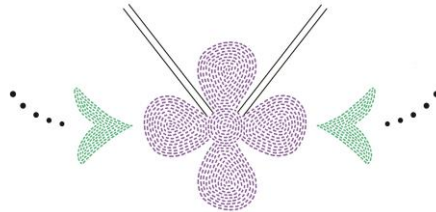


National Inquiry into
Missing and Murdered
Indigenous Women and Girls



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 - Part 1
Public Hearings
Radisson Hotel, Ambassador B
Winnipeg, Manitoba**



PUBLIC

Wednesday October 18, 2017

**Public Volume 11:
Darlene Clarke, Jade Frost, Courtney Bear
& Cheryl Alexander, In relation to Kim Clarke;**

Fallon Farinacci & Ken Boden, In relation to Sherry & Maurice Paul;

Bernadette Summer, In relation to Amanda Cook

INTERNATIONAL REPORTING INC

II

APPEARANCES

Assembly of First Nations	Stuart Wuttke (Legal counsel)
Les Femmes Michif Otipemisiwak/Women of the Métis Nation	No Appearance
Government of Canada	Anne Turley (Legal counsel) Amber Elliot (Legal counsel) Christine Ashcroft (Legal counsel)
Government of Manitoba	Heather Leonoff (Legal counsel) Samuel Thomson (Legal counsel)
Manitoba MMIWG2S	Angie Hutchinson (Representative) Leslie Spillett (Representative)
Manitoba Moon Voices	No Appearance
Pauktuutit Inuit Women of Canada & Manitoba Inuit Association	Beth Symes (Legal counsel) Rachel Dutton (Representative / Manitoba Inuit Association)
Winnipeg Police Service	Shannon Hanlin (Legal counsel)

Note: For the purpose of establishing this record of attendance, counsel are considered present whether they attended one or all of the public hearings held over the course of the day at the Radisson Hotel, Ambassador Rooms A & B (i.e. the two main public hearing spaces).

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Exhibits (code: P1P03P0301)		
1	Exhibit 1: Manitoba Law Reform, <i>Stalking</i> , Report # 98, May 1997, Introduction Chapter 1 pp i-iv, 1-5; ISBN 0-7711-1485-0. Link: http://www.manitobalawreform.ca/pubs/pdf/archives/98- full_report.pdf (Introduction Chapter 1 pp 1-2).	70
2	One-page copy of In Memoriam for Sherry And Maurice Paul (Bingley) published in Saint Catherine's The Standard, undated, with words "Re: Farinacci" handwritten on top of page.	70

Witness: Bernadette Summer

Exhibits: none entered

Winnipeg, Manitoba

--- Upon commencing on Wednesday, October 18, 2017 at 09:19

MS. DEBBIE REID: I want to first of all thank the women's drum group who drummed us in this morning. It is an amazing way for us to gather.

Hi. For those of you who just joined in today, or coming today, welcome. My name is Debbie Reid. I am the new executive director for the Missing and Murdered Indigenous Women and Girls Inquiry. I'd like to recognize the families who are with us today.

I'd like to recognize Commissioner Audette. I'd like to recognize Commissioner Buller, who is here today; Elder Leslie. And, I'm going to ask Elder Belinda -- I can't say you're last name because it's --

ELDER BELINDA VANDENBROECK: Vandebroeck.

MS. DEBBIE REID: Vandebroeck. I've been getting names wrong this week, so I wanted to make sure. I'm going to ask the elder to do the opening prayer.

ELDER BELINDA VANDENBROECK: Thank you very much. First of all, I want to honour the family members that are here that are going to be sharing their story this morning. My name is Belinda Vandebroeck McGilverly from OCN Bugatti Reserve, in the town of The Pas, which I don't call my home, but my reserve is from there in that area.

I also am a carrier of my Innu language and

1 ways of life you know as Cree, which I don't. And, I
2 honour our ancestors, 500 Nations in North America. That's
3 where we came from. That's why we're here. And, I thank
4 you for asking me to say the prayers this morning.

5 I will say the prayers first in my language,
6 and then I will say in English (speaking in Native
7 language).

8 Creator, we thank you this morning for our
9 lives, that we get to see another day. We thank you for
10 everything that you give us here on earth to live, and we
11 are grateful for that. And, that we live our lives today
12 in a good way, a loving way, a kind way, a sharing way.
13 And, we're asking you, Creator, grandfathers, grandmothers
14 relatives, to come and sit with us today here as a family
15 share their heartbreaking stories of their loved ones
16 (speaking in Native language).

17 We ask for your blessings, Creator, for
18 everybody that's here. For all the families that couldn't
19 be here, we send blessings to them (speaking in Native
20 language). Thank you.

21 **MS. DEBBIE REID:** I would like at this
22 point, as Commissioner Buller's first day here, for her to
23 make some opening comments.

24 **CHIEF COMMISSIONER MARION BULLER:** Thank
25 you, Debbie, and thank you Belinda. I want to start first

1 of all by remembering and acknowledging the spirits of the
2 Missing and Murdered Indigenous Women and Girls. And, I
3 also want to acknowledge the very special courage of
4 survivors of violence, and the members of the LGBTQ2S
5 community, who have their very special challenges.

6 I want to thank the fire keepers, the sacred
7 fire keepers who started us off this morning with a very
8 special song, and a little bit of laughter, which was a
9 great way to start the day. I also want to acknowledge and
10 thank the members of the Three Fires Midewiwin Lodge, who
11 started us off in a very good way with some important
12 teachings and important ceremonies, so that we're grounded
13 and doing our work in a really good way today. So, thank
14 you to them.

15 I'm very pleased to be here again on Treaty
16 1 Territory, homeland of the Anishinaabe, and also the
17 Métis homeland, of course. I'm Marion Buller. I'm the
18 Chief Commissioner of the National Inquiry into Missing and
19 Murdered Indigenous Women and Girls. Thank you for
20 inviting us into your community today, and all of this
21 week, for that matter.

22 I am humbled to see all of the families and
23 survivors who are here this week. Thank you. Thank you
24 very much for coming.

25 I want to acknowledge today the Manitoba

1 government. Earlier this year, all parties unanimously
2 voted to declare October 4th a day that honours Missing and
3 Murdered Indigenous Women and Girls. This is the first
4 province or territory that has dedicated a day to what we
5 call MMIWG2S. That commitment does not go unnoticed by us.

6 I see this week of community hearings began
7 in a good way every day, and will continue to do so while
8 we're here. Thank you to all of the Elders, the
9 traditional knowledge keepers, the sacred fire keepers, and
10 all the people who are praying for us; but mostly, who are
11 praying and here to support for the family and survivors.
12 Thank you all. We couldn't do this work without you.

13 I want to thank my dear friends, of course,
14 and my dear colleagues, Commissioners Michèle Audette and
15 Brian Eyolfson, for honouring families and survivors these
16 past few days, listening to their stories and sharing their
17 experiences. Commissioner Qajaq Robinson sends her warm
18 regards.

19 My thoughts are with all of the families and
20 survivors this week. I'm so grateful, and I'm honoured to
21 be with you and to hear your stories. With that, I'm going
22 to ask all of us to share in a moment of silence for the
23 spirits of the missing and murdered indigenous women and
24 girls. The lost loved ones. All of them.

25 --- Moment of silent

1 **CHIEF COMMISSIONER MARION BULLER:** Thank
2 you, everyone.

3 **MS. DEBBIE REID:** Thank you, Commissioner
4 Buller. I don't know if we explained earlier in the week,
5 but I'd like to now. The chair you see sitting there with
6 a star blanket on it is called our spirit chair. It's in
7 all of our hearings to recognize that it's empty, because
8 our women, girls and two-spirited are not with us; those
9 that are murdered, and those that are missing. I would now
10 like to invite my good friend, Annie, Elder Annie, to come
11 up and do a prayer.

12 **ELDER ANNIE BOWKETT:** Good morning,
13 everybody. And, thank you. I just want to explain for
14 about our *Qu'liq* this morning. The *Qu'liq*, the stick,
15 Takotik (phon), if it wasn't for that how it's made, the
16 *Qu'liq* itself wouldn't be lit.

17 And, for the wonderful people to remember us
18 as Inuit people, and for you all, and for anybody to be
19 open to our own lives and support one another. And, that
20 is called the *Qu'liq* of our culture. It keeps us open and
21 warm. And, by -- just by looking at it, the flame is
22 beautiful, and so calm too. But, we use it for many, many
23 things in the igloo or in the tent.

24 We usually have four, four on each side of
25 our table. And, they usually be big ones, but for this,

1 this is a smaller one that is made for us, for all of us.

2 And, I just want to say one -- one thing.

3 If we tell our stories, please, if we go outside or outside
4 of this building, let us leave the things that we tell our
5 stories in here. Please. And, let's not take it outside
6 when we go for break. Leave it here. Thank you. I will
7 say my prayer in my dialect (speaking in Native language).
8 Thank you.

9 **MS. DEBBIE REID:** Wendy, I will now turn it
10 over to you. I'll now turn it over to you.

11 **Hearing # 1**

12 **Witness: Darlene Clarke, Jade Frost, Cheryl Alexander,**
13 **Courtney Bear**

14 **Heard by Chief Commissioner Marion Buller and Commissioner**
15 **Audette**

16 **Commission Counsel: Wendy Van Tongeren**

17 **Registrar: Bryan Zandberg**

18 **MS. WENDY VAN TONGEREN:** Thank you very
19 much. Good morning, Commissioner Audette and Commissioner
20 Buller. For the audience, my name is Wendy van Tongeren,
21 V-A-N, T-O-N-G-E-R-E-N. And, I am one of the Commission
22 counsel, and I have the honour of assisting with the
23 evidence that will be coming from the Clarke family today
24 in connection to the loss of a loved one.

25 I'd like to start, please, with -- I'm going

1 to pass the microphone to all the people that are present
2 here. And, Diane has the microphone in her hand. And so,
3 I'm asking -- sorry, Darlene has the microphone in her
4 hand. And, I'll ask her to just say your name and spell
5 it, spell the last name. And then, identify your
6 connection to the lost one, so that we start to get an idea
7 of the family members who are here today, and whether or
8 not they are going to speak or in support -- who are family
9 members, who are support.

10 So, start with your name, please, and
11 identify your relationship to the deceased.

12 **MS. DARLENE CLARKE:** My name is Darlene
13 Clarke, C-L-A-R-K-E. Kim Clarke was my only sister.
14 That's my relationship to her.

15 **MS. JADE FROST:** My name is Jade Frost. My
16 last name is spelt F-R-O-S-T. And, Kim was my auntie.

17 **MS. COURTNEY BEAR:** Good morning, *bonjour*,
18 (speaking in Native language), Strong Flying Eagle Woman.
19 My English name is Courtney Bear, B-E-A-R.

20 **MS. CHERYL ALEXANDER:** (speaking in Native
21 language). My English name is Cheryl Alexander, A-L-E-X-A-
22 N-D-E-R. And, Kim was my auntie as well.

23 **MS. DARLENE CLARKE:** First of all, I would
24 like to say a prayer to the Creator to give me strength to
25 say what I have to say. This is not a very easy task for

1 me, for I have experienced hell on earth. I find that I am
2 reliving the tremendous loss of my only sister, Kim Clarke.
3 She was not a street person. She was missing, and she was
4 murdered. This is extremely emotionally and physically
5 draining for me as when it had happened. It was horrific,
6 and I try not to dwell on it. It's like trying to get out
7 of a dark pit.

8 My family suffered great trauma, heartbreak,
9 sorrow, shock, loss, disbelief, loneliness, emptiness,
10 pain, depression, anxiety, nightmares, terror, fear and
11 rage.

12 This inquiry is a painful reminder of that.
13 I do not forgive her attacker. Only God has that power.
14 How do you rehabilitate someone that is evil, sadistic, and
15 shows no remorse for what they have done? For the safety
16 of others, he should be locked up permanently.

17 While incarcerated, he has received his
18 education and job skills. How nice. What supports were
19 put in place for my sister and her family after he washed
20 my sister's blood from his hands?

21 Her children were robbed of a mother's love,
22 and were greatly affected. They did not have her love, but
23 they did have the love of their dad, who was the best dad
24 any child could have. The children dealt with their loss
25 through drugs and alcohol. As a result, our family

1 suffered another huge loss, her baby. He was young,
2 handsome and strong, and wanted to be with his mother. We
3 love and miss him, and wish he could have been with us
4 longer. Our family is still grieving for him.

5 I also want to say another prayer for the
6 members of this committee, as they have a big job to do. I
7 ask the Creator to preserve their sanity, and to be with
8 them each and every day as they listen to all these
9 testimonies.

10 I also pray that the families find peace and
11 healing. There are so many families suffering. It makes a
12 person wonder why something was not done prior to today to
13 end their agony. For the sake of my grandchildren and
14 great-grandchildren, I think they should be taught as young
15 as five years old that they are the potential victims, and
16 what they should do to protect themselves and to be safe.

17 When they come into contact with anyone,
18 they should treat people with suspicion and distrust. This
19 should be drilled into them. And, if it sounds harsh,
20 well, it's better than being dead.

21 I want to thank you for the opportunity to
22 express my opinions. There is only one way for me to go in
23 my life, and that is forward. So, I must leave the demons
24 in the past where they belong. Thank you very much. I'd
25 like to pass this to my daughter now.

1 **MS. JADE FROST:** I've seen a lot of
2 heartbreak in my family. And I was with my nephew, Andrew,
3 on the day -- on New Year's. And, he did tell me how much
4 he wanted to be with his mom, because he was a baby when
5 his mom did die. And, I talked to him. And, yeah, shortly
6 after, I think three weeks later, he did die. I told him
7 that his mom was still here in spirit. And, yeah.

8 I remember spending, like, lots of days at
9 the park with my auntie, and she was a very good mom to her
10 kids. We always took my kids to swim, and we had picnics
11 in the park. Yes, there's lots of times I miss, like when
12 we went to Bingo.

13 I remember the next day something was wrong
14 because me and my auntie were going to meet at the zoo with
15 the kids. We were going to take them on a field trip, and
16 she already prepared the salads. And, when she didn't show
17 up, I knew something was wrong. So, I called her husband
18 and I called my sister, because they were together the
19 night before.

20 And so, we kind of set to search out right
21 that morning when I knew that we were all planned and set
22 to go to the zoo, and she didn't show up. And, yes, I just
23 remember those few days that she was missing, like, how
24 hard and difficult it was to get through.

25 I was excited to start university the

1 following month, and I kind of didn't know if I was going
2 to. But, I did, because I thought if I didn't, I would
3 just -- maybe just be stuck in the past. And, I thought my
4 auntie, before she did pass, she gave me a letter. It said
5 always believe in your dreams. Always believe in your
6 dreams and follow your heart. And, I knew she would
7 probably want me to go on to university, so I did start.

