



COMMISSION OF INQUIRY
RESPECTING THE DEATH OF DONALD DUNPHY

Transcript

Volume 12

Commissioner: Honourable Justice Leo Barry

Monday

30 January 2017

MS. SHEEHAN: All rise.

I declare this Commission of Inquiry opened.

Commissioner Leo Barry presiding.

Please be seated.

THE COMMISSIONER: Before we start, I notice the rifle and the stick is removed. Did we arrange for that last week, or –?

MS. CHAYTOR: Ah, yes, the RCMP asked if we'd be requiring it this week, and we told them that we would not.

THE COMMISSIONER: You checked with counsel?

MS. CHAYTOR: Yes, I don't think anybody needed it this week.

THE COMMISSIONER: All right, good.

You go ahead when you're ready.

MS. CHAYTOR: Good morning, Commissioner.

THE COMMISSIONER: Good morning.

MS. CHAYTOR: I would ask, please, that Staff Sergeant Mike Adams be called as our next witness.

THE COMMISSIONER: Staff Sergeant.

S/SGT. ADAMS: Good morning.

MS. SHEEHAN: Do you affirm that the evidence you shall give the court shall be the truth, the whole truth and nothing but the truth?

S/SGT. ADAMS: I solemnly affirm that the evidence to be given to me shall be the truth, the whole truth and nothing but the truth, so help me God.

MS. SHEEHAN: Please state your full name.

S/SGT. ADAMS: My name is Michael Adams; I'm a staff sergeant with the Royal Newfoundland Constabulary.

MS. SHEEHAN: Thank you.

MS. CHAYTOR: Good morning, Staff Sergeant Adams.

S/SGT. ADAMS: Good morning.

MS. CHAYTOR: Before I begin the questioning of the witness, Commissioner, there are a few new exhibits to have entered this morning. Those are P-0277 through to P-0281, and, as well, P-0293 and P-0385 and P-0 –

THE COMMISSIONER: 0385?

MS. CHAYTOR: Correct.

THE COMMISSIONER: Okay, go ahead.

MS. CHAYTOR: And 0386.

THE COMMISSIONER: Okay, so ordered.

MS. CHAYTOR: Staff Sergeant, how long have you been a member of the RNC?

S/SGT. ADAMS: Thirty-five years.

MS. CHAYTOR: And what is your current position?

S/SGT. ADAMS: My current position is a staff sergeant in operations under patrol division in charge of Platoon D.

MS. CHAYTOR: Platoon D. And I understand there are four platoons. Is that correct?

S/SGT. ADAMS: That's correct. There's four platoons that make up the Patrol Services, front line officers. There is anywhere between 32 and 35 officers on a platoon, five sergeants and one staff sergeant, and then it would be an inspector who would work mostly administration.

MS. CHAYTOR: Okay. And what was your position then on April 5, 2015? And how long had you held that position?

S/SGT. ADAMS: My position on April 5, I guess of 2015 –

MS. CHAYTOR: 2015, yes.

S/SGT. ADAMS: I was acting inspector, and I started that acting position, acting role in November of '14 and I finished it the third week of April of '15.

MS. CHAYTOR: Okay. And that was also in the patrol division I understand.

S/SGT. ADAMS: Yes, I remained on the patrol, instead of being responsible for one platoon I ended up being responsible for two.

MS. CHAYTOR: Okay. So what's the difference then in an inspector's role and the role of a staff sergeant?

S/SGT. ADAMS: Well, they work closely together, the staff sergeant and inspector, but the inspector oversees two platoons. Like I said, in this case it was A and D, and he'd only work dayshifts. He'd work two dayshifts with Platoon A and he'd work two dayshifts with Platoon D. A staff sergeant would work with one platoon; do the two days and two nights. That's the rotation, two nights, two days and four days off.

The inspector would be responsible for making sure the attendance was complete from both platoons and have it sent off to our payroll. He would probably review initiatives that the staff sergeant may bring forward, like a traffic initiative, and sign off on that. He would review overtime expenditures at his level.

Quarterly quality reviews, we do quarterly reviews. They would be reviewed and signed off by him and then sent on to the superintendent. He would work closely I guess with the superintendent of patrol who would be in charge of patrol division.

MS. CHAYTOR: Okay. And so the inspector role is more administrative based, or it tends to the administrative side of things. And is the staff sergeant then more in the field with the officers?

S/SGT. ADAMS: Yes, a staff sergeant is operational.

MS. CHAYTOR: Operational, okay.

All right. And how long, approximately how many years have you been with the patrol division?

S/SGT. ADAMS: Well, I started my career in '82 and I spent three years in the patrol, and I was transferred to the Criminal Investigation Division for seven years. And then I started up the police dog service unit for the RNC, and I spent 14 years in the police dog service unit and –

MS. CHAYTOR: I'm sorry, that's the police dog service unit.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Yeah.

S/SGT. ADAMS: Police working, police dogs. I was working and I got promoted while I was in the police dog service unit and in 2006, you know I had the alternative to train another police dog or move out of the section and I looked at it from a couple of things. One, I was on a staff search roster and some field experience would've helped me. So at that time I made a decision to move back to patrol.

MS. CHAYTOR: Okay. So that's 2006? So since then you've been in patrol. So for the past 10

–

S/SGT. ADAMS: Since 2006, yes, I've been assigned to the patrol as a sergeant on a platoon and then I got promoted to staff sergeant and to corporal of one platoon.

MS. CHAYTOR: And in your, the course of – the part of your career that you spent in the dog service or the canine unit, did you work closely with the RCMP?

S/SGT. ADAMS: Yes I did.

MS. CHAYTOR: Okay. And perhaps you could tell the Commissioner, then, about that aspect of your work. And was it actually the RCMP training facility in Alberta where you attended to be able to initiate the dog service here for the RNC?

S/SGT. ADAMS: Yes, that's correct, Mr. Commissioner. When the decision was made that we were going – this was new to the RNC, we were going to train a police dog, to have capabilities to have a police dog, I attended the RCMP police dog training facility. It's in Innisfail, Alberta. And they have a school set up there to deal strictly with nothing but training police dogs and police dog handlers. And I spent – on my first dog I spent six months there because I was what they called a new trainee. Not new to police but new to the dog section. So I spent six months with my first dog, and I trained two more dogs within that 14-year career. And the next two times that I went back to train, I was there approximately four months because there was parts of

the training that I didn't need and as an experienced handler, then, there was some of the training I could complete when I came back.

MS. CHAYTOR: Okay.

S/SGT. ADAMS: And also, you know, when I came back here, we had a close working relationship with the RCMP dog handlers because we – I guess we trained under the same, we were trained under the same type of, under the same roof, I guess, and was good for us to work together to continue on the training. We had it set up that we would train once a week with the police dogs. Sometimes court commitments, getting called out at nights, it may be two weeks, but we tried to do it once a week.

And every spring I would host a one-week training session in St. John's. And every fall, the RCMP dog handler, he would host one in their jurisdiction. So we would spend a week in the spring in here doing tracks, doing drug searches and in the fall we would go out – one time we went to Corner Brook, I think, on a couple of occasions to go out there, and sometimes we just did it in around – just the outskirts of St. John's, yes.

MS. CHAYTOR: Okay.

And so the weekly training between the RCMP and the RNC in the canine units, to your knowledge, does that still continue today?

S/SGT. ADAMS: Yes, it does. I've talked to the canine officers and actually I supervise with one of them now because he's on a platoon and they still continue that and they do their training, yes.

MS. CHAYTOR: Okay.

Staff Sergeant, have you had any specialized training in Critical Incident Stress Debriefing?

S/SGT. ADAMS: Yes, approximately eight years – I'm saying eight years, I think it was eight years ago, or it wouldn't have been more than 10 but it was since I was on the patrol I did a one-week course in Critical Incident Stress Management that was offered by our department. It was held at the RNC headquarters in St. John's and it was done, I guess, in conjunction between the Department of Health and, at the time, the instructor – there was a couple, but Merv Halvorsen with the Salvation Army was the main instructor on the course at that time.

MS. CHAYTOR: Okay.

And so that was around 2008, you said?

S/SGT. ADAMS: Yes, I think it was 2008. I was back on the street maybe a year or two, back on the patrol when I took that training, yes.

MS. CHAYTOR: Okay.

And is it a situation where once you've done that course, then you don't need any upgrading, that that's sufficient?

S/SGT. ADAMS: I don't know if that's the standard now. I don't know, but I know in relation to that I'd done the course and never received any additional training. And I've conducted some defusing, some debriefings with members during that time.

MS. CHAYTOR: Okay.

And are you aware whether or not the training for RNC officers in CISD had changed then over the course of the seven, eight years now, I guess, since you were trained?

S/SGT. ADAMS: No, I'm not aware of any training. Recently I was – I received an email asking did I want to continue on with the training. They were setting up a meeting to see who was going to continue or should they train new people, if there was a sufficient number of officers trained. And that meeting was cancelled on the day it was supposed to happen. Because I had sent them back an email and said that I'm looking at retiring in 2017 so I don't know if it would be good for me to continue on and take a position away from someone.

And the meeting for the employee assistance program co-ordinator, I'll call them, Sergeant Steve Knight, was cancelled because he had to attend to a call and –

MS. CHAYTOR: Okay. That's fine.

S/SGT. ADAMS: Yeah.

MS. CHAYTOR: All right. I don't mean to cut you off, but that's fine.

So you haven't gone back since. The last time we met you were thinking about attending that meeting, or had received the email, so I was just wondering whether or not that had gone ahead.

S/SGT. ADAMS: It never did – no, it never went ahead and -

MS. CHAYTOR: All right. That's fine.

Okay. I just want to move on then, and I will have more questions for you about Critical Incident Stress Debriefing later, but right now I'd like to turn to ask you a few questions about Constable Smyth. How well did you know him prior to April 5, 2015?

S/SGT. ADAMS: You know, I knew him good as a co-worker. I didn't socialize with him outside the organization, unless there was maybe a retirement function or something or something and he was there, but as, as a co-worker, you know I've seen him in the building, worked with him on a couple of matters. I've never directly supervised Constable Smyth, but I did work on an operation or two with him.

MS. CHAYTOR: Okay so you did police with him but you were never in a direct supervisory position over him.

S/SGT. ADAMS: No, not that I recall in my career.

MS. CHAYTOR: Okay. And what was knowledge in terms of Constable Smyth's demeanor?

S/SGT. ADAMS: You know, I found – well, it's Constable Smyth, but when this incident, it was Acting Sergeant Smyth, but I find he was a very calm individual, very soft-spoken, very relaxed. I don't think he became excited too easy, he was –

MS. CHAYTOR: Okay.

S/SGT. ADAMS: He was just a good all-around individual. Or is a good all-around individual.

MS. CHAYTOR: Okay. And you never witnessed him lose his temper with anyone?

S/SGT. ADAMS: Never ever seen anything like that with Sergeant Smyth.

MS. CHAYTOR: And what was your impression or understanding of his reputation as a police officer?

S/SGT. ADAMS: My understanding of it is very positive. There's a couple of people that I've spoken to, 'cause I know he'd done some work with the city in relation to the graffiti and a few other things at the city, I'm not sure what committees he was on, but I've heard positive feedback from those people saying, you know, Sergeant Smyth was down, or Constable Smyth was down on this, very nice officer, very good. You know.

MS. CHAYTOR: Okay.

Now, Staff Sergeant, I have, we have, thank you, you've provided us with some handwritten notes that you took, and I'm just going to ask if Madam Clerk could please bring up P-0277, and I'm not going to get you to refer to them or read through them, but I just want you to identify those for us, and explain in terms of when you would have made these notes.

And first of all, if we just stop here at page one, this is the cover page, and it's Royal Newfoundland Constabulary Investigational Findings/Record Book, so I take it this isn't your normal notebook, or your –

S/SGT. ADAMS: Is this – are you, is this supposed to be on the screen, or are you just asking?

MS. CHAYTOR: Is it not on your screen?

S/SGT. ADAMS: No.

MS. CHAYTOR: Okay, could we have his screen turned on please?

S/SGT. ADAMS: I think we have it now.

THE COMMISSIONER: Power button on? Is it there now?

MS. CHAYTOR: Sorry about that. Do you have it now?

S/SGT. ADAMS: I think it's loading up I guess.

MS. CHAYTOR: Okay. That's fine. Is it there now?

S/SGT. ADAMS: Yes, it is.

MS. CHAYTOR: Okay, good. Okay, and this is not your normal police-issued notebook I take it?

S/SGT. ADAMS: No, it's not, nope. I have a –

MS. CHAYTOR: Okay, what is this book that you wrote some notes in that day?

S/SGT. ADAMS: Well, in this particular book, I think I've been using it since 2010; I had one prior to that. There's a lot of personal interactions with the officers that I may have had. There's a lot of personal information in it where I might have spoke to him in relation to debriefing, diffusions or in relation to critical incidents that they've been in, engaged in.

MS. CHAYTOR: So any of the Critical Incident Stress Debriefings that you would have done, this would have been some note taking that you did during those debriefings?

S/SGT. ADAMS: I would have put some brief notes in and there's other personal matters in the notebook too in relation to officers, yes.

MS. CHAYTOR: Okay. And so if we look at this we have – and I think this first page we have here, page 3, actually gets repeated at the bottom of page 4 and then it goes on for page 5, 6, 7, 8 and a little bit on page 9. And then we have page 10 in different ink, and I'll talk to you about that afterwards. But then we have page 11 and 12 and into 13, we can see it's, it seems to be on different paper and more of jot notes, if you will, as opposed to the other seems to be more, better comprised notes.

So I'm just wondering if you could just explain, it seems to be in two different sections. So page 11, 12 and 13, perhaps you can just tell us when were those notes made?

S/SGT. ADAMS: The notes on the page that I'm looking at now with 247 on the top, those notes would have been made roughly at the time of the incident which is –

MS. CHAYTOR: Okay. Sorry, these would have – and where were you when you you're making these notes?

S/SGT. ADAMS: I was either at headquarters when Staff Sergeant Tilley asked me to return or we would have been driving to Mitchells Brook.

MS. CHAYTOR: Okay. So these are notes that you were making when you became aware or perhaps en route because we know that you did head out towards Mitchell Brook, Mitchells Brooks and I'm going to have some questions for you on that.

Okay. How about –

S/SGT. ADAMS: Yeah, most of the, most of the notes there are phone numbers for – I was following the chain of command in contacting people on this particular incident and most of those phone numbers will deal with the chain of command that I followed.

MS. CHAYTOR: That's right. And that's what we've redacted out, the phone numbers or most of the phone portion of the phone numbers here.

Okay, what about then on page 13, and I'm going to have some questions for you on this, but we have what I'll call four bullet points here. When would you have made those notes?

S/SGT. ADAMS: Those were made roughly at the time too when I was, when I attended the RCMP headquarters in Holyrood and spoke to Sergeant Smyth.

MS. CHAYTOR: Okay.

S/SGT. ADAMS: And there was some comments he made that, when I went out of the room I wrote down on the back, just for me.

MS. CHAYTOR: Okay.

THE COMMISSIONER: Sorry, where were you when he made the comments, Staff Sergeant.

S/SGT. ADAMS: When he made the comments, I was at the RCMP detachment in Holyrood. We were speaking to Sergeant Smyth in an office.

THE COMMISSIONER: Okay.

MS. CHAYTOR: Yes, and Commissioner, I'll take him through that in some detail.

So then the first part where we see the better handwritten notes, I'll call it better, but they seem to be certainly more detailed, and not just jot notes. When did you make those notes, the first nine pages or so?

S/SGT. ADAMS: The notes in the investigation book were made when I returned to headquarters that evening. When I was in my office, I made those notes.

MS. CHAYTOR: Okay, all right. So now perhaps you can tell us, how did you learn about the shooting?

S/SGT. ADAMS: On the morning of April 5, Staff Sergeant Tilley called me – I was on the road working day shift – and he –

MS. CHAYTOR: I'm sorry, did you say the morning?

S/SGT. ADAMS: Or, well, 2:47 – well, lunchtime, sorry. He called me and asked me to return to headquarters. He said there's been a shooting in Mitchells Brook and Sergeant Smyth is involved in the shooting.

MS. CHAYTOR: Okay. And you referred to that as being 2:47.

S/SGT. ADAMS: 2:47, and I returned –

MS. CHAYTOR: And that's p.m., I take it?

S/SGT. ADAMS: Yes, it was.

MS. CHAYTOR: Okay. And if we look at your jot notes on page, I believe it is, page 11, and you pointed out when we first began speaking about this the 2:47 on the top – is that meant to be the time that you first spoke to Staff Sergeant Tilley?

S/SGT. ADAMS: That's correct, Sunday at 2:47.

MS. CHAYTOR: Okay. And this is Staff Sergeant Tilley's name over here, is it?

S/SGT. ADAMS: Yes, it is.

MS. CHAYTOR: To the left – okay, all right. Okay, and so we also see next to Staff Sergeant Tilley's name – and I'm going to be using this exhibit, so you keep it up if you wish – 2:52 p.m. over on the right. What's that time meant to indicate?

S/SGT. ADAMS: I take it, looking at, back on it, that 2:52 was when we left headquarters to attend to see Constable Smyth.

MS. CHAYTOR: Okay, so did you have to go back to headquarters or where were you when you first received the call?

S/SGT. ADAMS: Yeah, I was, I think when I received the call I was in the Torbay Road area, I returned to headquarters, Reg had given me some further information when I returned, and from there, 2:52 we left headquarters to go to see Joey.

MS. CHAYTOR: Okay. And does that seem right to you when you scroll down through your other times that you indicated here?

S/SGT. ADAMS: Uh-huh.

MS. CHAYTOR: For example, you have a 3:22, Joe Smyth, and does this say outside service area?

S/SGT. ADAMS: Yes, I called the number that was provided to me and, on a couple occasions and it, and it came back as just saying outside service area.

MS. CHAYTOR: Okay, and so, and we have further down, we have a 3 p.m. reference here and the name's here again, Joe Smyth, and does this look like – what's this name over here to the left of the page?

S/SGT. ADAMS: That would be Joe Gullage.

MS. CHAYTOR: Okay. And there's a phone number blocked out there, and then 3 p.m. And then we have 3:12, Reg, Mike, en route, Mitchells Brook. Can you tell us what that is referencing?

S/SGT. ADAMS: That was just a note I think when we turned onto Salmonier – when we may have turned off the Trans-Canada Highway I just put a note there that it was 3:12 we were heading down there.

MS. CHAYTOR: Okay, all right. And at the time that you gave your interview you indicated that it would have been 3:12 that you headed out towards to go to Mitchells Brook. But your evidence today is that you think the 2:52 indicates when you headed to Mitchells Brook, not the 3:12?

S/SGT. ADAMS: I think 2:52 – yes, 2:52 is when we left headquarters. I think I put the 3:12 there because we were actually driving down and I was writing down numbers and speaking to some people. So I think I just made a note at 3:12 we were probably on the Trans-Canada somewhere and I was talking to people.

MS. CHAYTOR: Okay.

And why is it that you're heading to Mitchells Brook? What is your purpose in going there?

S/SGT. ADAMS: Well, there was a couple of reasons that I felt responsible to go there on that particular day. One of the responsibilities I felt I was the senior officer working and there wasn't a lot of information that Staff Sergeant Tilley had to give me.

I looked at, also considered the point that I was trained in critical incident stress management back some years ago. But the main reason I went there that particular morning was to see Joey and support Joey and try to give him some encouragement because of what he's just been through.

MS. CHAYTOR: Okay. And you mentioned Critical Incident Stress Debriefing and your training that you had in that earlier was Staff Sergeant Tilley also trained in CISD?

S/SGT. ADAMS: No, he wouldn't have been trained in that that I know of.

MS. CHAYTOR: Okay, and what was his purpose in attending?

S/SGT. ADAMS: Well, you know, he drove. A lot of times the inspector and the staff sergeant will go together on a lot of calls. Like, you know, the inspector I have now there's a lot of times when I attend a call he'll say, hold on, I'm going to get in the vehicle with you or come along. So he was driving and I was more or less doing the phone calls, speaking to my deputy and chief.

MR. CHAYTOR: Okay.

And are you both in uniform that day?

S/SGT. ADAMS: Yes, we're both uniformed officers, yes, we were.

MS. CHAYTOR: And are you in a marked car?

S/SGT. ADAMS: Well, we were in unit 191; it's a grey suburban. It's marked, but it's like white lettering and it shows up in the nighttime. In the daytime it looks unmarked, but in the nighttime it's a lot more visible when the lights shine on it.

MR. CHAYTOR: Okay, and are you proceeding with your siren and lights activated?

S/SGT. ADAMS: No, Ma'am.

MS. CHAYTOR: Okay.

But you are both in uniform and you both were on duty that day I understand.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay.

So was it in any official capacity that you were to attend and provide him with support that day and did anyone instruct you to do that?

S/SGT. ADAMS: No. I can't say they did.

MS. CHAYTOR: Okay.

Did you receive or speak to any of your superiors prior to or en route to see Constable Smyth that day?

S/SGT. ADAMS: Yes, I did.

MS. CHAYTOR: Okay, and perhaps you can tell us about that.

S/SGT. ADAMS: Well, after receiving the information from Staff Tilley, I made a call to my immediate supervisor who – he was out of the province, and I made a call then to the next chain of command, which would have been the Deputy Chief Carroll, and he was on the West Coast, so I called the next in line, would have been Deputy Chief Singleton.

MS. CHAYTOR: Okay, and did you speak with Deputy Chief Singleton?

S/SGT. ADAMS: I did, informed him of the situation we had, and that Sergeant Smyth was involved, and he made it clear – which I understood before going there, he said this is RCMP jurisdiction and it's their investigation. I said yes, I'm aware of that; myself and Staff Tilley have already spoke about that. But I said, you know, I'm going down to speak to Joe, to staff sergeant – to Sergeant Smyth in relation to the critical incident that he was just involved in, and to provide him with some support, and see if, and see if everything was okay. Because the information I had was very limited to what we had.

MS. CHAYTOR: Okay. And did you tell him you were going to be doing a Critical Incident Stress Debriefing?

S/SGT. ADAMS: I don't know if I told him I'd be doing a Critical Incident Stress Debriefing but I did tell him that I was going down in relation to critical incident stress, that, in relation to the call that he's just been involved in.

MS. CHAYTOR: And did you also tell him that you're going to be attempting to get further information?

S/SGT. ADAMS: And I – yes, I did. I tell him I'm trying to get a little more information on the situation, yes.

MS. CHAYTOR: And who were you intending to get that information from?

S/SGT. ADAMS: Well, I was hoping to speak to Joey, get a little bit from him or even the staff sergeant. As it turns out I got a bit of information from the staff sergeant, when I went there, Staff Sergeant Tiller.

MS. CHAYTOR: Staff Sergeant Rod Tiller of the RCMP.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Yes, and we'll speak about that.

I'm just going to show you page five of this exhibit now and this is what you noted, and these are the notes you say you did when you got back to the headquarters that evening?

S/SGT. ADAMS: Yes, everything in this book was taken back at headquarters.

MS. CHAYTOR: Right, okay. And it's page five, which is – here we go. And this is in the middle of the page here, reference to your discussion with Deputy Chief Singleton. And if you could just read out, because I'm having a little trouble with your writing, here.

S/SGT. ADAMS: Okay, I had Comm Centre, which is our Communications Centre, contact Deputy Chief, Deputy Singleton, I had them dispatch me through by phone, and put me through. I gave Deputy Singleton a brief update and informed him we were on our way, en route to do a critical incident stress and get further information. Deputy advised he would notify the chief of police.

MS. CHAYTOR: Okay. And then I think the next reference is that you speak with Sergeant Smyth? It says I spoke with Sergeant Smyth. So when did you speak with Sergeant Smyth?

S/SGT. ADAMS: That was, when I spoke to him on this particular occasion I have noted here that was by phone, when we were driving to Mitchells Brook, and I'm not sure if that was just before I spoke to the deputy or just after I spoke, but it was around the same time.

MS. CHAYTOR: Okay. And the note that we looked at earlier where you had Sergeant Smyth's name mentioned and then out of service.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Did you try to reach him first and was unable to, that there was an issue – did it come back and say that his phone was out of service or out of the service area?

S/SGT. ADAMS: Yeah, that's correct. Like, I made two calls prior to this conversation with him by phone and on both occasions it just came back as a recording outside the service area.

MS. CHAYTOR: Okay. And, but ultimately you were able to get through and that's when you're en route to Mitchells Brook.

S/SGT. ADAMS: Yes, Ma'am.

MS. CHAYTOR: Okay. And what did, did you understand Sergeant or Constable Smyth – I guess Acting Sergeant Smyth at that point – did you understand that he was still at the scene when you spoke to him?

S/SGT. ADAMS: Yes. Yes, I did.

MS. CHAYTOR: Okay. And what did he tell you?

S/SGT. ADAMS: He told me he was there on an investigation and he's been involved in a shooting. And at that time I was asking him: Are you okay? You know, I was really concerned he was okay. And he said: No, I'm outside the house, I'm okay. I'm outside the house. And I said: Look, we're on the way down to see you; hang in there, we're on the way down to see you. The RCMP will be – I told him the RCMP would be conducting an investigation; however, I was coming, going to come down to make sure he was okay and everything was all right with him.

MS. CHAYTOR: Okay. And there was – did he relay any other details about what had happened in that phone call?

S/SGT. ADAMS: No, he asked me would I, would I call Staff Sergeant Gullage and inform him of the incident and –

MS. CHAYTOR: Okay. And that's who he would've been reporting to at the time.

S/SGT. ADAMS: Yes, he was with the protective service, and that would have come under the Criminal Intelligence Unit at the time, and Staff Sergeant Gullage – Acting Inspector Gullage, I should say, was in charge of that.

MS. CHAYTOR: So he asked you to notify his immediate supervisor?

S/SGT. ADAMS: Yes, he did.

MS. CHAYTOR: And did you do that for him?

S/SGT. ADAMS: Yes, I made – after I hung up with him I made the call to Acting Inspector Gullage and informed him that Sergeant Smyth was involved in a shooting in Mitchells Brook.

MS. CHAYTOR: Okay. And did, did he already seem to know about it or were you breaking the news to him?

S/SGT. ADAMS: I got the impression I was breaking the news to him.

MS. CHAYTOR: Okay. And how about when you spoke to Deputy Chief Singleton, did he seem to already know about the incident or were you breaking the news to him as well?

S/SGT. ADAMS: I also felt I was breaking the news. He didn't – I thought it was new to him, he didn't know.

MS. CHAYTOR: Okay. And Deputy Chief Singleton mentioned to you that the RCMP would be doing the investigation and you say that you repeated that in your discussion with Constable Smyth.

Were you concerned or was Deputy Chief Singleton concerned that somehow your presence at Holyrood might be seen, might be seen as interfering in some way with the investigation? And why was Deputy Chief Singleton saying to you: Well, the RCMP are going to be doing this investigation. Why is that point being made?

S/SGT. ADAMS: Well, that point was made at least four to five times. When, when the call came in first and I returned to headquarters, that point was raised between Staff Sergeant Tilley and I. Because what he first said about it was: Did you know that's RCMP's jurisdiction. They'll be doing the investigation. And he responded by saying, yeah, I'm aware of that. This was when we were at the building.

When I spoke to Sergeant Smyth, I informed him that the RCMP would be conducting the investigation but I wanted to see if he was okay. When I spoke to the deputy and I told him I was going there to make sure he was okay and register a critical incident, he informed me, he said: you know that's the RCMP's jurisdiction. I said, yes, Sir, I'm aware of that. And he said they'll be conducting an investigation into that. We're not to have nothing to do with the investigation. I said I understand that, I'm just going there to make sure Sergeant Smyth is okay and to offer him support and encouragement – something to that effect.

MS. CHAYTOR: Okay.

What time did you arrive in Holyrood that day? And why is it that you ended up in Holyrood, because I understand you went to Holyrood detachment but you had headed out – you were intending to go to the scene, weren't you?

S/SGT. ADAMS: Yes, we were intending to go to Mitchells Brook to speak with Sergeant Smyth and when we turned off the Trans-Canada onto Route 90, and we were heading, I guess it's south towards Mitchells Brook when you're driving down the Salmonier Line, I received a call back from Deputy Chief Singleton.

MS. CHAYTOR: Okay. And what did Deputy Chief Singleton tell you in that call to change your route?

S/SGT. ADAMS: He said there's no need to go – there's no point in going to the scene. That Sergeant Smyth is going to be taken back to the RCMP headquarters in Holyrood and you would be better off going there if you want to see him.

MS. CHAYTOR: Okay. So he had been in communication with someone and was able to relay that to you?

S/SGT. ADAMS: He didn't tell me who, but that's the information he relayed to me, yes.

MS. CHAYTOR: Okay. So then – so initially when you’re heading out, your intent is to go to the actual scene in Mitchells Brook?

S/SGT. ADAMS: Well, yeah. My intent was to go see Joey, Sergeant Smyth. That was my intent, to go to see if he was okay. That was my main purpose that day, to go to make sure – here was a fellow officer who I worked with, to make sure that he was okay, safe and –

MS. CHAYTOR: And you were headed to the scene?

S/SGT. ADAMS: I was heading down to the scene, yes.

MS. CHAYTOR: All right. Okay. And so then, what time do you arrive in Holyrood?

S/SGT. ADAMS: I didn’t note what time. Staff Sergeant Tilley may have noted it, but I didn’t note the time we arrived in Holyrood.

MS. CHAYTOR: Okay. And what time do you understand that to be?

S/SGT. ADAMS: Yeah, it would be a guess. I’m gonna say maybe 3:30, 3:15. I don’t know.

MS. CHAYTOR: And so had you already passed Holyrood and had to turn around and come back when you got the second call from Deputy Chief Singleton?

S/SGT. ADAMS: Well, we came out the Trans-Canada and took a left down the Salmonier Line. So when he called, yeah, we had to turn around on the Salmonier Line and just go back down the Holyrood Line.

MR. KENNEDY: Excuse me, Commissioner. I apologize for interrupting.

There’s a little bit of concern here that some of the redactions, where there was a reference earlier to a time frame, I think of 322. That actually might be a phone number. And I can’t tell from the redactions as to whether or not that’s the case. Do you remember that, Ms. Chaytor, there was a 322 on the screen?

MS. CHAYTOR: That’s right, yeah.

MR. KENNEDY: That may actually be a phone number that Constable Smyth had, an old phone number.

MS. CHAYTOR: Yeah, I can look at the actual un-redacted version. I understood from the interview that was a time, but just let me –

THE COMMISSIONER: What’s written underneath that redaction?

MS. CHAYTOR: I have the un-redacted version here. Sorry?

THE COMMISSIONER: What’s written underneath the redaction?

MS. CHAYTOR: That’s right. That is not a time. That is part of a phone number. That is correct, yeah. And I think it’s – I’m sorry, what’s written underneath here? I think that says outside service area, isn’t that correct?

S/SGT. ADAMS: That’s correct.

MS. CHAYTOR: Right, yeah. I think the time period that – and if I said 322, I apologize, but I think the time period was 3:12. Mr. Kennedy, 3:12 was what was given in his interview as to when he head out.

MR. KENNEDY: Yeah. The problem Commissioner is that what I have here in front of me, what I took off the website is totally redacted. So I don't even see the 322 on what I have here, or underneath it you see the 610. That's also a phone number.

MS. CHAYTOR: That is correct. What you would have gotten off the website is redacted. What you would have received through kiteworks in disclosure to parties would have been un-redacted and that's why I have an un-redacted. So you do have an un-redacted version in the documents that were provided to you when we made full disclosure.

THE COMMISSIONER: Okay, thank you.

MS. CHAYTOR: Okay.

Okay. So if I could just continue on, please, Staff Sergeant.

THE COMMISSIONER: You're satisfied with that Mr. Kennedy?

MR. KENNEDY: No. I don't think it's, quite frankly, Commissioner, to say that we've been provided with the information on a previous occasion. There's thousands and thousands of documents –

THE COMMISSIONER: And so far I think there's been a pretty good job done by staff –

MR. KENNEDY: And I'm not –

THE COMMISSIONER: – in getting it out and getting it out quickly.

Go ahead.

MR. KENNEDY: All I'm saying is that I would have expected that the document that I would have in front of me today would be the same document that would be put on the screen. And that's not the case.

THE COMMISSIONER: Well the –

MS. CHAYTOR: The document you have is not the same?

THE COMMISSIONER: Sorry, I think what –

MR. KENNEDY: No, that's what I'm saying Ms. Chaytor. The document that's downloaded as the exhibit –

MS. CHAYTOR: Yes, it should be –

MR. KENNEDY: – is not the same as the documents on the screen.

MS. CHAYTOR: But how is it different?

THE COMMISSIONER: But that, the one that's on as an exhibit is going out to the general public, as I understand, and would not have everything that would be of a confidential nature which you would have from a kiteworks copy, I think.

MR. DROVER: I think what Mr. Kennedy is saying is the one that he has is better redacted than the one that's going out to the public.

MS. CHAYTOR: This is the issue.

THE COMMISSIONER: Right, more fully redacted.

MR. DROVER: More fully redacted.

MS. CHAYTOR: Is more fully redacted and I can't explain that Mr. Kennedy; you're right. There should have been portions of the numbers – I don't know why that would be. I have no explanation for it.

THE COMMISSIONER: Okay, we'll find out during the break. I don't think there's anything significant turning on it so –

MS. CHAYTOR: Yes so why, what –

THE COMMISSIONER: But just in case it's, it would happen with other documents, we'd better check out and see why that anomaly occurred.

MS. CHAYTOR: Right, so we can – yeah.

So what I think may have happened is that the whole number had been redacted and then it was realized that our procedure or practice had been to leave portions of the numbers there in case anyone needed to verify what the numbers were. So I think the staff then re-issued another, and it should have went to you, and I apologize if that didn't go to the parties. Is there any other light we can shed on that, Kate?

MS. O'BRIEN: No, but if Mr. Kennedy needs an un-redacted version I can arrange to have a copy of it un-redacted brought up to you (inaudible) if you require it now.

MR. KENNEDY: No, that's fine.

THE COMMISSIONER: Go ahead.

MS. CHAYTOR: All right. Yeah, so there would have been a fully un-redacted version go out and then there's, for some reason there's two different redactions in this document. Okay. So we get back to what time you arrived in Holyrood and I'm sorry, what was your answer?

S/SGT. ADAMS: I don't know the time I arrived in Holyrood. I don't know if Staff Sergeant Tilley made a note of it, but I certainly didn't make a note of it.

THE COMMISSIONER: You estimate at 3:15 or 3:30 I think, did you?

S/SGT. ADAMS: I'm yeah, I'm saying maybe 3:30 – yeah.

MS. CHAYTOR: Okay. Then tell the Commissioner what happened when you arrived in Holyrood, who did you speak with when you got there?

S/SGT. ADAMS: When I arrived in Holyrood I spoke to Staff Sergeant Tiller, who was the uniformed officer, I guess the operational officer working in that detachment. And I spoke to him, and I – at that time I made it clear to him, and I think I might have even asked him to document it, I know I made it clear to him that we're here, we know this is your investigation, this is your area, we're here to have nothing to do with that, but if possible I'd like to speak to Joe in relation to the critical incident that he's just been involved in.

I'd like to make sure he's okay, and give him some support and encouragement, and he, he informed us that he was on his way back with some members, should be here very soon, and he would make a room available upstairs for us to speak to him when he got there. And outside of that, there wasn't much in the conversation, except he had an issue with, there was a lot of cats in the house apparently, maybe 30 he said, and I supplied him with a phone number for the SPCA because I'd done volunteer work so I gave him a number for the SPCA.

MS. CHAYTOR: Okay. And did Staff Sergeant Tiller express any concern about your presence at Holyrood that day?

S/SGT. ADAMS: No, he didn't – there was no discussion about anything like that.

MS. CHAYTOR: Okay. And did he tell you anything, did you get any further information from him in terms of the incident?

S/SGT. ADAMS: No, I don't know if he knew a lot himself, but he didn't give us a lot, just this – he said Joey's with the members coming back. He's okay and he should be here shortly.

MS. CHAYTOR: Okay.

And other than telling you that there were a lot of cats on the premises, did he provide you with any other details?

S/SGT. ADAMS: No. He was very busy. From what I can recall he was very – he was trying to get special units and resources back for this call that they had. We just went outside and there were some cubicles there and sat down there and waited.

MS. CHAYTOR: Okay.

And when you say outside, you're inside –

S/SGT. ADAMS: Outside of his office, Staff Sergeant Tiller's office, yeah.

MS. CHAYTOR: – the detachment.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay.

And how long did you have wait before Constable Smyth arrived?

