

IN THE MATTER OF THE PUBLIC ORDER EMERGENCY COMMISSION
SUBMISSIONS OF THE ONTARIO PROVINCIAL POLICE

PART I – OVERVIEW

1. The Ontario Provincial Police (“**OPP**”) had a prominent role in responding to the events giving rise to the invocation of the *Emergencies Act* (the “**EA**”) on February 14, 2022 and its revocation on February 23, 2022. Through Project Hendon, the OPP collected and broadly disseminated high-quality intelligence to law enforcement agencies and federal departments. Those Hendon Reports forecast what would ultimately come to pass – that the organizers of the Freedom Convoy¹ had no exit strategy, intended to remain until their demands were met, may interfere with critical infrastructure and that large numbers of protesters and commercial motor vehicles were expected to arrive in Ottawa on January 28 and 29, 2022.
2. In addition to the gathering of intelligence, the OPP provided significant resources and assistance to the Ottawa Police Service (“**OPS**”) upon the arrival of the Freedom Convoy in Ottawa,² The OPP provided front-line officers as well as specialized resources such as Public Order Units (“**POU**”) and Provincial Liaison Team (“**PLT**”) members. Commissioner Carrique provided support directly to former Chief Sloly. Eventually, upon the consent of former Chief Sloly, the OPP provided (now retired) Chief Superintendent Carson Pardy to lead an Integrated Planning Team to draft and execute an

¹ The term “Freedom Convoy” is used throughout this document as that was the term used by the OPP in its Hendon Reports. The OPP recognizes that there were, in fact, multiple convoys that came to Ottawa. There were also, of course, multiple protest sites across Canada.

² Throughout the event, the OPP provided all requested resources and assistance to Ottawa Police Service. The details of that assistance are set out in the OPP’s Institutional Report ([OPP.IR.00000001](#)) and in the *viva voce* evidence of numerous witnesses herein.

operational plan. The OPP and RCMP coordinated numerous subject-matter experts from a number of police services (many from the OPP) and executed a complicated but successful enforcement operation.

3. The OPP, along with the police of jurisdiction, the Windsor Police Service (the “WPS”), successfully led the operation to clear the Ambassador Bridge in Windsor, and was engaged throughout Ontario, responding to a blockade of Highway 402, preventing a blockade of the Peace Bridge and Bluewater Bridge and dealing with “slow-roll” protests in many other areas.
4. The OPP does not take a position on whether the federal government should have invoked the EA in these circumstances. It was clear from the evidence that using existing authorities and available measures an operational plan was developed by the Integrated Planning Team to bring the unlawful protest in Ottawa to a peaceful end, without the additional tools provided by the Emergencies Act³, although those tools were useful in certain respects as detailed below.
5. Of the themes examined over the course of this commission of inquiry, there are a number that directly concern the OPP, such as the future of intelligence, the value of integrated or unified command structures, the use of “The Framework” and PLT as policing tools, the sufficiency of existing legal authorities, as well as consultation under the *Emergencies Act*. Those issues are explored below. The OPP hopes that the Commissioner has benefitted from the perspective and experience of OPP witnesses and

³ As it did at the Ambassador Bridge and elsewhere in Ontario.

will strongly consider the suggestions, comments and proposed recommendations put forward by the OPP.

PART II – KEY THEMES FROM THE EVIDENCE AT THE INQUIRY

6. The OPP has provided a comprehensive Institutional Report that details the chronology of events relevant to its involvement in matters related to the Convoy.⁴
7. Several factual and legal issues emerged in the evidence before the Commission that are relevant to the OPP specifically and police services generally. The OPP’s positions on those issues – in addition to the evidence related to them – are set out below.

A. Intelligence/Project Hendon

“... from what I’ve seen, to me, didn’t seem to be an intelligence failure but a failure to act on that intelligence.” Professor Leah West⁵

8. The OPP, through its Provincial Operations Intelligence Bureau (“POIB”), started Project Hendon in February 2020 in response to its observations of increasing dissent and protest activity resulting in criminal activity at public order events. Those public order threats were significantly impacting public safety, critical infrastructure and economic security. With the increasing frequency, duration and impact of those events, POIB formalized information sharing and collaboration with its intelligence partners.⁶

⁴ The institutional report can be found at [OPP.IR.00000001](#).

⁵ Professor West, Roundtable Discussion: National Security and Public Order Emergencies ([TRN00000034](#)) at pp. 94-95

⁶ OPP Institutional Report ([OPP.IR.00000001](#)) at pp. 19-20; Examination-in-chief of Superintendent Morris ([TRN00000005](#)) at pp. 193-194

9. By April 2021, POIB noted the emergence of the “Patriot Movement” and started focusing on collecting intelligence in respect of this movement.⁷

i. Freedom Convoy

10. On January 13th, 2022, the OPP started collecting, analyzing and disseminating intelligence relevant to the Freedom Convoy.⁸ That information was communicated in Hendon Reports and in daily teleconferences commencing on January 24th 2022, and continuing throughout the duration of the protest in Ottawa.⁹

11. In the days leading up to the arrival of the Convoy in Ottawa, Hendon reports forecast that this would not be a short or temporary protest.¹⁰ Superintendent Morris testified as follows:

It’s -- I can’t give a day. I can say this. We saw significant support. We saw significant fundraising. In real terms, we saw that play out in significant numbers of people and significant numbers of commercial vehicles and private support. In fact, our information from coming across western Canada was not only that, it was almost unanimous in our calls that there were people lined up on the sides of highways and on overpasses. And we even got to the point of talking about inclement weather that people were there. And we were quite surprised. So we felt it would be a significant event and it would be a long-term event, specifically because the demands could not be met. And the promise was to stay until they were met.¹¹

The OPP’s concerns about the potential duration of this protest were conveyed to a wide law enforcement audience in the Hendon Reports and was discussed in daily conference calls starting on January 24, 2022.

⁷ Examination-in-chief of Superintendent Morris ([TRN00000005](#)) at p.195

⁸ Examination-in-chief of Superintendent Morris ([TRN00000005](#)) at p. 198

⁹ Examination-in-chief of Superintendent Morris ([TRN00000005](#)) at p. 197 [NOTE: The first teleconference was held on Jan 21, but the daily teleconferences began on Jan 24.]

