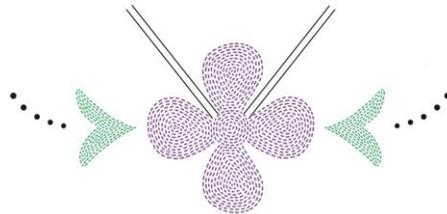


National Inquiry into
Missing and Murdered
Indigenous Women and Girls



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

**National Inquiry into Missing and Murdered
Indigenous Women and Girls
Truth-Gathering Process
Parts 2 & 3 Institutional & Expert/Knowledge-Keeper
“Criminal Justice Oversight and Accountability”
Hilton Hotel, Kent & Palais Rooms
Québec City, Québec**



PUBLIC

Mixed Part 2 & 3 Volume 5

Monday September 17, 2018

Panel 1:

“First Nations Policing: Agreements & Legislation in Ontario”

Chief Terry Armstrong, Nishnawbe-Aski Police Service

Mike Metatawabin, Nishnawbe-Aski Police Service Board Chair

INTERNATIONAL REPORTING INC.

II
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Assembly of Manitoba Chiefs	Stacey Soldier (Legal Counsel)
Association of Native Child & Family Service Agencies Ontario (ANCFSAO)	Josephine de Whytell (Legal Counsel), Daniel McCoy (Articling student)
Awo TAAN Healing Lodge Society	Darrin Blain (Legal Counsel)
Canadian Association of Chiefs of Police (CACP)	Ashley Smith (Legal Counsel)
Canadian Association of Police Governance/First Nations Police Governance Council	Michelle Brass (Legal Counsel)
Congress of Aboriginal Peoples	Melissa Cernigoy (Representative)
Directeur des poursuites criminelles et pénales (Québec)	Anny Bernier (Legal Counsel)
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Families for Justice	Suzan E. Fraser (Legal Counsel)
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Government of New Brunswick	Heather Hobart (Legal Counsel)
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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: Christa Big Canoe, Commission Counsel

Second Chair: Thomas Barnett, Commission Counsel

Counsel for the Witnesses: Julian Falconer & Krystyn Ordyniec
(Counsel for Nishnawbe Aski Nation)

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

Grandmothers, Elders & Knowledge-keepers: Pamela Fillier
(National Family Advisory Circle - NFAC), Pénélope Guay, Kathy
Louis, Melanie Morrison (NFAC), Darlene Osborne (NFAC), Roland
Sioui, Leslie Spillett, Evelyne St. Onge, Rebecca Veevee,
Laureen "Blu" Waters, Bernie Williams

Clerks: Bryana Bouchir & Gladys Wraight

Registrar: Bryan Zandberg

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1 Québec (Québec)

2 --- L'audience débute lundi, le 17 septembre 2018 à 8h10 /
3 The hearing starts on Monday, September 17, 2018 at 8:10
4 a.m.

5 **Mme NADINE GROS-LOUISE:** We will start the
6 hearings with the Opening Ceremony et monsieur Rolland
7 Sioui, un aîné de Wendake, va ouvrir l'audience d'une
8 bonne façon pour nous.

9 So we have the Elder Rolland Sioui from
10 Wendake that will open the hearing for us so we start it
11 in a good way. Merci.

12 **(OPENING CEREMONY/CÉRÉMONIE D'OUVERTURE)**

13 **M. ROLLAND SIOUI:** Would you please stand
14 up? On se lève, s'il vous plaît.

15 *Kwe-kwe aweti'*. Bienvenue, tout le monde.
16 Bienvenue sur le territoire Nionwentsio de Wendake. Ah,
17 o.k.

18 *Kwe-kwe aweti'*. Bienvenue sur le
19 territoire Wendake de Nionwentsio et c'est avec honneur
20 que, représentant la Nation de Wendake avec le Grand Chef
21 ici, mon Grand Chef Konrad Sioui, nous vous souhaitons la
22 bienvenue.

23 Je ne serai pas long parce que pour moi une
24 cérémonie ce n'est pas un spectacle. C'est vraiment un
25 remerciement au Créateur.

1 I won't be long since that for us,
2 purification is not a show. It's something to be grateful
3 to the Creator way up there. Okay.

4 So I want to say -- to be grateful,
5 thankful to the eastern part of the human being, the East.
6 I want to say thank you to the south part of the humanity.
7 I want to be grateful to the north part -- sorry the West.
8 And the last one, thank you to the north part that's right
9 there.

10 I also want to be grateful to our
11 Grandmother the Moon and the last one is the Mother Earth.
12 Thank you.

13 Those people over there are the ones who
14 are part of my circle, sacred circle. I will go to see
15 them. I will give them a bit of tobacco and they will put
16 it on the sage for the Creator.

17 (COURTE PAUSE/SHORT PAUSE)

18 **M. ROLLAND SIOUI:** Puisse le Créateur vous
19 apporter plein de petits bonheurs quotidiens pendant tout
20 le restant de votre vie. *Tiawenhk.*

21 Should the Grand Creator bring you a lot of
22 daily happiness that will enjoy your life for the rest of
23 your life. *Tiawenhk.*

24 Merci. Bonne journée.

25 **Mme NADINE GROS-LOUIS:** *Tiawenhk*, Monsieur

1 Sioui.

2 Alors j'inviterais maintenant madame
3 Penelope Guay également à nous offrir quelques mots.

4 **Mme PENELOPE GUAY:** Merci. Bon matin.
5 Bienvenue à cette semaine qu'on va vivre ensemble. Merci
6 aux commissaires d'être présents. Merci aux grand-mères
7 aussi qui sont présentes avec moi pour le support avec les
8 commissaires.

9 Écoutez, je suis très honorée d'être ici.
10 Je suis même très émue aussi parce que je pense c'est un
11 grand événement l'Enquête nationale des femmes autochtones
12 disparues ou assassinées et je fais partie de ce bout
13 d'histoire.

14 Je sais que cette semaine ça va être un
15 sujet très spécial qui va nous toucher, la justice, tout
16 le système judiciaire. Alors on a vraiment besoin de
17 prières. On a vraiment besoin de support. Ça va être
18 quelque... un sujet qui nous touche tous, qui nous fait
19 vivre des émotions.

20 Alors je vais demander à nos ancêtres, je
21 vais demander aussi le monde des esprits que nous
22 accompagner ces cinq jours et les remercier d'être parmi
23 nous.

24 Je remercie aussi le Créateur de nous avoir
25 choisis d'être ici. C'est lui qui a fait le choix que

1 nous travaillons, que nous sommes responsables de faire ce
2 qu'on a à faire ici. C'est une grande responsabilité puis
3 je le remercie de nous avoir donné cette responsabilité.
4 Faut en être fier. Faut travailler avec honnêteté, avec
5 sagesse.

6 Alors je vous souhaite la paix dans l'âme,
7 la paix dans votre cœur parce que c'est important de
8 travailler avec son cœur, très important. C'est ça qui
9 nous fait qu'on est des bons humains.

10 Je vous aime. Je vous souhaite de passer
11 une belle semaine en amour. Je vous remercie beaucoup.

12 **Mme NADINE GROS-LOUIS:** *Tiawenhk*, Penelope.

13 Alors maintenant je vais demander à l'aînée
14 Rebecca Veevee de procéder à l'allumage du Qulliq. I will
15 now ask the Elder Rebecca Veevee to light the Qulliq.

16 **(ALLUMAGE DU QULLIQ/LIGHTNING OF THE QULLIQ)**

17 **MS. REBECCA VEEVEE:** My lighter is not
18 working.

19 **(RIRES/LAUGHTER)**

20 **MS. REBECCA VEEVEE:** Thank you, sir.

21 Okay. (Speaking in Inuktitut) This is
22 lighting for us, my grandmother said -- woke up in the
23 morning, he laid in a (Speaking in Inuktitut). Everybody
24 so smiling happy. Like a candle, it's not a candle, it's
25 Qulliq, making food and making tea and making bannock and

1 we play outside. We come back home, the house is so warm,
2 I want to be here to the warm. Okay. Thanks very much.
3 Here's grandma. My grandma say, "Don't touch the Qulliq
4 because we don't have another house if we are burn it." I
5 liked to touch it but I was a kid, we're not allowed to
6 touch it because we only have one house. That's my
7 grandmother key.

8 Thank you for everybody by me, for
9 light and Qulliq, I'm so happy. Merci beaucoup tout le
10 monde de venir encore. Merci beaucoup tout le monde.
11 That's it, that's all.

12 **(LAUGHTER/RIRES)**

13 **Mme NADINE GROS-LOUIS:** Donc bonjour
14 tout le monde. Je m'appelle Nadine Gros-Louis de Wendake
15 et je serai votre maître de cérémonie cette semaine.
16 Alors je vous souhaite la bienvenue aux audiences des
17 gardiens du savoir, d'experts et des représentants des
18 institutions sur les mécanismes de surveillance et de
19 reddition de compte du système de justice pénale.

20 So, I'm Nadine Gros-Louis, I'm your
21 from (Speaking in indigenous language) from Wendake, and
22 I'll be chairing the meeting this week. And I would like
23 to welcome you to the knowledge keeper, expert and
24 institutional hearing on criminal justice oversight and
25 accountability.

1 Alors, sans plus tarder je demanderais
2 maintenant... j'inviterais maintenant le Grand Chef Sioui de
3 la Nation Huronne-Wendat à venir vous adresser quelques
4 mots.

5 **GRAND CHIEF KONRAD SIOUI:** (Speaking
6 in Indigenous language) Thank you. Merci, Nadine.

7 (Speaking in Indigenous language)
8 It's a beautiful day today to come and gather today and
9 discuss this so important matter that we all care for so
10 much, so deeply. I want to recognize first the Elders,
11 the ones who did the prayer, Roland Yakomic (ph) for his
12 beautiful prayer. And also the Commissioners, the ones
13 who are responsible for this important agenda, believing
14 that down the road we're going to come up with powerful
15 recommendations and that governments are going to be
16 forced -- let's put it this way to -- to not only to
17 listen, but to implement these recommendations due for too
18 long already.

19 So, I come here first to welcome you,
20 it's important the welcoming capacity that we do have as a
21 nation to welcome you all on what we call the
22 "Nionwentsio". Nionwentsio, this is the traditional
23 ancestral national territory of the Wendat. This is our
24 nation. Each nation has its own territory; right? So
25 here this is the territory of the Huronne-Wendat. The

1 French called us Huron, we kept the name because we made
2 sexist out of this name, you know, because we -- at the
3 beginning we were here in Staraconi (ph), a beautiful
4 town, right at the beginning of the first encounter.

5 And these people when they arrived
6 with Jacques Cartier, they needed our help, they would
7 arrive here without too much clothes on, and they would
8 arrive with lots of pain, they were sick. And oral
9 traditions says that we really took care of them. They
10 needed moccasins, so they had to come and -- I mean they
11 would arrive here with wooden shoes sometimes for the
12 winter. And the woman would arrive with a little scarf,
13 you know, from over there, so they would need a fur coat,
14 they would need mitts, they would need hats, and they
15 would need also snowshoes, otherwise they would not even
16 be able to get some wood down in the forest. So they
17 needed us and they need especially medicine also,
18 medicine, very powerful medicine, very powerful. Our
19 women, our mothers, our aunts, our sisters, our daughters
20 would learn the medicinal capacity of healing our people
21 and we healed and took care of these people.

22 And what happened is just the same
23 here as it happened down there, you know in Brazil or in
24 Costa Rica or elsewhere, you know. They encountered in
25 match, it was a bad encounter, a really, really bad

1 encounter, you know, because we are people of a circular
2 mind, you know, we want to make room for everyone and
3 there's room for everyone around the circle. While they
4 would arrive here with a linear mind, a linear objective
5 of trying to get the riches of the land, please the king
6 or the queen of their overseas kingdom and to do away with
7 the resources and to forget about the order that might
8 exist. So they broke the order of this continent,
9 wherever, you know.

10 And over here They kidnapped our Grand
11 Chief, you know, Tenakona (ph), two more chiefs, some
12 young girls, Elders, to never come back, to never come
13 back. And this was the first encounter here, so it was
14 really tough and we did not believe them when they arrived
15 the next year, we said, "They don't want to come back,
16 they're so happy over there." It wasn't true, they died
17 over there, they died of malnutrition, they died of unable
18 to cope with this reality. But there was two sons of
19 Tenakona (ph) who came back and they said -- and it was
20 witnessed, they said:

21 "It's unbelievable how they live over
22 there, we saw some people begging on the side of the
23 street, begging for a piece of bread, begging for a piece
24 of cloth, whatever, you know."

25 And they said:

1 "We see some people also having to almost
2 lay down to the floor in front of other people because
3 they were of a highest rank."

4 Over here, you know, we didn't do
5 that, we didn't know that. We didn't know about these
6 king, queen, "princesse, baron, baronnesse, marquis,
7 régent", whatever you know, down to the people because a
8 circle impeaches this kind of a categorization of people.
9 So, anyway, they needed us and we needed them too, let's
10 be frank. So, we needed each other.

11 And so, this is the Two Row Wampum,
12 the Two Row Wampum Treaty, the first treaty that was
13 entered into, you know, from an Iroquoian perspective.
14 You know, we said, you know, "We are going to respect each
15 other. We are going to respect each other's culture; you
16 know? But, don't interfere and don't try to undermine my
17 river. I never want to see you trying to bring my river
18 or dig up my river and falling into yours. That I will
19 not accept, you know. Let's follow the path of life, in
20 parallel, the Two Rows with you, yourself and your canoe -
21 - in your boat. I am in my canoe. I am going to exchange
22 you the best I have. We are going to exchange each and
23 other the best we have, you know, from all angles, but
24 never to try to assimilate or integrate the other or
25 swallow the other. Don't ever try that." But, it has

1 been tried, you know, and it was never respected, this
2 first treaty for all kinds of reasons.

3 When we were powerful, when we were so
4 important that they would make peace and friendship
5 treaties, like with the one-dot or the Mi'kmaw Nation or
6 the Nations of the East, you know, then they would treat
7 us so diligently. You know, they would treat us with
8 warmth and -- I mean, it's unbelievable what we hear from
9 our ancestors. You know, and the treaties speak for
10 themselves also; you know?

11 You know, nation to nation, you will
12 have the right to -- for -- to protect your languages,
13 cultures, ways of life, traditions, customs, everything.
14 You will have the rights to your own spirituality, to your
15 own religion, to your own beliefs. We will never
16 interfere to that. We will have the right to trade and
17 commerce with us; you know? Whatever. What you want to
18 see, I'll sign the treaty. What you want us to write, the
19 nation to nation, it is already done.

20 So, that was the way treaties were
21 made at the beginning. This is our treaty. It was tested
22 in the Supreme Court of Canada -- up to the Supreme Court
23 of Canada in 1990. And, if there is, within the treaty
24 interpretation, some misunderstandings, at the benefit of
25 the First Nations, please; okay? So, this is clear.

1 So, the courts have helped us out for
2 the last, I would say, 40, 50 years, you know, because it
3 is only the courts that was -- and are still our recourse,
4 you know, because the -- the first minister's conferences
5 that I really participated when I was younger, did not
6 give any result; you know? The constitution was
7 replicated from Canada, and we thought that we would have
8 a rapport of a capacity to, you know, at least speak from
9 a brother or a sister to a sister relationship, but it
10 wasn't true; you know?

11 So, Charlottetown didn't work as much
12 as meetch didn't work, as much as other First Nations
13 conferences did not work, because the vis-à-vis could not
14 understand us; you know? Could not realize that we could
15 be in any kind of shape or form equal to them; you know?

16 So, Elijah Harper -- and let's not
17 forget Elijah, let's never forget Elijah Harper, please;
18 you know? Elijah Harper, you know, on behalf of us all,
19 against all odds, against all odds, said, "No. No. You
20 are going to give yourself another constitution for the
21 next hundred years, you know, you are going to recognize
22 only two founding people, the French and English, and you
23 leave out -- you leave us alone by ourselves; you know?
24 No." So, that is what happened also in 1990.

25 And then we had a major crisis that

1 started here in our region. And, since that time, we are
2 all involved into a process. Now, with the time of our
3 women disappeared, killed, assassinated and so on, it
4 makes 28 years since that time, since the Oka Crisis that
5 we were involved into a hating commissions one after the
6 other to try to repair around and try to find some
7 answers, because many, many, many of our people don't have
8 already find any answers; you know? Nobody is responsible
9 for nobody.

10 So, what we are suggesting is we start
11 working at ourselves; you know? We have to do some work
12 within ourselves; you know? They will never -- you know,
13 let's be clear, you know, no one will give us sovereignty.
14 No one will give us a determination. No one will give us
15 a piece of bread. So, we have to work within -- between
16 ourselves and for ourselves; you know?

17 We commend these so-called specialists
18 of First Nations, of Aboriginal peoples, but we want to
19 say to them right here, let us speak for ourselves; okay,
20 guys? You have spoken too long for ourselves; you know?
21 You are too specialized for us; you know? Guys in the
22 universities, stay at the university; okay? And, guys
23 that are the guardians of the faith or whatever, you know,
24 let us -- let our women and men, and chiefs and leaders
25 speak for themselves, you know, especially here in Québec;

1 you know? It is too easy.

2 "I know what they mean; you know? I
3 have studied them; you know? In fact, I have a little bit
4 of Indian blood in me. So -- you know, and, here, in
5 Québec, you know, it has been a love story anyway; you
6 know? We are all a little bit Native, don't you think so?
7 My great, great, great grandmother was an Indian from
8 Canada, so I pretend and I claim the right to speak on
9 their behalf because, in fact, this is on my behalf; you
10 know? We are all in it."

11 So, watch it, guys; you know? Watch
12 it; you know? It is very damaging sometimes; you know?
13 Let's respect each other and let's make sure that no one,
14 if not authorized, speaks on behalf of First Nations, you
15 know, otherwise it could create wars, and it has, and it
16 will continue, and you won't want to do that; you know?
17 One nation is going to claim the territory of another
18 nation, and then anarchy will start; you know? And,
19 people won't respect themselves, you know, won't respect
20 each other. So, it is important that we leave it up to
21 the appropriate people that belong to First Nations, to
22 different groups, or so to speak, on their behalf; you
23 know? Same thing with the Inuit brothers and sisters; you
24 know?

25 I won't be too long. The *Indian Act*,

1 you know, let's -- you know, the only thing I am going to
2 say about the *Indian Act* is this. You know, if you want
3 to get rid of that for all kinds of reasons, good or bad,
4 or whatever, you know, please -- you know, and speaking
5 from a very old nation here, you know, that went through
6 many, many centuries of interrelations, you know, please
7 make sure that you see the picture, the clear picture of
8 the day after. Don't sign a blank cheque to no one.
9 Let's not sign a blank cheque to no one.

10 We get one good real *Indian Act*, okay.
11 But, what is replacing it? What can I bring back home?
12 What am I going to say to my children, my grandchildren
13 here? We are replacing the *Indian Act* by the full respect
14 of our treaties. Okay. How does it work; you know? You
15 know, and let's -- nothing -- like not answer perfectly,
16 the clear picture, otherwise you will end up and we will
17 end up with something that we don't want to; you know?

18 The *Indian Act* is something that they
19 are responsible for; you know? They took responsibility,
20 a fiduciary responsibility; you know? It is in the
21 federal system, the federal laws; you know? So, otherwise
22 -- I remember when we were talking about with the
23 independent (indiscernible), you know, Jacques Parizeau
24 and Bernard Landry and these guys, you know, who wanted to
25 take our country to make a new country called Québec, the

1 Québec country. And, they would say, "Well, you know, you
2 should leave the federal system and you should come with
3 us. You should do away with the federal. See how badly
4 they treat you? Come with us and we'll build a new
5 country, Québec." And, we would say to ourselves, "Hmm,
6 well, Madam, Monsieur Parizeau, do you want me to sign you
7 a blank cheque? The answer is no. No." No, because
8 Canada is me, and will always be, and I will never part
9 from brothers and sisters, you know? In fact, we're North
10 Americans, you know? So, without borders, you know.

11 And, that was the answer that we would
12 say to these people. And, the same with changes, you
13 know. People want to make changes, changes, changes, you
14 know. We need changes, yes. But, we need to be part of
15 these changes, and we need to authorize these changes.
16 Changes could not be done unilaterally by somebody else,
17 disregard if they're good or bad, you know?

18 So, because the demographic aspects of
19 our nations will hurt us today and tomorrow also. You
20 know, talking about the *Indian Act*, there is a register
21 also, the ones that register our children, the ones that
22 decide if this person is going to be on the list or not.
23 And, we have many marriages that might be mixed, and
24 because the register said that he's going to put in place
25 a termination act, so if one 61 marries with a 60, they

1 have 62 and then they marriage again with 60, and then we
2 end up with people who are not -- our own grandchildren
3 who are no more on the list, you know. So, we have to
4 address it also. Are we going to remain on the
5 termination act capacity of the Indian Affairs Department,
6 or are we going to build -- I'm not saying that we should
7 rebuild our own constitution because we have already
8 governing capacities, but at least to address the
9 citizenship capacity, the membership capacity of our
10 nations, you know. Well, this is a task that we all have
11 to do.

12 So, many things on the floor, many
13 things to discuss. I just wanted to throw these few
14 thoughts that I do have that I wanted to share with you
15 and to commend you for the good work and to ask you to
16 continue on. The Commission Viens just came last week. I
17 guess regarding the actions of the police regarding our
18 women again in Lac-Simon and pretty sad to see that,
19 again, no one -- no one is to blame. There's no blame,
20 you know. And, I have all the respect for the parents and
21 grandparents and the family of Cédrika Provencher in
22 Trois-Rivières, you know. All respect for her and her
23 family. She -- you know, we haven't found -- they haven't
24 found the killer of Cédrika Provencher.

25 But, let's take this example to show

1 that all of our children, all of our people, should be
2 treated as fairly and equally as Cédrika Provencher has
3 been treated. I mean, inquiries, researches, money that
4 has to go with it also. So, this is maybe the way we
5 should be addressing it, you know. Up until we're going
6 to see our children treated the way that Cédrika
7 Provencher has been treated, you know. There's going to
8 be a gap. We need to fill that gap, and let's start right
9 now. Thank you.

10 **MS. NADINE GROS-LOUIS:** Tiawenhk,
11 Grand Chef Sioui. Maintenant je vais appeler des
12 représentantes du Cercle conseil national des familles
13 avec nous. Donc, je vais inviter Madame Mélanie Morrison
14 et Pamela Fillier de vous adresser la parole. Alors, les
15 membres du Cercle conseil national des familles, elles
16 sont 15 représentantes qui donnent des avis et des
17 orientations aux commissaires et à l'Enquête national.
18 Elles sont reconnues pour la défense d'intérêt et
19 également parce qu'elles ont également perdu des êtres
20 chers ou elles sont des survivantes de violence.

21 So, I would like to invite Madam
22 Melanie Morrison and Pamela Fillier, two representatives
23 of 15 of the members of the National Family Advisory
24 Circle. These members are bringing valuable advice and
25 guidance to the Commissioners, and as well as the National

1 Inquiry. They are recognized as advocates, strong
2 advocates women, and also because of their stories of lost
3 loved ones or survivors of violence. So, Melanie and
4 Pamela.

5 **MS. MELANIE MORRISON:** Good morning.
6 Welcome. Bonjour. Kwe. Today is going to be a very
7 intense but productive week -- start to a productive week.
8 As an NFAC member contributing to this process is
9 meaningful because it allows us to share our lived
10 experiences in advising and guiding the Commissioners.

11 With that being said, this week is a
12 very important hearing because it addresses the systemic
13 issues in the justice system. Many of our families who
14 have suffered the loss of a loved one, regardless of
15 cause, have experienced some form of inequality. So, to
16 have this hearing on criminal justice with oversight and
17 accountability as part of the focus, it is so important
18 and meaningful, not only to myself as an affected member,
19 family member, but for all families who are living in this
20 reality.

21 I'd like to thank the elders for their
22 beautiful words this morning in helping to open up this
23 week. And, I'd like to thank the Commissioners for giving
24 us the opportunity to be present this week with everyone
25 to hear the experts and knowledge keepers.

1 So, I'm going to keep it short. And,
2 I am wishing everybody a very insightful and positive
3 week. And, hopefully we come out with some really good,
4 important directions from the people who kind of manage
5 the justice system, and hear things that will change it
6 for our families and those families who, God forbid, will
7 have this reality later on in our life.

8 **MS. NADINE GROS-LOUIS:** Tiawenhk,
9 Melanie and Pamela. Sorry, I was running after the Grand
10 Chief. We had a gift for him. Donc, je m'excuse. Je
11 courrais après le Grand Chef Sioui parce que nous avons
12 un cadeau à lui remettre. Maintenant, je voudrais juste
13 m'assurer, est-ce que je vois Madame Viviane Michel dans
14 la salle? Non. Donc, alors on va procéder avec les mots
15 des commissaires en débutant avec la Commissaire -- ou
16 devrais-je dire Docteure Michèle Audette. Donc,
17 Commissaire Michèle Audette.

18 **COMMISSIONER MICHÈLE AUDETTE:** Merci
19 beaucoup, Nadine. Et ma fille, quand elle m'a dit
20 « Docteure », Shishka Awasia, que vous avez connu via
21 Skype, « Tu vas pouvoir nous guérir quand on va être
22 malade. » Et j'ai dit, « Non. La seule chose que je peux
23 vous donner, c'est des prescriptions d'amour. »

24 In English, thank you, Nadine. I have
25 to say thank you to Grand Chief, but I think he ran away

1 or ran? Ran. Grand Chief is also the uncle of Shishka
2 Awasia and Yokwasi who you met by Skype last week. So, I
3 am allowed to tease him. Alors, merci beaucoup, Monsieur
4 Sioui, pour votre prière. Merci beaucoup, Nohkom
5 Penelope.

6 Vous allez enfin rencontrer ma
7 Penelope, notre grande amie, notre grande soeur, qui est
8 aussi ma grand-mère spirituelle. Je suis chanceuse, moi.
9 J'ai deux grand-mères, parce que je parle français et
10 anglais. Mais on partage nos kokums, évidemment. Je veux
11 dire merci beaucoup à notre Nohkom Rébecca. Ce que vous
12 ne savez avec Rébecca, c'est une superbe maman. Sa fille
13 ose se présenter pour les élections provinciales ici à
14 Québec. Peut-être qu'on va la voir au parlement ici à
15 l'Assemblée nationale. Et ça adonne qu'elle habite dans
16 ma circonscription. Alors, j'ai dit félicitations à ta
17 fille, Rébecca. Je suis fière d'elle. C'est rare que ça
18 arrive.

19 Merci beaucoup à nos grand-mères
20 Cathy, Bernie, Penelope. Puis je vais vous montrer aussi
21 Docteure Evelyne. Ma maman, Nany Buniga. She is so cute.
22 She is small. My mom, the one who gave me the first
23 breath of life, I am always grateful and thankful that she
24 is close to me. Alors, merci d'être ici, maman.

25 Cette semaine, c'est une semaine assez

1 intense, assez intense dans le contenu mais aussi dans les
2 travaux qu'on doit faire au sein de l'Enquête national.
3 Vous allez entendre des gens qui vont nous partager leur
4 savoir, leur connaissance en matière de justice, mais
5 aussi comment ils ont des idées ou des propositions pour
6 faire en sorte que la justice ici au Canada, on la voit --
7 pour faire en sorte que ça change. Trop souvent, Mélanie,
8 qui a parlé tout à l'heure, et plein d'autres membres des
9 familles qui nous guide au quotidien dans ces travaux-là,
10 mais les 1 200 personnes et plus, que nous avons
11 entendues, écoutées, et accueillies au cours de ce grand
12 mandat, nous ont fait comprendre clairement que le système
13 soit les a abandonnées ou tout simplement n'a pas été au
14 rendez-vous.

15 Trop souvent, on a entendu aussi que
16 le système faisait en sorte qu'il n'était pas adapté ou
17 qu'il n'est toujours pas adapté. Alors, cette semaine, ce
18 sont des gens, des gens qui ont peut-être une critique
19 sévère fasse à l'Enquête, peut-être une critique sévère
20 fasse au système de justice fédéral ou provincial et
21 territorial, mais j'accueille avec beaucoup d'enthousiasme,
22 avec beaucoup de fierté cette connaissance-là, une
23 connaissance autochtone et canadienne.

24 Ce qui va être très, très intéressant
25 aussi, c'est que le reste du Canada va entendre les

1 preuves qui vont émanées de ces gens-là du milieu
2 autochtone et non-autochtone pour nous dire comment on
3 devrait faire les choses ici au Canada.

4 So, in English, I was saying, quickly,
5 I have to start with this because you said, Dr. Audette,
6 When my daughter found out, one of my twin that you met
7 last week by internet, she said, 'Mom, does that mean when
8 I am sick, you will be able to treat us with a
9 prescription?' And, I said, 'It's not that type of
10 doctor. The only prescription I am allowed to give is
11 love and a hug.' So, she was very, very happy with that.
12 I hope so. But, also, she reminds me why we are doing
13 this every day. She is part of those girls that we want
14 to make sure that Canada is safer. And, when we heard
15 Melanie on behalf of the NWAC, the message was clear. We
16 have so much to do and so much to hear this week. And,
17 people that will come here to you, to bring their proof,
18 for me it is an opportunity to tell Canada, again, what
19 the women said to us, the family and survivors, more than
20 1,200 people who came with their courage, also with hope,
21 and telling us each time we went across Canada to their
22 places, the system failed us, we matter, things need to
23 change.

24 The four of us, the Commissioners,
25 will not be able to change just like this, but all

1 together, we will be able to make that change. Like I say
2 all the time, I am just a tool to bring those voices to
3 where it needs to be across Canada. Let's start with the
4 federal government, and each government across including
5 our own government, Indigenous government.

6 So, this week, they will bring their
7 proof, we will hear from them. Some will criticize; some
8 will be with some solution. Let's be open mind; let's be
9 open heart and open spirit. And, make sure that -- we
10 have to make sure that what we will hear has to bring
11 those recommendations very solid, very powerful, so when
12 this Inquiry finish, too soon I have to say again, that
13 all of us citizen, First Nation, Inuit, and Métis, and
14 people of this we call Canada, will take those
15 recommendations and make them alive.

16 So, merci. Welcome to my yard,
17 because I live not far from here, and I am very pleased to
18 have you here. Merci.

19 **MS. NADINE GROS-LOUIS:** (Indigenous
20 word), Commissaire Audette. Maintenant, j'inviterais le
21 Commissaire Eyolfson, s'il-vous-plaît.

22 **COMMISSIONER BRIAN EYOLFSON:** Kwe.
23 Bonjour. Good morning. I would like to thank the Huron-
24 Wendat people for welcoming us back to this beautiful
25 territory here. I would also like to thank our respected

1 elders and our very special grandmothers for their support
2 and for their guidance, so in particular, I would like to
3 thank Rolland Sioui and Grandmother Penelope Guay for
4 getting us started in a good way, and Elder Rebecca Veevee
5 for the lighting of the qulliq, and also Grand Chief Sioui
6 for welcoming us here. Also, thank you to members of our
7 National Family Advisory Circle for their support,
8 dedication and valuable advice, and I would like to thank
9 Melanie Morrison, Pamela Fillier and Darlene Osborne who
10 are here with us this week.

11 And, I also would like to thank
12 everyone who has joined to learn with us, whether in-
13 person or by webcast. And, I especially want to thank the
14 witnesses for joining us this week to share their
15 knowledge and expertise, and the parties with standing for
16 their continued engagement and contributions to the
17 important work of the National Inquiry.

18 When we were last here in Québec City,
19 we heard from experts and knowledge keepers on the topic
20 of approaching the work of the National Inquiry with the
21 human rights framework, a framework that includes a
22 gendered lens that is substantively rights based and
23 intersectional, as well as culturally specific and
24 decolonizing. And, over the next few days, we will hear
25 testimony about the criminal justice system, specifically

1 oversight and accountability in relation to violence
2 experienced by First Nations, Métis and Inuit people
3 across Canada. And, I also expect that we will learn
4 about concrete actions that can be implemented to remove
5 systemic causes of violence and increase the safety for
6 Indigenous women, girls and 2SLGBTQ people throughout
7 Canada.

8 So, we have a busy schedule this week,
9 and I am looking forward to the witnesses and I am looking
10 forward to working with you all this week. Thank you.
11 Merci.

12 **MS. NADINE GROS-LOUIS:** Thank you. I
13 would like to invite Commissioner Robinson, please.

14 **COMMISSIONER QAJAQ ROBINSON:** Kwe.
15 Ulagook (phonetic). Bonjour. I would like to begin by
16 acknowledging and thanking all the families and survivors
17 who are here in attendance today, are watching. I want to
18 thank and acknowledge the members of the National Family
19 Advisory Circle, Melanie, Pam and Fred, Darlene and John,
20 thank you for joining us this week and for going through
21 this learning with us. I want to thank and acknowledge
22 the opening remarks from Grand Chief Sioui, and I also
23 want to thank very much for the opening prayers, Roland,
24 Penelope, and for lighting the qulliq. (Speaking in
25 Inuktitut)

1 **COMMISSIONER QAJAQ ROBINSON:** (Speaks
2 in Inuktitut). And gratefully you are here with us again,
3 and I'm looking forward to eating, laughing and probably
4 crying with you a few times this week. Nakurmiik.

5 I'd like to thank the others that are
6 here with us to guide us; Bernie Williams, Cathy Lewis, as
7 well as Evelyne. Merci.

8 Our staff, our team, of course, who
9 are making this happen after a week in Iqaluit, it's kind
10 of surreal to be in another forum like this, and I'm
11 really impressed with your ability to create these spaces
12 across the country.

13 It's going to be a very interesting
14 week. I'm happy to see many of you here. I'm looking
15 forward to the questions that the parties with standing
16 have.

17 Throughout the testimonies, we have
18 heard from families and survivors. Reoccurring themes
19 have appeared when it comes to relationships with the
20 criminal justice system. And, if there were two words
21 that I would way that come up most frequently, it's about
22 relationships and accountability, and the lack of both.

23 We've also heard last week how police
24 have been used as an instrument of colonization and of
25 disruption of Indigenous families, individuals and

1 communities.

2 So, how do you then go to the uniform
3 that took your parents away from your grandparents when
4 you need help? I think, in essence, that's the question.
5 How has that faced change? How has that uniform changed,
6 and has it? And, when that uniform does not do its job,
7 how are they held accountable?

8 I suppose in the simplest terms those
9 are the questions that come up in my mind, and I'm looking
10 forward to some answers this week.

11 So, I thank everybody again. I hope
12 you had a little bit of sleep this weekend. I didn't.
13 Hockey season started. So, 5:00 a.m. seems a reasonable
14 time to wake up for that, apparently.

15 So, again, nakurmiik and tiawenhk for
16 the welcoming to the Wendat people. Thank you.

17 **MS. NADINE GROS-LOUIS:** Nakurmiik,
18 Commissioner Robinson. Maintenant, j'inviterais la
19 Commissaire en chef, Marion Buller, de vous adresser la
20 parole. So, Chief Commissioner Marion Buller.

21 **CHIEF COMMISSIONER MARION BULLER:**
22 Kwe, bonjour, bon matin, good morning, everyone. Welcome.

23 I want to first start by acknowledging
24 the beautiful territory that we're on, the unceded
25 territory of the Huron-Wendat. And, while we're here this

1 week, and every time we're doing our work and we gather, I
2 welcome the spirits of the missing and murdered Indigenous
3 women and girls to stay close with us and guide us in our
4 work.

5 Thank you to Roland Seaweed, Penelope
6 Guay and Rebecca Veevee for starting us off this important
7 week with good prayers and starting us in a good way.

8 National Family Advisory Circle
9 members, again, thank you very much. You are the constant
10 that keeps us strong. Thank you.

11 Grandmothers, elders, again, thank you
12 for having our backs and guiding us through this very hard
13 but very important work.

14 Witnesses, I look forward to hearing
15 from you. Parties with standing, welcome back. I hope
16 you got your laundry done on the weekend. It's been a
17 challenge, but worthwhile.

18 Thank you for joining us today and
19 hopefully for the rest of the week. One of the guiding
20 principles that we've adopted in our work is that people
21 know the problems; the people know the solutions. We've
22 heard, as Commissioner Audette said, over 1,200 people so
23 far. We've heard the problems, and they're telling us
24 what the solutions are.

25 So, this week when we hear from

1 witnesses and other weeks to come and other weeks in the
2 past, those witnesses will help us build on what the
3 families and survivors have told us what the problems are,
4 and what the solutions are. We keep building on what
5 we've been told, because what we need to be able to do at
6 the end of this is to think outside of the colonization
7 box that has kept us prisoners for so many years. We need
8 to move past that box, be creative, make recommendations
9 that will bring women and girls back to their rightful
10 positions in their own societies.

11 I'm going to leave it at that, because
12 we have a very demanding schedule this week, and I am the
13 one who always watches the clock. But, welcome, everyone.
14 A warm welcome to all of you. Join us in our work. It's
15 hard work, but we wouldn't want to be doing anything else.
16 Have a fabulous week everyone. Thank you. Merci.

17 **MS. NADINE GROS-LOUIS:** Tiawenhk,
18 Chief Commissioner. Merci. Thank you everyone. On va
19 faire quelques petites informations avant de prendre une
20 petite pause. Alors, je vous -- j'aimerais inviter
21 l'équipe de soutien en santé qui sont reconnaissables par
22 une coquière de mauve. Alors, je vous inviterais à vous
23 lever debout, s'il vous plaît.

24 So, the purple lanyard health support
25 team, please stand up? Oui, merci. Alors, les gens que

1 vous voyez debout présentement font partie de l'équipe de
2 soutient en santé. Alors, ils sont disponibles pour vous
3 à tout moment. Les discussions, les témoignages des fois
4 peuvent déclencher des émotions, un état d'esprit, et des
5 fois on a besoin de parler à des gens. Ils sont là pour
6 vous aider. Il y a également les aînés qui sont présents
7 également avec lesquels pour pouvez avoir une discussion.

8 So, I was just saying that the people
9 standing up are part of the health support team. So, they
10 are recognizable by their lanyard, purple lanyard, and
11 they are here for you, for everyone, because sometimes
12 discussion and what you're going to hear from witnesses
13 can trigger some emotions, some mental state, and they are
14 here to discuss with you and help you in any shape of way.
15 And, we have, also, the elders that are here that can also
16 comfort you and talk to you. And, yeah, that's it. So,
17 thank you so much for being here and taking care of our
18 self, and please take care of yourself, too.

19 Alors, merci beaucoup d'être ici pour
20 prendre soin de nous. Et je disais également de ne pas
21 oublier de prendre soin de vous-mêmes également. Donc, je
22 répète que cette semaine, toute au long de la semaine, il
23 y a de l'interprétation simultanée. Vous avez les
24 appareils d'interprétation qui sont disponibles sur le
25 côté. Les présentations seront soit en anglais ou soit en

1 français.

2 So, all week long, there is going to
3 be a simultaneous translation. So, the devices are just
4 on that wall over there. The presentations this week are
5 going to be either in French or in English. So, you will
6 have time during the break, if you don't have your device,
7 to get one.

8 Également, j'aimerais vous mentionner
9 que l'heure du lunch sera servie dans la salle à côté, qui
10 est la salle St. Louis. C'est ouvert à tout le monde,
11 même les gens du publique. Et à cet effet, j'aimerais
12 vous rappeler que les audiences sont ouvertes au public.
13 Alors, on invite les gens à se joindre à l'audience ici à
14 l'Enquête national, de venir vous asseoir, de venir
15 entendre, écouter, et être un témoin de l'Enquête
16 national.

17 Et également de prendre quelques
18 minutes, si vous le voulez bien, durant la pause pour
19 envoyer des messages à vos amis ou à vos connaissances
20 pour leur dire qu'ils peuvent également, s'ils ne sont pas
21 ici à Québec, ils peuvent également regarder en direct
22 soit sur le compte Facebook de l'Enquête national, à
23 partir du site web, il y a Sépaq également qui transmet en
24 direct. Alors, on vous invite à vous joindre à l'Enquête
25 national et faire partie de la grande famille et de

1 t moigner de ces grands travaux.

2 So, I was just saying that lunch will
3 be served in the St. Louis room just behind us. I was
4 also saying that the Inquiry and the hearings are open to
5 the public. So, if you know people, please invite them.
6 They are more than welcome to come and sit here and to
7 witness what is going to happen this week with the
8 Inquiry. But, also take few minutes, if you want, during
9 the breaks, to invite people, people that you know or your
10 Facebook friends to join us by live-stream. So, the
11 Inquiry is live-stream, the important of this week are on
12 live-stream, so please invite them to join us and be part
13 of the family and witnessing the great work of the
14 National Inquiry.

15 So, on that, nous allons prendre un
16 cinq minutes de pause pour laisser le temps des gens du
17 premier panel   s'installer. So, I will take a five-
18 minute break, just to allow the panel and witnesses to sit
19 and prepare. Merci beaucoup. Tiawenhk.

20 --- Upon recessing at 9:10

21 --- Upon resuming at 9:20

22 **MS. CHRISTA BIG CANOE:** So, I am going
23 to encourage you to go down to the parties with standing
24 room in the Dufferin and pull your lottery number, please.
25 We still have some parties that have not yet.

1 Chief Commissioner and Commissioners,
2 good morning. Just by way of introduction, I have been
3 reminded by the grandmothers I should be introducing
4 myself as well. So, first of all, I would like to thank
5 the territory we are on and all of the wonderful words
6 that were spoken by grandmothers, elders, the Grand Chief.
7 I am Christa Big Canoe, I am one of the Commission
8 Counsel. Throughout the week, you will see various
9 Commission Counsel presenting evidence to the
10 Commissioners. It is the role of Commission Counsel to
11 raise evidence before the Commission, and so I am very
12 grateful to be here and thank you very much.

13 To start this morning, I just want to
14 say really quickly, and I will not spend a great amount of
15 detail on the overview, but the whole entire week is
16 dedicated to the criminal justice system, oversight and
17 accountability. And, today's panel will be on First
18 Nations policing, it will be discussing the tripartite
19 agreements and legislation that is developing in Ontario
20 that may set out a new course. In other evidence,
21 particularly in Regina, the Commission have the
22 opportunity to hear quite a bit about tripartite
23 agreements as they are in Québec, and we hear a lot of the
24 under resourcing of the various First Nation and Inuit
25 police services. Today's panel, I think, will enlighten

1 us on some opportunities moving forward and provide
2 potentially good recommendations.

3 As per the rules of respectful
4 practice, Rule 31 points out that Commission Counsel calls
5 evidence. But, what has happened today is, Commission
6 Counsel has requested that Mr. Julian Falconer, counsel
7 for Nishnawbe Aski Nation, actually lead the evidence.
8 So, it is with Commission Counsel's consent that we are
9 asking Mr. Falconer to lead the evidence today.

10 Also, I just wanted to remind any of
11 the parties with standing in the room, and just for the
12 purposes of the record, that during the examination-in-
13 chief, it is only the counsel leading the evidence that is
14 allowed to speak to the panel members. So, no other
15 parties with standing who have participatory rights can
16 communicate with the witnesses during the examination-in-
17 chief.

18 The converse occurs, and this is
19 pursuant to Rule 48, once the examination-in-chief
20 completes, then Mr. Falconer will not be able to converse
21 with the witnesses as it relates to their testimony and
22 evidence. This is not a prohibition on talking to
23 someone, hey, would you like coffee, you know, just small
24 talk. It's a prohibition on talking about the evidence
25 that has been heard. And so, I just wanted to remind

1 counsel that before we begin.

2 And, on that note, I would like to
3 welcome Mr. Julian Falconer, so that he may lead the
4 evidence of Chief Terry Armstrong and Chair Mike
5 Metatawabin.

6 **MR. JULIAN FALCONER:** Good morning,
7 Chief Commissioner, Chef Commissaire, and Commissioners.
8 C'est vraiment un honneur d'être ici. Désolé. Deux ou
9 trois phrases en français, puis je vais changer à
10 l'anglais. French is not my strongest language, it is
11 just my deuxième langue, un petit gars de Mont Saint-
12 Hilaire.

