



# PUBLIC INQUIRY RESPECTING GROUND SEARCH AND RESCUE FOR LOST AND MISSING PERSONS



**James J. Igloliorte**  
**Commissioner**

**FINAL REPORT**

**NOVEMBER 2021**



**PUBLIC INQUIRY RESPECTING GROUND SEARCH AND RESCUE FOR  
LOST AND MISSING PERSONS**

**James J. Igloliorte  
Commissioner**

**Submitted to:**

**The Honourable John Hogan, Q.C.  
Minister of Justice and Public Safety and Attorney General  
for the Province of Newfoundland and Labrador**

**November 2021**

**[www.nlgsarinquiry.ca](http://www.nlgsarinquiry.ca)**





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Lost and Missing Persons**

**James J. Igloliorte  
Commissioner**

November 30, 2021

VIA: EMAIL

The Honourable John Hogan, QC.  
Minister of Justice and Public Safety and Attorney General  
P. O. Box 8700  
St. John's, NL A1B 4J6  
Email: [johnhogan@gov.nl.ca](mailto:johnhogan@gov.nl.ca)

Dear Minister Hogan:

In accordance with the Terms of Reference, I am pleased to present the Report of the Public Inquiry Respecting Ground Search and Rescue for Lost and Missing Persons.

I am grateful to the many interested persons and groups who prepared written submissions for the Committee's consideration and to those who took the time to make presentations to the Committee at the public hearings, roundtable discussions and various meetings held throughout the Province.

Yours very truly,

  
JAMES IGLOLIORTE  
Commissioner

Jl/mm

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Ground Floor, East Block, Confederation Bldg., St. John's, NL A1B 4J6

Tel: 709-729-7589  
Toll Free: 1-833-667-0679  
Fax: 709-729-5618

Email: [admin@nlqsarinquiry.ca](mailto:admin@nlqsarinquiry.ca)  
Website: [www.nlqsarinquiry.ca](http://www.nlqsarinquiry.ca)



## ACKNOWLEDGEMENTS AND THANKS

The foundation of an inquiry such as this rests solidly on the efforts of dedicated professional workers. Ruth Steele, as project lead, opened hearts and doors for us, first in Makkovik, then in all the venues to the conclusion at the Emera Innovation Centre in St. John's. Marcella Mulrooney, as the experienced Administrative Lead/Hearing Clerk was a tireless, positive force from the early tentative days to its successful conclusion.

The early architects who aided the Commission in converting the Terms of Reference into a workable plan of action were Peter Ralph, Q.C., and Mr. Paul Carter, Executive Director. They had just completed the daunting work of the Muskrat Falls Inquiry. My friend Justice Richard LeBlanc gave advice and support in the early stages of the inquiry. Also for the province, Director of Emergency Services Division Mr. Mitch Rumbolt was present at all sessions to explain the work of that office. Mr. Paul Peddle, despite suffering stress related to the Burton Winters search, bravely confronted his fears and spoke directly and sincerely to the family and the Commission.

Thomas Williams, Q.C. not only ensured that the focus and impetus for the Inquiry would shine squarely on the memory of Burton Winters and his dedicated family, but also represented other families during the hearings. Williams, Q.C. was also assisted in the process by Mr. Justin King.

Mr. Geoff Budden, as Commission counsel, undertook the responsibility of all aspects of mechanism, scope and nature with the transparency and dignity required of such work.

The Commission acknowledges the enthusiastic support of the Government of Newfoundland and Labrador through its non-political representatives: Jennifer Mercer, Q.C. Deputy Minister and Deputy Attorney-General; and later Heather Jacobs, Q.C., Deputy Minister and Deputy Attorney General (A); Ms. Tara Kelly, Assistant Deputy Minister of Policing and Emergency Services, who all provided the necessary legislative and executive functions needed to support the work of the Commission.

The Government of Canada's role was similarly represented by legal counsel Mr. Mark Freeman and Ms. Corinne Bedford. The Commission expresses its thanks to them for their willingness to cooperate and explain the Canadian search and rescue responsibility. They led evidence from Lieutenant Colonel James Marshall of the CAF and Sergeant Danny Williams of the RCMP, describing in detail the policy and practice of the federal government's search and rescue roles and responsibilities.

Our highly competent professional consultants, Mr. Richard Smith in national and international search and rescue operations, and Ms. Louise Bradley, an expert in not only

the theory of support for mental health trauma but also its application, both did exemplary work. Mr. Mike Clair of the Public Policy office at Memorial University of Newfoundland attended both the Makkovik hearings and the St. John's Policy session as our expert roundtable facilitator.

On the technical communications aspect of our work, Canadian AV; OKlakitiget Radio Society of Nain and IT expert Mr. David Tremblett of the Goose Bay office, all gave professional support for the Commission.

Mr. Harry Blackmore of the Newfoundland and Labrador Search and Rescue Association attended all our sessions. Members of many of his teams participated in the hearings, and gave valuable insights into the unselfish work of volunteers. Members of less formally constituted teams from Labrador also assisted in giving the Commission insights into the strengths of ground search and rescue operations within small, remote communities. Mr. Mervin Wiseman used his extensive past experience in the Coast Guard's Maritime Search and Rescue Sub-Centre to advocate for the Concerned Citizens for Search and Rescue in the preparation and presentation of the meeting in Mary's Harbour. Captain Wilfred Bartlett shared a lifetime of advocacy for fishers and Coast Guard auxiliary operations and we were grateful for his constant attendance.

Mr. Darren O'Keefe and Ms. Allison Philpott represented the Concerned Citizens for Search and Rescue, who like the family of Burton Winters, had for many years raised issues of best practices in search and rescue for many years.

Finally we dedicate this report to the memory of Burton Winters, as we know all the Province is supportive of his family's commitment to examining the search effort, and equally to uncovering gaps and finding a positive way forward. In so many words, they said to the Commission he was the kind of boy who would have grown up to be a real credit to his Nunatsiavut community. We believe them.





## PUBLIC INQUIRY RESPECTING GROUND SEARCH AND RESCUE FOR LOST AND MISSING PERSONS

### About This Report

This Report quotes frequently from evidence given and submissions presented at or to the Commission during its Inquiry. All submissions are available to the public on the Commission's website at [www.nlgsarinquiry.ca](http://www.nlgsarinquiry.ca). Submissions given during the public hearings were transcribed and are also available on the website. Quotes in the Report from oral submissions are cited with a date and transcript page number.

No changes to spelling or punctuation were made in any quoted material.

This Report is in one Volume with the appendices attached at the end.

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## INTRODUCTION

January 29, 2012, was a cold, blustery winter day in Makkovik, a community of about 350 mostly Indigenous persons located on the northern coast of Labrador. At about seven o'clock that evening, Rodney and Natalie Jacque became concerned that their fourteen-year-old son, Burton Winters, had not come home for dinner. Their concern deepened into alarm when they became aware that Burton was not having dinner at his grandmother's nearby home and that no member of his family had any idea where he might be. They contacted the local Royal Canadian Mounted Police ("RCMP") detachment and the Makkovik Ground Search and Rescue team was quickly dispatched to search for Burton and the snowmobile he was riding when last seen.

That search ultimately lasted into a fourth day and engaged not only the Makkovik Ground Search and Rescue team and many other members of the community but, ultimately, outside air support and other resources from private companies and the Governments of Newfoundland and Labrador and of Canada. Tragically, it ended with the discovery of Burton's body on sea ice approximately 20 kilometers from his home.

Burton's family did not believe that the search for Burton had been adequately resourced. They, with the support of like-minded individuals and organizations, began a campaign to have this search, and the events surrounding it, made the subject of a public inquiry.

Commissions of Inquiry have, for at least a century, been utilized as a public policy tool in Newfoundland and Labrador. As early as 1915, a "Report of the Commission of Enquiry into the Sealing Disasters of 1914", presided over by respected judges and lawyers, heard evidence at public hearings, received submissions from counsel and made findings and recommendations. More recently, public inquiries, following a recognizably similar process, have been called by the Government of Newfoundland and Labrador to investigate, among other things, certain wrongful convictions, hormone receptor testing, a police shooting and the Muskrat Falls hydroelectric project.

In each instance, an incident or incidents of public concern related to aspects of governance or public policy were considered by an independent authority, usually a judge or retired judge with the power to compel evidence and in due course a written report containing findings and recommendations was released. While not all recommendations have been adopted by Government, many have been and went on to become the basis of future public policy.

It was, therefore, not surprising that the family of Burton Winters and other similarly concerned citizens would press for such a public inquiry. The Government of Newfoundland and Labrador, in commissioning an inquiry in response to these concerns, was similarly choosing to follow a familiar and historically productive course of action.



## THE STATUTORY AND REGULATORY AUTHORITY FOR THIS PUBLIC INQUIRY

The *Public Inquiries Act, 2006*, SNL 2006 c. P-38.1, as amended, provides at Part II, Section 16, that the Lieutenant-Governor in Council may order that there be an inquiry “into a matter that the Lieutenant-Governor in Council considers to be of public concern”. Other sections of Part II of the *Act* direct that a person be named to conduct the said inquiry; set out possible “mechanisms by which the inquiry is to be conducted”; the “nature and scope of the report to be submitted”, and the powers of the inquiry to compel the production of evidence.

On January 14, 2021, pursuant to the authority conferred by the *Act*, Newfoundland and Labrador Regulation 1/21: the “Inquiry Respecting Ground Search and Rescue for Lost and Missing Persons Order” was published. This Order/Terms of Reference, among other things:

- Appointed the retired Provincial Court Judge James Igloliorte to conduct the Inquiry.
- Provided that the mechanisms by which the Inquiry shall be conducted would include “informal hearings; research studies; interviews and surveys; and written submissions.”
- Directed that the Inquiry process was, to the extent possible, to be trauma-informed and respectful of the persons, families, and communities concerned; be culturally appropriate; and to consider the risk of traditional activities engaged by Indigenous people on the land.
- Permitted the Inquiry to prepare and publish rules or procedure.
- Empowered the Inquiry to compel the production of testimony and evidence.
- Directed the Commissioner to prepare a final report which would:
  - (a) Review the organization and operation of ground search and rescue in the Province including air support for ground search and rescue; and
  - (b) Make recommendations that the commissioner considers necessary and advisable related to ground search and rescue in the Province.

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## JURISDICTION

While the subject of this Inquiry, ground search and rescue, is a matter within the jurisdiction of the Government of Newfoundland and Labrador, a number of the organizations involved with it, including but not limited to the RCMP and the Canadian Armed Forces (“CAF”), are agencies of the Government of Canada. Further, some search and rescue operations that take place within the Province of Newfoundland and Labrador, such as those within the federal parks and searches for downed or missing aircraft, engage issues of federal jurisdiction; and certain coastal waters are areas of overlapping provincial and federal jurisdiction (Exhibit P – 198).

It is settled law that a provincial inquiry cannot compel most agencies of the Government of Canada to produce documents; to appear before it; or to cooperate with it at all. It is difficult to imagine how this Inquiry could have accomplished much without the voluntary participation and cooperation of agencies of the Federal Government. Fortunately, such participation and cooperation were forthcoming.

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## THE ORGANIZATION, APPROACH AND OVERVIEW OF THE INQUIRY

The Inquiry, as is customary with public inquiries, chose to prepare and publish Rules of Procedure and Practice (Appendix B). These Rules reflect and ultimately direct an approach and understanding that has informed the work of the Inquiry from the very beginning.

The Inquiry needed to, firstly, inform itself as to how ground search and rescue is promptly conducted in the Province of Newfoundland and Labrador and the organizations that conduct, fund and otherwise participate in ground search and rescue.

This was addressed through the retention, by the Inquiry, of ground search and rescue expert Mr. Richard Smith, whose accomplished career in search and rescue as a RCMP officer, writer, consultant and active searcher strongly qualified him for this role. Mr. Smith's research and numerous interviews with members of the Newfoundland and Labrador ground search and rescue community informed the Discussion Paper, found at Exhibit P-004, which served as a foundational document for the Inquiry's review of how ground search and rescue presently operates.

The Terms of Reference, as we have seen, allow wide latitude as to how the Inquiry was to inform itself. It was determined that the primary mechanism for information gathering would be a series of hearings, which would take place throughout the Province and each of which would closely consider one or more specific ground search and rescue operations. It was hoped that, by hearing from the men and women who had actually carried out these searches, and from the representatives of the organizations tasked with working with and supporting them, an understanding could be gained as to the challenges of contemporary ground search and rescue, along with ideas for improvement. In the result, such roundtables were held in Makkovik, Corner Brook, Grand-Falls-Windsor and St. John's. The specific search operations examined, all from 2010 to the present time, included searches for a six-year-old child; a fourteen-year-old boy; middle-aged snowmobilers; a downed aircraft and its occupants; an elderly berry picker; and a man suffering from mental illnesses who had wandered from his residence.

There was also a policy roundtable held in St. John's which considered more general matters. Further, the Commission and Commission counsel, supported by staff and consultants, held a number of meetings, in person or virtually, with individuals and organizations.

These hearings, roundtable sessions and meetings were intended to be less formal than a traditional judicial process; witnesses, for example, were not asked to testify under oath. Over 100 people ultimately participated in these roundtables and meetings.

## MECHANISM OF THE INQUIRY

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The Inquiry used a blend of informal processes including roundtable discussions designed to look at strengths and gaps in the Province's ground search and rescue management. As with so many other publicly-funded efforts over the past two years, Covid-19 protocols impacted the Commission's desire to speak to the entire community of Makkovik, where fourteen-year old Burton Winters tragically perished on the sea ice outside his community. With the cooperation of the family, the community and the Nunatsiavut Government, as well as that of the interested parties, we arrived in the community and heard first hand of the heroic search effort.

Following those hearings, we conducted a more stylized, yet informal information gathering process of roundtable sessions with the Newfoundland and Labrador search and rescue teams in selected locations. Despite Covid-19, we completed our goal but the Inquiry was delayed multiple times where we desired face-to-face exchanges. This has naturally impacted the on-time delivery of the final report.

## HEARINGS IN MAKKOVIK

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The decision to forge ahead to a community session in Makkovik had the desired effect of giving a degree of closure and formal government recognition and response to the family's protracted wait for some answers. Both provincial search and rescue policies and protocol and those of the federal government, however painful for the family members to absorb and respond to, was met by them with a graceful acknowledgement that they were part of a greater cause to improve things.

## VOLUNTEERISM

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The strength and reputation of Newfoundland and Labrador's ground search and rescue operations lie in the unselfish, inspiring volunteer effort from the 25 teams from Nain to St. John's. Equally amazing is that the Newfoundland and Labrador model was born and bred here through the efforts of Mr. Harry Blackmore and his predecessors, and has spawned a nation-wide organization run from the Paradise headquarters, emulated

across the country. NLSARA's requests, found at P-190, warrant a serious response, if only to acknowledge a foundation has been laid to build upon. The application of support Province wide should be aware that different jurisdictions have different needs and capacity.

## INTEROPERABILITY

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This word, from search and rescue expert Mr. Richard Smith, is supported by every person and organization the Commission heard from. While everyone understood the mandate of this Inquiry is limited to directing the Province and not the federal government, this field of search and rescue is occupied by both governments. There is a wish to see the Province continue its efforts to seek high level cooperation with their federal counterparts so that people do not feel interjurisdictional misunderstanding or excessive protocols hamper searches.

## MENTAL HEALTH

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In a very short time span, the knowledge about the impacts of trauma by being involved in stressful exercises and occupations has exploded. Now the Province has the opportunity to assist searchers in dealing with short-term and potential long-term effects of hazardous occupations. Practitioners can also assist NLSARA to be respectful of using correct labels for people in distress.

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## THE CURRENT STATUS OF GROUND SEARCH AND RESCUE IN NEWFOUNDLAND AND LABRADOR

As is noted above, Mr. Smith, Consultant to the Inquiry, has prepared a Discussion Paper on this topic (see Exhibit P-004). This summary is based on that paper and on other evidence before the Inquiry.

The primary responsibility for searching for lost and missing persons lies with the police service having jurisdiction over that region of the Province. For St. John's and adjacent areas of the Avalon Peninsula, Corner Brook and Labrador West, that would be the Royal Newfoundland Constabulary ("RNC"). For the rest of the Province, that would be the RCMP.

These police agencies generally lack the human resources, the specialized knowledge, and often the specialized equipment to actually conduct intensive ground searches for missing persons. Thus, while they always maintain overall authority over an operation, they generally task much of the actual searching to volunteers.

In this Province, these volunteers have, since 1996, been organized under the auspices of NLSARA, which presently has over 750 members organized into 25 teams and has a presence in most regions of the Province. As we will see, these members receive rigorous training and typically volunteer at least 200 hours per annum of their time to their search and rescue teams. While NLSARA currently receives approximately \$200,000.00 per annum in funding from the Provincial Government, this is but a small part of their annual budget; the balance coming from their own fundraising efforts and other forms of community support. NLSARA is a not-for-profit corporation and is governed by an eight-person executive, including long term President Mr. Harry Blackmore.

NLSARA teams do not self-deploy; rather, they are tasked by a policing agency and asked to "stand down" by that agency when their services are no longer required. Teams often combine resources for especially time-sensitive, lengthy or demanding searches, or to provide particular expertise or equipment to a team lacking these resources.

Air support, typically helicopter support, is often necessary, even essential, for a successful search outcome. There presently exists a protocol whereby all air support must be requested, by the policing agency, from Emergency Services (a division of the Department of Justice and Public Safety). The Government of Newfoundland and Labrador does not, itself, own or lease helicopters but it maintains a contract with a

private helicopter company (presently Canadian Helicopters), which maintains helicopters at several airports within the Province and which will, on request from Emergency Services, deploy a helicopter to assist with a search.

If air support is required at night, or in other circumstances where these contracted helicopters cannot fly, Emergency Services Division may make a request for humanitarian assistance through Joint Rescue Coordination Centre (“JRCC”), an agency of the CAF. The CAF will, subject to weather conditions and to competing demands from its primary search missions, provide such support (generally a Cormorant helicopter or a fixed-wing aircraft).

There also exists, in Newfoundland and Labrador, two chapters of the Civil Air Search and Rescue Association (“CASARA”), members of which are also available to volunteer air support for ground search and rescue operations. While it presently plays a fairly minor role in this area, its members are eager to play a larger role.

## AN INQUIRY PERSPECTIVE ON THE SEARCH FOR BURTON WINTERS

As noted above, the legislative authority for this Inquiry, published on January 14, 2021 is found in the Newfoundland and Labrador Regulation 1/21, entitled: “Inquiry Respecting Ground Search and Rescue for Lost and Missing Persons” under *The Public Inquiries Act, 2006*, (O.C.2021-004), and the section describing the Inquiry’s mandate uses broad, general language found in Part 9 of that Regulation:

### FINAL REPORT

1. The commissioner shall prepare a final report which shall
  - a. review the organization and operation of ground search and rescue in the Province including air support for ground search and rescue; and
  - b. make recommendations that the commissioner considers necessary and advisable related to ground search and rescue in the Province.
2. In preparing the final report the commissioner may consider
  - a. information gathered during the informal hearings;
  - b. written and oral submissions;
  - c. research conducted by the commissioner and persons retained by the commissioner; and
  - d. other information the commissioner considers necessary.
3. The final report shall not
  - a. express any conclusions or recommendations regarding the civil or criminal responsibility of any person or organization; or
  - b. make a finding of misconduct against a person or organization.
4. The final report shall be submitted to the minister on or before November 30, 2021.

The Rules of Procedure and Practice enacted by this Inquiry are more prescriptive when it comes to the work the Commission would have to do in Makkovik:

### THE BURTON WINTERS’ HEARINGS

15. It is anticipated that, if consistent with public health measures in relation to the Covid-19 pandemic and with community health and safety, this Inquiry will, at an early opportunity, travel to and sit in the community of Makkovik, Labrador.
16. This Inquiry will, while in Makkovik, conduct a roundtable which will examine the search for Burton Winters. If so required by the number of

participants and the limits of available facilities, more than one roundtable may be held.

17. The Commissioner will invite representatives of the entities which were engaged in the search for Burton Winters in 2012 to participate in the roundtable. He will also invite other entities who have an interest in the manner in which the search for Burton Winters was conducted. The entities that the Commissioner will invite include but are not limited to the following: the Royal Canadian Mounted Police (“RCMP”), Newfoundland and Labrador Search and Rescue Association (“NLSARA”), the Makkovik Search and Rescue Volunteers, the Government of Newfoundland and Labrador, CASARA and entities of the Federal Government.
18. The family of Burton Winters will be provided an opportunity to participate in any and all roundtables. The roundtables shall be conducted in a manner that is informed by trauma. The Inquiry will provide members of the Burton Winters family with the opportunity to participate directly in the proceedings of the roundtable or indirectly through counsel for the family, as they may choose.
19. The Nunatsiavut Government, the Innu Nation and the NunatuKavut Community Council will also be invited to participate in the roundtable in relation to Burton Winters.
20. Any individual or entity that has not been invited to participate in the roundtable in relation to Burton Winters but wishes to participate must submit an application to the Inquiry at least 30 days prior to the date that the roundtable is scheduled to commence. The application may be informal but should address whether participation by that individual or entity would further the conduct of the Inquiry.
21. The Commissioner shall advise applicants whether they will be granted an opportunity to participate in the roundtable as soon as reasonably practicable.
22. The Commissioner will participate in such memorials or remembrances of Burton Winters as the family of Burton Winters and the community of Makkovik wish to conduct.

## THE MAKKOVIK SESSIONS

Early on, in the process of formulating the scope, mechanism and nature of the Inquiry about ground search and rescue, counsel for the Province, Peter Ralph, Q.C., Mr. Paul Carter, Executive Director with the Government of Newfoundland and Labrador, Thomas Williams, Q.C., who was a long-time representative for the Winters' family, and the Commissioner discussed the importance of making the Makkovik hearings an integral, focal and visible display of how the entire Inquiry would be conducted. Those discussions took place following the announcement of the Inquiry by then Premier Dwight Ball on July 30, 2020 at Happy Valley-Goose Bay.

Once the Order in Council was released, Mr. Geoff Budden was appointed as Commission counsel and, for all intents and purposes, took over the Commissioner's role with the above-mentioned individuals to operationalize, through various iterations, how the Inquiry would be conducted. It was universally felt that the long-awaited Inquiry into the search for Burton Winters would set the tone and style for the broader mandate to review ground search and rescue operations and policies in Newfoundland and Labrador.

These parties had already identified three experts to enhance the work of the Commission: Mr. Richard Smith, an internationally-recognized Canadian expert in ground search and rescue; Ms. Louise Bradley, an expert practitioner in trauma-informed mental health issues; and public policy expert Mr. Mike Clair from the Harris Centre at Memorial University of Newfoundland.

With the able assistance of the Project Lead, Ms. Ruth Steele and Administrative Assistant Ms. Marcella Mulrooney, they completed the exacting preparations for our attendance in Makkovik and brought in witnesses, as well as subpoenaed documents. With the help of Ms. Sarah Abel and Ms. Arlene Ikkusek of the OKalaKatiget Radio Society in Nain, we began the hearings at the Makkovik Arena in Makkovik on September 7th, 2021.

The entire Commission "team" could not have received a more warm and heartfelt welcome than the family of Burton Winters and the entire community gave the Commission upon its arrival and continuing right up to the departure one week later. The family and community immediately accepted the need for the Inquiry to be forward-looking despite the nine and one-half years they had waited. They acknowledged the limitations a provincially-mandated inquiry could cover when in reality, the federal jurisdiction of aeronautical and marine search and rescue played a part in the

frustratingly long period they had to endure to get to this point. They respectfully and even warmly received the federal government representatives, who could have given the constitutionally valid excuse not to participate in a provincial inquiry; and while the information opened deep and traumatic feelings, they were strong and resilient in accepting the support from Ms. Bradley in struggling to cope with all the emotions brought on by the process. The Commission participants were all touched by the enormity of the effect Burton's life had on so many people.

#### **DAY 1 OF THE SEARCH, JANUARY 29, 2012**

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Corporal Kimball Vardy and Constable Steve Howlett (as they then were) testified that at approximately 7:00 p.m. on Sunday night, January 29, 2012, they spoke to Burton Winters' dad Rodney Jacque, who wanted to know if Hayley, Corporal Vardy's step-daughter and friend of Burton's, knew anything about his whereabouts as he had not been seen since early afternoon.

The officers followed up by making inquiries, calling community police officer Constable Barry Andersen, and establishing a response centre at the RCMP detachment office. They assembled the local NLSARA team members, as Constable Andersen was the Team Leader, and proceeded to organize a "hasty search". This is a virtual blitz of members to every community, cabin and snowmobile trail location within a 5-6 kilometer radius to see if any evidence of Burton's whereabouts could be detected, as well as to eliminate the areas of highest probability of locating him based on the knowledge they had gained from the family members, friends and the search and rescue members themselves.

The Commission made the following determinations with respect to Burton's movements that day.

Burton had taken part in the Junior Canadian Rangers daytime exercise that Saturday and Sunday, returning from an outing at Killman Pond, just 5 kilometers due south of the community. The Junior Canadian Rangers had their own snowmobiles but the gasoline for them was supplied by the Canadian Rangers organization, as was the entire kit needed to keep the young people warm and equipped to conduct outdoor skills training. Burton was a relatively new member, and was known to be more active with his electronic video interests than the outdoors, but on this occasion he operated his own snowmobile. In the past, he had been warned by his Dad to stay away from the harbour

area and, even compared to many of the other Junior Canadian Rangers, his skills on the land and operating equipment was likely less than theirs.

Upon the return to Makkovik on Sunday about noon, once the exercise was over, the whole party mustered at the area near the school and arena. They then accounted for and returned the property of the Junior Canadian Rangers, and were given permission to keep the fuel supplied for the weekend's activities. (Incidentally, Burton's parents had reported that in the early hours of Sunday morning he was on his computer instead of getting rest for the outing. As a result, he lost his computer privileges but it was a minor incident and played no part in the minds of the searchers or the Commission about why he strayed from the community.)

Around 1:30 p.m. that day, Burton dropped off his cousin and best friend Willie Flowers at their paternal grandmother's. That was the last time he was seen in the community, as he was heard circling the grandparent's house heading up the hill, towards the trail from Killman Pond. The trail to Killman Pond was in a southerly direction, while an equally busy trail forked north towards Ranger Bight and onto a large area known as Makkovik Bay. Burton fatefully went north. Staying on the right-hand side of Ranger Bight, and for a short two kilometer distance, a snowmobiler would get to a point of land called Perrett's Point, and would have all of Makkovik Bay in front of him. The return home to Makkovik could be done if he did a 180 degree about face back to the community past Perrett's Point.

It is clear from all the evidence that Burton, due to the worsening weather which obscured the community behind him, was focused on the next point of land directly ahead of him. He made the decision to head two more risk-filled kilometers straight on towards Edward's Cove. It was directly in front of him, so he continued straight onward around that point, then another five kilometers to the next exposed point of land called Strawberry Head. Experienced hunters in the community had seen a "lead" of open water all that week, as the conditions were unusually warm for that time of year. The searchers stated this was becoming a common occurrence. The open water trended northwest for five kilometers across the mouth of Makkovik Bay over to Ikey's Point. Local snowmobilers told the Commission this entire ten kilometer distance that Burton travelled could be covered in 20 minutes at 30 kilometers per hour, starting from the time he left Ranger Bight. (A ranger is the local name given to a type of seal.)

Returning to the search, given the worsening weather in the afternoon, which had resulted in clouds and grey whiteout conditions all day, it was thought prudent to end it after midnight. Heavy wet snow was falling, obscuring everything beyond the front runners of the snowmobiles ahead, and nearly making the rear lights of the machine in

front invisible to the drivers. There had been an exhaustive effort all around the community and onto Makkovik Harbour and beyond. Given the poor ice thickness and open water, it was reckless and dangerous to continue the search at night, so the police stood the search down for that day.

## ARRANGEMENTS FOR SEARCH AIRCRAFT

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Corporal Vardy's actions that night were the subject of questioning at the Inquiry.

M. FREEMAN: Okay. Thank you.

So, at this point, I think, unless there's anything else you want to add – because we – as I said, we go through this big time portion of 7 p.m., 8 p.m., 9 p.m. We get to about 2200 hours. I'm looking at now, Sergeant Vardy, if I may, take you to Exhibit 017 at page 24. This is back to your notes again.

We've gone through the entries for 7 o'clock, and here at 2237 you contact a Scott Morrison of the situation. Can you tell us about that?

K. VARDY: Yes, Scott Morrison is the staff sergeant who was in Goose Bay at the time, so he would've been my direct contact for the district.

M. FREEMAN: And then at 2241 you are contacting Sergeant Lloyd Youden. And so tell us about that and how it works when it comes to search and rescue.

K. VARDY: So, at that point, we are still searching in around areas. We're thinking, at that point, that we're going to need some air support for first light. So I had contacted Sergeant Youden, who was the – my liaison person for St. John's who was in charge of operational support in headquarters. So I contacted him and basically updated him of the situation we were in, updated him that we were still searching the community and more than likely we would need air support for the morning.

M. FREEMAN: You weren't asking – so let's start with this. So Sergeant Youden, just to fit everyone together, is sitting in St. John's – he's sitting in the seat that, essentially, our Sergeant Williams is sitting in now. Is that right, Sergeant Williams?

D. WILLIAMS: Yes, Sergeant Williams here.

That's correct.

M. FREEMAN: And so, Sergeant Vardy, if you need – if you want air support, your call is to Sergeant Youden and then Sergeant Youden can or cannot call FES-NL. Is that right?

K. VARDY: Sergeant Vardy.



Yes, that is correct.

M. FREEMAN: Thanks.

So, Sergeant Vardy, you talked to Sergeant Youden at 2241; you're not asking for air support at that time. Is that right?

K. VARDY: At that time, the weather here – you wouldn't be able to see – we couldn't see across the harbour. Most of the snowmobiles that were going out couldn't see – could barely see the tail lights of the vehicle ahead of them. Visibility was very poor, heavy snowfall and a very low ceiling at that point in time. (Transcript of September 9, 2021, pp. 22-23)

As the above establishes, at about 10:40 p.m. that night Corporal Vardy spoke by telephone with Sergeant Lloyd Youden, RCMP Search and Rescue Coordinator for the Province in St. John's. The option of requesting air support for the search was discussed by them. It was determined that, with Burton only having been reported missing for less than four hours and the community and nearby areas still being actively searched, and also having regard to the weather conditions being adverse to helicopter flight, that no air support would be requested at that time but that, if necessary, such a request would be made in the morning.

An hour later, however, an experienced hunter attended the RCMP detachment advising that, earlier that afternoon, he and a companion had observed a narrow track on the ice heading from Makkovik Bay out towards the edge of the ice. This was important new information as it suggested, for the first time, that Burton might have ventured onto the sea ice and gotten lost out towards the edge of the ice. The newness of the track and other information, including that no experienced hunter would have ventured onto the sea ice in that direction at that time of year, and the width of the track itself, suggested that it was likely a track from Burton's snowmobile. The ground search and rescue team was immediately dispatched to follow that track but brittle ice forced them to abandon this brave attempt to track Burton. The decision was made to stand down that aspect of the search until daylight.

Corporal Vardy advised that even with this new information about the snowmobile track, he did not call for air support because weather conditions that night were so snowy and windy as to make helicopter flight impossible. In their evidence, Cyril Lane and other members of the Makkovik Ground Search and Rescue team confirmed Corporal Vardy's account of the weather. The Commission therefore finds that his decision to not attempt to seek air support to assist the search for Burton that night was reasonable.

Early the following morning, January 30, 2012, Corporal Vardy did call RCMP Air Service to request such air support. [As he was doing this, his fellow member of the RCMP detachment in Makkovik, Constable Howlett, followed the standard practice of contacting Provincial Airlines (PAL) and Air Labrador to request that, if they had flights which happened to be in the area for those pilots to keep a lookout for Burton.]

At that time, the standard procedure to engage air support for a ground search and rescue operation was as follows:

1. The RCMP search commander, once having determined that such air support was necessary, would contact RCMP air support to check on RCMP aircraft availability;
2. If the answer was no, RCMP air support would then contact Fire and Emergency Services NL (FES-NL);
3. FES-NL would firstly contact the company with which the Government of Newfoundland and Labrador had a contract to provide helicopter services (Universal Helicopters). That company, which had helicopters stationed at certain places throughout the Province, would then dispatch a helicopter to assist the search and rescue operation;
4. If the contracted provider was not able to fly, usually because of adverse weather or a lack of nighttime flying capacity, FES-NL would then request “humanitarian assistance” from the JRCC of the CAF.

In this instance, following Corporal Vardy’s call to the RCMP detachment headquarters at Happy Valley-Goose Bay, the RCMP then called FES-NL at 7:49 (Makkovik time) the morning of January 30th. That call was received by FES-NL employee Paul Peddle.

Mr. Peddle immediately contacted Universal Helicopters, who advised him that current weather conditions made it impossible to dispatch their closest helicopter situated in Happy Valley–Goose Bay to Makkovik.

