
SEPTEMBER 6, 1995 — MISCOMMUNICATION
AND POOR INTELLIGENCE

13.1 Encounter between Mark Wright and First Nations People

Acting Detective Staff Sergeant (A/D/S/Sgt.) Mark Wright left the MNR parking lot at about 7:30 p.m. after persuading local residents not to march to the park to demonstrate their anger and frustration with the First Nations occupiers. He drove on East Parkway Drive toward Army Camp Road.

As Mark Wright approached the curve where the two roads meet, he saw eight to ten Aboriginal males outside the park fence line. They stood in the sandy parking lot. About four of them held clubs, sticks, bats, or axe handles. Mark Wright was dressed in civilian clothes and drove an unmarked car.

One of the First Nations men approached the roadway and stood about three to five metres from A/D/S/Sgt. Wright's car. He held what appeared to Mark Wright to be a bat in his hand. When Wright asked the man what the group was doing, the Aboriginal man "told [him] to leave, it wasn't [his] problem." A/D/S/Sgt. Wright asked if he could enter the sandy parking lot. The Aboriginal man and other members of the group were "tapping" their club, bat, or axe handle "into their open palm." It appeared to the OPP officer that the First Nations man was "taking control of the roadway and certainly the sandy parking lot."

Mark Wright noticed another First Nations male, who looked familiar, approach his car. He "felt it prudent to leave" the area, concerned that this man would recognize him. Wright clearly considered the encounter "confrontational." These Aboriginal men were on public property, they had denied him access to the sandy parking lot, and some were "armed."

Clayton George and Glen Bressette were among the group of Aboriginal men standing near the intersection of East Parkway Drive and Army Camp Road. Clayton George had a stick in his hand. Mr. Bressette thinks Stewart George instructed who he believed was an "undercover cop" to leave the area. He thought Mark Wright was a disguised officer because "he looked really spiffy." The Aboriginal men also saw Mark Wright stop at the checkpoint and speak to the uniformed officers.

A/D/S/Sgt. Wright drove south on Army Camp Road and stopped at Checkpoint "C" (Charlie) near the trailer park. He described to Constables Poole and

Zacher the details of his encounter with the First Nations people. Mark Wright believed “things were escalating” and he told the OPP officers “to be careful.”

Mark Wright then drove to Checkpoint “D” (Delta) on Army Camp Road and Highway 21 and conveyed the same information to officers stationed at this checkpoint. While he was at Checkpoint “D,” there was a radio transmission from Checkpoint “C” that a civilian’s car had been damaged by a rock thrown by “Natives on the road.” A/D/S/Sgt. Wright instructed Constable Poole to take a statement from that person.

A/D/S/Sgt. Wright decided to contact the command post to relay information on his encounter with the Aboriginal people at the sandy parking lot. It was before 8:00 p.m. He spoke with Sergeant Cousineau, the radio operator at the mobile command post, and asked for the Inspector. He was told Dale Linton was on duty; in fact, Inspector Linton at that time was trying to contact A/D/S/Sgt. Wright.

As Mark Wright approached the Ravenswood area¹ in his car, he relayed the following to the command post:

Yeah, we got about a — up to eight individuals at the picnic table area. I assume you know what that is. And they’re just about on the edge of the road. They’ve got some bats and stuff in their hand and apparently they damaged some — an individual’s vehicle. So we got some mischief right now. And wilful damage. And I talked to them for a while. They weren’t sure who I was, and it appears to me that they’re up to something. So can you talk to your ERT guy in there with the Inspector? I’m on my way back. I’ll give you a full rep when I get back, but I think we should be moving some people down that way. I think we should be moving some people down that way. Almost ten away. Ten minutes away from the command post. (emphasis added)

A/D/S/Sgt. Wright testified that his statement “I think we should be moving some people down that way” signified his desire to add more officers to the checkpoints closest to the area of his encounter with First Nations people; namely, Checkpoint “A” on East Parkway Drive, and Checkpoint “C” near the trailer camp on Army Camp Road.

Mark Wright was aware people in the area had scanners and listened to police communications. However, it did not occur to him that First Nations people might be listening to his transmission about sending additional officers to the park area, which could raise anxiety amongst the occupiers.

¹ Ravenswood is west of the intersection of Highway 21 and Army Camp Road.

As he continued his journey to the command post, Mark Wright realized the Emergency Response Team (ERT) night shift was replacing the day shift. He contacted Sergeant Korosec and told him to “hold back” the day shift: “I didn’t want him letting them go” as “I was very concerned about what was going on.” At the hearings, Mark Wright explained the reason for his decision. When the OPP removed the picnic tables from the sandy parking lot early that morning, Inspector Carson had held back the ERT night shift. It was Mark Wright’s perception that the situation was escalating with the First Nations occupiers, and he thought the Incident Commander might want additional officers that evening:

I was cognizant that we had a potential problem down there. I was very concerned about what was going on and I was harkening back to exactly what, in my mind, had taken place around [7:00 a.m.] that very same day when we had the people with the picnic tables out on the road. And Inspector Carson held back the night shift ERT team so that we would have those individuals available in order to deal with that immediately. And that was what I thought was the best thing to do ... hold them back so that they would be handy for the Incident Commander to do with whatever he felt necessary in order to deal with that situation down at the sandy parking lot as quickly as possible. (emphasis added)

A/D/S/Sgt. Wright met with Inspector Linton when he arrived at the command post. Sergeant Graham and Sergeant Korosec were present. He described the Aboriginal people on the roadway, a number of whom had bats and axe handles, and he explained how he had been denied access to the parking lot. The officers also discussed the damage to a car caused by the First Nations people.

Inspector Linton thought it was time to take the “B team with helmets and K-9” to the site of these encounters. The typed OPP scribe notes at 8:02 p.m. say:

Dale Linton, Mark Wright, Rob Graham and Stan Korosec. Mark Wright reports Natives off park area with baseball bats. Const. Zacher [reports] a personal vehicle being damaged.

Dale Linton, Let’s take over ‘B’ Team with helmets and K-9.

Trevor Richardson arrived in meeting reporting Brian Byatt reports lots of activity in kiosk area. They took the gas to fill the bus ...

Mark Wright briefing Insp. Carson on telephone.

Dale Linton, Let’s wait and see what Prov. Const. Poole’s statement reveals.

Rob Graham reports the Natives have the dump trunk [*sic*] and bus en route to the kiosk area. (emphasis added)

A/D/S/Sgt. Wright knew Inspector Linton wanted the canine unit and officers from Checkpoint “B” (Bravo, on East Parkway Drive) to “deal” with the First Nations people who were outside the park fence. But Mark Wright did not agree. Inscribed in the handwritten scribe notes is: “MW disagrees — advise males to back off into park.”

A/D/S/Sgt. Wright thought the First Nations people in the parking lot or on the roadway ought to be told by OPP officers that they must return behind the fence into the park. But again the use of a bullhorn or similar device to communicate this message to the occupiers did not occur to him.

In what Mark Wright perceived to be Inspector Linton’s indecisiveness, the Incident Commander then said he did not want to take any police action until he received the statement from Constable Poole regarding the damaged car because, in Dale Linton’s view, with the exception of the car, the First Nations people “weren’t doing anything wrong.” A/D/S/Sgt. Wright’s frustration with Inspector Linton is evident in a telephone conversation he has with Inspector Carson minutes later.

During this discussion, Sergeant Rob Graham noticed A/D/S/Sgt. Wright was very concerned that First Nations people had damaged a vehicle. Inspector Linton wanted to wait for the statement taken by Constable Poole. It was evident to Sergeant Graham that Inspector Linton and A/D/S/Sgt. Wright wanted to “proceed at different paces”; “Detective Sergeant Wright was looking for some more quicker, immediate decisions or faster decisions.” As Rob Graham said at the hearings: “There were certainly two different tacks being taken from my point of view.”

Detective Constable Chris Martin, who was monitoring the video cameras, told Sergeant Korosec and Detective Sergeant Richardson that a “Native” male was in the park gatehouse kiosk with the blinds down and the door closed. Periodically the Aboriginal man peered out the window, but Chris Martin did not know if he was armed. There were two monitors at the Grand Bend Detachment: one for the gatehouse kiosk and one for the maintenance shed. There were separate logs for each monitor. Detective Constable Martin’s job was to watch both these monitors and to fill in the logs. Detective Sergeant Richardson considered the activity at the kiosk suspicious.

Sergeant Korosec sent a radio transmission to the two dayshift ERT teams (Teams 3 and 6) to return to the Forest Detachment. Stan Korosec had debriefed

these two teams after their shift ended in the OPP garage at Forest. This radio transmission from Sergeant Korosec was sent at about 8:19 p.m.

As I discuss in this chapter, despite Inspector Linton’s decision to wait for Constable Poole’s statement to reach the command post before OPP officers were mobilized, this in fact did not occur. Instead, Inspector Linton decided to call in the Tactics and Rescue Unit (TRU) before he received accurate information on the incident involving the damaged car. He clearly acted precipitously and without proper intelligence. As Wayne Wawryk, an expert in intelligence, said at the hearings, it is risky to employ a use of force option to resolve a situation based on intelligence of unknown reliability. Doing nothing until a critical piece of evidence is assessed is a wise course.

13.2 Whose Car Was Damaged, By Whom, and How?

13.2.1 The Altercation between Stewart George and Gerald George

In the early evening of September 6 before 8:00 p.m., Gerald George drove toward the army camp and the park. Mr. George, a Councillor of the Kettle and Stony Point Band, had been to the area a few times that day. He said the purpose of his September 6 visits was to assess the number of officers in the vicinity of the park and to see the types of guns carried by the OPP.

Before dark, Gerald George travelled along East Parkway Drive in his sister’s blue Grand Am Pontiac car. He noticed police vehicles in the Ministry of Natural Resources (MNR) parking lot on his way to the park. As he approached the intersection of East Parkway Drive and Army Camp Road, he saw some of the occupiers in the sandy parking lot, one of whom was Stewart George.

According to the evidence of Stewart George, Gerald George stopped his car and asked the occupiers for an update of what was occurring at the park. Stewart George was upset that Gerald George had the audacity to approach the occupiers after writing a letter to the editor of the *Forest Standard* newspaper, criticizing the “Army Camp Indians.” As Stewart George said at the hearings:

... I looked at him, like, I couldn’t believe it, you know, because of what he had put in the paper about those people, [t]he guys that were staying in the army camp, and I don’t know why he c[a]me down there after he wrote that in the paper.

In the letter, Gerald George had criticized the occupiers for taking control of the army barracks and he referred to them in derogatory terms such as “animals”

and “army camp Indians.” The August 30, 1995, letter to the editor published in the *Forest Standard* newspaper is reproduced:

When I read your article last week about the natives that harassed the family on the Camp Ipperwash Beach it made me very angry. I am a councillor for the Kettle & Stony Point First Nation. *I am glad that these Army Camp Indians call themselves separate from my First Nation because I would not want any of my fellow band members to act like animals and give my home a bad name.*

I do not refer to these jerks as Stony Pointers either because my grandparents were Stony Pointers, also my mother and uncles are as well and I am sure that they never acted this way.

Therefore I will not insult my relatives by calling the people at CFB Ipperwash Stony Pointers.

When the army pulled out of Camp Ipperwash, the actions that followed reminded me of the L.A. Riots.

The army camp Indians have strained relations between Kettle & Stony Point and the surrounding communities. We all do not act like the army camp Indians, so please do not think that all Chippewas act this way.

Gerald C. George

Councillor

Kettle & Stony Point (emphasis added)

The insulting comments about the occupiers and his ancestors from Stoney Point angered Stewart George.

