

ELLIOT LAKE COMMISSION OF INQUIRY

DAY 109

September 25, 2013



Neeson & Associates
COURT REPORTING AND CAPTIONING INC.

141 Adelaide Street West | Suite 1108
Toronto, Ontario M5H 3L5
1.888.525.6666 | Fax: 416.413.0230

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ELLIOT LAKE COMMISSION OF INQUIRY

--- This is Day 109 in the Inquiry proceedings held before the Honourable Justice P.R. Bélanger, Commissioner, taken at the White Mountain Academy of the Arts, 99 Spine Road, Elliot Lake, Ontario, on the 25th day of September, 2013, commencing at 9:00 a.m.

REPORTED BY: Deana Santedicola
CSR, CRR, RPR

1 A P P E A R A N C E S:
2 Mark Wallace, Esq., Commission Counsel
3 & Duncan Ault, Esq.,
4
5 Ernie Thorne, Ontario Professional
6 Fire Fighters
7
8 Carolyn McKenna, Esq., Ontario Fire Chiefs
9 Association
10
11 Richard Oliver, Esq., For the City of
12 Toronto/HUSAR
13
14 Paul Cassan, Esq., City of Elliot Lake
15
16 Norm Feaver, Esq., OPP
17
18 Carolyn Filgiano, Esq., ELMAC
19 & Alexandra Carr, Esq.,
20
21 Judith Parker, Esq., Government of Ontario
22
23
24
25

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1 -- Upon commencing at 9:00 a.m.

2

3 THE COMMISSIONER: Good morning,
4 everybody.

5 MR. WALLACE: Good morning,
6 Commissioner.

7 THE COMMISSIONER: And this is Captain
8 McRae this morning. Good morning, sir. Welcome.

9 THE WITNESS: Thank you.

10 THE COMMISSIONER: Go ahead,
11 Mr. Registrar.

12 MARTIN MCRAE: SWORN.

13 EXAMINATION IN-CHIEF BY MR. WALLACE:

14 Q. Thank you, Commissioner.

15 Good morning, Captain McRae.

16 A. Good morning.

17 Q. I understand, sir, that you have
18 been a member of the Toronto Fire Service for
19 approximately 29 years?

20 A. Yes.

21 Q. And your current position or your
22 current rank is as a Captain, as we have heard. I
23 understand, though, that specifically your main
24 function these days with the Toronto Fire Service
25 is in a training capacity; is that correct?

1 A. That's right, with Toronto HUSAR
2 and Toronto Fire. I share my time with both.

3 Q. Okay. And with Toronto Fire, what
4 is your position there?

5 A. Toronto Fire as a Training
6 Captain.

7 Q. Exactly. Okay. So what does that
8 exactly mean?

9 A. I'm in charge of some technical
10 rescue that Toronto Fire would do, so in particular
11 I -- my mandate to train would be for confined
12 space rescue and high angle rescue, and I also help
13 out in the auto extrication rescue.

14 Q. And is this force service-wide
15 training that you are offering, or is it restricted
16 to a sector of the City?

17 A. It is specific to heavy rescue
18 trucks, so these are trucks that would be specific
19 to technical rescue, so this would be part of their
20 disciplines.

21 Q. Okay. And is this a full-time
22 position for you?

23 A. Yes.

24 Q. Okay. So you occupy your time
25 exclusively to training?

1 A. Yes.

2 Q. Okay. And how long have you been
3 in that capacity as a trainer with the Toronto Fire
4 Service?

5 A. As a training officer, I believe
6 it was 2010. Prior to that, I was a Shift Training
7 Instructor.

8 Q. And what did that mean?

9 A. A Shift Training Instructor is on
10 your shift, you were responsible for doing certain
11 training, so when I was part -- doing that
12 position, I was responsible for doing elevator
13 rescue, auto extrication rescue, trench rescue.

14 Q. And would this training be
15 training that is offered strictly to the fire
16 personnel operating out of a certain fire station?

17 A. Again, it would be the same trucks
18 that I would -- that I talked about earlier, the
19 heavy rescue trucks.

20 Q. So it would be service-wide?

21 A. Right, for those trucks.

22 Q. Specific to those trucks?

23 A. That's right.

24 Q. But not limited to one fire
25 station?

1 A. That's right.

2 Q. Okay. And I gather, then, there
3 is a certain overlap in terms of your training
4 skills, that is, not only the fact that you are a
5 trainer, but the skills that you are training
6 others to do with the Fire Service, as well as
7 TF-3?

8 A. That's right. So some of the
9 topics or some of the skills that we are talking
10 about right now would be transferable to Canada
11 Task Force 3, and that would come under the NFPA
12 standards that you have discussed before.

13 Q. Okay. And I understand as well,
14 sir, that you joined TF-3 in 2003?

15 A. That's right.

16 Q. And when you joined, you came in
17 as an instructor; is that correct?

18 A. That's right.

19 Q. And could you give the
20 Commissioner the Coles Notes version of your
21 training prior to -- your relevant training, that
22 is, prior to joining TF-3?

23 A. So I would have been -- I have
24 spent most of my career looking after or trying to
25 better myself in technical rescue, and so I would

1 have been taught swift water rescue, ice water
2 rescue, trench rescue, auto extrication, elevator
3 rescue, high angle rescue, so I have taken those
4 courses.

5 And then becoming an instructor for
6 Canada Task Force 3, we also had to have a
7 competent supervisor behind us and strategies of
8 instructions to be part of that team.

9 Q. And I understand that you received
10 your certification as an instructor in the facility
11 in Brandon, Manitoba?

12 A. That's right. And so part of that
13 was based on our National Program that we have when
14 the Federal Government was running that, and that
15 was to certify instructors across Canada, and that
16 was -- also a dual purpose was that we as a third
17 party, I could go out and certify one of the other
18 teams that they were doing the training that was
19 supposed to be -- that they were supposed to be
20 doing.

21 Q. Yeah. And I understand that in
22 this fashion, this is a way that ensures that the
23 standards and quality of training is uniform across
24 the country as far as the National Program is
25 concerned.

1 A. That's right. One of the mandates
2 was to make sure that there was some uniformity
3 throughout.

4 Q. And I understand that you received
5 some structural collapse training prior to 2003 at
6 the facility in Vancouver?

7 A. Yes. So when we first came on in
8 2003, we went out there since they were an existing
9 team, and they taught us Systems 1 and 2, which is
10 kind of, I guess, for the better term now what you
11 know as a technician's course.

12 Q. Okay. And as well, you have had
13 some training in the TEEEX facility affiliated with
14 Texas A&M University?

15 A. That's right. And basically, it
16 was the same course, just at a different location
17 we went to.

18 Q. And if we could have a quick look
19 at Exhibit No. 7664, and if we could go to page 30
20 of 55, and I'll draw your attention to the year
21 2005. We seem to have a multitude of courses in
22 structural collapse -- sorry, yes, 2005, in
23 structural collapse in that year, and I gather,
24 based on the evidence we heard yesterday from
25 Captain Guy, that these are courses you actually

1 instructed in as opposed to you were a student in?

2 A. That's right.

3 Q. Okay. And the courses, the vast
4 majority, if not all of the courses that are
5 outlined in your training document or training
6 records are in fact, courses, that you instructed
7 in as opposed to took yourself?

8 A. That would be true.

9 Q. Okay. Thank you.

10 Now, within Task Force 3, what is your
11 position? What function do you play within Task
12 Force 3?

13 A. In deployment, I'm classified as a
14 Rescue Specialist.

15 Q. Okay. And I understand that you
16 also have a role pre-deployment in logistics; is
17 that correct?

18 A. That's right. So I assist Tony
19 Comella, Captain Comella in kind of the day-to-day
20 operations, which would include training.

21 Q. Okay. And we have heard from
22 Captain Comella that he spends full-time -- his
23 time is devoted exclusively to TF-3 business. Can
24 you give us an indication of the percentage of your
25 working time is spent on TF-3 business?

1 A. I would say the majority of my
2 time, so probably about 75 percent.

3 Q. Okay.

4 THE COMMISSIONER: You spoke of
5 deployment, Captain. We have heard, for example,
6 that Captain Guy was often deployed as a Rescue
7 Squad Leader. There is a difference between that
8 and Rescue Specialist, I take it?

9 THE WITNESS: That's right. So in that
10 case, Captain Guy was field-promoted because there
11 was a vacancy, because of his background in the
12 team.

13 THE COMMISSIONER: Right. That doesn't
14 apply to you?

15 THE WITNESS: It could.

16 THE COMMISSIONER: It could?

17 THE WITNESS: On paper, I'm classified
18 as a Rescue Specialist.

19 THE COMMISSIONER: And has it happened
20 that you were deployed as a Rescue Squad Leader in
21 the past, either on a training exercise or in a
22 real incident?

23 THE WITNESS: Yes. In about, right,
24 yes, sir.

25 THE COMMISSIONER: Thank you.

1 BY MR. WALLACE:

2 Q. I will just quickly ask you this.
3 What position did you occupy in the deployment to
4 Elliot Lake?

5 A. I would say the majority of my
6 time was -- would have been Logistics Chief.

7 Q. Okay. I gather by the hesitation
8 in your voice, you had more than one position then?

9 A. It was sometimes a multi-hat days,
10 yes.

11 Q. Okay. We will get to that in a
12 moment.

13 I understand that your most recent
14 training has been in the planning field; is that
15 correct?

16 A. That's right. In the springtime,
17 I went out to our School of Excellence in Manitoba
18 and took a planning course.

19 Q. And as I understand it, you took
20 the course alongside of Captain Comella and another
21 member?

22 A. Chief Silvers.

23 Q. Okay. So the three of you went
24 out?

25 A. Yes.

1 Q. Okay. And at the end of that --
2 first of all, how long was the course?

3 A. The course was five days long.

4 Q. Okay. And at the end of the
5 course, do you get a designation of some sort or a
6 certificate or what?

7 A. You get a certificate. At the end
8 of the course, there is a written test, and I
9 believe it was a 70 percent passing grade that you
10 had to obtain.

11 Q. Right.

12 A. And then if you did, you got the
13 certificate.

14 Q. A certificate that said what?

15 A. To be honest with you, without
16 having it in front of me, I don't know if it was
17 certified or you were completed -- you had
18 completed this course.

19 Q. You are familiar with the IMS
20 system?

21 A. I have used it for 30 years, yes.

22 Q. Okay. And one of the functions in
23 IMS is a Planning Section Chief. Is the completion
24 of this course a prerequisite to occupying that
25 position?

1 A. It would give the TF-3 more
2 options if required.

3 Q. Okay.

4 A. In manning.

5 Q. And this course was taken in 2013?

6 A. Yes.

7 Q. To your knowledge, had anybody
8 from TF-3 taken this course at the time of the
9 deployment in Elliot Lake, that is, in June of
10 2012?

11 A. This specific course? No.

12 Q. Okay. And was there, to your
13 knowledge, anybody who had received any sort of a
14 certification equivalent to this?

15 A. As far as I'm aware, no.

16 Q. Okay. So now, at this point in
17 time, there are three people who have this
18 designation that would allow them to fulfil the
19 role of Planning Section Chief: yourself, Captain
20 Comella, and Deputy Chief Silvers?

21 A. Division Chief Silvers.

22 Q. Division, okay.

23 A. Yes.

24 Q. Okay. And I understand that one
25 of the motivations for sending you folks to

1 Manitoba was this was a deficiency that was
2 recognized in the composition of TF-3. There was a
3 hole in your organization.

4 A. Yes. And we were trying to move
5 forward from -- actually from this deployment, from
6 some of the stuff that we seen that we were
7 shortcomings in.

8 Q. From Elliot Lake?

9 A. That's right.

10 Q. Okay. And planning was recognized
11 as being a deficiency in Elliot Lake, and this was
12 an attempt to rectify that moving forward to the
13 future?

14 A. That's right. We wanted to move
15 forward. The team actually wanted to do this
16 earlier. Again, we talked about the Federal
17 Program in that we wanted all the teams to come up
18 with a common course, and one of the courses that
19 was discussed at that level was a planning course.
20 So obviously now that we have lost our funding,
21 federal funding, that became an issue.

22 And that was just to make sure that all
23 the teams were on the same page as for planning.

24 Q. Okay. As far as persons who are
25 deployed from TF-3, what level of training do they

1 have to have to work in the hot zone? Just talking
2 about as a general theoretical framework here.

3 A. Right. We kind of follow the
4 federal mandate, in which they would have to have
5 -- be at a technician level.

6 Q. And is that a technician level in
7 structural collapse, or does it just mean that they
8 have started to take -- sorry, they have completed
9 at least one of the five core courses?

10 A. They would have at least completed
11 one of the five.

12 Q. Okay. And completed one of the
13 five to the technician level?

14 A. That's right.

15 Q. Okay. So they would not have
16 attained technician level in all five of the
17 skills?

18 A. No.

19 Q. Necessarily.

20 A. Right.

21 Q. They may have it, but they don't
22 have to have it?

23 A. That's right. That is our minimum
24 standard.

25 Q. Okay. Now, if we could actually

1 deal with the deployment, and if we could go to
2 Exhibit No. 7542, and that is at tab 1 in the
3 volume that is called "HUSAR Notes, Reports and
4 E-mails", if you care to use the paper, or you can
5 follow along on the screen, as I explained to you
6 earlier.

7 A. Thank you.

8 Q. This document is, as we can see,
9 entitled "Elliot Lake Rescue Time Line By Martin
10 McRae". The first question is: When was this
11 document created?

12 A. The typed version would have been
13 -- part of this was probably done on early Monday
14 evening, and then on my drive returning to Toronto,
15 I had a driver. I was in one of the support
16 vehicles and had my computer, putting this
17 information down.

18 Q. When you say Monday evening, you
19 would be talking about the Monday during the
20 deployment?

21 A. Yes.

22 Q. Which would be the 25th of June?

23 A. That's correct.

24 Q. Okay. And so would all of the
25 notations, if you turn to page 1852, please, which

1 if you are using the -- well, I guess you are using
2 the screen.

3 A. Yes.

4 Q. We will just wait. Okay. The
5 previous page, you can see that this is dealing
6 with Monday, this, and we have got 14:20 is a
7 notation, and then we have got 10:00ish. Given the
8 fact that you completed part of the notes on
9 Monday, would it be right in saying that you
10 completed everything up to and including the note
11 at 14:20 on the Monday?

12 A. That's correct.

13 Q. I mean, a lot of the notes have
14 very specific times. Where did they come from?

15 A. Up until that point, I was -- at
16 the start of the deployment, I was on a training
17 exercise, and I was using pieces of paper. Once we
18 got to Elliot Lake, it was raining fairly hard, and
19 I didn't have rain gear on. A lot of the notes did
20 get wet and were very poor to read.

21 So those notes up to that timeline that
22 you suggest were based on those notes.

23 Q. Okay. So those notes have not
24 been provided to us; is that correct?

25 A. That's right. After I typed this

1 out, because they were in such bad condition, I
2 just threw them out.

3 Q. Okay. But the times that you have
4 noted here, to the best of your ability, do they
5 accurately reflect the time something happened?

6 A. To the best of my ability, yes.

7 Q. Okay. And when you were taking
8 the notes that you have indicated, were you making
9 these notes contemporaneous, or did you sit down,
10 say, for example, two or three hours after the fact
11 and sort of reconstruct it on paper at that point
12 in time?

13 A. My paper notes were when it was
14 happening.

15 Q. Contemporaneous?

16 A. That's right.

17 Q. Okay. So if we can deal with your
18 notes, we can go back to the first page, Ms. Kuka,
19 1848, and the very first notation you have got is
20 at 15:35, so 3:35 in the afternoon you receive a:

21 "Call from [Captain] Comella,
22 province phone for Elliot Lake
23 collapse."

24 Is this call in the nature of a
25 heads-up that there is this collapse; we may be

1 deployed? Or is this a call telling you that we
2 are going to be deployed?

3 A. This is -- at this particular time
4 it is more of a heads-up that it looks like we are
5 going, but it was nothing confirmed at that
6 particular time.

7 Q. Okay. And you were part of this
8 group that was on a training exercise; is that
9 correct?

10 A. That's correct.

11 Q. Okay. And was it at a place
12 called River Rouge?

13 A. Rouge Valley.

14 Q. Rouge Valley?

15 A. Yes. It's the east end of the
16 City of Toronto.

17 Q. Okay. And the next note you have
18 is 16:00ish:

19 "No duff called in training
20 exercise, all personnel returning to
21 staging for call out".

22 What does "no duff" mean?

23 A. In a training exercise, that's --
24 means there is a real emergency, so the training
25 staff would take over the call. So in that case,

1 we wanted -- we found out that we are definitely
2 responding to Elliot Lake at that particular time,
3 and we needed to get everyone back to our staging
4 area.

5 We were in a forested area in Toronto,
6 so we had people scattered all throughout the
7 forest at that particular time.

8 Q. Okay. And so as of 4 o'clock-ish,
9 as you have noted here, you were informed that this
10 is for real?

11 A. That's right.

12 Q. Okay. And it doesn't indicate
13 here, but who told you that?

14 A. It would have been Tony Comella.

15 Q. Okay. So it doesn't identify him
16 here, but there would have been a subsequent call
17 from him between that is not noted, though?

18 A. That's right. And if you see
19 there at 16:05, Lawson, Neadles had asked me to get
20 in touch with him. Neadles was our on-call Site
21 Commander, so he got that confirmed telephone call
22 and needed to make sure that I was aware of that.

23 Q. Okay. And then going down, we
24 have at 16:14ish:

25 "Comella calls confirms CAN-TF3 is

1 deploying to Elliot Lake."

2 He would simply be repeating what you
3 already knew.

4 A. That's right. And I think
5 repeating. It was probably when that 6 o'clock
6 timeline, probably the call had come from Neadles,
7 if I remember correctly now.

8 Q. The one you have got there at
9 16:00ish?

10 A. Yes, that's right.

11 Q. Okay. So to the best of your
12 recollection is that notification came from Staff
13 Inspector Neadles?

14 A. That's correct.

15 Q. Okay. And at 16:00, 4 o'clock in
16 the afternoon, you know that you are being
17 deployed. Are there certain responsibilities that
18 you have as a result of the deployment that nobody
19 has to tell you about, that because the deployment
20 is happening, therefore, Captain McRae is going to
21 do such and such?

22 A. That's correct.

23 Q. Okay. And what would those be,
24 those basic responsibilities that you have with
25 respect to a deployment?

1 A. Part of my time that I spend with
2 HUSAR on a day-to-day basis would be logistics.

3 Q. Uhm-hmm.

4 A. And that would to make sure that
5 logistics is moving forward. That would be
6 equipment, any purchasing of certain equipment,
7 vehicles that would be required, and pushing the
8 team out the door.

9 Q. Okay. Now, if we drop down, and
10 we have got the note at 17:05. It says:

11 "Demy phoned by McRae to arrange
12 for 3 tractor rentals and drivers."

13 Who is Demy?

14 A. Paul Demy is in charge of moving
15 us. He is our main driver, so he has the contacts
16 for A-licensed drivers that we require, and he has
17 contacts for rental companies for the tractor
18 trailers that we need to move our trailers.

19 Q. We understand that TF-3 owns their
20 own trailers, but does not own their own tractors.

21 A. That's correct.

22 Q. So any time that the trailers are
23 going to be moved, you have to make arrangements to
24 get a tractor?

25 A. That's correct.

1 Q. Okay. Now, my question is: If
2 you know at 4 o'clock that you are going to be
3 deployed, why would you wait until 5:05 to call
4 Mr. Demy to arrange for the tractors, because you
5 know you need the tractors; the trailers aren't
6 going to get themselves there on their own?

7 A. Right. Again, because we were in
8 the middle of an exercise, part of my priority is
9 the safety of the people that are in that exercise.
10 So my priority at that time was to ensure that
11 everyone was back that had to get back into
12 staging, that we talked about at -- where did we
13 see that?

14 Q. That is at 4 o'clock.

15 A. That is 4 o'clock. I'm sorry,
16 yes. Thank you. So again, we were in a large
17 forested area, and we just had to ensure that we
18 had everyone back, everyone was accounted for.
19 Once we were back in staging, there was a PAR just
20 to ensure that all people were accounted for, and
21 then we proceeded back to our HUSAR building.

22 Q. So in answer to the question, was
23 there anything that was actually preventing you
24 from making this call? Because I don't imagine it
25 would have taken very long because you wouldn't

1 have to explain too much to this guy.

2 A. No. I guess it was just my
3 priorities at that particular time.

4 Q. Fair enough. Now, so at 17:10,
5 5:10 in the afternoon, it says:

6 "Above personnel arrives at HoH".
7 Home of Operations?

8 A. That's correct.

9 Q. Okay. And the "above personnel"
10 are simply yourself, Guy, Rowland, Lester and --
11 correct?

12 A. That's correct.

13 Q. The rest of the people that were
14 on the exercises, would they go back to the Home of
15 Operations, or would they go to the muster point?

16 A. They came back to the Home of
17 Operations. They were on a bus at that particular
18 time.

19 Q. Uhm-hmm. But you weren't on the
20 bus?

21 A. No. I was in a support vehicle
22 that had lights and sirens.

23 Q. Okay. And was there a reason that
24 these people would go back to the Home of
25 Operations as opposed to the muster point?

1 A. Because this was a training
2 exercise, people had personal belongings back at
3 this location; they had their vehicles. And based
4 on the call-out that we were going to proceed with
5 or prior commitments to these people, not all these
6 people would go on this deployment.

7 Q. Okay. Is that where you started
8 your training day, at the Home of Operations?

9 A. That's correct.

10 Q. Okay. So it would allow those
11 persons that were not going to be coming to get off
12 and get their cars and go home, and it would also
13 allow those who were coming, if there was anything
14 they needed from their vehicles, they could pick it
15 up, and then they would be taken to the muster
16 point?

17 A. That's correct. They would drive
18 to the muster point, and a lot of them would
19 probably very quickly go home and get some personal
20 belongings that is required for a few days of
21 operation.

22 Q. Okay. Because nothing as far as
23 the deployment of the -- we'll call them the troops
24 was going to take place at the Home of Operations?

25 A. That's right. That is part of our

1 policy.

2 Q. Fair enough. Now, we move down
3 here, and it says at 17:12:

4 "McRae phoned Sorel for 3
5 drivers".

6 Is this because Mr. Demy wasn't able to
7 get any drivers?

8 A. He had phoned me saying that he
9 was having troubles finding drivers, and I think he
10 was actually having a little bit of trouble
11 locating tractors at that particular time, so I
12 said I would phone Don Sorel who is part of our
13 Toronto Water. We have agreement with Toronto
14 Water that if possible or when possible, if we
15 required drivers, that they would supply them to
16 us.

17 And that is what eventually happened is
18 they did supply three drivers to us.

19 Q. Okay. So the drivers that
20 ultimately were produced and drove to Elliot Lake
21 were people whose day jobs were with Toronto Water?

22 A. That's correct.

23 Q. Okay. Who is Mr. Demy? Is he a
24 member of the team, or is he just another municipal
25 employee of Toronto?

1 A. He is not a member of the team.
2 He is a Toronto fire fighter, but he has a driving
3 background, a Class A driving background, and that
4 is why we use him, because of his experience in
5 that field.