8 And, it was a very difficult year. And, I
9 still sometimes have a difficult time dealing with her
10 death.

11 **MS. COURTNEY BEAR:** Good morning. I'd just
12 like to give thanks for this day. I thank the Creator for
13 giving me the strength to be here with my mom, Darlene, to
14 support her.

15 And, I reflect back of when my Auntie Kim
16 was murdered, and the effects and impacts that it's had on
17 my life. And, not just my life, but my whole family, you
18 know, her children, my sisters, my brother, my mother, my
19 uncles, you know, my grandmother, you know. And, it's
20 important, I feel, to share their truths, you know, because
21 they're not here today.

22 And, I know that my grandmother, she had a
23 very close relationship with my Auntie Kim and her
24 children. And, with her death and the loss for that
25 impacted her in a great deal, you know.

1 And, I remember being a young adolescent,
2 you know. I was 13 when my aunt was murdered. And, I
3 remember standing with my older sisters and my niece and my
4 nephew on top of the Redwood Bridge, you know. And, not
5 wanting to believe that this potentially could be her, you
6 know.

7 Because my aunt, she had so much love. And,
8 she accepted and honoured every single one of her nieces,
9 you know -- my mom's daughters, you know. Everywhere she
10 would go, my aunt was so proud of us, you know.

11 And, that's something that I know that the
12 attacker can never take away from me, is that love that I
13 experienced from her, you know. That love, and that
14 acceptance, and that appreciation, and her way of giving,
15 because she gave, you know. She would give the shirt off
16 her back, you know, and she was such a loving woman, you
17 know.

18 And, you know, to see how after all these
19 years, to be impacted by the ripple effects of
20 disconnection as a family unit, alcoholism, drug addition,
21 mental health issues, incarceration, you know, plagued my
22 whole family because of this loss and this death that we
23 had experienced, you know.

24 And, where is the justice for us? Where is,
25 you know -- where was our healing, you know, when we needed

1 people to support us? As a family unit, we couldn't be
2 there for each other. We were not able or equipped, at
3 that time, to support one another, to comfort another. We
4 were all on our own personal journeys. Every single one of
5 us at different ages and stages in our lives.

6 And, you know, me being the youngest, and
7 young, like I had no sense of direction. I knew that my
8 family members were going through what they were going
9 through, and I had to lean on other outside supports as a
10 youth, you know, to get through those hardships, and to
11 heal and to find strength, and you know.

12 I still don't understand today what came out
13 of all of this, you know. Like I still struggle with
14 thinking like, you know, her murder and the loss and, you
15 know. And, I see my cousins, and, you know, the loss of
16 her youngest son. And, it hurts. It hurts to watch people
17 you love destroy their lives, you know. That pain was
18 inflicted by somebody else that took a life that, you know,
19 has no remorse to how it has impacted every single one of
20 us, you know.

21 And, it's been a great loss, you know. And
22 -- but, today, I can say that I'm really grateful that my
23 family is able to come together. The ones that have come,
24 you know, on our healing journey and embarked on, you know,
25 this spiritual path to be here for one another, to support

1 one another, to see that we're here, you know. We're going
2 to speak the truth, we're going to share our story, and
3 we're going to stand with each other each step of the way
4 So, *migwetch*.

5 **MS. CHERYL ALEXANDER:** *Bonjour*. In terms of
6 being able to understand some of the things that have
7 happened, it's hard. It's hard for the family to
8 understand that moving forward part, and to be able to
9 support each other.

10 My family has endured a great loss. They've
11 shown me how to be -- and I don't want to use that word --
12 but I've never met a bunch of stronger people. We don't --
13 as we're hurting, we're also together, you know, that
14 support. I haven't always had that in terms of being able
15 to say that.

16 That healing has come, over the last --
17 since this process has started. And, being able to speak
18 that truth together as women of the family, to be able to
19 be strong, that's hard. But then, we start talking about
20 our relatives that are not with us anymore, and they are
21 with us. Those connections that we have are so important
22 to be able to support the ones that are still needing that
23 support. We're always going to need that support. There
24 is no timeline on grief.

25 I'm so glad today that you've honoured each

1 and every one of the people that have gone on during this
2 process, because they are here with us. We carry them with
3 us. The culture has helped. And, like my young cousin
4 said, at each stage, we're at different stages of that
5 healing.

6 We're all here to support. Our community
7 needs to know that, that there's no one answer, you know,
8 and each story it's different. Whatever social faction had
9 to happen -- justice, education, you know, there's always
10 the same commonalities.

11 That's who we are as a people. I think it's
12 time for us to start looking for solutions and support.
13 The perspective needs to change, because that's how we're
14 going to have to start addressing the problem in terms of
15 healing, support.

16 It's got to stop. We have to start telling
17 our future generations how to be safe, how to be educated,
18 you know. It's such an epidemic now in terms of all the
19 different agencies. I won't get into that.

20 As a front-line worker, I see it every day.
21 I feel it every day. I'll tell you right now, I'm not one
22 to read the paper. I'm not one to watch the news ever
23 since this particular incident happened to my family. It's
24 too tragic; it's too heartbreaking. And it's just
25 something that you -- you feel and -- to make your sanity.

1 I think that's where I'll stop sharing. I
2 say *migwetch* to the Commission, to each and every one of
3 you for coming. It's a hard road to hear this. I just
4 hope that our prayers are answered. Our requests for
5 support through community through those healing
6 initiatives, those continue. There is no timeline for
7 grief or loss.

8 So, whether it be this inquiry whether it be
9 the healing practices of people that are going to do it;
10 regardless. And, that's how our family had to start, you
11 know. That was mentioned. There was no -- there was
12 nothing. And so, now -- now there's initiatives. And,
13 that's good, but it has to be for everybody. So, I say
14 *migwetch*.

15 **MS. DARLENE CLARKE:** I'll just pass the
16 microphone now to Wendy. So, thank you very much for
17 listening to our story.

18 **MS. WENDY VAN TONGEREN:** Thank you.
19 Darlene, I'd like to ask your permission to ask some
20 questions, because I think it's important for the
21 Commissioners and your friends and family, and those who
22 care about the story who are listening to know, for
23 example, that what happened on July 23rd, 1998 and what
24 happened on July 26th, and how you, yourself, played a
25 heroic role in assisting the investigators to make sure

1 that somebody was identified as the culprit and was held
2 accountable.

3 And also, I'd like to ask questions about
4 recommendations and thoughts that the family has about how
5 children who survive the tragedy of the death of a mother,
6 how support can be provided. What does it look like, and
7 what people should be thinking about beyond the good
8 thoughts and recommendations that have already been given.

9 So, I'm asking for your permission for me to
10 ask some questions. And, you can answer them, or you can
11 identify somebody here who could answer them. But, if you
12 are happy with what you as a family have said already, we
13 can leave it there.

14 **MS. DARLENE CLARKE:** You have my permission.

15 **MS. WENDY VAN TONGEREN:** Okay. Thank you.

16 **MS. DARLENE CLARKE:** You have my permission
17 to ask questions. If I'm unable to, maybe another member
18 can answer them.

19 **MS. WENDY VAN TONGEREN:** Thank you very
20 much. So, we'll start, if you can, with the narrative from
21 the day that Kim went missing. Can you tell us about what
22 it was that happened on July 23rd, 1998?

23 **MS. DARLENE CLARKE:** Can I ask my daughters
24 which one is strong enough to answer that question?

25 **MS. WENDY VAN TONGEREN:** Absolutely.

1 **MS. JADE FROST:** It was the morning when we
2 were going to the field trip, and she didn't show up for
3 the field trip. And, I knew something was wrong, because
4 we were already prepared for it. She made salads. And so,
5 then I called her husband, and I called my sister, and I
6 said you know what? Auntie Kim didn't come to the field
7 trip. I don't know what's going on. Did she sleep in, or
8 what's up? Because we went to Bingo the night before.

9 So, I think it was a little bit later that
10 day, around noon, my sister, Eileen, said something bad
11 happened by the Redwood Bridge and that there was a trail
12 of blood leading down to the river. And, I said -- so,
13 then we put two and two together. Like, that's the path my
14 Auntie Kim would have went home.

15 Yeah, and from there, I know my sister, she
16 called the cops. And, we said that, you know, Auntie Kim
17 was missing. This is the likely path that she would have
18 went home on.

19 **MS. WENDY VAN TONGEREN:** So, is it your
20 understanding that your sister, Eileen, was -- or, sorry.
21 That your sister, Eileen, was with Kimberly that night
22 before she went missing?

23 **MS. JADE FROST:** She was. We were at Bingo,
24 and then they left together and went home.

25 **MS. WENDY VAN TONGEREN:** But, at some point

1 they got separated, did they?

2 **MS. JADE FROST:** Yeah.

3 **MS. WENDY VAN TONGEREN:** And, you said the
4 red -- was it the Redwood Bridge?

5 **MS. JADE FROST:** Redwood Bridge, yes.

6 **MS. WENDY VAN TONGEREN:** And so, this
7 occurred in Winnipeg?

8 **MS. JADE FROST:** Yes.

9 **MS. WENDY VAN TONGEREN:** And, you didn't
10 actually go to the bridge yourself during those days, did
11 you, or did you go?

12 **MS. JADE FROST:** I did go.

13 **MS. WENDY VAN TONGEREN:** And, there were
14 other family members who went as well. And so, tell us
15 about that part, the role that the family played in trying
16 to discover what had happened at the bridge, and to provide
17 that information to the police.

18 **MS. JADE FROST:** I think we were all in
19 shock and disbelief. Like I remember I was living in the
20 Maples, and I remember just going to the bridge as fast as
21 I could. And, I started thinking like, no, this can't be
22 true; this can't be happening. Like, it's not my auntie,
23 I'm pretty sure.

24 **MS. WENDY VAN TONGEREN:** And, I appreciate
25 this is something that you would have heard from someone

1 else, but did you hear about how, as a result of the family
2 participating, that the police were actually able to get
3 forensic evidence that allowed them to eventually identify
4 who had harmed Kim?

5 **MS. JADE FROST:** Yeah.

6 **MS. WENDY VAN TONGEREN:** Did you hear about
7 that part?

8 **MS. JADE FROST:** Yeah. I went to the trial.

9 **MS. WENDY VAN TONGEREN:** Okay. So, what --
10 what was it that your family did that assisted, eventually,
11 so that there were a number of factors that pointed to the
12 suspect who was responsible?

13 **MS. JADE FROST:** Well, we knew that her
14 jewellery was missing. Like, she had a gold necklace and
15 gold bracelet, and we knew that was missing.

16 **MS. WENDY VAN TONGEREN:** And, I think Eileen
17 went to the bridge too, didn't she?

18 **MS. JADE FROST:** Yes.

19 **MS. WENDY VAN TONGEREN:** And, she told the
20 police about where they had been before?

21 **MS. JADE FROST:** Mm-hmm.

22 **MS. WENDY VAN TONGEREN:** And, the police
23 went there?

24 **MS. JADE FROST:** Mm-hmm.

25 **MS. WENDY VAN TONGEREN:** And, do you know

1 that part of the story? Do you remember it from the trial?

2 **MS. JADE FROST:** I try not to remember the
3 trial too much, because the fellow was rude. He was -- he
4 had a girlfriend at the time. He was blowing kisses at
5 her. He was smiling. He showed no remorse.

6 The things that I do remember from the
7 trial, I was sitting kind of close, and I remember seeing
8 some of the pictures that was for the jury to see. And, it
9 was like the marks of, like, the blood splatter. And,
10 that's the parts that I don't want to remember.

11 **MS. WENDY VAN TONGEREN:** Absolutely. And, I
12 understand that Darlene was also at the trial. And, it was
13 very difficult for her, but she was very strong and
14 courageous, and sat there in support of her sister?

15 **MS. JADE FROST:** Mm-hmm. My grandma was
16 there, and I believe other family members were there. My
17 grandma was a little bit -- she had hearing aids, so every
18 now and then we would have to go and talk to her, and tell
19 her what was going on.

20 **MS. WENDY VAN TONGEREN:** Is there anything
21 else that, Courtney, that you would like to add?

22 **MS. COURTNEY BEAR:** What was the question?

23 **MS. WENDY VAN TONGEREN:** It relates to the
24 heroic actions of the family that resulted in a man being
25 identified as the culprit.

1 **MS. COURTNEY BEAR:** I know for myself, based
2 on my experience and what I know, that morning, myself and
3 my other sister that I was with, and her daughter, we knew
4 that my auntie never made it home that night. And, we
5 started calling around.

6 And, you know, it was out of character for
7 my aunt not to return home. She always made it home to her
8 husband and her kids. No matter where she was, or what she
9 was doing, she would always say that she had to make it
10 home, you know.

11 And, her and my other sister -- my Auntie
12 Kim and my sister, they were out and they went to a house
13 party and, you know, and my auntie decided to leave, you
14 know. And, today, I think the evidence that, you know,
15 helped to put away her killer was so detrimental to the
16 case.

17 There was a cyclist that was passing that
18 identified my aunt, that he seen her walking down Burrows
19 (phon). She tried to stop to use the phone, the pay phone.
20 He kept hanging up the phone on her. He wouldn't let her
21 use the phone. And, she kept walking, and she was trying
22 to get away from him.

23 And then there was that guy on the bike that
24 identified -- that seen my aunt with a male. And, he
25 identified her and, you know. And, it was after like, you

1 know, after we phoned and made a report. Like my sisters,
2 they phoned and made a report, and they said like it's out
3 of character. And, they said we can't -- you know, we
4 can't say this is a missing person, or we can't say that
5 this is her. Like we don't have enough evidence to say
6 that, you know.

7 And, I remember those four days leading up
8 to her body being discovered, and how it was so heavy and
9 like, like our family was just all together. We were --
10 like, didn't know how to react, or what to think, or even
11 to know if it was her, or to know that, you know, is this
12 true, is this possible, you know? Is there somebody out
13 there that actually would do this, you know? We've never
14 been impacted by such tragedy or trauma prior to her
15 murder, you know.

16 And, then yeah, you know. Her body
17 resurfaced after the three, four days in the Redwood
18 Bridge. And, it was identified as, you know, my auntie,
19 Kimberly Jane Clarke, you know.

20 And, I wasn't at the trial, you know, but I
21 remember when the trial was going on, you know, from family
22 members. And, the things that were, you know, the horrific
23 things that were done to her, and you know.

24 And, it -- it's just like how do you -- like
25 for me I think like how do you -- I don't understand, you

1 know. There's times where it's like the clarity and -- for
2 many years I was resentful and angry of like, Creator, why
3 would you take such a beautiful person away from us? And,
4 it wasn't even that the Creator took her away, you know.
5 This was impacted by somebody else. Inflicted pain from
6 another person, you know. And so, you know.

