



**PUBLIC ORDER
EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Public Hearing

Audience publique

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

VOLUME 19

Held at :

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

Tuesday, November 8, 2022

Tenue à:

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

Le mardi 8 novembre 2022

INTERNATIONAL REPORTING INC.

<https://www.transcription.tc/>

(800)899-0006

II Appearances / Comparutions

Commission Co-lead Counsel	Ms. Shantona Chaudhury Mr. Jeffrey Leon
Commission Senior Counsel	Mr. Frank Au Ms. Erin Dann Mr. Gabriel Poliquin Ms. Natalia Rodriguez Mr. Daniel Sheppard
Commission Regional Counsel	Ms. Mona Duckett Mr. Sacha Paul Ms. Maia Tsurumi
Commission Counsel	Mr. Stephen Armstrong Mr. Misha Boutilier Mr. Eric Brousseau Ms. Sajeda Hedaraly Ms. Alexandra Heine Ms. Nusra Khan Mr. Étienne Lacombe Mr. John Mather Ms. Allison McMahon Mr. Jean-Simon Schoenholz Ms. Dahlia Shuhaibar Mr. Guillaume Sirois-Gingras
Commission Executive Director	Ms. Hélène Laurendeau

III

Appearances / Comparutions

Government of Canada

Mr. Robert MacKinnon
Ms. Donnaree Nygard
Mr. Brendan van Niejenhuis
Ms. Andrea Gonsalves
Mr. Andrew Gibbs
Ms. Caroline Laverdière
Mr. Stephen Aylward

Government of Saskatchewan

Mr. P. Mitch McAdam, K.C.
Mr. Michael J. Morris, K.C.

Government of Manitoba

Mr. Denis Guenette
Ms. Coral Lang

Government of Alberta

Ms. Mandy England
Ms. Stephanie Bowes
Ms. Hana Laura Yamamoto
Mr. Peter Buijs
Mr. Shaheer Meenai

City of Ottawa

Ms. Anne Tardif
Ms. Alyssa Tomkins
Mr. Daniel Chomski

City of Windsor

Ms. Jennifer L. King
Mr. Michael Finley
Mr. Graham Reeder

IV

Appearances / Comparutions

Mr. Peter Sloly

Mr. Tom Curry

Ms. Rebecca Jones

Mr. Nikolas De Stefano

Ottawa Police Service

Mr. David Migicovsky

Ms. Jessica Barrow

Ontario Provincial Police

Mr. Christopher Diana

Ms. Jinan Kubursi

Windsor Police Service

Mr. Thomas McRae

Mr. Bryce Chandler

Ms. Heather Paterson

National Police Federation

Ms. Nini Jones

Ms. Lauren Pearce

Ms. Jen Del Riccio

Canadian Association of Chiefs of
Police

Ms. Aviva Rotenberg

CLA/CCCDL/CAD

Mr. Greg DelBigio

Ms. Colleen McKeown

Union of British Columbia Indian Chiefs

Ms. Cheyenne Arnold-Cunningham

Counsel Meagan Berlin

Ms. Mary Ellen Turpel-Lafond

National Crowdfunding & Fintech
Association

Mr. Jason Beitchman

V

Appearances / Comparutions

Canadian Constitution Foundation and Professor Alford	Ms. Sujit Choudhry Ms. Janani Shanmuganathan Prof. Ryan Alford
Ottawa Coalition of Residents and Businesses	Mr. Paul Champ Ms. Emilie Taman Ms. Christine Johnson
The Democracy Fund, Citizens for Freedom, JCCF Coalition	Mr. Rob Kittredge Mr. Antoine D'Ailly Mr. Alan Honner Mr. Dan Santoro Mr. Hatim Kheir Mr. James Manson
Canadian Civil Liberties Association	Ms. Cara Zwibel Ms. Ewa Krajewska
The Convoy Organizers	Mr. Brendan Miller Ms. Bath-Sheba Van den Berg
Insurance Bureau of Canada	Mr. Mario Fiorino

VI
Table of Content / Table des matières

	PAGE
<u>SUPT. DANA EARLEY, Sworn</u>	1
Examination in-Chief by Mr. Frank Au	1
Examination in-Chief by Ms. Sajeda Hedaraly	59
Cross-Examination by Ms. Andrea Gonsalves	79
Cross-Examination by Mr. Alan Honner	93
Cross-Examination by Ms. Jennifer King	103
Cross-Examination by Mr. Tom Curry	109
Cross-Examination by Mr. Thomas McRae	135
Cross-Examination by Ms. Jessica Barrow	136
<u>MR. PAUL LESCHIED, Sworn</u>	140
Statement by Ms. Lani Rouillard	140
Examination in-Chief by Ms. Allison McMahan	141
Cross-Examination by Ms. Cynthia Lau	175
Cross-Examination by Mr. Thomas McRae	187
Cross-Examination by Ms. Lani Rouillard	197
<u>COUNCILLOR MARCO Van HUGENBOS</u>	214
Statement by Mr. Martin Rejman	214
Examination in-Chief by Ms. Alexandra Heine	215
Cross-Examination by Ms. Stephanie Bowes	265
Cross-Examination by Ms. Ryann Atkins	276
Cross-Examination by Mr. Martin Rejman	288
Re-Examination by Ms. Alexandra Heine	298

Ottawa, Ontario

--- Upon commencing on Tuesday, November 8, 2022 at 9:30 a.m.

THE REGISTRAR: Order. À l'ordre. The Public Order Emergency Commission is now in session. La Commission sur l'état d'urgence est maintenant ouverte.

COMMISSIONER ROULEAU: Good morning. Bonjour. Another beautiful day in Ottawa. Okay. We have a -- let me guess; another witness.

MR. FRANK AU: We do.

COMMISSIONER ROULEAU: Okay.

MR. FRANK AU: Good morning, Commissioner.

COMMISSIONER ROULEAU: Go ahead.

MR. FRANK AU: It's Frank Au for the Commission, and our next witness is Superintendent Dana Earley from the OPP.

(SHORT PAUSE)

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

SUPT. DANA EARLEY: Dana Earley. Dana is D-a-n-a; Earley is E-a-r-l-e-y.

--- SUPT. DANA EARLEY, Sworn:

THE REGISTRAR: Thank you.

--- EXAMINATION IN-CHIEF BY MR. FRANK AU:

MR. FRANK AU: Good morning, Superintendent Earley.

SUPT. DANA EARLEY: Good morning.

MR. FRANK AU: It's good to see you again.

SUPT. DANA EARLEY: Thank you. You as well.

1 **MR. FRANK AU:** Okay. So that sentence that
2 starts with, "She informed them that the change in direction
3 came from Commissioner Carrique and Deputy Commissions Harkins."
4 Should be deleted, right?

5 **SUPT. DANA EARLEY:** That's correct.

6 **MR. FRANK AU:** And I understand that the first
7 sentence that reads currently, "Following this call, at 7:06
8 p.m., Superintendent Earley advised her command table that they
9 should proceed," you want that revised as, "advised her command
10 table that she had decided that they would proceed"; am I right?

11 **SUPT. DANA EARLEY:** That's correct.

12 **MR. FRANK AU:** So I thought there was another
13 change you wanted to make to the first paragraph; no?

14 **SUPT. DANA EARLEY:** No.

15 **MR. FRANK AU:** Okay. All right.

16 **SUPT. DANA EARLEY:** Thank you.

17 **MR. FRANK AU:** So is there any other corrections
18 you'd like to make?

19 **SUPT. DANA EARLEY:** No.

20 **MR. FRANK AU:** Okay. So we'll have those
21 corrections made and this will be entered into evidence.

22 Now, you're a Superintendent with the Ontario
23 Provincial Police?

24 **SUPT. DANA EARLEY:** That's correct.

25 **MR. FRANK AU:** And how many years have you served
26 with the OPP?

27 **SUPT. DANA EARLEY:** Twenty-eight (28) years now.

28 **MR. FRANK AU:** Did you start your policing career

1 with the OPP?

2 SUPT. DANA EARLEY: I did, yes.

3 MR. FRANK AU: And back in January when the
4 Freedom Convoy events began, you were a Strategic Commander for
5 the West Region.

6 SUPT. DANA EARLEY: Yes, that's correct.

7 MR. FRANK AU: What areas were covered by the
8 West Region?

9 SUPT. DANA EARLEY: West Region is basically
10 Collingwood all the way down to Windsor, all the municipalities
11 in that area that do not have their own police service, is the
12 responsibility of West Region OPP.

13 MR. FRANK AU: And how many superintendents were
14 there for that region?

15 SUPT. DANA EARLEY: There's three
16 Superintendents.

17 MR. FRANK AU: Who are the other two?

18 SUPT. DANA EARLEY: At the time it was Supt.
19 Frankie Campisi, and Supt. Lisa Darling.

20 MR. FRANK AU: Okay. And do all three of you
21 report to a Chief Superintendent?

22 SUPT. DANA EARLEY: Yes, that's correct.

23 MR. FRANK AU: Who was that in January?

24 SUPT. DANA EARLEY: It is C/Supt. Dwight Thib.

25 MR. FRANK AU: Okay. And as a Superintendent of
26 the West Region, what were your responsibilities back in January
27 of this year?

28 SUPT. DANA EARLEY: As part of my

1 responsibilities, I support four of the 13 detachments that we
2 have in West Region; and, also, I support the Operational
3 Support Inspector, and take on the role of Strategic Commander.

4 **MR. FRANK AU:** Okay. And at that time were you
5 based in London?

6 **SUPT. DANA EARLEY:** That's correct.

7 **MR. FRANK AU:** And I understand that on the 9th of
8 February, you assumed a new role when D/Comm. Harkins appointed
9 you as the Critical Incident Commander in Windsor.

10 **SUPT. DANA EARLEY:** That's correct. I received a
11 call from D/Comm. Harkins on the night of February 9th.

12 **MR. FRANK AU:** And we heard from D/Chief Crowley
13 yesterday from the Windsor Police Service that you established
14 the joint or unified command with the Windsor Police Service
15 that oversaw all the successful resolution of the blockade in
16 Windsor.

17 **SUPT. DANA EARLEY:** That's correct.

18 **MR. FRANK AU:** So we'll come to those events a
19 bit later.

20 **SUPT. DANA EARLEY:** Okay.

21 **MR. FRANK AU:** But I want to start by asking you
22 about your training and experience that qualified you to take on
23 those roles in January and February.

24 Let's begin with your background with the
25 Incident Command system. What kind of training have you
26 received?

27 **SUPT. DANA EARLEY:** I have been a crisis
28 negotiator for 13 years of my career, and crisis negotiators are

1 used quite often in incidents, so I had experience that way. I
2 am an Incident Commander as well as of 2012, and then in 2017, I
3 was trained to become a Critical Incident Commander.

4 **MR. FRANK AU:** And in terms of the courses that
5 you had to attend before you assumed those roles, tell us about
6 that, too.

7 **SUPT. DANA EARLEY:** The Critical Incident
8 Commander is a four-week course where you receive training in
9 regards to larger incidents; how to manage them, communication,
10 the execution, the options. You hear several different
11 presentations from your subject matter experts, which include
12 our Emergency Response Team.

13 **COMMISSIONER ROULEAU:** Could I ask you ---

14 **SUPT. DANA EARLEY:** To slow down?

15 **COMMISSIONER ROULEAU:** --- to go a little slower
16 for the interpreters, please?

17 **SUPT. DANA EARLEY:** Sure. My apologies.

18 Subject matter experts, that would include crisis
19 negotiators, our Emergency Response Team, our Tactical Rescue
20 Unit, our canine units, all options that would be used in a
21 critical incident.

22 **MR. FRANK AU:** And which institution offer that
23 course?

24 **SUPT. DANA EARLEY:** It's through the OPP.

25 **MR. FRANK AU:** And what year did you complete
26 those ---

27 **SUPT. DANA EARLEY:** Two thousand and seventeen
28 (2017).

1 **MR. FRANK AU:** Were there different levels of
2 training for an Incident Commander or Critical Incident
3 Commander?

4 **SUPT. DANA EARLEY:** The Critical Incident
5 Commander with the OPP is somewhat the highest at this point,
6 ---

7 **MR. FRANK AU:** Okay.

8 **SUPT. DANA EARLEY:** --- as far as the training.

9 **MR. FRANK AU:** And I understand you met some
10 colleagues that you worked with ultimately when you were
11 deployed to Windsor in February.

12 **SUPT. DANA EARLEY:** Yes, that's correct. I took
13 the Critical Incident Command course with now Interim Chief
14 Jason Bellaire of Windsor Police.

15 **MR. FRANK AU:** And now you also took on some
16 leadership training more recently. Tell us about that, too.

17 **SUPT. DANA EARLEY:** I was fortunate enough to
18 complete the Canadian Police College Executive Leadership in
19 Policing course, which is a year course. And I also finished
20 the Rotman Leadership Course just in the fall of 2021.

21 **MR. FRANK AU:** And you met another colleague who
22 was to work in the Windsor Incident Command; right?

23 **SUPT. DANA EARLEY:** That's correct.

24 **MR. FRANK AU:** Who was that?

25 **SUPT. DANA EARLEY:** Inspector Karel DeGraaf and I
26 completed the Rotman course together.

27 **MR. FRANK AU:** Okay. And isn't it true that you
28 not only attended those courses and you had experience as an

1 Incident Commander and Critical Incident Commander, you also
2 taught courses in that regard?

3 **SUPT. DANA EARLEY:** Yes, I have debriefed
4 different calls on the Incident Command course as well as the
5 Critical Incident Command course.

6 **MR. FRANK AU:** Now, there are two frameworks that
7 we've heard a little about that, as I understand from our
8 interview, kind of guided you when you approached the situation
9 in Windsor. One was the OPP framework for police preparedness
10 for Indigenous Critical Incidents.

11 For those of us who are not familiar with that
12 framework, can you tell us -- give us a quick overview of what
13 that is?

14 **SUPT. DANA EARLEY:** It stresses the importance of
15 communication and a tiered response, almost like a stepladder
16 that you explore different options amongst -- during the
17 incident to see what option would be best to safely resolve it.
18 An important part of that policy is the fact, as I said,
19 communication and also the introduction of our provincial
20 liaison team. That's part -- a key part of the framework as
21 well.

22 **MR. FRANK AU:** Okay. We'll come to a little bit
23 more about that.

24 And the other framework is the CACP, or Canadian
25 Association of Chief of Police, national framework. And you
26 mentioned in our interview that that was consistent with the OPP
27 critical policy. Tell us more about that.

28 **SUPT. DANA EARLEY:** That's correct. It certainly

1 highlights communication and the different tiered responses
2 depending on the situation.

3 **MR. FRANK AU:** So were you familiar with both
4 frameworks when you took on the role of Critical Incident
5 Commander in February?

6 **SUPT. DANA EARLEY:** Yes.

7 **MR. FRANK AU:** All right. Let's turn now to --
8 before we get to your role as the Critical Incident Commander in
9 February, I want to start with your role as the Strategic
10 Commander for the West Region in January.

11 So that was when you were still working out of
12 London, Ontario.

13 **SUPT. DANA EARLEY:** Yes.

14 **MR. FRANK AU:** And what -- you talked to us a
15 little bit about your responsibilities as the Strategic
16 Commander, but what, specifically, were your involvement with
17 respect to the Freedom Convoy or the protests travelling through
18 the west?

19 **SUPT. DANA EARLEY:** We had -- at the time, we had
20 numerous slow rolls and protests happening throughout our
21 different municipalities. I had oversight on the events, worked
22 with the Operational Support Inspector and each Detachment
23 Commander to ensure that we had the proper resources to
24 effectively look after the protests or slow rolls that were
25 going through our municipalities.

26 **MR. FRANK AU:** Now, when Commissioner Carrique
27 testified at the hearing, he told us about a blockade on Highway
28 402 on or around February the 6th. Were you familiar with that

1 incident?

2 **SUPT. DANA EARLEY:** Yes, I was involved in that
3 incident.

4 **MR. FRANK AU:** Tell us about your involvement.

5 **SUPT. DANA EARLEY:** On February 6th, which was a
6 Sunday, we became aware that the protestors had blocked the
7 bridge, the Blue Water Bridge, in Lampton County. As a result,
8 our Provincial Liaison Team as well as our frontline members
9 were deployed to the area. Our Provincial Liaison Team were
10 able to develop a rapport and a relationship with the protestors
11 and, ultimately, there was a number of different trucks that
12 weren't able to cross the border at that time, and one of them
13 ultimately was a friend of one of the protestors. And one of
14 the truck drivers -- I believe it was livestock. He had some --
15 he was travelling with something that needed to be in a certain
16 area by a certain time.

17 PLT liaised with the ruck driver that was stuck
18 and with the protestors and were able to work out the opening of
19 the bridge, so that was a success. The bridge did reopen.

20 We also learned around that time that that group
21 or similar to that group of protestors were planning on doing a
22 slow roll on Highway 402 that week. So we liaised with the
23 organizers of the slow roll and -- to try to find out as much
24 information as possible so that we could have the proper
25 resources in place.

26 **MR. FRANK AU:** So first with respect to the
27 incident on the Blue Water Bridge, how long did it take to
28 resolve that event?

1 **SUPT. DANA EARLEY:** I'd have to make reference to
2 my notes, but I know it was maybe two hours, at most two to
3 three hours.

4 **MR. FRANK AU:** So it was really short.

5 **SUPT. DANA EARLEY:** Yes.

6 **MR. FRANK AU:** And was Highway 402 the highway
7 that led to Sarnia, the Blue Water Bridge?

8 **SUPT. DANA EARLEY:** That's correct.

9 **MR. FRANK AU:** And would that be within the OPP
10 jurisdiction of the police?

11 **SUPT. DANA EARLEY:** Highway 402 is, correct.

12 **MR. FRANK AU:** Okay. Now, you spoke about other
13 slow roll events and we heard a little bit about that yesterday
14 from Deputy Chief Crowley.

15 What other protests or slow rolls were happening
16 in the West Region around that time?

17 **SUPT. DANA EARLEY:** If memory serves me, we
18 almost had a slow roll in each municipality, but ones that I can
19 recall specifically would be Essex County, Norfolk County, Brant
20 County, South Bruce County, Huron County, so there was quite a
21 few.

22 **MR. FRANK AU:** And as the Strategic Commander at
23 that time responsible for these events, what steps did you take
24 to monitor the situation or to prepare for any further
25 escalation of the events?

26 **SUPT. DANA EARLEY:** Each event was specifically
27 assigned to the Detachment Commander. He or she would then
28 assign an Incident Commander to have oversight of the specific

1 event happening in their area. They would also work with our
2 Provincial Liaison Team to find out as much information from the
3 protestors. And we would ensure, from a regional level, that
4 they had the supports that they needed.

5 **MR. FRANK AU:** Now, were you a recipient of the
6 OPP Hendon Reports?

7 **SUPT. DANA EARLEY:** Yes.

8 **MR. FRANK AU:** And did you read them regularly?

9 **SUPT. DANA EARLEY:** Yes, but I focused on the
10 areas that were involving our municipalities.

11 **MR. FRANK AU:** So turning now -- turning our
12 attention now to Windsor, we heard yesterday that there was a
13 Hendon Report on February the 4th that deals specifically with
14 the potential blockade. So I could take you to that report.

15 The document number is OPP00000825.

16 If we go to page 6, please. If we go down -- so
17 you see the second bullet says:

18 "Commercial truck drivers and supporters
19 may conduct slow rolls on roadways near
20 the Ambassador Bridge over the next
21 three days and may attempt to block
22 bridge on February 7."

23 So this seems to be -- compared to the earlier
24 reports, this seems to be more specific warning particular to
25 the bridge and with a date.

26 Do you remember if you received this report or
27 read it at around that time?

28 **SUPT. DANA EARLEY:** I don't recall.

1 **MR. FRANK AU:** Okay. And do you know what
2 actions, if any, were taken by the OPP to mitigate that risk?

3 **SUPT. DANA EARLEY:** I can speak to February 7th.
4 That's when I became aware through Superintendent Crowley, now
5 Interim Deputy Chief, that the bridge had been blocked. I
6 received an email from him.

7 I then had a conversation with him asking him
8 what he needed, and at that time, he was looking for information
9 in regards to what was available.

10 I said basically whenever you needed ---

11 **MR. FRANK AU:** I think I know the one you're
12 referring to. Did you say February the 7th?

13 **SUPT. DANA EARLEY:** Seventh. That's ---

14 **MR. FRANK AU:** But before we get to that, I think
15 there was another email earlier that you were copied on, so if I
16 could take you to that earlier email?

17 **SUPT. DANA EARLEY:** Sure.

18 **MR. FRANK AU:** I believe it's dated February the
19 4th, and the document number is WPS000001880.

20 So for context, I believe this is an email from
21 Chief Superintendent Thib to ---

22 **SUPT. DANA EARLEY:** Okay.

23 **MR. FRANK AU:** --- Deputy Chief Crowley, and you
24 were copied on that.

25 So you see the headings, "Windsor Slow Roll" ---

26 **SUPT. DANA EARLEY:** Yes.

27 **MR. FRANK AU:** --- "Bridge Protest".

28 So you weren't the direct recipient but you were

1 copied on this.

2 SUPT. DANA EARLEY: Yes.

3 MR. FRANK AU: And so in this email, Chief Thib
4 talked about the prospect. So if we go to the second line, he
5 said,

6 "Should intel be received or actioned
7 by demonstrators thinking to shut down
8 the Ambassador Bridge, don't hesitate
9 to reach out for joint systems." (As
10 read)

11 SUPT. DANA EARLEY: M'hm.

12 MR. FRANK AU: And then you were copied because
13 you were overseeing the Emergency Response Team for the region.
14 First of all, what were the responsibilities as -- for oversight
15 over the Emergency Response Team? What's the Emergency Response
16 Team?

17 SUPT. DANA EARLEY: So as part of the Strategic
18 Commander, that's one of the teams that I support. So it's an
19 oversight in regards to do they have the proper resources,
20 training up to date. I work with their team lead in regards to
21 making sure that they have what they need.

22 MR. FRANK AU: So in this email, it seems like
23 the OPP was taking a kind of wait and see approach; is that
24 fair?

25 SUPT. DANA EARLEY: We were waiting to see what
26 Windsor actually required. So in this email, Deputy Chief
27 Crowley was obviously given my name because of my role as
28 Strategic Commander.

1 **MR. FRANK AU:** And beyond waiting for a further
2 request from Windsor, was there anything that in your view the
3 OPP could do proactively to mitigate the risk at this point
4 before the blockade materialized?

5 **SUPT. DANA EARLEY:** Not that I'm aware of.

6 **MR. FRANK AU:** Okay. Well, let's go then to
7 February the 7th. Now you mention an email from Deputy Chief
8 Crowley?

9 **SUPT. DANA EARLEY:** Yes.

10 **MR. FRANK AU:** I believe that email is actually
11 dated February the 8th, if we're thinking about the same email,
12 so I'll call up that document, WPS00000 -- or 6 0s,
13 WPS000000374.

14 Now is this the email you had in mind or was
15 there another one?

16 **SUPT. DANA EARLEY:** There was one prior, and we
17 had a conversation as well.

18 **MR. FRANK AU:** Okay. So tell us about that
19 earlier exchange.

20 **SUPT. DANA EARLEY:** It was basically confirming
21 that the bridge had been blocked and that he was looking for an
22 awareness of resources available. We then had a conversation.
23 I wanted to confirm if he was asking for resources or if he was
24 just trying to figure out options at that time. So I learned
25 that he was trying to figure out options of what was available,
26 and it was at that time that we had decided to send together --
27 jointly, we decided to send Provincial Liaison Team members to
28 Windsor to see if they could assist.

1 **MR. FRANK AU:** M'hm. So is this email a follow-
2 up to that earlier exchange?

3 **SUPT. DANA EARLEY:** It is.

4 **MR. FRANK AU:** And so when he was asking you,
5 "I know your people are very spread out
6 but my ask at this point is if we were
7 to need to POU or PLT down here, what
8 would availability be?"

9 So it seems like he's ascertaining the potential
10 availability of OPP resources.

11 **SUPT. DANA EARLEY:** Absolutely. He's looking for
12 options.

13 **MR. FRANK AU:** And you'd mentioned earlier that
14 you were sending some PLT members to Windsor.

15 **SUPT. DANA EARLEY:** That's correct.

16 **MR. FRANK AU:** Was that before or after this
17 email?

18 **SUPT. DANA EARLEY:** That was immediately after.
19 I believe they went down the -- like, that day, because the
20 email's at two o'clock in the morning, so I wouldn't have got it
21 until I woke up in the morning, but ---

22 **MR. FRANK AU:** So the sending of the two PLT
23 members was a response to this request?

24 **SUPT. DANA EARLEY:** That's correct.

25 **MR. FRANK AU:** What about POU? He asked about
26 POU here as well.

27 **SUPT. DANA EARLEY:** Again, he confirmed that he
28 was just looking for options, so we discussed options.

1 **MR. FRANK AU:** So this is February the 8th. Now
2 we heard yesterday that Chief Mizuno from the Windsor Police
3 Service sent a letter on February the 9th, the following day, to
4 Minister Jones. I won't -- I don't think I need to call up that
5 document, but for reference, the document ID is WIN00001648.
6 And in that letter, Chief Mizuno requested a minimum of 100
7 officers. Now was that request before or after you were
8 appointed as the Critical Incident Commander to Windsor?

9 **SUPT. DANA EARLEY:** I wasn't appointed until the
10 night of the 9th.

11 **MR. FRANK AU:** Okay.

12 **SUPT. DANA EARLEY:** So it would ---

13 **MR. FRANK AU:** So probably before.

14 **SUPT. DANA EARLEY:** Before.

15 **MR. FRANK AU:** And we saw also on February 9th a
16 document prepared by Deputy Chief Crowley. Before I take you to
17 that document, I want to take you first to something you said in
18 your interview about the relationship between resource request
19 and planning. So if we go to your summary at page 9, please?

20 **MR. CLERK:** Sorry, Counsel, could I get the ID
21 for that document again?

22 **MR. FRANK AU:** Yes, it's WTS00000022. And, Mr.
23 Clerk, I'll be making frequent references to this summary, so it
24 may assist to have that document.

25 **MR. CLERK:** Okay.

26 **MR. FRANK AU:** So if we go to page 9? So,
27 Superintendent, you see under the heading "Relationship between
28 Resource Requests and Planning", you told us that,

1 "...when [you] took command on February
2 [the] 9th, [Windsor Police Service]
3 did not know the specific numbers and
4 types of officers it required and that
5 the on-the-ground situation on February
6 9th dictated bringing in additional
7 frontline and traffic officers to
8 ensure public and officer safety. OPP
9 accordingly sent as many officers as
10 possible. After Superintendent Earley
11 arrived in Windsor on the morning of
12 February [the] 10th and began to
13 develop a plan, she was able to develop
14 more specific numbers and types of
15 resources required to ensure that
16 police had options to respond to
17 various contingencies."

18 So I want to show you a document that Deputy
19 Chief Crowley prepared as of the 9th and ask you if that reflects
20 the kind of lack of specific types that you mentioned in the
21 summary. And that document is WPS000000610.

22 So we heard from Deputy Crowley yesterday that he
23 prepared this on the 9th when Windsor made the request for a
24 hundred officers. If we scroll down a bit, so it talks about
25 different shifts and so on, and then there's more about the
26 situation at that time.

27 **SUPT. DANA EARLEY:** M'hm.

28 **MR. FRANK AU:** Does this reflect your

1 understanding of the nature of the request that was sent on the
2 9th?

3 **SUPT. DANA EARLEY:** I'm not sure if I know what
4 you're asking, but it reflected what they thought at the time
5 they required.

6 **MR. FRANK AU:** M'hm.

7 **SUPT. DANA EARLEY:** So when I arrived and we were
8 able to assess the entire situation together, that's when we
9 started to figure out plans and options and then therefore the
10 resources to support those.

11 **MR. FRANK AU:** So I guess what I'm wondering is,
12 how is this kind of request in terms of what was needed
13 different from the kind of request that you would have made to
14 the different POU units across the province, for instance, after
15 you arrived and started developing a plan?

16 **SUPT. DANA EARLEY:** Well, this specific request
17 that you have posted here is for the frontline. So POU was in
18 addition to that.

19 **MR. FRANK AU:** Okay.

20 **SUPT. DANA EARLEY:** So I don't know if we could
21 compare the two. But when the unified command was created, we
22 had a mission, and that was to open the bridge, to get the flow
23 of traffic back with officer and public safety being paramount,
24 and then that's when we started to develop the plans which
25 included a POU option.

26 **MR. FRANK AU:** Okay. If we go back to your
27 interview summary, to that page that we were on before, you see
28 the last sentence of that paragraph,

1 "She explained that developing an
2 operational plan was essential to
3 ensure that the deployment of resources
4 would be impactful and resolve the
5 blockade."

6 Why was it essential? Why was an operational
7 plan essential?

8 **SUPT. DANA EARLEY:** Well, before you request
9 resources or you have officers attend, you need to be able to
10 articulate to them the expectations of their role, why they're
11 coming, and the tasks that they are -- will be given. And
12 without a plan and a mission as to what you want to achieve,
13 that would be very hard to do.

14 **MR. FRANK AU:** Okay. So these are the initial
15 steps before you became the Critical Incident Commander. So
16 let's turn our attention now to February the 9th when you got a
17 call from Deputy Commissioner Harkins ---

18 **SUPT. DANA EARLEY:** Yeah.

19 **MR. FRANK AU:** --- appointing you as the Critical
20 Incident Commander. Tell us about that initial call?

21 **SUPT. DANA EARLEY:** Deputy Commissioner Harkins
22 called me. He asked if I could attend Windsor to assist, that
23 my role would be the CIC of the event, and that it was an urgent
24 situation, so that I would receive the resources that I needed.

25 He also alerted me that I had a teleconference
26 that I needed to join within minutes. So the phone call was
27 very quick.

28 **MR. FRANK AU:** So there was an urgency that he

1 impressed on you. And just to understand the nature of the role
2 of a Critical Incident Commander, ---

3 **SUPT. DANA EARLEY:** M'hm.

4 **MR. FRANK AU:** --- we've heard evidence before
5 about the different tiers of command. There's the strategic
6 command, there's the operational command, and there's the
7 tactical command. Now, you were operating as a strategic
8 commander ---

9 **SUPT. DANA EARLEY:** M'hm.

10 **MR. FRANK AU:** --- before this appointment.

11 **SUPT. DANA EARLEY:** Yes.

12 **MR. FRANK AU:** And what is the role of a Critical
13 Incident Commander? Is it operating at a strategic or
14 operational level?

15 **SUPT. DANA EARLEY:** It's at an operational level,
16 and specifically assigned to an incident.

17 **MR. FRANK AU:** So what was the objective of your
18 appointment as the Critical Incident Commander? Or for short,
19 I'll just call it the operational commander.

20 **SUPT. DANA EARLEY:** M'hm. The mission was to
21 restore the flow of traffic to and from the bridge and into
22 Canada and the U.S. with respecting the *Charter of Rights* and
23 keeping public and officer safety paramount.

24 **MR. FRANK AU:** Now, I understand that you went to
25 Windsor the next day?

26 **SUPT. DANA EARLEY:** That's correct.

27 **MR. FRANK AU:** But on the 9th, you were still in
28 London?

1 **SUPT. DANA EARLEY:** Yes.

2 **MR. FRANK AU:** What time did you get that call
3 from Deputy Harkins?

4 **SUPT. DANA EARLEY:** It was approximately
5 7:30/quarter to 8:00, and then I was on teleconferences until
6 well into the early morning.

7 **MR. FRANK AU:** So you got the call in the evening
8 and you started to make some other calls?

9 **SUPT. DANA EARLEY:** Yes.

10 **MR. FRANK AU:** Tell us about those other calls,
11 the initial call that you made.

12 **SUPT. DANA EARLEY:** There was a call to my Chief
13 of West Region to provide him updates, and he was well aware,
14 because the Deputy Commissioner had contacted him.

15 I also had teleconferences with the POU hub and
16 the different team leaders of the POU teams.

17 **MR. FRANK AU:** What are the POU hubs?

18 **SUPT. DANA EARLEY:** They were hubs created that
19 consisted of different POU teams from different services that
20 were being deployed throughout the province to assist with
21 protests.

22 **MR. FRANK AU:** And when you said services, are
23 these OPP detachments or are these municipal services as well?

24 **SUPT. DANA EARLEY:** OPP and municipal.

25 **MR. FRANK AU:** How many POU units are there
26 across Ontario? Can you say?

27 **SUPT. DANA EARLEY:** I can't, sorry. I can tell
28 you who was on the calls or who I dealt with, but it included,

1 obviously, our team, it included Hamilton at the time, and
2 Waterloo, and ultimately London assisted as well, and RCMP.

3 **MR. FRANK AU:** So you reached out to the POU
4 units in these municipalities that evening?

5 **SUPT. DANA EARLEY:** Yes. So the Deputy
6 Commissioner had advised me that the teleconference was already
7 set, it was already scheduled, and that I would be joining them,
8 and they would learn that I was going to be the CIC and unified
9 command in heading to Windsor.

10 **MR. FRANK AU:** What did you find out from the
11 teleconference about the availability of these POU teams?

12 **SUPT. DANA EARLEY:** We discussed numbers and what
13 was available. We discussed relative, like, to the incident,
14 you know, in regards to when could they attend, who was
15 available to assist with planning. So those were the basis of
16 the conversations.

17 **MR. FRANK AU:** Was there a request to deploy
18 those units on that evening?

19 **SUPT. DANA EARLEY:** Yes.

20 **MR. FRANK AU:** What did you ask for?

21 **SUPT. DANA EARLEY:** I asked for the planners. So
22 each team identified basically a team lead or a planner. So I
23 asked for the planners to join me in Windsor the next day.

24 **MR. FRANK AU:** Now, at this stage, you didn't
25 have a plan yet; right?

26 **SUPT. DANA EARLEY:** Correct.

27 **MR. FRANK AU:** So if we go back to what we talked
28 about earlier, about the need for a plan to inform the asking of

1 resources, what did you ask for and what could reasonably be
2 expected at this stage?

3 **SUPT. DANA EARLEY:** I needed them to become very
4 familiar with the incident and all the details of the incident,
5 and then create a plan.

6 **MR. FRANK AU:** What about numbers?

7 **SUPT. DANA EARLEY:** Well I needed to know what
8 would be available. But again, it wasn't until they had a plan
9 that they would say, "That this plan requires this many
10 officers."

11 **MR. FRANK AU:** Okay. So you talked about how you
12 spoke to the Chief. I believe that's Chief Thib?

13 **SUPT. DANA EARLEY:** That's correct.

14 **MR. FRANK AU:** You spoke to -- you had -- you
15 engaged in these teleconferences about the POU availability.
16 Who else did you call?

17 **SUPT. DANA EARLEY:** I believe it was two -- well,
18 it was with the Chief and two other teleconferences with --
19 again, with POU hubs.

20 **MR. FRANK AU:** What about -- did you make contact
21 with Windsor Police Service at all?

22 **SUPT. DANA EARLEY:** I did. I spoke with Deputy
23 Chief Crowley.

24 **MR. FRANK AU:** And tell us about that
25 conversation?

26 **SUPT. DANA EARLEY:** He provided an oversight and
27 situational awareness for me in regards to what they were
28 dealing with at the moment. We talked about logistics,

1 obviously when I would be arriving. I gave him an overview of
2 the teleconferences I had been on in regards to POU.

3 **MR. FRANK AU:** M'hm. Now, if I could take you to
4 another OPP document? It's OPP00004540.

5 I understand that that night, the last thing you
6 did that night, at 11:59 p.m., you sent an email to your
7 superiors summarizing the situation in Windsor as you've
8 gathered. So I'm taking you to that email.

9 Could we go to page 14, please? Go down.

10 So February 9th, -- I was wrong on the time. It's
11 at 23:58. So two minutes before midnight.

12 **SUPT. DANA EARLEY:** M'hm.

13 **MR. FRANK AU:** You sent an email to Harkins and
14 DiMarco. Who is DiMarco?

15 **SUPT. DANA EARLEY:** That is Deputy Commissioner
16 DiMarco.

17 **MR. FRANK AU:** Okay. How many Deputy
18 Commissioners are there?

19 **SUPT. DANA EARLEY:** There are three, and there's
20 a Provincial Commander as well.

21 **MR. FRANK AU:** Okay. So you sent an email to
22 these two deputies and you summarize the situation as you found
23 them in Windsor.

24 Can we scroll down further?

25 There are many bullet points. I want you to help
26 us unpack the situation a bit based on these points. What did
27 you learn was the situation on the ground in Windsor?

28 **SUPT. DANA EARLEY:** I learned, obviously, about

1 the numbers, what they were dealing with in regards to
2 attendance, as well as vehicles, the types of vehicles. I also
3 learned the area that they had kind of blocked the length of it,
4 where it is located in the city.

5 I also learned about an arrest that was made. So
6 there was a person who had jumped the curb and into the crowd.
7 That person, obviously, was charged and arrested with dangerous
8 drive.

9 **MR. FRANK AU:** M'hm.

10 **SUPT. DANA EARLEY:** And that the crowd became
11 very agitated when the arrest occurred. And they actually took
12 the opportunity to expand the area that they had been in.

13 I learned too, from Deputy Chief Crowley, that
14 the crowd itself was somewhat disorganized and disjointed, hard
15 to kind of figure out exactly what they wanted, or to
16 communicate or negotiate with them. And at that time as well,
17 he explained that there had been a number of transport trucks
18 and vehicles on the bridge, but they had all been removed at
19 that point.

20 So I made the decision that I asked S/Sgt. Jamie
21 Smith of Essex OPP, so he would be the closest Incident
22 Commander, to attend the Command Post for the evening. I also
23 asked that our situational reports be implemented. So it's
24 basically a template. We introduced those to the Command Post.
25 And I asked for those to be provided to me every two hours until
26 my arrival. And then they continued while we were there.

27 **MR. FRANK AU:** So that's what you did that first
28 night?

1 **SUPT. DANA EARLEY:** That's correct.

2 **MR. FRANK AU:** If we go back to your summary, I
3 want to take you to page 3, because you spoke to us about this
4 email. And then at the end of that paragraph, ---

5 **SUPT. DANA EARLEY:** M'hm.

6 **MR. FRANK AU:** --- you said:

7 "Superintendent Earley nonetheless
8 believed that a policing solution to the
9 demonstration was possible..."

10 What did you mean by that? The policing
11 solution, in your mind?

12 **SUPT. DANA EARLEY:** I still believed and was
13 hopeful that negotiations could occur and that we could develop
14 a rapport and a relationship with the protestors through our
15 Provincial Liaison Teams.

16 **MR. FRANK AU:** Was that an approach informed by
17 the two frameworks that you told us about?

18 **SUPT. DANA EARLEY:** That's correct.

19 **MR. FRANK AU:** Now, before we go to the next day,
20 earlier that day, before you got the call from Deputy Harkins, I
21 think you told us in the interview that you watched a morning
22 press conference where the Mayor, the Mayor of Windsor, Mayor
23 Dilkens, requested resources without specifying the numbers. Do
24 you remember that?

25 **SUPT. DANA EARLEY:** Yeah, I don't remember
26 specifically watching it, but I do know that a request was
27 submitted.

28 **MR. FRANK AU:** Right. So -- and during our

1 interview, you shared your perspectives on making public
2 announcements of this nature.

3 Tell us about your view on this.

4 **SUPT. DANA EARLEY:** In regards to specific
5 numbers requested at incidents?

6 **MR. FRANK AU:** No. About making public
7 announcements.

8 I think we've heard some evidence that, normally,
9 the requests for resources go from one Chief to another, from
10 Chief to Chief.

11 **SUPT. DANA EARLEY:** Yes.

12 **MR. FRANK AU:** And it's not typical that public
13 announcements by politicians were made and you shared your
14 perspective on this kind of public announcement, so I'm just
15 hoping that you could enlighten us.

16 **SUPT. DANA EARLEY:** Okay. It's been my
17 experience that when any municipal service requires our
18 assistance, no matter what the incident, the request needs to go
19 from their Chief to our Commissioner. The Commissioner's
20 command team then reviews the request and deploys the requested
21 resources.

22 So to hear it come from a politician was
23 different from my experience.

24 **MR. FRANK AU:** And after you became the Critical
25 Incident Commander, did you take any steps to change the
26 approach or any kind of media strategy that you adopted?

27 **SUPT. DANA EARLEY:** I respect the fact that any
28 Council or Mayor, they can have their own press conferences and

1 release information, but I urged Windsor Police Service to work
2 with the Mayor's office to make sure that our messages are
3 consistent.

4 **MR. FRANK AU:** And was any further public
5 announcements made for resources after you assumed the role of
6 Critical Incident Commander?

7 **SUPT. DANA EARLEY:** Not that I'm aware of.

8 **MR. FRANK AU:** Now, in this case the announcement
9 on the 9th did not specify a particular number, how many
10 officers were needed. Do you have any view on whether those
11 numbers should be made publicly in a request?

12 **SUPT. DANA EARLEY:** In my opinion, I do not
13 believe that they should be made publicly.

14 **MR. FRANK AU:** Why not?

15 **SUPT. DANA EARLEY:** It jeopardizes perhaps the
16 public and police officer safety. By letting the public know
17 the amount of officers that are attending may lead to people
18 then bolstering their protests or whatever that looks like if
19 they know the tactics or perhaps the amount of officers that are
20 attending an incident.

21 **MR. FRANK AU:** Okay. So let's go now to the next
22 day, February 10th. I understand that you had an early morning
23 call with Deputy Harkins, right ---

24 **SUPT. DANA EARLEY:** Correct.

25 **MR. FRANK AU:** --- at 8:30?

26 **SUPT. DANA EARLEY:** And Deputy DiMarco.

27 **MR. FRANK AU:** And Deputy DiMarco.

28 So tell us what was said in that morning call.

1 **SUPT. DANA EARLEY:** They wanted to make sure that
2 I had started implementing a team, putting a team in place, and
3 obviously, I had told them that I was on the road. I was
4 heading to Windsor.

5 And they indicated that whatever resources I
6 needed, they would be provided.

7 **MR. FRANK AU:** Was anything said about Windsor
8 being a priority?

9 **SUPT. DANA EARLEY:** Yes.

10 **MR. FRANK AU:** Tell us about that.

11 **SUPT. DANA EARLEY:** Yes.

12 They stressed to me that Windsor was my priority
13 and I needed to focus solely on Windsor, and that it was a
14 priority for the province.

15 **MR. FRANK AU:** Did they explain why Windsor was a
16 priority?

17 **SUPT. DANA EARLEY:** No.

18 **MR. FRANK AU:** Now, if I could take you to page 2
19 of the summary.

20 So if we go to the third paragraph near the
21 middle of the paragraph, do you see the sentence that starts
22 with, "During a February 10th 8:30 a.m. call"?

23 **SUPT. DANA EARLEY:** Yes.

24 **MR. FRANK AU:** So it says:

25 "...Deputy Commissioners Harkins and
26 DiMarco again advised Supt. Earley that
27 Windsor was the priority and that it was
28 urgent to resolve the blockade. Supt.

1 Earley understood that the resolution
2 was urgent because the bridge closure
3 was having massive economic impacts,
4 including job layoffs, on Windsor,
5 Ontario and Canada, that the crowd of
6 protestors at the blockade was
7 increasing in size and that the public
8 and officer safety risks were
9 escalating."

10 Now, you understood that to be the case. Was
11 that -- where did that understanding come from?

12 **SUPT. DANA EARLEY:** It was part of the
13 conversation, but in regards to the increase in size, the
14 economic impacts, the risks to public and officer safety, that
15 was from my awareness from the teleconferences I had been on and
16 discussions with Deputy Chief Crowley.

17 **MR. FRANK AU:** So you had this call at 8:30 and I
18 believe by 9:00 a.m. you had your mission statement written.

19 **SUPT. DANA EARLEY:** Yes.

20 **MR. FRANK AU:** So if we go to the summary at page
21 5, we excerpted your mission statement, I believe, from your
22 notes.

23 **SUPT. DANA EARLEY:** Thank you.

24 **MR. FRANK AU:** And it reads:

25 "The OPP and our policing partners will
26 keep the peace, enforce legislation,
27 establish and maintain the safe flow of
28 traffic and respecting individuals'

1 Charter rights to peaceful assembly and
2 freedom of speech, with public and
3 officer safety being paramount."

4 Why was the mission statement or the drafting of
5 the mission statement such a priority for you?

6 **SUPT. DANA EARLEY:** It is the -- well, it's the
7 goal of any team member no matter what uniform you're wearing,
8 your rank, your role in regards to the team. That is our goal
9 during the incident.

10 **MR. FRANK AU:** And did this version of the
11 statement continue to be the mission as events unfolded?

12 **SUPT. DANA EARLEY:** Yes. Yeah.

13 **MR. FRANK AU:** So I understand that the plan was
14 finalized by the end of the day on the 11th and the plan was
15 implemented on the 12th.

16 Was this the same statement that appeared in that
17 ultimate plan?

18 **SUPT. DANA EARLEY:** Yes.

19 **MR. FRANK AU:** How did you come up with this
20 plan? How did you draft it?

21 **SUPT. DANA EARLEY:** Based on the situation,
22 right. That's where your mission comes from and what your goal
23 is, what you're trying to resolve. That's how your mission
24 statements come through and, obviously, as a CIC in the training
25 that we receive, we -- mission statements and the importance of
26 them are discussed.

27 **MR. FRANK AU:** And there are references to
28 respecting individuals' *Charter* rights.

1 How did you intend to do that?

2 **SUPT. DANA EARLEY:** Absolutely.

3 Well, by, obviously, giving them the right to
4 peaceful assembly and to honour their freedom of speech. We
5 tried to do that through communications with our Provincial
6 Liaisons Team.

7 **MR. FRANK AU:** So that was 9:00 a.m.

8 What time did you arrive in Windsor?

9 **SUPT. DANA EARLEY:** I think it was approximately
10 10:00. I had to stop and pick up my scribe as well, so I think
11 it was around 10:00, 10:30.

12 I can't -- I'd have to refer to my notes.

13 **MR. FRANK AU:** And what was the scribe supposed
14 to do when you're the Critical Incident Commander?

15 **SUPT. DANA EARLEY:** So the scribe is a very
16 important role. She took all of my notes for me, so she
17 captured the majority of conversations and timings, people's
18 phone numbers, whatnot.

19 **MR. FRANK AU:** So the different volumes of notes
20 that we ---

21 **SUPT. DANA EARLEY:** Yes.

22 **MR. FRANK AU:** --- received in disclosure, those
23 were the scribe notes, not your notes.

24 **SUPT. DANA EARLEY:** That's correct.

25 **MR. FRANK AU:** Okay.

26 **SUPT. DANA EARLEY:** Yeah.

27 **MR. FRANK AU:** So you went to Windsor and you met
28 with the command team from the Windsor Police Service.

1 **SUPT. DANA EARLEY:** Yes.

2 **MR. FRANK AU:** Tell us about that meeting. What
3 kind of reception did you receive?

4 **SUPT. DANA EARLEY:** Very welcoming. Because of
5 the relationships, I knew, as I said, Deputy Chief -- at the
6 time Deputy Chief Bellaire as well as Inspector DeGraaf. They
7 then introduced me to other members of their command post. It
8 was referred to as the EOC here as well, so I met everybody.

9 They were very welcoming. They appreciated the
10 support and the assistance and the resources that the OPP was
11 providing. And they also welcomed the experience that our
12 organization has in regards to major prolonged events.

13 **MR. FRANK AU:** Was any decision made at that
14 initial meeting about how the WPS and the OPP would be working
15 together?

16 **SUPT. DANA EARLEY:** Certainly it was -- right off
17 the start, it was a unified command. They ultimately respected
18 that I would have final say on a lot of the plans because of the
19 amount of resources that we were bringing and it included. But
20 everything before it was decided was always referred to by both
21 myself and the CIC from WPS.

22 **MR. FRANK AU:** So yesterday we heard from Deputy
23 Crowley. I think he described the relationship as -- I'm trying
24 to look for his description. He described the integration as
25 seamless and he talked about how the OPP and WPS commands would
26 at times be stepping forward and back.

27 Were you here when he testified?

28 **SUPT. DANA EARLEY:** I watched it, yeah.

1 **MR. FRANK AU:** You watched it.

2 **SUPT. DANA EARLEY:** Yeah.

3 **MR. FRANK AU:** Do you agree with that
4 description?

5 **SUPT. DANA EARLEY:** It was seamless, and we
6 supported each other. It was a remarkable team effort.

7 **MR. FRANK AU:** And in your interview with us at
8 page 3 of your summary, you refer to this high degree of trust
9 and confidence. Tell us more about that?

10 **SUPT. DANA EARLEY:** As I mentioned, Windsor
11 Police respected the experience and the skillset that the OPP
12 was bringing to the table due to the numerous events we've
13 experienced as an organization in regards to critical incidents,
14 and protracted critical incidents in particular. So with that,
15 that's where the trust and the respect came through.

16 But at the same time, we weren't able to do what
17 we did if it wasn't for the local knowledge and the networks and
18 the partnerships that Windsor Police already had in existence.

19 **MR. FRANK AU:** Now, I think Deputy Crowley
20 referred to this command structure as, "Unified command" and in
21 your interview with us you referred to it as "Joint command";
22 are they the same thing?

23 **SUPT. DANA EARLEY:** Pretty much, yes.

24 **MR. FRANK AU:** We've heard other terms in Ottawa;
25 "Integrated command"; like, what's your understanding if there
26 are any differences between integrated, joint, or unified?

27 **SUPT. DANA EARLEY:** Really, I think to explain
28 ours, unified would articulate it best.

1 **MR. FRANK AU:** Okay. And in terms of the
2 expertise that the OPP was bringing, I think yesterday Deputy
3 Crowley referred specifically to maybe planning, and
4 specifically to POU planning.

5 **SUPT. DANA EARLEY:** M'hm.

6 **MR. FRANK AU:** Can you elaborate on that?

7 **SUPT. DANA EARLEY:** Yes. So when I arrived in
8 Windsor, I requested a subject matter expert in regards to POU
9 planning, Insp. Jason Younan. I contacted him and I requested
10 he attend to offer his expertise in regards to a plan.

11 **MR. FRANK AU:** Sorry; name again?

12 **SUPT. DANA EARLEY:** Insp. Jason Younan.

13 **MR. FRANK AU:** Okay. Well, that's -- let's talk
14 about the command team, then. Because after you arrived in
15 Windsor, I guess one of the first things you did was to assemble
16 a command table.

17 **SUPT. DANA EARLEY:** Yes.

18 **MR. FRANK AU:** And during our interview you said
19 that you wanted broad representation at the command table, and
20 subject matter experts in all the essential areas to ensure that
21 those areas are covered. What are the major areas that you had
22 to cover?

23 **SUPT. DANA EARLEY:** Those areas consisted of
24 traffic, crime, Provincial Liaisons Teams, media, and logistics
25 and resources. In addition to that, we also were able to set up
26 a staging area, so there was a team that was in charge of the
27 staging area as well.

28 **MR. FRANK AU:** What about Intelligence?

1 **SUPT. DANA EARLEY:** Absolutely, yes, Intelligence
2 as well.

3 **MR. FRANK AU:** And how as Intelligence
4 represented at this command table?

5 **SUPT. DANA EARLEY:** They deployed a team leader
6 to sit in the Emergency Operations Centre with us, and a team
7 member as well. So they were constantly feeding us any intel
8 that they were getting.

9 And I'd like to mention, too, all those subject
10 matter experts that I just listed off there, it wasn't just OPP,
11 but Windsor had the same representation. So, for example, in
12 intel, we had OPP intel as well as Windsor intel in the Command
13 Post.

14 **MR. FRANK AU:** So you had subject matter experts
15 from both OPP and Windsor Police Service represented at the
16 table?

17 **SUPT. DANA EARLEY:** Correct.

