

< < UNOFFICIAL TRANSLATION > >

**Additional Affidavit by Commander Jacques Beaupre
Art.754.1 cpc**

I, the undersigned, Jacques Beaupre, Chief inspector and commander of the Montreal, Laval, Laurentides et Lanaudiere district of the SQ, residing professionally at 2085 Saint-Marie blvd., Mascouche, province of Quebec, Terrebonne District, J71 3Y1, solemnly state the following:

1. In 1979, I joined the SQ as a police officer;
2. from 1993 to 1996 and from 2001 to 2005, I occupied functions related to relations management, namely with the operational organization of the events happening in Kanehsatake.
3. From December 1993 to June 1996, as a Lieutenant, I acted as Director of the Saint-Eustashe/Oka police station. I was in charge of approximately 70 officers, having to ensure public safety in the municipalities of Saint-Placide, Saint-Joseph-du-Lac and Oka, which municipalities included at that time the Kanehsatake Territory.
4. From June 1996 to October 1996, as a Lieutenant, I then occupied the position of the assistant chief of the Montreal sector with approximately 350 officers under my command and having to ensure management and supervision of policing activities in district 6; i.e. Montreal, Laval and the Laurentiens including the municipality of Oka, which at that time included the Kanehsatake territory.
5. From October 1996 to August 1998, as Captain, I occupied the manager position for the main surveillance of territory projects, at the headquarters of the SQ, and consequently acted as advisor to the Assistant Executive-Director of this same main surveillance function.
6. From August 1998 to March 1999 I was given an academic leave.
7. From March 1999 to September 1999, I occupied the Special Projects Chief position, in the main function of operational support at the SQ headquarters.
8. From September 1999 to May 2000, as Chief-Inspector, I occupied the position of district 4 Commander Mauricie-Centre of Quebec.
9. From May 2000 to March 2001, I occupied the position of Director-organizational projects at the SQ headquarters.
10. Since March 2001, I am Commander of district 6 of the SQ, Montreal-Laval-Laurentides-Lanaudiere (MLLL) having under my command 550 officers, in conformity with the organizational structure as described in the general chart of the SQ dated September 17 2004, appendix 1;
11. Therefore, I am in charge of law enforcement and crime prevention in the whole of MLLL territory, which includes MRC of Riviere-du-Nord, Pays-d'en-Haut, Argenteuil, the Laurentiens, Montcalm, Outremont, Matawinie and Two-Mountains in collaboration of local municipal and native police forces and the RCMP, in the exercise of our respective responsibilities, as shown in the partial map of the police radius of the MLLL 600-0203-0013-5 district, appendix 2;
12. I also insure on these territories, superior levels of police service than those required from municipal and native police forces and am also operating in the greater Montreal metropolitan area, in municipalities of more than 50000 inhabitants in the MLLL district and on native reserves and territories.

13. Consequently, I ensure investigation and policing services on the territories not covered by these police forces, including patrols, answering and taking charge of citizens' requests for help as well as traffic security.
14. In the radius of the region of Two-Mountains (PO-40178 police unit), I ensure complete police services to the municipalities of Oka and Saint-Placide as they are not served by a municipal policing bodies although the Kanehsatake Territory is usually patrolled by the Kanehsatake Mohawk Police Force-KMPF (PO-31500 police unit).
15. In order to insure policing services in this region, I am helped by the officer responsible for the Two-Mountains police station who himself is helped by an assistant officer, working on public relations with the native community of Kanehsatake, of 12 officers and 1 investigator as shown in the chart of the MLLL district as of May 6, 2004, appendix 3;
16. Amongst these attributions and alike other police stations of the SQ who assist municipal police forces, the station of Two-Mountains must also bring assistance to the KMPF members;
17. Since the creation of KMPF in 1997 and until the events of January 2004, our relations with this policing body had always been cordial. We had regular weekly meetings and according to our liaison agent and station director, these collaborations were excellent.

