

*Public Inquiry Respecting Ground Search and Rescue
for Lost and Missing Persons*

Commissioner James Igloliorte



*Final Submission & Recommendations of The Family
of Burton Winters*

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Submissions and Recommendations to the Public Inquiry Respecting Ground Search and Rescue for Lost and Missing Persons

The Family of Burton Winters

INTRODUCTION

On January 14th, 2021, after 9 long years following of the tragic loss of a young 14-year-old Labrador boy from Makkovik by the name of Burton Winter's, the Government of Newfoundland and Labrador formally announced the Inquiry into Ground Search and Rescue for Lost & Missing Persons which was to be led by Commissioner and former Provincial Court Justice James Igloliorte. While the scope and extent of the Inquires mandate was in relation to Ground Search and Rescue (GSAR) within the Province, there is no refuting that the impetus and thrust behind bringing the matter to forefront came from the relentless efforts of the Winters Family on behalf of their late son and grandson.

It should be stated at the outset that the objectives of the Winters Family through this Inquiry process were from the very outset, to not only shed light on the events surrounding the loss of Burton, but to participate fully in the proceedings so as to bring improvement to the GSAR within the Province. To that end efforts were made to canvas all relevant parties and resources who may have assisted in this objective. (See Schedule "A")

The within submission is put before the Inquiry as a permanent record by the Winters Family of what they have noted as important aspects of the Inquiry, as well as to providing valuable input into the recommendations that Commissioner may determine should stem from this process.

Burton Winters the Boy:

One cannot consider the issues of before this Inquiry without reflecting back on the innocence and jovial nature of the young boy whose tragic loss was the inspiration for spearheading this review. Rising from the proud reminiscing of family, the Inquiry got a small glimpse inside the life of this 14-year-old boy, who by all accounts was full of vigor and aspirations for a child his age. Burton cherished his indigenous roots and quite eagerly availed of all the treasures of living life in the north, participating where he could in traditional activities.

While Burton was frequently described as quiet, his family boasted of his love of the outdoors, hunting and fishing when he could, whether it be with his friends or family when time allowed. Given his youthful age, Burton was still mastering many of the intricacies of these fundamental life skills and had only recently joined the Junior Canadian Rangers (JCR). JCR is a long-standing group, which is part of the Canadian Cadet Organization and reaches out to youth ages 12 -18 who live in remote and isolated communities to embrace the traditional aspects of their culture and lifestyle through a range of developmental activities. After his first year in JCR, Burton had started to participate more regularly and was learning and practising both traditional and Ranger skills such as making fires, building lean-tos and identifying different animal tracks. He was also just learning the artistry of driving a

snowmobile, a gift which had been given to him by his father that winter, although he had yet to master all of the skills.

Although outdoor activities were of prime interest to Burton, like most teenage boys of his age, he also had a keen interest in computer games and displayed an innate sense for it. Given his high academic standing, many of his friends often thought he would go on to be a professional software designer or programmer in later years. Besides these interests, Burton also had expressed enthusiasm for the performing arts and while being a talented piano player, he was looking at participating in the Labrador Creative Arts Festival, a drama event that was planned for later in 2012.

In looking back at the short life of this loved and treasured young boy, he displayed all the hope and optimism that anyone could ask for and while his life was tragically cut far too short, he bestowed much love, promise and affection on all his family and friends.

The events of January 29th, 2012 – February 1st, 2012:

January 29th, 2012

It seems somewhat ironic that on the day that Burton went missing, he had started his day by participating in a JCR training outing following which he headed home and after a brief chat with his mom, indicated he was headed off to his grandma's house for the afternoon. The weather was starting to take a turn for the worse. While there is much deliberation and conjecture as to the route Burton took that fateful afternoon and whether the pending conditions played havoc in his being able to navigate his course, one thing is for certain, he never arrived at his grandmothers and clearly lost

his way ending up travelling out onto the sea ice. In hindsight there has been much speculation as to the factors that contributed to Burton's going missing, but it was not until days later that his actual trail could be deciphered, but clearly every step that he had taken carried him further and further from his home. Having had his snow machine stuck in a wall of sea ice he had to revert to travel on foot endeavouring to find his way back home.

On the afternoon of January 29th, 2012 Burton left his home headed to his grandmothers, Anna Jacques where he frequently visited, this was approximately 2 pm. It was not until approximately 6:30 pm when Anna happened to call Burton's home that it was discovered that he failed to show up at his grandparents and immediately his father Rodney started to call around to local friends and family to see if he could be located. When there was no sign of him anywhere, at 7 pm the local detachment of the RCMP were called and a hasty search was conducted in the area over the course of the evening by the RCMP and local search and rescue members. Soon word spread and there were approximately 60 people from both Makkovik and Postville that started searching for Burton. It was at this point that records show the official search started and was headed by Search Coordinator, RCMP Corp. Kimball Vardy. At 10:41 pm that evening RCMP in Makkovik contacted RCMP Operational Support Services in St. John's requesting air support. Steadily worsening ice and weather conditions played havoc with search efforts over the course of that Sunday evening and resources could not be displayed until the following day.

January 30th, 2012

While there are records of initial search efforts by a private helicopter from Woodward's Oil on the morning of the 30th, it appears official efforts get bogged down in protocols. Following the Makkovik RCMP reaching out to RCMP Support Services in St. John's the evening of Jan.29th, the following

morning Jan.30th they in turn reach out to the provincial Emergency Measures Organization, Fire and Emergency Services Newfoundland and Labrador (FES-NL). Records indicate that between 8 am and 9 am FES-NL in turn reach out to Government Air Services (GAS) in Gander to request a helicopter who they in turn contacted Universal the service provider. Following discussions with their pilot, Universal advised that due to weather conditions they could not fly, and it is reported back down the line. It is at this point that the RCMP confirms the request for air support, and it is agreed that FES-NL will contact the Joint Rescue Command Centre in Halifax (JRCC) for Humanitarian Assistance and a call goes in at 9:13 a.m. requesting air support.

Perhaps one of the more troubling aspects of the initial JRCC log is that it states, *requesting our assistance in the search of a 14 YOM who left on his skidoo.... They have searched the Community and cannot locate him.... weather in the area will not permit launch or local helicopter or aircraft...*” At the very outset there are issues in the record, in that the record omits to note that two private helicopters were able to participate in the search. Consequently, JRCC would not make available a Cormorant and advised that they would only be willing to commit the 444 Squadron which would be CAF (Canadian Air Force) fixed wing aircraft based out of Goose Bay. This committal was hollow to say the least, given that the JRCC Officer in Charge, Capt. Dan Gillis indicated he did not want to commit resources other than the 444 and this aircraft was unserviceable. Perhaps the most devastating and detrimental response in respect to this whole tragedy was when JRCC advised FES-NL in these very early hours on the morning of January 30th, 2012, that: *“Because of bad weather and inconvenient aircraft status, DND could not yet support any search and rescue in northern Labrador.... We may be able to support in the future if required and aircraft and weather situations improve.”*

There is one subsequent phone discussion with 444 Squadron when they advised FES-NL they would not have a helicopter available until 2 pm, as one chopper was out of commission being serviced in Goose Bay and the second was in pieces on the hanger floor under extensive repair. This is the last recording in the JRCC log for that day and at 5:18 pm there is a final note declaring the Burton Winters incident "CLOSED". This was the first full day of the search effort.

The relentless drive of local searchers sees the search team utilizing the services of private helicopter from Woodward's that starts searching around 10:00 a.m. While they remain optimistic, having found the trail of a skidoo track that could be Burton's, their hopes are quickly dashed when it leads to open water and the search then turns to surveying and scouting the area for any sign of Burton and his skidoo. Efforts continue over the course of the afternoon, but given worsening conditions and pending night fall, searchers are required to retreat back to Makkovik and commence again at first light.

January 31st, 2012

January 31st, 2012, dawns with colder and harsher conditions than the previous day and optimism has waned as underwater search cameras were to join the efforts and searchers were looking for debris evidence. It was with the arrival of the RCMP plane in Makkovik at approximately 3:45 p.m. that it is decided they would do a fly-by of the search area to see if anything additional could be spotted when they came upon Burton's abandon snowmobile located on the ice and searchers are dispatched to the area.

