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SEPTEMBER 7, 1995 — THE HOURS FOLLOWING  
THE CONFRONTATION

**19.1 The Hours Following the Confrontation: High Anxiety**

The hours following the confrontation were filled with anxiety, fear, and uncertainty, a situation that was not helped by the rumours circulating amongst the occupiers and the OPP alike. The OPP by and large retreated to the Forest Detachment (though it maintained a presence in the Ministry of Natural Resources (MNR) parking lot, and the Tactics and Rescue Unit remained on duty all night), while the occupiers stayed within the confines of the park and the army camp. It was estimated that approximately twelve occupiers remained in the park after the police left the area, with the rest retreating to the barracks at the army camp.

When news of the death of Dudley George reached the occupiers, the response was one of grief and anger. The anger on the part of the occupiers manifested itself in actions against park property. Calls came forward from within the group to burn the park store and the park kiosk. Warren George testified that he threw a lit gas bomb at the store. He testified that the gas bomb was a pop bottle filled with gas and had a rag stuffed into the top. He stated that he does not know who made them, but that a lot of people had them and were throwing them at the store. He also witnessed the burning down of the nearby kiosk. While their upset and anger were understandable in the circumstances, the occupiers obviously should not have burned down any of the buildings in the park. As the late Clifford George testified: “For one thing there was no need to burn that building. I was very opposed to that.”

Back in the barracks, there were many men, women and children, some of whom had been involved in the confrontation. The atmosphere was one filled with anxiety, stemming from the fear that the OPP would return and forcibly remove them from the park and army barracks, resulting in possible further bloodshed. They felt isolated, and received no word concerning the intentions of the OPP toward them.

The anxiety felt by the occupiers at the army camp was further heightened by the rumours of injuries and the fate of family members and friends that circulated. David George testified that he was informed that the police had shot Cecil Bernard George in the head, and that young Nick Cottrelle had also been shot. He

was just waiting for the OPP to come into the built-up area to remove them. Others shared his sentiment, and testified that they feared for their lives in the early morning hours of September 7, 1995.

At the same time, the OPP were trying to determine what had happened and how to best contain the potentially explosive situation. At 11:44 p.m. on September 6, Incident Commander John Carson had ordered an evacuation of all local residents from the trailer park on Army Camp Road, directly across from the army camp, to the beach to the west of the park. This area included the nearby cottages located between the park and the Ministry of Natural Resources parking lot. He was concerned that the violence might spread beyond the confines of the general park vicinity to the adjacent cottages. The evacuation proceeded into the early morning hours of September 7.

At approximately 12:20 a.m., Incident Commander John Carson learned from A/D/S/Sgt. Mark Wright that Dudley George had died from his gunshot wound. Inspector Carson notified Superintendent Parkin of Dudley George's death at approximately 12:25 a.m. Superintendent Parkin told John Carson that he would notify the province's independent Special Investigations Unit (SIU), which would investigate the police involvement in the shooting death, and the OPP's own Criminal Investigations Branch (CIB), which would investigate potential criminal activity on the part of the occupiers and, most notably, allegations of attempted murder of members of the Crowd Management Unit (CMU). These would be parallel, but separate, investigations. Superintendent Parkin also informed Chief Superintendent Chris Coles of the incident, and together they went to the command post in Forest.

Knowing that the SIU would become involved, in light of what were then reports that at least one, and possibly more, individuals had been wounded by guns discharged by the OPP, Incident Commander Carson directed Inspector Linton to seize all the guns that had been discharged from the police officers responsible at 12:38 a.m.

Members of the CMU from the prior evening's deployment were sent back to their accommodations, and fresh officers were called in to maintain security in the area. Some officers were assigned security detail for the OPP Forest Detachment, which was seen as a possible target for retaliation. Indeed, at 12:27 a.m., Incident Commander Carson's officers were to become involved in what they characterized as a high-risk takedown in the parking lot of the OPP Forest Detachment.

Jeremiah George had been on the beach during the confrontation between the OPP and the First Nations people. After he heard gunshots fired, Jeremiah George ran west along the beach and lay on a sand hill for about half an hour until the night became quiet.

He then ran toward Ravenswood Road where he met Chief Tom Bressette, Gerald George, Roseanne Bressette, and her sister Deanna Bressette. Jeremiah told them there had been gunfire and that the police had shot at people at the park. Roseanne Bressette was very upset and worried about her husband, Cecil Bernard George. Before Jeremiah George arrived, she had heard over the scanner in the pickup truck that three people had been shot, one of whom was Cecil Bernard, and several wounded. Roseanne Bressette was anxious to know whether Cecil Bernard had indeed been shot. She wanted to go to the OPP Detachment in Forest to see if she could get any answers. Jeremiah George was also concerned about his brother, Cecil Bernard George.

Roseanne Bressette, Deanne Bressette, and Jeremiah George drove in the blue pickup truck toward the Wallygators restaurant on Ipperwash Drive. They were stopped at a police checkpoint at Ravenswood, at the intersection of Ipperwash Road and Highway 21. Jeremiah George was in the back of the truck behind Roseanne Bressette, the driver. He hid on his side with his back against the edge of the truck, as he was frightened. After they passed the checkpoint, they continued to drive toward Forest. As they entered Forest, they passed a white van. Jeremiah George thought it was a police vehicle because as soon as the driver saw him sitting up in the back of the pickup truck, he spun the van around.

After transporting Marcia Simon to the Forest Detachment, Constable Denis LeBlanc was returning to the Tactical Operations Centre (TOC). As he was leaving Forest, he noticed a blue pickup truck with yellow clearance lights coming toward town. The OPP officer recognized the pickup truck from when he had been stationed at a checkpoint near the park and thought that baseball bats had been removed from the vehicle earlier. Constable LeBlanc radioed the Forest Detachment to inform them that there was an inbound blue pickup truck, and followed the truck into Forest.

Constable LeBlanc pulled in behind the blue pickup truck as it arrived at the OPP Forest Detachment. Constable LeBlanc and the two other officers in his vehicle drew their weapons and pointed them at Jeremiah George. According to Jeremiah George, there appeared to him to be more than three officers in front of the police detachment who had their weapons drawn on the vehicle and were yelling commands.

Police officers demanded that Deanna Bressette and Roseanne Bressette leave the vehicle, and get down on their knees with their hands behind their head. They complied. Jeremiah George at this time was standing in the back of the truck. He held one hand up in the air and used the other to pull up his shirt to show he was not armed. Constable LeBlanc ordered Jeremiah George to leave the vehicle and threatened to use force if he did not comply. Jeremiah's response was to

yell, “Where’s my brother, where’s my brother, Bernard? I want to know where my brother is.”

