by means of any device.

**Production**

16. Copies of all relevant documents are to be produced to the Commission by all Participants at the earliest opportunity and shall certify in writing that this obligation has been complied with. Production to the Commission will not be treated as a waiver of any claim to privilege that a Participant may wish to assert. Participants are, however, requested to identify to the Commission, within a reasonable time period, any documents over which they intend to assert a claim of privilege.
17. Originals of relevant documents are to be provided to Commission Counsel upon request.
18. Documents received from a Participant, or any other entity or individual, shall be treated as confidential by the Commission unless and until they are made part of the public record or the Commissioners otherwise declare. This does not preclude the Commission from producing a document to a proposed witness prior to the witness giving her or his testimony, as part of the investigation being conducted or to Participants upon them signing an undertaking as set out in Rule 20.

**Privilege**

19. Where a Participant objects to the production of any document on the grounds of privilege, a true copy of the document will be produced in an unedited form to Commission Counsel who will review and determine the validity of the privilege claim. In the event the Participant claiming privilege disagrees with Commission Counsel's determination, the Commissioners, on application, may inspect the impugned document(s) and make a ruling.

**Disclosure**

20. Lawyers for Participants, self-represented Participants and witnesses will be provided access to documents and information, including statements of anticipated evidence, only upon providing a written undertaking that all such documents or information will be used solely for the purpose of the Commission. The Commission may require that documents provided, and all copies made, be returned to the Commission if not tendered in evidence. No such information or documents shall be made public until entered as evidence at the Commission.

## MASS CASUALTY COMMISSION INTERIM REPORT

21. Lawyers are entitled to provide such documents or information to their respective clients only on terms consistent with the undertakings given, and upon clients entering into written undertakings to the same effect.
22. The Commission orders that each person who has entered into a written undertaking as set out in Rule 20 and 21 comply with its terms. Failure to do so will be a breach of an order of the Commission.
23. The Commission may, upon application, release any Participant in whole or in part from the provisions of the undertaking in respect of any particular document or other information.
24. These undertakings will be of no force or effect once the documents or information are entered into the public record.

### EVIDENCE

#### **Admissibility of Evidence**

25. The Commissioners can receive any evidence they consider to be relevant and helpful in fulfilling the mandate of the Inquiry.

#### **Foundational Documentation**

26. Commission Counsel may prepare Foundational Documentation to facilitate streamlining of the Commission's oral proceedings.
27. Foundational Documentation may contain core or background facts, together with their sources. Foundational Documentation objectively summarizes a large volume of documents to allow facts to be placed in evidence without requiring each document to be presented orally by a witness during a public hearing. Foundational Documentation may be presented by various methods, including audiovisual presentation. Foundational Documentation may include, for example, affidavits, maps, timelines, policies, procedures and documents from relevant past proceedings.
28. In advance of the filing of Foundational Documentation as evidence, Commission Counsel will provide an opportunity to the Participants, to the extent of their

interest as determined by the Commissioners, to comment on the accuracy of the Foundational Documentation. Commission Counsel may modify the Foundational Documentation in response. To the extent of their interest as determined by the Commissioners, Participants may also propose witnesses to support, challenge, comment on, or supplement the Foundational Documentation in ways that are likely to significantly contribute to an understanding of the issues relevant to the mandate of the Commission.

29. Once final, Foundational Documentation can be entered into evidence without the necessity of being introduced into evidence through oral testimony of a witness.
30. After entered into evidence, Foundational Documentation will be posted on the Commission website.

#### **Affidavits**

31. Commission Counsel and a witness or their lawyer may prepare an affidavit of the witness' evidence. At the Commissioners' discretion, the affidavit can be admitted into evidence in place of part or all of the individual's oral testimony.

#### **COMMISSION PROCEEDINGS**

32. Anyone interviewed by or on behalf of Commission Counsel is entitled, but not required, to have their lawyer present for the interview to represent his or her interests.
33. Participants are encouraged to provide to Commission Counsel the names and addresses of persons having information relevant to the mandate of the Commission, and to provide to Commission Counsel copies of all relevant documentation at the earliest opportunity.
34. Persons may participate in more than one public proceeding.
35. If special arrangements are desired by a person in order to facilitate their participation in a public proceeding, a request for accommodation shall be made to the Commission sufficiently in advance of the person's participation. While the Commission will make reasonable efforts to accommodate such requests, the

## MASS CASUALTY COMMISSION INTERIM REPORT

Commissioners retain the discretion to determine whether, and to what extent, such requests will be accommodated.

### Witnesses in Hearings

36. Commission Counsel have the discretion to refuse to call or present evidence.
37. After Commission Counsel indicate to the Participants the witnesses they intend to call in relation to a particular issue, a Participant may apply to the Commissioners for leave to call other witnesses whom the Participant believes has evidence relevant to that issue. If the Commissioners are satisfied that the evidence of the witness is needed, Commission Counsel shall call that witness.
38. The Commission will hear evidence from each witness pursuant to a subpoena.
39. Witnesses will give their evidence under oath or a promise to tell the truth which may be accompanied by another form of conscience binding symbol.
40. Witnesses may be called more than once.
41. Witnesses who are not represented by a lawyer for Participants are entitled to be represented by their lawyer while they testify.
42. The Commission will rely, whenever possible, on representative witnesses on behalf of institutions. A representative witness is typically a senior official of an institution, and/or an expert in the subject area and procedures, designated to appear on behalf of their institution.
43. If special arrangements are desired by a witness in order to facilitate their testimony, a request for accommodation shall be made to the Commission sufficiently in advance of the witness' scheduled appearance to reasonably facilitate such requests. While the Commission will make reasonable efforts to accommodate such requests, the Commissioners retain the ultimate discretion as to whether, and to what extent, such requests will be accommodated.
44. The Commissioners, in their discretion and in appropriate circumstances, may conduct proceedings in private ("*in camera*"). The Commissioners may do so when they are of the opinion that matters may be disclosed (for example, matters regarding public security, or of an intimate personal nature), that are of such a nature, having regard to the circumstances, that the desirability of avoiding

### **Appendix 3: Rules of Practice and Procedure**

disclosure outweighs the desirability of adhering to the general principle that the proceedings should be open to the public. A summary of *in camera* proceedings will form part of the Commission record.

#### **Documents in Proceedings**

45. Commission Counsel will provide relevant documents for public proceedings in advance to Participants. Participants will have the opportunity to provide additional relevant documents to Commission Counsel.

#### **Documents in Hearings**

46. In advance of a witness's testimony, Commission Counsel shall provide the Participants with reasonable notice of a list of the documents associated with the witness's anticipated evidence in chief. Where possible, in advance of a witness's testimony, Commission Counsel shall provide the Participants with an anticipated evidence statement or witness interview summary.
47. Neither Participants nor Commission Counsel will be entitled to question a witness on any anticipated evidence statement or witness interview summary that may be provided, except with leave of the Commissioners. Participants shall at the earliest opportunity provide Commission Counsel with any documents that they intend to file as exhibits or otherwise refer to during the proceedings, and in any event shall provide such documents no later than the day before the document will be referred to or filed.
48. For the purpose of these Rules, the Commissioners will have discretion to determine what constitutes "reasonable notice" or "at the earliest opportunity" in all of the circumstances.
49. The Commissioners may grant Commission Counsel or a lawyer for a Participant or witness leave to introduce a document to the witness at any point during the proceeding upon such terms as are just and fair.

#### **Order of Examination in Hearings**

50. In the ordinary course, Commission Counsel will call and question witnesses who give evidence at Commission hearings. Except as otherwise directed by the



## MASS CASUALTY COMMISSION INTERIM REPORT

Commissioners, Commission Counsel may adduce evidence by way of leading and non-leading questions.

51. Commission Counsel has the right to re-examine any witness at the conclusion of their evidence.
52. Participants may have an opportunity to question the witnesses, to the extent of their interest as determined by the Commissioners. Subject to direction from the Commissioners, Commission Counsel will determine the order of questioning. The Commissioners have the discretion to restrict the scope or manner of questioning.
53. A lawyer for a Participant may apply to the Commissioners to examine a particular witness in chief.
54. In advance of a witness's testimony, Participants who are permitted to lead a witness's evidence in chief shall provide the Participants and Commission Counsel with reasonable notice of the areas to be covered in the witness's anticipated evidence in chief and a list of the documents associated with that evidence.
55. A lawyer for a witness, regardless of whether or not the lawyer is also representing a Participant, will examine after the other Participants have concluded their questioning, unless they have adduced the evidence of the witness in chief, in which case there will be a right by that lawyer to re-examine the witness. However, if a lawyer for the witness intends to adduce evidence in chief not adduced by Commission Counsel, the lawyer for the witness will examine the witness immediately following Commission Counsel, and then will have a right to re-examine the witness following questioning by the other Participants.

### **Access to evidence**

56. All evidence shall be categorized and marked P for public proceedings and, if necessary, C for *in camera* proceedings. Unless the Commission otherwise orders, a copy of the P transcript of evidence, a list of P exhibits of the public proceedings and a summary of the C proceedings will be available on the Commission website.
57. Only those persons authorized by the Commission in writing shall have access to C transcripts and evidence.

**Anonymity**

58. A witness may apply to be granted anonymity.
59. A witness who is granted anonymity will not be identified in the public records and transcripts of the proceeding except by non-identifying initials, and, if the Commissioners so rule, may testify before the Commission *in camera*. Any Commission publications, including on its website, will use non-identifying initials only. No photograph or other reproduction of the witness shall be made during the witness' testimony or upon their entering and leaving the site of the Inquiry.
60. To give effect to this rule, the Commissioners may direct that a person's identity not be published.
61. Any witness who is granted anonymity will reveal their name to the Commissioners and lawyers participating in the Inquiry in order that the Commission and lawyers can prepare to question the witness. The Commission and the lawyers shall maintain confidentiality of the names revealed to them. No such information shall be used for any other purpose either during or after the completion of the Commission's mandate.
62. Any witness granted anonymity may either give their evidence under oath or a promise to tell the truth which may be accompanied by another form of conscience binding symbol using the non-identifying initials for the purpose of the witness's testimony.
63. All Participants, their lawyers and media representatives shall be deemed to undertake to adhere to the rules respecting anonymity. A breach of these rules shall be dealt with by the Commissioners as they see fit.

**Notice to Persons**

64. In accordance with section 13 of the *Public Inquiries Act*, RSC 1985, c I-11, if the Commissioners anticipate they may comment adversely upon a person's conduct in the final report, the person will have reasonable notice of the allegation and will be allowed a full opportunity to be heard.
65. Such notice will be delivered on a confidential basis to the person.
66. Supplementary notices may be delivered from time to time by the Commission as warranted by the information or evidence before it.