18 **MR. FRANK AU:** And they included Intelligence; I
19 think you mentioned PLT?

20 **SUPT. DANA EARLEY:** Yes.

21 **MR. FRANK AU:** POU; you mentioned Insp. Younan.

22 **SUPT. DANA EARLEY:** Yes.

23 **MR. FRANK AU:** Who was responsible for logistics?

24 **SUPT. DANA EARLEY:** Insp. Wendy Burrow, as from
25 OPP, as well as Insp. Jenn Crosby from Windsor Police Service.

26 **MR. FRANK AU:** What about other agencies, such as
27 the CBSA?

28 **SUPT. DANA EARLEY:** Yes. So CBSA was included in

1 the Command Post. They had a representative there, a team
2 leader, as well as the Windsor Fire had representation and
3 Windsor Emergency Services, the paramedics.

4 **MR. FRANK AU:** Why was it important for these
5 other agencies to be included at the command table?

6 **SUPT. DANA EARLEY:** All of those -- everybody who
7 had a part of our Command Post provided us with different
8 options, right? And options are very much needed in an incident
9 like this. So it's important to create an environment that's
10 inclusive, and communication is key so that everybody could
11 provide ideas to resolve the situation effectively.

12 Because the situation itself was very dynamic and
13 fluid, we wanted to make sure that everything was covered. If
14 you think about Fire or EMS, that they were in the loop just in
15 case we needed their assistance, which at times we did.

16 **MR. FRANK AU:** I understand you also set up a
17 system where you had alternates so that you can go to sleep.

18 **SUPT. DANA EARLEY:** Yes.

19 **MR. FRANK AU:** Who was your alternate?

20 **SUPT. DANA EARLEY:** Supt. Derek Needham.

21 **MR. FRANK AU:** And was there a similar system for
22 the Windsor Incident Command?

23 **SUPT. DANA EARLEY:** Yes.

24 **MR. FRANK AU:** And who are those two?

25 **SUPT. DANA EARLEY:** So Insp. Karel DeGraaf worked
26 days with me, and then at night it was D/Chief Crowley.

27 **MR. FRANK AU:** Why is it important to have these
28 alternates?

1 **SUPT. DANA EARLEY:** To go and rest your head for
2 a little bit, and obviously just to provide some relief.

3 **MR. FRANK AU:** Okay. So, so far, we've talked
4 about the team at the operational level, the command table that
5 we just talked about. I want to ask you now about the
6 relationship between the operational level functioning and the
7 strategic leadership.

8 **SUPT. DANA EARLEY:** M'hm.

9 **MR. FRANK AU:** So on the Windsor side, who was
10 the Strategic Commander?

11 **SUPT. DANA EARLEY:** I believe you would have to
12 confirm with them, but I saw that Deputy Chief Bellaire.

13 **MR. FRANK AU:** Right. And would the Chief of the
14 Windsor Police Service also be at the strategic leadership
15 level?

16 **SUPT. DANA EARLEY:** Yes.

17 **MR. FRANK AU:** What about the OPP, who were the
18 strategic leaders?

19 **SUPT. DANA EARLEY:** For West Region, Supt.
20 Campisi looked after that role but also -- it would have also
21 included our Chief, Chief Thib, and then the OPP command as
22 well, Commissioners and Deputy Commissioners.

23 **MR. FRANK AU:** So Comm. Carrique?

24 **SUPT. DANA EARLEY:** M'hm.

25 **MR. FRANK AU:** And Deputy Harkins.

26 **SUPT. DANA EARLEY:** M'hm.

27 **MR. FRANK AU:** Now, during the interview, you
28 spoke to us about the importance for the strategic leadership to

1 give the Operational Commanders autonomy.

2 **SUPT. DANA EARLEY:** Yes.

3 **MR. FRANK AU:** Tell us more about that.

4 **SUPT. DANA EARLEY:** Yes. The autonomy that is
5 required is very important because decisions need to be made in
6 a very timely manner when dealing with critical incidents. So
7 that's -- really highlights the importance.

8 They also know and can trust in the -- not only
9 the experience the team has but the training, and the subject
10 matter experts, the skillset that they bring. So they know that
11 those decisions being made are the best options for the
12 situation and what's happening.

13 **MR. FRANK AU:** Help us understand why is autonomy
14 connected to timeliness of decision-making?

15 **SUPT. DANA EARLEY:** You need to make sure that a
16 decision is made. The failure to make a decision can almost be
17 just as bad as making an improper decision. So that's why the
18 timeliness is very important, right? And these situations,
19 things are happening minute by minute. You need to be able to
20 make decisions based on your awareness. And the CIC has the
21 best situational awareness to make those decisions.

22 **MR. FRANK AU:** Why was it the CIC who had the
23 best situational awareness?

24 **SUPT. DANA EARLEY:** You are in the midst of it.
25 You have all the intel coming in; you are there. You have all
26 the feedback from your subject matter experts, so that's why you
27 have the utmost situational awareness.

28 **MR. FRANK AU:** During your time in Windsor as the

1 Critical Incident Commander, did you enjoy the kind of autonomy
2 that you expected from this strategic leadership?

3 **SUPT. DANA EARLEY:** I did, and I appreciated it.

4 **MR. FRANK AU:** How was your relationship with the
5 Windsor strategic leadership?

6 **SUPT. DANA EARLEY:** The same; they respected it
7 from their command in the Command Post, as well as mine.

8 **MR. FRANK AU:** Did you experience any
9 interference at all, improper interference, with your decision-
10 making as the Operational Commander?

11 **SUPT. DANA EARLEY:** No.

12 **MR. FRANK AU:** What about the City of Windsor or
13 the Mayor's Office, did you experience -- what was your
14 relationship with those entities?

15 **SUPT. DANA EARLEY:** Very little. Windsor Police
16 dealt with them and liaised with the City.

17 **MR. FRANK AU:** Okay. Okay, so we've now covered
18 the command team and the relationship with the strategic
19 leadership. I want to talk to you now about the plan. We
20 talked a bit about the plan, and I understand that you came to
21 Windsor on the 10th but by the end of the day on the 11th, you had
22 a plan finalized and ready for action; am I right?

23 **SUPT. DANA EARLEY:** That's correct.

24 **MR. FRANK AU:** How did that come about?

25 **SUPT. DANA EARLEY:** The remarkable team that I
26 had. So with the mission that was set out that everybody was
27 very much aware of, the expectations were clearly explained to
28 the officers and the subject matter experts in regards to what

1 was needed, and that's how plans came together.

2 **MR. FRANK AU:** Now, let's talk about the
3 different elements of that overall plan. During the interview
4 you mentioned many subplans.

5 **SUPT. DANA EARLEY:** Yes.

6 **MR. FRANK AU:** And you said those are necessary
7 as part of the contingency planning.

8 **SUPT. DANA EARLEY:** Yes.

9 **MR. FRANK AU:** And they involve areas like
10 traffic, towing, mass arrest, prisoner transport, and some of
11 the other areas that we talked about; intelligence, PLT, POU,
12 and so on. I want to ask you specifically about three of those
13 areas.

14 **SUPT. DANA EARLEY:** Okay.

15 **MR. FRANK AU:** And I would start -- I want to
16 start by asking you about the PLT element.

17 **SUPT. DANA EARLEY:** Okay.

18 **MR. FRANK AU:** So through the PLT planning, I
19 understand that you came to learn something about the
20 protester's group, about the leadership, as well as about
21 potential counterprotests.

22 **SUPT. DANA EARLEY:** Yes.

23 **MR. FRANK AU:** So let's talk first about your
24 understanding of the leadership. What did you learn through the
25 PLT planning during those two days?

26 **SUPT. DANA EARLEY:** I learned through PLT that
27 the protesters themselves were described as disjointed. They
28 had different goals. It was explained to me that the PLT was

1 really dealing with three different groups within the
2 protesters, and that was causing a concern, as well as it was a
3 challenge for our PLT to develop rapport or to really get
4 anywhere, because the groups themselves were not agreeing.

5 **MR. FRANK AU:** M'hm.

6 **SUPT. DANA EARLEY:** I also learned from PLT of
7 counterprotests as well and the concern for that. So they had
8 had discussions with an -- or a member from the auto union and
9 he expressed his displeasure with the protest and, in fact, was
10 sharing with them that he was going to take matter into his own
11 hands if it was not resolved. I was very grateful for the
12 rapport and the relationship that PLT was able to develop with
13 him, and through that, we asked for time or his patience.

14 **MR. FRANK AU:** If I could take you to your
15 summary, because I wanted to ask you about that incident.

16 **SUPT. DANA EARLEY:** Okay.

17 **MR. FRANK AU:** If we go to page 11? So this is -
18 - you talked about this incident involving the president of the
19 local autoworkers union chapter. You see in the middle of the
20 paragraph?

21 **SUPT. DANA EARLEY:** Yes ---

22 **MR. FRANK AU:** "...PLT informed Superintendent
23 Earley that David Cassidy, the
24 president of the local autoworkers'
25 union chapter, UNIFOR Local 444,
26 claimed that he had spoken to Ontario
27 Premier Doug Ford and that he was
28 willing to bring autoworkers to the

1 blockade site to forcibly clear out
2 protestors by Monday, February [the]
3 14[th] if police had not cleared the
4 blockade by that date."

5 What kind of danger does this pose to your team
6 as you were planning for action, the weekend?

7 **SUPT. DANA EARLEY:** This is extremely concerning
8 as the CIC and it was just other options now that I had to
9 consider that not only the protestors perhaps would not like the
10 plan of action, but we may have counter protestors attending as
11 well that would create significant issues for public and officer
12 safety.

13 **MR. FRANK AU:** So was this an example of how you
14 incorporated PLT in planning for contingencies?

15 **SUPT. DANA EARLEY:** Yes.

16 **MR. FRANK AU:** Let me ask you now about the POU
17 planning. So you mentioned earlier that Inspector Younan was in
18 charge of that aspect?

19 **SUPT. DANA EARLEY:** Yes.

20 **MR. FRANK AU:** And I understand that on -- was it
21 the 10th or the 11th that you had a number of meetings with him
22 and he advised you. So let's go to your summary, maybe that ---

23 **SUPT. DANA EARLEY:** Okay.

24 **MR. FRANK AU:** --- would help us both.

25 **SUPT. DANA EARLEY:** Thank you.

26 **MR. FRANK AU:** Page 6 of your summary. So you
27 see that at 4:21 p.m. ---

28 **SUPT. DANA EARLEY:** Yes.

1 **MR. FRANK AU:** --- you had a meeting with
2 Inspector Younan and he advised you that,
3 "...a mass removal of protestors would
4 be neither safe nor sustainable..."

5 Tell us more about that discussion.

6 **SUPT. DANA EARLEY:** So this is after he had
7 arrived in Windsor. He obviously had time to deal -- to meet
8 with all the other team leaders from the POU teams and as well
9 take a look at the situation itself. He understood because it
10 was such a long area, the three to four kilometres that they had
11 occupied, that it would not be safe, as he stated in my summary,
12 to clear the entire area all at once. So with that, he provided
13 options to clearing out different sections of the protest area.

14 **MR. FRANK AU:** And did you agree with his
15 assessment?

16 **SUPT. DANA EARLEY:** I did.

17 **MR. FRANK AU:** Was this an example of how you as
18 the operational commander defer to your subject matter experts?

19 **SUPT. DANA EARLEY:** Yes.

20 **MR. FRANK AU:** The third area I want to ask you
21 about in terms of planning is the involvement of the
22 intelligence experts.

23 **SUPT. DANA EARLEY:** Yes.

24 **MR. FRANK AU:** Was it your objective to have your
25 operation be intelligence led?

26 **SUPT. DANA EARLEY:** Yes, I mean, intelligence
27 does need to be considered in regards to what we're finding on
28 open source or wherever the intelligence is coming from. And it

1 was important to hear also from both teams, so from the OPP
2 Intelligence as well as Windsor Intelligence. Because of the
3 different networks that both teams had, they were providing us
4 with a better situational awareness.

5 **MR. FRANK AU:** So in terms of the tools available
6 to your team, as I understand it, in addition to open source,
7 which you've mentioned, you also was getting some help from the
8 U.S. partners?

9 **SUPT. DANA EARLEY:** Yes.

10 **MR. FRANK AU:** Tell us about that.

11 **SUPT. DANA EARLEY:** That was mainly through
12 Windsor Police Service because of the relationship they had with
13 intel through the States.

14 **MR. FRANK AU:** And in terms of other resources
15 available to you, I understand that there was a drone that was
16 made available?

17 **SUPT. DANA EARLEY:** Yes.

18 **MR. FRANK AU:** As well as pull cameras from the
19 CBSA?

20 **SUPT. DANA EARLEY:** That's correct.

21 **MR. FRANK AU:** And even a helicopter on the day
22 of the operation?

23 **SUPT. DANA EARLEY:** Yes.

24 **MR. FRANK AU:** Tell us about that.

25 **SUPT. DANA EARLEY:** Again, just to provide
26 current and up-to-date operational -- or, sorry, situational
27 awareness, so that we could have an idea of exactly what was
28 going on in this very dynamic situation.

1 **MR. FRANK AU:** We've also heard yesterday about
2 the presence of children ---

3 **SUPT. DANA EARLEY:** Yes.

4 **MR. FRANK AU:** --- during the blockade. And how
5 did intelligence inform your planning about this aspect?

6 **SUPT. DANA EARLEY:** I would say that was a
7 concern of mine that if we had to use the plan of action that I
8 wanted the lowest amount of children to be there. Intelligence
9 was able to provide me with areas that they had detected where
10 the children were hanging out or were present in the protest.
11 They were also able to tell me that, because of their
12 intelligence, because of their overwatch, that the majority of
13 the children went home at night, and very little of them stayed
14 overnight. And so that led me to, obviously, looking at the
15 option of going first thing in the morning with any plan of
16 operation if needed.

17 **MR. FRANK AU:** Was that the plan to have the
18 action begin early in the morning?

19 **SUPT. DANA EARLEY:** Yes.

20 **MR. FRANK AU:** And what considerations led you to
21 that decision?

22 **SUPT. DANA EARLEY:** Knowing from intel that they
23 had not observed any children overnight and that when children
24 were present, it was usually not until later in the day.

25 **MR. FRANK AU:** What about the size of the crowd?

26 **SUPT. DANA EARLEY:** Absolutely. So the -- and
27 certain times of night, so the crowd, as in my summary and I
28 know Deputy Chief Crowley spoke to it, it would get more unruly

1 at certain times of night, and so we had to consider that and
2 numbers were higher at certain times of night. But as it got
3 colder and the later it got in the evening, a lot of people did
4 return home. So by considering an early morning operation, that
5 again would decrease, hopefully decrease the number of
6 protesters that we were dealing with.

7 **MR. FRANK AU:** M'hm. So we've now talked about
8 the different elements or sub-plans within the overall plan.

9 **SUPT. DANA EARLEY:** M'hm.

10 **MR. FRANK AU:** Turning our attention now to the
11 overall plan. If we go to your summary at page 6, and we go
12 down, that's right, to the section "Approval of Plans", the
13 second paragraph. So,

14 "On February [the] 11[th],
15 Superintendent Earley also approved an
16 overall operational plan titled
17 "Operations Plan: Freedom Convoy,
18 Windsor Ambassador Bridge." The plan
19 stated that it contemplated "an
20 escalation in police response that is a
21 considered and measured approach," and
22 that "[e]vents associated with
23 Ambassador Bridge blockade/convoys
24 shall be addressed at the lowest
25 competent level in an effort to affect
26 a peaceful resolution." "

27 So earlier, you mentioned in the context of
28 discussing the frameworks, I think you talked about the measured

1 approach, the use of PLT to engage and all of that. I want to
2 ask you specifically to explain about this concept of addressing
3 events at the lowest competent level in the context of a kind of
4 ladder or escalation. What does that mean, the lowest competent
5 level?

6 **SUPT. DANA EARLEY:** The less invasive, the less -
7 - so lowest competent level would be -- the prime example would
8 be our Provincial Liaison Team, you know, being able to discuss
9 the removal or -- of protesters. For them to leave on their own
10 would be ideal.

11 **MR. FRANK AU:** So that's what you would try
12 first?

13 **SUPT. DANA EARLEY:** Absolutely.

14 **MR. FRANK AU:** And then if that did not meet with
15 success, then you escalate?

16 **SUPT. DANA EARLEY:** Yes.

17 **MR. FRANK AU:** What would be the next ladder or
18 the next step up the ladder?

19 **SUPT. DANA EARLEY:** I think jointly along with
20 PLT, we are also using a media strategy to make sure that we
21 were educating everybody in regards to that it was unlawful to
22 be there, that there was other options that they could express
23 freedom of speech. So there was the media attached at the same
24 time as Provincial Liaison Teams were trying to develop rapport
25 with the protestors.

26 **MR. FRANK AU:** And then if that didn't work?

27 **SUPT. DANA EARLEY:** So next steps, we looked for
28 different options in regards to enforcement. I do know that I

1 had conversations with Windsor about their bylaws. There was a
2 number of different parking bylaws in that area. So we learned
3 that the protestors would park on side streets and then attend
4 the protests. Their parking on side streets were illegal. So
5 their bylaw enforcement was then deployed to the area. So a
6 number of different tickets were given out to the vehicles, as
7 well as some were towed. So that's just another level to let
8 protestors know that they aren't to be there.

9 **MR. FRANK AU:** What's next step up?

10 **SUPT. DANA EARLEY:** So again, all of these steps
11 are not independent. All of these things are continuing. So
12 even as cars are being towed by bylaw, we're still trying to
13 have negotiations and develop rapport with the protestors
14 through PLT, we're still using media to get that message out.
15 The next step would be enforcement.

16 **MR. FRANK AU:** So we heard yesterday that even
17 during the enforcement phase, attempts were still being made to
18 allow some protestors to continue to protest, perhaps on the
19 sidewalk outside the exclusion zone. Can you tell us more about
20 that?

21 **SUPT. DANA EARLEY:** So the set area, or the
22 operational area, was certainly explained through our social --
23 our media strategy, through the PLT, that people needed to
24 remove -- be removed from there, or remove themselves. And then
25 other options throughout the city are really available. Any
26 public area.

27 We have to keep in mind though that there are
28 private businesses as well, and they wouldn't welcome

1 protestors. So we had to make sure that we educated them in
2 regards to that.

3 **MR. FRANK AU:** Okay. So by the end of the day on
4 February the 11th, I understand you approved this plan?

5 **SUPT. DANA EARLEY:** That's correct.

6 **MR. FRANK AU:** And were you satisfied that you'd
7 received all of the necessary resources by then to implement the
8 plan the next day?

9 **SUPT. DANA EARLEY:** Yes.

10 **MR. FRANK AU:** And the plan then was to implement
11 the action on the early morning on the 12th?

12 **SUPT. DANA EARLEY:** Correct.

13 **MR. FRANK AU:** So I want to take you now to some
14 specific events that unfolded on the 11th while you were making
15 these plans.

16 **SUPT. DANA EARLEY:** Okay.

17 **MR. FRANK AU:** I understand that some time in the
18 afternoon while you were working on your plan, things were
19 happening on the ground, and specifically, there was a kind of
20 perceived breakthrough with the PLT team; right?

21 **SUPT. DANA EARLEY:** Yes.

22 **MR. FRANK AU:** Tell us what happened?

23 **SUPT. DANA EARLEY:** One of the protestors had
24 approached our Provincial Liaison Team and stated that if they
25 had received a letter from the Government indicating that the
26 Government was willing to meet with them, that they would leave.
27 So PLT brought this to my attention immediately. I then asked
28 for assistance through my command team to see if this letter --

1 see if the Government would agree to this, and to see if this
2 letter could be produced.

3 **MR. FRANK AU:** So in our interview, you described
4 this as a kind of breakthrough because this was the first
5 substantial request that the PLT team received from the
6 protestors?

7 **SUPT. DANA EARLEY:** Yes, it was very hopeful.

8 **MR. FRANK AU:** So if we go to your summary at
9 page 12, so the second paragraph, at 4:25 p.m., that's when you
10 spoke to Commissioner Carrique about this request?

11 **SUPT. DANA EARLEY:** Correct.

12 **MR. FRANK AU:** And then by 5:29 p.m., a draft
13 letter was already approved?

14 **SUPT. DANA EARLEY:** That's correct.

15 **MR. FRANK AU:** That's remarkably quick. Within
16 hours.

17 **SUPT. DANA EARLEY:** Yes.

18 **MR. FRANK AU:** What happened during those hours?

19 **SUPT. DANA EARLEY:** Quite a bit of back and forth
20 in regards to just clarity as to what Mr. Neufeld was asking.
21 And then, of course, it was the Commissioner's command team who
22 assisted in getting the letter so quickly, but it certainly
23 demonstrated that we were trying our best to, you know, to get
24 the protestors what they were asking for.

25 **MR. FRANK AU:** You were still optimistic about
26 the lowest competent level?

27 **SUPT. DANA EARLEY:** Yes. Yes, I was.

28 **MR. FRANK AU:** Okay. So at 5:30, you engaged --

1 you took part in a teleconference ---

2 SUPT. DANA EARLEY: Yes.

3 MR. FRANK AU: --- with some of the strategic
4 leadership and you learned that -- so if we go down further the
5 page. So near the middle of that paragraph, starting "At
6 5:30...", do you see the reference to:

7 "Superintendent Alakas informed call
8 participants that PLT would be providing a
9 letter to the Ottawa protestors that was
10 similar to the letter from the provincial
11 government to the Windsor protestors..."

12 Right?

13 SUPT. DANA EARLEY: Correct.

14 MR. FRANK AU: So now Superintendent -- Acting
15 Superintendent Beaudin has testified at this hearing a week or
16 so earlier.

17 SUPT. DANA EARLEY: Yes.

18 MR. FRANK AU: And he told us -- perhaps the best
19 way to summarize his evidence is if I take you to his summary.

20 SUPT. DANA EARLEY: Okay.

21 MR. FRANK AU: Can we go to WTS00000037, please?
22 So this is the interview summary of Insp.
23 Beaudin.

24 SUPT. DANA EARLEY: Okay.

25 MR. FRANK AU: If we go to page 4? Go down.

26 So you'll see that on February the 11th, the same
27 day you were dealing with this break through in Windsor:

28 "On February 11[th], 2022, Inspector

1 Beaudin met virtually with Mr. Stewart and
2 Mr. Hutchinson again. The plan at that
3 point was to offer a meeting in exchange
4 for demonstration leaders demanding that
5 the trucks exit downtown Ottawa and
6 denounce any criminal activity. Inspector
7 Beaudin then briefed Acting Deputy Chief
8 Ferguson, who was in agreement with the
9 plan. Later that day, Inspector Beaudin
10 also exchanged emails with OPP
11 Superintendent Alakas about the actions
12 being taken in Windsor and what kind of
13 reaction that might create among the
14 demonstrators in Ottawa."

15 So things were happening in Ottawa and you were
16 dealing with rapidly developing situations in Windsor.

17 **SUPT. DANA EARLEY:** Yes.

18 **MR. FRANK AU:** So going back to your summary,
19 this call at 5:30, when you were informed by Alakas, Supt.
20 Alakas about this development in Ottawa. Remember the middle of
21 the paragraph?

22 **SUPT. DANA EARLEY:** Yes.

23 **MR. FRANK AU:** So what -- the evidence given by
24 Insp. Beaudin, does that accord with your understanding on the
25 11th at around 5:30?

26 **SUPT. DANA EARLEY:** Yes.

27 **MR. FRANK AU:** And then if we go down the page, a
28 series of meetings continuing to about if we go to the next

1 page, continuing to about 7:06 p.m., a series of meetings
2 between you and your command team, as well as between you and
3 your strategic leadership ---

4 **SUPT. DANA EARLEY:** Yes.

5 **MR. FRANK AU:** --- at the OPP took place. Can
6 you take us through those series of meetings?

7 **SUPT. DANA EARLEY:** Yes. After the call at
8 approximately 5:30 that included Supt. Alakas, I made the
9 decision that perhaps we need to delay what was happening in
10 Windsor, because of the influence it could have in Ottawa.

11 I then had conversations with the strategic
12 commanders, Deputy Commissioner Harkins and Commissioner
13 Carrique, and learned -- well, they reminded me that I did not
14 need to act in my strategic commander role, that I needed to
15 focus on Windsor. And it was during that conversation that they
16 said, "Are you ready to go? Is your plan ready? Do you have
17 the resources? Will, you know, the plan itself emphasized
18 public and officer safety?" I said yes to that, and then I
19 changed my mind and decided to continue with my plan, realizing
20 that I didn't know the intimate knowledge of what was going on
21 in Ottawa, because my focus had to be Windsor.

22 **MR. FRANK AU:** Right. So going back to your
23 initial concern when you were reconsidering implementing the
24 plan the next day, what implications did you think the action in
25 Windsor may have in Ottawa? What were those concerns?

26 **SUPT. DANA EARLEY:** That it might agitate things
27 there. And at the same time, I had to -- again, my focus had to
28 be on Windsor. So if we didn't go forward with the plan and

1 prolonged allowing the protestors to continue, what would that
2 mean for Windsor? And that was my priority.

3 **MR. FRANK AU:** And then after you spoke to your
4 command team, you had discussions with the strategic leadership,
5 and that included Commissioner Carrique; right?

6 **SUPT. DANA EARLEY:** Correct.

7 **MR. FRANK AU:** And Deputy Commissioner Harkins?

8 **SUPT. DANA EARLEY:** Yes.

9 **MR. FRANK AU:** And in that discussion, that
10 discussion between the strategic leadership and your role as an
11 operational commander, ---

12 **SUPT. DANA EARLEY:** M'hm.

13 **MR. FRANK AU:** --- help us understand what was
14 the strategic input and how that effected your decision,
15 ultimately, as the operation commander?

16 **SUPT. DANA EARLEY:** M'hm. It was a reminder that
17 I did not have all -- good situational awareness of what was
18 happening in Ottawa. They did. And that my focus needed to be
19 on Windsor.

20 And I could them, without a doubt, that the plan
21 was ready, the officers were ready, we had enough resources, we
22 had tried the stepped approach and we were not getting anywhere.

23 Of course, I was hopeful about the letter because
24 at this time it had not been delivered yet, but any CIC will
25 tell you that you have your planning and your resources ready,
26 one of the best options would be not to deploy it because
27 protesters left on their own. So I was still hopeful because
28 the letter hadn't been delivered yet.

1 **MR. FRANK AU:** Right. So by 7:06 p.m., what was
2 your final decision?

3 **SUPT. DANA EARLEY:** That we would be -- if
4 needed, if the letter was not successful, that we would be
5 launching the next morning our Operational Plan.

6 **MR. FRANK AU:** Now, this is the paragraph that
7 you made the correction when we began ---

8 **SUPT. DANA EARLEY:** Correct.

9 **MR. FRANK AU:** --- today's examination, and the
10 correction you made was to the effect that it was your decision
11 ---

12 **SUPT. DANA EARLEY:** Yes.

13 **MR. FRANK AU:** --- as opposed to a decision made
14 by the strategic leadership.

15 **SUPT. DANA EARLEY:** Correct.

16 **MR. FRANK AU:** Why is that important to you?

17 **SUPT. DANA EARLEY:** Because all of those
18 decisions moving forward in regards to Windsor and the plan,
19 they were all my decisions.

20 **MR. FRANK AU:** Okay. So after this decision was
21 made, at 8:00 p.m., if we go down the page, at 8:00 p.m., the
22 letter that was previously approved was now signed by ---

23 **SUPT. DANA EARLEY:** M'hm.

24 **MR. FRANK AU:** --- Minister Jones and it was
25 distributed to the protesters. What effect, if any, did it have
26 that distribution of the letter?

27 **SUPT. DANA EARLEY:** Very little. Very little.
28 It was disappointing.

1 **MR. FRANK AU:** And ---

2 **SUPT. DANA EARLEY:** Very little.

3 **MR. FRANK AU:** And tell us about the -- what was
4 going on by then with the protesters?

5 **SUPT. DANA EARLEY:** Well, because of the time of
6 day, we had seen this throughout the week, that was kind of the
7 heavier times for numbers of people. Some sort -- somewhat I
8 would describe as a party atmosphere was happening, from usually
9 eight o'clock on during the evenings, and this was no different.
10 So the party atmosphere had certainly began, and again, it was
11 just very disappointing that the letter had little effect ---

12 **MR. FRANK AU:** It wasn't ---

13 **SUPT. DANA EARLEY:** --- although I appreciated
14 all the efforts getting the letter.

15 **MR. FRANK AU:** That wasn't what you were hoping
16 for.

17 **SUPT. DANA EARLEY:** No.

18 **MR. FRANK AU:** So now was it time to escalate up
19 the ladder?

20 **SUPT. DANA EARLEY:** Yes.

21 **MR. FRANK AU:** Okay. So that takes us to the end
22 of the day on the 11th. My colleague ---

23 Mr. Commissioner, my colleague, Ms. Hedaraly,
24 will continue examination with the events the following day.

25 **COMMISSIONER ROULEAU:** Okay, thank you. Is this
26 a good time for the morning break and we can come back at -- in
27 15 minutes?

28 **MR. FRANK AU:** It would be.

1 **COMMISSIONER ROULEAU:** Okay. So we'll take the
2 morning break, come back in 15 minutes.

3 **MR. FRANK AU:** Thank you.

4 **SUPT. DANA EARLEY:** Thank you.

5 Thank you, sir.

6 **THE REGISTRAR:** The Commission is in recess for
7 15 minutes. La Commission est levée pour 15 minutes.

8 --- Upon recessing at 10:50 a.m.

9 --- Upon resuming at 11:09 a.m.

10 **THE REGISTRAR:** Order. À l'ordre. The
11 Commission has reconvened. La Commission reprend.

12 --- SUPT. DANA EARLEY, Resumed:

13 **COMMISSIONER ROULEAU:** Okay. Go ahead.

14 --- EXAMINATION IN-CHIEF BY MS. SAJEDA HEDARALY:

15 **MS. SAJEDA HEDARALY:** Good morning,
16 Superintendent Earley.

17 **SUPT. DANA EARLEY:** Morning.

18 **MS. SAJEDA HEDARALY:** My name is Sajeda Hedaraly.
19 I'm Commission Counsel, and I will be asking you some questions
20 this morning.

21 **SUPT. DANA EARLEY:** Okay, thank you.

22 **MS. SAJEDA HEDARALY:** I'm going to continue where
23 my colleague left off on February 11th. A lot of things
24 happened that day. On that day, the Ontario Supreme Court of
25 Justice also granted an injunction prohibiting a blockade on the
26 Ambassador Bridge. Can you explain briefly how you used this
27 injunction and if you found it helpful in terms of the blockade?

28 **SUPT. DANA EARLEY:** The injunction was another

1 tool that could be considered by myself and my team. We also
2 made sure that the injunction was included in the media strategy
3 so that everyone was aware that it existed. And -- so that's
4 how it was used. I saw it as a tool.

5 **MS. SAJEDA HEDARALY:** I'd like to pull up your
6 notes, please, at OPP00004551.

7 If we go down to page 9, there is a note at
8 4:58 p.m. that says:

9 "[P]rotesters are getting ready to
10 leave now that injunction stands -
11 intel from crowd."

12 What was the source of this Intelligence?

13 **SUPT. DANA EARLEY:** That was coming from some of
14 the officers from the frontline, as well as perhaps the -- and I
15 can't recall exactly, but it was being discussed amongst the
16 crowd.

17 **MS. SAJEDA HEDARALY:** And so it says that
18 protesters are getting to leave. Did some leave because of the
19 injunction?

20 **SUPT. DANA EARLEY:** Very little, if any at all.
21 I can't recall.

22 **MS. SAJEDA HEDARALY:** On February 11th there was
23 also a province-wide emergency declared by Premier Ford under
24 the *Emergency Management and Civil Protection Act*. How did that
25 impact the blockade?

26 **SUPT. DANA EARLEY:** Again, we used it as part of
27 our media strategy. We made sure that people were aware that --
28 what it meant to them if you were protesting.

1 We actually did up information pamphlets for the
2 crowd that explained some of the consequences of the Act and had
3 Provincial Liaison Teams distribute those. But again, some did
4 leave as a result. Others did not.

5 **MS. SAJEDA HEDARALY:** Did you find that one of
6 these two tools, the emergency measures or the injunction, was
7 more or less useful than the other, did they work in
8 conjunction? Can you just explain a little more?

9 **SUPT. DANA EARLEY:** I would say they worked in
10 conjunction and, as I've mentioned several times, the situation
11 being so dynamic that a lot of options are useful, and so I saw
12 both of them as tools, as options for us.

13 **MS. SAJEDA HEDARALY:** Great. So we talked a
14 little bit earlier about resources that were necessary for the
15 plan to be implemented on the 12th.

16 **SUPT. DANA EARLEY:** Yes.

17 **MS. SAJEDA HEDARALY:** One of the things that the
18 plan required is towing capacity.

19 **SUPT. DANA EARLEY:** Yes.

20 **MS. SAJEDA HEDARALY:** Correct?

21 So where did you obtain tow trucks?

22 **SUPT. DANA EARLEY:** So towing was included in our
23 traffic plan and knowing that we may have to have an operation -
24 - an action of operation and remove vehicles, that obviously had
25 to be considered.

26 Windsor Police Service has a contract with a
27 local towing company who made their tow trucks available, and
28 also, because we weren't sure the exact numbers of what would

1 need to be towed, we had the option of tow trucks come in from
2 Detroit.

3 **MS. SAJEDA HEDARALY:** So first for the local
4 company that Windsor Police Service had a contract with, was
5 there any issues with their willingness to assist in the context
6 of the protests?

7 **SUPT. DANA EARLEY:** No, there was not.

8 **MS. SAJEDA HEDARALY:** And as for the tow trucks
9 that came from Detroit, I'd like to pull up WPS000001090,
10 please.

11 This is an email from Chief Minuzo (sic) to
12 Deputy Chief Bellaire that forwards an email from the Michigan
13 government. In there, we see that the -- that Michigan doesn't
14 have state resources to offer but are willing to put the Windsor
15 Police Service in touch with private contractors. And as you
16 can see, Chief Minuzo (sic) says they have no machinery or tow
17 trucks to offer. "Please let the team know there is no
18 assistance in tow trucks or machinery from the U.S."

19 Were you made aware of the fact that the States
20 didn't have tow trucks to offer?

21 **SUPT. DANA EARLEY:** Not that specific detail, but
22 I do know that the Inspector in charge of the traffic and towing
23 plan had made connections with perhaps the contractors that they
24 mentioned to arrange for tow trucks to be on standby.

25 **MS. SAJEDA HEDARALY:** And when did you obtain the
26 tow trucks from Michigan?

27 **SUPT. DANA EARLEY:** They came -- I believe they
28 came the morning of the 12th.

1 **MS. SAJEDA HEDARALY:** And I understand that they
2 weren't used in the end?

3 **SUPT. DANA EARLEY:** Correct.

4 **MS. SAJEDA HEDARALY:** When did they leave?

5 **SUPT. DANA EARLEY:** That day.

6 **MS. SAJEDA HEDARALY:** I understand that the
7 blockade was only cleared on the following day?

8 **SUPT. DANA EARLEY:** That's correct.

9 **MS. SAJEDA HEDARALY:** Why were the trucks sent
10 back to the U.S. if the blockade wasn't cleared yet?

11 **SUPT. DANA EARLEY:** The area that we were able to
12 clear on the 12th was significant, was more than we anticipated,
13 and so the area that we needed to continue to clear on the 13th
14 did not have a large amount of vehicles, so we were confident
15 that the tow company from Windsor would be able to support what
16 we needed.

17 **MS. SAJEDA HEDARALY:** As for the resources that
18 were required, I understand that you also arranged for road
19 barriers to hold areas that were cleared?

20 **SUPT. DANA EARLEY:** That's correct.

21 **MS. SAJEDA HEDARALY:** What did you get to use as
22 road barriers, what kind of resources?

23 **SUPT. DANA EARLEY:** Windsor Police were able to
24 use their -- obviously the connections with the city to use
25 large trucks and as well they had a certain amount of cement
26 barriers that were available to them and then we worked through
27 our partnership with MTO to work with one of their contractors
28 to bring in more cement barriers.

1 **MS. SAJEDA HEDARALY:** Were there any issues in
2 securing any of these resources?

3 **SUPT. DANA EARLEY:** No.

4 **MS. SAJEDA HEDARALY:** So we also talked earlier
5 about the officers that you needed to carry out the plans. I
6 understand there were frontline officers, POUs, et cetera.

7 I understand that you also had RCMP POU officers?

8 **SUPT. DANA EARLEY:** Correct.

9 **MS. SAJEDA HEDARALY:** Do you know how many RCMP
10 officers were deployed in Windsor?

11 **SUPT. DANA EARLEY:** I'd have to refer to my
12 notes, but I believe it was a POU team consisting of
13 approximately 40 and then an additional -- they send their
14 Emergency Response Teams with their POU, so I think there was an
15 additional 10 there. And then we also had assistance from the
16 RCMP officers that assisted on the front line as well.

17 **MS. SAJEDA HEDARALY:** Do you know where the RCMP
18 officers came from?

19 **SUPT. DANA EARLEY:** No. I did meet some of them
20 and they were from all over, really.

21 **MS. SAJEDA HEDARALY:** I'd like to pull up
22 DOJ.IR.60, rows 11, please, at page 55.

23 At point 250, if we scroll down a little bit,
24 there's a note that on February 10th, the Windsor Police Service
25 contacted the Minister of Public Safety to request RCMP
26 assistance with respect to the Ambassador Bridge.

27 **COMMISSIONER ROULEAU:** Slow down a bit for the
28 translators, please.

1 **MS. SAJEDA HEDARALY:** That same day, the RCMP
2 deployed a TSG that was deployed in Ottawa to Windsor. I
3 understand that a TSG is a Tactical Support Group?

4 To your knowledge, is that the unit that came to
5 Windsor?

6 **SUPT. DANA EARLEY:** I'm not sure. I couldn't
7 comment on that.

8 **MS. SAJEDA HEDARALY:** We can pull that down, Mr.
9 Clerk. Thank you.

10 I understand that OPP also deployed PLT ---

11 **SUPT. DANA EARLEY:** Correct.

12 **MS. SAJEDA HEDARALY:** --- members to Windsor?

13 One of the recommendations that you made in your
14 witness summary is that there should be a PLT unit in the
15 Windsor Police Service and PLT training should be provided to
16 Windsor Police officers.

17 Could you please expand on why you made that
18 recommendation?

19 **SUPT. DANA EARLEY:** The efforts and the
20 achievements of our Provincial Liaison Team not only in Windsor,
21 but any incident that they attend, is remarkable, the community
22 as well as our organization. We have a responsibility to try to
23 develop that rapport in incidents where we don't see eye to eye
24 just so that everybody can be heard.

25 And the Provincial Liaison Team allows that to
26 happen within our different groups within our societies and our
27 communities, and so that's why I would urge that any police
28 service have some sort of team that allows for that rapport and

1 that communication piece.

2 **MS. SAJEDA HEDARALY:** Would you make a similar
3 recommendation regarding POU training that all municipal forces,
4 perhaps, should have that sort of training?

5 **SUPT. DANA EARLEY:** I think depending on where
6 the municipal service is and any key infrastructures that may be
7 targeted, that has to be a consideration. And if, in fact, they
8 can't have a team, perhaps they need to have some sort of
9 Memorandum of Understanding with another service that could
10 facilitate a POU unit for them if needed.

11 **MS. SAJEDA HEDARALY:** So you mentioned earlier
12 today to my colleague that by the end of February 11 you had all
13 the resources that you needed ---

14 **SUPT. DANA EARLEY:** Correct.

15 **MS. SAJEDA HEDARALY:** --- for your plan, and that
16 you implemented it on the morning of February 12th.

17 I understand that one of the reasons that it
18 started early in the morning is that there would be fewer
19 protestors and that no children were likely to be present
20 according to intelligence.

21 **SUPT. DANA EARLEY:** Correct.

22 **MS. SAJEDA HEDARALY:** Did you have a contingency
23 plan in place in case there were, indeed, children present?

24 **SUPT. DANA EARLEY:** Yes, we did.

25 So we had a vehicle set aside that would
26 transport children from the scene. We also worked with the
27 local Children's Aid Society for assistance and, as well,
28 Windsor had kind of spearheaded this but they had their victim

1 response unit in attendance to support any children that may be
2 present.

3 **MS. SAJEDA HEDARALY:** And so while we're on the
4 contingency plan, can you explain the importance of having those
5 kinds of plans in place and how you decide what to prepare for
6 as contingencies?

7 **SUPT. DANA EARLEY:** So as I've discussed before,
8 you need to have as many options as possible, especially in an
9 incident like this, and so once you learn of -- or once you have
10 developed that situational awareness and some of the challenges
11 that you may be faced with, but during the incident, you need to
12 make sure that options are covered for each one. So for
13 example, you mention traffic. Well that includes towing as
14 well. And so did the POU plan. Knowing that children were
15 present at different times during the day during this protest,
16 that was an obvious thing for me to make sure that it was
17 addressed.

18 **MS. SAJEDA HEDARALY:** So on the morning of
19 February 12th, you start implementing the plan.

20 **SUPT. DANA EARLEY:** Correct.

21 **MS. SAJEDA HEDARALY:** Please explain how the plan
22 was carried out?

23 **SUPT. DANA EARLEY:** We had a very early morning
24 briefing, which included every team member that was going to be
25 involved. So that would be all of our POU contingent, as well
26 as the front-line officers, as well as the admin support.

27 The plan was explained to everyone. I addressed
28 everyone and thanked them for their support and efforts.

1 It was shortly after that that we then staged at
2 the areas that were set out in the plan.

3 Before the plan was to move forward, PLT was to,
4 again, address the crowd and let them know that with POU
5 standing behind them, let them know that POU would be attempting
6 to clear the area and giving them another opportunity to leave
7 the area on their own.

8 Another important part of the plan is that we
9 always left an area open so that if somebody wanted to leave the
10 operational area while POU was present, they could do so on
11 their own.

12 **MS. SAJEDA HEDARALY:** I'd like to pull up
13 COMM00000926, please, Mr. Clerk.

14 This is a map of Windsor and will maybe help
15 explain the planning by phases that you briefly alluded to
16 earlier.

17 **SUPT. DANA EARLEY:** Okay.

18 **MS. SAJEDA HEDARALY:** Or explain more visually
19 how it happened.

20 **SUPT. DANA EARLEY:** Yes.

21 **MS. SAJEDA HEDARALY:** So you explained earlier
22 today that the plan was to clear the protestors in phases ---

23 **SUPT. DANA EARLEY:** M'hm.

24 **MS. SAJEDA HEDARALY:** --- because the area was
25 perhaps too large to do it all at once.

26 **SUPT. DANA EARLEY:** Yes.

27 **MS. SAJEDA HEDARALY:** Can you explain a little
28 further what the phases were and how they were carried out?

1 **SUPT. DANA EARLEY:** M'hm. It's a bit difficult
2 to see the side roads. Okay. So right in behind the McDonald's
3 is obviously where the bridge is. So we wanted to go from the
4 bridge to the intersection, to the train tracks. So there's
5 train tracks right in front of the entrance to the bridge. That
6 was a certain area. We then wanted to move from the tracks
7 itself to the intersection at the McDonald's there since that's
8 a clear point. That would be another section. And then
9 ultimately make our way down to Tecumseh Road. So it was
10 basically put into three different sections. Those were
11 determined by the POU plan and the POU team leaders in regards
12 to what would be most effective. And obviously I respected and
13 trusted their subject matter expertise.

14 **MS. SAJEDA HEDARALY:** And I understand that after
15 each area was cleared, you would use the resources that we
16 discussed earlier to block passage?

17 **SUPT. DANA EARLEY:** Correct. So we would use a
18 mixture of the larger trucks, the cement barriers, and officers
19 as well.

20 **MS. SAJEDA HEDARALY:** Then once the whole area
21 was cleared after the three phases were completed, that brought
22 us to February 13th?

23 **SUPT. DANA EARLEY:** Yes.

24 **MS. SAJEDA HEDARALY:** And that's when the traffic
25 plan came into place? Is that right?

26 **SUPT. DANA EARLEY:** Correct.

27 **MS. SAJEDA HEDARALY:** Can you explain a little
28 bit more what the traffic plan in itself entailed?

1 **SUPT. DANA EARLEY:** Yes. So the traffic plan was
2 to -- as I said to my team that day, it's one thing to open the
3 bridge, it's another thing to keep it open. So the traffic
4 plan, the traffic and towing plan addressed maintaining the safe
5 flow of traffic to and from the United States.

6 So the traffic plan incorporated the cement
7 barriers that we discussed, and blocking all the intersections,
8 And I won't say all, but most of the intersections down Huron
9 Church, to ensure that we did not have protestors coming from
10 the side streets onto the road again and taking it back.

11 The infrastructure of Windsor is a huge challenge
12 when it comes to the entrance of the bridge, and that's why the
13 need for all the resources that were required in regards to the
14 cement barriers.

15 This traffic plan also had marked areas that
16 intersections were attended by officers, rather than cement
17 barriers, for safety reasons for EMS and fire, to make sure that
18 they could get through, and then also too, we incorporated two
19 different areas for pedestrian traffic as well.

20 **MS. SAJEDA HEDARALY:** Were local residents able
21 to cross Huron Church at any point with their personal vehicles?

22 **SUPT. DANA EARLEY:** Yes -- no, they weren't at
23 certain times, but towards the end, towards E.C. Row and that
24 area, they were able to cross into the other side of the city.

25 Again, another big part of the traffic plan was
26 the media strategy. So we made sure that we communicated this
27 to the community at every step of the way. What it looked like,
28 what the alternate routes were to the different businesses, to

1 the different areas of the city. We made sure that all of those
2 were set up as well. And Windsor Police had, obviously, a big
3 hand in that, working with the Roads Department.

4 **MS. SAJEDA HEDARALY:** This is, I think, what
5 Deputy Chief Crowley yesterday referred to as an area of
6 control?

7 **SUPT. DANA EARLEY:** Yes.

8 **MS. SAJEDA HEDARALY:** And I think you referred to
9 it in your interview as an exclusion zone?

10 **SUPT. DANA EARLEY:** Yes.

11 **MS. SAJEDA HEDARALY:** Under which authority did
12 you create the exclusion zone?

13 **SUPT. DANA EARLEY:** We relied on the *Criminal*
14 *Code* for keeping people out of the area. We had specific tasks
15 for the officers that were assigned to the traffic plan to
16 investigate anybody who maybe appeared suspicious, or who may
17 stop in the exclusion zone. So it was clearly communicated to
18 the community through MTO signs, through social media that if
19 you were going to be on Huron Church, you're going to the
20 bridge.

21 **MS. SAJEDA HEDARALY:** And I understand that there
22 were RCMP frontline resources that ---

23 **SUPT. DANA EARLEY:** Yes.

24 **MS. SAJEDA HEDARALY:** --- arrived, as you
25 mentioned little earlier.

26 **SUPT. DANA EARLEY:** Yes.

27 **MS. SAJEDA HEDARALY:** And I also understand that
28 there was a delay in swearing them in? Is that right?

1 **SUPT. DANA EARLEY:** Yes, if it ever happened at
2 all. I don't think it did happen.

3 **MS. SAJEDA HEDARALY:** And why was it necessary to
4 swear in these officers, or would it have been useful?

5 **SUPT. DANA EARLEY:** They would be able to address
6 anything under the *Criminal Code*, but anything under provincial
7 or municipal legislation, they would not be able to address.
8 And since they were being deployed to assist the frontline, we
9 needed them to make -- we needed them to have those options.

10 So what we did instead, because of the delay, is
11 that we made sure that they were partnered with another police
12 service, so OPP or Windsor, that did have those abilities.

13 **MS. SAJEDA HEDARALY:** And it's one of the
14 recommendations that you also made in your interview, that the
15 process for granting RCMP officers provincial and municipal
16 authorities be streamlined.

17 **SUPT. DANA EARLEY:** Yes.

18 **MS. SAJEDA HEDARALY:** What was the difficulty in
19 getting them sworn in?

20 **SUPT. DANA EARLEY:** I don't think there was
21 really clear direction as to who had to do it, when did it have
22 to be done, could it be done remotely, did it have to be done
23 with them in person? So there was a lot of phone calls back and
24 forth with myself, along with Windsor Police Service, at a time
25 where really we should have just been left alone to focus on the
26 incident itself. So that's what I mean by more streamlined
27 before RCMP officers arrived to assist.

28 **MS. SAJEDA HEDARALY:** And did it cause any delay

1 that you had to change your plan to pair RCMP officers with OPP
2 or Windsor Police Service officers?

3 **SUPT. DANA EARLEY:** No, we just looked for a
4 different option, because obviously we needed them on the
5 frontline. So that's what we did instead.

6 **MS. SAJEDA HEDARALY:** So if we go to the next
7 day, on February 14th, the *Emergencies Act* was invoked by the
8 Federal Government.

9 **SUPT. DANA EARLEY:** Yes.

10 **MS. SAJEDA HEDARALY:** In your view, did it have
11 any impact on the situation in Windsor?

12 **SUPT. DANA EARLEY:** Well, things were much
13 different then because the traffic was flowing and it's hard to
14 say if it had any difference. But I do know that, again, it was
15 communicated through our media strategy that people were aware
16 of the additional Act being legislated and what it meant to
17 them, and the definition of certain things, obviously a bridge
18 that fell under the Act.

19 **MS. SAJEDA HEDARALY:** Yesterday Deputy Chief
20 Crowley mentioned that it may have been dissuasive to the
21 protestors ---

22 **SUPT. DANA EARLEY:** To return.

23 **MS. SAJEDA HEDARALY:** --- to come back. Would
24 you agree?

25 **SUPT. DANA EARLEY:** I agree. M'hm. Again, it
26 was another tool that we were able to use.

27 **MS. SAJEDA HEDARALY:** Was there a clear plan that
28 you were aware of that the protestors wanted to re-blockade the

1 Ambassador Bridge after it was cleared on the 12th and the 13th?

2 **SUPT. DANA EARLEY:** Yes, we continued to observe
3 and receive intelligence that indicated, I think it was on the
4 date of -- I know it's in my notes, on the date of the 15th or
5 16th, there was a Facebook posting that was called Take Back the
6 Bridge, and it was associated to all the things that had -- were
7 then transpiring in Ottawa, and basically the posts were saying,
8 you know, "everybody's -- all the police are gone to Ottawa, so
9 let's take back the bridge." That's something that we watched
10 very closely.

11 Also, Windsor Police had had a group of
12 protesters on a regular basis, and I think Deputy Chief Crowley
13 spoke to that, that would meeting during the convoys on a
14 regular basis. So we maintained kind of Intelligence on, you
15 know, what will that group bring. But certainly there was the
16 fear that they would think that numbers were being deployed to
17 Ottawa and then try to take advantage of that and take back the
18 bridge.

19 **MS. SAJEDA HEDARALY:** I think your notes, and I
20 can put them up if that would be helpful, also mention that once
21 the injunction is expired they are looking to blockade again.

22 **SUPT. DANA EARLEY:** Yes.

23 **MS. SAJEDA HEDARALY:** Was that also a
24 consideration that the injunction was going to expire?

25 **SUPT. DANA EARLEY:** Yes. There was Intelligence
26 that indicated that, that that's what they were considering.

27 **MS. SAJEDA HEDARALY:** So did you think that the
28 renewal of the injunction on February 18th was helpful in

1 preventing that?

2 **SUPT. DANA EARLEY:** Well, to those who, yeah,
3 were going to try to take it back after it expired, yes.

4 **MS. SAJEDA HEDARALY:** So as of February 20th, I
5 understand that you adopted a Demobilisation Plan?

6 **SUPT. DANA EARLEY:** Correct.

7 **MS. SAJEDA HEDARALY:** What is a Demobilisation
8 Plan?