Roseanne Bressette pleaded with Jeremiah to get out of the vehicle. She thought Cecil Bernard had been shot and killed and she said, “I don’t want to lose anybody else. Can you please get out of the truck?” Nineteen-year-old Jeremiah, who was both angry and scared, left the vehicle. He testified that he put his hands behind his head, intending to get on his knees, but was tackled by four police officers. Constable LeBlanc handcuffed him behind his back. Constable LeBlanc disputed that account of the detainment, saying that Jeremiah was already laying on the ground face down when he put handcuffs on him.

The officers pulled Jeremiah George to his feet and escorted him and the two women into the garage of the OPP Detachment. They were forced against the wall in the garage and were instructed to face the wall with their heads pointed toward the ground.

Wally Kaczanowski, a Kettle Point police officer, who had previously received a radio transmission asking him to go to the Forest Detachment, walked into the OPP garage. He saw Roseanne Bressette, Deanna Bressette, and Jeremiah George (lying on the floor in a spread-eagle position). One or two police officers were standing next to them. He heard Roseanne Bressette make a comment to the effect of “They shot Bernard” or “They beat Bernard up.” Wally Kaczanowski did not say anything. He may have asked one of the officers what they had done and had been told they had run through a checkpoint.

Jeremiah George has no recollection that any OPP officer told him that he was under arrest or the reason why he had been handcuffed:

I hope that anybody that goes to the police detachment for help that this doesn’t happen to them. You know, they go to a police station to try and get help, not to get thrown in the dirt and cuffed ... [Y]ou don’t go to the police station for this kind of altercation ...

An officer stood behind Jeremiah George and pushed his head against the garage door because the nineteen-year-old was trying to look around to see the faces of the officers. Roseanne Bressette and Jeremiah George continued to ask for information on Cecil Bernard. Constable LeBlanc heard them raise their voices: “There was just a lot of yelling back and forth and the police officer was probably yelling the loudest, ‘Put your hands up, put your hands up.’” The officers did not give these people any information about Cecil Bernard George. After obtaining their names and addresses and checking their vehicle, the police released them.

This “high-risk takedown” is reflected in the scribe notes: “00:27 hours. Armed takedown outside concluded.” During the takedown, Inspector Carson was in the command post with the radio operator, Sergeant Korosec, Inspector Linton, and A/D/S/Sgt. Wright. They knew a pickup truck had arrived at the Forest Detachment and that there was a concern that the occupants might be armed. There was also a concern about possible retaliation because of the events that had taken place at the sandy parking lot outside Ipperwash Park. Inspector Carson knew that the officers who were providing security at the Forest Detachment had performed a high-risk takedown of the individuals in the pickup truck. He was not aware of the identity of the occupants of the pickup truck, or of the fact that they were related to Cecil Bernard George.

While it is understandable, given the circumstances, that the police were on high alert against possible retaliatory strikes, once it was determined that these individuals were *not* armed or did not pose any risk, they should have been released immediately, and information given to them insofar as possible in response to their questions. Cecil Bernard George’s wife should have been advised that he was at the Strathroy Hospital, as was known to the OPP who had sent him there in the first place.

Shortly after midnight, Inspector Carson returned a call from Chief Tom Bressette. The Chief questioned John Carson’s judgment in having sent in the police under the cover of nighttime darkness. Chief Bressette asked the Inspector why this operation could not have waited until the daytime, inferring that the death of the occupier might be attributed to this questionable decision. All Inspector Carson could say at the time was that he knew that someone was seriously injured, and that this was not the time to debate the wisdom of the actions of the police. About one hour later, at 1:16 a.m., Inspector Carson received a visit from an equally upset Ron George (“Spike”) who, at the time, was a lawyer, but who had formerly been a member of the OPP and is now a Superintendent<sup>1</sup> with the OPP. Ron George had received news of the serious wounding of his cousin Dudley George and asked rhetorically, “Did you at least put a gun in his hand to make it look good?” At the hearing Ron George testified that he was angry and was being sarcastic when he made that comment. Inspector Carson replied, “[Y]ou know better than that,” and directed Ron George to the Strathroy Hospital. The weary Incident Commander then received a visit from Chief Bressette at the command post at around 1:30 a.m. to inquire after the health and location of his Band Councillor Cecil Bernard George. Again, the Chief questioned the wisdom of the timing of the actions of the police.

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<sup>1</sup> At the time of giving his testimony, Ron George held the rank of Inspector with the OPP.

By 1:40 a.m., Chief Superintendent Chris Coles was speaking with John Carson in the parking lot of the OPP Forest Detachment.

When Chief Superintendent Coles arrived on the scene, he knew the situation was extremely tense. There had been a shooting by one of his officers, the alleged attempted murder of his officers, and his Incident Commander was under great stress and fatigue. He also believed that the situation was going to escalate. One of the great barriers to resolution had been their inability to talk to the occupiers, and now they had “an extremely volatile situation.” He had a continuing concern about the existence of weapons in the park because the current available information from his officers was that weapons had been fired first by the occupiers, and his officers had then returned fire. Specifically, Chief Superintendent Coles had been advised that shots had been fired from either a school bus or a car, both of which had been driven by the occupiers into his group of officers, threatening their lives. The tension was very high on both sides of the dispute. He knew he needed to bring in new Inspectors to give Inspectors Carson and Linton much needed relief.

OPP Commissioner Thomas O’Grady was notified at about 1:04 a.m. of both the confrontation and the resultant death of a First Nations occupier.

At approximately 2:11 a.m., Inspector Carson received the formal report from Detective Sergeant Trevor Richardson (his head criminal investigator under Project Maple) that Anthony O’Brien (“Dudley”) George had been pronounced dead at Strathroy Hospital, by reason of a gunshot wound to his chest, inflicted by one of his officers. He was also told that the three occupants of the car that had transported Dudley George to hospital had been detained. These were Dudley George’s siblings, Pierre and Carolyn George, and his young friend J.T. Cousins, though Inspector Carson did not know the identities and relationship of these individuals to the deceased at the time.

At approximately 3:00 a.m., word was received at the command post from the *HH Graham*, the police boat, that some buildings in the park were on fire. Just prior to that report, the command post had received word that there was a large fire in the centre of Highway 21, at the exit to the Kettle Point Reserve. Inspector Carson continued to be concerned about the potential for a spillover of violence. He sent a police cruiser to the Mayor’s residence and thought about the need to enhance security around other potential targets.