It was this first glimmer of hope that inspired the RCMP to again request of the FES-NL for further search resource aircraft and they in turn relayed the message on to the JRCC as well as to their usual

civilian contractor. Coincidentally the Winters file had only been re-opened an hour earlier by JRCC following requests from the Canadian Rangers and JRCC were again contacted by FES-NL to officially request vital air support. The next volley of exchanges is most perplexing in that despite some miscommunications on details that were subsequently corrected, the Officer in Charge at JRCC is recorded in the logs as stating that: *"He wants 444 to go if they are in service in next hour or so and if not send Aurora. He does not want to send Cormorants with no Herc in the region."* This preposterous comment is made when records confirm that in Gander a Cormorant aircraft was in working order at the time. It was not until 7:38 pm that a previously out of service Griffon Helicopter out of 444 Squadron was dispatched from Goose Bay, arriving in Makkovik more than an hour later. While ground search teams had to retreat back to Makkovik given evening conditions, the Griffon continued search efforts into the night.

Although DND officials were already utilizing the Cold Exposure Survival Model to assess the likelihood of Burton's survival, they did task an additional Canadian Forced Aurora 113 aircraft that was in the general area on a training mission to be redirected to the search zone given its sophisticated Electro-Optical/Infrared technology that would be of assistance searching in the dark. While both military aircraft continued to search until approximately 2 am, prior to completion there was one positive note, the Griffon flight engineer had noted footprints leading away from the snow machine headed toward land. While visibility remained good, it could not be forgotten that this was Day 3 of the search efforts, and the outside temperatures were minus -16. Despite RCMP efforts to have the Griffon remain in Makkovik overnight so as to be able to resume search efforts at first light, it was ordered back to Goose Bay as the aircraft commander was concerned about aircraft security and that there was only one crew, and they would be on crew rest until 1700 hrs. It was determined that the RCMP would have to reach out to EMO, but the EMO asset – The Universal Helicopter chartered by FES-NL would not arrive in Makkovik until 10:15 am the next morning.

February 1st, 2012

The unexpected news overnight regarding the discovery of footprints had once again reinvigorated ground searchers who failed to give up hope that through some miracle, Burton maybe found hold up and alive. This was not to be called a Recovery Mission yet, they were still in search and rescue mode.

While ground searchers had gathered since 8 am, upon arrival of the Universal Helicopter intense search resumed once again with locals aboard the chopper tracking the footprints from 100 feet in the air. Miraculously the trail, which was characterised by ardent footprints from the start, had started to peter out and after 19 km and an hour and half pursuit by air, searches spotted the lifeless remains of Burton laying on the ice like a monument of fortitude to his fight for survival. While protocols prescribed calling in the coordinates to the ground searchers, the team could not abandon him. Despite the unsettled ice they landed, recovered his body and flew his remains back to Makkovik. Burton was immediately brought the Makkovik Community Clinic and despite what may have appeared to be obvious, the team worked tirelessly for hours to try and revive the hypothermic teen, but to no avail. After 4 long days, this somber search effort came to a tearful end.

The Search and Rescue Effort.....What went Wrong:

In the days and weeks that immediately followed the loss of Burton Winters there was public outcry from all across Labrador, the Province as whole and in fact the whole Country, that what happened to

this young 14-year-old boy was not only a tragedy, but likely an avoidable one. The whimsical excuse and rationale provided in the days that followed by the highest ranks of the Dept. of National Defence for the failure to provide the necessary resources in a timely fashion was simply put, unacceptable. Within two days after finding Burton's body, Rear Admiral David Gardam was hastily dispatched to deliver the initial federal investigative findings at a press conference where he stated.

“Given the weather conditions, which were below limits for safe operations of an aircraft, our aircraft were not able to operate in that environment...We have to manage a very large area and it's a balancing act on how you manager weather, resources, aircraft availability, crew rest. It is very much like a ballet, and it has to be managed that way.” ...” just so it's clear, under this type of search and rescue, we are called to provide services if civilian aircraft cannot be used.” “Civilian aircraft were capable of flying during the day when the weather improved and there was no subsequent request for us.”

Ironically it was on February 1st, 2012, the same day Burton's body was found, that the Canadian Coast Guard announced it would accelerate the closure of the two Maritime Rescue Sub-Centres, one being in St. John's.

The rationale provided by JRCC as to their failure to participate early in search efforts was an insult to family and residents of Labrador and such a superficial reply would not stand. Family, friends and residents of Newfoundland and Labrador alike rose in uproar in response. There were vigils, protests, demonstrations and petitions crying out for a suitable acknowledgement that steps had to be taken to ensure this type of tragedy would never be allowed to happen again. The call for an Inquiry had hence begun. The family knew that they could do all the protesting they wanted, but it would not bring young Burton back, what they really wanted was best stated by Rodney Jacques, Burton's father when speaking a week later at a town gathering on the ice in Makkovik Harbour where he stated:

“You can’t change what happened. You can’t change anyone’s mistakes. That’s done. But we’ve got to change things for the future so that this doesn’t happen again, so no one else has to go through this. It shouldn’t happen in this day age.”

So, what did go wrong, while the mandate of this Inquiry is not one of an investigative nature and is not solely focused on the Winters tragedy, one cannot help but think that a review of the circumstances surrounding the response to the Winters loss can shed light on, not only inherent faults in the system, but improvements that can be made to avoid such a catastrophe from ever happening again.

Two issues surface immediately, first should Provincial Ground Search and Rescue efforts be reliant on under equipped civilian aircraft as a first level of response. Second, what should be considered to be minimum standard for properly equipment aeronautical resources for effective Search and Rescue efforts. In the case at hand, while Universal helicopters were able to respond when DND say they couldn’t, this civilian aircraft had limited SAR technology and no nighttime search capabilities.

The DND filed its report and some of the issues raised were:

- “Call Back” Protocol Requirements
- Military’s limited jurisdiction
- Deployment of Resources

It is disheartening to review the JRCC final investigative report to see how they side stepped any responsibility for the events of January 29th and 30th and attempted to rely on a “standard call back” protocol, for which there could be little evidence produced in relation to the same, as the rationale for not participating in the initial stages. The sense of defiance of any form of responsibility for the matter was only exacerbated by the concluding statements endorsing the “Appropriateness of Actions Undertaken by the Canadian Forces.

While the tragic circumstances of this incident warranted the early attention of top Governmental officials, both Provincially and Federally as well as senior officials in the Department of Defence, at the end of the review exercise little to nothing was realized. Not only were the family not provided with the answers they were looking for, but an apology for the short comings in the response from federal search and rescue representatives was never extended. The sole acknowledgement to come out of the internal review process completed by federal officials was that an alleged unwritten and informal “Call Back Protocol” was to be amended to ensure continuous communications on ground searches in order to enhance awareness of changing circumstances and the potential need for Canadian Forces participation. One would have deemed such practises would be a given in such circumstances so this could hardly be seen as advancement.

Round Table – Search Team / Makkovik:

The first day of the Inquiry proceedings commenced in the community of Makkovik, Labrador on Sept. 7, 2021 and the hearings opened with Stepmom, Natalie Jacque providing a warm and sincere introductory comment on behalf of the family on how they were feeling as the Inquiry commenced,

nearly 10 years after the tragic loss of young Burton. Below is the statement by Natalie Jacques on behalf of the family which set the tone for the subsequent proceedings.

"I did want to say nakurmiik to everybody for being here. Rod's heart is here with us. He said he's not able to be here, it's just too (inaudible).

As difficult as it is to be here, we feel it's absolutely necessary. We're shocked that nearly after a decade after losing Burton that we are here. No family should be here. It's Burton who should be here. He would be enjoying his mid 20s; figuring out who he wants to be and following his dreams. He should have experienced so much: high school, college or university, falling in love, getting into trouble, finding a job, living on his own and loving life to its fullest.

It seems so simple to fix something when it isn't working. When a service fails and a child's life is taken because of that failure, it requires immediate attention so that it won't happen again.

We're here discussing our most private feelings so that changes occur for others. Why hasn't the death of our child been enough to start implementing change? Land, sea, ice search and rescue — do we know what ice emergencies fall under today? Would it require additional time-consuming red tape to send for help? Would it require a second emergency phone call requesting for help? Do many truly understand how things are in the North?

After the initial shock of losing Burton, which was months later, we began our grieving process. We experienced denial quickly because of the nature of Burton's death. It did not seem real. It suddenly became quiet in the house without him and yet we felt he was simply away. And then the anger came, and it hit us like a wave, an anger that actually having to fight for answers. Why? It's heart wrenching to have to put families through this process.