6 Q. Right. But you weren't expecting
7 him to drive a vehicle?

8 A. Yes.

9 Q. You were?

10 A. Yes.

11 Q. Okay. And --

12 A. And I'm sorry. He was part of our
13 driver that went up there.

14 Q. Okay. But were he and Don Sorel
15 operating from the same pool of drivers? That is
16 my point.

17 A. No, different pools.

18 Q. Okay. And Demy's pool came up
19 empty?

20 A. That's right.

21 Q. Except for himself?

22 A. That's right.

23 Q. And then the call goes in to
24 Mr. Sorel, who is also a member of TF-3?

25 A. That's right.

1 Q. Right. And for him to come up
2 with -- for three drivers?

3 A. That's right. And at that time
4 when Mr. Sorel confirms that he had the three
5 drivers -- I don't remember -- I might have phoned
6 Mr. Demy and said, "We have the three drivers, so
7 just concentrate on the tractors," at that
8 particular time then.

9 Q. Okay. And you indicated that he
10 was having some difficulty in the tractor
11 department as well?

12 A. Yeah. We have different contacts
13 for tractors, obviously, rental companies,
14 depending on the time of the season or whatever,
15 their availability of tractors, so that is why we
16 always have more than one contact for tractor
17 rentals.

18 Q. Okay. Now, as we can see at
19 17:20, Mr. Lester is in charge of the kit bags.
20 This is the equipment that all those people
21 deployed are going to be taking with them?

22 A. That's right. That is uniforms
23 and personal protection equipment.

24 Q. And these are kept at the Home of
25 Operations?

1 A. That's correct.

2 Q. And the issue here is gathering up
3 the kit bags, putting them on a cube van, and
4 taking them from the Home of Operations to the
5 muster point?

6 A. That's correct.

7 Q. Okay. And in order to do that,
8 you would have to know who is coming; is that
9 correct? Because everybody's equipment is
10 different.

11 A. Right. No, that is not correct.
12 We basically load every bag in the cube van and
13 take it with us, and then at the muster point,
14 whoever shows up, their equipment will be there.

15 Q. So you have got over 100 members,
16 so you would load up all 100 kit bags?

17 A. That's correct.

18 Q. Okay. Now, if we look down here
19 at 17:20, Lester is put in charge of gathering up
20 the kit bags, and you and the rest of them are
21 already at the Home of Operations. If we drop
22 down, we see 19:57:

23 "Kit Bags are finished & cube
24 truck packed".

25 That is about two and a half hours to

1 pack up the kit bags on to the cube van. It
2 strikes me that is a long time. Am I wrong about
3 that, or is that very typical? It takes two and a
4 half hours to pack 100 bags.

5 A. No. The bags could get packed
6 fairly quickly. Through that timeline, Mr. Lester
7 is -- I consider him kind of my assistant in
8 logistics. He has a lot of knowledge with
9 equipment down at that location. So even though I
10 haven't put it in my timeline, I have asked him to
11 put that -- he is in charge of the kit bags, but I
12 have also asked him to do a number of other chores
13 to get done.

14 So when I say he is in charge of
15 putting the kit bags on the truck, it might not be
16 him personally. He is probably -- he has a crew of
17 people that are able to do that for him, and he is
18 also looking after other responsibilities that I
19 have assigned to him.

20 THE COMMISSIONER: Give me an idea of
21 what a kit bag looks like. I mean, is it a small
22 thing, a big thing?

23 THE WITNESS: Our kit bags consist of a
24 big knapsack, if you would, and they are, you know,
25 in this kind of --

1 THE COMMISSIONER: A big pack sack?

2 THE WITNESS: A big pack that you can
3 put on your shoulder if a personnel had to carry
4 it, so that is what is being loaded on the cube
5 truck.

6 THE COMMISSIONER: Just remind me again
7 what is in there.

8 THE WITNESS: It is uniforms and their
9 personal protection equipment, so such things as
10 helmets, safety glasses, respiratory protection,
11 those types of things.

12 THE COMMISSIONER: All right.

13 BY MR. WALLACE:

14 Q. Would it be bigger or smaller than
15 a hockey bag?

16 A. A little bit smaller than a hockey
17 bag, yes.

18 Q. Okay. And like a hockey bag, it
19 can be worn on the back?

20 A. That's correct.

21 Q. Okay. What would be a reasonable
22 time frame to actually get the truck loaded with
23 the kit bags? Like --

24 A. Probably they could do that within
25 an hour, I would think.

1 Q. Okay. And at 17:55, that is, at
2 five to 6:00, the bus, that is, the -- I understand
3 this is a Toronto Police Service bus. It left to
4 go to the muster point, so it left the Home of
5 Operations to go to the muster point.

6 A. That's right. It dropped off all
7 the people that are required to go back, and then
8 some of the police personnel had their vehicles at
9 this particular muster point, which was a police
10 station.

11 Q. Okay. But was there a complement
12 of people when had been on the training exercise
13 who simply stayed at the Home of Operations and
14 waited for this bus to show up, or did those people
15 from the training exercise, did they go over to the
16 muster point or go home or make their way on their
17 own?

18 A. They made their way on their own,
19 just because they probably had to go home and pick
20 up some personal effects.

21 Q. Right.

22 A. And those personnel that did not
23 go on this deployment that were on the training
24 exercise stayed at the building and helped us get
25 ready for this deployment.

1 Q. Okay. And they wouldn't have gone
2 on the bus over to the muster point because they
3 weren't going?

4 A. That's correct.

5 Q. So who did go on the bus? Like,
6 I'm just wondering why did the bus go to the Home
7 of Operations as opposed to go to the muster point?
8 Because if that is where everybody is going to be
9 meeting in any event, why would it even bother
10 showing up there?

11 A. Well, we had to bring everyone
12 back that was on the training exercise to the Home
13 of Operations.

14 Q. Yes, I got that.

15 A. Because that is where their
16 vehicles were.

17 Q. Right.

18 A. So they dropped them off, and then
19 once that was done, that bus went back to the
20 muster point to get ready for the deployment.

21 Q. Okay, I got it.

22 THE COMMISSIONER: How far away
23 physically is the -- you don't have to tell me
24 where it is -- but the muster point is from the
25 base of operations or the HOO?

1 THE WITNESS: I would just estimate
2 probably about 10 kilometres, sir.

3 THE COMMISSIONER: Okay.

4 BY MR. WALLACE:

5 Q. And then the personnel arrives at
6 the muster point; correct?

7 A. Yes.

8 Q. That is, the people who are going
9 to be deployed?

10 A. That's right.

11 Q. And I understand at the muster
12 point, three significant things take place. Number
13 one, those deployed or to be deployed get a medical
14 of some sort?

15 A. That is the first thing that
16 happens, yes.

17 Q. Okay. And this will either be
18 done by a paramedic or a doctor if there is a
19 doctor available?

20 A. That's correct.

21 Q. Okay. And do you know in this
22 case whether these physicals were done by a
23 paramedic or by a doctor?

24 A. I'm sorry. I don't know that.

25 Q. I assume that there would be more

1 than one paramedic doing this; is that correct?

2 A. That's correct.

3 Q. Okay. And then the second step is
4 that the people are given their kit bags?

5 A. That's right. And then they get
6 into their uniforms.

7 Q. Get in their gear. And then I
8 also understand that there is a briefing that takes
9 place?

10 A. Right. For the information that
11 is obtained at that particular time, our Site
12 Commander would give a debriefing to those people.

13 Q. Okay. And was this something that
14 you were present for? Did you hear this briefing
15 take place?

16 A. No, I was not present.

17 Q. Okay. And do you know how it was
18 determined how many people were going to be needed
19 on this deployment?

20 A. That would have been a group
21 decision that was probably discussed myself,
22 Captain Comella. I'm sure Deputy Chief Jenkins was
23 aware that we were going out. He was the acting
24 Fire Chief at the time, and through the Province of
25 Ontario, from that information that was received

1 from them would be -- and the type of equipment
2 that they were looking for would rely on that, or
3 the number of people that would be coming to this.

4 Q. Do you have a recollection of a
5 conversation along these lines?

6 A. Yes.

7 Q. Okay.

8 A. More so with Captain Comella
9 because we were kind of face-to-face at the time at
10 the building.

11 Q. And well, actually, before we
12 continue on this conversation, I just want to bring
13 one thing to your attention. If we could have
14 Exhibit No. 6430. You won't find it in your
15 documents there. It is an e-mail.

16 A. Okay.

17 Q. Now, this is an e-mail. It is
18 from Carol-Lyn Chambers who is an Operations
19 Manager with the Office of the Fire Marshal.

20 A. Yes.

21 Q. And it is dated the 23rd of June
22 and it is -- the time on it is 4:25.

23 A. Yes.

24 Q. And I just want to know if you are
25 aware of part of it. So it says:

1 "All -- latest -- spoke to OPP
2 UCRT lead [...]"
3 That would be Jamie Gillespie.

4 A. Yes.

5 Q. And:

6 "[...] they are responding in 8-9
7 hrs. Confirming need for Toronto
8 HUSAR support, if only for relief
9 search/structural asap. Been in
10 contact with TO HUSAR on-call lead
11 [...]"

12 That is Bill Neadles.

13 A. Yes.

14 Q. (Reading):

15 "[...] from TPS as referred by TO
16 Comms. They are at least a dawn
17 arrival. Have put the TPS Inspector
18 in touch with OPP local Inspector
19 for further details, with goal of
20 sending a core contingent from TO
21 HUSAR asap in this regard.

22 Standby."

23 Now, you were not on the mailing list,
24 so I don't expect that you would have received
25 this, but we have heard evidence through Carol-Lyn

1 Chambers last week, and she told us that she had
2 discussed the issue of numbers with Staff Inspector
3 Neadles, and they had come to the agreement that
4 rather than waiting to deploy a full team, you
5 know, in the neighbourhood of 60, 65 persons, they
6 were to go with as many as they could as soon as
7 they could, and she left it to the judgment of
8 Staff Inspector Neadles to work out an appropriate
9 number because obviously he wouldn't go up there
10 with three or four people. Okay?

11 Were you aware of this conversation
12 having taken place?

13 A. No.

14 Q. Okay. So you were not aware that
15 as early as 4:25, that the plan was that you were
16 not going to be going with a full team?

17 A. That's correct. Because we
18 weren't bringing all our equipment, in particular
19 our camp.

20 Q. Right. So let's return then and
21 if we can go back to the exhibit, Exhibit No. 7542.
22 Let's return to the conversation that you had with
23 Captain Comella to determine the numbers. And I am
24 interested in finding out how you made that
25 determination, like, what was going to be a

1 suitable number to leave with.

2 A. And I can't really speak for
3 Captain Comella, but he would have been in
4 discussions with Mr. Neadles, our Deputy Chief
5 Jenkins, and the information that was coming down
6 from the Province.

7 And knowing that we weren't going to
8 take our full camp, which takes a certain amount of
9 manpower, we knew that we didn't need 65 people.
10 That was our full complement to go out the door in
11 that case.

12 The Province said that they would look
13 after housing us and feeding us, so there was a
14 certain amount of equipment that didn't need to
15 come, which, in turn, was reflective in the
16 manpower that was coming down.

17 So I think at the time, and I don't
18 recall specific numbers, but I think we were
19 looking around 40 to 50 people, if we could.

20 THE COMMISSIONER: What generally
21 speaking constitutes a full camp? Is it cooking
22 equipment, beds, tents?

23 THE WITNESS: Yes. So that would -- if
24 the worst case scenario was, Your Honour, that our
25 mandate is to be self-sufficient, we don't want to

1 overwhelm the community that we are trying to help,
2 so we set up a small city in ourselves, and within
3 that city would be housing, sleeping, shower
4 systems.

5 THE COMMISSIONER: Toilets?

6 THE WITNESS: Bathrooms, a kitchen,
7 medical tents, a water system, so we can go into a
8 community and be totally self-sufficient in that
9 case, and that would comprise of approximately 20,
10 20 tents.

11 THE COMMISSIONER: Right. Thank you.

12 BY MR. WALLACE:

13 Q. And in this discussion, were you
14 aware of the fact that on this deployment, there
15 was not going to be a person who would be the
16 planning -- sorry, there wasn't a designated
17 Planning Section Chief; were you aware of that?

18 A. Probably not right away, but soon
19 after, yes, I was.

20 Q. And when you say "soon after",
21 what are you referring to? Soon after leaving the
22 muster point or soon after getting to Elliot Lake
23 or --

24 A. Still at our Home of Operations,
25 our person, Chief Silver, who typically does that

1 position was in Ottawa for a HUSAR meeting.

2 Q. So the fact that you took less
3 than a full complement wasn't the reason that you
4 didn't have a designated Planning Section Chief.
5 It was because the only Planning Section Chief
6 available wasn't available.

7 A. That's correct.

8 Q. Okay. And did you play a role in
9 the call-out itself? Like, did you get on the
10 phone and phone people, or how do people find out
11 from Toronto Fire? How do Toronto Fire people find
12 out that Elliot Lake has happened, and they are
13 needed?

14 A. So once that -- we would be in
15 charge of phoning Toronto -- just strictly Toronto
16 personnel to respond to this.

17 Q. Sorry, when you say "strictly
18 Toronto", are you talking about Toronto Fire?

19 A. I'm sorry, Toronto Fire. I'm
20 sorry.

21 Q. So you look after Toronto Fire?

22 A. Right. So once that is
23 established, Captain Comella would be in the
24 background running training reports because we want
25 to make sure everyone is validated in the training

1 and that they would be at that technician level
2 that we talked about earlier.

3 And then it is also based -- for
4 Toronto Fire based on our language between the
5 union and management, it is based on a seniority
6 base, so the most senior people in those roles
7 would be called first and then work down the list.

8 So the part of the call-out would be me
9 actually phoning those personnel.

10 Q. And this is as opposed to a mass
11 e-mail?

12 A. That's right. Due to the cutbacks
13 from our federal program, we had budgeted a system
14 that would actually call you voice by -- call your
15 cell number or the numbers that you had supplied
16 us. It would text you; it would e-mail you until
17 it heard from that particular person. So in that
18 we could be specific to say, you know, this is our
19 muster point, please attend. But due to the
20 federal cutbacks, we had to pull that off of our
21 purchasing.

22 Q. Okay. So on the 23rd of June, you
23 had a phone list, and you just -- that was based on
24 seniority?

25 A. Right.

1 Q. And you just went from top to
2 bottom until you got the number that you needed?

3 A. And plus that they had the proper
4 training requirements.

5 Q. No. Fair enough. But this was
6 all done, if I could use the term, manually?

7 A. That's correct.

8 Q. You had to place it. Do you know
9 how many phone calls you placed?

10 A. Not off the top of my head. I
11 did, I think, provide you a timeline of phone calls
12 in some of this paperwork. Some of them obviously
13 there was no answers, and so we would just
14 continuously start phoning again. If there was no
15 answers, we would leave a message to phone myself,
16 and that would have continued for about three or
17 four cycles.

18 And then I guess the only other thing
19 that I could add to that is that some of the
20 personnel that were able to attend this were on
21 shift, and there was agreement with the Fire Chief
22 that that was kind of the last resort to pull those
23 people from active fire trucks because obviously he
24 has a responsibility to the City of Toronto too at
25 that particular time and trying to backfill those

1 positions in a timely fashion on a Saturday in
2 summertime would be very difficult for him.

3 So that was never looked at to deploy
4 those people that were on shift.

5 Q. You didn't get to the point where
6 you actually had to take people off shift?

7 A. No.

8 Q. So the people that ended up going
9 there were on the calling list of people who had
10 the seniority, had the training, but weren't
11 working?

12 A. That's right.

13 Q. Okay. And the team, the bulk of
14 the team went up on the bus; correct?

15 A. That's correct.

16 Q. Did you go up to Elliot Lake on
17 the bus?

18 A. No, I did not.

19 Q. And who did you go up with?

20 A. I went up with Captain Comella.

21 Q. Okay. And just the two of you?

22 A. That's right. We were in our
23 support pickup truck.

24 Q. Okay. And the time that you left
25 the -- it says -- if we can go to the next page,

1 Ms. Kuka, please, we have 21:57. It says:

2 "All vehicles leave [Home of
3 Operations] [...]"

4 Is that a misprint? It should be the
5 muster point?

6 A. No. What I am referring to there
7 is all the tractor trailers and all the support
8 vehicles that were at the Home of Operations left
9 at that particular time. The team bus, which was
10 the only vehicle at the muster point, also left,
11 and we were going to meet at that particular
12 location because we had a police escort from
13 Toronto Police to take us up, up to Elliot Lake.

14 Q. So is 21:57 the time the tractor
15 trailers left the Home of Operations as well as the
16 time that the team bus left the muster point?

17 A. Yeah. And I am just estimating
18 the team bus, but it was very close to -- to that
19 particular time, because obviously I wasn't at that
20 location, but within conversations with Mr. Lester,
21 he would let me know when the team bus was leaving.

22 Q. And so 21:57 is three minutes to
23 10:00, and you got the call -- you were told of the
24 deployment at approximately 4 o'clock. Where does
25 six hours fit in terms of your time to get out the

1 door?

2 A. Six hours is our federal mandate.
3 That is what we have been -- said that we can
4 respond in, so we met our timelines.

5 Q. Okay. And I gather the timeline
6 is -- or I'll ask you. Is the timeline to get out
7 the door expressed in, "It shall be no longer than
8 six hours"? Is that how it is expressed?

9 A. I don't know. I could not tell
10 you the exact wording on that.

11 Q. Okay. Now, you and Captain
12 Comella went up together. I'm interested in
13 finding out what information did you have or that
14 Captain Comella had and shared with you prior to
15 leaving for Elliot Lake in terms of what lay ahead.

16 A. Prior to us leaving our Home of
17 Operations?

18 Q. Yes. Did you have any information
19 other than a mall had collapsed?

20 A. That the mall had collapsed.
21 There was reported a few people -- and I don't
22 recall the number. It wasn't a large amount of
23 people that were missing or considered trapped.

24 Q. Uhm-hmm.

25 A. And the only intel that we were

1 getting before we left was any of the team members
2 that were going on the Web trying to get any type
3 of news briefings that were coming through the news
4 media.

5 Q. Okay. And did you receive any
6 information on the drive up with Captain Comella?
7 I'm thinking maybe e-mails or anything like that.

8 A. I was driving the vehicle. I know
9 Captain Comella was receiving e-mails. I don't
10 know in particular who. I know he was in
11 conversations with Mr. Neadles. And I believe once
12 Jamie Gillespie got some pictures -- I don't know
13 if it was when he got on scene or if when his
14 second in command got on scene -- he sent the
15 pictures to Mr. Comella.

16 Q. And did you drive up nonstop or
17 did you stop along the way?

18 A. We drove -- yeah. We stopped for
19 a washroom break partway up. Exactly where, I kind
20 of forget.

21 Q. Right. Did you have an
22 opportunity to see those pictures on the drive up?

23 A. The pictures from Sergeant
24 Gillespie?

25 Q. Yes.

1 A. No, I did not.

2 Q. Okay. Now, at 5:15, you arrive in
3 Elliot Lake, and then at a little over an hour
4 later:

5 "Comella contacts myself, divide
6 team into 2 squads with Neadles for
7 a 3 day operation."

8 Did anything of significance happen in
9 the first hour upon your arrival, like between 5:15
10 and 6:18?

11 A. Well, there was a number of
12 meetings going on. When we first got on scene, I
13 believe it was Captain Thomas from Elliot Lake that
14 was the Incident Commander. We introduced
15 ourselves to him, let him know kind of the
16 equipment and the -- the equipment and personnel
17 that we brought to this location and tried to get
18 some information from him, in what he was looking,
19 expecting from us.

20 And then right after that, I believe
21 Tony Comella did a recon of the site with Captain
22 Thomas and Sergeant Jamie Gillespie.

23 Q. But was that something you
24 participated in?

25 A. I did not. I then broke from that

1 meeting and started to look in the area for a
2 staging area for all the tractors and vehicles that
3 we had brought up to see where I thought would be a
4 good spot for that.

5 Q. Now, was it your understanding, by
6 the time you got there, that you were going to be
7 the Logistics Section Chief for this operation?

8 A. That was understood, yes.

9 Q. Okay. And were you ever in charge
10 of operations, or is logistics your side?

11 A. As any deployment or for this
12 operation?

13 Q. No, this one here.

14 A. For this operation, just a very
15 small amount of time when Captain Comella was
16 unavailable, and it was basically just following
17 his direction or the direction that was coming down
18 from our command cell.

19 Q. Okay. So you weren't making any
20 operational decisions; rather, you were tasked to
21 ensure that other people's decisions or plans were
22 put in place?

23 A. Were being followed, yes.

24 Q. Okay. Were you ever the Planning
25 Chief?

1 A. No. I was never the Planning
2 Chief, but I did assist a small amount in the
3 planning process.

4 Q. In planning? Okay. Who was the
5 Planning Chief?

6 A. In this case, I don't believe it
7 was one person that -- one person. There was group
8 decisions that were based on planning, and I guess
9 part of the reason why I hesitated in answering
10 your Planning Chief question was in the planning
11 process, the Logistics Chiefs would be always part
12 of that decision-making to let know if the plan is
13 feasible for the equipment that we have on scene,
14 or do we need to have more equipment or more
15 personnel, or is the equipment being used already.
16 So he would always be part of that --

17 Q. So that is just part of the
18 planning process?

19 A. The process. And I guess part of
20 being unique, Captain Comella and myself, is just
21 the knowledge of the team, because we deal with the
22 team every day. So we know the equipment; we know
23 the personnel. So sometimes we do wear multi-hats
24 in situations, maybe not officially, but
25 unofficially.

1 Q. But I guess the question is: On
2 the planning side, I mean, you would play a role;
3 you would have some input into planning decisions?

4 A. Right.

5 Q. What I am looking for is: With
6 whom did the decision-making power lie in the
7 planning field? The Planning Section Chief is the
8 person who formulates the plan, which means
9 somebody makes a decision. Who was the Planning
10 Section Chief? I appreciate that you have input,
11 but who makes the decision?

12 A. Well, it was -- I believe it was a
13 group effort. It was -- Captain Comella would --
14 probably had the majority of the time planning and
15 moving forward, but any decision in planning would
16 ultimately rest with our Site Commander, which was
17 Bill Neadles. So it would be pushed forward at
18 that particular time because even at Captain
19 Comella's standpoint, he may not know the overall
20 picture. So that is why it always got pushed
21 forward to our Site Commander, and he would have
22 the last say in if that plan would move forward.

23 Q. So the decision on the plan,
24 whether a particular plan was going to be
25 implemented, was that of your Site Commander;

1 correct?

2 A. That's correct.

3 Q. By virtue of the fact that he is
4 the boss?

5 A. And has the overall picture of
6 what is happening on the operation, the rescue
7 operation.

8 Q. Right. And the person then
9 that -- at least as I'm understanding your
10 evidence, and feel free to correct me if I'm wrong
11 here. The person who was responsible for
12 developing the plan primarily was Mr. Comella; is
13 that fair?

14 A. I would say that is fair, yes.

15 Q. Okay. And it recognized the fact
16 that you had some input into the planning process?

17 A. That's correct.

18 Q. Okay. So to the extent that
19 somebody was in charge of the planning process, it
20 would appear, at least from your evidence, that
21 that would have been Mr. Comella?

22 A. Yes, with assistance from others
23 for the --

24 Q. Fair.

25 A. -- with the overall plan.

1 Q. Fair enough. Now, getting back to
2 your notes here, we have got:

3 "Met with Neadles to divide the
4 team into 2 squads."

5 And did he give you instructions to
6 divide up the manpower, or did he just tell you
7 that this is what we are going to do?

8 A. This was coming from Captain
9 Comella that -- with that timeline before, that
10 through his recon of the team -- I'm sorry -- of
11 the building and I believe talking to the Incident
12 Commander, Chief Officer, and Jamie Gillespie, that
13 this was going to be a multi-day operation, and
14 that we needed to have our team operating 24 hours
15 a day. And that is where the two rescue squads
16 came into play.

17 Q. Okay. Now, it says at 7:48:

18 "On the team bus, Neadles has a
19 debrief with team".

