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## OPP PREPARE FOR PARK OCCUPATION

### **8.1 Confirmation First Nations People Plan to Occupy Ipperwash Park**

Inspector Carson heard further confirmation from Staff Sergeant Bouwman on August 16 that First Nations people planned to take over Ipperwash Provincial Park. Bert Manning had advised OPP officers that the park would belong to them after Labour Day. Similarly, Superintendent Parkin received information through Inspector Linton that Glenn George had announced that Ipperwash Park would belong to the occupiers after Labour Day. Statements to this effect had been made to the police after the takeover of the army base at the end of July 1995. There now appeared to be a concrete time frame for the proposed action of the Aboriginal people.

The following day Inspector Carson discussed with Superintendent Parkin the latest developments regarding Ipperwash Park. The issue of ownership of the park was discussed. Chief Superintendent Coles was contacting Ron Baldwin, District Manager at the Ministry of Natural Resources (MNR), to obtain written documentation on the Ministry's position regarding title to Ipperwash Park. Peter Sturdy, MNR Zone Manager (Southwestern Ontario), received an e-mail on August 17 that said Chief Superintendent Coles wanted the following: (1) proof of MNR's clear title to Ipperwash Provincial Park; (2) a statement of MNR's position if the "native" occupation occurs; and (3) a letter to the OPP with MNR's position statement. Ron Fox, Special Advisor on First Nations for the Ministry of the Solicitor General, confirmed that day there were no outstanding land claims at Ipperwash.

Tension between members of the Kettle and Stony Point Band and the occupiers at the army camp was escalating. Band members felt the negotiations with the federal government had waned because of the army camp occupation that summer. To demonstrate their frustration, the Band planned to set up a blockade on Highway 21. This in fact did not occur. The occupiers of the army camp were equally upset that the federal government was not negotiating with them directly for the return of their reserve.

Inspector Carson received a call from Peter Sturdy a few days later. The MNR official indicated that the documentation for Ipperwash Park would be prepared by Monday, August [28], 1995.

A meeting of senior OPP officials was held on August 28. In attendance were Chief Superintendent Coles, Superintendent Parkin, Inspector Carson, Inspector Hutchinson, and Acting Sergeant Ken Deane. Possible tactics with regard to the Ipperwash Park occupation were discussed. It was suggested that the ERT (Emergency Response Teams) and TRU (Tactics and Rescue Unit) be lined up as part of the logistical planning. The use of a mobile command unit and the location of the command post were also discussed.

It was decided that Incident Commander John Carson would lead a planning session at OPP District Headquarters in London, Ontario. Expected to attend were A/D/S/Sgt. Wright, Sergeant Korosec, Acting Sergeant Deane, and Sergeant Grant from the London training unit. Plans were to be developed for the possibility of an “extended standoff.” John Carson believed at the end of August 1995 that the OPP would be in that area for a long time.

On August 28, MNR sent a memo to all Park Wardens regarding procedures to deal with the First Nations people. It stated: “Park Wardens are to be the eyes and ears for the O.P.P. when a First Nations Person has contravened a law. Park Wardens shall contact the O.P.P. immediately and advise the officers who are dispatched what offences can be charged and direct the O.P.P. constables to lay the charges.”

The following day, John Carson called the RCMP in British Columbia to learn about the “Native” standoff at Gustafsen Lake. He hoped to acquire information on the Gustafsen Lake incident that could possibly assist him in his planning for the expected Ipperwash Park occupation in the forthcoming days. Carson spoke with Inspector Dave Guy who provided an overview of the land claim dispute, explained the challenges they were confronting, and the terrain in the area. The RCMP had been subjected to gunfire. They also discussed some of the similarities between the two First Nations protests.

## **8.2 The OPP Planning Meeting — August 29, 1995**

As a result of the meeting of senior OPP officials the previous day in which contingency planning for the park occupation had been discussed, Inspector Carson organized a meeting in London. Present were A/D/S/Sgt. Wright (Criminal Investigations), Acting Sergeant Deane (TRU), Sergeant Korosec (ERT), and Sergeant Grant (Logistics). The purpose of the session was to discuss various scenarios with regard to the occupation of Ipperwash Provincial Park and to devise strategies for this impending occupation, expected to occur after Labour Day weekend.