## MASS CASUALTY COMMISSION INTERIM REPORT

### Expert Panels, Research, and Policy Papers

67. The Commission may use a range of processes to develop its recommendations, including, but not limited to:
- (a) Writing or commissioning research and policy papers; the structure and format of the research and policy papers may vary but will generally include a description of current practices, historical developments, an analysis of relevant issues, and potential policy options (if applicable). Research and policy papers will be designed to inform the Commissioners' deliberations on systemic issues. Research and policy papers will be posted on the Commission's website;
  - (b) Written and/or oral submissions that may be sought from Participants and the public about matters relevant to the mandate, including the research and policy papers;
  - (c) Meetings or symposia (the format of which may vary) that may be convened to discuss issues raised by the Inquiry at which Participants and members of the public may be invited to participate; and
  - (d) Evidence that may be received at any stage of the Inquiry from one or more panels of expert witnesses. The Commissioners may modify the Rules as appropriate for the disclosure of documents and the questioning of expert panelists by the Participants.

### PUBLIC AND CLOSING SUBMISSIONS

68. Any interested person may make a public submission in writing to the Commission in response to any matter raised in the course of the Commission's work.
69. The Commission will publish on its website a deadline by which all public submissions must be received.
70. Participants will be given the opportunity to provide closing submissions. The Commission will determine if closing submissions will be made orally or in writing and will set and publish on its website a deadline by which all Participants' submissions must be received.

# Appendix 4: Participation Decision and Addenda

## Appendix 4-A: Participation Decision (May 13, 2021)



The Joint Federal/Provincial Commission into  
the April 2020 Nova Scotia Mass Casualty  
MassCasualtyCommission.ca  
Commission fédérale-provinciale sur les événements  
d'avril 2020 en Nouvelle-Écosse  
CommissionDesPertesMassives.ca

### Participation Decision

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## MASS CASUALTY COMMISSION INTERIM REPORT

### I. OVERVIEW

- [1] By joint Orders in Council dated October 21, 2020, the Governments of Canada and Nova Scotia established this Mass Casualty Commission to examine the April 18-19, 2020 mass casualty in Nova Scotia and to provide meaningful recommendations to help protect Canadians in the future. The goal is to make us all safer in our homes and our communities. We are mandated to report our findings and make recommendations by November, 2022.
- [2] One of our first important tasks is to identify individuals and groups who may assist us by participating in our various proceedings. The extent of their participation can cover a wide spectrum – from a role involving a particular aspect of our mandate to those who will participate more frequently across a range of Commission proceedings. The form of participation may be required or it may be by invitation and can include, for example, testifying under oath (or a promise to tell the truth) to partaking in roundtable discussions to providing expert reports and opinion evidence. Groups of participants can also contribute in coalitions.
- [3] Our Orders in Council prescribe “an opportunity for appropriate participation” (also known as standing) to:
- (a) the Government of Canada,
  - (b) the Government of Nova Scotia, and
  - (c) “the victims and families of the victims”.
- [4] Therefore, our present task is to grant an opportunity for appropriate participation to others with “a substantial and direct interest in the subject matter.” We can also recommend that the Clerk of the Privy Council provide funding for those who “would not otherwise be able to participate”. However, it is important to note that funding is disbursed based on Treasury Board guidelines and may not cover all costs of participation.
- [5] To complete this aspect of our mandate, we broadly circulated a Call for Applications to prospective Applicants, through a variety of media.
- [6] In our analysis that follows, we will:
- (a) provide a summary of our mandate;
  - (b) describe our application process;
  - (c) consider what it means to have a “substantial and direct interest in the subject matter”;

- (d) identify the various Applicants, the nature of their potential contribution, and our decision for each (including funding recommendations and directions regarding coalitions); and
- (e) describe the next steps in our process.

## II. OUR MANDATE

- [7] Public inquiries, such as ours, are expected to go beneath the surface to examine the broader context in which the mass casualty of April 18 and 19, 2020 occurred.
- [8] In general terms, the Orders in Council direct us to examine:
- (1) The causes, context and circumstances giving rise to the mass casualty;
  - (2) Responses by police and other service providers;
  - (3) Applicable policies and training for the police and other various service providers;
  - (4) Communication by the police and other service providers with those most affected and the public generally;
  - (5) Communications among all the various service providers;
  - (6) The role of intimate partner violence and gender-based violence;
  - (7) Access to firearms; and
  - (8) The disposal of surplus police equipment.
- [9] Our Commission, from the outset, has been and will continue to be completely independent from the federal and provincial governments, in fulfilling its mandate. We started our work from scratch when the Orders in Council were issued. Since then, we have independently built our team, secured our offices (away from government offices) and begun our work.
- [10] Being independent also means that we have the ability to control our own process and to make rules regarding the procedures that will govern the Inquiry. Some of the powers of the Commissioners are described in the federal and Nova Scotia Public Inquiries legislation.<sup>1</sup>
- [11] Our independence will continue for the duration of our mandate.
- [12] It is important to understand that our Commission is not a court nor a branch of the judiciary. Instead, public inquiries such as ours are investigative.

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1. As a joint federal and provincial public inquiry, the relevant legislation is the federal *Inquiries Act*, R.S.C., 1985, c. I-11 and the Nova Scotia *Public Inquiries Act*, R.S., c. 372, s. 1.

## MASS CASUALTY COMMISSION INTERIM REPORT

- [13] The function of our Commission is therefore very different from a civil trial or criminal prosecution, which are adversarial. We will not make findings of civil or criminal liability. Assigning punishment is not the purpose of an inquiry. In fact, the Orders in Council explicitly prevent us from doing this.
- [14] Another characteristic of public inquiries is that, unlike civil and criminal proceedings, which focus on narrow issues between parties, public inquiries focus on broader systemic and institutional issues.
- [15] It is also helpful to highlight the role of Commission Counsel, a function that is not always understood. They are lawyers who provide advice to the Commissioners. Commission Counsel, like the Commissioners, are objective and impartial. However, they report to and act under the direction of Commissioners.
- [16] The Commission must serve the public interest in achieving its mandate and the primary role of Commission Counsel is to represent the public interest. They are responsible for ensuring that all issues that bear on the public interest are brought to the attention of the Commissioners. They are not adversarial nor are they partisan. Commission Counsel are not criminal prosecutors nor is their role similar to lawyers who represent plaintiffs or defendants in civil proceedings.
- [17] Commission Counsel will assist the Commissioners throughout the public inquiry in discharging their mandate and will ensure the orderly conduct of the inquiry process. We have directed Commission Counsel to consult with Participants in order to inform our determinations regarding the appropriate extent of their involvement.
- [18] While today marks the first public proceeding of the Commission, we have been fully engaged since receiving our mandate. Our first priority has been engaging with families of the deceased and with survivors. In addition, we have been hiring the Commission team, building our website, establishing our offices in Truro and Halifax, drafting Rules on Participation and Funding, and developing a community engagement plan. All team members have been selected independently. This includes Commission Counsel, Investigators, Policy Analysts, Community Liaison, Mental Health and Public Engagement Officers, Document Management Personnel, and other administrative staff to assist the Commission in its important work. The Commission team has been gathering and analyzing documents, conducting research, identifying witnesses and experts, and making preparations for the public proceedings.

#### **Appendix 4: Participation Decision and Addenda**

- [19] We are committed to working in a respectful, transparent and independent way.
- [20] In honouring this commitment, we will regularly post information on the website. This will include the rules that govern our work, expert reports, our schedule of proceedings (including community engagement events), transcripts of the public hearings (in both official languages), the schedule and content of the roundtables and other policy meetings. We invite everyone to consult our website which will be updated regularly and will provide timely information on the work of the Commission.

### **III. THE APPLICATION PROCESS**

- [21] The rules governing this application process were included in the Call for Participants and are posted on the website.
- [22] With regard to funding requests by Applicants, Rule 17 states:
- Pursuant to the mandate of the Commission, the Commissioners may make recommendations to the Clerk of the Privy Council regarding funding for a participant, where, in the view of the Commissioners, the person would not otherwise be able to participate in the Commission without such funding. Funding recommendations will correlate with the Commissioners' determination of the appropriate degree of participation for each application for funding.
- [23] It is important to note that under our Orders in Council, we can only *recommend* funding for Participants. It will be up to the Clerk of the Privy Council to approve all funding "in accordance with approved [Treasury Board] guidelines respecting the remuneration and reimbursement and the assessment of accounts". Again, funding is disbursed based on these guidelines and may not cover all costs of participation.
- [24] Upon being granted the opportunity for appropriate participation, a Participant agrees to adhere to the Commission's Rules of Practice and Procedure.
- [25] As noted, there will be a variety of ways to participate. These may include written or oral submissions on a particular issue, the opportunity to suggest witnesses to be called by Commission Counsel, the opportunity to make closing submissions in a proceeding, or the opportunity to participate in a community meeting or a policy roundtable.



## MASS CASUALTY COMMISSION INTERIM REPORT

- [26] We would like to thank the many individuals and groups who applied for an opportunity to participate in the Commission's process. We very much appreciate your interest in our public inquiry, which is of great importance to the people of Nova Scotia and to the entire country.
- [27] It is also important to highlight that it is not necessary to have applied to be a Participant in order to be involved in the Commission's work. For example, members of the public may attend community engagement events and public proceedings. They may also follow our website which will contain updated information on our work, including Rules of Practice and Procedure, various rulings, expert reports, and proceeding schedules.

### IV. SUBSTANTIAL AND DIRECT INTEREST

- [28] As noted above, our Orders in Council prescribe "an opportunity for appropriate participation" to:
- (a) the Government of Canada,
  - (b) the Government of Nova Scotia, and
  - (c) "the victims and families of the victims".
- [29] While the Orders in Council refer to "victims and families of victims", the Commission will generally use the more inclusive phrase "those most affected". Our present task is to grant an opportunity for appropriate participation to others with "a substantial and direct interest in the subject matter of this Inquiry." A "substantial and direct interest" is not defined in the Orders in Council or in any of the legislation that governs the Mass Casualty Commission. However, it is a concept frequently used in public inquiries to help determine which people and groups will be permitted to formally participate in the inquiry process. Sometimes the term "standing" is used to describe this role, but our Orders in Council instead refer to "an opportunity for appropriate participation."
- [30] We received applications for participation from a number of individuals and groups who expressed an interest in participating in all or part of the Commission's work. In their applications, they explained their particular connection to the events of April 18 and 19, 2020 or their experience and knowledge in areas that relate to the Commission's mandate.