20 Which I take to mean he outlines the
21 plan ahead; is that fair?

22 A. The start of the plan ahead. I
23 think he talks about -- he lets everyone know that
24 these -- we are going to divide into two squads.

25 Q. Yes.

1 A. And I can't speak to the whole
2 debrief, because I got called out by a phone call,
3 but I think that it was just talking about we are
4 going to go into two squads. It is going to be a
5 24-hour operation. We are going to be here for --
6 it is going to be a multi-day rescue operations by
7 the looks of it, and I don't think, at that
8 particular time, there was a plan that you are
9 asking for, like, "This is what we are going to do
10 at that particular time."

11 Q. Right.

12 A. That was still being developed.

13 Q. So that was actually going to be
14 my next question. When were you presented with a
15 plan that you could say to yourself, "I understand
16 what this operation is going to do"?

17 A. Well, that was a phone call that
18 brought me away from that debrief, was Captain
19 Comella asking me to walk around the site with him.

20 Q. Yes.

21 A. And at that particular time, I
22 think he also had time to talk to our engineer
23 about the plan, and that was -- the plan was
24 discussed that we were going to go through the
25 north side of the mall and start a shoring

1 operation.

2 And that was the input that he asked,
3 and that is when we started to -- what we would
4 refer to as start establishing a forward staging
5 area for that operation.

6 Q. And so if we then look at 8:20ish,
7 you:

8 "Met with Guy [...]"

9 He is the Rescue Squad Leader?

10 A. Sorry, he was -- his team was the
11 first team that was being tasked. He, essentially,
12 was the day shift team.

13 Q. Yeah. Chris Rowland was the
14 Rescue Squad Leader for the night team?

15 A. That's correct.

16 Q. And you have mentioned Jamie
17 Gillespie. Did you have any dealings with Jamie on
18 your arrival or up until this point in time at 8:20
19 in the morning?

20 A. Other than just acknowledging a
21 handshake, and I know Jamie personally from
22 previous meetings, so it was just to say hello.

23 Q. Okay. Were you aware of the fact
24 that Jamie's squad was going to be acting as a
25 night shift team as well?

1 A. At that particular time, I was not
2 aware of when his shift or his team was going to be
3 activated. Knowing that they were up all night at
4 that site, I just presumed eventually, very
5 shortly, they were going to go to bed.

6 Q. Okay. And so at 8:20, you are
7 instructing Chuck Guy as to what is expected of his
8 team?

9 A. In the way of our forward staging
10 area, so the forward staging area, the type of
11 equipment that he requires, so I'm asking him
12 specifically, because he has been tasked to do a
13 specific shoring task, so I just want to make sure
14 that the equipment that is being moved forward is
15 the equipment that he requires.

16 And also we are going to start setting
17 up what we refer to as a cut table area, and that
18 would be part of the forward staging area. That is
19 where all the lumber gets cut, and it is an actual
20 table, if you could call it that, where we do all
21 the measuring --

22 Q. Yes. We have actually seen photos
23 of it. Yeah.

24 A. Yes, that's right.

25 Q. Okay. And it is at the back of

1 the mall?

2 A. Yes, the north side.

3 Q. Yes. And at that stage, when you
4 are instructing Chuck Guy, was your understanding
5 of the Incident Action Plan at that point in time
6 to be the shoring of the hotel lobby area? Is that
7 what you understood it to be?

8 A. Yes. That was the start of it,
9 and clearing -- really, first of all, it was
10 clearing the debris to get in, to start the
11 shoring.

12 Q. Okay. First of all, was there a
13 plan at that stage beyond the clearing of the
14 debris and the shoring of the hotel lobby? Was
15 that it, or there was something beyond that; when
16 that is done, we are going to whatever?

17 A. I'm not sure that I -- I think it
18 was just the shoring portion of that, noting that
19 that would be the first priority, not only to make
20 the building safe for us but for the trapped people
21 that are in the building, to make it safe for them
22 until we are able to get to their location.

23 In looking at the area that we were
24 shoring, I knew this was going to be a long-term
25 event, more -- probably a little bit longer than

1 the 12 hours that the first rescue team was slated
2 for.

3 Q. Now, we have heard evidence here
4 that around 9:30 on Sunday morning a search team,
5 Toronto Police Service search team, made contact
6 with what they believed to be a live victim. Were
7 you aware of that?

8 A. I was aware of that after the
9 search was done, yes.

10 Q. Okay. And how did you become
11 aware of that?

12 A. With discussions with Sergeant
13 Lawson, who was part of the day shift, and he would
14 have been responsible for the search component of
15 that rescue team. We had a face-to-face
16 conversation.

17 Q. And what did he tell you in that
18 conversation?

19 A. He stated that he could actually
20 hear what he thought was tapping based on questions
21 that he was asking towards the pile.

22 Q. Okay. And were you in the
23 building when this was going on?

24 A. The actual search was going on?

25 Q. Yes.

1 A. I do not think I was, but I did
2 meet him on the second floor overlooking the pile
3 when we did our face-to-face.

4 Q. And are you able to put a time on
5 that? If we can go to the next page, Ms. Kuka, the
6 evidence that we heard is that this interaction
7 with the victim took place around 9:30 in the
8 morning, and you got a note there at 9:50ish:

9 "Tasked to do a secondary search
10 of elevators, got equipment and John
11 Davidson assisted me in this task.
12 Could not check all elevators due to
13 locations. Guy was then instructed
14 to search those elevators."

15 Is it your belief that you had the
16 face-to-face with Sergeant Lawson prior to this
17 particular exercise, or was it at some point later?

18 A. Yes, it would have been. I was
19 going to -- I'm sure that I was going to the second
20 floor location to start this task, so it would have
21 been between the 9 o'clock and the 9:50 timeline
22 that I state there.

23 Q. Okay. And so the evidence that we
24 heard is that's where they were. They were on the
25 second floor overlooking the collapse zone when

1 they reportedly heard the tapping that they
2 reported up, and that is, in fact, where you ran
3 into Sergeant Lawson?

4 A. That's correct.

5 Q. Was he with Sergeant Fowlds and --

6 A. He was with another search
7 personnel. I just don't recall who that was.

8 Q. Now, prior to that, did you hear
9 any sort of a call-out to those persons in the
10 building to be quiet while they conducted this
11 particular search?

12 A. No. And I think it was for the
13 fact that I wasn't in the building at that
14 particular time. Just before that, I had
15 discussions with the Incident Commander, who was at
16 the time Captain Thomas with Elliot Lake Fire.

17 Q. Now, if we drop down to 16:00ish,
18 you have got the note there:

19 "Assisting with crane placement,
20 moving equipment and vehicle so the
21 crane could move to location."

22 At roughly 4 o'clock, was this the
23 first time that you became aware of the fact that a
24 crane was part of this operation?

25 A. About that time or maybe just

1 before that time, yes.

2 Q. Okay. So you would not have known
3 that a crane had been ordered or it was en route?

4 A. Not that I recall.

5 Q. Okay. So I gather, then, if you
6 didn't know that a crane had been ordered and was
7 en route, you wouldn't have known what specific
8 tasks the crane was there to do at 4 o'clock in the
9 afternoon?

10 A. That is correct, because typically
11 ordering a crane, for us, for Canada Task Force 3,
12 wouldn't be a priority.

13 Q. Okay. And we have heard evidence
14 that a crane is not a tool of first choice for
15 TF-3.

16 A. That is correct, yes.

17 Q. Okay. So at 4 o'clock in the
18 afternoon, other than the fact that you have seen a
19 crane here, you are not sure why it is here or what
20 it is going to do?

21 A. Well, I guess I should state,
22 though, I did -- I guess I was somewhat aware,
23 because of that one beam that was hanging down from
24 the east portion of the mall. We knew that that
25 had -- that was a very high-risk hazard, so I guess

1 once it did arrive, I knew -- I thought the primary
2 function was for that beam.

3 Q. And that would be simply as a
4 result of putting two and two together and coming
5 to that conclusion, as opposed to somebody saying
6 to you, "We have got a crane coming; the reason the
7 crane is coming is to get rid of this beam"?

8 A. Yeah. I'm -- I don't really
9 exactly recall, but Captain Comella might have told
10 me or gave me the heads-up that that could have
11 been a possible avenue that they were looking at to
12 reduce that risk.

13 Q. Okay. And then as far you were
14 concerned, that would be the extent of the
15 knowledge that you would have had as to why the
16 crane was there?

17 A. Right. There was no further
18 operations that I was aware that we were going to
19 utilize the crane.

20 Q. Okay. Now, if we can turn the
21 page, Ms. Kuka, at 22:30ish, which we have now
22 moved forward to Sunday night:

23 "Rowland and myself did a recon on
24 sector 7, came up with a lace post
25 plan, return to Comella, to confirm

1 plan."

2 By 10:30, as we can see, the beam
3 operation had been undertaken. You can see there
4 that you acted as a safety at 19:30.

5 A. That's correct, for the Elliot
6 Lake Fire personnel that were in the mall.

7 Q. Right. And they had provided fire
8 suppression services when the beam was being cut;
9 correct?

10 A. That's correct.

11 Q. Okay. And:

12 "At the end of operation, assisted
13 the Elliot Lake Fire personnel in
14 removing their hose from the
15 building [...]"

16 So by 19:30, they were no longer
17 providing fire suppression services.

18 A. That's right. So by then, that
19 I-beam was cut and lifted out of the hole and then
20 assisted them in removing a hose. The hose lay --
21 was extremely long from where the pumper was in the
22 safe zone for their truck.

23 Q. Okay. And if we can just have --
24 because I want to take you to that note at 10:30,
25 so if we can go to Exhibit No. 7946, this is, as

1 you can see, the map of the zones. And I would
2 just like you to tell us what it was that you and
3 Chris Rowland came up with at about 10:30 with
4 respect to sector 7, or zone 7.

5 A. Right. I think -- I believe there
6 is still work going on. Chris's crews were still
7 working in the zone 6, so we were moving forward
8 with the plan, and so we made the north entrance
9 there at that particular time, once all the shoring
10 was in, as a safe zone.

11 So we also wanted another secondary
12 means as a safe zone, so that is when Chris and me
13 walked through the hotel to that area of area 7
14 there and looked at the area and came up with that
15 lace post shoring plan. And as I stated in my
16 notes, then that is when I went back up to Captain
17 Comella, and I believe our engineer was with him at
18 the time, and told them the plan that we wanted to
19 move forward with. And then Captain Comella pushed
20 that towards our Site Commander, pushed that
21 forward to our Site Commander to get approval.

22 Q. And which was what, to simply put
23 some lace posts in zone 7?

24 A. Zone 7 and eventually zone 8, that
25 it was kind of a combined area, but the initial

1 plan was zone 7, yes.

2 Q. Okay. We know that there was a
3 shift change at roughly 6 p.m., so Chris Rowland's
4 team came on as well as the OPP team.

5 A. That's right.

6 Q. Okay. What was the OPP team
7 doing? Do you know?

8 A. I believe they were finishing some
9 shoring in -- it was sector 3 or sector 6 that they
10 were finishing off from the previous daytime shift.

11 Q. Right.

12 A. And there was a couple of OPP
13 personnel also up on the second floor when we were
14 doing the -- when I was the safety for the Elliot
15 Lake fire fighters, so they were basically standing
16 side by side with us.

17 Q. And doing what? Acting as safety
18 for something else?

19 A. I think safety for that same
20 operation was going on, yes.

21 Q. And your belief is that they were
22 doing -- those who weren't up on the roof or on
23 that level with you were doing shoring and
24 finishing off the shoring in zone 6?

25 A. Zone 6 or zone 3. It is kind of

1 like a grey area there, yes.

2 Q. And the idea of putting the lace
3 posts in, in zone 7, and then ultimately into zone
4 8, what was the idea? Like, how was this going to
5 rescue somebody? This is what I am looking for
6 here. How did this fit into the plan?

7 A. Well, one principle was that it
8 gave us another safe zone, so if we had to escape
9 off the pile for whatever reason or in that
10 particular area, at that time it was just to the
11 north, so that gave us another escape route, if you
12 would may -- if you may.

13 And also we were looking into the
14 future that once we started to where this area was
15 safe that we could go onto or close to the pile and
16 start removing rubble, that area of 7 and 8 was a
17 big free space of area where we could move sections
18 of floor slabs to.

19 Q. Now, as I understand it, there was
20 actually a wall separating the area where the zone
21 7 and 8 were going to be and the collapse zone
22 itself.

23 A. That's correct.

24 Q. Okay. So if you were standing in
25 zone 7 and 8, you couldn't see what was happening

1 in the collapse zone.

2 A. It was very tough, yes.

3 Q. Okay. Was there a reason why the
4 drywall wasn't knocked down?

5 A. Well, at that particular time,
6 there was no reason for that, I guess. Then as --
7 so part of that explanation was -- is that as Chris
8 and his crew starts to get zone 7 ready, they had
9 to pull down some drywall.

10 Once that plan was implemented and it
11 was given the go-ahead to do that, I returned to
12 the second floor with Captain Comella and -- which
13 was right above zone 7. It was the mall portion of
14 the building. And when Chris had his crew start
15 moving, ripping down the drywall, the vibration on
16 the second floor was substantial, and I actually
17 radioed him and asked him what he was doing because
18 we could really feel that vibration from his people
19 working.

20 So he just -- he simply said, "We are
21 just really removing drywall," and part of that
22 process is when we do shoring, we have to go to a
23 structural member of the building, which drywall is
24 not, so we have to remove that first before the
25 shore is built.

1 And so I think out of that reasoning,
2 we didn't want to cause any more issues with
3 vibration or any chance of causing any more
4 problems.

5 Q. Okay. So as I gather then, the
6 plan would have been to shore in zones 7 and 8, and
7 then at some point in time, somebody would make the
8 determination that, "we are now going to go from
9 position 8 or 7, as the case may be, and move
10 across to the pile and actually try and get to the
11 victim."

12 A. That was, yes, moving forward in
13 plans, yes.

14 Q. Okay.

15 THE COMMISSIONER: I think we'll take
16 our morning break at this time, Mr. Wallace.

17 MR. WALLACE: Sure.

18 THE COMMISSIONER: Thank you.

19 -- RECESSED AT 10:30 A.M.

20 -- RESUMED AT 10:50 A.M.

21 THE COMMISSIONER: Mr. Wallace.

22 BY MR. WALLACE:

23 Q. Thank you.

24 Captain McRae, on this deployment, did
25 you have persons that reported to you?

1 A. Under logistics, yes.

2 Q. And who reported to you? We know
3 that Captains Rowland and Guy, they were in charge
4 of the rescue squad. Were part of their staff
5 reportable to you as well, or did you have your own
6 staff?

7 A. I had my own staff, yes.

8 Q. And who are they?

9 A. They were Craig Lester, Mike
10 Strathco, Paul Demy, and really the three drivers
11 that we would give them some tasking, but not
12 anywhere in the hot zone, of course.

13 THE COMMISSIONER: Mike?

14 THE WITNESS: Strathco.

15 THE COMMISSIONER: Strathco?

16 THE WITNESS: Yeah.

17 BY MR. WALLACE:

18 Q. Okay. And so they would be tasked
19 in terms of supplies and moving supplies and these
20 sorts of things?

21 A. For logistics reasons, yes.

22 Q. Okay. Now, if we just -- sorry,
23 if we can just return to the Exhibit No. 7542. And
24 if we can just move over to -- you can see
25 underneath there under the word "Monday", we have

1 got 00:30ish, so roughly 12:30:

2 "Stood-by with Comella, Gillespie
3 and watched the rigging operation,
4 left before vehicle was removed to
5 go to bed."

6 So when you left there at about 12:30,
7 the vehicle removal was underway; you just didn't
8 stick around until it ended. Is that right?

9 A. No. That was -- the start of the
10 rigging operation was 12:30. I think I went to bed
11 around 3:30ish. I was up on the second floor with
12 Comella and Gillespie watching the rigging of the
13 floor slabs that were designated to be lifted out
14 of the building.

15 Q. Okay. So the slabs started to be
16 moved, and then later the vehicle was removed?

17 A. That's right. If I remember
18 right, I think there was one floor slab, maybe two,
19 and then the concern about the SUV being removed.
20 They started to remove the SUV, and there was -- it
21 was pinched by one of the rear tires, if I remember
22 correctly.

23 Q. Okay.

24 A. And it was probably about that
25 time, that would have been around the 3:30ish time

1 frame that I left and went to bed.

2 Q. Okay. So you were there when some
3 slabs were removed?

4 A. That's correct.

5 Q. Okay. And we have heard evidence
6 that at about 11:30 at night -- that would be
7 Sunday night -- that the OPP deployed a machine
8 called the LifeLocator, and at that time, it was
9 deployed using the crane basket, the same basket
10 that the welders had used to cut the beam.

11 A. Right.

12 Q. Did you see that?

13 A. Yes.

14 Q. Okay. And just describe for us
15 what it was you saw, how it was deployed.

16 A. There was one OPP officer that was
17 in the basket holding the device over the pile with
18 ropes and trying to keep it as stable as possible,
19 and he would move it from location to location and
20 he was -- I'm not sure -- looking at some other
21 device that he had on himself.

22 Q. And was he reporting his results
23 to somebody? Like, was he yelling out or in any
24 way indicating what was happening?

25 A. He would have been reporting to

1 Sergeant Gillespie who was standing with us on the
2 second floor overlooking the operation, and I
3 believe also he was talking to -- there was a crew
4 that was doing shoring that was to the north of
5 him, and I don't know if it was his group of people
6 or if it was Chris Rowland's group that he was
7 communicating with.

8 Q. So when he was talking to Jamie
9 Gillespie, Jamie Gillespie is right beside you?

10 A. That's correct.

11 Q. Okay. And was he yelling up to
12 him? Because they could see one another, could
13 they not?

14 A. Yes. Line of sight, yes.

15 Q. So was he yelling the results
16 back?

17 A. Yes.

18 Q. Okay. Now, we have heard evidence
19 that the results that he got -- he got four
20 different results in terms of the distance. Do you
21 recall what he said, that is, what the results
22 were?

23 A. I know there was a couple of
24 different results, and one was the distance below
25 him was quite a distance. I don't recall the exact

1 distance that he talked about, but it seemed odd
2 that it was that distance, because it was almost
3 like the person, then, that he was thinking he was
4 hitting on was almost like in the basement. That
5 is the type of distance that we were talking about.

6 Q. Okay. And you can see where the
7 machine is deployed; right?

8 A. Yes.

9 Q. And then he got a number of
10 results; correct?

11 A. Yes.

12 Q. Were they all at the same place?
13 That is, did he move the machine? He got a result
14 at one spot, and then he moved it and got it at
15 another spot, or did he get four different results
16 at the same spot?

17 A. As far as I can remember, he moved
18 it to a couple of different spots, but he took
19 measurements again, so he would have done a number
20 of measurements in the same spot to, I guess,
21 ensure that he was getting the results that were
22 originally stated to him.

23 Q. So I'm just not sure I understand
24 your answer there. So are you saying that the
25 results that he was reporting came from the same

1 location?

2 A. No, from different locations.

3 Q. Different locations?

4 A. I believe it was -- from my
5 memory, I think it was two or three different
6 locations, but he would go back and retest those
7 same locations again. So he did one measurement at
8 Location A, and I am just saying Location B and C,
9 and then he went back to Location A to confirm that
10 those measurements were what the machine was
11 reporting to him.

12 Q. Do you recall where it was on the
13 pile he was measuring or deploying it?

14 A. It was in the same area as the
15 search dogs were hitting as a scent was what they
16 were saying there was a scent there, so in that
17 same general location.

18 Q. Okay. If we could have Exhibit
19 No. 7924 at page 46, please. And just before we
20 get to that, were you at all familiar with this
21 machine? Had you ever seen it in operation before?

22 A. No. We knew that they had it.
23 There was conversations before this incident.
24 There was a demonstration that both myself and
25 Captain Comella couldn't make at their location, at

1 the OPP location.

2 Q. Yes.

3 A. So we knew it existed, but we
4 didn't know any specifics about this piece of
5 equipment at all.

6 Q. We heard evidence that somebody,
7 one or more persons from TF-3 attended for the
8 demonstration up in Bolton of this machine. Do you
9 know who that was?

10 A. Not that I am aware of, no.

11 Q. Okay. Now, if we could have the
12 mouse activated. The mouse in front of you there,
13 once it is activated, will allow you to indicate on
14 the screen where it is that the machine was
15 deployed, the area that you are referring to, and
16 then we will just have that made as an exhibit.

17 THE COMMISSIONER: You may need the
18 lights dimmed, Mr. Registrar.

19 MR. WALLACE: Okay.

20 MS. KUKA: If you just want to press
21 the button on top of the mouse, then you should be
22 able to work it.

23 THE WITNESS: Okay. Thank you.

24 If I remember correctly, it was kind of
25 in this general area that they were doing the

1 measuring or with that machine. It was kind of in
2 front -- I believe this was a shopping cart that it
3 was in front of, so it would have been in this kind
4 of general area.

5 MR. WALLACE: Okay. And does he just
6 push on the mouse?

7 MS. KUKA: Yes. Just like click on it,
8 and you can drag and make a circle.

9 THE WITNESS: Thank you.

10 BY MR. WALLACE:

11 Q. And that is the general area in
12 which the machine was deployed?

13 A. That's right.

14 Q. Okay. And if we could make that,
15 then, Commissioner, the next numbered exhibit,
16 please?

17 THE COMMISSIONER: Exhibit?

18 MS. KUKA: Exhibit No. 9754.

19 THE COMMISSIONER: Exhibit No. 9754,
20 thank you.

21 EXHIBIT NO. 9754: Marking on a
22 photograph by Captain McRae indicating
23 where the LifeLocator was deployed on
24 the rubble pile.

25 BY MR. WALLACE:

1 Q. I guess we could have the lights
2 back on, please.

3 The results are being reported back to
4 Jamie by the -- actually his name is Hulsman,
5 Constable Hulsman. And you are standing beside
6 Jamie. And I gather what you have told us is that
7 some of the results, at least, didn't really make
8 much sense to the extent that what was being
9 reported would put the person below the floor.

10 A. That's correct.

11 Q. Okay. When you heard that, was
12 there a discussion about like what is with that?

13 A. I don't believe there was a direct
14 discussion with Jamie or -- I know kind of Captain
15 Comella and myself looked at each other, just
16 because of the results, but not knowing this type
17 of technology and this machine, we -- if they are
18 saying that it is potential information there or a
19 potential patient below them, then we were going to
20 take their word for it.

21 Q. Okay. You didn't question it in
22 the sense that it just sort of flew in the face of
23 your common sense?

24 A. Right. And I think there was
25 questions. I just don't remember the exact

1 conversation. And again, just because we didn't
2 know this piece of equipment and the technology, we
3 have -- we would trust their judgment in this.

4 So there was conversation about the
5 different results, but they were confident that it
6 was a positive result.

7 Q. And "they" being who?

8 A. Jamie and the person that was
9 working --

10 Q. Constable Hulsman?

11 A. Yes.

12 Q. Okay.

13 A. Thank you.

14 Q. And do you recall what was said
15 that led you to the conclusion that they were
16 confident in the results?

17 A. In my recollection, just because
18 it was kept coming back as a possible -- I'm going
19 to call it as a possible hit on a patient -- they
20 firmly believed that they had something there, even
21 though the results were different.

22 Q. Okay. Now, we can see that this
23 area that we are talking about is fairly close to
24 the north end of the collapse zone; correct?

25 A. Yes.

1 Q. Can you give us an indication of
2 roughly speaking how many people would have been
3 around, that is, working that you could see?

