National Inquiry into Missing and Murdered Indigenous Women and Girls

Truth-Gathering Process

Part 2 Institutional Hearings

“Police Policies and Practices”

Saskatchewan Hotel - Regina, Saskatchewan

PUBLIC

Part 2 Volume 9
Thursday June 28, 2018

Panel 2: “Developing & Fostering Relationships with Indigenous Communities, Families & Survivors of Violence” (continued)

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


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

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## APPEARANCES

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<td>Aboriginal Legal Services</td>
<td>Emily Hill (Legal Counsel)</td>
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<td>Stuart Wuttke (Legal Counsel), Julie McGregor (Legal Counsel)</td>
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<td>Wina Sioui (Legal Counsel)</td>
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<td>Josephine de Whytell (Legal Counsel)</td>
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<td>Darrin Blain (Legal Counsel)</td>
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<td>British Columbia Civil Liberties Association</td>
<td>Michael Vonn (Representative), Meghan McDermott (Legal Counsel)</td>
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<td>Ashley Smith (Legal Counsel)</td>
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<td>Directeur des poursuites criminelles et pénales (Québec)</td>
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Eastern Door Indigenous Women's Association
Natalie D. Clifford (Legal Counsel)

Families for Justice
Suzan E. Fraser (Legal Counsel)

First Nations Police Governance Council
Michelle Brass (Legal Counsel)

Government of Alberta
Doreen Mueller (Legal Counsel)

Government of British Columbia
Emily Arthur (Representative)

Government of Canada
Anne Turley (Legal Counsel), Sarah Churchill-Joly (Legal Counsel), Tania Tooke (Paralegal), Jennifer Clarke (Paralegal)

Government of Manitoba
Heather Leonoff (Legal Counsel), Samuel Thomson (Legal Counsel)

Government of New Brunswick
Maya Hamou (Legal Counsel)

Government of Newfoundland and Labrador
Denise Spencer (Legal Counsel)

Government of Ontario
Katelyn Forget (Legal Counsel)

Government of Quebec
Marie-Paule Boucher (Legal Counsel)

Government of Saskatchewan
Barbara Mysko (Legal Counsel), Colleen Matthews (Legal Counsel)

Government of Yukon
Chantal Genier (Representative)

Independent First Nations (IFN)
Josephine de Whytell (Legal Counsel), Deanna Jones Keeshig (Representative)
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<td>Virginia Lomax (Legal Counsel)</td>
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<td>Robert Edwards (Legal Counsel), Christina Comacchio (Legal Counsel)</td>
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Quebec Native Women / Femmes autochtones du Québec
Rainbow Miller (Legal Counsel)

Regina Treaty Status Indian Services
Erica Beaudin (Representative)

Saskatchewan Association of Chiefs of Police
Katrina Swan (Legal Counsel)

Thunder Bay Police Services
Edward Marrocco (Legal Counsel), Tiffany O'Hearn Davis (Legal Counsel)

Treaty Alliance Northern Ontario - Nishnawbe Aski Nation/Grand Council Treaty #3
Krystyn Ordyniec (Legal Counsel), Catherine Cheechoo (Representative), Elysia Petrone Reitberger (Legal Counsel)

Vancouver Rape Relief and Women's Shelter
Hilla Kerner (Representative), Laurel McBride (Representative)

Vancouver Sex Workers' Rights Collective
Carly Teillet (Legal Counsel)

Winnipeg Police Service
Sheri Bell (Representative), Kimberly D. Carswell (Legal Counsel)
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Counsel: Violet Ford (Commission Counsel)

Witness: Retired Chief Clive Weighill, Past President, Canadian Association of Chiefs of Police
Counsel: Ashley Smith (Counsel for the Canadian Association of Chiefs of Police)

Witness: Jean Vicaire, Director of Police, Lac Simon First Nation
Counsel: Bernard Jacob (Commission Counsel)

Witness: Alana Morrison, Detective Constable of Nishnawbe Aski Police Service
Counsel: Krystyn Ordyniec (Counsel for Treaty Alliance Northern Ontario – Nishnawbe Aski Nation/Grand Council Treaty 3)

Witness: Sergeant Dee Stewart, Officer in Charge for Indigenous Policing, RCMP Division “E”
Counsel: Anne Turley (Counsel for Government of Canada)

Chair: Christa Big Canoe (Commission Counsel)
Second chair: Thomas Barnett (Commission Counsel)

Witness: Deputy Commissioner Brenda Butterworth-Carr, Commanding Officer of the British Columbia RCMP (“E” Division)
Counsel: Anne McConville (Counsel for Government of Canada)

Witness: Capitaine Paul Charbonneau, Directeur par intérim, Autorité disciplinaire et services juridiques, Sûreté du Québec
Counsel: Bernard Jacob (Commission Counsel)

Witness: Chief Superintendent Mark Pritchard, Ontario Provincial Police
Counsel: Julian Roy (Counsel for Government of Ontario)

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


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| 104 | RCMP Missing Persons Intake and Risk Assessment, Form 6473e 2016-08 (three pages)  
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| 105 | RCMP Complainant/Family Communication Schedule, Form 6519e 2018-06 (one page)  
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| 106 | National Centre for Missing Persons and Unidentified Remains (NCMPUR) Best Practices, Version 2.0, June 14, 2017 (73 pages)  
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| 117 | « Enquête sur les femmes et les filles autochtones disparues et assassinées – Présentation de la Sûreté du Québec » (46 pages)  
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<td>Project Journey video, MP4 format, 862 MB (24 minutes 47 seconds)</td>
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<td>Witness: Chief Superintendent Mark Pritchard, Ontario Provincial Police</td>
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<td>Witness: Chief Superintendent Mark Pritchard, Ontario Provincial Police</td>
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--- The hearing starts on Thursday, June 28th, 2018 at 7:48 a.m.

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

(LAUGHTER)

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

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

So, today, as we go about our day, we just
ask that you show respect for each other, show that you
care for each other, show that you love each other.
Nothing beats a morning hug. Have an opportunity, hug your
buddy, hug your friend, hug a stranger, and then get
slapped.

(LAUGHTER)

MR. VERN BELLEGARDE: So, I’ll just -- I’ll
turn it over to our lady friend there. Thank you very
much.

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

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

MS. MEREDITH PORTER: Thank you.

--- QUESTIONS BY COMMISSIONER QAJAQ ROBINSON:

COMMISSIONER QAJAQ ROBINSON: (Speaking
Inuktitut) kind of clear why. I’ve been given the opportunity to go first. Yvonne, (speaking Inuktitut).

So, I just want to express my gratitude for you being here and sharing with us, as well as the rest of the country, some of the realities of policing in Nunavut and the challenges.

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

**MS. YVONNE NIEGO:** Yes.

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

**MS. YVONNE NIEGO:** A couple come immediately to mind that have never sat well with me. One instance was where I hadn’t been involved in the initial investigation.
I can’t remember if my role was as a court liaison officer at the time or a general duty officer. However, an individual, a victim of domestic violence was meeting with a Crown prosecutor at the courthouse, and so I was called there because there was some issue between them, my assistance was requested.