13 I want to start by acknowledging the
14 territory we are on of the Huron-Wendat. I want to
15 acknowledge the families and the losses that they have
16 suffered. I want to acknowledge the elders and the sacred
17 items in the room. I am legal counsel, along with Krystyn
18 Ordyniec, for the Northern Alliance Nishnawbe Aski Nation
19 and Grand Council Treaty 3, and it is an honour to lead
20 the evidence of Chair Mike Metatawabin on my right, and
21 next to him, on his right, is Chief Terry Armstrong.

22 Their biographies are lengthy and
23 impressive. We have a limited amount of time, so after
24 they are sworn in, we will refer to
25 documents rather than taking you line by line, if that is

1 okay, Chief Commissioner. So, they are prepared to be
2 sworn.

3 **MS. CHRISTA BIG CANOE:** And, Mr.
4 Registrar, both would like to affirm on eagle feathers.

5 **MR. BRYAN ZANDBERG:** Good morning. We
6 will begin with Chief Terry Armstrong. Good morning,
7 Chief Armstrong. Chief Armstrong, do you solemnly affirm
8 to tell the truth, the whole truth and nothing but the
9 truth?

10 **CHIEF TERRY ARMSTRONG:** I do so swear.

11 **CHIEF TERRY ARMSTRONG, Affirmed:**

12 **MR. BRYAN ZANDBERG:** Thank you. And,
13 that leaves us with Chair Mike Metatawabin. Good morning.
14 Do you solemnly affirm to tell the truth, the whole truth
15 and nothing but the truth?

16 **CHAIR MIKE METATAWABIN:** Yes.

17 **CHAIR MIKE METATAWABIN, Affirmed:**

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

19 **--- EXAMINATION-IN-CHIEF BY MR. JULIAN FALCONER:**

20 **MR. JULIAN FALCONER:** Chief
21 Commissioner and Commissioners, we have provided a book of
22 documents. And, in addition to that, we have also
23 prepared several PowerPoint that I expect to be up on the
24 screen shortly. I hope not to be slaves to these
25 PowerPoints, I sometimes call them PowerPointless, because

1 you lose the ability to hear from the witness, you hear
2 from paper. So, we will try to move through this quickly,
3 there is a lot of information to deliver.

4 We are truly -- I have been honoured
5 to represent Chief Armstrong and Chair Metatawabin of
6 Nishnawbe-Aski Police Service. They represent leaders in
7 the area of keeping Indigenous people safe. I want to
8 start with the bio that is reproduced at Tab B, for bravo,
9 of Chair Mike Metatawabin. And, I am simply going to
10 emphasize his highlights for those in the room and
11 listening to us today.

12 Mike Metatawabin, you served as the
13 NAPS Board Chair from 2000 to 2009; is that right?

14 **CHAIR MIKE METATAWABIN:** Yes.

15 **MR. JULIAN FALCONER:** And, you
16 actually returned to being chair three years ago, in 2015;
17 is that right?

18 **CHAIR MIKE METATAWABIN:** Yes.

19 **MR. JULIAN FALCONER:** And, you
20 recently have been re-elected to continue as Board Chair
21 for how much longer? What is your term?

22 **CHAIR MIKE METATAWABIN:** I believe it
23 is three years.

24 **MR. JULIAN FALCONER:** It's a three-
25 year term. And, in the time that you were not chair of

1 the board, you in fact were, from 2009 to 2012, actually
2 the Deputy Grand Chief of Nishnawbe Aski Nation with the
3 portfolio of policing; is that correct?

4 **CHAIR MIKE METATAWABIN:** Yes.

5 **MR. JULIAN FALCONER:** And, during that
6 time, you served as ex-officio member of the NAPS Board,
7 which is the role of the Deputy Grand Chief with that
8 portfolio; is that correct?

9 **CHAIR MIKE METATAWABIN:** Yes.

10 **MR. JULIAN FALCONER:** It is safe to
11 say that close to since its inception you have been one of
12 the civilian leaders of NAPS; is that right?

13 **CHAIR MIKE METATAWABIN:** Correct.

14 **MR. JULIAN FALCONER:** Chief Terry
15 Armstrong, you have been the chief of the Nishnawbe-Aski
16 Police Service since 2013; is that right?

17 **CHIEF TERRY ARMSTRONG:** Yes.

18 **MR. JULIAN FALCONER:** Your very
19 impressive bio is set out at Tab C, for Charlie, of the
20 document brief. And, you actually began your policing
21 career as a First Nation Constable in Pikangikum in 1984;
22 is that right?

23 **CHIEF TERRY ARMSTRONG:** Yes, that's
24 correct.

25 **MR. JULIAN FALCONER:** And, prior to

1 becoming the Chief of NAPS, you worked in a huge array of
2 policing roles, really all directed towards remote
3 communities; is that right?

4 **CHIEF TERRY ARMSTRONG:** Yes.

5 **MR. JULIAN FALCONER:** Your service in
6 the policing world dates back to the northwest patrol; is
7 that right?

8 **CHIEF TERRY ARMSTRONG:** Yes, it does.

9 **MR. JULIAN FALCONER:** You served as
10 the Deputy Chief of the Treaty 3 Police Service, yes?

11 **CHIEF TERRY ARMSTRONG:** Yes.

12 **MR. JULIAN FALCONER:** You served as
13 the acting Chief of Police for the Lac Seul Police
14 Service?

15 **CHIEF TERRY ARMSTRONG:** Yes.

16 **MR. JULIAN FALCONER:** The Detachment
17 Commander of the OPP, Sioux Lookout Detachment?

18 **CHIEF TERRY ARMSTRONG:** Yes. An,
19 acting role. Yes.

20 **MR. JULIAN FALCONER:** And, as I
21 understand it, this testimony today is actually one of
22 your last acts in the performance of your duties as the
23 Chief of Police of NAPS five years later; is that right?

24 **CHIEF TERRY ARMSTRONG:** Yes.

25 **MR. JULIAN FALCONER:** You will be

1 retiring soon?

2 **CHIEF TERRY ARMSTRONG:** Yes.

3 **MR. JULIAN FALCONER:** And, some of us
4 had the honour of attending an honour ceremony by
5 Nishnawbe Aski Nation, the political leadership, in your
6 honour at the recent Keewaywin in Chapleau; is that right?

7 **CHAIR MIKE METATAWABIN:** Yes.

8 **MR. JULIAN FALCONER:** You were
9 honoured by political leaders across NAN territory; is
10 that right?

11 **CHAIR MIKE METATAWABIN:** Yes.

12 **MR. JULIAN FALCONER:** You are one
13 popular guy. We are going to move to -- well it is not
14 very common for me to be referring to chiefs of police as
15 popular people, so I just want to, for the record, say it.
16 I don't get to say it too often.

17 All right. We are going to start this
18 evidence by telling the story of NAPS through Chair
19 Metatawabin. We have a PowerPoint that begins, and is on
20 the screen now, and, Chair, if you could simply start with
21 how you would describe NAPS?

22 **CHAIR MIKE METATAWABIN:** Nishnawbe-
23 Aski Police Service is the First Nations police service.
24 It is the largest in Canada, and it services our remote
25 area in Northern Ontario. The estimated population of the

1 Nishnawbe Aski Nation is 4,000 to 5,000. And, we have 162
2 officers. The communities that are covered, they are all
3 fly-in communities. There are -- there is no road access.
4 We have an independent board of directors, and the --
5 administered by the Chief of Police, and he reports to the
6 board of directors.

7 **MR. JULIAN FALCONER:** And, when it
8 comes to understanding the geography for Ontario, this is
9 a national inquiry, we want to be respectful of the fact
10 that not everybody is as familiar with Ontario as
11 Ontarians like to think, first of all, isn't it true that
12 the shape of the Province of Ontario is like depicted on
13 that PowerPoint? It sort of looks like Moby Dick a little
14 bit; isn't that right? Yes?

15 **CHAIR MIKE METATAWABIN:** Yes.

16 **MR. JULIAN FALCONER:** And, the tail of
17 Moby Dick is really Southern Ontario; right?

18 **CHAIR MIKE METATAWABIN:** Mm-hmm.

19 **MR. JULIAN FALCONER:** And, having set
20 up an office in Thunder Bay some years ago, I have now
21 learned that the Northerners resent the fact that the tail
22 seems to wag the whale; yes?

23 **CHAIR MIKE METATAWABIN:** Yes.

24 **MR. JULIAN FALCONER:** And, in fact,
25 two-thirds of the province is actually Northern Ontario is

1 depicted on the PowerPoint; is that right?

2 **CHAIR MIKE METATAWABIN:** That's right.

3 **MR. JULIAN FALCONER:** And, NAN
4 territory, the territory of Nishnawbe Aski Nation that
5 NAPS polices actually is larger than the country of
6 France; is that right?

7 **CHAIR MIKE METATAWABIN:** That's
8 correct.

9 **MR. JULIAN FALCONER:** It spans from
10 James Bay to close to the Winnipeg border; is that right?

11 **CHAIR MIKE METATAWABIN:** Yes.

12 **MR. JULIAN FALCONER:** And, the
13 population that peoples this incredible expanse is
14 actually only 45,000; is that right?

15 **CHAIR MIKE METATAWABIN:** That's
16 correct.

17 **MR. JULIAN FALCONER:** And, 23 of the
18 34 communities, just to -- I am a lawyer, I have to say it
19 precisely. Twenty-three of the 34 communities are fly-in
20 communities; is that right?

21 **CHAIR MIKE METATAWABIN:** Yes, they
22 are.

23 **MR. JULIAN FALCONER:** And, so everyone
24 is on the same page, for those of us urbanites, a fly-in
25 community means the only road access that exists are ice

1 roads; is that right?

2 **CHAIR MIKE METATAWABIN:** Yes.

3 **MR. JULIAN FALCONER:** They creak
4 really loud in the winter; right?

5 **CHAIR MIKE METATAWABIN:** Yes, they do.

6 **MR. JULIAN FALCONER:** Yes, they do.

7 So, NAPS moves people in and out of communities and
8 polices people in and out of communities all through the
9 air; is that right?

10 **CHAIR MIKE METATAWABIN:** Yes.

11 **MR. JULIAN FALCONER:** If we could go
12 to the slide that is located at Slide 4, please? Could
13 you just provide some information on the amount of
14 activities in a typical year for the Nishnawbe-Aski Police
15 Service?

16 **CHAIR MIKE METATAWABIN:** Okay. In
17 2016, we had 16,600 occurrences recorded and, out of that,
18 there were 2,853 charges laid. In 2017, we had 18,900
19 occurrences recorded and, out of that, 3,654 charges laid.

20 **MR. JULIAN FALCONER:** You are a busy
21 police service?

22 **CHAIR MIKE METATAWABIN:** Yes.

23 **MR. JULIAN FALCONER:** Now, at the next
24 slide, please, could you tell the Commissioners, and the
25 families and those witnessing these proceedings a little

1 a bit about how NAPS is funded, please?

2 **CHAIR MIKE METATAWABIN:** The funding
3 arrangement is a tripartite agreement, and it is between
4 Nishnawbe Aski Nation, Canada and Ontario, and it is under
5 the First Nations Policing Policy. And, what this meant
6 was that NAPS, there are some restrictions there. So, we
7 are prohibited from owning assets and using government
8 funds for major capital expenditures and not backed by the
9 rule of law.

10 **MR. JULIAN FALCONER:** What do you mean
11 by that?

12 **CHAIR MIKE METATAWABIN:** The police
13 service is not legislated. It is not protected under the
14 rule of law like the Ontario Provincial Police or the
15 RCMP.

16 **MR. JULIAN FALCONER:** Or municipal
17 police services?

18 **CHAIR MIKE METATAWABIN:** Or municipal,
19 yes.

20 **MR. JULIAN FALCONER:** In fact,
21 Indigenous policing in this country is program-based; is
22 that right?

23 **CHAIR MIKE METATAWABIN:** Yes.

24 **MR. JULIAN FALCONER:** And, in being
25 program-based, it lacks any legislative criteria for

1 keeping people safe; is that right?

2 **CHAIR MIKE METATAWABIN:** That's
3 correct.

4 **MR. JULIAN FALCONER:** And, what year
5 was NAPS created?

6 **CHAIR MIKE METATAWABIN:** 1994.

7 **MR. JULIAN FALCONER:** 1994. So, we
8 are 24 years later ---

9 **CHAIR MIKE METATAWABIN:** Yes.

10 **MR. JULIAN FALCONER:** --- and, today,
11 as we sit here, is there or are there legislative criteria
12 currently in place that ensures safety backed by the rule
13 of law for Indigenous people?

14 **CHAIR MIKE METATAWABIN:** None at the
15 moment.

16 **MR. JULIAN FALCONER:** Twenty-four
17 years later. Now, is that because nobody thought of it?

18 **CHAIR MIKE METATAWABIN:** I am sure it
19 was thought of, but it wasn't the intent of the
20 government.

21 **MR. JULIAN FALCONER:** Could you turn
22 to Slide 6, please? In fact, there have been multiple
23 recommendations about creating safety backed by the rule
24 of law for Indigenous people; isn't that right?

25 **CHAIR MIKE METATAWABIN:** Yes.

1 **MR. JULIAN FALCONER:** Amongst those,
2 and could you switch to the next slide, are the inquest
3 into the deaths of Jamie Goodwin and Ricardo Wesley known
4 as the Kashechewan Inquest; is that right?

5 **CHAIR MIKE METATAWABIN:** Yes.

6 **MR. JULIAN FALCONER:** And, briefly,
7 could you describe -- now, as I understand it, those sad
8 tragic deaths happened in the Kashechewan community?

9 **CHAIR MIKE METATAWABIN:** Mm-hmm.

10 **MR. JULIAN FALCONER:** You need to say
11 yes or no for the record.

12 **CHAIR MIKE METATAWABIN:** Yes. Sorry.

13 **MR. JULIAN FALCONER:** And, I'm sorry,
14 I am being a lawyer. So, I keep being told that these
15 proceedings are de-legalized, and I have to try to learn how
16 to do that, so I apologize, Chair. It is hard to get the
17 lawyer out of me.

18 So, in 2006, Kashechewan lost Jamie
19 Goodwin and Ricardo Wesley, and what were the
20 circumstances?

21 **CHAIR MIKE METATAWABIN:** They died
22 from a fire. The facility was totally consumed by fire,
23 and they were caught in the tragedy.

24 **MR. JULIAN FALCONER:** In fact, the
25 Kashechewan Inquest is a story about a detachment that

1 lacked heat, that a fire broke out and the facilities were
2 so poor that they could not find or weren't able to
3 manipulate the locks to let out these two young men. And,
4 ultimately, they died a tragic death locked in their
5 cells; is that right?

6 **CHAIR MIKE METATAWABIN:** Yes.

7 **MR. JULIAN FALCONER:** Now, that -- the
8 condition of the detachment, the circumstances of the
9 policing all led to a number of recommendations. In page
10 7 of the slide, it lists two of those recommendations; is
11 that right?

12 **CHAIR MIKE METATAWABIN:** Yes.

13 **MR. JULIAN FALCONER:** And, in
14 particular, they recommended the policing standards and
15 service levels equivalent to non-First Nations communities
16 be created; right?

17 **CHAIR MIKE METATAWABIN:** Yes.

18 **MR. JULIAN FALCONER:** They talked
19 about creating funding; right?

20 **CHAIR MIKE METATAWABIN:** Yes.

21 **MR. JULIAN FALCONER:** And, they talked
22 about creating adequacy standards comparable to the *Police*
23 *Services Act* in Ontario; is that right?

24 **CHAIR MIKE METATAWABIN:** Yes.

25 **MR. JULIAN FALCONER:** And, that was in

1 2009; is that right? That is when the inquest
2 recommendations happened?

3 **CHAIR MIKE METATAWABIN:** Yes.

4 **MR. JULIAN FALCONER:** Nine years ago; is
5 that right?

6 **CHAIR MIKE METATAWABIN:** Yes.

7 **MR. JULIAN FALCONER:** Now, am I correct
8 that the Ippwerwash Inquiry in 2004-2005 also made similar
9 recommendations; is that right?

10 **CHAIR MIKE METATAWABIN:** Yes.

11 **MR. JULIAN FALCONER:** The next slide
12 reflects Slide 8 that the Inquest into the death of Lena
13 Anderson made similar recommendations; is that right?

14 **CHAIR MIKE METATAWABIN:** Yes.

15 **MR. JULIAN FALCONER:** And if I may, through
16 summary, the death of Lena Anderson happened in 2013; is
17 that right?

18 **CHAIR MIKE METATAWABIN:** Yeah.

19 **MR. JULIAN FALCONER:** She died in a NAPS
20 vehicle; is that right?

21 **CHAIR MIKE METATAWABIN:** Yes.

22 **MR. JULIAN FALCONER:** In Kasabonika, a
23 remote community?

24 **CHAIR MIKE METATAWABIN:** Yes.

25 **MR. JULIAN FALCONER:** She died because she

1 was kept in a vehicle and she committed suicide; yes?

2 **CHAIR MIKE METATAWABIN:** Yes.

3 **MR. JULIAN FALCONER:** She died because she
4 was kept in a vehicle because there was no heating in the
5 detachment; is that right?

6 **CHAIR MIKE METATAWABIN:** Correct.

7 **MR. JULIAN FALCONER:** The officer in the
8 circumstances went to find another officer to help, he
9 doesn't have a partner on duty; is that right?

10 **CHAIR MIKE METATAWABIN:** Yes.

11 **MR. JULIAN FALCONER:** He has no radio; is
12 that right?

13 **CHAIR MIKE METATAWABIN:** Yes.

14 **MR. JULIAN FALCONER:** He went to find
15 another officer who was off shift and in the interim when
16 she was in that cruiser to keep her warm, she committed
17 suicide?

18 **CHAIR MIKE METATAWABIN:** Yes.

19 **MR. JULIAN FALCONER:** No heat in 2013; is
20 that right?

21 **CHAIR MIKE METATAWABIN:** Correct.

22 **MR. JULIAN FALCONER:** That inquest produced
23 recommendations again and those recommendations were to
24 create safety backed by the rule of law for Indigenous
25 Peoples; is that right?

1 **CHAIR MIKE METATAWABIN:** Yes.

2 **MR. JULIAN FALCONER:** That was five years
3 ago?

4 **CHAIR MIKE METATAWABIN:** Yes.

5 **MR. JULIAN FALCONER:** As a result of the
6 death of Lena Anderson -- could you switch to the next
7 slide, please? As a result of the death of Lena Anderson,
8 a document was issued by Nishnawbe-Aski Nation and NAPS;
9 could you tell us about that, please?

10 **CHAIR MIKE METATAWABIN:** The document
11 that's being referred to or the letter -- sorry, repeat
12 the question, I'm sorry.

13 **MR. JULIAN FALCONER:** Sure. As a result of
14 the death of Lena Anderson, a document was issued, and in
15 fact that document can be found at Tab I of the materials,
16 and it's also referred to on Slide 9, and that document --
17 you see the lawyer is pointing to the name of the document
18 on the top, it's all kind of embarrassing that I'm so
19 pushy -- the document -- for the record, could you tell us
20 what that document is?

21 **CHAIR MIKE METATAWABIN:** It's titled
22 "Public Safety Notice".

23 **MR. JULIAN FALCONER:** And can you tell us a
24 little bit about that document?

25 **CHAIR MIKE METATAWABIN:** It's the

1 leadership within Nishnawbe-Aski Nation issued a statement
2 that the citizens of Nishnawbe-Aski Nation were not safe,
3 and therefore we could not continue to operate a police
4 service that could not provide safety to their own people
5 -- to Indigenous People.

6 **MR. JULIAN FALCONER:** And you'll see
7 at Slide 9 that the Public Safety Notice dated February
8 19th, 2013 was actually issued by the -- an alliance or
9 partnership of the NAPS Chair at the time, Frank McKay and
10 Grand Chief Yesno, the Political Leader of Nishnawbe-Aski
11 Nation; is that right?

12 **CHAIR MIKE METATAWABIN:** Yes.

13 **MR. JULIAN FALCONER:** And this
14 document, a five-page document, was sent to every
15 political leader related to policing for the Province of
16 Ontario and for Canada; is that right?

17 **CHAIR MIKE METATAWABIN:** Yes.

18 **MR. JULIAN FALCONER:** It was delivered
19 to the Chief Coroner in the wake of the death of Lena
20 Anderson; yes?

21 **CHAIR MIKE METATAWABIN:** Yes.

22 **MR. JULIAN FALCONER:** And this
23 document refers to the countless number of recommendations
24 to address the fact of a lack of a legislative criteria
25 and the lack of funding; is that right?

1 **CHAIR MIKE METATAWABIN:** Yes.

2 **MR. JULIAN FALCONER:** And it expressly
3 declares -- much like a boil water advisory, right -- it
4 expressly declares that the people in NAN territory are
5 not safe; is that right?

6 **CHAIR MIKE METATAWABIN:** Yes.

7 **MR. JULIAN FALCONER:** And can you tell
8 us what the response was to this document that was sent to
9 the Chief Coroner and copied to all of the Ministers?

10 **CHAIR MIKE METATAWABIN:** There was no
11 response, no reply by either governments. The only reply
12 that came forward was from a coroner, and his reply was
13 that it was out of his mandate to respond accordingly.

14 **MR. JULIAN FALCONER:** And so, with
15 this formal notice that your people were not safe, the
16 last two pages of Tab I set out the only response you
17 received to this notice was from the then Interim Chief
18 Coroner who said, "It's not my department"?

19 **CHAIR MIKE METATAWABIN:** Yes.

20 **MR. JULIAN FALCONER:** Every other
21 leader of government ignored the Public Safety Notice?

22 **CHAIR MIKE METATAWABIN:** Correct.

23 **MR. JULIAN FALCONER:** That was five
24 years ago?

25 **CHAIR MIKE METATAWABIN:** Yes.

1 **MR. JULIAN FALCONER:** So, it is my
2 intention, Chief Commissioner, with your leave to submit
3 the entire book as an exhibit at the end of my
4 questioning, because of 30 years and a lot of grey hair I
5 know I'm going to forget to do that. So I'm hoping
6 someone -- especially Ms. Ordyniec -- will remind me at
7 the end to do that, but that's my plan.

8 **MR. JULIAN FALCONER:** Thank so much,
9 all right. Now, this Public Safety Notice -- and I'm
10 going to now switch to Chief Armstrong for a moment and
11 give Chair Metatawabin a break. Chief Armstrong, talk to
12 me for a minute about this acknowledgment that people that
13 you're in charge of keeping safe aren't safe. As a chief
14 of police, is that business as usual?

15 **CHIEF TERRY ARMSTRONG:** No, honestly
16 it's very disturbing that there was no responses and the
17 realities of policing at the time and as it continues
18 today is that's it's not safe for the people.

19 **MR. JULIAN FALCONER:** Can you bring
20 your mike a little bit more towards you ---

21 **CHIEF TERRY ARMSTRONG:** Certainly.

22 **MR. JULIAN FALCONER:** --- and get
23 comfortable. Good. Could you elaborate, please?

24 **CHIEF TERRY ARMSTRONG:** Well there's
25 a -- I mean we're not on the same playing field as

1 municipal police forces and provincial police forces in
2 the province. We, as you mentioned, are backed by the
3 rule of law, so it restricts us quite a bit in our funding
4 agreements and how we can actually work to get funding.

5 **MR. JULIAN FALCONER:** And we have
6 actually prepared a PowerPoint that cuts to the heart of
7 the dilemma faced by Nishnawbe-Aski police service, and
8 frankly many other Indigenous police services in this
9 country. And if I could ask for that second PowerPoint
10 that's titled "No Partner and No Radio" to be put up,
11 please.

12 While they're getting it up, I want to
13 start with asking you this question -- and could you go to
14 the first page, that's right, thank you. I want to ask
15 you a question; do you need a lawyer to explain what this
16 opening line means?

17 **CHIEF TERRY ARMSTRONG:** No.

18 **MR. JULIAN FALCONER:** Darn it, I have
19 no utility at all. Tell us about that, tell us about that
20 line.

21 **CHIEF TERRY ARMSTRONG:** Well, because
22 of the chronic underfunding of NAPS, we haven't had
23 partners for all our police -- all our detachments, we
24 haven't had a radio communication system, which are very
25 unsafe for the communities. They don't allow the officers

1 to do their job at the same capacity as you would
2 elsewhere, and it puts people's safety in jeopardy. And
3 not having a communication system where you can call to
4 somebody for backup or assistance -- in our case a lot of
5 times there is not backup anyway -- but not even having a
6 system where you can call and say -- as we say in
7 policing, "Run somebody to see what their, you know, what
8 their records are" or any of these things, we don't have
9 that same capacity unless we go back to the detachment and
10 get to a landline to make a call.

11 **MR. JULIAN FALCONER:** So, police
12 officers operate in remote communities without backup; is
13 that right?

14 **CHIEF TERRY ARMSTRONG:** Yes.

15 **MR. JULIAN FALCONER:** And this is not
16 rocket science, this creates an incredibly dangerous
17 situation for the people they're trying to protect; is
18 that right?

19 **CHIEF TERRY ARMSTRONG:** Yes.

20 **MR. JULIAN FALCONER:** And it creates a
21 dangerous situation for the officer the communities are
22 trying to rely on to be safe; is that right?

23 **CHIEF TERRY ARMSTRONG:** Yes.

24 **MR. JULIAN FALCONER:** If you turn to
25 Slide 4 of this particular slide presentation, it played

1 out in real time in the death of Lena Anderson; is that
2 right?

3 **CHIEF TERRY ARMSTRONG:** Yes.

4 **MR. JULIAN FALCONER:** And this was the
5 death that ultimately lead to the issuance of the Public
6 Safety Notice; yes?

7 **CHIEF TERRY ARMSTRONG:** Yes.

8 **MR. JULIAN FALCONER:** Could you tell
9 us a little bit about it, please? I know we've just
10 covered that she was left in the NAPS vehicle because of
11 no heating in the detachment, but explain how that plays
12 into the issue of no partner and no radio.

13 **CHIEF TERRY ARMSTRONG:** Well, in this
14 particular situation, it was -- there was a second officer
15 in the community, which is unique to us at times that
16 there was a second officer in the community. The one
17 officer had made an arrest and had placed -- and at the
18 time, we had no heat in the building due to chronic
19 underfunding. And, actually, the detachment was falling
20 apart. They built a new one, but it wasn't -- it wasn't
21 fully operational. It had no heat.

22 The old detachment, you could actually
23 crawl through the floors and there was no fire suppression
24 and a number of other things. So, the officer had secured
25 Miss Anderson in the back of the vehicle and went to look

1 for another partner, his partner, the only fellow in the
2 community to come and assist him.

3 **MR. JULIAN FALCONER:** Right. And,
4 just so we're clear, that other officer was on a different
5 shift; right?

6 **CHIEF TERRY ARMSTRONG:** Yes.

7 **MR. JULIAN FALCONER:** Right. So, he
8 had no partner on shift with him. There was another
9 person in the community, a police officer who would be
10 working at a different time; right?

11 **CHIEF TERRY ARMSTRONG:** Yes.

12 **MR. JULIAN FALCONER:** So, he had to go
13 get that person off their break, their downtime to sleep,
14 and wake them up to get assistance?

15 **CHIEF TERRY ARMSTRONG:** Yes.

16 **MR. JULIAN FALCONER:** Go on.

17 **CHIEF TERRY ARMSTRONG:** Like, this was
18 slightly before my arrival at NAPS. I did come in 2013,
19 so some of the information, obviously, I'm relaying from
20 the incident from having heard from the officers.

21 So, the officer did find his partner,
22 and he went inside to get him, and during that time, very
23 short period of time, Ms. Anderson was able to use a
24 string off her track pants and...

25 **MR. JULIAN FALCONER:** You'll need to

1 speak up, please.

2 **CHIEF TERRY ARMSTRONG:** She was able
3 to use an article of her clothing to tie off in the
4 vehicle.

5 **MR. JULIAN FALCONER:** And, she was
6 able to end her life in her desperate circumstances, this
7 23-year-old because, of course, a vehicle does not have
8 the safety features for keeping someone in custody that
9 you would expect out of a cell that met legislative
10 standards; is that right?

11 **CHIEF TERRY ARMSTRONG:** Yes.

12 **MR. JULIAN FALCONER:** Are the people
13 of Kasabonika, is there something special about them that
14 they don't deserve those legislative standards? Is there
15 something that we don't know that they did wrong?

16 **CHIEF TERRY ARMSTRONG:** No, absolutely
17 not.

18 **MR. JULIAN FALCONER:** Is there
19 something about Mike, Chair? Is there something about
20 your people, your community, in NAN territory that makes
21 you less deserving of safety?

22 **CHAIR MIKE METATAWABIN:** No. No.

23 **MR. JULIAN FALCONER:** And so, at Slide
24 5 of this PowerPoint presentation, we reproduced one of
25 the inquest recommendations; is that right? To ensure

1 adequate and sustainable funding and policy support to
2 ensure that officers in communities have access to a
3 central communication dispatch centre, so a radio; is that
4 right?

5 **CHIEF TERRY ARMSTRONG:** Yes.

6 **MR. JULIAN FALCONER:** Now, the status
7 quo is set out at six, Slide 6. And, could you tell us a
8 little bit about it, please, Chief Armstrong?

9 **CHIEF TERRY ARMSTRONG:** Well, the
10 understaffing, as it says on the slide, the officers
11 rarely work with a partner. And, of course, as I
12 mentioned, there's no radio system. So, that still
13 continues to this day, that we have officers working alone
14 with no backup. And, not just working alone, but the only
15 officer in a community at any given time. And, we also
16 have situations where there's no officers in communities
17 because of shortages and because of underfunding and
18 shortages due to people being off sick.

19 **MR. JULIAN FALCONER:** And, there's a
20 percentage referred to at the bottom of slide 6. What is
21 that?

22 **CHIEF TERRY ARMSTRONG:** Twenty-four
23 percent of the NAPS officers are currently on stress or
24 disability leave.

25 **MR. JULIAN FALCONER:** So, you put an

1 individual to police the community without backup and
2 without a radio, and people die. The stress would be
3 extraordinary, the difficulties for the community
4 extraordinary, and is it a shock that almost, basically, a
5 quarter of NAPS officers are on some form of stress or
6 disability leave?

7 **CHIEF TERRY ARMSTRONG:** No, not at
8 all. We're so short that we have a -- too few people and
9 we're wearing out -- we're killing the ones we've got
10 left, basically.

11 **MR. JULIAN FALCONER:** And, could you
12 make sure you speak into the mic so people hear you?

13 **CHIEF TERRY ARMSTRONG:** Yes.

14 **MR. JULIAN FALCONER:** Thank you. At
15 Slide 7, could you tell us what Slide 7 refers to, please?

16 **CHIEF TERRY ARMSTRONG:** The remote
17 scheduling, and this was just a snapshot that we took of
18 some of that remote scheduling. So, on the day that we
19 did this recently, we had -- in the northeast region, we
20 had --one out of five remote locations had only one
21 officer working. In central region, we had six out of
22 eight remote locations had only one officer working, and
23 one had more than one working, and one had no coverage at
24 all. In the northeast [sic] region, five out of 11 remote
25 locations only had one officer working.

1 **MR. JULIAN FALCONER:** And, that would
2 be the northwest region?

3 **CHIEF TERRY ARMSTRONG:** Yes, sorry,
4 northwest region.

5 **MR. JULIAN FALCONER:** Right. And,
6 over half of the communities have one officer or less
7 working at a time; is that ---

8 **CHIEF TERRY ARMSTRONG:** Yes.

9 **MR. JULIAN FALCONER:** And so, at Slide
10 8 and 9, you go into the -- what are the painful obvious
11 realities of officers working without a partner; right?
12 And, if you can quickly go through it, and it's only
13 because we have limited time, I just want you to highlight
14 as a technician in charge of operations what this reality
15 represents at Slides 8 and 9.

16 **CHIEF TERRY ARMSTRONG:** Yes. So, I
17 would say the consequence of not having a partner burn out
18 of officers is the threat to public safety. The fact
19 that, like I say, we had so few officers and the stresses
20 that they go through working alone, it's putting people
21 off and on sick leave. And, we have, out of that 24
22 percent, it's pretty much entirely PTSD.

23 Community, obviously, the risk with
24 only one assigned officer, and we quite often find that
25 chiefs and councils are helping the officers. They're

1 working as backup and that's a safety issue in itself to
2 the people in the communities. You know, they're
3 untrained and -- they're willing to help on many
4 occasions, but they're not trained, and as we know it,
5 things are getting, you know, pretty dangerous at times
6 and we're putting them in a position they could get hurt.

7 Lack of proactive policing, that's
8 very important because a lot of policing, a lot of things
9 can be prevented if we have a proactive component, and we
10 don't get funded at all from governments for proactive
11 policing, unless it's one-time funding. We will get these
12 one-year programming that sunset after a year, and usually
13 you don't get the money for that until you're about nine -
14 - you know, sorry, about three months in, and have to
15 scramble to get those programs up and running.

16 We find them very successful. We've
17 done a number of them on gangs and whatever. They're very
18 successful. There just doesn't seem to be the money for
19 that, but we're not funded for that outright.

20 Emergency response times are
21 lengthened. We have a number of caveats to that.
22 Weather, because you fly in a remote community. Sometimes
23 we can't get response in there on time because weather
24 will go out, or sometimes it's even not being able to find
25 an aircraft. Recently, we had a difficulty with finding -

1 - the closest plane was in Montreal.

2 Stress is mentioned again with
3 retention and burnout. A lot of our officers are leaving
4 to go to other police services, places where they have a
5 partner, where they have a radio, where they feel they can
6 protect or do the job that they swore to do because as an
7 officer, you're swearing to protect the public and we
8 can't always do that, like I say, with what we have.

9 **MR. JULIAN FALCONER:** And, I noticed
10 that Slide 9 referred to the fact that quality of
11 investigations can be greatly affected with one officer
12 and no officer in the community. So, how do you protect a
13 scene and investigate a crime at the same time?

14 **CHIEF TERRY ARMSTRONG:** It's very
15 difficult, and it obviously leads -- from a legal
16 standpoint, it leads to a lot more turmoil in the courts
17 in respect to, you know, the questioning of the evidence,
18 and how it was secured, and how it was maintained, and
19 continuity and all those things that are associated with
20 evidence. So, it's pretty -- it's pretty hard to do the
21 whole gamut by yourself.

22 **MR. JULIAN FALCONER:** And, at Slide
23 10, you refer to two instances, one in Cat Lake First
24 Nation, one of the NAN communities, in December 2017.
25 Sadly, a young officer, a junior was working alone in the

1 context of a double homicide?

2 **CHIEF TERRY ARMSTRONG:** Yes. We had
3 one of our officers. He was working alone, and he was
4 less than two years on at the time. He had a double
5 homicide. It was a shooting. He was put in a position
6 where he had to go and arrest the accused and also, of
7 course, look after crime scenes, you know, securing the
8 bodies of the deceased and all the things that go along
9 with policing.

10 **MR. JULIAN FALCONER:** Multiple crime
11 scenes, no backup, double homicide, one officer in a
12 remote community?

13 **CHAIR MIKE METATAWABIN:** Yes.

14 **MR. JULIAN FALCONER:** Similarly, Fort
15 Severn, December 2015, three crime scenes involved a
16 homicide, same thing. The officer had to secure the body,
17 monitor three crime scenes ---

18 **CHAIR MIKE METATAWABIN:** Yes.

19 **MR. JULIAN FALCONER:** --- all by him
20 or herself.

21 **CHAIR MIKE METATAWABIN:** And arrest
22 the individual involved and he had to answer the other
23 calls in the community at the same time which at that
24 particular -- on that particular occurrence, he had to
25 actually go to another call in a community while he was

1 trying to investigate and secure homicide scenes. And he
2 called out for backup about -- well, in the early evening
3 after supper. It says here 8:00 and I think that's fairly
4 correct in the time.

5 We couldn't get anybody in to assist
6 him until the next day. We assembled everybody we got.
7 You know, we called out our team and a number of other
8 entities from the crime units but the weather went out and
9 we couldn't land and that's one of the things that we just
10 don't have any control over. So although we were ready to
11 help him, we couldn't get in there to assist him until one
12 o'clock the next day.

13 **MR. JULIAN FALCONER:** And is it fair
14 to say that this situation persists today?

15 **CHAIR MIKE METATAWABIN:** Yes.

16 **MR. JULIAN FALCONER:** And so let me
17 ask you, Chair Metatawabin, what do you see as a key theme
18 in terms of your communities and what you're striving for
19 a goal?

20 **CHAIR MIKE METATAWABIN:** Our goal is
21 to have our own -- our own Indigenous people. They need
22 to keep our own Indigenous people safe in our own
23 communities.

24 **MR. JULIAN FALCONER:** And you say
25 that, that Indigenous people need to keep Indigenous

1 people safe. How do you do that in the present
2 circumstances?

3 **CHAIR MIKE METATAWABIN:** It's
4 difficult under the current circumstances and it's hard to
5 do. You just heard testimony about the challenges that we
6 face.

7 **MR. JULIAN FALCONER:** Now, political
8 leadership at Nishnawbe Aski Nation and leadership at NAPS
9 have not been silent about this, have they?

10 **CHAIR MIKE METATAWABIN:** We have not
11 been silent.

12 **MR. JULIAN FALCONER:** Nishnawbe Aski
13 Nation consists of 49 First Nation communities, right?

14 **CHAIR MIKE METATAWABIN:** Yes.

15 **MR. JULIAN FALCONER:** And 49 Chiefs
16 make decisions as a political territorial organization,
17 right?

18 **CHAIR MIKE METATAWABIN:** Yes.

19 **MR. JULIAN FALCONER:** How does that
20 work?

21 **CHAIR MIKE METATAWABIN:** The Chiefs
22 they have their annual assemblies or quarterly assemblies
23 and that's where they are able to come together and to
24 make decisions on certain matters.

25 **MR. JULIAN FALCONER:** And so they

1 convene spring, summer, winter assemblies, correct?

2 **CHAIR MIKE METATAWABIN:** Correct.

3 **MR. JULIAN FALCONER:** And they pass
4 resolutions at those assemblies?

5 **CHAIR MIKE METATAWABIN:** Correct.

6 **MR. JULIAN FALCONER:** They discuss the
7 business of NAN territories over a period of days, yes?

8 **CHAIR MIKE METATAWABIN:** Yes.

9 **MR. JULIAN FALCONER:** And those
10 assemblies are broadcast on Wawatay?

11 **CHAIR MIKE METATAWABIN:** Yes, they
12 are.

13 **MR. JULIAN FALCONER:** And are public
14 proceedings for days on end, formal public proceedings?

15 **CHAIR MIKE METATAWABIN:** Yes.

16 **MR. JULIAN FALCONER:** And they speak
17 through what? What is the manner by which they make
18 decisions?

19 **CHAIR MIKE METATAWABIN:** I don't know
20 if I understand the question.

21 **MR. JULIAN FALCONER:** Well, in other
22 words -- sorry, I made the question more complicated than
23 it had to be. Is there a way that they issue documents?

24 **CHAIR MIKE METATAWABIN:** Well, through
25 the assembly, they discuss them together and after that,

1 they make a decision.

2 **MR. JULIAN FALCONER:** And the decision
3 is done through resolutions?

4 **CHAIR MIKE METATAWABIN:** Yes.

5 **MR. JULIAN FALCONER:** At Tab D of -- D
6 for Delta of the Document Book, multiple resolutions are
7 included that are resolutions of NAN Chiefs. Is that
8 right?

9 **CHAIR MIKE METATAWABIN:** Yes.

10 **MR. JULIAN FALCONER:** There are 12
11 resolutions included at Tab D for Delta and I'm going to
12 quickly lead you through them. I'm not going to take more
13 than three minutes to do this. I mean no disrespect to
14 the leaders of NAN or to you, Chair or Chief. I'm just
15 going to try to get us so you can have -- Chief
16 Commissioner and Commissioners, you can have a flavour of
17 how decisions are made.

18 Now, first of all, when a resolution
19 is passed by NAN, is it communicated to the levels of
20 government?

21 **CHAIR MIKE METATAWABIN:** Yes, they
22 are.

23 **MR. JULIAN FALCONER:** All right. So
24 these resolutions are each communicated to Canada and
25 Ontario among others?

1 **CHAIR MIKE METATAWABIN:** Yes.

2 **MR. JULIAN FALCONER:** All right. So
3 let's start with the first page of Tab D for Delta and
4 you'll see each resolution is in pretty well the same
5 format. At that bottom of the resolution are the
6 signatures of the Grand Chief and the Deputy Grand Chief,
7 and you'll see the mover and the seconder, and then the
8 body of the resolution speaks for itself.

9 Dating back to 1999, isn't it true
10 that a resolution was passed calling for a renegotiation
11 of the NAPS Tripartite Agreement?

12 **CHAIR MIKE METATAWABIN:** Yes.

13 **MR. JULIAN FALCONER:** And it said
14 that, in fact, funding was not adequate to provide
15 services for First Nations, right?

16 **CHAIR MIKE METATAWABIN:** Yes.

17 **MR. JULIAN FALCONER:** It found
18 insufficient financial and human resources in the existing
19 programs, right?

20 **CHAIR MIKE METATAWABIN:** Yes.

21 **MR. JULIAN FALCONER:** Housing,
22 supports, personnel, pay equity with Ontario Provincial
23 Police, all were cited as concerns, right?

24 **CHAIR MIKE METATAWABIN:** Yes.

25 **MR. JULIAN FALCONER:** And so the

1 Chiefs and assembly urged Canada and Ontario to reconvene
2 to reopen the Tripartite Agreement, right?

3 **CHAIR MIKE METATAWABIN:** Yes.

4 **MR. JULIAN FALCONER:** Two thousand and
5 six (2006) is when the two young men died, Ricardo and
6 Wesley, right?

7 **CHAIR MIKE METATAWABIN:** Yes.

8 **MR. JULIAN FALCONER:** At Kashechewan.
9 And in 2006 as the second page the resolution indicates,
10 again, a resolution was passed referring to the tragedy,
11 right?

12 **CHAIR MIKE METATAWABIN:** Yes.

13 **MR. JULIAN FALCONER:** Whereas the
14 recent tragedy in Kashechewan which resulted in the lost
15 of two lives of our First Nation members and injuries to a
16 NAPS officer when the detachment caught fire demonstrates
17 the critical need for capital funding of our police
18 detachments in the North, right?

19 **CHAIR MIKE METATAWABIN:** Yes.

20 **MR. JULIAN FALCONER:** They called on -
21 - they called on the governments to make progress, right?

22 **CHAIR MIKE METATAWABIN:** Yes.

23 **MR. JULIAN FALCONER:** They called on
24 them to close the substandard detachments and demanded
25 that they house people in a safe environment, right?

1 **CHAIR MIKE METATAWABIN:** Yes.

2 **MR. JULIAN FALCONER:** Again in 2006,
3 they referred again to the Kashechewan inquest into the
4 gross under resourcing by way of number of officers.
5 That's the third resolution attached to Tab D. Is that
6 right?

7 **CHAIR MIKE METATAWABIN:** Yes.

8 **MR. JULIAN FALCONER:** In 2007, a human
9 rights complaint was filed by Mushkegowuk Council, one of
10 the tribal councils that represents really -- and correct
11 me I'm wrong, Chair, but it really represents the
12 northeastern communities, right?

13 **CHAIR MIKE METATAWABIN:** Yes.

14 **MR. JULIAN FALCONER:** And they filed a
15 human rights complaint citing, among other things, the
16 racist policy of covering policing by program where
17 everybody else is legislatively protected. Is that right?

18 **CHAIR MIKE METATAWABIN:** Yes.

19 **MR. JULIAN FALCONER:** And that was in
20 2007.

21 **CHAIR MIKE METATAWABIN:** Yes.

22 **MR. JULIAN FALCONER:** In 2008, they
23 cite the fact -- next page -- only one of 35 NAPS
24 detachments meets basic national health and safety
25 standards. And again, they call on Ontario and Canada to

1 prioritize adequately resourcing NAPS, right?

2 **CHAIR MIKE METATAWABIN:** Yes.

3 **MR. JULIAN FALCONER:** In 2012, NAN
4 Chiefs demanded accountability for the fact that the
5 Ministry of the Attorney General for Ontario wholesaled
6 abandoned bylaw enforcement in their communities. Is that
7 right?