4 A. Directly to the north of my
5 circle, there would have been the shoring teams,
6 and I believe that both the OPP team and our night
7 shift team was in that location. The exact number
8 of people down there, I couldn't tell you, but I
9 know there was people in that location, plus
10 myself, Captain Comella, and Sergeant Gillespie up
11 on the second floor looking -- it is almost we are
12 exactly where this picture is kind of being taken
13 looking down.

14 Q. Okay. And the manufacturer's
15 operating instructions says that persons are not
16 supposed to be within 15 metres of the machine when
17 it is actually deployed. I gather from what you
18 are telling us, there certainly would have been
19 people involved in the shoring that would have been
20 within 15 metres, just looking at the picture
21 there.

22 A. I would say so. From my vantage
23 point, I could not physically see them, but the
24 conversation between the OPP officer and the
25 shoring, when they were talking about the location,

1 it wasn't like you -- he had to shout really loud
2 to talk to them or to Sergeant Gillespie.

3 THE COMMISSIONER: Because that is 45
4 to 50 feet, 15 metres, quite some distance.

5 THE WITNESS: Yeah. So I wouldn't
6 say -- like I say, Your Honour, I physically
7 couldn't see them, but just by the level of
8 conversation, it didn't sound like they were a
9 great distance apart.

10 THE COMMISSIONER: And you would not
11 have been -- you would have been within that
12 radius, would you?

13 THE WITNESS: I would have been in that
14 radius, slightly higher in the back --

15 THE COMMISSIONER: Higher within the
16 sphere, if you will.

17 THE WITNESS: Yes. Yeah.

18 BY MR. WALLACE:

19 Q. Okay. So then I think you told us
20 at about 3 o'clock you went off to bed?

21 A. Yeah. The exact time I can't tell
22 you, but it was around that time.

23 Q. Okay. And then you are back on
24 the job at 9 o'clock. And when you come back on
25 the shift, do you get any sort of a briefing, or is

1 your first information session is when you talk to
2 Tony Comella at 9:30?

3 A. I was actually on-site probably
4 just a bit before 9:00 and talked to my logistics
5 people that -- just to get an update from them.
6 And then I went for breakfast, and after breakfast
7 I put myself kind of back on officially at 9
8 o'clock.

9 And at that time, I'm sure that there
10 was some discussions with Captain Guy. I just
11 don't recall them. And then in my walking around,
12 I was looking for Captain Comella, going to his
13 location, so -- and it would have been at that time
14 I would have been given an update from Captain
15 Comella.

16 Q. Okay. And the people that were
17 working, that were reporting to you, were they
18 working a shift? I know you weren't working any
19 designated shift. You were staying up as much as
20 you could. But those people, were they working a
21 designated shift?

22 A. Yes.

23 Q. Which shift was it?

24 A. It was reflective to the night
25 shift and day shift, so it was basically a 12-hour

1 shift reflective with the rescue teams.

2 Q. Okay. Now, tell us about the
3 conversation and the device that was used to
4 measure the movement. This is what at 9:30, or
5 9:30ish, rather, you have the notation.

6 A. Yeah. There was a couple of
7 topics about that in there.

8 I guess one of the topics I didn't put
9 in there was Captain Comella was a little upset
10 that the rigging operation continued through the
11 night, and more pieces were removed than initially
12 discussed at the start of the rigging operation.

13 So he was upset about that because the
14 concern of the pile turning very dynamic was always
15 a concern right from the beginning. And with that,
16 I think he walked around and took different vantage
17 points of the pile and one being up at the roof.
18 He could see that there was movement on the top of
19 the escalator where it was considerable, that he
20 considered it considerable, and considered it to be
21 a very high risk at that time.

22 In one of your previous testimonies,
23 you actually had a picture of the escalator, the
24 top of the escalator. I think it was from the
25 ident police officer that was at the start of the

1 incident. It showed that at the top of the
2 escalator it was totally level, and at that point,
3 it was in that area that the movement, that we
4 could actually see the movement.

5 He took me up to that location, which
6 was in that penthouse area on the roof top, pointed
7 it out, and he was concerned about it so much that
8 we thought we should do a couple of different
9 measuring devices to see if we could actually see
10 it being moved.

11 And I believe he was in discussions
12 with that, about that concern with our engineer and
13 Roger Jeffreys, I believe, from the MOL.

14 Q. Okay. So if we could go to
15 Exhibit No. 7924 at -- I think Photograph 53 will
16 do the trick. This is the area you are referring
17 to. Is that not correct, Captain?

18 A. That's right.

19 Q. Okay. And specifically, where was
20 it that he had noticed the movement?

21 A. Up on the plateau on the top
22 portion of the escalator and the stairs --

23 THE COMMISSIONER: Just use your -- I
24 think you have a laser pointer in front of you.

25 THE WITNESS: Yes. Thank you, Your

1 Honour .

2 BY MR. WALLACE:

3 Q. Yes.

4 A. So it was in this area here that
5 you could see the actual crack, and there was an
6 indentation of that area that had -- that went
7 down. And that is what his concern was.

8 Q. Are you looking at the steel
9 grating that is there?

10 A. Around that steel grating. It was
11 a greater area than just the steel grating.

12 Q. Okay. And the idea was that there
13 was going to be a device that was going to be
14 installed to measure this; correct?

15 A. That's right.

16 Q. Okay. And who came up with the
17 design of the device?

18 A. That was in discussions with -- I
19 guess both of us had input in that. It was just a
20 very simple, simple device to measure any movement
21 that could have possibly happened, and being
22 simple, it is good for us in a rescue situation.

23 Q. Sure. First I'm going to ask you
24 to have a look at Exhibit No. 6227, and if we could
25 go to page 28 within that exhibit. Now, this is a

1 photograph that is contained in a report prepared
2 by Mr. Jeffreys from the Ministry of Labour. Is
3 this a picture of the device that was installed in
4 that location?

5 A. It looks like it, though the top
6 picture is a little fuzzy. All it was was a
7 simple -- a couple of pieces of 2 by 4 together.

8 Q. Okay. So just explain for us how
9 this worked. If we can go back to the previous
10 photograph that is at Exhibit No. 7924 at
11 Photograph 53, first of all, using your laser
12 pointer, show us where it was that it was placed.

13 A. It was placed -- I kind of forget
14 exactly the location, but the depression was in
15 this general area.

16 Q. Yes.

17 A. And what we did was we -- I
18 believe it was in this location, in that general
19 area that we put that --

20 Q. That is at the right of the top of
21 the escalator as you are looking at the photograph?

22 A. Right. Just to the right, I
23 believe.

24 Q. Right.

25 A. And --

1 THE COMMISSIONER: Do you want to do it
2 again? Did you see?

3 MS. PARKER: Yes. Thank you.

4 THE COMMISSIONER: Okay. That's fine.

5 THE WITNESS: We butted the -- one of
6 the 2 by 4s, we built a little platform, because it
7 was in the lower portion of the floor that had
8 sunk. We built it up so it was right even with the
9 other 2 by 4, and we butted them together. So
10 there was no space --

11 BY MR. WALLACE:

12 Q. So you accommodated the fact that
13 the floor was uneven?

14 A. That's right.

15 Q. And you had two separate pieces of
16 2 by 4, and they were flush at the start; you made
17 them flush?

18 A. We made them flush and touching
19 each other at their ends, yes.

20 Q. Okay. And were they marked in any
21 fashion? Was there any marking put on them?

22 A. No, just the pieces of wood.

23 Q. Okay. And so if either side
24 moved, you would be able to detect the movement up
25 and down, and you would also be able to detect the

1 movement -- any movement backwards or forwards?

2 A. That's correct.

3 Q. Okay. This was installed and --

4 THE COMMISSIONER: You were given the
5 job of checking it every hour, I think your note
6 says; right?

7 THE WITNESS: That's correct. Captain
8 Comella asked me to on every hour to check. There
9 was two locations, one below the escalators and one
10 on top. And in this area was the penthouse area on
11 the roof. We decided this was a no-go zone area.
12 It was too dangerous because of the movement that
13 we had seen, so on the south side of the penthouse,
14 I knocked out a window that from the east side of
15 the parking garage you could look through the
16 window and see the measuring device, and that is
17 where I would have been viewing that measuring
18 device every hour that I went up there, as stated
19 in my notes.

20 BY MR. WALLACE:

21 Q. So we don't see the window that
22 you knocked out in this photograph.

23 A. No, we are actually probably --
24 the photographer is probably standing right in
25 front of that window.

1 Q. Okay. So approximately how far
2 away were you from the measuring device when you
3 were looking at it?

4 A. I would estimate probably 50 to 60
5 feet.

6 Q. Okay. And when you looked at the
7 measuring device, I assume you did, in fact,
8 measure every hour?

9 A. Yes, or there very close.

10 Q. Thereabouts?

11 A. Yes.

12 Q. Did you detect any movement?

13 A. No, I did not.

14 Q. Okay. Now, I also understand that
15 there was -- a measuring device was requested to be
16 installed below the escalator at the bottom.

17 A. That's correct.

18 Q. And we heard evidence yesterday
19 from Captain Guy that he had tasked some people to
20 make and install that, and he explained how that
21 worked. Did you measure that one on any occasion?

22 A. Yes, on the hour too.

23 Q. Okay. And did you detect any
24 movement in that device?

25 A. There was actually two devices,

1 one on each side of the escalator, and --

2 Q. Identical, though?

3 A. That is it. Exactly, yes.

4 Q. Okay.

5 A. And no, I did not. That -- the
6 site below was a lot easier to visually see than
7 this -- the measuring device up on top.

8 Q. Yes. There is two reasons, I
9 think. Number one, you could get closer to it, and
10 second of all, they were -- contrasting colours had
11 been painted on that device.

12 A. Yeah, there was a colour scheme on
13 that, our measuring colour scheme on that, and at
14 the one lower, I could actually get a lot closer
15 to, physically closer to.

16 Q. Yes. Okay. And the device that
17 you installed at the top of the escalators, was it
18 laying on the floor, or was it attached to the
19 floor? What kept it in place?

20 A. It was just lying on the floor,
21 gravity, if you will, and because it was a no-go
22 zone area, if there was any movement, it wasn't
23 from people; it was from some type of movement of
24 the building at that point.

25 Q. Now, we have also heard evidence

1 that the rigging operations were stopped at about
2 10:30 in the morning. Were you aware of that?

3 A. Yes. Part of that conversation
4 that we talked about -- I think it was the 9:30
5 conversation with Tony about upset about more
6 pieces being removed than what initially were
7 discussed. I think at that particular -- in that
8 discussion, the priority for us at that time was to
9 measure the movement.

10 We knew the building was dynamic, and
11 it was -- our priority was to measure that movement
12 to see if it was continuing to move. So we were
13 worried about the safety of the rescuers at that
14 particular time. So that was priority.

15 Once that was dealt with and Tony gave
16 me the task to make those measuring devices, I
17 believe that he went down and discussed about the
18 stopping of the rigging operation. I wasn't part
19 of that discussion at all, but in -- I knew it had
20 stopped.

21 Q. Okay. And just moving back for
22 one second, you indicated that he was upset that --
23 "he" being Tony -- that more slabs had been removed
24 than what -- there had been an agreement of some
25 sort?

1 A. Yes. At the start of the rigging
2 there was a meeting with Jamie Gillespie, Tony, and
3 I am not sure. It was -- I believe it was one of
4 the MOL people -- personnel. I don't know exactly
5 who it was. But the discussion was how they would
6 go about doing that and how many pieces. And it
7 was identified specifically. It was three pieces
8 to begin with.

9 And then the SUV became a problem, and
10 that was discussed, and it was agreed upon the SUV
11 could also be moved.

12 Q. Right. But was it a hard and fast
13 rule that only three pieces were to be removed, and
14 then everybody was to sit around and wait for what
15 to happen?

16 A. No. I think the initial portion
17 of that plan was to get those pieces removed.

18 Q. Right.

19 A. And they are going to re-evaluate
20 what was going to happen once that was done.

21 Q. Right. But was it determined who
22 was actually going to do the re-evaluation?
23 Because as I understand it, Tony Comella left the
24 scene, so he wasn't there.

25 A. Yeah. And I am not privy to those

1 conversations, so I'm not sure.

2 Q. Okay.

3 A. I just presume that if Sergeant
4 Gillespie knew those pieces had -- only had to be
5 removed, that he would have dealt with that if also
6 Tony wasn't on scene.

7 Q. And Don Sorel from the Toronto
8 Water was one of the persons involved in the
9 rigging operation as well?

10 A. That is one of the people that we
11 assigned to, yes.

12 Q. Yeah. And he is a very
13 experienced rigger?

14 A. From his experience with Water
15 Works, that is -- he has experience with that type
16 of operation.

17 Q. Okay. Now, if we can go back to
18 Captain McRae's notes, Exhibit No. 7542. And if we
19 can go to the next page, please. If we could go to
20 12:10ish:

21 "Personnel came back with the
22 material and I directed this
23 operation. First measurement taken
24 at this location at 12:47."

25 And then if we go down to 13:06:

1 "Measured parking garage escalator
2 device, no movement."

3 At 14:09:

4 "Measured under escalator device,
5 no movement."

6 What was happening at the scene during
7 this time frame from, say, noon until 2:00 in the
8 afternoon?

9 A. Area 7 and 8, the shoring area
10 that you alluded to before, was being worked on by
11 the day shift rescue team.

12 Q. We have heard evidence that
13 everybody was ordered out of the building at about
14 1:30 in the afternoon.

15 A. Yeah? That is correct, around --
16 I don't know the exact time, but the shoring
17 operation would have happened up until that order
18 was in place, yes.

19 Q. And were you in the building when
20 people were ordered out?

21 A. I was outside of the building.

22 Q. Okay. And so in order for you to
23 do the measurement at 14:09, that is 2:09, you
24 would have had to have entered the building?

25 A. Just inside, yes. And any time

1 that I went up to the upper level and the lower
2 level to do my measurement, I phoned Captain
3 Comella just to let him know my position, if
4 something should happen.

5 Q. Were you aware that the engineers
6 had done some calculation on the beam that had been
7 supporting the escalator and the core slabs?

8 A. I was aware that they were doing,
9 yes.

10 Q. And were you aware of the results?

11 A. Probably at sometime in the
12 afternoon, I believe.

13 Q. Okay. Your notes are completely
14 silent other than telling us that at 2:09 you
15 measured under the escalator device, and no
16 movement, and at 14:20:

17 "Measured under parking garage
18 escalator device, no movement".

19 And then the next notation you have got
20 is 10:00ish, and I take that to be 10:00 p.m.

21 A. That's right.

22 Q. Okay. Were you aware that Staff
23 Inspector Neadles had decided to stop the rescue
24 operation and declare it a recovery?

25 A. No. I was under the impression it

1 was suspended.

2 Q. Okay. So you weren't aware that
3 he had made that announcement to the municipal --
4 what is called the Community Control Group at 3
5 o'clock in the afternoon or thereabouts?

6 A. No. And I would never be a part
7 of that meeting.

8 Q. No. I'm not suggesting you were,
9 but you weren't aware that that had taken place?

10 A. No, because -- no.

11 Q. Were you aware that at 5 o'clock
12 in the afternoon, he appeared as part of a press
13 conference and made the same announcement, that is,
14 that the rescue operation is over?

15 A. No, I was not aware of that.

16 Q. Okay. Were you ever told anything
17 about what was going on?

18 A. Well, my understanding was that we
19 had suspended the operation because of the concern
20 of the movement of the building and that they were
21 still doing some figures, trying to figure the
22 exact loading of that one beam that you speak of.

23 But it was my expectations that we were
24 still in the rescue mode for certain things that
25 were happening. There was a directive to remove

1 our pneumatic shoring out of the building.
2 Typically, that is for -- if we were moving forward
3 into another phase, that is some of the equipment
4 that we would be requiring.

5 So removing that from the building and
6 putting in the wood shoring, in my mind, we were
7 still in the rescue mode. We could be going in a
8 different direction until they could actually
9 figure out which the safest means of that was.

10 Q. Staff Inspector Neadles made some
11 very definitive statements, and I am just curious
12 to find out who told you that it wasn't over, but
13 rather we are just suspended, or is this just sort
14 of a gut feeling you had?

15 A. Yeah. I believe it was in
16 conversations with Captain Comella at the
17 beginning, it was -- the word "suspended" came up.
18 It was never stopped, or "We are going into
19 recovery." It was suspended. And again, I guess
20 moving forward with that, because I seen the task
21 of removing the pneumatic shores, I'm thinking that
22 we are moving forward and getting ready for another
23 possible direction of our plan that we had in play.

24 Q. And where were these pneumatic
25 shores going to be used?

1 A. I'm not sure, but for the
2 direction that they were being removed and being
3 replaced with wood, I think in earlier statements
4 from Captain Guy, he talked about how fast they get
5 into play, so to make it a safe zone. So if we
6 were going to enter the building from a different
7 direction, a different avenue this time, we would
8 have used those pieces of equipment.

9 Q. The pneumatic shores, when they
10 were removed, they were put back in their boxes,
11 were they not?

12 A. Yeah. That would be a normal
13 operation. Everything goes back into their box,
14 ready if we had to move that equipment to a
15 different forward staging area. That is the
16 reasons why they were put back in the box.

17 Q. Mr. Neadles has told us that at
18 the time he called it off, he felt that the
19 rescuers were out of options. Did anybody solicit
20 your opinion as to was there a way around this
21 problem?

22 A. No, not directly. I know Captain
23 Comella was in discussions with the engineers and
24 our engineer. I wasn't privy to those discussions.
25 Just before we were ordered out of the building,

1 Captain Guy and myself discussed a way of
2 tunnelling in from the north end in behind the
3 pile, if that was an avenue. We discussed that a
4 little bit more.

5 So some of the discussions weren't, if
6 I could say, official about trying to figure out a
7 different way of continuing the operation. And I
8 think that is where it comes out that sometimes in
9 the background, even though someone isn't a
10 Planning Chief, in our roles, such as myself or
11 Captain Comella, we are looking at different ways.
12 And he was more in that role that he could do that
13 because of his discussions with the engineers and
14 the results that they were getting back from
15 Toronto at the time.

16 Q. You would agree with me that any
17 discussions he had with you and Captain Guy about
18 tunnelling, that presupposes that the beam is dealt
19 with. The reason you are not allowed in the
20 building was because the beam was deemed unsafe.

21 A. Right.

22 Q. Until that problem was dealt with,
23 you could talk about tunnelling until the cows came
24 home because you couldn't actually get into the
25 building to do the tunnelling; right?

1 A. Right.

2 Q. So that discussion would not solve
3 the beam problem?

4 A. No. But there was a discussion
5 about coming through the Foodland location, which
6 was, I think, the east wall of the mall. And that
7 was just a discussion we had between ourselves.

8 And again, like you say, the concern
9 was still there about that -- the danger of that
10 escalator and the slabs moving down.

11 Q. And is it your evidence that you
12 were never told that the rescue was called off?

13 A. That's correct.

14 Q. Okay. And we have heard evidence
15 that Staff Inspector Neadles, he conducted a
16 briefing at the command tent for a good part of the
17 TF-3 personnel. Were you part of that?

18 A. For a small period of time, yes.

19 Q. And what do you recall he said?

20 A. He told the team members that --
21 the reason why the rescuers were pulled out. There
22 was a concern about the overloading of that beam,
23 and they couldn't -- because of the calculations
24 that were made, couldn't understand why it was
25 still standing, and that due to that issue, his

1 concern was the safety of the rescuers. And he
2 decided to pull everyone out at that time.

3 And then it would probably be shortly
4 after that or about that time I had a phone call
5 from Tony Comella, and I was pulled out of that
6 tent. And it was probably at that time that he was
7 starting to discuss the possibilities of getting
8 Priestly at that location, up to our location.

9 Q. And who was this?

10 A. Captain Comella.

11 Q. And had he mentioned Priestly to
12 anybody?

13 A. I'm not sure that that -- at that
14 time, that I was aware of that, no. I'm not sure.

15 Q. And what time would this be?

16 A. I'm thinking that that meeting
17 happened after the -- I believe it was the media
18 release at, I think it was 5 o'clock, that
19 announced that they were stopping.

20 Q. Yes. Yeah.

21 A. And again, I'm just getting that
22 from testimony. I didn't realize that that media
23 release was happening. I did know that Mr. Neadles
24 was off-site, but not -- didn't realize what the
25 reason was for.

1 Q. Is there any reason why you don't
2 have any notes of this briefing from Staff
3 Inspector Neadles?

4 A. No. I just --

5 Q. Or, in fact, of any of the
6 activities that afternoon, but for the fact that
7 you have got two measurements, one at 2:09 and one
8 at 2:20?

9 A. No. And it was probably shortly
10 after that I went to my pickup truck and started
11 this what you see now as the typed notes that I
12 had. While I am doing that, I'm getting a number
13 of different people coming up and talking to me
14 about different issues. So I'm just looking at the
15 time frame that, as you are, and I probably just
16 forgot to put in some of the timelines that we were
17 discussing.

18 Q. And what did you do that night?
19 Your notes are completely silent up until 10
20 o'clock at night. What did you do?

21 A. Well, from that -- from that phone
22 call from Captain Comella about the Priestly, we
23 had to start moving forward or thinking forward
24 about if we had to move any of our equipment, what
25 that meant about bringing in some very heavy, heavy

1 equipment into a building that wasn't stable, and
2 that is one of the reasons why typically we don't
3 bring in heavy equipment to assist us in the
4 collapse is just the concerns about vibration and
5 how that affects a secondary collapse into a
6 building.

7 So typically we usually move concrete
8 manually by hand. So with that discussion, our
9 command tent, our forward staging area that was
10 located in the north side of the building would
11 have to or thought would have to be moved. So then
12 I was tasked to look at different locations for
13 that and getting the equipment packed away properly
14 into the boxes so we could move it.

15 Q. Were you aware that Staff
16 Inspector Neadles participated in a conference call
17 with the Premier of Ontario?

18 A. No.

19 Q. When did you become aware that
20 Priestly was a go?

21 A. Officially a confirmed go?

22 Q. I don't mean when they arrived,
23 but when were you told that Priestly is going to be
24 coming --

25 A. Confirmed that it is going to

1 come?

2 Q. Yes.

3 A. I think it was 1:00ish in the
4 morning when the Minister gave his approval.

5 Q. And were you there for that or --

6 A. No. That is --

7 Q. So when were you told that it was
8 going to happen?

9 A. About that time. So when it
10 officially got approved, that information moved
11 very quickly throughout the rescue team.

12 Q. Did you play any role in the
13 creation of the Priestly plan, the ultimate plan
14 that was --

15 A. No. Other than just moving our
16 canvas and our equipment based on that plan, no.

17 Q. Okay. Were you aware of the fact
18 that the entire contact with Priestly that evening
19 was through Sergeant Glavin? Were you aware of
20 that?

21 A. No, not at that time.

22 Q. Were you aware of the fact that
23 Constable Comella -- or sorry, Captain Comella did
24 not contact Priestly at all that evening?

25 A. No. I -- no.

1 Q. And ultimately, the Priestly
2 equipment came, and if we look at your notes, at
3 the last page of your notes, 18:54, please, we have
4 got the "First Victim located", according to your
5 notes, at 8:55 in the morning; the "First Victim
6 removed" at 9:07ish.

7 These notes that you have made, is this
8 because you observed all this or you participated
9 in this?

10 A. A bit of both. I wasn't -- I was
11 observing the operation for the first victim, and
12 then I was part of the team removing the second
13 person.

14 Q. The second?

15 A. Yes.

16 Q. Okay. And we have got the "Second
17 Victim located", again, at an estimate of 13:02,
18 and "Second Victim removed" at 13:30, roughly
19 speaking.