¹⁰ Examination-in-chief of Superintendent Morris ([TRN00000005](#)) at p. 214; Examination-in-chief of Commissioner Carrique ([TRN00000011](#)) at p. 37

¹¹ Examination-in-chief of Superintendent Morris ([TRN00000005](#)) at p. 214

12. The Hendon Reports were sent to many recipients, including other police services, Chiefs of Police¹², CN and CP police services, and federal agencies such as CSBA, CSIS, INSET, the RCMP and Department of National Defence.¹³ The intention of broadly distributing the Hendon Reports was to ensure the intelligence was shared with a large section of law enforcement-type agencies in order to break down information silos. Information silos were identified as a concern within federal agencies by CSIS¹⁴ and even the Prime Minister, who said the following:

One of the challenges in every government is the siloing that happens; something happens in Public Safety doesn't necessarily get connected to Transport, doesn't necessarily get connected as organically as we'd like to Immigration, and various things like that.¹⁵

13. Appendix "E" to the OPP Institutional Report¹⁶ lists all the reports related to the Convoy with reference to its corresponding number in the Party Database. . Those reports, in particular the Hendon Report dated January 20, 2022¹⁷ and those that followed provided intelligence assessments that this would likely be more than a weekend event. This information was also discussed in daily Hendon teleconferences starting on January 24, 2022.

14. While a number of witnesses from Ottawa Police Service indicated their belief this would only be a weekend-long event, that belief was not supported in the available intelligence. There are no references in any of the Hendon Reports to the possibility that this may only

¹² As early as January 2021

¹³ [OPP00004577](#) (Project HENDON Intelligence Partners_Dissemination Lists) and [OPP00004571](#) (List of Hendon Teleconferences and Reports for Freedom Convoy 2022); see also OPP Institutional Report ([OPP.IR.00000001](#)) at pp. 20-21.

¹⁴ Cross Examination of CSIS Panel ([TRN00000027](#)) at pp. 78-79

¹⁵ Examination-in-chief of Prime Minister Trudeau ([TRN00000031](#)) at p. 47

¹⁶ Appendix "E" of the OPP Institutional Report ([OPP.IR.00000001](#)) at pp. 164-167

¹⁷ [OPP00001028](#) (2022-01-20 – POIB – PROJECT HENDON – PROTEST CONVOY)

be a weekend event. When asked in cross-examination about this, Superintendent Morris said the following:

Well, I completely disagree. I'll use the terms "inter and legere", I believe we provided -- I believed that a discerning read of the intelligence products throughout the fall of 2021 and certainly from the 13th of January in 2022, and then with the tele conferences where the Ottawa Police Service participated in, and the intelligence products that had been produced daily since that period of time leading to on this date, February 12th, said that there will be a significant event in Ottawa. It will begin on the 28th or 29th of January. It will incorporate large groups of motivated people who are protesting and these are their grievances. It will incorporate large use of commercial motor vehicles, tractor trailers. Their intention is to impede the business of government and to be in the downtown area. They used terminology like "gridlock". We said there was no exit strategy and their demands could not be met and it would be significant and there would be other calls for resources because there would be other events.¹⁸

15. The Hendon Reports were high-quality intelligence reports. The warnings contained therein were credible. OPS Superintendent Bernier testified as follows:

It was the first time that I had seen such a report [January 27 Hendon Report]. It's quite comprehensive with input from -- and I'm combining a bit of the two, because I attended the Hendon call first and then had the ability to see the report. There's a lot of people from officer law enforcement agencies from across the country who would be feeding into this report ... It's the totality of the report. There's various elements that it was very -- like I mentioned, this is the first time that I ever saw such a thing as a Hendon Report, and around demonstrations, usually, we would not get such a comprehensive report regarding demonstrations. So the information that was contained in here is -- was something that was relatively new to me, and caused me to be concerned.¹⁹

16. Windsor Police Service DC Jason Crowley referred to the Hendon Reports as "our best source of intelligence..."²⁰ and said information flow from OPP, distribution of Hendon Reports was very effective.²¹

¹⁸ Examination-in-chief of Superintendent Morris ([TRN00000005](#)) at p. 244.

¹⁹ Examination-in-chief of Superintendent Bernier ([TRN00000009](#)) at pp. 240-241.

²⁰ Examination-in-chief of Deputy Chief Crowley ([TRN00000018](#)) at p. 181

²¹ Cross-examination of Deputy Chief Crowley ([TRN00000018](#)) at pp. 261-262.

17. There was reference to “intelligence gaps” in the Hendon Reports. As explained by Superintendent Morris,²² that term is used to indicate that there was some information that was unknown to the OPP at the time reports were prepared. In particular, there was a lack of information as to what would actually happen during that first weekend. That does not necessarily mean that the OPP failed to collect that information – the evidence suggests that the information was unknown because the protesters had not formalized such plans.
18. While the numbers of protesters and vehicles were subject to change, the Hendon Reports identified early on that those numbers would be substantial.

ii. Interpretation of Hendon Reports and Action/Inaction Taken

19. As Professor West noted in the policy roundtable *National Security and Public Order Emergencies* “... from what I’ve seen, to me, didn’t seem to be an intelligence failure but a failure to act on that intelligence.” The Hendon Reports provided intelligence that could have been used proactively to prepare for the arrival of the Convoy.²³ Unfortunately, the evidence suggests that the Hendon Reports were either not considered by decision-makers or not taken sufficiently seriously. The OPS Operational Plan contained no reference to Hendon-related intelligence.²⁴ OPS Superintendent Robert

²² Examination-in-chief of Superintendent Morris ([TRN00000005](#)) at pp. 202, 208, and 214.

²³ “Our purpose in the Strategic Intelligence Reports of Hendon was to inform decision-making. Part of that decision making is police operational planning to prepare.” – Cross-examination of Superintendent Morris ([TRN00000005](#)) at p. 274

²⁴ Cross-examination of Deputy Chief Ferguson ([TRN00000006](#)) at pp. 120-121

Examination-in-chief of Deputy Chief Bell ([TRN00000008](#)) at p. 40: “So I raised concerns about the threat assessments. We had discussions about it because my expectation was that it would have created more direct references to the Hendon Reports and to the intelligence information we were bringing in.”

Bernier referred to a "bizarre disconnect" between the intelligence in the Hendon Reports and the planning process.²⁵

20. As a result of the foregoing, the OPS Operational Plan was not sufficiently informed by intelligence. It was not an intelligence-led plan.²⁶ It was based on the mistaken assumption that this would only be a weekend-long protest.²⁷

21. The evidence from the Prime Minister was noteworthy in this regard. He testified that in the days leading up to the arrival of the Convoy, his team was concerned about the potential that this may not be a short-term protest but that he was continually reassured that this would only be a weekend-long protest. Like Superintendent Bernier, he also used the word "disconnect":

Well, first of all, one of the things that we noted in the runup to the arrival was a bit of a -- a bit of a disconnect between what the sort of political arms of my office were seeing and expecting, from what we'd seen on social media, coloured by our experiences from the campaign that was only a few months before, contrasted with the assurances by -- whether it was Ottawa Police Services or even the Public Service, that this was just a "normal" style of protest that we see on the Hill fairly regularly. And there was already a little bit of worry that this might be a different brand of event than Canadians were used to seeing. And we certainly saw during the first weekend that the expectations that the police had said; that they would simply go home, the ability to keep it under control, was not exactly there.²⁸

Cross-examination of Deputy Chief Bell ([TRN00000008](#)) at p. 189: "So I absolutely agree there isn't any reference to the Hendon report."