Mr. Peddle then called the JRCC. The transcript of that call, and of later calls made that day between branches of the Canadian Armed Forces, is found at Exhibit P-048 and key sections are reproduced below:

January 30, 2012, 1308:27 (“Zulo time”: 8:08 Makkovik time)

C. Macdonald: Air/sea rescue, bonjour.

P. Peddle: Yes, good morning, it’s Paul Peddle calling from Fire and Emergency Services over in St. John’s. How are you?

C. MacDonald: Fine, thank you.

P. Peddle: That's good. We've got an issue this morning in Makkovik in Labrador. We have a 14-year-old boy missing. He has been missing since yesterday. The community has done a search; they can't find him. They're afraid he might be gone out on the water, you know, on his Ski-Doo over the ice and God knows what has happened to him then.

The weather is down in the area and we can't get a small chopper or a plane in the sky to head to Makkovik. I don't know whether you can do it or not, but wondering if you can to do a humanitarian mission, go have a look and see if you can find the young fella.

...

C. MacDonald: Okay, and you say the weather is bad there.

P. Peddle: The weather is bad. Now, they're saying the weather is down for a small helicopter and a small plane. I don't know what you can do there or not.

C. MacDonald: Let me see if I can pull up Goose Bay and see what they got.

P. Peddle: Goose I think is fine, but you're a good hour-and-a-half flight north of Goose, an hour anyway.

C. MacDonald: Well, I'm just trying to find a weather station that's reporting.

P. Peddle: Yeah.

C. MacDonald: Goose Bay, Newfoundland. It's showing – they seem to be pretty good.

P. Peddle: Yeah, Goose is fine.

...

C. Macdonald: ...Okay, what I have to do is run this by my boss.

P. Peddle: Sure.

C. Macdonald: And then he will kind of come up with whether we're able to assist or not.

P. Peddle: Okay.

C. Macdonald: Because we are very fragile for resources ourselves right now.

P. Peddle: Okay.

C. MacDonald: But I'll get back to you shortly.

P. Peddle: Please do.  
Thank you.

...

D. Gillis: Captain Gillis.

C. MacDonald: Hey, It's KC at the RCC. How are you doing?

D. Gillis: Not too bad.

C. MacDonald: I got your number from ops: you guys SAR capable today?

D. Gillis: We should be, depending what (inaudible) now. I just have to check one thing, but we should be, yes.

C. MacDonald: Okay, can you go in and call and verify and then give me a call back? We may have -

D. Gillis: Okay, no problem. Anything doing or...?

C. MacDonald: Yeah, we got something up in Makkovik.

D. Gillis: Oh, the missing 14-year-old or (inaudible)?

C. MacDonald: Yeah -

D. Gillis: (Inaudible.)

C. MacDonald: - so we're -

D. Gillis: (Inaudible.)

C. MacDonald: - considering sending you guys up to have a look.

D. Gillis: Okay, I'll probably be about 20 minutes and I'll get back to you.

C. MacDonald: Okay, thanks.

D. Gillis: Right on.

Cheers. Bye.

(Call ended.)

January 30, 2012, 1324:26.

Unidentified Male Speaker: Air/sea, bonjour.

D. Gillis: Good day, Captain Gillis calling back from 444.

Unidentified Male Speaker: Yeah, one second.

D. Gillis: (Inaudible.)

Unidentified Male Speaker: This is 444, right?

D. Gillis: Yeah.

Unidentified Male Speaker: Yeah, 444 for, yeah, 102. We're getting the air controller, one second.

D. Gillis: Oh, No worries.

C. MacDonald: Air/sea (inaudible), air controller.

D. Gillis: Good day, Captain Gillis, 444. How are ya?

C. MacDonald: Yeah, good.

D. Gillis: Good. I just called (redacted).

(Call ended.)

January 30, 2012, 1324:39.

C. Macdonald: Air/sea (inaudible), air controller.

D. Gillis: Good day, Captain Gillis, 444. How are ya?

C. MacDonald: Yeah, good.

D. Gillis: Good. I just (inaudible) some work and right now, my aircraft is (inaudible).

C. MacDonald: (Inaudible.)

D. Gillis: I'm working on finding out when the estimate of that coming back serviceable for ya.

C. MacDonald: They're reporting 600/1 in Makkovik anyways.

D. Gillis: Okay, so – oh, yeah. I'll be keeping an eye on it and I'll give you a call (inaudible) the aircraft.

C. MacDonald: Okay, I'll –

D. Gillis: Okay.

C. MacDonald: - call EMO and tell them that we're not sending anything up right now.

D. Gillis: Okay, thank you.

...

P. Peddle: Hello.

C. MacDonald: Yes, Paul Peddle, please.

P. Peddle: Speaking.

C. MacDonald: Hi, it's Captain MacDonald from the RCC. How are you doing?

P. Peddle: Not too bad. Yourself?

C. MacDonald: Not too bad.

P. Peddle: Good.

C. MacDonald: We don't think we're going to be able to do much for you right now.

P. Peddle: Oh.

C. MacDonald: Our Hercules is US.

P. Peddle: Okay.

C. MacDonald: In 444, they're broken at the moment in Goose Bay.

P. Peddle: Really?

C. MacDonald: They're on their way to see – the weather is 600/1 right now in Makkovik and doesn't support flight ops for 412 anyway.

P. Peddle: Okay.

C. MacDonald: The boss is not willing send a Cormorant that far north, with no Herc available to back them up.

P. Peddle: Okay.

C. MacDonald: Okay?

P. Peddle: All right, Sir. Thank you very much.

C. MacDonald: I'll keep – if it comes up and you're still looking in the next three or four hours, just give me a call back and maybe the weather will have cleared and the aircraft may be fixed.

P. Peddle: Okay, good enough.

C. MacDonald: All right then.

P. Peddle: Thank you. Bye, bye.

(Call ended.)

January 30, 2012, 1446:21.

C. MacDonald: Air controller.

D. Gillis: Good day, it's Captain Gillis. How are you?

C. MacDonald: Good, how are you?

D. Gillis: Good.

Our chopper here at 444 will be down until approximately 2 o'clock local.

C. MacDonald: Yeah, we – I called them back and said we're not able to really do much for them.

D. Gillis: Okay.

C. MacDonald: The weather isn't very good there anyways with 600/1.

D. Gillis: Okay.

C. MacDonald: So, you guys in the mountains up there, the hills up there, I don't think you – well, you couldn't legally, I don't think.

D. Gillis: You could go around the shoreline, but that's a long trip around the shore.

C. MacDonald: Well, I mean we don't know – I mean the guy is over land more than likely.

D. Gillis: Yeah, I think the route up there too they follow along the inlets (redacted).

Oh, okay. Yeah, no problem. Yeah, because we were originally going to go to Cartwright today and the weather isn't going to improve until I think about now or a little bit (inaudible).

C. MacDonald: Yeah, so at least – I'm sorry; the time again was 2 o'clock this afternoon?

D. Gillis: Yeah.

C. MacDonald: What time is it there now?

D. Gillis: We're the same as you guys.

C. MacDonald: Oh, you're the same as us. Okay.

D. Gillis: We're still in Atlantic.

C. MacDonald: So, another (inaudible) hours and a bit.

D. Gillis: Yeah.

C. MacDonald: Okay, thanks.

D. Gillis: No worries.

C. MacDonald: All right, bye.

D. Gillis: Okay, bye.

(Call ended.) (Exhibit P-048, pp. 2 – 3)

As is seen from this series of exchanges, JRCC dispatcher Captain MacDonald did speak with both CFB Goose Bay and CFB Gander and neither commander was able to commit to providing air support for the ground search for Burton Winters.

The CAF justified their decision by reference to a combination of the adverse weather conditions and air assets being unable to fly due to maintenance issues, with the latter factor perhaps being most pressing.

## DAY 2 OF THE SEARCH, JANUARY 30, 2012

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After very little sleep or rest, the police and searchers met at the RCMP detachment at 7:00 a.m., on January 30, 2012. Going to the area of Strawberry Head, searchers noted a faint sign of snowmobile tracks which ended in a 20-meter open water area.



Given that there was no sign of any tracks exiting this large hole that could have been crossed by the underpowered Tundra Burton was driving, the searchers feared the worst outcome.

The effect of this discovery was to focus the search efforts into finding evidence that the snowmobile and Burton's body might be under the ice. Late in the day, a snowmobile brought out a boat to the edge of the hole, and with loss of daylight on the thin ice and no telltale oil slick, clothing or implements to suggest anything there, the people prepared to return home for the day.

Searchers are taught to seek diligently for any evidence that may help pinpoint the lost person's whereabouts, but never become so focused that they stop all other search activity. True to the textbook fashion in which this search was conducted, snowmobiles and the helicopter on the scene still covered the land south of the water hole down Ford's Bight area, and on the land adjacent to it. The discovery of the tracks leading to the hole of water was hard on everyone. The overcast sky on sea ice had the effect of eliminating contrast and shadows essential to successful tracking and presentation of additional clues.

Fortunately, Woodward Group of Companies, for whom Burton's father worked, had a helicopter in Postville, mere minutes away from Makkovik, and volunteered to join the search effort. Pilot Krista Glover picked up team members from Makkovik and flew under the low ceiling to give assistance at the site. After about an hour of low flying, the "chip light" indicating internal metal parts were being mixed in with the engine oil and picked up by a magnet designed for that purpose, grounded the helicopter on Strawberry Head. Due to the snow squalls, low ceiling and poor light conditions, Burton's snowmobile, in a jumble of ice ridge about two kilometers to the southeast, was impossible to spot as there were no tracks visible to assist in determining a direction of travel.

Universal Helicopters Newfoundland and Labrador, the Province's contract helicopter, was by now enroute from Goose Bay. Woodward's helicopter was later determined to be US (unserviceable) due to the metal filings in the engine. Later the helicopter was flown to Makkovik where major repairs had to be completed. The Commission makes this point to extend thanks from the family to Woodwards as they graciously did for all involved in supporting the search.

By now, it was late in the afternoon and the weather was still very unsettled. Constable Constable Barry Andersen pointed out that a momentary brightening of the sky down near the water hole revealed to Perry Voisey what looked like a snowmobile

track impression leading to the edge of the hole, and the searchers debated whether this was so. Once Andersen enhanced the digital picture at the detachment office the faint impression was seen to be a snowmobile track. This finding likely confirmed the existing sense that the search operation had now become a recovery operation as no track could be seen leaving the hole. Preparations were made to bring an underwater camera to the scene and peer into the water. This happened to be an area of shallow water so the camera could be effective.

Given the finding, the bad weather, and the dangerous conditions of the ice, the search was called off for the day.

The Commission recognizes that the family of Burton Winters, as well as a large number of Newfoundlanders and Labradorians, all expected that a timely response by the search and rescue component of the CAF asset should have been called to the area the first night of the search effort. The military, police and independent expert we heard from pointed out that a snowmobile on frozen sea water falls under provincial jurisdiction as a ground search effort, just as a downed aircraft and sea going vessel is a federal responsibility, and the standard protocols of the day called for the Province to make a request for federal assistance through the JRCC at Halifax in a humanitarian search effort.

Lieutenant Colonel James Marshall of the Canadian Joint Operations in Ottawa was called to explain the structure, roles and mandates of the federal search and rescue operations in this part of the country. He explained that the federal government mandate involves aeronautical and marine search and rescue pursuant to the Canadian Constitution.

On occasion, and when it can, federal assets of the CAF can be directed to provide a humanitarian response using the secondary search and rescue resources.

Once the Province's Emergency Services Division contacts the JRCC for assistance in a ground search and rescue operation the federal assets can be deployed. As the Lieutenant Colonel stated:

It is our job to rescue people. It is in our DNA to want to go on the mission and it is really hard to say no unless sometimes it is necessary. And even beyond these requirements, the decision to fly on any mission comes down ultimately to the pilot and crew of the responding aircraft. Strict Canadian and universally acknowledged safety protocols exist in the most regulated activity humans undertake. (Transcript of September 8, 2021, p. 24)

These regulations stipulate when aircraft can and cannot fly. Freezing rain and cloud conditions where water becomes ice in the airframe and controls, high winds and cloud in mountainous regions all impact the pilot's decision.

In 2012, these conditions of very severe weather existed, even though people pointed out that a helicopter could fly from Postville to Makkovik. The response we heard is that this was a risky venture and the pilot obviously stayed under the very low cloud ceiling, where many witnesses spoke of the squalls that complicated things even more. There were statements that other fixed wing assets were in the air, but it was countered by equally cogent observations that other places along the Labrador coast may have been experiencing more clear conditions and that pilots determine the operation as they see it at that moment in time.

The Burton Winters family noted that there were two other helicopters already in Makkovik that morning, having arrived approximately the same time or even earlier than a CAF helicopter would have. These two helicopters did provide air support to the search, although their efforts were greatly hampered by adverse weather conditions, limited visibility and by mechanical problems experienced by one of the helicopters. It is important to remember that, following the standard protocol, Mr. Peddle had only contacted the JRCC seeking CAF assistance after the provincially-contracted helicopter was unable to assist in the search. It was not within the contemplation of either the searchers or FES-NL officials that the contracted helicopter and the CAF would both be on the scene in Makkovik.

Further, by the time the CAF helicopter would have arrived the ground search and rescue team had already concluded, on reasonable grounds, that Burton could not have gotten past the 60-foot section of open water. The evidence confirms that both the Woodwards and Universal helicopters which did make it to Makkovik focused their search inside that lead of open water and that had a CAF helicopter also arrived, it too would have been directed to that area. It would too have been operating in conditions of limited visibility which hampered the helicopters (and indeed, all the search efforts) on the scene.

The Commission finds that while in this instance, the failure by a CAF helicopter to answer the request for humanitarian assistance is unlikely to have altered the tragic outcome, the inability of provincially-contracted helicopters to operate in darkness and in certain other adverse conditions might, in the absence of CAF helicopter support, present a serious problem in certain future ground search and rescue operations. Delays occur where the Province has to rely on federal government assets which do not have ground search and rescue as its primary mandate.

Finally, concerns have been raised about the failure of the JRCC to follow up with FES-NL to determine if humanitarian assistance might still be needed. The Commission was pleased to learn that JRCC subsequently changed its policy to mandate follow-up calls. The family discussed this at page 13 of Exhibit P-208:

One would have deemed such practises would be given in such circumstances so this could hardly be seen as advancement.

Being mindful again of the Inquiry mandate and the trauma the family felt from all the official responses that they felt were lacking at the time, including the stress of dealing with the flood of responses they were expected to give, this is an understandable visceral comment. The Commission must acknowledge that the CAF did amend the shortcoming and did apologize personally and, like the family, graciously supported the need for ongoing cooperation and open dialogue in order to effect positive changes in the ground search and rescue interoperability.

There were many things working against Burton and he also seemed to make the same mistakes any lost person would. Just as the legislation governing this Inquiry stipulates we cannot assign blame for anyone who acted in their capacity to assist in this search, The Commission is equally mindful of the concerns that Greg Flowers, respected Hopedale community member and Minister of Lands and Natural Resources in the Nunatsiavut Government who, during our roundtable session on September 13, said:

... but, the thing, you know, poisons me about it a little bit is if they find the body and people say to the person what were you doing out in that storm? What were you out - this type of stuff - and you know how much the chopper costs? I don't think cost should be a factor...even though they may have been going out for a Sunday afternoon ride, or a ride on the skidoo. *It should never come back to blame the person who was lost. (Emphasis added)* (Meeting with Hopedale Search Team, September 13, 2021)

### DAY 3 OF THE SEARCH, JANUARY 31, 2012

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Just after 7:00 a.m. on January 31, 2012, the search team members and the RCMP were back at the open hole, preparing the ice by drilling holes around the perimeter to look down for signs of the snowmobile or any other evidence. The camera, originating in St. John's, was arriving from Goose Bay on the RCMP Pilatus aircraft. It dropped off the camera in Makkovik, where Randy Edmunds, Errol Andersen, Travis Dyson and Constable Howlett got onboard as spotters.

At 3:45 p.m. the spotters noticed Burton's snowmobile, hard to see among the jumble of ice, as the pilot made a wide turn in the vicinity of the searchers around the hole

in the ice. This was confirmed by another flight pass, and Mr. Edmunds relayed the location to the detachment by reference to the land features that local people knew. This was three kilometers east of Strawberry Head where the searchers looked around the open water, and due to weather and cloud conditions, could not be spotted before this flight. By now it was already getting dark.

A Griffon helicopter from Goose Bay doing a grid search at 9:23 p.m. that night surveyed the snowmobile and reported tracks on the ice but only 100-150 feet of track could be spotted trending towards the land, they then disappeared. The Aurora aircraft called in to assist arrived at about midnight but could not detect any heat signature.

#### DAY 4 OF THE SEARCH, FEBRUARY 1, 2012

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Finally, to the relief of all, February 1<sup>st</sup> dawned clear and sunny. At 10:15 a.m. the government-contracted helicopter returning from Goose Bay picked up three searchers from Makkovik who proceeded to the site of the snowmobile. Constable Barry Andersen reported open water between ice pans in the area. Now the frozen tracks could be seen in the bright sunlight, elevated and swept clear of the snow which had previously fallen. The helicopter tracked Burton's footprints as they followed the land around Cape Strawberry, crossed the middle of Wild Bight to Pomiadluk Point, headed along the shore to Foxy Rocks (Fox Islands), then walked along the exposed sea on the ice heading always away from home and in an easterly direction. Some 15 kilometers from where his snowmobile was stuck in the jumbled ice, Burton's body was found.

This had been an exhausting walk for Burton and we can only imagine what his thoughts were, but his mom Paulette Rice offered this comfort:

MS. RICE: Knowing that he was alone and walking on the cold sea ice, I hope he knew that we were thinking about him. I was holding his hand, even though I wasn't with him in person. (Transcript of October 8, 2021, p. 207)

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## THE INQUIRY AS PART OF THE HEALING PROCESS FOR THE FAMILY

Thanks to the attendance of Louise Bradley in the sessions where the family had to relive the pain of the search for Burton, they could rely on her skills and compassion to get through the ordeal. She helped them to have the strength to face the testimony when they could hardly bear to appreciate what Burton had suffered in the cold and dark. Given the chance to hear everything, they also found the resilience to accept the goal of the Inquiry as a means of recommending positive change for ground search and rescue, and they joined in the praise not only of the searchers but also the support of their Inuit community and that of the whole Province.

Natalie Jacque, Burton's stepmother said:

MS. JACQUE: From the past 9 ½ years, so many individuals and groups and communities came together to help push for answers, and we could not have been here without every single person that was touched enough by Burton's resilience to help.

Thank you for your rallying and your beautiful words and your support. And some as far away as they were, but especially to our local people and all of Nunatsiavut. We still feel that love and we hold on to that today. (Transcript of September 10, 2021, p. 23)

The family struggled to understand the apparent inaction and government policies that they believed could have made the difference had the CAF moved quickly to send a helicopter. They were not alone in that perspective, as we heard from others who demanded accountability and action to address the absence of search and rescue equipment that is serviceable, available and placed in more remote centres where people rely on the outdoors to practice their culture. Nonetheless, they came to appreciate that Burton's legacy was to expose these gaps and deficiencies. As the maternal grandmother, Edna Winters said:

MS. WINTERS: ...my grandson, he walked through a storm. He never survived the storm, but that storm continues until we set up a process that will enable people to have the support and services they need. It's wonderful to see that process has started and that we will be working together to sort out all those grey areas so that the best outcome is for families in future who are put into the same situation that we had to face." (Transcript of September 10, 2021, p. 24)

Also, the Commission could sense the palpable shift of attitude by the family towards the CAF representative and indeed all the federal participants. Accepting the Commission's invitation to present at the Inquiry, these federal participants understood that the whole process -which they could have avoided by not attending as this was a ground search and rescue exercise - would be one where they would be under intense scrutiny and subject to a potentially hostile community. But Makkovik and the family were welcoming and gracious and in a few days, actually appreciative of the presence. As Natalie summarized:

MS. JACQUE: ... I did want to share something that was an enlightening moment yesterday that I believe will begin to bring some closure. The exact moment when {the} DND representative said the idea of sending additional crew was not discussed but it was possible, more could have been done to help with the search.

In any healthy relationship or marriage, there's always going to be give and take to help that relationship through. Both parties will need to learn from their faults or take responsibility, when needed, to continue moving forward, if it's worth it. I hope - and I am sure we all here hope the same - that the relationship between these agencies involved are able to better strengthen and enhance the relationship moving forward. (Transcript of September 10, 2021, p. 23)

No paper exercise to address the needed policy review in ground search and rescue can match these words from the family. The Commission learned from every presenter who spoke so eloquently of their participation in search and rescue, which they viewed as a privilege, and not simply an activity, but rather a duty and calling of service to others.

The Commission believes the proposed recommendations honours that spirit of unselfish volunteerism and can lead to a more sustainable program through sufficient funding which will thereby facilitate training, outreach and national participation.

#### **“BRAVO ZULU” TO THE MAKKOVIK GROUND SEARCH AND RESCUE TEAM**

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On May 1, 2018 this team from the small northern Labrador coast community of Makkovik successfully completed a search and rescue mission for which they received high praise from the national search and rescue community.

The details of the exercise were described on behalf of the team by Team Leader Constable Barry Andersen during the hearings on September 9, 2021. Essentially, under



the most severe of spring weather blizzard conditions on the Labrador coast, the team performed a search and rescue miracle. They travelled 80 kilometers in a blinding snowstorm and located a small downed aircraft on the steep slope of a snow covered hill. While the passenger had expired from his injuries, the pilot lived because of their efforts. These were two men whose aircraft had become disoriented in the storm as they were attempting a trans-Atlantic crossing. (As an interesting footnote to the story, the pilot's daughter had recently completed the adventurer's quest.) The report Constable Andersen wrote was entered as Exhibit P-075, so that both the description and transcript of September 9, 2021 are available for public review. The Commission can do no better than to refer the reader to these direct sources.

Asked to respond to the description of the harrowing, but successful search mission, search and rescue expert Richard Smith said: "Bravo Zulu - Very Well Done", using military jargon, and added "...outstanding job by you and your team."

Sergeant Danny Williams of the RCMP pointed out that the team was scheduled to receive the RCMP Commanding Officer's Commendation for the professional way in which this search was conducted under such adverse conditions.

Apart from describing a job well done in very adverse circumstances, this rescue effort points out the cooperation and collegiality of ground search and rescue with aeronautical search and rescue that presenters like Mr. Mervin Wiseman of the Concerned Citizens for Search and Rescue wanted to see become a regular feature of the formal restructuring of these agencies.

#### **THE HOPEDALE SESSION WITH THE SEARCH TEAM ON SEPTEMBER 13, 2021**

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MHA Lela Evans had been at the hearings in her home community of Makkovik, and, given her intimate knowledge of the people and circumstances of all the Torngat Mountains District she represented, the Commission invited her along for this leg of the sessions. Bad weather prevented the Commission from completing a Nain meeting. The Commission did, however, complete that visit later on November 9, 2021.

The Commission heard that the Hopedale search and rescue operations follow the general NLSARA pattern, but are not quite as formally organized as are some of the Island teams the Commission spoke with subsequent to the Hopedale visit. As is the case with small localized communities, family and friends may be the first to be contacted. The person who receives the call makes a quick judgement whether it is urgent or if the

RCMP should be called in. At the RCMP detachment, the community is lucky to have its administrator as a ground search and rescue team member.

With respect to concerns and gaps, the community would be served by NLSARA training being brought to the community as the one or two members who had attended found the training to be very helpful. Ms. Evans pointed out that most residents want to receive training in the community, since their lives revolve around land based hunting, gathering and fishing activities.

The RCMP and search team provides “Spot” transmitters to those who request them, but more training may be needed for those people who are first-time users. Team members also appreciated the risk of trauma they face in searches that end in a death, yet wanted to be sure what was the correct procedure to follow. Constable Mark Blackmore, who was acting NCO at the time, explained the protocol to the members. This was a solid team of relatively new and longer term members and was characterized by the Labrador attitude of being absolutely competent to be on the land under adverse conditions in order to help with searches. Constable Blackmore said:

We have a very established ground search and rescue team here in Hopedale. Quite proud of them actually. And it’s one phone call made to Jackie (GSAR Coordinator for 11 years) and then the bodies just show up and everybody is ready to go. (Hopedale Roundtable, September 13, 2021)

Like many other teams the Commission spoke to, there were concerns over sustainable equipment but the spirit of volunteerism was evident where each person would gladly provide their own kit to perform a search.

## THE GREAT NORTHERN PENINSULA SEARCH

Wilfred Lovell and Stanley Rice were snowmobile owners who loved participating in winter outings with their friends. On February 1, 2019 they were part of a party of five men who intended to snowmobile that day from Jackson's Arm, White Bay to the resettled community of Great Harbour Deep, further up the Great Northern Peninsula, where one member of the party owned a lodge. Although the weather conditions were poor and the terrain very rugged, they nevertheless set out, determined to get ahead of what they anticipated being even worse weather due later that day.

Unfortunately, Mr. Lovell and Mr. Rice became separated from the group, and then from each other. Mr. Rice was rescued two days later. Mr. Lovell, though rescued alive on February 4th, was gravely ill from exposure to the severe winter weather conditions and died a few hours later.

A public hearing was held in Corner Brook on September 20-21, 2021, at which time the Commission heard evidence from, among other parties, members of the NLSAR Deer Lake and Bonne Bay Ground Search and Rescue teams. The family of Mr. Lovell declined the opportunity to participate in the hearing, though his son, Mr. Dewey Lovell, did meet privately with Commission counsel and asked that the family's gratitude for the efforts put into rescuing their husband and father be acknowledged. Mr. Rice declined the opportunity to participate or to meet Commission counsel (and tragically, has now passed away consequent to an unrelated accident in September, 2021).

Although the Commission did not hear directly from the three members of the snowmobile party who had not become lost, it is evident from contemporaneous RCMP documents (see most particularly Exhibit P-171) that they cooperated fully with searchers and were, other than perhaps for the unwise decision all five snowmobilers made to venture out on that day, blameless with respect to the events which followed. The evidence discloses that, despite conscious efforts to stay together, Messrs. Lovell and Rice simply became separated from the others consequent to the limited visibility in turn caused by blowing snow.

Messrs. Lovell and Rice became separated from their friends at about 12:30 p.m. on February 1<sup>st</sup>. The other three quickly noticed that they were missing and made efforts to retrace their route, following tracks to the limited degree permitted by the blowing snow, and otherwise tried to locate Messrs. Lovell and Rice. They continued searching in

this manner for approximately three hours before one of them contacted the RCMP on his Garmin Inreach device (a form of satellite text communication).

Wilfred Lovell was 68 years old and, although an active man, was troubled by several significant medical conditions which required him to take daily medications. Stanley Rice was 64 years old and in better health. Each man was appropriately dressed for the weather, was equipped with necessary supplies and was an experienced outdoorsman.

According to the later police statement of Mr. Rice, he and Mr. Lovell initially stuck together but, after a short period of time, became separated from each other. Neither had a satellite communication device (the only form of communication possible in that remote area as it was well out of cell phone range).

The RCMP detachment in Deer Lake was assigned responsibility for the ground search and rescue of the missing snowmobilers. Members of the RCMP detachment immediately:

1. Initiated the process which led to FES-NL being contacted to request air support; and
2. Contacted the Deer Lake NLSARA team, under the command of Darren Williams, to arrange for their assistance.

With respect to air support, officials of the FES-NL advised that it was too late in the day to engage the contracted helicopter service (Universal Helicopters), as it lacked nighttime flight capacity. FES-NL did, however, reach out to the JRCC division of the CAF to request humanitarian assistance.

JRCC records (see Exhibit P-097) revealed that at 5:31 p.m. N.S.T., Mr. Blair Hogan, FES-NL official, contacted JRCC in Halifax with this request for air support. Seven minutes later, this request for humanitarian assistance was approved by the officer in command. Seventy-one minutes after that, the CAF Cormorant helicopter lifted off from Gander at approximately the same time. A Hercules aircraft was also dispatched from Greenwood.

The Cormorant arrived at the approximate last known location of the missing snowmobilers at about 7:26 p.m. (slightly under two hours after the call for assistance). Unfortunately, the weather there was “poor with limited visibility in snow and ceiling to the ground”. In these circumstances, the Hercules was stood down and was redirected back to Greenwood before it had even arrived at the search area. The Cormorant, after a

few minutes of fruitlessly searching the likely route to Great Harbour Deep, also was forced to depart the scene.

The Commission finds that, while the CAF response to the FES-NL request for humanitarian assistance was prompt and committed, the adverse weather unfortunately, and through no fault of the CAF responders, made it necessary to curtail the mission before effective assistance could be offered.

Weather also adversely impacted the Deer Lake Search and Rescue team's response to the RCMP request for their assistance. The team's report (see Exhibit P-073) indicated that they received this call for assistance in the "late evening" (other evidence suggested approximately 5:30 p.m.). The report further stated that "(d)ue to poor weather conditions, the late time of day, and knowing visibility would be near zero, we decided to wait until 0500 the next morning to head to Cat Arm Road, 113 KM from Deer Lake, near Jackson's Arm". The Commission find this delay was, in the circumstances, reasonable and appropriate.

Saturday, February 2<sup>nd</sup>, unfortunately saw no improvement in the weather, which continued to be cold, windy and with visibility, both on the ground and from the air, severely limited and often entirely obscured by blowing, drifting snow. Nonetheless, 16 members of the Deer Lake Search and Rescue team assembled at their command post at 5:00 a.m. They, along with their trucks, trailers, personal snowmobiles, command post, first response vehicle, medical evacuation equipment (Snowbulance) and other necessary equipment, then made the 113 kilometre drive to Cat Arm Road, which had been selected as the command centre for the search. They arrived at approximately 6:30 a.m.

Once at the scene, the Deer Lake Search and Rescue team sub-divided into teams of 4-6 members. They proceeded to the last known position of Messrs. Lovell and Rice, approximately 52 kilometres northwest of the staging area and in very rugged terrain. From there, they began the "slow and time consuming" work, hampered at all times by the adverse weather, of running "search patterns" and checking adjacent trails and routes.

The severity of these weather conditions can hardly be overstated. As experienced Deer Lake Search and Rescue team leader Sheldon Anstey later testified:

MR. ANSTEY: I think. Just to drive home the conditions and to get to the search area in a little more detail.

So what we refer to as the Cat Arm Reservoir is a hydroelectric reservoir for the structure there.

And to get to the last known position itself is a bit of an arduous task on the days we went.

From the staging area off the Jackson's Arm highway, it's all increasing elevation as you go up higher and higher and higher. And it's all what we refer to as an open country, barren, frozen reservoir for miles and miles and miles.

Picture snowmobiling in a snow globe that's shaken up. To get to the last known position, we had members with frozen skin, machinery that was freezing up, engines failing to work, people that were already cold and considering going back.

I'm just painting a picture here, just howling wind and bitter, bitter, frigid cold, where your skin would freeze in a few minutes being exposed.

And visibility in the lowlands was not too bad, but once you gained elevation, we were literally considering turning back. That's how bad it was. It was a middle of a blizzard.

And when we got the last known position, there was one spot on sort of a corner of a pond. Like a little bit of woods came out, small woods, and we had a fire going there.

And as a searcher, it's very frustrating when you can't search. If you can't see, you can't search safely. And we spent most of Friday attempting to leave our fire area and search, only to be turned back.

And I'll give you one specific example. Sometimes people throw around risk and injury to your searchers a bit flippantly. I felt, as a 33-year veteran game warden, I don't know if I've been out in circumstances as bad. And I've been out many times on that country. I felt we were at risk of losing lives in our own searchers.

We left in groups of four. There were times when – I remember one time we tried to get out and search. I was number two in our string of four. And I said to the search members behind me, if you lose my taillight and you can't see it, you stop. You don't move. You don't even turn around your snowmobile. Don't veer left or right. Don't look for me. Don't try to find me because our tracks are being swept away as fast as we're making them.

And there were times when I could not see the skis of my own snowmobile. And we got out on a pond or a steady where it was the last known position. It was right where these guys got lost. And I turned around, and I didn't see a headlight.

And I had given instructions to the guys, you stay put because you can die. If you get off it's going to be rough.

So we stopped, and we waited, and after three or four minutes, we didn't turn our snow machines around and get back on our track. We got off, and we

lifted them around so that our skis were back on our skis marks. And zoom your GPS right next to a huge screen and just crawl, crawl, crawl. We didn't go 50 feet, and I ran into a headlight.

Visibility, as Darren stated, was five to ten feet. That's not exaggeration there. Most of that day on the country, I would not be able to see those cameras. You're snowmobiling in the centre of a snowball. That's how bad it was. (Transcript of September 20, 2021, pp. 115-119)

These searches continued for about thirteen hours, unfortunately without locating the missing snowmobilers or any sign of them. At 7:30 p.m., it now being fully dark, the Deer Lake Search and Rescue team debriefed, then made the treacherous 113 kilometre return drive to Deer Lake.

At this point, it would be helpful to discuss one aspect of the technology available to the missing snowmobilers and to the search teams. This discussion is particularly informed by the helpful evidence of Douglas Germain, of the Bonne Bay Search and Rescue team which also came to participate in this search.