20 A. Right.

21 Q. Okay. And then we have got the
22 team leaving Elliot Lake at about 20 past 10:00
23 that night, and my understanding is that you went
24 to Sudbury and then continued on to Toronto on the
25 following morning.

1 A. That's correct.

2 Q. Okay. Did you go back the same
3 way you came. That is, you did not travel on the
4 team bus; you went back with Captain Comella?

5 A. No. I wasn't -- I did not travel
6 back with Captain Comella, but I was not on the
7 team bus. I was in another support vehicle.

8 Q. Okay. Are you aware of any
9 debriefing process that took place following this
10 event?

11 A. Not officially.

12 Q. Okay. What about unofficially?
13 What debriefing took place?

14 A. Just team members talking to each
15 other, I guess, back at the hotel in Sudbury, and
16 at later dates when we were doing training, there
17 would be side-bar conversations with members that
18 you would be part of or hear of.

19 Q. Right. You are in a leadership
20 position. You recognize the value in a debriefing
21 process; correct?

22 A. Yes.

23 Q. Yes. And is there any reason that
24 you are aware of why there wasn't a formal
25 debriefing held in this particular case?

1 A. Probably for two reasons.

2 From trying to get those specific
3 people back is very hard, because we were all in
4 different agencies, have different timelines, on
5 different shifts, have different priorities once we
6 are back into our everyday position.

7 And I think the main factor is that
8 there was no mechanism to pay for that to happen
9 for us.

10 Q. Okay. Now, Captain Comella sent
11 an invitation out right across the board for all
12 people who had deployed to respond on a
13 lessons-learned basis; correct?

14 A. Yes.

15 Q. Okay. This didn't cost a dime.
16 It didn't cost a dime; correct?

17 A. That's right.

18 Q. Did you respond to that?

19 A. Not written, no.

20 Q. Was there any reason why you
21 didn't respond?

22 A. Not written, I didn't. Verbally,
23 we sit beside each other. This is our lives.
24 After that incident, we probably talked about the
25 incident for days afterwards, good and bad, and

1 talked about different avenues.

2 So I didn't -- because we were kind of
3 side by side, I didn't feel it was necessary to put
4 it in writing.

5 Q. Fair enough. And was there ever
6 any sort of after-action report prepared by TF-3?

7 A. No.

8 Q. Okay. Do you know why that was?

9 A. No, I don't.

10 Q. Because the person to put that
11 together would logically be -- would be Captain
12 Comella, given he is a full-time employee, and he
13 was there?

14 A. Yes. With probably some
15 assistance from me because I'm in that office too,
16 yes.

17 Q. Right. And because you will
18 recall his invitation to provide input on the
19 deployment was so that they could -- he could
20 prepare an after-action report; correct?

21 A. Right.

22 Q. Okay. But you don't know why that
23 was never done?

24 A. I guess other than the poor
25 response from the request for input, yes.

1 Q. Okay. Did you see any areas that
2 could have been improved on this deployment?

3 A. Well, I think we have identified
4 some through this inquest already, and that being
5 your concern of the Planning Chief. We have sent
6 more people to be trained in that field.

7 Q. Uhm-hmm.

8 A. We are now implementing -- in our
9 core training, we are now implementing training in
10 forms to be part of that training, so whoever you
11 are, if you get field promoted, you will be used to
12 the forms that should be part of that planning
13 process, even though that a lot of times we don't
14 write things down, it is more of a verbal, and from
15 my past experience I know that Incident Action
16 Reports are a lot of times verbal on the fire
17 grounds. It is not written down.

18 So we were trying to move forward with
19 more report writing. We have an online training
20 segment that team members can go online soon that
21 will talk about note-taking.

22 And the other thing that -- our biggest
23 problem was trying to keep our notes dry in that
24 downpour that happened on the Sunday night and the
25 issues with that. So we are looking into

1 technologies such as digital recorders that key
2 people could use, and then there is software that
3 could be used to put it in print.

4 So those are things that we are moving
5 forward in.

6 Q. Okay. Captain, those are my
7 questions, and some of my colleagues will have some
8 questions for you.

9 A. Thank you.

10 THE COMMISSIONER: Mr. Oliver,
11 in-chief.

12 EXAMINATION IN-CHIEF BY MR. OLIVER:

13 Q. Good morning, Captain McRae.

14 A. Good morning.

15 Q. For the record, my name is Richard
16 Oliver, lawyer for the City of Toronto.

17 One of the areas that Mr. Wallace took
18 you to was -- well, he asked you the question:
19 Were you ever told if you were going home? And
20 your response was no. And I am wondering, on the
21 Monday evening, Monday, June 25th, if TF-3 had been
22 going home, would you have known?

23 A. I would have been probably one of
24 the first persons to have been notified because I
25 would have been in charge of the demobilization

1 plan for the team.

2 Q. Because you were Logistics Chief?

3 A. That's correct.

4 Q. At any time on the Monday
5 afternoon, did this demobilization occur?

6 A. No, never.

7 Q. Now, I understood you to say there
8 was certain work that was performed relating to
9 Priestly prior to Priestly being approved at 1:00
10 a.m., and I was hoping you could go into some
11 detail as to why this was.

12 A. Well, after the discussions with
13 the provincial government, there was -- and this
14 was the plan that was pushed forward by Mr.
15 Neadles. There was no -- we could not see any
16 reasons for it not to be approved. We were just
17 waiting for that official approval. So we wanted
18 to keep moving forward so we didn't hold up that
19 operation.

20 And that was moving our canvas command
21 tents into areas that wouldn't affect that
22 operation, moving our forward staging area into one
23 central staging area in the lower parking lot of
24 the mall.

25 And there was a substantial amount of

1 work that had to be done to get the area ready for
2 where eventually the big piece of Priestly
3 equipment was to be stationary, and that was some
4 grading issues, some filling, back-filling where it
5 ended up being, and also there was a concern for
6 the walkway, the structure of the walkway. We know
7 this type of heavy machinery causes a huge amount
8 of vibrations, just for what it is, and there was
9 shoring tasked. There was a bunch of lace posts
10 tasked to be part of that, to be sure that the
11 walkway at least, at the very least, was an early
12 warning signal for us that there was issues with
13 that that possibly could be coming down.

14 Q. Are you able to tell the
15 Commission approximately when this preparation work
16 would have started?

17 A. I would say probably the plans
18 were moving forward around 8:00ish maybe, yes.

19 Q. 8:00 p.m. on the Monday the 25th?

20 A. That's right.

21 Q. Now, we heard evidence from
22 Captain Comella that when he inspected the top
23 measuring device on the escalator on the early
24 afternoon of Monday, June 25th, he did see
25 movement, and we heard from you today that you

1 didn't see any movement. Are you able to explain
2 why that was?

3 A. When we talked about the -- not
4 going into that room, that we discussed that it was
5 a no-go zone, and when he finally went up there,
6 and I believe it was Roger Jeffreys that was with
7 him, they went in there and looked directly over
8 the 2 by 4s. So they were very close, directly
9 over it. And they seen -- that is when they seen
10 the movement.

11 So from my vantage point, I was kind of
12 to the side. I was approximately 50 to 60 feet
13 away looking through a broken window, and I presume
14 at that angle I was missing -- I could not see the
15 gap that was created there.

16 Q. Okay. Well, thank you. Those are
17 the only questions I have of you in
18 examination-in-chief. My friends may have some
19 cross-examination questions.

20 A. Thank you.

21 THE COMMISSIONER: Thank you. Going
22 across the room, any questions? Mr. Cassan.

23 CROSS-EXAMINATION BY MR. CASSAN:

24 Q. Captain McRae, my name is Paul
25 Cassan, I'm Counsel for the City of Elliot Lake and

1 the Elliot Lake Fire Department.

2 I just want to talk to you about the
3 building that you were dealing with here.

4 Would you say that this collapse was
5 unusual from others that you have trained with or
6 learned about because it was not a full collapse?

7 A. It was a very unusual collapse
8 just because of the location being in the middle of
9 the building, and really we had no intel why the
10 collapse had happened, so it wasn't evident that
11 there was a natural force, such as a tornado, or
12 man made, some type of explosion.

13 So at the beginning, we didn't
14 understand why the reasoning of that collapse
15 happened, and then obviously later on, as there was
16 more intel being gathered, we started to more
17 understand what was happening. But even at that,
18 we realized how dangerous -- if it happened in that
19 area, it could possibly happen in the other areas.
20 As we started to look through the mall, you can see
21 pails, and the ceiling looks like it is gathering
22 water, leaking water. There is plastic tarps
23 draped to -- looks like it is directing water to
24 pails on the floor. So there is evidence that
25 there is water leaks other than in this particular

1 area.

2 And because it was in the middle of the
3 building, it makes it dangerous because of the
4 safety escape route that we keep talking about. So
5 we always want a way for our rescuers to escape, in
6 particular, more than one way just in case
7 something -- that building does have a secondary
8 collapse in it.

9 Q. And that was something you were
10 concerned about, I'm sure, through the whole
11 response?

12 A. Very concerned, and everyone was
13 concerned about that.

14 Q. And so because of that situation,
15 I want to talk a little bit about planning, and I
16 want you to help the Commissioner understand what
17 is involved with planning your response in this
18 situation.

19 Well, can you have a static or a
20 concrete plan, "Here is how we are going to attack
21 this"? Is that useful?

22 A. In any type of rescue situation,
23 the plan is never static. It is always being
24 modified as the procedures are going on, and it is
25 either because of the way it is going on, it is not

1 going as effective as you think it is, or something
2 has changed. So my example in this case would be
3 the concern about the escalator moving, that we
4 actually could see movement in that escalator. So
5 that would have been a change.

6 So plans are never static. We can
7 modify it. We can go in different directions.
8 When we do that, it is not saying that it is Plan B
9 or Plan C, because typically those plans would
10 never be as what was thought to be as good as Plan
11 A would have been.

12 So plan A, if you can say that, in the
13 initial plan, there is lots of times it can get
14 modified and updated, but we are not saying that
15 that's plan B.

16 Q. And that is also not saying, I
17 suppose, that Plan A is wrong or missed something;
18 right?

19 A. No. And as the operation goes on,
20 there is different factors that do happen, and
21 there is modifications that can -- that you should
22 have to address.

23 Q. And so do I understand your
24 process is essentially you start from safe ground
25 and work your way in?

1 A. That's correct.

2 Q. And as you are working your way
3 in, you are taking steps to shore it up and also
4 see what happens?

5 A. Well, and we can actually get
6 closer to the central point of the collapse, and we
7 are moving in closer. So those different views and
8 being able to move in closer, you may be able to
9 see something that you weren't at the start of the
10 operation.

11 And also I think it is important to
12 know that shoring is not only for the safety of the
13 rescuer. It is the safety of the trapped person
14 that is in the building. We are trying to make it
15 safe until we are able to reach them and free them
16 out of the rubble.

17 Q. Sure. So as you proceed and you
18 get to new areas and you discover new challenges,
19 then your training is that your plan -- or
20 "tactics" might be a better word -- will change to
21 suit the situation?

22 A. That is correct, and I think one
23 example that I can use is area 7 and 8. When we
24 realized when we got in that deep into the building
25 that there was large, vacant space in that area

1 that we could move the floor slabs into, and that
2 is what we train -- we train a lot of time on, on
3 moving heavy floor slabs manually, and that is our
4 primary way of removing substance on top of victims
5 like what we were faced with.

6 Q. And that is interesting. How do
7 you do that? How do you move those big heavy floor
8 slabs manually?

9 A. It is just by a simple means. It
10 is talking about using levers, rollers, pipe
11 rollers, different facets that we can use as
12 mechanisms to assist us, to give us more strength
13 in moving concrete.

14 And part of that would be also using
15 shoring to stabilize.

16 So we spend a lot of time on very heavy
17 pieces of concrete, and examples of this, at our
18 training facilities that the team members would
19 move around we call a racetrack, and there is
20 different obstacles that they would have to move
21 these slabs over and under and around.

22 Q. And how much would those slabs
23 weigh as compared to what you were dealing with
24 here?

25 A. Our smallest floor slab that we

1 use is -- I believe, it is 5,000 pounds, and
2 typically we will stack two or three of those, and
3 we have some very big floor slabs that are around
4 16,000 pounds that are -- we use our lifting bags,
5 our pneumatic lifting bags to lift those up.

6 So in combinations with the manual
7 procedures that we use, our levers and pneumatic
8 bags, we are able to move a majority of what we are
9 faced with.

10 Q. Okay. So fair to say the debris
11 that you were faced with -- I'm not talking about
12 the configuration, but the size and the type of
13 debris was certainly something you are familiar
14 with?

15 A. Absolutely.

16 Q. And so would it be true to say
17 that because this building has already failed and
18 has failed in an unusual manner, that you are not
19 dealing with the building performing certainly as
20 it was designed? I think that is obvious.

21 A. Yes.

22 Q. And so you have to just constantly
23 adapt to what is going on as you are inside the
24 building because you don't know how the building is
25 going to react?

1 A. And -- yes, and it could change.
2 As we know, the building was dynamic, so it was
3 changing as time went on.

4 Q. And is that typical of all
5 building collapses, or was that special for this
6 situation?

7 A. I think the escalator issue was
8 special in this case because there was different
9 forces on it. We were not only worried about it,
10 the vertical, we were worried about it moving
11 forward into that pile. So there was two forces
12 that were on that, that it was very hard to control
13 on that.

14 So that hazard was a very -- what we
15 considered a high-risk hazard. If a building has
16 failed or collapsed, it is more than likely --
17 highly likely it is just a matter of time before
18 there is a secondary collapse. It might not be the
19 whole building, just portions of that building will
20 collapse again.

21 Q. All right. Those are my
22 questions, Captain McRae. I certainly want to
23 thank you for your work in Elliot Lake.

24 A. Thank you.

25 THE COMMISSIONER: Mr. Oliver?

1 MR. FEAVER: Mr. Commissioner, may I
2 just ask one or two quick questions.

3 THE COMMISSIONER: Sure, go ahead.

4 CROSS-EXAMINATION BY MR. FEAVER:

5 Q. Good morning, Captain McRae. I'm
6 Norm Feaver. I'm one of the Counsel for the OPP.

7 I just want to ask you about your
8 discussions with Mr. Comella who you said was upset
9 about additional work being done in his absence.

10 I take it that his upset was the fact
11 that stuff had happened that he didn't know about
12 when he was off shift?

13 A. That's correct, in the way that
14 more pieces were removed than what was initially
15 discussed.

16 Q. And I suspect that Mr. Comella, to
17 your knowledge anyway, wouldn't have expected
18 things to stop until he got back on shift, but
19 would have assumed that somebody would have devised
20 a plan once those pieces were removed?

21 A. That's correct.

22 Q. And so he didn't indicate any
23 concern to you that despite the fact that stuff had
24 happened in his absence, that it had been done
25 incorrectly or that this was going to be a

1 significant problem?

2 A. No.

3 Q. Thank you. Those are all the
4 questions I have.

5 THE COMMISSIONER: More questions
6 coming up? I went around the room, and I thought
7 nobody was volunteering. Go ahead, sir.

8 CROSS-EXAMINATION BY MR. THORNE:

9 Q. Hi, Captain McRae. I know we know
10 each other, but for the record, my name is Ernie
11 Thorne, a representative with the International
12 Association of Fire Fighters.

13 I believe in your testimony you
14 mentioned about since this exercise here in Elliot
15 Lake, that the HUSAR has implemented some plans to
16 go forward with note-taking and such and
17 recordkeeping?

18 A. Yes.

19 Q. Okay. But prior to that, prior to
20 these initiatives, in your role as a fire fighter,
21 would it be fair to say that most of the
22 interaction that occurs during the course of an
23 operation is done face-to-face?

24 A. Face-to-face or over the radio,
25 yes.

1 Q. Okay. So over the radio. And I
2 think you mentioned during your testimony you also
3 did some communications with regards to using your
4 telephone?

5 A. That's correct.

6 Q. And then, I guess, would it be
7 fair to say that after that -- because I know some
8 of your notes indicated there were "ish" behind
9 some of the times. Is that because when there was
10 time, that is when you made those notes; you
11 weren't making them as you were going along, per
12 se?

13 A. That's right.

14 Q. Okay. Thank you. If I could get
15 an understanding with regards to your role. When
16 you are not being deployed, you are working, you
17 mentioned, I think, in close proximity with Captain
18 Comella?

19 A. Correct.

20 Q. So you work day staff, Monday to
21 Friday, in the training division with Captain
22 Comella?

23 A. Yes. It is a four-day week, yes,
24 a compressed.

25 Q. So you work -- with regards to

1 when there is going to be a procurement of
2 equipment or assigning of training exercises, would
3 that be done with Captain Comella?

4 A. Yeah. So I would assist him in
5 those tasks, yes.

6 Q. Okay. And so in that role --
7 because it was mentioned during the testimony that
8 there has been some cutbacks with regards to
9 funding, and the word JEPP has been used with
10 regards to that kind of funding -- when you are
11 deciding what training exercises that you might
12 like to do or that what equipment you might like to
13 purchase, does it always include the fact that you
14 have to consider how much money you might have to
15 be able to do those things?

16 A. It would definitely be a factor in
17 it from now on, yes.

18 Q. It would be a factor with regards
19 to what you can do, whether it is training. You
20 mentioned the Rouge Valley. I guess there is a
21 site there that you use on occasion?

22 A. As far as training would be
23 concerned, it would be only representing the
24 National Program, so the four teams would get
25 together on a yearly basis and do a national

1 exercise somewhere across Canada. There would be a
2 different location. So that now is non-existent.
3 And obviously some of the JEPP funding would
4 represent the equipment that we are looking to
5 purchase, and one of the examples was the call-out
6 equipment that I discussed, the automated call-out
7 system.

8 Q. Okay. Those are my questions.
9 Thank you.

10 A. Thank you.

11 THE COMMISSIONER: Anybody else?

12 MR. OLIVER: No re-examination, Your
13 Honour.

14 THE COMMISSIONER: Mr. Wallace?

15 RE-EXAMINATION BY MR. WALLACE:

16 Q. In answer to one of Mr. Cassan's
17 questions, you indicated that there had been some
18 worry expressed about the beam, that is, that had
19 the escalator and the slabs on top.

20 When did you first become aware that
21 there was a concern that this had the potential to
22 become a movement problem?

23 A. The first time I seen it.

24 Q. Okay. And were you aware of any
25 plans put in place to deal with that specific

1 issue? That is, what do we do if this starts to
2 move?

3 A. I know there was discussions on
4 how to go about doing that with our engineer,
5 Mr. Cranford.

6 Q. Uhm-hmm.

7 A. Those tasks were very hard to
8 implement, and I think that the major factor,
9 again, was we are not only talking about one force
10 being the vertical force coming down; it was also
11 the forward movement of that. So if one of those
12 forces overcome, both are going to react to each
13 other.

14 So it was very hard in that case to
15 support that object then, if not impossible.

16 Q. But my point is you were aware
17 that someone had addressed their mind to the issue?

18 A. That's right. Yes.

19 Q. Okay. And ultimately, no solution
20 was found for the problem as far as you are aware?

21 A. Right.

22 Q. Okay. Thank you.

23 THE COMMISSIONER: Thank you, Captain
24 McRae. As I told your other colleagues, your role
25 put you in harm's way on the 23rd, 24th, 25th and

1 26th, and for that you certainly deserve
2 expressions of gratitude and admiration, and I do
3 that now.

4 Thank you very much for having given us
5 the benefit of your evidence and your expertise.

6 THE WITNESS: Thank you, Your Honour.

7 THE COMMISSIONER: Thank you.

8 We'll rise for five minutes. Mr. Ault,
9 you will be ready then to start?

10 MR. AULT: We will.

11 -- RECESSED AT 12:05 P.M.

12 -- RESUMED AT 12:10 P.M.

13 THE COMMISSIONER: Okay, Ms. Kerr.

14 THE WITNESS: Hi.

15 THE COMMISSIONER: How are you? I
16 gather you have had a bit of a mishap?

17 THE WITNESS: Yes, I'm on crutches.

18 THE COMMISSIONER: Go ahead,
19 Mr. Registrar.

20 ROBIN KERR: SWORN.

21 EXAMINATION IN-CHIEF BY MR. AULT:

22 Q. Good afternoon, Ms. Kerr.

23 A. Hi there.

24 Q. I understand you are the Executive
25 Director of an organization called Victim Services

1 of Algoma?

2 A. Yes, I am.

3 Q. And, Ms. Kerr, I'm going to start
4 by asking you about your experience and your
5 training in respect of Victim Services. And if you
6 could please describe how long you have been with
7 the organization Victim Services of Algoma and the
8 positions that you have held within that
9 organization?

10 A. Okay. I began as a Frontline
11 Crisis Responder in 1993, and then became the
12 Part-Time District Coordinator which operated the
13 district locations --

14 THE COMMISSIONER: Can I ask you, Ms.
15 Kerr, just to slow down?

16 THE WITNESS: Slow down?

17 THE COMMISSIONER: Because what you say
18 has to be translated, and it also has to be typed
19 up.

20 THE WITNESS: Okay. Sorry, I will try.

21 I then became the District Coordinator,
22 which was in charge of the district locations in
23 1995, and I became the full-time Executive Director
24 in 1997.

25 BY MR. AULT:

1 Q. And you have held the position of
2 Executive Director since 1997?

3 A. Yes, I have.

4 Q. And I take it, then, that you have
5 been working in Victim Services as your primary
6 occupation since 1993; is that correct?

7 A. Correct, yes.

8 Q. And over the course of that
9 period, I would imagine that you have had
10 considerable training in Victim Services?

11 A. I have had many hours of training,
12 both provincially offered by the Ministry of the
13 Attorney General and as well as locally through
14 other agencies and services within our area.

15 Q. And if you could generally
16 describe the types of training that you have
17 received.

18 A. I have taken training in regards
19 to domestic violence, sexual assaults, assisting
20 victims of any crime or tragedy. From the Ministry
21 level, we have also taken training in regards to
22 how to operate programs, budgeting, how to run
23 those organizations as well.

24 Q. I'm going to ask you questions now
25 about the organization Victim Services of Algoma.

1 And I'll start by asking: What is that
2 organization?

3 A. We are a transfer payment agency
4 of the Ministry of Attorney General which funds our
5 program to be of services to victims of crime
6 and/or tragic circumstance 24 hours a day, seven
7 days a week. It is a community-based, volunteer
8 organization --

9 THE COMMISSIONER: Slow down.

10 THE WITNESS: Sorry. It is a
11 community-based volunteer organization. We have 76
12 volunteers within our organization. Myself and my
13 admin assistant are the only full-time employees,
14 and we have one part-time employee.

15 BY MR. AULT:

16 Q. And where is it based?

17 A. Our offices are based in Sault
18 Ste. Marie, but our coverage area runs with not
19 only the East Algoma OPP, but also the Sault Ste.
20 Marie OPP. So our total coverage area is 26,000
21 square kilometres.

22 Q. And do you have volunteers located
23 throughout that area?

24 A. I have volunteers -- the bulk of
25 our volunteers are within Sault Ste. Marie, but I

1 also have sub-offices or sub-stations in Thessalon
2 and here in Elliot Lake.

3 Q. And how are your volunteers
4 organized?

5 A. They run -- the training is
6 mandated through the Ministry of the Attorney
7 General, so we interview and do records checks on
8 all of our volunteers and then have them take part
9 in that training. And then myself, I am in charge
10 of the entire program, but so that I have relief
11 and not available on evenings and weekends, we have
12 what we call team leaders who cover pagers and are
13 able to respond and dispatch our frontline crisis
14 responders to attend the calls.