Fortunately, it was around this time that a breakthrough in communications with the occupiers was achieved. Inspector Carson received a call at 2:54 a.m. from Chief Tom Bressette requesting permission for former Kettle and Stony Point Chief Bonnie Bressette to enter the besieged army camp to try to speak to the occupiers, and to remove those women and children who wished to leave. John

Carson readily agreed, and arranged for her expeditious passage through the roadblocks. He then received a call from Bonnie Bressette at 4:54 a.m. from within the army camp. She was seeking assurance on behalf of the occupiers and residents of the army camp that the OPP would not be entering the camp for any reason, including forcible removal of the people there. Inspector Carson promised the former Chief that the OPP would not be going into either the army camp or the park and asked her to convey that message. Bonnie Bressette agreed to do so. This was the first time that the OPP had explicitly communicated to the occupiers that they had no intention of entering either the park or the army camp.

When John Carson finally went off duty at about 6:00 a.m. on September 7, 1995, he also ended his formal role as Incident Commander of the Project Maple policing operation.

## **19.2 Events at Strathroy Hospital**

While events were unfolding in and around Forest and Ipperwash Park, another tragic drama was unfolding in Strathroy during the early morning hours of September 7, in the immediate aftermath of the shooting of Dudley George.

### ***19.2.1 Arrest and Detainment of Carolyn George, Pierre George, and J.T. Cousins***

On September 7, 1995, James Thomas Cousins was fourteen years old. He prefers to be referred to as “J.T.” Cousins. As mentioned in Chapter 18, he had just accompanied a fatally wounded Dudley George to the Strathroy Hospital, pressing down on Dudley George’s chest to try to stop the bleeding in a futile effort to save him. Pierre George had driven the disabled car, and Carolyn George was also with them. When they stopped outside the emergency department of the Strathroy Hospital, police officers immediately surrounded them.<sup>2</sup>

J.T. Cousins describes what could only have been a surrealistic experience from his perspective. Instead of accompanying his fatally wounded friend as he was rushed into the emergency department, he was pulled from the car by police officers who told him that he was under arrest for mischief, assault on a police officer, conspiracy, and attempted murder. J.T. Cousins had not been in the sandy parking lot during the confrontation, much less in face-to-face “combat” with any police officer that night. J.T. Cousins responded that he was fourteen years old

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<sup>2</sup> See previous chapter for a description of the events that occurred in the parking lot outside the Emergency Department.

and that he wanted to call his parents. The police allegedly responded that he was eighteen years old and was not allowed to make a phone call.

According to J.T. Cousins, the police tried to get him to talk all the way to the OPP Strathroy Detachment. When at the detachment, he said they took the strap off his bound legs, placed there at the time of his arrest, and pulled him from the back of the cruiser. He was still trying to resist, and hence the police had to use physical force to restrain him. J.T. Cousins was understandably in distress at this state of affairs. The police wanted him to change into a gown, and when he initially resisted their demands, the police again physically restrained him. Finally, he did remove his clothes, down to his underwear. The police left a hospital-style gown in the interrogation room, and he reluctantly put it on. He discovered that it tied only at the back, leaving him partially exposed. His shoes were taken away, and he was given a pair of paper slippers.

In the early morning of September 7, young J.T. was taken from his cell and was told he could make one call. He tried to call his mother, but received no answer. He tried to call his grandmother, but he was so distressed that he mixed up the phone number and ended up speaking to the mother of his cousin, who said she would tell his mom.

The police officers at the detachment attempted to obtain a statement from J.T. Cousins, which could have been self-incriminating. J.T. refused to answer their questions, preferring to utter profanities at the police officers. However, he did try to tell them what had transpired the night before from his perspective. He was in an interrogation room, without a lawyer or a parent present while he was questioned by the police officers, for a period of time that evening.

Based on the evidence before me, it would appear that the police attempted to obtain a statement from this minor without the presence of a lawyer or his parent, and while he was only partially clad. The police kept him in the interrogation room in a state of distress. In my view, such treatment of a minor is completely unacceptable and inexcusable. This kind of treatment inevitably serves to alienate First Nations people from the police, and feeds into the beliefs held by some that the police are not to be trusted.

Another passenger in the seized car was Dudley George's sister Carolyn George.<sup>3</sup> After her "arrest," she was also taken to the Strathroy Detachment where she was put into a cell. She could hear but not see her brother Pierre, who was in another cell, and she had no idea where the police had taken J.T.

She learned of the death of her brother Dudley George while in the jail, when her brother Sam George came to tell her. Sam George testified that when he told

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3 The Inquiry did not have the benefit of hearing from Pierre George, who declined to testify.

his sister of their brother's fate, he assumed the police had already relayed the news. However, he quickly realized, from the reaction of his sister, that the police had not told her. Carolyn could not believe that her brother Dudley had died. She had fervently believed that he was still alive when they arrived at the hospital. She later believed that, had they received help along the way to the hospital from an ambulance, her brother would have survived. We now know that more timely medical intervention would not likely have saved Dudley George, given the type and magnitude of the wound he suffered. Still, at the time and for many years thereafter, Carolyn George held that belief in her heart.

Carolyn George was released from jail, along with her brother and J.T., at about 4:10 a.m. on September 7, without explanation, after she called her lawyer, Ron George. Ron George recalls having a brief telephone conversation with J.T. Cousins, and then speaking to the police on behalf of Carolyn and Pierre. He was told that these individuals had not yet been charged with any offences, but were nonetheless being detained while the police considered whether they had grounds to charge them. He was concerned at the fact that these individuals were being detained without charge, but he does not recall any other actions he may have taken to redress the situation on their behalf. In any event, Pierre George's partner, Carolyn Zavitz, met Carolyn, Pierre, and J.T. and brought clothes for Pierre and Carolyn. Unfortunately, no clothes were brought for young J.T. However, he was not about to be left behind, and left the jail in his blue hospital gown, underwear, and paper slippers.

As if these three individuals had not experienced enough trauma, given their desperate drive to the hospital, and the subsequent aggressive arrests and overnight detentions, they were to have one more hostile encounter with the police on their way home. They were travelling home in Pamela George's car when they encountered a roadblock. Police officers surrounded the car, with their guns drawn and pointed at them. Pierre exited the car, telling the others to stay inside. Carolyn was terrified that they were going to be shot or killed. However, after Pierre had an exchange with the police officers, they were allowed to proceed.

It is noteworthy that none of these three individuals — J.T., Carolyn or Pierre — were ever charged with any offence, as the police at the Strathroy Detachment eventually realized that their car was not the one that been the one driven through the sandy parking lot and into the midst of officers that night. Indeed their car was neither the same colour nor make as the one that had been driven into the sandy parking lot (by Warren George, as he subsequently admitted).