8 **CHAIR MIKE METATAWABIN:** Yes.

9 **MR. JULIAN FALCONER:** By resolution of
10 May 16th, 2012, whereas MAG has unilaterally ceased to
11 provide bylaw enforcement to our First Nations without any
12 form of prior consultation, whereas bylaw enforcement is a
13 basic need in our First Nations to ensure safety and
14 general peace and security of NAN members, be it resolved
15 that NAN Chief Assembly demand that ministry officials
16 reinstate the bylaw enforcement courts.

17 Has that been done?

18 **CHAIR MIKE METATAWABIN:** No.

19 **MR. JULIAN FALCONER:** It has not been
20 done. We are six years later. That has not been done,
21 has it?

22 **CHAIR MIKE METATAWABIN:** It hasn't
23 been done.

24 **MR. JULIAN FALCONER:** Is there
25 something about NAN communities that is less deserving of

1 safety than anywhere else?

2 **CHAIR MIKE METATAWABIN:** No.

3 **MR. JULIAN FALCONER:** Did you ever
4 receive a legal explanation for why the Ministry of the
5 Attorney General could simply abandon prosecuting
6 community bylaws?

7 **CHAIR MIKE METATAWABIN:** None.

8 **MR. JULIAN FALCONER:** And Chief
9 Armstrong, what's the position of NAPS officers in laying
10 bylaw charges if there's no Crowns to prosecute them?

11 **CHIEF TERRY ARMSTRONG:** We cannot lay
12 the charge without a prosecution (indiscernible).

13 **MR. JULIAN FALCONER:** And so, for the
14 last six years, legitimate legal bylaws passed pursuant to
15 the infamous colonial Indian Act, but compliance with that
16 Indian Act have gone unenforced; is that correct?

17 **CHIEF TERRY ARMSTRONG:** Yes.

18 **MR. JULIAN FALCONER:** Has the Ministry
19 of the Attorney General ever apologized for unilaterally
20 withdrawing services to your people?

21 **CHIEF TERRY ARMSTRONG:** No.

22 **MR. JULIAN FALCONER:** To this day, do
23 they provide services to your people through the
24 enforcement of bylaws?

25 **CHIEF TERRY ARMSTRONG:** No.

1 **MR. JULIAN FALCONER:** The next
2 resolution is the resolution as it applies to Eabametoong,
3 also known in the Anglican name as Fort Hope. That
4 detachment had particularly dilapidated conditions; is
5 that right?

6 **CHIEF TERRY ARMSTRONG:** Yes.

7 **MR. JULIAN FALCONER:** And, it became a
8 race to the bottom, didn't it, in terms of deteriorating
9 premises; is that right?

10 **CHIEF TERRY ARMSTRONG:** Yes.

11 **MR. JULIAN FALCONER:** And so, the
12 Chiefs of Matawa passed a resolution demanding something
13 be done. Now, the next resolution -- and I am moving
14 quickly, so I apologize, but I am trying to get us through
15 these documents quickly.

16 The next resolution is the 2014
17 resolution, and if I can draw your attention, Chair
18 Metatawabin, to this particular resolution, I want to make
19 sure we are both on the same one, 1407. This is a
20 resolution under the leadership, and you will see the
21 second page, of Grand Chief Harvey Yesno and Deputy Grand
22 Chief, and it is Alvin Fiddler; is that right?

23 **CHAIR MIKE METATAWABIN:** Yes.

24 **MR. JULIAN FALCONER:** Alvin Fiddler
25 subsequently becomes Grand Chief; is that right?

1 **CHAIR MIKE METATAWABIN:** Yes.

2 **MR. JULIAN FALCONER:** It's in 2014
3 that the discussion begins around a definitive action plan
4 for dealing with the unconscionable conditions in NAN
5 communities; is that right?

6 **CHAIR MIKE METATAWABIN:** Yes.

7 **MR. JULIAN FALCONER:** I am going to
8 read two paragraphs to you and ask you about this. The
9 last two paragraphs of the first page, "Further be it
10 resolved that NAN Chiefs Assembly mandate the Executive
11 Council to address the fundamentally flawed approach to
12 First Nations policing that causes NAPS to operate as a
13 program by taking the steps necessary to secure
14 legislative base for the police service consistent with
15 the objectives outlined by NAPS and various policing
16 submissions. Further, be it resolved that should good
17 faith negotiations not achieve the objective set out in
18 this resolution, then the Executive Council in partnership
19 with the NAPS Board is authorized to negotiate an orderly
20 termination of the tripartite agreement."

21 **CHAIR MIKE METATAWABIN:** Yes.

22 **MR. JULIAN FALCONER:** Could you tell
23 us about this, please, Chair?

24 **CHAIR MIKE METATAWABIN:** Yes, I can.
25 That was the -- it was not an easy decision. It was

1 difficult decision, but we just were no longer in a
2 position, and had not been for a while, to keep the
3 communities at a level of a safety that the rest of
4 Ontarians get, and probably Canadians.

5 **MR. JULIAN FALCONER:** And so, in 2014
6 -- and I am going to lead a bit on this to get us through
7 this quickly. But, in 2014, then Grand Chief Yesno and
8 Deputy Grand Chief Fiddler who had the policing portfolio,
9 worked with then Chair of the NAPS Board, which was Shawn
10 Batise, and gave notice to Ontario that it was going to
11 give NAPS back, that it was going to wind down the service
12 unless formal talks towards a legislative base started; is
13 that right?

14 **CHIEF TERRY ARMSTRONG:** Yes.

15 **MR. JULIAN FALCONER:** And, Chair
16 Metatawabin, that started something called the Adequacy
17 Standards Table; is that right?

18 **CHAIR MIKE METATAWABIN:** Yes.

19 **MR. JULIAN FALCONER:** Could you tell
20 us a little bit about that?

21 **CHAIR MIKE METATAWABIN:** It was a call
22 to address the police services and to set in motion what
23 needed to be done to make things right, to make the
24 operation raise its standards, live up to its standard
25 that it was supposed to have been in the first place, and

1 that that was the intent of those discussions.

2 **MR. JULIAN FALCONER:** And, is it not
3 true that the then NAN Executive in 2014 and the NAPS
4 Board served notice on Canada and Ontario that it would
5 not sign the tripartite agreement in 2014 unless the
6 Adequacy Standards Table was started?

7 **CHAIR MIKE METATAWABIN:** Yes.

8 **MR. JULIAN FALCONER:** And so, for the
9 first time, Indigenous police service in the form of NAPS
10 served notice that it would in and of itself end itself
11 unless formal talks started towards the creation of
12 legislation?

13 **CHAIR MIKE METATAWABIN:** Yes.

14 **MR. JULIAN FALCONER:** And, those talks
15 started with Ontario?

16 **CHAIR MIKE METATAWABIN:** Yes.

17 **MR. JULIAN FALCONER:** And, NAPS signed
18 a one-year extension ---

19 **CHAIR MIKE METATAWABIN:** Yes, they
20 did.

21 **MR. JULIAN FALCONER:** --- on the basis
22 that that table was started?

23 **CHAIR MIKE METATAWABIN:** Yes.

24 **MR. JULIAN FALCONER:** Now, that table
25 was started by NAN and NAPS alone with Ontario; is that

1 right?

2 **CHAIR MIKE METATAWABIN:** Yes.

3 **MR. JULIAN FALCONER:** The government
4 at the time was under Prime Minister Harper?

5 **CHAIR MIKE METATAWABIN:** Yes.

6 **MR. JULIAN FALCONER:** And, NAN and
7 NAPS did not see the Harper policies as capable of
8 accommodating the requests by NAN and NAPS; is that right?

9 **CHAIR MIKE METATAWABIN:** Yes.

10 **MR. JULIAN FALCONER:** And, in Ontario,
11 policing is actually regulated by the province; is that
12 right?

13 **CHAIR MIKE METATAWABIN:** Yes.

14 **MR. JULIAN FALCONER:** Under the then
15 Wynne government; is that right?

16 **CHAIR MIKE METATAWABIN:** Yes.

17 **MR. JULIAN FALCONER:** And so, over a
18 three-year period, over 100 draft pieces of legislation
19 were created to create an opt-in mechanism for Indigenous
20 police services; is that right?

21 **CHAIR MIKE METATAWABIN:** Yes.

22 **MR. JULIAN FALCONER:** Now, we are
23 going to go into that shortly. Suffice to say that four
24 years later, Bill 175 was passed, yes ---

25 **CHAIR MIKE METATAWABIN:** Yes.

1 **MR. JULIAN FALCONER:** --- in Ontario,
2 called the Safer Ontario Act?

3 **CHAIR MIKE METATAWABIN:** Correct.

4 **MR. JULIAN FALCONER:** And, it -- the
5 Indigenous opt-in section comes into force in January
6 2019; is that right?

7 **CHAIR MIKE METATAWABIN:** Correct.

8 **MR. JULIAN FALCONER:** And, that
9 represents an opt-in mechanism whereby any community or
10 police board, Indigenous community or police board may
11 seek to become constituted, yes?

12 **CHAIR MIKE METATAWABIN:** Yes.

13 **MR. JULIAN FALCONER:** Under the Police
14 Services Act ---

15 **CHAIR MIKE METATAWABIN:** Yes.

16 **MR. JULIAN FALCONER:** --- with
17 serious cultural markers that ensure cultural autonomy for
18 those services?

19 **CHAIR MIKE METATAWABIN:** Yes.

20 **MR. JULIAN FALCONER:** But, it is their
21 choice; is that right?

22 **CHAIR MIKE METATAWABIN:** That's right.

23 **MR. JULIAN FALCONER:** And, this was
24 NAPS and NAN led?

25 **CHAIR MIKE METATAWABIN:** Yes.

1 **MR. JULIAN FALCONER:** All right. At
2 the next resolution, which is a resolution in 2016, this
3 process under the Adequacy Standards Table is now being
4 led, and you will see this on the second page, by Grand
5 Chief Fiddler, do you see that?

6 **CHAIR MIKE METATAWABIN:** Yes.

7 **MR. JULIAN FALCONER:** And, this
8 resolution indicates, third paragraph, "Whereas NAN is
9 negotiating with the province of Ontario for NAPS to be
10 designated and recognized as a police service under the
11 Police Services Act, and if the required amendments to the
12 act are approved, an additional two years to implement
13 will be required. Therefore, be it resolved that the
14 Chiefs Assembly mandate the NAN Grand Chief to meet with
15 the Federal Minister of Public Safety to commit Canada to
16 a negotiation process to provide the necessary additional
17 funding requirements for the delivery of an effective and
18 efficient policing service. Further, be it resolved that
19 the funding negotiations are without prejudice to a
20 proposed strike action by NAPS officers and the Adequacy
21 Standards Table with Ontario." Is that right?

22 **CHAIR MIKE METATAWABIN:** Yes.

23 **MR. JULIAN FALCONER:** So, throughout
24 this process, Canada was still expected to be part of the
25 process, yes?

1 **CHAIR MIKE METATAWABIN:** Yes.

2 **MR. JULIAN FALCONER:** The final
3 resolution included in this package in 2016 is an approval
4 of the draft statutory and regulatory framework negotiated
5 by NAN and NAPS with Ontario; is that right?

6 **CHAIR MIKE METATAWABIN:** Yes.

7 **MR. JULIAN FALCONER:** And so, the NAN
8 Chiefs Assembly in 2016, on August 11th under the
9 leadership of Grand Chief Fiddler, ultimately approved a
10 legislative package that we await to this day to be passed
11 by the Ontario government?

12 **CHAIR MIKE METATAWABIN:** Yes.

13 **MR. JULIAN FALCONER:** Now, at the same
14 time as the negotiations around the legislation were
15 taking place, NAPS also undertook new funding negotiations
16 towards a tripartite agreement to be signed in 2018; is
17 that correct, Chair Metatawabin?

18 **CHAIR MIKE METATAWABIN:** Yes.

19 **MR. JULIAN FALCONER:** And, it is very
20 important to understand the difference between the
21 legislative piece and the funding agreement as between the
22 two funders, Ontario and Canada and NAPS; is that right?

23 **CHAIR MIKE METATAWABIN:** Yes.

24 **MR. JULIAN FALCONER:** And, could you
25 tell us a little bit about how negotiations work for

1 funding or how they historically worked?

2 **CHAIR MIKE METATAWABIN:** Yes, I can
3 tell you about that. I have been to a few negotiation
4 processes, and they were -- they were never fair. Each
5 time that we sat to discuss or to try to negotiate, we
6 were under a strict timeline, very strict timeline. It
7 was either impending elections coming up -- well it was
8 always centred around elections. The timing was always
9 about elections. We were not given very much time or
10 choices or an opportunity to bring to the table. It was
11 always take it or leave it, and we had to do it before a
12 certain date because elections were a month or two months
13 away.

14 And, back in those days, we went with
15 it because, at the time, the leadership had not been
16 forced to make any hard decisions. We went along with
17 them basically because of -- to maintain the police force,
18 to keep the police force going and also in trying to do
19 our best to keep our communities safe.

20 **MR. JULIAN FALCONER:** And, you said
21 they weren't negotiations. It was a take it or leave it?

22 **CHAIR MIKE METATAWABIN:** From my
23 experience, they were not negotiations. We were not given
24 any chance to sit down to bring forth any proposals or
25 solutions. There was always a limited amount -- a set

1 amount that was to be accepted.

2 **MR. JULIAN FALCONER:** And, that is
3 entirely consistent with what a program is, isn't it?

4 **CHAIR MIKE METATAWABIN:** Yes.

5 **MR. JULIAN FALCONER:** "Here is your
6 program dollars" ---

7 **CHAIR MIKE METATAWABIN:** Yes.

8 **MR. JULIAN FALCONER:** --- right?

9 **CHAIR MIKE METATAWABIN:** Yes.

10 **MR. JULIAN FALCONER:** The rest of
11 Canada, non-Indigenous policing works according to
12 legislated standards about adequate and effective
13 policing, and keeping people safe. But, Indigenous
14 people, what you deserve, is x-dollars and no more; is
15 that right?

16 **CHAIR MIKE METATAWABIN:** Yes.

17 **MR. JULIAN FALCONER:** And, your
18 meetings were always with bureaucrats, were they not?

19 **CHAIR MIKE METATAWABIN:** Yes.

20 **MR. JULIAN FALCONER:** You were always
21 presented with ministry officials, federal and provincial;
22 yes?

23 **CHAIR MIKE METATAWABIN:** Yes.

24 **MR. JULIAN FALCONER:** You were never
25 presented with political leadership, were you?

1 **CHAIR MIKE METATAWABIN:** No. Never.

2 **MR. JULIAN FALCONER:** You were always
3 presented that safety was something to be administered by
4 bureaucrats through program dollars?

5 **CHAIR MIKE METATAWABIN:** Yes.

6 **MR. JULIAN FALCONER:** In 2018, that
7 changed. How did that change, Chief Armstrong? There is
8 no PowerPoint to help you. Just do it, my friend. Do it.
9 We are riffing here.

10 **CHIEF TERRY ARMSTRONG:** Well, in the -
11 - the negotiation, we actually had the negotiation. It
12 wasn't a take it or leave it, but it took political
13 pressure from Nishnawbe Aski Nation's leadership to say,
14 you know, "Once again, we are not continuing like this.
15 Our people aren't safe. We can't keep our people safe, so
16 we're not continuing on with the police service unless," -
17 - and the Grand Chief -- Grand Chief Fiddler actually, you
18 know, talked with the chiefs and they actually put the
19 letter in to say that we were finished. So, there was
20 negotiations.

21 **MR. JULIAN FALCONER:** And, just
22 stopping you there for a moment, you said the Grand Chief
23 put a letter in to say we are finished. It is fair to say
24 that early in the process -- and this happens for all of
25 the standalone Indigenous police services, but also the

1 other police services that are -- or police-funded
2 services that are part of the federal program, there is a
3 cycle of agreements coming up every three years; is that
4 right?

5 **CHIEF TERRY ARMSTRONG:** Yes, that is
6 correct.

7 **MR. JULIAN FALCONER:** And, this
8 happens across the country; right?

9 **CHIEF TERRY ARMSTRONG:** Yes.

10 **MR. JULIAN FALCONER:** And, every three
11 years, bureaucrats show up and meet, and say, "We have
12 this much money to keep your people safe, and that's it,"
13 right?

14 **CHIEF TERRY ARMSTRONG:** Yes. And,
15 actually, this one started out that way as well.

16 **MR. JULIAN FALCONER:** That's right.

17 **CHIEF TERRY ARMSTRONG:** And, it was --
18 -

19 **MR. JULIAN FALCONER:** But, this time
20 it was different because a terms of reference was
21 presented to the federal government; is that true?

22 **CHIEF TERRY ARMSTRONG:** Yes.

23 **MR. JULIAN FALCONER:** And, in fact, a
24 terms of reference was presented from NAN and NAPS working
25 together?

1 **CHIEF TERRY ARMSTRONG:** Yes.

2 **MR. JULIAN FALCONER:** And, it was the
3 insistence of the Grand Chief and the Chair, then, you,
4 Chair Metatawabin, that if the Minister of Public Safety
5 and the Minister of Community Safety for the province did
6 not sign the terms of reference committing to a genuine
7 negotiation that you would not sign a tripartite
8 agreement; is that correct?

9 **CHIEF TERRY ARMSTRONG:** That is true.

10 **MR. JULIAN FALCONER:** And so, after
11 many months of parrying, of negotiation, the minister
12 finally signed; is that right?

13 **CHIEF TERRY ARMSTRONG:** Yes.

14 **MR. JULIAN FALCONER:** Both ministers?

15 **CHAIR MIKE METATAWABIN:** Yes, both
16 ministers.

17 **MR. JULIAN FALCONER:** A terms of
18 reference for a genuine negotiation was signed?

19 **CHIEF TERRY ARMSTRONG:** Yes.

20 **MR. JULIAN FALCONER:** And, tell us,
21 Chief Armstrong, just for the purposes of understanding,
22 we have got to do this in about five or 10 minutes, what
23 was the result of that negotiation, Chief Armstrong?

24 **CHIEF TERRY ARMSTRONG:** Well, the
25 results were a number of things that we have been -- you

1 know, have been asking for, for many years, a partner and
2 a radio, to keep it simple, and I know that is a theme
3 that was used over and over.

4 **MR. JULIAN FALCONER:** You mean a radio
5 and a partner?

6 **CHIEF TERRY ARMSTRONG:** Yes, a radio
7 and a partner.

8 **MR. JULIAN FALCONER:** Or a partner and
9 a radio.

10 **CHIEF TERRY ARMSTRONG:** Those things
11 were discussed. I should mention that the original --
12 like I say, before the letter went in, we basically were
13 given a small increase that wouldn't even have covered our
14 deficit, and that is basically what they were giving all
15 the First Nations police services, and they did start with
16 their take it or leave it mentality. But, like I say,
17 with the political pressure and the terms of reference
18 eventually being signed, like I say, that -- they were
19 looking at giving us an amount of money, and then taking
20 half of that back actually so that we couldn't have even
21 covered our deficit at the time.

22 **MR. JULIAN FALCONER:** Right.

23 **CHIEF TERRY ARMSTRONG:** Deficits that
24 were incurred by a number of new buildings that were pre-
25 fabbed and brought in and were given no O&M, or operations

1 and maintenance, to cover these buildings. So, they
2 basically were costing us an extra \$470,000 a year to
3 maintain these buildings with no money from governments to
4 do that maintenance.

5 **MR. JULIAN FALCONER:** And, can I just
6 stop you there, without getting into the weeds too much --
7 -

8 **CHIEF TERRY ARMSTRONG:** Yes.

9 **MR. JULIAN FALCONER:** --- to
10 understand the absurdity of the program, you were provided
11 modular buildings; right? But, you were not provided
12 funding to keep the lights on; is that correct?

13 **CHIEF TERRY ARMSTRONG:** No, we weren't
14 provided the funding to run the buildings.

15 **MR. JULIAN FALCONER:** To run the
16 buildings.

17 **CHIEF TERRY ARMSTRONG:** Yes.

18 **MR. JULIAN FALCONER:** And, it was
19 deemed essentially non-compliance with the program if they
20 gave you dollars to keep the lights on; isn't that right?

21 **CHIEF TERRY ARMSTRONG:** Yes.

22 **MR. JULIAN FALCONER:** And so, you,
23 NAPS, ran a deficit each year to keep the lights on?

24 **CHIEF TERRY ARMSTRONG:** Correct.

25 **MR. JULIAN FALCONER:** The terms of

1 reference having been signed, it is fair to say that one
2 of the requirements is that political leadership or their
3 representatives, not bureaucrats, also attend the
4 negotiations; is that right?

5 **CHIEF TERRY ARMSTRONG:** That's
6 correct.

7 **MR. JULIAN FALCONER:** And so,
8 political leadership from NAN attended?

9 **CHIEF TERRY ARMSTRONG:** Yes.

10 **MR. JULIAN FALCONER:** And, political
11 leadership from the federal and provincial governments
12 attended?

13 **CHIEF TERRY ARMSTRONG:** Yes.

14 **MR. JULIAN FALCONER:** Through their
15 staff and/or personally; is that right?

16 **CHIEF TERRY ARMSTRONG:** Yes.

17 **MR. JULIAN FALCONER:** And so, a real
18 negotiation took place?

19 **CHIEF TERRY ARMSTRONG:** Yes.

20 **MR. JULIAN FALCONER:** And, it is fair
21 to say that what is now being heralded as the new NAPS,
22 will involve an increase in the complement of your
23 officers to the tune over the next five years of 79 new
24 officers?

25 **CHIEF TERRY ARMSTRONG:** Yes, we are

1 going to get 79 officers with 55 of those coming in the
2 first three years.

3 **MR. JULIAN FALCONER:** With that
4 increase in complement, you will have achieved a partner
5 for every officer?

6 **CHIEF TERRY ARMSTRONG:** Yes.

7 **MR. JULIAN FALCONER:** In addition,
8 multiple millions are being poured into a communication
9 system?

10 **CHIEF TERRY ARMSTRONG:** Yes.

11 **MR. JULIAN FALCONER:** With the end
12 result that there will be a radio for every officer?

13 **CHIEF TERRY ARMSTRONG:** Yes.

14 **MR. JULIAN FALCONER:** And, there will
15 be an ability to make emergency calls and to communicate
16 through central dispatch?

17 **CHIEF TERRY ARMSTRONG:** Absolutely.

18 **MR. JULIAN FALCONER:** And, in fact,
19 that is being done with the support and assistance of the
20 OPP ---

21 **CHIEF TERRY ARMSTRONG:** Yes.

22 **MR. JULIAN FALCONER:** --- who are
23 letting you plug into their network but maintain your own
24 independent communication system?

25 **CHIEF TERRY ARMSTRONG:** Yes.

1 **MR. JULIAN FALCONER:** Furthermore,
2 your deficit is being wiped out?

3 **CHIEF TERRY ARMSTRONG:** Yes, there is
4 -- they are retiring the deficit.

5 **MR. JULIAN FALCONER:** The deficit is
6 being retired and you will proceed forward on the basis of
7 straight up accounting, which will ensure that you not
8 only have buildings, but you have an ability to have heat
9 and light in those buildings?

10 **CHIEF TERRY ARMSTRONG:** Yes, they
11 covered the shortfalls as well.

12 **MR. JULIAN FALCONER:** And, in
13 addition, detachments are being built?

14 **CHIEF TERRY ARMSTRONG:** Yes, we are
15 getting two new detachments in Bearskin Lake and Sachigo
16 Lake.

17 **MR. JULIAN FALCONER:** And so, the
18 story is this is what a genuine negotiation can produce?

19 **CHIEF TERRY ARMSTRONG:** Yes.

20 **MR. JULIAN FALCONER:** Chair --
21 Commissioners, there is a section of the presentation on
22 what the new legislation looks like. I worry that it is
23 really boring and dry. I am a lawyer, and I can't help
24 myself, but I also think it is important for you,
25 respectfully, to have a flavour of the sections without it

1 being read line by line. So, if I might, and for those
2 listening and watching, this is where the lawyer fakes it.
3 He acts like he is leading the witness, when he is really
4 reading off a screen.

5 So, I would rather not fake it and
6 just quickly take you summarily through the sections so
7 you can see them not with a lot of editorializing, but
8 just to give you a flavour, if that is okay?

9 **CHIEF COMMISSIONER MARION BULLER:**

10 Please.

11 **MR. JULIAN FALCONER:** All right. So,
12 I will ask for the last PowerPoint then to be brought
13 forward. And, this should be entitled, NAN/NAPS' Pursuit
14 of Indigenous Policing Backed by the Rule of Law. Is that
15 title page available? This would be the third PowerPoint.
16 Presto.

17 And so, Chair, Chief, I am going to
18 just get you to say yes every now and then, because that
19 is part of the shtick. But, what I am really going to do
20 is try to, in a respectful way, acquaint people with what
21 the proposed new legislation looks like. So, starting
22 with the first page and understanding this still has not
23 come into force, it comes into force in January of 2019 --
24 if you could switch to the next slide, please?

25 So, by way of -- this is one of these

1 that need an explanation. The original *Police Services*
2 *Act*, the one in force right now, it refers to the need to
3 ensure the safety and security of all persons and property
4 in Ontario. That is what it says. But, of course, it
5 doesn't include Indigenous people. And so, what NAN and
6 NAPS did was insist on amending the preamble to say the
7 words "including on First Nation reserves". And so, you
8 see the new statement of principles under (1) saying that
9 in the new legislation.

10 Then, you see number 6 -- and these
11 are all the statement of principles at the start of the
12 new legislation. Number 6, the need to be responsive to
13 the unique histories and cultures of First Nation, Inuit
14 and Métis communities. And, number 8, the need to ensure
15 that all parts of Ontario, including First Nation
16 reserves, receive equitable levels of policing.

17 Now, isn't it true, Chair, that before
18 the AST table, before these negotiations, these changes
19 weren't there, were they?

20 **CHAIR MIKE METATAWABIN:** They were
21 not.

22 **MR. JULIAN FALCONER:** And, in fact,
23 you had to tell Ontario and Canada that you needed to be
24 expressly included to be safe?

25 **CHAIR MIKE METATAWABIN:** Yes.

1 **MR. JULIAN FALCONER:** All right.
2 Switching to the next slide, we simply describe the
3 adequacy standards table and point out that it was a
4 speedy process that happened over an 18-month period
5 between 2014 and 2016. And, the whole thrust of it was
6 the legislation was supposed to allow for a First Nation
7 community or an Indigenous community to opt-in. It is not
8 something that is forced upon. There will be those who do
9 not choose to be part of it. It will ensure that these
10 First Nations or Indigenous services have the same legal
11 status as municipal police forces and officers, that there
12 is a statutory remedy for inadequate funding and increased
13 community safety.

14 And, isn't it the case, Chief
15 Armstrong, that as matters currently stand in the Province
16 of Ontario that a municipal police service, if it feels it
17 is not being adequately funded, that there are those that
18 have a remedy to take that to the Ontario Civilian Police
19 Commission; isn't that right?

20 **CHIEF TERRY ARMSTRONG:** Yes, that is
21 correct.

22 **MR. JULIAN FALCONER:** Those who are
23 not in Indigenous communities have made sure that when
24 they are not funded properly, they have an avenue; isn't
25 that right?

1 **CHIEF TERRY ARMSTRONG:** Yes.

2 **MR. JULIAN FALCONER:** And, they can
3 get orders for funding, can't they?

4 **CHIEF TERRY ARMSTRONG:** Yes.

5 **MR. JULIAN FALCONER:** That is called
6 safety backed by the rule of law; right?

7 **CHIEF TERRY ARMSTRONG:** Yes.

8 **MR. JULIAN FALCONER:** Next slide,
9 please. The examples that we include in this particular
10 piece is simply as an example what a typical municipal
11 police service enjoys by way of safety backed by the rule
12 of law. So, Slide 4 is just an example it appears right
13 now in the *Police Services Act*.

14 So, police forces shall have a
15 communication centre, you see this in Section 5, a
16 criminal intelligence capacity, crime analysis,
17 investigative supports. These are all what make adequate
18 and effective policing under Ontario legislation; right?

19 **CHIEF TERRY ARMSTRONG:** Yes.

20 **MR. JULIAN FALCONER:** Are NAN people
21 covered by this?

22 **CHIEF TERRY ARMSTRONG:** No.

23 **MR. JULIAN FALCONER:** Chair
24 Metatawabin, you come from Fort Albany First Nation; yes?

25 **CHAIR MIKE METATAWABIN:** Yes.

1 **MR. JULIAN FALCONER:** Is there
2 something about Fort Albany First Nation that you don't
3 deserve a communication centre?

4 **CHAIR MIKE METATAWABIN:** No.

5 **MR. JULIAN FALCONER:** Is there
6 something about Fort Albany First Nation that make you not
7 deserving a criminal intelligence or crime analysis?

8 **CHAIR MIKE METATAWABIN:** No.

9 **MR. JULIAN FALCONER:** But, that is the
10 way it has been for 24 years?

11 **CHAIR MIKE METATAWABIN:** Yes.

12 **MR. JULIAN FALCONER:** Next slide,
13 please. The model that has been then created under the
14 legislation is Bill 175 that comes into force January,
15 would see a board, potentially, or a community be
16 constituted. So, a board could be constituted and thereby
17 opt-in to the *Police Services Act*.

18 The board would become responsible for
19 a police force like any other police force. I am just
20 reading down the points. The board would gain the
21 authority to appoint police officers. The civilian
22 oversight mechanisms for policing would kick in. So,
23 OCPC, OIPRD, SIU would all become part of the exercise; is
24 that correct, Chair?

25 **CHAIR MIKE METATAWABIN:** Yes.

1 **MR. JULIAN FALCONER:** The labour
2 relations provisions in the *Police Services Act* would
3 become applicable, so it would be an essential service.
4 Ontario and/or Canada would have to provide sufficient
5 funding. There is a neutral arbiter who would have the
6 authority to resolve funding disputes. There would be a
7 funding mechanism.

8 At the next slide, Slide 6 -- and the
9 good news is that we will go through this in the next six
10 to seven minutes, Commissioners. I am trying to get us
11 through it fast. Slide 6 shows Bill 175. It received
12 royal assent on March 8th, 2018. And, as the *Safer*
13 *Ontario Act*, it actually comes into force in January 2019.
14 And so, any Indigenous police service will have the power
15 to decide if they want to be a fully constituted police
16 service.

17 Now, Chair, and if you could switch to
18 Slide 8, please, the mechanism by which a police service
19 becomes a constituted police service under the *Police*
20 *Services Act* is set out at Slide 8; isn't that right,
21 Chair?

22 **CHAIR MIKE METATAWABIN:** Yes.

23 **MR. JULIAN FALCONER:** And, it starts
24 with a board seeking to be legally constituted. They must
25 apply under Section 32; is that right?

1 **CHAIR MIKE METATAWABIN:** Yes.

2 **MR. JULIAN FALCONER:** So, they may
3 choose not to apply. Under 32(6), the minister must
4 consider the request indeterminate. And, under 32(17),
5 the minister may provide additional funding to the First
6 Nation beyond what is available from the tripartite
7 process or any other source. Funding may assist with the
8 constitution process or with delivering police services
9 once constituted. That is all statutorily enshrined. I
10 am reading from sections.

11 Now, Slide 9 actually ensures that
12 each time a board becomes constituted, their service
13 becomes a service like any other police service in
14 Ontario; isn't that right, Chief Armstrong?

15 **CHIEF TERRY ARMSTRONG:** Yes.

16 **MR. JULIAN FALCONER:** You become a
17 chief of police like any other chief of police in Ontario;
18 is that right?

19 **CHIEF TERRY ARMSTRONG:** Yes.

20 **MR. JULIAN FALCONER:** You become under
21 the same identical duties. There's no longer a notion of
22 a First Nations constable; is that right?

23 **CHIEF TERRY ARMSTRONG:** Yes.

24 **MR. JULIAN FALCONER:** There is no
25 longer a series of duties and powers that a First Nations

1 chief has versus others; is that right?

2 **CHIEF TERRY ARMSTRONG:** Correct.

3 **MR. JULIAN FALCONER:** And so, you
4 become in a position so that Indigenous people can protect
5 Indigenous people?

6 **CHIEF TERRY ARMSTRONG:** Yes.

7 **MR. JULIAN FALCONER:** Something that
8 hasn't happened for 24 years. With this power comes a
9 responsibility for the boards under Section 10; is that
10 right, Chair?

11 **CHAIR MIKE METATAWABIN:** Yes.

12 **MR. JULIAN FALCONER:** Under Section
13 10, First Nation boards are required to deliver adequate
14 and effective police services in accordance with the needs
15 of the population in the area and having regard for the
16 diversity of the population. The delivery of adequate and
17 effective services is the minimum standard under the
18 *Police Services Act*. This is the same legal standards
19 that applies to municipal boards as well as the OPP.

20 And, the last line, if there is a
21 dispute over funding, an arbitrator will answer the
22 question of whether the funding is sufficient to deliver
23 adequate and effective services; is that right?

24 **CHAIR MIKE METATAWABIN:** Yes.

25 **MR. JULIAN FALCONER:** So, no more

1 program bureaucrats presenting you, "Sign it, take it or
2 leave it;" is that right?

3 **CHAIR MIKE METATAWABIN:** That's right.

4 **MR. JULIAN FALCONER:** At Slide 10,
5 there are two mechanisms by which funding issues are
6 addressed. One is what we've just talked about, the
7 independent arbitrator, but also a complaint can be made
8 to the inspector general; is that right?

9 **CHAIR MIKE METATAWABIN:** Yes.

10 **MR. JULIAN FALCONER:** Now, I'm going
11 to skip -- the process for the independent arbitration is
12 set out at Tab 11 -- I'm sorry, Slide 11, but I'm going to
13 now move past 11 and 12 about funding, and 13, and go to
14 Slide 14.

15 Is it fair to say, Chief Armstrong,
16 that the question of preserving the cultural autonomy of
17 the First Nations' service was a high priority for NAN and
18 NAPS?

19 **CHIEF TERRY ARMSTRONG:** Yes, it was.

20 **MR. JULIAN FALCONER:** Isn't it true
21 that it resulted in months of standoffs with both levels
22 of government?

23 **CHIEF TERRY ARMSTRONG:** Yes.

24 **MR. JULIAN FALCONER:** Chair
25 Metatawabin, did you not express the concern repeatedly,

1 and I'm talking about outside of the meeting room, because
2 of course the meetings are confidential, did you not
3 express the concern repeatedly to the chiefs of NAN that
4 you did not want to create another OPP?

5 **CHAIR MIKE METATAWABIN:** Yes.

6 **MR. JULIAN FALCONER:** And, the idea
7 was you were prepared to become a service under the *Police*
8 *Services Act*, but retain your cultural identity?

9 **CHAIR MIKE METATAWABIN:** Yes.

10 **MR. JULIAN FALCONER:** And so, what is
11 set out at Slide 14 is the beginning of that process, yes?

12 **CHAIR MIKE METATAWABIN:** Yes.

13 **MR. JULIAN FALCONER:** So, the process
14 starts with a First Nation request; right?

15 **CHAIR MIKE METATAWABIN:** Yes.

16 **MR. JULIAN FALCONER:** While the
17 minister can impose terms and conditions, the final
18 business proposal is up to the First Nation. They will
19 either accept it or not. The structure of a First Nations
20 board is determined on a case-by-case basis in accordance
21 with the First Nation's constitution request. In other
22 words, it's not a one size fits all; different communities
23 have different ways of running their service.

24 And so, as an example, built into it
25 is a requirement -- you see this at the bottom of Slide 14

1 -- that there be consultation with band council, chief and
2 council, and that the policing, in accordance with
3 cultural traditions, be squarely addressed. That's in the
4 legislation.

5 The cultural autonomy piece continues
6 at Slide 15. In funding disputes, Section 51(5) provides,
7 and this is the section about the funding dispute, and I'm
8 at Slide 15, it provides that an arbitrator must consider
9 whether any First Nation board policies intended to
10 reflect the cultural traditions of First Nations
11 communities being policed affects the funding required.
12 And so, the arbitrator must take into account the
13 imperative of policing in accordance with cultural
14 traditions.

15 Once constituted under the *Police*
16 *Services Act*, Ontario can only amend or revoke the status
17 of a First Nation police service on request from the
18 communities or if strict conditions are met under 32(10)
19 through (12). There must -- and I want to emphasize this.
20 Once constituted, they can't be tinkered with. There must
21 be a material change in the circumstances -- I'm at Slide
22 15 -- and the minister must consider the importance of
23 First Nations determining the means by which culturally
24 responsive policing is provided on their reserves, and the
25 effect of the revocation or amendment on the long-term

1 viability of providing policing through First Nations
2 boards.

3 And so, the entire notion, Chair, of
4 the culturally-responsive policing imperative informing
5 every aspect of your policing remains intact; is that
6 right?

7 **CHAIR MIKE METATAWABIN:** Yes.

8 **MR. JULIAN FALCONER:** A minister is
9 required to address their minds to this; yes?

10 **CHAIR MIKE METATAWABIN:** Yes.

11 **MR. JULIAN FALCONER:** And, an arbiter
12 is required to address his or her mind to it?

13 **CHAIR MIKE METATAWABIN:** Yes.

14 **MR. JULIAN FALCONER:** At Slide 16, the
15 obvious is said, which is cultural autonomy, and its
16 legislative enshrinement means even if it is more
17 expensive for First Nations police to deliver necessary
18 services in a manner that is culturally appropriate, it
19 must be funded.

20 Finally, the oversight bodies, and
21 it's not reflected in this particular slide presentation,
22 but the oversight bodies, OIPRD, SIU and OCPC, they were
23 the subject of negotiation; is that right, Chief
24 Armstrong?

25 **CHIEF TERRY ARMSTRONG:** Yes, they

1 were. Yes.

2 **MR. JULIAN FALCONER:** And, what was
3 the end result of that?

4 **CHIEF TERRY ARMSTRONG:** Well, that,
5 we, too, would fall under the oversight, and we have no
6 issue with that.

7 **MR. JULIAN FALCONER:** And, the one
8 requirement that was agreed to in writing by the minister,
9 and will be addressed through regulation, is that each of
10 those oversight bodies must be culturally competent to
11 exercise the oversight.

12 **CHIEF TERRY ARMSTRONG:** Yes.

13 **MR. JULIAN FALCONER:** And, the
14 cultural competence was measured through four pillars,
15 yes?

16 **CHIEF TERRY ARMSTRONG:** Yes, you're
17 correct.

18 **MR. JULIAN FALCONER:**
19 Representiveness, in other words, these oversight bodies
20 were to address the lack of representiveness for First
21 Nations, yes?

22 **CHIEF TERRY ARMSTRONG:** Yes.

23 **MR. JULIAN FALCONER:** Training, that
24 they required and had to accept that they will require
25 extensive training on cultural competence and interacting

1 with First Nations or Indigenous people, yes?

2 **CHIEF TERRY ARMSTRONG:** Yes.

3 **MR. JULIAN FALCONER:** Third, that they
4 will and have committed to understanding your traditions
5 not just through training but by evaluation of the impact
6 of their training, yes?

7 **CHIEF TERRY ARMSTRONG:** Yes.

8 **MR. JULIAN FALCONER:** And so, they've
9 agreed to submit themselves to evaluation measures?

10 **CHIEF TERRY ARMSTRONG:** Yes.

11 **MR. JULIAN FALCONER:** And, finally,
12 the lead on the training is to be through the aboriginal
13 justice division of the Ministry of the Attorney General?

14 **CHIEF TERRY ARMSTRONG:** Yes.

15 **MR. JULIAN FALCONER:** These four
16 commitments are in writing and signed by then Attorney
17 General Yasir Naqvi; is that correct?

18 **CHIEF TERRY ARMSTRONG:** Yes.

19 **MR. JULIAN FALCONER:** And so, NAN and
20 NAPS did not see their role as simply negotiating for a
21 NAPS-centric opt-in; is that right?

22 **CHIEF TERRY ARMSTRONG:** No.

23 **MR. JULIAN FALCONER:** You saw your
24 role as representing the first inroad into true Indigenous
25 legislative policing; is that right?

1 **CHIEF TERRY ARMSTRONG:** Yes, and we
2 wanted

3 -- we didn't want to leave anybody behind.
4 We wanted the opportunity for other First Nations' police
5 services in the province to follow by choice.

6 **MR. JULIAN FALCONER:** And, I think
7 this brings us, really, to the final piece of your
8 testimony. The lawyer has been talking too much, and I
9 think it would be very helpful to give you each an
10 opportunity to close your evidence in terms of your
11 examination in-chief.

12 So, I will start with you, Chief
13 Armstrong. You have now had an opportunity to tell your
14 story nationally. How did you want to close your evidence
15 in-chief?

16 **CHIEF TERRY ARMSTRONG:** I just wanted
17 to say thank you, chi-migwetch, for giving us the
18 opportunity to speak about our trials and tribulations,
19 and the past, and NAPS, Nishnawbe-Aski Police Service.

20 As mentioned, I am retiring this week
21 after 38.5 years in uniform, but when I was asked to come
22 and help out with the communities five years ago, I was
23 honoured to be asked. I didn't have to apply, and I came
24 and my immediate reaction from being an ex-OPP member and
25 Treaty 3 Deputy Chief was that, man, there was a real lot

1 that wasn't being done. The police service was in rough
2 shape, and it just -- there was just a real lack of
3 equality for safety for the communities that we police.

4 It was, like I say, an honour, but
5 I've never felt totally that we've been able to keep the
6 communities safe, and that we're at the tribunal here for
7 the Missing and Murdered Indigenous Women and Girls, and a
8 lot of what we do ties into, you know, the proactive
9 policing that we can't do because it's hard to be
10 proactive when you're always reacting, when you don't have
11 enough people to do that. A lot of the program we can
12 help, you know, with the educational and just being part
13 of the community from a proactive side. There's so much
14 more that we could do if given the same opportunities as
15 other police services to have more in our arsenal and -- I
16 guess I shouldn't use that term -- but more in our -- I
17 guess our toolbox, than just frontline policing and
18 working more with communities as a whole.

19 Like I say, it's just -- it's been
20 very challenging and it's not from the communities. The
21 communities themselves have, you know, they've been very
22 resilient in the 20 -- it'll be 25 years I guess in April
23 for the police service, we're 24 and a half now, it's just
24 -- they've been very resilient and -- but I was very proud
25 to be a part of them saying that they couldn't -- they

1 couldn't -- because the safety of the communities it needs
2 to be Indigenous communities policing and creating that
3 safety for Indigenous communities. And that's the best --
4 that's the best way to do it, and I think historically
5 it's been tried elsewhere -- other avenues and it hasn't -
6 - hasn't got the same results.

7 So, although we've been able to limp
8 through it, that's -- that hasn't been fair and, you know,
9 just to -- just as a police service we really weren't
10 asking for anything more than anybody else was asking for,
11 we just -- we just wanted to be treated the same and keep
12 the communities safe, because it's -- it's been pretty
13 tough and I don't know -- I just could get emotional at
14 this moment because I'm leaving and it's been an honour,
15 but it's -- when you put on a badge and say you're going
16 to protect people and you don't have the tools to do it
17 and you see the devastation day in and day out and you
18 know that there's remedies, it's -- it's tough. Miigwech.
19 (Speaking in Inuktitut)

20 **MR. JULIAN FALCONER:** Miigwech, Chief
21 Armstrong.

22 And now, I didn't want to spend too
23 much time on bios because of the story we needed to bring
24 out, but I'm going to direct people's attention to Tab C,
25 which is Chief Armstrong's bio, and I'm going to ask

1 people to turn it up for a moment.

2 Terry Armstrong is a very special man
3 and you've heard his evidence and his leadership. At page
4 3, I just point out the last two paragraphs to those who
5 might wonder about the witnesses testifying in front of
6 them today. The last two paragraphs at page 3 of Tab C of
7 the materials:

8 "He continues to work as a helper with
9 Wilfred Laurier University's faculty of graduate and post-
10 doctoral studies in the Master of Social Work Program
11 assisting with the Indigenous Cultural Ceremonies and
12 activities for the students." (As read)

13 So this is Tab C for Charlie and it's
14 page 3. And it's the last two paragraphs.

15 "In addition, he volunteered as a helper
16 for several years with the Northern Ontario School of
17 Medicine to increase Indigenous cultural understanding and
18 awareness among medical students. His holidays are spent
19 assisting his spouse, Tina Armstrong, a member of the
20 Bearskin Lake First Nation with sweat and healing lodges
21 and cultural training. This involves assisting indigenous
22 Elders to facilitate Indigenous cultural ceremonies." (As
23 read)

24 **MR. JULIAN FALCONER:** As I understand
25 it, somewhere in our materials we made the mistake of

1 suggesting you'd only been married for three years, I
2 thought you should be allowed to correct that for the
3 record.