15 Q. And are volunteers activated on an
16 on-call basis? Are they organized?

17 A. Yes. We have volunteers ready and
18 available via pager. A volunteer will carry a
19 pager while they are on duty, and so that we will
20 dispatch them through the paging system to attend
21 to the calls that we require them for.

22 Q. And are the volunteers on-call 24
23 hours a day?

24 A. 24 hours a day, seven days a week,
25 365 days a year.

1 Q. And what are the roles of the team
2 leaders that you mentioned?

3 A. The team leader is an experienced,
4 seasoned volunteer who has been with our program
5 for a minimum of five years before they can take on
6 that role, and then their role is to receive the
7 information, the call, originally from whichever
8 police service we are working with at that time.
9 And they will receive the critical information:
10 name of the victim, type of call, how many people
11 are at the scene, that sort of information.

12 And then they dispatch the teams to
13 attend, and is that is strictly on evenings and
14 weekends.

15 Q. And you have touched on it briefly
16 in your last answer, but if you could just
17 generally describe how are the services of your
18 organization or your volunteers engaged?

19 A. They are engaged through dispatch
20 through police services. We cannot attend any
21 scene without police first responding to that scene
22 to ensure first and foremost our safety, but also
23 to ensure that the victims actually even want us to
24 attend. Our main goal is to empower a victim,
25 which we believe has been taken from them when they

1 have become a victim of a crime, so we want to make
2 sure that they are given the choice and the
3 opportunity to decide if they wish to have our
4 services attend.

5 Q. You say that you empower a victim.
6 Can you provide a bit more specificity about the
7 services that you actually provide to victims?

8 A. We do practical assistance,
9 emotional support, information and then referrals.

10 THE COMMISSIONER: I'm sorry. I'm
11 going to have to interrupt you again.

12 THE WITNESS: I'm sorry.

13 THE COMMISSIONER: They just can't
14 follow you, so please make a conscious effort to
15 slow down. I know it is difficult, and we are all
16 tense when we are sitting where you are sitting,
17 but they have a job to do, and it is -- they
18 appreciate your cooperation.

19 THE WITNESS: Okay. I apologize.

20 THE COMMISSIONER: Thank you.

21 THE WITNESS: Yes. We offer practical
22 assistance, emotional support, information, and
23 then referrals to any victim that we come into
24 contact with.

25 BY MR. AULT:

1 Q. And could you please give us an
2 estimation on how busy your organization is? How
3 many calls do you respond to in a given month?

4 A. In a given month, we average about
5 15 calls in that time.

6 THE COMMISSIONER: You said you
7 responded to police, that you didn't go in ab
8 initio yourselves. Do you also respond to other
9 emergency or to other professionals, fire, for
10 example, or EMS that, kind of thing?

11 THE WITNESS: We respond to Fire
12 Departments as well. We do not respond to
13 emergency EMS.

14 THE COMMISSIONER: So are these the
15 only two organizations that you would follow
16 through on: police and fire?

17 THE WITNESS: Yes. A victim can access
18 our services themselves without police involvement
19 if they choose not to have that.

20 THE COMMISSIONER: So you could be
21 requested without police intervention or fire to
22 come by a victim?

23 THE WITNESS: Yes. But we would not
24 attend the scene to ensure the safety, so we would
25 have them attend to our offices.

1 THE COMMISSIONER: And how about
2 medical authorities?

3 THE WITNESS: No, we do not attend
4 there.

5 THE COMMISSIONER: Okay.

6 BY MR. AULT:

7 Q. You indicated that when you are
8 activated by the police, it is either directly by a
9 police officer or by dispatch?

10 A. Correct. In the City of Sault
11 Ste. Marie, we work with the City Police Services,
12 and they generally dispatch us police officers
13 directly. Here in the district with the OPP, our
14 calls come from the Communications Centre in North
15 Bay.

16 Q. Do you provide counselling
17 services to victims?

18 A. No. We are not a counselling
19 agency. That is the referral portion where we
20 would refer them to the counselling services
21 available within their area.

22 Q. Thank you, Ms. Kerr. I would like
23 to move now to discuss your involvement in the
24 response to Elliot Lake.

25 A. Okay.

1 Q. And, Ms. Kuka, if we could please
2 see Exhibit No. 6402. Ms. Kerr, I understand that
3 you prepared a summary of your notes with respect
4 to your involvement in Elliot Lake?

5 A. Yes.

6 Q. And is the document that is on the
7 screen now, is that those notes?

8 A. Yes, it is.

9 Q. And we see that the first notation
10 is at 3:00 p.m. on June 23rd, 2012, and you write:

11 "I received the first phone call
12 regarding the Mall collapse from a
13 volunteer in Elliot Lake."

14 Now, is this the first time that you
15 heard about the mall collapse, or had you heard
16 about it on the news or by word of mouth?

17 A. No. This was the very first time
18 I had heard of it.

19 Q. And when you write that you had
20 heard about it from a volunteer in Elliot Lake, was
21 that a volunteer within your organization?

22 A. Yes.

23 Q. And was that a volunteer who was
24 on call that day?

25 A. She was on call, yes.

1 Q. And you then write:

2 "Because we hadn't been paged to
3 attend, I told her we couldn't
4 respond."

5 Does that relate to what you had
6 indicated to the Commissioner: You will not attend
7 a scene unless you are paged by the OPP.

8 A. Correct, yes.

9 Q. We see dropping down to the next
10 line at 4:00 p.m.:

11 "Team Leader paged and sent teams
12 to Collins Hall to assist. A total
13 of 4 volunteers from Elliot Lake and
14 2 from Thessalon attended. I
15 decided to attend at 6:00 p.m. after
16 discussing with Board Chair M.
17 Davey."

18 Was the team leader that was paged, was
19 that the same person who had contacted you at 3
20 o'clock?

21 A. No. That was a different person.

22 Q. And were they located, that team
23 leader, were they located in Elliot Lake?

24 A. No, Sault Ste. Marie.

25 Q. And do you know who paged them?

1 A. The OPP paged them.

2 Q. And do you know where the OPP was
3 located that paged them?

4 A. Her contact was back at the
5 Communications Centre in North Bay.

6 Q. And you indicate that they were
7 sent to Collins Hall to assist. Can you provide
8 any more detail with respect to that notation?

9 A. All she informed me afterwards is
10 when I discussed with her is that she had been
11 informed there were many people at the Collins Hall
12 and that the police requested as many frontline
13 crisis responders that she could get to there.

14 Q. And how many people were you able
15 to mobilize?

16 A. Six total, four here in Elliot
17 Lake. Because it was a hot summer beautiful day, a
18 lot of people were out and not available for us to
19 reach, and so then she took it upon herself to
20 contact two from Thessalon and dispatch them to
21 attend.

22 Q. And you next write that:

23 "I decided to attend at 6:00 p.m.
24 after discussing with Board Chair M.
25 Davey."

1 Why did you decide to personally attend
2 at the scene?

3 A. By that time, some news had
4 started to filter down. Plus we knew that there
5 was already six volunteers there, and we knew that
6 there may be more people arriving to the scene, and
7 so I felt it was best if I attended on my own so
8 that I could offer support to those there.

9 Q. And what position does M. Davey
10 occupy?

11 A. He is a Sergeant with the Sault
12 Ste. Marie City Police Services.

13 Q. And he agreed with your decision
14 that you should attend?

15 A. Yes, he did.

16 Q. And your next notation is at 7:00
17 p.m., and you indicate that you:

18 "Arrived on scene".

19 So I take it that it was a short trip?

20 A. It was a very quick trip, yes.

21 Q. And you next indicate that:

22 "Three OPP officers were staffing
23 phone and taking information for
24 people who were missing."

25 When you arrived in Elliot Lake, Ms.

1 Kerr, did you go directly to Collins Hall?

2 A. Yes, I did.

3 Q. You did not go to the mall site
4 first?

5 A. No, I didn't. No.

6 Q. And how did you know to go to
7 Collins Hall?

8 A. In my discussion with my team
9 leader, that she had dispatched the teams to go
10 there, I knew that is where we were meeting, so
11 that is why I decided to go there and not to the
12 scene.

13 Q. And when you arrived at Collins
14 Hall, please describe the scene for us.

15 A. There were three police officers
16 staffing phones in a table off to one side, and
17 then there were just rows of tables and chairs with
18 people sitting at those tables and chairs.

19 Q. Did you know what the OPP officers
20 were doing?

21 A. Not initially when I first
22 entered, but once, after awhile, I went over to
23 talk to them, and I knew then that they were
24 receiving phone calls from people who may be
25 missing.

1 Q. And were they doing anything to
2 maintain a list of the people that were missing?

3 A. They were writing lists, yes.
4 Every phone call they received, they would make a
5 notation of that.

6 Q. And at that time, Ms. Kerr, did
7 you have an idea about how many people were on the
8 list?

9 A. At that time, there were 35 people
10 on the list.

11 Q. How many people were in Collins
12 Hall at that point?

13 A. Approximately 15 to 20 at that
14 time.

15 Q. How did you come to know the
16 Aylwins and the Perizzolos?

17 A. The Aylwin family was not at the
18 hall when I first arrived. Once I entered, I
19 believe it was one of my volunteers, but I do not
20 know which one, informed me that Mrs. Perizzolo's
21 family was sitting off to one of the tables, and
22 there was Teresa and I believe friends of hers as
23 well as other relatives.

24 Q. At that time, were there other
25 people in the hall who you thought were family

1 members of possible victims?

2 A. I wasn't sure who was who. So
3 yes, they could have very well have been family
4 members. We had a constant flow of people through
5 the hall.

6 Q. And you have indicated when you
7 got to know Teresa Perizzolo. When did you meet
8 the Aylwins?

9 A. Mr. and Mrs. Aylwin arrived at the
10 hall probably around 11:00 p.m. that evening.

11 THE COMMISSIONER: Was there an
12 announcement made when you came in by a police
13 officer that you were there and the purpose of your
14 being there, and/or did you make an announcement?

15 THE WITNESS: That announcement came
16 later in the evening when the Inspector Jollymore
17 attended at around shortly after I arrived.

18 THE COMMISSIONER: All right.

19 BY MS. AULT:

20 Q. When you arrived, did you know who
21 was in charge of the OPP in Elliot Lake?

22 A. Through my working with him, the
23 inspector was my contact, so I assumed he was in
24 charge here at the OPP. With him being detachment
25 commander, that was my natural assumption.

1 Q. You say through working with him.
2 I take it you had worked with the Inspector
3 previously?

4 A. Yes. Once he relocated here to
5 the East Algoma Detachment, we started to work
6 together then.

7 Q. And this is Inspector Percy
8 Jollymore?

9 A. Yes, it is.

10 Q. And when did you first see
11 Inspector Jollymore on the evening of June 23rd?

12 A. He arrived at the hall shortly
13 after I arrived. He took me aside, so it was
14 probably shortly after 7:00, and briefed me on what
15 was happening with the collapse so that I was up to
16 date on what was going on, and then he made an
17 announcement to the group there in attendance.

18 Q. And what did he tell you about the
19 collapse and about what was going on?

20 A. That there was a collapse that had
21 occurred at the escalator portion, that -- he asked
22 if I knew the mall, and I had been in there a few
23 times, so I was vaguely aware of it. Then he also
24 said they were not sure how many people were
25 trapped within the mall, and they were working on

1 that list, and that is what the individuals at the
2 far side were doing, the officers.

3 Q. Did Inspector Jollymore, when he
4 made the announcement to the group indicating who
5 you were and what your role was, did he also give
6 an update with respect to the situation in the
7 mall?

8 A. Yes, he did.

9 Q. And did he make that update to the
10 group generally or to isolated groups at all?

11 A. To the group generally.

12 Q. And at this point, Ms. Kerr, what
13 was your understanding about what Collins Hall
14 itself was to serve as?

15 A. There was never really any clear
16 role that we were to serve. We had the families
17 there, the Perizzolo family. We knew that they
18 were trying to convince the Aylwin family to attend
19 to the hall as well, but we also were an
20 information centre where any member of the
21 community could come and talk to somebody, to
22 receive some reassurances, to receive information
23 about the services that were available in Elliot
24 Lake for them, such as counselling, et cetera.

25 So we played a very dual role

1 throughout the entire time we were here.

2 Q. And from the representatives of
3 your organization, who was able to provide that
4 information?

5 A. Well, we only provided information
6 in regards to what was happening at the mall
7 once -- if we had anything from police, but we
8 generally didn't give any information because we
9 had nothing to give.

10 Q. And I'm going to ask you questions
11 now about the setup of Collins Hall on the evening
12 of June 23rd and overnight June 23rd, June 24th
13 and, in particular, questions about provisions and
14 amenities that were in Collins Hall.

15 Was there any food or coffee or
16 anything to drink on the evening of June 23rd?

17 A. There was no food or anything to
18 drink until myself and two of my volunteers went
19 down to Tim Horton's; we took a coffee order
20 approximately about 1:30 in the morning, and we
21 headed down to Timmy's to get people coffee and
22 that sort of thing. There was no beds. There was
23 no place to sleep. There was no shower services
24 there. It is basically a big gymnasium for people
25 just to sit in.

1 Q. And how many people were in
2 Collins Hall later in the evening on June 23rd and
3 overnight on June 23rd/June 24th?

4 A. We probably grew to about 30 to 35
5 people. Again, it fluctuated throughout that
6 night, but the number is steady about that, about
7 30 to 35.

8 Q. And did you know who the people in
9 Collins Hall were? Did you know who these 30 to 40
10 people were?

11 A. No, I did not.

12 Q. Could you tell whether they were
13 family members of the Aylwins or the Perizzolos?

14 A. Well, I knew the Perizzolo family,
15 as they had been pointed out to me when I first
16 attended the hall.

17 Q. Right.

18 A. And then at 11 p.m., when Mr. and
19 Mrs. Aylwin attended, somebody called them by their
20 name, so that is how I knew who they were, that
21 they were members of the Aylwin family. That is
22 the only indication I had as to who they were.

23 Q. So as of 11 o'clock on June 23rd,
24 as far as you were aware, is it fair to say that
25 the only family members of possible victims that

1 you were aware of were the family members of
2 Doloris Perizzolo and of Lucie Aylwin?

3 A. Yes, it is.

4 Q. Just going back to your notes for
5 a moment, we see in the middle of the page a
6 notation:

7 "I contacted Team Leader and asked
8 her to have Red Cross attend for
9 distribution of care kits, etc."

10 At approximately what time does that
11 notation refer to?

12 A. Probably between 8:00 and 8:30.

13 Q. And why did you need to make that
14 call, and what are these care kits that you refer
15 to?

16 A. Care kits are kits that the Red
17 Cross distribute to individuals who have been
18 displaced, so they come with deodorant, toothpaste,
19 toothbrushes, shampoo, anything -- soap, anything
20 to help them personally. Especially if they have
21 been displaced by a fire, they generally give those
22 out.

23 We had individuals attending at the
24 hall who were staying at the Algo Inn and were
25 unable to return to their rooms, so I asked for the

1 Red Cross to attend so that these individuals at
2 least could have access to toothbrushes and
3 toothpaste, and this was made available to those
4 individuals that were staying at the hall,
5 especially the Perizzolo and the Aylwin families.

6 Q. And in a situation like this, what
7 is the difference between Victim Services of Algoma
8 and the Red Cross?

9 A. The Red Cross's mandate, from what
10 I understand, is to attend in disaster situations,
11 whereas we at Victim Services attend to any request
12 from any police officer, crime and/or tragic
13 circumstance, so that is why we attended.

14 We work very closely with the police
15 services within our area, so it is a natural
16 assumption that we would be one of their first
17 calls when people are in need.

18 Q. And generally speaking, are you
19 able to mobilize more quickly?

20 A. Yes.

21 Q. Did the care kits from the Red
22 Cross, did they come? Did they arrive?

23 A. Yes, they did.

24 Q. And when did that occur?

25 A. Probably between 8:30 and 9

1 o'clock. We had two volunteers from the Red Cross
2 attend, and they brought those care kits with them.

3 Q. Your next notation is at 11:00
4 p.m. on June 23rd, and you write:

5 "Last update received from
6 Inspector Jollymore, stating that
7 the Heavy Urban Search and Rescue
8 Team attending from Toronto. Also
9 that he was releasing officers at
10 hall to go and get some sleep and
11 that Victim Services of Algoma was
12 in charge of the hall. Stated Staff
13 Sergeant Esposto would attend the
14 hall to provide updates."

15 So my first question in respect of this
16 notation is this: How long was there an OPP
17 presence at Collins Hall on the evening of June
18 23rd?

19 A. From the time I arrived at 7:00
20 p.m. until 11:00 p.m. when the Inspector told them
21 that they could go home, that was -- there was
22 somebody there constantly there from the OPP during
23 that time.

24 Q. And when Inspector Jollymore left
25 after this update at 11:00, the other OPP officers

1 left with him?

2 A. Yes, they did.

3 Q. And when you write that Victim
4 Services of Algoma was in charge of the hall, what
5 did you understand that to mean?

6 A. That we would be the ones that
7 anyone within the hall could come to if they needed
8 to ask questions, that we would try to get them the
9 information. We would try to access anything that
10 they might require, i.e., coffee, anything like
11 that.

12 Q. And were you comfortable in that
13 role?

14 A. I was initially, yes.

15 Q. And that evening, what was your
16 expectation about getting updates? You write here
17 that Inspector Jollymore stated that Sergeant
18 Esposto would attend the hall to provide updates.
19 What was your expectation about how frequent those
20 updates would be?

21 A. I expected we would see someone
22 every two to three hours.

23 Q. And did that happen?

24 A. No, it didn't.

25 Q. We see under the heading in your

1 notes "June 24, 2012", firstly that you purchased
2 coffee from Tim Horton's. That is after you took
3 those coffee orders, I take it?

4 A. Yes, it is.

5 Q. And the next notation is at 3:30
6 a.m., and you write:

7 "Attended the OPP detachment to
8 request a police officer attend the
9 hall to update the family members."

10 What were the circumstances that led to
11 this event?

12 A. I personally felt that that had
13 been too long of a stretch, from 11:00 until 3:30,
14 without anyone attending to update those that were
15 within the hall, so I took it upon myself to drive
16 over to the OPP detachment to see if I could speak
17 to someone.

18 Q. So you had not received any
19 updates since Inspector Jollymore came?

20 A. That's right.

21 Q. And what happened when you went to
22 the OPP detachment?

23 A. I couldn't get in. The doors, of
24 course, are locked at all the detachments, but a
25 car, an OPP car was driving by with two police

1 officers inside, and I flagged them down to ask if
2 they could have someone come and attend the hall.

3 Q. When did somebody come and attend
4 the hall?

5 A. 5:30.

6 Q. And that is recorded in your next
7 notation?

8 A. Yes.

9 Q. At 5:30 you write:

10 "Staff Sergeant Esposto attended
11 and updated those in the Hall.

12 Search still progressing. HUSRT

13 [...]"

14 And is that what we have been in this
15 Inquiry calling TF-3, the Heavy Search and Rescue
16 Team from Toronto?

17 A. Yes.

18 Q. (Reading):

19 "[...] on way, believed we would
20 see them arrive early in the
21 morning."

22 How would you describe the nature of
23 this update?

24 A. It was very abrupt and to the
25 point. He came in, gave that information, and then

1 he left.

2 Q. And who did he give the
3 information to?

4 A. It was a blanket announcement made
5 out to the public, but Doloris's family were
6 outside at the time, so I asked him to wait a few
7 minutes so that I could run outside and make sure
8 that everyone was receiving the same information at
9 the same time.

10 Q. And did you have to ask Staff
11 Sergeant Esposto to wait?

12 A. Yes, I did.

13 Q. Did he react to that request?

14 A. He pulled me aside afterwards and
15 asked that I not do that again, that he would come
16 and give the statement, and the information could
17 be shared by others.

18 Q. And what was the reaction to the
19 update from Sergeant Esposto?

20 A. Generally, everyone seemed content
21 and happy, wished that they had received more
22 information throughout the night, but thankful to
23 have heard something.

24 Q. And would having more updates have
25 been beneficial to the people in the hall up to

1 that point?

2 A. Absolutely. It would have given
3 them an opportunity to ask questions if they had
4 to, but also it would let them know that things are
5 progressing and that they are involved in that part
6 of the -- they are involved in what is taking
7 place.

8 Q. Your next notation is below the
9 5:30 entry, and you write:

10 "I spoke with Inspector Jollymore
11 and asked to have someone attend
12 Collins Hall to continually update
13 the family. He apologized that no
14 one has been there and stated he
15 would make sure we had someone
16 update us."

17 What time did this conversation take
18 place at?

19 A. Approximately 9:00 a.m.

20 Q. And following this conversation,
21 you indicated that Inspector Jollymore apologized?

22 A. Yes, he did.

23 Q. And what did he apologize for?

24 A. That no one had come throughout
25 the night more consistently to update those of us

1 at the hall.

2 Q. And following this conversation,
3 were updates more frequent?

4 A. During the day of the 24th, yes,
5 they were.

6 Q. And who made the updates during
7 the day on the 24th?

8 A. We had a dedicated police officer,
9 a Constable Hicks. She would come to the hall and
10 speak with families personally, one to one, as well
11 as giving information to anybody who asked it, and
12 then she would go back, I'm not sure if it was to
13 the scene or the detachment. But she would come
14 through periodically and more frequently to give us
15 information.

16 Q. So would you describe, then, that
17 these updates from Constable Hicks which occurred
18 on June 24th, did that provide a good flow of
19 information between the rescue operation or the
20 people in authority and the people in Collins Hall?

21 A. Absolutely.

22 Q. And as we go through the day on
23 June 24th, did you have a better sense of who was
24 in Collins Hall?

25 A. Yes, I did.

1 Q. And who were they?

2 A. Definitely we knew there were
3 Aylwins, and the Perizzolos were there. I believe
4 Cindy, Teresa's sister, arrived throughout that day
5 as well. So we knew that we had those two
6 families. Lucie's fiance, Gary, was also in
7 attendance. And later that day his sister and
8 brother-in-law also attended to offer him support.

9 Then we also had the general community,
10 but we knew who the families were, and then we knew
11 who the general community was that was coming in
12 that had to share their stories of maybe they were
13 at the mall at the time of the collapse, or they
14 thought they were going to the mall and thankfully
15 hadn't attended. And so we had those individuals
16 coming in as well.

17 Plus we had the people that were just
18 coming in trying to get some information.

19 Q. And was there any space for the
20 victims' families or the family members of the
21 possible victims to be alone or to be private?

22 A. No, there wasn't.

23 Q. And so they were in Collins Hall
24 along with the drop-in members of the public that
25 were there to get information?

1 A. Yes, they were.

2 Q. And should there have been, in
3 your experience in Victim Services, private space
4 provided?

5 A. Yes, there should have been, even
6 just an area where they could have went off by
7 themselves and regrouped and maybe coming back out
8 to the main area, but there should have been a
9 place where they could have gone to have privacy.

10 Q. You have indicated the updates
11 that were provided by the OPP during this period.
12 Was there any other update provided or any other
13 visit made by somebody in a position of authority
14 to Collins Hall?

15 A. No, there wasn't.

16 Q. Did Mayor Hamilton attend on June
17 23rd or June 24th?

18 A. No, he didn't.

19 Q. If we could turn to the next page,
20 Ms. Kuka, to this exhibit, we see under the
21 headline on June 24th:

22 "No updates received and no police
23 officers attended hall."

24 Now, is this a notation in respect of
25 the overnight period on June 24th into June 25th?

1 A. No. The night of the 24th, Staff
2 Sergeant Esposto attended approximately every two
3 to three hours. He came back and made very regular
4 updates to us, with his last being, I believe, at
5 6:30 a.m. on the morning of the 25th.