As we have seen, the search area consisted of a part of the Great Northern Peninsula which was well beyond the range of cell phone towers. Fortunately, members of the Deer Lake search and rescue team were equipped with InReach satellite communication systems and/or satellite phones which allowed them to be tracked by the command centre and also allowed for text and verbal communications. This modern technology was of invaluable assistance in allowing for the effective communication within the Deer Lake search and rescue team and with and among the RCMP, air support aircraft and other parties relevant involved in this search, with all the safety and effectiveness benefits which flow from such communications. Further, it allowed the command centre to determine, from being able to track the InReach communications, which areas had been searched to the obvious benefit of the search effort.

If the missing snowmobilers had been equipped with such technology, the searchers would have been able to pinpoint their location to within mere meters. Unfortunately, they were not so equipped. It was therefore necessary, in circumstances of adverse weather and minimal visibility, to laboriously search a significant area of difficult terrain in one of the most isolated sections of the Island portion of Newfoundland.

This was a challenging task from the ground and, even with the arrival of daylight on February 2<sup>nd</sup>, was also a very difficult one from the air. In the early morning, conditions were too adverse for either the contracted helicopter assets or the CAF Cormorant helicopter to fly. Notwithstanding being unable to fly, the Cormorant support

team made use of this time by identifying and downloading mapping of snowmobile trails and other features of the search area, as well as InReach data from searchers.

By 8:45 a.m. local time, the CAF Cormorant out of Gander was on the scene. Closely coordinating with the RCMP were the Deer Lake Search and Rescue team and other ground searchers. The search was again hampered by weather which left its crew unable to “see anything on the surface, too much blowing snow”. After searching for almost two hours, concentrating on areas with at least some visibility, it was forced to return to Gander.

Although all evidence indicates that the Cormorant crew and support staff were fully committed to this rescue mission, with their effectiveness limited only by the weather and other factors beyond their control, at 1:46 p.m. it was tasked to a marine search and rescue operation. “We are going to have to take our Cormorant off of this case and task it to assist the (marine vessel) patient”. It thus was unavailable for the afternoon of February 2<sup>nd</sup>. As Universal Helicopters remained unable to fly due to the adverse weather, there was no effective air support for the balance of that day (though the Cormorant did fly over the search area late that night on its return flight from its marine mission).

Sunday, February 3<sup>rd</sup> saw little if any improvement in the weather. The Deer Lake Search and Rescue team nevertheless assembled at their headquarters and deployed to Cat Arm Road to again begin searching for Messrs. Lovell and Rice. They were on this day joined by searchers from the Bonne Bay Search and Rescue team as well as by other searchers who, for the most part, operated under the direction and cooperation with the RCMP and the Deer Lake Search and Rescue team search commander.

There was also significant air support available on February 3<sup>rd</sup>. An RCMP plane with five spotters on board from the Bay of Islands Search and Rescue team took off from Deer Lake. Provincial Airlines (PAL) had an aircraft available with a FLIR (“Forward Looking Infrared Radar”) system onboard; a system designed to detect heat sources and thus, potentially, lost persons. There were, additionally, contracted and CAF helicopters and fixed wing resources available. Unfortunately, the blowing snow and extremely limited visibility prevented the use, or curtailed the effectiveness, of many of these resources.

At 10:40 a.m. that day, Mr. Rice was located by ground searchers, alive but very cold. He was removed by helicopter and brought to hospital in Corner Brook. He was discharged that same day and made a full recovery. Mr. Rice was able to provide some information to the searchers which was helpful to them in their continued search for Mr. Lovell.



Despite the desperate and committed efforts of the searchers, led by the RCMP and the Deer Lake Search and Rescue team and provided with valuable assistance by the Bonne Bay and Bay of Islands Search and Rescue teams and by a number of other volunteer searchers, and assisted to the degree possible by air support, the efforts to rescue Mr. Lovell proved unsuccessful for the balance of February 3<sup>rd</sup>. The ground search ended with the onset of darkness. Searchers returned to their homes determined to resume their efforts in the morning.

Air support, including a Cormorant helicopter and a CAF Hercules dispatched from Greenwood Base, were also searching that night. The Hercules was tasked with dropping flares to provide some illumination to the search area, following which crew members from both aircraft attempted to observe the search zone. These efforts, which continued into the early morning hours were, as were all search efforts, hampered by the severe weather conditions.

The search continued on February 4<sup>th</sup>, with the Deer Lake Search and Rescue team, again supplemented by members of the Bonne Bay and Bay of Islands Search and Rescue teams and by other volunteers present, at Cat Arm Road by dawn.

There was significant air support present that morning as well, including an RCMP plane and the contracted Universal Helicopter. Although the weather had not significantly improved, the search continued.

At about noon on February 4<sup>th</sup>, Mr. Lovell was spotted from the Universal Helicopter. He had apparently tipped over his snowmobile and, notwithstanding his best efforts, had been unable to right it. He was non-responsive and had a very weak pulse, but was alive at the time of his rescue. He was immediately brought to the helicopter and transported to hospital in Corner Brook where, tragically, he later that afternoon succumbed to the effects of hypothermia.

Mr. Lovell did not passively await his fate but rather, while lost in such difficult and unforgiving conditions, demonstrated great strength of character and resourcefulness:

MR. BUDDEN: Okay. I also understand that he made certain conscious efforts to cope with his surroundings and made a number of good choices, such as hanging the red bag to make himself visible.

Can you tell me a little bit about what you do know about the circumstances of where he was and what efforts he had made?

MR. WILLIAMS: Well, basically he had overturned his snowmobile. Basically where we found him, he was on top of a knob or a hill, I would say, that's probably elevated from the main level, probably 50, 60 feet. So it was hard for us when we were searching down to find him.

So first off, he was up higher than your field of vision. When we found the snowmobile, the snowmobile was completely upside down.

From what we can gather and looking at the scene, he drove up, flipped over on a snowdrift and he tried to upright her because he had a rope tied on it with a stick on one side almost like he was trying to use a tourniquet and torque to try and upright his snowmobile.

MR. BUDDEN: And I understand that when the snowmobile ultimately was uprighted, it took several men to accomplish the task?

MR. WILLIAMS: Actually I was there on scene. It took six of us to upright the snowmobile, to actually get the machine up out of the hole that she was in and uprighted.

MR. BUDDEN: So he was attempting to do, through, I guess, ingenuity, what would have otherwise been an impossible task for him to do?

MR. WILLIAMS: Definitely. Definitely.

MR. BUDDEN: Okay. And had he made a shelter for himself?

MR. WILLIAMS: He had made a shelter something similar to what Mr. Rice had done. I mean, it was well done. It was built. He had food and stuff, provisions with him.

It looked like he was having small, just burning refuge in trash inside the shelter to try and stay warm. But I mean, up there with that wind, I mean it was impossible to generate any heat there.

MR. BUDDEN: And I understand, I asked, I believe, a question in our preparations why was it difficult for him to start a fire. And you had an answer or somebody had an answer. Do you remember that?

MR. WILLIAMS: Yeah. Basically up there you're talking anywhere between 110, 15, 20 feet of snowfall. Trees are non-existent. You find them, they're very sparse.

There was none around where he was to. Just tops and twigs coming out and that was it. Wind blowing anywhere between 80 and 110 kilometres an hour.

I mean, it's practically impossible to get a fire going and sustain it up there with no fuel, no wood, no way to keep it from blowing out. So he was kind of helpless when it comes to creating a fire.

MR. BUDDEN: So is it fair to say that he would have been out in these very difficult conditions, through the events, ended up being by himself?

The snowmobile would have been very difficult to manoeuvre in such conditions with limited visibility and perhaps an obscure trail leading to it being tipped over and marooning him in this very difficult place?

MR. WILLIAMS: Um-hmm. Definitely.

MR. BUDDEN: Okay. And in the circumstances he made a number of well thought-out efforts to cope with his circumstances, but they were not ultimately successful?

MR. WILLIAMS: No, I think he did everything he could to survive as long as he did. I mean, hats off to him. I mean, he endured some horrendous weather. He did what he could.

He put a signaling device out. He built a shelter to keep him directly out of the weather as much as he could, but, when you're up there talking that kind of weather, I mean, hypothermia is just, you know.

MR. BUDDEN: And I guess he was also in the predicament that you're always encouraged to stay with your snowmobile rather than try to walk out or find better shelter that may just lead you into even a more obscure place.

So it's a difficult conundrum, isn't it?

MR. WILLIAMS: Yeah. From our recollections of where he was to and that, if he left to walk or if he was there for another day, we probably wouldn't have found him until next spring. (Transcript of September 20, 2021, pp. 181-186)

(Intentionally left blank)

## THE SEARCH FOR CODY PEDDLE

On the late summer afternoon of September 18, 2010, six-year-old Cody Peddle was playing with friends when he spied a rabbit hopping through nearby brush. Thinking that it would make a fine supper for his family, he pursued it into the woods, and became lost. At 5:30 p.m. his grandfather realized that Cody was no longer with the other children and, becoming alarmed, began to look for him.

Cody is now seventeen years old. He and his immediate family no longer live in Newfoundland and Labrador. Through his mother, they declined the opportunity to participate in this Inquiry but expressed their continuing gratitude to those who assisted in Cody's rescue.

This search assists the Inquiry in understanding the particular circumstances and dynamics involved in the search for a very young child. At the September 22, 2021 hearing, we were fortunate to have heard from members of the Bay of Islands Search and Rescue team, particularly Ms. Christine Doucet and Mr. Shawn Street, who had been involved in that search and who, 11 years later, continue to actively volunteer with the Bay of Islands Search and Rescue team. Their search summary report was entered as an Exhibit (P – 178).

By the time the Bay of Islands Search and Rescue team arrived on the scene at approximately 6:15 p.m., “there were many, many people searching in the woods on quad, on foot”. As Mr. Street explained, this admirable reaction to a lost child did complicate the search:

I was the search manager at the time. And I must say, at the beginning, it was a really challenging search for the reason that as soon as we got there, we had so many civilians in the woods that you didn't know who was who and who was singing out. (Transcript of September 22, 2021, p. 18)

The matter of spontaneous volunteers, enthusiastic but untrained and unorganized, is one that often arises on searches, particularly high-profile ones or those involving a young child or other particularly sympathetic or vulnerable subject. Ms. Doucet's evidence provides a good example of how an effective search commander might positively channel this energy and goodwill:

MS DOUCET: Again, with so many people combing the woods, it was making it very difficult for our search teams to listen to see if we could hear Cody calling out or making any sounds.

At that time, Gander base was also contacted and dispatched to Cormorant to come and assist with the search. By the time the Deer Lake Search and Rescue Team had arrived, we had been able to get most of the people out of the woods.

And what we did was then we had all of the civilian volunteers, all of the people who were there, we had them sign-in with their name and contact information. And then we started to assign them, because everybody wanted to help. We started to assign them to search teams with both BOISAR and Deer Lake Search Team members.

Those civilians who had an understanding of the trail system, who knew the woods, who were more of the outdoorsy type had been used to using those trails in both day and night conditions, they were assigned with the search and rescue teams to search the trails and the wooded areas.

Those that had less experience were basically assigned to assist a fewer number of search team members in searching the entire trailer court.

We had the entire area searched. Every backyard, every shed, every open door, anyplace, underneath decks. They searched the entire trailer court area.

...

All the teams continued searching through the night, through the trailer park, through the trails, up into the woods as much as possible. At one point, we initiated a very large line abreast search from the point last seen heading into the woods.

This was difficult to maintain our lines and our spacing as we had many civilian volunteers who weren't familiar with how to conduct a line abreast search. (Transcript of September 21, 2021, pp. 9 – 11)

The search for Cody also demonstrates that a ground search and rescue operation must always be open for re-evaluation and reconsideration of search tactics and new information. To again quote Mr. Street:

... we were only going by the kids that he was playing with that we knew what direction he went to.

And as the search came on, like, it didn't seem right to us. So we had to do more investigation on that one. And we found out he was actually playing with a little four-year-old girl who pointed in a different direction. Well, no, he went that way. And so, this is what turned our search around to a different area. (Transcript of September 22, 2021, p. 18)

Having set up a command centre and organized and deployed both NLSARA trained volunteers and the spontaneous volunteers who were on the scene, the Bay of Islands Search and Rescue team continued the search for Cody into the evening and night. The Coast Guard sent the CCGS Cape Fox to search the coastline, in response to a report that a child had been spotted by the waterfront, and FES-NL was contacted to request helicopter assistance for the search (in answer to which a CAF Cormorant was dispatched from Gander, arriving on the scene at about 11:02 p.m.).

The search continued through the night. At 9:10 p.m., 16 members of the Deer Lake Search and Rescue team arrived to assist with the search. Members from other teams arrived over the subsequent hours.

When the initial “high probability” and other examinations of nearby paths, trails, play areas, streams failed to locate Cody, a different approach was adopted.

MR. STREET: Well, we have a direction of where he was last seen. So we set up a line abreast because we thought at 2 a.m. in the morning that he was going to be laid down somewhere asleep, and his mother said he would not answer us anyway, even if we did sing out his name.

So actually, a line abreast is actually where everyone just lines up, right? And use your critical spacing so that you make sure you don't miss anything in between you and the other team member. It's a bit slower way of searching, but we do just a line abreast in one particular direction. And then we go for a determined amount, say, we say a kilometer or a mile. And then we just do a swing, and we come back.

So actually, we're doing a thorough search of an area. So nothing is missed, right? Because if he was laid down, we thought, and kids like to tuck their way in small spaces. So, you know, we decided, right now at this point, we would do a line abreast in the direction he was last seen. So just in case he was laid down somewhere and wouldn't answer us, and we could stumble up on top of him, right?

MR. BUDDEN: So, would it be fair to say that, in this instance, you're dealing with a very small child, probably a child that's been told not to talk to strangers? Who's frightened. So you've got a challenge you wouldn't have, say with an adult in the woods.

And this particular search technique, would it be fair to say this is adopted for that specific circumstance? Looking for a small child that may be curled up and may not be responsive?

MR. STREET: Well, we use this technique, like, for a small child or could be a hunter. Anything that went for a period of time that probably is not responsive anymore.

If we did go after a hunter, a berry picker, or something like that there that was responsive, we would not be doing a line abreast. We would do hasty searches, which is small teams, separated, probably, you know, a quarter of a kilometer apart, and we would use whistle blows and calling out their names and doing hasty searches so we can move quicker, because we would expect the person to be more responsive and want to be found.

But in this circumstance, we couldn't do that because he was not going to answer us, and he was probably curled up somewhere asleep. So this is why we used this technique.

MR. BUDDEN: And I notice here, the following entries, that it's a bit of a challenge to do this, probably, especially, in the middle of the night in the conditions, the thick brush and that you're working in.

So it takes a bit to get this kind of thing right, I would assume?

MR. STREET: Yes. Well, the way we do a line abreast, most everyone got a whistle on them. Then when they come upon something, they blow the whistle, and then everyone stops until we find out what they blowed the whistle for.

Or maybe it was just to line everyone back up because so many people were getting out of line. And so we wait until the slower members catches up. Because you're only as fast as the slowest member on your team.

So when they catch up, then we give two blasts again, and we start off our line abreast again. So that we make sure we don't miss nothing in between.

We don't go around objects. If it's thick brush, we go through it to make sure that we don't miss nothing, right. We do the same thing if we're going to look for evidence on an evidence search in a field and everything. Well, Danny's familiar with this too, and Harry more than anything.

It's the type of search that nothing is left out and nothing is missed, right.

MR. BUDDEN: So if there's a big jumble of rocks and brush and God knows what else in front of you, you go through it?

MR. STREET: Yeah.

MR. BUDDEN: Or over it?

MR. STREET: Yes. (Transcript of September 22, 2021, pp. 26-31)

This search, too, failed to turn up any evidence of the missing child.

At daybreak, with Cody Peddle still missing, search commander Shawn Street, in consultation with incident commander RNC Officer Everett Ogden, determined that a



daylight helicopter would greatly assist the search. Accordingly, Officer Ogden arranged for FES-NL to be contacted to request air support.

Shortly after 10:00 a.m. on September 19<sup>th</sup> a Universal Helicopter arrived at the search site and at 10:30 a.m. it lifted off with an RNC officer along with a member from each of the Bay of Islands and Barachois Search and Rescue teams onboard as spotters. After flying a grid search pattern, inclusive of areas just outside of what had already been searched, Cody Peddle was spotted from the air at about 11:00 a.m. Cody was rescued at 11:30 a.m.

MS. DOUCET: And I got to tell you, there's no feeling in the world like that. And I was like, really? You have him? Really? Honest? Are you sure? You got him? He's fine? Let me talk to him. I spoke with Cody myself because I wasn't believing that they had him. (Transcript of September 22, 2021, p. 14)

In addition to the points already made, several further observations can usefully be made from this successful search.

Firstly, it was a coordinated effort of four NLSARA teams (Bay of Islands, Deer Lake, Barachois and Stepehenville Search and Rescue teams), as well as numerous spontaneous volunteers who, to varying degrees, assisted. It further involved effective incident command from the RNC, most particularly Officer Ogden, and timely assistance from the CAF, the Coast Guard, FES-NL and Universal Helicopters. These individuals and organizations came together, most impressively, in a very short period of time.

As is noted above, the Universal Helicopter search on the morning of September 19<sup>th</sup> ventured outside the search boundaries and it was in this unsearched area, approximately 250 meters beyond that search perimeter, that Cody Peddle was found.

Bay of Islands Search and Rescue members Doucet and Street testified that they based their original search zone and perimeters on "lost person behavior" theory:

MS. DOUCET: ... We had the training in Lost Person Behaviour. We had the statistics on where the likelihood a six-year-old child would be. (Transcript of September 22, 2021, p. 84)

This nexus between where a search subject likely is and where he or she might possibly be is, as Thomas Williams, Q.C. noted, of great significance because "we've seen in some of the other cases exceptional circumstances that lead people to be beyond where you would normally expect them to be". Inquiry search and rescue expert Mr. Richard Smith explained the theory and methodology used to address this issue, as follows:

MR. SMITH: Richard Smith. Commissioner, there's one thing to keep in mind, and Mr. Street has certainly mentioned it here. In planning a search and rescue mission, for a six-year-old in this particular case, or a 14-year-old, it's not just studying lost person behavior.

Lost person behavior is only one tool in your toolbox. The four methods of establishing a search area for any number of subjects: Number one, would be theoretically. So theoretically, how far could somebody walk from the point last seen going outwards?

And that's based on, you profile the lost/missing person to really understand how far could they go based on their weight, their height, how much experience they have, and what do they have with them, and how good shape they have. That's one aspect.

The other part is statistical data, which is lost person behavior. There are two other methods. One is subjective. So Mr. Street has clearly articulated, quite well, that it's also based on a terrain and topography analysis.

In other words, you would think the child would go up to the base of the cliff or the rocks. And he probably wouldn't go over top of the mountain, but he may go up to the base, as an example. So a search and rescue manager can eliminate vast portions of the search area based on subjective considerations, which also takes into account the SAR manager's experience, their Spidey-sense intuition and their gut feeling, which they do get from their experience.

The last method of establishing a search area is called deductive reasoning. And that's what police officers do very well, especially in homicide investigations. So you find the deceased subject, the homicide victim, and then you kind of do analytical reasoning or reasoning backwards as to from the body going back to, okay, how did the body actually get here?

And that's part of the investigation side on why it's so important for the police and the SAR managers to work hand in glove to help solve these problems.

Now, to go back to the statistical analysis. If you think of a linear liner, a linear graph, and there's 12 cases on there. And the point last seen is at zero, and then your data may go out to three kilometres as an example.

If you think of the 25 percentile. In other words, 25 percent of those 12 cases are found within 670 metres from point last seen, that's your 25 percentile where that number of cases have been found.

But more often than not, because we're dealing with small datasets of 50 to 100 quality cases, you deal with the median distance, which, in other words, half the cases are found on one side, half the cases are found on the other side. And that's at 50 percentile where most six-year-olds are found 950 metres from point last seen.

But you can go out to the 75 percentile. So you take in an extra few other cases, and that ends up being 2650 metres from the point last seen is that 75

percentile. Then you can go out to the 90 percentile, which is just a little over three kilometres from the point last seen, as an example.

So with that being said, when you do your planning, you want to include all four methods to establish a search area, which I know Mr. Street and Ms. Doucet have certainly done, and thought about. And just not limit yourself to that one percentage.

And that is very, very important. So to answer Counsellor Williams' question, there's terrain and topography analysis. So you take this statistical, and you put it into your scenario-based analyses to really determine where do you think the child would go.

And as Ms. Doucet said, it's based on the terrain. So you need to get on your hands and knees with your teams and look around. Look up and down and all around and determine where would a six-year-old go? We would step over a log. That may end up being a barrier for them. So you do your scenarios.

In this case, the rabbit is an attractor. And they'll follow that little rabbit until they actually feel tired. Then they go down, curl up under a log or a tree and clearly go to sleep.

Kids are very good at survival that way because they like to build beds, and they're used to playing and playing hide and seek. Well, we don't think about that anymore as adults.

So the scenario-based analyses is also very, very important when you're putting all this together. (Transcript of September 22, 2021, pp. 108-113)

Finally, as the search for Cody Peddle happened just over 10 years ago, it is instructive from a contemporary perspective as to how ground search and rescue has evolved, particularly with respect to technology, even over that relatively brief period of time:

MR. BUDDEN: So that was a question and sort of building on a comment that Ms. Doucet made to me earlier this morning before we started.

If the search is being done today, in 2021, have you equipment or training or techniques that have evolved since then that would make the search look a little different than this one did?

MR. STREET: Well, we have radio tracking now that, actually, we can actually pick it up. And as the teams walk through the woods, we can actually look at them at the computer screen and see where they're to exactly any time at all. So they can call out and say, where are we, and we can tell them exactly where they're to, which is a big game changer.

So we can actually see where every team member has actually went through and know that we haven't missed a spot. So it would make it a very more thorough search.

Better rated communication is what we got now and, plus, yeah, we have our own thermal imaging now. I think every team on the island; is that right, Harry, that got one of those now? That was supplied, actually, by the provincial government to every team.

So that was a big game changer with them thermal imaging cameras, because that can pick up a person a kilometer away easy, right? You can see somebody. So searching the area is really great with that.

But the training aspect is actually very involved so much with statistics and all that there to actually give you a better insight of how a person reacts and what kind of distance they travel and everything like that there.

And the training that we do is ongoing all the time for our members. And I've been on the team 26 years and I'll never know it all. And the learning aspect of it and being able to take it and experience it and pass it on to the newer members that are joining now.

But all the statistics that was done in searches, over thousands of searches, and it really gives you an insight and really, really actually points you in the right direction.

So I mean, with the new training that we do now and everything that's our biggest asset, I think. (Transcript of September 22, 2021, pp. 40-42)

## THE LOST BERRY PICKER

Chesley and Florence Sweetapple, residents of the Battery neighbourhood of St. John's, owned a cabin near Red Indian Lake, in the interior of the island of Newfoundland. They enjoyed spending time there and had many friends in the neighbourhood.

On July 26, 2013, Mr. Sweetapple, then 73 years of age, wished to go to the cabin, primarily to arrange to have work done on it, but Mrs. Sweetapple had commitments in town and was unable to accompany him. He left St. John's that morning alone, arriving at the cabin in the late afternoon.

Late July is bakeapple-picking season in Newfoundland and Labrador. Mr. Sweetapple was anxious to pick berries so, upon arriving at his cabin, he put away perishable food, left everything else in the kitchen and headed out again.

He drove along woods roads until he reached a spot not far from a bog. He parked his truck and headed into the woods on a path that quickly led him to a place on that bog rich in bakeapples. He immediately began picking, becoming so engrossed that it was dusk before he left to walk back to his truck.

In the growing darkness he became lost. He spent the next seven days alone in the woods, suffering greatly from exposure, mosquito bites and the effects of his unmedicated diabetes and was near death when he was finally rescued. Fortunately, and after a lengthy hospitalization, he recovered fully from his ordeal.

The search for Mr. Sweetapple was the subject of a hearing held in Grand Falls-Windsor on September 23–24, 2021. Participants included members of the Exploits and Red Indian Lake Search and Rescue NLSARA teams, RCMP officers involved in the search, representatives of provincial and federal agencies and Chesley and Florence Sweetapple (represented by Thomas Williams, Q.C.).

We now know that Mr. Sweetapple became lost on July 26 but, crucially, his truck was only noticed late the following afternoon and the RCMP and searchers initially thought, understandably but incorrectly, that he had only just become lost. As search coordinator Roger Goobie of the Exploits Search and Rescue team testified:

When we got there at midnight we were thinking he only had a couple of hours onto us .... (but) we were over 24 hours behind him. So it changes your thinking... (Transcript of September 23, 2021, p. 39)

And later, Mr. Goobie specifically noted that had they had knowledge of this additional 24-hour time period at the time, they would have expanded the initial search perimeters.

As it was, a neighbor noticed Mr. Sweetapple's truck in the woods road on the afternoon of July 27<sup>th</sup> and, on failing to locate Mr. Sweetapple nearby, notified the local RCMP. They in turn, after a brief preliminary investigation failed to account for Mr. Sweetapple, contacted Mr. Goobie to task the Exploits Search and Rescue team with the search operation.

Mr. Goobie received that call on Saturday, July 27, 2013 at 10:40 p.m. Fifteen minutes later he and 17 other members of the team departed their headquarters for the drive to the search site. Meeting up with nine members of the Red Indian Lake Search and Rescue team at Millertown Junction, the 27 members of the two teams arrived at the search site 20 minutes after midnight on Sunday, July 28.

The team arrived with an array of equipment, including their mobile command centre (converted school bus), team pickup and other personal vehicles as well as a number of ATVs, all but one of them owned by team members. They were, unfortunately, out of cell phone range which complicated communications and thus the search itself.

Upon arriving at the scene, the searchers immediately sent up two parachute flares:

MR. GOOBIE: ... what happens with a parachute flare, the flare will go up in the air roughly about 300 feet. It will burst out into a light source and a parachute comes on it. So it slowly will go back to ground level before it extinguishes.

So it just gives you that illumination, a quick illumination of the area that you're dealing with. Plus, it's also a sign that if someone is in the area, they can see that help is here. That gives a location of where we're at. (Transcript of September 23, 2021, p. 22)

Having had the benefit of that "little of a picture of what type of terrain that we are dealing with", hasty searches of the most probable areas were carried out:

MR. GOOBIE: ... We did the perimeters of the bog. We had a couple of quads with some driving lamps on their quads that went around the bog area trying to pick up to see if there is any sign of anyone.

Sometimes there's an indication that if someone was further down the bog, that they know there's someone there and it's a light source that if someone was really close by, that they could come to us as well.

So we proceeded at that for several hours that night with the initial search. There was some wood roads. There was some cabins in the area. Team

members were all deployed to those areas, that high probabilities that someone could have got into a cabin. So they were all checked that night, and the local roads.

Roughly, at 2:20 in the evening, that morning, that we deployed the search team down to get a couple hours' rest before daylight come, which give us a lot more probability of locating someone with daylight hours. (Transcript of September 23, 2021, pp. 22-23)

Through RCMP coordinator Sergeant Keith Frampton, a request was made of FES-NL to arrange air support. Accordingly, at 6:18 that morning a CAF Cormorant helicopter out of Gander arrived on the scene. By this point the weather was less than ideal; overcast and foggy. Nevertheless, the Cormorant commenced a grid pattern search, assisted by information from the searchers relayed to the aircraft via designated marine radio communications channel, as to the precise location of Mr. Sweetapple's truck and other aspects of "the scenario we had". The Cormorant continued without success to search, with one break to refuel, until about noon, at which point it left the scene.

Not long thereafter, however, a Universal helicopter arrived. In this instance, three searchers were taken on board to act as spotters (Mr. Goobie explained that there was "at least one of the ... Red Indian Lake team members, in the helicopter because of their local knowledge"). This helicopter continued searching until 5:00 p.m., also with one break to refuel, but unfortunately was equally unsuccessful in locating either Mr. Sweetapple or any sign of him.

Even with the presence of air support, search efforts continued on the ground.

At 5:45 a.m. the hasty searches, done a few hours earlier in darkness, were repeated in daylight. This searching of high probability areas continued until late morning, at which time food arrived – delivered by volunteers – and the searchers broke to eat and take a brief rest.

Once having eaten and rested, the search resumed:

MR. GOOBIE: So the search: Basically, about 12:37 that midday on, that was a Sunday morning, our teams went back in the woods again. What we did then, we took different areas. We split up the teams. We looked at what was done in the hasty searches in the morning and talked to each team that came back of what they seen. If they seen any clues, and things as simple as gum wrappers or a bar wrapper or drink can sometimes can give you a clue that someone was there.

So when the teams came back we had no indication that anything was found. So we started in. We split the teams up in groups again. And we used to take

some from Red Indian Lake team and some from our own team, because the Red Indian Lake team are more familiar with the area, obviously in the Red Indian Lake area, so we wanted to have some of their local knowledge with our team members. And we broke up in groups and we searched the bog areas. We searched further down the bogs. There was a pond further down. We went down to the pond. (Transcript of September 23, 2021, pp. 36-37)

The team, that first afternoon, also had the assistance of RCMP officer and dog handler Glen Brown and his dog.

MR. GOOBIE: So he took some sweeps around the bog area trying to pick up any scent of where the dog was. And the way the RCMP dogs works, they're not a tracking dog like you see on TV. Okay, here's a piece of clothing that belongs to a person. The dogs sniffs it and follows that scent.

The way the RCMP dogs work, they go by air scent. So when the dog goes in and, for instance, he smells bog area or forest area, okay, there's a smell there that doesn't match the rest of his surroundings. And that's how the RCMP dogs work. They follow by air scent.

So Glen Brown, with the help of his dog and one of our team members did, he did basically a hasty search up through the country trying to pick up a track, a scent that was different from the surrounding areas. (Transcript of September 23, 2021, p. 38)

With neither of these searches showing any signs of success, four team members checked out Mr. Sweetapple's cabin "just to see what clues we could find ... information we could find that would help in trying to plan our forward-looking search":

MR. GOOBIE: The boys spent about two hours out around that area. They came back to the Command Post and reported that at the cabin they could see that meds were left on the table. Food was dropped on the floor, but not put away. But the shed was left unlocked, but the cabin itself was locked. (Transcript of September 23, 2021, p. 42)

At 5:15 p.m., the searchers, having become "exhausted ... lack of sleep and been on the go now for well over 24 hours" called off their search for the day. Even after returning to their headquarters in Grand Falls-Windsor, however, their very long day was not yet over.

MR. GOOBIE: At 1930 that evening, we were back to Grand Falls-Windsor at our SAR building. It was Sunday evening. So once we get back to our building, as Jeremy alluded to earlier, you just don't back your equipment into the building and say I'm done for the night and we go home.

Whenever we back our equipment into our building, we don't know if it's going to be ten minutes' time or ten days' time before that equipment goes out again.



So when we get back to our building, the equipment is always put back in a ready state, that we're ready to roll whenever the call arises again.

So that night when we got back, everything had to be cleaned up. Fueled up. Supplies put back in. Everything ready to go again for the search. So it was 2200 hours before we left the building to head home for some rest again that night. (Transcript of September 23, 2021, p. 46)

The Exploits Search and Rescue team were back at the search scene the next morning, Monday July 29<sup>th</sup>, their six members being joined by five members of the Red Indian Lake team. The searchers arrived at 8:47 am. They searched further up the bog, with negative results. RCMP dog handler Brown was again present that morning, again with no leads arising from this dog search.

After a quick lunch, the searchers changed tactics, undertaking a grid search of the bog area. Mr. Jeremy Chippett explained this search as follows:

MR. CHIPPETT: Well, at the time, then, you take the members and you put them almost arm to arm, so I could see everything between whoever is the member next to me. So you make sure you cover every square inch of the ground you're looking at.

So if you take the members and stretch them out side by side and you walk in a set distance, then you cross over and you come back. So you'd cover every square foot.

So at some point there's a set of eyes looking at the ground to determine if you missed any type of evidence whatsoever. So that way you would have a greater understanding of every square inch of the area you're looking, right.

So it would be a foot to foot. You wouldn't be touching each other, but you would be within speaking distance. So I could see there and Cameron could see alongside of me, so you'd cover every inch, right.

MR. BUDDEN: You might be 20 feet apart? More than that? Less than that?

MR. CHIPPETT: Well, depending on the terrain you're in. If you're in an open area, you would be farther. If you're in the heavy woods, which is a lot of it up there, you would be closer, so you could see if there's a hole, if there's a hump. There could be something between you and the gentleman next to you that you can't see. So depending on the terrain, you'd have to adjust the distance between the members, right?

MR. BUDDEN: Got you. And how many – what kind of area was covered in that fashion? If you're able to speak in terms of square kilometres or a square kilometer or something, just to give us a sense of it?

MR. CHIPPETT: There was a distance of heavy wood between the road where Mr. Sweetapple's truck was parked and then the bog. And so then we

continued past the bog for, I don't know the exact distance, maybe a kilometer or so, and then you come back and you sweep side to side from that, right?

MR. BUDDEN: So perhaps a couple of square kilometres? A little more? A little less?