Stewart George (whose nickname is “Worm”) approached the car and asked Gerald George the purpose of his visit. When Gerald George began to respond, Stewart gave him “a slap” on the side of his cheek.

Gerald George immediately left in his car and from approximately twenty feet away yelled, “Worm, you’re going to get it.” Stewart George recounted, “I was angry”; “I threw a rock” and “hit his car.” The impact of the rock dented the back panel under the rear window on the driver’s side of the car. Gerald George left the area and drove down Army Camp Road.

Stewart George could not understand “why [Gerald George] came there in the first place” after what he wrote in his letter to the editor. Stewart George denied

he had “flagged” down Gerald George when he drove to the intersection of East Parkway Drive and Army Camp Road. He also denied that he verbally threatened Gerald George.

As mentioned, other Aboriginal men such as Glen Bressette, Wesley George, Dale Plain, and Nicholas Cottrelle were standing with or in the vicinity of Stewart George and witnessed the altercation. They corroborated Stewart George’s account that Gerald George, of his own volition, approached them in a car near the sandy parking lot and initiated the conversation. They heard Stewart George express his anger at Gerald George over the *Forest Standard* letter to the editor. They saw the two men holler at one another, and Stewart hit Gerald George in the face. Mr. Bressette, Mr. Cottrelle, and Mr. Plain also substantiated Stewart George’s statement that after Gerald George verbally threatened him, Stewart George threw a rock, denting the car. J.T. Cousins, who was standing about fifteen feet away, also saw the altercation but could not hear the precise words exchanged between the two men.

Nicholas Cottrelle was carrying a baseball bat at the time, but he does not think any of the other men had a bat or stick.

The testimony of Gerald George, also known as “Booper,” was similar to the evidence of Stewart George and the other occupiers who witnessed the altercation, with a few exceptions. Gerald George claimed that Stewart signalled him to stop his car at the intersection of East Parkway Drive and Army Camp Road, at which time Stewart confronted him with the letter to the editor of the *Forest Standard*. Gerald George claimed he could smell alcohol on Stewart’s breath.

Clearly agitated, Stewart said his father (Abraham George) lived in the occupied army base and he resented the reference to the occupiers as “animals.” Gerald George replied that his comments in the letter to the editor were directed to Aboriginal people who harassed people in the park. He chastised the men: “You guys shouldn’t be doing that kind of things to campers in the park, because it gets all over the place and it’s making us all look bad.”

It was at this juncture that Stewart George “punched” him on the side of the head. Gerald George claimed that he simply yelled profanities at Stewart George and had no recollection of threatening Stewart with words such as, “Worm, you’re going to get it.” Gerald George agreed that after Stewart hit the back panel of the car with a rock, he left the area: “I thought I’d better get out of there, because the other guys were advancing.”

Gerald George did not notice a baseball bat or stick in Stewart George’s hands at the time of the heated exchange. He agreed that of the four or five people congregated in the area, one boy held a stick or club; this person was likely sixteen-year-old Nicholas Cottrelle.

13.2.2 Gerald George Reports the Incident to the Police

After the altercation with Stewart George, Gerald George drove south on Army Camp Road. Mr. George decided to report the car damage from the incident to the police, as the insurance company would need a report when a claim was filed for the repair of his sister's dented car.

Constable Sam Poole and other OPP officers were stationed at Checkpoint "C" on Army Camp Road across from Sunnyside Trailer Park, as Gerald George approached the checkpoint before 8:00 p.m. in a "blue Grand Am." Mr. George was visibly upset by damage caused by the occupiers to the back panel of the car on the driver's side. Constable Zacher, Sam Poole's partner at the checkpoint, relayed the information regarding the damaged car to the command post.

Constable Poole sat in the passenger's seat of the dented car with Mr. George to take his statement. Vehicles began to drive back and forth on the road inside the army base near the parked car. Concerned that the car was highly visible to the occupiers and the driving activity would distract or intimidate Gerald George, Constable Poole suggested they move further off the road into the trailer park area.

On the officer's instructions, Gerald George backed his car into the nearby campground. Constable Poole took a statement from Mr. George at 7:56 p.m. Mr. George's rendition of events to the OPP was similar to his testimony at the Inquiry with the exception that he did not report to the police that Stewart George had hit him. He told Constable Poole that Stewart George had motioned him to stop the car at the intersection of Army Camp Road and East Parkway Drive, that he was angry about the letter to the editor in the *Forest Standard* newspaper, and that Stewart George's breath smelled of beer. He said Stewart George threatened he would "kick [his] ass." He reported that one of the guys in the vicinity had a "bat," but Stewart had had nothing in his hands before he threw the rock at the car.

Gerald George also told Constable Poole that he was a Councillor of the Kettle and Stony Point First Nation. It was evident to Sam Poole that Mr. George was distancing himself from the acts of the park occupiers. Mr. George told the officer that Stewart George, whose nickname was "Worm," threw a rock at the car. Although the damage to the car was not excessive — Constable Poole estimated it to be about \$500 — Mr. George was very upset because the car belonged to his sister. Although he mentioned that the letter published in the *Forest Standard* had upset the occupiers, details of the newspaper article were not described to the officer.

Gerald George testified that he did not disclose the assault by Stewart George because he feared that Stewart, in his inebriated state, might enter into a further altercation if confronted by the police. When Gerald George was later interviewed

by the Special Investigations Unit (SIU) in January 1996, he again did not inform the officers that Stewart George had struck him. Gerald George said at the hearings, “I just didn’t want any assaults being in the record, like, Natives fighting Natives.”

Constable Poole spent over half an hour with Gerald George, but not all the information conveyed by the Kettle and Stony Point Councillor was recorded in the police statement. The OPP officer deliberately omitted the description of weapons Mr. George claimed were in the possession of the occupiers. According to Constable Poole, Gerald George said the occupiers had “AK-47s with a 30 round mags duct taped to the back,” “Mini Ruger 14s,” and “hunting rifles.” Constable Poole considered Gerald George very conversant with different types of firearms.

The OPP officer had no reason to doubt the truthfulness of the information relayed by Gerald George. He described the Band Councillor as sincere. Constable Poole thought Gerald George had tried to take a “leadership role” when he attempted to speak with the Aboriginal occupiers in the parking lot. While Mr. George reviewed his statement, Constable Poole exited the car and returned to the checkpoint. At no time did Constable Poole speak directly to A/D/S/Sgt. Wright about the information conveyed by Gerald George. Detective Constable Dew continued the police interview with Mr. George.

As I discuss in the following pages, the police statement taken by Constable Poole relating to the car incident did not make its way to the command post until it was too late. This event highlights why this police operation would have benefited from a proper intelligence process. As Detective Sergeant Bell testified, all raw data should have been collected and analyzed by an intelligence officer, who would have seen competing versions of the events and who would have ensured that the correct version (the statement taken by Constable Poole) was communicated to the Incident Commander. Another fundamental problem was that the information about guns was not authenticated or verified by OPP intelligence officers.

There was miscommunication of this and other events to the command post. The Incident Commander decided to deploy the Crowd Management Unit (CMU) and TRU based on inaccurate and unverified information.

13.3 Detective Constable Dew Reports Weapons and “Women and Children” Leaving the Army Camp

When Detective Constable Dew reported for duty at the Forest Detachment that evening at 7:55 p.m., he was instructed by Detective Sergeant Richardson to

meet Constable Poole regarding an allegation of mischief by the First Nations occupiers.

As Detective Constable Mark Dew drove to meet Constable Poole and Gerald George, he stopped at Checkpoint “D” at Army Camp Road and Highway 21. ERT officers at this checkpoint told Dew “women and children were leaving ... because there was going to be trouble” that night. The officers at the checkpoint expressed concern about their safety because they were in an “open area.”

Detective Constable Dew communicated this information to the command post at 8:27 p.m. He told Sergeant Cousineau that as he was driving toward the beach to take a statement, officers at the checkpoint near the main gate to Camp Ipperwash said, “[T]he women have come out and told them they’re removing all of the children from the park tonight because something’s supposed to happen in there.”

Detective Constable Dew mentioned he was contacting the command post by telephone because “we didn’t think that was appropriate for the airwaves.” ERT officers at Checkpoint “D” had concerns about transmitting this information over the radio. They feared that civilians could overhear the police communications on a scanner or other device. Sergeant Cousineau immediately relayed this information to Inspector Linton who replied: “I want a message to the TRU team to stay suited at Pinery. Can you get the TRU team?” And then the following exchange took place between Inspector Linton and Detective Constable Dew:

DEW: ... *the story from the main gate is the women have come across and told police that they intend to remove all the children from the army base tonight because something’s happening and they thought maybe that was worthy of note and they didn’t want that broadcast across the airwaves ...*

LINTON: *The women are saying they’re moving all the children out tonight, something’s gonna happen.*

DEW: *They’ve got all the children it looks like piled up at the main gate waiting for a ride out of there. (emphasis added)*

Because First Nations people believed the OPP were planning to confront the occupiers at the park, it was suggested that the women and children leave Ipperwash Park. The OPP, on the other hand, believed this evacuation of women and children signified that the Aboriginal occupiers had plans to engage in nefarious activities that night.

After the call with Inspector Linton, Detective Constable Dew met with Gerald George. The officer was dressed in civilian clothes. Mark Dew’s description of his discussion with Gerald George differed in some important respects

from the testimony of Mr. George. Mr. George told him the occupiers had guns, he described the different firearms, and he also said the occupiers were making Molotov cocktails. Detective Constable Dew said at the hearings:

I remember clearly he says the words to me, You didn't hear this from me, but those guys have in there, and then he listed off some weaponry ... I remember him telling me about the types of guns, and that they were making Molotov cocktails ... (emphasis added)

Detective Constable Dew recorded in his notebook a description of the weapons conveyed by Gerald George, but referred to him as an “anonymous source.” Dew explained, “I was concerned for his safety” because Mr. George lived in that community.

Detective Constable Dew claimed he did not have a photo album and disagreed with Gerald George’s testimony that Mr. George was asked to identify photographs.

According to Gerald George, he told the OPP officer he was a Band Councillor who had driven to the perimeter of the park to assess the situation. Constable Dew told him some of the occupiers were causing trouble and he pulled out a book that contained photographs of First Nations people. Some of the photos appeared to be aerial shots taken from a helicopter; Gerald George testified they were “pictures of all the guys.” He identified Stewart George (“Worm”) as the person who had thrown the rock at the car, but did not identify other occupiers of the park or army barracks.

The OPP officer asked Gerald George to disclose the name of the leader or spokesperson of the occupiers. Mr. George replied that he did not know. He was asked if the occupiers had firearms in the base or the park. Gerald George claimed he told the officer he had not seen guns in his drives to the base or the park. Mr. George then told the OPP officer he owned hunting guns, including a Mini Ruger 14, a semi-automatic gun, to hunt deer, and that the occupiers probably had similar firearms at the army base. As Gerald George explained at the hearings, this was merely an assumption on his part.

Mr. George insisted he did not tell Detective Constable Dew the occupiers had guns in the park. He also denied telling the OPP officer the occupiers were building gas bombs inside the army camp. He claimed he never told Detective Constable Dew the occupiers possessed semi-automatic rifles with 30-round detachable clips. He further denied telling the OPP officer that the First Nations occupiers planned to burn the buildings.

Gerald George maintained this position at the hearings, despite the fact that immediately after the interview Detective Constable Dew communicated to the

command centre that someone had reported the occupiers had hunting rifles, semi-automatic guns, and might be building gas bombs.

