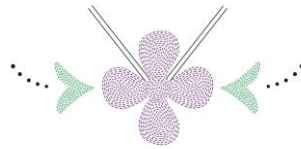


National Inquiry into
Missing and Murdered
Indigenous Women and Girls



Enquête nationale
sur les femmes et les filles
autochtones disparues et assassinées

**National Inquiry into Missing & Murdered Indigenous Women & Girls
Truth-Gathering Process Part II Institutional Hearing
“Police Policies and Practices”
The Saskatchewan Hotel, Regina, Saskatchewan**



**Part II Volume IX
Thursday June 28, 2018**

**Panel II: “Developing & Fostering Relationships with Indigenous
Communities, Families & Survivors of Violence” (continued)**

Yvonne Niego, Deputy Minister with the Department
of Family Services, Government of Nunavut;
Retired Chief Clive Weighill, Past President,
Canadian Association of Chiefs of Police;
Jean Vicaire, Director of Police, Lac Simon First Nation;
Alana Morrison, Detective Constable of Nishnawbe Aski Police Service;
Sergeant Dee Stewart, Officer in Charge for Indigenous Policing,
RCMP Division “E”

Panel III: “Investigative Policies & Practices”

Deputy Commissioner Brenda Butterworth-Carr, Commanding Officer
of the British Columbia RCMP (“E” Division);
Capitaine Paul Charbonneau, Directeur par intérim,
Autorité disciplinaire et services juridiques, Sûreté du Québec;
Chief Superintendent Mark Pritchard, Ontario Provincial Police

II

APPEARANCES

Aboriginal Legal Services	Emily Hill (Legal Counsel)
Aboriginal Shelters of Ontario	Jeanine George (Representative)
Aboriginal Women's Action Network	Fay Blaney (Representative), MiKenze Jordan (Representative)
Animakee Wa Zhing #37 First Nation, Eagle Lake First Nation, Asubpeeschoseewagong Netum Anishinabek (ANA) First Nation/Grassy Narrows First Nation, Obashkaanda-gaang First Nation, and Ojibway Nation of Saugeen, as a single collective party	Paloma Corrin & Whitney Van Bellegem
Assembly of First Nations	Stuart Wuttke (Legal Counsel), Julie McGregor (Legal Counsel)
Assembly of First-Nations Quebec-Labrador	Wina Sioui (Legal Counsel)
Association of Native Child & Family Service Agencies Ontario (ANCFSAO)	Josephine de Whytell (Legal Counsel)
Awo Taan Healing Lodge Society	Darrin Blain (Legal Counsel)
British Columbia Civil Liberties Association	Michael Vonn (Representative), Meghan McDermott (Legal Counsel)
Canadian Association of Chiefs of Police (CACP)	Ashley Smith (Legal Counsel)
Directeur des poursuites criminelles et pénales (Québec)	Anny Bernier (Legal Counsel)

III

APPEARANCES

Eastern Door Indigenous Women's Association	Natalie D. Clifford (Legal Counsel)
Families for Justice	Suzan E. Fraser (Legal Counsel)
First Nations Police Governance Council	Michelle Brass (Legal Counsel)
Government of Alberta	Doreen Mueller (Legal Counsel)
Government of British Columbia	Emily Arthur (Representative)
Government of Canada	Anne Turley (Legal Counsel), Sarah Churchill-Joly (Legal Counsel), Tania Tooke (Paralegal), Jennifer Clarke (Paralegal)
Government of Manitoba	Heather Leonoff (Legal Counsel), Samuel Thomson (Legal Counsel)
Government of New Brunswick	Maya Hamou (Legal Counsel)
Government of Newfoundland and Labrador	Denise Spencer (Legal Counsel)
Government of Ontario	Katelyn Forget (Legal Counsel)
Government of Quebec	Marie-Paule Boucher (Legal Counsel)
Government of Saskatchewan	Barbara Mysko (Legal Counsel), Colleen Matthews (Legal Counsel)
Government of Yukon	Chantal Genier (Representative)
Independent First Nations (IFN)	Josephine de Whytell (Legal Counsel), Deanna Jones Keeshig (Representative)

IV

APPEARANCES

Inuit Tapiriit Kanatami	Elizabeth Zarpa (Legal Counsel)
Liard Aboriginal Women's Society	Leila Geggie Hurst (Representative), Ann Maje Raider (Representative)
Manitoba Keewatinowi Okimakanak (MKO)	Jessica Barlow (Legal Counsel)
Mishkeegogamang First Nation	Whitney Van Belleghem (Legal Counsel), Paloma Corrin (Legal Counsel)
MMIWG Coalition Manitoba	Catherine Dunn (Legal Counsel), Hilda Anderson Pyrz (Representative)
Native Women's Association of Canada	Virginia Lomax (Legal Counsel)
New Brunswick Aboriginal Peoples Council	Elizabeth Blaney (Representative), Chief Wendy Wetteland (Representative)
NunatuKavut Community Council	Roy Stewart (Legal Counsel)
Ontario Federation of Indigenous Friendship Centres	Niki Hashie (Representative)
Ontario Native Women's Association (ONWA)	Robert Edwards (Legal Counsel), Christina Comacchio (Legal Counsel)
Pauktuutit Inuit Women of Canada, Saturviit Inuit Women's Association, AnânuKatiget Tumingit Regional Inuit Women's Association, Ottawa Inuit Children's Centre and Manitoba Inuit Association, as a collective single party	Beth Symes (Legal Counsel)

V

APPEARANCES

Quebec Native Women / Femmes autochtones du Québec	Rainbow Miller (Legal Counsel)
Regina Treaty Status Indian Services	Erica Beaudin (Representative)
Saskatchewan Association of Chiefs of Police	Katrina Swan (Legal Counsel)
Thunder Bay Police Services	Edward Marrocco (Legal Counsel), Tiffany O'Hearn Davis (Legal Counsel)
Treaty Alliance Northern Ontario - Nishnawbe Aski Nation/Grand Council Treaty #3	Krystyn Ordyniec (Legal Counsel), Catherine Cheechoo (Representative), Elysia Petrone Reitberger (Legal Counsel)
Vancouver Rape Relief and Women's Shelter	Hilla Kerner (Representative), Laurel McBride (Representative)
Vancouver Sex Workers' Rights Collective	Carly Teillet (Legal Counsel)
Winnipeg Police Service	Sheri Bell (Representative), Kimberly D. Carswell (Legal Counsel)

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Chair: Meredith Porter (Commission Counsel)

Second chair: Thomas Barnett (Commission Counsel)

Witness: Yvonne Niego, Deputy Minister with the Department of Family Services, Government of Nunavut

Counsel: Violet Ford (Commission Counsel)

Witness: Retired Chief Clive Weighill, Past President, Canadian Association of Chiefs of Police

Counsel: Ashley Smith (Counsel for the Canadian Association of Chiefs of Police)

Witness: Jean Vicaire, Director of Police, Lac Simon First Nation

Counsel: Bernard Jacob (Commission Counsel)

Witness: Alana Morrison, Detective Constable of Nishnawbe Aski Police Service

Counsel: Krystyn Ordyniec (Counsel for Treaty Alliance Northern Ontario - Nishnawbe Aski Nation/Grand Council Treaty 3)

Witness: Sergeant Dee Stewart, Officer in Charge for Indigenous Policing, RCMP Division "E"

Counsel: Anne Turley (Counsel for Government of Canada)

Panel III: "Investigative Policies & Practices"

Chair: Christa Big Canoe (Commission Counsel)

Second chair: Thomas Barnett (Commission Counsel)

Witness: Deputy Commissioner Brenda Butterworth-Carr, Commanding Officer of the British Columbia RCMP ("E" Division)

Counsel: Anne McConville (Counsel for Government of Canada)

Witness: Capitaine Paul Charbonneau, Directeur par intérim, Autorité disciplinaire et services juridiques, Sûreté du Québec

Counsel: Bernard Jacob (Commission Counsel)

Witness: Chief Superintendent Mark Pritchard, Ontario Provincial Police

Counsel: Julian Roy (Counsel for Government of Ontario)

Heard by Chief Commissioner Marion Buller & Commissioners Brian Eyolfson, Michèle Audette & Qajaq Robinson

Grandmothers, Elders, Knowledge-keepers & National Family Advisory Circle (NFAC) members: Vern Bellegarde, Bernard Jack, Joanne Jack, Reta Blind, Terrance Bob, Barbara Dumont-Hill (Government of Canada), Pamela Fillier, Fred Fillier, Louise Haulli, Norma Jacobs (Knowledge-keeper / NFAC), Myrna Laplante (NFAC), Cheryl Littletent, Kathy Louis, Larry Oakes, Kimberly Okeeweehow, Darlene Osborne (NFAC), John Osborne, Doug PeeAce, Gladys Radek (NFAC), Leslie Spillett, Audrey Siegl, Laureen "Blu" Waters, Bernie Poitras Williams, Charlotte Wolfrey (NFAC), Cynthia Cardinal, Bonnie Fowler

Clerk: Bryana Bouchir; Registrar: Bryan Zandberg

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101	RCMP Operational Manual, chapter 25.3 "Major Case Management," directive amended December 28, 2011 (six pages) Witness: Deputy Commissioner Brenda Butterworth-Carr, Commanding Officer of the British Columbia RCMP ("E" Division) Submitted by Anne McConville, Counsel for Government of Canada	93
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119	Annual report / Rapport Annuel - Liaison Autochtone, État de situation du 1 ^{er} avril 2016 au 31 mars 2017, Bureau des affaires autochtones, Grande fonction de la surveillance du territoire du Sûreté du Québec (76 pages) Witness: Capitaine Paul Charbonneau, Directeur par intérim, Autorité disciplinaire et services juridiques, Sûreté du Québec Submitted by Bernard Jacob, Commission Counsel	185
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122	Sûreté du Québec Politique de gestion: « Intervention en matière de violence familiale » last update 2014-09-19 (four pages) Witness: Capitaine Paul Charbonneau, Directeur par intérim, Autorité disciplinaire et services juridiques, Sûreté du Québec Submitted by Bernard Jacob, Commission Counsel	194
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125	Contrat de travail entre le Gouvernement du Québec et l'Association des policières et policiers provinciaux du Québec (259 pages) Witness: Capitaine Paul Charbonneau, Directeur par intérim, Autorité disciplinaire et services juridiques, Sûreté du Québec Submitted by Bernard Jacob, Commission Counsel	200

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OPENING CEREMONY

1 Regina, Ontario

2 --- The hearing starts on Thursday, June 28th, 2018

3 at 7:48 a.m.

4 **MR. VERN BELLEGARDE:** Louise for lighting
5 the qu'liq this morning. As well, I guess I want to thank
6 our pipe carriers this morning. Pipe carriers asked for a
7 good day. Remember you're in Saskatchewan. It's going to
8 be 29-above later on this afternoon. Tomorrow morning, we
9 should have snow.

10 (LAUGHTER)

11 **MR. VERN BELLEGARDE:** The elders this
12 morning were -- the pipe carriers were praying for harmony.
13 They asked for harmony and good feelings. It's been a long
14 week already. We just come through the summer solstice.
15 My friend asked -- says to me, "The days are getting
16 longer," he said. I said, "Yes. They should be 25 hours
17 in another couple of days," I said.

18 I guess in the pipe as well, they asked for
19 love and respect, and caring about each other. We know our
20 Commissioners are under a lot of stress, our witnesses are
21 under a lot of stress, and the people that have lost loved
22 ones and are still looking for missing loved ones are still
23 bearing a lot of pressure, I guess, and a lot of feelings
24 about, "Will I ever see them again?"

25 So, today, as we go about our day, we just

1 ask that you show respect for each other, show that you
2 care for each other, show that you love each other.
3 Nothing beats a morning hug. Have an opportunity, hug your
4 buddy, hug your friend, hug a stranger, and then get
5 slapped.

6 (LAUGHTER)

7 **MR. VERN BELLEGARDE:** So, I'll just -- I'll
8 turn it over to our lady friend there. Thank you very
9 much.

10 **MS. MEREDITH PORTER:** Good morning, Chief
11 Commissioner Buller, Commissioner Eyolfson, Commissioner
12 Robinson and Commissioner Audette. I believe with -- at
13 this point, we will -- I will seek your direction on which
14 of the witnesses we can reconvene and continue with the
15 questioning from the Commissioners, and I will seek your
16 direction on which witness you'd like to direct your
17 questions to first.

18 **CHIEF COMMISSIONER MARION BULLER:**
19 Certainly. Thank you. We know that Ms. Niego is pressed
20 for time. We'll start with our questions for Ms. Niego,
21 and let her go. And then continue with the other
22 witnesses. Thank you.

23 **MS. MEREDITH PORTER:** Thank you.

24 **--- QUESTIONS BY COMMISSIONER QAYAQ ROBINSON:**

25 **COMMISSIONER QAYAQ ROBINSON:** (Speaking

1 Inuktitut) kind of clear why. I've been given the
2 opportunity to go first. Yvonne, (speaking Inuktitut).
3 So, I just want to express my gratitude for you being here
4 and sharing with us, as well as the rest of the country,
5 some of the realities of policing in Nunavut and the
6 challenges.

7 You spoke yesterday about a number of things
8 that, to me, reflected Inuit law, the role of your name in
9 your life, how that defines your relationships. And then
10 you also talked about the importance of seeing -- for Inuit
11 to see themselves in the force. And, I asked Detective
12 Morrison this yesterday as well about, sort of, the laws
13 that the RCMP or any police force is tasked to uphold, and
14 how there is -- those aren't Indigenous laws, those aren't
15 Inuit laws. I'm not saying that there aren't parallels.
16 But, in your work, have you observed times where the
17 conflict between Inuit laws, Inuit societal values and, you
18 know, the laws of the *Criminal Code*, where there are
19 conflicts? Have you observed that in your work?

20 **MS. YVONNE NIEGO:** Yes.

21 **COMMISSIONER QAYAQ ROBINSON:** Do you have
22 any examples that you want to share with us?

23 **MS. YVONNE NIEGO:** A couple come immediately
24 to mind that have never sat well with me. One instance was
25 where I hadn't been involved in the initial investigation.

Questions (Robinson)

1 I can't remember if my role was as a court liaison officer
2 at the time or a general duty officer. However, an
3 individual, a victim of domestic violence was meeting with
4 a Crown prosecutor at the courthouse, and so I was called
5 there because there was some issue between them, my
6 assistance was requested.

7 And so, I sat with the two, and it was clear
8 that the individual was not comfortable with moving forward
9 with court, and the Crown prosecutor was pressing, and
10 pressing, and pressing. I very much have always believed
11 in victim empowerment throughout the whole process, going
12 at their pace. And, in that situation, the victim was
13 being forced to testify, and she was not ready. That's one
14 common -- more common example.

15 Another very common one is, and I'm not sure
16 how to describe it, but it's -- people just aren't coming
17 forward with the violence because the laws in place,
18 everything about the system just doesn't work. We have
19 justice committees in most of our communities, and then we
20 have these foreign court individuals that come to our
21 community to stay for a short while and leave. And,
22 there's -- the justice committees are made of local
23 individuals. They're not seen at that same level, and yet
24 they are the individuals from the community who know the
25 community, who most likely have the best input for what

1 should be a sentencing.

2 Our justice committees are only allowed to
3 hear those lesser offences, the non-violent ones. And,
4 yet, there's so much that goes unreported. I think there
5 can be a lot more done before the violence escalates,
6 allowing our justice committees more of that -- to be held
7 at the same level as the official Nunavut court. I think
8 you've already answered my question, but I'll just ask it
9 in case you want to add to it. Do you think that this
10 disconnect in values between the criminal justice system,
11 policing and Inuit values -- particularly in the how you
12 handle the conflict and how you handle, say like,
13 sentencing, do you think that that has a negative impact on
14 the relationship between a community and law enforcement?

15 Like, you said people don't report, is that
16 because they don't see their values and their ways of
17 handling situations reflected in the system?

18 **MS. YVONNE NIEGO:** Yes, I believe so. In
19 one case of one of our murdered, I go back to -- when the
20 two -- the couple were going through court a lot, and I was
21 the court liaison officer, so I was there when he was going
22 to court for his assaults on her. He's in the court cell
23 block area. And, the tendency back in the day was for
24 family to try to come visit the individual while they were
25 at court, and so because of the violence and the fact that

1 they were on conditions -- or he was on conditions to not
2 contact her, it was very difficult to keep them separate in
3 our courthouse, just the layout.

4 And then listening to the court sitting, and
5 as a police officer knowing how the investigation went to
6 what is actually communicated in court, the wheeling and
7 dealing between the lawyers, the judge only hears part of
8 the story. They're distanced from the crime. Police
9 officers, we are at the homes, we see the things firsthand.
10 And then later on, I'm called to assist with the murder
11 investigation.

12 And, just seeing that evolution of their
13 relationship, the system is failing and the people charged
14 with the responsibility of that system are so distanced
15 from the actual social familial circumstances, and that's
16 why I see the value of the justice committees. If we can
17 just raise them -- raise them to that level of respect,
18 paid -- all of our justice committees are volunteer. They
19 have the knowledge of the community, they have an
20 understanding of our values versus the foreign imposed
21 system.

22 **COMMISSIONER QAJAQ ROBINSON:** Thank you. I
23 know in the Nunavut territory, it was a choice at the time
24 of division of the Northwest Territories into two
25 territories, the creation of Nunavut, to continue working

1 with the RCMP. Do you think perhaps there is an
2 opportunity to look at Nunavut having its own police force
3 similar to, like, the Kativik Regional Police Force? Do
4 you think there would be value in that? And, if so, what
5 do you think is needed to get to that point?

6 **MS. YVONNE NIEGO:** When I was with the
7 Department of Justice, that was one of my projects, was to
8 -- with the renewal of the First Nations Policing Policy,
9 Nunavut is not able to apply. With the renewal, I was
10 hoping to be able to, to begin a project to build up a
11 local police entity. It has to start small and build.
12 And, right now, with retiring Inuit officers, the numbers
13 are declining and it's, I think, a little too difficult
14 right now to find a territorial police force.

15 I know there's a debate about tiered
16 policing, but if the RCMP can't recruit because of certain
17 standards or because individuals don't want to leave their
18 families to come to Regina, then we have to do something in
19 the territory. It won't be immediate. The levels of crime
20 -- the crime severity has increased so much, we can't
21 afford to lose the RCMP. We just can't. When members go
22 on holidays and there's talk of maybe shutting down a
23 community for a month, things start happening in that
24 community.

25 So, it's going to take a long time and a lot

1 of building. It has to be between the territorial
2 government, with the RCMP's cooperation, and certain
3 communities that are able and willing to start something
4 from the grassroots. I think Yukon had started something
5 similar. I can't remember what they're called, but that's,
6 sort of, the type of model that we were looking at.

7 **COMMISSIONER QAJAQ ROBINSON:** You raised a
8 really interesting point about the First Nations Policing
9 funds not being available to you, that's because Nunavut is
10 recognized as a territory as opposed to a First Nation; is
11 that correct? Like, it doesn't meet the criteria. So, the
12 government of Nunavut has challenges with the funding it
13 receives and being eligible for other types of funding
14 specific to, sort of, First Nations or Indigenous policing,
15 is my understanding of that accurate?

16 **MS. YVONNE NIEGO:** I think the -- I can't
17 remember now. Several months have gone by and I'm fully
18 immersed in family services programs. But, I think with
19 the FNPP, it was that wherever there are RCMP, you can't
20 also have a FNPP funded entity. Something like that.

21 **COMMISSIONER QAJAQ ROBINSON:** Okay. Well,
22 I'll research. Thank you. I'm going to switch now to
23 retention. And, we heard about isolated post and limited
24 duration posts. In the Nunavut territory and I believe all
25 of the communities in Nunavut are isolated posts because

1 they're all fly-in. And, you've shared with us that it's
2 -- persons in a community, two years, and then to another
3 community maybe two or three, but usually a max in V
4 division is about four to five. Is this the same even for
5 the specialized units like Major Crimes Unit?

6 **MS. YVONNE NIEGO:** For the most part, yes.
7 There are always exceptions, but for the most part, they're
8 only there two to four years.

9 **COMMISSIONER QAJAQ ROBINSON:** And, this is
10 -- you know the answer and I know the answer because I was
11 a prosecutor in Nunavut and you are RCMP. How likely is it
12 that a major crime after being committed, investigated, and
13 then prosecuted and brought through the court would be
14 concluded in a two year window?

15 **MS. YVONNE NIEGO:** Sorry, what type of?

16 **COMMISSIONER QAJAQ ROBINSON:** Like, a major
17 crime.

18 **MS. YVONNE NIEGO:** A major crime?

19 **COMMISSIONER QAJAQ ROBINSON:** So, you
20 generally have preliminary inquiry, trial -- like, it goes
21 full process.

22 **MS. YVONNE NIEGO:** Yes. Nunavut is probably
23 one of the quickest. I've read reports where Nunavut is
24 actually in the top few. But, still, with a major crime,
25 for example a murder, the likelihood is very high that it

Questions (Robinson)

1 will be transferred to the next MCU member.

2 **COMMISSIONER QAJAQ ROBINSON:** So, a family or
3 a community dealing with a major incident that occurred
4 within their community will likely deal with a number of
5 officers, more likely two, but maybe even more while that
6 case is being processed?

7 **MS. YVONNE NIEGO:** I've talked to survivors
8 of murdered and one of their concerns has always been about
9 their -- the lack of communication and not knowing who's in
10 charge.

11 **COMMISSIONER QAYAQ ROBINSON:** Do you think
12 that this rate of -- and it's not really turnover, because
13 it's not like people are quitting, this -- these policies
14 of posts being these durations -- and you don't have to
15 answer this, but do you think it has an impact on the
16 quality of investigations? And if -- and I know you --
17 this might not be something that has been studied and if
18 you're not comfortable I'm okay with that.

19 **MS. YVONNE NIEGO:** There are some good
20 reasons to having limited duration posts. For example, in
21 my hometown, my priority was the person to person violence,
22 the child sexual abuse, the domestic violence. For others
23 it might be traffic. The longer in a two-man post that I'm
24 there, the more there's going to be accidents and impaireds
25 because that's just not my expertise. We all have

Questions (Robinson)

1 different sets of skills, so there's value in having some
2 turnover.

3 In Nunavut we're beginning to grow, and some
4 of our larger communities needs a more steady workforce.
5 All of our top management leaves within that two to four
6 years. Often they have not experienced Nunavut as a young
7 recruit or throughout their career. They may have come
8 once before. But, again, it's about that value, the value
9 system.

10 **COMMISSIONER QAYAQ ROBINSON:** Okay. Where
11 did that go? So when you talked yesterday about how --
12 just two years, two, three years and the relationships are
13 building and then they go, that goes for the highest.
14 That's the -- that's for the highest level of management as
15 well, because they have the same post times?

16 **MS. YVONNE NIEGO:** Yes.

17 **COMMISSIONER QAYAQ ROBINSON:** Okay. We
18 heard that there are sort of advisory committees that are
19 set up at the detachment level and at the divisional level.
20 Are those set up in Nunavut, sort of advisory committees
21 between the community and the detachment commanders?

22 **MS. YVONNE NIEGO:** At times, over the life
23 of my policing career, there have been attempts to set them
24 up. To my knowledge, they don't continue. I don't even --
25 I'm not aware of any ---

1 **COMMISSIONER QAYAQ ROBINSON:** Okay.

2 **MS. YVONNE NIEGO:** --- that exist in Nunavut
3 right now.

4 **COMMISSIONER QAYAQ ROBINSON:** Does the
5 community have any say in who the detachment commander will
6 be and the hiring process? As a policy or sometimes ad
7 hoc?

8 **MS. YVONNE NIEGO:** Through the territorial
9 policing contract, yes, but in practice, our choices are
10 limited when bringing detachment management or headquarter
11 management in.

12 **COMMISSIONER QAYAQ ROBINSON:** I think the
13 last question, and it's the same question that I asked
14 Detective Morrison yesterday, you shared a lot with us and
15 a lot that could translate into recommendations at the end
16 of this Inquiry. And like I shared with Detective
17 Morrison, our recommendations go to governments.
18 Governments like to know how to rate and evaluate the
19 success of where they put their money. Thinking about all
20 the things that you've shared about duration of post,
21 relationships, values, all things that are really
22 important, how would you evaluate this? What would success
23 look like to you?

24 **MS. YVONNE NIEGO:** I guess it depends on
25 success in which areas, because this is so broad. If we're

Questions (Robinson)

1 talking about policing in Nunavut, management of policing
2 in Nunavut, our frontline officers -- I talked a bit about
3 remote supervision.

4 So when you're in a two-man post -- this
5 quote is from Senator Vern White when he talks about
6 Nunavut policing. And he talks about how you're like the
7 Chief of Police in a small community. You're left out
8 there. Back up is hours or days away. And so you're it.
9 You're busy. You're busy. You're busy. And then you have
10 your headquarters and then you have Ottawa. You know, up
11 the chain. The RCMP or any police force, any paramilitary
12 entity is very command and control, so you know where the
13 decisions are coming from, the larger decisions, the
14 funding. But that information doesn't get filtered down,
15 especially when you're so remote and far removed from
16 Ottawa, but you know that's where the decisions come from.

17 So one success would be that up the chain --
18 and I know Commissioner Lucki was looking for
19 recommendations and advice and I very much believe that her
20 close staff need to be aware of what's happening in the
21 smaller, more remote communities, whether they're northern
22 parts of the provinces or Nunavut or the other territories.
23 Things don't always get filtered down. Leadership --
24 there's different styles of leadership and, like I said, we
25 all have different skill sets, so we all have to be on the

1 same page though. And sometimes that leadership can
2 interfere with things and the role and responsibilities get
3 unclear when there's a certain style of leadership, and
4 especially when it's not well informed by the values of the
5 people. That's one area, anyway.

6 **COMMISSIONER QAYAQ ROBINSON:** M'hm. Those
7 are all my questions. (Speaking in Inuktitut).

8 I want to recognize your policing career.
9 Your achievements as an officer have been impressive and a
10 tremendous example as a Inuk woman for Inuit in Nunavut to
11 see within the force themselves. And I want to acknowledge
12 in your new role with the Government of Nunavut, I'm
13 looking forward to seeing what you're going to continue to
14 do.

15 **--- QUESTIONS BY CHIEF COMMISSIONER MARION BULLER:**

16 **CHIEF COMMISSIONER MARION BULLER:** Ms.
17 Niego, I just have a few questions for clarification.
18 Yesterday you were questioned about the number of shelters
19 for women and children. And, you testified that there were
20 five shelters, but there were some temporary shelters as
21 well. Could you tell us more about those temporary
22 shelters, please?

23 **MS. YVONNE NIEGO:** Mm-hmm. So, for example,
24 in my home community -- it no longer exists now because the
25 building is run down and it's going to be torn down, but it

Questions (Audette)

1 was an old health centre turned into a hospice. And so,
2 there were some rooms upstairs, and one room in particular
3 was used when absolutely needed for a woman or women and
4 children.

5 **CHIEF COMMISSIONER MARION BULLER:** Are you
6 aware of any other temporary shelters either in the past or
7 present?

8 **MS. YVONNE NIEGO:** Yes, there have been. I
9 don't have other particular examples at the moment.

10 **CHIEF COMMISSIONER MARION BULLER:** Okay.
11 Thank you. Now, turning to your role as Deputy Minister,
12 what is the Nunavut government doing about remedying the
13 situation about lack of shelters?

14 **MS. YVONNE NIEGO:** Mm-hmm. So, we have a
15 new government since this last November/December. Their
16 new mandate is concentrated on child abuse and domestic
17 violence. I believe that we will be seeing improvements.
18 Right now, that would be through my department for
19 violence, homelessness, sheltering, that's within my
20 portfolio. So, I'm new, I'm working towards building the
21 proper business cases.

22 **CHIEF COMMISSIONER MARION BULLER:** Mm-hmm.
23 Okay. Good. Thank you very much. My colleagues don't
24 have any further -- oh, you do. Okay.

25 **--- QUESTIONS BY COMMISSIONER MICHÈLE AUDETTE:**

Questions (Audette)

1 **COMMISSIONER MICHÈLE AUDETTE:** Yes, it's
2 true. We wanted to give so much time to Qajaq and Chief
3 Commissioner. But, you said something very -- we've heard
4 it so many time, but coming from you, in this panel, that
5 the system is failing, I commend you for this courage. It
6 goes with what we've heard across Canada with women, men
7 and from your people also.

8 And, now knowing that you are involved
9 inside of the government, which is the system or mini
10 system, institutions, for you, what would be the short-
11 term, mid-term or long-term thing that needs to happen to
12 improve immediately or what -- do you have an idea, do you
13 have a passion, do you have a message for us that we can
14 put as a recommendation?

15 **MS. YVONNE NIEGO:** There's so much that
16 needs to be done, especially in Nunavut. Through my
17 department, child abuse training across communities,
18 because of the high, high turnover of every single
19 caregiver service in Nunavut, it has to be collaborative
20 training around child abuse. We've got to get better also
21 at the domestic violence collaboration.

22 With the Department of Justice, I know that
23 they are working on a model as I was speaking, raising the
24 profile of the justice committees. So, I know they are
25 looking at ways to do that, working with the federal

Questions (Audette)

1 government and funding from the federal government. So, I
2 know there's a pilot project starting. So, another short-
3 term measure.

4 And then building in those three areas long-
5 term, there has to be those steps.

6 **COMMISSIONER MICHÈLE AUDETTE:** Merci. Thank
7 you.

8 **CHIEF COMMISSIONER MARION BULLER:** Ms.
9 Niego, I want to thank you very much for all that you have
10 given us. What you've told us yesterday and today is very
11 important to our work, and what you have said has made a
12 big difference.

13 So, because of the gifts you've given us
14 over the last two days, we do have a little gift for you.
15 It's an eagle feather to hold you up and -- on those days
16 when I know you need holding up, also to lift you up on
17 those days when you know you can go a little higher. And,
18 hopefully in your new position as Deputy Minister, this
19 eagle feather can lift you up and bring you to places you
20 thought you could never be. So, on behalf of all of us, I
21 want to thank you very much, you've made a big difference,
22 not only here, but I know in your own territory. So, my
23 sincere thanks.

24 **COMMISSIONER BRIAN EYOLFSON:** Before you go,
25 Ms. Niego, I didn't have any questions for you, but I just

Questions (Eyolfson)

1 wanted to say thank you very much for coming here and
2 sharing your evidence based on all your experience with us.
3 It's very much appreciated. So, thank you.

4 (PRESENTATION OF GIFT)

5 **CHIEF COMMISSIONER MARION BULLER:** Okay.
6 Next in the order of questioning will be Mr. Weighill.
7 And, Commissioner Eyolfson, questions for this witness?

8 **--- QUESTIONS BY COMMISSIONER BRIAN EYOLFSON:**

9 **COMMISSIONER BRIAN EYOLFSON:** Good morning,
10 Chief Weighill. I just want to ask you questions about --
11 some follow up questions in one particular area. When we
12 were having our community hearings and hearing from family
13 members about their missing loved ones, one thing that we
14 heard were concerns raised that they weren't being kept
15 informed of investigations by police regarding missing
16 family members. So, I just want to ask you about, are
17 there appropriate standards for keeping families informed
18 of the status of investigations regarding missing family
19 members or can you comment any further on that issue?

20 **RETIRED CHIEF CLIVE WEIGHILL:** Well, for
21 those of us that are lucky enough to have missing person
22 liaison officers, that's what fills the gap between police
23 and the families. You know, the investigators, they will
24 be working on one
25 file, unfortunately they might get another one, and

Questions (Eyolfson)

1 sometimes the families are not spoken to as much as they
2 should be. That's where that gap fills with the liaison
3 officers because that's -- their full-time job is to make
4 sure that they're working on those files, liaising with the
5 families, and liaising back with the police so that we
6 don't have that lack of communication. Certainly, the
7 family has to talk to the investigators fairly frequently
8 as well too. You just can't use that by itself. I think
9 that's one of the strongest tools that, for us that are
10 fortunate enough to have those, really works well for us.

11 **COMMISSIONER BRIAN EYOLFSON:** But, whether
12 or not you have liaisons, or just some basic principles or
13 about how you make sure you maintain contact?

14 **RETIRED CHIEF CLIVE WEIGHILL:** Absolutely.
15 Absolutely. And, within our policies we have that.
16 Whether or not all the time it gets done is another
17 question. And, we have that issue with the victims of
18 break-and-enters, we have that issue with all kinds of
19 things that the police, unfortunately, sometimes do not
20 contact as often as they should. But, it should be a, you
21 know, very, very solid way to do business.

22 **COMMISSIONER BRIAN EYOLFSON:** Okay. Thank
23 you very much. Those are all the questions I had, so thank
24 you ---

25 **RETIRED CHIEF CLIVE WEIGHILL:** Thank you.

Questions (Eyolfson)

1 **COMMISSIONER BRIAN EYOLFSON:** --- very much
2 for taking the time to come and provide your evidence with
3 us.

4 **COMMISSIONER QAYAQ ROBINSON:** Thank you,
5 Chief Weighill, and thank you for bringing the perspective
6 of the Canadian Association of Chiefs of Police. I'm
7 pleased to see the steps that have been taken in an
8 advocacy role around this unacceptable situation and for
9 sharing with us some of the steps in the Province of
10 Saskatchewan.

11 I don't have any specific questions. Your
12 material was comprehensive, and I thank you for that. I'm
13 going to put to you the same question, however, that I
14 shared with your fellow panellists.

15 As you can imagine, in my situation, our
16 situation as Commissioners, we're looking at presenting
17 recommendations that are going to result in change and that
18 are going to empower and motivate governments to do what
19 they have to do, that we are tasked by government. And, as
20 I've said, as you've heard, it often comes down to
21 measuring, identifying success, identifying how specific
22 initiatives are measured as successful. So, I'll repeat
23 the question. For you, how do you measure success when it
24 comes to policing and policing in communities?

25 **RETIRED CHIEF CLIVE WEIGHILL:** Well, I think

Questions (Eyolfson)

1 there's two ways. There's a formal way of measuring it and
2 there's an informal way of measuring it. A formal way,
3 naturally, or doing -- many tools that we use now, you
4 know, through surveys and seeing how people feel, and
5 quantifying results that you're finding, if you're moving
6 forward or not on different issues or not. Also, informal
7 ways of measurement too. I mean, a community starts to
8 feel about a police service, because we're talking police
9 here, they get a feeling about a police service.

10 The best way I can describe this is, is that
11 probably not every good story that ever happens people
12 remember. They remember bad stories, always. They don't
13 remember good. But, if they hear enough good stories and
14 they see enough good stories, they start to get a feeling
15 about a police organization.

16 And, if they get a feeling about a police
17 organization when something does go wrong, and something is
18 always going to go wrong, that's how the world works. But,
19 if they have a feeling about a service or an agency, I
20 won't say they can give the benefit of the doubt, but at
21 least they can hear what an explanation might be and what
22 the service is going to do before being too critical about
23 it.

24 And, I think that really helps a community
25 because I know from my experience, when I went to

Questions (Eyolfson)

1 Saskatoon, it was very fractured. When you have a
2 fractured community with the police, and you don't have
3 trust in a police service, I would say a community is
4 almost lost, because you have to have trust in the police,
5 and the police have to have trust in the community that
6 they're serving as well too. It's a two-way street.

7 So, in my mind, it's not so much of paper,
8 graphs and charts to show how good you are as a police
9 service or how good you are doing in life. The measurement
10 is from the people that you work with every day that you
11 serve are going to be your measurement of how you are.

12 And, you certainly start to feel that in the
13 community as you walk around and talk to different
14 citizens, and they give you different stories about -- and
15 not everybody's going to tell the Chief of Police what they
16 think, you know, because you're the chief and they may be
17 intimidated, but a lot of people do. And, you can start to
18 feel when you're in a community going to different events
19 how a community is starting to feel about our service.
20 And, I can't go out there and talk about how great the
21 service is going to be, and -- measurement is how good the
22 service is, is how the community feels about that.

23 And, I think in another big picture success,
24 just to get away a little bit from policing is that, you
25 know, the federal government, the provincial governments

Questions (Eyolfson)

1 put a lot of money into infrastructure. Infrastructure
2 projects, building bridges, you know, paving roads. And,
3 yes, infrastructure has crumbled in Canada. But, I would
4 like to see more money put into social infrastructure
5 because that's an infrastructure as well.

6 And, when -- another one of the reasons they
7 put money into physical infrastructure is to create jobs,
8 to create a healthy economy. And, I can't see any
9 difference if you're going to hire 150 construction workers
10 or you hire 100 mental health people or addiction people.
11 You're still providing jobs, you're still providing things
12 for the economy. But, for every dollar you invest in that,
13 I know for sure that it reaps many, many times what you put
14 into it. And, it's simple things.

15 It's simple things like, in Saskatoon, we
16 tracked 20 people that were most high, complex needs people
17 in our city. Between those 20 people, they used about \$2
18 million worth of resources a year that might be mental
19 health addictions, hospital emergencies, ambulances,
20 police, because of the complex needs and they are homeless.
21 United Way spearheaded a plan to end homelessness.

22 The first six months, 10 of those 20 people
23 they found a place for a roof over their head, not all in
24 the same place. There are different places that you can
25 put people. They're very hard to place because they have

Questions (Eyolfson)

1 complex needs, and there's no doubt about that.

2 And, I haven't got -- because it was spur of
3 the moment, I haven't got the figures in front of me, but
4 it was startling. When you had those people that were --
5 finally had a place of safety that they could have a roof
6 over their head, when you start to measure that -- like the
7 number of times that they had to go to the hospital
8 emergencies, and I'm just -- you can't quote me on these
9 numbers, but this is in a range like this.

10 They went from those 10 people, like from
11 300 and some times a year down to two; to have acute
12 psychiatric care went from, you know, 89 to one; being
13 incarcerated in police cells went from, you know, a few
14 hundred down to almost zero; having to use temporary
15 shelters went from 500-and-some nights down to nothing
16 because they already -- like the money that you can save by
17 putting money into that social infrastructure. So, to me,
18 that's what the success would be on the bigger picture that
19 we're talking about here today.

20 **COMMISSIONER QAYAQ ROBINSON:** Thank you for
21 sharing that specific example. Does the United Way have a
22 report on this or some stats, and perhaps for all your ---

23 **RETIRED CHIEF CLIVE WEIGHILL:** Yes, they do.
24 If you go to the United Way ---

25 **COMMISSIONER QAYAQ ROBINSON:** Okay. It's

1 public?

2 **RETIRED CHIEF CLIVE WEIGHILL:** --- in
3 Saskatoon, it's -- the whole picture's on there.

4 **COMMISSIONER QAYAQ ROBINSON:** Okay.
5 Wonderful. Thank you. I was going to ask your lawyer to
6 hook us up if it wasn't, but we will find it.

7 **RETIRED CHIEF CLIVE WEIGHILL:** If not, we
8 will make sure you get it.

9 **COMMISSIONER QAYAQ ROBINSON:** Okay. Thank
10 you both very much.

11 **--- QUESTIONS BY COMMISSIONER MICHÈLE AUDETTE:**

12 **COMMISSIONER MICHÈLE AUDETTE:** Merci,
13 Commissaire Robinson. If I may, I will ask my question en
14 français.

15 OK. Bon matin. Bonjour et, encore une fois,
16 merci d'être venu nous rencontrer, d'être venu partager
17 l'expertise de votre... de vos nombreuses années de service,
18 mais aussi votre collaboration avec l'Association
19 canadienne des chefs de police. Alors, ayant toute cette
20 expertise-là et ce bagage-là au fil des années, j'imagine
21 que vous avez vu et entendu beaucoup de choses au sein de
22 la police en général à travers le Canada ou en
23 Saskatchewan. Vous avez fait état de bonnes et belles
24 pratiques, concrètes, ici avec la police de la Saskatchewan
25 et, ce qui est intéressant de voir, elle date de plusieurs

Questions (Audette)

1 années pour certaines et qui incluent des comités de
2 femmes, des comités autochtones, des comités qui regroupent
3 la communauté LGBT2S.

4 À votre connaissance, est-ce que d'autres
5 corps policiers à travers le Canada ont... se sont intéressés
6 à vos pratiques?

7 **CHIEF CLIVE WEIGHILL:** Certainly police
8 agencies across Canada share what they're doing. We all
9 look at each other. We learn from each other. You know,
10 and there's other cities. You know, Vancouver does a lot
11 of things. Calgary does things. Edmonton does it. We all
12 do different things in different manners according to our -
13 - a lot of practices from Saskatchewan picked up. The HUB,
14 for one thing is, you know, spread across Canada right now.

15 So we do look at each other. We learn from
16 each other and we grow and it's always evolving. Policing
17 is evolving. If -- when I think when I started, where
18 policing is right now and how we deal with people and look
19 at social issues compared to when I just first started and
20 the training that I went through, it's a whole different
21 world now. It's not perfect. We've not hit utopia.
22 Probably never will, but things certainly have changed and
23 for the better.

24 **COMMISSAIRE MICHÈLE AUDETTE:** Est-ce que
25 vous êtes la seule province qui n'attend plus 24 heures

Questions (Audette)

1 lorsqu'une maman appelle parce que son enfant manque, est
2 disparue ou on sait pas où elle est - ou un papa?

3 **CHIEF CLIVE WEIGHILL:** I'm sure almost every
4 province that I would -- could think of, and every Police
5 Service, especially if it's a child, they're going to act
6 on that immediately. And from my understanding, most
7 Police Services now have taken away that old wait 24 hours
8 before we take a report. That's a thing of the past. And
9 I think -- thank goodness to the awareness that we've had
10 raised here through this whole Inquiry and things leading
11 up to that has made a lot of changes for the Police
12 Services.

13 **COMMISSAIRE MICHÈLE AUDETTE:** Et si c'est une
14 adulte qui disparaît ou qui manque à l'appel, est-ce que
15 les autres provinces, d'après vous, ont retiré aussi le
16 24 heures?

17 **MR. CLIVE WEIGHILL:** That's my
18 understanding. I can't quote everyone, but I would say a
19 large swath of Police Services now have all changed their
20 policies on that, yeah.

21 **COMMISSAIRE MICHÈLE AUDETTE:** Merci. Tout au
22 long de votre carrière, vous avez constaté que... pardon,
23 tout au long de votre carrière, avez-vous justement
24 constaté des pratiques policières au sein de vos équipes
25 qui pourraient être différentes en ce qui concerne les

Questions (Audette)

1 Autochtones et le reste de la population de la Saskatchewan
2 ou de Saskatoon?

3 **MR. CLIVE WEIGHILL:** Absolutely. I think
4 dealing with cultural issues, dealing with how you treat
5 people and recognize how they think compared to how settler
6 population thinks and it's different. Throughout my career
7 I've learned, you know, by going to sweat lodges and
8 dealing with the spirituality of Indigenous people and how
9 differently sometimes they approach issues compared to how
10 the police approach it or how government approaches it.
11 It's a slower, more thoughtful way to do business.
12 Sometimes it works very well. Sometimes it doesn't work
13 very well in our -- I mean, when you start to clash.

14 But I think the education of -- certainly of
15 police officers to understand what's happened in the
16 Indigenous population across Canada and in Inuit, how
17 things have evolved, how we got to where we are right now.
18 And that understanding I didn't have when I started in
19 policing, not at all. And that was never even taught in
20 the police colleges in those days where now that is. And
21 that's a big step I think.

22 When you're dealing with people that are
23 living in poverty and poor housing and facing racism and
24 all the vulnerability issues and stuff like that, you have
25 to be able to put yourself sometimes in that situation,

Questions (Audette)

1 which is hard because we never walked that mile, but you
2 have to try to put your mindset into the people that you're
3 working with and where they're coming from and how they're
4 thinking.

5 **COMMISSAIRE MICHÈLE AUDETTE:** Merci. Et, de
6 façon un peu plus précise, quelles sont les pratiques
7 lorsque les individus sont appréhendés en état d'ébriété -
8 les pratiques policières, on s'entend?

9 **MR CLIVE WEIGHILL:** Okay. I'll speak again
10 in first Saskatoon. We started an action accord in
11 Saskatoon with the Saskatoon Tribal Council, the FSIN and
12 the mental health -- through the Health Authority. Our
13 position was that people that are intoxicated should not be
14 in a police cell. That's -- they've got mental health or
15 addiction problems. They're not criminals. And they
16 shouldn't be in a police cell.

17 And we've worked very hard. There's a
18 centre in Saskatoon where they received funding for
19 stabilization beds, so that if somebody wasn't violent, we
20 could take them there and they would have a place that they
21 could be with dignity. And hopefully, in the morning, they
22 could get some services that they need to help with their
23 addictions, rather than just that opening the cell door,
24 locking them up overnight. Two days later they're back in
25 again. We lock them up and they never really get any help.

Questions (Audette)

1 I think this has been a real kind of a game changer in our
2 city.

3 We also changed our policy too, because it
4 used to be if you found somebody that was intoxicated on
5 the street, you bring them into the cell. There's no more
6 trouble. Nobody else is complaining. But now we've made
7 our officers fill out a form, so they have to check, can
8 you take them to the brief detox rather than bringing them
9 to detention. Is there another -- a family member that
10 might take that person?

11 Now, you have to be very careful with that
12 because the last thing you want to do is take an
13 intoxicated person into a house that could cause more
14 problems, so you have to be very careful with that, but we
15 have a checklist that our officers have to go through
16 before they can bring somebody into detention for
17 intoxication. Because I firmly believe in, and people in
18 our action accord firmly believe a police cell isn't a
19 place for somebody that's got an addiction issue.

20 **COMMISSAIRE MICHÈLE AUDETTE:** Est-ce que vous
21 connaissez la pratique « Starlight Tour » et, si oui,
22 pouvez-vous...

23 **CHIEF CLIVE WEIGHILL:** Yes.

24 **COMMISSAIRE MICHÈLE AUDETTE:** Pouvez-vous
25 m'expliquer qu'est-ce que c'est?

Questions (Audette)

1 **CHIEF CLIVE WEIGHILL:** Starlight tour was
2 coined about police officers taking people that were
3 intoxicated out of the city and dropping them off and
4 making them walk back into the city. That's what a
5 starlight tour was.

6 **COMMISSAIRE MICHÈLE AUDETTE:** Est-ce qu'il
7 existe des données concrètes? Combien de personnes ont...
8 combien de polices ont utilisé cette pratique?

9 **CHIEF CLIVE WEIGHILL:** I would say that, in
10 my knowledge, that practice is not around. There was
11 certainly enough issues through the Stonechild inquiry.
12 Our service, unfortunately, was certainly highlighted on
13 that. It was a practice used across Canada, I would not
14 ever doubt that, in the past. But, you know, we've learned
15 from that.

16 In our service we've learned from that. The
17 Stonechild Inquiry was there. It had many, many
18 recommendations. And I'm very proud, as the Chief, to say
19 that every single recommendation from that was fulfilled
20 and something was done. It didn't just sit on the books.

21 But, you know, that also started a -- in our
22 province, a commission on First Nations Métis people in the
23 justice system that was chaired by Chief Littlechild of
24 Alberta. And that was across the province where people
25 would come and talk about justice issues. Not just the

Questions (Audette)

1 police, but all kinds of justice issues facing the
2 Indigenous population.

3 Now layered on top of that, in our city of
4 Saskatoon was a committee on strategic renewal stemming
5 from the Stonechild Inquiry, where it was a partnership
6 between the Saskatoon Tribal Council, Justice and the
7 Saskatoon Police Service. Once again, with another set of
8 recommendations to ensure this didn't happen again and to
9 ensure that we had checks in place and started building
10 relationships up again with the Indigenous people in
11 Saskatoon.

12 So stemming from that, I would say that
13 Police Services across Canada were watching that. The
14 policies changed, tactics changed. Certainly they did in
15 our city, and I would say right across Canada. So it was a
16 hard time for our service. It was a hard time for our
17 province. But I would say a lot of good came out of that
18 because a lot of change has happened right across Canada in
19 policing stemming from that.

20 **COMMISSAIRE MICHÈLE AUDETTE:** OK. Ben, merci
21 beaucoup, et pour terminer je vous dirais que la méfiance,
22 vous la connaissez, vous le savez, elle existe entre les
23 femmes autochtones et les institutions policières, et
24 l'objectif, c'est de se rappeler dans notre mandat, pour ma
25 part, d'amener des recommandations qui vont ramener ou vont

Questions (Buller)

1 construire cette confiance, mais il faut une volonté aussi
2 de la part des institutions policières. J'espère qu'elles
3 vont être au rendez-vous. Les femmes méritent d'être
4 protégées, des femmes méritent d'être soutenues, et ça, ça
5 s'applique à tous les corps policiers, et je vous dis merci
6 d'avoir soutenu une collègue et une amie à moi, Mme Pauline
7 Muskuego (phon.), qui tenait à vous saluer et qui est un
8 exemple que lorsqu'une famille est informée par un corps
9 policier, qui est mise au courant si les gens ont changé
10 dans le dossier de leur fille, ça peut être rassurant, ça
11 peut nous faire comprendre comment un système fonctionne
12 parce que c'est pas notre système. Et ça, je veux vous dire
13 merci au nom de Mme Muskuego (phon.), et je termine en
14 disant : j'apprécie, venant de votre part, que le « social
15 infrastructure » devrait être une recommandation.

16 Merci beaucoup.

17 **RETIRED CHIEF CLIVE WEIGHILL:** Thank you.

18 **--- QUESTIONS BY COMMISSIONER MARION BULLER:**

19 **CHIEF COMMISSIONER MARION BULLER:** Mr.
20 Weighill, I have just a few questions regarding your
21 recommendations to us. One of your recommendations
22 included funding -- or increased funding for infrastructure
23 in urban areas. Can you expand on that and perhaps give
24 some examples of what you meant?

25 **RETIRED CHIEF CLIVE WEIGHILL:** What I was

Questions (Robinson)

1 talking about there is that whenever we have an opportunity
2 to divert youth away from the criminal justice system and
3 -- we don't have addiction centres that we need, we don't
4 have a community based -- you know, we might have a John
5 Howard Society, we might have Elizabeth Fry, but there's
6 very little other avenues to divert a youth to.

7 So, once again, it's more of a social
8 infrastructure. We don't have to build buildings to make
9 this happen. It's not a big cost item in the long run.
10 But, certainly, there must have to be some effort put into
11 allowing us to divert that youth into something that they
12 can get the help from.

13 **CHIEF COMMISSIONER MARION BULLER:** Thank
14 you. Mr. Vicaire is next. Commissioner Eyolfson?

15 **COMMISSIONER BRIAN EYOLFSON:** I don't have
16 any additional questions at this time, so I just want to
17 thank you very much, Mr. Vicaire, for coming and sharing
18 your evidence with us. Thank you.

19 **--- QUESTIONS BY COMMISSIONER QAJAQ ROBINSON:**

20 **COMMISSIONER QAJAQ ROBINSON:** Bon matin.
21 And, that is the end of my French. Sorry. Je fatigue,
22 mais -- not on camera. So, Mr. Vicaire, Chief Vicaire, I
23 have a couple of questions for you, particularly about the
24 First Nations Policing Program and the contribution
25 agreement. You've shared a lot about the challenges and

Questions (Robinson)

1 the efforts in building the relationships, and I can only
2 imagine in Lac Simon, with the tragedies, that this has
3 been a very challenging time, so I tip my hat to you.

4 But, I also want to acknowledge very much
5 that it seems that you are dealing with a tremendous amount
6 of resourcing issues in trying to reach and meet the needs
7 of your community. So, in your presentation, I believe you
8 said that the contribution agreement under the tripartite
9 agreement funds 12 officers?

10 **MR. JEAN VICAIRE:** Yes, it does, including
11 myself.

12 **COMMISSIONER QAJAQ ROBINSON:** Yet, you need
13 20 plus and you are actually -- you have 20 plus officers?

14 **MR. JEAN VICAIRE:** Yes, we do.

15 **COMMISSIONER QAJAQ ROBINSON:** So, where does
16 that other money come from?

17 **MR. JEAN VICAIRE:** Well, like we mentioned
18 through the dialogue of renewing the agreement, that we
19 definitely realized that, compared to the last financial
20 fiscal year, that we dealt our almost 2.5 that we had in
21 budgeting by both levels of government, were down 200,000
22 from that, and we clearly indicated that we will put a stop
23 to this type of agreement the moment that the funding is
24 not providing the adequate services within our community.
25 Which means, that after nine months, if we realize that the

Questions (Robinson)

1 funding is not adequate, governments will be approached and
2 dialogue must continue to make sure that the community is
3 safe in all ways.

4 **COMMISSIONER QAJAQ ROBINSON:** When it comes
5 to determining the funding amount that you receive, do you
6 have any clarity from those whom you're negotiating with,
7 specifically the province of Quebec and the federal
8 government, on how they determine their funding formulas?

9 **MR. JEAN VICAIRE:** All I can say is that,
10 for being at the table, I personally have a hard time to
11 consider that -- these people are not aware of -- not
12 totally, but some are totally not aware of the
13 fundamentals, the values, the needs of First Nation
14 communities, specifically Lac Simon, as far as services
15 directly linked to public security within the community.

