

Q & A put to Regional Command Staff of West Region & GHQ Command Staff by the OPPA on behalf of uniform members concerning Caledonia.

OPPA BOARD OF DIRECTORS' QUESTIONS

**RE: CALEDONIA
Aug 2006**

1. Why has MAG launched an appeal of the Superior court judges ruling?

MAG is appealing this ruling on the basis the judge does not have jurisdiction to stop the parties from negotiating.

2. What is the articulated focus of the OPP with regards to Caledonia?

Note - It is important to bear in mind that Board members have been present at shift briefings where this has been put forward and we have spoken to Incident Commanders. We have seen it change from keeping the peace to the present articulation of, enforcing the law.

The OPP is committed to a peaceful resolution of this matter. Peace officers are given discretion in how the peace is kept and laws enforced. Public and officer safety are paramount objectives.

3. Why is it that when Federal and Provincial Statutes are being contravened in the presence of OPP officers in Caledonia they are not taking the appropriate and immediate action that they would if they were anywhere else in the Province?

Taking the appropriate enforcement action does not always mean taking immediate action. Police officers have discretion in how laws are enforced. Several people have been charged and brought before the courts, arising from the Caledonia incident without public or officer safety being endangered. Where this issue has arisen, an outside police agency has been asked to review the matter.

4. Prior to, or following any arrest or contact with individuals in Caledonia, why is the Command Post asking our members if the person in question is white or non-white? When the person is nonwhite or First Nations, they are being told to "stand down" or "release".

No order or direction of this kind has been made to OPP members. A member has the discretion to decide on how a person under arrest should be released in accordance with the law.

5. Our members are highly trained professional police officers. Why are our members not being told and then supported by Command to enforce all the laws of this Municipality, Province and Country?

The OPP's goal is a peaceful resolution of this incident. Achievement of this goal requires the judicious use of discretion on how laws are enforced.

6. What is the long range plan for Caledonia in terms of Command, deployment, staffing, lodging for our members and enforcing the laws of this Municipality, Province and Country?

The OPP will continue to deploy members from all locations and provide adequate lodging for them until there is a resolution of the incident.

7. Is there a commitment to undertake a full debrief of this incident after its conclusion?

Yes.

8. Why were members deployed without the appropriate equipment when it was readily available?

Incident Commanders at the site evaluate what is required for members performing different duties to carry out their responsibilities. The equipment required changes with the circumstances. The safety of OPP members is a paramount consideration.

9. Why was there a decision to deploy tactical officers in non-tactical uniforms?

When deployed to Caledonia, TRU members have always worn tactical uniforms. With the exception of April 20th, ERT members have always worn tactical uniforms. The decision regarding uniforms is directly related to the task assigned. On April 20th, ERT were utilized as regular uniform officers (not POU), and therefore were attired in regular uniform.

10. Officers who normally have Caledonia as their work location will be faced with considerable pressures after Caledonia is over. What action plan is being considered to repair their relationships with all of the stakeholders in the Community?

The process of rebuilding relationships between the community and the OPP will likely be a lengthy one. The OPP is committed to working with all stakeholders to achieve this goal.

11. Why were the OPP placed in the role of peacekeepers and not law enforcement officers?

See the answers to question #s 2 and 3.

12. Why are the First Nations people treated differently than any other citizen?

The Canadian constitution recognizes the rights of aboriginal peoples with respect to land claims. The OPP take this into account when dealing with aboriginal peoples and land claim issues. The colour of right is often in question in land claim disputes. The OPP is committed to investigating offences and taking the appropriate enforcement action where an offender(s) can be identified and there is sufficient evidence.

13. Why has the government perpetuated a two tier judicial system?

The OPP does not comment on Government policies.

14. Why were officers deployed with direction that would violate policy or SOP?

OPP members have been deployed in accordance with established policy and practices. Incident commanders have discretion in deploying members appropriate for the circumstances.

15. How long are the officers remaining on the front line at detachments across the province expected to work short staffed with their overwhelming workloads? How long are these officers expected to sustain and perform their day to day duties?

Deployment of members from detachments has been done to minimize the impact on front line service including deploying members from GHQ and RHQs. The OPP continues to assess and adjust the numbers of staff required as circumstances dictate. The OPP has a long history of responding to major incidents while maintaining an adequate level of policing at all detachments.

16. Long term plans? What is the plan to staff Caledonia over the coming months / years? Is there any relief in terms of staffing?

The OPP will continue to deploy staff to Caledonia until a resolution is reached. Staffing levels will be assessed on an ongoing basis to ensure adequate levels of policing and adjustments made as necessary.

17. Can the OPP outline the communications plan? Officers appear to receive little information on the status of the occupation. Why are the activities only heard about through the media? Members across the province should be informed.

The OPP has continuously communicated with staff since the beginning of this incident including 6 letters from the Commissioner, backgrounders on the history of the dispute and directions on administrative matters. Most of this information may be found on the OPP's intranet webpage under Project Haldimand.

18. What are the contingency plans if officers are sent to another occupation somewhere else in the province? Do officers react the same way they have been told to in Caledonia or are there two sets of rules?

The OPP is mandated to respond to occupations within its jurisdiction. The OPP's response will take into account the circumstances of the dispute, which may or may not be similar to the issues at Caledonia.

19. Why are we leaving regular uniform officers in harms way when we have fully trained and equipped units available to deal with this?

Where circumstances have required specialized units, they have been deployed. The OPP's commitment to public and officer safety remains paramount.

20. Why are we allowing officers to get sprayed by fire hoses without dealing with the situation or getting them out of there all together?

The fire hose incident took place on August 15th. The police were deployed on a line between the Caledonians and the Occupiers. On three occasions an occupier sprayed water towards the Caledonians. When this first occurred, police took immediate action to get the water turned off.

Unfortunately the water source was on the occupied property and couldn't be accessed. Other options and their impacts had to be considered. Police were not targeted but were inadvertently sprayed. On the first two occasions the water was sprayed on a high arc over the heads of the police towards the Caledonians. On the third occasion the water was directed towards a Caledonian singing "O Canada" who was standing in close proximity to an OPP Sergeant. The OPP Sergeant was sprayed in the back but at no time was he at risk nor did he perceive himself to be at risk. Police reacted in a reasonable and professional manner, effectively preventing a bad situation from getting worse.

21. Why is the OPP command not even appearing to be involved in this situation, especially in the media, by speaking on behalf of the members?

Senior OPP staff have been assigned to manage the OPP's response and speak to the media where appropriate. The OPP's approach has been to respond to media inquiries and not to provide comments or opinions that may impede the negotiations given the volatility of the situation and that negotiations are ongoing.

22. Given that weapons have been seen and intelligence would indicate they are present, why is Caledonia not a level II incident?

The reliability of all information/intelligence is continually assessed. On a daily basis, police respond to occurrences where weapons are suspected or known to be present. The mere presence of weapons does not in itself constitute a threat to police/public. An incident is deemed Level Two only when/if there is a confirmed threat to life. All POU Commanders deployed to Caledonia are also Level Two Incident Commanders and continually evaluate the threat and appropriate police response.