7 And, even when she had her -- like, when we
8 had the funeral, you know, because she was so badly
9 unrecognizable, we weren't able to have an open casket, you
10 know. We weren't able to see and say our goodbyes, you
11 know, as a regular funeral of somebody that dies of a
12 natural cause, you know. They had to have closed casket.

13 And, they said to the family -- like I
14 remember that day of the funeral and the pastor saying to
15 my mom like, "Darlene, you don't want to see your sister
16 like that. Remember her the way that you see her when she
17 was alive," you know.

18 And, you know, just that. Like, you know,
19 there's closure in that piece of being able to say goodbye
20 to somebody, you know. And, I wasn't able to, you know, to
21 have that closure. Or, nor was any of my family members
22 able to have that closure because of the impacts of her
23 murder.

24 **MS. WENDY VAN TONGEREN:** And, is it that you
25 learned that this man, he was a total stranger? He had

1 never met your auntie before?

2 **MS. COURTNEY BEAR:** Yeah, he was a total
3 stranger. He was a total stranger. Never -- they never,
4 ever crossed paths prior to that night of them being out.
5 And, he followed her from where they were; my auntie and my
6 sister.

7 **MS. WENDY VAN TONGEREN:** And, he was 19
8 years old at the time that this took place?

9 **MS. COURTNEY BEAR:** Yes. He was 19 year old
10 -- 19 years old. Yes.

11 **MS. WENDY VAN TONGEREN:** And, I also
12 remember when we met in July, Courtney, that it was clear
13 that Darlene, standing strong, she actually instigated the
14 family going down to the bridge to try and help?

15 **MS. COURTNEY BEAR:** Mm-hmm. Yeah.

16 **MS. WENDY VAN TONGEREN:** Once you were
17 sitting there, and Darlene had the intuition to say this
18 looks like its related to what happened, and the family
19 should be there?

20 **MS. COURTNEY BEAR:** Yeah. And, I definitely
21 say, like, even that, like, my mom has always been like the
22 backbone of my family, you know. Even when she felt like
23 she knew was happening, and "Everybody get down there right
24 now." Like, I think this is, you know, what it is.

25 And, I think my mom already knew before we

1 even all knew. So, it was, you know, she knew that we
2 needed to be together, you know, even at that time. But,
3 you know, as something so traumatic like we all kind of
4 dispersed. And, you know, we're coming back together as a
5 family after 17 plus years. That's a long time.

6 **MS. WENDY VAN TONGEREN:** Yes. How old was
7 your auntie when she died?

8 **MS. COURTNEY BEAR:** She was 36 years old.

9 **MS. WENDY VAN TONGEREN:** And, she had how
10 many children?

11 **MS. COURTNEY BEAR:** She had three.

12 **MS. WENDY VAN TONGEREN:** And, you've -- all
13 of you have already addressed the very traumatic results
14 that this had on the children, and eventually the
15 grandchildren as well.

16 **MS. COURTNEY BEAR:** Mm-hmm.

17 **MS. WENDY VAN TONGEREN:** Is that right?

18 **MS. COURTNEY BEAR:** Yeah.

19 **MS. WENDY VAN TONGEREN:** So, I would like to
20 offer the opportunity to you to give some specific
21 recommendations on how this country can protect and assist
22 the children of indigenous women and girls who are slain.

23 **MS. DARLENE CLARKE:** I've been in touch with
24 the Parole Board, and I was asked to write a victim impact
25 statement. And, when they sent me all his particulars, it

1 made me so angry I couldn't even mail the letter, because
2 he received education, job skills; whereas, my niece and
3 nephew didn't have the opportunity to be educated or
4 receive any job skills.

5 So, I think there should be more put in
6 place for the victims of a violent crime, or the families
7 of a violent crime.

8 And, as for -- I think there should be
9 workshops for young children, as young as five years old,
10 to not be so trusting, and to be suspicious if anybody is
11 trying to be too kind to them, so that they don't fall into
12 any -- any trap, so. But, they are -- they -- nowhere to
13 go for their safety and protection.

14 **MS. WENDY VAN TONGEREN:** Thank you.
15 Darlene. Anybody else?

16 **MS. COURTNEY BEAR:** I'd just also say that,
17 you know -- you know, for the ones that are impacted in the
18 immediate family, for services to be provided to them right
19 away, you know. Like, I know that nothing -- no services,
20 no healing, no outreach was provided to my aunt's kids.

21 And, you know, they have been the ones that
22 have been impacted and inflicted, I'd say, the most, you
23 know, because those were her children. So that, you know,
24 what kind of life and future are they going to have when
25 they are only having -- have one parent left to undue

1 circumstances of their life?

2 Like you know, nobody ever wishes this upon
3 another person to go through this, to feel this, to
4 experience this, or for another person to be impacted by
5 that experience. So, I think it's like supports, healing,
6 ceremony, you know, spiritual aspects to be provided, you
7 know.

8 **MS. WENDY VAN TONGEREN:** Mm-hmm.

9 **MS. CHERYL ALEXANDER:** Furthermore, for
10 those supports for recommendation, as we all know, the
11 healing path is different for each and every one of us.
12 So, for the ones -- and especially for my auntie's kids,
13 when they are ready to have those services provided, and
14 indefinitely -- regardless, it might take the rest of their
15 life. For their children, for all the victims and family
16 members that need those services, there should be no
17 timeline. It should be continual, because those losses
18 were impacted in such a way that there is no coming back
19 from something like that, you know. You might be able to
20 move forward, but those losses are never replaceable. So,
21 to be able to have that; those services and recommendations
22 that when they do come forward.

23 Whether it's five minutes down the line,
24 whether it's 15 years down the line, those services will be
25 readily available, and they'll be waiting for them in terms

1 of whether it's culture, counselling, whatever it is they
2 need support in.

3 Whether it's education, you know, support.
4 All the services to be provided and it has to be
5 indefinite. There should be no timeframe on the healing
6 services provided. That needs to be sent strongly as a
7 message to Canada, you know. This is not something that
8 hasn't happened overnight, and it's going to take a heck of
9 a lot longer for us to be able to come to be able to
10 address.

11 So, I think that now, with this inquiry,
12 that is one of the key pieces is that now that the -- the
13 awareness is out there. Now, we're actually looking at the
14 action plan. And, that needs to be one of the key pieces,
15 is that that timeframe on the services needs to be ongoing.
16 Thank you.

17 **MS. WENDY VAN TONGEREN:** And, is there a bit
18 of a complicating factor in that when a crime like this is
19 committed, the family, the friends, the police, they don't
20 know who the person is responsible. So, sometimes, they
21 actually look to family members as potential suspects.
22 And, would that also play a role in terms of the
23 relationships, the children, and how they carry the story
24 from that time forward?

25 **MS. DARLENE CLARKE:** I don't think so. I

1 think -- I don't think family members were under suspicion
2 of her disappearance or murder.

3 **MS. WENDY VAN TONGEREN:** In this case, was
4 -- at least they interviewed the husband, Kim's husband,
5 right?

6 **MS. DARLENE CLARKE:** Mm-hmm. But he is --
7 he is a very -- he's the best father any child could ever
8 have. And, even prior to that night, he's always been a
9 very good dad to his children. So, it would be pretty hard
10 to convince the kids that he was capable of any atrocities.

11 **MS. WENDY VAN TONGEREN:** Yes. And, he's
12 okay, too, the father? Does he need some support as well?

13 **MS. DARLENE CLARKE:** Yes, he does. He's
14 grieving, and I'm grieving as well. I've never shared this
15 with him, but each of us, I guess we grieve in our
16 different ways. And, he's not -- he's a very private
17 person. Maybe I'm an outspoken one, so. But, I do know
18 enough to say, well, you know, that's fine. You can deal
19 with it your way, and I'll deal with things my way, the way
20 we grieve.

21 **MS. WENDY VAN TONGEREN:** Thank you, Darlene.

22 **MS. DARLENE CLARKE:** You're welcome.

23 **MS. WENDY VAN TONGEREN:** Okay. So, an issue
24 that we talked about back in July was some common examples
25 of racism that are shown towards indigenous women and

1 girls, and misogyny or sexism towards indigenous women, and
2 how -- what changes can come about to improve their life
3 experience with the presence of racism and misogyny in
4 current times.

5 **MS. DARLENE CLARKE:** That's very --
6 something like that is not part of the past. It's still
7 happening in this day and age. Like there is a lot of
8 racism towards Aboriginal people, not only women but the
9 males as well. And how to overcome it? I'll have to ask
10 one of my daughters for that answer.

11 **MS. CHERYL ALEXANDER:** Some of the ways are
12 being shown to the media, social media today; the #MeToo
13 campaign. To be able to talk freely, and not feel guilty;
14 not feel ashamed of unwanted sexual advances, rape, incest.
15 To be able to talk like that, there's lots more people
16 coming forward.

17 And, part of the key to that is being able
18 to have that strength inside to say, you know? That
19 communication, that public communication to be able to talk
20 about safety, about things that need to be talked about and
21 addressed.

22 Showing education, showing our children what
23 values are. Parenting and boundaries, you know. Raising
24 children is a hard job, and some of those boundaries are
25 very grey areas, you know. As an educator, as a parent, a

1 lot of those times those hats that you put on are
2 conflicting because of social boundaries that we have.

3 Education is key, and consistency with those
4 boundaries as well, to be able to show through our
5 programming parenting -- I was just on social media this
6 last week, looking around to see what's out there. And, I
7 applaud a lot of the agencies, because there's some really
8 good programming. And, I'm not just talking in Manitoba.
9 I've looked in a lot of different territories. And, some
10 of the programming out there is phenomenal for young girls
11 to become empowered, for young men to find their voice.

12 The programming is good. And, that's what
13 we need to show our community members, at any age, whether
14 it's through Pow-Wow club, whether it's through after
15 school programming. These are things that need to happen,
16 because it's so hard. And, we need to change that
17 perspective so that it's all about support, and we're
18 building these little people for the future.

19 We want them to have the best. We want them
20 to have all the things that are needed, the supports. And,
21 for me, that starts with the perspective; not looking at
22 our future generations as future young men and women that
23 are going to fill our jails. I'm not looking at the
24 negative anymore. I want to see the positive in everyone.
25 I want to see the hope, and the support, and the strength,

1 because that's where it needs to happen. And, that starts
2 with perspective in terms of how our programming is done.
3 The language, right down to the funding, you know.

4 We have to really start looking at --
5 because we are a strong people, so we have to start being
6 more aware. And, language is part of that; our strength in
7 being able to understand. We know we're we've been. We
8 know what we've been through. Now, we need to know how to
9 change that around, and I believe it really starts with our
10 perspective.

11 Our communities are strong. We're able to
12 say we can support each other, you know. We're not
13 standing alone anymore. Whereas people -- if there's
14 people that need to come together, people will come
15 together all the time. We've shown that. We've shown that
16 in this community. Our family has done it. Every family
17 in here has done that through support.

18 And so, that's where -- for me, that's what
19 healing looks like. Does that make sense?

20 **MS. WENDY VAN TONGEREN:** Yes. Thank you.
21 It makes a lot of sense. And, there's some very good role
22 modelling here which illustrates about what you are
23 speaking. Thank you.

24 **MS. JADE FROST:** I think that there needs to
25 be, like, a lot more programming, like the programming and

1 supports that Ka Ni Kanichihk offers. Like they have the
2 Butterfly Club, they have the Kistesimaw program. They
3 have the Wahkohtowin program, and then the counselling
4 program. And, I think those are all very good programs. I
5 have taken part in some of them. But, I think they need to
6 have more long-term programming in order to help the
7 families move forward.

8 **MS. WENDY VAN TONGEREN:** Thank you so much.
9 That's very helpful to give examples like that. Thank you.
10 So, in a moment, I'm going to ask the Commissioners whether
11 or not they have any questions for you. But, is there
12 anything that anyone feels that they need to say before I
13 do that?

14 **MS. DARLENE CLARKE:** No.

15 **MS. WENDY VAN TONGEREN:** Okay. Thank you.
16 Madam Commissioners, those are questions I have for this
17 family.

18 **CHIEF COMMISSIONER MARION BULLER:** Thank you
19 all very much for coming and sharing your story about Kim
20 today.

21 I just have a few questions about taking a
22 different perspective of services and moving forward.
23 Maybe you could give me a few more examples, please, about
24 changing that perspective, looking from the strength
25 perspective, please?

1 **MS. CHERYL ALEXANDER:** I guess in terms of
2 when I say the perspective, the negativity -- and I know
3 this is something I learned in sociology, in university,
4 that the public perspective of aboriginal people, it comes
5 from a negative base.

6 So, I guess, that being said in the back of
7 my mind is that I'm a thinker, and I tend to over-
8 generalize in terms of perspective. My perspective is not
9 necessarily the same perspective as my neighbour, someone
10 down the street, it doesn't matter.

11 I don't see someone in terms of race, you
12 know. People are humans. That's how I tend to think. So,
13 when I say -- but when I start talking about programming,
14 people are like, "Oh, no. Not everybody needs that." So,
15 I'm thinking that, well, am I wrong?

16 And, I'm coming from a front-line worker
17 perspective. I spent 25 years in front-line services, so I
18 see what's out there. I see the people that are coming to
19 the program, and the need. And then, for me, it's always
20 about the lack of change in government. I hate to say
21 politics, but that seems to be always the shortfall. And,
22 who ends up paying in the long run? And so, that's where
23 I'm seeing perspective from. I want to see the continue --
24 the continuity of service regardless of the change of the
25 date.

1 And, I know that's really -- that's
2 something that's never going to be a continual line,
3 because I know how government works. But, it needs to be
4 so that the social transfer somehow keeps that continuity,
5 because in the end, it's the same people at the bottom
6 levels that need to have that continuity for services, you
7 know.

8 The agencies that we have here do phenomenal
9 work with what they're given. But, at the end of the day,
10 it's about the almighty dollar, and that needs to change.
11 It needs to be about people first, and that healing --
12 those services still need to be provided. So, how do we
13 get to that point? Does that answer?

14 **CHIEF COMMISSIONER MICHELE AUDETTE:**

15 (speaking in French). My brain is still in French. Sorry.
16 Very inspiring. Very, very, very -- your recommendations.

17 And, it's the first time we hear for long
18 term, long term. We always say seven generations, so it is
19 something I'm pretty sure it will be in the report and
20 recommendations, because we know -- we know that short
21 investments or short programs that organizations are facing
22 every day, it's beautiful, and then it's ending. So, yes,
23 you -- I'm very, very comfortable.