At the Ipperwash Review, an internal debriefing conducted on February 21, 1996, Bob Goodall, lead criminal investigator from the Criminal Investigations Branch into the allegations of illegal conduct on the part of the occupiers, expressed

concern that these three innocent people, including a young person, had been put into jail overnight due to a lack of proper information being passed on from the command post in Forest to the OPP Strathroy Detachment. Chief Superintendent Coles shared Inspector Goodall's concern. Had the proper description of the car sought been transmitted in a timely manner, Carolyn, Pierre, and J.T. would, at minimum, have been released earlier and perhaps not detained in the first place.

No apology or public acknowledgement of an error was issued by the OPP for the erroneous detainment and treatment of Dudley George's siblings and J.T. Cousins until Commissioner Boniface's testimony at the Inquiry, during which she issued an apology on the part of the OPP and expressed the OPP's regret that neither Carolyn nor Pierre George had been permitted to stay at the hospital with their brother. It is regrettable that these individuals were not allowed the opportunity of being with Dudley in the hospital to make their peace with him or to partake in the sweetgrass ceremony conducted by their brother Sam George at the hospital over Dudley George's body. The immediate forced removal of the brother and sister and friend of Dudley George from his side, and their detention in a jail cell while other family members mourned at the hospital was, at minimum, an unnecessary aggravation of the tragedy that had already unfolded that evening.

At the Inquiry, and speaking in relation to this unfortunate state of affairs, Commissioner Boniface offered the following apology:

With respect to the arrests at the hospital ... I think it's extremely regrettable that they [Carolyn George, Pierre George, and J.T. Cousins] were not able to continue and spend their time with ... the deceased and I understand that and ... we apologize for that.

### ***19.2.2 Arrest and Detainment of Nicholas Cottrelle***

At the time of his arrest, Nicholas Cottrelle was a sixteen-year-old minor. While in his hospital room, and without any parent or lawyer present, the OPP officers attempted to question him, as did members of the province's Special Investigations Unit. These attempts occurred in the early morning hours of September 7, 1995. He remained in the hospital room, guarded by OPP officers to ensure he did not escape, until approximately 3:00 p.m. on the afternoon of September 7. After his doctors gave him medical clearance, he was taken to the OPP Strathroy Detachment for interrogation.

When he left the hospital, he was not wearing his clothes, as they had been seized as evidence in relation to the allegation that gunfire had allegedly emanated from the school bus he drove into the middle of police officers during the

confrontation the night before. Hence, he wore a shirt, hospital pants, and a pair of slippers into the detachment.

According to Mr. Cottrelle, he was taken to an interrogation room at the Strathroy Detachment. He asked a police officer if he could call his mother or his lawyer, and was allegedly told he was not allowed to leave or make a phone call *until* he had made a statement. He believes that the police knew he was a minor. He initially refused to give a statement, and was held in the interrogation room. Finally, he relented and began to give a statement. It was now the evening of September 7, and he still had not consulted with his parents or a lawyer. He had received a social visit at the hospital from his mother and some relatives, but nothing of a legal nature had been discussed (with the exception of his mother indicating to him that he did not have to speak to the police).

Indeed, as far as his mother, Gina George, knew, her son continued to rest in the hospital throughout the course of September 7. When she returned to the hospital to take her son home (with Ron George) in the late afternoon, she was dismayed to find out that he was no longer there, and had been taken to the police station. No police officer had advised her of this development, and she was understandably upset when she discovered it.

Meanwhile, according to Mr. Cottrelle, after the interrogating officer suggested to him that gunfire had been fired from the school bus, which Mr. Cottrelle denied, saying there had been no guns on the bus, the police officer allegedly stopped writing the statement. At this point, Mr. Cottrelle was permitted to call his lawyer, Ron George. It is unclear whether Mr. Cottrelle called Ron George or Ron George came to the hospital of his own accord with Gina George. However, one way or the other, Ron George and Gina George came to the police detachment, and Mr. Cottrelle was permitted to leave with them. This was late in the day of September 7, 1995.

Under cross-examination, Mr. Cottrelle admitted to having a poor memory of the details of his ordeal at the hospital and then the detachment. He did not dispute that his personal effects were seized by the OPP at 4:25 p.m. at the hospital and that he was then taken to the Strathroy Detachment at around 4:30 p.m. Thereafter, he was returned to the hospital to be photographed and then returned later on to the detachment, after which he met with his lawyer, Ron George, and left the detachment.

However, there was no suggestion that his recollection of being interrogated without a parent or a lawyer present was inaccurate. Further, Gina George's recollection that she was not apprised of the police moving her son from the hospital to the detachment or that she was not asked for her permission that the OPP might question him was not challenged.

It must be further recalled that Gina George testified that, when she entered her son's hospital room in the early hours of September 7, there were three to four police officers present, there were bright lights shining in his room, and her son had advised her that the police had already tested his fingertips and hands for gun residue. When she asked her son if he was under arrest, he said he did not know. When she asked one of the police officers in the room this same question, he declined to respond. She told her son that he needed to sleep, and that she would be back during the day. She also told him he did not need to speak to the police. Before she left the hospital room, at about 4:30 a.m., she asked the police officer on duty whether they were going to do anything else with her son. The officer replied no. Hence, she left the hospital room believing that her son was not going to be interrogated or arrested.

Unfortunately, Ron George's recollection regarding his involvement with Nicholas Cottrelle on September 7 was unclear. He did not recall the location at which he picked up Nicholas Cottrelle with Gina George. He had no recall of being present during any interrogation (suggesting he was not, in corroboration with Nick Cottrelle's testimony). He did recall, however, being stopped by the police when he was en route from the Strathroy Detachment with his son, and with Nick Cottrelle and Gina George. He recalls that there were two or three police officers visible, and he believes there was another, possibly a sniper, in the ditch. He further recalled that one of the officers had a long gun in his hand directed at the vehicle. He felt this use of a firearm to be unwarranted in the circumstances. Ultimately, upon identifying himself, he and the others were allowed to pass through the roadblock without further incident.

At some later point, as I discuss in more detail in the next chapter, Mr. Cottrelle was charged with dangerous driving and assault with a weapon (namely, the school bus). The charges were ultimately all dismissed at trial. Justice Graham found that Mr. Cottrelle's act of driving the school bus into the midst of the CMU was a futile but sincere effort to attempt to "rescue" Cecil Bernard George who was in the process of being subdued by the CMU and arrest team of the OPP.<sup>4</sup>

No acceptable explanation was offered at the hearing on the part of the OPP as to why this minor had been interrogated without a parent, much less a lawyer, present. I have grave concerns about the propriety of the police having taken advantage of a youth (ultimately acquitted) in these circumstances. Having regard

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4 It should be noted that normally a youth's name is not to be revealed in relation to criminal youth court proceedings against him. However, Mr. Cottrelle consented to the release of his name (with legal advice from his lawyer) and the requisite order was obtained from the Ontario Court of Justice permitting the Inquiry access to the underlying criminal file.

to the *Charter of Rights and Freedoms*, which guarantees all accused the right to counsel and right against self-incrimination, the OPP should have made better efforts to ensure that Mr. Cottrelle, a minor, had the opportunity to consult with counsel before commencing any interrogation aimed at securing admissions against his interests. The OPP should also have advised his parents of the arrest and detention of Nicholas Cottrelle as soon as possible as required by the *Young Offenders Act*.

