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The Honourable Gwen BonifaceMr. Matthew GreenMr. Rhéal Fortin



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• (1835)

[English]

The Joint Chair (Hon. Gwen Boniface (Senator, Ontario, ISG)): Welcome to meeting number seven of the Special Joint Committee on the Declaration of Emergency, created pursuant to the order of the House on March 2, 2022, and of the Senate on March 3, 2022.

Today's meeting is taking place in a hybrid format.

I'd like to remind all those present in the room to please follow the recommendations from the public health authorities, as well as the directives of the Board of Internal Economy, to maintain health and safety.

Should any technical challenges arise, please advise me, as we may need to suspend for a few minutes to ensure that all members are able to participate fully.

Witnesses should also be aware that translation is available through the globe icon at the bottom of their screen.

Is it agreed to repeat the five-minute rounds as we did last week? I believe we have an agreement on that.

Some hon. members: Agreed.

The Joint Chair: Today we have representatives from the RCMP and CSIS.

We are happy to welcome Commissioner Brenda Lucki of the RCMP. She is joined by Michael Duheme, deputy commissioner of federal policing, and Brian Brennan, deputy commissioner of contract and indigenous policing.

We are also happy to welcome David Vigneault, director of CSIS. He is joined by Cherie Henderson, assistant director of requirements, and Marie-Hélène Chayer, executive director of the Integrated Terrorism Assessment Centre.

We will start with Commissioner Lucki for opening remarks.

The floor is yours.

Commissioner Brenda Lucki (Commissioner, Royal Canadian Mounted Police): Thank you, Chair.

[Translation]

Good evening, everyone.

[English]

Thank you so much for the opportunity to be here today.

As the chair mentioned, I'm here with my colleagues, Deputy Commissioner Brian Brennan and Deputy Commissioner Mike Duheme.

Really the primary goal of law enforcement is to always maintain public order and keep citizens safe. As we all witnessed, police services across the country responded to unprecedented and highly disruptive demonstrations, illegal blockades and occupations.

In RCMP jurisdiction, we successfully used a measured approach and existing legislation to resolve border blockades at Emerson in Manitoba, Coutts in Alberta, and the Pacific Highway crossing into British Columbia. The RCMP, Ontario Provincial Police and the Ottawa Police Service established both a national capital region coordination centre and an integrated command centre to ensure continued collaboration, the exchange of information, and coordination of investigation and enforcement activities within our nation's capital.

On February 14, the Government of Canada provided law enforcement with additional tools. The measures enacted under the Emergencies Act provided all police officers across the country—not just the RCMP—with the ability to deal with blockades and unlawful public assemblies. The emergency measure regulations supplemented existing authorities and provided new instruments for law enforcement to address these illegal blockades.

Let's look at some concrete examples.

First, police were able to maintain a secure perimeter throughout the national capital region, and refuse entry to individuals travelling to the illegal protest with the intent of participating. Second, supporting an illegal assembly was also prohibited, and police had the enforcement authority to arrest individuals who continued to supply fuel, food and other materials to an area of an unlawful assembly. Third, there were new powers to compel individuals to provide essential goods and/or services for the removal, towing and storage of vehicles and equipment. I delegated these powers to the OPP, which used them to secure needed equipment to clear the streets of Ottawa.

The goal was to bring a safe and swift end to the illegal blockade. I believe that we all effectively achieved this objective, and I want to thank all of the police officers, from all law enforcement agencies, who joined this operation.

[Translation]

I would now like to talk about the Emergency Economic Measures Order.

[English]

It's well known that the "freedom convoy" was well funded, with financial support provided to organizers through a variety of means, including crowdfunding platforms, using both cryptocurrency and money.

Once implemented, these orders allowed the RCMP and its partners to work even more closely with Canadian financial institutions in real time. The RCMP developed a streamlined process where we acted as a central point of contact to disclose information to financial institutions on behalf of provincial, municipal and federal law enforcement.

Once established, the RCMP provided the relevant information to financial institutions, which then had the onus to determine which financial products could and should be frozen. This only included information on owners and operators of vehicles who were active participants in the blockades in Ottawa or convoy organizers.

To be clear, because I know this has been raised in a number of different fora, at no time did the RCMP disclose any information on individuals who solely donated to the convoys or purchased related merchandise.

In addition, the RCMP ensured financial institutions were updated regularly when owners and operators of the vehicles left the protest area. This allowed the financial institutions to better assess and inform their own decisions about when to freeze or unfreeze accounts.

[Translation]

Once the situation was resolved, the government lifted the state of emergency declared under the Emergencies Act.

[English]

As of February 23, 2022, RCMP action culminated in the freezing of 257 financial products, which included bank accounts, corporate accounts and credit cards. The disclosure of 57 entities to financial institutions included individuals, owners and drivers of vehicles involved in the blockade and the identification of 170 Bitcoin wallet addresses, which were shared with the virtual asset service providers.

In closing, I really believe that the act provided us with the tools to resolve the crisis swiftly and peacefully, and I would thank you for the time and the opportunity to speak more about this topic.

Thank you.

• (1840)

The Joint Chair (Hon. Gwen Boniface): Thank you, Commissioner.

I will ask you to raise your mike between your mouth and nose for the purpose of answering questions. That will assist the interpreters somewhat as we move forward.

We'll now move to the director of CSIS, Mr. Vigneault.

Please go ahead.

Mr. David Vigneault (Director, Canadian Security Intelligence Service): Thank you, Madam Chair.

Members of the committee, good evening.

My name is David Vigneault, and I am the director of the Canadian Security Intelligence Service. I am accompanied this evening by Cherie Henderson, assistant director for requirements at CSIS, and Marie-Hélène Chayer, the executive director of the Integrated Terrorism Assessment Centre.

[Translation]

I want to thank you for the invitation to appear before you today concerning the invocation of the Emergencies Act. I am thankful for this opportunity to discuss this very important topic with you.

[English]

What I can freely say for certain is that CSIS is at all times dedicated to working closely with communities and our partners across the country to keep Canada and all Canadians safe.

As this committee is well aware, CSIS has the mandate to investigate threats to the security of Canada, advise the government on these threats and, when appropriate, take measures or steps to reduce them.

[Translation]

Threats to the security of Canada are defined in section 2 of the Canadian Security Intelligence Service Act. They include espionage, sabotage, foreign influenced activities that are clandestine or deceptive and that include threats, terrorism and violent extremism, as well as subversion.

[English]

I must stress that CSIS is specifically prohibited from investigating lawful advocacy, protest or dissent, except when it is carried out in conjunction with activities that constitute a threat to the security of Canada.

In the case of the "freedom convoy", CSIS was concerned by the threat of ideologically motivated violent extremism, or IMVE, and specifically the potential for serious acts of violence. As I recently said publicly, IMVE currently represents a significant national security threat. The combination of major disruptive events like the pandemic, the ever-increasing influence of social media, and the spread of conspiracy theories has created an environment ripe for exploitation by influencers and extremists. This environment has the potential to inspire individuals to commit acts of violence.

The threat from IMVE is constantly evolving, fuelled by extreme views around race, gender, power and authority. IMVE is a threat that thrives on division and festers in the online space, but the hateful online rhetoric associated with these views is spilling over into the real world with the tragic consequences, including for equity-deserving communities across Canada.

In the lead-up to the “freedom convoy”, CSIS closely monitored known IMVE threat actors to assess any threats of serious acts of violence. This operational posture was informed by context. For one, CSIS has observed a rise in anti-authority, violent rhetoric particularly related to public health measures. CSIS was also aware of the opportunities that large gatherings and protests could offer IMVE actors to carry out acts of violence and recruit like-minded individuals. Finally, CSIS was concerned about the threat posed by lone actors.

Throughout the events of January and February, CSIS remained engaged with the RCMP and other law enforcement partners to ensure the timely sharing of information. As you know, the definition of public order emergency in the Emergencies Act refers to “threats to the security of Canada” as defined in the CSIS Act.

In determining if a situation rises to the level of a public order emergency, the Governor in Council can consider multiple sources of information, not just CSIS intelligence. Indeed, CSIS is but one among the various federal departments and agencies whose collective advice ultimately informed the decision by the Governor in Council to invoke the Emergencies Act.

Before I conclude, I would like to point out that some factors will limit what I will be able to speak publicly about this evening. As I'm sure you'll appreciate, there are some things that I'm prevented from saying in public under the Security of Information Act. Furthermore, the intelligence and advice we provide to the government is classified in order to protect our sources and methods.

I take the responsibility of protecting our employees, our sources and our tradecraft very seriously.

• (1845)

[Translation]

In closing, I'd like to assure the committee that, although CSIS often works in the shadows, it is determined to respect its commitment to ensure the safety of Canadians. That commitment depends on interaction with the communities to protect, and partnership with other government agencies, law enforcement services, civil society, academia and the private sector.

[English]

Thank you, Madam Chair.

The Joint Chair (Hon. Gwen Boniface): Thank you very much.

We'll now move to a round of questions, beginning with Mr. Motz.

Mr. Motz.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you, Chair.

Thank you, RCMP members and CSIS members, for being here.

Commissioner Lucki, on what date and at what time were you first informed that the government would be invoking the Emergencies Act?

Commr Brenda Lucki: Thank you for that question.

There were discussions prior to February 14. I would say probably actually February 14 was when we were advised that they were going to invoke it.

Mr. Glen Motz: That was the first time you had any conversation about the Emergencies Act, on February 14?

Commr Brenda Lucki: No, that was—

Mr. Glen Motz: My question is, when were you first informed that the government would be invoking the act?

Commr Brenda Lucki: Oh, I'm sorry. I thought you said, “when they did invoke the act”.

We spoke about it. I don't have the exact date in front of me, but I would say within the week before, when I was given the situational reports, there were discussions and various talks about the Emergencies Act—

Mr. Glen Motz: It was within the week, then, so who informed you?

Commr Brenda Lucki: I can't say for sure. It may have been within a deputy minister committee.

Mr. Glen Motz: Okay.

In your opening remarks, you indicated that the situations at various border crossings, including Emerson and Coutts, were resolved using existing legislation.

My question then is do you really believe that the situation involving the “freedom convoy” was a national emergency that required the government's invocation of the Emergencies Act? Do you believe the situation couldn't be resolved with any other existing law in the country and that invoking the act was necessary, legal and met the threshold, yes or no?

Commr Brenda Lucki: You referred to how we resolved these situations. Within RCMP jurisdiction, we obviously had the benefit of hindsight after what happened in Ottawa, and there were times when we actually would have used it if it had been invoked earlier.

Mr. Glen Motz: You resolved the other matters with existing legislation and without using the Emergencies Act, so my question, again, is do you believe this was a national emergency, that it met the threshold, that the Emergencies Act was necessary and legal and that this could not be dealt with under any existing law, yes or no?

Commr Brenda Lucki: It's not for me to answer whether we met the threshold. That's for the government to answer.

Mr. Glen Motz: Well, your opinion matters. Commissioner, your opinion does matter.

Commr Brenda Lucki: I can tell you how we used it.

Mr. Glen Motz: I know how you used it.

Commr Brenda Lucki: I could tell you how we used it, but I—

Mr. Glen Motz: We know how you used it.

Thank you.

Given the fact that the “freedom” convoy protest paled in comparison with the crowdfunded, preplanned, violent attack at the Coastal GasLink site, did the RCMP make use of the Emergencies Act provisions in response to that incident, yes or no?

Commr Brenda Lucki: No.

Mr. Glen Motz: Did the RCMP seek advice from anyone or request to use the Emergencies Act in the Coastal GasLink site attack, or were you told that it was too political and that it would interfere with the government's actions?

Commr Brenda Lucki: No, we're not interfered with by the government. That was a crime in progress.

Mr. Glen Motz: Well, my question, though, is, did you ask anyone, even your own legal department, for advice on whether you should be invoking the Emergencies Act at Coastal GasLink? That was a violent attack. There was millions and millions of dollars in damage. A booby trap was set around the officers. People were threatened with axes. It was a violent attack and it was crowdfunded. We know this. Did your organization seek advice or request it?

Commr Brenda Lucki: With regard to any advice that I got from my legal department, that would be under solicitor-client privilege, but there was no advice—

● (1850)

Mr. Glen Motz: If you're the client, you can revoke that if you wish.

My question is just whether you asked for advice. I'm not asking for the advice; I'm asking if you sought advice.

Commr Brenda Lucki: No.

Mr. Glen Motz: Okay.

Just so you are aware, and in fairness to you, as you may not be aware of this, but I do know that your organization did seek legal advice on that.

Commissioner, did you offer any advice to the Minister of Public Safety or any government minister respecting the Emergencies Act?

Commr Brenda Lucki: I can't speak specifically to any advice that was done in cabinet. What I can say is that each and every day during the convoy I provided a situational report of what happened from—

Mr. Glen Motz: Would you undertake to provide those situational reports to this committee?

Commr Brenda Lucki: Anything that we had in paper was given to PCO. They are the keepers and the distributors of all the information regarding this event.

Mr. Glen Motz: Yes or no, section 5 of the RCMP—

The Joint Chair (Hon. Gwen Boniface): Mr. Motz, I'm sorry, you couldn't see me, but I was waving to tell you your five minutes was up.

Mr. Glen Motz: I'm sorry. We need an alarm, I think.

The Joint Chair (Hon. Gwen Boniface): Just look this way. We'll get to you.

Next I'll go to Madame Bendayan.

Ms. Rachel Bendayan (Outremont, Lib.): Thank you, Madam Chair.

To the witnesses, thank you for being here. I'll start off with a very recent and concerning example of what members of the Conservative opposition have been saying. The member for Carleton, Pierre Poilievre, has recently indicated that the RCMP were taking orders from the Prime Minister's Office and from ministers' offices. At a recent leadership event, Mr. Poilievre stated that he believed what he saw was the Trudeau government “seizing the bank accounts of political enemies”.

I wonder if you could comment on that. At last week's meeting, we had the pleasure of welcoming witnesses from FINTRAC and the Department of Finance, all of whom testified on the record that the government was in no way involved in the freezing of bank accounts directly, that it was the RCMP working to provide information to the banks, where necessary. I'm hoping you can clarify what the RCMP's role was in that, and also clarify, to the best of your ability, what the government's involvement, if any, was in the freezing of bank accounts.

Commr Brenda Lucki: We weren't involved in the actual freezing of any bank accounts.

I will pass it to my colleague from federal policing, but what I can say is that what we did was that we gathered the information from the various police agencies, and because we have previous relationships with the various banks, we facilitated providing information to the banks. It was their decision as to whether they would freeze or not.

Going to your first question, at no time were we directed by the government.

Ms. Rachel Bendayan: Thank you.

I am going to turn to the situation at the borders, which was of grave concern to me ever since these illegal blockades. It is my understanding that the blockades at the border, at Emerson, Surrey, Coutts and elsewhere, were not cleared until after the invocation of the Emergencies Act. You're free to comment on that, if you will.

Also, from an economic perspective, we are talking about the border crossings that are responsible for, literally, billions of dollars worth of trade going back and forth between the United States and Canada. To my knowledge, in the history of our country, no such blockades have ever existed. Again, you're free to comment on that.

My question for you is, do you feel that the deterrent effect of having invoked the Emergencies Act was useful? I'm looking at a statement by RCMP Sergeant Paul Manaire, who indicated that in his dealings with people at the blockades of our international trade corridors, it was indeed very useful to encourage people who were blocking our borders to leave voluntarily. Would you agree that the Emergencies Act had that effect?

Commr Brenda Lucki: Yes, I would agree with what Paul Manaire said, in the sense that when we have protests, it's all about reducing the number of people there so that if we ever did have to enforce, it would be safe. We heard from people saying, "I'm leaving because I don't want my account to get frozen", or, "I'm leaving because I don't want my truck to be towed". We had people actually saying that in both the Ottawa situation and across various other protest areas.

• (1855)

Ms. Rachel Bendayan: Just to be perfectly clear, they were not saying that prior to the invocation of the Emergencies Act.

Commr Brenda Lucki: No. What I can say is that especially in the Ottawa context, what we did is that we tried to reduce the footprint of the number of people there via conversations through our liaison teams, police liaison teams. We tried to reduce the footprint and to get people to be motivated to leave. Of course, there were people who left after the weekends, but again, a lot of people would show up during the week. There was a group who never left the entire time. There were authorities within the Emergencies Act that served as motivators and as deterrents to people coming back in.

Ms. Rachel Bendayan: Thank you.

I'm going to touch very briefly on the topic of children being involved in these illegal activities.

I understand, again, that the RCMP has commented on the fact that the Emergencies Act provided additional authority to you and to security in order to ensure the safety of children.

Commr Brenda Lucki: The Emergencies Act had the authority to prevent children from being brought into the situation, and of course, if we were ever going to go towards enforcement action, enforcement action and children...it just doesn't go well together—

The Joint Chair (Hon. Gwen Boniface): Commissioner, I'm sorry to cut you off, but Madam Bendayan's time is up.

We'll now move to Mr. Fortin.

[Translation]

The Joint Chair (Mr. Rhéal Fortin (Rivière-du-Nord, BQ)): Thank you, Madam Chair.

I thank you for your presentations, Ms. Lucki and Mr. Vigneault.

My question is for you, Ms. Lucki.

Thus far, I understand from your remarks that, about a week before February 14, you had discussions concerning a possible declaration of a state of emergency.

First, could you tell me who you had those discussions with? What was discussed, exactly? What were the sources of concern? What elements suggested that a proclamation could be issued declaring a state of emergency?

[English]

Commr Brenda Lucki: First, most of any of the discussions that we had were within the deputy minister community, so of course there were representatives from Customs, Transport, Public Safety—I'm trying to think who else—anybody who sort of had parts of the situation..... I think it was PCO and Justice. So we would discuss—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Did a representative from the Prime Minister's Office take part in those discussions?

[English]

Commr Brenda Lucki: Not in those discussions, no. It was all part—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): What elements were cited as likely to lead to a proclamation declaring a state of emergency? What were you told?

[English]

Commr Brenda Lucki: I have no idea what would trigger it. All I know is that I provided on-site advice from the situational awareness for the decision-makers on what was happening on the ground in all police jurisdictions from coast to coast to coast.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Across the country, how many situations were considered to be out of control and requiring the declaration of a state of emergency?