MR. CHIPPETT: Yes, perhaps. And perhaps a bit more. Yeah. (Transcript of September 23, 2021, pp. 52-54)

Neither this search nor the hasty searches which followed produced any evidence relevant to Mr. Sweetapple. At 5:55 pm the searchers left the scene. The Exploits Search and Rescue team concluded their almost 14-hour operation at 8:30 that evening: "everything was all cleared up, stocks replenished, and the team ready to respond again and heading home." The Red Indian Lake Search and Rescue team put in a similarly gruelling day.

Later that evening, the Exploits and Red Indian Lake teams received word from the RCMP to stand down. Notwithstanding that Mr. Sweetapple had not been found, the ground search for him had been suspended.

Two reasons for this decision were given.

Firstly, the very thorough helicopter-supported ground searches which had been carried out, over July 28<sup>th</sup> and July 29<sup>th</sup>, failed to produce any evidence of Mr. Sweetapple. It is obvious that the RCMP incident commanders had great confidence in the Exploits and Red Indian Lake Search and Rescue teams and did not believe further searches would be of any benefit. As noted by one such officer:

I have worked searches in BC, Alberta, Nova Scotia and NL. Since becoming a PSD handler in 1994 I have been involved in numerous missing person searches and like SAR usually there is some evidence to assist search teams in locating a missing person. However, this case revealed nothing for search teams to use to pinpoint possible whereabouts of missing male. I found the SAR members to be very dedicated, they knew the area very well and did not leave one stone unturned. The search was suspended for the time being. (Exhibit P-174, p. 7)

Secondly, the RCMP had received information that Mr. Sweetapple was in possession of a significant sum of cash. This led their investigation in another direction, towards a theory that Mr. Sweetapple met with foul play. While this investigation ultimately resolved without any suspect being identified it was, in the circumstances, an understandable line of inquiry.

It must also be remembered that, throughout the first several days after Mr. Sweetapple was reported missing, the RCMP and the searchers were operating on the

misunderstanding that he had become lost on the 27<sup>th</sup> and not on the 26<sup>th</sup>. This incorrect assumption impacted not only how the ground search was carried out and where it was focused, but also influenced the expectations of what should be found and, perhaps, led to a misinterpretation when nothing at all linked to Mr. Sweetapple was discovered.

In the circumstances, and as best can be determined from the limited evidence presently available, the suspension of the ground search is understandable, if perhaps unfortunate.

On August 1<sup>st</sup>, the RCMP once again contacted the Exploits and Red Indian Lake ground search and rescue teams. Mr. Goobie attended at the RCMP office in Grand-Falls-Windsor that afternoon:

MR. GOOBIE: We looked at the maps. Looked at the areas that was searched, and a plan was put back in place to resume the search for Mr. Sweetapple again the next morning, which would have been a Friday morning. (Transcript of September 23, 2021, p. 57)

The following morning, Friday August 2<sup>nd</sup> at about nine o'clock, four members of the Exploits Search and Rescue team and five members of the Red Indian Lake Search and Rescue team showed up at the search site. The majority of their members "started out on their search down through the area again, going further down the bog systems that was there." The remaining two members, Winston Clarke of the Exploits team and Kevin Green from the Red Indian Lake team, went up in a Universal helicopter to serve as spotters.

At 10:45 that morning, Mr. Sweetapple was found.

MR. CLARKE: ... Yeah, I was one of the spotters on Universal Helicopters that morning. As we did a grid search of the lakeside, we did that and we didn't see anyone had come out on the shores of the lake. Anyway, just to cover that area, we flew into some bog areas. And as we are flying over I spotted what turned out to be Mr. Sweetapple lying on a bog with a blue jacket on and an orange hood.

And as we were coming in, I seen Mr. Sweetapple's jacket move, but I was just thinking it was just the wind from the blades. But as I got down and ran over to Mr. Sweetapple, I could see that he was alive, but barely.

So we looked at Mr. Sweetapple. We got him adjusted. We talked to him, and so on, and told him to help us come in. And at that time the chopper flew back to the Command Post, picked up the RCMP officer and returned to the location.

Mr. Sweetapple was put on a stretcher and loaded into the chopper, and they went to Corner Brook. We just stayed on the ground and waited for the

chopper to come back and pick us up about two or three hours later.  
(Transcript of September 23, 2021, pp. 64-65)

Mr. Sweetapple was found about three and a half kilometers from where his truck had been parked. This was well outside of where both the air and ground searches for him had been focused. The issue of how this came to be is addressed in the following exchange between Thomas Williams, Q.C., and Mr. Goobie (and, more generally, the issue as to the determination of appropriate search zones is also considered in other sections of this Inquiry, most particularly in the search for John Doe):

WILLIAMS, Q.C.: Okay. Now, what I want to get at is, what difference would it had made to your team, as well as the Cormorant team and the Universal team – because there was full searches and all resources were being deployed, Cormorant, Universal – had we known that he had entered – because you were of the view that he had entered at – again, rough times I’m using here. I’m not trying to tie you down on anything. Rough time thinking, he went in Saturday afternoon.

What difference would that have made to how you would have set out your plan about your search, had you thought he was in there 24 hours earlier?

MR. GOOBIE: What that would change is, okay, a timeline. When you say someone only had a couple of hours being able to walk with terrain, the age, medical conditions, all those factors would play a factor in how far a person could walk.

So had we known initially that we were dealing with over 24 hours, well, that distance changes quit a bit. So when you pass that along to the aircraft crew, their expansion of their search area would change the radius of the person where he left from. Would change the course of how far a person could be possibly from point last seen or point left.

WILLIAMS, Q.C.: Okay. So when we look at the exhibit that’s currently up on the board, which is the Cormorant search pattern, and I think Corporal Marshall indicated that was for the 28<sup>th</sup>, the Sunday, and Mr. Sweetapple was found just on the perimeter of that as we’ve indicated.

Had we known that he was in there 24 hours earlier, in likelihood that search pattern would have expanded by 24 hours, I would think. So if we say, and again, correct me if I’m wrong in this. I’m making assumptions here. So if we say we know the team had searched all day on the 28<sup>th</sup>, had they been aware that that Cormorant would have expanded or Universal would have expanded its search perimeters had they known?

MR. GOOBIE: I would think so, yes. (Transcript of September 23, 2021, pp. 120-122)

As is noted earlier, Mr. and Mrs. Sweetapple attended the Inquiry, paying close attention to the evidence and interacting with participants. At one point, veteran Exploits

searcher, Winston Clarke, turned to Ches Sweetapple and said “It’s awesome to see Mr. Sweetapple here today”. For his part, at the conclusion of this session Mr. Sweetapple turned to his rescuers and said:

MR. SWEETAPPLE: Well, anyway, on behalf of myself and my wife, I’d like to thank all you guys for what you’ve done for me.

I’m familiar with most of the Buchans Junction and the Millertown people, but I want to thank you again from the bottom of my heart. Thank you very much. You done a great job. (Transcript of September 23, 2021, p. 247)

These comments were poignant and timely reminders of the human beings behind these search and rescue operations, and why ground search and rescue is so essential to community life and safety.

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## THE SEARCH FOR JOHN DOE

John Doe is a middle-aged man from rural Newfoundland and Labrador whose mental health challenges required him to live in an assisted living facility. In 2020, he was placed in such a facility situated in the St. John's area. He was unhappy in this home and, on at least four occasions that summer and fall, left this home with the apparent intent of not returning. He was thus reported missing on these occasions and the RNC engaged the Rovers Search and Rescue team to search for him.

This hearing, which was held in St. John's on September 28, 2021, presented the Inquiry with an opportunity to consider the challenges faced in attempting to find a person who might not want to be found; who might be a danger to himself or herself; and/or who is suffering from a mental illness. These are important and topical issues, as testimony at this hearing suggested that "probably 60 percent of the searches we do in (the Metro St. John's) area (are)...in regards to individuals with some sort of mental illness". Evidence heard at other hearings revealed the proportion of such searches elsewhere in the Province were often almost as high.

Mr. Doe's family were made aware that the Inquiry intended to examine the searches for him. They took no issue with us doing so but declined the opportunity to participate.

These searches also operated in suburban and exurban areas, which, as we shall see, present singular challenges. These too are considered.

The primary complicating factor in the searches for Mr. Doe was that, for at least some of the time that he was missing, he did not wish to be found. This required a somewhat different set of strategies than might typically be utilized. Some of these strategies included: an examination of previous searches for this individual; a consideration of lost person behaviour texts and theories to gain insight into how a person with Mr. Doe's particular mental health circumstances might behave and where he would most probably be found; how to search for him; and how to approach him.

It also involved, as an overlapping issue, the specific frustrations experienced by the searchers in looking for a person who repeatedly wandered from home and who apparently did not wish to be found.

As is standard with ground search and rescue operations in Newfoundland and Labrador, the formal search process begins with a report to the relevant policing agency; in this case the Royal Newfoundland Constabulary. It is thus helpful to begin with the evidence of Sergeant Karen Didham, search and rescue coordinator with the RNC:

K. DIDHAM: So one thing that I would like to bring forward when it comes to – certainly the Royal Newfoundland Constabulary and our role as the incident command in this particular search, being – having jurisdiction, is that the way the organization is structured to deal with missing and lost persons will go beyond just the scope of the task that we ask the Rovers to do. As I have indicated, we cannot do this job without the Rovers. But we still have other officers that are conducting searches and tasks that are not necessarily formal or organized, such as with specific to search and rescue.

So with that, I'll say that Mr. John Doe was reported to the police on this particular occasion on the 6th of November, and this was the third if not, I believe, the fourth time that he had left a particular residence. And once we've talked about this, I'd like to discuss some of the frustrations, because that word has been used periodically throughout this conversation this morning and I would like to touch a little bit on that.

He had been reported missing and, at the time, we had our K-9 unit respond to the area and conduct a search. Now, our K-9 being one of our German Sheppard dogs, with a dog handler, that's trained specifically to look for lost and/or missing people. At that particular time, Constable Jody Ryan attended and he did not find a track of that particular person. And other locations were checked, and when I say other locations checked by the street patrol, they have, in this particular area, multiple officers in multiple cars assigned. So generally what they will do is they will search roadways; they will check common areas; they will check community areas, restaurants, local bowling alleys, bars, walking trails, ditches, sides of the roads. So a lot of the times even before we reach out to the Rovers, a search is actually commenced.

Unfortunately, in this particular case, by the end of the shift – so the officer took the initial complaint at 6:45. After doing a preliminary search or a quick search around the area, we were unsuccessful in locating Mr. Doe. And then what happens, if at the end of one shift, we'll say in this particular case being a day shift, the night shift will come on. So there's a file generated. A missing persons report is documented. A general occurrence hard copy or a general occurrence report is started with the indicators describing the person, a photo if it's available. And that information is then passed on to the next shift coming.

So in this particular case with Mr. Doe, it was a night shift. That night shift, they continued to reach out to the area – sorry, the home that he had left from and also checked numerous areas around as well, and it's listed in the notes, so I won't take up your time in indicating specifically where they searched. Some was in a vehicle and some was on foot. But by 10:30 that night, it was



determined that this was serious enough – a serious nature, a search for a gentleman who we had known had gone missing before. We knew that previously he had indicated that he did not want to be found for whatever reasons and that he did intentionally evade searchers and the police. So we knew some of the challenges that we were going to face in this particular search as well, having done it previously.

So we arranged for a search the following morning through Rovers. So at that point in time, we had conducted almost, you know, 15 hours of, maybe, searching as a police agency. We also will put the person on CPIC, which is an integrated police network of information. So if somebody is located or if somebody is lost, or property, we put that person on the system as being missing and we also will dispatch out a BOLO, which is a be on the lookout for. And a BOLO would have been conducted for John Doe as well. And what that is is that's a sharing of information amongst police officers working in the area to make sure that if anybody is – locates him or if anybody calls about the gentleman, then we know that he has been reported missing. And we will also reach out to our neighbouring areas of Holyrood and across the Southern Shore. That's generally, what our rule of thumb is.

So we feel in that particular case, as this is ongoing with the police initial response, organizing the Rovers, we still have members searching other areas as well, and we're hoping that that will help eliminate a little bit of the, you know, questions with where our search areas are and as to what extent we take.

The following morning, after the shift-to-shift file is generated, the file would then go to our Major Crime Unit and that unit has a designated person for a missing persons' coordinator. And that person is often used as a contact person with the family, but they will also assign Major Crime investigators to conduct other searches. So it may be searching for bank records; it may be following up with Crime Stoppers tips; it may be following up with media releases or information that may come in. So we have a vast number of people working on any given search at any given time, not necessarily specific to that search area.

And then when Major Crime will get the file, they will continue the search and gather information. And as Major Crime or the street patrol are gathering information, they're relaying that information to me, being the incident command, and I'm relaying it to my search manager and then it's dissipated as need be.

So that's generally how the search is conducted from the beginning. And then the determination is: At what point are resources being depleted; at what point has the area have been searched and depleted? And in this particular search for Mr. Doe, we have searched the area numerous times, within the same area, on numerous occasions, on the same file, as Mr. French has alluded to. We searched on ground, on foot, on air; we have, on occasion, used ATVs; we have resources of horses – although, horses were not used in

this particular case – the public, Facebook, social media as well. So we're reaching out in every way that we can to help locate the missing person and, ultimately, provide some answers to the families and their loved ones.

As I've indicated with this particular case, it was a little bit challenging. And, again, the word "frustration" has been used because we knew, from past experience with Mr. Doe, that he did not want to be found, and part of that had dealt with some of the mental health issues that the police were aware that we were having but certainly, in privacy for him and his family, all of that information wasn't necessarily shared.

And then that leads me to what roles the officers were taking behind the scenes from the active search with reaching out to Mr. Doe's social worker, reaching out to his family, reaching out to medical professionals, but keeping in mind, because of privacy legislation, a lot of times information cannot be shared without the expressed consent, as you would be aware of, from the family. In this particular case, the family were exceptional and supportive and provided us with what we needed, but certainly, we did have to factor in some of the mental health aspects that were addressed with this. (Transcript of September 28, 2021, pp. 36-38)

The deployment of the Rovers Search and Rescue team must therefore be understood as one aspect of a coordinated RNC response to reports of a missing person, albeit a response that focused on the specific "on the ground" part of the search effort. The specifics of that initial deployment were explained by Rovers co-search commander Paul French:

P. FRENCH: Because this individual had – this was our fourth separate incident, we had to take into account some things that we've learned about this individual from past searches. But at this particular – one nuance that we had with this particular search is that this was a new residence for this individual. He was only there a short while. So he was in one residence in CBS and he was moved, I would say, about a kilometre and a half away to a separate residence where, in this case, is where he went missing from.

In planning and prepping for a search, there's sort of a six-step process that you're kind of going through. You know, we have – we get there on scene, Constable Andrews arrived on scene, we're trying to put a plan in place and understand what exactly went wrong, you know, receiving statements from the other officers, responding officers on the scene. Meanwhile we have, you know, 20-odd individuals, trained searchers, who are out by the door just waiting to be released to go – you know, get their tasking to go find the individual.

So there's an awful lot that takes place in the beginning of a search. And in the command post and as search manager I'm working with Constable Andrews, as IC. You know, we're doing the scene sign up, scene size up; we're

taking into account what exactly happened, any information that we received from the residence in which he was staying or caregivers. We're taking into account things that this individual had done in the past and we're determining our goals, objectives; so we're mapping out a search area. And maybe, you know – and I don't know if it's best to speak to it here, but we can pull up – if you can – Madam Clerk, if you can pull up page 11 in that exhibit. What that – on page 11 is an image of the area where we were and some drawings on a map.

So in that image there – and it's kind of hard to see – but within that red circle that's a 300-metre perimeter. So that's surrounding the residence where Mr. Doe had left. We were set up pretty much across the street in a parking lot where we'd set up command.

And the reason we started with this area, this particular area, is for many reasons. And with any search, you have to determine – or, I guess, to determine a search area there are four things you have to account for. So there's theoretical reasoning, there's – so theoretical reasoning is basically how far can this individual go? What is their maximum distance? You know, he was gone since 4:30 yesterday, he's not much of a walker or a hiker, how far could he have been? You have to take into account any statistical information, so things like we reference a lost – the *Lost Person Behavior*, which I know has been talked about before. We also have to use subjective reasoning, so because we had a history with this individual we have to take into account those sorts of things, and area landscapes and whatnot, and then also deductive reasoning. So it's kind of just your intuition as to where he could have been and reasons why you think that. (Transcript of September 28, 2021, p. 5)

Mr. French's testimony contained an explanation of the mechanics of the search itself:

So a hasty team is a quick-search team. So you're sending them in an area of high probability. You know, we're going to check spots where this individual was last found; where he frequent. So it's very much a hasty search. It's – given some of the reasonings, we feel that he's in these locations. So it's not as through as a grid search or a line search may be, it's very hasty and you're sending them to different areas to check different areas.

So that's what we – we started off by sending out multiple hasty teams. We follow that up later on with more police officers. We actually had them attend the scene in plain clothes and they were operating unmarked vehicles. And the reason for using unmarked vehicles this time was that in previous cases this individual verbalized to us that he would hide from us; he knew we were looking for him. He could recognize searchers. He could recognize police officers. And, basically, quite frankly, he stayed away from everybody. If he was walking down the trail and he seen somebody he would dip into the

woods. So the reason that we use unmarked vehicles was so that we could kind of disguise ourselves to look like anybody else driving down the road.

So our first task was to send out those hasty teams and our second task was we had three search teams on this particular search. And we divided up those search teams to search the areas within that 300-metre perimeter. Now, where do we start? We have to use natural boundaries. So a few main boundaries here was the CBS Highway and the Foxtrap Access Road. There was a river behind the individual's – where the individual was living. So we use these natural boundaries, which is where I – so this is just quick. What I done on scene is using a marker, drawing over a map and I would draw out an area; I would give it a number based on the probability of that individual being in that area, and then I assigned the team to that area.

So we had three teams, so we had area 1, 2 and 3 searched initially. And those areas were – the search started out a little hasty, but we worked our way in to grid searching each one of those areas, which you probably typically wouldn't do on a search for, you know, a general missing person, a missing berry-picker, a missing child, but because this individual, we knew, was hiding from us in the past and was afraid of us, it was very important that we do a grid search in this scenario to ensure that basically no stone was uncovered. (Inaudible) we're looking for clues; we're looking for articles of clothing and whatnot. (Transcript of September 28, 2021, p. 6)

Mr. French further elaborated on the specific technique of grid searching that was utilized in this instance. It began with the careful plotting of a grid onto a map, focused on what was believed to be the area where Mr. Doe most probably was present. Searches would then be divided into teams.

MR. FRENCH: So what a team leader would do then is take their team, head to that area and they would determine how best to search that area in – with regards to a series of line searches. So they would line up in a line, much like we are here at this table, with their critical spacing. So meaning that they would be separated far enough away so that if there was a notepad in the middle of the floor, they would be able to see that notepad. So although we were looking for a missing person, we are still looking for clues and whatnot – articles of clothing, sneakers, or whatnot.

So – and they would complete a series of line search within that grid. They would pivot. One individual on one side of the line would mark, using flagging tape or whatnot. So they would mark their line and they would take bearings and whatnot on compasses to make sure they had a straight line and then they would pivot on – so if Max was on the end of the line, Max would put a flag as we went along and then we would all pivot on Max. So I would end up on the other wall here of this room and then I would flag on the way back and Max would pick up his flagging tape that he had laid out. So that

you are ensuring that you are covering every inch of that area, that there is nothing left there. So that's how a grid search is completed.

You know, this was a significant area. We had 35 or so searchers. I mean, this took quite a bit of time to do. So each one of these areas typically took, on average, probably three to four hours for a team to complete. And these teams were set up in teams of, you know, seven or eight individuals and they would go out and search these areas. As teams would finish an area, you know, it may be an opportunity for them to come back to the command post, we would give them a break, hydrate them, get them something to eat and whatnot and then they would go back out and continue searching. (Transcript of September 28, 2021, p. 10)

The search was also assisted by CAF and provincially contracted helicopters and by a Coast Guard vessel searching shoreline.

Altogether, the Rover Search and Rescue team, over the course of the four searches, spent a total of eight days and well over a thousand person-hours searching for Mr. Doe. In the final search of November 7-10, 2020, he was located on the fourth day of the search in some woods in a residential section of Conception Bay South, about 2.8 kilometres from his residence. Although exposure and other injuries required his brief hospitalization, he ultimately recovered from his ordeal. As of this writing, he has not been the subject of further searches.

Mr. Doe was thus located somewhat outside the area where the search had been focused. This, as we have seen, was also the case with several other searches which were examined in the course of this Inquiry. This point was noted by Thomas Williams, Q.C., counsel for the families of Burton Winters and the Sweetapples, leading to an exchange which elaborated on related evidence heard during the course of the Corner Brook hearings:

T. WILLIAMS: Okay, thank you.

I just want to go back to a topic that I think Mr. Budden had rose, generally speaking, and it's not pertaining specifically to this search but just the concept in general. And he raised it, the issue of tunnel vision and it's a question that I had raised in other case scenarios because I understand, I think, general, I'm certainly not an expert in the area, but having heard this much evidence over the last couple of weeks in terms of grid patterns and searches and you start from, obviously, the core centre and you expand out – things of this nature.

But as has been referenced previously in two scenarios that we looked at, one being the case of Burton Winters and as well in the case – the most recent case we looked at of Ches Sweetapple, they were ultimately found outside of

what I will call, the layman's term, expected searches areas – okay, that grid searchers had done. Coincidentally, in the case of Burton Winters, all the – or I shouldn't say all the evidence, but a majority of evidence pointed to one particular area and we won't go through all but it was an open area and search efforts were put there because that seemed the most likely scenario.

In the case of Mr. Sweetapple, it was the opposite, there was absolutely zero evidence found with respect to his location. And, again, they continued their search patterns as expected, and he was found outside.

The reason I give you those two scenarios is that it begs the question, I guess, you know, in terms of search techniques: Is there consideration given, even at the early outset, to the possibility of outliers. And in these two cases we did have outliers, we had an extreme situation where it appears that there was open water but that had closed to allow Burton to get across to an expanded area. And in the case of Mr. Sweetapple, he – despite what local information they had that he typically goes off to the right, this scenario he went off to the left and wasn't anticipated.

So, I mean, even in the four or five case stories – case studies that we've looked to, we have a couple examples where people are outside – where I think what we called, lost person behaviour would give them to. And as a layperson, it comes to my mind as: Should there be, in terms of search techniques, a percentage – for sake of another word – of assets that are given to considerations outside what may be the expected norm in any individual case?

P. FRENCH: Possibly. But I would say every search manager has to follow the evidence. You have to take the information that you have from, whether it's the RNC, whether it's the family, whether it's the person who reported him missing, whether it's someone who's seen him, you have to take that information and take it, develop it, develop a plan and use these other aspects that I talked about in establishing a search area.

So it – we're not just – you know, and I appreciate the tunnel vision. We're not just saying we must be in the 800-metre perimeter, in the yellow circle that I had here on the screen here a little while ago. That was our main focus; that wasn't our only focus. We had teams cover areas four and five times that size. It's just we didn't grid search it. It was hasty searched. It was used by – we utilized helicopters; we utilized boats to do shoreline searches and whatnot. So we didn't just stick within the 800 metres. Every bit of science, every bit of evidence that we had led us to believe that he's within that 800-metre perimeter. We didn't – you know, we did focus other energies outside of that.

I can't speak in terms of the other searches that you referenced because I wasn't part of them and I'm not privy to too much of their information, but I do believe that we do take all those things into consideration. And, you know, sometimes – hindsight is always 20/20 in that the evidence that we received at the time and then what we find out after the fact, it's like: Why didn't we

do this? Or if we only knew this, we could've done that. We don't have that information at the time.

We can't – we're not a bottomless resource. We have – you know, we have a certain number of resources and assets and we have to use them strategically and responsibly. And so we can't just – you can't search everywhere. You have to have a starting point and you have to have a consistent form of evidence as to why we are searching a certain area and how we're doing that. I hope that makes sense.

T. WILLIAMS: And like you said, I'm not speaking subjectively about this particular case, but just conceptually. Maybe I can raise – I don't know if Mr. Smith has any comments on whether or not search philosophies consider outlier factors in any way, shape or form.

R. SMITH: Commissioner, Richard Smith.

That is considered. And just to reiterate what Mr. French had to say, search and rescue management is a science and it may be artfully applied, but it involves many facets. So when you're looking at the area, one of the things you do with the police, of course, is profile the lost, missing person; find out everything about them.

And one of the cases you mentioned there with Mr. Sweetapple was he was looking for the berries and where's the best place to pick the berries. And if he's in the miscellaneous category for lost, missing, overdue people, then you're talking about – they go a certain distance based on statistical analysis, as been mentioned by Mr. French as well.

But in spite of that, you look at those best areas and so you come up with scenarios. I think we mentioned this before, you know, maybe five to 10 scenarios as to where you think this person could have gone and what could have happened to them, and with those scenarios you do a terrain and typography analysis. So where could they go? What's the easiest route both natural and/or manmade? Then you form your goals and objectives as find Sally's snowshoe by 2400 hours, as an example. And then when you're looking for Sally's snowshoe you're going to come up with different strategies and tactics and with those strategies basically means, you know, how are you going to do this from the Greek word stratagem and tactics from the Greek word tassein is the who, the where and the when.

And so you break those down into investigational objectives, containment, confinement objectives and search objectives. I know that trained SAR managers use those aspects to plan the search so it's just not cast in stone and every time they come up with a plan, it's flexible. Because when you start getting information from the field then what you do is you synthesize that information and you correlate it. You turn it into useful intelligence so you can modify and adjust the strategy and tactics as the mission unfolds. So it's a constant evolution and that plan has flexibility.

Will there always be outliers? Yes, certainly there will always be outliers because we're dealing with man and those behaviour characteristics sometimes can be unpredictable, but more often than not, you can be fairly certain the person will be in a certain corridor. And I believe it was mentioned before that typically a person wouldn't go over the top of a large mountain but they may be found around the base of that mountain, along river corridors. And I mentioned before the natural and the manmade pathways.

But it's also cognizant that when you're changing it, you're documenting that information down. You're using different types of tools and each tool gives you a different probability detection value. So you want to find out where the person is not. So a dog will give you a different type of detection probability value, as will an aircraft, as will a hasty team, an open-grid search team and then, of course, a grid-search team will all give you different types of PODs and you use those PODs to come up with a communitive POD, as you can see with Mr. French here they've segmented the area. So once you start doing multiple searches in an area you determine that, okay, an 80 per cent community probability detection value means that there's probably a good chance that subject is not in that area so you want to move to outside the initial search area, the ISA as we call it.

But there's always going to be an ROW, which is called the rest of the world, and I don't think there's any SAR teams out there worldwide that have enough resources to search ROW. But even with that being said, you look for clues because it's a clue-finding mission. Whether there are footfall impressions or whether there's a jacket, candy bar wrappers or something felt behind by the lost, missing, overdue subject, you can follow that up and give a direction of travel and some of those will lead you outside the initial search area.

And so you send specific resources, typically outside the containment confinement to look at those potential areas where you could get and develop clues. So you never just get tunnel vision. And it's very important for the incident commander to, not only approve the plan but also to have situational awareness with the SAR manager, the operations section's chief, where he or she will always maintain that situational awareness, again, based on information flow and coordination, so they can modify and adjust as that mission unfolds.

I hope that helps you out. (Transcript of September 28, 2021, pp. 31-34)

The Commission recognizes that every search involves a balancing, a probabilistic assessment, as to where the subject of the search is likely to be and where he or she may be. While it is indeed true, as Williams, Q.C. observed, that several of the search operations examined in detail in this Inquiry did, indeed, ultimately find the search subject outside where the search had been focused, it is confident that the methodology applied to identify search areas, including but not limited to Lost Person Behaviour



Theory is fundamentally sound. These specific searches do, however, confirm the need to avoid any tendency at all toward “tunnel vision”.

As is noted in several of the aforementioned quoted passages, the searchers realized that their presence might be counterproductive, in that it might, if observed by Mr. Doe, cause him to hide or otherwise retreat from help. Their response, such as by wearing ordinary jackets rather than their distinctive NLSARA team jackets, was sensitive and appropriate.

The hearing also featured a comment from NLSARA president Mr. Blackmore which, while unrelated to the search for John Doe, did reveal an appropriate NLSARA search-technique adaptation in response to the particular challenge of searching for a person who might be similarly triggered:

G. BUDDEN: And if I understand you that the child you’re looking for would be frightened by the noise of a helicopter, which would be counter productive if you’re trying to find him.

H. BLACKMORE: Yeah, he told us, once we did find him four days later, that he used to hear the helicopters and he would get down under the trees and snuggle in so they wouldn’t be able to – because he thought it was going to hurt him, the type of autism he had. And, like, he told us – his parents or his family told us – he won’t cross the rivers. And when we got him he was up to that in water, up to his neck, he was trying to get away from the helicopter or something like that. So that was the main reason we did it.

So now, like, if we go after someone like his condition again, before we bring in any helicopters or anything else, that drone is up working its way. And we looked for that particular child twice after that and that’s how we got him. (Transcript of September 28, 2021, pp. 45-46)

The searches for John Doe also took place in the Conception Bay South community, part of the metro St. John’s area, and thus can be used to illustrate the particular challenges of operating in such a region. As Rovers Search and Rescue co-search commander Jack Hickey explained:

J. HICKEY: ... because we’re in the urban setting I think it created a different challenge for me, as a searcher, from the point of view, when I go out on a trail looking for a lost person, I kind of know where you’re going, what you’re looking for. But once we move into the urban areas, command assigns us a boundary line and we take our team, we run that boundary line. But within our boundary lines, because we’re in an urban area we have all these homes, cars, trailers, sheds and it’s all on private property. And there is a fine line there when we are searching for somebody who is hiding on us, on where we

can go and what we – how far we can go. Like we really shouldn't be in on property but I really want to get a look behind that shed or underneath that boat and a lot of times, like Paul said earlier, that's what you'll find is that they are hiding away from us and they're like a moving target, they're moving along with us. So in the urban area, I find it a bit of a challenge that way with the teams, not so much when we move out, say, to the East Coast Trail or whether we're doing a different type of search. That's just my challenge anyway. (Transcript of September 28, 2021, p. 22)

Finally, both Sergeant Didham and members of the Rovers Search and Rescue team candidly acknowledged the frustrations expressed, particularly by the search community, at repeatedly having to search for a person who, on multiple occasions, “chose” to leave his residence and who did not wish to be found. To their credit, they were able to separate their frustration with the systems and life circumstances which might lead John Doe, or any person, to feel that his only way of self-advocating or otherwise coping would be to run away, from the necessity of fully committing to locating and rescuing this vulnerable individual. The detailed evidence provided by Mr. French and others confirms that, even over Labour Day weekend, dozens of selfless volunteers from the Rovers Search and Rescue team, the nearby Central Avalon Search and Rescue NLSARA team and the full institutional resources of the teams themselves were fully and completely committed to these operations.

As the Inquiry team (Igloliorte, Budden, Mulrooney) were stranded in Happy Valley-Goose Bay due to bad weather on Monday, November 8, the NunatuKavut Community Council (“NCC”) kindly invited us to join them by Zoom in Mary’s Harbour.

This was a particularly trying time for the community and the President of NCC, Mr. Todd Russell, since his brother Dwight and sister-in law Jeanette Russell gave heart-wrenching testimony about the loss on September 17 of their son Marc Russell and his friend Joey Jenkins. The session was attended by the parents of Mr. Jenkins as well.

As was the case with the Burton Winters’ family, no words can describe the anguish the family suffered over the loss of a child, and while everyone knew the scope of the Inquiry was limited, this was not the place or time to dictate limitations.

While President Russell urged the Commission to produce “strong and affirming” recommendations, particularly about CAF assets for search and rescue being stationed in 5 Wing Goose Bay, the Commission will likely disappoint all people of Labrador, including the Burton Winters family, by stating the recommendation is outside the scope of this Inquiry. Those decisions should be left to the appropriate parties in their ongoing deliberations about provincial-federal relations.

A commissioner has a duty to produce realistic, practical recommendations, which may appear to be an affront to the grieving families and remote communities. To do otherwise would be a hollow exercise, tending only to unduly strain the potential for a productive political relationship of cooperation.

The historical ground search and rescue response from the community is not concerned about jurisdictions and formal processes. A call is received for help and the community responds according to its capacity. Be it a family member or friend with an open boat or snowmobile, help is immediate and based on local knowledge. While there may be Coast Guard Auxiliary resources or Canadian Rangers, the importance of an immediate response is uppermost in people’s mind. The only community wish is that the formal search and rescue reply be as responsive, and all participants highlighted the need for provincial and federal decision makers to have a seamless plan to deploy assets, and leave no stone unturned in finding that interoperability model.

Mr. Russell echoed the NLSARA desire to engage discussions with them so that ideas such as a regional partnership with the Happy Valley-Goose Bay Search and Rescue team be the logical starting point.