S/SGT. ADAMS: Well, I was thinking it was only going to be minutes because he had said he was on the way back, and deputy – but it seemed to me to be a lot longer, like it seemed to be maybe we were waiting 20 minutes or a half hour before he showed there.

MS. CHAYTOR: Okay.

And during that time period, did you have any discussions with any of the other members of the RCMP?

S/SGT. ADAMS: No. We just stayed there and stopped and waited for Joey to come.

MS. CHAYTOR: Okay.

And so other than Staff Sergeant Tiller, you didn't speak then with anyone else in the RCMP that day.

S/SGT. ADAMS: No, Ma'am. It may be when we came in, the person who opened the door or something, might have just hello because we came in through the back door, but no, I never spoke to no one else, no.

MS. CHAYTOR: Okay.

And what are you and Staff Sergeant Tilley during the time that you're waiting? Did you make any phone calls or did you speak to anyone else?

S/SGT. ADAMS: Staff Sergeant Tilley asked me, you know, you think it would be appropriate that we call the association.

MS. CHAYTOR: Meaning the RNCA?

S/SGT. ADAMS: The RNCA association representative, Constable Warren Sullivan, and –

MS. CHAYTOR: (Inaudible.)

S/SGT. ADAMS: And I said yeah, I don't see any problem with that and he made a call in relation to that.

MS. CHAYTOR: Okay.

And was that Warren Sullivan?

S/SGT. ADAMS: Warren Sullivan, yes.

MS. CHAYTOR: Okay.

And so did you understand, did Warren Sullivan already know about the shooting and was Warren Sullivan already en route?

S/SGT. ADAMS: No, I didn't know. Staff Sergeant Tilley said he got a hold of him and he's coming, coming up here.

MS. CHAYTOR: Okay. All right.

And any other calls or communications while you're waiting?

S/SGT. ADAMS: No.

MS. CHAYTOR: Okay. All right.

So you did understand, though, from the discussion that Staff Sergeant Tilley had with Constable Sullivan that he was also going to be coming to Holyrood.

S/SGT. ADAMS: Yes, I did because I, at one point, asked Joey was he hungry, had he eaten that day and he said no. And we we're going to decide where to go out and pick him something to eat, myself and Staff Tilley, and Staff Tilley mentioned that maybe we could try to get a hold of Warren, who was on the way up.

MS. CHAYTOR: Okay.

But you decided to stay in any event.

S/SGT. ADAMS: Pardon?

MS. CHAYTOR: You decided to stay in any event.

S/SGT. ADAMS: Yes, I stayed and waited for him to come.

MS. CHAYTOR: Okay.

S/SGT. ADAMS: I thought it important to stay and see him.

MS. CHAYTOR: Okay.

So what happened when Constable Smyth arrived at the detachment?

S/SGT. ADAMS: The officer came in with him and casually myself and Staff Sergeant Tilley and Sergeant Smyth went upstairs into a room and sat down.

MS. CHAYTOR: Okay.

And did Staff Sergeant Tiller join you upstairs?

S/SGT. ADAMS: No, he never.

MS. CHAYTOR: He didn't escort you upstairs. How did you know where to go upstairs?

S/SGT. ADAMS: Not, not that I recall escorting. We just went up the stairs and there was a room there at the top of the stairs. I don't remember him escorting us up, no.

MS. CHAYTOR: Okay.

And for what purpose did you tell Constable Smyth that you were there?

S/SGT. ADAMS: I told him, I said, Joe, you know, we're here to make sure you're okay, support. We're really concerned that you're okay, want to see our support and I said I'm trained in Critical Incident Stress Debriefings. I said I can speak to you about that.

MS. CHAYTOR: And did he want you to do that?

S/SGT. ADAMS: Well, he told me, you know, throughout the conversation like he was okay. He said I'm okay. I said I can do this. He said, no, I'm okay, I'm okay.

MS. CHAYTOR: Okay. And did you then actually carry out a critical stress incident debriefing? I'm sorry, a Critical Incident Stress Debriefing?

S/SGT. ADAMS: No, I don't think it's fair for me to say that I actually carried out a full Critical Incident Stress Debriefing with him, but I did touch on some points in relation to the EAP, the Employee Assistance Program. I told him that he should, I felt he should contact, Sergeant O'Reilly at the time was the Employee Assistance coordinator, and I also seconded that when the chief phoned me, but – and I told him, you know, I've been in some incidents like this and, you know, you may experience trouble sleeping, you may have nightmares, there could be flashbacks. I said, you know, this is not going to leave you soon, that I felt wouldn't leave you soon and –

MS. CHAYTOR: Okay.

And then if we look at the notes that you made when you went back that night to headquarters. You noted here that staff sergeant provided us with –

S/SGT. ADAMS: An office.

MS. CHAYTOR: – an office. So I take it that's Staff Sergeant Tiller, upstairs.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: To conduct a critical incident stress debrief.

S/SGT. ADAMS: Yeah.

MS. CHAYTOR: So was your purpose, your intent was to do that?

S/SGT. ADAMS: My intent, yes, when I went there was to do a debriefing with him.

MS. CHAYTOR: Okay.

And then you continue on and you said Sergeant Smyth advised – is that advised?

S/SGT. ADAMS: Yeah, Sergeant Smyth arrived and –

MS. CHAYTOR: Arrived, sorry – and in Reg's presence –

S/SGT. ADAMS: I conducted a brief focusing –

MS. CHAYTOR: A debrief?

S/SGT. ADAMS: A debrief focusing mainly on Joey's well-being. Joey was shaking, his hands, and wanted to tell us his side of the story. I informed him he should wait until he is more settled as – until he is more settled – the screen is moving – as he just went through a very difficult situation.

MS. CHAYTOR: Okay. All right. So did you conduct a debrief that day?

S/SGT. ADAMS: In relation to the critical incident stress management training that I took some years prior, I wouldn't consider it – that it was a complete debrief, the way I've done debriefs in the past, no.

MS. CHAYTOR: Okay. And was that because Constable Smyth didn't want you to proceed to do one?

S/SGT. ADAMS: Well, because he was saying he was okay, and, you know, in the back of my mind I was realizing the difficult situation, the traumatic event that this officer just had been through. I mean, like I couldn't, gee, it had to be so difficult, and no, I didn't push it on him. I just spoke to him calmly and said, you know, we'll try to get you calmed down, collect your thoughts here, you'll be okay.

MS. CHAYTOR: Okay, and then on page 8 of the same document you write, I never took written notes when speaking with Joey, because this was a critical incident stress debrief –

S/SGT. ADAMS: Yes, I –

MS. CHAYTOR: I did, however, return to headquarters and complete these notes.

Okay, so, so what is that referencing, is that –

S/SGT. ADAMS: Well, that's a reference when I went there and spoke to him. You know, I mean, I went there to do the critical incident debriefing, and I did have some discussion to him about a critical incident, but I feel that it wasn't a full Critical Incident Stress Debriefing that I had done in the past.

You know, it was a little more formulated, usually involves everybody at the scene – police officers, anyhow, and – but it was just one on one. And I felt my main reason there was really support and encouragement for him, to show him – I didn't even really feel I even had to say much, needed to say anything to him, because I just wanted him to feel that, you know what, this has been a very traumatic event, a very difficult time you're going through here with your emotions and you know, even by just seeing us there I think maybe hopefully for a short period of time it may have at least made him relax and feel, you know, I have some support.

MS. CHAYTOR: Okay, and then on – one thing about this page I noticed. This says Sunday – does that say March 5?

S/SGT. ADAMS: Yes, and as I told you prior, like that was a mistake. It should be April 5, I just put March there. It says April at the beginning, but I just made a mistake and put March there.

MS. CHAYTOR: Okay. And, and those notes were taken, though, the same day, they were taken on April 5?

S/SGT. ADAMS: All those notes in the book we're referring to now were taken when I returned to headquarters that evening.

MS. CHAYTOR: Okay, and then the next one, though, on page 9 I note is Tuesday, March 7 – and again I take it that should be April 7?

S/SGT. ADAMS: Yeah, that should be April 7, yeah.

MS. CHAYTOR: Okay. And then the page 10 reference in the different colour ink –

S/SGT. ADAMS: Yes.

MS. CHAYTOR: – this, what's the date on the top here?

S/SGT. ADAMS: Okay, that was June 16 of 2015, and that was an interview that Detective Sergeant Grant Little of Saskatoon Police requested that I attend with him.

MS. CHAYTOR: Okay, and are those numbers here, 160515, is that intended to be a date?

S/SGT. ADAMS: Pardon?

MS. CHAYTOR: Is this intended to be a date?

S/SGT. ADAMS: Yes, it is – fifth month, 15th is the year, 16th day of June.

MS. CHAYTOR: Okay. So that would be May, though?

S/SGT. ADAMS: Pardon?

MS. CHAYTOR: That would be May?

S/SGT. ADAMS: May, yeah. I have June there, so...

MS. CHAYTOR: And this happened in June, okay. And then it says 2 p.m. Okay, so your recollection is you met – and this is in relation to, I understand, the internal investigation and you met with Sergeant Grant Little of Saskatoon. That's when this note was taken?

S/SGT. ADAMS: That's correct, Ma'am.

MS. CHAYTOR: Okay. And your understanding is that happened – did that happen in May or did that happen in June? Or you don't remember?

S/SGT. ADAMS: You know, I can't say it was June. I had the fifth month up but I had June wrote down, so I think it would have been June.

MS. CHAYTOR: Okay. All right.

And then this I believe you told him that you met, you went to Mitchells Brook. You're referring to going to Mitchells Brook in relation to – what does this say, policy which he is –

S/SGT. ADAMS: I informed him that I did not attend the scene, just to conduct a critical distress debrief with Acting Sergeant Smyth in relation to the matter.

MS. CHAYTOR: Right. So you're telling him then in June or May that you conducted a critical incident stress debrief with Acting Sergeant Smyth.

S/SGT. ADAMS: Yes, I did.

MS. CHAYTOR: Okay. But what you're telling us is that you didn't really do that. That you were just there more to offer support.

S/SGT. ADAMS: Well, my main reason was support, yes, but, you know, what I did that day I don't, I wouldn't consider it a complete Critical Incident Stress Debriefing, but I did talk about critical incidence stress to him and gave him some advice in relation to what I would say to a debriefing but it wasn't a complete critical stress debriefing with him, no.

MS. CHAYTOR: And I believe when we saw the note earlier that said March 7, it's actually April 7, two days afterwards you gave a statement to the RCMP, and I believe you told the officer there that you were there to do a Critical Incident Stress Debriefing; isn't that right?

S/SGT. ADAMS: I think I told him –

MS. CHAYTOR: And if you wish, I can take you to it.

S/SGT. ADAMS: Yeah, no, I think I told him I was there for a critical incident stress, I didn't know if I said a debriefing but it's possible because that was one of the things I felt I went there for that morning, yes.

MS. CHAYTOR: Okay.

Perhaps then you could tell the Commissioner what is a Critical Incident Stress Debriefing? What does that entail? When does it normally occur and who normally would do it?

S/SGT. ADAMS: Well, a critical incident stress, it would usually happen between 12 and 72 hours by our policy in relation to the incident happening, if you look at the RNC policy and procedure. My training, thinking back on my training at the time, usually they tell you to try and speak to the member or members prior to finishing their shift.

You know, the critical incident basically is a traumatic event that affects the officer's emotions and may affect the way that he functions prior to the incident. I've since had a look at the policy and I'm aware now that, you know, I also felt that day I was speaking to him that he was going to probably need more support and counselling than I could provide that particular day. But, you know, the chief can make it mandatory whenever there's a firearm used against or by a police officer, to attend psychological debriefings.

And that would be, I guess, would come from the chief, down to, at the time it would have been Sergeant O'Reilly who's our Employee's Assistance coordinator, EAP coordinator who oversees – he would oversee training for officers in relation to critical incident stress, he would arrange for Critical Incident Stress Debriefings, and he would arrange maybe for special counselling if he, if he felt the officer or officers needed special counselling, professional counselling, he would make those arrangements.

MS. CHAYTOR: Right. And we looked at that policy with you during your interview in December.

S/SGT. ADAMS: Yeah, I'm – I think the policy you had in relation, was in relation to the emergency manual?

MS. CHAYTOR: Okay.

S/SGT. ADAMS: And the policy that I'm looking at is – because you mentioned a couple of numbers to me in that policy, and I wasn't familiar with the numbers?

MS. CHAYTOR: Okay, so it's a different policy that you referenced?

S/SGT. ADAMS: The policy that I referenced is under the Employee's Assistance – well, the RNC policy first of all, policy and procedures, and it comes under the Employee's Assistance Program, and it basically aligns out that the Employee Assistance Program is a government-wide program that is available for police officers or anybody in the government, but in relation to the Employee Assistance Program, we have Employee Assistance coordinator, being at that time

was Sergeant O'Reilly. And it aligns out different functions, like he's responsible for respectful workplace committee, and it also, under him would come the critical incident stress management program.

MS. CHAYTOR: Okay. Maybe we could bring up then the document P-0279, which is the document that we've been provided regarding Critical Incident Stress Debriefing. And this is the one that we would have reviewed with you during your interview.

And so from what I'm understanding you to say, Staff Sergeant, is that there's a different policy that you've since reviewed? And was that policy in effect as of April of 2015?

S/SGT. ADAMS: The information here, the second paragraph is very similar, to the networking, where we work with Department of Health, the RNC, to – I guess the RNC in conjunction with the Department of Health, felt that the type, because of the type of work that police officers do, that they would need, and deserve to have counselling. And as a result of that, they decided that they would train members in Critical Incident Stress Management to go out and be peer support.

MS. CHAYTOR: Okay, and just a second now before we get into the details of what's here. But I want to understand whether or not that you've seen a policy subsequently, and I'm wondering if that policy was in effect in April of 2015.

S/SGT. ADAMS: Yeah, the policy that I was reviewing came in effect in 2010.

MS. CHAYTOR: Okay. All right.

And this says that the RNC, "in cooperation with Critical Incident Stress Management Network, has available a trained group of professionals to provide CISD to department employees." And did you understand those to be psychologists and counsellors who are trained?

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay.

And then, "Members serving on the 'Peer Support Team' will be available to assist members/staff involved in critical incidents." Did you understand yourself to be a member of the peer support team?

S/SGT. ADAMS: Yes, actual – that was members like myself who had taken the training.

MS. CHAYTOR: Okay. All right.

And it says here that "CISD is a closed confidential discussion of a critical incident relating to the feelings and perceptions of those directly involved prior to, during, and after a stressful event."

So did you understand – were you trained to actually carry out the CISD or was that something that would be referred to a psychologist or someone trained in that respect and that your role would be to just provide support to your member?

S/SGT. ADAMS: Well, I think – you know, I understood that it would be psychologists, but I thought that we could go there in a supporting role and have a debriefing in a supporting role to the officers. In past I have conducted – had been asked by the superintendent of the patrol, Superintendent Laden at times, early when I first had the course, to do some critical and stress debriefing with members. And I've been to some where we had special counsellors come in,

psychologists come in and sit down and you'd just assist, but it's – when you do these debriefings, it's really more about support for the officers or officer involved.

MS. CHAYTOR: Okay.

And this also refers, though, the CISD being a closed, confidential discussion, and down under the bullet points for CISD it says that it's strictly confidential. And that day when you're there, you have Reg Tilley with you, who was not trained in CISD and he wasn't involved in the incident itself. So it wasn't going to be a confidential discussion with Acting Sergeant Smyth.

S/SGT. ADAMS: Well, I'd agree with you that, you know, that's probably an error on my part because I looked at Staff Sergeant Tilley as a very senior individual in the organization. He had over 30 years, and I felt that by him being there it would show Joey that there was more support than just me there for him.

MS. CHAYTOR: Okay.

In the last paragraph, that it's to be "initiated by the RNC Member Assistance Coordinator." That didn't happen in this case either. You weren't sent there by the RNC Member Assistance Coordinator to carry out a CISD.

S/SGT. ADAMS: No, I didn't, but I had a conversation with the chief that, while I was there that led –

MS. CHAYTOR: That's after you've arrived?

S/SGT. ADAMS: Yes, that was after –

MS. CHAYTOR: Okay and I'll talk to you about that.

S/SGT. ADAMS: Okay.

MS. CHAYTOR: Okay. But if you wish, go ahead. Did you have a conversation with the chief about your role there to do a debriefing?

S/SGT. ADAMS: No, I, I – the chief phoned and someone gave me a phone, said the chief wants to speak to you. I thought it might have been Constable Sullivan, but someone provided me with a phone and I went outside and I spoke to the chief, and he had four points that he wanted me to –

MS. CHAYTOR: Right, and I'll get into those.

S/SGT. ADAMS: Okay.

MS. CHAYTOR: I'll get into those.

And one of those, though, was to advise Acting Sergeant Smyth about EAP and the availability of those services to him. Isn't that correct?

S/SGT. ADAMS: That's correct, Ma'am.

MS. CHAYTOR: Okay. So did the chief have concerns about you and your role there that day to do a CISD?

S/SGT. ADAMS: He didn't mention anything about that. He did, I guess, he did suggest that – he said he was going to speak to Sergeant O'Reilly of EAP or he had spoke to him, and he suggested I speak to him.

MS. CHAYTOR: Okay. And so you and – it also says here, of course, that debriefings are to be mandatory for all individuals involved in an incident, but you indicated that Constable Smyth didn't really want to proceed with the debriefing and you did not go ahead with the debriefing. Is that correct?

S/SGT. ADAMS: That's correct, because the chief, chief has the authority to make it mandatory, you know, I guess when he'd be speaking to Joey over the next day or whatever. He has the authority to say this is mandatory, you have to attend. But I didn't feel that that was going there to support someone in a crisis that he's been in, that that was somewhere I wanted to go with him. When he said he was okay with it, I just casually said, yeah, you know, you're okay. I know this has been a difficult incident.

MS. CHAYTOR: Right. And you took notes, we saw your notes that you took.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: That wouldn't happen during a Critical Incident Stress Debriefing, you wouldn't take notes.

S/SGT. ADAMS: No, I didn't take notes there, and when I took the notes on the back I stepped outside, but I did, yeah, I did take notes when I returned. I have taken notes on critical incident stress debriefings and diffusions that I have had done with members. I've taken a little notes just to be able to say to the employee systems coordinator that we, you know, we done this on such a date for his records, 'cause he keeps a, he keeps a record, I think, and does an annual report for the chief in relation to referrals.

MS. CHAYTOR: Right. And you also, of course, told Deputy Chief Singleton that you would get further information and report back. So any information you were going to get from Constable Smyth, if this were a CISD you wouldn't be reporting that information back to him –

S/SGT. ADAMS: No, I wouldn't report that. I think what I was saying, yeah, I'll try to get some further information. There was very little information. All I had was that Sergeant Smyth was involved in a shooting, there was a gentleman dead, and I didn't know if there was, at the time I didn't know if there was other RNC officers involved, if he was there in relation with RCMP members. I just didn't know what he was there for.

And it came as a surprise to me when I heard, you know, he's down in Mitchells Brook, because I didn't know, and – that's not to say we, you know, as a supervisor I would know everywhere he's to, but I didn't know if there was other members involved, if someone else was hurt. So I wanted to try to get a little bit of information, if somebody else in the department had been with him hurt, to that point, from when I notified the deputy.

MS. CHAYTOR: Is it usual that – you were headed out to meet with him at the scene. Would that be usual that you would do a Critical Incident Stress Debriefing at the scene with the person?

S/SGT. ADAMS: Well, this is a pretty serious event, but it wouldn't be unusual for you to go to a scene to do a defusing, just to speak to the officer one on one, to try to, you know, make him feel safe. That wouldn't be unusual to do a defusing, you know, at the scene.

MS. CHAYTOR: It's not something different, a defusing.

S/SGT. ADAMS: Well, it's – yeah, it comes under the criminal and stress management program, the training I had, but that can be done one on one, usually with an officer, and it can be done at the scene or it's usually done somewhere – it doesn't matter really where you conduct it, I guess.

MS. CHAYTOR: And we've heard, of course, from Constable Smyth that he did go through a formal process, or he certainly met with a professional the following day and went through a Critical Incident Stress Debriefing.

S/SGT. ADAMS: I wasn't aware of it, but I probably felt that he would end up being sent to see a professional, yes.

MS. CHAYTOR: Okay. In terms of internally doing a CISD, would it matter if the officer is likely to be involved in an internal investigation? Is there any policy or protocol to say that in such a situation CISD should be done, would be more appropriately done, by someone external to the RNC?

S/SGT. ADAMS: There's, there's a – there is a part in the policy that I reviewed, that, you know, not to interfere with internal investigation that's on the go, or criminal investigation. It does mention that.

MS. CHAYTOR: And is that in that policy that you've referenced a little while ago?

S/SGT. ADAMS: That's in the Employee Assistance Program policy, I'll refer to it as.

MS. CHAYTOR: Okay. Now we saw in a note that I brought up a few moments ago where you said that when – I think you recorded that when you saw Constable Smyth his hands were shaking?

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay. How – overall, how did he appear?

S/SGT. ADAMS: Like, he showed us like, his hands were shaking. You know, I – from my dealings with Sergeant Smyth and working other files and speaking to him, like – he was, like I said, he was a very calm, relaxed individual, very quiet, soft-spoken. And, you know, he was in the chair, he was up and he said he wanted to – he was, he wanted to tell his side of the story. He wanted to give that side of the story. He kept – he said that a couple of occasions to me, I want to give the story. And I sort of deflected and tried in a nice way, and said, you know, you'll have the opportunity. The RCMP will be here soon. You'll have the opportunity to give your story, but right now I think you should just try to calm down, relax. And I probably deflected it in a few ways.

At one time I said does your wife know about the incident. And he said, yes, she had known. And we even talked about a trip he was attending, or had planned. So I tried to stay away from him as much as I could.

MS. CHAYTOR: And why is that if he wanted to speak to you about it and tell his story and you're there to support him, why are you deflecting the conversation? Why do you not want him to be able speak openly to you?

S/SGT. ADAMS: Well, I guess one of the reasons, I knew that the RCMP were gonna be there to interview him on this as it was their investigation and their jurisdiction. And from what I felt I took away from my course, I don't think that when I took the course that you want him to relive the whole situation over. I felt that knowing that he had just been involved in a shooting that was a traumatic enough event for me to have enough information, without knowing the details, how you got there, how it came about, or how it came after.

To me, was this was a very traumatic event. Like if a member attended a suicide and I spoke to that member, I wouldn't want to know all the facts from him. I just would say, look, this is a traumatic event. I don't need to know the facts 'cause I know you were there and seen the person. You lifted him out or you cut him down from the rope or whatever.

So to me, I would take that that, you know, that got to be very difficult on that officer, very, very – have a very heavy effect on his emotions or her emotions. So the details, going into detail, my understanding from what I was trained to do, is you don't need to go into detail. When I did the briefings prior to this or diffusions, there might be five officers, sometimes there was as many as eight. I'd go around the table or we'd be sat out in open forum and I'd say, you know, I'd give you 20 or 30 seconds, just tell me what your part was into this.

MS. CHAYTOR: Okay.

S/SGT. ADAMS: So –

MS. CHAYTOR: And have you since learned, is the training different now and are the officers permitted to tell as much of the story that they may wish to tell.

S/SGT. ADAMS: You know, it's not fair from the answer because I don't know. But in conversation with just a casual conversation in the hall with one of the peer support workers like myself, he said that now they don't get them to tell any of the story any more.

MS. CHAYTOR: Was your concern more that if anything that Constable Smyth may tell you that you are aware there is going to be an RCMP investigation – was your concern more that he may tell you something that then you would become part of that investigation and you then have information that you're going to have to pass along to the RCMP? Was that more your concern, Staff Sergeant?

S/SGT. ADAMS: No, I wouldn't say that was my concern because like I was there focusing on his support. You know, he did make some comments that I made a few notes on that I provided to the RCMP. So no, I don't think that was a concern that I had. If anything that he would have said, if it would assist the RCMP in this investigation, I'd have no problem saying this is what I recall him saying or this is what I have in my notes.

MS. CHAYTOR: Okay.

And if we could bring up then P-0293. This, these are a couple of information sheets that you provided to us during your interview. And I understand there is a list of signals of a stress reaction on this page. And do you recall that you had noted a few of the symptoms? Do you recall giving us this document that we have here now?

S/SGT. ADAMS: The page I have here now is the investigation, the cover of the investigation.

MS. CHAYTOR: Correct. And then here –

S/SGT. ADAMS: Yes, I, yes, that was –

MS. CHAYTOR: Okay.

S/SGT. ADAMS: That was a document or a handout, I should call it, a handout that I received when I took the course some eight years prior. And the fact-finding book that I had, I just stapled it – I laid in the front cover. Until I spoke to you on that day, Ms. Chaytor, it was stapled to the front cover of the book that I had for taking notes in relation to –

MS. CHAYTOR: And it says here: Here are some common signs and signals of stress reaction.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Of a stress reaction, I think it says. And there are a number of physical, cognitive and emotional.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: It's a little bit difficult to see here, but there are some – and behavioural, sorry – and then there are three pens marks. Are these tick marks that you made that day while you're meeting with Constable Smyth? Are these tick marks and do they have any meaning?

S/SGT. ADAMS: Well, you know, I can't for sure if I made them in relation to that, but I think I may have ticked them and, you know, there was inability to rest. You know, he was moving up, he was sitting down. He was –

MS. CHAYTOR: So, first of all, let's be clear, are these notes that you made of what you observed or, or thought that you were observing with respect to Constable Smyth or were these already on your book and made in relation to something else?

S/SGT. ADAMS: I can't recall. I really can't.

MS. CHAYTOR: Okay. Now, I understood when we met that you did feel that you had made those and those were in relation to Constable Smyth that day.

S/SGT. ADAMS: It is possible, yes.

MS. CHAYTOR: But you're not sure of that?

S/SGT. ADAMS: I'm not 100 per cent sure, no.

MS. CHAYTOR: Okay. All right. So you ticked anxiety, feeling overwhelmed and inability to rest.

S/SGT. ADAMS: Uh-huh.

MS. CHAYTOR: Okay. And there are, of course, many other things there that you didn't tick.

S/SGT. ADAMS: No.

MS. CHAYTOR: And I take it you would – to be able to determine some of those you would have to actually question him and ask him about whether or not he's feeling some of these things. You wouldn't be able to tell just by observing him or looking at him.

So did you take him through any of these symptoms and ask him? Did you do any kind of formal questioning of him or any kind of questioning as to how he's feeling and whether or not, for example, how would you even be able to tell he's feeling overwhelmed? Did he tell you that?

S/SGT. ADAMS: No, no. I might have been just thinking myself when I ticked it. When I'm back in the office writing my notes, I'm probably thinking to myself my God he must feel like he has the weight of the world on his shoulders. Like, you know, I might be just thinking that myself and put the tick there by the pen.

MS. CHAYTOR: And whether or not he has any fear of guilt, grief, any of those. You'd have to take him through it and ask him how he's feeling, and you didn't do that that day I take it.

S/SGT. ADAMS: No, Ma'am, I didn't.

MS. CHAYTOR: Okay.

S/SGT. ADAMS: I talked to him about that he's probably going to have difficulty over the next, that night or the next day having trouble sleeping and he may have nightmares. He's probably going to have flashbacks to the incident and I based that on some past experience calls I've been involved in, and I phoned him the next day to see was he okay.

MR. CHAYTOR: Okay.

If we could go back then to P-0277, which are your notes, and we're going to look at page 13 of the exhibit. This is the last page in the document where I showed you briefly when we first brought the document up, there are four bullet points.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay, and before I bring that up actually or show it to you, perhaps could you tell me without looking at that what it is that you recall Constable Smyth told you about the incident?

S/SGT. ADAMS: What I recall him telling me is that he went to the house; he went inside the house. He was writing on a file. Mr. Dunphy appeared to get agitated and, you know, he raised his voice a little when he was explaining to me; he said no, no, no, no and he fired three or four shots.

MS. CHAYTOR: Okay.

All right, if we could bring up then the four bullet points which are, in essence, those four points that you've mentioned. And did you make those notes while you were there at Holyrood or was this during your telephone conversation with him as you're heading down to Holyrood?

S/SGT. ADAMS: No, okay, these are my actual notes but the bullet point were made on the jot notes that I had, papers.

If you look at the back of one of those jot –

MS. CHAYTOR: Right.

S/SGT. ADAMS: Yeah, on the back of one of those.

MS. CHAYTOR: Right. So they're right here; I'll scroll down to it.

S/SGT. ADAMS: Yeah, there ya go.

MS. CHAYTOR: Here we go. So this the four points but my question is I realize they're on your jots notes, so is this while you're with him in Holyrood that you make these or is this in your prior conversation with him as you're en route to Holyrood?

S/SGT. ADAMS: I made these when I was in Holyrood speaking to him. I stepped out to speak to the chief of police and I made, I jotted down a couple of notes on the back of the paper.

MS. CHAYTOR: Okay. And so the first one here is I had a file in my hand. Is that right?

S/SGT. ADAMS: Yes.

MS. CHAYTOR: And then the second one is he –

S/SGT. ADAMS: He became agitated.

MS. CHAYTOR: Okay.

You can read it then –

S/SGT. ADAMS: He had a gun and I fired three or four shots and I said no, no, no, no.

MS. CHAYTOR: Okay. All right.

And here you're saying I have a file in my hand. So the "I" that you're referring to here, you're actually writing down what Constable Smyth spoke to you.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay. And the "he" in this, I take it, is Mr. Dunphy.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: So you're giving his actual account, his first-hand account that he gave to you.

S/SGT. ADAMS: Yes, Ma'am.

MS. CHAYTOR: Okay. Did – other than those four points, did Constable Smyth give you any other detail? For example, did he say, he says here he had a gun. Did he say where that gun was or where that gun came from?

S/SGT. ADAMS: No, he never mentioned anything about that. He did mention that he seen a baseball bat or a bat, or a baseball bat on a chair. He mentioned that.

MS. CHAYTOR: Okay. And you say on the chair? That's what you recall him telling you?

S/SGT. ADAMS: Well, I – yeah, I didn't make a note of it, but I did recall when I was giving a statement two days later after the incident that I had mentioned to the RCMP that he mentioned that he had seen a bat, or a baseball bat, something like that on a chair or near the chair, or – I thought he said maybe on the chair.

MS. CHAYTOR: Yes. I think you told the RCMP two days later on the chair as well.

S/SGT. ADAMS: Correct.

MS. CHAYTOR: Okay. Did he mention anything in terms of the condition of Mr. Dunphy's house?

S/SGT. ADAMS: Yes, he did. He said that there was a – well, he felt there was a lot of cats, there was bugs on the floor and garbage and he mentioned that he felt for Mr. Dunphy's mental state. And I think he might have mentioned something that, you know, if this was in St. John's or in town, you know, the person would have help a lot sooner.

MS. CHAYTOR: Okay. And in terms of mentioning he had concern for Mr. Dunphy's mental state while he was there speaking to him you mean?

S/SGT. ADAMS: I'm assuming that's what he meant, yes.

MS. CHAYTOR: Okay. And did he tell you whether or not he said that to Mr. Dunphy? That he had concerns for his mental state.

S/SGT. ADAMS: I don't recall if he told me that or not.

MS. CHAYTOR: Okay. And you did say that he was writing in a file, or writing in a file folder –

S/SGT. ADAMS: He was writing on a file he said, yeah.

MS. CHAYTOR: Okay. And is that at the time that – is that at the time the gun appeared, or did you get that type of detail from him?

S/SGT. ADAMS: No, what I got from him was, he said he was writing on a file, Mr. Dunphy appeared agitated, and he said no, no, no, no and fired three or four shots.

MS. CHAYTOR: Did Constable Smyth express any concern as to whether or not it was in fact a gun that he saw that day?

S/SGT. ADAMS: No, he never; not to me.

MS. CHAYTOR: Do you know whether he did that to anyone else? Have you heard of that?

S/SGT. ADAMS: No, I don't know anything about that.

MS. CHAYTOR: Okay. And at some point in time while you're there, do the members from the RNCA also arrive?

S/SGT. ADAMS: Yes. Constable Warren Sullivan and Constable Scott Harris, who was the president and a member of the RNCA, came to the office where we were to, yes.

MS. CHAYTOR: Okay. And did you stay? Did all four of you, then, stay for a period of time with Constable Smyth?

S/SGT. ADAMS: All four of us did stay and, you know – four of us did stay. I didn't think we were there for a long time. That was, you know – Warren just came in and said, how are you doing, and how's he feeling? And I said, well, I'm here talking to him and speaking to him. We're giving him his support and he just spoke nicely to him and that. And he said, you know, you'll be okay. We'll get your through this, and that type of conversation.

MS. CHAYTOR: And did he – did Constable Smyth also relay to Constable Sullivan and Constable Harris – when they arrived, did he also relay more details or any other delays of the incident within your earshot?

S/SGT. ADAMS: He may have after we left, but I don't recall him giving a lot of incident, a lot of facts about the incident.

MS. CHAYTOR: Okay. So you didn't hear anything additional, and you didn't hear anything different than what you'd already been told?

S/SGT. ADAMS: No. The only thing maybe additional was, that I can recall, was Staff Sergeant – or Sergeant Smyth mentioned to me about some files in the vehicle, his vehicle that he had there. And I said, don't worry about that. We'll handle – we'll take care of that.

MS. CHAYTOR: Okay. And did you take care of that?

S/SGT. ADAMS: Well, when I was leaving I spoke to Staff Sergeant Tiller, I said, look, our vehicle is down here. There may be some files in there, I'm not sure, I don't know, but when you're done and – I didn't think the vehicle was going to be coming back that day, but I said when you're done with the vehicle, if you call the department we'll make arrangements for someone to pick it up. And that was the end of the conversation with Staff Sergeant Tiller.

MS. CHAYTOR: So Constable Smyth told you that he thought there were files, or there may be files in the vehicle?

S/SGT. ADAMS: I can't really recall, but he mentioned that there was – there may be files in the vehicle that he had concerns about. I just said, don't worry about – like, don't worry about that, Joey. We'll handle that; we'll take care of that.

MS. CHAYTOR: Okay. You relayed that information then to Staff Sergeant Tiller of the RCMP –

S/SGT. ADAMS: Correct.

MS. CHAYTOR: – to follow up on?

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay. And then you have no knowledge whether or not there were files in the vehicle and if and when they were removed?

S/SGT. ADAMS: No, I have no knowledge about the vehicle whatsoever, even when and if we even got it back.

MS. CHAYTOR: Okay. At any point in time during your meeting or discussion with Constable Smyth, did any member of the RCMP come into the room?

S/SGT. ADAMS: I don't recall any RCMP having any interaction with any RNC, outside of Staff Sergeant Tiller.

MS. CHAYTOR: Did you or anyone else in the room provide Constable Smyth with any advice as to the timing in which he should speak to the RCMP?

S/SGT. ADAMS: Sergeant – or Constable Warren did and I, I, I didn't provide him advice as to when he should speak to them, but I did say to Sergeant Smyth that, you know, Joey, try to relax, get yourself calm here, you've just been through a lot. They're going to be here to take your statement or interview you soon. So just try to – because his hands were shaking and that, and I just – like I said, I was there supporting and encouraging him, try to get him, for even if it was a brief period, just to become calm.

MS. CHAYTOR: Okay. And he had relayed some information to you about the incident. And was there anything that he told you that was of concern to you or were you concerned that he would not be in a frame of mind to be able to give an accurate account as to what had transpired?

S/SGT. ADAMS: Well, you know, he was through a very traumatic event here and I think it'd affect anybody, an incident like that, but he was saying he was okay and, you know, I felt down the road that he's going to need more counselling than I was providing. But he was saying he was okay, and I don't think I was there to say any different than that, just except to say, you know, you'll be okay. You'll get through this. It's going to take a while, you'll get through it. And that's sort of what I recall of that.

MS. CHAYTOR: Okay. And Constable Smyth has been here and given a great deal of evidence and he's a very articulate individual. Did he seem articulate and coherent to you during your meeting?

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay. All right.

And did you – I'm just going to bring up a piece of your RCMP statement, and that's P-0278. And it's – I just want you to explain a comment that you made there at page 11. And you recall giving your statement two days later. Do you recall who it was that you gave that statement to?

S/SGT. ADAMS: Yes, it was Constable Monty Henstridge and Corporal Mike Nippard.

MS. CHAYTOR: Okay. And is it Constable or is it Corporal Henstridge? Corporal I understand.

Page 11, and if we just look at – find where it is on page 11 for you, towards the – and this is you being interviewed by Corporal Henstridge.

S/SGT. ADAMS: Correct.

MS. CHAYTOR: And you say: I again, advised Joey – oh, okay, no back up.