9 **SUPT. DANA EARLEY:** It was a plan to obviously
10 demobilise our resources, not only for officers but just kind of
11 give the incident entirely to Windsor Police Service as soon as
12 they could kind of sustain it themselves. Also, keeping in mind
13 and respecting the fact of that they had calls for service, they
14 had a city to police as well, so we did it in a staged approach.

15 It also included demobilising certain areas of
16 the Traffic Plan. So on a daily basis, sometimes on a, you
17 know, an hourly basis, we would monitor the traffic flow, along
18 with the Intelligence, along with the reports from our
19 Provincial Liaison Team, and what the frontline was seeing, to
20 see if there was areas where we could perhaps remove some of the
21 barriers. So we evaluated that constantly and opened
22 intersections a point at a time.

23 You can see in the Demobilisation Plan that we
24 actually had some dates set out for each intersection to be
25 considered. Some of those dates were met, other dates were
26 actually opened intersections earlier than we anticipated.

27 **MS. SAJEDA HEDARALY:** Maybe for the record we
28 could put it up.

1 It's WPS000000719. I believe at page 4. Perhaps
2 scroll down a little bit.

3 Is this what you were referring to?

4 **SUPT. DANA EARLEY:** That's correct.

5 **MS. SAJEDA HEDARALY:** So I see that the latest
6 potential reopening date is March 13th?

7 **SUPT. DANA EARLEY:** Yes.

8 **MS. SAJEDA HEDARALY:** Why would it take about
9 three weeks to clear all the intersections?

10 **SUPT. DANA EARLEY:** We -- that was sort of kind
11 of a review of -- based on the information we had when the plan
12 was created. Those two -- the last two intersections were the
13 heavier intersections in regards to protests, and those are the
14 two that are obviously closest to the bridge entrance, so that's
15 why they were kind of put until the end to see how the community
16 as well as the intel and all of that what we were receiving to
17 see how the other intersections were being cleared. Was it
18 being received well? Did we have any other threat of a protest?
19 So that's why it was kind of spanned along that amount of time.

20 **MS. SAJEDA HEDARALY:** Do you know when they were
21 ultimately reopened, the last intersection?

22 **SUPT. DANA EARLEY:** I don't. Sorry.

23 **MS. SAJEDA HEDARALY:** I understand you stopped
24 being Critical Incident Commander in Windsor on February 23rd?

25 **SUPT. DANA EARLEY:** That's correct.

26 **MS. SAJEDA HEDARALY:** How was the transition of
27 command from yourself to the Windsor Police Service?

28 **SUPT. DANA EARLEY:** Again, it was seamless. And

1 we worked every day, every night side by side, so really, it was
2 seamless when we left. We just wanted to make sure that Windsor
3 had the proper amount of resources to be able to deal with
4 anything if it should occur. And of course some of our officers
5 remained there until the end of the month, end of February.

6 **MS. SAJEDA HEDARALY:** I'd like to take you back
7 to another of your recommendations before we end. You mentioned
8 that the Critical Incident Commander should visit frontline
9 officers and ask them what they need.

10 **SUPT. DANA EARLEY:** M'hm.

11 **MS. SAJEDA HEDARALY:** I understand that that's
12 something that you did ---

13 **SUPT. DANA EARLEY:** I did, yes.

14 **MS. SAJEDA HEDARALY:** --- in Windsor?

15 **SUPT. DANA EARLEY:** Yes.

16 **MS. SAJEDA HEDARALY:** Is this uncommon?

17 **SUPT. DANA EARLEY:** I think that every Critical
18 Incident Commander attempts to go on ground, it's just because
19 of, again, the dynamic situation, it's not always to do. So
20 once I had an opportunity I did make a point of visiting the
21 different checkpoints to check on the wellness of our members,
22 and when I say "our members" I mean any police officer that was
23 out there. I also asked them for their input, if there was
24 anything else that we needed to get done or that we could do
25 better.

26 It was from one of those visits that the
27 interactive posts in regards to the Traffic Plan and updating on
28 a regular basis it came from a frontline officer, saying, you

1 know, "I'm dealing with a local resident who wasn't sure where
2 the crosswalks were. So could we post it and keep it
3 up-to-date?" So I took that right back to the Command Post and
4 made sure that that was done right away so that a member of the
5 public at any time just could click on a link and know where the
6 cross the road.

7 So it's those things as well. And most
8 importantly, it's a way to thank them for their efforts,
9 considering that a lot of them had been away from home for quite
10 sometime, and know that their efforts were having an impact.

11 **MS. SAJEDA HEDARALY:** This is the last document
12 that I'll take you to today.

13 If we could please put up OPP00004552, page 26.
14 Those are the scribe notes from February 13th.

15 At 12:17...

16 So if we can scroll down a little bit.

17 ...Commissioner Carrique thanked you for having
18 performed to perfection on world stage. What for you made the
19 Windsor Operation such a success?

20 **SUPT. DANA EARLEY:** The team. Absolutely the
21 team. It was a remarkable collaboration and cooperation. It
22 didn't matter what uniform you were wearing, what rank you were,
23 what role you had, it was a tremendous effort by a remarkable
24 team.

25 **MS. SAJEDA HEDARALY:** Is there anything else that
26 you would like to say to the Commission that we haven't asked
27 you this morning?

28 **SUPT. DANA EARLEY:** I don't think so at this

1 point. Thank you.

2 **MS. SAJEDA HEDARALY:** Those are all my questions
3 for you, Superintendent. Thank you very much for your time.

4 **SUPT. DANA EARLEY:** Thank you.

5 **COMMISSIONER ROULEAU:** Okay, thank you very much.

6 So I'd like to first call on the Government of
7 Canada. Do you have any questions?

8 **MS. ANDREA GONSALVES:** Thank you, Commissioner.

9 **--- CROSS-EXAMINATION BY MS. ANDREA GONSALVES:**

10 **MS. ANDREA GONSALVES:** Good morning,
11 Superintendent.

12 **SUPT. DANA EARLEY:** Good morning.

13 **MS. ANDREA GONSALVES:** My name is Andrea
14 Gonsalves, and I am one of the lawyers representing the
15 Government of Canada in this Inquiry.

16 I just want to begin by going back to the
17 information you received, I guess it was late, you had many late
18 nights, so late night on February 9th as to the state of play in
19 Windsor when you were assigned the role of Critical Incident
20 Commander. And in response to questions from Commission
21 Counsel, you'll recall that he pulled up the bullet point email
22 that you sent to the two deputies.

23 **SUPT. DANA EARLEY:** Yes.

24 **MS. ANDREA GONSALVES:** And one of the concerns
25 that was raised with you early on, I gather, was the dynamics of
26 the crowd that was engaged in the protest activity; right?

27 **SUPT. DANA EARLEY:** Yes.

28 **MS. ANDREA GONSALVES:** Under your direction, PLT

1 teams became engaged early on trying to identify leaders; right?

2 SUPT. DANA EARLEY: Yes.

3 MS. ANDREA GONSALVES: But as you understood from
4 the PLT teams, the protesters were disjointed, disorganised I
5 think were your words; right?

6 SUPT. DANA EARLEY: Yes; correct.

7 MS. ANDREA GONSALVES: And in this kind of a
8 situation, police don't know whether the group will even listen
9 to someone who puts themselves forward as a leader; right?

10 SUPT. DANA EARLEY: That's correct, and
11 especially in this instance because we -- nobody was really
12 being identified as a leader.

13 MS. ANDREA GONSALVES: Right. And there was -- I
14 understand you spoke about the three groups, there was some
15 infighting among them?

16 SUPT. DANA EARLEY: Yes.

17 MS. ANDREA GONSALVES: And the demands of the
18 group, to the extent they were even known, were problematic.

19 SUPT. DANA EARLEY: Yes.

20 MS. ANDREA GONSALVES: Right? I think I saw in
21 your notes of February 10th at OPP00004543 that the protesters
22 had no desire to leave and wanted to remain until all
23 restrictions were lifted. That was your understanding?

24 SUPT. DANA EARLEY: Yes.

25 MS. ANDREA GONSALVES: Your bullet point note to
26 the Deputy Chiefs also talked about the crowd being agitated,
27 and that was true at various times through the protest; right?

28 SUPT. DANA EARLEY: That's correct.

1 **MS. ANDREA GONSALVES:** In your notes again
2 February 10th, I saw that you described a wilder crowd arriving
3 at night?

4 **SUPT. DANA EARLEY:** Yes.

5 **MS. ANDREA GONSALVES:** That's when the drinking
6 and the pot smoking would begin?

7 **SUPT. DANA EARLEY:** Yes.

8 **MS. ANDREA GONSALVES:** Yes. And Inspector Younan
9 described the crowd dynamics as being violent; do you remember
10 that?

11 **SUPT. DANA EARLEY:** Yes.

12 **MS. ANDREA GONSALVES:** We heard evidence from
13 Deputy Chief Crowley yesterday, but I just want to confirm, you
14 were also aware from the briefings you received that there had
15 been threats to surround and storm police station?

16 **SUPT. DANA EARLEY:** Yes, as well as the tunnel.

17 **MS. ANDREA GONSALVES:** The tunnel? Right.
18 Officers were swarmed when they tried to arrest the individual
19 whose car jumped the curb?

20 **SUPT. DANA EARLEY:** That's correct.

21 **MS. ANDREA GONSALVES:** There had been threats
22 when attempts were made to tow two vehicles prior to your
23 arrival?

24 **SUPT. DANA EARLEY:** Yes.

25 **MS. ANDREA GONSALVES:** You heard about a possible
26 protest at the Windsor Airport?

27 **SUPT. DANA EARLEY:** That I did not.

28 **MS. ANDREA GONSALVES:** Okay.

1 SUPT. DANA EARLEY: No.

2 MS. ANDREA GONSALVES: You heard about a smoke
3 bomb that was set off by demonstrators at one point?

4 SUPT. DANA EARLEY: Yes.

5 MS. ANDREA GONSALVES: And a bit later on in the
6 piece, but there was a bomb threat called in about a bomb that
7 was behind the police lines; is that correct?

8 SUPT. DANA EARLEY: That is correct.

9 MS. ANDREA GONSALVES: There had also been
10 threats made to the mayor, his address was posted online. You
11 knew about that?

12 SUPT. DANA EARLEY: Yes, I was aware.

13 MS. ANDREA GONSALVES: And this was all, you
14 would accurately say -- or you'd say this was accurately
15 described as a volatile situation?

16 SUPT. DANA EARLEY: Yes.

17 MS. ANDREA GONSALVES: There -- then you throw
18 into the mix the presence of children; right?

19 SUPT. DANA EARLEY: Correct.

20 MS. ANDREA GONSALVES: One of your biggest
21 concerns throughout the piece?

22 SUPT. DANA EARLEY: Yes.

23 MS. ANDREA GONSALVES: And I take it that the
24 concern about the presence of children was based on what
25 officers were seeing actually happening on the ground at the
26 protest site; right?

27 SUPT. DANA EARLEY: That's correct.

28 MS. ANDREA GONSALVES: Not just information being

1 collected online?

2 SUPT. DANA EARLEY: No, we were witnessing it.

3 MS. ANDREA GONSALVES: You were witnessing it.

4 Yesterday, in questions to Deputy Chief Crowley, one of the
5 counsel for one of the parties pulled up a situation report that
6 was dated 0400 hours that indicated no children were observed on
7 scene. That was 0400 hours on February 12th. Can you explain
8 how that reconciles, if it does, with the information you
9 received of children on site?

10 SUPT. DANA EARLEY: It was always very apparent
11 the children on site were at certain times in the day and that
12 they were not staying overnight. So the information at 0400,
13 the children were not present did not surprise me because
14 information before revealed that the children were going home at
15 night and not returning until sometimes 9, 10 a.m.

16 MS. ANDREA GONSALVES: Okay. You also spoke --
17 you testified in response to questions from Commission Counsel
18 about the increased risk of counter protests.

19 SUPT. DANA EARLEY: Yes, right.

20 MS. ANDREA GONSALVES: And the president of the
21 autoworkers' association, who, understandably, they were quite
22 upset by the ongoing blockade of the bridge. Do you recall the
23 words that he used when he indicated that they wanted to come
24 and counter protest?

25 SUPT. DANA EARLEY: I believe, and I think it was
26 recorded in my notes ---

27 MS. ANDREA GONSALVES: M'hm.

28 SUPT. DANA EARLEY: --- something indicating that

1 they were going to knock heads or use a vehicle to push people
2 into the river.

3 **MS. ANDREA GONSALVES:** Yeah. That was on
4 February 11th. OPP00004550, page 21. He said that they intend,
5 "...to come on Monday with 1,000 people
6 to crack heads or bring heavy equipment
7 [and] push them in the river"

8 That's pretty concerning as the Critical Incident
9 Commander; correct?

10 **SUPT. DANA EARLEY:** Yes.

11 **MS. ANDREA GONSALVES:** And as time wore on, local
12 residents are becoming more vocal in their opposition to the
13 protest. I understand you were briefed at one point on counter
14 protesters intending to damage protest vehicles.

15 **SUPT. DANA EARLEY:** Yes.

16 **MS. ANDREA GONSALVES:** Recall that? You spoke
17 about the injunction that was ordered by Chief Justice Morawetz
18 of the Ontario Superior Court on February 11th, and I understand
19 your view is that although this was one of the tools available,
20 it was not particularly useful.

21 **SUPT. DANA EARLEY:** I did not see a significant
22 change in the incident.

23 **MS. ANDREA GONSALVES:** Similarly, the February
24 11th provincial declaration of a state of emergency, I understand
25 from your notes that a few protesters may have left, but it also
26 caused others to dig their heels in; right?

27 **SUPT. DANA EARLEY:** That's correct.

28 **MS. ANDREA GONSALVES:** And then the third piece

1 that happens on February 11th is the letter from the Solicitor
2 General to Commissioner Carrique that was distributed to
3 protesters. And I just want to confirm, you testified in
4 response to Commission Counsel's questions that you had been
5 made aware of a similar letter that would be handed out to
6 protesters in Ottawa; you recall that evidence?

7 **SUPT. DANA EARLEY:** Yes.

8 **MS. ANDREA GONSALVES:** Did you understand who
9 that letter would be coming from?

10 **SUPT. DANA EARLEY:** The one in Ottawa?

11 **MS. ANDREA GONSALVES:** Yes

12 **SUPT. DANA EARLEY:** No, I do not. I do not know.

13 **MS. ANDREA GONSALVES:** And that's because your
14 focus, of course ---

15 **SUPT. DANA EARLEY:** Was Windsor.

16 **MS. ANDREA GONSALVES:** --- was Windsor.

17 **SUPT. DANA EARLEY:** Yes.

18 **MS. ANDREA GONSALVES:** And that letter from the
19 Solicitor General does ultimately get handed out to protesters
20 at the blockade site in Windsor?

21 **SUPT. DANA EARLEY:** Yes.

22 **MS. ANDREA GONSALVES:** And it had no effect
23 either. They refused to leave; right?

24 **SUPT. DANA EARLEY:** Yes.

25 **MS. ANDREA GONSALVES:** Disappointingly, but that
26 really proved to be the end point to possible engagement. It
27 had been tried and it had failed; right?

28 **SUPT. DANA EARLEY:** M'hm.

1 MS. ANDREA GONSALVES: Sorry, we just need ---

2 SUPT. DANA EARLEY: Yes, sorry.

3 MS. ANDREA GONSALVES: Thank you. And there was
4 a lot going on across the province at the time that you were
5 dealing with the situation in Windsor, a lot of protest
6 activity; fair?

7 SUPT. DANA EARLEY: Yes.

8 MS. ANDREA GONSALVES: We know that the Windsor
9 Police response involved units not only from OPP and Windsor
10 Police, but you also spoke about London, Hamilton, Waterloo, I
11 think?

12 SUPT. DANA EARLEY: Correct.

13 MS. ANDREA GONSALVES: Yeah. Perhaps some other
14 municipal police services or does that cover it?

15 SUPT. DANA EARLEY: I believe that covers it.

16 MS. ANDREA GONSALVES: And you were told that
17 Windsor was your priority; right?

18 SUPT. DANA EARLEY: Yes.

19 MS. ANDREA GONSALVES: But you were certainly
20 well aware that there were ongoing and expected demonstrations
21 and blockades across the province?

22 SUPT. DANA EARLEY: Right. Yes, I was aware.

23 MS. ANDREA GONSALVES: I saw through your notes
24 this reference to a ripple effect. Am I understanding,
25 Superintendent, that you saw the convoys and the blockades in
26 the various locations as being connected in the sense that they
27 couldn't be managed or approached in isolation from a policing
28 perspective?

1 **SUPT. DANA EARLEY:** Certainly, all of them had to
2 be considered. I think I'll go back to the example of the
3 Facebook page that I mentioned and Take Back the Bridge. It was
4 obvious that people were monitoring what police activity was,
5 and then making plans according to that.

6 **MS. ANDREA GONSALVES:** And you were aware, or
7 certainly alive to the concern that what happened at one site
8 could well have impacts at others?

9 **SUPT. DANA EARLEY:** Correct.

10 **MS. ANDREA GONSALVES:** Right. Now after the 11th,
11 everything, fair to say, had been tried and the time had come
12 for the operational plan to be implemented; right?

13 **SUPT. DANA EARLEY:** Yes.

14 **MS. ANDREA GONSALVES:** And it ultimately succeeds
15 in fully clearing that blockade on Sunday the 13th; right?

16 **SUPT. DANA EARLEY:** Correct.

17 **MS. ANDREA GONSALVES:** The vehicles were towed.
18 One thing I didn't hear come out in your evidence in-Chief, but
19 I saw in your notes, OPP00004544 at page 14 that bomb threats
20 had been made to the tow operator. That was AMPM Towing; is
21 that right?

22 **SUPT. DANA EARLEY:** Yes, Windsor Police Service
23 was dealing with that because it was their jurisdiction, but I
24 was aware that the towing company had received threats, both
25 internally, so on their phone, and also too that a number of
26 people had called continuously to this -- the business, and so
27 basically, their phone service wasn't available because people
28 kept tying up the lines. And in regards to tow trucks, when the

1 others were staged from the States, we also received information
2 that people were going to -- protesters were going to go and
3 block the area where we had them staged, so that we potentially
4 were not able to use them, so I had to assign additional
5 officers to that area.

6 **MS. ANDREA GONSALVES:** Okay. And fair for me to
7 say that even after the operation had successfully cleared the
8 blockade, you were deeply concerned about maintaining that road
9 clear; right?

10 **SUPT. DANA EARLEY:** Yes.

11 **MS. ANDREA GONSALVES:** That was your single
12 biggest concern, in fact, was maintaining the hold, somewhat
13 precarious hold on Huron Church Road; right?

14 **SUPT. DANA EARLEY:** Yes.

15 **MS. ANDREA GONSALVES:** And I saw in your notes --
16 perhaps we could turn them up, OPP00004556 at page -- it's
17 stamped page 16, but I think in the electronic document it would
18 be page 17.

19 Yeah, right there is good. And I see fourth line
20 down,

21 "Now we have to maintain it
22 - May have groundhog day -- could be
23 groundhog day
24 - have to be on high alert."

25 What did you mean by it could be Groundhog Day?

26 **SUPT. DANA EARLEY:** They could attempt -- again,
27 they had obviously proven to the world at this time that they
28 were able to block it, so that they knew it was achievable.

1 **MS. ANDREA GONSALVES:** And this ongoing risk that
2 the protesters would return and resume the blockade, I take it
3 that your concern was informed not only by what you saw in
4 Windsor, but your experience with these ongoing slow roll
5 protests even going back to January?

6 **SUPT. DANA EARLEY:** Yes.

7 **MS. ANDREA GONSALVES:** And as the POU operation
8 loomed in Ottawa, you made clear that you couldn't spare
9 resources from Windsor to assist with that; right?

10 **SUPT. DANA EARLEY:** I made it clear that I needed
11 a contingent of POU officers still available.

12 **MS. ANDREA GONSALVES:** Right. And in fact, after
13 the blockade was cleared on the 13th and the bridge reopened on
14 the 14th, I understand there were threats to block the tunnel.
15 Those threats came in very shortly after the bridge was cleared?

16 **SUPT. DANA EARLEY:** Yes.

17 **MS. ANDREA GONSALVES:** You mentioned the 15th
18 there was a convoy of vehicles believed to have been travelling
19 to Windsor that was intercepted?

20 **SUPT. DANA EARLEY:** Yes.

21 **MS. ANDREA GONSALVES:** On the 16th, if we could
22 pull up OPP00000209? And scroll down, please. Just pausing
23 there. Your -- this is an email dated February 16th and we see
24 your name there, Superintendent?

25 **SUPT. DANA EARLEY:** Yes.

26 **MS. ANDREA GONSALVES:** Okay. Keep scrolling
27 down. And this is an email communicating to you and others the
28 most recent updated PLT messaging that incorporates both the

1 federal and provincial emergency orders. You recall receiving
2 that?

3 **SUPT. DANA EARLEY:** I received a lot of emails,
4 but yes.

5 **MS. ANDREA GONSALVES:** But you're aware, in any
6 event, of the needing to get out PLT messaging of the two
7 emergency -- the levels of emergency orders; right?

8 **SUPT. DANA EARLEY:** Yes.

9 **MS. ANDREA GONSALVES:** Including what we see in
10 the first paragraph in black,

11 "Persons travelling to any other
12 unlawful protest sites to
13 participate in or support the
14 unlawful demonstration can be
15 charged."

16 And that is the PLT messaging being put out to
17 deter protesters from going to sites where blockades might be
18 resumed or renewed; yes?

19 **SUPT. DANA EARLEY:** Yes, and providing them the
20 education of what could happen.

21 **MS. ANDREA GONSALVES:** Right, what the
22 consequences are.

23 **SUPT. DANA EARLEY:** Yes.

24 **MS. ANDREA GONSALVES:** Exactly. So you also
25 mentioned the Facebook chat about protesters heading back to
26 Ambassador Bridge as the enforcement action was taking place in
27 Ottawa.

28 **SUPT. DANA EARLEY:** Yes.

1 **MS. ANDREA GONSALVES:** And let's just pull up
2 OPP00004558. I've come to learn this is what we call fast
3 facts.

4 **SUPT. DANA EARLEY:** Yes.

5 **MS. ANDREA GONSALVES:** And this is pages 92 and
6 93. Let's just start at 92. Scroll down, please. A little bit
7 more. There we go. The bullet point towards the bottom of the
8 page, private chat on Facebook by group by the name of Windsor
9 Convoy for Freedom.

10 "...all police are in Ottawa so let's
11 take the bridge back."

12 **SUPT. DANA EARLEY:** Yes.

13 **MS. ANDREA GONSALVES:** That was a concern, and
14 there's another one on the next page. I don't have to take you
15 there.

16 And, of course, Superintendent, you testified
17 before about the concern of the -- presented by counter
18 protesters, the volatility if we have these two sides colliding;
19 right?

20 **SUPT. DANA EARLEY:** Yes.

21 **MS. ANDREA GONSALVES:** And that concern also
22 would have arisen if yet another blockade popped up in Windsor
23 after it had been cleared; right?

24 **SUPT. DANA EARLEY:** Absolutely.

25 **MS. ANDREA GONSALVES:** And it's because of these
26 concerns that you planned for the gradual rather than the sort
27 of immediate demobilization in Windsor; right?

28 **SUPT. DANA EARLEY:** That's correct.

1 **MS. ANDREA GONSALVES:** In fact, OPP POUs were not
2 removed from Windsor until February 24th as I understand it?

3 **SUPT. DANA EARLEY:** Yes.

4 **MS. ANDREA GONSALVES:** And that's -- you
5 understand that's after the federal government had revoked the
6 invocation of the *Emergencies Act*?

7 **SUPT. DANA EARLEY:** Yes.

8 **MS. ANDREA GONSALVES:** And we saw in your
9 response to questions from Commission Counsel the last
10 intersection was planned to reopen on March 13th on your advice?

11 **SUPT. DANA EARLEY:** Yes.

12 **MS. ANDREA GONSALVES:** And I understand from
13 Deputy Chief Crowley that WPS maintained a perimeter as late as
14 March 28th? You understand that, or you said you weren't sure?

15 **SUPT. DANA EARLEY:** Yeah, I wasn't there, but I
16 did hear it in his testimony.

17 **MS. ANDREA GONSALVES:** And given all of the
18 concerns and the economic impact of that bridge being closed
19 down, not only in Windsor but in the entire region, you
20 understood that it would be appropriately prudent and cautious
21 to keep these measures in place long after it had been cleared;
22 correct?

23 **SUPT. DANA EARLEY:** Again, it was another tool
24 that we could refer to if we had issues.

25 **MS. ANDREA GONSALVES:** Because when that blockade
26 was cleared on the 13th or the 14th, you just had no idea whether
27 it would fall into the hands of protesters again; right?

28 **SUPT. DANA EARLEY:** Exactly.

1 **MS. ANDREA GONSALVES:** Thank you. Those are my
2 questions.

3 **SUPT. DANA EARLEY:** Thank you.

4 **COMMISSIONER ROULEAU:** Thank you.
5 Next Citizens for Freedom, JCCF.

6 **--- CROSS-EXAMINATION BY MR. ALAN HONNER:**

7 **MR. ALAN HONNER:** Good morning, Superintendent.

8 **SUPT. DANA EARLEY:** Good morning.

9 **MR. ALAN HONNER:** My name is Alan Honner. I'm a
10 lawyer with the Democracy Fund and we share standing with the
11 JCCF and Citizens for Freedom.

12 Superintendent Earley, since this inquiry
13 started, we've heard evidence about the importance of police
14 independence and about how politicians should not interfere with
15 that independence. You will agree with me that police autonomy
16 is very important?

17 **SUPT. DANA EARLEY:** Yes.

18 **MR. ALAN HONNER:** And can we pull up
19 SSM.CAN.NSC.00002845? And, Superintendent, you will not have
20 seen this document before, but it's a read out of a conversation
21 between the Prime Minister and the Premier of Ontario on
22 February 10th. And I just want to take you to parts of that
23 document and then ask you a question about it.

24 So can we scroll down just a little bit? A
25 little bit more. So if we look at this document now, the
26 Premier and the Prime Minister are saying hello. And in the
27 first big paragraph, Premier Ford says,

28 "The bigger one for us and the country

1 is the ambassador bridge and the state
2 ground there. What I think is we gotta
3 stop the spread of these protests..."

4 And he goes on to say that the Attorney General
5 is looking at legal ways to give he police more tools. Do you
6 see that?

7 **SUPT. DANA EARLEY:** Yes.

8 **MR. ALAN HONNER:** Okay. And in the next
9 paragraph, if we can just scroll down a little bit, the Prime
10 Minister says,

11 "First of all, they're not a legal
12 protest. They're occupying a municipal
13 street and are not legally parked. You
14 shouldn't need more tools -- legal
15 tools -- they are barricading the
16 [Ontario] economy..."

17 And then later in that paragraph he says,

18 "We[...] got to respond quickly..."

19 And if I can take you to the next page, about
20 halfway through, just from what you're seeing on the screen, the
21 third paragraph from the bottom, the Prime Minister asks,

22 "has Windsor asked [...] anything of
23 the OPP? Have they made a formal
24 request..."

25 And if you look at the Premier's response, he
26 says:

27 "they've put that request in through the
28 solicitor general. I spoke to the Mayor

1 and that was the plan."

2 You see that?

3 **SUPT. DANA EARLEY:** Yes.

4 **MR. ALAN HONNER:** And can we go to the top of the
5 third page? And so we see the Prime Minister is asking "what
6 are the next steps?" And Premier Ford says:

7 "they'll act, but without directing them,
8 it's hard to describe their game plan.

9 They'll have a plan unlike Ottawa [where]
10 they didn't have a plan. I'll get briefed
11 tomorrow from the solicitor general and
12 we'll keep you updated. This is critical,
13 I hear you. I'll be up their ass with a
14 wire brush."

15 Now, Superintendent, the question I wanted to put
16 to you is, and I just want to clear, you did not experience any
17 political interference from anyone when you were carrying out
18 your duties as the Critical Incident Commander?

19 **SUPT. DANA EARLEY:** No, I did not.

20 **MR. ALAN HONNER:** And do you know if anyone else
21 in the OPS -- sorry, the OPP, the WPS, or any other police force
22 who experienced inappropriate political pressure?

23 **SUPT. DANA EARLEY:** Not that I'm aware of.

24 **MR. ALAN HONNER:** Okay. Thank you very much.

25 I'd like to just switch gears for a moment here.
26 You told us earlier today about a conversation, telephone
27 conversation you had with, I believe it was Deputy Commissioners
28 Harkins and DiMarco, and that was on February the 10th. And you

1 told us today that they told you that Windsor was your priority
2 and that it was a priority?

3 **SUPT. DANA EARLEY:** Yes.

4 **MR. ALAN HONNER:** When I read your witness
5 statement, I saw you said that, you described it as a priority,
6 but you also described it in a different way. I won't take you
7 there, but what you say in that statement is that they told you
8 that Windsor was the priority. Does that sound right to you?

9 **SUPT. DANA EARLEY:** I knew it was stressed on me
10 that it was a priority.

11 **MR. ALAN HONNER:** And was it the priority, as
12 opposed to a priority?

13 **SUPT. DANA EARLEY:** All I can speak to is I knew
14 it was my priority.

15 **MR. ALAN HONNER:** But you would agree with me
16 that it was a very important priority, ---

17 **SUPT. DANA EARLEY:** Yes.

18 **MR. ALAN HONNER:** --- regardless of whether it
19 was the most important?

20 **SUPT. DANA EARLEY:** Yes.

21 **MR. ALAN HONNER:** And given the economic impact
22 of the Ambassador Bridge, it was possibly not just one of the
23 most important priorities for Ontario, but also for the country?

24 **SUPT. DANA EARLEY:** Perhaps, but there was a lot
25 of other issues that we had to consider.

26 **MR. ALAN HONNER:** Right. But we saw from the
27 conversation between Doug Ford and Prime Minister Trudeau that
28 at least for Doug Ford, it appears that Windsor is the priority?

1 **SUPT. DANA EARLEY:** I can't speak to that. I
2 wasn't involved in that conversation.

3 **MR. ALAN HONNER:** No, but you've seen the
4 document. That's what it looks like when he says "for us".
5 I'll just remind you of the language here. He says:

6 "The bigger one for us and the country is
7 the ambassador bridge..."

8 **SUPT. DANA EARLEY:** I can't speak to what he was
9 thinking.

10 **MR. ALAN HONNER:** Okay. Fair enough.
11 Superintendent Earley, you can tell me though, to the credit of
12 you and your team, that you managed to get this blockade at the
13 Ambassador Bridge cleared within two days of your appointment as
14 CIC?

15 **SUPT. DANA EARLEY:** Yes.

16 **MR. ALAN HONNER:** And you would agree with me
17 then that you and your team managed to resolve one of the most
18 urgent priorities in the country without the benefit of the
19 *Emergencies Act*?

20 **SUPT. DANA EARLEY:** Correct.

21 **MR. ALAN HONNER:** Thank you. Earlier today, you
22 spoke about swearing in RCMP officers.

23 **SUPT. DANA EARLEY:** Yes.

24 **MR. ALAN HONNER:** I think your evidence was that
25 the POU officers did not need to be sworn in because they were
26 enforcing the *Criminal Code*, but frontline officers would be
27 enforcing municipal laws and provincial laws?

28 **SUPT. DANA EARLEY:** Possibly.

1 **MR. ALAN HONNER:** Possibly. And so you sort of
2 creatively solved this problem by pairing them up with OPP
3 officers?

4 **SUPT. DANA EARLEY:** And Windsor Police.

5 **MR. ALAN HONNER:** And Windsor Police.

6 **SUPT. DANA EARLEY:** Yes.

7 **MR. ALAN HONNER:** And I just don't understand
8 this. I'm just wondering if you can explain it a little bit
9 better. What additional power would that confer on the RCMP or
10 what benefit would that confer to pair them up like that?

11 **SUPT. DANA EARLEY:** In regards to having them
12 sworn in?

13 **MR. ALAN HONNER:** Right. I mean, would this
14 allow the RCMP, for example, to enforce provincial laws?

15 **SUPT. DANA EARLEY:** Yes.

16 **MR. ALAN HONNER:** It would. Thank you.

17 **SUPT. DANA EARLEY:** Yes.

18 **MR. ALAN HONNER:** And we heard today that you
19 established an exclusion zone along Huron Church Road, and I
20 believe we heard yesterday that exclusion zone was north of
21 Tecumseh to the Ambassador Bridge. Does that sound right?

22 **SUPT. DANA EARLEY:** Yes.

23 **MR. ALAN HONNER:** And that's the distance of
24 about one kilometre?

25 **SUPT. DANA EARLEY:** I believe it's more than
26 that. I think it's about three.

27 **MR. ALAN HONNER:** Okay. And when you gave us
28 evidence today, you said you relied upon the *Criminal Code* to

1 establish that exclusion zone?

2 SUPT. DANA EARLEY: Yes.

3 MR. ALAN HONNER: Do you agree that you could
4 have also relied upon the *Emergency Management and Civil*
5 *Protection Act* to establish that exclusion zone?

6 SUPT. DANA EARLEY: Yes.

7 MR. ALAN HONNER: Thank you. My friend from the
8 Government of Canada asked you questions today about threats
9 that were present in Windsor. You told us today that you've
10 read the Hendon Reports, ---

11 SUPT. DANA EARLEY: Yes.

12 MR. ALAN HONNER: --- insofar as they concerned
13 the municipalities under your care.

14 SUPT. DANA EARLEY: Yes.

15 MR. ALAN HONNER: And you would agree with me
16 that in Windsor, there was no extremist rhetoric?

17 SUPT. DANA EARLEY: That I can't speak to.

18 MR. ALAN HONNER: But if it was in the Hendon
19 Reports, you would agree with it?

20 SUPT. DANA EARLEY: Yes, I mean, it was Windsor's
21 responsibility to be reviewing the Hendon Reports in regards to
22 activity in their area.

23 MR. ALAN HONNER: Okay. Well it's OPP00001688.
24 I won't bring it up. Let me just move on. Can we pull up
25 OPP00003038?

26 Can you tell us who Karen Johnson was or is?

27 SUPT. DANA EARLEY: Will the document be ---

28 MR. ALAN HONNER: I'm just asking while we're

1 waiting for the document.

2 SUPT. DANA EARLEY: Oh, okay. No, I don't ---

3 MR. ALAN HONNER: Okay.

4 SUPT. DANA EARLEY: I'm not familiar with that
5 name.

6 MR. ALAN HONNER: Well we have an email here, and
7 when it comes up, I suspect it will show an email from Karen
8 Johnson to a number of people, including you and Commissioner
9 Carrique?

10 SUPT. DANA EARLEY: M'hm.

11 MR. ALAN HONNER: And can we just scroll down a
12 little bit, please? A little bit further. Scroll up. Okay.
13 This is not the document I'm looking for.

14 Let me ask you a question though.

15 SUPT. DANA EARLEY: Okay.

16 MR. ALAN HONNER: Would you agree with me that
17 there were a total of 44 arrests in Windsor during this
18 enforcement phase?

19 SUPT. DANA EARLEY: Yeah, I do believe that that
20 was -- again, the arrests were the responsibility of Windsor
21 Police Service.

22 MR. ALAN HONNER: Right. And from what I recall,
23 and you can just tell me if this is accurate or not, there were
24 88 charges, approximately, and almost all of those were -- about
25 44 were mischief and about 44 were breaching a court order?

26 SUPT. DANA EARLEY: I believe so.

27 MR. ALAN HONNER: And none of those are violent
28 offences?

1 SUPT. DANA EARLEY: Pardon?

2 MR. ALAN HONNER: Those two offences are not
3 violent offences?

4 SUPT. DANA EARLEY: Right.

5 MR. ALAN HONNER: Thank you.

6 SUPT. DANA EARLEY: They can be. Everybody has -
7 - there's a potential of violence in any offence, really.

8 MR. ALAN HONNER: But if somebody was to commit a
9 violent offence, they would typically be charged with something
10 like assault or assault with a weapon, or ---

11 SUPT. DANA EARLEY: Yes.

12 MR. ALAN HONNER: --- assault causing bodily
13 harm?

14 SUPT. DANA EARLEY: It all depends on the
15 reasonable and probable grounds ---

16 MR. ALAN HONNER: Right. Kidnapping, ---

17 SUPT. DANA EARLEY: --- exist.

18 MR. ALAN HONNER: --- forcible confinement, ---

19 SUPT. DANA EARLEY: Right.

20 MR. ALAN HONNER: --- murder. None of that.

21 And I'm just about to wrap up here. I just want
22 to ask a question about maintaining the roads, because you told
23 my friend that, you know, maintaining the roads was a priority.
24 And you said here, I think to your officers, that clearing the
25 bridge is one thing, but maintaining the road is another.

26 And I understand you were able to maintain the
27 road -- you're speaking about Huron Church Road?

28 SUPT. DANA EARLEY: Yes.

1 **MR. ALAN HONNER:** Is that right? And you're able
2 to maintain it by installing jersey barriers along the side of
3 the road from the bridge to the 401?

4 **SUPT. DANA EARLEY:** Correct. Not exactly right
5 to the 401, but yes.

6 **MR. ALAN HONNER:** Approximately.

7 **SUPT. DANA EARLEY:** Yes.

8 **MR. ALAN HONNER:** And that's a distance of three
9 kilometres, I think?

10 **SUPT. DANA EARLEY:** Okay. That could be.

11 **MR. ALAN HONNER:** Okay.

12 **SUPT. DANA EARLEY:** I'm sorry, I'm not sure about
13 the distances. We used other ways as well. The cement
14 barriers, along with officers deployed to the certain traffic
15 stops too.

16 **MR. ALAN HONNER:** Right. And you had a traffic
17 plan that you employed when you were doing that; right?

18 **SUPT. DANA EARLEY:** Correct.

19 **MR. ALAN HONNER:** And that traffic plan, I won't
20 bring it up, I think I'm out of time, ---

21 **SUPT. DANA EARLEY:** Okay.

22 **MR. ALAN HONNER:** --- or very close to it, it's
23 dated February 13th, 2022.

24 **SUPT. DANA EARLEY:** Yes.

25 **COMMISSIONER ROULEAU:** You have a couple of
26 minutes here. You're not near your time. I'll look at you when
27 you're close to it.

28 **MR. ALAN HONNER:** Well I'll wrap up anyway and

1 try and get some goodwill.

2 Supt. Earley, I take it it's obvious that if the
3 traffic plan is dated February 13th, 2022, it was not
4 contemplating the use of the powers conferred by the *Emergencies*
5 *Act*?

6 **SUPT. DANA EARLEY:** No.

7 **MR. ALAN HONNER:** Thank you very much. Those are
8 my questions.

9 **SUPT. DANA EARLEY:** Thank you.

10 **COMMISSIONER ROULEAU:** Thank you. Next is the
11 City of Windsor.

12 **--- CROSS-EXAMINATION BY MS. JENNIFER KING:**

13 **MS. JENNIFER KING:** Good afternoon,
14 Superintendent Earley.

15 **SUPT. DANA EARLEY:** Good afternoon.

16 **MS. JENNIFER KING:** I have a few topics I'd like
17 to canvass with you today.

18 **SUPT. DANA EARLEY:** Okay.

19 **MS. JENNIFER KING:** I am Jennifer King. I'm
20 counsel to the City of Windsor.

21 **SUPT. DANA EARLEY:** Okay.

22 **MS. JENNIFER KING:** First, I'd like to speak to
23 you about your role in Windsor before Deputy Commissioner Chris
24 Harkins appointed you to serve as OPP's Critical Incident
25 Commander in Windsor.

26 This morning, you told my friend, Commission
27 Counsel, that OPP PLT was deployed to Windsor on February the
28 8th following a conversation you had with now Deputy

1 Chief Crowley early on February the 8th, I think it was
2 2:00 a.m.?

3 **SUPT. DANA EARLEY:** Yes; correct.

4 **MS. JENNIFER KING:** Yes. It is my understanding
5 from the OPP's Institutional Report, and perhaps I'll stop
6 there. Have you had an opportunity to review OPP's
7 Institutional Report?

8 **SUPT. DANA EARLEY:** Yes.

9 **MS. JENNIFER KING:** Okay. So I understand from
10 OPP's Institutional Report...

11 And for the record, it is OPP IR00000007. I
12 don't think we have to bring it up, Mr. Clerk.

13 But at page 27 it says that four OPP PLT officers
14 were deployed on February the 7th to assist the WPS. This is
15 reflected in some of the documents, and I could show them to you
16 if it could help you confirm for us and for the Commissioner the
17 date that OPP PLT were deployed.

18 **SUPT. DANA EARLEY:** I know it was in between
19 those two days. As you can see, I lost track of time sometimes
20 or when the date changed because I was up until all hours ---

21 **MS. JENNIFER KING:** Yes.

22 **SUPT. DANA EARLEY:** --- but I know that PLT was
23 deployed.

24 **MS. JENNIFER KING:** Okay. Well, why don't we
25 look at...

26 Perhaps, Mr. Clerk, you could bring up
27 OPP00004580, and scroll to page 67.

28 Superintendent Earley, Commissioner Carrique

1 produced texts with Deputy Solicitor General Di Tomasso that
2 have been produced to the Commission. Commissioner Carrique was
3 kept apprised of the operations in Windsor; right?

4 **SUPT. DANA EARLEY:** Yes.

5 **MS. JENNIFER KING:** Yes. And so these are his
6 texts with Deputy Solicitor General Di Tommaso.

7 And if you go to page 67, at the bottom of the
8 page, Mr. Clerk.

9 The times on this, so we have to go back, I
10 believe it's five hours, so around noon on February the 7th,
11 Commissioner Carrique texted the Deputy Solicitor General "OPP
12 PLT engaged." Do you see that?

13 **SUPT. DANA EARLEY:** Yes.

14 **MS. JENNIFER KING:** And would he have gotten that
15 information from you? This was February 7th, before you were
16 appointed; correct?

17 **SUPT. DANA EARLEY:** So I don't know if he
18 received it from myself or from the Chief or perhaps Acting
19 Superintendent Marcel Beaudin.

20 **MS. JENNIFER KING:** Okay. There are other
21 documents that refer to PLT being engaged by February the 7th.
22 Does this assist you in confirming for the Commissioner the date
23 that OPP PLT were engaged?

24 **SUPT. DANA EARLEY:** I know that the discussion
25 was had that they would go and attend and assist.

26 **MS. JENNIFER KING:** Okay.

27 **SUPT. DANA EARLEY:** Yeah.

28 **MS. JENNIFER KING:** And so it makes sense to you

1 that it would have been February the 7th based on this?

2 SUPT. DANA EARLEY: Yes.

3 MS. JENNIFER KING: Okay, thank you. You spoke
4 with my friend, Mr. Au, about Mayor Dilkens' public announcement
5 that you said you watched on February the 9th.

6 SUPT. DANA EARLEY: Yeah, I don't remember
7 watching it, but I was certainly aware of it.

8 MS. JENNIFER KING: Okay. So do you remember
9 whether or not you heard about it or whether you saw it
10 yourself?

11 SUPT. DANA EARLEY: I had heard about it?

12 MS. JENNIFER KING: And it was on February the
13 9th?

14 SUPT. DANA EARLEY: Yes.

15 MS. JENNIFER KING: Okay. You were not yet
16 appointed?

17 SUPT. DANA EARLEY: No.

18 MS. JENNIFER KING: No? So the Mayor and
19 Chief Mizuno, former Chief Mizuno of the Windsor Police Service,
20 held a press conference at noon on February the 9th. I don't
21 have to bring it up, but there is documents about that press
22 conference. Does it makes sense to you this was something you
23 would have heard around ---

24 SUPT. DANA EARLEY: Yes.

25 MS. JENNIFER KING: --- the middle of the day?

26 SUPT. DANA EARLEY: Yes.

27 MS. JENNIFER KING: Okay. So this was a joint
28 media briefing delivered by Mayor Dilkens and Chief Mizuno. Do

1 you recall that?

2 **SUPT. DANA EARLEY:** I do recall.

3 **MS. JENNIFER KING:** Okay. It was Mayor Dilkens'
4 evidence yesterday that his public comments were reviewed by the
5 Chief of Police or her staff so that there were no surprises
6 when Windsor delivered a message. Did you hear him say that
7 yesterday?

8 **SUPT. DANA EARLEY:** No, I did not hear him say
9 that.

10 **MS. JENNIFER KING:** Okay. Other than the
11 direction that you gave that you discussed earlier that requests
12 for resources should not be made publicly, you were no engaged
13 in communications were you?

14 **SUPT. DANA EARLEY:** With the Mayor?

15 **MS. JENNIFER KING:** No. Sorry, media
16 communications.

17 **SUPT. DANA EARLEY:** From -- that came from the
18 City? Or, sorry, I'm not ---

19 **MS. JENNIFER KING:** That came from the City or
20 WPS. I understand from your statement or your witness summary
21 that WPS continued to have responsibility for media releases and
22 messages; right?

23 **SUPT. DANA EARLEY:** And they worked alongside of
24 our media officers, our OPP media officers, and everything was
25 brought to the Command table for review.

26 **MS. JENNIFER KING:** Okay. And you had no
27 concerns with media releases or messaging after you arrived in
28 Windsor?

1 SUPT. DANA EARLEY: No.

2 MS. JENNIFER KING: I have a couple of brief
3 questions about the injunction and the continuation of the
4 injunction.

5 Earlier today, you described the injunction as a
6 tool ---

7 SUPT. DANA EARLEY: Yes.

8 MS. JENNIFER KING: --- or an option for police?

9 SUPT. DANA EARLEY: Yes.

10 MS. JENNIFER KING: Can you confirm, you never
11 raised any concerns with the City of Windsor about seeking the
12 injunction?

13 SUPT. DANA EARLEY: I did not raise concerns, no.

14 MS. JENNIFER KING: And you raised no concerns
15 about the continuation of the injunction?

16 SUPT. DANA EARLEY: No.

17 MS. JENNIFER KING: You spoke with my friend,
18 Commission Counsel, about the Traffic Plan, and this has been
19 discussed in your cross-examination as well. I just wanted to
20 confirm that the purpose of the Traffic Plan was to ensure the
21 flow of traffic from Highway 401 to the Ambassador Bridge;
22 correct?

23 SUPT. DANA EARLEY: It was to ensure that a
24 protest did not occur again, yes. But yes, to keep the flow
25 safe.

26 MS. JENNIFER KING: To keep the flow safe and
27 keep the flow of traffic over the Ambassador Bridge ---

28 SUPT. DANA EARLEY: Yes.

1 **MS. JENNIFER KING:** --- clear. Yes? Okay. And
2 the concrete barriers were installed on your direction?

3 **SUPT. DANA EARLEY:** Yes.

4 **MS. JENNIFER KING:** And this was to better manage
5 future risk of vehicles being used for blockades; right?

6 **SUPT. DANA EARLEY:** Exactly.

7 **MS. JENNIFER KING:** Excellent. Those are all my
8 questions.

9 **SUPT. DANA EARLEY:** Thank you.

10 **MS. JENNIFER KING:** Thank you.

11 **COMMISSIONER ROULEAU:** Okay, thank you.

12 Questions by former Chief Sloly's counsel.

13 **MR. TOM CURRY:** Thank you, Commissioner.

14 **--- CROSS-EXAMINATION BY MR. TOM CURRY:**

15 **MR. TOM CURRY:** Superintendent Earley, Tom Curry
16 for the former chief in Ottawa.

17 **SUPT. DANA EARLEY:** Hello.

18 **MR. TOM CURRY:** A couple of things, just if I
19 could sort one thing out. The issue that my friend, Ms. King,
20 was just asking you about concerning the media here in, or not
21 here in Windsor, when you were in Windsor about resources. Do
22 you recall that issue?

23 **SUPT. DANA EARLEY:** Yes.

24 **MR. TOM CURRY:** And my friend, Mr. Au, asked you
25 about this. Do you recall that by the time you were in Windsor
26 as the Critical Incident Commander that a statement had been
27 made in a media interview by the Mayor that named the number of
28 officers that the City had requested the City of Windsor, or

1 Windsor Police Service I suppose, had requested, being 100?

2 **SUPT. DANA EARLEY:** No, I was not aware ---

3 **MR. TOM CURRY:** Okay.

4 **SUPT. DANA EARLEY:** --- that that was publicised.

5 **MR. TOM CURRY:** Okay.

6 So Commissioner, I have the -- there's a -- I
7 raised this with the witness yesterday, the Mayor yesterday, and
8 he recalled something about that. My friend, Ms. King, and I
9 have discussed this. Rather than show the media pieces and so
10 on, I think it's accepted that on the 8th of February, the
11 Mayor, in an interview, was -- I think it was CTV News, named
12 that number. So I just wanted -- and my friend, Ms. King, can
13 just confirm that's so.

14 **MS. JENNIFER KING:** So Jennifer King, counsel for
15 Windsor.

16 Yes, I -- we admit that that statement was made
17 in an interview with CTV.

18 **MR. TOM CURRY:** Thank you.

19 Now, Superintendent Earley, the -- these issues
20 that you dealt with in Windsor, this incident, was the largest,
21 presumably, the largest critical incident you have managed in
22 your career. Is that true?

23 **SUPT. DANA EARLEY:** Yes, it was one of.

24 **MR. TOM CURRY:** Well, is it the largest, though?

25 **SUPT. DANA EARLEY:** Yes.

26 **MR. TOM CURRY:** Yeah. Because it's -- you
27 mobilised, if I understand from your Institutional Report or the
28 Service's Institutional Report, there were in the end 410

1 members in your Police Service who were deployed in Windsor.
2 True?

3 SUPT. DANA EARLEY: Yes, over the times that I
4 was there.

5 MR. TOM CURRY: Yes. And it would've peaked at a
6 certain number and then dissipated as the demobilisation went
7 on.

8 SUPT. DANA EARLEY: Correct.

9 MR. TOM CURRY: But in the max, 410; yes?

10 SUPT. DANA EARLEY: Yes.

11 MR. TOM CURRY: Largest number that you have been
12 in command of?

13 SUPT. DANA EARLEY: Yes.

14 MR. TOM CURRY: And among the largest in the
15 province's history in terms of deployment of OPP service
16 officers; true?

17 SUPT. DANA EARLEY: I would think so, I'm not
18 sure.

19 MR. TOM CURRY: And yet, it was probably -- well,
20 did you know how many were deployed in Ottawa?

21 SUPT. DANA EARLEY: No, I did not know numbers.

22 MR. TOM CURRY: Your relationship with the events
23 in Ottawa, can I speak about that for a moment, you had no
24 direct involvement in the Ottawa incident. Is that true?

25 SUPT. DANA EARLEY: That's correct.

26 MR. TOM CURRY: You had some points of contact,
27 as you've discussed with Mr. Au, about the letter, for example,
28 but otherwise, those two incidents were managed separately by

1 Incident Commanders in both locations. True?

2 SUPT. DANA EARLEY: Yes.

3 MR. TOM CURRY: Okay. And ultimately, the
4 Strategic Command is shared, it's common; true?

5 SUPT. DANA EARLEY: Shared with?

6 MR. TOM CURRY: Ottawa and Windsor ---

7 SUPT. DANA EARLEY: Yes.

8 MR. TOM CURRY: --- Critical Incident Commanders
9 share a common Command structure, reporting eventually ---

10 SUPT. DANA EARLEY: Yes.

11 MR. TOM CURRY: --- to Deputy Commissioners and
12 Commissioners; yes?

13 SUPT. DANA EARLEY: Yes, correct.

14 MR. TOM CURRY: And so it is for the Deputy
15 Commissioner or the Commissioner, ultimately, to set the
16 strategic objectives and priorities for the Service.