24 And, the beauty also, you gave us a gift
25 this morning of how, with a tragedy, how can a family get

1 unified, get together, and the spirituality. We lost that.
2 It's coming back from our very -- we kept it over a
3 generation, and they're here today to teach us again what
4 our ancestors were doing.

5 So, you have that gift, and I'm humbled to
6 be here sitting in the room with you. Very honoured.
7 *Merci beaucoup.*

8 **MS. COURTNEY BEAR:** Can I say something? I
9 think on the recommendations, you know, as an alumni
10 student from the University of Winnipeg, and doing research
11 on topics I've done, you know, I've read many policies, and
12 guidelines, and recommendations, and I really hope that,
13 you know, through this process of recommendations that
14 organizations, agencies, and governments follow through
15 with what the recommendations that are required that are
16 going to come out of this inquiry, to be applied. Because
17 many times I see in research or policies and guidelines,
18 and recommendations, you know, it's about writing the
19 document, but nothing is actually being, you know, pushed
20 forward or addressed and applied.

21 And, I think that's what really I would
22 recommend as a recommendation, is that the recommendations
23 be utilized, not just written in a document and not
24 applied, and not changed to find any solutions in the long
25 run of future generations. So, thank you.

1 **MS. WENDY VAN TONGEREN:** I think, then, it's
2 time for the gift giving.

3 **COMMISSIONER MICHÈLE AUDETTE:** Some
4 beautiful women from Haida Gwaii, grandmothers, when we had
5 the hearing in Smithers a couple of weeks ago, there were
6 some women who were marching, walking from Prince George?
7 Prince Rupert to Smithers. And, they gave us eagle
8 feathers from their territory for the families who shared
9 their truth to us in Smithers.

10 And, it became something for us at the
11 National Inquiry that people across Canada saw that we were
12 giving the eagle feathers, so they sent from their
13 respective territories. So, they travelled (speaking in
14 French language) to here.

15 And, this is a gift for you family members
16 and survivors. Thank you so much. And empowered women,
17 also.

18 **MS. DARLENE CLARKE:** Well, I honestly and
19 truly didn't know that we were going to be given a gift.
20 It comes as a surprise to me. So, thank you. My family
21 thanks you.

22 **CHIEF COMMISSIONER MARION BULLER:** Also,
23 what we like to do is give gifts to the family, because
24 what you tell us is a sacred gift to us. And, in order to
25 return the gift, we give the families seeds, local seeds.

1 This is fireweed. It's a beautiful flower, and it's always
2 the first to come back, so...

3 **MS. DARLENE CLARKE:** My daughter has a green
4 thumb.

5 **CHIEF COMMISSIONER MARION BULLER:** Good.
6 So, this is from all of us, the staff and the Commissioners
7 and Elders at the National Inquiry, to thank you. Please
8 plant the seeds, and let's see what grows.

9 **MS. DARLENE CLARKE:** Thank you very much.

10 **CHIEF COMMISSIONER MARION BULLER:** Okay.
11 So, thank you.

12 **MS. WENDY VAN TONGEREN:** Okay. Thank you,
13 everyone. Thank you for your attendance today. And, we
14 are on a break now. And, if you could come back, please,
15 at 11:15? Thank you.

16 --- Upon recessing at 10:18 a.m.

17 --- Upon resuming at 11:21 a.m.

18 **Hearing # 2**

19 **Witnesses: Fallon Farinacci, Ken Boden**

20 **In Relation to Sherry and Maurice Paul**

21 **Heard by Chief Commissioner Marion Buller**

22 **Commission Counsel: Christa Big Canoe**

23 **Registrar: Bryan Zandberg**

24 **MS. CHRISTA BIG CANOE:** Good morning, Chief
25 Commissioner. May we proceed and recommence?

1 I would like to introduce you today to
2 Fallon Farinacci. Fallon will be telling her story of how
3 her mother was stalked and murdered, and her father was
4 also murdered by the stalker in order to get at her mother.
5 And, it's not an easy story. And, Fallon has travelled a
6 distance because the murders occurred here, but she now
7 lives in another province.

8 And so, what I would like to do is I would
9 ask that each of the family members, or people that are
10 here in support of Fallon, just introduce themselves as
11 well.

12 **MS. SHEENA:** I'm Sheen Macanashnee (phon)
13 and sister, friend, to Fallon.

14 **MR. KEN BODEN:** I'm Ken Boden. I was best
15 friends with Fallon's dad.

16 **MS. DEBBIE BODEN:** I'm Debbie Boden, best
17 friend to Fallon's mom.

18 **MS. MICHELLE:** Michelle Mazukevich (phon).
19 Friend to Fallon.

20 **MS. BREANNE MARTEN:** Breanne Marten,
21 lifelong friend of Fallon.

22 **MS. THELMA MORRISSEAU:** Thelma, supporting
23 the family.

24 **MS. CHRISTA BIG CANOE:** Thank you. So,
25 actually what we're going to do is we're just going to

1 start with Fallon actually answering some questions. And,
2 we're not going to start with the death. We're going to
3 start with the strengths and contributions, and her fond
4 memories of her parents growing up. And so, I'm going to
5 just ask you to share some of those thoughts.

6 **MS. FALLON FARINACCI:** Okay. I don't know
7 where to start.

8 So, my parents passed away when I was nine.
9 And -- sorry, I don't know where to start. They were both
10 really involved in the community that I grew up in, which
11 is St. Eustache, Manitoba. And, I had lots of fond
12 memories. I'm actually here still, and have such a bond
13 with my friends and my family because of the upbringing
14 that I had attached to my community and to everyone.

15 I think had I moved away when I was nine,
16 and not had my parents support me the way they had, I
17 wouldn't be here today. I wouldn't know anything about my
18 past or my family. And, because of my friends, and my
19 family, and the Bodens, I know a lot more about my past,
20 because of such a strong relationship.

21 So, my -- both of my parents were involved
22 in the community in St. Eustache. I have a strong
23 religious belief and background because of them as well.
24 And so, these are all things that are really important to
25 me, because now I can pass those one to my children, and

1 they can continue to know who their grandparents were.

2 A lot of times your family history is lost
3 if you don't have that continued support, and I think it
4 just speaks volumes as to what my parents instilled in me
5 before they passed away.

6 So, I have -- I was really lucky. They
7 always brought me here to Winnipeg. I danced at The Forks,
8 at the Royal Dance Conservatory there, so that's something
9 that I hold dear to my heart. And now, my daughter, I made
10 her a little dancer as well. She's not here today. So,
11 yeah. I don't -- I have -- I don't know.

12 **MS. CHRISTA BIG CANOE:** That's okay. Can
13 you tell me a little bit more about your parents? When you
14 say they were active in the community, what do you mean
15 exactly?

16 **MS. FALLON FARINACCI:** So, they were both in
17 the community club. They were both members of it alongside
18 Ken and Debbie. And then my father was also the president
19 for our local Métis federation. It was the MMF in St.
20 Eustache, South Western. And so, yeah, they were.

21 Again, I attended church with my father and
22 my mother there as well. We were always doing community
23 things. A great memory I have is a scavenger hunt that we
24 did for the community. And, again, that was with my
25 parents as well, so...

1 MS. CHRISTA BIG CANOE: Excellent. And,
2 what did your mom and dad do? Where did they work?

3 MS. CHRISTA BIG CANOE: So, my father worked
4 at Standard Arrow here in Winnipeg. And then my mother
5 actually worked at Misericordia Hospital, here in Winnipeg
6 as well.

7 MS. CHRISTA BIG CANOE: Okay. And so,
8 before we actually talk about what happened with Mr.
9 Ducharme...

10 MS. FALLON FARINACCI: Mm-hmm.

11 MS. CHRISTA BIG CANOE: ...can you tell me
12 once your parents passed -- because you keep referring to
13 your lovely support people -- what happened when you lost
14 your parents? Where did you go? What were the next steps?

15 MS. FALLON FARINACCI: So, the night that my
16 parents were killed, my mother was allowed to write a will.
17 So, he, Andre, allowed her to write a will, so she did.
18 And, it stated that we would go to my aunt's in Ontario.

19 So, we had to leave. We left within a
20 month's time from the place, the only place we knew.

21 MS. CHRISTA BIG CANOE: Can you tell me just
22 a bit about your house and your home, too?

23 MS. FALLON FARINACCI: In St. Eustache?

24 MS. CHRISTA BIG CANOE: Yes, please.

25 MS. FALLON FARINACCI: Yeah. Absolutely.

1 We were actually almost neighbouring, again, to the Bodens.
2 We had our full garden there that I remember always
3 planting and playing in. We had a fairly large yard as
4 well. It was a three-bedroom home. And then -- it was a
5 normal upbringing. I had a great -- I have only fond
6 memories of where I lived.

7 **MS. CHRISTA BIG CANOE:** And so, let's talk
8 about Andre Ducharme.

9 **MS. FALLON FARINACCI:** Mm-hmm.

10 **MS. CHRISTA BIG CANOE:** So, how did your
11 family know Andre Ducharme?

12 **MS. FALLON FARINACCI:** So, Andre actually
13 went to school and grew up with my dad. He was also known
14 as the town bully, is what the media kind of gave him his
15 name after he passed away that day. He -- so, my dad knew
16 him. My dad -- I remember having Andre at our house before
17 this happened with our priest, actually. And then, I would
18 later find out someone would tell me, I don't know who,
19 that it was my dad trying to get him help.

20 He was -- he drank, he did drugs. He was
21 not a contributing member to the society, whatsoever.

22 **MS. CHRISTA BIG CANOE:** And so, what
23 happened with Andre and your mother?

24 **MS. FALLON FARINACCI:** So, in November of
25 1992, it was Andre's birthday, and it was also one of my

1 mother's co-worker's. And, there was a really bad snow
2 storm that day. I was sick. We were going to Winnipeg for
3 Andre -- my mother's co-worker's birthday. And, we turned
4 around and we went home.

5 Andre Ducharme found out that my mother was
6 not going to be celebrating his birthday with her -- with
7 him, sorry. And so, he threatened her. He said, "You will
8 not see to see your next birthday," because she did not
9 celebrate it with him. He, up to that point, was just
10 starting to get -- become more and more obsessed with her.

11 **MS. CHRISTA BIG CANOE:** And, when we say
12 obsessed, like, was he making advances at her, or making
13 comments?

14 **MS. FALLON FARINACCI:** I don't know
15 everything. I know that he did come to our community
16 centre searching for her at one point as well. So, I think
17 it just started to get a little more and more out of hand.
18 And then after he threatened her, then my parents got a
19 restraining order against him.

20 **MS. CHRISTA BIG CANOE:** And, before making
21 this threat, when he threatened your mother by saying that
22 she won't see her next birthday, she took it serious enough
23 to get an order. Was there anything else that happened?

24 **MS. FALLON FARINACCI:** Yes. So, one time
25 when he came to the community centre, it was family Bingo

1 night, and he actually came there with a shotgun looking
2 for my parents at the open community centre. He had it
3 concealed. But, I remember being left behind. I don't
4 know if I was left with the Bodens or other family members.
5 And, my mom, they took her out. My dad, they both left.
6 And, they brought her across the field to my aunt's house.

7 **MS. CHRISTA BIG CANOE:** Now, during the same
8 time frame there was another woman. Her name was Terri-Lyn
9 Babb.

10 **MS. FALLON FARINACCI:** Mm-hmm.

11 **MS. CHRISTA BIG CANOE:** Can you tell me what
12 you know about that story?

13 **MS. FALLON FARINACCI:** Yes. So, as I said,
14 my mom worked at Misericordia Hospital. And, Terri-Lyn
15 Babbcott -- or Babb.

16 **MS. CHRISTA BIG CANOE:** Babb.

17 **MS. FALLON FARINACCI:** She was standing
18 outside at a bus stop. And, she was shot by her stalker,
19 and killed. And, my mother's first instinct was to go
20 outside to check the colour of her hair, because she
21 thought it was Andre who had accidentally killed this other
22 woman, looking for her, knowing that she worked at the
23 hospital. It wasn't obviously meant for her. It was
24 Terri-Lyn's stalker that killed her, so...

25 **MS. CHRISTA BIG CANOE:** And, take your time,

1 and only share what you're comfortable sharing. But, can
2 you please tell the Commissioner about the night that you
3 lost your parents?

4 **MS. FALLON FARINACCI:** Yes. Absolutely.
5 The whole story?

6 **MS. CHRISTA BIG CANOE:** Whatever you're
7 comfortable with.

8 **MS. FALLON FARINACCI:** So, I woke up at -- I
9 believe it was 12. And, I was woken up by noise in my
10 house. I didn't know what was going on, so I got up. And,
11 I -- my parents' bedroom was just outside of my room.

12 I pushed the door open, and I just saw,
13 like, people scrambling, kind of. And so, it was my mother
14 and Andre. And, they were fighting, and my little brother
15 was standing in the hallway. He was five at the time, and
16 he was just crying.

17 And so, leading up to that night, my dad was
18 a volunteer firefighter in our community as well. And, he
19 had told me, and both of my parents told me without scaring
20 me -- I never knew anything about Andre stalking my mother
21 before that night. They just told me if anything ever
22 happens, you know, you're to call the police, and make sure
23 you tell them that you are Sherry and Maurice Paul's
24 daughter, because they'll know us.

25 And so, at the time in our community there

1 was no 911. You had to call a seven-digit number for help.
2 And so, I went to call. And then I saw Andre running at
3 me, and so I ran downstairs and I hid.

4 I hid behind my older brother's bedroom
5 door, and that's when I kind of realized, where is he? He
6 should be in the house. He was seventeen at the time, my
7 brother, Carson. And so, I stood behind the door wondering
8 what was going on. No idea.

9 And then they came downstairs. So, Andre
10 brought my mother downstairs and my younger brother. And
11 then he started to yell and scream, and wanted my mother to
12 look for my older brother because he should have been
13 there.

14 He was tied up. So, when Andre actually
15 entered the house, he came in and put a shotgun to my
16 brother's stomach, and told him if he yelled, he would kill
17 him. And so, my brother didn't. And, he brought him to
18 the basement and tied him up. And said -- tortured him
19 verbally for I think it was an hour he was in the house
20 before he went upstairs.

21 And so, we were looking for my brother.
22 Andre made me, my younger brother and my mom look for him.
23 And then he said that they had to go upstairs and talk, my
24 mother and Andre. And, my mother did not want to go
25 upstairs. She said, no. And, at that point, he said if

1 you don't go upstairs with me, you're going to have to
2 choose which one of your children I kill. So, she
3 obviously went upstairs. My younger brother and I had to
4 stay downstairs.

5 And, I tried to call for help, but the phone
6 was ripped out of the wall. He had done that earlier, so I
7 didn't. And, we stayed down there. We actually fell
8 asleep on my younger brother's -- or my older brother's
9 bed, until 4:30.