Would you fight for answers to come to some kind of understanding about what happened if you had lost your child? Would you keep fighting nearly a decade later? Of course. That's why we're here.

Bargaining is said to be the third stage of grief; however, it was in all the answers that the agencies were then bargaining with us. They were drowning in their faults, grasping for all kinds of bullshit answers — sorry for swearing — to see what would sit with us. Bargaining was not part of our grieving process; it was theirs. We fought to know the truth. Many, many Newfoundlanders and Labradorians began standing up and voicing their hopes to implement changes after hearing about Burton.

At what stage did Burton's rescue fail? We believe it was in between the agencies, a slip-up that all of Burton's family and friends will forever have to pay, and that Burton himself had paid the ultimate price. A child in need is dire always.

And, lastly, depression hits. Depression and acceptance are the final stages of the grieving process. It doesn't truly go away after losing a child. I don't think, personally, acceptance comes after what we've been through. Time simply keeps moving forward and you move along with it.

And all this time since January of 2012, we've had to explain over and over again details and timelines, interview after interview, and recall all those terrible days from losing Burton. Days turn into weeks and then months, and now nearly a decade, 10 years later, the family is still here looking for improvements, just for improvements. Does that resonate? It doesn't sit well with us. Burton deserved a chance at life. His life matters."

Through the round table discussions, the searchers elaborated on the immediate efforts that were undertaken to commence the search and highlighted the challenges that the team was faced with from the very outset, having had no leads as to what direction Burton had headed in.

The troubling dilemma that the search teams are faced with when working in coastal Labrador is that a search to the east would be considered falling under federal jurisdiction (i.e., marine) while a search to the west would fall under provincial jurisdiction (i.e., land). This clearly can result in confusion and communication issues when it comes to what resources are to be deployed, in what priority and who takes operational control of the search efforts. These are issues that need to be addressed through clear and decisive protocols.

Through the testimony of Mr. Barry Anderson, who at the time was both a Community Constable as well as a Search & Rescue Coordinator for the community of Makkovik, he spoke of being an instructor for the Jr. Canadian Rangers program, a group that Burton had joined shortly before his loss. The enormous benefits of this life skills program are that it teaches young residents of northern rural communities practical training and life skills. Given the way of life in coastal Labrador and the use of both the land and sea, it was raised that consideration be given to instituting such curriculum back into the school system as it was noted that it had been in taught in previous years as confirmed by searcher Cyril Lane. There were practical examples provided of children who have utilized the life

skills they learned through the Jr. Rangers Program which have literally resulted in family lives being saved.

The panel went on to describe in specific detail operations pertaining to the search efforts that were undertaken in Burton's case. It would appear that upon the discovery of ski-doo tracks that were seen off the coast near or about Measies Point, that lead to approximately 60 feet of open water becoming the primary focus of search efforts. As a result of this evidence on the ground, efforts over the next day unfortunately concentrated on obtaining equipment to investigate as to whether or not the snowmobile Burton was driving went into the water and could be located on the ocean floor. While search efforts continued at other inland locations in the area, there were no further efforts made to search beyond the region of the open water, in part due to inclement weather conditions. This is of particular importance given the value that would have been added if air search services were more readily available and could search a larger grid. While there was a helicopter working a more restricted grid search in the area, utilizing both the Woodward aircraft and later in the day the provincial EMO deployed Universal helicopter, neither located either the trapped ski doo or Burton himself. It was not until the following day that RCMP fixed wing aircraft bringing in underwater camera equipment located the deserted snow machine trapped in the ice. Finally on Wednesday February 1st, 2012, DND resources were deployed and located footprints which ultimately lead to the discovery of Burtons remains on the ice.

Round Table: DND / RCMP/ EMO – MAKKOVIK:

In addressing issues pertaining to policy and practises in regard to search and rescue, the DND called Lt. Colonial James Marshall who provided evidence on behalf of the Canadian Armed Forces (DND)

and the JRCC. Lt. Marshall's evidence brought to light the unacceptable practise adopted by JRCC in deploying resources in what they classify as a "Maritime Incident".

Perhaps the most troubling aspect of the entire involvement of the DND, is their failure to immediately dispatch the only available resource they had operational, the Cormorant helicopter out of Gander.

When questioned at length, Lt. Colonel Marshall continued to tow the inexcusable DND rationale for the same:

T. WILLIAMS: (Inaudible) you do make a commitment at that point to support the province.

J. MARSHALL: Yes

T. WILLIAMS: Okay,

And so, I guess the most troubling aspect for the family is that once DND says okay, we're here, we're going to serve as backup to the province – we know from your evidence this morning, the resources that were not available, but there was one resource available and that was the Cormorant, correct?

J. MARSHALL: Correct

T. WILLIAMS: So, as of 10 o'clock on Monday morning, that Cormorant helicopter was able to fly and could be dispatched.

J. MARSHALL: That's correct.

T. WILLIAMS: And we know furthermore that there was a decision made that they would not fly for two reasons: one being weather that had been described – there's some discussion over that – and the second was deployment of resources.

J. MARSHALL: Yes.

T. WILLIAMS: Okay.

So, if I could just deal with the first one: incident of weather. And we went through timing, and I know that Mr. Freeman brought you to how long it takes. So, while the weather – could not get into Makkovik, despite the fact – and there's some debate and I don't think we're going to resolve this today because there were other helicopters flying and there was fixed-wing aircraft that landed. So, I don't want to get into a debate about it. But there no other requests gone into JRCC that morning, I trust, in relation to the search and rescue operations requiring the Cormorant?

J. MARSHALL: Yeah, there were no other rescues — ongoing rescues at the time; you're correct.

T. WILLIAMS: so as of 10 0'clock Monday morning, the OIC made a determination that he was going to leave the chopper on the ground as opposed to deploy it for an ongoing search operation that we knew was happening off the Coast of Labrador.

J. MARSHALL: That's correct.

T. WILLIAMS: Okay.

And the decision was also made that they would not even dispatch that — despite the weather concerns, they would not even dispatch that helicopter because — and we know that it would taken five hours to get to Makkovik, correct?

J. MARSHALL: Yes.

T. WILLIAMS: But they could've dispatched it to Goose Bay, which would have saved four hours so that even if the weather broke, as we know how it happens here, you can look out the window one minute and you can't see a mountain and another minute everything is clear — it comes in and out, as we've discussed. They didn't dispatch that helicopter and leave it in Goose Bay so that if the weather broke, they could get out and do a search.

J. MARSHALL: But, as I said before, the Cormorant is no more capable than the Griffon. So, we already had helicopters in Goose Bay ready to do the search. Yes, we did have mechanical problems, but prepositioning the Cormorant when we had other helicopters that could do the search wouldn't have achieved anything above what we were willing to do at that time.

T. WILLIAMS: But in all honestly now, you know — I'm not trying to make semantics here we didn't have other resources. We had nothing available because all the other resources were broken. They were down.

J. MARSHALL: Yes, that is what happened, except that we didn't know the Griffon was broken at that time.

T. WILLIAMS: But (inaudible) let's go through what resources were available for support backup in Greenwood and in Gander and in Happy Valley. Can you run through the list of...?

J. MARSHALL: we would've had one cormorant in Gander available and then one Griffon in Goose Bay.

T. WILLIAMS: Okay. But let's go through what wasn't working in Goose Bay. The Griffon wasn't working.

J. MARSHALL: Initially, we didn't know it wasn't working —

T. WILLIAMS: But it wasn't working. I mean, let's talk facts here.

J. MARSHALL: Yeah, that's...

T. WILLIAMS: The Griffon couldn't fly, that had to be — that had to have maintenance, right?

J. MARSHALL: Correct.

T. WILLIAMS: Okay.

And what resources were in Greenwood that could not be dispatched? Let's — give me the list of equipment that was down that day.

J. MARSHALL: There was the Hercules was down that day.

T. WILLIAMS: Yeah.

J. MARSHALL: But the Cormorant was on.

T. WILLIAMS: Okay. And was there any other machinery down that day?

J. MARSHALL: Not that I'm aware of. But those are the search and rescue assets that we have.

T. WILLIAMS: Okay, so those -the only thing that could go that day was the Cormorant.

J. MARSHALL: Correct.

T. WILLIAMS: Correct. And the decision was made not to bring that any closer to where the search was undertaking in the event that there could be a break in the weather.