4 **CHIEF TERRY ARMSTRONG:** Yes, it's 33
5 and half years.

6 **(LAUGHTER/RIRES)**

7 **MR. JULIAN FALCONER:** Thirty-three
8 (33) and a half years, missing a 3. And so it's fair to
9 say -- it's hardly surprising -- and the last paragraph of
10 this bio says it:

11 "Most recently Chief Armstrong was honoured
12 by Chiefs and Assembly and presented with a bear claw
13 necklace for his years of dedication to the people of
14 Nishnawbe-Aski Nation." (As read)

15 And so, Chief Armstrong, thank you for
16 that very helpful evidence and it remains an honour to act
17 on your behalf.

18 Chair Metatawabin, did you have any
19 closing remarks in your evidence-in-chief?

20 **CHAIR MIKE METATAWABIN:** Yes. I --
21 when I think back about this work -- this process I've
22 been involved and almost getting to where we need to be, I
23 think about our communities, in particular I think about
24 one of my cousins who was a constable back in 1998. And
25 that's where I -- that's where I knew then that something

1 had to be done, something needed to be done, there was a
2 lot of shortfalls. And when I had that conversation with
3 my cousin, she needed mental -- mental health support and
4 there was none at the time. And that's how I got involved
5 with the police services, I made inquiries. I was a Chief
6 at the time in my community, I called up the police
7 service and asked -- inquired about mental health
8 services, and that's how I continued to get involved. I
9 did not -- I did not know that I would be on this journey
10 for this long.

11 And to finally reach -- prior to that
12 there was a huge learning -- a learning experience, a rude
13 awakening of sorts to know that we were not -- we were not
14 taken serious or we were not acknowledged, we were not
15 accorded the same rights and privileges as any citizen.
16 That's what really came as a -- well, I shouldn't say as a
17 shocker, I found out to be totally -- there was a need to
18 do something, we had to do something. Our communities,
19 our fly-in communities, our people continue to face these
20 challenges that we live in the North. We keep -- our
21 brothers and sisters, we continue to lose because of these
22 challenges. They leave their communities, they come to
23 the urban centres.

24 I am hopeful that this process, once
25 it passes, once it becomes implemented, I am hopeful that

1 it will spread across the nation, across the country for
2 our brothers and sisters across the country to have -- to
3 be accorded the same privilege, to be provided with the
4 same -- same resourcing -- same resources. I am also
5 hopeful that our young men and women will step up and
6 provide that safety. Indigenous people providing safety
7 to their own Indigenous people nationwide. That is my
8 hope, that is what -- what I hope to see in the coming
9 years. This is what's been lacking, the justice system
10 has been -- has fallen very short for our people, for our
11 communities. But in the spirit of reconciliation as well,
12 we too must step up, our communities, our leadership.

13 I have to commend the work of Grand
14 Chief Alvin Fiddler. If it were not for his political
15 support to push this -- to push this forward, we would not
16 be here today to tell you this story.

17 So I encourage the leadership across
18 the nations to do the same, we need your political
19 support, your communities need your political support to
20 push things forward, to put the pressure upon governments
21 to begin the process of legislating all our police
22 services that are servicing our communities, protecting
23 our people in our Indigenous communities. Miigwech.

24 **MR. JULIAN FALCONER:** Miigwech, Chair.
25 And in fact, your role as a political leader for your

1 community of Fort Albany actually spanned some eight
2 years, from 1998 to 2006; isn't that right?

3 **CHAIR MIKE METATAWABIN:** Yes.

4 **MR. JULIAN FALCONER:** It goes a long
5 way in explaining why you have such a profound
6 understanding of the importance of that political alliance
7 between NAN and NAPS.

8 **CHAIR MIKE METATAWABIN:** Yes.

9 **MR. JULIAN FALCONER:** I have some
10 housekeeping details to take care of, so I would propose
11 to enter as an exhibit our Book of Documents, if that may
12 be the first step?

13 **MS. CHRISTA BIG CANOE:** Chief
14 Commissioner, if I might? I know that Mr. Falconer has
15 provided us a good basis in book, but if I can both for
16 the ease of reference of parties and knowing what has gone
17 on the record had been identified, if we could walk
18 through them, that would be helpful.

19 **MR. JULIAN FALCONER:** Sure.

20 **MS. CHRISTA BIG CANOE:** And so, on
21 that basis I would suggest we start with Tab B as the
22 first exhibit entered, which is the biography of Mike
23 Metatawabin.

24 **MR. JULIAN FALCONER:** I would suggest,
25 if it's -- and I confess that because Ms. Ordnick (ph)

1 does such an excellent job that I haven't been needed,
2 it's a really sad truth to have to live with. So I'm not
3 familiar with your practices, so there is a summary of
4 their evidence at Tab A of the materials. In the ordinary
5 course I would call that a will-say, and because it's a
6 fairly convoluted journey, it's a summary that I commend
7 to you, Commissioners, and I'm wondering if there's some
8 merit in filing it as part of the exhibit book, but it may
9 not because it's a summary that covers all the areas.

10 **CHIEF COMMISSIONER MARION BULLER:**

11 Well certainly it's admissible. As my colleague has
12 reminded me, it goes to weight. So let's go through each
13 one and Mr. Registrar, stop me if we get too far ahead of
14 you.

15 **MR. JULIAN FALCONER:** Great. So ---

16 **CHIEF COMMISSIONER MARION BULLER:** So

17 ---

18 **MR. JULIAN FALCONER:** Then I would
19 suggest Tab A with that proviso about the issue of weight.
20 Tab B is the ---

21 **CHIEF COMMISSIONER MARION BULLER:**

22 Excuse me, we have a process here, bear with me ---

23 **MR. JULIAN FALCONER:** Oh!

24 **CHIEF COMMISSIONER MARION BULLER:** ---

25 and I'll walk through it.

1 **MR. JULIAN FALCONER:** Oh! My
2 apologies.

3 **CHIEF COMMISSIONER MARION BULLER:** So
4 Tab A will be -- is the Summary of Evidence, that's
5 Exhibit 1.

6 **--- EXHIBIT 1:**

7 Will-say of Nishnawbe-Aski Police
8 Board Chair Mike Metatawabin and Chief
9 Terry Armstrong (16 pages)

10 **CHIEF COMMISSIONER MARION BULLER:** Tab B,
11 Biography of Chief (sic) Metatawabin, Exhibit 2, please.

12 **--- EXHIBIT 2:**

13 Biography of Mike Metatawabin (one
14 page)

15 **CHIEF COMMISSIONER MARION BULLER:** Tab
16 C, Biography of Chief Terry Armstrong is Exhibit 3,
17 please.

18 **--- EXHIBIT 3:**

19 Biography of Terry Armstrong dated
20 September 10, 2018 (three pages)

21 **MS. CHRISTA BIG CANOE:** May I suggest-

22 --

23 **CHIEF COMMISSIONER MARION BULLER:** Tab
24 D, Resolution 99 to 59, Recommendations Volume 1,
25 Investigations and Finding -- Findings, rather, will be

1 Exhibit 4.

2 **--- EXHIBIT NO. 4:**

3 Set of ten Nishnawbe Aski Resolutions
4 (13 pages)

5 **CHIEF COMMISSIONER MARION BULLER:** Tab -
6 - the document at Tab E, Ipperwash Inquiry
7 Recommendations, Exhibit 5, please.

8 **--- EXHIBIT NO. 5:**

9 Ipperwash Inquiry Recommendations (19
10 pages / pp. 95-113)

11 **CHIEF COMMISSIONER MARION BULLER:** The
12 document at Tab F, Goodwin & Wesley Inquest Verdict and
13 Recommendations, Exhibit 6, please.

14 **--- EXHIBIT NO. 6:**

15 Goodwin & Wesley Inquest, Verdict of
16 Coroner's Jury & Recommendations, both
17 verdicts received May 21, 2009 (38
18 pages)

19 **CHIEF COMMISSIONER MARION BULLER:** The
20 document at Tab G, Anderson Inquest Verdict and
21 Recommendations, Exhibit 7, please.

22 **--- EXHIBIT NO. 7:**

23 Anderson Inquest, Verdict of Coroner's
24 Jury & Recommendations, verdict received November 10, 2016
25 (four pages)

1 **CHIEF COMMISSIONER MARION BULLER:**

2 Although these haven't been identified ---

3 **MS. CHRISTA BIG CANOE:** I was just
4 going to suggest that if I could just ask both witnesses a
5 quick question.

6 The 5, 6 and 7 have been raised in the
7 slide presentations as they related to the inquest. Both
8 witnesses if a question from any of the parties with
9 standing or the Commissioners came up in relation to these
10 documents, you'd be comfortable answering such questions?

11 **CHIEF TERRY ARMSTRONG:** Yes. I
12 thought I was their lawyer.

13 **CHAIR MIKE METATAWABIN:** Yes.

14 **MS. CHRISTA BIG CANOE:** So -- and I
15 note that what you're about to name number 8 hasn't come
16 up, but are both of you familiar with the Auditor General
17 Spring 2014 Report and are you comfortable answering
18 questions in relation to that report?

19 **CHIEF TERRY ARMSTRONG:** I'm familiar
20 with it generally and ---

21 **MS. CHRISTA BIG CANOE:** Yeah.

22 **CHIEF TERRY ARMSTRONG:** --- answer
23 some questions.

24 **MS. CHRISTA BIG CANOE:** And you too,
25 Chair?

1 CHAIR MIKE METATAWABIN: Not entirely.

2 MS. CHRISTA BIG CANOE: Okay.

3 CHIEF COMMISSIONER MARION BULLER: So

4 the document at Tab H, Auditor General's Spring 2014
5 Report, given the witnesses' comments will be Exhibit 8.

6 --- EXHIBIT NO. 8:

7 Report of the Auditor General of
8 Canada: "Chapter 5: First Nations
9 Policing Program - Public Safety
10 Canada," Spring 2014 (38 pages)

11 CHIEF COMMISSIONER MARION BULLER: The
12 document at Tab I, Public Safety Notice will be Exhibit 9.

13 --- EXHIBIT NO. 9:

14 Nishnawbe Aski Nation Public Safety
15 Notice, dated February 19, 2013 (seven
16 pages)

17 CHIEF COMMISSIONER MARION BULLER: The
18 document at Tab J, Bill 175 will be Exhibit 10.

19 --- EXHIBIT NO. 10:

20 Bill 175, Legislative Assembly of
21 Ontario, 2nd Session, 41st Legislature,
22 Ontario, 67 Elizabeth II, 2018 (212
23 pages)

24 CHIEF COMMISSIONER MARION BULLER: Tab
25 K hasn't been identified.

1 **MR. JULIAN FALCONER:** So I was going
2 to suggest, Chair, since it's the current legislation -- I
3 don't know if it's your practice to make legislation
4 exhibits -- , because it's the current legislation, you
5 don't need to make it an exhibit because it's simply
6 legislation in place, it's your convenience. J is
7 different of course, because it's not legislation yet, the
8 only way it would go in is in its current form.

9 **CHIEF COMMISSIONER MARION BULLER:** I
10 think for the completeness of our record and for parties
11 with standing, if your clients are willing to be examined
12 on the document at Tab K, we can mark it just to be
13 complete.

14 **MR. JULIAN FALCONER:** Yes.

15 **CHIEF COMMISSIONER MARION BULLER:**
16 Okay. Then the document at Tab K, Current PSA Pre-
17 Amendments will be Exhibit 11, please.

18 **--- EXHIBIT NO. 11:**

19 *Police Services Act, R.S.O. 1990,*
20 Chapter P.15, Consolidation Period:
21 From May 8, 2018 to the e-Laws
22 currency date, last amendment: 2018,
23 c. 8, Sched. 24. (89 pages)

24 **CHIEF COMMISSIONER MARION BULLER:**

25 Then -- we don't have hard copies yet of all the

1 PowerPoints, but that would be helpful.

2 **MS. CHRISTA BIG CANOE:** And I would
3 request that they actually be marked as the next exhibit
4 specifically in the order following -- I would guess is 12
5 would be the Overview, the first PowerPoint that went up.
6 The second, which was titled "No Partner, No Radio" ---

7 **CHIEF COMMISSIONER MARION BULLER:**
8 Okay, let's just -- one at a time here. So, the Overview
9 PowerPoint will be Exhibit 12.

10 **--- EXHIBIT NO. 12:**

11 PowerPoint presentation 1: "NAN / NAPS
12 History: Overview," dated September
13 16, 2018 (11 slides)

14 **CHIEF COMMISSIONER MARION BULLER:** "No
15 Partner, No Radio" will be Exhibit 13.

16 **--- EXHIBIT NO. 13:**

17 PowerPoint presentation 2: "No Partner
18 No Radio" (19 slides)

19 **MS. CHRISTA BIG CANOE:** And then the
20 next would be the "NAN NAPS Pursuit of Indigenous Policing
21 Backed by the Rule of Law".

22 **CHIEF COMMISSIONER MARION BULLER:**
23 Okay. Exhibit 14 is the "NAN NAPS Pursuit of Indigenous
24 Policing Backed by the Rule of Law".

25 **--- EXHIBIT NO. 14:**

1 PowerPoint presentation 3: "NAN/NAPS
2 Pursuit of Indigenous Policing Backed
3 by the Rule of Law" (17 slides)

4 **MS. CHRISTA BIG CANOE:** And I
5 understand that all of the parties have received those
6 materials as well as you at least electronically. And
7 although every slide wasn't gone through, I would just
8 kindly ask if the witnesses are comfortable answering any
9 questions that may come up as a results of anything in the
10 slide presentations?

11 **CHIEF TERRY ARMSTRONG:** Yes.

12 **CHAIR MIKE METATAWABIN:** Yeah.

13 **MS. CHRISTA BIG CANOE:** Thank you.
14 And I'll just pass two of these hard copies to the
15 Registrar.

16 Chief Commissioner, Commissioners,
17 this does conclude the examination-in-chief done by Mr.
18 Falconer.

19 In the schedule we've allotted a 30-
20 minute break and that seems long for a morning break.
21 However, this will enable parties to go through the
22 verification process for cross-examination. It's -- at
23 this time I ask that we have a 30-minute break, and I
24 kindly ask the parties with standing to make their way to
25 the Dufferin Room for the verification process.

1 And then just -- I'd said I would do
2 it earlier, so I'll remind everyone pursuant to Rule 48,
3 now counsel, once this process starts, can actually
4 discuss with the witnesses -- not obviously during the
5 hearing -- about their evidence and Mr. Falconer will not
6 be able to. So, at this time I please request the 30-
7 minute break.

8 **CHIEF COMMISSIONER MARION BULLER:**
9 Sure, 30 minutes.

10 **MS. CHRISTA BIG CANOE:** Okay, that
11 would return us at 11:35.

12 --- Upon recessing at 11:08

13 --- Upon resuming at 11:43

14 **MS. CHRISTA BIG CANOE:** Chief
15 Commissioner, Commissioners, we would like to now commence
16 with cross-examination of the witnesses. You will have a
17 hard copy list forthcoming, it's just in the process of
18 being printed and distributed, I do have the list in front
19 on me. And at this point we would like to -- Commission
20 counsel would like to invite up counsel Ms. Suzan Fraser
21 on behalf of Families for Justice. Families for Justice
22 has 12 minutes in their cross-examination.

23 **--- PANEL 1, Resumed:**

24 **--- CROSS-EXAMINATION BY MS. SUZAN FRASER:**

25 **MS. SUZAN FRASER:** Thank you,

1 Commissioners. Thank you, Ms. Big Canoe.

2 My name is Suzan Fraser, I'm here for
3 a group of families who we have called ourselves "Families
4 for Justice", that is 20 families across many provinces in
5 Canada and some from Ontario. So I have some questions
6 for you today, mainly for Chief Armstrong.

7 In that period of time -- and I'm just
8 -- because of the short period of time, I'm going to be
9 sort of clear and hopefully quick in my questions -- in
10 the past 24 years where you have been under-resourced and
11 underfunded, have women been murdered in NAN communities?

12 **CHIEF TERRY ARMSTRONG:** Yes.

13 **MS. SUZAN FRASER:** And, in those 24
14 years, have women gone missing from NAN communities?

15 **CHIEF TERRY ARMSTRONG:** Not from the
16 communities themselves, but have left the communities and
17 it is a jurisdictional thing where they now are living in
18 a city or a community as the Chairman mentioned earlier,
19 and then they go missing from there.

20 **MS. SUZAN FRASER:** Right.

21 **CHIEF TERRY ARMSTRONG:** Yes.

22 **MS. SUZAN FRASER:** Okay.

23 **CHIEF TERRY ARMSTRONG:** But, they are
24 members of our communities, and that is important to us.

25 **MS. SUZAN FRASER:** Right. So, I am

1 going to have some follow-up questions, but predominantly
2 what happens, I'm hearing from you, is that women and
3 girls may leave the communities for whatever reason, go to
4 another jurisdiction, and then go missing from those
5 communities; is that ---

6 **CHIEF TERRY ARMSTRONG:** Correct.

7 **MS. SUZAN FRASER:** Okay. And, in the
8 period of the last 24 years where you have been
9 underfunded and under-resourced -- and I have that number
10 right, 24?

11 **CHIEF TERRY ARMSTRONG:** That is the 24
12 years of police -- that service has been in effect, yes.

13 **MS. SUZAN FRASER:** Okay. And, during
14 those years, have girls been killed in your communities?

15 **CHIEF TERRY ARMSTRONG:** Women. I
16 can't recall of a girl being murdered in the communities
17 in my time there. Now, I haven't been there the full 24
18 years.

19 **MS. SUZAN FRASER:** Okay. And, similar
20 to the question involving women, sometimes girls, young
21 girls will leave communities and go to the city, perhaps
22 run away or be at school in another community and go
23 missing; is that true?

24 **CHIEF TERRY ARMSTRONG:** Yes.

25 **MS. SUZAN FRASER:** Okay. And so, the

1 implications in terms of being under-resourced and
2 underfunded, for example, if there is -- let's say a woman
3 was to go missing within the community, that officer would
4 have to be in charge of the search for that person?

5 **CHIEF TERRY ARMSTRONG:** The officer
6 from the community? I am not understanding the question.

7 **MS. SUZAN FRASER:** Well, I am just --
8 I am trying to practically deal with the topic at hand,
9 which is murdered and missing women and Indigenous girls -
10 --

11 **CHIEF TERRY ARMSTRONG:** Right.

12 **MS. SUZAN FRASER:** --- and deal
13 practically -- you have talked about the resource
14 challenges, so I would like to think about what that means
15 in practical terms for a crime in the community. So,
16 let's say for example a woman is murdered in the community
17 and you have got your one officer in the detachment.
18 Would there -- and there wouldn't commonly -- you are
19 nodding your head. There wouldn't commonly be another on-
20 duty officer in a detachment; is that right?

21 **CHIEF TERRY ARMSTRONG:** In a number of
22 our detachments, yes.

23 **MS. SUZAN FRASER:** Okay. So, that one
24 officer would be in charge of securing the scene; right?

25 **CHIEF TERRY ARMSTRONG:** Yes.

1 **MS. SUZAN FRASER:** And, would also be
2 in charge of apprehending the individual who -- if there
3 is a suspect; right?

4 **CHIEF TERRY ARMSTRONG:** Yes, to start
5 the investigation basically.

6 **MS. SUZAN FRASER:** Right.

7 **CHIEF TERRY ARMSTRONG:** And, we would
8 have a crime unit follow-up.

9 **MS. SUZAN FRASER:** Okay. So, in
10 larger centres, we would have a Forensic Identification
11 Unit. Does NAN have access to identification officers?

12 **CHIEF TERRY ARMSTRONG:** Yes ---

13 **MS. SUZAN FRASER:** Okay.

14 **CHIEF TERRY ARMSTRONG:** --- from the
15 OPP.

16 **MS. SUZAN FRASER:** Okay. So, there is
17 a relationship with the OPP. You wouldn't be able to send
18 in within minutes an identification officer if there was a
19 crime; is that right?

20 **CHIEF TERRY ARMSTRONG:** Yes.

21 **MS. SUZAN FRASER:** Okay. What time
22 does it usually take for the ident people to come from the
23 OPP?

24 **CHIEF TERRY ARMSTRONG:** It is usually
25 within the same 24 hours.

1 **MS. SUZAN FRASER:** Okay.

2 **CHIEF TERRY ARMSTRONG:** I should note
3 that there is another program that is called the SOCO, the
4 scenes of crimes officers ---

5 **MS. SUZAN FRASER:** Yes.

6 **CHIEF TERRY ARMSTRONG:** --- which can
7 do some forensic, and we do have members trained in that.

8 **MS. SUZAN FRASER:** Okay. Where do
9 your members train?

10 **CHIEF TERRY ARMSTRONG:** The OPC,
11 Ontario Police College.

12 **MS. SUZAN FRASER:** Is that in Aylmer
13 in Southern Ontario?

14 **CHAIR MIKE METATAWABIN:** Yes.

15 **MS. SUZAN FRASER:** Okay. And, there
16 is no training facility for Indigenous officers?

17 **CHIEF TERRY ARMSTRONG:** Not a separate
18 one, no.

19 **MS. SUZAN FRASER:** No. And, the
20 officers who train there, does the Aylmer Police College
21 have training that would make officers culturally
22 competent to come and deliver policing services in the
23 North, in NAN communities?

24 **CHIEF TERRY ARMSTRONG:** I really
25 couldn't speak to all of their training in that respect.

1 I know they do touch on some cultural sensitivity
2 training. I don't know the program.

3 **MS. SUZAN FRASER:** I am just thinking
4 about what Mr. Metatawabin spoke about in terms of the
5 goal of having an Indigenous force or service, and I am
6 trying to understand how you get there when police
7 training is delivered in Southwestern Ontario and how you
8 are able to achieve that presently. Do you have any
9 thoughts on that?

10 **CHIEF TERRY ARMSTRONG:** We -- yes, I
11 do actually. We have done -- historically, have done some
12 in-house sensitivity training and cultural training. It
13 is limited though because of our limited resources, and a
14 lot of times, we just have -- we don't have time for the
15 extras because we are doing the on the ground, the
16 frontline stuff.

17 **MS. SUZAN FRASER:** Right.

18 **CHIEF TERRY ARMSTRONG:** But, that is
19 what we have historically done. We actually had one of
20 our -- an elder from NAN do some of that training in the
21 past.

22 **MS. SUZAN FRASER:** Okay. You spoke a
23 great deal about the inability to do preventative work.
24 And, just in terms of doing that preventative work, the
25 work that you are talking about is the kind of work that

1 might reduce crime in NAN communities; is that fair?

2 **CHIEF TERRY ARMSTRONG:** Absolutely.

3 Yes.

4 **MS. SUZAN FRASER:** And, crimes
5 committed against women and girls?

6 **CHIEF TERRY ARMSTRONG:** Yes.

7 **MS. SUZAN FRASER:** Okay. So, what
8 would that preventative work look like if you were to
9 identify priorities for preventative work in northern
10 communities? What would it be?

11 **CHIEF TERRY ARMSTRONG:** Well, you
12 know, a lot of -- there could be a lot of different areas
13 like in domestic violence, some of the things that
14 whatever is having people leave the communities, whether
15 it be gang influence, and we have gangs in a number of the
16 communities and stuff like that. So, all that type of
17 training is very helpful. I hope I am answering your
18 question.

19 **MS. SUZAN FRASER:** Yes, you are.

20 **CHIEF TERRY ARMSTRONG:** Yes.

21 **MS. SUZAN FRASER:** When we were at
22 another set of hearings in Regina, the OPP came and they
23 showed a video of OPP officers working with Indigenous
24 youth, I think it was in Pikangikum, which seemed to be an
25 investment in building relationships with youth. Are you

1 -- is your police service able to do that kind of work?

2 **CHIEF TERRY ARMSTRONG:** Yes, but it is
3 limited. And, recently, I think at that testimony you
4 were talking about, we -- one of our officers spoke of a
5 program that they have presently.

6 **MS. SUZAN FRASER:** Yes.

7 **CHIEF TERRY ARMSTRONG:** But, like I
8 say, usually they have some sets of a year, a lot of these
9 programming.

10 **MS. SUZAN FRASER:** Sorry ---

11 **CHIEF TERRY ARMSTRONG:** We recently
12 sent some of our officers to take the training that the
13 OPP -- the same one down in New Mexico in respect to
14 Project Journey, I think you are referring to.

15 **MS. SUZAN FRASER:** That is right.
16 Thank you. We got the materials, in terms of your panel,
17 very late, so I am sorry I am not able to be more specific
18 about my questions, but I actually had no idea what you
19 were going to testify about until very late last night
20 when we received materials and your PowerPoint this
21 morning. So, I would have framed my questions much
22 better, so thank you.

23 And so, Project Journey is Nishnawbe
24 Aski -- is a NAPS police project?

25 **CHIEF TERRY ARMSTRONG:** No, that is

1 the OPP's project. But, it is, as you mentioned, the
2 project, it has been very successful. So, we have
3 actually sent some of our people away to be trained in
4 that training, because we see some value to it.

5 **MS. SUZAN FRASER:** But, obviously, you
6 can only do it if you have the funding to do it; right?

7 **CHIEF TERRY ARMSTRONG:** Yes, we got
8 some one-time funding to do it actually.

9 **MS. SUZAN FRASER:** Okay. And, I think
10 the Inquiry and the Commissioners have heard quite a bit
11 about one-time projects and their implications. So, just
12 in terms of the strain on an investigation when you have
13 got one officer who is in charge of securing the scene, in
14 charge of dealing with the suspect, perhaps dealing with
15 other victims and family members, what are the challenges?
16 You sort of spoke about the implications for the criminal
17 investigation. I am just wondering if you can spell that
18 out a little bit more.

19 **CHIEF TERRY ARMSTRONG:** Well, there is
20 -- the -- some of the evidence is short-lived. There is a
21 number of caveats to ensuring that you secure evidence,
22 you secure scenes, you interview victims. And, we do
23 employ -- we are not funded for them, but we do employ
24 crime units. But, the difficulty is, is they are not
25 there either. They are placed in Sioux Lookout and

1 Cochrane so that they can fly to various communities to do
2 the more serious investigations and allow the frontline
3 officers to go about investigating.

4 But, the difficulty is, as I mentioned
5 earlier, is things like weather, we have no control over;
6 times of assembling, say, tactical units, we have no
7 control, because we have no control, because we are -- or
8 the ident as you mentioned, because we are going to
9 somebody else for those resources. So, I hope that
10 answers your question.

11 **MS. SUZAN FRASER:** It does.

12 **CHIEF TERRY ARMSTRONG:** Okay.

13 **MS. SUZAN FRASER:** Are you familiar
14 with the OPP's report on missing and murdered Indigenous
15 people where it looked at the number of people who were
16 murdered or missing in Ontario?

17 **CHIEF TERRY ARMSTRONG:** I wouldn't
18 claim to be -- I've seen it and read some of it, but I
19 don't know that I can answer questions to, like,
20 statistics or anything.

21 **MS. SUZAN FRASER:** Okay. I just
22 wondered whether it captured people from NAN communities
23 in terms of whether it represented people who were
24 murdered in NAN communities.

25 **CHIEF TERRY ARMSTRONG:** At this

1 moment, I couldn't give you an answer to that. I don't
2 know.

3 **MS. SUZAN FRASER:** Okay. And, just in
4 terms of knowing the number of women who have been
5 murdered in NAN communities, do you have those statistics?

6 **CHIEF TERRY ARMSTRONG:** Not with me
7 today, no.

8 **MS. SUZAN FRASER:** Okay. They could
9 be made available, though?

10 **CHIEF TERRY ARMSTRONG:** Yes.

11 **MS. SUZAN FRASER:** Okay. Thank you
12 very much. Those are my questions.

13 **MR. JULIAN FALCONER:** Chair, I didn't
14 want to take Ms. Fraser's time while she was asking her
15 questions. I just thought for the record it should be
16 clarified that the will-say that covered in detail the
17 areas of evidence that the chair and the chief covered
18 today was actually provided by cover of September 13th to
19 all the parties -- counsel for all the parties, including
20 Ms. Fraser. I'm sure she didn't mean to suggest
21 otherwise.

22 **CHIEF COMMISSIONER MARION BULLER:**
23 Okay, thank you.

24 **MS. CHRISTA BIG CANOE:** I would just
25 note that the PowerPoint presentations were delivered last

1 night. At this point ---

2 **MS. SUZAN FRASER:** I just want to
3 clarify that they may be delivered but they're not
4 received. There have been ongoing problems with emails
5 over the weekend. And so, I didn't mean any disrespect,
6 but the bulk of the material was uploaded to the Inquiry's
7 website last evening when many people were already en
8 route, and I didn't receive notice of the PowerPoints
9 until this morning.

10 **MR. JULIAN FALCONER:** That's fair.
11 Yes.

12 **MS. SUZAN FRASER:** So, I didn't mean
13 any disrespect to anybody, but it's just a fact that we're
14 all dealing with. Thank you.

15 **MS. CHRISTA BIG CANOE:** At this point,
16 I would like to invite up the NunatuKavut -- and I'm
17 sorry. I always pronounce this wrong. I should get
18 Commissioner Robinson to pronounce it for me -- Community
19 Council. Mr. Roy Stewart will have 12 minutes for cross-
20 examination.

21 **CHIEF COMMISSIONER MARION BULLER:**
22 Excuse me, I didn't hear the name of the
23 party.

24 **MS. CHRISTA BIG CANOE:** Certainly.
25 It's NunatuKavut.

1 **MR. ROY STEWART:** Yes, it's the
2 NunatuKavut Community Council.

3 **MS. CHRISTA BIG CANOE:** Thank you, Mr.
4 Stewart. And, they have 12 minutes. So, we need the
5 clock set, please.

6 **--- CROSS-EXAMINATION BY MR. ROY STEWART:**

7 **MR. ROY STEWART:** Good morning,
8 everyone. I guess my first question is to either of you,
9 Chief Armstrong or Mr. Metatawabin. Is it all right if I
10 call you Mike?

11 **CHAIR MIKE METATAWABIN:** Sure.

12 **MR. ROY STEWART:** Okay. So, my first
13 question is for either one of you. Now, this Inquiry has
14 previously heard how police officers, often fresh out of
15 the academy or depot, I think as they use in RCMP
16 terminology, are often posted to northern and remote
17 communities for brief periods of time, which is sort of
18 seen as these young officers earning their due or, you
19 know, paying their time.

20 But, for Indigenous communities that
21 do not have their own policing services, this means that
22 they're often faced with high-turnover rates of non-
23 Indigenous police officers with no cultural knowledge,
24 very limited cultural training, like, especially absent
25 knowledge of that specific community.

1 So, if an Indigenous group or
2 community is not yet in a position to push forward with
3 their own policing, what are your thoughts on how we
4 remedy that situation or that problem that continues to
5 occur until this very day?

6 **CHIEF TERRY ARMSTRONG:** Hire more
7 Indigenous officers is one way.

8 **MR. ROY STEWART:** Do you think that
9 would completely address the problem?

10 **CHIEF TERRY ARMSTRONG:** Well, if
11 you're talking about remote locations that -- take the
12 RCMP or ---

13 **MR. ROY STEWART:** Right.

14 **CHIEF TERRY ARMSTRONG:** --- somebody
15 saying north -- outside of a First Nations police service,
16 they -- inherently, a lot of the other services lack the
17 numbers of Indigenous or culturally -- culturally-
18 competent people. So, if you were to hire more Indigenous
19 police officers for, say, the RCMP going north, you would
20 have people from the communities policing the communities
21 of the people for the people.

22 **MR. ROY STEWART:** I guess absent that
23 option, if you don't -- if you can't do that, you know,
24 say step one, how do these other police agencies
25 effectively address this cultural knowledge gap and, you

1 know, the hands-on practical aspect when they're coming
2 into a community that's foreign and unknown to them?

3 **CHIEF TERRY ARMSTRONG:** It's a --
4 that's a loaded question, because it's not -- I mean, you
5 don't give somebody a two-day course and expect them to be
6 culturally sensitive. Like I say, probably the best
7 scenario is to get Indigenous officers to police
8 Indigenous communities because they know their
9 communities. Outside of that, like, I mean, you can give
10 them training but, you know, I guess through experience,
11 it's -- I mean, 34 years I started, and I still don't know
12 very much about -- you know?

13 So, it's -- to give somebody a couple
14 of days' course, it's -- that's a tough question. I mean,
15 that's -- but that's the answer I guess you would have to
16 say is give them some training, give some -- but I think
17 Indigenous people, policing Indigenous people is the way
18 to go. I mean, we even have -- you know, outside of when
19 people leave the community and they go missing elsewhere,
20 sometimes have other agencies ask us if we can lend some
21 Indigenous officers to help with the investigation outside
22 of our jurisdiction; right? Because of that -- some of
23 the stuff you just -- it would be a lifelong learning;
24 right? Not just a 30-year career.

25 **MR. ROY STEWART:** Yes. No, I

1 completely agree with what you're saying. My next
2 question is actually for you again, Chief Armstrong. It's
3 in relation to -- it was Schedule E, the Ipperwash Inquiry
4 recommendations which you're familiar with those?

5 **CHIEF TERRY ARMSTRONG:** Some of them,
6 yes. I haven't committed them to memory ---

7 **MR. ROY STEWART:** Right.

8 **CHIEF TERRY ARMSTRONG:** --- but I
9 certainly know the main -- the important ones.

10 **MR. ROY STEWART:** So, it was Volume 2
11 which I'm speaking to now, Section 1 of Volume 2,
12 recommends the establishment of a permanent independent
13 and impartial agency to facilitate and oversee the
14 settling of land claims.

15 Now, I'm here on behalf of the
16 southern Inuit of Labrador, the NunatuKavut Inuit, and I
17 see this recommendation, you know, as -- you know, it
18 aligns with the view of the NunatuKavut, and that they do
19 not yet have a finalized land claim or modern treaty
20 agreement. And, in previous hearings ---

21 **MS. CHRISTA BIG CANOE:** Sorry, Mr.
22 Stewart. Can we stop the time, please?

23 **MR. JULIAN FALCONER:** I apologize for
24 interrupting my friend. The aspect of the Ipperwash
25 Inquiry Report that was relied upon in giving examination

1 in-chief relates to the recommendations around a
2 legislative base for policing. I was -- I had the honour
3 of being counsel on the Ipperwash Inquiry and couldn't
4 agree more with the importance of the recommendation that
5 my friend is referring to. The problem is, it's
6 completely outside of the scope of what either the Chair
7 of the Chief here was dealing with.

8 And, to be fair, I just don't want
9 them in the position of having to opine about something
10 that they're not, with all due respect, either offering
11 their evidence about or trained to deal with, which is the
12 significance of the struggle for lands that obviously
13 occupied the communities at that time in -- when the death
14 of Dudley George happened and occupy your claims. But, I
15 just don't see how the chief of NAPS or the chair of the
16 NAPS board ---

17 **MR. ROY STEWART:** No, and I wasn't
18 trying to, you know, put forward difficult questions, but
19 I guess just so I'm clear, are all questions related to
20 the Ipperwash Inquiry recommendations off limits then?

21 **MR. JULIAN FALCONER:** I've identified
22 the scope they gave the evidence on. The scope was with
23 respect to the recommendations for legislative base for
24 policing. That was the -- they were actually expressly
25 identified in the materials, and that was what we offered

1 them for.

2 If my friend goes into a policing
3 question that has to do with policing, then, obviously,
4 you know, that's his prerogative and up to the
5 Commissioner if it is an appropriate question. Going into
6 land claims, well, that is not a policing matter, and that
7 becomes highly difficult and challenging to expect the
8 witnesses to deal with.

9 **CHIEF COMMISSIONER MARION BULLER:** I
10 am taking for the moment that we have a formal objection
11 to the line of questioning on the record which requires a
12 ruling. Just a reminder to counsel that when a witness
13 can't answer a question, or has to guess or speculate,
14 that is not helpful to us because that is of little weight
15 and no probative value. So, having heard the objection, I
16 think that the witnesses -- or I do rule that the
17 witnesses can answer the question, but it may be of no
18 assistance to us, notwithstanding the objection by
19 counsel. Go ahead.

20 **MR. ROY STEWART:** Well, I guess I can
21 reframe it. You know, and my question isn't specifically
22 related to, you know, a land claim or treaty. I guess
23 what I was saying is that during previous hearings of this
24 inquiry, we have heard about the importance of Indigenous
25 peoples having, you know, a meaningful connection to their

1 land or some, you know, tangible control. And, I guess,
2 do you see a link between this and your experience between
3 having some real connection to their home territory and
4 being able to effectively implement Indigenous policing?

5 **CHIEF TERRY ARMSTRONG:** I would say
6 yes.

7 **MR. ROY STEWART:** And, I guess absent
8 that, you know, say if the Indigenous communities do not
9 have, you know, control over their resources or territory,
10 and if it is a non-Indigenous police force that is
11 implementing the services, is there a way for that
12 Indigenous community to get to where, say, NAPS is?

13 **CHIEF TERRY ARMSTRONG:** I don't know
14 if I can answer that one, it is kind of speculative too, I
15 think.

16 **MR. ROY STEWART:** All right. So, my
17 next question, Chief Armstrong, you spoke about NAPS not
18 being on the same playing field as municipal and
19 provincial police forces with respect to funding
20 agreements specifically. And so, given this disparity
21 between what does exist or did exist in the municipal and
22 provincial policing, this seems like it would be something
23 that would almost dissuade other First Nations or other
24 Indigenous groups across the country from trying to move
25 forward with their own Indigenous policing services.

1 You know, even if you have this
2 legislative regime that you both spoke to this morning, if
3 you can't have that comparability and funding -- so I
4 guess, you know, you are both speaking here at this
5 Inquiry, you know, other Indigenous groups, they see this
6 playing out, do you see some hesitation on the part of
7 other Indigenous groups from wanting to move forward with
8 their own policing services?

9 **CHIEF TERRY ARMSTRONG:** Is that one
10 for me as well?

11 **MR. ROY STEWART:** For whoever is more
12 comfortable in answering.

13 **CHIEF TERRY ARMSTRONG:** I haven't seen
14 that. No.

15 **MR. ROY STEWART:** So, I mean...

16 **CHIEF TERRY ARMSTRONG:** I haven't
17 experienced that.

18 **MR. ROY STEWART:** Having Canada's
19 largest Indigenous police force ---

20 **CHIEF TERRY ARMSTRONG:** Yes.

21 **MR. ROY STEWART:** --- but still the
22 numerous barriers that you both explained, I guess maybe,
23 Mike, I could ask you this one, even today, you know, you
24 said -- you explained in numerous successes and this --
25 you know, the new legislative regime that is taken, I

1 don't know how many resolutions that your counsel walked
2 through, but yet still having to climb over that barrier
3 of -- the funding barrier. You know, what -- I guess just
4 in your opinion, what is going to make other Indigenous
5 groups, like other First Nations from other provinces or
6 Inuit groups from wanting to push forward with a similar
7 regime such as NAPS if they just foresee similar barriers?

8 **CHAIR MIKE METATAWABIN:** I think that
9 was the point of my statement. For the work that we have
10 done, we are almost there. Implementation stage
11 technically should begin January 2019. Once that moves
12 forward, I think it could be a model for all other
13 policing services across the country. It would set a
14 precedent. Right now, we don't have that. We don't have
15 that luxury or that privilege to be able to be effective.

16 Going back to your first question
17 about what would -- how would this bring in more First
18 Nations people to get involved, well that has been the
19 challenge. That has been -- we have had to endure, we
20 have had to live this growing pain of dealing with the
21 inadequate resourcing. And, the people in our communities
22 are witness to the lack of resource -- the inadequate
23 resourcing because they see the police services right in
24 their community, right before their eyes, and they are
25 thinking, well, I can't join that if it is totally under-

1 resourced.

2 For the folks who come from the south,
3 non-Indigenous, I commend those people. I applaud their
4 desire to work with First Nations people, because although
5 they may leave eventually, like within a year or some of
6 them sometimes shorter, they come away with a better
7 perspective. They come away with a better insight as to
8 what First Nation challenges are. And, I think that
9 itself is -- should be acknowledged, should be respected,
10 because beforehand when they come in there, they have no
11 knowledge, no clue. But, once they are immersed into the
12 community and then they begin realizing what is going on
13 and what is happening, some of them move onto other police
14 services and they become advisors or they are more
15 prepared. They are more equipped.

16 So, there is a lot of -- I am trying
17 to answer your question in the broadest ---

18 **MR. ROY STEWART:** I guess what I'm ---

19 **CHAIR MIKE METATAWABIN:** --- way
20 possible.

21 **MR. ROY STEWART:** One quick question
22 to follow-up what you just said that these new recruits
23 will almost pass through the Indigenous policing and go on
24 and be advisors elsewhere, when you say that, I almost
25 think that these police officers then are -- maybe use the

1 Indigenous policing services and knowledge as almost as a
2 stepping stone, and then leave the community and, you
3 know, go take their skills, and knowledge and training to
4 a non-Indigenous police service; is that accurate?

5 **CHAIR MIKE METATAWABIN:** Well, I have
6 been around since 1998, and I have been involved with the
7 police services and, over the years, made many friends
8 over the years with the former constables while they are
9 in the community, while they are working with us. And,
10 for the ones that have left, that is the indication I get
11 when I have those conversations is that they are better --
12 a better person for having lived that experience and
13 having dealt with First Nations people. They are more --
14 their attitude toward their -- they have a more positive
15 outlook.

16 And, for myself, I made that opinion
17 myself one time -- well, recently. We are becoming a
18 training ground for non-Indigenous folks who join our
19 police service. They come to our communities and they
20 become better knowledgeable or better acquainted to us to
21 what the First Nations), and they leave as better people.

22 And, I think that is an area that should be
23 explored.

24 But, like I said earlier as well, we
25 need to step up as well, our community, our young people,

1 and men and women. We need to join the municipal,
2 regional and national police forces to be able to make
3 enough -- an effect in the -- in policing to provide that
4 perspective of providing safety to our own Indigenous
5 people.

6 **MR. ROY STEWART:** Great. Thank you.
7 I am definitely way over my time, so I just want to thank
8 both of you for being here today.

9 **CHIEF TERRY ARMSTRONG:** Thank you.

10 **MS. CHRISTA BIG CANOE:** Thank you, Mr.
11 Stewart. At this time, we would like to invite up the
12 Independent First Nations. Ms. Josephine de Whytell will
13 have 12 minutes.

14 **--- CROSS EXAMINATION BY MS. JOSEPHINE DE WHYTELL:**

15 **MS. JOSEPHINE DE WHYTELL:** Hi, good
16 morning. I would like to acknowledge the territory of the
17 Wendat and the sacred items in the room, and thank the
18 witnesses for their testimony this morning.

19 My first question is for Mister Board
20 Chair Mike Metatawabin. In 2006, Ricardo Wesley and Jamie
21 Goodwin died in the cells due to inadequate state of NAPS
22 prison facility in Kashechewan, I understand that from
23 your testimony; is that correct?

24 **CHAIR MIKE METATAWABIN:** Yes.

25 **MS. JOSEPHINE DE WHYTELL:** And,

1 because of their deaths, there was an inquest and
2 recommendations that NAPS get better funding and
3 facilities; is that correct?

4 **CHAIR MIKE METATAWABIN:** Yes.

5 **MS. JOSEPHINE DE WHYTELL:** And, Lena
6 Anderson, after her death, there was an inquest and
7 recommendations that NAPS get better funding and
8 facilities; is that correct?

9 **CHAIR MIKE METATAWABIN:** Yes.

10 **MS. JOSEPHINE DE WHYTELL:** And, we are
11 here after so many women have died and gone missing, that
12 there is a National Inquiry into what has gone wrong. In
13 your view, if NAPS had better funding and better
14 facilities, would you have -- over the past 24 years,
15 could this problem have been prevented in NAPS territory?