²⁵ [WTS.00000030](#) (Interview Summary – Robert Bernier) at 4; Examination-in-chief of Superintendent Bernier ([TRN00000009](#)) at pp. pp. 247-248

²⁶ Cross-examination of Deputy Chief Ferguson ([TRN00000006](#)) at p. 87-88
Examination-in-chief of Chief Superintendent Pardy ([TRN00000007](#)) at p. 155

The contrary view was taken by former Chief Sloly (Cross-examination of former Chief Sloly ([TRN00000013](#)) at pp. 208-209) and Deputy Chief Bell (Cross-examination of Deputy Chief Bell ([TRN00000008](#)) at p. 190).

²⁷ Examination-in-chief of Superintendent Abrams ([TRN00000006](#)) at p. 220
Examination-in-chief of Superintendent Bernier ([TRN00000009](#)) at pp.248-249
Cross-examination of Deputy Chief Ferguson ([TRN00000006](#)) at p. 118

²⁸ Examination-in-chief of Prime Minister Trudeau ([TRN00000031](#)) at p. 14

22. Professor Wark, at the *National Security and Public Order Emergencies* policy

roundtable stated:

A few other quick points to conclude. One, to come back to the OPP project Hendon reports, which have been mentioned, we do know a little bit about the history of this initiative, but I would say in the context of Freedom Convoy threat reporting, it was a remarkable effort. And as Professor Roach said, it had a wide distribution list for its reports, but a wide distribution list doesn't mean that people read it and take it in. Project Hendon reports simply failed to penetrate and didn't have the impact on threat assessment reporting at the federal level that it should have had. A second point I will make is both specific and more general. The Ottawa Police Service proved incapable of generating a sufficient threat picture about the Freedom Convoy. But at the same time, as far as I can see from the evidence, the OPS was unwilling or unable to draw on Hendon or other sources of intelligence. My conclusion briefly about this challenge of sharing, in particular, of threat assessment is that I think the picture that was revealed is one of too many silos and engrained cultural practices that contributed to a dysfunctional intelligence ecosystem.²⁹

iii. *Policy Considerations and OPP Recommendations*

23. While there were apparent issues with the way in which the Hendon Reports and information provided in the related teleconferences were considered and utilized by recipient law enforcement agencies, the value of the intelligence contained therein is obvious. Without Project Hendon, there would have been little intelligence on the potential size, scale and goals of the protesters. Police services should continue to collect such intelligence and ensure broad dissemination to break down information siloes. That intelligence should form a crucial part of planning for potential public order events.
24. In considering an appropriate analytical framework to consider the linking of intelligence to planning, a police service should ask itself the following questions:

- a. Did they read it?

²⁹ Professor Wark, Roundtable Discussion: National Security and Public Order Emergencies ([TRN00000034](#)) at p. 35

- b. Did they understand it?
- c. Did they disagree with it? If so did they reach out to discuss it with the producer?
- d. What did they do with it?
- e. Was it considered for planning?
- f. Do they have joint intelligence – planning team?
- g. Was the plan intelligence led?
- h. Why or why not?
- i. Are there any systemic concerns or failures?

25. Police services should continue to monitor open-source information as an important aspect of intelligence gathering. There is a significant amount of “noise” on social media platforms. Obtaining quality intelligence from such sources requires training and putting that information through the appropriate lens using intelligence tradecraft. This is not something that can be done effectively by those without proper training or without those resources. This is appropriately within the proper role of police services.³⁰

26. The OPP proposes the following recommendation

- a. That police services and other law enforcement partners continue to collaborate to support joint intelligence-gathering projects including the OPP’s Project Hendon in order to ensure that a national intelligence picture is developed and disseminated.;
- b. That police services ensure that intelligence managers and intelligence clients/consumers are appropriately trained and experienced in the interpretation and analysis of intelligence, and how to assess potential impacts, with that information and analysis then substantively linked to operational planning processes.

³⁰ Cross-examination of CSIS Panel ([TRN0000027](#)) at pp. 81-82

B. Lessons From Ipperwash – Role and Use of “The Framework” and Provincial Liaison Teams

27. It is not surprising that there were frequent references to the Ipperwash Inquiry and the Recommendations arising therefrom in the evidence at this inquiry. The fatal shooting of Dudley George in Ipperwash Provincial Park marked the beginning of a profound change in the way in which the OPP engages with members of the community and responds to potential public order events.

i. Framework for Police Preparedness for Indigenous Critical Incidents

28. The *Framework for Police Preparedness for Indigenous Critical Incidents* (the “Framework”)³¹ was developed following the death of Dudley George and was recognized as a “best practice” by Ipperwash Inquiry Commissioner, Justice Linden. While it has been modified since its inception, the Framework sets out a measured approach to responding to potential public order events. There are hundreds of policies that govern the conduct of members of the OPP. Only nineteen are considered critical policies.³² The Framework is a critical policy.

29. Consistent with its status as a critical policy and its years of success in responding to varied situations, the Framework is top of mind for every OPP Incident Commander.

30. Through OPP Inspector Beaudin, the OPP took a leadership role in the development of a national Framework through the CACP.³³ The CACP Framework is very similar to the OPP Framework.³⁴

³¹ The Framework can be found at [OPP00004566](#)

³² Examination-in-chief of Superintendent Beaudin ([TRN00000009](#)) at p. 108.

³³ Examination-in-chief of Superintendent Beaudin ([TRN00000009](#)) at p. 113.
The CACP Framework can be found at COM00000666

³⁴ Examination-in-chief of Superintendent Beaudin ([TRN00000009](#)) at p. 112.

31. While the Framework is critical to OPP planning and operations, it may not be as widely known, understood or used by other police services. As established in the evidence, there was a lack of knowledge about the National Framework and how to use it effectively in responding to an anticipated and actual public order event as seen in Ottawa.³⁵ In addition, there appeared to be a lack of understanding on how to properly utilize PLT – a fundamental part of the Framework - and decisions to prioritize short-term enforcement gains over using PLT.³⁶ PLT is most effective when used early on and as part of an overall operational plan. In the context of an already lengthy and ongoing protest, Inspector Beaudin testified as follows:

And then as I was talking to [Mark Patterson], I recognized that they didn't necessarily have a good understanding of what PLT did. We went through what PLT does, how they do it, what are some strategies, whatever, and he was very thankful for the conversation, and he was an absolute gentleman at that time as well. And so but on that it just showed me that maybe we needed to assist with some leadership there for PLT, and I was also getting grumblings from our membership saying, you know, things just aren't going as well as they probably could. So on the third, I had said to our command, you know, is this something

³⁵ Cross-examination of Deputy Chief Bell ([TRN00000008](#)) at p. 155: “Yes, that’s – I had reviewed it, but to be – to call myself familiar with it or knowledge – extremely knowledgeable in all the content of it would be no[t] correct.”