6 We did not receive any other updates
7 until 2 o'clock that afternoon.

8 Q. And so going back to the overnight
9 period of June 24th, I would like you to describe
10 the amenities or the provisions that were in
11 Collins Hall at that time. You had indicated that
12 there had been nowhere to sleep when you initially
13 arrived. Had that type of amenity been provided?

14 A. Yes. Canadian Tire actually
15 arrived with four air mattresses and sleeping bags,
16 blew them up and made them available to anyone who
17 wished to sleep or at least --

18 THE COMMISSIONER: And that was on --
19 at what time?

20 THE WITNESS: That was the morning of
21 the 24th, during the Sunday morning.

22 THE COMMISSIONER: Okay.

23 THE WITNESS: And the City of Elliot
24 Lake also made arrangements with the hospital, and
25 they catered our meals, starting breakfast on June

1 24th, right through until the Monday afternoon.

2 BY MR. AULT:

3 Q. Was that St. Joseph's Hospital?

4 A. Yes, it was.

5 Q. And would the people at Collins
6 Hall have to go to the hospital to get the food?

7 A. No. They catered and brought the
8 food to us, so we set it up on tables and made it
9 buffet style, and it was available to anyone and
10 everyone who were inside the hall.

11 Q. And those were three meals a day,
12 you said?

13 A. Yes, they were.

14 Q. And was any other food or drink
15 provided?

16 A. Both Canadian Tire and No Frills
17 attended with bottles and bottles of water. We had
18 fruit trays and veggie trays brought from No Frills
19 as well.

20 We had people attending the hall
21 offering to go home and make sandwiches, do
22 whatever was needed so that we would have food and
23 something available for everybody who was at the
24 hall. The city was amazing.

25 Q. And so up until the morning of

1 June 25th --

2 THE COMMISSIONER: When you say the
3 city was amazing, you are not referring to the
4 institution, the City of Elliot Lake, or are you?

5 THE WITNESS: No. I'm referring to the
6 residents.

7 THE COMMISSIONER: The residents, okay.
8 Thank you.

9 I think we'll stop at this point,
10 Mr. Ault, and start again at 2 o'clock this
11 afternoon.

12 MR. AULT: Thanks, Commissioner.

13 -- RECESSED AT 12:45 P.M.

14 -- RESUMED AT 2:00 P.M.

15 THE COMMISSIONER: Good afternoon.

16 BY MR. AULT:

17 Q. Good afternoon, Commissioner.

18 THE COMMISSIONER: Go ahead, Mr. Ault.

19 BY MR. AULT:

20 Q. Ms. Kerr, before we broke, you
21 were describing the situation in Collins Hall
22 overnight on June 24th, and could you please tell
23 us who was in Collins Hall overnight on June 24th.

24 A. Definitely the families of
25 Mrs. Perizzolo and Ms. Aylwin were there. They

1 were there from the entire time. And then, again,
2 we would have had members of the community coming
3 in and out, just looking for reassurance and
4 support.

5 Q. And when you say they were there,
6 that is, the Aylwins and the Perizzolos, the entire
7 time, what do you mean by that?

8 A. If they left, it would have been
9 very briefly. I'm not sure where they would have
10 went, but there was always somebody from either
11 family at the hall.

12 Q. So they never went home to sleep
13 or anything like that?

14 A. No.

15 Q. And was it clear even as far into
16 the piece as overnight on June 24th, June 25th that
17 family members of the Aylwins -- of Lucie Aylwin
18 and of Doloris Perizzolo were the only family
19 members of possible victims that were in the mall?

20 A. It was apparent to us, yes.

21 Q. And so aside from them, their
22 supporters and people just passing in and out, that
23 represented all of the people in Collins Hall?

24 A. Yes.

25 Q. If we could please turn back to

1 Exhibit No. 6402, Ms. Kuka, and carrying on at the
2 top of the second page of that exhibit, you write
3 here, Ms. Kerr:

4 "No updates received and no police
5 officers attended hall."

6 And you had indicated earlier that this
7 was not in respect of the overnight period.

8 A. Correct.

9 Q. This was in respect of the morning
10 of June 25th?

11 A. Correct. From 6:30 a.m.

12 Q. 6:30 a.m. onwards?

13 A. Onwards until 2:00.

14 Q. And you write:

15 "I made calls to Communication
16 Centre and spoke with an officer who
17 told me over the phone that they had
18 no information to share. I
19 requested that someone come to the
20 Hall and just say that -- that the
21 families needed to know that they
22 were working and what was happening.
23 No one attended."

24 What is the communication centre that
25 you called?

1 A. Again, that is the dispatch centre
2 in North Bay. That was the only telephone number I
3 had. And they patched me through to an officer at
4 the Elliot Lake Detachment.

5 Q. And what were you told?

6 A. He told me that there was nothing
7 to report, and they had no information to share,
8 and, like my notes say, I then asked if someone
9 could just come and say that so that the families
10 had some involvement and had some police officer
11 come to speak to them.

12 Q. And what happens when that doesn't
13 occur, when you don't get those types of updates?

14 A. The victims of these -- of any
15 crime, starts to feel disassociated from the police
16 and unrespected, and their views are not taken into
17 consideration, and they really need to have that
18 rapport, a uniformed officer or officer with his or
19 her badge at least showing so that they show know
20 that their thoughts, feelings are taken into
21 consideration and that they are involved in
22 whatever the investigation or process may be.

23 Q. You mentioned a police in uniform
24 or a badge. Does it matter who provides the
25 update?

1 A. It needs to be a uniformed officer
2 or someone with their badge. They need to see that
3 representation from the police services that they
4 are working with. It cannot be just anyone. There
5 has been discussions for a very long time about
6 having representatives from Victim Services make
7 death notifications to people or share information,
8 and it is just -- it is not the proper way to do
9 it. They need the police there. They need to see
10 that uniform because that brings them that this is
11 authority, and this information is correct.

12 Q. And in the absence of that sort of
13 update or information, what happens?

14 A. The turmoil grows, and speculation
15 rises, and we had individuals from the community
16 coming in and starting to spread what could have
17 been rumours. We didn't know. So we worked at our
18 utmost to try and stop that because we didn't want
19 rumours and speculation spreading throughout the
20 hall.

21 And without information, you begin to
22 think the worst instead of what may be the outcome.
23 So it is very, very important that the victims are
24 involved and always brought up to date in what is
25 occurring.

1 Q. And when you say you would try to
2 stop that, stop the spread of misinformation, what
3 would you have to do to do that?

4 A. We actually started to have
5 workers at the main door at the hall stopping
6 people and asking what they needed, what were they
7 looking for in regards to services so that we maybe
8 could funnel them right away to the longer term
9 services that are available here in Elliot Lake.
10 We had staff from three of those services attend
11 the hall so we could start making those connections
12 so people could get the help they needed right
13 away. Plus then we knew if somebody was coming in
14 with speculation, they weren't going to start
15 spreading that information.

16 Q. And, Ms. Kerr, despite those
17 efforts, was there misinformation that was spread
18 around?

19 A. I assume there was. Nothing that
20 I became aware of, but I assume there probably was.

21 Q. You next have a notation at noon
22 -- well, a notation at 9:00, but just skipping
23 ahead to the notation at noon, and you write:

24 "Press conference via public
25 radio."

1 And so I take it then that still as of
2 noon, there had been no update from the OPP.

3 A. No, there had not.

4 Q. And there had been no update or
5 information from anybody from the City of Elliot
6 Lake?

7 A. No, there had not.

8 Q. Or any of the rescue teams?

9 A. No, there had not.

10 Q. And I take it from this note that
11 there was a radio in Collins Hall?

12 A. Yes. I'm not sure how or who
13 brought it there, but someone had one, and it was
14 ready to go with the press conference at noon.

15 Q. And the information that you
16 received at the press conference, was this news to
17 you? Was the information that you received news?

18 A. Yes, it was.

19 Q. And what was that information?

20 A. That they heard tapping noises.
21 There was also a discussion on the radio about the
22 life indicator, I believe it is called. So that
23 was information that the families hadn't heard, and
24 so it was news to them to hear that over the radio.

25 Q. And you indicate in your notes in

1 the middle of that paragraph, that notation at noon
2 that, after they got this information about the
3 tapping and that there may be somebody still alive,
4 that the:

5 "Families became very restless".

6 What did you mean by that?

7 A. They started pacing. They were
8 upset because this information had been put out to
9 the main public instead of being shared with them
10 first. So they became very restless, agitated.
11 They wanted -- they had questions that they wanted
12 answers to, and no one was there to answer those
13 questions.

14 Q. And then you write:

15 "I was asked again if I could have
16 an officer attend to speak to them.
17 I attended to the detachment and
18 asked for someone to come and speak
19 to the family. I was informed that
20 the Inspector was busy in the press
21 conference and that he would attend
22 when able."

23 And please describe that for us.

24 A. That conversation?

25 Q. Yes.

1 A. It was actually Mr. Aylwin that
2 came over to me and asked if I could contact the
3 police and have them come back to the hall, so I
4 drove to the OPP detachment, and I was stopped as
5 soon as I entered and was informed -- when I asked
6 if the Inspector could come and speak to the
7 families, I was told that he would be there as soon
8 as possible, but he was busy with the press
9 conference, and that was his first priority.

10 Q. And how did you react to that?

11 A. I was upset and angry.

12 Q. Your next notation is at 2:00
13 p.m., and you write that:

14 "Inspector Jollymore came to speak
15 to families -- first time anyone
16 attended in 7 1/2 hours. Inspector
17 Jollymore was very aggressive when
18 he came in."

19 We heard evidence yesterday, Ms. Kerr,
20 from Inspector Jollymore that had to do with this
21 visit at Collins Hall, and my first question to you
22 is: Who attended with Inspector Jollymore when he
23 came into Collins Hall?

24 A. Mayor Hamilton was with him as
25 well as I believe it is Inspector Neadles from the

1 TF-3, you are calling them?

2 Q. That's right.

3 A. He attended with him as well.

4 Q. And you write that he was very
5 aggressive. When Inspector Jollymore was asked
6 about this notation, it was his recollection that
7 he had had a private conversation with you about
8 the fact that there had not been more frequent
9 updates by the OPP, and that if he was aggressive,
10 it would have been in the context of that private
11 discussion. What is your recollection about this
12 notation?

13 A. Inspector Jollymore was aggressive
14 to the public. There was an exchange of words
15 between himself and I'm not sure if it was
16 Mr. Latulippe or Mr. Gendron in regards to the
17 attendance of the OPP, but his aggression was not
18 directed at me. It was directed at those family
19 members.

20 THE COMMISSIONER: What do you mean by
21 "aggression" or "aggressive"?

22 THE WITNESS: The families were asking
23 why he couldn't come sooner, why they had to wait
24 until after the press conference, and he informed
25 them that his attendance was out of the kindness of

1 his heart. He did not have to come and speak to
2 them. It was not his role, and he was doing that
3 to be polite.

4 BY MR. AULT:

5 Q. Did any Constables attend with
6 Inspector Jollymore?

7 A. He had two Police Constables that
8 attended with him, and they stood on the outskirts
9 of the crowd.

10 Q. And did you find that to be
11 peculiar or ordinary?

12 A. That was peculiar because that
13 hadn't happened up until this point. He hadn't
14 attended with any other uniformed police officers
15 but himself.

16 Q. And I take it that Inspector
17 Jollymore provided an update to the families at
18 that time?

19 A. Which was basically everything
20 that was said in the press conference and no
21 further information.

22 Q. And that is your notation here at
23 the bottom of that paragraph at the 2 o'clock
24 notation:

25 "Informed families they had heard

1 breathing at 4:00 a.m. but no other
2 changes at this time. Still working
3 on removing the rubble -- there is 6
4 feet of rubble that needs still to
5 be moved."

6 A. Yes.

7 Q. And then you write:

8 "Families very upset that police
9 do not feel they should have
10 information before media. Inspector
11 Jollymore stated that he has always
12 attended the hall AFTER speaking to
13 media and that if they had any news
14 where family needed to be informed
15 first that he would be sure to do
16 that."

17 What did you take the statement that if
18 he had news where the families needed to be
19 informed first to mean?

20 A. That if there was a death that he
21 had to notify them about.

22 Q. And in your view, Ms. Kerr, should
23 updates have been provided to the families before
24 the media?

25 A. Yes.

1 Q. And you have indicated that the
2 families had pressed Inspector Jollymore on why the
3 information was given to the media before it was
4 given to them, and you have explained Inspector
5 Jollymore's reaction to that.

6 A. Yes.

7 Q. What was the family's reaction
8 after this update?

9 A. They were still angry and upset.
10 They really wanted to be told first, to be notified
11 first of what was happening and not have that
12 information go out to the public. So they were not
13 happy with his statements.

14 Q. What about the information itself?
15 It in and of itself would seem to be quite hopeful
16 information.

17 A. It was, especially for
18 Mr. Gendron. I was under the impression of talking
19 with him that he had taught Lucie Morse code, so he
20 took that as a positive sign, that when they heard
21 the tapping noise, that she was alive, and she was
22 tapping out Morse code to be found. So he took it
23 as positive.

24 As for others in either family, I'm not
25 sure if it was positive or not. It was just

1 information which they were grateful to receive.

2 Q. And this update that Inspector
3 Jollymore gave, is it something that he gave to the
4 families individually, or was it to the group?

5 A. It was to the group.

6 Q. At one time?

7 A. At one time.

8 Q. And how did they assemble around
9 Inspector Jollymore?

10 A. Basically in a semicircle. He
11 would stand at one end of the hall and the families
12 would come and move in close to him.

13 Q. And after that update, did the
14 families stay at the hall, or did they leave?

15 A. Teresa, Mrs. Perizzolo's daughter,
16 stayed at the hall. I'm not sure where the Aylwins
17 or Mr. Latulippe went to, but they left. And I
18 also left the hall because we were told it was
19 going to be quite a few hours before they were able
20 to come back, Inspector Jollymore and the other
21 individuals, so I went to a family member's home to
22 get some rest and to shower.

23 Q. And at approximately what time was
24 that?

25 A. 2:30, quarter to 3:00.

1 Q. Your next notation at the bottom
2 of the screen is at 4:10, and you write:

3 "Inspector Jollymore and Ted
4 Neadles from HUSRT attended the
5 hall."

6 Were you at the hall when Inspector
7 Jollymore and Mr. Neadles arrived?

8 A. No, I wasn't.

9 Q. You were still at the family
10 member's home?

11 A. Yes, I was.

12 Q. And how did you find out about the
13 fact that they were coming to give an update?

14 A. The Inspector left a message on my
15 cell phone and asked for me to be at the hall to
16 meet them there. When I arrived at the hall, the
17 Inspector and Inspector Neadles were already inside
18 the hall.

19 Q. Do you recall what time he left
20 you this voicemail message?

21 A. Maybe 10 to 4:00, not -- it wasn't
22 long after I received the message that I attended
23 back to the hall.

24 Q. And so you got there at about 10
25 after 4:00?

1 A. Yes.

2 Q. And what was going on at Collins
3 Hall? Please describe the scene to us when you
4 arrived at 10 after 4:00.

5 A. When I arrived, Teresa Perizzolo
6 was crying. She was sitting by herself off to one
7 side. The Aylwins and Mr. Latulippe were not at
8 the hall yet. People were shaking. They seemed --
9 everybody seemed to be almost in a state of shock,
10 and I was trying to speak with Inspector Jollymore
11 to find out what he had shared or what had been
12 said so that I knew what our next actions needed to
13 be.

14 Q. And so when you arrived, was it
15 your understanding that Teresa had been informed of
16 the news?

17 A. I knew she had been told
18 something.

19 Q. Right.

20 A. I wasn't sure what she had been
21 told, but it obviously wasn't good news by her body
22 demeanour.

23 Q. And were you able to speak to
24 Inspector Jollymore to get the update yourself?

25 A. No, I wasn't. Right after I

1 walked in, Mr. and Mrs. Aylwin and Mr. Latulippe
2 walked in, and they went off to the front of the
3 hall to see what the Inspector had to say.

4 Q. So just please describe what
5 Inspector Jollymore was doing and what Mr. Neadles
6 was doing when you got to the hall.

7 A. They were standing off to one
8 side, what we basically came to believe was the
9 front of -- because all the tables were set up
10 towards the back one end of the hall, so they would
11 stand to the one side, and they were standing there
12 waiting. And when I walked in, I went towards them
13 to find out what was going on, and then Mr. Aylwin
14 and Mr. Latulippe went past me up to the front, so
15 I took a step back so that they could talk with
16 him.

17 Q. And how were Mr. and Mrs. Aylwin
18 and Mr. Latulippe informed?

19 A. In front of everyone that the
20 search had stopped; that the Ministry of Labour had
21 deemed the building to be unsafe, and the
22 terminology that was actually used is they were
23 going to demolish with dignity to recover the
24 bodies.

25 Q. And if we could please move this

1 page up, Ms. Kuka. That is what you record here in
2 the last paragraph of this notation, that they were
3 calling off the search?

4 A. Uhm-hmm.

5 Q. That they were going to find a way
6 to demolish with dignity?

7 A. Yes.

8 Q. And what was the reaction to this
9 news?

10 A. Complete and utter shock and
11 chaos. I'm not sure who was standing closer up
12 with Mister -- with the Inspector, whether it was
13 Mr. Latulippe, Mr. Aylwin or Mr. Gendron, but all
14 of them were -- basically, it was disagreeing.
15 They can't stop. They have to keep looking. We
16 had other people in tears. We had people going
17 into shock on us that they weren't even able to
18 function. It was just -- it was -- mass hysteria,
19 basically, was taking place inside that hall.

20 Q. You have indicated that the
21 Ministry of Labour was said to be the cause of the
22 stoppage of the rescue?

23 A. Yes.

24 Q. Do you recall who said that? Who
25 said those words?

1 A. I don't know which Inspector it
2 was. I'm sorry.

3 Q. And when you say and Inspector,
4 you mean Mr. Neadles or Mr. Jollymore?

5 A. Correct.

6 Q. But there was no doubt in your
7 mind, I take it, Ms. Kerr, that the rescue was
8 over?

9 A. That's right.

10 Q. And what did you understand the
11 phrase "demolish with dignity" to mean?

12 A. That they were going to demolish
13 the building in hopes of recovering bodies so the
14 families would have someone to bury.

15 Q. Was there any discussion, Ms.
16 Kerr, about the fact that the most recent update
17 that had been provided indicated that there may be
18 signs of life in the mall?

19 A. There was, and that is what came
20 from either Mr. Latulippe, Mr. Aylwin, or
21 Mr. Gendron, how in two hours we went from there is
22 signs of life to now you are telling us you are
23 tearing down the building to find bodies. And
24 that's where the confusion came from, and that is
25 what started the anger and everybody's reactions,

1 because these questions weren't being answered.

2 Q. And you say that they were
3 questions. Are they questions that were asked by
4 either Mr. Gendron, Mr. Latulippe, or Mr. Aylwin,
5 or Ms. Perizzolo of either Inspector Jollymore or
6 Mr. Needles?

7 A. Yes.

8 Q. Those questions were asked?

9 A. Those questions were asked, yes.

10 Q. And did they get any answers to
11 those questions?

12 A. No, not that I recall. Responses
13 would have been, "We have" -- "The Ministry of
14 Labour is pulling us off the search. We cannot
15 risk others' lives in going in to find," so -- but
16 they never were really answering how two hours ago
17 everything seemed to be okay, and now it is not.

18 Q. Did they provide any indication
19 that there were no longer signs of life in the
20 building?

21 A. Not that I recall, no.

22 Q. Was Mayor Hamilton at that update?

23 A. Yes, he was.

24 Q. Do you recall whether Mayor
25 Hamilton provided any input?

1 A. No, he did not.

2 Q. You indicated that following this
3 update, the reaction was for there to be anger by
4 the family members; is that correct?

5 A. Yes.

6 Q. Who else was in Collins Hall at
7 the time?

8 A. The general public. We had family
9 -- or friends of both families were there with
10 them, so there was lots of people. Probably --

11 THE COMMISSIONER: There is a notation
12 on the previous page -- could you come back,
13 please, Ms. Kuka? It was --

14 MS. KUKA: Was it at the top of the
15 page?

16 THE COMMISSIONER: It was at the point
17 where Sergeant Esposito makes a comment to you about
18 a private room for family members.

19 THE WITNESS: I believe that that, sir,
20 is just above 4:10 on the page that starts with
21 June 25th.

22 BY MR. AULT:

23 Q. That's correct, yeah.

24 THE COMMISSIONER: Where is that? I'm
25 just --

1 MR. AULT: It is in the third paragraph
2 from the bottom.

3 THE COMMISSIONER: Yeah:

4 "I had been asked", it says, "by
5 Sergeant Esposto to ensure we had a
6 private room where police could
7 speak to family privately if
8 needed."

9 Was he telling you to find a private
10 room?

11 THE WITNESS: He asked --

12 THE COMMISSIONER: Is that what it is?

13 THE WITNESS: Yes. Something at
14 Collins Hall that they could pull the family aside
15 if they needed to.

16 THE COMMISSIONER: Right. And was
17 there such a private room available, or did you
18 make inquiries to see whether there was one or not?

19 THE WITNESS: There was an office that
20 was used by -- the Collins Hall at that time was
21 run by the City of Elliot Lake.

22 THE COMMISSIONER: Yeah.

23 THE WITNESS: And their staff had an
24 office space which they told me I could use and
25 access if needed. But it wasn't -- it is not a

1 very big room, so it would have to just be -- two
2 or three people at a time would have been able to
3 fit in there.

4 THE COMMISSIONER: No more than that.

5 THE WITNESS: No more than that.

6 THE COMMISSIONER: So it could not have
7 accommodated both the Aylwin and the Perizzolo
8 families at the same time?

9 THE WITNESS: Not at the same time, no.

10 THE COMMISSIONER: And there was no
11 other room anywhere else that could be considered a
12 private room?

13 THE WITNESS: No.

14 THE COMMISSIONER: I don't know the
15 layout of the place.

16 THE WITNESS: No. Not that I am aware
17 of at the Collins Hall, no.

18 THE COMMISSIONER: I see. Okay.

19 BY MR. AULT:

20 Q. Further to the Commissioner's
21 questions, did Inspector Jollymore or Staff
22 Inspector Neadles or Mayor Hamilton make any effort
23 to isolate the family members to speak to them in a
24 private room that you can recall?

25 A. No, they did not.

1 Q. Do you know if any efforts were
2 made for the update to be delivered at one time to
3 the family members together as opposed to some
4 family members being in Collins Hall and some being
5 on their way to Collins Hall?

6 A. On June 25th, you are --

7 Q. That's correct, and this update
8 here at about 4:30 on June 25th.

9 A. Not that I am aware of, no.

10 Q. You have indicated that other
11 people were in Collins Hall, the general public.
12 What was their reaction to this update?

13 A. Again, the anger, the disbelief,
14 the shock. So by having the general public and the
15 families all in one room, they fed off of each
16 other. So if the general public became distraught,
17 which might have been -- the families maybe could
18 have dealt with the information differently had
19 they been given that opportunity to do it
20 privately, but here was horrible news being given
21 to them in front of the public. They weren't given
22 that opportunity to digest this information
23 privately and to work with the police or whomever
24 there.

25 So the anger that maybe came from the

1 community fuelled through everybody, and the whole
2 hall became angry and distraught, and it really was
3 chaos. We were doing our best to put out as many
4 fires, for lack of a better term, that we could to
5 hold people together.

6 Q. And aside from yourself, how many
7 people from Victim Services after Algoma were there
8 staffing the hall at that time?

9 A. There was five or six from Victim
10 Services Algoma. We also had staff from Algoma
11 Family Services, from the East Algoma Counselling
12 Centre, and from East Algoma Mental Health on June
13 25th were coming in to offer support as well.

