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1 **September 21, 2021**

2

3 THE CLERK:

4 All rise. This Commission of Inquiry is now
5 open. Commissioner James Igloliorte presiding as
6 Commissioner. Please be seated.

7 COMMISSIONER IGLOLIORTE:

8 Just two items of housekeeping. One of them is
9 simply a reminder for you to sign the COVID
10 document we have outside, identifying who was
11 here, and your contact number.

12

13 And the other is that we will follow the same
14 protocol today in this building, where you keep
15 your mask on, please, unless you're speaking.

16

17 And secondly, I've been told that the lunch menu
18 is available. You can take care of that -- if
19 you want a more efficient lunch, take care of
20 that at the midmorning break.

21

22 Mr. Budden?

23 MR. BUDDEN:

24 Thank you, Mr. Commissioner. Geoff Budden

Page 2

1 speaking. First order of business today, before
2 we turn matters over to Ms. Bedford, is we have
3 certain exhibits to enter. So perhaps we do that
4 now, Mr. Commissioner.

5 COMMISSIONER IGLOLIORTE:

6 Thank you. Go ahead.

7 MR. BUDDEN:

8 Yes. Yesterday brought us up to Exhibit, I
9 believe, 171. So today's would start with the
10 next exhibit in sequence which would be P-172.

11

12 I believe that's correct, Madam Clerk?

13 THE CLERK:

14 Yes, that's correct.

15 MR. BUDDEN:

16 Thank you. The next list of exhibits would all
17 relate to the next roundtable, the search for
18 Mr. Sweetapple in July of 2013, which we will
19 explore in further detail when we arrive in Grand
20 Falls beginning on Thursday.

21

22 There are six or seven in the sequence and these
23 are not official titles, they're just sort of the
24 working titles to assist.

Page 3

1

2 172 would simply be RCMP Notes. That's a
3 one-page exhibit.

4

5 **EXHIBIT P-172, ENTERED AND MARKED ON INQUIRY**

6

7 MR. BUDDEN:

8 173 would be SAR, S-A-R, Briefing Report. That's
9 an exhibit of approximately 50 pages.

10

11 **EXHIBIT P-173, ENTERED AND MARKED ON INQUIRY**

12

13 MR. BUDDEN:

14 174 is a short series of, what we'll simply call,
15 RCMP emails. There's eight pages of those.

16

17 **EXHIBIT P-174, ENTERED AND MARKED ON INQUIRY**

18

19 MR. BUDDEN:

20 The next is P-175. It's simply entitled
21 "Incident Log." And now that's generated by the
22 JRCC, I believe, and is about 20 pages.

23

24 **EXHIBIT P-175, ENTERED AND MARKED ON INQUIRY**

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1 MR. BUDDEN:

2 Next in sequence, which would be P-176, would be,
3 again, titled "RCMP Notes."

4

5 **EXHIBIT P-176, ENTERED AND MARKED ON INQUIRY**

6

7 MR. BUDDEN:

8 The next in sequence would be Corporal Ian
9 Dollimount Notes. That would be P-177.

10

11 **EXHIBIT P-177, ENTERED AND MARKED ON INQUIRY**

12

13 MR. BUDDEN:

14 The next document we have, which would be P-178,
15 is entitled "Search Summary, Cody Peddle,
16 September 18th, 2010."

17

18 **EXHIBIT P-178, ENTERED AND MARKED ON INQUIRY**

19

20 MR. BUDDEN:

21 And that, for the information of anybody here,
22 we'll be exploring this briefly, looking at this
23 search tomorrow morning with the Bay of Islands
24 SAR team.

Page 5

1 And by the way, Mr. Commissioner, I've notified
2 them, and they will be here tomorrow at 9:00.
3 COMMISSIONER IGLOLIORTE:
4 Thank you.
5 MR. BUDDEN:
6 We next move on to three emails which,
7 essentially, are inReach printouts that were
8 generated or provided to us yesterday evening by
9 Mr. Germani of the Bonne Bay Search and Rescue
10 team.

11
12 The first of those in sequence, P-179, is
13 entitled "Image 2895."
14

15 **EXHIBIT P-179, ENTERED AND MARKED ON INQUIRY**

16
17 MR. BUDDEN:
18 The next in sequence, P-180, is Image 2897.
19

20 **EXHIBIT P-180, ENTERED AND MARKED ON INQUIRY**

21
22 MR. BUDDEN:
23 And finally, at P-181, we have Image 2898.
24

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1 **EXHIBIT P-181, ENTERED AND MARKED ON INQUIRY**

2
3 MR. BUDDEN:
4 Those are all the exhibits there. We will have
5 more exhibits to enter over the next day or two
6 relating to our next roundtable, after Grand
7 Falls. And we have them. They're simply being
8 reviewed and redacted.
9 COMMISSIONER IGLOLIORTE:
10 Thank you.
11 MR. BUDDEN:
12 I understand from Madam Clerk that those exhibits
13 would be posted over the lunch hour, or later on
14 today, if circumstances permit.
15 THE CLERK:
16 Lunchtime.
17 MR. BUDDEN:
18 Lunchtime. Lunchtime it is. That's all I have,
19 Mr. Commissioner.

20
21 As we advised yesterday, and just for the
22 information of anybody new today, the next
23 evidence will be the evidence of the Federal
24 Government witnesses, RCMP and Department of

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1 National Defense.
2
3 And that direct evidence will be through their
4 counsel, Ms. Corinne Bedford. So I'll turn the
5 matter over to Ms. Bedford now.
6 Cross-examination will follow in the usual
7 manner.
8 COMMISSIONER IGLOLIORTE:
9 Thank you very much.
10 MS. BEDFORD:
11 Thank you. I think I'll start this morning -
12 good morning, gentlemen - by having you each
13 introduce yourselves. Just letting the
14 Commissioner know who you are, and what you do.
15 So we'll start with Sergeant Cooper.
16 MR. BUDDEN:
17 Sorry, just as a housekeeping note. If perhaps
18 the technicians, if anybody's voice isn't coming
19 through clear, can notify us so that we can
20 adjust.
21 SERGEANT COOPER:
22 Good morning, Commissioner. I'm Sergeant Dave
23 Cooper, Member of the Royal Canadian Mounted
24 Police for the last 21 years. I'm currently the

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1 Operations NCO for Northern Peninsula/Deer Lake
2 District.
3
4 During the time of this incident, I was team
5 leader, supervising a team of constables in Deer
6 Lake Detachment.
7 MS. BEDFORD:
8 Thank you.
9 LT.-COL. MARSHALL:
10 Good morning. Lieutenant Colonel James Marshall.
11 I work at the Canadian Joint Operations Command
12 in Ottawa. I'm the Search and Rescue advisor to
13 the Commander.
14 SERGEANT WILLIAMS:
15 Good morning, everyone. Sergeant Danny Williams.
16 I'm in charge of the Emergency Management
17 section, which includes overseeing search and
18 rescue operations for all RCMP jurisdictions in
19 the province.
20 MS. BEDFORD:
21 Thank you, gentlemen. So I think, given the way
22 that the documents -- I'll just let everyone know
23 I will be referring, or my witnesses will be
24 referring, to Exhibit 170, 171, which were, I

Page 9

1 believe, sent out yesterday, and 97.
 2
 3 I think I'd like to start with Sergeant Cooper.
 4 BY MS. BEDFORD:
 5 Q. So, Sergeant Cooper, can you just tell me, or
 6 tell the Commission, sorry, what part you played
 7 in the search that we're discussing, the
 8 snowmobiler search.
 9 SERGEANT COOPER:
 10 A. Sure. On February 1st, 2019, I was working
 11 dayshift at Deer Lake Detachment, which consisted
 12 of 0800, 8:00 a.m. to 1600, 4 p.m.
 13
 14 At 3:38 p.m., St. Anthony Detachment, Constable
 15 Shane McIver, received a report from our
 16 Operations Communications Centre of a missing
 17 snowmobilers group.
 18 RALPH, Q.C.:
 19 I'm sorry. I'm sorry. What exhibit are we on
 20 right now, sorry?
 21 MS. BEDFORD:
 22 I'm sorry, I believe he's referring to...
 23 RALPH, Q.C.:
 24 He's reading, obviously, from notes, so.

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1 MS. BEDFORD:
 2 Yes.
 3 SERGEANT COOPER:
 4 A. Yeah, the timeline.
 5 MS. BEDFORD:
 6 Oh, I apologize. The notes that he's referring
 7 to are just a timeline that I put together from
 8 all of the documents. So I would say considering
 9 that the documents that I used were 170 and 171.
 10 RALPH, Q.C.:
 11 Okay. Thank you.
 12 SERGEANT COOPER:
 13 A. At that time he informed his supervisor, Corporal
 14 Shane Clarke, as well as the District Policing
 15 Officer, Superintendent David Cooke.
 16
 17 At 3:57 p.m., I was informed of the snowmobilers'
 18 (inaudible) by the OCC. At that time, we were
 19 just into a reorganization of our district. So I
 20 contacted our Acting Detachment Commander, Staff
 21 Sergeant Joe Anderson.
 22
 23 At that time he advised that the file would
 24 belong to Roddickton and St. Anthony. I deferred

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1 to him. So the file was passed on to
 2 St. Anthony. However, I did notify our
 3 nightshift just in case. I felt that the file
 4 would come back.
 5
 6 From previous knowledge, I knew that Harbour
 7 Deep, when people inhabited Harbour Deep, that
 8 Deer Lake covered the area. At this time, when
 9 it was resettled in late '90s, early 2000, very
 10 little activity there, so we never had many
 11 calls.
 12
 13 And that area would have been dictated by --
 14 well, GSAR would cover that area. Roddickton
 15 GSAR would cover north of Harbour Deep and Deer
 16 Lake GSAR would cover south.
 17
 18 And at the time that I was notified, I was not
 19 given any GPS coordinates of exactly where this
 20 took place.
 21
 22 So at that time, I notified Constable Guy
 23 Boudreau, who was working nightshift, and I
 24 passed on some contact information.

Page 12

1 I was aware that Mr. Bob Pittman owned the lodge
 2 in Harbour Deep, the Danny Corcoran Lodge. So I
 3 passed on contact information for him, should he
 4 need to reach out to Mr. Pittman.
 5
 6 I ended my shift at 1700 hours, 5 p.m. Through
 7 the night Constable Boudreau continued work on
 8 the file, along with members from St. Anthony and
 9 Roddickton, as well as our risk manager who was
 10 stationed in the OCC in headquarters in
 11 St. John's.
 12
 13 Sergeant Chad Norman and Sergeant Curtis Ashford
 14 worked through the night. At that point, they
 15 also were in contact with JRCC. Constable Grundy
 16 from St. Anthony Detachment, at 1739, 5:39 p.m.,
 17 was in contact with JRCC, to the best of my
 18 knowledge.
 19
 20 At 1746, Deer Lake GSAR were in touch with
 21 Constable Mark Grundy. At that time, Constable
 22 Grundy also contacted Katie Park, who was the
 23 wife of Eric Park, one of the original five in
 24 the snowmobile party.

Page 13

1 At approximately 6 p.m., that's when Deer Lake
 2 GSAR notified us that the weather was too severe,
 3 that they would not attempt to perform a ground
 4 search that night. The plan was to leave Deer
 5 Lake at 0500 the next morning, and to be at the
 6 Command Post in Jackson's Arm area at 7 a.m.
 7
 8 Corporal Rumbolt, who was the nightshift
 9 supervisor, Corner Brook Detachment, also
 10 continued to work on this file through the first
 11 evening.
 12
 13 At 6:30 p.m., Constable Grundy updated his
 14 supervisor, Corporal Shane Clarke, and Sergeant
 15 Chad Norman, who was the risk manager on duty.
 16
 17 And then, again, at 1848, I have a note that
 18 Corporal Rumbolt asked Sergeant Norman to call
 19 JRCC for the status of air support.
 20
 21 Shortly after, Sergeant Normal spoke with Steve
 22 Lawlor, JRCC. He confirmed they were contacted
 23 by FES-NL, and aerial assets were en route.
 24

Page 14

1 The first contact with Bob Pittman, who was the
 2 lead snowmobiler of the group in question, was at
 3 7:10 p.m. He informed that the three remaining
 4 snowmobilers were safe in Jackson's Arm.
 5
 6 At that time, JRCC were notified and we continued
 7 contact with Katie Park, who was the spouse of
 8 Eric Park.
 9
 10 At that time, we were notified that JRCC assets
 11 from Gander were on its way, and a plane from
 12 Greenwood. I believe that was a Hercules.
 13
 14 So what we knew at that point was that at 1:00,
 15 approximately between noon and 1:00, the group of
 16 five snowmobilers were travelling north towards
 17 the Danny Corcoran Lodge in Harbour Deep, and at
 18 some point they lost contact with the two rear
 19 snowmobilers in the group.
 20
 21 They started to search for about two hours on
 22 their own. They searched the area. They
 23 searched the trail. They searched the edges of
 24 the pond. With no luck.

Page 15

1 They turned around and they hit the SOS signal on
 2 their satellite device in the area they thought
 3 they had the best recollection that the remaining
 4 two were last seen. But, again, this was two
 5 hours after they had last seen Mr. Rice and
 6 Mr. Lovell.
 7
 8 As I said, they continued searching. Then they
 9 realized that darkness was about to set in and
 10 they attempted to make it home to Jackson's Arm.
 11 RALPH, Q.C.:
 12 Q. I'm sorry. Do you have the coordinates for that
 13 last known position there?
 14 SERGEANT COOPER:
 15 A. The coordinates.
 16 RALPH, Q.C.:
 17 Q. Yes?
 18 SERGEANT COOPER:
 19 A. Yes.
 20 MR. BUDDEN:
 21 Q. Perhaps, as well, Sergeant, if you are referring
 22 to a particular page of the exhibit, when you see
 23 the coordinates, if you could tell us. If not,
 24 it's not a problem. But if it's actually there

Page 16

1 before you, that would be helpful.
 2 MS. BEDFORD:
 3 Q. It may be. I'm looking at the coordinates right
 4 now.
 5 SERGEANT COOPER:
 6 A. Okay.
 7 MS. BEDFORD:
 8 Q. On page 5 of Exhibit 170. I'm not sure if those
 9 are the last known position coordinates, but I
 10 think they are.
 11 SERGEANT COOPER:
 12 A. And what exhibit number was that?
 13 MS. BEDFORD:
 14 Q. Sorry, 170.
 15 SERGEANT COOPER:
 16 A. No. Unfortunately, I can't call up the exhibits.
 17 RALPH, Q.C.:
 18 I think on the JRCC log, on page 1, there's a
 19 coordinate and it's likely the same one. Sorry,
 20 again, that's the bottom of --
 21 SERGEANT COOPER:
 22 Yes. So the GPS coordinate 50. --
 23 RALPH, Q.C.:
 24 I'm sorry, Exhibit 97, page 1.

Page 17

1 SERGEANT COOPER:
2 A. 97? 50.177865N-057.009537W. Thank you. So at
3 that point we continued coordinating through
4 FES-NL, through JRCC of assets.

5
6 The weather at the time, as was noted before, was
7 very severe. We did have concerns of sending
8 GSAR members out into the area. Visibility was
9 very, very reduced. Winds between 80 and 110
10 kilometres an hour, with falling snow. I
11 understand through the night that JRCC did
12 attempt to search in the area.

13
14 At 2055 hours, 8:55 p.m., the RCMP were notified
15 that JRCC were going to call off the search
16 because of weather. And then our members
17 continued speaking with family, updating them
18 and, as well, as coordinating for the next day to
19 coordinate ground search at first light.

20 MS. BEDFORD:

21 Q. And where were you when this was occurring? Were
22 you at the site or were you at the Detachment?

23 SERGEANT COOPER:

24 A. No, at the time, at this day, I was at the Deer

Page 18

1 Lake Detachment. The Command Post had yet to be
2 set up. That would have been set up on the
3 morning of February 2nd.

4 MS. BEDFORD:

5 Q. Okay, thank you. So what happened on the morning
6 of February 2nd?

7 SERGEANT COOPER:

8 A. On February the 2nd, I arranged to go in early in
9 the morning. So at 7:00 a.m. I arrived at Deer
10 Lake Detachment. We had made arrangements for
11 Constable Paul Canning to arrive at Jackson's Arm
12 at the Command Post. And he would be our liaison
13 there.

14
15 My duties would be to coordinate the
16 communication between JRCC, between GSAR, and to
17 coordinate those searches from the Detachment
18 while Constable Canning was our liaison at the
19 Command Post.

20
21 Communications were an issue. Satellite phone
22 was spotty, at best. There was no cell coverage.
23 Our radios were somewhat poor in the area. And
24 in the morning, at that morning, Bell had a

Page 19

1 network outage and landlines were down.

2
3 So at 7 a.m., I spoke with Constable Canning. I
4 also spoke with Sergeant Ashford, our risk
5 manager, at B Division headquarters, to advise
6 him of local weather conditions. It was snowing
7 at times, low drift, very limited visibility.

8
9 Sergeant Ashford advised me that they would
10 attempt or provincial assets would try to attempt
11 an aerial search at some point in that morning.

12
13 Three teams of ground searchers set out. They
14 indicated the weather was near zero visibility
15 and blowing snow.

16
17 At 8:11 a.m., I received a call from JRCC that
18 the Cormorant would try an aerial search again
19 from 103 Gander. Visibility at that time, was
20 relayed to me, was less than 100 feet.

21
22 I continued contacting family members; Mr. Rice's
23 wife and Mr. Lovell's son. And at 9:30 in the
24 morning I was updated that the Cormorant was

Page 20

1 searching south of Lake Mitchell and north of Cat
2 Arm Reservoir.

3
4 At midday, at approximately 12:32, JRCC contacted
5 me and advised that the Cormorant had to leave
6 the search area for an urgent medevac from a
7 fishing vessel off the north coast of Labrador.

8 UNIDENTIFIED MALE VOICE:

9 Q. What time was that again?

10 SERGEANT COOPER:

11 A. That was at 12:32. I updated the family members
12 of this. And at 3:09 p.m., I contacted JRCC to
13 check on the status of the Cormorant. I was
14 advised that it was not yet to the vessel.
15 Shortly after, I contacted Provincial Airlines to
16 check on their availability of their King Air
17 flight. I spoke with Barry Jones. He advised
18 that they were currently booked but, if needed,
19 they could cancel.

20
21 We spoke about the FLIR sensors. I am trained in
22 basic thermography. So I do have a somewhat
23 understanding of the FLIR capability. And I knew
24 that because of the amount of the moisture in the

Page 21

1 air, due to blowing snow, that the FLIR would
2 have limited, if any, effective capability in
3 this weather.
4

5 At that time, Barry Jones and I had a
6 conversation. And he said unless the weather
7 changed, that the FLIR would not be recommended.
8

9 At 1538 hours, I was notified that search and
10 rescue teams had began to return back to Command
11 Post due to the imminent sunset. Which they
12 arrived back at 1745 hours.
13

14 At 1809 hours, Constable Canning went to the
15 residence of Bob Pittman and took statements from
16 all three individuals - Brian Dawe, Bob Pittman,
17 and Eric Park.
18

19 I would also like to add that at this point we
20 had made contact with Mr. Pittman and Mr. Park.
21 Arrangements were made for them to attend the
22 GSAR Command Post at 7:00 the first morning to
23 assist in any capability with the ground
24 searchers. They did not show.

Page 22

1 It took us some time to contact their residences,
2 and at some point in the day we were notified
3 that the two individuals went in on their own.
4

5 We had advised against this due to the fact that
6 because of the weather they could easily become
7 lost and now we'd be searching for four
8 individuals, instead of two. But, again, they
9 went in on their own to continue the search for
10 Mr. Rice and Mr. Lovell.
11

12 MS. BEDFORD:

13 Q. Did you know where they went, the area they were
14 searching in?

15 SERGEANT COOPER:

16 A. We could only surmise that it was the last known
17 point. We were not given any messages or any
18 notification of where exactly they were heading
19 at that time.
20

21 MS. BEDFORD:

22 Q. Were you able to contact them?

23 SERGEANT COOPER:

24 A. No, we were not. We attempted to contact
Mr. Pittman by SAT phone and it went straight to
voicemail.

Page 23

1 MS. BEDFORD:

2 Q. Were you eventually in contact with him?

3 SERGEANT COOPER:

4 A. We were eventually in contact. They met up with,
5 I believe if I recall, the ground search team at
6 some point midday.
7

8 MS. BEDFORD:

9 Q. Okay, thank you. Okay. Please continue.

10 SERGEANT COOPER:

11 A. So at that point we go into February 3rd, which
12 would have been Day 2 of the search.
13

14 We were in contact with the provincial contract.
15 At the time that was Universal Helicopters. They
16 were hoping to have a weather window of
17 approximately 8:30 a.m. to begin an aerial
18 search. That was done through Sergeant Curtis
19 Ashford.
20

21 COMMISSIONER IGLOLIORTE:

22 Q. So for the benefit of the clerk, is there any
23 specific page or exhibit number we're referring
24 to now?

25 SERGEANT COOPER:

26 A. Yes, Mr. Commissioner, I'm reading from the

Page 24

1 timeline. That would have also been...

2 Basically, it's a summary of Ms. Bedford's...

3 MS. BEDFORD:

4 Yeah, I just did a summary of the exhibits and
5 provided them to the witnesses.
6

7 COMMISSIONER IGLOLIORTE:

8 Yes. Please continue.

9 SERGEANT COOPER:

10 A. Thank you. At that time, Sergeant Ashford also
11 spoke with JRCC, who advised they'd be ready on
12 standby, if needed. There would have been an
13 issue with several fixed-wing aircraft in the
14 area, as well as the provincial helicopter
15 contract. It would have been in a small area
16 that would have created some issues with aerial
17 assets.
18

19 At 9:25 a.m., Kyle Ingram spoke with Sergeant
20 Ashford and notified that his search was
21 terminated due to weather. That was passed on to
22 JRCC and FES-NL.
23

24 MS. BEDFORD:

Just one minute. I can actually help you follow
along, if it's more helpful, Mr. Commissioner?

Page 25

1 COMMISSIONER IGLOLIORTE:
 2 Yes, go ahead.
 3 MS. BEDFORD:
 4 Q. That's on page 26 of Exhibit 170. I apologize.
 5 The exhibits are just on an email that I have
 6 right now, so I'm going to search for the correct
 7 page now. It's page 58.
 8
 9 You had just said that Sergeant Ashford contacted
 10 Kyle Ingram, who advised that the search was
 11 terminated due to weather?
 12 SERGEANT COOPER:
 13 A. Yes. And at that point the person asked for an
 14 updated JRCC and FES-NL. And JRCC were tracking
 15 the Provincial Airlines flight, as well, I
 16 believe, at this time, that the RCMP Pilatus from
 17 Moncton was in the area.
 18
 19 At 10:44, we received notification that Stan Rice
 20 had been located through Eric Park's Garmin
 21 inReach system.
 22
 23 The weather conditions reported as not good. And
 24 then there was communication between PAL and

Page 26

1 JRCC, what the location was, and (technical
 2 difficulties.) At that point they said JRCC were
 3 leaving Deer Lake to return to search area at
 4 12:45.
 5
 6 The search continued. The information that we
 7 had from Stan Rice is that he was cold, but that
 8 he could give information as to where he had last
 9 seen Mr. Lovell.
 10
 11 At 4:20 p.m., JRCC advised they were returning to
 12 the search area with the information gained from
 13 Mr. Rice and would continue the aerial search
 14 until dark.
 15
 16 Later in the evening a statement was obtained
 17 from Stan Rice, by Constable Laura Joyce, in the
 18 ER, at the Emergency department at Western
 19 Memorial Regional Hospital in Corner Brook.
 20 MS. BEDFORD:
 21 Q. Do you know what the statement contained?
 22 SERGEANT COOPER:
 23 A. Yes.
 24

Page 27

1 MS. BEDFORD:
 2 Q. What did he tell you about where Mr. Lovell might
 3 be?
 4 SERGEANT COOPER:
 5 A. So in the statement to Constable Joyce, Mr. Rice
 6 had said that they were travelling in a group of
 7 five. They were in the rear of the group.
 8 Mr. Lovell had tipped his machine over, so he
 9 jumped off to give him a hand to upright the
 10 snowmobile.
 11
 12 At that point, they had lost sight of the three
 13 lead snowmobiles. They were unable to catch
 14 them. He described the weather conditions as not
 15 being able to see a hand in front of his face.
 16
 17 They attempted to stay on the trail because they
 18 believe that the other three would return to come
 19 back to get them. However, they were in the open
 20 country. There were no trees. No shelter. He
 21 recalled the weather being minus 24 degrees, and
 22 he felt that they would freeze to death in a
 23 short amount of time.
 24

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1 So the two of them left together. And at that
 2 point he saw Mr. Lovell go over a little incline.
 3 What he referred to as a little hump. And he
 4 lost sight of Mr. Lovell and didn't see him
 5 after.
 6
 7 Mr. Rice advised that he had his GPS on and he
 8 was following his GPS in an attempt to follow the
 9 trail towards Harbour Deep. He kept on going and
 10 at one point he broke through the ice in a small
 11 river. He couldn't go anywhere further.
 12
 13 Mr. Rice was lucky enough that he jumped off the
 14 snowmobile and he got to shore without getting
 15 wet. He believed that the other three
 16 individuals would be there later in a short
 17 amount of time, so he sat down by a tree and
 18 waited. At this time it was starting to get
 19 dark.
 20
 21 Mr. Rice managed to get back on the snowmobile
 22 again. He removed the shovel and his GPS in case
 23 that he needed it to walk back towards Harbour
 24 Deep the next morning.

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1 As he was getting the shovel, he got down by a
2 big tree. He dug a snow cave and got down in it.
3 He waited for an unknown amount of time. No one
4 came, so he started making a bed for the night.
5
6 He packed boughs all around the snow and dug a
7 hole a little bigger. He was unable to stand up
8 in it. It was uncomfortable. He took his helmet
9 off.
10
11 At that point he went back to his snowmobile
12 again. When he put his foot on the snowmobile,
13 the snowmobile went down below the water.
14 He waited there overnight.
15
16 The next morning he got out, it was still
17 snowing. Again, he said he couldn't see a hand
18 in front of his face. He figured he was going to
19 be there for another night because he believed
20 that the rescue chopper would not have been able
21 to get in, in the severe weather.
22
23 He said he waited around again for another night.
24 He had no food. No water. No matches. No axe.

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1 That was all the equipment that was left on the
2 snowmobile. He attempted to move around to keep
3 warm.
4
5 At one point he saw headlights and that's when
6 the people arrived on snowmobile. They came in.
7 He described them as being wrapped up in blankets
8 and tinfoil. He was told at that point by the
9 GSAR members that a chopper was on the way to get
10 him.
11
12 He approximated that that took about two hours
13 for the chopper to get in, and then an ambulance
14 brought him to the hospital.
15
16 He described Mr. Lovell saying that Mr. Lovell,
17 if he never had an accident, that he would be
18 okay. He confirmed that Mr. Lovell had matches.
19 Enough food for plenty of days. And he described
20 Mr. Lovell as a man not to panic.
21
22 However, he did get into the health issues of
23 Mr. Lovell. The fact that he only had one
24 kidney. He had diabetes. He did confirm

Page 31

1 Mr. Lovell had plenty of insulin, but he was
2 concerned if Mr. Lovell was out in the open, no
3 matter what equipment, there wouldn't be enough
4 trees for a fire.
5
6 Mr. Rice described weather conditions again as
7 covering your eyes with your hands and trying to
8 walk. He advised that the coordinates should be
9 on his GPS of where he was located, and at that
10 point he turned the GPS over to the RCMP.
11
12 The GPS was brought back to Deer Lake Detachment
13 for one of the Deer Lake GSAR members to review
14 and to gain any information; i.e., a GPS track
15 from the GPS. And that was the end of the
16 statement.
17 MS. BEDFORD:
18 Thank you. And just for the Commissioner, that
19 was page 34 and 35 of Exhibit 171.
20 MR. BUDDEN:
21 Ms. Bedford, perhaps if you could move the
22 microphone a little closer.
23 MS. BEDFORD:
24 Oh. I apologize.