#### **Appendix 4: Participation Decision and Addenda**

- [31] Nova Scotians, Canadians, and people around the world felt the impact of the April 18 and 19, 2020 mass casualty. People continue to be affected by what happened and many will be watching the work of the Commission closely. However, the Commissioners are generally expected to provide individuals and groups with a 'substantial and direct interest' with the opportunity for appropriate participation in the inquiry. For example, while witnesses have an important role to play in the fact-finding work of the Commission, they do not necessarily have a substantial and direct interest. Individuals and groups who have a genuine concern about the subject matter of the Commission or have an expertise in an area that will be considered by the Commission may not have substantial and direct interest in the subject matter of the Inquiry.<sup>2</sup> This does not mean, however, that they will not play a significant role in the work of the Inquiry. Their participation in community engagement activities or through contributions to the research and policy work of the Commission will be of great assistance.
- [32] Public inquiries are well-served by taking a broader approach to the question of participation.<sup>3</sup> Past inquiries have identified factors that Commissioners may consider in determining whether an Applicant has a substantial and direct interest in the Inquiry's work. In the Commission of Inquiry Into the Actions of Canadian Officials in Relation to Maher Arar Inquiry, Commissioner Dennis O'Connor identified four such factors: 1) the mandate of the inquiry; 2) the "nature of that aspect of the public inquiry for which standing is sought;" 3) the type of interest the Applicant has; and 4) the connection of the particular applicant to the Inquiry's mandate.<sup>4</sup> Another factor is whether Applicants have a "continued interest and involvement in the subject matter of the inquiry".<sup>5</sup>
- [33] In his decision on standing for the Inquiry into Pediatric Forensic Pathology in Ontario, Commissioner Stephen Goudge identified three additional considerations: 1) whether an Applicant may be significantly affected by the Commission's recommendations; 2) whether an Applicant is uniquely situated to offer

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2. Hon. Dennis R. O'Connor, *Commission of Inquiry Into the Actions of Canadian Officials in Relation to Maher Arar*, Ruling on Standing and Funding (2009) [Arar Standing Ruling] at 7-8 available online: RULING ON STANDING AND FUNDING (lac-bac.gc.ca).

3. See for example: *Arar Standing Ruling*, *ibid* and Hon. Eileen E. Gillese, *Public Inquiry into the Safety and Security of Residents in the Long-Term Care Homes System*, Ruling on Participation (2018) at 5-9 available online: Ruling-on-Participation.pdf (longtermcareinquiry.ca).

4. *Arar Standing Ruling*, *supra* note 2 at 6-7.

5. Ronda Bessner and Susan Lightstone, *Public Inquiries in Canada: Law and Practice* (Toronto: Thomson Reuters, 2017) at 134.

## MASS CASUALTY COMMISSION INTERIM REPORT

information that will assist the Commission with its work; and 3) the requirement to balance the need for a thorough inquiry with the need to avoid duplication.<sup>6</sup>

- [34] Applicants who have demonstrated a continued interest and involvement, or a significant expertise which form the substance of the Mass Casualty Commission's mandate, may be able to meet the "substantial and direct interest" test even if they were not directly involved in the events of April 18 and 19, 2020. They may be invited to participate in appropriate ways in relation to the issues where their contribution will help the Commission fulfill its obligation to conduct a comprehensive public inquiry to determine what happened and to make recommendations to help protect Canadians in the future.<sup>7</sup> This could include providing written submissions on particular aspects of the mandate, participating in policy roundtables or community engagement sessions, or giving expert testimony.
- [35] Directing individuals and groups to participate in relation to the specific issues in which they have a substantial and direct interest ensures the Commission receives the benefits of their contribution without the process becoming unwieldy. Focusing the scope of a Participant's appropriate participation can assist with efficiency, cost-effectiveness, and timeliness.<sup>8</sup>
- [36] In the Arar Inquiry, Commissioner O'Connor decided that granting some applicants limited participation rights allowed the Commission to "obtain the maximum amount of assistance without unduly expanding on the time and expense necessary to achieve [the] mandate."<sup>9</sup> In that instance, such participants were permitted to make submissions about the procedures that would be used at the Inquiry, receive copies of exhibits and make opening and closing submissions. They were also able to participate in the policy review that was the bulk of the recommendation and preventative aspect of the Commission. Similarly in the Walkerton Inquiry, some participants were granted more limited rights, which included the right to access documents, make public submissions, and participate directly in one or more public meetings where the Commissioner was of the view that such participation would make a contribution to the subject matter of the meeting.<sup>10</sup>

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6. Hon. Stephen T. Goudge, *Inquiry into Pediatric Forensic Pathology in Ontario*, Ruling on Standing and Funding (2007) at 3, available online: Decision on Standing and funding (gov.on.ca).

7. *Public Inquiries in Canada: Law and Practice*, *supra* note 5 at 134.

8. *Public Inquiries in Canada: Law and Practice*, *supra* note 5 at 138.

9. *Arar Standing Ruling*, *supra* note 2 at 9.

10. Ontario: *Report of the Walkerton Inquiry, Part One: The Events of May 2000 and Related Issues, Appendix E(ii)* (Toronto: Ministry of the Attorney General, 2002) (Commissioner: The Honourable Dennis R. O'Connor) available online: THE WALKERTON INQUIRY - Legal Information - RULING ON STANDING AND FUNDING (gov.on.ca).

- [37] The April 2020 mass casualty visited unthinkable pain upon the families of those who were killed and their communities. It sent shock waves throughout the Province of Nova Scotia that reverberated throughout our entire country. The sheer magnitude of its repercussions prompts us to interpret “substantial and direct interest” broadly so that we may hear as many affected and interested voices as possible.
- [38] At the same time, we have a very extensive mandate to fulfill in a limited period of time. The challenge therefore becomes one of promoting inclusiveness while honouring our time constraints. We will meet this challenge by (a) finding creative and effective ways to efficiently engage Participants, and (b) creating appropriate coalitions so that several Participants with common interests may speak together regarding issues about which they have a particular interest or expertise. Coalitions also offer the advantage of creating balance and reducing duplication where various organizations have similar areas of expertise.

## **V. THE APPLICANTS**

- [39] In this decision, where we determine that an Applicant is granted the opportunity for appropriate participation, we are satisfied that they have met the substantial and direct connection test. Commission Counsel will collaborate with all Participants to determine the extent of their participation.
- [40] Where we recommend that the Clerk of the Privy Council provide funding, we are satisfied that those Participants have met the substantial and direct connection test and “would not otherwise be able to participate”. For all Participants for whom we make a funding recommendation, Commission Counsel will collaborate with them to gather further input before the recommendations are finalized.
- [41] The various Applicants fall into three general categories:
- (a) Those most affected;
  - (b) Other individuals from whom we require more information; and
  - (c) Group applicants.

## MASS CASUALTY COMMISSION INTERIM REPORT

### 1. Those Most Affected

#### A. FAMILIES OF THE DECEASED

[42] A number of people have applied to participate through their legal counsel. Based on their applications, we have identified these Applicants as follows:

1. Bagley Family
2. Beaton Family
3. Blair Family
4. Bond Family
5. Campbell Family
6. Ellison Family
7. Goulet Family
8. Gulenchyn/Madsen Family
9. Jenkins Family
10. McCully Family
11. McLeod Family
12. O'Brien Family
13. Oliver/Tuck Family
14. Thomas/Zahl Family
15. Webber Family

#### B. INDIVIDUALS CURRENTLY WITHOUT COUNSEL

[43] The following Applicants currently do not have Counsel:

16. Beverly Beaton
17. Tara Long
18. Andrew MacDonald

#### C. INDIVIDUALS WITH COUNSEL

[44] A number of people have applied to participate through their legal counsel, who listed them as follows:

19. Lisa Banfield
20. Mallory Colpitts
21. Darrell Currie
22. Adam Fisher
23. Carole Fisher

24. Leon Joudrey
25. Greg Muise
26. Bernie Murphy
27. Deb Thibeault

**Decision: Those Most Affected**

[45] The Participants listed above have an opportunity for appropriate participation by virtue of the Orders in Council. Most have retained counsel; several have retained the same law firm. That is appropriate and will reduce the cost to the public. All have requested funding and we accept the assertion made in their applications that without funding, they would not otherwise be able to participate in the Commission's process. We therefore recommend funding for all of them.

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**2. Other Individual Applicants**

- [46] We have also received applications from the following individuals:
1. **Fonda Smyth** is from the west Colchester County region and states that she has been deeply affected by the mass casualty.
  2. **Jenn Gregory** is from Halifax and states that she is friends with two of the victims' families.
  3. **Bradley McLellan** is a community member who was in the area of Portapique during the incident.
  4. **Nick Cardone** is a registered counselling therapist operating a private practice in Nova Scotia. He would like to share his expertise regarding the gender-based and intimate partner violence aspect of our mandate.
  5. **Alan David Schmeglesky** is a resident of British Columbia. His application states that his son was involved in a major RCMP manhunt. He would like to share lessons learned from that experience.
  6. **Dr. Anthony Gracey** is a social scientist who researches public inquiries and analyzes transcripts from inquiries. He would like to share his expertise with the Commission.
  7. **Dr. Sarah Jodi McDavid** is an instructor at Cape Breton University and the Chair of the Cape Breton Centre for Sexual Health. She would like to share her expertise regarding the gender-based and intimate partner violence aspect of our mandate.

## MASS CASUALTY COMMISSION INTERIM REPORT

8. **Marlene Gibbons** was born and raised in Nova Scotia. She has a Masters in Project Management, with an expertise in data analysis. She believes she can offer a unique perspective in analyzing the circumstances of this mass casualty.
9. **Raymond Ridgeway** states that he is retired from the Canadian Army and has been involved with the responsible and careful use of firearms throughout his life.
10. **Ricky Osborne** is a resident of Nova Scotia who believes he has a unique perspective on gun violence in Canada.
11. **Eleanor Cowan** is a retired teacher who would like to offer her perspective on the gender-based and intimate partner violence aspect of our mandate.

[47] We very much appreciate the interest these eleven Applicants have expressed in our Commission. However, we require more information from them to better assess their potential contribution. We therefore invite them to provide a written submission with more details about how they propose to participate. So that this may be accomplished efficiently, we would direct that this submission be limited to a maximum of 1500 words and provided to the Commission by email to [participation@masscasualtycommission.ca](mailto:participation@masscasualtycommission.ca) within two weeks of the date of this decision.

### 3. Group Applicants

[48] A number of groups and organizations applied for an opportunity to participate in the Commission's process based upon their interest in various aspects of the mandate. They include some based in Nova Scotia and some based in other parts of the country. Some are grassroots organizations while others are national in scope.

[49] In order to ensure an expeditious review of the issues in the mandate while making the best use of government funding, we have grouped some Applicants into coalitions. If these coalitions prove to be unworkable, we would be prepared to hear further from them. However, our funding recommendations are premised on these coalitions.