10 And then I heard my mom screaming. So, I
11 don't know what was happening in the time that we had
12 fallen asleep. That was -- at the time, I know my mom was
13 allowed to write her will, where we would go.

14 At 12:00 a.m., the first 911 call went in.
15 So, before -- not from me, someone else.

16 My older brother had escaped. And, he ran
17 to the Bodens' house, and that's where they had called 911.
18 The first call had went in.

19 So now, at 4:30, I come upstairs, and I
20 heard Andre say -- or my mother say, "Why do you have to
21 shoot me? You already shot me in the eye." Which was not
22 what had happened, but I don't know. This is something I
23 had heard, and I have always -- this is my statement, and I
24 can still remember it.

25 They were in my bedroom at that time. So, I

1 went into my parents' room, and I was calling again for
2 help on the phone.

3 And then, I realized that my dad was
4 actually in the bed beside me, and I thought he was
5 sleeping. And then it was my younger brother that had come
6 around the bed, and lifted the sheet to see that he had
7 been shot and killed.

8 And then I stayed on the phone. I was
9 trying to call for help, asking for ambulances to come and
10 for police to come. I called several times. I don't know
11 exactly how many calls went in.

12 My mother was in my bedroom, and then she
13 tried to leave the room, and Andre shot her. And, it hit
14 her in her shoulder, but because it was a shotgun it
15 spiralled and severed her spine, and she was killed
16 instantly. And so, she laid half in my room and in the
17 hallway.

18 And so, I believe she -- I can't remember
19 what time she passed away at. He stayed in my room. I
20 never saw him again. We continued to call for help. No
21 one came. My younger brother and I sat in the house from
22 the time that my mother was lying there until 8:30 a.m.
23 when help finally came in.

24 Andre stayed in my bedroom, and then he
25 turned the gun on himself and killed himself after he had

1 shot and killed my mother.

2 The first phone call, as I said, went in at
3 12:00. The police officer who received the call went back
4 to bed, and didn't respond until 3:00 a.m. So, we waited
5 for help. And, at 8:30, help came in. And that was only
6 because -- I found out, because my grandfather decided to
7 go in himself. And then only then did the SWAT team, and
8 the police, and the paramedics come in and take us out of
9 the house.

10 **MS. CHRISTA BIG CANOE:** Thank you. I know
11 it's not easy. After this -- and you were quite young, so
12 you may not recall exactly. But, after this all happened,
13 a couple things happened in Manitoba. One of them was
14 actually an inquest into your parents' death, I understand.
15 Can you tell me what you know about it?

16 **MS. FALLON FARINACCI:** So, there was an
17 inquest. A lot of my family from Ontario came, and
18 elsewhere. And, they came here to support my family here,
19 and also for my parents. Because of the 911 calls going in
20 they believed that my mother could have been saved. My
21 father couldn't have, they don't think, because he was shot
22 and killed instantly.

23 But, we were in the home -- my mother was in
24 the home. When I woke up, my father had already passed
25 away, so he had already been killed. And, we were in the

1 half for eight and a half hours. I believe that my mother
2 passed away at 6:30 in the morning, so she was alive for
3 six and a half hours.

4 The SWAT team was sitting outside. They had
5 numerous times they could have shot and killed Andre. They
6 did not. They never made an attempt at all. And, because
7 of that, my mother -- my mother passed away. So, the
8 inquiry was looking into, I believe, the response time, how
9 long it took, why they didn't go in.

10 Also, Andre, we had a restraining order
11 against him. What happened with that as well, and I -- my
12 -- the -- and also for the response, the lack of response
13 for the three hours that the police officer chose to go to
14 sleep, and not send anyone out to our home.

15 I also know that the local police knew he
16 was -- that my parents had a restraining order against him,
17 and that he was known to the community for everything,
18 so...

19 **MS. CHRISTA BIG CANOE:** Fallon, I'm just
20 going to show you a document. This came out from the Law
21 Reform Commission, and we've had an opportunity to talk
22 about this in the past.

23 **MS. FALLON FARINACCI:** Yes.

24 **MS. CHRISTA BIG CANOE:** I didn't copy the
25 whole thing, because it's 175 pages. But, when this report

1 came out, in the introduction it refers to your parents.

2 **MS. FALLON FARINACCI:** Yes.

3 **MS. CHRISTA BIG CANOE:** I'm just going to
4 give a copy to the Commission.

5 **MS. FALLON FARINACCI:** Okay.

6 **MS. CHRISTA BIG CANOE:** At the introduction
7 -- so, Fallon's family is actually referred to in the
8 introduction of this report. And, for context sake, this
9 report talks about stalking laws in the 1990's, and the
10 lack of stalking laws.

11 **MS. FALLON FARINACCI:** "In 1993, Manitobans
12 became acutely aware of the potential tragic consequences
13 of stalking when three innocent persons lost their lives.

14 The first case involved Terri-Lyn Babb who
15 was murdered in Winnipeg on January 21st, 1993 by Ronald
16 Bell, a former practical nurse. In 1990, Ms. Babb was a
17 patient at the hospital where Mr. Bell worked. Mr. Bell
18 became infatuated with her, and followed her over a period
19 of several months, recorded her daily movements in his
20 diary, and took pictures of her.

21 In March of 1991, Mrs. Babb made a police
22 report about the harassment, and a summons was issued to
23 Mr. Bell. The matter was remanded over and over until it
24 was heard on May of 1992.

25 The interim, despite a peace-bond agreement

1 entered into by Mr. Bell in May 1991, the harassment
2 continued. Mrs. Babb made additional complaints to the
3 police that she feared for her safety, because Mr. Bell
4 continued to follow her -- follow her and threaten her.
5 Another summons was served on Mr. Bell, but he did not show
6 up for his hearing.

7 When all matters were finally heard in May
8 1992, Mr. Bell agreed not to contact Mrs. Bell [sic] for 12
9 months.

10 In August 1992, Mr. Bell's application for a
11 permit to carry a restricted weapon was approved. In
12 November 1992, he registered a gun.

13 Three months later, Mr. Bell walked up
14 behind Mrs. Babb and shot her in the head while she waited
15 for her bus.

16 Mr. Bell eventually pled guilty to murder,
17 and on May 30th, 1994 was sentence to life imprisonment
18 with no patrol for 18 years." So, he's probably out right
19 now.

20 "The second case involved the murder of
21 Sherry," my mother, "and Maurice Paul, by Andre Ducharme at
22 their farmhouse outside of Winnipeg in 1993. Shortly
23 thereafter, Mr. Ducharme killed himself.

24 Maurice Paul and Andre Ducharme had grown up
25 together. Mr. Ducharme became obsessed with Mrs. Paul.

1 And, when she rejected his advances, he warned, "You're not
2 going to live to see your next birthday, and I'm not going
3 to live to see my next birthday."

4 Mr. Ducharme was charged with uttering
5 threats, contrary to Section 264.1 of the *Criminal Code*,
6 and was released from custody on conditions that he not
7 communicate to Mrs. Paul or come anywhere near her
8 residence.

9 Ducharme continued to talk of killing Mrs.
10 Paul with others.

11 When the news of Terri-Lyn Babb's murder was
12 publicized, Mrs. Paul became extremely concerned over Mr.
13 Ducharme's conduct, and immediately instructed that the
14 uttering charges previously agreed to be dealt with on a
15 non-judicial basis proceed in criminal courts.

16 Six days later, Mr. Ducharme killed Sherry
17 Paul and her husband.

18 The Babb and Paul cases are the two most
19 tragic publicized situations of stalking in Manitoba, but
20 they are not isolated events. Stalking is a growing
21 problem across Canada.

22 In 1995, 4,446 incidents of stalking were
23 reported nationally. However, Statistics Canada is of the
24 opinion that the number of stalking-related incidents is
25 closer to 10,000. Approximately 40 people are charged with

1 harassment in Winnipeg alone each year."

2 **MS. CHRISTA BIG CANOE:** And so, this
3 document was actually written in 1995, if I'm correct. I
4 apologize. I can check that. But, I believe this was
5 written in the '90's after your parents' death. What we do
6 know is following this push for law reform, there was a
7 change in Manitoba law on stalking.

8 **MS. FALLON FARINACCI:** Yes.

9 **MS. CHRISTA BIG CANOE:** So, can you tell us
10 a little bit about what you know about the change in law?

11 **MS. FALLON FARINACCI:** I just know that it
12 became -- I don't know a whole lot about the stalking laws.
13 I just know that they were changed only after these two
14 incidents. So, it's really important that it had to go
15 that far. I'm not familiar with all of the changes that
16 happened with it.

17 **MS. CHRISTA BIG CANOE:** Yes. But, one of
18 the things -- one of the things to be aware of, the
19 statistics you just read that are from the '90's. And, I'm
20 not asking you a statistical question. I don't expect you
21 to know the answer to this. But, I do know that you have
22 maybe an opinion on whether or not the stalking laws are
23 still strong enough, and how do you feel about that?

24 **MS. FALLON FARINACCI:** Definitely not strong
25 enough. I've actually just come to find out myself, in the

1 last couple of years, that Andre was actually -- to go back
2 to my parents with the stalking laws, was that Andre was
3 actually released that day that he killed by mother,
4 knowing that he was stalking her. And, he was released the
5 same day that he killed her.

6 So, yeah, I don't think that there's still
7 enough done, especially for women being stalked. And, it
8 needs to be taken more seriously, definitely.

9 **MS. CHRISTA BIG CANOE:** Definitely. And, I
10 think it goes without saying, the deaths have had a huge
11 impact on your life, and you've spoken a little bit about
12 those. But, can you share with us what the loss with has
13 meant?

14 You told us, you know, I lost my parents at
15 nine, and so then you didn't have parents, and you had
16 great supports. But, can you please tell the Commissioner
17 about the impacts of losing, you know, beloved parents that
18 were active in the community, and what that -- how that
19 changed your life?

20 **MS. FALLON FARINACCI:** So, when my parents
21 first passed away, I did not want to move. I didn't want
22 to move. I fought very hard with my family here locally,
23 as well as our friends, so that I didn't have to leave.

24 So, I definitely -- I come back here because
25 I want that connection to my parents, because I don't have

1 it, so. And, had they not passed away, I think I know I
2 would still be here. And, yeah, I miss out on everything.
3 Like I have had my -- thankfully, I have the Bodens to have
4 stand beside me, and I call them mom and dad.

5 And, my older brother, he passed away in
6 2004. He committed suicide. And so, I know if my parents
7 were here -- you never know what someone is going through,
8 and I don't want to blame it on that. But, I will lean on
9 the fact that my parents weren't here that I then lost my
10 older brother.

11 I have my younger brother, and I have a
12 connection with him. It's just not as strong. We were
13 actually separated when I moved to Ontario, and I lived
14 with my grandmother. And, I'm so thankful for her. She
15 took care of me and raised me. My younger brother had to
16 live with my aunt who was the person that my mother had
17 left us to. And, she was not a good person. So, I don't
18 have a relationship with her.

19 Growing up, we -- I didn't have what I know
20 I have here. I grew up with families, us getting together
21 for Christmas, and having a full relationship with all of
22 my dad's side. My grandmother did make a great attempt at
23 having that connection with my family here, but again, in
24 the '90's, you know, it wasn't so easy. I wasn't -- you
25 didn't talk on the phone like you do now. So, I didn't

1 have that same connection that I know I could have had
2 here.

3 And, something like this means so much to
4 me, because I'm getting to learn more and more about what I
5 missed out on, so...

6 **MS. CHRISTA BIG CANOE:** Yes. Thank you.
7 And, earlier you had said your dad was -- was it vice
8 president of MMS?

9 **MS. FALLON FARINACCI:** He was the president.

10 **MS. CHRISTA BIG CANOE:** President. I'm
11 sorry. I got that wrong. And, you had talked about the
12 fact that within the community, you participated in a lot
13 of events, particularly with your dad's side of the family.
14 When you had to go to Ontario, did you stop being able to
15 do a lot of cultural events?

16 **MS. FALLON FARINACCI:** Yeah. Absolutely. I
17 don't know -- I don't know nearly -- I barely know anything
18 about my culture at all. So, when I come home, I ask.
19 And, thankfully, I have Ken to tell me, and I have a couple
20 of my aunts to tell me as well. But, that's when I come
21 here. So, that's where I get that connection.

22 I lost out on all of that my whole childhood
23 because of that. I don't know nearly enough about who I
24 am, and it shows. It definitely shows that lost part of
25 me, where to go, what I'm supposed to do.

1 MS. CHRISTA BIG CANOE: In terms of any
2 other impacts or thoughts you have, in terms of
3 recommendations that you would make to the Commission about
4 changes in laws or issues based on your lived experience,
5 would you like to share some of those?

6 MS. FALLON FARINACCI: Absolutely. They
7 have to change. They have to be more strict. The --
8 everything, like going back to that time in our community,
9 why didn't help come right away? Was it -- they know --
10 they knew I lived in an Indigenous community. I lived in a
11 very strong Métis community. They knew exactly what they
12 were coming into.

13 They had a -- my parents had a restraining
14 order against him, so why was that -- why wasn't it
15 answered? Is there more reason behind it?

16 I found out as well, like, the police were
17 saying everything was fine. They were going in for help;
18 everything was okay. And, they never went in. They never
19 went in. People from the community were trying to find out
20 more answers, and they just evacuated everyone and made
21 them wait. And so, why? Why was all that done? And, how
22 come what has been put into place for change as well for
23 them -- not for my parents, but for the community for that
24 help.

25 And then for stalking laws as well, a woman

1 should not have that fear and should not live with that
2 fear. I could not imagine what my mother felt. I know, as
3 a mother, to have that feeling lingering, knowing your
4 children. It's just not right.

5 **MS. CHRISTA BIG CANOE:** In terms of you
6 explained to the Commissioner and shared in your story that
7 you had to go away, was there any type of counselling? Was
8 there any opportunity to bereave -- to grieve for parents
9 and for your family?

10 **MS. FALLON FARINACCI:** So, the day that my
11 parents passed away, I remember being -- they told us at
12 the hospital, and then we had someone come in to talk to
13 us. I don't remember us actually talking. We were still
14 grieving. It almost happened immediately they wanted us to
15 share our emotions with counsellors, which was fine. But,
16 I don't recall any help after that.

17 And, I don't think that -- sorry. So then,
18 when I moved to Manitoba, or Ontario, we did have child
19 play counselling, where they would have us come and play
20 rather than it be sit down and speak with them. And, I was
21 nine. I knew what they were doing. I didn't open up. I
22 just kept it to myself.

23 I've always been open with my story. I've
24 always shared it. And, I think because of that it has
25 helped me a lot. However, my brother had night -- my

1 younger brother had terrible night terrors, and so that's
2 why we went for that counselling.