Request for police collaboration (October 2003)

18. On October 21, 2003, I am informed by Inspector Denis Begin of RCMP Saint-Jerome detachment, that James Gabriel wants to proceed with an operation within Kanehsatake Territory wishing to replace KMPF officers with Terry Isaac and Larry Ross. He asked me whether the SQ is going to participate in the operation, to which I answer that it is too early to make a decision and that I need much more information;
19. Between October 2003 and December 2003, SQ officers participated in many meetings with the goal of better understanding orientations and the operational mode proposed by RCMP Inspector Denis Begin and police officers mandated by James Gabriel.
20. I have always maintained our presence in these meeting because such operation could have important consequences for public safety, not only on Kanehsatake territory but also in the neighboring municipalities which are directly under my responsibility.
21. On October 29, 2004 I was informed by my officers participating in those meetings that the objectives of the operation presented by James Gabriel's representatives were:
 - a) To replace the current Interim Chief of police, namely Mr. Tracy Cross by Mr. Terry Isaac;
 - b) To dismiss the members of the police Commission;
 - c) To proceed with raids and closing of the cigarette shacks, with the RCMP collaboration;
 - d) To attack and neutralize organized crime on Kanehsatake territory;
22. Means chosen for the operation were to invest the territory with 50 or 60 police officers coming from various native communities of Quebec, to take control of the Territory, to establish patrols and then, to proceed with the arrest of persons involved in drug trafficking.
23. All along our discussions and on many occasions, we stated that the operational planning process presented by Terry Isaac was incomplete and we asked on many occasions further precisions, which had the result of postponing the timetable for the operation until January 2004;

24. On December 18, 2003, during a meeting at the SQ general headquarters MLLL District located in Mascouche, I informed RCMP Inspector Denis Begin that the SQ did not accept to support the operation as the proposed work methods did not respect SQ practices, namely:
- a) Incomplete phase of preliminary inquiry;
 - b) Suspects not formally identified;
 - c) No elements of proof justifying the issuance of arrest or raid warrants;
 - d) The proposed scenario implied high risk interventions;
 - e) No other alternatives was assessed
 - f) No plans of risk management were submitted;
25. All in all, I was convinced that the operation as planned did not respect police best practices, had no chance of success and most importantly could potentially launch a series of events difficult to control;

Constitution of the Command Post – 10 January 2004

26. In early January 2004, I was informed that the group appointed by James Gabriel and directed by Terry Isaac and Larry Ross would proceed with the operation with or without our assistance; Mr. Gabriel even informing us that if he needed help, he would call the SQ and that we had the legal obligation to provide him assistance;
27. At the same time, I was informed that various members of the Kanehsatake Community, including Tracy Cross, were already aware of the general objectives of the operation, further reducing its chances for success;
28. On January 7, 2004, I requested my assistant, Inspector Andre Roy to call a meeting with Terry Isaac, Larry Ross and RCMP superintendent Pierre Fournier to voice SQ concerns with the operation. James Gabriel and Clearance Simon attended the meeting.
29. On January 7, 2004, following the meeting, Andre Roy informed me the operation would take place on January 12, 2004 despite disagreements from the SQ and the RCMP, as shown in the summary of the meeting on January 7, 2004, by Inspector Andre Roy in appendix 4;
30. On January 9, 2004, given the imminence of the operation, I decided, in collaboration with the SQ Emergency Measures Management (DMU) to establish a supplementary Command Center (CC) to our regular forces in Two-Mountains, in the event intervention would be required should the situation in Kanehsatake degenerate.
31. The structure of CC given the KMPF operations in Kanehsatake was as follows:
- a) One chief of the command center (1);
 - b) Operational information officers (2);
 - c) Registrars (2);
 - d) Investigation bureau coordinator (1) and investigators (4);
 - e) Indigenous liaison agent(1);
 - f) Elected officials liaison agent (1);
 - g) Security information sergeants (2);
 - h) Police officers assigned to the SQ patrol (26);
 - i) Civil personnel (4);
32. On January 12, 2004, I was informed that a group of indigenous police officers led by Terry Isaac and Larry Ross took positions at the limits of Kanehsatake Territory and eventually proceeded to the KMPF police station where they were soon surrounded by about 50 individuals;
33. On January 13, 2004 , I was informed that the Kahnawake Police (PK) would ensure safe exits from Kanehsatake for Terry Isaac's and Larry Ross's group and would, later on, replace the KMPF in policing Kanehsatake;
34. On January 16, 2004, we closed down the Command Center and established liaison mechanisms with Kahnawake police now in place while continuing to bring punctual assistance with the police officers of the Two-Mountains police station in terms of criminal investigations for events that took place on the same territory;