J. MARSHALL: Yes.

And I fully understand how this appears. It certainly does appear that it's insensitive that we wouldn't at least preposition at Gander. And I completely understand why this community and his family would feel that way. But it was — the OIC in Halifax had to weigh a lot of options of what to send. And knowing that the weather was bad and the — and putting the Cormorant in Gander and if it wasn't able to do a search that day, we would've had to put that crew down to rest and wait another 12 hours, which meant that a total of 27 hours we would've had the primary SAR aircraft in that region away from the home base.

Because if they were in Gander, once the crew's day was done, then the night crew would've taken over. But that night crew is in Gander so you can't bring that crew with you to Goose Bay to keep that helicopter ongoing 24-7. That can only be done on the main base in Gander. So, in my opinion, what the OIC had to weigh was all of those possibilities of if I send that Cormorant there, it wouldn't have been able to search, and then I'm losing that asset —

T. WILLIAMS: But —

J. MARSHALL: - for at least 27 hours.

T. WILLIAMS: I have to take issue with you on that, because we talked timing this morning. We said that the crew came in — the crew for the Cormorant came in at 8:30. They got the call at 9:30. They could've been dispatched — they got a 15-hour work window, right? So, they could've been dispatched. Would've left 13 1/2 hours — I was doing the calculations this morning — less four hours to travel to Goose Bay. That aircraft could've been available for 9.5 hours to search, if the weather — we'll talk about weather after — if the weather wasn't there, that Cormorant could've been searching for hours off the coast of Makkovik. Correct?

J. MARSHALL: Yes.

T. WILLIAMS: And so I need to go - because this is probably one of the biggest and most fundamental concerns of not only the Winters's family but the public at large, is that the system is set up such that an individual sitting in Halifax can leave a Cormorant helicopter on the pad in Gander while a boy is lost on the ice off the Coast of Labrador because he might get a call at another time for somewhere else.

J. MARSHALL: Except that the only reason that the EMO had asked us for support was because the weather was too bad for Universal to fly. Once the weather picked up, that would've enabled the EMO to contract Universal to do the search and they would no longer need our assistance. Because the province is supposed to use other resources before they come to us. We're the last resort when they can't go.

T. WILLIAMS: But they had called you and you had accepted because you were going to deploy, you know, the other resources at that time, so we're past that stage. They don't call out if they didn't need you, obviously, right?

J. MARSHALL: Right

T. WILLIAMS: So, the call went in at 9:30 because they needed you. And you were prepared — and I don't mean you; I'm talking (inaudible) —

J. MARSHALL: No, I understand.

T. WILLIAMS: I'm not trying to make this personal. Is that they were prepared to dispatch resources, only there was nothing working. So, we were down to one resource left and that resource was left on the ground in the event that something else happened while you had an event. I mean, it doesn't seem to me to make sense that a resource is kept on the ground while there is a potential emergency.

And we talked about the possibilities of weather, but the weather fluctuates so much. And as described, two fixed places got in, an air ambulance got in, another fixed wing got in here, and the Universal — both the Universal and the Woodward's helicopter were — now, I know there was difficult conditions. It's not clear skies. I don't try to paint —

J. MARSHALL: No, I know.

WILLIAMS: - that picture but -

J. MARSHALL: But the Universal only got in when the weather improved and, at that point, the province no longer needed our support because Universal was there because the weather improved.

I would suggest that if the province had called at 9 0'clock and said: Look, we called Universal, they're busy or they're broken, you know; the weather is good enough, we need your help, the answer probably would've been different. But the fact is, is that when the weather improved, they had another resource is why the province didn't call us again.

T. WILLIAMS: But the province called that morning — 9:30 that morning they called looking for assistance.

J. MARSHALL: And Universal couldn't do any searching at the time and neither could we.

T. WILLIAMS: Right.

But the issue is — and I'm not going to belabour this — but the issue is, is that there was no intent to do anything in the sense that, you know, rightly or wrongly the servicing was never done on the aircrafts that has the other ones available. The only one resource that was available wasn't dispatched and wasn't even brought up close enough to the location of the incident so that if the event of weather — and surely DND knows weather in Labrador as well as anybody — that it could break and an opportunity could arise that that could be dispatched, right?

J. MARSHALL: Yeah, that is one of the possibilities that could've happened.

T. WILLIAMS: In terms of the file being closed, there's been a change of protocol, you mentioned, in respect of those matters, so that I trust — after the early discussions and the notation — I don't have it directly in front of me, but it's in this exhibit, the change in protocol arose because there was no actual protocol in place prior to this, right?

J. MARSHALL: There was nothing codified.

T. WILLIAMS: Yeah, there's nothing written.

J. MARSHALL: Correct.

T. WILLIAMS: Okay. And this is, again, a sensitive topic for the family in that, you know, to have somebody say: Well, we didn't come because you didn't call us again. That obviously doesn't wash, right?

J. MARSHALL: Yeah, absolutely and I understand why that also doesn't look very good on DND...

While it is the common understanding that DND/Federal Government has the responsibility for search and rescue missions over marine and aeronautical fields, and the Government of Newfoundland and

Labrador covers Ground (inland) Search and Rescue efforts. Of interest is that when one reviews the definition of a "Maritime Incident" in the National SAR Manual, "it states that while it applies to *incidents on water*, it is qualified by the subsequent language that it only pertains to an incident *involving a vessel or person from a vessel*. When one then reviews the definition of a vessel, it is defined as.....*Any displacement or non- displacement vehicle that uses water as a means of navigation*. (See Exhibit 102, pg. 21) By the very nature of this definition, it precludes the use of a snow machine which may be operated over frozen water, (i.e., Ice conditions). This is very significant in that while there exists the appearance that DND has jurisdiction over all marine rescue missions, by virtue of these respective definitions, this precludes DND from taking responsibility for Search and Rescue involving snow machines over ice conditions unless it falls within the Humanitarian Incident Classification.

In practical terms it is hard to reconcile how there could be such a subtle distinction and as acknowledged in the testimony of Lt. Colonial Marshall, DND would assume responsibility for a search and rescue mission for a lost individual traveling on a watercraft such as a sea-doo, but should the same individual be travelling on a snow machine in the same location over ice and require SAR resources, DND would not be the primary responders to the same as they indicate this would fall under provincial jurisdiction. It would be only when provincial authorities have exhausted their efforts and resources, might DND then be called in and that matter be classified as a **Humanitarian Incident** and federal resources and cooperation can be deployed.

This line of questioning and evidence clearly illustrates that such nuances can have a dramatic impact on search efforts in the North, particularly when ice conditions can be present from early in the winter spanning from December to spring as late as April. By way of simply modifying existing manuals and

definitions, which appears not to have been amended since 2003, could lead to changes that could rectify these blatant deficiencies.

Through a deep analysis of the timeline that extended over the three days from Jan. 30, 2012 – Feb. 1, 2012, as provided by the RCMP, it was stated that late on evening of Jan. 29th there were noted to be ski doo tracks leading out of Makkovik Harbour which appeared to lead directly to open water not far outside of the Makkovik Harbour. Given that the water opening (crack in the ice 60 ft. long) appeared to present a physical impasse, search efforts were concentrated in this area and inland locations preceding it. It does not appear that there were any further efforts to search much beyond this point, although inclement weather played a role in this decision and search efforts then concentrated on obtaining under water cameras to search the ocean floor. It was not known until nearly 24 hours later that Burton's snow machine was located and stuck in ice a number of kilometres beyond the opening. As the evidence then discloses, this led to subsequent search efforts which resulted in finding Burton lying on the ice to the east of Green Island.

Following highlighting numerous concerns with the actions of DND, including that three of the essential assets were down and not operational, including 2 Hercules and 1 Griffon and the fact they had made the decision not to deploy the Cormorants Helicopter on day one, Lt. Colonel Marshall was provided an opportunity to address the family. In responding to the same, the Lt. Col. stated in part as follows:

T. WILLIAMS:

I'll just provide you with an opportunity now – this will probably be the last time that the family will have an opportunity to hear from – because we're moving on to other (inaudible), is there anything that you'd like to say to the family that you haven't?

J. MARSHALL: Of course.

So, one thing I've learned in the past three days is how tight this community is and how much Burton's death affected this community. And what I've learned over these days too is what a strong young man Burton was, and you should be very proud of him.