S/SGT. ADAMS: I again advised –

MS. CHAYTOR: I again, advised Joey to wait until he settles down from the incident before giving his story because I think you guys, I don't know, you might've got a completely different story later on the next day, and that's just – I know sometimes here with traumatic events here, we bring someone in, and me as an officer here, interview 'em and gees, then they come back two days later and say, look, I did this, this and that. And say why didn't you tell that, you know. But I know that – and then it just seems to be a little bit disjointed then 'cause he went and that – I again ended up with – our concerns is that he's okay.

So you indicate here that they may have gotten a completely different story later the next day. Is that, is that a concern of yours and you mentioned in terms of interviewing people yourself that

they come back two days later and they call me two days later and say something different. So what are you basing that on? Is that on – is that based on your knowledge as an officer, or is that based on your knowledge in terms of Critical Incident Stress Debriefing?

S/SGT. ADAMS: Well, yeah, when I done the Critical Incident Stress Debriefing Management, you know, we were told at times that sometimes the account that people are going to give you there, there may be other things that they're going to remember a day or two later, and that when, if we do follow up as a critical incident stress debrief or diffuser, don't be surprised if someone came back to you the next day or two days later and said, look, you know, this was bothering me or I remember this that I didn't remember at the time. You know, that was probably part of it, what I was may have been referring to.

MR. KENNEDY: Excuse me, Commissioner, could I just see the top of the page, what page number we're dealing with?

MS. CHAYTOR: Page 11.

MR. KENNEDY: Okay, thank you.

THE COMMISSIONER: 0278 –

MS. CHAYTOR: Correct, 0278.

THE COMMISSIONER: – at page 11?

MS. CHAYTOR: Yes.

Okay. And I take it is practice to get statement, though, as close in time as possible from a subject of an investigation?

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay, now you indicated that you had, you had a call from the chief of the RNC while you were with Constable Smyth?

S/SGT. ADAMS: That's correct, while I was at the Holyrood detachment speaking with him.

MS. CHAYTOR: Okay. And you told us about his advice regarding EAP, and I understood you to say that he also, there were a total of four points that he made. So perhaps you could tell us then – and before you do that, how did you receive that call? Did Chief Janes call you on your cellphone?

S/SGT. ADAMS: To my recollection, he didn't call me on my cellphone because I can remember someone passed me the phone and said the chief wanted to speak to you on the phone. I think it was Constable Warren Sullivan, but I'll stand corrected on that. But someone said, Staff or Inspector, the chief wants to speak to ya on the phone, and I went out and someone passed me a phone. Now, whether it was the RCMP phone or someone gave me a cellphone, I'm not sure. But they passed me a phone and the chief said, hi Mike, this is the chief.

MS. CHAYTOR: Okay, all right. So I think when you gave your interview in December you indicated that the chief had called the detachment and you went out into another room and took the call on the phone in another room?

S/SGT. ADAMS: Yeah, I was out in another room, yes, and took the call and I was thinking maybe it went through the detachment, but I've had some time to think about this since too and, you know, it's possible that it was just a cellphone but I spoke to him on the phone anyhow in the other room.

MS. CHAYTOR: Okay. And so what were the other points? What else did the chief have to say to you?

S/SGT. ADAMS: Well he, like I said, he identified himself as the chief. He said, look, I'd like for you to pass on some, some points to Joey. He said, one, is he said would you please advise him that he's not to come to work for the next few days. We'll be in touch with him, but he's not to come to work for the next few days. He said, would you advise him that our EAP Program, our Employee Assistance Program, is available to him. Sergeant O'Reilly is available for him to speak to and he should call them.

He informed me to advise him that we're not to conduct any media releases in relation to this that the RCMP would be handling all media releases. And the fourth point he made to me he said inform Sergeant Smyth that he has my support and the support of the department.

MS. CHAYTOR: Okay. And why is it that he is telling that to you and not speaking directly to Constable Smyth?

S/SGT. ADAMS: I have no reason other than someone said the chief wanted to speak to you and I said, yes, I'll relay those four points Sir.

MS. CHAYTOR: Okay. And then you relayed that information to Constable Smyth?

S/SGT. ADAMS: I would've hung up and wrote down. I think I made a couple of notes there while I was there speaking to him and then I went back in and I said, Joey, look, I just spoke to the chief and there's some points that he'd like me to mention to you. One is not coming to work. I've had already mentioned the EAP Program to Sergeant Smyth that day, but I think this was the second or third time that now I said the chief says, you know, you should get a hold of our EAP Sergeant O'Reilly.

MS. CHAYTOR: Was there any other purpose of the call from the chief to speak directly to you? Did the chief express, for example, any concern about you being in Holyrood to speak to Constable Smyth that day?

S/SGT. ADAMS: No, there was no conversation about anything like that. No.

MS. CHAYTOR: Was there anything expressed to you in terms of your involvement in the matter?

S/SGT. ADAMS: No, there wasn't.

MS. CHAYTOR: Okay. So there was no other reason for the chief to speak to you as opposed to speaking to Constable Smyth directly?

S/SGT. ADAMS: Not that I know of, no.

MS. CHAYTOR: Okay.

THE COMMISSIONER: We're just about ready for a break, when you –

MS. CHAYTOR: Okay, well we can take a break there.

THE COMMISSIONER: – find the appropriate place there.

MS. CHAYTOR: That's fine; we can take a break there. I shouldn't be much longer.

THE COMMISSIONER: Okay.

MS. CHAYTOR: Probably an hour.

THE COMMISSIONER: Probably what?

MS. CHAYTOR: Probably an hour.

THE COMMISSIONER: Okay, thank you. We'll break for 15 minutes.

MS. SHEEHAN: All rise.

The Commission of Inquiry is now in recess.

Recess

MS. SHEEHAN: All rise.

The Commission of Inquiry is now in session.

Please be seated.

THE COMMISSIONER: Go ahead, Ms. Chaytor, when you're ready.

MS. CHAYTOR: Thank you, Commissioner.

Before we start, there's a new exhibit, please, to enter. It's P-0304. And actually, Madam Clerk, if you could just bring that exhibit up, I will ask that question in relation to that exhibit before I continue on.

Staff Sergeant Adams, these are the cellphone records of Warren Sullivan for April of 2015, or the bill date anyhow is April 15, 2015. And I'm just going to ask you to – we've redacted the numbers, or portions of the numbers. Are you able to tell me by looking at the last three digits that are left there whether or not your phone number appears? We're on page 3 right now.

S/SGT. ADAMS: Page – I'm on page three, yeah.

MS. CHAYTOR: Are any of those numbers, as we scroll down we see a 506, 734 – 586, any of those appear to be –

S/SGT. ADAMS: I can't – my home number you're referring to?

MS. CHAYTOR: Well, I would have thought that he'd call you on your – or that you spoke to him on the cellphone. You're not at home when you speak to Warren Sullivan, are you? Did you speak to Warren Sullivan? I thought you indicated you had spoken to Warren Sullivan?

S/SGT. ADAMS: If my mind – in relation to speaking Constable Sullivan outside of at the RCMP that day, do you mean?

MS. CHAYTOR: Right.

S/SGT. ADAMS: I think I may have phoned him that night from my home.

MS. CHAYTOR: Pardon me?

S/SGT. ADAMS: I don't recall calling him on my cellphone. I think I may have phoned him that night from my home.

MS. CHAYTOR: Okay.

Didn't you say that you phoned him, though, from Holyrood and asked him to pick up some food for Constable Smyth?

S/SGT. ADAMS: No.

Staff Sergeant Tilley –

MS. CHAYTOR: Tilley did that.

S/SGT. ADAMS: I didn't have any conversation with Constable Warren until he showed up at Holyrood. I had no conversation whatsoever.

MS. CHAYTOR: Okay, so you had no conversation with him?

S/SGT. ADAMS: No, Ma'am.

MS. CHAYTOR: If we look on the previous page of the exhibit, do you see your phone number anywhere on that page? If you just scroll down through those numbers. Yes, it would be the last three digits, I would think, of your cellphone, if it were there.

S/SGT. ADAMS: It's not standing out at me.

MS. CHAYTOR: Okay. What are the last three digits of your cellphone, at that time?

S/SGT. ADAMS: I'm trying to remember 325-5030 is the one I have now. I don't recall the phone I had –

MS. CHAYTOR: Okay. All right, well, we'll move on then.

How long were you with Constable Smyth at Holyrood that day?

S/SGT. ADAMS: You know, I've since thought about it and I'm thinking an hour I was up in Holyrood the whole time. I may be 20 minutes waiting for him and may be 20 minutes to a half hour with him before the chief phoned me.

MS. CHAYTOR: Okay, before the chief called you and then did you stay after you spoke with the chief?

S/SGT. ADAMS: My recollection was after I spoke with the chief we went in and we were there just minutes and we left, myself and Staff Sergeant Tilley.

MS. CHAYTOR: Okay. And was there any reason for that, after you spoke to the chief you left shortly after?

S/SGT. ADAMS: No, there was no reason. It's just Warren was there and Scott was there and they were talking to him then and I didn't – I don't know if he may want to say things to them in relation to him being a member, president of the association or not, but he was there and I felt, you know, he had support from other officers now –

MS. CHAYTOR: Okay. And you indicated earlier that before you left you spoke to Staff Sergeant Tiller to relay the concern of Constable Smyth in terms of anything in the vehicle, any files that might have been in the vehicle. Did you speak to anyone else before you left that day, or did you and Staff Sergeant Tiller have any other discussion before you left RCMP?

S/SGT. ADAMS: No, I just called him and tell him, say thanks and about the files in the car; that was it.

MS. CHAYTOR: Okay. And so nobody from the RCMP asked you any information in terms of what you had discussed or what Acting Sergeant Smyth may have discussed with you during your meeting?

S/SGT. ADAMS: No, Ma'am.

MS. CHAYTOR: Okay.

And then did you report to anyone in the RNC the substance of your discussion with Constable Smyth?

S/SGT. ADAMS: No, I never. The only, no, because – no, I never spoke to anyone outside of giving the deputy the update when I was going up there and speaking to the chief, that was going back and taking my notes. The next time I ever spoke to anyone in relation to this incident was two days later when I got a message to call the RCMP Constable Henstridge.

MS. CHAYTOR: Okay. And so then what did you do after you left the RCMP that day?

S/SGT. ADAMS: We headed back, there was another call of a sudden death that we had and I think the members were looking for a supervisor in relation to that and we were going to head to that sudden death but, on the way back, I think everything was okay, they didn't need us, so we went back to headquarters.

MS. CHAYTOR: And that's when you wrote up the notes that we looked at earlier?

S/SGT. ADAMS: Yeah, I went to my office and Staff Sergeant Tilley I guess went to his office, and I sat down and wrote some notes.

MS. CHAYTOR: Okay. And the notes that we have in evidence here, they were completed that evening after you got back to your office.

S/SGT. ADAMS: Yes, Ma'am.

MS. CHAYTOR: Okay. Except for the one obviously two days later, April 7, when you make a note of your discussion with the RCMP.

S/SGT. ADAMS: Yes, and the one with Grant Little on the –

MS. CHAYTOR: Right, in May or June, right. Okay.

Staff Sergeant Adams, prior to April 5, 2015, did you know Donald Dunphy?

S/SGT. ADAMS: No, Ma'am, I never knew Donald Dunphy.

MS. CHAYTOR: Had you ever heard of Donald Dunphy?

S/SGT. ADAMS: No, Ma'am.

MS. CHAYTOR: Okay.

Do you know Dick and Debbie Dunphy?

S/SGT. ADAMS: I know them quite well.

MS. CHAYTOR: Okay. And I understand you're very good friends with them.

S/SGT. ADAMS: Yes, we're friends, yeah.

MS. CHAYTOR: Okay. And how is it that you know Dick and Debbie Dunphy, and how long have you known them?

S/SGT. ADAMS: I'm going to say I know them since 2006. I built a summer home up in Salmonier, in that area, and Dick Dunphy done some excavating work for me and we became friends, and –

THE COMMISSIONER: Around 2006 you're saying –

S/SGT. ADAMS: Yeah, 2006?

MS. CHAYTOR: Okay. So approximately, you knew them approximately nine years at the point of April 2015 –

S/SGT. ADAMS: Nine or 10 years, yes.

MS. CHAYTOR: Nine or 10 years.

S/SGT. ADAMS: Correct.

MS. CHAYTOR: Okay. And you got to know them because you had, you built a summer home in the vicinity of Mitchells Brook; is that right?

S/SGT. ADAMS: Well, I built the summer home in St. Catherine's; it's 10, 15 minutes away.

MS. CHAYTOR: Okay. All right.

And in terms of your friendship with them, how often would you see Dick Dunphy?

S/SGT. ADAMS: I'd see him once a week usually on Mondays. He would come into St. John's on Mondays; his wife would take some type of classes and he would stop over for an hour and have a cup of tea.

MS. CHAYTOR: Okay.

S/SGT. ADAMS: And you know, we've spent time in trouting, we've spent time picking berries in the summer, blueberries and that type of thing, yeah.

MS. CHAYTOR: Okay. And so was this going on in terms of meeting with him at least, or meeting with him once a week, was that also the case back in April of 2015?

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay. All right. So he's someone that you see quite frequently.

S/SGT. ADAMS: Yes, I see him quite a bit.

MS. CHAYTOR: And you were seeing quite frequently as well back in the 2015?

S/SGT. ADAMS: That would be correct.

MS. CHAYTOR: And is that still the case today?

S/SGT. ADAMS: Yes, it is, Ma'am.

MS. CHAYTOR: Okay. Are your wives also friends?

S/SGT. ADAMS: Janet and Debbie, I would consider them friends, yeah. We went, we went out one time to a concert and for supper one time, yeah.

MS. CHAYTOR: Okay. And Janet, Janet I take it is your wife's name?

S/SGT. ADAMS: That's correct.

MS. CHAYTOR: Okay.

And in addition to seeing him weekly, do you also speak to him on the phone?

S/SGT. ADAMS: Yeah, we speak, I speak to him on the phone on occasions, when I'm not working or something he'll phone some evening, you know, talk about ice fishing or, you know, call about a joke about something or other like that, yeah.

MS. CHAYTOR: Okay. And do your wives also speak to one another on the phone?

S/SGT. ADAMS: I don't know if they do that a lot because Dick usually phones in the evening or something and my wife works all day so, but they've had occasion to speak I would say, yes.

MS. CHAYTOR: And so is it Dick's practice to phone you every day?

S/SGT. ADAMS: No, I won't say every day, but, know you, he phones me two or three times a week or I phone him, you know.

MS. CHAYTOR: Okay. All right. So in addition to seeing each other once a week, you also speak at least two or three times a week.

S/SGT. ADAMS: I would say that's correct, yes.

MS. CHAYTOR: That's fair. Okay. And that would have been true back in April of 2015 as well?

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay. And you never heard him mention his brother Donald.

S/SGT. ADAMS: No, he mentioned – he spoke a lot about his brother Kevin, who I’ve met a number of times and he spoke about his brother Bart, who he spoke about and I’ve met a few times in ice fishing, real nice people. And he never ever spoke about any brother or sisters that he, that he would have had, no. That’s the only two that I know of.

MS. CHAYTOR: And you’ve met, you’ve also met Kevin. Have you socialized with Kevin?

S/SGT. ADAMS: I’ve been in ice fishing and Kevin’s been there and yeah, you know, Kevin lives in St. Catherine’s where I have a summer home and I guess the road that I’m on, Walsh’s Hill, he goes down that sometimes and I might be out mowing the lawn or something, we’ll stop and talk and he’ll say he’s going in trouting or have I been in lately trouting or something like that, yeah.

MS. CHAYTOR: And he never mentioned his brother, Donald, either?

S/SGT. ADAMS: No, there was never any conversation with Dick Dunphy, his brother Bart that I met or Kevin, about a brother Donald, no.

MS. CHAYTOR: Okay. So you didn’t even know he existed? You knew that other two brothers existed but you didn’t know there was a brother Donald.

S/SGT. ADAMS: No, Ma’am.

MS. CHAYTOR: Okay.

And so the Commission has heard evidence of a long-strained relationship between Donald Dunphy and Dick and Debbie Dunphy and that was never mentioned to you over the course of the nine or 10 years of your friendship?

S/SGT. ADAMS: No, we never – the, the only time that I found out that Dick had a brother Donald was the evening of the shooting when I was back in my office, writing my notes.

MS. CHAYTOR: Okay. And so when you’re meeting with Constable Smyth, you know the name that – you know it’s Donald something who has been shot.

S/SGT. ADAMS: Yes, I do.

MS. CHAYTOR: You knew that. Okay.

And at the point in time that you’re speaking with him, you’re saying that you didn’t make the connection, though, that Donald Dunphy was the brother of your good friend.

S/SGT. ADAMS: No, I never.

MS. CHAYTOR: Okay.

And Mitchells Brook is not a big place in terms of population.

S/SGT. ADAMS: No, it’s – I’m guessing, say maybe there’s 400 or 500 houses there in Mitchells Brook, Mount Carmel. I’m only guessing at that.

MS. CHAYTOR: Okay.

And it didn't occur to you to ask any questions as to whether or not there might be a connection to your good friend?

S/SGT. ADAMS: No, it never.

Like when I went up that day to speak to Sergeant Smyth my focus was on support and encouragement for him, and it – I never, no.

MS. CHAYTOR: And you said you didn't realize the connection then until you got back to St. John's some time that evening?

S/SGT. ADAMS: I was back in my office when I found out, yes.

MS. CHAYTOR: And how did you find it out at that point in time?

S/SGT. ADAMS: I'm not sure if I had phoned my wife Janet, or if she phoned me at the office, but it was one or the other and I was running a little late. And anyhow she called and I said I'm a little late. She said Dick is after phoning the house three or four times for you. And apparently that's his brother involved in a shooting in Mitchells Brook.

MS. CHAYTOR: Okay.

And so Dick Dunphy had been calling your house.

S/SGT. ADAMS: He had called my house three or four times my wife informed me and she said that's Dick's brother – I don't think she said a name, or she said that's Dick's brother involved in the shooting in Mitchells Brook.

MS. CHAYTOR: Okay.

And so obviously she learned that, I guess, from Dick Dunphy in his calls that he placed to the house; is that right?

S/SGT. ADAMS: I'm assuming that, yes.

MS. CHAYTOR: Okay.

Did you have any discussion with your wife prior to heading out to Holyrood that day?

S/SGT. ADAMS: I had no – there was no conversation with my wife that day, only when I called her that evening, or she called me, one or the two.

MS. CHAYTOR: Okay.

So during your meeting then with Constable Smyth on April 5, did he mention that he had visited a Dick and Debbie Dunphy prior to going to see Donald Dunphy?

S/SGT. ADAMS: I don't recall if he did or not. I really don't.

MS. CHAYTOR: Okay.

And do you recall in the interview that you gave in December; you said no, that it wasn't mentioned, that he'd never mentioned that?

S/SGT. ADAMS: Yeah, I don't recall him saying that to me, I really don't.

MS. CHAYTOR: Okay.

So now, Staff Sergeant, is it possible that he, in fact, did mention that in your presence that he had visited a Dick and Debbie Dunphy?

S/SGT. ADAMS: Well, I don't think it was because I think if he had to, I would have said to him, you know, oh they're friends of mine, you know. So I don't recall him saying that to me, no.

MS. CHAYTOR: Okay.

And if Constable Warren Sullivan were to say that it was mentioned in your presence, what would you say about that?

S/SGT. ADAMS: I would say that I can't recall saying it. I can't, I don't recall him saying it to me and if it was said, I didn't for whatever reason I didn't put it together but I'm thinking –

MS. CHAYTOR: Well, you would have put it together that they were your friends, Dick and Debbie Dunphy.

S/SGT. ADAMS: Yeah, if he had to say I've been to Dick and Debbie's, I think I would have said well, yeah, they're friends of mine. I think I would have said that too.

MS. CHAYTOR: Right. Yeah, you would have disclosed that.

S/SGT. ADAMS: Yeah.

MS. CHAYTOR: So if Constable Sullivan were to say that you in fact did do that, you spoke to up and said that you knew Dick Dunphy, would Constable Sullivan be wrong in his recollection?

S/SGT. ADAMS: I don't think he'd be wrong, but I don't recall that portion. What I do recall is the first time that I realized that was Dick – that Dick had a brother, Donald, was when I was back in my office and my wife Janet phoned me or I phoned her.

MS. CHAYTOR: It seems like if that were mentioned, obviously, you would have spoken up. If Dick and Debbie Dunphy's name came up, you would have said and wouldn't you then have made some connection as to well why are you going to see Dick and Debbie? Wouldn't the conversation –

S/SGT. ADAMS: Well, yes, I'm saying I think I would have if that had to come up, but I don't recall anything like that.

MS. CHAYTOR: Okay.

And again you didn't ask any questions as to who this Donald Dunphy person was of anyone?

S/SGT. ADAMS: No, I didn't, Ma'am.

MS. CHAYTOR: Okay.

Staff Sergeant Adams, the Commissioner also heard from Rita Farrell on Friday. Do you know Ms. Farrell?

S/SGT. ADAMS: Yes, I do.

MS. CHAYTOR: Okay.

Did you listen to any of her evidence or have you otherwise heard what she had to say in referencing your wife in her evidence?

S/SGT. ADAMS: I haven't listened – the only evidence that I've heard in relation to this inquiry is if I was home and put on the 6 o'clock news, *NTV* or something and somebody would be interviewing someone; there'd be a blitz on that. Outside of that, I haven't spoken to anyone about this.

MS. CHAYTOR: Okay, so my question is whether or not you're aware of what Ms. Farrell said –

S/SGT. ADAMS: No, I'm not aware, Ma'am.

MS. CHAYTOR: Okay.

And so her evidence was that she spoke with Debbie Dunphy and she timed it somewhere around 3:30 or 4 p.m. on April 5, the day of the shooting. And so that would have been certainly after you spoke to Joe Smyth on the phone.

S/SGT. ADAMS: Right.

MS. CHAYTOR: And from what you've told us that would be around the time that you were at Holyrood, is that correct, meeting with Joe Smyth?

S/SGT. ADAMS: That would sound correct to me, yes.

MS. CHAYTOR: Okay.

From what Ms. Farrell told us, she said that Debbie Dunphy told her, because she was trying to get a hold of Donald Dunphy who was her friend –

S/SGT. ADAMS: Right.

MS. CHAYTOR: And so then she called Debbie Dunphy's house and she spoke with Debbie Dunphy and she said that Debbie Dunphy told her that she had been speaking to your wife Janet –

S/SGT. ADAMS: Uh-huh.

MS. CHAYTOR: Okay.

And your wife was able to relay to Debbie Dunphy about the officer involved, that he was a good person in terms of a good officer, a good community worker, that type of thing. So how would your wife have information in terms of who the officer was at that point in time, 3:30, 4 p.m. in the afternoon?

S/SGT. ADAMS: I don't have any call – I never said anything like that that I recall. I know my wife had brought it up to me that Joey was a good officer way prior to this because she works for the city and he had been down there on committees. And she had said, you know, they're very

positive down at city about him, they like him; he's a good officer and that. But I wouldn't have no knowledge how Ms. Farrell would have that.

MS. CHAYTOR: Okay. And so in terms of how your wife would have any knowledge as to who the officer is, that didn't come from you.

S/SGT. ADAMS: It didn't come from me that it was Joe Smyth.

MS. CHAYTOR: Okay. All right.

And you're, you did not have any communications, you're saying, with your wife prior to heading out to Holyrood, nor did you have any communications with her while you're in Holyrood. Is that correct?

S/SGT. ADAMS: No, I had none; no conversation with her until I was back at my office.

Ms. CHAYTOR: Okay.

Well, how about Dick and Debbie Dunphy. Did you communicate with them at any point in time following the shooting?

S/SGT. ADAMS: I did.

MS. CHAYTOR: Okay. And when was that and what was discussed?

S/SGT. ADAMS: Well, when I'd finished up in my office and done my notes and realized now that this – in fact, Dick did have a brother, Donald, that was him, I was feeling really bad for the family, for Dick and them. And I sat in my office and thought about, you know, that for a while.

And I went home and I said to my wife I'm going to have to phone Dick. And I phoned Dick and I said look Dick, I'm just calling, I understand it's your brother, I feel really sorry about that; I hope, you know, you and Debbie, everything works out, is going to be okay for you. And I offered my sympathies, really.

MS. CHAYTOR: And what did Dick Dunphy say to you?

S/SGT. ADAMS: Dick don't say a lot. And he just said – he said how's the officer doing? And I said he'll be okay. You know, it'll take a while but he'll be okay. So he seemed concerned how the officer was doing. And he said something about the fact if – I think he said: If I knew he had a firearm I would have told the officer – something to that effect. So I took it that he didn't know he had a firearm.

And I sort of said you know, Dick, the RCMP are doing the investigation in this and I don't know anything about the investigation, they're handling that. And I didn't think it was appropriate for me to talk to him about an RCMP investigation that was on the go because, well, I didn't know anything about it anyhow but that's not something I would do. That's their investigation, they were handling it. But that was a very brief conversation with him, was to offer my condolence because I didn't know him and his brother didn't get along at that point and –

MS. CHAYTOR: And he didn't tell you that in your conversation the evening of April 5?

S/SGT. ADAMS: No. All I remember from our conversation was it was very brief; you know, how is the officer doing, I hope he'll be okay, yeah, he'll be fine, you know, if I had to know he

had a firearm over there I would have told the officer. That was what I can recall of that conversation that evening.

MS. CHAYTOR: Okay. And did you relay that information, then, or the substance of your discussion with Dick Dunphy to anyone else?

S/SGT. ADAMS: Yes, I did, because I was thinking – I had time to review this when I was home and thinking about it. And I spoke to my wife and she – I phoned Warren Sullivan that night.

MS. CHAYTOR: I'm sorry, you had time to review this when?

S/SGT. ADAMS: I spoke, I went – when I was home and I had the – I asked my wife. I said, you know, when I was home that evening, did I make any other calls and that on this? And she said, yeah, you spoke to Warren Sullivan so.

MS. CHAYTOR: So this is after, you're saying. After you had your interview with us in December you've had this discussion with your wife?

S/SGT. ADAMS: Yeah, this was after when I came back and I'm reading over the material and everything on the night I called. I'm trying to remember exactly what said on the phone because I didn't have notes to it. When you gave me the trans – copy of this transcript, then I had a –

MS. CHAYTOR: And you didn't remember any of that at the time that we met in December? You didn't remember any discussion with Warren Sullivan?

S/SGT. ADAMS: No, I didn't. No.

MS. CHAYTOR: Okay.

S/SGT. ADAMS: No.

MS. CHAYTOR: All right. And so you spoke to your wife about it and refreshed your memory that way, is that what you're saying?

S/SGT. ADAMS: She, she said, yeah, you were speaking to Warren because I was trying to find out if Dick had phoned me or I had phoned him that night because I couldn't remember because she said, some calls, and I wasn't sure if I had phoned him that night or he phoned me.

MS. CHAYTOR: Okay. And what did you tell Warren Sullivan that Dick Dunphy said to you?

S/SGT. ADAMS: Oh, I think all I said was – to Warren was that, you know, speaking to my friend, Dick Dunphy, and he asked if the officer was okay; he had concern if the officer was okay and if he had to know he had a firearm there, he would have told the officer.

MS. CHAYTOR: And why are you calling Warren Sullivan to tell him that?

S/SGT. ADAMS: Because Warren was the last one had been with Joey when I left here in Holyrood that day.

MS. CHAYTOR: And was your intent that Warren Sullivan pass that information along to Joe Smyth?

S/SGT. ADAMS: Well, that's what I assumed he would do as president of the association, would pass it on that, that my friend, Dick, had shown some concern for the officer, was he okay. Yeah.

MS. CHAYTOR: Well, why wouldn't you call Joe Smyth and tell him that yourself.

S/SGT. ADAMS: I could have but I guess I didn't. I just phoned Warren for whatever reason, I guess.

MS. CHAYTOR: Did you tell Warren Sullivan anything to the effect that Dick Dunphy said: I can't believe I let him go over there and put him in harm's way?

S/SGT. ADAMS: No, I don't. I can't recall anything like that about any – my friend, Dick Dunphy, saying anything like that about him going over in harm's way. I don't recall that, no.

MS. CHAYTOR: So the only thing you recall Dick Dunphy saying is to express concern how is the officer doing and to indicate if I'd known he had a firearm I would have told him.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: That's the only two things you recall him saying.

S/SGT. ADAMS: That's what I basically recall about that conversation, you know: How is the officer doing? I said he'll be fine.

MS. CHAYTOR: I think you said earlier today that you spoke then, directly with Constable Smyth yourself the next day. You called him?

S/SGT. ADAMS: I phoned him the next day, spoke to him very briefly. And I think I opened up by saying I guess you didn't sleep too well and he said no. And I said how are you doing? You know, he said you know okay, I guess. And I just called to say, look, you know, I hope – you know, I hope you'll be okay. And he had talking to me about a trip he was going to go on with his wife and son to Florida and I just suggested, I said, you know, it'd probably be a good idea go to go on your trip and try to forget about some of this and go on your trip with your family.

MS. CHAYTOR: Okay. And so this is April 6 that you're speaking to Constable Smyth?

S/SGT. ADAMS: I think it was the next day, yes.

MS. CHAYTOR: And so that's the same day that he gave his statement to the RCMP. Do you know what time in the day you spoke to him? Had he already given his statement to the RCMP when you spoke to him?

S/SGT. ADAMS: I don't think so because I think I was speaking to him in the – I don't know when he gave his statement to the RCMP but it was in the morning when I was speaking to him. I was working the next day.

MS. CHAYTOR: Okay. So that would have been before he gave his statement.

S/SGT. ADAMS: I would – I don't know but I phoned him in the morning.

MS. CHAYTOR: According to our records he gave his statement around 3 o'clock that afternoon.

S/SGT. ADAMS: Oh no, I phoned him in the morning.

MS. CHAYTOR: Okay. All right.

So in that conversation that you had with Constable Smyth did you tell him the information that you had received from Dick or Debbie Dunphy?

S/SGT. ADAMS: No, I don't believe I did. I –

MS. CHAYTOR: You didn't speak directly to him about that conversation?

S/SGT. ADAMS: I don't recall that, no.

MS. CHAYTOR: So you didn't say: Has Warren spoken to you? Did he tell you that I was speaking to Dick and here's what Dick had to say? You didn't say anything like that to him?

S/SGT. ADAMS: No, Ma'am.

MS. CHAYTOR: Did you otherwise discuss the incident or any details of the incident with Constable Smyth on April 6?

S/SGT. ADAMS: No, outside of just talk – asking how he was, you know, hang in there, you're going to be okay, you'll get through this and, you know, you should take your trip.

MS. CHAYTOR: You, yourself, then gave a statement the next day, April 7.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Did you have any further discussions with Constable Smyth or anyone else, including Dick Dunphy, prior to giving your statement on April 7 to the RCMP?

S/SGT. ADAMS: The only one was – well, I spoke to Grant Little.

MS. CHAYTOR: You didn't speak to Grant Little until May or June of 2015.

S/SGT. ADAMS: Yeah. You're talking – oh, before that you mean?

MS. CHAYTOR: Before going to the RCMP to give your statement on April 7, did you discuss this incident with Constable Smyth, Dick Dunphy or anybody else?

S/SGT. ADAMS: No.

MS. CHAYTOR: During your statement on April 7, 2015, you make no mention to the RCMP of your relationship with Dick and Debbie Dunphy. Why is that, Staff Sergeant Adams?

S/SGT. ADAMS: I don't, I really don't have an answer for it. There was no particular reason. I guess if they had to ask me I would have said. It wasn't something that – our friendship was something I'd hide, you know, I mean go to Tim Hortons, have a coffee and stuff like that.

So I don't know why I didn't tell them. I guess they didn't ask and I didn't think of it. I don't know, I can't really say why.

MS. CHAYTOR: What about the phone call that you received the night before? Wouldn't that have been of interest and relevance to the RCMP in doing their investigation?

S/SGT. ADAMS: Which phone call is this?

MS. CHAYTOR: The fact that you learned in a telephone call, you're telling us, that Dick and Debbie Dunphy had been visited by Constable Smyth.

S/SGT. ADAMS: Right.

MS. CHAYTOR: You learned that in the phone call. And that he mentioned, if I'd known he had a firearm I would have passed that information along. Wouldn't that have been of some relevance to the RCMP?

S/SGT. ADAMS: Yeah, I think it would have – it would have added another witness or information for them. Every bit of information, I guess, when you're doing an investigation would help. I guess it would, but there was no reason why I didn't give them that information. It just didn't come to me. There was no – no particular reason that I, that the information wasn't given to them.

MS. CHAYTOR: Did you know at the point of April 7 – did you know whether or not Dick and Debbie Dunphy had already been contacted by the RCMP?

S/SGT. ADAMS: I don't recall that, no.

MS. CHAYTOR: So when you spoke with Dick Dunphy the evening of April 5, did he mention whether or not he had already spoken with the RCMP?

S/SGT. ADAMS: He may have, I don't recall. I really don't.

MS. CHAYTOR: Did you give him any advice in terms of that he should speak with the RCMP?

S/SGT. ADAMS: Not that I recall. I never gave him no advice in relation to speaking to the RCMP.

MS. CHAYTOR: Would you think Dick Dunphy would be someone – you've learned that he, they had obviously spoken with Constable Smyth and do you think Dick Dunphy would have been somebody of importance for the RCMP to speak with?

S/SGT. ADAMS: Yes, but I – but, you know, I didn't know if maybe they already spoke to him. Like, I just –

MS. CHAYTOR: And you didn't ask any of those questions?

S/SGT. ADAMS: No, I didn't, no, Ma'am.

MS. CHAYTOR: In fact, Staff Sergeant Adams, the RCMP learn through other sources of your connection with Dick and Debbie Dunphy, don't they? And then they follow up with you to get information on that. Isn't that correct?

S/SGT. ADAMS: Yes, they called me – I think it was Constable Henstridge called me in April, late April and asked me did I know, asked me did I know Dick and Debbie Dunphy and asked me how I knew them.

MS. CHAYTOR: Okay. And what did you tell him?

S/SGT. ADAMS: I told him I knew them. I had a summer home down in the area and I've known for, however many years, eight or whatever, and they were friends of my wife and I.

MS. CHAYTOR: And did you tell them then about your discussion on the evening of April 5?

S/SGT. ADAMS: No, I don't believe I did.

MS. CHAYTOR: And why not?

S/SGT. ADAMS: It just didn't come to me to tell them.

MS. CHAYTOR: Okay.

Now, if we could bring up P-0281, please. What I'm going to show you here is a daily log report. It's a section from the RCMP records, and on the bottom we have a note which is made by Corporal Henstridge. He says he spoke to Inspector Adams at this time, and the time given is April 24, 2015, 10:54.

"Spoke to Inspector Adams at this time. He advised that Dick Dunphy is a friend of him and he has spoken to him since the shooting. However, there was" – in capital letters – "NO conversation about the shooting. He called him on the day of the funeral to pass on condolences and to say he wouldn't be able to attend. Inspector Adams said he intentionally didn't bring up the topic with Dick."

Okay. So you thought to tell him about – you had called him on the day of the funeral of his brother, but no mention of the April 5 discussion, the evening of the shooting?

S/SGT. ADAMS: Right.

MS. CHAYTOR: Okay. And is there any reason for that?

S/SGT. ADAMS: There's no reason that I can recall.

MS. CHAYTOR: Is this an accurate summary of your discussion with Corporal Henstridge on April 24?

S/SGT. ADAMS: That seems to be correct, yes.

MS. CHAYTOR: Um, I have a number of questions then for you regarding your statement that you gave and I believe that statement was to Corporal Henstridge. Is that correct?

S/SGT. ADAMS: It was.

MS. CHAYTOR: On April 7?

S/SGT. ADAMS: Yes.

MS. CHAYTOR: So if we could bring up P-0278, please. And while that exhibit is coming up – Staff Sergeant Adams, in all the discussions that you have had with your friend Dick Dunphy since, have you ever discussed the shooting incident and his brother's death?

S/SGT. ADAMS: No, I haven't. And, one, you know, I just didn't think it would be appropriate. Two, I think he respects me as a police officer and he hasn't brought it up and I haven't brought it up to him.

MS. CHAYTOR: And how about your wives? Have you been present when they have discussed the incident?

S/SGT. ADAMS: No.

MS. CHAYTOR: And I take it you socialize, the four of you sometimes?

S/SGT. ADAMS: Since the – yeah we, yeah we were out to a concert and a few things like that, but that wasn't a discussion that we brought up.

MS. CHAYTOR: Okay. So in all those weekly meetings and two or three telephone calls a week, in all of that time since, you've never discussed the shooting of Donald Dunphy?

S/SGT. ADAMS: No.

MS. CHAYTOR: Okay.