16 We have to remember that we are the only 24
17 hour service in that community. We are lucky that within
18 the last agreement, because of the incidents that took
19 place -- and I say lucky with very limited joy -- that we
20 have a call centre that provides answering services,
21 provides security for our officers, security for the
22 community, to make sure that we can localize a call
23 directly from the 911 service that we receive.

24 But, when we get back to looking at the
25 people that are in front of us, that are negotiating,

1 unfortunately, I've noticed that their sensitivity of
2 knowing what are the direct situations and problems that we
3 live on a daily basis are not of interest for them.

4 **COMMISSIONER QAJAQ ROBINSON:** Have they
5 shared with you what is of interest and how they come to
6 determine the funding that they believe is adequate?

7 **MR. JEAN VICAIRE:** The example that I could
8 give you is that -- what I had spoken about is that we made
9 a five year plan that was complete, precise, detailing the
10 funding that was needed with the experience that we had in
11 the last two years, the loss of the officer, the individual
12 that -- on -- it's item number 80 that we had presented,
13 and it's only at the third meeting after being asked that
14 they acknowledged our report.

15 **COMMISSIONER QAJAQ ROBINSON:** I'm going to
16 thank you for that. We've heard from Mr. Larose that the
17 Kativik Regional Police Force is dealing with the same
18 concerns, we've also heard from other forces under the
19 First Nations Policing Program that are in a very similar
20 situation. So, I want to thank you for adding to our
21 understanding of what is happening on this level.

22 I want to go -- and this is in line with
23 what I've been asking the other panellists. On the issue
24 of the laws that you enforce, and it's in your territory,
25 Anishinaabe law would be and values; am I correct? Are the

1 laws of the land?

2 **MR. JEAN VICAIRE:** The laws that we do apply
3 are the Criminal Code and the Highway Code, and any
4 Provincial Act that could be -- occur within the community.
5 There's no local bylaws or any Anishinaabe laws that exist
6 at this time.

7 **COMMISSIONER QAJAQ ROBINSON:** On paper;
8 right?

9 **MR. JEAN VICAIRE:** On paper.

10 **COMMISSIONER QAJAQ ROBINSON:** Okay. I just
11 -- but the laws and the values, and the people's laws and
12 values are rich and still alive?

13 **MR. JEAN VICAIRE:** Yes, they are.

14 **COMMISSIONER QAJAQ ROBINSON:** Do you find
15 that that disconnect or that conflict between the laws --
16 Anishinaabe Indigenous laws and the laws that you are
17 mandated to enforce has an impact on relationship with the
18 community?

19 **MR. JEAN VICAIRE:** When I look at the
20 approach that we have as a self-administered police force,
21 our approach is totally different than when it's taken over
22 by an outside department. We're community-based, where, on
23 a daily basis, we have people from the community that are
24 doing policing within the community. We don't just create
25 programs and make sure that they apply, and without

Questions (Robinson)

1 regarding the elders, the youth, the involvement of the
2 community, different sectors. All the different sectors.

3 We work on a regular basis to make sure that
4 whatever interventions are -- like Mr. Weighill was saying,
5 is that instead of incarcerating somebody, is there another
6 alternative possible that we can use as an approach? Even
7 though it's not in police practices and the guides that
8 define what we have to do, can we use them? Yes, we can,
9 and we will use them to make sure that we avoid tragic
10 incidents that took place over the last two years, in
11 particular, and in the last 10 that are well out there in
12 the public knowledge. And, we try every day to make sure
13 that not only are our officers safe, but the whole
14 community from the youngest to the eldest.

15 **COMMISSIONER QAYAQ ROBINSON:** Thank you.
16 Final question, and I give you the opportunity to share
17 with us your thoughts on how you measure, how you identify
18 and what success looks like. What does good community
19 policing and the outcomes look like?

20 **MR. JEAN VICAIRE:** If I could define
21 success, it would be that from the start -- I seriously
22 believe that respect has to come back to the structures of
23 the First Nation communities at the political level, at the
24 service level, at all levels. You know, we're not here, we
25 don't even have a home, a women's shelter within the

Questions (Robinson)

1 community of Lac Simon where it's prominent to have
2 violence against women within the community, and we don't
3 have the resources.

4 They're asked to leave and go on the outside
5 to get services that are unknown to them, or the language
6 barrier is there, or the problems of leaving the community,
7 leaving, maybe, the children behind. And, it's solutions
8 that are plasters, you know, that don't -- there's no long-
9 term, there's not even a mid-term or situations where -- I
10 think the community has the capacity. And, we've put in
11 the past that we can put in place not only at the police
12 service level, but at other levels of health, social
13 services, you know, that we are capable of making sure that
14 all our people are safe within our communities. But, the
15 infrastructures and what comes with that, and the
16 specialized services to make sure that we attain the
17 funding that is -- like Mr. Weighill said, if you don't
18 invest the funding within the proper channels while -- at
19 the forefront, you're going to pay a very higher price
20 afterwards.

21 And, we see that now. If I go back to the
22 negotiation part, if we want to call it negotiations for
23 the Tripartite Agreement, it's only in June where I
24 assisted a conference in Québec City that was organized by
25 MSP Québec, Public Security Québec, where now the federal

Questions (Robinson)

1 partners that were in the dialogue for renewing the
2 agreement are announcing us that we can apply now for a
3 prevention program. I'm surprised because this wasn't even
4 discussed at our negotiation table. So, here we are trying
5 to justify, again, that when we have the 5-year program
6 that was presented where the investment should have been
7 done and placed and offered.

8 **COMMISSAIRE QAYAQ ROBINSON:** Merci, Monsieur
9 Vicaire.

10 **M. JEAN VICAIRE:** *Nakurmik.*

11 **COMMISSIONER QAYAQ ROBINSON:** Ah! *Ilaali!*

12 (RIRES)

13 **COMMISSAIRE MICHÈLE AUDETTE:** Ah, c'est
14 gentil, ça.

15 *Kuei!* Bonjour!

16 **M. JEAN VICAIRE:** Bonjour.

17 **COMMISSAIRE MICHÈLE AUDETTE:** Il paraît que
18 les Micmacs venaient voler les Faminous (phon.), à une
19 certaine époque, et maintenant on peut collaborer ensemble
20 puis je suis fière de dire que j'ai un fils micmac, et ça,
21 de votre communauté en plus, avec de la famille basque.

22 **M. JEAN VICAIRE:** Bienvenue dans notre grande
23 famille.

24 **COMMISSAIRE MICHÈLE AUDETTE:** Oui! Puis ça
25 s'est fait d'un commun accord.

Questions (Robinson)

1 Alors, toujours fière de voir des
2 Autochtones dans des postes pas évidents ou des postes des
3 fois où les femmes autochtones peuvent défier ou réagir, et
4 j'en ai fait partie moi aussi, je ne me cache pas, mais
5 aujourd'hui je suis fière de porter et je le porte avec
6 humilité là le mandat de commissaire, donc je pose des
7 questions au même titre que M. Weighill pour qui j'ai
8 beaucoup de respect.

9 Vous avez, vous aussi, une expérience
10 incroyable au niveau de la pratique policière, de la
11 gestion, de l'administration et du terrain, puis est-ce que
12 vous, vous avez constaté que la pratique policière de la SQ
13 - on va parler de la Sûreté du Québec ici - peut être
14 différente en ce qui concerne les Autochtones et les
15 Québécois et Québécoises?

16 **M. JEAN VICAIRE:** Si je compare mon 24 ans au
17 sein de l'organisation de la Sûreté, j'ai eu le privilège
18 de voyager puis de travailler autant dans les communautés
19 inuïtes que les communautés criées, que les communautés
20 algonquines, dans ma communauté natale également, et
21 d'autres que j'ai eu l'occasion de travailler avec, je peux
22 vous dire que, constamment, au cours des années, les
23 pratiques ont eu à être modernisées au niveau des pratiques
24 policières au sein de la Sûreté.

25 Dernièrement, on l'a vu par l'instauration

Questions (Robinson)

1 là suite de... aux évènements de Val-d'Or, l'instauration du
2 PPCMA qui tente d'améliorer les relations avec les gens du
3 milieu, sauf que y'a... mon idée à moi, puis c'est personnel
4 à moi, c'est que pour y avoir œuvré pendant 24 ans, faut
5 pas créer deux entités différentes ou similaires dans une
6 organisation qui, un, est ouverte, la collaboration est
7 ouverte à être dynamique, est ouverte à créer du
8 partenariat, et à moins de 3 kilomètres plus loin où les
9 mêmes gens font partie de cette organisation-là, ils sont
10 pas dans la même mentalité de... ou la même philosophie de
11 vouloir intervenir auprès de ces gens-là. Parce qu'à ma
12 connaissance, c'est pas une instauration qui a été faite de
13 concert avec l'accord ou la consultation des Premières
14 Nations, ce qui fait en sorte que, moi, j'ai toujours dit,
15 par mon expérience, alors que j'étais agent de liaison
16 autochtone, c'est que si on inclut pas les gens des
17 Premières Nations dans nos approches, dans nos façons de
18 faire quand ça touche les Premières Nations, on sera pas
19 productif et efficace dans l'approche.

20 **COMMISSAIRE MICHÈLE AUDETTE:** Monsieur
21 Vicaire, vous parlez du PPCMA. Alors, pouvez-vous
22 m'expliquer qu'est-ce que c'est, le PPCMA, et ç'a été créé
23 pour quoi exactement?

24 **M. JEAN VICAIRE:** C'est le Poste de police
25 communautaire mixte autochtone. Moi, j'avais quitté à ce

Questions (Robinson)

1 moment-là, j'ai terminé en 2016, la création s'est faite
2 après mon départ, et ce que j'ai pu comprendre et le
3 dialogue que j'ai encore avec les gens de la Sûreté
4 actuellement, puis ç'a été créé d'une façon surprenante là
5 avec... avec... de par la haute direction pour justement tenter
6 de remédier à la situation suite aux évènements de Val-
7 d'Or, de rapprochement, de difficultés qui ont été vécues
8 au cours des années que... 2015 et avant.

9 **COMMISSAIRE MICHÈLE AUDETTE:** Est-ce que vous
10 vous voyiez des avantages avec ça? Êtes-vous en mesure de
11 les voir?

12 **M. JEAN VICAIRE:** Je peux vous dire que je
13 n'enlève pas la bonne volonté de l'avoir créé, mais je
14 reviens à dire que la création aurait dû se faire avec la
15 collaboration des gens des Premières Nations pour justement
16 contribuer dans les valeurs, contribuer dans le respect,
17 contribuer dans les évènements où on pourrait, un peu comme
18 l'exemple de Saskatoon et de Régina, d'améliorer de concert
19 avec les gens qui vivent dans le milieu puis qui ont vécu
20 de choses. Moi, c'est la seule chose que je peux vous dire
21 là qui serait plus appropriée d'avoir fait.

22 **COMMISSAIRE MICHÈLE AUDETTE:** Donc,
23 l'importance de consulter, de collaborer avec les gens du
24 milieu.

25 **M. JEAN VICAIRE :** Effectivement.

1 **COMMISSIONEER MICHÈLE AUDETTE** : Je
2 comprends. En ensuite, avec toute votre belle longue
3 carrière -j'espère qu'elle était belle!- quelles sont les
4 pratiques lorsque des individus, des hommes et des femmes
5 sont appréhendés en état d'ébriété? Les pratiques
6 policières, on s'entend.

7 **M. JEAN VICAIRE** : Oui, ma carrière a été
8 belle, mais parfois difficile. Ce que je peux vous dire,
9 puis ma carrière est juste rendue à 36 ans et demi, donc je
10 suis un débutant!

11 Quand on regarde les interventions, je vous
12 l'ai mentionné hier qu'on a huit policiers et une policière
13 issus des Premières Nations dans notre service. On a déjà
14 été plus que ça, mais pour des raisons multiples, on est
15 rendus à cela... si on compare huit sur douze. Mais la
16 mentalité et la philosophie des gens et ceux qui sont de
17 l'extérieur de la communauté sont là depuis au moins sept
18 ans, ce qui facilite énormément les relations, les
19 échanges, parce que les équipes sont divisées entre les
20 gens issus de la communauté, issus des Premières Nations.
21 Puis le partage, le respect, la façon, l'approche, c'est
22 sûr et certain qu'on va tout faire pour éviter d'incarcérer
23 quelqu'un parce qu'il est dans une situation d'état mental
24 perturbé - ça, c'est sûr et certain.

25 D'ailleurs, on fait beaucoup de pression au

1 niveau du Centre hospitalier de Val d'Or pour nous
2 faciliter les accès à différents services de santé mentale,
3 quand les cas viennent à notre connaissance, pour faciliter
4 que ces services-là soient déployés.

5 La communauté, également, le lendemain, on a
6 un policier éducateur ; son rôle à lui est d'assurer le
7 suivi avec les événements, quotidiennement, avec les gens
8 du Centre de santé et des services sociaux pour voir à
9 remédier à des situations qui pourraient se prolonger et
10 voir s'il n'y a pas des solutions compatibles pour soit des
11 problèmes de consommation, comportementaux, de santé
12 mentale et tous les autres qu'on pourrait retrouver.

13 C'est sûr et certain que la détention n'est
14 pas la solution à prévaloir.

15 **COMMISSIONNEER MICHÈLE AUDETTE** : Alors vous,
16 de votre côté, on a entendu votre collègue de la
17 Saskatchewan et de Saskatoon nous dire qu'il connaissait la
18 pratique Starlight Tour. Est-ce que c'est quelque chose
19 dont vous avez déjà entendu parler?

20 **M. JEAN VICAIRE** : C'est quelque chose dont
21 j'ai déjà entendu parler puis que... je ne peux pas
22 comprendre cette situation-là. Je regarde ma communauté à
23 moi puis ça serait... je dirais, comme la commissaire Brenda
24 Lucki, qui, pour moi, ça serait une terminaison d'emploi
25 pour moi si je laissais ça se dérouler dans ma communauté.

Questions (Robinson)

1 On ne peut pas... c'est inacceptable, pour moi.

2 **COMMISSIONEER MICHÈLE AUDETTE** : Mais vous en
3 avez déjà entendu parler?

4 **M. JEAN VICAIRE** : Oui, j'en ai entendu
5 parler.

6 **COMMISSIONEER MICHÈLE AUDETTE** : Est-ce qu'il
7 existe des données sur ce type de pratique?

8 **M. JEAN VICAIRE** : Moi, je n'en ai pas vu
9 comme tel.

10 **COMMISSIONEER MICHÈLE AUDETTE** : Vous n'en
11 avez pas vu? Okay.

12 Est-ce qu'il y a d'autres pratiques...
13 j'imagine que ces données-là ne sont pas codifiées dans
14 votre système ; dans ce cas-là, est-ce qu'il y a d'autres
15 pratiques non codifiées ou des comportements de policiers
16 qui pourraient... qui, volontairement ou involontairement,
17 engendrer la méfiance entre les femmes autochtones et les
18 policiers?

19 **M. JEAN VICAIRE** : Je ne pourrais pas... moi,
20 il n'y en a pas qui me viennent à l'idée, qui pourraient
21 nuire au niveau des pratiques policières, au niveau... parce
22 que si je regarde, pour revenir à la desserte qu'on fait au
23 sein de la communauté, la dynamique de travail est
24 fortement assumée par les gens issus des Premières Nations
25 puis de la communauté.

Questions (Robinson)

1 Puis les gens qui sont de l'extérieur sont
2 des policiers d'expérience et sont très sensibles et
3 impliqués dans la communauté, à tous les niveaux : autant
4 au niveau des sports... regardez, pas plus tard que cette fin
5 de semaine, il y a un tournoi de pêche qui a été organisé
6 par la police, avec différents intervenants de la
7 communauté, pendant deux jours. Puis ça va se dérouler
8 directement au Lac Simon, à la communauté. Puis je pense
9 que c'est l'une des très belles initiatives d'essayer de
10 cheminer à travers les événements qui ont eu lieu en 2016-
11 2017 et antérieurement à ça. Parce que ça a été durement
12 frappé... lourdement frappé, au niveau de ces événements-là.
13 Puis on tente, je vous dirais...

14 **COMMISSIONEER MICHÈLE AUDETTE** : Quels
15 événements? Quand vous parlez d'événements?

16 **M. JEAN VICAIRE** : L'évènement où le policier
17 est décédé en fonction et la personne qui s'est enlevé la
18 vie par la suite. Et l'autre évènement, deux mois plus
19 tard, que malheureusement, les policiers ont mortellement
20 neutralisé quelqu'un au sein de la communauté. Alors, ce
21 sont des événements très tragiques et ça fait juste deux
22 ans de ça.

23 Donc, ce n'est pas oublié : il y a encore
24 des familles qui sont impliquées, qui sont concernées dans
25 ça. On a du travail à faire. J'écoute avec passion la

Questions (Robinson)

1 Commission Viens pour voir un peu comment nos gens ont été
2 lourdement affectés au cours des années par des
3 interventions policières. Et j'ai à rencontrer
4 prochainement quelques familles, avec des aînés, pour
5 m'appuyer dans cette démarche-là, pour essayer de passer à
6 travers ces évènements-là qui ont été tragiques pour ces
7 gens-là.

8 Autant au niveau policier parce que ce n'est
9 pas facile : il faut dire qu'eux aussi ont été lourdement
10 touchés avec l'enquête, le rapport d'enquête qui a été
11 fait... excusez, par la Commission des normes de l'équité en
12 santé et sécurité au travail. Tout le monde a été affecté
13 dans ça.

14 Je vois la différence, où j'ai passé les
15 trois années, de 2010 à 2013 et j'ai fait un retour à cette
16 fonction-là parce que j'ai une passion. Et je veux la
17 partager aux autres, je veux laisser un héritage qui va
18 suivre son cours et que les gens puissent être en sécurité
19 dans cette communauté-là, à long terme.

20 **COMMISSIONEER MICHÈLE AUDETTE** : Oui. Puis
21 c'est sûr qu'on a eu, à cette époque-là et encore
22 aujourd'hui, une pensée pour la famille du jeune policier
23 et pour la communauté du Lac-Simon.

24 Pour revenir à la méfiance, nous avons
25 entendu à maintes reprises que cette méfiance-là entre les

Questions (Robinson)

1 femmes autochtones et les policiers, et ce à travers le
2 Canada et le Québec, a fait partie... n'est pas à l'abri de
3 ça. Je veux reformuler ma question : pensez-vous qu'il y a
4 des façons ou des comportements qui font qu'il existe... elle
5 est là, cette méfiance. Pourquoi elle est là, entre la
6 police ou l'institution et les femmes autochtones?

7 **M. JEAN VICAIRE** : Moi, je dirais qu'on a un
8 besoin de formation au niveau de ... non seulement au niveau
9 des organisations policières à l'extérieur des communautés,
10 mais également à l'intérieur. Je vous dirais que
11 malheureusement, même dans notre service, il n'y a aucune
12 mention de favoriser une formation sur la réalité
13 autochtone des Premières Nations. Tout l'aspect des
14 pensionnats, l'aspect des difficultés au cours des diverses
15 décennies que les Premières Nations, particulièrement chez
16 le peuple Anishnabe, ont vécu.

17 On n'a pas l'occasion et ça, c'est l'une des
18 facettes que je veux défendre, au niveau du financement au
19 niveau de la prévention : je pense que c'est un modèle
20 qu'on doit aller s'approprier pour, justement, permettre à
21 ces policiers et policières-là d'avoir la formation. Et
22 dans les organisations qui sont à l'extérieur des
23 communautés, moi, je dis que les organisations policières...
24 ce n'est pas avec un cours de deux jours qu'on va créer le
25 respect, créer le rapprochement et créer les valeurs de ces

1 organisations-là à tout un chacun des différentes ethnies
2 ou nations avec qui on va traiter.

3 Je pense que les hautes directions de ces
4 services policiers là doivent davantage se rapprocher
5 elles-mêmes des Premières Nations.

6 **COMMISSIONEER MICHÈLE AUDETTE :** Vous avez
7 aussi répondu, hier, à Me Miller, lors du contre-
8 interrogatoire, qu'une fois qu'on vous avait rapporté... que
9 vous aviez rapporté à la Sûreté du Québec, la situation des
10 femmes autochtones de la communauté dont vous desservez.
11 On ne vous a pas mis au courant du cours... du processus
12 d'enquête, puis ni de la conclusion de celle-ci. Alors, on
13 a aussi entendu plusieurs familles au Québec... on va
14 revenir encore au Québecé... qu'elles regrettaient la façon
15 dont les pratiques policières se passent en cas de mort ou
16 de disparition d'une membre de leur famille, puis qu'il y a
17 comme pas de communication. C'est limité.

18 Avec votre expérience... et vous avez fait
19 mention aussi de la famille de Linda Condeau
20 (phonétique)... auriez-vous des suggestions à faire pour
21 améliorer cette situation?

22 **M. JEAN VICAIRE:** Dans le Guide des
23 pratiques policières au niveau du Québec, quand il y a un
24 tel événement, la pratique usuelle et normale c'est d'avoir
25 un contact régulier dans ces cas-là. On contact régulier

Questions (Robinson)

1 n'est pas défini, mais selon moi, dans ces cas-là, le
2 plus... l'avantage d'avoir du rapprochement et un dialogue
3 ouvert avec les membres de la famille et, comme M. Weighill
4 le mentionnait des fois, il y a une possibilité d'avoir une
5 permission au niveau de la famille, de le distribuer à
6 d'autres services ou à d'autres organismes, exemple, le
7 Conseil de la nation, pour être mieux informés et mieux au
8 courant de tels événements.

9 Et ça, je pense qu'avec un dialogue constant
10 comme ça, particulier, avec les membres de la famille,
11 parce que c'est non seulement arrivé en Abitibi, mais c'est
12 arrivé ailleurs... j'ai eu l'occasion d'entendre ça à
13 Québec lors d'une présentation qui avait été faite dans le
14 secteur de Kahnawake où un événement similaire a été... et
15 je trouvais ça inacceptable dans la condition et dans la
16 façon qu'on avait traité le cas où personne n'avait été
17 informé.

18 Je pense qu'aujourd'hui, on est rendu à un
19 temps, et je vais le redire, c'est de moderniser ces
20 pratiques-là et de favoriser le dialogue et l'information,
21 pas au point... je respecte les modalités d'une enquête.
22 Ça c'est correct. C'est normal pour ne pas perdre en vue
23 l'importance des éléments de preuve, mais le fait
24 d'informer la famille sur le déroulement, qu'est-ce qui
25 s'est passé, puis c'est quoi les choses à prévoir dans

Questions (Robinson)

1 l'éventualité et connaître mieux le fonctionnement d'une
2 enquête, sans détailler l'enquête comme telle, mais comment
3 fonctionne une enquête? C'est quoi les expertises qui se
4 font au laboratoire de sciences judiciaires et de médecine
5 légale à Montréal, à titre d'exemple? C'est quoi le Bureau
6 du coroner? C'est quoi toutes ces entités-là que ces gens-
7 là sont démunis à ne pas savoir, à ne pas connaître parce
8 que c'est des grosses institutions et l'accès n'est pas si
9 simple que ça.

10 **COMMISSAIRE MICHÈLE AUDETTE:** En effet. En
11 effet.

12 Alors, dans ce cas, pensez-vous qu'il serait
13 nécessaire de faire des protocoles entre la Sûreté et du
14 Québec et les corps policiers autochtones pour assurer une
15 liaison avec les familles qui ont perdu un être cher, qu'on
16 soit sur communauté ou hors communauté, puis que ce soit
17 adapté, évidemment, aux besoins des familles?

18 **M. JEAN VICAIRE:** Moi, je vous dirais, pour
19 avoir œuvré à la Sûreté du Québec. C'est à eux à mettre en
20 place une politique de gestion qui est claire à ce niveau-
21 là, d'assurer que cette pratique-là, peu importe que ce
22 soit issu des Premières nations ou peu importe l'identité
23 de la personne ou l'ethnie de la personne ou quiconque que
24 ce soit, je pense que c'est une procédure qui devrait être
25 adaptée normalement parce qu'on parle de la disparition ou

Questions (Robinson)

1 le décès d'une personne humaine et l'importance de ça, pour
2 moi, est primordiale. On peut pas laisser les gens, comme
3 on dirait, dans les nuages en pensant toutes sortes de
4 choses.

5 Et c'est là que la crédibilité des services
6 de police vient en doute, parce que les gens sont mal
7 informés et c'est la résultante normale.

8 Comme citoyen, je pense que tout le monde a
9 le droit d'avoir un minimum d'information, pas après 10
10 ans, pas après 5, immédiatement au cours des événements,
11 dans le meilleur des possibles, de l'information. Il ne
12 faut pas que les médias savent plus que les gens de la
13 famille. Je pense que ça c'est une importance cruciale.

14 **COMMISSAIRE MICHÈLE AUDETTE:** Oui.

15 Bien, je vous remercie beaucoup et je dis le
16 même message que j'ai partagé comme conclusion avec votre
17 collègue, M. Weighill. Les femmes autochtones dans nos
18 communautés à travers le Canada méritent d'être protégées.
19 Elles ont ce droit-là et pendant trop longtemps, les
20 communautés autochtones qui ont eu des ententes tripartites
21 se retrouvaient avec des gens qui ont été nommés par une
22 personne qui a cette autorité-là comme surnuméraire, qui
23 n'était pas des policiers formés, et je ne crois pas
24 qu'aucune municipalité aurait accepté d'avoir des policiers
25 non formés.

Questions (Robinson)

1 Alors, je suis contente de voir que chez les
2 autochtones, vous êtes un bel exemple qu'on peut avoir des
3 autochtones formés *full fledged*, dans mon mauvais français,
4 et dans nos recommandations, c'est de s'assurer aussi que
5 ces femmes-là soient protégées par des gens dûment formés
6 mais aussi avec ce que vous nous proposez au niveau des
7 cultures autochtones et ainsi de suite.

8 Merci d'être venu.

9 **M. JEAN VICAIRE:** (Langue autochtone
10 parlée).

11 **CHIEF COMMISSIONER MARION BULLER:** Mr.
12 Vicaire, my colleagues asked the questions I intended to
13 ask, so there's a benefit in being last. I would just
14 simply want to close by saying thank you very much for
15 being with us. Your evidence has been very helpful. Thank
16 you.

17 **MR. JEAN VICAIRE:** It's been an honour.

18 **CHIEF COMMISSIONER MARION BULLER:** Thank
19 you.

20 And Sergeant Stewart. Me?

21 **UNIDENTIFIED VOICE:** Oui.

22 **CHIEF COMMISSIONER MARION BULLER:** See if I
23 can read your minds.

24 **SERGEANT DEE STEWART:** I was avoiding that.

25 **CHIEF COMMISSIONER MARION BULLER:** I noticed

1 you were like this.

2 **--- QUESTIONS FROM CHIEF COMMISSIONER MARION BULLER:**

3 **CHIEF COMMISSIONER MARION BULLER:** Sergeant
4 Stewart, in your testimony you mentioned commitment sticks.
5 Can you explain that a little bit more, please?

6 **SERGEANT DEE STEWART:** The commitment
7 sticks?

8 **CHIEF COMMISSIONER MARION BULLER:** Yes.

9 **SERGEANT DEE STEWART:** It was actually
10 started by former Chief Belleau of Esk'etemc.

11 **CHIEF COMMISSIONER MARION BULLER:** Yes.

12 **SERGEANT DEE STEWART:** So she started an
13 initiative and it was her and a Elder from the community
14 and he had a suggestion to have these commitment sticks and
15 have people pledge to live violent free and to stop
16 violence within their communities.

17 So her philosophy is we need to take control
18 in our communities. We need to stand up in our
19 communities. I wear two hats here.

20 **CHIEF COMMISSIONER MARION BULLER:** Yeah.

21 **SERGEANT DEE STEWART:** When I say "we" I
22 mean First Nations, so that's why -- that's how the
23 initiative -- and that was kind of the movement towards it.
24 And she was a big driving force behind getting our
25 communities in B.C. to be accountable in our communities

1 and help ourselves within. Yeah

2 **CHIEF COMMISSIONER MARION BULLER:** Okay.

3 And you mentioned yesterday that some chiefs had entered
4 into this process.

5 **SERGEANT DEE STEWART:** Oh, there -- she had
6 gone to I think -- yeah, it's called The Gathering our
7 Wisdom. And she had over 120 First Nation leaders and
8 Chiefs, and they pledged to the commitment sticks, held it
9 high and committed that they would, and in our communities
10 in B.C., be accountable to live violent free themselves,
11 but also help their communities and Indigenous women and
12 girls live a ---

13 **CHIEF COMMISSIONER MARION BULLER:** Would it
14 be possible to get a list of the names of the people at
15 that meeting who made that commitment?

16 **SERGEANT DEE STEWART:** I think Charlene
17 Belleau and -- I don't know if she's got a list, but she's
18 definitely -- I can get that for you.

19 **CHIEF COMMISSIONER MARION BULLER:** Okay.
20 Thank you...as well as the wording of the actual
21 commitment, please?

22 **SERGEANT DEE STEWART:** Yes.

23 **CHIEF COMMISSIONER MARION BULLER:** Thank
24 you.

25 **SERGEANT DEE STEWART:** Yes.

1 **CHIEF COMMISSIONER MARION BULLER:** I want to
2 make sure that I understand what your unit does. Is it
3 correct that your unit does not do actual on the ground
4 policing in Indigenous communities?

5 **SERGEANT DEE STEWART:** So, I'm in charge of
6 the positions, and they actually go out to our communities.
7 They're all -- they're not enforcement, they're not doing
8 *Criminal Code*, but there are program services for the
9 communities.

10 **CHIEF COMMISSIONER MARION BULLER:** So, the
11 members in your unit then are more of a public relations
12 arm of the RCMP then ---

13 **SERGEANT DEE STEWART:** Absolutely. And, I
14 remind them that they're working for the 108 members that
15 are on the ground in our communities helping them.

16 **CHIEF COMMISSIONER MARION BULLER:** Okay.
17 Thank you. And, also, in your testimony, you mentioned
18 about recruiting, but I didn't hear much about retention of
19 Indigenous members.

20 **SERGEANT DEE STEWART:** As in...?

21 **CHIEF COMMISSIONER MARION BULLER:** Keeping
22 them in the force. Can you describe what, if any, programs
23 there are in E Division to keep Indigenous members in the
24 force?

25 **SERGEANT DEE STEWART:** My FMP Program.

1 **CHIEF COMMISSIONER MARION BULLER:** Yes.

2 **SERGEANT DEE STEWART:** That is what keeps
3 them.

4 **CHIEF COMMISSIONER MARION BULLER:** That is
5 it?

6 **SERGEANT DEE STEWART:** Yes.

7 **CHIEF COMMISSIONER MARION BULLER:** Okay.

8 **SERGEANT DEE STEWART:** They -- we've -- it's
9 designed to help with constable -- as we've all talked
10 yesterday, I have been in Aboriginal policing section for
11 13 years. But, really 18 years of my life has been to
12 First Nation communities. Our First Nation members are
13 afforded positions. We have 108 positions, and they're
14 Section 16 positions, so they're designated for First
15 Nation members who want to go to those positions. And, we
16 also have a constable, corporal, sergeant, you know, those
17 ranks, and it allows them for career development.

18 And so, I feel like they can move through,
19 but still work within. They don't have to leave us, as in,
20 I mean, leave Aboriginal policing in order to promote. I
21 certainly didn't, and I'm here running the unit, so it
22 affords you career advancement. So, to me, that's the big
23 one that, you know -- but many want to do other careers as
24 well, police dog handlers, those kinds of things. Yes.

25 **CHIEF COMMISSIONER MARION BULLER:** Okay.

1 Thank you, Sergeant.

2 **--- QUESTIONS BY COMMISSIONER MICHÈLE AUDETTE:**

3 **COMMISSIONER MICHÈLE AUDETTE:** Merci, Madame
4 la Commissaire en chef.

5 Un peu d'exercice! Alors, merci beaucoup
6 d'être partie de votre belle région pour venir nous
7 partager votre vérité, votre expertise et votre expérience
8 et, encore une fois, je ne me gêne pas pour dire que je
9 suis toujours fière de voir une femme autochtone
10 s'impliquer dans des milieux, je dirais, non traditionnels,
11 pour cette fois-ci. Et c'est un beau courage.

12 Mais en même temps, on est ici pour se dire
13 les vraies choses ou se poser les bonnes questions, des
14 questions peut-être difficiles, mais je vais y aller avec
15 sincérité et douceur, quand même.

16 Je comprends que votre expertise est
17 vraiment au niveau de la formation et du recrutement, mais
18 vous faites partie quand même de la grande famille de la
19 GRC. Et en 2013, pour moi, ça a été un choc visuel, un choc
20 spirituel, en tout cas, ça a été frappant de voir le
21 rapport de Human Rights Watch sur la relation policière GRC
22 et les femmes autochtones dans le nord de la Colombie
23 Britannique. Vous êtes au courant de ce rapport?

24 **SERGEANT DEE STEWART :** Hum hum.

25 **COMMISSIONER MICHÈLE AUDETTE :** Hum hum. Il

Questions (Audette)

1 y a trois sections dans ce rapport où on demande au
2 gouvernement fédéral, au gouvernement provincial et à la
3 GRC.

4 Je comprendrai si vous n'êtes pas en mesure
5 de répondre parce que ce n'est pas votre mandat, mais avez-
6 vous connaissance si, au sein de la GRC, parce que vous
7 vous occupez des policiers autochtones, que vous avez mis
8 en place une stratégie pour répondre à ce rapport-là, sur
9 la relation entre la GRC et les femmes autochtones?

10 **SERGEANT DEE STEWART:** I honestly don't know
11 if policies have been put in place for that exercise. I do
12 know that when anything happens within our Aboriginal
13 communities in BC, I'm notified immediately, and immediate
14 action is always taken with regards to any incident that is
15 a complaint regarding a first -- even a complaint against
16 an RCMP member. Policy wise, I'm sorry, I can't speak on
17 that.

18 I do know that with our current leadership,
19 not that -- I'm not saying that the last leadership wasn't,
20 but the current leadership that we have in BC in the RCMP
21 is strong. And, it is -- First Nations are a priority.
22 And, not that they weren't before, but I'm just saying that
23 with the current leadership that we have, also above me is
24 an Indigenous supervisor, he's the Superintendent John
25 Bruer, very engaged and very strong, so I have a lot of

Questions (Audette)

1 supports. And, when it comes to anything that's affecting
2 our communities, north or anywhere in BC, and there's a
3 complaint or anything, it is strongly looked at. It is
4 investigated. And, you know ---

5 **COMMISSIONER MICHÈLE AUDETTE:** Okay.

6 **SERGEANT DEE STEWART:** --- and our policies
7 are in place, and whether it's senior management that
8 there's going to be, you know, complaints against, it's all
9 taken care of. Like, it's not ignored. So, yes.

10 **COMMISSIONER MICHÈLE AUDETTE:** So, if those
11 questions should be -- no, I'll do it in English. Enough
12 exercise. No, just kidding.

13 **SERGEANT DEE STEWART:** Sorry.

14 **COMMISSIONER MICHÈLE AUDETTE:** No, it's
15 okay.

16 **SERGEANT DEE STEWART:** Sorry.

17 **COMMISSIONER MICHÈLE AUDETTE:** Just so --
18 because of the time also, those questions I guess I would
19 have to ask your supervisor if they had in mind or already
20 put in place an action plan to respond to that report
21 because the relationship was so broken, or inexistent, or
22 unacceptable, according to the report, of course, and the
23 truth of those women and girls. So, that would be the
24 person that I could -- we could ask those questions?

25 **SERGEANT DEE STEWART:** I would say that the

1 next witness might be able to answer those questions.

2 COMMISSIONER MICHÈLE AUDETTE: Oh, you're
3 good.

4 SERGEANT DEE STEWART: I don't mean to put
5 it on them.

6 COMMISSIONER MICHÈLE AUDETTE: That's
7 perfect.

8 SERGEANT DEE STEWART: Yes.

9 COMMISSIONER MICHÈLE AUDETTE: And, I will.
10 So, whoever you are, I will. Mon Franglais, sorry about
11 that. And, you heard me asking the question to Mr.
12 Weighill and Mr. Vicaire about the Starlight Tour. Is it
13 something you've heard in your territory, your region?

14 SERGEANT DEE STEWART: Yes. The Law
15 Enforcement Preparatory Program ---

16 COMMISSIONER MICHÈLE AUDETTE: No, no, no,
17 no.

18 SERGEANT DEE STEWART: No, no, no, no. I'm
19 going to answer your question. That Law Enforcement
20 Preparatory Program that we teach in Merritt, Nicola Valley
21 Institute, we make sure those things are brought forward.
22 So, we discuss that, actually, during the class. It was at
23 this ---

24 COMMISSIONER MICHÈLE AUDETTE: Those things?
25 Which things?

Questions (Audette)

1 **SERGEANT DEE STEWART:** A discussion topic on
2 the Starlight Tours ---

3 **COMMISSIONER MICHÈLE AUDETTE:** Okay.

4 **SERGEANT DEE STEWART:** --- and just to get a
5 conversation going about, you know, what has happened in
6 the past, and that it's not going to happen again, and that
7 that's not something that's going to be tolerated within
8 BC. So, within that course, that's how I know about the
9 Starlight Tours. It's something that we actually educated
10 ourselves on to make sure that -- we don't want the
11 students not to be educated on past behaviours and what is
12 expected now as a police officer.

13 **COMMISSIONER MICHÈLE AUDETTE:** So, it
14 doesn't exist anymore ---

15 **SERGEANT DEE STEWART:** No, I ---

16 **COMMISSIONER MICHÈLE AUDETTE:** --- to your
17 knowledge?

18 **SERGEANT DEE STEWART:** --- have not and I
19 have not ever heard of it in BC, I'm sorry.

20 **COMMISSIONER MICHÈLE AUDETTE:** And, you said
21 not tolerate, so they will be measured if the situation was
22 still happening?

23 **SERGEANT DEE STEWART:** Yes.

24 **COMMISSIONER MICHÈLE AUDETTE:** Okay. I take
25 your facial responded. Well, that was, for me, my

Questions (Audette)

1 question. And, to conclude, the training is very, very
2 important. We've heard that everywhere we went. And, I
3 don't know how much time or hours you spend on Indigenous
4 realities or local, but also nationally across Canada, do
5 you know how much time when you train your new -- your
6 cadet, I guess you say in English?

7 **SERGEANT DEE STEWART:** I could only speak to
8 my ---

9 **COMMISSIONER MICHÈLE AUDETTE:** Yes.

10 **SERGEANT DEE STEWART:** --- unit.

11 **COMMISSIONER MICHÈLE AUDETTE:** Yes.

12 **SERGEANT DEE STEWART:** And, like I said,
13 it's the -- you mean cross-cultural training?

14 **COMMISSIONER MICHÈLE AUDETTE:** Yes.

15 **SERGEANT DEE STEWART:** Is that what you
16 mean?

17 **COMMISSIONER MICHÈLE AUDETTE:** Thank you.
18 Yes.

19 **SERGEANT DEE STEWART:** I think I talked
20 about it yesterday that for BC, it's quite extensive. We
21 have a lot of facets and it's constantly going. Like I
22 explained the Agora course, the computer course, is a
23 baseline. And, from there, there are several other things
24 we do to make sure constant cross-cultural training is
25 occurring, including -- I had explained the mandatory

Questions (Audette)

1 training, once a year, all those members come together and
2 we do a cross-cultural training and/or sometimes -- this
3 year, we're going to do Lahalle (phonetic), little bit
4 games and whatnot there.

5 But, yes, I -- and I'm a big advocate for --
6 like I had said yesterday, I had a chief, kind of -- a
7 close chief, a friend. And, he had said, what are you
8 police doing to cross-cultural train your, you know -- this
9 is on the news or -- and I started laughing, and I went to
10 go say, what we did, and he went, wait a minute. What am I
11 doing? And, he and I, kind of, ignited something.

12 And, it's true, we can learn from books and
13 exercises, but the real cross-cultural training has to come
14 from our communities. And, I was happy to hear that there
15 was a lady that spoke the other day about cross-cultural
16 training and it costs money to do cross-cultural training,
17 and to me, it shouldn't be put on the community. The
18 community should supply the training and we should be
19 funding, so that it's not a -- you know, it should be built
20 into our CTA money, it should be funded so that we are
21 addressing those, but in a very good way that it's
22 community led, not RCMP led. I learn more from a community
23 led cross-cultural training than talking heads at a
24 conference.

25 **COMMISSIONER MICHÈLE AUDETTE:** Are you

1 telling me that the community has to pay for the ---

2 **SERGEANT DEE STEWART:** I think that -- not
3 in mine.

4 **COMMISSIONER MICHÈLE AUDETTE:** Okay.

5 **SERGEANT DEE STEWART:** I make sure that my
6 members send me business proposals and I would never say
7 no. And, they do, they facilitate. But, it's also -- as I
8 had addressed yesterday, my FNP members don't need to be
9 trained, my First Nation members. But, the detachment does
10 because detachments are provincial members that go into our
11 communities. And, my First Nation Policing members are
12 cross-culturally trained. The detachment that goes in
13 there needs to. So, to me, it's the detachments that needs
14 to be cross-culturally trained, not just the people that
15 are, you know, there all the time.

16 **COMMISSIONER MICHÈLE AUDETTE:** So, you're
17 recommending this?

18 **SERGEANT DEE STEWART:** That would be a
19 recommendation.

20 **COMMISSIONER MICHÈLE AUDETTE:** Merci
21 beaucoup. Thank you.

22 **CHIEF COMMISSIONER MARION BULLER:** Best
23 response to date.

24 **--- QUESTIONS BY COMMISSIONER QAJAQ ROBINSON:**

25 **COMMISSIONER QAJAQ ROBINSON:** Thank you.

Questions (Robinson)

1 You threw me off my train of thought, so let me compose
2 myself. First, I want to thank you very much for being
3 here and your candour.

4 Both Commissioner Audette and Commissioner
5 Buller asked a couple of my questions, so I'm down to only
6 -- only down to a couple.

7 **SERGEANT DEE STEWART:** What does success
8 look like?

9 **COMMISSIONER QAFAQ ROBINSON:** That's number
10 2. Yes.

11 **SERGEANT DEE STEWART:** I'm ready.

12 **COMMISSIONER QAFAQ ROBINSON:** You've been
13 doing your homework. I'm excited. My first question
14 though, is more so a question of -- a little bit of
15 understanding. So, we talked about overseeing community
16 policing agreements, and is it -- how many communities in
17 BC have the -- and I'm assuming this is similar to the CTA?

18 **SERGEANT DEE STEWART:** The Community
19 Tripartite Agreements?

20 **COMMISSIONER QAFAQ ROBINSON:** Yes.

21 **SERGEANT DEE STEWART:** Yes.

22 **COMMISSIONER QAFAQ ROBINSON:** And, that's
23 the same that we heard about ---

24 **SERGEANT DEE STEWART:** We're funded the same
25 for the self-admin ---

Questions (Robinson)

1 COMMISSIONER QAJAQ ROBINSON: Okay.

2 SERGEANT DEE STEWART: Yes.

3 COMMISSIONER QAJAQ ROBINSON: And, how many
4 of those in the province of ---

5 SERGEANT DEE STEWART: We have 55 CTAs,
6 Community Tripartite Agreements, that cover 132 ---

7 COMMISSIONER QAJAQ ROBINSON: Okay.

8 SERGEANT DEE STEWART: --- communities.

9 COMMISSIONER QAJAQ ROBINSON: Okay.

10 SERGEANT DEE STEWART: And, we have 200
11 communities ---

12 COMMISSIONER QAJAQ ROBINSON: Okay.

13 SERGEANT DEE STEWART: --- in BC.

14 COMMISSIONER QAJAQ ROBINSON: And, the RCMP
15 are not signatories to this, but you support ---

16 SERGEANT DEE STEWART: We're a service
17 provider.

18 COMMISSIONER QAJAQ ROBINSON: Okay. Service
19 provider. So, you do the front -- you do on the ground
20 work?

21 SERGEANT DEE STEWART: Well, that's where --
22 my 108 members ---

23 COMMISSIONER QAJAQ ROBINSON: Okay.

24 SERGEANT DEE STEWART: --- they fall
25 underneath those CTA communities -- or the CTAs.

1 **COMMISSIONER QAJAQ ROBINSON:** But, your 108
2 are not GD officers, right, as Marion ---

3 **SERGEANT DEE STEWART:** No.

4 **COMMISSIONER QAJAQ ROBINSON:** --- indicated?
5 Okay. So, in terms of the RCMP's role and relationship
6 when it comes to -- I appreciate that you're not a
7 signatory to this, but I'd like to hear your thoughts, if
8 you're comfortable, on the importance of these self-
9 administered agreements. And, you've heard some of the
10 questions that I've asked about challenges with funding,
11 challenges with the, sort of, root values at play.

12 However, having been an officer within the
13 RCMP at the detachment level, as well as working with these
14 communities, what are your thoughts on the value and the
15 importance of either self-administered, under that program,
16 or just more broadly, communities running their own police
17 forces?

18 **SERGEANT DEE STEWART:** So, not having RCMP,
19 but having tribal? I think that's all about consultation
20 with that community. I have one self-administered in BC,
21 Stl'atl'imx Tribal.

22 **COMMISSIONER QAJAQ ROBINSON:** Okay.

23 **SERGEANT DEE STEWART:** Yes. And, they run
24 -- they've had human resources issues in the past, but just
25 like any agency, we assisted them until they got their

Questions (Robinson)

1 staffing levels up. But, I think if a community wants to
2 have that and it's in consultation and that's what they
3 want, then that's the way it should go.

4 **COMMISSIONER QAJAQ ROBINSON:** And, do you
5 think if -- and I'll call it, it's the exercise of self-
6 determination when it comes to policing and self-
7 government. Do you think the role of the RCMP should be to
8 support and give space for communities to do that?

9 **SERGEANT DEE STEWART:** I think it's about
10 what the community wants, it really -- I'm a strong
11 believer in -- we're government -- I say "we're". First
12 Nations are government. We're government, you know? We
13 have to have that conversation with our communities. And,
14 they should be able to make those types of conditions, you
15 know? But, funding is always the issue; right? Funding.
16 Just like the other -- my colleagues, funding is always the
17 issue when it's starting a tribal force or their own
18 organization.

19 So, as long as they've got the funding and
20 the mechanisms, and then they can learn from other tribals,
21 but it's always -- it always comes down to funding.

22 **COMMISSIONER QAJAQ ROBINSON:** I agree. I
23 guess to be more specific, my question to you is, what do
24 you think the RCMP's role is in this, either the capacity
25 building or allowing for the space to be had for Indigenous

1 communities to take on these roles?

2 **SERGEANT DEE STEWART:** Well, because BC has
3 their own, we support them. Like I said, they were having
4 a staffing issue and we put our resources in there to help
5 them and worked alongside them.

6 **COMMISSIONER QAFAQ ROBINSON:** Okay.

7 **SERGEANT DEE STEWART:** They're no different
8 than a municipal force in my mind. They're treated the
9 same.

10 **COMMISSIONER QAFAQ ROBINSON:** Okay.

11 **SERGEANT DEE STEWART:** Yes.

12 **COMMISSIONER QAFAQ ROBINSON:** But, not
13 funded the same. Anyway.

14 **SERGEANT DEE STEWART:** Did you -- is that a
15 recommendation?

16 **COMMISSIONER QAFAQ ROBINSON:** Is it a
17 recommendation? Final question, and I don't think I need
18 to ask it, is that -- how do you measure success?

19 **SERGEANT DEE STEWART:** Funding is always the
20 issue; right? But, I think what I measure success is that,
21 for our communities, victims come forward, young victims
22 come forward. Our communities embrace those victims,
23 because sometimes it's our own community members
24 victimizing our own people. But, to embrace and not be
25 angry that we've come forward and -- you know?

Questions (Robinson)

1 And then finding support measures for our
2 communities. And, again, it goes back to funding. But,
3 the RCMP is one mechanism. And, my sister -- I said one
4 day to my sister, oh, I just want to go in there and I want
5 to fix everything and make everything good. And, she said,
6 you -- as an RCMP member. And, she said, you -- what are
7 you talking about? You know, you can't fix us. Our
8 communities have to work on fixing ourselves and addressing
9 our issues. And, sometimes those are tough issues that we
10 don't want to address. Why are we having sex assaults?
11 It's historical. And, we have to, kind of, go in and hope
12 that our victims come forward.

13 To me, a measure of success is when we in
14 our communities, come forward. And, youth workers -- my
15 sister's a youth worker, and she impacts so many youth by
16 working with them, and she's done such an amazing job in
17 working with our youth. Our youth need us; you know? Need
18 work, need support work. They're our future; you know?
19 And, again, that all -- funding.

20 And, the RCMP, long-term funding for the
21 CTA, you know, Community Tripartite Agreements, not these
22 five year, five year, five year renewals. When you take
23 that away, it means that we're here. We're here to stay;
24 right? We're not a -- and we're called the First Nation
25 Policing Program. That bugs me. I want to be a First

Questions (Eyolfson)

1 Nation policing section. Like, there's a police dog
2 section, and there is a traffic section. I want to be a
3 section, not a program. Program means there's an
4 evaluation and it might end; you know? I believe in this
5 program. It's a good one, so...

6 **COMMISSIONER MICHÈLE AUDETTE:** Thank you.

7 **SERGEANT DEE STEWART:** Thank you.

8 **--- QUESTIONS BY COMMISSIONER BRIAN EYOLFSON:**

9 **COMMISSIONER BRIAN EYOLFSON:** Thank you,
10 Sergeant Stewart. I just have a few follow-up questions
11 about -- yesterday, you spoke a little bit about the Métis
12 and urban Indigenous liaison position. I just wanted to
13 ask you a little bit more about that.

14 **SERGEANT DEE STEWART:** Okay.

15 **COMMISSIONER BRIAN EYOLFSON:** You said you
16 -- you or your organization identified some needs, and I'm
17 just wondering if you would talk a little bit more about
18 what are -- what were those needs and what is being done to
19 address those needs?

20 **SERGEANT DEE STEWART:** Well, our Métis women
21 and Indigenous girls are facing the same things as -- or,
22 our Métis women and girls facing the same thing as
23 Indigenous women and girls, and it's the same. So, like I
24 said, there was over, you know, 90,000 registered -- or,
25 you know, self-identified, sorry, in BC, and we wanted to

Questions (Eyolfson)

1 make sure we were encompassing that.

2 **COMMISSIONER BRIAN EYOLFSON:** Okay.

3 **SERGEANT DEE STEWART:** I find it's all
4 inclusive. We're all the same, and we all have the same
5 struggles, and they have the same going on within their
6 lives with violence and standing up against it, and they're
7 taking their own initiatives. And, my Corporal Boyes is
8 working strongly with them, and again she's helping trying
9 to find funding initiatives for them as well to address
10 some of their programs. So, yes.

11 **COMMISSIONER BRIAN EYOLFSON:** Okay. And, in
12 terms of working with the Métis community, are you or your
13 liaison person collaborating with Métis leadership, Métis
14 community members including Métis women?

15 **SERGEANT DEE STEWART:** Yes, yes. Like, the
16 Sashing Our Warriors Campaign they've started. She was
17 invited to that, and invited to their Métis Days, and then
18 their Youth Conference. And, she's going to a lot of
19 dinners lately, or gatherings, so she's very much embraced
20 in their community, and she's doing an amazing job.

21 **COMMISSIONER BRIAN EYOLFSON:** Okay. Thank
22 you very much. Those are all my questions. I just want to
23 thank you very much for coming and sharing your evidence
24 with us.

25 **SERGEANT DEE STEWART:** It was my honour.

1 **CHIEF COMMISSIONER MARION BULLER:** Well, to
2 all of our witnesses, again, thank you. What you've told
3 us over the last two days has been very helpful to our
4 work. And, I especially want to thank you for coming back
5 today. I know this has upset everybody's schedules to a
6 certain extent so, again, thank you. I also want to thank
7 counsel for their preparation, especially regarding
8 documents. It's been great. Very helpful to us.

9 For you, too, we have gifts of eagle
10 feathers as tokens of our thanks for the gifts that you
11 have given us while you have been here, your knowledge and
12 your experience. The eagle feathers are there to remind
13 you during the hard days, and I know there are hard days,
14 that you can be lifted up, and held up to continue to do
15 your important work, and to remind you of your dedication
16 to your important work. Also, during those moments when
17 you can go a little higher, reach a little higher in your
18 work, they will be there to help you. So, please do accept
19 these gifts from us with our sincere gratitude for not only
20 your time here, but your dedication. Thank you so much.

21 We'll take about a 10-minute break, please?

22 **MR. THOMAS BARNETT:** Yes. And, just as a
23 matter of housekeeping, for the parties with standing who
24 have not drawn a number for the next panel, Francine
25 Merasty will be in the Oak Room and will be there to take

1 numbers. Thank you.