[English]

Commr Brenda Lucki: What I can say is that obviously we had the Ottawa protests that were very long and the occupation of the downtown. The protest at the Windsor border was of course concerning.

In the RCMP jurisdiction, for example, in Emerson and Coutts, we had ways of diverting traffic. Although they couldn't get through that primary border crossing, we had alternate routes and—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Excuse me, Ms. Lucki, I don't want to be rude, but we really don't have a lot of time.

Could you send me a document listing all the locations where there was a situation that required the declaration of a state of emergency, in your opinion, and indicating the exact situation at each location? For instance, the list could indicate that there was a bridge blockade in Windsor. Would you be able to provide me with that information?

[English]

Commr Brenda Lucki: Well, again, we have put in all of our documents for release—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Could you send me that list in writing, Ms. Lucki? I'm running out of time.

[English]

Commr Brenda Lucki: I'm not sure. I would definitely have to check with the people who I've disclosed the information to.

• (1900)

[Translation]

The Joint Chair (Mr. Rhéal Fortin): In fact, that was more or less what you said. You said that you attended a meeting about a week before February 14, where you spoke with these people about situations across the country. That is what you just said, but now you're saying that you don't know. However, if you discussed it, you know what was going on at that time.

I want to know what those situations were. We know that the situation on Wellington Street lasted for weeks, but I would like to know where else the situation had become unmanageable.

That's part of your comments. I'm asking that you summarize it for me in a document, instead of listing it verbally. Can I count on your co-operation, Ms. Lucki?

[English]

Commr Brenda Lucki: I will see what I can do to provide.... We—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): It's not very complicated. I'm asking you to provide to me in writing, based on what you just said, what you said to the people at the meeting in question. You told them that there were urgent problems on the ground.

I don't know where you're looking while I'm speaking.

Who prepared the notes that you read in your introduction, Ms. Lucki?

[English]

Commr Brenda Lucki: I can only speak to what happened in RCMP jurisdictions, from an RCMP perspective—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Then ask your boss to appear before us.

[English]

Commr Brenda Lucki: —and the actions within our areas of jurisdiction.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): If you can't answer this question, I'd like to question your boss so he can respond because I need this information.

I've just wasted my five minutes asking you for a list of places where there were problems. It's too bad because I had a lot of other questions for you. I'd like to see co-operation from the RCMP, Ms. Lucki. That's the least you can do. I didn't ask for anything

complicated. I have yet to ask you for a copy of the legal opinions. I'm simply asking for a list of places where there were problems.

The Joint Chair (Hon. Gwen Boniface): Thank you, Mr. Fortin.

[English]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): I have a point of order, Madam Chair.

The Joint Chair (Hon. Gwen Boniface): Go ahead.

Mr. Kevin Lamoureux: If something is being requested of a presenter, and they decide to make it available, is it shared amongst all the committee members?

The Joint Chair (Hon. Gwen Boniface): Yes.

Mr. Kevin Lamoureux: Thank you.

The Joint Chair (Hon. Gwen Boniface): Mr. Green, you have five minutes.

The Joint Chair (Mr. Matthew Green (Hamilton Centre, NDP)): Thank you.

I just want to begin by noting the frustration of my colleagues around the table and state that, while we have witnesses present, it is by no means personal or directed to individuals, but I think at some of the institutional frustrations.

I'd like to begin with Mr. Vigneault, from CSIS.

Sir, are you familiar with the duty of candour under the CSIS Act?

Mr. David Vigneault: Yes, I am familiar with that.

The Joint Chair (Mr. Matthew Green): Would you agree with the statement that the House of Commons and the courts are coordinate authorities?

Mr. David Vigneault: I'm not sure what you're referring to by “coordinate authorities”.

The Joint Chair (Mr. Matthew Green): I mean that the terms of reference of this particular committee would require you to have a duty of candour, given that the House of Commons and the Senate are coordinate authorities to the courts through common law.

Mr. David Vigneault: What I can say is, to the best of my ability and the limits of the CSIS Act and the Security of Information Act, Mr. Green, I will absolutely endeavour to be as candid as possible with you and all committee members.

The Joint Chair (Mr. Matthew Green): So, will the information be presented completely, accurately, fairly and fully?

Mr. David Vigneault: Absolutely.

The Joint Chair (Mr. Matthew Green): Will you agree to be frank within these discussions?

Mr. David Vigneault: I am always frank in my discussions with members of Parliament.

The Joint Chair (Mr. Matthew Green): Commissioner Lucki, you've heard the questions I've asked Mr. Vigneault. Given that context, I would say you the same.

I would actually go further and let you all know that at the beginning while contemplating the procedures of this committee, we contemplated having you all swear an oath. I feel that the seriousness of this committee is undermined when we don't get the frankness and the concise and full information that we deserve.

Having heard that, Commissioner Lucki, do you also agree to the duty of candour?

Commr Brenda Lucki: I'm fully committed to the duty of candour.

The Joint Chair (Mr. Matthew Green): Okay.

Mr. Vigneault, you made a comment that you were prevented from making statements in public, sir. If you are familiar with the terms of reference of this committee, you will know that this committee has been sworn to be provided with information that is sensitive, given the seriousness of the invocation of this act. Given that's the case, and given you've agreed to the duty of candour that you have, if you ever feel like you can't say something in public, would it be your wish, then, that we would invite you back in camera to get to the fullness of the answers?

Mr. David Vigneault: Absolutely. Whatever the committee decides to do, of course I will try to comply to the best of my ability and to answer all the questions with candour. There are limitations on what I can say publicly in terms of classified information, and in terms of advice provided—

The Joint Chair (Mr. Matthew Green): We've been sworn in, sir, so I'll go to my first question.

Paragraph 2(d) of the CSIS Act identifies the following as “threats to the security of Canada”:

activities directed toward undermining by overt unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada

Convoy organizers released a memorandum of understanding stating their goal of overthrowing Canada's democratically elected government. In this context, how did CSIS assess the threat to the security of Canada in relation to paragraph 2(d) of the CSIS Act?

• (1905)

Mr. David Vigneault: This is one area that is of a very complex nature. The element related to subversion has to be assessed extremely carefully. I would refer you to some of our annual reports that have been tabled in Parliament. In the past, in recent years, CSIS has not investigated acts of subversion. With the rise of the threat posed by ideologically motivated violent extremists, what we are seeing now—

The Joint Chair (Mr. Matthew Green): Mr. Vigneault, I asked a question of specificity, and it was—

Mr. David Vigneault: I'm trying to answer, Mr. Green.

The Joint Chair (Mr. Matthew Green): Respectfully, we have five minutes in these rounds, and having you dance around the question when I ask a specific question, in my opinion, is not your being frank, sir. I'm asking a question that is germane to the invocation of the declaration with high specificity. I'm requesting that you answer that question specifically. I'm not interested in what you've done in the past.

Mr. David Vigneault: What I'm saying, Mr. Green, is that I think it's important for the committee members to understand that when we assess the threat of IMVE, we look at the acts of violence and we also look at acts of subversion.

The Joint Chair (Mr. Matthew Green): That's not what I asked.

Mr. David Vigneault: Please let me finish.

The Joint Chair (Mr. Matthew Green): It's not about finishing, sir. It's about answering the question that's directed to you.

The Joint Chair (Hon. Gwen Boniface): Mr. Green, can you repeat the question quickly because you're running out of time.

The Joint Chair (Mr. Matthew Green): The question is, how did CSIS assess the threat to the security of Canada in relationship to paragraph 2(d) of the CSIS Act, as it relates to the invocation of the Emergencies Act.

That's a direct question, sir.

Mr. David Vigneault: Yes and, Mr. Green, I would answer you that all of the classified advice we provide to the government I'm not at liberty to discuss—

The Joint Chair (Mr. Matthew Green): Then you're unwilling to answer the question for the purpose of this committee. Is that what you mean?

Mr. David Vigneault: No, I just answered the question, Mr. Green.

The Joint Chair (Hon. Gwen Boniface): Mr. Green, can you take the chair so I can—

The Joint Chair (Mr. Matthew Green): I most certainly can. Thank you.

I will reset the clock.

Senator, the floor is yours.

The Joint Chair (Hon. Gwen Boniface): Thank you very much.

First of all, welcome to our witnesses tonight.

My first question is for the director of CSIS.

I want to give you an opportunity to put in context what you find yourself dealing with today, compared with what you would have dealt with, say, four or five years ago, so we have a framework in which we can start to operate.

Mr. David Vigneault: Thank you, Madam Chair.

The threat environment has evolved significantly over the last four years. We have made public through our annual report and two different public comments the fact that, from a CSIS point of view, we are more worried about the rise of violent extremism in Canada. We have seen, unfortunately, people being killed in Canada by people espousing extreme ideology. We have seen minorities being specifically targeted. In Quebec City and in London, Ontario, people were killed just because they were Muslim.

This is an area that we have seen in Canada with growing concern. We have devoted more of our investigative resources to try to address this threat, to try to take measures to counter it, and to advise government and Canadians through our public discourse and public releases about the nature of the threats.

The Joint Chair (Hon. Gwen Boniface): Thank you very much. I'm sorry to cut you off.

In the context of this convoy, in your time as director and the balance of your career, have you ever seen an event like this that Canada has faced?

Mr. David Vigneault: The concern we had with the convoy at the outset and throughout was the fact that we had seen in Canada and other jurisdictions people and violent extremists using protests and demonstrations to engage in acts of violence, to recruit members and to spread their ideology further. When the convoy was coming over the country, we looked at those elements with our partners in the Integrated Terrorism Assessment Centre. We looked at the targets that we were aware of at CSIS. We looked at the people who were engaged in these violent activities to see how they would try to use and manipulate those demonstrations.

We also were concerned with the lone actors—people who engage in violence spontaneously. This is where we were focusing our activities during the convoy and providing information to law enforcement and to the government.

• (1910)

The Joint Chair (Hon. Gwen Boniface): Thank you very much.

My next question is for Commissioner Lucki. Welcome.

My colleague, Mr. Motz, raised the question of various jurisdictions and where issues were different. In the context of other provinces, you would have been the police service of jurisdiction, with the exception of in Ontario, where the Ottawa police would have been the police service of jurisdiction.

Am I correct?

Commr Brenda Lucki: That's that case in Quebec as well, as well as some of the municipalities within the provincial jurisdictions.

The Joint Chair (Hon. Gwen Boniface): You mean the City of Windsor, for instance.

Commr Brenda Lucki: It's all of Ontario, yes.

The Joint Chair (Hon. Gwen Boniface): In a place like Ontario versus Alberta, can you explain where you would have varying roles? In Ontario, for instance, the provincial responsibility falls to the OPP. What is the role of the RCMP with respect to Ontario?

Commr Brenda Lucki: We have a federal mandate. I can pass it to my colleague, Mike Duheme, who's with federal policing, to explain that mandate.

Deputy Commissioner Michael Duheme (Deputy Commissioner, Royal Canadian Mounted Police): Madam Chair, with regard to federal policing, the mandate is to tackle serious and organized crime at the transnational level at the border and between the ports of entry. We also have responsibility with regard to protective policing where we protect the Prime Minister, the Governor Gener-

al, the chief justice, and other incoming dignitaries. There's also cybercrime and financial crimes.

The Joint Chair (Hon. Gwen Boniface): Deputy, because our time is limited, with respect to Ontario and particularly Ottawa, your jurisdiction would be federal in nature in normal events.

Am I correct?

D/Commr Michael Duheme: That's correct, Madam Chair.

The Joint Chair (Hon. Gwen Boniface): With respect to Windsor, would you find yourself in the same place?

D/Commr Michael Duheme: It would be the same place for Windsor, although we provided assistance to the OPP at the Windsor crossing.

The Joint Chair (Hon. Gwen Boniface): Was that in your federal capacity?

D/Commr Michael Duheme: Yes.

The Joint Chair (Hon. Gwen Boniface): In Alberta, you would have all three levels, as we know, of policing in Canada: municipal, federal and provincial. Is that correct?

Commr Brenda Lucki: Yes, that's correct.

The Joint Chair (Hon. Gwen Boniface): Thank you.

Senator Carignan, you have five minutes.

[Translation]

Hon. Claude Carignan (Senator, Quebec (Mille Isles), C): Thank you.

My question is for Ms. Lucki from the RCMP.

I'm currently on the website of the Ottawa Police Service, which provides reports on the service's daily activities. For instance, we can see that, on February 6, the police issued 450 tickets and arrested seven people. That continued on February 7. On February 8, a total of 23 people were arrested and 1,300 tickets were issued.

A number of regulatory and statutory provisions were thus enforced in Ottawa before February 14, under both the Ontario Highway Traffic Act and the Criminal Code.

Isn't that right?

[English]

Commr Brenda Lucki: Yes, there are municipal bylaws. There are provincial laws, as well as the Criminal Code and various other statutes.

[Translation]

Hon. Claude Carignan: On February 12, the Ottawa Police Service announced that it had established an integrated command centre to coordinate enforcement actions. That was in relation to the law in general, not the Emergencies Act, which had not yet been invoked.

We were told at the time that the Ottawa Police Service had worked with the Ontario Provincial Police, or OPP, and the RCMP to set up an integrated and enhanced command centre to address the arrival of large numbers of protesters in the Ottawa area and the escalating occupation that was under way. It was also to secure the areas and ensure that protesters left the areas.

That was February 12. You did not need the Emergencies Act to do that.

Isn't that right?

[English]

Commr Brenda Lucki: I'm not sure if there's a question there.

[Translation]

Hon. Claude Carignan: It was in fact a question.

You did not need the Emergencies Act to establish an integrated command centre to coordinate law enforcement with the Ottawa Police Service and the Ontario Provincial Police.

Isn't that right?

• (1915)

[English]

Commr Brenda Lucki: The integrated command centre was established. The OPP, OPS and the RCMP created a planning cell in order to create a plan for enforcement action.

[Translation]

Hon. Claude Carignan: You had the authority to arrest protesters, to lay criminal charges for disturbing the peace or mischief. You had the authority to arrest offenders even without a warrant at that time.

Isn't that right?

[English]

Commr Brenda Lucki: This was completely a different type of protest, where people were not leaving. Our police liaison teams were trying to motivate people to leave, because when we're dealing with a mass protest, it's all about reducing that footprint so that we can be as safe as we can with enforcement action. When the weekend was full of protesters, it was not the time to do any type of enforcement, because it was too dangerous for the public and the police.

We always try to reduce the footprint by deterring people from coming in and motivating people to leave. Obviously, there was a great group of people—

[Translation]

Hon. Claude Carignan: On February 12, when you established the plan to coordinate enforcement action, the Emergencies Act was not invoked.

At that time, were you aware that the Emergencies Act would be invoked?

[English]

Commr Brenda Lucki: No, I did not, but what I can say is that the Emergencies Act did give us the tools that we needed—

[Translation]

Hon. Claude Carignan: Okay. I understood your answer.

[English]

Commr Brenda Lucki: —to get the job done quickly.

[Translation]

Hon. Claude Carignan: When did you learn that there would be an order invoking the Emergencies Act?

[English]

Commr Brenda Lucki: On the day that it was invoked.

Hon. Claude Carignan: Okay.

Commr Brenda Lucki: There was lots of talk about it, but—

[Translation]

Hon. Claude Carignan: During the period before the order, you prepared an action plan with the OPP and the Ottawa Police Service to clear the street.

Is that right?

[English]

Commr Brenda Lucki: Yes. We started a planning cell to do the planning in and around February 12. That was when the cell got together to start planning for enforcement activity in the downtown core.

The Joint Chair (Hon. Gwen Boniface): Senator Carignan, I'm sorry, but your time is up.

Senator Harder is next.

Hon. Peter Harder (Senator, Ontario, PSG): Thank you, Madam Chair.

Thank you, Commissioner and Director, for your appearance tonight.

I'm going to start with Commissioner Lucki and go forward from the questions by my colleague Senator Carignan.

In developing the plan, which was before the invocation, were you assuming the invocation of the emergency measures in your plan?

Commr Brenda Lucki: Not at all.

Hon. Peter Harder: That's interesting.

Commr Brenda Lucki: The plan—

Hon. Peter Harder: Do you view the invocation of the Emergencies Act as a failure of policing?

Commr Brenda Lucki: No, not at all.

Hon. Peter Harder: Would you not agree with at least my observation that the events, particularly in Ottawa, were unmanageable from an Ottawa Police Force point of view, from an OPP point of view and from an RCMP point of view up until the emergency measures were invoked? That, in my book, is a failure.

Commr Brenda Lucki: This was a very, very unique and fluid situation in Ottawa. It was a lot different from what we had seen across the country and it increased exponentially every weekend. Sometimes the numbers would go down, but there were core groups that refused to leave—

Hon. Peter Harder: If it's not a failure of policing, why would you urge the invocation of the Emergencies Act? It's an extraordinary act to be declared.

Commr Brenda Lucki: We were not.... It wasn't really the police that were.... We're not in the position to provide influence on the government as to when and where they invoke a certain act. For us, it was about keeping Canadians safe in Ottawa, and when they did bring in the act, it definitely provided us some authorities that helped reduce the footprint so that we could do a safer enforcement.

Hon. Peter Harder: Did you or your ICC, the integrated command centre, see the need for invocation of the act before the act was invoked?

Commr Brenda Lucki: Well, I can tell you from an RCMP perspective, for example, we were in the midst of trying to enforce at Coutts, for example, and we could not enforce because we couldn't access any tow trucks. We weren't able to do the enforcement that we needed on the days that we wanted to enforce because we had no authorities to force the tow truck drivers to assist, and all of them refused to provide the service.

● (1920)

Hon. Peter Harder: Would that not be a failure of policing?

Commr Brenda Lucki: Sorry?

Hon. Peter Harder: Would that not be a failure of policing?

Commr Brenda Lucki: We don't own tow trucks. If in fact we wanted to move the trucks from the area, we needed tow trucks to do part of our.... Tow trucks are a part of our equipment, but it's contracted out, so—

Hon. Peter Harder: But, Commissioner, you used tow trucks in other protests without the invocation of the Emergencies Act.