Cross-examination of Deputy Chief Ferguson ([TRN00000006](#)) at pp. 144-145: “MS. REBECCA JONES: Okay. And I’m going to suggest that the language that you’ve used is, you became familiar with the National Framework during the convoy? ACTING DEPUTY CHIEF PATRICIA FERGUSON: Yes.”

[WTS.00000040](#) (Interview Summary – Peter Sloly) at p. 3: “At the time of the Freedom Convoy, Chief Sloly was not familiar with the Canadian Association of Chiefs of Police National Framework on Police Preparedness for Demonstrations and Assembles.”

³⁶ Examination-in-chief of Deputy Chief Ferguson ([TRN00000006](#)) at pp. 59-60; Cross-examination of Deputy Chief Ferguson ([TRN00000006](#)) at p. 125
Examination-in-chief and Cross-examination of Inspector Beaudin ([TRN00000009](#)) at pp. 128, 219 – In fact, Inspector Beaudin testified to his belief that the protest would have ended much sooner if the measured approach contemplated by the Framework was implemented.
Examination-in-chief of Superintendent Abrams ([TRN00000006](#)) at p. 260
Examination-in-chief of Deputy Chief Bell ([TRN00000008](#)) at Pp. 97-98
Cross-examination of Chief Superintendent Parry ([TRN00000007](#)) at pp. 214-215
Cross-examination of Deputy Chief Bell ([TRN00000008](#)) at p. 155

that would be beneficial having someone in leadership over there to help support that, and they agreed to that.³⁷

32. The OPP believes in the value of the Framework and has used it successfully now for many years. Chief Superintendent Parady made the following relevant observation:

I -- my personal opinion is if we took an enforcement action directly every time just to end it, we'd be sitting for another Commission of Inquiry about a lack of a measured approach. So in my humble opinion, I would use PLT in every circumstance.³⁸

33. The Commissioner should consider a recommendation that police services either adopt the National Framework or create their own version based on similar principles, while making sure that those concepts are well understood by everyone involved in senior-level decision-making.

ii. Provincial Liaison Team

34. The effective use of the OPP's Provincial Liaison Team is a fundamental component of the Framework. Like the Framework, PLT was a concept developed and implemented following the Ipperwash tragedy. It is recognized for its excellence. Former Chief Sloly referred to the OPP's PLT program as the "best in class" in the country.³⁹

35. The evidence before the Commission demonstrates that PLT was not used effectively in Ottawa.⁴⁰ While PLT was involved in outreach to the protesters before their arrival in

³⁷ Examination-in-chief of Superintendent Beaudin ([TRN00000009](#)) p. 128

³⁸ Examination of Superintendent Parady by Commissioner Rouleau ([TRN00000007](#)) at p. 276

³⁹ Examination-in-chief of former Chief Sloly ([TRN00000012](#)) at pp. 57-58

⁴⁰ Examination-in-chief of Deputy Chief Ferguson ([TRN00000006](#)) at pp. 32, 54; Cross-examination of Deputy Chief Ferguson ([TRN00000006](#)) at p. 125

Examination-in-chief of Superintendent Beaudin ([TRN00000009](#)) at pp. 134-135

Cross-examination of Chief Superintendent Parady ([TRN00000007](#)) at pp. 212-213, 230

Examination-in-chief of Superintendent Abrams ([TRN00000006](#)) at pp. 242-244, 247; Cross-examination of Superintendent Abrams ([TRN00000007](#)) at p. 22

Cross-examination of Deputy Chief Bell ([TRN00000008](#)) at pp. 159-160

Examination-in-chief of Commissioner Carrique ([TRN00000011](#)) at p. 42

Ottawa, they were not used as part of a larger operational plan and, especially in the early stages, were not given the necessary authority and autonomy to do their best work.⁴¹

36. Despite those limitations, the OPS and OPP PLT teams were able to successfully negotiate an end to the occupation of Confederation Park on Feb. 5, 2022 without the need for enforcement action as previously contemplated⁴². Unfortunately, the hard-won credibility of PLT within the protesters quickly evaporated the following day when OPS undertook enforcement activities at Coventry Road, contrary to assurances given to the protesters by PLT and without the knowledge of OPS PLT Staff Sergeant John Ferguson.⁴³ This is an example of how PLT should not be used. PLT needs to form part of the overall plan and its objectives should be consistent with the strategic goal set by the Incident Commander.

37. The OPP's PLT is a crucial component of an effective response to a potential or actual public order event. It can also be used very effectively in other contexts. Chief Superintendent Pardy testified as to his observations of PLT as a Regional Commander:

Well, we have seen PLT used in a myriad of situations over the years. I'm a big fan of them nonetheless. I think it's obvious. We've seen them have complete success. But it depends. We use PLT in the OPP in our daily operations now. In my region, for example, I have a PLT officer in every one of my detachments, plus I had a full-time component in addition to a designated PLT in every one of my detachments. They handle contentious issues, right down to a protest as neighbours, between two people, and resolve lots. You know, resolution, if you're saying complete resolution, there's a massive process and PLT alone was able to resolve it? That's a fair statement that it doesn't happen often. But they are an

⁴¹ Examination-in-chief of Superintendent Abrams ([TRN00000006](#)) at pp. 242-243

⁴² Examination-in-chief of Superintendent Beaudin ([TRN00000009](#)) at p. 129
Examination-in-chief of Deputy Chief Ferguson ([TRN00000006](#)) at pp. 55-56

⁴³ Examination-in-chief of Deputy Chief Ferguson ([TRN00000006](#)) at p. 53
Examination-in-chief of Superintendent Abrams ([TRN00000006](#)) at p. 259

[WTS.00000027](#) (Interview Summary – John Ferguson) at p. 8

Examination-in-chief of Former Chief Sloly ([TRN00000012](#)) at p. 129: “Clearly though, I am aware that there was a significant departure from the optimal way that PLT should be utilized, and it had a major impact on the PLT's abilities to move forward.”

instrumental part of the solution to get a protest to a workable size that allows us to effectively dismantle it.⁴⁴

38. The evidence demonstrates that there was a lack of understanding within OPS on how to properly utilize PLT. The Commissioner should consider a recommendation that police services provide appropriate training to ensure that each service not only has PLT capabilities but that Incident Commanders are fully aware of how to utilize such resources.

iii. Police Government Relationship & Police Independence

39. The nature of the appropriate relationship between police and government was discussed in the evidence of Acting Supt. Marcel Beaudin, at the inquiry:

ACTING SUPT. MARCEL BEAUDIN: Yeah. So in the recommendations, one of the big things is political interference or political direction to the police. And so that's always a big issue when we look at protest demonstrations, occupations for obvious reasons and there needs to be a division between incident command and political direction, right. So that's why, you know, for a variety of reasons, but when there's an incident in OPP detachment areas, an Incident Commander or Major Critical Incident Commander will come from another area so that way the Detachment Commander can run his office and work with Police Service Boards and other people that potentially may influence something. So it's just this layer of insulation, right, from political interference. And so that's obviously that we wanted to make sure that that wasn't the case. Rob Stewart never directed me, never gave me -- in fact, he went there asking for help. He was by no means in any way politically interfering and he was there to try and see and find ways to support.⁴⁵

MS. CARA ZWIBEL: Sorry. I'm sorry. My question wasn't clear. I didn't mean political interference in this instance, I mean generally what is the concern about the -- about political level individuals interfering in police operations?