And, of course, in any circumstances you want to offer the resources available (inaudible), and we didn't at that time. And in retrospect, of course, sitting here talking to you, I wish we did. But none of the decisions made at the time were outside of policy.

Of course, if I was there in retrospect, we would have sent everting. If it was mine – one of my children missing, I would want 10 helicopters. I'm sorry that didn't happen (Emphasis added)

In outlining the role of the Provincial EMO office, the province called two witnesses, Mr. Michael Rumbolt, Director of Emergency Measures Services Division and Mr. Paul Peddle, former Manager of Plant and Operations. These gentlemen provided some general testimony regarding the structure and operational side of EMO and in addition detailed the involvement of EMO over the course of Jan. 30, 2012 – Feb. 1st, 2012. Once air services were denied due to the unavailability of resources and refusal to dispatch the Cormorant helicopter from Gander by DND, EMO then requested services from its private contractors, Universal. It was of interest to note the limited capabilities of the private contractors and in particular the inability to conduct nighttime searches. There were also additional discussions regarding the approval process for deploying resources and the availability of the same.

Round Table – Corner Brook, Grand Falls and St. John's Sessions

Case Studies

- **Stan Rice & Wilfred Lovell / Jackson's Arm / Search February 1 -4th, 2019 - Lost Snowmobilers**
- **Coady Peddle / Corner Brook / Sept. 18th, 2010 – 6-year-old boy who wandered off**

- Chesley Sweetapple / Millertown / July 27th ,2013 – Berry picker who failed to return on time
- John Doe / St. John's / November 7th,2020 – Mental Health patient who strayed from residence

The sessions held in Corner Brook, Grand Falls and St. John's primarily dealt with very emotional and troublesome circumstances surrounding the events pertaining to the above noted SAR missions and the tremendous efforts made by local GSAR teams to try and accomplish successful rescue outcomes in all situations. While the official Inquiry record will outline in detail the factual circumstances pertaining to each of these most unfortunate situations, there were mostly successful outcomes, but regrettably one gentleman later had succumb to his injuries. The panel discussion arising out of these individual case studies identified some common themes or issues which seem to perpetuate all the SAR missions which were reviewed.

Arising out of these discussions there appeared to surface a number of common themes which are worthy of noting for further consideration of the Commissioner in his deliberations pertaining to possible final recommendations. To highlight just some of these issues:

- *The lack of capacity of appropriate communication equipment and advance technology for VHF Radio systems to allow for further ranges and communications as between searchers working on the ground particularly in difficult terrains and Command Stations. It was repeatedly noted throughout the Inquiry that existing radio systems are not adequate to fulfill rough physical terrain in many remote mountainous regions*

- *The delays encountered in the line of authority for the deployment of helicopter resources by both provincial and federal resources when required and the necessary chains of authority associated with the same.*

- *The deployment of resources for "rescue" missions as opposed to known "recovery" mission.*

- *The value of the supply and promotion of PLB (Personal Locator Beacons) for users of outdoor recreational vehicles and the potential benefits of an awareness campaign promoting the same.*

- *The demand and strain on local SAR teams to be constantly fund raising to facilitate the acquisition of necessary equipment and training requirements.*

- *The excessive time demands of both team and executive volunteer SAR members which on average can be from an average of a minimum of 200 – 500 hours per year (See – Schedule "B" attached)*

- *Concerns surrounding the recruitment, training and maintaining of volunteers for SAR programs and teams. The readily identifiable recruitment sectors are groups such as Scott's Canada, Duke of Edinburgh, Cadets and Fish and Wildlife Programs as well as outdoor ATV / Snowmobile groups.*

(See Exhibit # 76)

It became readily apparent from hearing all of the evidence in each of the various cases reviewed, that Ground Search Rescue teams from across the Province of Newfoundland and Labrador form a critical and vital role all efforts surrounding lost or missing persons. The candid evidence from numerous RCMP / RNC witnesses who appeared before the Inquiry, confirmed that while the police are typically the first point of contact on such cases and take the lead on commencing search efforts, typically GSAR resources are called in and search efforts are turned over to such trained volunteers to continue. It should be noted that upon contact by police authorities, GSAR crews are immediately mobilized and structured search efforts are instigated.

It is worthy of note that GSAR teams are not simply groups of community minded individuals who are called out when reports of missing persons are received. It is abundantly clear that the members who make up NLSARA, the governing body of the 26 local SAR teams across the island and in Labrador, is an organization with highly trained and committed volunteers. This organization is a well-equipped, highly trained group of dedicated volunteers who devote literally hundreds of volunteer hours to engage in search efforts to locate lost and missing persons.

The testimony from all the various searchers confirmed that the approach to search and rescue missions is a very systematic regime that follows long standing protocols and practices that have been established and are structured taking consideration numerous factors and objectives such as behavioural patterns and available evidence. Teams are comprised of trained volunteers who are equipped with some of the most current and advanced technology to assist in established and structured search efforts and plans.

Of particular interest was the evidence that was disclosed by the Rovers Search and Team during Inquiry proceedings in St. John's as it pertains to search missions dealing with individuals suffering from mental health related challenges. Given the close proximity to a significantly larger population base, the Rovers team indicated that approximately 65% of the calls they receive are related to lost or missing persons dealing with mental health related issues. This in and of itself, provides for its own unique set of circumstances depending upon the facts of each individual mission. It was this most alarming statistic that drew the focus of the Inquiry to recognize the importance of mental health services for victims and searchers alike and as well as the current lack of attention to address this growing need.

It became readily apparent that while the search efforts may not differ substantially in such cases, the level of supports required and necessary interventions can increase substantially when dealing with such individuals. It was clear from the evidence that the availability of such support resources appears to be substantially lacking. This highlights the importance that search and rescue efforts need to be cognizant of the importance of factoring in mental health considerations and supports when conducting operations. There is a clear and unequivocal need to have more attention focused on the Mental Health First Aid element of the search and rescue mission, so as to assist both searchers and those lost or missing in achieving the required goals, both during such search mission and immediately following. The importance of such concerns was further elaborated on by mental health consultant Ms. Louise Bradley who evidence will be referenced later in this submission.

Of further interest in reviewing the individual case studies, it became evident that the concept of "*Tunnel Vision*" arose on occasion for consideration, not so much that it was readily apparent in

any one of the particular cases scenarios, but given the very nature of human frailties and is that it is worthy of review. When one looks at both the Winter's and Sweetapple cases, despite the available evidence, or the lack thereof in the Sweetapple scenario, regardless of what might be considered as typical lost person behaviour, the lost individuals were ultimately located outside of the expected search areas. This begs the question as to whether there needs to be some element of resources deployed to consider *outlier* factors in training programs and the execution of rescue missions.

Perhaps one of the most substantial and repeated issues that arose in all case studies was the enormous volunteer hours that are put in by GSAR teams across Newfoundland and Labrador. The evidence provided by Mr. Harry Blackmore of NLSARA provided specific details of the efforts that are being made by men and woman across the province in participating, not only search and rescue missions on the ground, but the necessary training that is required to qualify as a member of a team as well as to maintain necessary search techniques and certification.

Going hand in hand with the extensive person hours contributed by hundreds of search and rescue volunteers across the province, is the requirement for sufficient financial resources to adequately equip the ongoing efforts of GSAR teams in the 26 separate locations. The extensive needs of each of these teams is worthy of reference. Some of the necessary equipment referenced extends from appropriate clothing and personnel equipment including, rain wear, winter wear, boots, gloves, flares, illumination devices, radio, GPS and communication equipment for searchers. In addition to personal requirements there are numerous equipment needs for teams including, but not limited to mobile command posts and mobile vehicles and trucks , ATV's, snowmobiles, boats / fast water rescue craft, fuel, VHF

Communication Equipment, radio devices, drones, GPS devices, computer equipment, generators, floatation devices, sonar devices, cameras, ropes, belts, harnesses, pullies, batteries, tents, sleeping bags, cook ware, first aid gear...all of which requires maintenance and replacement and frequently licensing requirements. The purpose of listing the same is to demonstrate the significant costs involved in ascertaining and maintaining such equipment.

Furthermore, there is the need to have a base headquarters which requires, heat, light, maintenance, insurance and other capital costs as it also serves as an emergency shelter and community warming centre. The necessity for adherence to regulatory requirements and the extensive training programs for maintaining certification for membership as well as specialty teams such as High Angle Rescue, Ice Rescue Recovery and Helicopter Rescue is extensive and also requires substantial financial resources.