Several occupiers, including those who had not witnessed the incident between Stewart and Gerald George, such as Kevin Simon, saw Mr. George talking to OPP officers. Glen Bressette said he and others could see Gerald George's "mouth really flapping away to the cops" at the police checkpoint. As Glenn George travelled on Army Camp Road from the built-up area at about 8:00 p.m., he wondered why the Kettle Point Band Councillor was having a conversation with the police. Similarly, Kevin Simon, who saw Gerald George exchanging words with the officers at the checkpoint on Army Camp Road south of Matheson Drive in the area of the trailer park, was suspicious. Kevin Simon was aware of Gerald George's letter to the editor that had been published at the end of August 1995. He disagreed with a number of comments in the letter and believed Gerald George unfairly characterized the Stoney Point people. When he saw Mr. George conversing with the police on the evening of September 6, he was worried Mr. George would mislead the officers about the intentions of the occupiers. Mr. Simon was anxious that Gerald George's comments to the police would create a negative and false impression of the occupiers' plans.

Detective Constable Dew was not aware that Gerald George had recently written a letter to the local newspaper criticizing the occupiers. Nor was he aware of the tension between the Chief and Council of the Kettle and Stony Point Band and the occupiers at the army base and the provincial park. Nor did Mark Dew read the statement of Gerald George taken by Constable Poole. Detective Constable Dew should have been aware of this information. It was critical to an evaluation of the information relayed by Gerald George. Had a trained OPP intelligence officer been on duty, the officer could have taken measures to follow up and verify the statements made by the Band Councillor. At this point, the reliability of Gerald George's statement would have been questioned.

Several First Nations witnesses were questioned at the hearings on whether they saw about ten Aboriginals damage a non-Native civilian's vehicle with baseball bats at about the time of or shortly after the incident between Stewart and Gerald George on September 6. The witnesses repeatedly stated they did not see such an incident. As I discuss in detail in the following section, there was repeated miscommunication amongst the OPP officers regarding the Gerald George – Stewart George altercation. This had a serious impact on the decisions made by the police later that evening. As Glen Bressette and other First Nations witnesses testified, if this comment about a civilian's car was in reference to the incident with Gerald George that evening, it was not an accurate description of what transpired. Stewart George reiterated that he alone hurled a rock which fit in the palm of his hand, and that it was directed at Gerald George's car, not a non-Native

civilian motorist. Similarly, Gerald George, who later learned there had been a report of a woman attacked by people with baseball bats, said at the hearings:

We couldn't find out who the lady was. We thought it was a non-Native but I don't really think she existed. I think they mixed up that report with me and brought in the bat. I don't know where it c[a]me from. I think they might have mixed it all up. Maybe a lady come along there and after me or something [and] the cops messed it up, but I'm not sure where it c[a]me from.

Neither Inspector Carson nor Inspector Linton read Gerald George's statement to the police. Nor did these OPP Inspectors receive accurate information on what had transpired that night between Mr. George and the occupiers. There was verbal transmission of this incident within the OPP, which resulted in distortion of the information relayed by Gerald George to OPP officers Sam Poole and Mark Dew. There was clearly a failure in OPP intelligence that resulted in faulty and precipitous decisions at the command post that night. Both the CMU and TRU were deployed and there was a confrontation between the OPP and First Nations people.

The OPP made the decision to deploy the CMU and TRU on incorrect and unreliable information. Later that night, just before Dudley George's death, Detective Constable Dew had an opportunity to share with Inspector Linton the information he had received from Gerald George. He did not tell Dale Linton that a stone had been thrown at a car and that it was directed at Gerald George, a First Nations Councillor at Kettle Point Reserve. Another missed opportunity. But perhaps it was too late. The CMU and TRU had already been deployed. Minutes later Dudley George was shot in the confrontation between the OPP and the Aboriginal occupiers.

At the hearings, Gerald George said he regretted writing the statements in the letter to the *Forest Standard* that implied the occupiers were "jerks" who behaved like "animals." He acknowledged that Chief Tom Bressette was unhappy with the content of the published letter and had chastised Gerald George for not discussing it with him before sending it to the newspaper. Mr. George understood his letter to the editor could increase the tension and racism against First Nations people.

Stewart George was ultimately charged with mischief for his conduct with Gerald George that evening.

After his interview with Gerald George, Detective Constable Dew contacted the command post at approximately 8:41 p.m., this time from the living room of a private residence. He described to Sergeant Graham the weapons Mr. George claimed were in the possession of the First Nations occupiers:

DEW: ... *I just talked to a fella down here who's been in and eyeballed some of the weaponry that they have. Do you have an update on any of this stuff?*

GRAHAM: I'm not sure.

DEW: Okay. They have —

GRAHAM: Who's this?

DEW: It's Mark Dew.

GRAHAM: Okay.

DEW: *He has seen four SKS.*

GRAHAM: SKS.

DEW: *Yeah. Those are Russian semi-automatics.*

GRAHAM: Yeah.

DEW: *They have thirty round detachable clips, and a couple of them have fixed ten round clips.*

GRAHAM: Yeah.

DEW: *They've got two Ruger mini-fourteens with thirty round mags.*

GRAHAM: Two Ruger fourteens.

DEW: Yeah. He says —

GRAHAM: With how big of clips?

DEW: Thirty. Three-zero.

GRAHAM: Yeah.

DEW: *Hunting rifles with scopes of course.*

GRAHAM: Yeah.

DEW: *He thinks they're up to making gas bombs. You heard the story about ... moving the children out the front is supposed to happen tonight, eh?*

GRAHAM: Okay. And gas bombs and they have been moving the children out.

DEW: *Yeah. The women from the army base came across and told the ERT team right there at the gate that they are moving*

the children out tonight because something's supposed to happen in there tonight.

GRAHAM: In the army base?

DEW: Yeah.

GRAHAM: *Maybe that's why the unfriendlies are showing up from Kettle Point.*

DEW: *Absolutely, positively. Now this guy that I just spoke to says, in his estimation, what they are going to do is they're going to start burning buildings in the army base.*

GRAHAM: *Who are?*

DEW: *The people that are occupying it.*

GRAHAM: The people that ...

DEW: [Inaudible]

GRAHAM: Yeah. That makes a lot of sense.

DEW: That's what they're going to do. Apparently if anymore of the Kettle Point Band Council shows up there, they're going to start burning buildings. I don't know if that's a [ruse] to draw your attention away from that back corner down there. *Mumbly² says there's still a guy inside the kiosk with the door shut and the windows and the curtains drawn, eh?*

GRAHAM: Uh-huh.

DEW: *You can't see what he's doing but every once in a while he comes and flips out. I'd be worried about him being a sniper kind of a guy.*

GRAHAM: Uh-huh.

DEW: And that's everything I know for now, Rob.

GRAHAM: Okay. And that's at eight forty three. Okay. Thank you, buddy.

DEW: Now where do I go with this from — for the guys out here? Do you handle that from there?

GRAHAM: I'll let Stan know and he can let them know what's going on. (emphasis added)

2 "Mumbly" is Chris Martin's nickname.

Sergeant Graham conveyed this information to Inspector Linton. The scribe notes at 8:43 p.m. say:

Rob Graham reports from Mark Dew that they are evacuating women and children. Preparing all night for Kettle Point and Stony Point. If they have any problems with Kettle Point [Councillors], they will set building on fire.

Reports of numerous guns, 4 S.F.F.'s [sic], 30 detach. clips, 10 fixed rd. clip, 2 Ruger 14's, 3 ord. clips, hunting rifles, gas bombs. (emphasis added)

After the call with Sergeant Graham, Detective Constable Dew returned to the Forest Detachment.

13.4 Inadequate Intelligence: A Serious Failing at Ipperwash

Detective Constable Dew returned to the Forest Detachment and informed Detective Sergeant Bell a “source” had advised him weapons were at Camp Ipperwash: four SKS rifles, two Mini Ruger 14s with thirty-round magazines, numerous hunting rifles with scopes, and possibly gas bombs. To compound the problem, Mark Dew was unaware of the tension between the Band and the occupiers, and he did not know about Gerald George’s letter to the *Forest Standard* criticizing the occupiers.

As Detective Sergeant Bell said at the hearings, a criminal check should be done to determine whether the informant has a record of deceit, which would lead the officer to believe he was not truthful. It should also be determined whether the informant had provided information to the police in the past that was trustworthy and confirmed as reliable. An assessment should also be done of whether this person had “ulterior motives” to provide this report. This event highlights the importance of an intelligence system in which raw data is analyzed and authenticated before it is transmitted to the Incident Commander. This evaluation is fundamental to an assessment of the weight to attach to the information.

Detective Sergeant Bell said that if he had known this informant had in the past publicly expressed disapproval of the occupiers and called them derogatory names, this would have had an impact on his assessment of the reliability of the evidence. The fact that Gerald George had not been in the army camp or the park since the occupation began on September 4 was also important in assessing the reliability of the information, as well as the fact that he had not been in the park or the army base for a significant period prior to September 4.

Detective Sergeant Bell did not follow up on this information. He claimed he did not have “the requisite information to conduct the proper follow-up” and further commented, “that goes back to my critique ... with regards to one single source of intelligence and the lack of filters.”

As Bell acknowledged, there was no standardized written protocol with respect to intelligence reports. Detective Sergeant Bell agreed it is more prudent for this sensitive information to be transmitted in written form: “If it’s written down in its truest form, that’s the best method of communication.” Intelligence conveyed verbally can result in inaccuracies in the transmittal of information and a “broken telephone” scenario, which is precisely what occurred the night of September 6. Had information from Gerald George relating to the car incident been transmitted in written form on the evening of September 6, it would have minimized the incorrect information relayed to senior officials and to the Incident Commander who was responsible for making the decision to deploy the CMU and TRU to the vicinity of Ipperwash Park. Similarly, had the Gerald George information regarding the existence of guns in the park been transmitted to an intelligence officer, it would have been assessed from a reliability perspective. It was only in 2006, when he testified at the Inquiry, that Detective Sergeant Bell learned that Gerald George was the source of the weapons information. Had Bell known the Band Councillor had provided the information about the weapons and the circumstances surrounding it, the Detective Sergeant would have considered its value of “limited weight.”

The OPP considered the availability of weapons a great risk to public safety. In the previous forty-eight hours, an officer had seen a butt of a rifle, other officers had reported hearing automatic gunfire, and there had been a report of a civilian’s car being damaged by baseball bats. But, as Don Bell acknowledged, at 9:15 p.m., he had no reliable information that there might be offensive activity by the occupiers that evening.

Earlier that evening, information from Detective Constable Dew had been relayed to Detective Sergeant Richardson: women and children were being evacuated, the different types of weapons possessed by the occupiers, and “something about burning some building.” Detective Sergeant Richardson did not verify any of the information on the weapons or gas bombs allegedly in the possession of the occupiers. Nor did he make any efforts to ensure the statement taken by Constable Poole was brought to the Forest Detachment. The general practice was that the officer taking a statement would bring it to the Detachment. And at no time during the evening of September 6 did Trevor Richardson or other officers review the statement made by Mr. George. Again, a serious failure in intelligence with very serious consequences.

The information from Detective Constable Dew was not followed up or placed in the intelligence cycle by Detective Sergeant Bell, Detective Sergeant Richardson, or other OPP officers. As Don Bell said at the hearings, “I don’t believe there was an intelligence report generated by anyone. And again, that could be a fault of the process.”

Don Bell agreed the collection phase of the intelligence cycle (stage 2) could have been done better in this OPP operation. He expected Mark Dew to analyze the information from Gerald George before he passed on the information. The context of this information was important, namely, that it was a personal dispute between Stewart and Gerald George regarding the publication of a letter to the editor in the local newspaper. This should have been considered. The informant may have had an ulterior motive and that should have been weighed in the evaluation process regarding the reliability of the information.

An essential purpose of the intelligence cycle is that the Incident Commander has reliable and accurate information. Once the information is processed through the intelligence cycle, the ultimate end-user of the information is the Incident Commander. Tactical and other critical decisions are based on this information.