Page 32

1 MR. BUDDEN:
2 That's better.
3 MS. BEDFORD:
4 Okay.
5 MR. BUDDEN:
6 Couldn't hear you.
7 MS. BEDFORD:
8 Okay. It was page 34 and 35 of Exhibit 171.
9 BY MS. BEDFORD:
10 Q. Please continue. Thank you.
11 SERGEANT COOPER:
12 A. I'd like to add at this time, that during our
13 conversations with the family of Mr. Lovell, we
14 did gain some information about his health
15 issues. It was described as he had uncorrective
16 hearing loss. He was an organ recipient. He was
17 on several medications, and he was a diabetic
18 that required quite a bit of medication.
19 MS. BEDFORD:
20 Q. Are you looking at a specific document right now?
21 SERGEANT COOPER:
22 A. I'm looking at the document, our file, the
23 Missing Person Intake Form.
24

Page 33

1 MS. BEDFORD:
 2 Q. Do you have a paper?
 3 SERGEANT COOPER:
 4 A. I'm sorry, I don't have what you're referring to.
 5 So it would be page 61, I believe, on Exhibit
 6 170. That would be the Missing Person Intake
 7 Form for Stanley Rice. Page 61.
 8
 9 And if you scroll down. Keep going. That's a
 10 continuation of Mr. Rice's. And there would be
 11 Mr. Lovell's. Page 64.
 12
 13 At that point you can also see his clothing was
 14 described as a black snowmobile suit, fur hat,
 15 winter boots and mitts.
 16
 17 And on page 2 would be the medical conditions.
 18 RALPH, Q.C.:
 19 Is that exhibit up on the web page; do you know?
 20 THE CLERK:
 21 Not yet.
 22 RALPH, Q.C.:
 23 It's not? Okay.
 24

Page 34

1 MS. BEDFORD:
 2 Q. So after you received the information about
 3 Mr. Lovell what did you do?
 4 SERGEANT COOPER:
 5 A. Sorry, after Mr. Rice was located?
 6 MS. BEDFORD:
 7 Q. Correct.
 8 SERGEANT COOPER:
 9 A. Yes. So after Mr. Rice was located, the search
 10 did continue. Then we go into Day 3 of the
 11 search. February 4th.
 12
 13 At that point Sergeant Williams indicated, from
 14 the information he gained from Corporal Lodge and
 15 Sergeant Ashford, the Cormorant had searched all
 16 night and left the area.
 17
 18 Provincial assets. The Provincial contract
 19 helicopter and Provincial Airlines were en route
 20 and we have four ground search and rescue teams,
 21 approximating, and 40 ground searchers on scene.
 22
 23 Shortly after noon, on the 4th of February, that
 24 Mr. Lovell was discovered in an area near where

Page 35

1 Mr. Rice was located. At that point, he was
 2 extricated from the scene and transported to
 3 Western Memorial Regional Hospital where he later
 4 succumbed.
 5 MS. BEDFORD:
 6 Q. Okay, thank you. Was there air support in this
 7 search for February 2nd?
 8 SERGEANT COOPER:
 9 A. On February 2nd, yes, there was. From my
 10 understanding, that the Cormorant had been out.
 11 Was making an attempt to head out again later in
 12 the morning.
 13
 14 I had been in touch with the Provincial contract
 15 pilot. He had hoped for a short weather window
 16 around 11 a.m.; however, that weather did not
 17 improve well enough for the Provincial asset to
 18 get up at that point.
 19 MS. BEDFORD:
 20 Q. Okay. But there were other assets in the air at
 21 that time?
 22 SERGEANT COOPER:
 23 A. Yes, there was. From my understanding, JRCC had
 24 assets in the air.

Page 36

1 MS. BEDFORD:
 2 Q. Thank you. What about February 3rd?
 3 SERGEANT COOPER:
 4 A. On February 3rd, I do believe that the RCMP
 5 Pilatus, Provincial Airlines and JRCC had aerial
 6 assets.
 7 MS. BEDFORD:
 8 Q. Okay. And February 4th?
 9 SERGEANT COOPER:
 10 A. On February 4th, we had Provincial Airlines and
 11 Universal. The provincial contract.
 12 MS. BEDFORD:
 13 Q. Okay. Are you aware of whether or not -- and
 14 perhaps Lieutenant Colonel Marshall is more able
 15 to answer this question, but were you aware if
 16 JRCC was in the air each night, from February 2nd
 17 onward? So the night of February 2nd, the night
 18 of February 3rd?
 19 SERGEANT COOPER:
 20 A. I believe Lieutenant Colonel Marshall would be
 21 best to answer that.
 22 MS. BEDFORD:
 23 Q. All right. Thank you.
 24

Page 37

1 LT.-COL. MARSHALL:

2 A. Yeah. I believe that if we look at the Exhibit
3 97, I'll be referring to that. It's the incident
4 log from JRCC. And we could go through them line
5 by line.

6
7 But we had air assets every day, except the 4th,
8 when the final person was found. But we did have
9 assets at night. Particularly on the first
10 night.

11 MS. BEDFORD:

12 All right. So rather than go through line by
13 line, would it be possible for you to summarize
14 JRCC's involvement from, maybe, the first call
15 and, in general, until February 4th? And then if
16 there are questions, obviously, you can answer
17 those.

18 LT.-COL. MARSHALL:

19 A. Okay. If you look on February 1st, the first
20 night, we had two assets that night; a Cormorant
21 and a Hercules, trying to do some night searches.
22 But they were not fruitful. Based on the
23 weather, they had to turn those off at one point
24 because it just wasn't safe to fly in the

Page 38

1 mountains with that weather. And there was no
2 ability to see the ground, particularly for a
3 night search.

4 MS. BEDFORD:

5 Q. Was the terrain a particular challenge with this
6 search?

7 LT.-COL. MARSHALL:

8 A. Yeah. When you're doing a night search, given
9 bad weather, it's important we fly off a visual
10 flying rules from when we're doing search and
11 rescue. And if you can't see the mountains or
12 the ground, it becomes a lot more dangerous for
13 the crews. And we certainly don't want to add
14 more casualties to the search.

15
16 So in the cases like this, when it's not safe for
17 the crews then they can make the call to turn off
18 the search at that point, which is what we did on
19 the first night.

20
21 Combined an unsafe situation, plus the inability
22 to get any searching done, prevented us from
23 searching that night.

24

Page 39

1 MS. BEDFORD:

2 Q. Okay, thank you.

3 LT.-COL. MARSHALL:

4 A. I'm just trying to find where we tasked resources
5 on the 2nd.

6

7 So on the 2nd, if you look on page 12 of that
8 exhibit, Cormorant arrived on scene at 1245 Zulu
9 time. Greenwich Mean Time.

10 MS. BEDFORD:

11 Q. I'm not sure if I should ask you to explain Zulu
12 Time. If anyone else needs to --

13 LT.-COL. MARSHALL:

14 A. It's Universal Time Zone, which is in England.
15 And it doesn't move with the seasons. But at
16 that time we would be minus 3.5 in this area. So
17 you would subtract 3.5 hours.

18 MS. BEDFORD:

19 Q. Thank you. So when the call first comes in for
20 air assistance, who calls JRCC?

21 LT.-COL. MARSHALL:

22 A. Depends on the province, but it's going to be
23 some type of a provincial (inaudible) management
24 office which, in this case, is Fire Emergency

Page 40

1 Services, Newfoundland, Labrador.

2 MS. BEDFORD:

3 Q. Okay. And they called you on the night of
4 February 1st or...

5 LT.-COL. MARSHALL:

6 A. That's correct. The very first entry of this
7 exhibit, FES-NL, Blair Hogan, called us at 21
8 Greenwich Mean Time. 21 Zulu.

9 MS. BEDFORD:

10 Q. Okay. And what, then, occurs after that call
11 comes in?

12 LT.-COL. MARSHALL:

13 A. It's kind of a given that if we're going to
14 receive a call from the Provincial authorities,
15 then they have done their due diligence in trying
16 to find their own resources.

17

18 So what that request is, is for humanitarian
19 assistance, do the ground search and rescue. So
20 we assume that they've tried other resources.

21

22 But particularly in this case, as night was
23 approaching, we're the only ones capable of
24 flying at night in Newfoundland, Labrador. So

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1 it's a given at that point that we're going to
2 respond, as long as we have the resources.
3
4 And that's the case here, is we had the resources
5 available. And we knew that we were the last
6 resort, so that's why we responded.
7 MS. BEDFORD:
8 Q. And so you went out on the night of February 1st,
9 and the weather was too bad to continue the
10 search?
11 LT.-COL. MARSHALL:
12 A. That's correct.
13 MS. BEDFORD:
14 Q. And then what did JRCC do?
15 LT.-COL. MARSHALL:
16 A. At that point JRCC just calls off the night
17 search, and then would reassess in the morning
18 when the weather would get better.
19 MS. BEDFORD:
20 Q. So on the morning of February 2nd, did you speak
21 to anyone involved with the search?
22 LT.-COL. MARSHALL:
23 A. One second, please. So we engaged with the 103
24 Squadron aircraft commander to take a look at the

Page 42

1 weather and to see if we would be able to assist
2 again.
3 RALPH, Q.C.:
4 Q. Are you referring to Exhibit 97 again?
5 LT.-COL. MARSHALL:
6 A. That's correct. On page 8. So what you're
7 seeing here is a lot of conversation between
8 various different agencies to see whether or not
9 JRCC would be involved again in the second day,
10 of which we were.
11 MS. BEDFORD:
12 Q. And was the weather conducive to searching that
13 day?
14 LT.-COL. MARSHALL:
15 A. From my recollection, we don't have in the
16 exhibits, no readout of the weather report. But
17 based on the conversations that I was reading, it
18 appears that the ceilings were okay to fly in.
19 But because of the blowing snow, there wasn't a
20 lot of ability to see on the ground. But not
21 necessarily an unsafe condition, given that the
22 ceilings were fine and it was daytime, which
23 makes things a lot easier. But the searching
24 wasn't very effective.

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1 MS. BEDFORD:
2 Q. So JRCC did go out on the 2nd?
3 LT.-COL. MARSHALL:
4 A. Yes, that's correct.
5 MS. BEDFORD:
6 Q. And did they fly on the night of February 2nd?
7 LT.-COL. MARSHALL:
8 A. Okay. So this is the day where we had to be
9 re-tasked. So at one point during the search the
10 Cormorant had to be re-tasked for a different
11 mission.
12
13 There was a heart attack victim on a Maritime
14 case. So we had to pull the resource, the
15 Cormorant, off of the search in order to do that
16 mission.
17
18 At that point, once he was done with that mission
19 and delivered the patient to the hospital, on the
20 way back to Gander, because they were running out
21 of crew day, they did do another pass.
22
23 And at that point I believe we did have another
24 nighttime search at that point. I'm just going

Page 44

1 to verify that.
2
3 Because we were running out of crew day, we would
4 have had to activate the second crew. But if you
5 look on page 19 of that exhibit, the very last
6 entry there, 3rd of February 2019, at 0152, the
7 second aircraft was not authorized because the
8 weather wasn't good.
9 MS. BEDFORD:
10 Q. Okay. So that would have been -- the searching
11 for February 2nd would have been done at that
12 point?
13 LT.-COL. MARSHALL:
14 A. That's correct.
15 MS. BEDFORD:
16 Q. Okay. So on February 3rd, did you go back out?
17 LT.-COL. MARSHALL:
18 A. So on February 3rd, in the initial -- they did
19 have a Universal helicopter in my understanding.
20 And then if you look at the entry on page 24, the
21 very last one at 1455 Zulu, "OIC approved
22 Cormorant for extraction if helo cannot do it."
23
24 What they're referring to there is, if the helo

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1 was able to find the patient and was not able to
 2 extract, then that's when we could provide
 3 resources.
 4
 5 So this is a case of because it's a ground search
 6 and rescue, if the provincial authorities have
 7 their assets, which in this case was Universal,
 8 on scene, then we wouldn't be required.
 9
 10 But we do have special capabilities, like the
 11 hoisting, the medevac capability, and if that was
 12 required then we could provide.
 13
 14 So there's some things that we understand that
 15 only Canadian Forces helicopters can do that
 16 contracted helicopters would not be able to do,
 17 which that's when we're able to step in.
 18 MS. BEDFORD:
 19 Q. And did your air support return to the area that
 20 day?
 21 LT.-COL. MARSHALL:
 22 A. Yes. So when you look at page 25, in the middle
 23 at 1507 Zulu, Cormorant A/C are tasked at that
 24 time. And then when you look on page 27, they

Page 46

1 talk about the Cormorant will be extracting a
 2 hypothermic 75-year-old male. So that is the
 3 first patient.
 4
 5 We extracted the first patient and brought them
 6 to the hospital.
 7 MS. BEDFORD:
 8 Q. So the Cormorant extracted Mr. Rice?
 9 LT.-COL. MARSHALL:
 10 A. Correct.
 11 MS. BEDFORD:
 12 Q. Okay, thank you. And after taking Mr. Rice to
 13 the hospital, did the Cormorant return to the
 14 search?
 15 LT.-COL. MARSHALL:
 16 A. Yes, they did. Again, I'm going to refer to this
 17 exhibit. On page 30, Cormorant, on 1923 Zulu,
 18 Rescue 907, R907, they were in Deer Lake
 19 refuelling and they were going to return to the
 20 scene after that. And they were able to get more
 21 information from the first patient.
 22 RALPH, Q.C.:
 23 Q. I'm sorry, what page is that again?
 24

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1 LT.-COL. MARSHALL:
 2 A. Sorry. It's page 30.
 3 RALPH, Q.C.:
 4 Q. Thank you.
 5 MR. BUDDEN:
 6 Q. About six entries down.
 7 LT.-COL. MARSHALL:
 8 A. At 1923 Zulu, R907 on the ground in Deer Lake for
 9 a refuel and then they're returning to the scene.
 10
 11 And then on the next page, on page 31, they
 12 arrived on scene at 2030 Zulu.
 13 MS. BEDFORD:
 14 Q. And I note on that same page, at 2115, it says
 15 the Cormorant departed from scene?
 16 LT.-COL. MARSHALL:
 17 A. Right.
 18 MS. BEDFORD:
 19 Q. And went back to Gander; is that correct?
 20 LT.-COL. MARSHALL:
 21 A. That's correct. And likelihood is that they were
 22 running out of crew day at that point. And then
 23 when you look at the last entry on that page,
 24 2208 Zulu, discussion with 103 Squadron aircraft

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1 commander of a night search.
 2
 3 And then when you look at 2347 Zulu, on page 32,
 4 what we're seeing here is the discussion with RCC
 5 and 103 Squadron about doing a night search. And
 6 they would use the Herc to drop flares for the
 7 Cormorant to do their search.
 8
 9 So at this night you're going to have two assets,
 10 the Cormorant and the Herc, and doing a night
 11 search.
 12 MS. BEDFORD:
 13 Q. And did that happen?
 14 LT.-COL. MARSHALL:
 15 A. Yes, it did.
 16 MS. BEDFORD:
 17 Q. And what time did that search end?
 18 LT.-COL. MARSHALL:
 19 A. Did you say, "What time did it end?"
 20 MS. BEDFORD:
 21 Q. Correct.
 22 LT.-COL. MARSHALL:
 23 A. Okay. I'm just going to find when they were off
 24 scene. Excuse me for a sec.

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1 So when you look at -- it's actually on the 4th
2 of February, at 0654 Zulu. So in the middle of
3 the night.
4
5 These entries here on page 36 is when the
6 Hercules ended sortie, departed scene.
7
8 And then at 0813 Zulu, on that same page, the
9 Cormorant departed scene.
10 MS. BEDFORD:
11 Q. So can you describe a little bit about how that
12 works? How the Hercules and the Cormorant work
13 together?
14 LT.-COL. MARSHALL:
15 A. When you have two assets on a scene, RCC would
16 either divide them by space by giving them each a
17 different block to search, so that they wouldn't
18 affect each other. And, plus, you're expanding
19 how much area you can search.
20
21 But in this case, because it was at night, the
22 Cormorant was doing the searching and it needed
23 assistance with flares.
24

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1 So we have strategies to avoid dropping the
2 flares on the Cormorant, making sure that we have
3 enough distance. But also being close enough
4 that the Cormorant would be able to see on the
5 ground. Because although we have NVGs, NVGs at
6 night are good. Better than nothing. But
7 they're not a very effective search strategy. So
8 having flares dropped from the Hercules, in order
9 for the Cormorant to search, is a much (audio
10 malfunction.)
11 RALPH, Q.C.:
12 I'm sorry, what's an NF -- an N?
13 LT.-COL. MARSHALL:
14 A. NVGs are night goggles. My apologies.
15 MS. BEDFORD:
16 Q. Okay. Thank you. So searched pretty much all
17 night, most of the night?
18 LT.-COL. MARSHALL:
19 A. Yes, that's right.
20 MS. BEDFORD:
21 Q. Certainly on the night of February 3rd?
22 LT.-COL. MARSHALL:
23 A. Yeah.
24

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1 MS. BEDFORD:
2 Q. And so the morning of February 4th, was there any
3 air support that was forwarded?
4 LT.-COL. MARSHALL:
5 A. So when you see at 0947 Zulu, which would have
6 been early in the morning, we're starting to get
7 in the daylight here. At that point --
8 MS. BEDFORD:
9 Q. What -- sorry, what --
10 LT.-COL. MARSHALL:
11 A. Sorry. On page 37.
12 MS. BEDFORD:
13 Q. Thank you.
14 LT.-COL. MARSHALL:
15 A. It's the 4th of February. The Rescue 905, they
16 said they're going to swing through on the way
17 back home. They were heading back. And that was
18 a Cormorant from Greenwood.
19 MS. BEDFORD:
20 Q. And was that the last ...?
21 LT.-COL. MARSHALL:
22 A. Right. So they arrived on scene, on page 38, at
23 1025 Zulu, that Cormorant arrived on scene.
24

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1 At the next page, 1130 Zulu, that Cormorant
2 departed.
3 MS. BEDFORD:
4 Q. And were you aware at that time whether there was
5 other air support that was available for the
6 search?
7 LT.-COL. MARSHALL:
8 A. I'm unaware, but when you look at the same page,
9 on 39, they talk about PAL 04 will be flying in
10 the area. And the notes say, "you and
11 Universal." So "you" referring to PAL. And
12 Universal are the only ones in the airspace.
13 MS. BEDFORD:
14 Q. Okay. Do you know why the Cormorant returned to
15 Greenwood?
16 LT.-COL. MARSHALL:
17 A. It doesn't say. I can only assume that it was
18 the end of their crew day. That they had flown
19 all night and they needed to return.
20 MS. BEDFORD:
21 Q. Okay, thank you. And do you know if that was the
22 conclusion of the JRC's involvement in this
23 search?
24

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1 LT.-COL. MARSHALL:

2 A. We refer, on page 40, the Cormorant was released.
3 And then on the 1243 Zulu, it was just a note to
4 file, but it did mention that 103 will be tasked
5 to fill the hole, if there was a hole in coverage
6 between Universal and PAL.

7
8 But the second patient was found at that point,
9 so we didn't need to respond on that after that
10 point.

11 MS. BEDFORD:

12 Q. All right, thank you. Sergeant Williams, I'm not
13 sure, I'll ask for the benefit of the Commission,
14 what direct contact or direct involvement you had
15 with the subject search?

16 SERGEANT WILLIAMS:

17 A. Sure. So within my role on areas outside of
18 normal work hours, Duty NCO, which is a senior
19 officer of the RCMP, is tasked with coordinating
20 resources, which is normally my function
21 throughout normal workdays.
22
23 So as you see in your reports here, the names of
24 Sergeant Ashford, as well as Sergeant Norman, and

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1 Sergeant Newell. The functions that they
2 maintained throughout this process would be the
3 process that is a normal function of my workday.
4

5 I did have some involvement, as the last day of
6 the search did fall on a Monday, which is within
7 my normal hours. Essentially, just contacting
8 the Detachment, ensuring that they had adequate
9 resources to continue the search for today.

10
11 It was communicated to me, as you can see in my
12 PROS report, that there were a number of
13 searchers, I believe 40 searchers, as well as two
14 different types of air support on that morning.
15

16 And then within a number of hours, I was advised
17 that the second patient had been located and, as
18 such, no longer a necessity for search resources.

19 MS. BEDFORD:

20 Q. Thanks. Sergeant Cooper, just to sum up, I would
21 like you to, if you can, to give us just an
22 overall summary or an overall impression of this
23 particular search.
24

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1 I know you've been involved in other searches;
2 it's part of your job. But with respect to this
3 particular search, what stands out for you?

4 SERGEANT COOPER:

5 A. Throughout my career I've been involved in
6 coordinating, on the low end, I would say 60,
7 maybe even more than 100 searches.

8
9 In this instance, it was a prolonged search. The
10 weather was severe. The weather was a huge
11 issue. I've had multi-day searches before in
12 Northern Labrador, as well as in Burgeo, where
13 weather has hampered the search, but not to this
14 extent.

15
16 Communications also was an issue. We had an
17 issue with -- the Command Post was placed in a
18 position where there was no cell coverage. The
19 SAT phones, again, were not to be relied upon.
20 Our radio coverage was okay, but not great.

21
22 We were hampered. On the first day we were
23 hampered by a Bell outage that was out of our
24 control. And what I mean by that, the local Bell

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1 landlines were down. Luckily, our radio circuits
2 which run on the Bell network were not affected.
3

4 But weather definitely was the most contributing
5 factor to this. Even on days where there was
6 pockets of blue sky, again, we had low drift.
7 This area is very rugged.

8
9 I have been in that area myself. I've been to
10 the lodge in Harbour Deep myself. I know what
11 the layout is. It's very open. People describe
12 it as being on the moon; very low scrub and
13 weather comes up very quickly.
14

15 So even when in good weather the chance of bad
16 weather coming in is very high, and it comes in
17 very quick.

18
19 In this instance, it was severe weather
20 throughout almost the entire search.

21 MS. BEDFORD:

22 Q. Thank you. And, again, I think you had stated
23 earlier that you were one of the incident
24 commanders in this search. Were you the incident

Page 57

1 commander on the first day?
 2 SERGEANT COOPER:
 3 A. Yes, on the first day of the search, on February
 4 the 2nd, I would have been the incident
 5 commander. That's correct.
 6 MS. BEDFORD:
 7 Q. And were there other incident commanders that
 8 followed you?
 9 SERGEANT COOPER:
 10 A. Yes. Throughout the next couple of days Sergeant
 11 Humber, Corporal Lodge were among the incident
 12 commanders.
 13 MS. BEDFORD:
 14 Q. Okay. And how do you, in that capacity, work
 15 with the search teams? With GSAR?
 16 SERGEANT COOPER:
 17 A. In that capacity, basically I am the
 18 thoroughfare, I mean at the hub of
 19 communications. We would have a person, a
 20 member, in the Command Post that would liaise
 21 directly with Ground Search and Rescue. And then
 22 in this instance, because of communications
 23 issues, basically the messages were being relayed
 24 from the ground search members back to their

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1 Command Post, through our member. Our member
 2 would contact me and then I would contact our
 3 risk manager, my supervisor, or, in some
 4 instances, JRCC directly.
 5 MS. BEDFORD:
 6 Q. Okay, thank you. And so to plan the actual
 7 ground search that was being conducted and the
 8 way that it was conducted, who made those
 9 decisions?
 10 SERGEANT COOPER:
 11 A. We would defer that to the Ground Search and
 12 Rescue team. I have no formal search training,
 13 so in this instance using their expertise and as
 14 well as a knowledge base, from my supervisors.
 15 But I would defer at this point to the Ground
 16 Search and Rescue team members, to their
 17 experience and their skills.
 18 MS. BEDFORD:
 19 Q. Thank you. Yes. Do you have anything further to
 20 add, Lieutenant Colonel?
 21 LT.-COL. MARSHALL:
 22 A. Yes. I just want to talk about this case. I
 23 think, despite the tragic result of one patient
 24 passing away, this is a very good case study for

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1 interdepartmental cooperation between FES-NL and
 2 JRCC and the ground searchers.
 3
 4 In being a three-day search, sometimes you had
 5 Canadian Forces aircraft searching. Sometimes
 6 you had provincial resources searching. So there
 7 were cooperation. And I think understanding each
 8 role was very important here. And I saw a lot of
 9 good positives from this search of how it was
 10 conducted.
 11
 12 And it also showed the limitations of using
 13 Canadian Forces aircraft; particularly, when we
 14 need to be re-tasked for something that is a
 15 higher priority within our primary mandate, which
 16 you saw.
 17
 18 And also, we saw FES-NL calling us when we were
 19 required for night searching or for
 20 hoisting/medevac possibilities. And there is
 21 good communication.
 22
 23 So I think just as an overall impression, I was
 24 quite impressed with the way that this search was

Page 60

1 conducted on all parts.
 2 MS. BEDFORD:
 3 Q. Thank you. Do you have anything further to add,
 4 Sergeant?
 5 SERGEANT WILLIAMS:
 6 A. Certainly. As Sergeant Cooper touched on there,
 7 we do, in conjunction with the search and rescue
 8 teams, formulate our search plans for the day.
 9 And we do yield to their expertise and, also,
 10 local area knowledge. It's a big thing and it's
 11 a big factor that plays in.
 12
 13 Obviously, our members move in and out of
 14 different policing areas often, and transfer, but
 15 it is a lot of knowledge sharing, and especially
 16 local area knowledge which plays into a big
 17 factor.
 18
 19 We were fortunate in this case where Sergeant
 20 Cooper was familiar with the area and had
 21 actually been at the lodge itself. But it also
 22 does speak to the level that Search and Rescue
 23 plays and how invaluable they are for these
 24 searches in the planning side of things, and also

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1 in the local area knowledge.
 2 MS. BEDFORD:
 3 Thank you very much. That's all my questions
 4 now. So certainly, I'll leave it to you,
 5 Mr. Budden.
 6 MR. BUDDEN:
 7 Might this be a good time for our morning break,
 8 Mr. Commissioner? It's a little earlier but I
 9 think counsel may wish to briefly speak amongst
 10 ourselves.
 11 COMMISSIONER IGLOLIORTE:
 12 Yes, that works fine. It's 10:15. We'll meet
 13 again at 10:30.
 14 THE CLERK:
 15 All rise.
 16
 17 **(Recess)**
 18
 19 THE CLERK:
 20 All rise. This Commission of Inquiry is now in
 21 session. Please be seated.
 22 COMMISSIONER IGLOLIORTE:
 23 Thank you.
 24

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1 MR. BUDDEN:
 2 Thank you, Mr. Commissioner. I believe that
 3 Mr. Ralph will have some questions for these
 4 witnesses. Following Mr. Ralph, Mr. Williams
 5 will as well. And following him, I will.
 6 RALPH, Q.C.:
 7 Q. Yes, thank you. I guess, my first questions will
 8 be -- I'm sorry, your rank again. Is it Sergeant
 9 Cooper; is that right?
 10 SERGEANT COOPER:
 11 A. That's correct.
 12 RALPH, Q.C.:
 13 Q. Good. And Sergeant Cooper, again, can you
 14 explain to me your role, and would there be a
 15 title for your role in this search? I guess, in
 16 terms of an incident commander, is there an
 17 incident commander associated with this search?
 18 SERGEANT COOPER:
 19 A. On the first day of the search, February the 2nd,
 20 I would have been in the role of search/incident
 21 commander, yes.
 22 RALPH, Q.C.:
 23 Q. And generally speaking, as the incident
 24 commander, where would they be located?

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1 SERGEANT COOPER:
 2 A. In this instance, because of communications
 3 issues, it was more so I was better located in
 4 the Detachment. And then we had a liaison placed
 5 at the Command Post, a search liaison, to liaise
 6 with the Ground Search and Rescue team.
 7 RALPH, Q.C.:
 8 Q. Right. And so in your communications -- and that
 9 was, I think at one point, an Officer Canning.
 10 Was he --
 11 SERGEANT COOPER:
 12 A. Constable Paul Canning.
 13 RALPH, Q.C.:
 14 Q. Canning.
 15 SERGEANT COOPER:
 16 A. Yes.
 17 RALPH, Q.C.:
 18 Q. He would have been at the Command Post; is that
 19 correct?
 20 SERGEANT COOPER:
 21 A. That's correct. On February 2nd, he would have
 22 been at the Command Post.
 23 RALPH, Q.C.:
 24 Q. Right. And so how were you communicating with

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1 Constable Canning at that point?
 2 SERGEANT COOPER:
 3 A. That would have been through our police radio
 4 system.
 5 RALPH, Q.C.:
 6 Q. And that was not operating very well on that day;
 7 is that correct?
 8 SERGEANT COOPER:
 9 A. There would be issues with him transmitting. He
 10 would receive communications from me, but at some
 11 point he may have to, if it was weak, he would
 12 only be able to transmit through the police car
 13 itself.
 14 RALPH, Q.C.:
 15 Q. Now, I understand sort of as incident commander,
 16 would it be your responsibility to communicate
 17 with the Province? And I guess, in 2019, that
 18 would have been Emergency Services Division. And
 19 I understand you would, or would you, speak with
 20 B Division who would speak to the Province
 21 Emergency Services? How does that work?
 22 SERGEANT COOPER:
 23 A. At that point we had a risk manager in place at
 24 our Operations Communications Centre in B

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1 Division headquarters. So I would be contacting
 2 the risk manager, if they were on duty, and that
 3 person would be in contact with FES-NL.
 4 RALPH, Q.C.:
 5 Q. Right. And so I understand the very first night
 6 the JRCC were engaged. So that's February the
 7 1st, they were engaged in the search. And that's
 8 as a result of the contact by Blair Hogan with
 9 Emergency Services Division with the JRCC; is
 10 that your understanding?
 11 SERGEANT COOPER:
 12 A. That's correct.
 13 RALPH, Q.C.:
 14 Q. So I just want to ask about that sort of first
 15 engagement. So the JRCC on, I believe, the first
 16 night, they -- I'm not sure if it was the
 17 Hercules, and a Cormorant engaged, but there may
 18 have been. Perhaps Lieutenant Colonel Marshall
 19 can -- I think it was both; is that right?
 20 LT.-COL. MARSHALL:
 21 A. That is correct. On the first day, there was one
 22 Hercules, one Cormorant.
 23 RALPH, Q.C.:
 24 Q. Right. And maybe anyone can answer this

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1 question. But I'm just curious as to how the
 2 sort of search strategy is adopted, and at that
 3 point in time how is that done? How do you
 4 decide at that point how the search will be
 5 conducted by the Cormorant and the Hercules, in
 6 terms of are you getting the information from the
 7 incident commander? Where is the information
 8 coming from?
 9 LT.-COL. MARSHALL:
 10 A. Really, I mean, it depends on the search. But we
 11 would be looking at terrain, the last known
 12 position, high probability search areas, get
 13 information from the incident commander,
 14 whoever's local on the ground to see what they've
 15 already searched, what areas they want to be
 16 searched.
 17
 18 So we're going to use a lot of queues from the
 19 incident commander to really come up with the
 20 best strategy. Whether that is following the
 21 track or just doing a grid search, which is
 22 probably what we would do in a case like this
 23 because you just don't know. It's not a
 24 travelled route.