16 **CHAIR MIKE METATAWABIN:** I believe so.
17 I have -- over the years, as the former chief being born
18 and raised in my own community, the lack of resourcing to
19 our police services has contributed to the lack or the
20 inability to investigate domestic issues, domestic
21 problems. And, a lot of times, our women become the
22 victims to those uninvestigated incidents, and therefore
23 most times they are left with no choice but to leave, and
24 it's also -- maybe it's the only avenue some of them have
25 had, and they end up coming out to the urban centres and -

1 - I would -- to answer your question, yes, I am sure it
2 would have made a difference. Providing justice at the
3 community level is what is really missing.

4 **MS. JOSEPHINE DE WHYTELL:** Is it your
5 understanding that the crime prevention standards
6 prescribed in provincial legislation are the minimal
7 standards necessary to protect NAPS officers?

8 **CHAIR MIKE METATAWABIN:** Sorry, could
9 you repeat that?

10 **MS. JOSEPHINE DE WHYTELL:** Certainly.
11 Is it your understanding that the crime prevention
12 standards prescribed in provincial legislation are the
13 minimal standard -- is the minimal standard necessary to
14 protect NAPS officers in the field?

15 **CHAIR MIKE METATAWABIN:** For the
16 constables themselves or ---

17 **MS. JOSEPHINE DE WHYTELL:** Yes.

18 **CHAIR MIKE METATAWABIN:** I don't know
19 how to answer that question. I am still not getting it.

20 **MS. JOSEPHINE DE WHYTELL:** I'll
21 rephrase it. From the legislation that I have reviewed in
22 Bill 175, I am wondering if the provincial legislation
23 that provides funding and, as you said, the backing of the
24 rule of law, whether or not that is the minimal standard
25 that would be required to protect NAPS officers in the

1 field?

2 **CHAIR MIKE METATAWABIN:** Well, I am
3 still not sure, but -- I am not sure about using the word
4 "minimal". I would like to see more -- a better standard,
5 a higher standard to protect anybody, especially our First
6 Nation constables. Working alone is not providing safety
7 or it is not to their safety, it has got to be equal
8 standards across the board, whether it is municipal or
9 provincial.

10 **MS. JOSEPHINE DE WHYTELL:** Would you
11 agree that the greater threat of violence, the more
12 important it is for officers to be armed and able to
13 protect themselves and others?

14 **CHAIR MIKE METATAWABIN:** Sorry.
15 Repeat that again, sorry.

16 **MS. JOSEPHINE DE WHYTELL:** Would you
17 agree that the greater the threat of violence in
18 communities, the more important it is for NAPS officers to
19 be able to protect themselves and have sufficient
20 protections in place for their safety?

21 **CHIEF TERRY ARMSTRONG:** I think the
22 answer would be "yes".

23 **MS. JOSEPHINE DE WHYTELL:** Yes. But,
24 would you also agree that the militarization of police, as
25 we have seen to varying degrees in other parts of Canada

1 arguably, can have profound negative effects on Indigenous
2 people in Canada?

3 **CHAIR MIKE METATAWABIN:** Yes, I have
4 seen and heard that. It can be problematic.

5 **MS. JOSEPHINE DE WHYTELL:** And so,
6 how, in your view, would you reconcile the requirement to
7 protect officers doing their job with Indigenous
8 principles of restorative justice?

9 **CHAIR MIKE METATAWABIN:** Well, that's
10 something at the community level is a good place to start.
11 I have always encouraged that the communities establish
12 policing committees, to have a group of people from the
13 community be able to work with the police services, police
14 force, so that way there is an understanding or there is
15 an appreciation of how certain things are carried out or
16 how they are uniform-wise I guess.

17 I have heard those comments before in
18 my community and those are things that do require maybe
19 some discussion and build an understanding. That is what
20 is missing right now, the communication is missing, the
21 involvement and cooperation perhaps. That is what is
22 missing, we need to work together then things can -- I
23 think things can resolve themselves.

24 **MS. JOSEPHINE DE WHYTELL:** Thank you.
25 Would you agree that policing has become more important

1 into Indigenous communities because of the legacy of
2 genocide?

3 **CHAIR MIKE METATAWABIN:** Has it become
4 more important?

5 **MS. JOSEPHINE DE WHYTELL:** Mm-hmm.

6 **MR. JULIAN FALCONER:** I ---

7 **MS. CHRISTA BIG CANOE:** Stop time.

8 **MR. JULIAN FALCONER:** --- am going to
9 raise ---

10 **MS. CHRISTA BIG CANOE:** Stop time.

11 **MR. JULIAN FALCONER:** --- an
12 objection.

13 **MS. CHRISTA BIG CANOE:** Can we please
14 stop time?

15 **MR. JULIAN FALCONER:** So, if I could -
16 - the basis for my objection is the blanket use of the
17 term "genocide" creates an unfair question to the witness.
18 It assumes that the witness understands what my friend
19 means by genocide, and since -- I know that the Chair is
20 smarter than I am, and so is the Chief of Police, but
21 since I don't know what she means by "genocide", I can
22 hardly assume my client does.

23 **MS. JOSEPHINE DE WHYTELL:** Certainly.
24 I apologize ---

25 **CHIEF COMMISSIONER MARION BULLER:**

1 Could you please clarify what you mean by (indiscernible)?

2 **MS. JOSEPHINE DE WHYTELL:** Thank you.

3 Based on the Truth and Reconciliation Commission's
4 findings, there has been some recognition in Canada of
5 cultural genocide having occurred. Are you aware of that
6 or would you agree?

7 **CHAIR MIKE METATAWABIN:** Yes, I am
8 aware.

9 **MS. JOSEPHINE DE WHYTELL:** Thank you.
10 Would you agree that the legacy of what the Truth and
11 Reconciliation Commission found has increased the need for
12 policing in First Nation communities because of the level
13 of harm?

14 **CHAIR MIKE METATAWABIN:** Well,
15 policing has always been -- it has always been -- as far
16 as I can remember, just going back, growing up in my
17 community, policing is something that -- well, there is a
18 whole history here, but I will stick to what I have
19 witnessed over the years.

20 So, the beginnings of policing in our
21 communities, and that was with the -- I will start with
22 the provincial police. They would come in periodically,
23 do their work, but it was periodic, maybe every two weeks
24 they would come in. And, I think that, over the years,
25 culminated a need for a First Nations police service

1 presence in the communities.

2 What we have to remember is, the
3 assimilation policies, the residential school policies and
4 their impacts have left a lasting legacy which is
5 violence, anger, unresolved issues. And, I think for the
6 most part, I, myself, as a survivor of residential school,
7 did not understand what happened, or what happened to us
8 or what is happening even within our own families. Trying
9 to understand the anger or why people are so angry with
10 each other. It took me until I was -- I reached the age
11 of 30 years old before I began to understand what had
12 happened. And, for the most part, most of our people have
13 never had that chance or do not have that beginning yet.
14 We are still a long ways to go. We have a long ways to go
15 before we understand what really happened to us with all
16 these policies.

17 They took away our children through
18 the Sixties Scoop, they took away the children through
19 residential school, the assimilation policies -- it has
20 always been hurtful and harmful to our communities, and it
21 is up to us, it is up to us to try to make that change as
22 well, to provide healing, to bring services to create an
23 understanding of what transpired.

24 **MS. JOSEPHINE DE WHYTELL:** And, in
25 your view, those additional services that are required,

1 would you agree that NAPS does not have the benefit of
2 liaising with properly funded First Nation services in the
3 same way that non-Indigenous people services have, for
4 example, social services, mobile crisis, victim services,
5 women shelters.

6 And would you agree that these
7 services need to be funded to ensure that NAPS can provide
8 adequate and effective services?

9 **CHAIR MIKE METATAWABIN:** Yes, I
10 believe so.

11 **MS. JOSEPHINE DE WHYTELL:** In your
12 view, are NAPS families and children less deserving of
13 protection than people who have been arrested by NAPS
14 officers?

15 **CHAIR MIKE METATAWABIN:** Our women and
16 children become most vulnerable when police services
17 cannot perform their jobs to the best as possible. They
18 need the support as well from the other frontline services
19 and if they're not available, then they become -- they
20 deal with these matters all by themselves. So it would be
21 -- we need the other services to work with our police
22 service.

23 **MS. JOSEPHINE DE WHYTELL:** Would it
24 benefit NAPS if there were more women shelters in NAPS
25 territory?

1 **CHAIR MIKE METATAWABIN:** Yes, I think
2 so. I believe so. We need to have support facilities.
3 It's an ever-changing environment and that's the other
4 thing that I wish to point out. We're dealing with an
5 opioid crisis today. Whereas yesterday it was alcohol and
6 domestic violence, now it's a changing landscape where
7 we're dealing with opioid crisis. Now we're in a
8 different element where we're dealing with different
9 scenarios.

10 The communities are at a crisis point
11 where we're not prepared for this. Nobody is prepared for
12 this opioid crisis and that again we're on to a different
13 area of what type of services do we need.

14 **MS. JOSEPHINE DE WHYTELL:** Thank you
15 very much. Those are my question.

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

17 Next, we would like to invite up
18 Manitoba Keewatinowi Okimakanak, MKO. MKO is represented
19 by Jessica Barlow. Ms. Barlow has 12 minutes in her
20 cross-examination.

21 **--- CROSS-EXAMINATION BY MS. JESSICA BARLOW:**

22 **MS. JESSICA BARLOW:** Good afternoon.
23 I would like to acknowledge the Elders and those who spoke
24 this morning to start us off in a good way. I would like
25 to acknowledge the sacred items in the room. I would like

1 to acknowledge the families and survivors, the
2 Commissioners, and the witnesses for providing your
3 testimony today.

4 I would like to express my sincere
5 gratitude to the Huron-Wendat Nations of this territory
6 for welcoming us here today to conduct this really
7 important work.

8 My name is Jessica Barlow and I am
9 legal counsel on behalf of MKO, and today my questions
10 will be openly directed to both of you, Chief Armstrong
11 and Chair Metatawabin. And so please feel free to answer
12 if you're able.

13 And so we heard a statement today to
14 the effect that all communities are deserving of receiving
15 equitable levels of policing and safety. Is that a fair
16 paraphrasing of your testimony?

17 **CHIEF TERRY ARMSTRONG:** Yes.

18 **CHAIR MIKE METATAWABIN:** Yes.

19 **MS. JESSICA BARLOW:** Thank you. And
20 so building off of your earlier testimony, I would like to
21 put to you that not only are Indigenous communities
22 deserving of equitable policing and safety but this
23 equality should be substantive in nature.

24 And what I mean by that is from what
25 we've heard in other hearings and also what Google tells

1 me is that substantive equality is something when it
2 recognizes that practices and policies that are put in
3 place to suit the majority of people appear to be non-
4 discriminatory in nature. However, it may not address the
5 specific needs of certain groups of people and in effect
6 may indirectly create systemic discrimination.

7 And so by way of an example is if
8 everyone is given \$100, that \$100 in one community may
9 work but in another community with higher needs, it may
10 not.

11 Is that a concept that you would agree
12 should be applied in First Nations and Indigenous
13 policing?

14 **CHIEF TERRY ARMSTRONG:** If I'm
15 understanding the question that the communities aren't all
16 the same and some may need different resources provided,
17 if that's -- if I'm understanding the question, I would
18 agree to that.

19 **MS. JESSICA BARLOW:** Yes, and the
20 question more specifically ---

21 **CHIEF TERRY ARMSTRONG:** Because it's
22 not a cookie-cutter approach, right?

23 **MS. JESSICA BARLOW:** Right, and the
24 question more specifically is it shouldn't just be
25 equality, so it shouldn't just be like equal funding

1 amounts for each Indigenous policing service. It should
2 be equivalent to that of the need, so a substantive
3 equality.

4 Would you agree with that statement?

5 **CHIEF TERRY ARMSTRONG:** I would say
6 yes.

7 **MS. JESSICA BARLOW:** Thank you. And
8 so as you may or may not be aware, MKO communities are
9 situated in northern and remote Manitoba and so they are
10 similarly situated to your NAN communities as well and
11 they face similar barriers that you described today.
12 However, the RCMP is the main source of policing in those
13 communities. They have similar infrastructure issues.
14 For example, in the not so distant past, detainees may
15 have even been held in hockey dressing rooms because there
16 was a lack of infrastructure.

17 And so given the geography and the
18 cost associated and also other barriers, both human and
19 financial, would you agree that the essential nature of
20 public safety in communities through mechanisms of
21 policing should be substantively equal, so equal to the
22 need of the communities?

23 **CHIEF TERRY ARMSTRONG:** That's fair.

24 **MS. JESSICA BARLOW:** And we've heard
25 some examples in your testimony of the inequities that

1 NAPS faces and I'm wondering why you feel -- well one, why
2 you feel that it's such a struggle for NAPS to achieve
3 this substantive quality, and second part to that question
4 is what type of recommendations you would provide so that
5 it isn't such a struggle?

6 **CHIEF TERRY ARMSTRONG:** Could you
7 break it down into two questions?

8 **MS. JESSICA BARLOW:** Certainly. So
9 why do you feel that NAPS experiences such a struggle in
10 order to maintain or even receive substantive equality in
11 something like funding from the government?

12 **CHIEF TERRY ARMSTRONG:** We haven't
13 been -- and this has been brought up over the years a
14 number of times that legal -- having that legal backing,
15 you know, a service backed by the rule of law is something
16 that's -- that's obviously something we need.

17 And what was the other ---

18 **MS. JESSICA BARLOW:** And the second
19 part was any recommendations that you would provide so
20 that it's not such a struggle in the future to obtain
21 substantive equality and funding.

22 **CHIEF TERRY ARMSTRONG:** Well I think
23 the recommendation there would be for -- you know, for the
24 powers to be if you will, the governments, the people that
25 hold the purse strings, the funders, to look at

1 substantive policing as you're talking about and properly
2 funding the police services, look at their needs.

3 Actually, as we mentioned earlier,
4 there was a lack of negotiations, actually negotiate, go
5 have a look at -- and not a 20-minute fly-in and fly-out,
6 actually go in and visit communities and see what
7 communities need and what type of policing would best
8 serve them.

9 **MS. JESSICA BARLOW:** Okay, thank you.

10 **CHIEF TERRY ARMSTRONG:** And just for
11 all our inequities, there is a lot of stuff that -- I just
12 wanted to make it on record, there's a lot of stuff that
13 is very appealing to the First Nation communities as well
14 in respect to NAPS and I think that's why we survived
15 today is because the communities support us and support an
16 Indigenous police force for their communities. They
17 really support that.

18 **MS. JESSICA BARLOW:** Right. And
19 that's perfect. That actually was my next question is
20 that we heard earlier that the services provided by NAPS
21 and the benefit to those services are something that are
22 not necessarily delivered in the same culturally relevant
23 way by other organizations, so for example, OPP or RCMP.

24 And so I'm wondering if you would
25 agree with me that even though there may be higher costs

1 or, you know, maybe a higher substantive cost to get an
2 equitable funding base for such a program, I'm wondering
3 if you would say that the benefits of Indigenous policing
4 far outweigh the financial outlay?

5 **CHIEF TERRY ARMSTRONG:** I would say
6 yes but I don't think that the cost is higher to have
7 Indigenous police forces. That hasn't been our experience
8 that it's going to be at a higher cost.

9 **MS. JESSICA BARLOW:** Perfect. So it's
10 just a matter of under resourcing as opposed to cost...

11 **CHIEF TERRY ARMSTRONG:** Yes.

12 **MS. JESSICA BARLOW:** ...is essentially
13 the issue?

14 **CHIEF TERRY ARMSTRONG:** Yes.

15 **MS. JESSICA BARLOW:** Wonderful. And
16 so if those resources were provided aptly, then the
17 benefit should outweigh the cost of that resourcing?

18 **CHIEF TERRY ARMSTRONG:** Yes.

19 **MS. JESSICA BARLOW:** Wonderful.

20 **CHIEF TERRY ARMSTRONG:** And we're
21 talking about safety, so what's the cost, you know.

22 **MS. JESSICA BARLOW:** Exactly,
23 absolutely. And so we heard in Regina, Commissioner Lucki
24 of the RCMP was talking about how in northern and remote
25 communities sometimes policing can be reactive instead of

1 preventative given some of the barriers, so for example,
2 lack of resourcing, so not enough officers, geography or
3 weather based, so those types of things.

4 And I'm wondering if this is something
5 that NAPS would experience?

6 **CHIEF TERRY ARMSTRONG:** Yes, yes. **MS.**

7 **JESSICA BARLOW:** And so, in understanding that reactivity
8 isn't always preventable, what recommendations would you
9 make to assist in maintaining a preventative structure
10 versus a reactive structure?

11 **CHIEF TERRY ARMSTRONG:** Have enough
12 human resources to do preventing policing, and not just
13 have reactive -- model reactive policing. Have specialty
14 units in communities or accessible to communities, because
15 that's one of the things we're inherently just funded for,
16 frontline policing, and that's where things like the
17 opioid crisis get away on you, and it becomes much more of
18 a crisis than it really needed to be, is when you don't
19 have the resources to hit that on the front end before it
20 gets out of hand.

21 **MS. JESSICA BARLOW:** And, we also
22 heard you say earlier that because of some of the issues,
23 for example, the safety of a community, and if there are
24 not the resources available to provide that safety that
25 some people leave the communities. And, I'm wondering if

1 you would agree that if the levels of safety could
2 increase through the mechanisms that you've already spoken
3 about today, that people may not need to leave or want to
4 leave the communities if they felt safer?

5 **CHIEF TERRY ARMSTRONG:** I certainly
6 think it would help our communities to feel safer if those
7 resources were there. Absolutely. Yes.

8 **MS. JESSICA BARLOW:** Wonderful. And,
9 those are all of my questions, so I want to say thank you
10 and chi migwetch. Thank you.

11 **MS. CHRISTA BIG CANOE:** Thank you. I
12 was just going to ask, would now be a good time for the
13 lunch break? Yes. On that basis, we kindly request a
14 one-hour lunch, and we would be returning for 1:30.

15 **CHIEF COMMISSIONER MARION BULLER:**
16 Okay, let's make it 1:30, please.

17 **MS. CHRISTA BIG CANOE:** Yes. And,
18 just so that -- just as a housekeeping note just so
19 everyone is aware, there is lunch available for everyone
20 in attendance, and I understand it is right next door.
21 So, thank you.

22 --- Upon recessing at 12:26

23 --- Upon resuming at 13:36

24 **MS. CHRISTA BIG CANOE:** ...de Whytell
25 will have 12 minutes as counsel on behalf of ANCFSAO.

1 **MS. JOSEPHINE DE WHYTELL:** Thank you
2 very much. My first few questions are for ---

3 **MS. CHRISTA BIG CANOE:** Sorry, one
4 moment, Ms. Whytell. Can we please set the time for 12
5 minutes? Thank you. Thank you.

6 **--- CROSS-EXAMINATION BY MS. JOSEPHINE DE WHYTELL:**

7 **MS. JOSEPHINE DE WHYTELL:** Thank you.
8 My first few questions are for Mike Metatawabin. You
9 testified that negotiations with various levels of
10 government were often tied to and centred around
11 elections. Would you agree that part of the problem with
12 negotiations between the Government of Canada and Ontario
13 is related to politics?

14 **CHAIR MIKE METATAWABIN:** Yes.

15 **MS. JOSEPHINE DE WHYTELL:** And, is it
16 your experience that politicians in Ontario and Canada
17 prioritize re-election more than the safety and wellbeing
18 of Indigenous communities?

19 **CHAIR MIKE METATAWABIN:** Yes.

20 **MS. JOSEPHINE DE WHYTELL:** In order to
21 provide proper protections for Indigenous women and girls
22 in Canada, do you think Canada's fiduciary obligations to
23 Indigenous peoples need more backing by the rule of law?

24 **CHAIR MIKE METATAWABIN:** Yes.

1 **MS. JOSEPHINE DE WHYTELL:** Thank you.
2 My next questions are for Chief Armstrong. You testified
3 that NAPS lacks proactive funding and that proactive
4 funding is important for reducing harm. Have I got that
5 right?

6 **CHIEF TERRY ARMSTRONG:** Yes.

7 **MS. JOSEPHINE DE WHYTELL:** Given the
8 importance of inter-disciplinary responses to family
9 violence, don't you think it's just as important for First
10 Nation child and family services to be funded proactively?

11 **CHIEF TERRY ARMSTRONG:** If I
12 understand the question, that family services be funded --
13 -

14 **MS. JOSEPHINE DE WHYTELL:**
15 Proactively.

16 **CHIEF TERRY ARMSTRONG:** Yes.
17 Absolutely. Yes.

18 **MS. JOSEPHINE DE WHYTELL:** Thank you.
19 Do you agree that there is a connection between
20 involvement in child welfare and the likelihood of
21 involvement in youth criminal justice -- or in the youth
22 criminal justice system? Have you noticed that
23 correlation in your experience?

24 **CHIEF TERRY ARMSTRONG:** Could you ask
25 that question again?

1 it's got to be a part of the focus for sure.

2 **MS. JOSEPHINE DE WHYTELL:** And, how do
3 you think that policing in the future, say, for example,
4 in the next five years could incorporate more prevention
5 services?

6 **CHIEF TERRY ARMSTRONG:** Over the next
7 five years?

8 **MS. JOSEPHINE DE WHYTELL:** Mm-hmm.
9 For example.

10 **CHIEF TERRY ARMSTRONG:** If we were to
11 receive additional funding, is that what you mean?

12 **MS. JOSEPHINE DE WHYTELL:** If it was a
13 perfect world, what would you like to see in terms of
14 prevention services that police could offer to the
15 communities?

16 **CHIEF TERRY ARMSTRONG:** Well, there's
17 a number of police prevention issues, but there's -- as
18 you mentioned, there's other areas that could use
19 prevention services as well. So, there's a number of
20 programs in policing, preventative programs that we would
21 like to administer. Quite a string of them actually.

22 **MS. JOSEPHINE DE WHYTELL:** Could you
23 describe some of them?

24 **CHIEF TERRY ARMSTRONG:** We've done a
25 lot of work with the gangs, gang involvement. I think I

1 mentioned that earlier. And then it is cut off because
2 the funding is gone. It's a year gone by. I think those
3 type of things -- you know, even more land-based work with
4 communities so that people aren't having to, you know, get
5 involved in the system and send out to other places.

6 Like, as you know, there's no women's
7 shelters in our communities, so people have to be sent
8 out, and they're kind of re-victimized when they get sent
9 somewhere else. It's almost like they did something wrong
10 if a woman has to leave her home to go to a shelter
11 somewhere else. So, there's -- yeah.

12 **MS. JOSEPHINE DE WHYTELL:** Thank you.
13 The way that you see police prevention, do you foresee
14 that to be more of an inter-disciplinary approach where
15 there is more communication between police services or
16 First Nation police services and other First Nation
17 organizations?

18 **CHIEF TERRY ARMSTRONG:** We don't have
19 a lot of other organizations to work with in the
20 communities. That's the difficult part of that question.
21 But, I mean, we work inter-agency with whoever is on the
22 ground, and we work inter-agency with other police
23 services as well.

24 **MS. JOSEPHINE DE WHYTELL:** And, do you
25 have -- in your experience, is there a lot of

1 collaboration or ought there to be more collaboration
2 between police and child and welfare services?

3 **CHIEF TERRY ARMSTRONG:** More than with
4 other police? Is that what you're ---

5 **MS. JOSEPHINE DE WHYTELL:** More than
6 what there is right now.

7 **CHIEF TERRY ARMSTRONG:** There needs to
8 be, yes. Absolutely. We can always get better at those
9 things, yeah.

10 **MS. JOSEPHINE DE WHYTELL:** Thank you.
11 Those are my questions.

12 **MS. CHRISTA BIG CANOE:** Thank you.
13 Next, we'd like to invite up Ms. Julie McGregor on behalf
14 of the Assembly of First Nations. Ms. McGregor will have
15 12 minutes in her cross-examination.

16 **--- CROSS-EXAMINATION BY MS. JULIE MCGREGOR:**

17 **MS. JULIE MCGREGOR:** Good afternoon.
18 My name is Julie McGregor, and I represent the Assembly of
19 First Nations. I would like to acknowledge the territory
20 here of the Huron-Wendat, and I would also like to
21 acknowledge the sacred items in the room. And, I would
22 also like to thank the panel for their evidence today.

23 To start off my questions, I'd like to
24 start with Chief Armstrong. First, I would like to
25 congratulate you on your upcoming retirement.

1 **CHIEF TERRY ARMSTRONG:** Thank you.

2 **MS. JULIE MCGREGOR:** And, to thank you
3 for all your hard work and commitment to First Nations
4 policing. In the presentation of the evidence that we
5 heard this morning, we heard that until very recently,
6 negotiations for funding for NAPS was a take it or leave
7 scenario, and negotiations were usually led by
8 bureaucrats; is that correct?

9 **CHIEF TERRY ARMSTRONG:** Yes.

10 **MS. JULIE MCGREGOR:** And, it was also
11 discussed how that changed with an increase in First
12 Nations leadership support, and how, you know, there was a
13 process in which terms of reference were provided; is that
14 correct?

15 **CHIEF TERRY ARMSTRONG:** Yes.

16 **MS. JULIE MCGREGOR:** And, how this
17 then led to a new NAPS, a transformation of the process;
18 is that correct?

19 **CHIEF TERRY ARMSTRONG:** Yes. Yes.
20 Very much so.

21 **MS. JULIE MCGREGOR:** My question is
22 whether you are aware of this new approach, this more
23 balanced approach to negotiating funding agreements, is
24 being used in other First Nations communities -- or other
25 First Nations, I should say.

1 **CHIEF TERRY ARMSTRONG:** Well, I can
2 only speak for Ontario First Nations. I know -- I am a
3 member of the First Nations Chiefs of Police Association
4 from across Canada, but I don't know what the movement is.
5 But, then -- and some of the other provinces to date.
6 But, with this negotiation within Ontario, the other First
7 Nations Police Services had already signed on, because the
8 government basically came to the table again with "this is
9 what we're offering". And, by the time we got to this
10 point, most of them accepted it, had accepted what was
11 being offered.

12 **MS. JULIE MCGREGOR:** So, there is
13 likely still inconsistencies in the government's approach
14 to negotiation funding agreements across Canada today, or
15 at least in Ontario?

16 **CHIEF TERRY ARMSTRONG:** I would
17 believe that, yes.

18 **MS. JULIE MCGREGOR:** Thank you.
19 During these negotiations and this more balanced approach,
20 was funding specific for missing and murdered Indigenous
21 women cases or prevention for Indigenous women --
22 Indigenous -- missing and murdered Indigenous women cases
23 considered as a part of the funding agreement?

24 **CHIEF TERRY ARMSTRONG:** There was a
25 number of other things that were considered. And,

1 basically the deal we got was as far as, I guess, the
2 leadership could push the envelope, so to speak. I mean,
3 that was -- it was a very tough negotiation too, because
4 they came to the table with a very small percentage
5 increase and the same as they were offering the rest of
6 the province. So, it was -- like we needed a second
7 aircraft for the size of the area that we police and we
8 couldn't get that in either. There was a number of things
9 that we did, but couldn't get in. But, we have, like, a
10 gamut of things that we wanted to deal with.

11 **MS. JULIE MCGREGOR:** Yes. And, for
12 maybe in the future and for future considerations, do you
13 think that that is something that should be built into
14 funding agreements, consideration specifically for missing
15 and murdered Indigenous women?

16 **CHIEF TERRY ARMSTRONG:** Yes,
17 absolutely.

18 **MS. JULIE MCGREGOR:** Thank you.
19 During your presentation, you were -- there was discussion
20 of an oversight committee and how there would be an
21 evaluation of culturally appropriate training. Do you
22 know, at this point, how this evaluation will be done and
23 whether the First Nations that NAPS provide services to
24 will play a role in that evaluation of culturally
25 appropriate services?

1 **CHIEF TERRY ARMSTRONG:** No. To date,
2 I don't know of what is going to be evaluated.

3 **MR. JULIAN FALCONER:** I have an
4 objection. It may just be my misunderstanding of the
5 question, but there was a reference to an oversight
6 committee, and that was not the nature of the evidence I
7 thought we called. So, the reference was to the existence
8 of oversight bodies that will be triggered by the
9 legislation applying, being OIPRD, SIU and OCPC, and that
10 they would be expected to achieve a level of cultural
11 competence in doing their work, but no reference to an
12 oversight committee.

13 **MS. JULIE MCGREGOR:** All right. I can
14 withdraw the question.

15 **CHIEF COMMISSIONER MARION BULLER:**
16 Okay. Thank you.

17 **MS. JULIE MCGREGOR:** I am going to now
18 move to questions for Chair Metatawabin. As the Chair of
19 NAPS, and the NAPS board and also a long-time leader of
20 your people, do you have any concerns about -- or did you
21 have any concerns about the amendments to the *Police*
22 *Services Act* and specifically about the relationship with
23 the provincial government?

24 **CHAIR MIKE METATAWABIN:** Well, I -- to
25 answer that question, if there was any concern, I may have

1 entertained the thought. But, in terms of Ontario, we
2 looked at it from the point of view of a treaty
3 relationship. As you know, Treaty 9 is -- Ontario is a
4 co-signer of Treaty 9, so there is a relationship there.
5 So, we took it from that angle to move ahead on this one.

6 **MS. JULIE MCGREGOR:** And, do you think
7 it is important to go back to those fundamentals of the
8 treaty relationship and how First Nations interact with
9 various levels of government?

10 **CHAIR MIKE METATAWABIN:** It has become
11 obvious, I believe, that there needs to be that -- we need
12 to maintain those relationships and build on those
13 relationships.

14 **MS. JULIE MCGREGOR:** And, you
15 mentioned in your evidence that First Nations leadership
16 needs to step up in terms of supporting First Nations
17 policing and then looking at -- you know, possibly looking
18 at different ways of overcoming a lot of the obstacles
19 that First Nations policing has and they have to support
20 one another. Can you give me some examples of how First
21 Nations leadership can become more vocal and how can they
22 support improvements to police services?

23 **CHAIR MIKE METATAWABIN:** One of the
24 examples I provided one time in addressing this, we were
25 at a conference in Winnipeg one time with the chiefs of

1 police, and I was Deputy Grand Chief at the time for
2 Nishnawbe Aski Nation. And, the representative from
3 Canada said something that was -- it insulted me the way
4 he said something. And, I took the opportunity to
5 question him what he meant by his comment.

6 He said, "You need to be unique before
7 we can consider any further adjustments." I took offence
8 to that comment. I asked him, "What exactly do you mean
9 by that? What is unique? What is more unique than what
10 we have to deal with?" And, I asked him if I should be
11 wearing a headdress and a tomahawk. Is that -- would that
12 be unique enough?

13 Making that statement to him, after
14 that incident, one of the chiefs of police that was in
15 attendance came up and said, "Thank you for that, because
16 we cannot say those things. We cannot confront our
17 government bureaucrats and say things like that."

18 So, that is where I got that idea that
19 we need leadership -- we need people in leadership to get
20 involved. We need their support all the way up to AFN
21 level. We need the full support of leaders to make
22 policing a priority. It should be a priority already if
23 it's not.

24 **MS. JULIE MCGREGOR:** And, throughout -
25 - and this is my final question. And, throughout all of

1 these hearings, we have heard how everything is
2 interconnected, like all of the issues. So, we have, you
3 know, poor housing poverty rates, you know, child welfare,
4 all of these things. And, do you think that what needs to
5 happen as well to support good First Nations community
6 policing or First Nations policing is that we need to
7 build up all of those priority areas and build the
8 infrastructure to support everyone who is involved in
9 these issues?

10 **CHAIR MIKE METATAWABIN:** If there is
11 one thing that I learned from the process we went through
12 in negotiating going towards a legislative model is that
13 there needs to be an amendment to any existing Act. In
14 our case, it was the *Police Services Act*. An amendment
15 had to be made before we could proceed further. And, I
16 think it is the same for child and family services and all
17 the other services. We need to get back to the table and
18 see what needs to be fixed.

19 Currently, bureaucracy follows what is
20 in place before them, existing Acts, and they will follow
21 them, and that is where we need to bring the leadership
22 in. Negotiations need to lead in that direction where we
23 have to look at the existing Acts and make amendments to
24 them before we can be effective.

25 **MS. JULIE MCGREGOR:** Okay. Chi-

1 meegwetch, Chair Metatawabin and Chief Armstrong. Those
2 are my questions.

3 **MS. CHRISTA BIG CANOE:** Thank you, Ms.
4 McGregor. Next, we would like to invite up the Assembly
5 of Manitoba Chiefs. Ms. Soldier will have 12 minutes in
6 cross-examination.

7 **--- CROSS EXAMINATION BY MS. STACEY SOLDIER:**

8 **MS. STACEY SOLDIER:** Hello. I first
9 want to start by thanking the Huron-Wendat for us being on
10 -- being welcome onto their community and their territory.
11 I also want to show my -- pay my respect to the families
12 and survivors who are present here today, as well as the
13 elders for their wisdom and their comfort throughout the
14 day, and the staff who I see working so very hard, as well
15 as the Commissioners. I am very pleased to be here. My
16 name is Stacey Soldier. I am representing Assembly of
17 Manitoba Chiefs, and I am Anishinaabekwe from Swan Lake
18 First Nation in Manitoba.

19 My first question, Chairman
20 Metatawabin -- am I saying that correctly?

21 **CHAIR MIKE METATAWABIN:** Yes.

22 **MS. STACEY SOLDIER:** Thank you. Have
23 you heard from your members not only those in leadership,
24 but also community members about their sense of security
25 given the limited presence that police do have in the

1 communities?

2 **CHAIR MIKE METATAWABIN:** Have I gotten
3 a sense from the community membership?

4 **MS. STACEY SOLDIER:** Yes.

5 **CHAIR MIKE METATAWABIN:** It is a topic
6 that is common or discussed all the time. The ongoing
7 issue with the -- well, the lack of full complements
8 contributes to not being able to carry the work or follow
9 through with the work, and other different challenges.

10 **MS. STACEY SOLDIER:** And, would it be
11 fair to say that some of those challenges come
12 specifically to issues of safety for women and girls in
13 your communities, would you agree with that?

14 **CHAIR MIKE METATAWABIN:** Yes.

15 **MS. STACEY SOLDIER:** And, further to
16 that, with not a full complement of officers and sometimes
17 one officer only in the community, have members and
18 leadership reported that perhaps -- that people may find
19 that a deterrent in reporting crime that is going on?

20 **CHAIR MIKE METATAWABIN:** Possibly.
21 Yes.

22 **MS. STACEY SOLDIER:** Okay. Now, I
23 know that this has been touched on a few times already,
24 but the communities in knowing, and I'm sure everybody
25 knows, the ongoing issues with funding and dealing with

1 the levels of government, and I think you have touched on
2 it briefly, but have there been attempts to engage on the
3 community level in preventative work in addressing issues
4 surrounding crime?

5 **CHAIR MIKE METATAWABIN:** Well, as I
6 said earlier, I have always tried to suggest that there
7 would be a committee, a group of people working together
8 with the police services that would ensure that there is
9 communication or a bridge that the leadership could be
10 involved in working with the police services. I can't
11 speak for everybody in all of the NAN territory, but we
12 need to make that happen more, we need to engage the
13 membership to work with our police services.

14 **MS. STACEY SOLDIER:** I also wanted to
15 ask, and this is a question for both you, Chief Armstrong,
16 as well as Chairman. In terms of the limited resources
17 that are available with policing, I wanted to talk just
18 specifically about the lack of victim supports. And, I
19 think it was mentioned in the materials that the heavy
20 workload for police members places limitations on how they
21 can help victims who report crime. Have there been any
22 improvements or are there plans for improvements in that
23 area?

24 **CHIEF TERRY ARMSTRONG:** We just
25 started a victim support unit that is made up of three of

1 our First Nations women officers and they -- the unit
2 itself is limited funding. Right now, we are only getting
3 a year for it, but we are hoping that this successes, that
4 we can show with working with women and victims that we
5 can -- as victims, that we can show that we can keep that
6 program going. But, like I say, it's -- they always just
7 say, okay, you have got one year. So...

8 **MS. STACEY SOLDIER:** And, you would
9 agree, that would be an area that needs improvement from
10 the government level in terms of not holding the
11 organizations and police services to that one year funding
12 agreement, rather a multi-year agreement I think. Would
13 you agree with me that that would be -- that would help
14 quite a bit actually?

15 **CHIEF TERRY ARMSTRONG:** Yes, it would.
16 And, the fact that you -- when they give you a year's
17 funding, you don't ever get a year, because by the time
18 you make the deal, it is three months before you get any
19 assistance for the program, and by the time you are up and
20 running, you might get six or seven months of that
21 program. So...

22 **MS. STACEY SOLDIER:** So, not a great
23 way to run things I would ---

24 **CHIEF TERRY ARMSTRONG:** No.

25 **MS. STACEY SOLDIER:** --- say. Chief

1 Armstrong, you also mentioned earlier, and I really like
2 this quote, that Indigenous policing by Indigenous people
3 is the way to go. Chairman, you also mentioned that the
4 challenges of recruitment. I almost feel like I know the
5 answer before I ask it, but does any of the funding, up
6 until now or in the future, cover recruitment?

7 **CHIEF TERRY ARMSTRONG:** Sorry?

8 **MS. STACEY SOLDIER:** Sorry. Does any
9 of the funding that you receive cover recruitment of
10 officers?

11 **CHIEF TERRY ARMSTRONG:** Yes.

12 **MS. STACEY SOLDIER:** Okay.

13 **CHIEF TERRY ARMSTRONG:** They give us
14 some additional funding to hire those extra 79 that we are
15 getting over the next five years. So, there was money
16 given for that.

17 **MS. STACEY SOLDIER:** Okay. So, that
18 is something new. Okay.

19 **CHIEF TERRY ARMSTRONG:** More along the
20 lines of equipment than stuff like that, but yes ---

21 **MS. STACEY SOLDIER:** Right.

22 **CHIEF TERRY ARMSTRONG:** --- a little
23 bit.

24 **MS. STACEY SOLDIER:** Now, in terms of
25 the funding, and this is certainly from my -- just to

1 confirm in my mind, you had mentioned before, Chief
2 Armstrong, that there are not -- it is essentially based -
3 - overall policing, general policing, but not specific
4 units; is that correct that you said that?

5 **CHIEF TERRY ARMSTRONG:** Yes. No
6 specialized units. We do engage in that, but we have to
7 take people from elsewhere, off the frontline to do that.
8 But, no, we don't get funded for specialized units and
9 they are imperative in this day and age in policing.

10 **MS. STACEY SOLDIER:** Right. And, is
11 that something that is ongoing -- ongoing discussions with
12 the levels of government, in terms of trying to get those
13 specialized units?

14 **CHIEF TERRY ARMSTRONG:** Yes. Yes.
15 And, probably the biggest one is the drug units because
16 that's -- when I talk to 34 chiefs, that is usually the
17 first topic that comes up, is the drugs.

18 **MS. STACEY SOLDIER:** Certainly,
19 because they certainly lead to a myriad of problems within
20 the communities ---

21 **CHIEF TERRY ARMSTRONG:** Absolutely.
22 It leads to other crime, yes.

23 **MS. STACEY SOLDIER:** Yes. Those are
24 my questions. Thank you.

25 **CHIEF TERRY ARMSTRONG:** Thank you.

1 **MS. CHRISTA BIG CANOE:** Thank you, Ms.
2 Soldier. Next, we would like to invite up Pauktuutit and
3 other Inuit organizations represented by counsel, Beth
4 Symes. Ms. Symes has 12 minutes.

5 **--- CROSS-EXAMINATION BY MS. BETH SYMES:**

6 **MS. BETH SYMES:** Good afternoon, Chair
7 Metatawabin, Chief Armstrong and Julian Falconer. I
8 represent Pauktuutit, the Inuit Women of Canada; the Inuit
9 Women of Labrador, Saturviit, which are the Inuit Women of
10 Québec; the Ottawa Inuit Children's Centre and the
11 Manitoba Inuit Association.

12 You may think or wonder why I am
13 asking questions of you and so let me explain the
14 background. For Inuit women and girls in the Northwest
15 Territories, Nunavut and Nunatsiavut, which is a part of
16 Labrador, they are policed by the RCMP. And, we had
17 evidence in Regina that there are very, very few Inuit
18 officers in the RCMP, perhaps 11 or 12 all across Canada.
19 And so, I want to explore with you that the NAPS history
20 and experience for a model of alternate policing for Inuit
21 communities. So, that is why I am asking you these
22 questions, okay?

23 So, before 1994, I think, Chair, that
24 you are probably the one, you have been there the longest,
25 were the NAN people policed by the OPP?

1 **CHAIR MIKE METATAWABIN:** Yes.

2 **MS. BETH SYMES:** And, in answer to a
3 question that Ms. de Whytell asked, before 1994, did you
4 tell her that the OPP came into NAN communities every
5 couple of weeks? Did I hear you correctly?

6 **CHAIR MIKE METATAWABIN:** Yes.

7 **MS. BETH SYMES:** In other words, sir,
8 were there no permanent OPP detachments in NAN territory
9 prior to 1994?

10 **CHAIR MIKE METATAWABIN:** The program -
11 - or the OPP, their First Nation program developed at some
12 point, then we had some First National special constables
13 in place. That was the work that was done up to date at
14 that time.

15 **MS. BETH SYMES:** Okay. And, a special
16 constable does not have all of the rights, and
17 responsibilities and duties as a full police officer?

18 **CHAIR MIKE METATAWABIN:** I don't think
19 so.

20 **MS. BETH SYMES:** Okay.

21 **CHAIR MIKE METATAWABIN:** But, in terms
22 of workload, the workload was above and beyond.

23 **MS. BETH SYMES:** We heard about that
24 in Regina. As of 1994 then, NAPS began to establish
25 permanent detachments in the NAN communities; is that

1 correct?

2 **CHAIR MIKE METATAWABIN:** As best as
3 possible.

4 **MS. BETH SYMES:** And, how long, sir,
5 did it take from 1994 forward to get a detachment in every
6 community?

7 **CHAIR MIKE METATAWABIN:** It wasn't --
8 I mean, there was -- there's different stories. I mean,
9 there's one community that did not even have a detachment,
10 but they continued to try to operate as a detachment, but
11 they were housed in a motel, one room being used as the
12 holding place, and the room next door being the home of
13 the police constables.

14 So, it was -- it was a process that
15 took long. I don't know the details but not every
16 community had a detachment, and it took many years to get
17 there.

18 **MS. BETH SYMES:** Fair enough. And,
19 you've explained both in your evidence in-chief and in
20 cross-examination that NAPS has been held back in keeping
21 up with all of the latest advances in policing. You talk
22 about radios, but let alone electronic communication
23 because of lack of funding.

24 **CHAIR MIKE METATAWABIN:** Yes.

25 **MS. BETH SYMES:** And, your dream and

1 your hope is that with Bill 175, that will change?

2 **CHAIR MIKE METATAWABIN:** Yes.

3 **MS. BETH SYMES:** But, sir, and perhaps
4 I can ask of all three of you, Bill 175 was passed under
5 the Liberal Wynne government; is that correct?

6 **CHAIR MIKE METATAWABIN:** Yes.

7 **MS. BETH SYMES:** *Safer Ontario Act* is
8 complex legislation?

9 **CHAIR MIKE METATAWABIN:** Yes.

10 **MS. BETH SYMES:** It amends a number of
11 existing acts dealing with police?

12 **CHAIR MIKE METATAWABIN:** Yes.

13 **MS. BETH SYMES:** And, it also creates
14 new acts dealing with police and policing?

15 **CHAIR MIKE METATAWABIN:** It changes
16 some of the act. I don't know if there's any real new
17 sections.

18 **MS. BETH SYMES:** Mr. Falconer, there
19 are some new acts; right?

20 **MR. JULIAN FALCONER:** Yes. If I may,
21 if it's all right, chair, as their counsel, because we're
22 now getting sort of beyond the scope of their evidence,
23 but Bill 175 and what's called the *Safer Ontario Act* is
24 actually an omnibus piece of legislation that combines
25 amendments in many acts across the forensic examination

1 coroner system through a whole plethora of legislation.