The Commissioner also had the benefit of the NCC's written submissions (Exhibit P-204). This submission, particularly with respect to its analysis of ground search and rescue resource gaps and with respect to recommendations, has itself usefully informed this Commission's own recommendations.

The President of the Nunatsiavut Government, Mr. Johannes Lampe, welcomed the Commission members to the session in Nain. After introductions were given, he expressed condolences to the family of Burton Winters on behalf of the Nunatsiavut Government, as well as its gratitude for the efforts by the Makkovik Ground Search and Rescue team. He outlined for the Commission the culture, government structure and geography of Nunatsiavut.

He emphasized that the Inuit in Labrador refer to themselves as *Sikumiut, People of the Sea Ice*. Today, as climate change makes it "... increasingly challenging to access sea ice to hunt and fish during winter and spring... improved ground search and rescue resources are critical to our people and our communities."

He made reference to the vast geography of Inuit lands, the remoteness and trails which now give a false sense of security as they are affected by weather variations. He also mentioned, aside from that, the absence of readily available rotary or fixed wing aircraft based in the communities on a permanent basis. In addition he stated:

It should be noted that any available aircraft of opportunity within close proximity of a search cannot be quickly seconded without approval through the multi-tiered process that caused delays in past searches."

While the Comprehensive Lands Claim authorized Nunatsiavut to make laws in relation to emergencies and search and rescue services, "... we have yet to do so, mainly because we don't have the resources to manage those services."

He concluded his presentation by presenting four recommendations which represented a theme that the Commission heard throughout the Province:

1. That there be a change in the Ground Search and Rescue process in Nunatsiavut of accessing federal or private aircraft be simplified, similar to that of a marine searches – one call to activate. The decision to activate air support and other resource should come from the local ground search and rescue team coordinator and local RCMP authority once a missing person's file has been initiated, as they are the most familiar with the area and logistical needs. This new process could be developed in consultation with local Ground Search and Rescue Teams, the RCMP, the Newfoundland and Labrador Ground Search and Rescue Association, Emergency Measures Organization and the Joint Rescue Coordination Centre.
2. That there is a Cormorant aircraft stationed in Happy Valley-Goose Bay on a full-time basis.

3. That consideration be given to have searches on the sea ice be treated as a marine search under the coordination of the Canadian Coast Guard.
4. That more training for GSAR teams take place in the Inuit Communities using the resources that they have available to them. (Meeting with Nain, November 9, 2021, p. 5)

As with all the meetings where we learned how ground search and rescue is done in small remote communities, the matter of fact approach that Team Leader Sid Pain presented was yet another tribute to volunteers. The experience from his past job as Safety Lead at the Vale Mine at Voisey's Bay for many years showed in the nature of his presentation, and ease of communication of search and rescue principles and practice. Just as an example, he said the internationally recognized endurance snowmobile race called Cain's Quest, while being a boon to the community and region, actually raises expectations and heightens the sense of entitlement (Commission's word) for novices who go on the land. The "turnover rate" phenomenon of RCMP members in remote communities presents problems, but the Nain team were grateful to them as being generous with sharing needed facilities. The community was rightfully proud of the team's reputation for excellence in searches. They were grateful that the Nunatsiavut Government and Vale Mine had an Impact and Benefits arrangement which supported them.

The Nain Ground Search and Rescue team, while being a part of the Province's NLSARA regime, nevertheless exemplifies the rugged independence of all the Labrador regions, needing special recognition for sustainable search and rescue funding in assets and administration. Even so, Mr. Pain ended on a note the Commission has heard many times:

...I hope that we can see all of the agencies involved in emergency response come together in some kind of level of communication or regular meeting to discuss getting the best results. (Meeting with Nain, November 9, 2021, p. 26)

## ROUNDTABLE SESSIONS WITH SHESHATSHIU AND NATUASHISH GROUND SEARCH AND RESCUE MEMBERS, NOVEMBER 17, 2021

The Commission was honoured to be received on the traditional lands of the Innu people, and grateful that the members extended the courtesy of speaking in English about their experiences and expertise in ground search and rescue.

While the meeting only lasted for the morning, the discussion was frank and useful, if only to highlight the obstacles and gaps Innu felt in the delivery of search and rescue compared to the NLSARA model that the Commission presented to them, largely applied to the Newfoundland portion of the Province as a workable model.

The Commission learned that in ground search and rescue, the Innu community members were invariably the first to be notified if someone went missing, and they responded immediately because of their kinship, community knowledge and familiarity with local conditions. It is clear to the Commission that Innu-aimun ties all community members together and this use of the language will not be replaced by contacting any other authorities; and hearing a familiar voice within the community supersedes any comfort of an official non-Innu responder to the call. One of the primary obstacles to a police or NLSARA model of search and rescue is therefore the absence of the first language responder. Even if we are mistaken that no structure exists within the local community RCMP detachment for Innu-aimun speakers, it is unlikely that the regional RCMP office has the language capacity and local knowledge to appreciate the language to quickly or adequately assess the problem. The standard protocol understood by all community members, is that a call to a relative best initiates the search and rescue response.

The Commission was told that the next call made from the searcher to the RCMP, in the people's experience, results in a less than satisfactory outcome much of the time, and leads to more frustration than positive action to support Innu concerns, recognition of Innu sovereignty over land and community, and directly reflects on the provincial authority in ground search and rescue as being inadequate for their needs. The Innu told us that recent developments through the Canadian Coast Guard goes a long way in being respectful of their needs for capacity development, training initiatives, and a path for best practices. This causes the Commission to conclude that community and regional needs in provincial ground search and rescue necessarily needs two-eyed seeing in Indigenous communities negotiating self-government status as the Innu are. The status quo we find in other areas of the Province may not meet the needs for all communities, and the message was particularly strong from the Innu.

The Commission also understood, however, those involved in search and rescue in Innu communities wish, as do all ground search and rescue volunteers throughout the Province, to receive the best available training and the most functional and innovative equipment. The challenge is to ensure that this training and equipment is delivered to these communities in a manner respectful of Innu concerns and in the most effective and impactful way possible.

The Innu Nation emphasized they have a responsibility to take care of themselves as well as a vast Innu territory. Resources and capacity are stretched thin, but Innu people have the most knowledge and best ability to better inform RCMP and the Department of National Defence response to ground search and rescue needs across the entirety of Innu territory in Labrador.

It is clear to the Commission the Innu are adamant they should be the first responders as no one else has the knowledge of the land and waterways that the Innu possess.

The Innu feel that with a best practices model now begun with Fisheries and Oceans Canada as the starting point, what they need is funding and capacity support from the Province.



## AIR SUPPORT FOR GROUND SEARCH AND RESCUE

The Terms of Reference of this Inquiry specifically direct it to review “air support for ground search and rescue”. This reflects the centrality of such air support to many search and rescue operations, particularly those taking place in rugged or otherwise challenging terrain.

Helicopter support for ground search and rescue is often necessary because of the unique ability of helicopters to move slowly, hover and to land almost anywhere. In Newfoundland and Labrador, as we have seen, there is an established protocol for engaging the services of a helicopter to assist with search and rescue operations. The protocol calls for Emergency Services to, firstly, attempt to engage the provincially-contracted helicopter service company.

Unfortunately, the contracted helicopters are only capable of operating in daylight hours and have some other operational limitations. The scope of this operational capacity is outlined in the evidence of Inspector Mitch Rumbolt, then Director of the Emergency Services Division of the Government of Newfoundland and Labrador.

G. BUDDEN: ... So the provincial government, which has responsibility for ground search and rescue, I understand that it relies, obviously, on its – on the contracted RCMP services and the RNC services and on the volunteer sector of NLSARA. Would that be correct? That’s how it conducts ground search and rescue.

M. RUMBOLT: That is correct. That’s how it’s organized.

And with respect to air support, it has its contracted helicopter capacity, which would be the – was Universal at the time, presently – mental block here.

M. RUMBOLT: Canadian.

G. BUDDEN: That’s right. And they would have helicopters stationed, as we’ve heard, at different points around the Island.

M. RUMBOLT: That is also correct.

G. BUDDEN: And – around the Province, rather. And for both in 2012 and again today, the Labrador search and rescue contracted services is based in Happy Valley-Goose Bay.

M. RUMBOLT: That is correct.

G. BUDDEN: Okay.

And essentially, however, that capacity ends at dusk. There's no – the Newfoundland government has no either contracted for or its own owned resources to conduct search and rescue during the hours of darkness.

M. RUMBOLT: That is correct.

G. BUDDEN: Okay.

So when it – we hear that it relies on the federal government for humanitarian assistance, what I gather from that – correct me if I'm wrong – is basically the Newfoundland government is saying: We don't provide that service ourselves; however, we rely on the goodwill of the federal government, which doesn't have the legal obligation, perhaps, but we rely on them for the humanitarian effort to step in when we lack the capacity ourselves.

M. RUMBOLT: When it's dark or inclement weather, we do reach out to the Canadian Armed Forces, JRCC, for that assistance after dark or in inclement weather.

G. BUDDEN: Because the Government of Newfoundland and Labrador does not itself have the capacity to do air support for search and rescue after dark.

M. RUMBOLT: Correct, the contracted helicopter does not have that capability.

G. BUDDEN: Okay, thank you.

To your knowledge, has this relationship existed for decades, essentially?

M. RUMBOLT: It predates my arrival, but historically speaking, I believe that to be correct.

G. BUDDEN: Okay, thank you. (Transcript of September 10, 2021, pp. 20-21)

If the contracted helicopter is, for reasons of darkness or otherwise, unable to assist, the emergency protocol then calls for a request to be made to the JRCC Division of the CAF to provide such air support. While that assistance is almost always provided (Lieutenant Colonel James Marshall, in his evidence on October 5, 2021 provided statistics that confirmed at least 84 such missions in support of ground search and rescue operations took place in the 2015-2019 period), this is done on a "humanitarian" basis which, in practice, appears to mean that it must on occasion take second place to primary CAF responsibilities. This is made clear in the following exchange:

MR. BUDDEN: Thank you. We'll return to some of these issues at the policy roundtable at the end of this Inquiry, or towards the end.

This question is primarily for Lieutenant Colonel Marshall. And we would have explored similar territory with you, with Mr. Rumbolt, in Makkovik.

My starting point is that on February 2<sup>nd</sup>, around noon of the first full day of the search, the Cormorant was called away. And I understand it was called

away because of a marine search and rescue emergency where somebody had to be taken off a boat because of a medical crisis.

And, again, this is rooted really in the DNA of this Inquiry. It's a Ground Search and Rescue Inquiry. But perhaps you can just explain to us why is it that a helicopter would be taken away from one important matter to be dispatched to another important matter? What's the rationale there, or what's that grounded in?

LT.-COL. MARSHALL: Lieutenant Colonel Marshall. Yeah, there was two things at play for this re-tasking. One is the severity of the case. This was a heart attack victim and it was on a ship. The second is, is that the fact that it is a marine medivac because that is our primary mission. It would take priority, in principle. But I would suggest that it wouldn't always take priority just because it's a marine case.

If we're already on scene on a humanitarian, case, it might make more sense to stay on that one and it would be a higher priority. So both items are going to come into our thought process when we're prioritizing the cases.

In this instance, because we're the only ones who were able to hoist down to a ship and extract a patient, it took precedence over this one because this was a search.

MR. BUDDEN: And the background for that. We all know this, but just for the record or anybody who's just tuning in today. The ground search and rescue with the provincial responsibility, Marine Search and Rescue is a federal responsibility and any assistance that the federal agencies offer the Province in ground search and rescue is a discretionary humanitarian assistance. Is that a fair way of putting it?

LT.-COL. MARSHALL: That is correct.

MR. BUDDEN: And in this particular instance, the marine operation was not discretionary. Your primary mission is to provide search and rescue facilities in marine and aviation and other federal circumstances?

LT.-COL. Marshall: That is correct. In other instances we would have to prioritize as well. If we had two different marine cases, we don't have two helicopters that would be able to respond. We would have to prioritize the taskings, and whichever one would make more sense, whether its location, severity of the patient, or the tasking, the controller in JRCC would have then made that determination and decide which one is a higher priority tasking. (Transcript of September 21, 2021, pp. 184-187)

While the Commission accepts that the CAF takes these humanitarian missions very seriously and does attempt to balance the urgency and other needs of the ground search and rescue operations with those of any competing primary missions, it is concerning

that the Government of Newfoundland and Labrador is so reliant on this humanitarian assistance of the CAF when such air support could be denied or withdrawn at any time.

There does exist other private helicopter companies, such as Cougar Helicopter Inc., whose helicopters have the capacity for nighttime flight. These companies, however, also have existing primary commitments which may make it difficult or impossible for them to provide air support to ground search and rescue missions.

It must also be noted that there exists a close and effective working relationship between helicopter crews and ground search and rescue volunteers. This was observed consistently in the evidence before this Inquiry, as with the following testimony from the September 23, 2021 hearings:

MR. GOOBIE: Air support certainly plays a big tool in our tool box. Our team, personally I can speak to our experience. We've had great support from 103 Rescue in Gander for quite a number of years. I understand they still got to go through the channels, but if they're able to and there's an aircraft available, we've had great success and a great relationship with 103 out of Gander. And it's certainly a big benefit. Their professional crew and their dedication certainly have helped us out in many missions in the past.

...

And on many occasions when the channels went through the process and we requested Air Services through the RCMP, and the RCMP, again, went through their channels to request for Air Services through the provincial allotment, that majority of time I'll always get a call from the pilot and say I'm flying today. What have we got? What's the terrain like? And he'll rely on my expertise and experience on the ground to make the decision whether he figures he can get into the area and land in an area where we got to medevac or something like that.

So it becomes a relationship and a friendship with those guys, and works really good together. And certainly, to a volunteer group that would never be able to afford air support, we certainly appreciate the provincial government's and the federal government's assistance to us as volunteers on the ground with the air support, because we're able to cover quite a bit of area in a lot smaller and shorter length of time. (Transcript of September 23, 2021, pp. 75-77)

While helicopters remain the most crucial element of air support for ground search and rescue, fixed wing aircraft also play an important role. There are a number of aspects to this.

Firstly, pilots and crews of regularly scheduled flights are sometimes asked to be on the lookout for lost or missing persons. This valuable service is offered on an informal,

ad hoc basis but is nevertheless a valuable form of air support. As Provincial Airlines and Air Borealis executive Joseph Galimberti noted in his evidence of October 6, 2021:

MR. GALIMBERTI: Yeah. I mean, there's certainly an informal partnership in that I don't believe you would find a single one of our employees who wouldn't help if asked. ...

Labrador is particularly acute. Like you can see from the pictures of the operation in February, that's stark from a geography perspective. And obviously, incredibly serious in terms of a search and rescue scenario. Like that's a real every-minute counts kind of place in the world.

I don't believe you could find a Borealis employee who, if operating, were asked to divert their flight or fly a search pattern or check out an anomalous object on the horizon wouldn't do it immediately, so long as it wasn't an active threat to their safety. (Transcript of October 6, 2021, pp. 146-147)

Secondly, companies such as PAL often have specialized capacity and technology which can be of great assistance to ground search and rescue. While these resources are generally provided on a for-fee basis, companies such as PAL and Woodwards have also volunteered their aircraft (both fixed and rotary wing) to assist ground search and rescue operations.

Thirdly, the fixed-wing resources of the CAF, such as the Aurora and Hercules airplanes, often provide, either in support of a helicopter or on a stand-alone basis, air support for ground search and rescue. These important resources are provided on the same humanitarian basis as are CAF helicopters.

Finally, Newfoundland and Labrador is fortunate to have a CASARA presence in our Province. This federally-incorporated, not-for-profit corporation has two "zones" (chapters) in Newfoundland and Labrador, with 36 members in St. John's and another 14 in Deer Lake. These volunteers own a total of eight private aircraft but CASARA also accepts members who do not own planes. Members receive training, often facilitated by the CAF, in various search methods, including navigation, search coordination and "spotting". This latter technique was explained as follows by CASARA member Maurice Murphy in his evidence of October 8, 2021:

MAURICE MURPHY: Spotters have the most important role in the aircrew, as they are trained in the scanning technique, search patterns, signs and signals, and also are familiar with search height and visibility.

The scanning technique used by spotters is a proven method of searching within an assigned scanning range that allows them to search the whole of the assigned area systematically.

Using a proper scanning technique is critical to the effective search. We are taught that simply sitting in the aircraft window and looking at the ground indiscriminately is ineffective. (Transcript of October 8, p. 14)

There exists a Memorandum of Understanding (“MOU”) between the Provincial Government of Newfoundland and Labrador and CASARA (at Exhibit P-160), which provides for the reimbursement by the Province of expenses incurred by CASARA members in support of ground search and rescue operations and the tasking of CASARA in support of such operations:

4.02 The Association may provide any service for which its members are certified and aircraft are approved. After receiving all pertinent operational information, the Association can accept or refuse to perform the authorized activities based upon safety considerations, capability and availability. These services may include, but are not limited to, the following authorized activities:

- a. air search support for lost or missing persons;
- b. air support for evidence searches;
- c. air support during training sessions authorized by a Provincial Police Force; and
- d. certified aircrew and spotters for duties on other aircraft designated by the Province.

4.03 It is understood that a Provincial Police Force is responsible for search and rescue activities within those areas of Newfoundland and Labrador policed by the Force.

CASARA has occasionally been tasked in support of ground search and rescue operations. Its members, however, believe that they are an under-utilized resource. While they frankly acknowledge that helicopters are more suitable for certain situations, they suggest that their fixed-wing aircraft can offer valuable support in other circumstances. They point in particular to their long record of assisting the CAF with marine searches, particularly with respect to providing trained spotters. They value the excellent working relationship they say they have with policing agencies and with NLSARA and propose that “CASARA is simply another resource that’s available....Another tool in the toolbox”.

## TRAINING

While all members of the NLSARA are unpaid volunteers they, individually and collectively, devote extraordinary time and resources to train themselves in the art and techniques of ground search and rescue for lost and missing persons. An excellent overview of this training is provided within the Exploits Search and Rescue: Search Summary document (Exhibit P – 072):

Members of the Exploits Search and Rescue team receive basic training in map and compass and GPS navigation, radio communications, first aid, wilderness survival, the psychology of lost persons, search techniques and procedures. In addition, members can receive training in evidence search techniques, emergency traffic control, wilderness first aid, ice rescue, high angle and helicopter rescue, tracking, swift water rescue, rope and rigging management and water search techniques. In most cases training is provided by skilled and certified trainers from within the Team however trained professionals are available to assist when further certification is needed. (p. 3)

NLSARA members are fully aware of the life-and-death consequences of their operations and the necessity of being appropriately trained. Many teams thus devote at least one week a month to such training, with continuing membership in the team conditional on attendance at these sessions.

As noted, certain volunteers possess specialized skills and/or receive training to develop such skills, with the team (and potentially other teams) directly benefitting from having members with such capacities. The acquisition of such skills requires additional commitments of time even beyond the general demands of NLSARA membership. One example of this passion and commitment is that of Rovers SAR team members, and drone pilot, Melanie O'Brien:

M. O'BRIEN: When I started in 2017, I was told that you can be as involved as you want to be. So, within my first two years, I was recognized as someone who was at all the meetings and was at all the searches and I was nominated for positions on the executive committee. So I started then as a secretary, and I've held that position ever since.

I'm also a drone pilot. And I think when Harry mentioned that they were going to recruit for the drone team, I was actually emptying the septic tank of the command post at the time, so I definitely have worked for where I am right now. I know you've mentioned to me today that I'm young; I'm 23 years old. I'm trying to break into the field of first response and I feel that whether it's volunteer or career, I have a long way and a long road ahead of me in this field.

...

G. BUDDEN: There's a lot you said there and a lot we could talk about. Just a couple of follow-up questions: The position of drone pilot, that sounds like a position of – perhaps a lot of people would have wanted to do. And you've done – so you've gone through about how many hours of training to be a drone pilot? It sounds like a lot.

M. O'BRIEN: I think Paul mentioned it already, and correct me if I'm wrong, Paul; it's about a 40-hour course, a pretty intensive exam and then there's practical training on top of that. So we did training with small Rodeo drones, as well as Spark drones – you can fly those around your home – and flight simulator. So I think we were required 10 hours in total for that in order to be insured under our policy. And we also have biweekly training that we take part in as a team together.

And it is – you know, it's quite a big commitment to be on one of these specialty teams. I know the boat teams, the ice-water teams, the high-angle teams, they all, you know, have this similar level of commitment. So it's a pretty big thing to take on individually and it does require significant amount of support from your family and, I mean, from your work as well. (Transcript of September 28, 2021, p. 48)

The expenses of such training are, as noted, borne by the members and by the teams. This has, unfortunately, sometimes been a limiting factor. This was shown in some pointed comments in the September 23, 2021 testimony of long-time Exploits Search and Rescue team member David Morrow:

MR. MORROW: I just want to continue on what Cameron was saying on training and stuff like that. One of the things that we have done as a team is we have decided to do a lot of training around this. So we have brought people in from the Alzheimer's Association. We've brought in drug and alcohol counsellors from Central Health. Other mental health organizations and things like that. And they have come in and done presentations.

We've all done training on how to use Naloxone, on how to deal with people with dementia, and these sorts of things. And this is an ongoing training that when I started in the team, back in 1982, I would never have thought I would have to do. But it's something that we're being forced into doing for ourselves, because our members are being more and more exposed to that all the time.

The one thing I would like to see is Mental Health First Aid training for all the members. But the last time I went and looked for it, it was expensive and we couldn't afford it, to be perfectly honest.

There are agencies out there who do teach that and whatever else like that, but we would have to go find funding and all that kind of stuff. And when I was looking for it, probably four or five years ago, maybe six years ago, we



just couldn't afford it at the time because the cost was way more than what we could afford and we had to pay for first aid. So I mean, you know.

MR. BUDDEN: Thank you. Just before I get to Harry, just that last comment. You're talking about not the mental health of your own membership, but training to deal with the mental health of those you are searching for? The mental health challenges of the people you may be searching for?

MR. MORROW: Yeah. The mental health of our own members from a trainer's perspective is not my focus.

MR. BUDDEN: Understood.

MR. MORROW: Yeah. I need to be able to train our members or get training for our members so that they can deal with these situations when they come upon them. Because we have on numerous occasions run into people who are fragile. And you have to be very, very careful how you talk to them because you don't want to push them over the edge. You want them to survive. You want them to prosper. (Transcript of September 23, 2021, pp. 223-226)

There also appears to exist somewhat of a regional disparity, within the Province, with respect to the training, and training opportunities, available to NLSARA teams. This point was made by several teams, particularly those from Labrador. It was grounded not in a feeling of being marginalized or uninformed about opportunities for training but, rather, because the obstacles of travelling and being away from home are a heavier burden for those teams.

The requests made by these teams are to have the trainers come to them, rather than for their members to have to make difficult trips to receive this training. As the Commission heard at our meeting in Hopedale, the training which has been received was "... good. There was a lot of information and things I got from them" but that few team members have participated and that it would "make more sense for them to come here so they can train more people". (Hopedale roundtable session – September 13, 2021)

NLSARA itself is alert to this issue but, as was pointed out by Mr. Morrow, even important training can only be undertaken when the organization can afford it. It is thus noteworthy that NLSARA, in its final submission to this Inquiry (Exhibit P-190) requested, among other things, "adequate funding to hire two training officers ... to ensure the members receive the most current training" and "funding for team, regional, provincial and multi-jurisdictional training and exercises".

The Commission concludes that regional disparities in training opportunities exist not because of neglect, an absence of concern or any other fault either of the affected NLSARA teams or of the NLSARA organization and its leadership generally, rather, they

are a consequence of geographic isolation and limited resources. It nevertheless is an unfortunate situation which will be further addressed in the within recommendations.

Finally, NLSARA and its member teams, as committed and accomplished as it and they are, must always remain self-aware of possible shortcomings in training so as to be able to maintain and enhance present levels of excellence. This will be addressed later in this report, in a consideration of the closing presentation of Inquiry consultant Richard Smith.

## THE EVIDENCE OF RICHARD SMITH

Richard Smith, retained by the Commission to provide expert advice with respect to ground search and rescue, was of great assistance to the Commissioner and Commission counsel throughout this Inquiry. Prior to even beginning hearings, we were informed by his Discussion Paper setting out the present state of ground search and rescue in the Province of Newfoundland and Labrador. We have likewise benefitted from his “Recommendations from Lessons Learned” presentation delivered towards the end of the Inquiry hearings.

Mr. Smith was present at every substantive hearing and, at the time he gave his Power Point presentation, had the opportunity to consider all evidence heard and entered as exhibits through at least September 28, 2021. It is thus his considered opinion in response to that evidence.

Mr. Smith began his analysis of NLSARA with a tribute and a challenge:

Search and Rescue teams from Nain to Makkovik, from Corner Brook to the Avalon Peninsula deserve credit where credit is due.

Search and Rescue members of NLSARA are some of the best trained SAR responders in Canada and have often pushed the limits on physical endurance to risk their lives to save the life of another.

This presentation takes that into account and respectfully submits that we can all improve in some way or another by being modern, progressive, proactive. And these things we do, that others may live. (Transcript of October 5, 2021, p. 92)

He then undertook a SWOT (“Strength, Weaknesses, Opportunities, Threats”) Analysis. The “internal strengths” which he identified include the “high percentages” of NLSARA team members with greater than 10 years experience; of “credible responders” to missions; and of teams with group equipment. He also approved of the number of experienced instructors and of the ease with which teams had incorporated “new” technology into their operations.

The “internal weaknesses” which he identified included the lack of funding for training and equipment; “understanding of skills, refresher training, hands on”; the prevalence of Critical Incident Stress Injuries and the lack of access to programs and

counselling to address same; and issues relating to documentation of searches and search plans.

Mr. Smith also saw “external opportunities” chiefly with respect to training with policing agencies, mandated agencies and other ground search and rescue partner organizations. He also advocated for “new equipment from GPS to Apps for smartphones” and new training across a variety of fields. The “external threats” which worried him included “no sustainable funding for training and equipment”; lack of cross training with search and rescue sector stakeholders and recruitment challenges.

Similar analyses were performed, with broadly similar conclusions, with respect to Search and Rescue Leadership and Management.

Mr. Smith proposed certain strategies to “enhance the efficiency and effectiveness” of Newfoundland and Labrador ground search and rescue. These are set out at length in his presentation. They included a number of general recommendations, such as “Developing a provincial search and rescue strategic plan and the implementation of this plan across all organizations in this sector” and “Developing a modern, proactive and progressive education stance” along with some very specific ones, including “Establishing provincial search and rescue training benchmarks based on CSA standards”. His “SAR Vulnerability Assessment” contained a similar blend of general and specific recommendations.

Many concerns held by Mr. Smith with respect to the carrying out of ground search and rescue in Newfoundland and Labrador might, very generally, be characterized as a tendency towards the following of instinct and intuition rather than a formal search plan and a corresponding absence of formal documentation and written plans. This is illustrated in the following passage from his testimony:

MR. BUDDEN: I’m just going to jump in there, Mr. Smith. Just to go back to the previous bullet, the better documentation during the initial response phase.

And we’ve talked about this throughout the Inquiry. But perhaps you could just explain a little in a little more detail what you observed and what you would have liked to have seen. And why it matters?

So would this also be basically, I guess, the planning of the operation? So if you can sort of speak to those things, explain them a little more thoroughly.

MR. SMITH: When you get that call for lost, missing, overdue subject, it is important that you have a preplan on how you’re going to do business. And then once you get to the scene you get all that information from the police. You’re going to come up with some scenarios as to what do you think has happened.

It does take time to do that. You're going through that mentally. Soon as you leave your house to get to the RCMP detachment or RNC station you're saying, okay, I wonder what could have happened there? So you're already going through some scenario analysis.

Once you get to your location with the police, you want to get with your police incident commander or police officer and decide, okay, you think, for a policing standpoint, through your investigation, that we have a SAR mission. Now we need to develop a plan as to what we're going to do. That is based on scenarios.

So you want to come up with five to ten solid scenarios as to what do you think has happened to this individual.

They don't take that long. Maybe that child has succumbed to a wildlife human conflict. Maybe that child has been abducted. Stranger abduction, parental abduction. Maybe that child has wandered off and followed a deer, a rabbit. Maybe that child has actually succumbed to hazardous-type terrain.

That's kind of what I'm talking about, scenarios. So you're kind of already building this up and then you want to quickly document that down.

Then from those scenarios you can start to look at where do I want to search first, second, third and fourth. And so you can look at a map and say, okay, well, let's find out where she is not based on your scenario.

So you can say we're going to check this trail, that trail, along the river, along the coastline or the campground, all the infrastructure, all the buildings, all the vehicles in the area. We want to check everybody coming and going from the campground area. And all of a sudden I have all these multiple tasks.

I want to get out there in the field and check all the tree lines in the field that you look back on the campground site and say, hey, I can do all those things, but you're building a plan. So that incident action plan is important because it comes up with the objectives.

We want to find Sally Sanchez by 2400 hours. That's the plan. She's missing from the campground.

Then you come with investigational objectives, which the police help you out on, containment/confinement objectives, and you're going to come up with search objectives. Those can be done in a short, really fast period of time.

What I did see occurring in this process, though, was not so much having a plan for that initial response but having a plan or notes and documentation for here's what we did.

And so what there needs to be is a little more upfront as to here's our incident action plan as to our objectives, strategy and tactics, our scenarios, our probability areas, identifying the hazards and here's where we sent everybody.

Because if I'm the SAR manager and I have to transfer command because I'm too tired or I have to move, then I can say here's what we did as a plan in initial response. It's still in initial response phase. You can continue that and move forward.

MR. BUDDEN: Just, again, to follow up because this is a point that I think may be important.

What does it actually look like? How long does it take? Why does it matter? And did you see examples here where that was followed?

"Here" meaning your observation of the Newfoundland searches.

MR. SMITH: Yes, thank you. I did see on a couple of occasions here, in going through the hearings, where there was no plan per se upfront. The guys knew where they wanted to send everybody but there needed to be a kind of solid documented plan.

And again, this takes more training and developing an initial response to get that done.

The time involved in doing that, it can take two or three minutes, to an hour, depending on the complexities of the incident: terrain, topography, weather, getting that information coming in, waiting for the troops to arrive to deploy in the field.

But I will stress again, I'm not saying that you hold 50 people back, while you do a very thorough highly detailed plan. I know immediately if I'm talking about somebody missing from a campground where I need to send them to start searching.

More often than not that is done because guys have a working knowledge. The men and women have a working knowledge. What they need to do so the plan is how you're going to be measured, what you set out to do. If you don't have that plan ahead of time, then how are you measured as to what worked and what didn't work and what do you need to modify and adjust as you get into a second and third operational period. (Transcript of October 5, 2021, pp. 131-137)

Mr. Smith's analysis of these potential shortcomings was, to a degree, intertwined with his numerous observations about the absence of training resources and opportunities for NLSARA members and the dire need for same. The Commission found much of value in what he has presented (and encourages future policy makers to examine it in detail), and notes that his obvious respect for the accomplishments, dedication and skills of the NLSARA organization and of its competent teams and volunteer members is paired with his desire to help this essential resource become even stronger.

Richard Smith's analysis will inform many of the Commission's recommendations. Consideration of implementation of many of his recommendations might, however, have to be deferred until NLSARA's funding shortfalls have been addressed and its centrality to ground search and rescue in this Province confirmed and placed on firmer footing.

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## THE EVIDENCE OF LOUISE BRADLEY

Louise Bradley has over forty years experience as a nurse, psychiatric nurse, therapist and certified health executive and recently retired after a ten-year term as President and CEO of the Mental Health Commission of Canada. She is a recipient of both the Order of Canada and the Order of Newfoundland and Labrador, as well as of an Honorary Doctorate from Memorial University of Newfoundland. Her expertise and experience has proven to be of great value as this Inquiry has attempted to maintain a mental health focus and to be trauma-informed in all our dealings with the people we have engaged with throughout this process. The Commissioner and Commission counsel are grateful for her advice and guidance.

Ms. Bradley was also a witness before the Inquiry, having testified on October 6<sup>th</sup>. She began her evidence by acknowledging the Winters family, stating that:

... It was such an honour and a privilege to work with you in Makkovik.

And I just want to acknowledge that I've never seen such resilience and grace throughout such a difficult situation. (Transcript of October 6, 2021, p. 26)

She then identified three areas she would be addressing in her presentation: "one is training. The other one is stigmatizing language. And the last one is interdepartmental relations". (pp. 26-27)

With respect to training, Ms. Bradley identified several areas that need to be addressed:

The first one is a need for searchers to pay attention to their own mental health. I've listened to stories of the lengths that searchers go through and the hardships that they endure physically and mentally.

And so, therefore, it's an extremely important component. There is a need to help searchers to identify problems and intervene with each other because they can be a tremendous resource to each other. (Transcript of October 6, 2021, p. 27)

She also saw an unmet need to improve interactions with the families of lost and missing persons and to be able to offer them psychological support when indicated.

And it seems that there needs to be a determination on who is responsible for that at the very least, in terms of whether it's police or GSAR. But it does need to be addressed". (Transcript of October 6, 2021, p. 28)

The final training gap addressed by Ms. Bradley was with respect to guiding searchers in their interactions with search subjects who were living with mental illness:

MS. BRADLEY: Given I've heard that 60 percent of searches are related to people with mental health problems and illnesses, and those who are suicidal, it makes this a critical, critical need.