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1 In this case, he would have been lost. He might
 2 have been all over the place. So we would just
 3 start eliminating terrain by doing a grid search.
 4 And that's basically going up and down, creeping
 5 along, just trying to make sure that we cover
 6 everything within a good visibility search.
 7 RALPH, Q.C.:
 8 Q. Right. And in this instance was there sort of
 9 direct contact? I guess there wouldn't have been
 10 with the Ground Search and Rescue people.
 11
 12 I know in the search for Burton Winters there was
 13 sort of contact with Ground Search and Rescue
 14 directly. I don't know if in this instance that
 15 was possible?
 16 LT.-COL. MARSHALL:
 17 A. From what I'm getting from the notes is the first
 18 night it was just the contact with FES-NL about
 19 doing the night search. But later on there was
 20 conversations had with, I think, a Sergeant
 21 Ashford, I recall in the notes. So I think there
 22 was communication between the RCMP and RCC.
 23 RALPH, Q.C.:
 24 Q. Right. And so Sergeant Ashford, he would have

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1 been in B Division; is that correct?
 2 LT.-COL. MARSHALL:
 3 A. Okay. All right.
 4 RALPH, Q.C.:
 5 Q. So basically, he was assuming at that point; is
 6 that correct? That would be, basically, your job
 7 when you're working?
 8 SERGEANT WILLIAMS:
 9 A. So yes, he would be fulfilling the role as
 10 directing the search from an administrative
 11 perspective.
 12 COMMISSIONER IGLOLIORTE:
 13 I'll ask you to state your name, please.
 14 SERGEANT WILLIAMS:
 15 A. Oh, sorry. Sergeant Williams. So he would be
 16 fulfilling the administrative components, i.e.
 17 conduit to Emergency Services Division at that
 18 point. That's correct.
 19 RALPH, Q.C.:
 20 Q. And I know that there were different resources,
 21 air resources, air assets used. So I'm curious,
 22 I can't remember which day it was, but it might
 23 have been on the 3rd, I believe, when PAL and the
 24 RCMP aircraft were engaged?

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1 SERGEANT COOPER:
 2 A. Sergeant Cooper. Yes, that's correct.
 3 RALPH, Q.C.:
 4 Q. And in that instance, how are those aircraft
 5 directed? Is the JRCC involved in that?
 6 SERGEANT WILLIAMS:
 7 A. No, we wouldn't be involved in that for this type
 8 of search because we're not the lead agency. If
 9 this was an aeronautical or Maritime search then
 10 we would be controlling any outside assets.
 11 Because sometimes in those type of searches the
 12 JRCC is leading, we might reach out to PAL or any
 13 other assets; CASARA, possibly RCMP. And we
 14 would be directing them where to search, just so
 15 that we can de-conflict any type of airspace
 16 management that's required. But also, so we know
 17 what ground has been searched. Because the RCC
 18 would be in control.
 19
 20 Whereas, on a ground search, RCC is not in
 21 control. We're assisting. So we would not take
 22 control of those other assets and direct them.
 23 RALPH, Q.C.:
 24 Q. But, so as you indicate, there are times when you

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1 have an asset, when the JRCC has an asset in the
 2 air and you have also engaged other assets from
 3 other organizations, I believe the RCMP or PAL.
 4 And in that instance would you be responsible for
 5 directing where everyone was going?
 6 SERGEANT WILLIAMS:
 7 A. For a case that we're the lead agency?
 8 RALPH, Q.C.:
 9 Q. Yes.
 10 SERGEANT WILLIAMS:
 11 A. Yes. We would be responsible for coordinating.
 12 RALPH, Q.C.:
 13 Q. And I use the word sort of "air boss." Is that a
 14 term that's used, certainly, I think in --
 15 SERGEANT WILLIAMS:
 16 A. We would have used it. But I understand what
 17 you're saying. Yes, we would be air coordinator.
 18 So the coordinator that you see on the log on
 19 JRCC is the air coordinator. There's also a
 20 Maritime coordinator which would be probably a
 21 Coast Guard officer.
 22 RALPH, Q.C.:
 23 Q. Right. And anyone can answer this question. So
 24 in the instance where there was RCMP plane, and

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1 also PAL that were engaged, I think it was on the
 2 3rd, who would have been directing them in terms
 3 of the search that they were conducting? Any
 4 idea about that?
 5 SERGEANT COOPER:
 6 A. I wouldn't be able to talk to them directly, as I
 7 wasn't involved on that day. I'd only be
 8 assuming. I believe, I'm not sure if Sergeant
 9 Williams would be familiar?
 10 SERGEANT WILLIAMS:
 11 A. Sergeant Williams. So in those cases when, I
 12 guess, multiple flights are planned and different
 13 resources are being coordinated by someone in
 14 Sergeant Ashford's position, those areas would be
 15 based on a number of the factors that Lieutenant
 16 Colonel Marshall had mentioned. Areas already
 17 covered. If there was any additional information
 18 or clues that were found. If the last known
 19 point had changed based on that.
 20
 21 So that information would be a conversation
 22 between someone in my position or, in this case,
 23 Sergeant Ashford's or Sergeant Norman's, to
 24 communicate with them which areas that we would

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1 like covered for the evening.
 2
 3 And also, from an aeronautic standpoint, their
 4 input is also taken into factor. They might have
 5 an idea, I guess a better idea, of where to go
 6 based on the information that we're providing
 7 them. Whether that's a weather situation. Where
 8 it's a large area, there might be a little more
 9 clearance in an area. So that area maybe gets
 10 prioritized in that case because it's able to be
 11 done at that time.
 12
 13 And then when all things being ideal, you pick
 14 your targets and your areas in which you want to
 15 search. But that's based on a number of the
 16 factors that Lieutenant Colonel Marshall had
 17 raised.
 18
 19 So it's a discussion that happens with the --
 20 RALPH, Q.C.:
 21 Q. Sure. So in this instance, can you recall how
 22 that was done, how the aircraft were directed?
 23 In this instance, the PAL and the RCMP, do you
 24 know who was directing them?

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1 SERGEANT WILLIAMS:
 2 A. Specifically, Sergeant Ashford. There's no
 3 notations in his report about that.
 4 RALPH, Q.C.:
 5 Q. Right.
 6 SERGEANT WILLIAMS:
 7 A. But I'm just, I guess, offering the opinion in
 8 that's what's usually done in those cases. But
 9 short of him having that documented, there's no
 10 official comment for it.
 11 LT.-COL. MARSHALL:
 12 A. Also what you're going to see is in an incident
 13 like this where you have RCMP, PAL, Universal and
 14 Canadian Forces aircraft, the aircrew,
 15 themselves, are going to coordinate on the
 16 communications in the air to make sure that
 17 they're separated by time and space. But also to
 18 ensure that we have total coverage.
 19
 20 So you're probably going to see a lot more
 21 proactive approach by the aircrew who's searching
 22 to make sure that we're doing the most effect
 23 search possible. And that's going to just result
 24 with a lot of communication between the different

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1 air assets in the air.
 2 RALPH, Q.C.:
 3 Q. Now, Lieutenant Colonel Marshall, in this
 4 instance I think the Universal couldn't fly on
 5 the 2nd and the 3rd. I believe they tried to fly
 6 on the 3rd and they couldn't fly.
 7 LT.-COL. MARSHALL:
 8 A. Right.
 9 RALPH, Q.C.:
 10 Q. I think the first time that they flew was
 11 actually on the 4th. But on the 3rd, there were
 12 fixed wing aircraft that got in the air. I think
 13 it was the RCMP plane and PAL.
 14
 15 Does that surprise you that fixed wing could get
 16 in the air but not a helicopter?
 17 LT.-COL. MARSHALL:
 18 A. Does it surprise me? Not particularly. Everyone
 19 has a different threshold of risk. Fixed wing
 20 can go at a higher altitude and be in a safer
 21 position.
 22
 23 Without getting into the head of the pilot,
 24 through Universal, I don't know why he might have

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1 said the weather wasn't good enough.
 2
 3 But we were able to fly after because it really
 4 depends on the type of weather and how high you
 5 can go, and you can see whether or not the
 6 weather is achievable.
 7 COMMISSIONER IGLOLIORTE:
 8 I believe that the searches talked about the
 9 vertical differentiation in visibility. It was
 10 very difficult low, but blue sky above at some
 11 point. I don't know if that helps.
 12 SERGEANT WILLIAMS:
 13 A. Some of this might also be based on where the
 14 aircraft is coming from. So we focus, I guess,
 15 more so on -- and feel free to correct me if I'm
 16 wrong.
 17
 18 The aircraft also has to leave from a location,
 19 as well. And weather can be a factor on the
 20 takeoff where the person's coming from; the
 21 routes to get to the search site, not just the
 22 search site itself. So that may have also played
 23 a factor. Although, I don't recall anything from
 24 the notes. And that likely could be a

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1 consideration as well.
 2 LT.-COL. MARSHALL:
 3 A. That's absolutely correct. Depending on where
 4 Universal would have flown out of. If they were
 5 taking off from, say, Deer Lake and Deer Lake was
 6 experiencing the wind and blowing snow; whereas,
 7 the Cormorant would have been coming from Gander,
 8 and the meteorological conditions might have been
 9 different there that enabled the takeoff.
 10 RALPH, Q.C.:
 11 Right.
 12 LT.-COL. MARSHALL:
 13 So Sergeant Williams is absolutely correct.
 14 RALPH, Q.C.:
 15 Q. Because I think that the -- because the Cormorant
 16 obviously picked up Mr. Rice. And I understand
 17 the Universal helicopter at that point couldn't
 18 even take off. Were you aware of that?
 19 LT.-COL. MARSHALL:
 20 A. Yeah. Again, so we were able to take off and
 21 with blowing snow it's not universal across where
 22 certain areas might be more protected by certain
 23 hills, so you're going to have better visibility
 24 on the leeward side of the hill where there's

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1 less wind. So the Cormorant would have been able
2 to take off.
3
4 And I think at one point, and I can't recall
5 exactly what day it was, I think it was the first
6 day, where they couldn't search over the area but
7 they decided to go to Deep Harbour, I think?
8 RALPH, Q.C.:
9 Q. Harbour Deep, yes.
10 LT.-COL. MARSHALL:
11 A. Right. To see if they had arrived there because
12 the weather was better there. Even though it was
13 unlikely, at least they could do something.
14
15 So in a search like this, with the blowing snow,
16 you could try different areas and see what might
17 be effective.
18 RALPH, Q.C.:
19 Q. Right. Sergeant Cooper, just in terms of the
20 documents, we heard yesterday from the gentleman
21 with the Deer Lake Ground Search and Rescue team,
22 that they had, I guess, documented the search as
23 they were doing it. Some of the things that they
24 were doing. Some of the information they were

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1 receiving. And they indicated that they would
2 have given you those documents; is that correct?
3 Or given, perhaps not you, but the RCMP
4 Detachment in Deer Lake, the documents. Is that
5 generally the practice? And was it done in this
6 case, do you know?
7 SERGEANT COOPER:
8 A. In this case, I never did receive any documents
9 from Ground Search and Rescue. I didn't see any
10 notification on the PROS file that it was done.
11 And I have the hardcopy file with me and there
12 are no GSART logs on the file.
13 RALPH, Q.C.:
14 Q. Right. And so what is the normal practice? I
15 mean, I guess, I'm not sure if your protocols
16 require it, but I understood that that was a
17 requirement, that when you've engaged or tasked a
18 GSAR team, one of the responsibilities is to give
19 you the documentation that they have made during
20 the search; is that right?
21 SERGEANT COOPER:
22 A. In my experience I haven't received any logs from
23 any of the searches, that they will be held
24 locally by Ground Search and Rescue. But again,

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1 that's my experience.
2 RALPH, Q.C.:
3 Q. Okay. And Sergeant Williams, do you want to
4 continue with that?
5 SERGEANT WILLIAMS:
6 A. So the notes made by the search and rescue teams
7 are supposed to go through the Detachment in that
8 case. My office would receive an administrative
9 document such as claims, damages, which in this
10 case were sent.
11
12 There were a few damages that did occur, just
13 based on the weather and terrain, and those
14 things certainly happen. But I will say the
15 practice is to provide those to the local
16 Detachment because they retain the paper folder
17 for the investigation; whereas, my office would
18 hold just the administrative to ensure that
19 they're being compensated on the agreed-upon
20 rates.
21 RALPH, Q.C.:
22 Q. Okay. I'm sorry. So what's the distinction here
23 between B Division and the local Detachment?
24

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1 SERGEANT WILLIAMS:
2 A. Yes. So B Division headquarters in St. John's,
3 where my office is out of, we don't retain
4 anything other than financial documents; whereas,
5 the Detachment itself would have a paper folder
6 based on the full investigation.
7
8 So any investigation that occurs, not just search
9 and rescue, the Detachment, itself, would hold
10 the paper folder for a specific retention period.
11 And that would include all the documents included
12 from the file itself.
13 RALPH, Q.C.:
14 Q. And so it's your expectation that when a ground
15 search and rescue team concludes a search, they
16 would forward the documentation to the local
17 Detachment; is that your understanding?
18 SERGEANT WILLIAMS:
19 A. That's correct, yes.
20 RALPH, Q.C.:
21 Q. And so in terms of financial, what kind of
22 financial documents would you get?
23 SERGEANT WILLIAMS:
24 A. Essentially, within our policies and within the

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1 disclosure here, there's an agreed set of
2 costings for the search and rescue teams.
3
4 Just simple things such as mileage are
5 compensated at a rate. Or it might be, if a
6 piece of equipment is damaged during the course
7 of the search, obviously we would compensate for
8 that. Things such as the teams' command posts,
9 so there's command post rental fees. Those sorts
10 of things to offset their costs in which instead
11 of paying out of pocket.
12
13 Obviously, they're a volunteer organization but
14 they do incur some costs throughout the course of
15 the search. Whether that be gas or some
16 equipment usage, just general wear and tear, or
17 something breaking.
18
19 So those financial documents, it's simply a claim
20 form that comes in and gets reviewed at the end
21 of the search by myself.
22
23 If there's any questions, I'll reach out to the
24 team itself, whoever provides it, just to clarify

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1 the expenses. And then money is provided to the
2 team for the amount that was provided on the
3 invoice for the amount.
4 RALPH, Q.C.:
5 Q. And so, I guess, once the search is done there
6 isn't sort of a debrief with B Division and the
7 local Detachment then, and the GSAR team. That
8 doesn't happen. Or does that sometimes happen?
9 SERGEANT WILLIAMS:
10 A. Well, by our policy, you're supposed to have an
11 operational debrief. Not a mental health
12 debrief, but an operational debrief with the
13 team.
14
15 That being said, those debriefs often happen
16 right at the end of the search if everyone's
17 available at that point. It's a discussion on
18 how things went. If something could be modified
19 or changed at the time. It's a focus on if
20 there's any areas for improvement or
21 communication.
22
23 And also, for larger scale searches, often
24 there's a communication with myself in my

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1 position, and Mr. Blackmore in his position, just
2 to go over if there's anything maybe someone
3 wasn't comfortable in sharing on site.
4
5 If there's any concerns expressed, they would go
6 through their, I guess, chain of command to
7 Mr. Blackmore, and my search and rescue, my
8 Detachments who were involved in the search and
9 rescue. Open line of communication to
10 communicate if there are.
11
12 There have been very few cases of that. Maybe a
13 few. If there are any things that needs to be
14 discussed to a deeper level -- certainly not in
15 this case was that. It was just a sharing of
16 operational knowledge between myself and
17 Mr. Blackmore.
18 RALPH, Q.C.:
19 Q. Right. And so when you have those discussions,
20 then you wouldn't necessarily have the documents
21 from the GSAR team that had conducted the search;
22 is that right?
23 SERGEANT WILLIAMS:
24 A. No. That's correct.

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1 RALPH, Q.C.:
2 Q. Now, Exhibit 171, page 45.
3 THE CLERK:
4 45?
5 RALPH, Q.C.:
6 Yeah.
7 BY MR. RALPH:
8 Q. I think this is a note by Constable Canning. Am
9 I right to call him constable?
10 SERGEANT WILLIAMS:
11 A. Yes.
12 RALPH, Q.C.:
13 Q. And he said that Acting Staff Art Anderson took a
14 review of the file and one of the things he noted
15 was that there was a Form 3450 was not completed.
16 Can anyone tell me what that form is? Sergeant
17 Williams?
18 SERGEANT WILLIAMS:
19 A. Yes. Might that be the Missing Persons Form that
20 we reviewed earlier?
21 RALPH, Q.C.:
22 Q. Okay. So it was subsequently filled out; is that
23 right? Because this note is January 21st, 2021.
24

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1 LT.-COL MARSHALL:
 2 A. Are you able to scroll up there, Madam Clerk?
 3 RALPH, Q.C.:
 4 Q. Let's go to the (inaudible) page. He calls it a
 5 minor discrepancy. I'm just curious as to...
 6 LT.-COL. MARSHALL:
 7 A. Yeah. I'm unable to speak, I guess, specifically
 8 to that. That it had to be Sergeant Canning.
 9 There's Sergeant Canning and Constable Canning.
 10 They're a couple.
 11 RALPH, Q.C.:
 12 Q. Okay.
 13 LT.-COL. MARSHALL:
 14 A. So I couldn't speak to that exactly, I guess
 15 based on that line, exactly what he's referring
 16 to there.
 17
 18 It's possible, I guess, that it might not have
 19 been apparent to him at the time. However, as we
 20 can see on the form there, the forms are
 21 completed. So I can't speak directly to that
 22 comment.
 23 RALPH, Q.C.:
 24 Q. Lieutenant Colonel Marshall, it's interesting to

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1 note, and correct me if I'm wrong, but it appears
 2 to me as though the JRCC were following Eric
 3 Park's inReach. And they had access to that but
 4 not necessarily access to the inReach of the
 5 searchers. Or they couldn't follow the searchers
 6 but they were able to follow Eric Park, who was
 7 one of the original snowmobilers. Do you recall
 8 seeing that in the documents?
 9 LT.-COL. MARSHALL:
 10 A. Yeah. I'm afraid I can't really comment. I'm
 11 not quite familiar with that part of it. I'm
 12 sorry.
 13 RALPH, Q.C.:
 14 Q. No worries. But, I guess, generally speaking,
 15 it's a tremendous idea that JRCC would have
 16 access to sort of see where snowmobilers are
 17 going, or the Ground Search and Rescue
 18 snowmobilers, or hikers or whomever, if they had
 19 that.
 20
 21 Is that available anywhere else in the country,
 22 to your knowledge, that JRCC can actually know
 23 where the Ground Search and Rescues are when
 24 they're...

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1 LT.-COL. MARSHALL:
 2 A. Yeah, I'd have to verify that. But I do know
 3 that those devices are followed by certain
 4 companies who have emergency centres in one
 5 location. Probably in the United States, based
 6 on my knowledge of certain companies. And
 7 they're responsible for monitoring their clients
 8 who operate these devices.
 9
 10 Based on any type of SOS that comes from those
 11 devices, they would be able to track them and
 12 then provide the right response. Whether that is
 13 a ground SAR or a federal SAR.
 14
 15 They also have the ability to do the rescue
 16 themselves, depending on how much you paid the
 17 company for VIP service or not.
 18
 19 So they are able to be tracked and possibly sent
 20 to JRCC from those companies.
 21 RALPH, Q.C.:
 22 Q. Because we're in the JRCC log and it appears to
 23 indicate that they sort of, I guess, got the
 24 username and the password for Eric Park's inReach

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1 app?
 2 LT.-COL. MARSHALL:
 3 A. Right.
 4 RALPH, Q.C.:
 5 Q. Sorry, Sergeant Cooper?
 6 SERGEANT COOPER:
 7 A. In that instance there was a reach out to Katie
 8 Park, wife of Eric Park, where she provided the
 9 username and password. And that was passed on to
 10 JRCC which allowed them to track Mr. Park.
 11
 12 There was a reach out to one of the Deer Lake
 13 GSART members to obtain their information. He
 14 was able to recall his username, but not his
 15 password. And that was why they were unable to
 16 track that GSART member's inReach.
 17 RALPH, Q.C.:
 18 Q. Right. Because you would think that that would
 19 be kind of a standard practice, wouldn't you?
 20 And it sounds like a great idea. Sorry, go
 21 ahead, Mr. Blackmore.
 22 MR. BLACKMORE:
 23 The only way that we can --
 24

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1 COMMISSIONER IGLOLIORTE:
 2 (Inaudible.)
 3 MR. BLACKMORE:
 4 A. Harry Blackmore. The only way we can share our
 5 inReach with the person is we have to share it by
 6 email, unless they go to the user account. And
 7 if you got eight or ten inReaches on the ground,
 8 there's no way they would have been able to even
 9 keep track of them from the helicopter. It'd go
 10 back to JRCC or whatever.
 11 RALPH, Q.C.:
 12 Q. Let me --
 13 MR. BLACKMORE:
 14 A. But I had to actually share my track with you and
 15 then I would had -- he was there, he would have
 16 to share it with you. He would have to share it
 17 with you, and you (inaudible) keep control of.
 18
 19 That's the way these inReach machines work.
 20 RALPH, Q.C.:
 21 Q. Right.
 22 MR. BLACKMORE:
 23 A. You can go into --
 24

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1 RALPH, Q.C.:
 2 Q. But I would have thought there'd be some way you
 3 could have a protocol where that information
 4 would be available to whomever is --
 5 MR. BLACKMORE:
 6 A. Depending on who got the machines. Because you
 7 must remember, those machines --
 8 RALPH, Q.C.:
 9 Q. So you don't think there'll ever be a situation
 10 where the JRCC should have access to GSAR teams'
 11 inReach?
 12 MR. BLACKMORE:
 13 A. Yeah, but most of them, see, are personal inReach
 14 machines. The teams, we could only afford to
 15 give them two per team.
 16 RALPH, Q.C.:
 17 Q. Okay. Right. So if it was actual GSAR team
 18 inReach, then that might be a different
 19 situation?
 20 MR. BLACKMORE:
 21 A. It probably could be, yes.
 22 RALPH, Q.C.:
 23 Q. Okay.
 24

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1 MR. BLACKMORE:
 2 A. But otherwise, they're personal machines, right?
 3 RALPH, Q.C.:
 4 Q. Right. Fair enough. Lieutenant Colonel
 5 Marshall, there are, it indicates, many
 6 attachments. And perhaps you can explain what
 7 that means because I don't see any attachments
 8 here, but I see throughout the log here that
 9 there are, I guess -- I mean, I think there is
 10 upwards of, sort of, maybe 50 attachments.
 11 LT.-COL. MARSHALL:
 12 A. Yeah. So we're looking at -- sorry, I'm
 13 Lieutenant Colonel Marshall.
 14
 15 We're looking at certain log entries at 0914,
 16 0920 on the 4th of February, on page 37.
 17 RALPH, Q.C.:
 18 Which exhibit?
 19 LT.-COL. MARSHALL:
 20 A. Sorry, Exhibit 97 on page 37. What we're looking
 21 at is possibly the crews can send back maps to
 22 JRCC of what they looked at and then sent it. It
 23 would have been the attachment, but I don't think
 24 the attachments are included in the exhibits.

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1 RALPH, Q.C.:
 2 Q. Right. So the aircraft, themselves, they have
 3 tracking devices and they would then send that?
 4 Or would JRCC have that themselves?
 5 LT.-COL. MARSHALL:
 6 A. Yeah, we have different ways to track it. It
 7 could be a physical map, which the navigator
 8 would have been keeping track of the search plot
 9 so that, in general, we would send back to RCC so
 10 that they know exactly what terrain was covered.
 11 RALPH, Q.C.:
 12 Q. Right.
 13 LT.-COL. MARSHALL:
 14 A. So that if they have to do a second search on a
 15 different crew, so they'll know exactly what
 16 areas have been covered. And the crews would
 17 send back a map.
 18
 19 We also have iPad applications that we can also
 20 send electronically. That's another way to cover
 21 a search area.
 22 RALPH, Q.C.:
 23 Q. And so those attachments might indicate exactly
 24 whether they flew over the locations where these

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1 gentlemen were found; is that correct?
 2 LT.-COL. MARSHALL:
 3 A. Yeah. Some of the maps, they would show exactly
 4 where we searched, and at what visibility. So
 5 depending on our altitude and speed, would be how
 6 far we're actually able to visually look. And
 7 that really depends on altitude. But it would
 8 tell the RCCs exactly what fidelity the search
 9 was done at.

10
 11 So something that was done on a one-mile
 12 visibility is less precise than, say, a
 13 half-a-mile visibility. So the turns would be
 14 sharper, but then you have a better visibility.
 15
 16 So if we covered one search area on a one-mile
 17 visibility, and we covered -- at one point during
 18 a search, we covered the whole area, RCC might
 19 decide to redo that search area but at a lower
 20 visibility just to get more fidelity on that
 21 search.

22
 23 And the lower you go the better you can see, but
 24 you can't see as far because of the distance. So

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1 you can understand that.
 2 RALPH, Q.C.:
 3 Q. Right.
 4 LT.-COL. MARSHALL:
 5 A. So there's a lot of factors that go in,
 6 especially for a large search.
 7 RALPH, Q.C.:
 8 Q. One thing that kind of surprises me. I mean,
 9 this search was a bit unique because the
 10 communication problems were kind of unique to the
 11 situation in terms of weather and Bell being down
 12 and so on and so forth.

13
 14 But I'm surprised that there has to be so many
 15 different kind of -- someone calls someone, who
 16 calls someone else, who calls someone else, as
 17 opposed to less, sort of, direct contact.
 18

19 And, again, in this instance, I don't know what
 20 the solution would be, but there seemed to be
 21 obviously challenges in terms of the people on
 22 the ground speaking to the, sort of, JRCC or
 23 other people involved in air support.
 24

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1 And did either of you or all of you want to, sort
 2 of, address how to go forward in terms of having
 3 a better situation in terms of communications?
 4

5 What would be the solution or are there solutions
 6 out there for this?

7 LT.-COL. MARSHALL:

8 A. So I'll just comment on that. Lieutenant Colonel
 9 Marshall. I'll comment.

10
 11 There's many search teams within Newfoundland. I
 12 think the number was 25. We certainly don't want
 13 each search team to have the ability to call RCC
 14 to ask for air assets, which is why we prefer
 15 that they funnel through the provincial authority
 16 who has the authority to air task or to request
 17 from RCC. So that's our preferred method.
 18

19 But during a search --

20 RALPH, Q.C.:

21 Q. But once engaged, I guess, yes.

22 LT.-COL. MARSHALL:

23 A. Once engaged, absolutely. Every search that I
 24 see we're going to have some type of

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1 communication with whoever is the best knowledge
 2 on the ground of the searching, whether it's an
 3 aeronautical or humanitarian event. To us, it's
 4 always good to get information from local
 5 knowledge.
 6

6 RALPH, Q.C.:

7 Q. Right. So in this instance, I don't think that
 8 the JRC could communicate directly with the
 9 Command Post; is that correct?

10 SERGEANT COOPER:

11 A. In this instance JRCC would have been in contact
 12 with myself on the first day, as search/incident
 13 commander, or with one of the risk managers that
 14 were on shift in B Division headquarters.
 15

16 As for the other days, most days there was a risk
 17 manager working so the contact would be gone
 18 through them, just for consistency.

19 RALPH, Q.C.:

20 Q. Okay.

21 COMMISSIONER IGLOLIORTE:

22 For the record, that was Sergeant Cooper.

23 RALPH, Q.C.:

24 Q. Sorry, Sergeant Williams?

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1 SERGEANT WILLIAMS:

2 A. Yes, Sergeant Williams here. So to answer your
3 question about, I guess, many hands having to be
4 a part of this. Just from the RCMP side of
5 things, there is varying degrees and level of
6 experience and knowledge that happens. There are
7 some circumstances and occasions where Detachment
8 members, or people that are on scene at the file,
9 it may be a very junior detachment.

10
11 Those processes of the communication upward go
12 through a rank system. And what the rank means
13 to us in a lot of cases is experience and it's
14 knowledge. So that just allows the proper
15 safeguards on those resources.

16
17 Certainly, we want to support the searches as
18 best possible. But also those discussions do
19 have to be undertaken at certain levels because
20 those resources, maybe they're needed somewhere
21 else. It has to fit the circumstance to engage
22 air assets.

23
24 And then, certainly, the contact through

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1 Emergency Services Division. We do have almost a
2 rank requirement. We have an approved list, as
3 we saw in the last portion of the Inquiry, of our
4 members that are able to contact Emergency
5 Services Division. And that's based on rank
6 because rank, in our organization, does mean
7 experience to allow those proper safeguards to be
8 in place.

9
10 And to also coordinate that conversation, there
11 might be things going on from an administrative
12 standpoint, from an operational standpoint, and
13 we want to make sure that we're making the best
14 possible decisions in those cases. So that's why
15 that's in place.