17 SUPT. DANA EARLEY: Yes.

18 MR. TOM CURRY: In both Windsor and Ottawa.

19 SUPT. DANA EARLEY: Yes.

20 MR. TOM CURRY: And so when my friend -- well,
21 all of the lawyers have probably asked you about this, but when
22 you came to this -- first of all, in your role as a
23 Superintendent in the region, you learned that there were
24 convoys in the area heading to, eventually, to Essex County and
25 to Windsor; correct?

26 SUPT. DANA EARLEY: There were convoys that I
27 discussed earlier, sir; is that what you're referring to?

28 MR. TOM CURRY: Yes.

1 **SUPT. DANA EARLEY:** Those convoys actually stayed
2 local in their respective municipalities.

3 **MR. TOM CURRY:** Okay. And so you were -- your
4 Service was engaged in providing safe passage, and just managing
5 whatever comes from a slow roll, as it's been described, through
6 your region, right?

7 **SUPT. DANA EARLEY:** Yes, that's correct.

8 **MR. TOM CURRY:** And on the 6th of February, we
9 know that the Hendon report alerted police services to the
10 possibility that now on the 7th there would a blockade of the
11 Ambassador Bridge; recall?

12 **SUPT. DANA EARLEY:** I don't recall reading that
13 ---

14 **MR. TOM CURRY:** Okay.

15 **SUPT. DANA EARLEY:** --- specific report.

16 **MR. TOM CURRY:** Someone in your command, or below
17 you ---

18 **SUPT. DANA EARLEY:** Yes.

19 **MR. TOM CURRY:** --- in the chain of command
20 responsible for intelligence would have that.

21 **SUPT. DANA EARLEY:** Yes.

22 **MR. TOM CURRY:** And was there -- did the -- did
23 the OPP under your region take any steps to intercept those
24 convoys on their way to the Ambassador Bridge?

25 **SUPT. DANA EARLEY:** No, we did not have the
26 information to indicate where they were coming from, ---

27 **MR. TOM CURRY:** Right.

28 **SUPT. DANA EARLEY:** --- or what kind of vehicles

1 or who would be involved.

2 **MR. TOM CURRY:** Got it. So whatever intelligence
3 came to you in your region through the Hendon reports was not
4 sufficiently clear to be able to take steps, for example, to
5 intercept the convoy, for the reasons you've just given.

6 **SUPT. DANA EARLEY:** Right.

7 **MR. TOM CURRY:** Okay. Now, eventually, after the
8 Ambassador Bridge was blocked and then cleared, I think one of
9 my colleagues asked you about the interception of a convoy that
10 was heading to try and engage in another blockade, and the OPP
11 did stop that convoy; is that true?

12 **SUPT. DANA EARLEY:** Yes.

13 **MR. TOM CURRY:** And you would have done that
14 because by then, of course you'd had the experience of the
15 Ambassador Bridge blockade, you had the experience of the Ottawa
16 blockade, or occupation as it's been described. And now you had
17 actionable intelligence to say, including, I suppose, the
18 *Emergencies Act*, to stop convoy protesters from engaging in
19 further blockades; true?

20 **SUPT. DANA EARLEY:** Correct.

21 **MR. TOM CURRY:** Okay. Now, a couple of things if
22 I could, about your -- then your engagement as the Critical
23 Incident Commander that you told us about today.

24 The -- first things first; the issue about the
25 importance of this -- of clearing this particular protest on the
26 Ambassador Bridge; you've spoken about that. Just for your --
27 just to get your help on this; from your statement that you have
28 read to us, or has been filed, there is a reference on page 2,

1 and I have the name of this, or I have the number and I'm going
2 to leave that for a second.

3 I will offer a reward to anyone who can tell me
4 the name of -- or the number of that statement. WTS -- yes?
5 Twenty-two (22)? Thank you. Twenty-two (22). Thank you, Ms.
6 Registrar.

7 Page 2 when we get there, paragraph 3. You've
8 seen this before. "Upon"; thank you.

9 So this is a simple thing, but during a February
10 10th, 8:30 a.m. call, middle of the paragraph; do you see it?

11 "Deputy Commissioner[s] Harkins --
12 Commissioners Harkins and DiMarco again
13 advised Superintendent Earley that
14 Windsor was the priority and that it
15 was urgent to resolve the blockade."

16 That's true, isn't it?

17 **SUPT. DANA EARLEY:** Yes.

18 **MR. TOM CURRY:** And it was obvious to the -- in
19 terms of setting the strategic direction, that is the role for,
20 not just Commissioner Carrique, but also the Deputy
21 Commissioners to say what are the priorities, right?

22 **SUPT. DANA EARLEY:** Yes.

23 **MR. TOM CURRY:** And in respect of the priorities,
24 the rank order of these priorities, when we speak -- when they
25 spoke to you about it being "The priority," it was understood
26 that it was the priority for the Ontario Provincial Police
27 Service; correct?

28 **SUPT. DANA EARLEY:** I understood it to be my

1 priority, so it was my priority that I needed to focus on.

2 **MR. TOM CURRY:** Yes, of course it became your
3 priority because you were the Critical Incident Commander, but
4 when they say it is "The priority," you understood it was the
5 priority for the Service; true?

6 **SUPT. DANA EARLEY:** I understood that it was a
7 priority, and I would get whatever resources I needed.

8 **MR. TOM CURRY:** Yes, that came -- that followed,
9 and that's important. But it was -- when they spoke to you at
10 8:30 in the morning on the 10th and said it was "The priority"
11 it's the priority for the Service.

12 **SUPT. DANA EARLEY:** I can't speak to that. You'd
13 had to ask them.

14 **MR. TOM CURRY:** Okay. Well, we won't get a
15 chance to do that, but you understood that whatever else it was,
16 it was going to be -- that task was being handed to you.

17 **SUPT. DANA EARLEY:** Yes.

18 **MR. TOM CURRY:** And when they said at the top of
19 that statement -- and we have your notes, of course, but I'm
20 just in the interests of time:

21 "Upon Superintendent Earley's
22 appointment..., Deputy
23 Commissioner...Harkins and Deputy
24 Commissioner...DiMarco communicated to
25 her that Windsor was a priority and
26 that she would receive whatever
27 resources she needed."

28 **SUPT. DANA EARLEY:** Yes.

1 MR. TOM CURRY: You needed.

2 SUPT. DANA EARLEY: Yes.

3 MR. TOM CURRY: You understood that.

4 SUPT. DANA EARLEY: Yes.

5 MR. TOM CURRY: And so prior to your ever picking
6 up a pen and writing in your notes the Mission Statement, ---

7 SUPT. DANA EARLEY: Yes.

8 MR. TOM CURRY: --- you knew that whatever
9 resources you needed, you had.

10 SUPT. DANA EARLEY: Yes.

11 MR. TOM CURRY: And, in fact, they had already
12 begun to role out, prior to your drafting the Mission Statement.

13 SUPT. DANA EARLEY: Correct.

14 MR. TOM CURRY: Now, of course, the resources of
15 which we're speaking were a number of different things, but in
16 the main, this -- you understood this was going to require POU
17 resources, right?

18 SUPT. DANA EARLEY: Yes.

19 MR. TOM CURRY: And they had -- they came from
20 municipal services and as well from the hub that drew on OPP's
21 resources; correct?

22 SUPT. DANA EARLEY: Correct.

23 MR. TOM CURRY: Can I just show you, please,
24 OPP4543? This is from your -- this should be from your notebook
25 as described.

26 And if we could go, please, to -- it should be
27 the first page, initially. So this should be 2200 hours on
28 February the 9th, right?

1 "[Telephone] conference w Hamilton
2 [Police Service] & [Windsor Police
3 Service], Waterloo [Regional Police
4 Service] to discuss POU support."

5 And it's set out. And those are the calls that
6 you placed in order to generate these resources, is that right?

7 **SUPT. DANA EARLEY:** That's correct.

8 **MR. TOM CURRY:** And then at 7:15 a.m., if we
9 could just scroll down; this should be page 7. So we're now
10 7:15 on, I suppose the 10th. Yeah.

11 "Jamie Sheridan called to advise [that]
12 he & his waterloo POU team would be
13 [heading] -- leaving [rather] for
14 Windsor at [approximately] 1100
15 [hours]."

16 **SUPT. DANA EARLEY:** Yes.

17 **MR. TOM CURRY:** They were rolling.

18 **SUPT. DANA EARLEY:** That's correct.

19 **MR. TOM CURRY:** And then at 8:30 on page 8,
20 please. Just at the bottom, there it is:

21 "[Telephone] conference with Deputy
22 Harkins" [just scroll down, please, a
23 little bit] & Demarco. Deputies
24 advised whatever is needed for plan
25 will be available. Province focus is
26 Windsor."

27 And that's -- again, that goes to the point that
28 I was making earlier; the provincial focus is Windsor for

1 obvious reasons: The Ambassador Bridge is vitally important,
2 right?

3 **SUPT. DANA EARLEY:** Right, those were, yeah, from
4 the teleconference.

5 **MR. TOM CURRY:** When you write down, or the
6 scribe, rather, writes down, "province focus is Windsor" those
7 are the words spoken by one or both of the Commissioners and
8 Deputies.

9 **SUPT. DANA EARLEY:** Yeah, it's in the context of
10 the conversation.

11 **MR. TOM CURRY:** Got it.

12 "Harkins speaking w RCMP today & will
13 forward POU command. RCMP can send POU
14 team of 150 people. Advised
15 Deputies..."

16 Amy Ferguson, perhaps?

17 **SUPT. DANA EARLEY:** Angela Ferguson.

18 **MR. TOM CURRY:** Angela, thank you. Short form
19 for Angela:

20 "...will be POU Commander for OPP.
21 [Waterloo Regional Police
22 Service]...will arrive [approximately]
23 1300...this afternoon. Harkins advised
24 there is an urgency to get this
25 resolved"

26 Did he need to explain to you why that was
27 urgent, or did you understand the importance of the Ambassador
28 Bridge?

1 **SUPT. DANA EARLEY:** I understood.

2 **MR. TOM CURRY:** Of course by then it was in the
3 popular press as well, that this blockade was causing enormous
4 disruption.

5 **SUPT. DANA EARLEY:** Yes. And I had also had
6 conversations with D/Chief Crowley at this time and had more of
7 a situational awareness.

8 **MR. TOM CURRY:** Understood.

9 Now -- and then you wrote out your Mission
10 Statement at 0900.

11 Can I see that at page 9, please?

12 Now, these Mission Statements -- just -- oh,
13 there it is. Is that your handwriting or the scribe's?

14 **SUPT. DANA EARLEY:** The scribe.

15 **MR. TOM CURRY:** Okay. So you dictated this on --
16 maybe in the car, I don't know.

17 **SUPT. DANA EARLEY:** Yes.

18 **MR. TOM CURRY:** "The OPP & our policing
19 partners..." And it carries on; I won't read it all.

20 The Mission Statement in Windsor is very similar
21 to the Mission Statement that was used in Ottawa. Have you ever
22 seen that one?

23 **SUPT. DANA EARLEY:** No, I have not.

24 **MR. TOM CURRY:** Are the mission statements -- I
25 mean, they -- I don't want to diminish the importance of mission
26 statements. I like mission statements too. They're very
27 important, but these are very generic general statements that
28 are used in a number of different OPP operations; is that fair?

1 SUPT. DANA EARLEY: Yeah ---

2 MR. TOM CURRY: The elements are very simple.

3 SUPT. DANA EARLEY: The elements are similar,
4 yes.

5 MR. TOM CURRY: Right.

6 SUPT. DANA EARLEY: But each situation would
7 dictate the final mission ---

8 MR. TOM CURRY: Right.

9 SUPT. DANA EARLEY: --- the statement.

10 MR. TOM CURRY: So say flow of traffic, for
11 example, is the thing that makes this Windsor specific.

12 SUPT. DANA EARLEY: Yes.

13 MR. TOM CURRY: This one looks awfully much like
14 the OPP mission statement for Caledonia; doesn't it?

15 SUPT. DANA EARLEY: I haven't seen that.

16 MR. TOM CURRY: Did you go to ---

17 SUPT. DANA EARLEY: It's been a while.

18 MR. TOM CURRY: Were you involved in Caledonia?

19 SUPT. DANA EARLEY: I wasn't on the frontline,
20 but as a Strategic Commander I was involved somewhat.

21 MR. TOM CURRY: And do you recall the mission
22 statement?

23 SUPT. DANA EARLEY: I don't.

24 MR. TOM CURRY: Do you agree with me that it
25 would -- I don't want to pull it up, but do you agree with me
26 that the mission statement for a protest like Caledonia would
27 have similar elements?

28 SUPT. DANA EARLEY: They would have similar

1 elements.

2 **MR. TOM CURRY:** The only thing that's missing is
3 free-flowing traffic where -- because Caledonia didn't -- it
4 involved an occupation of a different kind; right?

5 **SUPT. DANA EARLEY:** Correct.

6 **MR. TOM CURRY:** And do you agree that that one
7 was a very difficult demonstration to try to resolve and was not
8 really ever resolved by a policing solution?

9 **SUPT. DANA EARLEY:** It was a challenge, yes.

10 **MR. TOM CURRY:** Do you agree it wasn't resolved
11 by a policing solution?

12 **SUPT. DANA EARLEY:** I'd have to look at my notes,
13 or I don't ---

14 **MR. TOM CURRY:** Okay.

15 **SUPT. DANA EARLEY:** --- recall. I wasn't
16 involved ---

17 **MR. TOM CURRY:** Sure.

18 **SUPT. DANA EARLEY:** --- on the ground.

19 **MR. TOM CURRY:** What was your -- you were a
20 Strategic Commander there?

21 **SUPT. DANA EARLEY:** For some of it.

22 **MR. TOM CURRY:** Okay.

23 **SUPT. DANA EARLEY:** Yes.

24 **MR. TOM CURRY:** Put it this way, those protesters
25 were never removed by a POU action; right?

26 **SUPT. DANA EARLEY:** Correct.

27 **MR. TOM CURRY:** Eventually, I think the province
28 reached a financial settlement and it acquired the land over

1 which the protest was being held?

2 SUPT. DANA EARLEY: Correct.

3 MR. TOM CURRY: Okay. And then a couple of other
4 things if I can. Ottawa and Windsor, very different situations;
5 correct?

6 SUPT. DANA EARLEY: Yes.

7 MR. TOM CURRY: Ottawa larger, more complex, more
8 challenging?

9 SUPT. DANA EARLEY: Larger, yes.

10 MR. TOM CURRY: More complex?

11 SUPT. DANA EARLEY: Each incident had its
12 complexities ===

13 MR. TOM CURRY: Yes, but, of course ---

14 SUPT. DANA EARLEY: --- and challenges.

15 MR. TOM CURRY: --- I'm asking if you can rank
16 them. If you can't, just tell me, but aren't -- isn't it
17 obvious that Ottawa's a more complex problem even than the one
18 in Windsor?

19 SUPT. DANA EARLEY: I would say that it had
20 different challenges than the incident in Windsor.

21 MR. TOM CURRY: Okay.

22 SUPT. DANA EARLEY: And much larger, yes, I will
23 agree to that.

24 MR. TOM CURRY: Can we -- can I get from you that
25 the different challenges of which you're speaking are many more
26 challenges?

27 SUPT. DANA EARLEY: I wasn't in Ottawa, so it's
28 hard for me to ---

1 **MR. TOM CURRY:** Okay.

2 **SUPT. DANA EARLEY:** --- speak to that, sir.

3 **MR. TOM CURRY:** Fair enough. Now the Incident
4 Command system and autonomy. Today you made a change to the
5 statement that you -- that was filed. And, Commissioner, I'm
6 going to borrow -- not borrow -- well, it is a loan, I suppose.
7 I gather that my colleagues from Ottawa are not going to use
8 their time or perhaps all of their time, so if I could just have
9 a couple of their minutes? Thank you. I'll be quick as I can
10 be.

11 **COMMISSIONER ROULEAU:** Have they even offered?

12 **MR. TOM CURRY:** Yes.

13 **MS. ANNE TARDIF:** They have. We're prepared to
14 cede our 10 minutes ---

15 **MR. TOM CURRY:** Thank you.

16 **MS. ANNE TARDIF:** --- Commissioner. Thank you.

17 **MR. TOM CURRY:** Thank you.

18 So, Superintendent, I'll be -- I'll just be brief
19 with a few other things. Today you made a change to the
20 statement; do you recall that?

21 **SUPT. DANA EARLEY:** Yes, I do.

22 **MR. TOM CURRY:** And did my friend, Mr. Au raise
23 that with you this morning before you came here?

24 **SUPT. DANA EARLEY:** No, I raised it when I
25 reviewed my statement.

26 **MR. TOM CURRY:** Okay. When did you review it,
27 just today?

28 **SUPT. DANA EARLEY:** Within the last couple days.

1 **MR. TOM CURRY:** Okay. Had you reviewed it before
2 when it was sent to you -- or was it -- did they send it to you
3 after they took it in September?

4 **SUPT. DANA EARLEY:** Yes. Yes, they did, and I
5 didn't ---

6 **MR. TOM CURRY:** And you read it but didn't ---

7 **SUPT. DANA EARLEY:** Yeah, and I didn't catch ---

8 **MR. TOM CURRY:** --- notice that?

9 **SUPT. DANA EARLEY:** --- it that -- no.

10 **MR. TOM CURRY:** Okay. The reason I ask is
11 because yesterday I asked Deputy Crowley about whether he knew
12 about that aspect, and I wondered if that's what prompted this.
13 Did you see that yesterday?

14 **SUPT. DANA EARLEY:** I watched his testimony.

15 **MR. TOM CURRY:** Okay. Good. Is that what
16 prompted you to catch this?

17 **SUPT. DANA EARLEY:** No, absolutely not. I caught
18 it prior to that.

19 **MR. TOM CURRY:** Okay. And the line that you
20 wanted to take out or did take out was she informed them,
21 Commissioners -- or the team rather, that the change in
22 direction came from Commissioner Carrique and Deputy
23 Commissioner Harkins. And you would say instead of that line,
24 more accurately, you made the change after your conversation
25 with Commissioner Harkins -- Deputy Harkins, rather, and
26 Commissioner Carrique?

27 **SUPT. DANA EARLEY:** That's correct.

28 **MR. TOM CURRY:** Now they have -- the two senior

1 commands, Deputy Chief -- or Deputy Commissioner Harkins and
2 Superintendent -- or and Commissioner Carrique have strategic --
3 overall strategic command; right?

4 **SUPT. DANA EARLEY:** Correct.

5 **MR. TOM CURRY:** And so they set the strategic
6 direction that the Critical Incident Commander implements?

7 **SUPT. DANA EARLEY:** Yes.

8 **MR. TOM CURRY:** So there's nothing wrong -- am I
9 right, there's nothing wrong with Commissioner Carrique and
10 Deputy Commissioner Harkins telling you that you should not
11 delay your operation while a letter goes to the protesters in
12 Ottawa, but to get on with the operation in Windsor. That would
13 not be overstepping their authority; would it?

14 **SUPT. DANA EARLEY:** I see it as overstepping.
15 The operational control of the incident was mine. It had to --
16 that decision had to be made by me.

17 **MR. TOM CURRY:** Yes. But of course, you -- so
18 what happened in the sequence, and this is important because my
19 friends I predict are going to say that what you did in Windsor
20 informs what should have happened in Ottawa. So this is
21 important for reasons that you may not appreciate, but let me
22 just ask you. The -- if I understand it, what happened in
23 Windsor is that a protester, Mr. Neufeld ---

24 **SUPT. DANA EARLEY:** Correct.

25 **MR. TOM CURRY:** --- came to a PLT officer and
26 said, "We'll all leave if you give us a letter from the
27 government."

28 **SUPT. DANA EARLEY:** Yes.

1 **MR. TOM CURRY:** And so you mobilized the
2 government to write a letter and the Solicitor General writes a
3 letter to say, "We'll meet with you if you denounce your
4 unlawful actions and everybody goes home."

5 **SUPT. DANA EARLEY:** Yes.

6 **MR. TOM CURRY:** And that letter gets to Mr.
7 Neufeld?

8 **SUPT. DANA EARLEY:** Yes.

9 **MR. TOM CURRY:** And, of course, what does he do
10 with it?

11 **SUPT. DANA EARLEY:** It's shared with everybody,
12 but it's -- it did not produce the reaction we were hoping for.

13 **MR. TOM CURRY:** Do we know anything about Mr.
14 Neufeld?

15 **SUPT. DANA EARLEY:** I don't.

16 **MR. TOM CURRY:** Did you at the time, or did you
17 leave it to PLT?

18 **SUPT. DANA EARLEY:** I left it to PLT.

19 **MR. TOM CURRY:** Okay.

20 **SUPT. DANA EARLEY:** I'm sure the information ---

21 **MR. TOM CURRY:** Right.

22 **SUPT. DANA EARLEY:** --- would be available in my
23 notes but ---

24 **MR. TOM CURRY:** Okay. Fair enough. I couldn't
25 find it, but I'll admit there are a lot of records.

26 So and at the same time, you said, "Well, we
27 can't give Mr. Neufeld a letter from the provincial government,
28 from a Minister of the Crown without provoking, possibly, a

1 reaction from the Ottawa protesters who aren't getting a letter
2 from the Solicitor General."

3 **SUPT. DANA EARLEY:** I did not say it in that way,
4 but I made sure that since a letter from the government was
5 being issued to the protest in Windsor, that people were aware
6 across the province that that was happening.

7 **MR. TOM CURRY:** Got it. And you said, "Stop the
8 presses. Let's not take action until we give a letter to Ottawa
9 -- to the Ottawa protesters."

10 **SUPT. DANA EARLEY:** There was discussion in
11 regards to that, yes.

12 **MR. TOM CURRY:** And then the Commissioner -- or,
13 well, first of all, the Deputy Commissioner rang you; correct?

14 **SUPT. DANA EARLEY:** Yes.

15 **MR. TOM CURRY:** And expressed a view that that
16 was not the strategy he wished to follow.

17 **SUPT. DANA EARLEY:** It was suggested that I re-
18 evaluate because I was not aware of the details of what was
19 happening in Ottawa as he was and as the Commissioner was.

20 **MR. TOM CURRY:** Yes. In other words, they're --
21 they've got strategic command ---

22 **SUPT. DANA EARLEY:** Yes.

23 **MR. TOM CURRY:** --- and they -- and may I just
24 please go back to that statement? 22, yeah. WTS22, please,
25 page 13. I'll just be a second with this. Thank you. "During
26 a 6:47 p.m. call..." And we have the scribe notes, but I'll do
27 it this way.

28 "...[on the] same date, Deputy

1 Commissioner Harkins told
2 Superintendent Earley not to pause
3 enforcement out of concern about the
4 potential impact on the Ottawa
5 protestors."

6 That's true?

7 **SUPT. DANA EARLEY:** That's true.

8 **MR. TOM CURRY:** And ---

9 **SUPT. DANA EARLEY:** I shared with him that I had
10 decided to pause it based on that, and then he shared with me
11 insight in regards to what was going on in Ottawa, and that if
12 that was the main reason, not to pause enforcement based on
13 that.

14 **MR. TOM CURRY:** Got it. And so he called you at
15 that time?

16 **SUPT. DANA EARLEY:** I don't recall if he called
17 me or I was updating him.

18 **MR. TOM CURRY:** Well, so if we just scroll up a
19 little bit, I think he called you because -- stop.

20 "Superintendent Earley advised her
21 command table at 6:17 [...] on [the]
22 11[th] [...] she had decided to pause
23 the enforcement action."

24 **SUPT. DANA EARLEY:** Yes.

25 **MR. TOM CURRY:** Scroll down.

26 "During a 6:47 [...] call [...], Deputy
27 [...] Harkins told [you] not to pause
28 enforcement..."

1 So do you now recall that word got to him and he
2 had a different view?

3 **SUPT. DANA EARLEY:** I don't recall if I called
4 him or he called me, to be honest.

5 **MR. TOM CURRY:** Okay.

6 **SUPT. DANA EARLEY:** I'd have to ---

7 **MR. TOM CURRY:** Well, if you called him, it was
8 to check in with him; was it?

9 **SUPT. DANA EARLEY:** It was to bring an update.

10 **MR. TOM CURRY:** Okay. And when you did, it was
11 that you were pausing.

12 **SUPT. DANA EARLEY:** It was, yeah. It was a ---

13 **MR. TOM CURRY:** And Commissioner ---

14 **SUPT. DANA EARLEY:** --- discussion of my
15 decision.

16 **MR. TOM CURRY:** Thank you. Deputy Commissioner
17 Harkins said don't pause.

18 **SUPT. DANA EARLEY:** We discussed my reasons for
19 wanting to pause and he said if it was solely based on Ottawa,
20 that you should not -- that it should -- not to worry about it,
21 to remain focussed on Windsor.

22 **MR. TOM CURRY:** Thank you. And then ---

23 **SUPT. DANA EARLEY:** And that's when I ---

24 **MR. TOM CURRY:** --- and at the bottom, you
25 pointed out the risk.

26 **SUPT. DANA EARLEY:** Yes.

27 **MR. TOM CURRY:** You advised,

28 "...of the risk that police enforcement

1 [...] could have impacts on Ottawa and
2 lead to an increase in aggression and
3 violence by protestors [in Ottawa]..."

4 Correct?

5 **SUPT. DANA EARLEY:** No, the aggression and the
6 violence by protestors was in regards to the response to the
7 operational plan that I had -- was going to move forward with in
8 Windsor.

9 **MR. TOM CURRY:** But what does that have to do
10 with -- I'm not following that. Isn't it Ottawa that you were
11 concerned with? Because look at the last sentence. You,
12 "...advised Deputy Commissioner Harkins
13 of the risk that police enforcement
14 action could have impacts on Ottawa and
15 lead to an increase in aggression and
16 and violence by protestors", mustn't
17 those protestors be the ones in Ottawa?

18 **SUPT. DANA EARLEY:** It would be protestors
19 wherever across the province, and so that's why we were
20 discussing it.

21 **MR. TOM CURRY:** Okay. But it includes Ottawa at
22 least.

23 **SUPT. DANA EARLEY:** Yes.

24 **MR. TOM CURRY:** Deputy Commissioner Harkins
25 confirms that he's aware and then, a few minutes later, you have
26 a call now with Commissioner Carrique and the Deputy.

27 **SUPT. DANA EARLEY:** And Deputy, yes.

28 **MR. TOM CURRY:** And am I right that the Deputy

1 got Commissioner Carrique on because he wanted to emphasize the
2 message to you that he was giving, which is you should go ahead
3 and clear the Ambassador Bridge?

4 **SUPT. DANA EARLEY:** They supported me moving
5 forward with the plan.

6 **MR. TOM CURRY:** Well, when you say -- you see,
7 Superintendent, they -- what they supported was a different
8 decision than the one you had taken to the command table. You
9 wanted to pause.

10 **SUPT. DANA EARLEY:** Yes.

11 **MR. TOM CURRY:** And they said, "Don't pause".

12 **SUPT. DANA EARLEY:** They provided me with
13 information that made me change my mind that the pause was not
14 necessary, that we were ready to go, and reminded me that
15 Windsor was my priority.

16 **MR. TOM CURRY:** I mean, it -- I know that we're -
17 - this is -- can sound like it's semantics, but it's not really
18 semantics because it's not information they provided to you.
19 It's direction they provided you, isn't it?

20 **SUPT. DANA EARLEY:** Well, it was a discussion. I
21 did not find that it was directive. It was a discussion that we
22 had about my reasons for pausing.

23 **MR. TOM CURRY:** They simply took a different view
24 than you about the importance of not giving a letter to the
25 Ottawa protestors; right?

26 **SUPT. DANA EARLEY:** No, the letter was going to
27 be given regardless.

28 **MR. TOM CURRY:** Well, okay. Then pausing while

1 you -- but you wanted to give the letter to Ottawa and then let
2 it go and do its work; right?

3 **SUPT. DANA EARLEY:** That was what my first option
4 was, and that's what I was considering.

5 **MR. TOM CURRY:** And so they said, "Here's our
6 judgment as strategic commanders. You're a go, clear the
7 Ambassador Bridge", and you did.

8 **SUPT. DANA EARLEY:** Yes, that was part of the
9 discussion.

10 **MR. TOM CURRY:** Got it.

11 Now, then, finally, the PLT. We've spoke about
12 this briefly, but the PLT was not able to get -- make yards on
13 this protest. It was a failure of the ability to negotiate with
14 this group of disparate protestors; right?

15 **SUPT. DANA EARLEY:** I wouldn't call any work of
16 the Provincial Liaison Team a failure. Their effort was there.
17 But it did not produce the results that we were hoping.

18 **MR. TOM CURRY:** Right. And the -- well, there
19 are only two ways down this mountain. Either those protestors
20 were going to leave because you asked them to leave and
21 negotiated their withdrawal, including by giving a letter from
22 the Solicitor-General of the province ---

23 **SUPT. DANA EARLEY:** Correct.

24 **MR. TOM CURRY:** --- or you were going to have to
25 muscle them out with a POU operation; right?

26 **SUPT. DANA EARLEY:** Use an operational plan from
27 POU, yes.

28 **MR. TOM CURRY:** Last question, then, please, just

1 on the issue of strategic command. Could I show you, please,
2 WTS39?

3 This is the witness statement from the
4 Commissioner, and I just need your help again because it's -- it
5 may be important to sorting out the roles and responsibilities
6 of strategic commanders and incident commanders.

7 Page 8, please. Under the heading "Incident
8 Command System", the Commissioner said this. And I don't know
9 whether you've seen this. Fourth line down, "While some
10 Incident Commanders" -- do you see it?

11 **SUPT. DANA EARLEY:** Yes.

12 **MR. TOM CURRY:**

13 "...may feel as though they have
14 complete autonomy, this is not the case.
15 The Chief or Commissioner remains
16 responsible to provide adequate and
17 effective police services, is
18 accountable to the Board under the
19 *Police Services Act* in the case of a
20 municipal police service, and is
21 entitled to set strategic direction or
22 give lawful orders. However, Incident
23 Commanders should have operational
24 autonomy to carry out strategic
25 objectives set by senior command."

26 And that's accurate.

27 **SUPT. DANA EARLEY:** Yes.

28 **MR. TOM CURRY:** And so what occurred between you

1 and Deputy Commissioner Harkins and Commissioner Carrique was
2 simply that. Is that fair?

3 SUPT. DANA EARLEY: Yes. Fair.

4 MR. TOM CURRY: Okay. Thank you.

5 SUPT. DANA EARLEY: Thank you.

6 COMMISSIONER ROULEAU: Okay. Well, you're -- you
7 and the City of Ottawa are overdrawn, but we'll see when we get
8 to Ottawa.

9 The Windsor Police Service.

10 MR. THOMAS McRAE: Thank you, Mr. Commissioner.

11 --- CROSS-EXAMINATION BY MR. THOMAS McRAE:

12 MR. THOMAS McRAE: Good afternoon,
13 Superintendent.

14 SUPT. DANA EARLEY: Good afternoon.

15 MR. THOMAS McRAE: My name is Tom McRae. I'm
16 here for the Windsor Police Service. I only have a couple of
17 questions.

18 SUPT. DANA EARLEY: Okay.

19 MR. THOMAS McRAE: I believe you told one of my
20 friends earlier today that Windsor Police Service was
21 responsible for the arrests that were made.

22 SUPT. DANA EARLEY: Yes, it's their jurisdiction.

23 MR. THOMAS McRAE: And they -- I take it that
24 they were also responsible for developing the arrest plans. Is
25 that correct?

26 SUPT. DANA EARLEY: They worked with me like
27 every other plan to create the arrest plan.

28 MR. THOMAS McRAE: And the prisoner

1 transportation plans, too?

2 SUPT. DANA EARLEY: Yes, they -- we worked
3 alongside of each other to create those plans.

4 MR. THOMAS McRAE: Thank you.

5 There's an organization that I've learned about
6 called the Ontario Women in Law Enforcement. Are you aware of
7 them?

8 SUPT. DANA EARLEY: Yes.

9 MR. THOMAS McRAE: And I understand that you were
10 awarded, together with members of both the OPP and Windsor
11 Police Service, with the teamwork award this past June. Is that
12 correct?

13 SUPT. DANA EARLEY: Yes.

14 MR. THOMAS McRAE: And I also understand that it
15 was Deputy Chief Crowley who put you up for that award. Is that
16 correct?

17 SUPT. DANA EARLEY: Yes, that's correct.

18 MR. THOMAS McRAE: Those are my questions. Thank
19 you.

20 SUPT. DANA EARLEY: Thank you.

21 COMMISSIONER ROULEAU: City of Ottawa?

22 MS. ANNE TARDIF: We ceded our time, so we have
23 no questions, Commissioner. Thank you.

24 COMMISSIONER ROULEAU: Ottawa Police Service?

25 --- CROSS-EXAMINATION BY MS. JESSICA BARROW:

26 MS. JESSICA BARROW: Good afternoon,
27 Superintendent. I'm Jessica Barrow. I'm counsel for the Ottawa
28 Police Service.

1 **SUPT. DANA EARLEY:** Hello.

2 **MS. JESSICA BARROW:** I just wanted to clarify one
3 quick thing with you that came out of your conversation with Mr.
4 Curry, and that's the change that you made this morning to your
5 witness statement.

6 **SUPT. DANA EARLEY:** Yes.

7 **MS. JESSICA BARROW:** So just to make sure I have
8 it correct, what you indicated this morning was that you had a
9 conversation with Commissioner Carrique as well as the Deputy
10 Commissioner ---

11 **SUPT. DANA EARLEY:** Yes.

12 **MS. JESSICA BARROW:** --- in relation to whether
13 to stand down the Windsor operation.

14 **SUPT. DANA EARLEY:** Yes.

15 **MS. JESSICA BARROW:** And as a result of that
16 conversation, you ultimately decided to revert course and
17 continue with the Windsor operation; correct?

18 **SUPT. DANA EARLEY:** Correct.

19 **MS. JESSICA BARROW:** And just so that I
20 understand it, the reason for that was because you obtained new
21 information in the course of that conversation; correct?

22 **SUPT. DANA EARLEY:** Correct.

23 **MS. JESSICA BARROW:** And you couldn't otherwise
24 have had that information previously because you were in charge
25 of the Windsor operation.

26 **SUPT. DANA EARLEY:** That's correct.

27 **MS. JESSICA BARROW:** And you had limited
28 information or, I think, line of sight into that operation in

1 Ottawa.

2 **SUPT. DANA EARLEY:** That's correct.

3 **MS. JESSICA BARROW:** And so it was less a
4 question of being directive and more about sharing information
5 with you that you couldn't otherwise have had prior to that
6 meeting.

7 **SUPT. DANA EARLEY:** That's correct.

8 **MS. JESSICA BARROW:** And so as a result of that
9 meeting, you decided that the risks you initially were concerned
10 about were not concerns after all and you could proceed with
11 your operation.

12 **SUPT. DANA EARLEY:** That's correct.

13 **MS. JESSICA BARROW:** Okay. Thank you.

14 Those are my questions.

15 **SUPT. DANA EARLEY:** Thank you.

16 **COMMISSIONER ROULEAU:** Next the Ottawa Coalition
17 of Residents and Businesses.

18 **MS. EMILIE TAMAN:** Good afternoon, Commissioner.
19 Emilie Taman, for the Ottawa Coalition. We don't have any
20 questions. Thank you.

21 **COMMISSIONER ROULEAU:** Thank you.

22 The Convoy Organizations?

23 **MS. BATH-SHÉBA VAN den BERG:** Good afternoon, Mr.
24 Commissioner. Bath-Shéba Van den Berg for Freedom Corp and
25 protestors. We have no questions for Superintendent Earley.
26 Thank you.

27 **COMMISSIONER ROULEAU:** Thank you.

28 National Police Federation?

1 **MS. LAUREN PEARCE:** Hello. This is Lauren Pearce
2 for the National Police Federation. We also have no questions.

3 **COMMISSIONER ROULEAU:** The Province of Alberta?

4 **MS. STEPHANIE BOWES:** Good afternoon. This is
5 Stephanie Bowers for the Province of Alberta. We have no
6 further questions.

7 **COMMISSIONER ROULEAU:** Okay. The Ontario
8 Provincial Police?

9 **MS. JINAN KUBURSI:** Thank you, Commissioner. We
10 have no questions.

11 **COMMISSIONER ROULEAU:** Any re-examination?

12 **MR. FRANK AU:** No, thank you.

13 **COMMISSIONER ROULEAU:** Okay. Well, that was,
14 obviously, very clear evidence. Nobody seems to want to cross-
15 examine you -- or limited, I should say.

16 Well, thank you very much for attending. You're
17 free to go, and we thank you for your evidence.

18 **SUPT. DANA EARLEY:** Thank you.

19 **COMMISSIONER ROULEAU:** So given the speedy way in
20 which we went through this, I think we'll take an hour and nine
21 minutes for lunch today.

22 So we'll come back at 2 o'clock.

23 **THE REGISTRAR:** The Commission is in recess until
24 2 o'clock. La commission est lever jusqu'à 14 h 00.

25 --- Upon recessing at 12 :51 p.m.

26 --- Upon resuming at 2:01 p.m.

27 **THE REGISTRAR:** Order. À l'ordre.

28 The Commission is reconvened. La commission

1 repretend.

2 **MS. ALLISON McMAHON:** Yes, Allison McMahon,
3 Commission Counsel, and our next witness is Paul Leschied.

4 **COMMISSIONER ROULEAU:** Mr. Leschied?

5 **THE REGISTRAR:** Mr. Leschied, will you swear on a
6 religious document, or do you wish to affirm?

7 **MR. PAUL LESCHIED:** I'd like to affirm.

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

10 **MR. PAUL LESCHIED:** Paul, P-A-U-L, Winfield, W-I-
11 N-F-I-E-L-D, Leschied, L-E-S-C-H-I-E-D.

12 **--- MR. PAUL LESCHIED, Affirmed:**

13 **THE REGISTRAR:** Thank you.

14 **MS. ALLISON McMAHON:** And, Commissioner, Mr.
15 Leschied's counsel is appearing virtually and would like to
16 briefly address the Commission.

17 **COMMISSIONER ROULEAU:** Okay. Yes, go ahead.

18 **--- STATEMENT BY MS. LANI ROUILLARD:**

19 **MS. LANI ROUILLARD:** Hi, there. My name is --
20 oh.

21 **COMMISSIONER ROULEAU:** Go ahead.

22 **MS. LANI ROUILLARD:** My name is Lani Rouillard
23 and I appear for Paul Leschied. And I'd just like to confirm
24 prior to the proceeding with the witness that the protections of
25 Section 9 of the *Ontario Evidence Act* and Section 5 of the
26 *Evidence Act of Canada* are invoked for the witness.

27 **COMMISSIONER ROULEAU:** Okay. Thank you.

28 Just for the record, Mr. Leschied is under

1 subpoena, and I deemed that -- I will deem that the witness has
2 objected to answer each and every question on the ground that
3 his answers may tend to incriminate or may tend to establish his
4 liability to a civil proceeding at the instance of the Crown or
5 of any other person, and if but for the Acts invoked, the
6 witness would -- or this Act, the witness would therefore have
7 to have been excused from answering the questions, then although
8 the witness is by reason of this Act, or the federal and
9 provincial Act compelled to answer, the answers so given shall
10 not be used or admissible in evidence against him in any
11 criminal trial or any other criminal proceeding against him
12 thereafter taking place, other than a prosecution for perjury in
13 the giving of that evidence or for the giving of contradictory
14 evidence. So is that adequate then?

15 **MS. LANI ROUILLARD:** Yes. Thank you, sir.

16 **COMMISSIONER ROULEAU:** Okay. With that
17 introduction, I think we can proceed with the examination. Go
18 ahead.

19 **MS. ALLISON McMAHON:** Thank you very much.

20 **--- EXAMINATION IN-CHIEF BY MS. ALLISON McMAHON:**

21 **MS. ALLISON McMAHON:** Mr. Leschied, you were
22 interviewed by Commission Counsel on October 4th; is that
23 correct?

24 **MR. PAUL LESCHIED:** Yes.

25 **MS. ALLISON McMAHON:** And, Mr. Registrar, if we
26 could please pull up WTS00000049?

27 Mr. Leschied, is that the -- a summary of the
28 interview?

1 **MR. PAUL LESCHIED:** Yes.

2 **MS. ALLISON McMAHON:** And have you had an
3 opportunity to review this summary?

4 **MR. PAUL LESCHIED:** Yeah.

5 **MS. ALLISON McMAHON:** And do you have any
6 corrections to it?

7 **MR. PAUL LESCHIED:** No.

8 **MS. ALLISON McMAHON:** Okay. Then we'll ask that
9 it be entered as an exhibit.

10 Mr. Leschied, you live in McGregor, Ontario; is
11 that right?

12 **MR. PAUL LESCHIED:** Yeah, correct.

13 **MS. ALLISON McMAHON:** And that's about 15
14 kilometres from downtown Windsor?

15 **MR. PAUL LESCHIED:** Fifteen (15) to 20 kilometres
16 from downtown Windsor, yeah.

17 **MS. ALLISON McMAHON:** Okay. And what do you do
18 for a living?

19 **MR. PAUL LESCHIED:** I co-own a contracting
20 business that serves the greater Windsor-Essex County area.

21 **MS. ALLISON McMAHON:** Okay. And have you been a
22 life-long resident of the Essex County area?

23 **MR. PAUL LESCHIED:** I've lived in Essex County
24 area for the better part of the last 44 years, other than the
25 time I spent at university and briefly in Alberta for a -- as a
26 commercial helicopter pilot.

27 **MS. ALLISON McMAHON:** And can you please tell the
28 Commissioner about how you became involved with protests against

1 COVID-19 public health mandates?

2 **MR. PAUL LESCHIED:** I would just say, like many
3 other Canadians, I'd grown a little wary with the -- I guess the
4 direction of our basic fundamental rights and freedoms kind of
5 being transformed into privileges that can be granted or revoked
6 based upon our personal compliance with whatever the latest
7 mandate or bylaw that's being passed down by our federal,
8 provincial or municipal leaders. That led me to be a little
9 concerned as a father of three young children, the direction
10 that this country's heading in, and so I participated in several
11 peaceful, lawful protests, so that people's voices could be
12 heard with these same concerns.

13 **MS. ALLISON McMAHON:** And can you tell us about
14 those protests?

15 **MR. PAUL LESCHIED:** I mean, we had various
16 fundraisers for people that have been negatively impacted, or
17 had job losses, or had their businesses somewhat run into the
18 ground, or not being able to make ends meet. We've had various
19 freedom rallies at the flag, I guess that you would call it, at
20 the downtown Windsor area of Riverside and Ouellette Avenue.

21 **MS. ALLISON McMAHON:** And are those the sort of
22 weekly rallies that would take place starting in September ---

23 **MR. PAUL LESCHIED:** I wouldn't say I was there
24 for the weekly rallies. There have been weekly rallies and I
25 was -- I did my part to offer whatever assistance or support
26 that I could at several of these events over the last couple
27 years.

28 **MS. ALLISON McMAHON:** Okay. And how would you

1 typically hear about protests that you would attend or
2 fundraisers or rallies?

3 **MR. PAUL LESCHIED:** I mean, I just I've made a
4 lot of friends and that would attend some of these rallies in
5 the area that have similar concerns that I do. So, you know,
6 through text message, periodic meetups where people might be
7 discussing what they would like to do or what action maybe they
8 would like to take next.

9 **MS. ALLISON McMAHON:** And would you post about it
10 on social media or sort of join -- did you join any groups
11 related to ---

12 **MR. PAUL LESCHIED:** More just, like, personal
13 interactions with friends that were involved in the same sort of
14 things.

15 **MS. ALLISON McMAHON:** Okay. So you weren't part
16 of any sort of formal organizations?

17 **MR. PAUL LESCHIED:** I wouldn't say that there was
18 very many formal organizations. It was kind of a loose
19 organization with people coming and going and that would be
20 about it.

21 **MS. ALLISON McMAHON:** And a loose organization in
22 the sense of just you have this network of friends who ---

23 **MR. PAUL LESCHIED:** I mean, like I said, it would
24 be some people that were involved with this maybe prior to me
25 getting involved, and then I would meet certain people over the
26 course of these events, and ---

27 **MS. ALLISON McMAHON:** M'hm.

28 **MR. PAUL LESCHIED:** --- that would be about it.

1 **MS. ALLISON McMAHON:** Okay. And did you help
2 plan any of these rallies or ---

3 **MR. PAUL LESCHIED:** I mean, I offered support
4 where I could. I thought I was a calming influence on a lot of
5 these events when perhaps maybe things got contentious or, you
6 know, offer support in terms of setting things up. You know, we
7 would have a sound stage, perhaps, and you know, I would offer
8 support, and moving things from Point A to Point B, or hauling
9 things from somewhere to wherever the venue happened to be at.

10 **MS. ALLISON McMAHON:** Okay. And I understand
11 that in January 2022, and continuing into early February, there
12 were slow roll protests on Huron Church Avenue. Is that right?

13 **MR. PAUL LESCHIED:** Yes.

14 **MS. ALLISON McMAHON:** And were you aware of those
15 protests?

16 **MR. PAUL LESCHIED:** I was aware of those, yes.

17 **MS. ALLISON McMAHON:** Did you participate in
18 them?

19 **MR. PAUL LESCHIED:** No, I did not.

20 **MS. ALLISON McMAHON:** Like attend them in any way
21 or anything like that?

22 **MR. PAUL LESCHIED:** No.

23 **MS. ALLISON McMAHON:** Okay. And were you at that
24 time following what was happening in Ottawa with the Freedom
25 Convoy?

26 **MR. PAUL LESCHIED:** Yes.

27 **MS. ALLISON McMAHON:** Okay. And how were you
28 monitoring that? Was it through social media, through

1 traditional media?

2 **MR. PAUL LESCHIED:** Mostly social media, and
3 then, you know, I had a couple of friends that were heading up
4 there at various points during the Ottawa demonstrations.

5 **MS. ALLISON McMAHON:** Okay. And we'll come back
6 to that. But you didn't participate in any of the events in
7 Ottawa did you?

8 **MR. PAUL LESCHIED:** No.

9 **MS. ALLISON McMAHON:** So the blockade starts --
10 at the Ambassador Bridge starts on February 7th as I understand
11 it. In the days leading up to that, were you aware that there
12 might a protest in that area?

13 **MR. PAUL LESCHIED:** No.

14 **MS. ALLISON McMAHON:** So we have heard evidence
15 over the last day-and-a-half that there were social media posts
16 about a slow roll and potential blockade. But that was not
17 something that you saw?

18 **MR. PAUL LESCHIED:** I knew that there was slow
19 rolls going on. Was there rumours about this event or that
20 event going on? There's all kinds of things being shared across
21 social media, but I was not aware of any organisation for an
22 event that was going to start on February 7th.

23 **MS. ALLISON McMAHON:** Was a blockade of the
24 Ambassador Bridge something that you had heard rumours about?

25 **MR. PAUL LESCHIED:** Very loosely. Like, I mean,
26 you might have heard somebody suggest, "Oh, well that would be a
27 -- that would be an interesting idea", but nothing that would
28 ever have been something that I was involved in discussing.

1 **MS. ALLISON McMAHON:** Okay. And you attended the
2 blockade for the first time on the evening of February 7th; is
3 that right?

4 **MR. PAUL LESCHIED:** Correct.

5 **MS. ALLISON McMAHON:** And around what time would
6 you have arrived?

7 **MR. PAUL LESCHIED:** I'd estimate round 9:00 p.m.

8 **MS. ALLISON McMAHON:** And for the rest of the
9 week would you typically attend around the same time?

10 **MR. PAUL LESCHIED:** Yeah, I would usually go
11 after my young children were put to bed, and I would head down
12 from between the hours of eight and nine until maybe twelve to
13 one o'clock in the morning.

14 **MS. ALLISON McMAHON:** Okay. And so on that first
15 evening, on February 7th, where were the protesters located?

16 **MR. PAUL LESCHIED:** So where I went was at the
17 intersection of Girardot and Huron Church Avenue, which is
18 approximately a half kilometre south of the egress point of the
19 Ambassador Bridge southbound on Huron Church.

20 **MS. ALLISON McMAHON:** Okay.

21 And Mr. Registrar, could we please pull up the
22 map of Windsor, just so that we can see where that is?

23 And so as I understand it, the egress point, as
24 you referred to it, is north of College on Huron Church; is that
25 right?

26 **MR. PAUL LESCHIED:** Correct.

27 **MS. ALLISON McMAHON:** So would that be in the
28 vicinity of that purple icon?

1 **MR. PAUL LESCHIED:** Yeah. Yeah, somewhere
2 between the purple and maybe just a little bit south of that.

3 **MS. ALLISON McMAHON:** Okay. And Girardot, that's
4 down the -- that's ---

5 **MR. PAUL LESCHIED:** So Girardot would be if you
6 see the second cross street, I see you there as a little --
7 where it says Dot Avenue beside it and you see like an
8 intersection there, that would be where the intersection of
9 Girardot and Huron Church would be.

10 **MS. ALLISON McMAHON:** And that's about halfway
11 between College and Tecumseh?

12 **MR. PAUL LESCHIED:** Correct.

13 **MS. ALLISON McMAHON:** And so when you arrived at
14 the protest that night, were vehicles blocking the intersection?

15 **MR. PAUL LESCHIED:** There was probably three to
16 four pickup trucks blocking or straddling both sides of Huron
17 Church Avenue north and southbound at that intersection.

18 **MS. ALLISON McMAHON:** And so were they driving
19 down Girardot, I'm sorry I'm going to butcher that street name -
20 --

21 **MR. PAUL LESCHIED:** No.

22 **MS. ALLISON McMAHON:** --- or were they driving
23 down Huron Church?

24 **MR. PAUL LESCHIED:** See, they weren't driving
25 when I got there, they were just kind of straddled across, like
26 perpendicular to Huron Church Avenue so that they were impeding
27 the traffic at Girardot and Huron Church.

28 **MS. ALLISON McMAHON:** And approximately how many

1 vehicles were blocking the intersection?

2 MR. PAUL LESCHIED: I would say three to four.

3 MS. ALLISON McMAHON: And did you participate in
4 that blockade?

5 MR. PAUL LESCHIED: No. I parked much further
6 away on a side street.

7 MS. ALLISON McMAHON: And so then you walked in?

8 MR. PAUL LESCHIED: Yes.

9 MS. ALLISON McMAHON: And were there -- were most
10 people in their cars or were they on foot?

11 MR. PAUL LESCHIED: They would be on foot. Other
12 than those three to four cars that were involved there,
13 everybody else would be on foot.

14 MS. ALLISON McMAHON: Roughly how many other
15 protesters were...

16 MR. PAUL LESCHIED: When I got there, maybe 40,
17 50, somewhere in that range.

18 MS. ALLISON McMAHON: They were standing in the
19 intersection, on the sidewalks?

20 MR. PAUL LESCHIED: On the sidewalks, some in the
21 intersection of that area.

22 MS. ALLISON McMAHON: Okay. And were there
23 police present?

24 MR. PAUL LESCHIED: Yes.

25 MS. ALLISON McMAHON: What were they doing?

26 MR. PAUL LESCHIED: So there would have been
27 police vehicles at the intersection near, I guess on the east
28 side of that road where the Assumption High School area is.

1 **MS. ALLISON McMAHON:** And had they set up
2 blockades anywhere?

3 **MR. PAUL LESCHIED:** So I didn't discover that
4 until after I left that evening, and then I had seen that there
5 was Windsor Police vehicles at several of the intersections
6 surrounding the general area.

7 **MS. ALLISON McMAHON:** And that's on February the
8 7th?

9 **MR. PAUL LESCHIED:** Yes.

10 **MS. ALLISON McMAHON:** And yesterday we saw
11 evidence that protesters had started setting up a camp on the
12 first night and had told police that they were staying put and
13 not moving. Is that something that you observed?

14 **MR. PAUL LESCHIED:** I didn't observe that at the
15 Girardot intersection, which is the only spot that I really
16 walked.

17 **MS. ALLISON McMAHON:** Okay. So you weren't at
18 College Street, for example?