Inspector Carson made it clear at the meeting that the officers should not hesitate to freely express their views. His management style was to listen to the opinions of the OPP officers and incorporate what he considered to be good suggestions into an operational plan. Some of the issues discussed were the civil dispute in West Ipperwash between the Kettle and Stony Point Band and cottage owners over the surrender of the land, as well as the illegality of an occupation of Ipperwash Park by First Nations people. Carson also shared the information he had recently received on the standoff in Gustafsen Lake in British Columbia.

They discussed the possibility of TRU being stationed at Pinery Park, and for police boats from Forest, Kincardine, and Sombra to patrol the waters outside Ipperwash Park. They also contemplated the use of armoured vehicles for the impending park occupation. Medical support and the possibility of air ambulance service were also raised. Inspector Carson explained that an OPP command trailer would be moved to Forest from London.

The roles of the various OPP units involved — ERT, TRU, negotiators, criminal investigators — were discussed and a chart was developed of the tasks to which each would be assigned. This organizational chart was ultimately incorporated into Project Maple. There was reference to Sergeant Brad Seltzer, an OPP Negotiations Team Leader, and Constable Bob Martin, a crisis negotiator, as possible individuals who could serve as negotiators in the event of a park occupation.

Various scenarios of the park occupation were explored. One scenario was that OPP officers would remain in the park with the Aboriginal occupiers during the time the Ministry of Natural Resources was seeking a court injunction. Another was that, as Aboriginal people entered the park, they would be treated as trespassers. A third scenario was that, if the police needed to withdraw from the park to avoid violence or a confrontation with the First Nations people, they would secure the area while MNR proceeded with the injunction application. A fourth scenario — officers patrolling the large outer perimeter of the park to prevent the Aboriginal people from entering after it had been officially closed on September 4 — was dismissed as not viable. John Carson explained the reason for this decision:

... it comes down to simple logistics that while we could patrol it and maintain an officer presence that probably would deter an entry into the park or an attempt to occupy the park, at some point in time we have to withdraw the resources. I mean, *once the park is closed, we have 109 acres of property that is literally pine trees, and at what point in time do we determine it's no longer necessary to protect 109 acres of pine trees?* (emphasis added)

At the August 29 meeting, Sergeant Korosec was instructed to visit the Ipperwash area with Acting Sergeant Ken Deane to consider checkpoint locations, the number of officers required to “man” the checkpoints, and a possible site for the tactical operations centre and for communications.

Later that afternoon, Inspector Carson and A/D/S/Sgt. Wright travelled to Forest to arrange for the installation of a portable radio tower to enhance the OPP’s communication capabilities. Radio penetration in the Ipperwash area was a challenge because of the geography and the sand dunes. Dressed in plain-clothes, they went into Ipperwash Park to assess whether a sufficient number of undercover officers were at the campsites.

### **8.3 August 30 to August 31, 1995**

Inspector Carson met with Sergeant Brad Seltzer on August 30 to discuss the possible Aboriginal occupation of Ipperwash Park on Labour Day. Sergeant Seltzer was asked to prepare a schedule of negotiator teams for the impending occupation.

When Detective Sergeant Richardson arrived in Forest on August 30, A/D/S/Sgt. Wright informed him that Ipperwash Park was closing for the season on Labour Day, September 4, and there were rumours that the Stoney Point people at the army base might occupy the provincial park. Wright assigned Detective Sergeant Richardson the role of primary investigator and file coordinator for Project Maple. Richardson was responsible for arranging the arrest teams and outlining possible charges that could be laid against the occupiers.

On August 31, OPP Superintendent Parkin met with Inspector Carson to discuss a contingency plan for the possible occupation of Ipperwash Park.

That morning, Acting Sergeant Deane and Sergeant Korosec travelled to Ipperwash Park. They examined different access points to the park, possible checkpoints sites, and the location of the TOC (Tactical Operations Centre). TRU Constables Zupancic and Beauchesne also visited the park area to check routes in and out of Ipperwash Park in the event that TRU was deployed.

Peter Sturdy received an e-mail from Ed Vervoort, MNR Enforcement Specialist, on August 31 regarding the Ipperwash Security Plan, sent in preparation for a meeting to be held the following day. The plan was put together in the event that Ipperwash Park campers and day users needed to be evacuated. According to the plan, the critical incident team would occupy a place at the OPP command post (Forest Detachment) to liaise with the OPP. MNR personnel at the OPP command post would also communicate with senior MNR

personnel. Anyone found inside the park would be dealt with under the *Trespass to Property Act*.