3 And then I grew up, and there's no more
4 help. And, if I want help, I have to pay for it. If I
5 want to talk to someone, I have to pay for it, which is
6 fine. I want that help, and I'm willing to pay for it.
7 However, I think it needs to be continued.

8 I know it has to be continued, because
9 there's so many blocks I have in life, and I've never
10 blamed anything on my past. It's sort of made me stronger.
11 However, to have that support, to continue to have that
12 support as an adult is extremely important.

13 And, again, I can't say anything why my
14 brother committed suicide. However, if he had help who
15 knows how it would have went. So, that is 100 percent. If
16 I could do anything to make a change, I would say you have
17 to continue to support the children who are going through
18 this into adulthood, because it lives with you a lifetime.
19 It does not stop.

20 **MS. CHRISTA BIG CANOE:** And, you've touched
21 on the fact that you're a mother. And, how many children
22 do you have?

23 **MS. FALLON FARINACCI:** Three.

24 **MS. CHRISTA BIG CANOE:** And, do you mind
25 sharing their names?

1 MS. FALLON FARINACCI: Yes. So, Carmine, my
2 son; he will be 12 tomorrow. And then I also have a
3 daughter. Her name is Ever, and she will -- she just
4 turned eight. And then, I have a son, Vetter. And, he's
5 right over there. And, he is seven weeks today. Yes.

6 MS. CHRISTA BIG CANOE: So, in terms of like
7 some of the -- when you think of your children, do you ever
8 have similar fears? Are you hyper-vigilant? What from
9 your life experience has impacted the parenting you're
10 doing now?

11 MS. FALLON FARINACCI: So, I make sure --
12 there's a lot of things. I make sure my children know as
13 much as I know about my heritage. I want them to learn
14 more, because I bring them here specifically so that they
15 have that connection.

16 I think on the airplane when I'm coming
17 here, if I were to pass away, would they ever come here?
18 They don't have the -- they don't have that connection.
19 They have this family, but I need them to know more about
20 their past, their history. That's so important to me. My
21 dad was a very, very, very proud Métis. So, it's important
22 that they know who I am. So, I always talk about it, but
23 again, they only go so far for what I know.

24 And then, obviously, I have those fears; the
25 fear of me passing away, the fear of one of my children

1 passing away. I live with it all the time. It's
2 unfortunate that I live with that anxiety and fear around
3 death.

4 **MS. CHRISTA BIG CANOE:** I want to share
5 something with you.

6 **MS. FALLON FARINACCI:** Yes.

7 **MS. CHRISTA BIG CANOE:** And, if I may hand
8 one to the Chief Commissioner as well. And, I'm just going
9 to hold it up just for a minute ---

10 **MS. FALLON FARINACCI:** Sure.

11 **MS. CHRISTA BIG CANOE:** --- so the camera
12 can -- it's going to be hard to see. But, can you tell me
13 who is in this picture?

14 **MS. FALLON FARINACCI:** My mother and my
15 father, Sherry and Maurice Paul.

16 **MS. CHRISTA BIG CANOE:** And, can you tell me
17 this -- this was a memorial that was 20 years after the
18 fact. Do you want to read that in?

19 **MS. FALLON FARINACCI:** "In loving memory of
20 Sherry and Maurice who were taken away from us 20 years
21 ago. We think of you often. We laugh and we cry. Our
22 memories of you, we'll have till we die. Sadly missed by
23 mom, my grandmother, Fallon, Luke, Carmine, Ever, Clinton,
24 Lilly, George, Terry and Kyle." That's all my mom's
25 family.

1 MS. CHRISTA BIG CANOE: And, the need for
2 your family to memorialize them 20 years later to remember
3 the day.

4 MS. FALLON FARINACCI: Yes.

5 MS. CHRISTA BIG CANOE: Can you tell us a
6 little bit about that?

7 MS. FALLON FARINACCI: It was always
8 important for us to remember them, and to continue to have
9 them in our memories. And, to make sure that other people
10 do as well, because if we don't continue, then their
11 memories and what they went through disappears. And, it
12 shouldn't be forgotten.

13 MS. CHRISTA BIG CANOE: And so, if there was
14 a way or recommendations for families that have lost loved
15 ones through violence like this, what would they be? What
16 are ways the Commission can honour and memorialize your
17 family?

18 MS. FALLON FARINACCI: Make the changes.
19 That's the best I can say. No memorial. That's not going
20 to do anything. Make the changes that need to be done. It
21 has to stop; otherwise, it's just going to continue.

22 I'm happy. I'm proud of who I've grown up
23 to be. But, I know I can be a total wreck, and a totally
24 different story, because unfortunately, sometimes people do
25 not have the strength to continue on. And so, changes have

1 to be made if we don't want it to continue. It can be a
2 cycle, and it shouldn't be.

3 **MS. CHRISTA BIG CANOE:** And so, with your
4 permission, we'd actually like to invite who Fallon calls
5 mom and dad to maybe make a couple comments as well,
6 please? And, feel free to share whatever it is you'd like
7 to share.

8 **MR. KEN BODEN:** First, I'll make a little
9 comment there. Fallon, it wasn't a shotgun; it was a 22 he
10 had stolen from his uncle. And, it was broken in half, so
11 that's why it was easy to hide.

12 Anyway, Maurice was a -- a good friend of
13 mine. He worked for me. I have my own construction. He
14 worked for me off and on, and we were hunting partners.
15 So, when we'd go out, we went out for two, three days of
16 hunting, and we'd really enjoy going out together.

17 So, Maurice was very scared of Andre. Two,
18 three days before, we went for supper there, me and my
19 family. And, he told me if anything happens to my kids, he
20 says, you take care of them. So, I did as much as I could,
21 because she was gone to Ontario for a while.

22 So, I really miss his family, because I knew
23 all -- his grandfather and the whole family; I know them
24 all. I was raised with them.

25 That's all the comment I got to say, except

1 that the RCMP were very shitty and lazy. They stopped -- I
2 stopped them on the road, and they told me they had
3 everything under control; that they had her on the phone,
4 that they were talking at ease. Oh, everything's good, he
5 says.

6 I says, "Well, why don't you go there and
7 get them out of there?" And then they were standing
8 outside, the big SWAT team, and not doing nothing until
9 7:30, 8:00 in the morning. If it hadn't been for her
10 grandfather, they'd still be waiting there. That's all I
11 have to say.

12 **MS. CHRISTA BIG CANOE:** Did anybody else
13 want to share anything? No? Okay. And so, this is where
14 I ask you too, is there anything else? Have we missed
15 anything? Have we overlooked anything that you want to
16 share with the Commission?

17 **MS. FALLON FARINACCI:** No, I think that's
18 everything. I know because of this, with my parents and
19 then coming here, it's just something about this pulled me
20 here. And, I think it's because I'm still -- I want to
21 learn more and know more.

22 And, it's unfortunate this is what had to be
23 done for me to feel more of a connection. I just -- I hope
24 that by me coming and speaking, that a change can be done,
25 and that's all that I can hope for.

1 And then, at the end of it, them passing
2 will have a meaning. And, that's what I want, the bigger
3 picture. Coming today, and being able to talk, and them
4 passing away, it won't be for -- for terrible, evil
5 reasons, and that it will actually be for some good and
6 continue to help other people. Because, it can't get them
7 back, so I have to do my best to hope that this will do
8 some changes.

9 **MS. CHRISTA BIG CANOE:** Commissioner Buller,
10 do you have any questions you would like to ask, or
11 comments?

12 **CHIEF COMMISSIONER MARION BULLER:** Well,
13 first of all, thank you all very much. I'm honoured that
14 you were able to share the story of your parents and your
15 good friends. Congratulations on your baby.

16 **MS. FALLON FARINACCI:** Thank you.

17 **CHIEF COMMISSIONER MARION BULLER:** New life,
18 and that's important to remember.

19 **MS. FALLON FARINACCI:** Yes.

20 **CHIEF COMMISSIONER MARION BULLER:** I
21 congratulate you. You have taken tragedy and turned it
22 into happiness and to a whole new generation of love. And,
23 in that way, your parents live on.

24 **MS. FALLON FARINACCI:** Yes.

25 **CHIEF COMMISSIONER MARION BULLER:** So, thank

1 you.

2 **MS. FALLON FARINACCI:** Thank you.

3 **CHIEF COMMISSIONER MARION BULLER:** Thank you
4 very much. Thank you all.

5 We consider that when you tell your story --
6 share your story, that you're giving us a sacred gift.
7 And, that's how we treat it. That's how we consider what
8 you've told us and shared with us today. So, we have some
9 gifts to give to you.

10 And, I'm going to ask the Elders to help me
11 here. First of all, the matriarchs in Haida Gwaii heard
12 about families coming and testifying. And, they wanted to
13 send strength and support to you. And, to do that, they
14 directed that eagle feathers be collected and brought to
15 families who had the strength to come forward to give you
16 more strength, and to encourage you, and to help you in
17 your healing.

18 So, in honour of the clan grandmothers from
19 Haida Gwaii, I have some feathers for you, beautiful eagle
20 feather that were harvested specially for families.

21 Also, from the staff and the Commissioners
22 and our Elders, we have seeds to give you as a gift, seeds
23 that we hope you plant. We hope something grows, and
24 you'll send us pictures of what grows, because seeds are
25 new life and new beginnings.

1 And, Fallon, you've just done an amazing job
2 of a new beginning, and so, my hands up to you. If I could
3 put this down, I would. So, thank you, Fallon. Thank you
4 very much.

5 And, I want to add my special thanks to the
6 people in support behind. I don't want to leave them out.
7 Thank you both. Thank you all very much.

8 --- Exhibits (code: P1P03P0301))

9 **Exhibit 1:** Manitoba Law Reform, *Stalking*, Report # 98,
10 May 1997, Introduction Chapter 1 pp i-iv, 1-
11 5; ISBN 0-7711-1485-0. Link:
12 [http://www.manitobalawreform.ca/pubs/pdf/arch](http://www.manitobalawreform.ca/pubs/pdf/archives/98-full_report.pdf)
13 [ives/98-full_report.pdf](http://www.manitobalawreform.ca/pubs/pdf/archives/98-full_report.pdf) (Introduction Chapter
14 1 pp 1-2).

15 **Exhibit 2:** One-page copy of *In Memoriam* for Sherry and
16 Maurice Paul (Bingley) published in Saint
17 Catherine's *The Standard*, undated, with words
18 "Re: Farinacci" handwritten on top of page.

19 **COMMISSIONER MICHÈLE AUDETTE:**

20 Commissioner, may I ask for an adjournment? I believe that
21 lunch will be served at 12:30 here, and it's available for
22 all public, as well as lunch in the family room. For any
23 of the families there's lunch. And, I just have one
24 housekeeping announcement. For any parties with standing
25 in the room, we do now have packages available that we can

1 distribute that will be at registration desk. Thank you.

2 --- Upon recessing at 12:15

3 --- Upon resuming at 13:41

4 **MS. DEBBIE REID:** Welcome back, everyone. I
5 hope you had enough to eat. If not, there's still some
6 food, I believe, upstairs on the T floor, which apparently
7 is not for 13, but for Terrace.

8 Yesterday, there was a panel discussion
9 that was held. And, the Commissioners felt that there were
10 so many families that wanted to come and speak to the
11 Commissioners, and we had three Commissioners today, that
12 the time that the Commissioners had available here be
13 actually spent in hearings with the families.

14 So, I know there was an expectation that
15 there would be a Community Engagement Panel here. But, the
16 Commissioners decided yesterday afternoon that they felt it
17 was important that they actually be with families, and so
18 they're all in hearings right now.

19 So, what can I do to entertain you until
20 3:30? I was told I could dance, but I can't.

21 We have a video that a group of youth did in
22 Smithers. So, this video, first, can be graphic. So, just
23 as a warning. There are health supports around the room,
24 but it was a very moving video that was done by youth in
25 Smithers. And, Commissioner Audette had made a commitment

1 that wherever we go, that they felt that participants and
2 people that were in the crowds would see this video.

3 So, we're going to show that video now.
4 After that, we're going to reconvene at 3:30. So, I
5 apologize for the confusion. This was done at the very
6 last minute last night. And so, we're going to reorganize
7 ourselves, and come back to a public hearing here at 3:30
8 this afternoon.

9 So, the great guys who are helping with the
10 AV are going to get that video up. And, please, again, if
11 you're having any trouble, purple shirts can be there to
12 give you a hand. Thanks.

13 --- Upon recessing at 13:43

14 --- Upon resuming at 14:02

15 **MS. DEBBIE REID:** So, I was asked to make a
16 couple of announcements. There is a shuttle bus that is
17 running every 20 minutes to go to the Oodena Circle and the
18 sacred fire that is there. So, if you wish to go and spend
19 some time outside -- it's gorgeous out there. There's no
20 sun in here -- you can go. The shuttle will take you, and
21 then the shuttle will come back. So, it's doing just a
22 circle now to the Forks.

23 There is, of course, dinner tonight at 6:00.
24 And then, back in this room tonight, there's going to be a
25 jingle dance for healing that is being done for the

1 families, for survivors, for others. So, everyone is
2 welcome. It's a public place, and it will be set up. And,
3 we'll have jingle dancers here.

4 So, again, we are going to start at 3:30, an
5 hour and a half from now. So, you can -- if you want to go
6 to the shuttle -- you can stay here; it's fine. But, just
7 to let you know that we've still got a bit of time before
8 we restart. Okay. Thank you.

9 --- Upon recessing at 14:05 p.m.

10 --- Upon resuming at 3:45 p.m.

11 **Hearing # 3**

12 **Witness: Bernadette Summer**

13 **In relation to Amanda Cook**

14 **Heard by Chief Commissioner Marion Buller**

15 **Commission Counsel: Breen Ouellette**

16 **Registrar: Bryan Zandberg**

17 **MR. BREEN OULLETTE:** Thank you, Chief
18 Commissioner. For the record, my name is Breen Oullette,
19 and I am a lawyer with the National Inquiry. It is my
20 honour to introduce Bernadette Summer who has travelled
21 here from Waywayseecappo First Nation.

22 Bernadette, I want to offer this tobacco
23 tied to you in support of your testimony today.

24 **MS. BERNADETTE SUMMER:** Thank you.

25 **MR. BREEN OULLETTE:** And, Bernadette has

1 brought family members in support. Would you like to
2 introduce your family members for everyone?

3 **MS. BERNADETTE SUMMER:** This is my husband,
4 Ernie. We've been married 31 years. This is my sister,
5 Charlene.

6 **MR. BREEN OULLETTE:** And so, Bernadette,
7 would you start by telling us the name of the person you
8 have come to speak about today?