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

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

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

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

**MS. YVONNE NIEGO:** Yes, I believe so. In one case of one of our murdered, I go back to -- when the two -- the couple were going through court a lot, and I was the court liaison officer, so I was there when he was going to court for his assaults on her. He’s in the court cell block area. And, the tendency back in the day was for family to try to come visit the individual while they were at court, and so because of the violence and the fact that
they were on conditions -- or he was on conditions to not contact her, it was very difficult to keep them separate in our courthouse, just the layout.

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

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

COMMISSIONER QAJAQ ROBINSON: Thank you. I know in the Nunavut territory, it was a choice at the time of division of the Northwest Territories into two territories, the creation of Nunavut, to continue working
with the RCMP. Do you think perhaps there is an
opportunity to look at Nunavut having its own police force
similar to, like, the Kativik Regional Police Force? Do
you think there would be value in that? And, if so, what
do you think is needed to get to that point?

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

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

So, it’s going to take a long time and a lot
of building. It has to be between the territorial
government, with the RCMP’s cooperation, and certain
communities that are able and willing to start something
from the grassroots. I think Yukon had started something
similar. I can’t remember what they’re called, but that’s,
sort of, the type of model that we were looking at.

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

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

COMMISSIONER QAJAQ ROBINSON: Okay. Well,
I’ll research. Thank you. I’m going to switch now to
retention. And, we heard about isolated post and limited
duration posts. In the Nunavut territory and I believe all
of the communities in Nunavut are isolated posts because
they’re all fly-in. And, you’ve shared with us that it’s
-- persons in a community, two years, and then to another
community maybe two or three, but usually a max in V
division is about four to five. Is this the same even for
the specialized units like Major Crimes Unit?

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

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

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

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

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

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

**MS. YVONNE NIEGO:** Yes. Nunavut is probably
one of the quickest. I’ve read reports where Nunavut is
actually in the top few. But, still, with a major crime,
for example a murder, the likelihood is very high that it
COMMISSIONER QAJAQ ROBINSON: So, a family or a community dealing with a major incident that occurred within their community will likely deal with a number of officers, more likely two, but maybe even more while that case is being processed?

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

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

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

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

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

MS. YVONNE NIEGO: Yes.

COMMISSIONER QAJAQ ROBINSON: Okay. We heard that there are sort of advisory committees that are set up at the detachment level and at the divisional level. Are those set up in Nunavut, sort of advisory committees between the community and the detachment commanders?

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

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

COMMISSIONER QAJAQ ROBINSON: Does the community have any say in who the detachment commander will be and the hiring process? As a policy or sometimes ad hoc?

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

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

MS. YVONNE NIEGO: I guess it depends on success in which areas, because this is so broad. If we're
talking about policing in Nunavut, management of policing in Nunavut, our frontline officers -- I talked a bit about remote supervision.

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

So one success would be that up the chain -- and I know Commissioner Lucki was looking for recommendations and advice and I very much believe that her close staff need to be aware of what's happening in the smaller, more remote communities, whether they're northern parts of the provinces or Nunavut or the other territories. Things don't always get filtered down. Leadership -- there's different styles of leadership and, like I said, we all have different skill sets, so we all have to be on the
same page though. And sometimes that leadership can interfere with things and the role and responsibilities get unclear when there's a certain style of leadership, and especially when it's not well informed by the values of the people. That's one area, anyway.

COMMISSIONER QAJAQ ROBINSON: M'hm. Those are all my questions. (Speaking in Inuktitut).

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

--- QUESTIONS BY CHIEF COMMISSIONER MARION BULLER:

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

MS. YVONNE NIEGO: Mm-hmm. So, for example, in my home community -- it no longer exists now because the building is run down and it’s going to be torn down, but it
was an old health centre turned into a hospice. And so, there were some rooms upstairs, and one room in particular was used when absolutely needed for a woman or women and children.

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

MS. YVONNE NIEGO: Yes, there have been. I don’t have other particular examples at the moment.

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

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

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

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

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

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

With the Department of Justice, I know that they are working on a model as I was speaking, raising the profile of the justice committees. So, I know they are looking at ways to do that, working with the federal
government and funding from the federal government. So, I know there’s a pilot project starting. So, another short-term measure.

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

COMMISSIONER MICHELE AUDETTE: Merci. Thank you.

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

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

COMMISSIONER BRIAN EYOLFSON: Before you go, Ms. Niego, I didn’t have any questions for you, but I just
wanted to say thank you very much for coming here and
sharing your evidence based on all your experience with us.
It’s very much appreciated. So, thank you.

(PRESENTATION OF GIFT)

CHIEF COMMISSIONER MARION BULLER: Okay.

Next in the order of questioning will be Mr. Weighill.

And, Commissioner Eyolfson, questions for this witness?

--- QUESTIONS BY COMMISSIONER BRIAN EYOLFSON:

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

RETIRED CHIEF CLIVE WEIGHILL: Well, for
those of us that are lucky enough to have missing person
liaison officers, that’s what fills the gap between police
and the families. You know, the investigators, they will
be working on one

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

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

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

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

RETIRED CHIEF CLIVE WEIGHILL: Thank you.
COMMISSIONER BRIAN EYOLFSON: --- very much for taking the time to come and provide your evidence with us.

COMMISSIONER QAJAQ ROBINSON: Thank you, Chief Weighill, and thank you for bringing the perspective of the Canadian Association of Chiefs of Police. I’m pleased to see the steps that have been taken in an advocacy role around this unacceptable situation and for sharing with us some of the steps in the Province of Saskatchewan.

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

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

RETIRED CHIEF CLIVE WEIGHILL: Well, I think
there’s two ways. There’s a formal way of measuring it and
there’s an informal way of measuring it. A formal way,
naturally, or doing -- many tools that we use now, you
know, through surveys and seeing how people feel, and
quantifying results that you’re finding, if you’re moving
forward or not on different issues or not. Also, informal
ways of measurement too. I mean, a community starts to
feel about a police service, because we’re talking police
here, they get a feeling about a police service.

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

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

And, I think that really helps a community
because I know from my experience, when I went to
Saskatoon, it was very fractured. When you have a fractured community with the police, and you don’t have trust in a police service, I would say a community is almost lost, because you have to have trust in the police, and the police have to have trust in the community that they’re serving as well too. It’s a two-way street.

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

And, you certainly start to feel that in the community as you walk around and talk to different citizens, and they give you different stories about -- and not everybody’s going to tell the Chief of Police what they think, you know, because you’re the chief and they may be intimidated, but a lot of people do. And, you can start to feel when you’re in a community going to different events how a community is starting to feel about our service.

And, I can’t go out there and talk about how great the service is going to be, and -- measurement is how good the service is, is how the community feels about that.

And, I think in another big picture success, just to get away a little bit from policing is that, you know, the federal government, the provincial governments
put a lot of money into infrastructure. Infrastructure projects, building bridges, you know, paving roads. And, yes, infrastructure has crumbled in Canada. But, I would like to see more money put into social infrastructure because that’s an infrastructure as well.

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

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

The first six months, 10 of those 20 people they found a place for a roof over their head, not all in the same place. There are different places that you can put people. They’re very hard to place because they have
complex needs, and there's no doubt about that.

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

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

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

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

**COMMISSIONER QAQAQ ROBINSON:** Okay. It's
public?

RETired chief Clive Weighill: --- in

Saskatoon, it’s -- the whole picture’s on there.

Commissioner Qajaq Robinson: Okay.

Wonderful. Thank you. I was going to ask your lawyer to
hook us up if it wasn’t, but we will find it.