I'm going to look at page 7, please, of this document. Okay. First of all, before we get into the details of the statement, did you – how did you find the interview with Corporal Henstridge?

S/SGT. ADAMS: He came in and requested to speak to me. He came to my office. He said I'm going to do an audio taping of the interview and he asked me could he take some photos of my notes. He turned it on and I pretty well spoke, yeah.

MS. CHAYTOR: Okay. It's a pretty well standard statement.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay. And did he tell you the purpose of why you would need to give an interview? Why were you being interviewed?

S/SGT. ADAMS: Why would he interview me?

MS. CHAYTOR: Yes.

S/SGT. ADAMS: I guess it was in relation to me going up that day speaking to Joey.

MS. CHAYTOR: So he wanted to know what had been discussed with Constable Smyth. Is that right?

S/SGT. ADAMS: Yeah, that's correct.

MS. CHAYTOR: Okay. That was the main purpose you understood. That's why you're involved. Obviously you had no other involvement, did you?

S/SGT. ADAMS: No.

MS. CHAYTOR: Okay. And if we could look – is this page 7, Madam Clerk? Okay.

And towards the top here –

S/SGT. ADAMS: Uh-huh.

MS. CHAYTOR: You indicate in answering a question: I came out here to help and I tried, you know – and I’ll just give the gist because there’s a lot of extra verbiage but – just to bring him up, I needed that to diffuse him, to try to bring him down, cause he was there, you know I mean, it’s not an easy for anybody, right, you know.

And then it says there’s some mumbling. And then: that’s right, so Sullivan and Harris come in, and Scott Harris said very little. And then you say: “Joey, he made some comments to me, I’ll give ya later on.”

What comments are you referring to, and then did you subsequently give comments to Corporal Henstridge? And why wouldn’t you just tell them on the record what those comments were?

S/SGT. ADAMS: Because the comments I was referring to was the ones I had on the back of the two-note pages with the phone numbers on the back, the comments there. So I had it wrote down. So I said – I figured it was going to come back to that and I advised them of that.

MS. CHAYTOR: Okay. So are you talking about the four bullet points that I reviewed with you earlier?

S/SGT. ADAMS: Yeah, where he said I was writing on a file and he became agitated and no, no, no. I had that wrote on the back. So I sort of said I’ll come back to that after because I knew I had that on a note that I was going to disclose to him.

MS. CHAYTOR: Okay. Were there any other comments that you gave to Corporal Henstridge other than what appears in your statement? Did you have any other discussion with him off the record?

S/SGT. ADAMS: No, I had no – no, outside of when it was done, you know, he said thanks very much. I showed him out of the RNC building and that was the end of that.

MS. CHAYTOR: Okay.

If we could look at page 9, please. I’m just going to show you a number of comments here and just ask you in terms of the point of some of the comments that are made here. If we come down towards the middle of page 9, you refer to, “I’ve had a great working experience with you guys.”

Are you referring to the RCMP?

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay. And during your statement, then, to the RCMP, and you understand they’re doing an investigation, what’s your point in referring to your great working relationship with them?

S/SGT. ADAMS: What I was, well I, what I was referring to was at the kennels, when I was training, tell them about my training at the dog kennels, and some of the, a couple of the trainers became my personal friends, been good friends of mine ever since, been out training, you know, was out there from Newfoundland, in Alberta and they treated me really good. They used to take me to their house for lunch. I was staying in a hotel or a motel when I was there for six months. And, you know, I just was trying to tell them you know when I worked with those guys, they were great. They were really good; treated me very good.

MS. CHAYTOR: Okay.

And then page 10, if we could skip to the next page please, Madam Clerk. And if we come down towards the bottom here, and you're saying, you're giving him – Sergeant Warren, and this seems to be broken up here in terms of what you were trying to say. Dunphy appeared to get agitated, Dunphy pulled a gun out, and Joey really emphasized this, and he said no, no, no, no, and then he said there was shots, and then he said shots were fired he said, maybe three or four. Now I was trying to interrupt him, 'cause I didn't – and then Corporal Henstridge, there's laughter from Corporal Henstridge.

S/SGT. ADAMS: Yep.

MS. CHAYTOR: I didn't need to know it, 'cause I knew I'd get it from you guys later on, but – and then he says but for him a part of the, part of it was he had to get that out. You say and I see, but that some people don't understand I knew it, 'cause I was trying to interrupt him, me and Reg, and say right – and then it goes on from there. So just, what is – what do you recall? What's happening here in this exchange with you and Corporal Henstridge, and why is Corporal Henstridge laughing at this?

S/SGT. ADAMS: I, I can't understand – I don't, I can't understand why he was laughing; I don't recall why he was laughing. And when I said, you know, I'll get it from you guys later on, and I probably used that a few places, what I meant was the RCMP were going to do a complete investigation in this and when it was done, the answers would come out to everybody when it was done. But why he was laughing –

MS. CHAYTOR: Was anything particularly funny about that?

S/SGT. ADAMS: No, I don't find anything particularly funny about that, no.

MS. CHAYTOR: Okay. And you're suggesting I knew I would get it from you guys later on; are you saying you're going to get information from the RCMP later on about their investigation?

S/SGT. ADAMS: No, no. What I'm saying there is when the RCMP have finished their investigation, concluded, it would come out in public and we would get the information later on. So –

MS. CHAYTOR: What does that have to do about interrupting Constable Smyth and not letting him tell his story?

S/SGT. ADAMS: I'm not sure, but I know – I attempted to interrupt him a few times that day, not to tell his story, to relive it, just to support him.

MS. CHAYTOR: Could it be that you meant I'm going to get it from you guys later on, did you – are you saying well, I'm going to get – they're going to be annoyed with me or they're going to come and question me if you tell me your story? Could that be the context of your remarks?

S/SGT. ADAMS: No, that wasn't the context of that whatsoever.

MS. CHAYTOR: So what you're telling the Commissioner is that what you meant here is that no need for Constable Smyth to tell you anything; you're going to hear it from the RCMP when the investigation concludes.

S/SGT. ADAMS: No, what I was saying there is when the RCMP had completed their – conducted their investigation and they had done their investigation, it's over, we would hear about it. The public, the police, I would hear about it then, that's what I was saying to them. In

relation to telling Joey I don't need to hear it, I just didn't want him to relive it and felt I was there to support him. But it wasn't in that context.

MS. CHAYTOR: Could we have page 12, please?

And this is Corporal Henstridge saying, and he's referring to – he's giving you some information regarding he's already interviewed Constable Smyth and he's telling you I think he had an incredible recollection then – and you would say, great – during his statement. And you say: 'Cause he went and that what – and again there's something unintelligible here. I again ended up with, when our concerns in fact he was okay as the RCMP would do a complete investigation in this incident.

And it continues on down towards the middle of the page, Constable or Corporal Henstridge says to you: I don't really have a single question, do you? I, I think you – and you say you know. And then he says: I think you pretty much covered that in detail and just for your benefit, there was certainly nothing that he said to you that was in any way varied from what he told us. The only difference of course that he went into unbelievable lucid detail as to what he recalls and, you know, he was very open to acknowledging when he didn't remember certain facts and so on. So I, I appreciate you telling – and then you say I think if we gave him the opportunity, he would have with us. I sort of, you know, it was going, it was an investigation. Like I said, I'm 34 years; I knew there would be an investigation. I knew it was going to come with your guys.

So I have a couple of questions for you around that, Staff Sergeant Adams. One is back to my question to you earlier, was your reluctance in having Constable Smyth speak to you that day because you knew there would be an RCMP investigation and you didn't want to have the details or have anything told to you by Constable Smyth that you would have to then provide to the RCMP?

S/SGT. ADAMS: No, I didn't, I don't think I looked at it that way. Like I said, I looked at him having to relive the story if he told me. He was going to have to tell it to the RCMP that day when they came to interview him and I think I just looked at him having to review it, and I went there in relation to traumatic event he had just been involved in, and I didn't need to know the story to know that this had to be a very, very difficult situation and very difficult on that officer's emotional behavior.

MS. CHAYTOR: No doubt.

What kind of investigation did you think was going to happen? What kind of investigation was the RCMP carrying out?

S/SGT. ADAMS: You know, when I went there I, to be honest with you, I didn't look at it as criminal. I looked at – I knew there was going to be an investigation and, but I didn't really look at it as criminal. I was in the frame of mind that I was there for support for this officer. He, I had enough information that he had told me that someone pointed a gun at him. So I guess when they gun was pointed, there was a reaction for him to take, but I, I didn't look at it as criminal, no.

MS. CHAYTOR: And how about now?

S/SGT. ADAMS: What I will say is, you know, since speaking to you and coming here today, that, yeah, I could have looked at it as criminal but I don't think I would change one action I did that day –

MS. CHAYTOR: Okay. And that's not the question though, but do you know believe that it was and understand that it was a criminal investigation they were carrying out?

S/SGT. ADAMS: Yes. And if I had to be part of that investigation team and that role, I think I would have recognized it, but when I went there, I went there based on the fact that someone had just pulled a gun on an officer who was executing his duty working and somebody just pulled a gun and he made an action to save his own life.

MS. CHAYTOR: Okay. And this, and this, and you gathered that, I'm sorry, you gathered that from the four bullet points that Joe Smyth gave you that day.

S/SGT. ADAMS: Well, that's all I had to go on. That was the fact that – like I had no reason not to believe what my co-worker was telling me, someone pulled out a gun. I mean that eventually would come out in the investigation that they done, anyhow, of the facts, but he said someone had pulled a gun on him and –

MS. CHAYTOR: Right, but the piece that you – did you hear Constable Smyth say that day he pulled out the gun and he had no opportunity to do anything to save his own life?

S/SGT. ADAMS: No, he never said that, no.

MS. CHAYTOR: Okay. All right.

And I'm just looking here in terms of this passage that I just brought you to, so in terms of the information that you're getting here from Corporal Henstridge, this is day two of their investigation, this is April 7 and the fact that he's giving you information regarding Constable Smyth and his statement, did you find that to be unusual that one of the investigating officers would be having this conversation with you, another witness, in the investigation?

S/SGT. ADAMS: I didn't really play much focus to it. He came in, he turned on the recorder. He was asking – I explained stuff, he asked some questions and I answered them. I didn't really put much weight on it.

MS. CHAYTOR: Okay, if we could go to the bottom of page 13.

And this is a comment, then, that you make to him. And you're talking about the conversation that you had with Constable Smyth. The conversation, I take it, that you had on April 6 with Constable Smyth.

So you're telling him about that, that you had called him. And you asked him if he'd had a good night's sleep and he replied not really. And then you go on and say that but I said, you know – and I understand this to be what you had told Constable Smyth: But I said, you know the boys will do a good investigation and when that's over and you get your results I, I, you know it may, it'll put some closure to it and that was the end of it. And he said yeah.

Okay. So why are you telling this to Corporal Henstridge? Why are you making, telling him that the boys – I take the boys, that's the RCMP, is it, the boys?

S/SGT. ADAMS: That's who I'm referring to, yes.

MS. CHAYTOR: The boys. Okay.

All right, so they're going to do – will do a good investigation. So that's one of the people you're speaking to.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: He's going to do a good investigation.

S/SGT. ADAMS: That's correct.

MS. CHAYTOR: Okay. And when it's over you'll get your results, it'll put some closure to it. What did you mean by that?

S/SGT. ADAMS: What I meant by that was when the RCMP were – completed their investigation, had a detailed investigation come up fully, that the actions Joey took there that day would be justified.

MS. CHAYTOR: Okay.

Let's look over, then, to the next page, page 14. And, again, this is Corporal Henstridge.

S/SGT. ADAMS: Pardon?

MS. CHAYTOR: Corporal Henstridge saying: When we interviewed him – and, again, he's referencing Constable Smyth – I don't think I'm disclosing anything that I shouldn't but, when he interviewed him, he wanted to ask a question about whether or not the firearm was loaded. He didn't ask it, he just wanted to ask but I'm afraid to ask.

We talked about whether or not that information is going to impact the investigation in any way. We didn't feel it would, so I walked back in the room and I basically said to him, Joey, I said listen, you're a – I just want you to know, that if you want to ask the question we will answer the question. There are some – there were other things that we couldn't answer like the number of rounds and stuff because we want to have a complete picture, uncontaminated, before we kind of sit, sit him down and say, you know, what is – what, this is what our investigation found.

And then he continues on: But it was interesting because he kind of looked at me and said if, if that gun is not loaded, it would've made any difference whether it was loaded or not, in terms of his response. But in his own mind if that gun wasn't loaded he said it's going to be extremely hard on me. And you say: Well, right. And, you know, I think it fair if you're right but it makes it difficult even when you know 100 per cent justified, it's still difficult.

And how about that exchange with you and one of the investigators that day? Did you think that was an appropriate exchange between yourself and Corporal Henstridge to be having in the course of the investigation and day two of the investigation?

S/SGT. ADAMS: Well, probably not. I mean he was asking the questions and I was just giving him an answer to it. So I was just, just continued it, just looked at it as part of my statement that I was continuing to give to Constable Henstridge.

MS. CHAYTOR: Page 15, please, of the statement, Madam Clerk. Okay.

And on this page again, this is – Corporal Henstridge is doing most of the statement or most of the speaking –

S/SGT. ADAMS: At this point.

MS. CHAYTOR: – in your statement taking here: And I think the difficult part, too, the biggest thing for him – and again he's referencing Constable Smyth – is the media and not so much the median coverage – I believe that must be media – of it, but the comments on Facebook and the

comments on the foolishness that's being said, that's got to be just enormous – enormously, sorry, difficult for somebody.

And if you can stay clear of that, like for him, I told him, I said – and then you reference that's why I think going to Florida is a good idea, get away from it. And he goes on to say: That's right, 'cause there's some God-awful comments on there, right? But, anyway, he looked at me and he said, you know it's not, then he kind of – little bit upset and I said to him, Joey, let me put it to you this way, there was, there was that gun was loaded and you absolutely, you know, you did what you had to do in my opinion at this, at this point.

The autopsy is not done yet or anything but, you know, from what he was saying, I mean I felt that it was pretty, pretty reasonable. Well, like you said, you know, he's 14, 15 years and – and then you continue – and he's been with the premier's detail quite some time so, anyhow, just for your benefit.

Staff Sergeant Adams, how about the appropriateness of this exchange?

S/SGT. ADAMS: Well, you know, it probably would have been better if he didn't bring – if he didn't speak that way about it but, you know, I didn't, I couldn't control what Constable Henstridge was saying there.

MS. CHAYTOR: And did it seem unusual to you at the time in the course of him taking your statement as a witness in the investigation?

S/SGT. ADAMS: It may have but, like I said, he was taking the statement. He was the investigators and I was just answering the best I could.

MS. CHAYTOR: Well, and what about your part of the exchange? Why are you saying he's 14, 15 years and he's been with the premier's detail quite some time, anyhow, just for your benefit? What did you mean by that?

S/SGT. ADAMS: I mean just for your information that he's been with the premier's detail and he's a pretty senior officer with 14 – experienced officer.

MS. CHAYTOR: And how is that relevant in terms of the context of what Corporal Henstridge was saying?

S/SGT. ADAMS: I'm not sure.

MS. CHAYTOR: Okay.

And when we come down towards the bottom of the page we see here that Corporal Henstridge offers you an opportunity if there's anything you need to vet out of your notes?

S/SGT. ADAMS: Yes.

MS. CHAYTOR: And what's that about?

S/SGT. ADAMS: Pardon?

MS. CHAYTOR: And what's that about?

S/SGT. ADAMS: The page that I started my notes on, there was another matter there on the same page in relation to the critical incident I had done with one of the members. There was

some notes there and I asked him would he vet that out so it wouldn't be public. It had nothing to do with this matter, it had to do with me having a conversation back months with a member, another member.

MS. CHAYTOR: So did he also offer you to vet anything in, with respect to your notes, that were in relation to this incident?

S/SGT. ADAMS: There was nothing about that. The only thing when he spoke, when we spoke about vetting out was half – if you look down the notes you might be able to see half the page down is where I start that new entry in relation to the –

MS. CHAYTOR: Right, the page that we redacted –

S/SGT. ADAMS: Right.

MS. CHAYTOR: – at the beginning.

S/SGT. ADAMS: At the top of that page there was another case –

MS. CHAYTOR: Right.

S/SGT. ADAMS: – completely different.

MS. CHAYTOR: So that's what this is in reference to?

S/SGT. ADAMS: And I asked him would he – by taking – because he wanted to take pictures and photos of my notes and that. And I asked him, look, if you're going to take that, would you make sure that the top part is not included in this because it had to do with a different member. Difference –

MS. CHAYTOR: So no vetting of anything in relation to this matter?

S/SGT. ADAMS: It had nothing to do with this, no.

MS. CHAYTOR: Okay.

And then if we turn over, then, towards the bottom of the next page – sorry, this should be page 16: And even the stuff that you wrote in relation to this, if there is anything in there that you feel you should vet out because it's of a personal nature.

What about that?

S/SGT. ADAMS: Yeah, I don't know. I'm assuming that he meant in relation to critical incident stresses or anything there that I didn't want in my statement. But there's was nothing, I said, I had no issues. Whatever was in my statement was fine.

MS. CHAYTOR: Okay, and then on page 17, if we just scroll down, and he says to you: And I'll make note, that these notes were not made during your interaction with him because that wouldn't've been proper. Well, yeah, and they wouldn't, you know, you can see they were made before you guys got here. And these were made when I got back that evening after I'd come from the DOA – and that's the other incident that you were referring to.

So what does he mean by it wouldn't be proper?

S/SGT. ADAMS: Well, what he is referring to there is he asked could he take a photo of the notes and we were just talking and saying oh, you know, I'll take a photo of your notes and then I, I'll, you know, I'll, we'll be aware that you didn't make 'em at this time while we we're here. I'll take a photo of your notes that they were here prior to me coming here (inaudible) prior to the two officers coming here today, I guess.

MS. CHAYTOR: If we come to – sorry? Yes, and not made during your interaction with him, he's referring to your interaction with Constable Smyth, right?

S/SGT. ADAMS: Which one is it are you referring?

MS. CHAYTOR: I'm right here, right where the cursor is – and I'll make a note, that these notes were not made during your interaction with him, because that wouldn't of been proper.

S/SGT. ADAMS: Yeah.

MS. CHAYTOR: He's referring to your interaction with Constable Smyth, isn't he?

S/SGT. ADAMS: Yes, he's, he's – I think what he's referring to there is yes, my interaction with Constable Smyth, but I think he's referring to in relation to critical incident stress being confidential. That I guess –

MS. CHAYTOR: Is that what you were doing, Staff Sergeant Adams?

S/SGT. ADAMS: Pardon?

MS. CHAYTOR: But is that what you were doing?

S/SGT. ADAMS: Is that what I was doing?

MS. CHAYTOR: Yes, a Critical Incident Stress Debriefing.

S/SGT. ADAMS: Well, I said we went there to do – I went there that day to support him and to offer one, and he didn't want it, you know.

MS. CHAYTOR: Right.

And page 18, this is the end of your statement, and you conclude about, you conclude with saying, to Corporal Henstridge, and hopefully everything works out. I mean, that's, that's your department, but. And what, what did you mean by that, hopefully everything works out?

S/SGT. ADAMS: In relation to the investigation I said I hope everything works out for Joey, that's your department, you'll do the investigation, and when it's done we'll hear back whenever, whenever that – that's what – just closing off.

MS. CHAYTOR: Right. So hopefully everything works out for Constable Smyth?

S/SGT. ADAMS: Hopefully, yes.

MS. CHAYTOR: Yes, okay.

Did you have any other involvement then in this matter?

S/SGT. ADAMS: Other than what we discussed today, not that I recall no.

MS. CHAYTOR: Did you attend any meetings at the RNC regarding your meeting with Constable Smyth that evening or anything else in relation to the incident?

S/SGT. ADAMS: No, Ma'am.

MS. CHAYTOR: Okay.

I have a question for you which is, might be a little bit out in left field for you right now, but I want to ask you, whether or not in the course of your career you have had occasion to ask for background checks on individuals?

S/SGT. ADAMS: Yeah, on numerous occasions, I've asked for background checks on people, yes.

MS. CHAYTOR: Okay. And are you – and you're aware of the 10 codes I take it are you? You're familiar with those?

S/SGT. ADAMS: Yes.

MS. CHAYTOR: Okay. What do you understand a 10-29 to be? What are you asking for when you ask for a 10-29?

S/SGT. ADAMS: 10-29, to me, would be a criminal intelligence check on that person.

MS. CHAYTOR: And what do you mean by that?

S/SGT. ADAMS: They'd – my understanding is they do a further check where if people were associated to bike gangs, you know, criminal activity groups that it would go in deeper and it would be able to come back and give you that information.

MS. CHAYTOR: Okay.

And so if you're speaking to your Communication Centre and you ask for a 10-29, do you expect that to include, for example, CNI?

S/SGT. ADAMS: Yes.

MS. CHAYTOR: You would? Okay, would you expect it to include any criminal record that maybe indicated?

S/SGT. ADAMS: Yeah, I would say yes to that, yes.

MS. CHAYTOR: And would you expect it to include any flags that are contained on the person?

S/SGT. ADAMS: I would hope so, yes.

THE COMMISSIONER: What's that last one?

MS. CHAYTOR: Any flags, any flags –

S/SGT. ADAMS: And he was red flagged (inaudible).

MS. CHAYTOR: Any red flags basically.

Well, Staff Sergeant Adams, I think that's pretty well all the questions I had for you. Just let me check with my co-counsel. Yes, so those are all my questions unless there's something else that I didn't cover that you think is relevant to the Commissioner's mandate. Is there anything else? Any other information that you have?

S/SGT. ADAMS: No, nothing other than – we covered a lot here today, so nothing other than that I can think of.

MS. CHAYTOR: Okay. Well, some of the other lawyers, no doubt, will have questions –

S/SGT. ADAMS: Yes, Ma'am.

MS. CHAYTOR: – and the Commissioner may have questions as well. So thank you.

S/SGT. ADAMS: Thank you.

THE COMMISSIONER: All right, who's going first? Ms. Breen, is it?

MS. BREEN: Mr. Commissioner I do have questions for Staff Sergeant Adams, but there's an issue I raise with Commission counsel –

THE COMMISSIONER: Could you speak up a little bit there now?

MS. BREEN: I'm sorry. There's an issue I raised with Commission counsel during Staff Sergeant Adams's testimony, it does relate to the cellphone records of Warren Sullivan –

THE COMMISSIONER: Right.

MS. BREEN: And it will determine whether or not I have any questions in relation to that issue. I'm wondering if – because I understand that Ms. Chaytor did ask Staff Sergeant Adams on direct if he could identify the phone number in the records. And I'm wondering if we can get an answer on that. That, I think, should be information that either RNC counsel or Ms. Harding or Staff Sergeant Adams should be able to identify.

THE COMMISSIONER: Do we have the un-redacted document?

UNIDENTIFIED FEMALE SPEAKER: Yes, we do.

THE COMMISSIONER: We do?

UNIDENTIFIED FEMALE SPEAKER: Yes.

THE COMMISSIONER: So what you're saying, you're wondering if you can identify Staff Sergeant Adams's phone number that he was referring to.

MS. BREEN: Yes, and I don't know if it would appear because it does appear from, to me that the relevant time frames are there, I don't think it would be in the vetting. I'm saying the number itself, it didn't appear to me that Staff Sergeant Adams knew what his cellphone number was on April 5 in order to identify it.

THE COMMISSIONER: Right.

MS. BREEN: And I'm wondering, we're getting close to the lunch hour, if that could be done and that could eliminate several questions that I have if that can be confirmed.

THE COMMISSIONER: Right. Okay, well, we can check that out over lunch, but there's no point in losing this seven or eight minutes if you have other questions that you can –

MS. BREEN: I can –

THE COMMISSIONER: Or another area you can deal with before you go on.

MS. BREEN: Yes, I can, Mr. Commissioner, I just need to obtain a lectern.

Staff Sergeant Adams, I'm Erin Breen; I represent Megan Dunphy. Sir, I just want to begin, first, by asking you a little bit about your relationship with Dick and Debbie Dunphy.

You had said that you have, you had visited their home, I presume, over the nine years you had known them before this incident. Is that correct?

S/SGT. ADAMS: I have been in their home, that's correct.

MS. BREEN: Okay. Had Debbie Dunphy ever complained to you about any of the actions of her neighbour, Don Dunphy, over those years?

S/SGT. ADAMS: Not that I'm aware of, no.

MS. BREEN: So she never complained to you about anyone doing anything in her garden or destroying her plants or she never mentioned any of that to you?

S/SGT. ADAMS: No, Ma'am.

MS. BREEN: Okay. So despite your visits to their home over the years, you never became aware that Dick Dunphy's brother was the next door neighbour?

S/SGT. ADAMS: No, I never knew – Donald Dunphy, now – I never knew he lived next door to Dick until the fall of this year.

MS. BREEN: Okay.

Now, you have told us, Staff Sergeant, that since your interview with Commission counsel – which I believe was done in December, is that correct?

S/SGT. ADAMS: That is correct.

MS. BREEN: You have been following the inquiry on the news, is that right?

S/SGT. ADAMS: I haven't been following, but it's – I put the news on some evenings –

MS. BREEN: It's hard to escape.

S/SGT. ADAMS: Yeah, I didn't – I don't put it on to follow the inquiry, no.

MS. BREEN: Okay, and before you came here today, did you learn of anything new in terms of the significance of the baseball bat or the stick that you referred to in your police statement and again in your Commission counsel interview in December?

S/SGT. ADAMS: No, like I say, no, I don't recall anything like that. I just, I mean, what I was told that night and I told the RCMP in a statement.

MS. BREEN: Okay, and in terms of your viewing of the stories of the inquiry on the news, do you recall seeing photographs or hearing anything about an alternate-fact scenario, testified to, about Meghan Dunphy involving the baseball bat or the stick that you referenced?

S/SGT. ADAMS: I can't recall it if – I can't recall it.

MS. BREEN: Okay, and the reason why I'm asking you that, Staff Sergeant Adams, is because today in your testimony when Ms. Chaytor was asking you about the stick or the bat, I believe you said that you were explaining that the bat was on or near the chair?

S/SGT. ADAMS: Uh-huh.

MS. BREEN: So is there any reason why you qualified that today? To add near the chair as opposed to just on the chair?

S/SGT. ADAMS: No, 'cause I was just thinking back on recollection that, yeah, it could have been on the chair. Yeah, it was very well what I told the RCMP, it was on the chair.

MS. BREEN: Right, and my question is – and we can bring up. It's your RCMP statement on April the 7th; that's P-0278, and this would be page 10. Okay, and if we go to the fourth question down, and if you see that there, Staff Sergeant, the very last two sentences of –

S/SGT. ADAMS: Yeah.

MS. BREEN: – the fourth question down: Now, he did make it, and I didn't write it here, he did, he said he did notice a baseball bat on whatever chair Dunphy was in.

S/SGT. ADAMS: Correct.

MS. BREEN: That's what you told Corporal Henstridge back on April 7.

S/SGT. ADAMS: Uh-huh.

MS. BREEN: Okay. And then again, in your interview of December 13, 2016, with Commission counsel – and for the benefit of counsel that's at pages 229 to 232 – you confirmed for Ms. Chaytor the information that you gave to the RCMP, that Constable Smyth had told you that the stick was on the chair.

THE COMMISSIONER: Sorry, what was that reference?

MS. BREEN: Mr. Commissioner, that's his interview – Staff Sergeant Adams's interview of December 13, pages 229 to 232. There's a broad question-and-answer segment there by Ms. Chaytor with Staff Sergeant Adams about the information that he had given in his statement, including the information about the baseball bat, as he called it then.

And at that time, Staff Sergeant Adams, you did confirm as well that the information you gave to the RCMP on April the 7th was accurate, that Constable Smyth told you that there was a baseball bat on whatever chair Mr. Dunphy was in.

S/SGT. ADAMS: Uh-huh.

MS. BREEN: But today when you testified, what I picked up on your direct is you said that the baseball bat was on or near the chair.

S/SGT. ADAMS: Yeah, no, well, the only thing I can recall is I gave a statement two days after and I told him it was on the chair, so.

MS. BREEN: Okay. So that would be the accurate information, would it, that it was on the chair?

S/SGT. ADAMS: Well, that's what I provided to them two days after, so I would think that would be accurate. I mean, that's what I gave them then. That was two days – that statement you're referring to I gave two days after. I said the bat was on the chair. Yeah, that would seem accurate to me.

MS. BREEN: Staff Sergeant Adams, when you spoke with Dick Dunphy –

THE COMMISSIONER: Sorry, Ms. Breen, it might be just as well now to – before you get into another line of questioning, to break for lunch.

MS. BREEN: Okay, thank you.

THE COMMISSIONER: We only have a couple of minutes.

Okay, thank you. We'll break for lunch until 1:30.

MS. SHEEHAN: All rise.

Recess

MS. SHEEHAN: All rise.

I declare this Commission of Inquiry in session.

Please be seated.

THE COMMISSIONER: Go ahead when you're ready.

MS. BREEN: Thank you, Mr. Commissioner.

Mr. Commissioner, just for the record, I understand that Staff Sergeant Adams did look at the un-redacted phone records over the lunch hour.

THE COMMISSIONER: Right.

MS. BREEN: However, he was not able to locate his phone number on the records, and I understand also that Commission counsel has identified somewhat of an anomaly with the phone record. I don't know if Ms. Chaytor wants to speak to that now or if we want to come back to it at another time.

THE COMMISSIONER: Thanks.

MS. CHAYTOR: The incoming calls that are indicated on the record are incoming – all the incoming numbers seem to be Warren Sullivan's own phone number, and so I'm not sure what that means. So, unfortunately, I think it's pretty well all of the incoming calls are indicated to be Warren Sullivan's own phone number, and it doesn't appear that it would have been as simple as just checking for messages, because some of those are a few minutes long. Like, we have 4.29 minutes –

THE COMMISSIONER: Right, you're gonna have Mr. – what is it, Constable –?

MS. CHAYTOR: Constable Sullivan will be coming later today.

THE COMMISSIONER: Constable Sullivan, he'll be testifying later on today.

MS. CHAYTOR: Yes. I'm not sure how much he would remember as to, in terms of exact times in which he received phone calls. He certainly will be asked questions in terms of his recollection of when he spoke with Staff Sergeant Adams on the day in question.

THE COMMISSIONER: Yeah, what is the anomaly that Ms. Breen referred to?

MS. CHAYTOR: The anomaly is that we were trying to identify an incoming call from Staff Sergeant Adams –

THE COMMISSIONER: Right.

MS. CHAYTOR: – on his, to Warren Sullivan, but the incoming calls around the time period that we would think the call happened all indicate the phone number to be Warren Sullivan's own number as opposed to a number from an outside person.

THE COMMISSIONER: So where do that leave us?

MS. CHAYTOR: Don't know.

So, basically, it doesn't shed any light, or it hasn't been of any assistance in trying to identify the timing of Staff Sergeant Adams call to Warren Sullivan that evening.

THE COMMISSIONER: Right.

Okay. I don't know if that helps you, Ms. Breen.

MS. BREEN: No, it doesn't, Mr. Commissioner, but maybe it's something that we can explore with Constable Sullivan when he testifies. And if he's not able to help us, I don't know if there's a further record that we can get. The purpose of the, I guess the line of questioning is to determine when it is, or when it was that Staff Sergeant Adams did make the call to Constable Sullivan that evening after he had spoke to Dick Dunphy, which I understand from his direct testimony he is not certain of the time, but I feel it is important to try to understand, you know, when that call was made.

THE COMMISSIONER: All right. Okay. We'll have to wait until we hear from Constable Sullivan, I guess.

MS. BREEN: Right. And is that accurate, Staff Sergeant Adams, how I just summarized – you don't remember do you, the time it was?

S/SGT. ADAMS: I don't remember what time I phoned him, no. I'm thinking – it was definitely after I spoke to my friend Dick Dunphy, yes.

MS. BREEN: Yes. And do you have any recollection of – you said you went home that evening after you left the office, and I believe it was sometime after 6 p.m. But in terms of the time after that, you don't know.

S/SGT. ADAMS: No. I was a little late getting home that evening and I really don't know.

MS. BREEN: Okay.

Staff Sergeant, on the same topic, you didn't take notes of your conversation with Dick Dunphy at that time, did you?

S/SGT. ADAMS: No, Ma'am, I never.

MS. BREEN: Did he tell you at that time that his brother could be violent?

S/SGT. ADAMS: I don't recall anything of him saying about his brother being violent, no.

MS. BREEN: Did he tell you at that time that his brother could froth at the mouth?

S/SGT. ADAMS: Definitely not. I never heard him say that.

MS. BREEN: Okay. So in terms of your recall of that conversation, you said the conversation was brief, but are you able to accurately recount or tell us today what was said without notes?

S/SGT. ADAMS: I can't be exact. Like, I said, you know, I phoned to give him sympathies on his brother and, you know, I told him I was sorry to hear about his brother. And he just – in that conversation he said, how's the police officer, and I said he'd be okay. You know that type of thing. And he mentioned that, something to the effect, I can't be exact, but if he knew he had a firearm over there he would have told the police officer. And, you know, outside of that I can't really recall it, no.

MS. BREEN: Okay. But at this time, Staff Sergeant Adams, you knew that this was a homicide where it was an event where one person had killed another person – when I say homicide, I'm using that definition.

S/SGT. ADAMS: Yes.

MS. BREEN: You knew that an investigation would follow and that this was a serious matter.

S/SGT. ADAMS: Yes.

MS. BREEN: Okay. From what I take from your testimony, it appears, first of all, that the RNC policy and procedure on critical incident stress debriefing was not followed on April 5. Is that correct?

S/SGT. ADAMS: I would say I'd agree with that in the point where I did not phone the EPA coordinator Sergeant O'Reilly and say, look, this is the incident we have, is it okay to go ahead and do it. Yes, I would say from that point, no, it wasn't followed.

MS. BREEN: Okay. And that's as set out as Ms. Chaytor took you to in Exhibit 0279 earlier today.

And that also, Staff Sergeant Adams, you had discussions with Constable Smyth immediately after the shooting, at the detachment and he gave you details that at that time you didn't note in your notebook. Is that correct?

S/SGT. ADAMS: No, I never took any notes. I just jotted some things down on a piece of paper that was shown here today.

MS. BREEN: Right. And there's things he said to you at that time that you later pass on to the RCMP on April 7 that you hadn't noted in your notebook at the time. Is that right?

S/SGT. ADAMS: That's correct.

MS. BREEN: You also then, as you've testified, had a phone conversation with a witness about the incident but you didn't take notes of that conversation and then you passed that information on to be passed on to Constable Smyth.

S/SGT. ADAMS: Correct.

MS. BREEN: And that at this time you knew that Constable Smyth had not yet given an interview or had his interview with the RCMP. Is that right?

S/SGT. ADAMS: I wouldn't know if he had his interview or not. I didn't know that at that point when I went home that evening if he had been interviewed or not.

MS. BREEN: Okay. But I had understood from your testimony that when you were at the detachment earlier that day –

S/SGT. ADAMS: Yes.

MS. BREEN: – you had understood or the RCMP knew at that time that Constable Smyth was taking the advice of your members who were there and that he wasn't willing to give an interview at that time and he was going to go home and sleep on it.

S/SGT. ADAMS: No, that's not what I recall, that happening that way. I was there and Constable Sullivan told him about his statement, but I didn't know if he had given his statement after I left, if they came and interviewed him or not. When I left there I had no more contact with him until the next day, with Constable Smyth.

MS. BREEN: Okay, but you had understood at that time when you left that he wouldn't be providing an interview at that time, I thought that's what you testified earlier, that he had –

S/SGT. ADAMS: Yes, yes, I did. Yes.

MS. BREEN: Okay. And that you spoke with Constable Smyth the very next morning.

S/SGT. ADAMS: Yes, correct.

MS. BREEN: Okay. And did he mention to you at that time he was going in for his interview later that day?

S/SGT. ADAMS: He may have, I don't recall. He may have; he may not. I can't recall that.

MS. BREEN: Okay.

S/SGT. ADAMS: That was even a very brief conversation just to see how he was doing from the day prior.

MS. BREEN: But you had also talked to Mr. Sullivan, Warren Sullivan, that night of April 5 –

S/SGT. ADAMS: Yes.

MS. BREEN: We don't know what time you talked to him, but you did speak with him?

S/SGT. ADAMS: Yes, I did.

MS. BREEN: Okay, you didn't take notes of that conversation with Constable Sullivan, did you?

S/SGT. ADAMS: No, Ma'am.

MS. BREEN: As to what you actually told Constable Sullivan to pass on to Constable Smyth.

S/SGT. ADAMS: No, I didn't.