2 --- Upon recessing at 9:53 a.m.

3 --- Upon resuming at 10:13 a.m.

4 **MS. CHRISTA BIG CANOE:** Good morning. Good
5 morning, Chief Commissioner and Commissioners. Just by way
6 of an introduction, although I know people in the room
7 know, for anyone who's just watching this panel online, I'm
8 Christa Big Canoe. I'm the Commission Counsel that will be
9 overseeing this panel and calling the evidence today.

10 Today, we will be discussing investigative
11 policies and practices of police services. Before the
12 Commissioners, we have representation and witnesses from
13 the Government of Canada by the RCMP, the Sûreté du Québec
14 and the Ontario Provincial Police.

15 Just for the record purpose as well, it is
16 with counsel's consent that we've actually asked the
17 parties -- the Government of Canada to call evidence and to
18 lead the evidence of Deputy Commissioner Brenda
19 Butterworth-Carr, in that way, Ms. Anne McConville will be
20 leading the evidence. Before we begin, I ask that Mr.
21 Registrar promise Deputy Commissioner Brenda Butterworth-
22 Carr in on her own eagle feather.

23 **MR. BRYAN ZANDBERG:** Good morning, Ms.
24 Butterworth-Carr.

25 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

1 Good morning.

2 **MR. BRYAN ZANDBERG:** Do you promise to tell
3 your truth in a good way today?

4 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
5 I absolutely do.

6 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR, Affirmed:**

7 **MR. BRYAN ZANDBERG:** Thank you.

8 **MS. CHRISTA BIG CANOE:** And, I also invite
9 Ms. McConville to begin. And, just for the purposes of the
10 record and time, Ms. McConville in leading this evidence
11 has 50 minutes. That's 5-0.

12 **--- EXAMINATION IN-CHIEF BY MS. ANNE MCCONVILLE:**

13 **MS. ANNE MCCONVILLE:** Thank you. And, good
14 morning, Chief Commissioner and Commissioners. Before I
15 begin, I would like to acknowledge the lands of Treaty 4
16 and the homelands of the Métis of Saskatchewan.

17 Deputy Commissioner, before we commence your
18 evidence, would you like to introduce yourself?

19 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
20 Yes. Good morning. (Speaking in Indigenous language). My
21 name is jun-ja-shar (phonetic) and jute-den-la (phonetic),
22 and I am from the Tr'ondëk Hwëch'in -- I am a citizen of
23 the Tr'ondëk Hwëch'in Han Nation, and I belong to the Crow
24 Clan. And, during the time that I was stationed in Prince
25 George, I was also adopted into the Frog Clan with the

1 Lheidli T'enneh of the Carrier Sekani Nation, and I'm a
2 mother of three sons.

3 **MS. ANNE MCCONVILLE:** Commissioners, you
4 should have before you a document book of 14 tabs. And, if
5 I could have you turn to Tab 1 of the document book?
6 Deputy Commissioner, this is your CV or your bio, I should
7 say?

8 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
9 Yes, it is.

10 **MS. ANNE MCCONVILLE:** And, you're currently
11 the Commanding Officer of the RCMP in British Columbia; is
12 that correct?

13 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
14 Yes, it is.

15 **MS. ANNE MCCONVILLE:** And, the RCMP in
16 British Columbia is also known as E Division?

17 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
18 Yes, it's the largest contract division that we have in the
19 Royal Canadian Mounted Police. There's approximately one-
20 third of the RCMP organization in the Province of British
21 Columbia, so that essentially equates to almost 10,000
22 employees.

23 **MS. ANNE MCCONVILLE:** And, how long have you
24 held the rank of Commanding Officer?

25 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

1 I was appointed to the position on March 2nd of 2017.

2 **MS. ANNE MCCONVILLE:** And, when did you
3 first join the RCMP?

4 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
5 I joined the RCMP as a Native special constable in 1987. I
6 went to Depot in October and through the winter months.

7 **MS. ANNE MCCONVILLE:** And, when did you
8 become a commissioned officer?

9 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
10 In 2005, I was commissioned to the northern part of British
11 Columbia, the North District Management Team as the second
12 in command.

13 **MS. ANNE MCCONVILLE:** And, I understand that
14 in addition to serving in British Columbia, you have also
15 served in Yukon, Saskatchewan and the National
16 Headquarters?

17 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
18 Yes, I've served in virtually every community in the Yukon
19 Territory including my own home community where I
20 originate. Again, I had the privilege of being here in
21 Saskatchewan for four years, and as well as Ottawa, and
22 then back to my second home in British Columbia.

23 **MS. ANNE MCCONVILLE:** One of the positions
24 you held was as Officer in Charge of the Prince George
25 Detachment; is that right?

1 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

2 Yes, it is.

3 **MS. ANNE McCONVILLE:** And what role did you
4 have with respect to homicide, sudden death and missing
5 persons investigations in that capacity?

6 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
7 So, as the Officer in Charge of Prince George Detachments,
8 all the units would have reported to me, so the Serious
9 Crime Unit that oversaw any of the homicides, missing
10 persons, serious sexual assaults and so forth would have
11 reported to my position.

12 **MS. ANNE McCONVILLE:** And you were also the
13 Criminal Operations Officer in Saskatchewan when you served
14 here?

15 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
16 Yes, so I spent one year as the Criminal Operations
17 Officer. And, again, Major Crimes would have reported to
18 my position directly as the Officer in Charge of Criminal
19 Operations.

20 **MS. ANNE McCONVILLE:** And you were also
21 Commanding Officer of the RCMP in Saskatchewan?

22 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
23 Yes, I was. I spent three years as the Commanding Officer
24 here in the province of Saskatchewan.

25 **MS. ANNE McCONVILLE:** And prior to becoming

1 the Commanding Officer in British Columbia, I understand
2 you were the Officer in Charge of Criminal Operations Core
3 Policing; is that correct?

4 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

5 Yes, I was. And so core policing is -- oversees all of the
6 detachments under the four districts, in addition to our
7 support services such as Indigenous policing and crime
8 prevention and a number of other units.

9 **MS. ANNE McCONVILLE:** Chief Commissioner,
10 will we follow the same method as yesterday and have
11 exhibits entered at the end of the hearing?

12 **CHIEF COMMISSIONER MARION BULLER:** Yes, in
13 the interests of time we'll mark the exhibits after
14 testimony.

15 **MS. ANNE McCONVILLE:** Perfect. Thank you.
16 If you could turn then to Tab 2 of the
17 document book? Deputy Commissioner, you're here today to
18 provide an overview of RCMP policies and practices
19 concerning missing persons, homicide and sudden death
20 investigations; is that right?

21 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
22 Yes, it is.

23 **MS. ANNE McCONVILLE:** And this document is
24 entitled "Overview of Your Testimony."

25 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

1 Yes.

2 MS. ANNE McCONVILLE: And have you read the
3 document?

4 DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
5 I have.

6 MS. ANNE McCONVILLE: And are you able to
7 speak to the matters set out in the document?

8 DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
9 Yes, I am.

10 MS. ANNE McCONVILLE: Okay.
11 Could we turn then to Tab 3 of the document
12 book? And can you identify this document for us?

13 DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
14 Yes. So, Tab 3 is a Major Case Management Policy, which is
15 contained in our National Policy under the Operational
16 Management -- Manual, pardon me, and Chapter 25.3.

17 MS. ANNE McCONVILLE: And is the OM what
18 signifies Operational Management?

19 DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
20 Yes, it is.

21 MS. ANNE McCONVILLE: Manual? And are there
22 other levels of policies at the RCMP?

23 DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
24 Yes, absolutely. So in addition to the National Policy we
25 would have individual policies. You know, the respective

1 provinces and territories where we have RCMP jurisdiction
2 and then, you know, following that we would have specific
3 unit supplements as it pertains to, you know, certain
4 things that we needed more fulsome responses to reflect the
5 geographical location.

6 **MS. ANNE McCONVILLE:** And what crimes are
7 considered major cases?

8 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
9 So major cases essentially are the high profile serious
10 crimes such as homicides, sudden deaths where there's
11 suspicious in nature, serious sexual assaults, missing
12 persons, you know, where there's suspicious circumstances
13 associated to it.

14 **MS. ANNE McCONVILLE:** And then can you
15 explain for us, what is major case management?

16 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
17 Okay. So major case management is a methodology in which
18 there's oversight with respect to any kind of major crime.
19 And so it essentially determines the speed and the flow of
20 the investigation. There's clear accountability in terms
21 of the crime solving and the investigative techniques. And
22 within it is also contained nine principles. And one of
23 the principles is the command triangle.

24 **MS. ANNE McCONVILLE:** And can you explain a
25 little bit further what the command triangle is?

1 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

2 So the command triangle, there's three primary positions
3 which form that. And so at the top would be the team
4 commander, primary investigator and then the file
5 coordinator.

6 **MS. ANNE McCONVILLE:** And why is it
7 important that these roles are defined and assigned to one
8 person?

9 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
10 So in terms of the team commander, essentially, that person
11 is responsible for the entire investigation. And the role
12 is critical with respect to the type of training that the
13 individual has, the experience that they bring to it
14 because they're accountable for, you know, additional
15 resources, the funding, and the overall investigation.
16 With respect to the primary investigator, that is their
17 role. They also have the ability to bring in additional
18 investigators based upon the support from the team
19 commander. And, of course, the file coordinator is
20 responsible for the coordination of the file and, you know,
21 written documentation as well as the electronic format.
22 And, again, that person will have the ability to bring in
23 analytical support and so forth.

24 **MS. ANNE McCONVILLE:** And the approach that
25 you're describing that's set out in the Major Case

1 Management Policy, does that approach apply if the major
2 event occurs in a smaller or more remote location?

3 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

4 It'll apply anywhere that there's a major crime that's met
5 the threshold of that.

6 And the other element is that all of the
7 files are managed through an electronic major case
8 management. It's important to be able to do that because
9 of the sheer volume of information that can come out
10 through the course of an investigation, the exhibits and
11 investigational techniques and that. You know, they're
12 readily available in an electronic format.

13 **MS. ANNE McCONVILLE:** And what difference
14 has it made to major case investigations to have
15 implemented this policy?

16 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

17 It's significant, absolutely significant.

18 And, you know, in relation to where a crime
19 occurs, whether it's in a remote, rural location or not, I
20 mean, ultimately, the same principles apply. You'll have
21 your front line member that'll attend the scene and then,
22 you know, notification will go in through our District
23 Senior Investigative Officer, specifically within the
24 Province of British Columbia, but really, anywhere. And an
25 assessment will be done and then resources will be flown

1 into the remote locations or go in by road and, you know,
2 based upon the determination of the team commander,
3 additional people can be brought in.

4 **MS. ANNE McCONVILLE:** And on page 2 of your
5 overview you refer to a concept of benchmark offences. Can
6 you explain what those are?

7 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
8 Yeah, so in the province of British Columbia we utilize the
9 benchmark offences and it puts additional rigour around the
10 reporting, as well you have another senior individual that
11 receives the reports.

12 So contained within them would be, you know,
13 the investigational progress. It'll identify the
14 individual in a homicide, as an example, inclusive of
15 potential suspects and so forth. And that is done weekly
16 through the team command.

17 And benchmark offences include serious
18 offences, you know, the ones off -- very similar in terms
19 of major crime -- our major case management is applied to
20 it. When it comes to homicides, missing persons where
21 there's suspicious circumstances, and again, serious sexual
22 assaults, there's a myriad of other offences, but
23 definitely the major case management principles apply to
24 those offences.

25 **MS. ANNE McCONVILLE:** On page 3 of the

1 overview you've outlined some examples of oversight in
2 major crimes investigations and I'd like to ask you about a
3 few of those.

4 First, can you explain what the Office of
5 Investigative Standards and Practices is?

6 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

7 Yes, so in the province of British Columbia we have what's
8 known as the Office of Investigative Standards and
9 Practices. And, essentially, they are an office that
10 oversees and governs the major case management through the
11 Province of British Columbia so that all of it is strictly
12 adhered to. They have that oversight. Additionally, they
13 also have a unit, which is the Legal Application Support
14 Team. And, of course, they're onsite to give any, you
15 know, advice or guidance as it pertains to judicial
16 authorizations for the team triangle, as well as they're
17 going to be very fluent in recent case, Supreme Court
18 decisions or anything that's influencing, including a
19 guidance as it pertains to in the ITOs.

20 **MS. ANNE McCONVILLE:** And can you explain
21 what the National Investigative Standards and Practices
22 Unit is?

23 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

24 Yes. So, because there is such rigour around the Office of
25 Investigative Standard and Practices, it's deemed a best

1 practice, and so it influenced the National Investigative
2 Standards and Practices Unit. So that way, there will be
3 the same structure and rigour around any of our major cases
4 that are happening anywhere across the country.

5 And the other thing that I neglected to
6 mention with respect to the Office of Investigative
7 Standards and Practices in British Columbia is that the
8 team command, they're also responsible for the team
9 accreditation. And so team accreditation is a higher level
10 with respect to the team command. It's a very robust
11 process where team commanders that are interested in being
12 accredited, you know, not only do they have to take the
13 requisite training that all team commanders do, but they
14 have to fill out an additional application wherein that
15 they have validation from Crown because they've, you know,
16 been in court and they've provided evidence as it pertains
17 to an investigation. Additionally, they will also have to
18 have peer validation, as well as a committee of very
19 trained, experienced team commanders, accredited team
20 commanders will then put them through the process.

21 **MS CHRISTA BIG CANOE:** Sorry, if we can stop
22 the time, please? I'm sorry. I couldn't see you.

23 **MS MICHAEL VONN:** Hello, I'm so sorry. I
24 hope this is the correct protocol. I don't know how the
25 translators are doing, but I actually can't even keep up

1 with notes. I wonder if it might be appropriate to make a
2 request to ask for a slight slowing down of the evidence.
3 Thank you.

4 **MS CHRISTA BIG CANOE:** And, sorry, while
5 we're also have the clock still stopped, I -- Chief
6 Commissioner, I don't want to contradict the last
7 instruction you gave in relation to exhibits. However,
8 when witnesses are already identifying by title the
9 exhibit, it does make it easier for reference of the 46
10 parties in the room, given that in the short time between
11 the examination-in-chief and when we commence cross-
12 examination, we can't produce a list quick enough for them
13 to appropriately identify the exhibits in their cross-
14 examination.

15 So, there is a request on behalf of
16 Commission Counsel if we could have the exhibits identified
17 as we go. If there are some that weren't included or
18 addressed, then we could maybe add those after, would be
19 the suggested recommendation.

20 **CHIEF COMMISSIONER MARION BULLER:** Okay.
21 We'll do it quickly during the course of examination. The
22 documents that aren't identified by the witness, we can
23 deal with during the break.

24 **MS. CHRISTA BIG CANOE:** Okay. Thank you.

25 **CHIEF COMMISSIONER MARION BULLER:** If I

1 understand your request correctly.

2 **MS. CHRISTA BIG CANOE:** And, on that basis
3 though, because this party hasn't had the opportunity and
4 is going back, I would request -- and we'd wait for yours
5 -- for 1 minute to be added back onto their time, so they
6 have the opportunity to have the document that the witness
7 is currently talking about and the one they referenced at
8 Tab 3.

9 **CHIEF COMMISSIONER MARION BULLER:**
10 Certainly.

11 **MS. ANNE MCCONVILLE:** Sure. And, just so
12 I'm clear on the process, Chief Commissioner, you would
13 like me to go back and we'll introduce the exhibits?

14 **CHIEF COMMISSIONER MARION BULLER:** Yes.

15 **MS. CHRISTA BIG CANOE:** If you could,
16 please. Just the overview and you've already spoken to the
17 case management.

18 **MS. ANNE MCCONVILLE:** Sure.

19 **MS. CHRISTA BIG CANOE:** Thank you.

20 **MS. ANNE MCCONVILLE:** So, all of the
21 documents have been distributed to the parties in advance.
22 The first document we'd ask to be made an exhibit is the
23 Deputy Commissioner's biography ---

24 **CHIEF COMMISSIONER MARION BULLER:** Yes.

25 **MS. ANNE MCCONVILLE:** --- which was Tab 1.

1 **CHIEF COMMISSIONER MARION BULLER:** The bio
2 is Exhibit 99.

3 --- Exhibit 99:

4 Biography of Brenda Butterworth-Carr (one
5 page)

6 Witness: Deputy Commissioner Brenda
7 Butterworth-Carr, Commanding Officer of the
8 British Columbia RCMP ("E" Division)
9 Submitted by Anne McConville, Counsel for
10 Government of Canada

11 **MS. ANNE MCCONVILLE:** The second document
12 we'd like to have made an exhibit is at Tab 2, it's the
13 overview.

14 **CHIEF COMMISSIONER MARION BULLER:** Exhibit
15 100.

16 --- Exhibit 100:

17 "Overview of Testimony of Deputy
18 Commissioner Brenda Butterworth-Carr," June
19 28-29, 2018 (23 pages)

20 Witness: Deputy Commissioner Brenda
21 Butterworth-Carr, Commanding Officer of the
22 British Columbia RCMP ("E" Division)
23 Submitted by Anne McConville, Counsel for G
24 overnment of Canada

25 **MS. ANNE MCCONVILLE:** And, the third

1 document we'd like to have made an exhibit is at Tab 3, it
2 is the Major Case Management Policy.

3 **CHIEF COMMISSIONER MARION BULLER:** Exhibit
4 101, please.

5 --- Exhibit 101:

6 RCMP Operational Manual, chapter 25.3 "Major
7 Case Management," directive amended December
8 28, 2011 (six pages)

9 Witness: Deputy Commissioner Brenda
10 Butterworth-Carr, Commanding Officer of the
11 British Columbia RCMP ("E" Division)
12 Submitted by Anne McConville, Counsel for
13 Government of Canada

14 **MS. ANNE MCCONVILLE:** Okay. Thank you.
15 Deputy Commissioner, you were explaining the offices of the
16 Investigative Standards and Practices Branch at E division,
17 and then the National Investigative Standards and Practices
18 Unit. Did you have anything else to add to your evidence
19 describing those two units?

20 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
21 No, just suffice it to say that the accredited team
22 commander rig around the process that we have in British
23 Columbia will, in fact, be adapted into the national
24 program.

25 **MS. ANNE MCCONVILLE:** Another element of

1 oversight that you've identified in the overview on page 3
2 is the Service Standards Investigative Guides. Can you
3 explain what those are?

4 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

5 Yes. So, in the province of British Columbia, we utilize
6 the service standards for our frontline members.
7 Essentially, it provides a one-on-one if you're attending a
8 sudden death or if you're attending a missing persons
9 complaint. You know, recognizing that they have varying
10 levels of experience, but we want to ensure that when
11 they're attending those types of incidents that they, in
12 fact, do in a very structured manner and explains that --
13 contained within the policies, which they have to know.

14 **MS. ANNE MCCONVILLE:** And, if you turn to
15 Tab 4 of your document book.

16 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

17 Yes.

18 **MS. ANNE MCCONVILLE:** Are these examples of
19 the service and guides?

20 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

21 Yes, they are.

22 **MS. ANNE MCCONVILLE:** And, we've included in
23 here, Missing Persons and Sudden Death Service Guides?

24 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

25 Yes.

1 **MS. ANNE MCCONVILLE:** Okay. May we have
2 this document marked as the next exhibit?

3 **CHIEF COMMISSIONER MARION BULLER:** Exhibit
4 102.

5 ---Exhibit 102:

6 Excerpts of RCMP "E" Division Standards
7 Investigative Guides ("Missing Person";
8 "Missing Person - General Investigational
9 Rules"; "Sudden Death"; "Sudden Death -
10 Related Offences"; "Sudden Death - General
11 Investigational Rules" (15 pages combined)

12 Witness: Deputy Commissioner Brenda
13 Butterworth-Carr, Commanding Officer of the
14 British Columbia RCMP ("E" Division)
15 Submitted by Anne McConville, Counsel for
16 Government of Canada

17
18 **MS. ANNE MCCONVILLE:** Okay. And, you may
19 have mentioned this in your evidence, but these guides are
20 available to the frontline police officers throughout the
21 division?

22 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
23 Yes. I mean, they're available to anyone, but they're
24 definitely available to the frontline members.

25 **MS. ANNE MCCONVILLE:** Okay. And, I'd like

1 to ask you as well, if you can explain what is the BC
2 Integrated Homicide Investigation Team?

3 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

4 So, our Integrated Homicide Investigative Team is a best
5 practice. It's known as a best practice because it's a
6 composition of RCMP personnel, as well as for independent
7 municipal agencies. You know, we recognize through our
8 experience within the province that integrations are
9 incredibly important in terms of communication.

10 And, ultimately, their mandate is to
11 investigate homicides, missing persons with suspicious of
12 nature associated to the missing person, and then of
13 course, any serious sexual assaults. And, their area of
14 geographic is from Pemberton to Boston Bar, so it's fairly
15 significant, but they're well resourced. And, in addition,
16 they have their own historical homicide unit, they've got
17 their family liaison and their media liaison and so forth.

18 **MS. ANNE MCCONVILLE:** And, how does the BC
19 Integrated Homicide Investigation Team ensure oversight of
20 major case investigations when it's a combination of
21 different agencies?

22 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

23 And, again, ultimately, the standardized Major Case
24 Management principles are strictly adhered to. They're
25 applied to every single investigation and, you know, that's

1 the reality of anywhere across the country. Every
2 division, every territory applies the MCM principles to a
3 serious -- major case.

4 **MS. ANNE MCCONVILLE:** Okay. I'd like to
5 turn now to some considerations in missing persons cases.
6 Can you just generally describe for us what is a missing
7 persons case?

8 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
9 So, a missing persons case is when we have an individual
10 that is -- their whereabouts are unknown. And, of course,
11 you know, the uniqueness there is not all of our people
12 that have been identified as missing are actually missing,
13 they may be missing of their own volition. As an example,
14 you would have heard Retired Chief Clive Weighill yesterday
15 talk about our chronic runaways and so forth. However, we
16 do need to ensure that we're addressing every single
17 missing person complaint thoroughly and ensuring that we're
18 following up.

19 **MS. ANNE MCCONVILLE:** And, in RCMP
20 jurisdictions, do families and friends have to wait a
21 certain period of time before they can report a person
22 missing?

23 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
24 No, absolutely not. If anything, we need the information
25 as expediently as possible, because the moment it comes

1 into, you know, the RCMP knowledge and jurisdiction, then
2 we can do an immediate assessment of it and then deploy the
3 required resources. So, the sooner it comes into us, then
4 the sooner we can be aware of it. And, it doesn't matter
5 which jurisdiction.

6 A person may be missing from one location
7 and it's being reported by family, third party or
8 otherwise, but we'll ensure that a file is actively opened
9 and we won't conclude one until the other police
10 jurisdiction has an active open investigation. And then
11 with the BC Missing Persons Unit, of course they'll have
12 additional oversight, and that's reflective, you know,
13 throughout every jurisdiction.

14 **MS. ANNE MCCONVILLE:** Right. Can you turn,
15 please, to Tab 5 of the document book?

16 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
17 Yes.

18 **MS. ANNE MCCONVILLE:** And, can you identify
19 this document for us?

20 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
21 Yes, I can, because I had some significant influence in the
22 creation of this document, myself and a number of the other
23 western criminal operations officers, it's the National
24 Missing Persons Strategy.

25 So, flowing from the time that I was here in

1 Saskatchewan, and then of course even when I was in
2 national headquarters in charge of the National Aboriginal
3 Policing and Crime Prevention, you know, we hear
4 continuously from our families the necessity of making sure
5 that we were communicating properly, we were communicating
6 effectively. You know, we wanted to ensure that there was
7 a strong governance with respect to the investigations,
8 that, you know, we were sharing intelligence, that we were
9 supporting families, increasing awareness with respect to
10 prevention and communication.

11 And, the National Missing Persons Strategy
12 is built on the four pillars. And, ultimately, we did that
13 because it recognizes the four directions, you know, across
14 this country, north, south, west, east, and we wanted to
15 ensure that all of our people that were missing and our
16 families could see themselves in the strategy.

17 **MS. ANNE MCCONVILLE:** And, were any
18 consultations with community stakeholders done in the
19 creation of this strategy?

20 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
21 Yes, it was. So, you know, from the time that I was even
22 -- and Prince George is an example. Certainly, working
23 with families. On the heels of the symposium with Highway
24 of Tears, where there was 33 recommendations that came out,
25 I worked with the families continuously. And so, I took

1 that. And then when I was here in Saskatchewan working
2 with a number of different agencies and so forth, and I can
3 say through British Columbia, the CrOps officer there at
4 the time, Alberta and Manitoba, definitely a lot of
5 consultation.

6 **MS. ANNE MCCONVILLE:** And, I understand that
7 there was some changes made to the Missing Persons Policy
8 as a result of the implementation of the strategy?

9 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
10 Yes. So, there's been consistent evolution of the Missing
11 Persons Policy. You know, certainly when it first started,
12 there was recognition that we needed to ensure that we were
13 capturing relevant information, and then of course the
14 mandatory obligation of filling out the ViCLAS, which is
15 the violent crime linkage analysis system. And,
16 ultimately, you know, it takes two hours to complete it,
17 but it's incredibly critical for us, you know, that flows
18 on the heels of the Clifford Olson matter. And so,
19 essentially, it provides investigators the ability to link
20 similar types of crimes and subject behaviour of an
21 individual.

22 **MS. ANNE MCCONVILLE:** Can you turn, please,
23 to Tab 6 of the document book?

24 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
25 Yes.

1 **MS. ANNE MCCONVILLE:** And, is this the
2 current National Missing Persons Policy for the RCMP?

3 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
4 Yes. So, again, it's the National Missing Persons Policy,
5 Operational Manual Chapter 37.3 and it clearly defines what
6 a missing person is how we are to, you know, do the
7 analysis around missing persons, that we need to
8 communicate with families, that there's a specific intake
9 and assessment tool that we complete so we can capture as
10 much information as possible in the first instance.

11 There's a requirement for supervisors to
12 ensure that they are reviewing all the files and they're
13 providing guidance and documentation, and guiding that.
14 And, again, as I was mentioning previously, the missing
15 persons within British Columbia would become aware of that
16 as well.

17 **MS. ANNE MCCONVILLE:** So, I'm going to ask
18 you about each of those elements. But, first, may we have
19 the policy marked as the next exhibit?

20 **CHIEF COMMISSIONER MARION BULLER:** Yes, 103,
21 please.

22 --- Exhibit 103:

23 RCMP Operational Manual Chapter 37.3

24 "Missing Persons" amended 2018-06-14; &

25 Chapter 37.3.1 "Missing Person Information

1 Checklist" amended 2014-09-05 (ten pages
2 combined)

3 Witness: Deputy Commissioner Brenda
4 Butterworth-Carr, Commanding Officer of the
5 British Columbia RCMP ("E" Division)
6 Submitted by Anne McConville, Counsel for
7 Government of Canada Division
8 Submitted by Anne McConville, Counsel,
9 Government of Canada

10 **MS. ANNE MCCONVILLE:** Okay. You mentioned
11 the -- an intake form. Can I have you turn to Tab 7 of the
12 document book?

13 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
14 Yes.

15 **MS. ANNE MCCONVILLE:** This is a document
16 entitled "Missing Persons Intake and Risk Assessment"?

17 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
18 Yes, it is.

19 **MS. ANNE MCCONVILLE:** And, this was one of
20 the changes to the policy after the implementation of the
21 strategy?

22 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
23 Yes. And, the reason for it was created so that we would
24 have a consistent approach to acquiring and obtaining
25 information from all missing persons within the RCMP

1 jurisdiction, so this is completed by individuals that are
2 first responding to the complaint, or if a person comes
3 into the detachment. And, again, consistent completion of
4 the documentation is critical.

5 **MS. ANNE MCCONVILLE:** And, who completes the
6 form?

7 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
8 So, it would be the individual taking the information at --
9 like I said, the responding member or somebody came into
10 the detachment, or the call-in, or even, you know, through
11 Operational Communication Centres, they may start taking
12 the information, but then it would be redirected to a
13 detachment. So, this is applicable right across the
14 country in all RCMP jurisdictions.

15 **MS. ANNE MCCONVILLE:** And, what happens to
16 the form once it's completed?

17 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
18 So, it's placed on our electronic file management system.
19 And, as I was mentioning, supervisors are required,
20 mandated to ensure that they are, in fact, reviewing the
21 file that a proper assessment's done. And, of course, if
22 there is a high-risk analysis to it, then the district
23 services investigative officers, so the higher ranking
24 officers, are immediately contacted so that we can do a
25 proper risk assessment.

1 **MS. ANNE MCCONVILLE:** May we have this
2 document marked as the next exhibit?

3 **CHIEF COMMISSIONER MARION BULLER:** 104,
4 please?

5 --- Exhibit 104:

6 RCMP Missing Persons Intake and Risk
7 Assessment, Form 6473e 2016-08 (three pages)
8 Witness: Deputy Commissioner Brenda
9 Butterworth-Carr, Commanding Officer of the
10 British Columbia RCMP ("E" Division)
11 Submitted by Anne McConville, Counsel for
12 Government of Canada

13 **MS. ANNE MCCONVILLE:** You mentioned a
14 requirement that supervisors review the
15 form.

16 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
17 Yes.

18 **MS. ANNE MCCONVILLE:** Why is it important
19 that the supervisors are reviewing the form? And, I
20 understand there's also a requirement that they document
21 any advice that they get.

22 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
23 Well, ultimately, they're responsible for reviewing the
24 form because we want to ensure that there's sound
25 governance and there's guidance and direction given to any

1 of the investigators that are first taking the information.
2 Again, there's the accountability that's expected of our
3 supervisors and, you know, because if it is deemed a high-
4 risk missing person, there's a higher level of
5 accountability that triggers the benchmark offence, and
6 that provides us the ability to initiate a major
7 investigation.

8 **MS. ANNE MCCONVILLE:** Okay. One of the
9 other changes that you itemized earlier was with respect to
10 communications.

11 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
12 Yes.

13 **MS. ANNE MCCONVILLE:** And, if you could turn
14 to Tab 8 of your document book?

15 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
16 Okay.

17 **MS. ANNE MCCONVILLE:** And, can you identify
18 this document?

19 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
20 This document is recent. It's essentially the complainant
21 and the family communication schedule. So, whether it's,
22 you know, it's a family member or -- of a missing person,
23 or if it's a homicide investigation, or a serious sexual
24 assault, as an example, it provides the opportunity for the
25 investigators to meet with the family contact so they then

1 can determine a schedule, mutually agreed upon, but really,
2 you know, provided by the family for regular updates.

3 **MS. ANNE MCCONVILLE:** And, does the
4 requirement to consult with family on a communication
5 schedule apply in other types of investigations as well?

6 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
7 Yes. And, as I was mentioning, whether it's homicide, most
8 serious investigations, that is, you know, something that
9 we want to do. And, in Canada, you know, all of our
10 investigations, we're required to follow-up, but when it
11 comes to our serious investigations, we want to make sure
12 that it's document and it's a mutually agreed upon
13 schedule.

14 **MS. ANNE MCCONVILLE:** And, may we have the
15 communication schedule marked as the next exhibit?

16 **CHIEF COMMISSIONER MARION BULLER:** 105,
17 please?

18 --- Exhibit 105:

19 RCMP Complainant/Family Communication
20 Schedule, Form 6519e 2018-06 (one page)
21 Witness: Deputy Commissioner Brenda
22 Butterworth-Carr, Commanding Officer of the
23 British Columbia RCMP ("E" Division)
24 Submitted by Anne McConville, Counsel for
25 Government of Canada

1 **MS. ANNE MCCONVILLE:** In the course of an
2 investigation whether of missing persons or others, does
3 the RCMP refer families to Victim Services?

4 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
5 We absolutely do. You know, we have family liaison units
6 in a number of our units. However, we want to make sure
7 that families have significant supports, so Victim
8 Services, community Victim Services, RCMP, provincially,
9 territorial.

10 **MS. ANNE MCCONVILLE:** Are there any other
11 steps that members are expected to take if the victim or
12 family they're working with is Indigenous?

13 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
14 Absolutely. We want to ensure that we're respecting any of
15 the traditional cultures. And so, you know, in terms of
16 family services, there may be a requisite knowledge or a
17 knowledge at a local level as to who an elder that maybe is
18 very respected that they could add support to the family.
19 But, we want to make sure that, you know, we're taking that
20 into consideration.

21 **MS. ANNE MCCONVILLE:** And, when does the
22 RCMP use public releases in the course of a missing persons
23 investigation?

24 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
25 So, public releases, it's an individual assessment based

1 upon each missing person's report. And, in some instances,
2 that'll happen immediately, and especially in the instance
3 of an AMBER Alert, as an example. However, it's not done
4 immediately in all instances, because there's investigative
5 paths that have to be followed up with, such as, you know,
6 determining whether the person's in a hospital, whether
7 they're in a location that, you know, we can ping with a
8 cell phone, is an example. There's other factors that play
9 into it before we go out to publicly.

10 **MS. ANNE MCCONVILLE:** Okay. I want to ask
11 you about some of the promising practices that you have
12 identified. They're listed, starting on page 7 of the
13 overview. And, the first one I'd like to ask you about is
14 the National Centre for Missing Persons and Unidentified
15 Remains. Can you explain what role this centre plays?

16 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
17 Yes. So, the National Centre for Missing Persons and
18 Unidentified Remains is essentially a database that has
19 overview, guidance and structure with respect to all
20 missing persons investigations across the country, and it
21 is utilized by all police jurisdictions. It flowed out of
22 the Canadian Association of Chiefs of Police, and
23 ultimately was funded through that, through government
24 funding, and it's available, as I was mentioning, for all
25 police jurisdictions, medical practitioners, pathologists

1 and coroners.

2 **MS. ANNE MCCONVILLE:** And, do they play a
3 role with respect to training?

4 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
5 Yes, they do. So, not only do they have a repository for
6 the information with respect to missing persons, there's
7 also a website. And, of course, they have a best
8 practices. They contain all best practices for missing
9 persons, unidentified remains. And, their other component
10 is to ensure that they're providing training with respect
11 to missing persons.

12 **MS. ANNE MCCONVILLE:** And, you mentioned
13 best practices. Can I have you turn to Tab 9 of the
14 document book?

15 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
16 Yes.

17 **MS. ANNE MCCONVILLE:** And, can you identify
18 this document for us?

19 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
20 Yes, I can. It's the National Centre for Missing Persons
21 and Unidentified Remains' best practices.

22 **MS. ANNE MCCONVILLE:** Okay. And, are these
23 available to any police service?

24 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
25 Yes, they are, and in addition to the coroners and medical

1 practitioners that I was mentioning. And, the important
2 thing to note with respect to the best practices is that
3 they have actually been signed off by subject matter
4 experts. So, not only do they take into consideration the
5 best practices across Canada, but internationally as well.

6 **MS. ANNE MCCONVILLE:** And, does the RCMP
7 follow these best practices to the extent possible?

8 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
9 Yes, we do. And, in fact, the National Missing Persons
10 Strategy is contained within this document.

11 **MS. ANNE MCCONVILLE:** Okay. May we have the
12 best practices guide marked as the next exhibit?

13 **CHIEF COMMISSIONER MARION BULLER:** 106,
14 please.

15 --- Exhibit 106:

16 National Centre for Missing Persons and
17 Unidentified Remains (NCMPUR) Best
18 Practices, Version 2.0, June 14, 2017 (73
19 pages)
20 Witness: Deputy Commissioner Brenda
21 Butterworth-Carr, Commanding Officer of the
22 British Columbia RCMP ("E" Division)
23 Submitted by Anne McConville, Counsel for
24 Government of Canada

25 **MS. ANNE MCCONVILLE:** I'd like to ask you

1 now about the National Missing Persons DNA Program. Can
2 you explain what that program is and what it does?

3 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

4 So, the National Missing Persons DNA Program is linked to
5 the National Centre Missing Persons and Unidentified
6 Remains, as well as the National Data Bank for DNA, and it
7 leverages the two with respect to acquiring DNA and there
8 are specific parameters set out with that.

9 **MS. ANNE MCCONVILLE:** Okay. And, I
10 understand there was some significant changes recently,
11 particularly with respect to missing persons
12 investigations?

13 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

14 Yes. So, as an example, it allows for -- I mean, once the
15 investigator meets the threshold in terms of the legal
16 application, but it allows them to acquire family DNA, as
17 well as DNA from a missing person. And so, if -- as an
18 example, from material or clothing that a missing person
19 has put forward, and it also takes into consideration the
20 how to do it, and then of course human remains.

21 **MS. ANNE MCCONVILLE:** Okay. If you could
22 turn to Tab 10 of the document brief?

23 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

24 Yes.

25 **MS. ANNE MCCONVILLE:** Can you identify this

1 document, please?

2 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

3 Yes. So, this is the investigator's guide to the National
4 Missing Persons DNA Program.

5 **MS. ANNE MCCONVILLE:** Okay. And, are there
6 some additional components that this guide speaks to in
7 terms of when and how to collect DNA?

8 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

9 Yes, it does. It provides an investigator the overall
10 tools with respect to, you know, the National Missing DNA
11 Program, the family indexes, the crime indexes and so
12 forth, in which you have the ability to acquire DNA and
13 then the use of it.

14 **MS. ANNE MCCONVILLE:** Okay. May we have the
15 Investigators Guide marked as the next exhibit?

16 **CHIEF COMMISSIONER MARION BULLER:**

17 One-o-seven (107) please.

18 --- Exhibit No. 107:

19 Investigator's Guide to the National
20 Missing Persons DNA Program, 2018-04-12
21 (15 pages)
22 Witness: Deputy Commissioner Brenda
23 Butterworth-Carr, Commanding Officer of
24 the British Columbia RCMP ("E"
25 Division)

1 Submitted by Anne McConville, Counsel
2 for Government of Canada

3 **MS. ANNE McCONVILLE:** And if you could turn
4 then to the next tab, Tab 11. And what is this document?

5 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** This
6 is a Family Guide to the National Missing Persons DNA
7 Program, which is critical and it assists family in
8 understanding, you know, the fact that they are consenting
9 and what they're consenting to. It lays out exactly what
10 the DNA would be utilized for, whether it's from their
11 loved one's articles or if it's family DNA.

12 And again, it just -- it provides a good
13 description of how and why and what it's used for.

14 **MS. ANNE McCONVILLE:** And if we could have
15 the Family Guide marked as the next exhibit?

16 **CHIEF COMMISSIONER MARION BULLER:**
17 One-o-eight (108) please.

18 --- Exhibit No. 108:

19 "A Family's Guide to the National
20 Missing Persons DNA Program: Submitting
21 DNA for the investigations of missing
22 people" (eight pages)
23 Witness: Deputy Commissioner Brenda
24 Butterworth-Carr, Commanding Officer of
25 the British Columbia RCMP ("E"

1 Division)

2 Submitted by Anne McConville, Counsel
3 for Government of Canada

4 **MS. ANNE McCONVILLE:** Turning then to sudden
5 death investigations. What is a sudden death
6 investigation?

7 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** So a
8 sudden death is an investigation which essentially members
9 are called to or come to the RCMP's attention that a person
10 is deceased. And with the most recent policy that's been
11 put in place, it's mandatory that all RCMP officers when
12 they're attending to a sudden death that they, you know,
13 approach it as though it's suspicious in nature. It
14 doesn't mean that it is, and that eventually, you know, it
15 may not be, but that's how they immediately investigate.

16 **MS. ANNE McCONVILLE:** Okay. And you
17 mentioned the most recent policy. If you turn to Tab 12 of
18 the Document Book. Is this the policy you were referring
19 to?

20 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** Yes,
21 it is.

22 **MS. ANNE McCONVILLE:** And it's entitled The
23 Human Deaths Policy?

24 Who determines the cause of death in a
25 sudden death investigation?

1 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** That
2 determination is made by a coroner, a medical examiner, or
3 in some instances, a pathologist.

4 **MS. ANNE McCONVILLE:** And what is the role
5 of the police, then, if it's the coroner or pathologist
6 that's making that determination?

7 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** So
8 the role of the police would be to attend the scene and
9 then wait for a coroner to attend where possible. And then
10 if it's deemed suspicious in nature, that we would again
11 wait until the coroner provides that approval for us to
12 remove the deceased person and then take him to a medical
13 examination or a pathologist.

14 **MS. ANNE McCONVILLE:** And who is responsible
15 for notifying families in the instance of a death?

16 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** So
17 the police of jurisdiction, and if it's any of the RCMP
18 detachments it would be RCMP personnel.

19 And typically, we try to ensure that there
20 is at least two people that would attend to a family's home
21 or do the notification. I think what's critical as well is
22 that recognizing, especially within our Indigenous
23 families, that we've got good support to do that. The
24 primary person that's going to be doing the notification,
25 they will have the understanding of the investigation so

1 they're able to provide some answers to the best of their
2 ability, you know, given the nature of the death.

3 **MS. ANNE McCONVILLE:** And are members
4 expected to consider the cultural needs of the family when
5 they're delivering a death notification?

6 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** Yes,
7 we absolutely are. So again, in the event, you know, that
8 we are aware of an elder of a Indigenous support worker or
9 somebody within the community, or in the family that feels
10 comfortable.

11 In the smaller areas, it's a little bit
12 easier because of the relationship that most of the police
13 officers have with the community in the urban/Aboriginal
14 areas. You know, again, fairly well-connected, but we
15 definitely take that into consideration where we're at.

16 **MS. ANNE McCONVILLE:** How does the RCMP deal
17 with requests from families to see the site where their
18 loved one may have passed?

19 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** So
20 I've actually had this experience. When I was in Prince
21 George, we had to -- we identified a missing person and
22 their remains and we were advising the family of the
23 homicide. And obviously, they're very emotional, and they
24 came from the Northern part of British Columbia.

25 So we facilitated their ability to come down

1 to Prince George, and then we took them to the site, after
2 we obviously completed the investigation, so that they
3 could do their ceremony.

4 And recognizing that this needed to be done
5 consistently, we wanted to ensure that it was placed within
6 the policy so that, you know, this is afforded to our
7 families in recognition of any type of traditional
8 ceremonies that they may want to undertake at that specific
9 location.

10 **MS. ANNE McCONVILLE:** And is that reflected
11 in the policy now?

12 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** Yes,
13 it is.

14 **CHIEF COMMISSIONER MARION BULLER:** Excuse
15 me. Do you want that marked?

16 **MS. ANNE McCONVILLE:** Yes, I would like that
17 policy marked. Thank you, Chief Commissioner.

18 **CHIEF COMMISSIONER MARION BULLER:**
19 Exhibit 109 is the Operation Manual of Human Deaths.
20 --- Exhibit No. 109:

21 RCMP Operational Manual, Chapter 41.3
22 "Human Deaths" & Chapter 41.3.1 "Next
23 of Kin Death Notification Checklist"
24 both amended June 14, 2018 (ten pages
25 combined)

1 Witness: Deputy Commissioner Brenda
2 Butterworth-Carr, Commanding Officer of
3 the British Columbia RCMP ("E"
4 Division)
5 Submitted by Anne McConville, Counsel
6 for Government of Canada

7 **MS. ANNE McCONVILLE:** Okay. Turning now to
8 homicides, and I'd specifically like to focus on historical
9 homicides.

10 When do homicides become historical homicide
11 investigations for the RCMP?

12 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** So
13 there's no definitive timeline or policy on when a
14 investigation becomes historical. It's not a matter of how
15 old it is. Ultimately, the investigation will be deemed by
16 the respective province or territory, based upon the
17 information available, to continue the investigation
18 itself.

19 So the file may be 40 years old, but if we
20 still have active leads in an investigation then it's an
21 active file, but you know, it may be more recent and we
22 just haven't had any information for a number of years. So
23 then it will transition into the dedicated Historical Case
24 Unit.

25 **MS. ANNE McCONVILLE:** And what is the role

1 of the Historical Case Units?

2 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** Their
3 role is to review all of our historical case units. There
4 is an investigator assigned to absolutely every single
5 historical case unit. You know, we've got a multitude
6 right across the country. There will at least be a
7 coordinator.

8 I can say that within the Province of
9 British Columbia we have a dedicated History Case Unit. In
10 Alberta, there is one, and falls under Project Care; as
11 well as Saskatchewan, they have dedicated resources for
12 Historical Case Units, and Manitoba which would fall under
13 a devote.

14 **MS. ANNE McCONVILLE:** And in divisions that
15 do not have a specific Historical Case Unit, who
16 investigates the historical cases?

17 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** They
18 would stay with our Serious Crime or Major Crime, or they
19 would have a designated individual that has the ultimate
20 responsibility to ensure that they're still reviewing and
21 furthering any investigative leads.

22 **MS. ANNE McCONVILLE:** And what are some of
23 the challenges with investigating historical cases?

24 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** There
25 is a multitude of challenges because, of course, we want to

1 be able to further the investigation as soon as possible
2 and put the adequate resources to it. And what happens
3 when they become historical is it could be, you know,
4 witnesses are no longer living and/or the evidence that we
5 have as it pertains to DNA and so forth, audio statements,
6 sometimes they erode. So it's critical to be able to
7 maintain that and preserve any of the information and
8 evidence that we require.

9 **MS. ANNE McCONVILLE:** What role do advances
10 in technology such as DNA analysis play in investigating
11 historical cases?

12 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:**
13 Significant. Absolutely significant the role that they
14 play. In fact, we have a case out of British Columbia
15 involving two little ones, so in 1975 as an example. The
16 two little ones were found, an 11-year-old and a 12-year-
17 old in two different locations. And we are now -- we
18 charged an individual and we're prosecuting him, or he's
19 being prosecuted, pardon me, as we currently speak. So
20 it's more than 40 years old.

21 **MS. ANNE McCONVILLE:** And does the RCMP
22 share best practices or new developments in investigative
23 techniques?

24 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:**
25 Absolutely we do. You know, we share best practices in a

1 number of different venues. So as an example, with the
2 Western Criminal Criminal Operations officers we have an
3 established meeting that happens twice a year, and that's
4 outside of their National Integration and Operational
5 Council meetings that happen in Ottawa three times a year.

6 And ultimately, they talk about all the best
7 practices that are happening among, you know, the Western
8 provinces. We invite the Yukon and the Northwest Territory
9 and so forth to participate

10 And then of course we also have the Cold
11 Case Review Team that happens here in Saskatchewan where
12 cold -- historical files are discussed, best practices are
13 shared, and then of course they're uploaded and we ensure
14 that they're in the National Centre of Missing Person and
15 identified remains best practices.

16 **MS. ANNE McCONVILLE:** If we can turn now
17 then to a discussion of some of the special projects and
18 task forces that the RCMP has put into place.

19 Can you tell us, first of all, what is a
20 special project or task force?

21 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** So
22 task forces are initiated when there is a significant
23 amount of investigations or material that needs to be
24 investigated. And we do joint task forces where we work
25 with the RCMP as well as other policing jurisdictions. And

1 essentially, it's a mechanism to manage, as I was
2 mentioning, voluminous amount of investigation material and
3 disclosure, which is -- can be incredibly intense as well.

4 **MS. ANNE McCONVILLE:** In the overview, there
5 is a description of four specific special task forces or
6 special projects. We don't have time to go into them in
7 detail, but can you very briefly just highlight what the
8 focus of each of those task forces was?

9 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** Yeah.
10 So Evenhanded that was a significant investigation in the
11 Lower Mainland and ultimately culminated in the prosecution
12 of Robert Pickton. And through the course of that
13 investigation there was a number of things that occurred.
14 Again, the successful prosecution of him, but also, we were
15 able to identify 125 women through the course of that
16 investigation that weren't actually missing. We were able
17 to verify where they were and that they were safe and, you
18 know, of their own volition that they didn't want to be
19 found.

20 Additionally, we were able to identify two
21 other suspects involving one case with six women and
22 another case with three women. And, of course, the active
23 investigations that we are still pursuing, many of them
24 have gone back to the Vancouver Police Department and then
25 the RCMP retains five.

1 With respect to project E-Pana, that is an
2 investigation that happened in Northern British Columbia,
3 very strict parameters with respect to the files that are
4 contained within that investigation. Eighteen (18) --
5 there was an intense search of multiple, multiple files.
6 But essentially the parameters were that, you know, an
7 individual is along Highway 16, which would be from Prince
8 Rupert to Prince George. It took into consideration
9 Highway 97 from Prince George down to Hope. And then it
10 also took into the consideration Highway 5 and Highway 97.

11 And so it was also, you know, those that
12 were living -- were vulnerable with respect to hitchhiking
13 or potentially being sexually exploited. And so that
14 culminated, as I said, within the 18 investigations.

15 But I think it's really important to note
16 that all the other investigations that were still reviewed
17 through the whole area in that corridor, just because they
18 didn't meet that threshold, they still had active
19 investigations -- investigators assigned to them, and some
20 of them have been solved.

21 And then, of course, we have Project KARE at
22 the height. It was put together based upon the amount of
23 unidentified remains that were located in the Edmonton
24 area, and it was a joint project between Edmonton and the
25 RCMP jurisdiction. It, you know, is scaled back based upon

1 the resources, where they are now, but ultimately there's
2 four components to it. So they're unidentified historical
3 case units there. They've got their Project KARE reach
4 out, which of course, we work with our most vulnerable in
5 the streets to ensure that we're collecting information
6 from them so that we can help facilitate and know where
7 they are.

8 And, you know, also with Project Devote,
9 which is out of Manitoba. And, again, that was a joint
10 project between the RCMP and Winnipeg Police Services.
11 And, again, you know, looking at investigating missing
12 persons, homicides and, of course, with respect to our most
13 vulnerable.

14 **MS. ANNE McCONVILLE:** Okay. And what are
15 the advantages of employing the task force approach when
16 you say there are multiple cases, rather than investigating
17 them separately or individually?

18 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
19 It's integral, because there's just such an incredible
20 amount of volume of information. And I think specifically
21 of E-Pana as an example, so I'd mentioned earlier that, you
22 know, my interactions with the families. When we went down
23 to Vancouver I travelled with some of the families and so
24 we met with the unsolved homicide unit that was in charge
25 with this, and still is in charge of this project. There

1 were 700 banker boxes of investigative material that they
2 had to go through and it was overwhelming. And that all
3 had to be put into an electronic format and ultimately, you
4 know, uploaded so that they would have the ability to
5 navigate it. And then, of course, assist with disclosure.
6 Like, it's incredibly voluminous.

7 And, you know, at one point, with
8 Evenhanded, there was more than 270 resources associated to
9 it. It -- or, you know, disclosure, 2 million documents
10 were disclosed. It's staggering the amount of material.
11 So this is the best way to manage those types of
12 investigations.

13 **MS. ANNE McCONVILLE:** And can you speak to
14 the opportunity to see linkages between cases through a
15 task force approach?

16 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
17 Absolutely. So because it's all analytically connected,
18 that, you know, they are able to then navigate it and
19 manage it more effectively.

20 **MS. ANNE McCONVILLE:** To what extent did any
21 of the task forces address prevention of violence or
22 reducing harm to vulnerable individuals?

23 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
24 And that was a lot of the lessons that came out of
25 Evenhanded, and certainly were reflected with respect to

1 His Honourable Wally Oppal's report, the Forsaken, and, you
2 know, the importance of ensuring that we have good
3 relationships with our most vulnerable in our communities
4 and those that are sex trade workers and so forth.

5 And so that's reflective, you know, in the
6 number of units that we have within the province of British
7 Columbia, as well as Project KARE and Project Devote. It's
8 strong outreach. It's ensuring that we're continuing to
9 correspond and communicate with families, but really about
10 knowing who's on our streets.

11 **MS. ANNE McCONVILLE:** And can you speak a
12 little bit about what the KARE Pro-Active Unit does?

13 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
14 And so basically what I was just mentioning. Essentially,
15 they're tasked with reaching out. They've got a registry
16 where they will take information for, you know, those that
17 are being -- you know, really, they're the most vulnerable
18 in our communities. And, you know, like our sex trade's
19 workers and then some -- you know, they're there because
20 they're being forced to, so that we can at least acquire
21 the information and that we have it in the case that they,
22 you know, go missing.

23 **MS. ANNE McCONVILLE:** I want to turn now to
24 communications with families. You spoke a little bit about
25 it earlier, but can you generally let us know what the

1 RCMP's approach is to communicating with families in major
2 case investigations?

3 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

4 So as I was mentioning, you know, certainly we've heard
5 continuously the importance of communicating with families
6 and, you know, wanting to ensure that we're providing
7 timely updates. And, you know, really it's about
8 understanding the frequency which our families want to
9 hear, because sometimes it can be frustrating when we don't
10 have a lot of new information as it pertains to the
11 investigation.

12 And so I think about the family meetings
13 that I participated in with the families in Northern
14 British Columbia. And so we would meet twice a year with
15 the investigators and they would come in. And you know,
16 they got to know a number of the investigators and senior
17 officers so that they could create that relationship.
18 That's still ongoing. And again, right across all of our
19 police jurisdictions it's supposed to happen.