16
17 And that's consistent with many operations within
18 the RCMP, or paramilitary organization, or rank
19 structural organizations, wherein it starts at a
20 level.

21
22 Generally, the level that is on the ground in the
23 first response capacity comes at a lower rank,
24 which sometimes is less experience, but those

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1 conversations and discussions and information,
2 generally do get funneled up to a level of rank.
3 So those discussions are able to be had at a
4 level, especially when you're dealing outside of
5 the agency itself when you're communicating with
6 partner agencies.

7 RALPH, Q.C.:

8 Q. So, Sergeant Williams, in this instance the
9 incident commander couldn't be at the Command
10 Post, and I would think, generally speaking, that
11 it's best to have the incident commander at the
12 Command Post. I think that RCMP policy would
13 sort of dictate that's how you should handle it?

14 SERGEANT WILLIAMS:

15 A. Yes, certainly. All things being ideal,
16 communication being perfect, it's a scenario
17 where if perfect conditions, communication
18 conditions, that person would be able to be there
19 on site.

20
21 But, certainly, as we're seeing in this case,
22 communications were a little bit difficult. And,
23 for instance, and certainly Sergeant Cooper can
24 speak more to this, but his conversation wouldn't

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1 only be with the group that's on the ground at
2 the Command Post. There would also be a lot of
3 outward communication and upward communication.

4
5 So from his standpoint, taking a portion of poor
6 communications would be likely the best course of
7 action to be out from that to get that
8 communication, but only having that section of
9 his communication grid to be affected.

10 RALPH, Q.C.:

11 Q. Right.

12 SERGEANT WILLIAMS:

13 A. And impacted negatively by communications.

14 RALPH, Q.C.:

15 Q. I guess my point is, ideally, you'd like to have
16 someone at the Command Post who's having
17 communications with the JRCC, or whomever is
18 conducting the air support?

19 SERGEANT WILLIAMS:

20 A. Certainly. All things being ideal and
21 communications being perfect, for sure.

22 RALPH, Q.C.:

23 Q. And so in this instance that wasn't possible. I
24 mean, I'm just curious, I mean, is there some

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1 other way that we can adopt some sort of system
 2 for communications that where, in that instance,
 3 the person at the Command Post wouldn't have been
 4 able to communicate with the JRCC or with
 5 Universal or whomever was conducting the air
 6 search?
 7 SERGEANT COOPER:
 8 A. Sergeant Cooper. Ideally, yes. Unfortunately,
 9 each search is different. And given our
 10 geography, our terrain, communications is a huge
 11 issue in this province.
 12
 13 In this instance, I chose to be at the
 14 Detachment. As Sergeant Williams said, I would
 15 have to coordinate between Emergency Management,
 16 FES-NL, JRCC.
 17 RALPH, Q.C.:
 18 Q. Yeah. I'm not taking issue with --
 19 SERGEANT COOPER:
 20 A. No, no.
 21 RALPH, Q.C.:
 22 Q. You know, I'm not taking issue that you stayed
 23 there.
 24

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1 SERGEANT COOPER:
 2 A. Yeah.
 3 RALPH, Q.C.:
 4 Q. That seems like a right decision. It's just
 5 curious to me that is there some kind of
 6 communication system that exists somewhere in the
 7 world where you could have a command post in
 8 Jackson's Arm and be able to communicate with the
 9 JRCC or Universal or PAL?
 10 SERGEANT COOPER:
 11 A. Ideally, we would like to see the Command Post
 12 set up in an area where communications wouldn't
 13 be as tough.
 14
 15 In this situation, I mean, there is no cell
 16 coverage. As soon as you leave Hampton Junction,
 17 there's basically no cell phone coverage off the
 18 White Bay highway. And the Command Post was set
 19 up there for reasons. In that area, that was the
 20 hub. That was the way to get into the Cat Arm
 21 Reservoir, by road. So it made the best sense to
 22 set up the Command Post there.
 23 RALPH, Q.C.:
 24 Q. And Mr. Blackmore, I think, do you want to

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1 address that?
 2 MR. BLACKMORE:
 3 A. Harry Blackmore. Some years ago there was a
 4 study done by an Air Force person. He was
 5 assigned to National Search Secretariat at the
 6 time, to come up with a strategy that the command
 7 posts would be able to talk directly to the
 8 Cormorant, to any plane whatsoever.
 9
 10 It ended up that they couldn't get the
 11 frequencies down low enough within the VHF system
 12 that everybody uses for the helicopter part of
 13 it.
 14
 15 Now, with the Cormorant, we can use Channel 19 or
 16 the National SAR. I think they can do it. The
 17 helicopters, by FES-NL, can all go to what we
 18 call the EMO channel, so that we can talk to
 19 them.
 20
 21 But you've got to remember, where the Command
 22 Post was set up, and with our terrain, that VHF
 23 radios only work so much. And from the Cat Arm,
 24 if you were never up there, from where that

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1 Command Post was to where everybody was flying,
 2 it would be almost impossible to even contact
 3 directly to the helicopters or whatever.
 4
 5 So they have to go through their Command Post
 6 back to JRCC the way they're doing it. Hopefully
 7 if the new radio system that they're so-called
 8 plan within government works, we'd all be able to
 9 talk to each other.
 10
 11 But the conditions they had were totally from
 12 ideal. Not even close to be able to put a
 13 command post.
 14
 15 It's like you right now, if you want to talk to a
 16 command post that was set up in the other side of
 17 Deer Lake, you just wouldn't be able to do it.
 18 RALPH, Q.C.:
 19 Q. Right. Well, that was my question. Is there a
 20 communication system that exists that --
 21 MR. BLACKMORE:
 22 A. They have tried. They can't get the frequencies
 23 in the VHF radios down low enough for what
 24 they're doing. Right across the county there's a

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1 setup. There's a National SAR channel now,
2 149.08, that everybody uses to try to
3 communicate.
4
5 I know the Air Force has it for sure now, and
6 it's only been put in probably within the last
7 few years. I'm not sure a hundred percent. But
8 that's the only part.
9
10 But, otherwise, for the Cormorant we use Channel
11 19. In Newfoundland, Labrador, for whoever's got
12 the contract, which right now is Canadian, we use
13 the EMO channel, which is 166.
14 RALPH, Q.C.:
15 Q. Right. Thank you.
16 LT.-COL. MARSHALL:
17 A. Lieutenant Colonel Marshall. Again, I think what
18 we're talking about is ease of use which would be
19 VHF radios and cost.
20
21 If you really wanted the perfect system to be
22 able to use anywhere for a command post, then you
23 would buy a bunch of satellite phones and every
24 ground searcher would have a satellite phone to

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1 talk to each other. But they're very expensive
2 to buy and to maintain.
3
4 So, yes, there is a system. It's called
5 satellite phones. But I don't think it's
6 feasible in this situation.
7 RALPH, Q.C.:
8 I have no further questions. Thank you.
9 MR. BUDDEN:
10 Mr. Williams, have you any questions?
11 WILLIAMS, Q.C.:
12 Q. Thank you. Yes, I just have one area of
13 questions and I'm not sure who's best. Probably
14 Sergeant Williams, you may be best to address
15 this.
16
17 And it's with respect to policies pertaining to,
18 and it's not this incident, incidents in general,
19 with respect to family communications.
20
21 And I know in the list of exhibits, there's a
22 number of exhibits, and I'm referring to Exhibits
23 13 through 16, generally, which outlines some of
24 the RCMP Search and Rescue policies and manuals.

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1
2 And if I can ask Madam Clerk to bring up Exhibit
3 P-13, please. And I'll get the page reference
4 for you. Page 3.
5 THE CLERK:
6 Just a second. I'm knocked out of the Internet,
7 so I've got to go another way to get it.
8 WILLIAMS, Q.C.:
9 Q. Okay. This is the policy on Lost/Overdue
10 Persons. And if we scroll down there to Section
11 5.5, if I'm not mistaken. Yes, 5.5, on page 3.
12
13 And there it identifies -- and this comes under
14 the Responsibilities of the Incident Commander,
15 if I'm not mistaken. That's the heading of this
16 section. Yeah, Search and Incident Commander.
17 And it outlines a number of responsibilities.
18
19 And, obviously, these are all happening in very
20 real and fast time. And I can appreciate that,
21 particularly when a notice comes in of a lost
22 person.
23
24 But under Section 5.5 it says, "Establish

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1 communications with the media and family."
2
3 And so I want to expound on that a little bit and
4 find out, are there any other specific policies
5 in place? Because this is just kind of a
6 one-liner?
7
8 And then when we looked at, for example, Exhibit
9 171, page 45, that Mr. Ralph coincidentally had
10 just brought up, it had made reference in respect
11 to this matter.
12
13 And, again, I'm not looking at the search that
14 we're the subject to today. But coincidentally,
15 that exhibit states, "Form 6519 Complainant/" --
16 and it's at the top of that page, "Complainant/
17 family communication schedule not completed and
18 no contact logs created identifying any family
19 contact."
20
21 And, again, I don't say this as criticisms
22 because I know Sergeant Cooper had made reference
23 in his Direct testimony having been in contact
24 with the family in this particular case, and a

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1 regular basis, numerous occasions.
2
3 Getting around to my question is, is there a
4 formal policy in place with respect to how police
5 and/or, I guess, in the instances where it's --
6 and let Lieutenant Colonel Marshall speak after
7 in terms of DND practice.

8
9 Is there a formal policy in place in terms of how
10 to be dealing with families? Because obviously
11 it's a fairly emotionally charged incident at
12 that incident, at that point in time. And it was
13 of interest where it said here, "created
14 identifying family contacts."

15
16 Because in the Burton Winters scenario that was
17 complicated by the fact that we had a mom and a
18 stepmom; one was in Makkovik, one was in Goose
19 Bay. Of course, both had the same concerns and
20 expressions. And one had said I didn't know what
21 was going on. I'll leave it at that.

22
23 If you could speak or expound on what's the
24 policy and can we identify it somewhere in one of

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1 the books? And what is this form that's
2 referenced in that document?

3 SERGEANT WILLIAMS:

4 A. Sure. Sergeant Williams here. To speak to the
5 technical aspects, the contact log entry itself,
6 it's a way on our PROS system, you can add it at
7 a -- it's like a data. And it's simply no
8 different than what you would see on the general
9 reports or the report saying contact made. It's
10 just something that can be externally added.

11
12 So that would be, I guess, more of a tech piece.
13 It's not saying that contacts weren't necessarily
14 made in that case. It's just saying the specific
15 tech link to the PROS system outlining every time
16 you call the person, you add a contact log entry.
17 But that can also be, and is, outlined in the
18 file when those contacts were made.

19
20 So that's just an external -- it's an internal,
21 sorry, process within our PROS system where you
22 would just add a contact log entry.

23
24 It doesn't dictate whether or not you had

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1 contacted the person. Oftentimes, it's not as
2 standard procedure that it has to happen each
3 time contact is made. But supervisors do like to
4 see that as an external thing, instead, for their
5 purposes of having to dig through the file to
6 say, wait a minute, oh, yeah, it's right here in
7 this report itself, where you contacted the
8 person.

9
10 So I would say the contact log entry itself is
11 just an easier thing for the supervisor reviewing
12 the file, instead of having to dig through the
13 file itself. It's a quick notation in a general
14 screen to say contact was made. So, I guess,
15 that speaks to the contact log entry point made.

16
17 Similar to the form that was mentioned, it's just
18 an external way of pulling that out of a report
19 itself for, more so, the supervisor's benefit as
20 a quick confirm how many contacts had been made
21 versus reviewing the file itself, and within the
22 wording of everything going on to be able to
23 highlight or underline, okay, you spoke to this
24 contact family member, complainant, or what have

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1 you.

2
3 In terms of search and rescue, that line in
4 policy -- and no, it does not go into great
5 detail on how to do that, but that's more so
6 because it would be very specific to the search
7 and rescue operation itself. The method or
8 degree of communication with the family.

9
10 We do assign family liaisons in these cases. It
11 might be the lead investigator, depending on the
12 size and shape of the Detachment itself.

13
14 We saw in Makkovik that there was certainly a
15 different scenario in a smaller community where
16 family members were within the community. And
17 also external to the community.

18
19 In this case, I believe, both of the subjects
20 there were not from the area and from the metro
21 area in St. John's. So I guess that's another
22 different scenario.

23
24 So there is no specific policy on how to do that.

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1 There is training received in depot in more
2 general terms on how to be a family liaison and
3 to communicate in those types of situations and
4 crisis communication situations.
5
6 But in terms of a search and rescue context that
7 specifically, that line there, is the policy in
8 contacting the family.
9
10 How that's established afterwards and the method
11 and the tactics you choose to undertake for that,
12 that would be up to the Detachment itself and the
13 experience of the member being involved.
14 WILLIAMS, Q.C.:
15 Q. And I just want to elaborate on a little more,
16 only because it would seem to me that an incident
17 commander -- I mean, it falls under the task of
18 an incident commander, but it would seem to me
19 that an incident commander has a hell of a lot on
20 his plate at that particular time when the matter
21 is ongoing.
22
23 So family liaison, while certainly shouldn't be
24 secondary, may serve to be a secondary aspect,

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1 given the fact that they're trying to get boots
2 on the ground and people out on a search.
3
4 Do you think it would be worthwhile -- I mean, it
5 hits me that the circumstances, because I said
6 people are so emotionally charged in these
7 things, there could be a whole lot of varying
8 degrees and, as we've heard, there could be
9 resources needed for families right on the spot,
10 whether it be mental health resources or other
11 support systems to be put in place, that it would
12 be worthwhile having a policy, a communications
13 policy, in place.
14
15 Whether the incident commander is the right
16 person to do that. Whether the media contact
17 person is the person to do that. It just seems
18 to me that there's a bit of a void there. And
19 that the forms that we refer to are subsequent
20 review processes?
21 SERGEANT WILLIAMS:
22 A. Sure.
23 WILLIAMS, Q.C.:
24 Q. For supervisors, etcetera.

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1 SERGEANT WILLIAMS:
2 Q. I would say that obviously communication is key
3 in these situations, and is of high value. It
4 would be difficult to get too specific into how
5 that's going to be undertaken just because of the
6 size, the shape, and the scope of the
7 investigation in the search. So it would be
8 difficult to lay out very specifically how that
9 can be done.
10
11 But, yeah, anytime we can implement something
12 that's able to be a little more clear in terms of
13 communication would be a benefit for sure.
14 WILLIAMS, Q.C.:
15 Q. And I don't know if there's anything on the DND
16 side, if they have a policy pertaining
17 particularly to family communications?
18 LT.-COL. MARSHALL:
19 A. Yeah, Lieutenant Colonel Marshall. I'll
20 certainly provide you with some quotes on policy
21 for the policy roundtable. I'll definitely have
22 that for you, with respect to the family.
23
24 But we do definitely contact the family during

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1 the search phase, if necessary, to gain
2 information. Because, possibly, the family might
3 be the best source of information about patterns
4 or certain routes that they might take habitually
5 for certain types of voyages that they do.
6
7 But post-search, we don't necessarily think that
8 contact with the family would affect the
9 searching because we would have a controller who
10 controls a search.
11
12 And now I'm not speaking about the Ground Search
13 and Rescue phase, but a federal case. But we
14 also have other people in JRCC that could liaise
15 with the family, whether it's the public affairs
16 officer or the officer in charge of JRCC.
17
18 So that wouldn't affect the controller actually
19 engaging that search.
20 WILLIAMS, Q.C.:
21 Q. Okay. And maybe the last person I could throw it
22 over to would be Mr. Blackmore, because your
23 group obviously is on the ground. Families are
24 probably on the scene.

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1 From command post perspective, do you folks find
2 challenges trying to manage or trying to handle
3 families that are obviously searching for more
4 information and want more details? And I'm sure
5 everybody says I want to be kept up to date. I
6 want to know what's happening. I want to know
7 what they're finding.

8
9 What is your experience from a
10 boots-on-the-ground perspective, and do you take
11 responsibility for that or do you pass it along?
12 And, if so, to whom?

13 MR. BLACKMORE:

14 A. No. For the search and rescue volunteers in this
15 province all family matters are dealt through
16 with the liaison on the scene; whether it's the
17 actual incident commander or one of his liaison
18 people.

19
20 Oh, Harry Blackmore, by the way. Sorry about
21 that. But we pass that --

22 COMMISSIONER IGLOLIORTE:

23 We can always tell your voice.
24

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1 MR. BLACKMORE:

2 A. We pass that directly to the police and they
3 handle it because they have more information on
4 the family than we ever would or want to know.
5 So that's a police matter. And it's always done
6 by the incident commander on the scene or the
7 liaison.

8 WILLIAMS, Q.C.:

9 Q. That's all the questions I have. Thank you.

10 SERGEANT COOPER:

11 A. Sergeant Cooper, RCMP.

12 WILLIAMS, Q.C.:

13 Q. Okay. Yes.

14 SERGEANT COOPER:

15 A. Mr. Williams, as you see in our Operations
16 Manual, 37.2 is Lost/Overdue Persons. It doesn't
17 reference the Form 6519 directly. It does speak
18 in general context.

19
20 Our operation manual policy for Missing Persons
21 does reference the Form 6519 directly. That was
22 as a result of a recommendation of the Missing
23 and Murdered Indigenous Women's Task Force.
24

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1 As well, and I can only speak to this file as
2 that's why I'm here. As you see, Sergeant
3 Canning's comment, 6519 was not filled out. In
4 this instance where it was a lost/overdue person,
5 it wouldn't have been mandatory.

6
7 But as you can see in her follow-up comments, she
8 did say that the contact was listed in the
9 member's reports directly.

10
11 In ideal situations we would have a member
12 directly assigned for family contact. In this
13 instance, I can tell you we didn't have the
14 direct resources available, which is why I took
15 that on, on the first day.

16
17 But as you can read in my reports, on 170, we did
18 identify a member for day 2 directly. That was
19 his only duty, was to speak and update the family
20 directly.

21 WILLIAMS, Q.C.:

22 Q. Okay, thank you. The form that you reference,
23 6519, can you tell me a little about that. Is
24 that like an ongoing record that's kept, or is

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1 that a form that is completed upon completion of
2 the search/rescue?

3
4 When you're completing paperwork for the file and
5 the occurrence reports, is that form done at that
6 point, or is that a document that is an ongoing
7 document maintained on an up-to-time basis?

8 SERGEANT COOPER:

9 A. Sure. It's made to be a living document, to be
10 updated regularly. And it contains a field to
11 identify the member who made the contact with the
12 family.

13
14 So it does list the contact date, the liaising
15 member, the type of communication, whether it be
16 update, follow-up, court, investigative, as well
17 as the contact name or language preference, and
18 any notes.

19
20 Once again, that's generally made for a missing
21 persons, not for a lost/overdue person.

22 WILLIAMS, Q.C.:

23 Okay, thank you.
24

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1 COMMISSIONER IGLOLIORTE:
 2 Yes, if I could just ask you to speak with your
 3 two experts to see if they have any questions
 4 arising. We can give you five or ten minutes.
 5 MR. BUDDEN:
 6 Sure. I have some questions myself, but it might
 7 be a good idea to break first to allow me to do
 8 that. Thank you.
 9
 10 I'm also going to consult with Mr. Germani, who's
 11 here. I believe he's the only searcher here, but
 12 I'll certainly speak to him as well.

13 THE CLERK:

14 All rise.

15 COMMISSIONER IGLOLIORTE:

16 Ten minutes.

17

18 **(Recess)**

19

20 THE CLERK:

21 This Commission of Inquiry is now in session.

22 Please be seated.

23 MR. BUDDEN:

24 Thank you, Mr. Commissioner. I will have some

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1 questions for these witnesses. And as I've
 2 explained to counsel and to yourself, with your
 3 permission, I've advised Mr. Germani, who was one
 4 of the searchers we heard from yesterday, and
 5 who's here again today, I'm going to briefly call
 6 him.

7
 8 He has some comments he wished to make with
 9 respect to communications during a search. And
 10 he'll also speak to the exhibits we entered this
 11 morning. Three of them. And when he is done,
 12 then the Panelists may wish to comment on what he
 13 has to say.

14
 15 But before I do that, Officers, I'll just briefly
 16 explain my role and perhaps give you some context
 17 for some of the questions I'll be asking.

18
 19 I am Commission counsel. This is a Commission of
 20 Inquiry that has been tasked with, among other
 21 things, making recommendations for the
 22 improvement of ground search and rescue in
 23 Newfoundland.
 24

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1 And another aspect of any public inquiry is
 2 public education. So there are things here that
 3 we understand and we take for granted after
 4 looking at these issues for some time, or because
 5 of our professional training.

6
 7 So some of the questions I'll ask you are more to
 8 elicit information for the better explanation for
 9 any interested member of the public or media who
 10 may be following us.

11

12 So just to give you a bit of context to some of
 13 my questions.

14 BY MR. BUDDEN:

15 Q. First for Officer Cooper. It's Sergeant, is it?

16 Yes, thank you. We've heard from the searchers
 17 yesterday, heard at length about the weather
 18 conditions. And you were there, of course, for
 19 that.

20

21 And I recall, in particular, Mr. Anstey, Sheldon
 22 Anstey speaking, and a gentleman who has had
 23 decades of experience in GSAR and in the
 24 wilderness in his professional capacity,

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1 describing it as, really, some of the worst
 2 conditions he'd ever experienced.

3

4 I realize you weren't there with them, but is
 5 that consistent with your understanding, as
 6 incident commander, with the circumstances those
 7 searchers were facing?

8 SERGEANT COOPER:

9 A. Yes, that's correct. I know I can speak to the
 10 weather conditions in Deer Lake at that time.
 11 The weather conditions were brutal. It was very
 12 stormy. It was the middle of a blizzard. With
 13 that high up in the interior where the search was
 14 located, the weather would have been many times
 15 worse.

16

17 I have been in that area. We've gone up on a
 18 trip on a very sunny, blue-sky day, and we've
 19 left to come back on a sunny, blue-sky day, and
 20 within a matter of minutes the weather comes
 21 down. It's impossible to see the loops of the
 22 front skis on the snowmobile. It comes down
 23 quickly and it comes down hard.
 24

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1 MR. BUDDEN:

2 Q. So what they had to say about visibility, about
3 the wind gusting, about the terrain, all of that
4 was consistent with your understanding and
5 personal experience?

6 SERGEANT COOPER:

7 A. That's correct. Like, so what we experienced in
8 Deer Lake, and with that altitude, with the
9 search area being so much higher and being in an
10 open area, it would have been extreme, to say the
11 least.

12 MR. BUDDEN:

13 Q. Okay. My next question is really directing at
14 you, but if anybody else, of the three Panelists,
15 wishes to speak to it, that's fine as well.

16
17 From my review of the material and from your
18 evidence, I believe the first call -- my
19 understanding is these gentlemen separated from
20 the party at around 1 p.m.

21
22 The other three friends searched for them,
23 unsuccessfully, for a couple of hours. And then
24 at 3:38, I believe, the call went to the RCMP?

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1 So that would have been the very first engagement
2 with the authorities to assist in the search?

3 SERGEANT COOPER:

4 A. Yes, that's correct.

5 MR. BUDDEN:

6 Q. Okay. And I understand that the first call was
7 made to JRCC at 5:40. And I will ask Lieutenant
8 Colonel Williams to walk us through that in just
9 a moment.

10
11 But that time gap of about two hours, perhaps
12 generally, I guess, I have two questions. One
13 is, that in the circumstances is that an unusual
14 time gap or is that what one would expect?

15
16 And the related question is, was the confusion
17 about the responsible Detachment, was time lost
18 sorting that out?

19 SERGEANT COOPER:

20 A. Sergeant Cooper. Given the weather conditions, I
21 don't believe it would have affected the search
22 entirely. It definitely didn't affect, in my
23 opinion, the ground search. The weather
24 conditions were so brutal at the time, and with

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1 sunset at that day being, as a best guess I would
2 say, that time of year, about 4:30, that we would
3 not have sent out a Ground Search and Rescue team
4 because now we'd be searching for, potentially, a
5 dozen people instead of two. Again, GSART
6 advised that they wouldn't have headed out in
7 that weather.

8
9 There was a time lapse. There was some confusion
10 initially over what Detachment and, more
11 specifically, what Ground Search and Rescue team
12 would be deployable to that area.

13
14 I'm not sure that affected the end result,
15 though.

16 MR. BUDDEN:

17 Q. Okay.

18 SERGEANT COOPER:

19 A. But we were in contact with our supervisors, and
20 through FES-NL as well.

21 MR. BUDDEN:

22 Q. Okay. And by gap, are we talking minutes or
23 hours?
24

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1 SERGEANT COOPER:

2 A. Generally, it would typically take -- you could
3 probably measure it in hours rather than minutes.

4 MR. BUDDEN:

5 Q. Okay. But in this particular instance -- I'm
6 sorry, my question wasn't very clear. The time
7 that may have been lost due to the confusion,
8 would that have been minutes lost or hours lost?

9 SERGEANT COOPER:

10 A. There was a delay, as you said, between 3:38 when
11 our OCC got the initial call, and then JRCC was
12 notified. The first talk with JRCC being
13 notified would have been about two hours later.

14 That's correct.

15 MR. BUDDEN:

16 Okay. Perhaps, Madam Clerk, we could call up
17 Exhibit 97, which we've been referring to off and
18 on throughout the day.

19 BY MR. BUDDEN:

20 Q. And Sergeant Williams, I see here, right at the
21 very, very beginning of this FES-NL official,
22 Blair Hogan, reached out at 2101 Zulu, which
23 would be 5:31 p.m. on February 1st, Newfoundland
24 Standard Time; would that be correct?

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1
 2 And I guess the other question is, this would be
 3 Atlantic time, I presume, or Newfoundland time?
 4 Help us there.
 5 LT.-COL. MARSHALL:
 6 A. Sorry, it's Lieutenant Colonel Marshall. I think
 7 I said 3.5 hours. Looking back, I think it's 2.5
 8 during the winter in Newfoundland from Zulu. So
 9 that would be at 1831 local time.
 10 MR. BUDDEN:
 11 Q. So 6:31 p.m.?
 12 LT.-COL. MARSHALL:
 13 A. Correct.
 14 MR. BUDDEN:
 15 Q. Now, this would be generated in Halifax, I
 16 believe, which would make it Atlantic Standard
 17 Time?
 18 LT.-COL. MARSHALL:
 19 A. The 2101 Zulu is universal; it doesn't change.
 20 But if we're going to talk local, from Halifax,
 21 you would subtract three. But from Newfoundland,
 22 it's subtract two and a half.
 23 MR. BUDDEN:
 24 Q. I now get your point. So perhaps you could walk

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1 us through. I found these next couple of pages
 2 pretty --
 3 RALPH, Q.C.:
 4 Q. I'm sorry. Is it two and a half or three and a
 5 half? I thought, like Daylight Savings Time, I
 6 thought, would give you an additional hour?
 7 UNIDENTIFIED MALE SPEAKER:
 8 (Inaudible.)
 9 LT.-COL. MARSHALL:
 10 A. Have to get my phone out. But I believe it's
 11 minus two and a half, at this time of the year
 12 because it's wintertime.
 13 RALPH, Q.C.:
 14 I think it might (inaudible.)
 15 LT.-COL. MARSHALL:
 16 A. Okay.
 17 RALPH, Q.C.:
 18 Q. I'm sorry, when we were looking at the search for
 19 Burton, we calculated it as being three and a
 20 half, and two and a half when it wasn't Daylight
 21 Savings Time.
 22 LT.-COL. MARSHALL:
 23 A. But with that search, they were a part of
 24 Atlantic time.