14 Q. And after this news was delivered,
15 did any of those representatives of those
16 organizations attempt to reach out to the family
17 members to deal with the news?

18 A. I would like to say yes, but
19 again, I don't know if they specifically spoke to
20 family members. I couldn't speak in regards to
21 that. We were trying to just tackle everyone at
22 once that we could.

23 Q. And do you recall specifically the
24 reactions of the family members? Do you remember
25 how Mr. Latulippe and Teresa Perizzolo reacted?

1 A. Teresa broke down, understandably.
2 She was crying, shaken. She was begging
3 Mr. Latulippe to do something. Mr. Latulippe was
4 trying to answer -- ask questions. He was trying
5 to help his wife, and he was -- they were in total
6 shock and dismay, and they were just trying to do
7 everything they could at once.

8 So he was trying to support his wife,
9 plus get the answers that he needed, not only to
10 help her but to see what else could be done.

11 Q. And what about Lucie Aylwin's
12 parents?

13 A. Ms. Aylwin, with the French
14 language barrier, because both Inspector Jollymore
15 and Inspector Neadles only spoke English, she had a
16 difficult time understanding what it was that they
17 were saying. Their son Stephane was in attendance
18 by then, and he translated for her, and she became
19 extremely hysterical. He got her out -- in the
20 Collins Hall there is two sets of doors to go
21 through, so he was able to get her out between
22 those two doors and sit her down. She was
23 screaming, crying. Her reactions were what you
24 would expect from a mother. And Mr. Aylwin was
25 holding himself together like you wouldn't believe,

1 trying to get information, and again, questions
2 such as how can -- two hours ago you tell us you
3 heard life signs, and now you are tearing down the
4 building. How does that happen? And that is where
5 the big confusion came from. How can so -- it
6 change so quickly, so fast?

7 And they just wanted the answers.

8 Q. And Mr. Gendron?

9 A. He was angry at the outcome. He
10 said he wasn't going to stand for that. He was
11 going to go public. He was going to plea with
12 whomever he could to come and help. He told the
13 Inspectors that he thought that was BS what they
14 were saying, and he was going to find the help that
15 was needed to come. And he stormed out of the
16 hall.

17 Q. You have indicated that the family
18 members and the general public were asking
19 questions. How long after providing the update did
20 Inspector Jollymore and Neadles leave Collins Hall?

21 A. I'm sorry. I can't answer that
22 because I was busy tending to people, so I have no
23 idea when they left. I remember looking around,
24 and they were gone, but I don't know how long that
25 was.

1 Q. Did they take enough time to
2 answer questions, in your view?

3 A. No.

4 Q. And did Mayor Hamilton leave with
5 them? Can you recall?

6 A. Yes, he did.

7 Q. Where did the family members go
8 after receiving this news? Did they stay in
9 Collins Hall?

10 A. No. They left shortly thereafter,
11 and I do not know where they went.

12 Q. And what about the general public?
13 Did anybody stay in Collins Hall?

14 A. We had people stay probably until
15 about 6:00, 6:30, and then from about 6:30 to 8:00,
16 8:30, it was just Victim Services individuals
17 wondering, waiting to see if anyone was going to
18 come back, unsure what we were to do from there.

19 Q. What did you do in Collins Hall in
20 the evening of June 25th?

21 A. Approximately about 8:00 to 8:30,
22 I telephoned City Hall. I tried the OPP, and no
23 one answered the dispatch phone. Like, the
24 Communications Centre in North Bay answered. They
25 connected me to the Elliot Lake Detachment, and I

1 received no response at that phone. It just rang
2 and rang. So then I called the Elliot Lake City
3 Hall, and I was informed that there was an angry
4 crowd out front of the hall and that I was told to
5 shut the hall down so that they were concerned that
6 the people who were at the mall and at the scene
7 might decide to come back to the hall, and they
8 didn't want that angry crowd there.

9 So at 9 p.m., I shut down the Collins
10 Hall at that time.

11 Q. And at that point, there wasn't
12 anybody from the general public in the hall?

13 A. No, there was not.

14 THE COMMISSIONER: Had you been given
15 keys or -- when you say shut it down?

16 THE WITNESS: No. We had staff that
17 stayed with us from Elliot Lake City, and they
18 locked the building behind us.

19 THE COMMISSIONER: All right.

20 BY MR. AULT:

21 Q. And on June 26th, did you have a
22 view about the sort of operation -- so this is the
23 next day.

24 A. Okay.

25 Q. Did you have a view about the sort

1 of operation that should be run out of Collins
2 Hall?

3 A. By that time, I felt it was time
4 to transition from what we at Victim Services do,
5 which is immediate crisis support, and bring in the
6 longer-term services, the East Algoma Counselling
7 Centre, East Algoma Mental Health, and Algoma
8 Family Services, to have them come in and start to
9 transition. So the hall would become more of an
10 information place where the counsellors and those
11 agencies would be able to give individuals
12 information and maybe set up appointment times,
13 that sort of thing, to meet with their staff there.

14 Q. And who did you communicate this
15 view to?

16 A. It was between myself and the
17 agencies, the Executive Directors of those
18 agencies, and we put together a media release, and
19 we had it go out over the radio.

20 Q. And so was Collins Hall then open
21 all day on June 26th?

22 A. Yes, it was. We -- Victim
23 Services of Algoma reopened it at 9:00 a.m.

24 Q. And who was attending to the
25 victims' families on June 26th?

1 A. Before I opened the Collins Hall,
2 I went to the detachment to ask the Inspector what
3 he required from us, and he informed me then that
4 the Victim Liaison Officers, which are police
5 officers with the OPP, would be working now with
6 the families, and they would not be attending the
7 Collins Hall, that I could open it up for the
8 general public.

9 Q. Are you familiar with the Victim
10 Liaison Officers service?

11 A. Not in depth. I have sat in on
12 training that is done at City Police, Sault Ste.
13 Marie City Police, so I have a basic idea of what
14 their role is. But the two officers I was
15 introduced to, and I have worked with them both
16 before when they were frontline officers with
17 detachments in my catchment area, so I knew who
18 they were there.

19 Q. And in your view, was this an
20 appropriate step to take?

21 A. This was a step that probably
22 should have been taken days earlier.

23 Q. That was my next question. So
24 this was a step in your view that the OPP should
25 have taken earlier in the piece?

1 A. Yes.

2 Q. And we have heard evidence from,
3 in fact, Ms. Perizzolo and Mr. Latulippe and the
4 Aylwins that they were well looked after by these
5 officers, and they were looked after in the Edward
6 Jones Investment house. Is that your recollection
7 as well?

8 A. Yes, it is.

9 Q. And when did you leave Elliot
10 Lake?

11 A. I left Elliot Lake at about 7
12 o'clock on June 26th, and before I left, I went
13 over to the Edward Jones office to say good-bye to
14 both families. I didn't want to just leave and
15 have them think that I abandoned them. So I wanted
16 them to know that our role at Victim Services was
17 finished, and that they would now be being looked
18 after by the OPP, but if they needed us, I made
19 sure they had our contact information that they
20 could reach us if they needed.

21 Q. Ms. Kuka, if we could please turn
22 over the page. Looking down at the entry under the
23 June 29th, 2012 date, you write:

24 "Received a phone call from Sherry
25 Nelligan, acting VQRP coordinator

1 for Ministry of Attorney General.
2 Sherry stated that families would
3 qualify for VQRP funding for the
4 funerals and other emergency
5 expenses. I did not have contact
6 information for families and
7 attempted to reach police officers
8 that were working closely with the
9 families. I did not receive a
10 response that day."

11 Ms. Kerr, what is VQRP?

12 A. It stands for Victim Quick
13 Response Program. It is a program that offers
14 financial assistance to victims of specific crimes
15 in regards to assisting with counselling, funeral
16 expenses, and emergency services, maybe such as
17 lock repairs or cell phone replacements
18 specifically in regards to domestic violence or
19 sexual assault.

20 THE COMMISSIONER: When you use the
21 expression "criminal", is the Victim Quick Response
22 Program meant to be available for something else or
23 something other than the victims of crime?

24 THE WITNESS: No. It has five to six
25 specific crimes that people are eligible for.

1 THE COMMISSIONER: And what crime was
2 central to this decision then?

3 THE WITNESS: I was surprised to
4 receive the phone call because no criminal act had
5 been -- had occurred, so I didn't think that the
6 victims would be eligible, but I was informed by
7 Mrs. Nelligan from the Ministry of Attorney General
8 that they would be and that they wished to assist.

9 So that is why I then made the phone
10 calls then to try and reach them to let them know
11 that we could financially assist them.

12 THE COMMISSIONER: Thank you.

13 BY MR. AULT:

14 Q. So further to the Commissioner's
15 question, it was your view that this was
16 extraordinary assistance to what the VQRP would
17 ordinarily provide?

18 A. Absolutely.

19 Q. And did you assist the families in
20 dealing with VQRP in this regard?

21 A. We assisted the Perizzolo family
22 with the funeral of Mrs. Perizzolo. We arranged
23 for counselling for Ms. Perizzolo and
24 Mr. Latulippe. We assisted --

25 THE COMMISSIONER: Just slow down a

1 bit.

2 THE WITNESS: Sorry, yeah.

3 THE COMMISSIONER: You assisted in what
4 way again? The funeral, you tell me?

5 THE WITNESS: Financial assistance. We
6 paid for the funeral for Ms. Perizzolo, and we
7 arranged financial assistance to assist Ms.
8 Perizzolo and Mr. Latulippe with counselling.

9 We assisted Lucie's brother Stephane
10 for travelling from Alberta to Ontario. We covered
11 all of those expenses, and that was two trips that
12 he made.

13 We assisted Cindy Perizzolo and her
14 husband with transportation here to Elliot Lake.

15 We made arrangements to assist the
16 Aylwin family with funeral, but it is my
17 understanding that WSIB, Workplace Safety, actually
18 covered those expenses for the funeral of Lucie
19 Aylwin.

20 BY MR. AULT:

21 Q. And when you say "we" arranged for
22 the financing of Doloris Perizzolo's funeral, I
23 take it that is a reference to the fact that both
24 Victim Services of Algoma and VQRP are funded from
25 the same place?

1 A. Victim Services of Algoma runs the
2 Victim Quick Response Program, so we did the --
3 Victim Services of Algoma, myself, did the
4 application form, and we sent it to the Ministry of
5 the Attorney General corporate offices in Toronto
6 where they approved. They actually paid. We did
7 not personally pay for those expenses, but it was
8 through our -- us completing the application that
9 the Ministry of the Attorney General paid for those
10 expenses.

11 Q. Thank you. And if we could turn
12 one more page over to the last page of your notes,
13 Ms. Kerr, and going down to the bottom of the page,
14 we see that the verification is made covering
15 travel expenses for Stephane Aylwin, as you have
16 indicated. There is verification that the WSIB
17 would cover the funeral expenses for Lucie Aylwin,
18 and that down in August we see that there is
19 verification that both Darren Latulippe and Teresa
20 Perizzolo were eligible for counselling. But I'm
21 interested in the last entry, July 18th:

22 "Debriefing of Victim Services of
23 Algoma staff and volunteers --
24 myself included."

25 What was the nature of this debriefing?

1 A. That is critical incident stress
2 debriefing, so I brought in a counsellor and two
3 other individuals to debrief us. It is not an
4 operational debriefing. It is an emotional
5 debriefing so that we can move on, hopefully, from
6 the four days that we were here at the Collins
7 Hall.

8 Q. So as you say, it wasn't
9 operational. Did you ever do a debriefing where
10 you considered, from the perspective of Victim
11 Services, what was done right and what was not done
12 well?

13 A. No, I did not.

14 Q. And I'm going to ask you some
15 questions now about any recommendations that you
16 might have in that regard. Looking at the events
17 that transpired and the way that Victim Services
18 after Algoma was used and the way that the family
19 members of victims and possible victims was
20 conducted, what recommendations would you have
21 about how to improve such a situation?

22 A. First and foremost, as I already
23 said, I believe the families need to be kept
24 separate from the general public. Victim Services
25 of Algoma certainly could have played a role with

1 them, but it would have been more dedicated
2 individuals instead of -- you know, we had a
3 turnover of people from our program coming through,
4 so the families never had a constant face, whereas
5 if they had been separate and had a private space
6 to be, we could have dedicated individuals to them,
7 so they could have actually had more contact and
8 felt more comfortable with them.

9 And then the Collins Hall for the
10 general public --

11 THE COMMISSIONER: Just before you
12 leave that point -- I'm sorry to interrupt you --
13 you say you could have dedicated had there been a
14 separate room, but what was there to prevent you
15 from dedicating individuals even though no private
16 room was available, to take them off into a corner,
17 for example, or something like that or take them
18 outside?

19 THE WITNESS: Well, the fact that over
20 the four days we were there, we had 165 individuals
21 go through that hall, so to have two or three
22 people dedicated to the families would have left
23 the rest of us at a loss and not had the ongoing
24 support for us in there.

25 You know, there were --

1 THE COMMISSIONER: I'm just saying --
2 okay. But you are saying if we had had a private
3 room, we could have dedicated. I can't see the
4 connection.

5 THE WITNESS: Well, it would have been
6 easier for us to have specific volunteers, crisis
7 responders come in and be with them, or we could
8 have called in other agencies that maybe could have
9 dedicated themselves ahead of time.

10 Because everybody was in one great big
11 building and one big room, we never had the
12 opportunity to really sit and decide the best route
13 to go. We were constantly dealing with people
14 coming through the doors, and we never had the time
15 to really sit, regroup, and find out what might
16 have been a better way to deal with what we were
17 dealing with.

18 THE COMMISSIONER: All right. Go
19 ahead, sir.

20 BY MR. AULT:

21 Q. Could you have requested that the
22 OPP provide Victim Liaison Officers earlier?

23 A. Yes, I probably could have.

24 Q. From your perspective, did the
25 Collins Hall organization -- was it well organized?

1 Did there appear to be preparations in place for
2 such a facility?

3 A. No, certainly not at the
4 beginning. It was over the days that once we got
5 food in and that sort of stuff, it became a little
6 better organized, but it certainly was not -- it
7 wasn't like there was a plan in place that they
8 could look at and say, "This is what we are going
9 to do, and this is how we are going to do it."

10 It was the community at a whole that
11 actually helped make Collins Hall be what it was.

12 Q. You have indicated that as of the
13 morning on June 24th, three meals had been arranged
14 by the City of Elliot Lake, the municipal
15 government, from St. Joseph's Hospital. Did you
16 think that the City of Elliot Lake responded well
17 to developments as they progressed at Collins Hall?

18 A. I don't know how to answer that.
19 Certainly they did, because we received food and
20 support that way. They had one staff member that
21 they dedicated to us. She remained with us at the
22 Collins Hall, so if I needed anything from the
23 City, I could go to her. But the Collins Hall was
24 not the best place over a long term, certainly, to
25 put those family members.

1 You know, whether they could have asked
2 to meet in one of their homes so they could have
3 had a private area, but for the four days, that was
4 not the right place to have family members with the
5 general public walking through at all times.

6 Q. And did you express that view to
7 either this representative from the City who was
8 assigned to Collins Hall or to any of the OPP
9 representatives that you were dealing with?

10 A. Not at that time. In hindsight,
11 maybe a day, a couple of days later, I met with the
12 City representative and said to her, you know, "We
13 did a great job, but I think things could have been
14 done differently and a better place would have been
15 for those family members." But not initially
16 during that time, no.

17 Q. Is providing for family members of
18 victims or possible victims something that you
19 think should be incorporated into a City's
20 Emergency Response Plan in detail?

21 A. Yes, I do.

22 Q. And you indicated in an answer a
23 moment ago that it was the city itself that made
24 Collins Hall what it was or words to that effect.
25 What did you mean by that?

1 A. The residents of Elliot Lake
2 pulled together, like I'm sure any small city would
3 do, but they were amazing. Like I said, we had
4 food come not only from the hospital but from No
5 Frills and water and beds. We had individuals come
6 to the door and say, "Is there anything you need?
7 Can I go home and make sandwiches? Do you need
8 cookies? Do you need me to bring decks of cards?
9 Is there something we can do to help?"

10 It was just so heartwarming to see how
11 this city pulled together to support each other at
12 a very sad and difficult time.

13 Q. Thank you, Ms. Kerr. Those are my
14 questions. My friends may have some questions for
15 you.

16 A. Thank you.

17 THE COMMISSIONER: Thank you.
18 Questions?

19 Ms. Filgiano.

20 CROSS-EXAMINATION BY MS. FILGIANO:

21 Q. Good afternoon, Ms. Kerr. My name
22 is Carolyn Filgiano, and I am a lawyer for ELMAC.

23 You testified this morning and just now
24 about the lack of resources -- coffee, beverages,
25 bedding -- at Collins Hall, particularly on the

1 night of June 23rd.

2 In your experience in similar
3 situations, which body or organization would be
4 responsible for providing those resources?

5 A. I don't have actual experience in
6 this field, but with the training I have taken,
7 together with the Red Cross, the Salvation Army,
8 the Red Cross would try and find bedding, places
9 for people to stay. Their mandate is the disaster,
10 and so they would come already knowing where to go
11 to get these resources.

12 Q. Okay. And did you contact the Red
13 Cross in this case?

14 A. Yes, I did.

15 Q. For the kits?

16 A. Yes.

17 Q. But for the bedding and food?

18 A. Well, they were -- it was my
19 understanding the Red Cross was also working down
20 at the church, supplying meals for the workers, so
21 I was under the impression that their volunteers
22 who were with us at the Collins Hall would have
23 conversations with them, letting them know what we
24 might need at the Collins Hall as well.

25 Q. Okay. Thanks. You also gave

1 evidence earlier that one of Victim Services
2 Algoma's main functions is referral services, and
3 you testified that an example of one of those
4 referral services would be counselling. What other
5 services would you refer out to other agencies?

6 A. It could be transportation
7 services if needed. It could be -- it would
8 actually depend on the crime or the tragic
9 circumstance that you are talking about. So if we
10 were dealing with someone, say, from a homicide or
11 a suicide, we would certainly be making sure that
12 they had the referrals to the funeral homes; that
13 they knew how the funeral homes work; and that they
14 are on a rotation basis. We would make sure they
15 knew about bereavement counselling, who they could
16 access in regards to that sort of instance.

17 So it would really depend on the crime,
18 and that is the goal is to make sure we are giving
19 them the proper referrals so they are not trying to
20 find their way through and going in the wrong
21 direction.

22 Q. And I guess what I am asking for
23 is in specific reference to mental health
24 referrals.

25 A. We would have done the East Algoma

1 Counselling Centre, Algoma Family Services, and
2 East Algoma Mental Health here in Elliot Lake.

3 Q. And to the best of your knowledge,
4 is there a psychologist or a psychiatrist on-staff
5 at any of those agencies?

6 A. I don't know for sure.

7 Q. You don't know? Okay. Thank you.
8 Those are my questions.

9 THE COMMISSIONER: Mr. Oliver.

10 CROSS-EXAMINATION BY MR. OLIVER:

11 Q. Thank you. Good afternoon, Ms.
12 Kerr.

13 A. Good afternoon.

14 Q. My name is Richard Oliver. I'm
15 the lawyer for the City of Toronto.

16 Mr. Ault asked you the question: Did
17 Staff Inspector Neadles and Inspector Jollymore
18 take enough time to answer the questions that were
19 asked of them? And your response was no.

20 A. Right.

21 Q. You also said you didn't know what
22 time Staff Inspector Neadles and Inspector
23 Jollymore left.

24 A. Correct.

25 Q. Because you were attending to

1 others in the hall?

2 A. That's correct.

3 Q. So when were attending to others
4 in the hall, you wouldn't have been able to hear
5 conversations that Staff Inspector Neadles or
6 Inspector Jollymore were having with the victims'
7 families?

8 A. No. Correct. You are right.

9 Q. You wouldn't know what questions
10 were asked or what the answers would have been?

11 A. No, I would not have.

12 Q. At any time did you introduce
13 Staff Inspector Neadles to any of the victims'
14 families?

15 A. No, I did not.

16 Q. Did you at any time see Staff
17 Inspector Neadles be introduced to any of the
18 victims' families?

19 A. No, I did not.

20 Q. I note from the notes you were
21 showing at 4:10, you did have a note there were no
22 more sounds coming from inside the rubble. Was
23 this something that was raised during the period of
24 time where Staff Inspector Neadles and Inspector
25 Jollymore were advising that the rescue was being

1 halted?

2 A. Yes.

3 Q. Thank you. Those are all my
4 questions.

5 THE COMMISSIONER: Mr. Feaver.

6 CROSS-EXAMINATION BY MR. FEAVER:

7 Q. Thank you, sir. Good afternoon,
8 Ms. Kerr. I'm Norm Feaver. I'm one of the lawyers
9 with the OPP, and I just have a few questions for
10 you.

11 Do you have any familiarity whatsoever
12 with the Elliot Lake Emergency Response Plan?

13 A. No, I do not.

14 Q. Would it surprise you to learn
15 that the responsibility for setting up a centre
16 like Collins Hall and having regular updates to the
17 family members did not rest with Inspector
18 Jollymore?

19 A. Yes, it would.

20 Q. And I take it that your assumption
21 that Inspector Jollymore should be the person
22 providing these updates comes from your
23 long-working relationship with the OPP and the fact
24 that they are the ones when normally call you out?

25 A. Correct.

1 Q. And I gather also that most of
2 your experience is in response to victims of crime
3 specifically?

4 A. Crime and/or tragic circumstance.

5 Q. And maybe I will just ask this
6 question more simply. Have you ever had a tragic
7 circumstance like this in any of the 20 or so years
8 you have been doing this job?

9 A. No.

10 Q. So, in effect, this was sort of a
11 new experience for everyone?

12 A. This was brand new, yes.

13 Q. Thank you. Those are all the
14 questions I have.

15 A. Thank you.

16 THE COMMISSIONER: Thank you. Ms.
17 Parker?

18 MS. PARKER: No.

19 THE COMMISSIONER: Mr. Cassan?

20 MR. CASSAN: No thanks.

21 THE COMMISSIONER: No questions? No.
22 Anybody else? No. We have covered
23 everybody. Re-examination, Mr. Ault?

24 MR. AULT: No questions in re-exam,
25 Mr. Commissioner.

1 THE COMMISSIONER: Thank you very much.
2 Thank you very much, Ms. Kerr, for having come to
3 give us your evidence this afternoon. I hope your
4 leg gets better.

5 THE WITNESS: Me too.

6 THE COMMISSIONER: I'm sure you do.

7 THE WITNESS: Thank you.

8 THE COMMISSIONER: Thank you.

9 And, Mr. Ault, I gather that is all of
10 the evidence that the Commission can hear this
11 afternoon?

12 MR. AULT: That is all the evidence
13 today, Mr. Commissioner. But we are back tomorrow
14 morning with Mr. Don Jones.

15 THE COMMISSIONER: Mr. Jones tomorrow
16 morning.

17 Thank you. We'll rise, then, until 9
18 o'clock tomorrow morning.

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20 -- Adjourned at 2:55 p.m.

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REPORTER'S CERTIFICATE.

I, DEANA SANTEDICOLA, RPR, CRR,
CSR, Certified Shorthand Reporter, certify:

That the foregoing proceedings were
taken before me at the time and place therein set
forth;

That the testimony of the witness
and all objections made at the time of the
examination were recorded stenographically by me
and were thereafter transcribed;

That the foregoing is a true and
correct transcript of my shorthand notes so taken.

Dated this 25th day of September, 2013.

Deana Santedicola

NEESON & ASSOCIATES

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