19 **MR. PAUL LESCHIED:** Not on February 7th, no.

20 **MS. ALLISON McMAHON:** And you didn't sort of walk
21 by there when you were ---

22 **MR. PAUL LESCHIED:** Well, my impressions at
23 Girardot was that there was semi-trucks backed up on both north
24 and southbound lanes for as far as my eyes could see. So I had
25 no reason to really walk along all of the other semi-trucks on
26 the road that were just sitting there idling.

27 **MS. ALLISON McMAHON:** And was your impression
28 that they were backed up because of the blockade at Girardot?

1 **MR. PAUL LESCHIED:** Yes, that's correct.

2 **MS. ALLISON McMAHON:** Okay. And what time did
3 you leave the protest on that first night?

4 **MR. PAUL LESCHIED:** I would estimate one o'clock
5 in the morning.

6 **MS. ALLISON McMAHON:** Did you expect that the
7 protesters would stay overnight?

8 **MR. PAUL LESCHIED:** When I left, there was
9 probably a dozen or so protesters left there, and I had assumed
10 that that would be a one-off type of event and it would be over
11 by the next morning, or later that night.

12 **MS. ALLISON McMAHON:** So while you were there you
13 hadn't discussed with anybody that they might stay there
14 overnight?

15 **MR. PAUL LESCHIED:** I think I might've asked,
16 like "is anybody planning to stay here beyond the evening"
17 because the numbers had dwindled as -- in the three or four
18 hours that I was there, and I had just assumed by one o'clock in
19 the morning, when it was kind of apparent that there was more
20 police presence in the area than there were protesters, that
21 this wasn't going to go on for any length of time.

22 **MS. ALLISON McMAHON:** Okay. And you attended the
23 protest again the next night; is that right?

24 **MR. PAUL LESCHIED:** I mean, I remember asking a
25 friend the next morning "Is anything still going on at the
26 Ambassador Bridge or Huron Church area?", and he said, "Yeah,
27 it's still going on", which I was very surprised of. And so,
28 yeah, I went down the second evening about the same time.

1 **MS. ALLISON McMAHON:** And was that friend
2 somebody who had stayed overnight at the protest?

3 **MR. PAUL LESCHIED:** No.

4 **MS. ALLISON McMAHON:** Did you know any of the
5 people who were in the trucks blocking the intersection that
6 night?

7 **MR. PAUL LESCHIED:** I had never seen any of the
8 people in the three or four pickup trucks or SUVs that were
9 there that night, prior or since.

10 **MS. ALLISON McMAHON:** And so on the second night,
11 the protest is more centrally located at College Street. Were
12 the lanes all blocked in every direction on, excuse me, was
13 Huron Church blocked in both directions?

14 **MR. PAUL LESCHIED:** So on that second night, the
15 protests seemed to be centrally located at the southbound egress
16 point from the Ambassador Bridge, so those lanes would have been
17 blocked. Northbound, I believe there was maybe one or two
18 protest vehicles on the northbound area, but the entire
19 perimeter, I guess, of the College/Huron Church intersection was
20 cordoned off by police vehicles.

21 **MS. ALLISON McMAHON:** So all four points of the
22 intersection were blocked off by police vehicles?

23 **MR. PAUL LESCHIED:** Okay, I would say three of
24 the four parts and then the southbound Huron Church just south
25 of College Avenue that was where more of the protest vehicles
26 that didn't fit on, say, the northside of where the egress area
27 is from Ambassador Bridge, they had started to park on that
28 south section of the southbound lanes of Huron Church south of

1 College Avenue.

2 **MS. ALLISON McMAHON:** And approximately how many
3 protesters were there that night?

4 **MR. PAUL LESCHIED:** People or vehicles?

5 **MS. ALLISON McMAHON:** Both.

6 **MR. PAUL LESCHIED:** I would say perhaps
7 40 vehicles, a few large semi-trucks, and probably between 100,
8 150 protesters. Again, the numbers fluctuated over the times
9 that I was there, usually dwindling as the evenings got later.

10 **MS. ALLISON McMAHON:** And did the crowd dynamic
11 change as things got later?

12 **MR. PAUL LESCHIED:** I would say from my
13 interactions with other people, the crowd dynamic might have
14 changed from the daytime to the evening times. But from the
15 times I would get there at 9:00 until 1:00 o'clock, which was my
16 average times that I would have been there, the dynamic would
17 have stayed the same, just the numbers probably would have
18 dropped off as people left to go home.

19 **MS. ALLISON McMAHON:** And could you describe what
20 the atmosphere was like when you attended the protests?

21 **MR. PAUL LESCHIED:** I mean, there would be music,
22 the National Anthem would be sung, you know, periodically.
23 There would be food being shared amongst anybody and everybody
24 that was -- wanted to be part of that. Generally just a
25 peaceful gathering of people that were there for various
26 reasons.

27 **MS. ALLISON McMAHON:** And did you talk to other
28 protestors about their reasons for being there?

1 **MR. PAUL LESCHIED:** Not really specifically. Its
2 probably largely assumed, the reasons. I mean, I think I spoke
3 to a few of the truck drivers who expressed their reasons for
4 being there was more in line with the fact that they were about
5 to face losing their ability to cross the international border
6 without compliance with the mandates to cross and drive their
7 trucks to and from the United States.

8 **MS. ALLISON McMAHON:** But there were personal
9 vehicles there as well, ---

10 **MR. PAUL LESCHIED:** There was.

11 **MS. ALLISON McMAHON:** --- and individuals who
12 weren't ---

13 **MR. PAUL LESCHIED:** Yes.

14 **MS. ALLISON McMAHON:** --- truck drivers?

15 **MR. PAUL LESCHIED:** Exactly.

16 **MS. ALLISON McMAHON:** And did they have different
17 goals?

18 **MR. PAUL LESCHIED:** I don't think I really spoke
19 in depth with some of the strangers that I was meeting for the
20 first time about why they were there.

21 **MS. ALLISON McMAHON:** M'hm.

22 **MR. PAUL LESCHIED:** I think it was just assumed
23 to me that they were there celebrating or expressing their
24 peaceful right to protest.

25 **MS. ALLISON McMAHON:** And on the Tuesday, what
26 was the police presence like?

27 **MR. PAUL LESCHIED:** Well, it certainly had grown.
28 Definitely seemed to be a little bit more organized than on the

1 first night when things were a little bit more new. They
2 generally seemed to be -- from the ones that I was able to
3 interact with, or witness other people interacting with, very
4 friendly and cordial with the protestors that were there.

5 **MS. ALLISON McMAHON:** Did you have -- did you
6 interact with any of the police officers?

7 **MR. PAUL LESCHIED:** Not more than to be a party
8 in perhaps talks that they were having with other people, other
9 than to offer hellos or greetings to some of the officers that
10 might have been in the areas where I was.

11 **MS. ALLISON McMAHON:** Okay. And did -- were they
12 telling you anything about your right to be there or encouraging
13 you to leave? Anything like that?

14 **MR. PAUL LESCHIED:** On that second night,
15 certainly there was a lot of -- I shouldn't say a lot. There
16 was some police officers that would suggest, "We support your
17 right to be here," or, "We're happy that --" maybe not the word
18 happy, "We're in support with what you're doing here and
19 everything seems to be peaceful." That'd be about it.

20 **MS. ALLISON McMAHON:** So they weren't advising
21 you that you had to leave or be arrested?

22 **MR. PAUL LESCHIED:** No.

23 **MS. ALLISON McMAHON:** Okay. And were there more
24 barricades on this night than there had been the previous night
25 or was it pretty consistent?

26 **MR. PAUL LESCHIED:** I mean, the previous night, I
27 wouldn't suggest that there was -- I didn't remember seeing
28 barricades. I would say that there was police cruisers at

1 intersections, and I guess if that represents a barricade, that
2 would be what I would say on night number one. And then night
3 number two, they would have some of those construction, like,
4 orange construction wooden barricades at some of the
5 intersections in the area.

6 **MS. ALLISON McMAHON:** Okay. And I understand
7 from your interview summary that some protestor vehicles were
8 able to come and go from the protest area?

9 **MR. PAUL LESCHIED:** On that second night, yes.

10 **MS. ALLISON McMAHON:** Okay. And how did that
11 work, if there were the wooden barriers and cruisers stationed
12 along the intersections?

13 **MR. PAUL LESCHIED:** So I remember noticing around
14 -- between somewhere around midnight and maybe 12:30, a couple
15 trucks that -- semi trucks or large size trucks had entered --
16 or had had to go around the Tecumseh Road/Huron Church
17 intersection to go down some of the residential streets that
18 would be west of Huron Church. And you could hear the horns.
19 And they entered, I believe, at College Avenue and Huron Church,
20 where there would have been a police cruiser and orange
21 barricades. And upon them arriving at the intersection, I saw
22 the police officers get out of the vehicles, remove the
23 barricades, and allow the trucks to enter into that
24 intersection, and then basically direct them to park on the
25 southbound lanes of Huron Church Avenue south of College Avenue.

26 **MS. ALLISON McMAHON:** And did you see any other
27 cooperation between the police and protestors?

28 **MR. PAUL LESCHIED:** I mean, generally, I think in

1 that second night, there was an ability for vehicles to leave
2 later on in the evening if they were not planning to remain
3 parked on Huron Church Avenue that night. I'm not exactly sure
4 where they were facilitated to come and go. I know there's a
5 couple intersections there that would allow you to exit to the
6 west of Huron Church, and perhaps they were being -- the
7 cruisers maybe would have allowed some of those trucks or
8 passenger vehicles to exit at that point. I don't remember
9 actually witnessing how they were getting out.

10 **MS. ALLISON McMAHON:** So something that you were
11 aware of, but ---

12 **MR. PAUL LESCHIED:** I just remember -- I guess
13 I'm deducing this from the fact that there was different
14 vehicles there, say on night two, from the subsequent nights,
15 and I can only assume that they had to have been able to leave
16 on their own accord with police cooperation.

17 **MS. ALLISON McMAHON:** Okay. Mr. Commissioner, I
18 just want to say for the record, the map that I referred to
19 earlier is Doc ID COM00000930. And that's a screenshot of the
20 same map that was shown to you yesterday and a link for which
21 was circulated to the parties yesterday. I just wanted to
22 clarify that point.

23 Now, on Wednesday night, were protestors still at
24 College?

25 **MR. PAUL LESCHIED:** Yes.

26 **MS. ALLISON McMAHON:** Okay. And were there also
27 additional protest sites?

28 **MR. PAUL LESCHIED:** I had heard that there was --

1 there was -- about some protestors that wanted to, perhaps,
2 blockade the Wyandotte entrance to the Ambassador Bridge. I
3 never went over there to see it. I know that there was some
4 protestors that perhaps wanted to be involved with blocking the
5 Tecumseh Road and Huron Church intersections. But I never
6 really walked to the Wyandotte area to see what was really going
7 on.

8 **MS. ALLISON McMAHON:** Okay. And just referring
9 back to the map, Wyandotte is where there's an entry to the
10 Ambassador Bridge Port of Entry ---

11 **MR. PAUL LESCHIED:** It would be like the
12 ancillary entry, whereas the main entry would be northbound
13 Huron Church into the Ambassador Bridge area.

14 **MS. ALLISON McMAHON:** And was that -- to your
15 knowledge, was that intersection completely blocked?

16 **MR. PAUL LESCHIED:** The northbound entrance to
17 the Ambassador Bridge?

18 **MS. ALLISON McMAHON:** The Wyandotte.

19 **MR. PAUL LESCHIED:** Oh, the Wyandotte one.
20 Again, I didn't go there. I just remember hearing some
21 protestors say, "It's blocked." And then you'd hear, "It's not
22 blocked." And then, "It's been given up in negotiations for
23 emergency use vehicles to come and go." But again, I never saw
24 it with my own eyes to be able to say when it was blocked, when
25 it was not blocked.

26 **MS. ALLISON McMAHON:** Did you -- were you aware
27 of who was engaging in negotiations over things like emergency
28 lanes?

1 **MR. PAUL LESCHIED:** I would have just -- I would
2 have been hearing this third hand from somebody who maybe would
3 have heard those negotiations prior to my arrival.

4 **MS. ALLISON McMAHON:** Okay. And so at this
5 point, was any traffic able to enter or exit the bridge?

6 **MR. PAUL LESCHIED:** To the best of my knowledge,
7 the northbound entrance to the Ambassador Bridge was always
8 open, and I believe it was being used by law enforcement, or
9 perhaps CBSA, to come and go, because that's a very large, like,
10 two or three lane entrance point to the bridge. And it was
11 secured from night number two until the end of the demonstration
12 by law enforcement. And it was never really impeded by
13 protestors, although, because Huron Church was basically blocked
14 by -- or secured at Tecumseh Road by Windsor Police Services or
15 other law enforcement, that you couldn't get to that northbound
16 area as a -- no vehicle could really get into that area.

17 **MS. ALLISON McMAHON:** Were there also vehicles at
18 the -- or protestors, excuse me, at the Tecumseh Road
19 intersection?

20 **MR. PAUL LESCHIED:** Periodically I believe I
21 would see some, but it was a very small contingent that was at
22 that intersection.

23 **MS. ALLISON McMAHON:** Okay. And what was the
24 crowd like, relative to the previous nights?

25 **MR. PAUL LESCHIED:** And this is on the Wednesday,
26 we're talking?

27 **MS. ALLISON McMAHON:** Yes.

28 **MR. PAUL LESCHIED:** Largely the same as the

1 previous night. Perhaps a little bit larger, maybe, in the
2 number of people that were there. But the same sort of things
3 going on, National Anthems, food, more or less a cordial
4 atmosphere amongst everybody that was there.

5 **MS. ALLISON McMAHON:** Sort of a party-like
6 atmosphere, or?

7 **MR. PAUL LESCHIED:** Yeah, but I mean it would die
8 down from being a party as the evening got later and colder
9 and...

10 **MS. ALLISON McMAHON:** And were people drinking
11 alcohol?

12 **MR. PAUL LESCHIED:** I never saw that.

13 **MS. ALLISON McMAHON:** You didn't see anyone
14 drinking? Okay. Or using drugs?

15 **MR. PAUL LESCHIED:** I didn't see that.

16 **MS. ALLISON McMAHON:** And what was the police
17 presence like on Wednesday night?

18 **MR. PAUL LESCHIED:** So it started to become more
19 apparent that it looked like they were preparing -- I believe
20 seeing police vehicles that didn't look recognizable to me as
21 Windsor Police Service vehicles there. I remember seeing around
22 midnight or 1 o'clock, like, a green pick-up truck with several,
23 what I can only estimate would be, like, SWAT team-type members
24 dressed up in the back of the truck, kind of coming out of that
25 northbound entrance area into the Ambassador Bridge. And they
26 would come and, I don't know, either do whatever that it was
27 that they were practising to do, or if they were trying to
28 gather information. And then -- and then they would leave.

1 **MS. ALLISON McMAHON:** And it looked to you like
2 they were not Windsor Police officers?

3 **MR. PAUL LESCHIED:** It didn't look to me like a
4 vehicle I had ever recognized as a Windsor Police vehicle. And
5 it -- I believe it was like a green, like, F250 or F350-style
6 vehicle.

7 **MS. ALLISON McMAHON:** So moving to Thursday
8 night; in your witness statement you said that the police
9 started to encourage protestors to leave the area; is that
10 correct?

11 **MR. PAUL LESCHIED:** I would say that was on
12 Friday, I think, is when I would gather that I started to hear
13 some of those suggestions.

14 **MS. ALLISON McMAHON:** Okay. It was on Friday.
15 And was -- that was a change in messaging from what you'd heard
16 previously from police?

17 **MR. PAUL LESCHIED:** Yeah, I would say so.

18 **MS. ALLISON McMAHON:** And how did the protestors
19 react to that message?

20 **MR. PAUL LESCHIED:** I think most of the
21 protestors were still -- still were, still were of the opinion
22 that they were not going to leave until some level of
23 achievement had been made for the purposes of their
24 demonstration.

25 **MS. ALLISON McMAHON:** And what would some level
26 of achievement be?

27 **MR. PAUL LESCHIED:** Perhaps maybe a discussion
28 with somebody that they were seeking to have a conversation

1 with. I guess I can only speak for hearing some of the drivers
2 of the larger trucks that were going to be faced with losing the
3 ability to perform their job if they weren't going to comply
4 with a mandate, and so that was their, in my estimation, reason
5 for being there.

6 **MS. ALLISON McMAHON:** Did it feel like the
7 protestors were united on that point; or did people have
8 different motivations and ---

9 **MR. PAUL LESCHIED:** I would say some of the
10 protestors and certainly the ones that were in the profession of
11 driving heavy trucks. But again, I'd be assuming what -- what
12 every person's reason that wasn't a truck driver was there; why
13 they were there.

14 **MS. ALLISON McMAHON:** But there wasn't sort of a
15 formal list of demands that you were aware of?

16 **MR. PAUL LESCHIED:** There's nothing like that.

17 **MS. ALLISON McMAHON:** And before Friday night did
18 you believe that the protest was lawful, and you could remain
19 there without fear of arrest?

20 **MR. PAUL LESCHIED:** Correct, yeah.

21 **MS. ALLISON McMAHON:** And on Friday did that
22 change?

23 **MR. PAUL LESCHIED:** I mean, I was not aware of
24 the details of the injunction. I had heard that it was being
25 discussed. I showed up on that night, the same way I did on the
26 previous four nights, to be part of a peaceful demonstration and
27 observe with my own two eyes what was happening and in the
28 backyard of my own community that I've been a part of.

1 **MS. ALLISON McMAHON:** What did you understand
2 about the injunction that night?

3 **MR. PAUL LESCHIED:** Not very much, to be honest.

4 **MS. ALLISON McMAHON:** Okay. But you knew it had
5 been granted?

6 **MR. PAUL LESCHIED:** I wasn't sure when perhaps it
7 had been granted, I just knew that it was in talks. That was
8 about the extent of it.

9 **MS. ALLISON McMAHON:** If I could please pull up
10 WPS -- I believe it's seven zeros 49. And it'll be page 16.

11 This is an affidavit that was filed in the
12 injunction proceedings. And on page 16 there is a message to
13 demonstrators, which I understand was distributed by the Windsor
14 Police Service on February 11th. And you can see on the screen
15 that it says:

16 "The Windsor Police Service wants to
17 make demonstrators clearly aware that
18 it is a criminal offence to obstruct,
19 interrupt or interfere with the lawful
20 use, enjoyment, or operation of
21 property. The offense itself is known
22 [to] mischief [of] property.
23 The unlawful act of blocking streets at
24 and near the Ambassador Bridge is
25 resulting in people being denied the
26 lawful use, enjoyment and operation of
27 their property and causing businesses
28 to close down.

1 We are providing notice that anyone
2 blocking streets or assisting others in
3 the blocking of streets may be
4 committing a criminal offence and must
5 immediately cease further unlawful
6 activity or you may face charges. You
7 could be arrested if you are a party to
8 the offence or assisting others in the
9 direct or indirect commission of this
10 offence."

11 Is this something that you saw while you were at
12 the protests?

13 **MR. PAUL LESCHIED:** No.

14 **MS. ALLISON McMAHON:** Did you see it at any
15 point?

16 **MR. PAUL LESCHIED:** No.

17 **MS. ALLISON McMAHON:** Is it consistent with what
18 you were being told by the Windsor Police Service that night?

19 **MR. PAUL LESCHIED:** No. I was never told any of
20 the -- what you just read off there.

21 **MS. ALLISON McMAHON:** So you weren't aware that
22 you might be charged with mischief, for example?

23 **MR. PAUL LESCHIED:** No.

24 **MS. ALLISON McMAHON:** Okay. I understand that
25 Friday was the last day that you attended the protests, is that
26 right?

27 **MR. PAUL LESCHIED:** Correct.

28 **MS. ALLISON McMAHON:** And why was that?

1 **MR. PAUL LESCHIED:** I think I just got the sense
2 on that Friday that they were going to put a -- put an end to
3 this protest. And the following Saturday, again, I -- I'm only
4 able -- I was only able to go at these later times in the
5 evening, after I'd worked all day, and again, put my children to
6 bed at night. And on that Saturday, it was kind of clear that
7 things were escalating to the point that this was going to come
8 to an end, and there was no reason for me to head down to it.

9 **MS. ALLISON McMAHON:** And on the Friday, Ontario
10 declared a state of emergency; were you aware of that?

11 **MR. PAUL LESCHIED:** Again, I might have heard it
12 on the radio.

13 **MS. ALLISON McMAHON:** Did that influence your
14 decision to leave the protest?

15 **MR. PAUL LESCHIED:** No. Again, I was just there
16 to -- I was there to witness what was happening so that I could
17 know what was actually going on down at the Ambassador Bridge
18 demonstration. Because I figured that was probably the only way
19 I was going to know really what was happening is to witness it
20 with my own two eyes.

21 **MS. ALLISON McMAHON:** And that brings up the
22 issue of media coverage, which is something that you spoke about
23 in your interview summary. Did you feel that the media coverage
24 of the protest was generally accurate?

25 **MR. PAUL LESCHIED:** I would say that there was a
26 lot of, perhaps, exaggeration of what was happening at the
27 demonstration in Windsor. It was certainly being painted as
28 something that I didn't witness for the five days that I was

1 there, which was simply a peaceful protest of people that wanted
2 to have their voices heard.

3 **MS. ALLISON McMAHON:** And how was it being
4 painted?

5 **MR. PAUL LESCHIED:** I mean, I remember seeing
6 videos or clips on the mainstream media showing trucks, like,
7 backed up across the Ambassador Bridge beyond that first night,
8 which did -- I mean, I think they cleared the Ambassador Bridge
9 within 12 hours or so on that first night, s that was never --
10 that was never going on the rest of the week. There was only,
11 like, four to six semi trucks that were involved in impeding or
12 blockading traffic on that southbound Huron Church area, and it
13 certainly made -- the coverage certainly seemed to make it sound
14 like it was much larger in scale and scope than that.

15 **MS. ALLISON McMAHON:** And in -- was there any
16 information about the effect of the blockade that you felt was
17 inaccurate, in terms of the kind of economic impact on ---

18 **MR. PAUL LESCHIED:** Again, I don't know what the
19 actual economic impact is 'cause that's not something I study or
20 really learn or know about.

21 **MS. ALLISON McMAHON:** So it was just sort of the
22 images that you were seeing didn't reflect what you were ---

23 **MR. PAUL LESCHIED:** I mean, not just what I'm
24 seeing in Windsor, but I mean I kind of observed the same sort
25 of misrepresentation from what I would hear from friends that
26 were in Ottawa versus what was actually being shown on
27 television in regards to the nature of the demonstrations that
28 were going on.

1 **MS. ALLISON McMAHON:** Okay. So I'm going to go
2 briefly back to the State of Emergency that was declared on
3 February 11th -- effective on the 12th, midnight of the 12th.

4 If we could go back to WPS000000049, please? And
5 page 19.

6 So this is another flyer that I understand was
7 distributed on the 11th. Is this something that you saw?

8 **MR. PAUL LESCHIED:** No.

9 **MS. ALLISON McMAHON:** Okay. Now, I'd like to ask
10 you about sort of the organization of the protest and the
11 leadership, which is the man that we've already touched on a
12 little bit.

13 But your evidence earlier was that you weren't
14 aware of any formal plan around the protest; am I getting that
15 right?

16 **MR. PAUL LESCHIED:** Yeah, that's correct.

17 **MS. ALLISON McMAHON:** And so you don't know who
18 started it or how they disseminated the message to go to Huron
19 Church and ---

20 **MR. PAUL LESCHIED:** No.

21 **MS. ALLISON McMAHON:** Giradot? Okay.

22 So to the best of your knowledge, it just came
23 together kind of organically?

24 **MR. PAUL LESCHIED:** That would have been my
25 assumption, yes.

26 **MS. ALLISON McMAHON:** And did you observe anyone
27 who appeared to be speaking on behalf of protesters to police?

28 **MR. PAUL LESCHIED:** No.

1 **MS. ALLISON McMAHON:** So as far as you were
2 aware, police were sort of just interacting with protesters?

3 **MR. PAUL LESCHIED:** There were certain groups
4 that the police would be talking with, but not like, one central
5 group that would seem like they would be engaging with on a
6 routine basis.

7 **MS. ALLISON McMAHON:** So when you say that there
8 were groups that they would be engaging with, do you just mean
9 that on a given day, that you might see them talking to a
10 particular group of people, but the next day you'd see them
11 talking to someone else?

12 **MR. PAUL LESCHIED:** Yeah.

13 **MS. ALLISON McMAHON:** So there was no consistency
14 in who was ---

15 **MR. PAUL LESCHIED:** No. It was a leaderless
16 movement that I didn't see one focal point that was being
17 discussed, discussing things with law enforcement on a routine
18 basis.

19 **MS. ALLISON McMAHON:** And did you have a sense
20 that the protest would have ended at some point if the police
21 hadn't intervened, or was it the police intervention that
22 brought it to an end?

23 **MR. PAUL LESCHIED:** I can only speculate. I
24 mean, the police brought it to an end. How things would have
25 unfolded if that didn't happen, I don't know.

26 **MS. ALLISON McMAHON:** But at that point on Friday
27 when you left, there was no sort of sense that everyone was
28 going to start packing up and leaving?

1 **MR. PAUL LESCHIED:** No, I didn't get that sense.

2 **MS. ALLISON McMAHON:** Now, something that you
3 mentioned earlier was that some people at the protest felt that
4 they wanted to talk to somebody in government; is that right?

5 **MR. PAUL LESCHIED:** I wouldn't say that would --
6 I guess that would be an assumption that I made, that you know,
7 they wanted to have their voices heard because they had largely
8 been silenced and they had no other -- they probably felt they
9 had no other option as to who could they talk to regarding the
10 mandates that were coming that would force them or cause them to
11 be able to lose their ability to do their jobs crossing the
12 international border.

13 **MS. ALLISON McMAHON:** And so -- and I know that
14 this is something that you had mentioned in your interview
15 summary as well, is that you felt like politicians were refusing
16 to kind of engage with the protesters and hear them out; is that
17 true?

18 **MR. PAUL LESCHIED:** Yeah. I never saw any
19 politicians come to engage with anybody there.

20 **MS. ALLISON McMAHON:** So as apart from the
21 protesters generally, for you personally, was it a goal to have
22 a politician come and speak to you or acknowledge the protest?

23 **MR. PAUL LESCHIED:** No, I wouldn't say that I
24 went there with any goals.

25 **MS. ALLISON McMAHON:** Okay.

26 Could we please pull up ONT00000858?

27 This -- if you could scroll down a bit -- keep
28 going a little bit more -- thank you.

1 This is a letter from the solicitor general of
2 Ontario, Sylvia Jones, to the commissioner of the Ontario
3 Provincial Police, which is dated February 11th. And it states:

4 "This letter is being sent regarding
5 the protest activity occurring in
6 Windsor and restricting access to the
7 Ambassador Bridge, which must end. The
8 Government of Ontario is proposing that
9 a meeting occur within an agreeable
10 time period between a select group of
11 protest leadership and representatives
12 of the province to allow their issues
13 to be heard. To move forward with our
14 offer to schedule a meeting, all
15 protesters must leave the protest site
16 immediately, denounce all unlawful
17 activity, and encourage a period of
18 quiet. This means no unlawful,
19 unpeaceful, unsafe protest activity to
20 occur between the time of acceptance of
21 this offer until the meeting takes
22 place."

23 Have you ever seen this letter before?

24 **MR. PAUL LESCHIED:** No.

25 **MS. ALLISON McMAHON:** So it's not something that
26 you -- was shared with you on the 11th?

27 **MR. PAUL LESCHIED:** No.

28 **MS. ALLISON McMAHON:** Was the offer set out in

1 this letter something that you think you would have been
2 interested in?

3 **MR. PAUL LESCHIED:** Me personally, no.

4 **MS. ALLISON McMAHON:** Why is that?

5 **MR. PAUL LESCHIED:** I mean, I just -- I was there
6 to observe what was happening and to support other people that
7 were there for their particular reasons to conduct themselves in
8 a peaceful, lawful protest.

9 **MS. ALLISON McMAHON:** And so you don't think that
10 other protesters would have wanted to do -- to accept this offer
11 of a ---

12 **MR. PAUL LESCHIED:** I can't say that other
13 protesters -- there's probably other protesters that may have
14 accepted this offer, but I can only speak for myself.

15 **MS. ALLISON McMAHON:** Okay. Were you in contact
16 with anyone involved in the Ottawa protests?

17 **MR. PAUL LESCHIED:** I have some friends that had
18 gone up to Ottawa, and I would interact with them or ask them
19 how things were, wherever they were at.

20 **MS. ALLISON McMAHON:** And were these friends from
21 Windsor Essex County area?

22 **MR. PAUL LESCHIED:** Yeah.

23 **MS. ALLISON McMAHON:** Were they involved in the
24 leadership of the ---

25 **MR. PAUL LESCHIED:** No.

26 **MS. ALLISION McMAHON:** --- Ottawa protest? They
27 were just protesters joining the movement?

28 **MR. PAUL LESCHIED:** They were just people that

1 wanted to go up and support in whatever ways they could from our
2 region.

3 **MS. ALLISION McMAHON:** And did you -- were you in
4 touch with anyone who was in the leadership of the Ottawa
5 protests?

6 **MR. PAUL LESCHIED:** I guess you'd have to define.
7 What do you mean by "leadership of the Ottawa protests"?

8 **MS. ALLISION McMAHON:** For example, this
9 Commission has heard from Chris Barber.

10 **MR. PAUL LESCHIED:** No.

11 **MS. ALLISION McMAHON:** Pat King?

12 **MR. PAUL LESCHIED:** I think I had a brief
13 exchange just to ask if there was any sort of connection between
14 what was happening in Windsor and what was happening in Ottawa,
15 and I got a categorical no response to that.

16 **MS. ALLISION McMAHON:** Okay. And when you say
17 you asked if there any sort of connection, was this -- were you
18 asking for support or was this ---

19 **MR. PAUL LESCHIED:** No.

20 **MS. ALLISION McMAHON:** --- is there an existing -
21 --

22 **MR. PAUL LESCHIED:** There were so many rumours
23 throughout the entire week of oh, there's -- the convoy is
24 coming down to Windsor, and hundreds of vehicles coming down to
25 Windsor. And I was just trying to figure out, like, what
26 perhaps is actually going on here and what might be going on
27 here in Windsor.

28 **MS. ALLISION McMAHON:** Can you tell us about the

1 rumours that you were hearing about the connection?

2 **MR. PAUL LESCHIED:** Just that there was constant
3 rumours of more trucks are on their way from this location or
4 that location.

5 **MS. ALLISION McMAHON:** And so besides Pat King,
6 were you in touch with somebody like Tamara Lich?

7 **MR. PAUL LESCHIED:** No.

8 **MS. ALLISION McMAHON:** James Bauder?

9 **MR. PAUL LESCHIED:** No.

10 **MS. ALLISION McMAHON:** Any other person who sort
11 of identified as a figure -- a leadership figure within the ---

12 **MR. PAUL LESCHIED:** No.

13 **MS. ALLISION McMAHON:** --- convoy movement?

14 **MR. PAUL LESCHIED:** No.

15 **MS. ALLISION McMAHON:** Okay. Was disrupting
16 cross-border trade one of the reasons that protesters decided to
17 blockade the bridge specifically?

18 **MR. PAUL LESCHIED:** Again, I can only speculate
19 the reasons why other people decided to choose that location.

20 **MS. ALLISION McMAHON:** Did you think that that
21 was the reason that the bridge was a good location ---

22 **MR. PAUL LESCHIED:** Certainly, it's ---

23 **MS. ALLISION McMAHON:** --- for protests?

24 **MR. PAUL LESCHIED:** It's certainly a strategic
25 reasonable -- a spot where you could garner some attention that
26 might allow you to have your voices heard, if that was the
27 intention.

28 **MS. ALLISION McMAHON:** Now, we heard evidence

1 yesterday about children present at the protest. Is that
2 something that you saw?

3 **MR. PAUL LESCHIED:** After 9 o'clock at night, no,
4 I didn't see anybody that would be considered a child. I mean,
5 there might have been some teenagers there, but no, it was
6 usually an adult crowd when I would arrive.

7 **MS. ALLISION McMAHON:** Did you ever hear anyone
8 suggest that children could be used as human shields?

9 **MR. PAUL LESCHIED:** No.

10 **MS. ALLISION McMAHON:** And after the blockade
11 ended, after that first -- after the weekend where the police
12 cleared out the protest on the 12th and the 13th, were you aware
13 of any discussion about doing another protest at the bridge?

14 **MR. PAUL LESCHIED:** No, I never heard about that.

15 **MS. ALLISION McMAHON:** So there was -- you never
16 heard of the slogan "Taking back the bridge" while the police
17 were kind of busy in Ottawa?

18 **MR. PAUL LESCHIED:** No.

19 **MS. ALLISION McMAHON:** On social media? Never
20 saw that?

21 **MR. PAUL LESCHIED:** No.

22 **MS. ALLISION McMAHON:** And was there -- there was
23 no discussion of re-establishing the blockade after the
24 injunction expired?

25 **MR. PAUL LESCHIED:** Not that I was aware of.

26 **MS. ALLISION McMAHON:** Is there anything that I
27 haven't asked you that you think is important for the
28 Commissioner to know?

1 **MR. PAUL LESCHIED:** I think you've covered
2 everything in my statement there.

3 **MS. ALLISION McMAHON:** Those are my questions.

4 **COMMISSIONER ROULEAU:** Okay, thank you.

5 First, the Government of Canada.

6 **--- CROSS-EXAMINATION BY MS. CYNTHIA LAU:**

7 **MS. CYNTHIA LAU:** Good afternoon, Mr.
8 Commissioner, Mr. Leshied. Cynthia Lau, one of the counsel for
9 the Government of Canada.

10 Mr. Leschied, you had testified that you co-own a
11 contracting business. You are the owner of a custom cabinetry
12 business in Ontario; correct?

13 **MR. PAUL LESCHIED:** Correct.

14 **MS. CYNTHIA LAU:** And you've -- that has been in
15 operation for 12 years as far as your co-ownership; is that
16 right?

17 **MR. PAUL LESCHIED:** Correct.

18 **MS. CYNTHIA LAU:** And you offer services for
19 designing, building, installing kitchens and cabinetry,
20 bathrooms, and custom living spaces; correct?

21 **MR. PAUL LESCHIED:** Correct.

22 **MS. CYNTHIA LAU:** You would agree with me that
23 your business uses higher quality material, would you not?

24 **MR. PAUL LESCHIED:** Sure.

25 **MS. LANI ROUILLARD:** Can I ask the relevancy of
26 this line of questioning, please?

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

28 **MS. LANI ROUILLARD:** Yes, may I please ask the

1 relevancy of this line of questioning?

2 **COMMISSIONER ROULEAU:** You certainly can ask.
3 What's the relevance of his business and the quality of the
4 materials?

5 **MS. CYNTHIA LAU:** This is a background
6 information pertaining to the overall business and economics of
7 the Ambassador Bridge in the Windsor area.

8 **COMMISSIONER ROULEAU:** So exploring on the
9 business area. Is that okay?

10 **MS. LANI ROUILLARD:** Sure. Thank you, sir.

11 **COMMISSIONER ROULEAU:** Okay. Go ahead.

12 **MS. CYNTHIA LAU:** And some of these supplies are
13 imported from outside of Canada; would you agree with me?

14 **MR. PAUL LESCHIED:** Sure.

15 **MS. CYNTHIA LAU:** And some of these supplies are
16 also imported through the Ambassador Bridge Port of Entry; would
17 you agree with that?

18 **MR. PAUL LESCHIED:** Correct.

19 **MS. CYNTHIA LAU:** You would also agree with me
20 that maintaining a healthy supply chain has a significant impact
21 on your revenues, would you not?

22 **MR. PAUL LESCHIED:** Yeah, I would agree with
23 that.

24 **MS. CYNTHIA LAU:** And would agree with me that
25 interruption in the supply chain impacts other businesses aside
26 from your own?

27 **MR. PAUL LESCHIED:** Correct.

28 **MS. CYNTHIA LAU:** And it would also impact the

1 automobile industry?

2 **MR. PAUL LESCHIED:** I would assume so, yes.

3 **MS. CYNTHIA LAU:** You have testified that you've
4 been a resident of Essex County for approximately 44 years?

5 **MR. PAUL LESCHIED:** Correct.

6 **MS. CYNTHIA LAU:** And you also testified that
7 it's a strategic spot to garner attention to have your voice
8 heard?

9 **MR. PAUL LESCHIED:** Correct.

10 **MS. CYNTHIA LAU:** You are aware of the importance
11 of the Ambassador Bridge for the effective, efficient free flow
12 of trade and goods into and out of Canada and the US; fair to
13 say?

14 **MR. PAUL LESCHIED:** Sure.

15 **MS. CYNTHIA LAU:** And you're also aware that the
16 Ambassador Bridge is a vital commercial land border crossing,
17 are you not?

18 **MR. PAUL LESCHIED:** Yes.

19 **MS. CYNTHIA LAU:** And you would agree with me
20 that traffic disruptions will affect Canada's economy and supply
21 chain?

22 **MR. PAUL LESCHIED:** Yes.

23 **MS. CYNTHIA LAU:** Before February 7th, there was a
24 slow roll in the area of the Ambassador Bridge for a couple
25 weeks, as I understand it; is that your understanding?

26 **MR. PAUL LESCHIED:** Again, I didn't participate
27 in any of the slow rolls, but I was aware that they were going
28 on at certain times.

1 **MS. CYNTHIA LAU:** Right. And I take it that,
2 based upon your evidence, you were following what was happening
3 in Ottawa mostly through social media?

4 **MR. PAUL LESCHIED:** Yes.

5 **MS. CYNTHIA LAU:** And a blockade was ultimately
6 set up at Ambassador Bridge on February 7th?

7 **MR. PAUL LESCHIED:** Again, my only understanding
8 is that a blockade was set up at Girardot and Huron Church on
9 February 7th.

10 **MS. CYNTHIA LAU:** Right. And you were present
11 there on that date?

12 **MR. PAUL LESCHIED:** Yes.

13 **MS. CYNTHIA LAU:** Do you also understand that the
14 blockade was inspired by the events in Ottawa?

15 **MR. PAUL LESCHIED:** I can only assume that.

16 **MS. CYNTHIA LAU:** And the vehicles that were
17 parked were parked on Huron Church Road, which is the main
18 entrance and exit to the Ambassador Bridge; is that correct?

19 **MR. PAUL LESCHIED:** Yes.

20 **MS. CYNTHIA LAU:** And you had testified that on
21 the first evening, February 7th, you parked your vehicle on
22 Girardot and Huron Church and then you walked in from the side
23 street onto Huron Church; is that right?

24 **MR. PAUL LESCHIED:** I did not park my vehicle at
25 Huron Church and Girardot. I would have been on a side street
26 far west from that intersection.

27 **MS. CYNTHIA LAU:** All right. So I understand
28 that you were at the site of the blockade from February 7th to

1 the 11th each evening, approximately 8:00 to 9:00 p.m. until
2 about midnight or one o'clock; is that correct?

3 **MR. PAUL LESCHIED:** That's correct.

4 **MS. CYNTHIA LAU:** And for the other evenings --
5 I'm talking about the 8th to the 11th -- were you parked on Huron
6 Church?

7 **MR. PAUL LESCHIED:** No.

8 **MS. CYNTHIA LAU:** You were parked on the side
9 street?

10 **MR. PAUL LESCHIED:** The side streets or perhaps
11 like the strip-mall plaza up near Tecumseh Road east of the
12 intersection at Huron Church.

13 **MS. CYNTHIA LAU:** Right. And then you would
14 attend Huron Church by way of walking and you would be one of
15 the pedestrians on the street; is that fair to say?

16 **MR. PAUL LESCHIED:** I would usually walk down the
17 sidewalk on Huron Church Avenue towards the College
18 intersection.

19 **MS. CYNTHIA LAU:** And then would you situate
20 yourself on the street as a pedestrian at some point during the
21 evenings?

22 **MR. PAUL LESCHIED:** I would just intermingle with
23 some of the people that perhaps I recognized that would be in
24 the general area.

25 **MS. CYNTHIA LAU:** The general area of a street?

26 **MR. PAUL LESCHIED:** Yes, of Huron Church and
27 College Avenue.

28 **MS. CYNTHIA LAU:** During the time of the

1 protests, you were communicating with other protesters by way of
2 chat applications and text messages, as I understand it; is that
3 correct?

4 **MR. PAUL LESCHIED:** Correct.

5 **MS. CYNTHIA LAU:** And throughout these exchanges,
6 you were communicating relevant information about the status of
7 the protests; is that fair to say?

8 **MR. PAUL LESCHIED:** "Relevant information"? I
9 would just say "general information".

10 **MS. CYNTHIA LAU:** Okay. So general information,
11 for example, about planning?

12 **MR. PAUL LESCHIED:** No.

13 **MS. CYNTHIA LAU:** No. General information about
14 developments?

15 **MR. PAUL LESCHIED:** Yes, just of what I was
16 seeing.

17 **MS. CYNTHIA LAU:** Observations that were ---

18 **MR. PAUL LESCHIED:** Yes, observations.

19 **MS. CYNTHIA LAU:** --- happening on the ground?

20 **MR. PAUL LESCHIED:** "Observations", that's best.

21 **MS. CYNTHIA LAU:** Would you agree with me that
22 there was no one person or group in charge of the protesters?

23 **MR. PAUL LESCHIED:** I agree, yeah.

24 **MS. CYNTHIA LAU:** And you'd further acknowledge
25 that -- you've described it as a "leaderless movement" -- there
26 was a diverse group of protesters; is that fair to say?

27 **MR. PAUL LESCHIED:** Yes.

28 **MS. CYNTHIA LAU:** There was no one directing the

1 protests?

2 **MR. PAUL LESCHIED:** No.

3 **MS. CYNTHIA LAU:** And there was no agreement on
4 strategy?

5 **MR. PAUL LESCHIED:** Not that I was aware of.

6 **MS. CYNTHIA LAU:** And there was no agreement on
7 which intersections to block? As I understood it, you said that
8 some of the protesters you'd overheard wanted to block Wyandotte
9 Street to Ambassador Bridge, other wanted to block Tecumseh and
10 Huron, but ultimately there was no agreement.

11 **MR. PAUL LESCHIED:** Correct.

12 **MS. CYNTHIA LAU:** And you would be making
13 assumptions about the goals of the protesters; is that fair to
14 say?

15 **MR. PAUL LESCHIED:** That's fair, yeah.

16 **MS. CYNTHIA LAU:** The last day that you were at
17 the protest site was February 11th, 2022?

18 **MR. PAUL LESCHIED:** Correct.

19 **MS. CYNTHIA LAU:** And I understand from your
20 interview that at that point, you saw that law enforcement was
21 building and they were encouraging people to leave; is that a
22 fair description?

23 **MR. PAUL LESCHIED:** Yes. I would say law
24 enforcement was building up prior to that Friday, though.

25 **MS. CYNTHIA LAU:** But by February 11th, it had
26 increased in that building up of their presence and their
27 involvement at the site; is that fair to say?

28 **MR. PAUL LESCHIED:** Absolutely, yes.

1 **MS. CYNTHIA LAU:** And things were escalating, in
2 fact?

3 **MR. PAUL LESCHIED:** "Escalating" by -- what do
4 you mean, in regard to protesters or ---

5 **MS. CYNTHIA LAU:** It was escalating insofar as
6 the encouragement for people to leave and that there was a
7 perception that the law enforcement was pending; fair to say?

8 **MR. PAUL LESCHIED:** There was definitely a
9 perception and I had overheard a couple of law enforcement
10 officers suggest that maybe, "You've made your point. It's time
11 to go home now."

12 **MS. CYNTHIA LAU:** And you did go home? In fact,
13 didn't return on February 12th; correct?

14 **MR. PAUL LESCHIED:** I did not, no.

15 **MS. CYNTHIA LAU:** You would agree with me that a
16 potential unlawful protest did not deter all of the protesters
17 from returning after February 11th; correct?

18 **MR. PAUL LESCHIED:** Correct. Correct, yeah.

19 **MS. CYNTHIA LAU:** Because the didn't have a
20 leader to direct them whom they followed?

21 **MR. PAUL LESCHIED:** Again, that would be an
22 assumption as to why they decided to be there beyond then.

23 **MS. CYNTHIA LAU:** And it was also your belief
24 that on February 12th, there would be skirmishes or mass arrests;
25 correct?

26 **MR. PAUL LESCHIED:** Can you repeat how you want -
27 - how you asked that question?

28 **MS. CYNTHIA LAU:** Sure. On February 12th, you had

1 anticipated, as I understand from your interview summary, that
2 there would be skirmishes or mass arrests.

3 **MR. PAUL LESCHIED:** It became apparent. I mean,
4 you saw the militarized police vehicle staged there and it kind
5 of looked like there was going to be an abrupt end put to this
6 protest.

7 **MS. CYNTHIA LAU:** And some of your friends were
8 actually present at the site of Huron Church on February 12th;
9 correct?

10 **MR. PAUL LESCHIED:** They were there. I'm not
11 exactly sure where.

12 **MS. CYNTHIA LAU:** Okay. And they told you what
13 was happening on the ground floor?

14 **MR. PAUL LESCHIED:** I would have heard it from
15 third-hand information after the fact.

16 **MS. CYNTHIA LAU:** And some of that third-hand
17 information that you heard was that there were individuals who
18 were shouting slurs at police?

19 **MR. PAUL LESCHIED:** I had heard that that was
20 going on, yes.

21 **MS. CYNTHIA LAU:** You would agree with me that
22 that could increase a level of aggression of the crowd?

23 **MR. PAUL LESCHIED:** Again, that'd be an
24 assumption.

25 **MS. CYNTHIA LAU:** And police, as I understand it,
26 were giving protesters the option to leave the blockade area?

27 **MR. PAUL LESCHIED:** Say that again? They were or
28 they weren't?

1 MS. CYNTHIA LAU: Police were ---

2 MR. PAUL LESCHIED: Yes.

3 MS. CYNTHIA LAU: --- giving protesters the
4 option to leave?

5 MR. PAUL LESCHIED: I believe so.

6 MS. CYNTHIA LAU: But they didn't all leave; did
7 they?

8 MR. PAUL LESCHIED: Again, I was not there that
9 day.

10 MS. CYNTHIA LAU: Well, did you hear from your
11 friends? Did all the ---

12 MR. PAUL LESCHIED: Again, I would have been
13 watching it on social media like anybody else, to see what was
14 actually happening on that February 12th.

15 MS. CYNTHIA LAU: Okay. So based upon what you
16 saw, you knew that not everyone had left?

17 MR. PAUL LESCHIED: Correct.

18 MS. CYNTHIA LAU: Starting February 7th, I put to
19 you that no other vehicles except for emergency vehicles could
20 get through the Huron Church area due to the blockade?

21 MR. PAUL LESCHIED: Well, I mean, certainly
22 vehicles came and went from that intersection that I was
23 witnessing on those first -- or that second night.

24 MS. CYNTHIA LAU: Well, the Windsor witnesses
25 would say to the contrary.

26 As I understand it, you were motivated to attend
27 the protest because you were skeptical of mainstream media;
28 correct?

1 **MR. PAUL LESCHIED:** That was one of the reasons.
2 Correct.

3 **MS. CYNTHIA LAU:** What was the other reason?

4 **MR. PAUL LESCHIED:** I mean, as a small business
5 owner that has largely not been economically impacted over the
6 last couple years, I wanted to show support for several of my
7 other fellow business owners who either lost businesses or were
8 barely able to make ends meet, who wanted to have their voices
9 heard, that had largely not had that opportunity or had been
10 silenced over the previous year regarding these mandates that
11 were adversely affecting their ability to conduct business.

12 **MS. CYNTHIA LAU:** And I put it to you that the
13 small business owners would include people who relied upon the
14 supply chain being viable coming through the Ambassador Bridge
15 port of entry.

16 **MR. PAUL LESCHIED:** I can't speak as to how that
17 would have affected other business owners.

18 **MS. CYNTHIA LAU:** And you wanted a firsthand
19 account of what was happening?

20 **MR. PAUL LESCHIED:** That's correct.

21 **MS. CYNTHIA LAU:** You had testified, as I
22 understand it, that you never saw trucks backed up across
23 Ambassador Bridge beyond the first night?

24 **MR. PAUL LESCHIED:** That's correct.

25 **MS. CYNTHIA LAU:** So that would be February 7th;
26 correct?

27 **MR. PAUL LESCHIED:** Yes.

28 **MS. CYNTHIA LAU:** And as I understand it, among

1 other things, you do not believe that the blockade at the
2 Ambassador Bridge overall has been accurately portrayed?

3 **MR. PAUL LESCHIED:** Somewhat, yeah.

4 **MS. CYNTHIA LAU:** I'd like to turn to a video,
5 PB.CAN.00001800_REL.0001. And I'm going to turn you to video
6 footage from the WDIV of February 8. Mr. Clerk, could you
7 please turn up that video for me at timestamp 1:14.

8 **COMMISSIONER ROULEAU:** This is going to be pretty
9 well the end. You're now up at the limit of your time, so
10 you're going to have to be brief.

11 **MS. CYNTHIA LAU:** Okay.

12 (VIDEO PLAYBACK)

13 **MS. CYNTHIA LAU:** Pause, please.

14 Mr. Leschied, you would agree with me that this
15 is an accurate video clip of the impacts caused by the blockade
16 at the Ambassador Bridge; would you not?

17 **MR. PAUL LESCHIED:** I would agree that there is -
18 - that the last part of your statement that there was an impact
19 of the blockade at the Ambassador Bridge.

20 **MS. CYNTHIA LAU:** Mr. Commissioner, may I just
21 show one one-minute video?

22 **COMMISSIONER ROULEAU:** Okay. But that'll have to
23 be it.

24 **MS. CYNTHIA LAU:** Thank you very much for your
25 indulgence.

26 I'd like to turn to PB.CAN.00001802_REL.0001, and
27 the timestamp 3:27. This is a video of the February 10th
28 Bluewater Bridge area.

1 (VIDEO PLAYBACK)

2 **MS. CYNTHIA LAU:** Thank you very much. So I
3 would put to you that you would agree that these are accurate --
4 this is an accurate video clip of the impact caused by the
5 blockade at Bluewater Bridge, which is one hour and 12 minutes
6 away from Ambassador?

7 **MR. PAUL LESCHIED:** Again, I wasn't there to see
8 what was going on, but I can only assume that Bluewater would
9 have been far busier because they were not able to cross at the
10 Ambassador Bridge.

11 **MS. CYNTHIA LAU:** Thank you. Those are my
12 questions.

13 Thank you, Mr. Commissioner, for the time.

14 **COMMISSIONER ROULEAU:** Okay. Thank you.

15 Next is the Windsor Police Service.

16 **--- CROSS-EXAMINATION BY MR. THOMAS McRAE:**

17 **MR. THOMAS McRAE:** Good afternoon, Mr. Leschied.
18 My name is Tom McRae, and I am here for the Windsor Police
19 Service. First, I think you told my friend from Canada that you
20 parked at a strip mall on Tecumseh; is that correct?

21 **MR. PAUL LESCHIED:** Yes.

22 **MR. THOMAS McRAE:** Did you have permission from
23 the owner of that strip mall to park there?

24 **MR. PAUL LESCHIED:** No.

25 **MR. THOMAS McRAE:** Thank you. I understand from
26 your evidence I think to you, again, my friend from Canada, that
27 you used chat applications in your discussions with your friends

28 ---

1 **MR. PAUL LESCHIED:** Sure.

2 **MR. THOMAS McRAE:** --- during this. What chat
3 applications did you use?

4 **MR. PAUL LESCHIED:** Just regular text messaging
5 or Telegram. I -- perhaps there's others, but that would be to
6 the best of my recollection.