[50] We have categorized these group Applicants according to their purpose, focus and characteristics as follows:

- A. Victim Advocacy Organizations

- B. Health-Related Organizations
- C. Firearm Organizations
- D. Justice Organizations
- E. Gender-Based Organizations
- F. Police-Related Organizations

**A. VICTIM ADVOCACY ORGANIZATIONS**

**1. Canadian Resource Centre for Victims of Crime (CRCVC)**

[51] The Canadian Resource Centre for Victims of Crime (CRCVC) describes itself as a national not-for-profit organization providing emotional support and advocacy for survivors of violent crimes, including Canadians impacted by terrorism and mass casualties. It grounds its work in trauma-informed care and a victim-centered approach. It has decades of experience and knowledge on best practices, strengths and the weaknesses or gaps in the provision of victim support to Canadians involved in mass casualty/mass fatality incidents.

**2. Canadian Association of Chiefs of Police - National Working Group Supporting Victims of Terrorism and Mass Violence (CACP NWG)**

[52] The Canadian Association of Chiefs of Police (CACP) has represented policing interests since 1905, dedicating its efforts to "efficient law enforcement and to the protection and security of the people of Canada". The CACP accomplishes its work through a variety of working groups and committees and by actively liaising with all levels of government. While the CACP proper did not apply to participate, its National Working Group, *Supporting Victims of Terrorism and Mass Violence* ("CACP NWG"), has done so.

[53] The CACP NWG was established in recognition of the need for, and value of, developing a victim-centred response to terrorism, mass violence, and mass casualty tragedies. It includes representatives from police services across Canada with a common aim to develop frameworks and programs to optimize a victim-centred response to mass violence and terrorist events. A central focus of its work involves the identification and refinement of trauma-informed models aimed at informing, supporting, and engaging victims, families, survivors, first responders, communities and all those impacted, while also upholding the rights and dignity of all persons.



## MASS CASUALTY COMMISSION INTERIM REPORT

### **3. Office of the Federal Ombudsman for Victims of Crime (OFOVC)**

- [54] The Office of the Federal Ombudsman for Victims of Crime (OFOVC) independently reviews complaints about government programs or services supporting victims of crime. Part of its function includes recommending solutions or proposing changes to laws, programs or policies to improve how victims are treated across the criminal justice system at the federal level. Its work is victim-centred and evidence and trauma-informed. Some work of the OFOVC includes:
- Engaging in work to support survivors of mass violence incidents;
  - Engaging with police officers to encourage them to use trauma-informed approaches in their work to prioritize victims' needs and well-being;
  - Engaging with survivors of gender-based and intimate partner violence and make recommendations related to violence prevention;
  - Engaging with stakeholders, victims and survivors related to gun violence;
  - Engaging with key stakeholders and knowledge holders, through the Indigenous advisory circle, in areas of gender-based and intimate partner violence, victimization, and trauma;
  - Increasing the respect of victims' rights and support improved responses;
  - Working to address the use of firearms in gender-based and intimate partner violence; and
  - Making recommendations to Canada's Chief Public Health Officer related to prevention strategies for community safety to address the heightened instances of domestic violence experienced during COVID-19.

#### **Decision: Victim Advocacy Organizations**

- [55] The CRCVC, the OFOVC and the CACP NWG are well placed to assist the Commission as Participants, given their extensive experience in supporting victims of mass casualties. Furthermore, because of their common experience, they shall form a coalition to assist the Commission in understanding the relationships among police, government and victims of mass casualties. They could do so in a variety of ways including preparing expert reports and participating in roundtable discussions.
- [56] The CRCVC has requested, and we recommend, that its participation be funded.
-

**B. HEALTH-RELATED ORGANIZATIONS**

**1. Nova Scotia Nurses Union (NSNU)**

- [57] The Nova Scotia Nurses (NSNU) represents nearly 8000 nurses. Many, as community-based and emergency department nurses, are directly impacted by this mass casualty. The NSNU has played a key role in shaping policies to address workplace safety and they characterize their potential contribution this way.
- [58] The NSNU says that violence in the community has an impact on those who provide care, including their member nurses and they want to participate to share this perspective with the aim of preventing future violence.
- [59] The NSNU represents the views of nurses working in community and can speak specifically about those experiences and perspectives.

**2. Nova Scotia Government and General Employees Union (NSGEU)**

- [60] The Nova Scotia Government and General Employees (NSGEU) is the largest union in Nova Scotia with 30,000 members. The NSGEU has a history of participating in public inquiries involving the health and safety of its members. The NSGEU states that one of its members, Kristen Beaton, was killed in the mass casualty while on duty as a Homecare Worker. It further states that many other members of the NSGEU who live and work in the same geographic area were exposed to the events and were deeply traumatized.
- [61] The NSGEU represents a number of occupational groups whose work is included in the mandate of the Commission including: 720 Homecare Workers, 170 employees of the Victorian Order of Nurses (VON), employees of the Emergency Management Office, Forensic Technicians and Medical Investigators, Cape Breton Regional Police Service and wide range of employees in Acute Care, Nova Scotia Health Authority and the IWK Health Centre. The NSGEU says that its involvement with a large number of workers in a broad range of work places involving different kinds of risk gives them a unique perspective on many matters of interest to the Inquiry.

**3. Along the Shore Health Board (ATSHB)**

- [62] The “Along the Shore Health Board” (“ATSHB”) is the volunteer Community Health Board that serves the area from Onslow to Five Islands, Nova Scotia. As

## MASS CASUALTY COMMISSION INTERIM REPORT

the Community Health Board supporting the geographic communities most affected by the events of April 18 and 19, 2020, the ATSHB has applied to participate in order to share what it has learned about the events themselves and the ongoing impacts on the individuals, children, and families that make up their community.

### **Decision: Health-Related Organizations**

- [63] Each of the NSNU, the NSGEU and the ATSHB are well positioned to assist the Commission with its mandate. As on the ground community-based organizations with vast experience, they can contribute significantly with recommendations on how to keep our communities safer and healthier.
- [64] As Participants, they may engage the Commission in a variety of ways, including preparing expert reports, attending community sessions and participating in roundtable discussions.
- [65] Given the importance of their respective contributions and the breadth of their memberships, each may participate individually.
- 

## **C. FIREARM ORGANIZATIONS**

### **1. Canadian Coalition for Gun Control (CCGC)**

- [66] The Canadian Coalition for Gun Control (CCGC) describes themselves as “the leading voice on firearm control in Canada. It is a globally recognized non-profit organization that has worked to reduce firearm death, injury and crime for thirty years. [...] The [CCGC] is supported by over 200 organizations that represent diverse interests, including: victims, women, physicians, lawyers, religious communities, universities, municipal governments, and law enforcement.”

### **2. Canadian Coalition for Firearms Rights (CCFR)**

- [67] In their application, the Canadian Coalition for Firearms Rights (CCFR) notes that they “bring high level expertise in firearms, firearms policy, regulation, and community opinions.” Their website describes a volunteer organization that

represents the Canadian firearm owning community. Their vision is to maintain, protect and promote private firearm ownership.

**Decision: Firearms Organizations**

- [68] The use of firearms represents an important aspect of our mandate. The CCGC and the CCFR can contribute to this work in an informative and balanced way. They are granted the right to participate on those aspects of our mandate dealing with the use of firearms. This can be done in a variety of ways, including providing expert reports and participating in expert roundtable discussions.
- [69] The CCGC has requested, and we recommend, that its participation be funded.

**D. JUSTICE ORGANIZATIONS**

**1. BC Civil Liberties Association (BCCLA)**

- [70] In their application, the BC Civil Liberties Association (BCCLA) says they are the “oldest and most active civil liberties and human rights group in Canada.” In existence for more than 50 years, they are a non-partisan, charitable society based in British Columbia, but their work has a national scope with legal interventions and law reform advocacy in multiple jurisdictions and at various appellate courts. The BCCLA has a unique perspective and expertise related to how powers of law enforcement agencies may be open to abuse, including how information is shared with other public entities such as Canadian Border Services Agency and intelligence bodies.

**2. East Coast Prison Justice Society (ECPJS)**

- [71] Based in Halifax, East Coast Prison Justice Society (ECPJS) is a non-profit, mainly volunteer-run, organization comprised of a collaborative group of individuals and organizations helping criminalized and imprisoned individuals. It does so through advocacy, research, scholarship, legal support, education, public service, and the provision of grassroots services. In recent years, its work has focused primarily in four main areas: (i) jails and prisons; (ii) correctional health; (iii) policing; and (iv) fatality inquiries.

## MASS CASUALTY COMMISSION INTERIM REPORT

### **3. Nova Scotia Legal Aid (NSLA)**

- [72] Nova Scotia Legal Aid (NSLA) represents people charged in criminal matters and people who are victims of violence in the areas of family, social justice and criminal law. NSLA participates in many different aspects of the justice system. Its application states that it is “uniquely situated to provide information on police decisions and behaviours during investigation, response to domestic violence situations, the court and other responses, as well as process in all stages of criminal, family and social justice proceedings.”

#### **Decision: Justice Organizations**

- [73] BCCLA and ECPJS are granted the opportunity to participate in the Commission's process as a coalition.
- [74] These two organizations have requested, and we recommend, that their participation be funded.
- [75] NSLA has the potential to make a similar contribution but from a unique perspective. It therefore is granted a separate opportunity to participate in the Commission's process.

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## **E. GENDER-BASED ORGANIZATIONS**

### **1. Avalon Sexual Assault Centre (Avalon)**

- [76] Avalon Sexual Assault Centre (Avalon) is a Halifax-based non-profit that has been engaged in community-based work to eliminate sexualized and gender-based violence since 1983. Its staff includes professional counsellors, educators, health practitioners and activists who provide various front-line services to victims and survivors of gender-based violence.

### **2. Women's Legal Education and Action Fund (LEAF)**

- [77] The Women's Legal Education and Action Fund (LEAF) is a national, non-profit organization and registered charity founded in April 1985 to advance the equality rights of women and girls in Canada as guaranteed by the *Canadian Charter of*

#### **Appendix 4: Participation Decision and Addenda**

*Rights and Freedoms.* LEAF uses litigation, law reform, and public education as tools to push for substantive gender equality.

- [78] LEAF has a particular interest in participating in any community, expert, and institutional proceedings, and in policy roundtables. LEAF has a long history of working in coalition with other organizations.

#### **3. Feminists Fighting Femicide (FFF)**

- [79] Feminists Fighting Femicide (FFF) is an *ad hoc* group of Nova Scotia women, formed in response to the mass casualty. They work to support survivors of male violence.

#### **4. Persons Against Non-State Torture (PANST)**

- [80] Persons Against Non-State Torture (PANST) describes itself as supporting women who disclose and/or survive acts of torture and trafficking perpetrated within family relationships.
- [81] PANST seeks the opportunity to participate in policy roundtables on intimate partner violence/gender-based violence or provide written submissions at the close of the proceedings.