#### **8.4 The Development of Project Maple — September 1, 1995**

The OPP meeting convened by Inspector Carson on September 1, the Friday of Labour Day weekend, was much larger than the planning session held a few days earlier. Inspector Carson invited about twenty officers, each of whom was on an assigned team, to develop options in their particular area of expertise. For example, Sergeant Korosec and Sergeant Huntley were on the Emergency Response Team (ERT), Detective Constable Speck was on Criminal Investigations, Sergeant Babbitt was in Media Relations, and Sergeants Japp and Grant were assigned to Logistics. A/D/S/Sgt. Wright, Sergeant Seltzer, Detective Sergeant Bell, and Acting Sergeant Deane were also at the September 1, 1995, meeting. The officers broke into their respective teams to develop plans for the park occupation.

A/D/S/Sgt. Wright had recently returned from the Canadian Police College, and Project Maple was constructed along the lines of the major case management course he had just completed.

Inspector Carson made it clear at the beginning of the meeting that the objective of Project Maple was “to contain and negotiate a peaceful resolution.” Carson stressed that it was very important the officers understand the objective of their assignment. As Inspector Carson explained at the hearings, the concept of containing and negotiating a peaceful resolution is taught in courses on crisis negotiation, ERT training, tactical training — all levels of emergency response training.

The officers were told that if Ipperwash Park was occupied, the OPP Forest Detachment would become the Incident Command Post, and Forest police officers would operate out of Grand Bend. Inspector Carson estimated that perhaps twenty First Nations people would attempt to enter the provincial park.

It was decided that First Nations people who tried to enter the park would be told by Ministry of Natural Resources representatives and then by the OPP that they were trespassing. If they refused to leave the park site, MNR would make preparations to seek a court injunction. OPP officers were to take measures to try to prevent additional Aboriginal people from joining the park occupation. They were responsible for containing the perimeter of the park. It was understood that this could prove difficult, given the large park perimeter.

The possibility of gunfire and violence was raised — “Natives in the military base do have weapons ... the outsiders are the concern ... there is potential for violence.” It was made clear at the meeting that in the past, there had “never been any

situation where the OPP have been challenged with a firearm” by these Aboriginal people. As Inspector Carson elaborated in his testimony, the occupiers had guns because they were hunters. There had not been one incident between OPP officers and Aboriginal people occupying the rifle range since 1993, and the army camp since July 1995, that involved guns. Carson “didn’t believe” the Stoney Point people would use firearms against the OPP officers. Inspector Carson wanted to ensure that his management team “operating at this incident” had this understanding. But as Carson said, according to police intelligence, there were people from other areas with different backgrounds that the OPP “couldn’t be so confident of.”

The “wors[t] case scenario” was discussed. In the event that shots were fired, the TRU team would be deployed immediately. The OPP would need to secure the crime scene for an investigation. The following words were inscribed in the notes of the September 1 meeting: “Hopefully it will be a very peaceful demonstration.”

Arrangements were to be made to move the TRU team from London to Pinery Provincial Park, where they would be placed on standby.

An organizational chart of the various duties was developed and finalized the next day.<sup>1</sup>

The Officer in Charge was Chief Superintendent Coles. Inspector Carson was designated as the Incident Commander, with A/D/S/Sgt. Wright as the Assistant Commander. Sergeant Korosec was responsible for leading the ERT teams, and Acting Staff Sergeant Skinner would lead TRU. Intelligence was Detective Sergeant Bell’s responsibility, with Sergeant Seltzer as the leader of the Negotiation Teams.

It was decided that ERT officers would respond to the park occupation. Four ERT teams, each consisting of fifteen officers, were assigned to the Ipperwash area, a total of sixty ERT officers. It was stressed that the reporting relationships in the chart had to be followed. The chart would be kept in the command post.

In the event that an officer was not available, it was incumbent on him or her to find a replacement throughout the operation of Project Maple.

The officers were informed that “kids and women may be used on the front line by the natives.” An inventory had been conducted of all the policewomen in the area because the OPP intended to deploy “a lot of women” officers in the event that Aboriginal people occupied Ipperwash Park.