35. On March 29, 2004, I was informed that Kahnawake Police Chief, John Diabo, intended to leave Kanehsatake Territory with all police officers under his command on March 31, 2004 at 4 pm.
36. On March 31, 2004, following this information and as a way of preventing social outbursts in Oka and Saint-Placide, we reopened the Command Center being then better equipped to react particularly to requests for police services in Kanehsatake;
37. From March 31, 2004 to May 3, 2004, I was informed that the KMPF officers tried on numerous occasions to enter Kanehsatake Territory;
38. On April 2, 2004, I received a request for cooperation from the Interim KMPF Chief, David Eddy Thompson, containing three elements, namely;
- a) **all in English already**
 - b)
 - c)

The entire text appears in the request for cooperation of Mr. Thompson dated April 2, 2004; appendix 5;

39. On April 15, 2004, I informed David Eddy Thompson of my position regarding his requests, as detailed in my letter dated April 15, 2004, appendix 6;
40. On April 16, 2004, I attended with RCMP superintendent, Jacques Tanguay, a presentation given by Larry Ross of a KMPF Operations Plan containing the following objectives:
- a) That the Interim Chief, David Eddy Thompson as well as members of KMPF would assume police services on Kanehsatake Territory;
 - b) That they would maintain order within the Territory;
 - c) That they would fight the presence of criminal organizations and drug traffic on said Territory, this last objective to be realized in collaboration with the SQ and the RCMP;
41. On April 19, 2004 in order not to create a greater and more difficult crisis to manage I asked David Eddy Thompson:
- a) To temporarily suspend to proceed with his operational plan;
 - b) To accept our assistance in order to improve the plan;
 - c) To inform us at least 24 hours in advance about interventions from their part, in order to ensure better coordination of our respective actions.

All as appears in the Commander's Beaupre letter of April 19, 2004; appendix 7;

42. On April 21, 2004, I verbally notified David Eddy Thompson that when KMPF officers travel without informing us, they put our security and the population's security in danger, cause a significant increase in social tensions and put in jeopardy our mutual confidence in our relationship especially as it relates to field operations;
43. On April 22, 2004, I along with the RCMP Superintendent Jacques Tanguay, convinced David Eddy Thompson the necessity to establish a joint operation plan;
44. On April 26, 2004, I sent a project for a joint operation plan to David Eddy Thompson corresponding to the SQ and RCMP interventions objectives, in the event of a official KMPF request for assistance, in order:
- a) To ensure police services, jointly coordinated by the SQ, the RCMP and KMPF in response to citizens` calls for their security needs;
 - b) To investigate and stop people breaking the law and to execute resulting warrants;
 - c) To ensure that all policing patrols of the Territory be done in partnership with the SQ, the RCMP and the KMPF;

45. On April 29, 2004, I am informed that despite the deposition of our plan for a joint operational project, the KMPF put out a public communiqué vowing to increase pressure on people who try to interfere with the police officers' work and that KMPF would patrol the Kanehsatake day and night as shown in the KMPF press release dated April 27, 2004; appendix 8;
 46. On May 3, 2004, I was informed that unidentified individuals pushed the KMPF out of Kanehsatake during another attempt by KMPF to access and patrol the territory;
 47. On May 4, 2004, David Eddy Thompson filed an official request for assistance to the SQ to provide basic police services on Kanehsatake Territory including our technical expertise and the necessary equipment, as shown in the request for assistance dated May 4, 2004, appendix 9;
 48. On May 4, 2004, prior to the filing of the official assistance request, I informed RCMP and KMPF representatives of our position and none of the participants objected to these elements:
 - a) The current situation is intolerable and unacceptable in terms of public security;
 - b) Discussion with elected officials will take place despite their political affiliations;
 - c) The police will speak of policing and not politics;
 - d) We're not here for a confrontation but to find a common solution to problems;
 - e) The SQ and the RCMP share the same philosophies and orientations in intervention and will always be paired up in their interventions;
 - f) We must coordinate our actions: they will be managed according to principles and management policies of our respective organizations;
 - g) Maintenance of the intervention philosophy and of the common operational plan;
 - h) SQ intervention must be done respecting the criteria elaborated in Coroner's Gilbert report, following the Oka crisis in 1990;
 - i) All police operations implicating a community must be subject to the Ministry analysis, taking into account three following factors:
 - a) The legal basis;
 - b) The necessity (commission of criminal acts; assistance request of a person in authority);
 - c) The emergency;
- Furthermore, the SQ and the RCMP contributors added two elements to the Gilbert report:
- d) Possibility of spreading: avoid, as much as possible, negative repercussions in Kahnawake and Akwasasne;
 - e) Evaluate the impacts of an intervention with respect to the escalation risks of the current situation;
- j) The report's recommendations inspired us in our methods and intervention philosophies during conflicts and especially in interventions in native communities. In fact, the SQ is guided by the recommendations and prefers negotiations as a mean and method for conflict resolution in native communities;
49. On May 5, 2004, I informed David Eddy Thompson that the SQ would follow up on his request for assistance, accepting to coordinate policing activities within Kanehsatake territory, jointly conduct this mandate with the RCMP with whom we share a common intervention philosophy; this in order to reestablish public order in Kanehsatake, as shown in the acceptance of the request for assistance dated May 5, 2004 in both English and French copies which were hand delivered to Mr. Thompson on May 6, 2004, appendix 10;
50. On the same day, I put together an operational committee, composed of the KMPF, the RCMP and the SQ, under the authority of Emergency Measures Management Directorship. The operational committee constitutes the main decision making level in the organizational structure and has the objective to ensure the establishment of a joint operational plan, in order to jointly re-establish public order within Kanehsatake Territory, as shown in the chart of the joint plan, structure revised May 6, 2004; appendix 11;