#### **5. Women's Shelters Canada (WSC)**

- [82] Women's Shelters Canada (WSC) describes itself as "a Pan-Canadian organization with a mission to make ending violence against women (VAW) a priority." A registered charity since 2012, WSC works with its members – the provincial and territorial shelter networks – to ensure that policies, legislation, and regulations are informed by the knowledge and experience of those working in the shelter networks.
- [83] WSC seeks to participate in the Commission's public hearings and roundtable discussions. WSC identifies a common interest with the Transition House Association of Nova Scotia (THANS), which is one of the fifteen full members of WSC.

#### **6. Transition House Association of Nova Scotia (THANS)**

- [84] Transition House Association of Nova Scotia (THANS) is a registered not-for-profit and charity representing 11 transition houses in Nova Scotia, including two

## MASS CASUALTY COMMISSION INTERIM REPORT

that are designated to serve First Nation communities. These houses provide crisis and transitional services to women and children experiencing violence and abuse. THANS' application outlines the historical role that three of its member organizations (Third Place in Truro, Autumn House in Amherst and Tearmann House in New Glasgow) have played and continue to play in raising awareness, responding to the harms of family violence and intimate partner violence, and creating a network of transition and shelter services to the communities most affected by the events of April 18 and 19, 2020.

### **7. *Be the Peace Institute***

- [85] Be the Peace Institute is a non-profit working to address the roots and consequences of gender-based violence and advance systemic change for gender equity and social justice in Nova Scotia.

### **8. *Elizabeth Fry Society of Mainland Nova Scotia (EFMNS)***

- [86] Elizabeth Fry Society of Mainland Nova Scotia (EFMNS) is a non-profit, charitable organization that engages with vulnerable women and girls to foster reintegration, rehabilitation, personal empowerment and to address the root causes of criminalization. With locations in both Dartmouth and Truro, EFMNS supports women who are often at a high risk of returning to the cycle of poverty, homelessness and self-harm that can cause criminalization.

### **9. *Wellness Within: An Organization for Health & Justice***

- [87] Wellness Within: An Organization for Health and Justice was established in 2012 and incorporated as a registered non-profit in 2017. It is a volunteer-based non-profit organization. It works for reproductive justice, prison abolition, and health equity. Its members include doulas, nurses, midwives, physicians, social workers, lawyers, students, researchers, writers, educators, and people who have experienced criminalization.
- [88] Wellness Within identifies that it shares common interests and concerns with the Women's Legal Education and Action Fund (LEAF) and Avalon Sexual Assault Centre.

**Decision: Gender-Based Organizations**

[89] All of the gender-based organizations who applied have a genuine concern about the subject matter of the Commission or have an expertise in an area that will be considered by the Commission. Their applications demonstrated a varying degree of ability to satisfy the threshold of a substantial and direct interest in the subject matter of the Inquiry. Some of the organizations indicated that they would be willing to form a coalition with others. We have taken these indications into account and make the following decisions:

**I. *Women's Legal Education and Action Fund (LEAF),  
Avalon Sexual Assault Crisis Centre and Wellness Within***

[90] We direct that the Women's Legal Education and Action Fund (LEAF) and Avalon Sexual Assault Centre and Wellness Within form a coalition.

[91] LEAF and Wellness Within have requested, and we recommend, that their participation be funded.

**II. *Feminists Fighting Femicide and Persons Against Non-State Torture***

[92] Feminists Fighting Femicide (FFF) and Persons Against Non-State Torture (PANST) indicated a willingness to work together. We direct that they do so.

**III. *Women's Shelters Canada, Transition House Association of Nova Scotia  
and Be the Peace Institute***

[93] We direct that the Women's Shelters Canada (WSC), Transition House Association of Nova Scotia (THANS) and Be the Peace Institute form a coalition.

WSC and THANS have requested, and we recommend, that their participation be funded.

**IV. *Elizabeth Fry Society of Mainland Nova Scotia***

[94] Elizabeth Fry Society of Mainland Nova Scotia (EFMNS) is permitted to provide written submissions regarding the intimate partner violence/gender-based violence aspects of the mandate.

[95] EFMNS has requested, and we recommend, that its participation be funded.



## MASS CASUALTY COMMISSION INTERIM REPORT

### F. Police-Related Organizations

#### 1. *Atlantic Police Association (APA) affiliated*

[96] The Atlantic Police Association (APA) subsumed the former Police Association of Nova Scotia. The APA plays an administrative and advocacy role for unionized municipal police officers, including those from Truro, Amherst, New Glasgow, Westville, Stellarton, and Charlottetown. In its application, the APA states that the members it represents were in a position to provide policing to assist in preventing/limiting this mass casualty.

#### 2. *Canadian Police Association (CPA)*

[97] The Canadian Police Association (CPA) is a national association that represents police unions and associations including 27 regional chapters at municipal, federal, Aboriginal and provincial levels totaling, approximately 60,000 civilian and sworn members and 160 police services. The CPA claims to be the only organization that has the ability to speak from a national perspective to the operation of front-line police personnel in all types of policing. The CPA has provided expert testimony before Parliamentary Committees and obtained intervener status in judicial proceedings that have a direct impact on the law enforcement sector. Their principal focus is on the role of police officers in the communities that their members serve. The Halifax Regional Police Union, the Amherst Police Association, the Truro Police Association and the Atlantic Police Association are members of the CPA.

#### 3. *National Police Federation (NPF)*

[98] The National Police Federation (NPF) became the RCMP's sole certified bargaining agent in 2019 for 20,000 regular member, reservists and non-commissioned officers, below the rank of Inspector. Many NPF members were directly involved in the RCMP response to the mass casualty.

#### 4. *Nova Scotia Chiefs of Police Association (NSCPA)*

[99] The Nova Scotia Chiefs of Police Associations (NSCPA) represents Police Chiefs and the executive and management levels above the rank of non-commissioned officers in all municipal forces in Nova Scotia including military police and other related law enforcement agencies. Commissioned ranking officers of the RCMP in

#### **Appendix 4: Participation Decision and Addenda**

Nova Scotia are also invited members. The NSCPA is a member of the Canadian Association of Chiefs of Police.

##### **5. RCMP Veterans Association of Nova Scotia (RCMP-VANS)**

[100] RCMP Veterans Association of Nova Scotia (RCMP-VANS) is a division of the National Veterans Association and one of 30 divisions across Canada representing retired RCMP officers. It represents a wealth of policing experience in Nova Scotia and wishes to share its insights with the Commission.

##### **6. Truro Police Service (TPS)**

[101] The Truro Police Service (TPS) is a municipal police agency located in Colchester County and TPS has been serving the people of central Nova Scotia since 1875. It provides policing service in the local municipal area and can be described as a mid-sized police agency that provides 24/7 policing coverage and has a variety of human and capital resources and specialized policing skills. Members of the Truro police service were working on April 18 and 19, 2020 and had some involvement in the mass casualty.

#### **Decision: Police Related Organizations**

[102] Policing in rural Nova Scotia is fundamental to our mandate. All six Applicants can offer important perspectives in this regard. Many offer unique perspectives and some were directly involved with this mass casualty. They bring national and local perspectives to our mandate. All six shall participate in the policing aspects of our mandate. While most organizations offer important unique perspectives, those of the APA and the CPA are sufficiently aligned to warrant a coalition, which we direct.

[103] The APA has requested, and we recommend, that its participation be funded.

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[104] Again, we express our thanks to all of the Applicants who took the time to apply for an opportunity to participate in the Commission process.

[105] We will now briefly identify our next steps to assist the public in knowing what to expect in the coming months.

## VI. NEXT STEPS

### 1. COVID-19

[106] At the outset, we must acknowledge the grim reality that has been and continues to be the COVID-19 pandemic. Since our Orders in Council on October 21, 2020, COVID-19 cases have spiked twice in Nova Scotia; once in November/December 2020 and now again in April/May 2021. This has complicated our work, making it particularly difficult to plan next steps with certainty. Nonetheless, like everyone, we will remain agile and move forward with our mandate as best we can with the use of technology, personal protective equipment and social distancing. Nova Scotians can rest assured that we will proceed with extreme care for everyone's health. Since the first weeks of our mandate, we have coordinated our work with the Chief Medical Officer of Health, Dr. Robert Strang, and his office. We will continue to do so, making sure that we fully understand and fully comply with all applicable protocols.

### 2. Investigation into What Happened on April 18 and 19, 2020

[107] Our most pressing priority is to determine exactly what happened on April 18 and 19 of last year. We recognize that those most affected and the public generally are looking for and deserve answers. To this end, our investigative and legal teams will continue to review thousands of documents, interview witnesses (with the collaboration of our Community Liaison and Mental Health teams) and otherwise pursue this important part of the Commission mandate.

### 3. Continued Engagement with Those Most Affected

[108] While many contingencies remain, in the coming months we expect to continue our engagement with the individuals, organizations and communities most affected.

### 4. Research and Policy

[109] Our mandate requires us to make recommendations that could help protect communities in the future. This means that our work has a very important research

and policy component, helping us to take the information gathered in the investigation and inform our ability to make meaningful recommendations. To this end, our research and policy team will review the factual record and relevant policies and procedures and with our direction, commission expert reports and conduct various roundtable proceedings with experts and community leaders. This work will be evidence-based, and will be balanced so that all sides of the various issues are heard. This work has already begun and is integral to our proceedings.

#### **5. Rules of Practice and Procedure**

- [110] We are in the process of completing Rules of Practice and Procedure, in addition to those relating to this participation process (which have already been published on our website). Participants will have the opportunity to provide input on the draft Rules before they are formally adopted and posted on our website.

#### **6. Commission Proceedings**

- [111] Following the issuance of this decision, Commission Counsel will engage Participants on the parameters of their respective participation and the types of proceedings that will best accommodate their contribution to the mandate of the Mass Casualty Commission.
- [112] Members of the public will have access to the public proceedings and transcripts of the evidence of witnesses who give public testimony.
- [113] We would like to conclude by saying that it is an honour for us to have been selected to lead the Mass Casualty Commission. Each and every member of the Commission team is deeply committed to fulfilling the important mandate of this Commission.

## MASS CASUALTY COMMISSION INTERIM REPORT

### Appendix 4-B: Participation Decision Addendum (June 25, 2021)



The Joint Federal/Provincial Commission into  
the April 2020 Nova Scotia Mass Casualty  
MassCasualtyCommission.ca  
Commission fédérale-provinciale sur les événements  
d'avril 2020 en Nouvelle-Écosse  
CommissionDesPertesMassives.ca

### Participation Decision Addendum

June 25, 2021

- [1] This decision is an addendum to the May 13, 2021 Participation Decision.