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1 RALPH, Q.C.:
 2 Q. Yes, I know. But still, so it would be three and
 3 four?
 4 MR. BUDDEN:
 5 Not two and a half and three. I think that's
 6 your point, Mr. Ralph.
 7 RALPH, Q.C.:
 8 That's right.
 9 MR. BUDDEN:
 10 Yeah.
 11 RALPH, Q.C.:
 12 Yeah, it's more.
 13 MR. BUDDEN:
 14 Q. Nothing necessarily swings on it, but it's good
 15 to be accurate. But perhaps you can walk us
 16 through that. And what I'm looking to get at
 17 here is, we see now over the next several pages
 18 how, in fact, we get from the call coming in, to
 19 the resources actually getting into the air.
 20
 21 And could you walk us through this document a
 22 little bit over the next page or two, not
 23 necessarily line by line, but at any level you
 24 feel appropriate so that we get a sense of that

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1 kind of engagement. How you go from the phone
 2 call to the planes in the air?
 3 LT.-COL. MARSHALL:
 4 A. Roger that. I'm going to just stick with the
 5 Zulu times because that's what's written.
 6 Otherwise, my lack of math will be exposed.
 7 RALPH, Q.C.:
 8 Q. I'm sorry, maybe I can help you out now because
 9 right now it's 2:28 Zulu time. So it's two and a
 10 half hours right now. So I'm assuming we --
 11 LT.-COL. MARSHALL:
 12 A. Right. So after October, it would be three and a
 13 half.
 14 RALPH, Q.C.:
 15 Q. Yes.
 16 LT.-COL. MARSHALL:
 17 A. Okay.
 18 RALPH, Q.C.:
 19 Q. So I think at that point it was three and a half?
 20 LT.-COL. MARSHALL:
 21 A. Okay. I concede that point. So at 2101 Zulu is
 22 when the first call arrived. Because this is
 23 something that is humanitarian, a ground search
 24 and rescue, the OIC (officer in charge) of JRCC

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1 would have to approve this mission. And you see
 2 that that was approved just seven minutes later
 3 at 2108 Zulu.
 4 MR. BUDDEN:
 5 Q. So that's pretty tight, seven minutes later. And
 6 you got the go-ahead?
 7 LT.-COL. MARSHALL:
 8 A. Yes.
 9 MR. BUDDEN:
 10 Q. Okay.
 11 LT.-COL. MARSHALL:
 12 A. Of note, after that would be when the Cormorant
 13 was paged because at this time, I believe this
 14 was a Friday and it's after the normal working
 15 hours, so we would have had our night crew, which
 16 means they're on two-hour standby, which means
 17 they'd be at home.
 18
 19 There's some advantages of having a crew on
 20 two-hour standby, because their crew day hasn't
 21 started. So when the Cormorant is first paged,
 22 you would get 15 hours of flying out of that
 23 crew. Whereas, if this happened two hours
 24 earlier, you would have been using the day crew

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1 who would have been on squadron since 7:30 in the
 2 morning, and their crew day would have already
 3 been seven hours old.
 4
 5 So although the response time is less when
 6 they're on two hours' notice to move, the search
 7 day would last a lot longer. So there's some
 8 negatives to a two-hour standby posture, but
 9 there's also some positives.
 10 MR. BUDDEN:
 11 Q. I'm going to stop you at that point because this
 12 is an important point that isn't obvious to the
 13 public at large.
 14
 15 I'll just put it to you, I guess, for your
 16 agreement. My understanding is that during
 17 normal working hours, it's a half-hour standby,
 18 but on weekends and after hours it's a two-hour
 19 standby?
 20 LT.-COL. MARSHALL:
 21 That's correct.
 22 MR. BUDDEN:
 23 Q. And what does that exactly mean, "standby"?
 24

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1 LT.-COL. MARSHALL:
 2 A. Standby is how fast we expect the crews to
 3 respond. So if they're on Squadron, 30 minutes
 4 is reasonable for them to get their gear. Well,
 5 the gear would probably already be on the
 6 airframe, whether it's a Cormorant or C130. But
 7 to get the crew together, take a look at the
 8 initial parts of the mission and plan a little
 9 bit.
 10
 11 You don't have a whole lot of time to plan.
 12 Usually that's done en route. But also, you need
 13 to preflight the aircraft, get it ready, and take
 14 off. Thirty minutes is reasonable.
 15
 16 Our average time is anywhere between 20 and 25
 17 minutes for a takeoff in that posture. When
 18 you're on two hours' notice to move, the crew is
 19 usually at home. I would say usually, but for
 20 all cases they are. Or they're only allowed to
 21 go within a certain distance from the base.
 22
 23 So the crew would be at home. As soon as they
 24 get the page, they would immediately go into

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1 work. Two hours is the maximum that we expect
 2 them to take off, but, in general, they take off
 3 approximately one hour and 15 minutes to one hour
 4 and 20 minutes after being called. And those are
 5 our stats that we've accumulated over the years.
 6
 7 So the difference between the response time for a
 8 30-minute notice to move and a two-hour notice to
 9 move is, in reality, about 40 to 45 minutes, and
 10 not hour and a half. Just because in a search
 11 and rescue scenario, we don't waste any time. We
 12 take off as soon as possible.
 13 MR. BUDDEN:
 14 Q. Okay. And it goes without saying, but it never
 15 hurts to say it I guess. If you're on standby,
 16 obviously you have to stay in the area. You
 17 can't drink. You got to be ready to roll very
 18 quickly?
 19 LT.-COL. MARSHALL:
 20 A. That's correct. You're on duty.
 21 MR. BUDDEN:
 22 Q. Okay. The 15-hour time limit, perhaps you could
 23 explain the rationale why that exists? What
 24 purpose it serves?

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1 LT.-COL. MARSHALL:
 2 A. For search and rescue, the maximum crew day would
 3 be 15 hours. And that is the maximum allowable
 4 time that the crew is allowed to work. And that
 5 is purely for flight safety reasons.
 6
 7 Fatigue sets in and then accidents can occur. So
 8 we have our 1 Canadian Air Division regulations.
 9 And they are not all permitted to fly or to work
 10 more than 15 hours.
 11 MR. BUDDEN:
 12 Q. And I guess, one way I would characterize it this
 13 way: There's always a balancing act between the
 14 mission to find and rescue a person and crew
 15 safety. And perhaps you could briefly comment on
 16 that.
 17 LT.-COL. MARSHALL:
 18 A. Exactly. When we look at crew day, we definitely
 19 have our limits. And if we go beyond those
 20 limits, you're risking a lot more than just the
 21 mission. You're risking the airplane and the
 22 people. And that's why we have regulations,
 23 because the crew might think that they're okay to
 24 go and they want to extend their crew day, but

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1 they're not permitted because we restrict them
 2 from their own enthusiasm.
 3 MR. BUDDEN:
 4 Q. And there are also times when the crew may want
 5 to fly, but you have regulations saying, no, the
 6 ceiling is X, you cannot fly?
 7 LT.-COL. MARSHALL:
 8 A. Exactly.
 9 MR. BUDDEN:
 10 Q. So, again, it's to restrain them from their
 11 impulses to save lives?
 12 LT.-COL. MARSHALL:
 13 A. Correct.
 14 MR. BUDDEN:
 15 Q. Okay. And I understand, as well, that SAR
 16 technicians and in-flight crews have actually
 17 been lost? Have died in the course of rescue
 18 missions?
 19 LT.-COL. MARSHALL:
 20 A. That's correct.
 21 MR. BUDDEN:
 22 Q. Okay. So perhaps with that little interruption
 23 you can walk us through, until we get the flights
 24 in the air.

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1 LT.-COL. MARSHALL:
 2 A. Okay. On the second page, page 2, at 2119,
 3 that's when the Cormorant is paged. And then we
 4 notified 14 Wing Ops, which is in Greenwood, at
 5 2122 Zulu, that the Hercules is also going to be
 6 tasked.
 7
 8 You'll see the tasking for the Hercules at 2125
 9 Zulu. And then the official tasking for the
 10 Cormorant comes at 2130 Zulu.
 11 MR. BUDDEN:
 12 Q. What does the word "tasking" mean in this
 13 context?
 14 LT.-COL. MARSHALL:
 15 A. In the sense that JRCC gives the Cormorant their
 16 tasking to go conduct this search.
 17 MR. BUDDEN:
 18 Q. Okay. Does that mean that's the takeoff time, or
 19 is that another --
 20 LT.-COL. MARSHALL:
 21 A. No, that's the official tasking. It's a log
 22 entry. When they're paged is when -- the
 23 Cormorant crew doesn't wait for their tasking to
 24 move. As soon as they're paged, they move.

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1 MR. BUDDEN:
 2 Q. Okay. So in this instance, if the call came in
 3 at 2101 Zulu, when did the Cormorant actually
 4 take off? How many minutes or hours later?
 5 Leave the ground?
 6 LT.-COL. MARSHALL:
 7 A. You'll see that -- okay. Normally we have the
 8 Cormorant takeoff data.
 9 RALPH, Q.C.:
 10 Q. Is that R907? Is that R907?
 11 LT.-COL. MARSHALL:
 12 A. R907 is Rescue 907.
 13 RALPH, Q.C.:
 14 Q. So I think it's bottom of page 4?
 15 UNIDENTIFIED MALE SPEAKER:
 16 Of?
 17 RALPH, Q.C.:
 18 Q. Of Exhibit 97?
 19 LT.-COL. MARSHALL:
 20 A. Yeah, I see that there. But I'm looking at 2219
 21 where it says, it began sortie. So that's a
 22 little confusing to me.
 23
 24 So they began their sortie at 2219. That would

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1 have been when they're on scene.
 2 MR. BUDDEN:
 3 Q. Okay.
 4 LT.-COL. MARSHALL:
 5 A. But what that entry is, is probably once the
 6 Rescue 907 was airborne and they called back to
 7 say when they were airborne. So they said
 8 approx. one hour. So I would extrapolate that
 9 they would have been airborne around 2138 Zulu.
 10 But it's an approx.
 11 MR. BUDDEN:
 12 Q. So even though it was the two-hour response time,
 13 rather than the half hour, they're still in the
 14 air 38 minutes after that first call was
 15 received?
 16 LT.-COL. MARSHALL:
 17 A. Yeah. Again, that will be an approximation,
 18 because the crew said they were airborne
 19 approximately one hour. So we don't have the
 20 official airborne time on these logs.
 21 MR. BUDDEN:
 22 Q. Sure. But they were on site. Perhaps you could
 23 just say the gap between the first call from
 24 FES-NL to the helicopter actually being on site,

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1 are you able to tell us that in hours or minutes?
 2 LT.-COL. MARSHALL:
 3 A. So when we look at page 5, Cormorant arrived on
 4 scene at 2326 Zulu. So we're looking at two
 5 hours and 25 minutes after FES-NL called is when
 6 the Cormorant was on scene, conducting a search.
 7 MR. BUDDEN:
 8 Q. On scene, okay. And how about the Hercules,
 9 which had to come from Greenwood, Nova Scotia?
 10 LT.-COL. MARSHALL:
 11 A. Correct. I do have where the Hercules began
 12 their sortie, but we don't have a log entry for
 13 when they were on scene. But then they ended
 14 their sortie because I --
 15
 16 Again, I'm going to extrapolate some information
 17 here. It seems that while the Hercules was
 18 airborne and en route, they were then turned off
 19 because the Cormorant discovered the weather was
 20 so poor. So airborne, the Hercules was probably
 21 turned around.
 22 MR. BUDDEN:
 23 Q. Okay. And that was for reasons of safety and
 24 usefulness, due to conditions?

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1 LT.-COL. MARSHALL:
 2 A. Correct. Yeah. Yeah, you'll see in log entry at
 3 2349 Zulu, on page 6, "Weather on scene is 0/0."
 4 That's as low as it gets, obviously.
 5 MR. BUDDEN:
 6 Q. Yeah. So, again, that is consistent with what
 7 you've heard from the searchers and from Sergeant
 8 Cooper about the conditions that were there at
 9 that time?
 10 LT.-COL. MARSHALL:
 11 A. Yes, correct.
 12 MR. BUDDEN:
 13 Q. Okay. Just before we move on, I see here,
 14 particularly at the top of page 4, but also on
 15 the previous page, there's some inReach data
 16 here.
 17
 18 Can you tell us a little bit about the
 19 significance of that? And, again, it's on page 3
 20 as well, I believe?
 21 LT.-COL. MARSHALL:
 22 A. So I can only assume that based on what Sergeant
 23 Cooper had said, was they were able to get the
 24 log-in information from inReach and pass it on to

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1 JRCC. So they would have just noted into the
 2 file that this was done. That would give RCC
 3 some more information about where the last known
 4 position would be.
 5 MR. BUDDEN:
 6 Q: Okay. And, again, for clarity, for those of us to
 7 whom this is really complex stuff, outside of our
 8 ordinary understanding. It is possible with this
 9 inReach data to bring the Cormorant how close to
 10 the place on the ground where these snowmobilers
 11 would have been?
 12 LT.-COL. MARSHALL:
 13 A. If I were the Cormorant pilot and I knew the last
 14 position of the inReach at 2142 UTC, which is
 15 also Zulu, I would just put those coordinates
 16 into my GPS and go directly there. It would be
 17 within five metres.
 18 MR. BUDDEN:
 19 Q. Wow, five metres. It's up but within five metres.
 20 LT.-COL. MARSHALL:
 21 A. From that last-known position. But you would
 22 have to then look at the accuracy of the inReach
 23 and then the accuracy of the Cormorant. Our GPS
 24 would be within five metres, but theirs might not

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1 be.
 2 MR. BUDDEN:
 3 Q. But it's going to be pretty close, I would assume?
 4 LT.-COL. MARSHALL:
 5 A. Within visual sight.
 6 MR. BUDDEN:
 7 Q. Yeah.
 8 LT.-COL. MARSHALL:
 9 A. If the Cormorant were to land and the individual
 10 was still there, and there was no blowing snow.
 11 MR. BUDDEN:
 12 Q. Right.
 13 LT.-COL. MARSHALL:
 14 A. So all of these things. Yes, so it would be
 15 close enough to see the Cormorant for sure.
 16 MR. BUDDEN:
 17 Q: So I'll return to this later. But inReach
 18 technology certainly can be of great assistance
 19 in a SAR operation?
 20 LT.-COL. MARSHALL:
 21 A. Absolutely. If everybody who got lost had an
 22 inReach with an SOS button, then probably 99
 23 percent of them would be found.
 24

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1 MR. BUDDEN:
 2 Q. Okay. So if the two missing snowmobilers had
 3 that technology and had triggered it, activated
 4 it, the Cormorant could have basically hovered
 5 directly over them?
 6 LT.-COL. MARSHALL:
 7 A. Yes.
 8 MR. BUDDEN:
 9 Q. Okay.
 10 SERGEANT COOPER:
 11 A. Sergeant Cooper, RCMP. Mr. Budden, I just wanted
 12 to clarify my earlier comments. I did find an
 13 entry in Constable Grundy's report, dated
 14 February 1st, where, at 1624 hours, he started
 15 conversations with Sergeant Ashford, Risk Manager
 16 at B Division Headquarters, where JRCC was
 17 brought up. Then Sergeant Ashford advised that
 18 he would make the call to JRCC.
 19
 20 So that was, I can't determine exact time,
 21 between 1624 hours and 1727 hours. And I see a
 22 corresponding entry on Exhibit 170, page 57,
 23 where Sergeant Ashford made the request with
 24 Blair Hogan of FES-NL.

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1
 2 Unfortunately, there is no time stamp to that,
 3 it's just dated February 1st.
 4 MR. BUDDEN:
 5 Q. Okay?
 6 RALPH, Q.C.:
 7 Q. What page is that, I'm sorry? The Exhibit 170?
 8 SERGEANT COOPER:
 9 A. Page 57 shows Sergeant Ashford's contact with
 10 FES-NL. Unfortunately, Constable Grundy's report
 11 is not on Exhibit No. 170.
 12 MR. BUDDEN:
 13 Q. So that's helpful. That really narrows it down
 14 to the maximum time that could have been lost
 15 because of the confusion, which I would suggest a
 16 manner of maybe an hour, or minutes or something.
 17 A fairly brief period of time?
 18 SERGEANT COOPER:
 19 A. Sergeant Cooper. Definitely. Well, as Constable
 20 Grundy's entry is 1624, so that would have been
 21 less than an hour after. Thirty to 40 minutes
 22 after the original call.
 23 RALPH, Q.C.:
 24 Q. I'm sorry, where's Grundy's?

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1 SERGEANT COOPER:
 2 A. I'm sorry, I could not find that in Exhibit 170.
 3 RALPH, Q.C.:
 4 Q. So the information you're getting from Grundy,
 5 where is that coming from?
 6 SERGEANT COOPER:
 7 A. I'm getting that from our PROS file directly
 8 here.
 9 RALPH, Q.C.:
 10 Q. That's not exhibited?
 11 SERGEANT COOPER:
 12 A. I don't see that report. The majority of reports
 13 are in 170. I don't see that report in there
 14 though.
 15 MR. BUDDEN:
 16 On the next break perhaps we can discuss that.
 17 Or unless you're able to clarify it now, but
 18 otherwise we can discuss it at the break. I'm
 19 speaking to Ms. Bedford.
 20 MS. BEDFORD:
 21 Yeah. This is the first I've heard of the Grundy
 22 report, so absolutely we'll clear that up on the
 23 break.
 24

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1 MR. BUDDEN:
 2 Please. Thank you.
 3 RALPH, Q.C.:
 4 Because Exhibit 171, at page 11, there are some
 5 Grundy notes.
 6 MR. BUDDEN:
 7 Q. Do you have the exhibit in front of you, Sergeant
 8 Cooper?
 9 SERGEANT COOPER:
 10 A. Yes, I do. I'm just reading through it here now.
 11 MR. BUDDEN:
 12 Q. Sure, okay. I'll give you a moment.
 13 COMMISSIONER IGLOLIORTE:
 14 Gentlemen and ladies, it seems to me that we're
 15 going to go into the afternoon anyway, given that
 16 you just started your questions and you have
 17 others to put on the stand. So is this a good
 18 time for a lunch break and then come back to
 19 questioning in the afternoon?
 20 MR. BUDDEN:
 21 I'm fine with that, if it pleases the
 22 Commissioner.
 23 COMMISSIONER IGLOLIORTE:
 24 Any comment from the other counsel?

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1 RALPH, Q.C.:
 2 That's great. That's fine.
 3 MR. BUDDEN:
 4 We do have a fair bit of time. It may be
 5 possible to have a slightly longer lunch, just to
 6 allow us to do some of this housekeeping.
 7 COMMISSIONER IGLOLIORTE:
 8 An hour and a half. (Inaudible.) Somewhere
 9 around quarter to two, ten to two time period.
 10 Does that work?
 11 MR. BUDDEN:
 12 Yeah, that should work.
 13 COMMISSIONER IGLOLIORTE:
 14 Okay.
 15 THE CLERK:
 16 All rise.
 17
 18 **(Lunch Break)**
 19
 20 THE CLERK:
 21 This Commission of Inquiry is in attendance.
 22 Please be seated.
 23 COMMISSIONER IGLOLIORTE:
 24 Thank you.

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1 MR. BUDDEN:
 2 Thank you, Mr. Commissioner. When we broke for
 3 lunch the Lieutenant Colonel Williams had
 4 basically just walked us through the JRCC
 5 incident log up to the time the air supports were
 6 actually in route or actually brought to the
 7 site.
 8 BY MR. BUDDEN:
 9 Q. Before I move on, do you have anything to add to
 10 that, Lieutenant Colonel Marshall?
 11 LT.-COL. MARSHALL:
 12 A. I have nothing to add to that. But I did want to
 13 know one thing that did come up in a previous
 14 conversation with respect to the inReach device.
 15 And I spoke about previous companies that were
 16 responsible for monitoring these. Going back to
 17 97, and on page 4, Reggie with IERCC called. So
 18 that IERCC is that company that is used to
 19 monitor the inReach devices.
 20
 21 So that's just one more example of coordination
 22 through various organizations.
 23 MR. BUDDEN:
 24 Q. And what you're looking at, just for everyone's

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1 benefit, Exhibit P-97. I believe you have that
 2 up, Madam Clerk. Yeah. Scroll down just a tiny
 3 bit more.
 4
 5 We're at 2219 Zulu. That's the reference you
 6 have there?
 7 LT.-COL. MARSHALL:
 8 A. That's correct.
 9 MR. BUDDEN:
 10 Q. And could you just explain, again, who is Reggie
 11 with IERCC?
 12 LT.-COL. MARSHALL:
 13 A. IERCC is the company that would monitor
 14 world-wide all of these devices. When they get
 15 an alert they would then call various
 16 organizations.
 17
 18 In my office we work with this company to make
 19 sure that they're educated to know who to call
 20 under what circumstance. Every country has a
 21 different way of doing search and rescue. And
 22 the difference between a provincial
 23 responsibility, federal responsibility, needed to
 24 be advertised to the company so that they could

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1 efficiently call the right people.

2

3 So here's an example of IERCC, and although in
4 this case the individual with the inReach device
5 wasn't the one that was lost, they were still
6 notified of this. And they had just called RCC
7 to find out more information. And because this
8 was a ground SAR, we directed them to call the
9 RCMP.

10 MR. BUDDEN:

11 Q. Okay. Thank you, that's helpful. Before we move
12 on to other areas, Sergeant Williams, have you
13 any comments or observations about what we've
14 heard so far, I guess, from the moment these
15 gentlemen reported their friends were missing at
16 3:38 p.m., up until the time the federal assets
17 arrived or were dispatched to the search? Have
18 you any comments on any of that?

19 SERGEANT WILLIAMS:

20 A. Yes. Sergeant Williams here. I guess in these
21 cases it's an information. It's a fact-finding
22 thing initially to gather as much information as
23 possible. Although I can't speculate based on
24 Sergeant Ashford at that time, or the report's

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1 reasons for that timeframe, I would suggest that
2 at least a partial amount of that time was
3 gathering the information.

4

5 Obviously, we have all that here now, and we had
6 that benefit. We also spoke about the
7 communication in that case, as well, that it was
8 a difficulty.

9

10 So often when calls come in initially, it doesn't
11 provide us enough information to be able to
12 formulate a strategy or deploy the resources.
13 And sometimes it does take that connection with
14 the complainants or whomever's requesting the
15 assistance.

16

17 Sometimes it does take some time to gather that
18 information to understand exactly what resources
19 should be deployed.

20 MR. BUDDEN:

21 Q. Yeah, that's very helpful. And just to perhaps
22 take that a little further. So in this
23 particular instance, from the moment you get a
24 phone call saying, hi, I'm so-and-so, I need

Page 155

1 help, my two friends are missing, what sort of
2 happens from there?

3 SERGEANT WILLIAMS:

4 A. For sure. That, in itself, is an investigation.

5 You're trying to gather as much information as
6 possible, but location is a big portion.

7 Certainly a lot of the items detailed that were
8 further, I guess, put in statements, where they
9 are, who they're with, where they're last seen,
10 familiarity with the area, areas they could have
11 travelled to at the time. So it really is a lot
12 and very specific to each case.

13

14 In some cases, we see air assets are able to be
15 deployed or requested fairly quickly. But in
16 other cases it takes some time to gather that
17 information.

18

19 Sometimes the information might be coming from
20 multiple sources as well. You see in some
21 investigations the person placing the call might
22 not necessarily be someone who's intimately
23 involved.

24

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1 But specifically in this case, we do hear from a
2 company with, I guess, the inReach. They're to
3 be alerted on this. The information they have at
4 the time simply might be GPS coordinates and no
5 situational factors or details. No background on
6 the investigation. Their role is to simply
7 notify that that button has been pushed and the
8 location in which it has been done.

9

10 So sometimes it does take a little while to
11 formulate that communication, and certainly in a
12 wilderness situation.

13 MR. BUDDEN:

14 Q. Okay. And I guess it goes without saying, there
15 always has been investigation. When you get that
16 first phone call, you don't know if it's a prank
17 or a serious crime or anything really, do you?

18 SERGEANT WILLIAMS:

19 A. Yeah. So very rarely is it a prank. Sometimes
20 those things do happen, but to effectively know
21 exactly what's going on in that situation and
22 what resources are most effectively used there,
23 it's not an unwillingness to call the air
24 support. It's just to get that background

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1 information to understand really what's going on
 2 there and how we can best deploy what's needed at
 3 the time.
 4 MR. BUDDEN:
 5 Q. Sure. And as we heard in the earlier roundtable,
 6 your call is not directly to JRCC. Your call is
 7 to your contact at FES-NL, what was at the time
 8 Emergency Services, now, essentially,
 9 Mr. Rumbolt's division of the provincial
 10 government?
 11 SERGEANT WILLIAMS:
 12 A. Yes, that's correct. There are provisions for us
 13 to contact JRCC, when required, under very
 14 emergent circumstances, based on our policy.
 15 However, Fire and Emergency Services is the
 16 desired and the policy route, if that's not the
 17 case.
 18 MR. BUDDEN:
 19 Q. Okay. So absolute immediate life-and-death
 20 situations, it would be direct call? Otherwise
 21 it would routed through FES-NL?
 22 SERGEANT WILLIAMS:
 23 A. That's correct.
 24

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1 MR. BUDDEN:
 2 Q. Okay, thank you. Madam Clerk, if we could call
 3 up Exhibit 16 again. That was one that Mr.
 4 Williams referred to briefly in his evidence.
 5 And I'd like to turn to it now to ask questions,
 6 particularly for Sergeant Cooper. But Sergeant
 7 Williams at certain points will be asked for his
 8 input.
 9
 10 So what this is, it's the RCMP Operations Manual,
 11 Chapter 37.1, Search and Rescue, that was
 12 effective at the date this incident occurred,
 13 February of 2019.
 14
 15 And there's some general sections. The part that
 16 I'm most interested in, Sergeants Cooper and
 17 Williams, begins at 1.10. And it's fairly short.
 18 I'll just read some of it and ask you questions
 19 as we go through it.
 20
 21 Point 1.10, and I'm quoting here, "An RCMP
 22 tactical troop, trained in SAR fundamentals" --
 23 THE CLERK:
 24 Is it --

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1 MR. BUDDEN:
 2 Page 2 of Exhibit 16. I apologize. Next page.
 3 THE CLERK:
 4 Oh, sorry.
 5 MR. BUDDEN:
 6 A tiny bit more.
 7 THE CLERK:
 8 Page 1.10?
 9 MR. BUDDEN:
 10 Point 1.16 -- I'm sorry, it's 1.11 on page 2.
 11 Yes.
 12 THE CLERK:
 13 Okay.
 14 MR. BUDDEN:
 15 I think. Yeah.
 16 BY MR. BUDDEN:
 17 Q. Well, actually, just to backtrack to Point 1.10,
 18 I'm quoting, "An RCMP tactical troop, trained in
 19 SAR fundamentals, may be used in the absence of
 20 trained volunteers."
 21
 22 So I guess this is for Sergeant Williams. Is
 23 there such a tactical troop trained in SAR
 24 fundamentals in Newfoundland; and, if so, tell us

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1 a bit about it?
 2 SERGEANT WILLIAMS:
 3 A. Sergeant Williams here. So this is a national
 4 policy. So what you see with this is this would
 5 be supplemented. This is, I guess, for a
 6 national, more general, and then the divisional
 7 policy would drill down a little bit more.
 8
 9 We do have a tactical troop here in the province.
 10 A tactical support group. Their primary function
 11 would not be search and rescue.
 12
 13 We do have a partnership with our search and
 14 rescue in relation to evidence searches, in which
 15 case evidence handling will imbed a police
 16 officer who's a tactical troop member within a
 17 search and rescue team to handle exhibits, just
 18 to alleviate those pressures from them and those
 19 decisions from them at a first instance.
 20
 21 However, in the province, the degree in which a
 22 search and rescue team would deploy, and their
 23 training and abilities, the tactical support
 24 group, to a much lesser degree, would be able to

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1 fulfill some functions.

2

3 However, our decision and process, as seen in
4 this case, would be to go with the local area
5 ground search and rescue team, to also be
6 supplemented by other areas ground search and
7 rescue team under the Newfoundland and Labrador
8 Ground Search and Rescue Association.

9 MR. BUDDEN:

10 Q. Okay. That's fair enough. A couple of follow-up
11 questions. Imagine a world where you call for
12 the SAR volunteer team who, after all, are
13 volunteers, and they simply say either this unit,
14 the Deer Lake unit -- which is unlikely. It's a
15 fairly large unit, but understand some of the
16 regional units are smaller and perhaps less able
17 to mobilize as effectively as this one did.

18
19 Is there, in that case, an RCMP tactical troop
20 trained in SAR fundamentals to step in?

21 SERGEANT WILLIAMS:

22 A. The process from that would be to contact a local
23 search and rescue team, another one that was in
24 the next jurisdiction over. I could say that we

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1 would have to be exhaustive in using the search
2 and rescue teams based on what they provide
3 versus the capabilities which are fairly limited
4 in actual search and rescue within the division.

5

6 So as we saw in this case, obviously time went
7 on. A very large search area. So we included
8 the Corner Brook search team. We also included
9 some from Norther Peninsula. So it would more so
10 be a decision, and in the discussion between
11 myself and Mr. Blackmore, in obtaining SAR
12 volunteers from other teams to come in and
13 assist.

14

15 We've seen this in recent cases. There was
16 missing, I believe a young lady, out in Placentia
17 area. And the first call from myself was to
18 Harry to say, who do we have out there and how
19 many more teams do we need to put out there given
20 the circumstances?

21

22 So I would suggest that there is a small capacity
23 for the mentioned team here in the national
24 policy to be able to participate in search and

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1 rescue. However, the experts in that field and
2 the more highly trained people would be the
3 Newfoundland and Labrador Ground Search and
4 Rescue Association.

5 MR. BUDDEN:

6 Q. Okay. So from that I would suggest it follows
7 that the search and rescue capacity of the RCMP
8 is to, quite a significant degree, utterly
9 dependent on the NLSARA volunteers?

10 SERGEANT WILLIAMS:

11 A. Yeah, there's definitely dependence there. Their
12 expertise, their knowledge, and the number of
13 members they have, we definitely do defer to them
14 for all ground search and rescue. And we're very
15 fortunate to have them.

16

17 And without them, we would be put in a very
18 difficult situation to formulate a search,
19 especially to the standards of Newfoundland and
20 Labrador Ground Search and Rescue Association.

21 MR. BUDDEN:

22 Q. Okay. And so just to close this line. There's
23 no tactical team sort of at the ready or easily
24 assembled, like the JRCC is able to assemble a

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1 Cormorant team, that can sort of rush in and do
2 the work that the SAR volunteers are doing?

3 SERGEANT WILLIAMS:

4 A. I would suggest definitely not to the
5 capabilities of the Newfoundland and Labrador
6 Ground Search and Rescue. At least not
7 divisionally here, no.

8 MR. BUDDEN:

9 Q. Okay, thank you.

10 SERGEANT COOPER:

11 A. Sergeant Cooper, RCMP. I guess, just to explain
12 the role and duties of the RCMP tactical troop,
13 now referred to as Tactical Support Group.