What I've heard is that there are one-off presentations and talks and some focus on CISM (Critical Incident Stress Management). These efforts are applauded but fall short of what is really needed.

With regards to CISM, it's important that it happens in a timely fashion. And not everybody is able or wants to be able to sit on these sessions immediately after an event.

Offering reassurance that people's emotional experiences are often a normal reaction to an abnormal event is extremely important. But there have been studies that show that sometimes there is little benefit to CISM. And in some cases, reliving the trauma is harmful for some people. (Transcript of October 6, 2021, p. 29)

Ms. Bradley specifically identified two available programs, namely: "The Working Mind" and "Mental Health First Aid", and she explained how each - the former is a "self-assessment tool" and the latter a program to help guide intervention with people with mental illnesses – would be of assistance to a searcher.

Ms. Bradley characterized the necessity of mental health training as follows:

MS. BRADLEY: So I think that, at the very least, it would be wonderful if funds were made available to get these programs in place as quickly as possible.

They are every bit as important as the clothing that we've heard about, the equipment that is made available to all SAR units. (Transcript of October 6, 2021, p. 33)

The second topic raised in her presentation concerned "stigmatizing language". Her powerful words on this topic are quoted here in their entirety:

MS. BRADLEY: I'll move on to stigmatizing language. Now, you may be sitting there, thinking, well, does this really make a difference? Do words really make a difference? And I'm afraid they do, very much so.

Some of the consequences of stigma and discrimination are, for example, we've had parents who have told us that they would not take their child for help even to their family doctor because of the way they feel that they will be perceived, and they wouldn't want people to know about it.

And if someone is off with a physical injury, of which I'm sure happens quite a bit in this area or is having surgery, there's cards. There's calls. There's

balloons. And yet, if somebody is off for a mental trauma injury – or mental injury, there’s radio silence.

And I think the Honourable Romeo Dallaire can certainly articulate this far better than I can and very eloquently, having experienced it himself.

I heard stories throughout this Inquiry from searchers and others, and they were stories of PTSD, and in some cases, death by suicide.

So if you think that stigma doesn’t have a huge impact, it really does.

Now, I also realized that the word “despondent” has been used for quite some time and not developed by anybody involved in this Inquiry. And it is found in notable search and rescue manuals.

I respectfully submit that this is a highly stigmatizing and derogatory term that Newfoundland has a unique opportunity to address. I think that we need to consult with people who have been referred to as such.

But in the interim, if a missing person is experiencing a mental health problem or illness, then it seems to be that it’s important to that person and the searchers to identify that. In the same way as it was important to identify that Mr. Sweetapple had diabetes.

If someone has expressed suicidal ideation, then that is a pretty important piece of information to have. And if someone has a psychotic disorder, then it is a person with a psychotic disorder or psychosis. A despondent or a psychotic diminishes that person to nothing more than a label. (Transcript of October 6, 2021, pp. 33-36)

Ms. Bradley’s words on her final topic, “interdepartmental relations”, are also quoted here at length:

MS. BRADLEY: In the case of John Doe countless, countless hours of searching and immense frustration on the part of searchers was experienced. I realize it’s not the purview of this Inquiry to explore policy and processes of a government department or a health authority.

In at least one of the cases we’ve reviewed, they’d had a huge impact to GSAR, to say nothing of what it had to do with the family and the individual. I therefore strongly suggest that formal discussions between the involved health departments and either this Inquiry or GSAR needs to be held.

A root cause analysis could serve to help the individuals in care and possibly prevent other such events from taking place again.

The hundreds of hours taken up in that particular search likely could have been prevented and also prevented physical and psychological trauma to those involved.

Now, I'm worried that I will – I'm coming across as overly critical of the mental health system in Newfoundland. So I, therefore, want to note that there are real examples of excellence here.

A few of those are Bridge the Gap, Stepped Care 2.0, and Roots of Hope. Those are really clear examples of really good programs. But as we have seen throughout this entire Inquiry, there's always room for improvement. And yet again, communications or lack thereof has been a culprit.

I don't know the situation or the exact policies around how someone is placed, a term that I loathe. So I won't offer an opinion on that, but it's clear that more information and discussion needs to take place. (Transcript of October 6, 2021, pp. 36-38)

Engaged and informed questions and discussion followed this presentation, all of which was of great assistance to this Inquiry.

Sergeant Danny Williams, RCMP Search and Rescue Coordinator for Newfoundland and Labrador (who was a helpful and informed contributor at all Inquiry hearings), advised the Inquiry as to current practice with respect to liaising with the families of lost and missing persons, his evidence suggesting that some of the observed deficiencies in this area might already have been addressed.

Thomas Williams, Q.C., counsel to the family of Burton Winters, spoke "on behalf of the family" to express:

WILLIAMS, Q.C.: .... that they're very grateful for the efforts that Ms. Bradley has put in and the support that she provided them while we were in Makkovik. It was invaluable. It truly was.

I've been fortunate enough to have an opportunity to work very closely with her, given my role with the families. And I can tell you, this process definitely required this. And she supplied invaluable services over the course of this Inquiry.

And I think that helped focus the need twofold. One, that this is a recognized area that I don't think we would have realized prior to these hearings of the necessity of involving mental health aids and support services in SAR-related matters.

And not only for families. Obviously, we are ten years after the events of Burton's loss. And yet, supports are still needed for different reasons. (Transcript of October 6, 2021, pp. 53-54)

Natalie Jacque, stepmother to Burton Winters, also spoke to the family's positive interactions with the local RCMP detachment:

MS. JACQUE: It's Natalie Jacque. I just wanted to have a comment put in there for sure to say that personally, I found the RCMP had come to our house regularly, and it did make a really big difference to us.

You knew what was going on while they were searching, and they had kept us updated. If it wasn't for us in our small town knowing them personally, it might have made a bigger difference.

And there was no intimidation with the RCMP there because we had known the men and because they're part of our community. And so that was huge during the process.

But when you're going through such a traumatic experience, you don't really think clearly. So if it wasn't for some family members maybe being there, some of those updates might have been forgotten about, even though I was there and we were there.

And so even six months after we had lost Burton, I think that's when it really had hit me. So a debriefing could happen during the process, but I find months following after would be super helpful as well. (Transcript of October 6, 2021, pp. 59-60)

Harry Blackmore decried the lack of mental health support available to searchers from the RCMP:

MR. BLACKMORE: Yeah. I agree with what Ms. Bradley is saying with training, and it probably should come back to us. But you have to look at it, also, that we have been fighting with the RCMP to change policy to help us. They will not give us any mental health supports due to the national policy.

So we're fighting that battle alone. And I agree, yes, we need to do more for the families. We can't even get it ourselves. So that has to be changed. And I've gone to Sergeant Williams, and he's gone up the line.

But nationally, that needs to be changed in their policy. And I've not only dealt with Sergeant Williams on this, his predecessors, that we need help, also, for our teams, and we can't get it. It's just point-blank, no.

We do a debrief, and then if there's anything else above that, hope for the best, which is not right. (Transcript of October 6, 2021, pp. 60-61)

He did, however, praise RCMP chaplain Reverend Donna Mercer:

But we don't have any funding to be able to send her anywhere. That's the problem. So anything she does for us, she tries to do... She constantly reaches out to the search and rescue teams. (Transcript of October 6, 2021, p. 71)

This was contrasted by NLSARA's somewhat better engagement on this issue with the RNC:

RALPH, Q.C.: This maybe can be directed to Ms. Bradley and Mr. Blackmore, I guess.

I understand that the RNC will often call out Mobile Crisis Unit. I don't know if you are familiar with the operation of that, Ms. Bradley? Perhaps not here, but anywhere else in the country?

I'm just wondering, Mr. Blackmore, is that resource ever called upon when you're engaged in a search for someone that has mental health issues?

MR. BLACKMORE: Well, I know of the program, but it's fairly new. But no, we have not been – we have never even been asked if we wanted anybody to come in and do a presentation.

But now, in backing up that, I will admit that the RNC part of it, if we asked for it personally or asked for a debriefing, at that time they would bring in the Salvation Army who had their critical incident stress people take care of it.

So at least we're not lost in the dark. But I know there is more that can be done, especially now that they have this new program, right? (Transcript of October 6, 2021, pp. 62-64)

Ms. Edna Winters, of Nain, maternal grandmother to Burton Winters, offered these insightful comments, which also are quoted at length:

MS. WINTERS: It's good to hear and to become aware that services are lacking elsewhere, as well. Because it really lacks in our communities on the coast, more so than here.

And to hear that it's lacking here is a little bit alarming, as well, too. To hear that Mr. Blackmore is saying that they're fighting for support.

And I think in the clinical sense, we have so many things that are lacking on the coast, even though we have worked with programs, such as Bridging the Gap and the Mental Health First-Aid, and the Wilderness First Aid, all those types of programs within our departments that I work in.

And we've come through a lot of crisis, built right from the introduction of acknowledging relocation, dislocation from Hebron (inaudible) to present day and even through the loss of my grandson.

To have gone through the varying stigmas of mental health, not just because we don't necessarily suffer from mental health. We all have something within mental health that is going on within us.

But looking at the aspect of the despondency, not just from the word itself, but from all of those that are a part of this whole process. And not just including in here, but the clinical pieces, everything else, we have a long way to go. We have a lot of work to do because mental health is such a key part of your every day life.

And we have to really acknowledge that to make this program work. Not just with SAR, but with clinic, with everything else. It goes hand in hand.

And I applaud everyone for the work that they had done, but this, this is a learning curve. And I think that you have to, including us as a family, really speak out and work on this. Because it takes a whole community to raise a child. And we're everyone's child.

You could be lost tomorrow. You could have an accident after. You could suddenly collapse or die after. We have to learn to work together. Thank you. (Transcript of October 6, 2021, pp. 67-69)

Counsel for the Government of Canada, Mark Freeman, spoke in admiration of how forthcoming certain RCMP members had been in their testimony about their own traumas and mental health struggles in the wake of the Burton Winters search and rescue operation. In response to this, Ms. Bradley replied:

MS. BRADLEY: Yes, absolutely. I think it's absolutely critical. We've seen it in other areas where – and we encourage people in workplaces to talk about their own experiences. And it's not easy to do. And so supports need to be provided there.

Even as the CEO of the Mental Health Commission of Canada, it was years before I talked about my own experience.

And yet, I had people come to me with tremendous stories about how it allowed them the freedom to be able to talk about it themselves.

And I think, particularly in situations like you're talking about with [Sergent] Kimball Vardy, who is, as you mentioned, very forthright in talking about his struggles, it's really important.

It demonstrates to other people, to other police officers, that it's okay. And it gives them a license to be able to talk about and then reach out for help.

And so I take my hat off to him and to others who do that because it's extremely important when you're looking at reducing stigma and discrimination. And therefore, getting people to go for the help that they need.

MR. FREEMAN: Thank you. I really appreciate that, and I'm sure he will, too. (Transcript of October 6, 2021, pp. 82-84)

Lieutenant Colonel James Marshall, a distinguished serving member of the CAF who also was an informed and helpful presence throughout the Inquiry, added his eloquent voice to this Roundtable conversation:

LT. COL. MARSHALL: Good morning, Thank you. Lieutenant Colonel Marshall. Ms. Bradley, I just want to thank you for what you highlighted here.

I think it's very important. As you can imagine, mental health injuries is very important in the Inquiry. Something that we haven't always got right.

We used to call it cowardness, shell shock, PTSD, but now we call it operational stress injuries, which is a good terminology, I think, for it.

It's something that we found that it requires culture change. As was identified in the various roundtables and by yourself and Mr. Blackmore, most of the ground searchers are men. As you identified, we're not always good with expressing our feelings, especially to other men.

And one thing that we found is once you change the culture, or at least attempt to change the culture, and be more open in identifying problems, and then once we identify them, then we can actually provide support.

We have something called Road to Mental Readiness for our first responders, our SAR techs. And more than just SAR techs because we are finding that there are mental health injuries in other members of the crew.

Although they don't see the cases up close and personal with the other crew members, any case where there's not a positive outcome will have a negative impact on every member of the crew with those particular cases.

And one last thing that I want to highlight, especially from Mr. Blackmore, is it's also important for post-care. Because you might have somebody who leaves the ground search team for a mental health injury.

And we're finding, in the military, we have plenty of people that are being released from the military for their mental health injuries.

And it's important that we continue their care after they're released from the military, after they leave your team because in my eyes, it's still our responsibility to take care of them, whether that's for a short period of time or could be for their entire life.

But I want to again, as everyone else has, Ms. Bradley, say thank you for highlighting this.

MS. BRADLEY: Thank you for those comments. And I agree with you completely with regard to your comment about the culture change. And as you know, culture change, and particularly in certain environments, is extremely difficult and takes a long time. So that's why every little bit counts.

But being able to talk about it more openly and in an informed way can make a big difference to the culture. So thank you. (Transcript of October 6, 2021, pp. 84-87)

The Commission is grateful both to Ms. Bradley for her illuminating presentation and, also, to the sensitive and engaged questions, comments and dialogue which followed it.



## NLSARA AS AN ESSENTIAL SERVICE PROVIDER

It is apparent that, since at least its founding in 1996 and in all likelihood for decades previous to that with respect to its predecessor organizations, NLSARA has functioned as the core provider of ground search and rescue in Newfoundland and Labrador. The policing agencies lack the human resources as well as the specialized knowledge and the specialized equipment to fill this role. There is no other arm of government, no public service workforce, tasked with carrying out ground search and rescue missions, nor any other volunteer organization doing so. While these other entities fulfill important tasking, supporting and assisting functions, NLSARA stands alone at the centre of the essential public service of searching for lost and missing persons.

By any number of measures, NLSARA is an extraordinary organization. As Richard Smith has noted, it has had great success in retaining its members, an astonishing 128 of whom have served with it for greater than 20 years (and over 40 members for at least 30 years).

As we have seen, teams are able to mobilize very quickly, on little or no notice and extremely long search days (sometimes well in excess of 16 hours) are common. Such days sometimes follow in succession, as searches continue.

NLSARA teams have a proven ability to manage their human resources. As the long days take their toll on searchers, rested members are available to take over. Teams are also able to seamlessly integrate when, as with the searches for Cody Peddle and Messrs. Lovell and Rice, more searchers are required. This ability for teams to combine resources and back each other up was attested to in the September 23<sup>rd</sup> hearing:

MR. BUDDEN: And we understand fatigue. Obviously, people can only work these kind of hours and these kind of conditions for so long a day. But were there other resources available? In such circumstances, did you feel and do you feel they could call on neighbouring teams to say, look, we're two or three days into this, we're beat out, can you help us?

MR. GOOBIE: Certainly with a vast number of volunteer members that we have across the province, we rely on each other and there's plenty of neighbouring teams that if the need arises we do not hesitate.

Our team personally have had teams in here, again, from Red Indian Lake team. Had teams in from Deer Lake. And we had Harry's team from St. John's with us on particular searches.

So geography don't change with us. We get the resources if needed.

MR. BUDDEN: Yes. So just to tie all that together. The Exploits presence and the Red Indian presence may have decreased because of fatigue, but the NLSARA volunteer presence would have continued? Is that what you are saying?

MR. GOOBIE: That is correct. (Transcript of September 23, 2021, pp. 167-169)

As with human resources generally, the impressive baseline training which all members possess is supplemented by specialized skills with teams. As Deer Lake Search and Rescue team member Wayne Parsons testified on September 20<sup>th</sup>:

MR. PARSONS: I am the tech guy for the team. So all these new radio systems, all the new inReach systems, all the new mapping systems, everything comes through me first. And then I've got to give instructions to our team members on how to use it". (Transcript of September 20, 2021, pp. 41-42)

Almost all teams have such "specialists", whether they be high-angle rope rescue personnel, drone pilots, search commanders or any of the dozens of other skills that are necessary for effective search and rescue operations. Such specialists are deployed not only within the teams but shared among them.

NLSARA teams often possess equally specialized equipment, ranging from weather-appropriate clothing and certified ropes on through to pickup trucks, snowmobiles, ATVs, boats and customized mobile command centres fitted out with tools, supplies, communication devices and comfort stations. While the material resources available vary significantly from team to team, the negative impact of this uneven distribution is mitigated somewhat by NLSARA's internal culture of mutual support.

This Inquiry has heard considerable evidence about NLSARA search operations taking place in adverse conditions. As we all know, Newfoundland and Labrador is a province with extremes of weather and terrain and it is often in such conditions that people become lost. Searchers regularly confront raging blizzards, as with the search for Messrs. Lovell and Rice, or are forced to venture onto dangerous ice and snow, as with the two Makkovick searches which this Inquiry has considered.

Searchers inevitably take personal risks and, as with Perry Dyson and Constable Barry Andersen breaking through sea ice on their brave search for Burton Winters, occasionally end up in circumstances of real danger. This risk is, however, managed carefully and, as we have seen, search managers and teams are quite particular over such matters as equipment maintenance, clothing and tracking devices so as to minimize that risk.

As search manager Darren Williams stated, with respect to the search for the lost snowmobilers, it is also necessary not to put searchers into conditions that are simply too risky and where that risk cannot be appropriately managed:

MR. WILLIAMS: ... First off ... we look at the safety of our members.

Is it a life-and-death situation they could be putting themselves in, right? Is it a manageable situation? Is it safe? Can they do it a reasonable speed and reasonable progression?

If not, then I mean, I've got to look after the safety of my guys in the country, right. (Transcript of September 20, 2021, p. 108)

This Inquiry finds that Newfoundland and Labrador has, in NLSARA and its teams and members, an effective, committed, enthusiastic, well-trained and widely respected ground search and rescue organization which, on a volunteer basis with very little support from the Provincial Government, provides an essential community service and does so at a high level.

While this is in many ways an invaluable service, it is in some respects possible to place a monetary value on the service which is being provided.

The unchallenged evidence of NLSARA, presented through its President Harry Blackmore in his testimony of October 5, 2021 and also found at Exhibit P-190 and elsewhere, is that NLSARA members cumulatively volunteer an average of 125,000 hours per annum. The valuation of this contribution, assuming as does Exhibit P-190, an extremely modest figure of \$25/hour, would be \$3,125,000.00 per annum. The true figure is almost certainly much higher.

MR. BUDDEN: Page 3, near the end of it. I'm struck by that figure, and obviously, it's beyond the scope of this Inquiry to put a value on any particular type of work.

But for \$25 an hour to expect somebody to be on sort of 24-hour standby and to use their own equipment and perhaps work 16 hours with no overtime and doing all this in all kinds of weather and in some danger – this is sort of Mr. Smith – does that not seem a very modest figure for that kind of service?

MR. SMITH: Thank you, sir. Yes, it does. And sometimes when doing the cost-benefit analysis for volunteers, we've lowered that figure. But in actual fact, to complete what you just mentioned, very similar to volunteer fire departments, the figure would be closer to 50 – or \$55 an hour.

MR. BUDDEN: So really, when we look at that figure that the value of what the ground search – NLSARA, the value of the work they do, which they self-value at a little over \$3 million, you would regard that, I take it from your

previous answer, as maybe half of its true value if we were to approach this from a market point of view?

MR. SMITH: Yes, sir, that would be correct. If you equate it back to a police officer and the hourly wage for a constable who has to do the job, what they're paid as an example, a full-time firefighter, what they're paid, those would be comparisons when you're engaged in a search and rescue mission.

MR. BLACKMORE: Mr. Budden, that number actually came from a study, and it is about 12, 15 years old. It's recognized – and this was done throughout Canada and the United States, volunteerism, whether you were playing volunteer at bingo or you were a volunteer search and rescue or a volunteer at the swimming pool, that was the hourly rate they came up with.

And that was the only rate that we had that was actually on paper as a credible amount at that time.

And we do know right now in most places, \$40 is what's used, but we stuck with what we got because we do have that in writing, and that's all. (Transcript of October 5, 2021, pp. 344-346)

There must additionally be a recognition of the value found in NLSARA's accrued institutional knowledge and expertise and of the many millions of dollars worth of buildings and equipment which it presently owns. Most of this property was acquired through the considerable efforts which NLSARA teams must put into fundraising (the adverse impacts of which will be considered later in this report). An excellent example of this challenging process emerged at the September 23, 2021 hearing:

COMMISSIONER IGLOLIORTE: Thank you very much. Just a couple of questions, let's try Mr. Goobie. So in more detail, what does your Command Post look like? It's not a yellow bus anymore with an antenna on the back? How much did it cost and how long have you had it?

MR. GOOBIE: Certainly, the look of our new Command Post is nothing like a yellow school bus. Back, I guess about four and a half, five years ago, the useful life of our school bus, which was retired when we got it, we had it for approximately ten years. So you can imagine the condition it was in by the time we were ready to get rid of it.

So among our team members we decided that, hey, we need to be proactive and get a replacement for our Command Post. So we developed a committee among our volunteer members and we started with a plan of what we like to envision to see as a Command Post and to try to start the fundraising efforts.

And as you can imagine, buying a new command unit, buying a new car, you know the costs that's associated with it. So when you're buying a truck with a box on it and fully equipped with all types of facilities inside of it, the price tag is enormous.

So the initial price that came in for our Command Centre was \$350,000. Well, at that point, was wow. This is a five-year, ten-year project down the road trying to raise that kind of money.

So the team that we had there on our committee, these guys, let me tell you, went at this face first in thinking outside the box. How can we raise money? To try to raise \$350,000 by doing car washes or doing moose burger sales, not going to happen.

So the guys developed some plans. Talked to some people. We ended up signing up on a plan –

MR. SNOW: Cameron Snow, Exploits Search and Rescue. Basically, there's a foundation in Canada that will (inaudible) a subscription and they will give you the critical information for what places across the nation give money in large sums to what type of groups. So children's group, recreation, search and rescue. And we availed of that service. I think we paid \$500 to start.

MR. GOOBIE: Thank you, Cameron. So we went off on that route. We approached the businesses around the community here, which were phenomenal coming on board with us. We had some of the local banks support us in some of the efforts that we had. Test drive events for new vehicles and stuff like this that created us money, but it wasn't big money. And we had a thermometer made up that we used to bring around with us. And here was this thermometer and here's your \$350,000 goal at the top and you had just a little bit of red in the bottom of it.

So first when we went out everyone would look at, oh, those guys is crazy thinking they're going to raise that kind of money around here. But as we started to develop and that little bit of red got a little bit more and a little bit more, but when this foundation that we were into, when we got a couple – I know I was down in Bonavista at the time on vacation and I got a phone call from Cameron and said we just got \$75,000 donated to us. And wow.

So when we do our next fundraising efforts, here's the bottom part of our thermometer is full. So that started to get the ball rolling.

Then the boys started off some consultations with the local Lion's Club in Bishops Falls. And those guys seen firsthand what we had done in the past with searches, how we helped out people in the past, and they were gung-ho to come onboard with us. So there is a Lion's Club foundation worldwide.

So they put a proposal in conjunction with their committee members and wrote a proposal and sent it off to Lion's International. And the process went on for five or six months. And anyway, we got word that we were in the running. We missed the first lot of money that was give out, but it was another couple of months there was going to be another lot of money give out.

And anyway, when the next round of money that they were planning to give out, the highest that you can reach from the Lion's Foundation is \$100,000. And that \$100,000 is U.S. And we were fortunate enough to be given that grant of \$100,000 U.S. So here it is, thermometer is going up again. And that just went on and on and on from the foundation. Original foundations.

We started getting some that we still don't know. It was one church group in Toronto that we don't know any affiliation, but they sent us \$5,000. So by this time we were very close to our \$350,000 goal. The truck was six or eight months out to get built, so we says, boys, we got this far, we're going to get there. And we placed our order for our Command Post.

And so by the time the Command Post got there and we did a little bit more digging into exactly what we needed and what would benefit us, the final product flowed in here shortly after New Year's, and had a \$400,000 price tag.

When she rolled in, she was bought and paid for with zero amount of government money that was put into it. So this was all corporate donations, fundraising by our members. And we now have a \$400,000 state-of-the-art Command Centre located in Central Newfoundland. (Transcript of September 23, 2021, pp. 176-181)

Newfoundland and Labrador is thus the fortunate beneficiary of a highly skilled and resourceful volunteer ground search and rescue association. At present, this essential service is in safe hands. There are, however, concerns about the future ability of NLSARA to meet this self-imposed obligation. This report will now proceed to examine these concerns.

## FUTURE CHALLENGES

As we have seen, NLSARA is an impressive organization which, through extraordinary effort by a committed membership, carries out essential ground search and rescue services within the Province of Newfoundland and Labrador. There are, however, reasons to fear that this present situation might not be sustainable.

The threats to NLSARA and, by extension, to all those who may be reliant on ground search and rescue (potentially, almost all of us), fall into several broad categories:

- Overreliance on a membership, particularly at the leadership level, which is in danger of burnout and, to a lesser degree, aging out of active roles;
- Inadequate funding from the Province of Newfoundland and Labrador; and
- Recruitment and retention challenges.

These threats are, in many respects, interrelated and they compound each other.

With respect to burnout, the greatest single concern of the membership would appear to be the necessity of fundraising to meet basic operating expenses and to purchase new equipment, including the cutting-edge communications devices that have so benefited search and rescue. While not all teams are equally impacted – some benefit from municipal and other forms of subsidization and financing - where it is a problem, it is a very serious one.

Mr. Blackmore, NLSARA President, testified on October 4<sup>th</sup> as to losing “good, trained professionals every year due to the burnout from fundraising and other unnecessary commitments that we have to do”, and again on October 8<sup>th</sup>:

MR. BLACKMORE: ... But we have to cut down on this fundraising noose around our neck.

We're dangling from a tree on that, I tell you right now. And we can beat everything around here that we want, but when you got to spend 40 hours a month or every two months just raising funds to put fuel in the trucks, to get them out the door, to go look for somebody's lost person, it's a big deal.

And you can beat that around however you want, it still takes time.  
(Transcript of October 8, p. 155)

Roger Goobie, NLSARA Vice-President, whom this report has already quoted with respect to the herculean effort which his team and community made to acquire its mobile command centre, also testified as follows on September 23<sup>rd</sup>:

MR. GOOBIE: Every year the Town of Grand Falls-Windsor does a cleanup here around town. So they pay volunteer groups to go and clean up the town. So each year in front of the highway right here, that's our area because it's probably the most dangerous area of anywhere in the town.

So we start at the Scott Avenue overpass and we clean up as far as the Kelly Ford overpass, which gives you about five kilometres.

Every year we usually pick up anywhere from 180 to 250 bags of garbage off of this stretch of highway.

MR. BUDDEN: And that's a fair – that would take a few hours, I would assume?

MR. GOOBIE: It takes a lot of hours and lot of person hours and commitment to go out and do that, after getting off work five o'clock in the event and six o'clock we're at the building with garbage bags in hands and work till dark and clean up the highway here through the town.

MR. BUDDEN: So it's possible you could work all day, get off at 5:00 or 6:00, work until dark or later picking up garbage, and then get home and five minutes later you get a call and you're out at one of these 16-hour-day searches?

MR. GOOBIE: Correct.

MR. BUDDEN: Okay. And when you're putting all that together, I guess, the fundraising, is that something, I guess – and I realize that you've expressed on many occasions, both privately to me the other day and again here today, your gratitude to the town and to the people of this area for supporting your work so generously.

How do you feel, having said all that, having acknowledged all that? Does the fundraising sort of ever get to you?

MR. GOOBIE: Oh, no doubt. You give up your weekends to do a fundraiser for whatever. A moose burger sale, or a car wash or whatever. But the end of the day as you look out in the parking and look in our building, the equipment, we see the rewards of our efforts that's put into the fundraising.

But you got 50 people on our team, but it becomes taxing. Nobody wants to going door to door or bugging your friends every month, well, I got a ticket for sale and I got this.

We do a calendar draw. Our calendar each year in our town we've been doing for the past, I guess, ten years or more. And we got sponsorship from different businesses in town. That's one of our major fundraisers. So we give



them out then. The calendars we give them out at the Christmas parade to the public.

So little things like that, but over and over that you're fundraising just to keep your head above water and to keep trying to improve on your equipment and your expertise is taxing on the members. (Transcript of September 23, 2021, pp. 201-204)

Christine Doucet, longtime executive member of the Bay of Islands Search and Rescue team testified on October 8<sup>th</sup> as follows:

MS. DOUCET: So having to fundraise takes away from the other activities, and it would be really nice not have to worry about, okay, if something goes wrong can I fix the truck, right? Do we have enough to be able to do that?

Nor is this just a problem for the larger teams. Jeremy Chippett of the Red Indian Lake Search and Rescue team spoke with frustration about the funding challenges facing his small team:

MR. CHIPPETT: Well, our team is based out of Buchans, Buchans Junction, and Millertown. So you're looking at a population of about 1,000 people. Most of them or half are seniors. So 24 members on a team, luckily the Town of Buchans is very supportive.

The building we're in, they gave it to us. It was an old Light and Power building. They gave it to us. Here it's yours. We pay no taxes on it. We pay a light bill on it. You can't heat the whole building. We got a room we heat with our gear in it.

When you're competing against fire departments, schools, churches for the same dollar in the same community, it's a challenge. You sell moose burgers, you're doing poker runs, to pay the light bill. We are.

We got a truck that we got from the association. I mean, the association is really good to our teams. But we still have to maintain the gear. We got an Argo we got from Hydro. We got a trailer we got from Hydro. But lucky for us, we have two mechanics on our team. And anything that's complication we'll bring to Roger.

But I mean, it's a real challenge when you got to sell, and you got to say, oh, we can't do it this week because the dart league got a ticket sale. So it's at a point now people will say, no, we can't do a moose burger sale. We got to ask the boys if they got one first.

Like you get two or three big ticket items of poker run, the moose burger sale, no, that's ours. Now, we can't do something every week once a month, because they you're cutting across everybody else. The local fire department or the churches is always doing stuff. So you got to try to get in as much as you can and two or three fundraisers.

Like I said, we sell moose burgers to pay light bills. As for the radio system, we got a beautiful radio system. We can't have all the fancy bells and whistles that costs us every month. We just can't afford it. Right. Like I said, our pickup is insured by the town, which is grateful.

So I mean, it's a big challenge for little teams.

We try to do as much training as we possibly can inhouse. The boys comes up. We go down whenever we can.

We got guys working. So it's a very big challenge to keep volunteers dedicated to organizations like the search and rescue. We do it and we do it very well for our capability of the access to the resources that we have.

So it is challenging. It's a real big challenge. I mean, is someone home this way. When you get a phone call, hold on now. This one's working. That one's working. You're counting on your hand of who is around. That's what you do every time, because you know ...

You got a boat. A few years ago one team upgraded a boat, so all that stuff gets passed down. We got Roger's other boat. Beautiful boat. So you take it out for a ride, you hits a set of blades, it's \$300. That's a lot of money for a team that don't have a lot of money.

So it's a challenge. It really is. We do it and we do it the best we can, and we're holding our own. But everyday you're looking for something else and it's all volunteer hours. Like you said, it's a challenge, I tell you. (Transcript of September 23, 2021, pp. 205-209)

As many witnesses have noted, even without fundraising the time demands of NLSARA membership, with training, operations and other matters, are already heavy. These matters, however, are regarded by searchers as necessary, rewarding and even enjoyable.

Every NLSARA member who gave evidence to this Inquiry expressed their appreciation to their communities for the support offered through fundraising. Fundraising clearly, however, presently is an intolerable burden for many teams and team members, one which alienates valuable members and has the potential to undermine operational capacity.

Penny Rowe, CEO of the Community Services Counsel, brings an apt outsider perspective to this:

MS. ROWE: And the final point I'd like to make, because I understand that there's a lot of fundraising done, and that's in many ways a bit of a requirement for some of the members, and I do step back and ask myself is that really appropriate? Or should there be a certain level of financial sustainability provided by the public, i.e. through governments?

And that's not a question I can answer, but I think it's certainly a question that we need to be looking at so that we ensure that we do have access to the wonderful work that these groups do everywhere, all of the time, whenever they're needed.

So I do think there's some public policy pieces we need to be looking at. (Transcript of October 8, 2021, p. 133)

The present financial support offered to NLSARA from the Province of Newfoundland and Labrador, in the amount of approximately \$200,000.00 per annum, is simply inadequate and, as Ms. Rowe notes, raises fundamental public policy concerns. If ground search and rescue is considered a service essential for individual and community safety and well being, then it must be funded so as to allow those who deliver it to be adequately trained and equipped and to be able to incorporate their volunteerism into a reasonable work-life balance.

Newfoundland and Labrador is extremely fortunate that the dedicated members of NLSARA are willing and able to volunteer their essential services. It is harrowing to contemplate the impact their absence would have on public safety. The financial requests of NLSARA as are set out at Exhibit P-190 are, this Inquiry finds, modest and reasonable and are worthy of careful consideration and, ideally, implementation.