As Don Bell said, various sources of information “were being fed up through to the Incident Commander — [a]nd this did ... cause difficulty.” OPP Commissioner Boniface agreed. There was not one trained intelligence officer responsible for presenting all the processed intelligence to the Incident Commander. Moreover, Inspector Carson did not have specific training in intelligence as Incident Commander at Ipperwash.

Wayne Wawryk, the police intelligence expert who testified at the hearings, discussed the importance of having one person communicating the processed intelligence to the Incident Commander, having an adequate number of intelligence officers to analyze the information, and ensuring that the Incident Commander has training in intelligence. The officer who takes all the processed intelligence to the Incident Commander should be responsible for all the investigators. The importance of having one officer report the intelligence to the Incident Commander was stressed by Mr. Wawryk: it preserves the integrity of the information, it is easier for the Incident Commander to engage in “dialogue” with that officer, and it prevents the diffusion of the intelligence process. Mr. Wawryk said:

This diffusion of the intelligence process does not bode well for the Commander and his or her ability to make decisions ... [I]f you have a culture where everything is being fed to the Commander without the proper attention to analysis, filtering, detail, then the Commander will be listening to many people at once. It’ll be more chaotic, more confusing.

The lack of one officer to communicate the processed intelligence to the Incident Commander, inadequate analysis of information received by the OPP, no intelligence training of the Incident Commander, and raw information communicated to the command post from an array of sources are some of the deficiencies in the OPP operation in Ipperwash that undoubtedly contributed to this tragedy. I acknowledge the efforts of the OPP since September 1995 to address these deficiencies. Some of these changes in OPP intelligence are discussed in Part II of my report.

13.5 Occupiers Prepare for the OPP

Before sunset, First Nations people in the park became increasingly anxious about the OPP's plans for that evening.

Cecil Bernard George ("Slippery") was eating his dinner at Kettle Point when Gerald George arrived at his home. He told Cecil Bernard many police cruisers were on Highway 21 heading toward the army camp. Cecil Bernard George immediately jumped into his blue Chevy pickup truck and headed toward the park. He was very concerned about his sister Gina Johnson and his brother Stacey George.

The police stopped Cecil Bernard George at the checkpoint at Highway 21 and Army Camp Road. He noticed some officers wore grey uniforms, not the standard blue police uniforms, and that they seemed "very tense" and "real serious."

As he drove toward Ipperwash Park, Cecil Bernard was "pretty nervous" watching "all the cruisers" outside the park area. Mr. George parked his truck in the sandy parking lot. The purpose of his visit was to ask the occupiers if they needed anything, and to give them "reassurance" and "let them know that we're still there with them," "always going to be there for them." As Mr. George said at the hearings, "they were [his] friends and family."

As Cecil Bernard approached the park fence, he saw about fifteen to twenty First Nations people in the park. He told the occupiers "there was a build-up of police all around the area, bigger than usual." Mr. George "just told them to be careful" because he had had a "funny feeling."

Kevin Simon, Gabriel Doxtator, and Wesley George were present when Cecil Bernard George arrived at the park. The occupiers decided that walkie-talkies and scanners to listen to police communications would be good to have at the park that evening. After spending about ten minutes at the park, Cecil Bernard George returned to Kettle Point to retrieve some of these supplies.

In preparation for the possible arrival of the police, David George decided to return to the barracks to get a powerful spotlight he used for night hunting. The park was becoming dark and he wanted the spotlight to illuminate police officers in the vicinity of the park.

The occupiers also built bonfires. Dave George and Stewart George instructed J.T. Cousins and Leland White to build big fires to light up the park area. There were two large bonfires inside the park, one near the turnstile and one near the lake. Old picnic tables covered with layers of paint were thrown into the fires, which, as Roderick George said, burned for a long time. The occupiers also collected rocks and sticks and placed them inside the park at the fence line in order to defend themselves from the police if this became necessary.

Nicholas Cottrelle and other occupiers carried baseball bats and sticks in anticipation of the police coming to the park to confront the First Nations people.

The Aboriginal people were “real uneasy” and “scared,” not knowing what the police were intending to do that evening. Elwood George “sensed something was going to happen” because of the “very noticeable increase” in the number of police in the area. He and Robert George were among the people who suggested the occupiers drive back and forth to “get a little bit of movement within the park to lead the police to believe” there was “more of us there than there actually was.” As mentioned, some First Nations people drove their cars and Glenn George drove the dump truck between the park and the army barracks. Many of the First Nations people believed the OPP were planning to remove them from the park. As Stacey George said, he and others believed the police were “going to come” into the park and “try to arrest” and “drag us out.”

Stewart George decided to return to the barracks to get his dog. Robert Isaac offered to drive him to the army camp in the “OPP WHO” car.

With the assistance of Pierre George (one of Dudley’s brothers), Marcia Simon tried to move her trailer into the park. They were unsuccessful. As Ms. Simon explained, “I wanted to get my trailer moved down there to go in between our people and the police.”

Glenn George had an “eerie feeling” after he saw Kettle Point Councillor Gerald George speaking to the police following the Stewart George incident. Councillor Cecil Bernard George had also come to the park to offer his assistance and support and ask if he could bring any supplies to the occupiers. This “strange” and “eerie feeling” deepened, and it was at this point that Glenn George decided to speak to Clifford George at his home.

As the evening progressed, it was suggested that perhaps the women and children should leave the park for their protection. Some children, such as Harley George, returned to his home simply because there was school the next day.

First Nations people were stationed at different observation points in the park as “look-outs.” Their role was to report back to the other occupiers on the OPP’s activities.

The mood and atmosphere clearly changed at the park on the evening of September 6, 1995. The occupiers believed the heavily armed OPP would confront them that night. Unfortunately, their fears were realized.

The OPP observed much of this activity and it increased their concern that the occupiers were planning “offensive” activities for that night. The large bonfires, the activity in the kiosk, the movement of cars and the dump truck between the park and the camp, and other actions by the Aboriginal people reinforced their belief. The Aboriginal people were deliberately trying to create the illusion that there were many more occupiers in the park than there actually were. These actions caused the police to believe the Aboriginal people intended to engage in nefarious activities when, in fact, they were simply making “defensive” preparations for an “offensive” move by the OPP on the First Nations occupiers. Unfortunately and tragically, there were serious miscommunications and misunderstandings not only by the Ontario Provincial Police but also by the Aboriginal people.

13.6 Mark Wright Conveys “Escalating Events” to Carson and Complains Linton is “Waffling”

While Inspector John Carson was having dinner at a private residence in Forest, A/D/S/Sgt. Wright contacted the OPP Inspector to inform him of the escalating events at the park that evening. Mark Wright said: “We got a bit of a situation here ... right at the curve there where the picnic tables are ... I just took care of the public for now, but if we don’t deal with this, we’re back.”

The following exchange occurred between A/D/S/Sgt. Wright and Inspector Carson:

WRIGHT: *They got about eight of them there with baseball bats right on the road edge you know.*

CARSON: Well, who are they?

WRIGHT: Well, I don’t know. Just a bunch of Natives, you know what I mean. (emphasis added)

A/D/S/Sgt. Wright was describing his encounter with First Nations people on the roadway outside the sandy parking lot earlier that evening. It was Inspector Carson’s understanding from this conversation that there were eight people with baseball bats on the road edge in close proximity to the asphalt surface. Mark

Wright conceded at the hearings that he had inaccurately conveyed to Inspector Carson that eight Aboriginal people carried baseball bats when, in fact, it was only about four people.

Mark Wright also told Inspector Carson that Aboriginal people had “pelted” a car. As he was speaking to John Carson, Mark Wright learned that the school bus and dump truck were now moving toward the road, and his “concern was greater now than it had been moments before.” He reported to Inspector Carson, “*The school bus and the dump truck look like they’re moving towards the road now. So they’re going to try and take that position again. We got that house there ...*”

Mark Wright was concerned about the first cottage west of the sandy parking lot on East Parkway Drive. He was also worried that the cottagers who had been carrying signs in the MNR parking lot that evening would return and confront First Nations people in the park. A/D/S/Sgt. Wright believed the occupiers had committed a number of criminal offences, that public order had been threatened, and that the police “needed to deal with this immediately.”

Wright told Inspector Carson the ERT day shift and canine team were present. He described Dale Linton’s position, namely, if “the guys who threw rocks” can be identified, “we can do something but if they can’t, then they’re not doing anything wrong.” Inspector Carson replied, “[I]f they’re going out there with baseball bats, you got them for weapon dangerous.” Mark Wright, frustrated with Inspector Linton’s position and indecisiveness, said:

You got them for weapon dangerous, you got them for fucking mischief to the road, you got them for unlawful assembly. We got that house right next door ... They got the school bus there and the dump truck right there moving towards the roadway.

When Inspector Carson asked what Dale Linton wanted to do, A/D/S/Sgt. Wright said:

Oh, fuck, I don’t know, waffle. We’ll be here till fucking daylight figuring it out and daylight’s a-wasting. (emphasis added)

Mark Wright agreed that he was frustrated. He was agitated with the “confusing mixed messages from Inspector Linton,” whose first instructions were “we were going to go down there” with “helmets and K-9,” to “we’re not going to do anything because they’re not doing anything wrong if we can’t identify the individual who did the damage to that vehicle.” A/D/S/Sgt. Wright believed the situation was escalating and felt that the OPP “needed to deal with this quickly”;

“we needed to deal with this right away and [Inspector Linton] seemed to be moving from an overly aggressive position to the farthest from that, a very passive position” — “hence my statement with respect to waffling.” Dale Linton was “waffling ... in his general inability to make a decision.”

A/D/S/Sgt. Wright was also concerned that the night’s darkness was moving in: “I recognized” that to do this in “daylight was much better than to do this in the dark.”

But why the haste to make a decision to deploy the police? Why did the OPP “need to deal with this quickly”? It was essential that the OPP obtain accurate information regarding the damaged vehicle before it made these decisions. A/D/S/Sgt. Wright’s reaction was to act before the OPP had verified the information and received proper intelligence.

Inspector Carson offered to return to the command post. He told A/D/S/Sgt. Wright he was having dinner at a residence in Forest. He also wanted to “get together” that evening to discuss Mark Wright’s evidence the following morning in Sarnia on the injunction application.

Mark Wright then asked: “What if [Dale Linton] asks me what did you say? What do you want me to tell him?” Inspector Carson replied:

CARSON: Well, it’s not my [inaudible].

WRIGHT: *Don’t you say we go get those fucking guys?*

CARSON: Well, we got to deal with them. We can’t let them out in that area with that stuff. (emphasis added)

A/D/S/Sgt. Wright tried to explain this aggressive language at the hearings. He said, “Don’t you say we go get those fucking guys?” meant Aboriginal people should be moved out of the sandy parking lot and into the park; if the occupiers refused to return to the park, the OPP would arrest them.

A/D/S/Sgt. Wright, the second in command to the Incident Commander, repeatedly used aggressive, inappropriate, and military language in communications with OPP officers as well as others, such as Ministry of the Attorney General (MAG) lawyer Tim McCabe. When OPP Commissioner Gwen Boniface listened to some of these recordings, they were a surprise to her. She agreed the language used by Mark Wright had the potential to inflame the situation at Ipperwash.

This is one of several transmissions in which Mark Wright used profane, aggressive language to describe possible police actions and to describe the First Nations occupiers in the park. The objective of Project Maple was to negotiate and resolve the occupation by peaceful means. This language clearly did not further

this goal. As second in command, Mark Wright should have acted and spoken in conformity with the OPP objective, namely to resolve the occupation by peaceful and non-aggressive means. Given his rank and position in the Ipperwash operation, he should have used language to promote that goal. His words likely had an impact on the officers and others to whom he spoke, which unnecessarily increased the tension and inflamed the situation at Ipperwash.