RETired chief Clive Weighill: If not, we
will make sure you get it.

Commissioner Qajaq Robinson: Okay. Thank
you both very much.

--- Questions by Commissioner Michèle Audette:

Commissioner Michèle Audette: Merci,
Commissaire Robinson. If I may, I will ask my question en
français.

OK. Bon matin. Bonjour et, encore une fois,
merci d’être venu nous rencontrer, d’être venu partager
l’expertise de votre… de vos nombreuses années de service,
mais aussi votre collaboration avec l’Association
canadienne des chefs de police. Alors, ayant toute cette
expertise-là et ce bagage-là au fil des années, j’imagine
que vous avez vu et entendu beaucoup de choses au sein de
la police en général à travers le Canada ou en
Saskatchewan. Vous avez fait état de bonnes et belles
pratiques, concrètes, ici avec la police de la Saskatchewan
et, ce qui est intéressant de voir, elle date de plusieurs
années pour certaines et qui incluent des comités de femmes, des comités autochtones, des comités qui regroupent la communauté LGBT2S.

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


COMMISSAIRE MICHÈLE AUDETTE: Est-ce que vous êtes la seule province qui n’attend plus 24 heures...
lorsqu’une maman appelle parce que son enfant manque, est disparue ou on sait pas où elle est – ou un papa?

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

COMMISSAIRE MICHELE AUDETTE: Et si c’est une adulte qui disparait ou qui manque à l’appel, est-ce que les autres provinces, d'après vous, ont retiré aussi le 24 heures?

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

COMMISSAIRE MICHELE AUDETTE: Merci. Tout au long de votre carrière, vous avez constaté que... pardon, tout au long de votre carrière, avez-vous justement constaté des pratiques policières au sein de vos équipes qui pourraient être différentes en ce qui concerne les
Autochtones et le reste de la population de la Saskatchewan ou de Saskatoon?

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

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

When you're dealing with people that are living in poverty and poor housing and facing racism and all the vulnerability issues and stuff like that, you have to be able to put yourself sometimes in that situation,
which is hard because we never walked that mile, but you
have to try to put your mindset into the people that you're
working with and where they're coming from and how they're
thinking.

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

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

And we've worked very hard. There's a
centre in Saskatoon where they received funding for
stabilization beds, so that if somebody wasn't violent, we
could take them there and they would have a place that they
could be with dignity. And hopefully, in the morning, they
could get some services that they need to help with their
addictions, rather than just that opening the cell door,
locking them up overnight. Two days later they're back in
again. We lock them up and they never really get any help.
I think this has been a real kind of a game changer in our city.

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

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

COMMISSAIRE MICHELÉE AUDETTE: Est-ce que vous connaissez la pratique « Starlight Tour » et, si oui, pouvez-vous…

CHIEF CLIVE WEIGHILL: Yes.

COMMISSAIRE MICHELÉE AUDETTE: Pouvrez-vous m’expliquer qu’est-ce que c’est?
CHIEF CLIVE WEIGHILL: Starlight tour was coined about police officers taking people that were intoxicated out of the city and dropping them off and making them walk back into the city. That's what a starlight tour was.

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

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

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

But, you know, that also started a -- in our province, a commission on First Nations Métis people in the justice system that was chaired by Chief Littlechild of Alberta. And that was across the province where people would come and talk about justice issues. Not just the
police, but all kinds of justice issues facing the Indigenous population.

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

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

COMMISSAIRE MICHÈLE AUDETTE: OK. Ben, merci beaucoup, et pour terminer je vous dirais que la méfiance, vous la connaissez, vous le savez, elle existe entre les femmes autochtones et les institutions policières, et l’objectif, c’est de se rappeler dans notre mandat, pour ma part, d’amener des recommandations qui vont ramener ou vont
construire cette confiance, mais il faut une volonté aussi
de la part des institutions policières. J’espère qu’elles
vont être au rendez-vous. Les femmes méritent d’être
protégées, des femmes méritent d’être soutenues, et ça, ça
s’applique à tous les corps policiers, et je vous dis merci
d’avoir soutenu une collègue et une amie à moi, Mme Pauline
Muskuego (phon.), qui tenait à vous saluer et qui est un
exemple que lorsqu’une famille est informée par un corps
policier, qui est mise au courant si les gens ont changé
dans le dossier de leur fille, ça peut être rassurant, ça
peut nous faire comprendre comment un système fonctionne
parce que c’est pas notre système. Et ça, je veux vous dire
merci au nom de Mme Muskuego (phon.), et je termine en
disant : j’apprécie, venant de votre part, que le « social
infrastructure » devrait être une recommandation.

Merci beaucoup.

RETIRED CHIEF CLIVE WEIGHILL: Thank you.

--- QUESTIONS BY COMMISSIONER MARION BULLER:

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

RETIRED CHIEF CLIVE WEIGHILL: What I was
talking about there is that whenever we have an opportunity to divert youth away from the criminal justice system and -- we don’t have addiction centres that we need, we don’t have a community based -- you know, we might have a John Howard Society, we might have Elizabeth Fry, but there’s very little other avenues to divert a youth to.

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

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

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

--- QUESTIONS BY COMMISSIONER QAJAQ ROBINSON:

COMMISSIONER QAJAQ ROBINSON: Bon matin. And, that is the end of my French. Sorry. Je fatigue, mais -- not on camera. So, Mr. Vicaire, Chief Vicaire, I have a couple of questions for you, particularly about the First Nations Policing Program and the contribution agreement. You’ve shared a lot about the challenges and
the efforts in building the relationships, and I can only imagine in Lac Simon, with the tragedies, that this has been a very challenging time, so I tip my hat to you.

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

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

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

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

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

**MR. JEAN VICAIRE:** Well, like we mentioned through the dialogue of renewing the agreement, that we definitely realized that, compared to the last financial fiscal year, that we dealt our almost 2.5 that we had in budgeting by both levels of government, were down 200,000 from that, and we clearly indicated that we will put a stop to this type of agreement the moment that the funding is not providing the adequate services within our community. Which means, that after nine months, if we realize that the
funding is not adequate, governments will be approached and dialogue must continue to make sure that the community is safe in all ways.

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

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

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

But, when we get back to looking at the people that are in front of us, that are negotiating,
unfortunately, I’ve noticed that their sensitivity of
knowing what are the direct situations and problems that we
live on a daily basis are not of interest for them.

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

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

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

I want to go -- and this is in line with
what I’ve been asking the other panellists. On the issue
of the laws that you enforce, and it’s in your territory,
Anishinaabe law would be and values; am I correct? Are the
MR. JEAN VICAIRE: The laws that we do apply are the Criminal Code and the Highway Code, and any Provincial Act that could be -- occur within the community. There’s no local bylaws or any Anishinaabe laws that exist at this time.

COMMISSIONER QAJAQ ROBINSON: On paper; right?

MR. JEAN VICAIRE: On paper.

COMMISSIONER QAJAQ ROBINSON: Okay. I just -- but the laws and the values, and the people’s laws and values are rich and still alive?

MR. JEAN VICAIRE: Yes, they are.

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

MR. JEAN VICAIRE: When I look at the approach that we have as a self-administered police force, our approach is totally different than when it’s taken over by an outside department. We’re community-based, where, on a daily basis, we have people from the community that are doing policing within the community. We don’t just create programs and make sure that they apply, and without
regarding the elders, the youth, the involvement of the community, different sectors. All the different sectors.