### ***19.2.3 Arrest and Detainment of Cecil Bernard George***

Cecil Bernard George remained hospitalized for his numerous blunt trauma injuries for two and a half days. While in hospital he was charged with assault with a weapon, assault of a police officer, and mischief to property. He was also advised by Constable Boon at the hospital that he was going to be charged with attempted murder of police officers, but Constable Boon was in error in this respect. Cecil Bernard George testified that he had no clear recollection of being arrested, but knows that it happened. He was placed under arrest and then taken from the hospital to the OPP Strathroy Detachment, for about one hour, to be processed. He was then taken to the Sarnia courthouse and handcuffed to other prisoners there. Shortly thereafter, he was placed in a segregated cell. He remained in segregation for about one and a half to two days at the Sarnia jail, but he lost track of time. Ultimately he was released. As I discuss further in the next chapter, when his matter came to trial, the defence counsel asked for a directed verdict at the conclusion of the Crown's case, and the trial judge dismissed all charges.<sup>5</sup>

## **19.3 Change in Command of the Ipperwash Police Operation**

Chief Superintendent Coles and Superintendent Parkin quickly realized that a new Incident Commander would have to be assigned to replace the fatigued Inspector Carson and Inspector Linton.

John Carson went off duty at approximately 6:21 a.m. on September 7. Chief Superintendent Coles and Superintendent Parkin assigned Inspector Jim Gordon from the Mount Forest Detachment as the new Incident Commander at about 9:05 a.m. and briefed him. He would be the first of many officers assigned to Incident Commander responsibilities in the following days and weeks. Thereafter, Chief Superintendent Coles and Superintendent Parkin set up an executive operations centre in Grand Bend so as not to overcrowd the command post at

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<sup>5</sup> Reasons for Judgment, Walker J., Ontario Provincial Court (unreported), released July 15, 1996; Inquiry Document # 1004978.

the Forest Detachment. Later, an executive operations centre would be established at Orillia General Headquarters to coordinate the OPP's response following the shooting.

When Inspector Carson returned to duty at approximately 10:00 a.m. he was officially acting in a consultative capacity (though he continued to give direction and remained active in the policing operation), briefing Inspector Gordon and familiarizing him with the area and the personnel. However, while Inspector Carson never resumed official Incident Commander status, in the days immediately following the incident, he served as a critical consultant for Inspector Gordon and others in relation to the evolving police operation. According to Detective Sergeant Don Bell, he reported to John Carson, whom he saw as being effectively in control at the command post.

This was to be the first of many changes in the policing operation and approach at Ipperwash, as will be explored in the next chapter.

#### **19.4 First Measures to Restore Calm by the Aboriginal Parties**

The Assembly of First Nations' National Chief, Ovide Mercredi, was awakened on September 7 at approximately 5:30 a.m. by a telephone call from Chief Superintendent Chris Coles. Chief Superintendent Coles relayed to National Chief Mercredi the news that Dudley George had been shot and killed in the course of a police operation. Chief Superintendent Coles also told Ovide Mercredi that he had heard a rumour that hundreds of Aboriginal people were on the march to Camp Ipperwash, and wanted advice as to how to deal with the evolving situation. National Chief Mercredi responded that when a tragedy such as this occurs in a First Nations community, other First Nations communities will come in support to show their respect for the deceased, and that he should move back police lines to allow this to happen.<sup>6</sup>

National Chief Mercredi recalled at the hearing that it was clear to him that Chief Superintendent Coles, by the tone of his voice and the tenor of his comments, viewed this incident as a tragedy. It also appeared to him that Chief Superintendent Coles was reaching out for his advice, which he gave. As Chief Superintendent Coles testified, he asked National Chief Mercredi if he could assist, the National Chief graciously agreed to do so, and Chief Superintendent Coles was very pleased when the National Chief arrived at the troubled site.

The next step was to pave the way for experienced Aboriginal intermediaries to enter the army camp and, by extension, the park, without police interference

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<sup>6</sup> Note also that the police did in fact relax their checkpoint to allow the marchers through later that morning.

so as to assess the situation inside the army camp and to try to calm the anxiety no doubt being experienced by the people in light of the trauma of the previous night. National Chief Mercredi was aware of Bruce Elijah's work at Oka as a successful intermediary, and told Chief Superintendent Coles that he would be sending Mr. Elijah into the army camp. Chief Superintendent Coles agreed with this proposal.

In the meantime, Bruce Elijah had just returned home to Oneida First Nation from Toronto. He received messages at his home in the early hours of September 7, asking for his assistance. He contacted Chief Tom Bressette and Bonnie Bressette, whereupon they asked him to come to the Kettle and Stony Point First Nation. He came and attended at the Band office, where he was briefed. He then proceeded to the army camp with his brother Howard. When he approached the various police checkpoints en route to the Band office and then to the army camp, the police already knew of his pending arrival and role, and let him through.

Bruce Elijah estimates that he arrived at the army camp in the late morning, sometime after 10:49 a.m. When he arrived he was determined to learn from the people what had transpired, and whether any people inside the army camp needed medical attention. He recalled:

Again, commotion, you know, there's a lot of people [who] were very upset at what had happened. And ours was to try to meet with people and to be able to give them some kind of a feeling that there was something that's going to take place to ease the tension.

Bruce Elijah felt that when he came into this situation "all sides" were asking him to do whatever he could about the volatile and tense situation. He set the following items as the top priority measures to be taken to start to defuse the tension and bring a measure of calm to the situation. His first priority was to ask the OPP to immediately reduce their visibility by pulling their checkpoints back by a couple of miles. The OPP agreed. Second, he wanted people designated to help with the families and injured members. Third, he needed to establish open lines of communication between the OPP and the occupiers to ensure all parties were fully informed. Finally, he wanted to establish a security protocol for the area that would involve the use of First Nations police.