MS. BREEN: Okay.

You didn't tell the RCMP in your April 7 statement that you had a relationship with Dick Dunphy?

S/SGT. ADAMS: No.

MS. BREEN: And you didn't tell them about the conversation you'd had with Dick Dunphy.

S/SGT. ADAMS: No, I didn't.

MS. BREEN: Okay.

Staff Sergeant Adams, did I hear you correctly on your direct that you stated that in the future you wouldn't do anything differently now?

S/SGT. ADAMS: Well, I should clarify that – what I'm saying, when I wouldn't do anything different. If I was working and there was a police officer in a traumatic event, a serious situation that a young officer or even a senior officer, I'm pretty confident that I would go there and offer support to that officer.

MS. BREEN: Okay. But in terms of everything that we just outlined that followed in terms of not following the policy of the RNC, which you acknowledge was not followed, and all of the other things that took place, not taking notes, the passing of information from a witness to Constable Smyth, you're not saying that you would do all that again, are you?

S/SGT. ADAMS: No, I wouldn't do that in relation to EAP, I think I'd make the appropriate call, but I would certainly go and offer support and comfort to that officer in a situation such as that.

MS. BREEN: Okay. And in terms of all the other things that occurred, your relationship with Dick Dunphy, your failure to take notes of those conversations that related to the incident, your failure to tell the RCMP about those things, I presume you would not repeat that again.

S/SGT. ADAMS: No, but when I phoned Dick Dunphy on that particular evening, I never phoned him that particular evening looking at him as a witness. I phoned him to give him sympathy on his brother who had just passed away. I didn't phone him to gain information or to pass on information. I phoned basically in a support role to say look, I'm really sorry about what happened to your brother.

MS. BREEN: No, and I understand the intention that you're testifying to.

S/SGT. ADAMS: I didn't, I didn't look and say okay, I'm phoning a potential witness here in relation to this incident. I looked –

MS. BREEN: No, and we all know that hindsight is 20-20.

S/SGT. ADAMS: Yes.

MS. BREEN: But I want to understand you correctly, that that is not something that you – you would probably, certainly acknowledge that now in hindsight that that was not a wise move or it was not an appropriate move at this time, was it?

S/SGT. ADAMS: You know, he's a friend, he's a close friend and he just lost his brother. I'm – I can't say if I would phone him again or not. I mean, he was a friend of mine, he just lost his brother and I was, you know, concerned like I would be for anyone.

In relation to the incident and trying to get any information or talk to him about the incident, that never came into play with me. That never happened, you know, and –

MS. BREEN: And I, I understand that, Staff Sergeant, I'm talking about the passing on of information that Dick Dunphy gave to you to Constable Smyth.

S/SGT. ADAMS: Yeah, in looking at that, yeah, maybe that was incorrect. I wouldn't pass on any information –

MS. BREEN: Those are my questions.

Thank you, Mr. Commissioner.

S/SGT. ADAMS: Okay.

THE COMMISSIONER: Yes, Mr. Kennedy.

MR. KENNEDY: Thank you, Commissioner.

Staff Sergeant Adams, I have a few questions for you. It shouldn't be too long.

So when you got involved that day, excuse me, Staff Sergeant, it was as a result of you being the duty inspector on duty that day. Is that correct?

S/SGT. ADAMS: That was one of the, one of the three reasons I identified, yes.

MR. KENNEDY: Okay, but in terms of hearing about it, Constable Smyth didn't phone you directly.

S/SGT. ADAMS: No.

MR. KENNEDY: Do you know if when Constable Smyth phoned the Comm Centre if he asked to have someone sent out?

S/SGT. ADAMS: No, that was, that was not told to me.

MR. KENNEDY: No, so essentially Constable Smyth phones the Comm Centre to report the incident. Staff Sergeant or Sergeant Tilley advises you and you and Staff Sergeant Tilley take it upon yourselves to go out there.

S/SGT. ADAMS: Correct.

MR. KENNEDY: It's not at the request of Sergeant Smyth?

S/SGT. ADAMS: No, it isn't.

MR. KENNEDY: Yeah. So – and did you actually speak to Staff Sergeant Smyth or, excuse me, Acting Sergeant Smyth, when you were on your way to, initially to Mitchells Brook?

S/SGT. ADAMS: Yes, there was a conversation with him. The first couple of calls I made, it came back outside the service area and then I did speak to him and informed him I was on the way down to see him.

MR. KENNEDY: Yeah, it appeared to be two different phone numbers that you had called. There appeared to be the one we say today ending 322.

S/SGT. ADAMS: The outside area, yeah.

MR. KENNEDY: Yeah, that phone was no longer in service. Was that your understanding?

S/SGT. ADAMS: It just came back and said outside service area. You know, it's a recording. It said outside the service area. I tried –

MR. KENNEDY: Perhaps, Commissioner, if we could have exhibit put up again, that would be Exhibit P-0277, and it would be page –

THE COMMISSIONER: P-0 –

MR. KENNEDY: P-0277.

THE COMMISSIONER: P-0277.

MR. KENNEDY: And it would be page 11.

S/SGT. ADAMS: Yes.

MR. KENNEDY: Just one second now.

Okay, so you see there there's a 322.

S/SGT. ADAMS: Yes.

MR. KENNEDY: Now, that appears to be a number, a telephone number that you had for Joe Smyth.

S/SGT. ADAMS: Correct.

MR. KENNEDY: Now, that's the one that came up out of service, correct?

S/SGT. ADAMS: Yes.

THE COMMISSIONER: It didn't say out of service, I thought he said outside service area, which is –

MR. KENNEDY: Or what did it say, yeah.

THE COMMISSIONER: – I understand a difference.

S/SGT. ADAMS: Yeah, outside service area is what I have noted here.

THE COMMISSIONER: That was, I think it's written down there somewhere –

MR. KENNEDY: Yeah, it does say outside service –

THE COMMISSIONER: Outside service area.

S/SGT. ADAMS: Yeah, that's –

THE COMMISSIONER: Right under the 322, right.

MR. KENNEDY: It does, yeah, thank you, yeah.

Do you know if that telephone even worked, if it was an active number?

S/SGT. ADAMS: No, I don't; it was just the phone number I, to my recollection, Staff Sergeant Tilley gave it to me and he would have got it from the Comm Centre, I'm assuming.

MR. KENNEDY: Okay. So then when you see the 610 just under that.

S/SGT. ADAMS: Uh-huh.

MR. KENNEDY: Did you get Constable Smyth on that telephone?

S/SGT. ADAMS: Yes, that's the one I spoke to him on.

MR. KENNEDY: So you indicated to him that you were on your way out.

S/SGT. ADAMS: Yes, I did.

MR. KENNEDY: Okay.

Did he make any comment on that?

S/SGT. ADAMS: No, he didn't. He just said he was outside the house and he may have made comment to he had phoned the RCMP and they were on the way or at the scene – I can't recall that – and I just, no, I said to him, we're going to come down and make sure you're okay, I'm on the way.

MR. KENNEDY: Okay, so then when you get to the RCMP detachment in Holyrood, you talked to Staff Sergeant Tiller?

S/SGT. ADAMS: Yes, I did.

MR. KENNEDY: You indicate that you're not there to involve yourselves or interfere in the investigation in any way.

S/SGT. ADAMS: That was correct.

MR. KENNEDY: Then they take you to a room. Constable Smyth's not even there at that point, is he?

S/SGT. ADAMS: No, they didn't, they didn't take him to a room. When I spoke to Staff Sergeant Tiller first he said he was on the way up with some members and we just went outside of his office and sat in the general area cubicles like they have there. Sat down there and we waited for them to arrive.

MR. KENNEDY: So the arrangements are made to meet with Constable Smyth, but again, he's not even there at that point, is he?

S/SGT. ADAMS: Correct.

MR. KENNEDY: Yeah. Staff Sergeant Tiller allows this to take place – you make a request, he's allowing it to take place.

S/SGT. ADAMS: Yes.

MR. KENNEDY: Okay.

You go into, eventually, Sergeant Smyth arrives, or Acting Sergeant Smyth arrives and right from the beginning he says, I want to tell my story, he starts to – he's continuously wanting to tell what happened, isn't he?

S/SGT. ADAMS: That is correct.

MR. KENNEDY: Yeah. In fact, I think you noted on numerous occasions that he wanted to tell his side of the story.

S/SGT. ADAMS: I did.

MR. KENNEDY: Yeah. He would start to tell what happened and you would try to –

S/SGT. ADAMS: Deflect it.

MR. KENNEDY: Yeah. Because you were in your mind doing a – or were going to or were doing a critical stress incident debriefing?

S/SGT. ADAMS: Correct.

And it was there I felt most importantly in the role to support him, give him encouragement that, you know, we're going to get – you're going to get over this; we're going to get through this.

MR. KENNEDY: Did anyone say to you from the RCMP that it was inappropriate to be there? Or you couldn't see Acting Sergeant Smyth until they made a determination as to how they were going to proceed?

S/SGT. ADAMS: No, Sir. The only conversation I had with anybody at the RCMP from the time I arrived until the time I left there outside of our members and Sergeant Smyth was still Staff Sergeant Rod Tiller.

MS. KENNEDY: In your interview with Commission counsel on numerous occasions, at least on a number of occasions, you stated that he seemed really anxious to want to speak, to say what happened.

S/SGT. ADAMS: Yes, he did.

MR. KENNEDY: And I think you indicated that he said that on three or four times, even more, that I'd like to give my story.

S/SGT. ADAMS: Yeah, in my mind, certainly that would be correct. He wanted to give his side of the story.

MR. KENNEDY: Yeah.

You were asked by Commission counsel whether or not there was any reference to any physical altercation or scuffle and you indicated there wasn't.

S/SGT. ADAMS: He never indicated anything about that.

MR. KENNEDY: And then on this same document that we have on the screen you make, at the last number of pages, there appear to be jot notes that were made right there in Holyrood detachment – correct?

S/SGT. ADAMS: On the second page of the notes, yeah, I don't have it up here, but yes, on the second page, if you scroll down one more, those notes were made when I was at the detachment.

THE COMMISSIONER: That's the four notes, with bullets?

MR. KENNEDY: Yes, the four bullet points or the – I have a file in my hands, number one. Two, he became agitated. Three, he had a gun and I fired three or four shots. And I said no, no, no, no.

S/SGT. ADAMS: Correct.

MR. KENNEDY: Those were the four bullet points made on that date.

S/SGT. ADAMS: In relation to my conversation with Sergeant Smyth, yes.

MR. KENNEDY: So when you give an interview then on I think it's Tuesday, a few days later, you add a few more details referencing that there were a lot of cats that Constable Smyth had told you were a lot of cats.

S/SGT. ADAMS: Correct.

MR. KENNEDY: That there were bugs or ants on the floor or something.

S/SGT. ADAMS: Bugs is what he used, yes

MR. KENNEDY: And that he had a concern for Mr. Dunphy's mental state?

S/SGT. ADAMS: Yes.

MR. KENNEDY: Then there was also you reference the baseball bat in that same interview.

S/SGT. ADAMS: Yes, the baseball on the chair, yes.

MR. KENNEDY: Now, why wouldn't you have put those same points, or made those same notations at the police station on that date in question?

S/SGT. ADAMS: That's a good question and, you know, I don't have an answer for why I didn't.

MR. KENNEDY: Okay.

S/SGT. ADAMS: Like I said I was in there, in sitting with the officer in a row, to really focus on making him feel comfortable, making him feel relaxed, a phone call came in, identified that it was for me from the chief of police, and I just jotted down those few notes, just jotted them down on piece of paper for when I got back to the building. And maybe, looking now, it might have been more appropriate to write down maybe everything he said, but I didn't look at it – I looked at it as part of a debriefing that's confidential.

MR. KENNEDY: Okay, but I think, and I don't know if this is the question, if this question has been put to you, it's certainly been all around the question, but why would you – or as a police officer, because there's a police officer, there's an officer-involved shooting, why would you have any more right to be present to meet with this police officer in, at that time, than anyone else in a homicide, whether it's a culpable or non-culpable homicide investigation?

S/SGT. ADAMS: I don't know if I had any more right to be there than anyone else. But my thinking on that particular day was, he was a fellow officer, and I work closely with my officers, with any of them, and I felt I should go there and provide him support.

MR. KENNEDY: So it's an officer-involved shooting, he's – do you look on it as a workplace, or, type incident? Why is it any different than any other police investigation?

S/SGT. ADAMS: Because it was in the line of his duty, he called me and said that someone pulled a gun on him and he took action in relation to that. And that's all I can say on it, really.

MR. KENNEDY: Okay. So then when you – there's also been the, I guess again, I don't know if it's been put directly to you but certainly been implied well, that you didn't want the officer to speak because any notes you had given, or if he spoke and you made notes they'd have to go to the police, or to the investigators.

S/SGT. ADAMS: No, I didn't say that. I said that I didn't want him to speak because in relation to a critical incident stress I didn't want him to relive, have to relive the event by telling me, and then having to tell the investigators who I assume were going to be coming there soon to speak to him. So I really didn't want him to have, to give me the whole situation, to relive it, because I knew enough in relation to the critical incident stress part of it that he was involved in a shooting and for any officer I would assume that would really weigh down on someone.

MR. KENNEDY: But Constable Smyth is not controlling the environment on that date in question, correct?

S/SGT. ADAMS: That's correct.

MR. KENNEDY: He's not controlling who gets into what room, who sees him, that's up to the RCMP in your understanding, isn't it?

S/SGT. ADAMS: Yes.

MR. KENNEDY: So do you think it would be more appropriate to have waited until the RCMP determined whether or not they were going to take a statement from him as opposed to meeting with him prior to that?

S/SGT. ADAMS: I'm going to say it was – it would yes, be more appropriate, but I really felt that I should reach out to this officer here in this particular incident that he had just been involved in.

MR. KENNEDY: And I'm not criticizing you, Staff Sergeant, but I'm going to use an example now of because our notes are – your notes are not extensive, you've now heard this question well, you say on Tuesday when you talked to the police that the bat was on the chair. And now all of a sudden that's become an issue. Do you see the problem with not having complete notes?

S/SGT. ADAMS: I agree.

MR. KENNEDY: So do you know, on that date in question, whether or not he said the bat was on the chair, in the chair, near the chair? Do you know what he said? Do you have a specific memory of that?

S/SGT. ADAMS: I can't say exactly – like my mind back two years ago don't go that far. I probably said the bat was on the chair, but I can't say that 100 per cent, no.

MR. KENNEDY: So it would have been better to make complete notes that night, wouldn't it?

S/SGT. ADAMS: Looking back now, yes.

MR. KENNEDY: And then when you gave your interview with Commission counsel you couldn't even remember having made that statement about the bat, could you?

S/SGT. ADAMS: No, I couldn't.

MR. KENNEDY: And if I could refer you specifically to your statement to the police – excuse me, your interview with Commission counsel, which is 354 pages long.

S/SGT. ADAMS: Correct.

MR. KENNEDY: How long was your interview that day, Sir?

S/SGT. ADAMS: We took a little break but almost four hours. I'm going to say 3½ hours.

MR. KENNEDY: Did you feel during that interview that at any time you were being accused of doing something wrong?

S/SGT. ADAMS: No, I don't think so. I think maybe at the beginning of it, maybe they felt I was going there for a different reason than to offer support in relation to critical incident stress, but I think I explained myself afterwards, but I think first they felt maybe there was another reason why I would go there.

MR. KENNEDY: I'm just going to refer now, Sir, to pages – it's pages 229 to 231 of your interview with Commission counsel. The question is put to you at the bottom of page 228 by Ms. Chaytor: Did he mention whether or not he observed any weapons or items that could be used as weapons in the area? Staff Sergeant Adams: I don't recall that.

S/SGT. ADAMS: Right.

MR. KENNEDY: Ms. Chaytor says: Do you recall him telling you anything about a bat or a stick? Your answer: No. Ms. Chaytor: Do you recall telling that to the RCMP when they took

your statement two days later? Answer: Well, I don't recall. I may, may have not. Ms. Chaytor: Okay, look at page 9 of your statement; I believe that's where I saw it. Okay.

So then we're talking – it goes on and we just go down a little bit further, you refer to your statement. The last line of page 230: He indicated there was a baseball bat. Answer: Yeah, I guess what I said to him then is I didn't have it here, so I guess it was strange. I tell him that I didn't have it. Question: That you didn't make the note? Staff Sergeant Adams: That I didn't put that in a note that there was a baseball bat there.

So do I understand that you were saying to Commission counsel you found it strange that you didn't have it in your note?

S/SGT. ADAMS: Yes. Yeah.

MR. KENNEDY: And then the question is – and you say here: A baseball bat on whatever chair Dunphy was in. Uh-huh. Ms. Chaytor: So does that help you with your recollection as to what Joe Smyth told you about the baseball bat and where it was located? Answer: No, what I, yeah, you know, he may have said about the baseball. What I remember is he was standing writing on a file; Dunphy was sitting in a chair. Ms. Chaytor, page 232: And he told you something about a baseball bat? Staff Sergeant Adams: Well, he must have if two days after the fact I've mentioned that.

S/SGT. ADAMS: Yeah.

MR. KENNEDY: So do you have an independent recollection of Constable Smyth saying to you in the room in Holyrood on the night in question, thought there was a baseball bat.

S/SGT. ADAMS: No, I don't. I don't recall him saying that but I just – where two days after I provided the statement I said it, I think my mind was a lot better then, two days after. But no, I don't. If you're asking me now would I recall him saying that, I don't. No. But –

MR. KENNEDY: So the most you can say is that you don't have an independent recollection today about Constable Smyth saying there was a baseball bat, right?

S/SGT. ADAMS: (Inaudible) no. That's correct.

MR. KENNEDY: That you must have said it because – he must have said it because it was in your statement two days later.

S/SGT. ADAMS: Correct.

MR. KENNEDY: But whether he said – even though you said in your statement it was on the chair, it could have been he said in his – to you in the room that night, it was at or near the chair the – is that correct?

S/SGT. ADAMS: It could have been. But, you know, it's going back two years since only – I just figured two days after when I told the RCMP in my statement that it was on the chair, it would have been more – had more recollection at that time than I would today.

MR. KENNEDY: And you didn't have a note of that? You did not make a note of that on the night in question in Holyrood?

S/SGT. ADAMS: No, Sir, I didn't.

MR. KENNEDY: Okay.

Thank you very much, Staff Sergeant. Those would be my questions.

THE COMMISSIONER: Mr. Avis.

MR. AVIS: Oh, I'm sorry.

MR. FREEMAN: That's okay.

No questions from the RCMP, Mr. Commissioner, just so (inaudible).

THE COMMISSIONER: Oh, sorry, Mr. Freeman

MR. FREEMAN: That's okay.

MR. AVIS: No, I (inaudible) beforehand.

THE COMMISSIONER: I saw Mr. Avis running for the lectern so.

MR. AVIS: My green light is blinking.

THE COMMISSIONER: Somebody has too many lights on.

MR. AVIS: Okay.

Afternoon, Staff Sergeant Adams.

S/SGT. ADAMS: Good afternoon, Mr. Avis.

MR. AVIS: I just have a few questions. I'd like to begin with a little bit about your discussion with Deputy Chief Singleton.

S/SGT. ADAMS: Yes.

MR. AVIS: I believe – did I get your evidence correct, you said that on as many as four occasions he was pointing out to you it's the RCMP jurisdiction and their investigation. Did I get that right?

S/SGT. ADAMS: No, that's incorrect.

I said there was at least four conversations that I would have had with members.

MR. AVIS: I see.

S/SGT. ADAMS: Like the first one was with Reg, with Staff Sergeant Tilley.

MR. AVIS: Okay. That's fine.

So you didn't have – I misunderstood, but on each of those four occasions were you told it was RCMP jurisdiction?

S/SGT. ADAMS: Yes, and Deputy Singleton was one of those.

MR. AVIS: One of those four.

S/SGT. ADAMS: Yes.

MR. AVIS: So I'm going to suggest to you that one of the reasons they were emphasizing that is, as with EAP, you must not do anything whatsoever to interfere with the investigation. Is that correct?

S/SGT. ADAMS: Yes, I would suggest they didn't want me – it was clear that we had nothing to do with the investigation.

MR. AVIS: Right. And for example, when it came to Constable Smyth saying things about what occurred that day, you did your best to note them as I understand.

S/SGT. ADAMS: I noted some of it that I felt –

MR. AVIS: Okay. But it would have been inappropriate for you to have engaged in some kind of dialogue with him about it because you would have been interfering with the investigation. Is that correct?

S/SGT. ADAMS: That would be correct.

MR. AVIS: You're not allowed to interview them are you?

S/SGT. ADAMS: No. And I said before I didn't go there to interview.

MR. AVIS: I understand.

S/SGT. ADAMS: Yeah, okay.

MR. AVIS: I'm just trying to get the principles out there that when you're out there for the purpose you were, which is in the nature of as you say –

S/SGT. ADAMS: Support.

MR. AVIS: – his health and what have you, you are not to get in the investigation and you are not supposed to question them about the incident, are you?

S/SGT. ADAMS: Correct.

MR. AVIS: Your sole purpose is their feelings and what have you about the incident and their immediate well-being.

S/SGT. ADAMS: Yes. Yes, that would be correct.

MR. AVIS: Okay.

And when it came to speaking to Constable Smyth – my friend might have asked that – you actually asked permission to do that. Is that correct?

S/SGT. ADAMS: Asked Constable Smyth –

MR. AVIS: The RCMP permission to do that.

S/SGT. ADAMS: Yes, I did.

MR. AVIS: Okay. How many officer-related shootings have the RCMP had – sorry, the RNC had to deal with in your career?

S/SGT. ADAMS: I was involved in one in 1985.

MR. AVIS: Okay. So that's two in your time. Correct?

S/SGT. ADAMS: Yes, that's all I can recall.

MR. AVIS: Okay. It's my understanding there are only two.

THE COMMISSIONER: Only two in the last 35 years or only two ever?

MR. AVIS: I'm trying to get to the bottom of that, but I think it might be ever. But at this stage there's only been two in most people's memory.

THE COMMISSIONER: Do you have – 1985, I think there'll be one earlier than that (inaudible).

S/SGT. ADAMS: There was one in '85 where a gentleman was injured by police gunfire in the centre of the city. And he survived in '85. And –

THE COMMISSIONER: There was one involving the RCMP. I think Lawlor, Officer Lawlor – Kevin I think it was, with Mr. Fleming down in Quidi Vidi in the village.

S/SGT. ADAMS: Right. Yeah.

THE COMMISSIONER: Mr. Fleming grabbed his gun, I think, and a couple of shots went through the roof.

S/SGT. ADAMS: Was that before '85?

THE COMMISSIONER: I think that would have been before '85 because Mr. Fleming would have been – he was, he was in prison –

S/SGT. ADAMS: Yeah, you know, I know the one in '85 because –

THE COMMISSIONER: He was in prison for a long time.

S/SGT. ADAMS: I –

MR. AVIS: At this point I'm simply trying to get at the infrequency just to –

THE COMMISSIONER: I'm just going to show my historical knowledge of the shooting that I'm hoping won't be lost, Mr. Avis.

MR. AVIS: No, I appreciate that.

THE COMMISSIONER: Uh-huh.

MR. AVIS: So you personally had been involved in one police officer-related shooting before in what capacity?

S/SGT. ADAMS: In 1985 in relation to that shooting I was only a young officer in the job two or three years. And I took some exhibits to the lab in Halifax to have analyzed for the identification team.

MR. AVIS: So is this your first police officer-related shooting which you – in which you went to attempt to diffuse the situation?

S/SGT. ADAMS: Yes, it is.

MR. AVIS: So you indicated that you had a police officer alone at the scene. Your intent was to go out there at least to possibly help diffuse the situation and to see if there was any – you could be of any assistance to him. Correct?

S/SGT. ADAMS: Support.

MR. AVIS: Support.

Now, you mentioned in your evidence again – previously in Critical Incident Stress Debriefings, you said: I'd go around and asked what your involvement was. You said: Now, they say nothing.

Could you expand on that, please?

S/SGT. ADAMS: Well, what I was saying in that, when a traumatic event happens and we do a critical incident stress, as the peer support debriefer, we don't even know a lot about the facts, just the fact that the incident did happen.

My understanding, and this is just general conversation with one of the members now, and this is only just general talk in the hall with one of the peer support officers. He said that they're looking now at not having them give their story at all because they have to relive it.

MR. AVIS: Perhaps all you may need to know with a group of officers is who may or may not have discharged their firearm, for example. Is that –

S/SGT. ADAMS: Yes, that a firearm was discharged. Yeah, that's correct.

MR. AVIS: What I'm trying to say is, other than the very basic facts you don't need to know anything else do you?

S/SGT. ADAMS: No, Sir.

MR. AVIS: And you are not seeking such information?

S/SGT. ADAMS: Correct.

MR. AVIS: And you are not seeking to influence that person's recollection are you?

S/SGT. ADAMS: No, Sir.

MR. AVIS: Say, if I put to you that never crossed your mind did it, that you would in any way influence or try to influence what he said.

S/SGT. ADAMS: No, Sir. Everything I did with him was, when we spoke was support.

MR. AVIS: Now, your relationship with Dick Dunphy, did that influence in any way what you did on that day or any other occasion in terms of your role as a police officer?

S/SGT. ADAMS: No, Sir.

MR. AVIS: And when Dick Dunphy later mentioned to you something about a firearm used, you pretty much cut him off and said we shouldn't discuss it because it's an RCMP investigation.

S/SGT. ADAMS: That's correct.

MR. AVIS: Those are all my questions.

Thank you.

THE COMMISSIONER: Yes, Mr. Drover.

MR. DROVER: Thank you, Mr. Commissioner.

Staff Sergeant Adams, you've been with the RNC for 35 years you said.

S/SGT. ADAMS: Correct, Sir.

MR. DROVER: And a good portion of that was with the canine unit?

S/SGT. ADAMS: Fourteen years with the canine unit, yes.

MR. DROVER: Did you just have one dog during that time?

S/SGT. ADAMS: No, I had three.

MR. DROVER: Three dogs. So your work with the RCMP was completely related to the canine unit.

S/SGT. ADAMS: Yes, Sir.

MR. DROVER: And forgive me if I'm wrong, but I'm sure there must be some big differences between a canine unit and say, an investigative unit.

S/SGT. ADAMS: Yes. In the canine unit my function was to operate, work with a dog as a partner. And most of my work with a police dog would involve in the woods tracking, searching, searching for evidence, searching for people.

MR. DROVER: And in that role as a canine officer, would you have had to do any interviews at all of witnesses or suspects?

S/SGT. ADAMS: No, Sir. There was a policy where – we had a RNC policy, and actually, I played a part in writing it. But under no circumstances were, outside of police officers, allowed to be in to the police van, because the dog would be in the back barking, trained to do that. And so you would never take no one in the police truck because people could look at it as saying, you were intimidated by the police dog or in – so no, that wouldn't happen.

MR. DROVER: So in those 14 years, you did not head up investigations or do investigations or conduct interviews or any of that sort of stuff?

S/SGT. ADAMS: No.

MR. DROVER: And after your 14 years with the canine unit, then you went into a supervisory role. Is that correct?

S/SGT. ADAMS: Yes, I went as a sergeant on patrol division.

MR. DROVER: And as a sergeant, it would be your job to oversee constables in your unit. Correct?

S/SGT. ADAMS: That's correct.

MR. DROVER: And in your role as a sergeant, again would you be conducting interviews, heading up investigations and that sort of thing once you came out of the canine unit?

S/SGT. ADAMS: No. There may be sometimes someone maybe came in, make a complaint at the front desk that I would perhaps go out and speak to them and that; but, no, I never really did any investigation work.

MR. DROVER: So, essentially, it's been quite a while since you've been involved directly in any investigation work or doing interviews and that sort of thing. Would I be correct in saying that?

S/SGT. ADAMS: Yeah, I would say it's been 1992, except I did work on a couple of operations within the Criminal Intelligence as a handler in relation to some files we had.

MR. DROVER: But not as sort of the –

S/SGT. ADAMS: Not as the investigator. No, Sir.

MR. DROVER: Not as the main investigator or the main interviewer.

S/SGT. ADAMS: No.

THE COMMISSIONER: So you're saying not since – since when?

S/SGT. ADAMS: Well, 19 –

THE COMMISSIONER: For a brief period you were with the CID, was it?

S/SGT. ADAMS: Yeah, that was before '92. But it has been – '92 I went to Alberta to train the first police dog and I never – after that there was no investigative work that I was detailed with.

MR. DROVER: We've done a lot of – had a lot of discussion today about critical incident stress and critical incident stress debrief but I'm not sure if I ever heard you describe what you would consider to be a critical incident.

S/SGT. ADAMS: Well, to me a critical incident is any traumatic event that may take – may affect the officer's emotions and it may have an outcome in the way that he would normally function prior to that incident happening. So in relation to an officer shooting someone, he may act completely different as the way he did prior to that incident.

MR. DROVER: Now I assume by your definition, that a critical incident is much broader than just an officer-involved shooting.

S/SGT. ADAMS: That's correct. Or it could be officers, it's just – it may be more than one, but officer or officers.

MR. DROVER: And in your time with the canine unit, I mean, were you involved, yourself I guess, as an affected officer by critical incidents?

S/SGT. ADAMS: I was involved in a large number of critical incidents, in relation to suicides, searching for missing people that, you know, the outcome, when we found them they were dead. There was a number of suicides where I was called in to search with my dog and found individuals.

MR. DROVER: So are you then the first person on the scene? You're out looking for missing persons, possibly a suspected suicide, and it's just you and your dog?

S/SGT. ADAMS: Usually, yeah, it's just – most of the time it'd be just myself and my dog. Sometimes there would be another officer, but for most of the time when there's tracking and that with the dog, it'd be just myself and the dog in the woods searching, yes.

MR. DROVER: And so, I guess in that case you must have come upon some pretty gruesome scenes.

S/SGT. ADAMS: Yes, I did.

MR. DROVER: And then it's your job to remain on that scene and protect the scene until other officers arrive.

S/SGT. ADAMS: That would be correct.

MR. DROVER: Which could be a short period of time or a very long period of time.

S/SGT. ADAMS: I've, I've spent, I have spent hours, sometimes an hour, sometimes half hour, but – maybe even two hours probably the max where I stayed there with a deceased, just stayed there, made notes in my notebook and stayed there at the scene till officers came in. There was one particular case down in the east end, in the woods where the fog and that came in, and I stayed with the individual for a few hours till the officers were able to come in. Yes, that would be right.

MR. DROVER: So these could be hangings, or –

S/SGT. ADAMS: This was a shooting.

MR. DROVER: A shooting, so a shotgun –

S/SGT. ADAMS: Shotgun, yeah.

MR. DROVER: Someone takes a shotgun to their head. So that's a pretty gruesome thing to have to go through.

S/SGT. ADAMS: Yes, it is.

MR. DROVER: And, like you say, it can have a serious effect on an officer's mental health?

S/SGT. ADAMS: Yes, it can affect the way you focus in on things prior to that. You know, sometimes it doesn't leave your mind for a while. You know, sometimes, like I said, you'd have

trouble sleeping, you know, you may go back and relive the incident. There's one street in town where I was on a call that any time I go there my mind goes back to that incident.

MR. DROVER: Right. And what incident was that?

S/SGT. ADAMS: It was a young child killed by a motor vehicle.

MR. DROVER: And was that a long time ago that incident happened?

S/SGT. ADAMS: It was since 20— it was since 2006, after 2006.

MR. DROVER: So, 11 years later you're still suffering some of the negative effects of that?

S/SGT. ADAMS: Well, yeah, like if — I don't travel that route a lot, but if any time I would drive up that route my mind goes back to that young child that day and that's the picture I see when I drive that route. I don't go there a lot, but I've had since the — since that accident I've been up the street, you know, a few times and, yeah, you look, what you think about that intersection is that incident that happened that day.

MR. DROVER: How important is early intervention with an officer when there is a critical incident? How important is early intervention with that officer towards their recovery from any negative psychological effects?

S/SGT. ADAMS: I think it's crucial. It's very important that an officer involved in an incident like that, that he get support immediately.

MR. DROVER: And on the day in question, on April 5th, when you were going to Holyrood to see Constable Smyth, that was your main reason for going there?

S/SGT. ADAMS: That was my main focus, to go and offer him support and encouragement, yes.

MR. DROVER: And also you were an officer with the Critical Incident Stress Debriefing training?

S/SGT. ADAMS: Yes, Critical Incident Stress Management training, which in turn your training enables you to be a debriefer or diffuser. There's different phases, you can do a diffusing or a debriefing, and then there's usually a follow-up stage, yes.

MR. DROVER: And what would — what would a diffusing be? I think you may have explained it, but I want you to just —

S/SGT. ADAMS: A diffusion is not as — a diffusion is you can go and you can do it one-on-one right at the scene. You know, you may feel the officer just was at a suicide and it might be a young officer that we said, you know, you have to stay here with the body with someone with their head blown off. They might have to stay with that body for two hours or an hour until we have Ident show up at the scene. And it could be a young officer that never experienced this, so you would try to go in and speak to that officer before going home and try to diffuse them to make them feel safer. You know, what you you're experiencing here, anybody would have a difficult time with it. You may go home, you may, you may have trouble sleeping, this may come back to you throughout the day, you may be home eating your supper with your family, you may visualize this. And you try to tell them that.

So a diffusion could be done at the scene, it could be done in your car, and it's usually done on one-on-one, and a diffusing would be done one-on-one, whereas a debriefing would be done with everybody that was involved in the incident.

MR. DROVER: And do you feel that on the day you went and met with Constable Smyth in Holyrood, do you feel that you accomplished a diffusing with him? Did you tell him, you know, that you were there to support him and that he was safe?

S/SGT. ADAMS: Yes, I did.

MR. DROVER: And how many times would you say that you told him that you were there for him, you were there to support him, and anything he needed that you were there for him?

S/SGT. ADAMS: I wouldn't say I told him a lot, but, you know, in the back of my mind I was also thinking this gotta be pretty, pretty difficult on this. Do you know what? I can't imagine it being much more difficult, with the exception maybe of an officer who was killed in the line of duty and go with him. But outside of that, it had to be – like I said, the weight on your shoulders – it is unbearable what you have to go through.

And the thing about it in policing is it might happen on a Friday night. You might be in on that same thing Saturday night, or a similar situation. Like, it doesn't leave you.

I go to a suicide on a Friday night with the dog and find someone with their head shot off, then all Saturday night I might be down searching and we could find someone in a hanging. Three days later I might be showing up to track someone from a motor-vehicle fatality, and I'd have to start the scene.

So it's so important to get in and get support and encouragement from your peers and the people you work with. I think it's crucial.

MR. DROVER: So over the years that you have been involved in these critical incidents, and particularly with the canine unit, as some of the incidents you've described, have you, yourself, taken advantage of this support that's available for officers?

S/SGT. ADAMS: I may have sat in on one or two, and like, you tell people with critical incident stress – and I know, like, your family life is a real support service. If you've got a good family life, you're very busy and you're – like, I'm a person that is involved in a lot. I'm a pretty active individual, so that was a support for me. My family were a support for me and that helped me. Keeping busy helps you, but maybe some people don't have them advantages, even though they're a police officer, so...

MR. DROVER: I guess a question is: Is the focus on the mental health and well-being of officers? You've been with the force 35 years. Has that focus changed during that time?

S/SGT. ADAMS: I'm going to say definitely yes, and I would say especially in the last 10 years. And when – you know, the first 10 years or so that I was in the RNC, you went to a call and that was it, you went on to the next one, and you went on to the next one, and you went on to the next one. And that was the way it went.

MR. DROVER: And how were officers back then expected to deal with that trauma?

S/SGT. ADAMS: Well, I don't think there was any way – they weren't given any encouragement to deal with it. You just moved on. You came in to work the next shift and, you know, there may have been officers back then that were a lot closer and maybe said, you know,

how are you feeling about the event or how are you feeling about that incident that you were involved in? But, you know, I've noticed in the last 10 years like you, like in my case trying to get up. I wanted to go see Joey that day. I really did want to go see him to give him that support.

MR. DROVER: And you went there with the training not knowing, of course, whether Constable Smyth was gonna want to participate at all?

S/SGT. ADAMS: Yeah, and I would suggest to you, even if I didn't have that training, I would have went there to see him that day.

MR. DROVER: Was that because you were the senior officer on duty that day?

S/SGT. ADAMS: No, that was because I couldn't imagine what he was going through and I felt I would go there to give him support. And like I answered here, you asked me would I do that again. And it's a hard answer for me to say no, that I wouldn't do that again, knowing an officer out there is in that position and to say, no, I wouldn't go there and try to help him. I think I would.

MR. DROVER: You felt it was important?

S/SGT. ADAMS: Very important.