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

**COMMISSIONER QAJAQ ROBINSON:** Thank you.

Final question, and I give you the opportunity to share with us your thoughts on how you measure, how you identify and what success looks like. What does good community policing and the outcomes look like?

**MR. JEAN VICAIRE:** If I could define success, it would be that from the start -- I seriously believe that respect has to come back to the structures of the First Nation communities at the political level, at the service level, at all levels. You know, we’re not here, we don’t even have a home, a women’s shelter within the
community of Lac Simon where it’s prominent to have violence against women within the community, and we don’t have the resources.

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

And, we see that now. If I go back to the negotiation part, if we want to call it negotiations for the Tripartite Agreement, it’s only in June where I assisted a conference in Québec City that was organized by MSP Québec, Public Security Québec, where now the federal
partners that were in the dialogue for renewing the agreement are announcing us that we can apply now for a prevention program. I’m surprised because this wasn’t even discussed at our negotiation table. So, here we are trying to justify, again, that when we have the 5-year program that was presented where the investment should have been done and placed and offered.

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

**M. JEAN VICAIRE:** Nakurmik.

**COMMISSIONER QAJAQ ROBINSON:** Ah! Ilaali!

(RIRES)

**COMMISSAIRE MICHÈLE AUDETTE:** Ah, c’est gentil, ça.

*Kuei!* Bonjour!

**M. JEAN VICAIRE:** Bonjour.

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

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

**COMMISSAIRE MICHÈLE AUDETTE:** Oui! Puis ça s’est fait d’un commun accord.
Alors, toujours fière de voir des Autochtones dans des postes pas évidents ou des postes des fois où les femmes autochtones peuvent défier ou réagir, et j’en ai fait partie moi aussi, je ne me cache pas, mais aujourd’hui je suis fière de porter et je le porte avec humilité là le mandat de commissaire, donc je pose des questions au même titre que M. Weighill pour qui j’ai beaucoup de respect.

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

M. JEAN VICAIRE: Si je compare mon 24 ans au sein de l’organisation de la Sûreté, j’ai eu le privilège de voyager puis de travailler autant dans les communautés inuites que les communautés cries, que les communautés algonquines, dans ma communauté natale également, et d’autres que j’ai eu l’occasion de travailler avec, je peux vous dire que, constamment, au cours des années, les pratiques ont eu à être modernisées au niveau des pratiques policières au sein de la Sûreté.

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

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

**M. JEAN VICAIRE:** C’est le Poste de police communautaire mixte autochtone. Moi, j’avais quitté à ce
moment-là, j’ai terminé en 2016, la création s’est faite après mon départ, et ce que j’ai pu comprendre et le dialogue que j’ai encore avec les gens de la Sûreté actuallement, puis ça a été créé d’une façon surprenante là avec... avec... de par la haute direction pour justement tenter de remédier à la situation suite aux événements de Val-d’Or, de rapprochement, de difficultés qui ont été vécues au cours des années que... 2015 et avant.

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

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

**COMMISSAIRE MICHÈLE AUDETTE:** Donc, l’importance de consulter, de collaborer avec les gens du milieu.

**M. JEAN VICAIRE :** Effectivement.
COMMISSIONEER MICHÈLE AUDETTE: Je comprends. En ensuite, avec toute votre belle longue carrière – j’espère qu’elle était belle! – quelles sont les pratiques lorsque des individus, des hommes et des femmes sont appréhendés en état d’ébriété? Les pratiques policières, on s’entend.

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

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

D’ailleurs, on fait beaucoup de pression au
niveau du Centre hospitalier de Val d’Or pour nous faciliter les accès à différents services de santé mentale, quand les cas viennent à notre connaissance, pour faciliter que ces services-là soient déployés.

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

C’est sûr et certain que la détention n’est pas la solution à prévaloir.

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

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

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

**M. JEAN VICAIRE :** Oui, j’en ai entendu parler.

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

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

**COMMISSIONEER MICHÈLE AUDETTE :** Vous n’en avez pas vu? Okay.

Est-ce qu’il y a d’autres pratiques...

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

**M. JEAN VICAIRE :** Je ne pourrais pas... moi, il n’y en a pas qui me viennent à l’idée, qui pourraient nuire au niveau des pratiques policières, au niveau... parce que si je regarde, pour revenir à la desserte qu’on fait au sein de la communauté, la dynamique de travail est fortement assumée par les gens issus des Premières Nations puis de la communauté.
Puis les gens qui sont de l’extérieur sont des policiers d’expérience et sont très sensibles et impliqués dans la communauté, à tous les niveaux : autant au niveau des sports... regardez, pas plus tard que cette fin de semaine, il y a un tournoi de pêche qui a été organisé par la police, avec différents intervenants de la communauté, pendant deux jours. Puis ça va se dérouler directement au Lac Simon, à la communauté. Puis je pense que c’est l’une des très belles initiatives d’essayer de cheminer à travers les événements qui ont eu lieu en 2016-2017 et antérieurement à ça. Parce que ça a été durement frappé... lourdement frappé, au niveau de ces événements-là. Puis on tente, je vous dirais...

COMMISSIONEER MICHÈLE AUDETTE : Quels événements? Quand vous parlez d’événements?

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

Donc, ce n’est pas oublié : il y a encore des familles qui sont impliquées, qui sont concernées dans ça. On a du travail à faire. J’écoute avec passion la
Commission Viens pour voir un peu comment nos gens ont été lourdement affectés au cours des années par des interventions policières. Et j’ai à rencontrer prochainement quelques familles, avec des aînés, pour m’appuyer dans cette démarche-là, pour essayer de passer à travers ces événements-là qui ont été tragiques pour ces gens-là.

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

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

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

Pour revenir à la méfiance, nous avons entendu à maintes reprises que cette méfiance-là entre les
femmes autochtones et les policiers, et ce à travers le Canada et le Québec, a fait partie... n’est pas à l’abri de ça. Je veux reformuler ma question : pensez-vous qu’il y a des façons ou des comportements qui font qu’il existe... elle est là, cette méfiance. Pourquoi elle est là, entre la police ou l’institution et les femmes autochtones?

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

On n’a pas l’occasion et ça, c’est l’une des facettes que je veux défendre, au niveau du financement au niveau de la prévention : je pense que c’est un modèle qu’on doit aller s’approprier pour, justement, permettre à ces policiers et policières-là d’avoir la formation. Et dans les organisations qui sont à l’extérieur des communautés, moi, je dis que les organisations policières... ce n’est pas avec un cours de deux jours qu’on va créer le respect, créer le rapprochement et créer les valeurs de ces
organisations-là à tout un chacun des différentes ethnies
ou nations avec qui on va traiter.

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

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

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

M. JEAN VICAIRE: Dans le Guide des
pratiques policières au niveau du Québec, quand il y a un
tel événement, la pratique usuelle et normale c’est d’avoir
un contact régulier dans ces cas-là. On contact régulier
n’est pas défini, mais selon moi, dans ces cas-là, le
plus... l’avantage d’avoir du rapprochement et un dialogue
ouvert avec les membres de la famille et, comme M. Weighill
le mentionnait des fois, il y a une possibilité d’avoir une
permission au niveau de la famille, de le distribuer à
d’autres services ou à d’autres organismes, exemple, le
Conseil de la nation, pour être mieux informés et mieux au
courant de tels événements.