Commr Brenda Lucki: Well, in Coutts, we couldn't use tow trucks. They wouldn't come to our.... We asked them to come to assist us, but they would not. We looked to the military as well and, in the end, what ended up happening was that the Government of Alberta purchased some tow trucks, which was just at the onset of the invocation of the Emergencies Act.

We were trying to enforce far before then, but in order to enforce we had to remove both the people and the equipment, but we didn't have tow trucks to move the equipment.

Hon. Peter Harder: My next question is for the director of CSIS.

I do respect the nature of the act and what you can and cannot tell us, but I'd like you to comment a little more fully on the IMVE presence that you and your agency saw within the convoy and the "freedom convoy" in particular.

Mr. David Vigneault: Thank you, Senator Harder.

Essentially, I would characterize it as the fact that we saw a number of individuals who were of concern to CSIS prior to the convoy

being engaged both online and also in person in the context of the convoy. We saw activities taking place of people trying to recruit other individuals. We saw activities that were characterized by an element of rhetoric.

We have been able to assess this information and share intelligence and information with our law enforcement partners as part of a joint intelligence group and also to advise the government about the threats we saw to the security of Canada. That's how we would characterize it.

The Joint Chair (Hon. Gwen Boniface): Senator Harder, you're finished. We'll catch you in the next round.

Ahead is Senator White.

Hon. Vernon White (Senator, Ontario, C): Thank you very much, Madam Chair, and thank you to the witnesses for making themselves available.

Commissioner Lucki, we've heard multiple times from ministers and others that the Emergencies Act and the tools provided were specifically requested by police leadership. As a law enforcement agency with primacy in national security, did you ask the government or representatives for the invocation of the Emergencies Act?

Commr Brenda Lucki: No, there was never a question of requesting the Emergencies Act.

There was a question of—

Hon. Vernon White: I'm sorry. I don't mean to interrupt. So you never asked for it. Do you know of any other police leadership who asked specifically the government for its invocation?

Commr Brenda Lucki: No. We actually reached out to various police agencies when there was talk about some of the authorities that they were proposing, and of course we were consulted. We were the ones who would be using those authorities, so we were consulted to see if these would be of any use to police in the context of the "freedom convoy".

Hon. Vernon White: Thank you, Commissioner.

You mentioned earlier—and we've heard it repeated by others—tow trucks as an example of one of the reasons or rationales for the act's invocation. Was consideration given to use aid to the civil power so that you could actually use military tow trucks and military vehicles to remove the vehicles from either Coutts or Ottawa?

Commr Brenda Lucki: Absolutely. We did many inquiries in regard to the use of the Canadian Armed Forces—

Hon. Vernon White: Did you apply for aid to the civil power?

Commr Brenda Lucki: No, because when we did the inquiries directly with them, they told us they didn't have the equipment necessary to remove such equipment and—

Hon. Vernon White: Do you have that in writing from them, Commissioner, if you don't mind, saying that they did not have vehicles to tow trucks?

Commr Brenda Lucki: I'm not sure, but I know there were two vehicles in the Edmonton area that could possibly do what we were looking for, but we couldn't get access to them for several days, and that was the only place in Canada, they told us, that they had such equipment.

● (1925)

Hon. Vernon White: Thank you very much.

Was the event that was occurring in downtown Ottawa and continuing considered a national security threat by you?

Commr Brenda Lucki: When we look at a national security threat, we look at it in regard to criminal.... Of course, there are a number of organizations with a mandate in this area, such as CSIS. But although most of the people participating in Ottawa protests were motivated by a desire to end that COVID-related type of mandate, we assessed that some of the ideologically motivated extremists were probably present and attempting, really, to leverage the protest and its high profile for their own purposes. And we know that—

Hon. Vernon White: But the Department of Justice website actually identifies the RCMP as the law enforcement agency responsible for national security in Canada. Did you consider it a national security threat, and if you did, did you express that to the Minister of Public Safety? If so, was there any consideration for the RCMP taking over the event and the operation that was occurring in downtown Ottawa as a result of that threat?

Commr Brenda Lucki: No, because we aren't the police of jurisdiction, and if the Ottawa Police Service needed additional resources, they were to go to the Ontario Provincial Police, as per Ontario's Policing Act.

Hon. Vernon White: I understand that, but I think you know that in my previous role, I used hundreds of RCMP officers many times. In fact, I remember swearing them in in the basement of our building. And I certainly didn't always go to the OPP—although the commissioner who's sitting at the front here, I'm sure, often gave me resources when they were asked.

I recognize that, but I also saw thousands of police officers from every agency in Canada operating well before the invocation of the Emergencies Act. So I can't imagine that you would not have offered resources to the Ottawa Police Service in their job in relation to the occupation.

Commr Brenda Lucki: Absolutely. For any request of resources they made, we fulfilled those requests.

Hon. Vernon White: Can you advise me about whether or not you could have removed the occupation without the invocation of the Emergencies Act, in Ottawa?

Commr Brenda Lucki: What I can—

Hon. Vernon White: I don't want to hear what happened as a result, though, because I only have about 30 seconds left. Could you have removed them without the invocation?

Commr Brenda Lucki: It's really not up to me to speak to hypotheticals or speculate—

Hon. Vernon White: It wasn't hypothetical; it was real. You would have had a plan. Could you have removed that occupation without the Emergencies Act?

I'll go back to what Senator Harder said. If you could not have, then it was a failure of policing, which might mean that you needed to invoke the act, right?

Commr Brenda Lucki: No. It's very speculative because we weren't the police of jurisdiction, so I don't have all of the intimate details of what was known and what wasn't known—

Hon. Vernon White: But there was a joint command centre prior to the invocation, right?

Commr Brenda Lucki: Yes, absolutely. I can say that we did actually successfully conclude protests across the country without the invocation of the Emergencies Act, but it was a much different situation.

Hon. Vernon White: Thank you very much, Commissioner.

The Joint Chair (Hon. Gwen Boniface): Thank you, Senator White.

We'll now move to the second round, and I believe we're going to Mr. Brock this time.

Mr. Brock, you have five minutes.

Mr. Larry Brock (Brantford—Brant, CPC): Thank you, Madam Chair, and thank you to all the witnesses for your appearance today.

I have several questions, several themes and limited time, so I'm going to address an issue right up front to both Ms. Lucki and Mr. Vigneault.

I want to know whether or not any of your witnesses, yourselves or your assistants with you, are prepared to answer any questions regarding whether the legal threshold of the invocation of the act was met and whether in your belief the measures taken under the act were charter-compliant.

Is anyone prepared to answer those questions?

Commr Brenda Lucki: From the RCMP perspective, we're not in a position to speak about the legal threshold. That wasn't part of our responsibilities.

Mr. Larry Brock: Okay, and that would apply to....

Go ahead.

Mr. David Vigneault: Thank you, Mr. Brock.

No, unfortunately, I would not be at liberty to provide any legal interpretation of this. Thank you.

Mr. Larry Brock: Okay, secondary to that question, both of your departments have a legal division. Isn't that correct?

Commr Brenda Lucki: Yes.

Mr. Larry Brock: Right, and I understand that legal division is under the auspices, under the leadership of, the Department of Justice. Correct?

● (1930)

Commr Brenda Lucki: Yes.

Mr. Larry Brock: So the legal advice that you opined on from my colleague Mr. Green—and I'll get to some more specifics in a moment—did that come from your internal legal departments, or did it come from the DOJ?

Commr Brenda Lucki: I don't know what advice you're referring to.

Mr. Larry Brock: I'm referring to any advice with respect to this Emergencies Act, any legal advice as to whether the threshold was met and the provisions were charter-compliant. Canadians want to know that answer.

Commr Brenda Lucki: I wasn't part of the discussions on the legal threshold and whether the legal threshold was met.

Mr. Larry Brock: Well, who in your department received legal advice if it wasn't the commissioner?

Commr Brenda Lucki: That was done by the people who made the decision to invoke the act, and we did not —

Mr. Larry Brock: Okay, so the information from Justice or the information from your legal department went to whom at the RCMP? Was it to you or to somebody else?

Commr Brenda Lucki: No. We have legal services, but we only discussed, once the authorities were available, what it meant for us.

Mr. Larry Brock: Okay, maybe I'm confusing you.

My colleague Mr. Green asked you a question regarding some advice. You cited solicitor-client privilege for which you are the client, and you are entitled to waive it. I'll get to that in a moment. My question is who gave the RCMP legal advice regarding anything pertaining to the Emergencies Act before the invocation. Was it the Department of Justice, or was it your internal legal department?

Commr Brenda Lucki: My legal service is a part of the Department of Justice.

Mr. Larry Brock: Okay. So it came from your internal department?

Commr Brenda Lucki: Which is part of the Department of Justice.

Mr. Larry Brock: Right. Okay.

I see that I have 10 seconds left.

Are you still maintaining solicitor-client privilege, or are you willing to waive that?

Commr Brenda Lucki: Well, I'm also bound by cabinet confidence as well, and —

Mr. Larry Brock: You're not part of the cabinet. You're not part of that confidence.

Commr Brenda Lucki: No, but I am when I provide them information in cabinet.

Mr. Larry Brock: To be continued....

The Joint Chair (Hon. Gwen Boniface): No, you have another minute [*Inaudible—Editor*] seconds.

Mr. Larry Brock: Oh, do I?

The Joint Chair (Hon. Gwen Boniface): Go ahead.

Mr. Larry Brock: You're not part of cabinet. You're not an elected official. So why are you hiding behind cabinet confidentiality? Canadians want to know —

Ms. Rachel Bendayan: On a point of order, Madam Chair, I would just request that the questions go through the chair rather than directly to the witness.

Mr. Larry Brock: I didn't think we were that formal, Madam Chair, that we had to say "through the chair".

Ms. Rachel Bendayan: We weren't before the badgering, but now we are.

The Joint Chair (Hon. Gwen Boniface): [*Inaudible—Editor*] witness may answer the question. We stopped the clock.

Go ahead. There are 37 seconds.

Mr. Larry Brock: Why do you feel you are bound by cabinet confidentiality as an unelected official?

Commr Brenda Lucki: When I'm providing information within cabinet, I'm bound by the rules of cabinet.

Mr. Larry Brock: Are you part of the Liberal government, Ms. Lucki?

Commr Brenda Lucki: Not at all.

Mr. Larry Brock: Are you a donor to the Liberal Party?

Commr Brenda Lucki: No.

Mr. Larry Brock: Are you sure about that?

Commr Brenda Lucki: I'm sure.

Mr. Larry Brock: Are you still citing cabinet confidentiality?

Commr Brenda Lucki: Yes.

Mr. Larry Brock: Mr. Vigneault, are you going to cite that as well?

Mr. David Vigneault: Madam Chair, if there's a specific question, I'm happy to try to answer it.

The Joint Chair (Hon. Gwen Boniface): Mr. Brock, your time is up.

Mr. Larry Brock: Thank you.

The Joint Chair (Hon. Gwen Boniface): Mr. Naqvi, you're next.

Mr. Yasir Naqvi (Ottawa Centre, Lib.): Thanks, Madam Chair.

Before I start my questions, I just want to confirm that we have five minutes in this round.

The Joint Chair (Hon. Gwen Boniface): Yes, Mr. Naqvi.

Mr. Yasir Naqvi: Okay. I'm going to ask questions for four minutes. I will share the last minute of my time with Ms. May, if that's okay with the chair.

The Joint Chair (Hon. Gwen Boniface): Go ahead.

Mr. Yasir Naqvi: Thank you very much.

I'll go to you, Commissioner Lucki, and build on the conversation you were having with the chair on the police service of jurisdiction. In this case I'm talking about Ottawa.

Can you describe to us what the role of the RCMP was, prior to the invocation of the Emergencies Act in Ottawa, when the protest/occupation was taking place?

Commr Brenda Lucki: The first weekend, our role was part of our federal mandate, which is the protection of parliamentarians and the Prime Minister. We work with the parliamentary precinct and we protect the parliamentary precinct, which includes the Senate and the Parliament.

Because we have other resources located within the city of Ottawa, we also provided frontline assistance to Ottawa Police Service as well as other specialized resources. But they are the police of jurisdiction, so we worked under their lead in that regard.

• (1935)

Mr. Yasir Naqvi: For that to happen, prior to the invocation of the Emergencies Act, your RCMP officers had to be sworn in by Ottawa Police Service in order to perform those frontline duties.

Commr Brenda Lucki: The frontline duties, yes.

Mr. Yasir Naqvi: Okay.

Can you tell us of any other assistance you were providing to the City of Ottawa in the earlier days of that occupation, as requests were coming in?

Commr Brenda Lucki: I'll pass that to Mike Duheme, because he was leading that.

D/Commr Michael Duheme: Thank you, Commissioner and Madam Chair.

To your question, early on in the stage we did have the national capital region command centre stood up. That comprises the OPS, OPP, other law enforcement from the Quebec side, transport, ambulance technicians and firemen. It's just a coordination hub to make sure that everybody's in tune with what's going on, and if an emergency is called, we have fire trucks and so on. It's more a coordination centre for information that comes in before we go into the operational mode. That was stood up early.

That's also used as a hub for intelligence that's going on for the event.

Mr. Yasir Naqvi: Thanks, Mr. Duheme.

Before I pass it on to Ms. May—I just want to make sure she gets her time—I have a very quick question. What changed? What are some of the key things that changed for RCMP, once the Emergencies Act was invoked, in dealing with and responding to the occupation that was taking place in Ottawa?

Commr Brenda Lucki: That's a great question. It's all about reducing the footprint so that we can enforce safely.

We could maintain and reinforce the perimeter. It provided us and other policing partners an ability to restrict travel; prevent children from being brought into the situation; secure necessary equipment, such as tow trucks; and ensure that we could cut off financial support and other assistance, such as gas, for this unlawful blockade.

Mr. Yasir Naqvi: Thank you very much.

Madam Chair, through you, I will pass it on to Ms. May.

The Joint Chair (Hon. Gwen Boniface): Thank you.

Ms. May, you have two minutes.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you very much, Mr. Naqvi, and thank you, Madam Chair.

My question will be for CSIS director Monsieur Vigneault.

The key to being able to invoke the Emergencies Act is really that the definition of threats to the security of Canada under the Canadian Security Intelligence Service Act be met, and that act being the act that governs CSIS. I think you're the most familiar with it of anyone before us today.

I wonder if you would know—and if you don't know, is it findable to know...not the details, because those might still be considered secret—how many times, in the use of the act, has a situation or event been seen by CSIS to meet the definition of a threat to the security of Canada?

Mr. David Vigneault: Thank you very much for the question.

I think there are a couple of elements in this that you are noting, Ms. May.

It is absolutely accurate that the Emergencies Act is using the—

The Joint Chair (Hon. Gwen Boniface): You have one minute.

Mr. David Vigneault: —CSIS definition, but it's also very clear that the Governor in Council, when it decides to invoke the Emergencies Act, is using all sorts of information. It does not rely solely on CSIS. It may or may not even be appropriate to use information from CSIS, depending on the situation.

Ms. Elizabeth May: You may have misunderstood my question. I know I don't have much time left.

In other instances, historically, how many times would CSIS have found a threat to the security of Canada?

Mr. David Vigneault: Actually, every day at CSIS, as per our act, we investigate issues related to a threat to the safety of Canada. Every day, unfortunately, CSIS employees and professionals are uncovering and investigating threats to the security of Canada.

Ms. Elizabeth May: Thank you.

I won't go on, Madam Chair, because I know I'm probably out of time, but if it's every day, then it's been thousands of times that the threat to security—

The Joint Chair (Hon. Gwen Boniface): Your time is up. I'm sorry.

Thank you, Ms. May.

We'll go now to Monsieur Fortin.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Thank you, Madam Chair.

I'll come back to you, Ms. Lucki. I'd just like to be sure that I fully understand your comments.

How long have you been a member of the RCMP, Ms. Lucki?

[English]

Commr Brenda Lucki: I'm going to age myself. It's 36 years.

• (1940)

[Translation]

The Joint Chair (Mr. Rhéal Fortin): How long have you been a member of the RCMP, Ms. Lucki?

[English]

Commr Brenda Lucki: I've been a member since 1986.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Okay.

Have you ever had to deal with protests in Canada?

Was this the first time that you had seen such street protests?

[English]

Commr Brenda Lucki: I am a trained public order commander, but this is the first time I've ever seen a protest such as this.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): You said earlier that you had ended protests elsewhere in Canada without needing to have a state of emergency declared.

That is what you said, right?

[English]

Commr Brenda Lucki: Yes.

We obviously have the benefit of hindsight of what happened in Ottawa, so we could change our tactics to ensure that big trucks, for example, would not stop in the area, or park, or disable....

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Why didn't you do the same thing in Ottawa?

Why didn't you prevent trucks from blocking Wellington Street?

[English]

Commr Brenda Lucki: The Ottawa Police Service is probably in a better position to answer that, but what I would say is that—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): The chief of police at the time had told us that he did not see how he could have done it. You'll agree that that's a bit of a concern, Ms. Lucki. I don't blame you. I'm satisfied that you are a competent woman in your duties, but there's a lack of information.

There's something, somewhere, that doesn't make sense. What I understand from what you said, you and Mr. Vigneault, is that the situation was resolved everywhere else without the declaration of a state of emergency. In Ottawa, there was a hot tub and a barbecue in the street, and a lot of people protesting. You were unable to resolve that. You are telling us that the reason you were unable to do it before the declaration of emergency was that there were no tow trucks available.

Are you telling me that Canada's security was in jeopardy because you couldn't find tow trucks?

Is that your explanation?

[English]

Commr Brenda Lucki: No, not all. Every protest is completely different. This was an illegal protest—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): I'm talking about the protest on Wellington Street, Ms. Lucki.

I'm sorry to interrupt you. I know it's rude, but I have very limited time.

You said the other situations were resolved, so I'm not talking about them.

Protesters blocked Wellington Street with trucks, they set up hot tubs, barbecues and a slide for children. There was a party on Wellington Street, and you are saying that not the RCMP, not the Ontario Provincial Police, not the Ottawa Police Service could take action because there were no tow trucks. That's what you said earlier.

That worries me some, and I hope that there's never a war in Ottawa because it would be pretty bad.

The problem is that there were no tow trucks. Is that really the explanation?