2 **MS. BETH SYMES:** Now, I understand
3 that the first section that was to come into effect on
4 July 1, 2018 was the oversight of police -- oversight of
5 policing; am I correct?

6 **MR. JULIAN FALCONER:** May I answer,
7 Chief Commissioner, again?

8 **MS. BETH SYMES:** It would be helpful,
9 I think, that -- this is important for the record.

10 **MS. CHRISTA BIG CANOE:** So, sorry,
11 Commission counsel's position on this I know that it's
12 helpful, but I also note that Mr. Falconer is not the
13 witness, and then we're putting counsel leading evidence
14 into the position to be giving the answer. So, it does
15 put us in a bit of a conundrum; right? So, I defer to the
16 Commissioners' position on this.

17 **CHIEF COMMISSIONER MARION BULLER:** I
18 think we can all read the bill.

19 **MS. BETH SYMES:** With respect, it's
20 much more complicated than that. It is not in the bill,
21 the questions I'm asking.

22 **CHIEF COMMISSIONER MARION BULLER:**
23 Well, again, I don't know if this witness is able to
24 answer the question. You can ask it, but you have to live
25 with the answer.

1 **MS. BETH SYMES:** Okay. So, let me try
2 that, then. Was the first thing, then, that was going to
3 affect policing was the oversight of policing that was to
4 come into effect on July 1st, 2018?

5 **MR. JULIAN FALCONER:** So, Chief
6 Commissioner, I don't want to run afoul of what you've
7 just directed ---

8 **MS. BETH SYMES:** Could we just stop
9 the clock, please?

10 **MR. JULIAN FALCONER:** --- and I'll be
11 honest, I'm a bit confused about what you've just
12 directed. These are not facts in dispute, and sometimes
13 when facts are not in dispute, the parties are, and the
14 adjudicator is, content to permit those facts to be put
15 forward. I would respectfully suggest this might be one
16 of those moments.

17 I know that my clients are not in a
18 position to speak to this. I am, if it's helpful to you.

19 **MS. BETH SYMES:** Madam Chair, my ---

20 **CHIEF COMMISSIONER MARION BULLER:**

21 Yes.

22 **MS. BETH SYMES:** Madam Commissioner,
23 my position is that it is really important information
24 that all four of you need to know that hasn't yet gone
25 into the record before you write about this in your

1 report. It's a work in progress.

2 **CHIEF COMMISSIONER MARION BULLER:** I
3 agree it's important evidence. You're absolutely correct
4 in that regard. But, my concern is whether these are the
5 appropriate witnesses to which to lead that evidence.

6 **MS. BETH SYMES:** If you would agree,
7 you know, I think that a dialogue between myself and Mr.
8 Falconer as their representative and as a key actor in
9 this might be the most efficient and the most reliable way
10 to get this evidence in.

11 **CHIEF COMMISSIONER MARION BULLER:**
12 Let's do this. I note that we have six minutes and 9
13 seconds left on the clock for Pauktuutit. I invite to
14 counsel, and perhaps with Commission counsel, to speak
15 during the break. We will recall you after the break with
16 six minutes and 9 seconds on the clock.

17 **MS. BETH SYMES:** Thank you.

18 **CHIEF COMMISSIONER MARION BULLER:**
19 And, we'll go to the next party, please.

20 **MS. CHRISTA BIG CANOE:** Yes, please.
21 Next, we would like to invite up the Native Women's
22 Association of the Northwest Territories. Ms. Caroline
23 Wawzonek, and I apologize if I have mispronounced that,
24 has 12 minutes.

25 **--- CROSS-EXAMINATION BY MS. CAROLINE WAWZONEK:**

1 **CHIEF TERRY ARMSTRONG:** I don't think
2 I can agree to that totally because, I mean, everybody has
3 access to the police. So, could you -- if you could
4 direct the question a little differently? Like I say, I
5 don't think that our -- it might be the victims that don't
6 -- that feel the barrier, but the police are there to
7 respond.

8 And, we do have in -- our crime units
9 all have First Nations' officers, females in our crime
10 units. So, we have that availability, but we may not have
11 it on the ground at the time. But, we encourage that, so
12 -- women are very important to us, obviously, and their
13 safety.

14 **MS. CAROLINE WAWZONEK:** And, you
15 actually picked up on more of the tickler concern that I
16 wanted to raise. With respect to taking a statement from
17 a complainant or a witness who is a woman, do they face
18 additional barriers if they're dealing with exclusively
19 male officers in their community who is investigating the
20 situation?

21 **CHIEF TERRY ARMSTRONG:** We have the
22 availability of Anishinaabekwe, of female officers to take
23 the statements and -- yeah.

24 **MS. CAROLINE WAWZONEK:** And, are they
25 available in every community?

1 CHIEF TERRY ARMSTRONG: Excuse me?

2 MS. CAROLINE WAWZONEK: Are they
3 available in every community?

4 CHIEF TERRY ARMSTRONG: They're
5 available to every community, but not in every community,
6 no.

7 MS. CAROLINE WAWZONEK: Would there
8 sometimes be a delay, then, in having a female officer
9 present in the community in which a crime may have
10 occurred?

11 CHIEF TERRY ARMSTRONG: Yes.

12 MS. CAROLINE WAWZONEK: And, would
13 that potentially create some barrier or some challenge for
14 the woman who is being asked to participate in that
15 investigation process?

16 CHIEF TERRY ARMSTRONG: Yes.

17 MS. CAROLINE WAWZONEK: And, would you
18 agree that having proactive efforts to recruit more women
19 would benefit the overall investigative process in small
20 communities?

21 CHIEF TERRY ARMSTRONG: Absolutely,
22 and that's a target for us right now in our recruiting, is
23 to

24 -- and I think -- I believe in this class
25 that we have done there now, I think there's three First

1 Nations females in our present class that we're putting
2 through.

3 **MS. CAROLINE WAWZONEK:** Are there any
4 particular things you are doing to recruit women
5 specifically to the NAPS police services?

6 **CHIEF TERRY ARMSTRONG:** Generally, we
7 advertise for police officers, but I know our recruiter is
8 a First Nations officer that's female and, like, I mean, I
9 put it out to her. We've got to up our numbers. It's
10 hard, though, because we're not getting the applicants.

11 **MS. CAROLINE WAWZONEK:** Right.

12 **CHIEF TERRY ARMSTRONG:** So that's the
13 difficulty, is we're not getting the applicants. But, she
14 knows that that's a demographic that we want to target.

15 **MS. CAROLINE WAWZONEK:** If I can turn
16 a question, then, to Chair Metatawabin? Are there any
17 particular programs or efforts being made to target youth
18 women, Indigenous women specifically to joining the police
19 services?

20 **CHAIR MIKE METATAWABIN:** We don't -- I
21 mean, yes, we do try to promote policing as a career. We
22 have gone to events. They go to the youth events that
23 occur. One -- most recently, the Aboriginal Sports and
24 Wellness Council had an event and our police services were
25 present to have a booth and to try to attract youth.

1 they experience the same sort of effects of the burnout
2 that you described earlier for officers? Would the
3 civilians also experience that?

4 **CHAIR MIKE METATAWABIN:** That has been
5 raised on occasion at our board meetings where due to the
6 lack of a full complement, council members have had to be
7 involved. And, yes, some communities are very busy and,
8 yes, they have experienced.

9 **MS. CAROLINE WAWZONEK:** And, do you
10 know whether those individuals received any specialized
11 assistance afterwards, either from crisis counselling or
12 otherwise?

13 **CHAIR MIKE METATAWABIN:** That is one
14 of the areas that is severely lacking in our communities,
15 so no.

16 **MS. CAROLINE WAWZONEK:** Another
17 question for you, please, about crisis counselling
18 actually, and it was one of the recommendations from
19 Ipperwash, that communities have access to crisis
20 counselling when there has been a violent incident with
21 police. Are you aware whether any such opportunity is
22 currently available in any of your communities?

23 **CHAIR MIKE METATAWABIN:** After they
24 have been involved with police?

25 **MS. CAROLINE WAWZONEK:** If there has

1 been a violent incident with the police, is there crisis
2 counselling available to the members of the community who
3 were involved?

4 **CHAIR MIKE METATAWABIN:** I don't
5 recall any.

6 **MS. CAROLINE WAWZONEK:** Okay.

7 **CHAIR MIKE METATAWABIN:** I don't -- I
8 am trying to remember, but I don't recall any.

9 **MS. CAROLINE WAWZONEK:** Would you
10 agree that having a crisis counsellor available to members
11 of the community after a violent incident involving police
12 would improve the relationship with police services?

13 **CHAIR MIKE METATAWABIN:** Yes, we do
14 need the service like that. Yes.

15 **MS. CAROLINE WAWZONEK:** Thank you. If
16 I could turn back to Chief Armstrong, please. Similarly,
17 back to the discussion around burnout, if you could speak,
18 please, to whether or not an officer who is burnt out is
19 also -- can be -- become a threat to public safety?

20 **CHIEF TERRY ARMSTRONG:** Well,
21 certainly if somebody is burnt out and they are trying to
22 do the job, yes, that could affect their overall
23 performance.

24 **MS. CAROLINE WAWZONEK:** And, would it
25 involve their performance or would it also involve their

1 personal interactions in the community?

2 **CHIEF TERRY ARMSTRONG:** It could.

3 **MS. CAROLINE WAWZONEK:** Does it raise
4 the risk of, for instance, domestic violence in the home
5 of that officer if they have PTSD?

6 **CHIEF TERRY ARMSTRONG:** We have had
7 incidences reported, yes.

8 **MS. CAROLINE WAWZONEK:** And then would
9 you agree that if there is, again, better access to
10 community services, would that officer be less prone or
11 less impacted by that burnout?

12 **CHIEF TERRY ARMSTRONG:** Yes.

13 **MS. CAROLINE WAWZONEK:** And, Chief
14 Armstrong again, please, if -- you were talking a lot
15 about proactive policing. Can you tell me whether or not
16 teaching trauma-informed practices to officers is
17 something that you are currently engaged in or that the
18 force is currently engaged in?

19 **CHIEF TERRY ARMSTRONG:** We -- through
20 our block training, we do debriefs and we do scenario-
21 based training, and the officers get that annually. So,
22 yes, we do.

23 **MS. CAROLINE WAWZONEK:** And, does that
24 include a trauma-informed communication when they are
25 dealing with witnesses, in particular the women and girls,

1 and asking them to give statements in terms of ways to
2 communicate with those people?

3 **CHIEF TERRY ARMSTRONG:** I haven't -- I
4 don't know if I could directly answer that question,
5 because I haven't been inside one of those training
6 sessions for a while. But, they are constantly changing
7 and evolving, and -- like the annual process. But, yes.

8 **MS. CAROLINE WAWZONEK:** Okay.
9 Similarly, you may not be able to answer, please just say
10 -- let me know if I am outside your area. But, to the
11 extent that you can comment, would using a trauma-informed
12 approach by an investigating officer elicit better
13 information or more helpful information in the course of
14 their investigation?

15 **CHIEF TERRY ARMSTRONG:** I would say
16 yes. I mean, any tools you have in your toolbox to help
17 you out, or your toolkit, yes, for sure.

18 **MS. CAROLINE WAWZONEK:** And, would you
19 agree that something like that is likely to improve the
20 relationship between the community and the investigating
21 police forces?

22 **CHIEF TERRY ARMSTRONG:** Yes.

23 **MS. CAROLINE WAWZONEK:** I have just
24 one last question, please, Chair Metatawabin. One of the
25 recommendations that was referenced earlier,

1 Recommendation 29, mentioned the unique characteristics of
2 remote and, I think, fly-in NAN communities as being one
3 of the things that needed to be readdressed. When you
4 reopened the negotiations that you had and then you
5 engaged in what you described as a more meaningful
6 negotiation process, can you discuss what unique
7 characteristics you see as being related to remote and
8 fly-in communities and how that impacted negotiations?

9 **CHAIR MIKE METATAWABIN:** One of the
10 things we did was invite the negotiating parties from both
11 Canada and Ontario to come visit in our communities,
12 because most negotiation processes take place in an urban
13 setting. And, the reason behind that to take them up
14 North was to see firsthand what any specific community has
15 to deal with, whether it is a facility, a poor facility,
16 or whether it is a complement, or even the geographic
17 layout itself is an eye-opener. Most people don't know
18 anything about the North. Most bureaucracies, they think
19 the Township of Barry is the North, and anything beyond
20 that is -- they don't have an idea. So, that is why we
21 took that approach to bring that in.

22 **MS. CAROLINE WAWZONEK:** Wasi
23 (phonetic). I don't have any other questions. Thank you.

24 **MS. CHRISTA BIG CANOE:** Thank you.
25 Next, we would like to invite up the Missing and Murdered

1 Indigenous Women and Girls Coalition of Manitoba.

2 Counsel, Ms. Catherine Dunn, has 12 minutes.

3 **--- CROSS-EXAMINATION BY MS. CATHERINE DUNN:**

4 **MS. CATHERINE DUNN:** Yes, good afternoon. My name is
5 Catherine Dunn. And, on behalf of my client, Manitoba
6 Coalition of Missing and Murdered Girls, I would like to
7 thank you very much for inviting us to your -- Huron-
8 Wendat territory. And, I would like to begin my first
9 questions with respect to Exhibit 12, which is the Quick
10 Fact Sheet. And, Chief, I think perhaps you might be the
11 best to answer this set of questions, if you don't mind.

12 You indicated that there is currently
13 147 sworn police officer in NAPS?

14 **CHIEF TERRY ARMSTRONG:** Yes.

15 **MS. CATHERINE DUNN:** That will be
16 increased by, is it, 79 new officers?

17 **CHIEF TERRY ARMSTRONG:** Yes.

18 **MS. CATHERINE DUNN:** And, that is as
19 of January 2019?

20 **CHIEF TERRY ARMSTRONG:** No, we have
21 actually started hiring already. And, the first wave is -
22 - we are allowed to hire 15 this year, 20 next year, 20
23 the following year, and then there are going to be
24 discussions around the remaining after the 55 as to how
25 they will come in the next two years, how that is split.

1 **MS. CATHERINE DUNN:** And, who decided
2 specifically that that 79 extra officers was sufficient
3 for the 45,000 people who live in those jurisdictions?

4 **CHIEF TERRY ARMSTRONG:** Well, that was
5 decided by operationally and for the numbers just to get
6 the partner and the radio scenario in, and it didn't
7 include the specialities. And, we wanted to include the
8 specialties, but we were only able to move the bar that
9 far this time.

10 **MS. CATHERINE DUNN:** So, does that
11 mean, sir, that the additional staffing was a request by
12 NCAPS [*sic*]?

13 **CHIEF TERRY ARMSTRONG:** Sorry?

14 **MS. CATHERINE DUNN:** Does that mean
15 that the additional staffing request came from your police
16 organization or ---

17 **CHIEF TERRY ARMSTRONG:** Well, it came
18 through the negotiations, but the numbers come from the
19 organization ---

20 **MS. CATHERINE DUNN:** Okay.

21 **CHIEF TERRY ARMSTRONG:** --- as to how
22 many it would take to have a partner for everybody and
23 supervision, yes.

24 **MS. CATHERINE DUNN:** All right, okay.
25 And when I'm looking at Exhibit 12 in terms of the

1 organizational chart that's set out there, I note that you
2 have a number of specific subsets within the organization.
3 For example, guns and gangs, is that correct?

4 **CHIEF TERRY ARMSTRONG:** Yes.

5 **MS. CATHERINE DUNN:** A drug unit, is
6 that correct?

7 **CHIEF TERRY ARMSTRONG:** Yes. It's not
8 funded but it's -- the guns and gangs unit is. So
9 actually, on the ground right now, we have 162. The 147
10 was without those, like you say, one-time funding ones
11 which is PAVIS. There's 1,000 Officer Program that brings
12 an additional 15 officers. So we're actually at 162 but
13 like I say, some of them are compliment.

14 **MS. CATHERINE DUNN:** All right, thank
15 you.

16 **CHIEF TERRY ARMSTRONG:** And so we got
17 specific funding just for guns and gangs, as did the rest
18 of the police services in the Province of Ontario at the
19 time.

20 **MS. CATHERINE DUNN:** So one of the
21 main focusses that you get funded for, one is guns and
22 gangs, the other is for the drug unit. Is that correct?

23 **CHIEF TERRY ARMSTRONG:** No, the drug
24 unit is not funded. We use our operational funds because
25 of the importance of drugs...

1 **MS. CATHERINE DUNN:** Okay, all right.

2 **CHIEF TERRY ARMSTRONG:** ...in the
3 communities. It's an important piece to the communities.

4 **MS. CATHERINE DUNN:** Okay. Is there
5 anything on your organizational chart that relates
6 specifically to the issue of murdered and missing women
7 and girls?

8 **CHIEF TERRY ARMSTRONG:** Not
9 specifically, no.

10 **MS. CATHERINE DUNN:** Okay. Do you
11 think that would be something that would be beneficial to
12 your police organization to have a specific focus on
13 something like that?

14 **CHIEF TERRY ARMSTRONG:** Yeah, if we
15 were in a position to do that, absolutely, yeah.

16 **MS. CATHERINE DUNN:** Okay. And you
17 said if we were in a position to do that, does that mean
18 you don't have the money now or ---

19 **CHIEF TERRY ARMSTRONG:** Frontline is
20 all we're funded for, frontline.

21 **MS. CATHERINE DUNN:** All right. So
22 your answer is no, you don't have the money for a specific
23 unit dealing with murdered and missing Indigenous women
24 and girls?

25 **CHIEF TERRY ARMSTRONG:** We've never

1 been funded for that and when we go outside of the
2 agreement and -- yeah.

3 **MS. CATHERINE DUNN:** Okay. You also
4 have a s part of your organization a professional
5 standards -- is it bureau?

6 **CHIEF TERRY ARMSTRONG:** Yes, it's
7 basically one guy though.

8 **MS. CATHERINE DUNN:** Yeah, that's what
9 I was going to ask. Of the 100 and roughly 62 staff,
10 there is one guy that deals with professional standards.

11 **CHIEF TERRY ARMSTRONG:** Yeah.

12 **MS. CATHERINE DUNN:** And that one guy
13 is responsible for making sure that the 162 police
14 officers toe the line professionally.

15 **CHIEF TERRY ARMSTRONG:** Yes, plus our
16 supervisors. There are just the ones -- he's the only one
17 that investigates them but I mean we have three regional
18 staff sergeants who are also trained in PSB that can
19 assist him from the frontline but he's the only one that
20 that's his only duties that he's assigned to.

21 **MS. CATHERINE DUNN:** I see. How many
22 open files does that particular individual have at any
23 moment in time?

24 **CHIEF TERRY ARMSTRONG:** I couldn't
25 tell you exactly.

1 **MS. CATHERINE DUNN:** Okay. Is there a
2 way to -- do you know how he picks and chooses his files?

3 **CHIEF TERRY ARMSTRONG:** No, he doesn't
4 pick and choose. They're reported and whether it's an
5 internal or an external complaint, he has to investigate
6 them.

7 **MS. CATHERINE DUNN:** Okay. Can a
8 civilian go to him directly and say this happened in my
9 community?

10 **CHIEF TERRY ARMSTRONG:** Yes.

11 **MS. CATHERINE DUNN:** All right. Is
12 that advertised in some way to the individual communities?

13 **CHIEF TERRY ARMSTRONG:** Yes.

14 **MS. CATHERINE DUNN:** And how is that
15 advertised?

16 **CHIEF TERRY ARMSTRONG:** Our website.
17 I believe it's also on Facebook but I'm not sure. But our
18 website goes through the whole complaint system.

19 **MS. CATHERINE DUNN:** Would you say
20 that that individual is busy in his job?

21 **CHIEF TERRY ARMSTRONG:** Yes, very
22 busy.

23 **MS. CATHERINE DUNN:** Okay. And would
24 you say that one person is sufficient to deal with
25 professional standards from respecting 34 detachments and

1 45,000 people?

2 **CHIEF TERRY ARMSTRONG:** The thing is I
3 guess the answer would be no and that's occasionally what
4 we'll do is we'll -- as the workload gets busier, we'll
5 move somebody in there temporarily to assist him with the
6 files, somebody that's trained in and we do have other
7 individuals trained in the PSB, but depending on the
8 workload.

9 **MS. CATHERINE DUNN:** Yeah. Well your
10 workload, you've indicated is quite strong. In fact, a
11 good significant portion of your police force suffers from
12 burnout. That was your evidence, correct?

13 **CHIEF TERRY ARMSTRONG:** Yes.

14 **MS. CATHERINE DUNN:** And so I'm
15 suggesting to you that if a significant portion of your
16 workforce suffers from burnout, that has direct
17 implications for police standards and if they're being
18 applied evenly or if they're being applied correctly. And
19 I'm suggesting, sir, that one person in charge of
20 professional standards when something like 23 percent of
21 the workforce is on burnout is something less than a
22 finger in the dike.

23 **MR. JULIAN FALCONER:** I'm objecting,
24 if I may.

25 **MS. CHRISTA BIG CANOE:** Go ahead.

1 **MR. JULIAN FALCONER:** So in addition
2 to asking several questions at once, the connection that
3 my friend just drew between officers being on disability
4 and breaching *Police Services Act* standards is not a
5 legitimate connection. The fact that officers, a
6 significant percentage, 24 percent, are on some form of
7 disability does not mean that that means more officers or
8 less officers breach *Police Services Act* standards.
9 There's no connection.

10 On the other hand, it is and has been
11 discussed as symbolic of a problem of resources and strain
12 on officers. It's just that glossing over and reaching
13 the point of discipline like breaches it's just not there.
14 And then to make matters more complicated, she added
15 another question to that and I simply say that the
16 combination of it all just creates an unfair situation for
17 the witness respectfully.

18 **MS. CATHERINE DUNN:** Well, I would
19 love to dialogue with learned friend but I think I would
20 like an answer from the witnesses and if I have phrased
21 those questions in a way that is complicated, I apologize
22 and I will try and rephrase the question.

23 **CHIEF COMMISSIONER MARION BULLER:**
24 Excuse me, Commission counsel, anything to add?

25 **MS. CHRISTA BIG CANOE:** Actually, I'm

1 just going to defer to what Mr. Falconer has raised and
2 leave it in your hands.

3 **CHIEF COMMISSIONER MARION BULLER:**

4 Certainly. I found the question difficult to follow.

5 **MS. CATHERINE DUNN:** All right.

6 **CHIEF COMMISSIONER MARION BULLER:** So
7 if you could break it down into smaller steps, that would
8 be helpful and also that will determine whether or not the
9 witnesses are capable of answering.

10 **MS. CATHERINE DUNN:** All right. Just
11 cutting to the chase of my question, the point that I'm
12 trying to make is that if a significant portion of the
13 police force is suffering from burnout, is that your
14 evidence?

15 **CHIEF TERRY ARMSTRONG:** There's 24
16 percent.

17 **MS. CATHERINE DUNN:** I would say
18 that's a significant number of staff.

19 **CHIEF TERRY ARMSTRONG:** Yes.

20 **MS. CATHERINE DUNN:** If a significant
21 number of your staff are on burnout, that indicates to me,
22 although I'm not a statistician, is that your force is
23 under a great deal of stress, whether they're on
24 disability or not.

25 **CHIEF TERRY ARMSTRONG:** Yes.

1 **MS. CATHERINE DUNN:** And when there is
2 stress, I am going to suggest to you that there are times
3 when professional standards are not met.

4 **MS. CHRISTA BIG CANOE:** There's an
5 objection, sorry, it's not the time.

6 **MR. JULIAN FALCONER:** That is just not
7 -- actually, it's not just about putting what I would call
8 a non-sequitur or a false statement to witness so the
9 witness can refute it, it's that her question was based on
10 non-sequitur and that becomes the problem. She rolled up
11 what -- it does not follow into another question. So
12 that's my objection. I simply renew it. And I don't mind
13 having a dialogue with my friend.

14 **CHIEF COMMISSIONER MARION BULLER:**
15 Quite frankly, we don't have time for dialogue. I think
16 the real question is in this chief's opinion, what impact
17 does that have on the quality of work that his police
18 force is doing.

19 **MS. CATHERINE DUNN:** That's so much
20 more simple than I was trying to do.

21 **CHIEF COMMISSIONER MARION BULLER:** Go
22 ahead.

23 **MS. CATHERINE DUNN:** So if you could
24 ask the Chief Commissioner's question, that is exactly the
25 point I'm trying to make.

1 **CHIEF TERRY ARMSTRONG:** If you could
2 give it to me again, I'd appreciate it.

3 **CHIEF COMMISSIONER MARION BULLER:** I
4 don't know if I can. Given the 24 percent, what impact,
5 if any, does that have on the quality of the police
6 services offered?

7 **CHIEF TERRY ARMSTRONG:** I guess to put
8 it in this compliant perspective, we're not getting more
9 complaints about the officers as a result of that.

10 **CHIEF COMMISSIONER MARION BULLER:**
11 There's your answer.

12 **MS. CATHERINE DUNN:** Thank you.

13 **MR. JULIAN FALCONER:** And I do wish to
14 clarify it's 24 percent of NAPS officers are currently on
15 stress or disability leave. I know the short form
16 "burnout" has been used. It's not accurate to say that 24
17 percent of NAPS officers are on burnout. They are either
18 on stress or disability leave. That 24 percent hasn't
19 been broken down beyond that. I just want to be careful
20 that we're accurate and respectful of the officers.

21 **CHIEF COMMISSIONER MARION BULLER:**
22 Your point is taken. Thank you.

23 Go ahead.

24 **MS. CATHERINE DUNN:** In terms of your
25 evidence, Chief, you indicated that something like 23 out

1 of 34 communities are fly-in communities. Is that
2 correct?

3 **CHIEF TERRY ARMSTRONG:** Yes.

4 **MS. CATHERINE DUNN:** And there's a lot
5 of police time and effort connected to bringing people in
6 and getting people out of the community.

7 **CHIEF TERRY ARMSTRONG:** Yes.

8 **MS. CATHERINE DUNN:** Is there separate
9 funding available for women or children who are in
10 domestic violence situations to get out of the community
11 with police funding?

12 **CHIEF TERRY ARMSTRONG:** Not police
13 funding.

14 **MS. CATHERINE DUNN:** Okay. How many
15 of these 34 detachments have domestic shelters, domestic
16 violence shelters?

17 **CHIEF TERRY ARMSTRONG:** How many of
18 the locations?

19 **MS. CATHERINE DUNN:** The locations.

20 **CHIEF TERRY ARMSTRONG:** The
21 detachments don't have them, but how many locations?

22 **MS. CATHERINE DUNN:** Right.

23 **CHIEF TERRY ARMSTRONG:** There isn't
24 any.

25 **MS. CATHERINE DUNN:** Okay. So, there

1 are 34 detachments and there is 34 communities, is that
2 fair?

3 **CHIEF TERRY ARMSTRONG:** Yes, there
4 actually isn't 34 detachments, but there is 34 communities
5 ---

6 **MS. CATHERINE DUNN:** Okay.

7 **CHIEF TERRY ARMSTRONG:** --- because a
8 couple of the road access communities actually share a
9 detachment.

10 **MS. CATHERINE DUNN:** Okay. Well, I am
11 just looking at your sheet, it says 34 detach -- but in
12 any event, in 34 communities, how many domestic violence
13 shelters are there?

14 **CHIEF TERRY ARMSTRONG:** None.

15 **MS. CATHERINE DUNN:** None. All right.
16 And, how does a victim of domestic violence get out of the
17 community then?

18 **CHIEF TERRY ARMSTRONG:** Family
19 services in different -- other places put up the funding,
20 and victims of violence, the other avenues that pay for
21 that.

22 **MS. CATHERINE DUNN:** Well, you have to
23 report the crime in order to get out of the community;
24 correct?

25 **CHIEF TERRY ARMSTRONG:** Mm-hmm.

1 **MS. CATHERINE DUNN:** Would you agree
2 that it is sometimes easier to speak to a female officer
3 than it is to a male officer about personal events such as
4 sexual assault or childhood traumatic incidences ---

5 **CHIEF TERRY ARMSTRONG:** Yes, I would
6 agree to that.

7 **MS. CATHERINE DUNN:** --- of sexual
8 assault? And, how many female staff do you have at the
9 current time in your organization?

10 **CHIEF TERRY ARMSTRONG:** We are
11 probably running at about 13 percent.

12 **MS. CATHERINE DUNN:** And, obviously
13 you would like more female officers, would that be fair to
14 say?

15 **CHIEF TERRY ARMSTRONG:** Absolutely.

16 **MS. CATHERINE DUNN:** Yes. And, in
17 terms of the training that your police officers get, how
18 long is their training? You have indicated where they
19 went, but you don't indicate what kind of ---

20 **CHIEF TERRY ARMSTRONG:** Yes, it's --
21 policing, there's the initial training, there's the basic
22 training, and then there is specialty training. So, if
23 you are in a crime unit, you are going to get obviously a
24 lot of interviewing courses and -- so I mean, I took over
25 40 police courses in my career. So, the initial training,

1 three months.

2 **MS. CATHERINE DUNN:** Three months?

3 **CHIEF TERRY ARMSTRONG:** Yes.

4 **MS. CATHERINE DUNN:** And, the average
5 time that a police officer stays in one community is what?

6 **CHIEF TERRY ARMSTRONG:** I would not be
7 able to give you an average.

8 **MS. CATHERINE DUNN:** Okay. Would it
9 be fair to say that many of your staff members are young
10 in terms of police work?

11 **CHIEF TERRY ARMSTRONG:** Yes.

12 **MS. CATHERINE DUNN:** And, would it be
13 fair to say that many of your police officers leave after
14 a discreet period of time ---

15 **CHIEF TERRY ARMSTRONG:** Yes.

16 **MS. CATHERINE DUNN:** --- to go to
17 other places?

18 **CHIEF TERRY ARMSTRONG:** Yes.

19 **MS. CATHERINE DUNN:** And, does that
20 result in a turnover within the community of police
21 officers?

22 **CHIEF TERRY ARMSTRONG:** Yes.

23 **MS. CATHERINE DUNN:** And, affects the
24 trust levels and communication levels?

25 **CHIEF TERRY ARMSTRONG:** I could not

1 really speak to the trust levels. I don't think that
2 the...

3 **MS. CATHERINE DUNN:** Well, I am just
4 using a -- like, in terms of the ability to know your
5 police force, it changes ---

6 **CHIEF TERRY ARMSTRONG:** You are
7 meeting a new police officer quite often ---

8 **MS. CATHERINE DUNN:** Right. All
9 right.

10 **CHIEF TERRY ARMSTRONG:** So, I guess,
11 yes, you can make that inference.

12 **MS. CATHERINE DUNN:** Now, you had
13 indicated that ---

14 **MS. CHRISTA BIG CANOE:** Ms. Dunn, I'm
15 sorry ---

16 **MS. CATHERINE DUNN:** Yes.

17 **MS. CHRISTA BIG CANOE:** --- you are
18 out of time.

19 **MS. CATHERINE DUNN:** Thank you.

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

21 Chief Commissioner and Commissioners, could we request a
22 15 minute -- this is probably an opportune time for the
23 afternoon break. Can we please have 15 minutes, and that
24 will also afford Commission Counsel, along
25 with counsel for Pauktuutit a few minutes.

1 **CHIEF COMMISSIONER MARION BULLER:**

2 Sure. 15 minute break, please.

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

4 --- Upon recessing at 14:37

5 --- Upon resuming at 14:57

6 **CHIEF COMMISSIONER MARION BULLER:** Go
7 ahead.

8 **--- CONTINUED CROSS-EXAMINATION BY MS. BETH SYMES:**

9 **MS. BETH SYMES:** This is not on. Just
10 to back up, putting things in context, the Safer Ontario
11 Act, would you agree with me, was an omnibus piece of
12 legislation with different sections in it; is that
13 correct?

14 **CHIEF TERRY ARMSTRONG:** Yes.

15 **MS. BETH SYMES:** And, those sections
16 were to come into force at different times?

17 **CHIEF TERRY ARMSTRONG:** Yes.

18 **MS. BETH SYMES:** The first one to come
19 into force was to be the Special Investigation Unit Act?

20 **CHIEF TERRY ARMSTRONG:** Yes.

21 **MS. BETH SYMES:** And, that was to come
22 into force on July 1, 2018?

23 **CHIEF TERRY ARMSTRONG:** That's my
24 understanding, yes.

25 **MS. BETH SYMES:** And, sir, on June the

1 29th, 2018, the new government in Ontario passed an Order
2 in Council pausing that?

3 **CHIEF TERRY ARMSTRONG:** Yes.

4 **MS. BETH SYMES:** And, sir, that the
5 premier of Ontario, Mr. Ford, said that the government
6 would conduct a full and thorough review of the whole
7 legislation by consulting experts, police services and the
8 public?

9 **CHIEF TERRY ARMSTRONG:** Yes.

10 **MS. BETH SYMES:** Yes. In other words,
11 sir, are you concerned that the amendments to the Police
12 Services Act that brings Indigenous policing into the
13 mainstream is not a done deal as yet?

14 **CHIEF TERRY ARMSTRONG:** Yes.

15 **MS. BETH SYMES:** Thank you. In this
16 Inquiry, my clients are focused on prevention, that is
17 stopping murders and disappearance of Inuit women and
18 girls. Would you agree with me that that falls into
19 proactive policing?

20 **CHIEF TERRY ARMSTRONG:** Sorry, could
21 you back up a bit?

22 **MS. BETH SYMES:** My clients are
23 focused on prevention; right? Stopping murders and the
24 disappearance of Inuit women and girls. Would you agree
25 with me that that prevention requires proactive policing?

1 **CHIEF TERRY ARMSTRONG:** Yes. Some
2 proactive policing definitely, yes.

3 **MS. BETH SYMES:** And, on slide 8 of
4 Exhibit 12, I think it says, a lack of proactive policing
5 for women and girls of the NAN territory; is that correct?

6 **CHIEF TERRY ARMSTRONG:** I don't have
7 it in front of me.

8 **MS. BETH SYMES:** Could it just pause,
9 please, for me?

10 **MR. JULIAN FALCONER:** Could you simply
11 repeat the cite, please?

12 **MS. BETH SYMES:** Yes. I thought it
13 was on page 12, but it must be of the second PowerPoint.

14 **MR. JULIAN FALCONER:** Because you said
15 Exhibit 12 before.

16 **MS. BETH SYMES:** No, sorry, it's
17 Exhibit 12, page 8.

18 **MR. JULIAN FALCONER:** All right. I
19 have it here.

20 **MS. BETH SYMES:** Sorry, slide 8.
21 Could you just -- we just pause and then...

22 **MR. JULIAN FALCONER:** This is under
23 the Inquest to the death of Lena Anderson?

24 **MS. BETH SYMES:** Oh, I must have the
25 wrong one. Just a second.

1 **MS. CHRISTA BIG CANOE:** Or is it this
2 one, consequences of not having a partner?

3 **MR. JULIAN FALCONER:** So, slide 8 of
4 the radio and a partner is consequences of not having a
5 partner, and that's where it refers to a series of issues
6 including lack of proactive policing. Is that the
7 slide ---

8 **MS. BETH SYMES:** Yes.

9 **MR. JULIAN FALCONER:** --- you are
10 looking for?

11 **MS. BETH SYMES:** I believe so.

12 **MR. JULIAN FALCONER:** So, I am going
13 to place the slide in front of Chief Armstrong. Slide 8 -
14 --

15 **MS. CHRISTA BIG CANOE:** Okay. And, we
16 will recommence ---

17 **MR. JULIAN FALCONER:** --- from No
18 Radio, No Partner.

19 **MS. CHRISTA BIG CANOE:** --- the time,
20 please.

21 **CHIEF COMMISSIONER MARION BULLER:**
22 And, that is Exhibit 13.

23 **MS. BETH SYMES:** No, I think it is
24 Exhibit 12 -- 13. I'm sorry, it is Exhibit 13. Now,
25 Chief ---

1 **CHIEF TERRY ARMSTRONG:** I see that,
2 what you read out.

3 **MS. BETH SYMES:** Yes. So, Chief, you
4 told Ms. Fraser before lunch I think that there have been
5 murdered women from NAN; is that correct?

6 **CHIEF TERRY ARMSTRONG:** Yes, I recall
7 one in my five years.

8 **MS. BETH SYMES:** One in your five
9 years. And, Chair, do you recall in your many years with
10 NAPS there being murdered of Indigenous women from NAN?

11 **CHAIR MIKE METATAWABIN:** We have had
12 members who have gone missing while they are out in the
13 urban centres, yes.

14 **MS. BETH SYMES:** And, have you had
15 women murdered in NAN other than the one that Chief had
16 said.

17 **CHAIR MIKE METATAWABIN:** Within NAN?

18 **MS. BETH SYMES:** Yes.

19 **CHAIR MIKE METATAWABIN:** Not to my
20 knowledge.

21 **MS. BETH SYMES:** Okay. So, perhaps
22 then this is a good question. In terms of prevention, that
23 is stopping the murder of women and girls, Indigenous
24 women and girls, can you tell us what difference has NAPS
25 made to improve the safety of NAN women and girls?

1 **CHIEF TERRY ARMSTRONG:** I am thinking
2 of as a police service and the situation that we are
3 discussing is a domestic situation, that we -- as a police
4 service, we do investigate crimes against women, girls, as
5 reported. We do complete and thorough investigations. We
6 encourage people that are victims of domestic violence to
7 come forward. We have done a number of presentations on
8 that. Alana Morrison, who was out in Regina ---

9 **MS. BETH SYMES:** Yes.

10 **CHIEF TERRY ARMSTRONG:** --- she
11 actually started up a victims unit, and they are doing a
12 lot more of that as well. So, we are actively engaging in
13 that in respect of helping victims, women and girls.

14 Yes, so general police stuff, plus the
15 extras that we are doing in respect to helping. And, they
16 say the program that Alana Morrison has started up within
17 our services has got limited funding, like a timeline
18 funding. So, yes.

19 **MS. BETH SYMES:** Thank you. I think
20 that means my time is up.

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

22 **MS. BETH SYMES:** Thank you very much.

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

24 Next, Commission counsel would like to
25 invite up Femmes autochtones du Québec. Maître Rainbow

1 Miller will have 12 minutes.

2 **--- CROSS-EXAMINATION BY MS. RAINBOW MILLER:**

3 **MS. RAINBOW MILLER:** Good day. My
4 name is Rainbow Miller. I represent Québec Native Women
5 Association. First of all, I want to thank you for coming
6 all the way down here to Québec to give your testimony. I
7 would also like to thank the Huron-Wendat First Nations
8 for inviting us on their territory. And, also, I would
9 like to acknowledge all of the elders. Thank you for your
10 kindness and your knowledge. And, I would also like to
11 acknowledge the families and the women who have gone
12 missing.

13 My first questions would be to Chief
14 Armstrong. Of course my questions will be sexual-specific
15 because I represent the women's association. Have you
16 ever encountered situations where in the community where
17 there are a very small number of police officers where
18 there would be two situations of family violence and the
19 officers could simply not respond to one of those
20 situations?

21 **CHIEF TERRY ARMSTRONG:** We have had
22 situations where there isn't any officers in the community
23 when there has been family violent situations, so I guess
24 that would be a yes.

25 **MS. RAINBOW MILLER:** Okay. Thank you.

1 So, would it be fair to say that when there is
2 underfunding, that means it puts -- can put women at risk
3 in the communities?

4 **CHIEF TERRY ARMSTRONG:** Absolutely.

5 **MS. RAINBOW MILLER:** Okay. I just
6 wanted that on record.

7 **CHIEF TERRY ARMSTRONG:** Yes.

8 **MS. RAINBOW MILLER:** Also, would you
9 say that throughout all the years of experience, you could
10 -- you have encountered situations where you realize that
11 there was underreporting of women of either sexual abuse
12 or family violence?

13 **CHIEF TERRY ARMSTRONG:**

14 Underreporting? We -- our system is, everything that is
15 reported, we make note of. So, if people aren't -- I
16 guess if you are saying that people aren't coming forward
17 or victims aren't coming forward, I guess that could be --
18 as we know, a lot of times victims don't come forward for
19 their first number of encounters or whatever as well too.
20 So, through my experience, like I say, any of the --
21 anything that is reported to us, we do investigate. And,
22 if we don't have police officers in the community at the
23 time, we get community -- we get police officers in there.

24 **MS. RAINBOW MILLER:** Okay. But, have
25 you ever talked with, for example, social service workers

1 or people who work in the community in the health
2 department would tell you some of the reasons, you know,
3 people are afraid to come to you, are people -- for
4 example, women, are not comfortable telling a man about
5 some situations ---

6 **CHIEF TERRY ARMSTRONG:** Yes, I have
7 heard those things. I have heard those things.

8 **MS. RAINBOW MILLER:** Yes.

9 **CHIEF TERRY ARMSTRONG:** Yes.

10 **MS. RAINBOW MILLER:** So, would you say
11 that one of those reasons could be, for example, a woman
12 not being comfortable to talk to a male officer?

13 **CHIEF TERRY ARMSTRONG:** Yes.

14 **MS. RAINBOW MILLER:** Okay. Would one
15 of those reasons also be that sometimes the police
16 officers are family related to the alleged perpetrator?

17 **CHIEF TERRY ARMSTRONG:** That could
18 happen. Obviously, the officer excuses himself and
19 somebody else investigates if it is a report, but still
20 have to take -- still have to do the report.

21 **MS. RAINBOW MILLER:** Okay. And, that
22 is one of my ---

23 **CHIEF TERRY ARMSTRONG:** Take the
24 report.

25 **MS. RAINBOW MILLER:** Okay. That is

1 one issue that I would like for you to tell us. The
2 situation sometimes, you know, there can be a conflict of
3 interest. What are the best practices of NAPS in those
4 kind of situations?

5 **CHIEF TERRY ARMSTRONG:** If there is a
6 conflict of interest?

7 **MS. RAINBOW MILLER:** Yes. Yes.

8 **CHIEF TERRY ARMSTRONG:** Well, we have
9 a number of other officers, obviously, that could do that
10 call or do that answer to the -- do that investigation.
11 So, yes, we recognize the conflict and somebody else has
12 to do that investigation.

13 **MS. RAINBOW MILLER:** What happens in
14 the community if there is just one or two police officers?

15 **CHIEF TERRY ARMSTRONG:** We have access
16 to our crime units to do those investigations, because
17 those are -- in our policing role, domestic violence is a
18 benchmark occurrence. It is the highest types of
19 occurrences that we investigate. So, every family
20 violence occurrence is benchmarked, it has to go through
21 the crime unit and it has to go through senior crime unit
22 people as far as -- even if the investigation is being
23 done by a frontline officer, it is monitored -- has to be
24 monitored by a crime unit.

25 **MS. RAINBOW MILLER:** Okay. And, is

1 there ---

2 **CHIEF TERRY ARMSTRONG:** With special
3 skills.

4 **MS. RAINBOW MILLER:** Okay. Thank you.

5 **CHIEF TERRY ARMSTRONG:** Yes.

6 **MS. RAINBOW MILLER:** Is there an
7 internal mechanism? For example, even if it goes through
8 that process, if there is a family -- well, I mean, the
9 victim who hears, you know, this person is investigating
10 on my file, is there a mechanism where they can make a
11 complaint or have it changed?

12 **CHIEF TERRY ARMSTRONG:** Yes.

13 **MS. RAINBOW MILLER:** Okay.

14 **CHIEF TERRY ARMSTRONG:** They can ask
15 somebody else to look at the file, yes.

16 **MS. RAINBOW MILLER:** Do you have
17 internal policies about how to deal with those conflict of
18 interests?

19 **CHIEF TERRY ARMSTRONG:** Yes.

20 **MS. RAINBOW MILLER:** Would it be
21 possible to have an undertaking of those policies?
22 Because, for example, in Québec, we would like to have,
23 you know, examples of those policies that work.

24 **MR. JULIAN FALCONER:** I'm sorry, I
25 missed that last part, that last explanation.

1 **MS. RAINBOW MILLER:** If it would be
2 possible to have a copy of those policies as a best
3 practice, because we would like to have -- to see policies
4 that actually work.

5 **MR. JULIAN FALCONER:** Chief
6 Commissioner ---

7 **MS. RAINBOW MILLER:** To make
8 recommendations at the end.