The role of intelligence was discussed. Detective Sergeant Trevor Richardson was designated as the primary investigator. He was to have an analyst assist him

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<sup>1</sup> The organizational chart can be found in the photo section at the end of the Part I report.

with his work. The intelligence officers were to gather information on the Aboriginal people occupying the park, as well as sympathizers outside the local area who might come to Ipperwash to provide support. The OPP's primary concern was "outsiders," people who were not from the Kettle and Stony Point First Nation or the former Stoney Point Reserve. It is significant that throughout the occupation of September 4, 5, and 6, no analyst was in fact assigned to perform the intelligence functions described in the operational plan. I discuss this failing in intelligence in the succeeding chapters of the report.

The officers discussed cohabitation, that is, the presence of ERT members in the park with the Aboriginal occupiers. Inspector Carson said, "[W]hen we approach the natives to leave, we always stay in their face." It was the Incident Commander's intention that, during cohabitation, officers would be physically close to the occupiers and not stationed "a hundred yards away watching them with binoculars." He wanted the police to interact and communicate with First Nations people in an attempt to keep the situation "as calm as we could." John Carson believed that if officers engaged the Aboriginal people in dialogue, there was less risk of harm: "It was my view that if we were in there and talking with them, that there was less risk to the officers than being a target from a distance."

It was decided that ERT officers would wear their grey uniforms and have "long guns" or rifles in the trunks of their vehicles. These were Mini Rugers, semi-automatic guns.

Concrete barriers were to be placed on Matheson Drive to impede vehicles from entering Ipperwash Park.

Although the necessity of ambulance services was raised at the meeting, John Carson was uncertain when he testified at the hearings who had the responsibility for arranging these medical services. He surmised that perhaps the logistics team had been discharged with this task.

The purpose of bringing in OPP boats from Forest, Kincardine, and Sombra was to monitor the area and to prevent people from accessing Ipperwash Park from Lake Huron.

A scribe was assigned to shadow Incident Commander Carson. Karen Shaw, an administrative assistant for the OPP in Chatham, was designated the role of writing instructions or directions given by the Incident Commander, as well as any information received by him. These notes were to be typed daily and placed in a log.

Sergeant Brad Seltzer requested a separate room for negotiators, as well as a separate telephone line.

It was made clear that the Ministry of Natural Resources would proceed with an injunction application if the First Nations people occupied the park. The OPP

project team leaders were apprised of documentation that supported the MNR's position that the government had clear title to the park land.

At the conclusion of the meeting, these officers were told that copies of the operational plans for each group would be assembled into a master plan to be called "Project Maple."

### **8.5 MNR Activity on September 1, 1995**

On the morning of September 1, Peter Sturdy attended an MNR meeting to review the role of each person before the OPP meeting scheduled for that day. It was agreed that everyone would try his or her best to ensure that all communications were circulated to everyone identified as being part of the critical incident team.

That afternoon, Peter Sturdy, Ron Baldwin, Ed Vervoort, and Les Kobayashi of MNR met with Inspector Carson at the OPP London Detachment. Inspector Carson convened this meeting to provide a briefing on the expected roles of MNR and the OPP, and how they might respond to the anticipated occupation of Ipperwash Provincial Park. When the MNR officials walked into this meeting, they saw the words "Resolution through peaceful negotiations" inscribed on the blackboard in the room.

The OPP thought there was a strong likelihood that Ipperwash Park would be occupied on Labour Day, September 4, or Tuesday, September 5. Inspector Carson was relying on MNR to secure an injunction, assist with communications, and help with logistical support. They discussed a scenario whereby MNR Park Superintendent Les Kobayashi would serve a notice of trespass on the Aboriginal people occupying the park. In the event of an occupation, Mr. Kobayashi understood that it was his role to ensure all staff and visitors were evacuated from the provincial park, to post notices and signs, to serve the trespass notice, and to be present at the command post.

The injunction was discussed at the meeting. This was the preferred route of the OPP, and Mr. Sturdy from MNR agreed that it was the most appropriate way of dealing with an Aboriginal occupation.

Representatives of MNR were concerned about evacuating Ministry assets and all staff and visitors, and were particularly concerned with ensuring that everyone was safe. After the meeting, equipment, such as filing cabinets, was moved out of the park. Copies of keys to the park buildings were given to the OPP. A notice of trespass was prepared, and some signs were sent to the park.

Mr. Sturdy sent an e-mail to a distribution list reporting on the meeting.