ACTING SUPT. MARCEL BEAUDIN: Yeah, like, obviously it just shouldn't happen. Like it looks like -- for example, look at Ipperwash, right, and the issues that happened there as a result of comments made by government to that point.⁴⁶

⁴⁴ Cross-examination of Chief Superintendent Pardy ([TRN00000007](#)) at pp. 208-209

⁴⁵ Examination-in-chief of Superintendent Beaudin ([TRN00000009](#)) at pp. 158-159

⁴⁶ Cross-examination of Superintendent Beaudin ([TRN00000009](#)) at p. 224

40. It is common ground on the evidence that politicians should not be involved in operational decision-making. This is one of the key lessons from Ipperwash – the rationale for this is set out in some detail.⁴⁷

71. Section 17 of the Police Services Act should be amended to specify that the power of the responsible minister to direct the OPP does not include directions regarding specific law enforcement decisions in individual cases, notwithstanding the responsible minister’s authority to issue directives under s. 3(j) of the Act. This section should be further amended to specify that the commissioner of the OPP has “operational responsibility with respect to the control of the OPP, subject to written directives from the responsible minister.”

72. The Police Services Act should be amended to prohibit anyone but the responsible minister (or his or her delegate) from providing direction to the OPP. The Act should also specify that ministerial directions must be directed to the commissioner of the OPP (or his or her delegate).⁴⁸

41. Panelists at the *Police-Government Relations* policy roundtable discussed the challenges that can present in navigating the relationship between a police service and government or a police services board and in determining the parameters of information-sharing, and then how government or the board carries out its oversight role. Some took the view that the concept of police operational independence should be restricted to the areas where police exercise discretion and in their law enforcement function, or what was described as the “quasi-judicial” function of police. As a corollary, some panelists suggested that public order events might then call for a greater degree of involvement by the governing body.

42. A central lesson of Ipperwash is that in the context of a public order event, it is critical that the oversight body not over-step its appropriate role. The role of the government or

⁴⁷ [COM00000828 \(Ipperwash Vol 2 CH12\)](#)

⁴⁸ [COM00000828](#) at p. 57

oversight body is to ensure that policy is being followed, risks are being mitigated and the police service has the necessary resources to adequately and effectively perform their duties – and this would warrant the oversight body having an appropriate level of situational awareness, the ability to ask questions, and, in some cases, information related to a concept of operations to satisfy its administrative responsibilities. For the reasons articulated in the *Ipperwash Report*, any elaboration by this Commission of the now well-established principles governing the relationship between police and its governing bodies should be undertaken with great care. In striking the right balance in what one panelist called the “symbiotic relationship” between the protected sphere of police independence and the role of government and civilian oversight, it is critical that political actors and governing bodies not overstep their appropriate role.

43. In the OPP’s submission, a police leader’s role requires the appropriate management of the relationship with political leaders and the governing body, and the need for the correct balance is particularly critical during an event or operation, or crisis. The police leader should address requests for information with consideration of what the governing body *needs* to know to carry out its responsibility to ensure adequate and effective policing. The government and police governing bodies represent the public interest, and a police leader is accountable, and as such needs to provide sufficient information to enable those bodies to fulfil their respective roles, while protecting the necessary sphere of police independence, and guarding against political over-reach.

C. Unified/Integrated Command

44. Integrated command structures were established both in Windsor and Ottawa. The context, however, was significantly different. As a preliminary matter, the OPP would observe that the protest events of February 2022 presented challenges to municipal police services that have been described as unprecedented.

45. The OPP makes the following recommendation:

In consideration of the policing challenges that presented in responding to protest events in February 2022, the legislated responsibility with respect to the provision of adequate and effective police services should be assessed and analyzed by all responsible entities. It is essential that police services are not only able to provide day-to-day police services, but also to have the surge capacity to respond to extraordinary events, such as the protests of February 2022, as necessary.

i. Windsor

46. In Windsor, integrated command was established very quickly, seamlessly and successfully following a request for assistance from the Chief of the Windsor Police Service.⁴⁹ As indicated by Windsor Deputy Chief Crowley:

And the -- that seamless integration of Superintendent Earley's team with our team, everybody was pulling the rope in the same direction, and that was what helped us. That was our success.⁵⁰

⁴⁹ Examination-in-chief of Superintendent Earley ([TRN00000019](#)) at pp. 11, 41, 82
Cross-examination of Deputy Chief Crowley ([TRN00000018](#)) at pp. 219-220, 271

⁵⁰ Cross-examination of Deputy Chief Crowley ([TRN00000018](#)) at p. 271

ii. Ottawa

47. In Ottawa, former Chief Sloly preferred to maintain overall command and control, as opposed to sharing command with another police service.⁵¹ He was clear in his evidence that as the police service of jurisdiction, the Ottawa Police Service would have control over the response.⁵² He said the following in examination-in-chief:

Trust, no, but I was very explicit on two points. Integration means that the Ottawa Police Service remains the police of jurisdiction, and that the Ottawa Police Service remains in control of the incident command system, and that the resources I'm asking for are to be under the control of the incident command system. Those were the only three caveats. If they couldn't agree to those three caveats, we'd probably have to go back to the drawing board in some other way to get the resources and achieve another type of integration.”⁵³

48. On February 7th, 2022 – approximately 10 days after the first trucks arrived in Ottawa - Chief Superintendent Carson Pardy was assigned by Commissioner Carrique⁵⁴ to establish and lead the Integrated Planning Team. By that point, it was obvious that this event was beyond the capability of OPS to manage on its own. The mission was to restore trust and confidence in the OPS.

49. While the Ottawa Police Service went through another change in incident command, subject matter experts from several police services started building on the existing Ottawa Police Service concept of operations to create a more robust plan. The OPS was not represented on the Integrated Planning Team, although they were invited to participate.