[English]

Commr Brenda Lucki: No, that's not at all what I was trying to say. I think I've been misinterpreted.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): You said earlier that you couldn't take action because you didn't have tow trucks. That's what you said in your remarks.

[English]

Commr Brenda Lucki: In Coutts, Alberta, that's exactly right. We had an enforcement plan. We were ready to go in; we had tow trucks available. When we started the enforcement the next day, the tow trucks had been secured. When we started to enforce the next day, the tow trucks would not co-operate, so we had to readjust our plan.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Yes, but you readjusted your plan there. However, here, in Ottawa, in front of Canada's Parliament, there were municipal and provincial police and the RCMP. Everyone was involved in the police operation. It was so serious that the Prime Minister decided to invoke the Emergencies Act for the first time in 50 years.

I am convinced that the police were able to act. I don't want to blame you, but according to your comments, you couldn't do anything. You were unable to end the protest in front of Parliament, to tow the trucks and to remove a hot tub and barbecues. I have trouble believing that.

You did it, once the emergency was declared. That emergency lasted a week.

Why were you unable to resolve the problem without the Emergencies Act?

It's very concerning, Ms. Lucki.

[English]

Commr Brenda Lucki: Well, the Emergencies Act provided authorities to serve as both deterrents and to reduce the footprint so that we could safely do enforcement action. There were a massive number of people in the location in Ottawa. It's never safe when you're at the maximum number of people. As the people—

The Joint Chair (Hon. Gwen Boniface): Commissioner Lucki, I'm sorry, but I'm going to have to cut you off. The time is up.

We'll go to Mr. Green.

• (1945)

The Joint Chair (Mr. Matthew Green): Thank you.

I'm going to go back to Mr. Vigneault.

Mr. Vigneault, as you know, under the Emergencies Act, we need to satisfy that there was a national emergency. I feel that at the heart of this committee what we're trying to get to is the nature of the threat and whether or not this could not have been effectively dealt with under any other law in Canada. That seems to be, for me, the foundation from which we're exploring in this committee.

I'll ask you again, sir, did CSIS assess the threat for security in relation to paragraph 2(d) of the CSIS Act? I'll even give it to you: You don't have to provide details. Did you see the MOU and the current situation as a threat as defined in your act?

Mr. David Vigneault: Thank you, Mr. Green.

I know you're looking for some level of precision that, unfortunately, I cannot provide you in this context. We have provided advice to the government.

The Joint Chair (Mr. Matthew Green): When you say “this context”, sir, if we go in camera....

Madam Chair, I'll say this through you.

Sir, if you're acknowledging that you're not going to answer my question, I'll accept that, but I want to know, if we were going to go in camera, given the nature of this committee and the fact we've all been sworn in.... We've identified that we at the committee are a coordinating authority with the courts, i.e. as important as a quasi-judicial committee for the purpose of this review, the only one that's parliamentary. If, in a future meeting, we go in camera, at that time would you be prepared to live up to your duty of candour and provide the most basic information? Otherwise, sir, having you present at committee without answering that most basic question seems to me to be a bit of a futile exercise.

Mr. David Vigneault: Mr. Green, you asked me to respect my duty of candour. I told you that I will absolutely respect that. I also have to respect the law of the land that prevents me from answering with classified information in a public setting.

The Joint Chair (Mr. Matthew Green): Okay. In camera, I've heard now, we'll invite you back for a future meeting and hopefully get to the heart of this matter.

I do in fact think that this was unique in nature. I do feel that it was because of the failure of policing, Madam Chair, the utmost failure of policing.

I'm going to take my questions back to Commissioner Lucki, recognizing that throughout the events that led to the declaration there have been many concerns about the conduct of police officers across the country, which include officers who were donating money, publicly announcing their support and in fact taking part in the convey—which to me was part of the uniqueness of this situation. It was not the tow trucks but the collusion, aiding and abetting by our security apparatus, including the police.

For example, a Durham Regional Police constable who publicly professed support for the convoy was charged with discreditable conduct and other offences under the PSA. Two officers from Edmonton were suspended without pay for participating in the rally in support of the convoy at Coutts. Ottawa confirmed that it was investigating officers who allegedly supported the convoy. This included six officers whose names appeared on a leaked list of donors on the crowdsourcing platform GiveSendGo.

In an unprecedented way, we watched police hand in hand with protesters here in Ottawa. We watched handshakes and hugs in Coutts after weapons were found. Has the RCMP also conducted investigations regarding the conduct of their officers during these events?

Commissioner Lucki.

Commr Brenda Lucki: Thank you for that question.

Most of the people who were actually found to be in misconduct were on leave without pay. I have to say that public trust is obviously essential for the RCMP to really effectively serve and protect our—

The Joint Chair (Mr. Matthew Green): Will there be discipline when they come back, or is that their discipline?

Commr Brenda Lucki: No, absolutely not. Anytime—

The Joint Chair (Mr. Matthew Green): What disciplinary actions will be taken towards the RCMP officers resulting in misconduct during the convoy?

Commr Brenda Lucki: Anytime there are allegations of misconduct, an investigation is done in regard to contraventions of the code of conduct, which we take very seriously. We're committed to handling all of the conduct issues in a responsible—

The Joint Chair (Mr. Matthew Green): Commissioner, what security risk does it pose that individuals from the RCMP and the military with experience and training were involved in the logistics of the convoy?

Commr Brenda Lucki: In terms of the ones we were aware of, first of all one who was no longer in the RCMP, who was part—

The Joint Chair (Mr. Matthew Green): Sure, but they had the training. It was a sniper, in fact, on the Prime Minister's detail.

Commr Brenda Lucki: The person was no longer within the employ of the RCMP at the time they assisted the convoy.

The Joint Chair (Mr. Matthew Green): What risk do these individuals pose, given the knowledge they have?

Is this unique in nature? Have you ever seen police officers and military participating in civic disorder like this before?

Commr Brenda Lucki: Personally I have not.

Having information is not a problem; it's how the information is used. If the information is used for good, then it's not a problem, obviously. If it isn't, then it could pose a problem.

• (1950)

The Joint Chair (Mr. Matthew Green): That's particularly true when you're talking about dropping bullets on people's heads. Is that correct?

The Joint Chair (Hon. Gwen Boniface): Mr. Green, your time is up.

The Joint Chair (Mr. Matthew Green): Thank you.

Madam Senator, the floor is yours.

The Joint Chair (Hon. Gwen Boniface): Thank you very much.

My question goes to Commissioner Lucki.

I want to ask you to give a picture.... Perhaps Deputy Commissioner Duheme is in a better position to do that, or whoever.

We keep hearing about the convoy on Wellington Street. In fact, the convoy had an impact far beyond Wellington Street in the city of Ottawa. I'm interested in getting a better picture for members of the public on the type of space that was occupied in streets. I don't know if you have it by kilometres or so on? Can you give me some context for people who aren't familiar with the area in Ottawa?

Commr Brenda Lucki: I will pass that to my colleague.

What I can do is start off by saying we working in conjunction, obviously, with the Ottawa Police Service and OPP. We divided it into eight different zones with eight different types of groups.

Maybe Deputy Commissioner Duheme can give a bit more description?

D/Commr Michael Duheme: Thank you, Commissioner.

Madam Chair, to the best of my recollection, as the commissioner mentioned, there were seven or eight specific zones that we were looking at. There was one off of Waller and Nicholas. There was also one at Sussex and Rideau. Obviously the most popular one was in front of Parliament Hill. There was one further down on Bronson. There was one on the Sir John A. Macdonald Parkway, I believe. There were another one or two south of that.

The plan was that, when we did it, we would go from one site to another. By the time we cleared the third site, all of the other remaining sites were gone.

The Joint Chair (Hon. Gwen Boniface): From the perspective of members of the public who live here in the city of Ottawa, it was substantially more than just Wellington Street.

D/Commr Michael Duheme: That's correct.

The Joint Chair (Hon. Gwen Boniface): Thank you.

I'll go back to the integrated command and perhaps, deputy, this may be for you as well. Can you explain how the integrated command started, at what point it started, and then how it ended up at the end? I appreciate that the integrated command, at least in my understanding, would be the police service of jurisdiction, the Ottawa Police Service; the provincial jurisdiction, the OPP; and you, with other agencies assisting. In the joint command I would think it would be the three of you. Am I correct on that?

D/Commr Michael Duheme: That is correct. As I mentioned earlier, Madam Chair, the NCRCC was the first one that was set up, but when the protest started getting bigger and bigger we formed the integrated command centre. As you mentioned the OPP, OPS and we were in that, and that was really to plan the way forward for the intervention of the illegal protest.

The Joint Chair (Hon. Gwen Boniface): Tell me, then, whether or not there was planning in place prior to the protest's taking place, as vehicles were coming across the country to take up their place here in Ottawa.

D/Commr Michael Duheme: From an RCMP perspective we were looking at the planning from our federal mandate for protectees and assistance for the Parliamentary Protective Service. The main lead on that, as the convoy was coming, was OPS. It was after that that we got integrated, when the resources were added to OPS.

The Joint Chair (Hon. Gwen Boniface): Okay.

Commr Brenda Lucki: I can add that we did follow the convoy across the country. They started at various areas. Many of them started within RCMP jurisdictions, so we were providing on-ground information to the Ontario police when they were crossing their border, and everything was funnelled in through a joint intelligence group.

The Joint Chair (Hon. Gwen Boniface): Okay. Thank you. There would be a significant amount of work and documentation that might be somewhere that would outline at least where you started and what you anticipated as a police agency, who would deal with this ultimately, and then where you would find yourself at the end of that process. At least that's how it would be put together in my recollection. Am I correct on that?

Commr Brenda Lucki: Yes, all of the documentation was being funnelled through PCO. We were asked to provide all documents that we had in regard to the convoy protest.

The Joint Chair (Hon. Gwen Boniface): But it would also be in the hands of other police—at least at the provincial and the local level—so that when we see other police agencies coming before this committee we'll be able to at least get some information, I suspect, from them on how they viewed the convoy here.

• (1955)

Commr Brenda Lucki: I would imagine, yes.

The Joint Chair (Hon. Gwen Boniface): Thank you.

Just very quickly I want to make a comparison between Windsor and what was occurring in Ottawa. I haven't been in the Windsor area in a while, but my recollection would be that it's a one-lane-in, one-lane-out type of road, so managing that would be a little bit easier than managing the size that you indicated here of the occupation. Am I correct on that?

Commr Brenda Lucki: Yes.

The Joint Chair (Hon. Gwen Boniface): Thank you.

The Joint Chair (Mr. Matthew Green): I will now return the chair to you, Senator.

The Joint Chair (Hon. Gwen Boniface): Thank you very much.

Senator Carignan.

[Translation]

Hon. Claude Carignan: Thank you, Madam Chair.

My questions are for Ms. Lucki.

I understand from your comments that you had difficulty finding tow trucks. Can you tell us how many companies you approached for towing services?

[English]

Commr Brenda Lucki: I will pass that to my colleague from contract policing, who was with the Alberta protest in Coutts.

[Translation]

Hon. Claude Carignan: I'm talking particularly about the situation in Ottawa.

[English]

Commr Brenda Lucki: Oh, that I don't know.

[Translation]

Hon. Claude Carignan: There must have been several.

[English]

Commr Brenda Lucki: Yes, I would imagine there were several, but we did have several within our compound after the Emergencies Act was invoked. We were able to get—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): I have a point of order, Madam Chair. I'm told that there's no longer interpretation.

[English]

The Joint Chair (Hon. Gwen Boniface): We'll stop the clock.

Hon. Claude Carignan: Yes, please stop the clock.

[Translation]

Commr Brenda Lucki: I can try in French.

Hon. Claude Carignan: Oh, that would be good.

[English]

The Joint Chair (Hon. Gwen Boniface): It may have been a switch. Can we check to see whether that is working on the French channel?

[Translation]

The Joint Chair (Mr. Rhéal Fortin): I can hear the interpreter now. It seems to be restored.

Hon. Claude Carignan: I'll continue. Only 30 seconds had elapsed.

Ms. Lucki, I understand that you asked several companies to provide towing and that none agreed to do it. Is that right?

[English]

Commr Brenda Lucki: I'm actually not sure how many, because I was able to delegate the authority to compel tow trucks to the OPP commissioner.

[Translation]

Hon. Claude Carignan: You're familiar with section 129 of the Criminal Code, which states that anyone who “omits, without reasonable excuse, to assist a public officer or peace officer in the execution of his duty in arresting a person or in preserving the peace, after having reasonable notice that he is required to do so” is guilty of “an indictable offence and is liable to imprisonment for a term not exceeding two years”.

That is the provision of the Criminal Code on obstruction. You're familiar with it, right?

[English]

Commr Brenda Lucki: Not recently, but I'll believe what you say.

[Translation]

Hon. Claude Carignan: How many companies or heads of tow truck companies were charged with obstruction under section 129 of the Criminal Code?

[English]

Commr Brenda Lucki: I'm not familiar with anybody being charged under that section of the Criminal Code.

[Translation]

Hon. Claude Carignan: You had the authority to require that vehicles be towed under section 129 of the Criminal code and section 134.1 of the Ontario Highway Traffic Act. What more did the Emergencies Act give you? I understand that the order states that you have the authority to require that vehicles be towed, but you already had the authority to do that.

[English]

Commr Brenda Lucki: Under the Criminal Code, you can charge somebody. There were tow truck companies that were receiving funds through the protest not to assist us. Some of the individuals in the companies were very worried about their safety and their livelihood, and they were experiencing a lot of harassment. Even under a charge, it would go to court. Under the Emergencies Act, it compelled them to provide the service immediately. That was the sort of cover that they could use. They were no longer making the decision themselves. They were being forced under the authority of the Emergencies Act, and even then—

[Translation]

Hon. Claude Carignan: You could just as easily have forced them under the Criminal Code.

[English]

Commr Brenda Lucki: Well, we could force them with an ability to charge, and if they refused, then we would lay the charge and they would go to court.

[Translation]

Hon. Claude Carignan: That's right, but you didn't do it.

[English]

Commr Brenda Lucki: No, it wasn't done—to my knowledge.

• (2000)

[Translation]

Hon. Claude Carignan: I have no further questions.

[English]

The Joint Chair (Hon. Gwen Boniface): Senator Harder, you are next.

Hon. Peter Harder: Commissioner, I'd like to follow up on your earlier testimony.

You informed us that, in your view, the events in Ottawa and elsewhere were not a failure of policing. If I'm correct, you also said that the plan you were developing around February 12 did not assume the emergency measures being invoked and that you had confidence in that plan.

In light of that testimony, could you comment on a statement made by the chief of the Ottawa Police Service, Peter Sloly, on February 2, during the events leading up to the declaration, where he was quoted in the media as saying that in his opinion, at least at that time, "There may not be a policing solution to this demonstration."

Did the RCMP share that view?

Commr Brenda Lucki: It's hard for me to evaluate or pass judgment on Chief Sloly.

I will say that I believe there are always enforcement options. When you try to talk to people and they don't want to move in compliance without enforcement, you can always put together a safe enforcement plan, but you have to reduce the footprint in order to do that.

Hon. Peter Harder: At that time, Ottawa had invoked emergency measures, and it appeared not to be working, at least from public comments other than the police chief's.

Would you not agree?

Commr Brenda Lucki: Yes. I know they had police liaison teams that were trying to motivate people and convince people to leave the area, but I don't think it was working.

Hon. Peter Harder: Commissioner, on February 15, the CBC reported that police sources said the RCMP had delayed requests for additional resources here in Ottawa because Ottawa police services had failed to put forward "a solid operations plan".

Is that true?

Commr Brenda Lucki: We provided several resources just prior to the enforcement plan's being put in place. When there were additional requests for resources, we were inquiring as to how they were going to use those additional resources. For us to get additional resources, we'd have to go outside of Ontario and Quebec, so we wanted to make sure there was a plan in place to use those resources.

Hon. Peter Harder: That plan on February 15 presumably would be with the authorities that the emergency invocation provided.

Commr Brenda Lucki: The plan started before the invocation and into the invocation of the act. We assisted OPS in the execution of that plan.

Hon. Peter Harder: Is it your testimony that while the emergency invocation was not necessary for the plan that you had been developing, it did provide the police with authorities that were helpful after February 14 in executing the plan?

Commr Brenda Lucki: Absolutely. The provisions granted the RCMP and policing partners new authorities that would reduce that footprint because there is no way we could enforce with the maximum amount of people there.

There was a large group that refused to leave. No matter what things were tried by the police, there was a group that just would not leave. We needed ways to first of all stop additional people from coming in. Therein lay the perimeter that was put around the city. We would stop convoys that were heading from across the country. They would be stopped on roadsides or on roads coming towards Ottawa.

We also motivated people to leave by providing the information to the banks. We had one example where one individual said he must leave because he got a call from his spouse and was told that their bank account was frozen. He needed to leave or else they wouldn't be able to access—

Hon. Peter Harder: Commissioner, I'm going to be cut off in a few seconds. I just want to emphasize that in my view, the actions by police prior to the invocation of the act demonstrated a series of police failures. Not wilful failures, but there was an inability of police to contain and act appropriately in reducing the occupation here in Ottawa.

I find it surprising that you would say that there has been no failure of policing in respect of these incidents.

Thank you.

• (2005)

Commr Brenda Lucki: I think police—

The Joint Chair (Hon. Gwen Boniface): Senator White.

Hon. Vernon White: Thank you very much, Madam Chair. Thanks, again, to the witnesses.

The Emergency Planning and Responses bylaw of the City of Ottawa was invoked. The province identified that it was an emergency as well amid convoy protests. In fact, there were fines of up to \$100,000 for anybody who would block and impede.

Did neither of those pieces of legislation give tools to law enforcement to actually have a positive movement when it came to removing people from in front of Parliament Hill? Certainly it would be deemed critical infrastructure, I think.

Commr Brenda Lucki: I am not sure specifically on the powers that the city invoked. I know that when the province invoked its Emergency Management and Civil Protection Act, there were powers that were included. I don't recall what they were offhand, but I could pass it to my partner. Deputy Commissioner Mike Duheme might have an idea of those.

Hon. Vernon White: Please, I'd appreciate that.