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

Je pense qu’aujourd’hui, on est rendu à un
temps, et je vais le redire, c’est de moderniser ces
pratiques-là et de favoriser le dialogue et l’information,
pas au point... je respecte les modalités d’une enquête.
Ça c’est correct. C’est normal pour ne pas perdre en vue
l’importance des éléments de preuve, mais le fait
d’informer la famille sur le déroulement, qu’est-ce qui
s’est passé, puis c’est quoi les choses à prévoir dans
l’éventualité et connaître mieux le fonctionnement d’une enquête, sans détailler l’enquête comme telle, mais comment fonctionne une enquête? C’est quoi les expertises qui se font au laboratoire de sciences judiciaires et de médecine légale à Montréal, à titre d’exemple? C’est quoi le Bureau du coroner? C’est quoi toutes ces entités-là que ces gens-là sont démunis à ne pas savoir, à ne pas connaître parce que c’est des grosses institutions et l’accès n’est pas si simple que ça.

COMMISSAIRE MICHÈLE AUDETTE: En effet. En effet.

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

M. JEAN VICAIRE: Moi, je vous dirais, pour avoir œuvré à la Sûreté du Québec. C’est à eux à mettre en place une politique de gestion qui est claire à ce niveau-là, d’assurer que cette pratique-là, peu importe que ce soit issu des Premières nations ou peu importe l’identité de la personne ou l’ethnie de la personne ou quiconque que ce soit, je pense que c’est une procédure qui devrait être adaptée normalement parce qu’on parle de la disparition ou
le décès d’une personne humaine et l’importance de ça, pour moi, est primordiale. On peut pas laisser les gens, comme on dirait, dans les nuages en pensant toutes sortes de choses.

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

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

**COMMISSAIRE MICHÈLE AUDETTE:** Oui.

Bien, je vous remercie beaucoup et je dis le même message que j’ai partagé comme conclusion avec votre collègue, M. Weighill. Les femmes autochtones dans nos communautés à travers le Canada méritent d’être protégées. Elles ont ce droit-là et pendant trop longtemps, les communautés autochtones qui ont eu des ententes tripartites se retrouvaient avec des gens qui ont été nommés par une personne qui a cette autorité-là comme surnuméraire, qui n’était pas des policiers formés, et je ne crois pas qu’aucune municipalité aurait accepté d’avoir des policiers non formés.
Alors, je suis contente de voir que chez les autochtones, vous êtes un bel exemple qu’on peut avoir des autochtones formés full fledged, dans mon mauvais français, et dans nos recommandations, c’est de s’assurer aussi que ces femmes-là soient protégées par des gens dûment formés mais aussi avec ce que vous nous proposez au niveau des cultures autochtones et ainsi de suite.

Merci d’être venu.

M. JEAN VICAIRE: (Langue autochtone parlée).

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

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

CHIEF COMMISSIONER MARION BULLER: Thank you.

And Sergeant Stewart. Me?

UNIDENTIFIED VOICE: Oui.

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

SARGEANT DEE STEWART: I was avoiding that.

CHIEF COMMISSIONER MARION BULLER: I noticed
you were like this.

--- QUESTIONS FROM CHIEF COMMISSIONER MARION BULLER:

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

SERGEANT DEE STEWART: The commitment sticks?

CHIEF COMMISSIONER MARION BULLER: Yes.

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

CHIEF COMMISSIONER MARION BULLER: Yes.

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

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

CHIEF COMMISSIONER MARION BULLER: Yeah.

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

CHIEF COMMISSIONER MARION BULLER: Okay.

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

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

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

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

CHIEF COMMISSIONER MARION BULLER: Okay.

Thank you...as well as the wording of the actual
commitment, please?

SERGEANT DEE STEWART: Yes.

CHIEF COMMISSIONER MARION BULLER: Thank
you.

SERGEANT DEE STEWART: Yes.
CHIEF COMMISSIONER MARION BULLER: I want to make sure that I understand what your unit does. Is it correct that your unit does not do actual on the ground policing in Indigenous communities?

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

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

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

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

SERGEANT DEE STEWART: As in...?

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

SERGEANT DEE STEWART: My FMP Program.
CHIEF COMMISSIONER MARION BULLER: Yes.

SERGEANT DEE STEWART: That is what keeps them.

CHIEF COMMISSIONER MARION BULLER: That is it?

SERGEANT DEE STEWART: Yes.

CHIEF COMMISSIONER MARION BULLER: Okay.

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

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

CHIEF COMMISSIONER MARION BULLER: Okay.
Thank you, Sergeant.

--- QUESTIONS BY COMMISSIONER MICHELE AUDETTE:

COMMISSIONER MICHELE AUDETTE: Merci, Madame la Commissaire en chef.

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

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

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

SERGEANT DEE STEWART : Hum hum.

COMMISSIONER MICHELE AUDETTE : Hum hum. Il
y a trois sections dans ce rapport où on demande au gouvernement fédéral, au gouvernement provincial et à la GRC.

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

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

I do know that with our current leadership, not that -- I’m not saying that the last leadership wasn’t, but the current leadership that we have in BC in the RCMP is strong. And, it is -- First Nations are a priority. And, not that they weren’t before, but I’m just saying that with the current leadership that we have, also above me is an Indigenous supervisor, he’s the Superintendent John Bruer, very engaged and very strong, so I have a lot of
supports. And, when it comes to anything that’s affecting our communities, north or anywhere in BC, and there’s a complaint or anything, it is strongly looked at. It is investigated. And, you know ---

COMMISSIONER MICHÈLE AUDETTE: Okay.

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

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

SERGEANT DEE STEWART: Sorry.

COMMISSIONER MICHÈLE AUDETTE: No, it’s okay.

SERGEANT DEE STEWART: Sorry.

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

SERGEANT DEE STEWART: I would say that the
next witness might be able to answer those questions.

COMMISSIONER MICHÈLE AUDETTE: Oh, you’re good.

SERGEANT DEE STEWART: I don’t mean to put it on them.

COMMISSIONER MICHÈLE AUDETTE: That’s perfect.

SERGEANT DEE STEWART: Yes.

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

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

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

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

COMMISSIONER MICHÈLE AUDETTE: Those things? Which things?
SERGEANT DEE STEWART: A discussion topic on the Starlight Tours ---

COMMISSIONER MICHÈLE AUDETTE: Okay.

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

COMMISSIONER MICHÈLE AUDETTE: So, it doesn’t exist anymore ---

SERGEANT DEE STEWART: No, I ---

COMMISSIONER MICHÈLE AUDETTE: --- to your knowledge?

SERGEANT DEE STEWART: --- have not and I have not ever heard of it in BC, I’m sorry.

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

SERGEANT DEE STEWART: Yes.

COMMISSIONER MICHÈLE AUDETTE: Okay. I take your facial responded. Well, that was, for me, my
question. And, to conclude, the training is very, very important. We’ve heard that everywhere we went. And, I don’t know how much time or hours you spend on Indigenous realities or local, but also nationally across Canada, do you know how much time when you train your new -- your cadet, I guess you say in English?

SERGEANT DEE STEWART: I could only speak to my ---

COMMISSIONER MICHÈLE AUDETTE: Yes.