7 **MR. THOMAS McRAE:** How did you communicate with
8 Mr. King in Ottawa?

9 **MR. PAUL LESCHIED:** One of those two, I would
10 assume.

11 **MR. THOMAS McRAE:** Thank you. Did you have those
12 messages available to you at the time when you were interviewed
13 by Commission Counsel at the beginning of October?

14 **MR. PAUL LESCHIED:** They would have been on my
15 phone, yes.

16 **MR. THOMAS McRAE:** Were you asked to give copies
17 of those communications?

18 **MR. PAUL LESCHIED:** No.

19 **MR. THOMAS McRAE:** Have you produced any
20 documents within this Commission hearing besides your statement?

21 **MR. PAUL LESCHIED:** Sure, no.

22 **MR. THOMAS McRAE:** Thank you.

23 I understand that at one point you said you were
24 not -- I want to get your evidence fairly, but you had no goals
25 in attending other than -- I'm putting together your answers --
26 seeing what was happening because you didn't trust conventional
27 media, and to support your friends; is that fair?

28 **MR. PAUL LESCHIED:** That's correct.

1 **MR. THOMAS McRAE:** All right. And you didn't
2 support conventional media. Does that mean you did not observe
3 conventional media?

4 **MR. PAUL LESCHIED:** Just through clips or third-
5 party information that I would have received. I certainly would
6 have seen clips or heard on the radio, perhaps, their assessment
7 of what was happening there.

8 **MR. THOMAS McRAE:** Thank you. And on the radio
9 or through these clips, did you learn about the injunction that
10 was obtained by the City of Windsor on the 11th?

11 **MR. PAUL LESCHIED:** No.

12 **MR. THOMAS McRAE:** So at no time did you learn
13 about the injunction that the City of Windsor ---

14 **MR. PAUL LESCHIED:** I just overheard discussions
15 that there was talks of an injunction on that -- towards the end
16 of that week.

17 **MR. THOMAS McRAE:** Okay. So you don't know, and
18 you did not check, to see whether or not that injunction was
19 issued?

20 **MR. PAUL LESCHIED:** No.

21 **MR. THOMAS McRAE:** You said you had friends whom
22 you were supporting by your attending at the bridge site. Were
23 any of these friends in the auto industry, employed in the auto
24 industry?

25 **MR. PAUL LESCHIED:** No, not specifically.

26 **MR. THOMAS McRAE:** Did you learn through your
27 review on social media, or otherwise, of the views of people in
28 the automobile industry?

1 **MR. PAUL LESCHIED:** Repeat that question again.

2 **MR. THOMAS McRAE:** Well, my friend from Canada
3 showed you a video clip, the second one, which suggested that
4 there were automobile shutdowns, the Ford plant, I think, and
5 another plant, one in some township in Michigan.

6 It's clear, I put to you, sir, that the
7 automobile industry, in particular, was being affected by the
8 shutdown of the Ambassador Bridge; do you accept that?

9 **MR. PAUL LESCHIED:** That would be an assumption.
10 I mean, I'm not involved in the automotive industry, but it would
11 be a viable conclusion.

12 **MR. THOMAS McRAE:** Okay. So you don't know but
13 you don't disagree; is that fair?

14 **MR. PAUL LESCHIED:** That's correct.

15 **MR. THOMAS McRAE:** All right. Did you discuss
16 the impact of the shutdown of any of these auto manufacturing
17 facilities with anyone who was employed at any of these
18 automobile manufacturing facilities?

19 **MR. PAUL LESCHIED:** No.

20 **MR. THOMAS McRAE:** Were you concerned at all with
21 the impact of the shutdown of the Ambassador Bridge on any of
22 these people employed at these facilities?

23 **MR. PAUL LESCHIED:** Again, I was there -- I was
24 there to support friends that I know have been negatively
25 impacted over the last couple of years in various professions
26 regarding these mandates that were being put in place.

27 **MR. THOMAS McRAE:** And at the time of this
28 blockade of the Ambassador Bridge, there had been a shutdown --

1 a province-wide shutdown a month or so earlier; is that correct?

2 **MR. PAUL LESCHIED:** I don't -- you'd have to get
3 more specific for me to answer.

4 (SHORT PAUSE)

5 **MR. THOMAS McRAE:** Excuse me, Mr. Commissioner.
6 If we could go to your witness statement, and I
7 will get the number wrong. It is WTS ---

8 **COMMISSIONER ROULEAU:** Forty-nine (49).

9 **MR. THOMAS McRAE:** Forty-nine (49); thank you.
10 Could we pull that up, please, Mr. Clerk?

11 (SHORT PAUSE)

12 **MR. THOMAS McRAE:** Could you go, please sir, to
13 the bottom of page 5 of that statement?

14 And I'm focusing now, Mr. Leschied, on the events
15 of Saturday, February 12th, 2022.

16 Just to make it clear to the Commission, you did
17 not attend on that day.

18 **MR. PAUL LESCHIED:** That's correct.

19 **MR. THOMAS McRAE:** And I think your evidence was,
20 and it is in this statement, that you were concerned that there
21 would be skirmishes or mass arrests.

22 **MR. PAUL LESCHIED:** I just would say that it
23 looked like there was going to be an abrupt end put to the
24 demonstrations that were going on all week, and like I stated
25 before, I was only ever available or had an option to attend
26 late in the evenings, and it was pretty apparent that it was
27 being put to an end and I wasn't going to go back in the evening
28 on Saturday to be a part of that.

1 **MR. THOMAS McRAE:** And you were of that view even
2 though your evidence earlier, as I understand it, was you didn't
3 know that the police were warning that these protesters were
4 engaged in criminal activity, nor did you know about the
5 injunction; is that fair?

6 **MR. PAUL LESCHIED:** I just made my assessment
7 based on the overall stance that the police had taken towards
8 the end of the week, that things were going to be put to an end,
9 and the rumours that I had heard swirling that, you know, there
10 was paddy wagons or police vehicles staged to be able to conduct
11 mass arrests.

12 **MR. THOMAS McRAE:** The second-last paragraph of
13 your statement, which is before you, sir, says:

14 "Some of Mr. Leschied's friends were
15 present at the protest."

16 So you're getting that second or thirdhand.

17 **MR. PAUL LESCHIED:** Correct.

18 **MR. THOMAS McRAE:** Is that correct?

19 **MR. PAUL LESCHIED:** Yeah.

20 **MR. THOMAS McRAE:** "They told him that some
21 individuals were shouting slurs at the
22 police."

23 **MR. PAUL LESCHIED:** Yeah.

24 **MR. THOMAS McRAE:** Did they disclose to you the
25 nature of the slurs that were being shouted at the police?

26 **MR. PAUL LESCHIED:** It was more the context of
27 they weren't sure of the particular individuals that were
28 shouting these slurs at the police. Because I didn't know any

1 of them, and neither did they. And I guess the context was more
2 regarding the nature or the purpose of why these slurs were
3 being used, and that would be the extent of it.

4 **MR. THOMAS McRAE:** "His friends..."

5 Meaning your friends:

6 **MR. PAUL LESCHIED:** Yeah.

7 **MR. THOMAS McRAE:** ...believed these were *agents*
8 *provocateurs*..."

9 **MR. PAUL LESCHIED:** That would have been their
10 assessment that it was a possibility.

11 **MR. THOMAS McRAE:** Sorry; so when we say, *agents*
12 *provocateurs*, are we talking about false flag operations, in the
13 language of Alex Jones, or what?

14 **MR. PAUL LESCHIED:** Again, this is just what I'm
15 hearing thirdhand from friends that were saying that they
16 observed this particular activity.

17 **MR. THOMAS McRAE:** Yeah, but what was the
18 motivation of these alleged *agents provocateurs* ?

19 **MR. PAUL LESCHIED:** It wasn't my -- it was not my
20 -- I was not alleging these; I was just hearing this thirdhand
21 information.

22 **MR. THOMAS McRAE:** Were they trying to provoke
23 the police into action in order to create a problem that would
24 just grow and grow, or were they provoking people in order ---

25 **MS. LANI ROUILLARD:** I think we -- sir. I think
26 we can all speculate as to what people were thinking here, but
27 if we could stick to the strict dialogue that's within my
28 witness's knowledge, please.

1 **MR. THOMAS McRAE:** I object to that objection,
2 Mr. Commissioner.

3 For some reason the Commission put this in the
4 witness statement. It is fair cross-examination fodder. The
5 Commission is asking -- Commission Counsel are asking, pardon
6 me, that the Commission take this as evidence. And if it's
7 second or third hearsay, well, I guess that goes to weight, but
8 it doesn't mean I cannot cross-examine on it.

9 **COMMISSIONER ROULEAU:** Well, you can ask him
10 about it, but there's only so much he can say, so let's ---

11 **MR. THOMAS McRAE:** I heard you but let's -- I'm
12 just trying to get as far as we can go with what he can say.

13 Thank you.

14 **COMMISSIONER ROULEAU:** Well, let's take it one
15 question at a time.

16 **MR. THOMAS McRAE:** All right. I'll take a step
17 back.

18 Sir, your friends told you that these *agents*
19 *provocateurs* were trying to antagonize the police into using
20 violence?

21 **MR. PAUL LESCHIED:** I think the context might be
22 that the protest was peaceful for the entire week, and there was
23 no reason for any of the people that I knew, or any of my
24 friends describing people that they knew there, to engage in
25 violence. That was never the intention of anybody there.

26 So it just seemed perhaps out of the ordinary or
27 it didn't fit with the general stance of the protesters for the
28 entire week that I was there, the five nights that I was there.

1 **MR. THOMAS McRAE:** Do you have any insight as to
2 why this stance changed at this time?

3 **MR. PAUL LESCHIED:** Again, this would be the
4 speculation that perhaps there was people that wanted to have
5 some sort of a violent end to this five- or six-day
6 demonstration.

7 **MR. THOMAS McRAE:** And by people, do you mean the
8 protesters?

9 **MR. PAUL LESCHIED:** Again, this would be my
10 speculation hearing from there, whether it was protesters or if
11 it was in fact *agents provocateurs* that you've gone over here
12 that wanted to have some sort of a violent clash with police.
13 Because for the entire week I was there, there was no violence
14 being directed towards the police. And so it just seemed, from
15 my friends that I had discussed this with, it didn't fit in line
16 with the goals or reasons for any of the people I knew that were
17 there.

18 **MR. THOMAS McRAE:** Did you disclose the identity
19 of these friends to Commission Counsel during your interview

20 **MR. PAUL LESCHIED:** No.

21 **MR. THOMAS McRAE:** Have they been -- do you know
22 if they've been interviewed by Commission Counsel?

23 **MR. PAUL LESCHIED:** I have no idea.

24 **MR. THOMAS McRAE:** How did you come to be
25 interviewed by Commission Counsel?

26 **MR. PAUL LESCHIED:** I think we had a gathering of
27 anybody that was a witness to the Ambassador Bridge
28 demonstration in order to offer a written statement of their own

1 witness testimony of what they saw for the five or six days, or
2 however many days any of those people were there.

3 **MR. THOMAS McRAE:** When did that happen? Do you
4 recall?

5 **MR. PAUL LESCHIED:** Some time in the summertime,
6 I believe. Late summer, perhaps.

7 **MR. THOMAS McRAE:** Thank you. Those are my
8 questions.

9 **MR. PAUL LESCHIED:** Thank you.

10 **COMMISSIONER ROULEAU:** Thank you.

11 Next is the City of Windsor.

12 **MS. JENNIFER KING:** Jennifer King, counsel for
13 the City of Windsor. We have no questions.

14 **COMMISSIONER ROULEAU:** Thank you.

15 The Citizens for Freedom, JCCF.

16 **MR. ANTOINE D'AILLY:** Antoine D'Ailly for
17 Citizens for Freedom. We'll cede our time to counsel for Mr.
18 Leschied.

19 **COMMISSIONER ROULEAU:** Cede to whom?

20 **MR. ANTOINE D'AILLY:** His lawyer.

21 **COMMISSIONER ROULEAU:** Oh, okay. Thank you.
22 City of Ottawa.

23 **MS. ANNE TARDIF:** Anne Tardif, City of Ottawa.
24 We have no questions. Thank you.

25 **COMMISSIONER ROULEAU:** Counsel for former Chief
26 Sloly.

27 **MR. NIKOLAS DE STEFANO:** Nikolas De Stefano for
28 former Chief Sloly. We have no questions. Thanks.

1 **COMMISSIONER ROULEAU:** OPP.

2 **MS. JINIAN KUBURSI:** Commissioner, this is Jinian
3 Kubursi for the OPP. I have no questions for Mr. Leschied.
4 Thank you.

5 **COMMISSIONER ROULEAU:** Convoy Organizers.

6 **MS. EVA CHIPUIK:** Good afternoon. Eva Chipuik
7 for the Convoy Protestors, and we have no questions for this
8 witness.

9 **COMMISSIONER ROULEAU:** Okay. So it's Mr.
10 Leschied's counsel. Go ahead.

11 **MS. LANI ROUILLARD:** Thank you, sir.

12 --- CROSS-EXAMINATION BY MS. LANI ROUILLARD:

13 **MS. LANI ROUILLARD:** Mr. Leschied, it's my
14 understanding that you began attending protests when some of
15 these mandates were laid down by the government. Do you know
16 approximately when that was?

17 **MR. PAUL LESCHIED:** When I began attending or
18 when the mandates began?

19 **MS. LANI ROUILLARD:** When you started attending
20 protests.

21 **MR. PAUL LESCHIED:** I believe it would be in
22 2021.

23 **MS. LANI ROUILLARD:** Okay. And how many,
24 approximately? Can you tell me some details about the protests
25 that you went to in the Windsor area?

26 **MR. PAUL LESCHIED:** Several of the rallies at the
27 Great Canadian Flag at the end of Oleta Avenue and Riverside
28 Drive. One of the rallies in front of the Health Unit on Oleta

1 Avenue and, you know, various fundraisers that were being held
2 to support people who had, you know, suffered economic
3 consequences during the past couple years.

4 **MS. LANI ROUILLARD:** And would you say that the
5 theme of these protests was usually the same?

6 **MR. PAUL LESCHIED:** I mean, some of the
7 fundraisers might have been geared towards something specific,
8 but generally it was to create awareness or give other people
9 the opportunity to have their voices heard or gather with other
10 people that maybe were sympathetic to some of the adverse
11 effects that they had been experiencing over that last couple
12 years.

13 **MS. LANI ROUILLARD:** And can you just expand on
14 that? What are some of the things that people were protesting
15 about or gathering about?

16 **MR. PAUL LESCHIED:** Well, certainly, you know, I
17 have friends in, you know, professions of nursing or
18 firefighting that had lost their jobs to these mandates.
19 Several small business owners who had been pushed to the brink
20 of bankruptcy because they were no longer able to conduct
21 business due to the mandates that had been passed down from
22 federal or provincial politicians.

23 **MS. LANI ROUILLARD:** So almost similar to trade
24 stopping on the bridge, then, some people were claiming that
25 their economic well-being had been cut off because the mandates?

26 **MR. PAUL LESCHIED:** Certainly I would be there to
27 support individuals that I knew who were negatively impacted
28 over the last couple years.

1 **MS. LANI ROUILLARD:** So there was a financial
2 element to it as well for some of these people.

3 **MR. PAUL LESCHIED:** Oh, absolutely. There was a
4 grave financial impact to several people that I know in small
5 businesses and other lines of work.

6 **MS. LANI ROUILLARD:** Now, I noticed that Windsor
7 hosted some protests, if you want to call them that, gatherings
8 and they had some high media profiles there. I understand that
9 Chris Sky was there on August 28th, 2021.

10 Approximately how many people attended that, do
11 you think? Just your approximate.

12 **MR. PAUL LESCHIED:** I'd guess somewhere between
13 maybe 1,500 to 2,000, perhaps.

14 **MS. LANI ROUILLARD:** Was it well publicized?

15 **MR. PAUL LESCHIED:** From the -- from the
16 standpoint of like social media or are we talking legacy media?

17 **MS. LANI ROUILLARD:** Just social media because it
18 wouldn't be on the mainstream; correct?

19 **MR. PAUL LESCHIED:** Correct.

20 Yeah, it would be -- it would be shared around
21 the various social media platforms.

22 **MS. LANI ROUILLARD:** Okay. And is that the same
23 way that the protest on, I believe it was, September 18th, 2021,
24 there were about 1,000 silent first responders? Was that the
25 same type of deal? Was it promoted the same way?

26 **MR. PAUL LESCHIED:** Yeah. Yeah, I would say it
27 was promoted on social media. It was at the same place. And
28 there -- there would likely be 1,000 or so other protestors or

1 gatherers to support the silent protest that the EMS and Windsor
2 fire department were conducting.

3 **MS. LANI ROUILLARD:** So if I was not from Windsor
4 and I was just taking a walk that day touring the town, if I
5 went by, say, the Chris Sky protest or I went past the 1,000
6 protestors for the first responders, would I pick up what it was
7 about?

8 **MR. PAUL LESCHIED:** If you -- if you stuck
9 around, I guess, to listen to the various speakers that would be
10 giving their -- giving their speeches those particular days.

11 **MS. LANI ROUILLARD:** Okay. So do you believe
12 that the Mayor was aware that these speeches were going on when
13 Chris Sky was in town or when the 1,000 protestors came out to
14 support the first responders?

15 **COMMISSIONER ROULEAU:** I'm not sure where you're
16 going with this, the Mayor whether he knew about Chris Sky.

17 **MS. LANI ROUILLARD:** Yeah, I'm looking -- sorry.

18 **COMMISSIONER ROULEAU:** If I could be helped to
19 understand how this is going to help the Commission.

20 **MS. LANI ROUILLARD:** I'm trying to establish the
21 level of communication between the Mayor and these protests over
22 time such to the point that it culminated in the bridge being
23 blocked.

24 **COMMISSIONER ROULEAU:** I'm not sure that helps
25 the Commission, but go ahead.

26 **MS. LANI ROUILLARD:** Okay. So let me go with a
27 more direct line here.

28 Did the Mayor come out to any of the protests

1 that you were present at to try to understand why people were
2 gathering?

3 **MR. PAUL LESCHIED:** No.

4 **MS. LANI ROUILLARD:** Okay. And did the
5 protestors ever reach out, to your knowledge, to the Mayor to
6 communicate and say this is why we're unhappy?

7 **MR. PAUL LESCHIED:** I'd be speculating, but yeah,
8 I believe there was some people who had written emails or made
9 social media posts to the Mayor, Drew Dilkens, of Windsor at the
10 time.

11 **MS. LANI ROUILLARD:** Okay. And that would be in
12 line, then, with the municipal policy on complaints.

13 So then the protestors did bring the complaint to
14 the Mayor. Is that correct?

15 **COMMISSIONER ROULEAU:** Okay. Are you giving
16 evidence about what the municipal ---

17 **MS. LANI ROUILLARD:** No.

18 **COMMISSIONER ROULEAU:** I mean, I don't know that
19 there's any evidence about this.

20 **MS. LANI ROUILLARD:** No, I'm trying to
21 understand, yeah, if the protestors had reached out to the Mayor
22 to clearly communicate what their ambition was through the
23 protest, if he was aware of that.

24 **COMMISSIONER ROULEAU:** Yeah, and he said -- and
25 he said he was speculating and then ---

26 **MS. LANI ROUILLARD:** Okay.

27 **COMMISSIONER ROULEAU:** --- you said something
28 about the complaint process, which is what I was curious about.

1 There's -- I don't believe there's evidence about that.

2 **MS. LANI ROUILLARD:** No, just to make sure the
3 protestors acted fairly in trying to resolve the complaint first
4 with the Mayor, with the town before they set up their protests.

5 **COMMISSIONER ROULEAU:** It might help if you
6 establish they're the same protestors that were doing it, which
7 may well be, but I don't know.

8 **MS. LANI ROUILLARD:** So the group that was
9 participating in these protests, the three that we had
10 discussed, there was Chris Sky, the silent responders, and then
11 by the flag, were those all the same group? Were they just kind
12 of growing? Was it the community of Windsor?

13 **MR. PAUL LESCHIED:** I mean, there was various
14 groups that were -- that were helping to organize these events
15 and bring in different speakers. Yeah, largely the same -- same
16 people were -- were organizing or having these gatherings.

17 **MS. LANI ROUILLARD:** Okay. So I'm going to take
18 you forward now to the night of February 7th, which is, I
19 believe, the first night of the blockade at the Ambassador
20 Bridge; correct?

21 **MR. PAUL LESCHIED:** Correct. Yeah.

22 **MS. LANI ROUILLARD:** Okay. So when you say that
23 this was a group that was, you know, growing through time and
24 there were familiar faces there, did you recognize any of the
25 people that initially blocked the road where you were ---

26 **MR. PAUL LESCHIED:** No, I never ---

27 **MS. LANI ROUILLARD:** --- to the Ambassador
28 Bridge?

1 **MR. PAUL LESCHIED:** No, I had never seen them
2 before.

3 **MS. LANI ROUILLARD:** Okay. And what would you
4 say -- like were there emergency lanes that were left open?

5 **MR. PAUL LESCHIED:** Throughout the week or on
6 this particular February 7th?

7 **MS. LANI ROUILLARD:** Just on this one night.
8 Were there emergency lanes when the blockade was originally put
9 down?

10 **MR. PAUL LESCHIED:** So the original blockade that
11 I was witness to was at Gerardo where the vehicles had straddled
12 Huron Church. I don't know that I would say particular lanes
13 were open. I can attest that I saw one truck driver, who had
14 suggested to some protesters that he was diabetic and he needed
15 to move through the traffic in order to get his medication or
16 whatever it was that he needed, and the protesters moved their
17 vehicles to allow him to pass through the southbound Huron
18 Church area.

19 **MS. LANI ROUILLARD:** Okay. During the first
20 night of the protest, did you see the police put down any jersey
21 barriers, like the concrete barriers, or obstruct any lanes?

22 **MR. PAUL LESCHIED:** There was no jersey barriers
23 on that first night, no.

24 **MS. LANI ROUILLARD:** Okay. And did they obstruct
25 or close down any lanes?

26 **MR. PAUL LESCHIED:** They definitely secured
27 several areas around the perimeter with police vehicles.

28 **MS. LANI ROUILLARD:** Okay. And what would you say

1 that the ratio was between police and protesters the first
2 night?

3 **MR. PAUL LESCHIED:** By the end of the evening,
4 there was in my estimation substantially more police personnel
5 there than there was protesters.

6 **MS. LANI ROUILLARD** So granted that, you know,
7 according to previous counsels' questions, there were auto plant
8 shutdowns, this is the busiest border crossing in North America,
9 it's a vital crossing of the border, and it controls the trade
10 for millions of dollars in our country back and forth, do you
11 think the police were capable of shutting this down on night
12 number one?

13 **MR. PAUL LESCHIED:** I believe if they would've
14 have chosen, if that was their objective on night number one,
15 certainly the few vehicles at Girardot and the dozen or so
16 protesters that would've been there when I left, I believe they
17 could've shut that down if that was the intention.

18 **MS. LANI ROUILLARD** Okay, thank you. And when you
19 were at the bridge, and I'm just going to speak generally about
20 that week, the days that you were there, of course, what kind of
21 an environment was it? How did you feel there?

22 **MR. PAUL LESCHIED:** It was just a peaceful
23 gathering, music, food being shared. Very cordial.

24 **MS. LANI ROUILLARD** And you said you weren't there
25 during the daytime, so that's fine, but when you were there in
26 the evening did you see any families?

27 **MR. PAUL LESCHIED:** Not in the evening times, no.

28 **MS. LANI ROUILLARD** How did you know that families

1 were there in the daytime?

2 **MR. PAUL LESCHIED:** Well, I mean, I had other
3 friends that had either gone during the day times or shared
4 pictures and videos of, you know, children playing soccer or,
5 you know, having a festive atmosphere with children and families
6 during the day time hours.

7 **MS. LANI ROUILLARD** So if you were there in the
8 evening, when the children weren't there, did you ever witness
9 anybody trying to use or threatening to use a child as a human
10 shield?

11 **MR. PAUL LESCHIED:** No. No, I didn't see that.

12 **MS. LANI ROUILLARD** And did you witness any acts
13 of vandalism, looting or disorderly conduct by the protesters?

14 **MR. PAUL LESCHIED:** No. No, no. Quite the
15 contrary.

16 **MS. LANI ROUILLARD** Did you see any illegal
17 weapons?

18 **MR. PAUL LESCHIED:** No.

19 **MS. LANI ROUILLARD** Did you see any registered
20 weapons?

21 **MR. PAUL LESCHIED:** No.

22 **MS. LANI ROUILLARD** Did you witness any acts of
23 violence?

24 **MR. PAUL LESCHIED:** No.

25 **MS. LANI ROUILLARD** Was there ever a time that you
26 felt unsafe while you were at the bridge?

27 **MR. PAUL LESCHIED:** Never.

28 **MS. LANI ROUILLARD** Did you feel like you were

1 being surveilled or watched?

2 **MR. PAUL LESCHIED:** I mean, it was pretty clear
3 with the -- there was drones that were circulating overhead, and
4 some of the law enforcement personnel there would have cameras
5 or smartphones I guess scanning around the area to gather their
6 own Intelligence I can imagine.

7 **MS. LANI ROUILLARD** Were you one of the people
8 impacted with your bank account? Was your bank account frozen?

9 **MR. PAUL LESCHIED:** So I lost access to my bank
10 account on February 18th.

11 **MS. LANI ROUILLARD** Okay, tell me about that.
12 What happened exactly?

13 **MR. PAUL LESCHIED:** So I just -- I had gone to my
14 bank to deposit a cheque from my business that I had written to
15 myself, and upon trying to use the ATM I got a -- an error
16 message or a message that it was not going to allow me access
17 into my bank account. I tried a second ATM machine and got the
18 same error message. I tried my online banking when I got home
19 via my computer and continued to get messages that were not
20 allowing me to access my own bank account.

21 **MS. LANI ROUILLARD** And when did that change? How
22 long did it last for?

23 **MR. PAUL LESCHIED:** So I was able to access my
24 account I believe on the following Tuesday, which would be after
25 the family day holiday weekend.

26 **MS. LANI ROUILLARD** So is that a period of about
27 five days, then?

28 **MR. PAUL LESCHIED:** About four days, give or

1 take.

2 **MS. LANI ROUILLARD** Four days? Okay. Did you
3 ever find out why?

4 **MR. PAUL LESCHIED:** No.

5 **MS. LANI ROUILLARD** Okay. Thank you. And just a
6 follow-up question from a previous counsel. Do you need to ask
7 permission to park at a mall in Ontario in the parking lot?

8 **MR. PAUL LESCHIED:** Not that I'm aware of.

9 **MS. LANI ROUILLARD** Okay, thank you. So I'd like
10 to go and revisit some earlier testimony from Inspector Dana
11 Earley, and this is testimony, I believe it was earlier today or
12 was it yesterday, and we've been talking about an exclusion zone
13 or essentially an area that was controlled by the police. Are
14 you familiar with that area?

15 **MR. PAUL LESCHIED:** Yes.

16 **MS. LANI ROUILLARD** Okay. And let's just define
17 it. What did they mean by that, just so we can get them on the
18 record? What was the exclusion zone or the controlled area?

19 **MR. PAUL LESCHIED:** I believe the controlled area
20 was at the southern border where Tecumseh Road and Huron Church
21 Avenue intersect.

22 **MS. LANI ROUILLARD** Okay.

23 And could we please play a video, and the code on
24 it is CFF6X014, and it's a multi-media file.

25 (VIDEO PLAYBACK)

26 **MS. JINAN KUBURSI:** Excuse me, Commissioner. I'm
27 sorry to interrupt. It's Jinan Kubursi, counsel for the OPP.

28 Now, seeing that it is CFF14, this was a video

1 that was provided to us over the lunchbreak. We only had an
2 opportunity to view it once Mr. Leschied had already started his
3 evidence. We have no context for it. We see in his witness
4 summary that he indicates that he did not attend the protest
5 starting on the -- February 12th with the action, so I just
6 wonder how it is that this witness has any connection to this
7 video or can speak to it. So that's a concern and I'd like your
8 views.

9 **UNIDENTIFIED MALE SPEAKER:** (Off mic)

10 **COMMISSIONER ROULEAU:** Okay. Well, maybe you can
11 help us on why this video is being played for this witness.

12 **MS. LANI ROUILLARD** Because I would like to define
13 where the the exclusion zone was, and how the crowd was
14 behaving, how the police were interacting.

15 **COMMISSIONER ROULEAU:** Well, you've ---

16 **MS. LANI ROUILLARD** And actually ---

17 **COMMISSIONER ROULEAU:** I'm sorry ---

18 **MS. LANI ROUILLARD** --- I did receive 2,000 pages
19 of disclosure about 24 hours ago, so this was the one thing that
20 we asked that be submitted. I did provide it to counsel.

21 **COMMISSIONER ROULEAU:** Okay. Well, maybe you
22 could start by asking him how he knew what the exclusion zone
23 was and go into that, but I'm not sure showing a video is going
24 to assist. What's the date of this video? And we don't know
25 who took it, and it's obviously during a period he wasn't there.
26 So I'm not sure how that can all be done.

27 **MS. LANI ROUILLARD** Well, I think it's
28 identifiable to this incident, and I believe it provides

1 geographical information that perhaps could contradict previous
2 testimony.

3 **COMMISSIONER ROULEAU:** Well, I'm not sure. We
4 don't -- do we know when this video was taken?

5 **MS. LANI ROUILLARD** I believe it was -- m'hm.
6 Sorry.

7 **COMMISSIONER ROULEAU:** And -- so when was it
8 taken?

9 **MS. LANI ROUILLARD** I believe it was taken on the
10 13th.

11 **COMMISSIONER ROULEAU:** Okay. And you could start
12 by asking him if he was there on the 13th when this video was
13 taken.

14 **MS. LANI ROUILLARD** He was not, no.

15 **COMMISSIONER ROULEAU:** Well, I think the video
16 should've been put to someone who could speak to it.

17 **MS. LANI ROUILLARD** The video -- the thing is that
18 there was double the evidence sent out the other night, so we
19 went through it all, and this was the response to the one -- to
20 the thousand, well, two thousand pages I received. Because it
21 puts the exclusion zone into context and it contradicts previous
22 testimony.

23 **COMMISSIONER ROULEAU:** Yeah, but you are counsel
24 to this ---

25 **MS. LANI ROUILLARD** Yeah.

26 **COMMISSIONER ROULEAU:** --- gentleman, you're not
27 a party.

28 **MS. LANI ROUILLARD** No.

1 **COMMISSIONER ROULEAU:** So I'm having some trouble
2 with this. So I'm sorry, you can ask how he knows the exclusive
3 -- the exclusion ---

4 **MS. LANI ROUILLARD** Yeah.

5 **COMMISSIONER ROULEAU:** --- zone and he can
6 explain what it is, but I'm not going to allow the video to go
7 to this ---

8 **MS. LANI ROUILLARD** Okay.

9 Tell us about the perimeter. When you did a
10 perimeter walk around, what -- tell me what you saw?

11 The police earlier -- I'm going to clarify this
12 first. The police earlier had stated that they were clearing
13 certain areas, and there were areas that were under their
14 control. And the question I have, and the reason I want this
15 video for it, is because I want to know, is the corner, the
16 southeast corner of Tecumseh and Huron Church Road part of the
17 exclusion area, to your knowledge?

18 **MR. PAUL LESCHIED:** To my knowledge, the
19 exclusion zone ended at the intersection of Huron Church and
20 Tecumseh Road East.

21 **MS. LANI ROUILLARD:** Okay. And did you see
22 police -- and was there any footage, that you're aware of, that
23 showed violence outside where the police were tackling people
24 outside the exclusion zone?

25 **MR. PAUL LESCHIED:** Again, I wasn't there. I
26 wasn't there on the days of Saturday and Sunday when this --
27 when the police were putting an end to the demonstration.

28 **MS. LANI ROUILLARD:** M'hm. Okay.

1 **MR. PAUL LESCHIED:** But I believe there was
2 videos of these arrests taking place in areas in the general
3 vicinity.

4 **MS. LANI ROUILLARD:** Okay. And to your knowledge
5 then, the southeast corner where the gas station is, I believe
6 it's a Shell, that is not included in the area they said was
7 under control?

8 **MR. PAUL LESCHIED:** No, I believe they were
9 controlling up to Tecumseh Road and pushing protestors onto the
10 other side of Tecumseh Road outside of the exclusion zone.

11 **MS. LANI ROUILLARD:** Okay. Those are my
12 questions, sir.

13 **COMMISSIONER ROULEAU:** Any re-examination?

14 **MS. ALLISON McMAHON:** No, there's no re-
15 examination. Thank you.

16 **COMMISSIONER ROULEAU:** Okay. Just -- I'm just
17 trying to understand. You say you know the exclusion zone. How
18 do you know that?

19 **MR. PAUL LESCHIED:** I would be saying I know it
20 based on previous testimony that's been given yesterday perhaps.

21 **COMMISSIONER ROULEAU:** So you don't know, you
22 just listened to the testimony yesterday?

23 **MR. PAUL LESCHIED:** I guess the exclusion zone
24 was never something that I was told when I was there at the
25 event. I'm just basing it on where I saw the police had their
26 barricades set up and the general area around the entire
27 demonstration.

28 **COMMISSIONER ROULEAU:** Okay. So you didn't

1 really know? You're just speculating?

2 **MR. PAUL LESCHIED:** It would have been something
3 I would have discovered after the demonstration was over.

4 **COMMISSIONER ROULEAU:** From listening to the
5 testimony here?

6 **MR. PAUL LESCHIED:** From listening to the
7 testimony here, and perhaps videos on social media that occurred
8 after I was no longer participating and attending the
9 demonstration.

10 **COMMISSIONER ROULEAU:** There were social medias
11 educating you on the exclusion zones?

12 **MR. PAUL LESCHIED:** I think that when you saw,
13 like, video assessment of the end on the Saturday and Sunday,
14 they were basically showing where protestors were being pushed
15 out of their area that was going to be secured for them to be
16 able to reopen Huron Church Avenue to truck traffic onto the
17 bridge.

18 **COMMISSIONER ROULEAU:** And then just a question,
19 you were there for a few days, evenings rather. Were -- is it
20 news to you, or did you only find out the day that there were
21 plants shutting down and people getting laid off because of the
22 bridge?

23 **MR. PAUL LESCHIED:** No, I knew that there was
24 negative impacts to businesses in the Windsor and greater areas
25 beyond Windsor as a result of the blockage at the Ambassador
26 Bridge.

27 **COMMISSIONER ROULEAU:** And that didn't concern
28 you?

1 **MR. PAUL LESCHIED:** I mean, I had been concerned
2 over the past couple of years of the impacts that were happening
3 to our businesses from a whole bunch of different -- for a whole
4 bunch of different reasons.

5 **COMMISSIONER ROULEAU:** So more impact was not a
6 concern to you?

7 **MR. PAUL LESCHIED:** I mean, I'm concerned for
8 anybody's businesses that are negatively impacted. But to gauge
9 whether one is more severe than another, that wasn't something
10 that I really ---

11 **COMMISSIONER ROULEAU:** Okay.

12 **MR. PAUL LESCHIED:** --- considered.

13 **COMMISSIONER ROULEAU:** Thank you. Thank you for
14 your testimony. You're free to go.

15 I think we'll take the morning break now. Thank
16 you, counsel, for your assistance. So we'll take the morning
17 break. Or the afternoon break. I keep saying the morning
18 break. I'm sorry. Obviously I only work half days.

19 So we'll come back in 15 minutes.

20 **THE REGISTRAR:** The Commission is in recess for
21 15 minutes. La Commission levée pour 15 minutes.

22 --- Upon recessing at 3:43 p.m.

23 --- Upon resuming at 4:05 p.m.

24 **THE REGISTRAR:** Order, à l'ordre. The Commission
25 is reconvened. La Commission Reprend.

26 Mr. Van Huigenbos.

27 **COMMISSIONER ROULEAU:** Good afternoon.

28 **THE REGISTRAR:** Mr. Van Huigenbos, will you swear

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

2 **COUNCILLOR MARCO Van HUIGENBOS:** The bible,
3 please.

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

6 **COUNCILLOR MARCO Van HUIGENBOS:** Marco Van
7 Huigenbos. M-A-R-C-O V-A-N H-U-I-G-E-N-B-O-S.

8 **--- COUNCILLOR MARCO Van HUGENBOS, Sworn:**

9 **THE REGISTRAR:** Thank you.

10 **COMMISSIONER ROULEAU:** Okay.

11 **MS. ALEXANDRA HEINE:** For the record, Alexandra
12 Heine, Commission Counsel.

13 Mr. Commissioner, the first thing I'd like to do
14 is pass over to my friend, Martin Rejman, who is Mr. Van
15 Huigenbos' lawyer, who has an objection to make.

16 **--- STATEMENT BY MR. MARTIN REJMAN:**

17 **MR. MARTIN REJMAN:** Good afternoon, Commissioner.
18 Martin Rejman, for the record. Mr. Van Huigenbos has recently
19 been charged in relationship -- in relation to matters that he
20 may be asked questions about in these proceedings, namely the
21 events in Coutts, Alberta, that took place between January 29th
22 and February 15th of this year, 2022. On Friday, November 4th,
23 2022, Mr. Van Huigenbos elected to be tried by a jury of peers.

24 Mr. Van Huigenbos was summoned to testify this
25 afternoon. His testimony is compelled and subject nationwide
26 publication. Mr. Van Huigenbos invokes the protection afforded
27 to him under the *Canada Evidence Act*, specifically Section 5.2,
28 as well as the related provisions of the *Alberta Evidence Act* to

1 protect his interests against any self-incrimination. He also
2 benefits from and seeks the protection of Section 13 of the
3 Canadian Charter of Rights and Freedoms in his anticipated
4 testimony.

5 For the record, he objects to answer each and
6 every question on the grounds that his answers may incriminate
7 him or may/or could be used to establish any liability in the
8 criminal or civil proceedings. He is compelled to provide
9 answers, and we can proceed with the questions.

10 **COMMISSIONER ROULEAU:** Thank you.

11 Go ahead.

12 **--- EXAMINATION IN-CHIEF BY MS. ALEXANDRA HEINE:**

13 **MS. ALEXANDRA HEINE:** So, Mr. Clerk, I'll start
14 with asking you to pull up Mr. Van Huigenbos' Statement of
15 Anticipated Evidence, which is SAE00000003. So this is the
16 Statement of Anticipated Evidence that we sent you a few months
17 ago for your review; is that right?

18 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

19 **MS. ALEXANDRA HEINE:** And have you had a chance
20 to review this statement?

21 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

22 **MS. ALEXANDRA HEINE:** And would you like to make
23 any amendments to it?

24 **COUNCILLOR MARCO Van HUIGENBOS:** No.

25 **MS. ALEXANDRA HEINE:** Thank you. So, Mr.
26 Huigenbos, you're originally from Holland; is that correct?

27 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

28 **MS. ALEXANDRA HEINE:** And when did you move to

1 Canada?

2 **COUNCILLOR MARCO Van HUIGENBOS:** In April of
3 1996.

4 **MS. ALEXANDRA HEINE:** And I understand that you
5 currently live in Fort Macleod in Alberta; is that right?

6 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

7 **MS. ALEXANDRA HEINE:** And what do you do for a
8 living?

9 **COUNCILLOR MARCO Van HUIGENBOS:** I'm sales. I'm
10 an owner in South Country Doors and my role there is to run the
11 business and as sales manager.

12 **MS. ALEXANDRA HEINE:** And so you were a City
13 Councillor for Fort Macleod of the Freedom Convoy protests in
14 January and February 2022; is that right?

15 **COUNCILLOR MARCO Van HUIGENBOS:** Correct, and I
16 still am.

17 **MS. ALEXANDRA HEINE:** And so I understand that
18 you participated in the protest activities that occurred in
19 Coutts, Alberta; is that right?

20 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

21 **MS. ALEXANDRA HEINE:** In your Statement of
22 Anticipated Evidence, you said that the protest commenced as a
23 slow-roll convoy on January 29th and that you joined on that day;
24 is that right?

25 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

26 **MS. ALEXANDRA HEINE:** What motivated you to join?

27 **COUNCILLOR MARCO Van HUIGENBOS:** The provincial
28 mandates the prior years and the federal border mandate as the

1 cherry on the top that broke the camel's back in regards to the
2 residents of Alberta and their views on Covid, and that there
3 was so much frustration that we expressed that through slow
4 rolls and similar activities.

5 **MS. ALEXANDRA HEINE:** When you "the border
6 mandates", you mean the trucker vaccination requirements?

7 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

8 **MS. ALEXANDRA HEINE:** Okay. And different slow
9 rolls converged in Lethbridge, I understand, on January 29th and
10 you were planning on driving from there to Coutts; is that
11 right?

12 **COUNCILLOR MARCO Van HUIGENBOS:** Yes, there was a
13 staging area at the Flying J and a smaller convoy or individuals
14 convoys came from all parts of Southern Alberta and possibly
15 further.

16 **MS. ALEXANDRA HEINE:** And so you met up with this
17 convoy in Lethbridge in your own vehicle?

18 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

19 **MS. ALEXANDRA HEINE:** That was a semi truck,
20 pick-up truck?

21 **COUNCILLOR MARCO Van HUIGENBOS:** That was a pick-
22 up truck.

23 **MS. ALEXANDRA HEINE:** And you also said in your
24 Statement of Anticipated Evidence that participants generally
25 understood through social media posts that the plan was to
26 converge on Highway 4 and then drive down to Coutts. And which
27 social media posts were you specially talking about?

28 **COUNCILLOR MARCO Van HUIGENBOS:** I was aware of a

1 social media page that was being shared on Facebook.

2 **MS. ALEXANDRA HEINE:** Okay. So, Mr. Clerk, if we
3 could pull up ALB00001677. And so just by way of background,
4 this is an email exchanged dated January 26th between a CBSA
5 official and a Government of Alberta official. Mr. Clerk, can
6 we just scroll down a little bit. That -- a little bit more --
7 perfect. And so Mr. McAuley from the Government of Alberta says
8 that the CBSA -- to the CBSA official that there is online
9 activity regarding a January 29th convoy to Coutts associated
10 with the broader trucker protesters, understanding that that
11 means the convoy to Ottawa, and he links a website entitled
12 "Freedom Fighter Nation" and a Facebook group for the
13 "Lethbridge Freedom Central"; do you see that there?

14 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

15 **MS. ALEXANDRA HEINE:** Did you come to learn about
16 the convoy through either of these websites?

17 **COUNCILLOR MARCO Van HUIGENBOS:** No, I was made
18 aware of it through individuals I knew sharing it on Facebook.
19 I was not aware -- this is the first time I see "Freedom Fighter
20 Nation". But the "Freedom Convoy" and "Freedom Lethbridge" is -
21 - I might have seen it through that or through somebody sharing
22 that information.

23 **MS. ALEXANDRA HEINE:** Right. And if we can just
24 scroll down to page 2, I'm just going to show you a flyer, and
25 this was shared by, I believe, Lethbridge Freedom Central. So
26 when you were seeing some of your friends sharing on Facebook
27 about this event, were you seeing this flyer?

28 **COUNCILLOR MARCO Van HUIGENBOS:** No, this is the

1 first time I've seen this one, but I imagine there was different
2 versions out there.

3 **MS. ALEXANDRA HEINE:** Okay. And was it your
4 understanding that the plan was just to slow roll down to Coutts
5 from Lethbridge and then go home, or was the plan always to
6 blockade the port of entry?

7 **COUNCILLOR MARCO Van HUIGENBOS:** There was -- the
8 slow roll was definitely the focus but, I believe, through the
9 accumulation of -- I believe the previous slide had 5,000
10 vehicles, or whatever the amount was, and we knew it would
11 result in a logistical nightmare, and that may have been the
12 intentions, to create an inconvenience.

13 **MS. ALEXANDRA HEINE:** So when you say you knew
14 when there were 5,000 vehicles, how were you aware that there
15 were 5,000 vehicles on the highway?

16 **COUNCILLOR MARCO Van HUIGENBOS:** So I go back to
17 the previous slide that was the report from CBSA and the RCMP
18 that speaks to the amount. I'm just going to use whatever that
19 amount was.

20 **MS. ALEXANDRA HEINE:** Okay. And I think, for the
21 record, actually, the CBSA, in their Institutional Report, said
22 there were 1,000 vehicles.

23 **COUNCILLOR MARCO Van HUIGENBOS:** Sorry, 1,000
24 vehicles.

25 **MS. ALEXANDRA HEINE:** Yeah, thank you. And we're
26 going to stay on this document, Mr. Clerk, if we could just go
27 down to page 3. So this is a flyer that was posted on one of
28 the websites linked by the CBSA official, and it says:

1 "Lockdown Coutts border. Trucks and
2 vehicles all over Alberta planning to
3 head for Coutts, AB, starting January
4 29 and staying there until all mandates
5 and restrictions are lifted."

6 Do you see that?

7 **COUNCILLOR MARCO Van HUIGENBOS:** I do.

8 **MS. ALEXANDRA HEINE:** It also says:

9 "Calling all semis, trucks, SUVs, cars!
10 Meeting point: Flying J, Lethbridge..."

11 -- which you referenced earlier --

12 "...5:00 a.m. Border shutdown! On this
13 day the Albertans hold the line to take
14 back our given freedoms. Do not budge.
15 Do not move. Do not surrender."

16 Did you ever see this flyer?

17 **COUNCILLOR MARCO Van HUIGENBOS:** This is the
18 first time I've seen this.

19 **MS. ALEXANDRA HEINE:** So was it your personal
20 intention to block the border and not give up until all the
21 mandates and restrictions were lifted as is stated in this
22 flyer?

23 **COUNCILLOR MARCO Van HUIGENBOS:** It was never my
24 intention to block the border. It was always our intention to
25 create an inconvenience at the border in the afternoon of
26 January the 29th.

27 **MS. ALEXANDRA HEINE:** But you would agree, based
28 on this flyer, that it was some people's intention at least?

1 **COUNCILLOR MARCO Van HUIGENBOS:** Based on this
2 flyer, I could see that there were people who would have these
3 intentions.

4 **MS. ALEXANDRA HEINE:** Okay. So you drove down to
5 Coutts on January 29th, and because this is -- you're the first
6 protester -- or, sorry, the first witness to speak to Coutts and
7 not everyone, like us, is from Alberta, were just going to pull
8 up the Coutts protest map, which is an interactive map, and I'm
9 just going to show, for the public and the Commissioner's
10 benefit, the route from Lethbridge down Highway 4, all the way
11 to Coutts. So do you see that there?

12 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

13 **MS. ALEXANDRA HEINE:** And this is the route that
14 you took?

15 **COUNCILLOR MARCO Van HUIGENBOS:** Yes, other than
16 I wouldn't have started at "A"; I would have started in Fort
17 Macleod.

18 **MS. ALEXANDRA HEINE:** Okay. But you converged in
19 Lethbridge and then the general convoy drove down to Coutts?

20 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

21 **MS. ALEXANDRA HEINE:** Okay, so we expect to hear
22 evidence from the Mayor of Coutts that he observed the RCMP
23 escorting the convoy to the eventual location of the blockade,
24 the intersection with Highway 500, 1.3 kilometres before the
25 border crossing; would you agree with that?

26 **COUNCILLOR MARCO Van HUIGENBOS:** If that's what
27 happened, I would agree with that. I was not at the front of
28 the convoy so I did not see the RCMP escort us.

1 **MS. ALEXANDRA HEINE:** Okay. So you're not aware
2 that the RCMP was escorting the convoy at all?

3 **COUNCILLOR MARCO Van HUIGENBOS:** I was aware of
4 the presence of RCMP because they were there. You know, the
5 traffic was heading south and occasionally we'd see RCMP fly by,
6 or RCMP going north, or -- so the presence of RCMP was noted but
7 I was not aware we received an escort to the border.

8 **MS. ALEXANDRA HEINE:** Okay. And if, Mr. Clerk,
9 we could then click on "Coutts U-turn" and unclick "directions",
10 thank you. And then we'll just Zoom into Coutts, so just for
11 the benefit of the public, Commissioner, just to see sort of
12 what the Coutts Village and the port of entry look like.

13 So I understand that some vehicles, when they got
14 down to Coutts -- and if we could just zoom in a little bit more
15 -- made a U-turn at the point that's the blue point on the
16 corner of Highway 500 and Highway 4; is that right?

17 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. That
18 is the intersection that you can access the hamlet or village of
19 Coutts, and being the last major intersection before the CBSA.
20 And that's where the convoy was turned around to position it
21 back northward.

22 **MS. ALEXANDRA HAINE:** Okay. So some vehicles did
23 a U-turn and drove back out, but others, I understand, stayed in
24 Coutts and parked there; is that right?

25 **COUNCILLOR MARCO Van HUIGENBOS:** That
26 intersection became very busy as the convoy neared Coutts coming
27 around the corner here, after the railroad tracks. In between
28 the highways there is a scale house, like, there's a commercial

1 inspection facility.

2 **MS. ALEXANDRA HAINE:** And when you say a scale
3 house, you mean to weigh trucks that are going through the port
4 of entry; is that right?

5 **COUNCILLOR MARCO Van HUIGENBOS:** Correct, and you
6 know, trucks going south and trucks coming north.

7 **MS. ALEXANDRA HAINE:** Right.

8 **COUNCILLOR MARCO Van HUIGENBOS:** They opened the
9 scale further slowing and restricting traffic, which in and of
10 itself, caused a -- quite the backup. But after the scale,
11 individuals could turn around and further up, once they were
12 back in Milk River or close to it, they could rejoin the convoy
13 and continue to loop back and forth. But there was also a
14 staging area -- not staging -- it became a staging area of just
15 people watching this event from the -- in the ditches. You
16 know, it was a -- there was a lot of people in one location, so
17 there was no designated area, but it was a lot of vehicles and a
18 lot of trucks everywhere.

19 **MS. ALEXANDRA HAINE:** And the staging area that
20 you referenced, is that sort of on or around the yellow point,
21 which I understand designates where the protestors were
22 predominately located?

23 **COUNCILLOR MARCO Van HUIGENBOS:** That would be
24 the green points.

25 **MS. ALEXANDRA HAINE:** The green points? So
26 that's the Smuggler's Saloon?

27 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. And
28 behind the Smuggler's is a very unofficial truck stop, but it's

1 just a wide-open gravel parking lot.

2 **MS. ALEXANDRA HAINE:** And for the benefit of
3 everyone here, could you just describe where some of the semi
4 trucks that were part of the convoy ended up in relation to the
5 yellow and green points, so between sort of where the -- I guess
6 that's the northbound lane and the Smuggler's Saloon?

7 **COUNCILLOR MARCO Van HUIGENBOS:** At what
8 particular time?

9 **MS. ALEXANDRA HAINE:** When -- on January 29th.
10 We're still on January 29th.

11 **COUNCILLOR MARCO Van HUIGENBOS:** During the
12 movement of traffic or after traffic came?

13 **MS. ALEXANDRA HAINE:** After traffic had arrived.

14 **COUNCILLOR MARCO Van HUIGENBOS:** Well, there was
15 -- I believe the backup was halfway to Milk River on both sides.
16 Like, Saturday night, a lot of the thousand hadn't left. You
17 know, these were semis and they stayed for the night, due to the
18 backup created by the border -- or not the border, sorry -- the
19 intersection and everything around the intersection.

20 **MS. ALEXANDRA HAINE:** And so were there semis,
21 pickups, sort of piled up right there that was causing this
22 traffic jam from Coutts to Milk River?

23 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

24 **MS. ALEXANDRA HAINE:** What did that look like?

25 **COUNCILLOR MARCO Van HUIGENBOS:** It looked like
26 semis and semis parked through the intersection, preventing the
27 flow of traffic.

28 **MS. ALEXANDRA HAINE:** And where were you at this

1 time?