20 And the challenge can be though, because
21 we've got such a complexity -- and I think of even my own
22 family, right, there's a lot of family in terms of
23 identifying cousins, but they're -- you know, I call them
24 siblings because that's who they are to me. And, you know,
25 just recognizing the -- that we're all over the country

1 too. And then, who do you identify as the contact and that
2 we've got the consistent communication with family members
3 and doing so in a respective way.

4 And sometimes it's hard because, you know,
5 if it's a family member that's suspected of the -- you
6 know, that might be coming up in the investigation as a
7 suspect, that becomes challenging too, because I know that,
8 you know, some of our families, and I know mine is, is very
9 protective with respect to, you know, if the police are
10 getting involved or I think we may want to take it into our
11 own hands, if you will. But, you know, the important piece
12 is that we identify somebody and try and convey as much
13 information as possible.

14 And I think the other piece is that, you
15 know, the goal is always to protect the integrity of the
16 investigation. There's information that investigators know
17 and they want to share it with the families and want to
18 tell the families but they can't. And, you know,
19 especially when it comes to holdback evidence. That's
20 contained within the team triangle and it doesn't go out of
21 that. And we don't ever want to be in a position where we
22 compromise the integrity of the investigation or impact a
23 successful prosecution of, you know, that investigation.

24 **MS. ANNE McCONVILLE:** Will the RCMP share
25 information with third parties such as elders or community

1 leaders?

2 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

3 Yes, if the family identifies another individual, we will
4 absolutely communicate. You know, and that's another area
5 that I think would be incredibly beneficial is, you know,
6 recognize that investigators, they're so hard-wired to
7 investigate and they just want to bring a successful
8 conclusion to the investigations that they get. You know,
9 so focussed and they're so passionate about it that, you
10 know, in terms of being able to keep families updated, we
11 want to make sure that that's happening and that we've got,
12 you know, the support in all of our communities because we
13 don't have that right now, whether it's in the RCMP or in
14 communities.

15 **MS. ANNE McCONVILLE:** And if you could turn
16 to the last tab of the document book and then we'll come
17 back to the one in between, but the last tab is called "A
18 Family Guide." I'd like you to explain what this is and
19 how it's used.

20 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

21 So in speaking to so many of our families through the
22 province of British Columbia, you know, we ended up
23 developing through our major crime section the Family
24 Guide. And it tells about victim services. It speaks to,
25 you know, who's in charge of the investigation, who you can

1 contact, how you can be kept informed. And it's just
2 really a one on one for our families so that they can
3 better understand, you know, the complexity because it is
4 challenging.

5 It's challenging to understand why you may
6 not be getting updates or, you know, not feeling like it's
7 as beneficial as you want it to be. And then, you know,
8 the interactions with the media, as well as the support
9 services that are available. And, you know, we candidly
10 believe it's a best practice. I know Clive said that
11 yesterday, but I think we got a little competition going
12 on, but anyway. It is a best practice for us and, you
13 know, it's a document that's available to all of our
14 families and publicly.

15 **MS. ANNE MCCONVILLE:** So, if we could have
16 that made the next exhibit?

17 **CHIEF COMMISSIONER MARION BULLER:** Yes, the
18 Family Guide is Exhibit 110, please.

19 --- Exhibit 110:

20 "Family Guide: Support for Families of
21 Homicide Victims or Missing Persons where
22 Foul Play is Suspected," BC RCMP Major Crime
23 Section, Integrated Homicide Investigation
24 Team (12 pages)
25 Witness: Deputy Commissioner Brenda

1 Butterworth-Carr, Commanding Officer of the
2 British Columbia RCMP ("E" Division)
3 Submitted by Anne McConville, Counsel for
4 Government of Canada

5 **MS. ANNE MCCONVILLE:** And, with our very
6 limited time available, I'd just like you to turn to Tab
7 13, if you could please identify that last policy?

8 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
9 Yes. So, this is, again, our Victim Assistance Policy, and
10 it's contained within the Operational Manual Chapter 37.6,
11 and it lays out, you know, the support that's available and
12 the expectations in terms of the assistance, and that all
13 families deserve to have that assistance.

14 **MS. ANNE MCCONVILLE:** And, if we could have
15 that made the next exhibit?

16 **CHIEF COMMISSIONER MARION BULLER:** Yes, the
17 Operations Manual, Victim Assistance is 111. Thanks.
18 --- Exhibit 111:

19 RCMP Operational Manual, chapter 37.6
20 "Victim Assistance" amended January 5, 2016
21 & Chapter 37.6.1 "Victim Services Referral
22 Process" new chapter July 28, 2011 (seven
23 pages combined)

24 Witness: Deputy Commissioner Brenda
25 Butterworth-Carr, Commanding Officer of the

1 British Columbia RCMP ("E" Division)
2 Submitted by Anne McConville, Counsel for
3 Government of Canada

4 **MS. ANNE MCCONVILLE:** Thank you. Thank you,
5 those are my questions for you, Deputy Commissioner.

6 **MS. CHRISTA BIG CANOE:** Thank you. Thank
7 you, Ms. McConville. Given that Commission Counsel has
8 called this evidence, I just have two questions of
9 clarification for administrative or procedural purposes if
10 I may ask those, Ms. McConville?

11 **MS. ANNE MCCONVILLE:** Sure.

12 **MS. CHRISTA BIG CANOE:** At Tab 6, the RCMP's
13 National Missing Persons Strategy was discussed, but I
14 don't believe it was made an exhibit and is the only
15 document that wasn't. Did you want that made an exhibit?

16 **MS. ANNE MCCONVILLE:** Yes, please. Thank
17 you.

18 **CHIEF COMMISSIONER MARION BULLER:** Okay.
19 The Operation Manual, Missing Persons document is Exhibit
20 112.

21 **MS. CHRISTA BIG CANOE:** Sorry, that's just
22 the Missing Persons Strategy currently at Tab 5.

23 **CHIEF COMMISSIONER MARION BULLER:** At Tab 5.
24 Okay. Let's do that again ---

25 **MS. CHRISTA BIG CANOE:** Yes, sorry.

1 **CHIEF COMMISSIONER MARION BULLER:** --- to be
2 clear.

3 **MS. CHRISTA BIG CANOE:** The title of the
4 document is the RCMP's National Missing Persons Strategy
5 dated 2014.

6 **CHIEF COMMISSIONER MARION BULLER:** I just
7 want to double check something. Okay. Just double checked
8 with the experts. For everybody's record, Tab 4, document
9 entitled, Missing Person Explanation is Exhibit 102.

10 **MS. CHRISTA BIG CANOE:** Sorry.

11 **CHIEF COMMISSIONER MARION BULLER:** RCMP
12 National Missing Persons Strategy, 2014, at Tab 5 is 103.
13 Tab 6, Operation Manual, Missing Persons is 104 -- that's
14 not what I have.

15 **MS. CHRISTA BIG CANOE:** I think we're -- it
16 was one exhibit that we've numbered, it's not the same
17 sequence or number. So, I'm just asking for the one to
18 come back, and I believe -- and I stand to be corrected,
19 the next number would be 112.

20 **CHIEF COMMISSIONER MARION BULLER:** Yes.

21 **MS. CHRISTA BIG CANOE:** And so, the RCMP
22 National Missing Persons Strategy would be Exhibit, if I'm
23 correct, 112. And, the rest of the documents have already
24 been made exhibits.

25 **CHIEF COMMISSIONER MARION BULLER:** That's

1 not my understanding, but I don't want to take time ---

2 MS. CHRISTA BIG CANOE: Okay.

3 CHIEF COMMISSIONER MARION BULLER: --- right
4 now. We have all of the documents marked with the
5 exception, I believe, of the Risk Assessment Form at Tab 7.

6 MS. ANNE MCCONVILLE: No, we did that one.

7 CHIEF COMMISSIONER MARION BULLER: You have
8 that as one of ---

9 MS. CHRISTA BIG CANOE: I have that as
10 Exhibit 104.

11 CHIEF COMMISSIONER MARION BULLER: Okay. I
12 think I understand where the problem is. We'll sort this
13 out ---

14 MS. CHRISTA BIG CANOE: Certainly.

15 CHIEF COMMISSIONER MARION BULLER: --- let's
16 not take time.

17 MS. CHRISTA BIG CANOE: Yes.

18 CHIEF COMMISSIONER MARION BULLER: Okay.

19 MS. CHRISTA BIG CANOE: Thank you. There
20 was one more clarification or administrative question, Ms.
21 McConville, if I may ask your witness directly.

22 In relation to a question that Ms.
23 McConville asked you and in regards to Exhibit 100, which
24 is your overview of testimony, she asked if you could cover
25 any of the information in that overview. And, for

1 clarification sake and purpose of the record, so it's clear
2 in procedures moving forward, now that this is an exhibited
3 document, if there was something you weren't able to cover
4 in the 50 minutes, but it is in this overview document,
5 would you be able to answer a question in relation to it?

6 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

7 Yes, I can.

8 **MS. CHRISTA BIG CANOE:** Thank you. I have
9 had a request for at least a 5 minute break before we call
10 the next witness, if that's possible, please.

11 **CHIEF COMMISSIONER MARION BULLER:**

12 Certainly.

13 --- Upon recessing at 11:12 a.m.

14 --- Upon resuming at 11:27 a.m.

15 **MS. CHRISTA BIG CANOE:** Just a second.

16 Chief Commissioner and Commissioners, I am now going to
17 ask, on behalf of Commission Counsel, Mr. Bernard Jacob to
18 call the next witness, Captain Paul Charbonneau.

19 **CHIEF COMMISSIONER MARION BULLER:** We need
20 to ---

21 **MS. CHRISTA BIG CANOE:** Sorry, we'll just
22 wait for your microphone. Can the Chief have a microphone,
23 please?

24 **CHIEF COMMISSIONER MARION BULLER:** Okay.
25 Just before we commence with the new witness, there was one

1 tab that was missed. So, Ms. McConville, do you want the
2 document found at Tab 5 of your Book of Documents entitled,
3 RCMP's National Missing Persons Strategy (2014) marked as
4 an exhibit?

5 **MS. ANNE MCCONVILLE:** Yes, please.

6 **CHIEF COMMISSIONER MARION BULLER:** Okay.
7 That document found at Tab 5 will be Exhibit 112. Go
8 ahead, please.

9 --- Exhibit 112:

10 "RCMP's National Missing Persons Strategy
11 2014" (six pages)

12 Witness: Deputy Commissioner Brenda
13 Butterworth-Carr, Commanding Officer of the
14 British Columbia RCMP ("E" Division)
15 Submitted by Anne McConville, Counsel for
16 Government of Canada

17 **MS. CHRISTA BIG CANOE:** And, just for the
18 purpose, Mr. Registrar, if you could please have the clock
19 set at 50 minutes, 5-0. And, this examination will be
20 fully in French, so anyone who requires the audio device,
21 please make sure you have one.

22 **MR. BERNARD JACOB:** Good morning, everyone.
23 Good morning, Commissioners, elders and members of the
24 community. My first witness will be Capitaine Paul
25 Charbonneau.

1 Est-ce que vous pouvez assermenter le
2 capitaine? Une déclaration sous serment. Not on the Bible.

3 **MR. BRYAN ZANDBERG:** D'accord. Merci.

4 **CAPT. PAUL CHARBONNEAU, sous affirmation solennelle:**

5 **MR. BRYAN ZANDBERG:** Alors, Monsieur, est-ce
6 que vous affirmez solennellement de dire la vérité, toute
7 la vérité, et rien que la vérité?

8 **CAPT. PAUL CHARBONNEAU:** Je l'affirme
9 solennellement.

10 **MR. BRYAN ZANDBERG:** Merci.

11 **--- INTERROGATOIRE PRINCIPAL PAR Me BERNARD JACOB:**

12 **Me BERNARD JACOB:** Alors, Monsieur
13 Charbonneau, quelle est votre occupation?

14 **CAPT. PAUL CHARBONNEAU:** Je suis
15 présentement, de façon intérimaire, le directeur des
16 Services juridiques à la Sûreté du Québec.

17 **Me BERNARD JACOB:** Quel est votre grade?

18 **CAPT. PAUL CHARBONNEAU:** Je suis capitaine.

19 **Me BERNARD JACOB:** Depuis quand êtes-vous
20 directeur des Services juridiques par intérim?

21 **CAPT. PAUL CHARBONNEAU:** Depuis le 19 mars
22 2018.

23 **Me BERNARD JACOB:** Monsieur Charbonneau, je
24 vous montre à l'onglet A votre biographie.

25 Que j'aimerais, Madame la commissaire en

1 chef, déposer en preuve sous le titre « Biographie du
2 Capitaine Paul Charbonneau ».

3 **CHIEF COMMISSIONER MARION BULLER:**

4 Exhibit 113.

5 --- Exhibit 113:

6 Biography of Paul Charbonneau (one page)

7 Witness: Capitaine Paul Charbonneau,

8 Directeur par intérim, Autorité

9 disciplinaire et services juridiques, Sûreté

10 du Québec

11 Submitted by Bernard Jacob, Commission

12 Counsel

13 **Me BERNARD JACOB:** Alors, Monsieur
14 Charbonneau, je vois que vous avez été affecté dans
15 plusieurs régions du Québec.

16 **CAPT. PAUL CHARBONNEAU:** C'est exact.

17 **Me BERNARD JACOB:** Entre autres, la Minganie,
18 la Côte-Nord, Sept-Îles, l'Ouest du Québec.

19 **CAPT. PAUL CHARBONNEAU:** En fait, je n'ai pas
20 été affecté en Minganie là, mon périple sur le Côte-Nord a
21 commencé dans la MRC de Caniapiscau, ensuite Manicouagan,
22 Sept-Rivières, ensuite j'ai quitté la Côte-Nord pour les
23 Laurentides.

24 **Me BERNARD JACOB:** Est-ce qu'au cours de
25 votre périple à travers le Québec, vous avez eu l'occasion

1 d'être en contact avec les communautés autochtones?

2 **CAPT. PAUL CHARBONNEAU:** Oui, tout à fait.

3 J'ai été en contact avec la communauté innue lorsque
4 j'étais à Schefferville, également la communauté de
5 naskapie qui est 15 kilomètres au nord de Schefferville.
6 J'ai continué d'être en contact avec la communauté innue à...
7 sur la Côte-Nord, que ce soit dans la MRC Manicouagan ou à
8 la MRC Sept-Rivières à Sept-Îles.

9 **Me BERNARD JACOB:** Qu'est-ce que vous retenez
10 de votre contact avec ces communautés? Est-ce que y'a un
11 point commun quant à la façon d'entrer en contact avec...

12 **CAPT. PAUL CHARBONNEAU:** Ce que je retiens...
13 en fait, mon temps à Schefferville fait partie de mes... j'ai
14 été là pratiquement quatre ans, c'est parmi les plus belles
15 années que j'ai passées à la Sûreté du Québec durant ma
16 carrière. Ce que je retiens surtout, c'est le respect et
17 certaines... effectivement, certaines différences
18 culturelles. Les souvenirs que j'en ai, c'est... je pourrais
19 parler d'un peuple très accueillant.

20 **Me BERNARD JACOB:** Qu'est-ce que vous voyez
21 comme différences culturelles qui peut avoir un impact sur
22 l'intervention policière?

23 **CAPT. PAUL CHARBONNEAU:** En fait, votre
24 question, c'est une excellente question. La réponse peut
25 être très large, dépendamment de où on est avec quelle

1 nation on est. Mon expérience personnelle avec les Innus,
2 c'est que... exemple, ce que j'ai pu vivre à Pessamit a été
3 différent de ce que j'ai vécu par exemple à Uashat Mak
4 Mani-Utenam ou même à Matimekush-Lac John, et c'était
5 complètement différent aussi avec les Naskapis, et quelques
6 petites différences culturelles, je dirais, qu'on va noter
7 au fil du temps, mais ça prend un certain temps avant de
8 voir ces petites différences-là.

9 **Me BERNARD JACOB:** Avez-vous des exemples?

10 **CAPT. PAUL CHARBONNEAU:** Je racontais cette
11 semaine à quelqu'un en fait, moi, l'exemple qui m'a le plus
12 frappé à l'époque où j'étais à Schefferville, c'est comment
13 qu'on communique par téléphone. Quand on appelait au poste
14 de police, normalement quand on appelle quelqu'un, on
15 appelle et on demande à qui on veut parler; à
16 Schefferville, quand on appelait au poste, on demandait qui
17 parlait. Ça fait que là, je disais : « Ben, c'est Paul. »
18 Là, on me demandait si Gaétan était là. Ben là, je disais :
19 « Non, moi, est-ce que je peux t'aider? — OK, Martin est-tu
20 là? — Ben, je disais, non. » Là, on me disait :
21 « Dominique, lui, est-tu là? » Ben, je disais : « Non. Moi,
22 je peux-tu t'aider? — T'es-tu nouveau, toi? » Ça fait que
23 ça prenait du temps avant d'arriver en fait à ce en quoi on
24 voulait appeler.

25 Puis j'avais d'ailleurs écrit un petit texte

1 là dédié à mes scouts pour leur montrer la différence qui
2 existait entre ce que nous on pouvait vivre dans le fond.
3 Moi, à ce moment-là, je venais de la région de Shawininigan
4 quand je suis arrivé à Schefferville, et cette anecdote-là
5 finit là par le fait qu'on m'a demandé si j'avais sorti le
6 relevé du caribou. Là, j'ai dit : « Oui, c'est au comptoir.
7 — OK, je vais passer cet après-midi. »

8 Ça fait que c'est des petites différences,
9 mais quand qu'on n'est pas habitué à ça, ben, ça peut
10 provoquer de l'incompréhension.

11 **Me BERNARD JACOB:** D'accord. Vous étiez
12 officier dans toutes ces années-là. Est-ce que vous avez
13 été témoin d'actes ou de paroles racistes et comment avez-
14 vous réagi?

15 **CAPT. PAUL CHARBONNEAU:** En fait, ça m'est
16 arrivé une fois lorsque j'étais à Schefferville. Moi, je
17 suis arrivé à Schefferville le 11 février 2005, et puis, je
18 me rappelle, y'a eu ce qu'on appellera la « crise du
19 caribou » en 2006 où les Innus avaient monté un blocus
20 d'une route qui menait aux pourvoiries, à la base d'avion
21 des pourvoiries. Les revendications étaient qu'on accusait
22 les pourvoyeurs de dévier, si on veut, le cheptel ou le
23 troupeau de caribous de façon à ce que les caribous, au
24 lieu de passer là où ils veulent bien passer, se
25 dirigeaient vers les secteurs de chasse des pourvoiries.

1 Ceci dans le but évident que la clientèle puisse pouvoir
2 prélever du caribou. Alors, les Innus dénonçaient cette
3 pratique et y'a eu un blocage de la route qui menait de
4 l'aéroport de Schefferville où les chasseurs arrivaient et
5 étaient transportés par voie terrestre jusqu'à la base
6 d'hydravion pour ensuite aller dans les secteurs de chasse
7 des pourvoiries.

8 À ce moment-là, vous comprendrez que y'a une
9 opération de surveillance qui a été mise en place par la
10 Sûreté du Québec. Également, y'a des renforts qui sont
11 provenus du Sud, si on peut dire, spécifiquement d'une
12 unité de Québec, et la pratique à ce moment-là, les Innus
13 ne bloquaient pas le chemin à la police parce qu'en fait ça
14 coupait mon territoire de patrouille complètement en deux.
15 Alors, quand qu'on arrivait à la barricade, l'entente que
16 j'avais prise avec le responsable des manifestants, c'était
17 « ben, vous allez bloquer l'accès à l'auto-patrouille, vous
18 allez nous demander ce qu'on fait, on va vous dire qu'on va
19 aller patrouiller de l'autre côté », pis... et là, on ouvrait
20 la barricade et on passait.

21 Ça se passait très bien jusqu'à ce qu'un
22 policier en particulier a été impatient sur la barricade,
23 peut-être ç'a pris un petit peu plus de temps
24 qu'habituellement, et là, en fait là, y'a dit quelque chose
25 que y'aurait jamais dû dire, y'a dit : « C'est pas un

1 kawish qui va venir me dire quoi faire. »

2 À ce moment-là, la réaction de son
3 partenaire, parce que y'étaient deux dans l'auto-
4 patrouille, ç'a été de me le ramener au poste de police.
5 Immédiatement, quand j'ai été informé de ça, j'ai suspendu
6 le policier sur-le-champ, je lui ai retiré son arme de
7 service, et deux heures plus tard y'était sur un avion de
8 retour à Québec.

9 **Me BERNARD JACOB:** Donc, c'est des
10 comportements qui sont pas tolérés.

11 **CAPT. PAUL CHARBONNEAU:** C'est des
12 comportements qui ne sont pas tolérés, Mesdames les
13 commissaires, Monsieur le commissaire. C'est des
14 comportements que la Sûreté du Québec ne cautionne pas, ça
15 va pas du tout avec la philosophie de police de proximité
16 qui encadre toutes les interventions de la Sûreté du
17 Québec. La philosophie de la police de proximité comporte
18 cinq fondements, je pourrai peut-être y revenir un peu plus
19 tard, mais, entre autres, c'est basé sur le respect qui est
20 une, d'ailleurs, des valeurs de la Sûreté du Québec.

21 **Me BERNARD JACOB:** Dans ce contexte-là,
22 juste... on va aller à l'onglet B, on voit ici « Directeur-
23 président du Comité de discipline et directeur des Services
24 juridiques, Direction générale ». Est-ce que vous
25 reconnaissez ce document-là?

1 **CAPT. PAUL CHARBONNEAU:** Oui, il s'agit de la
2 description du poste d'emploi de... la description de
3 l'emploi du poste que j'occupe présentement.

4 **Me BERNARD JACOB:** Donc, vous êtes président
5 du Comité de discipline?

6 **CAPT. PAUL CHARBONNEAU:** Non, pas tout à
7 fait. De par ma fonction intérimaire, la présidence du
8 Comité de discipline ne m'a pas été transférée, elle est
9 toujours conservée par la personne qui l'avait avant mon
10 arrivée, qui est maintenant le directeur du cabinet du
11 directeur général.

12 **Me BERNARD JACOB:** OK. Donc, vous
13 reconnaissez ce document-là?

14 **CAPT. PAUL CHARBONNEAU:** Oui, tout à fait.

15 **Me BERNARD JACOB:** Madame la commissaire en
16 chef, j'aimerais le déposer.

17 **CHIEF COMMISSIONER MARION BULLER:** Yes, the
18 job description?

19 **Me BERNARD JACOB:** Yes.

20 **CHIEF COMMISSIONER MARION BULLER:** My
21 translation is Exhibit 114.

22 --- Exhibit 114:

23 Job description for the position of
24 Président du comité de discipline et
25 Directeur des services juridiques

1 (two pages)

2 Witness: Capitaine Paul Charbonneau,
3 Directeur par intérim, Autorité
4 disciplinaire et services juridiques,
5 Sûreté du Québec
6 Submitted by Bernard Jacob, Commission
7 Counsel

8 **Me BERNARD JACOB:** Vous dites « Comité de
9 discipline ». Ça vise quoi exactement?

10 **CAPT. PAUL CHARBONNEAU:** Ben, le Comité de
11 discipline, d'ailleurs, pour le bénéfice des commissaires,
12 j'en suis membre. Je suis le membre policier ayant le plus
13 d'expérience au sein de ce comité qui est composé
14 actuellement de quatre policiers et de deux personnes
15 civiles qui ont été nommées par le gouvernement. La
16 discipline... et là, souvent, c'est des concepts qui sont...
17 qui peuvent être abstraits et ça peut être mélangé, je vais
18 tenter d'éclaircir la situation.

19 La discipline gère la relation qu'un
20 policier a avec son employeur. Par exemple, des retards
21 fréquentes, ne pas respecter des directives, ce genre de
22 choses là. Alors, les comportements d'un policier versus
23 son employeur, c'est géré par la discipline.

24 **Me BERNARD JACOB:** Et à l'égard des citoyens?

25 **CAPT. PAUL CHARBONNEAU:** À l'égard des

1 citoyens, c'est la déontologie policière, donc le
2 commissaire à la Déontologie policière du Québec.

3 **Me BERNARD JACOB:** Qui est un organisme
4 indépendant.

5 **CAPT. PAUL CHARBONNEAU:** Qui est un organisme
6 indépendant, le commissaire étant nommé par l'Assemblée
7 nationale.

8 **Me BERNARD JACOB:** Vous avez parlé de... vous
9 êtes sur le Comité de discipline depuis combien d'années?

10 **CAPT. PAUL CHARBONNEAU:** J'ai été nommé pour
11 la première fois en 2013.

12 **Me BERNARD JACOB:** Donc, ça fait près de
13 15 ans?

14 **CAPT. PAUL CHARBONNEAU:** En 2013, ça fait
15 cinq ans. Je suis membre du Comité de discipline depuis
16 cinq ans.

17 **Me BERNARD JACOB:** Je suis un avocat, hein?
18 Je suis pas habitué de soustraire, mais d'additionner.
19 (RIRES)

20 **Me BERNARD JACOB:** Ça va être dans les notes.
21 Bon, à tout évènement, j'aimerais... est-ce
22 que vous connaissez le numéro de poste de Val-d'Or?

23 **CAPT. PAUL CHARBONNEAU:** Oui, c'est le poste
24 PQ40144.

25 **Me BERNARD JACOB:** Est-ce que vous avez été,

1 comme membre du Comité de discipline, sensibilisé à la
2 problématique de bracelets portés par vos membres - on
3 parle aussi de respect là - portant un bracelet rouge
4 portant un numéro 144? Est-ce que vous êtes sensibilisé...
5 est-ce que vous connaissez cette réalité?

6 **CAPT. PAUL CHARBONNEAU:** Oui, je connais très
7 bien cette réalité; par contre, je n'ai pas été sensibilisé
8 à cela parce que je suis sur le Comité de discipline. Je
9 connais très bien cette réalité parce que depuis mon
10 arrivée comme conseiller à la direction des Services
11 juridiques en janvier, par la suite à titre de directeur
12 intérimaire en mars, j'ai entre autres comme mandat de
13 suivre les travaux des commissions, de la Commission de
14 l'enquête nationale ici et la Commission Viens au Québec.
15 Alors, c'est dans le cadre de ces... c'est dans le cadre de
16 ces fonctions-là que j'ai été sensibilisé à la question.

17 **Me BERNARD JACOB:** Est-ce que vous savez...
18 bon, on va se comprendre. Y'a des étoiles, savez-vous y'a
19 combien d'étoiles dessus?

20 **CAPT. PAUL CHARBONNEAU:** Non, je n'ai pas
21 personnellement le nombre d'étoiles.

22 **Me BERNARD JACOB:** Si je vous dis que y'en a
23 huit pour les huit... les huit policiers qui ont été
24 suspendus suite aux événements qui ont été divulgués par
25 les journalistes, c'est possible?

1 **CAPITAINE PAUL CHARBONNEAU:** Oui, c'est
2 possible.

3 **Me BERNARD JACOB:** O.k. Donc, dans ce
4 contexte-là, que fait la Sûreté du... comment c'est perçu
5 par les communautés? Est-ce que vous avez suivi la
6 Commission Viens, qui a eu des reportages? Comment c'est
7 perçu par la communauté ce port de bracelet là?

8 **CAPITAINE PAUL CHARBONNEAU:** En fait, oui,
9 parce que j'ai suivi la Commission, mais j'ai aussi eu des
10 communications avec certains membres du personnel de la
11 Commission. En fait, on parle de perception, Mesdames les
12 commissaires, Monsieur le commissaire. J'aimerais vous
13 entretenir là-dessus un petit peu.

14 Comment c'est perçu par les communautés?
15 C'est clair que c'est vu comme un affront pour eux, pour
16 les communautés. Spécifiquement dans la région de Val
17 d'Or, c'est perçu comme étant un support aux policiers qui
18 ont été suspendus, qui ont été, dans le fond, impliqués
19 dans des allégations. Ça c'est la façon que c'est perçu.
20 Ça leur cause un traumatisme, en fait. Quand ils voient un
21 policier arriver avec ça sur l'uniforme, pour eux c'est un
22 rappel évident des événements de 2015.

23 **Me BERNARD JACOB:** Alors, pourquoi la Sûreté
24 du Québec n'interdit pas à ses membres subalternes de
25 porter ledit bracelet?

1 **CAPITAINE PAUL CHARBONNEAU:** En fait, la
2 Sûreté, on a fait des interventions. Ce qui est important
3 de comprendre c'est, dans un premier temps, on a tenté de
4 sensibiliser le personnel sur l'impact que le port de ce
5 bracelet-là pouvait avoir sur la communauté.

6 Puis en même temps, j'aimerais attirer votre
7 attention que la communauté le perçoit de cette façon-là,
8 mais pour les policiers, le port de ce... c'est parce que
9 le bracelet n'est pas seulement porté que dans la région de
10 Val d'Or. Je dirais qu'il est porté pas mal partout à
11 travers la province. J'ai personnellement vu des policiers
12 circuler dans certaines unités bien loin de Val d'Or
13 arborant ce bracelet-là, soit au poignet, soit sur leur
14 veste. Pour les policiers, le port de ce bracelet-là ne
15 signifie en aucun cas... en aucun cas... un cautionné des
16 allégations. C'est plutôt en support de tout le poste de
17 Val d'Or qui a à subir les contrecoups des événements de
18 Val d'Or, parce que suite à ces événements-là, vous
19 comprendrez qu'à l'intérieur même du poste, ç'a été
20 difficile pour le morale des policiers.

21 **Me BERNARD JACOB:** Mais dans ce contexte-là,
22 est-ce que vous avez mis en poste un poste particulier à
23 Val d'Or qui s'appelle le CP...

24 **CAPITAINE PAUL CHARBONNEAU:** Le PPCMA.

25 **Me BERNARD JACOB:** Mais là, vous savez qu'il

1 y a des policiers du PPCMA qui sont supposés se rapprocher
2 de la communauté qui portent ce bracelet-là?

3 **CAPITAINE PAUL CHARBONNEAU:** En fait,
4 présentement, il n'y a plus de policiers au PPCMA qui
5 portent ce bracelet-là.

6 **Me BERNARD JACOB:** Mais il y en a déjà eus?

7 **CAPITAINE PAUL CHARBONNEAU:** Il y en a déjà
8 eus. D'ailleurs, je crois qu'on peut en apercevoir dans la
9 vidéo promotionnelle de la Sûreté du Québec. Il y a eu
10 deux vidéos. Je crois qu'il y en a une qui sera déposée en
11 preuve, Mesdames les commissaires, Monsieur le commissaire.
12 Il y a une première vidéo qui a été faite à l'époque du
13 projet pilote et il y a une deuxième vidéo qui est plus
14 récent. En fait, les deux vidéos sont disponibles sur
15 YouTube. Si on tape PPCMA, on va trouver les deux vidéos
16 de la Sûreté du Québec sur YouTube.

17 Comme je disais, pour terminer là-dessus,
18 sur le port du bracelet par les policiers, c'est plus un
19 mouvement de solidarité envers les policiers qui ont eu à
20 vivre les contrecoups de cet événement-là. Ce n'est pas
21 seulement que quelques policiers qui étaient visés par les
22 allégations.

23 **Me BERNARD JACOB:** Mais la question c'est
24 pourquoi la Sûreté du Québec ne donne pas d'ordre à ses
25 membres de cesser de porter ce signe qui peut être

1 considéré comme offensant dans la communauté visée?

2 **CAPITAINE PAUL CHARBONNEAU:** En termes
3 clairs, nous préférons beaucoup mieux convaincre que
4 contraindre.

5 Les travaux en cours dans les deux
6 commissions et l'effet du temps aidant, j'ai bon espoir que
7 finalement le port de ce bracelet-là va s'estomper avec le
8 temps.

9 **Me BERNARD JACOB:** Donc, je comprends que
10 l'état-major de la Sûreté du Québec a fait le choix
11 politique de ne pas ordonner à ses membres de cesser de
12 porter ce signe... je l'ai qualifié d'ostentatoire, mais
13 c'est typiquement québécois, de ce signe qui porte atteinte
14 aux gens des communautés?

15 **CAPITAINE PAUL CHARBONNEAU:** En fait, je ne
16 veux pas me substituer à l'état-major, mais moi, ce que
17 j'en comprends c'est que si on convainc les gens d'une
18 chose, l'effet va être beaucoup plus durable que si on
19 tente de le contraindre. Ça c'est dans un premier temps.

20 Et lorsqu'on prend conscience d'une chose,
21 que ce soit de parts et d'autres, ça aide à la
22 compréhension. On est conscient qu'il y a un enjeu de
23 confiance actuellement et que le port de ce bracelet-là est
24 un facteur dans cet enjeu-là.

25 **Me BERNARD JACOB:** Donc, je comprends que

1 c'est un facteur qui vise à miner la... qui a pour effet de
2 miner la confiance.

3 **MS. CHRISTA BIG CANOE:** Sorry, I apologize.
4 You just need to give an opportunity for translation to
5 catch up. And then if it can catch up, then when you're
6 ready, we'll start the time again.

7 **COMMISSAIRE MICHÈLE AUDETTE:** S'il n'y a pas
8 une pause entre chaque...

9 **MS. CHRISTA BIG CANOE:** No worries.

10 **Me BERNARD JACOB:** Désolé.

11 **MS. CHRISTA BIG CANOE:** So we're going to
12 let the translator, if they're able to translate, and then
13 we'll start the time so that the time isn't delayed based
14 on the translation, please.

15 Would you like them to repeat?

16 **Me BERNARD JACOB:** Ça va? Je peux rouler?

17 **THE INTERPRETER:** Repeat the last...

18 **Me BERNARD JACOB:** The last question?

19 Je comprends que c'est un signe qui peut
20 avoir pour effet d'atteindre la confiance, de miner la
21 confiance entre la communauté et la Sûreté du Québec.
22 C'est ce que j'ai compris de votre témoignage.

23 **CAPITAINE PAUL CHARBONNEAU:** C'est exact.

24 **Me BERNARD JACOB:** Dans ce contexte-là, je
25 comprends, qu'est-ce que la Sûreté du Québec a fait pour

1 convaincre ses policiers de cesser, parce que vous dites
2 que vous avez décidé de ne pas donner d'ordre, et quel
3 moyen avez-vous pris pour que cesse le port de ce bracelet,
4 de convaincre le port de ce bracelet? Et je vais vous le
5 dire de façon transparente, comment se fait-il que quelque
6 chose qui était spécifique à Val d'Or s'est étendu à, selon
7 votre témoignage, à peu près l'ensemble du Québec? Il n'y
8 a pas un problème là quant au message envoyé aux
9 communautés des Premières nations et des Inuits?

10 **CAPITAINE PAUL CHARBONNEAU:** En fait, je
11 vous reviendrais au niveau de la perception. Pour les
12 policiers, il ne s'agit pas de cautionner des gestes ou
13 d'être contre une communauté, loin de là. Il s'agit pour
14 l'ensemble des policiers de démontrer leur support face
15 à... par rapport à des collègues qui vivent des moments
16 difficiles.

17 D'ailleurs, il n'y a pas que le fameux
18 bracelet rouge 144 qu'on peut voir à l'occasion sur les
19 uniformes. On peut voir d'ailleurs, je pense que c'est
20 *thin blue line*. Il y a aussi un bracelet *thin blue line*
21 qui a commencé à faire son apparition et d'ailleurs pas
22 seulement à la Sûreté du Québec. Ça c'est en support de
23 certains policiers qui font peut-être face à la justice.
24 C'est pour démontrer un certain support moral sur des
25 épreuves que certaines peuvent vivre. Ce n'est pas un

1 *statement...* pardonnez l'anglicisme... contre une
2 communauté.

3 **Me BERNARD JACOB:** Mais encore une fois,
4 Monsieur Charbonneau, je vais donner l'exemple de... moi,
5 hier, il y a une membre d'une famille qui m'a fait un
6 commentaire sur ce que je faisais en avant avec mon
7 téléphone cellulaire. J'ai compris le message. Je me suis
8 excusé et j'ai cessé d'avoir ce comportement fautif.

9 Pourquoi ne pas expliquer aux policiers que
10 leur comportement n'est pas acceptable et qu'ils souhaitent
11 que vous cessiez de l'utiliser? On fait affaire à leur
12 bonne foi, à la nécessité de rétablir des ponts avec les
13 communautés autochtones. Alors pourquoi ne pas tenter de
14 les convaincre? Ce que vous me dites c'est que vous n'avez
15 rien fait?

16 **CAPITAINE PAUL CHARBONNEAU:** Non, ce n'est
17 pas ce que j'ai dit. Ce que je dis, et je le répète, nous
18 préférons convaincre que contraindre.

19 **Me BERNARD JACOB:** Alors qu'avez-vous fait
20 pour les convaincre?

21 **CAPITAINE PAUL CHARBONNEAU:** Il y a eu
22 plusieurs rencontres qui ont été effectuées envers le
23 personnel qui porte ce... et d'ailleurs, il y a du
24 personnel qui ont cessé de le porter. Il a toutefois
25 encore du personnel qui le porte. Alors, nous multiplions

1 les rencontres en ce sens, le but de sensibiliser les
2 policiers sur l'effet que ce signe sur l'uniforme peut
3 avoir sur la communauté. Le but c'est de les sensibiliser,
4 de leur faire comprendre. Et puis on veut les convaincre
5 et non les contraindre pour que l'effet soit beaucoup plus
6 durable.

7 **Me BERNARD JACOB:** Alors, on va passer à un
8 autre aspect.

9 Vous êtes ici en regard... parce que vous
10 avez reçu un subpoena émis par la Commission, c'est bien
11 ça?

12 **CAPITAINE PAUL CHARBONNEAU:** C'est exact.

13 **Me BERNARD JACOB:** Je vais à l'onglet C.

14 **CAPITAINE PAUL CHARBONNEAU:** En fait,
15 j'aimerais, si c'est possible, ajouter quelque chose sur le
16 fait d'être ici sous assignation par subpoena. La Sûreté
17 du Québec doit collaborer sans aucune retenue avec la
18 Commission, avec l'Enquête nationale sur les femmes et les
19 filles autochtones disparues ou assassinées. Également,
20 nous allons collaborer sans retenue avec la Commission sur
21 les relations entre certains services publics et les
22 autochtones, la Commission Viens au Québec.

23 La raison qu'on est venu sous assignation,
24 c'est de commune pratique depuis des années à la Sûreté du
25 Québec, d'attendre d'être assigné pour se présenter. Ça a

1 été le cas il y a... l'an dernier, à la Commission
2 Chamberland. Alors, c'est la raison pour laquelle nous
3 avons été assignés.

4 Également, pardonnez-moi l'anglicisme encore
5 une fois, mais le *timing* du panel cette semaine. La Sûreté,
6 vous n'êtes pas sans le savoir, au cours des dernières
7 semaines, a eu beaucoup d'énergie déployée dans
8 l'organisation du G7. On a fait d'ailleurs une
9 collaboration avec la GRC. Ça a nécessité beaucoup de
10 ressources de la Sûreté du Québec et l'opération avec le G7
11 s'est terminée le 12 juin pour certains et le 18 juin pour
12 d'autres, alors que nous étions en phase de démobilisation.
13 Alors survient le *timing* de la Commission.

14 Et d'ailleurs, l'officier qui est
15 généralement à la tête du Bureau des affaires autochtones à
16 la Sûreté du Québec et c'est une entité dont j'aurai le
17 plaisir de vous entretenir plus longuement, ultérieurement,
18 mais cet officier-là avait déjà des vacances prévues durant
19 cette semaine-ci. Alors, on avait concentré nos énergies un
20 peu ailleurs et lorsque nous avons reçu l'assignation, en
21 fait, moi, j'ai été assigné pour venir ici à titre de
22 Directeur des services juridiques, de par la connaissance
23 que j'ai des dossiers. Alors, on s'est préparés depuis les
24 deux dernières semaines à venir vous offrir toute la
25 collaboration et donner les documents requis et le

1 témoignage requis.

2 **ME BERNARD JACOB** : Alors, on va essayer
3 d'avancer un peu plus vite, parce qu'il nous reste juste 30
4 minutes.

5 Onglet C, avenant au contrat numéro 2015-00-
6 71-31-01. Qu'est-ce que c'est, ça, M. Charbonneau?

7 **CAPITAINE PAUL CHARBONNEAU** : En fait, c'est
8 l'avenant dans un contrat de gré à gré que nous avons avec
9 la compagnie, je pense que c'est Gripma de M. Pierre Picard
10 de Wendake.

11 **ME BERNARD JACOB** : Quel est l'objet du
12 contrat?

13 **CAPITAINE PAUL CHARBONNEAU** : L'objet de ce
14 contrat-là est d'offrir une formation sur la sensibilité
15 aux réalités autochtones à nos policiers, tant les
16 patrouilleurs que les enquêteurs, formation qui a été, par
17 ailleurs, dans les dernières années, renouvelée. J'ai eu
18 l'opportunité moi-même de la suivre à trois...

19 **ME BERNARD JACOB** : Je vais vous laisser... je
20 vous interromps. J'aimerais déposer la pièce C sous la
21 cote, Madame la Commissaire en Chef.

22 **CHIEF COMMISSIONNER MARION BULLER** : Yes.

23 **ME BERNARD JACOB** : Ça va s'appeler Avenant
24 au contrat no 2015-00-71-31-01.

25 **CHIEF COMMISSIONNEER MARION BULLER** : Yes.

1 The service contract for training is Exhibit 115.

2 --- PIÈCE NO. 115:

3 Contract « Contrat de service de gré à
4 gré » between Sûreté du Québec and Pierre
5 Picard / Groupe de recherche en intervention
6 psychosociale en milieu autochtone
7 (GRIPMA), project number : 2015-00-7131-01,
8 along with two different addenda, both named
9 « Avenant 1 au contrat numéro
10 2015-00-7131-01 »

11 Witness: Capitaine Paul Charbonneau,
12 Directeur par intérim, Autorité
13 disciplinaire et services juridiques,
14 Sûreté du Québec
15 Submitted by Bernard Jacob, Commission
16 Counsel

17 **Me BERNARD JACOB** : Next tab, C is the
18 Contrat de service de gré à gré, quelle cote? Quelle cote,
19 Madame la Chef...

20 **CHIEF COMMISSIONNER MARION BULLER** :
21 Contract... what is the... sorry, 115.

22 **ME BERNARD JACOB** : It's the same... okay. And
23 we have the other one, always on Tab C, all these documents
24 are about the formation of the Sûreté du Québec officers.

25 **CAPITAINE PAUL CHARBONNEAU** : Oui, c'est

1 exact.

2 **ME BERNARD JACOB** : Alors, peut-être en
3 complément, Madame la Commissaire en chef, avec votre
4 autorisation, je vais aller immédiatement à l'onglet K, ça
5 va?

6 **CHIEF COMMISSIONER MARION BULLER** : Yes.

7 **ME BERNARD JACOB** : J'aimerais déposer
8 l'onglet K sous une cote.

9 **CHIEF COMMISSIONER MARION BULLER** : And the
10 name of the document, please?

11 **ME BERNARD JACOB** : Session de
12 sensibilisation aux réalités autochtones, volet
13 opérationnel.

14 **CHIEF COMMISSIONER MARION BULLER** : 116,
15 please.

16 **ME BERNARD JACOB** : Thanks.

17 --- PIÈCE NO. 116:

18 Printout of Powerpoint « Session de
19 sensibilisation aux réalités
20 autochtones » Sûreté du Québec
21 (86 pages)
22 Witness: Capitaine Paul Charbonneau,
23 Directeur par intérim, Autorité
24 disciplinaire et services juridiques,
25 Sûreté du Québec

1 Submitted by Bernard Jacob, Commission
2 Counsel

3 **ME BERNARD JACOB** : And next tab I want to
4 show you I -- le PowerPoint est...

5 **PERSONNE NON IDENTIFIÉE** : C'est la dernière...
6 le Powerpoint, c'est la dernière.

7 **ME BERNARD JACOB** : La dernière? Non, ce
8 n'est pas le même.

9 **PERSONNE NON IDENTIFIÉE** : O.

10 **ME BERNARD JACOB** : O. Non, it's not the...
11 oui, yes, onglet O. Vous reconnaissez ce document?

12 **CAPITAINE PAUL CHARBONNEAU** : Oui, tout à
13 fait.

14 **MS. SUSAN FRASER**: I'm sorry to rise,
15 Commissioners. I just have an objection.

16 Unless somebody can correct me, but I was in
17 transit this morning to get here, but as of late last
18 night, there were no translated versions of the exhibits to
19 Mr. Charbonneau's evidence. Am I -- and so I don't -- we
20 haven't seen the English versions.

21 **MS. CHRISTA BIG CANOE**: And as is true with
22 the inverse, when a document is produced in English by a
23 government and the official language is that and they have
24 not produced a translation, we can't undertake to translate
25 documents that belong to a government that are issued by a

1 government. So although this may be one of the few times a
2 large number of the English parties don't have the English
3 translation, in most of our proceedings, it's been the
4 inverse true for any of the francophone parties not
5 necessarily having a French. But we can't undertake, if
6 the document belongs to a party or to a government, to make
7 a translation because they haven't produced an official
8 translation.

9 So often what you'll see in the record, for
10 example, when Canada produces documents, it's often in both
11 official languages pursuant to their obligation to do so,
12 they are. So we don't translate documents that belong to
13 other parties, and this has actually been occurring
14 throughout the hearing process. It might be coming to your
15 attention for the first time as an Anglophone as opposed to
16 the Francophone parties who have only had the opportunity
17 to have English documents at points.

18 **MS. SUSAN FRASER:** Well, I can't say why
19 others may not have objected, but I am objecting now. I
20 don't think it's fair. I don't think it's fair to the
21 process or the parties, and I want to make that objection
22 known.

23 **MS. CHRISTA BIG CANOE:** I'm going to take no
24 position other than to the explanation I was making in
25 relation to our obligation or not interfering in

1 translating other parties' documents and leave it to the
2 Commissioners to address.

3 **(SHORT PAUSE/COURTE PAUSE)**

4 **CHIEF COMMISSIONER MARION BULLER:** Ms.
5 Fraser, I'm sorry, I don't know where you went. What
6 remedy are you seeking?

7 **MS. SUSAN FRASER:** I would ask that the
8 documents be translated so that the parties can have a
9 reasonable right of cross-examination.

10 **(APPLAUSE/APPLAUDISSEMENTS)**

11 **MR. ROY STEWART:** I just wanted to support
12 the previous objection given that many of my clients'
13 concerns in the southern region of Labrador have this
14 overlap with the close proximity of Quebec. So I do think
15 it's unfair as well given that we were only provided them
16 in French. So I do support the previous objection.

17 **MS. CHRISTA BIG CANOE:** So if we could --
18 just one moment.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MS. CHRISTA BIG CANOE:** So if I could
21 recognize Ms. Marie-Paul Boucher.

22 **Me MARIE-PAUL BOUCHER :** Bonjour, Mesdames
23 les commissaires, Messieurs les commissaires. Donc, si
24 cette demande va d'un côté, on comprend que ça va être des
25 deux côtés. Jamais on ne nous a demandé, par la

1 Commission... le témoin est présenté par Me Jacob. Jamais
2 on nous a demandé de fournir de la documentation dans les
3 deux langues. On n'a pas cette obligation légale-là au
4 Québec, à ma connaissance.

5 **Me ANNY BERNIER :** Bonjour. Anny Bernier,
6 DPCP. J'aimerais préciser également, tel que mentionné par
7 ma consœur, Madame Christa Big Canoe, au niveau des
8 francophones, je représente naturellement le DPCP au
9 Québec. Nous n'avons également pas reçu, bien souvent, la
10 transcription des documents déposés par mes consœurs et
11 confrères anglophones. Donc, au niveau de la règle de
12 l'équité, je crois que ça s'applique dans les deux sens.
13 Merci.

14 **MS. CHRISTA BIG CANOE:** And so if I may also
15 add just in terms of background, when the National Inquiry
16 produces documents, whether they are summaries or not, they
17 are produced in both languages because of our requirement
18 of producing documents in both languages.

19 However, when it's proprietary or in
20 interests that belong to either another party or a
21 government, it's their document and there's no requirement
22 for them to translate.

23 And so that's just -- I'm not taking a
24 position. I'm just explaining sort of the world we're
25 working in in terms of producing our document productions,

1 what our responsibilities or liability in terms of the
2 National Inquiry -- we put in a concerted effort to make
3 sure anything we're producing is in both languages, and
4 sometimes there's a lapse either way. Sometimes if it's
5 produced first in French, it's a little delayed to get it
6 in English and vice versa.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **MS. CHRISTA BIG CANOE:** I'm sorry, I do have
9 to raise one thing my colleague has brought to my attention
10 as well, and I just had a moment to confer on quick.

11 One of the implications of a determination
12 you may make now is the effect of having to recall this
13 particular witness, and so I just wanted to put on the
14 record that in your consideration, you take into account
15 that factor. And this individual has been subpoenaed to
16 attend and has met the subpoena.

17 So on that basis, it's just something I
18 think you may have to consider in your deliberation of the
19 objection.

20 **Me BERNARD JACOB:** Avec respect pour les
21 Commissaires, je tiens à souligner qu'en vertu... le
22 Gouvernement du Québec a ce qu'on appelle la *Charte de*
23 *langue française* et seuls les lois et les règlements
24 doivent être traduits dans les deux langues. La langue de
25 l'état québécois est le français. Donc, conséquemment, les

1 documents sont produits dans la langue de l'état québécois.

2 C'est la situation. J'en suis sincèrement
3 désolé. Mais juste pour éclairer les commissaires, on s'en
4 remet à la discrétion du *Board*. Merci.

5 **(SHORT PAUSE/COURTE PAUSE)**

6 **CHIEF COMMISSIONER MARION BULLER:** Go ahead,
7 please.

8 **Me WINA SIOUI:** Bonjour. Je veux simplement
9 noter qu'au nom de... Wina Sioui, au nom de l'Assemblée des
10 Premières nations Québec-Labrador, j'appuie le sentiment
11 d'équité qui doit être accordé à tous les représentants
12 francophones qu'on a vécu une grande partie de la situation
13 à l'inverse, mais je ne suis pas ici en train de demander
14 qu'on puisse ravoir tout notre temps de façon équitable
15 aussi pour contre-interroger.

16 Merci.

17 **MR. ROY STEWART:** Commissioners, I would
18 just ask that -- I guess first, I do respect the burden
19 imposed if you were to order a translation and I respect
20 Commission Counsel's position.

21 However, I would just ask that you consider
22 the ultimate objective of the Inquiry and the protection of
23 indigenous women and girls and that it shouldn't come down
24 to an English or French translation.

25 **MS. CHRISTA BIG CANOE:** And sorry, I might

1 also -- and I ask your indulgence to make a further
2 submission on this -- our next witness' materials are only
3 in English and Ontario has not produced a French version of
4 the materials and they were not required to. And again, we
5 cannot make an official translation of other people's
6 material.

7 So the determination you make now will not
8 impact just one witness but the next two witnesses if all
9 is being treated equally.

10 **MS. DE WHYTELL:** If I may, I just have one
11 thing to add to this, and that is that the parties
12 themselves might have had the opportunity to translate the
13 materials if the disclosure was provided a little sooner,
14 and that's no reflection on the work that the Commission
15 has been doing, but it speaks to the extension of this
16 important work.

17 **MS. CHRISTA BIG CANOE:** Thank you.

18 **CHIEF COMMISSIONER MARION BULLER:** We have
19 an objection before us with respect to translation of
20 documents as a larger issue, but more specifically that
21 documents provided by this particular witness are in the
22 French language only and have not been translated into
23 English.

24 As I understand the law of the land, the
25 Quebec government is not required to provide those

1 documents in both languages unless, of course, I suppose,
2 they were asked to do so or volunteered to do so.

3 On the other hand, we have to remember and
4 we're mindful of the fact that many witnesses have produced
5 documents only in English, and francophone parties have had
6 to work in those circumstances, not to mention the
7 Commissioners and National Inquiry staff have had to deal
8 with this dichotomy or split in languages.

9 The difficulty that we face is timing, of
10 course. This objection is brought in the middle of the
11 examination of a witness. I'm not being critical; I'm just
12 pointing this out for the record.

13 As Commission Counsel has properly pointed
14 out, we cannot force a government, but we could ask a
15 government, to translate documents, as with any other
16 party.

17 As one of the witnesses said, time is our
18 blood, or words to that effect, and we have to proceed
19 today in the existing circumstances. That, I suppose, is
20 equally unfair to everyone.

21 So I am not going to order translation of
22 documents written in French into English at this point in
23 time. However, this is an issue, an operational issue,
24 that we will take up with further witnesses. So we will
25 maintain the status quo for this hearing. However, this is

1 a critical point that's been raised.

2 **MS. CHRISTA BIG CANOE:** Thank you,
3 Commissioners.

4 And we're not looking for a broader sweeping
5 determination because we'll deal with what we have before
6 us today, but I did, for the purposes of the record, want
7 to suggest that that same principle or sentiment probably
8 applies to all the other governments in Anglophone that we
9 would then be requesting they produce them in French as
10 well.