## 8.6 Project Maple

On September 2, 1995, the Saturday of Labour Day weekend, Inspector Carson went to OPP District Headquarters in London to compile the plans of the various OPP teams and assemble them into what would become Project Maple. In each of the fifteen copies of the Project Maple booklets that were later distributed, the objective of the plan was prominently displayed in large letters on the first page: TO CONTAIN AND NEGOTIATE A *PEACEFUL* RESOLUTION.

The community liaison section in the operational plan emphasized the importance of communication with stakeholders, local municipal officials, and the Chief of the Kettle and Stony Point Band:

The communication exchange with the affected community is considered a vital component to the success of the operational plan.

Consultation with the area stakeholders will be maintained throughout the operation of the plan. Local municipal officials will be updated and consulted on issues of a community concern. The Chief of Kettle and Stony Point Band will be consulted regarding the impact and concerns of the First Nations Territory.

Personnel assigned to liaison duties have a sound understanding of the local historical issues.

The responsibilities of the Emergency Response Teams, headed by Sergeant Korosec, were to contain Ipperwash Park, to maintain a presence in the area, and to ask people to leave the park. Twenty-four ERT members were to patrol the inner perimeter of the park from inside the fence. Four checkpoints were to be set up at two locations on East Parkway Drive and on Army Camp Road to monitor the vehicles travelling in these areas.

Intelligence had four functions, according to the plan:

1. Identify as many people as possible who are occupying the base.
2. Develop biographical profiles on those identified.
3. Attempt to identify visitors attending the base.
4. Collect, analyze, and disseminate all pertinent intelligence relating to this operation.

As Inspector Carson explained at the hearings, OPP intelligence was to identify the people who occupied the provincial park, others who later joined the occupation, and those visiting the occupiers. I discuss intelligence under the Project Maple plan in fuller detail in the following sections.

The TRU Operational Plan repeated the objective: “To resolve through negotiation a peaceful resolution.” The TRU Commander was Acting Staff Sergeant Skinner, and the second-in-command was Acting Sergeant Deane. Their mission was “to be utilized on an as needed basis.” According to Project Maple, the “Western Region TRU to be activated if weapon usage occurs” and the “Eastern Region TRU to be activated as secondary unit.” The TRU Team had a separate radio station with the result that ERT officers would not hear communications from TRU officers.

According to the Media Relations Operational Plan, Sergeant Doug Babbitt, with the Incident Commander, would supply information to the press on the park occupation.

Another component was the Negotiations Response Plan. Sergeant Seltzer was responsible for three negotiating teams. Each team had a leader and two negotiators. The standard arrangement was that the primary negotiator spoke directly to the target, while the secondary negotiator listened to the conversation on a handset and coached the primary negotiator. The team leader’s role was to monitor the negotiations and report on the progress of communications to the Incident Commander.

John Carson agreed at the hearings that the Negotiations Response Plan did not contain: (1) a negotiation strategy for important messages that ought to be conveyed to the occupiers; (2) the technical aspects of how the OPP would communicate with the occupiers; or (3) specified people outside the OPP who could communicate with the occupiers.

As I describe in the forthcoming chapters, this was a serious failing on the part of the OPP who did not, in advance of the impending occupation, compile a list of First Nations negotiators, such as Bruce Elijah, Bob Antone, or National Chief Mercredi — people who could possibly help resolve issues that could emerge in the Aboriginal occupation of Ipperwash Park. Nor were efforts made to prepare a list of respected and trusted people in the Ipperwash community, such as Elders or former Chief Bonnie Bressette, who could also possibly assist in resolving issues between the Aboriginal occupiers and the OPP and MNR.

There was no negotiation strategy in Project Maple by which important messages would be communicated to the occupiers. Nor were the technical aspects of communicating messages to the Aboriginal people discussed in Project

Maple — such as by megaphone, by pamphlet, or by field telephone. It is also significant that Brad Seltzer had no training in the crisis negotiation of an occupation, no training in Aboriginal culture or history, nor was he aware of any protocols or policies to address this situation.