In response to these financial demands GSAR teams are constantly required to undertake fundraising events year around including everything from car washes, bake sales, recycling programs to ticket sales. Each of the 26 teams have expressed in no uncertain terms, their gratitude to community minded groups, organizations and businesses that generously supply a majority of the necessary funding to allow these teams to stay in operation. The concerning aspect is that with the uncertainty of dedicated funding streams, these invaluable volunteer organizations are often distracted with having to devote the significant amount of the time to fundraising and related issues as opposed to training and on the ground search and rescue missions they have been established to conduct.

Despite the financial constraints that GSAR teams are under, there is limited government resources available. By way of example, the Rovers Search and Rescue team (St. John's Region) receives no annual budgetary amounts by way of dedicated funding from Government, the revenue stream comes from applications to various funding organizations, community groups and donors, both provincially and nationally, as well as a tremendous number of fundraising events.

Policy Sessions / St. John's / MUN Signal Hill Campus

Harry Blackmore – President Newfoundland and Labrador Recue Association:

The evidence as disclosed by Mr. Harry Blackmore, President of the Newfoundland and Labrador Search and Rescue Association (NLSARA) during the round table policy sessions held in St. John's at the MUN Signal Hill Campus, illustrated that the early formation of the Association has its roots in the national Scouting program and grew with the participation of provincial and national police forces and expanded to include volunteers from wildlife and volunteer fire services. Over the course of the last 40 + years, this volunteer GSAR Association has mushroomed into the strong well-equipped organization that the community now so heavily relies on. The amazing characteristic is that these 26 teams are not only grounded on a volunteer basis, but it is these individuals who are tasked to provide the essential search and rescue, emergency management and disaster response within their respective regions that we have all come to take for granted.

Over the course of his testimony, Mr. Blackmore outlined the professionalism of these various SAR groups across the province, but the submission entered on behalf of the provincial association outlines some seventeen separate Improvements that his group feel could be made to strengthen the existing system.

The clear and unequivocal message delivered by NLSARA was that it is this organization, which the province is so dependent upon like so many other provinces across the country, is fundamentally reliant on a group of volunteer members who are not only devoted and committed to this calling, but are to a greater extent, left to raise the financial resources in which they operate to their own accord.

It is abundantly clear that if the province is to continue to rely so heavily on such a valuable and cost-efficient system for search and rescue, then at a minimum, it is incumbent upon Government to ensure that such valuable volunteer resources are funded such that they are not left with this burdensome responsibility.

In addition, Mr. Blackmore highlighted a substantial deficiency in the system that being the inadequacy of existing aviation resources which the province provides which are incapable of providing nighttime search efforts. The Inquiry subsequently heard from two private aviation operators, Provincial Aerospace and Cougar Helicopters who have the capability to supplement these services. In addition, there is the availability of CASARA which currently appear to be underutilized for GSAR missions.

There also exists an obligation on Government to incorporate a prevention element in their policies addressing SAR strategies going forward. While it goes without saying that it is a worthwhile exercise to promote adventure tourism inside the province, both to local residents as well as tourist abroad, prevention is an essential element in informing both residents and tourist alike, who wish to avail of the various trails and adventures throughout the province. The increase in number of people who now take advantage of the wildness and countryside this Province has to offer has consequently resulted in an increase in the number of search missions for lost or missing individuals who are hiking, hunting or taking advantage of outside activities. It is some of these individuals who fail to either properly equip or educate themselves on the necessities or hazards associated with their activities. A similar type of awareness program currently exists through the national prevention program Adventure Smart as well as such programs as Project Lifesaver and SAR Autism and government may wish to consider supplementing or funding such existing programs.

In concluding his evidence Mr. Blackmore did note an additional area of concern being that both provincial and federal resources will not be deployed for Recovery missions. "Recovery" missions are distinguished from "Rescue" missions in that they concern individual who are known or presumed to be deceased. This is of particular concern in that not only does it put a burden on GSAR resources, but it sets an unacceptable distinction as between the living and the dead. Air resources will be deployed if an individual is thought to be alive and missing, but not if they are presumed deceased, such recovery is left to ground crews.

Richard Smith - Expert in Search and Rescue:

Richard Smith has been involved in the world of Public Safety and Policing and became actively involved in the search and rescue in 1986 through his recruitment with the RCMP and has had extensive experience in most elements of search and rescue from safety and emergency management, SAR training as well as involvement in the research and development of core competency and accreditation standards. Mr. Smith has had extensive SAR volunteer experience throughout his career in various areas across the continent having been involved in substantial search rescue and emergency missions.

Mr. Smith spent approximately 6 weeks in the province and was a participant in all aspects of the Inquiry, both in Labrador and on the island. His presentation before the Inquiry at the policy sessions was primarily an academic presentation which addressed the importance of Education and Training in evolving SAR programs. Through a review and analysis of such global incidents as Hurricane Katrina and the BP-Enbridge Incident there were substantial lessons learned following a review of the After Action and Corrective Action Reports filed.

In the case of Hurricane Katrina there was a lack of clear and decisive leadership and the evident deficiency of capacity and capability of the system in place. The BP – Enbridge incident involved a Multiple Agency Response which disclosed its own problems including a lack of coordination in relation to such mission details as Incident Action Plans and Incident Management teams reporting. It is from this analysis that Mr. Smith is of the strong belief that we need to have standardized system of Command and Control. The detailed presentation

entered into evidence (Exhibit (#191) addresses many of the core and essential elements of an ideal SAR system.

Following an in-depth presentation of what constitutes the model SAR system and the essential components of the same, Mr. Smith went to identify what he saw as the various opportunities and threats to the existing provincial SAR system. It became readily apparent upon questioning, that matters concerning communication and supports with survivors and their families failed to enter into the equation and that there was no reference to improvements or enhancements in what appears to be an obvious void in SAR incident management practises. This is clearly something that needs to be formalized by way of policy or directive such that family stakeholders and searchers form an integral part of the SAR mission scenario, both during and subsequent to the conclusion of the SAR mission.

We would suggest that some of the more valuable aspects of Mr. Smith's evidence was what he identified as some of the deficiencies in our existing provincial SAR system and the recommendations in relation to the same. The following is a partial list of those recommendations for which the Winters Family endorses.

- Sustainable funding for the SAR sector
- Public, Private Partnerships (PPP) for the SAR sector, development and implementation
- Federal Provincial Partnership funding for Indigenous SAR programs
- Deployment of Unmanned Aerial Systems (UAS) and Unmanned Aerial Vehicles (UAV)
- Decision to perform with the closest asset
- Improved Helicopter Operations with nighttime capacity and resources.

Louise Bradley – Trauma and Mental Health Consultant

Ms. Louise Bradley was retained by the Public Inquiry early in the process to work with legal counsel for the Inquiry and family counsel in bringing a trauma and mental health-based perspective to the proceedings, as well as to supply a support system to both families as well as searchers and police participants involved in the process. From the Winters Families perspective, the assistance she provided during the hearing process was invaluable.

Ms. Bradley has an expansive and impressive resume when it comes to both health care and more particularly, in respect to the provision of mental health services. While originally trained as a registered nurse and later obtaining her Bachelor of Nursing, Ms. Bradley went on to obtain a Master of Nursing at Northwestern University in Boston, Mass. with a focus on Mental Health. Her expertise in mental health stems from numerous positions held in various capacities culminating in Ms. Bradley taking on the position of President and CEO of Canadian Mental Health Commission of Canada located in Ottawa where she served for a number of years until her recent retirement in 2021. Ms. Bradley is the recipient of both the Order of Canada and Order of Newfoundland.

Over the course of the Inquiry, Ms. Bradley provided invaluable support services to the families and all participants in the Inquiry process, including the searchers and police authorities. The evidence she provided to the Inquiry was very succinct and she raised three specific points in respect to her observations, those being (1) the need for additional mental health training, (2)

the use of stigmatizing language in the SAR field and (3) improved Inter-Departmental Communications. The commentary provided illustrated that there is a clear void in the training and support services provided for mental health services in the SAR area. It became quite obvious that there is a real need Mental Health First Aid and other related resources to be made available to survivors, affected families as well as searchers impacted by SAR missions, and we would wholly endorse any recommendations advancing the same.