## **19.5 The March from Kettle Point Plaza to the Army Camp**

The relief that was felt by the occupiers at the army camp was palpable when they saw hundreds of supporters marching down Highway 21 from the Kettle Point Plaza in the late morning of September 7. Earlier that morning, people

from the Kettle and Stony Point First Nation and from other First Nations had started gathering at the Kettle Point Plaza, at the edge of the Kettle Point Reserve territory. They were waiting for the arrival of prominent Aboriginal leaders, including National Chief Ovide Mercredi, who was flying in from Ottawa later that day. The plan, for some, was to show visible support for the occupiers and residents of the army camp. Others simply wanted to get their family members out of the encampment and the possible line of fire. Still others wanted to be observers in case of any other approach by the OPP, as a rumour was circulating that two teams of OPP were surrounding the army camp. Gerald George testified that a convoy of people and vehicles assembled with a view to evacuating the army camp and getting the people out of the “combat zone.”

The plan accelerated when Gina George arrived.

Gina George had just been at the Strathroy Hospital to see her wounded son, Nicholas Cottrelle. When she attempted to return to her husband, Roderick George, who was at the army camp, she was refused entry by the OPP. She returned to the Kettle Point Reserve, where she saw people gathered at the Kettle Point Plaza. She then tried to get back into the park via the beach near Wallygators restaurant (west of the park). However, that entry had also been blocked off by the OPP. With nowhere else to turn, she returned to the Plaza where the people and vehicles were gathering. She learned that the people were waiting for Ovide Mercredi and various regional and local Chiefs, but they were not due to arrive for another four or five hours, so she spurred them on to march. She was afraid that the police might open fire on the people in the army camp.

When she started to walk toward the army camp, everyone else followed. Estimates of the number of people marching along with her ranged between 100 and 300. When they reached the police roadblock at Ravenswood Road and Highway 21, the police told the marchers that if they proceeded, their safety could not be guaranteed. Gina George testified, “I didn’t know what that meant. They couldn’t guarantee my safety anyway after shooting one of us. What kind of guarantee was I looking for from them? I wasn’t looking for anything from them anymore.”

Sergeant John Slack was at the checkpoint. He testified that he and the other officers observed between 100 and 200 marchers walking along Highway 21 from the Kettle Point Reserve. They were heading toward the army camp. When the marchers arrived at the checkpoint, Constable Parks attempted to identify a spokesperson from the group but was unsuccessful. Constable Parks asked the marchers not to proceed because the OPP could not guarantee their safety. However, the marchers and vehicles proceeded through the checkpoint. Sergeant Slack recalls that some of the marchers called them “murderers” and “pigs.” A

large media contingent accompanied the marchers. Earlier, the police officers had received orders not to stop the marchers.

With the benefit of advice from National Chief Mercredi as to the likely benign nature of the march, Chief Superintendent Coles advised new Incident Commander Jim Gordon to let the people through the roadblocks. He reasoned that having 150 members of the First Nations in the army camp would probably have a calming and de-escalating effect on the occupiers. Under cross-examination, Chris Coles agreed that “it’s a pretty good assumption” that when emotions run high on both sides, one is in a dangerous period because that state of affairs tends to increase the chances that people are going to make mistakes. He saw a strategic advantage in that the marchers could help defuse the situation. He believed that the protestors had fears just like his officers had fears, so he needed people inside the army camp.

The march took an estimated hour or so to complete.

When Gina George and the others arrived, she felt the relief in the army camp. She spoke to her husband, Roderick, who was anxious, but was also relieved that supporters had come. David George testified that when he first saw the people marching along Highway 21, he felt safer. The dominant emotion that was expressed by the occupiers and residents of the army camp at seeing the people marching toward them was one of “great relief,” confirming Chief Superintendent Coles’ instincts and the wisdom of National Chief Mercredi’s advice.

## **19.6 March to the Tactical Operations Centre**

Buoyed by the arrival of supporters, some of the occupiers decided to return to the fateful sandy parking lot area at East Parkway Drive and Army Camp Road, and then on to the MNR parking lot, which was the site of the Tactical Operations Centre from the night before. Many of the supporters accompanied them.

Unbeknownst to the occupiers or the accompanying supporters, the decision had already been made by the new Incident Commander, Inspector Gordon, in consultation with Inspector Carson, to dismantle the TOC because of their own security concerns, and to move back the police checkpoints in the area.

As the occupiers and their supporters walked toward the MNR parking lot, they observed scattered remnants from the night before, including broken shields and spent bullet casings. They also observed a contingent of OPP officers, with other officers behind the lines, running around. The media was also present.

The police officers, seeing their predicament and under orders not to confront the occupiers, quickly withdrew, taking whatever they could with them. They were confronted by an emotionally charged and angry crowd, and in their haste

to leave, left behind equipment and two St. John Ambulance vehicles and a marked OPP van. As they left, they heard angry voices calling them “murderers” and “cowards.”

Tina George had joined in the march with her young daughter, Phoebe Plain, her son, Dale Plain, and Sherry Lynn Bressette. Tina George testified that a female OPP officer pointed a rifle at her and her daughter. She yelled at the police officer, and the officer withdrew. A photograph taken by a member of the media captured this event and is reproduced in this volume.

When the OPP left the TOC, they left behind not only some of the vehicles and equipment but other items, including documents, maps, and floppy discs from the police operation of the night before. This suggests that they did indeed make a hasty departure, as observed by some of the occupiers. With no police presence remaining, some of the occupiers took advantage of the situation to vent their anger by kicking and striking some of the vehicles. David George admitted that he kicked and clubbed one of the St. John Ambulance vehicles, which he described as a van. He testified that when he looked inside and saw it contained no first aid or medical supplies, but rather police equipment, he became angry and started beating it along with some other occupiers. Jeremiah George also admitted to kicking a St. John Ambulance vehicle in the MNR parking lot because he “had a lot of emotions.” Photographs of the St. John Ambulance vehicles used during this operation are also reproduced in this volume.

It merits note here that some of the anger and frustration exhibited by some of the occupiers and directed toward the St. John Ambulance vehicles appeared to be created by a sense of betrayal felt by the occupiers with respect to the apparent role of St. John Ambulance in the police operation. In particular, anger was expressed at St. John Ambulance at its perceived use for police purposes rather than for dispensing first aid care to the injured occupiers on the evening of September 6, 1995. The fact that a St. John Ambulance vehicle was used to transport Cecil Bernard George to the Strathroy Hospital was likely not known by the occupiers at this time.<sup>7</sup> While St. John Ambulance was clearly there primarily in a supportive role to the police and the policing operation, the Inquiry heard testimony that it was common practice for St. John Ambulance to lend vehicles to the police. These vehicles were not used as undercover vehicles for offensive police action. Nonetheless, it was unfortunate that the markings on these vehicles misled the occupiers and their supporters as to what these St. John vehicles were actually intended for, that is, logistical support for the police operation.

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<sup>7</sup> See Chapter 17 re transport of Cecil Bernard George to the Hospital.