#### OTHER INDIVIDUAL APPLICANTS

- [2] In the Participation Decision, we determined that we required more information from eleven Applicants to better assess their potential contribution. Therefore, we requested that these eleven Applicants provide written submissions within two weeks outlining more details about how they proposed to participate.
- [3] The Mass Casualty Commission received additional submissions from eight of these Applicants; two of the Applicants responded that they no longer wished to proceed with their application to become a Participant. We consider these two applications to have been withdrawn.
- [4] One Applicant did not provide further submissions. Based upon the original application, this Applicant does not demonstrate a direct and substantial interest in the Commission's mandate and therefore does not meet the test for Participants in this inquiry.
- [5] Based on their additional submissions, **Nick Cardone** and **Sara Jodi McDavid** are granted the opportunity for appropriate participation in the Commission's work.
- [6] In their original Applications for Participation and additional submissions, **Eleanor Cowan, Anthony Gracey, Bradley McLellan, Ricky Osborne, Raymond Ridgeway** and **Alan David Schmeglesky** did not meet the direct and substantial interest test for Participants in this Inquiry.

**A. Late Applicant - Canadian National Firearms Association**

- [7] In the Participation Decision, we granted the Canadian Coalition for Gun Control (CCGC) and Canadian Coalition for Firearm Rights (CCFR) the opportunity for appropriate participation in aspects of our mandate related to the use of firearms.
- [8] After the release of the Participation Decision, the **Canadian National Firearms Association** (CNFA) contacted the Commission to apply for the opportunity to participate.
- [9] **CNFA** has been in existence since 1978 and describes itself as “the largest firearms rights advocacy organization in Canada.” The **CNFA** states that its membership represents a broad spectrum of Canadian society with over 70,000 members consisting of individuals, shooting clubs and businesses.
- [10] The **CNFA** has demonstrated a substantial and direct interest related to the firearms aspect of the Commission mandate. The **CNFA** indicated that it would contribute a different perspective from the CCFR to the Commission process. Nonetheless, based on their common focus, we direct that the **CNFA** and the CCFR form a coalition to work together to contribute to the Commission’s work related to the use of firearms.

**B. Additional Participant Funding Requests**

- [11] **Nick Cardone** and two Participants identified in the Participation Decision, **Availon Sexual Assault Centre** and **Be the Peace Institute**, requested funding. Based on their Applications for Funding and supporting financial documents, we accept that they would not otherwise be able to participate in the Commission without funding. Therefore, we recommend that their participation be funded.

## MASS CASUALTY COMMISSION INTERIM REPORT

### Appendix 4-C: Participation Decision Addendum II (September 16, 2021)



The Joint Federal/Provincial Commission into  
the April 2020 Nova Scotia Mass Casualty  
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Commission fédérale-provinciale sur les événements  
d'avril 2020 en Nouvelle-Ecosse  
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### Participation Decision Addendum II

September 16, 2021

- [1] This decision is a second Addendum to the May 13, 2021 Participation Decision.

#### **Office of the Federal Ombudsman for Victims of Crime (OFOVC) Submission for Individual Participation**

- [2] In our Participation Decision on May 13, 2021, we ordered the Canadian Resource Centre for Victims of Crime (CRCVC), the Canadian Association of Chiefs of Police – National Working Group Supporting Victims of Terrorism and Mass Violence (CACP NWG), and the OFOVC to form a coalition to assist us in understanding the relationships among police, government and mass casualties.
- [3] In a July 30, 2021 submission, the OFOVC requested to be released from the coalition in order to preserve its independence. Specifically, it maintains that, as the body handling victims' complaints against police services and other agencies, it must be and seen to be neutral and independent. Working on a victim advocacy coalition with CRCVC and CACP NWG, it argues, would jeopardize this.
- [4] As coalition members, the CRCVC and the CACP NWG were given an opportunity to comment through correspondence with the Commission. They supported the OFOVC's position.
- [5] We agree and thereby grant the OFOVC appropriate independent participation rights.

#### **Canadian National Firearms Association (CNFA) Submission for Individual Participation**

- [6] In our first Participation Decision Addendum on June 25, 2021, we granted the CNFA's late request to participate in the Commission's work relating to the

**Appendix 4: Participation Decision and Addenda**

use of firearms. Given their common focus, we directed the CNFA to work in a coalition with the Canadian Coalition for Firearm Rights (CCFR). In an August 4, 2021 submission, the CNFA raised concerns about its participation in a coalition with the CCFR. Its concerns relate to its pre-existing difficult relationship and a purported lack of a common perspective with the CCFR. It therefore, requested that the Commissioners reconsider that aspect of their decision.

- [7] As a coalition member, the CCFR was given an opportunity to comment through correspondence with the Commission. The CCFR did not share the concerns raised by the CNFA and confirmed its ability to work in a coalition to assist the Commission with its work.
- [8] We see no merit in the CNFA's submission and accordingly, deny its request. As a coalition, the CNFA and CCFR must coordinate their participation before the Commission. If participating as a coalition becomes impossible during the course of the inquiry, the CNFA may instead provide written submissions to the Commission.



## MASS CASUALTY COMMISSION INTERIM REPORT

### Appendix 4-D: Participation Decision Addendum III (November 26, 2021)



The Joint Federal/Provincial Commission into  
the April 2020 Nova Scotia Mass Casualty  
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### Participation Decision Addendum III

November 26, 2021

- [1] This decision is a third Addendum to the May 13, 2021 Participation Decision.

#### **Richard Ellison and Clinton Ellison Submission for Individual Participation as Those Most Affected- Families of the deceased.**

- [2] In our Participation Decision on May 13, 2021, we recognized the Ellison Family including Connor Reeves, Clinton Ellison, and Richard Ellison as Those Most Affected - Families of the Deceased. Therefore, we granted the Ellison Family an opportunity for appropriate participation by virtue of the Orders in Council.
- [3] Richard Ellison and Clinton Ellison are each now requesting separate and individual participation. Richard Ellison and Clinton Ellison are making this request due to their individual and distinct involvement, interactions and experiences during the April 2020 mass casualty. These experiences are distinguishable from those Ellison family members who have previously been granted an opportunity for participation.
- [4] Richard Ellison and Clinton Ellison have also requested individual funding.
- [5] Based on their request, we hereby grant Richard Ellison and Clinton Ellison individual participation as Those Most Affected - Families of the Deceased to ensure they have an opportunity for appropriate participation. Therefore, there will be three Ellison family Participants: the Ellison Family (including Connor Reeves), Richard Ellison and Clinton Ellison.
- [6] We accept that without funding Richard Ellison and Clinton Ellison would not otherwise be able to participate in the Commission's process. We, therefore, recommend individual funding for them both.

**Appendix 4: Participation Decision and Addenda**

**Nick Cardone Request to Withdraw as a Participant**

[7] In the Participation Decision Addendum dated June 25, 2021, Nick Cardone was granted the opportunity for appropriate participation in the Commission's work as an individual Participant. Since that date, it has become apparent that Mr. Cardone need not be a Participant going forward. We anticipate that he will nonetheless contribute to the Commission through its research and policy work.

## MASS CASUALTY COMMISSION INTERIM REPORT

### Appendix 4-E: Participation Decision Addendum IV (January 28, 2022)



The Joint Federal/Provincial Commission into  
the April 2020 Nova Scotia Mass Casualty  
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d'avril 2020 en Nouvelle-Écosse  
CommissionDesPertesMassives.ca

### **Participation Decision Addendum IV**

**January 28, 2022**

- [1] This decision is a fourth Addendum to the May 13, 2021 Participation Decision.

#### **Truro Police Service Submission for Funding**

- [2] In our Participation Decision on May 13, 2021, we granted the Truro Police Service opportunity for appropriate participation in policing aspects of the Commission's mandate as we recognized that policing in rural Nova Scotia is fundamental to the mandate and that they can offer an important local perspective.
- [3] The Truro Police Service is now requesting funding to participate in the work of the Commission as it has now become apparent that they will need to dedicate more resources to the work of the Commission than was originally anticipated.
- [4] The Truro Police Service has a unique and important perspective given their proximity to the Mass Casualty.
- [5] We accept that without funding the Truro Police Service would not otherwise be able to participate in the Commission's process. We, therefore, recommend funding for Truro Police Service.

## Appendix 5: List of Participants and Participants' Counsel

Participants	
THOSE MOST AFFECTED	
Family of Aaron Tuck, Jolene Oliver and Emily Tuck Family of Lillian Campbell	Represented by Burchell MacDougall LLP
Family of Gina Goulet	Represented by Lenehan Musgrave LLP
Family of Joy and Peter Bond	Represented by Chester Law
Family of Lisa McCully Family of Sean McLeod Family of Alanna Jenkins Family of Jamie Blair Family of Greg Blair Family of Corrie Ellison Clinton Ellison Richard Ellison Family of Tom Bagley Family of Kristen Beaton Family of Joey Webber Family John Zahl Family of Elizabeth Thomas Families of Dawn Madsen & Frank Gulenchyn Family of Heather O'Brien Carole and Adam Fisher Leon Joudrey Bernie Murphy Deb Thibeault Mallory Colpitts Darrell Currie Greg Muise	Represented by Patterson Law
Tara Long	Represented by Blois, Nickerson & Bryson LLP
Bev Beaton	Represented by MDW Law
Andrew and Kate MacDonald	Represented by Stockwoods LLP
Lisa Banfield	Represented by Lockyer Zaduk Zeeh

## MASS CASUALTY COMMISSION INTERIM REPORT

GOVERNMENTS	
Attorney General of Canada	Department of Justice (Canada)
Attorney General of Nova Scotia	Department of Justice (Nova Scotia)
INDIVIDUALS	
Dr. Sarah Jodi McDavid	
VICTIM ADVOCACY ORGANIZATIONS	
Office of the Federal Ombudsman for Victims of Crime (OFOVC)	
Canadian Association of Chiefs of Police - National Working Group Supporting Victims of Terrorism and Mass Violence (CACP NWG) Canadian Resource Centre for Victims of Crime (CRCVC)	CRCVC represented by Foord Law
HEALTH-RELATED ORGANIZATIONS	
Nova Scotia Nurses Union (NSNU)	
Nova Scotia Government and General Employees Union (NSGEU)	Represented by Pink Larkin
Along the Shore Health Board	
FIREARM ORGANIZATIONS	
Canadian Coalition for Gun Control (CCGC)	Represented by Fraser Advocacy
Canadian National Firearm Association (CNFA) Canadian Coalition for Firearm Rights (CCFR)	
JUSTICE ORGANIZATIONS	
Nova Scotia Legal Aid	
BC Civil Liberties Association (BCCLA) East Coast Prison Justice Society (ECPJS)	
GENDER-BASED ORGANIZATIONS	
Elizabeth Fry Society of Mainland Nova Scotia	
Women's Legal Education and Action Fund Avalon Sexual Assault Centre Women's Wellness Within	Represented by Sullivan Breen Defence
Feminists Fighting Femicide Persons Against Non-State Torture	
Women's Shelters Canada Transition House Association of Nova Scotia Be the Peace Institute	Represented by Megan Stephens Law, Hicks Lemoine Law and Shawna Paris-Hoyte