SERGEANT DEE STEWART: --- unit.

COMMISSIONER MICHÈLE AUDETTE: Yes.

SERGEANT DEE STEWART: And, like I said, it’s the -- you mean cross-cultural training?

COMMISSIONER MICHÈLE AUDETTE: Yes.

SERGEANT DEE STEWART: Is that what you mean?

COMMISSIONER MICHÈLE AUDETTE: Thank you.

Yes.

SERGEANT DEE STEWART: I think I talked about it yesterday that for BC, it’s quite extensive. We have a lot of facets and it’s constantly going. Like I explained the Agora course, the computer course, is a baseline. And, from there, there are several other things we do to make sure constant cross-cultural training is occurring, including -- I had explained the mandatory
training, once a year, all those members come together and we do a cross-cultural training and/or sometimes -- this year, we’re going to do Lahalle (phonetic), little bit games and whatnot there.

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

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

COMMISSIONER MICHÈLE AUDETTE: Are you
SERGEANT DEE STEWART: I think that -- not in mine.

COMMISSIONER MICHELLÉ AUDETTE: Okay.

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

COMMISSIONER MICHELLÉ AUDETTE: So, you’re recommending this?

SERGEANT DEE STEWART: That would be a recommendation.

COMMISSIONER MICHELLÉ AUDETTE: Merci beaucoup. Thank you.

CHIEF COMMISSIONER MARION BULLER: Best response to date.

--- QUESTIONS BY COMMISSIONER QAJAQ ROBINSON:

COMMISSIONER QAJAQ ROBINSON: Thank you.
You threw me off my train of thought, so let me compose myself. First, I want to thank you very much for being here and your candour.

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

SERGEANT DEE STEWART: What does success look like?

COMMISSIONER QAJAQ ROBINSON: That’s number 2. Yes.

SERGEANT DEE STEWART: I’m ready.

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

SERGEANT DEE STEWART: The Community Tripartite Agreements?

COMMISSIONER QAJAQ ROBINSON: Yes.

SERGEANT DEE STEWART: Yes.

COMMISSIONER QAJAQ ROBINSON: And, that’s the same that we heard about ---

SERGEANT DEE STEWART: We’re funded the same for the self-admin ---
COMMISSIONER QAJAQ ROBINSON: Okay.

SERGEANT DEE STEWART: Yes.

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

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

COMMISSIONER QAJAQ ROBINSON: Okay.

SERGEANT DEE STEWART: --- communities.

COMMISSIONER QAJAQ ROBINSON: Okay.

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

COMMISSIONER QAJAQ ROBINSON: Okay.

SERGEANT DEE STEWART: --- in BC.

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

SERGEANT DEE STEWART: We’re a service provider.

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

SERGEANT DEE STEWART: Well, that’s where -- my 108 members ---

COMMISSIONER QAJAQ ROBINSON: Okay.

SERGEANT DEE STEWART: --- they fall underneath those CTA communities -- or the CTAs.
COMMISSIONER QAJAQ ROBINSON: But, your 108
are not GD officers, right, as Marion ---

SERGEANT DEE STEWART: No.

COMMISSIONER QAJAQ ROBINSON: --- indicated?

Okay. So, in terms of the RCMP’s role and relationship
when it comes to -- I appreciate that you’re not a
signatory to this, but I’d like to hear your thoughts, if
you’re comfortable, on the importance of these self-
administered agreements. And, you’ve heard some of the
questions that I’ve asked about challenges with funding,
challenges with the, sort of, root values at play.

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

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

COMMISSIONER QAJAQ ROBINSON: Okay.

SERGEANT DEE STEWART: Yes. And, they run
-- they’ve had human resources issues in the past, but just
like any agency, we assisted them until they got their
staffing levels up. But, I think if a community wants to have that and it’s in consultation and that’s what they want, then that’s the way it should go.

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

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

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

COMMISSIONER QAJAQ ROBINSON: I agree. I guess to be more specific, my question to you is, what do you think the RCMP’s role is in this, either the capacity building or allowing for the space to be had for Indigenous
SERGEANT DEE STEWART: Well, because BC has their own, we support them. Like I said, they were having a staffing issue and we put our resources in there to help them and worked alongside them.

COMMISSIONER QAJAQ ROBINSON: Okay.

SERGEANT DEE STEWART: They’re no different than a municipal force in my mind. They’re treated the same.

COMMISSIONER QAJAQ ROBINSON: Okay.

SERGEANT DEE STEWART: Yes.

COMMISSIONER QAJAQ ROBINSON: But, not funded the same. Anyway.

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

COMMISSIONER QAJAQ ROBINSON: Is it a recommendation? Final question, and I don’t think I need to ask it, is that -- how do you measure success?

SERGEANT DEE STEWART: Funding is always the issue; right? But, I think what I measure success is that, for our communities, victims come forward, young victims come forward. Our communities embrace those victims, because sometimes it’s our own community members victimizing our own people. But, to embrace and not be angry that we’ve come forward and -- you know?
And then finding support measures for our communities. And, again, it goes back to funding. But, the RCMP is one mechanism. And, my sister -- I said one day to my sister, oh, I just want to go in there and I want to fix everything and make everything good. And, she said, you -- as an RCMP member. And, she said, you -- what are you talking about? You know, you can’t fix us. Our communities have to work on fixing ourselves and addressing our issues. And, sometimes those are tough issues that we don’t want to address. Why are we having sex assaults? It’s historical. And, we have to, kind of, go in and hope that our victims come forward.

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

And, the RCMP, long-term funding for the CTA, you know, Community Tripartite Agreements, not these five year, five year, five year renewals. When you take that away, it means that we’re here. We’re here to stay; right? We’re not a -- and we’re called the First Nation Policing Program. That bugs me. I want to be a First
Nation policing section. Like, there’s a police dog section, and there is a traffic section. I want to be a section, not a program. Program means there’s an evaluation and it might end; you know? I believe in this program. It’s a good one, so...

COMMISSIONER MICHELE AUDETTE: Thank you.

SERGEANT DEE STEWART: Thank you.

--- QUESTIONS BY COMMISSIONER BRIAN EYOLFSON:

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

SERGEANT DEE STEWART: Okay.

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

SERGEANT DEE STEWART: Well, our Métis women and Indigenous girls are facing the same things as -- or, our Métis women and girls facing the same thing as Indigenous women and girls, and it’s the same. So, like I said, there was over, you know, 90,000 registered -- or, you know, self-identified, sorry, in BC, and we wanted to
COMMISSIONER BRIAN EYOLFSON: Okay.

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

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

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

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

SERGEANT DEE STEWART: It was my honour.
CHIEF COMMISSIONER MARION BULLER: Well, to all of our witnesses, again, thank you. What you’ve told us over the last two days has been very helpful to our work. And, I especially want to thank you for coming back today. I know this has upset everybody’s schedules to a certain extent so, again, thank you. I also want to thank counsel for their preparation, especially regarding documents. It’s been great. Very helpful to us.

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

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

MR. THOMAS BARNETT: Yes. And, just as a matter of housekeeping, for the parties with standing who have not drawn a number for the next panel, Francine Merasty will be in the Oak Room and will be there to take
numbers. Thank you.
--- Upon recessing at 9:53 a.m.
--- Upon resuming at 10:13 a.m.

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

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

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

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
Good morning.

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
I absolutely do.