51. At this time the operational committee was composed of the following members: Insp. Yves Gaudreault (SQ), cpt Mario Di Girolamo (SQ), cpt Guy Linsday (SQ), Mr. Robert Patton (KMPF), Mr. Terry Isaac (KMPF), insp. Francois Deschenes (RCMP), Insp Donald Gauthier (RCMP) and Mrs. Lila Ruvolo (SQ);
52. On May 5, 2004, the operational committee informs me that in their opinion, the RCMP and the KMPF cannot show up on the territory without obstruction or without causing a situation worse than the one that motivated their intervention;
53. Under these circumstances, I suggested that until joint patrols are possible, the SQ should be the only police body to patrol the territory. The proposition was accepted by all parties involved;
54. On may 6, 2004, I put together a strategic committee, composed of Jacques Tanguay of the RCMP, of David Eddy Thompson of the KMPF and of the undersigned, following the evolution of the situation, making reports to their respective authorities, evaluating the dangers and the opportunities and if needed counseling the DMU, the operational committee or their respective authorities;
55. On may 7, 2004, Jacques Tanguay, David Eddy Thompson and I met with James Gabriel, Clearance Simon, Marie Chene and Doreen Canatonquin, members of the Kanehsatake Band Council, in order to explain the intervention philosophy as shown in paragraph 48 and the role of each of police forces involved;
56. On May 14 2004, Jacques Tanguay and I, for reasons evoked by paragraph 48, met with Chiefs John Harding, Steven Bonspille and Pearl Bonspille along with Barry Bonspille; the three members of the Kanehsatake Band Council refused to have KMPF officers participate in the meeting;
57. During the same period, SQ officers, for the same reasons pertaining to paragraph 48, met with Yvan Patry, mayor of Oka and with Denis Lavigne, mayor for St-Placide. Chiefs from the Kahnawake and Akwasasne were contacted and a public Communique was released to the population;
58. Further to the assistance request, the SQ, through its Command Center, assumed first level police services in the Kanehsatake community in replacement of the KMPF;
59. As such, the SQ's mandate and objective is to provide for immediate needs in the Kanehsatake community which includes preventive social measures, community relations, criminal investigations and patrol of the Territory in response to calls and inquiries;

STATUS – PREVENTIVE SOCIAL MEASURES AND COMMUNITY RELATIONS

60. The SQ, within its framework of social and community activities, aims to increase the feeling of security, generate citizen collaboration and put in place programs to prevent the conduct of criminal activities;
61. Since the request for assistance, the SQ, through its members at the Command Center, has increased the frequency of meetings with the community, for instance meeting with the director of the Health Center, the Director of the Elder's home, Kanehsatake school Directors and individuals responsible for the Laurentian Youth Center, 'la maison des jeunes' and the nursery;
62. Equally, SQ members assist various community events held within the Kanehsatake Territory like the weekly Elder's supper and the kayak/canoe event organized annually by the Kanehsatake kayak/canoe club;