D/Commr Michael Duheme: Senator White, I am not aware of any application of that in the downtown core. That would be better suited to the Ontario police or the OPS, but from the RCMP's perspective, we haven't enforced that one.

Hon. Vernon White: You were sitting at joint command at that point, right, deputy? Was there no discussion around these new powers they had as a result of these two new pieces of legislation that were invoked provincially and municipally?

D/Commr Michael Duheme: I don't have the finite details of those. I don't recall them being used in downtown Ottawa. That's not to say they weren't used in other parts of Ontario, but I don't recall that.

Hon. Vernon White: Thanks, deputy.

Now that you've been thrown into the breach, I'll stick with you.

There have been suggestions that the only way you could get RCMP officers to actually operate quickly and efficiently in the downtown core of Ottawa was the Emergencies Act because you would not have to swear them in.

How many times have you been sworn in under the provincial police act of Ontario? Has it been more than once?

D/Commr Michael Duheme: It was once, I believe, in assisting Canada Day many years ago.

Senator White, we were quite rapid in getting our resources sworn in from OPS. We had in excess of 400 people sworn in initially to assist OPS.

Hon. Vernon White: But we do that all the time. We didn't need the Emergencies Act to do that. I think we have sworn in 400 to 700 every Canada Day, and it would last for a year. In fact, I used to joke that, if they moved Canada Day to one day earlier, I

wouldn't have to do it twice. They didn't need the Emergencies Act to swear in police officers; it happens all the time.

D/Commr Michael Duheme: That's correct.

Hon. Vernon White: Thank you very much.

Can you tell me, did you have any discussions with anybody from PMO in relation to the invocation of the Emergencies Act prior to the date of invocation?

D/Commr Michael Duheme: Is that addressed to me or the commissioner?

Hon. Vernon White: It's to you, and then I'll go to the commissioner next.

D/Commr Michael Duheme: I had no dealings with the PMO throughout the incident, throughout the—

Hon. Vernon White: Commissioner, how about you?

Commr Brenda Lucki: I updated PMO specifically. I updated the government, which included the Prime Minister, on the situation across the country.

Hon. Vernon White: But, again, you did not make the recommendation that the Emergencies Act be invoked.

Commr Brenda Lucki: No. When they had decided on some of the authorities, they consulted with the RCMP as well as other police agencies to see if any of those authorities they were contemplating would assist us and if they would be useful.

Hon. Vernon White: That was prior to the invocation.

Commr Brenda Lucki: Yes.

Hon. Vernon White: So there were discussions in the days leading up to the invocation about the potential invocation of the Emergencies Act—

Commr Brenda Lucki: Yes.

Hon. Vernon White: —and what tools you would need.

Commr Brenda Lucki: I can't get into the details of specific discussions, but I can say that, yes—

Hon. Vernon White: Why can't we get into the details, Commissioner, sorry?

Commr Brenda Lucki: Because they were within cabinet, and I'm bound by that cabinet confidence. I can talk in general about how I provided the situation report, which would have provided them the details that they needed to come up with some of the measures. When they did come up with measures, they came to us to ask if these measures would be useful.

Then, when they were revoking it, of course, they came again to us and asked, "Are you in a position that you no longer need the additional authorities?" It was a consultation.

Hon. Vernon White: At any time, did you recommend that anyone apply for an injunction to try to utilize the tools that an injunction would give you in relation to the protest here in downtown Ottawa?

• (2010)

Commr Brenda Lucki: No, not me nor the RCMP, no.

Hon. Vernon White: Thank you, Madam Chair.

The Joint Chair (Hon. Gwen Boniface): Thank you very much.

We will suspend for 10 minutes, and then we'll resume.

• (2010) _____ (Pause) _____

• (2020)

The Joint Chair (Hon. Gwen Boniface): May I ask all witnesses to turn on their cameras?

There we are. I think we have everyone.

I think we're good for five minutes each to all members.

We'll begin with Mr. Motz.

You have five minutes.

Mr. Glen Motz: Thank you very much again, Chair.

Thank you, witnesses, for remaining with us.

I just want to take you back, both Commissioner and Mr. Vigneault, to your statements. They were appropriate statements.

Mr. Vigneault, you said first that violent extremists use protests as a platform, and, I believe, Commissioner, you said that violent extremists will leverage protests and protest-type activities for their purposes. I appreciate both perspectives on that.

I also want to commend the RCMP for their handling of the issue with firearms at Coutts. I was on the ground and spoke with command there and was very impressed with the work being done and their interaction with protesters.

What I wanted to do, Commissioner, just to confirm from you.... I was very impressed with the news release that the RCMP put out in regard to the firearms found at Coutts. I know that media and members of the government would love to suggest that the firearms found there were protesters' firearms, but again, that's where I commend the RCMP for their thorough and very exact use of words in that release.

They said that a "criminal" organization used the protest—they leveraged that protest—and they weren't connected to the protest. They used that opportunity to propagate their own violence.

I just want to confirm that statement from you: that it's exactly what happened and that a violent extreme group with ties back here to Ottawa—a criminal organization that Mr. Vigneault knows well—was there on the ground and used that opportunity and was not part of the protest. They just used that as a platform. Would that be accurate, based on your news release?

Commr Brenda Lucki: Yes, that was according to the news release. I don't think we made quite a connection to Ottawa with that group yet.

Mr. Glen Motz: Okay. Maybe I'm inside baseball. Sorry. I thank you for that.

Thank you, both of you, for your involvement in dealing with that particular type of threat.

Mr. Vigneault, I have a couple of questions for you, if I could, please.

Did CSIS receive any intel of any kind from the Canadian military on the "freedom convoy" here in Ottawa?

Mr. David Vigneault: Mr. Motz, thank you.

I do not remember specifically, but it would not be unusual for CSIS members throughout the country to receive information. I do not recall specifically, however.

Mr. Glen Motz: Okay.

I know this has nothing to do with you, but on the use of the surveillance plane over the convoy protest here in Ottawa during the time of the protest, I'm just curious to know whether the information gathered there was shared with you or any other intel agency that you're aware of.

Mr. David Vigneault: I am only aware of the "spy plane", as you call it, from the media, so we have not had any involvement.

Mr. Glen Motz: Okay.

I want to go back to Commissioner Lucki. We didn't really finish our opening line of questioning about section 5 of the RCMP Act. You hold that office under the direction of the Minister of Public Safety, correct?

Commr Brenda Lucki: Yes.

Mr. Glen Motz: Did the Minister of Public Safety or any government minister ever offer you direction under section 5 to deploy RCMP resources to deal with the convoy protests?

• (2025)

Commr Brenda Lucki: No. The minister is very, very conscious of not providing direction, and we remind ourselves at each and every meeting just so that we're clear on the rules of engagement.

Mr. Glen Motz: Did you at any point up to or during the convoy protest inform or remind the minister that he has the legislative power under section 5?

Commr Brenda Lucki: No.

Mr. Glen Motz: Why would you, right?

Section 20 of the RCMP Act also says that the minister may enter into arrangements with any province or any municipality to aid in "the administration of justice...and in carrying into effect the laws in force therein".

Did the minister ever talk about invoking the RCMP Act to possibly deal with the protests?

Commr Brenda Lucki: No. Under the provincial policing service agreements, we have section 9. The commanding officer, if he or she requires additional resources, would ask for a section 9, which has to go through the minister to the provinces.

Mr. Glen Motz: I have one last, quick question.

We know, in comparison, we had the—

The Joint Chair (Hon. Gwen Boniface): I'm sorry, Mr. Motz, your time is up.

Thank you, Mr. Motz.

We'll move to Mr. Lamoureux.

Mr. Kevin Lamoureux: Thank you very much, Madam Chair.

I want to try to get a couple of really good, quick questions in.

When I think of the whole issue of the threshold, I really appreciated it, Ms. Lucki, when you said this was the first time you'd seen a protest such as this. A couple of things came to my mind when you said that.

One is the fact that the City of Ottawa declared a state of emergency, the Province of Ontario declared a state of emergency and, in fact, my home province declared a state of emergency. There was an interesting letter that was written by the premier and cited in The Free Press. It said that in the Feb 11 letter, the premier was pleading with the Prime Minister to intervene at the Emerson blockade. According to the article, in the Feb 11 letter, the premier asked Trudeau to take "immediate and effective" action as she pleaded for "national leadership that only...the federal government can provide." The article goes on to say:

Her Feb. 11 letter said the situation was urgent and blockades that disrupt "this critical corridor—even temporarily—create potential dangers, impose severe hardships on all Manitobans and cause severe economic loss and damage to Manitoba and Canadian businesses."

I believe the Province of Alberta—I think it might have been the minister of transport—said, "Look, we can't get these trucks moved because we don't have tow trucks", and appealed to Ottawa. I don't know exactly which minister it was, but I would suspect you would have been aware of all the things that I mentioned, Ms. Lucki.

Commr Brenda Lucki: Yes. I was not aware of them in detail, but yes.

Mr. Kevin Lamoureux: Yes.

You made the comment that this was the first time you saw a protest such as this. Can you recall when you've had different levels of government and different provincial governments all coming to Ottawa and dealing with a national protest? Can you recall anything of that nature?

Commr Brenda Lucki: Not off the top of my head, no.

Mr. Kevin Lamoureux: That's interesting.

There was another thing I thought was interesting. This is a wonderful quote. I get a lot of this. It says, "I have [a] lady in my riding [who] had her bank account frozen for buying a \$20 Freedom Convoy T-shirt".

I listened to your comments, and it seems to be at odds with anyone purchasing a T-shirt and then getting their bank account frozen.

Are you aware of anything of that nature?

Commr Brenda Lucki: No. We did not target people who donated to the convoy. We only provided the names of people who were within the illegal blockades. We provided names or driver information, and the protest organizers. Nobody who was simply donating or buying merchandise for the protest, unless they were inside the blocked area, would have had their name provided.

Mr. Kevin Lamoureux: I can tell my constituents—as I did—that if they purchased a T-shirt, they have nothing to fear. The RCMP and the banks are not going to freeze their account. That was good information I provided. Is that correct?

Commr Brenda Lucki: I believe so, yes.

Mr. Kevin Lamoureux: Do you have some of the latest figures for the number of accounts that were frozen, and how much money they would have contained? If so, would you be able to provide that to the committee?

• (2030)

Commr Brenda Lucki: Yes. I'll pass it over to Deputy Commissioner Mike Duheme, who has those numbers.

Mr. Kevin Lamoureux: Thank you very much.

I appreciate both of your presentations. I believe Mrs. Bendayan has a couple of questions—after the answer to mine, of course.

The Joint Chair (Hon. Gwen Boniface): Go ahead, deputy.

D/Commr Michael Duheme: We submitted information to the bank, and they froze 257 financial products by different institutions. These products would include bank and corporate accounts and credit cards. There was the disclosure of 57 entities to financial institutions, including individuals and owners or drivers of vehicles involved in the blockade. We also identified 170 Bitcoin wallet addresses that were shared with virtual currency exchanges.

Mr. Kevin Lamoureux: Can we get a copy of that?

D/Commr Michael Duheme: Unfortunately, I don't have a total amount for what you're looking for.

Mr. Kevin Lamoureux: Okay.

Go ahead, Rachel.

Ms. Rachel Bendayan: Madam Chair, how much time is remaining?

The Joint Chair (Hon. Gwen Boniface): Thirty seconds.

Ms. Rachel Bendayan: Will there be a second round?

The Joint Chair (Hon. Gwen Boniface): No.

Ms. Rachel Bendayan: There will not be another round after this?

The Joint Chair (Hon. Gwen Boniface): Oh, perhaps; go quickly.

Ms. Rachel Bendayan: Well, I would add that time to my next round. I believe we will have time for another round.

Thank you.

The Joint Chair (Hon. Gwen Boniface): All right. Thank you.

We will move to Mr. Fortin.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Thank you, Madam Chair. Are you adding Ms. Bendayan's five minutes to mine? I see you aren't. Okay.

Ms. Lucki, you told us that the situation on Wellington Street, here in Ottawa, got worse from one weekend to the next. I repeat that, elsewhere in Canada, you ended blockades without the use of emergency measures. Here, on the Hill, we know that that was a problem, and the declaration took effect on February 14 of this year. Before that, I know you set up a special team in co-operation with the Ontario Provincial Police and the Ottawa Police Service. You told us in your comments that the situation got worse from one weekend to the next, that it was going from bad to worse.

Were you waiting for a specific event or time before taking action? Why was the situation getting worse? What were you waiting for before taking action?

[English]

Commr Brenda Lucki: I would say from the RCMP policing perspective that the blockade in Ottawa was supported and organized by several organizers who were able to obtain significant amounts of funding. So that changed it. It was in an urban environment as opposed to a rural environment—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Excuse me for interrupting, Ms. Lucki, but I have very little time.

What were you waiting for? You told me that the situation was getting worse from one weekend to the next. Were you waiting for a specific event, specific authorization or a specific time? What were you waiting for to take action when you saw that the situation was deteriorating each week?

[English]

Commr Brenda Lucki: We were there to assist with the police of jurisdiction, which was the Ottawa Police Service. I can't say what they were waiting for. I can say that the funding allowed the protest to grow, particularly over the weekends, and there was—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): You can't answer. I know that the Ontario police....

There was a team of people from the Ontario Provincial Police, the Ottawa Police Service and the RCMP. You said that you consulted each other and that you worked together. You saw the situation getting worse from week to week.

As the leader of the RCMP, what were you waiting for to say enough is enough and that action needed to be taken?

[English]

Commr Brenda Lucki: Well, what I wanted to see was a solid enforcement plan, and that was put together by the Ontario police—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): You told us that you had a solid plan on February 12. You were no longer waiting for that.

[English]

Commr Brenda Lucki: Yes. We brought planners together and we put together a plan. A massive amount of resources were required. We needed to bring the resources into the city, because the

plan required more resources than we had on the ground. We brought resources from across the country—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Okay. What resources did you bring in from elsewhere in the country, and what were you waiting for?

• (2035)

[English]

Commr Brenda Lucki: I will pass that to my colleague Mike Duheme, who was running that—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): I'd like your response. What were you waiting for, Ms. Lucki? Aren't you in charge?

[English]

Commr Brenda Lucki: Yes. I am. I was waiting for the—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Okay. What were you waiting for to take action? You say that you were waiting for resources from elsewhere. What resources are you referring to?

[English]

Commr Brenda Lucki: They were resources from Regina city police, from RCMP across the country, from Saskatoon police and from Calgary police, I believe. Resources from all over the country were being brought in, and officers from across the country, so that we could effectively enforce, going into that last weekend—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Okay, I understand. You're talking about human resources, police officers. You were waiting for police officers, not tow trucks.

[English]

Commr Brenda Lucki: Yes.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): I have one last question for you in the 15 seconds I have left.

What would you do differently if a situation like that happened again today?

[English]

Commr Brenda Lucki: With the benefit of hindsight, obviously, when we were looking at the biker convoy that came through, we brought in lessons learned, of course. They included blocking off certain areas, no stopping, not allowing people to park and stop. A slow-moving protest is fine.

Another lesson was engaging with the protest organizers. In the motorcycle one there was one organizer. In the protest in Ottawa there were seven or eight different organizers, so it was hard to get any agreement amongst the various groups there because there were team captains from every part of the country.

Obviously, we had the benefit of hindsight from what we learned from the protest in Ottawa and we were able to use that for the thunder convoy that came in a couple weekends ago.

The Joint Chair (Hon. Gwen Boniface): Thank you, Commissioner. I'm afraid Mr. Fortin's time is up.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Thank you, Madam Chair.

In closing, I congratulate you, Ms. Lucki. It was a good response.

[English]

The Joint Chair (Hon. Gwen Boniface): Mr. Green.

The Joint Chair (Mr. Matthew Green): Thank you, Madam Chair.

Through you to Commissioner Lucki, the lessons learned from the rolling thunder protest, the ones that you listed, seemed pretty obvious, did they not, Commissioner Lucki?

It wouldn't take the retrospective view of the Emergencies Act to learn those lessons. Is that not fair to say?

Commr Brenda Lucki: I don't attach the lessons learned to any act.

The Joint Chair (Mr. Matthew Green): It's the Emergencies Act, the invocation of which you are providing testimony for.

Commr Brenda Lucki: Yes. When we look at the lessons learned, we look at the types of resources we brought in, the type of plan we had—

The Joint Chair (Mr. Matthew Green): Thank you.

I'm trying not to get frustrated, but I'm challenged by your not drawing that very basic conclusion and that very basic comparison between the two. Therefore, let's do some more comparisons.

In the lead-up to Coutts, it would be safe to say that the RCMP would have had investigations ongoing that ultimately led to the discovery of the weapons cache in Coutts.

Is that correct?

Commr Brenda Lucki: Yes.

The Joint Chair (Mr. Matthew Green): You would have known about that in advance. How far in advance would you have known that the Diagonal group was plotting for this type of intervention in Coutts?

Commr Brenda Lucki: It wasn't that far in advance, but I can't speak to any details because it's before the courts.

The Joint Chair (Mr. Matthew Green): There'll be a response to that momentarily.

Are you aware of whether members of Diagonal were present in Ottawa?

Commr Brenda Lucki: I do not know that. I will pass that to—

The Joint Chair (Mr. Matthew Green): That's okay. I want to stay on this, Commissioner Lucki, because this is important information.

Understanding the investigation that ultimately led to the weapons cache, is it safe to say that the RCMP would have been on

high alert, given the high-risk nature of this investigation and arrest?

Commr Brenda Lucki: Yes, it was—

The Joint Chair (Mr. Matthew Green): Did the RCMP dispatch an emergency response team to Coutts?

Commr Brenda Lucki: I believe they did, at the point of execution of the search warrants.

The Joint Chair (Mr. Matthew Green): How long had the ERTs been involved in these occupations across the country?

Commr Brenda Lucki: It had been off and on, depending on the circumstances.

The Joint Chair (Mr. Matthew Green): I'd call you on that because, for example, in November 2021, the B.C. RCMP deployed military-style police tactical units, including snipers—lethal over-watch—and heavily armed assault teams against unarmed Wet'suwet'en land defenders in northern British Columbia because they deemed it more practical.

Were any weapons ever found in the Wet'suwet'en territory as the small houses were chainsawed down and entries were forced on those camps?