MR. DROVER: So you say that you had an interview – I want to talk a little about the review done by the Saskatoon Police or the Saskatchewan Police. You had an interview with Grant Little and he was reviewing policy, correct?

S/SGT. ADAMS: That's what he informed me when I went up for a meeting with him, which he requested. He informed me that he was here to look at RNC policy in relation to the shooting incident in Mitchells Brook.

MR. DROVER: And the policy that was put to you as an exhibit today – P-0279, perhaps we can bring that up, Madam Clerk? It was your evidence here today that this is in fact an appendix to the Major Emergency Manual, which I believe it does in fact say down at the lower left-hand corner, correct?

S/SGT. ADAMS: This particular appendix, until today – and in fairness to Ms. Chaytor, I think when I had done the interview she had read part of that out. In relation to the critical incident stress that I was referring today, it wasn't from this Emergency Manual. There was a policy and procedure, which deals with the Employee Assistance Program. Under the Employee Assistance Program, which at the time was run by Sergeant O'Reilly, there's a good section of four pages, three pages that deals with Critical Incident Stress Management.

MR. DROVER: Right, and so that is a – that is part of the actual Policy and Procedure Manual for the RNC.

S/SGT. ADAMS: For all officers. That's there for any officer to put up on a front line and look at it and it talks about the procedure and dealing with critical incident stress, how to go about, which officer to contact, yes.

THE COMMISSIONER: That's not just for the RNC, is it? That's for government employees generally?

S/SGT. ADAMS: No, Sir. The Employee Assistance Program that's government-wide –

THE COMMISSIONER: Right.

S/SGT. ADAMS: – that’s for everyone. But in relation to the RNC, the Employee Assistance Program would be the same as the government. However, the RNC, in conjunction with the Department of Health, felt that because of the type of work that police do that it was, it’s very important to have counselling available for the officers. Because of them meetings – I wasn’t at the meetings, but I guess it was done at the chief’s level. Because of those meetings they agreed that we should look at training some officers in Critical Incident Stress Management, so as that we can have them available to speak to the officers right there on the spot.

So that’s how it came about, with Department of Health, the RNC, and that’s how it was sort of spelled out. The EAP program, which is government-wide, yes, it deals with referrals, but it could be, it doesn’t necessarily mean that it’s a critical incident stress referral that they would have – that would be part of it, but it could be something else, too, in relation to EAP.

THE COMMISSIONER: Okay.

MR. DROVER: Because I notice in this one, in fact, in the second sentence it talks about having basically an action plan to deal with sudden disaster, major emergency or an extraordinary accident.

S/SGT. ADAMS: Yes, and what, and, and, you know, what I can say about this appendix, and you know, like I said, seen it today, there is an emergency operations manual that the RNC has. It’s, it’s –

MR. DROVER: Isn’t that only used in the event that there’s an emergency declared?

S/SGT. ADAMS: Well, it would be used whenever there’s a major emergency. The manual is mainly for who would be the duty officers. It’s a manual to follow in relation to what steps are taken in a major – you know, it could be when we had, we had a major fire years ago when I worked in, in down in Harvey Road, Long’s Hill, you know, and there had to be a lot of police deployed to assist in that. So the Major Emergency, to my understanding, is a manual that you can go look at and it’ll tell you how to operate in a major emergency if you were the duty officer.

MR. DROVER: Right. And that –

S/SGT. ADAMS: My understanding, from looking at this, and what I get from this is as a result of having this Emergency Manual available, that somewhere along the way someone looked and said maybe you know a good thing to have in this manual would be the fact that critical incident stress is so important and should be part of it. That’s what I’m assuming the appendix came from.

MR. DROVER: So now this other policy that we don’t, that we don’t have as an exhibit, when Ms. Breen asked you earlier today, or put to you that you had not followed the policy, and you agreed with her, the thing that you didn’t follow was that it was up to the chief to decide who was going to do the Critical Incident Stress Debriefing with Constable Smyth, and you had not been directed by the chief to do that.

THE COMMISSIONER: You also had to go through a coordinator, didn’t you normally?

S/SGT. ADAMS: Yes, the Employee Assistance – the chief can make it – in relation to a firearm being used in the line of duty by a policeman, a police officer, the chief will make it mandatory that he attends a debriefing, Critical Incident Stress Debriefing. It’s mandatory. Now, how that comes about to be mandatory I guess the chief speaks to the EAP coordinator, which

would be Sergeant O'Reilly and say look, we had this incident, which Sergeant O'Reilly is probably already aware of, we had this incident, I want you go ahead and set up briefings he will attend.

So I think that's what you're asking, and in that case Sergeant O'Reilly at the time would look at the severity of it and he may decide he's going to use professionals from outside to assist with the debriefing. You know, he might say, you know this is, this one is pretty serious, I think I'll bring someone in from outside and he may say you can, he may look at one of the people trained and say you can come in as a co-debriefer and sit in. That would be my take on that.

MR. DROVER: But you didn't have – the chief didn't raise that in the short conversation that you had with him while you were out at the RCMP detachment.

S/SGT. ADAMS: Well, he did mention to tell Sergeant Smyth about the EAP program and that Shawn O'Reilly was available and that he would be speaking or had spoken to Shawn O'Reilly.

MR. DROVER: I just want to be clear on one point; so P-0293, which was your sort of list of different types of behavioural –

S/SGT. ADAMS: Behavioural, cognitive, yes –

MR. DROVER: Symptoms, symptoms that people could exhibit as a result of being involved in a critical incident.

S/SGT. ADAMS: Right.

MR. DROVER: And there were three little blue ticks, there. You have no idea if you ticked those off on the day of or if you had ticked them at some other time, is that correct?

S/SGT. ADAMS: I can't say for certainty, 'cause – like I've had this in my book since 20 – since I done the course. I just had it in my book as a reference for myself, and I may have been in the office and ticked overwhelmed thinking to myself you know, this officer got the weight of the world on his shoulders and more here. You know, maybe –

MR. DROVER: But you're unsure if it was in fact ticked.

S/SGT. ADAMS: I can't say for a hundred per cent, no.

MR. DROVER: This exhibit looks well-loved.

S/SGT. ADAMS: What?

MR. DROVER: It looks well-loved I said. It's quite worn. It's been kicking around your office for a long time.

S/SGT. ADAMS: Oh yeah (inaudible) you know I'll come back and I'll look at it or review it when I'm probably going in to talk to – I don't bring it in, but I may review it when I talk to 'em or afterwards.

MR. DROVER: Okay. You were asked a question this morning about a statement that you had made in your RCMP statement P-0278.

I take it your, reading this – page 11, Madam Clerk, if you don't mind. Reading this interview it seems to be a very conversational style.

S/SGT. ADAMS: Yes.

MR. DROVER: I mean were you taking long periods of time to think about what you were being asked and what your reply was, or was it just the flow of conversation happening throughout this interview?

S/SGT. ADAMS: To me, in this interview, it was just the flow of conversation. He asked a question and I continued on; he'd be on to the next one, we'd continue. It was just a constant flow. There may be some places where maybe I had to think about some things but it was like there was a flow.

MR. DROVER: So you didn't, most of the time you weren't sitting there analyzing the question before you answered, just participating in the flow?

S/SGT. ADAMS: No.

MR. DROVER: And after you were asked the question, you didn't sit back and dissect the question, dissect your answer and wonder why –

THE COMMISSIONER: A little bit of a leading question but I'll let you get away with it, Mr. Drover. That's fine.

MR. DROVER: Thank you.

I guess my question is you were asked a number of times this morning why would Constable or, sorry, Corporal Henstridge asked you this or what was on – do you have any way of knowing what was going on in Corporal Henstridge's mind as he's asking you questions or making comments?

S/SGT. ADAMS: No, I don't. Like I said, he came in to conduct an interview, audio tape and he asked the questions and I answered the best that I could.

MR. DROVER: Now, on page 11 of this, I believe it was you were talking about sort of giving the officer time before giving their statement because they might come back with a completely different story. I'd like you to comment a little more on that completely different story. What do you mean completely different story?

S/SGT. ADAMS: Well, sometimes with officers, when you're involved in a traumatic event such as this, sometimes your mind can be blocked out. You might be only focused on – you might be only focusing on the incident itself and nothing else around the incident, you know. Like, you go into a suicide and there's someone dead and their head is blown off, you might only be – after you come out for a period of time you may just, look, that's what you may be imagining in your mind. That's where your focus may be and it might be hard to remove yourself from that to try to focus elsewhere for a period of time.

And the incident that staff – or Sergeant Smyth was in, like I said, it's very traumatic. It's up there – for a police officer, I can only imagine. And, you know, I just felt that maybe at times it could be difficult for him to focus in on it. And his hand was shaking and that wasn't – I never see Joe – Sergeant Smyth's hand shaking that from any time I dealt with him previously. And I found him a very, very relaxed individual, a very calm individual, and it was like it was out of character a little for me. So all I was suggesting was just try to relax here, Joey, we're with you, we support you and you'll get the opportunity to give your story.

Whether it was 10 minutes after we left or if the RCMP had to show up while I was there and say, excuse me, Staff – or Acting Inspector, you know, we have to interview him. I would have said, yeah, okay, you know.

MR. DROVER: Those are all my questions.

THE COMMISSIONER: Thank you, Mr. Drover.

MR. DROVER: Thank you.

THE COMMISSIONER: Anything arising or any other questions?

Ms. Chaytor.

MS. CHAYTOR: Yes, just one question, and I am looking now at a policy November 17, 2010, Employee Assistance Program.

S/SGT. ADAMS: Number 270?

MS. CHAYTOR: Pardon me?

S/SGT. ADAMS: Would it be General Order?

MS. CHAYTOR: Yes, General Order 270.

S/SGT. ADAMS: Yes.

MS. CHAYTOR: And is this the policy you're referring to in your answers regarding Critical Incident Stress Debriefing?

S/SGT. ADAMS: Yes, Ms. Chaytor.

MS. CHAYTOR: Okay. And –

THE COMMISSIONER: Sorry, what is the – what is the reference?

MS. CHAYTOR: It is a policy, Employee Assistance Program –

THE COMMISSIONER: Yeah, no, what's the reference number or whatever, however you –

MS. CHAYTOR: General Order 270.

THE COMMISSIONER: General Order 270.

MS. CHAYTOR: And the date of the policy is November 17, 2010.

THE COMMISSIONER: Okay.

MS. CHAYTOR: Section 4, Critical Incident Stress Debriefing and special counselling. And 4.1 refers to the EAP coordinator will arrange for a CISM psychologist to accept referrals from this department in both traumatic cases and in non-critical but serious cases where immediate attention is required under the following guidelines. 4.2 the chief of police or his designate will always refer employees directly to a CISM psychologist for debriefing in the following situations: (a) wherever firearms are used by or against an employee.

So that's the policy you're referencing.

S/SGT. ADAMS: Yes. Yes, Ma'am.

MS. CHAYTOR: Okay. So doesn't this say that the Critical Incident Stress Debriefing would be carried out by a psychologist in – which is what we understand happened in this situation when – and would be directly referred by the chief or his designate?

S/SGT. ADAMS: That would be correct.

MS. CHAYTOR: Okay.

Now, 4.3 says: A reasonable time after the incident where immediate attention may not be required, the employee involved may be interviewed by a responsible officer, usually the EAP coordinator.

Now, again, Staff Sergeant Adams, you're not the EAP coordinator, are you?

S/SGT. ADAMS: No, Ma'am.

MS. CHAYTOR: And in April of 2015, who was that person? Is that Shawn O'Reilly?

S/SGT. ADAMS: That would be Sergeant Shawn O'Reilly.

MS. CHAYTOR: Okay. Thank you.

THE COMMISSIONER: Now, just before you step down, Staff Sergeant, your experience – I guess you understand and appreciate the need for maintaining public confidence in a police investigation?

S/SGT. ADAMS: Yes, Sir.

THE COMMISSIONER: And there are certain protocols, set-down procedures, which at least as one of the purposes would have that in mind, to maintain confidence of anybody looking at the way the investigation went to make sure it was done fairly and appropriately. Would that be fair?

S/SGT. ADAMS: Yes, Sir, that would be fair.

THE COMMISSIONER: Now, do you recall the procedure, the policy and procedure, I guess, for how deaths, incidents involving deaths, shall be treated by investigators of the RNC? And I'm dealing only with the policy of the RNC because we have a jurisdictional problem, constitutional separation between the RNC and what we can look at in terms of the RCMP. They're federal jurisdiction and there's only so far we can go in terms of dealing with their policies and procedures and so forth. But for the RNC, when there's been an incident involving death, what do you understand the requirements are for investigators in terms of how they treat the investigation?

S/SGT. ADAMS: My understanding is that they would treat it confidential and that they would carry out a detailed investigation, come in and look at every aspect from forensics –

THE COMMISSIONER: Let me be a bit more specific, and it's my fault for the broad question I put to you. In terms of whether it's to be treated as a criminal investigation or not, if there's a death, what does the policy say?

S/SGT. ADAMS: It's to be treated as criminal.

THE COMMISSIONER: Yeah, and I'll just read it out to you because I'm not sure we have it set up there and it's short enough that I don't think we need to have it in front of us, but we'll get it put up. There is a section in the Policy and Procedure Manual, General Order 293, January 16, 2012, Deaths, 2.2: "All reportable deaths shall be treated as criminal until determined to be otherwise by the Major Case Manager."

So that would be your understanding as to –

S/SGT. ADAMS: Yes, that would be correct, Sir.

THE COMMISSIONER: And that's still in effect.

S/SGT. ADAMS: It is. Yes.

THE COMMISSIONER: In this case, we've had a number of situations where the question might arise whether Constable Smyth was being treated the same as any other person would be treated. And we've had officers up to now, and I think you were frank in your position, that whether it's a criminal or non-criminal investigation, I'll say seemed – in my own words would seem to be a little fuzzy with officers when you get to an officer-involved shooting. Would that be a fair assessment?

S/SGT. ADAMS: Yeah, I would –

THE COMMISSIONER: I'm not sure fuzzy is a proper legal term –

S/SGT. ADAMS: Yeah, no –

THE COMMISSIONER: – but there seems to be a bit of ambiguity, to put it another way –

S/SGT. ADAMS: To –

THE COMMISSIONER: – in terms of the approach of police officers in this case.

S/SGT. ADAMS: Towards another policeman?

THE COMMISSIONER: Which may be understandable but –

S/SGT. ADAMS: I would say that's – I would say that's a fair assessment of that. Yes.

THE COMMISSIONER: And I understand completely your concern for supporting Constable Smyth or supporting any individual found in his position –

S/SGT. ADAMS: Correct.

THE COMMISSIONER: – after a traumatic incident like that. The problem is – or I should put it another way, do you see any problem in terms of what is required by treating an investigation as a criminal one and carrying out the function of comforting a fellow officer.

S/SGT. ADAMS: It's a good – it's a very good point. And you know, I understand, looking back, maybe in hindsight that maybe I could have looked at it criminal. But, you know, when you get an officer that's in the line of duty and he's working and an incident like this happens, yeah, I don't understand how it's fair just to leave him out there without any support, you know.

And I sort of know – I get the question you’re asking but it’s, it’s – I guess there’s guidelines need to be put in place, but it’s difficult to leave someone in the situation that, that officer found himself in today without providing him with any support and –

THE COMMISSIONER: Yeah. And I can understand your –

S/SGT. ADAMS: You know.

THE COMMISSIONER: – seeing it as a difficult situation. I can understand.

Part of the function of a proper investigation, of course, may be to clear the air and establish clearly that someone – and I’m not just referring to Constable Smyth, but just speaking generally –

S/SGT. ADAMS: Uh-huh.

THE COMMISSIONER: – that someone has not been guilty of wrong doing and should be considered, basically, as having acted appropriately.

Would you agree that, that’s the one result? You either find the individual has acted inappropriately; you’re not able to say or you find that he has acted appropriately – I’m sorry, let me go again.

You may find that an officer has acted appropriately, has acted inappropriately or you can’t say one way or the other. Would that be a possible result of your investigation?

S/SGT. ADAMS: Yes, it would be.

THE COMMISSIONER: And it’s in the interest of the officer, who you believe should have support – it’s in the interest of that officer to be relieved of any responsibility if, in fact, he or she has not acted inappropriately.

S/SGT. ADAMS: Yes, I would agree with that.

THE COMMISSIONER: And if the process of offering support or comfort results in difficulty in saying whether or not the officer has acted appropriately, that’s a problem for the long term for that officer, is it not, if something is left hanging as a question?

S/SGT. ADAMS: Over the officer’s head it would.

THE COMMISSIONER: Yeah.

S/SGT. ADAMS: Yeah, which –

THE COMMISSIONER: That’s not –

S/SGT. ADAMS: It was –

THE COMMISSIONER: That’s not healthy.

S/SGT. ADAMS: No, that would certainly affect that officer if you’re leaving it over long term, or even short term, hanging over his head, there’s no question about that. It’s going to be, play – effect on him.

THE COMMISSIONER: So you have to balance, do you not, what might be good in the very short-term for the officer and what might, because your intervention muddies the waters –

S/SGT. ADAMS: Uh-huh.

THE COMMISSIONER: – leave something hanging, leave a question unanswered so that it's left hanging over the head of the officer, as you say.

S/SGT. ADAMS: Yeah, you know, it's –

THE COMMISSIONER: It's not easy.

S/SGT. ADAMS: You know, it's a decision, you know, sometimes you – you know, you act on a decision but to leave it – to deal with it or leave it hanging. Like it's, it's very difficult to see these young officers with six months, eight months and even senior officers, 25 years, to leave something hanging over their head when they went out in the execution of their duty, you know, to prevent, protect life. And you find yourself in that position that Sergeant Smyth was – I've never been in it but it's – you know, I can't see it not affecting someone to leave it hanging over their head.

THE COMMISSIONER: Okay. Well, just to continue on the same line; I'm almost finished. But if the public looks at an investigation – I'm speaking generally now – and they have these unanswered questions, this may result in a lack of confidence in future investigations. Would that be fair?

S/SGT. ADAMS: That is fair. I could see – I can see that happening, yes.

THE COMMISSIONER: Yeah. So it's in the interest of future investigations, being able to adequately clear the air, that we have procedures –

S/SGT. ADAMS: Procedures.

THE COMMISSIONER: – down there which are designed to avoid these unanswered questions.

S/SGT. ADAMS: Yes.

THE COMMISSIONER: And when they say: "All reportable deaths shall be treated as criminal until determined to be otherwise by the Major Case Manager."

S/SGT. ADAMS: Yes.

THE COMMISSIONER: And if right from the beginning you have this, we'll say, buddy-buddy approach which is the allegation often that –

S/SGT. ADAMS: Yeah.

THE COMMISSIONER: – police officers treating their own –

S/SGT. ADAMS: Differently.

THE COMMISSIONER: – co-worker as being innocent – and there is a presumption of innocence of course. But in the investigation if they start off and they have, in a matter involving

credibility they go easy on the person and it's an interrogation and a series of questions, but not really tough, that's a problem, isn't it.

S/SGT. ADAMS: Yeah, I see that as a problem. And I can see where the public would certainly have concern over that.

THE COMMISSIONER: And they might still be feeling, well, that wasn't really that –

S/SGT. ADAMS: Yeah, I'd agree with that. I mean everybody deserves to be treated fairly, no matter who or what, deserves to be treated fairly. And I can see the, certainly the public having issues with that, yes.

THE COMMISSIONER: Well, it's not just a matter of treating them fairly. In some cases it's for the officer's own good, arguably, to put him or her through a tough interrogation –

S/SGT. ADAMS: Yes. Correct.

THE COMMISSIONER: – and they come out of it unshaken.

S/SGT. ADAMS: Yes.

THE COMMISSIONER: And anybody looking at it said that was a tough interrogation, he or she wasn't shaken. That works to the officer's advantage, doesn't it?

S/SGT. ADAMS: Yes, I think it works for the officer and the investigator –

THE COMMISSIONER: Right.

S/SGT. ADAMS: – I would think it'd be two-fold.

THE COMMISSIONER: Right.

So if the questioning is too casual or if proper notes are not taken, for example, or if other things that are not done, which are required to be done, the risk is there, is it not, that the public is going to, when it's all said and done, not going to be satisfied with the result that they see.

S/SGT. ADAMS: Yes, Sir.

THE COMMISSIONER: And one of my jobs here is to try and, try and bring in recommendations, if I can, that will see, as far as possible, that what happened in these circumstances, in this incident, doesn't happen again.

S/SGT. ADAMS: Yes, Sir.

THE COMMISSIONER: Would you agree that if it's made clear, continuously, to police officers that it's supposed to be a criminal investigation, that there's a better chance of avoiding leaving questions unanswered or avoiding leaving the impression that the person is being let off easy?

S/SGT. ADAMS: Yes, I would agree with that, that's, that's –

THE COMMISSIONER: Because if it's to be treated as a criminal death, then even though you get, say, in this case, the understanding very quickly that the officer is saying someone pointed a

gun at him and he had no choice, that's not enough to justify a major case manager then saying okay, that's all we need do as far as testing the credibility of the individual, is it?

S/SGT. ADAMS: No, that's right.

THE COMMISSIONER: So if it's to be treated as a criminal investigation –

S/SGT. ADAMS: And everybody stays out –

THE COMMISSIONER: – everybody stays hands-off and –

S/SGT. ADAMS: – 'till it's done.

THE COMMISSIONER: – the officer who's in the unfortunate position understands that –

S/SGT. ADAMS: He's (inaudible).

THE COMMISSIONER: – if you're his friend, then you're going to –

S/SGT. ADAMS: He's going to be left hanging for –

THE COMMISSIONER: There might still be a modest and maybe even a protocol set up for expressing support, but it would have to be done in a very restricted way, wouldn't it?

S/SGT. ADAMS: Yes, Sir; there's no question.

THE COMMISSIONER: So if it's a criminal investigation, until there was sufficient evidence to conclude not only that the officer said that something happened but that it, in fact, did happen in that way –

S/SGT. ADAMS: Correct.

THE COMMISSIONER: It wouldn't be until then that you'd be able to say, well, we don't have to treat that as a criminal investigation.

S/SGT. ADAMS: Yeah. I guess then you could send your critical incident stress de-briefers or whatever you wanted in at that point, yes.

THE COMMISSIONER: Well, you might not even have to wait that long because I note your point that, and probably correct, that if critical incident stress treatment is to occur effectively, it probably should be done fairly quickly.

S/SGT. ADAMS: Yes, Sir.

THE COMMISSIONER: And investigations are not always completed all that quickly but it – would you see that in this case – and maybe it's because of the fact that there are not that many, fortunately. Would you see that from what you've seen in terms of the facts that Constable Smyth – and I'm not saying this to criticize him – may not have been treated in the same way as would somebody who was subject to a criminal investigation?

I don't want to be unfair to you now and take the time if you can't say it, tell me, but if Constable Smyth had been treated subject to a criminal investigation, would it be the same treatment he'd have received?

S/SGT. ADAMS: I think it's fair to say if it was treated as a criminal investigation yeah, he wouldn't have been treated perhaps the way that, you know, I went up and spoke to him. That's fair.

THE COMMISSIONER: Right. And do you see that one of the problems might be that his fellow officers, again I say this understandably, might have been too quick to –

S/SGT. ADAMS: Respond.

THE COMMISSIONER: – treat it as non-criminal because Constable Smyth described what happened and they immediately accepted what happened before there was adequate investigation as to what happened.

S/SGT. ADAMS: Yeah, I would agree with that, but I guess the officers responded because of the closeness there and co-working –

THE COMMISSIONER: I understand, but they –

S/SGT. ADAMS: But yes, that would be right.

THE COMMISSIONER: They respond in that fashion because – and it's a good thing to have a well-knit team working as police investigators but do you – would you not agree that it's highly important that –

S/SGT. ADAMS: Be treated criminally.

THE COMMISSIONER: – that it be treated criminally and not be changed from a criminal investigation status until there was sufficient evidence to conclude clearly not criminal.

S/SGT. ADAMS: Yeah, I'd agree with it, you know. Maybe that's the way it's got to be, you know, going in there treated. I mean –

THE COMMISSIONER: It seems to be harsh –

S/SGT. ADAMS: You know –

THE COMMISSIONER: – and it seems to be an unduly tamping down the common humanity of all of us.

S/SGT. ADAMS: Yeah, you know, you're coming – yeah, you do, treating it criminally and you're sort of putting the officer aside in relation to, you know, the stress and – you know, you're just going to have to put that aside for a while in relation to treating it criminally. Now –

THE COMMISSIONER: And that might be better in the long run for the officer because you might get a better clearing of the air by the time – hopefully not another inquiry – but by the time an investigation is carried out –

S/SGT. ADAMS: It's done.

THE COMMISSIONER: – it might be more definitive.

S/SGT. ADAMS: Yes, the only thing sometimes with these investigations, they can be, you know, they're awful lengthy some of them and take a long while. And, you know, you know,

from the officer's point of view that's directly – or officers that are involved in that situation, you know, it has a tendency to leave them hanging out there for a long while.

THE COMMISSIONER: Yeah, I understand.

S/SGT. ADAMS: You know.

THE COMMISSIONER: Yeah. And this was one of the criticisms of – that's been made, I think, by some of the witnesses in this case. Well, I think specifically Constable Smyth felt that the matter had been dragging too long before the decision was made that there should be no charges laid.

S/SGT. ADAMS: Yeah.

THE COMMISSIONER: And I can understand that.

Okay. The reason I'm putting these general questions to you is because part of the role of an inquiry like this is to get the general public informed about practices and procedures and protocols and what the requirements are for police officers –

S/SGT. ADAMS: Yes, Sir.

THE COMMISSIONER: – and what are the protections that police officers should be entitled to and to generate a discussion. And before the, before the inquiry is over there'll be a period where we'll be able to consider, in a broader context, the questions like that and, you know, what's meant by treating something as a criminal death as opposed to a non-criminal death.

S/SGT. ADAMS: Correct.

THE COMMISSIONER: Or a criminal investigation as opposed to a non-criminal investigation. And your, I think, remarks will help. In terms of educating the public, I feel that I've been educated in some extent by your responses.

Thank you.

So unless there is anything – Mr. Kennedy, go ahead there, arising from my –

MR. KENNEDY: Yes, arising, Commissioner.

Staff Sergeant Adams, a lot of the comments have been made by the Commissioner relate to police investigating police. If this matter had been sent out to either an out-of-province police agency or to an out of province – an out-of-province police force or another investigating agency, such as a civilian oversight agency, do you think that some of these problems could have been, or perceptions could potentially be avoided?

S/SGT. ADAMS: Yes, I think that's fair. But I guess when you go outside you know, you're gonna have – by the time you bring an agency in and get them to do it, it's probably going to be longer again, you know.

MR. KENNEDY: Well, that's an issue that, Commissioner, can be discussed later but –

THE COMMISSIONER: Yeah.

MR. KENNEDY: That would –

THE COMMISSIONER: I think I already raised that with prior witnesses, actually.

MR. KENNEDY: (Inaudible) question, Commissioner, but I would like just to make a couple of comments. Even though your, your comments are very general and relate overall to the, to dealing with the officer, I would like to point out that the record indicates that Constable Smyth was co-operative throughout this matter with the police. He wanted, as indicated by this officer, wanted to give a statement.

He didn't control the investigation in any way, Commissioner, as to the steps that were taken. That, I would suggest to you, the investigation as we move to this will show that there was, perhaps he was put under scrutiny as a result of the public pressure and media pressure that was out there.

And finally, Commissioner, that the length of time is something the investigation took that he had no, he had no control over. So I just want to make the comment that –

THE COMMISSIONER: You want to make some – if you're closing submissions right now, that's fair enough.

MR. KENNEDY: No, I just want – I don't want to be (inaudible) –

THE COMMISSIONER: I'm –

MR. KENNEDY: – left that you're directing your comments towards a, or Constable Smyth as opposed to the general comments that, it seemed to me your comments were more generally about the investigation –

THE COMMISSIONER: That was the intention.

MR. KENNEDY: Yes. Thank you, Sir.

THE COMMISSIONER: Okay.

All right. Thank you.

S/SGT. ADAMS: Thank you, Sir.

THE COMMISSIONER: You can step down.

And it's time for a mid-afternoon break, I think. Nothing before we break? Okay.

Wait for 15 minutes.

MS. SHEEHAN: All rise.

This Inquiry is in recess.

Recess

MS. SHEEHAN: All rise.

This Commission of Inquiry is in session.

Please be seated.

THE COMMISSIONER: Go ahead when you're ready.

MS. O'BRIEN: Thank you, Commissioner.

Before I call the next witness or introduce the next witness, you in your questioning of Staff Sergeant Adams, just before the break, you referenced General Order 293, section 2.2, just to advise you that that has – we can now, I can now seek to have that entered as Exhibit P-0018.

THE COMMISSIONER: Okay, so ordered. And I don't think I ordered the prior exhibit, Ms. Chaytor's. So –

MS. CHAYTOR: Yeah, I don't think it's been set up as an exhibit yet. You mean the policy that I referenced?

THE COMMISSIONER: Whatever the first one was this morning – or this afternoon.

MS. CHAYTOR: Oh, the first one this afternoon? That was – oh, I'm sorry, okay. Sorry, that was I believe P-0304, is that the one? This – you know what, I have it here.

THE COMMISSIONER: I'm not clear, no.

MS. CHAYTOR: Sorry, I have it.

THE COMMISSIONER: Yeah, check it, if you have a need for another one to go in, we'll put it in.

MS. CHAYTOR: Yeah, there was another one, yeah, I'm sorry. It's probably in my notes. Yeah. Okay, we'll check on that, Commissioner.

THE COMMISSIONER: Thank you.

MS. O'BRIEN: Thank you.

Constable Kelly Downey is our next witness. I'm going to ask that Madam Clerk affirms you.

MS. SHEEHAN: Do you solemnly swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth?

CST. DOWNEY: I do.

MS. SHEEHAN: Please state your full name.

CST. DOWNEY: Kelly Downey.

MS. SHEEHAN: Thank you.

THE COMMISSIONER: Ms. Downey.

MS. O'BRIEN: Thank you, Constable Downey. I'm Kate O'Brien, one of the co-counsels for the Commission. Before I begin with Constable Downey's testimony, there's only one new exhibit to add, Commissioner, P-0259. I ask that you order that entered, please.

THE COMMISSIONER: Okay, so ordered.

MS. O'BRIEN: Thank you. Constable Downey, how long have you been a member of the RCMP?

CST. DOWNEY: Almost 15 years.

MS. O'BRIEN: Okay, and is constable your current rank?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay. Now all RCMP we know receive basic training. Have you received any specialized training or education with the RCMP?

CST. DOWNEY: Just updated training throughout my 15-year career.

MS. O'BRIEN: Just your update of your basic training?

CST. DOWNEY: Yes.

MS. O'BRIEN: And what was your position with the RCMP on April 5, 2015?

CST. DOWNEY: I was a constable with Traffic Services East.

MS. O'BRIEN: Okay.

And where were you assigned?

CST. DOWNEY: Our detachment, Holyrood. Our office is in Holyrood.

MS. O'BRIEN: Okay.

And who's your immediate supervisor there in Holyrood?

CST. DOWNEY: Corporal Young.

MS. O'BRIEN: Okay, and that would be Tony Young?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay.

And prior to April 5, 2015 had you ever been involved in the investigating of a shooting incident?

CST. DOWNEY: No.

MS. O'BRIEN: Had you ever been involved with a homicide before?

CST. DOWNEY: No.

MS. O'BRIEN: Okay.

And had you ever been involved with the investigation of a use of force by a police officer type incident?

CST. DOWNEY: No.

MS. O'BRIEN: Okay.

Now on April 5, 2015, which we know was an Easter Sunday, were you working a regular shift at the detachment that day?

CST. DOWNEY: Yes, I was working.

MS. O'BRIEN: Okay.

And when you're working, are you in uniform?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay.

So what's – if you could tell the Commissioner what's the first thing that you recall relevant to this event? How did you find out about what had happened in Mitchells Brook?

CST. DOWNEY: I was patrolling the Trans-Canada Highway out around Foxtrap weigh scales when I heard the transmission come over the radio that dispatch was trying to get a hold of Holyrood detachment members to respond to an incident down in Mitchells Brook.

MS. O'BRIEN: Did you get any more details over the telecoms other an incident? I mean did you hear it was a shooting incident? What did –

CST. DOWNEY: Yes, the details were kind of sketchy at first. We weren't sure. There had been shots fired, but I didn't know if there was an officer involved or not. I immediately turned on the sirens and the lights, proceeded down to that area. As we were travelling, or as I was travelling toward the scene, we were getting updates through dispatch and I was able to speak with Constable Cox over the radio and Corporal O'Keefe.

THE COMMISSIONER: Could you speak a bit closer to your mic, Constable. You have to be fairly close to it.

CST. DOWNEY: How's this?

THE COMMISSIONER: Good.

CST. DOWNEY: Okay.

MS. O'BRIEN: So Corporal O'Keefe and Constable Cox, did you understand that they were also en route to the scene then when you're communicating with them as you drove?

CST. DOWNEY: Yes, I believe Constable Cox was actually at the detachment when the call came in and Corporal O'Keefe I believe was further away behind me, westbound on the TCH.

MS. O'BRIEN: Okay.

So by the time you got to the scene, had you gotten a little more information through those sources?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay so what – when you arrived on scene, what did you understand had happened?

CST. DOWNEY: That there had been an officer-involved shooting and there was a – somebody had been deceased.

MS. O'BRIEN: Okay.

And did you know the officer was an RNC officer?

CST. DOWNEY: Yes.

MS. O'BRIEN: And did you know the RNC officers name? Did you know Constable Smyth's name?

CST. DOWNEY: I believe dispatch did say that over the radio.

MS. O'BRIEN: Okay.

Approximately how long did it take you to arrive from hearing the call to arriving in Mitchells Brook?

CST. DOWNEY: The call came in around 2:30. I immediately put my lights and sirens on and went down; I think I got there probably around 3 o'clock or just a couple of minutes after.

MS. O'BRIEN: Okay.

Did you have any trouble locating the house?

CST. DOWNEY: No, actually, Constable Cox and I were speaking to each other on the way down, and he had told me where to turn right. I hadn't been up that way before.

MS. O'BRIEN: Okay.

And what did you see when you arrived on the scene?

CST. DOWNEY: When I arrived Constable Cox was in 2 Bravo 2 parked on the side of the road.

MS. O'BRIEN: Sorry, Constable Cox was in?

CST. DOWNEY: 2 Bravo 2.

MS. O'BRIEN: Okay. So that's a police unit?

CST. DOWNEY: That's a marked police car, yes.

MS. O'BRIEN: A marked police car.

So you saw Constable Cox's marked police car.

CST. DOWNEY: Yes.

MS. O'BRIEN: And where was that?

CST. DOWNEY: On the right-hand side of the road in front of the house.

MS. O'BRIEN: Okay.

What else did you see?

CST. DOWNEY: I observed a gentleman on his phone in the driveway, and there were two vehicles parked there in the driveway as well.

MS. O'BRIEN: Okay.

And were you in a marked or unmarked vehicle?

CST. DOWNEY: I was in an unmarked; 1 Charlie 14.

MS. O'BRIEN: 1 Charlie 14, that's the number of the vehicle, is it?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay.

CST. DOWNEY: That's how they identify us.

MS. O'BRIEN: Okay.

So you arrive on the scene, what's the first thing that you do?

CST. DOWNEY: I updated dispatch to let them know that I had arrived on scene, and I got out of my vehicle, and was met by Constable Cox who asked me to secure the shotgun in the back of the vehicle.

MS. O'BRIEN: And this was the shotgun that Constable Cox had brought from the detachment, is that right?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay.

So you were just going to help him make that safe in the back of his police unit?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay.

Okay, and what did you do next?

CST. DOWNEY: I believe I waited for the gentleman to get off the phone. I stayed down by 2 Bravo 2 and I waited for the gentleman. He got off the phone and he became – he approached 2 Bravo 2. And I believe I asked him if he was okay. And he responded, yes. And I believe Constable Cox then spoke with him. I went back and got some police tape to try and secure the – to secure the area, with the help of Constable Cox.

MS. O'BRIEN: Okay.

Now, you said that when you arrived on scene there was two vehicles in the driveway.

CST. DOWNEY: Yes.

MS. O'BRIEN: Do you recall what types of vehicles they were?

CST. DOWNEY: A black Jeep in the front and behind that there was a black Yukon.

MS. O'BRIEN: Were either – was either vehicle running?

CST. DOWNEY: I don't recall.

MS. O'BRIEN: Okay. Do you recall seeing any lights on or police lights activated in the Yukon?

CST. DOWNEY: No, there weren't any lights.

MS. O'BRIEN: Okay.