As a further comment on fundraising and funding, it is also important to note that not only are NLSARA searchers volunteers but so are the Association's leaders and administrators (who often do double duty as searchers). NLSARA has about 750 members and 25 teams, scattered across the Province. This administrative burden is thus significant. The responsibilities placed on the executives, most particularly President Harry Blackmore, are heavy and the organization is, we respectfully suggest, overreliant on a handful of exceptional people, especially again Mr. Blackmore, who essentially appear to be working fulltime, for NLSARA, but on a volunteer basis.

The final fundamental problem facing NLSARA is one of recruitment and retention. The Association's membership is aging, and shrinking, likely a function of general trends in our aging population, where volunteerism is broadly in decline, but that does not make it any less of a problem.

(It is also fair to note that not all teams grapple with this issue; however, the evidence before this Inquiry supports a finding that it is a significant problem that likely will, at some point, create operational challenges.)

To suggest that NLSARA faces or will face recruitment and retention challenges is not to cast aspersions on the organization as it is presently constituted. NLSARA searchers are selfless, highly-trained and effective volunteers who are motivated by a

desire to give back to their communities and in many ways represent the very best of community life. There are, however, valid concerns about continuity, as are shown in part by these comments, at the September 20<sup>th</sup> hearing, by Deer Lake Search and Rescue search commander, Darren Williams:

MR. WILLIAMS: I'd say we've got probably 65 to 70 percent of our members are between 40 and 60, right? We got a few that are younger. But in the past ten years, we found that the younger generation are there for a year, and then they don't come, then they don't show up. Next thing, they're gone. (Transcript of September 20, 2021, p. 58)

The membership is also, notwithstanding some extremely impressive and able female searchers, overwhelmingly male.

If this essential service is to continue to play the central role it presently plays in ground search and rescue, it might best do so by evolving to more closely reflect the age, gender and cultural diversity of contemporary Newfoundland and Labrador. It should also be alert to the trend towards more searches being necessitated by the mental illness of the lost person and factor this reality into recruitment.

The Inquiry has been fortunate to hear from a number of passionate younger and newer NLSARA members. This report has already quoted Rover NLSARA member and drone pilot, 23-year-old Melanie O'Brien, who spoke with conviction of her commitment to ground search and rescue. Similarly, Adam Gaudet, 22 years old and a valued three-year member of the Bay of Islands Search and Rescue team, informed the Inquiry about his positive experiences as a ground search and rescue volunteer:

MR. GAUDET: Sure. So I've been on the team about three years now. I am currently 22. I joined when I was 19. So a bit of my background is, I grew up. I was pretty outdoorsy. Did nine years in scouting. So I've always been into outdoors and the survival skills. All that.

I took Adventure Smart presentations, such as Hug-a-Tree, when I was with scouting. So I am somewhat exposed to search and rescue. And that growing up, I always thought, hey, that'd be kind of a neat thing to get into.

I'm originally from Nova Scotia. I'm here attending the university in town here in Corner Brook. And in one of my first classes here, it just happened to be with a professor who was assistant coordinator on the team at the time. He's still an executive with the team.

And as he was introducing himself, he said that he was in search and rescue. And to speak to him if we had any questions or wanted to get involved with the team.

So right after class, I went right up to him. It was actually me and another girl that was in the class. We both went up to him and spoke with him. And I was at the next meeting.

Yeah. I really enjoy search and rescue because right now I'm in university. So, yes, it's important to work, but at the same time it's writing essays and reading papers. So I like having this balance in my life where it feels like I am really doing something in the moment to help people, right?

I'm of the opinion that if I assist on a search and just me being there helps with there being a positive outcome to the search, then it's more than worth the hundreds and hundreds of hours that I've put in over the last three years and will continue to do so long into the future.

MR. BUDDEN: Thank you. And you said a moment ago, you put in 203 hours in this past year?

MR. GAUDET: Yes, I believe that is. I don't remember completely offhand. But, like I said, when COVID hit, I was living in the residence at the time. Everything shut down, so I had to leave to go home, back to Nova Scotia.

So in the last year there, there was a significant portion where I was at home. And anytime I'm at home, and I see that the team is getting deployed or even just community events, it's always like, oh, I wish I was there and being able to help out with my team. Yeah.

MR. BUDDEN: Well, thank you. That was really interesting. So it goes without saying, you found it to be - -or I'm sure this is a leading question. But I take it you found it to be a welcoming team? One that was open to a young person joining and welcomed your involvement? (Transcript of September 22, 2021, pp. 134-137)

Beyond the satisfaction of giving back to the community, which many NLSARA members both new and old have spoken of, Gary Dalrymple, himself a relatively young member of Bay of Islands Search and Rescue team spoke frankly about how ground search and rescue volunteerism, could, for a young person, be a two-way street.

MR. DALRYMPLE: This kind of volunteerism or any kind of volunteerism is phenomenal of a young person to be able to do. But this kind of stuff, in particular, really catches the attention of employers.

A few years ago, Newfoundland had redeveloped its wildland firefighting crew. We had probably 15 or 20 people from the Forestry program apply. All of the ones who got the job were the ones who were also search and rescue members.

So maybe getting that word out to the young people, as well, that this is a two-way street. You're going to come in here and benefit this team. We're going to train you. You're going to bring your skills. But then, when you need us to speak favourably on your behalf and help get you that premium job

that you want and set yourself that little notch ahead of all of your classmates, this might be one of the deciding factors.

And I've definitely seen it with a lot of our student members. That they're getting the jobs that their classmates aren't. And it's this extra volunteerism that seems to be putting them over the top.

And that real-life experience, like Adam was talking. It's great to write papers and do research and everything, but sooner or later you got to get your boots dirty for a lot of these jobs that people want. And that's what they're doing for us. (Transcript of September 22, 2021, pp. 146-147)

Insight into these matters also came from the final hearing of this Inquiry which took place on October 8<sup>th</sup>, 2021. This roundtable was ably facilitated by Mr. Michael Clair, who was present at, or remotely observed, most Inquiry sessions. His opening remarks are as follows:

MR. CLAIR: Experience on a GSAR team, as we've heard many, many times, is a rewarding experience for its members. Everybody speaks very highly of their time on the teams.

The experience may make it easier for a young person to get that first job. And as all of us know, getting your first job is the toughest thing.

Once you got your first job, the second one is a lot easier. But getting your foot in the door for the first one is really key.

And experience is generally taken for granted by society and government. People don't talk about it. People don't know what it's happening, which makes it difficult, then, for fundraising, recruitment and everything else.

There's the issue of off-road vehicles that make it easier for searchers to cover more ground. So it's great, you can go out further.

But on the other hand, it makes it easier for people to get lost farther afield or to become seriously injured.

So when you're sitting on a powerful machine that can go 60 miles an hour and you make a mistake, you can become seriously injured.

Something that came up which was interesting, where in this province we are turning more and more to immigration, to address our demographic problem.

Most of our immigrants are not coming from northern countries. They are coming from southerly climates and may not be familiar with travelling in a boreal or sub-Arctic environment.

So it's possible they might get lost easier or may make it more difficult to recruit them if they are not familiar with the environment.

More and more lost persons include people with mental health or cognitive issues; some of whom are afraid of searchers or not looking to be found.

And PTSD among searchers is becoming recognized as an occupational hazard.

So that's the background. And the question I'd like to ask the group here, is that everything being equal, in an ideal situation, what would an ideal ground search and rescue organization look like in Newfoundland and Labrador?

And specifically considering things like the size of the teams, the number of people, the gender, age, ethnic identity, etcetera of team members? The skill set, the physical ability and experience of team members? The financial and other supports that are provided? How you would do province-wide coordination, planning, advocacy, etcetera? And also, of course, keeping in mind succession planning and long-term sustainability.

So that's what I would like for us to focus on. (Transcript of October 8, 2021, pp. 48-51)

Participants represented a broad section of the community, with a focus on young people and the agencies and institutions which worked with them and with individuals and organizations which the Commission thought might have insight into searcher recruitment and retention. Counsel and other Inquiry mainstays, including five members of the family of Burton Winters, also participated.

All roundtable participants gave freely of their time and each and every one of them made observations which have informed the work of the Commission. While only some of them are named and quoted below, all of them have influenced the final shape of this Report.

Melanie O'Brien spoke to her experiences as a young woman whom, as we have seen in evidence presented at the September 28<sup>th</sup> hearing, serves on the executive of the Rovers SAR team and, also, is a trained drone pilot:

MR. CLAIR: But Melanie, maybe I'll start with you. How did you become involved? And do you think that a female perspective is useful as opposed to the technical stuff? Is a female perspective useful on a GSAR team?

MS. O'BRIEN: I think you already know what I'm going to say. But I got involved. I'm one of the rare 18- to 24-year-olds you're speaking about. And I'm doubly rare, I guess, because I'm a female in this position.

But the reason I got involved was because I was interested in getting into the field of first response.

So I'm also part of the group that was hoping to use this, I guess, as a way to get some life experience before putting in applications to places.

And unfortunately now, I don't think I'll get out, but I think I'm here for life. A lifer. So I'm one of the people that was also hooked early on.

Just speaking from a female perspective, and this is my experience, I haven't experienced any issues with equality or anything with search and rescue, and that's not to discount anyone involved with search and rescue who has.

They don't care who you are, what you look like, anything. They just want boots on the ground. And I mean, there are definitely challenges that women may face that a man mightn't.

But I know, I'm five-foot-two. Not very heavy. So something that I notice when I joined was that I was still expected to do the stretcher carry-outs the same as any man on the team would be. So I took it upon myself to maintain a level of fitness that I'd be able to do that.

I'm also a university student, and I know you guys spoke very fondly of recruiting university students. But I know just to kind of play devil's advocate, as a barrier for university students, we just recently ran a recruitment and as part of that recruitment we're training our standards to be complete by December 1<sup>st</sup>.

So the recruitment finished September 20<sup>th</sup>, left us with around eight weeks to fit in over 40 hours of training. That's quite a bit(sic) commitment to take on when your'e in university full time.

You definitely have to be someone who is interested in their own time management, especially if you are using fitness on top of that as well.

But I think it's valuable to have women on the team. And I think the work that goes around being young and being a woman is nothing that a woman can't handle.

MR. CLAIR: And just in terms, if we could just take a gender perspective for a second.

Do you think that a woman GSAR person would approach situations differently than a male one?

MS. O'BRIEN: I'm not sure I'm qualified to speak on how someone hypothetically would do something. But definitely bring new perspectives to any situation.

We're looking for the best people and people who have it in their hearts to be able to take on something that you're kind of sacrificing other things in your life for.

So if you're a woman, great; if you're not, that's fine too. I think women bring a unique perspective, but they definitely play an important role on our team. (Transcript of October 8, 2021, pp. 80-84)

Gary Dalrymple spoke of why he believed it was necessary to have "young, strong woman" on a team:



MR. DALRYMPLE: Yeah, if I may. I do have a really good concrete example of where having young, strong women on our team has really been an advantage.

You mentioned that mental health calls are becoming a much more significant percentage of our overall callouts.

We had one within the last two years where a teenage female went missing, and when we went looking for her, we very consciously made sure that we had a young, confident woman on every single team. Because if we find this person, when we find this person, she probably is not going to connect to the same way with me, a mid-30s male who doesn't have that perspective of just coming through high school and all that kind of stuff.

So we very purposely took our strong university women and stuff like that, split them up amongst the teams so that we would have somebody who could make that immediate connection with that person. And having those people was absolutely essential on that search.

And I can see it being absolutely essential many times in future. (Transcript of October 8, 2021, pp. 87-88)

Christine Doucet, also of the Bay of Islands Search and Rescue team, spoke of the importance of mentoring younger members; and of what they bring to a team:

MS. DOUCET: But I think the benefits of being able to do that, we also established a mentor program so those new members that joined the team are assigned an experienced member to act as their mentor. And basically they have the contact information if they have any questions on either during a search or a rescue operation things can very quickly, move very quickly.

Someone who is new to the team, they want to be involved but they don't know exactly where. They don't know what's going on. So this is an opportunity for those ones that are new they have 18 to mentor.

They know exactly who to go to if they have a question, if they're unsure about what's going on. If they're unsure about what their role should be, they have somebody they've made a connection with.

So I think that probably is a big benefit in helping them feel part of the team right from the beginning. And I think that's a big part of getting people to stay with the team if they have to have that feeling of, well, I belong, and this is fun and I know what's going on and I can contribute.

And what Harry was saying, what we need are boots on the ground, and a lot of the younger members from the Fish & Wildlife and the Environmental Science program and the Forestry programs, they are the boots on the ground.

So even if we have them only for a few years, most of them is like that's what they want to be.

They do have better technology skills than some of our older members. So for our mapping and those types of upscaled communications, the mapping and stuff, they have skills there that they can be used for better skills than a lot of our older members in terms of those types of technology. But they want to be out and they are fit and they're ready to go.

So having them around that way is a really big benefit, even if we may lose them in a few years. (Transcript of October 8, 2021, pp. 72-74)

Participants from non-search and rescue backgrounds offered helpful insight into the marketing and presentation of NLSARA so as to highlight its role in community life; into possible sources of recruitment; and of the particular circumstances of the lives of young persons which created both obstacles and possibilities respecting their potential NLSARA involvement. The comments of Dr. Paul Adjei, Interim Dean of the Memorial University of Newfoundland and Labrador School of Social Work were particularly intriguing:

DR. ADJEI: But now, in talking about retention, I'm asking myself, School of Social Work produce graduates that are 80 percent chances of staying in the province.

With 80 percent chances of staying and working in the province, because Eastern Health, for instance, hire about 50 percent of the student that graduate from school of social work.

CSSD recruit about 40 percent and 10 percent come from other committee organizations. So if we talk in School of Social Work as potential partners in search and rescue, the chances of retention is very high.

These are individuals who have also been trained on matters around mental health and also understand the language of confidentiality, because of the ethics involved in their profession.

Even if this individual do not end up becoming bodies on the ground, they are your potential allies of fundraising.

So I think that we know we are well-positioned in particular with Memorial University being a major partner in this university, and also become the centre point of bringing student of diverse background, that if they are actively involved and become the centre of recruitment, there are a lot of benefits that is going to be gained.

I am also interested in terms of how are we drawing on our partner agencies and organizations like School of Social work, psychology education to become partners in training.

So that it has not only have to be a member of the Ground Search and Rescue team who are doing some of this training, but potential in the School of Social

Work and education who can easily support in the training process to make their work a bit easier.

The bottom line is that we acknowledge that the work the GSAR members is doing is a great service to the community.

And our office sees the even more important role these groups play; especially when matters around missing individuals become directly involved, when it's related to any members of us.

But the point is that maybe if we can cast the net wider and bring more bodies involved, it will make their work in the long run a bit easier.

And I think that we've already talked about demographic changes and the importance (inaudible) for the newly arrived immigrants also play. (Transcript of October 8, 2021, pp. 138-141)

Dr. Adjei concluded his comments, later, by remarking on the “wonderful work (NLSARA) is doing”.

The words of Dr. Adjei, recognizing as they do both the “wonderful work” which NLSARA is doing and possible paths forward to allow it to maintain its singular and essential role into the future is, perhaps, a fitting note on which to end this section of this report. We will shortly turn to the Inquiry's recommendations as to how this might be accomplished.

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## GROUND SEARCH AND RESCUE FOR INDIGENOUS COMMUNITIES

“...the oldest gentleman here, he can probably tell you he went on search and rescue on a dog team or just walking or things like that. So, you know, it’s been something that we’ve always done.”

-Greg Flowers, Hopedale, September 13, 2021

The Terms of Reference of this Inquiry directed it to be “culturally appropriate” and to “consider the risks of traditional activities engaged by Indigenous people on the land”. It is thus necessary and proper for this Inquiry to specifically address ground search and rescue with regard to the circumstances of Indigenous persons and communities.

This has been done through meetings in Hopedale, Nain and Happy Valley-Goose Bay and with virtual communications on other occasions. Reports on some of these meetings are found within this Report, as are the longer accounts of the ground search and rescue operations centered on the Indigenous community of Makkovik.

The Inquiry emphasizes that these consultations are the mere beginning of the process of engaging with the Indigenous peoples of Newfoundland and Labrador with respect to ground search and rescue. The time constraints limiting an Inquiry, exacerbated by the particular travel and meeting restrictions associated with the Covid-19 pandemic, prevented this Inquiry from being as thorough an engagement as it would have wanted and, in any event, the process of reconciliation will be an ongoing project with this subject, as it is generally.

NLSARA teams are present within Inuit communities of the north coast of Labrador and, as this Inquiry has found with our close review of the two Makkovik search operations, are strong teams who serve their communities well. The same is true for the Island areas of the province with significant Indigenous populations.

From what the Inquiry has heard, however, the NLSARA model has not been successfully implemented in all Indigenous communities. This is certainly so in the Innu Nation communities of Natuashish and Sheshatshiu, where NLSARA teams have never been established (though Sheshatshiu lies not far from the NLSARA team situate in Happy Valley-Goose Bay). It also appears true for the communities of the south coast of Labrador, which also lack local NLSARA teams.

It would not be fair or appropriate to find fault with any party or particular approach. It might, however, be helpful to note the following factors which have complicated efforts to import the NLSARA model and presence.

As we have seen, NLSARA teams do not self-task. They are tasked by the policing agency with local jurisdiction and are stand down when that agency so decides. NLSARA teams and police officers alike have testified as to their mutual respect and harmonious working relationships.

Such a harmonious relationship between police and searchers and potential searchers has not always existed and perhaps does not presently exist within certain Indigenous communities. Police agency tasking is thus not necessarily a good fit, or a workable ground search and rescue model for such communities and other tasking models and forms of police-searcher interaction will need to be considered.

Cultural differences and, especially, language differences also might impact interoperability within Indigenous communities. Police officers, generally not being of the culture or the community and with limited local knowledge, might thus be a poor choice for incident commanders and a policing presence on searches might be counterproductive. We heard also that the regular turnover of the RCMP sometimes hampers information exchange as the officer is unfamiliar with the community.

The legally important operational distinction between ground search and rescue and marine search and rescue, not obviously logical, becomes absurd when one considers “traditional activities engaged by Indigenous people on the land” and further reflects on how “on the land”, “on the water” and “on the ice” are so often interconnected, perhaps on the same journey. This is true everywhere in our Province of Newfoundland and Labrador. It is especially true for the coastal regions where our Province’s Indigenous communities are often found. The issue of “ground” search and rescue in coastal regions will be specifically addressed in this report’s recommendations.

Indigenous governments and organizations are alert to the particular ground search and rescue needs of their communities. This is seen, for example in the detailed recommendations set out in the NunatuKavut Community Counsel’s presentation to this Inquiry (see P-204) and in NG’s President Lampe’s presentation of November 9<sup>th</sup>, 2021 (see P-206). This Inquiry therefore will recommend that there be focused engagement between the Government of Newfoundland and Labrador, the various Indigenous governmental organizations and, where appropriate, NLSARA and/or presently active ground search and rescue teams so that a culturally sensitive ground search and rescue resource, within or outside of NLSARA (but if outside then with at least equivalent training, equipment and funding), may be established in such communities.

## RECOMMENDATIONS

The Terms of Reference which established this Inquiry directed it to “make recommendations that the Commissioner considers necessary and advisable related to ground search and rescue in the Province”. What follows is pursuant to that directive.

A draft of these recommendations were publicly released on November 1, 2021. They were the subject of useful commentary from counsel who appeared before this Inquiry and from other persons as well. They appear now, in their final form, having benefitted from this commentary and are further informed by the consultations which took place in November, 2021.

Most of these recommendations arise out of matters which are considered at length in the preceding text. In all instances, however, they address concerns that emerged through the public hearings, private consultations and examination of Exhibits. Even if they are not the subject of explicit reference in the preceding sections of this report, they arise out of the evidence properly considered by this Inquiry.

### 1. NLSARA FUNDING

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The Commission heard evidence that:

- (a) NLSARA volunteers presently devote an extraordinary amount of time to ground search and rescue.
- (b) NLSARA largely self-funds, which requires its members to focus much of this volunteer time on fundraising efforts.
- (c) While NLSARA is grateful for community support, the fundraising toll on members is distracting from training and other priority tasks and is leading to burnout and loss of morale.
- (d) Even with this fundraising, NLSARA remains underfunded.
- (e) NLSARA is over-reliant on a handful of key volunteers, particularly longtime president, Mr. Harry Blackmore, and that this over-reliance and absence of professional staff threatens the long-term viability of this essential organization.

The Commissioner therefore recommends that the Government of Newfoundland and Labrador provide both capital funding and continuing core/operational funding to NLSARA as per the amounts and schedule of payments set out in Exhibit P-190 or a negotiated in-kind equivalent thereof.

## **2. INSURANCE AND OTHER BENEFITS FOR NEWFOUNDLAND AND LABRADOR SEARCH AND RESCUE ASSOCIATION (NLSARA) MEMBERS**

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The Commission heard evidence that members of NLSARA, if appropriately tasked, are eligible to receive certain benefits, including Workplace NL coverage, should they be injured while on a search and rescue operation. There are concerns, however, with respect to the extent and optimization of that coverage.

**The Commissioner therefore recommends that:**

- (a) The Government of Newfoundland and Labrador advise NLSARA, in a timely and complete manner and in writing, the particulars of their members' present insurance coverage, with Workplace NL and otherwise, including whether the coverage is in place for missions undertaken to assist an agency of the Government of Canada (such as Parks Canada).**
- (b) If the information obtained pursuant to (a) is not satisfactory to NLSARA, that NLSARA and the Government of Newfoundland and Labrador attempt to resolve these issues in a timely and transparent manner.**
- (c) NLSARA members receive insurance coverage pursuant to the Algoma Insurance General Liability Policy that is in place in other Canadian Provinces and Territories (or an equivalent policy).**

## **3. RECRUITMENT AND RETENTION**

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The Commission heard evidence that:

- (a) Ground search and rescue increasingly involves searches for persons who, consequent to mental health challenges, might not wish to be found or who may best be found through innovative search techniques.**



- (b) Many ground search and rescue teams are facing recruitment and retention challenges.
- (c) NLSARA membership is overwhelmingly male, and is aging.

**The Commissioner therefore recommends that NLSARA consider future recruitment and retention efforts so as to be particularly open to women, to members of diverse communities and to individuals who come from a background in social work, nursing, psychology and other mental health fields.**

#### **4. TRAINING**

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The Commission heard evidence that, with respect to certain areas of the Province, particularly in coastal Labrador communities, travel challenges make it difficult for NLSARA members from the communities, particularly Indigenous communities, to avail of training opportunities.

**The Commissioner therefore recommends that, where feasible, NLSARA offer such training in those remote communities, with the trainers travelling there, rather than the trainees having to travel elsewhere.**

#### **5. AREAS WITH REDUCED COVERAGE**

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The Commission heard evidence that certain areas of the Province apparently do not have NLSARA teams.

**The Commissioner therefore recommends that the Government of Newfoundland and Labrador in consultation with policing agencies, NLSARA, community groups, Indigenous organizations and other relevant agencies and organizations identify all such regions and develop a plan to ensure that such regions have adequate ground search and rescue resources in place, either within the NLSARA framework or through some other form of organization capable of a comparable degree of ground search and rescue effectiveness.**

## 6. AIR SUPPORT FOR GROUND SEARCH AND RESCUE (“GSAR”)

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The Commission heard evidence that:

- (a) At the present time, the Government of Newfoundland and Labrador have no rotary-wing (helicopter) resources, either owned or contracted, capable of operating during darkness or in certain weather conditions.
- (b) Helicopter support, at all times of day and night, is often crucial to successful ground search and rescue search outcomes.
- (c) That the CAF helicopters are capable of providing and do provide, in circumstances where the Government of Newfoundland and Labrador’s contracted helicopter resources cannot operate, support to ground search and rescue operations on a “humanitarian basis”. However, their primary mandate is for aeronautical and marine search and rescue operations and these helicopters have, on occasion, been required to abandon ground search and rescue air support operations to attend to primary search and rescue operations.

**The Commissioner therefore recommends that the Government of Newfoundland and Labrador, in consultation with the Government of Canada, seek to arrive at a Memorandum of Understanding (MOU) so that the Government of Canada helicopter resources are made available to support ground search and rescue operations in equal priority to their support for aeronautical and marine search and rescue operations.**

**Alternatively, the Commissioner recommends that the Government of Newfoundland and Labrador contract air assets to address this identified capacity gap.**

## 7. FEDERAL ENGAGEMENT OF NLSARA

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The Commission heard evidence that:

- (a) NLSARA teams are engaged by Government of Canada agencies to assist in aeronautical search and rescue operations (as was seen at Exhibit P-075).
- (b) NLSARA teams, including but not limited to the Bonne Bay Search and Rescue team, are engaged by Parks Canada to assist in search and rescue operations in national parks.

- (c) NLSARA teams, including but not limited to the Deer Lake Search and Rescue team, are engaged by Government of Canada agencies to assist in marine search and rescue operations.

**The Commissioner therefore recommends that the Government of Newfoundland and Labrador seek to arrive at an MOU with the Government of Canada so that NLSARA resources are made available to support such federal search and rescue operations on equal priority to their support of ground search and rescue operations.**

## **8. COASTAL SEARCHES**

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The Commission heard evidence that there was uncertainty and confusion within those persons and agencies tasked with operating and conducting Ground Search and Rescue operations in coastal areas as to which resources are available for such searches and who would be responsible for conducting these searches. The Commission has also obtained a legal opinion which concluded that “Canada’s constitution gives the Provincial and Federal Governments overlapping jurisdictions over coastal search and rescue in Newfoundland and Labrador.”

**The Commissioner therefore recommends that the Government of Newfoundland and Labrador, in consultation with policing agencies and GSAR and MSAR agencies, seek to arrive at a MOU with the Government of Canada so that search and rescue operations in coastal regions are organized in an integrated and transparent manner.**

## **9. 911 AND OPERATIONALIZATION/DEPLOYMENT**

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The Commission heard evidence (see Exhibit P-076 in particular) that there exists confusion as to whether NLSARA teams, or other resources such as ambulance services, should be deployed when a distress call is received. This confusion appears to sometimes lead to misallocation of resources and needless delay in effecting a rescue.

**The Commissioner therefore recommends that the Government of Newfoundland and Labrador, through its relevant departments and agencies, undertake a careful review of the 911 and similar services with the goal of reviewing and streamlining the existing process so as to ensure that distress calls are tasked in an optimal manner.**

## 10. CIVIL AIR SEARCH AND RESCUE ASSOCIATION (CASARA)

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The Commission heard evidence that the Newfoundland and Labrador branch of CASARA has trained volunteers, fixed wing aircraft assets, a willingness to provide air support to ground search and rescue operations and, also, that a number of its members have a particular expertise in the technique of “spotting”.

**The Commissioner therefore recommends that police agencies and NLSARA review their present relationship with CASARA, including but not limited to the issue of “spotting”, so as to ensure the maximization of CASARA’s potential in offering air support to ground search and rescue operations.**

## 11. TECHNOLOGICAL ADVANCES

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The Commission heard evidence as to how certain technological advances have significantly transformed, or have the potential to significantly transform, ground search and rescue. This is with respect both to technological advances, such as drones, which assist searchers in finding lost persons, and technological advances, such as locater devices, which make it easier to pinpoint, remotely, where a lost person presently is. The pace of progress on both these fronts has been remarkable and the near future is likely to see continuing progress.

**The Commissioner therefore recommends that:**

- (a) NLSARA be alert to the risk that the benefits of much of this technology will be unevenly distributed and that they take such positive steps as may be necessary to ensure an equitable distribution among NLSARA teams and among regions of the Province.**
- (b) The Government of Newfoundland and Labrador, in consultation with policing agencies and with NLSARA, study the feasibility and wisdom of requiring snowmobilers and other outdoor adventurers to travel with such locater devices or, alternatively, facilitating the taking of such locater devices on a voluntary basis.**

## 12. NLSARA TEAM AUDITS

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The Commission heard evidence that, consequent to team membership size, population base, demographics, fundraising opportunities and other matters, there exist significant disparities of training and resources, including human resources, between and among teams.

**The Commissioner therefore recommends that external audits be conducted, on a regular basis, to ensure that all NLSARA teams operate at defined minimal standards.**

## 13. NLSARA TRAINING AUDIT AND VULNERABILITY ASSESSMENT

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The Commission heard evidence that:

- (a) Modern ground search and rescue is a complex matter involving interoperability with policing agencies and other individuals and organizations and a high degree of member training across a multiplicity of subject areas.
- (b) NLSARA teams endeavor to obtain knowledge and expertise in such subject areas and, to that end and as volunteers, devote considerable time and resources to member training.
- (c) That these efforts have sometimes been frustrated by inadequate time and resources for training.

**The Commissioner therefore recommends that an external audit and vulnerability assessment be undertaken to ensure that NLSARA training, core competencies and standard operating procedures are maintained at defined minimal standards.**

## 14. MENTAL HEALTH TRAINING AND ENGAGEMENT WITH MENTAL HEALTH PROFESSIONALS

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The Commission heard evidence that ground search and rescue increasingly involves searches for people who, consequent to their mental health challenges, may either not wish to be found or may, while lost, behave in ways different from individuals who are not dealing with such mental health challenges.

The Commissioner therefore recommends that:

- (a) Policing agencies and NLSARA teams receive specific mental health training, including but not limited to the “Mental Health First Aid” and “The Working Mind” programs.
- (b) Policing agencies and NLSARA teams, while actively engaged in searches, have timely access to mental health professionals so as to inform such searches.

#### 15. TRAUMA INFORMED MENTAL HEALTH SUPPORT

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The Commission heard evidence that individuals from policing agencies and NLSARA teams may suffer adverse mental health and other trauma consequent to difficult searches.

The Commissioner therefore recommends that these individuals and organizations be provided with both immediate and long-term mental health supports, to the degree necessary to address these adverse impacts and traumas and that, particularly with respect to NLSARA team members, such deficiencies as currently exist be addressed on a priority basis.

#### 16. INTERACTIONS WITH FAMILIES

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The Commission heard evidence that there sometimes has been an absence of consistent engagement and follow-up with the families of lost and missing persons, which can lead to distress and confusion on the part of families and survivors.

The Commissioner therefore recommends that policing agencies, in consultation with mental health professionals and NLSARA teams, develop and implement policies to ensure that this engagement and follow-up, including, if necessary, long-term follow up, occurs and that it includes the provision of trauma-informed counselling.

#### 17. ROOT CAUSE ANALYSIS

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The Commission heard evidence that search subjects, including but not limited to individuals with mental health challenges, may become lost consequent to unhappiness

and frustration arising out of their engagements with government agencies and like organizations (as was seen most clearly in the multiple searches for “John Doe” which were examined in the October 5<sup>th</sup> public hearing).

**The Commissioner therefore recommends that such agencies and organizations, including but not limited to divisions of the Departments of Children, Seniors and Social Development and of Health and Community Services, engage in a root cause analysis with respect to individuals receiving care, housing and assistance from them who become lost so as to, it is hoped, reduce the likelihood of such individuals becoming lost and thus necessitating ground search and rescue operations.**

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NEWFOUNDLAND AND LABRADOR  
REGULATION 27/21

*Inquiry Respecting Ground Search and Rescue for Lost and Missing  
Persons Order (Amendment)*

under the

*Public Inquiries Act, 2006*  
(O.C. 2021-165)

**(Filed June 10, 2021)**

Under the authority of section 16 of the *Public Inquiries Act, 2006*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, June 9, 2021.

Gary Norris  
Clerk of the Executive Council

**ORDER**

*Analysis*

1. S.9 Amdt.  
Final report NLR 1/21

1. **Subsection 9(4) of the *Inquiry Respecting Ground Search and Rescue for Lost and Missing Persons Order* is repealed and the following substituted:**

(4) The final report shall be submitted to the minister on or before November 30, 2021.

**NEWFOUNDLAND AND LABRADOR  
REGULATION 1/21**

*Inquiry Respecting Ground Search and Rescue for Lost and Missing Persons Order*  
under the  
*Public Inquiries Act, 2006*  
(O.C. 2021-004)

**(Filed January 14, 2021)**

Under the authority of section 16 of the Public Inquiries Act, 2006, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, January 14, 2021.

Gary Norris  
Clerk of the Executive Council

**ORDER**

*Analysis*

1. [Short title](#)
2. [Definitions](#)
3. [Inquiry establishes](#)
4. [Conduct of inquiry](#)
5. [Minister responsible](#)
6. [Rules of procedure](#)
7. [Testimony and evidence](#)
8. [Funding](#)
9. [Final report](#)

Short title

1. This Order may be cited as the *Inquiry Respecting Ground Search and Rescue for Lost and Missing Persons Order*.

Definitions

2. In this Order
  - a. "Act" means the *Public Inquiries Act, 2006*;
  - b. "commissioner" means the person appointed under section 3 to conduct the inquiry;
  - c. "department" means the department presided over by the minister; and

- d. "minister" means the minister appointed under the *Executive Council Act* to administer this Act.

### Inquiry established

3. There is established an inquiry respecting ground search and rescue for lost and missing persons in the province and retired Provincial Court judge, Mr. James Igloliorte, is appointed to conduct the inquiry.