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR, Affirmed:
MR. BRYAN ZANDBERG: Thank you.

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

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

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

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
Yes. Good morning. (Speaking in Indigenous language). My name is jun-ja-shar (phonetic) and jute-den-la (phonetic), and I am from the Tr’ondëk Hwëch’in -- I am a citizen of the Tr’ondëk Hwëch’in Han Nation, and I belong to the Crow Clan. And, during the time that I was stationed in Prince George, I was also adopted into the Frog Clan with the
Lheidli T’enneh of the Carrier Sekani Nation, and I’m a mother of three sons.

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

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

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

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

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

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

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

**DEPUTY COMMISSIONER BRENTA BUTTERWORTH-CARR:**
I was appointed to the position on March 2\textsuperscript{nd} of 2017.

**MS. ANNE MCConVILLE:** And, when did you first join the RCMP?

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

**MS. ANNE MCConVILLE:** And, when did you become a commissioned officer?

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

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

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

**MS. ANNE MCConVILLE:** One of the positions you held was as Officer in Charge of the Prince George Detachment; is that right?
DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

Yes, it is.

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

So, as the Officer in Charge of Prince George Detachments, all the units would have reported to me, so the Serious Crime Unit that oversaw any of the homicides, missing persons, serious sexual assaults and so forth would have reported to my position.

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

Yes, so I spent one year as the Criminal Operations Officer. And, again, Major Crimes would have reported to my position directly as the Officer in Charge of Criminal Operations.

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

Yes, I was. I spent three years as the Commanding Officer here in the province of Saskatchewan.

MS. ANNE McCONVILLE: And prior to becoming
the Commanding Officer in British Columbia, I understand
you were the Officer in Charge of Criminal Operations Core
Policing; is that correct?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:** Yes, I was. And so core policing is -- oversees all of the
detachments under the four districts, in addition to our
support services such as Indigenous policing and crime
prevention and a number of other units.

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

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

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

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

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

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

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:** I have.

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

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

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

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

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

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

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:** Yes, absolutely. So in addition to the National Policy we would have individual policies. You know, the respective
provinces and territories where we have RCMP jurisdiction and then, you know, following that we would have specific unit supplements as it pertains to, you know, certain things that we needed more fulsome responses to reflect the geographical location.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

So major cases essentially are the high profile serious crimes such as homicides, sudden deaths where there's suspicious in nature, serious sexual assaults, missing persons, you know, where there's suspicious circumstances associated to it.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

Okay. So major case management is a methodology in which there's oversight with respect to any kind of major crime. And so it essentially determines the speed and the flow of the investigation. There's clear accountability in terms of the crime solving and the investigative techniques. And within it is also contained nine principles. And one of the principles is the command triangle.

**MS. ANNE McCONVILLE:** And can you explain a little bit further what the command triangle is?
DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

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

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

So in terms of the team commander, essentially, that person is responsible for the entire investigation. And the role is critical with respect to the type of training that the individual has, the experience that they bring to it because they're accountable for, you know, additional resources, the funding, and the overall investigation. With respect to the primary investigator, that is their role. They also have the ability to bring in additional investigators based upon the support from the team commander. And, of course, the file coordinator is responsible for the coordination of the file and, you know, written documentation as well as the electronic format. And, again, that person will have the ability to bring in analytical support and so forth.

MS. ANNE McCONVILLE: And the approach that you're describing that's set out in the Major Case
Management Policy, does that approach apply if the major event occurs in a smaller or more remote location?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

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

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

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

It's significant, absolutely significant.

And, you know, in relation to where a crime occurs, whether it's in a remote, rural location or not, I mean, ultimately, the same principles apply. You'll have your front line member that'll attend the scene and then, you know, notification will go in through our District Senior Investigative Officer, specifically within the Province of British Columbia, but really, anywhere. And an assessment will be done and then resources will be flown
into the remote locations or go in by road and, you know, based upon the determination of the team commander, additional people can be brought in.

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

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

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

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

**MS. ANNE McCONVILLE:** On page 3 of the
overview you've outlined some examples of oversight in major crimes investigations and I'd like to ask you about a few of those.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

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

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

Yes. So, because there is such rigour around the Office of Investigative Standard and Practices, it's deemed a best
practice, and so it influenced the National Investigative Standards and Practices Unit. So that way, there will be the same structure and rigour around any of our major cases that are happening anywhere across the country.

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

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

**MS MICHAEL VONN:** Hello, I'm so sorry. I hope this is the correct protocol. I don't know how the translators are doing, but I actually can't even keep up
with notes. I wonder if it might be appropriate to make a request to ask for a slight slowing down of the evidence. Thank you.

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

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

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

MS. CHRISTA BIG CANOE: Okay. Thank you.

CHIEF COMMISSIONER MARION BULLER: If I
understand your request correctly.

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

CHIEF COMMISSIONER MARION BULLER:

Certainly.

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

CHIEF COMMISSIONER MARION BULLER: Yes.

MS. CHRISTA BIG CANOE: If you could, please. Just the overview and you’ve already spoken to the case management.

MS. ANNE MCCONVILLE: Sure.

MS. CHRISTA BIG CANOE: Thank you.

MS. ANNE MCCONVILLE: So, all of the documents have been distributed to the parties in advance. The first document we’d ask to be made an exhibit is the Deputy Commissioner’s biography —

CHIEF COMMISSIONER MARION BULLER: Yes.

MS. ANNE MCCONVILLE: —— which was Tab 1.
CHIEF COMMISSIONER MARION BULLER: The bio is Exhibit 99.

--- Exhibit 99:

Biography of Brenda Butterworth-Carr (one page)

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

Submitted by Anne McConville, Counsel for Government of Canada

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

CHIEF COMMISSIONER MARION BULLER: Exhibit 100.

--- Exhibit 100:

“Overview of Testimony of Deputy Commissioner Brenda Butterworth-Carr,” June 28-29, 2018 (23 pages)

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

Submitted by Anne McConville, Counsel for Government of Canada

MS. ANNE MCCONVILLE: And, the third
document we’d like to have made an exhibit is at Tab 3, it is the Major Case Management Policy.

CHIEF COMMISSIONER MARION BULLER: Exhibit 101, please.

--- Exhibit 101:


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

Submitted by Anne McConville, Counsel for Government of Canada

MS. ANNE MCCONVILLE: Okay. Thank you.

Deputy Commissioner, you were explaining the offices of the Investigative Standards and Practices Branch at E division, and then the National Investigative Standards and Practices Unit. Did you have anything else to add to your evidence describing those two units?

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

MS. ANNE MCCONVILLE: Another element of
oversight that you’ve identified in the overview on page 3 is the Service Standards Investigative Guides. Can you explain what those are?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:** Yes. So, in the province of British Columbia, we utilize the service standards for our frontline members. Essentially, it provides a one-on-one if you’re attending a sudden death or if you’re attending a missing persons complaint. You know, recognizing that they have varying levels of experience, but we want to ensure that when they’re attending those types of incidents that they, in fact, do in a very structured manner and explains that -- contained within the policies, which they have to know.

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

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

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:** Yes, they are.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:** Yes.
MS. ANNE MCCONVILLE: Okay. May we have this document marked as the next exhibit?

CHIEF COMMISSIONER MARION BULLER: Exhibit 102.

