

November 3, 2022

Chief Sloly Response to Additional DEDC Questions

1. With regard to the availability of tow trucks:

(a) were the “three to five” tow trucks you referenced the usual number of tow trucks routinely available to the Ottawa Police Service;

- The tow trucks I was referring to were heavy tow trucks. To the best of my understanding, the OPS itself does not own any heavy tow trucks but may arrange for access to heavy tow trucks owned by the City of Ottawa or through its contracts with the private sector. I do not know the amount of tow trucks that were routinely available to the OPS (heavy or otherwise).

(b) if your answer to (a) is negative, how many tow trucks were routinely available to the Ottawa Police Service

(c) does the number of tow trucks routinely available to the Ottawa Police Service include tow trucks operated by the City of Ottawa or OC Transpo;

- To the best of my understanding, two of the above-referenced heavy tow trucks accessible to the OPS were owned by the City of Ottawa/OC Transpo.

(d) were any inquiries made to any other public entities (for example, governments of Ontario and Quebec, Société de transport de l’Outaouais, Ville de Gatineau, other nearby municipalities) concerning the use of tow trucks;

- I am not aware of the details of the efforts made by the OPS to obtain heavy tow trucks or towing services from other public or private entities. That said, I was briefed on the fact that the OPS was making attempts, which were unsuccessful, to obtain additional towing support from other entities throughout the occupation. I am not aware of which specific organizations the OPS approached to obtain tow trucks.

(e) were any inquiries made to any private entities concerning the use of tow trucks;

- See above

(f) were any inquiries or explorations made about asking or recommending the appropriate governments to invoke the public service duty provisions (section 273.6) or the aid of the civil power provisions (Part VI) of the National Defence Act in order to obtain the loan of Canadian Armed Forces tow trucks or wreckers;

- Not to my knowledge.

(g) were you aware that American government authorities had offered to make tow trucks available for use in Canada to address the protests;

- No.

(h) were you aware that a dozen tow trucks, organized by the State of Michigan, had entered and staged in Canada but were sent back to Michigan without ever being deployed to any protests; and

- No

(i) if your answer to either (g) or (h) is positive, (i) how were you made aware, (ii) how did you respond (for example, ask for trucks to be sent to Ottawa), and (iii) what reactions did your response(s) generate?

2. With regard to your plan to remove protesters and vehicles in downtown Ottawa, the resources and support necessary to execute that plan successfully, and discussions with the federal government to that end:

(a) how do you respond to comments which were made by the National Security and Intelligence Advisor to the Prime Minister, in her February 8, 2022, briefing to the Cabinet, according to documents provided to this Committee, that “The Chief continues to communicate publicly his view that OPS lacks resources to effectively manage the situation. This may be somewhat true, but may also be a strategic tactic.”;

- I have not viewed the document quoted, so cannot comment on the context in which it was said. That said, my communication on resources was not a strategic tactic. The biggest need the OPS had from the outset was access to resources, in particular access to additional police officers. I continually communicated to police leaders, board members, public sector leaders and elected officials that the OPS needed significantly more resources to manage the events in Ottawa. On February 6th, at the request of the Chair of the Police Services Board, I communicated a need for 1,790 additional police resources (this included 1,690 police officers and 100 civilian positions all with a range of needed skills and abilities) to the Chair of the Police Services Board and the Mayor of Ottawa. The 1,790 resource request was the result of an intense and extensive effort by my team for the number and nature of the resources needed to end the unlawful demonstrations and occupation safely and successfully in Ottawa. I now know that upward of 2,100 officers were needed to carry out the operation that ultimately put an end to these events. Clearly the OPS lacked the resources itself to address the situation. Even in hindsight, the 1,790 requested resources represented a very accurate assessment.

(b) how do you respond to comments which were made by the Commissioner of the Royal Canadian Mounted Police on February 10, 2022, to ministers and senior officials, according to documents provided to this Committee, (i) that “there was no OPS plan to review”, and (ii) “our assessment is that the information provided by Ottawa Police thus far does not constitute a viable plan. And his request for resources has been a moving target.”

- I have not viewed the document quoted, so cannot comment on the context in which it was said. That said, the OPS had a plan and our request for resources was not a “moving target”.

I will first deal with the OPS plan. The OPS had an operational plan in place from the outset of the Convoy-related events at least until my last day in office on Feb 15. On February 7th, the OPP and the RCMP sent planners to Ottawa to support the OPS and to assist in developing an integrated plan to put an end to the unlawful demonstration. Over the course of February 8th and 9th, the OPS presented the OPP and RCMP with the OPS' operational plan. These presentations included an explanation of the mission statement, the concept of operations, and of the resources needed along with a briefing on some Public Order and Police Liaison plans. During the meeting of February 9th, an agreement was reached between the OPS, OPP and RCMP about the resources needed to end the unlawful demonstrations and occupation successfully and safely in Ottawa. It was my understanding from discussions with Commissioner Carrique, that the OPP and RCMP representatives would use their expertise and experience to help refine the OPS operation plan (including the sub-plans) and that they would also help the OPS secure the needed resources through a significantly increased level of integration. This new level of integration helped accelerate the development of the OPS plan as well as the arrival of the requested resources. On February 13th, an updated version of the February 9th OPS plan was approved and signed by OPS A/Superintendent Bernier, RCMP Superintendent Lue and OPP Chief Superintendent Pardy. This version reflected the significant increase of integration between the OPS and its partners as well as four more days of ongoing work on the OPS' February 9th operations plan.