Sergeant John Slack, who had been at the checkpoint when the marchers passed through en route to the army camp, testified that they had received a report at about 12:30 p.m. that the marchers were proceeding to the Tactical Operations Centre, but by the time they reached that destination, the OPP had already abandoned the site so they returned to the command post in Forest.

## **19.7 Loss of the Crime Scene**

The area of the confrontation, essentially comprised of the sandy parking lot, the intersection of Army Camp Road and East Parkway Drive, and the park, was now a crime scene and had to be secured for preservation of evidence and the anticipated Special Investigations Unit and Criminal Investigations Branch investigations. However, in light of the tragedy of events, the last thing Inspector Carson wanted was any more injuries to occur to anyone. Accordingly, he made the decision to maintain a low profile in the area, even at the risk of compromising the crime scene. He directed that the Tactics and Rescue Unit (TRU) and Emergency Response Team (ERT) personnel at the TOC site observe the area, but to do no more. He admitted that these measures were insufficient to properly secure the area, stating that the lack of containment of the area for upward of twelve days meant that the police lacked the ability to collect the necessary evidence to support any version of what events may have taken place. He agreed that in this case it was impossible to secure the scene, because they had to make a choice between safety and protecting the site. Inspector Carson chose officer safety over securing the crime scene.

It did not take long for the crime scene to become severely compromised. Bob Antone testified that by the time he arrived at the scene, on the evening of September 8, and possibly earlier, the crime scene was already contaminated, and he observed people picking up items such as bullet casings. Before coordinated measures could be implemented to safeguard the integrity of the collection of evidence and the physical area itself, the occupiers and their supporters made trips to the crime scene unchecked. They collected bullet casings, broken shields, and other miscellaneous items until the site was virtually evidence-free.

Due to the contamination of the crime scene, which occurred before the joint SIU/CIB/First Nations investigation occurred, it is impossible to determine how many bullet casings and other items were collected, and ultimately whether they were all turned over to the joint SIU/CIB/First Nations investigation that ensued. Many Aboriginal witnesses testified that they either collected such items or saw others collecting such items. However, it is not known whether all those who collected items of potential evidentiary value even testified.

Further, much testimony was heard in which Aboriginal witnesses admitted to having physically altered the crime scene; for example, by moving concrete barriers, and backhoeing sand into a mound as a “barrier” to accessing the sandy parking lot before the joint SIU/CIB/First Nations investigation commenced on September 18, 1995 — days after the death of Dudley George.

Layton Elijah, the Aboriginal peacekeeper designated to ensure security within the boundaries of the park, the army camp, and the sandy parking lot, did not see any measures taken to preserve the crime scene. He observed that, on September 8, 1995, people were walking freely throughout the sandy parking lot and on East Parkway Drive.

In the end, the number and types of bullet casings collected is inconclusive. First, there is no comprehensive record of the total number and type of bullet casings collected. Second, there is no way to conclusively establish that the bullet casings found were actually discharged on the night in question. It was submitted that there were bullet casings collected from non-police-issued weapons, hence suggesting that the occupiers, or some of them, discharged firearms on the evening of September 6. However, there is no sound basis for any such submission, and I reject it.

The occupiers and their supporters were able to freely roam around the crime scene without any checks in place. They took full advantage of the opportunity. The result was that the integrity of the crime scene was severely compromised by the time the joint SIU/CIB/First Nations investigation commenced, as discussed more fully in the next chapter.

## **19.8 Fight for Public Sympathy**

One of Inspector Carson’s first thoughts after he received news of the death of Dudley George was to issue a press release telling the public the OPP side of the story before the SIU physically arrived at the command post and placed a media embargo on him.

Once the SIU appeared, all media inquiries and communications would be directed to that unit, and out of the hands of Inspector Carson. He testified: “I felt it was important that, in the public interest and to satisfy the media expectation as well ... that we provide what information we had at that point.”

The controversial aspects of the press release read:

A private citizen’s vehicle was damaged by a number of First Nations people armed with baseball bats. As a result of this, the O.P.P. Crowd Management Team was deployed to disperse the crowd

of First Nations people which had gathered at that location ... As the Crowd Management Unit was leaving the area a school bus and a full sized vehicle drove through the Provincial Park fence striking a dumpster, then pushing the dumpster and the vehicles into the Crowd Management Team. Occupants of those two vehicles fired upon police officers and subsequently police officers returned fire ...

In retrospect, Inspector Carson's decision to issue a press release so quickly was unfortunate. It contained inaccurate information that was misleading and prejudicial to the occupiers. It also had the potential of feeding the fears of local residents by ascribing an act of seemingly random violence against an "innocent" member of the public to the Aboriginal occupiers. It also, no doubt, had the effect of portraying the occupiers in a violent light to all who read the press release.

When Inspector Carson told Superintendent Parkin of his intention to issue a press release before the SIU put the "gloves" on, Superintendent Parkin expressed his reservations, noting it was a debatable issue as to whether John Carson had the authority to issue a press release once the SIU had been notified of the police shooting, even though the SIU had not yet physically arrived at the command post. He openly questioned the wisdom of issuing a press release, given the circumstances. However, it was ultimately the decision of the Incident Commander, and Superintendent Parkin did not interfere.

Further, while Inspector Carson discussed the general content of the press release with Superintendent Parkin, the latter did not see the final draft, nor would he have approved of the level of detail that was ultimately included. In the Superintendent's view, the press release, if it was to be issued at all on behalf of the OPP, should only have reported the fact of the shooting and the involvement of the SIU.

Indeed, former Commissioner O'Grady conceded under cross-examination that, in retrospect, the OPP should merely have put out a press release saying that the SIU had been notified of the incident and would be conducting an independent investigation. He stated this about his and John Carson's conduct: "That wasn't done by him or I, and in that regard, I think we were in error." The press release justified the decision of the OPP to send in the CMU and TRU on the basis of its erroneous rendition of the complaint of Gerald George, which transformed the reality of a rock being thrown at the Band Councillor's car by a relative in the heat of an internal dispute into a fictitious random act of gang violence by Aboriginal people against a "citizen's" car that happened to be passing by. The press release was issued at 6:09 a.m on September 7.

There is no doubt that at the time of issuance, Inspector Carson believed that he had portrayed the events accurately. However, due, in part, to a failure of the questionable intelligence system and, in part, to undue haste, the OPP's initial portrayal of the events of the evening to the public were grossly inaccurate and misleading, creating the potential of increasing the local residents' anger against the occupiers and an escalation of the anxieties and tensions that Inspector Carson was trying to avoid.

When Inspector Carson discovered that the "facts" surrounding the damaged vehicle were in error later on September 7, he testified that he did not address the issue of a retraction because he had too many other important matters on his mind. Also, once the SIU invoked its mandate, any subsequent press releases concerning the incident were within that unit's sole responsibility.