⁵¹ Cross-examination of Acting Deputy Chief Ferguson ([TRN00000006](#)) at pp. 123
Examination-in-chief of Chief Superintendent Pardy ([TRN00000007](#)) at p. 152
Examination-in-chief of Deputy Chief Bell ([TRN00000008](#)) at p. 105; Cross-examination of Deputy Chief Bell ([TRN00000008](#)) at p. 231

⁵² Examination-in-chief of former Chief Sloly ([TRN00000012](#)) at p. 190
Cross-examination of former Chief Sloly ([TRN00000013](#)) at p. 194

⁵³ Examination-in-chief of former Chief Sloly ([TRN00000012](#)) at p. 190

⁵⁴ Former Chief Sloly consented to Chief Superintendent Pardy attending for the purpose of developing a plan with the understanding that OPS would remain the police service of jurisdiction.

There was confusion within OPS about approval of the plan but ultimately it was approved on February 15 and executed a few days later.

50. Once the Integrated Planning Team was established and OPS accepted the concept, the collaboration of subject matter experts and the bringing together of all necessary resources resulted in a successful enforcement operation.⁵⁵ However, the delay in establishing a plan and OPS agreeing upon an integrated command structure resulted in a delay in ending the unlawful activities and clearing the protest.⁵⁶

51. The evidence before this Commission clearly establishes the value in an integrated or unified command structure in situations where the police service of jurisdiction does not have appropriate or sufficient resources to handle a public order event.⁵⁷ Chief Superintendent Pardy testified as follows on this point:

Well, it's useful because of, you know, the power of the human brain. The more people that you have, the more expertise you bring to bear on a problem, the more communication that you have, you know your solution is going to be that much more refined and appropriate. It takes -- as I mentioned earlier in my evidence, it takes the weight off one pair of shoulders who was feeling the burden of this event, and I feel for Chief Sloly, the burden that he was under for this event. But bringing in an integrated command and all that it brings to bear with the resources, the subject matter expertise can only produce a win.⁵⁸

52. The OPP's view is that unified command is necessary in situations where the police of jurisdiction does not have the necessary experience, expertise and capacity in critical incident command and/or it is a multi-jurisdictional event that would benefit from coordinated interoperability. The OPP is not in favour of prescribed thresholds, which

⁵⁵ Cross-examination of Minister Blair ([TRN00000027](#)) at p. 250

Cross-examination of Superintendent Bernier ([TRN00000010](#)) at p. 113

Examination-in-chief of Deputy Solicitor General Di Tommaso ([TRN00000021](#)) at p. 254

⁵⁶ Cross-examination of Acting Deputy Chief Ferguson ([TRN00000006](#)) at pp. 123, 184

⁵⁷ Examination by OPP of Chief Superintendent Pardy ([TRN00000007](#)) at pp. 270-271

Examination-in-chief of Chief Superintendent Pardy ([TRN00000007](#)) at pp. 126, 268

⁵⁸ Examination by OPP of Chief Superintendent Pardy ([TRN00000007](#)) at pp. 270-271

were recommended by some participants in the policy phase. These determinations should be case-by-case, situation specific, and depend on the skill sets and capacity available within the jurisdiction, and from the agency assisting, along with consideration of related events occurring in other jurisdictions.

D. OPP and RCMP Engagement to assist Municipal Police Services

i. OPP Engagement as Provincial Police Service

53. As described above, the OPP provided assistance to the police services of jurisdiction in both Windsor and Ottawa, in accordance with requests for assistance and ongoing communications at senior command levels. The experience of February 2022 revealed that the process of seeking assistance from the OPP could benefit from the development of guidelines for Chiefs of Police and municipal police services boards.

54. The OPP proposes the following recommendation:

Government should consider guidelines that may include criteria for a Chief of Police or a municipal police services board to consider in making a request for assistance to the OPP, and some mechanism of oversight for those requests should also be considered.

ii. Requests for RCMP Resources and Ability to Rapidly Deploy

55. The evidence at the inquiry was that the need to swear in out-of-province RCMP officers deployed to support the Ottawa operation imposed an administrative burden that, while expedited, required time and work by Ottawa and provincial government staff.

56. The OPP proposes the following recommendation:

*RCMP officers should have full police authority in all provinces or territories. As members of our federal police service, the need to swear them in was an administrative burden that should be eliminated going forward. **This recommendation is also advanced or supported by other parties at the POEC.***

E. Invocation of the Emergencies Act

57. The OPP takes no position on whether the federal government should have declared a public order emergency. The OPP did not ask for the *Emergencies Act* to be invoked and did not ask the RCMP or federal government for any particular authorities or tools.
58. The blockade of the Ambassador Bridge was cleared prior to the invocation of the Emergencies Act using existing legal authorities. The OPP used those same authorities to manage “slow rolls” and other protest sites throughout Ontario, including Highway 402, the Bluewater Bridge and Peace Bridge. The Integrated Planning Team in Ottawa used existing authorities to prepare the final Operational Plan⁵⁹ and would have executed the plan without any of the tools provided by the Emergencies Act:

MR. FRANK AU: M’hm. And you also said that the police would have managed to put an end to the protest without the Emergencies Act. They would have done so within the timeline that the cell was contemplating before the Federal Government declared an emergency. Could you elaborate on that, please?

C/SUPT. CARSON PARDY: Well I think it just says what it says. Our operational plan, when we put it in place, we did not have those authorities. It did not suddenly turn us on our wheels that we had to change a lot. We just added it. There’s a plan. It helped. I’m not going to say that it was not useful. It certainly -- it provided us with some authorities relating to tow, relating to perimeters,

⁵⁹ The Operational Plan was amended to include some of the tools provided by the Emergencies Act: Examination-in-chief of Chief Superintendent Pardy ([TRN0000007](#)) at p. 184

relating to preventing people from going into the red zone, et cetera. But we could have done that anyway.⁶⁰

SUPT. ROBERT BERNIER: The plan that I was developing was based on existing authorities, whether it be under the provincial, federal or common law authority to act. This is what takes place on a daily basis on those larger type events. We have to leverage the -- those particular authorities that exist. The plan that I was building with my Integrated Command Table, and the advice that I was getting, and having the right people from the right backgrounds providing their input, I was satisfied that we were going to have all the authorities we need to take action if the communication and the negotiation piece of our stabilization plan was not successful in having that area cleared and the city returned to a state of normalcy.⁶¹

59. The Commissioner heard a significant amount of evidence about towing. While the Emergencies Act provided the authority to compel tow truck drivers, no tow truck operators were compelled to assist with the operation in Ottawa. Following the event, Sergeant Kirkland Richardson, the OPP's subject matter expert on towing on the Integrated Planning Team, confirmed with the RCMP that the tools provided by the Emergencies Act were used for the purposes of indemnification.⁶²

60. While the additional tools provided by the Emergencies Act may not have been necessary, they were useful. They removed any legal doubt as to the ability of the police to implement a large exclusion zone around the area of the protest.⁶³ They allowed for Ontario to satisfy tow truck operators that they would be indemnified.⁶⁴ The invocation

⁶⁰ Examination-in-chief of Chief Superintendent Pardy (TRN00000007) at p. 185

⁶¹ Examination-in-chief of Superintendent Bernier (TRN00000010) at p. 37

⁶² [PB.NSC.CAN.00005777_REL.0001 \(FW: Tows and EA\)](#)

[PB.NSC.CAN.00007378_REL.0001 \(2022-0838 Emergency Procurement Tow Trucks Update Signed Attachments\)](#)

Cross-examination of Chief Superintendent Pardy ([TRN00000007](#)) at pp. 224-225

Examination-in-chief of Commissioner Carrique ([TRN00000011](#)) at pp. 116, 130-132, 312.