- As to the request for resources, the need for resources tracked the development of the operational plans. Before the convoy protestors arrived and throughout the next seven days, I made regular requests for more police resources through regular police service channels. I can confirm that the request for 1,790 Police resources was developed through the hard work of many OPS members across the entire organization, including the ICS' planning team. That resource request remained the same until my last day in office and, I now understand, ultimately increased to approximately 2,100 as the plan evolved.

(c) how do you respond to comments which were made by the Commissioner of the Royal Canadian Mounted Police on February 11, 2022, to ministers and senior officials, according to documents provided to this Committee, that "every ask that has been made to us by the OPS has been fulfilled. In fact, our numbers are higher than what we originally committed."

- I have not viewed the document quoted, so cannot comment on the context in which it was said. I am grateful for the assistance that the RCMP provided to the OPS during the Convoy-related events. I had regular contact with Commissioner Lucki during which I would have resource discussions and make resource requests. The RCMP did provide additional resources in response to our requests. That said, there were ongoing challenges in determining the number of RCMP officers deployed to Ottawa who were assigned to RCMP protective details versus those who were sent to work directly under the OPS' ICS available to be exclusively used to implement our operational plans. There was also some delay in the deployment of some of those resources to Ottawa. While a significant resource request was made on February 7th, the most significant influx of RCMP officers began on or around February 11th. Some RCMP personnel were redeployed to Windsor to address the Ambassador Bridge blockade. The precise timing and numbers of RCMP officers deployed is in the possession of the OPS.

(d) were you consulted by the federal government concerning the potential invocation of the Emergencies Act and, if so, what can you say about those consultations, including (i) who consulted you, (ii) when were you consulted, (iii) what response did you give, and (iv) whether you had the impression or understanding that the invocation of the Emergencies Act was an open question or had already been decided;

- I was never formally or explicitly consulted by anyone in the Federal government about any aspect of the Emergencies Act nor was I asked if the Emergencies Act should be invoked.

(e) were you part of any assessment of the legal authorities available to police to address the protests and, if so, did this include, prior to the invocation of the Emergencies Act or any advance consultations, the Emergencies Act;

- I was in regular contact with the OPS general counsel about legal issues related to the protests, but do not recall any consultation with my general counsel or any other counsel on the invocation of the Emergencies Act.

(f) do the comments made by your successor Steve Bell to the House of Commons Standing Committee on Public Safety and National Security, on March 24, 2022, that “When it came to our interactions with various levels of government, our sole focus was identifying how we could access the resources and supports we needed and how we could leverage adequate tools, including the legislative changes like those in the Emergencies Act, which we ultimately received”, reflect your recollections of the Ottawa Police Service’s interactions with various levels of government while you were Chief during the protests or, if it does not, how would you describe those interactions;

- I agree with Acting Chief Bell that my communications with all three levels of government always included my primary need which was for resources in the form of additional police officers or heavy tow trucks. These were the resources that the OPS needed to bring a safe, successful end to the occupation. I also had discussions with government officials about the need for supports beyond police operations such as changes to legislation or the possibility of engaging an interlocutor to help achieve a negotiated end to the events. None of my discussions with the government included explicit consultations on the Emergencies Act. To my knowledge, there were no discussions between any government official and any OPS member regarding the Emergencies Act during my tenure as OPS Chief.

(g) considering that you were the Chief until after the Emergencies Act had been invoked, do you understand what Interim Chief Bell may have been referring to, in the comments quoted in (f), concerning leveraging tools “like ... the Emergencies Act”; and

- See above. I have no further information to provide about Interim Chief’s Bell’s comment.

(h) would Interim Chief Bell have been part of any assessment of the legal authorities available to police to address the protests and, if so, (i) did this include, prior to the invocation of the Emergencies Act or any advance consultations, the Emergencies Act, and (ii) would that have been consistent with his role during the protests while you were Chief; and

- During the protest, the OPS had the benefit of an assessment from its counsel of the range of legal options available to address the unlawful demonstration. I do not recall whether any significant attention was paid to the Emergencies Act and I am not aware that anyone at OPS requested its invocation. I am aware through the Public Order Emergency Inquiry of a memo provided by the City of Ottawa's legal counsel which mentioned the Emergencies Act as an option, this memo was forwarded to Chair Deans of the Ottawa Police Services Board. I do not recall having seen this memo while in office.

(i) is it possible that discussions about invoking the Emergencies Act were taking place "behind your back" between others within the Ottawa Police Service and the Government of Canada?

- I am not aware of any such discussions.