9 **MR. JULIAN FALCONER:** --- may I
10 briefly consult my client?

11 **CHIEF COMMISSIONER MARION BULLER:**
12 Sure. certainly.

13 **MR. JULIAN FALCONER:** Thank you.

14 **CHIEF COMMISSIONER MARION BULLER:** We
15 will stop the clock.

16 **MR. JULIAN FALCONER:** So, if I may
17 suggest this. Chief Armstrong isn't 100 percent certain
18 that the conflict of interest policy that he has in mind
19 goes directly to the issue you have raised, so he would
20 like the opportunity to check and make best efforts to
21 ascertain whether the policy that you are asking about
22 exists. And, if it does exist, he does not see any
23 difficulty in sharing a copy of it.

24 **CHIEF COMMISSIONER MARION BULLER:** Are
25 you satisfied with that?

1 more women to be trained is -- I guess is one of the
2 things that we're constantly trying. And I think part of
3 our hiring difficulty with that, if I might add, is that,
4 you know, the working alone, those conditions, sometimes
5 the lady -- the women don't want to -- I mean don't want
6 to take on that responsibility just like some of the men
7 don't.

8 **MS. RAINBOW MILLER:** Okay.

9 **CHIEF TERRY ARMSTRONG:** So it's hard
10 to -- it's hard to recruit at that level.

11 **MS. RAINBOW MILLER:** And my last
12 question, it's more actually like a comment, but the
13 *United Nations Declaration of Human Rights of Indigenous*
14 *Peoples* at Article 22, second paragraph, talks that States
15 should take measures in conjunction with Indigenous
16 Peoples to ensure that Indigenous women and children enjoy
17 the full protection and guarantees against all forms of
18 violence and discrimination. Do you believe that
19 additional funding for gender-specific issues of violence
20 could be a step into taking measures to protect women and
21 children in the communities?

22 **CHIEF TERRY ARMSTRONG:** Yes.

23 **MS. RAINBOW MILLER:** Thank you. Those
24 are my questions.

25 **MS. SHELBY THOMAS:** Thank you. Next,

1 Commission counsel would like to call Canadian Association
2 of Police Governments and First Nations Police Governance
3 counsel. Their Counsel Michelle Brass has 12 minutes.

4 **--- CROSS-EXAMINATION BY MS. MICHELLE BRASS:**

5 **MS. MICHELLE BRASS:** Thank you.

6 Good afternoon, Commissioners and
7 Commission counsel. And to the witnesses, I want to thank
8 you for your testimony from this morning. As Commission
9 counsel chair indicated, my name is Michelle Brass. I am
10 from -- I'm counsel for the Canadian Police Association
11 Governance Counsel and First Nations Police Governance
12 Counsel. I am originally from the Treaty 4 Territory, the
13 Peepeekisis First nations in Saskatchewan.

14 So I have a few questions, I'm not
15 sure who will be best suited to answer some of my
16 questions, but they relate to the testimony this morning
17 about when you indicated that NAPS was I guess almost
18 threatening to walk away from the table, to give NAPS back
19 to the province; is that correct?

20 **CHIEF TERRY ARMSTRONG:** Yes.

21 **MS. MICHELLE BRASS:** Yes, okay. I'm
22 wondering at that point in the negotiations -- because it
23 sounds like the negotiations were breaking down in terms
24 of what NAN was needing in order to police the NAN
25 territory properly. I'm wondering what motivated the

1 province or the federal government to actually take the
2 negotiations seriously at that stage of the negotiations.

3 **MR. JULIAN FALCONER:** I'm going to
4 respectfully object. To ask a witness what motivated
5 another witness is -- or another party is highly
6 problematic, I'm just wondering if my friend might
7 consider rewording it.

8 **MS. MICHELLE BRASS:** Okay.

9 **CHIEF COMMISSIONER MARION BULLER:**
10 Well, I suppose asking this witness if he can read minds,
11 so assuming, with due respect, that neither of the
12 witnesses can, would you please rephrase your question?

13 **MS. MICHELLE BRASS:** Yes, I will
14 rephrase the question. In your opinion, what benefit does
15 the province or the federal government have to have NAPS
16 in place to police Northern Ontario?

17 **CHIEF TERRY ARMSTRONG:** Well, the --
18 it's very difficult policing, it's -- I can say it's an
19 anomaly to have fly-in remote communities. And I have
20 policed on three different First Nations police services,
21 and NAPS has been by far the most challenging as far as
22 dealing with remoteness and shortages and funding.

23 So, the governments, and specifically
24 the government of Ontario, it's my feeling didn't want to
25 -- or wouldn't want to take on the role of doing that

1 again. And there was -- actually they'd done a costing of
2 it, we never got the actual numbers, but it was going to
3 be a lot more expensive for them to transition back to the
4 OPP and have the OPP police us, because that's the default
5 if it's not First Nations.

6 Plus, I do believe that they saw that,
7 you know, historically the Mounties -- and I mean no
8 disrespect -- but the RCMP and the OPP were not the best
9 answers to the communities, it wasn't an Indigenous police
10 service, so to go back wasn't a real answer to that too.
11 So I think they -- obviously they weren't threats, it was
12 real though, the Grand Chief actually made a motion that
13 we were shutting down, a notice to terminate, which is a -
14 - which is a year-long process.

15 **MS. MICHELLE BRASS:** M'hm. And so, in
16 your opinion, what is the benefits of having this
17 Indigenous police service for Northern Ontario? If you
18 can be specific, like give examples maybe.

19 **CHIEF TERRY ARMSTRONG:** Well, as I
20 mentioned earlier, you know, an Indigenous communities
21 looking after their own safety, looking after Indigenous
22 safety, it's just -- like I say, it's shown over the years
23 the other systems are -- there was lack of trust, there
24 was lack of confidence, there's a lack of a number of
25 things. And I actually policed prior to '94, I actually

1 was on the Northwest Patrol of the OPP that used to fly up
2 to the communities as well. And they were only going in -
3 - we were only going into communities -- only seeing them
4 every two weeks, so they were going long periods without -
5 - without any policing.

6 So this model of having your own
7 Indigenous police service is the best way to go, and I
8 think that it was the intent originally and is that the --
9 this program would be enhanced by the OPP. But the
10 difficulty was that over time it got further and further
11 into an autonomous situation without funding to run it
12 autonomously.

13 **MS. MICHELLE BRASS:** Right. Can you
14 tell me how many Indigenous officers you have within your
15 servants?

16 **CHIEF TERRY ARMSTRONG:** We're sitting
17 at about 54 percent, the last time I did the numbers.

18 **MS. MICHELLE BRASS:** Okay, so overall
19 54 percent Indigenous, and overall about 13 percent
20 aboriginal women officers?

21 **CHIEF TERRY ARMSTRONG:** It's about 13
22 percent female.

23 **MS. MICHELLE BRASS:** Okay.

24 **CHIEF TERRY ARMSTRONG:** Yeah.

25 **MS. MICHELLE BRASS:** And how many of

1 those female are Indigenous?

2 **CHIEF TERRY ARMSTRONG:** I couldn't
3 tell you exactly, but it's -- it's the high end.

4 **MS. MICHELLE BRASS:** Okay.

5 **CHIEF TERRY ARMSTRONG:** Because we
6 don't -- we don't get a lot of non-Indigenous women who
7 want to go up North.

8 **MS. MICHELLE BRASS:** Right. And a lot
9 of the officers that are Indigenous, are they from the
10 Northern Territories as well or do they come from other
11 parts of the country?

12 **CHIEF TERRY ARMSTRONG:** We've hired
13 Indigenous officers from Manitoba, we have some from
14 Southern Ontario, they're not all from the North, you
15 know. But our hiring demographic is we want to hire from
16 NAN first, and then if we -- if we can't get the NAN
17 applicants, the Nishnawbe-Aski Nation applicants, then
18 Indigenous from anywhere, and then -- then we have to look
19 at people from the North that are non-Indigenous next,
20 because we have less turnover if they understand the North
21 and the difficulties working in the North and they don't
22 have as big a culture shock if you will ---

23 **MS. MICHELLE BRASS:** M'hm.

24 **CHIEF TERRY ARMSTRONG:** --- as if you
25 hire somebody -- if we hire somebody from Southern

1 Ontario, they will leave.

2 **MS. MICHELLE BRASS:** Culture shock.

3 **CHIEF TERRY ARMSTRONG:** They will
4 leave eventually.

5 **MS. MICHELLE BRASS:** Right. And in
6 your opinion, can you tell me whether you think that the
7 officers for NAPS are better equipped to implement
8 restorative justice measures within the communities?

9 **CHIEF TERRY ARMSTRONG:** We are doing
10 it in some communities, but we need the communities on
11 board for that, but we are doing restorative justice. And
12 where we are -- where we have implemented it, it's been
13 working well, but it's -- we really need -- as you know,
14 the community has to be a part of that as well.

15 **MS. MICHELLE BRASS:** Right. Okay.
16 And do you find that the First Nations communities are
17 more readily willing to trust NAPS officers than say,
18 opposed to RCMP or the OPP?

19 **CHIEF TERRY ARMSTRONG:** Yes.

20 **MS. MICHELLE BRASS:** Okay. And is
21 NAPS able to implement an Indigenous justice approach to
22 criminal justice issues that may occur in the communities?

23 **CHIEF TERRY ARMSTRONG:** I'm not really
24 understanding the question, sorry.

25 **MS. MICHELLE BRASS:** Sorry. So if for

1 example, let's say an Indigenous justice approach -- say
2 on the sentencing of an offender ---

3 **CHIEF TERRY ARMSTRONG:** Right.

4 **MS. MICHELLE BRASS:** --- which may
5 include a restorative justice approach that may involve,
6 say, going out into the land or something to execute a
7 sentence, sort of thing.

8 **CHIEF TERRY ARMSTRONG:** Right. Yeah.
9 And, actually, that's something that's being explored in a
10 lot of the communities now, is that land-based, and we
11 would be very pro that. Very pro accepting that, rather
12 than sending people out, because when people leave the
13 community to go to be incarcerated or just manage, you
14 know, to stay away from the community until your court
15 date and such a date, some of them get lost, you know, and
16 other people have difficulty getting back and different
17 things like that.

18 And, the prison system, a lot of our
19 young people go out. You know, they first start getting
20 into trouble or wherever they end up doing the 30 days
21 wherever they end up getting recruited by gangs, and
22 that's been -- that's the evolution in gangs in our
23 communities, is sending people out to get trained at the
24 correctional facilities.

25 **MS. MICHELLE BRASS:** Right. Are you

1 familiar with the Gladue case? I haven't had time to go
2 through the materials because I just received them this
3 morning. So, I'm not sure if there was any discussion
4 about Gladue.

5 **CHIEF TERRY ARMSTRONG:** Yes, I'm
6 familiar with what Gladue represents, yes.

7 **MS. MICHELLE BRASS:** Okay. So, would
8 NAPS and officers within NAPS, would they be better
9 equipped to provide the information that would go into,
10 say, a Gladue Report, like, providing community
11 backgrounds or suggestions for alternative measures for a
12 particular offender?

13 **CHIEF TERRY ARMSTRONG:** In some cases,
14 but I wouldn't say in all cases because of the turn over.
15 Like, I mean, they might not have been there long enough
16 to be able to provide that input to the Gladue Reports, as
17 you're speaking.

18 **MS. MICHELLE BRASS:** Right. Are they
19 provided any training in relation to the Gladue case?

20 **CHIEF TERRY ARMSTRONG:** No, not
21 presently.

22 **MS. MICHELLE BRASS:** No? Okay. Those
23 are my questions.

24 **MS. CHRISTA BIG CANOE:** Thank you, Ms.
25 Brass. Next, we would like to invite up the New Brunswick

1 Aboriginal Peoples Council. Ms. Elizabeth Blaney will
2 have 12 minutes in cross.

3 **--- CROSS-EXAMINATION BY MS. ELIZABETH BLANEY:**

4 **MS. ELIZABETH BLANEY:** Good afternoon,
5 everyone. I'd first like to acknowledge the Huron-Wendak
6 territory. I'm very honoured to be here today with the
7 elders, families, commissioners and panel.

8 Chair Metatawabin and Chief Armstrong,
9 I'd like to thank you for your testimony. I'm sure it
10 resonated and validated with many people across the
11 country. I'll leave these questions to you to decide how
12 best to answer them.

13 In relationship with non-Indigenous
14 police and other services, how do Indigenous policing
15 services such as NAPS feel about their relationship with
16 non-Indigenous police services and other mainstream
17 criminal justice institutions? For example, do you get
18 collaboration and support from other police services
19 and/or do you see the new arrangement as a means to
20 enhance collaboration and support?

21 **CHIEF TERRY ARMSTRONG:** In a lot of
22 instances we do get collaboration, but there is also a lot
23 of police services that don't even know who we are. So,
24 when we call them, the question arises: Well, where's
25 NAPS, and who are you, and what do you do? We work mostly

1 in collaboration with the OPP and our working relationship
2 has been good.

3 **MS. ELIZABETH BLANEY:** That's London
4 police?

5 **CHIEF TERRY ARMSTRONG:** The OPP.

6 **MS. ELIZABETH BLANEY:** OPP.

7 **CHIEF TERRY ARMSTRONG:** Yes, Ontario
8 Provincial Police, because they are our closest, and we
9 don't police in the areas that are really close to any big
10 municipalities or that have their own services. As I say,
11 the northern -- I shouldn't say none but, like, we also
12 have done work with Timmins Police Service, Thunder Bay.
13 Like I say, there aren't a lot of municipal forces up
14 north. It's mostly OPP.

15 **MS. ELIZABETH BLANEY:** Okay. That's
16 going to feed into my next question, actually. So, how
17 will Indigenous people who live in more urban-type or off-
18 reserve communities be assured through the new revised or
19 the reviews *Police Services Act* that they will receive the
20 same quality of culturally responsive policing that's
21 being proposed? Any suggestions?

22 **CHIEF TERRY ARMSTRONG:** That's a good
23 question. I don't know if that, you know, the urban
24 setting, whether that was part of the -- our cultural
25 discussions with the Ontario government in getting our

1 involvement in the *Police Services Act*.

2 **MS. ELIZABETH BLANEY:** Okay. Do you
3 know what boards will monitor this provision, any
4 provisions around ---

5 **CHIEF TERRY ARMSTRONG:** A lot of that
6 still needs to be developed, and actually, we were
7 supposed to be a part of that. And so, that's, I think,
8 still up in the air maybe. And, now with -- somebody had
9 mentioned how that legislation has kind of on hold right
10 now. They're probably looking at all those aspects.

11 **MS. ELIZABETH BLANEY:** Would you
12 consider that outreach of NAPS?

13 **MS. CHRISTA BIG CANOE:** Sorry, can we
14 stop the time for a moment, please? You're going to raise
15 an objection?

16 **MR. JULIAN FALCONER:** So, I don't have
17 an objection. What I have is a -- I do expect to re-
18 examine, and I just wanted to footnote that with all due
19 respect to Chief Armstrong, he was in error when he
20 answered about the legislation. There is actually an
21 express provision to provide for the need for cultural-
22 responsive policing for each board that applies, and a
23 responsibility.

24 Now, I can cover it in re-examination
25 or I can clarify it now, and I don't -- I don't criticize

1 my friend. It's a very fair question. And, Chief
2 Armstrong is not supposed to be a lawyer. So, it's...

3 **CHIEF COMMISSIONER MARION BULLER:**

4 Let's not interfere anymore with this party's line of
5 questioning. It's a matter for re-examination. You can
6 deal with it then.

7 **MR. JULIAN FALCONER:** Yes, thank you.

8 **CHIEF COMMISSIONER MARION BULLER:** Go
9 ahead.

10 **MS. ELIZABETH BLANEY:** I'm not sure
11 whether to ask my next question or ---

12 **MR. JULIAN FALCONER:** Well, that's the
13 challenge.

14 **MS. ELIZABETH BLANEY:** I will ask it,
15 just to have it on record. Do you know if any of this
16 monitoring will occur through an Aboriginal Justice
17 Division of the Attorney General, for example, if there's
18 any kind of monitoring of those provisions? And, I'm
19 looking for recommendations on this if nothing exists.

20 **CHIEF TERRY ARMSTRONG:** Not at this
21 point. I don't know.

22 **MS. ELIZABETH BLANEY:** Yeah. So, in
23 terms of addressing MMIW through hiring more Indigenous
24 police officers, while being mindful not to perpetuate
25 stigmatizing officers, but at the same time recognizing

1 that Indigenous recruits may come with historical traumas
2 that require special attention, what sorts of supports are
3 available for them?

4 For example, trauma-informed supports
5 for first responders was mentioned earlier. Are there
6 also supports in existence to deal with new recruits?

7 **CHIEF TERRY ARMSTRONG:** Yes. We
8 source that out with a number of different agencies as it
9 happens, so to speak. We don't have any people on staff
10 to do that. But, we source it out.

11 **MS. ELIZABETH BLANEY:** And, in terms
12 of other kinds of supports, so how do travel police forces
13 such as NAPS support officers from discrimination by other
14 officers, and what kinds of accountability measures are in
15 place?

16 **CHIEF TERRY ARMSTRONG:** We have our
17 policing standards bureau that we mentioned earlier that
18 has the use of other officers within the service. So, if
19 there's -- and we have had incidents in respect of
20 complaints within, from officer-to-officer in respect to
21 exactly what you're saying, and they are investigated
22 internally.

23 And, we run parallel to a lot of the
24 information that's provided through the PSA -- sorry, the
25 policing standards bureau, our own policing standards

1 bureau. We have a set of information from history of, you
2 know, admonishments for whatever they're doing,
3 punishments and so forth.

4 **MS. ELIZABETH BLANEY:** For example, if
5 a police officer experiences sexual harassment by a senior
6 officer, do you have anything in place for dealing with
7 that?

8 **CHIEF TERRY ARMSTRONG:** Yes.

9 **MS. ELIZABETH BLANEY:** Could you
10 elaborate?

11 **CHIEF TERRY ARMSTRONG:** Yes. That
12 would be investigated internally by the policing standards
13 bureau.

14 **MS. ELIZABETH BLANEY:** Excuse my
15 ignorance a bit here. So, I want to talk a little bit
16 about jurisdictional differences and how you might manage
17 those. Like, are there systems -- I don't know -- I'm not
18 sure if you've encountered this, but if you do encounter
19 some kind of jurisdictional wrangling or ambiguities, do
20 you have a system in place that provides policing across
21 jurisdictions, like...

22 **CHIEF TERRY ARMSTRONG:** Okay. So, we
23 have worked with other policing agencies across
24 jurisdictions. We have done that. But, I mean, we do not
25 go into another jurisdiction and start investigating,

1 there has to be protocols -- interjurisdictional protocols
2 that are dealt with, so...

3 **MS. ELIZABETH BLANEY:** So, NAPS has
4 established those with other policing services at
5 (indiscernible).

6 **CHIEF TERRY ARMSTRONG:** Yes, it is
7 pretty much standard across the province of Ontario.

8 **MS. ELIZABETH BLANEY:** I just have one
9 other question involving governing complaints. Does the
10 NAPS model recommend internal and civil complaint
11 processes to better address complaints based on sexual or
12 anti-Indigenous discrimination?

13 **CHIEF TERRY ARMSTRONG:** Specific to
14 that?

15 **MS. ELIZABETH BLANEY:** Yes.

16 **CHIEF TERRY ARMSTRONG:** We -- I guess
17 I am struggling with that question, the way it is worded
18 too, but if there is any of those actions, then it will
19 also be investigated.

20 **MS. ELIZABETH BLANEY:** There is no
21 specific ---

22 **CHIEF TERRY ARMSTRONG:** Does that
23 help?

24 **MS. ELIZABETH BLANEY:** Well, there is
25 no specific model then, what you are saying to deal with

1 these ---

2 **CHIEF TERRY ARMSTRONG:** I think I am
3 just getting tired here actually.

4 **MS. ELIZABETH BLANEY:** I know, I know.
5 It's long.

6 **CHIEF TERRY ARMSTRONG:** So, can you
7 rephrase the question? Give it to me again and I will try
8 and do better.

9 **MS. ELIZABETH BLANEY:** Does NAPS have
10 a model for dealing with any internal and civilian
11 complaint processes to address complaints based on sexual
12 or anti-Indigenous discrimination?

13 **CHIEF TERRY ARMSTRONG:** Yes. So, they
14 would be dealt with the same as the other complaints --
15 any other complaints as well.

16 **MS. ELIZABETH BLANEY:** Through your
17 body or ---

18 **CHIEF TERRY ARMSTRONG:** Yes.

19 **MS. ELIZABETH BLANEY:** --- the one guy
20 that ---

21 **CHIEF TERRY ARMSTRONG:** Yes.

22 **MS. ELIZABETH BLANEY:** Yes, okay.
23 Okay.

24 **CHIEF TERRY ARMSTRONG:** He is -- and I
25 do not have an exact number, but he is busy, but he is not

1 that busy. We actually don't -- if you look at us
2 compared to other agencies I have worked at, we get very
3 few complaints, like internal complaints. Like, he is
4 busy, but he is not overwhelmed. And, if there is a point
5 in time he gets overwhelmed, like I say, we have sent --
6 we foresaw, you know, sending a number of other people
7 within the agency, senior people, that can actually go in
8 and give him a hand. And, they have taken the training
9 through the OPP.

10 **MS. ELIZABETH BLANEY:** So, would you
11 say that NAPS has an oversight body or...?

12 **CHIEF TERRY ARMSTRONG:** Now, I don't
13 know if I would use that terminology, but I guess you
14 could use it if you put it that way.

15 **MS. ELIZABETH BLANEY:** Right.

16 **CHIEF TERRY ARMSTRONG:** But, we just -
17 - in every police service in the province of Ontario, and
18 I can only speak to the province of Ontario because that's
19 the only place I have policed, every police service has,
20 you know, that I have run into, their own internal
21 investigation as far as police -- PSB as they call it.

22 **MS. ELIZABETH BLANEY:** So, do you
23 bring in civilians, like, into this process?

24 **CHIEF TERRY ARMSTRONG:** If a civilian
25 is a complainant or the civilian is a witness, absolutely.

1 **MS. ELIZABETH BLANEY:** Would this be a
2 recommendation to kind of, like, spruce this up some, into
3 having a model? Like, we were just talking ---

4 **CHIEF TERRY ARMSTRONG:** It is like an
5 investigation. They are doing an investigation -- if you
6 had an assault and you investigate it. PSB does that on
7 complaints. So, I would think that's, kind of, the model.
8 You investigate it, you interview witnesses, you take
9 information. Like I say, I don't think that is an area
10 that isn't working kind of thing, but yes.

11 **MS. ELIZABETH BLANEY:** Okay. Great.
12 Thank you very much ---

13 **CHIEF TERRY ARMSTRONG:** Yes.

14 **MS. ELIZABETH BLANEY:** --- all of you.

15 **MS. CHRISTA BIG CANOE:** Thank you. At
16 this time, we would like to invite Ms. Carly Teillet up on
17 behalf of the Vancouver Sex Workers' Right Collective.
18 Ms. Teillet will have 12 minutes.

19 **--- CROSS-EXAMINATION BY MS. CARLY TEILLET:**

20 **MS. CARLY TEILLET:** Tashi, bon apres
21 midi and good afternoon. I would like to start by
22 thanking Grand Chief Sioui this morning for inviting us to
23 the territory of this people, the Huron-Wendat, and to
24 thank all of the elders, the survivors, the families, the
25 medicine that are all here to help us with our work today.

1 And so, I would like to start by
2 asking some questions to you, Chief. You mentioned in
3 response to a question of my colleague, that when you
4 receive a call or notified of an emergency, you respond?
5 Even if you are not able to respond immediately, you
6 respond; is that right?

7 **CHIEF TERRY ARMSTRONG:** Yes.

8 **MS. CARLY TEILLET:** Okay. And, do you
9 prioritize your responses?

10 **CHIEF TERRY ARMSTRONG:** Yes. To some
11 degree, yes.

12 **MS. CARLY TEILLET:** Okay. So, the
13 most important and urgent are given a higher priority, I
14 assume?

15 **CHIEF TERRY ARMSTRONG:** Yes. If there
16 is two locations that do not have somebody and we need to
17 -- yes, absolutely. A three year old break-in is not as
18 important as a domestic violence that is going on at the
19 moment.

20 **MS. CARLY TEILLET:** And, that part of
21 the reason that you are asking for an increase in officers
22 is to improve this response time, to be able to provide
23 better services; is that right?

24 **CHIEF TERRY ARMSTRONG:** That is part
25 of the reason, yes.

1 **MS. CARLY TEILLET:** And so, you
2 described the resolutions and -- well, it was described, I
3 should say. The resolutions and the public safety notice,
4 and these were schedules D and I. And, in these, there
5 were deaths described, the community was being described
6 as being in grave jeopardy, that it was a frightening
7 reality and that the safety of the community was at risk
8 for far too long.

9 So, I take by these statements that
10 the safety and well-being of NAN was a high priority for
11 both NAPS and for the government of the people; is that
12 right?

13 **CHIEF TERRY ARMSTRONG:** Yes.

14 **MS. CARLY TEILLET:** And, when you sent
15 out this public safety notice saying that there was an
16 emergency, or when it was sent out, saying that there was
17 an emergency, that there were deaths, that there were
18 safety issues, there was no response from the federal or
19 provincial governments; is that right?

20 **CHIEF TERRY ARMSTRONG:** The only
21 response was from the one coroner, acting coroner.

22 **MS. CARLY TEILLET:** And so, my
23 clients, they are Indigenous women who engage in sex work
24 and trade in Vancouver's downtown Eastside, and they have
25 expressed that they rarely call the police. And, it is

1 only when their lives are in immediate danger, when they
2 feel like they are going to die, that they will call the
3 police.

4 And, one of the overnight shelters
5 that they use is only about two or three blocks away from
6 a police station, and yet my clients have said that on
7 numerous occasions, it has taken up -- two to four hours,
8 if not even the next day, when police arrive on scene.
9 This is not a remote community and this is not fly in
10 access.

11 And so, if I understand your testimony
12 this morning, would you agree that timely, culturally
13 appropriate police responses to an emergency or incident
14 is vital for the safety and well-being of our Indigenous
15 women and girls and community?

16 **CHIEF TERRY ARMSTRONG:** Yes.

17 **MS. CARLY TEILLET:** And, if I
18 understand the public safety notice, that from the
19 perspective of NAN and of NAPS, that not being able to
20 respond, or investigate or protect the community was
21 unacceptable?

22 **CHIEF TERRY ARMSTRONG:** Yes.

23 **MS. CARLY TEILLET:** To follow up again
24 on another question of one of my colleagues. You
25 discussed the possibility of a conflict of interest, where

1 the police officer may be related to the perpetrator of
2 the violence, and that you may have a policy for that.

3 **CHIEF TERRY ARMSTRONG:** I -- and I am
4 having a recollection on it. I think it's more of the
5 code of conduct. We have a code of conduct that governs
6 us, which is I guess a policy, but not the policies
7 because we have police orders policies as well. So, I am
8 going to do what I can for that.

9 **MS. CARLY TEILLET:** Thank you for
10 that. So, knowing that an officer is a family member of
11 the person that perpetrated the violence could be a
12 barrier to reporting that violence for a woman or child in
13 the community, is NAPS taking any steps to overcome this
14 initial barrier to reporting? So, for example, I am
15 thinking, is there a hotline, or a drop-in time with a
16 female officer or third party reporting in place to help
17 facilitate reporting?

18 **CHIEF TERRY ARMSTRONG:** We don't have
19 a third party, but there is Crime Stoppers and then there
20 are a number of other things that are utilized in the
21 communities where they can call in that respect. Plus,
22 they can also call -- like, we quite often will have
23 people report to the OPP stuff that is happening and they
24 will report to us, and vice versa. So, there is other
25 ways to...

1 **MS. CARLY TEILLET:** I would like to
2 turn to ask some questions about Bill 175, and I believe
3 that was Schedule J. And, I understand that neither of
4 the witnesses are lawyers, so I will keep my questions
5 very general. And, I will provide a reference for the
6 Commissioners.

7 In paragraph 143, it talks about
8 community safety and well-being plans. And it says that
9 "a municipality shall", which in legal terms means you
10 must or they will do this, and have a community safety
11 plan. And, that "First Nations may have a community
12 safety plan", so it doesn't say you have to. It says you
13 can. Is NAN planning or do they already have a community
14 safety plan or wellbeing plan?

15 **CHIEF TERRY ARMSTRONG:** I can't speak
16 on behalf of NAN on that. I don't know.

17 **CHAIR MIKE METATAWABIN:** I think there
18 was an exercise to come up with community safety plans at
19 one time, so there might be some communities involved in
20 that.

21 **MS. CARLY TEILLET:** Earlier in your
22 testimony this morning, you discussed about the importance
23 of culturally appropriate policing, and that is part of
24 the reason that there was so much passion in the -- and
25 desire to keep NAPS as a police force for the territory.

1 I am curious, in the discussion of a constitution or
2 creating a culturally appropriate police force, is there a
3 way in which NAPS is connected to a circle of elders or a
4 community advisory board to make sure that they are in
5 line with community teachings as they go forward with
6 their police work?

7 **CHAIR MIKE METATAWABIN:** Off the top,
8 I don't know if we have. But, through the current
9 processes we have, we -- each of the board members are --
10 I don't know if I will be answering your question, but the
11 -- each of the board members are chosen by their
12 respective tribal council. And, from that perspective, we
13 were -- we are speaking on behalf of our communities that
14 are represented at the tribal council. I don't know if I
15 answered your question.

16 **MS. CARLY TEILLET:** Yes, thank you.
17 So, I would like to ask a little bit about the services
18 that NAPS may provide informally outside of your
19 jurisdiction and if there is any movement to change that
20 or if there is any funding to go with that. And so, what
21 I am referring to, for example, is that I know that a lot
22 of northern communities have individuals that move to the
23 city for school or for various other reasons. And so, you
24 have members of your nation in Thunder Bay or Toronto, or
25 other areas. And, I know that those individuals sometimes

1 are incredibly vulnerable because they are in a new place,
2 or they are youth without support services, or they might
3 be LGBTQ2S individuals who needed a safe place to be.

4 And so, I am wondering about when
5 those people go missing. And, in particular, I am
6 thinking of some of the youth that went missing in Thunder
7 Bay. And, it is my understanding that the community
8 rallied and came down to help find these individuals or
9 figure out what happened to them, and that there was work
10 that was done outside the jurisdiction with some of the
11 knowledge of the land and the people in the community down
12 south. And so, I was wondering if you could talk a little
13 bit about the importance of funding, that community link,
14 when members from up north come down, when you are looking
15 -- when you are doing that investigation in the city, how
16 there needs to be a bridge between possibly NAPS and NAN
17 and the police forces in the city so that we can find
18 people faster and quicker.

19 **CHIEF TERRY ARMSTRONG:** We don't -- I
20 guess in the -- you are talking about the City of Thunder
21 Bay. We -- if a death occurs or somebody goes missing in
22 the city, the Thunder Bay police do the investigation.
23 But -- and I think you will see this more in the future.
24 They have reached out to us as a service and we provide
25 whatever support it is.

1 It is quite a -- often it is that
2 linkage back to community. And, because we are up there,
3 we will go talk to family and, you know, who they -- you
4 know, find out who they hang out with and where they are
5 going. So, we have been doing that, and they have -- like
6 I say, it took them reaching out to us, and -- but that
7 work has been -- is being done. And, I think it is really
8 important, because as far as the community members knowing
9 their youth, in this case it is youth, it is just -- it
10 just makes good sense. It is a question you probably
11 already knew the answer to.

12 **MS. CARLY TEILLET:** Is there any
13 funding that ties to that support?

14 **CHIEF TERRY ARMSTRONG:** We used our
15 funding. Like, we just -- there isn't any additional
16 funding. Probably should be if you are looking for a
17 recommendation.

18 **MS. CARLY TEILLET:** I think we are all
19 looking for recommendations. Those are my questions.
20 Miigwetch. Merci. Thank you.

21 **MS. CHRISTA BIG CANOE:** Thank you, Ms.
22 Teillet. Next, we would like to invite up Ms. Melissa
23 Cernigoy on behalf of the Congress of Aboriginal Peoples.

24 Ms. Cernigoy has six minutes in her cross-
25 examination.

1 --- CROSS-EXAMINATION BY MS. MELISSA CERNIGOY:

2 **MS. MELISSA CERNIGOY:** Thank you both
3 for your presentations today, Chief Armstrong and Chair
4 Metatawabin. I am Melissa Cernigoy, representative for
5 the Congress of Aboriginal Peoples. As you may be
6 familiar, the Congress works to represent the interest of
7 Indigenous peoples living in urban and rural settings
8 across Canada.

9 My first question, in your view, do
10 the challenges faced by the police, and you have both
11 described a number today including chronic underfunding,
12 insufficient tools and insufficient resources which result
13 in compromised community safety, contribute to why some
14 residents may choose to leave the community to live in
15 rural and urban centres?

16 **CHAIR MIKE METATAWABIN:** Well, there
17 are different reasons why people leave the communities
18 right from education. We have a number of First Nations
19 who don't have high schools in their community, so that is
20 why we have young people that come and live in the urban
21 centres. We also have -- for employment purposes or for
22 medical reasons, long-term medical reasons, that is why
23 people decide to relocate the first -- to urban centres
24 and educational pursuits for the parents or to support
25 their children. We do have parents who have done that.

1 And, for recreational or sports aspirations, some families
2 have chosen to support their youth and make the move to
3 relocate to urban centres. So, those are various reasons
4 why people move.

5 **MS. MELISSA CERNIGOY:** Okay. And, can
6 I ask you to answer, Chief Armstrong, as well?

7 **CHIEF TERRY ARMSTRONG:** Well, I think
8 Chair Metatawabin put it pretty good as far as why people
9 leave. Education is probably one of the big ones; work;
10 sometimes it is -- they may even end up in the system and
11 they end up going out for -- you know, to do some
12 sentencing or whatever. But, there is a number of things.

13 **MS. MELISSA CERNIGOY:** Okay. And,
14 related to the questions from my colleague, Ms. Teillet,
15 are NAPS officers at times approached by community members
16 when they can't reach a relative in urban settings and
17 they are concerned for their safety?

18 **CHAIR MIKE METATAWABIN:** I'm sorry,
19 could you say that again?

20 **MS. MELISSA CERNIGOY:** Yes. So, I am
21 wondering -- and this, in my mind, relates to the case of
22 missing persons. So, are NAPS officers sometimes
23 approached by their community members when they can't
24 reach a family member and they are concerned for their
25 safety when they are away from community in an urban

1 setting?

2 **CHIEF TERRY ARMSTRONG:** Yes.

3 **MS. MELISSA CERNIGOY:** Okay.

4 **CHAIR MIKE METATAWABIN:** Yes, we have
5 reports on that.

6 **MS. MELISSA CERNIGOY:** And, how do you
7 work with other police forces then to investigate and
8 share information? And, are there any barriers to working
9 effectively with those police forces in other settings?

10 **CHIEF TERRY ARMSTRONG:** We would take
11 an initial report and from -- and then we would pass that
12 on to the police service or jurisdiction. And, generally,
13 like I say, the -- we get a response, a corroborative
14 response if there is somebody missing, what their -- how
15 they investigate. Sometimes we won't know. We will quite
16 often check, because we will have a report. We will
17 check, but we won't investigate. We will assist in the
18 investigation any way we can, providing information,
19 taking statements, whatever, from family members, you
20 know, because we certainly want to help in any way can to
21 find them but, you know, we can't fly to B.C. and do the
22 investigation for Vancouver Police or whatever.

23 **MS. MELISSA CERNIGOY:** Right. Of
24 course. I understand. So, do some of the
25 challenges you mentioned in regards to resources, access

1 to communications, cause any barriers in being able to
2 assist with those investigations?

3 **CHIEF TERRY ARMSTRONG:** No, because
4 it's more for, like, the radios, and that's more of an
5 internal -- like, the lack of resources, lack of officers
6 sometimes, but as far as -- I mean, did we have -- you
7 know, especially in Ontario, we're linked with 40-some
8 other police services internally with our reporting, our
9 (indiscernible) they call it, our records management
10 system. We're tied in with them. And, of course, we, you
11 know, phone other agencies.

12 But, sometimes, like, getting the
13 information if, you know -- for example, if there's no
14 officer in the community at the time; right? So, we might
15 have to wait until we get somebody in there.

16 **MS. MELISSA CERNIGOY:** Okay, thank you
17 both again. That's all my questions today.

18 **MS. CHRISTA BIG CANOE:** Thank you.
19 The last cross-examination will occur by Commission
20 counsel. Mr. Thomas Barnett will have 12 minutes.

21 **--- CROSS-EXAMINATION BY MR. THOMAS BARNETT:**

22 **MR. THOMAS BARNETT:** So, first of all,
23 I'd like to thank the Wendat for welcoming us to their
24 territory. I'd also like to thank you, Chief Armstrong,
25 Mr. Metatawabin, for coming here to share your knowledge

1 and experiences with the Inquiry and assisting us in this
2 important work.

3 My first question goes out to Chief
4 Armstrong. In relation to the death of Lena Anderson, is
5 it fair to say that there are many issues occurring the
6 night of her death in addition to the under resourcing of
7 NAPS? For example, I understand that there also issues of
8 involvement with Tikinagan Child and Family Services
9 temporarily apprehending Lena's daughter the night she was
10 taken into police custody.

11 The verdict of the coroner's jury into
12 the death of Lena Anderson entered here, I believe, as
13 Exhibit 7 also makes recommendations, and specifically,
14 Recommendation 16, and I will make the connection between
15 the police resourcing and this recommendation.

16 So, in Recommendation 16, Tikinagan is
17 recommended to develop a protocol that addresses and
18 ensures the physical and emotional wellbeing of parents
19 who have had their children apprehended. Given that Ms.
20 Anderson found herself in police custody in part because
21 of a resistance to her child being taken away from her, is
22 it important to have protocols also developed between
23 policing and family services in these circumstances?

24 **CHIEF TERRY ARMSTRONG:** Yes.

25 **MR. THOMAS BARNETT:** Do you believe

1 that there will be more opportunities for community
2 policing to take approaches that cooperate with other
3 services in the community where children are being
4 apprehended with police involvement in a culturally
5 appropriate manner?

6 **CHIEF TERRY ARMSTRONG:** If I'm
7 understanding your question, that answer would be yes. I
8 think what you're saying is that we -- yeah. Sorry. I
9 get it.

10 **MR. THOMAS BARNETT:** I understand that
11 there's new funding. There's more equitable funding
12 that's coming to NAPS as well. With the funding that's
13 coming, do you think there's going to be more
14 opportunities for this sort of community work with police
15 services in those areas?

16 **CHIEF TERRY ARMSTRONG:** Yes.

17 **MR. JULIAN FALCONER:** Could I ask,
18 chair, if at all possible ---

19 **MS. CHRISTA BIG CANOE:** So, stop time.

20 **MR. JULIAN FALCONER:** --- that the
21 questioner indicate whether they're directing the question
22 to the chief or the chair? The problem is, I don't want
23 this to be quickest to the post for my -- for the two
24 witnesses. Some of these questions clearly invoke the
25 board more than the operational side, but there's no

1 identification of who the question is to.

2 **CHIEF COMMISSIONER MARION BULLER:**

3 That's fair. Go ahead.

4 **MR. THOMAS BARNETT:** Okay. I'll
5 address this actually from a community policing-centred
6 and then also from a community involvement-centered as
7 well. So, perhaps both of your input. What sort of ways
8 can the police work with the community, maybe not just in
9 specific regard to child and welfare, but also such things
10 as mental health, suicide awareness, that sort of thing?
11 So, that answer can actually come both from a policing
12 perspective, but also community involvement perspective,
13 Mr. Metatawabin, if you both would like to give answers on
14 that.

15 **CHAIR MIKE METATAWABIN:** Well, I know
16 in some of the communities I represent, they have -- they
17 have the frontline service workers that get together.
18 They have their own names that they go by. And, that's
19 how they're able to help or support or at least identify
20 what's going on at the community level.

21 **MR. THOMAS BARNETT:** So, I'll just go
22 a bit further, Mr. Metatawabin. So, I understand that
23 there's more resourcing that's going to be coming through
24 the police services as well. Given that, what would you
25 like to see? Not just what has happened in the past, but

1 what would you like to see with that?

2 **CHAIR MIKE METATAWABIN:** For each
3 community, well, a full complement will help. Full
4 complement. If we had female constables in every
5 community maybe, at least one or two, that would help.
6 But, it's up to the individual communities as well, or
7 individuals who want to pursue a policing career. Not
8 everybody does that. But, at the same time, with this --
9 once things get passed January 2019, things may -- well,
10 things would look brighter for us with better
11 opportunities.

12 When I think about all these questions
13 that have been quoted, the Nishnawbe-Aski Police Services
14 has never had the luxury of operating under a normal
15 policing service. We've always been working under a
16 pressure -- under pressure, always reacting. So, it's
17 hard to imagine what a normal police service would look
18 like.

19 We're busy putting out fires. We want
20 to get to that level where -- I don't know. It's a whole
21 -- everybody is working together or we're tackling the
22 issues as they come up. There's different scenarios now,
23 different priorities or different crises. I've pointed
24 out to the opioid addictions, so that's what we're dealing
25 with right now.

1 **MR. THOMAS BARNETT:** Chief Armstrong,
2 is there anything you would like to add to that?

3 **CHIEF TERRY ARMSTRONG:** No. I think
4 Mr. Falconer said one day, he said it's like driving a car
5 with no brakes, and that's what our daily policing
6 environment is. It's just really crises after crises and
7 it's band-aid after band-aid, and as Mike said, there's --
8 we've never really seen NAPS have, you know, support
9 systems from other agencies. We've never seen us have
10 enough people to do the work, and it's -- like I say,
11 you're hanging on with your fingernails all the time.
12 It's not a way to do business, and it certainly isn't
13 safe.

14 **MR. THOMAS BARNETT:** So, from what I
15 understand from the testimony today is that there's going
16 to be, sort of, a shift in thinking of how you deal with
17 things from going to, sort of, reactionary, putting out
18 the fires, but actually having some -- hopefully some
19 equitable resources so you can start planning for the
20 future.

21 With that transition, have you been
22 able to plan for that hopeful future that's coming,
23 specifically with regard to combating violence against
24 Indigenous women and girls. So, any possible programs
25 that you would like to do that are -- you plan to do, any

1 policies that you will be changing with specific regard to
2 MMIWG issues?

3 **CHIEF TERRY ARMSTRONG:** We're going to
4 -- as we grow and as things normalize with this last
5 agreement, we'll be looking at a number of things. And,
6 based on our discussions and suggestions, I think that's
7 got to be a part of it, for sure. We're in the process of
8 business planning for the next three to five years right
9 now. I think our last business plan was three. So, yeah,
10 certainly we have to make those considerations for sure.

11 **MR. THOMAS BARNETT:** Okay. So, am I
12 correct in summing up that that's something that you will
13 be planning for, but you haven't planned for as of yet?

14 **CHIEF TERRY ARMSTRONG:** Yes. Yes.
15 That would be the definitive answer based on -- like I
16 say, it's just -- it's a daily struggle to make things
17 work.

18 **MR. THOMAS BARNETT:** And, this
19 question can actually go both out to Mr. Metatawabin and
20 Chief Armstrong as well. So, we have heard about some of
21 the issues at this Inquiry with limited duration posting
22 for police officers, and today we have actually heard
23 about some of the benefits those officers have when they
24 leave those communities, that being the knowledge and
25 understanding they get from being exposed to Indigenous

1 issues without having any experience with that sort of
2 thing before.

3 But, would you agree that it is a fair
4 statement that police officers are best suited to fulfill
5 their duties when they have, at a minimum, some sort of
6 knowledge or understanding of the communities in which
7 they serve?

8 **CHIEF TERRY ARMSTRONG:** Yes.

9 **MR. THOMAS BARNETT:** And, given our
10 mandate, can you tell us what training, what specific
11 regard for MMIWG issues, new constables or new officers in
12 these northern communities receive?