11 **CHIEF COMMISSIONER MARION BULLER:** Okay.
12 Let's proceed with this witness. The ruling stands.

13 **MS. CHRISTA BIG CANOE:** Thank you.

14 **Me BERNARD JACOB:** Merci.

15 Nous étions rendus à l'onglet O. Nous
16 étions en train d'obtenir une cote. J'aimerais déposer le
17 document intitulé « Enquête nationale sur les femmes et les
18 filles autochtones disparues et assassinées », Madame la
19 commissaire en chef.

20 **CHIEF COMMISSIONER MARION BULLER:** Thank
21 you. The document at Tab O is Exhibit 117, please.

22 **--- PIÈCE NO. 117:**

23 « Enquête sur les femmes et les filles
24 autochtones disparues et assassinées -
25 Présentation de la Sûreté du Québec »

1 (46 pages)
2 Witness: Capitaine Paul Charbonneau,
3 Directeur par intérim, Autorité
4 disciplinaire et services juridiques,
5 Sûreté du Québec
6 Submitted by Bernard Jacob, Commission
7 Counsel
8

9 **Me BERNARD JACOB:** Merci.

10 Je demanderais aux techniciens de mettre sur
11 la projection le document 117, s'il vous plait. Et je vais
12 inviter Monsieur Charbonneau à prendre connaissance de la
13 page 35 dudit document qui traite... trente-cinq/thirty-
14 five... *Okay. Houston, we've got a problem.*

15 Monsieur Charbonneau, pouvez-vous lire la
16 page 35 du document et expliquer... on voit ici « Session
17 de sensibilisation reliée aux autochtones ».

18 Vous l'avez suivie cette formation-là?

19 **CAPITAINE PAUL CHARBONNEAU:** Oui. En fait,
20 j'ai suivi cette version... la version actuelle de la
21 formation en mars dernier. J'avais, auparavant, suivi à
22 deux reprises l'ancienne version de la formation parce que
23 la formation a évolué dans le temps.

24 **Me BERNARD JACOB:** Dans quel sens elle a
25 évolué? Pouvez-vous expliquer?

1 **CAPITAINE PAUL CHARBONNEAU** : Oui. Je vous remercie de
2 l'opportunité de me permettre d'expliquer cette avancée à
3 la Sûreté du Québec.

4 En fait, quand on a débuté la formation de
5 sensibilisation aux réalités autochtones, dans le cursus de
6 cette formation-là -et là, je tente de parler lentement
7 pour les besoins de la traduction - dans le cursus de cette
8 formation-là, on s'attardait, la première journée, je vous
9 dirais, à une vision anthropologique des Premières Nations.

10 Alors, juste pour vous donner une idée, on
11 commençait la session, entre autres, c'était donné par un
12 Abénaki à l'époque, un M. Obobsawin qui avait déjà été
13 membre de la Sûreté du Québec par ailleurs et un
14 anthropologue, de mémoire, M. Bouchard. Et on commençait en
15 expliquant que les Premières Nations étaient arrivées en
16 Amérique par un nisme, lors de la glaciation, ils étaient
17 partis de l'Asie, etc.

18 Avec le temps, à la Sûreté, on s'est aperçus
19 que peut-être que ça ne répondait pas tout à fait aux
20 besoins qu'ont les policiers de savoir ce qu'est la culture
21 autochtone. Et c'est quelque chose qui est important pour
22 nous, que cette sensibilité-là soit comprise par nos
23 policiers, parce que ça va aider grandement dans les
24 opérations policières et dans les interventions policières.

25 Alors, la nouvelle formation, je ne sais pas

1 si vous voyez l'onglet derrière moi, mais ça indique le
2 cursus de la première journée. On a plutôt une vision
3 socioculturelle : l'organisation sociale, politique,
4 territoriale des Premières Nations au Québec. Et là, c'est
5 important ce qui se passait avant la colonisation et après
6 la colonisation.

7 Et Monsieur Picard, qui est de Wendaké, il
8 met... je n'ai pas le mot en français, mais un stress sur le
9 fait qu'il y a aussi une différence au sein des Premières
10 nations entre est-ce qu'on est sédentaires ou nomades? Et
11 ce sont des traits... et c'est effectivement important de le
12 comprendre puis je vais donner un exemple concret de mon
13 vécu personnel.

14 Les gens qui sont plutôt d'une culture de
15 type nomade, si on ne sait pas que... quand ils parlent et
16 s'expriment, il arrive qu'ils font des pauses et ce n'est
17 pas parce qu'ils ont fini de parler. Or, vous savez la
18 culture européenne -moi, je suis Irlandais de souche- les
19 moments de silence, on n'aime pas ça, on a tendance à
20 vouloir remplir le silence. Alors, si on fait ça, peut-être
21 qu'on est en train de faire perdre le fil d'idées de la
22 personne qui nous parle.

23 Si on comprend... par exemple, moi, j'ai vécu
24 avec les Innus, à Sherferville, si on comprend que les
25 nomades ont tendance à faire ça, le silence ne deviendra

1 plus inconfortable pour nous, lorsqu'on fait des entrevues
2 de victimes ou lorsqu'on fait des interrogatoires de
3 suspects. C'est un léger détail, mais qui peut, lors d'une
4 enquête, lors d'une intervention policière, faire toute la
5 différence. Et c'est pour ça que la Sûreté du Québec
6 reconnaît l'importance. Et d'ailleurs...

7 **ME BERNARD JACOB :** D'ailleurs, dans ce
8 contexte-là, si c'est important, qui doit suivre cette
9 formation-là?

10 **CAPITAINE PAUL CHARBONNEAU :** En fait, le
11 souhait de la Sûreté, c'est que tous nos policiers la
12 suivent.

13 **ME BERNARD JACOB :** Vous dites « le souhait »
14 ; quels moyens prenez-vous pour que votre souhait soit
15 rencontré?

16 **CAPITAINE PAUL CHARBONNEAU :** On a multiplié
17 les sessions de formation. On a accéléré la cadence avec...

18 **MS. CHRISTA BIG CANOE:** I'm sorry, stop
19 please.

20 I'm sorry for interrupting. There was just
21 a little lag in the translation. It was on the wrong
22 channel.

23 You can continue. Interpreter, are you able
24 to insert or to provide a translation on that last 30
25 seconds?

1 **COMMISSAIRE MICHÈLE AUDETTE:** Welcome to my
2 world. I felt so lonely for many months.

3 **CAPITAINE PAUL CHARBONNEAU:** Je peux parler?

4 **MS. CHRISTA BIG CANOE:** Before we start, Mr.
5 Registrar, wait 30 seconds to start the clock again,
6 please.

7 **ME BERNARD JACOB :** Donc, on revient à ma
8 question : quels moyens vous prenez pour vous assurer que
9 l'ensemble des membres de la Sûreté du Québec suivent cette
10 formation?

11 **CAPITAINE PAUL CHARBONNEAU :** Premièrement,
12 on priorise les patrouilleurs qui sont près des nations. On
13 priorise les patrouilleurs qui doivent se rendre en support
14 dans les nations, les enquêteurs également qui ont à
15 travailler avec... à des dossiers autochtones.

16 On assigne des policiers... en fait, un
17 policier à la Sûreté du Québec, lorsqu'il est assigné à une
18 formation, il doit simplement s'y rendre. Par contre...

19 **ME BERNARD JACOB :** Donc, elle devient
20 obligatoire pour le policier qui est assigné?

21 **CAPITAINE PAUL CHARBONNEAU :** Tout à fait.
22 Par contre, on n'a pas nécessairement besoin de
23 contraintes. Je vous dirais qu'on a beaucoup de volontaires
24 pour cette formation-là. Puis principalement, la raison,
25 c'est, pardonnez-moi l'expression, mais le marketing qui

1 est fait par nos agents de liaison autochtones et les gens
2 qui ont suivi la formation, les gens comme moi. Moi, je la
3 trouve très intéressante, cette formation-là et j'en parle
4 allègrement.

5 Et lorsque les gens... vous savez, lorsqu'on
6 engage des policiers, le trait commun chez tous les
7 policiers, c'est la curiosité, parce que si on n'était pas
8 curieux, on ne trouverait jamais d'indices et on ne
9 résoudre pas de crimes, tout simplement.

10 **ME BERNARD JACOB** : Donc, les gens sont
11 volontaires?

12 **CAPITAINE PAUL CHARBONNEAU** : Les gens sont
13 volontaires. Par curiosité, ils entendent parler de la
14 formation et ils veulent aller la suivre, par intérêt
15 personnel.

16 Mais effectivement, nous avons accéléré la
17 cadence avec laquelle on offre ces formations-là. On offre
18 beaucoup plus de groupes, on a élargi les groupes et c'est
19 une formation, d'ailleurs, que nous avons étendue et nous
20 invitons les corps de police autochtones également à
21 envoyer leur personnel suivre cette formation-là.

22 **ME BERNARD JACOB** : Capitaine Charbonneau, je
23 vais vous amener à l'onglet H et je vais demander à Madame
24 la Commissaire en chef une cote, s'il vous plaît? Onglet H,
25 qui s'appelle Intervention en milieu autochtone - ligne du

1 temps.

2 **CHIEF COMMISSIONER MARION BULLER** : The
3 timeline at Schedule H is 118, please.

4 **ME BERNARD JACOB** : Thanks.

5 --- PIÈCE NO. 118 :

6 Timeline « Interventions en milieu
7 autochtone - Ligne du temps Annexe 2 »
8 Sûreté du Québec (one page)

9 Witness: Capitaine Paul Charbonneau,
10 Directeur par intérim, Autorité
11 disciplinaire et services juridiques,
12 Sûreté du Québec

13 Submitted by Bernard Jacob, Commission
14 Counsel

15 **ME BERNARD JACOB** : On voit que ce document-
16 là, c'est une ligne du temps, est-ce que je comprends bien?
17 On voit l'évolution de la Sûreté du Québec.

18 **CAPITAINE PAUL CHARBONNEAU** : Oui. C'est un
19 acétate, ça fait partie du PowerPoint lors de la formation
20 sur les réalités, la sensibilisation aux réalités
21 autochtones. C'est la ligne du temps représentant
22 l'implication de la Sûreté du Québec, les débuts de
23 l'implication dans le monde autochtone pour la Sûreté du
24 Québec.

25 **ME BERNARD JACOB** : Donc, je comprends que la

1 Sûreté reçoit le mandat d'organiser et de développer des
2 services policiers cri et inuit, c'est en lien avec la
3 Convention de la baie James du Nord québécois. C'est bien
4 cela?

5 **CAPITAINE PAUL CHARBONNEAU** : C'est exact, le
6 mandat qui avait été donné par le gouvernement.

7 **ME BERNARD JACOB** : Ensuite, suite à la crise
8 du saumon à Restigouche, la Sûreté du Québec se
9 repositionne dans ses relations avec les communautés
10 autochtones. C'est bien ça?

11 **CAPITAINE PAUL CHARBONNEAU** : C'est exact.
12 Suite à une intervention lors de cette crise-là, on s'est
13 aperçu que peut-être que nos méthodes de travail étaient
14 incomprises et que si on avait adapté nos méthodes de
15 travail et qu'on avait eu peut-être l'apport qu'on a
16 maintenant, d'ailleurs, des agents de liaison autochtones,
17 assurément que ça aurait connu une autre tournure, cette
18 crise-là.

19 **ME BERNARD JACOB** : On va ici à la crise
20 d'Oka : ça a entraîné... ceci a entraîné... la Sûreté assure la
21 liaison auprès des corps de police autochtone et répond à
22 des demandes d'assistance. C'est bien ça

23 **CAPITAINE PAUL CHARBONNEAU** : En fait, dans
24 la ligne du temps, oui, il y a eu la crise d'Oka en 1990 et
25 en 1991, nous avons élargi le mandat des agents de liaison

1 autochtones.

2 **ME BERNARD JACOB** : Ensuite, en 1995, il y a
3 la crise de Ipperwash et le dépôt du rapport Gilbert. Et,
4 suite à ça, la Sûreté du Québec intègre les recommandations
5 du rapport Gilbert à ses interventions en milieux
6 autochtones. C'est bien ça?

7 **CAPITAINE PAUL CHARBONNEAU** : C'est exact. Le
8 rapport Gilbert découle de 1990, de la situation au début
9 de 1990.

10 **ME BERNARD JACOB** : Suite au dépôt du rapport
11 Lindell, la Sûreté révisé son approche en liaison
12 autochtone à la suite d'une tournée des nations et double
13 l'approche des milieux autochtones. C'est bien ça?

14 **CAPITAINE PAUL CHARBONNEAU** : C'est exact.
15 C'est ce qui est inscrit.

16 **ME BERNARD JACOB** : Le conflit Norfolk amène
17 la Sûreté à centraliser la gestion des liaisons autochtones
18 et redéploie ses effectifs en fonction des nations. C'est
19 bien ça?

20 **CAPITAINE PAUL CHARBONNEAU** : non, ce n'est
21 pas à cause du conflit Norfolk. La Sûreté du Québec a créé...
22 parce que tantôt, on a parlé des événements de Val d'Or. La
23 Sûreté du Québec, lors des événements de Val d'Or, a fait
24 certains constats, a décidé... il y a eu la création du
25 Bureau des affaires autochtones -j'imagine que j'aurai

1 l'opportunité d'en parler un peu plus tard.

2 On a aussi modifié la façon de déployer les
3 agents de liaison autochtones.

4 **ME BERNARD JACOB** : Donc, c'est survenu suite
5 aux évènements de Val d'or?

6 **CAPITAINE PAUL CHARBONNEAU** : Oui. C'est des
7 actions que nous avons prises suite aux évènements de Val
8 d'Or.

9 **ME BERNARD JACOB** : Donc, je comprends que la
10 Sûreté est toujours en réaction avec les évènements et non
11 pas proactive?

12 **CAPITAINE PAUL CHARBONNEAU** : Non, je ne
13 dirais pas ça. Parce qu'en fait, il y a eu plusieurs... il y
14 a eu d'autres... je vais vous parler du module d'assistance
15 aux victimes. Il n'y a pas eu de crise puis on a décidé de...

16 **ME BERNARD JACOB** : Il y a eu un rapport
17 Gagné, par exemple?

18 **CAPITAINE PAUL CHARBONNEAU** : ... de créer ce
19 module-là et de faire... d'innover, entre autres, avec les
20 chiens de soutien, d'innover en intégrant des gens du CAVAC
21 au sein des unités de la Sûreté du Québec pour faire de la
22 relance aux victimes.

23 **ME BERNARD JACOB** : Mais corrigez-moi si je
24 me trompe... on va le déposer, ce document-là, auquel se
25 réfère le capitaine Charbonneau. C'est la Table... il était

1 dans le dossier, je vais le retrouver.

2 **PERSONNE NON IDENTIFIÉE** : La ligne de temps?

3 **ME BERNARD JACOB** : Non, je veux savoir la
4 formation... ah non, il est dans le PowerPoint. Si vous allez
5 à la page... Assistance aux victimes, Partie 7, page 42 du
6 PowerPoint. C'est bien de ça dont vous voulez parler,
7 Monsieur Charbonneau?

8 **CAPITAINE PAUL CHARBONNEAU** : Oui, c'est
9 exact, les choses que la Sûreté fait pour l'assistance aux
10 victimes.

11 **ME BERNARD JACOB** : Et ça, ça ne faisait pas...
12 le rapport Gagné, c'est quoi?

13 **CAPITAINE PAUL CHARBONNEAU** : Je n'ai aucune
14 connaissance de ce rapport.

15 **ME BERNARD JACOB** : Okay. Donc, vous n'êtes
16 pas capable de nous dire si c'est suite au rapport Gagné
17 que ce module d'assistance aux victimes a été fait?

18 **CAPITAINE PAUL CHARBONNEAU** : Non, je ne suis
19 pas en mesure de vous dire ça.

20 Par contre, je suis en mesure de vous dire
21 que les initiatives avec les chiens de soutien et les
22 CAVAC, les Centres d'aide aux victimes d'actes criminels
23 d'intégrer des ressources à l'intérieur de nos rangs pour
24 faire de la relance aux victimes, ce n'est pas suite... ça,
25 ce sont des initiatives de la Sûreté.

1 Parce que la Sûreté, je vous le rappelle,
2 est une organisation tournée vers l'avenir et on va se
3 réévaluer lorsque... on se réévalue et on identifie des
4 besoins pour le bien de la mission en sécurité publique. Et
5 lorsqu'il y a des améliorations à être faites, nous allons
6 prendre les devants, nous n'allons pas nécessairement
7 attendre une crise.

8 Je comprends que quand on regarde la ligne
9 du temps... Ce qu'il faut comprendre, la ligne du temps,
10 lorsque nous l'avons écrite, entre autres, c'est pour
11 expliquer à nos policiers les pourquoi et où on s'est rendu
12 compte de certaines lacunes et pourquoi nous avons redirigé
13 certains efforts.

14 **ME BERNARD JACOB** : Okay. Juste dans votre
15 comité liaison, est-ce qu'il y a des autochtones qui sont
16 impliqués?

17 **CAPITAINE PAUL CHARBONNEAU** : Vous parlez des
18 agents de liaison autochtones?

19 **ME BERNARD JACOB** : Non, le comité... attendez...
20 session de... non, ce n'est pas ça, excusez-moi. L'onglet 7,
21 page... le Comité Voie, c'est quoi?

22 **CAPITAINE PAUL CHARBONNEAU** : Le Comité Voie,
23 c'est la vérification... Voie, c'est un acronyme : V-O-I-E,
24 la vérification et l'observation intersectorielle des
25 enquêtes en matière d'agressions sexuelles. Ça fait suite,

1 entre autres... vous avez tous entendu parler du protocole
2 Philadelphie? Alors, c'est une idée que nous avons importée
3 parce que la Sûreté du Québec, on ne se gênera pas, quand
4 il y a une bonne ailleurs, on va l'importer et l'appliquer,
5 l'adapter à la réalité propre du Québec et de notre
6 clientèle. Et ça, ça en est un exemple.

7 Alors, le comité Voie, c'est un comité, de
8 mémoire, qui se réunit deux fois par année, qui implique
9 les gens du DPCP, qui implique des gens des BAVAC, Bureaux
10 d'aide aux victimes d'actes criminels, les CAVAC, les
11 Centres d'aide pour victimes d'actes criminels, pour
12 réviser les dossiers qui n'ont pas débouché sur des
13 accusations. Certains dossiers, suite à cette révision-là,
14 sont ré-enquêtés.

15 **ME BERNARD JACOB :** Je comprends qu'il n'y a
16 personne du monde autochtone qui siège sur ce comité?

17 **CAPITAINE PAUL CHARBONNEAU :** Actuellement, à
18 ma connaissance, non.

19 Par contre, nous sommes ouverts à toute
20 suggestion et s'il y a besoin d'avoir des gens, c'est
21 quelque chose que nous allons certainement évaluer, nous
22 sommes ouverts à toute suggestion pour améliorer nos
23 services.

24 **ME BERNARD JACOB :** Okay. Je comprends que le
25 module Voix et le module Assistance aux victimes, ce sont

1 des modules de la Sûreté du Québec qui s'adressent à toute
2 la population québécoise? Ce n'est pas spécifique aux
3 personnes autochtones?

4 **CAPITAINE PAUL CHARBONNEAU** : Non, ce n'est
5 pas spécifique aux personnes autochtones. Par contre, les
6 problèmes vécus en matière d'agressions sexuelles par les
7 femmes autochtones, ce sont des problèmes... qui se passent
8 un peu partout au Québec. Et le travail qui va être fait
9 dans Voie va nécessairement impliquer des dossiers de
10 femmes autochtones.

11 **ME BERNARD JACOB** : Dans ce contexte-là, je
12 vous ramène au Bureau des affaires autochtones. Vous
13 connaissez ce bureau-là?

14 **CAPITAINE PAUL CHARBONNEAU** : Oui, tout à
15 fait.

16 **ME BERNARD JACOB** : Il y a combien de
17 personnes du monde autochtone qui siègent, qui sont sur le
18 Bureau des affaires autochtones?

19 **CAPITAINE PAUL CHARBONNEAU** : Je n'ai pas les
20 données actuelles, mais en 2017, il y avait deux personnes
21 qui étaient agents de liaison autochtones qui provenaient
22 du monde autochtone.

23 **ME BERNARD JACOB** : Okay. Avez-vous le nom de
24 ces personnes-là de 2017?

25 **CAPITAINE PAUL CHARBONNEAU** : Pas de mémoire.

1 **ME BERNARD JACOB** : Il n'y avait pas M. Jean
2 Vicaire?

3 **CAPITAINE PAUL CHARBONNEAU** : Jean Vicaire a
4 déjà été agent de liaison autochtone, mais je crois qu'il
5 avait quitté en janvier 2016. Mais je ne suis pas certain,
6 je me rappelle son témoignage d'hier.

7 **ME BERNARD JACOB** : Juste pour me situer la
8 force, le nombre de membres de la Sûreté du Québec est de
9 combien?

10 **CAPITAINE PAUL CHARBONNEAU** : Nous avons
11 actuellement 5 400 policiers et 2 200 civils, environ.

12 **ME BERNARD JACOB** : Combien de policiers
13 issus des Premières Nations et des communautés inuites?

14 **CAPITAINE PAUL CHARBONNEAU** : Présentement, à
15 la Sûreté du Québec, il y a 80 policiers issus des
16 Premières Nations et 16... et là, c'est de mémoire, 16 ou
17 18 membres du personnel civil.

18 **ME BERNARD JACOB** : Le personnel civil, on
19 parle de...?

20 **CAPITAINE PAUL CHARBONNEAU** : On parle
21 d'agents de secrétariat ou de professionnels ou de
22 techniciennes en administration, techniciens en
23 administration.

24 **ME BERNARD JACOB** : Mais des policiers comme
25 tels, il y en a 80?

1 **CAPITAINE PAUL CHARBONNEAU**: Il y en a 80
2 actuellement, à la Sûreté du Québec.

3 **ME BERNARD JACOB** : Sur l'ensemble de combien
4 de membres?

5 **CAPITAINE PAUL CHARBONNEAU** : 5 400
6 policiers.

7 **ME BERNARD JACOB** : Ma question est : qu'est-
8 ce que la Sûreté du Québec fait pour améliorer l'accès aux
9 membres des Premières Nations?

10 **CAPITAINE PAUL CHARBONNEAU** : En fait, à la
11 Sûreté du Québec, nous avons un programme d'accès d'égalité
12 à l'emploi. Le but est, effectivement, d'augmenter le
13 nombre de personnes des Premières Nations ou inuites au
14 sein de la Sûreté du Québec. Mais c'est également
15 d'augmenter le nombre de femmes, d'augmenter le nombre de
16 minorités visibles ou de minorités ethniques et par là,
17 j'entends les gens dont la langue maternelle n'est ni le
18 français ni l'anglais.

19 Alors, nous tentons d'augmenter la
20 représentativité au sein de nos effectifs.

21 **ME BERNARD JACOB** : Je comprends que vous
22 avez un programme de discrimination positive, comme on
23 l'appelle, un programme d'accès à l'égalité. Quelles
24 mesures prenez-vous pour intéresser les gens des Premières
25 Nations à devenir membres de la Sûreté du Québec?

1 **CAPITAINE PAUL CHARBONNEAU** : En fait, il y a
2 deux façons dont on le fait : premièrement, il y a le
3 travail de nos agents de liaison autochtones, qui sont dans
4 les milieux. Et je ne me rappelle pas quel témoin l'a dit,
5 cette semaine : si on voit les gens et on s'intéresse à
6 leur travail, on va vouloir y aller. Et ce qu'on veut
7 faire, c'est que les gens des Premières Nations soient
8 intéressés à devenir policiers au sein de la Sûreté du
9 Québec. On veut aussi que les gens des minorités ethniques
10 et tout... c'est pour ça que nous avons ce programme-là.

11 Nous avons par ailleurs des agents
12 recruteurs. Au cours des dernières années, nous avons des
13 agents recruteurs qui, en plus de leurs fonctions
14 habituelles soit de patrouilleur, de superviseur ou
15 d'enquêteur, agissaient comme agents recruteurs.

16 Nous nous sommes aperçus que ce n'est peut-
17 être pas si efficace que ça, alors nous avons des gens à
18 temps plein, maintenant, des officiers recruteurs. De
19 mémoire, nous en avons trois; j'en connais deux
20 personnellement, mais je crois que de mémoire, nous en
21 avons trois et qui vont dans les cégeps, dans les endroits
22 propices pour tenter de recruter des candidats pour la
23 Sûreté du Québec et également tenter de recruter dans les
24 groupes visés par le Programme d'accès à l'égalité à
25 l'emploi.

1 **ME BERNARD JACOB** : Juste pour me situer,
2 j'aimerais déposer, sous l'onglet J, un document, Madame la
3 Commissaire en chef, qui s'appelle Rapport annuel- Liaison
4 autochtone, 2016-2017.

5 **CHIEF COMMISSIONEER MARION BULLER** : Yes, the
6 Annual Report...

7 **ME BERNARD JACOB** : Yes.

8 **CHIEF COMMISSIONEER MARION BULLER** : ... will
9 be Exhibit 119.

10 **--- PIÈCE NO. 119:**

11 Annual report / Rapport Annuel -
12 Liaison Autochtone, État de situation
13 du 1^{er} avril 2016 au 31 mars 2017,
14 Bureau des affaires autochtones,
15 Grande fonction de la surveillance du
16 territoire du Sûreté du Québec (76
17 pages)

18 Witness: Capitaine Paul Charbonneau,
19 Directeur par intérim, Autorité
20 disciplinaire et services juridiques,
21 Sûreté du Québec

22 Submitted by Bernard Jacob, Commission
23 Counsel

24 **ME BERNARD JACOB** : Vous reconnaissez ce
25 document-là?

1 **CAPITAINE PAUL CHARBONNEAU** : Oui.

2 **ME BERNARD JACOB** : On parle ici du Bureau
3 des affaires autochtones. Combien y a-t-il d'agents de
4 liaison autochtones à la Sûreté du Québec?

5 **CAPITAINE PAUL CHARBONNEAU** : De mémoire, il
6 y a 13 personnes au Bureau des affaires autochtones. Il y a
7 des agents de liaison autochtones ; la particularité de
8 ceux-ci, on avait un peu amorcé le sujet tantôt, si je peux
9 terminer à ce moment-ci... nous avons redistribué la façon...
10 parce qu'auparavant, ce qu'il faut comprendre, c'est que
11 les agents de liaison autochtones relevaient des bureaux de
12 commandants.

13 Et, à la Sûreté du Québec, avant 2015, il y
14 avait 10 districts, donc 10 commandants, 10 bureaux du
15 commandant. Cette répartition-là, elle était géographique :
16 on s'est aperçus que ce n'était pas efficace pour les
17 nations autochtones.

18 Et je vais vous donner un exemple concret :
19 les Attikameks. Les Attikameks, dans notre ancienne
20 répartition géographique, il y avait le Saguenay Lac-Saint-
21 Jean, qui était un district, il y avait
22 Montréal/Laurentides/Lanaudière/Laval qui était un autre
23 district puis il y avait Mauricie/Cœur-du-Québec qui est un
24 autre district. Et les trois nations Attikameks étaient
25 dans chacun des districts : Manawan était dans Lanaudière,

1 en Mauricie y'avait Weymontachie, Opitciwan, au Lac-Saint-
2 Jean. Alors, y'avait trois agents de liaison autochtones
3 différents pour ces trois communautés-là issues de la même
4 nation. Alors, il arrivait qu'un conseil qui pouvait être
5 donné à Opitciwan était différent, avait des nuances par
6 rapport au conseil qui était donné à Manawan. Parce que ce
7 qui est important de comprendre, nous avons décidé de
8 redistribuer les agents de liaison autochtones par nation.
9 Y'a une question de cohérence, une question de cohésion
10 dans ce qui peut être amené, et aussi c'est difficile de
11 demander à un agent de liaison autochtone de devenir très
12 familier avec plusieurs nations parce que y'a certains
13 districts que y'a plusieurs nations et on demande à un
14 agent de liaison autochtone de... et ça devient difficile. Et
15 chacun des agents de liaison autochtones à cette époque-là
16 se rapportait au Bureau du commandant.

17 D'ailleurs, avant la création du BAA, moi,
18 j'étais officier de mesures d'urgence pour...

19 **Me BERNARD JACOB:** Là, on a dix... parce que le
20 temps coule. Y'a dix agents autochtones, combien sont
21 agents de liaison autochtones, combien sont autochtones?

22 **CAPT. PAUL CHARBONNEAU:** Ben, j'ai pas cette
23 donnée-là, mais je crois qu'ils en avaient deux l'an passé,
24 je n'ai pas la donnée actuelle là, tel que j'ai répondu
25 précédemment.

25 CHIEF COMMISSIONER MARION BULLER:

1 "Management Policy", is that correct?

2 **Me BERNARD JACOB:** Yeah.

3 **CHIEF COMMISSIONER MARION BULLER:** Is
4 Exhibit 120.

5 --- **PIÈCE NO. 120:**

6 Politique de gestion: Fugue,
7 disparition, enlèvement

8 Witness: Capitaine Paul Charbonneau,
9 Directeur par intérim, Autorité
10 disciplinaire et services juridiques,
11 Sûreté du Québec

12 Submitted by Bernard Jacob, Commission
13 Counsel

14 --- Exhibit 121:

15 Sûreté du Québec Politique de gestion:
16 « Crime à caractère sexuel » last
17 update 2016-08-31 (seven pages)

18 Witness: Capitaine Paul Charbonneau,
19 Directeur par intérim, Autorité
20 disciplinaire et services juridiques,
21 Sûreté du Québec

22 Submitted by Bernard Jacob, Commission
23 Counsel

24 **Me BERNARD JACOB:** Table M - like « Mother »
25 - « Politique de gestion - Direction des affaires sur les

1 crimes majeurs : Crimes à caractère sexuel », Madame la
2 commissaire en chef.

3 **CHIEF COMMISSIONER MARION BULLER:** Yes.

4 **MS. SUSAN FRASER:** Sorry to rise again,
5 Commissioners. Thank you.

6 Have -- are the parties with standing -- are
7 we in receipt of these because as of last evening and all I
8 can find on the website is up to Tab K. So I don't know if
9 I've missed something, but I can't find them on the website
10 which we download the productions from, and so I've never
11 seen -- first, it's very difficult to follow because the
12 documents are not being shown on the screen, but also we're
13 trying to follow along with the materials that we've
14 prepared at the very last minute, but these I don't think
15 we've seen.

16 **MS. CHRISTA BIG CANOE:** So I can advise on --
17 I apologize, I'm looking because this is the way I can see
18 where the email went out to best answer. I do believe that
19 Ms. Tenley Desrochers, our paralegal, did upload. Without
20 going on the site right now immediately, but a
21 communication was sent out. We produced these as they were
22 available to us and on that basis, you know, and pursuant
23 to the Rules, we would prefer obviously a more advanced
24 sharing of these documents, but right in our Rules, we
25 produce them as they were available.

1 I will have to confirm, so maybe we can come
2 back to this point after lunch and I can confirm because I
3 don't have a computer in front of me. We can look on the
4 drive and see what was uploaded.

5 **MS. SUSAN FRASER:** And, Commissioners, we are
6 trying to follow the pace and play along with the process
7 and the constraints on it, but these are actually documents
8 that, as of 11:00 p.m. last night, were not on the
9 database.

10 **MS. CHRISTA BIG CANOE:** And I will have to
11 confirm that. I can't confirm that until I actually have an
12 opportunity to talk to Ms. Desrochers and also to look when
13 they were uploaded.

14 **MS. SUSAN FRASER:** Okay. Thank you.

15 **CHIEF COMMISSIONER MARION BULLER:** Thank you
16 for raising that.

17 We'll continue with this witness and during
18 the lunch break we'll sort out when the documents were
19 disclosed.

20 **MS. SUSAN FRASER:** Thank you.

21 **CHIEF COMMISSIONER MARION BULLER:** So getting
22 back to marking exhibits, at ---

23 **Me BERNARD JACOB:** « Crimes à caractère
24 sexuel », onglet M.

25 **CHIEF COMMISSIONER MARION BULLER:** "M".

1 "Management Policy for Major Crimes ---

2 **Me BERNARD JACOB:** Yes.

3 **CHIEF COMMISSIONER MARION BULLER:** -- and
4 Major Crimes and Sexual Offences", I believe is the
5 wording. 121, please.

6 --- PIÈCE NO. 121:

7 No description given

8 **Me BERNARD JACOB:** Tab N, « Intervention en
9 matière de violence familiale ».

10 **CHIEF COMMISSIONER MARION BULLER:** I'm sorry?
11 So this Tab N is about family violence?

12 **Me BERNARD JACOB:** Yes.

13 **CHIEF COMMISSIONER MARION BULLER:** 122.

14 --- PIÈCE NO. 122:

15 Sûreté du Québec Politique de gestion:
16 « Intervention en matière de violence
17 familiale » last update 2014-09-19
18 (four pages)

19 Witness: Capitaine Paul Charbonneau,
20 Directeur par intérim, Autorité
21 disciplinaire et services juridiques,
22 Sûreté du Québec
23 Submitted by Bernard Jacob, Commission
24 Counsel

25 **Me BERNARD JACOB:** OK. La question : quel est

1 le rôle de la Sûreté du Québec en matière de violence
2 familiale? Comment la Sûreté du Québec intervient en
3 matière de violence familiale, de disparition de femmes
4 autochtones et d'assassinats là, de meurtre de femmes
5 autochtones, et quel est le rôle des agents autochtones?

6 C'est la question fourre-tout à trois
7 minutes de la fin.

8 **CAPT. PAUL CHARBONNEAU:** OK. Si je comprends
9 bien la question : quel est le rôle de la Sûreté du Québec
10 lorsqu'un évènement survient dans une communauté qui est
11 desservie par un corps de police autochtone.

12 **Me BERNARD JACOB:** Oui.

13 **CAPT. PAUL CHARBONNEAU:** Bon, lorsque y'a un
14 évènement qui survient dans un corps de police autochtone,
15 prenons l'exemple de... pour nommer quelque chose, à Sept-
16 Îles, à Uashat-Maliotenam, y'a une agression sexuelle sur
17 le territoire, les agents du Service de police de Uashat-
18 Maliotenam vont se rendre sur place prendre la plainte,
19 faire les premières démarches, et, si besoin d'assistance,
20 vont appeler au numéro unique qui est valable pour tous les
21 corps de police au Québec qui est au Centre de vigie et de
22 coordination opérationnelles à Montréal, et à partir de ce
23 moment-là, le support sera donné au corps de police, que ça
24 soit par le biais d'enquêteurs, de techniciens en scènes de
25 crime, de spécialistes quelconques de quelconques

1 expertises qui pourraient être requis pour faire de
2 l'interrogatoire vidéo, le cas échéant, un maître-chien qui
3 pourrait... on pourrait avoir besoin d'un maître-chien pour
4 trouver des indices à l'extérieur, ce genre de choses là. À
5 ce moment-là, la Sûreté va se déplacer et, selon la posture
6 opérationnelle du moment là, les effectifs seront peut-être
7 déplacés depuis le poste de Sept-Îles, peut-être depuis le
8 quartier général à Baie-Comeau, et cetera.

9 **Me BERNARD JACOB:** Est-ce que y'a une
10 différence de traitement entre les situations en milieu
11 autochtone versus en milieu... versus hors réserve?

12 **CAPT. PAUL CHARBONNEAU:** Non, du tout, y'a
13 pas vraiment de différence. Je vais vous donner un exemple.
14 Si dans un de nos postes dans les Laurentides, à Saint-
15 Sauveur, y'arrive une plainte d'agression sexuelle, les
16 patrouilleurs de la SQ de Saint-Sauveur se rendent sur
17 place, font les mêmes démarches que tout autre corps de
18 police que ce soit, et si y'ont besoin d'assistance pour
19 des services supérieurs offerts par la Sûreté du Québec là
20 de façon régionale ou nationale, à ce moment-là ils
21 appellent également au Centre de vigie et de coordination
22 opérationnelle, font la demande et les services sont
23 envoyés en fonction de la posture opérationnelle.

24 **Me BERNARD JACOB:** Donc, comment se fait la
25 différenciation pour la Sûreté du Québec entre les

1 interventions en milieu autochtone versus hors réserve?

2 **CAPT. PAUL CHARBONNEAU:** En fait, au niveau
3 travail policier, Mesdames les commissaires, Monsieur le
4 commissaire, y'a pas vraiment de différence; la différence
5 est dans l'environnement dans lequel on travaille. Et ça,
6 ça revient à ce qu'on parlait tantôt au niveau de
7 l'importance à ce que nos policiers soient sensibilisés aux
8 réalités autochtones parce qu'on n'intervient pas... peu
9 importe le milieu, y'a des différences, on n'intervient pas
10 de la même façon dans différents milieux. On peut pas
11 expliquer notre travail, les actions qu'on va poser, la
12 nature du travail de la même façon dépendamment où on fait
13 ces actions-là.

14 **Me BERNARD JACOB:** La pièce sous l'onglet D,
15 on a ici le Bureau des affaires autochtones, une
16 description, Madame la commissaire en chef.

17 **CAPT. PAUL CHARBONNEAU:** En fait, le Bu...

18 **CHIEF COMMISSIONER MARION BULLER:** Yes. The...
19 I can't even say this in English. The organigram --

20 **Me BERNARD JACOB:** Of the Bureau des affaires
21 autochtones.

22 **CHIEF COMMISSIONER MARION BULLER:** Yes.
23 Indian -- Office of Indian Affairs at Schedule D is Exhibit
24 123.

25 --- **EXHIBIT NO. 123:**

1 Org chart / Organigramme « Le Bureau
2 des affaires autochtones » (one page)

3 Witness: Capitaine Paul Charbonneau,
4 Directeur par intérim, Autorité
5 disciplinaire et services juridiques,
6 Sûreté du Québec

7 Submitted by Bernard Jacob, Commission
8 Counsel

9 **Me BERNARD JACOB:** 123. OK, I will talk to
10 put some more exhibits at the lunch.

11 **CHIEF COMMISSIONER MARION BULLER:** Sure.
12 Thank you.

13 **Me BERNARD JACOB:** Thank you.

14 **MS. CHRISTA BIG CANOE:** I actually, for
15 purposes of clarification again and to ensure we have it on
16 the record, have one question.

17 So you may need the headset or you're good
18 to answer my question in English?

19 **Me BERNARD JACOB:** Ah, he's perfectly
20 bilingual.

21 **MS. CHRISTA BIG CANOE:** Perfect. Thank you.

22 I just want to, for the purposes of the
23 record, ask one question. Is it okay if I do that, please?

24 **CAPT. PAUL CHARBONNEAU:** You want me to ask
25 one question?

1 **MS. CHRISTA BIG CANOE:** No, I want to ask you
2 a question.

3 (RIRES)

4 **MS. CHRISTA BIG CANOE:** That's what I'm
5 saying, do you need translation 'cause... can you ---

6 **CAPT. PAUL CHARBONNEAU:** Parce que j'en avais
7 plusieurs.

8 (RIRES)

9 **MS. CHRISTA BIG CANOE:** We're good? Okay.

10 **CAPT. PAUL CHARBONNEAU:** I was born in
11 Scarborough --

12 **MS. CHRISTA BIG CANOE:** Okay.

13 **CAPT. PAUL CHARBONNEAU:** -- but raised in
14 Toronto.

15 **MS. CHRISTA BIG CANOE:** Okay.

16 **CAPT. PAUL CHARBONNEAU:** I understand English
17 but I will testify in French.

18 **MS. CHRISTA BIG CANOE:** Okay.

19 **MS. CHRISTA BIG CANOE:** Thank you. The
20 question I have for you is, Monsieur Jacob, he walked you
21 through a number of the exhibits and you've identified them
22 and understood them well. If there is a question that
23 arises from parties withstanding in relation to any of the
24 exhibits put in are you comfortable answering them?

25 **CAPTAINE PAUL CHARBONNEAU:** Oui, je le suis

1 ---

2 MS. CHRISTA BIG CANOE: To the best of your
3 ability. I'm not saying ---

4 CAPTAINE PAUL CHARBONNEAU: Au meilleur de
5 ma...

6 MS. CHRISTA BIG CANOE: --- you can only
7 answer a question -- to the best of your ability?

8 CAPTAINE PAUL CHARBONNEAU: Exactement.

9 MS. CHRISTA BIG CANOE: And you are
10 comfortable?

11 CAPTAINE PAUL CHARBONNEAU: Oui, je le suis.

12 MS. CHRISTA BIG CANOE: Thank you.

13 CHIEF COMMISSIONER MARION BULLER: Okay.

14 MS. CHRISTA BIG CANOE: At this point,
15 Commissioners, I will be requesting a lunch adjournment,
16 but I do have a couple of housekeeping matters, if I might
17 just briefly.

18 The first one is, again, we will be having
19 lunch for party withstanding's in the Oak Room, that's the
20 room that they can meet in. For everyone else, it'll
21 available just downstairs, so lunch is provided for anyone
22 in attendance.

23 With -- in relation to the parties
24 withstanding for the draw for cross, we have just a couple
25 of parties that still haven't done so. So please, if you

1 could, at the lunchbreak take the time to draw, if you
2 haven't, and to also submit your numbers please, so that
3 Commission counsel can begin to prepare the order for
4 cross-examination.

5 I also, just for the purposes of the record,
6 because we are still in examination in-chief, would like to
7 remind all parties of Rule 48, which for the purposes of
8 the examination in-chief, it's not a prohibition on talking
9 to the witness. For example, you can ask them how they are
10 or talk about lunch, but you are not allowed to speak with
11 the witnesses in relation to the evidence that they are
12 discussing while they're in their examination in-chief.
13 Later, that rule will reverse, but for now that's where
14 we're at, and I just wanted to remind everyone on the
15 record.

16 And I would require a -- I would request,
17 I'm sorry, not require, request that we actually take a
18 45-minute break because that will allow us to deal with
19 some of the administrative needs of the rest of the
20 operations.

21 **CHIEF COMMISSIONER MARION BULLER:**

22 One-thirty (1:30), please.

23 **MS. CHRISTA BIG CANOE:** Thank you.

24 **MR. BERNARD JACOB:** Okay. Tab E like Edward.

25 **CHIEF COMMISSIONER MARION BULLER:** Name, le

1 nom?

2 **MR BERNARD JACOB** : Directives concernant
3 l'ensemble des conditions de travail des cadres.

4 **CHIEF COMMISSIONER MARION BULLER**: 124.

5 --- PIÈCE NO. 124:

6 Directive concernant l'ensemble des
7 conditions de travail des cadres (39
8 pages)

9 Witness: Capitaine Paul Charbonneau,
10 Directeur par intérim, Autorité
11 disciplinaire et services juridiques,
12 Sûreté du Québec

13 Submitted by Bernard Jacob, Commission
14 Counsel

15 **Me BERNARD JACOB** : Table F : Contrat de
16 travail entre le gouvernement du Québec et l'Association
17 des policières et policiers provinciaux du Québec.

18 **CHIEF COMMISSIONER MARION BULLER**: Contract
19 at Table F is 125.

20 --- PIÈCE NO. 125:

21 Contrat de travail entre le
22 Gouvernement du Québec et l'Association
23 des policières et policiers provinciaux
24 du Québec (259 pages)

25 Witness: Capitaine Paul Charbonneau,

1 Directeur par intérim, Autorité
2 disciplinaire et services juridiques,
3 Sûreté du Québec
4 Submitted by Bernard Jacob, Commission
5 Counsel

6
7 **MR BERNARD JACOB :** Tab J :

8 **CHIEF COMMISSIONER MARION BULLER:** Onglet G?
9 J?

10 **Me BERNARD JACOB :** Oui, G en anglais mais
11 c'est J : la rémunération et les conditions relatives à
12 l'exercice des fonctions des officiers de la Sûreté du
13 Québec.

14 **CHIEF COMMISSIONER MARION BULLER:** At
15 Tab G, remuneration, 126.

16 --- PIÈCE NO. 126 :

17 La rémunération et les conditions
18 relatives à l'exercice des fonctions
19 des officiers de la sûreté du Québec

20 Witness: Capitaine Paul Charbonneau,
21 Directeur par intérim, Autorité
22 disciplinaire et services juridiques,
23 Sûreté du Québec
24 Submitted by Bernard Jacob, Commission
25 Counsel

1 **MR BERNARD JACOB** : I will not depose Tab I.
2 No. I don't -- this one. Skip, skip this one.. no. This one,
3 yes, I skip this. Okay.

4 **CHIEF COMMISSIONER MARION BULLER**: Done.

5 **MR. BERNARD JACOB**: Done. Done, done, done,
6 done.

7 **CHIEF COMMISSIONER MARION BULLER**: Done.

8 --- Upon recessing at 12:47 p.m.

9 --- Upon resuming at 1:37 p.m.

10 **MS. CHRISTA BIG CANOE**: Good afternoon,
11 Chief Commissioner and Commissioners.

12 Just before I call the next witness and
13 their counsel to lead evidence, I have a couple of
14 housekeeping notes, if I may.

15 Before the break adjourned, one of the
16 objections I undertook to look into when material was
17 uploaded. And so material was uploaded at two points
18 yesterday to the full group and correspondence went out to
19 the full group. The first time was at 10:32 a.m. Central
20 time, and the second one was at at 3:03 p.m. in the
21 afternoon, Central time.

22 If there are parties who are having an issue
23 with being able to access or upload, if you could let us
24 know. Either Commission counsel or Ms. Desrochers, our
25 paralegal, would be happy to assist you in locating them.

1 And at this particular hearing, we have made a printer
2 available for parties withstanding if they have to print
3 material. And if you're not familiar how to do that,
4 Ms. Desrochers can show you and you can photocopy away, or
5 print away.

6 In -- before I actually ask my colleague,
7 Mr. Roy, to call the evidence of Chief Superintendent Mark
8 Pritchard, I just want to note on the record that the Chief
9 Superintendent will have, like other witnesses on this
10 panel, 50 minutes; however, we have requested as Commission
11 counsel additional time for this particular witness.
12 Because we could have called him on yesterday's panel as
13 well, but rather than try to put in six witnesses to
14 address the topics of yesterday's panel, we just combined
15 it for the purposes of today.

16 So on that basis, the Chief Superintendent
17 will actually have one hour and twenty minutes, so we're
18 requesting thirty minutes. Is that correct? I'm looking
19 at Mr. Roy like I've said something wrong.

20 **MR. JULIAN ROY:** I hate to argue about time,
21 but I think an hour and thirty minutes, I thought, on the
22 last schedule, but I think we can probably do an hour and
23 twenty anyway. So ---

24 **MS. CHRISTA BIG CANOE:** Okay. So -- but ---

25 **MR. JULIAN ROY:** ---I'll move a little

1 faster.

2 **MS. CHRISTA BIG CANOE:** --- based on the
3 agreement, and consent of counsel, we will put 1:30 on the
4 clock and I'll see if Mr. Roy can keep in his time.

5 **MR. JULIAN ROY:** It'll be a first if that
6 happens.

7 **MS. CHRISTA BIG CANOE:** But essentially,
8 though, Chief Superintendent could speak to both panels and
9 has provided materials that could speak to both panels, but
10 there was an efficiency in having him speak only once. And
11 so on that basis, and just for the purpose of the record,
12 or if any party is wondering why there's a discrepancy
13 between the times, that is the reason why.

14 And at this point, on consent, I have asked
15 Mr. Roy to lead the evidence of Chief Superintendent Mark
16 Pritchard. And I can see that Mr. Registrar has already
17 put up the 90 minutes, and on that basis, I will allow
18 Mr. Roy to proceed.

19 **MR. JULIAN ROY:** All right. I think Chief
20 Superintendent Pritchard needs to be sworn, please.

21 **THE REGISTRAR:** Good afternoon. I
22 understand sworn in on the Bible? Yes?

23 **MS. CHRISTA BIG CANOE:** So can you please
24 stop the time until the witness is actually sworn in and
25 set it back to 90? Thank you.

1 **--- MARK PRITCHARD, Sworn:**

2 **--- EXAMINATION IN-CHIEF BY MR. JULIAN ROY:**

3 **MR. JULIAN ROY:** Good afternoon, Chief
4 Commissioner and Commissioners. Before I start, I'd like
5 to acknowledge that we're on Treaty 3 territory in the
6 homeland of the Métis Nation.

7 I'm from Saskatchewan originally, and I
8 moved away a long time ago, and that's the first time I've
9 made that acknowledgement. So I'm happy to make that right
10 today.

11 So I'd like to start, Chief
12 Superintendent Pritchard with your background. And I'm
13 going to call you Chief Superintendent because I'm very
14 old-fashioned, but you're okay with others calling you
15 Mark?

16 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

17 **MR. JULIAN ROY:** All right. And so, if you
18 could tell me, what police service are you with?

19 **CHIEF SUPERINTENDENT MARK PRITCHARD:** I'm
20 with the Ontario Provincial Police.

21 **MR. JULIAN ROY:** And what is your current
22 position, sir?

23 **CHIEF SUPERINTENDENT MARK PRITCHARD:** I'm
24 the Chief Superintendent, and I was assigned in December of
25 last year to lead the OPP's Inquiry Team in preparation for

1 this Inquiry.

2 **MR. JULIAN ROY:** And what do your
3 responsibilities entail?

4 **CHIEF SUPERINTENDENT MARK PRITCHARD:**
5 There's a number of them. Primarily, mine is to focus on
6 our policies and procedures and look for any gaps, come up
7 with potential recommendations and provide advice back to
8 the Commissioner.

9 **MR. JULIAN ROY:** Okay. And how long have
10 you been with the OPP?

11 **CHIEF SUPERINTENDENT MARK PRITCHARD:** I'm
12 just about finished my 35th year of policing. The majority
13 of that was with the OPP. I did start with the Toronto
14 Police many years ago.

15 **MR. JULIAN ROY:** Okay. And if you could
16 give -- I'm not going to take you through your CV, it's
17 been distributed elsewhere, and I'm going to be asking for
18 that to be made an exhibit at the appropriate time. But if
19 you could give the commissioners a bit of a Readers Digest
20 of your career, in particular, as it relates to the matters
21 you're going to be speaking to today.

22 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Prior
23 to this assignment, I was the original commander for
24 Northwestern Ontario overseeing the delivery of police
25 services to approximately 20 OPP locations, support to

1 approximately 60 First Nations, with a staff of about 500
2 officers. Prior to that, I was the commander of the OPP's
3 Indigenous Policing Bureau at headquarters. I was a
4 detachment commander in Aurora which is a detachment in the
5 GTA responsible for policing some of the busiest highways
6 in North America, plus police administration and support to
7 Georgina Island First Nation. For the better part of a
8 decade, I was a major case manager in our criminal
9 investigations branch which was tasked with investigative
10 homicides and other serious offences.

11 I also spent two years seconded outside of
12 the OPP as the officer in charge of major case management
13 at the Ministry of Community Safety and Correctional
14 Services. I was an acting criminal operations manager in
15 Northeastern Ontario, a crime coordinator in Northeastern
16 Ontario. I was a detective sergeant and detective
17 constable on drug enforcement, as well as having been a
18 constable in frontline policing duties.

19 **MR. JULIAN ROY:** Right. Have you had any
20 involvement in the career that you've had with missing
21 persons investigations?

22 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
23 at many of those levels.

24 **MR. JULIAN ROY:** Okay. As a constable?

25 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

1 **MR. JULIAN ROY:** And, what about in a
2 supervisory capacity?

3 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.
4 Certainly as a crime coordinator, a criminal operations
5 manager and as a major case manager.

6 **MR. JULIAN ROY:** All right. You've been
7 following the evidence at this Inquiry, have you not?

8 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes, I
9 have.

10 **MR. JULIAN ROY:** Okay. And, we are going to
11 be addressing current practice and policy at the OPP with
12 respect to missing persons investigations primarily. But,
13 before I get there, you appreciate that many of the cases
14 that this Commission has looked at and the families they've
15 heard from are cases that go back decades, do you know
16 that?

17 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
18 absolutely.

19 **MR. JULIAN ROY:** Okay. And, let me just ask
20 you this, having missing persons investigations evolved
21 over that period of time, of decades?

22 **CHIEF SUPERINTENDENT MARK PRITCHARD:**
23 They've evolved significantly. Our Missing Persons Policy
24 first appeared in OPP police orders in 1980, it's been
25 revised 15 times since then and is currently undergoing its

1 sixteenth revision.

2 **MR. JULIAN ROY:** Okay. What about some of
3 the technology and the practices involved in missing
4 persons investigations, have they changed as well over that
5 period of time?

6 **CHIEF SUPERINTENDENT MARK PRITCHARD:**
7 There's been significant changes involving investigations,
8 investigative technique, how investigations are conducted,
9 the creation of a Missing Persons and Unidentified Remains
10 Unit, which has now become the provincial centre for
11 Missing Persons and Unidentified Remains, feeding it to the
12 national centre run by the RCMP.