Commr Brenda Lucki: I would have to pass that to my colleague who's in charge of contract and indigenous policing, Brian Brennan.

● (2040)

The Joint Chair (Mr. Matthew Green): It's a simple yes or no question for your colleague, if he can answer that. Were any weapons found on the site of the Wet'suwet'en land defenders?

Mr. Brian Brennan (Deputy Commissioner, Contract and Indigenous Policing, Royal Canadian Mounted Police): I'm personally not aware of any weapons that were found during those searches.

The Joint Chair (Mr. Matthew Green): I ask this question through you, Madam Chair, to the commissioner. Here we have a situation, a juxtaposition of policing and what I'll call a failure of policing.

How is it that you reconcile the double standard in policing? What would you say to Canadians who have questions about the conduct of RCMP officers giving handshakes, high fives and hugs shortly after these weapon stashes were found in what was admittedly a high-risk investigation and arrest?

Commr Brenda Lucki: Deputy Commissioner Brennan can answer that.

The Joint Chair (Mr. Matthew Green): Commissioner Lucki, this is a question for you.

Commr Brenda Lucki: There were many legal protesters at the Coutts protest. Our members who police there are part of the community. The shop in those stores. They're neighbours to those people.

The Joint Chair (Mr. Matthew Green): So, the protesters look like the police? They're from the same communities?

Commr Brenda Lucki: No, I didn't say that.

The Joint Chair (Mr. Matthew Green): They identify with the people in the community?

Commr Brenda Lucki: No, they live in those communities.

The Joint Chair (Mr. Matthew Green): Would you acknowledge, given those two scenarios, a very different state of policing for indigenous land defenders and for people who may be more familiar to police, being from the same communities? Can we acknowledge at least a double standard there?

Commr Brenda Lucki: No, not at all. There were many people on the forestry road in Wet'suwet'en. There was only one resident in the entire—

The Joint Chair (Mr. Matthew Green): Sure, because they weren't a threat to Wet'suwet'en, were they? Not to anybody else, but to the project.

I want you to comment quickly. Would you not at least admit that there were kid gloves for the protesters in Coutts directly after the discovery of the weapons cache?

Commr Brenda Lucki: No. There were protesters who approached our officers after those people were removed because they weren't part of the protest that the people who were involved in the convoy protest—

The Joint Chair (Mr. Matthew Green): How do you know that to be true?

The Joint Chair (Hon. Gwen Boniface): Okay, Mr. Green, I'm sorry. I've given you a little bit of latitude. Thanks.

Mr. Green, can you take the chair?

The Joint Chair (Mr. Matthew Green): Thank you, Senator.

The floor is yours.

The Joint Chair (Hon. Gwen Boniface): Thank you very much.

The question I have I think would best be answered by Deputy Commissioner Duheme.

I want to frame up from my former questions what the joint command would look like. You would be in a joint command with three agencies. Can you tell me what the individual responsibilities would be of those in those command positions?

D/Commr Michael Duheme: In the integrated command centre that we had, there were multiple law enforcement agencies there. At gold level, as it were, there was me, Deputy Commissioner Harkins from the OPP, as well as the interim chief of police, Mr. Bell.

Discussions were ongoing on the way forward. For every plan that was set forward, we were in agreement with the plan. It wasn't necessarily a consensus, but everybody was in agreement as to how

we were going to tackle this and the sequence of events as we moved forward.

The OPS is the one thing I want to make clear. OPS maintained the lead throughout this. Both the RCMP and the OPP were supportive throughout, but the joint command.... There were conversations as to the best way to proceed forward to address the situation.

The Joint Chair (Hon. Gwen Boniface): The best way to deploy resources.

D/Commr Michael Duheme: Exactly.

The Joint Chair (Hon. Gwen Boniface): Can you tell me, then, when that part of the joint command started, as opposed to intelligence collecting and all of those other things, what would be the time frame of that in relation to the declaration of the emergency?

D/Commr Michael Duheme: I believe the ICC was stood up on February 12, so this was before...

The Joint Chair (Hon. Gwen Boniface): As a joint command, would you be in a position then to determine what your limitations were and what you were able to address through the declaration of emergency?

• (2045)

D/Commr Michael Duheme: As of February 12, we didn't have the Emergencies Act in place.

The Joint Chair (Hon. Gwen Boniface): I know that.

D/Commr Michael Duheme: We weren't even counting on that. We were planning accordingly with the existing authorities that we had.

The Joint Chair (Hon. Gwen Boniface): Okay. Can you tell me, then, what you were faced with at that time on February 12 and how long the protests had been going on at that point?

D/Commr Michael Duheme: They arrived in Ottawa, I believe, around January 28 or 29. As Commissioner Lucki alluded to earlier, every weekend.... The first weekend, there were in excess of 6,000 to 7,000 people on the Hill on the weekend in the downtown core. That weekend, when the ICC was struck up, we were working with.... Well, we always plan for the worst-case scenario as we move forward, but we're mindful that we want to resolve this at the lowest level.

The Joint Chair (Hon. Gwen Boniface): I fully appreciate that you would have people working on the ground trying to convince people to move away and to ease up the streets so that the rest of the citizens could use them as well, but what I'm trying to really zero in on is the type of challenges that you had. For instance, would I be correct in assuming that, at least from what I've read in the papers, there was also a group there forming a counter-protest leading up to the days that followed?

D/Commr Michael Duheme: You are correct, Madam Chair, there were counter-protests planned. I think the biggest challenge, as the commissioner alluded to earlier, was the size and funding and several people using this platform to manifest their dissatisfaction with COVID, the government, or any other element they could.

It drew a lot of people. What's interesting is that when the Emergencies Act was invoked, that weekend we no longer saw 5,000 people converge downtown. There were fewer, so it did act as a deterrent. The challenge was the size, the number of people. One of the concerns was the safety of the police officers who were out there.

The Joint Chair (Hon. Gwen Boniface): : Absolutely.

When you're looking at a protest and a counterprotest from an officer's perspective, particularly given the challenge you had, it is a unique challenge, because officers had to watch their back from both sides.

Would that not be correct?

D/Commr Michael Duheme: That's correct, Madam Chair.

The Joint Chair (Hon. Gwen Boniface): : Obviously in your discussions, you anticipated some of that, and your plan would have included how to address those issues.

D/Commr Michael Duheme: They were addressed. On the ground, we had public liaison units who reached out to the organizers to explain things. If my memory serves me right, I think some of the counterprotests didn't go forward because we were able to convince people that it wasn't a good thing.

The Joint Chair (Hon. Gwen Boniface): : Were you as successful in convincing people to leave and go home?

D/Commr Michael Duheme: No.

The Joint Chair (Hon. Gwen Boniface): : Thank you.

The Joint Chair (Mr. Matthew Green): Senator, the chair now goes back to you.

The Joint Chair (Hon. Gwen Boniface): Senator Carignan, you are next.

[Translation]

Hon. Claude Carignan: I was reading the press releases from Mr. Bell, the acting chief of the Ottawa Police Service. On February 12, he said that he had a plan, and he seemed to be satisfied with it. He said that there was a reduction in the number of protesters and that people were starting to leave the area. You were there.

What was that plan, on February 12?

[English]

Commr Brenda Lucki: On February 12, the original plan was presented to Chief Sloly.

I'm looking at some of my dates, and it wasn't until close to February 16 and 17 that we started initial plans of providing people with the option to leave, moving forward, and going into each sector of the downtown core.

[Translation]

Hon. Claude Carignan: The plan, then, was established on February 12 or 13 and was carried out on February 15 and 16.

[English]

Commr Brenda Lucki: No. The planning group was put together—

[Translation]

Hon. Claude Carignan: It was put in place on February 12.

[English]

Commr Brenda Lucki: Yes.

[Translation]

Hon. Claude Carignan: You therefore simply continued to implement the plan.

[English]

Commr Brenda Lucki: We had to gather additional resources. Once we look at the plan and the plan is approved, with that plan comes additional human resources. We had to get the human resources into the downtown of Ottawa.

[Translation]

Hon. Claude Carignan: The plan, then, was established on February 12, and additional resources were needed, which arrived on February 14 or 15, and that is when you carried it out.

[English]

Commr Brenda Lucki: The ICC was established on February 12. The planning team cell was put together. By the 15th, the plan had been established with the resources, and then we were bringing the resources into the Ottawa core. It was around the 17th when we started providing warnings to the protesters to vacate the national capital region. As well, we had the OPS and other law forces secure a perimeter, and that's when the arrests began.

● (2050)

[Translation]

Hon. Claude Carignan: When you established the plan, on February 12 or 13, how many police services did you expect to have to help you?

[English]

Commr Brenda Lucki: I will pass that to Deputy Commissioner Mike Duheme.

[Translation]

D/Commr Michael Duheme: Madam Chair, to answer Senator Carignan's question, I don't have the exact number of police forces who provided assistance. However, I can provide some information about the law enforcement troops, the people who are in uniform from head to toe and wear a helmet. We needed 14 troops to help us manage the situation. Those troops came from across Canada, delaying the execution of the plan, which took place on Thursday, February 17, as the commissioner said. That was when we began increasing the frequency of our warnings to the people who were occupying the downtown.

Hon. Claude Carignan: Okay, but the initial plan on February 12 was carried out.

D/Commr Michael Duheme: On February 12, it was being prepared, and it changed as the situation evolved. I can't say with certainty that the plan from February 12 was carried out because it changed continually based on the situation and the troops we had.

Hon. Claude Carignan: Okay.

Mr. Beaudoin appeared before the House of Commons Standing Committee on Finance on March 7. He said that the RCMP gave the banks a document that could describe “previous police dealings, or whether they were suspected in other crimes or were witnesses in other crimes or different types of dealings.”

Can you tell us what information was provided to the banks other than the simple fact that the people in question were taking part in an illegal occupation?

D/Commr Michael Duheme: Madam Chair, we provided the necessary information to the banks for them to determine whether or not they had to freeze the funds. It was the banks that froze the funds. We gave them the necessary information, and the RCMP as an organization had prepared a document template to complete that we sent to the financial institutions.

Hon. Claude Carignan: Is it possible to have a copy of that document template that was sent to the financial institutions?

D/Commr Michael Duheme: I see no problem with that. It's a blank document that's not protected.

Hon. Claude Carignan: Okay.

Did you enter past dealings in that document?

[English]

The Joint Chair (Hon. Gwen Boniface): I'm sorry, Senator Carignan. Your time is up.

Go ahead, Senator Harder.

Hon. Peter Harder: Thank you, Madam Chair.

My first question goes to you, Director Vigneault. I know you're feeling lonely in this round. I'm trying to make you part of the conversation.

Director, I appreciate that you are circumscribed by law as to what you can tell us, but I'd like you to give us a bit more colour on the nature of the IMVE threat in Canada, as you saw it in the context of the “freedom convoy”, and whether or not there was any evidence of IMVE collaboration with American or non-Canadian actors.

Mr. David Vigneault: Thank you very much, Senator Harder. I appreciate your generosity in bringing me into the conversation.

As I mentioned before, we're seeing that the phenomenon of IMVE has been increasing over the last number of years, mostly fuelled by social media. You referenced the American experience as a connection. Social media has no boundaries. We have seen individuals who have been inspired and who have colluded. We have examples. There is a public example of an individual in Canada, a former army corporal, who has been identified as a member of a listed entity under the terrorism act and who has essentially been going to the U.S. for training. We are aware that there are some of these cross-border issues. We, along with law enforcement, pay a lot of attention to it.

In the context of the convoy, we saw that a number of individuals who were of concern to CSIS and known to CSIS before had been interested by the convoy and had been interested in engaging in some of the online activity. We were very concerned by the ability of some of these individuals to show up in different demonstrations

in Ottawa and other places. We used our investigative resources to make sure that we had a good level of awareness of these known threats and were able to inform our law enforcement partners of these activities, through the joint intelligence group, but also to inform government about the nature of the threat to national security that was developing.

That's the nature of that specific assessment that I cannot go into more details on. But I can tell you that what we saw with the demonstration was a continuation and an amplification of some of the violent rhetoric that exists on social media and that exists against the public health measures. Where we at CSIS intervenes is when that rhetoric turns into potential plots of violence. That is a complex phenomenon.

I would also like to add, Senator Harder, that as we're talking here, we're providing sometimes fairly definitive views, but it's also clear that what we saw and what we knew then was fluid. We did not have the full picture. That added to the level of uncertainty that everybody we were working with was feeling about how this very volatile demonstration was evolving. I think these would be some of the elements that we would want to make sure the Governor in Council would have been aware of while making the decision to invoke or not the Emergencies Act.

• (2055)

Hon. Peter Harder: Thank you very much.

Commissioner Lucki, you talked a little bit about lessons learned. It seems to me that lessons are learned from failures. I don't want to dwell on whether or not there was a police failure, or policing failures, but I would like you to give us a little more colour on lessons learned from this experience so that we never have to use the Emergencies Act again. Do you see that as part of your existing mandate?

Commr Brenda Lucki: Absolutely. We scrub down every incident to see what we can do better. It showed itself, even in RCMP jurisdiction during the “freedom convoy”, because we had the benefit of the lessons already learned in, first of all, not having big trucks stopping. When we got into “rolling thunder” it was a whole different way of looking at things and not allowing the occupation to take place.

I think, when people came to Ottawa, people honestly thought that they were going to come and were going to do their thing on the weekend and then were going to leave after the first day that Parliament resumed. Obviously, that didn't happen.

We'd never dealt with these protests. They've always been demonstrations by people; there have never been big 18-wheeler trucks. Not having them stop is really important because it provides us the opportunity to avoid that occupation.

Hon. Peter Harder: To end my questioning, was the RCMP part of the recommendation to revoke the act, or was that a surprise to you, as well?

Commr Brenda Lucki: When the government went to look for the revocation, obviously it would be remiss if it didn't come to us. I provided regular briefings about the situation. Our primary concern was the public and officers' safety. It was about, is it a safe time to take away some of the authorities we had? Would that prevent this from reoccurring? The government was looking for any assurances with regard to, if it took away the act, would things go back to the way they were? That's what it wanted to know.

From our point of view, when we took control back of the city, we were confident that we could maintain that control without the act.

The Joint Chair (Hon. Gwen Boniface): Thank you very much. Thank you, Commissioner. I'm sorry to cut you off.

Senator White.

Hon. Vernon White: Thank you very much, Madam Chair.

Actually, I have a question for Deputy Commissioner Duheme, if I may.

The Parliament of Canada Act was amended in 2015 to create the Parliamentary Protective Service. The act states clearly that PPS operates under the operational command of the Royal Canadian Mounted Police. Did that command advise the city, the Ottawa Police Service, not to allow the convoy to have access to Wellington Street, in front of Parliament Hill, prior to its arrival? This is for Deputy Duheme, please.

D/Commr Michael Duheme: Madam Chair, I'm unaware of the initial discussions that took place from the onset with the OPS, the PLT and the convoy. I'm not aware of them.

For the PPS, yes, if you look at the MOU that's in place that dates back from 2015, the RCMP does have operational oversight of PPS.

I would say, Senator, that the times have changed. We went down from 120 members to one RCMP member who's currently on the Hill. I think that MOU would have to be looked at again.

I know that they direct—

• (2100)

Hon. Vernon White: The member reports to you, though. I'm sorry to interrupt. The RCMP officer, the acting chief superintendent, reports to the RCMP.

D/Commr Michael Duheme: Yes, he reports—

Hon. Vernon White: He oversees the hundreds of employees on the parliamentary precinct, right?

D/Commr Michael Duheme: Yes. He oversees and reports equally and administratively to both Speakers, but I do not recall any conversation with regard to the trucks. I do recall a conversation when they moved some trucks off the other streets and some came to park on Wellington. He objected to that. He did have conversations with the city on that.

Hon. Vernon White: Again, in understanding that the operational command for PPS reports to the RCMP, did you consider it high risk for parliamentarians and their staff? It was wide open from the protest or the occupation, right onto the Hill. Did you consider it high risk?

D/Commr Michael Duheme: Consider it a high risk? We did put measures in place for the weekend when we operationalized our plan, where we had two muster points where members of Parliament could rally to. In coordination with the Sergeant-at-Arms, our VIP team could escort them if they chose that option. I understand that some felt safe walking in the streets, adjacent streets, to get to Parliament.

If it's highly volatile, we're in an environment that anything can go wrong at any minute because of the number of people there. So it is a consideration for us.

Hon. Vernon White: No, I understand that, but at no point in time were there any actions taken to block off Parliament Hill from the protesters, or no warnings were given to parliamentarians not to engage with anybody in that area. Nobody was told not to enter that area. It wasn't considered such a high risk that we would have actually done anything to stop access.

D/Commr Michael Duheme: I know, Senator, that the Sergeant-at-Arms had provided some information to the members of Parliament and also the employees, but I'm not quite sure of all the information or when it went out.

Hon. Vernon White: Apparently the Usher of the Black Rod didn't care as much about us, because he didn't give us any warnings, but I appreciate that.

The next question I have, deputy, if I may, is in relation to all of the assets that were frozen by banks or financial institutions. Have any charges been laid in relation to the utility of the money that was frozen? Have any criminal charges been laid against anybody or any organizations?

D/Commr Michael Duheme: On the funds that were frozen from the platforms, the RCMP does not have an active investigation into that. On the referrals to the financial institutions, no charges have been laid.

Hon. Vernon White: And none are expected. Is that correct?

D/Commr Michael Duheme: To my knowledge, no.

Hon. Vernon White: Okay, I'll allow Member of Parliament May to take the last question. Oh, she has gone already. Sorry.

I'm finished. Thank you very much, Madam Chair.

The Joint Chair (Hon. Gwen Boniface): Okay, thank you very much.

We'll move to our final round, then.

Mr. Brock.

Mr. Larry Brock: Thank you.

I have a question for both Ms. Lucki and Mr. Vigneault.

The Minister of Public Safety is on record as saying:

Canadians would be troubled with anyone that associates or attributes themselves to the extreme statements that have been made by the purported leaders of this convoy that would seek to incite the overthrow of the government through violence....

In reference to the memorandum of understanding and the manifesto of the convoy leaders, they were said to seek the co-operation of the Governor General and the Senate to end all federal mandates and to replace the federal government with a new framework of governance that respects the human dignity of all Canadians.