9 **MS. BERNADETTE SUMMER:** My sister, Amanda
10 Jane Cook.

11 **MR. BREEN OULLETTE:** And, are you here
12 because Amanda is missing, or because she was murdered?

13 **MS. BERNADETTE SUMMER:** She was murdered.

14 **MR. BREEN OULLETTE:** Was she missing for a
15 time before she was murdered?

16 **MS. BERNADETTE SUMMER:** She was missing for
17 four days.

18 **MR. BREEN OULLETTE:** When did she go
19 missing?

20 **MS. BERNADETTE SUMMER:** July 13th, 1996.

21 **MR. BREEN OULLETTE:** And, were you living
22 with Amanda at the time she went married?

23 **MS. BERNADETTE SUMMER:** No. I was married
24 and had five kids of my own, and I was living with my
25 husband.

1 **MR. BREEN OULLETTE:** In a different city?

2 **MS. BERNADETTE SUMMER:** Yeah, in Winnipeg.

3 **MR. BREEN OULLETTE:** And, where was Amanda
4 living at the time?

5 **MS. BERNADETTE SUMMER:** Amanda was living
6 with my parents, Mary and John on Waywayseecappo First
7 Nation.

8 **MR. BREEN OULLETTE:** And, how old was Amanda
9 at the time?

10 **MS. BERNADETTE SUMMER:** Fourteen.

11 **MR. BREEN OULLETTE:** And, how did she go
12 missing?

13 **MS. BERNADETTE SUMMER:** She went to a fair
14 with my dad and my two brothers on July 13th, 1996. It was
15 a Rossburn Fair that was going on at the time, so some
16 happy occasion. My dad -- it was evening, around six
17 o'clock. And, it was time to go home for supper. And, my
18 dad and brothers were at the vehicle. Amanda wasn't
19 around, and my dad thought, well, I'll come back for her.
20 So, they went home, and he couldn't come back for her.

21 **MR. BREEN OULLETTE:** So, your father did
22 look for her at the fairground?

23 **MS. BERNADETTE SUMMER:** Yeah. My mom and my
24 dad and brothers, they went back that evening before
25 nightfall, I guess. It must have been around 10 maybe.

1 They went back to look for her. She wasn't at the
2 fairgrounds by then. That was the last time anybody saw
3 her alive.

4 **MR. BREEN OULLETTE:** When they didn't find
5 her, did they try to report her missing to the RCMP?

6 **MS. BERNADETTE SUMMER:** The RCMP told my mom
7 and dad they'd have to wait 24 hours before they would
8 search for a 14-year-old girl.

9 **MR. BREEN OULLETTE:** When did you learn that
10 Amanda had gone missing?

11 **MS. BERNADETTE SUMMER:** My mom and dad
12 phoned me that evening on July 13th. My mom explained what
13 had happened at the fair. Around six, my dad went home
14 without her, tried to look for her later that evening.
15 And, she had called me around 10 o'clock that evening and
16 said Amanda hadn't come home, and they were going to start
17 looking for her. And, I told her well, I'll come in the
18 morning.

19 **MR. BREEN OULLETTE:** When did you get to
20 your parents' house?

21 **MS. BERNADETTE SUMMER:** On July 14th in the
22 morning. It was eight o'clock. We drove the four hours
23 with our children. We had five at the time. And arrived
24 that morning at eight o'clock at Waywayseecappo at my
25 parents' house.

1 **MR. BREEN OULLETTE:** So, you left at 4:00
2 a.m. to make it there?

3 **MS. BERNADETTE SUMMER:** That's correct.

4 **MR. BREEN OULLETTE:** And, was that because
5 you were concerned that you left so early?

6 **MS. BERNADETTE SUMMER:** Yeah. My mom -- my
7 mom was so worried. She said it's not like her. It's not
8 like her not to come home. She's only 14. She is our
9 baby. So, I knew. I knew I had to go home and be with my
10 parents.

11 **MR. BREEN OULLETTE:** Were your parents home
12 when you arrived at their house?

13 **MS. BERNADETTE SUMMER:** No, they weren't
14 home. They were out looking for her trying to find out
15 where she -- where she had been, where she could have gone,
16 who had seen her last. I remember going -- going to my
17 parents' house that day. And, when I walked in that house,
18 I looked out the big picture window, and I felt that her
19 spirit was gone. The house was cold; it seemed void of her
20 happiness and her joy already.

21 **MR. BREEN OULLETTE:** And so, when did you
22 see your parents?

23 **MS. BERNADETTE SUMMER:** They came home
24 later, about an hour or two later. Yeah, about an hour or
25 two later they came home. And, they had just come from

1 talking to the RCMP, and that's when they told them, "We
2 can't help you search, we can't help you look for her.
3 It's got to be 24 hours." I don't know who sets that in
4 motion. The 24 hours is too long for a 14-year-old girl.

5 **MR. BREEN OULLETTE:** What else did your
6 parents tell you about what they had been doing?

7 **MS. BERNADETTE SUMMER:** They had been up all
8 night driving from house to house, asking people on the
9 reserve if they had seen her. Going to places where she
10 thought she might be. Going to her friend's house to see
11 if they could find her.

12 **MR. BREEN OULLETTE:** When did your parents
13 finally get to report Amanda missing?

14 **MS. BERNADETTE SUMMER:** The evening of July
15 14th. It had to be exactly 24 hours before the RCMP did
16 anything for her -- for them.

17 **MR. BREEN OULLETTE:** Do you remember the
18 name of the constable that required them to make the 24
19 hours?

20 **MS. BERNADETTE SUMMER:** The Waywayseecappo
21 constable was Sonny Richards at the time.

22 **MR. BREEN OULLETTE:** So, once the report was
23 accepted, how did the police respond?

24 **MS. BERNADETTE SUMMER:** I think they
25 organized a search. They started searching the fairgrounds

1 to my parents' house, which has got to be six kilometers
2 wide. I know they started that, that next evening, and
3 they had to stop because it was dark. But, they started
4 again the next morning on the 15th from where they had left
5 off. I know they did two searches, actually.

6 **MR. BREEN OULLETTE:** By two searches, do you
7 mean that they searched the area, and then they went back
8 and they searched it again?

9 **MS. BERNADETTE SUMMER:** That's right.

10 **MR. BREEN OULLETTE:** Do you remember which
11 RCMP detachment were involved in the search?

12 **MS. BERNADETTE SUMMER:** Waywayseecappo had a
13 detachment. Rossburn had a detachment. Russell was called
14 in, and Dauphin RCMP.

15 **MR. BREEN OULLETTE:** And, was anybody else
16 involved in the search?

17 **MS. BERNADETTE SUMMER:** After some time I
18 don't remember, but Major Crimes was brought in from
19 Winnipeg RCMP D Division.

20 **MR. BREEN OULLETTE:** Do you recall if there
21 were any volunteers that assisted in the search?

22 **MS. BERNADETTE SUMMER:** Yeah, there was.
23 There were community members from Rossburn, from Wayway,
24 probably from out of town. They were untrained volunteers,
25 but it was people who cared, who joined in the search for

1 my sister.

2 **MR. BREEN OULLETTE:** Did your family also
3 search with the RCMP?

4 **MS. BERNADETTE SUMMER:** No. No, we weren't
5 allowed. We were told to stay away. We were told to stay
6 home in case something had happened, or in case she came
7 home.

8 **MR. BREEN OULLETTE:** And, how long did this
9 search go for?

10 **MS. BERNADETTE SUMMER:** For four days,
11 before they found her body.

12 **MR. BREEN OULLETTE:** And so, that would mean
13 she was found on July 17th, 1996?

14 **MS. BERNADETTE SUMMER:** That's right. The
15 morning of July 17th, her body was found four days later,
16 face down, dirt up her nose. Her red hoodie that she wore
17 was tied tightly around her face, where you could only see
18 the centre part of her face. That's all she was wearing.
19 RCMP called it partially clad.

20 **MR. BREEN OULLETTE:** Where was she found?

21 **MS. BERNADETTE SUMMER:** In the bush near the
22 Rossburn Fairgrounds. The area where she was found was a
23 big area. The grass was beaten down. Dirt was piled
24 unearthed, like disturbed I guess it would call it. Yeah.

25 **MR. BREEN OULLETTE:** And, you had said there

1 had been two searches. They had gone back and searched
2 again.

3 **MS. BERNADETTE SUMMER:** Yeah.

4 **MR. BREEN OULLETTE:** Was that the second
5 time that area had been searched?

6 **MS. BERNADETTE SUMMER:** Yeah, that was --
7 they didn't find her body until the second search. Her --
8 her body had either been moved or dumped. But, the
9 searcher, the man who found her happened to look to the
10 left, I think is what he said. And, there was grass that
11 had been pushed down or patted down. And, if he didn't
12 look close, he wouldn't have found her at the second time.

13 **MR. BREEN OULLETTE:** Can you tell me what
14 you remember was said to be notable about the area she was
15 found?

16 **MS. BERNADETTE SUMMER:** Besides such a large
17 area of struggle. There was an 80-pound rock that was
18 placed on her head with blood on it. She died of blunt-
19 force trauma, several times of being hit on her head, on
20 the back of her head with that 80-pound rock.

21 **MR. BREEN OULLETTE:** Do you remember what
22 else was found in that area?

23 **MS. BERNADETTE SUMMER:** There were tire
24 tracks. Where they had come from, had they been there,
25 what the tire tracks meant, I don't know because we were

1 never told.

2 **MR. BREEN OULLETTE:** Do you recall if any
3 objects were found near Amanda's body?

4 **MS. BERNADETTE SUMMER:** There was a gold
5 chain. A gold -- just a generic gold chain that was found
6 near her body. It wasn't on her body, it was just near her
7 body.

8 **MR. BREEN OULLETTE:** What did the RCMP do
9 with Amanda's body after it was discovered?

10 **MS. BERNADETTE SUMMER:** They moved it to the
11 RCMP station in Rossburn where it could be identified by
12 family.

13 **MR. BREEN OULLETTE:** Do you remember who
14 identified her?

15 **MS. BERNADETTE SUMMER:** My mother and my
16 dad, and my husband.

17 **MR. BREEN OULLETTE:** And, what happened to
18 Amanda's body after it was identified?

19 **MS. BERNADETTE SUMMER:** It was taken away to
20 Winnipeg to the coroner's office.

21 **MR. BREEN OULLETTE:** Do you remember how
22 long it was kept by the coroner?

23 **MS. BERNADETTE SUMMER:** A long time. Ten
24 days, two weeks; something like that they kept her. They
25 kept her body.

1 **MR. BREEN OULLETTE:** Do you remember what
2 the coroner's findings were?

3 **MS. BERNADETTE SUMMER:** That she had died of
4 blunt force trauma, not once but lots of times. Amanda
5 weighed maybe 80 pounds. The rock was 80 pounds that
6 killed her.

7 **MR. BREEN OULLETTE:** Did the coroner make
8 any mention of the fact that she was found nearly naked?

9 **MS. BERNADETTE SUMMER:** Yeah. They called
10 it partially clad. I'll never forget that term. It will
11 always be tied to my sister.

12 **MR. BREEN OULLETTE:** Did the coroner find
13 that there was a sexual assault involved?

14 **MS. BERNADETTE SUMMER:** No. Even though
15 they said she only had the shirt on, there was no evidence,
16 there was no nothing to indicate that she was sexual
17 assaulted. Why would someone leave that like that?

18 **MR. BREEN OULLETTE:** So, after the coroner
19 finished you -- your family received her body back, and you
20 held a funeral?

21 **MS. BERNADETTE SUMMER:** Yeah, we heard the
22 funeral in Waywayseecappo First Nation. Just the service
23 was held there. We took her body back to Bowsman,
24 Manitoba, where she was born and raised. That's where my
25 parents wanted to lay her to rest.

1 **MR. BREEN OULLETTE:** How long did it take to
2 bring charges against someone in her murder?

3 **MS. BERNADETTE SUMMER:** A long time. I
4 think it was like two years before they brought somebody
5 forward.

6 **MR. BREEN OULLETTE:** Before any charges were
7 laid, what did you see out of the RCMP investigation?

8 **MS. BERNADETTE SUMMER:** They -- they were
9 questioning our parents. I remember my mom and dad being
10 under so much stress. They questioned my brothers who were
11 at home. They took statements from them. They wanted to
12 know where they had been.

13 **MR. BREEN OULLETTE:** How did the questioning
14 affect your family?

15 **MS. BERNADETTE SUMMER:** My parents took it
16 very hard. My siblings drifted apart. There was a lot of
17 alcoholism. There's a lot of blame. There's a lot of
18 guilt.

19 **MR. BREEN OULLETTE:** Can you tell me how
20 your father felt?

21 **MS. BERNADETTE SUMMER:** My father felt so
22 guilty for leaving her there. My dad died thinking that he
23 was to blame. He died of lung cancer about six years ago
24 now. I'm so sorry that he died thinking he was to blame.
25 He didn't do anything. My mom didn't do anything. We

1 didn't do anything but love her. But, we carry this guilt.
2 We carry so much burden around what happened to her.

3 We're not the justice system. How could we
4 help her? How can we lay her to rest for her to have
5 peace? How can we have peace as family members left
6 behind?

7 **MR. BREEN OULLETTE:** Do you know what led to
8 charges being brought two years after Amanda's murder?

9 **MS. BERNADETTE SUMMER:** The gold chain that
10 was left by her body. The RCMP brought that forward for
11 the first trial. It was deemed inadmissible, or
12 circumstantial, that was the word. They deemed it
13 circumstantial evidence.

14 There was a second trial. That, too, fell
15 through because of a confession letter that was sent to my
16 parents. This confession letter never went through hand-
17 writing analysis.

18 There was even a third trial. At the third
19 trial the RCMP employed something called Mr. Big. It's a
20 tactic that RCMP use to try and get confession, get some
21 kind of evidence out of who they think did this to my
22 sister. It ended up in -- it ended up a botched case. It
23 was in the newspaper, it was in the media as the RCMP
24 botching the case -- bungled it. There were so many words
25 used.

1 But, in the end, there was no justice for my
2 sister after three trials. Imagine the pain and suffering
3 that caused my mom and my dad to go there during all those
4 years of trials, to have nothing -- nothing resolved.

5 **MR. BREEN OULLETTE:** What was the name of
6 the accused?

7 **MS. BERNADETTE SUMMER:** Clayton Mentuck.

8 **MR. BREEN OULLETTE:** And, with the letter,
9 this confession letter, what did you find strange about
10 that letter?

11 **MS. BERNADETTE SUMMER:** Even I thought that
12 the letter was not from Clayton Mentuck. Clayton Mentuck
13 went to maybe grade six. The confession letter had words
14 that I -- I wouldn't even have thought of.