Examination-in-chief of Assistant Deputy Minister Freeman ([TRN00000020](#)) at p. 117

Examination-in-chief of Deputy Solicitor General Di Tommaso ([TRN00000021](#)) at p. 240

⁶³ Cross-examination of Deputy Chief Bell ([TRN00000008](#)) at p. 198

⁶⁴ Cross-examination of Chief Superintendent Pardy ([TRN00000007](#)) at p. 227

of the Emergencies Act also may have acted as a disincentive for others to join the protest.⁶⁵

i. Common law and Statutory Authorities

61. The OPP and its policing partners had sufficient legal authority to conduct enforcement activities at the Ambassador Bridge and to carry out the Operational Plan in Ottawa.

62. While some may have wanted the OPP to “stop” the Convoy on its way to Ottawa, the OPP had no lawful authority to do so. The vehicles in the Convoy and its participants were not breaking any laws that would justify such an action. While the Hendon Reports clearly indicated there was no exit plan and that some would stay until mandates were lifted, there was no clear evidence of unlawful behaviour. Police officers have limited power to arrest an individual to prevent a breach of the peace. An arrest in that context can only take place where there is a substantial risk of an imminent breach of the peace.⁶⁶

63. The common law relating to police powers as set out in *Waterfield*, *Dedman* and other jurisprudence is not static. It can – and should – evolve to reflect contemporary society and realities. In considering the common law in respect of contempt of court, the Supreme Court of Canada wrote as follows:

It is axiomatic that the **common law**, if not supplanted by statute **law**, is an **evolving** body of **law** which constantly develops to take into account the social, economic and political conditions and circumstances which prevail from time to

⁶⁵ Cross-examination of Deputy Chief Bell ([TRN00000008](#)) at p. 199

Cross-examination of RCMP Panel ([TRN00000023](#)) at p. 282

⁶⁶ *Brown v Regional Municipality of Durham Police Service Board*, 43 OR (3d) 223 (C.A.); However, *Fleming v Ontario*, 2019 SCC 45 at paras. 59-60 suggests that the continued existence of such a common law power is debateable. See also this decision of the House of Lords which directly and in significant detail addressed the issue of whether police services had lawful authority to stop protesters from travelling to a location where they may commit a breach of the peace: **R (on the application of Laporte) v Chief Constable of Gloucestershire Constabulary (Chief Constable of Thames Valley Police and Commissioner of Police of the Metropolis, interested parties)* [2006] All ER (D) 172. The House of Lords found there was no such authority.

time in the territorial area in which the court applying the **common law** has jurisdiction.⁶⁷

64. Police officers have broad common law authority to keep the peace, prevent crime and protect life and property, from which is derived the duty to control traffic on public roads⁶⁸. Officers from the OPP and other police services rely upon the common law every day in the exercise of their duties.
65. There is both statutory authority and common law authority to regulate the flow of traffic.⁶⁹ These authorities would have permitted the Ottawa Police Service to not allow commercial motor vehicles to travel and then park in specific locations.
66. In law, whether there is common law authority to create an exclusion zone depends upon the specific context. For example, there is little doubt that police services have common law authority to restrict access to an area to ensure public and officer safety during a dynamic police operation.⁷⁰ It is less likely that there is authority for police to establish a “protest zone” created with the purpose of “managing” a protest”. This can be seen in the case of *Figueiras v. Toronto (Police Services Board)*, 2015 ONCA 208. At paragraph 60, the Court wrote:

As the case law demonstrates, even in the absence of statutory authority, the police must be taken to have the power to limit access to certain areas, even when those areas are normally open to the public.⁷¹

⁶⁷ *Regina v. Cohn**, 48 O.R. (2d) 65 (C.A.) at p. 25

⁶⁸ *Dedman v. The Queen*, [1985] SCJ No. 45, 1985 CanLII 41 (SCC) at para. 65

⁶⁹ Examination-in-chief of Superintendent Abrams ([TRN00000006](#)) at p. 284

Dedman, supra, at para. 69

⁷⁰ See, for example, *Teal Cedar Products Ltd. v. Rainforest Flying Squad*, [2021] B.C.J. No. 1724 at para. 33 and *Figueiras v. Toronto (Police Services Board)*, 2015 ONCA 208, at paras. 59-60

⁷¹ *Figueiras, supra*, at para. 60

67. In *Figueiras*, the Court found that the police did not have common law authority to prevent suspected protesters from accessing a street unless they submitted to a search, finding that the police conduct on their Charter rights was not justifiable in the circumstances. That situation was significantly different from what took place in Ottawa, where an exclusion zone was put in place for the purposes of conducting an enforcement operation of an ongoing public order event.
68. In the context of this inquiry, the term “exclusion zone” relates to the ability of the police to prevent individuals from accessing the area which was subject to enforcement activities.⁷²
69. The OPP disagrees with the proposition put forward by Professors Penny and Fehr that police should not be able to rely upon the common law to authorize police response to public order disturbances.⁷³ They argue for a robust legislative scheme. As set out below, the OPP agrees that legislation in this area may be useful. However, every protest is unique. Legislation simply cannot respond to every nuance and changes in society and technology. As set out in *Fleming*, courts cannot abdicate their role of incrementally adapting common law rules where legislative gaps exist.⁷⁴
70. As set out above, the common law can, and should, evolve and the principles set out therein will continue to shape the appropriate balance between police powers and the

⁷² AFF.00000020 at para. 12: “In advance of the POU operation, a core hardening plan was implemented, whereby the streets around the perimeter of the downtown core, as described above, were set up as control points in anticipation of the POU operation. This permitted the creation of the Secured Area whereby police could have full control over the downtown core. In the late evening hours of February 17, 2022, the Secured Area was created and officers were placed at all entry/exit points to the Secured Area.”