**Appendix 5: List of Participants and Participants' Counsel**

<b>POLICE-RELATED ORGANIZATIONS</b>	
National Police Federation (NPF)	Represented by Nijhawan McMillan Petrunia
Nova Scotia Chiefs of Police Association (NSCPA)	
RCMP Veterans Association of Nova Scotia (VANS)	
Truro Police Service (TPS)	Represented by Burchell MacDougall
Atlantic Police Association (APA) Canadian Police Association (CPA)	CPA represented by Pink Larkin

## **Appendix 6: Decision with respect to proposed witnesses by Participants relating to the Portapique Foundational Documents (March 9, 2022)**



The Joint Federal/Provincial Commission into  
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d'avril 2020 en Nouvelle-Écosse  
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### **Decision of March 9, 2022 with respect to proposed witnesses by Participants relating to the Portapique Foundational Documents**

#### **OVERVIEW**

1. The Commission has used its subpoena power to compile, coordinate, and to present publicly what it has learned so far about the perpetrator's initial rampage in the community of Portapique. Having presented the first three Foundational Documents to the public, in order to transparently build a shared understanding of the facts regarding Portapique on April 18-19, 2020 from our independent investigation, we have asked Participants to identify further gaps, errors or important context that can best be addressed by oral evidence.
2. Participants made submissions in the public proceedings in early March about 27 proposed witnesses from whom they suggest we should hear regarding these first three Foundational Documents. Today we are sharing our decision on what we heard. We address each of the proposed witnesses and where we agree that their testimony will be of assistance, we direct that they be subpoenaed to appear either as individual witnesses or as a witness panel. This means that they will provide sworn testimony subject to questioning.
3. For the reasons set out in the decision, we have determined the following:  
  
The Commission will hear from five witnesses by way of sworn testimony in relation to the three Portapique Foundational Documents. They are:
  - Cst. Stuart Beselt
  - Cst. Aaron Patton and
  - Cst. Adam Merchant.
4. These officers will be called together in a witness panel, in accordance with the Commission's Rules. Additionally, subpoenas will be issued to:
  - Cst. Vicki Colford and
  - civilian witness Deborah Thibeault.

**Appendix 6: Decision with respect to proposed witnesses by Participants**

5. The Commission will hear from five witnesses during the time set aside to present the information included in the Foundational Document about the command post, operational communications centre and command decisions (the “Command Decisions Foundational Document”) currently scheduled for the second half of May. They are:
  - S/Sgt. Steve Halliday
  - S/Sgt. Brian Rehill
  - S/Sgt. Addie MacCallum
  - Sgt. Andy O’Brien and
  - S/Sgt. Jeff West.
6. The Commission expects to hear from four witnesses at a later date to be determined:
  - Cst. Wayne Bent
  - Cst. Nathan Forrest
  - Cpl. Jared MacDonald and
  - Lisa Banfield.
7. Following the applications of Participant counsel, two witnesses who have information to provide the Commission have scheduled interviews. The transcripts of the interviews will be shared with Participants and the issue of whether they should provide oral evidence can be revisited after that process is complete. These witnesses are:
  - Peter Griffon and
  - Bjorn Merzbach.
8. There are two witnesses who may have specific additional information to provide the Commission and we direct that this further information be requested from:
  - Cst. Chris Grund and
  - Donnalee Williston.
9. Applications were made to hear from two witnesses who cannot be subpoenaed because they reside outside Canada. We direct our investigators to continue to attempt to collect information from:
  - Sean Conlogue and
  - Angel Patterson.
10. We have decided that there are two witnesses from whom at this time the Commission does not require further information. They are:



## MASS CASUALTY COMMISSION INTERIM REPORT

- David Faulkner and
  - Cst. Dave Lilly.
11. The Commission has determined that the following witnesses need not be called to provide oral evidence with regard to the three Portapique Foundational Documents, but the Commission will revisit the need for their oral evidence at a later date:
    - (a) Brenda Forbes
    - (b) Cst. Jeff MacFarlane
    - (c) Cpl. Tim Mills and
    - (d) Cpl. Dion Sutton.
  12. A telecommunication engineer retained by the Commission is currently providing information about cell phone location data. Once the sworn affidavit is complete, we will assess whether further evidence is required.
  13. Additionally, while not the subject of applications from Participant counsel, the Commission has determined it will hear from the following institutional witnesses later in its proceedings:
    - Chief Supt. Chris Leather
    - Supt. Darren Campbell
    - Asst. Commissioner Lee Bergerman
    - Commissioner Brenda Lucki.
  14. As we continue to share our understanding of the facts in further Foundational Documents and proceedings, we will also continue to provide opportunities for Participants to provide us with their input as to other witnesses from whom we should hear.

### PROPOSED WITNESSES

15. We offer some general comments before we turn to the reasons for our decision about the 27 witnesses currently proposed by various Participants as they relate to the first three Foundational Documents.
16. A great deal of the factual record will be established through the use of Foundational Documents. In addition to the three already presented, there are at least 27 more Foundational Documents to be presented to the public in the coming weeks and months. The Commission wants to ensure that when witnesses are

**Appendix 6: Decision with respect to proposed witnesses by Participants**

heard from there is a full and shared basis of information and evidence so that we can benefit from their testimony.

17. Additionally, we intend to hear oral evidence when it will add to the factual record in a meaningful way. Sometimes the best evidence about an event is provided by recorded, reliable sources such as radio transmission transcripts and 911 calls. Recollections two years after the fact by people who were under extreme stress at the time (and may still be experiencing the effects of trauma that impact the ability to recall clearly or fully or to testify at all) may not be better evidence than almost contemporaneous statements. However, creating space for hearing from people who were present who have now had the opportunity to reflect on their experience can provide important information on the lessons we may all learn from their experience in order to form the basis of recommendations that are pragmatic and implementable to help prevent such things in the future. That is why we will hear more witness testimony in later phases of this inquiry.
18. For some of the subpoenaed witnesses, we may have to consider applications for accommodation under Rule 43. If it becomes apparent that any of them are too unwell to appear, we will make every effort to offer accommodations and find a way to hear from them and have Participant and the Commission's questions answered.
19. If there are gaps or conflicting areas in the Foundational Documents, oral testimony may be of assistance. This decision deals with the current list of 27 proposed witnesses involves only the first three Foundational Documents with many more to come. This means there are additional witnesses from whom we may well want to hear, for example, in relation to the command decisions as well and public communications. Further, there may be questions that Participants want to ask some of the proposed witnesses that may arise from these additional Foundational Documents. However, in our process we determine witnesses on a rolling basis. We do this by inviting feedback from Participants on draft Foundational Documents and, once we have incorporated that feedback, identifying gaps, errors or areas requiring important contextual information that oral evidence can address.
20. Not all of the proposed witnesses are necessary to establish the facts about what happened in Portapique as the facts required by the Commission in pursuit and fulfillment of its mandate. The relevant Foundational Documents in minute by minute detail set out the facts as we know them to date. The Foundational

## MASS CASUALTY COMMISSION INTERIM REPORT

Documents also provide links to the source material that was relied on in the Foundational Documents and disclosed by the Commission.

21. Many of the gaps identified in the various submissions from Participants are either already addressed in the relevant source material, capable of being addressed in other ways, without the need of compelling the proposed witness to testify orally or better heard from in concert with future Foundational Documents. This latter scenario does not preclude questions being put to them on previous Foundational Documents if gaps or errors remain in the factual record at that point.
22. We can produce a full, comprehensive and effective final report without the need to call every witness for oral testimony. As Participant counsel has noted, the Commission is able to determine when and how best to hear from witnesses and that subpoenas are not the only way to get evidence. We will hear from people for different purposes over the course of the inquiry, in ways appropriate to the purpose.
23. We now turn to the proposed witnesses for the first three Foundational Documents, which we will categorize first as (a) civilian and then (b) first responder.

### PROPOSED CIVILIAN WITNESSES

#### **Lisa Banfield**

24. Lisa Banfield was the perpetrator's common law spouse at the time of the mass casualty. Counsel for the participant families did not have to convince us that Ms. Banfield has important evidence to give regarding the Portapique Foundational Documents. It has never been a matter of "if" the Commission wants to hear from Lisa Banfield but rather how and when we can best do so. She also has important evidence to give regarding the presentation of an upcoming Foundational Document dealing with the perpetrator's violence towards her and others.
25. Ms. Banfield is facing criminal charges, and to date she has declined the Commission's requests for interviews because of the legal jeopardy she faces. This week, through her counsel, she has agreed to meet with the Commission immediately. Therefore, we understand that she will meet with the Commission for the first of several interviews later this afternoon.

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26. We anticipate that we will hear from her (under subpoena as with all other witnesses) to address remaining questions, or to provide important context, later in our process. As with any other witness, being heard from later in the process does not foreclose the opportunity to ask questions still outstanding at that point, including questions from the first three Foundational Documents we have already presented.

**Sean Conlogue and Angel Patterson**

27. Mr. Conlogue and Ms. Patterson live in the United States and are longtime friends of the perpetrator. Ms. Banfield, in three of her statements to the RCMP, reported that she and the perpetrator had a virtual social engagement with Mr. Conlogue and Ms. Patterson on the evening of April 18, 2020. Ms. Banfield left the call abruptly because she was upset by a comment made by Ms. Patterson. Shortly after this, the events of the mass casualty began to unfold.
28. Both the FBI and the Commission have interviewed only Sean Conlogue and the statements have been just recently shared with the Participants. The Commission is continuing to make attempts to locate Ms. Patterson. We cannot compel them to testify before us because our ability to subpoena extends only to witnesses within Canada. That said, should they cooperate, we would be pleased to collaborate with the Participants in order to have any pertinent follow-up questions answered.

**David Faulkner**

29. Mr. Faulkner is a witness who drove out of Portapique on the night of April 18, 2020. He has provided an interview to the Commission. At this time, we are not persuaded that it is necessary to hear further from Mr. Faulkner in public proceedings. If additional information is required from him, we direct that it next be sought in a further interview.

**Deborah Thibeault**

30. Ms. Thibeault is a resident of Portapique and a Participant in these proceedings. She has offered to provide relevant information regarding the gate to the “blueberry field road” and the apparent discrepancy between her statement and

## MASS CASUALTY COMMISSION INTERIM REPORT

that of Staff Sergeant Carroll about the condition of the barrier at the exit of the 'road'. We direct that a subpoena be issued. Commission counsel and counsel for Ms. Thibeault should make arrangements for her to appear as an individual witness to provide sworn testimony to address her knowledge of this aspect of her statement when we resume proceedings in late March.

### **Peter Griffon**

31. Mr. Griffon had previously not accepted the Commission's invitations to be interviewed. He has recently been interviewed (March 5, 2022). Once the Commission has had the opportunity to review and share his statement with Participants, we will seek their feedback on whether they have remaining questions and reassess the need to hear from him in oral proceedings.