15 There was -- I don't know. There was just
16 question about if he had written that letter. Like I said,
17 it never went through handwriting analysis. How they could
18 take that to the court?

19 **MR. BREEN OULLETTE:** And, on this Mr. Big
20 operation, was Mentuck recorded making a confession?

21 **MS. BERNADETTE SUMMER:** Yes. In the second
22 trial the -- no, not in the second trial, in the third
23 trial. And, the recording of his confessions had been
24 stopped. There were pauses in the recordings. The RCMP
25 did that. The investigators did that. And, the judge held

1 them accountable.

2 **MR. BREEN OULLETTE:** And, after that third
3 trial, has anything else come from the investigation of
4 Amanda's murder?

5 **MS. BERNADETTE SUMMER:** No. They said it
6 was a cold case. It's closed. I got a call from Ottawa,
7 the head office of the RCMP, maybe 10 years ago. I was
8 living in Calgary. I don't know the name of the officer in
9 the RCMP office in Ottawa who told me. He said it's a cold
10 case. I explained to him my mom was getting older, my dad
11 had passed. "You can decide to tell your mom that this
12 case is still open. But, I'm telling you, it's cold, it's
13 closed; it's going to sit on a shelf." I wish I knew his
14 name. I just can't remember.

15 **MR. BREEN OULLETTE:** Throughout this
16 terrible tragedy that your family has had to endure, what
17 kind of supports have you had?

18 **MS. BERNADETTE SUMMER:** Oh. My parents got
19 \$5,340 from somebody one time. Something about a -- from
20 Victim Services or something. Why they gave them that
21 cheque, I don't know. It didn't help any. There was no
22 counselling. There was no visits from Victim Services.
23 They might have talked to the RCMP five years -- five times
24 in those 21 years that she's been gone.

25 **MR. BREEN OULLETTE:** What were Amanda's

1 gifts and strengths?

2 **MS. BERNADETTE SUMMER:** Amanda was a loving
3 girl. She had such a big heart. She had unconditional
4 love for anybody she was with. She loved my twins. I had
5 twins. When she passed, my twins were four. She has such
6 a love for people. She was so kind and generous. She was
7 so innocent.

8 **MR. BREEN OULLETTE:** What do you hope will
9 be the outcome of your testimony today?

10 **MS. BERNADETTE SUMMER:** Well, it's not just
11 one thing that I came here to do today. I didn't just come
12 to talk about my sister. I didn't just come to seek
13 justice for her. I came to empower other families. I came
14 to acknowledge everyone else's pain and suffering who have
15 to go through this. I came to ask for accountability in
16 the justice system of this homeland, Canada.

17 My sister was a human being. She had human
18 rights. Her human right to live was taken from her. I
19 don't want -- I don't want this to happen to other
20 families. I want them to have -- I want them to have
21 justice. I want them to be -- I don't want them to go
22 through 21 years of suffering, of not knowing who they can
23 turn to, who that can help them, who can support them.

24 **MR. BREEN OULLETTE:** Are you hoping with any
25 outcome with respect to the RCMP?

1 **MS. BERNADETTE SUMMER:** Yeah. I want the
2 RCMP to know. I want them to know the kind of pain they're
3 putting people through. I want the RCMP to be held
4 accountable. I want them to investigate things. I want
5 them to do their job.

6 **MR. BREEN OULLETTE:** Do you want an apology
7 from the RCMP?

8 **MS. BERNADETTE SUMMER:** Yes. My mom is
9 still alive. I want them to visit her. I want them to
10 tell her that this case is not closed, that it's not cold.
11 It's not cold in her heart. They've -- they've done so
12 many wrongs with this case. They need to acknowledge what
13 they did. They need to take responsibility and fix it.
14 This is their opportunity.

15 **MR. BREEN OULLETTE:** Do you hope that there
16 will be better opportunity for grief counselling in the
17 future?

18 **MS. BERNADETTE SUMMER:** Yeah. Not only for
19 my family, but for the families of every murdered and
20 missing indigenous woman and girl. Make it more
21 accessible. I had to come four hours away. I only met
22 these ladies in the purple shirt today -- yesterday and
23 today. There needs to be more support, you know. Whether
24 that's just a few minutes of talking, whether that's a hug;
25 whether that's burning sage or sweet grass with them.

1 **MR. BREEN OULLETTE:** And, throughout the
2 process, the legal process, how did you feel? How did your
3 family feel? Did you feel like you were represented during
4 that process?

5 **MS. BERNADETTE SUMMER:** Represented by who?

6 **MR. BREEN OULLETTE:** Were you represented by
7 anybody during that process?

8 **MS. BERNADETTE SUMMER:** No. No, we weren't.

9 **MR. BREEN OULLETTE:** We spoke earlier today.
10 Do you remember what you said about lawyers?

11 **MS. BERNADETTE SUMMER:** Yeah. I wanted to
12 know if families could have access to lawyers to help them
13 fight in these courts through the justice system; support
14 workers to help us guide us through, because we don't know
15 what's happening. We don't know the justice system like
16 professionals do. There needs to be support. There needs
17 to be lawyers who can fight with us to bring people to
18 justice.

19 **MR. BREEN OULLETTE:** Bernadette, what would
20 you ask Canadians to do after listening to your experience
21 today?

22 **MS. BERNADETTE SUMMER:** To have compassion.
23 My sister was a beautiful little girl. So innocent, as
24 many other women and girls who have been gone missing, who
25 have been murdered. To have compassion to try and

1 understand the guilt and the burden that us families have
2 to carry, whether it's two days or 21 years.

3 **MR. BREEN OULLETTE:** I will now ask the
4 Chief Commissioner if she has any questions for Bernadette.

5 **CHIEF COMMISSIONER MARION BULLER:** No, I
6 don't have any questions, but I would like to say thank you
7 for coming and sharing your story. I'm overwhelmed by your
8 strength and your courage. And, I'm very grateful that you
9 came today. And, I thank your support people in the back
10 as well.

11 And, can I add, perhaps on a lighter note,
12 congratulations on 31 years of marriage. That's wonderful.

13 **MS. BERNADETTE SUMMER:** Thank you.

14 **CHIEF COMMISSIONER MARION BULLER:** That's
15 wonderful. So, thank you very, very much.

16 **MR. BREEN OULLETTE:** Bernadette, is there
17 anything else you would like to say to the Chief
18 Commissioner today?

19 **MS. BERNADETTE SUMMER:** Yes. I have
20 something to read to you that I've been preparing, knowing
21 that I was coming here.

22 My name is Bernadette Summer. I'm here
23 today to not only share my sister's experience, my family's
24 pain, but to empower others in their journey to justice.
25 To be courageous. To be strong. Acknowledge your pain and

1 suffering. This is also my healing journey. We, as
2 families of missing and murdered women and girls.

3 My little sister's name was Amanda Jane
4 Cook. She was a very loving and kind baby sister,
5 daughter, niece, cousin, friend and aunt. My sister loved
6 animals so much. She had a horse. Her name was Hope.

7 My baby sister loved music. She loved
8 dancing. She loved wearing my heels and my makeup. She
9 enjoyed love, life. She lived her life so joyously, every
10 day. She was always smiling, looking for humour in her
11 days.

12 Now that you know a little bit about who my
13 sister was, let me now tell you of her death, of her
14 murder, her dishonour, and of no justice of her human right
15 to live.

16 I wrote this in 2000. The title is Killer
17 Unknown.

18 It was a hot, July day. People bustling
19 about at the hometown fair in Rossburn, Manitoba. It was
20 to be a happy occasion. It was the last, wonderful fun-
21 filled day for one person in particular. Seemingly, no one
22 was aware of the tragic, violent and merciless way that was
23 going to happen to my sister that day.

24 A 14-year-old native girl by the name of
25 Amanda Jane Cook was murdered at the hands of an unknown,

1 merciless person. Her last seconds, minutes and hours were
2 that of pain and confusion, hurt, and I imagine pleading
3 for mercy at this person's hands. The police reports
4 revealed she put up a horrendous and courageous fight for
5 her right to live.

6 Her petite little body was found with little
7 clothing four days later. Her autopsy report showed she
8 died from repeated blows to her skull. Today, there's
9 still no justice for this loving, gentle girl. The reason
10 for this injustice, the newspaper and police say, is her
11 body was not found for four rainy days. There was no
12 evidence. There were no clues.

13 The rain washed and diluted any evidence
14 that could have pointed the police in any direction. There
15 were no clues, and no trail, no direction, except that of
16 what's said in the wind.

17 Desperate to relieve the family, community
18 and province of the unknown, the RCMP kept what's said in
19 the wind, and built their case in the unknown. There was
20 one person put on trial for this heinous crime. His name
21 was in the wind at the time. It was just rumours.

22 The first trial charge of second degree
23 murder ended up being stayed; the reason of significant
24 blunder being left in the conscience and name of the RCMP
25 investigators. The second trial had come about, but the

1 jurors were left undecided. There was a hung jury. Some
2 believed in the words of oath that was said by countless
3 witnesses. Yet, some had the seed of doubt planted by the
4 lawyers of the accused. The last trial that was heard by
5 judge alone had finally come after years of doubt and
6 hearsay.

7 In the end, the judge found the accused not
8 guilty. The authorities have told the family that they're
9 sorry. They still remain convinced that this same person
10 was indeed the one responsible. But, they couldn't prove
11 it in the end.

12 Words that are said in vain. None of these
13 reasons matter. None of the explanations ease the pain and
14 sorrow of our family. A little more than four years, at
15 the time, had passed. It's been 21 years. Yet, the
16 merciless killer of my baby sister, a 14-year-old girl,
17 goes on with his life; walking, talking, laughing, all the
18 things a person does amongst us. Walking undetected,
19 unfeared, unknown as the killer of another human being.

20 I call on this inquiry to help us find ways
21 to resolve this. Thank you, Commissioner.

22 **MR. BREEN OULLETTE:** Bernadette, I have a
23 few more questions for you after reading that. You said
24 earlier that there were tire tracks where your sister was
25 found.

1 **MS. BERNADETTE SUMMER:** Yeah.

2 **MR. BREEN OULLETTE:** Did the accused have
3 access to a car?

4 **MS. BERNADETTE SUMMER:** How could he? He
5 didn't even own a vehicle. Those tire tracks didn't come
6 from him. He didn't own a vehicle.

7 **MR. BREEN OULLETTE:** So, when the police say
8 the case is closed, do you believe that in your heart?

9 **MS. BERNADETTE SUMMER:** No. It's not
10 closed. Somebody out there killed my sister. I believe in
11 my heart that we will find out who that was.

12 **MR. BREEN OULLETTE:** Thank you. Chief
13 Commissioner, those are all the questions I have.

14 **CHIEF COMMISSIONER MARION BULLER:** Thank
15 you.

16 **MS. BERNADETTE SUMMER:** Thank you.

17 **CHIEF COMMISSIONER MARION BULLER:** We think
18 of what you've told us about Amanda as a sacred gift that
19 you've given us to look after. And, in recognition for
20 that beautiful gift you gave us this afternoon about
21 Amanda, we have some gifts for you. And, I'm going to ask
22 the Elders to help me.

23 **MS. BERNADETTE SUMMER:** Okay.

24 **CHIEF COMMISSIONER MARION BULLER:** A couple
25 of months ago, the matriarchs on Haida Gwaii heard that

1 families would be coming to testify, and wanted to be able
2 to help families to give them strength, to lift them up,
3 and to support them. So, they directed that eagle feathers
4 be harvested, and brought, and given to family members to
5 help you, to strengthen and support you. So, we have some
6 eagle feathers all the way from British Columbia for you.

7 **MS. BERNADETTE SUMMER:** Wow.

8 **CHIEF COMMISSIONER MARION BULLER:** And, we
9 ask that you plant the seeds. We hope something grows.

10 **MS. BERNADETTE SUMMER:** Mm-hmm.

11 **CHIEF COMMISSIONER MARION BULLER:** And,
12 would you please take pictures and send them to us?

13 **MS. BERNADETTE SUMMER:** Okay.

14 **CHIEF COMMISSIONER MARION BULLER:** And
15 there's an address inside there.

16 **MS. BERNADETTE SUMMER:** Okay.

17 **CHIEF COMMISSIONER MARION BULLER:** So, this
18 is in recognition of the sacred gift you gave us this
19 afternoon.

20 **MS. BERNADETTE SUMMER:** Okay.

21 **CHIEF COMMISSIONER MARION BULLER:** I thank
22 you very much.

23 **MS. BERNADETTE SUMMER:** Thank you.

24 **CHIEF COMMISSIONER MARION BULLER:** Anything
25 further?

1 **MS. BERNADETTE SUMMER:** I'm okay.

2 **CHIEF COMMISSIONER MARION BULLER:** Thank you
3 all very much. And, thank you, people in the back. And, I
4 think that's our hearing for today.

5 **MS. DEBBIE REID:** Since it is the end of the
6 day, a couple of announcements, again, for those who may
7 not have been here earlier. Dinner is served on the 16th
8 floor, and it's served at 6:00. Not the 16th floor - 6:00
9 p.m. on the T floor, which is Terrace or 13, depends how
10 you look at it.

11 And, back in this room at 6:30 -- I'm
12 losing; it's a long day. Sorry. Back in this room, there
13 will be a jingle dance for healing for the families and the
14 survivors. So, please -- it's public; it's open to
15 everyone. So, please, if you feel you want to come and
16 join; come and join.

17 I'm going to ask the Elder, Velma, if she
18 wants to come up and do the closing prayer.

19 **ELDER VELMA ORVIS:** (speaking in Native
20 language). We say *migwetch manidoo* for this day. For all
21 the sharing that was done by the families. And, we say
22 *migwetch* for all the caring from the Commissioners, the
23 health support, the grandmothers. Everybody that was here
24 and involved, we give thanks for that. We give thanks for
25 that knowledge of sharing and caring for each other;

1 respecting each other, to be kind to each other, love each
2 other equally the way Creator would want us to; to be
3 honest and truthful, and have the humility and courage to
4 do that.

5 And, we ask for a safe night for everyone,
6 especially for the families that have given so much from
7 their hearts in the words they've spoken. *Migwetch.*

8 **MS. DEBBIE REID:** So, we are finished for
9 today. We reconvene at 8:30 tomorrow morning, back in this
10 room for another day of listening to truth telling. Thank
11 you, everyone. Have a great night.

12 --- Upon adjourning at 16:37 p.m.

13

14 LEGAL DICTA-TYPIST'S CERTIFICATE

15

16 I, Shirley Chang, Court Transcriber, hereby certify that I
17 have transcribed the foregoing and it is a true and
18 accurate transcript of the digital audio provided in this
19 matter.

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Shirley Chang

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January 18, 2018

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