PAL Aerospace / Cougar Helicopters:

Both of these two aviation companies presented to the Inquiry and outlined the current resources which they have which could be utilized to supplement the existing resources of the present provincial SAR system. (See Exhibits #P-193 & P-194) It became readily apparent throughout the Inquiry hearings that while the Dept. of Defense are there to supplement the existing GSAR system here in the province in cases where Humanitarian Assistance is requested, they serve as a secondary source. It was obvious throughout the Inquiry that the provincial system lacks certain necessary aids such as nighttime search aircraft. Given that there exists such a need, consideration should be given to establishing a Public/Private Pilot Project based on a similar premise as the existing protocol that exists as between DND, and Cougar as can be seen in Exhibit P- 197, which was a system put in place following the Cougar Crash in March of 2009.

Merv Wiseman – Retired JRCC – SAR Coordinator / Concerned Citizens Coalition:

Mr. Merv Wiseman presented on behalf of the Concerned Citizens Coalition and brought a perspective as a retired JRCC/ SAR Coordinator. While Mr. Wiseman has been retired for a number of years, he was able to provide insight as to what he saw as some of the weaknesses in the SAR system. Perhaps the strongest message that came from his testimony was that while we have distinct federal and provincial SAR systems, far too often the very intrinsic nature of any SAR mission requires the coordination of all relevant parties to come together for the common good, that being the successful search rescue of the subject. He was aware of numerous instances where this did not occur.

Upon examination of Mr. Wiseman, it became evident that there does not exist any formal structure for regular meetings of the relevant parties involved in search and rescue those being: RNC/RCMP / GRSAR / CASAR / EMO / DND. The conversation throughout the entire Inquiry was riddled with language such as *coordination, communication and cooperation*, yet there exists no one policy document or protocol which outlines how all these essential and valued agencies operate together to ensure the common good. Such a blatant deficiency seems to be a priority to address. While it was suggested that there is national SAR organization in place, the evidence of Harry Blackmore was that for all intent and purposes, it was ineffective. Accordingly, there should be a concentrated effort to address this readily apparent deficiency.

CASARA

The Canadian Aviation Search and Rescue Association also presented before the Inquiry. This organization, while national in terms of organization is comprised of highly trained provincial aviation enthusiasts, who are called upon to utilize privately owned aircraft to supplement search efforts and as well supply "spotter" support services to existing provincial and federal resources.

It became apparent that use of this resource is highly under utilized in that while their membership is frequently called upon to provide "spotters", the number of times aircraft are dispatched to conduct or participate in search missions at a minimum. There would appear to be a communication issue as to which authority, (i.e., DND, RCMP/RNC; EMO) should have discretion to deploy such a worthwhile search resources given that they are highly trained and readily available.

Response to Draft Recommendations – Commissioner James Igloliorte

Stemming back to when Burton Winters was lost back in January of 2012, his family has consistently acknowledged that while they know nothing will bring him back, they wanted to see changes to the system so as to allow improvements such that incidents such this could be avoided in the future.

Based upon this premise, while the family fully endorses all the draft recommendations put forth by Commissioner Igloliorte, they would prioritize the following eight (8) recommendations put forward and will be presenting their own separate recommendations as well.

Recommendation 1

The Commissioner therefore recommends that the Government of Newfoundland and Labrador and the Government of Canada, in consultation with policing agencies and GSAR and MSAR agencies, seek to arrive at a Memorandum of Understanding (MOU) so that the Government of Canada helicopter resources are made available to support GSAR operations on an equal basis to their support for MSAR operations.

Recommendation 3

The Commissioner therefore recommends that the Government of Newfoundland and Labrador and the Government of Canada, in consultation with policing agencies and GSAR and MSAR agencies, seek to arrive at a MOU so that search and rescue operations in coastal regions are organized in an integrated and transparent manner.

Recommendation 5

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.

Recommendation 8

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.

Recommendation 10

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.

Recommendation 14

The Commissioner therefore recommends that:

1. 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.
2. Policing agencies and NLSARA teams, while actively engaged in searches, have timely access to mental health professionals so as to inform such searches.

Recommendation 15

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.

Recommendation 16

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.

Recommendations of the Family of Burton Winters

In addition to the Draft Recommendations of the Commission, the Winters Family puts forth the following new or supplementary recommendations:

Recommendation #1

Given the evidence disclosed by policing GSAR and MSAR agencies regarding the numerous lines of authority involved in approving the deployment of immediately required resources, it is recommended that:

That police, GSAR and MSAR agencies establish an inter-jurisdictional working group, that is required to meet bi-annually, whose goals and objectives are to review existing practices, procedures and protocols and as part of their mandate and to develop a clear and written policy pertaining to the efficient and effective line of authority for the deployment of resources.

Recommendation #2

Given the evidence pertaining to the lack of provincial Search & Rescue Resources to conduct nighttime search efforts and the limited technology available on existing aeronautical equipment, it is recommended:

That the Government of Newfoundland and Labrador and the Government of Canada explore opportunities to initiate a public/private partnership with existing aeronautical providers (Cougar Helicopters/PAL Aerospace) to establish a pilot project whereby existing search and rescue resources could be supplemented by existing private companies.

Recommendation #3

That in recognizing the uniqueness of coastal Labrador and the unique challenges that it brings from a search and rescue perspective and as a supplement to Draft Recommendations #3, it is recommended that:

The Government of Newfoundland and Labrador and Government of Canada, in consultation with relevant Indigenous governing bodies, policing as well as GSAR/MSAR agencies, establish a Community Working Group (CWG) to identify the specific needs and requirements for Search and Rescue requirements in the North including the placement of suitable resources within the geographical boundaries of Labrador.

Recommendation #4

Given the evidence that was disclosed pertaining to the National Search and Rescue Manual (DND) Exhibit P-102 and the issues pertaining to definitions and applications contained therein and in light of the fact it was last revised – March 27, 2003, it is recommended that:

Considering the Government of Canada's cooperation in participating in the GSAR Inquiry, that Government of Newfoundland and Labrador and Government of Canada establish a consultation process so that deficiencies as highlighted through this Inquiry and its recommendations can be reviewed and implemented and required amendments be made to the Search and Rescue Manual.

Recommendation #5

Given the special characteristics of life in northern and coastal Labrador and the indigenous way of life, it is recommended that:

The Government of Newfoundland and Labrador give consideration, in consultation with community groups, of introducing curriculum and educational components (such as the Junior Rangers Program) into the education programs so that all youth may benefit from the same.

Recommendation #6

In light of the evidence that was disclosed regarding the lack of training and awareness of the Mental Health components of search and rescue missions and as a supplement to Draft Recommendations 14, 15 and 16, it is recommended that:

That the Government of Newfoundland and Labrador, require the relevant government departments (Health and Community Services and Justice and Public Safety) in consultation with the relevant community partners

(Canadian Mental Health Association) and police and GSAR agencies, to establish a Task Force to identify deficiencies in the field of Mental Health First Aid as it pertains to Emergency Response and Ground Search and Rescue and establish a Mental Health Strategy for all participants and families involved in such incidents.

Recommendation #7

In recognition of the requirements of technology in the field of search and rescue, it is hereby recommended that:

The Government of Newfoundland and Labrador, through the Department of Justice & Public Services (Emergency Services Division) and in partnership with NLSARA, undertake a review and inventory of essential and necessary equipment needs province wide, with a view to establish a long-term funding mechanism to address identified deficiencies.

Recommendation #8

Given the ongoing needs for participants to supplement GSAR teams within Newfoundland and Labrador, and as a supplement to Draft Recommendation #7, it is hereby recommended that:

That the Government of Newfoundland and Labrador, in consultation with NLSARA, look at instituting a public awareness campaign so as to encourage recruitment and that such campaign include inducements such as free vehicle registration, clothing allowances and tax breaks.

Recommendation #9

As it pertains to CASARA, given the evidence of the under utilization of this highly trained and specialized service, and as a supplement to Draft Recommendation #10, it is hereby recommended that:

That Government of Newfoundland and Labrador (EMO), Provincial policing agencies and NLSARA be encouraged to enter into a consultation process with CASARA so as to be able to establish clearer protocols for utilization of services as it pertains to GSAR missions.