Where is the threat of violence in that?

Commr Brenda Lucki: To me those are words, and people have extreme views. Only when those extreme views go to violence, of course, is where our concern lies, and that's where we prioritized our enforcement efforts.

Mr. Larry Brock: Did you have reasonable grounds to arrest people based on those words?

Commr Brenda Lucki: We were very aware of those words—

Mr. Larry Brock: Yes or no.

Commr Brenda Lucki: —and we provided additional protection to the Governor General for that reason.

Mr. Larry Brock: Yes or no, were there reasonable grounds for you to believe an offence had been committed in relation to the memorandum of understanding and the manifesto?

Commr Brenda Lucki: Not yet, no. Not at that point.

Mr. Larry Brock: Okay, Mr. Vigneault, the same goes to you.

Mr. David Vigneault: I cannot speak for what the minister had in mind when he made those comments, but our assessment of the manifesto was that it was obviously something of concern. We needed to understand if they were either...the specific manifesto or other people who would be influenced by that manifesto—

• (2105)

Mr. Larry Brock: Did you recommend that criminal charges be laid, sir?

Mr. David Vigneault: CSIS does not have the power to recommend any criminal charges. That's not in our act.

Mr. Larry Brock: Thank you.

The deputy commissioner of the OPP at the public safety committee several weeks ago indicated that one week prior to the invocation of the Emergencies Act—so by simple math that would be February 7—the OPP had declared that there was a national emergency.

My question for both individuals is in relation to the convoy itself. This was a convoy that was permitted by Ottawa Police Service and the city council and mayor as to where to park. There was an off-site location for supplies and the supply route, etc. I asked this question several times of ministers with zero response. I'm hoping the two of you can find a response. What was the event that caused this lawful assembly as protected by the charter, paragraphs 2(b), (c) and (d), to be an illegal blockade and thus a national emergency?

That is for both witnesses.

Commr Brenda Lucki: I will say that from the very onset, it was very soon...that it was not a legal protest. It was an illegal blockade. As far as the threshold is concerned, that's not for me to comment on. I can only comment on the act itself and how we used it, but the decision-maker—

Mr. Larry Brock: You were part of the integrated command centre, Ms. Lucki. That information must have been shared with you, so what was the information that was shared with you?

Commr Brenda Lucki: I'm not a decision-maker when it comes to—

Mr. Larry Brock: I'm not asking for your decision, but about the following. The OPP had declared that one week before the invocation there was an event that they deemed to constitute a national emergency. What was shared with you as part of the integrated command centre?

Commr Brenda Lucki: There were operational specifics on the ground. It was known to the RCMP that there were some individuals within the convoy who posed potential threats to national security. We had no level of certainty about their capability, about the intent. If a nexus to national security would be identified, the RCMP would—

Mr. Larry Brock: Thank you.

The Emergencies Act provides offences, a fine of up to \$100,000 and a term of imprisonment for not more than one year. You'd agree with me, Ms. Lucki, that there were no charges laid under the Emergencies Act by way of those offences in relation to the Ottawa convoy?

Commr Brenda Lucki: Not to the ones you're referring to, no.

Mr. Larry Brock: In fact, in all of the other blockades across Canada, before and after the invocation of the act, not one charge under the Emergencies Act, correct...?

Commr Brenda Lucki: Not to my knowledge.

Mr. Larry Brock: All charges were Criminal Code-related and related to provincial highway traffic acts, or to municipal bylaws, correct?

Commr Brenda Lucki: Outside of Ottawa, yes.

Mr. Larry Brock: Thank you.

Does the RCMP possess the technical capacity to detect explosive materials in a non-invasive fashion?

Commr Brenda Lucki: I don't get into specific techniques, but in certain circumstances, we do have capabilities.

Mr. Larry Brock: Is it true that the RCMP denied or ignored requests from the OPS or the Parliamentary Protective Service—

The Joint Chair (Hon. Gwen Boniface): I'm sorry, Mr. Brock. You're well past your time.

Madam Bendayan, you have five minutes.

Ms. Rachel Bendayan: Thank you.

I'll go quite quickly, commissioner and witnesses, because my time is limited.

Just picking up on this last line of questioning, it's my understanding that the Emergencies Act didn't create new criminal charges. Therefore, there was no ability under the Emergencies Act to do anything other than enforce existing criminal law or highway safety law.

Commr Brenda Lucki: We use the Criminal Code to lay charges of criminal nature, yes.

Ms. Rachel Bendayan: Of course.

My colleagues also touched on the cache of weapons that was seized on February 14 by the RCMP in Coutts. That included 13 long guns, handguns, multiple sets of body armour, one large machete, a large quantity of ammunition and high-capacity magazines. Is that correct?

Commr Brenda Lucki: Yes, I believe so.

Ms. Rachel Bendayan: Was RCMP Superintendent McKale correct in her statement when she said that smaller armed group arrived within days of the initial larger group of blockaders at Coutts, Alberta?

Commr Brenda Lucki: Yes.

Ms. Rachel Bendayan: After the seizure of this large cache of weapons, did you continue to be concerned about the safety of Canadians, Commissioner?

Commr Brenda Lucki: I'm always concerned about the safety of Canadians.

• (2110)

Ms. Rachel Bendayan: I understand.

Did the cache of weapons increase your level of concern?

Commr Brenda Lucki: This whole protest raised my level of concern and, of course, past the seizure of those weapons, I was still greatly concerned, because we always have a one-plus-one rule: If there is one, there could be more.

Ms. Rachel Bendayan: Thank you.

Do I understand correctly that there is an ongoing investigation into that particular matter?

Commr Brenda Lucki: Yes, the investigation continues and it's before the courts.

Ms. Rachel Bendayan: If the investigation continues, is it not correct that it is premature to opine about the possible links between that extremist group and any other group, including protesters and blockaders in Ottawa or elsewhere around the country?

Commr Brenda Lucki: Yes, and even if we had that information, I couldn't share that, because it's still under investigation.

Ms. Rachel Bendayan: Thank you.

If I understand your earlier testimony correctly, Commissioner, prior to the invocation of the Emergencies Act, it was difficult for your team to identify these smaller extremist groups that were essentially using the larger blockades as cover. Is that correct?

Commr Brenda Lucki: Yes. We had no level of certainty of who were involved with the groups at all the protests, because there

are many groups that attach themselves to the cause and use that as cover for themselves.

Ms. Rachel Bendayan: But after the Emergencies Act was invoked, it became much clearer for law enforcement, did it not, in ensuring that the blockades in and of themselves were illegal activity? That helped you enforce the law and ensure that these extremist groups were removed and thereby better protect Canadians.

Commr Brenda Lucki: Yes, it helped us to reduce the footprint so we could go into an enforcement mode, maintain and reinforce the perimeter, restrict the travel in and out, prevent children from coming in and secure that, so it gave us a lot of powers to work through that enforcement in the safest way possible to protect the safety of Canadians and police officers.

Ms. Rachel Bendayan: I have one last question.

How important was removing the ability to access funds to ending the siege in Ottawa and preventing future blockades at our borders? Would police operations have been more difficult had those millions of dollars not been frozen, Commissioner?

Commr Brenda Lucki: Having those funds would have allowed people to stay much longer if they could continue to fuel their trucks, their stomachs and their families, of course. When we look at things that were done under the Emergencies Act nationally, the Canadian Association of Chiefs of Police is actually looking at some of the things that were invoked, the authorities that were given by the Emergencies Act, to see if they're things we should be looking at as future legislation that would assist us going forward.

The Joint Chair (Hon. Gwen Boniface): Commissioner, thank you very much.

Monsieur Fortin.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Thank you, Madam Chair.

Ms. Lucki, when responding to a question from my fellow member Ms. Bendayan, you confirmed that you found several weapons, including machetes. In your career as a police officer, is this the first time that you've found that type of weapon at a site?

[English]

Commr Brenda Lucki: No.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Okay.

Ms. Lucki, I was listening to the questions from my fellow members, including Mr. Lamoureux's. He said that, where he lives, in Manitoba, it was extremely serious.

I imagine that you read the Proclamation Declaring a Public Order Emergency, did you not?

[English]

Commr Brenda Lucki: Yes.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Did you read the text that accompanied the declaration of emergency, entitled "Report to the Houses of Parliament: *Emergencies Act* Consultations"?

[English]

Commr Brenda Lucki: Yes, I did some time ago.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Okay. Page 5 of the report indicates that there was a consultation with the premiers concerning the Emergencies Act. It states verbatim that “The Prime Minister convened a First Ministers’ Meeting on February 14, 2022, to consult premiers” on the declaration of an emergency.

That report reveals that Ontario, Newfoundland and Labrador, and British Columbia supported the proclamation, but not the other provinces and territories.

My fellow member Mr. Lamoureux spoke about Manitoba's position. The report states, “The Premier of Manitoba issued a statement in which she noted that the situation...is very different and she is not currently satisfied the Emergencies Act should be applied in Manitoba.” She even said that “in her view...the...Emergencies Act [is] not constructive in Manitoba, where caution must be taken against overreach and unintended negative consequences.” Clearly, the Premier of Manitoba did not agree with Mr. Lamoureux or with the Prime Minister of Canada.

I can't spend my five minutes reading a text, but I will quickly note that Quebec said that it would be divisive and was opposed to the proclamation. For its part, Alberta said that it opposed the invocation of the Emergencies Act. Saskatchewan said that the police had sufficient tools to enforce the law and end the blockades, and was not in favour of invoking the Emergencies Act. New Brunswick, Nova Scotia and Prince Edward Island said that it was not necessary. The three territories—Yukon, Northwest Territories and Nunavut—simply did not provide any comments. I conclude from that that they certainly did not ask for the act to be invoked. Ultimately, only three of 13 premiers said that it would be useful.

You said that you never requested the declaration of an emergency. To your knowledge, no one requested it. You told us that the protests and blockades elsewhere, other than in Ottawa, were brought under control and dismantled without the use of a declaration of emergency.

I've just explained that seven premiers did not want it, that three did not express an opinion and that only three were in favour of it. In addition, you said that, on February 12, you had a plan to dismantle the blockades and end the protest on the Hill. On February 12, you asked for additional resources from elsewhere in Canada. Those resources arrived and it worked. I think it took three or four days to end the protests and blockade.

In your opinion, Ms. Lucki, was there still justification to invoke the Emergencies Act?

• (2115)

[English]

Commr Brenda Lucki: The plan we put in place worked as a result of the Emergencies Act measures.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Yet, you told us that it was February 12, Ms. Lucki. You prepared the plan on February 12.

You waited for resources, and when they arrived, you carried out the operation as planned. So the proclamation played no part in it.

[English]

Commr Brenda Lucki: The enforcement plan wasn't put into place until approximately the 16th. It was after the pronouncement of the Emergencies Act. Those measures assisted us in reducing the footprint so that we could safely enforce. Otherwise, there would have been far too many people in the area—

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Ms. Lucki, it was the February 12 plan. You told us that, on February 12, you did not even know that the declaration would take place on February 14. Things were put in place, the provincial premiers confirmed that you were right and that you could get it done without the Emergencies Act. Why, then, did the act need to be invoked?

I don't see the necessity. With respect, Ms. Lucki—I know you weren't the one who invoked it—but you are the head of the RCMP. I would have liked to know how you justified that.

[English]

The Joint Chair (Hon. Gwen Boniface): Mr. Fortin, I apologize. I have been generous.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): Thank you, Madam Chair.

[English]

The Joint Chair (Hon. Gwen Boniface): Go ahead, Mr. Green.

The Joint Chair (Mr. Matthew Green): Thank you.

Mr. Vigneault, in an early report dated January 27, ITAC concluded that a coordinated and complex terrorist attack or planned storming of Parliament or other federal locations was unlikely. However, in the same report, ITAC provided information to the government that talked about how it was likely that there were extremists involved, and the scale of the protest could pose a trigger point and opportunity for potential lone actor attackers to conduct a terrorist attack.

Is that correct?

Ms. Marie-Hélène Chayer (Executive Director, Integrated Terrorism Assessment Centre, Canadian Security Intelligence Service): Thank you very much.

The Joint Chair (Mr. Matthew Green): Mr. Vigneault, is that correct?

Mr. David Vigneault: Mr. Green, I have the executive director of ITAC, who is the author of that document. I'm going to turn the floor over to her.

Thank you.

Ms. Marie-Hélène Chayer: Thank you very much for the question.

Yes, indeed, we published a report, which was—

The Joint Chair (Mr. Matthew Green): Was that back in January?

Ms. Marie-Hélène Chayer: Yes, it was.

The Joint Chair (Mr. Matthew Green): Okay. Was it your assessment, particularly given the investigations—I'm assuming ITAC would have led or at least supported some of the investigative work at Coutts—that there was a threat of terrorism, given the discoveries at Coutts?

Ms. Marie-Hélène Chayer: What ITAC does, if I may just explain briefly—

The Joint Chair (Mr. Matthew Green): I don't have time for that, unfortunately. I need you to answer the question.

Did you consider the preparations around Coutts to be within the threshold of a threat of terrorism?

Ms. Marie-Hélène Chayer: I cannot get into specifics of the classified information that was shared with us.

• (2120)

The Joint Chair (Mr. Matthew Green): Clearly, the government's side leaked it. It was reported quite widely, in fact, in *The Guardian*. It was leaked. It said, “We knew these people were coming”. That's from a federal government source.

Ms. Marie-Hélène Chayer: I don't believe that the reports you're referring to referred specifically to the events of Coutts. It was earlier than that. Our assessment was about the opportunities that such a protest would afford to IMVE elements.

The Joint Chair (Mr. Matthew Green): Sure, but you were tracking them as they were on their way. Is that correct? You knew.

The thing about this protest or this movement, in particular, is that they were reporting on themselves through Zello, Facebook, Instagram, TikTok and others. This was probably one of the largest evidentiary sources of open-source self-incrimination that I've ever seen.

When I look at this.... Your report said that supporters of the convoy have advocated civil war, called for violence against Prime Minister Justin Trudeau and said that the protests should be used as Canada's January 6th.

Is that correct? Is that accurate within the context of the report?

Ms. Marie-Hélène Chayer: Yes, that's what the report mentioned.

The Joint Chair (Mr. Matthew Green): Thank you.

I'm going to go back now to Mr. Vigneault. The government, pursuant to its legislation, has an explanatory note referring to section 58 of the Emergencies Act. It uses language that is very similar to our legal definition of terrorism.

My question, through you, Madam Chair, is in your intelligence gathering, would you consider these processes within the threshold of terrorism or threats of terrorism?

Mr. David Vigneault: As I mentioned earlier, the Emergencies Act refers to the CSIS Act, but the information from CSIS is just

one part of the information. We do not have the power to lay charges, so we gave that information to law enforcement—

The Joint Chair (Mr. Matthew Green): I'm not asking that question, sir.

Respectfully, Mr. Vigneault, you are a very intelligent man. I'm asking you to answer the question that I've asked, sir.

Mr. David Vigneault: Can you please repeat it?

The Joint Chair (Mr. Matthew Green): Did it meet the threshold of terrorism? The definition in the explanatory notes uses the definition of terrorism, but doesn't explicitly call it that. Given that ITAC was on this, did you consider it to be within the threshold of a threat of terrorism?

Mr. David Vigneault: I'm not sure, Mr. Green, that we can make a comparison like that. For any element of terrorism, facts that are in front of the police need to be looked at, and then charges laid.

The definition of terrorism to allow CSIS to investigate is very clear in the CSIS Act, and it is what we've been using—

The Joint Chair (Mr. Matthew Green): I will put the question then to Commissioner Lucki.

Commissioner Lucki, you are not bound by the CSIS Act. Given that you would probably be briefed on the explanatory note of the government invoking this act, would you believe it to be within the threshold of a threat of domestic terrorism?

Commr Brenda Lucki: At Coutts we did not lay terrorism charges—

The Joint Chair (Mr. Matthew Green): That's not what I asked. Was it in the threat, and I'll be specific: “the threat or use of acts of serious violence against persons or property, including critical infrastructure, for the purpose of achieving a political or ideological objective within Canada”. That is paragraph (i) in the explanatory notes of the proclamation. Is that within the threshold of a threat of terrorism?

Commr Brenda Lucki: We can't speak specifically to the threshold because it's not for me to decide if it meets a threshold.

The Joint Chair (Mr. Matthew Green): You don't provide any information to ITAC on whether or not you believe there is a threat of terrorism? Is that not part of your role on national security?

Commr Brenda Lucki: No. We provide the information, and analysts take that information and put that all together. They combine all of that information, and they come up with an analysis of that information.

The Joint Chair (Hon. Gwen Boniface): My apologies, Commissioner.

Mr. Green, your time is up, and I've been generous.

The Joint Chair (Mr. Matthew Green): Then I will take the chair and allow you to continue. Thank you so very much, Senator.

The Joint Chair (Hon. Gwen Boniface): My question goes back to Deputy Commissioner Duheme. I continue the same line of questioning.

On the weekend—it has escaped me what day it was that you actually operationalized your plan here on Wellington Street and all the other streets that were impacted by it—can you tell me how many officers would have been available to you for deployment?

D/Commr Michael Duheme: Madam Chair, I wouldn't have the exact number of officers on the streets in a shift's rotation. I can tell you that February 17 is when activities started ramping up with our PLT's increased presence in the downtown core, informing people that this was an illegal protest and that they must leave the area.

I can tell you that the RCMP provided over 700 members to assist in this movement, but I don't have an overall number of people, shift by shift.

The Joint Chair (Hon. Gwen Boniface): Can you tell me how many police agencies were involved in that operation?

D/Commr Michael Duheme: An exact number, no. There were several from across the country.

The Joint Chair (Hon. Gwen Boniface): Would you be able to provide that information to us, just to give us a sense of the scale of the operation itself?

• (2125)

D/Commr Michael Duheme: I sure can.

The Joint Chair (Hon. Gwen Boniface): Do you have any sense, or could you perhaps tell us of a similar situation when you would have had that many people deployed in policing across Canada?

D/Commr Michael Duheme: The only other situation I could compare it with is major events that we usually manage.

The Joint Chair (Hon. Gwen Boniface): Would that be things like the G8, the G20 and some of those historical events?