### Conduct of inquiry

4.
  1. The mechanisms by which the inquiry shall be conducted may include
    - a. informal hearings;
    - b. research studies;
    - c. interviews and surveys; and
    - d. written submissions.
  2. The commissioner shall take into account in conducting the inquiry that the inquiry process is, to the extent possible, intended to
    - a. be trauma-informed and respect the persons, families and communities concerned;
    - b. be culturally appropriate; and
    - c. consider the risks of traditional activities engaged by Indigenous people on the land.

### Minister responsible

5. The minister shall be the minister responsible for the inquiry.

### Rules of procedure

6. The commissioner may prepare and publish rules of procedure for the inquiry that are not inconsistent with the Act or this Order.

### Testimony and evidence

7. The commissioner shall have the power to compel the production of testimony and evidence.

### Funding

- 8.

1. The minister may provide funding to assist individuals and entities who wish to participate in the inquiry.
2. An individual or entity who requests funding referred to in subsection (1) shall prepare and submit to the department a budget that estimates and itemizes the costs of participating in the inquiry.

## Final report

9.
  1. The commissioner shall prepare a final report which shall
    - a. review the organization and operation of ground search and rescue in the province including air support for ground search and rescue; and
    - b. make recommendations that the commissioner considers necessary and advisable related to ground search and rescue in the province.
  2. In preparing the final report the commissioner may consider
    - a. information gathered during the informal hearings;
    - b. written and oral submissions;
    - c. research conducted by the commissioner and persons retained by the commissioner; and
    - d. other information the commissioner considers necessary.
  3. The final report shall not
    - a. express any conclusions or recommendations regarding the civil or criminal responsibility of any person or organization; or
    - b. make a finding of misconduct against a person or organization.
  4. The final report shall be submitted to the minister on or before June 30, 2021.

## APPENDIX B: RULES OF PROCEDURE



### PUBLIC INQUIRY RESPECTING GROUND SEARCH AND RESCUE FOR LOST AND MISSING PERSONS

#### RULES OF PROCEDURE AND PRACTICE

##### GENERAL

1. This Public Inquiry Respecting Ground Search and Rescue for Lost and Missing Persons has been established in accordance with Part II of the *Public Inquiries Act, 2006*, SNL 2006, c. P-38.1.
2. The Public Inquiry is an independent inquiry established by the Government of Newfoundland and Labrador by way of an Order-in-Council (O.C. 2021-004) dated the 14<sup>th</sup> day of January, 2021. Mr. James Igloliorte, retired Provincial Court Judge, has been appointed to conduct the Inquiry.
3. Throughout these Rules the words “Public Inquiry” and “Inquiry” are used interchangeably and both refer to the Public Inquiry Respecting Ground Search and Rescue for Lost and Missing Persons.
4. These Rules shall throughout be interpreted in a manner consistent with the *Public Inquiries Act, 2006*, and with Order-in-Council 2021-004.
5. (a) Throughout these Rules the term “evidence” shall be given a broad and liberal construction and, for greater particularity, shall include but not be limited to all documents, information and testimony obtained by the Inquiry through informal hearings, written and oral submissions, research conducted by the Commissioner and persons retained by the Commissioner and other information the Commissioner considers necessary to address its mandate as established by Order-in-Council 2021-004.  
  
(b) The Inquiry will be conscious of the need to act efficiently so as to ensure that costs incurred are only those that are reasonable and necessary to address its mandate as established by Order-in-Council 2021-004. The Commissioner shall have the authority to do such things as are necessary in this regard including, but not limited to, determining who shall participate, in full or in part of the Inquiry; who shall be heard and in what manner and to what extent they need to be heard,

including, where necessary, the power to compel the production of testimony and evidence; setting limits to the presentation of evidence; and specifying the manner in which documents and other information are to be provided and received. As well, the Commissioner will be mindful that the final report from the Inquiry is required to be submitted to the Minister for Justice and Public Safety on or before November 30, 2021.

6. The Commissioner has appointed Geoffrey E. Budden as Inquiry Counsel to assist him throughout the Inquiry in such matters as he shall direct including, but not limited to, ensuring that all matters that bear on the public interest are brought to the attention of the Commissioner.
7. The Commissioner shall take into account in conducting the Inquiry that the Inquiry process is, to the extent possible, to be trauma-informed; respectful of the persons, families and communities concerned; culturally appropriate; and that it shall consider the risks of traditional activities engaged by Indigenous people and other peoples on the land. Further, this Inquiry will at all times consider that some Inquiry participants will be participating without the assistance of counsel.

#### **THE EVIDENTIARY PROCESS: GENERAL**

8. The Inquiry shall be conducted and informed by means of any of informal hearings; research studies; interviews and surveys; and written submissions.
9. The rules of evidence used in a court of law to determine admissibility of evidence shall not be binding on the Commissioner.
10. In the ordinary course, hearings shall take place in a roundtable format, with discussions to be facilitated by such person or persons as the Commissioner may, from hearing to hearing, direct. Further, it is anticipated that, generally speaking, roundtable participants will give their evidence through submissions and ensuing discussion rather than through examination and cross-examination.
11. The Inquiry will be conducted in stages. The first stage will involve the preparation and distribution of a draft discussion paper on the organization and operation of ground search and rescue in the province. The discussion paper will describe how ground search and rescue is conducted in the province and also describe the organizations that conduct, fund and otherwise participate in ground search and rescue.
12. The draft discussion paper will be posted to the website of the Inquiry. The Commissioner will subsequently invite individuals and entities who are involved with or have an interest in how ground search and rescue is conducted in the

province to provide comments upon the draft discussion paper. This discussion paper will not address the shortcomings or the strengths of ground search and rescue, and individuals or entities providing comments upon the draft discussion paper should limit their comments to the contents of the paper. (The Inquiry will provide the opportunity to make recommendations to improve ground search and rescue in other stages.) Any comment which addresses recommendations or other matters not relevant to the discussion paper may not be considered in the preparation of the final draft of the discussion paper.

13. The Inquiry will consider the input and comments received from individuals and entities regarding the draft discussion paper. Subsequently, the Inquiry will prepare a final draft of the discussion paper and the paper will be posted to the website. The discussion paper will be relied upon by the Commissioner during the conduct of roundtables and also in other stages of the Inquiry, including the final report.
14. The Government of Newfoundland and Labrador shall have the opportunity to participate in all of the roundtables and such other stages of the Inquiry as may take place.

#### **THE BURTON WINTERS' HEARINGS**

15. It is anticipated that, if consistent with public health measures in relation to the Covid-19 pandemic and with community health and safety, this Inquiry will, at an early opportunity, travel to and sit in the community of Makkovik, Labrador.
16. This Inquiry will, while in Makkovik, conduct a roundtable which will examine the search for Burton Winters. If so required by the number of participants and the limits of available facilities, more than one roundtable may be held.
17. The Commissioner will invite representatives of the entities which were engaged in the search for Burton Winters in 2012 to participate in the roundtable. He will also invite other entities who have an interest in the manner in which the search for Burton Winters was conducted. The entities that the Commissioner will invite include but are not limited to the following: the Royal Canadian Mounted Police ("RCMP"), Newfoundland and Labrador Search and Rescue Association (NLSARA), the Makkovik Search and Rescue Volunteers, the Government of Newfoundland and Labrador, CASARA and entities of the Federal Government.
18. The family of Burton Winters will be provided an opportunity to participate in any and all roundtables. The roundtables shall be conducted in a manner that is informed by trauma. The Inquiry will provide members of the Burton Winters family with the opportunity to participate directly in the proceedings of the roundtable or indirectly through counsel for the family, as they may choose.

19. The Nunatsiavut Government, the Innu Nation and the NunatuKavut Community Council will also be invited to participate in the roundtable in relation to Burton Winters.
20. Any individual or entity that has not been invited to participate in the roundtable in relation to Burton Winters but wishes to participate must submit an application to the Inquiry at least 30 days prior to the date that the roundtable is scheduled to commence. The application may be informal but should address whether participation by that individual or entity would further the conduct of the Inquiry.
21. The Commissioner shall advise applicants whether they will be granted an opportunity to participate in the roundtable as soon as reasonably practicable.
22. The Commissioner will participate in such memorials or remembrances of Burton Winters as the family of Burton Winters and the community of Makkovik wish to conduct.

#### **FURTHER ROUNDTABLES**

23. It is anticipated that the Inquiry will hold additional roundtables to examine further matters including other ground search and rescue operations relevant to the mandate of the Inquiry as established by Order-in-Council 2021-004. The scheduling and locale of these hearings will proceed in a manner consistent with public health measures in relation to the Covid-19 pandemic and with community health and safety.
24. In determining the specific operations to be examined the Commissioner may consult with the organizations which conduct ground search and rescue in the province including the RNC, the RCMP and NLSARA. The Inquiry intends to conduct certain roundtables in communities that are in close proximity to the area in which the search and rescue operation was conducted (provided that the conduct of the roundtables is consistent with public health measures in relation to the Covid-19 pandemic and with community health and safety). The families of lost or missing loved ones will be provided an opportunity to participate in these roundtables, which shall be conducted in a manner that is informed by trauma.
25. The Inquiry shall, in a timely manner, invite individuals and other entities to participate in such roundtables. Such invitees shall include but not be limited to the Miawpukek Mi'kmaq First Nation and the Qalipu Mi'kmaq First Nation.
26. Any individual or entity that has not been invited to participate in the roundtable in which they are interested but wishes to participate must submit an application to



the Inquiry at least 30 days prior to the date that the roundtable is scheduled to commence. The application may be informal but should address whether the person's participation would further the conduct of the Inquiry.

27. The Commissioner shall advise such applicants if they will be granted an opportunity to participate in the roundtable as soon as is reasonably practicable.
28. The Inquiry shall conduct at least one roundtable which addresses ground search and rescue policy. The Commissioner will conduct this roundtable in the location and in a manner so as to facilitate participation from interested persons and entities and the general public. However, the location and the manner in which this roundtable is conducted will be consistent with public health measures in relation to the Covid-19 pandemic and with community safety.
29. Any individual or entity who has participated in an earlier roundtable will be given an opportunity to participate in the roundtable on policy.
30. At the request of the Commissioner, Thomas Williams, Q.C., counsel for the family of Burton Winters, has agreed to offer assistance to other families at roundtables where a search and rescue operation in relation to lost or missing persons of that family is being examined. The cost of these services shall be borne by the Government of Newfoundland and Labrador.
31. Prior to the commencement of each roundtable, the Commissioner will post to the website a notice which will outline the manner in which individuals and entities will participate in a roundtable.

## **PRODUCTION AND DISCLOSURE OF EVIDENCE**

32. Any participant or other person or entity who possesses or is aware of evidence which they believe relevant to ground search and rescue for lost and missing persons in Newfoundland and Labrador is requested to provide same, in a timely manner, to the Inquiry.
33. The Commissioner may exercise his authority to compel the production of evidence (inclusive of documents and information). Any person or other entity served with a summons to produce shall provide all requested information within their possession, control or power by such time and in such form as is directed by the said summons.
34. The terms “document” or “documents” are intended to have a broad meaning and include, without limitation, the following mediums: written, electronic, text, cellular or social media messaging, audiotape, videotape, digital reproductions,

photographs, films, slides, maps, graphs, microfiche, metadata, and any data and information recorded or stored by means of any device.

35. (a) Documents or other things received by the Inquiry pursuant to a summons shall be treated as confidential by the Inquiry unless and until they are made part of the public record or the Commissioner otherwise declares. This does not preclude the Inquiry from producing a document or other thing to participants, their counsel, or a proposed witness prior to the witness giving his or her testimony or as part of the investigation being conducted. Nor does it preclude the Inquiry from providing a document or other thing to experts or consultants retained by it.

(b) Individuals or entities which oppose the public disclosure of all or part of a document will be provided an opportunity to express their position to the Inquiry and seek relief pursuant to the within paragraphs 37-39 before the said public disclosure, or disclosure to participants, takes place.

36. The Inquiry will endeavour to provide all participants and counsel with all relevant evidence in advance of the roundtable at which the said evidence will be discussed or tendered.

37. The Commissioner may restrict the distribution of any document or other form of evidence on such terms as he may consider just and expedient, including the power to seal or otherwise make confidential such documents and, further, to require confidentiality undertakings from participants, counsel and other parties.

38. (1) A person or other entity has the same privileges in relation to the disclosure of information and the production of records, documents or other things as the person or other entity would have in relation to the same disclosure in a court of law.

(2) Notwithstanding subsection (1), a rule of law that authorizes or requires the withholding of records, documents or other things or a refusal to disclose information, on the grounds that the disclosure would be injurious to the public interest or would violate Crown privilege, does not apply in respect of an inquiry.

(3) Notwithstanding subsection (1), a person or other entity shall not refuse to disclose information to the Inquiry on the grounds that the disclosure is prohibited by another Act or regulation.

39. (1) A person may apply to the Supreme Court of Newfoundland and Labrador, General Division for an order excluding a person or a record, document or thing from the operation of subsections 38(2) and (3), and the Court may, after considering the application and the submission of the Inquiry and other interested parties, order that:

- (a) the person may refuse to disclose information;
- (b) a record, document or thing may be withheld from the Inquiry; or
- (c) the information shall be disclosed or the record, document or thing produced on conditions that the court may provide.

(2) There is no right of appeal from a decision of a judge made under this section.

40. The Inquiry shall maintain a webpage where matters relevant to the mandate of the Inquiry, including these Rules of Procedure, discussion papers, evidence, schedules and submissions may, within the sole and absolute discretion of the Commissioner, be posted.

## **SUBMISSIONS**

41. Prior to inviting closing submissions, the Inquiry may release draft recommendations that the Commissioner may recommend in the final report to be submitted to the minister. The draft recommendations will be posted on the website.
42. The Commissioner will invite closing submissions which should address the draft recommendations posted on the website. Furthermore, the Commissioner will invite certain individuals or entities to make oral submissions where the Commissioner concludes that it is necessary to hear from those individuals or entities in person. Any individual or entity that has not been invited to make oral submissions but wishes to appear in person to make oral submissions must submit an application to the Inquiry. The application may be informal but should address why it is necessary for the individual or entity to appear in person before the Commissioner and make oral submissions.

## **FUNDING**

43. Unless otherwise noted herein, applications for funding to participate in the proceedings of the Inquiry shall be made to the Department of Justice and Public Safety of the Government of Newfoundland and Labrador. They must be made at the earliest practical opportunity and must comply with Order-in-Council 2021-004.

## **FURTHER MATTERS**

44. The Inquiry is mindful that it has no constitutional authority to compel the participation of agencies of the Government of Canada. It will, however, invite the participation of such agencies if the Commissioner determines that their participation will assist the Inquiry in addressing its mandate as established by Order-In-Council 2021-004.
45. The Commissioner shall prepare a final report which shall:
- a) Review the organization and operation of ground search and rescue in the province including air support for ground search and rescue.
  - b) Make recommendations that the Commissioner considers necessary and advisable related to ground search and rescue in the province.
  - c) In preparing the final report the Commissioner may consider:
    - i. information gathered during the informal hearings;
    - ii. written and oral submissions;
    - iii. research conducted by the Commissioner and persons retained by the Commissioner; and
    - iv. other information the Commissioner considers necessary.
  - d) The final report shall not:
    - i. express any conclusions or recommendations regarding the civil or criminal responsibility of any persons or organization; or
    - ii. make a finding of misconduct against a person or organization.
  - e) The final report shall be submitted to the minister on or before November 30, 2021.

#### **AMENDMENT TO RULES OF PROCEDURE**

46. These Rules may be amended and new rules may be added if the Commissioner finds it necessary to do so to fulfill the Inquiry's mandate and to ensure that the process is thorough and fair.
47. The Commissioner may extend or abridge any time prescribed by these Rules.

#### **BREACHES OF RULES OF PROCEDURE**

48. The Commissioner shall deal with a application of these Rules as he sees fit including, but not restricted to, revoking the participation of a person or entity or imposing restrictions on the further participation in or attendance at the hearings by any counsel, individual or entity. These Rules shall, however, at all times be applied in a manner which recognizes that many Inquiry participants will be participating without the assistance of counsel.

## **SERVICE**

49. Documents may be served on a participant by:
- a) Email or facsimile to the participant or participant's legal counsel with acknowledgement of receipt;
  - b) Personal service or an alternative to personal service in accordance with the Rules of the Supreme Court, 1986, SNL 1986 c 42, Sch D.;
  - c) Any other such method as mutually agreed between Inquiry counsel and the participant or the participant's legal counsel;
  - d) Or as otherwise directed by the Commissioner.

## **Public Inquiry Respecting Ground Search and Rescue for Lost and Missing Persons**

Address: Ground Floor, East Block  
Confederation Building  
100 Prince Philip Drive  
St. John's, NL  
A1B 4J6

Telephone: 1-709-729-7589

Toll Free: 1-833-667-0679

Fax: 1-709-729-5618

Website: [www.nlgsarinquiry.ca](http://www.nlgsarinquiry.ca)

E-mail: [admin@nlgsarinquiry.ca](mailto:admin@nlgsarinquiry.ca)

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## APPENDIX C: LIST OF EXHIBITS

### List of Exhibits

P-001	Terms of Reference dated January 14, 2021
P-002	Terms of Reference dated June 10, 2021
P-003	Rules of Procedure and Practice
P-004	Draft Discussion Paper – Richard Smith
P-005	Tom Williams’ Submission on Draft Discussion Paper
P-006	Federal Government Submissions on Draft Discussion Paper
P-007	Gov’t of NL’s Submission on Draft Discussion Paper
P-008	Concerned Citizens for SAR in NL’s Submission on Draft Discussion Paper
P-009	Concerned Citizens for SAR in NL’s additional comments on Draft Discussion Paper
P-010	Submission from Maurice Murphy on Draft Discussion Paper
P-011	B Divisional Operational Manual – Amended 2019 06 12
P-012	“B” Division Operational Manual – Amended 2011 04 20
P-013	OM – ch. 37.2. Lost/Overdue Persons 2005 11 29
P-014	OM – ch. 37.2 Lost/Overdue Persons Amended 2019 08 22
P-015	Operational Manual RCMP Amended 2008 07 09
P-016	OM ch. 37.1 Search and Rescue Amended 2017 11 24
P-017	Occurrence details Makkovik
P-018	Briefing note to Commissioner – Burton Winters – Deceased Missing Person
P-019	Agreement between Gov. of Canada and Gov. of NL – Aug. 15, 1983
P-020	Email re SAR Support Requests from RCMP to FES-NL – Jan. 23/2021
P-021	Email re Search – Makkovik – Jan. 30, 2012
P-022	Email re 20120130 Media Release – Makkovik RCMP Search for Missing 14 year old – January 30, 2012
P-023	Email re: Update on missing snowmobiler in Makkovik – Jan. 30, 2012
P-024	Email re Search in Makkovik – Jan. 31, 2012
P-025	Reservation Printout – Air Services Division
P-026	Email re Search in Makkovik – Feb. 1, 2012
P-027	Email re CF Ops in NL last 24 hours – Feb. 1, 2012
P-028	Email re Missing Person – Makkovik – Feb. 1, 2012
P-029	Email re Media Request and DRAFT Response – Feb. 2, 2012
P-030	Email re Bullett for APPROVAL – Feb. 3, 2012
P-031	Email re Revised-For approval- Air Services Engagement – Feb. 6, 2012
P-032	Universal Helicopters NL Limited Invoice, Feb. 9, 2012
P-033	Email re Makkovik Incident – February 29, 2012
P-034	Bell Aliant Phone Bill – February 18, 2012
P-035	Email re LD from Jan 31 to Feb. 1, 2012 dated Feb. 23, 2012
P-036	Email re Meeting – Fire and Emergency Services-NL – Mar. 5, 2012
P-037	Email dated Mar. 26, 2012 re Operational Log – January 30, 2012

P-038 JRCC Halifax Incident Description – Jan. 30, 2012  
P-039 Email re DND Newser – Transcription – Feb. 22, 2012  
P-040 Email dated February 8, 2012 from Mike Samson to Cheryl Gullage re Search and Rescue for Burton Winters Feb. 8, 2012  
P-041 Email dated Mar. 27, 2012 re Updated Timelines – Makkovik Search  
P-042 Email dated March 27, 2012 re Emailing Makkovik SAR Analysis and Weather analysis  
P-043 Email dated Mar. 27, 2012 re Media reply – For Approval  
P-044 Email dated Mar. 27, 2012 re Makkovik SAR Weather and Asset Analysis – Signed Information Note  
P-045 Memorandum dated April 4, 2012 from Mike Samson to Kevin O’Brien, Minister re Review of Fire and Emergency Services – NL (FES-NL) involvement of the Ground Search and Rescue Incident at Makkovik (January 29 – February 1, 2012)  
P-046 Email dated May 4, 2012 re response to questions by CBC re search of Burton Winters  
P-047 Email dated May 5, 2012 re WINTERS SAR Mission  
P-048 SAR Recordings Redacted for Release, Makkovik – Jan. 30, 2012  
P-049 SAR Recordings Redacted for Release, Makkovik – Jan. 31, 2012  
P-050 SAR Recordings Redacted for Release, Makkovik – Feb. 1, 2012  
P-051 SAR Recordings Redacted for Release, Makkovik – Feb. 2, 2012  
P-052 Email dated May 7, 2012 re RCMP “B” Division Response to CBC News story May 7, 2012  
P-053 Email dated May 7, 2012 re Makkovik May 7 Briefing Note  
P-054 Email dated May 7, 2012 re Makkovik – Weather  
P-055 Timelines for Provincial Gov. Response in Burton Winters Case Accurate and Verified by RCMP  
P-056 Email dated May 7, 2012 re VOCCM – RCMP Denies New Report on Winters Case  
P-057 Email dated May 8, 2012 re Review of FES-NL Involvement of Ground Search and Rescue Incident at Makkovik (January 29 – February 1, 2012)  
P-058 Email dated May 17, 2012 re Timeline – Significant Event Timeline May 17  
P-059 Email dated May 23, 2012 re RCMP places initial call to FES-NL  
P-060 Email dated May 30, 2012 re Significant Event Timeline May 23 Revised  
P-061 Email dated May 5, 2012 re WINTERS SAR Mission  
P-062 Email dated Feb. 2, 2012 re CF Ops in NL LAST 24 Hours  
P-063 Email dated Feb. 1, 2012 re CF Ops in NL last 24 hours  
P-064 Meeting note Rear Admiral David Gardam, Mar. 16, 2012 – Premier’s Office  
P-065 Information Note re Makkovik SAR Weather and Asset Analysis  
P-066 Makkovik Incident: GSAR Operations FES-NL – Feb. 8, 2012  
P-067 Email dated May 7, 2012 re Media Interview  
P-068 Email dated May 30, 2012 – Significant Event Timeline May 23 Revised  
P-069 Weather from Goose Bay



- P-070 Email dated May 6, 2012 re WINTERS SAR Mission
- P-071 Media Advisory: Premier Tables Correspondence with DND Minister – May 24, 2012
- P-072 Exploits Search and Rescue November 5, 2020
- P-073 Deer Lake Search and Rescue Report on Jackson’s Arm search of February 1 to 4, 2019
- P-074 Incident Summary Report on missing person
- P-075 May 1<sup>st</sup> 2018 GSAR Mission – Makkovik
- P-076 Bay of Islands Volunteer Search and Rescue Submission to the GSAR Inquiry
- P-077 RNC Policy and Procedure Manual – Missing Persons
- P-078 RNC Policy and Procedure Manual – Ground Search and Rescue
- P-079 NL Search and Rescue Association – Searcher Manual July 2017
- P-080 NL Search and Rescue Association – Team Leader Manual July 2017
- P-081 Search and Rescue Management – Section VI. Forms
- P-082 Search and Rescue Management – Initial Response through Extended Operations (Best Practices by Experienced Practitioners) March 2018
- P-083 Final Discussion Paper – Richard Smith – August 2021
- P-084 NL Search and Rescue Assoc. – Train the Trainer Manual
- P-085 NL Search and Rescue Assoc. – Searcher I – Lesson Plans
- P-086 NL Search and Rescue Assoc. – Searcher II – Lesson Plans
- P-087 NL Search and Rescue Assoc. – Searcher III – Lesson Plans
- P-088 GSAR Protocols Implementation – National Defence – March 30, 2012
- P-089 CDS Directive for Search and Rescue – National Defence – Aug. 20, 2019
- P-090 Search and Rescue Directive – October 23, 2013 – National Defence
- P-091 JRCC Halifax – Standard Operating Procedures – February 2021
- P-092 CAMSAR Manual – Combined Edition of Volumes I, II and III – Supplement to the IAMSAR Manual
- P-093 CAMSAR 1 Manual – Volume 1 – Organization and Management
- P-094 CAMSAR II Manual – Volume II – Mission Coordination
- P-095 CAMSAR III Manual – Volume III – Mobile Facilities
- P-096 Incident Log – January 30, 2012 – Burton Winters
- P-097 Incident Log – February 1, 2019 – Missing Snowmobiler
- P-098 Investigation into the CF Response to Incident in Makkovik – February 7, 2012 – National Defence
- P-099 SAR Briefing/Tasking Form for Aircraft-Secondary Search and Rescue Units – Makkovik
- P-100 Operational Manual – Missing Persons – Investigative Procedures 2007 10 03
- P-101 RCMP Update dated 2012 02 03 – Burton Winters
- P-102 National Search and Rescue Manual
- P-103 Audio Recording – Burton Winters – Makkovik – January 30, 2012
- P-104 Audio Recording – Burton Winters – Makkovik – January 31, 2012
- P-105 Audio Recording – Burton Winters – Makkovik – February 1, 2012

- P-106 Audio Recording – Burton Winters – Makkovik – February 2, 2012
- P-107 Email from Cory Spracklin to ESD Distribution Group – July 28, 2013  
04:00
- P-108 Email from Cory Spracklin to ESD Distribution Group – July 28, 2013  
04:47
- P-109 Email from Cory Spracklin to ESD Distribution Group – July 28, 2013  
09:51
- P-110 Email from Cory Spracklin to ESD Distribution Group – July 28, 2013  
11:34
- P-111 Email from McCormack to ESD Dist. Group – July 28, 2013 11:42
- P-112 Email from Spracklin to ESD Dist. Group – July 28, 2013 15:35
- P-113 Email from Bradley Power to ESD Dist. Group – July 28, 2013 16:36
- P-114 Email from Spracklin to ESD Dist. Group – July 28, 2013 19:03
- P-115 Email from McCormack to ESD Dist. Group – Aug. 1, 2013 15:19
- P-116 Email from McCormack to ESD Dist. Group – August 2, 2013 11:17
- P-117 Email thread between Spracklin and Frampton, RCMP
- P-118 Email thread between Spracklin and Frampton, RCMP
- P-119 Email thread between Spracklin and Frampton, RCMP
- P-120 Email thread between Spracklin and McCormack
- P-121 ESD On Call Report Form
- P-122 Air Reservation Card
- P-123 Air Reservation Printout
- P-124 Invoice for Helicopter
- P-125 Email from Hogan to ESD Dist. Group Feb. 1, 2019 17:49
- P-126 Email from Peddle to Hogan and ESD – Feb. 1, 2019 17:50
- P-127 Email from Hogan to ESD Feb. 1, 2019 17:59
- P-128 Email from Peddle to Hogan and ESD Feb. 1, 2019 19:23
- P-129 Email from Hogan to Peddle and ESD Feb. 1, 2019 21:24
- P-130 Email from Hogan to Peddle and ESD Feb. 2, 2019 07:35
- P-131 Email from Hogan to Peddle and ESD Feb. 2, 2019 09:12
- P-132 Email from Peddle to Hogan and ESD Feb. 2, 2019 09:14
- P-133 Email from Hogan to Peddle and ESD Feb. 2, 2019 12:31
- P-134 Email from Hogan to Peddle and ESD Feb. 3, 2019 06:50
- P-135 Email from Hogan to Peddle and ESD Feb. 3, 2019 09:56
- P-136 Email from Hogan to Peddle and ESD Feb. 3, 2019 15:14
- P-137 Email from Peddle to Hogan and ESD Feb. 3, 2019 15:21
- P-138 Email from Hogan to Peddle and ESD Feb. 3, 2019 18:33
- P-139 Email from Hogan to Peddle and ESD Feb. 3, 2019 21:45
- P-140 Email from Hogan to Peddle and ESD Feb. 4, 2019 07:11
- P-141 Email from Hogan to Peddle and ESD Feb. 4, 2019 07:22
- P-142 Email from Hogan to Peddle and ESD Feb. 4, 2019 11:32
- P-143 Email from Peddle to Hogan and ESD Feb. 4, 2019 11:51
- P-144 Email from Hogan to Peddle and ESD Feb. 4, 2019 16:36
- P-145 Air Reservation Card – 19-02-01

P-146 Air Reservation Printout – Tuesday, August 24, 2021  
P-147 Invoice for Helicopter – 2/4/2019  
P-148 Email from Judy Bond to ESD November 7, 2020 12:03  
P-149 Email from Judy Bond to ESD November 7, 2020 15:06  
P-150 Email from Judy Bond to ESD November 8, 2020 07:39  
P-151 Email from Judy Bond to ESD November 8, 2020 13:02  
P-152 Email from Judy Bond to ESD November 8, 2020 15:26  
P-153 Email from Judy Bond to Tina English November 9, 2020 09:17  
P-154 Notes made by Judy Bond  
P-155 Reservation Card – November 7, 2020  
P-156 Air Reservation Printout – August 24, 2021  
P-157 Invoice for Helicopter – 2020/11/30  
P-158 Aircraft Flight Authorization  
P-159 Government Renewal Submission  
P-160 Agreement between Her Majesty in Right of NL and Civil Air Search and Rescue Assoc. of NL  
P-161 Position Description Form  
P-162 Emergency Services Division On-Call Report Form  
P-163 Police Personnel Authorized to Request Air Support – April 8, 2021 – GNL  
P-164 Email from McCormack to others re JRCC GSAR Support Protocol – April 2, 2012  
P-165 Email from Fred Hollett to Cheryl Brown-McLEAn re Air Charters March 1, 2010  
P-166 Email from McCormack to Stephen Ring re Cougar Helicopters October 24, 2016  
P-167 Weekly Calendar – Paul Peddle – January 30 – February 5, 2012  
P-168 Divisional Moves/Name Changes from ESD Director M. Rumbolt 2021-08-25  
P-169 Map of Makkovik (To be put on website)  
P-170 OM – Lost/Overdue Persons Amended 2019-08-22  
P-171 Occurrence details - 2019/02/01 re Lovell and Rice  
P-172 Written notes  
P-173 SAR Briefing Report CORM912 103 SQN  
P-174 Email from Keith Frampton to Danny Williams – Sept. 14/21 Re: Sweetapple – Frampton’s OneNote  
P-175 Incident Log Re Sweetapple  
P-176 Written notes re Sweetapple search 2013-07-29  
P-177 Written notes of Cpl. Dollimount  
P-178 Search Summary – Cody Peddle  
P-179 Bonne Bay Search and Rescue Explore sample message  
P-180 Map from Bonne Bay SAR  
P-181 Map from Bonne Bay SAR  
P-182 Written notes from Deer Lake Search July 27-28  
P-183 Written notes from Ingraham RCMP

P-184 Exhibit Number skipped for the time being  
P-185 RNC General Occurrence 2020-57578 – John Doe  
P-186 RNC General Occurrence 2020-59532 – John Doe  
P-187 Rovers SAR  
P-188 Maps for search of John Doe  
P-189 Search for John Doe  
P-190 NLSARA Submission for Ground Search and Rescue  
P-191 Presentation by Richard Smith  
P-192 Table from JRCC  
P-193 Presentation from PAL  
P-194 Presentation from Cougar SAR  
P-195 Search and Rescue Management Field Operating Guide  
P-196 Stress Management for Emergency Personnel Guide  
P-197 Advice to the C-NLOPD: Recommendation 4  
P-198 Legal Opinion from Michael Collins and Adrienne Ding – October 4, 2021  
P-199 CASARA NL Leaflet  
P-200 CASARA 2016 Handbook  
P-201 Spotters Guide  
P-202 CASARA Power Point Presentation  
P-203 CASARA Video  
P-204 Submission from NunatuKavut Community Council  
P-205 Testimonials from NunatuKavut Community Council  
P-206 Speaking Notes for Johannes Lampe, President Nunatsiavut Government  
P-207 Submission from Leonardo Helicopters  
P-208 Submission from Tom Williams, Q.C. on behalf of the family of Burton Winters  
P-209 Submissions from the Attorney General of Canada

## APPENDIX D: COMMISSION STAFF AND SUPPORT SERVICES

### **Commissioner**

James J. Igloliorte

### **Committee Counsel**

Geoffrey Budden

### **Chief Administrator**

Ruth Steele

### **Assistant to Commissioner/Hearing Clerk**

Marcella Mulrooney

### **Broadcast Services**

OK Society

Canadian AV

Harris Centre

### **IT and Network Support**

Office of the Chief Information Officer

### **Transcription Service**

Hansard Office, House of Assembly

Elite Transcription

Discoveries Unlimited

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Marcella Mulrooney

### **Purchasing**

Denise Eddy, Justice and Public Safety

Public Purchasing Agency

### **Report Production**

Office of the Queen's Printer