14

15 These are comprised of mostly general duty
16 members that are posted all over the province.
17 Some in Labrador. The availability of calling
18 these members at a moment's notice would be near
19 impossible due to their duties. Their general
20 duties. They may be on shift that night and may
21 not be releasable. To get them to arrive on
22 scene would take a considerable amount of time,
23 logistics.

24

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1 As Sergeant Williams explained, they are trained
2 in some search fundamentals. It's mostly to do
3 with an article search for an investigation.
4 MR. BUDDEN:
5 Q. Okay. And some of the specialized equipment that
6 these teams have, like the snowbulances and
7 things like that, does the RCMP -- I know you
8 obviously have considerable equipment, but do you
9 have that kind of specialized SAR equipment?
10 SERGEANT WILLIAMS:
11 A. Sergeant Williams here. No, we rely on our
12 Ground Search and Rescue teams for that
13 equipment. There is a capacity to bring in some
14 equipment from other provinces. But certainly,
15 for an immediate response and for time sensitive
16 in having the equipment located fairly close, the
17 ground search and rescue teams here in the
18 province do have those.
19
20 And there is quite a wonderful interoperability
21 between the teams here. If one team has a
22 particular piece of equipment that is needed in
23 another jurisdiction, it's just a matter of
24 contacting that specific team and requesting that

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1 equipment. Certainly Mr. Blackmore can speak
2 more to that.
3
4 But we've seen that on a number of occasions,
5 where not every team can have every piece of
6 equipment. But they are called, I've seen it
7 myself firsthand on the front lines, contacting
8 another team and bringing in a piece of equipment
9 that the greater association has and it's housed
10 at a specific team. So there is that
11 interoperability between teams as well.
12 MR. BUDDEN:
13 Q. Okay. And we have heard from Mr. Smith and we'll
14 hear it again, interoperability is the really
15 desired goal of search and rescue?
16 SERGEANT WILLIAMS:
17 A. Absolutely. It's benefited us on a number of
18 occasions. And even beginning this role and
19 seeing that, and how it works, it really is
20 something that makes things a lot more efficient,
21 smooth. And the relationships between the teams,
22 it's not adversarial at all. It's not
23 competitive. It's very much supplementing and
24 how can we help another team to achieve the

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1 mission.
2 MR. BUDDEN:
3 Q. Okay, thank you. When we move down a little
4 further, we see here over on the next page, I
5 won't read it all but I will hit the highlights.
6
7 1.11, immediately following what I just read.
8 "The RCMP's primary role in SAR operations is to
9 provide leadership, with a focus on coordination,
10 response, prevention, intergovernmental agency
11 cooperation, and volunteers."
12
13 I assume neither of you officers take issue with
14 that? RCMP officers?
15 SERGEANT WILLIAMS:
16 A. No, that's a good assessment of the RCMP's roles
17 in these situations, for sure.
18 MR. BUDDEN:
19 Q. Sure. And we'll go on to 1.12.1, a
20 Search/Incident Commander, who is a regular
21 member, and who has overall authority and
22 responsibility for the search.
23
24 So in this case, that incident commander would

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1 have been you, I believe, on day 1, Sergeant
2 Cooper?
3 SERGEANT COOPER:
4 A. Yes, that's correct.
5 MR. BUDDEN:
6 Q. And we'll get to this in about five minutes. And
7 other officers on subsequent days?
8 SERGEANT COOPER:
9 A. That's correct, yes.
10 MR. BUDDEN:
11 Q. Okay. And when we go down a little further,
12 "Although tasks can be delegated or assigned to
13 the SAR Manager and SAR teams, the RCMP has the
14 final authority to make decisions in SAR
15 operations."
16
17 And you would agree with that?
18 SERGEANT COOPER:
19 A. Yes. In consultation with the partner agencies,
20 but we'll be solely. Yes.
21 MR. BUDDEN:
22 Q. Yes. Okay, thank you. And here, "1.15. When
23 possible, the RCMP will designate a
24 Search/Incident Commander and a SAR Manager with

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1 experience in SAR operations."
 2
 3 And in this particular operation, who would have
 4 been the SAR manager?
 5 SERGEANT COOPER:
 6 A. In this case. I mean, that would have changed.
 7 I would have been referred to as the
 8 search/incident commander on February the 2nd.
 9 Constable Canning, I would refer to, as a SAR
 10 manager on that day as well. But, again, his
 11 role would be more closely with the Ground Search
 12 and Rescue coordinator.
 13 MR. BUDDEN:
 14 Q. Okay.
 15 SERGEANT WILLIAMS:
 16 A. And just to clarify. Sorry, Sergeant Williams
 17 here. In the context of our policy, the SAR
 18 manager is detailed as the lead from the team
 19 itself. So we heard from the search and rescue
 20 team yesterday. So I believe it was
 21 Mr. Williams, Darren Williams, would have been
 22 considered the SAR manager, just based in the
 23 confines of our policy here.
 24

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1 So the RCMP is the search/incident commander and
 2 the SAR manager is the team leader, as such, from
 3 the search and rescue team itself.
 4 MR. BUDDEN:
 5 Q. Sure. And in this particular instance, would it
 6 be fair to say, Sergeant Cooper, in particular,
 7 that the actual managing of the ground search and
 8 rescue component of the search was really
 9 Mr. Williams's responsibility and task?
 10 SERGEANT COOPER:
 11 A. Yes, that's correct.
 12 MR. BUDDEN:
 13 Q. Okay. We go on, 1.17, I read, "There is no
 14 specific training requirement for Search/Incident
 15 Commanders." Which would be the position you
 16 held. And I believe you said that you had no
 17 specific training at this time?
 18 SERGEANT COOPER:
 19 A. Yes, that's correct.
 20 MR. BUDDEN:
 21 Q. Okay. So the next thing says, "Recommended
 22 incident command courses include the Critical
 23 Incident Commanders Course and Incident Command
 24 System," and then there looks like four stages of

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1 the program, "100/200/300/400."
 2
 3 And you wouldn't have had completed any of these?
 4 SERGEANT COOPER:
 5 A. Actually, upon looking at that, I've completed
 6 Incident Command Systems 100 and 200.
 7 MR. BUDDEN:
 8 Q. Okay, thank you. Sergeant Williams, typically,
 9 based on your experience, would an incident
 10 commander have completed these courses? Would
 11 that be the rule or the exception? Can you help
 12 us there?
 13 SERGEANT WILLIAMS:
 14 A. No, I would say, more often than not, there is a
 15 requirement for incident command (referred to as
 16 ICS) 100 and 200 for all our employees. Those
 17 can be completed online. As well as the Critical
 18 Incident Commanders Course that's mentioned
 19 there.
 20
 21 I can say just from what I've seen, there are
 22 currently four people in the province trained in
 23 that. It's not a very common course to have, so
 24 I understand that it is a recommendation but

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1 likely that's why it's a recommendation. Because
 2 it's not a widely delivered RCMP course.
 3
 4 And it really is specific to a different type of
 5 response to things. So a critical incident
 6 commander would be someone who oversees things
 7 like active shooter situations, armed and
 8 barricaded persons.
 9
 10 So those courses, for the most part, are reserved
 11 for people that will be fulfilling those roles,
 12 versus likely someone who is on the Detachment
 13 who's in a supervisory role. As I mentioned, we
 14 have three currently that go on call within the
 15 province.
 16
 17 So understanding it's a recommendation, I would
 18 say my experience, there are a limited number of
 19 people in the RCMP who would have the Critical
 20 Incident Commanders Course and, to a greater
 21 degree, more that have at least some training in
 22 incident command systems.
 23 MR. BUDDEN:
 24 Q. Okay. And actually, that flows into the next

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1 page, at 2.3. This is page 4, Madam Clerk. I'm
2 sorry, I may not have made that clear.
3
4 The last section there which I'll be referring
5 to, search/incident commander. And there's a
6 series of duties here: "For all SAR incidents,
7 establish a command post to aid in coordinating
8 the search and facilitating communications
9 between search members."
10
11 In this case, the Command Post would have been
12 the Detachment, I believe, Sergeant Cooper?
13 SERGEANT COOPER:
14 A. I would say the Command Post would have been the
15 GSART Command Post that was positioned in
16 Jackson's Arm.
17 MR. BUDDEN:
18 Q. Okay. And so when it says "Command Post" here,
19 you weren't actually at the Command Post, but
20 there were RCMP members there?
21 SERGEANT COOPER:
22 A. That's correct. The day that I was working from
23 the Detachment, Constable Canning was at the
24 Command Post.

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1 MR. BUDDEN:
2 Q. Yes. And you've explained the communications
3 challenges and why you felt it necessary to be at
4 the Detachment, so I'm not pursuing that. I just
5 wanted to clarify for the record.
6
7 And that flows in the next one. That you have to
8 consider the most appropriate location for the
9 Command Post, which should normally be close to
10 the search area. But in this case, for reasons
11 you've explained, you thought it was best at the
12 Detachment?
13 SERGEANT COOPER:
14 A. The Command Post was -- sorry. I was at the
15 Detachment for communication purposes. The
16 Command Post was set up in Jackson's Arm. And
17 that was the furthest in, I think, you can get by
18 vehicle. Everything else, all their
19 transportation from then on was done by
20 snowmobile.
21 MR. BUDDEN:
22 Q. Okay. Fair enough.
23 SERGEANT WILLIAMS:
24 A. Sergeant Williams here. Well, I guess, the first

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1 point in the policy speaks to establishing the
2 command post, not necessarily where the
3 search/incident commander would be in that
4 scenario.
5
6 Certainly as a best practice, all things being
7 ideal, and I would suggest in other scenarios
8 having the search/incident commander right there
9 on scene, in the Command Post, makes sense.
10
11 But as we detailed before, given the
12 communicational challenges and the role needing
13 to be fulfilled, that's why it was elsewhere at
14 the time. An incident commander here in Deer
15 Lake itself.
16 MR. BUDDEN:
17 Q. Sure. And some questions for you, Sergeant
18 Williams. You obviously played a role to some
19 degree in this search?
20 SERGEANT WILLIAMS:
21 A. That's correct, yes.
22 MR. BUDDEN:
23 Q. Okay. And we have here, obviously, what I would
24 suggest was a strong search and rescue team on

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1 the ground, and an experienced officer in
2 Sergeant Cooper and some of the others.
3
4 If you had, perhaps, a situation where the
5 officer was more junior, the search team was less
6 established, would you at that point step up and
7 play a more significant role?
8 SERGEANT WILLIAMS:
9 A. So generally, in terms of the search/incident
10 commander themselves on the ground, it would be
11 someone who's in the jurisdiction themselves.
12
13 So what I would suggest just for ease, in this
14 case had there been a younger member constable
15 with limited experience, a person who would be in
16 the area, say, if Sergeant Cooper was off, he
17 would be someone that would be contacted to
18 fulfill the search/incident commander role.
19
20 And those supports are still there from my unit
21 or, as we spoke about earlier, Sergeant Ashford
22 and Sergeant Norman, based on their experiences,
23 to be a direct conduit.
24

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1 But what I would suggest in this case, had
 2 someone like Sergeant Cooper not been around --
 3 or Constable Canning, himself, has a number of
 4 years experience in the RCMP, in fact, more than
 5 I do. So if it was a scenario where it was a
 6 more junior member or it was felt there was
 7 limited experience in that area, a resource that
 8 was within the Detachment area, such as maybe
 9 Sergeant Cooper in that case, had he not been
 10 engaged previously, that would be someone that
 11 you would look to to fulfill the role of
 12 search/incident commander.

13 MR. BUDDEN:
 14 Q. Okay. And you would be there to guide that
 15 process in your overall role within the province?
 16 SERGEANT WILLIAMS:
 17 A. Yes.
 18 MR. BUDDEN:
 19 Q. Thank you.
 20 SERGEANT WILLIAMS:
 21 A. So certainly, when search and rescue matters --
 22 I'm not sure if we discussed this earlier. When
 23 search and rescue matters arise, there are
 24 reporting requirements through the RCMP to report

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1 search and rescue operations up through our chain
 2 of command, just to keep everyone situationally
 3 aware.

4
 5 So I'm someone who receives all of those
 6 notifications, which gives me the ability to
 7 provide that information.

8
 9 Now, we have what's called an unfolding event
 10 notification, which is just a quick message to
 11 summarize what's going on. And then further from
 12 that, when the investigator is able to have the
 13 time to write out a formal multi-paragraph
 14 message with more details, that's done.

15
 16 But with the UENs that we receive now, it's a
 17 message to a number of, I'll say, senior people
 18 in the RCMP, myself being on that list as well,
 19 to be able to discuss what's ongoing, what
 20 support they have there currently, and determine
 21 if the search/incident commander or the personnel
 22 that are on scene are the most beneficial for
 23 that situation.
 24

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1 MR. BUDDEN:
 2 Q. Okay. So essentially, the goal is to ensure
 3 there's adequate backup. If there's challenges
 4 in the field, that there's backup with you in
 5 your office, to make sure that they're not left
 6 hanging?
 7 SERGEANT WILLIAMS:
 8 A. Yes. And to understand, to put a degree of
 9 experience in that position, should a call come
 10 in -- likely on a weekend, you do have your more
 11 junior people working those weekends. But the
 12 ability to be situationally aware and engage
 13 someone that might not necessarily be working, to
 14 engage with them at the Detachment level, as
 15 well, to provide them that extra layer of
 16 experience and support.
 17 MR. BUDDEN:
 18 Q. Sure. And this question is for both of you
 19 really. From my review of the documents, there
 20 did not appear to be a written search plan in
 21 advance. That's something that would say
 22 tomorrow we will do this or do that.
 23
 24 Do you understand what I'm suggesting? And is

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1 this something that is sometimes -- this is
 2 perhaps more for Mr. Williams, sometimes found in
 3 searches of this sort? Or is it something that
 4 isn't done as a matter of practice?
 5 SERGEANT WILLIAMS:
 6 A. I would suggest that, I guess, given the
 7 situational factors of each type of search that
 8 you have, the search plan might be less because
 9 there's less specific areas.

10
 11 So there is a search plan that's formulated in
 12 terms of organizing the search and where best to
 13 place the assets. However, as we saw in
 14 Makkovik, a lot of very specific areas and
 15 locations with geographical features that would
 16 have to be subdivided based on their locations.

17
 18 Certainly Sergeant Cooper can speak more to this
 19 for this specific case. But there are some cases
 20 where it's more of an open area and less specific
 21 and more of specific grounds to cover. Lat and
 22 long, what have you.
 23
 24 But I would also agree, as a best practice,

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1 whether it was done in this case or not, I can't
2 confirm for sure because these conversations do
3 happen in the Command Post a lot of times between
4 the search manager and the RCMP member on site or
5 the search/incident commander, those details are
6 shared between the two, in which areas.

7
8 In terms of putting a formal, I guess best ways
9 to word it, or a formal way to do that, whether
10 it's a typed document or what have you, I've seen
11 both where it has been a conversation and notes
12 taken on the area. And I've also seen after as a
13 follow-up, specific detailed areas that were
14 searched, like we saw in Makkovik in Corporal
15 Howlett's notes.

16 MR. BUDDEN:

17 Q. Okay. So you recognize it, I guess, to sum that
18 up, as certainly a goal, a best practice that
19 should be aspired to, but the circumstances of a
20 particular search may make it difficult or
21 unnecessary. Am I capturing that?

22 SERGEANT WILLIAMS:

23 A. Yeah. Essentially, maybe not unnecessary, but it
24 would be less complex. So with a wide, larger

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1 search area it'd be, I'd say, easier to
2 generalize things to say we're covering this kind
3 of kilometre grid versus in a more, I'll say,
4 diverse area geographically, it might make sense
5 to provide specific areas to say this lake, or
6 this cove, or what it may be.

7
8 But I would agree that any documentation,
9 increased documentation, certainly helps; if
10 nothing else, after the fact when looking back on
11 things and reassessing.

12 MR. BUDDEN:

13 Q. And learning from the experience and all those
14 things?

15 SERGEANT WILLIAMS:

16 A. Absolutely.

17 MR. BUDDEN:

18 Q. Have you anything to add to that, Sergeant
19 Cooper?

20 SERGEANT COOPER:

21 A. Yes, Mr. Budden. I just wanted to go back to
22 your previous question. I was actually scheduled
23 off on the first day, and I was brought in on my
24 scheduled day off as a senior member and as an

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1 extra resource.

2
3 The following day I arranged for another corporal
4 to come in to supervise the file and to be at the
5 Command Post. So there was a plan to bring in
6 additional resources and more senior
7 investigators to assist with this file.

8
9 For your last question, there wasn't a separate
10 report but in several reports, including mine,
11 there were times when we had GPS coordinates of
12 structures that we wanted checked out. And that
13 would have been passed on to the ground search
14 and rescue teams and/or aerial assets to check
15 out those locations.

16
17 This search, however, because of the poor weather
18 we weren't satisfied, obviously, that the main
19 locations were properly searched because there
20 was no visibility.

21
22 Had this search gone on in good weather, that
23 would have definitely been the plan. Was to come
24 up with a structured search plan to ensure that

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1 each location was searched thoroughly.

2 MR. BUDDEN:

3 Q. Thank you. We'll return to some of these issues
4 at the policy roundtable at the end of this
5 Inquiry, or towards the end.

6
7 This question is primarily for Lieutenant Colonel
8 Marshall. And we would have explored similar
9 territory with you, with Mr. Rumbolt, in
10 Makkovik.

11
12 My starting point is that on February 2nd, around
13 noon of the first full day of the search, the
14 Cormorant was called away. And I understand it
15 was called away because of a marine search and
16 rescue emergency where somebody had to be taken
17 off a boat because of a medical crisis.

18
19 And, again, this is rooted really in the DNA of
20 this Inquiry. It's a Ground Search and Rescue
21 Inquiry. But perhaps you can just explain to us
22 why is it that a helicopter would be taken away
23 from one important matter to be dispatched to
24 another important matter? What's the rationale

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1 there, or what's that grounded in?
 2 LT.-COL. MARSHALL:
 3 A. Lieutenant Colonel Marshall. Yeah, there was two
 4 things at play for this re-tasking. One is the
 5 severity of the case. This was a heart attack
 6 victim and it was on a ship. The second is, is
 7 that the fact that it is a marine medevac because
 8 that is our primary mission. It would take
 9 priority, in principle. But I would suggest that
 10 it wouldn't always take priority just because
 11 it's a marine case.
 12
 13 If we're already on scene on a humanitarian case,
 14 it might make more sense to stay on that one and
 15 it would be a higher priority. So both items are
 16 going to come into our thought process when we're
 17 prioritizing the cases.
 18
 19 In this instance, because we're the only ones who
 20 were able to hoist down to a ship and extract a
 21 patient, it took precedence over this one because
 22 this was a search.
 23 MR. BUDDEN:
 24 Q. And the background for that. We all know this,

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1 but just for the record or anybody who's just
 2 tuning in today. The ground search and rescue
 3 with the provincial responsibility, Marine Search
 4 and Rescue is a federal responsibility and any
 5 assistance that the federal agencies offer the
 6 Province in ground search and rescue is a
 7 discretionary humanitarian assistance. Is that a
 8 fair way of putting it?
 9 LT.-COL. MARSHALL:
 10 A. That is correct.
 11 MR. BUDDEN:
 12 Q. And in this particular instance, the marine
 13 operation was not discretionary. Your primary
 14 mission is to provide search and rescue
 15 facilities in marine and aviation and other
 16 federal circumstances?
 17 LT.-COL. MARSHALL:
 18 A. And that is correct. In other instances we would
 19 have to prioritize as well. If we had two
 20 different marine cases, we don't have two
 21 helicopters that would be able to respond. We
 22 would have to prioritize the taskings, and
 23 whichever one would make more sense, whether it's
 24 location, severity of the patient, or the

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1 tasking, the controller in JRCC would have then
 2 made that determination and decide which one is a
 3 higher priority tasking.
 4 MR. BUDDEN:
 5 Q. Okay. Do the air support resources available in
 6 Newfoundland compare -- I'm talking about the
 7 provincial asset resources. How do they compare
 8 to those available in other provinces within the
 9 jurisdiction of the Halifax JRCC?
 10 LT.-COL. MARSHALL:
 11 A. Are you talking about federal resources?
 12 MR. BUDDEN:
 13 Q. No, I worded my question clumsily. But I'm
 14 talking about, in Newfoundland we know at that
 15 time there's Universal and the facilities they
 16 had available. The helicopters they had
 17 available.
 18
 19 I'm wondering other provinces, do they have the
 20 same level of provincial assets or are they
 21 different?
 22 LT.-COL. MARSHALL:
 23 A. I can't comment and compare between provinces. I
 24 don't have those numbers. Some provinces are

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1 better equipped, better funded.
 2
 3 Just as one example, in Ontario they have the
 4 contract with Orange Helicopters to do medevacs.
 5 Whereas, in Newfoundland, Labrador, they tend to
 6 use the Canadian Forces Cormorants for some
 7 medevacs more frequently than other provinces.
 8
 9 As a note, I do plan on bringing to the policy
 10 inquiry some of those statistics to compare
 11 different provinces. And I don't have them
 12 available right now, but I will be bringing them
 13 to the policy roundtable.
 14 MR. BUDDEN:
 15 Q. That's right, because I brought that up in
 16 Makkovik as well, I believe. Thank you.
 17
 18 I don't have much more. I have two brief areas.
 19 The first one was - I'm asking, really, all of
 20 you - are there any resources that you're aware
 21 of, any practical resources, that may have
 22 assisted this search that weren't available that
 23 may have lead to a faster recovery or a faster
 24 outcome, or a better outcome? Anything you can

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1 think of?

2 LT.-COL. MARSHALL:

3 A. Not from a federal standpoint, but as I brought

4 up -- sorry, Lieutenant Colonel Marshall.

5

6 As I brought up earlier, if the lost snowmobilers

7 had some type of emergency device, like an

8 inReach or Spot device, then they would have been

9 found a lot quicker.

10 MR. BUDDEN:

11 Q. Officer Cooper, Officer Williams, anything to add

12 to that?

13 SERGEANT COOPER:

14 A. No, I would agree. The search was hampered by

15 weather. And essentially. Like an inReach or

16 some sort of communication device may have been

17 the only available resource to locate somebody.

18 MR. BUDDEN:

19 Q. Okay.

20 SERGEANT WILLIAMS:

21 A. Sergeant Williams here. I'd have to agree with

22 Sergeant Cooper and Lieutenant Colonel Marshall.

23 There were a number of resources used here. As

24 Lieutenant Colonel Marshall had mentioned

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1 earlier, a lot of collaboration, as well.

2

3 And this search definitely speaks to the

4 diversity of resources coming into play. So from

5 that standpoint, weather obviously was the major

6 factor here that made things more difficult. But

7 from a resourcing standpoint, it seemed, at least

8 at face value, to be well saturated with the

9 resources.

10 MR. BUDDEN:

11 Q. Okay. And Lieutenant Colonel Williams' comment

12 leads into my very final area of questions.

13

14 We have heard of, I guess, the wonders of inReach

15 technology that you can put yourself really right

16 to the person. And in our Hopedale session it

17 was suggested by one member that this technology

18 should be mandatory on certainly all snowmobiles

19 going into the wilder areas of our province.

20

21 And I've suggested that to other people in the

22 search and rescue community, and they say, well,

23 it's great, but we'll be spending half our time

24 responding to people accidentally triggering it

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1 or people triggering it because they have some

2 nonemergency reason for wanting to be brought out

3 of the woods?

4

5 One of the options this Inquiry may pursue is a

6 recommendation that such technology be mandated.

7 I'm just throwing that out there. But have you

8 any comment on that? Do you think that such a

9 mandate would ultimately be a positive thing or

10 would it perhaps create more problems?

11 LT.-COL. MARSHALL:

12 A. Lieutenant Colonel Marshall. We have a similar

13 program Transport Canada has mandated for all

14 airplanes, that they have a 406 beacon which is

15 better than the old beacon. It gives a position,

16 along with the signal, so we know precisely where

17 an airplane crash would occur.

18

19 All of those beacons are managed at the Mission

20 Control Centre in Trenton. It's a big job to

21 manage those.

22

23 With these other beacons, although not a federal

24 responsibility, if you're talking about mandating

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1 any type of inReach for those snowmobiles in

2 those areas, the company that they purchase it

3 from would monitor them. So they wouldn't be any

4 type of federal or provincial responsibility to

5 monitor any false alarms. That would be whatever

6 company is responsible for that particular

7 beacon. And they do come with a monthly or

8 yearly fee as well.

9

10 I'm not going to comment on whether or not you

11 can force people to do that, but it is more than

12 just putting the item on the machine. It's also

13 monitoring and maintaining them.

14 MR. BUDDEN:

15 Q. I used the inReach term. I would also include

16 the other type that Mr. Smith mentioned

17 yesterday, which is a one-time install. And it's

18 not a communication device, it's simply an SOS

19 device. So that would obviously be different.

20 There wouldn't be communication. It would just

21 be triggering an alert.

22 SERGEANT WILLIAMS:

23 A. Yeah, Sergeant Williams here. If I may add as

24 well, possibly yourself and Mr. Commissioner

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1 here, in your travels to Northern Labrador, you
2 may have heard of the programs that they have in
3 those communities, wherein the communities, or
4 whatever entity, provides some of these devices
5 to the RCMP to sign out to local community
6 members.

7
8 So we've seen them work very well in cases,
9 wherein that would have been the only way of
10 knowing that that person needed help. It
11 certainly helps at an earlier stage.

12
13 Oftentimes our search and rescue matters come in
14 from an overdue person, so that person might have
15 been in trouble or peril for a number of hours
16 but nobody was aware of it. And when it's
17 noticed is when they don't come back on time in
18 the evening time. And oftentimes a little bit
19 more, because people sometimes are a little
20 hesitant to assume someone's missing until a
21 certain timeframe.

22
23 So I can say on a much smaller level, a macro
24 level, that -- sorry, a micro level, that that

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1 works in those communities. I can't say for sure
2 how that would work in a larger community, larger
3 areas. They have worked.

4
5 But there's also some education that would be
6 required for that. And certainly, I know,
7 through the Search and Rescue Association, as
8 well as SARVAC, there are some programming as
9 well, such as the AdventureSmart app, which is
10 something that they advertise and promote.

11
12 And it really is a simple process, as well, for
13 trip planning. So it certainly doesn't go to the
14 degree of SOS Beacon such as the devices you had
15 mentioned. But it is an extra thing that's free,
16 relatively easy to operate, that the public can
17 use to assist if they were to get lost, just with
18 a trip plan detailing where they were going to
19 be.

20
21 So all of these smaller things contribute to the
22 greater good of at least providing more
23 information to work on, should a search and
24 rescue operation arise.

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1 MR. BUDDEN:

2 Q. Okay, thank you. Anyone wish to add to that?

3 SERGEANT COOPER:

4 A. Yes. Sergeant Cooper. I think that you should
5 be cautious about mandating any sort of this
6 equipment. While it does have its positives, it
7 also has its negatives as well.

8
9 Transport Canada can mandate that all vehicles be
10 equipped with OnStar, or whatever equivalent, for
11 make and model, but is the person going to pay a
12 subscription fee to extend that? Likely not.

13
14 As well, each of these communication devices are
15 unique. We talked about the Locator Beacon. We
16 talked about inReach. I have experience in where
17 somebody triggered an inReach. The IERCC
18 contacted us, potential lost person. We were
19 unable to contact that person.

20
21 It tied up significant resources to track down
22 this person because they never had their inReach
23 system set up. They thought that they were
24 sending messages back saying they were okay, but

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1 the messages were going in a draft copy into
2 their outbox, because they hadn't following the
3 instructions.

4
5 If you go with a beacon that goes off, there's no
6 way to communicate with that person. So while it
7 is positive, you still have to consider the
8 negative impact of tying up valuable resources
9 for several hours, if not days, trying to locate
10 that person.

11 MR. BUDDEN:

12 Those are all the questions I had, and this
13 segues nicely into Mr. Germani's evidence. And
14 I'd ask that you gentlemen stay present. This
15 may be a bit of a dialogue with him.

16 MR. BLACKMORE:

17 Harry Blackmore. There is a program also in
18 Iqaluit, and all the communities around Iqaluit,
19 where they have 500 different inReach systems.
20 They actually use Spot, but it only has one way.

21
22 They have run into a number of problems where
23 people that were out on the land. Will get them
24 before they go. Sign them out. When they run

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1 out of gas, they push the emergency button. Wait
 2 for the helicopter to come get them or bring them
 3 another five gallons of gas. And they have ran
 4 into a load of trouble with that part of it. And
 5 costs significant money that now they've even --
 6 if you go, and it's because a person is out of
 7 gas or something, you can actually try to charge
 8 them under the Criminal Code of whatever they got
 9 set up, up in Iqaluit.

10 MR. BUDDEN:
 11 I'm not sure, Mr. Commissioner, if anybody has
 12 any follow-up questions before we move on to
 13 Mr. Germani, or shall we go directly to him?

14 COMMISSIONER IGLOLIORTE:
 15 Okay. No, you're good.

16 MR. BUDDEN:
 17 And perhaps we can clear a spot where Doug can
 18 come to the table. We heard from Mr. Germani
 19 yesterday as the Bonne Bay Search and Rescue
 20 representative on that panel yesterday.