D/Commr Michael Duheme: Yes. They are different in nature, but historical events as such would require a significant amount of resources.

The Joint Chair (Hon. Gwen Boniface): From a planning perspective, in your incident command and the three key agencies that you referred to—and I understand the coordination table as a framework—can you tell me what the timeframe was from start to finish when that team worked together?

D/Commr Michael Duheme: Ottawa Police Service, RCMP and OPP always worked together, but it's really on February 12 when the ICC was created that it solidified, if you wish, the command structure as we move forward. OPS, as I mentioned, always had the lead. The OPP and RCMP were there, but this just solidified the command structure as we moved forward in preparation for the action plan on the 17th.

The Joint Chair (Hon. Gwen Boniface): As a reflection, a chance to look back, a “hot wash” or whatever we want to call it, would there have been advantages to having that team in place much earlier from an operational perspective?

D/Commr Michael Duheme: I would say yes, but I don't know all of the elements. When OPS first started off, the convoy.... I don't know all of the elements that led us to the situation that we're in right now, but obviously the sooner the better.

The Joint Chair (Hon. Gwen Boniface): It would seem to me that from the experience with other issues like the incident you referred to, there would be some advantage for early planning no matter what the incident is, and this may very well have been one of them.

D/Commr Michael Duheme: Yes, Madam Chair. I'll refer to the commissioner's comment. When you look at the incidents that took place in Toronto and in Quebec City, they obviously learned from what took place here in Ottawa when it came to the convoy.

The Joint Chair (Hon. Gwen Boniface): Isn't it also true that here in Ottawa this would have been one of the most complex operations in terms of putting together the step-by-step process that needed to take place once you made a decision that you would be moving people on, so to speak?

D/Commr Michael Duheme: It was complex, in a sense, yes, and resource intensive. As we moved into that operational phase, there was no stopping. We had to continue. That was a complexity. Once we initiated the demobilization at each site, there was no stopping that momentum, if you wish.

The Joint Chair (Hon. Gwen Boniface): Would it also be fair to say that, in other incidents where you would have some experience in this—and you've had a lot of experience in it, I believe—these would not be cases, necessarily, that lasted as long as this one did or that were as entrenched as this one was and had the amount of resources required to mobilize over a single weekend? Am I correct on that?

D/Commr Michael Duheme: Yes, you are correct.

The Joint Chair (Hon. Gwen Boniface): Thank you.

The Joint Chair (Mr. Matthew Green): Madam Chair, the chair is now back to you.

The Joint Chair (Hon. Gwen Boniface): Thank you.

Please go ahead, Senator Carignan.

[Translation]

Hon. Claude Carignan: Thank you, Madam Chair.

My question is for Commissioner Lucki.

You said that you learned on February 14 that a state of emergency would be declared. On February 15, the Emergency Economic Measures Order was issued, making it possible to freeze individuals' bank accounts, life insurance, disability insurance, RRSPs, TF-SAs and so forth.

Did the RCMP ask the government to give it that additional authority or to implement those additional measures?

[English]

Commr Brenda Lucki: No.

[Translation]

Hon. Claude Carignan: There was the group of three, the RCMP, the Ottawa Police Service and the Ontario Provincial Police. At your integrated centre that managed the crisis, did one of those three police services ask the government for that authority?

[English]

Commr Brenda Lucki: No, I don't believe so.

• (2130)

[Translation]

Hon. Claude Carignan: I come back to the question that was asked earlier about communication with the banks. On the form, it was possible to share criminal records and indicate whether the person had been a witness to other crimes or had other incidents.

Can you tell us how providing that information to the banks was relevant?

[English]

Commr Brenda Lucki: I'm sorry; we didn't provide criminal records. We simply provided the names of the people who were within the illegal blockade who were refusing to leave. We followed up with the licence plates of vehicles that were there—the plates of the drivers and owners of vehicles. That information was provided to the banks.

[Translation]

Hon. Claude Carignan: RCMP Superintendent Denis Beaudoin appeared before the House of Commons Standing Committee on Finance on March 7, 2022. He said that the document could indicate the following information: “previous police dealings, or whether they were suspected in other crimes or were witnesses in other crimes or different types of dealings”. Is that statement correct?

[English]

Commr Brenda Lucki: I will pass that to Mike Duheme, because he dealt directly with that.

[Translation]

D/Commr Michael Duheme: Senator Carignan, the information that was shared with the banks was what we had on record. Sometimes, we had only a licence plate. The information in the various files was shared with the banks so they could have a description of the individuals and decide whether or not to freeze the accounts.

Hon. Claude Carignan: Did the information include dealings with the police, being suspected in other crimes or being witnesses to other crimes, or other types of dealings?

D/Commr Michael Duheme: I would need to check on that with Superintendent Beaudoin. I believe that some of that information was shared because we had to send all information to ensure that it was the right person.

Hon. Claude Carignan: Under the order, you could indicate that the person was suspected of committing other crimes, besides the simple fact that they were at an illegal gathering on Wellington Street. On what legal basis could you provide information other than that?

D/Commr Michael Duheme: We provided personal information to the financial institutions to ensure that they had a description that would allow them to decide whether or not to freeze accounts.

Hon. Claude Carignan: Thank you.

[English]

The Joint Chair (Hon. Gwen Boniface): Senator Harder.

Hon. Peter Harder: What about Senator White?

The Joint Chair (Hon. Gwen Boniface): He's after you. Do you want me to go to Senator White?

Hon. Peter Harder: I yield to Senator White, as we agreed.

The Joint Chair (Hon. Gwen Boniface): Senator White, the time is yielded to you.

Hon. Vernon White: Thank you very much, Senator Harder.

Deputy Commissioner Duheme, in relation to Wellington Street specifically, we heard a lot about funding that was frozen, which was being used to sponsor or at least support a criminal activity. Is that correct?

D/Commr Michael Duheme: There was considerable funding aimed at supporting what was going on in the downtown core of Ottawa.

Hon. Vernon White: Could no other tool have been used, like civil forfeiture under the province, to secure those funds in an attempt to actually forfeit them to the Crown? Could that not have been used prior to the Emergencies Act?

If so, was that considered by the team that was working on developing a strategy?

D/Commr Michael Duheme: The lead role with regard to the platform and the collection of funds was done by the OPP. I'm not quite sure if that was considered as they moved forward on that.

Hon. Vernon White: Was using provincial civil forfeiture never discussed at any of the meetings you were in?

D/Commr Michael Duheme: No, not to my recollection.

Hon. Vernon White: Thank you very much for that. I appreciate it.

On February 12, were you confident that the police were at a point where their plan would be successful in removing, clearing and making whatever arrests necessary of the people who were situated on Wellington Street and beyond?

D/Commr Michael Duheme: I was briefed on the plan on February 12. I was confident.

As I mentioned earlier, this was a plan that was in motion. It was dynamic. It was fluid because of what we were seeing on the terrain, but I was confident. It might have been tweaked a little bit as we moved to the kinetic portion, but yes, I was confident.

• (2135)

Hon. Vernon White: Certainly, you had no concerns that you didn't have the resources, the capability or the capacity to actually operationalize the plan.

D/Commr Michael Duheme: We didn't have the capability to operationalize the plan sooner. As they were going through the plan, we noted that we needed additional special resources to address it.

Hon. Vernon White: It was not something you would need any other legislation to attain. You could access those resources through relationships.

D/Commr Michael Duheme: We were planning with the existing authorities that we had to demobilize.

Hon. Vernon White: Thank you very much.

You said there was a solidification of the command about February 12. What caused the change for that command to solidify on February 12? What happened on that day that caused it to be in a better position?

D/Commr Michael Duheme: It's a good question, Senator White.

We were in constant discussion with OPP as well as with OPS. We came to a point where we thought it would be good if we got together and planned this. Initially, as I mentioned, prior to that date there were ongoing discussions with OPS and OPP. We were always in the picture, but it was an OPS lead until.... It had always been an OPS lead. It just solidified.

Hon. Vernon White: Was it because there was a change in leadership at the OPS?

D/Commr Michael Duheme: I don't want to assume that.

Hon. Vernon White: No, I'm asking you; I'm not assuming it either, actually. Do you believe that that had an impact on solidifying the command and allowing the RCMP and OPP to gain greater access to the command structure?

D/Commr Michael Duheme: I'm not sure if it was the timing that we were at that point, or if it were Mr. Sloly's stepping down. I'm not quite sure.

Commr Brenda Lucki: I may be able to add something to that, Madam Chair.

Hon. Vernon White: Yes, please do, if you don't mind. Thank you.

Commr Brenda Lucki: They were requesting additional resources and because we had to draw from outside the geographical area, we needed to see a solid plan going forward to make sure that we were providing the right resources. That's when the ICC was formed to go through and have the planning cell create the plan, and have the integrated command centre review it.

Hon. Vernon White: Thank you very much for that, Commissioner.

Deputy Duheme, I have one last question. Have you ever used or been involved in the use of aid to civil power?

D/Commr Michael Duheme: No.

Hon. Vernon White: Have you ever seen it used?

D/Commr Michael Duheme: No.

Hon. Vernon White: Had you had any discussions about the need for it in relation to the occupation in downtown Ottawa?

D/Commr Michael Duheme: Not to my recollection, Senator.

Hon. Vernon White: From your perspective, there wasn't a need to use aid to civil power, which would have given you more tools.

D/Commr Michael Duheme: No.

Hon. Vernon White: Thank you very much, deputy commissioner. I appreciate your answers.

I'm finished, Madam Chair.

The Joint Chair (Hon. Gwen Boniface): Thank you very much.

That completes our questions.

I want to express our sincere appreciation to the witnesses for joining us this evening and answering questions to the best of your ability. We wish you a good evening. Thank you again.

Committee members, I'll ask you to just hang tight. It's my understanding that next week we had planned to have a business meeting.

Mr. Yasir Naqvi: Madam Chair, I want to discuss the plan for next week. I think we were discussing getting Minister Blair and having him present and also discussing committee business.

Minister Blair is available the first hour and a half of our committee meeting. I was going to suggest that we have him for the first hour and a half, and during the later hour and a half, we could discuss committee business.

[Translation]

The Joint Chair (Mr. Rhéal Fortin): I have a point of order, Madam Chair.

That is not what was decided last week. We instead agreed to hear from witnesses this week and deal with pending motions next week. You will remember that I stressed that point.

Someone had proposed that we hear from witnesses for half of the meeting, and I was opposed to that. That is what we voted on.

The entire meeting next week will therefore be spent on pending motions and other routine business. We will not be hearing from witnesses. Otherwise, we will not have enough time for the business, including emergency motions.

Next week, I would also like us to discuss the objections presented by witnesses, which are far from being in bad faith. We repeatedly receive objections concerning the production of documents and portions of comments. The committee must therefore decide on those issues one way or another. Those housekeeping issues must be resolved before hearing from more witnesses.

That is what was decided last week. With respect, Madam Chair, I insist that we uphold that decision. If we had not agreed to devote the meeting next week to pending motions, my vote would have been different for today's meeting.

• (2140)

[English]

The Joint Chair (Hon. Gwen Boniface): Thank you, Mr. Fortin.

Go ahead, Senator White.

Hon. Vernon White: My memory is not as good as Mr. Fortin's. Can you advise us what we did agree to for next week?

The Joint Chair (Hon. Gwen Boniface): I'll ask the clerk to read the motion.

The Joint Clerk of the Committee (Mr. Mark Palmer): The motion was to have three hours of meetings today and to have committee business the following meeting—

Hon. Vernon White: So there were no witnesses the following week?

The Joint Clerk (Mr. Mark Palmer): That was not specified. It was just that there be committee business on—

Hon. Vernon White: Then I support Mr. Fortin.

The Joint Chair (Hon. Gwen Boniface): Okay.

Ms. Rachel Bendayan: Madam Chair, I think I am still on the speakers list.

The Joint Chair (Hon. Gwen Boniface): Pardon me. Go ahead.

[Translation]

Ms. Rachel Bendayan: That is fine with me if all the members of this committee agree to it. However, I'd simply like to say that we certainly don't need three hours to examine the motions. I think we could get everything done in an hour and a half.

The possibility of the committee not hearing from witnesses and concluding its discussions of the motions after an hour, or an hour and a half, bothers me. The meeting would end early. I don't understand why we would do that.

If Mr. Fortin prefers another approach, where, for example, we would begin by discussing the motions and then hear from another witness, I would agree with that. Minister Blair is not available during the second part of our meeting, but other witnesses may be. If time permits, we could hear from them.

I find it unfortunate that we would finish dealing with the motions in an hour and not do anything after that.

[English]

The Joint Chair (Hon. Gwen Boniface): I have Mr. Naqvi, Mr. Green, and then Mr. Fortin.

Mr. Naqvi.

Mr. Yasir Naqvi: Thank you very much.

I want to build on what my colleague, Ms. Bendayan, is suggesting. I don't recall having a discussion on spending an entire meeting doing committee business. I do agree that we need to tend to it. It

was my understanding that we will spend half our time doing that, which should be appropriate for the issues that we need to discuss.

Furthermore, Minister Blair is available. He was an important part of the decision-making on the invocation of the Emergencies Act. I think it's important that we hear from him. He's available from 6:30 to 8:00 p.m. next Tuesday. It's an excellent opportunity for us to continue to do the good work this committee is doing by listening to witnesses. Then we could spend the latter part of the meeting working on committee business, and I'm sure there will be sufficient time for us to resolve any issues that we have to as a committee.

The Joint Chair (Hon. Gwen Boniface): Mr. Green.

The Joint Chair (Mr. Matthew Green): Thank you.

Had I been coming to this fresh, I might tend to agree, but having sat through last session I know that sometimes when we come to an impasse at committees over the will of a committee, it's sometimes a tactic to filibuster or to use committee time in a way that would frustrate the outcomes of a particular vote. I say that on top of the frustration that I have about the lack of information, candour or frankness that we've had from multiple witnesses who have been before us in this process.

We keep hearing about cabinet confidentiality. I want to put on the record the view of our former general legal counsel of the House of Commons, Diane Davidson, who stated that there exists no blanket immunity for the executive branch in making public interest claims against the disclosure of confidential interest to a parliamentary committee.

For me, I'm getting to a point within this committee where it's almost beginning to feel like a breach of privilege or in some cases a contempt of this committee not to get basic information that will be required to provide Canadians, and future legislators, quite frankly, with the clarity they need. It should be noted that our former general legal counsel noted that immunity has never been formally acknowledged in the House of Commons as inhibiting its investigatory powers and that the public interest to be considered and weighed in judicial proceedings is not the same as the public interest to be considered and weighed when evidence is sought for parliamentary purposes.

Why I bring that up, Madam Chair, is that at stake in our next round of committee business will likely be our committee's power to compel and produce documents, which, for me, would provide the framework and the basis to ask and form questions of ministers. We don't have that currently. In fact, we've had no preliminary testimony, in my opinion, aside from the evidence from Mr. Perrin Beatty and our legal clerks that would set forth the framework for our work plan, but subsequent to that I feel like we're being frustrated at every turn, and unnecessarily so.

• (2145)

The Joint Chair (Hon. Gwen Boniface): I want to move to Mr. Fortin, but I want to get to your bottom line.

The Joint Chair (Mr. Matthew Green): My bottom line is that we're going to need three hours. If we come to an impasse, we might find ourselves in a procedural filibuster.

The Joint Chair (Hon. Gwen Boniface): Okay. Thank you.

I didn't mean to be rude, Mr. Green, but I'm worried about our time and getting our people on.

Mr. Fortin.

[*Translation*]

The Joint Chair (Mr. Rhéal Fortin): Thank you, Madam Chair.

I, too, am concerned about the use of time. As I often say, I would love to have our work completed before the end of the session in mid-June, but we can't rush our work. It has to be done correctly, so we have to settle things. If it doesn't take three hours, all the better. I'm convinced that we'll all find something to do between eight o'clock and nine o'clock or between nine o'clock and 10 o'clock. I'm not worried about that.

However, to allow us to move as quickly as possible next week, or at least to allow us to resolve all this within three hours, Madam Chair, I would like to make a suggestion. I propose that we ask our analysts to identify every objection raised in the comments we've heard so far concerning requests to produce documents or questions. The date and time of each objection could also be noted, along with the name of the witness who raised it and the document or question involved. That list could be distributed to all the members of the committee. That way, when we meet next Tuesday, we would have a list and would know what we were talking about. That could be helpful.

Thank you, Madam Chair.

[*English*]

The Joint Chair (Hon. Gwen Boniface): Thank you, Mr. Fortin.

We'll go to Mr. Motz, and then we'll close with Senator Harder.

Mr. Glen Motz: Thank you, Chair.

I would agree with Mr. Fortin and Mr. Green. I think it behooves us to follow what we wanted to do from the very beginning, which

was develop a committee work plan. The analysts have had it available for us. We need to confirm it, make it ours and move forward with it.

We have a number of motions that are still on the table. There's not just one, we have a number of them that we need to deal with. With respect to Mr. Naqvi, I'm confident that Mr. Blair is available for more than only 6:30 till 8 o'clock next Tuesday. He'll be available between now and whenever we might choose to call him. I'm sure he'll be available to us again down the road.

I support three hours.

The Joint Chair (Hon. Gwen Boniface): Go ahead, Senator Harder.

Hon. Peter Harder: Thank you, Chair. I'll be brief.

I would have preferred to hear a witness and then get to committee business, but for the comity of the committee, I'm quite happy to have three hours. I hope that we do more than just debate the outstanding motions, but have a discussion of the work plan going forward, so that we can give our staff some predictability about witnesses we would like to see for the next number of weeks.

I think we will have a significant debate and differences of view, which is fine, but let's state them once and get to a decision.

An hon. member: [*Inaudible—Editor*]

Hon. Peter Harder: I would second that.

● (2150)

The Joint Chair (Hon. Gwen Boniface): There seems to be some consensus around the table on having a three-hour committee business meeting next week. Do you want to call a vote on it, or are you satisfied?

Some hon. members: Agreed.

The Joint Chair (Hon. Gwen Boniface): All right.

Before we close, I want to first thank our interpreters, who have stayed beyond 9:30 to assist us. Thank you all.

The meeting is now adjourned.

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