13 A number of technological enhancements, the
14 use of GPS, DNA, very advanced trained canine dogs. Very
15 importantly, over recent years, the ability to quickly use
16 specially trained civilian employees to look for digital
17 footprints on social media for missing persons.

18 **MR. JULIAN ROY:** Okay. We're going to be
19 having you give evidence with respect to the policy
20 framework for missing persons investigations for the OPP.
21 But, before we get into those details, do you acknowledge
22 that families have real questions about the quality of
23 missing persons investigations involving Indigenous people?

24 **CHIEF SUPERINTENDENT MARK PRITCHARD:** I
25 certainly do.

1 **MR. JULIAN ROY:** Okay. And, are those
2 concerns valid?

3 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
4 they are.

5 **MR. JULIAN ROY:** All right. And, do you
6 think it's important for Indigenous people and people in
7 the non-Indigenous community to understand what kind of --
8 what level of service they're entitled to expect from
9 police services?

10 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Very
11 much so.

12 **MR. JULIAN ROY:** Okay. And, is that really
13 what we're going to be talking about today, talking about
14 that level of service that they should be expecting in
15 every case?

16 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

17 **MR. JULIAN ROY:** Okay. Do you want to know
18 -- in police leadership like you, do you want to know when
19 your frontline officers are not complying with these
20 expectations?

21 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
22 we do.

23 **MR. JULIAN ROY:** Okay. And, is it important
24 for you to hear that perspective from community as well?

25 **CHIEF SUPERINTENDENT MARK PRITCHARD:** As

1 police leaders, it's crucially important. Without the
2 trust of the community that's at the core of what we do.

3 **MR. JULIAN ROY:** So, Chief Commissioner,
4 Commissioners, there's a document book that you should
5 have, and I'm going to be referring to some documents
6 subject to your direction. And, I'm also going to be
7 giving the citations from the documents that were
8 distributed to parties. So, just to make things very easy,
9 we've numbered the book, but the documents as they've been
10 distributed are lettered, so I'm going to give both just to
11 try to ensure that everybody can follow along.

12 So, the first document I want to show you,
13 it's at, in the document book, it's Tab A, and it's
14 Schedule B for counsel in the electronic documents. This
15 is a document entitled, Overview of Chief Superintendent
16 Mark Pritchard's Evidence, June 25th to 29th.

17 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

18 **MR. JULIAN ROY:** Okay. You've seen this
19 document before?

20 **CHIEF SUPERINTENDENT MARK PRITCHARD:** I
21 have.

22 **MR. JULIAN ROY:** Okay. And, you're content
23 with its contents?

24 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes, I
25 am.

1 **MR. JULIAN ROY:** All right. I am going to
2 be asking that this be made an exhibit. And, to the extent
3 that we don't cover some of the materials in *viva voce*
4 evidence, counsel are free to ask questions about
5 everything that's in here.

6 **CHIEF COMMISSIONER MARION BULLER:** Okay.
7 Thank you. The overview of evidence is Exhibit 126.
8 --- Exhibit 126:

9 Overview of Chief Superintendent Mark
10 Pritchard's Evidence
11 Witness: Chief Superintendent Mark
12 Pritchard, Ontario Provincial Police
13 Submitted by Julian Roy, Government of
14 Canada counsel

15 **MR. JULIAN ROY:** Are OPP missing persons
16 investigations governed by written policy?

17 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
18 we have policy within our police orders, as well as a
19 Missing Persons Manual that's contained in the orders as
20 well.

21 **MR. JULIAN ROY:** Okay. And, I'm going to
22 show you a document, it's at Tab 3 of the document book,
23 and it's Schedule N for counsel. What is this document,
24 sir?

25 **CHIEF SUPERINTENDENT MARK PRITCHARD:** That

1 is our Missing Persons Policy. Of note, at the beginning,
2 it states that it's a critical policy. And, the OPP, like
3 any other large police organization, we have at least
4 several hundred, if not more, policies. We have 18
5 critical policies that are considered critical to the
6 completion of our mission of public safety and having the
7 confidence and trust of the public.

8 **MR. JULIAN ROY:** And, what's the expectation
9 with respect to the 18 critical policies as opposed to the
10 other hundreds of policies that police officers are bound
11 by?

12 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
13 there's an expectation that officers will be familiar with
14 them. They receive training when they're recruits at the
15 Provincial Police Academy, critical policy training.

16 **MR. JULIAN ROY:** Okay. And, I'm going to be
17 asking that this document, Ontario Provincial Police
18 Orders, Chapter 2, Law Enforcement, Chapter 2.18, Missing
19 Person be the next exhibit, please.

20 **CHIEF COMMISSIONER MARION BULLER:** Yes, the
21 OPP policy for missing persons is Exhibit 127.

22 --- Exhibit 127:

23 Ontario Provincial Police (O.P.P.) Orders,
24 Chapter 2.18 "Missing Person" (six pages)

25 Witness: Chief Superintendent Mark

1 Pritchard, Ontario Provincial Police
2 Submitted by Julian Roy, Counsel for
3 Government of Ontario

4 **MR. JULIAN ROY:** I'm going to show you
5 another document as well. If I could put hand to it. And,
6 that's the Missing Persons Manual, and that's at Tab 1 for
7 the Commission. Yes, that would be at -- I think that's
8 Schedule D. Although I'm looking at it right now, I might
9 have got that one wrong. There's a document called,
10 Missing Persons Manual, Tab 1 for ---

11 **CHIEF SUPERINTENDENT MARK PRITCHARD:** You
12 put it at Tab 1, yes.

13 **MR. JULIAN ROY:** Yes. So, can you tell me
14 what this document is?

15 **CHIEF SUPERINTENDENT MARK PRITCHARD:** This
16 is the document that is the manual to help guide officers
17 when they're responding to and conducting a missing persons
18 investigation. It serves as a reminder to them of the
19 nuances and intricacies of investigation that's quite
20 complex, that they may not do on a day-to-day basis.

21 **MR. JULIAN ROY:** Okay. And, if this could
22 be made the next exhibit, please, Missing Persons Manual.

23 **CHIEF COMMISSIONER MARION BULLER:** 128,
24 please.

25 --- Exhibit 128:

1 O.P.P. Missing Person Manual, Missing
2 Persons Unidentified Bodies (MPUB) Unit
3 Investigation & Support Bureau,
4 February 2011 (18 pages)

5 Witness: Chief Superintendent Mark
6 Pritchard, Ontario Provincial Police
7 Submitted by Julian Roy, Counsel for
8 Government of Ontario

9 **MR. JULIAN ROY:** Thank you. Before we get
10 into the details, what is the purpose of having written
11 policy in the form of police orders and the manual?

12 **CHIEF SUPERINTENDENT MARK PRITCHARD:** It's
13 to provide clear expectations to officers of what's
14 expected of them when they're conducting investigations.
15 It's to bring consistency from one end of the province to
16 another, so we're all working off the same page. And,
17 also, to provide accountability to ensure these
18 investigations are done properly.

19 **MR. JULIAN ROY:** Okay. Let me just ask some
20 questions about accountability because I know that that's
21 going to be of interest to the Commissioners.

22 When you say accountability in relation to
23 policies, can there be consequences if police officers fail
24 to comply with these policies?

25 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,

1 that would be considered a neglect of duty and they would
2 be subject to discipline.

3 **MR. JULIAN ROY:** Right. So, in terms of
4 general principles that apply to missing persons
5 investigations as governed by both the manual and the
6 police orders, can you tell me what some of the general
7 principles that apply to these investigations?

8 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Right
9 at the beginning of the manual it stipulates two general
10 principles. One that a lost person is always missing, but
11 a missing person is not always lost. But, every missing
12 person is considered lost until proven otherwise. And, the
13 other one is that foul play is to always be a consideration
14 until there's evidence that demonstrates otherwise.

15 **MR. JULIAN ROY:** Okay. Can we go to the
16 first one that was an interesting two sentences together?
17 Can you perhaps break that down for the Commission, please?

18 **CHIEF SUPERINTENDENT MARK PRITCHARD:** The
19 OPP, we respond to about -- between 300 and 400 lost person
20 occurrences a year. This can often be people that are
21 hiking, fishing, boating, hunting that are thought to be in
22 a specific area, and they're considered lost. But, once
23 that area that they're believed to have been in is searched
24 and they're not located, then they're missing. For
25 instance, if somebody was fishing and their boat was found,

1 but they weren't, they would then no longer be a lost
2 person, but missing.

3 **MR. JULIAN ROY:** Okay. Let me ask you a
4 couple other things about general principles. Is there any
5 difference in the application of OPP policy in terms of the
6 police orders in the manual in circumstances when there's a
7 period of time that passes between when the person was last
8 seen and when the person was reported missing?

9 **CHIEF SUPERINTENDENT MARK PRITCHARD:** No.
10 And, our statistics show that about 98 percent of missing
11 people -- and we deal with between 6,000 and 7,000 missing
12 persons occurrences a year, and our statistics show that
13 about 98 percent of them are located or returned within the
14 first 48 hours. So, the longer a person has been missing
15 for, it would actually increase the urgency of the search
16 for them based on those statistics.

17 **MR. JULIAN ROY:** Okay. So, in terms of the
18 policy, the expectation is when there's a delay in
19 reporting that the police response is to be more urgent; is
20 that right?

21 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

22 **MR. JULIAN ROY:** Okay. What about a
23 situation where somebody is regularly going missing? What
24 is the policy, and tell us about that.

25 **CHIEF SUPERINTENDENT MARK PRITCHARD:** The

1 policy stipulates that that shouldn't be a factor in how
2 the investigation is conducted, that it should be conducted
3 just as any other missing persons investigation would be.

4 **MR. JULIAN ROY:** Okay. And, the 24-hour
5 period that we've heard so much about, does that rule or
6 so-called rule exist under the OPP policy?

7 **CHIEF SUPERINTENDENT MARK PRITCHARD:** No, it
8 does not, and I don't believe it ever has. Researching
9 back through our policies over the years, I didn't see that
10 anywhere. I think that's a common misconception often
11 perpetuated by American television shows, but I actually
12 don't know of any police service that has that policy.

13 **MR. JULIAN ROY:** Okay. All right. So, now
14 I've been promising a number of times that we would get
15 into some of the details in the policy, and I want to start
16 -- I don't want to have you read them to the Commission
17 because I don't think that that's helpful. But, what I'd
18 like to do is kind of take us through the stages of how a
19 missing persons investigation would unfold, and how the
20 policy governs. So, I want to start with the initial
21 report that would come in. How are missing persons reports
22 received by OPP?

23 **CHIEF SUPERINTENDENT MARK PRITCHARD:**
24 Generally speaking, there would be two ways that they could
25 be received through one of our five communication centres.

1 When somebody calls the general OPP number, the call's
2 automatically routed to the closest of the five
3 communication centres, or they could report it in person at
4 a detachment or to an officer that they saw somewhere in
5 the public.

6 **MR. JULIAN ROY:** Okay. Let's deal with the
7 situation when it's called into one of the five Provincial
8 Communication Centres. How is that information collected,
9 recorded, and then disseminated?

10 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
11 it's recorded in two ways. All calls into our
12 communication centres are verbally recorded. Everything
13 that's said on the telephone is recorded, and the call
14 taker takes the information, and enters it into the
15 computer. It's called CAD, which is an acronym for
16 computer-assisted dispatching system, and they would take
17 the information from the caller that's pertinent to the
18 incident, and that is time stamped every time the
19 communications operator hits the enter button. The
20 information is time stamped and provides a chronology of
21 when things were known. And, that would include, actually,
22 receiving information from the officers over the radio.
23 That's all time stamped.

24 **MR. JULIAN ROY:** Okay. And, what kind of
25 information is typically collected by the Provincial

1 Communication Centre?

2 **CHIEF SUPERINTENDENT MARK PRITCHARD:** They
3 would collect information from the complainant, also
4 information on who the missing person is, their name, birth
5 date, description, clothing, where they were last seen,
6 potential vehicle they might have, a licence plate number,
7 a cell phone number if they had such, those type of
8 particulars.

9 **MR. JULIAN ROY:** Okay. You've told us how
10 it becomes electronically recorded when you hit enter and
11 it goes into the system, who sees it?

12 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Any
13 employee that has access to the system can see the
14 incidents, officers that are on the road in that detachment
15 area, as well as the Provincial Operation Centre in Orillia
16 can see all the occurrences that are ongoing in the
17 province.

18 **MR. JULIAN ROY:** Okay. So, would
19 supervisors have access to this information?

20 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

21 **MR. JULIAN ROY:** And, when would they get
22 it?

23 **CHIEF SUPERINTENDENT MARK PRITCHARD:** The
24 supervisor -- on two levels, the communication supervisor
25 and what we commonly refer to as the road supervisor, who's

1 the rank of sergeant, are to be notified immediately.

2 **MR. JULIAN ROY:** Okay. And, we're going to
3 drill down on that a little bit later. You talked about
4 the member of the public coming into a detachment or
5 perhaps flagging down a police officer on the road, what
6 happens when a report is delivered through those means?

7 **CHIEF SUPERINTENDENT MARK PRITCHARD:** The
8 officer is required to record the exact same information in
9 their notebook and immediately notify the communication
10 centre of the incident.

11 **MR. JULIAN ROY:** Okay. And, these
12 requirements to take reports in the fashion that you've
13 described, is it mandatory under the policy?

14 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
15 it is.

16 **MR. JULIAN ROY:** And, is that something an
17 officer can be disciplined over if they fail to do that?

18 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
19 it would be a neglect of duty to not follow that procedure,
20 and they could be disciplined under the -- there's
21 progressive steps of discipline under the Code of Conduct
22 in the *Police Services Act*.

23 **MR. JULIAN ROY:** Okay. I want to take us
24 further. So, we have dealt with the initial report, and
25 how it's recorded and what's supposed to happen. I'd like

1 us to go to the next step, and the first responding officer
2 and what their obligations are under the policy being the
3 police orders and the manual.

4 **CHIEF SUPERINTENDENT MARK PRITCHARD:** The
5 officer is to respond to the location of the complainant.
6 They're importantly to interview the complainant in person,
7 and gather as much information as they can to establish a
8 perimeter if there is one to be established, and to
9 commence the investigation at that time.

10 **MR. JULIAN ROY:** And, what's the expectation
11 in terms of how quick that response is supposed to be?

12 **CHIEF SUPERINTENDENT MARK PRITCHARD:** It's a
13 Priority 1 call.

14 **MR. JULIAN ROY:** And, what does that mean?

15 **CHIEF SUPERINTENDENT MARK PRITCHARD:** It's
16 an urgent priority call.

17 **MR. JULIAN ROY:** Okay. Is that the highest
18 level of priority?

19 **CHIEF SUPERINTENDENT MARK PRITCHARD:**
20 There's a Priority 0, which is actually the highest level,
21 and that's where an officer is in a life threatening
22 situation and needs immediate backup.

23 **MR. JULIAN ROY:** Okay. So, in terms of the
24 obligation of that officer when they arrive on scene, you
25 mentioned that they're to interview the complainant, and

1 that's, in other words, the person reporting the person
2 missing. Are there documents that assist them in doing
3 that work?

4 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
5 there is. There's two documents that are to be completed,
6 a Lost or Missing Persons Questionnaire and another form,
7 which is evaluating the search urgency.

8 **MR. JULIAN ROY:** Okay. And, Commissioners,
9 Chief Commissioner, if you could turn up Tab 8, please?
10 And, for counsel, it's Schedule J. Are you able to
11 identify this document, Chief Superintendent?

12 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

13 **MR. JULIAN ROY:** Can you tell the
14 Commissioners what this is?

15 **CHIEF SUPERINTENDENT MARK PRITCHARD:** That
16 is the Lost or Missing Persons Questionnaire.

17 **MR. JULIAN ROY:** Okay. And, it's a fairly
18 lengthy document.

19 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
20 it is.

21 **MR. JULIAN ROY:** It's 11 pages as a
22 printout. Is this carried around in paper by officers or
23 in what form is it?

24 **CHIEF SUPERINTENDENT MARK PRITCHARD:** It's
25 available on their mobile workstation. Every frontline

1 patrol vehicle has a mobile computer in it. The officer
2 can simply pop it out of their cruiser and take it into the
3 scene with them.

4 **MR. JULIAN ROY:** All right. And, what is
5 the purpose of this document?

6 **CHIEF SUPERINTENDENT MARK PRITCHARD:**
7 There's a few purposes. Very importantly it removes
8 discretion from the officer, but it also serves as a memory
9 aide to guide them through to get as much information as
10 possible. As I said, we have 6,000 or 7,000 of these
11 occurrences a year, but we have close to 6,000 officers, so
12 it may not be an investigation that an officer does on a
13 regular basis. So, filling in all these boxes really would
14 end up with information not being omitted that would be
15 important.

16 **MR. JULIAN ROY:** Okay. When you say removes
17 discretion, what do you mean by that?

18 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
19 the officer wouldn't have any discretion on whether or not
20 they were going to gather information. It has to be done.
21 It has to be approved by their supervisor and importantly,
22 it has to be submitted before their -- they go off duty.

23 **MR. JULIAN ROY:** Okay. And how do they
24 submit it before going off duty?

25 **CHIEF SUPERINTENDENT MARK PRITCHARD:** It

1 would be submitted electronically and would become part of
2 the investigative case file and materials that are on the
3 records management system.

4 **MR. JULIAN ROY:** And does that become then
5 visible to everybody with a mobile workstation and
6 including supervisors?

7 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

8 **MR. JULIAN ROY:** Okay. And does a
9 supervisor have to look at it before the office goes off
10 shift?

11 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

12 **MR. JULIAN ROY:** And what's the purpose of
13 that look?

14 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Again,
15 it's just -- it's another level of accountability to make
16 sure that the reports have been done properly and that
17 we're investigating the matter as seriously as we should
18 be.

19 **MR. JULIAN ROY:** Right. I'm going to ask
20 Chief Commissioner, Commissioners, if you could turn up Tab
21 9, please? And that's Schedule K for counsel.

22 **CHIEF COMMISSIONER MARION BULLER:** Just
23 before we do that, do you want the document "Lost or
24 Missing Persons Questionnaire" marked as an exhibit?

25 **MR. JULIAN ROY:** Okay. That's the first

1 time I forgot to do that.

2 **CHIEF COMMISSIONER MARION BULLER:** That's
3 why ---

4 **MR. JULIAN ROY:** There will be other times.

5 **CHIEF COMMISSIONER MARION BULLER:** That's
6 why I'm here. Exhibit 129 is "Lost or Missing Persons
7 Questionnaire".

8 --- EXHIBIT 129:

9 O.P.P. Lost or Missing Person(s)
10 Questionnaire, Form ER035 2014/11 (12
11 pages) Witness: Chief Superintendent
12 Mark Pritchard, Ontario Provincial
13 Police

14 Submitted by Julian Roy, Counsel for Government of Ontario

15 **MR. JULIAN ROY:** Thank you.

16 Tab 9, please, Chief Commissioner, the next
17 document -- and other Commissioners, please. And for
18 counsel, Schedule K. Could you -- Chief Superintendent,
19 could you tell us what this is?

20 **CHIEF SUPERINTENDENT MARK PRITCHARD:** This
21 again is another document that it's really -- I guess in
22 some ways a risk assessment tool. It's another document
23 that removes discretion and it helps an officer by scoring
24 the information received on evaluating whether the matter -
25 - the search is very urgent, urgent, or not urgent. And

1 anyone of those areas that indicates that the situation is
2 life threatening, it would automatically become a very
3 urgent response.

4 **MR. JULIAN ROY:** And is the first responding
5 officer -- is there a mandatory requirement that this
6 document be filled out by the first responding officer?

7 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.
8 And it has to be filled out before they go off duty also.

9 **MR. JULIAN ROY:** Okay. And does this
10 document -- is this also electronic and become visible to
11 other members of the OPP?

12 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

13 **MR. JULIAN ROY:** Okay.

14 **CHIEF SUPERINTENDENT MARK PRITCHARD:**
15 Actually, every one of our forms and reports is available
16 over the mobile workstations electronically.

17 **MR. JULIAN ROY:** Right. I'm going to show
18 you also Tab -- so if we could make that an exhibit. I
19 remembered this time. Thank you.

20 **CHIEF COMMISSIONER MARION BULLER:** Yes,
21 "Evaluating Search Urgency" is 130, please.

22 --- Exhibit 130:

23 O.P.P. Evaluating Search Urgency, Form
24 ER036 2014/10 (one page)

25 Witness: Chief Superintendent Mark

1 Pritchard, Ontario Provincial Police
2 Submitted by Julian Roy, Counsel for
3 Government of Ontario

4 **MR. JULIAN ROY:** Thank you.

5 One more tic box form. It might not be the
6 last, but at Tab 5, in Schedule G is something called a
7 "Missing Persons Checklist". Could you tell the Commission
8 what that is?

9 **CHIEF SUPERINTENDENT MARK PRITCHARD:** That
10 is in the OPP's Field Guide, which is available
11 electronically on the workstation, but also all the
12 officers have them -- a paper copy of them. They're issued
13 to them. And again, it's just a tic box form, if you will,
14 to help with their memory and to make sure they're not
15 overlooking important questions that should be asked.

16 **MR. JULIAN ROY:** All right. I want to ask
17 you this, because I know the Commissioners will be
18 interested in this question, as will be families who've
19 come before this Commission and others that are -- that may
20 be watching either in the room or on the webcast. And
21 that's the assessment of whether foul play could
22 potentially be involved.

23 I want you to just limit this answer to the
24 first responding officer. Do they have a role in that
25 assessment?

1 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.
2 That's part of their initial -- when they're interviewing
3 the complainant initially is they're to -- they are to
4 attempt to make that assessment and then continually remake
5 that assessment as the investigation progresses and more
6 information comes in. It's supposed to always be on their
7 mind that that is something that is a possibility.

8 **MR. JULIAN ROY:** And what if the evidence
9 doesn't take you one way or the other, you just don't know?

10 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
11 then you still don't know, but you still have to follow the
12 evidence and continue gathering evidence. The policy
13 requires that the investigations be conducted as if they
14 were conducting a criminal investigation, really with no
15 difference. So ---

16 **MR. JULIAN ROY:** Okay. Why don't we speak
17 to that right now? If you go to Tab 3 again, we've already
18 made this an exhibit. And that's the Missing Persons
19 Policy 218, that's Tab 3 of your documents.

20 **CHIEF SUPERINTENDENT MARK PRITCHARD:** So ---

21 **CHIEF COMMISSIONER MARION BULLER:** What
22 about the Missing Person -- sorry. What about the Missing
23 Persons Checklist? Do you want that marked?

24 **MR. JULIAN ROY:** I told you that wouldn't be
25 the last time.

1 **CHIEF COMMISSIONER MARION BULLER:** Okay.

2 **MR. JULIAN ROY:** Please.

3 **CHIEF COMMISSIONER MARION BULLER:** Missing
4 Person Checklist is exhibit ---

5 **MR. JULIAN ROY:** I need a checklist to
6 remember to enter these exhibits.

7 **CHIEF COMMISSIONER MARION BULLER:** Me too.
8 Missing Person Checklist is 131.

9 --- Exhibit 131:

10 Missing Person Checklist, June 2015

11 (three pages)

12 Witness: Chief Superintendent Mark

13 Pritchard, Ontario Provincial Police

14 Submitted by Julian Roy, Counsel for

15 Government of Ontario

16 **MR. JULIAN ROY:** Okay. But let's go
17 backwards now to Tab 3. You mentioned that these missing
18 persons investigations have to be conducted as though they
19 are a criminal investigation. Is there somewhere in the
20 policy that you can point the Commissioners to that would
21 justify that?

22 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
23 2.18.2, the last bullet point. It's about halfway down the
24 page. It says that:
25 "Missing persons investigations are conducted in accordance

1 with police orders, Chapter 2, Criminal Investigation
2 Management Procedures."

3 **MR. JULIAN ROY:** Okay. And then that
4 document, Criminal Investigation Management Procedures", if
5 we could go to Tab 2? And that's Schedule C for counsel
6 following along, Tab 2. Are you able to identify this
7 document that we're going to make an exhibit?

8 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.
9 That is the Criminal Investigation Procedures.

10 **MR. JULIAN ROY:** And so that's a document
11 Chief Commissioner, Ontario Provincial Police Orders
12 Chapter 2 Law Enforcement 2.7 Criminal Investigation
13 Management Procedures.

14 **CHIEF COMMISSIONER MARION BULLER:** Yes, 132,
15 please.

16 --- EXHIBIT 132:

17 O.P.P. Orders, Chapter 2.7 "Criminal
18 Investigation Management Procedures"
19 (six pages)

20 Witness: Chief Superintendent Mark
21 Pritchard, Ontario Provincial Police
22 Submitted by Julian Roy, Counsel for
23 Government of Ontario

24 **MR. JULIAN ROY:** Thank you. And what does
25 this policy govern?

1 **CHIEF SUPERINTENDENT MARK PRITCHARD:** It
2 governs how criminal investigations are to be conducted.

3 **MR. JULIAN ROY:** Okay. And does this by
4 virtue of the previous passage that you showed us, does it
5 also govern missing persons investigations?

6 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
7 it's to make them seamless. So when you've got an
8 investigation that you're conducting into a missing person,
9 when you've established foul play, you've already conducted
10 your investigation as if it was a criminal matter from the
11 beginning.

12 **MR. JULIAN ROY:** Okay. Now, I know we are
13 considering -- this Commission is considering things like
14 improvements. Have you turned your mind to potential
15 improvements to the forms that might be of interest to the
16 Commission?

17 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
18 right now in response to an inquest in Ontario, the seven-
19 youth inquest, for the search urgency form, we're looking
20 at making some changes to that to include if the missing
21 person is of Indigenous identity. If their primary
22 residence is on a First Nation but they're missing in an
23 urban area. If they have prior involvement of the child
24 welfare system. And whether or not there's indications of
25 the potential for human trafficking.

1 **MR. JULIAN ROY:** Okay. And is that as a
2 result of your work in following the work of this
3 Commission?

4 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

5 **MR. JULIAN ROY:** Thank you. All right. So
6 we've covered the responsibility of the first responding
7 officer to both fill out the forms and then get a sign off
8 from the supervisor. Are there any other responsibilities
9 that the first responding officer has before he signs off -
10 - he or she signs off shift?

11 **CHIEF SUPERINTENDENT MARK PRITCHARD:** To
12 make sure that there's involvement of victim services where
13 available. It's a big province and sadly not every
14 community has that, but most do.

15 **MR. JULIAN ROY:** Okay. And are you talking
16 about victim services provided by the OPP, or community
17 victim services, or elsewhere?

18 **CHIEF SUPERINTENDENT MARK PRITCHARD:** It
19 would be community victim services. There is a
20 responsibility that a victim liaison officer be assigned as
21 well. And that would be -- that could be the investigating
22 officer. It's preferable if it is another officer. But
23 that is possible that the victim liaison officer is also
24 the investigating officer.

25 **MR. JULIAN ROY:** Okay. And our personnel at

1 the local detachment, are they responsible to know what
2 victim services are available in their community?

3 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
4 they are.

5 **MR. JULIAN ROY:** All right. Let's go to the
6 supervisors, and here's where it gets complicated because
7 there's lots of supervisors. So what I'd like us to do is
8 for you to take us through how supervisors become involved
9 in missing persons' investigations.

10 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
11 the communications centre supervisor becomes involved
12 immediately when they're notified, as does the road
13 supervisor who is the rank of Sergeant. Often times when
14 the dispatcher is putting the call over the radio, they
15 would ask the Sergeant to acknowledge as well, because
16 generally they'd be on the same radio as well. If they're
17 not, they'd be calling them on their phone and notifying
18 them. As well as the notification, the supervisor would
19 see it on their mobile workstation in their cruiser.

20 Importantly, I guess too, in Ontario, most
21 of the self-administered First Nations Police Services are
22 on the OPP's radio system and we also share a records
23 management system. So those officers that would be working
24 in the area, should it be in an area of a First Nation,
25 would also become aware of the incident.

1 **MR. JULIAN ROY:** All right. So that would
2 include the forms we already talked about? They would
3 become visible to First Nation Police Services that are on
4 RMS?

5 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

6 **MR. JULIAN ROY:** Okay. All right.
7 So you've told us about how the supervisors
8 learn about the missing person's investigation and the
9 timing for that. What are their responsibilities once
10 notified?

11 **CHIEF SUPERINTENDENT MARK PRITCHARD:** The
12 responsibility -- their prime responsibility, their
13 overarching responsibility at all times is to make sure
14 that the proper resources have been deployed, to
15 continually assess. And also, to be making that assessment
16 for foul play being there, a more senior experienced
17 officer.

18 **MR. JULIAN ROY:** Okay. And in terms of the
19 resources, ensuring that proper resources are available,
20 that responsibility, is that mandatory under the policy as
21 well?

22 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
23 it is.

24 **MR. JULIAN ROY:** Okay. So another situation
25 where supervisors could become subject to discipline if

1 they don't comply with their responsibilities in that
2 regard?

3 **CHIEF SUPERINTENDENT MARK PRITCHARD:**

4 Absolutely.

5 **MR. JULIAN ROY:** Okay. Let's talk a little
6 bit about some of the resources that would be available in
7 a typical missing person's investigation, if there is such
8 a thing as typical.

9 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
10 there's -- first off, there's the detachment officers that
11 would be working the shift that would be available. There
12 would be ERT, which is an acronym for Emergency Response
13 Team, which is charged with search and rescue operations.
14 Canine, we have specific dogs that are trained for tracking
15 that have a non-aggressive training. There's aviation
16 services, which include unmanned aerial devices, commonly -
17 - I think everybody calls them drones, that have heat
18 seekers on them. They have FLIR, the forward-looking
19 infrared that can assist in looking, especially in suburban
20 areas, for heat signatures. GPS tracking devices, social
21 media, which has become very prevalent over the last few
22 years as just about everybody these days has a mobile
23 phone.

24 **MR. JULIAN ROY:** Okay. What about the
25 responsibility of ensuring, if appropriate, that criminal

1 investigation resources are applied to the case? Is that
2 also the responsibility of the supervisor?

3 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

4 As soon as there's -- well, the supervisor and the
5 investigating officer share that same responsibility that
6 the minute there's any indication or foul play is suspected
7 they're to notify the area crime sergeant, who is an
8 experienced criminal investigator that is charged with
9 overseeing criminal investigations in their detachment area
10 that brings a great deal of experience and training to the
11 cases.

12 **MR. JULIAN ROY:** Okay. There was a question
13 yesterday about the integration between the Emergency
14 Response Team that the OPP provides and that Nishnawbe Aski
15 Police Service provides. Is there that level of
16 integration between First Nation Police ERT teams and the
17 OPP ERT teams?

18 **CHIEF SUPERINTENDENT MARK PRITCHARD:**

19 Specifically to NAPS or Nishnawbe Aski Police Service, they
20 have three ERT-trained members, and they are integrated
21 with our teams in the northwest. They work together. They
22 train together. They have the same equipment, the same
23 radio. And so they really work shoulder to shoulder. And
24 that's a two-way street. The NAPS officers will assist on
25 OPP calls and, you know, we assist in calls within their

1 jurisdictions as well.

2 **MR. JULIAN ROY:** Okay. Is there Indigenous-
3 specific resources that are also available for the
4 supervisor to assign in a missing person investigation?

5 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
6 there's the Provincial Liaison Team. The Provincial
7 Liaison Team are a group of officers that are deployed
8 throughout the province. Their specific job is to respond
9 to critical incidents involving Indigenous people or in
10 Indigenous communities and act as the OPP's communicators
11 to the community, to Chief and Council, or other services
12 within the communities. There's an expectation that those
13 officers have a pre-existing relationship with Chief and
14 Council within their area of responsibility. So when there
15 is a critical incident, they already know each other and
16 can quickly establish, you know, positive communications
17 and make information flow.

18 **MR. JULIAN ROY:** Okay. And how many
19 Provincial Liaison Team members are there?

20 **CHIEF SUPERINTENDENT MARK PRITCHARD:**
21 There's 26 full-time Provincial Liaison Team members within
22 the OPP, about 60 part-time that would do PLT duties along
23 with other duties. Also, there's a number of the self-
24 administered First Nations officers that are PLT trained
25 that work with OPP PLT, as well as a number within the 19

1 OFNPA communities that are PLT-trained. And that's ongoing
2 training, regular training and, very importantly, working
3 together on a regular basis.

4 **MR. JULIAN ROY:** All right. And how is that
5 resource helpful in a missing person's investigation in
6 this context involving Indigenous women and girls?

7 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
8 many of those officers are Indigenous. Not all of them,
9 but many of them are, although the supervisors are. And
10 the flow of information and the communication is crucial,
11 especially on community when they're -- you know, our
12 Emergency Response Team members, their equipment and their
13 dress is very similar to a tactical team and there's very
14 few things that cause more stress in a First Nation than
15 the arrival of a police tactical team. So having that
16 communication, being able to explain to the community who
17 they are and what they are, that they're there to, you
18 know, search for their missing loved one is very important.

19 **MR. JULIAN ROY:** Okay. All right. So let's
20 move forward. We've now covered the supervisors and their
21 responsibility under the policy and some of the resources
22 that are available. And I'm sure counsel and the
23 Commission may have some more questions about those
24 resources and some suggestions for you.

25 I want to drill down some more on the issue

1 of criminal investigations and that move from a missing
2 person's investigation to a criminal investigation. You've
3 already told us that the policy requires these
4 investigations to be conducted like they're a criminal
5 investigation.

6 And you've acknowledged previously that
7 families, quite rightly and legitimately, have real
8 concerns here about police, and whether or not there's a
9 difference in how the cases of Indigenous women and girls,
10 whether they're taken as seriously, and whether or not foul
11 play is in the picture enough when police officers conduct
12 these investigations. You've heard that; right?

13 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes, I
14 have.

15 **MR. JULIAN ROY:** Okay.

16 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Very
17 clearly.

18 **MR. JULIAN ROY:** And can you help the
19 Commission with explaining how the analysis works? How do
20 we go from a missing persons to a criminal investigation?

21 **CHIEF SUPERINTENDENT MARK PRITCHARD:** I'm
22 not sure I follow that actually.

23 **MR. JULIAN ROY:** Okay. Well, let me ask you
24 this. Why don't I ask you this, because I think we've
25 covered some of it already? The issue of an investigation

1 moving from an ordinary missing person's investigation to a
2 criminal investigation, does that involved judgement and
3 subjective discretion on the part of police officers?

4 **CHIEF SUPERINTENDENT MARK PRITCHARD:** It
5 does.

6 **MR. JULIAN ROY:** Okay. And do you
7 acknowledge that whenever we have police officers
8 exercising discretion and subjective judgment that that is
9 a potential -- there's a potential risk that racism and
10 stereotyping can affect that decision making? Do you
11 acknowledge that?

12 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes, I
13 do.

14 **MR. JULIAN ROY:** Okay. And acknowledging
15 that, what does the OPP do to attempt to address that, that
16 risk that discrimination is going to affect good decision
17 making?

18 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
19 having a very robust and descriptive policy in regards to
20 how these investigations are conducted when, if they're
21 not, the officers are subject to discipline for a neglect
22 of duty, having a number of people involved in the decision
23 making, not leaving one person out there to make a bad
24 decision on their own, having supervisors, potentially
25 multiple supervisors, involved in that decision.

1 Anti-bias training -- there's a component of
2 anti-bias training in virtually every course that's offered
3 at the Provincial Police Academy. Anti-bias training,
4 valuing diversity and sound judgment are all factors that
5 are used in measuring an officer's suitability for
6 promotion.

7 Training, we have a five-day Indigenous
8 awareness training course that's experiential. It's attend
9 in person. Offered approximately 16 times a year,
10 sometimes 17 or 18, but generally 16. It's a one week
11 course and it's mandatory for supervisors and specialists
12 to attend that course. So, having them having a greater
13 understanding of the history of First Nations, the history
14 of difficulties with the police in the past go towards
15 that.

16 The Commissioner has an inclusion counsel
17 and every regional commander has an inclusion counsel
18 continually messaging from the Commissioner on down about
19 the importance of diversity, the importance of the rich
20 culture and history that First Nations people play in
21 Ontario, and building relationships with those communities.

22 I think since the Ipperwash inquiry, the OPP
23 has changed drastically. We've worked very hard to build
24 those relationships with our communities. Our senior
25 commanders work very hard in building relationships. Many

1 First Nations leaders, chiefs, regional chief -- deputy
2 grand chiefs, regional chiefs have our contact information.
3 And, I can tell you myself, I fielded so many calls from
4 First Nations leaders where they're not happy with the work
5 or response of an officer, and being able to deal with the
6 situation in a timely fashion at that level can really
7 rectify a lot of those issues. And, I think rectifying
8 them timely is crucial to having those relationships of
9 trust.

10 **MR. JULIAN ROY:** Okay. Now, you've
11 mentioned a lot of things just now. Is it fair to say from
12 your answer that there isn't one magic solution to this
13 issue of how do we ensure that frontline police officers
14 and their supervisors exercise their discretion in a non-
15 discriminatory manner? Is it fair to say that there isn't
16 really one solution to that?

17 **CHIEF SUPERINTENDENT MARK PRITCHARD:** No,
18 there's not. The issues are very complicated and stretch
19 over long periods of time, so it's important to address the
20 situation from as many angles as possible.

21 **MR. JULIAN ROY:** Okay. All right. So, I'm
22 sure people will have questions for you about all that. I
23 want to ask you this though, so let's say the judgment gets
24 exercised, that this is -- now foul play is suspected or
25 we're now into a criminal investigation, how does that

1 change things?

2 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
3 there's an immediate assignment of a major case manager
4 from our criminal investigations branch, those are officers
5 with extensive experience, they're at the rank of
6 inspector, to oversee the investigation and really control
7 it and be responsible for how the investigation is
8 conducted.

9 **MR. JULIAN ROY:** Okay. So, you mentioned
10 Major Case Management and I know that that's an area that's
11 going to be of interest to the Commission. Now, we've
12 heard already some evidence about that this morning, but
13 why don't you -- if you could tell us from your perspective
14 what MCM is or Major Case Management -- I'm going to stop
15 using acronyms. Major Case Management, if you could tell
16 us what that is?

17 **CHIEF SUPERINTENDENT MARK PRITCHARD:**
18 Ontario Major Case Management is a regulation which is
19 embedded within the Police Services Act. It applies to all
20 police services in Ontario. There's two components to it,
21 the methodology or framework on how investigations are
22 being conducted. As we heard earlier from the RCMP, the
23 command triangle of the case manager, the file coordinator
24 and the primary investigator.

25 Also, in Ontario, we have a very powerful

1 software called PowerCase. This regulation created in
2 Ontario the first jurisdiction in the world where every
3 police service is connected on their software that's used
4 in Major Case Management, to look for commonalities and
5 linkages, analyze the vast amounts of information which is
6 humanly impossible regardless of your level of skill, or
7 dedication or how long you've been a detective for. It's
8 just impossible to do.

9 So, PowerCase brings that ability. It
10 brings structure to the file, it brings the ability to
11 analyze the file, research it. And, in the words of
12 Justice Campbell, prevents information from slipping
13 through the cracks.

14 **MR. JULIAN ROY:** Okay. So, in terms of
15 preventing information slipping through the cracks, how is
16 Major Case Management -- I almost did it again with the
17 acronym. Major Case Management, how does that value add in
18 terms of preventing things slipping between the cracks?

19 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
20 it provides accountability to the investigation.
21 Everything is tracked, everything is numbered, and
22 everything is done in tasks. For instance, as a case
23 manager, if I want to have Julian Roy interviewed as a
24 potential witness, it's not going to be forgotten about,
25 it's not going to slip through the tracks [sic], because

1 within PowerCase, the task is created, it's assigned and it
2 has to be responded to. And, if it's not responded to, it
3 shows up with the file coordinator as a task that's not
4 completed. So, it's almost an insurance step, if I could
5 use that term, to make sure that every task is completed
6 and followed up on.

7 **MR. JULIAN ROY:** Okay. The software that
8 you mentioned, and you talked about the vast amounts of
9 data, can you give an illustration of that, please, for the
10 Commission and for those watching?

11 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
12 every investigation in this day and age that's a major case
13 is massive. Massive amounts of data, massive amounts of
14 information that's humanly possible -- impossible, I'm
15 sorry, to analyze and be aware of. In both the Campbell
16 inquiry and the Opal inquiry, both justices acknowledged
17 that it's impossible, that names and information does slip
18 through the cracks.

19 So, for instance, just about everybody today
20 has a smartphone. So, when one of our technician's
21 downloads the information out of that smartphone, there's
22 potential to be hundreds of thousands of pieces of
23 information, thousands and thousands of e-mails, thousands
24 of contacts. So, no human can possibly analyze all that or
25 be aware of all that information. So, when that

1 information is put into PowerCase, it not only compares the
2 information within the investigative file, but it would
3 compare it to the investigative files of all other police
4 services in Ontario looking for linkages.

5 So, again, once I have Julian Roy
6 interviewed and his name goes into the investigative file,
7 every night in Toronto, where the database lives, that
8 information is compared to other investigative files within
9 the province.

10 So, if Julian Roy -- he's going to be mad at
11 me for using his names.

12 **MR. JULIAN ROY:** Can you leave me out of
13 this, please?

14 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Is in
15 that file, but also in another file somewhere else in the
16 province, those officers will receive a notification. The
17 case manager gets a notification that this person is in
18 your file, that same name is in another file, and again
19 those notifications have to be responded to. They have to
20 be responded to within seven days. And, if they're not
21 responded to, a notification goes out to the supervisor and
22 can, in fact, go all the way up to the Chief of Police or
23 the Commissioner of the OPP if they're not responded to.

24 **MR. JULIAN ROY:** And, he would be pretty mad
25 if he got a notification like that?

1 **CHIEF SUPERINTENDENT MARK PRITCHARD:** He
2 would be very displeased.

3 **MR. JULIAN ROY:** Okay. And so, there's all
4 those levels of accountability right up the chain of
5 command to make sure that if there's these linkages sitting
6 out there in that data, that the police act on it, fair?

7 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Fair.

8 **MR. JULIAN ROY:** Okay. I'm going to ask --
9 I'm going to show you Tab 4 from our book, and this is
10 Schedule D for counsel. This is a document called Ontario
11 Major Case Management Manual. What's this?

12 **CHIEF SUPERINTENDENT MARK PRITCHARD:** That
13 is the manual that's a regulation in Ontario ---

14 **MR. JULIAN ROY:** Okay.

15 **CHIEF SUPERINTENDENT MARK PRITCHARD:** ---
16 under the Police Services Act.

17 **MR. JULIAN ROY:** All right. If this could
18 be made the next exhibit, please?

19 **CHIEF COMMISSIONER MARION BULLER:** Yes,
20 Exhibit 133, Ontario Major Case Management Manual.
21 --- Exhibit 133:

22 Ontario Major Case Management Manual,
23 Ontario Ministry of Community Safety
24 and Correctional Services, December 1,
25 2017 (60 pages)

1 Witness: Chief Superintendent Mark
2 Pritchard, Ontario Provincial Police
3 Submitted by Julian Roy, Counsel for
4 Government of Ontario

5
6 **MR. JULIAN ROY:** Okay. And then if we could
7 turn up, please, Chief Commissioner and Commissioners, Tab
8 12, please. I'm showing you a document, Chief
9 Superintendent, Ontario Regulation 354/04. What's this?

10 **CHIEF SUPERINTENDENT MARK PRITCHARD:** That
11 is the actual regulation in the Police Services Act of
12 Ontario.

13 **MR. JULIAN ROY:** Okay. And so, you
14 mentioned that every police service is required to be
15 linked through software?

16 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

17 **MR. JULIAN ROY:** And, that's -- this is the
18 regulation in law that does that?

19 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

20 **MR. JULIAN ROY:** First Nation Police
21 Services, do they have access to Major Case Management?

22 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
23 they do have access to it. There's three First Nations
24 self-administered services that are on it. In fairness
25 though, under the FNPP, they're not funded for that. And,

1 many of the -- most of the services have the OPP that
2 investigate most of their serious crimes all of their
3 homicides with the exception of one community that is on
4 PowerCase. So, we do work to support the First Nations
5 self-administered services and the First -- OFNPA
6 communities, and an OPP case manager is assigned. So, if
7 there's a murder in a First Nation, the information would
8 be on a PowerCase. However, it may not apply to all sexual
9 assaults or missing persons investigations depending on
10 whether or not the OPP were involved or that service was on
11 PowerCase.

12 **MR. JULIAN ROY:** Okay. Thank you for that.
13 All right. I want to move from major case management to
14 something else.

15 **CHIEF COMMISSIONER MARION BULLER:** Before we
16 do that...

17 **MR. JULIAN ROY:** I did not make an exhibit.
18 Tab 12. I better do this. Ontario Regulation 354/04. I
19 saw you shaking your head, Chief Commissioner, and I still
20 didn't know what I had done wrong. So, Ontario Regulation
21 354/04, if that could be the next exhibit, please?

22 **CHIEF COMMISSIONER MARION BULLER:** Yes, 134,
23 please.

24 --- Exhibit 134:

25 *Police Services Act Ontario Regulation*

1 354/04, Major Case Management, last
2 amendment 29/18 (two pages)

3 Witness: Chief Superintendent Mark
4 Pritchard, Ontario Provincial Police
5 Submitted by Julian Roy, Counsel for
6 Government of Ontario

7 **MR. JULIAN ROY:** I want to ask you about
8 something else that may be of interest to the Commission
9 and to people watching today and on the webcast, something
10 called the Provincial Operations Centre. Can you tell the
11 Commission what that is?

12 **CHIEF SUPERINTENDENT MARK PRITCHARD:** The
13 Provincial Operations Centre is housed within our
14 headquarters in Orillia, our general headquarters on the 3rd
15 floor. It's a situational awareness location staffed by a
16 uniform inspector and other uniform officers 24/7, as well
17 as civilian analysts and social media specialists. And,
18 they are -- they keep aware of every incident that's going
19 on in the province. Certainly every significant incident
20 they report up to senior command, to the Commissioner's
21 Office and other senior commanders of incidents that are
22 going on.

23 They've proved very, very useful. Again,
24 with the changes in technology and quickly being able to
25 get involved in an investigation with the social media

1 specialists, looking for somebody's digital footprint,
2 whether that's a missing person or somebody who's wanted as
3 a suspect. It's just -- it's hard to fathom for somebody
4 my age the amount of data that's available, open source
5 that can be accessed and can be accessed very, very quickly
6 now.

7 **MR. JULIAN ROY:** Okay. And, does the
8 Provincial Operations Centre become involved in missing
9 persons investigations?

10 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
11 they do. They would see them. They're on the same records
12 management system as everybody else. So, when the incident
13 pops up in a communication centre, it also pops up on their
14 screen in Orillia and can see it. And, one of their
15 analysts can start looking for similar occurrences,
16 previous occurrences, where that person might have been
17 found previously and also start looking on social media for
18 clues.

19 **MR. JULIAN ROY:** Okay. And, do they have to
20 be asked to do that or do they just insert themselves in
21 the investigation automatically?

22 **CHIEF SUPERINTENDENT MARK PRITCHARD:** No,
23 that's their job. They monitor and insert themselves into
24 matters that are going on. And, they also are responsible
25 for the deployment of any specialized resources, so it's

1 one-stop shopping for investigations that need any
2 specialized resources. There's one number to call. No
3 matter what the occurrence, no matter what the specialized
4 resources is, that's the number they call.

5 **MR. JULIAN ROY:** Okay. All right. So, that
6 completes the questions I wanted to ask you about missing
7 persons investigations. I want to move on to some
8 recommendations, and this was added recently, for counsel,
9 to the will-say document. There was a revision to the
10 will-say document. There's 10. This would have been
11 released yesterday or the day before. Yes, and I see that
12 Chief Commissioner and Commissioners you have a separate
13 document with the 10 recommendations.

14 I don't want you to speak to all of these,
15 because most of them appear pretty self-explanatory from
16 your evidence or just from other things the Commission has
17 heard. But, I want to focus on Recommendation 2 and 3,
18 please. Recommendation 2 is that police services consider
19 developing a protocol for the creation of written
20 communication plans with families in respect of major
21 investigations. What is that recommendation, please?

22 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
23 when we read the interim report issued by the Commission,
24 the common theme amongst the families appeared to be --
25 well, there's two common themes, the lack of trusting

1 relationships and the poor communication. So, that's an
2 area that we thought we were doing well in, and clearly not
3 doing as well as we thought we were and an area we need to
4 improve on.

5 I assigned a senior Indigenous officer to
6 interview some family members, and see how they felt about
7 our communications, and it wasn't that great. So, when I
8 brought that information to the attention of the
9 commissioner's committee, they tasked me with doing some
10 work on that and appointed me the FBI. So, a couple of us
11 went to FBI Headquarters and met with the assistant
12 director that's in charge of Victim Services.

13 And, what I didn't know prior to this is
14 that the mandate of the FBI is very similar to serious
15 criminal investigations on a First Nation in Ontario to
16 that of the OPP's criminal investigation branch where they
17 investigate murders in -- on-reserve, as they say in
18 America. So, they had established some really progressive
19 communication plans. The assistant director we met with
20 actually had a presidential citation for her work with
21 victims and families. Importantly, President Obama, I
22 guess.

23 (LAUGHTER)

24 **MR. JULIAN ROY:** I'm a neutral civil
25 servant, so I can't laugh at that joke.

1 **CHIEF SUPERINTENDENT MARK PRITCHARD:** So,
2 they established a written communication plan with
3 families, which kind of -- it serves as a -- like a
4 contract between the police and the families on how they're
5 going to communicate, when they're going to communicate, by
6 what means, who they're going to communicate to, who
7 they're not going to communicate to, addressing the, you
8 know, intricacies of fractured families, and they sit down
9 with the family and they draw this plan up together working
10 with them. They give them a copy of it, they tell them,
11 when the need arises, if they need it to be changed, it can
12 be changed, that although it's an agreement, it's a fluid
13 agreement. And, we're very much committed to implementing
14 that.

15 And, actually, last night in discussions
16 with our Deputy Commissioner, what our plan is right now is
17 we're going to meet with some of those family members that
18 weren't real happy with us and how we communicated with
19 them, and get their feedback in the creation of our own
20 plan and steal the FBI's, but turn it into our Ontario --
21 or an OPP version.

22 **MR. JULIAN ROY:** Okay. All right.
23 Recommendation 3 that police services consider the creation
24 of a victim specialist position with defined roles,
25 responsibilities and appropriate training.

1 **CHIEF SUPERINTENDENT MARK PRITCHARD:**

2 Currently, the major case management manual specifies the
3 duties of a victim liaison officer, and says the victim
4 liaison officer is to have the knowledge, skills and
5 abilities to be the victim liaison officer but doesn't say
6 what those are, or how to assess them, or what the training
7 should be. So, again, looking at the FBI model, they have
8 civilian employees embedded in their investigative teams
9 that are victim specialists. And, this isn't to replace
10 any non-government or non-police victim advocacy role, it's
11 to be a more modern version of the police victim liaison
12 person embedded with the investigative team.

13 Traditionally, the victim liaison officer is
14 kept outside of the investigative team to prevent the
15 inadvertent disclosure of information that you wouldn't
16 want to -- what's the word I'm looking for?

17 **MR. JULIAN ROY:** Hold back information?

18 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Hold
19 back information is what the word we use common in
20 policing. So, one of the things the FBI talked to us about
21 -- we talked to a psychologist there because they really
22 thought that that was old fashion thinking, and their
23 experience was that the information actually flows much
24 better two ways, between the family and the police when
25 that person is properly trained and is embedded with the

1 investigative team.

2 **MR. JULIAN ROY:** Okay. Thank you. All
3 right. We're going to get into trouble because we're going
4 to run out of time. We're moving on from missing persons
5 investigations, and we're going to speak to, subject to
6 you, Commissioners, to some of the issues that were raised
7 in Panel 2, and that's the relationship-building issue.
8 And we don't intend to cover the whole issue, but we had a
9 best practice that we wanted to offer to the Commission.

10 And I'm wondering, Chief Commissioner, if
11 you could tell quickly, because you're looking at the time
12 and you know there's something else involved in this, what
13 Project Journey is?

14 **CHIEF SUPERINTENDENT MARK PRITCHARD:** I
15 think you meant me. You said ---

16 **MR. JULIAN ROY:** Sorry, Chief
17 Superintendent. All right. Well, maybe you know what
18 Project Journey is too.

19 **CHIEF SUPERINTENDENT MARK PRITCHARD:** So I
20 don't think the two issues can be looked at in isolation of
21 each other. Investigative practices and best practices,
22 they go hand in hand with our community relations and those
23 trusting relationships that are at the core of being able
24 to provide an effective police service. And that goes
25 right back to the days of Sir Robert Peel when modern

1 policing was created about the police having the -- or the
2 public having the confidence in the police.

3 So Project Journey exists in the Community
4 of Pikangikum First Nation in Northwestern Ontario. And
5 it's a powerful program to help youth overcome the day to
6 day challenges, to help them build life skills, to help
7 them build self-confidence, to help them build self-esteem.
8 It's a program that was based on an American program, again
9 called Project Venture.