And so you say you secured the scene with Constable – with Constable Cox. And where did you and Constable Cox place the police tape to secure the scene?

CST. DOWNEY: I secured around – the home was, all around the home was, it was treed and it was quite dense. I tied the tape onto one of the trees in the front, came across the driveway and down the side of the driveway, and I believe Constable Cox went the other way.

MS. O'BRIEN: Okay, but you did along the front of the house, so the boundary line between the house and the road. Is that what you're saying?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay, and including taping off the bottom of the driveway.

CST. DOWNEY: Yes.

MS. O'BRIEN: And then –

CST. DOWNEY: Across the driveway and up along the driveway.

MS. O'BRIEN: – up along the right-hand side of the driveway.

CST. DOWNEY: Correct.

MS. O'BRIEN: Okay.

Did you know Constable Smyth prior to this date?

CST. DOWNEY: I don't think I had formally ever met him, but I think I had known of the name. And I'm not sure how that came about to be honest with you. I don't know – I was familiar with the name.

MS. O'BRIEN: Okay. But you don't know whether you'd even ever met him before?

CST. DOWNEY: He didn't look familiar to me, no.

MS. O'BRIEN: He didn't look familiar –

CST. DOWNEY: No.

MS. O'BRIEN: – when he came out. Okay.

So you say you arrived and you spoke to him and asked him how he was doing. Was that – I know you had maybe had another conversation with him, but your first interaction, was that the extent of your first interaction?

CST. DOWNEY: That was the extent of it. I just asked him if he was okay and he said yes.

MS. O'BRIEN: Okay. And how did he appear to you at that time?

CST. DOWNEY: Very quiet, didn't speak much. He obviously – to me he looked like he was obviously upset, possibly in shock.

MS. O'BRIEN: And can you just give us some sense of what is it that you were seeing that were leading you to make that conclusion, you know, obviously upset, possibly in shock. What were the symptoms that you were seeing?

CST. DOWNEY: It's hard to describe in words, but I knew as soon as I looked at him that he was upset. And it seemed like he might have even been kind of looking off in a different direction.

THE COMMISSIONER: Staring into the distance?

CST. DOWNEY: Yes.

MS. O'BRIEN: All right.

And so then, I think you said the next thing then Constable Cox spoke to him. Did you overhear his conversation with Constable Cox?

CST. DOWNEY: No.

MS. O'BRIEN: Okay.

Were you at all – when you first arrived on the scene, were you at all concerned for your safety?

CST. DOWNEY: Constable – when I got out I spoke to Constable Cox and he said that everything was okay. And that's when he had asked me to help him secure the shotgun. So I wasn't concerned when I got out.

MS. O'BRIEN: Okay.

CST. DOWNEY: Now, they did clear the house.

MS. O'BRIEN: Who's they?

CST. DOWNEY: Corporal O'Keefe and Constable Cox.

MS. O'BRIEN: Cox. Okay, we'll get to that in a few minutes, I think.

CST. DOWNEY: Okay.

MS. O'BRIEN: Okay.

So what's the next thing that you did? Where you've just brought us, I think, you were putting down some tape; Constable Cox was speaking with Constable Smyth.

CST. DOWNEY: After I secured – I went and put the tape on the right side of the house, I went back. We were waiting for EMS to arrive. I was told that they were on the way, but we were waiting for them to arrive. I remember speaking with Constable Smyth in the driveway in front of his vehicle.

MS. O'BRIEN: Okay.

CST. DOWNEY: And we had a very short conversation. It probably might not even have been a minute.

MS. O'BRIEN: What do you recall being said?

CST. DOWNEY: Constable Smyth said that he had identified himself, he had introduced himself. Mr. Dunphy had asked him to come in. It started off very – in his own words – cordial; however, once inside the residence, Mr. Dunphy's demeanour quickly changed and it seemed like he became agitated.

MS. O'BRIEN: You just said a moment ago you were waiting for EMS. That's the emergency medical services?

CST. DOWNEY: Medical services.

MS. O'BRIEN: (Inaudible.)

CST. DOWNEY: The ambulance.

MS. O'BRIEN: The ambulance, is it?

CST. DOWNEY: Correct.

MS. O'BRIEN: Okay.

And so did Constable Smyth, when you say he introduced himself, are you saying – did he introduce himself –?

CST. DOWNEY: No, he advised me that he had introduced himself.

MS. O'BRIEN: To Mr. Dunphy?

CST. DOWNEY: Yes, and Mr. Dunphy had invited him inside the residence.

MS. O'BRIEN: Did Constable Smyth ever introduce himself to you?

CST. DOWNEY: No, I just assumed he was Constable Smyth. There was nobody else around.

MS. O'BRIEN: Okay.

Did Constable Smyth tell you whether or not he had identified himself as a police officer to Mr. Dunphy?

CST. DOWNEY: I believe so. He said that he had introduced himself so I assumed that he had said that he was a police officer; however, I don't recall.

MS. O'BRIEN: Okay.

Did he tell you how long he'd been inside – how long he'd been inside Mr. Dunphy's home?

CST. DOWNEY: Between five and 10 minutes, I think.

MS. O'BRIEN: Okay.

Did he tell you that Mr. Dunphy had pointed a gun at him?

CST. DOWNEY: No.

MS. O'BRIEN: Did he say that he had fired shots?

CST. DOWNEY: No. Our conversation didn't get into anything past he had said that Mr. Dunphy had become agitated and started questioning Constable Smyth as to who he was and who he worked for; asked him if he worked for the government. And at that point, our conversation was interrupted because the ambulance had arrived and they were looking for the – paramedics were looking for an escort into the residence.

MS. O'BRIEN: So you recall him, Constable Smyth, telling you that Mr. Dunphy had asked him if he worked for the government.

CST. DOWNEY: That's my recollection, yes.

MS. O'BRIEN: Did Constable Smyth tell you – did he tell you that he thought Mr. Dunphy was dead or did you just have that information from the –

CST. DOWNEY: I believe that information was passed along through our dispatch.

MS. O'BRIEN: Okay.

Did you ever hear Constable Smyth speaking to anybody else while you were there?

CST. DOWNEY: He was on the phone when I first arrived. And I believe he may have been on the phone as well when he was in 2 Bravo 2.

MS. O'BRIEN: Did you overhear his conversation?

CST. DOWNEY: No, I wouldn't have heard.

MS. O'BRIEN: Okay.

What was he wearing?

CST. DOWNEY: Blue jeans and a black jacket.

MS. O'BRIEN: Do you know if he had on a hat?

CST. DOWNEY: I don't think he did.

MS. O'BRIEN: What about gloves?

CST. DOWNEY: No, I don't think so.

MS. O'BRIEN: What about glasses?

CST. DOWNEY: I don't recall.

MS. O'BRIEN: Did you photograph him at any time?

CST. DOWNEY: No.

MS. O'BRIEN: Did you have the means to photograph? Like, do you have a camera on your cellphone or were you carrying a camera?

CST. DOWNEY: I don't recall.

MS. O'BRIEN: When you were close to him, could you get any smell of say, alcohol from his breath?

CST. DOWNEY: No.

MS. O'BRIEN: Okay.

Now, I know you took some handwritten notes, some police notes; you took some handwritten police notes.

CST. DOWNEY: Yes.

MS. O'BRIEN: How – when would you have taken those notes?

CST. DOWNEY: My police notes in my notebook –

MS. O'BRIEN: Yes.

CST. DOWNEY: – were at the scene.

MS. O'BRIEN: So you took those at the scene. I'm going to ask to bring those up. If we could see Exhibit P-0182 please, Madam Clerk.

Oh, I'm sorry, I've given you the wrong number, Madam Clerk. It's P-0259 is your notebook notes.

Okay. So these are the notes, Constable Downey, that you would have taken on the scene.

CST. DOWNEY: Yes.

MS. O'BRIEN: And so your first note here is 1509: Scene taped off, ambulance arrived, Constable Cox and Smyth on scene. And that's when Corporal O'Keefe arrived, is it, at that time?

CST. DOWNEY: No, he arrived just behind me, within minutes.

MS. O'BRIEN: Okay so –

CST. DOWNEY: So he was there when the scene was taped off.

MS. O'BRIEN: Okay. And then: Gibbons Ambulance, one male one female. And then: Corporal O'Keefe and Cox went inside with the ambulance attendants.

And I understood from what you just said they went in first and cleared the house and then they brought in the ambulance attendants. Is that right?

CST. DOWNEY: Yes. That's my understanding, yes.

MS. O'BRIEN: Okay. And so what were you doing? When they went in to clear the house, what were you doing?

CST. DOWNEY: I went back to my police vehicle that was parked on the end of the driveway. I parked behind Constable Cox and I began to write some notes.

MS. O'BRIEN: So you began to write some notes right there and then.

CST. DOWNEY: Yes.

MS. O'BRIEN: And is, did you help – did you continue doing that while then they brought in the paramedics to assess Mr. Dunphy?

CST. DOWNEY: No, I was maintaining visual. As I was doing that I was maintaining visual on the house and keeping an eye on the traffic behind me.

MS. O'BRIEN: Okay. So you were in your police unit –

CST. DOWNEY: Yes.

MS. O'BRIEN: – just watching. Okay.

And what was Constable Smyth doing at that time?

CST. DOWNEY: I don't recall.

MS. O'BRIEN: Okay.

CST. DOWNEY: I believe he might have been in 2 Bravo 2 then.

MS. O'BRIEN: He might have been sitting in Constable Cox's vehicle.

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay. All right.

Now, what was the next thing that you recall? What's the next activity you undertook?

CST. DOWNEY: Sorry. It says here Constable Williams arrived from Ferryland detachment.

MS. O'BRIEN: Okay. And when you say – you have here the 2B11. That's his police unit, is it, there?

CST. DOWNEY: Yes.

MS. O'BRIEN: And then here you note at 1527 that Constable Smyth is in 2B2. So that's when you're noting that he is in Constable Cox's vehicle.

CST. DOWNEY: Yes.

MS. O'BRIEN: But now, is that the time he entered the vehicle or –

CST. DOWNEY: No, that's just me noticing him –

MS. O'BRIEN: – is that the time you made a note?

CST. DOWNEY: – inside the vehicle.

MS. O'BRIEN: That's the time you see him. Okay.

And then we have at 1530, 3:30, Corporal O'Keefe advised you to move back and only let traffic through that lives down the road. So can you explain to me, then, what O'Keefe is asking you to do and what you did as a result?

CST. DOWNEY: Originally, I was just on the edge of the driveway parked on the road there, on the side of the road. He had asked me to move the police vehicle back and Constable Williams was going to go on the other side. We were to stop all of the traffic that was going through and determine whether or not they needed to be there, if they lived up the road or whatnot.

MS. O'BRIEN: Okay. So you went back to, say, the side of Mr. – the side of the road closest to coming in from the Salmonier Line, like if you're coming in from St. John's or the Trans-Canada Highway.

CST. DOWNEY: Yes, I moved back. Yes.

MS. O'BRIEN: And then Constable Williams was sort of taking the other side of the front.

CST. DOWNEY: Correct.

MS. O'BRIEN: So anyone coming from further down Mitchells Brook area –

CST. DOWNEY: Yes.

MS. O'BRIEN: – would have met him first. Okay.

So then the idea there, you're just stopped there stopping cars and only letting people through, I guess, who live there or had a need to go through the area. Was that the idea or are you –

CST. DOWNEY: Correct.

MS. O'BRIEN: Okay.

And how – did you do that for the entire time, then, you were at the scene? Or did you have any other activities?

CST. DOWNEY: My main role there was traffic control.

MS. O'BRIEN: Okay. So by the time you started that's what you were doing then?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay.

And now we understand that Constable Smyth left the scene at around 10 past 4 that afternoon. So it was about an hour and 10 minutes after you arrived. Do you have – other than having seen him in the beginning and seeing him in Constable Cox's unit, as you noted, do you recall him doing anything else there on the scene?

CST. DOWNEY: No.

MS. O'BRIEN: Okay. So you were just busy with your work –

CST. DOWNEY: Yes.

MS. O'BRIEN: – with the traffic control at that time?

CST. DOWNEY: I believe for the most part he was in 2 Bravo 2. That's what my recollection of it is. For the most part he was in 2 Bravo 2.

MS. O'BRIEN: Okay.

And did you ever look through the front window of the house?

CST. DOWNEY: No.

MS. O'BRIEN: Did you ever enter the house yourself?

CST. DOWNEY: No.

MS. O'BRIEN: Did you see a sign on the house?

CST. DOWNEY: No.

MS. O'BRIEN: Okay.

Did you ever speak or have a discussion with the paramedics?

CST. DOWNEY: No.

MS. O'BRIEN: Did you ever speak to Constable Cox or Corporal O'Keefe as to what they saw in the house?

CST. DOWNEY: No.

MS. O'BRIEN: Now, do you recall Meghan Dunphy arriving on scene?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay, so can you tell us about that?

CST. DOWNEY: She arrived on scene shortly after I backed up my police vehicle into the road. I believe it was within minutes of me being there she arrived with her boyfriend.

MS. O'BRIEN: Okay. Did you speak to her?

CST. DOWNEY: Yes, she got out of the vehicle immediately and was quite frantic. She identified herself and at that point I told her to just hang on here and I called for Corporal O'Keefe to come down and speak with her.

MS. O'BRIEN: Okay. So you'd started, you were doing your traffic patrol at that point and she came up to you while you were stopping the traffic?

CST. DOWNEY: There was no traffic at the time. I was outside my vehicle on the road. So once the, her vehicle stopped, she got out and immediately came up to me.

MS. O'BRIEN: Okay. So you got to Corporal O'Keefe, and did he come down and speak to her?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay, did you overhear his conversation with Meghan Dunphy?

CST. DOWNEY: No, as Corporal O'Keefe was walking back to meet with the daughter, she began – I let her walk up to him. So they were quite a distance away. So I wasn't able to hear any conversation.

MS. O'BRIEN: Okay. And –

CST. DOWNEY: And I –

MS. O'BRIEN: Go ahead.

CST. DOWNEY: I was just going to say, I actually ended up speaking to the daughter's boyfriend.

MS. O'BRIEN: Okay. Billy Corcoran?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay. And what was the extent of your conversation with him?

CST. DOWNEY: I had spoken to him, it was very cold outside. So I'd asked him if he would get inside the police vehicle, to which he did, and I just got some information as to what had happened, what had transpired earlier in the day.

MS. O'BRIEN: Okay. So we see here, 1534 in your notes, daughter arrived with boyfriend. Corporal O'Keefe speaking to her. 1538, Billy Corcoran – and is this, I take it, the information you got from Billy Corcoran that Mr. Dunphy was at the Woodstock for dinner. Billy told him to take his Jeep down to his house; Lives on Salmonier Line with Meghan Dunphy, six kilometres. So that would be about six kilometres away. Is that what you were noting there?

CST. DOWNEY: I believe it was six kilometres down the road, down Salmonier Line.

MS. O'BRIEN: Okay. And then six – oh yeah, so it's six kilometres down. Okay. Someone called Meghan and told her. Her mom died when Meghan was two year's old, a heart attack. So that was what – is that?

CST. DOWNEY: That's information that came from Mr. Corcoran.

MS. O'BRIEN: Okay. And do you recall any other conversation other than what you recorded in your notes?

CST. DOWNEY: No.

MS. O'BRIEN: Now, I see further down in your notes you, you note some other members of her family arrived and you just noted when they were on scene and vehicles that were there. So –

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay. Why would you have recorded that kind of information in your notes? So we see here, you know, a family member came and the type of the truck, and –

CST. DOWNEY: I – any of the vehicles that came up I spoke to the driver. They immediately advised that they were family and they wanted to know where Meghan was. So I just referred them to the vehicle that she was in and they went over and got inside that vehicle.

MS. O'BRIEN: And you would make a note of that then in your notebook that they were on scene. Is that –?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay. Did you understand this to be a homicide investigation that you'd responded to?

CST. DOWNEY: No, I knew it was an investigation.

MS. O'BRIEN: What type of investigation did you understand it to be?

CST. DOWNEY: I didn't understand it to be any invest – like, I didn't know if it was criminal or just an officer-related shooting. We didn't have any information at that time. So I just treated it as if it was any other investigation.

MS. O'BRIEN: Now, I take it when you were speaking there with Meghan Dunphy – I think the note here Billy Corcoran, what's been blacked out here I think was his date of birth.

CST. DOWNEY: Date of birth.

MS. O'BRIEN: And you would have recorded the same I think – did you record the same for Meghan Dunphy as well, I think here?

CST. DOWNEY: No.

MS. O'BRIEN: What's –

CST. DOWNEY: The conversation with her was very brief.

MS. O'BRIEN: So you didn't have her date of birth?

CST. DOWNEY: No, I didn't.

MS. O'BRIEN: Okay. All right.

CST. DOWNEY: She was very distraught and I didn't get the opportunity to speak with her. As she was speaking with Corporal O'Keefe, I took the opportunity then to speak with Mr. Corcoran.

MS. O'BRIEN: Okay. What time did you leave the scene?

CST. DOWNEY: I would have to review my notes –

MS. O'BRIEN: No, sorry, I can help you along there with your notes. So here we see in your notes there: 1609 Constable Smyth and, I think that's, Constable X left.

CST. DOWNEY: Correct.

MS. O'BRIEN: And then at 1613 news crews on the way and I think Constable X advises –

CST. DOWNEY: Yes.

MS. O'BRIEN: – was your note there. So how did you get that information from Constable X that the news crews were on the way?

CST. DOWNEY: Via the radio.

MS. O'BRIEN: He radioed back to you, did he?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay. And then you make note here at the same time, Corporal O'Keefe is talking to the daughter now. News crews showed up; moved back. Here you have here, 1630 traffic enforcement. What does that mean?

CST. DOWNEY: Just an update that I'm still doing traffic enforcement.

MS. O'BRIEN: Okay. So that was just a status of where you were now.

CST. DOWNEY: Yeah.

MS. O'BRIEN: The same event you'd been doing before.

CST. DOWNEY: Yes.

MS. O'BRIEN: And then you make a note there at 1649, Corporal Foote was on the scene and you record that Corporal O'Keefe and Foote went inside the residence.

CST. DOWNEY: Yes.

MS. O'BRIEN: And so you could see that from where you were?

CST. DOWNEY: I don't recall them actually going inside, but if I have it in my notes I must have seen it at the time.

MS. O'BRIEN: Okay.

Do you recall seeing anybody else go into the house?

CST. DOWNEY: Well, the paramedics went in originally.

MS. O'BRIEN: Yeah.

CST. DOWNEY: And Corporal O'Keefe and Constable Cox. They had been inside the residence as well.

MS. O'BRIEN: So nobody else, other than the people you've already mentioned.

CST. DOWNEY: No.

MS. O'BRIEN: Okay.

And you have another note that an uncle was there and a Tacoma which you noticed earlier. You noted another officer arriving. And then at 1728, 10-8 from scene. What does 10-8 mean?

CST. DOWNEY: I'm relieved of my duties. Constable Crummy arrived and relieved me.

MS. O'BRIEN: Okay.

Did you have any other involvement in this matter?

CST. DOWNEY: No.

MS. O'BRIEN: Okay.

Madam Clerk, can you please bring up P-0182.

Now when – these are your typed-up notes in your Supplementary Occurrence Report. When would you have made those notes, Corporal Downey – or Constable Downey?

CST. DOWNEY: Those notes were made April 11.

MS. O'BRIEN: Okay, so some six days later.

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay.

So I'm just going to note here, I don't need to go over all of it – and you kind of follow along with your handwritten notes – but there's a little more on your conversation: "... had a very brief conversation with Cst. SMYTHE in the driveway of the residence where he stated that everything started off good. SMYTHE identified himself to DUNPHY, Dunphy invited him inside the residence, they began having a conversation. He described it as very 'cordial' at first. However, he stated that DUNPHY's demeanor quickly changed. DUNPHY began asking Cst. SMYTHE questions such as who he was and who he worked for. Cst. SMYTHE stated that DUNPHY asked him if he worked for the government. That was the extent of my conversation with Cst. SMYTHE as GIBBONS ambulance arrived on scene"

So when you wrote those notes, there's a little more detail there. Like, for example, the line about Mr. Dunphy asking Mr. – or Constable Smyth if he worked for the government. I didn't see that in your handwritten notes.

CST. DOWNEY: None of that was in my handwritten notes.

MS. O'BRIEN: Okay, so what were you relying on when you wrote – typed up these notes on April 11?

CST. DOWNEY: That was my memory, my recollection of the incident.

MS. O'BRIEN: Okay. And do you – did you feel at the time you had a good memory of it, a clear memory of the stuff that you recorded there?

CST. DOWNEY: Yes.

MS. O'BRIEN: Okay.

Yeah, one other thing I noted just there in your – just one moment.

Just there in your testimony to the Commission just then, you said that Constable Smyth had told you he'd been in the house between five and ten minutes. Did I understand that correctly?

CST. DOWNEY: I believe that was part of the conversation, however I can't confirm that.

MS. O'BRIEN: Okay. Do you have an accurate memory of that, like a clear memory of it?

CST. DOWNEY: No.

MS. O'BRIEN: Okay.

I think when we might have interviewed you I understood you to say – I don't have the actual site, but I have a note here that you said it was ten to fifteen minutes.

CST. DOWNEY: Okay.

MS. O'BRIEN: So is it fair to say right now you're not exactly sure?

CST. DOWNEY: Yeah, I'm not sure.

MS. O'BRIEN: Okay, you can't be confident of those times.

CST. DOWNEY: Correct.

MS. O'BRIEN: Okay, that's fine. I just wanted to clarify that.

Those are all my questions. Other counsel may have some, as may the Commissioner.

THE COMMISSIONER: Ms. Breen.

MS. BREEN: Thank you.

I just have one question, Constable Downey: Did Sergeant Osmond, Corporal Steve Burke, Corporal Monty Henstridge or anyone from St. John's Major Crime section contact you to discuss any of your information that you had as a first responder?

CST. DOWNEY: No.

MS. BREEN: Okay. Thank you.

THE COMMISSIONER: Mr. Kennedy?

MR. KENNEDY: Thank you, Commissioner.

I just have a couple of questions, Constable Downey. So if I understand correctly, you arrive at the scene at approximately 3 p.m.

CST. DOWNEY: Yes.

MR. KENNEDY: That at approximately 3:35 p.m. Meghan Dunphy, Mr. Dunphy's daughter, arrives.

CST. DOWNEY: Yes.

MR. KENNEDY: And at 1609 – I guess when you note 1609 it's not an approximate; you know the time that Constable Smyth leaves with another police officer.

CST. DOWNEY: Yeah, I noted the time on the – in the vehicle.

MR. KENNEDY: Yup. And that police officer has been identified here as Constable X. Are you aware of that?

CST. DOWNEY: Yes.

MR. KENNEDY: Okay, good.

So you've indicated that when you came, you arrived on the scene, you had some contact with Constable Smyth?

CST. DOWNEY: Yes.

MR. KENNEDY: Okay. And that it appears – did you have to ask him any questions or did he just start volunteering information to you?

CST. DOWNEY: I don't recall asking him anything, actually.

MR. KENNEDY: He was just basically telling you – started telling you what happened.

CST. DOWNEY: I don't recall how it began. I remember I asked him if he was okay. That was at the very beginning, once he had gotten off the telephone and walked down to the police vehicle. The conversation in the driveway, I don't recall how it started.

MR. KENNEDY: Yeah, so I'm going to suggest to you that he – whatever you might have asked him in conversation, but he certainly was not reluctant to provide information. He wanted to talk, didn't he? It appeared to you.

CST. DOWNEY: I didn't ask him anything specific that I recall.

MR. KENNEDY: But he started talking about the incident, is my point.

CST. DOWNEY: He did disclose some information, yes.

MR. KENNEDY: Yeah.

That I think now, in terms of the length of the time he was in the house, Commission counsel has pointed out that in your interview with them you said it could be 10 to 15 minutes. And today you've confirmed you can't be sure in what he said to you in terms of the amount of time he was in the house.

CST. DOWNEY: Correct.

MR. KENNEDY: Now also in that interview with Commission counsel you indicated that he identified, he told you that – or your testimony was he identified himself as a police officer. In other words, he told you that. Do you remember telling Commission counsel that during your pre-inquiry interview?

CST. DOWNEY: Yes, actually.

MR. KENNEDY: Okay. So did he tell you that he identified himself?

CST. DOWNEY: Yeah, he did. Yeah.

MR. KENNEDY: Okay. Good.

Now your handwritten notes are made on the scene or a lot of them were made on the scene.

CST. DOWNEY: Yes.

MR. KENNEDY: And then your Supplementary Occurrence Report is made five to six days, five to six days later.

CST. DOWNEY: Correct.

MR. KENNEDY: Yeah. And that's where you include the conversation with Constable Smyth?

CST. DOWNEY: Correct.

MR. KENNEDY: Now the conversation with Constable Smyth that you put down in writing, I think you said April 11, did you?

CST. DOWNEY: Yes.

MR. KENNEDY: Is it meant to be verbatim or word for word, or just generally this is what happened?

CST. DOWNEY: That was my recollection –

MR. KENNEDY: Your recollection.

CST. DOWNEY: – of the conversation that we had.

MR. KENNEDY: Yeah.

So in terms of – is it fair for me that it's a good summary of the conversation, although it may not be word for word having regard to it's five or six days later.

CST. DOWNEY: That is my recollection of the conversation that we had.

MR. KENNEDY: Okay. Your recollection, but in terms of – if it's not in your notes, then you have to go by recollection. Correct?

CST. DOWNEY: Correct.

MR. KENNEDY: So when you're using your recollection you're summarizing your memory of what occurred.

CST. DOWNEY: Yes.

MR. KENNEDY: All I'm saying is – I'm not saying you didn't get the gist of it right, but is it word for word that you had –

CST. DOWNEY: No.

MR. KENNEDY: No, okay.

I'm a bit curious as to why when you've got an individual who is talking to you and telling you what took place in the house, how that conversation doesn't continue. Is it just because there was so much happening or?

CST. DOWNEY: No. We were standing in the driveway in front of the Yukon speaking. And at that time when we were speaking, the ambulance had drove up and parked on the side there. They got out and walked up the driveway and that was where our conversation –

MR. KENNEDY: Okay.

CST. DOWNEY: – just ceased.

MR. KENNEDY: Okay. And how long was your conversation with Constable Smyth?

CST. DOWNEY: Maybe a minute, if that.

MR. KENNEDY: Okay. So it was very short conversation.

CST. DOWNEY: Very short.

MR. KENNEDY: Okay.

You indicated to him – I'm not going to go through this but you indicated that he was very quiet, he didn't speak much, he was obviously upset and he was possibly in shock. And you described that and the Commissioner interjected – or he used the term, kind of looking off into another direction.

CST. DOWNEY: Yes, my initial observation of Constable Smyth.

MR. KENNEDY: When you use the word – and I think you used this word with Commission counsel today – he looked shaken, were you talking about upset or was he physically shaking?

CST. DOWNEY: No, he wasn't physically shaking that I could see.

MR. KENNEDY: Okay.

CST. DOWNEY: Just upset.

MR. KENNEDY: You've indicated also – and I know there's a lot happening, Constable, and we're trying to, at this point – you've indicated that you think or it's your recollection that for the most part Constable Smyth would have been in Constable Cox's police car. Is that correct?

CST. DOWNEY: Yes.

MR. KENNEDY: Okay.

And did you, at any time after he arrived and after you're doing your job – did you see him out of Constable Cox's police car and either walking around or standing on the side of the road or anything like that?

CST. DOWNEY: I believe he did get out at one point and was by the side of the road speaking with Corporal O'Keefe.

MR. KENNEDY: Okay. But it's not a situation where Constable Smyth was out wandering around the scene. He was –

CST. DOWNEY: Oh no.

MR. KENNEDY: No. He was either in the police car –

CST. DOWNEY: The scene was taped off at that point.

MR. KENNEDY: Yeah. So he's either in the police car or near the police car.

CST. DOWNEY: Yes.

MR. KENNEDY: Okay.

And do you know if he'd been asked to go there by either Constable Cox or Corporal O'Keefe or (inaudible).

CST. DOWNEY: I don't know.

MR. KENNEDY: Okay.

And this may be a difficult question and I don't know if you can help me, but did you see Constable Smyth outside the police car at any time after Ms. Dunphy arrived?

CST. DOWNEY: I don't recall.

MR. KENNEDY: Okay. That's fine.

Thank you very much, Constable Downey.

THE COMMISSIONER: Any questions by other counsel?

Mr. Freeman?

MR. FREEMAN: No questions for us in redirect. I am not sure if my friends here have questions or not.

MR. AVIS: No questions, Commissioner.

UNIDENTIFIED MALE SPEAKER: Nothing for me.

Thank you.

THE COMMISSIONER: Anything arising, counsel?

MS. O'BRIEN: Nothing for me.

Thank you.

THE COMMISSIONER: Okay.

Thank you, Constable.

CST. DOWNEY: Thank you.

THE COMMISSIONER: You're excused.

MS. CHAYTOR: Commissioner, it will just be a moment. Our other witness is here and I think counsel has gone to retrieve him.

THE COMMISSIONER: Okay.

MR. KENNEDY: Commissioner, I don't know if Commission counsel can confirm; if we proceed with Constable Sullivan and Constable – he was supposed to be all morning and then Constable Harris in the afternoon. If there are other witnesses needed tomorrow afternoon, will we be following Wednesday's schedule coming forward or do we know that yet?

I don't need much advance notice, just if there's any advance notice, it would be helpful.

MS. O'BRIEN: So I think Dr. McGarry might be currently scheduled for Wednesday morning, I believe.

MR. KENNEDY: Okay.

MS. O'BRIEN: So it's unlikely that we would bring him forward.

MR. KENNEDY: Yeah, okay.

UNIDENTIFIED FEMALE SPEAKER: (Inaudible.)

MS. CHAYTOR: The next witness is Warren Sullivan. I would ask, please, if he could be affirmed.

MS. SHEEHAN: Can you turn on your mic, please. Turn on your mic.

Do you solemnly swear – solemnly affirm that the evidence you shall give shall be the truth, the whole truth and nothing but the truth?

CST. SULLIVAN: I do.

MS. SHEEHAN: Please state your full name.

CST. SULLIVAN: Constable Warren Sullivan, member of the Royal Newfoundland Constabulary. I've been a member since November 1990, Mr. Commissioner.

MS. SHEEHAN: Thank you.

MS. CHAYTOR: Thank you, Constable Sullivan.

Before we begin, there are two exhibits that I would ask to have entered. It's P-0267 and P-0270.

THE COMMISSIONER: So ordered.

MS. CHAYTOR: Thank you.

That one's already entered. Okay.

Constable Sullivan, I believe you indicated in when you gave your affirmation that you've been a member of the Royal Newfoundland Constabulary since 1990. Is that correct?

CST. SULLIVAN: That's correct.

MS. CHAYTOR: Okay. Do you go by any nicknames?

CST. SULLIVAN: Yes.

MS. CHAYTOR: Okay. And would that be Sully?

CST. SULLIVAN: It is.

MS. CHAYTOR: S-u-l-l-y.

CST. SULLIVAN: Correct.

MS. CHAYTOR: So if we see that in any of the documents, that's referencing you, is it?

CST. SULLIVAN: Yes, it is.

MS. CHAYTOR: Okay.

What is – what's your current position?

CST. SULLIVAN: Currently I work at the Property Control Centre at RNC headquarters.

MS. CHAYTOR: Okay. And was that the same position you held in April of 2015?

CST. SULLIVAN: It is.

MS. CHAYTOR: And in the course of your career have you also worked in the Patrol division?

CST. SULLIVAN: I did.

MS. CHAYTOR: Okay. And for how long did you do that and for what time period?

CST. SULLIVAN: For about 19 years, with just a couple of short breaks in between. Just did a couple of surveillance operations for short periods of time.

MS. CHAYTOR: Okay.

Other than what every officer would receive in basic training and in use-of-force training, have you received any training or education in de-escalation strategies?

CST. SULLIVAN: We – yes, Mr. Commissioner, it's part of the overall training package where all officers would receive that in basic officer training. I received some at the Police Academy as well as then in use-of-force training and so on and so forth.

MS. CHAYTOR: So whatever it is that every officer gets, you don't have anything in addition to that?

CST. SULLIVAN: No.

MS. CHAYTOR: Okay.

And as of April 5, 2015, were you also involved in the executive of the Royal Newfoundland Constabulary Association?

CST. SULLIVAN: I was.

MS. CHAYTOR: And what was your position at that time?

CST. SULLIVAN: I was president at the time.

MS. CHAYTOR: And when had you become president of the association?

CST. SULLIVAN: It would have been sometime around September of 2013.

MS. CHAYTOR: Okay.

And how long then did you hold that position?

CST. SULLIVAN: Until July of this year, sorry July 2016.

MS. CHAYTOR: Okay, so almost a three-year period.

CST. SULLIVAN: That's correct.

MS. CHAYTOR: Okay.

What did it involve in terms of your duties as president of the RNCA?

CST. SULLIVAN: Well, basically the RNC Association itself is what we would call a quasi-union. We'll refer to ourselves as a union but what we do is we represent the non-commission officers which make the ranks above constable up to and including the rank of staff sergeant, and we have the sole right to collective bargaining with the employer, as well as represent our

members with any grievances that may be filed and also have daily discussions with management if there's any type of labour, managerial issues that are ongoing in the workplace.

MS. CHAYTOR: Okay.

And do you also provide support in terms of emotional-type support, support to your officers when they're going through an adverse incident or a critical incident?

CST. SULLIVAN: We are part of a joint-funded program, which is called Employee Assistance Program, and we really don't know how many of our members or who utilizes that service, but what we do is we pay for half of an allotted amount that an employee can avail of. It's shared between the association and the employer.

I will say that we have at no time ever refused an extension of benefit or anything like that for an employee.

MS. CHAYTOR: Okay.

Have you been involved in any joint operation or task force with a member or members of the RCMP during your career?

CST. SULLIVAN: I have.

MS. CHAYTOR: Okay. Perhaps you could tell the Commissioner about that.

CST. SULLIVAN: At one point in time I spent a short period of time on an operation called Razorback; that was a joint drug operation with the RNC and RCMP. I was a part of the surveillance unit that did surveillance on numerous targets that would be ongoing within that operation.

MS. CHAYTOR: Okay. And around when was that, Constable Sullivan?

CST. SULLIVAN: I joined that, that particular unit, it was around September of 2009 and in January 2010 – excuse me – I was, I was asked to go into the Property Control Centre due to there having been an issue in the property room. So I left surveillance and I went in and took up the duties there, and I've remained there ever since.

MS. CHAYTOR: Okay. And is that the only time then that you were in a joint operation with the RCMP?

CST. SULLIVAN: No, there was one other time again, it was – I was still attached to Patrol division but I was working what was, similar to a high-complaint unit. And we would either help in surveillance with our people in property offence, so break-and-entry, property crimes, and there was one particular time where there was a known offender, a habitual sexual offender, who they had some information whereby they thought this person would offend again and we had worked jointly with some RCMP members at that time doing surveillance.

MS. CHAYTOR: Okay. And did you also over the course of your career, have you done training alongside of RCMP members?

CST. SULLIVAN: I can't say I have, related to my work duties, or even police association duties. No, I can't recall any specific training.

MS. CHAYTOR: Okay. And how often in the course of your career, how frequent would it be for you to have interaction with RCMP members?

CST. SULLIVAN: Well currently, Mr. Commissioner, I have quite frequent contact with RCMP officers due to the fact that I am a drug exhibit officer as part of my duties in the Property Control Centre. Of which RCMP members and RNC members work jointly right now with the combined force – Special Enforcement Unit there. And I would, obviously I would have contact with members in that group quite frequently.

MS. CHAYTOR: Okay. And in April of 2015 would you have also had fairly frequent contact with RCMP members?

CST. SULLIVAN: I would.

MS. CHAYTOR: And would it be fair enough to say, if not daily certainly on a weekly basis.

CST. SULLIVAN: For sure. Members of that particular unit I would, yes.

MS. CHAYTOR: Okay.

Had you ever heard of Donald Dunphy prior to April 5, 2015?

CST. SULLIVAN: No, I didn't.

MS. CHAYTOR: Okay. And I take it you had no connection to him or his family.

CST. SULLIVAN: No, I didn't.

MS. CHAYTOR: Okay. And how well did you know Constable Joe Smyth prior to that date?

CST. SULLIVAN: I would say quite well; certainly, a close colleague. We worked with the police association, or we volunteered with the police association, I should say, for a couple of years. I served as first vice-president for a period of time, and I do believe at that point in time Constable Smyth would have been our treasurer.

MS. CHAYTOR: Okay. So you served on the executive of the association together.