21
 22 I'm going to ask him to tell us a little bit more
 23 about his professional background and experience.
 24 And then he's going to probably reference the

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1 exhibits entered earlier today, tell us a little
 2 bit about some of his thoughts on one of these
 3 technological questions. Mr. Germani?

4 MR. GERMANI:
 5 A. Yes, Doug Germani here. I've got about 45 years'
 6 experience in aviation, basically, since 1976.
 7 About 25,000 hours in fixed wing airplanes, large
 8 and small. So from single engine Cessnas up to
 9 the Airbus 321.

10
 11 Range of operations, all of North America,
 12 including the Caribbean and the Canadian Arctic.
 13 And experience with different kinds of navigation
 14 and communication systems. I retired just over
 15 five years ago, and I currently just hold a
 16 private pilot license.

17
 18 In retirement, GSAR volunteer for the last five
 19 years. The older GSAR searcher levels 1 and 2.
 20 Currently, a high angle and ice water rescue
 21 instructor I have ICS 300, which was discussed
 22 just a few minutes ago.

23
 24 I'm a training officer and assistant coordinator

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1 with Bonne Bay Search and Rescue. Some of the
 2 things I train include navigation, GSP, inReach
 3 communications.

4
 5 I'm also a volunteer with CASARA. I've been
 6 there for about five years as well. I'm a chief
 7 navigator at the Deer Lake base. And one of my
 8 duties as navigator/trainer is to bring new
 9 navigators into the system and show how you can
 10 create different kind of search patterns, and use
 11 the iPad for flight planning system.

12
 13 And I train new operators, drone operators. I'm
 14 trained as a search coordinator through the
 15 military. This was a training done in Greenwood
 16 a couple of years ago. We have a military
 17 liaison officer, Captain Jeff Eisner. So that's
 18 my background.

19
 20 This is an inReach device. It's a satellite
 21 communications device for text messaging and also
 22 for navigation. It requires line of sight with
 23 the sky, so it doesn't work very well inside a
 24 building. Very likely it will not work at all in

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1 a building like this, and possibly not in the
 2 Command Post. But as soon as you hold it outside
 3 the door, it sees the sky, it can send and
 4 receive signals.

5
 6 Having said that, I inadvertently left my
 7 tracking turned on and drove halfway across the
 8 province with this in my backpack, in the back of
 9 my car, and it tracked me every single step of
 10 the way.

11
 12 You can select intervals for this tracking system
 13 to send a location, and it depends on the
 14 subscription plan that you're using. It can be
 15 every two minutes you can have a ping
 16 automatically sent from your device up to a
 17 satellite, down to the IERCC centre just outside
 18 Houston, Texas. And from there, it'll go to the
 19 recipient of your choice.

20
 21 There is a cost involved. Units range in price
 22 from about \$600 up to about \$1,000. And a
 23 subscription cost starts at about \$17 Canadian
 24 per month, and can go up to well over \$50 a

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1 month, depending which plan you choose.
 2
 3 And I've been on the same plan for the last three
 4 years, \$17. Doesn't cost very much. So a lot
 5 less than a cell phone plan. So it's definitely
 6 an affordable unit.
 7
 8 When you send a location ping, that costs about
 9 15 cents. I use this when I go skiing in the
 10 back country. I set my pings to about 20
 11 minutes. So what's that, 45 cents an hour? Not
 12 expensive.
 13
 14 Messages are a little more expensive. They cost
 15 about 75 cents each. Again, I don't use that
 16 very much. I did a three-day bicycle trip across
 17 the Long Range last summer, and in three days I
 18 sent six messages, so five bucks.
 19
 20 So the point I'm making is it's not expensive.
 21 It's not difficult to use. If you can use a GPS,
 22 you can use an inReach. That said, it still
 23 needs to be set up properly. Otherwise, you do
 24 get mistakes made.

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1 Garmin has refined the design of the inReach, so
 2 it's very difficult to send a false alarm.
 3 There's a big knob on the side that says "SOS."
 4 You can't just press it and expect something to
 5 happen. No. You have to flip it open and then
 6 press, physically press the SOS button inside.
 7
 8 When that happens, a messages go up the
 9 satellite, down to Houston, and the operators
 10 there will detect the SOS, and they will attempt
 11 to communicate with the user.
 12
 13 If they can't communicate with the user, then
 14 they will contact the agency having jurisdiction
 15 in that area, and at least two contacts that
 16 you've specified when you set up your account.
 17 If they can contact the user they will say,
 18 what's the nature of your problem.
 19
 20 There was one guy in the Rockies. His life was
 21 not in immediate danger, but he was in a forest
 22 fire situation. He wasn't sure that he could
 23 continue down the trail. He triggered the SOS
 24 and Houston contacted the local AHJ and they

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1 determined that the trail was, in fact, safe for
 2 him to continue down.
 3
 4 And so communication was established and
 5 maintained throughout the rest of his travel out
 6 of a possible dangerous situation.
 7
 8 That is the beauty of the inReach versus a
 9 personal locator beacon, you've got
 10 communication. The agency that's responding to
 11 the SOS is able to discuss the situation with
 12 you.
 13
 14 There could easily be a situation where if I'm
 15 skiing back country, I've turned on tracking and
 16 I put it on my pack and off I go. I take a
 17 tumble and I can't trigger the SOS but I'm
 18 unresponsive, then whoever I have chosen to
 19 follow my route via the tracking can see, okay,
 20 I've tracked him as far as this point and I'm not
 21 getting anything else. He's supposed to be home
 22 by now. I know where he is. So that information
 23 can be passed to a GSAR team.
 24

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1 Battery life: I gave my inReach device to one of
 2 the team members on the snowmobile team that
 3 responded with the Deer Lake team on the
 4 Jackson's Arm. When I turned the inReach device
 5 on at my house, at 3:00 in the morning, the
 6 battery was at 100 percent. I gave it to the
 7 team. Off they went. Searched all day. Came
 8 back around 6:00 in the evening. The battery was
 9 still at 85 percent.
 10 MR. BUDDEN:
 11 Q. Sorry for my interrupting. You could call up
 12 Exhibit, Madam Clerk, P-179. And that one and
 13 the next two Mr. Germani may wish to refer to
 14 these, or he may not. But I thought I would call
 15 them up, since you seem to be getting into that
 16 part of your presentation.
 17 MR. GERMANI:
 18 A. Okay. If you could just scroll up just a little
 19 bit, or down a bit, so we can see a bit more of
 20 the message. Okay. That is a typical message.
 21
 22 So if we focus on the message, Bonne Bay Search
 23 and Rescue 1. This, I should point out, is a
 24 sample message. It's not the day of the

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1 Jackson's Arm, but the purple track file that
 2 goes up to the search area is the actual track of
 3 the snowmobile team.
 4
 5 But the message is starting at the top. It's
 6 time stamped and date stamped. So in that case
 7 we've got 19th of May 2019 at 10:44 in the
 8 morning. And the message is, I'm checking in.
 9 Everything is okay.
 10
 11 So on a typical search, every two hours your team
 12 member sends that message back to the search
 13 manager. The search manager is constantly
 14 updated, in this case every 20 minutes, of the
 15 location of the search team.
 16
 17 It gives the lat and long (latitude and
 18 longitude) of the inReach device at the time that
 19 message was sent. So after ten or 15 minutes if
 20 the search manager is wondering, okay, I wonder
 21 exactly where he is right now, the button on the
 22 right says "locate." You select that and it'll
 23 send a ping from the search manager's computer
 24 down to Houston, up the satellite and down to the

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1 user. So it's two-way communication.
 2
 3 There was some mention made of abuse. Yes, it's
 4 like any emergency locator device, there could be
 5 abuse of the system.
 6
 7 There's also a concern that a device like this
 8 can introduce a false sense of security in the
 9 user. So they could potentially go back country,
 10 not properly prepared equipment-wise. They don't
 11 have the proper equipment, they don't have food,
 12 but they've got the device. So that's their
 13 security blanket. It's not a substitute.
 14
 15 And there have been numerous articles written
 16 about how this could introduce a false sense of
 17 security. But I'm more than satisfied that the
 18 safety factor of this outweighs that false sense
 19 of security.
 20
 21 Preset messages: There are three preset messages
 22 in here which can be sent at no cost. So this
 23 Regular 1, it should be done every couple of
 24 hours, can be a preset message.

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1 The team leader in the field just has to press
 2 the button, off it goes. He doesn't have to
 3 laboriously choose a recipient or manually enter
 4 text, it's all programmed. Just boom, press the
 5 button, it's gone. And no cost. So there are
 6 three preset messages you can send.
 7
 8 There are also quick text messages which are
 9 partially completed messages. So one of them
 10 that I've got is "I'm going to be late." So I
 11 can add to that and I can say "due weather," or
 12 "I'm going to be late. ETA 1800." So it
 13 minimizes the amount of time you have to spend
 14 texting.
 15
 16 This can be paired with a cell phone, but then
 17 you're dependent on the life of the cell phone
 18 battery. Quite often you will choose to use this
 19 as a standalone unit.
 20
 21 In the summer I pair it with my phone. I put
 22 this in my backpack up as high as I can because
 23 the antenna sends signals out as a mushroom. So
 24 if it's lying flat like this, you've only got

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1 half a mushroom. It's only seeing half the sky.
 2 So it's got to be used properly.
 3
 4 When a message does come through to me or when
 5 I'm sending a message, this gives a little squawk
 6 so I'm alerted that there's a message either
 7 coming or going.
 8
 9 I've used this on every search we've had this
 10 summer. Because I've got this time and date
 11 stamp, makes recordkeeping a lot easier.
 12
 13 But, more importantly, is if I want to send a
 14 location to somebody it's written down. It's
 15 text. That's more foolproof than using a
 16 handheld radio to give voice communication of a
 17 location. Because if I'm reading out 4-9-2-6 and
 18 so on, is it 4-9, you said, or 4-5? So if it's a
 19 text message, it's a lot less likely that
 20 somebody's going to make a mistake.
 21
 22 I heard this morning about communications was a
 23 difficulty. And yes, it was. This would ease
 24 communications on a search like this one.

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1 So if I was a team leader I would turn tracking
2 on and I would share my location with multiple
3 recipients. So the location would have to be
4 shared with a cell phone number, but if the RCMP
5 officer and JRCC and the search manager each
6 supplied the team leader with a cell phone
7 number, then those individuals could follow the
8 team leader in the field, as I did on the day of
9 their travel. So multiple recipients can follow
10 where a team is going in the field.

11
12 And if you have a command post, the search
13 manager can send a message to multiple
14 recipients. So if he's got a number of section
15 chiefs, whether it's an air operations chief or
16 JRCC or the RCMP or an ambulance, or any other
17 interested party, the search manager can send
18 that message. That one message goes out to all
19 those people at the same time. So it's one
20 message that goes to all those people.
21 So there is a way.

22
23 And, of course, you don't need a cell phone
24 connection at the point where the message is

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1 sent. So you can be off in the woods somewhere
2 and you can send your message, but the
3 recipients, if they're receiving it on a cell
4 phone, do have to be in cell phone range.

5
6 I've been thinking about Transport Category
7 Military Aircraft that could be involved, like
8 the Herc in this search. I'm not sure what the
9 military uses for communications between JRCC and
10 the Herc, but in Transport Category Airline Ops
11 we would use ACARS. I don't know if you would
12 have the same.

13 LT.-COL. MARSHALL:

14 A. I'm not familiar with the app, but we have many
15 ways to communicate with RCC from the air,
16 whether it's with high frequency radios or we can
17 also call some of the Coast Guard stations and do
18 a phone patch through them. So there's many ways
19 that we can communicate.

20
21 Even using a satellite phone, and the Cormorant
22 is equipped with a satellite phone imbedded in
23 the equipment. And with the Hercules we bring
24 one, and sometimes you get a signal, sometimes

Page 211

1 you don't. But you're trying to go through the
2 window, so it's a little bit more difficult.
3 MR. GERMANI:
4 A. Okay. With Transport Category Aircraft, I've
5 used HF and ACARS. HF works better because it's
6 a great distance. You could go halfway around
7 the world with HF.

8
9 But ACARS is an acronym for Aircraft
10 Communications Addressing and Reporting System.
11 And it's a digital data link. So the beauty of
12 that is, again, you get a text message. There's
13 less room for error. And it's a convenient way
14 of transmitting weather information or a request,
15 a command system from ground to the aircraft.
16 And if the aircraft had a query they could text
17 the message back to ground using ACARS.

18
19 ACARS is generally VHF line of sight, but in
20 practice it encompasses all of North America and
21 out to about 200 miles offshore.

22
23 Could we go to the next image, please.
24

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1 Okay. That's just a zero in on the search area.
2 And you'll notice that the lines are fairly
3 straight and they seem to go from point to point.
4 That's the 20-minute ping points.

5
6 So when the inReach comes back to the search
7 manager, the search manager would typically sync
8 it with the inReach website. And the GPS pings
9 are one minute apart, and it would smooth out
10 those straight lines and you would get a more
11 accurate picture where the snowmobile travelled.

12
13 What you're seeing on that image is where the
14 inReach was every 20 minutes, and they've just
15 joined those points with a straight line.

16
17 And the next image, please.

18
19 The next image is just a big picture of where the
20 -- Okay. And scroll down, please. Yes.

21
22 So on the far left of the screen the tracking
23 started in my home in Norris Point, in Gros
24 Morne, and I gave it to the search team and they

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1 drove in their truck and trailer out to Jackson's
2 Arm. Parked the trailer and off they went. So
3 as a search manager, I was able to follow them
4 every step of the way.
5
6 And I have actual - here we are - messages that I
7 sent that day. At one point I sent a message,
8 "Thanks for the updates. We're following your
9 progress," and that was at 12:36 in the afternoon
10 of the Monday.
11
12 And at 3:24 in the afternoon, "Subject found.
13 Coming home." And I have a timestamp. I have a
14 date stamp. I have a location stamp. And I
15 said, "Awesome. When you get a chance give me
16 your ETA. Thanks so much for your efforts."
17 MR. BUDDEN:
18 Q. Is that Zulu time?
19 MR. GERMANI:
20 A. No, that's all local time.
21
22 Now, consider that those times are when that
23 message was sent. Now, these guys were in the
24 field. It doesn't mean that that was exactly

Page 214

1 when the subject was found. It's when they got
2 the message that the subject was found. So
3 there's going to be a time lag there.
4
5 And a typical use for this, this summer, I was at
6 a location in the middle of Gros Morne, and I was
7 able to communicate with the search manager. I
8 was the team leader. I was able to communicate
9 with the search manager. I had a handheld VHF
10 radio. I was able to communicate with the
11 Cormorant on Channel 6. I have a marine radio
12 license and an aviation radio license. And I was
13 able to communicate with Parks Canada on the
14 other side of the river, using a VHF radio.
15
16 So there are multiple ways to communicate.
17 Sometimes it's a challenge to stay on top of the
18 new technology, but it's there.
19
20 That's all I've got. If anybody has any
21 questions for me?
22 COMMISSIONER IGLOLIORTE:
23 That's all you've got. You got our heads
24 spinning. No, it's fabulous. I think that's

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1 great information.
2 MR. BUDDEN:
3 I have no further questions. Particularly, if
4 any of the present panel have any questions or
5 Mr. Blackmore, or comments, or Mr. Smith, that
6 would be fine as well. Obviously and counsel.
7
8 I don't believe there's any questions from
9 counsel. If nobody else, thank you very much,
10 Mr. Germani. That was very interesting.
11
12 Ms. Bedford, I believe that's it for your
13 witnesses for today.
14 MS. BEDFORD:
15 Yes, that's it. I did want to clear up that one
16 issue about the Grundy supplemental report.
17 MR. BUDDEN:
18 Oh, yes.
19 MS. BEDFORD:
20 It was, indeed, in the documents. It is in
21 Exhibit 170 at page 82. So it doesn't need to be
22 added now.
23 MR. BUDDEN:
24 Okay. That's two pages of notes from Officer --

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1 what's the gentleman's name again?
2 MS. BEDFORD:
3 Grundy, G-r-u-n-d-y.
4 MR. BUDDEN:
5 Thank you.
6 MS. BEDFORD:
7 Thank you.
8 MR. BUDDEN:
9 I believe the only remaining evidence for today
10 would be Mr. Ralph's provincial government
11 representative, Mr. Rumbolt. I don't know if you
12 wish to start or do you wish to take a break, as
13 the Commissioner pleases.
14 COMMISSIONER IGLOLIORTE:
15 No, no break required.
16 MR. BUDDEN:
17 Okay.
18 RALPH, Q.C.:
19 Thank you, Commissioner. I'm not sure how we
20 want to set up here. Perhaps we can get a second
21 microphone?
22
23 Yes. So the only person that's going to be
24 speaking on behalf of the Province during this

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1 roundtable is Mitch Rumbolt.
 2
 3 Last day, in Makkovik, Paul Peddle joined by
 4 phone and Mr. Rumbolt participated in Makkovik.
 5 And today Mr. Rumbolt will briefly go over some
 6 of the same territory he did in Makkovik in terms
 7 of the role of the Province in ground search and
 8 rescue. And then he will address the emails and
 9 other documents that were created by REMPO Blair
 10 Hogan who was involved in the search for the
 11 gentleman in the search in question.
 12
 13 And we believe that he'll be able to address the
 14 questions that you may have with regard to the
 15 Province's role in this particular search and
 16 rescue.
 17 BY RALPH, Q.C.:
 18 Q. Again, Mr. Rumbolt, perhaps you can describe your
 19 position within the provincial government?
 20 MR. RUMBOLT:
 21 A. Thank you. It's Mitch Rumbolt speaking. I'm the
 22 Director of Emergency Services Division for the
 23 Province of Newfoundland and Labrador, and we
 24 fall under the Department of Justice and Public

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1 Safety.
 2 RALPH, Q.C.:
 3 Q. And what role does your division play, and you,
 4 yourself, play in the provision of air support
 5 for Ground Search and Rescue?
 6 MR. RUMBOLT:
 7 A. As Director, I would oversee the team that works
 8 out of our office, not just within our office but
 9 across the province. We have field staff,
 10 referred to as Regional Emergency Management and
 11 Planning Officers, located in three locations on
 12 the island, a portion of the province, and one in
 13 Happy Valley-Goose Bay, in Labrador.
 14
 15 So those Planning Officers would be involved with
 16 municipalities and other emergency service
 17 providers to offer them assistance or guidance as
 18 needed in emergency situations, and also in the
 19 planning and preparative phases as well.
 20
 21 So I would oversee that, ultimately having the
 22 final say on any issues that arise.
 23
 24 In terms of one of the services that we provide,

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1 we offer a 24/7 emergency telephone line that the
 2 municipalities or emergency services providers,
 3 first responders can contact if they need
 4 provincial government assistance, in the event
 5 their own capabilities or capacities are
 6 exceeded, and they wish to seek provincial help.
 7
 8 I guess the most common uses would be one of two
 9 police agencies in the province. When they
 10 require air support for ground search and rescue
 11 task, they're given to a Ground Search and Rescue
 12 team, that's how they would reach out to our
 13 division and request air support for that search.
 14 RALPH, Q.C.:
 15 Q. Perhaps you can describe how that works. Again,
 16 we spoke earlier about this and I understand that
 17 the local Detachment can't call directly to
 18 Emergency Services or FES-NL, as it once was
 19 called. Perhaps you can describe that process.
 20 How that works.
 21 MR. RUMBOLT:
 22 A. That's correct. So best practice would be for a
 23 general duty member or patrol officer, whatever
 24 you wish to call it, they would reach out through

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1 their chain of command to the appropriate persons
 2 within each police organization who are
 3 designated and authorized to call and ask for air
 4 support.
 5
 6 So if that officer analyzed the situation and
 7 deemed it was warranted, they would place the
 8 call to our number, telephone number, and make
 9 the request.
 10
 11 If it was after hours, that phone number is
 12 answered by an answering service that we
 13 contract. The officer's information would be
 14 taken. The answering service would then contact
 15 the Emergency Management and Planning official,
 16 and REMPO would then call back the police officer
 17 and obtain the details of the search.
 18 RALPH, Q.C.:
 19 Q. And once you have a request, I understand that
 20 would have to be from a designated official with
 21 the RCMP or RNC; is that right?
 22 MR. RUMBOLT:
 23 A. That's correct.
 24

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1 RALPH, Q.C.:

2 **Q.** And once you have a request from them, from one

3 of the police services, what does the REMPO

4 official do with that, or the Emergency Services

5 Division official do with that?

6 MR. RUMBOLT:

7 **A.** It's just basically capturing the key

8 information. A lot of specifics is not required,

9 is not relevant directly to what we're doing. So

10 that information would primarily include the

11 location of the incident, the name and contact

12 information for the officer making the request,

13 possibly the name and contact number for the

14 officer that's on site who has task or direct

15 involvement with the Ground Search and Rescue

16 team on site. And that would just be then

17 processed and a call placed to Government Air

18 Services, following our protocols, to seek air

19 support.

20 RALPH, Q.C.:

21 **Q.** So when a REMPO or, I guess yourself, get a

22 request from the police for air support in a

23 ground search and rescue, are you exercising any

24 discretion at that point or are you just

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1 accepting that the RCMP have assessed the

2 situation and they need air support?

3 MR. RUMBOLT:

4 **A.** It would be discretion in a very small level.

5 We're primarily concerned, is this an authorized

6 request. So if it's coming from a patrol officer

7 or a general duty member, we want to make sure

8 that has the sufficient authorization and the

9 appropriate officials are aware of the situation

10 within each police service. And just ensuring

11 that this is for a ground search and rescue

12 incident.

13

14 Once we know it's been approved by a respective

15 police official, we don't do any analysis with

16 that information, we just act on it.

17 RALPH, Q.C.:

18 **Q.** And I'm sorry, so then once you act on it you go

19 to Government Air Services. I understand that's

20 a division of Transportation ...?

21 MR. RUMBOLT:

22 **A.** Infrastructure.

23 RALPH, Q.C.:

24 **Q.** Infrastructure with the provincial government; is

Page 223

1 that correct?

2 MR. RUMBOLT:

3 **A.** That's correct. That would be our first step to

4 seek -- a contracted helicopter would be

5 contacting Government Air Services.

6 RALPH, Q.C.:

7 **Q.** And maybe you can just briefly describe what do

8 you mean by "contracted helicopter company"?

9 MR. RUMBOLT:

10 **A.** So the province doesn't own its own helicopters,

11 rotary wing aircraft. A contract is maintained,

12 which is facilitated through Transportation and

13 Infrastructure.

14

15 So there are aircraft that are contracted and

16 stationed throughout the province in various

17 locations that are available to numerous

18 government departments, four or five government

19 departments that would potentially need air

20 services or services of a rotary wing aircraft, a

21 helicopter, at various times.

22

23 One of those government users would be the

24 Emergency Services Division in providing air

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1 support to the police agencies who are leading

2 ground search and rescue activities.

3 RALPH, Q.C.:

4 **Q.** Now, I understand the helicopters that are

5 available through that service, and I guess

6 there's a couple companies, but primarily it's

7 Canadian, and I think Newfoundland Helicopter

8 Company; is that correct?

9 MR. RUMBOLT:

10 **A.** That's correct.

11 RALPH, Q.C.:

12 **Q.** And I understand those helicopters, they can't

13 fly at night and perhaps in certain conditions

14 that other helicopters, like a Cormorant

15 helicopter, can fly in; is that your

16 understanding?

17 MR. RUMBOLT:

18 **A.** That is correct. And for clarity, the contract

19 is with Canadian Helicopters. And the

20 helicopters that are currently required as per

21 the contract cannot fly at night and are limited

22 in some austere weather conditions.

23 RALPH, Q.C.:

24 **Q.** So assume for a moment that a helicopter is

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1 available through the Canadian Helicopter
 2 Company. What's the role of the REMPO or
 3 yourself after you've, I guess, arranged to have
 4 a helicopter through Government Air Services?
 5 MR. RUMBOLT:
 6 A. Once they reach out to the Government Air
 7 Services, a representative from the Air Services
 8 Division would reach out to the pilots in the
 9 closest area based on where the helicopter will
 10 be based. If it was on the West coast, for
 11 instance, that would be, say, Pasadena. If it
 12 was in Labrador, it would be Happy Valley-Goose
 13 Bay.
 14
 15 So the official from Government Air Services
 16 would be talking to the pilot to see if there was
 17 an aircraft available, and if weather conditions
 18 permitted them to launch from where they were
 19 and, also, if weather was suitable, to where
 20 their destination was.
 21 RALPH, Q.C.:
 22 Q. And so is the REMPO involved in how the search is
 23 conducted?
 24

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1 MR. RUMBOLT:
 2 A. Not at all. Once the REMPO learns that there is
 3 an aircraft available and they are able to fly,
 4 then the information of the police officer on
 5 site at the search/incident is conveyed to the
 6 pilot, and the REMPO removed themselves from that
 7 communication process and then the pilot of that
 8 aircraft contacts the police officer that is on
 9 site to have the most current information.
 10 RALPH, Q.C.:
 11 Q. And I understand that if a helicopter's not
 12 available through Canadian and then the REMPO
 13 would then go to JRCC?
 14 MR. RUMBOLT:
 15 A. That is correct. If, say, darkness as an
 16 example, was a factor, and the contracted
 17 helicopter was unable to fly, the REMPO would
 18 then reach out to the Joint Rescue Coordination
 19 Centre in Halifax, identify themselves, and
 20 request a humanitarian mission for the JRCC
 21 consideration then to provide assistance.
 22 RALPH, Q.C.:
 23 Q. And, again, once the JRCC indicate to Emergency
 24 Services Division that they're prepared to be

Page 227

1 involved in the air search, they're going to
 2 prepare to task a Cormorant or some other type of
 3 aircraft, what role does the Emergency Services
 4 Division, or the REMPO, have in that search?
 5 MR. RUMBOLT:
 6 A. Once we ensure that the JRCC or the aircraft
 7 pilot, whichever asset the JRCC task, once they
 8 have the contact information again for the
 9 officer on site, the REMPO removes themselves
 10 from that equation and has no further dealings in
 11 determining search techniques, patterns, or
 12 anything of that nature.
 13
 14 The only subsequent involvement a REMPO would
 15 have would be what we refer to after a two-hour
 16 block of search time, sometimes we reach out,
 17 sometimes the police agencies who are quite
 18 familiar with the process, sometimes they contact
 19 us and let us know that additional search time
 20 would be required. And it's more of an
 21 administrative function piece on our end. That
 22 search time is approved and that would continue
 23 then every two hours until the air asset is no
 24 longer required.

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1 RALPH, Q.C.:
 2 Q. Now, Mr. Rumbolt, I understand that you weren't
 3 actually in your position in February of 2019.
 4 You weren't in the position you're in right now;
 5 is that right?
 6 MR. RUMBOLT:
 7 A. That's correct.
 8 RALPH, Q.C.:
 9 Q. But I understand you're familiar with the
 10 documents and, of course, you're very familiar
 11 with the process?
 12 MR. RUMBOLT:
 13 A. Absolutely.
 14 RALPH, Q.C.:
 15 Q. In this search, there was a couple other aircraft
 16 that were involved. An RCMP plane and also a PAL
 17 aircraft was involved. And would your division
 18 have any role in tasking those aircraft or
 19 getting those aircraft to participate?
 20 MR. RUMBOLT:
 21 A. We would have no role whatsoever. To be asked
 22 would be highly unusual. We could potentially be
 23 asked to identify other air assets, but we would
 24 just provide contact information for those

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1 businesses or whatever with those capabilities.
 2 But we wouldn't be engaged in any other services
 3 or dictating how that is conducted.
 4 RALPH, Q.C.:
 5 Q. And I believe the documents indicate in this
 6 search it would have been the RCMP that sort of
 7 directly retain the services of the RCMP plane
 8 and also the PAL aircraft; is that your
 9 understanding?
 10 MR. RUMBOLT:
 11 A. That's my understanding.
 12 RALPH, Q.C.:
 13 Q. Now, the Emergency Services Division official
 14 that was involved in this search, his name was
 15 Blair Hogan?
 16 MR. RUMBOLT:
 17 A. That's correct.
 18 RALPH, Q.C.:
 19 Q. And have you reviewed the documents that he's
 20 created in the process of this?
 21 MR. RUMBOLT:
 22 A. I have.
 23 RALPH, Q.C.:
 24 Q. And hopefully you'll be in a position to answer

Page 230

1 any questions that people may have about the
 2 documents he's created?
 3 MR. RUMBOLT:
 4 A. I will.
 5 RALPH, Q.C.:
 6 Q. And perhaps we can go to Exhibit 125.
 7
 8 And Mr. Rumbolt, so this is an email from Blair
 9 Hogan, and it's to a number of officials. And
 10 perhaps you can identify who those officials are?
 11 MR. RUMBOLT:
 12 A. As a part of our standard process, I guess, of
 13 providing situational awareness to the management
 14 and the executive of Justice and Public Safety,
 15 at the time we weren't a part of Justice and
 16 Public Safety. We would have been under the
 17 Department of Municipal Affairs and Environment.
 18
 19 So the Regional Emergency Management and Planning
 20 Officer, Blair Hogan, would have sent an email to
 21 numerous people as we can see here. There was
 22 the manager of Disaster Financial Assistance, I
 23 believe an ADM director, Manager of Plans and
 24 Operations, as well as the other REMPOs for their

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1 situational awareness within our division, and
 2 communications officials, fire commissioner, and
 3 a generic email address we use where we cc all
 4 event-related information.
 5 RALPH, Q.C.:
 6 Q. And perhaps you can read the email. It's Friday,
 7 February the 1st, 2019. It's 5:49 p.m. And the
 8 subject is missing 75-year-old snowmobilers.
 9 Perhaps you can read the email.
 10 MR. RUMBOLT:
 11 A. Would you like me to read it or summarize what's
 12 going on?
 13 RALPH, Q.C.:
 14 Q. Well, perhaps just summarize and see how that
 15 goes, rather than spending too much time on it.
 16 MR. RUMBOLT:
 17 A. Okay. It's from, as I said, Mr. Blair Hogan.
 18 It's advising the distribution group as he had
 19 put in his address line there. It's indicating
 20 that he had a call from the RCMP Officer,
 21 Sergeant Curtis Ashford, regarding two missing
 22 snowmobilers which, at this time, were reported
 23 to him as 75 years of age, who were missing as a
 24 result of a five-person party going missing near

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1 Jackson's Arm. It was a snowmobile trip.
 2
 3 The group had done this trip previously, and they
 4 had been missing since noon that day. And Deer
 5 Lake Ground Search and Rescue Team were mustering
 6 to deploy.
 7
 8 Mr. Blair Hogan indicated that it was too late
 9 for Government Air Services to fly as in this
 10 particular case, given the time. At that time of
 11 year it's my understanding it would be dark or
 12 getting dark very soon. And the RCMP were,
 13 therefore, requesting assistance.
 14 RALPH, Q.C.:
 15 Q. So to your point earlier, it's too late for Air
 16 Services, and I understand that would mean that
 17 it's too late for Canadian Helicopters to operate
 18 because they can't operate at night; is that
 19 right?
 20 MR. RUMBOLT:
 21 A. At that time it would have been Universal
 22 Helicopters. But yes, that's correct.
 23 RALPH, Q.C.:
 24 Q. Oh, that's right. Right. Sorry, continue on.