### **Brenda Forbes**

32. Ms. Forbes has given interviews to the RCMP and to the Commission, which have been shared with Participants. Her information is relied on in two forthcoming Foundational Documents, one of which has been shared with Participants in draft form and another that will be shared soon. Once the draft Foundational Documents are revised based on Participant feedback and questions, we will assess the need to hear from her in oral proceedings. In any event, any further evidence she could offer beyond the interview already provided to the Commission is inextricably linked to the information contained in the two Foundational Documents: Perpetrator's Violence toward Common-law Spouse and Perpetrator's Violence toward Others. Therefore, any need for oral evidence from her will be assessed when those Foundational Documents are addressed, currently scheduled for July, 2022.

### **Bjorn Merzbach**

33. Mr. Merzbach has not been interviewed by the Commission, however, an interview is currently being scheduled. Once the Commission has had the opportunity to review and share his statement with Participants, we will seek their feedback on whether they have remaining questions and reassess the need to hear from him in oral proceedings.

**Cell phone expert**

- 34. The National Police Federation requested that the Commission obtain expert evidence to advise on the proper interpretation of GPS location data derived from Lisa McCully's cellular phone.
- 35. The Commission is pursuing further information in this regard. The Commission previously retained a telecommunication engineer with experience on the workings of mobile cellular networks and cell phone location-based services. This expert is preparing an affidavit in relation to the location data available from Ms. McCully's cell phone. Upon its completion, the Commission will provide this affidavit to the Participants and assess whether additional evidence is required.

**PROPOSED FIRST RESPONDER WITNESSES**

- 36. Where we direct that a subpoena be issued, we will expect that the testimony be directed toward clarifying a dispute in the evidence that will be material to the Commission's work in Phases 2 and 3, to filling a material gap in the evidence, and to providing important context.
- 37. All witnesses will be heard from as individual witnesses providing sworn testimony, except for one group of three who will provide their sworn testimony as a witness panel (described further below).
- 38. As we explained in an earlier ruling, we do not need expert testimony to conclude that RCMP officers responding to this casualty may, to varying degrees, be suffering the effects of their experiences. Being trauma-informed does not mean not hearing from a person; it does mean thinking carefully about how we hear from a person. A trauma-informed approach does not automatically excuse someone from testifying, but rather seeks to create conditions in which testifying will be less traumatic. This is accomplished by giving clear direction about what is being asked, a respectful environment, the possibility of taking breaks, etc. It may also mean seeking accommodations such as Participant counsel suggested, insofar as a person's testimony may be gathered in ways other than through subpoena (such as written questions, sworn affidavits, appearing by video, etc.). This is done in order to create conditions in which it is more likely to get the best, most reliable evidence from individuals who are experiencing or have experienced trauma.

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### **Csts. Stuart Beselt, Adam Merchant and Aaron Patton**

39. At the outset, we advised Participant counsel that we would hear from the first three officers to arrive at Portapique on April 18, 2020; namely Csts. Beselt, Merchant and Patton.
40. Before the public proceedings began, we informed the Participants that while we viewed the facts to be sufficiently clear from the contemporaneous evidence assembled in the Foundational Documents, we anticipated hearing from these three officers with respect to important context they could provide to the facts as set out in the Foundational Documents. Helping us understand their experience of first responders would assist us in making sense of the causes, context, and circumstances of the mass casualty and especially in making implementable recommendations for first responders in future mass casualty situations in a rural setting.
41. However, we have listened carefully to counsel for the family Participants and note that although many of their questions are indeed answered in the Foundational Documents, what they are really asking is for an understanding of why the first responders did what they did. We emphasize that the second half of May will be spent focused on the command decisions that occurred on April 18-19, 2020, and after, and that we will expect to hear from senior officers during that time to answer for the orders given, not given, or the policy and other frameworks that governed first responder actions that night.
42. Nonetheless, given that these three officers were the first to arrive at Portapique that evening and because their roles were so central, we are persuaded that we should hear from them at an earlier opportunity. We will therefore issue subpoenas to them to appear on March 28, 2022 when we resume proceedings. We direct that they will testify under oath together at the same time on a witness panel. This is a practice often used in public inquiries. Witness panels are effective ways to draw out facts and experiences of a group of people who shared a common experience. It is also an effective approach since questions are organized by Commission counsel in order to avoid multiple lawyers asking the same questions of witnesses in succession.
43. Since these witnesses will be heard regarding a mixture of fact and experience, they will be questioned pursuant to the process set out in the Commission Rules. Our Rules provide for the list of questions for witnesses to be developed

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consultatively and collaboratively to the extent possible. Commission counsel will canvass Participant counsel for their questions, in addition to those raised in their recent submissions. Commission counsel will compile all the questions, many of which are the same. Additionally, we direct Participant counsel to provide any further questions they wish posed to these witnesses to Commission counsel by March 16, 2022. Once Commission counsel leads the witness through their questions, they will caucus with Participant counsel to see if any further questions remain. As demonstrated by the example of the first technical witness on 911 call centre operations on March 1, 2022, when Participant counsel have additional questions to ask that the Commissioners determine are germane to the mandate, the Commissioners will direct how the questions will be asked. The Commissioners appreciate that several Participant counsel suggested on the record in their submissions in early March that they would be sensitive to the risks of re-traumatizing witnesses as they considered the questions for the witnesses.

44. We now address the remaining eight proposed officers following orders in Portapique.

**Cst. Vicki Colford**

45. Cst. Colford was one of the first members to Portapique on the night of April 18, 2020. The Commission has already indicated an interest in hearing from Cst. Colford, specifically regarding containment. We direct that a subpoena be issued. Commission counsel will make arrangements for her to appear as an individual witness to address her knowledge of this aspect of her involvement at Portapique when we resume proceedings in late March.

**Cst. Chris Grund**

46. We were not persuaded, at this stage, that the questions asked by Participant counsel merit Cst. Grund appearing in public proceedings. We do however have further questions with respect to his engagement on the evening of April 18-19. We direct Commission counsel to gather the questions from Participants, as well as our own, and seek further information from Cst. Grund. We note that counsel for the Attorney General Department of Justice (Canada) and the National Police Federation have offered that all first responders will make themselves available to answer further questions. Once the Commission has had the opportunity to



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review and share his further statement with Participants, we will seek their feedback on whether they have remaining questions and reassess the need to hear from him in oral proceedings. In addition, we anticipate that the orders made to Cst. Grund with regard to his extraction of the children will be the subject of proceedings related to RCMP command decisions, currently scheduled for the last two weeks in May.

### **Sgt. Dave Lilly**

47. We were not persuaded, at this stage, that there are any material gaps in the factual record that merit Sgt. Lilly appearing in public proceedings.

### **Cpl. Dion Sutton**

48. We were not persuaded, at this stage, that there are any material gaps in the factual record that merit Cpl. Sutton appearing in public proceedings. However, we note Participant counsel's submission that it would be of assistance to have further information on Cpl. Sutton's containment efforts, given that he was carbine trained and had night vision technology. Any further evidence he could offer beyond the interview already provided to the Commission is inextricably linked to the information contained in the Emergency Response Team Foundational Document. Therefore, any need for oral evidence from him will be assessed when that Foundational Document is addressed, currently scheduled for May 16, 2022.

### **Csts. Wayne Bent, Nathan Forrest, and Cpl. Jared MacDonald**

49. We acknowledge there is currently a lack of information in the Foundational Documents regarding the residents of Cobequid Court, as addressed in the submissions of Participant counsel. Unlike other aspects of what happened in Portapique on the night of April 18, we do not have contemporaneous records such as radio transmissions and 911 calls that assist us with establishing the facts for the families of Cobequid Court. The Next of Kin Notifications to Families Foundational Document includes some information about the troubling gaps in evidence related to Cobequid Court residents. After Participants' counsel have had the opportunity to review that draft Foundational Document, we expect that time should be scheduled in public proceedings to address the questions raised about the evacuation plan in Portapique and the delay in locating these victims.

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We anticipate that we will want to hear from these three officers, by subpoena, in relation to this aspect of the factual record.

**Cst. Jeff MacFarlane**

50. We agree with Participant counsel that it would be of assistance to have further information from Cst. MacFarlane. We direct that an interview be sought and anticipate that the evidence he could offer to the Commission is inextricably linked to the information contained in the Foundational Document about the decommissioned replica cruiser RCMP vehicle. Therefore, any need for oral evidence from him will be assessed when that Foundational Document is addressed, currently scheduled for April 26, 2022.

**Donnalee Williston**

51. We note that Ms. Williston provided an interview to the Commission and the contemporaneous call log has been disclosed to Participants. We agree that there are specific questions about the information Ms. Williston received during the 911 call with Jamie Blair and what information was passed on to dispatch. We direct that Commission counsel and counsel for Ms. Williston arrange to have these additional questions addressed by sworn affidavit.

**S/Sgt. Steve Halliday, S/Sgt. Addie MacCallum, Sgt. Andy O'Brien,  
S/Sgt. Brian Rehill, and S/Sgt. Jeff West**

52. As noted during public proceedings, the Commission has determined it will hear oral evidence from these officers. These witnesses will have information related to all of the Foundational Documents that relate to the timeline of April 18-19. Therefore, we anticipate hearing from them in relation to the Command Decisions Foundational Document (and potentially other Foundational Documents) in the second half of May. They will be heard as individual witnesses and, as with the other witnesses appearing under subpoena, the Commission's Rules with respect to questioning of witnesses will apply. Again, as with any other witnesses, being heard from later in the process does not foreclose the opportunity to ask questions still outstanding by that point.

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### **Cpl. Tim Mills**

53. We agree with Participant counsel that it would be of assistance to have further information from Cpl. Mills. Any evidence he could offer is inextricably linked to the information contained in the Emergency Response Team Foundational Document. Therefore, any need for oral evidence from him will be assessed when that Foundational Document is addressed, currently scheduled for May 16, 2022.
54. Finally, although not the subject of the Participants' applications, we advise that we expect certain senior officers to appear as institutional witnesses in order to answer publicly on behalf of the RCMP the significant questions arising from decisions made in relation to the mass casualty. However, we intend to share with the public our understanding of the facts before hearing from those witnesses in order that we have the benefit of that factual foundation to ask all of the relevant questions. In this category, we anticipate issuing subpoenas to:
  - Commissioner Brenda Lucki
  - A/Commr. Lee Bergerman
  - Chief Supt. Chris Leather and
  - Supt. Darren Campbell.
55. They will be called as individual witnesses once the Foundational Documents and supporting source materials relevant to matters such as command decisions, public communications, emergency alerting and oversight and accountability are in evidence.
56. Going forward, we will provide Participant counsel with the names of additional witnesses relevant to Phase 1 Foundational Documents and continue to invite Participants' suggestions for witnesses from whom we should hear in Phase 1.