## 8.7 Intelligence under Project Maple

### 8.7.1 *Expert Testimony on Police Intelligence*

Wayne Wawryk, an expert in police intelligence, testified at the Part I hearings. He explained that the intelligence process or cycle consists of seven steps: planning and direction, collection, collation, evaluation, analysis, reporting and dissemination, and re-evaluation.<sup>2</sup>

According to Wayne Wawryk, the success of the intelligence process depends on a continuing flow of accurate, up-to-date, and relevant information from all possible sources (collection phase) in response to the priority needs (planning/direction phase). It is essential that the information be retained in the unit's files or data base, that it be indexed, cross-referenced, and filed and stored in a manner that may be easily retrieved. The classification and cross-referencing should be done in a manner that supports the analysis function (collation phase). Each intelligence unit should have some method for determining the value of the incoming information that is to be entered into the file or data base. The evaluation should be performed by a well-trained person in the intelligence unit (evaluation phase). On the basis of the information flow, the analyst will seek to determine new developments and warn of impending activities (analysis phase). The intelligence unit is responsible for producing intelligence assessments, both those specifically requested and those generated by the flow of available information (reporting/dissemination phase).

The collection and evaluation phases deal with the storage, indexing, retrieval, and assessments of reliability. The reliability assessment prevents pure rumour from being placed into the system. A reliability rating is given to each piece of information.

Mr. Wawryk discussed the different levels of reliability:

- **Reliable (R)** is a combination of proven accuracy of information and proven dependability of a person. Every effort must be made to validate information before grading it reliable.

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<sup>2</sup> The Intelligence Cycle Diagram can be found in the photo section at the end of the Part I report.

- **Believed Reliable (BR)** applies if the qualifying conditions of reliability are not yet met, but the existing knowledge of the source is favourable and it is believed he/she will eventually prove reliable.
- **Unknown Reliability (UR)** applies if there is insufficient experience with the source for assessment or when information cannot be verified.
- **Doubtful Reliability (DR)** applies if there is doubt about the source or the information.

The two key criteria for reliability are the proven accuracy of the information and the proven dependability of the person or source. The different rankings of reliability are of great importance to the Incident Commander who makes operational decisions based on this intelligence.

Mr. Wawryk stressed that there must be a sufficient number of people to process and analyze the information and that the intelligence officers must be adequately trained. As he said at the hearings, assessing reliability is a sophisticated art and front-line officers are not trained to perform this reliability evaluation. As the intelligence expert cautioned, it is “risky” to employ a use of force option to resolve a situation based on information of unknown reliability.

Raw data is perishable and must be updated. According to Mr. Wawryk, the intelligence process is a way of sorting out what is important and what has changed from a prior assessment. It is the filter that determines what remains through the passage of time.

It is necessary to have a constant refresh of data to remain connected to the situation. Only when the data is subjected to analysis can a pattern emerge. As data moves through the intelligence process, it becomes more valuable, and one’s understanding of relations and patterns increases. Different officers may have a piece of a problem but until work is done in a strategic fashion, the police will not be able to understand relationships and patterns that have emerged in a particular operation.

The Incident Commander is the client or ultimate consumer in the intelligence process. The Incident Commander decides how the intelligence will be used in the police operation.

Separation of the Incident Commander from the intelligence process is important. As Wayne Wawryk said, the Incident Commander should be in a “glass booth.” The rationale behind isolating the Incident Commander is to prevent him or her from being affected by extraneous information. The Incident Commander should not analyze or evaluate the information.

One officer should take all the processed intelligence to the Incident Commander. In this way, the Incident Commander listens to one person. This

officer should have control and be responsible for the officers in the intelligence unit. Having one person is a safety valve with respect to preserving the integrity of the information.

As Wayne Wawryk said, the “diffusion of the intelligence process does not bode well for the Commander and his or her ability to make decisions.” If information is fed to the Incident Commander without filtering or analysis, he is listening to many people at one time. This will be confusing and more chaotic.

He also said that it is important for people in the intelligence cycle who perform the evaluation analysis to have cross-cultural training. As he states in his testimony, a different cultural reality can be in play when dealing with First Nations people. In situations where front-line officers encounter a different cultural reality, there is a risk that they might misinterpret what they observe. As I discuss in the forthcoming chapters, this is precisely what occurred in the Aboriginal occupation of Ipperwash Park.

### *8.7.2 Weaknesses in Intelligence under Project Maple*

The intelligence component was originally omitted from the organizational chart in Project Maple. On the Project Maple chart, it is clear that intelligence is an “add-on” or “afterthought.” As mentioned, intelligence had four functions according to the plan: (1) to identify as many occupiers as possible; (2) to develop biographical profiles on those identified; (3) to attempt to identify visitors to the Ipperwash area; and (4) to collect, analyze, and disseminate all pertinent intelligence relating to this operation.

Detective Sergeant Bell, according to Project Maple, was in charge of overall intelligence.