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1 MR. RUMBOLT:
2 A. So the RCMP had requested air support for that
3 night, which would mean that we would contact the
4 Joint Rescue Coordination Centre for humanitarian
5 assistance. And Mr. Hogan indicated that he had
6 made that request.

7
8 Further information he provided indicated that a
9 Officer Mark Grundy was the primary point of
10 contact, and the secondary point of contact was a
11 Guy Boudreau. And that the JRCC will have a
12 conversation with the RCMP and determine if they
13 can assist.

14 RALPH, Q.C.:
15 Q. Perhaps we can go, now, to Exhibit 127. And
16 Mr. Rumbolt, perhaps you can describe this
17 document and explain it?

18 MR. RUMBOLT:
19 A. So from Blair Hogan, again, to the same
20 distribution group. I believe it's a different
21 order of names but same distribution group,
22 regarding the same incident.
23
24 Blair is providing an update, saying that he just

Page 234

1 spoke with the Joint Rescue Coordination Centre
2 and they had tasked both a helicopter and an
3 airplane to assist in the search.

4 RALPH, Q.C.:
5 Q. And perhaps we can now go to 129.

6 MR. RUMBOLT:
7 A. Another email from Blair Hogan to the
8 distribution group, as noted previously. The
9 time on this one is 9:24 p.m., 2124 hours.
10
11 Blair indicates that he just spoke with Sergeant
12 Chad Norman with the RCMP and that the Joint
13 Rescue Coordination Centre had to call off the
14 search because off weather issues. And he
15 indicates at first light he will follow up with
16 Air Services, which is Government Air Services
17 Division, regarding the weather and if they may
18 be on weather hold or not. And if they're able
19 to fly then his intent was to engage Universal
20 Helicopters to assist the Ground Search and
21 Rescue Team.

22 RALPH, Q.C.:
23 Q. Perhaps we can go to Exhibit 97, page 8. And
24 there should be, I think -- scroll down a bit.

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1 See, there's an entry. This is from JRCC and
2 there's an entry, sunrise at 7:50 NL time. Does
3 that sound about right to you, Mr. Rumbolt, for
4 February?

5 MR. RUMBOLT:
6 A. I checked the same thing myself today. And, yes,
7 I believe that's correct.

8 RALPH, Q.C.:
9 Q. And next exhibit will be 130.

10 MR. RUMBOLT:
11 A. Will I proceed?

12 RALPH, Q.C.:
13 Q. Okay. Yes, again, could you describe this and
14 explain this email?

15 MR. RUMBOLT:
16 A. Email again from Blair Hogan to the distribution
17 group regarding the same incident, dated February
18 2nd, at 7:35 a.m., 0735 hours. Indicating that
19 he had spoke with the RCMP and Government Air
20 Services Division this morning. Helicopter
21 assistance this very morning is on weather hold.
22 Joint Rescue Coordination Centre has also been in
23 contact with the RCMP and they, too, are on
24 weather hold.

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1 RALPH, Q.C.:
2 Q. And Exhibit 131?

3 MR. RUMBOLT:
4 A. Email from Blair Hogan to the same group on that
5 date, Saturday, February 2nd, at 9:12 a.m.

6
7 Blair was reporting an update and indicated that
8 JRCC (Joint Rescue Coordination Centre) and
9 Universal Helicopters are both on weather hold
10 and that he'll keep the group posted.

11 RALPH, Q.C.:
12 Q. And 133?

13 MR. RUMBOLT:
14 A. Another email from Blair Hogan to the same
15 distribution group, February 2nd, Saturday, 2019
16 at 12:31 p.m.

17
18 Blair is indicating a further update. He
19 corrected the information he had previously
20 indicated. Indicating now that the gentlemen
21 were 64 and 68 years of age, respectively,
22 instead of 75.

23
24 The helicopter is on weather hold for the rest of

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1 the day.
 2 RALPH, Q.C.:
 3 Q. And I guess there he's referring to the Universal
 4 Helicopter, I would think?
 5 MR. RUMBOLT:
 6 A. That would be my deduction, yes. And the Joint
 7 Rescue Coordination Centre and the Cormorant did
 8 have some air time in the area today, but got
 9 called away on a medical emergency. They're
 10 hoping to return to that site before dark.
 11
 12 And the Ground Search and Rescue Team are still
 13 progressing but no further update at this time.
 14 RALPH, Q.C.:
 15 Q. And I understand, I think, when the Cormorant was
 16 returning from the medical evacuation in Labrador
 17 it flew over the search area. Do you recall that
 18 evidence today?
 19 MR. RUMBOLT:
 20 A. Yes, it was recalled or stated earlier today.
 21 RALPH, Q.C.:
 22 Q. And I think they'd intended to come back later
 23 that night but because of weather conditions they
 24 couldn't return back that evening on February the

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1 2nd; is that right? Is that your understanding?
 2 MR. RUMBOLT:
 3 A. I believe so.
 4 RALPH, Q.C.:
 5 Q. Okay. That's fine.
 6 MR. RUMBOLT:
 7 A. Or did they actually get back?
 8 RALPH, Q.C.:
 9 Q. I think they couldn't come back that night.
 10 MR. RUMBOLT:
 11 A. Okay.
 12 RALPH, Q.C.:
 13 Q. Perhaps we can go down to 134. So now, I think
 14 we're into Sunday again, February the 3rd.
 15 Perhaps you can describe what you're seeing and
 16 explain it?
 17 MR. RUMBOLT:
 18 A. Correct. It's an email from Blair Hogan again to
 19 the distribution group, Sunday, February 3rd,
 20 6:50 a.m., 0650 hours.
 21
 22 Blair indicates that he had just spoken with
 23 Sergeant Ashford. Universal Helicopter will
 24 attempt to assist in the search around 8:00 or

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1 8:30.
 2
 3 The RCMP is landing in Deer Lake to drop off some
 4 spotters, which I presume to be the RCMP
 5 aircraft, fixed wing.
 6
 7 Joint Rescue Coordination Centre was asked if
 8 they could assist again today. RCMP will look at
 9 using Provincial Airlines and FLIR today. "PAL"
 10 being Provincial Airlines and "FLIR" being
 11 forward-looking infrared.
 12
 13 No sign of the missing individuals when Ground
 14 Search and Rescue Team concluded last evening.
 15 RALPH, Q.C.:
 16 Q. Right. So I understand that day, I think the
 17 RCMP plane and the PAL aircraft were engaged in
 18 the air search for these gentlemen?
 19 MR. RUMBOLT:
 20 A. It appears so. Correct.
 21 RALPH, Q.C.:
 22 Q. Exhibit 135. Again, could you describe this and
 23 explain what's happening here.
 24

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1 MR. RUMBOLT:
 2 A. Exhibit 135 is an email from Blair Hogan to the
 3 same distribution group, dated Sunday, February
 4 3rd, 2019, at 0956 hours, 9:56 a.m.
 5
 6 He indicates he was speaking with Air Services
 7 and Sergeant Ashford. Universal Helicopters did
 8 take off but had to return as a result of weather
 9 and they are back on weather hold.
 10
 11 The RCMP plane is searching the area and the PAL
 12 aircraft, with FLIR, is on route. No sign or
 13 update from the Ground Search and Rescue Team.
 14 And he'll keep us posted.
 15 RALPH, Q.C.:
 16 Q. And Exhibit 147. This is an invoice from
 17 Universal Helicopters for this search. Perhaps
 18 we can go to page 2. Can you identify this and
 19 describe the contents of it?
 20 MR. RUMBOLT:
 21 A. My photocopy is much like the screen, it's kind
 22 of hard to read. But it appears to be Universal
 23 Helicopter's internal document.
 24

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1 I can see flight description and takeoff time
 2 0837. And I believe the first word is possibly
 3 "attempted."
 4 RALPH, Q.C.:
 5 Q. Actually, I can read mine pretty good. I'll read
 6 it. "Attempt to fly to scene zone between
 7 Jackson's Arm and Harbour Deep. Turned back due
 8 to WX," which I understand is weather?
 9 MR. RUMBOLT:
 10 A. That's correct.
 11 RALPH, Q.C.:
 12 Q. And this would have been February the 3rd, I
 13 believe is the date. Can you read that at the
 14 top right-hand part of the document?
 15 MR. RUMBOLT:
 16 A. Correct. February 3rd, 2019. And I can read
 17 legibly the takeoff time was 0837 in the morning,
 18 and the landing time was 0907, indicating
 19 approximately a half hour of usage.
 20 RALPH, Q.C.:
 21 Q. Right. And I guess the revenue hour says ".5"?
 22 MR. RUMBOLT:
 23 A. Correct.
 24

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1 RALPH, Q.C.:
 2 Q. And the location, I don't know if you can see
 3 that, but it says, "Pasadena." Can you see that?
 4
 5 This right here. This right there. My copy is
 6 clear. It says, "Pasadena."
 7 MR. RUMBOLT:
 8 A. Yes, it appears to be Pasadena.
 9 RALPH, Q.C.:
 10 Q. Perhaps we can go to 136.
 11 MR. RUMBOLT:
 12 A. This is an email from Blair Hogan to the
 13 distribution Group dated Sunday, February 3rd,
 14 2019 at 1514 hours, 3:14 p.m.
 15
 16 "Hello All. Good news. Just located one of the
 17 missing individuals. He is on route to the
 18 hospital. Still searching for other individuals.
 19 Will keep you posted."
 20 RALPH, Q.C.:
 21 Q. 138?
 22 MR. RUMBOLT:
 23 A. This would be another email from Blair Hogan to
 24 the distribution group, dated Sunday, February

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1 3rd, 2019 at 6:33 p.m., 1833 hours.
 2
 3 "Hi All. I just spoke with Sgt. Wayne Newell of
 4 the RCMP. We discussed the latest status update.
 5 Ground Search and Rescue are gearing down for the
 6 evening and retiring to base to dialogue the next
 7 steps."
 8
 9 He had spoken with Air Services to request a
 10 helicopter to be placed on alert for first thing
 11 in the morning, indicating that the weather could
 12 be 50/50. Good or bad.
 13
 14 Sergeant Newell and Blair will talk later this
 15 evening to discuss the status after the Ground
 16 Search and Rescue Team have their meeting for the
 17 night.
 18 RALPH, Q.C.:
 19 Q. And then Exhibit 139?
 20 MR. RUMBOLT:
 21 A. Another email from Blair Hogan to the
 22 distribution group, dated Sunday, February 3rd,
 23 2019 at 9:45, 2145.
 24

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1 Hi All. Just spoke with Sgt. Newell. Update as
 2 of 2130 hours, 9:30 p.m. JRCC resumed flight
 3 tonight over the latest search area and are still
 4 in the air.
 5
 6 Arrangements with Universal Helicopters for alert
 7 status for early morning. If JRCC has no success
 8 tonight he will follow up with -- he being Blair,
 9 will follow up with the RCMP Officer Lodge, Liz
 10 Lodge, in the morning at 7:00 a.m. And confirm
 11 the search status and the possibility of using
 12 Universal Helicopters to partake in the search
 13 that morning.
 14 RALPH, Q.C.:
 15 Q. Exhibit 140?
 16 MR. RUMBOLT:
 17 A. This would be another email from Blair Hogan to
 18 the distribution group, dated Monday, February
 19 4th, 2019 at 7:11 a.m., 0711 hours.
 20
 21 Hi All. He had just spoken with Officer Lodge.
 22 Joint Rescue Coordination Centre are still
 23 searching and had about 30 minutes remaining
 24 before they return to base for day.

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1 Provincial Airlines, with forward-looking
2 infrared, are ready to go once approval is
3 received.
4
5 I guess of note there, that approval would be
6 from the RCMP. That wouldn't be from the
7 Emergency Services Division.
8
9 Universal is still on alert but I have not yet
10 spoken to Government Air Services this morning.
11
12 The decision not to call until JRCC are out of
13 the sky and Ground Search and Rescue Team
14 personnel are back on the ground.
15 RALPH, Q.C.:
16 Q. Exhibit 141?
17 MR. RUMBOLT:
18 A. Would be another email from Blair Hogan to the
19 distribution group, dated Monday, February 4th,
20 2019 at 7:22 a.m., 0722 hours.
21
22 He indicates, how quick things can change.
23 Provincial Airlines are approved to go by the
24 RCMP command.

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1 He had just received a request to call Government
2 Air Services to contract the helicopter. He
3 spoke with Bill at Government Air Services, and
4 the pilot will call Officer Lodge to get the
5 coordinates for the search grid for that day.
6
7 The weather looks to be okay but Universal will
8 determine and let Government Air Services know if
9 they're still on weather hold.
10 RALPH, Q.C.:
11 Q. And 142?
12 MR. RUMBOLT:
13 A. Another email from Blair Hogan to the
14 distribution group, dated Monday, February 4th,
15 2019, 11:32 hours.
16
17 Hi All. The RCMP are requesting an additional
18 two hours of air support to the Ground Search and
19 Rescue Team. He approved same. And that was
20 communicated to Government Air Services Division.
21 RALPH, Q.C.:
22 Q. And 144?
23 MR. RUMBOLT:
24 A. It's an email from Blair Hogan to the

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1 distribution group, dated Monday, February 4th,
2 2019, at 4:36 p.m., 1636 hours.
3
4 Hi All. Paul -- that would be, I believe, Paul
5 Peddle who's cc'd on this email, who's the
6 manager of Plans and Operations.
7
8 Paul and I just received confirmation from the
9 RCMP that the second individual was found, has a
10 weak pulse and is on route for medical attention.
11 No other information is known at this time, but
12 it's great news and very fortunate outcome, given
13 the search length and the very cold three days.
14 RALPH, Q.C.:
15 Q. And there's three other documents that are
16 associated with this. There's a reservation card
17 at Exhibit 145. We really don't need to go into
18 that. A reservation printout at 146.
19
20 And at 147, I guess we can go to that one,
21 there's an invoice from Universal Helicopters.
22
23 Perhaps you can just describe the reservation
24 card. What's that all about?

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1 MR. RUMBOLT:
2 A. That would be the document filled out by the
3 Government Air Services Division, not the
4 Emergency Services Division. Basically, when we
5 call in and request a helicopter they would
6 complete one of these cards, especially for when
7 it's not immediately to be deployed as a result
8 to darkness. So they would complete that card to
9 indicate a reserve a helicopter for morning when
10 it could fly.
11 RALPH, Q.C.:
12 Q. Right. And again, we referred to this exhibit
13 before, but 147.
14 MR. RUMBOLT:
15 A. Yes.
16 RALPH, Q.C.:
17 Q. And so this is the invoice from Universal and, I
18 guess, just perhaps you can describe what's in
19 that invoice.
20 MR. RUMBOLT:
21 A. That's correct. It would be the standard invoice
22 from a contracted helicopter to the Department of
23 Finance, Government of Newfoundland and Labrador.
24

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1 They're referring to us as Fire and Emergency
 2 Services for the Emergency Services Division, and
 3 our address is different, but it's still our
 4 group.
 5
 6 The invoice date is February 4th, 2019, and it
 7 was for helicopter usage. It was a 206. And
 8 flying is per their internal flight reports.
 9
 10 It indicates that on February 3rd there was a
 11 half hour used, 0.5 hours. And on February 4th a
 12 total of 5.7 hours. And it indicates fuel as
 13 well.
 14 COMMISSIONER IGLOLIORTE:
 15 Ruth wants to know why she never got that price
 16 in Hopedale.
 17 RALPH, Q.C.:
 18 I don't think Mr. Rumbolt can answer that
 19 question for Ruth, unfortunately.
 20 MR. RUMBOLT:
 21 No, I cannot, Commissioner. Sorry.
 22 RALPH, Q.C.:
 23 Q. So Mr. Rumbolt, perhaps you can summarize, from
 24 your review of the documents, what role Mr. Hogan

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1 played in the search.
 2 MR. RUMBOLT:
 3 A. His role would have been exactly what our role is
 4 identified to be. We are a supporting, I guess,
 5 mechanism within provincial government to other
 6 municipalities and emergency responders.
 7
 8 So he would have received a request for a
 9 helicopter, processed that by determining and
 10 calling to verify that as a result of darkness a
 11 contracted helicopter couldn't fly. And then
 12 exercising the next step of contacting the Joint
 13 Rescue Coordination Centre to request a
 14 humanitarian assistance mission. And then
 15 continued to actively converse with the RCMP
 16 officers that were directly involved and address
 17 any subsequent requests they had for air support.
 18 RALPH, Q.C.:
 19 Q. So in terms of his role in the search, does he
 20 have any sort authority to influence how the air
 21 search or the ground search is conducted?
 22 MR. RUMBOLT:
 23 A. No. Members of the Emergency Services Division
 24 don't have any input or say regarding search

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1 tactics or procedures or anything of that nature.
 2 RALPH, Q.C.:
 3 Q. I have no further questions, unless there's
 4 something else you want to raise?
 5 MR. RUMBOLT:
 6 A. No. I'm good. Thank you.
 7 RALPH, Q.C.:
 8 Q. Okay.
 9 COMMISSIONER IGLOLIORTE:
 10 Go ahead, Mr. Budden.
 11 MR. BUDDEN:
 12 Ms. Bedford, have you any questions for this
 13 witness?
 14 MS. BEDFORD:
 15 Q. Yes, I just have one. When Emergency Services
 16 Division ends up going to JRCC - I'll say it's a
 17 night search - if JRCC is unavailable, what's the
 18 next step?
 19 MR. RUMBOLT:
 20 A. The next step at that point would be just to see
 21 what could be available in terms of when JRCC
 22 could be available. There is no contracted
 23 helicopter with the Province that can fly at
 24 night.

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1 MS. BEDFORD:
 2 Q. I guess I'm just asking because we heard from the
 3 Lieutenant Colonel that if JRCC's main mandate
 4 would be, say, a rescue at sea, for example, and
 5 if they were conducting at that point in time a
 6 rescue at sea, which could take several hours, is
 7 there an alternative for the Province?
 8 MR. RUMBOLT:
 9 A. No. As I just indicated, there's no contracted
 10 helicopter that can fly at night, provincially.
 11 So contacting JRCC is our last resort. And if
 12 they were previously committed, then we would
 13 have to address that situation at that time.
 14 MS. BEDFORD:
 15 Okay, thank you.
 16 MR. BUDDEN:
 17 Mr. Williams?
 18 WILLIAMS, Q.C.:
 19 Q. Yes, I just want to follow up on a point my
 20 friend made there because it's specially where I
 21 was headed, is that so we have a gap, recognized
 22 gap, in the system that if a person is lost after
 23 dark and JRCC are already engaged in another
 24 mission, unavailable because they're already

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1 contacted on something else, we have no means to
 2 search for somebody until next daylight?
 3 MR. RUMBOLT:
 4 A. At that time, in 2019, it was before my time,
 5 before my arrival, I'd have no knowledge of what
 6 would have been the practice at that time.
 7
 8 Since that time we have been given some guidance,
 9 I guess, to look at other options. JRCC has
 10 often requested -- not often, on occasion, have
 11 asked if we've explored all options. So at that
 12 time we would look to see if there are any other
 13 corporate assets or entities within the Province
 14 that have the capabilities to fly at night. And
 15 if there were, then we would reach out and ask if
 16 they could provide assistance.
 17 WILLIAMS, Q.C.:
 18 Q. And there does exist other entities that have
 19 that capacity. It's just that the Province
 20 hasn't contracted with them formally at this
 21 point in time?
 22 MR. RUMBOLT:
 23 A. That is correct, sir.
 24

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1 WILLIAMS, Q.C.:
 2 Q. Okay. And are there ever instances whereby a
 3 search is ongoing -- obviously provincial
 4 resources can't fly at night, and you don't
 5 contact JRCC?
 6
 7 So, I mean, what I'm getting at is, is it
 8 standard practice in all instances that if an
 9 individual is missing and the search goes into
 10 nighttime hours, that JRCC are automatically
 11 contacted?
 12 MR. RUMBOLT:
 13 A. So we would be taking our direction from the
 14 police agency having jurisdiction, the RNC or the
 15 RCMP. If, for instance, a helicopter had flown
 16 all day it would be their decision if they would
 17 want air support at night. If they ask us for
 18 air support at night, we automatically call JRCC.
 19 WILLIAMS, Q.C.:
 20 Q. Okay. So that decision would lie in the
 21 discretion of the incident commander on scene?
 22 MR. RUMBOLT:
 23 A. That's correct. For instance, like weather could
 24 have deteriorated at the end of the day, and at

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1 that point they might decide, okay, based on
 2 their knowledge it might not be practical for any
 3 aircraft to fly. So we just take our direction
 4 from them.
 5 WILLIAMS, Q.C.:
 6 Q. Okay. All right, thank you. That's all the
 7 questions I have.
 8 COMMISSIONER IGLOLIORTE:
 9 Please continue.
 10 MR. BUDDEN:
 11 Q. Thank you, Mr. Rumbolt. You'll recall a line of
 12 questioning I pursued in the Makkovik about the
 13 relative responsibilities of the government. I
 14 don't plan to go over that fully. But you did
 15 hear Lieutenant Colonel Marshall's reply to the
 16 question I put to him about the responsibility of
 17 the federal government primarily being a marine
 18 responsibility and any assistance they provide to
 19 the province for Ground Search and Rescue being a
 20 discretionary humanitarian responsibility.
 21
 22 Do you disagree at all with any of the evidence
 23 he gave and, if so, please elaborate.
 24

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1 MR. RUMBOLT:
 2 A. Regarding that point, what Lieutenant Colonel
 3 Marshall had said is correct. They have other
 4 objectives, I guess, or missions. And when we
 5 request a humanitarian mission it depends upon
 6 their availability to fulfil that request.
 7 MR. BUDDEN:
 8 Q. And we'll be returning to some of this at the
 9 policy roundtable. So I won't ask you now, but
 10 in advance of that perhaps you could look into
 11 some of those other options that you indicated
 12 are available if the JRCC isn't. And I may have
 13 some more questions at that time about those.
 14 MR. RUMBOLT:
 15 A. We'll do our best to have that information
 16 available.
 17 MR. BUDDEN:
 18 Thank you. Other than that, I have nothing
 19 further, Mr. Commissioner. I'm sorry, just one,
 20 if I may.
 21 BY MR. BUDDEN:
 22 Q. From reading these documents, this appears, I
 23 guess I would characterize it as an effective,
 24 unremarkable engagement of the Emergency

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1 Services.

2

3 You were contacted. Things went fairly smoothly

4 in that the resources were called on and, weather

5 permitting, were made available and with the one

6 interruption for the medevac.

7

8 Would you disagree with that?

9 MR. RUMBOLT:

10 A. Seems that the weather was the biggest factor to

11 this. Everything else seems to have fallen in

12 place.

13 MR. BUDDEN:

14 Q. Okay, thank you. That is it?

15 COMMISSIONER IGLOLIORTE:

16 Q. Thank you. Did you have any dealings with the

17 health boards and medevacs, and how does that

18 system work?

19 MR. RUMBOLT:

20 A. Other than having situational awareness of

21 knowing when they have requested humanitarian

22 assistance from the military as well, for

23 medevac, we have no dealing with that. It's a

24 separate entity. And that process was only

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1 recently put in place between myself and one of

2 their officials so that we would know how things

3 were taking place with respect to rotary wing

4 aircraft, the helicopters.

5

6 So they make their requests to JRCC directly as

7 well, through their authorized personnel.

8 COMMISSIONER IGLOLIORTE:

9 Q. Yes, but the Province has a system of fixed wing

10 medevac?

11 MR. RUMBOLT:

12 A. They do, indeed. Fixed wing, yes.

13 COMMISSIONER IGLOLIORTE:

14 Q. Tell us about that.

15 MR. RUMBOLT:

16 A. That would be outside of my purview,

17 Mr. Commissioner. I know that they do. I can't

18 speak to the exact capabilities, numbers,

19 anything of that nature, as it doesn't fall under

20 our division.

21 COMMISSIONER IGLOLIORTE:

22 Q. And what is the route for getting that kind of

23 service? Who does it go through? Maybe you

24 don't know?

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1 MR. RUMBOLT:

2 A. It's through the aid group known as Medflight NL.

3 We could get that information and make that

4 information available to you.

5 COMMISSIONER IGLOLIORTE:

6 Q. Not through your office?

7 MR. RUMBOLT:

8 A. Not through my office, no.

9 COMMISSIONER IGLOLIORTE:

10 Q. Okay.

11 RALPH, Q.C.:

12 But certainly, Commissioner, we can get that

13 information and that shouldn't be very difficult

14 to answer your questions.

15 COMMISSIONER IGLOLIORTE:

16 Q. Thank you. And again, your office does not have

17 any contract with fixed wing assets?

18 MR. RUMBOLT:

19 A. That is correct, we do not.

20 COMMISSIONER IGLOLIORTE:

21 Q. Just the helicopters?

22 MR. RUMBOLT:

23 A. That is correct. Helicopters through the current

24 contract of Canadian Helicopters.

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1 COMMISSIONER IGLOLIORTE:

2 Q. And you do not have any line of communication

3 then with how, say, CASARA members may be used?

4 MR. RUMBOLT:

5 A. That's a good question. I believe we alluded to

6 that briefly in Makkovik. So CASARA has an MOU

7 with the Province which outlines that for CASARA

8 to be tasked it's done through the two police

9 forces responsible for ground search and rescue.

10

11 The Emergency Services Division doesn't have the

12 mandate to task CASARA spotters to use their

13 personal aircraft or to get on a provincial

14 government asset or any asset. It has to be done

15 through the police.

16 COMMISSIONER IGLOLIORTE:

17 Q. Okay. All right. Well, thank you very much.

18 MR. RUMBOLT:

19 A. Thank you.

20 MR. BUDDEN:

21 Mr. Commissioner, that is all the evidence we

22 have ready to call today. At 9:00 tomorrow

23 morning we'll be hearing from members of the Bay

24 of Islands Search and Rescue team.

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1 The parties may wish to review the exhibit that
 2 was entered earlier today. I misplaced the
 3 numbers. 179, Madam Clerk, or 180?
 4 THE CLERK:
 5 178.
 6 MR. BUDDEN:
 7 178. And also, there was a written submission
 8 dated August 19th from the same search and rescue
 9 team. I believe that's Exhibit 76. And that is
 10 a short letter.
 11
 12 The counsel at least may wish to review that in
 13 advance of this team appearing because I would
 14 imagine they'll be wanting to speak to that as
 15 well. So they'll be here to tell us about
 16 themselves.
 17
 18 As we've heard from Deer Lake, they have had
 19 success in recruiting younger members and we hope
 20 to have a couple of those here tomorrow as well.
 21 So we'll be hearing from the Executive and
 22 hopefully a couple of those members. They wish
 23 to discuss the (inaudible) of general concern,
 24 and also they're going to talk about the Cody

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CERTIFICATE

I, Beverly Guest, of Elite Transcription, of St. John's, in the Province of Newfoundland and Labrador, hereby certify that the foregoing, numbered 1 to 262, dated September 21, 2021, is a true and correct transcript of the proceedings which has been transcribed by me to the best of my knowledge, skill and ability.

Certified By:

Beverly Guest Digitally signed by Beverly Guest
 Date: 2021.10.14 11:20:01 -

Beverly Guest,
 Court Reporter

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1 Peddle search so that we can learn a bit about
 2 how that successful operation was carried out.
 3
 4 That's it for today, Mr. Commissioner.
 5 THE CLERK:
 6 All rise. This Commission of Inquiry is
 7 concluded for today. Thank you.
 8
 9 **(Inquiry is adjourned)**

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