A second press release was issued by the OPP at approximately 6:21 p.m. on September 7, 1995, which was intended to clarify and provide a chronology of the key events that occurred between 7:55 p.m. on September 6 and 3:29 a.m. on September 7. It was based on information believed to be accurate by Chief Superintendent Coles. Notably, while there was no retraction of the prior statement concerning First Nations people damaging a private citizen's car with baseball bats, the description of that event had been modified as "a disturbance involving First Nations persons causing damage to private property in the area" in the main body of the press release, and "Report of mischief to a vehicle at the corner of Army Camp Road and East Ipperwash Drive" in the attached Chronology of Events. It contained the same basic rendition of First Nations people discharging firearms at the police, who then returned fire.

The OPP has never retracted or corrected its public statements of the Gerald George incident or its allegations that the occupiers fired gunshots at police officers. Given the importance of these allegations, the OPP should have corrected the public record at the first available opportunity. Yet it was not until Judge Fraser's judgment in the trial of Kenneth Deane, almost two years later, that the public learned from any official source that the occupiers did not have guns.<sup>8</sup>

In the meantime, the Chiefs of Ontario was issuing its own press releases, setting out what it believed to be the Aboriginal version of events from the previous night. Then Ontario Regional Chief Gordon Peters testified that he directed two press releases to be issued by the umbrella organization late in the day on September 7, in order, in part, to redress the OPP press release that alleged that First Nations occupiers fired upon the police. The initial press release also

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<sup>8</sup> See Exhibit P-484, reasons for conviction, *R. v. Deane*, [1997] O.J. No. 3057; affirmed *R. v. Deane*, [2000] O.J. 403 (C.A.).

requested that the First Nations become involved on a political level to demand that the province remove the OPP from the Ipperwash area and immediately enter into peaceful negotiations with the occupiers. Unfortunately, the initial press release also included erroneous information, such as the allegation that the purpose of the deployment of the CMU and TRU was to “break up the First Nation occupation of the Ipperwash provincial park” and that they had “shot and critically injured two other First Nation citizens — Bernard George in his late 30’s and Nick George, a youth of 13 or 14.” Such misinformation similarly held the potential for inflaming the emotions of people, particularly in the First Nations communities.

The second press release issued by the Chiefs of Ontario, also on September 7, represented the first public call for an inquiry into the events of September 6, 1995.

In contrast to the inflammatory content of the press releases issued by the OPP and Chiefs of Ontario on September 7, 1995, Solicitor General Robert Runciman authorized the issuance of a press release on behalf of the Province of Ontario that was measured and neutral in its comment on the events of the previous night.

The issuance of press releases by the OPP and the Chiefs of Ontario on September 7, providing erroneous inflammatory details regarding the circumstances of the confrontation, was premature and unwise, particularly in light of the existing volatile circumstances and the need, on the part of all parties, to bring a measure of calm to the situation for the good of the occupiers, police, and community members alike.

### **19.9 A Meeting of the Parties — De-escalation Commences**

A watershed meeting occurred at the Pinedale Motel in Grand Bend, at approximately 8:00 p.m. on September 7, 1995. It was initiated by the OPP in an effort to begin some form of meaningful dialogue aimed at de-escalating the tensions and trying to reach some kind of truce on the ground. In attendance were members of the OPP and representative leaders of the First Nations communities, including Chief Superintendent Chris Coles, Superintendent Tony Parkin, National Chief Ovide Mercredi, and Ontario Regional Chief Gordon Peters. Also in attendance was Aboriginal negotiator and peacekeeper Bruce Elijah. The meeting lasted until approximately 12:30 a.m. or 1:00 a.m. on September 8.

Chief Superintendent Coles described the first part of the meeting as “ceremonial.” He described the attendees as being seated in a circle during which an “honest exchange” took place, which led to the initial negotiations.

As a sign of good faith, he accepted Bruce Elijah's guarantee of cottager safety. He had previously known Bruce Elijah by reputation only, as one of the negotiators at the Oka standoff. Bruce Elijah, in turn, felt that he had the respect of the OPP leaders for the peacekeeping role he was playing and was committed to ensuring no further violence or harm occurred to any side. The OPP agreed that First Nations officers from Kettle and Stony Point First Nation would patrol the area jointly with the OPP. The OPP also agreed to decrease its visibility, which it did by using regular police officers in blue uniforms rather than the ERT teams in their tactical gear and by continuing to pull back its checkpoints, allowing the occupiers to gain a measure of calm and sense of security. As well, the OPP agreed to a joint patrol of West Ipperwash Beach and the area surrounding the park and the army camp with First Nation officers, agreed to obtain a copy of the anticipated injunction for the First Nations leaders, agreed to check on the status of the prisoners at the Strathroy Hospital, and agreed to call Inspector Bob Goodall regarding the treatment of Nick Cottrelle at the Strathroy Hospital, as the Chiefs had received complaints from his mother regarding the questioning of her son by police in her absence (and the absence of a lawyer). The meeting ended with an agreement to meet the next day at 4:00 p.m. to continue the negotiations and dialogue.

At this point in time, Chief Superintendent Coles assumed a direct role in the negotiation process. He determined to separate the incident command from the negotiation process, representing a change in police negotiation strategy from that previously adopted by Inspector Carson. After the meeting he briefed the new Incident Commander, Inspector Gordon. He then went off duty at 3:30 a.m.

National Chief Ovide Mercredi also viewed the meeting as a positive step toward the de-escalation of tensions. He recalled that the meeting started with a smudging ceremony. The First Nations leaders made it clear that OPP presence was not welcome in the Aboriginal community, and that as much as possible their presence should be diminished. Regional Chief Peters, together with Bruce Elijah and Bob Antone, were assigned to speak to the cottagers to allay their safety concerns, and were to engage a First Nations policing presence in the area.

Contrary to the other witnesses who testified about this meeting, Regional Chief Gordon Peters had a fairly negative view of this meeting. He did not believe that much progress was made. He also viewed the ceremonial part of the meeting, which was presented as a "talking circle," as a manipulative ploy on the part of the OPP who brought an Aboriginal OPP officer into the meeting with a sacred peace pipe. He viewed the ceremonial aspect of this meeting as a way to keep the Aboriginal participants quiet, and claimed that the Aboriginal participants had not known in advance of the OPP's intention to format the session as a talking circle.

Irrespective of Gordon Peters' views, this meeting did achieve a very important objective. It represented the first session between OPP and First Nations leaders in the aftermath of the shooting death of Dudley George at which dialogue was commenced and pursued. It also marked the beginning of a bridging of the communication gap between the OPP and the occupiers that had persisted to that point in time.