13 **CHIEF TERRY ARMSTRONG:** The -- it
14 would be police college -- whatever they are getting at
15 the police college. And, I don't know what is in their
16 syllabus for that, but whatever they are getting there
17 would be what they are getting today.

18 **MR. THOMAS BARNETT:** Mr. Metatawabin,
19 is there anything you would like to add to that?

20 **CHAIR MIKE METATAWABIN:** Repeat the
21 question first. I...

22 **MR. THOMAS BARNETT:** I understand
23 that, in your experience, you have gotten to know a lot of
24 new constables, a lot of new officers to the north. In
25 your experience so far, is there any sort of, perhaps,

1 community direct training or involvement that new officers
2 in the north, new constables receive, so they can actually
3 get some specific knowledge or history about the community
4 and the people that they are actually working with?

5 **CHAIR MIKE METATAWABIN:** Well, there
6 is the work of the Truth and Reconciliation. In there,
7 you will find recommendations that need to be implemented,
8 that need to be adopted by everybody. And, there is a
9 history there that needs to be realized and appreciated.
10 And, I think that itself, as I mentioned earlier, of all
11 the policies that we have lived through and had to endure,
12 that is where -- that is the reason why -- or that would
13 be an area of training that could be provided to new
14 recruits.

15 I don't know if it is currently being
16 done to -- to the extent, but we have a long ways to go in
17 terms of coming out of what we have been through. We
18 haven't even addressed the tip of the iceberg. We have
19 our community members who are still suffering at the
20 community level, who have not even begun their healing
21 journey, and that's where we are at. We are at that stage
22 of -- for myself, when I talk about this, I call it -- I
23 use the analogy of the dropping of the atomic bomb, where
24 you see children coming out of the carnage. That's where
25 we are at. That's how far damaging those policies have

1 had to our communities, to our members, and we are just
2 coming out of the carnage. So, we have a whole community
3 behind us that we need to work with or to help and move
4 forward.

5 **MR. THOMAS BARNETT:** Thank you. I
6 understand that is where the state of things with how this
7 chronic under funding has just dramatically affect both
8 the community level and also the police services level.
9 And, it is, I gather, hard to plan for the future when you
10 are constantly in this crisis mode.

11 Mr. Metatawabin, you mentioned a few
12 times today that it is up to the community to step up as
13 well and ---

14 **MS. CHRISTA BIG CANOE:** Mr. Barnett,
15 sorry, you are ---

16 **MR. THOMAS BARNETT:** I apologize.

17 **MS. CHRISTA BIG CANOE:** --- out of
18 time.

19 **MR. THOMAS BARNETT:** I missed the
20 clock. I am out of time, but thank you both very much.

21 **MS. CHRISTA BIG CANOE:** Chief
22 Commissioner, Commissioners, this concludes the cross-
23 examination. Counsel representing the witnesses does have
24 re-direct -- re-examine, and the time that
25 is normally allotted for that is 20 minutes. So, I would

1 ask that they set the clock. And, if counsel requires,
2 they can use the full 20 minutes. And, I turn it to you,
3 Mr. Falconer.

4 **--- RE-EXAMINATION BY MR. JULIAN FALCONER:**

5 **MR. JULIAN FALCONER:** Thank you. So,
6 I don't get credit for the time I was under before?

7 **MS. CHRISTA BIG CANOE:** No.

8 **MR. JULIAN FALCONER:** No.

9 **MS. CHRISTA BIG CANOE:** Nice try.

10 **MR. JULIAN FALCONER:** I thought it was
11 like one of those NFL games, put time back on the clock.

12 **MS. CHRISTA BIG CANOE:** No.

13 **MR. JULIAN FALCONER:** No? All right.
14 So, I have questions that flow from the questions of my
15 colleagues and representatives of the parties, whether or
16 not they are lawyers or otherwise.

17 So, I want to start with a question
18 asked by Ms. Brass from the Canadian Association of Police
19 Governance, the First Nations Police Governance section.
20 You were asked, and I believe the question was directed to
21 Chief Armstrong or he answered it, but whether -- do
22 Indigenous people respond well to being policed by an
23 Indigenous service, or words to that effect. And, I just
24 want to start by asking you a question, can you comment --
25 I am going to start with Chief Armstrong. Can you comment

1 on the realities of community relationships when a police
2 officer is on her own or his own in a community?

3 **CHIEF TERRY ARMSTRONG:** Well, the
4 officers, when they are on their own in the community,
5 obviously rely on the community's support, and quite often
6 they will be their back-up. We -- as our officers start,
7 even from day 1, we tell them, community engagement is the
8 utmost important because the community is your back-up.
9 They are the only help you are going to get at times,
10 until we can get people in there.

11 So, the relationship is very good and
12 it seems that -- you know, as soon as the community sees
13 the NAPS flash, they take a lot of ownership in their
14 police service and their officers. It's actually very
15 nice to see that the community support the officers
16 regardless of whether they are Indigenous or not, because
17 of the -- they are their police service and they feel that
18 comfort in seeing that flash.

19 **MR. JULIAN FALCONER:** And, did you
20 want to respond to that as well, Chair, or did that
21 capture it? Okay. Now, I want to ask you something, and
22 I can lead you so I will. Flowing from what you said,
23 Chief Armstrong, am I fair to say that it is a way, in
24 fact it distinguishes non-Indigenous policing and the kind
25 of Indigenous policing NAPS does, is that there is a bond

1 between the officers and the community born of need; is
2 that right?

3 **CHIEF TERRY ARMSTRONG:** Yes.

4 **MR. JULIAN FALCONER:** Yes. You are
5 both struggling. And, without each other, you are not
6 going to make it; right?

7 **CHIEF TERRY ARMSTRONG:** Yes.

8 **MR. JULIAN FALCONER:** Oddly enough,
9 and correct me if I am wrong, in the 24 years since the
10 creation of NAPS, no NAPS police officer has ever taken
11 the life of a community member with his or her gun; is
12 that right?

13 **CHIEF TERRY ARMSTRONG:** Yes.

14 **MR. JULIAN FALCONER:** Twenty-four
15 years. I referred in your CV to the fact that you were
16 honoured with the bear claw necklace by the chiefs
17 recently. Now, that relates to you personally and who you
18 are, but it is fair to say that the chiefs take deep pride
19 in their service, don't they, Chair Metatawabin?

20 **CHAIR MIKE METATAWABIN:** Yes.

21 **MR. JULIAN FALCONER:** It is their
22 service; right?

23 **CHAIR MIKE METATAWABIN:** Yes.

24 **MR. JULIAN FALCONER:** And, that truly
25 distinguishes it from what would be ordinary policing such

1 as the OPP; is that right?

2 **CHAIR MIKE METATAWABIN:** Yes.

3 **MR. JULIAN FALCONER:** And so, when,
4 and it wasn't a threat, an actual letter confirming the
5 wind down of NAPS was delivered to Ontario and Canada when
6 they wouldn't budge on addressing deficits, when that
7 notice was given, it was with a heavy heart; am I right?

8 **CHAIR MIKE METATAWABIN:** Yes.

9 **MR. JULIAN FALCONER:** But, it was the
10 right thing to do?

11 **CHAIR MIKE METATAWABIN:** Yes.

12 **MR. JULIAN FALCONER:** All right. I
13 want to address questions asked by Ms. Blaney of the New
14 Brunswick Aboriginal Peoples Council. And, I believe I,
15 in error, called her my colleague. I apologize if I
16 demoted you from being a good person to a lawyer, so I am
17 sorry about that.

18 But, Ms. Blaney had asked, how do
19 boards in the south ensure that they would have cultural
20 responsiveness or words to that effect. Chief Armstrong,
21 do you remember that question?

22 **CHIEF TERRY ARMSTRONG:** Yes.

23 **MR. JULIAN FALCONER:** So, I just want
24 to put to you, Chief Armstrong, and I want Ms. Blaney to
25 take some comfort, that, in fact, this issue of different

1 areas requiring different approaches, that one size does
2 not fit all, is actually directly in the new legislation.
3 So, I want to ask if it is possible, and I am not going to
4 exceed the 20 minutes, far from it. If we could go back
5 to the PowerPoint that is Exhibit 14, which is the new
6 legislation PowerPoint. And, as the folks who are in
7 charge or are scrambling to keep up with me, and I
8 apologize if I am going too fast, it is the PowerPoint
9 that has the title on it, NAN/NAPS' Pursuit of Indigenous
10 Policing Backed by the Rule of Law. And, I am looking for
11 slide 9, page 9 of that.

12 In that PowerPoint presentation, am I
13 right, at slide 9, Chief Armstrong, that Section 10(1) of
14 the new legislation actually speaks directly -- and it is
15 the third paragraph down, Section 10(1). First Nation
16 boards are required to deliver adequate and effective
17 police services "in accordance with the needs of the
18 population in the area and having regard for the diversity
19 of the population in the area"; is that correct, Chief
20 Armstrong?

21 **CHIEF TERRY ARMSTRONG:** Yes.

22 **MR. JULIAN FALCONER:** So, in fact --
23 and I am going to go a little further in a minute. So, in
24 fact, it is contemplated that each board, each First
25 Nation board will have to address the regional needs of

1 the communities it deals with; is that right?

2 **CHIEF TERRY ARMSTRONG:** Yes.

3 **MR. JULIAN FALCONER:** Now, going on to
4 slide number 11, so if I could -- thank you. Slide number
5 11 actually quotes what an arbitrator must take into
6 account in ruling on funding issues. So, I am at slide
7 number 11, Chief Armstrong.

8 **CHIEF TERRY ARMSTRONG:** Yes.

9 **MR. JULIAN FALCONER:** It says in
10 quotes, Sections 51(1) and (2). So, on questions where an
11 arbitrator has to make a determination, if funding is
12 sufficient, (a) says that the test to be applied by the
13 arbitrator is whether the total funding available to the
14 board is sufficient to provide adequate and effective
15 policing in the area for which it has policing
16 responsibility. Again, am I right, it ties it to the
17 regional needs; is that right?

18 **CHIEF TERRY ARMSTRONG:** Yes.

19 **MR. JULIAN FALCONER:** So, it is hardly
20 connected only to the north; am I right? Is that right?

21 **CHIEF TERRY ARMSTRONG:** Yes, yes.

22 **MR. JULIAN FALCONER:** Now, 51(5) on
23 the same page -- I am not finished with you, Chief
24 Armstrong, slide number 11, 51(5) provides that an
25 arbitrator must consider whether any First Nation board

1 policies intended to reflect the cultural traditions of
2 First Nation communities being policed affect the funding
3 required to provide adequate and effective policing. So,
4 they must consider the cultural traditions of the company
5 being policed. So, it isn't about the broad concept of
6 First Nation policing. It is actually about the community
7 being policed; is that right?

8 **CHIEF TERRY ARMSTRONG:** Yes.

9 **MR. JULIAN FALCONER:** And then
10 finally, slide 14, there is an obligation on each board
11 under Section 38(3), and this is the last paragraph of
12 section -- page 14, First Nation boards are required, it
13 is a unique requirement, to consult with their chief and
14 council being policed about the cultural traditions in
15 issue for that community; isn't that right?

16 **CHIEF TERRY ARMSTRONG:** Yes.

17 **MR. JULIAN FALCONER:** And, again, this
18 is a way to ensure that a one-size fits all approach is
19 not taken; is that right?

20 **CHIEF TERRY ARMSTRONG:** Yes.

21 **MR. JULIAN FALCONER:** And so, all in
22 all, in answered in Ms. Blaney's very reasonable question,
23 I am going to suggest that that is how we ensure that
24 those in the south or anywhere else across the Province of
25 Ontario have their needs as they are locally defined by

1 them addressed; is that fair?

2 **CHIEF TERRY ARMSTRONG:** Yes.

3 **MR. JULIAN FALCONER:** Now, Ms. Teillet
4 asked about potential NAN initiatives, and I am going to
5 direct this question to you, Chair Metatawabin, who
6 formally is a Deputy Grand Chief of NAN. It is fair to
7 say that Nishnawbe Aski Nation -- and I was counsel for
8 them on the Seven Youth Inquest, so I want to put that out
9 there, that that was a role I had and was honoured to
10 have. It is fair to say that at the Seven Youth Inquest,
11 NAN played a leading role in that inquest; is that right?

12 **CHAIR MIKE METATAWABIN:** Yes.

13 **MR. JULIAN FALCONER:** It resulted in
14 an extraordinary number of recommendations aimed at trying
15 to protect vulnerable youth in the Thunder Bay area; is
16 that right?

17 **CHAIR MIKE METATAWABIN:** Yes.

18 **MR. JULIAN FALCONER:** And, this is
19 addressing Ms. Teillet's questions about how does NAN --
20 sorry, how does NAPS deal with or, in fact, engage in what
21 might be extra jurisdictional work to protect youth. Do
22 you recall that question?

23 **CHAIR MIKE METATAWABIN:** Yes.

24 **MR. JULIAN FALCONER:** One of the
25 responsibilities of NAN has been to play an active role on

1 a committee expressly designed for implementation of the
2 literally hundreds of recommendations flowing from the
3 Seven Youth Inquest; isn't that right?

4 **CHAIR MIKE METATAWABIN:** Yes.

5 **MR. JULIAN FALCONER:** And, in fact,
6 NAN has responsibility for overseeing a protocol in
7 respect of missing persons with the Thunder Bay Police
8 Service; is that right?

9 **CHAIR MIKE METATAWABIN:** Yes.

10 **MR. JULIAN FALCONER:** And, Chief
11 Armstrong, isn't it true that pursuant to those same
12 recommendations from the Seven Youth Inquest, NAPS has
13 undertaken the role of mentoring Thunder Bay Police
14 Service officers in Indigenous relationships; is that
15 right?

16 **CHIEF TERRY ARMSTRONG:** Yes.

17 **MR. JULIAN FALCONER:** And so, NAPS
18 actually takes Thunder Bay Police Service officers into
19 communities; is that right?

20 **CHIEF TERRY ARMSTRONG:** Yes, we
21 facilitate that.

22 **MR. JULIAN FALCONER:** You facilitate
23 it and it is designed to use who you are to keep people
24 safe; isn't that right?

25 **CHIEF TERRY ARMSTRONG:** Yes.

1 **MR. JULIAN FALCONER:** And, not to keep
2 people safe just in NAN communities, but to keep people
3 safe in the City of Thunder Bay; isn't that right?

4 **CHIEF TERRY ARMSTRONG:** Yes,
5 absolutely.

6 **MR. JULIAN FALCONER:** Unless I have
7 missed something -- and I apologize to the translators if
8 I am going too fast for them, but unless I have missed
9 something, I think that completes our re-examination, and
10 I thank you Chair and Commissioners for the honour of
11 having been before you today. Elders. I think it is safe
12 to say that there are certain days in one's career that we
13 will never forget. This is a very special honour and
14 opportunity to be part of today, so I want to thank you.

15 **CHIEF COMMISSIONER MARION BULLER:** The
16 first Commissioner to ask questions will be Dr. Audette.

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

18 **COMMISSIONER MICHÈLE AUDETTE:** Merci!
19 On dit au Québec, l'Honorable Buller.

20 Je vais parler en français... okay! Vos
21 témoins sont numéro 1! Alors, tout d'abord, un gros merci
22 pour cette présentation, je vous dirais, fort intéressante
23 et aussi, à quelques moments, je vous dirais, M. Armstrong
24 et M. Metatawabin, décevante ou frustrante - pas la
25 présentation, mais en 2018, on remarque encore des

1 inégalités ou des injustices sur la prestation de
2 services. Et ce qui me dérange le plus, c'est que souvent,
3 ce sont les femmes et les enfants qui en paient le prix,
4 surtout les femmes autochtones et les enfants autochtones.

5 J'ai aussi à vous dire, pour ceux et
6 celles qui travaillent au niveau de la police, que vous
7 êtes plusieurs à mettre vos vies en danger, d'essayer de
8 protéger les gens sur le terrain, dans les communautés et
9 ainsi de suite. Mes questions vont porter justement, suite
10 à votre témoignage, la réalité réelle. Je comprends qu'on
11 a eu une présentation sur l'entente tripartite, le manque
12 de financement chronique, mais en tant que femme, en tant
13 que mère et *koukum*, il y a cette préoccupation-là aussi
14 sur, au quotidien, comment on applique cette sécurité
15 publique là, comment on protège les femmes et les enfants
16 dans les communautés. Et je suis sûre que vous avez
17 certaines réponses à mes questions.

18 Je présume que vous avez une
19 connaissance aussi sur les différents corps policiers à
20 travers le Canada. Et comme vous le savez, au Québec, on a
21 aussi des corps policiers des Premières Nations. Nous
22 avons eu la chance d'entendre certains représentants de la
23 police régionale de Kativik, M. Larose, Chief Larose, qui
24 nous a fait réfléchir sur, justement le manque de
25 financement au niveau des effectifs, pour protéger et

1 assurer adéquatement la sécurité des membres inuits dans
2 ce cas-ci et des membres autochtones en général, dans
3 d'autres communautés plus au sud, au Québec.

4 Vous nous avez démontré, lors de votre
5 témoignage, que le manque de financement chronique, on
6 s'entend ici, ça a été évident, et le sous-financement
7 historique -on parle de 24 ans -des services de police de
8 NASP pardon, a fait en sorte de compromettre la sécurité
9 des membres des communautés de votre territoire.

10 Aux meilleures de vos connaissances,
11 savez-vous si cette situation est généralisée à travers
12 les communautés autochtones? Première question.

13 **CHIEF TERRY ARMSTRONG:** Yes.

14 **COMMISSAIRE MICHÈLE AUDETTE:** De
15 quelle manière ce manque de ressources et de financement
16 et d'effectifs affecte spécifiquement les femmes et les
17 filles autochtones dans votre territoire?

18 **CHIEF TERRY ARMSTRONG:** I think the
19 answer to that would be that their safety is at risk as
20 community members when we can't do the job of keeping
21 communities safe in general and when we don't have police
22 in some of those areas at times. So their safety is going
23 to be at risk.

24 **CHAIR MIKE METATAWABIN:** If I can add,
25 also the lack of community awareness or knowledge from the

1 non-Indigenous police personnel may have also contributed
2 to that and that's why it's important that we have that
3 training.

4 **COMMISSAIRE MICHÈLE AUDETTE:** Merci.

5 Maître Julian, mes questions
6 s'adressent en même temps à vos deux témoins. Excusez-moi
7 de... je n'ai pas clarifié ceci.

8 **Me JULIAN FALCONER:** Je comprends.

9 Oui, merci.

10 **COMMISSAIRE MICHÈLE AUDETTE:** Parfait.

11 Toujours aux deux témoins, est-ce que les besoins spéciaux
12 des femmes et des jeunes filles de votre territoire ont
13 été pris en compte lorsque vous avez négocié les ententes
14 tripartites? Par exemple, avoir plus de femmes
15 policières, plus d'agents de police formés pour justement
16 sur l'intervention en matière de violence sexuelle,
17 conjugale, familiale, et prendre des dépositions
18 d'agressions sexuelles, est-ce que ça c'est officiellement
19 mis dans votre entente tripartite?

20 **CHIEF TERRY ARMSTRONG:** No, it wasn't.

21 **COMMISSAIRE MICHÈLE AUDETTE:**

22 Pourquoi?

23 **CHIEF TERRY ARMSTRONG:** Well,
24 basically what the negotiations surrounded was -- and
25 those are operational issues as opposed to negotiation

1 issues. So to negotiate for more people would allow us to
2 operationally invoke those things that you're looking at.
3 So they are more operational. So to get the numbers and
4 get the specialized units in there would allow us to
5 operationally do that, if I'm understanding the question
6 correct.

7 **CHAIR MIKE METATAWABIN:** And if I can
8 add, our arguments were based on the need, why we needed
9 an effective police force. Those were the -- there were
10 many reasons for myself from a community perspective as a
11 leader. We need an effective police force that would
12 provide safety to our community members on an ongoing
13 basis instead of the way we're operating which is too many
14 interruptions, too many obstacles. Just the current
15 system right now doesn't work.

16 **COMMISSAIRE MICHÈLE AUDETTE:** Vous
17 êtes d'accord avec moi que les policiers qui viennent du
18 sud et qui travaillent chez vous ont un manque de
19 connaissances sur la culture de votre peuple?

20 **CHIEF TERRY ARMSTRONG:** Yes.

21 **COMMISSAIRE MICHÈLE AUDETTE:** Vous
22 êtes d'accord avec moi qu'on doit intervenir différemment
23 quand c'est un homme versus une femme?

24 **CHIEF TERRY ARMSTRONG:** Yes.

25 **COMMISSAIRE MICHÈLE AUDETTE:** O.k.

1 Est-ce que cette nouvelle entente fournit le financement
2 et les effectifs nécessaires et spécifiques dans certains
3 domaines d'intervention comme la prévention, des
4 enquêteurs spécialisés?

5 **CHIEF TERRY ARMSTRONG:** No. This
6 basically gives us a partner so people don't have to work
7 alone. This covers having enough officers and supervision
8 of those officers for frontline backup. All those other
9 things we still -- we have to fight another day I guess
10 would be the way to put it but we didn't make any movement
11 on that. We would have loved to have had, you know, them
12 address specialized units as well but we didn't -- we
13 didn't get any ground on that.

14 **COMMISSAIRE MICHÈLE AUDETTE:** Est-ce
15 que la violence conjugale et sexuelle est très élevée dans
16 les communautés que vous desservez?

17 **CHIEF TERRY ARMSTRONG:** Yes.

18 **COMMISSAIRE MICHÈLE AUDETTE:** Est-ce
19 que vous travaillez en collaboration avec les services
20 sociaux ou les services de santé pour prévenir ou
21 diminuer?

22 **CHIEF TERRY ARMSTRONG:** Yes. Whatever
23 services are available, we work with them. And there is a
24 lack of other services in the communities as well. Like
25 most communities don't even have a doctor or any of those

1 things. Like a doctor will fly in every so often. They
2 have a nurse, nursing stations or whatever, and sometimes
3 those, if we don't have police in those communities, the
4 nurses won't go in. So it's a double, I guess, public
5 safety threat because we've had nurses call up and say do
6 you have a cop in this community today? No, we don't.
7 Sorry, we're not going in. So it's an uphill battle for
8 sure.

9 **COMMISSAIRE MICHÈLE AUDETTE:** Est-ce
10 que les corps policiers qui font partie du « rule of law »
11 de l'Ontario, les autres corps policiers, ont justement
12 des équipes spécialisées pour intervenir en matière de
13 violence conjugale, sexuelle et une formation aussi sur la
14 trousse médico-légale et ainsi de suite? Est-ce que ces
15 corps policiers-là ont cette capacité-là et l'effectif?

16 **CHIEF TERRY ARMSTRONG:** I can't speak
17 for all of them obviously but yeah, and that's where the
18 *Police Services Act* comes in for them where if they don't
19 have those things, they have the rule of law to go to get
20 them enacted and put in place.

21 **COMMISSAIRE MICHÈLE AUDETTE:** Parfait,
22 merci.

23 Et si vous aviez des recommandations
24 sur la façon que vous faites les choses, votre entente
25 historique parce que vous avez parlé que c'était une

1 entente historique, d'exporter ce modèle-là dans d'autres
2 corps policiers autochtones, pensez-vous que c'est
3 faisable? Pensez-vous que ça peut devenir pour nous aussi
4 une des recommandations pour le rapport?

5 **Me JULIAN FALCONER:** Et cette question
6 c'est pour les deux?

7 **COMMISSAIRE MICHÈLE AUDETTE:** Les
8 deux.

9 **Me JULIAN FALCONER:** C'est les deux.
10 Sorry, it's for both of you.

11 **COMMISSIONER MICHÈLE AUDETTE:** Now
12 they speak French, wow.

13 **(LAUGHTER/RIRES)**

14 **CHAIR MIKE METATAWABIN:** As I stated,
15 yes, I think you could take that model but I also made a
16 statement that amendments need to happen with existing
17 acts across the country, whether it's in policing, child
18 family services, education. We're -- you could pretty
19 much say that we're undertaking a new chapter, writing a
20 new chapter here. The status quo does not work for us.
21 We have to push for those amendments which include First
22 Nations.

23 **COMMISSIONER MICHÈLE AUDETTE:** My last
24 question in English, I'll practise my English, and why in
25 English it's because it's a conversation I had with some

1 women from your territory during the hearings that they do
2 understand that we need to have First Nation police
3 because of the culture, language and all of that. They do
4 understand.

5 But where the gap or the
6 misunderstanding or expectation, it's a mix of all of
7 that, that some of them are in the -- they think that
8 because of the negotiation with the government, the
9 federal and the provincial for the tripartite agreement,
10 there's a lack of services because everything is focussed
11 on the negotiation. Is it something you've heard before
12 from your people? If yes, what do you do to explain that
13 you do work hard to make sure that this agreement is
14 respected by the two governments?

15 **CHAIR MIKE METATAWABIN:** I don't know
16 if I'm repeating myself, but everything that -- or in my
17 participation in the negotiations, I'm speaking on behalf
18 of the communities I represent, the experience that I've
19 lived and walked in living in the communities, in dealing
20 with councils, in dealing with our women and children.
21 The need for a proactive police force is very essential in
22 all areas.

23 My compliments, my hat goes off to the
24 constables who make the extra effort to engage with the
25 youth at the community level. Whether it's in basketball,

1 hockey or soccer, we have seen that, and those are --
2 those are the things that we need, that we would like to
3 see, and those are the things that are in the back of my
4 mind as well when we're doing these things.

5 But, everything here that we negotiate
6 for is based on policing; policing models, policing
7 funding, policing -- what a police force is all about.
8 The extra, the community aspirations, well, for me, I
9 believe that that can come through in the form of chief
10 and councils becoming more proactive, community members
11 becoming more proactive, having that communication, that
12 dialogue. I keep mentioning the police committees as a
13 means of ensuring that there is communication and
14 representation of all issues.

15 **COMMISSIONER MICHÈLE AUDETTE:** You
16 want to add something?

17 **CHIEF TERRY ARMSTRONG:** Yes. I have
18 heard some of those comments, and it's generally not
19 around issues of violence, domestic violence. But, I've
20 heard community members say that, you know, we've only got
21 one cop and she's worked to the bone. She's tired. I
22 don't want to bother her with reporting something.

23 We, of course, encourage them, because
24 we'll replace that officer if that officer can't get to
25 that call or, you know. So, yes, I've heard those

1 make sure that we have more women working and putting
2 everything in place that they can become police, they can
3 work with you for the community. That's, for me, a very
4 natural recommendation. And, thank you for the two of
5 you. (langue autochtone parlée).

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

7 **COMMISSIONER BRIAN EYOLFSON:** First of
8 all, thank you very much, Chair Metatawabin and Chief
9 Armstrong for coming here and sharing your evidence with
10 us. I think a lot of what I had to ask has been covered
11 off by parties with standing and Commission counsel and my
12 colleague Commissioner Audette here, but we have you here
13 with your expertise, and I just want to -- I have a
14 follow-up question. I just want to make sure we've
15 covered this off. It's been touched on, but based on your
16 experience in policing -- this question is for both of you
17 -- and aside from the changes to the legislation that are
18 underway and the additional resources you're getting, is
19 there anything we've missed? Is there anything you can
20 add in terms of what can make the lives of Indigenous
21 women and girls safer in your region? Is there anything
22 that's key, anything you would like to add that we didn't
23 touch on?

24 **CHIEF TERRY ARMSTRONG:** I think for
25 the most part, most areas were touched on in respect to,

1 you know, the resources that are needed not only in
2 policing, but outside of policing. I mean, they've
3 mentioned, you know, shelters and -- so, there's a lot of
4 things that have been mentioned here today that I think --
5 and I know we're here for policing, but there's a lot of
6 resources lacking that's been gone on for far too long,
7 and it's to put some of those things in place, like I say,
8 just the numbers.

9 And, I just wanted to say, like, I
10 mean, I've negotiated a number of times, and there's never
11 been, as we've said, really any negotiation. So, to
12 continually just get the door slammed in your face has
13 been painful. It's been hard. And, this is the first
14 time that we came anywhere near negotiation. It's always
15 been no. You know, it's a program and -- and always
16 living under the, you know, auspice that they can pull the
17 plug anytime, and they've done it to First Nations police
18 services. I heard about one a few years ago where they
19 sent them a fax that said, "you're finished", you know?

20 So, you know, it's that kind of thing.
21 It's no way to, you know, look after safety of people.
22 So, I think -- like I say, a lot of stuff has been
23 covered.

24 **COMMISSIONER BRIAN EYOLFSON:** Okay.

25 Thank you.

1 **CHAIR MIKE METATAWABIN:** There is
2 something that I would like to say, why people leave the
3 communities, because we deny ourselves basic privileges
4 that every other citizen enjoys that live in the urban
5 areas.

6 People are still healing from their
7 struggles, from their pains, and there are no
8 accommodations made at the community level for their
9 healing journey, for the support or mental counselling
10 that they require. Even the basic confidentiality issue
11 is not -- let me put it this way. Our community members
12 leave the community to seek counselling because that basic
13 confidentiality tenet is not respected nor upheld at the
14 community level.

15 So, there is a lot of work that needs
16 to happen. There is a lot of work that needs to take
17 place to accommodate the individuals who have suffered so
18 much in our history, that have endured so much in our
19 history. And, those effects still continue to be a part
20 of our lives, and we are only slowly beginning to address
21 them.

22 Take, for instance, sexual abuse.
23 That has been a topic not openly discussed up until now.
24 Only today are we beginning to talk publicly about sexual
25 abuse, and that's something that's only beginning. Right

1 now, we have a high epidemic of opioid addictions. That's
2 running out of control in our communities. We need
3 healing in that regard or we need something, an
4 alternative to why people abuse opioids. What is causing
5 them to abuse opioids? What is driving those people?
6 What is the pain? Our grandchildren are being neglected.
7 We see our grandparents having to abandon their employment
8 because their grandchildren are being neglected. They go
9 because they have to look after the children, look after
10 the grandchildren.

11 People think we don't want to work.
12 People think we don't take those jobs. We do. But, when
13 it comes to protecting our grandchildren, we will, and you
14 see that in my community. That has been the trend these
15 last few years, where both parents of these young parents
16 have had to let go of their jobs because of the opioid
17 addictions. It is having a very devastating effect to the
18 communities. And, this is where we lose people. We lose
19 our sisters, we lose our brothers. We are losing our
20 young mothers. Our young mothers, in particular. We need
21 to do something. Our young children are at greater risk
22 today because of this epidemic we are seeing today.

23 We need to do something at the
24 community level. We need to work in partnership with
25 everybody. We need to work -- we need our health

1 services. We need to make sure our health services are in
2 order. We need the management of our health services are
3 in order so that they are effective in providing support
4 and treatment to our community members. If not, then we
5 will continue to see missing people, or people migrating
6 out or chaos in the communities. It is the situation
7 today.

8 I say that because I have done work in
9 this area this summer in doing some research on opioid and
10 the effects of -- at the community level. A few years
11 ago, we did research on the impacts of suicide at the
12 community level. And, the conclusions point to sexual
13 abuse being the biggest problem. And, if I were to put
14 something out there, sexual abuse is the leading cause of
15 all issues at the community level.

16 I know it is -- I know I threw out a
17 whole -- different things. I spoke about residential
18 school, I spoke about assimilation, I spoke about Sixties
19 Scoop, but let's also consider the basic human needs, the
20 basic privileges that we all enjoy at -- in any urban
21 society. Those are the things that we deny ourselves with
22 the idea that we are protecting our people when, in fact,
23 we are endangering.

24 I say that because I was a chief one
25 time in my community. I served for four terms.

1 Throughout those eight years, we lifted the policy of
2 search and seizure. Why? To protect everybody, to
3 protect the people that are out there searching, to
4 protect the people who are trying to do -- come in. They
5 were endangering themselves, endangering their own lives
6 and, in turn, endangering our own frontline people.

7 There are so many things that could be
8 said, and this is why policing has been a challenge, have
9 been -- has proven to be very difficult. And, this is why
10 we push hard to have a legislated police service so that
11 at least we could have a police service that is well-
12 equipped, well-trained.

13 I hope at the conclusion of your work,
14 at the conclusion of the inquiry, one thing that has never
15 sat well with me in all the inquiries, inquests that I
16 have heard about over the years, they are non-binding. I
17 hope this is an area that can be addressed, that inquiries
18 or inquests -- you have heard our testimony, numerous
19 inquests with many recommendations, but no action was ever
20 taken. No policy changes. And, this is my -- this is one
21 of the things that stands out for me. Whatever
22 recommendations come from here, they need to be binding.

23 Those changes need to happen. Miigwetch.

24 **COMMISSIONER BRIAN EYOLFSON:** Thank
25 you very much for answering my question. And, Chair

1 Metatawabin, thank you very much for raising those issues.
2 Chi-miigwetch.

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

4 **COMMISSIONER QAJAQ ROBINSON:** Your
5 last remarks gave me a dozen more questions and more to
6 think about, so I want to thank you for that, Chair
7 Metatawabin. And, Chief Armstrong, I want to thank you as
8 well for your testimony.

9 Most of the questions that I have had
10 have been asked and answered, and I thank you parties with
11 standing for that, my colleagues for that and you for your
12 answers. Your last comment about recommendations not
13 being binding, I think that what you have shared with us
14 today, the lack of legislative framework, a lack of
15 legislated standards that could be used to inform how
16 things are funded, it is that lack of clarity and lack of
17 things being binding that results in you being dependent
18 on the goodness of the hearts of politicians. And, there
19 are great politicians out there, but you can't always bank
20 on the goodness of people's hearts, so thank you for
21 sharing that with us.

22 I want to ask a couple of questions
23 primarily to get clarity on the governance of NAPS. And
24 so, from the material, I see that the board oversees the
25 work of NAPS and the chief of police reports to the board.

1 How are board members selected or identified?

2 **CHAIR MIKE METATAWABIN:** Okay. I can
3 answer that. For myself, I represent the Mushkegowuk
4 Tribal Council. And, within Nishnawbe Aski Nation, we
5 have seven tribal councils. The current way that things
6 are done, each tribal council appoints their own board
7 member, so we have seven in total for the board of
8 directors for Nishnawbe-Aski Police Service.

9 For Mushkegowuk Tribal Council, there
10 is a callout for letters of interests, and that is their
11 practice. And, that is -- so far, I have been -- I was
12 appointed by Mushkegowuk to represent them. I have been
13 there for a number of years now. And, yes, that is how it
14 is done.

15 **COMMISSIONER QAJAQ ROBINSON:** Okay.
16 Thank you. We heard some from -- we have heard from some
17 family members that have lost loved ones or their loved
18 ones have been murdered within the jurisdictions of a
19 First Nations police force who have expressed concern
20 about the independence of their police force, because of
21 either board members are band council members or they are
22 appointed. That -- is that sort of concern about
23 independence from politics, is that something that NAPS
24 and NAN have heard and have looked at addressing.

25 **CHIEF TERRY ARMSTRONG:** It's not

1 something I have directly heard. I don't know if my
2 colleague has or not, but I have not directly heard that,
3 no.

4 **COMMISSIONER QAJAQ ROBINSON:** Okay.
5 Thank you.

6 **CHAIR MIKE METATAWABIN:** But ---

7 **COMMISSIONER QAJAQ ROBINSON:** Sorry.

8 **CHAIR MIKE METATAWABIN:** --- just to
9 add a little bit to that. If there is any recommendation
10 out there worth proposing, it is to gauge or to review the
11 Police Services Board on how well they have done and are
12 they doing the job, and if not, then (indiscernible)
13 Tribal Council or -- there's ways of addressing issues, so
14 I am just pointing that out.

15 **COMMISSIONER QAJAQ ROBINSON:** Yes,
16 absolutely. And, I want to acknowledge, you know, being
17 able to think about some of these issues when you don't
18 have time to breathe is difficult. And so, I want to
19 acknowledge the challenges, but also acknowledge and
20 express my respect that there is always a will to do
21 better and get better.

22 Chief Armstrong, you said something
23 that I would like you to expand on, because I think there
24 is often these ideas that -- you know, to fix these
25 solutions, it is just going to cost a whole lot more money

1 and can we really afford it. And, you talked about the
2 work that needs to be done, whether it is proactive work
3 or the added resources you need, you said it is not at a
4 higher cost, is that -- can you expand on that a little
5 bit more?

6 **CHIEF TERRY ARMSTRONG:** I guess to put
7 those things in place, it would be at a higher cost, but I
8 guess the monetary cost isn't more, you know, than the
9 lives and things that go along with not doing it right.
10 The costs are -- and it is interesting, because when we
11 were dealing with governments over the last few years in
12 my role here and my role as the Deputy Chief of Treaty 3,
13 most of the time, they never even asked what the cost was.
14 They just said, this is what you are getting, you are
15 getting 2 percent, and that is it. Take it or leave it.

16 And, quite often, you know, what we
17 were going to the table with wasn't exorbitant in cost,
18 because we are the largest First Nations Police Service in
19 Canada and we still only have 160 people, to add 80
20 officers, when you do the math, isn't a lot of money. I
21 mean, they waste a lot of money doing other things every
22 day that, you know, has nothing to do with safety, you
23 know? And, you know, money -- I mean no disrespect to
24 sending money to other countries, but we have people
25 hurting in our own backyard and we need to address that.

1 There is people here that are suffering.

2 And, I know Mike spoke about the drug
3 issue, and like I mentioned a number of times today, we
4 are not funded to do that, but it is such a huge and has
5 been a huge problem since the first opioid wave hit us a
6 few years ago, and then they tried the OxyNEOs and all
7 these other things.

8 Like, I had one chief approach me, he
9 said 60 percent of his community was on suboxone. So,
10 that means 60 percent of the community was recovering,
11 there was probably still 20 percent using, and that's
12 scary. And, to have Health Canada tell us a number of
13 years ago, in a policing forum, that the only drug that
14 they were giving under medical services a number of years
15 ago, the first wave, was oxycodone. Sounds like modern
16 day -- I better not use that term "genocide", but that's
17 what it -- I don't know, just call it for what it is I
18 guess, but...

19 **COMMISSIONER QAJAQ ROBINSON:** Thank
20 you. I am going to leave it at that. I want to thank you
21 both very much for coming and sharing with us your work
22 and your challenges, and doing so with openness and
23 humility. Nakurmiik. Thank you very much.

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

25 **CHIEF COMMISSIONER MARION BULLER:**

1 Okay. First of all, to both of you, thank you very much
2 for your roles in writing the new chapter on policing and
3 thank you for being with us today. I just have a few
4 questions.

5 Chair Metatawabin, you mentioned in
6 your testimony that back in 2007, a First Nations filed a
7 human rights action because of the state of policing. Do
8 you know the name of the First Nation that did that?

9 **CHAIR MIKE METATAWABIN:** The human
10 rights complaint?

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

13 **CHAIR MIKE METATAWABIN:** That was done
14 by the Mushkegowuk Tribal Council.

15 **CHIEF COMMISSIONER MARION BULLER:** Do
16 you know what ever happened about that?

17 **CHAIR MIKE METATAWABIN:** It -- I am
18 trying to remember, but...

19 **MR. JULIAN FALCONER:** If the witness
20 does not know, he should be encouraged to say he does not
21 know.

22 **CHAIR MIKE METATAWABIN:** Okay.

23 **MR. JULIAN FALCONER:** He should not
24 speculate.

25 **CHAIR MIKE METATAWABIN:** One thing I

1 do know is that from that work, they are building housing
2 for the constables for the Mushkegowuk communities. That
3 was one of the results of that.

4 **CHIEF COMMISSIONER MARION BULLER:**

5 Okay. Thank you.

6 **MR. JULIAN FALCONER:** And, if you will
7 permit me, it is not in dispute where the complaint is at
8 today, so if you do not mind, I can advise you of that if
9 you want.

10 **CHIEF COMMISSIONER MARION BULLER:** I
11 will continue with the witnesses.

12 **MR. JULIAN FALCONER:** All right.

13 **CHIEF COMMISSIONER MARION BULLER:**
14 Thank you. We can do our own homework.

15 **MR. JULIAN FALCONER:** All right.

16 **CHIEF COMMISSIONER MARION BULLER:**
17 Now, Chief Armstrong, given the current state of how you
18 are -- police services are organized, is it correct that
19 it is still a matter of police investigating police?

20 **CHIEF TERRY ARMSTRONG:** Yes.

21 **CHIEF COMMISSIONER MARION BULLER:**
22 What obligation do you have for disclosure to the public
23 of police investigations, be disciplinary or otherwise, of
24 police members?

25 **CHIEF TERRY ARMSTRONG:** Well, we

1 disclose to the victims and complainants, and all that,
2 they get the full disclosure, the outcomes of
3 investigations. To our internal investigations I'm
4 assuming you are speaking of?

5 **CHIEF COMMISSIONER MARION BULLER:**

6 Yes.

7 **CHIEF TERRY ARMSTRONG:** Yes.

8 **CHIEF COMMISSIONER MARION BULLER:**

9 Okay. Is there a disclosure to the public about number of
10 complaints investigated, resolved, still under
11 investigation every ---

12 **CHIEF TERRY ARMSTRONG:** Yes, we
13 provide that to the governments, but it also goes in our
14 annual report on our website.

15 **CHIEF COMMISSIONER MARION BULLER:**

16 Okay. Thank you. Perhaps a question for the both of you,
17 the tentative start date of January 2019 was set in the
18 legislation, but was that date negotiated? Was it part of
19 your negotiations with governments ---

20 **CHIEF TERRY ARMSTRONG:** I don't think
21 I am in a position to talk to that.

22 **CHIEF COMMISSIONER MARION BULLER:** No.

23 Okay. Fine. And then finally, in the course of -- by way
24 of background to start with. As I understand, your
25 current tripartite agreement, both the province of Ontario

1 and the government of Canada provide funding. Perhaps for
2 different purposes, but both are sources of funding for
3 NAPS; is that correct?

4 **CHIEF TERRY ARMSTRONG:** Yes. Canada
5 and Ontario.

6 **CHIEF COMMISSIONER MARION BULLER:** So,
7 under the new legislation, there is reference to going to
8 an arbitrator and elsewhere regarding adequacy of funding
9 that, by law, can be with respect to the government of
10 Ontario. Is there any parallel negotiation or agreement
11 that will follow this legislation to ensure adequate
12 funding by the government of Canada that you are aware of?

13 **CHIEF TERRY ARMSTRONG:** No.

14 **CHIEF COMMISSIONER MARION BULLER:**
15 Okay. Thank you.

16 **CHIEF TERRY ARMSTRONG:** Just the
17 tripartite agreement, and then negotiations would have to
18 be between Ontario and Canada in some respects.

19 **CHIEF COMMISSIONER MARION BULLER:**
20 Okay. So, on a going forward basis, assuming for the
21 moment, this legislation does indeed come into effect,
22 what obligations will you have -- oh, wrong way of asking
23 it. What obligations will the government of Canada have,
24 as you understand them, to continue funding NAPS or its
25 new version?

1 **CHIEF TERRY ARMSTRONG:** Well, they
2 will have to continue to fund us under the tripartite
3 agreement and...

4 **CHIEF COMMISSIONER MARION BULLER:**
5 Okay.

6 **CHIEF TERRY ARMSTRONG:** Yes, that will
7 be ongoing.

8 **CHIEF COMMISSIONER MARION BULLER:**
9 That will be. Okay. Good. Thank you. I wanted to
10 clarify that. L'ouverture pour commencer à 8 h 30 avec le
11 second panel.

12 So, tomorrow, we can reconvene at 8:00
13 for opening prayer, lighting of the Qulliq too. And, at
14 8:30, proceedings are going to start. Thank you. Have a
15 nice evening. Bonne soirée.

16 --- Upon adjourning at 17:13

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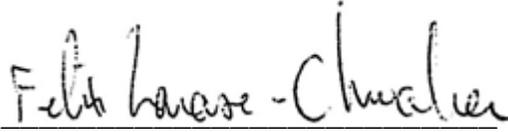
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LEGAL DICTA-TYPIST'S CERTIFICATE

I, Félix Larose-Chevalier, Court Transcriber, hereby certify that I have transcribed the foregoing and it is a true and accurate transcript of the digital audio provided in this matter.

A handwritten signature in black ink that reads "Félix Larose-Chevalier". The signature is written in a cursive style and is positioned above a horizontal line.

Félix Larose-Chevalier

Sep 17, 2018