10 And the program was really built by the
11 community, this Project Journey. The police role in it is
12 that of coordinating, but it's a joint effort, a
13 collaborative effort, if I can use that word, between the
14 Police Chief and Council, the Education Authority, the
15 Health Authority, and elders.

16 Earlier this year, a contingent of the youth
17 came to OPP Headquarters in Orillia to speak to senior
18 command as well as every other OPP employee that wished to
19 participate, either in person or through webcast. And that
20 was some of the youths from Project Journey. there was
21 members of Chief in Council, the Education Authority, First
22 Nations officers.

23 And the day after they did their
24 presentation, I spoke with them, and one of the girls said
25 to me that she wanted to go away to secondary school but

1 was afraid to leave her community because she didn't want
2 to become one of the murdered or missing.

3 So I asked the kids if they could produce me
4 a video that I'd hopefully be able to show to this Inquiry.
5 So I'm very happy today that we've got this opportunity to
6 do so.

7 Last night, I received an email from
8 Chief Dean Owen of Pikangikum, very pleased that the
9 Inquiry had agreed to hear the video, and very importantly,
10 to hear the youth of his community and how they see the
11 world and hoping that they will become the Nation's future
12 leaders.

13 So anyhow, I'll turn it over to watch the
14 video.

15 **MR. JULIAN ROY:** Okay. So just to be clear,
16 the OPP didn't create this video, did it?

17 **CHIEF SUPERINTENDENT MARK PRITCHARD:** We did
18 not. I asked them to produce me a video, and this is the
19 video I got from them about two weeks ago.

20 **MR. JULIAN ROY:** Okay. And you didn't edit
21 it or anything like that?

22 **CHIEF SUPERINTENDENT MARK PRITCHARD:** We've
23 done no editing, no production. We enhanced the sound
24 because some of it was hard to hear, but no input
25 whatsoever.

1 **MR. JULIAN ROY:** Thank you.

2 (VIDEO PRESENTATION ON PROJECT JOURNEY)

3 (APPLAUSE)

4 **MR. JULIAN ROY:** All right. I'm going to
5 ask one more question. I have 1 minute. You have 1 minute
6 to answer, and it's the question that you asked me to ask
7 you as the last question, Chief Superintendent, and that's
8 what has the OPP learned from Project Journey?

9 **CHIEF SUPERINTENDENT MARK PRITCHARD:** To
10 properly answer that we'd dial up another 90 minutes. But,
11 I think our biggest lesson from Project Journey aside from
12 the collaboration and the fact that it's a partnership. We
13 often hear in the media the stories of troubled communities
14 and all the bad things. And, I think to make these
15 initiatives succeed is to look for the strengths and use a
16 strength-based approach.

17 So, you can have a committee that's
18 struggling, that has troubles, but you find the -- you find
19 their strengths because the strengths are there, you just
20 have to look for them sometimes, and you capitalize on
21 those strengths and you build a program around that. And,
22 those strengths very quickly start emerging out of the use
23 that are involved in the project. And, I think that's been
24 the key to the success, is using that approach.

25 **MR. JULIAN ROY:** All right. That's my last

1 question, Chief Commissioner and Commissioners.

2 MS. CHRISTA BIG CANOE: Thank you.

3 MR. JULIAN ROY: Twelve seconds over.

4 MS. CHRISTA BIG CANOE: Thirteen, 14. No,
5 I'm just kidding.

6 (LAUGHTER)

7 MS. CHRISTA BIG CANOE: They can stop. We
8 can stop the clock, please.

9 CHIEF COMMISSIONER MARION BULLER: I just
10 have one question. I don't know what format that was in,
11 but I would like to have that video marked as an exhibit.

12 MS. CHRISTA BIG CANOE: Yes, please.

13 MR. JULIAN ROY: Yes, please.

14 CHIEF COMMISSIONER MARION BULLER: Is it...

15 MS. CHRISTA BIG CANOE: Yes.

16 CHIEF COMMISSIONER MARION BULLER: It's on a
17 website?

18 MS. CHRISTA BIG CANOE: We can get an
19 electronic format so that it's available.

20 CHIEF COMMISSIONER MARION BULLER: Okay.

21 MS. CHRISTA BIG CANOE: I see Mr. Registrar
22 nod his head too.

23 CHIEF COMMISSIONER MARION BULLER: Okay.
24 Well, if he says it's okay, then it's okay. We'll have the
25 video then as our next exhibit, which is 135. Thank you.

1 --- Exhibit 135:

2 Project Journey video, MP4 format, 862

3 MB (24 minutes 47 seconds)

4 Witness: Chief Superintendent Mark

5 Pritchard, Ontario Provincial Police

6 Submitted by Julian Roy, Counsel for

7 Government of Ontario

8
9 **MS. CHRISTA BIG CANOE:** And, with consent of
10 my colleague here, I would ask that the one sheet page
11 called "Recommendations" is also entered as an exhibit. I
12 know that the witness had an opportunity to speak to two of
13 the 10. Are you okay with that, Mr. Roy?

14 **MR. JULIAN ROY:** Yes.

15 **MS. CHRISTA BIG CANOE:** So, could we also
16 please ask to have the Recommendation -- the one sheet
17 Recommendation? And, I understand for the purposes of
18 counsel, you don't have the single sheet, but it is the
19 same 10 recommendations that were in the will-say, and we
20 can have it produced again as a single sheet to parties if
21 they'd like that.

22 **CHIEF COMMISSIONER MARION BULLER:** Okay.
23 The recommendations, one page, will be Exhibit 136, please.

24 --- Exhibit 136:

25 Recommendations (one page)

1 Witness: Chief Superintendent Mark
2 Pritchard, Ontario Provincial Police
3 Submitted by Julian Roy, Counsel for
4 Government of Ontario

5
6 **MS. CHRISTA BIG CANOE:** Thank you. I note
7 the time is almost 3:10. I'm going to request at least a
8 25-minute break, and that's Commission Counsel requesting
9 that time so we have the appropriate amount of time to do
10 the verification process with the parties withstanding so
11 we can determine the time allotments for cross-examination.
12 I believe that that would take us to about 3:35.

13 If we could have that break, and then if I
14 could just announce to parties withstanding, you know, take
15 a few minutes up front to actually give yourself a break.
16 And if you could also then make your way to the parties
17 withstanding room, the oak room, so that we can do the
18 verification process in approximately 10 minutes that would
19 be appreciated.

20 **CHIEF COMMISSIONER MARION BULLER:** So what
21 time are you ---

22 **MS. CHRISTA BIG CANOE:** So if we could
23 return at 3:35 that would allow for a break and the
24 verification process.

25 **CHIEF COMMISSIONER MARION BULLER:** Sure.

1 3:35.

2 **MS. CHRISTA BIG CANOE:** Thank you.

3 --- Upon recessing at 3:13 p.m.

4 --- Upon resuming at 3:54 p.m.

5 **CHIEF COMMISSIONER MARION BULLER:** Cross-
6 examination. I had to make a correction on the exhibit
7 numbering. The document that was marked as Exhibit 126,
8 Overview of Evidence that was at Tab A, I believe, now will
9 be Exhibit 137.

10 **MR. JULIAN ROY:** Can I also make a
11 correction, Chief Commissioner, while we're making
12 corrections? So I waited 28 years to acknowledge the
13 territory we're on and that I grew up on and I got it
14 wrong.

15 (LAUGHTER)

16 **MR. JULIAN ROY:** So Treaty 3, of course, is
17 in Ontario where I do lots of work there too, so I'd like
18 to acknowledge properly Treaty 4 territory that we're on.
19 Thank you.

20 **MS. CHRISTA BIG CANOE:** Thank you.

21 Just before we start into -- we're now at a
22 transition point when the examination in-Chief is over and
23 we now are entering into cross-examination, for those who
24 are watching or in the room and haven't seen this before.

25 We -- I'm just going to remind everyone that

1 the rules, and particularly Rule 48, the inverse part of
2 the rule now applies. And so essentially, once we're into
3 the cross-examination, the counsel that led their party can
4 no longer speak to them about the evidence that -- while
5 questions by cross-examination is taking place. And just
6 for clarity of the record, that means no notes, no
7 conversations, nothing to do with any of the evidence.
8 However, it's not a prohibition on them talking to them or,
9 you know, about weather, children, other things, it's
10 specific to the evidence. And so I just want to remind
11 everyone that that rule is now in place until the end of
12 cross-examination.

13 And on that basis, we now have a list. And
14 there will be a list that will be distributed and put on
15 the tables to the parties withstanding as well as to the
16 Commissioners, but I do have the three -- the first three
17 parties that will be doing cross-examination and would like
18 to invite up New Brunswick Aboriginal Peoples Council. I
19 believe Ms. Elizabeth Blaney will be -- no?

20 **MS. WENDY WETTELAND:** President and Chief
21 Wendy Wetteland.

22 **MS. CHRISTA BIG CANOE:** Thank you. And the
23 New Brunswick Aboriginal Peoples Council will have 10-and-
24 a-half minutes for their cross-examination.

25 **MS. WENDY WETTELAND:** That's great. I

1 thought we had seven-and-a-half, so that's perfect.

2 MS. CHRISTA BIG CANOE: Once the time pooled
3 you've been graced.

4 MS. WENDY WETTELAND: Great.

5 --- CROSS-EXAMINATION BY MS. WENDY WETTELAND:

6 MS. WENDY WETTELAND: So good afternoon,
7 families, Elders, Commissioners and witnesses. I would
8 like to address my questions today to Deputy Minister
9 Brenda Butterworth-Carr.

10 So the transition from rural or on reserve
11 to urban and off reserve living is a key period of
12 vulnerability, whether the move is for work, school,
13 marriage, access to services for seniors -- excuse me --
14 institutionalized care for persons with disabilities or
15 various other reasons. People living in urban centres
16 experience difficulty in accessing services to which they
17 are entitled. This difficulty in obtaining services is due
18 in part to mainstream service providers mistakenly
19 believing that the Indigenous people should and can access
20 services through a service providers -- a reserve
21 community, without recognizing that many Indigenous people
22 do not belong to a reserve and that many may live far away
23 from their home reserve. Outside of urban areas, even
24 fewer supports and services are available, which creates
25 additional strains for off reserve, rural Indigenous

1 peoples.

2 So can you speak to how the RCMP interacts
3 with off reserve communities? For example, native
4 councils, friendship centres and urban areas where you
5 police, and in more rural off reserve areas as well?

6 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

7 Yeah, so in, you know, the Lower Mainland, as an example of
8 British Columbia, you know, we know we have a large urban
9 population, whether it's in Surrey or Richmond, Langley and
10 others, Prince George and, you know, a number of other
11 communities. And ultimately, we're very well connected to
12 our friendship centres. You know, I can speak personally
13 for myself from the time that I was in Prince George, you
14 know, I keep in contact still with Barb Ward-Burkitt,
15 recognizing, you know, the important role that she plays
16 and how incredibly connected she is.

17 And I had an opportunity to speak to the
18 Aboriginal Advisory -- Women's Aboriginal Advisory
19 Committee as well, and to solicit from them some of the
20 thoughts that they had with respect to our connectivity in
21 our urban areas. And, again, the advice that we received
22 is, you know, ensuring that we've got good liaison RCMP
23 personnel, employees, and that we're taking advantage of
24 the Urban Aboriginal Society and the friendship centres.

25 **MS. WENDY WETTELAND:** Okay. Thank you.

1 Okay.

2 So unfortunately, Indigeneity of a missing
3 person may not get noted in police investigations for
4 various reasons, including police are not asking
5 comprehensive questions about identity and are instead
6 relying on the individual notifying them of a missing
7 person to indicate that the case involves an Indigenous
8 person. Furthermore, investigators may have their own idea
9 of who is or appears to be Indigenous and may not feel they
10 need to ask because they are capable of determining whether
11 this case is about Indigenous persons.

12 Assuming that the investigator will be able
13 to determine Indigeneity without asking can lead to
14 incorrect categorization of cases, especially in urban
15 settings because there is no single way to look or be
16 Indigenous. Failing to concretely and consistently
17 identify cases as involving Indigenous individuals affects
18 police interaction with the family and community members.

19 So what are the best practices being
20 proposed to ensure that police identify off reserve cases
21 about being about Aboriginal peoples? And is there a
22 consistent process to identify files for off reserve
23 populations?

24 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

25 When it's a missing person, we -- as I had mentioned

1 previously, you know, we take all information that comes
2 forward to us from any source. So specifically if it's
3 somebody from our urban population that's bringing forward
4 that information, you know, we fill out the assessment tool
5 as required and then have a supervisor as well ensure that
6 they're documenting on the file and, you know, we're
7 looking for any family members and so forth.

8 So for us it's about ensuring that all of
9 our people are treated, you know, equitably and that we get
10 the information as fulsome as we possibly can to initiate
11 that investigation expediently.

12 **MS. WENDY WETTELAND:** Okay. So, even when
13 questions about Indigeneity -- sorry -- are asked, self-
14 identification may not be forthcoming. As mentioned
15 previously by panels, the reasons for this may include a
16 lack of trust in police, concerns about not receiving
17 adequate services as a result of self-identification, and
18 having received better services in the past when read by
19 the provider as not being Indigenous. Hesitance to self-
20 identify when dealing with law enforcement means that past
21 and present discriminatory practices by law enforcement
22 impede access to police assistance.

23 You mentioned that there is a best practice
24 model of risk assessment tools. So what is the approach of
25 police to identify vulnerable populations who reside off

1 reserve who may not present or identify as Indigenous?

2 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

3 Again, when a missing person is brought to our attention,
4 the form, the assessment tool seeks that information. And
5 so it's incredibly important for any of the officers that
6 are responding and/or receiving that information to ensure
7 that those questions are asked of the person that's
8 reporting. And typically the person that would be
9 reporting would have that knowledge or information.

10 **MS. WENDY WETTELAND:** Okay. So is
11 Indigeneity considered a risk factor?

12 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

13 I'm sorry, can you repeat that question?

14 **MS. WENDY WETTELAND:** Is Indigeneity
15 considered a risk factor of its own? As in, would that
16 trigger a higher alert response?

17 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

18 All the missing persons that come to our attention are
19 individually assessed. And as per the policy that I had
20 referenced earlier today, you know, there's certain factors
21 that are part of that. You know, lifestyle, whether
22 there's potential self-harm that the individual may have
23 conveyed. And that's all taken into consideration in the
24 assessment. You know, for me it's about, if there's a high
25 risk associated to an individual that's missing, then

1 that's the assessment that's utilized and we want to ensure
2 that a response is, you know, done completely and
3 immediately in terms of an investigation.

4 **MS. WENDY WETTELAND:** Okay. Thank you. So
5 you mentioned task forces are initiated when there's a
6 significant amount of information to investigate, and this
7 may involve joint projects between policing services. For
8 clarity, do you mean across detachments, or might it also
9 be between a detachment and a provincial or a municipal
10 policing agency?

11 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** Yes,
12 and three of the examples that I provided this morning with
13 even-handed care as well as devote, were joint task forces
14 between municipal and RCMP agencies.

15 **MS. WENDY WETTELAND:** Okay. So in the case
16 of detachment and a municipal agency, whose procedures are
17 privileged?

18 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:**
19 That's the whole purpose of having the major case
20 management principles adapted by everyone, and ultimately,
21 you know they're immediately applied as per the major case
22 management policy and regardless if its RCMP or otherwise,
23 it's consistently applied.

24 **MS. WENDY WETTELAND:** Okay. So as
25 Aboriginal Peoples are a federal responsibility under

1 Section 9124 of the Constitution, does the RCMP have
2 oversight on murdered and missing Indigenous women and
3 girls' cases across jurisdictional lines?

4 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:**

5 Essentially, with the policing jurisdiction, so if it's a
6 joint operations, as we've experienced with the Vancouver
7 city police and RCMP jurisdictions, it's a mutual
8 cooperation and we ensure that the priority is successfully
9 investigating the file.

10 **MS. WENDY WETTELAND:** Okay. So as we heard
11 throughout these hearings, there are limited to no service
12 levels and slow response times for emergencies in rural
13 areas. Slow response times are an issue because when a
14 person has gone missing, the chances of successfully
15 locating the person are highest when police services are
16 notified quickly. Excuse me. Information about
17 alternatives to first responder services for rural areas is
18 not widely available. Do you have any information about
19 the response times in rural and urban areas?

20 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** So in
21 the province of British Columbia, one of the things that we
22 are actually doing is assessing the response times through
23 a business intelligence tool that we've developed and
24 specifically, general duty assessment. And ultimately what
25 that factors in is, you know, if they have a large

1 geographical area that they're responsible for, then what
2 is the timing in terms of getting from point A to point B?

3 And secondly, what are the, you know,
4 acceptable timelines in terms of response, as well as is it
5 victim related -- or sorry, persons related crime or a
6 property crime. And there's a number of other aspects
7 involved in that.

8 **MS. WENDY WETTELAND:** Okay. And what is the
9 availability of first culturally competent responders in
10 rural and urban areas?

11 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** Based
12 upon the training that we have internally within the RCMP,
13 it's as mentioned for British Columbia, it is mandatory
14 that all of our employees have their First Nations online
15 training. Additionally, we look to our communities to work
16 with us to ensure that we have community level training.
17 So as an example if you're stationed in Sakintani
18 (phonetic), or you know, in one of our urban populations,
19 that we look to see how we can continue to collaborate with
20 the communities. So that the members or employees as a
21 whole -- because it's also inclusive of any of our other
22 support staff -- that we have the opportunity to work with
23 an Elder and/or you know, somebody else that's very well-
24 respected and is willing to share the cultural component.

25 **MS. WENDY WELLELAND:** Okay. So I'll try to

1 do this really quick.

2 So while there've been improvements in the
3 amount of coverage and the narratives advanced about
4 missing and murdered Indigenous women and girls, there is
5 still significant work needed to end discriminatory and
6 sensationalized media treatment. What kinds of media
7 support protocols have the RCMP developed to assist
8 families in interacting with the media about their missing
9 loved ones? Would you recommend a uniform media protocol
10 to ensure services are effectively using the media to
11 locate missing persons, and are appropriately supporting
12 families in their contact with the media?

13 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** One
14 of the components in the national strategy is to have a
15 consistent -- a communication model that is utilized and we
16 can work with our families. I can say within British
17 Columbia that we do have that and, you know, we look to our
18 families when we're going out to the media because we want
19 to be very respectful if we're providing news releases
20 and/or if we're giving updates in the media, we immediately
21 consult our families. So we have a very strong
22 communication plan with respect to how we interact with all
23 of our families.

24 **MS. WENDY WETTELAND:** Okay. I thank you for
25 your time.

1 **MS. CHRISTA BIG CANOE:** Thank you. And I'm
2 sorry, could you do me a favour and just -- I'm sorry,
3 counsel, could you come back to the microphone for a
4 minute? Sorry. I didn't get -- we want to make sure we
5 have you full name on record again, please.

6 **MS. WENDY WETTELAND:** President and Chief
7 Wendy Wetteland, New Brunswick Aboriginal Peoples Council.

8 **MS. CHRISTA BIG CANOE:** And it's sorry, it's
9 Wendy ---?

10 **MS. WENDY WETTELAND:** Wetteland.

11 **MS. CHRISTA BIG CANOE:** Wetteland.

12 **MS. WENDY WETTELAND:** Yes.

13 **MS. CHRISTA BIG CANOE:** Okay. Thank you.

14 The next party that we're going to invite up
15 is the NunatuKavut Community Council Incorporated, Mr.
16 Stewart will also have 10 and a half minutes.

17 **--- CROSS-EXAMINATION BY MR. ROY STEWART:**

18 **MR. ROY STEWART:** Good afternoon everybody,
19 all the families, Commission, Commission Counsel, everybody
20 contributing to the inquiry. I would just like to thank
21 you yet, once again. My questions are for Deputy
22 Commission Butterworth-Carr.

23 This week we heard from Commissioner Lucki
24 and she discussed the relationship building protocol
25 between AFN and the RCMP, and I was just wondering, are you

1 familiar with that protocol agreement?

2 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:**

3 Intimately familiar, yes.

4 **MR. ROY STEWART:** Okay. So you -- would you
5 be comfortable just clarifying a few questions?

6 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:**

7 Absolutely.

8 **MR. ROY STEWART:** Okay. So before I ask a
9 few questions, I just -- some context for my question is
10 that there's no such protocol agreement between the RCMP
11 and the Southern Inuit of Labrador, or any Inuit, I don't
12 believe. And it was only this year that the RCMP engaged
13 with the NunatuKavut Community Council with respect to
14 moving forward with cultural awareness training.

15 Now, on the topic of that relationship
16 protocol agreement, Commissioner Lucki stated during her
17 cross-examination that she thinks the RCMP would benefit
18 from similar partnership agreements with Inuit and Metis
19 organizations. Do you agree with that?

20 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** So
21 I'm not familiar with the relationship that you've just
22 described. I would say though that I think that any
23 relationship that we can improve would be of benefit. And
24 in particular with British Columbia, I can say that we do
25 have a public safety protocol that mirrors the national one

1 with the AFN, except that ours obviously is with the
2 leadership council and it's very similar with respect to
3 what we want to achieve holistically.

4 **MR. ROY STEWART:** Okay. That sort of ties
5 in with my next question, which we know that AFN is a
6 national organization, but could similar protocol
7 agreements be entered into with regional Indigenous
8 organizations instead of a national organization?

9 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:**
10 Absolutely.

11 **MR. ROY STEWART:** Okay. Now, in my
12 experience, in addition to Indigenous organizations being
13 overwhelmed or stretched thin with consultations or other
14 projects they have internally, they often receive pushback
15 from federal or provincial governments and are excluded
16 from various discussions and negotiation tables. And I
17 guess -- so considering that, do you thin the onus should
18 be on those Indigenous groups to initiate the conversation
19 with the RCMP to begin that dialogue on entering into
20 partnerships?

21 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** So I
22 have a unique perspective because I come from a self-
23 governing First Nation. And for me, you know, I clearly
24 understand what consultation means, and so when we're
25 reaching out to our communities, you know, we often are the

1 ones that are reaching out. And I think that's part of
2 that importance of establishing relationships in all of our
3 communities across the country.

4 And certainly, in speaking to my colleagues,
5 you know, I have a high level of confidence that they would
6 have the same perspective. That, you know, we don't have
7 to wait for communities to reach out to us. Part of
8 establishing good relationships outside of a specific
9 protocol, that's what we should be doing in every one of
10 our communities.

11 **MR. ROY STEWART:** Great. I agree. So my
12 next few questions are in relation to the missing persons
13 cases you discussed and the sharing of information with
14 families. And you explained that the goal is always to
15 protect the integrity of the investigation and sometimes
16 officers want to share information, but they do not want to
17 jeopardize the ongoing investigation.

18 And so, I was having a look at the national
19 centre for missing persons best practice documents that is
20 in your evidence. I believe it's Exhibit 106, and the
21 section that I was looking at is 3.11.6, which states that
22 non-government organization and national aboriginal
23 organizations may want to be involved or contribute
24 information to those investigations, but they're not
25 afforded any legislative privilege or access to any more

1 information than that's available to the public.

2 So, I just wanted to ask, you know, in your
3 opinion, would legislation or some form of policy providing
4 for more information sharing with Indigenous groups provide
5 an opportunity to positively contribute to those ongoing
6 investigations if supported by the communities and families
7 that the Indigenous organization represents?

8 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

9 So, if there's specific information to further an
10 investigation, then we would absolutely welcome that,
11 because it's critical that we have all information possible
12 to help, you know, further any investigation. And, with
13 respect to family members, one of the things that I
14 commented on earlier is that they have the ability to
15 identify or appoint somebody on their behalf to interact
16 with the RCMP personnel.

17 **MR. ROY STEWART:** I guess my question was
18 sort of the inverse of that where if more information was
19 shared with the Indigenous organization that, you know, has
20 close familial ties or knowledge of the community and the
21 specific family at issue, if more information was shared
22 with that Indigenous organization than that's permitted at
23 this time, would you agree that there may be opportunity
24 for them to contribute positively towards that
25 investigation if the information was shared in a privileged

1 manner?

2 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

3 I'm not sure what information would be shared, because if
4 it's an active investigation, ongoing investigation, you
5 know, the concern is that we always protect the integrity
6 of that investigation. So, as I was talking or mentioning
7 earlier, you know, it's the same as when we're interacting
8 with families. Like, it's so important that we don't do
9 anything to erode the integrity of it and, you know,
10 inadvertently share information or that's going to derail
11 the success of that investigation. So, in terms of
12 families, you know, families are welcome to communicate
13 with any of the agencies if -- you know, and in terms of
14 relationship building, absolutely, we would welcome the
15 opportunity to create and enhance any relationships that we
16 currently have.

17 **MR. ROY STEWART:** Okay. I guess I was just
18 asking that question in the context of hearing of many
19 families or organizations feeling frustrated, because they
20 don't receive enough information or they feel like there's
21 more that could be shared, and that's not. So, I guess
22 I'll just leave that one there.

23 And, when I was engaging with Commissioner
24 Lucki, I asked the following question, but she kindly
25 referred it to you, and it was just whether you could

1 comment or have any knowledge regarding a correlation
2 between communities where the local economy is based on
3 resource development and incidents or reported sexual
4 violence against Indigenous women or girls.

5 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

6 So, I can say, you know, very candidly that we see,
7 certainly, the correlation. And, when we know that we've
8 got industry that's happening in any of our communities
9 across the country, we're constantly doing the assessment,
10 we are working with, you know, as many people that -- as we
11 can to ascertain, you know, the growth, and then be able to
12 provide a meaningful response. So, if we have to look at
13 mobilizing resources to help with the prevention and so
14 forth, because we really want to ensure that, you know, our
15 women are safe, like in any of our communities, and so
16 they're not, you know, victims of sexual exploitation or
17 any of the other things that we know can happen within
18 resource industries, especially with a transient
19 population.

20 **MR. ROY STEWART:** I guess -- so when you
21 refer to a transient population, is that, I guess, the non-
22 Indigenous, or maybe it's Indigenous, workers on the
23 projects that are coming in or on their territory? Is that
24 what you're referring to, those peoples?

25 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

1 I'm talking about the people that wouldn't normally reside
2 in that community.

3 **MR. ROY STEWART:** Okay. That's what I
4 thought you were saying. That's all my questions I have.
5 Thank you.

6 **MS. CHRISTA BIG CANOE:** Thank you, Mr.
7 Stewart. Next, we would like to invite up the MMIWG
8 Coalition of Manitoba. Ms. Catherine Dunn has 10-and-a-
9 half minutes for her cross-examination.

10 **--- CROSS-EXAMINATION BY MS. CATHERINE DUNN:**

11 **MS. CATHERINE DUNN:** Good afternoon. My
12 name is Catherine Dunn, and my questions this afternoon are
13 for the RCMP Deputy Superintendent (sic) Butterworth-Carr.
14 Ms. Carr, part of your testimony today dealt with your
15 expertise in terms of dealing with families who are
16 involved with victims of crime; is that fair to say?

17 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
18 I certainly have worked with families, yes.

19 **MS. CATHERINE DUNN:** And, as part of your
20 work with families, you have referenced in your direct
21 examination form called the Complainant/Family
22 Communication Schedule, that's Tab 8 to your written
23 material, and it might be Exhibit 104. I'm not sure.

24 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
25 It's Exhibit 105.

1 **MS. CATHERINE DUNN:** Yes. Okay. 105 is the
2 exhibit number. Now, that is a form that is written by and
3 generated by the RCMP; is that correct?

4 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
5 Yes, it is, out of National Headquarters.

6 **MS. CATHERINE DUNN:** All right. And, that
7 form, the purpose of that form is to provide, at least in
8 part, some accountability to the investigating officers who
9 are investigating the crimes and how they relate to the
10 family; is that fair?

11 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
12 The form, as I was mentioning earlier, is an opportunity
13 for investigators or family liaison personnel to sit down
14 with families and complete a schedule to the mutual
15 agreement with respect to our families.

16 **MS. CATHERINE DUNN:** Okay. You're saying
17 opportunity. I'm saying it is an obligation.

18 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
19 Sorry. Yes, it is. No, it is -- we are obligated to
20 complete the form. That's my bad terminology.

21 **MS. CATHERINE DUNN:** Yes. Okay. No
22 problem. And, that form is important because it creates a
23 record for the RCMP in terms of what was done with a
24 particular family in terms of a communication or, in
25 particular, a communication schedule; is that fair?

1 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

2 So, all of our investigations have to have documentation
3 with respect to our contact with our families, and this is
4 a form to formalize it. Regardless, we would still have
5 documentation on a file indicating the time and the
6 frequency with which we would be contacting families. We
7 just wanted to ensure that there was standardization.

8 **MS. CATHERINE DUNN:** This form proves you
9 talked to families, in essence; right?

10 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

11 It captures the time and the date, and who the family
12 liaison member is, yes.

13 **MS. CATHERINE DUNN:** Okay. So, I'm going to
14 direct your attention to the top right-hand corner of that
15 form. And, what that says is it defines a number of
16 circular things called Protection Level once the form has
17 been completed. Do you see that box there?

18 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

19 Yes.

20 **MS. CATHERINE DUNN:** And, one of the circled
21 entities under that box is entitled "Secret". Can you tell
22 me why a complainant or family communication schedule form
23 would be ticked off "Secret"?

24 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

25 So, we have classification associated to all of our files,

1 and in terms of why this is specifically there and -- I'd
2 be guessing. And so, as to why it would be secret, I can't
3 answer that, unfortunately.

4 **MS. CATHERINE DUNN:** Because the purpose of
5 this form is to provide proof to yourself, as the -- one of
6 the heads of the RCMP, that there is a tracking of a
7 schedule of communication between the RCMP and the
8 families; right?

9 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
10 Absolutely, that, you know, we are ensuring that we are
11 communicating with families on the time schedule that was
12 agreed upon between the family and the investigator.

13 **MS. CATHERINE DUNN:** And, if that circle is
14 ticked off "Secret", then that is antithetical to the
15 purpose of this form, because by the word "secret", I
16 assume that means secret from the family, not from the
17 RCMP, who is generating the form in the first place?

18 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
19 I -- that's not what my perspective of the form would be.
20 The form is to sit down and mutually agree upon the
21 frequency and the timing and who the family liaison member
22 is. I can see the perspective, but for myself, this is a
23 form that goes on the file.

24 **MS. CATHERINE DUNNE:** Yes, and the file --
25 it goes on the file -- and I'm going to go back now to the

1 next block. It says "instructions to be completed by the
2 investigating member." So I'm assuming that the
3 investigator of the crime, the RCMP officer investigating
4 the crime fills out this form; right?

5 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

6 Yes, or the family liaison member, but the investigator
7 certainly has to have knowledge of the agreed upon
8 schedule.

9 **MS. CATHERINE DUNNE:** Well, the reason that
10 I'm saying the investigating member is because that's what
11 the form says and a separate column, the middle column
12 there, is referencing the liaison member. And what I found
13 interesting is that the investigating member fills out this
14 form, not the liaison member. Do you know why that would
15 be?

16 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

17 As I was mentioning, the investigating member has to have
18 knowledge and has to ensure that this form is completed and
19 that, again, the liaison as well is involved in the
20 process.

21 **MS. CATHERINE DUNNE:** The liaison is
22 involved in the process, but they have no control over
23 whether or not this form is completed or whether or not
24 this form is uploaded into the general police file; is that
25 fair?

1 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

2 As I was mentioning, the liaison is involved in the process
3 and ultimately the investigator has to ensure that it's
4 been completed and it's on the file.

5 **MS. CATHERINE DUNNE:** But that's the
6 responsibility of the RCMP investigating officer and not of
7 the liaison member, who may or may not know whether or not
8 this form was completed.

9 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

10 The liaison person has to know that the form is completed.
11 If they're the ones that going to be contacting the family
12 they have to have absolute knowledge that the form was
13 completed and they have to know exactly when the meetings
14 are to occur.

15 **MS. CATHERINE DUNNE:** It says "once
16 completed, upload the -- to be completed by an
17 investigating member." And then point number three is
18 "once completed" -- that is, I assume completed by the
19 investigating member, it is to be uploaded from the
20 investigative file onto PROS or applicable RMS, which I
21 assume is a RCMP file; right?

22 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

23 Yes, it's our internal system.

24 **MS. CATHERINE DUNNE:** Right. So I don't see
25 anything on this form that says the liaison member touches

1 this form or provides this form to anybody. This is a form
2 that is in the complete 100 per cent control of the
3 investigating member; is that not correct?

4 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

5 No, the family liaison person that has been identified
6 would have knowledge of it. They would have access to it
7 and they would know when they would be the person that was
8 meeting with the family and agreed upon schedule. They
9 would have absolute knowledge that the form was completed
10 and the timing of when those meetings were to occur.

11 **MS. CATHERINE DUNNE:** They may have

12 knowledge of it. They don't have control of it. That's
13 the question.

14 The liaison member may indeed have knowledge
15 of what is on this form or not, but that is at the option
16 of the investigating officer. And the liaison member has
17 no control -- at least just reading the form -- about where
18 this form goes. I.e., whether it goes into the file or
19 whether it goes into the secret pile.

20 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

21 I can absolutely assure you the family liaison person will
22 have seen the form, they'll have -- they will absolutely
23 know when they have to meet with the family. They'll have
24 thorough knowledge of its existence and they'll have access
25 to it.

1 **MS. CATHERINE DUNNE:** The form does not have
2 a space for the family to review and accept the
3 communication schedule that is ticked off on this form.
4 So, for example, if the form is ticked off as agreed upon
5 communication frequency, for example monthly, the --
6 there's nowhere on this form for the family member to sign
7 off on that; right? The RCMP signs off on that tick check
8 of frequency.

9 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
10 Yes, it does.

11 **MS. CATHERINE DUNNE:** Yeah. So there's --
12 if this form was for accountability purposes, and I'm
13 assuming that's why it's here, there is no check back with
14 the family to confirm with them when they complain that
15 they wanted more information, they can't say, well, you
16 only wanted monthly information because you checked it off.
17 They don't get to check off this form; do they?

18 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
19 Not as it's currently written.

20 **MS. CATHERINE DUNNE:** And do you think on a
21 going forward basis it would be a good idea to change this
22 form to something more like the previous witnesses'
23 material which allows a dual process of information between
24 the police and the families?

25 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

1 Absolutely.

2 **MS. CATHERINE DUNNE:** There is no box on
3 this form that checks off language in which this
4 information is to be communicated to the families. For
5 example, if you were only Cree speaking or only Inuk
6 speaking, there's nothing on this form to tell the person
7 that that's the language that they prefer to be
8 communicated in; is that correct?

9 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
10 No, there isn't.

11 **MS. CATHERINE DUNNE:** Would that be a good
12 idea in your view?

13 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
14 I think it absolutely would be a great idea.

15 **MS. CATHERINE DUNNE:** And there's no place
16 on this form for the level of understanding by the family
17 in terms of what communication they're getting. That is,
18 they have a good understanding, they have no understanding,
19 they need more information.

20 **MS. CHRISTA BIG CANOE:** Sorry, Ms. Dunne,
21 you're over time ---

22 **MS. CATHERINE DUNNE:** Oh, I'm sorry.

23 **MS. CHRISTA BIG CANOE:** --- at this point.

24 **MS. CATHERINE DUNNE:** I keep -- yeah, sorry.
25 Pardon me. Thank you.

1 **MS. CHRISTA BIG CANOE:** Thank you.

2 Next we would like to invite up the Assembly
3 of First Nations. Ms. Julie McGregor will have 14 minutes.

4 **--- CROSS-EXAMINATION BY MS. JULIE MCGREGOR:**

5 **MS. JULIE MCGREGOR:** Good afternoon, panel
6 members, as well as Commissioners. My name is Julie
7 McGregor and I'm representing the Assembly of First
8 Nations. I'm going to be asking each of the panel members
9 questions, but I would like to start today with Deputy
10 Commissioner Butterworth-Carr.

11 Deputy Commissioner, throughout this week, I
12 don't know, I'd say the bulk of the evidence we've heard is
13 about best practices and best case scenarios. So a lot of
14 stories about how -- well, not stories, but I mean,
15 discussions about how -- what happens when things go right
16 in a missing persons or a murder case.

17 And it struck me especially when I was
18 listening to your evidence because you provided that story
19 about the notification of a family member and that they
20 wanted to view the crime scene and how you accompanied them
21 and they were allowed to do a ceremony there.

22 And I appreciate I might be putting you on
23 the spot because we've heard from a lot of witnesses about
24 best case scenarios, but I'm going to ask you to share with
25 us an example of when things went wrong, because I think

1 it's important for everybody to hear not only best case
2 scenarios, but when things don't go right and why they
3 don't go right.

4 And keeping in mind, I don't want you to
5 breach any kind of confidentiality or hurt the integrity of
6 any ongoing investigations. I just would like sort of the
7 same sort of -- the flip side of what you presented.

8 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

9 Yeah, well, I would think that -- well, I do think, you
10 know, given the nature of some of the experiences or things
11 that have happened, it's pretty observable in terms of the
12 trauma that it leaves with families when, you know, we're
13 not responsive or we're not culturally sensitive. It's
14 pretty apparent that the relationships erode, have the
15 potential to deteriorate and then become very challenging
16 to overcome.

17 And so, you know, based upon those
18 experiences, from my perspective, we need to be doing it
19 the way I just described in my first example that we're
20 always looking to work with our families and be truly
21 respectful of all of our cultures and that, you know, we're
22 facilitating that as best as we can given the crime scene
23 and/or, you know, just in the manner in which we're
24 interacting with the loves ones, you know, that we've lost.

25 **MS JULIE MCGREGOR:** But you have been

1 involved in cases where it didn't go as a best practice or
2 best practices weren't followed and best case scenarios
3 didn't happen; correct?

4 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

5 I have knowledge of it, yes.

6 **MS JULIE MCGREGOR:** You spoke about
7 benchmark offences. And in addition -- and how additional
8 rigorous investigation is mandated in those circumstances;
9 correct?

10 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

11 Yes.

12 **MS JULIE MCGREGOR:** Has there ever been any
13 kind of evaluation done or handling -- of the handling of
14 benchmark offences investigations?

15 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

16 There's a constant assessment and then -- and an analysis
17 of how those investigations are being completed. It's done
18 through peer review. As an example, we've got a Special
19 Projects Team, and then of course with the Office of
20 Investigative Standards and Practices, that is also
21 something that the new National Investigative Standards and
22 Practices will be doing.

23 But in absence of it, I can say that those
24 analyses and evaluations are continuous.

25 **MS. JULIE MCGREGOR:** And is any of that

1 information made public, to the extent it can be?

2 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

3 I'm not sure if it's been made public previously. I'm
4 sorry, I can't answer that.

5 **MS. JULIE MCGREGOR:** Okay. What types of
6 accountability for benchmark offences investigations --
7 what kind of accountability is there to First Nations in
8 terms of -- in benchmark offences investigations?

9 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

10 So the accountability would be that the benchmark offence,
11 if it occurred, that, again, if it was involving any of our
12 indigenous families, we would immediately ensure that we
13 were communicating and providing updates. Because of the
14 requirements in terms of once that offence occurs and then
15 ultimately as it's being investigated, we want to ensure
16 that we're continuing to provide updates to our families.

17 **MS. JULIE MCGREGOR:** And do you have --
18 like, I mean, in terms of -- yeah, you update families as
19 well, but is there additional sort of, I guess,
20 accountability to communities as well? Is there additional
21 check-ins, I guess you could say, that are provided?

22 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

23 In terms of the benchmark offences, as I was mentioning,
24 once they're initiated based upon that, so if it's a
25 missing persons offence where there's foul play suspected

1 or if it's a homicide or if it's a serious sexual assault,
2 typically the updates are made, you know, to the family.

3 Have I had, you know, inquiries with respect
4 to some of our First Nation communities come forward or
5 indigenous communities and ask for additional information
6 if it's a public safety concern, as an example? We have to
7 be very mindful in how we're providing that information,
8 and we typically work with our families. And if it is a
9 public safety concern, you know, there are certain aspects
10 that we may come out publicly with, but we have to respect
11 the *Privacy Act* and so forth associated to it.

12 **MS. JULIE MCGREGOR:** Thank you.

13 I'm going to move on to questions for
14 Captain Paul Charbonneau.

15 Mr. Charbonneau, how does the Sûreté du
16 Québec prioritize missing person cases in general?

17 **CAPITAINE PAUL CHARBONNEAU:** Une disparition
18 c'est un appel de priorité 1.

19 **MS. JULIE MCGREGOR:** And there's no
20 difference between Priority 1 calls -- or there's no
21 difference between a prioritization for indigenous people
22 who go missing or indigenous women who go missing than any
23 other population in Quebec; is that correct?

24 **CAPITAINE PAUL CHARBONNEAU:** C'est exact.

25 **MS. JULIE MCGREGOR:** Okay. When somebody

1 goes missing, how does the Sûreté du Québec communicate
2 with other police forces?

3 **CAPITAINE PAUL CHARBONNEAU:** Je vous dirais
4 que ça dépend du dossier. Tout le monde connaît l'alerte
5 *amber*. Ça c'est un cas spécifique. Il pourrait y avoir
6 une alerte *amber*. Sinon, c'est fait par le biais de la
7 Centrale de renseignements policiers du Québec, le CRPQ, où
8 il y a un message narratif. Ça se fait de façon
9 informatique sur un ordinateur. On écrit le message et on
10 l'envoie aux autres agences. Ce système-là fonctionne
11 aussi inter-province.

12 **MS. JULIE MCGREGOR:** And to reiterate my
13 previous question, there's no special communication for
14 when an indigenous woman goes missing?

15 **CAPITAINE PAUL CHARBONNEAU:** Non. Toutes
16 les plaintes de disparition à la Sûreté du Québec sont
17 prises avec sérieux dès le départ. On a entendu dans les
18 témoignages antérieurs à l'effet d'attendre un 24 heures.
19 Ça n'existe pas à la Sûreté du Québec. Il n'y a pas
20 d'attente. Une plainte de disparition c'est pris au
21 sérieux tout de suite. C'est un appel et on doit faire une
22 réponse immédiate.

23 **MS. JULIE MCGREGOR:** Does the Sûreté du
24 Québec communicate with First Nations police forces and
25 update them on missing persons when the person is from a

1 First Nation -- the missing person is from a First Nations
2 community?

3 **CAPITAINE PAUL CHARBONNEAU:** Oui, tout à
4 fait. Les services de police... les corps de police
5 autochtones des Premières Nations sont partie intégrante du
6 Centre de renseignements policiers du Québec.

7 **MS. JULIE MCGREGOR:** Okay. Thank you.
8 I'm going to move on to my questions for
9 Chief Superintendent Pritchard now. I want to start off by
10 thanking you, Chief Superintendent Pritchard, for actually
11 giving us evidence of -- going through evidence about how
12 the OPP or a police force responds when a person goes
13 missing. I think it's the first time we've actually had
14 that important evidence.

15 You stated in your evidence that if a police
16 officer hasn't followed these policies, and you outlined
17 several policies and they were put into evidence, that it's
18 a neglect of duty and that a disciplinary action can be
19 taken. Is that correct?

20 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

21 **MS. JULIE MCGREGOR:** What are those
22 disciplinary actions?

23 **CHIEF SUPERINTENDENT MARK PRITCHARD:**
24 There's a number of options available, and it would really
25 depend on the severity of the neglect. There's a

1 progressive discipline to follow that could start from a
2 verbal warning, a written warning, a charge under the
3 *Police Services Act*, the penalty for which, depending again
4 on the severity of the charge, can range from loss of hours
5 to demotion and ultimately dismissal.

6 **MS. JULIE MCGREGOR:** In the past 15 to 20
7 years, how many officers have been disciplined for neglect
8 of duty in cases of missing and murdered indigenous women
9 and girls?

10 **CHIEF SUPERINTENDENT MARK PRITCHARD:** I'm
11 sorry, I don't know that.

12 **MS. JULIE MCGREGOR:** Okay. So similarly
13 with regard to Victim Services, you stated that the Victims
14 Liaison person is also the investigating officer; is that
15 correct?

16 **CHIEF SUPERINTENDENT MARK PRITCHARD:**
17 Potentially.

18 **MS. JULIE MCGREGOR:** Yes. And that managers
19 in those cases are responsible for ensuring there's proper
20 resources deployed to these cases, and if they're not
21 deployed, there's also, again, disciplinary measures which
22 I assume are similar to the ones you've just stated. Is
23 that correct?

24 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.
25 And for supervisors, generally the penalties are more harsh

1 because they have a higher level of responsibility. They
2 are supervisors. Their job is to make sure things are done
3 properly. So if they're not doing it properly, then it's
4 more serious.

5 **MS. JULIE MCGREGOR:** And in the past 15 to
6 20 years, how many managers have been disciplined for not
7 providing adequate resources in cases of missing and
8 murdered indigenous women?

9 **CHIEF SUPERINTENDENT MARK PRITCHARD:** I'm
10 sorry, I don't know that either.

11 **MS. JULIE MCGREGOR:** With regard to urgent
12 priority calls and missing persons, you said that an urgent
13 priority call is number 1. How quickly must the OPP
14 respond in those cases?

15 **CHIEF SUPERINTENDENT MARK PRITCHARD:** The
16 response is immediate. Geography would play a factor
17 potentially on how quickly the officer would arrive at the
18 scene. It would really depend on where. We do have some
19 fly-in communities that are more of a challenge.

20 **MS. JULIE MCGREGOR:** That was actually my
21 follow-up question. In terms of communities that are in
22 the north or more remote, does this time -- obviously it
23 can't be immediate, but what kind of timing is there for
24 those cases?

25 **CHIEF SUPERINTENDENT MARK PRITCHARD:** We

1 have aviation services available. We have a plane on the
2 ground in Thunder Bay, as well as a helicopter, and we also
3 have the ability to charter as necessary.

4 **MS. JULIE MCGREGOR:** I want to turn now to
5 the Missing Persons Checklist, which I believe is Exhibit
6 131.

7 Can that be put before the witness, please?

8 **MR. THOMAS BARNETT:** That's Tab 5 for Chief
9 Commissioner and Commissioners.

10 **MS. JULIE MCGREGOR:** So the date on the
11 document refers to 2015; is that correct?

12 **CHIEF SUPERINTENDENT MARK PRITCHARD:** That's
13 correct.

14 **MS. JULIE MCGREGOR:** Was it in use before
15 2015, this checklist?

16 **CHIEF SUPERINTENDENT MARK PRITCHARD:** I
17 don't know that.

18 **MS. JULIE MCGREGOR:** Was there anything that
19 prompted the use of the checklist, any events?

20 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Not
21 that I'm aware of.

22 **MS. JULIE MCGREGOR:** In discussing again the
23 use of the Victim Services liaison person, what kind of
24 training do victim liaison investigators receive in terms
25 of First Nations?

1 **CHIEF SUPERINTENDENT MARK PRITCHARD:** If the
2 liaison officer happens to be a member of the Provincial
3 Liaison Team, they've got extensive training. There is no
4 specific training course right not for the -- specific to
5 being a victim liaison officer. The Provincial Liaison
6 Team member course is a 2-week course with yearly updates
7 of, I can't remember if it's either two or three days per
8 year.

9 **MS. JULIE MCGREGOR:** When was the Provincial
10 Liaison Team established? What year was that?

11 **CHIEF SUPERINTENDENT MARK PRITCHARD:** It was
12 sometime around The Ipperwash Inquiry. There was actually
13 two teams. There was one called the ART, which was the
14 Aboriginal Relations Team, and there's one that was the
15 Major Incident Liaison -- or Major Event Liaison Team, and
16 they were combined into the one team, the Provincial
17 Liaison Team.

18 **MS. JULIE MCGREGOR:** And, it was a result of
19 The Ipperwash Inquiry?

20 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

21 **MS. JULIE MCGREGOR:** Okay. Thank you. That
22 is my time.

23 **MS. CHRISTA BIG CANOE:** Thank you, Ms.
24 McGregor. Just before I call the next party up, we are
25 currently distributing a corrected and updated list, and so

1 I just wanted to bring that to the attention of parties as
2 it comes around to you as well as -- thank you. Just a
3 couple of quick notes. There was an agreement between two
4 parties that are now in a different order. So, number 8 is
5 a different party, and some other minor corrections.

6 To keep going though, I would like to next
7 invite up ITK. I believe Ms. Elizabeth Zarpa? Yes, thank
8 you, will be making submissions on -- doing cross-
9 examination, and she will have 10-and-a-half minutes,
10 please.

11 **--- CROSS-EXAMINATION BY MS. ELIZABETH ZARPA:**

12 **MS. ELIZABETH ZARPA:** Thank you, Commission
13 Counsel. My name is Elizabeth Zarpa, and I am legal
14 counsel here representing Inuit Tapiriit Kanatami, which is
15 a national organization that represents Inuit throughout
16 the country. So, my questions will hopefully hit all of
17 the different testimony that's been given today, and I want
18 to say thank you for your time and your information.

19 So, Mr. Pritchard, you highlighted earlier
20 that the electronic system where information is uploaded,
21 like when an individual is missing, there's an electronic
22 system that information is put into?

23 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

24 **MS. ELIZABETH ZARPA:** And, is this
25 electronic system accessible throughout all police

1 jurisdictions in Canada?

2 **CHIEF SUPERINTENDENT MARK PRITCHARD:** No.

3 **MS. ELIZABETH ZARPA:** Is it only in Ontario?

4 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
5 in Ontario, there's actually a number of records management
6 systems used by different police services. The most
7 popular is the Records Management System, which the OPP and
8 many municipal and First Nation services are on. Some of
9 the bigger forces have their own systems. But, PowerCase,
10 which is the software used for managing major cases, is for
11 all police services.

12 **MS. ELIZABETH ZARPA:** Across the country?

13 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Across
14 Ontario.

15 **MS. ELIZABETH ZARPA:** Are there any national
16 databases that are mandatory for different police
17 institutions where they can upload this information so it's
18 accessible all throughout Canada?

19 **CHIEF SUPERINTENDENT MARK PRITCHARD:**
20 Perhaps that's best addressed to the RCMP. I'm not aware
21 of that.

22 **MS. ELIZABETH ZARPA:** Okay. And, is the
23 electronic system that you're speaking of, is the access to
24 information -- *Privacy Protection Act*, is that -- is this
25 the electronic system excluded from that Act?

1 **CHIEF SUPERINTENDENT MARK PRITCHARD:** No.

2 **MS. ELIZABETH ZARPA:** So, anybody could call
3 in to do an ATIP request to access information on this
4 electronic system?

5 **CHIEF SUPERINTENDENT MARK PRITCHARD:** In
6 Ontario, it's got a different name, but yes.

7 **MS. ELIZABETH ZARPA:** Okay. Thank you. And
8 so, earlier also, you highlighted there are five provincial
9 call centres that are available for individuals if they
10 want to speak of or make contact with the OPP regarding
11 their missing family member or loved one?

12 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

13 **MS. ELIZABETH ZARPA:** So, when an individual
14 calls in to provide information to these centres, is there
15 desegregated data, such as the ancestry? Say for instance,
16 an Inuit woman goes missing, is this data something that's
17 put into the call centre?

18 **CHIEF SUPERINTENDENT MARK PRITCHARD:** I'm
19 not following your question. I'm sorry.

20 **MS. ELIZABETH ZARPA:** So, say for instance,
21 there's a missing Inuit woman, and then they call into the
22 call centre, is the ancestry of this individual something
23 that's highlighted by the call centre?

24 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

25 **MS. ELIZABETH ZARPA:** Okay. And, is there

1 any information or any way that this call centre looks at
2 the origin or the ancestry of the individual? Say for
3 instance, there's -- Ottawa has the highest population of
4 urban Inuit in Canada. Say, if an Inuit woman from Iqaluit
5 goes missing, is this information put into the call centre
6 as well?

7 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
8 our protocols -- our procedure doesn't matter where the
9 person is from. We'd accept the report as being reported
10 missing. It doesn't matter where you're missing from. Our
11 policy is that we will accept a report.

12 **MS. ELIZABETH ZARPA:** And, in that
13 acceptance of the report, the information, the data of the
14 individual, the ancestry, the place of origin is something
15 that might come up in the call centre?

16 **CHIEF SUPERINTENDENT MARK PRITCHARD:**
17 Certainly.

18 **MS. ELIZABETH ZARPA:** Okay. Thank you.
19 And, of those five call centres you mentioned with --
20 throughout Ontario, are there any sections or centres that
21 are dedicated to families of missing and murdered
22 Indigenous women and girls?

23 **CHIEF SUPERINTENDENT MARK PRITCHARD:** No,
24 these are communication centres that all of the calls, that
25 when you phone the OPP, that your calls go to.

1 **MS. ELIZABETH ZARPA:** So, there's no centre
2 or section that's dedicated entirely to missing Indigenous
3 women or girls?

4 **CHIEF SUPERINTENDENT MARK PRITCHARD:** No.