The intelligence unit was to report through Detective Sergeant Richardson, who in turn would communicate the intelligence to Inspector Carson. This represented a change in the reporting relationship — Detective Sergeant Bell reported to Detective Sergeant Richardson. Instead of Bell as the head of the intelligence unit reporting directly to the Incident Commander, Detective Sergeant Bell reported to Detective Sergeant Richardson, according to the Project Maple plan. But Detective Sergeant Richardson had no specialization as an intelligence officer.

There appeared to be confusion between Detective Sergeants Bell and Richardson as to who reported to whom and who was responsible for intelligence under Project Maple. Although Detective Sergeant Bell was listed in a reporting relationship to Detective Sergeant Richardson on the organizational chart, Detective Sergeant Richardson considered the two to be at the same level.

As team leader of the intelligence unit under Project Maple, Detective Sergeant Bell's role was outlined in the operational plan. He understood that his primary role was to identify as many occupiers as possible, to develop their biographical profiles, and try to identify visitors to the Ipperwash area. Bell also was well aware that the intelligence unit was responsible for collecting, analyzing, and disseminating intelligence related to the Ipperwash occupation.

The "classic" intelligence system was not put into place in Project Maple. As mentioned, in a standard operation, an Incident Commander relies on his or her intelligence team to provide a finished product in which raw data has gone through the intelligence cycle. Under the traditional model of intelligence, all raw data flows through the intelligence unit and then to the Incident Commander. This eliminates potential misinformation or unanalysed information from being transmitted to the Incident Commander.

Detective Constable James Dyke was designated as the analyst, but when the Project Maple plan became operational, he in fact did not perform the role of intelligence analyst.

Regarding the processing of intelligence, it was Detective Sergeant Richardson's understanding that uniformed officers would provide their team leader with a written document regarding any occurrence. This information would be placed in a box to be reviewed by Detective Sergeants Richardson or Bell. However, what in fact occurred was that information was conveyed by word of mouth rather than in written form.

Detective Sergeant Bell was to report to Detective Sergeant Richardson all of his intelligence work regarding Ipperwash. However, there was no formal intelligence component to Richardson's function as primary investigator and file coordinator. It was not his role to assess the validity of information coming up through the intelligence unit. Detective Sergeant Richardson did not consider himself responsible for the intelligence unit under Project Maple.

Trevor Richardson said he never knew that he had any responsibility with respect to the intelligence unit under Project Maple. He believed Don Bell and James Dyke were in Ipperwash to work on intelligence. Detective Sergeant Richardson was not at the September 1 OPP meeting.

Another problem was that Inspector Carson did not have specific training in intelligence in 1995. Inspector Carson said that he would not make an operational decision based on intelligence. He explained at the hearings, "For the most part when we had concerns, I was able to send people over there." Clearly, intelligence did not have a central role for the Incident Commander of the Ipperwash operation.

As I discuss in the forthcoming chapters, the intelligence cycle in Project Maple breaks down at collection, collation, and at evaluation.

In the Ipperwash operation, raw data flowed from officers outside the intelligence unit to Inspector Carson, bypassing Detective Sergeants Richardson and Bell. As Don Bell said, there was no single filter for all raw data intelligence, and Inspector Carson was the “central repository.”

Detective Sergeant Bell agreed that the traditional method of collecting intelligence was not used in the Ipperwash operation. Reports were verbal, not written. The team leader of the intelligence unit under Project Maple agreed that a number of “tentacles” of information went directly to the Incident Commander and were not subject to the analysis available with one collection site. Prior to the events on the evening of September 6, Detective Sergeant Bell’s reports to the Incident Commander were generally verbal. Detective Sergeant Bell said he did not have sufficient time to make written reports.

A reliability assessment of the information was rarely conducted. Information was distorted by person-to-person verbal transmission. It does not appear that one person was given the task of sorting out all the information in the Ipperwash operation. According to the Project Maple plan, Detective Constable Dyke was designated as an analyst but he was an analyst in title only.

Detective Sergeant Bell did not have team meetings with officers Dyke, Whitehead, and Richardson to coordinate their information-gathering efforts over the course of September 1 to 6.

Training for intelligence operations was lacking, both for the Incident Commander and other senior personnel. It is important that the Team Leader of the intelligence unit report directly to the Incident Commander. This was not the case in Project Maple.