Inspector Carson made it clear in this call with A/D/S/Sgt. Wright that if Inspector Linton wanted him to return to the command post, he must specifically make that request. As the telephone call came to an end, Wright lowered his voice and said, “[H]e’s calling out TRU” Inspector Carson quickly replied — if Inspector Linton is calling out TRU, “you advise him I should be notified.” He wanted to “make sure Inspector Linton clearly understood that if he was making that call,” Inspector Carson should be contacted.

Mark Wright found himself in a difficult situation; he was talking with one OPP Inspector about the actions of another Inspector. Mark Wright had concerns about using the Tactics and Rescue Unit (TRU), and he was exasperated with Dale Linton’s “bouncing around”:

I felt that I was in a very difficult situation right there because they were both [I]nspectors and I was talking to one about the actions of the other. And I was concerned about his decision, that he was calling out the tactical team, that I didn’t think that was appropriate and it caused me concern ...

It just didn’t make sense to me to use a Tactical Rescue Unit to deal with a number of individuals, some of [whom] may be armed with bats, or axe handles, or whatever, on the roadway and on the sandy parking lot. My experience and understanding of the Tactical Rescue Unit was you didn’t engage them as an arrest team.

Inspector Carson was very troubled by Inspector Linton’s decision. He said at the hearings: “I have to tell you that when I was advised that he was calling out TRU, it certainly caused me some concern”; it “raised my anxiety level significantly.” To describe Inspector Linton’s decision as surprising is an “understatement.”

Inspector Carson could not understand why Dale Linton made the decision to use TRU: “I just couldn’t connect the dots. It didn’t make any sense ... [A] tactical response is a significant step.” John Carson explained:

The criteria for calling out a tactical team normally involves a threat to life ... People on the roadway with a baseball bat falls far short of

that criteria. In my mind, the big question for me is, what is so serious here that now we've jumped from checkpoints to a tactical response for people who are out on the roadway with baseball bats? It just made no sense to me. (emphasis added)

Inspector Carson believed that the ERT team were the appropriate officers to arrest the Aboriginal people who refused to leave the sandy parking lot: “The point I was trying to make is ... the Tactics and Rescue Unit would not be the appropriate individuals to be doing that. It would be a matter for the ERT team, the people who were providing checkpoints, to deal with that.” TRU officers are trained in the use of fairly sophisticated weapons and it is the unit of last resort. As Inspector Carson explained, “it’s a matter of using the right tools for the right job.”

A/D/S/Sgt. Wright did believe that, although the OPP needed to go to the sandy parking lot to “deal with them,” resort to the TRU team was unnecessary and inappropriate. In his view, the occupiers were

... clearly committing criminal offences ... [I]f we went down there and they were still there doing exactly the same thing that they were when I was there, then they would be committing offences and we could arrest them. However, if they ran back into the park, then we would never run back into the park after them because that was the line in the sand as it were. We weren't going to go in the park in any way, shape, or form, so that would have been fine too. I mean the problem would have been solved one way or another. As soon as they're off the roadway and they're not a threat to the people there or the property there and they're back in the park, then we're back to status quo.

At 8:15 p.m., Inspector Linton paged John Carson. In the background, Mark Wright can be heard asking the civilian operator to find out from the officers if the “stones” were “coming from the individuals at the curve.” Constable Zacher, Sam Poole’s partner, sent a radio transmission a few minutes later that the victim had in fact identified a suspect in the area.

13.7 Inspector Linton Instructs the CMU Commander and TRU Team Leader to Report to Forest Command Post

There was discussion in the command post about the preparation of ERT officers for a possible deployment of the CMU. Sergeant Stan Korosec and A/D/S/Sgt. Mark Wright knew it was necessary to have a trained Incident Commander lead

the Crowd Management Unit. They recommended Staff Sergeant Wade Lacroix who was in Petrolia, about twenty minutes from the Forest Detachment. Sergeant Korosec contacted Staff Sergeant Lacroix on Inspector Linton’s instructions.

Wade Lacroix was at his home with his family at the time. Sergeant Korosec told him Inspector Linton wanted him to report to the Forest Command Post for a possible deployment of the CMU.

It was at this time that Sergeant Korosec instructed the ERT day shift (Teams 3 and 6) to return to duty at the Forest Detachment.

At approximately 8:20 p.m., Acting Staff Sergeant Kent Skinner was told that Inspector Linton wanted the TRU team at the Forest Command Post for a briefing. Stan Korosec told the TRU team leader that First Nations people at Army Camp Road and East Parkway Drive had “trashed” a car with “baseball bats” as it passed the intersection. This information was both inaccurate and exaggerated. As discussed, a rock had been thrown by one person at a car driven by Band Councillor Gerald George who had written a letter criticizing the occupiers to the editor of a local newspaper. Sergeant Korosec also told him about “activity inside the park” — the school bus and dump truck had been moved to this area.

This was the first notification Acting Staff Sergeant Skinner received that his TRU team might be deployed to Ipperwash Park. Kent Skinner “attached quite high reliability” to Sergeant Korosec’s report about the trashing of a civilian’s car with baseball bats. The TRU leader understood that this was one of the factors that triggered the decision to deploy the TRU team. This information was relayed to his TRU officers. Again, unconfirmed mistaken information that had not been analyzed or processed through the intelligence cycle was relied on by the OPP to make critical decisions.

13.8 Inspector Carson Tells Inspector Linton Not to Deploy TRU

At the beginning of the telephone call at approximately 8:20 p.m., Inspector Linton tells Inspector Carson, “[W]e’re heating up big time. I just thought I would let you know ...” He described “about eight guys on the road” (at the end of Army Camp Road), the damaged car, and said they were waiting for the statement from the victim. It is clear from this call that Inspector Linton mistakenly thinks the victim is female when, in fact, it is Gerald George: “So we just got a statement now. *She* says that they were hassling *her*.” Inspector Linton tells John Carson the TRU team has been called in and the “eight or so people blocking the roadway” will likely be arrested:

... now they've got the school bus down in that corner. They're bringing a dump truck in. They're in the kiosk with the windows down so they're waiting for us to do something. So I just — they called the TRU team in and ... well, I'll wait till I get the statement. We're probably going to go down and arrest that group of eight or so people blocking the roadway, and there's no doubt ... they're waiting for something. So it's a little bit vulnerable. So I'll suit the TRU up heavy and put them in. So they're [e]n route here now. (emphasis added)

The two OPP Inspectors had difficulty hearing each other and resumed their telephone conversation on a ground line. John Carson asked Inspector Linton why he was calling out TRU, the Tactics and Rescue Unit. In unequivocal language, he tells Inspector Linton not to use the TRU:

CARSON: What are you going to do with them?

LINTON: *Well, TRU is probably going to end up going in and doing an arrest.*

CARSON: *Dale, don't do that.*

LINTON: No.

CARSON: *Don't do that. If you do that we are in trouble, okay. And are you asking my advice or are you just informing me here? We better get this straight.*

LINTON: No, we need to discuss this.

CARSON: Okay. Do you want me to come in?

LINTON: Well ... *why shouldn't we use, like, what we've got ...*

CARSON: Well, *what are you going to achieve by using TRU that ERT can't do?*

LINTON: Well ...

CARSON: If somebody goes down, then what are you going to do?

LINTON: Like I think you got a buildup inside, and that's my concern. It's not going to arrest these eight guys. We were going ...

CARSON: Oh, oh ...

LINTON: With ERT, once we got a statement. *My concern is that you have the school bus moving down there, you've got the dump*

truck moving down there, and you've got people in the kiosk pulling the blinds all down and I think there's ... a threat here of maybe sniper fire, or like they're doing something inside getting ready for us.

CARSON: Okay. Well, okay. Well, that's fine. *Let's evacuate those houses if you think ...*

LINTON: Okay.

CARSON: *There's a threat of that nature, but don't go in there with TRU. If you go in with TRU and somebody gets hurt, we have nobody else to get them out.*

LINTON: No. *What I'm doing is I'm getting TRU to come here.*

CARSON: *Well, I wouldn't even do that.*

LINTON: No.

CARSON: If you bring that team up, you [have] got to be ready to deploy them.

LINTON: Well, my thought ... is if I send ... the ERT guys in to arrest these eight people ...

CARSON: Yeah.

LINTON: And all hell breaks loose ...

CARSON: Yeah.

LINTON: And I've got TRU suited and close by.

CARSON: Well, that's fine, but *I would leave them in the Pinery Park. They're closer from the Pinery than they are from Forest, and then you're going to create a media event with the TRU team truck sitting in town here.*

LINTON: *Okay. So ... I'll suit them up and leave them in Pinery then.*

CARSON: *I wouldn't do any more than that for the time being.*

LINTON: Okay. And then we'll do the arrest with the ERT guys?

CARSON: I would. I'd call out all sixty of them if you have to ... Whatever's necessary, we'll do that. But I would ...

LINTON: All right.

CARSON: *I tell you keep them in reserve.*

There were several reasons Inspector Carson tried to persuade Dale Linton to change his mind. First, the TRU team is “the tool of last resort. It’s the most offensive skill set that we have available to us.” In Carson’s view, the events at Ipperwash “require[d] a response of the uniform officers of ERT,” not the TRU team. Second, John Carson was worried that “bringing the TRU team trucks up, the big cube vans with ‘police’ all over them, was going to attract an unnecessary amount of attention and escalate the tension in that area that already exists.”

And third, Inspector Carson thought the TRU officers should remain in reserve in the event the ERT team required assistance: “[I]f we used the tactical team and the officers went in there and attempted to make the arrests, which they certainly have the capability of doing, and if one of them were hurt or we did come under fire, we have no other unit that’s capable of going in and extracting them.” John Carson suggested the nearby cottages be evacuated if Linton was concerned about residents adjacent to the sandy parking lot. But Inspector Carson firmly said: “Don’t go in there with TRU.”

Inspector Carson convinced Inspector Linton TRU should not be brought to Forest. Dale Linton agreed to “suit them up” and leave them in Pinery Park. Carson urged Inspector Linton to “keep [TRU] in reserve.”

John Carson offered to return to the OPP Command Post, but Inspector Linton did not think it was necessary. Inspector Carson was in a “quandary”:

... I asked Inspector Linton if he wanted me to return, and I sensed there was some anxiety around whether he wanted me to or not. And at the same time, I was concerned about what appeared to be an escalation of the activities in the area. So at the end of it, I returned to the command post.

Inspector Carson drove to the OPP command post shortly after the call and arrived before 8:30 p.m.

Inspector Carson did not see Gerald George’s statement when he returned to the command post that evening. He also doubts Inspector Linton read Constable Poole’s interview with Gerald George. There is a reference to only one bat in the police report. And significantly, the statement says a young man, who was in a group about thirty-five feet away from Mr. George’s car, held the bat. That person was sixteen-year-old Nicholas Cottrelle. There is no suggestion that the bat made contact with the car. Nor is there any suggestion that the bat was used as a threat, or that Gerald George felt threatened by the bat.

It is clear from Mr. George’s statement that the damage to the car was caused by a single rock, not a stick or bat. Yet on the night of September 6, Inspector

Carson believed a female was driving the car and that her vehicle had been struck with bats. He later learned, after Dudley George's death, that this information was inaccurate; that in fact a male was the driver of the car, a single rock caused the car damage, and it was an altercation between two Aboriginal people, a Band Councillor and a Stoney Point occupier.