STATUS – CRIMINAL INVESTIGATIONS

63. Investigations pertaining to criminal investigations which happened within the territories of Oka and St-Placide municipalities fall under the responsibility of the SQ MRC Two-Mountains police unit;
64. The SQ regularly supports municipal and native police corps through technical services, specialized investigations and overall police support;

65. Since May 5, 2004, all complaints filed with the Command Center in relation to events that took place within Kanehsatake Territory are handled by Command center's investigators
66. Complaints as well as criminal investigations filed with the SQ, for events which took place within Kanehsatake Territory are handled in conformity with SQ procedures for dealing with these matters at the provincial level;

STATUS – PATROLS

67. Patrols of the Oka and St-Placide municipalities and of road 344 are the responsibility of the SQ MRC Two-Mountains police unit;
68. As of May 5, 2004, further to the assistance request, CC's officers increased patrols frequency on road 344 gradually adding St-Germaine Rd., Chevalier Rd., small Center Road in November 2004 and achieved effective presence on 80% of the territory;
69. Beginning June 2004, we noticed during our patrols, the presence of 3 vehicles and 1 all-terrain vehicle all bearing a SECURITY notification;
70. Sporadically during this period, we identified the presence of Russell Denis, Dereck Denis, John Harding, Ian Nelson Teranerah Tahkwah MacDonald and Pearl Bonsbille in these vehicles;
71. We have met these individuals on crime scenes and road accidents we need to cover as part of our assistance to the Kanehsatake Territory;
72. On other occasions and irregularly, SQ officers were followed by either one of these individuals in vehicles bearing the SECURITY label including during patrols and during assistance to school transportation;
73. Since January 2005 to this day, we conduct between 10-12 daily patrols on Kanehsatake Community Territory maintaining our intervention philosophy and our social and community activities;
74. Between March 16 and 25 2005, during the 'Enjeux' TV broadcast from Kanehsatake Territory, CC patrols noted an increase presence of SECURITY labeled vehicles, being regularly followed by them and following discussions (11 times), changed their patrol objectives to reinstate them later on 7 occasions;
75. During this period, the following individuals were identified being on board the SECURITY labeled vehicles namely, John Harding, Terry Yasley, Russell Denis, Derek Denis, Ian Nelson Tehanerah Tahkwah MacDonald, Gerry Hannaberg Jr., enumerated according to the request order, and other individuals not positively identified;
76. On these occasions, patrols received directives to proceed out of their vehicles and to speak openly with these individuals, which generally allowed us to appease the situation. When tension increased, officers had instructions to patrol in a different sector and come back to that sector during the following patrol;

ACTUAL STATUS

77. From April 6 to May 11, 2005, following the completion of the 'Enjeux' broadcast, we observed on 6 occasions the presence of SECURITY labeled vehicles moving or in static position within Kanehsatake Territory; in addition, on 2 occasions, citizens have reported being followed by these same vehicles;
78. Since that date, we have enlarged our covering to the whole of the Territory and we now patrol Center Road and Gabriel Road;

79. Since 1990, our non-threatening progressive approach based on building mutual confidence allowed us to:
- a) to increase our relations with Kanehsatake citizens;
 - b) To address complaints filed with us in accordance with SQ provincial norms and procedures;
 - c) To conduct our criminal investigations;
 - d) To enlarge our police covering, to the whole of the Territory at a rate of 10-12 daily patrols;
 - e) To avoid increase in social tension, confrontation and violence escalation;
80. On the one hand, the current situation, with respect to SQ involvement within the Territory can be advantageously compared to the situation described by Me Laurence Poitras on February 14 and 16 2004;
81. On the other hand, conditions prevailing on the May 4, 2005 request for assistance which led to a tripartite decision that only the SQ would patrol the Territory, do not seem to have evolved;
82. The eventual return on Kanehsatake Territory of the January 12, 2004 group led by terry Isaac and Bob Patton as requested by a majority Band Council Chiefs cannot be envisaged without a return to increase social tension as experienced on January 12 2004 and on May 3, 2004;
83. This eventual return remains a sufficient conflict source to annihilate the difficult progress made in relation to the current social climate;
84. Since the new election date, I have asked that a plan adapted to Kanehsatake for police covering during the electoral process be put in place to ensure security during this public democratic exercise, allowing us to intervene in a secure manner and enabling us meet any unforeseen events;
85. All facts stated in this affidavit are true.

Signed in Macouche :

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Jacques Beaupré, Chief-Inspector
District MLLL
Sûreté du Québec