Don Bell prepared a memo for Inspector Carson in January 1996, in which he discussed concerns about the collection phase of the intelligence process. He said that parameters placed on intelligence “hindered the collection process which ultimately hinders the evaluation and reliability analysis.” Don Bell also felt that there should have been a single source transmitting the intelligence to the Incident Commander.

## **8.8 September 3, 1995**

Inspector Carson contacted Chief Superintendent Coles to update him on the operational plan and the meetings he had with MNR. On September 1, John Carson had informed Les Kobayashi, and either Peter Sturdy or Ron Baldwin, that

the OPP was involved in the planning process for the occupation of the park. MNR's role in relation to the injunction was discussed, as well as the prospect of installing video cameras in the park. Chief Superintendent Coles suggested that cameras be installed in various locations in and around Ipperwash Park.

Video cameras were placed at the gatehouse of the main entrance to the park and in the maintenance building to monitor activities in the event of a park occupation. These were the only two buildings in which cameras were installed. John Carson wanted video cameras in all the park buildings, but "technical challenges ... prevented that from being possible." No video cameras were installed outside any of the park buildings.

Chief Superintendent Coles testified at the hearings that the cameras that were installed were "not as many ... as [he] would have liked." In fact, when Chief Superintendent Coles came to the Ipperwash Park area during the occupation on September 5, he asked why cameras had not been placed in particular locations: "I was concerned that we didn't have them at the time." He was told there were great difficulties transmitting hydro to the cameras. No cameras, for example, were installed in the sandy parking lot next to the provincial park where Dudley George was shot the next day in a confrontation between the OPP and the occupiers.

Inspector Carson continued to receive additional information on the British Columbia occupation at Gustafsen Lake on September 3. Detective Inspector Hutchinson reported that First Nations people from Ontario were in the Gustafsen Lake area. Progress was slow, he said, and they were awaiting a decision from the court. John Carson wanted to be kept abreast of the British Columbia situation as he was worried that those events might have ramifications for the expected occupation of Ipperwash Park. Inspector Carson explained:

The potential concern was the behaviour in Gustafsen Lake. If it was seen to have brought a successful outcome, from the perception of the occupiers, [that] may be something that could be emulated at Ipperwash. What concerned me ... in the days just [preceding] Labour Day weekend, clearly the RCMP had come under fire from the occupiers in Gustafsen Lake, and that was certainly something I was very mindful of.

Inspector Carson also made contact with Peter Harding, the Superintendent of St. John Ambulance, to find out whether the organization had equipment to support the OPP during the park occupation at Ipperwash. The Incident Commander

was interested in a unit that could be used to facilitate communications for the OPP operation.<sup>3</sup>

The following morning, he met with Mr. Harding at St. John House. The OPP, he said, needed equipment for what he expected to be a peaceful demonstration at Ipperwash Park. The Incident Commander chose Communications Unit 444, which had telephone and radio systems as well as computer capacity. The trailer had a briefing room, in addition to the communications area. It was necessary for a service vehicle and St. John personnel to accompany this unit. The service vehicle carried gas and oil and other provisions to support the communications trailer.

Inspector Carson made no inquiries of Mr. Harding regarding the ambulance equipment. As Inspector Carson confirmed at the hearings, he was simply looking for a trailer.

OPP Commissioner O'Grady was well aware in summer 1995 that members of the Aboriginal community disputed the position of the Ontario government that it had title to Ipperwash Park. The Commissioner also knew that First Nations people might try to assume control of the park. The OPP Commissioner did not think it was appropriate for either himself or his officers to sort out who had title to the disputed land. That was the role of the courts:

... my feeling was our best course of action ... [was] to seek some direction from the court, which would suggest to the police what they should do. I just did not feel that I or any of my officers were competent to come to the correct conclusions because of a very long and disputed history that has been going on for some time. I just did not feel that we were competent to address that without some direction from the court.

Commissioner O'Grady thought the OPP should prepare for the event of a takeover of the provincial park. Although the Commissioner was not involved in the details of Project Maple, Chief Superintendent Coles had assured him that the principles of negotiation and keeping the peace were "ingrained" in the plan while the parties involved would seek an injunction and direction from the courts. Although the takeover of the park was not a certainty, it was Commissioner O'Grady's view that "what we needed to do was prepare for all eventualities and hope for the best."

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<sup>3</sup> John Carson stated that the OPP had no vehicle that could be deployed in the area at the time.