This incident was important in the decision to deploy the police to the sandy parking lot. It was a critical factor that resulted in OPP officers marching down East Parkway Drive toward the Aboriginal occupiers in Ipperwash Park that evening. This decision by the OPP was based on inaccurate and unverified information. In the next chapter, I describe in detail the confrontation that took place between the police and the occupiers in which Dudley George was shot and died.

13.9 TRU Instructed Not to Proceed to Forest

Sergeant Korosec, who was at the command post, tried to contact Acting Staff Sergeant Skinner to stop the TRU team from moving from Pinery Park to the Forest Detachment at approximately 8:32 p.m. Incident Commander Linton had changed his mind and only wanted TRU Leader Skinner to come to the Forest Command Post. As the operator tried to connect Sergeant Korosec, he can be heard saying in the background, "Lacroix is on his way up to do these guys."

Stan Korosec gave an unconvincing explanation at the hearings that he was simply saying Staff Sergeant Lacroix would be leading the CMU, and that he was not referring to the Aboriginal occupiers as "these guys." In my view, Stan Korosec's explanation is not credible.

Sergeant Korosec used aggressive language to inform Acting Staff Sergeant Skinner that Wade Lacroix had been contacted to lead the CMU and that a confrontation between the OPP and the Aboriginal occupiers was expected. In a telephone conversation with Constable Wayde Jacklin the previous day, Korosec had said, "[T]heir day will fucking come ... [W]e want to amass a fucking army ... a real fucking army and do this — do these fuckers big time." In my view, the statement "Lacroix is on his way up to do these guys" clearly referred to the Aboriginal occupiers and not to officers in the CMU. The language in these conversations was combative and bellicose, and contrary to the objective of Project Maple, which was to resolve the Ipperwash occupation peacefully. Words spoken by Stan Korosec in these transmissions escalated the tension and were not a measured response to the situation.

At 8:36 p.m., Sergeant Korosec successfully reached Constable Zupancic to give TRU the following instructions: "You guys are not to head down here ...

you're going to be told to turn around. Stay kitted up at the Pinery." The TRU team had reached Northville and Acting Staff Sergeant Skinner and Acting Sergeant Deane were approaching Forest. Again erroneous and unverified information was transmitted from Sergeant Korosec to Constable Zupancic: "[W]e got a big gathering down at the end of Army Camp Road and East Ipperwash. Baseball bats. They trashed a private vehicle that went by with the bats ... They're armed with baseball bats and whatnot at this intersection." Information on the Stewart George – Gerald George incident was inaccurately described to the TRU officer — it was not a confrontation with a civilian, and one Aboriginal man had thrown a rock at a Band Councillor's car. The vehicle had not been damaged by a group of occupiers "armed with baseball bats." The context and details of the incident were repeatedly exaggerated and miscommunicated by the OPP.

Sergeant Korosec also told Constable Zupancic that "people opposed" to the occupiers were "coming down from Kettle Point." He said, "[T]he dayshift are kitting up in their crowd management gear. And Wade Lacroix is coming up as well to handle them." Again, Sergeant Korosec's language with Constable Zupancic was inappropriate, aggressive, and pugnacious, not in keeping with the OPP's objective of resolving the occupation through negotiation and by peaceful means.

13.10 Mark Wright Tells MAG Lawyer: "They're coming out for a fight down to the road so we're [taking] all the marines down now."

At the beginning of a call with government lawyer Tim McCabe, A/D/S/Sgt. Mark Wright says: "It's Detective Sergeant Mark Wright ... at the Land of Oz ... The shit's coming down right now ... we got major trouble right now." When Mr. McCabe asks what the problem is, Mark Wright replies, "Well, *they're moving ... they're coming out for a fight down to the road so we're [taking] all the marines down now.*" "Marines" connoted a large number of officers.

Mark Wright acknowledged at the hearings that this statement was "incorrect." At the time of this call, 8:25 p.m., no decision had been made to deploy the CMU. He said the following in his testimony at Forest:

I regret using those particular words to describe the situation. And, in hindsight, had I an opportunity to do that over again, I certainly wouldn't have used those words ...

I appreciate that it was inappropriate and a poor use of some words on my part.

The statement was not only factually wrong, it was pugnacious. Mark Wright was the Incident Commander's second in command. Yet the language he used to speak to the government lawyer, to people outside the OPP, and to OPP officers involved in Ipperwash, was aggressive and did not further the Project Maple objective of resolving the Aboriginal occupation without violence and by peaceful means.

The purpose of Mr. McCabe's call was to speak with Mark Wright about his evidence on the injunction application scheduled for the following morning in Sarnia. A/D/S/Sgt. Wright described to the MAG lawyer the events of the park occupation from September 4. He told Tim McCabe the OPP had "had a report of automatic weapon fire in the park." This information was also incorrect. It was an unverified report of gunfire from the vicinity of the army camp, not the park, and the OPP were uncertain whether in fact it had been an automatic weapon. But unlike Inspector Carson, who had spoken to Mr. McCabe earlier, Mark Wright did not qualify the report of alleged automatic weapon fire.

A/D/S/Sgt. Wright then proceeded to describe the Gerald George incident:

Well, fuck. Right now they've got about eight guys down at the bottom end of the park where the roads turn. I know you don't know the area, but I'll draw it for you so you'll see it ... *They've got about eight guys on the edge of the road with bats in their hand ...* And that's public ... county road access, so that's mischief. You can't use that road. And *they've trashed a car that went by*, so we've got wilful damage. We've got possession of weapon dangerous. And *we got four ERT teams and a TRU team and two canine units going down there to do battle right now.* (emphasis added)

Again Mark Wright conveyed erroneous information when he said there were eight men with bats in their hands. He thought the car had been damaged by "stones" and agreed at the hearings that "trashing a car" is much more serious than throwing one rock at a car. His description of events was incorrect, and he exaggerated the severity of what had taken place that evening. This was further compounded by his statement: "We got four ERT teams and a TRU team and two canine units going down there to do battle right now." Mark Wright acknowledged at the hearings that this statement was also inaccurate; no such OPP operation was underway at that time. A decision had not yet been made to deploy the Crowd Management Unit.

Mark Wright also recognized his military analogy "to do battle" was

[a] poor choice of words, again, on my part. And [by] right now, I didn't mean right now as in this second. I meant in the totality of what

was going on there. But again, I don't take issue with the fact that this may have been misinterpreted because of the poor way in which I explain this to Mr. McCabe. (emphasis added)

A/D/S/Sgt. Wright then tells lawyer Tim McCabe: "And we also have a number of irate citizens who are down there, I think, picketing, and people from Kettle Point themselves telling them to get out of there."

The assembly of frustrated cottagers at the MNR parking lot had taken place earlier that evening. Yet Mark Wright led Mr. McCabe to believe the angry residents were demonstrating at the time of their telephone call. Wright agreed at the hearings that although he was "trying to give him a broad view of what's going on," he was "admittedly not doing a very good job." Mark Wright added, "I can appreciate that both Mr. McCabe and anybody else who would have heard this might have taken that in its literal sense. And that's my fault."

Mr. McCabe wanted to ensure the notice of motion was served on the occupiers and he was concerned "it was getting dark." The MAG lawyer mentioned he had previously spoken to Inspector Linton, who had agreed to try and serve documents on the First Nations people. But Mark Wright, again using military language, replied: "No, no. I know what he said. No way, not now ... *We're going to war now. We're not going to be serving anybody.*"

A/D/S/Sgt. Wright testified that he believed the OPP "were going to go down to the sandy parking lot area and that there was a potential for a confrontation." He thought that if First Nations people were arrested, it would be difficult and dangerous to serve the occupiers with the injunction notice.

In this call, Mark Wright conveyed inaccurate information to Tim McCabe, which had the effect of exaggerating the seriousness of the situation at Ipperwash Park to the government lawyer preparing the injunction application to be heard the following morning in Sarnia. The OPP officer also relayed unverified information such as the report of automatic gunfire.

It was Mr. McCabe's "impression" from this conversation that "a serious circumstance ... was arising." Mark Wright had described "an emergency situation." As Mr. McCabe understood it from his office in downtown Toronto, the OPP was now "faced with a very difficult and very threatening circumstance."

While Mark Wright was on the telephone with Tim McCabe, Inspector Carson arrived at the Forest Command Post.

13.11 John Carson Returns to the Command Post: A Decision is Made to Mobilize the CMU

Within a few minutes of ending his telephone call with Inspector Linton, John Carson decided to return to the command post. When he arrived shortly before

8:30 p.m., Inspector Carson tried to convince Inspector Linton that ERT officers, not the TRU team, should be used to arrest the occupiers who refused to leave the sandy parking lot and return to the park.

At that time, Sergeant Korosec was trying to contact Acting Staff Sergeant Kent Skinner. In the background, the voices of Inspectors Carson and Linton can be heard discussing various options to deal with the First Nations people in the parking lot.

Inspectors Carson and Linton discussed the damaged vehicle, the people on the roadway, the bus and truck, and the activity in the kiosk. Inspector Linton was concerned about sniper fire from the kiosk. The evacuation of the cottages was discussed because of potential risk to those residents.

At about 8:30 p.m. on September 6, the decision was made to mobilize the Crowd Management Team (CMU) to “clear the parking lot,” and to use the “tactical team, TRU team” to provide “the visuals and provide cover for the crowd management team.” The scribe notes, surprisingly, do not contain a record of the time this decision to mobilize the CMU was made, which John Carson could not explain.

The record-keeping and notes of the OPP were generally not of a high standard in the Ipperwash operation. Important information such as the time of the decision by the Incident Commander to mobilize the CMU is noticeably absent from the scribe notes. Also there are inconsistencies between the typed scribe notes and the handwritten scribe notes. Moreover, OPP officers often did not record information in their notebooks at the time of the event or before their shift ended.

It is fundamental that accurate detailed notes be recorded by the OPP at the time of the events. The OPP should continue to implement measures designed to ensure an accurate transcription of events. OPP Commissioner Boniface testified that scribe note-taking has improved since September 1995. For example, there is scribe training, and the Incident Commander must initial each page of the scribe notes to verify its accuracy. Police officers must also complete their notes before their shift ends, unless they receive permission to do otherwise. This not only promotes accuracy, it also minimizes contamination of the information. I commend these and other changes instituted by the OPP that further these objectives.

At 8:36 p.m., Inspector Carson contacted Acting Sergeant Ken Deane and told him to “hold the team down.” But it was too late — TRU Leader Kent Skinner and Ken Deane were pulling into the OPP Forest Detachment. The rest of the TRU team were in Northville at the time, less than twenty kilometres from the detachment. The TRU team had three cube vans, gun trucks, with “Police” inscribed on the side of the vehicles. John Carson instructed Acting Sergeant Deane to “take the gun trucks back” to Pinery Park, to send Kent Skinner to the

command post, and to “get an Oscar Team ready.” “Oscar team” was a term for the ERT observation team. “Sierra team” was the TRU observation team.

When Acting Staff Sergeant Skinner arrived, Inspector Carson discussed the need to evacuate the cottages in the vicinity of the sandy parking lot because of the possibility of a sniper in the kiosk. He wanted a Sierra team sent to the Tactical Operations Centre (TOC) with night vision equipment to observe the park gatehouse area and the sandy parking lot. Inspector Carson wanted to know about “the sight lines from the gatehouse to the sandy parking lot,” particularly whether the “parking lot was in line of fire.”

Inspector Carson instructed that additional uniformed officers be dispatched to the checkpoints, as ERT officers would be needed for the crowd management operation. Two ERT teams and a Staff Sergeant would be used that night for the crowd management formation.

Sergeant Korosec soon contacted the OPP London Communication Centre to find out how many officers were available in nearby areas, such as Strathroy and St. Thomas, in the event that additional police were required in the Camp Ipperwash area.