Recommendation #10

Given concerns as raised by the Winters family in terms of communications at the initial stages of the search efforts, it is recommended that:

That policing agencies, as the first line of response, review their existing policies and protocols as it pertains to immediate and ongoing communication with family members to ensure that there are appropriate procedures in place to address the needs of such families, both throughout and subsequent to the search and rescue mission.

Conclusion

The Winters family wish to acknowledge and thank Inquiry Commissioner Igloliorte as well as all of the staff and participants in the Inquiry for the support and kind gestures that were shown to them throughout this process.

While going through the Inquiry process brought up some difficult and emotional memories, it has always been the families wish that through the loss of their son and grandson, improvements will be implemented such that no family has to go through similar circumstances in the future.

It is now incumbent upon Government to accept the report from the Inquiry with a view to instituting its recommendations to realize improvements to our Search and Rescue efforts throughout Newfoundland and Labrador.

In concluding, we finish with the thoughts of Burton's Stepfather, Steve Rice, whose remarks at the conclusion of the proceedings were read into the record:

"I just want to take a moment to share one of my personal memories of my step-son Burton. I remember the first time I met Burton. He was only a month old. I walked into the room where he was lying on the bed and he was wearing these mittens, and to me they looked like boxing gloves. And I thought then, he's a boxer. Little did I know at that time, that he would become the greatest fighter I've ever known. On January 29th, 2012, he

proved it. Burton went away a boy, came back a man. And ever since he has been, and always will be, a superhero for me."

Dated at St. John's, in the Province of Newfoundland and Labrador, this 15th day of November 2021.



Thomas E. Williams, Q.C.
Counsel to the Family of Burton Winters



SCHEDULE "A"Letters & Correspondence

- Qualipu First Nation
- Miawpukek Mi'Kamaway Mawiomi
- Nutatsiavut Government
- Innu Nation
- Nunatukavut Community Council
- Canada's Ocean Supercluster
- Kraken Robotics Inc.
- CoLab Solutions

Meetings & Conference Calls

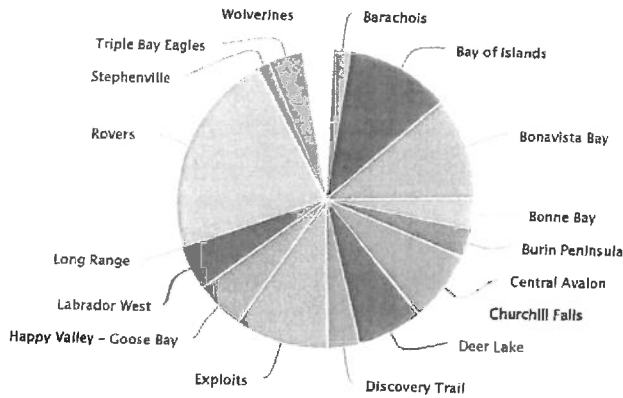
- Jack Harris M.P. – Chair National Defence Comm
- Kathy Dunderdale – Former Premier N&L
- Hon. Fabian Manning – Senator / Chair of Senate
Comm. reviewing Marine
Search & Rescue
- Randy Edmunds – MHA Torngat Mountains
- Master-Corporal Barry
Anderson – Leader of the Canadian Junior Rangers &
Search & Rescue Coordinator & Community Constable
- Michael Johansen – Author – The Boy Who Walked
- Harry Blackmore – President – NLSARA
- Scott Tessier – CEO – CNLOPB
- Derrick Rowe – CEO – Bluedrop Training & Solutions
- Steve Dinn – Provincial Aerospace
- Hank Williams – Cougar Helicopters
- Carolann Harding – Smart ICE
- Merv Wiseman – Chair-Concerned Citizens Group
- Clarence Peddle – Former Coast Guard Search & Rescue Coordinator
- Randy King – Member of CASARA
- Kevin Breen – Family Member of Lost Crew Cougar Helicopter Crash
- Numerous members of Burton Winters Family
 - Rodney Jacque – Father
 - Paulette Rice – Mother
 - Natalie Jacque – Stepmother
 - Steve Rice – Stepfather
 - Edna Winters – Grandmother

SCHEDULE B

NLSARA SYSTEM [logout](#)
 Profile: [Harry Blackmore Training Alert](#)

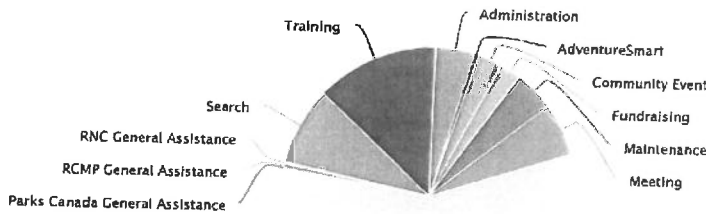
Search & Rescue Summary Report - Start Date: 2020/01/01 - End Date: 2021/09/21

Search Activity by Team



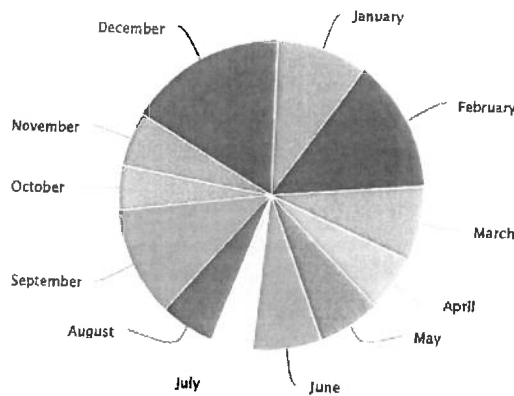
Location(Team)	Searches	Hours
Barachois	1 (0.7%)	2,883.95 (1.9%)
Bay of Islands	20 (13.0%)	17,755.17 (11.4%)
Bonavista Bay	6 (3.9%)	17,481.71 (11.2%)
Bonne Bay	8 (5.2%)	5,180.37 (3.3%)
Burin Peninsula	5 (3.3%)	4,909.58 (3.2%)
Central Avalon	12 (7.8%)	11,725.23 (7.5%)
Churchill Falls	2 (1.3%)	262.43 (0.2%)
Deer Lake	14 (9.1%)	10,809.53 (7.0%)
Discovery Trail	1 (0.7%)	5,230.00 (3.4%)
Exploits	13 (8.4%)	16,049.12 (10.3%)
Happy Valley - Goose Bay	0 (0.0%)	8,196.60 (5.3%)
Labrador West	0 (0.0%)	7,519.00 (4.8%)
Long Range	0 (0.0%)	22.50 (0.0%)
Rovers	62 (40.3%)	34,695.21 (22.3%)
Stephenville	0 (0.0%)	2,007.50 (1.3%)
Triple Bay Eagles	1 (0.7%)	5,735.00 (3.7%)
Wolverines	9 (5.8%)	5,112.00 (3.3%)

Search Activity by Type



Type	Searches	Hours
Administration	0 (0.0%)	6,779.58 (4.4%)
AdventureSmart	0 (0.0%)	648.00 (0.4%)
Community Event	0 (0.0%)	4,282.00 (2.8%)
Fundraising	0 (0.0%)	3,550.00 (2.3%)
Maintenance	0 (0.0%)	6,972.70 (4.5%)
Meeting	0 (0.0%)	9,106.50 (5.9%)
On Call	0 (0.0%)	89,537.10 (57.6%)
Parks Canada General Assistance	0 (0.0%)	59.00 (0.0%)
RCMP General Assistance	0 (0.0%)	682.65 (0.4%)
RNC General Assistance	1 (0.7%)	236.68 (0.2%)
Search	143 (98.6%)	13,181.04 (8.5%)
Training	1 (0.7%)	20,539.65 (13.2%)

Search Activity by Month



Month	Searches	Hours
January	15 (10.2%)	15,043.55 (9.7%)
February	11 (7.5%)	21,918.77 (14.1%)
March	8 (5.4%)	12,120.07 (7.8%)
April	12 (8.2%)	9,065.38 (5.8%)
May	12 (8.2%)	10,188.93 (6.6%)
June	20 (13.6%)	11,243.68 (7.2%)
July	15 (10.2%)	6,864.12 (4.4%)
August	20 (13.6%)	9,058.41 (5.8%)
September	14 (9.5%)	18,233.55 (11.7%)
October	6 (4.1%)	7,251.43 (4.7%)
November	13 (8.8%)	8,813.02 (5.7%)
December	1 (0.7%)	25,774.00 (16.6%)
Total	147 (100%)	155,574.90 (100%)