CST. SULLIVAN: That's correct.

MS. CHAYTOR: Okay. And would you have a lot of involvement or interaction with one another in that capacity?

CST. SULLIVAN: Certainly, you know, fairly frequently. Obviously, we would meet weekly, have our weekly lunch meeting to discuss ongoing issues that arise, you know, throughout the week and any hot-button topics, any strategies, the planning for negotiations or any other issue that may arise and be ongoing. Obviously, we'll be formulating, you know, plans or seeking advice as to, you know, what our strategy would be in order to take on, you know, an issue.

MS. CHAYTOR: Okay. Did you actually go through a collective bargaining situation together while you were on the executive together?

CST. SULLIVAN: I believe we did. I can't exactly say definitively but I do believe we did.

MS. CHAYTOR: All right. And so is he someone that you would describe as not only a close colleague, would you consider him a friend?

CST. SULLIVAN: Certainly, I would consider Constable Smyth a friend, but I would also qualify that, that I would consider pretty much most of the police officers at the RNC a friend of mine.

MS. CHAYTOR: Okay. All right. So it's a pretty close-knit group I take it?

CST. SULLIVAN: Yes, I would agree with that statement.

MS. CHAYTOR: And when you say that, do you mean the RNC officers or are you including your colleagues, RCMP colleagues as well?

CST. SULLIVAN: No, certainly the RNC is more of a, you know, family-type of group and atmosphere, and I certainly won't deny that. And there is a quiet well-known brotherhood as such, sisterhood now as well, with a lot more female officers these days. But, yes, I mean, I would consider most of the people at the RNC, not only a colleague but a friend.

MS. CHAYTOR: Okay. Did you every police with Constable Smyth?

CST. SULLIVAN: I don't recall any specific time in my career whereby we would have worked actually side by side that I can recall.

MS. CHAYTOR: Okay. And I take it you have no other connection, no family relationship or anything like that?

CST. SULLIVAN: No, I don't.

MS. CHAYTOR: Okay.

What can you tell us, then, in terms of – you've had a lot of dealings with him and through your dealings with him, both as a colleague and within the RNCA, what can you tell us about his demeanour.

CST. SULLIVAN: Well, in my opinion, Joe's demeanour is, I guess, no different than most people. Certainly nothing that stands out, you know, in the negative form, that's for sure.

I will say that I've always found him to be very intelligent and articulate. And he worked very well when it came to any type of communication, you know, that came forth on behalf of the association that either went to government officials or went to the chief of police. Certainly, he was always, you know, on top of things and did what I consider to be a very, very good job.

MS. CHAYTOR: Okay.

And I don't know how heated your discussions would get in terms of collective bargaining in particular, with those types of discussions at the RNCA, but did you ever observe him to be heated in any discussion, lose his temper, anything like that?

CST. SULLIVAN: No. Certainly nothing stands out to me, nothing out of the norm, that's for sure.

MS. CHAYTOR: Okay. And what was your impression overall of his reputation as a police officer?

CST. SULLIVAN: Again, my opinion, I think he had a very good reputation and to me, certainly, his career path seemed to be, you know, a very positive one.

MS. CHAYTOR: Okay.

And prior to April 5, 2015, did you, as an executive member of the RNCA, ever receive any call in relation to Constable Smyth?

CST. SULLIVAN: Would you mind rephrasing that one again?

MS. CHAYTOR: Where he might require your assistance, any – did you ever receive any call? I understand we'll get to that you received a call that day –

CST. SULLIVAN: Yes.

MS. CHAYTOR: – regarding Constable Smyth. Was that the first time you would have received a call regarding Constable Smyth?

CST. SULLIVAN: From what I recall, yes.

MS. CHAYTOR: Okay.

Tell the Commissioner how you learned about Mr. Dunphy's shooting and when that would have been.

CST. SULLIVAN: Sure. It would have been on, well, Easter Sunday, which was the 5th of April, 2015. I received a phone call. I was at home with my family and received a phone call from the chief of police, Chief Bill Janes, who had advised me that we had an officer who was involved in a shooting and that there was possibly a fatality at the scene (inaudible) and he had mentioned the fact that the officer was okay. And if I recall, I do believe he did say that it was Joe Smyth who was the officer involved.

MS. CHAYTOR: Okay. And are you able to say around what time that was?

CST. SULLIVAN: I don't know exactly. I know that it was early afternoon.

MS. CHAYTOR: Okay. And so that's the extent of the details that Chief Janes gave you?

CST. SULLIVAN: Yes, it is.

MS. CHAYTOR: Okay. And do you know what the source of Chief Janes' information was?

CST. SULLIVAN: I don't know.

MS. CHAYTOR: Okay. Why would you be contacted by Chief Janes in this situation?

CST. SULLIVAN: As the, as the president of the police association, Mr. Commissioner, anytime, I guess anytime whereby any of our officers have been involved in any type of a serious incident, the chief has, in the past, has gave me a phone call, and to advise there has been an incident.

He's also called me on occasions to advise me of when he was handing down any type of serious discipline as well, to let me know that, that was happening. And I do believe that what it was is

basically it's a courtesy on behalf of him to make me aware that that, you know, of what's going on at the time.

MS. CHAYTOR: And during, then, your time as president of the RNCA, had you been involved in any other shooting incident involving one of your members?

CST. SULLIVAN: There was one.

MS. CHAYTOR: Okay. And when was that?

CST. SULLIVAN: It was earlier, it was earlier in that year. I believe it was some time around January, January or February. We had an incident over at Memorial University whereby one of our officers discharged a firearm while doing work over there. It was an operation that was ongoing, I do believe, and as a result of what had taken place there an officer discharged his firearm.

MS. CHAYTOR: Okay. And were you also contacted by the chief in that situation?

CST. SULLIVAN: No, I don't – actually, I don't, I'm not – I don't think I was. I remember I was at home that evening and I had received a phone call from one of the witness officers who were involved there. And it was from there then that we kind of waited for some information to unfold and gradually made our way into headquarters.

MS. CHAYTOR: Okay. And what was your purpose in going into headquarters in response to that?

CST. SULLIVAN: Our role, for the most part, as association members is to attend – well, we will, we will attend any aftermath or place, if we can, but what we want to do is just want to be there for our members to provide a supportive role. And that's pretty much it, for the most part. A lot of times when – well, I won't say a lot of times 'cause it doesn't happen very often, but when it does happen, our subject officers, or witness officers, I should say, are expected to provide statements and so on and so forth. They, they kind of feel a little more comfortable if an association member is present while they're provide – you know, providing a report or having a discussion with, with an investigator.

MS. CHAYTOR: Okay. And so in terms of going to headquarters that day, I take it, you were going to meet up with the subject officer, was that it?

CST. SULLIVAN: I didn't have an opportunity to really to speak to the subject officer that evening. I, I looked in, had a brief, a brief look in on him, asked him if he was okay. We actually had legal counsel at the scene at that time or at headquarters that time. So I was pretty much dealing with other members who are witness officers and just basically tending to anything if they needed anything.

And I will say at that evening we did buy, we bought pizzas for the officers – they were there for quite some time. So we provided some food for them and hung around and if there was anything else that we could provide in, in a supporting role, we would.

MS. CHAYTOR: Okay.

Are you aware of whether or not the, either the RNCA or the RNC have any protocol that would be followed when a member is involved in a serious incident, and particularly when there's harm caused to another individual?

CST. SULLIVAN: I would say that – well, I’m not aware of any protocol between either organization when it involves – you know, the association and the RNC itself. It’s, it’s pretty much, I would say, more so of courtesy and we’re pretty much given access to our officers as long as we’re not interfering with, with an investigation.

MS. CHAYTOR: Okay. So you’re not aware of – there’s nothing written down that you’re aware of which would say how –

CST. SULLIVAN: Not that I’m aware of.

MS. CHAYTOR: – how the RNCA would respond or how the RNC –

CST. SULLIVAN: No, there’s no, there’s no official protocol.

MS. CHAYTOR: Okay, all right.

And I just want to clarify, the incident at Memorial University, there was nobody injured in that, is that correct? There was nobody, nobody shot in that incident?

CST. SULLIVAN: A firearm was discharged, but no, there was no, there was nobody seriously harmed there, from, from my knowledge.

MS. CHAYTOR: Was there somebody actually shot?

CST. SULLIVAN: No, there was no one actually shot.

MS. CHAYTOR: Okay. And the firearm was discharged –

CST. SULLIVAN: Yes, it was.

MS. CHAYTOR: – but nobody was hit?

CST. SULLIVAN: No.

MS. CHAYTOR: Okay, all right.

So after then you’ve a received a telephone call from Chief Janes on April 5, 2015. What did you do, how did you respond?

CST. SULLIVAN: I believe I – Mr. Commissioner, I would like to just inform you of that. I don’t have any official notes on this matter, due to the fact I was in an association capacity and I wasn’t an investigating officer. And as a representative of the association, I don’t – I won’t take notes. So I’m going, I’m going from, strictly from memory.

THE COMMISSIONER: I think Sergeant Adams describes that process to some extent.

MS. CHAYTOR: Yes, Sergeant Adams had quite a few pages of notes, you’ll recall, but –

THE COMMISSIONER: He said he didn’t take – normally he wouldn’t take them in a Critical Incident Stress –

MS. CHAYTOR: Because he was –

THE COMMISSIONER: – Debriefing.

MS. CHAYTOR: Yes, for the critical incident normally he wouldn't take any notes. But Constable Sullivan is in his role as president of the RNCA. Staff Sergeant Adams wasn't a representative of the RNCA; he wasn't in that capacity.

THE COMMISSIONER: Uh-huh.

MS. CHAYTOR: He was responding initially, he said, to go there to do a Critical Incident Stress Debriefing. And you're right, he indicated when he normally does those he takes very few notes.

THE COMMISSIONER: Uh-huh.

MS. CHAYTOR: But he did have quite a few pages of notes that he –

THE COMMISSIONER: Uh-huh.

MS. CHAYTOR: – created afterwards.

THE COMMISSIONER: Uh-huh.

MS. CHAYTOR: But what Constable Sullivan is pointing out to you is that he doesn't have any notes whatsoever. Right, Constable Sullivan?

CST. SULLIVAN: That's correct.

MS. CHAYTOR: Yes, okay. Now, you did, though, give a statement to the RCMP and I think you did that two days after the incident.

CST. SULLIVAN: Yes, I did.

MS. CHAYTOR: Okay. And so I take it at that point in time April 7, two days later, your memory would have been pretty good at that point.

CST. SULLIVAN: It would.

MS. CHAYTOR: Okay. So perhaps if there's – so perhaps if there's anything that you don't recall or are having difficulty recalling, we can refer to your statement and that should be a accurate account I think.

CST. SULLIVAN: Yes. Correct.

MS. CHAYTOR: Okay. But fair enough, so no notes that we can refer you to.

CST. SULLIVAN: Sure.

MS. CHAYTOR: Okay.

CST. SULLIVAN: So to answer your question –

MS. CHAYTOR: Yes. Yes.

CST. SULLIVAN: – I, what I did is I text or I did – I text Joe. I thought I called him, Mr. Commissioner, to be quite honest, so I was kind of confused as to actually what I did and, but when I –

THE COMMISSIONER: That's what happens when you don't take notes.

CST. SULLIVAN: Right. So, but when I – but when I looked at the – when I seen my statement from the RCMP, which I hadn't seen when I had come in for the interview with you –

MS. CHAYTOR: Yes.

CST. SULLIVAN: – I was a little confused over what I had done. But there was – I attempted to call. It was out of service, the service was bad down in that area. I was –

MS. CHAYTOR: When you say down in that area, where Constable Smyth was you mean?

CST. SULLIVAN: Where he was at the time –

MS. CHAYTOR: Okay.

CST. SULLIVAN: – which would have been in Mitchells Brook.

MS. CHAYTOR: Okay.

CST. SULLIVAN: And so then I text, I sent him a text in hopes that at some point in time he would receive it so that he was aware that I knew that this incident had taken place.

MS. CHAYTOR: Okay. And you did hear back from him, did you, and –

CST. SULLIVAN: I did.

MS. CHAYTOR: – to your messages. Okay.

And those – were those BBM messages that, or were those text messages?

CST. SULLIVAN: I can't recall.

MS. CHAYTOR: Okay, but they were written messages back and forth between you?

CST. SULLIVAN: It was up until the point where I did speak with him.

MS. CHAYTOR: Yes, okay. All right and we'll get to that then.

So your initial contact with him is by way of a text message or a BBM message?

CST. SULLIVAN: Correct.

MS. CHAYTOR: Okay.

And did you understand that he was still at the scene when you first were able to communicate with him?

CST. SULLIVAN: Yes. The indication I had that he was still there.

MS. CHAYTOR: Okay. And perhaps then, we can bring up those messages; that's at P-0268.

And do recall basically what your initial communications back and forth with him were?

CST. SULLIVAN: I believe that I – my initial message would have been to ask him if he was okay.

MS. CHAYTOR: Okay. All right.

And so page 2 and 3 of this document that we have here – and, Constable Sullivan, the documents will appear there on your screen as you see coming up there.

And that's right. Initially, when we met and did your interview in December, you didn't recall much about this at that point in time, but your memory was refreshed, I understand, from our interview.

CST. SULLIVAN: Yes.

MS. CHAYTOR: Okay.

Okay and if we could, this is the bottom, I believe, of page 2. And if we could make this a bit bigger, please, Madam Clerk. Okay, that's fine.

Okay, on page 2 of the bottom, please. Okay, I'll just scroll down here.

Okay. And so this I understand is exchanges between Joe Smyth and yourself. You're Sully, you see here.

CST. SULLIVAN: Yes.

MS. CHAYTOR: Okay.

And this is April 5, 2015, 5:45 p.m. but that's UTC time, so we understand that to be 2½ hours earlier. Okay?

And so at this point in time you're saying: Just heard, tried calling you, went right to voice mail. Don't know if you're out of cell coverage or not. Can you call me if you want. Anything you need let me know. I'll try again in a bit.

And he got back to you in less than 30 seconds it appears: "Cell coverage is spotty." And he also tells you: As good as it can be. You okay? As good as can be, I guess, is what's happening there. Okay?

And then on the top of the next page you ask him to: "Call me if you can." He says okay and then he asks: "Were you talking to the chief?" And you say: "Yes. He didn't have much information. I'm calling him again now."

And do you recall did you have a second conversation, then, with the chief?

CST. SULLIVAN: I believe when – in my last – in my interview I couldn't recall that. But since we had discussed this, yes, I'm pretty sure I did call the chief back.

MS. CHAYTOR: Okay. And what was discussed then in your second discussion with the chief?

CST. SULLIVAN: I can't recall exactly verbatim what was discussed. If you'll see here, Joe had mentioned the fact of maybe contacting Joe Browne.

MS. CHAYTOR: Yes.

CST. SULLIVAN: And this never came up in our interview but I can recall thinking why does he want the chief to contact Joe Browne because I couldn't connect the dots at the time. I just didn't understand why he wanted the chief to contact Joe Browne but, obviously, I understood a little while later as to so why he wanted that but.

MS. CHAYTOR: And why and how did you understand that a little while later?

CST. SULLIVAN: Well, apparently I do believe that Joe had informed Joe Browne of what he was doing or that he was carrying this file of – again, it came to me a little later that I had gained that knowledge. But I never can, I didn't really understand at the time why he would want me to contact Joe Browne.

MS. CHAYTOR: Okay. And so when did you learn that that – and just explain that again, that Joe Smyth had informed Joe Browne of what?

CST. SULLIVAN: I really don't know. What I do know is that Joe Browne in his position, from what I learned, was aware that Joe was working or he was carrying this file or I really, you know, I just know that he would have had knowledge of Joe Smyth working that day and possibly even being down there. But I just didn't understand at the time why Joey wanted me to pass it on to the chief to contact Joe Browne because I just I didn't connect it at the time.

MS. CHAYTOR: Okay. And do you, did you learn that subsequently from Constable Smyth that Joe Browne –

CST. SULLIVAN: I don't –

MS. CHAYTOR: – had that knowledge?

CST. SULLIVAN: I don't exactly recall when, you know, when the light came on there to that.

MS. CHAYTOR: Okay, but is that something you're recalling yourself now then or –

CST. SULLIVAN: I'm just recalling. I'm recalling asking myself why he would want me to –

MS. CHAYTOR: Okay.

CST. SULLIVAN: – you know, to have that message relayed to Joe Browne, that's all.

MS. CHAYTOR: Okay. Because he does say here, the next line he says: "Maybe he should call Joe Browne." So you understood that to mean maybe the chief should call Joe Browne. And then he says: "He is aware of the person."

CST. SULLIVAN: Yes.

MS. CHAYTOR: Okay. Did you, when you ultimately speak not too long after with Constable Smyth did – is that what – did he explain that to you? Is that, is –

CST. SULLIVAN: No.

MS. CHAYTOR: No?

CST. SULLIVAN: No.

MS. CHAYTOR: Okay. All right.

And so your knowledge in terms of what Joe Browne may or may not have known, do you have a clear recollection of that?

CST. SULLIVAN: No, I don't and I would go on assumption there. I wasn't given – I really don't know what Joe Browne knew or didn't know, I was assuming.

MS. CHAYTOR: Okay. Fair enough.

Okay, so you didn't have any, any specific knowledge from anyone that Joe Browne actually knew that Joe Smyth –

CST. SULLIVAN: No.

MS. CHAYTOR: – was in Mitchells Brook on that day working on a file.

CST. SULLIVAN: Correct.

MS. CHAYTOR: Okay.

And then you tell him: "Ok. I'll pass it on," and he says thanks. So you did have a subsequent conversation with the chief.

CST. SULLIVAN: Yes.

MS. CHAYTOR: And did you then relay this information about Joe Browne to the chief?

CST. SULLIVAN: Yes, I would say I did.

MS. CHAYTOR: Okay. And do you recall any other information or discussion between yourself and the chief in that second telephone call?

CST. SULLIVAN: What I recall is that discussion again was fairly short and I don't – I can't recall exactly what was said. And I can only assume that I just passed the information on of what Constable Smyth wanted me to do.

MS. CHAYTOR: Okay.

And in terms of relaying any information when you speak to, when you speak to Joe Smyth, did you relay any information, then, the other way, anything the chief had told you. Did you tell any message to Joe Smyth from the chief?

CST. SULLIVAN: Not that I recall.

MS. CHAYTOR: Okay.

And if we could look, please, then at – and we'll come back to this record because then you do have other conversations later through text messaging.

CST. SULLIVAN: Sure.

MS. CHAYTOR: If we could have P-0304, please. And those, Constable Sullivan, are your phone records.

And I think it's been, as you can see, heavily redacted. But we've kept Sunday, April 5, and then we've redacted the middle numbers. And I'm just looking down through here and I'm wondering if you can identify, we see some phone numbers here at 3:06 and 3:07, appears to be the same phone numbers. And I believe that that, I believe – do you know whose number that would be?

CST. SULLIVAN: Yes, I do.

MS. CHAYTOR: Okay. And can you tell us whose number that would be?

CST. SULLIVAN: That would be Tim Buckle's phone number.

MS. CHAYTOR: Okay.

And that's a conversation – are you calling Tim Buckle or is he calling you?

The first conversation looks quite short. It's at 39 seconds and then you speak to him over three minutes, a couple of minutes, a minute later.

CST. SULLIVAN: Yeah. So, well, I don't know what the record says. I'm assuming that I called him but I can't recall if I did, if I called him or he called me.

MS. CHAYTOR: Okay. And your call – there's three incoming calls before that. One is at 1504, okay.

CST. SULLIVAN: Uh-huh.

MS. CHAYTOR: An incoming call. Do you know whether or not that's your call from the chief? The last three digits there being –

CST. SULLIVAN: I can't say –

MS. CHAYTOR: That looks to me, yeah, those are incoming –

CST. SULLIVAN: I can't say definitively that it is, but it's certainly quite possible that it is.

MS. CHAYTOR: Okay. Do you recall then – does this help you with your recollection as to, did the chief call you on your cellphone?

CST. SULLIVAN: Yes, he did.

MS. CHAYTOR: Okay. And so the other times that we have here are 1231 and 1323. And do you recall – did he call you before you called Tim Buckle?

CST. SULLIVAN: Yes, I'm pretty sure he did.

MS. CHAYTOR: Okay. And the call –

THE COMMISSIONER: Tim Buckle's number would be 516, is it? The ending is 516.

MS. CHAYTOR: Yes, 516. Are those two calls at 306 and 307, those are calls that you made to Tim Buckle?

CST. SULLIVAN: I can't definitively say that I made the call.

MS. CHAYTOR: Okay. Well, I think if it's coming into your phone it says incoming. Wouldn't that be right or -?

CST. SULLIVAN: Okay, yes.

MS. CHAYTOR: Is that - I'm, I don't know if that's right or not, but -

CST. SULLIVAN: Yeah.

MS. CHAYTOR: Is that your understanding?

CST. SULLIVAN: So, well it looks like I made the call, yes.

MS. CHAYTOR: Okay. And what, what did you discuss with Tim Buckle?

CST. SULLIVAN: I asked him if he had heard what happened and it was a quick conversation. I don't, I really don't know why there was two calls, but what I recall from it was I'd asked him if he was aware that Joey was involved in a shooting and he indicated that he was. And what it was then was a discussion over. Tim had said: I can't believe that this happened. I was talking to Joey earlier today and he said he was just on his way down to follow up on a file. And in Tim's words was like, this was, this was, you know, no big deal. He was going to be down there fairly quickly, get it done and he was going to be back up. And Tim had alluded to the fact that Joey had called him or he had called Joey while Joey was on his, actually on his way down to Mitchells Brook.

MS. CHAYTOR: Okay. And if we look at the call then right before your two calls to Tim Buckle, 1504, that call lasted a little more than a minute and a half. So does that seem reasonable, that amount of time, and perhaps that's the call from the chief to you? And then you would have almost immediately called Tim Buckle. Is that your recollection of how things happened?

CST. SULLIVAN: I would say it's possible. It's not my exact recollection of what happened but -

MS. CHAYTOR: Okay, well then, you tell us. What do you recall happening?

CST. SULLIVAN: I recall receiving - I recall getting the call from the chief.

MS. CHAYTOR: Yes.

CST. SULLIVAN: I'm getting the information, and then I recall speaking to Tim Buckle sometime after when I spoke to the chief saying, did you hear what happened to Joe. And then we had that conversation and then from there -

MS. CHAYTOR: Okay. So you do recall your discussions with Tim Buckle being after the fact, but what you're trying to clarify is that you thought it was longer than a couple of minutes after having spoken to chief.

CST. SULLIVAN: Yeah, it seemed like that, yeah.

MS. CHAYTOR: Is that right?

CST. SULLIVAN: Well, no, I'm not saying that either, you know.

MS. CHAYTOR: Okay, you tell us.

CST. SULLIVAN: I'm just –

MS. CHAYTOR: I don't want to put words in your mouth.

CST. SULLIVAN: Yeah, I know, I know.

MS. CHAYTOR: It's your evidence.

CST. SULLIVAN: Basically what I'm saying is I received the information. When I received the information, Tim and Joey are good – are close friends, good buddies and like, again, I consider ourselves all friends.

So I called Tim basically to inform him or ask him if he knew that Joey was involved in an incident. And that's when – so we had discussed that and that's when Tim had informed me that Joe was – he had been speaking to him while he was on his way down there to Mitchells Brook.

MS. CHAYTOR: Okay.

All right and then if we just continue on down here, there's a few more incoming calls. Do you recall who you're speaking to on those calls?

CST. SULLIVAN: No, I don't.

MS. CHAYTOR: Okay. So there's three calls in between here; one is almost five minutes long. You don't recall who – I'm sorry, no, the ones in between. There's one over six minutes and a couple of shorter calls. So you don't know who those are. Okay.

And then this one here where we have at 3:45 p.m. and the numbers end in 015 and that's a call that you placed. And I believe that one, if my eyes are right here, that one's almost five minutes. Is that right?

CST. SULLIVAN: Yes.

MS. CHAYTOR: Okay. And that call, do you recognize the last three digits in that one?

CST. SULLIVAN: No.

MS. CHAYTOR: Okay. And I understand that that would be Chief Janes's phone number –

CST. SULLIVAN: Okay.

MS. CHAYTOR: – ending in 015.

THE COMMISSIONER: Which one is that, 015?

MS. CHAYTOR: Okay. Yes, that's the one, Commissioner, at –

THE COMMISSIONER: What about the 800 –

MS. CHAYTOR: – 3:45 p.m.

THE COMMISSIONER: Right. What about the 800 one?

MS. CHAYTOR: Those are – if you, if we scroll back up to the top I'll show you. Those are incoming. This is Constable Sullivan's own number, so you can see it ends in 800.

THE COMMISSIONER: Right.

MS. CHAYTOR: So that's your own phone number, isn't that correct, Constable Sullivan?

CST. SULLIVAN: Yeah.

MS. CHAYTOR: So those are three incoming calls and they –

THE COMMISSIONER: From – you suggest that (inaudible).

MS. CHAYTOR: He doesn't – he says he doesn't remember who those were from.

THE COMMISSIONER: Pardon?

MS. CHAYTOR: His evidence is that he spoke to the chief before he spoke with Tim Buckle.

THE COMMISSIONER: Right.

MS. CHAYTOR: We know the times that he spoke with Tim Buckle to be 1506 and 1507, and because those are Tim Buckle's numbers, right here. And then he has three incoming calls, but I understand Constable Sullivan you don't recall who you were speaking to in the meantime.

CST. SULLIVAN: No, I can't say exactly who I was speaking to, no.

MS. CHAYTOR: Okay. But then at 1545 you place a call, it appears to the chief. And this would have been after, I take it, that you're in communication. Is that your second phone call now then with the chief?

CST. SULLIVAN: Yes, that's quite possible, yes.

MS. CHAYTOR: Okay. And would that be after you were in communication with Constable Smyth, and he asked you to pass along information to the chief?

CST. SULLIVAN: It appears that way, yeah.

MS. CHAYTOR: Okay. All right. So in terms of then, I don't know if that helps you see, but you're clear that your evidence is that you spoke to the chief before you contacted Tim Buckle.

CST. SULLIVAN: From what I recall, yes.

MS. CHAYTOR: Okay. And I take it you didn't know about the shooting until the chief called you.

CST. SULLIVAN: That's my recollection of that, yes.

MS. CHAYTOR: Okay. So you learned it from the chief and not from – and then you contacted Tim Buckle.

CST. SULLIVAN: Yeah, I believe that's how that – I believe that's how it played out.

MS. CHAYTOR: Okay. And if we continue on down then with your record, you'll see, I don't know if you're able to identify – no, please, no, no, no, sorry. I don't mean the next page but continuing on down.

There are then, after this call, which I understand to be to the chief, and that's almost a five-minute discussion with the chief. So do you recall what else was discussed with the chief in that five-minute time frame?

CST. SULLIVAN: No, I don't recall at this time. No.

MS. CHAYTOR: Okay. And did the chief have any instructions for you in relation to this matter?

CST. SULLIVAN: I don't recall.

MS. CHAYTOR: Okay. All right. And then there's, then you place a phone call to a number ending in 021. Do you recognize that phone number?

CST. SULLIVAN: No, I don't.

MS. CHAYTOR: You don't? And then it looks like there's a number of other calls placed here. Do you recognize any of those numbers?

CST. SULLIVAN: No.

MS. CHAYTOR: Okay. And this is all within the first hour of you having been notified. So would those – would those possibly be other members of your executive that you're contacting to let them know?

CST. SULLIVAN: I would suggest that it was.

MS. CHAYTOR: Okay.

CST. SULLIVAN: I know – Mr. Commissioner, what I can say is I know I spoke with – I informed the executive what had taken place. The numbers I don't recognize, and the reason I don't, it is pretty much all the phone numbers in my phone. I basically get a name up and dial. I don't even know – I can't really recall numbers to names.

MS. CHAYTOR: Okay. All right.

And, Constable, then at number 241 entry at 4:26, 1626, we have a call here that is 610 is the last three digits and that lasts for not quite a minute and I understand that if we had the un-redacted numbers there that would be Constable Smyth's phone number.

Does that seem about right? Is that when you spoke to him around 4:30, 4:26 that day?

CST. SULLIVAN: Yes, that appears to be right.

MS. CHAYTOR: Okay. And was that the only conversation then that you had with him while – and you understand he was – was he still at the scene when you spoke to him?

CST. SULLIVAN: Yes. I had an opportunity to review my statement to the RCMP and the information I provided to them was that I had spoken with him on the phone and asked him if he was okay and he was sitting in a vehicle, alone, and while I was speaking with him I – one of the

RCMP officers at the scene had approached him to advise him, and I overheard the conversation, and said they'd be taking him to Holyrood.

MS. CHAYTOR: Okay.

CST. SULLIVAN: So I knew that he would be leaving fairly shortly to go to Holyrood.

MS. CHAYTOR: And so that's – while you were on the phone speaking to him, he was notified he was going to Holyrood; is that right?

CST. SULLIVAN: Yes.

MS. CHAYTOR: Okay. All right. And it wasn't a very long conversation that you had with him at that time. It appears – it's less than a minute; does that seem right to you?

CST. SULLIVAN: Yeah.

MS. CHAYTOR: Okay. And then right after there's another incoming call, four minutes later, is that – do you recall who you spoke with within minutes of speaking with Constable Smyth?

CST. SULLIVAN: No, I don't.

MS. CHAYTOR: Okay. And is it possible that he was calling you back, that somehow your conversation got interrupted and you spoke to him longer, or do you just recall the one discussion?

CST. SULLIVAN: Yeah, I just recall the one conversation.

MS. CHAYTOR: Okay. So in that brief discussion, did he give you any information as to what had happened?

CST. SULLIVAN: No. I asked him if he was okay – what I recall is I asked him if he was okay and if there's anything that I could do, just ask. And I believe when I overheard it being said that he was going to Holyrood I said well, I'm on my way out.

MS. CHAYTOR: Okay. All right.

So that was it, there was no details of what had happened or transpired in Mr. Dunphy's home?

CST. SULLIVAN: No.

MS. CHAYTOR: Okay. All right.

Did he ask you to contact anyone on his behalf?

CST. SULLIVAN: The only thing I recall is him asking me to advise the chief to contact Joe Browne.

MS. CHAYTOR: Okay. And that was in your text messaging?

CST. SULLIVAN: Yes.

MS. CHAYTOR: Okay. All right.

And so you said you decided and you told him you're going to come to Holyrood and meet him. And were you aware at that stage that there were already other officers on their way to see Constable Smyth?

CST. SULLIVAN: Yes, I was.

MS. CHAYTOR: Okay. And how did you know about that and who did you understand were going to see him?

CST. SULLIVAN: I recall being told that Mike Adams, who was acting inspector at the time and Reg Tilley, who would have been an acting staff sergeant, were on their way. I can't recall if the chief advised me of that or not, but I knew so – but I can't recall exactly who told me.

MS. CHAYTOR: Okay. And you're not sure, you're not sure who told you that but the main thing –

CST. SULLIVAN: I was aware that – yeah, I was aware that they were on their way.

MS. CHAYTOR: Okay.

And would – and you think it may have been the chief. It wasn't Constable Smyth who told you that was it?

CST. SULLIVAN: I don't think so. Mr. Commissioner, I don't recall exactly. I'm of the belief that the chief may have told me that.

MS. CHAYTOR: Okay.

And what did you understand their purpose to be in heading out? And then, why is it that you thought that you needed to go along as well?

CST. SULLIVAN: Well, I'll call him Staff Sergeant Adams, he was an acting inspector but he's retiring fairly shortly as a staff sergeant.

MS. CHAYTOR: Yeah.

CST. SULLIVAN: But Staff Sergeant Adams and Sergeant Tilley went out there in – went out as critical incident counsellors, peer counsellors. So they're trained in critical incident stress and they were –

MS. CHAYTOR: And did you understand they both were trained in that?

CST. SULLIVAN: No, I didn't. I understand what I was informed was that both these officers were going out and that's why they were going out.

MS. CHAYTOR: Okay. And that – you understood that's why they were going.

CST. SULLIVAN: Yes. Correct.

MS. CHAYTOR: Okay, to do a Critical Incident Stress Debriefing?

CST. SULLIVAN: I don't know if it's a debrief. I don't know exactly the type of model or what they would exactly do, due to the fact that I'm not a counsellor. But I know that they were going

out to, I guess, implement the first stages of what would happen to an officer once involved in a critical incident.

MS. CHAYTOR: Okay. All right.

And who did you learn that from? Who told you that would be their purpose of being there?

CST. SULLIVAN: Pardon me?

MS. CHAYTOR: Who told you that was the purpose for Staff Sergeant Adams and Staff Sergeant Tilley being there?

CST. SULLIVAN: I believe the chief – I believe the chief is who I received that information from, that they were gone out there in an EAP role.

MS. CHAYTOR: Okay. All right.

And was – your purpose there was to do what? You're going out there you said, I believe, to offer support as well?

CST. SULLIVAN: Correct.

MS. CHAYTOR: Okay. And did you decide to head out there on your own or did someone else go along with you?

CST. SULLIVAN: I put it out to the rest of our executive. I asked if there's anybody else who wanted to tag along. And a lot of times we usually – or we have gone in in pairs when we've gone anywhere, if anyone is calling. We just keep the executive informed of, as to what's happening, and if somebody wants to go along, certainly, we welcome that.

MS. CHAYTOR: Okay. So you put out a message, a group email or something, did you, to any of the executive?

CST. SULLIVAN: That's correct.

MS. CHAYTOR: Okay. And at the time were Acting Inspector Adams and Staff Sergeant Tilley, were they – they were members of the RNCA I take it, but were they on the executive?

CST. SULLIVAN: No, they weren't.

MS. CHAYTOR: Okay. All right.

And so did any of your executive then reply to say that they would accompany you?

CST. SULLIVAN: Yes, they did.

MS. CHAYTOR: Okay. And who went along with you?

CST. SULLIVAN: Scott Harris.

MS. CHAYTOR: Okay. What was his role with the RNCA at the time?

CST. SULLIVAN: He was treasurer.

MS. CHAYTOR: Okay. And while you're en route to Holyrood, did you have any further discussions, or did Constable Harris have any further discussions with anyone?

CST. SULLIVAN: I can't recall if Constable Harris had any conversation with anybody. But I do recall him and I, basically, trying to, you know, figure out, okay, what's our role going to be here. This is, you know, obviously it's kind of – well, it's uncharted territory for us to be dealing with something as serious as this. You know, it doesn't happen very often. And we had no idea even if we were going to be – have access to be, you know, allowed to speak with Joe or what have you. And we were saying, well, maybe we should pick up something to eat or, you know, what do we think we can do here.

And that was pretty much it. Trying to formulate, you know, what plan, I suppose, if you want to call it that, but it was basically, we had – the only intention we had was to be there, to let Joe have a familiar face around him, you know, throughout the duration of the time that he was going to be there, and if there was anything that he wanted or needed we would have ensured that we would have got it for him.

MS. CHAYTOR: Okay. And did you or Constable Harris have any discussions with Staff Sergeant Tilley or Acting Inspector Adams as you're heading out there or, you know, to speak to them to try and coordinate well who's playing which roles here. Any communications amongst the four of you?

CST. SULLIVAN: I can say that I didn't have any communication until I arrived, and I can't speak for Constable Harris. I don't recall anything, any conversation he may have had.

MS. CHAYTOR: Okay, and are you able to say around –

THE COMMISSIONER: We're getting close to 5 –

MS. CHAYTOR: Okay.

THE COMMISSIONER: – so don't start a new area if you would.

MS. CHAYTOR: No, I'll just ask –

THE COMMISSIONER: But finish off, yeah.

MS. CHAYTOR: Okay, I'll just ask one question then, and then we'll get into what happens in Holyrood. But are you able to say what time you arrived in Holyrood?

CST. SULLIVAN: It was late, late afternoon. And if I recall from my statement to the RCMP, I believe it might have been around 5:30, 5:45 p.m. maybe.

MS. CHAYTOR: Yes. I think you told 5:30 in your RCMP statement but when in your transcript during our interview you thought it may have been earlier than that.

CST. SULLIVAN: Yes, correct. I couldn't recall. In my interview I couldn't recall.

MS. CHAYTOR: Okay, all right. Fair enough.

That's a good place for us to start, and we'll pick up on what happens when you arrive in Holyrood –

CST. SULLIVAN: Sure.

MS. CHAYTOR: – tomorrow morning. We start at 9:30.

CST. SULLIVAN: Okay.

MS. CHAYTOR: Thank you.

THE COMMISSIONER: Okay, thank you.

We'll adjourn now until 9:30 tomorrow morning.

MS. SHEEHAN: All rise.

This Commission of Inquiry is now closed.