The checkpoint at the corner of Ipperwash Road and East Parkway Drive was moved up East Parkway Drive to the area near the TOC site in the MNR parking lot.

At 8:41 p.m., Sergeant Stan Korosec announced the CMU was “dressed and ready in rear of office.”

Inspector Carson made it clear he wanted the cottages near the parking lot evacuated. He was particularly concerned about the residents’ vulnerability to possible gunfire from the individual in the kiosk. Inspector Carson directed Acting Staff Sergeant Skinner to prepare to send a sniper team to check the “line of sight” from the kiosk to the parking lot. John Carson made it clear to the TRU Leader that it was simply “observation”: “[W]e are not going tactical, let’s get that straight.”

Inspector Carson wanted to ensure Kent Skinner understood TRU’s role that evening was observation and to support the CMU. This was not a TRU team tactical operation, such as when TRU officers secure the inner perimeter where a person threatens violence or suicide. The CMU would deal with the people in the parking lot, and TRU would be positioned on either side of the roadway to observe and protect CMU members if their safety was compromised.

Inspector Carson stressed, “[W]e are using TRU to go in and get an eye.” He issued the following caution — if the First Nations people “are just having a campfire ... leave them. Why go in the dark?”

At approximately 9:00 p.m., there was communication from the command post (Lima 1) instructing the closure of the roads. Sergeant Robert Graham, says:

“We want Checkpoint Charlie moved a little further back towards Checkpoint Delta ... At Checkpoint Alpha, we want the roads closed off. We want the roads closed off completely. No more traffic.” The crowd management team would move down the road to the sandy parking lot and it was important no vehicular traffic impede their movement.

A few minutes after 9:00 p.m. on September 6, the roads leading to Ipperwash Park were closed.

13.12 TRU Told Imitation AK-47s, Mini Ruger 14s, and Other Weapons Possibly at the Park

At 9:09 p.m., Acting Staff Sergeant Skinner informed Constable Zupancic of the following possible weapons at the park: four imitation AK-47s, Mini Ruger 14s, scoped hunting rifles, and Molotov cocktails. Kent Skinner had received this information from Inspector Linton. Kent Skinner was having difficulty reaching Acting Sergeant Deane because of cell phone communication problems in the area. He expected Constable Zupancic to pass this information on to Ken Deane and the other TRU team members.

Constable Zupancic considered an imitation AK-47 a “knock-off,” but it was “just as dangerous” and “just as lethal” as an AK-47. No qualifications were placed on the information about the weapons, nor was the level of reliability of this intelligence conveyed to Constable Zupancic. Rick Zupancic in turn relayed this information about the weapons to members of the TRU team.

In Acting Staff Sergeant Skinner’s view, the probable existence of these weapons, the damage to the civilian car, and the reports of automatic gunfire increased the risk “substantially.” It also raised the likelihood that TRU would be deployed that night. Kent Skinner did not know there were inaccuracies in the information relayed and that it had not been authenticated.

This was a critical failure on the part of the OPP. There was a failure in OPP intelligence — the information coming to the command post was not analyzed, assessed, or designated on the scale of reliability. The OPP’s Tactics and Rescue Unit was sent to the sandy parking lot outside the park with mistaken and unverified information. The OPP’s assessment of the risk at the park was incorrect. This mistake had severe and tragic repercussions.

As I discuss in the following section, the leader of the CMU, Staff Sergeant Lacroix, was operating under very different information when his officers marched down East Parkway Drive that night toward the sandy parking lot. The TRU Leader and officers on the TRU team believed it was a probable risk that the occupiers in Ipperwash Park had firearms. Failed intelligence and miscommunication led to tragic consequences.

13.13 CMU Assembles at the Command Post

Sergeant George Hebblethwaite arrived at the OPP Forest Detachment shortly after 7:30 p.m. He had been on the ERT day shift, and was at the TOC site with A/D/S/Sgt. Wright when community residents had assembled to demonstrate their frustration with the First Nations occupation. After he arrived at the OPP Detachment, he and the other ERT officers were briefed by Sergeant Korosec. There was a discussion of the new equipment that had been requested and that would be distributed. This equipment included the ASP batons, Capsicum foggers or pepper spray,³ and Nomex fire-retardant suits.

ERT officers were instructed that evening to return to duty, to equip themselves in hard Tac (protective gear), and to be prepared for a deployment of the Crowd Management Unit. Sergeant Hebblethwaite drove to Grand Bend to retrieve his CMU equipment. When he returned to Forest at approximately 8:40 p.m., members of ERT (Teams 3 and 6) were dressing in their hard Tac uniforms at the OPP Detachment.

Sergeant Hebblethwaite was designated second in command to Staff Sergeant Lacroix. Prior to Staff Sergeant Lacroix's arrival, Sergeant Hebblethwaite reviewed the CMU commands and formations with members of the unit. Sergeant Grant had given the ERT officers a demonstration on the use of the ASP batons.

After Sergeant Korosec contacted him, Staff Sergeant Lacroix took some time to retrieve his equipment and police cruiser from the Petrolia Detachment. When he arrived at the OPP Command Post at approximately 9:20 p.m., he noticed "a hub of activity"; officers removing equipment from their trunks and preparing for the CMU mobilization.

Sergeant Korosec approached Wade Lacroix to brief him. ERT (Teams 3 and 6) were "forming up" for the CMU behind the OPP Detachment and there were two canine teams in support. Staff Sergeant Lacroix learned that George Hebblethwaite, who was from Mount Forest (north of Guelph), had been designated as his second in command. Sergeant Hebblethwaite introduced himself and said he was behind the detachment, ensuring the officers were properly equipped. "This urgency was a surprise" to Wade Lacroix.

Staff Sergeant Lacroix entered the command trailer for a briefing by the Incident Commander. Another "surprise" was that Inspector Carson had returned to the command post; "John was in charge," and would brief him. Inspector Dale Linton was also present.

Staff Sergeant Lacroix was told a "civilian motorist had had his car pelted with stones and hit by baseball bats as it attempted to pass [the park]." Again this

3 Capsicum foggers emit pepper spray over a broad area. It is capable of affecting several individuals.

unverified and unreliable information was relayed to the officer who would lead the CMU that night down East Parkway Drive to Ipperwash Park. It was Staff Sergeant Lacroix’s understanding that this was a trigger event to call out the CMU.

Staff Sergeant Lacroix was instructed to command the CMU and to move the demonstrators back into Ipperwash Park. He was advised to “hold a position at the park boundary until relieved by uniformed personnel and [until a] check-point could be set up.” Staff Sergeant Lacroix was also instructed to “arrest any demonstrators” who refused to leave the sandy parking lot for unlawful assembly and mischief.

At no time was there any discussion in this briefing with Inspector Carson about using a bullhorn or megaphone to inform the occupiers that they should return to the park. Another missed opportunity to convey this critical message to the First Nations people and to inform them that the OPP had no intentions of entering the park. The lack of communication by the OPP in this operation was a very serious failing.

A/D/S/Sgt. Wright, who had been on the telephone at the command trailer, joined the discussion about possible criminal charges and purpose of the arrests.

In my view, it is not convincing for the OPP to say it made some attempts to speak to a “leader” but that no “spokesperson” was identified by the Aboriginal people. Nor is it a convincing argument that the occupiers did not seem interested in participating in a dialogue with the police. The OPP should have communicated to the occupiers that they should remain in the park and that the police would not enter Ipperwash Park. As I discuss in the following chapter, the Aboriginal occupiers firmly believed the OPP’s intention that night was to march into the park and arrest any protester who refused to leave the park site.

Staff Sergeant Lacroix understood his mission was to move the First Nations people into the park to ensure the safety of local residents and motorists using Army Camp Road. As Staff Sergeant Lacroix explained at the hearings, the four “p’s” are to protect the public, protect property, protect the peace, and protect the accused. He clearly understood from Inspector Carson’s briefing that the officers were to allow the First Nations people to return to the park and “under no circumstances” was the CMU to “go into the park.” Unfortunately, however, this important message was not conveyed to the Aboriginal occupiers who believed the OPP intended to enter Ipperwash Park that night and arrest them.

Staff Sergeant Lacroix asked Inspector Carson for bolt cutters, the purpose of which was to deal with “passive resistors” in the crowd — those who attach themselves to immovable objects such as a fence. Inspector Carson thought Lacroix wanted to cut the park fence and told him the bolt cutters were not necessary, because the CMU would not be entering the park.

Staff Sergeant Lacroix also requested fire extinguishers. He explained at the hearings that “in crowd management, there’s two big fears” — fire and sniper. Wade Lacroix knew the occupiers had thrown a flare on September 4, and the possibility of fire that night concerned him. The CMU did not have two pieces of equipment that he considered important, fire extinguishers and Nomex fireproof coveralls. Staff Sergeant Lacroix “knew they were back ordered,” and “knew we did not have them.”

Staff Sergeant Lacroix was told the CMU would be on the command control communications on the TAC (total access channel). The TRU team had its own communication channel.

Staff Sergeant Lacroix asked if there was any intelligence. He was told male occupiers had piled up sticks and rocks in the sandy parking lot, there was a bonfire, but no sightings of weapons.

Wade Lacroix understood the mission. As Inspector Carson accompanied Staff Sergeant Lacroix to the door of the command trailer, the CMU leader assured him that he understood and was satisfied with the information conveyed in this briefing.

Sergeant Hebblethwaite had the officers lined up at the at the back of the trailer. Staff Sergeant Lacroix received confirmation that the appropriate number of officers were present, and that each member of the CMU had their protective gear, such as shields and helmets. Staff Sergeant Lacroix explained the mission to the officers.

Sergeant Hebblethwaite and the other officers in the CMU were told their mission was to secure the “public road allowance area” adjacent to Ipperwash Park. Occupiers who resisted and refused to leave the area could be arrested for mischief, unlawful assembly, or assault of a police officer if the circumstances warranted. The officers were explicitly instructed not to enter Ipperwash Park.

There were thirty-two officers in the CMU that night, including Staff Sergeant Lacroix and Sergeant Hebblethwaite. An additional eight officers were assigned as an arrest team. There were also two canine teams and two prisoner vans.

Staff Sergeant Lacroix did not take any preparatory steps before the night of September 6, as he had not known there was the possibility the CMU would be deployed. In fact, in a telephone call on the morning of September 5, Inspector Carson had told Lacroix: “[W]e don’t intend” to have a crowd control operation at Ipperwash. Therefore, in Staff Sergeant Lacroix’s mind, there had been no reason to do a site walk of the sandy parking lot, East Parkway Drive, or Army Camp Road to examine the terrain, the size of the parking lot, or to determine which CMU formations would be appropriate; “we only usually do a [reconnaissance] if you actually think you’re going to do a mission.” Had he known the CMU might be deployed, Staff Sergeant Lacroix “would have liked” to “pace it

off and walk the terrain.” He also would have liked to have had video surveillance of this area in advance of the CMU mobilization and deployment. Unfortunately this was not done. Lack of visual intelligence in the OPP operation at Ipperwash was a serious problem.

Staff Sergeant Lacroix had no information that night that the CMU would be used as a diversion to enable TRU to get into position so the Sierra team could gather intelligence as to whether the occupiers had firearms. That was not a proper use of the CMU, in Staff Sergeant Lacroix’s opinion. The CMU leader said, “[O]ur body armour would not stop an AK-47 round.”

Nor did Staff Sergeant Lacroix have information that night that there were concerns the occupiers had firearms. At his briefing in Forest with the Incident Commander before leaving for TOC, there was no discussion that the occupiers possibly had guns.