2 **COUNCILLOR MARCO Van HUIGENBOS:** I was -- I would
3 say in the vicinity of the blue, the yellow, the green. I was
4 in the area.

5 **MS. ALEXANDRA HAINE:** So you sort of parked your
6 pickup truck and you were wandering on foot or were you in your
7 vehicle, stopped?

8 **COUNCILLOR MARCO Van HUIGENBOS:** My pickups were
9 initially in the parking lot on the green, like, behind the
10 green dot.

11 **MS. ALEXANDRA HAINE:** Okay. So we're going to
12 move forward then to January 31st. So by January 31st, I
13 understand that some vehicles had left Coutts and either had
14 returned home or gone further up Highway 4. And I'm referring -
15 - or I'm getting this information from the CBSA Institutional
16 Report that said that there were 176 vehicles sort of left
17 around that time. Does that accord with your recollection?

18 **COUNCILLOR MARCO Van HUIGENBOS:** Yeah, possibly.
19 Yeah.

20 **MS. ALEXANDRA HAINE:** So the rest of the 1,000
21 vehicles had pretty much gone, gone home?

22 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. It was
23 never the intention to remain.

24 **MS. ALEXANDRA HAINE:** Well, right, but we did
25 establish earlier that it might have been some people's
26 intentions to remain, some of those people making up the 176
27 vehicles ---

28 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

1 **MS. ALEXANDRA HAINE:** --- that stayed behind.
2 Right.

3 So Mr. Clerk, if we could pull up
4 PBS.CAN00002473? And so this is an email from the Commissioner
5 of the RCMP, Brenda Lucki, to the Minister of Public Safety,
6 Marco Mendicino; the Deputy Minister of Public Safety at the
7 time was Rob Stewart; and the President of the CBSA, who at the
8 time, was John Ossowski.

9 **COMMISSIONER ROULEAU:** Could you slow down for --
10 -

11 **MS. ALEXANDRA HAINE:** Yes, I apologize.

12 **COMMISSIONER ROULEAU:** --- the interpreters?

13 **MS. ALEXANDRA HAINE:** Thank you, Commissioner.
14 And the date here is January 31st. Do you see
15 that?

16 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

17 **MS. ALEXANDRA HAINE:** And if we just scroll down
18 a little bit, a little bit more -- so at the bottom of the page,
19 you see that point right there that says, "Highway 4", so that's
20 the third point down under "Current Status".

21 So it says:

22 "Highway 4 to and from the Canadian
23 side of the border crossing at Coutts,
24 Alberta, remains completely blocked.
25 The blockade, primarily the semi truck
26 blocking the northbound lane with
27 smaller truck reinforcements, is being
28 controlled by splinter groups. The

1 organizers of the Coutts protest are
2 distancing themselves from the splinter
3 groups."

4 She then said that:

5 "The RCMP's consultative conflict
6 management group which is the RCMP's
7 equivalent of a police liaison team
8 continues to engage protest
9 participants; however, the engagement
10 from the organizers has diminished and
11 the splinter groups have not been
12 receptive."

13 Do you see that there?

14 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

15 **MS. ALEXANDRA HAINE:** And so at this point, had
16 you established yourself as a spokesperson for the protesters?
17 This is on January 31st.

18 **COUNCILLOR MARCO Van HUIGENBOS:** No.

19 **MS. ALEXANDRA HAINE:** Do you know who she's
20 talking about when she says "organizers"?

21 **COUNCILLOR MARCO Van HUIGENBOS:** I believe the
22 individuals that would have built the posts, the two previous
23 pages that organized the slow roll and invited people to
24 participate in this protest.

25 **MS. ALEXANDRA HAINE:** That's your previous pages
26 meaning that email that we saw with the two links to the website
27 and the Facebook group; is that what you mean?

28 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. Yeah.

1 **MS. ALEXANDRA HAINE:** Okay. So Lethbridge
2 Freedom Central and the other website?

3 So at this point, you -- I understand that you
4 had communications with the police and specifically, CCMG
5 officers later on? And we'll get to that in a minute, but at
6 this point, on January 31st, had you had any contact with the
7 RCMP's CM -- CCMG officers?

8 **COUNCILLOR MARCO Van HUIGENBOS:** Not that I'm
9 aware of, but it might have been in passing without any --
10 outside of any official goal. You know, we were never hiding.
11 The RCMP had full ability to walk through our midst and to drive
12 around and et cetera, et cetera. It wasn't -- you know, we
13 didn't blockade the RCMP from engaging with us.

14 **MS. ALEXANDRA HAINE:** Okay. But it wasn't as
15 though you were engaging with the RCMP on behalf of the
16 protesters?

17 **COUNCILLOR MARCO Van HUIGENBOS:** No. There was
18 very little structure, being so organic of a protest. We all
19 converged as individuals and possibly as groups, smaller groups
20 from different municipalities to this location, and from there,
21 it speaks to splinter groups, but there was no groups that were
22 previously engaged in anything that were part of this. It was -
23 - when I say groups, it would be, you know, six people came from
24 the town of Coaldale and they're familiar with each other, and
25 they drove in a convoy together, so they're going to band with
26 each other if they're all sitting with individuals they don't
27 know, right? You stick to your own until you become familiar
28 with each other.

1 **MS. ALEXANDRA HAINE:** Right. So because it was,
2 like, an organic protest, sort of a grass roots movement with
3 different people from all over Alberta, when she says "splinter
4 groups", you also don't know what she's referring to?

5 **COUNCILLOR MARCO Van HUIGENBOS:** So when I think
6 splinter groups, I think we're talking more in different
7 positions, different views on where we were at that time in
8 regards to the border or the Highway was blockaded by multiple
9 trucks, not just one. They may have had the perception that if
10 one truck moved, traffic could flow, but essentially, it was a
11 combination of vehicles that created the inconvenience at that
12 intersection.

13 **MS. ALEXANDRA HEINE:** Okay. So let's then move
14 to the next day, which is February 1st, and also February 2nd. So
15 at this point, had the RCMP set up checkpoints on Highway 4 as
16 well as Highway 500, which is the highway that we saw earlier
17 with the map?

18 **COUNCILLOR MARCO VAN HUIGENBOS:** I don't believe
19 the checkpoints were set up at that time.

20 **MS. ALEXANDRA HEINE:** Okay. Do you know when the
21 RCMP set up those checkpoints?

22 **COUNCILLOR MARCO Van HUIGENBOS:** I believe they
23 set up the checkpoints later in the day on February the 1st.

24 **MS. ALEXANDRA HEINE:** Okay. Later in the day on
25 February 1st?

26 **COUNCILLOR MARCO Van HUIGENBOS:** Yes, traffic was
27 able to free flow back and forth. You know, people came, people
28 left on the Sunday, which is the ---

1 **MS. ALEXANDRA HEINE:** The 30th.

2 **COUNCILLOR MARCO Van HUIGENBOS:** --- 30th -- 31st.

3 **MS. ALEXANDRA HEINE:** Yeah.

4 **COUNCILLOR MARCO Van HUIGENBOS:** Sorry, I believe
5 they didn't -- they set up checkpoints on the -- later in the
6 day on the 31st, not the 1st.

7 **MS. ALEXANDRA HEINE:** Okay.

8 **COUNCILLOR MARCO Van HUIGENBOS:** On the Monday.

9 **MS. ALEXANDRA HEINE:** Okay. So, Mr. Clerk, I'll
10 just ask that you zoom out on this map, just so that everyone
11 can see when we say checkpoints, we're referring to the points
12 in red. Mr. Van Huigenbos, does this accord with your
13 recollection of where the checkpoints established by the RCMP
14 were?

15 **COUNCILLOR MARCO Van HUIGENBOS:** This is some.
16 There was more. Every dirt road leading to Highway 4 would have
17 had a checkpoint. So these may be the -- you know, the majority
18 of the gravel roads, but there were more entrances and exits
19 that were being monitored by the RCMP or stakeholders in this
20 so.

21 **MS. ALEXANDRA HEINE:** Okay. So there were some
22 protestors still in Coutts. And if we zoom in, Mr. Clerk, to
23 the point at the top near Milk River where there's a yellow and
24 a red. So this is a checkpoint by the RCMP in red. Were you
25 ever aware of this checkpoint?

26 **COUNCILLOR MARCO Van HUIGENBOS:** So the red
27 became a -- so these checkpoints were all established when this
28 red checkpoint on the highway was created, because the traffic -

1 - the most convenient way to Coutts was on the highway going,
2 you know, the speed limit, 110 kilometres an hour. But if you
3 were to hit that checkpoint, any Albertan from this area would
4 take a side road and take five minutes and make their way to
5 Coutts through a back road, et cetera. That's when all the
6 additional checkpoints in the previous slide were established.
7 So the goal of this red checkpoint was to prevent the Coutts
8 blockade from being built up with more trucks and more
9 protestors.

10 **MS. ALEXANDRA HEINE:** Okay. So it was your
11 recollection that this was sort of one of the first or the main
12 checkpoints that was established?

13 **COUNCILLOR MARCO Van HUIGENBOS:** I believe they
14 would have all been established at the same time. There would
15 have been an RCMP objective to prevent the public from having
16 easy access to Coutts.

17 **MS. ALEXANDRA HEINE:** What about one of the main
18 checkpoints?

19 **COUNCILLOR MARCO Van HUIGENBOS:** It is definitely
20 the main checkpoint.

21 **MS. ALEXANDRA HEINE:** It is the main checkpoint?

22 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

23 **MS. ALEXANDRA HEINE:** Okay.

24 **COUNCILLOR MARCO Van HUIGENBOS:** Yeah.

25 **MS. ALEXANDRA HEINE:** Thank you. And you just
26 alluded to this, but this checkpoint had the effect of having
27 sort of a buildup of traffic that led to a second location of
28 protestors, which is identified by the yellow point. If you

1 could please sort of walk us through how that happened and what
2 that looked like from your perspective?

3 **COUNCILLOR MARCO Van HUIGENBOS:** So as previously
4 mentioned, the slow roll and its possible intentions by
5 different participants of the slow roll and protest resulted in
6 the blockade. And once the weekend was over and it was still
7 there, it -- I'm not -- I wouldn't say it hit the news right
8 away, but it became, through social media platform, through
9 alternative media, and possibly even through MSM, it became
10 something newsworthy, and it attracted individuals -- it
11 attracted individuals. And so these individuals would come to
12 Coutts and, essentially, bolster the ranks of the protestors, et
13 cetera. It just grew and grew.

14 The RCMP, their intentions was to prevent this.
15 As a result, this Milk River blockade is what it's called, or
16 Milk River protest was formed. And the amount of individuals
17 that converge on this sites was initially vehicles from the
18 surrounding areas within an hour or two, parked in their trucks,
19 parked in their cars, parked in their whatever they were using
20 to get there, all pointing south, looking to get to Coutts with
21 the RCMP getting in the way of their ability to do that. Very
22 quickly, camp was set up and it became something similar to
23 Coutts, but in support of Coutts. You know, it was always the
24 intention to get to Coutts; right? That was their goal.

25 **MS. ALEXANDRA HEINE:** Right. So there's a Milk
26 River protest, Milk River blockade around that checkpoint, which
27 is checkpoint 10, for the record, and there was a secondary
28 location in Coutts, but the idea is that the Milk River

1 protestors were there because they wanted to get to Coutts to
2 join ---

3 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

4 **MS. ALEXANDRA HEINE:** Okay. And you were
5 personally located in Coutts at this time; is that right?

6 **COUNCILLOR MARCO Van HUIGENBOS:** I have the
7 ability to -- no, at that time, until this was established, I
8 was in Coutts. Correct, yeah.

9 **MS. ALEXANDRA HEINE:** Okay. And so we're still
10 on February 1st and 2nd. I understand, and you'll provide more
11 clarity on this, that some protestors got around checkpoint 10
12 using either tractors or other vehicles to get to Coutts and
13 this led to an enforcement effort by the RCMP. Could you please
14 describe what that looked like, what that event was from your
15 point of view?

16 **COUNCILLOR MARCO Van HUIGENBOS:** So the events
17 were the enforcement effort commenced on the 1st, on Tuesday in
18 Coutts. Being organic in nature, the trucks were on the highway
19 on both lanes, going north and south, but in that particular
20 area, the lanes were actually facing east and west. If you want
21 to go back to that slide, I could explain that and ---

22 **MS. ALEXANDRA HEINE:** Sure. Yeah, Mr. Clerk, we
23 could go down to -- back down to Coutts.

24 **COUNCILLOR MARCO Van HUIGENBOS:** Right. So right
25 around the commercial inspection site, you can see the highway
26 here is actually east to west for all of a mile, from the
27 intersection, from the yellow bold point to about the Welcome to
28 Alberta sign. At that time, that highway, both lanes, both

1 directions was full of motorized vehicles, anything from tractor
2 trailers, to trucks, to whatever it was on the highway. And the
3 RCMP staged close to the railroad with I would say a hundred
4 officers and started to commence enforcement in the form of
5 knocking on the vehicles that the truckers or the protestors
6 were in their vehicles and asking them to leave or face arrest.

7 So one by one, they -- it was a pretty obvious
8 decision for most. You know, it was time to leave. They were
9 able to work their way down one lane, truck by truck, without
10 any ability to -- without us -- giving us any ability to respond
11 or do anything about it; right? We were watching it from our
12 vehicles, and we seen the RCMP come closer. This was all being
13 streamed on many social media platforms, Facebook, Tik Tok,
14 Telegram and others.

15 So you have these individuals at the Milk River
16 blockade who are looking to get to Coutts, who have been -- and
17 we're talking it was a balmy weekend. You know, 10 degrees into
18 January, but Monday morning, the weather turned sour, and it was
19 minus 30 that first week. So you're talking about individuals
20 who are looking to get to Coutts, who are in their -- camped out
21 in their vehicles in extreme temperatures. They are seeing
22 enforcement action -- and a lot of these individuals were
23 farmers, like, there was a lot of equipment there. These were
24 neighbours. These were people we knew or were acquaintances to
25 others at Coutts since the 29th.

26 So they see this happening on their screens. And
27 without us being aware -- we seen the video after -- they
28 proceeded to essentially hit the ditch or go around the police

1 barricade, which was on -- I believe it was parked on the
2 pavement, and they had been civil in regards to obeying that
3 blockade, but once they seen the RCMP enforcing in Coutts,
4 obviously, it starts with one or two and the rest followed. But
5 most of that blockade was able to traverse that -- most of --
6 sorry, most of the supporters were able to traverse the blockade
7 and make their way down the highway, both lanes, toward Coutts.
8 And there was -- I don't know if there is videos as evidence,
9 but there was multiple videos shared of that event as well.

10 **MS. ALEXANDRA HEINE:** And when you say the Milk
11 River protestors could see the enforcement action that the RCMP
12 was doing in Coutts, which prompted them to try and sort of go
13 around the barricade to join up, you mean through social media;
14 right?

15 **COUNCILLOR MARCO Van HUIGENBOS:** M'hm.

16 **MS. ALEXANDRA HEINE:** They didn't have line of --
17 -

18 **COUNCILLOR MARCO Van HUIGENBOS:** No.

19 **MS. ALEXANDRA HEINE:** --- sight themselves?

20 **COUNCILLOR MARCO Van HUIGENBOS:** No, no. No,
21 there was no line of sight. It would have been they came to our
22 assistance, essentially, at the term.

23 **MS. ALEXANDRA HEINE:** And that's because the Milk
24 River blockade was about 20 kilometres north of the Coutts port
25 of entry; is that right?

26 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

27 **MS. ALEXANDRA HEINE:** Okay, so I understand that
28 then on February 2nd this sort of all came to a head and there

1 was a bit of a standoff you could call it between the protesters
2 and the RCMP. Is that right?

3 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. So as
4 -- I was in my truck driving around in this area of a highway
5 that's heading east to west, just, you know, looking at the
6 situation and thinking, you know, this will be over in hours,
7 and all of a sudden we see through, and it was a blizzard, we
8 see these trucks, and these pickups, and these tractors come
9 through the blizzard from nowhere. And we were -- the
10 protesters were able to coordinate a barricade. Instead of
11 trucks on a highway that they could work one, two, three, we
12 were able to form a barricade, essentially fence-to-fence,
13 ditch-to-ditch, which now gave us the ability -- well, which
14 gave us the ability to form a line and have a standoff with the
15 RCMP.

16 **MS. ALEXANDRA HEINE:** And what did that look
17 like?

18 **COUNCILLOR MARCO Van HUIGENBOS:** It was a
19 peaceful standoff. The RCMP and the protesters never came
20 within I would say 50 metres of each other.

21 So initially when the equipment rolled in the
22 RCMP retreated because it was hectic. You know, tractors came
23 in through the ditches, on the highway, and out of nowhere, it
24 was a surprise to them as much as it was to us. I imagine they
25 may have heard about it. As it -- as they blew the barricade in
26 Milk River, they would've had 10 minutes more notice than we did
27 through their official channels, but when it came in they
28 retreated back to the sheriff busses and the bit of the mobile

1 command they had set up on the highway, and I would say
2 20 minutes later they commenced a second effort with either the
3 same amount or additional support.

4 And on the first attempt, most people were in the
5 saloon, it was cold, and a few people were just monitoring the
6 situation. On the second attempt, the protesters came outside
7 and we formed -- we stood in front of the equipment, we formed a
8 line, and we sang Oh, Canada, and we just held a -- it was a
9 face-off. It was at a point where this was where we would all
10 be arrested and systematically removed or the alternative, which
11 is what happened, and the RCMP retreated on their second
12 attempt. And that's where the ---

13 **MS. ALEXANDRA HEINE:** Right.

14 **COUNCILLOR MARCO Van HUIGENBOS:** --- enforcement
15 action stopped.

16 **MS. ALEXANDRA HEINE:** Right. And part of the
17 resolution of this, I understand, is that two RCMP sergeants, I
18 believe Sergeants Tellock (ph) and Switzer, who are CCMG
19 officers, came to the Smuggler Saloon to speak with the
20 protesters and see if they could sort of negotiate a resolution;
21 is that right?

22 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. So
23 Greg and Troy, sorry I'm going to -- that's their first names,
24 that's -- I'll stick to that because there was two groups. So
25 there ---

26 **MS. ALEXANDRA HEINE:** And just for clarity, when
27 you say Greg and Troy you mean Greg Tellock and Troy Switzer.

28 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. Right.

1 They had been -- I believe they were part of the initial slow
2 roll. You know, the RCMP was aware of the slow roll so they had
3 officers and they had sent staff down to monitor the situation.
4 So they had been there from the onset of the protest.

5 Initially, the RCMP took the heavy handed
6 approach regarding enforcement. The failure of that resulted in
7 a direction from RCMP to -- toward more of a negotiation stance.
8 And even that, they came in fairly heavy. They showed up in the
9 saloon and they essentially ordered us off the highway, and that
10 was met with a very decisive "no" by everybody involved.

11 **MS. ALEXANDRA HEINE:** And -- but you were still
12 able to resolve, I understand, that you would keep one lane open
13 in the northbound lanes and then one traffic lane open in the
14 southbound lane. Is that right?

15 **COUNCILLOR MARCO Van HUIGENBOS:** So due to the
16 situation on the ground and the enforcement action, we were
17 aware the RCMP -- you know, our fight was never the RCMP. That
18 was the enforcement. We were looking to get the attention of
19 our province, the government. We had been trying unsuccessfully
20 to do that for two years, or two years or eighteen months at
21 that time. And obviously we knew the RCMP would respond and
22 commence with enforcement and possibly communication. But the
23 RCMP was never -- that was never -- when I say the struggle,
24 that wasn't -- they were never part of that, they were
25 automatically involved.

26 So they came into the saloon, and we worked out
27 an agreement, which also came from a position of we have to, I
28 wouldn't say retreat, we have to work with the RCMP due to our

1 position. That our position was based on how many trucks, how
2 many people do we have, right, strength in numbers. Or, you
3 know, if we have too bold of a position without the equipment
4 and the trucks and the people to back it up the RCMP may
5 enforce. If we open up some lanes, we go -- we're -- we look
6 like a -- then we are a legal protest in the eyes of the -- in
7 the view of the RCMP, and they may let us stay to fight. And
8 when I say "fight", I, you know, I don't want to use that in a
9 term other than we were there to fight another day.

10 And that is what happened. I believe either late
11 in the evening of the 1st or the morning of the 2nd, we, through
12 communication with the RCMP, and obviously the concerns of the
13 Village of Coutts by having most of their access restricted, we
14 -- actually there were three things. There was something that
15 happened before.

16 There was unintended truckers that were blockaded
17 behind our trucks that were looking to go south, reefers, and
18 they had spent the weekend, and we had let them go because it
19 was never ---

20 **MS. ALEXANDRA HEINE:** You mean commercial
21 vehicles that were not protesters?

22 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

23 **MS. ALEXANDRA HEINE:** Okay.

24 **COUNCILLOR MARCO Van HUIGENBOS:** They were held
25 on that highway behind the trucks that were blockading traffic;
26 right?

27 **MS. ALEXANDRA HEINE:** Right.

28 **COUNCILLOR MARCO Van HUIGENBOS:** They were there.

1 It's not like we gave -- and it's not like there was a sign in
2 Lethbridge that said, "Future blockade. Please don't proceed
3 down this highway." So there was unintended -- there was
4 truckers that were unintentionally stuck behind us, and we --
5 that was never our intention, so we let them either turn around
6 or go south. This would've been the Monday. This would have
7 been before the enforcement action. We would've already cleared
8 out the trucks.

9 **MS. ALEXANDRA HEINE:** Okay. So like
10 January 31st?

11 **COUNCILLOR MARCO Van HUIGENBOS:** Exactly. So
12 that's -- I just wanted to make that note. It's not necessarily
13 relevant, but it matters that we were never there to cause grief
14 to unintended participants.

15 Back to the lanes opening up. We were getting --
16 were in discussions with the residents, the school board, et
17 cetera, to allow the busses free flow to allow traffic, you
18 know, the residents in and out, all of that, plus we were in no
19 position to hold the highway shut. So we opened up a lane on
20 each side.

21 **MS. ALEXANDRA HEINE:** Okay. And I understand
22 that from then that point forward you sort of became the main
23 point of contact for the RCMP. Is that right?

24 **COUNCILLOR MARCO Van HUIGENBOS:** That was never
25 in a -- that was never officially, you know, "you're the point
26 of contact". I think that that comes back to more who I am, my
27 character, my position as a town councillor, my ability to
28 articulate well. All of that put me in a position where I was

1 most I would say skilled, I've never been trained for this, but
2 in this case most skilled to deal with the RCMP and any other
3 conflict.

4 **MS. ALEXANDRA HEINE:** And would you say you had a
5 good relationship with the RCMP officers that you spoke to?

6 **COUNCILLOR MARCO Van HUIGENBOS:** The RCMP would
7 attest to this, but we had a phenomenal working relationship.
8 We agreed. We agreed on many things, and we disagreed on
9 others, but we never stopped communicating.

10 **MS. ALEXANDRA HEINE:** And you texted, you called,
11 was it through email? How did you communicate?

12 **COUNCILLOR MARCO Van HUIGENBOS:** It would have
13 been through text and call.

14 **MS. ALEXANDRA HEINE:** And I understand that some
15 officers also came to the Smuggler Saloon, which had sort of
16 been established by the headquarters by that point, to sort of
17 do check-ins with you. Is that right?

18 **COUNCILLOR MARCO Van HUIGENBOS:** Most of the
19 interaction happened away from the Smuggler Saloon.

20 **MS. ALEXANDRA HEINE:** The in-person interaction.

21 **COUNCILLOR MARCO Van HUIGENBOS:** The in-person
22 interactions. I do know they -- I would look for them away from
23 the saloon, but they always looked for me in the saloon, which I
24 always knew it gave them the ability to walk through the saloon
25 and make notes and check up on us without -- as a, you know,
26 hitting two birds with one stone, they're coming to talk to me,
27 but they're also checking out the situation inside the building.

28 Which we never restricted them. We were never

1 hiding anything. They stood around the fires with us, and you
2 know, they were offered meals, et cetera. And I don't know what
3 the protocol is, whether they declined or whether they accepted,
4 but there was no official meeting point. It was very organic,
5 and the best conversations happened on the side of the road; in
6 the vehicle when it was colder, or on the back of the tailgate
7 when it was warmer, so...

8 **MS. ALEXANDRA HEINE:** And so I understand --
9 we'll just touch on this very briefly -- that there was only one
10 time where communications between you and the RCMP officers
11 failed, and that was on February 12th when you were out of
12 contact or you didn't have cell service, and some excavators
13 were damaged by the police by accident. Is that right?

14 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. So now
15 we're jumping ahead to the second week. The first week was
16 definitely a struggle.

17 **MS. ALEXANDRA HEINE:** And we'll come back to the
18 first week.

19 **COUNCILLOR MARCO Van HUIGENBOS:** Okay.

20 **MS. ALEXANDRA HEINE:** But just for the purpose of
21 the excavator event, if you could just speak to that?

22 **COUNCILLOR MARCO Van HUIGENBOS:** Yeah. So just a
23 little bit of lead-up to the event. It was always a matter of
24 position in regards to us and in regards to the RCMP. We had to
25 respond to the RCMP in such a manner that they wouldn't enforce
26 or felt the need that all ability to resolve this situation
27 through communication had failed, so they would enforce, but at
28 the same time, maintain enough of a position to stay that

1 eventually we got -- we caught the attention of the Alberta --
2 of the provincial government.

3 And that was -- it was a tricky business to
4 maintain that position where the one side wants to -- wants you
5 off the highway yesterday, and we had to stay on that highway
6 just long enough to possibly enter in -- not necessarily
7 negotiations but to open up lines of communication with the
8 provincial government.

9 So we brought in trucks, we brought in tractors
10 -- and when we say, "We," people brought tractors. It was very
11 organic. We never said no to anybody that wanted to come and
12 support us who came from anywhere in southern Alberta -- or,
13 sorry; Western Canada.

14 Ottawa was obviously the initial draw and the
15 event here was to support Ottawa. At the same time that Ottawa
16 rolled -- or the Freedom Convoy rolled into Ottawa, we rolled
17 into Coutts. But this was, for most people, a lot more
18 accessible than Ottawa, for myself as well.

19 So the excavators were, for us, a very symbolic
20 thing.

21 **MS. ALEXANDRA HEINE:** And can you just -- for
22 those who don't know what an excavator is, just describe what
23 that is, briefly.

24 **COUNCILLOR MARCO Van HUIGENBOS:** A HIYO, it's a
25 piece of equipment that is used for earthwork; it's called an
26 excavator. So I imagine most people know what an excavator has
27 ability to dig trenches, et cetera.

28 **MS. ALEXANDRA HEINE:** Right. And so there were a

1 few, and they were flying flags, is that right?

2 **COUNCILLOR MARCO Van HUIGENBOS:** No, that was the
3 intention. So these excavators were positioned a couple of
4 miles away from Coutts. And all it was, was a distraction; and
5 it definitely became a distraction. But the intent was to catch
6 the eye of the RCMP. We never could have imagined the actual
7 response we got.

8 So these pieces had to be hauled in individually,
9 one at a time. So we got permission from the adjacent -- the
10 property adjacent to the highway to do this on their property.
11 And we slowly drove them in. Like, they got unloaded off the
12 road and then they had to get walked in, and they probably --
13 they probably go about two kilometres an hour. It's a very
14 heavy piece of equipment.

15 And over -- I believe on -- so the Friday would
16 have been the -- sorry; we're on the 12th, 11th. I believe the
17 10th, is that the Friday?

18 **MS. ALEXANDRA HEINE:** I believe so. And I think,
19 just for the sake of time, maybe if we could fast forward a
20 little bit ---

21 **COUNCILLOR MARCO Van HUIGENBOS:** Right.

22 **MS. ALEXANDRA HEINE:** --- to the actual event.

23 **COUNCILLOR MARCO Van HUIGENBOS:** So we brought in
24 three excavators one by one, and when the first one showed up,
25 I'm pretty sure it was noted; excavator on the side of the
26 highway. When the second one showed up, the RCMP and the
27 Province have notes that speak to no construction activity being
28 in the vicinity and it being noted and them being very aware of

1 two excavators on the side of the highway, you know, as to,
2 "What's going on here? Who's doing this?"

3 When the third one rolled in, it resulted in a
4 very -- it resulted in a heavy response; 40 officers descended
5 on that field and on those individuals operating those HIYOs,
6 and they were ordered to retreat.

7 I got the phone call. At that time I was
8 actually in a meeting with some -- with individuals in Milk
9 River, and I had taken -- I took the call, and, you know, they
10 explained the situation and I had said, "Okay, well, you know,
11 just hold them back. It's never our intention -- there is no
12 intentions here other than to, you know, cause a distraction,
13 fly some flags." So they retreated over the hill.

14 There was a misunderstanding that they would be
15 removed from the area fully. Unfortunately it took three days
16 to bring them into the area, and the trucker, he has 13 hours a
17 day to legally operate. He was not -- he did not have the
18 ability to remove those.

19 I had a family weekend planned for months prior
20 and I had the ability to sneak away for 10 hours. And to get
21 there I went through -- it's called the Whiskey Gap, and it's
22 without service.

23 So as I was rolling into this part of the
24 country, just outside the Milk River blockade, I got a call from
25 -- well, I think I sent Greg and Troy a text message because I
26 knew they were off, like, they had two different groups of
27 CCMDs, so Chris and Mark were on on Sunday, and Greg and Troy,
28 you know, it was a frustrating day and there a lot of tension

1 regarding the excavators, but it was resolved, in my mind. And
2 I said, "Hey, have a good weekend, and see you next week," is
3 what I had said.

4 And I got the call that, "The understanding was
5 to move these excavators out of the area, and they are not
6 gone." And I had said, "Well, we can move them further, you
7 know, but we can't get them out of the area right away. It just
8 isn't possible."

9 I went into service, the call was dropped, and I
10 got out of service, and my message -- I got a few messages.
11 "Sorry, Marco, the decision was made. We've had to disable
12 these protest..." ---

13 **MS. ALEXANDRA HEINE:** And that's because the RCMP
14 thought the excavators were ---

15 **COUNCILLOR MARCO Van HUIGENBOS:** It was too big
16 of a liability, in their mind.

17 **MS. ALEXANDRA HEINE:** Correct.

18 **COUNCILLOR MARCO Van HUIGENBOS:** You know, they
19 looked at this from a we're going to dig up the highway
20 perspective.

21 **MS. ALEXANDRA HEINE:** Right.

22 **COUNCILLOR MARCO Van HUIGENBOS:** And I understand
23 that those machines have the ability to do that, but that was
24 never our intentions.

25 **MS. ALEXANDRA HEINE:** Right, okay. And in the
26 course of your action -- or your answer, sorry, you spoke a few
27 times about engagement from the provincial government, and
28 that's something that you were looking for, is that right?

1 **COUNCILLOR MARCO Van HUIGENBOS:** I believe that's
2 something that we were all -- everybody was looking for, you
3 know? If we look at the state of affairs -- and I'm going to
4 speak to Alberta because that's, you know, most of the Emergency
5 Measures and the mandates were provincial, and each province
6 dealt with it differently. But in my view, Alberta took a
7 fairly heavy-handed approach, you know, for freedom-loving
8 Albertans, and the worst part was the inconsistencies and the
9 lies. The communication from the Province that we weren't going
10 to lockdown again, or open for summer, open for good, or, you
11 know, Calgary Stampede 2021, Kenney was on the record saying,
12 "We will never have a vaccine passport." One month later, we
13 have the RIP program, which is essentially the same thing.

14 The worst part was the lies. The lies to the USP
15 members, to Albertans who were involved politically and now, you
16 know, we were being governed by a Emergency Committee; we were
17 being governed by the Health Authority. We had no direct
18 communication through the -- through our Westminster
19 Parliamentary democracy.

20 **MS. ALEXANDRA HEINE:** Right. So I don't mean to
21 cut you off, but we do need to get to this document.

22 So Mr. Clerk, it's COU00000016.

23 And while Mr. Clerk is pulling that up, this is a
24 text message exchange between the Mayor of Coutts and Rajan
25 Sawhney, who's the Minister of Transport of Alberta. And I'll
26 just wait for that to go up.

27 So if we go to page 9, a little bit further down.
28 All right.

1 So it says that "MP Motz" -- and I understand
2 that to be Glen Motz, Member of Parliament, "Mayor" -- and then
3 it's redacted -- "and I" -- being the Mayor of Coutts, so the
4 blue bubble are from the Mayor of Coutts:

5 "...met with RCMP command...then paid a
6 visit to the truckers for a few
7 minutes."

8 And then he goes on to say:

9 "Motz met with Marco up at the Milk
10 River blockade. The message we are all
11 pushing is clear the road enough to be
12 breaking the law and protest all you
13 want. Consistent messaging is very
14 important. Still missing a provincial
15 government voice."

16 So did you meet with MP Glen Motz in Milk River
17 at some point?

18 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

19 **MS. ALEXANDRA HEINE:** And did you discuss federal
20 mandates?

21 **COUNCILLOR MARCO Van HUIGENBOS:** We discussed --
22 absolutely we would have discussed federal mandates. Glen Motz
23 is the MP for Medicine Hat and area. And I do -- I look at this
24 message here, I think -- it says "...clear the road enough to be
25 breaking..." or probably meant to be saying "not breaking" the
26 law.

27 **MS. ALEXANDRA HEINE:** Yeah, I think that's
28 probably right.

1 **COUNCILLOR MARCO Van HUIGENBOS:** I don't want to
2 get Glen into any hot water here, but I believe that's what he
3 would have meant.

4 **MS. ALEXANDRA HEINE:** Yeah. So February 5th:
5 "Still missing a provincial government
6 voice."

7 Then we have an answer by the Minister of
8 Transportation, Rajan Sawhney, who says:

9 "Hi Jim! Are there [any] MLA's out
10 there?"

11 And then, Mr. Clerk, if we could just scroll
12 down?

13 "Haven't seen any although Grant says he
14 has been off and on all week."

15 So I take this to mean Grant Hunter, who is an
16 MLA in Alberta. Is that correct?

17 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. Grant
18 was there on the first Sunday, which is public knowledge. I
19 don't -- I'm not aware of him attending the protests on other
20 occasions.

21 **MS. ALEXANDRA HEINE:** And did you ---

22 **COUNCILLOR MARCO Van HUIGENBOS:** I'm not ---

23 **MS. ALEXANDRA HEINE:** --- sit down with him at
24 all?

25 **COUNCILLOR MARCO Van HUIGENBOS:** I did sit down
26 with him in Milk River. Unofficially, obviously, because that's
27 what the previous text message speaks to. We had communication
28 with individual MLAs, individual MPs, mainly opposition MPs;

1 right? Alberta is mainly CPC.

2 **MS. ALEXANDRA HEINE:** And that was about the
3 mandates?

4 **COUNCILLOR MARCO Van HUIGENBOS:** That would have
5 been about, on a provincial level, the provincial mandates in
6 regards to the MLAs, and obviously the federal mandates,
7 specifically the travel mandates and the border mandates, with
8 the MPs.

9 **MS. ALEXANDRA HEINE:** And so I guess when I say
10 you're talking about mandates, was the idea that you were asking
11 them whether they could do anything to sort of lift the
12 mandates, which would have resulted in the protest resolving
13 itself?

14 **COUNCILLOR MARCO Van HUIGENBOS:** Yeah. So we
15 were looking for lifting the mandates, we were looking for
16 communication to -- you know, a lot of people were looking for
17 the mandates to be lifted. It's 12:55 and the mandates are not
18 lifted, and it's 12:56 and they're lifted.

19 I always knew that was never a possibility. I
20 know how government works and I understand that there would be a
21 process and that there has to be a lot of things to happen and a
22 plan in place, et cetera, you know, communicated to the public
23 and through the health authorities to put us on a track to
24 lifting the mandates.

25 Unfortunately, those conversations never even got
26 started.

27 **MS. ALEXANDRA HEINE:** They never got started
28 with?

1 **COUNCILLOR MARCO Van HUIGENBOS:** With anybody in
2 an official capacity ---

3 **MS. ALEXANDRA HEINE:** Okay.

4 **COUNCILLOR MARCO Van HUIGENBOS:** --- that
5 represented any level of government.

6 **MS. ALEXANDRA HEINE:** So you spoke to members of
7 the opposition, MLAs, but not anyone who was, like, for example,
8 in Premier Kenney's Cabinet? No one like that?

9 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. If you
10 were to scroll down further in this, there is a conversation
11 between the Mayor and Rajan Sawhney that speaks to the Mayor
12 asking if she plans to come down to Coutts. And she mentions,
13 "I'm working on it. I have to get permission from the RCMP,"
14 which they would have got, "and the boss."

15 **MS. ALEXANDRA HEINE:** Right.

16 **COUNCILLOR MARCO Van HUIGENBOS:** Now, when we say
17 "the boss," I'm pretty sure we all know we're talking about
18 Jason Kenney.

19 **MS. ALEXANDRA HEINE:** Right.

20 **COUNCILLOR MARCO Van HUIGENBOS:** So that goes
21 back to show you the situation we were dealing with in Alberta
22 at this time, we were no longer -- we no longer had a voice as
23 Albertans. We were dealing with a health authority that had
24 emergency powers and a Premier who was obviously operating his
25 Cabinet and his Caucus in the aspect of, "I'm the boss."

26 **MS. ALEXANDRA HEINE:** Right. The Minister of
27 Transport never went down, so we know that.

28 But if we could scroll down to page 11? The

1 bottom of page 11.

2 So this is on February 6th, which is the next day.

3 And the Mayor of Coutts says to the Minister of Transportation:

4 "I'm trying to find out who protestors
5 spoke with and said what. Grant [said] it
6 wasn't him, very clear he has [no -- he
7 means no mandate, as he clarifies in the
8 next text] that would allow him to do
9 that."

10 So it seems to suggest that someone else from the
11 Provincial Government, other than Grant Hunter, had spoken to
12 the protestors in an official capacity on February 6th. So
13 you're saying that did not happen?

14 **COUNCILLOR MARCO Van HUIGENBOS:** There were a lot
15 of individuals there that would have been involved in politics
16 more than somebody who votes every four years. You know, they
17 could have been involved in their CA boards, et cetera, you
18 know, like myself, local -- municipal politician.

19 So these individuals coming from different
20 constituencies in the province would have direct connections to
21 their MLAs. I'm not aware of all these conversations. So ---

22 **MS. ALEXANDRA HEINE:** But you yourself did not
23 have ---

24 **COUNCILLOR MARCO Van HUIGENBOS:** I myself did not
25 have any other conversations other than one phone call with the
26 Transportation Minister, possibly two. I can't remember if it
27 was one or two.

28 **MS. ALEXANDRA HEINE:** Sorry, so you're saying you

1 did speak on the phone to Rajan Sawhney?

2 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. But
3 that's not in relation to this discussion right here.

4 **MS. ALEXANDRA HEINE:** Oh, so what was that in
5 relation to?

6 **COUNCILLOR MARCO Van HUIGENBOS:** She had -- she
7 looked to get in contact with me, me, possibly others, but I
8 ended up taking the call.

9 **MS. ALEXANDRA HEINE:** In relation to the
10 protests?

11 **COUNCILLOR MARCO Van HUIGENBOS:** In relation to
12 the blockade.

13 **MS. ALEXANDRA HEINE:** And what were your
14 conversations about?

15 **COUNCILLOR MARCO Van HUIGENBOS:** The
16 conversations were as to what it was and what could be done, et
17 cetera. And it was -- like I said, it was not in any official
18 capacity. Obviously as Transportation Minister, she had the
19 ability to do that. But we had -- I had looked for a meeting
20 with officials.

21 **MS. ALEXANDRA HEINE:** Through the Minister?

22 **COUNCILLOR MARCO Van HUIGENBOS:** Through the
23 Minister. And when I say I, you know, we, as protestors.

24 **MS. ALEXANDRA HEINE:** But she reached out to you?

25 **COUNCILLOR MARCO Van HUIGENBOS:** I believe it was
26 shared that she was looking to get in contact with myself, and
27 we connected.

28 **MS. ALEXANDRA HEINE:** Okay.

1 **COUNCILLOR MARCO Van HUIGENBOS:** And I don't know
2 who relayed that message to me. That might have been through
3 the Mayor of Fort McLeod. Right? Like, there's -- once it
4 became -- CBC made the connection that I was a local municipal
5 councillor, obviously that was something in and of itself. But
6 very quickly, they were looking to me as that individual to
7 connect with.

8 **MS. ALEXANDRA HEINE:** Okay. So you said you
9 spoke to her on the phone on about two occasions. Do you recall
10 the dates of those?

11 **COUNCILLOR MARCO Van HUIGENBOS:** I believe it was
12 only one. I'm trying to think which day it was. It would have
13 been either the first or the second day we were in the saloon.
14 And I believe we got the saloon on the 1st. So it would have
15 been either the 1st or the 2nd of February.

16 **MS. ALEXANDRA HEINE:** And did you ever convey to
17 her that you wanted the provincial mandates lifted in order for
18 the protestors to then go home?

19 **COUNCILLOR MARCO Van HUIGENBOS:** I believe that
20 message would have been conveyed, but that was obviously a very
21 -- that was a pretty obvious message. In general, that was why
22 we were there, yeah.

23 **MS. ALEXANDRA HEINE:** So you conveyed that
24 message. What was her response?

25 **COUNCILLOR MARCO Van HUIGENBOS:** Well, she didn't
26 have the ability to speak to that; right? That still was a pick
27 -- or an EMCC committee meeting.

28 **MS. ALEXANDRA HEINE:** Did she say that she would

1 speak to Premier Kenney in an unofficial capacity through
2 unofficial channels or anything like that?

3 **COUNCILLOR MARCO Van HUIGENBOS:** I don't remember
4 the details of the conversation. I do remember it being more of
5 an introduction call. And obviously introduction, you know, I
6 don't believe there was follow up calls. But ---

7 **MS. ALEXANDRA HEINE:** Sorry, you said there were
8 follow up ---

9 **COUNCILLOR MARCO Van HUIGENBOS:** No, I don't
10 believe there were.

11 **MS. ALEXANDRA HEINE:** Okay.

12 **COUNCILLOR MARCO Van HUIGENBOS:** This is -- like,
13 it just spoke to who she was, who I was, details of the
14 blockade. But -- and the message we were looking to share with
15 the province, demands, all of that, I wouldn't say demands, just
16 frustrations in general, and how can we move forward? But that
17 never went anywhere. Like I said, I might have had a follow up
18 conversation, but it would have never went anywhere.

19 **MS. ALEXANDRA HEINE:** You say that it never went
20 anywhere, but Premier Kenney did make an announcement on
21 February 8th that the Provincial Government was announcing a plan
22 for a gradual easing of the pandemic related public health
23 measures; is that right?

24 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. And
25 based on our response to his message, it was not the message we
26 were looking for.

27 **MS. ALEXANDRA HEINE:** And what was his message
28 and what was the message you were looking for?

1 **COUNCILLOR MARCO Van HUIGENBOS:** The message that
2 Kenney gave was -- it was a phased approach with a lot of
3 maybes. And there was no surety of anything in that message.
4 It spoke to a lot of different aspects and there was a lot of
5 different methods to back out of that phased approach, but it
6 really -- it was something, because they had to address -- you
7 know, there was pressure. Even though we weren't communicating,
8 there was pressure. Coutts did apply pressure to the Provincial
9 Government.

10 **MS. ALEXANDRA HEINE:** All right. And you said
11 earlier that, you know, you understand that there's a process
12 that has to -- you know, governmental process for public health
13 measures like these to be lifted, and that it would maybe take
14 some time.

15 So in your view, was it realistic for Premier
16 Kenney to announce on February 8th, for example, that all
17 mandates would be lifted the next day? Was that a realistic
18 objective?

19 **COUNCILLOR MARCO Van HUIGENBOS:** That's not a
20 realistic objective, but that's on one side, and then there was
21 his response, which was completely on the other side. So
22 somewhere in the middle, there was the ability -- and this was
23 not just exclusively Coutts. This was -- you know, you all --
24 the evidence is submitted to the slow rolls in Edmonton, to the
25 protests of five to 10,000 in Calgary, the inconveniences on
26 highways all over the province. Obviously the folks on Coutts,
27 Ottawa, Emerson, Ambassador, Sarnia, et cetera. But Albertans
28 were frustrated, and they were making it very aware to their

1 government that they wanted to see change. So we were willing
2 to have those discussions and to work on a realistic plan.
3 Like, you know, I can't speak for everybody, but we wanted to,
4 you know -- being involved in government for five going on six
5 years, the message we had was let's work together to do what
6 Albertans want. Unfortunately, somewhere that -- somewhere
7 along the line, that message never got delivered or the message
8 was delivered and the -- nothing ever came of it. And that --
9 in my mind, that's worse obviously.

10 **MS. ALEXANDRA HEINE:** So it's fair to say that
11 you were looking for a stronger commitment from Jason Kenney and
12 you -- Premier Kenney, apologies, and you didn't get one; is
13 that right?

14 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

15 **MS. ALEXANDRA HEINE:** Okay. And we're almost out
16 of time here, so I'm just going to ask you some quick questions
17 about the events of February 13th and 14th. So I understand that
18 an RCMP tactical unit came in on February 13th, and there were
19 also some arrests on that day in relation to guns and ammunition
20 that were seized at a house in Coutts; is that right?

21 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

22 **MS. ALEXANDRA HEINE:** And they arrested many
23 people in relation to this. Did you know any of the individuals
24 who were arrested for mischief and possession of a weapon?

25 **COUNCILLOR MARCO Van HUIGENBOS:** I know them in
26 the capacity as attendees of the protest.

27 **MS. ALEXANDRA HEINE:** You did not know them
28 before?

1 COUNCILLOR MARCO Van HUIGENBOS: No.

2 MS. ALEXANDRA HEINE: And what about the
3 individuals that were arrested for conspiracy to commit murder?

4 COUNCILLOR MARCO Van HUIGENBOS: The same. I was
5 -- I met them at Coutts.

6 MS. ALEXANDRA HEINE: And would you say that you
7 spoke to them every day? How well did you know these
8 individuals?

9 COUNCILLOR MARCO Van HUIGENBOS: One of the
10 individuals, he would have been up early every day, and when I
11 walked in, he was the biggest, friendliest giant ---

12 MS. ALEXANDRA HEINE: And ---

13 COUNCILLOR MARCO Van HUIGENBOS: --- I know.

14 MS. ALEXANDRA HEINE: --- are you talking about
15 Chris Lysak?

16 COUNCILLOR MARCO Van HUIGENBOS: Correct.

17 MS. ALEXANDRA HEINE: So did you know that Chris
18 Lysak was in a group called -- or was a fan of a group called
19 Diagolon?

20 COUNCILLOR MARCO Van HUIGENBOS: No.

21 MS. ALEXANDRA HEINE: Had you ever heard of that
22 group before?

23 COUNCILLOR MARCO Van HUIGENBOS: No.

24 MS. ALEXANDRA HEINE: So you're not a fan or a
25 follower of Diagolon?

26 COUNCILLOR MARCO Van HUIGENBOS: No.

27 MS. ALEXANDRA HEINE: Did you ever speak to
28 Jeremy MacKenzie, who's one of the founders of Diagolon?

1 COUNCILLOR MARCO Van HUIGENBOS: No.

2 MS. ALEXANDRA HEINE: And did you know that there
3 were firearms amongst the protesters?

4 COUNCILLOR MARCO Van HUIGENBOS: No.

5 MS. ALEXANDRA HEINE: Had you ever heard of this
6 plot to shoot RCMP officers, that they're being alleged to have,
7 I guess, planned?

8 COUNCILLOR MARCO Van HUIGENBOS: No.

9 MS. ALEXANDRA HEINE: Were your bank accounts
10 frozen when the *Emergencies Act* was invoked?

11 COUNCILLOR MARCO Van HUIGENBOS: No.

12 MS. ALEXANDRA HEINE: But I understand that you
13 were recently arrested?

14 COUNCILLOR MARCO Van HUIGENBOS: No, I've never
15 been arrested since Coutts, or during and since Coutts. I was
16 summoned to come in and have my charges read off to me and a
17 promise to appear.

18 MS. ALEXANDRA HEINE: So you've not -- you have
19 been charged though?

20 COUNCILLOR MARCO Van HUIGENBOS: I've been
21 charged but I've never been arrested.

22 MS. ALEXANDRA HEINE: Right. And that's for a
23 mischief?

24 COUNCILLOR MARCO Van HUIGENBOS: Mischief, yeah.

25 MS. ALEXANDRA HEINE: So that was in relation to
26 the Coutts' protest, but it was not -- it was recent and so it
27 wasn't, like, an *Emergency Act* measure, I guess.

28 COUNCILLOR MARCO Van HUIGENBOS: No.

1 **MS. ALEXANDRA HEINE:** Okay. And I just have
2 about one minute left, so I'll just ask you to tell the
3 Commissioner quickly what happened on the morning of February
4 15th. So how did the protest end after the arrests that we just
5 discussed were finished?

6 **COUNCILLOR MARCO Van HUIGENBOS:** So the decision
7 was made on the morning on the 14th to leave. I had contact with
8 media and I received a phone call from a reporter. She touched
9 base with me daily. And she called me to the events -- she
10 called me in regards to the events of the night of the 13th and
11 the arrests, et cetera. So we were talking about what had
12 happened, and the fairly heavy-handed approach that the RCMP
13 initially took and how that was de-escalated, et cetera. And
14 the question came in, "So what about the guns?" And I had to
15 respond and said, "What guns?" Ten (10) minutes later, I knew
16 what guns we were talking about. For me, it became very clear
17 that this was no longer -- that every objective we were looking
18 to achieve was no longer possible and that our message had been
19 lost.

20 And to distance ourselves from any -- and this
21 has to be determined yet; right? These charges have not gone to
22 court for these individuals charged with conspiracy to commit or
23 any related gun charges, so I'm not going to speak to that. But
24 to distance ourselves from that, even the perception at that
25 time, and anything to do with that, we made the decision to
26 leave. And I remember calling that meeting and having that
27 discussion. And obviously, it was unfortunate. It was not us.
28 It was obviously individuals who were among us that had

1 different -- and like I said, this is to be proven. I can't
2 speak to that but alleged to have different views than us.

3 And I remember having that discussion and there
4 was pushback initially, and I had said, "I'm leaving. And the
5 majority of the individuals will leave with me, but I would like
6 to leave together." And I had -- I remember I had said, "Google
7 Coutts." You know, I was keeping an eye on mainstream media, et
8 cetera. I was aware of Ottawa and such, but I wasn't aware of
9 everything, but I remember saying, "Google Coutts." And any of
10 the messages, any of the videos, any of the positivity around
11 what we were doing, in my view, was lost. It was guns, guns,
12 guns. And to be -- to not be associated with that or even that
13 viewpoint, we arranged, and we arranged to leave. We agreed on,
14 I think, by the 12th of noon -- or, sorry, noon on the 12th ---

15 **MS. ALEXANDRA HEINE:** At the ---

16 **COUNCILLOR MARCO Van HUIGENBOS:** No, it's noon on
17 the 14th.

18 **MS. ALEXANDRA HEINE:** Fifteen (15).

19 **COUNCILLOR MARCO Van HUIGENBOS:** No, 15th is when
20 -- no. We had asked that we would clear the blockade
21 immediately but to leave as if we were never there. We had to
22 arrange -- you know, we had mountains of firewood, for example.
23 We had food. We -- like, we had, you know, the food. Something
24 to write home about, but the food and just to make sure
25 everything was cleaned up properly, we had negotiated that we
26 would leave at 9 o'clock on the 15th. But the RCMP can attest
27 that before noon, or around noon on the 14th ---

28 **MS. ALEXANDRA HEINE:** Right.

1 **COUNCILLOR MARCO Van HUIGENBOS:** --- the highway
2 was no longer impeded.

3 **MS. ALEXANDRA HEINE:** Okay. And the timing of
4 that is important, so I thank ---

5 **COUNCILLOR MARCO Van HUIGENBOS:** Absolutely it
6 is.