⁷³ *Figueiras v. Toronto (Police Services Board)*, 2015 ONCA 208, at paras. 59-60, 88

⁷⁴ *Fleming v. Ontario*, [2019] 3 SCR 519, at para. 42

right to protest. The *Figueiras* decision is an example. Our common law should be flexible enough to avoid having to resort to emergencies legislation when there is doubt as to the common law providing sufficient legal authority to manage a public order event.

71. It is fair to consider whether legislation is currently sufficient for this purpose. In his

Witness Summary, Commissioner Carrique said the following:

Comm. Carrique also believes that the Commission should examine the effectiveness of the existing legislation available to police and the outcomes before the courts related to charges laid by the police in these circumstances.

72. Police services and their PLT members (if they have them) rely upon the legal authorities available to them to not only police protest activities but to communicate the appropriate limits to those activities. Those authorities vary from municipal by-laws to provincial statutes and regulations up to and including federal criminal and non-criminal law. The consequences of breaching some of those laws are so insignificant that they do not provide a meaningful deterrent effect while the activities at issue may not give rise to a breach of the *Criminal Code*. The evidence at the inquiry from protest organizers indicated, that even after police communications advising them that their activities were unlawful and would lead to charges if they did not end those activities, the protest organizers and other protestors did not willingly end their participation in the occupation of Ottawa streets.

73. It is noteworthy that earlier this year, in response to the challenges arising from such protests, the Government of Ontario debated and passed the *Keeping Ontario Open For Business Act* (“KOOBA”). The KOOBA provides police officers with additional powers to protect critical infrastructure and sets out prohibitions on prescribed activities and fines

for breaching the Act. Under KOOBA⁷⁵, the police can direct someone blocking “protected transportation infrastructure”, thus contravening subsection 2(1), to cease doing so or remove the object being used.⁷⁶ A police officer can also direct a person using a vehicle to block protected infrastructure to surrender their driver's license,⁷⁷ seize the number plates on the vehicle⁷⁸ seize the vehicle;⁷⁹ suspend the person's CVOR certificate and seize the plates on the commercial vehicle;⁸⁰ and arrest someone without a warrant^{81,82}

74. The KOOBA defines “protected transportation infrastructure” as follows:

“protected transportation infrastructure” means,

- (a) any land or water border crossing point between Ontario and the United States,
- (b) any airport that regularly accommodates flights directly between Ontario and a country other than Canada and that is prescribed by the regulations, and
- (c) any other transportation infrastructure that is of significance to international trade and that is prescribed by the regulations; (“infrastructure de transport protégée”)⁸³

This is an example of legislation that is responsive to the evolving nature of protest activity and will give police services more authority to deal with situations that may threaten transportation infrastructure.

⁷⁵ As this is new legislation, there is no jurisprudence on the lawfulness of these provisions.

⁷⁶ *Keeping Ontario Open for Business Act, 2022*, SO 2022, c 10 at s. 3(1)

⁷⁷ KOOBA at s. 7(2)

⁷⁸ KOOBA at s. 8(1)

⁷⁹ KOOBA at s. 4(1)

⁸⁰ KOOBA at s. 9(1) and (6)

⁸² KOOBA at s. 13

⁸³ KOOBA at s. 1

75. The OPP proposes the following recommendation:

Governments and legislative bodies should analyze and consider whether existing laws are sufficiently responsive to modern protests and provide the appropriate balance between the exercise of Charter rights, public safety and other interests.

ii. Parliamentary Precinct

76. Convoy organizers were permitted to drive a large number of commercial motor vehicles and park those vehicles right in the heart of the Parliamentary Precinct. While there were no serious injuries or damage to infrastructure, it is concerning that this happened. The ability and responsibility to lock down the Parliamentary Precinct should be examined. This would require enhanced collaboration between police services, security agencies, the City of Ottawa and “hard” security features (such as bollards).

77. The OPP proposes the following recommendation:

The ability and responsibility to lock down the Parliamentary Precinct should be examined, and then plans should be developed. This would require enhanced collaboration between the City of Ottawa, The Ottawa Police Service, the Royal Canadian Mounted Police, and the Parliamentary Protective Service and may entail the use of “hard” security features, such as bollards, if and as required.

iii. Consultation

78. Prior to the invocation of the EMCPA by the Province of Ontario, Deputy Minister Di

Tomasso reached out to Commissioner Carrique to inquire whether the OPP could benefit

from any additional tools that may be provided by Ontario. Ontario subsequently provided at least some of those tools, which were used effectively, particularly with respect to protecting critical infrastructure and ending the blockade on Highway 402.

79. Notwithstanding the OPP's extensive involvement throughout Ontario and in leading the Integrated Planning Team in Ottawa, the OPP was not consulted about whether tools that might be provided under the EA would be necessary or useful. The OPP could have provided a helpful perspective on both of those questions.⁸⁴ Commissioner Lucki, Prime Minister Trudeau, B, Deputy Minister Stewart, Minister Mendicino, and Commissioner Carrique agree that the OPP Commissioner should have been consulted. Such a consultation can take place quickly with a conversation between the RCMP and OPP Commissioners – the federal government should not reach out directly to the OPP. Such consultation can also be done on a “hypothetical” basis to protect Cabinet confidence. Considering its size and the fact it is the provincial police service in Ontario, the OPP asks that a recommendation be made that the OPP be consulted in situations by the RCMP, where the OPP may be impacted by the declaration of an emergency.
80. Other than an email between Commissioner Lucki and Minister Mendocino's Chief of Staff Mike Jones, there is no record of consultation with law enforcement. The Emergencies Act requires a consultation record be kept of consultation with politicians; it should also require that there be a written consultation record of consultation with law enforcement. Such a record will ensure accountability and will provide additional information for consideration by Cabinet.

The OPP Commissioner did not have any concerns about the tools provided

Iv. Emergencies Act – Parliamentary Review

81. The OPP proposes the following recommendation:

The Emergencies Act should be revised to reduce or eliminate the overlap between the mandate of an inquiry under section 63(2) of the Act and the parliamentary review prescribed by section 62(1) of the Act.

PART III - CONCLUSION

82. The Ipperwash Inquiry into the events surrounding the tragic death of Dudley George fundamentally changed the way the OPP engages in policing of public order events. As protest movements within society emerge, and different means of manifesting dissent evolve, so do the challenges facing police services, who are called upon to respond to those protests, when disruption, risks to public safety, or unlawful activity takes place. There are many lessons to be learned from the protest activity and the police response that gave rise to this inquiry. Notwithstanding the duration and disruptive effect of the protest activities of February 2022, in many respects the way the blockades and occupations were ultimately brought to a peaceful end was a success story. It bears emphasizing that in the police operations in both Windsor and Ottawa, and in the OPP's policing of other protest activity throughout the rest of Ontario, no person was seriously injured or killed. The policing approach adopted by the OPP following Ipperwash has proven to be effective, is respected by police partners across the country, and its adoption and integration into policing practices going forward should continue to be expanded.