Staff Sergeant Lacroix was not aware that at approximately the time he arrived at the command post, Acting Staff Sergeant Skinner and Constable Zupan-cic were having a conversation about the types of firearms believed to be in the possession of the occupiers — Mini Ruger 14s, scoped hunting rifles, four imitation AKs, and Molotov cocktails. If TRU Team Leader Kent Skinner thought there was a fairly strong probability the occupiers had these firearms, Staff Sergeant Lacroix would have taken measures to ensure the CMU were not deployed to the park: “[W]e’re not equipped for those weapons.” The CMU are “not equipped, nor trained, to go in and make arrests under sniper fire.” He also testified the “CMU never trained with TRU” and “it’s not a normal mission for TRU to be there.”

Staff Sergeant Lacroix testified that if the head of the TRU team had this information about weaponry, it should have been communicated to him. In his view, there was miscommunication. If Kent Skinner believed the park occupiers had assault rifles such as AK-47s, the CMU should have been “stood down.” The CMU was not designed to march down the road in darkness to the sandy parking lot if members of the TRU team believed there was a fairly reasonable probability of weapons at the fence of the park.

Constable Jacklin was one of the CMU team members that night. He was at a checkpoint when the ERT officers involved in the CMU were first briefed in Forest. Before the CMU were deployed that night, he believed there was “a likelihood or a very viable threat that there could be weapons involved ... in the form of firearms.”

Clearly Staff Sergeant Lacroix had very different information from Constable Jacklin and the head of the TRU team on a very critical issue. Sergeant Hebblethwaite was also unaware that TRU Leader Kent Skinner thought there was a fair

probability the occupiers had firearms at the park fence line, such as AK-47s and Rugers. Nor did he know that Constable Jacklin, leader of the CMU arrest team, thought firearms at the fence was a “viable threat.” It was important, George Hebblethwaite testified, for both Staff Sergeant Lacroix and himself to have had this information before the decision was made to deploy the CMU.

In my view, it is a tragedy of errors that in the OPP mission that night, the CMU commanders and the TRU Leader were operating on different information. Even within the CMU, some officers believed there was a “likelihood” the occupiers would use firearms that night. Once again, poor intelligence and poor communication in the OPP operation.

September 6, 1995, was the first time the CMU and TRU had been deployed together.

At 9:22 p.m., it was decided that Inspector Carson and Acting Staff Sergeant Skinner would go to the TOC site at the MNR parking lot, and Inspector Linton would remain at the command post. Incident Commander Carson was responsible for the TRU team and crowd management team operation. Dale Linton was to monitor the outer perimeter in Forest.

CMU officers drove to the TOC at the MNR parking lot in police vehicles after the briefing at the Forest Detachment.

Sergeant Korosec remained in the radio area of the command post for the remainder of the evening. Sergeant Graham was also in the Forest Command Post.

It was John Carson’s hope and expectation that when the CMU marched down the road to the sandy parking lot, the occupiers would move back into the park. As Inspector Carson explained, “that’s certainly the psychological impact you are trying to impose by using a crowd management team.” Unfortunately, the First Nations occupiers did not understand the OPP’s intentions. They believed the OPP was preparing for a confrontation and would enter the park and arrest them. And they themselves were preparing that night for the heavily armed police officers in grey uniforms. They collected rocks, sticks, and stones, they carried baseball bats, they put gas in the school bus and drove it and other vehicles to the park, they assigned occupiers to particular areas as “look-outs,” and the First Nations people listened on the scanner for the approach of the police to Ipperwash Park.

Had the OPP appointed a negotiator such as Bruce Elijah, Bob Antone, or Cyndy Elder, had the OPP earlier in the day stood outside of the park fence and yelled the message, had the police used a megaphone, had the OPP inserted written pamphlets into the park fence that made it clear the occupiers must remain in the park and that the police had no intentions of entering the park, the

confrontation might not have occurred on the night of September 6. These simple, uncomplicated measures would have likely averted a tragic situation.

13.14 Inspector Linton Notifies MAG Lawyer of Trouble at Ipperwash Park

At 9:19 p.m., Inspector Linton called MAG lawyer Tim McCabe in Toronto and told him, “[W]e’ve got all kinds of trouble up here.” Women and children leaving the area had told police officers, “There’s gonna be big trouble,” a vehicle had been damaged with “bats,” a bus and dump truck had been moved to the park, and “they’re manning a kiosk.” Inspector Linton said, “We don’t know whether there’s gonna be an ambush.” The occupiers were “provoking people on the highway”; they stopped a “lady” driving on the road and damaged her car. They were “massing people” inside the park. He told Mr. McCabe it was unlikely the occupiers could be served with notice of the injunction application: “[t]he potential for danger is really high” and “it would be very difficult for us to go in there now.”

Once again, there were so many inaccuracies in the information conveyed and in Inspector Linton’s perception of the so-called escalating events at Ipperwash. Mr. McCabe asked the OPP Inspector to try to serve the court documents or to verbally inform the First Nations people of the application, and to encourage them to appear at the injunction proceeding if “things calm down over the course of the night” or “early in the morning.”

13.15 Inspector Linton Tells Superintendent Parkin: Tonight’s the Night

At 9:48 p.m., Inspector Linton called Superintendent Parkin at his home to give him an update on events. At that time, the CMU were being briefed on their “mission” at TOC. Superintendent Parkin learned that a group of “irate” citizens, as well as the Mayor of Bosanquet (Fred Thomas), met near TOC to express their “displeasure” that “nobody was doing anything.”

Superintendent Parkin was told that as a *woman* drove from the citizens’ meeting past the gates of Ipperwash Park, she had been confronted by eight Native males, *four of whom had baseball bats* — “they started banging on her car,” damaging her vehicle.

Inspector Linton reported that occupiers were moving their bus and dump truck to the area near Army Camp Road and East Parkway Drive. First Nations people were in the park “kiosk pulling down the blinds ... like they were setting us up, like come on down here.” Aboriginal women, who were evacuating the

area with their children, warned there would be “trouble tonight.” There were bonfires near the entrance to Ipperwash Park and at the army camp gate; First Nations people congregated in both these areas.

Inspector Linton told Superintendent Parkin that TRU was at TOC and two Sierra teams were observing the area. He said the OPP “had a whole list of automatic weapons that somebody gave us this evening ... that’s supposed to be down there.” Inspector Linton expressed concern about the possibility of sniper fire. It continued to be Superintendent Parkin’s view that automatic weapons in the possession of the park occupiers was unconfirmed information.

Inspector Linton explained he was stationed at the command post in Forest, and Inspector Carson was at TOC.

Superintendent Parkin asked what the officers in Grand Bend could see in the videos. He was told the videos were blurry and movements of the occupiers could not be seen. But the First Nations people, Inspector Linton said, “are outside the fence ... lighting fires,” and have “clubs and stuff.” Inspector Linton said: “So it looks like tonight’s the night. They’re revved up for action. Their women and kids are leaving. It really surprised [me] that they’d be this aggressive.”

Superintendent Parkin wanted to know if the OPP plan was to remain outside Ipperwash Park. He was assured this was their intention, provided the occupiers remained in the park.

The injunction application scheduled for the following morning was also discussed. Inspector Linton explained that Mr. McCabe had faxed the injunction documents to the Forest Detachment, but he had informed the government lawyer it was unlikely these documents could be served on the Aboriginal people, given the escalation of events at the park. Superintendent Parkin replied, “They’re probably all boozed up, they’ve probably been drinking.” Tony Parkin acknowledged at the hearings that he had no information that OPP officers had seen alcohol bottles or smelled alcohol on the breath of First Nations occupiers on September 6. He denied he made this statement because of the stereotype that First Nations people are heavy alcohol users. Clearly this language was inappropriate, offensive, and culturally insensitive. One would expect an OPP officer of this high rank not to resort to such statements. Tony Parkin, the OPP Superintendent, should have been setting the example to OPP officers. It is evident that Native awareness training and sensitivity to Native issues were lacking at all levels of the OPP organization.

The type of injunction sought by the government — the *ex parte*, emergency injunction — was discussed. It surprised Tony Parkin. Park Superintendent Les Kobayashi had reported the possibility of automatic weapons “up through the MNR side” to his superiors at the Ministry of Natural Resources. This

information had travelled to the Deputy Solicitor General’s office, Superintendent Parkin said, and now there was “concern” that “maybe we weren’t doing the right thing.” The OPP Superintendent seemed worried about the perceptions of politicians and bureaucrats in the provincial government at Queen’s Park.

The OPP Superintendent was concerned that the information about automatic weapons, which travelled from Les Kobayashi at the command post to Ministers and senior bureaucrats at Queen’s Park, had been an important factor in the government’s decision to seek an *ex parte* emergency injunction. In his view, a regular injunction was appropriate in the circumstances — there was no urgency, and moreover, this type of injunction was more consistent with de-escalating the situation at the park.

Inspector Linton informed Superintendent Parkin that MPP Beaubien had visited the command post that evening. The MPP had “talked to” the Solicitor General and the Attorney General, and “they were comfortable.” In fact, as discussed earlier, the MPP did not have these discussions with Solicitor General Runciman and Attorney General Harnick. Superintendent Parkin agreed that the provincial government seemed satisfied with the manner in which the OPP were handling the Ipperwash situation. He said the OPP Commissioner had spoken to Solicitor General Runciman and

... they were more than pleased with what the OPP was doing, so there’s no problem there. What happened though ... by that information about the automatic weapons going up the MNR side, they went from that regular type of injunction to the emergency type which ... isn’t really in our favour.

When Superintendent Parkin testified at the Inquiry, he said that the views of the politicians at Queen’s Park were not relevant to the decisions being made by the OPP on the night of September 6. Yet it is evident that he was concerned about the views of politicians in the Ontario government regarding the OPP operation at Ipperwash.

Inspector Linton told Superintendent Parkin that ten TRU officers and sixty ERT officers had been assigned to the Ipperwash Park area, and Staff Sergeant Wade Lacroix would lead the ERT officers in the CMU. Superintendent Parkin cautioned Inspector Linton: “Wade’s a good guy ... just make sure that you or John control it.” Dale Linton assured the OPP Superintendent that Inspector John Carson was stationed at TOC and he did not “think ... the thing’s gonna get away” on them. Superintendent Parkin wanted to ensure that Inspectors Carson and Linton were the ultimate decision-makers. At the end of the conversation,

Super-intendent Parkin urged Inspector Linton to call him “if things start to really take a tumble.”

It was not until after Dudley George’s death that Superintendent Parkin learned that it was Kettle and Stony Point Band Councillor Gerald George, not a female resident, whose vehicle had been damaged by an occupier earlier that evening. And it had been damaged by a single rock thrown by one person, not hit with baseball bats by several occupiers. He learned that the damage to the car was not significant. He also later learned that Gerald “Booper” George had an adversarial relationship with the occupiers and had criticized the army camp occupiers in a letter to the editor of the local newspaper in August 1995 before the occupation of the park.

Clearly senior members of the OPP were operating on unverified misinformation. Questions Superintendent Parkin expected OPP officers to ask on the Gerald George incident were: Was there a motive on the part of Gerald George to mislead the police? Did he have an ulterior purpose in providing this information to the police? He also thought the statement taken from Gerald George at 8:26 p.m., that *one person* threw a *rock* at the car he was driving, should have been read by someone at the command post. He also expected steps to be taken by the OPP to follow up on the information that women and children were leaving the area. And the information Detective Constable Dew received from Gerald George on weapons — semi-automatic guns, Mini Ruger firearms, hunting rifles with scopes — also ought to have been followed up and authenticated by the OPP. As I have said, poor intelligence, missed opportunities, and miscommunication resulted in mistakes and tragic consequences.

When Inspector Linton and Superintendent Parkin ended this telephone call, the CMU was preparing at the TOC site for their march toward Ipperwash Park.

This was the last call Superintendent Parkin had with the command post before the fatal shooting of Dudley George.