7 **MS. ALEXANDRA HEINE:** --- you for clarifying
8 that. So noon on the 14th you communicate to the RCMP. You
9 agree to leave.

10 **COUNCILLOR MARCO Van HUIGENBOS:** Those
11 discussions ---

12 **MS. ALEXANDRA HEINE:** But you told them ---

13 **COUNCILLOR MARCO Van HUIGENBOS:** --- happened in
14 the morning, and by noon ---

15 **MS. ALEXANDRA HEINE:** Right.

16 **COUNCILLOR MARCO Van HUIGENBOS:** --- we had ---

17 **MS. ALEXANDRA HEINE:** But you told them, "Listen,
18 we need some more time to clean everything up and to leave as a
19 group and we'll leave by tomorrow morning."

20 **COUNCILLOR MARCO Van HUIGENBOS:** Right. So we
21 had gone to the RCMP after we had talked to the DOJ, like
22 Department of Justice. We had requested a Zoom with them. So
23 we had that discussion, and then we had gone to the protest,
24 because it was always -- it was never my decision or -- it was
25 always a group decision we were leaving or we were -- we were
26 going or we're staying. And I do remember having to address the
27 group with that, and based on the situation and the information
28 flowing around, it was a pretty -- you know, I didn't have to

1 tell anybody to be quiet when I started to address the crowd.

2 And there was some opposition. You know, we
3 still have individuals coming in that were full of fight. You
4 know, like, they wanted to be part of this, and they had showed
5 up 15 minutes ago. And we were 18 days. We were pretty
6 battered. So it was also a way to end this. There was no plan,
7 so there was never a plan to end this, and this was, for us, a
8 strategic retreat, victory retreat, whatever you want to call
9 it. It is what it is. But we negotiated -- by noon, we had
10 talked to the RCMP is we'd like to leave. Supper's cooking.
11 We're going to invite people over legally one more time to do
12 what we did. The tractors will be off the highway immediately
13 and we will start -- we will commence cleanup efforts.

14 Initially, the RCMP's -- they phoned it in.
15 Their response was very heavy. They said, "You need to leave
16 immediately, and we want you gone in an hour." And I remember
17 thinking this is just crazy, and I just -- I walked away,
18 essentially. And they went back in their vehicles and five
19 minutes later, they came back and says, "Okay. Nine o'clock.
20 Tractors last." You know, it was just last little bit of a, you
21 know, power struggle, whatever it was. I thought whatever.
22 We'll do tractors last and didn't matter to me. Didn't matter
23 to us. But the decision to leave was made before noon on the
24 14th, and I believe at 9:45 on the 15th, we were leaving.

25 **MS. ALEXANDRA HEINE:** Thank you. So those are
26 all my questions. Is there anything that you'd like to tell the
27 Commissioner that we haven't covered together?

28 **COUNCILLOR MARCO Van HUIGENBOS:** Well, we've

1 covered a lot. I just -- I want to speak to what Coutts was.
2 It was a gathering of truckers, mainly farmers, eventually
3 farmers bolstered the ranks, but it was a group of -- and the
4 perception around Coutts, unfortunately, due to the discovery of
5 the guns and such, has tainted what Coutts was.

6 And, for me, what's important is that we were
7 there to demand that our representatives communicate with us
8 like they are obligated to do and like what had not been
9 happening. And there's lots of different events during those
10 days that I almost think it was like a chess game between the
11 RCMP and the protesters. But, unfortunately, we were never able
12 to enter in official communication with the government, but
13 looking back at the political state of affairs in Alberta, it
14 might have been better for the Kenney government to actually
15 have done that.

16 And -- because, at the end of the day, we're
17 Albertans and we're Canadians, and the Covid restrictions and
18 the mandates, they messed with our lives. Like, we see the
19 inconsistencies of the experts. And I don't necessarily blame
20 them. The information provided was what they went off, and that
21 information is, at times -- is now no longer factual either.
22 Things -- you know, the ball kept on getting pushed further down
23 the road. "Two weeks to flatten the curve," and look at where
24 we are now. And I'm not going to speak to Covid, and I'm no
25 expert on it, but even the experts got it wrong. And for public
26 trust to regained -- for the trust of Albertans to be regained,
27 there has to be accountability. So thank you.

28 **MS. ALEXANDRA HEINE:** Thank you for your time and

1 for answering my questions. I am going to pass it over to my
2 friends who will have questions for you now.

3 **COUNCILLOR MARCO Van HUIGENBOS:** Thank you.

4 **COMMISSIONER ROULEAU:** Okay, the first up is the
5 Government of Alberta, please.

6 **--- CROSS-EXAMINATION BY MS. STEPHANIE BOWES:**

7 **MS. STEPHANIE BOWES:** Good afternoon. For the
8 record, my name is Stephanie Bowes. I'm appearing today on
9 behalf of the Government of Alberta. Most of my questions have
10 already been answered but I would like to cover off a few areas
11 with you today.

12 You've talked a little bit about your role as an
13 unofficial spokesperson for the protesters at Coutts. And were
14 there any other unofficial spokespeople at the same time that
15 you were acting in that role?

16 **COUNCILLOR MARCO Van HUIGENBOS:** There was
17 individuals. The media, in the beginning, once their became --
18 once there was some organization -- you know, the event was
19 organic, but once there was some organization established in
20 regards to food, and logistics, and things like that, right.
21 You have 200-and-some people in a place, you've got to establish
22 some kind of structure.

23 Once that was established and once it became more
24 or less -- once I got pushed into the role of dealing with
25 media, I dealt with the media. And there was certain media that
26 had been chasing me around -- or chasing individuals around
27 looking for some kind of comment. I remember one particular
28 reporter who had finally, in frustration, said, "You want us --

1 how can we tell the world what's going on here if you won't talk
2 to us?" And I won't speak to the organization but obviously my
3 view on that organization was why we were in that situation and
4 I had turned and responded. I said, "Okay, you're going to get
5 an interview and I'll be watching tonight, but that will
6 determine whether you get another one tomorrow."

7 And I actually was able to say that my views on
8 the organization may not have changed but I had a very, very
9 positive relationship with this reporter and that has -- that
10 has since then given me the discretion with other reporters to
11 hear them out. But we had advised protesters to not speak to
12 the media and that we were trying to orchestrate a general
13 communication and general direction in regards to what came from
14 Coutts, but individuals may have, on their accord, done
15 interviews and stuff, and I've see those.

16 And, you know, like I said, there was -- it's not
17 like the RCMP where there was such structure that you didn't
18 move left or right unless you were told to. We -- you know, we
19 were there for freedom so it wasn't like -- it wasn't for us to
20 go and order people around and tell them not to do this or not
21 to do that.

22 **MS. STEPHANIE BOWES:** And I understand from your
23 anticipated statement that you would have described the protest
24 at Milk River as being somewhat less organized than the protest
25 at Coutts; is that fair to say?

26 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. Yeah,
27 so the RCMP had their initial blockade which was in -- on the --
28 January the 1st, the protesters went around it, so they

1 reinforced it to the point where there was no longer any way to
2 go through that other than going through the barricade, you
3 know, which was never -- which would have resulted in violence,
4 which was never an intention.

5 But due to the numbers, which fluctuated on the
6 weekends, and the first and the second weekend being obviously
7 quite phenomenal due to the influx of people, thousands -- I
8 believe we had over 10,000 on the Saturday, Saturday the -- I'm
9 going to the 6th, I believe, but people had to take care of
10 themselves, you know, sleeping accommodations, food, et cetera.
11 There was individuals at the front that maintained -- to make
12 sure we didn't have anybody come in and cause problems, right?
13 We were weary of people looking to come in and make us look --
14 you know, start something, and that it would be on us, right?

15 So we were aware of that and just -- there was
16 fires there so we made sure that the fires were contained and
17 there was a general -- there was few individual at the Milk
18 River protest that kept an eye on things and if things, you
19 know, went a certain way, they would coordinate with the RCMP to
20 make sure that was either resolved or de-escalated.

21 But the biggest thing was to make sure that we
22 didn't have -- and I remember the thought and I'm not going to -
23 - you know, that Antifa could show up and cause problems. And
24 obviously, for myself, you know, being in the public eye, I had
25 -- we had a fairly -- you know, we had threats to myself and to
26 my family and I remember when I would go down to Milk River
27 multiple times a day, or as needed, and it came to a point where
28 I wasn't alone. I would be accompanied by an individual or two

1 just for my -- due to the worries of the protesters about my
2 wellbeing.

3 So it was less organized but, you know, I
4 wouldn't -- they were -- there was a lot of structure there,
5 too, at the front, but on the weekends it was you took care of
6 yourself, you know. Like, we called them "the weekend
7 warriors", you know; they showed up in droves. You know, it was
8 the place to be in Alberta at the time, right, so.

9 **MS. STEPHANIE BOWES:** And so that's one of my
10 other questions, was the composition of the protests would
11 change depending on what day of the week it was and who was
12 coming to the protest site; correct?

13 **COUNCILLOR MARCO Van HUIGENBOS:** Correct, yeah.

14 **MS. STEPHANIE BOWES:** Now, in your Statement of
15 Anticipated Evidence -- and you've spoken about this a little
16 bit today -- you say that if the Government of Alberta had
17 agreed to negotiate with spokespersons, the Coutts protest could
18 have been dispersed. And I'll take that you still believe that
19 at this point in time; correct?

20 **COUNCILLOR MARCO Van HUIGENBOS:** Absolutely.

21 **MS. STEPHANIE BOWES:** And just to be clear, do
22 you mean just the protest at Coutts or are you including that
23 was occurring at Checkpoint 10 near Milk River?

24 **COUNCILLOR MARCO Van HUIGENBOS:** Well, you know
25 the events, right? When we left, they left.

26 **MS. STEPHANIE BOWES:** Okay.

27 **COUNCILLOR MARCO Van HUIGENBOS:** So they were
28 there for us. When we were gone, their goal was no longer

1 achievable.

2 **MS. STEPHANIE BOWES:** You acknowledge, though,
3 that you didn't have control over any particular group of people
4 at the protest; correct?

5 **COUNCILLOR MARCO Van HUIGENBOS:** There was less
6 control over Milk River but there were still individuals who
7 definitely kept an eye on the situation. And it was mainly the
8 weekends that were just the most concerning in regards to public
9 safety, and that was something I worked -- I spent hour working
10 with the RCMP to -- I spent every day working with the RCMP to
11 maintain public safety. That was something neither of us
12 wanted, that somebody got hurt by accident.

13 **MS. STEPHANIE BOWES:** There were people who were
14 at these protests that were protesting provincial health
15 restrictions; correct?

16 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

17 **MS. STEPHANIE BOWES:** And there were certainly
18 people there that were protesting any federal health
19 restrictions; correct?

20 **COUNCILLOR MARCO Van HUIGENBOS:** I believe the
21 biggest -- I believe everybody who was there was protesting
22 provincial restrictions, and some may also have been protesting
23 federal restrictions.

24 **MS. STEPHANIE BOWES:** And I'll the clerk if you
25 could please pull up Document PB.CAN.00001333. And I'll ask
26 that you just scroll down to the second page to an email from
27 Lisa Laurencelle-Peace on January 30th, 2022. I think you'll
28 have to scroll a little bit further.

1 There it is there. And you'll see CBSA
2 Intelligence provided the following in a couple of points down
3 there. Rumours of another 800 protesters coming with heavy
4 equipment because they want Trudeau there.

5 Do you agree that there were people there who
6 were looking to address Prime Minister -- or sorry -- yes, Prime
7 Minister Trudeau with these -- with this protest?

8 **COUNCILLOR MARCO Van HUIGENBOS:** I could see that
9 being something individuals wanted. Trudeau is not popular in
10 Alberta.

11 **MS. STEPHANIE BOWES:** And did you see any -- and
12 pardon my language here -- the "Fuck Trudeau" signs at the
13 protest?

14 **COUNCILLOR MARCO Van HUIGENBOS:** There would have
15 been those signs at the protest. The amount -- no, I'm not
16 aware of that.

17 **MS. STEPHANIE BOWES:** Okay. Now, I understand
18 that you spoke to Western Standard News during the protest; is
19 that correct?

20 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

21 **MS. STEPHANIE BOWES:** And on February 3rd, you
22 told Western Standard News that the protesters involved in the
23 Coutts blockade would depart at 7:00 a.m. on Friday, February
24 4th for a slow roll convoy to Edmonton to meet with Premier
25 Kenney; is that correct?

26 **COUNCILLOR MARCO Van HUIGENBOS:** Copy with
27 Kenney?

28 **MS. STEPHANIE BOWES:** Yes.

1 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

2 **MS. STEPHANIE BOWES:** And that wasn't an
3 agreement you had at that time with Premier Kenney? The plan
4 was to go to Edmonton to try to meet with him; is that correct?

5 **COUNCILLOR MARCO Van HUIGENBOS:** That would have
6 been an ultimate success if we would have actually been able to
7 meet with him. It was just -- it was a headline, you know,
8 we're going -- you know, there was a bit of sarcasm in that
9 headline that, you know, we're going to Edmonton -- which was
10 not something I agreed with. Actually, I agreed with going to
11 Edmonton; I disagreed with leaving Coutts. But the article
12 spoke to those events, and there were individuals that did, and
13 I believe from all corners of the province they came and caused
14 logistical challenges in the downtown and on the Anthony Henday.

15 **MS. STEPHANIE BOWES:** Did you tell the RCMP the
16 same thing, that the Coutts protesters would be leaving and slow
17 rolling to Edmonton?

18 **COUNCILLOR MARCO Van HUIGENBOS:** No.

19 **MS. STEPHANIE BOWES:** Was there ---

20 **COUNCILLOR MARCO Van HUIGENBOS:** This, this ---

21 **MS. STEPHANIE BOWES:** Pardon. Go ahead.

22 **COUNCILLOR MARCO Van HUIGENBOS:** This media
23 publication came out before the -- before we -- or before I went
24 and talked to the protesters as a whole, like I said, decision
25 to leave or to stay was a group decision, and unfortunately,
26 this article, we did have a plan through pressures that were
27 applied on us by individual businesses, cattlemen's association
28 and their representatives to leave Coutts. And I had -- sorry,

1 I -- once that decision was made as a side group, smaller group
2 involving these representatives, et cetera, the decision went to
3 the crowd.

4 The crowd unanimously -- I remember that moment -
5 - unanimously and with a lot of emotion was like, "No."

6 And I remember thinking, this is it, but
7 unfortunately, things were able to be resolved very shortly and
8 those who wanted to go to Edmonton were free to go, were free to
9 leave at any time.

10 But we had decided that leaving Coutts was not
11 the objective. That was the objective of those representatives
12 in the cattlemen's association because we were an inconvenience
13 to them and they had worked away and influenced individuals who
14 had reputation and who were attending this protest who had then
15 called a meeting, which I was not in, initially, until I got the
16 phone call, because I was coordinating things in Milk River with
17 the RCMP.

18 And I remember getting the phone call and coming
19 south, coming back to Coutts, very frustrated because this had
20 happened once before where we were almost sabotaged, in my view,
21 of you know, leaving Coutts by individuals who had no bearing in
22 Coutts, but who came in and they were this and they were that.

23 And but it came to a decision eventually,
24 regardless of my views, and -- because like I said, this wasn't
25 my thing, it wasn't about me, it was -- I was playing a role of
26 spokesman and I had to deliver that message to the crowd. And
27 it was not well received, and we did not leave for Edmonton.

28 **MS. STEPHANIE BOWES:** Okay. So to understand or

1 paraphrase your evidence, there was a group that made a decision
2 that this would happen, that the protesters would leave to go to
3 Edmonton. You spoke to Western Standard News and told them the
4 same thing, and then later, you spoke to the group of protesters
5 on a larger basis and the decision was no, we're not going to go
6 to Edmonton; is that correct?

7 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. So my
8 view of a decision like that was something that had to be -- so
9 we decided to bring it back to the crowd, that it even made its
10 way there. The majority of the individuals in that initial
11 discussion had decided it was happening regardless of the crowd,
12 which was naïve of them because the crowd were the protesters
13 and it was their trucks and their equipment, et cetera.

14 And we had prepped a statement. So eventually, I
15 said, "Okay. Well then, this is what we're doing, but I first
16 have to discuss it with the protesters, with the group."

17 And as I went to do that, because it was in
18 another building, the press release was released prior to
19 speaking to the group.

20 So that resulted in a hectic hour or two for
21 RCMP, for us, for everybody. But ---

22 **MS. STEPHANIE BOWES:** And some confusion?

23 **COUNCILLOR MARCO Van HUIGENBOS:** It was
24 definitely -- it was confusing because the statement read that
25 we were leaving and it had my name all over it. And I remember
26 hearing the crowd and somebody came up to me and showed me the
27 picture, and I was like, "Really? Who released this?"

28 Like, I was just shocked that this individual had

1 -- or these individuals had released it. And I think it was
2 also part of their tactic to pressure that now it was known to
3 the public that we were leaving. But we never did.

4 **MS. STEPHANIE BOWES:** Now, I'd like to talk to
5 you about the announcement by the Government of Alberta on
6 February 8th, and I'll ask the clerk to please go to Document
7 ALB00001768.

8 And you've talked a little bit about this with my
9 friend already. I'll just scroll down to the bottom of page 2,
10 and we'll see here, starting at the word "beginning":

11 "Beginning Feb 8 at 11:59 p.m., Alberta
12 will move to step 1 which includes the
13 removal of the restrictions exemption
14 program."

15 And then there's other -- some other liftings of
16 restrictions within that paragraph.

17 And then the plan goes on to further describe
18 various times that various COVID-19 health restrictions will be
19 removed.

20 Now, you talked about how the government didn't
21 move fast enough for you in terms of lifting restrictions. This
22 was an announcement on February 8th that later that night,
23 restrictions would be lifted.

24 And then if we go to Alberta's Institutional
25 Report, which is Document ALB.IR00000001, it's paragraph 19 on
26 page 7 of this report, we see:

27 "On February 8th, Alberta announced a plan for gradual easing of
28 pandemic-related public health orders. Later that day,

1 protesters resumed a complete blockade at the Coutts POE ---"
2 --- which is port of entry.

3 You acknowledge that despite Alberta's
4 announcement about easing restrictions, the blockade resumed
5 that day, correct?

6 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

7 **MS. STEPHANIE BOWES:** And we're still looking at
8 paragraph 19. I'd also like to talk about the legal protest
9 site that was made available by Alberta. Were you aware of the
10 alternate protest site that was being provided?

11 **COUNCILLOR MARCO Van HUIGENBOS:** Yes, I viewed
12 the property.

13 **MS. STEPHANIE BOWES:** Did you encourage
14 protesters to use the alternate protest site instead of blocking
15 the highway?

16 **COUNCILLOR MARCO Van HUIGENBOS:** That was the
17 biggest discussion I had with the RCMP that week, the longest
18 that happened inside the buses at the Milk River protest, and I
19 think the part that made it very unappealing was the fact that
20 they had government WiFi there.

21 **MS. STEPHANIE BOWES:** So you refused the protest
22 site on the basis of government WiFi?

23 **COUNCILLOR MARCO Van HUIGENBOS:** That was the --
24 I believe that was the part that was completely ridiculous in
25 regards to we got government wi-fi there. The biggest issue was
26 the intent was to be on the highway.

27 For the -- this was not Coutts, this was
28 100 percent in relation to the Milk River blockade. You're

1 aware of that; correct?

2 **MS. STEPHANIE BOWES:** I understand what you're
3 saying. I think that was just sloppy language on my part.

4 **COUNCILLOR MARCO Van HUIGENBOS:** Okay.

5 **MS. STEPHANIE BOWES:** So the -- but in any event,
6 the protesters didn't shift over to protesting at that site;
7 correct?

8 **COUNCILLOR MARCO Van HUIGENBOS:** No, the -- it
9 was never communicated to the protesters. I remember sitting in
10 the bus with both groups of CCMGs, and I mean, I think even the
11 officer in charge of Milk River -- the Milk River protest, and
12 my -- I questioned them as to how I was supposed to convince the
13 protesters to move off the highway into this field. It just
14 wasn't realistic. Like there was no way that was going to
15 happen.

16 **MS. STEPHANIE BOWES:** You didn't believe you
17 could convince them to make that change.

18 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

19 **MS. STEPHANIE BOWES:** Okay, thank you. Those are
20 all my questions today.

21 **COMMISSIONER ROULEAU:** Okay, thank you.

22 Next, call on the Government of Canada.

23 **MS. RYANN ATKINS:** Good afternoon,
24 Mr. Commissioner, Mr. Huigenbos. For the record, my name is
25 Ryann Atkins. I'm part of the legal team for the Government of
26 Canada.

27 **--- CROSS-EXAMINATION BY MS. RYANN ATKINS:**

28 **MS. RYANN ATKINS:** We heard that you're a town

1 councillor for the Town of Fort Macleod in southern Alberta?

2 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

3 **MS. RYANN ATKINS:** And on March 28th, 2022, you
4 were given a letter of reprimand from the Mayor of Fort Macleod.
5 Is that right?

6 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

7 **MS. RYANN ATKINS:** And that's in relation to the
8 events and your participation in the convoy at Coutts?

9 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

10 **MS. RYANN ATKINS:** We also heard about the
11 criminal charges that were laid against you. Are those charges
12 still outstanding?

13 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

14 **MS. RYANN ATKINS:** Now, we've heard that there
15 are two distinct protest sites. There was the one in Coutts
16 itself near the weigh station, and another one just south of
17 Milk River by the checkpoint?

18 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

19 **MS. RYANN ATKINS:** And I just want to understand
20 where you were at various points of time. I think you said that
21 you met Emily Motz at Milk River. Did you mean the protest site
22 or the town?

23 **COUNCILLOR MARCO Van HUIGENBOS:** Glenn Motz. We
24 met in front of the sheriff busses at the Milk River blockade.

25 **MS. RYANN ATKINS:** Okay. Was that on the
26 southern side of the police barricade, or did you actually
27 traverse the police barricade?

28 **COUNCILLOR MARCO Van HUIGENBOS:** The north side.

1 He was not -- you know, he was not allowed as a individual, or
2 participating I would say, he was there to come talk to me. He
3 was not allowed on the other side of those busses.

4 **MS. RYANN ATKINS:** And that was on Saturday the
5 fifth?

6 **COUNCILLOR MARCO Van HUIGENBOS:** I believe that
7 was on Saturday, yeah. It was a pretty crazy place.

8 **MS. RYANN ATKINS:** Was that the same weekend that
9 you were able to get out of the protest site for a family
10 weekend?

11 **COUNCILLOR MARCO Van HUIGENBOS:** No, that was the
12 second weekend.

13 **MS. RYANN ATKINS:** Okay. So on two different
14 weekends you were able to get out?

15 **COUNCILLOR MARCO Van HUIGENBOS:** No. So in
16 regards to my ability to traverse, I guess with the perk of
17 being the media spokesperson allowed me to come and go as I
18 needed to.

19 **MS. RYANN ATKINS:** So the police were allowing
20 you to go back and forth? Sorry, you have to articulate.

21 **COUNCILLOR MARCO Van HUIGENBOS:** Yes. Sorry.

22 **MS. RYANN ATKINS:** And I think you said that you
23 went down to Milk River, that is the protest site, a couple of
24 times a day?

25 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

26 **MS. RYANN ATKINS:** And you also spent time at the
27 saloon in Coutts?

28 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

1 **MS. RYANN ATKINS:** You had mentioned that you
2 brought your pickup truck to the protest and that initially it
3 was parked in the parking lot by the saloon. Was that your
4 evidence?

5 **COUNCILLOR MARCO Van HUIGENBOS:** My truck has
6 probably been parked in a hundred different locations in Milk
7 River and in Coutts.

8 **MS. RYANN ATKINS:** And during the period of time
9 that we're talking about, from January 29th to February 15th, it
10 didn't remain in that parking lot?

11 **COUNCILLOR MARCO Van HUIGENBOS:** No.

12 **MS. RYANN ATKINS:** Was it ever parked on the
13 highway?

14 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

15 **MS. RYANN ATKINS:** Okay. And that's including
16 during the time when all lanes of the highway were blocked;
17 correct?

18 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

19 **MS. RYANN ATKINS:** Now, at the beginning of the
20 blockade on January 29th, the RCMP asked that the protesters not
21 block all lanes of the highway. Were you aware of that?

22 **COUNCILLOR MARCO Van HUIGENBOS:** I can -- I
23 didn't hear that communication, but I was aware, and I could
24 understand that request.

25 **MS. RYANN ATKINS:** And the reason you understand
26 that request is because blocking all lanes could create a
27 dangerous situation for residents of Coutts?

28 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

1 **MS. RYANN ATKINS:** Because blocking all lanes
2 would restrict or impede emergency response vehicles for
3 example.

4 **COUNCILLOR MARCO Van HUIGENBOS:** That would be
5 perceived. We actually did have an emergency response, and the
6 lanes were cleared enough to allow that to proceed.

7 **MS. RYANN ATKINS:** Eventually; right?

8 **COUNCILLOR MARCO Van HUIGENBOS:** At that specific
9 time when that emergency vehicle showed up.

10 **MS. RYANN ATKINS:** Okay. And you indicated that
11 it wasn't your intention to completely block the highway, you
12 personally.

13 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

14 **MS. RYANN ATKINS:** And in fact, I believe on
15 January 31st, you made a statement to the media saying that "we
16 had to shift gears because we were hurting people who were
17 supporting us." Correct?

18 **COUNCILLOR MARCO Van HUIGENBOS:** January the
19 31st. Can you provide some more context in regards to that
20 comment?

21 **MS. RYANN ATKINS:** So you're reported on
22 January 31st as saying that "we need -- we want to stop hurting
23 those who are supporting us." You don't recall making that
24 statement?

25 **COUNCILLOR MARCO Van HUIGENBOS:** I believe ---

26 **COMMISSIONER ROULEAU:** Yes?

27 **UNIDENTIFIED MALE SPEAKER:** (Off mic)

28 **MS. RYANN ATKINS:** I'm just asking the witness if

1 he recalls making that -- if he doesn't recall making that
2 statement he doesn't recall.

3 **COUNCILLOR MARCO Van HUIGENBOS:** I do recall
4 making that statement, and the thought process behind that
5 statement is this was a border blockade to southern Alberta --
6 other than southern Alberta. It didn't affect Edmonton as much
7 as it would southern Alberta. It didn't affect Ottawa as much
8 as it affected southern Alberta. So we were driven as
9 protesters, as residents of Alberta to a place where we were
10 willing to sacrifice our own livelihoods and more for the sake
11 of getting in contact with our governing body.

12 **MS. RYANN ATKINS:** And you'd agree with me that
13 not all of the people who were being -- upon whom that sacrifice
14 was being imposed supported what you were doing; correct?

15 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

16 **MS. RYANN ATKINS:** Okay. I'd like to take you to
17 a video, if I can.

18 And the number is PB.CAN.00001792. And if we
19 could just queue it up at 5 minutes, 18 seconds please.

20 (VIDEO PLAYBACK)

21 **MS. RYANN ATKINS:** And you can stop it right
22 there.

23 You're aware that that was your -- the convoy you
24 were participating in was having that affect on truckers?

25 **COUNCILLOR MARCO Van HUIGENBOS:** We were aware
26 that that was the affect on some truckers; correct.

27 **MS. RYANN ATKINS:** And it's a foreseeable
28 consequence of blocking that highway; correct?

1 **COUNCILLOR MARCO Van HUIGENBOS:** It was an
2 unintended consequence, and after 45 hours those truckers were
3 on their way.

4 **MS. RYANN ATKINS:** Unintended, maybe, but
5 foreseeable; yes?

6 **COUNCILLOR MARCO Van HUIGENBOS:** No. No, being
7 as organic as it was it was a direct unintended consequences.

8 **MS. RYANN ATKINS:** Sorry. It's your evidence
9 that completely blocking a highway all lanes wouldn't have
10 consequences for truckers who use that highway?

11 **COUNCILLOR MARCO Van HUIGENBOS:** It was
12 specifically the truckers that were stuck in the blockade.
13 Truckers that were backed up on either side of the border had
14 the ability to turn around and take different borders. We did
15 not -- it was an inconvenience to Coutts, obviously, being the
16 main port, but Del Bonita had an increase of 917 percent in
17 commercial traffic flow during that time. We did not block all
18 borders.

19 **MS. RYANN ATKINS:** I want to talk to you a little
20 bit about what you call an inconvenience. On January 31st, and
21 I can take you to it if you like, the Alberta Minister of
22 Transport tweeted that there were 50 to 100 truckers stranded on
23 the U.S. side since Saturday, so for several days, some hadn't
24 eaten and some had medical issues. Were you aware of that
25 tweet?

26 **COUNCILLOR MARCO Van HUIGENBOS:** No.

27 **MS. RYANN ATKINS:** Okay. Were you aware that
28 some truckers were facing those issues?

1 **COUNCILLOR MARCO Van HUIGENBOS:** I was aware
2 there was truckers on the American side, but these truckers were
3 hoping for a speedy resolution, which could have been achievable
4 by the Alberta Transportation Minister or Department and the
5 government in general. Unfortunately that never happened and
6 these truckers were stranded longer and eventually they did turn
7 and take other ports of entry. But that was a decision. They
8 were not forced to stay there of their own accord.

9 **MS. RYANN ATKINS:** Okay. So you say -- okay.
10 I'll leave that there.

11 You also agree with me, I think, that Highway 4
12 is an important corridor for the people of Coutts?

13 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

14 **MS. RYANN ATKINS:** And they use it to access
15 essential services in Milk River?

16 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

17 **MS. RYANN ATKINS:** If we could just press play on
18 the video where we left off at six minutes two seconds?

19 **[VIDEO PLAYBACK]**

20 You can stop it there.

21 So watching that video, you would agree with me,
22 I take it, that the Convoy posed a significant risk for the
23 physical safety of people in Coutts?

24 **COUNCILLOR MARCO Van HUIGENBOS:** This interaction
25 was the only time that there was vehicles between the Milk River
26 blockade and the Coutts blockade, and we addressed that earlier
27 in regards to them circumventing the initial RCMP blockade on
28 the February the 1st.

1 As a result of that, both lanes -- and I wasn't
2 there. But as a result of that, both lanes were going
3 southbound, as the video stated.

4 The individual that was heading northbound got
5 into a motor vehicle accident with an individual that was
6 heading southbound. The individual heading southbound was a
7 resident of Coutts, was actually a previous -- I think they were
8 known to each other. I believe there was an altercation at the
9 time, which is very unfortunate.

10 Upon hearing this and the damages to the vehicle,
11 et cetera, and the inconvenience, as protestors, we leased them
12 a vehicle while their vehicle was prepared, and we paid for all
13 the damages to that vehicle.

14 **MS. RYANN ATKINS:** But my question was, you agree
15 with me that what we just saw in that video was an unsafe
16 situation?

17 **COUNCILLOR MARCO Van HUIGENBOS:** Absolutely that
18 was an unsafe situation.

19 **MS. RYANN ATKINS:** Can we tee up Document
20 PB.CAN.00001803 and just bring it to three minutes 18 seconds
21 and just kind of freeze frame there, please?

22 So I want to talk about the RCMP enforcement
23 action on the -- in the early morning hours of February 14th.
24 And I take it that this is a photo that you've actually seen
25 before; correct?

26 **COUNCILLOR MARCO Van HUIGENBOS:** I've seen this
27 photo before, yeah.

28 **MS. RYANN ATKINS:** You were asked about this

1 photo in a news interview that you gave?

2 COUNCILLOR MARCO Van HUIGENBOS: Possibly.

3 MS. RYANN ATKINS: You don't recall?

4 COUNCILLOR MARCO Van HUIGENBOS: I don't recall.

5 If you could show me the interview, I would recall.

6 MS. RYANN ATKINS: Okay.

7 COUNCILLOR MARCO Van HUIGENBOS: I've given many
8 interviews in the last ---

9 MS. RYANN ATKINS: But you have seen this photo
10 before?

11 COUNCILLOR MARCO Van HUIGENBOS: Yes.

12 MS. RYANN ATKINS: And you'll agree with me that
13 it shows a large quantity of guns, body armour, ammunition,
14 including high-capacity magazines?

15 COUNCILLOR MARCO Van HUIGENBOS: Legal high-
16 capacity magazines, if that's what you're referring to.

17 MS. RYANN ATKINS: But high-capacity magazines?

18 COUNCILLOR MARCO Van HUIGENBOS: Correct.

19 MS. RYANN ATKINS: Okay. And I don't need to
20 take you to it, but I believe you may have indicated that you
21 thought there were more guns seized at Coutts than are depicted
22 in this photo. Do you recall saying that?

23 COUNCILLOR MARCO Van HUIGENBOS: No, I don't
24 recall that.

25 MS. RYANN ATKINS: Okay. That's fine. But were
26 you aware that there were weapons at Coutts before the seizure
27 of this cache of weapons?

28 COUNCILLOR MARCO Van HUIGENBOS: No.

1 **MS. RYANN ATKINS:** Okay. You told the media that
2 the decision to leave was made after the arrests on the 14th;
3 correct?

4 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

5 **MS. RYANN ATKINS:** And I believe you also said
6 that it was made after the infiltration of extreme elements in
7 the protest group?

8 **COUNCILLOR MARCO Van HUIGENBOS:** Based on the
9 information I was presented at the time, that was my statement
10 regarding that.

11 **MS. RYANN ATKINS:** And the information that you
12 were presented at the time involved the presence of Diagonon
13 symbols or supporters?

14 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

15 **MS. RYANN ATKINS:** And I know you didn't know
16 about Diagonon before, but you learned about it at that time?

17 **COUNCILLOR MARCO Van HUIGENBOS:** I learned about
18 it after based on -- I've never in person seen it. It's based
19 on the information presented to me. So.

20 **MS. RYANN ATKINS:** And you didn't want to stay
21 after that, because you didn't want to be associated with
22 extremists?

23 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

24 **MS. RYANN ATKINS:** Were you at the Smuggler's
25 Saloon on February 3rd when Pastor Artur Pawlowski gave a speech?

26 **COUNCILLOR MARCO Van HUIGENBOS:** He walked in and
27 I walked out.

28 **MS. RYANN ATKINS:** Okay. So you didn't stay for

1 his speech?

2 **COUNCILLOR MARCO Van HUIGENBOS:** It wasn't a
3 direct -- this -- I was addressing -- I was speaking to the
4 crowd in regards to that decision to -- by that -- those
5 individuals who have come in to leave for Edmonton, Coffee with
6 Kenney. That happened just before Pastor Artur Pawlowski came
7 in.

8 And he might have actually been in the audience
9 while I was explaining the motive, et cetera, et cetera.

10 But the unanimous agreement was to stay.

11 And this has never been -- Pastor Artur has
12 charges in regards to this, but his charges that he incited us
13 to stay because Coffee with Kenney was seen as us leaving.
14 Before Pastor Artur reached the podium, or even reached the
15 building, I'm not sure of the events, the protestors had decided
16 we were staying. The decision to stay had nothing to do with
17 Pastor Artur.

18 **MS. RYANN ATKINS:** That wasn't my question. My
19 question was whether you heard the speech.

20 **COUNCILLOR MARCO Van HUIGENBOS:** No, I did not
21 hear the speech.

22 **MS. RYANN ATKINS:** Okay. You didn't hear about
23 it on social media?

24 **COUNCILLOR MARCO Van HUIGENBOS:** No. I might
25 have listened to it after the actual events or after his arrest,
26 just as to what actually happened.

27 **MS. RYANN ATKINS:** But before the Convoy ended?

28 **COUNCILLOR MARCO Van HUIGENBOS:** I don't believe

1 I did. I don't believe I did.

2 **MS. RYANN ATKINS:** And so you didn't hear
3 anything about the substance of the speech while you were at
4 Coutts?

5 **COUNCILLOR MARCO Van HUIGENBOS:** I would have
6 heard from individuals in the protests who would have come and
7 talked to me after as to details of the speech or what it was
8 about in general.

9 **MS. RYANN ATKINS:** And upon hearing the details
10 of the speech, you didn't decide to leave at that time?

11 **COUNCILLOR MARCO Van HUIGENBOS:** What specific
12 details? No. No, we didn't leave as to Artur's speech. We --
13 Artur's speech had no relevance on us staying or going.

14 **MS. RYANN ATKINS:** Thank you. Those are my
15 questions.

16 **COMMISSIONER ROULEAU:** Okay. Next is the -- are
17 the convoy organizers.

18 **MS. BATH-SHÉBA Van den BERG:** Good evening, Mr.
19 Commission. Bath-Shéba Van den Berg, counsel for Freedom Corp
20 and protestors. We have no questions for Mr. Van Huigenbos.
21 Thank you.

22 **COMMISSIONER ROULEAU:** Thank you.
23 Next is counsel for former Chief Sloly.

24 **MR. NIKOLAS De STEFANO:** Thank you, Mr.
25 Commissioner. We have no questions for this witness.

26 **COMMISSIONER ROULEAU:** Okay. So Mr. Rejman, any
27 questions to follow up?

28 **--- CROSS-EXAMINATION BY MR. MARTIN REJMAN:**

1 **MR. MARTIN REJMAN:** Mr. Van Huigenbos, counsel
2 for Canada, my friend, she showed you a clip where a vehicle was
3 struck. Now, that wasn't the only accident in Coutts; correct?
4 The RCMP were involved with -- in an accident because they
5 ignored a stop sign?

6 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

7 **MR. MARTIN REJMAN:** And as a consequence of that
8 accident, do you know if anybody was arrested for this alleged
9 assault?

10 **COUNCILLOR MARCO Van HUIGENBOS:** No.

11 **MR. MARTIN REJMAN:** In your opinion, and the
12 political decisions that were made with respect to the pandemic
13 and the covid virus, so the measures and responses, were they
14 proportional or unproportional to the virus?

15 **COUNCILLOR MARCO Van HUIGENBOS:** The mandates and
16 emergency measures?

17 **MR. MARTIN REJMAN:** Yes.

18 **COUNCILLOR MARCO Van HUIGENBOS:** They were not
19 proportional to the response.

20 **MR. MARTIN REJMAN:** And so you would agree with
21 me that the response and the measures trampled various protected
22 rights?

23 **COUNCILLOR MARCO Van HUIGENBOS:** Correct.

24 **MR. MARTIN REJMAN:** They caused economic damage?

25 **COUNCILLOR MARCO Van HUIGENBOS:** Absolutely.

26 **MR. MARTIN REJMAN:** There were social, health,
27 and psychological implications and issues?

28 **COUNCILLOR MARCO Van HUIGENBOS:** Still are.

1 **MR. MARTIN REJMAN:** Was there an injunction -- as
2 far as you are aware of, was there an injunction sought or
3 granted with respect to the Coutts' protest?

4 **COUNCILLOR MARCO Van HUIGENBOS:** I was never
5 aware of that.

6 **MR. MARTIN REJMAN:** And then during the Coutts'
7 protest, was there any violence?

8 **COUNCILLOR MARCO Van HUIGENBOS:** No.

9 **MR. MARTIN REJMAN:** Was it a peaceful protest?

10 **COUNCILLOR MARCO Van HUIGENBOS:** Absolutely.

11 **MR. MARTIN REJMAN:** Were there families there?

12 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

13 **MR. MARTIN REJMAN:** Did you observe any kids
14 playing road hockey?

15 **COUNCILLOR MARCO Van HUIGENBOS:** Sure did.

16 **MR. MARTIN REJMAN:** So one could state that it
17 was a very Canadian protest?

18 **COUNCILLOR MARCO Van HUIGENBOS:** It was, yeah.

19 **MR. MARTIN REJMAN:** Now with respect to this
20 alleged security team, to the best of your knowledge, was there
21 an official security team?

22 **COUNCILLOR MARCO Van HUIGENBOS:** There was never
23 any details or discussions around security. There was never any
24 individuals who had the role of security other than, you know,
25 my security because of the threats made against me while I was
26 at the Milk River blockade just as I would say in an official
27 capacity, personal security detail. There was equipment and
28 motor vehicles, trucks and trailers, et cetera, parked on the

1 highway, but the RCMP and anybody who wanted to had the ability
2 to mingle with us, communicate with us, access us anywhere, use
3 our facilities, dine with us, dine -- eat meals with us. There
4 was no security needed.

5 **MR. MARTIN REJMAN:** What threats against your
6 family were made?

7 **COUNCILLOR MARCO Van HUIGENBOS:** So I wore -- you
8 know, the temperatures were extreme. I wore a hat and coats
9 that had my company logo on it, and we have a website where
10 requests for proposals can be submitted by individuals. And
11 that was used by individuals anonymously to put in a fake
12 number, fake name, fake email, and then, you know, have at her,
13 based on their views of something I was participating in. But
14 what really topped it all was a phone call that came in at the
15 end of the first week to the admin, and it took her a little bit
16 to just connect the dots, but they rattled off -- sorry, they
17 rattled off my address and said, "We're coming for your family."
18 So I received this message probably half hour later at 5:30 on
19 Friday. And took me a bit to process it and that's never
20 happened before in my life. That's not something I -- I've ever
21 been -- or I've ever had to deal with. I had already been
22 dealing with some pretty nasty emails, et cetera, which I just,
23 you know, just -- I get it. People had different views on
24 different things. And but this was, you know, my address, my
25 family.

26 So I remember phoning my dad and my father-in-law
27 and we took it seriously. That was the right response. And my
28 family, from that day on, did not stay at our primary residence

1 until I was -- until the blockade was concluded.

2 **MR. MARTIN REJMAN:** Thank you.

3 With respect to the timeline, kind of the time
4 between February -- or January 29th and February 15th or so,
5 during the protest, we'll call it, there were 2 -- there were
6 some arrests on February 13th and into the early morning of
7 February 14th. There were no -- were there any other arrests in
8 Coutts or in around Milk River ---

9 **COUNCILLOR MARCO Van HUIGENBOS:** No ---

10 **MR. MARTIN REJMAN:** --- that you were aware of?

11 **COUNCILLOR MARCO Van HUIGENBOS:** --- not that I'm
12 aware of. I do believe there was somebody who was removed from
13 the protest but not arrested. It was just we had requested this
14 individual be removed. He was causing a disturbance and we were
15 -- as a protest, we were very strict on some things and that
16 involved the -- in Coutts where we had the ability to do that,
17 right, where we had the influence, where there was no drinking
18 in public. There was no, you know, speeding or any of that. We
19 try to maintain a orderly event in those days.

20 **MR. MARTIN REJMAN:** Mr. Clerk, if we could pull
21 up the document PB.NSC.CAN.00009207? Great. Thank you.

22 Mr. Van Huigenbos, right here it's an email --
23 I'm not sure who John Ferguson is. It's regarding Coutts. At
24 one point it says,

25 "At approximately 22:00 [hours] a
26 tractor tried to forcibly push a RCMP
27 police vehicle out of the checkpoint
28 with the assistance of a Pick-up..."

1 Is that your recollections of the events?

2 **COUNCILLOR MARCO Van HUIGENBOS:** No.

3 **MR. MARTIN REJMAN:** What happened?

4 **COUNCILLOR MARCO Van HUIGENBOS:** Due to the cold
5 weather and the equipment, if you're familiar with trucks and
6 equipment in general, the batteries, if they do not run on a
7 regular basis, the batteries will drain. So to prevent that
8 sporadically and at different times, we would fire up all the
9 equipment and let the equipment run. That was -- that occurred
10 the night of -- so that occurred Sunday night on the 13th. And
11 then Chris and Mark, two CCMGs. I don't recall their last
12 names. They were the second shift, and Greg and Troy were a
13 team, and Chris and Mark were a team. They were in front of the
14 saloon, standing around the fire, doing what their role was, you
15 know, community conflict group. Like, they were there
16 interacting, and I'm pretty sure they were taking mental notes
17 as to what we were up to, but there was a -- I think there was a
18 gospel band playing in the saloon, and people were mingling, and
19 families that -- or, sorry, people that couldn't be there on the
20 week were there on a Sunday night. And it was a very quiet
21 evening.

22 And all the -- you know, the decision, or
23 whatever it was, it was a minor thing to fire up all the
24 tractors. You know, there was things happened on a daily and we
25 tried to coordinate structure. And so all the tractors fired
26 up. Unfortunately, one of these tractors -- one of these
27 individuals decided to go for a little joyride with one of these
28 tractors. And this drew the attention of the RCMP, and I'm

1 going to say specifically, looking back, specifically, the SWAT
2 or tactical teams that were in place to execute these warrants
3 of that night, which we were not aware of, but they were in the
4 vicinity. So being dark, they must have been within a couple
5 minute response time, just waiting for the time to execute their
6 warrants on the location outside of the protest in connection to
7 the guns.

8 This individual and this tractor triggered a
9 response by these tactical teams, but prior to this, this
10 tractor -- the first vehicle on site was an administrative
11 vehicle. It was an unmarked RCMP vehicle with a staff member
12 who works in administration, so who may have had -- received the
13 training previously to be in the field, but was, you know --
14 they were short officers. Everybody was short officers. There
15 was a lot of draw for the RCMP across the country, so they had a
16 lot of individuals that were usually working desk jobs, et
17 cetera, manning checkpoints. So this person must have been in
18 the nearest checkpoint responding to this tractor driving around
19 and what's going on.

20 And this tractor ended up -- I can't speak for
21 the individual driving this tractor, but from what I seen, this
22 big tractor -- and if you're not familiar with tractors, they
23 can be very intimidating all on their own parked. Now this
24 tractor was driving around, and there was intention -- or,
25 sorry, intention -- there was an unintended confrontation in an
26 intersection where you have a little SUV manned by a RCMP
27 officer who was obviously very intimidated by this piece of
28 equipment. And it resulted in an altercation that was

1 eventually de-escalated but resulted in this tractor being
2 seized.

3 **MR. MARTIN REJMAN:** But you -- in what you
4 witnessed, there was -- you didn't see any attempt to forcibly
5 push an RCMP vehicle?

6 **COUNCILLOR MARCO Van HUIGENBOS:** No, there was no
7 attempt. If there was an attempt, it would have ended very
8 unsatisfactory for that vehicle.

9 **MR. MARTIN REJMAN:** The issue with the premier's
10 announcement of February 8th. You would agree with me that it -
11 - the issue was that it could have been that the premier or the
12 government could have gone back on it? It wasn't a solid plan;
13 it had all kinds of avenues as to exit and do U-turns and come
14 back?

15 **COUNCILLOR MARCO Van HUIGENBOS:** Correct. So if
16 I go back to the documents that were presented to us, the
17 difference between these documents, which are very, very solid,
18 and provide a clear plan as to the phased approach the province
19 was taking, we were never responding to this document. We were
20 responding to the premier's speech. This document was not
21 available to us at that time.

22 The premier's speech was a speech that in no way
23 even mentioned the situation in Coutts. And we were not looking
24 for recognition, but it nowhere mentioned. And what it did
25 mention was a lot of maybes which we -- if we had the speech, we
26 could bring it up.

27 So we responded to the premier's wording, the
28 tone, and everything around his address. We did not respond to

1 a document that showed a phased approach. This document, in and
2 of itself, is actually a fairly reasonable document, but that
3 was not what we were responding to.

4 **MR. MARTIN REJMAN:** Am I out of time,
5 Commissioner?

6 **COMMISSIONER ROULEAU:** You're out of time, so
7 you're going to have to wrap up.

8 **MR. MARTIN REJMAN:** Okay. I've got two more
9 questions.

10 The truckers were labelled "Heroes" for nearly
11 two years, and then with a stroke of a -- well, because they
12 were deemed to be risking their lives for nearly two years --
13 with the stroke of a pen, those that were unvaccinated became
14 essentially *persona non grata*, so that the truckers became --
15 they weren't allowed essentially to -- some of them couldn't
16 cross ---

17 **COMMISSIONER ROULEAU:** Is there a question here?

18 **MR. MARTIN REJMAN:** Yes, yes. Would you agree
19 with the statement that suddenly, they -- for many years they
20 were -- I mean, for almost two years they were labelled heroes,
21 and then suddenly, they were not allowed to work?

22 **COUNCILLOR MARCO Van HUGENBOS:** Correct, and
23 that was the frustration. They were the heroes of the pandemic.
24 The truckers, when the drive-throughs were closed, when they had
25 no ability to use washrooms, when they had no access to
26 restaurants, the truckers were the heroes of the pandemic, and
27 then with the stroke of a pen -- and obviously, there was
28 discussion around that -- truckers had to make a decision ---

1 **MR. MARTIN REJMAN:** And my last question is ---

2 **COUNCILLOR MARCO Van HUIGENBOS:** --- between --
3 sorry.

4 **MR. MARTIN REJMAN:** --- with respect to the
5 implementation of the public, the *Emergency Act* and the measures
6 taken by the federal government, do you believe that it was
7 because they were embarrassed by the various protests and
8 various -- yeah, basically, the various protests?

9 **COUNCILLOR MARCO Van HUIGENBOS:** Absolutely. And
10 not specifically Coutts. I do believe in regards to -- if
11 Coutts were the only protest happening, we would have got the
12 attention, the full attention of the federal government, but
13 Ottawa and Ambassador Bridge were the draw. You know, Alberta
14 and how that was affecting -- how Coutts was affecting Alberta
15 is something the Alberta government was aware of, but in the
16 evidence provided, there is an exchange between Bill Blair and
17 Ric McIver, and there's six or seven days where there is no
18 response to a request by Ric McIver for assistance by the
19 federal government to removing or assisting in removing the
20 blockade, until the minister texts Ric McIver and essentially
21 says, "Oh, by the way, we invoked the *Emergencies Act*," which
22 obviously set off a pretty heated exchange between the two.

23 So it goes to show you that for six, seven days,
24 there was no communication between the federal and the
25 provincial governments, so that obviously put Coutts on a --
26 Coutts was of little concern to the federal government as a
27 whole. It was a concern. Like, they were addressing it, but
28 not on the same level as Ottawa or as the Ambassador Bridge, and

1 I can understand that. But the EMA was enacted as a -- in my
2 view, as a political tactic more than a actual enforcement
3 tactic.

4 **MR. MARTIN REJMAN:** Thank you. Thank you,
5 Commissioner.

6 **COMMISSIONER ROULEAU:** Okay. Any re-examination?

7 **--- RE-EXAMINATION BY MS. ALEXANDRA HEINE:**

8 **MS. ALEXANDRA HEINE:** Just one quick question --
9 or is this on, yeah -- by way of clean up.

10 I showed you at the beginning your statement of
11 anticipated evidence. That was, for the record, FAE00000003,
12 and I forgot to ask you whether you adopt that statement.

13 So Mr. Van Huigenbos, do you adopt that statement

14 ---

15 **COUNCILLOR MARCO Van HUIGENBOS:** Yes.

16 **MS. ALEXANDRA HEINE:** --- as it was? Okay, thank
17 you. Those are all my questions.

18 **COMMISSIONER ROULEAU:** Thank you. Well, that
19 completes the business for today, so we can adjourn until
20 tomorrow morning at 9:30.

21 I think tomorrow will be a longer day, so people
22 should come prepared to stay longer than normal.

23 So look forward to seeing you all back.

24 **THE REGISTRAR:** The Commission is adjourned. La
25 Commission est ajournée.

26 --- Upon adjourning at 6:11 p.m.

27

28

C E R T I F I C A T I O N

1

2

3 I, Sandrine Martineau-Lupien, a certified court reporter, hereby
4 certify the foregoing pages to be an accurate transcription of
5 my notes/records to the best of my skill and ability, and I so
6 swear.

7

8 Je, Sandrine Martineau-Lupien, une sténographe officiel,
9 certifie que les pages ci-hauts sont une transcription conforme
10 de mes notes/enregistrements au meilleur de mes capacités, et je
11 le jure.

12

13

A handwritten signature in dark ink, appearing to read 'S. Martineau-Lupien', is written above a horizontal line.

14 Sandrine Martineau-Lupien

15