

Christie Blatchford: If the suspect wasn't white, the police learned to walk away

Special to the National Post November 16, 2010 - 8:00 am



Glen Johnson for CFP

The following is the first of four excerpts the National Post is running from Christie Blatchford's new book on the Caledonia crisis, *Helpless*.

By March 2006, the Ontario Provincial Police (OPP) had adopted the protesters' language and officers were formally referring to the Caledonia occupation in notebooks as a "land reclamation," the Aboriginal Relations Team (ART) was delivering mini-lectures to other officers on the various groups at play on Six Nations (the elected council, the Confederacy, clan mothers, etc.) and everyone was made acutely aware of the "sensitivity of the situation."

Almost overnight, officers stopping cars without licence plates or with invalid tags, or making other arrests, found themselves being asked, when they first called in the information over the radio, a single shocking question: "Are the occupants white or non-white?" If the answer was "non-white," meaning native, the reply from the command post would be, "Get their names, disengage and if there are any charges to be laid, you can lay them later."

This rule of non-engagement also affected officers from the Six Nations Police, the first stand-alone Aboriginal police force in Canada and a proud, tough and professional unit. Before the occupation, the two forces had an agreeable working arrangement: If the local OPP was short, Six Nations would lend a hand, and vice versa. But now, Six Nations officers who came into town to back up the OPP also learned when to walk away.

An infamous incident happened early one night behind the Kentucky Fried Chicken on Argyle Street, where there was a bit of a dustup involving both Six Nations and Caledonia kids. A Six Nations Police officer arrived to find a Six Nations youth "all but spitting in the face of this OPP officer," who was, in the first officer's view, "standing there and doing nothing." The Six Nations officer later told a colleague about it, saying, "He's not on [Douglas Creek Estates (DCE)], he's not on the reserve, he's a fucking asshole, arrest him!" But, like his OPP colleague and against every instinct in his body, the Six Nations officer also left without making an arrest.

On the police grapevine, word was spreading: If natives were involved, the OPP was to back off, and if officers didn't like it, they were well advised to keep their concerns to themselves.

By the end of March, Mary Ann Burns, the OPP Association president for the No. 3 branch, which takes in Caledonia, was formally told for the first time that her members were concerned: They had no clear instructions, they had been flat-out told not to drive past the site unless it was necessary, and at least one officer had been banned outright, not just from DCE but from the town. This dated back to the first day of the occupation, when the officer in question had been stationed by the main gate where the protesters had set up the barricade. One of the occupiers approached him and demanded that he remove a contractor who was just sitting in his car.

The officer said politely that he couldn't order the man to leave, as he was on a public roadway.

"We'll see about that," the woman snapped and got on a cell phone. Two hours later, the officer was called back to the OPP's suboffice in town and told he was not to go near the site, not even to drive past it, unless there was an emergency of some sort. Why, he was told, his very appearance — he is a huge man, with a shaved head, who is known to his colleagues as a gentle giant — was upsetting to the occupiers, an affront.

"And that," says another veteran officer, "was where the natives on the DCE started to wag the dog, just to see how far they could push it. And you know what, they pushed it and got zero pushback."

On March 31, in an incident that became widely known inside the OPP, the same officer who'd been banned from the site heard a call on the air about an impaired driver. Not two minutes later came a reply from two ART officers who had just stopped the car on the Sixth Line. By the time he arrived, only one of the ART officers was still there. They had been ordered to leave because, as reclamation officers, they couldn't be seen in confrontations with natives; they were supposed to be building trust. Apologizing as he went, the second ART officer left.

But now, occupiers were showing up in force, at least a dozen of them converging on the lone OPP officer, who had already determined that the driver had no licence, no permit and no insurance — oh, and that the car had no plates. He called for backup, a plea that, in the normal course of events in the policing world, usually brings an enormous, instantaneous, gut-level response: Every cop who can get there does.

No one arrived.

In what was probably the single most important early indicator of how the OPP was disintegrating from within, its officers were no longer answering a call for help from one of their own. The constable had been left to fend for himself.

Furious, heartsick, he did what he could — cautioned the driver — and left before things got ugly. Back at the station, he filed a formal complaint. Within a matter of weeks, he was verbally disciplined for having created a possible "flashpoint."

It was a sign of things to come. The occupation was just a month old, and whenever OPP officers dared speak up about the way things were going, they were slapped down.

About the same time, Mary Ann Burns was briefed on a disturbing development at one of the town's two Tim Hortons, the one nearest DCE. An officer posted to the site was in the parking lot when he spotted a driver, not wearing a seatbelt, pulling in. As the fellow was heading into the coffee shop, the officer approached him and asked to see his licence.

"What for?" the man asked.

"You didn't have your seatbelt on when you pulled in," the officer replied.

The man immediately went ballistic, yelling, "You don't police here anymore, you aren't doing your job! Friends of mine are out of work for a month because you aren't doing anything and you want to give me a ticket?" Pointing a furious finger, the man snarled "Fuck you!" and walked away. In the lot, the crowd that had gathered broke into applause.

This was a new vibe, foreign to this naturally conservative corner of Canada. Toby Barrett, the Conservative Member of Provincial Parliament for the area, was hearing it too. "So many Caledonia people, business people, would tell me, 'Yup, the cop would be sitting there, so I would slowly drive through the stop sign and not stop, to see if he'd pull me over.'" He mentions a fellow he knows well, a big-time cattleman. The OPP would often sit on the man's gravel road when they were on a break. Well, said Barrett, the cattleman watched for days as young natives on DCE tore about on ATVs, not a helmet to be seen. One day, the fellow decided he wasn't going to bother loading his ATV onto a pickup to drive over to a far-flung field to check on his cattle; he was just going to drive over in the ATV, with no helmet, and go past the OPP cruisers.

"And that's what he did," Barrett says, "and they pulled him over, and he said, 'I'm just making a point: you arrest me, go ahead and arrest me. But this is what you're letting go on.'"

"Now this guy," Barrett says, "really represents Haldimand County: a steelworker, a cattleman, 200 pounds more than I am. Great big guy. People listen when he talks. And the fellow was saying,

"This is not right."

Excerpted from Helpless. Copyright © 2010 Houndhead Enterprises Inc. Published by Doubleday Canada, an imprint of the Doubleday Canada Publishing Group, which is a division of Random House of Canada Limited. Reproduced by arrangement with the publisher. All rights reserved.

Keywords: Canada, Full Comment Tags: Natives, Caledonia, OPP, Christie Blatchford, Six Nations