5 **MS. ELIZABETH ZARPA:** Okay. So, under
6 Exhibit 127, the Missing Persons Manual, you said that --
7 so if they don't meet the expectations within this
8 particular manual, do citizens -- can citizens file a
9 complaint?

10 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.
11 In Ontario, there's civilian oversight of policing, so a
12 complaint can be made to the -- it's called OIPRD, Ontario
13 Independent Review Directorate.

14 **MS. ELIZABETH ZARPA:** And, how do citizens
15 learn about these redress mechanisms?

16 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
17 OIPRD has a website. Also, a complaint directly to the
18 police, we would refer the individual to OIPRD if they
19 wanted to speak to them and file a complaint. Complaints
20 can be made online, over the phone and in person.

21 **MS. ELIZABETH ZARPA:** Okay. Thank you. My
22 next questions will go to Deputy Minister Commissioner
23 Brenda Butterworth-Carr. Could I call you Brenda?

24 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
25 Absolutely.

1 **MS. ELIZABETH ZARPA:** Okay. Thank you. So,
2 you highlighted -- are you familiar with the federal Family
3 Information Liaison Unit, also known as FILU?

4 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
5 Yes, I am.

6 **MS. ELIZABETH ZARPA:** And, is this service
7 something that you see as essential for families who need
8 help navigating the several systems that they have to
9 navigate when their loved one goes missing? Do you see
10 this is as something that is essential?

11 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
12 As I understand it, that's their mandate, yes.

13 **MS. ELIZABETH ZARPA:** And, is this program
14 temporary or is it permanent?

15 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
16 I'm not sure of the permanency because it's funded outside
17 of the RCMP. It's a completely separate program from us.

18 **MS. ELIZABETH ZARPA:** But, the work that you
19 see the liaison workers do in the time of crisis, do you
20 see this as something that's essential to helping families
21 navigate several systems in a traumatic event?

22 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
23 The knowledge that I have of the FILU program, you know,
24 they've certainly been very beneficial in interacting with
25 families as how I've been briefed. I haven't worked

1 directly with the FILU.

2 **MS. ELIZABETH ZARPA:** Okay. And, you
3 highlighted earlier Historical Investigation Units?

4 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
5 Yes.

6 **MS. ELIZABETH ZARPA:** Okay. So, how does a
7 division get a Historical Investigation Unit?

8 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
9 Essentially, that is the determination of the Commanding
10 Officer or Criminal Operations Officers in the respective
11 provinces and territories. And, what I would say is that
12 if they don't have a designated historical unit, that they
13 would certainly have somebody identified in their Serious
14 Crime Unit that would have the responsibility to ensure
15 that they were actively investigating, or they would have
16 custody of any historical cases.

17 **MS. ELIZABETH ZARPA:** Okay. Thank you. My
18 next set of questions will go to Captain Charbonneau. My
19 French is very poor.

20 **CAPTAIN PAUL CHARBONNEAU:** Charbonneau.
21 But, everybody can call me Paul.

22 **MS. ELIZABETH ZARPA:** Okay. Thank you,
23 Paul. Thank you. In your testimony, you highlighted the
24 importance of increasing the number of Inuit, visible
25 minorities and other individuals whose language is not

1 English or French within the SQ; correct?

2 **CAPITAINE PAUL CHARBONNEAU:** Oui, c'est
3 exact. Il y a un programme d'accès d'égalité à l'emploi.

4 **MS. ELIZABETH ZARPA:** Okay. Could you
5 please explain why you think this is important?

6 **CAPITAINE PAUL CHARBONNEAU:** En fait, le
7 policier fait partie du tissu social. Alors, c'est
8 important que son effectif représente la société. Alors,
9 dans un monde idéal, l'effectif de la Sûreté du Québec
10 représenterait de façon égale toute la composition de la
11 société, en fait.

12 Je ne sais pas si je réponds à votre
13 question?

14 **MS. ELIZABETH ZARPA:** Sure you are. Yes.
15 And so are you aware that there are Inuit in Quebec?

16 **CAPITAINE PAUL CHARBONNEAU:** Je n'ai pas la
17 donnée à savoir... je sais qu'il y a 80 policiers qui sont
18 membres des Premières Nations, des autochtones, mais je
19 n'ai pas les données par nation.

20 **MS. ELIZABETH ZARPA:** But are you aware that
21 there are Inuit in Quebec?

22 **CAPITAINE PAUL CHARBONNEAU:** Oui, il y a 14
23 villages nordiques.

24 **MS. ELIZABETH ZARPA:** Okay. Thank you.
25 And from your experience, what barriers are

1 there for an Inuit person who lives in Nunavik to become a
2 police officer in Quebec?

3 **CAPITAINE PAUL CHARBONNEAU:** En fait, je
4 saisis mal... il y a certainement... je ne suis pas sûr de
5 saisir votre question: des barrières pour devenir policier,
6 si on est un Inuit?

7 **MS. ELIZABETH ZARPA:** Yes. Oui.

8 **CAITAINE PAUL CHARBONNEAU:** En vertu du
9 programme d'accès à l'égalité, il y a les mêmes chances que
10 tous. Il y a certains critères pour devenir policier au
11 Québec qui sont enchâssés dans la Loi sur la police. Si on
12 respecte ces critères-là, il y a possibilité d'appliquer à
13 la Sûreté du Québec.

14 **MS. ELIZABETH ZARPA:** Okay. Thank you.

15 Earlier in the week we heard that when
16 there's a major crime in Nunavik the Major Crime Unit is
17 flown to a Nunavik community. Is it the SQ that provides
18 those Major Crime Units to Nunavik?

19 **CAPITAINE PAUL CHARBONNEAU:** Oui, c'est
20 exact. En vertu des niveaux de services policiers,
21 lorsqu'un corps policier a besoin d'assistance, c'est la
22 Sûreté du Québec qui va venir suppléer.

23 **MS. ELIZABETH ZARPA:** And do these officers
24 speak Inuktitut?

25 **MR. THOMAS BARNETT:** Counsel, you're out of

1 time.

2 **MS. ELIZABETH ZARPA:** Thank you.

3 **MR. THOMAS BARNETT:** Next, if we could call
4 the Ontario Native Women's Association? Counsel Robert
5 Edwards, you have 18 minutes.

6 **--- CROSS-EXAMINATION BY MR. ROBERT EDWARDS:**

7 **MR. ROBERT EDWARDS:** Good afternoon Panel,
8 Commissioners, it's my privilege to act for the Ontario
9 Native Women's Association. I'm going to ask some
10 questions, please, to Chief Superintendent Pritchard.

11 Chief Superintendent, my client's focus in
12 this inquiry is on finding practices or programs that will
13 stop violence against Indigenous women and girls throughout
14 Ontario and Canada. And from your testimony today can I
15 assume that you agree fully with that?

16 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**
17 Absolutely.

18 **MR. ROBERT EDWARDS:** Yes. And one of the
19 ways that the Ontario Native Women's Association believes
20 that safety can be enhanced, violence lessened, if not
21 stopped, is if the Indigenous Police Services are given the
22 human resources and the tools and the opportunity to
23 provide better protection on and off reserve. Would you
24 agree with that as a general principle?

25 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**

1 Yes.

2 **MR. ROBERT EDWARDS:** Historically, do you
3 agree that the Indigenous services have been undersupplied
4 with the resources to do the job to your standards?

5 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:** In
6 many areas, certainly.

7 **MR. ROBERT EDWARDS:** Sir, I assume that you
8 are familiar with the Ontario Regulation that provides
9 mandatory adequacy and effectiveness for policing services
10 in Ontario?

11 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**
12 Yes, I believe that's in our package.

13 **MR. ROBERT EDWARDS:** It's in your material
14 at Tab O and I don't believe that -- do you have a copy of
15 it, sir, because I have an extra one here if you need it.

16 **MR. JULIAN ROY:** We have it.

17 **MR. ROBERT EDWARDS:** You have one? And it's
18 at Tab ---

19 **MR. JULIAN ROY:** Commissioners, that's at
20 Tab 13 ---

21 **MR. ROBERT EDWARDS:** Tab 13, thank you.

22 **MR. JULIAN ROY:** Thirteen (13) of your book.

23 **MR. ROBERT EDWARDS:** That has not yet been
24 entered as an exhibit, Madam -- Chief Commissioner. I
25 believe that I'll be asking that it be so entered.

1 **MR. JULIAN ROY:** I have no issue with that
2 at all.

3 **CHIEF COMMISSIONER MARION BULLER:** And
4 Ontario Regulation 3/99 Adequacy and Effectiveness of
5 Police Services is 138, please.

6 --- EXHIBIT NO. 138:

7 Ontario *Police Services Act*, Regulation
8 3/99 "Adequacy and Effectiveness of
9 Police Services" last amendment O. Reg
10 185/16 (eight pages)
11 Witness: Chief Superintendent Mark
12 Pritchard, Ontario Provincial Police
13 Submitted by Robert Edward, Counsel for
14 Ontario Native Women's Association

15 **MR. ROBERT EDWARDS:** Sir, I'm not going to
16 read the entire thing into the record, but you would agree
17 with me that these are mandatory standards, it speaks in
18 mandatory language that a police service or a board or a
19 chief of police, which actually would include the
20 Commissioner by definition, shall do certain things;
21 correct?

22 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**
23 Correct.

24 **MR. ROBERT EDWARDS:** For example, number six
25 on the second page,

1 "Police forces shall have a member of the police force
2 available 24 hours a day to supervise police
3 communication."

4 That's a mandatory standard in Ontario;
5 correct?

6 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**

7 Yes, it is.

8 **MR. ROBERT EDWARDS:** Every chief of --
9 Section 10,
10 "Every chief of police shall,
11 [...] ensure that there is supervision available to members
12 of the police force 24 hours a day"

13 That's also a mandatory standard; correct?

14 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**

15 Yes, it is.

16 **MR. ROBERT EDWARDS:** And if you go to one
17 that is a very long list of about 28 requirements, I'll
18 just highlight a few of them, Section 12, sir, at page 3 of
19 the Regulation?

20 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**

21 Yes.

22 **MR. ROBERT EDWARDS:** "Every chief of police
23 shall develop and maintain procedures on and processes for
24 undertaking and managing general [crime] investigation[...]
25 and investigations into,

1 [...] physical and sexual abuse of children;
2 [...] child pornography;
3 [...] criminal harassment;
4 [...] domestic occurrences..."

5 And the list goes on and on; true?

6 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**

7 Yes.

8 **MR. ROBERT EDWARDS:** And the thrust of the
9 Regulation is that Police Services shall provide adequate
10 and effective services to the areas that they police,
11 whatever adequate and effective means; is that fair?

12 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**

13 Yes.

14 **MR. ROBERT EDWARDS:** This came into effect
15 actually in -- it says -- it's a Regulation from 1999, but
16 it came into effect on January 1st of 2001?

17 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**

18 I'll take your word for that.

19 **MR. ROBERT EDWARDS:** All right. My -- it
20 doesn't say that in the Reg, but it actually says that in
21 the older version that I have.

22 Anyway, if a municipal service or a board
23 failed to achieve that, Section 39(5) of the *Police*
24 *Services Act* provides for a way to resolve the financial
25 impediment. Are you familiar with that process?

1 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**

2 Yes, I am.

3 **MR. ROBERT EDWARDS:** After January 1st of
4 2001 Ontario signed a number of tripartite agreements
5 pursuant to the Ontario First Nations Policing Agreement
6 that included language as set out in Exhibit 41. Do you
7 have that handy? I have an extra copy here, Counsel, if
8 you need it.

9 **MR. JULIAN ROY:** I would say, Chief
10 Commissioner and Commissioners, we are starting to get to
11 the frontiers of what this witness could testify about.
12 He's a police officer. He's not responsible for police
13 governance. Of course, in Canada and in Ontario, the
14 principle that civilians govern police and not the other
15 way around is a cherished principle, so I think -- I'm just
16 -- I'm alerting my friend of the fact that we may be
17 getting, subject of course to your rulings, Commissioner,
18 we may be getting to the frontiers of ---

19 **MR. ROBERT EDWARDS:** Madam Chair, I can
20 assure that I'm not going very much further with this.
21 It's in the record. I think at some stage I may make some
22 argument about the difference between the old and the new,
23 but I'm not going to ask this officer to -- really to
24 comment on that at all. I don't think that would be fair
25 and I agree with my friend to that extent.

1 Sir, you just acknowledged that the self-
2 administered agreements had wording set out similar to that
3 on the second -- the page of the agreement that says,
4 "The purpose of the agreement is to provide for the
5 continuation of effective policing and it is intended that
6 the police service will reach a certain standard." (As
7 read)

8 Is that language that you're at all familiar
9 with?

10 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**

11 Yes.

12 **MR. ROBERT EDWARDS:** Thank you. Some people
13 might say that those two standards, adequate and effective,
14 in mandatory language are not the same as the language in
15 the self-administered agreement, which seems to be
16 aspirational. You think that's a reasonably held view that
17 they're not the same?

18 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**

19 Yes, I think it is very much aspirational in nature.

20 **MR. ROBERT EDWARDS:** All right.

21 If Indigenous services opt in under the new
22 legislation, Section 51 seems to provide very clearly --
23 and I'm not asking you for a legal opinion in this but I
24 think we can all read it. The section applies if a First
25 Nation board believes that the funding it receives from the

1 Minister and from other sources is not sufficient to
2 "provide adequate and effective policing in the area."

3 So it does seem to be a change or an
4 improvement in the standard; would you agree with that,
5 sir?

6 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:**

7 Well, very much an improvement ---

8 **MR. ROBERT EDWARDS:** Right.

9 **CHIEF SUPERINTENDENT RICHARD PRITCHARD:** ---

10 you know, currently.

11 **MR. ROBERT EDWARDS:** And may I assume that
12 you would actually be in favour of that improvement for the
13 adequacy and effectiveness for First Nations services?

14 **MR. JULIAN ROY:** I'm a bit concerned
15 because, again ---

16 **MS. CHRISTA BIG CANOE:** Yes.

17 **UNIDENTIFIED FEMALE SPEAKER:** Slow down a
18 little bit ---

19 **MR. JULIAN ROY:** I'm sorry?

20 **UNIDENTIFIED FEMALE SPEAKER:** --- for the
21 translation?

22 **UNIDENTIFIED FEMALE SPEAKER:** One mouth.

23 **UNIDENTIFIED FEMALE SPEAKER:** One mouth at a
24 time.

25 **MR. JULIAN ROY:** Yes. It's hard for me.

1 I'm sorry. If we could stop ---

2 **MR. ROBERT EDWARDS:** Thank you for the
3 caution, members of the panel.

4 **MR. JULIAN ROY:** Stop -- if we could -- the
5 clock it stopped. I guess I'm reiterating my concern for a
6 police officer to be giving his views on the advisability
7 of something that civilians are responsible for. In other
8 words, the legislative regime and governance of police.

9 I do think we -- if he wants -- if my friend
10 wants to ask about the operational implications of there
11 being different standards potentially, I think that would
12 be in the heart of what Chief Superintendent Pritchard
13 could speak to. But when we get into what civilian regime
14 should apply to police, I think we start to upset the
15 proper order of things.

16 **MR. ROBERT EDWARDS:** I was actually just
17 going to operations, and I thank my friend for that.

18 If an Indigenous service opts in, and that's
19 another whole other issue, it would appear that there could
20 be some improvement in their operational capacity, is that
21 fair?

22 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
23 and I think it would also give them the ability under
24 adequacy and effectiveness standards to ---

25 **MR. THOMAS BARNETT:** Sorry, if we can just

1 restart the clock.

2 **CHIEF SUPERINTENDENT MARK PRITCHARD:** I
3 think as adequacy and effective standards is written now,
4 it also gives the Board the opportunity to form an
5 agreement with another police service that can provide
6 those services.

7 **MR. ROBERT EDWARDS:** And what you have, sir,
8 with those agreements is a blending and mutual support,
9 typically between the OPP and the Indigenous services,
10 right? And it's a balancing of the -- that they work out
11 together, is that fair?

12 **CHIEF SUPERINTENDENT MARK PRITCHARD:** And I
13 think that's how it's operationalized right now, actually,
14 by in large.

15 **MR. ROBERT EDWARDS:** Right. But if an
16 Indigenous service such as Treaty 3 or NAPS was to opt in,
17 would you -- would you assume that the service level on
18 reserve could be enhanced?

19 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

20 **MR. ROBERT EDWARDS:** So would you support if
21 they had a 24 hour communications capacity in the
22 Indigenous service?

23 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Of
24 course.

25 **MR. ROBERT EDWARDS:** Would you support it if

1 they had a criminal investigation management capacity in
2 the individual Indigenous service?

3 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

4 **MR. ROBERT EDWARDS:** And that other shopping
5 list of investigative tools, and investigative areas, would
6 you -- would you be in support of the Indigenous services
7 having enhanced capacity there?

8 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

9 **MR. ROBERT EDWARDS:** Thank you.

10 Sir, this -- the legislation, Section 51 and
11 it is part of the new *Police Services Act 2018*, has been
12 passed and a proclamation date has been announced some
13 time, I think it's a year in the future. Do you have any
14 reason to suspect that it might not come into force?

15 **MR. JULIAN ROY:** That's -- in my respectful
16 submission that's -- there is no way.

17 **MR. ROBERT EDWARDS:** I'll withdraw that.

18 **CHIEF COMMISSIONER MARION BULLER:** Yes,
19 thank you.

20 **MR. ROBERT EDWARDS:** In any event, sir, the
21 -- I trust that the OPP would continue to work
22 cooperatively with the Indigenous services, no matter what
23 level of capacity it took to itself in it's movement
24 towards self-government and self-regulation?

25 **CHIEF SUPERINTENDENT MARK PRITCHARD:** The

1 position that our Police Commissioner has taken is that the
2 OPP will do everything we can to support First Nations
3 police services in Ontario, and to help them succeed.

4 **MR. ROBERT EDWARDS:** Thank you for that,
5 sir. Thank you also, for the strength-based video that you
6 shared with us this afternoon. I think we all found that
7 to be quite moving.

8 Sir, I'm going to switch to another
9 question, sort of looking back, and then one sort of
10 looking forward. You're the lead on the OPP on Inquiry
11 team; is that correct?

12 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

13 **MR. ROBERT EDWARDS:** And in -- did you in
14 that responsibility, I assume you conducted reviews of OPP
15 programs, and practices, and training respecting missing
16 persons, and human trafficking, and sexual assault, et
17 cetera?

18 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

19 **MR. ROBERT EDWARDS:** Major case management
20 policing support for Indigenous policing partners, you
21 looked at all that?

22 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
23 we did.

24 **MR. ROBERT EDWARDS:** You did. And thank you
25 for that. As part of that review, looking backwards to

1 today, did the OPP seek out the expertise of Indigenous
2 women's organizations or Indigenous women with lived
3 experience as part of its preparation for coming here?

4 **CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes,
5 we did.

6 **MR. ROBERT EDWARDS:** I see. Well, then may
7 -- on a go forward basis, sir, would you assume that you
8 would -- after the Commission issues its decision, or
9 issues its recommendations, may I assume that you would
10 similarly consult and seek the expertise of Indigenous
11 women's organizations and Indigenous women with lived
12 experience about implementation?

13 **CHIEF SUPERINTENDENT MARK PRITCHARD:** We're
14 already planning to do that before any recommendations come
15 down. You know, we've got our list of 10 recommendations
16 that we've respectfully put forward. Many of those we can
17 move forward on ourselves as a police service. And as I
18 said earlier, consultation will be very much part of that,
19 including some of the Indigenous families that we
20 interviewed where we were told we weren't communicating
21 very well. You know, we're going to hopefully some of
22 those families will agree to help us get better and improve
23 our responses, improve our communications.

24 **MR. ROBERT EDWARDS:** Thank you for that,
25 sir. I think it would be a synergy of mutual strengths

1 might system an effective implementation. I've not taken
2 up all my time, and those are my questions for you, sir,
3 and thank you. Thank you to the panel.

4 **MR. THOMAS BARNETT:** Thank you, counsel. If
5 we could next call up the British Columbia Civil Liberties
6 Association. We have counsel Ms. Michael Vonn. You have
7 13 minutes.

8 **--- CROSS-EXAMINATION BY MS. MICHEAL VONN:**

9 MS. MICHEAL VONN: Good afternoon. I would
10 first like to thank the Aboriginal Legal Services for
11 allocating some of their minutes to us. Being from British
12 Columbia, it may come as no surprise that many of my
13 questions are for Deputy Commissioner Butterworth-Carr.

14 Deputy Commissioner, I acknowledge that the
15 major case management principles and protocol are
16 applicable and mandatory, regardless of size of detachment.
17 I would like to explore some of the possible gaps between
18 the policy and the practice, or aspiration, and how the
19 methodology scales to smaller communities.

20 So first, I would ask you if you would echo
21 the testimony of your colleague, Chief Superintendent
22 Pritchard, in acknowledging that there have been many
23 concerns from indigenous families and communities regarding
24 the adequacy and the appropriateness of the investigations
25 into the deaths of their family and community members?

1 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:**

2 Absolutely. I acknowledge that there's been concerns
3 expressed, absolutely.

4 **MS. MICHEAL VONN:** Thank you.

5 Noting the importance of an addition --
6 rather initial assessment and the categorization that
7 evaluations come in, could I confirm with you that the
8 sudden death investigation protocol requires that the
9 default is set for deaths to be considered suspicious until
10 the are proven otherwise. Is that the case?

11 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** So
12 according to our human death policy, it clearly states that
13 all human deaths need to be approached as though suspicious
14 in nature until deemed otherwise, yes.

15 **MS. MICHEAL VONN:** Thank you.

16 And it is the coroner or pathologist who
17 makes an official determination into the cause of death; is
18 that correct?

19 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** Yes,
20 it is.

21 **MS. MICHEAL VONN:** So if at the scene of a
22 death, a family or community member were to overhear an
23 officer greeting the coroner with words such as, "She was
24 drunk, she fell in the river, and she drown." Would that be
25 inappropriate?

1 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** The
2 expectation and the training that all of our employees
3 receive is that they are to be respectful in all instances.
4 And if they're not, and that information is brought
5 forward, then we have an internal discipline policy where
6 we would initiate an investigation if they were being
7 disrespectful.

8 **MS. MICHEAL VONN:** And in your view, is that
9 a likely breach of the policy that you just referenced?

10 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:** It
11 would certainly warrant a follow-up investigation.

12 **MS. MICHEAL VONN:** And who should the family
13 or community member bring that concern to?

14 **DEPUTY COMMISSIONER BUTTERWORTH-CARR:**
15 Families have a number of options. They can certainly
16 bring it to the attention of the local detachment. If they
17 didn't feel comfortable bringing it forward to the local
18 detachment then they also have the ability to bring it to
19 the B.C. Liberty attention, as well as the commission --
20 the CRCC, so the Civilian Rights Complaints Commission.
21 And there's a number of avenues that they can bring it
22 forward so that it could be thoroughly reviewed.

23 **MS. MICHEAL VONN:** Thank you. Deputy
24 Commissioner, could you speak given the community's
25 concerns about how alcohol or drug ingestion has factored

1 into the determinations in so many of these cases? Could
2 you please speak to the role of alcohol and drug use in
3 investigations of these kinds?

4 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

5 So, we certainly know that there has been an increase in
6 opioid deaths within our Indigenous communities across the
7 Province of British Columbia. You know, obviously that's
8 incredibly concerning, and we're working with the Ministry
9 of Health, as well as many other agencies to address it.

10 You know, the opioid crisis is significant
11 in the Province of British Columbia, and I know that many
12 of our communities across Canada are feeling it. It's
13 something that, you know, we want to continue to work with
14 all of our communities in a multi-agency approach so that
15 we can ensure that, you know, not only are we looking at
16 enforcement options, but prevention and interdiction. It's
17 incredibly troubling.

18 **MS. MICHEAL VONN:** Indeed. And, Deputy
19 Commissioner, could you speak specifically to the role of
20 how, or if there are any directives within your division
21 about how to view the ingestion of drugs or alcohol by a
22 victim in relation to the investigation of that crime? For
23 example, deaths that involve women falling from tall
24 buildings.

25 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

1 So, that determination obviously would be through either
2 the coroner, medical examiner and/or the pathologist who
3 ultimately makes the final ruling with respect to cause of
4 death.

5 **MS. MICHEAL VONN:** Certainly. But, the
6 potential for investigating that event as an accident, a
7 suicide or a potential crime is left to the police; am I
8 correct?

9 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
10 Now, as I was mentioning, we respond to all of our human
11 deaths as they are suspicious, we investigate them. And
12 then, ultimately, the coroner and/or the pathologist --
13 forensic pathologist will make that determination of cause
14 of death.

15 **MS. MICHEAL VONN:** Thank you. Could we look
16 at the major case management mechanism for a moment and,
17 specifically, the provisions for independent file
18 assessment? Who would do an independent file assessment?

19 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
20 So, with respect to the independent file assessment as it
21 pertains to our major crime units, as I was mentioning, we
22 have the Office of Investigative Standards and Practices in
23 the Province of British Columbia, and they would do the
24 review. We also have a Special Projects Team who would,
25 you know, look at some of our investigations as well. So,

1 it's an independent lens to ensure that, you know, it's
2 strictly -- the Major Case Management principles are
3 strictly adhered to.

4 In addition too, there's -- with the special
5 projects team, because they're a peer review, they have a
6 tremendous amount of experience, and it would be their
7 responsibility, again, to review it to see if there's any
8 furtherance with respect to investigative techniques or
9 avenues that they needed to pursue that the team commander
10 or the primary investigator may not have considered. So,
11 there's a series of levels. And then it's also provided to
12 the senior officer, who's an accredited team commander as
13 well. There's many levels of assessment and evaluation for
14 our files.

15 **MS. MICHEAL VONN:** Do it take it then that
16 that review is what is referred to as a paper review? So,
17 you're reviewing the documents only?

18 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
19 No, it's the entirety of the investigation. It's in our
20 electronic case management. They will look at as to what's
21 already occurred. And, again, they'll look at the
22 techniques that have been used, you know, in terms of
23 processing of some of the exhibits that might be associated
24 to it. You know, they review the statements that may have
25 been required -- or acquired, pardon me, from witnesses and

1 so forth, and there's many aspects of it that they review.
2 It's fairly broad.

3 **MS. MICHEAL VONN:** And, is any of that
4 conducted in a way that would, for example, involve re-
5 interviewing any of those witnesses or probing any of the
6 documentation that finds its way into the electronic
7 systems?

8 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
9 They have access to do all of that, absolutely.

10 **MS. MICHEAL VONN:** And, would they do so in
11 a small detachment?

12 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
13 Absolutely. So, within the Province of British Columbia,
14 we have the District Senior Investigative Officers, and
15 they're all accredited team commanders. And so, if there
16 is a file that's at a smaller detachment, again, they have
17 the ability to review it. They would initiate that review
18 and, again, they would bring in, like the Special Projects
19 Team for a peer review. So, there's multiple layers.
20 Like, files are not left at detachments with inexperienced
21 individuals. There's a very sound, robust opportunity to
22 review that, and that happens consistently.

23 **MS. MICHEAL VONN:** I note -- thank you. I
24 note that the policy says that this "should" be done. It
25 is not mandatory. It should be done when necessary, is the

1 wording of the policy. Would a family concern of
2 investigational inadequacy constitute a reason for a review
3 being deemed necessary?

4 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

5 So, as much as the policy says "should", I can tell you in
6 the Province of British Columbia, they are done. If it's a
7 benchmark offence or if it's a serious investigation where
8 the Major Case Management principles are applied, they are
9 strictly adhered to, and those reviews are done
10 continuously. And, I would say that if families do, in
11 fact, have concerns with respect to the investigation, or
12 if they don't feel that they're receiving fulsome
13 information, then they can certainly reach out and contact,
14 you know, through the major crime team in the area, through
15 the District Senior Investigative Officer. Like, there's a
16 number of avenues that they can bring their concerns
17 forward.

18 **MS. MICHEAL VONN:** But, certainly, with
19 respect, in many cases, it would be those very people who
20 are conducting the investigation, would it not?

21 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

22 No, it would not be. It would actually be at a senior
23 level.

24 **MS. MICHEAL VONN:** Okay. How would families
25 become apprised of whether or not an independent file

1 assessment had been conducted?

2 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

3 They can ask.

4 **MS. MICHEAL VONN:** Who?

5 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

6 They can ask the investigator, and that's something that
7 can be shared in terms of has it been reviewed, who's
8 reviewed it. They can certainly ask.

9 **MS. MICHEAL VONN:** Assuming that they hadn't
10 just previously read the night before, as I did, the Major
11 Case Management protocol, how would they know to even do
12 such a thing?

13 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

14 In the course of their conversations that the investigators
15 have with family members and/or the family liaison
16 officers. Again, you know, we share as much information as
17 possible without compromising the integrity of the
18 investigation. And, if the family does have concerns, you
19 know, they can certainly ask those questions at that point.
20 If they don't feel that the answers are responsive enough,
21 then they can elevate it to a higher level.

22 **MS. MICHEAL VONN:** Would E Division consider
23 putting together some materials that would guide a family
24 through how they would go about making their concerns about
25 the adequacy of the investigation known and be made

1 effective in terms of a response to the RCMP?

2 **DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

3 Yes. So, the family guide that's in the back of the book,
4 it's certainly an opportunity I think that we can place it
5 in there. But, we do cover off as to why the investigator
6 won't answer the phone when the family members call and/or,
7 you know, why police won't tell us specific information
8 about the investigation itself. So, there's certainly an
9 opportunity for that.

10 **MS. MICHEAL VONN:** Okay. Thank you.

11 Quickly, if I might just speak to Chief Superintendent
12 Pritchard, I would like to follow-up on the question of the
13 neglect of duty. We have canvassed that neglective duty
14 could result in serious disciplinary infractions. My
15 question to you would be, realistically, who could bring
16 forward such a complaint other than people already within
17 the detachment and working on the investigation?

18 What I'm getting at here, Chief
19 Superintendent, is, how could you possibly know if such an
20 infraction had occurred or such a complaint was warranted
21 as a member of the general public or indeed someone
22 involved in the investigation, let's say, a family member?

23 **CHIEF SUPERINTENDENT MARK PRITCHARD:** That's
24 a little bit hypothetical, but if I understand you
25 correctly, anybody can make a complaint to the civilian

1 oversight body in Ontario if they're not satisfied with how
2 the police are or a police officer have performed their
3 duties. There's really two aspects to that complaint.
4 They can make a complaint against the police service itself
5 for not following their protocols or practices, or they can
6 make a conduct investigation specific to an officer or
7 officers.

8 **MS. MICHEAL VONN:** True. How would you know
9 that the protocols and practices had not been fulfilled?

10 **MR. THOMAS BARNETT:** Thank you, counsel.
11 That's actually your allotted time.

12 **MS. MICHEAL VONN:** I am done. Thank you.
13 (LAUGHTER)

14 **MR. THOMAS BARNETT:** Thank you. And, next,
15 if we can call up the Assembly of First Nations Québec-
16 Labrador? Counsel Wina Sioui you have 10.5 minutes.

17 **--- CONTRE-INTERROGATOIRE PAR Me WINA SIOUI:**

18 **Me WINA SIOUI:** Bonjour, est-ce que vous
19 m'entendez? Oui.

20 Bonjour, Mesdames les commissaires.
21 Bonjour, Monsieur le commissaire. Bonjour, chers
22 panellistes.

23 Mes questions... bien, premièrement, mon nom
24 est Wina Sioui. Je représente l'Assemblée des Premières
25 Nations Québec-Labrador et je m'adresse aujourd'hui

1 évidemment à Monsieur... Capitaine Charbonneau.

2 Capitaine Charbonneau, je vous réfère à la
3 ligne du temps que vous avez déposée en preuve.

4 **CAPITAINE PAUL CHARBONNEAU:** Quel tab,
5 Maître?

6 **Me WINA SIOUI:** Honnêtement, je suis un
7 peu... j'ai eu de la difficulté à suivre la liste des
8 exhibits. Je suis pas certaine que c'était écrit non plus.
9 Donc, je vous réfère à la pièce. Les évènements... ben, c'est
10 ça, la liste... la pièce, pardon, c'est la ligne du temps.

11 **CAPITAINE PAUL CHARBONNEAU:** OK.

12 **Me WINA SIOUI:** Je suis désolée là de...
13 Donc, pour pas trop prendre...

14 **CAPITAINE PAUL CHARBONNEAU:** J'écoute la
15 question.

16 **Me WINA SIOUI:** Vous vous rappelez de la
17 pièce?

18 **CAPITAINE PAUL CHARBONNEAU:** Je l'ai.

19 **Me WINA SIOUI:** La ligne du temps, c'est
20 vous...

21 **CAPITAINE PAUL CHARBONNEAU:** Oui.

22 **Me WINA SIOUI:** ...c'est votre pièce?

23 **CAPITAINE PAUL CHARBONNEAU:** Oui. 118.

24 **Me WINA SIOUI:** 118?

25 **PERSONNE NON IDENTIFIÉE:** Oui.

1 **Me WINA SIOUI:** Excellent.

2 Dans cette ligne du temps, la mention
3 « Évènements survenus à Val-d'Or » est indiquée à côté de
4 l'année 2015. Est-ce exact?

5 **CAPITAINE PAUL CHARBONNEAU:** Oui, c'est
6 exact.

7 **Me WINA SIOUI:** À votre connaissance, est-ce
8 que c'est possible qu'il y ait eu des allégations ou des
9 dénonciations d'abus policiers envers des femmes des
10 Premières Nations avant 2015, notamment à Val-d'Or, entre
11 autres?

12 **CAPITAINE PAUL CHARBONNEAU:** Oui, c'est
13 possible.

14 **Me WINA SIOUI:** Est-ce que vous êtes au
15 courant?

16 **CAPITAINE PAUL CHARBONNEAU:** Je n'ai pas une
17 connaissance personnelle, mais j'ai entendu le témoignage
18 cette semaine.

19 **Me WINA SIOUI:** OK. Merci. Votre biographie
20 introduite également en preuve au numéro de pièce que je
21 n'ai pas...

22 **M. BRYAN ZANDBERG:** Vous allez l'avoir.

23 **Me WINA SIOUI:** ...fait mention que vous êtes
24 notamment membre du Comité de discipline de la Sûreté du
25 Québec, et ça depuis 2013.

1 **M. BRYAN ZANDBERG:** Pièce 113, Maitre Sioui.

2 **Me WINA SIOUI:** Merci.

3 **M. BRYAN ZANDBERG:** J'adore être votre
4 greffier.

5 **Me WINA SIOUI:** Pardon?

6 **CAPITAINE PAUL CHARBONNEAU:** J'adore être
7 votre greffier.

8 **Me WINA SIOUI:** Ah oui, oui! Excellent.

9 Donc, considérant vos responsabilités et vos
10 fonctions en lien avec la discipline, pourriez-vous nous
11 dire si les allégations ou les dénonciations d'abus
12 policiers envers des femmes des Premières Nations,
13 particulièrement à Val-d'Or ou ailleurs au Québec, ont fait
14 l'objet de mesures disciplinaires avant 2015?

15 **CAPITAINE PAUL CHARBONNEAU:** En fait, je n'ai
16 pas cette information-là. J'aimerais clarifier ce qui peut
17 arriver lors d'allég... parce qu'une allégation d'inconduite
18 sexuelle ou d'agression sexuelle, ça, c'est un crime, c'est
19 une infraction criminelle sanctionnée par le Code criminel
20 du Canada. Dans cette mesure-là, il doit y avoir une
21 allégation faite au ministre et y'a une enquête qui va être
22 faite par la Direction des normes professionnelles dans le
23 but de déposer des accusations devant la Cour du Québec,
24 Chambre criminelle. À ce moment-là, le Comité de
25 discipline, dont je fais partie, n'est pas impliqué.

1 Ce qu'il faut comprendre, au Québec, c'est
2 que y'a trois avenues. Lorsque y'a une plainte, y'a trois
3 avenues possibles : y'a une allégation criminelle, donc une
4 enquête criminelle dans le but de déposer des accusations;
5 y'a, comme je mentionnais dans mon interrogatoire
6 principal, la Déontologie policière qui vient gérer les
7 relations entre les citoyens et le public, ça, c'est fait
8 par le commissaire à la Déontologie policière du Québec, à
9 ce moment-là le Comité de discipline, dont je fais partie,
10 n'est pas impliqué; et il y a le Comité de discipline
11 lorsque, après ces options-là, si y'a une infraction au
12 Code de discipline, et dans des cas comme ça, certainement
13 que y'aurait une infraction possible si ce n'est que
14 d'entacher l'honneur de la Sûreté du Québec, à ce moment-
15 là, ça viendrait devant le Comité.

16 **Me WINA SIOUI:** Donc, justement, à ce moment-
17 là, y'a certaines informations qui vous sont partagées.

18 **CAPITAINE PAUL CHARBONNEAU:** Comme membre du
19 Comité de discipline là, juste pour le bénéfice des
20 commissaires, je suis un peu comme le juge et j'entends la
21 cause. Alors, avant l'audience, je n'ai pas ces
22 informations-là.

23 **Me WINA SIOUI:** Mais est-ce que, justement
24 pour mieux comprendre le rôle ou... j'aimerais connaître les...
25 est-ce que... est-ce que y'a un suivi qui est apporté une

1 fois que y'a une mesure disciplinaire? Ou qu'est-ce que la...
2 qu'est-ce que votre comité est en mesure de faire ou... pour
3 montrer là le sérieux qui peut être apporté à une mesure
4 disciplinaire?

5 **CAPITAINE PAUL CHARBONNEAU:** Oui. En fait, je
6 peux peut-être prendre un exemple là rapide. Disons qu'un
7 policier prend des congés auxquels il n'a pas droit, alors
8 c'est une infraction au Code de discipline, y'aurait
9 enquête. Ça, c'est purement disciplinaire à ce moment-là.
10 Y'aurait enquête, y'aurait dépôt d'accusation disciplinaire
11 devant le Comité de discipline par la Direction des normes
12 professionnelles à la Sûreté du Québec.

13 À ce moment-là, le Comité est composé soit
14 de un membre, à ce moment-là c'est un officier de la Sûreté
15 du Québec, ou de trois membres, dépendamment de la sanction
16 possible. Quand c'est un comité à trois membres, on siège
17 en fait à deux policiers et un membre civil du comité.
18 Lorsque y'a... l'employé dans le fond, le membre de la Sûreté
19 du Québec, est reconnu dérogatoire, y'a une sanction qui
20 est applicable. Le suivi de l'application de cette
21 sanction-là est sous la responsabilité de la Direction des
22 normes professionnelles à la Sûreté du Québec.

23 **Me WINA SIOUI:** OK. Merci.

24 Je vais faire référence au Poste de police
25 mixte de Val-d'Or que vous avez appelé, ben, l'acronyme là,

1 PPCMA, je crois?

2 **CAPITAINE PAUL CHARBONNEAU:** C'est exact.

3 **Me WINA SIOUI:** Quel type d'agents compose ce
4 poste de police?

5 **CAPITAINE PAUL CHARBONNEAU:** C'est des agents
6 patrouilleurs. Y'a également du personnel de supervision.
7 Actuellement, le PPCMA - et je vous remercie pour la
8 question, c'est de quoi je voulais dire tantôt -, le PPCMA
9 actuellement est dirigé et codirigé par un policier de la
10 Sûreté du Québec et Mme Sally Rankin, qui est un membre -
11 et là, je m'excuse, je me rappelle pas de quelle
12 communauté.

13 **Me WINA SIOUI:** Probablement Anishnabe
14 d'Abitibiwinini?

15 **CAPITAINE PAUL CHARBONNEAU:** Je pourrais pas
16 vous dire de quelle communauté, mais effectivement c'est
17 une Anishnabe. Et y'a des patrouilleurs. Ç'a été fait sur
18 des bases volontaires.

19 Lorsque le projet a germé, rapidement il a
20 été annoncé, c'est vrai, ça été dit dans le fond dans
21 l'interrogatoire principal, et y'avait pas eu consultation
22 à ce moment-là. Par contre, dans la phase de planification
23 pour faire la mise en œuvre, y'a eu invitation à la
24 communauté entre autres de Lac-Simon, de Kitcisakik et le
25 Centre d'amitié autochtone de participer et le projet,

1 lorsqu'il a été complété, que y'a eu effectivement des
2 patrouilleurs sur le terrain, des intervenants sociaux, ce
3 n'est que plus tard.

4 On a d'ailleurs appris de d'ça et y'a un
5 projet qui s'en vient à Sept-Îles dans...

6 **Me WINA SIOUI:** Monsieur, sincèrement, c'est
7 parce que je vois mon temps qui passe, puis là, vous... on
8 est rendus un peu plus loin que la réponse à la question.
9 Est-ce que vous êtes d'accord? Je vais ramener un petit peu
10 là parce que ma question, c'était quel type d'agents qui
11 compose, puis je me demandais justement si y'avait combien
12 de policiers des Premières Nations qui sont à l'emploi.

13 **UNIDENTIFIED SPEAKER:** If we could stop the
14 clock, we have an objection.

15 **PERSONNE NON IDENTIFIÉE:** On s'ennuyait.

16 **Mme MARIE-PAUL BOUCHER:** Désolée, Maître
17 Sioui.

18 Je voulais juste mentionner, si c'est
19 possible que le témoin puisse terminer... terminer la réponse
20 à sa question. Il n'avait pas encore terminé. Je crois que
21 les interrogatoires doivent être faits de manière
22 respectueuse et les règles de pratique, de ma
23 compréhension, permettent au témoin et encouragent le
24 témoin à terminer leur réponse avant d'être coupé par un
25 autre procureur.

1 **Me WINA SIOUI:** Je vais répondre. J'aimerais
2 répondre.

3 Justement, on parle de réponse à une
4 question. Je suis pas certaine que c'était une réponse à ma
5 question. <Rires> Donc, c'est pour ça que j'ai fait une
6 intervention.

7 **Me BERNARD JACOB:** En complément, la question
8 était: « Quel type de policier compose le poste PP...

9 Pardon?

10 **PERSONNE NON IDENTIFIÉE:** (Inaudible : hors
11 micro)

12 **Me BERNARD JACOB:** « Quel type de policier
13 compose le poste PPMA? » Et la réponse est : « On va en
14 faire un autre à Sept-Îles, puis il va...

15 **Me WINA SIOUI:** Ben, c'est ça.

16 **Me BERNARD JACOB:** Donc, on était en
17 projection, alors je pense que l'objection est bien fondée.
18 Euh, mal fondée, excusez.

19 **Mme MARIE-PAUL BOUCHER:** Si je peux répliquer
20 à ça, y'a quand même... elle a quand même demandé quel genre
21 d'agents et qu'est-ce que c'était, et il l'expliquait
22 qu'est-ce que c'était. Donc, je crois que mon objection
23 était fondée, Mesdames et Messieurs les commissaires.

24 **Me WINA SIOUI:** Oui, j'ai pas dit « qu'est-ce
25 que c'était », hein, en passant. J'ai dit : « Quel type

1 d'agents compose le centre? » Tout, tout simplement.

2 **MS. CHRISTA BIG CANOE:** So, if I might as
3 well, on behalf of the Commission Counsel and in the
4 interest of time, the general concept and rule is
5 respectful questions, but you have to balance that with the
6 accurate answer of questions and that is what I'm simply
7 putting before you for your determination.

8 **CHIEF COMMISSIONER MARION BULLER:** Sir, is
9 there anything else you'd like to add to your answer?

10 **CAPITAINE PAUL CHARBONNEAU:** Ben, je vous
11 dirais, Madame la commissaire, respectueusement, la réponse
12 à la question, c'est : c'est des agents patrouilleurs qui
13 sont à Val-d'Or dans le PPCMA.

14 **CHIEF COMMISSIONER MARION BULLER:** Okay.
15 Thank you.

16 **Me WINA SIOUI:** Merci.

17 **CHIEF COMMISSIONER MARION BULLER:** Okay.
18 Thank you.

19 **Me MARIE-PAULE BOUCHER:** Merci.

20 **MS. CHRISTA BIG CANOE:** We can start the
21 time again, please.

22 **MS. WINA SIOUI:** Ma question c'était pour en
23 venir à combien de policiers de Premières Nations sont à
24 l'emploi du poste et de quelle nations, s'il y a des agents
25 qui viennent de Premières Nations, qui sont Premières

1 Nations, de quelles nations ils proviennent?

2 **CAPITAINE PAUL CHARBONNEAU:** En fait, à ce
3 moment-ci, j'ai pas cette information précise là. Je
4 m'engage à la transmettre à la Commission.

5 **Me WINA SIOUI:** Je trouve ça dommage parce
6 que j'aurais aimé... on parle quand même d'un poste de
7 police mixte qui est supposé être mixte.

8 Justement, qu'est-ce qu'on entend par mixte?

9 **CAPITAINE PAUL CHARBONNEAU:** En fait, c'est
10 ce que je suis en train de faire, c'est la philosophie ÉMD,
11 Équipe mixte d'intervention policiers/intervenants
12 communautaires. Il y a, à l'intérieur de ce poste, des
13 intervenants communautaires. Je vais anticiper votre
14 question pour dire je ne sais pas de quelle nation ils sont
15 et s'ils sont autochtones. Je sais pour sûr que la
16 codirectrice du poste est une Anishinaabe qui s'appelle
17 Madame Sally Rankin.

18 **Me WINA SIOUI:** Merci.

19 Donc, on va prendre en note l'engagement.

20 Donc, prochaine... ma prochaine question :
21 considérant le fait que les corps policiers des Premières
22 Nations sont largement sous financés et que ce sont les
23 gouvernements de chacune des nations du Québec qui doivent
24 payer pour la formation de leurs membres à l'École
25 nationale de police du Québec, qui doivent justement payer

1 pour la formation de leurs membres et les sommes sont
2 vraiment considérables. On parle de... on a entendu cette
3 semaine 28 000 versus 8 000. Donc, 28 000 pour un membre
4 des Premières Nations et ce montant-là doit être pris, si
5 le Conseil, le gouvernement de la nation dans laquelle
6 cette personne est membre, si le gouvernement de cette
7 nation accepte de payer, c'est 28 000 \$ que ça coûte et
8 versus 8 000, de ce que j'ai compris, pour monsieur et
9 madame qui ne sont pas Premières Nations.

10 Donc, je comprends qu'il y a un poste de
11 police mixte, entre autres, c'est un exemple, mais la
12 Sûreté du Québec aussi, on a compris, embauchait des
13 policiers Premières Nations.

14 Considérez-vous qu'il n'y a pas une certaine
15 iniquité ou une inégalité pour la SQ qui offre des
16 conditions salariales nettement plus avantageuses que
17 peuvent le faire les corps de policiers des Premières
18 Nations?

19 **CAPITAINE PAUL CHARBONNEAU:** En fait, je ne
20 pourrais pas répondre à cette question-là. Je ne fais pas
21 partie des négociations des ententes tripartites. Je n'ai
22 aucun pouvoir sur le salaire des autres corps policiers.
23 Je n'ai pas de pouvoir sur le salaire des policiers à la
24 Sûreté du Québec non plus.

25 **Me WINA SIOUI:** Ma question c'était pas sur

1 le... je ne vous demandais pas aujourd'hui de changer les
2 salaires mais bien une question de... il n'y a pas une
3 disproportion? Je vous demandais votre opinion là-dessus.
4 Évidemment, vous n'êtes pas obligé d'y répondre.

5 Mais ce que je voulais savoir aussi c'est
6 quand vous offrez un emploi à un membre d'une Première
7 Nation que c'est son Conseil qui a payé sa formation, est-
8 ce que la SQ rembourse ses coûts-là au Conseil?

9 **CAPITAINE PAUL CHARBONNEAU:** En fait, quand
10 on engage un membre d'une Première Nation comme policier à
11 la Sûreté du Québec, c'est le Gouvernement du Québec qui
12 paye son salaire.

13 **Me WINA SIOUI:** Oui, le salaire. Je parle
14 de la formation pour qu'il arrive à être embauché?

15 **MS. CHRISTA BIG CANOE:** So -- sorry. Sorry,
16 your time's up.

17 **MS. WINA SIOUI:** Okay. Yes.

18 **MS. CHRISTA BIG CANOE:** Thank you.

19 I just wanted to canvass the Commissioners
20 in terms of proceeding and how you would like to proceed.
21 It's now 5:30. One of the recommendations is that we would
22 do what we have done for the last number of days, which is
23 reconvene at 7:45 for opening, and start testimony at 8:00.
24 A rough estimate of that has most of cross-examination done
25 by lunchtime, approximately, or we'll take your direction

1 on how we proceed for the remainder of the day.

2 **CHIEF COMMISSIONER MARION BULLER:** We're
3 going to stop for the day. I think that's pretty clear.
4 We're going to stop for today. We'll reconvene tomorrow
5 morning at 7:45 to begin evidence at 8:00 a.m. We are
6 officially adjourned for the day.

7 However, of course, we have other
8 obligations that are wonderful. Thank you. Go ahead.

9 **MR. VERN BELLEGARDE:** Okay. Thank you very
10 much, ladies and gentlemen. Is Grandma Louise -- Louise,
11 I'll ask you to extinguish the qu'liq. And, if you'll give
12 me -- yes, go ahead. She's just going to blow it out.

13 (LAUGHTER)

14 **MR. VERN BELLEGARDE:** I've got a couple of
15 short stories to -- which I hope may have some impact,
16 perhaps, on some of the people that may be suffering and
17 caring burdens, and I'll share them with you. We'll be out
18 of here before 7:00.

19 (LAUGHTER)

20 **MR. VERN BELLEGARDE:** Actually, it may take
21 about 2 or 3 minutes, and then we'll have our closing
22 prayer by Haus (phonetic) and Joanne. Are they here?
23 Okay.

24 The first story I'd like to tell, about 40
25 years ago, I was called by the RCMP to come and identify a

1 body. It was my brother, we were about 18 months apart,
2 and we spent all of our lives together hunting, fishing,
3 trapping, playing ball, playing hockey.

4 What had happened, he was drinking with some
5 friends. They had a broken muffler. He agreed to go fix
6 it. While he was under the car, they decided they're going
7 to run him over, which they did, back and forth, back and
8 forth. They went in and drank some more. My brother
9 crawled up along the house, broken back, broken legs. They
10 came out, saw him, pulled him out again, ran him over
11 again, back and forth, back and forth. I was called to
12 identify the body.

13 I bore this with me for about three years,
14 and the Creator -- I talked to the Creator, how do I fix
15 it? He said to forgive. Today, I hugged those people.
16 Every time I see them, I've told them I have forgiven them.

17 Another story. I told you about my son. He
18 wasn't really my son, he was my daughter's son, but we
19 raised him from the time he was 9-months-old. He was
20 stabbed in the back for 10 bucks and a bag of weed. My
21 daughter went to the trial, the judge asked her if she
22 would like to say something to the prisoner. She went to
23 the railing and said, and I won't use his name, but she
24 said, "Danny, look at me." He had his head down. And, she
25 yelled at him, "Danny, look at me." He looked up. She

1 said, "Danny, you took something from me. I forgive you."
2 And, that's something we have to do if we want to get on
3 with our lives. There's a book here that says if you
4 cannot forgive, nothing good can come to you. It's the
5 Bible, and I stand on God's word.

6 Another story, a short one. Two weeks ago,
7 I attended my grandson's graduation. Fourteen years ago, I
8 and his dad sat on a porch, we're having coffee, and he was
9 with us. His dad asked him, "What do you want to be when
10 you grow up?" "I want to be like Papa." "Why," he says.
11 "Papa doesn't drink." And, this fall in this fall it'll be
12 38 years since I had a drink. Stood in the field with
13 colours all around me and yelled at my Creator, "Take it
14 away. Take it away." He lifted me up. From that day 'til
15 now I've never had a drink, never wanted a drink. Call on
16 your Creator. He's there for us.

17 I'd like to call on -- is Audrey here or did
18 she take off? Audrey Seagull? She was going to do a
19 little song presentation for us. But anyway, I'll --
20 music, please.

21 I'd like to call on Haas and Joanne Jack to
22 say our closing prayer and we'll see you at 7:15 in the
23 morning.

24 **MS. JOANNE HAAS:** Thank you, Elder Vern.
25 May we all rise, please?

1 (CLOSING PRAYER)

2 MS. JOANNE HAAS: Meegwetch.

3 ELDER VERN BELLEGARDE: Okay. We'll see you
4 in the morning at 7:45. There's a pledge ceremony again at
5 7:00 followed by breakfast. And I left some money at the
6 casino last night. I'm going to go get it back. Anybody
7 else leaves some? If they did, I'll try to pick that up
8 too. Have a great evening.

9
10 --- Upon adjourning at 6:38 p.m.

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18 LEGAL DICTA-TYPIST'S CERTIFICATE

19
20 I, Félix Larose-Chevalier, Court Transcriber, hereby
21 certify that I have transcribed the foregoing and it is a
22 true and accurate transcript of the digital audio provided
23 in this matter.

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Félix Larose-Chevalier

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June 25, 2018