---Exhibit 102:
Excerpts of RCMP “E” Division Standards Investigative Guides ("Missing Person"; “Missing Person - General Investigational Rules”; “Sudden Death”; “Sudden Death - Related Offences”; “Sudden Death - General Investigational Rules” (15 pages combined)

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

Submitted by Anne McConville, Counsel for Government of Canada

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR: Yes. I mean, they’re available to anyone, but they’re definitely available to the frontline members.

MS. ANNE MCCONVILLE: Okay. And, I’d like
to ask you as well, if you can explain what is the BC Integrated Homicide Investigation Team?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

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

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

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

And, again, ultimately, the standardized Major Case Management principles are strictly adhered to. They’re applied to every single investigation and, you know, that’s
the reality of anywhere across the country. Every division, every territory applies the MCM principles to a serious -- major case.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

So, a missing persons case is when we have an individual that is -- their whereabouts are unknown. And, of course, you know, the uniqueness there is not all of our people that have been identified as missing are actually missing, they may be missing of their own volition. As an example, you would have heard Retired Chief Clive Weighill yesterday talk about our chronic runaways and so forth. However, we do need to ensure that we’re addressing every single missing person complaint thoroughly and ensuring that we’re following up.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

No, absolutely not. If anything, we need the information as expediently as possible, because the moment it comes
into, you know, the RCMP knowledge and jurisdiction, then
we can do an immediate assessment of it and then deploy the
required resources. So, the sooner it comes into us, then
the sooner we can be aware of it. And, it doesn’t matter
which jurisdiction.

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

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
Yes.

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

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

So, flowing from the time that I was here in
Saskatchewan, and then of course even when I was in national headquarters in charge of the National Aboriginal Policing and Crime Prevention, you know, we hear continuously from our families the necessity of making sure that we were communicating properly, we were communicating effectively. You know, we wanted to ensure that there was a strong governance with respect to the investigations, that, you know, we were sharing intelligence, that we were supporting families, increasing awareness with respect to prevention and communication.

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

MS. ANNE McCONVILLE: And, were any consultations with community stakeholders done in the creation of this strategy?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR: Yes, it was. So, you know, from the time that I was even -- and Prince George is an example. Certainly, working with families. On the heels of the symposium with Highway of Tears, where there was 33 recommendations that came out, I worked with the families continuously. And so, I took
that. And then when I was here in Saskatchewan working with a number of different agencies and so forth, and I can say through British Columbia, the CrOps officer there at the time, Alberta and Manitoba, definitely a lot of consultation.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

Yes. So, there’s been consistent evolution of the Missing Persons Policy. You know, certainly when it first started, there was recognition that we needed to ensure that we were capturing relevant information, and then of course the mandatory obligation of filling out the ViCLAS, which is the violent crime linkage analysis system. And, ultimately, you know, it takes two hours to complete it, but it’s incredibly critical for us, you know, that flows on the heels of the Clifford Olson matter. And so, essentially, it provides investigators the ability to link similar types of crimes and subject behaviour of an individual.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

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

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

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

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

CHIEF COMMISSIONER MARION BULLER: Yes, 103, please.

--- Exhibit 103:

RCMP Operational Manual Chapter 37.3 “Missing Persons” amended 2018-06-14; & Chapter 37.3.1 “Missing Person Information
Witness: Deputy Commissioner Brenda Butterworth-Carr, Commanding Officer of the British Columbia RCMP (“E” Division) Submitted by Anne McConville, Counsel for Government of Canada Division

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR: Yes.

MS. ANNE MCCONVILLE: This is a document entitled “Missing Persons Intake and Risk Assessment”?

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

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR: Yes. And, the reason for it was created so that we would have a consistent approach to acquiring and obtaining information from all missing persons within the RCMP
jurisdiction, so this is completed by individuals that are first responding to the complaint, or if a person comes into the detachment. And, again, consistent completion of the documentation is critical.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

So, it would be the individual taking the information at -- like I said, the responding member or somebody came into the detachment, or the call-in, or even, you know, through Operational Communication Centres, they may start taking the information, but then it would be redirected to a detachment. So, this is applicable right across the country in all RCMP jurisdictions.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

So, it’s placed on our electronic file management system. And, as I was mentioning, supervisors are required, mandated to ensure that they are, in fact, reviewing the file that a proper assessment’s done. And, of course, if there is a high-risk analysis to it, then the district services investigative officers, so the higher ranking officers, are immediately contacted so that we can do a proper risk assessment.
MS. ANNE MCCONVILLE: May we have this
document marked as the next exhibit?

CHIEF COMMISSIONER MARION BULLER: 104,
please?

--- Exhibit 104:

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

MS. ANNE MCCONVILLE: You mentioned a
requirement that supervisors review the
form.

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
Yes.

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
Well, ultimately, they’re responsible for reviewing the
form because we want to ensure that there’s sound
governance and there’s guidance and direction given to any
of the investigators that are first taking the information. Again, there’s the accountability that’s expected of our supervisors and, you know, because if it is deemed a high-risk missing person, there’s a higher level of accountability that triggers the benchmark offence, and that provides us the ability to initiate a major investigation.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

Yes.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

Okay.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

This document is recent. It’s essentially the complainant and the family communication schedule. So, whether it’s, you know, it’s a family member or -- of a missing person, or if it’s a homicide investigation, or a serious sexual assault, as an example, it provides the opportunity for the investigators to meet with the family contact so they then
can determine a schedule, mutually agreed upon, but really, you know, provided by the family for regular updates.

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

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

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

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

--- Exhibit 105:

**RCMP Complainant/Family Communication Schedule, Form 6519e 2018-06 (one page)**

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

Submitted by Anne McConville, Counsel for Government of Canada
MS. ANNE MCCONVILLE: In the course of an investigation whether of missing persons or others, does the RCMP refer families to Victim Services?

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

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

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

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
So, public releases, it’s an individual assessment based
upon each missing person’s report. And, in some instances, that’ll happen immediately, and especially in the instance of an AMBER Alert, as an example. However, it’s not done immediately in all instances, because there’s investigative paths that have to be followed up with, such as, you know, determining whether the person’s in a hospital, whether they’re in a location that, you know, we can ping with a cell phone, is an example. There’s other factors that play into it before we go out to publicly.

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

Yes. So, the National Centre for Missing Persons and Unidentified Remains is essentially a database that has overview, guidance and structure with respect to all missing persons investigations across the country, and it is utilized by all police jurisdictions. It flowed out of the Canadian Association of Chiefs of Police, and ultimately was funded through that, through government funding, and it’s available, as I was mentioning, for all police jurisdictions, medical practitioners, pathologists
and coroners.

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

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

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

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

**MS. ANNE MCCONNIVLE:** And, can you identify this document for us?

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

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:** Yes, they are, and in addition to the coroners and medical
practitioners that I was mentioning. And, the important thing to note with respect to the best practices is that they have actually been signed off by subject matter experts. So, not only do they take into consideration the best practices across Canada, but internationally as well.

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

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

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

CHIEF COMMISSIONER MARION BULLER: 106, please.

--- Exhibit 106:

National Centre for Missing Persons and Unidentified Remains (NCMPUR) Best Practices, Version 2.0, June 14, 2017 (73 pages)

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

Submitted by Anne McConville, Counsel for Government of Canada

MS. ANNE MCCONVILLE: I’d like to ask you
now about the National Missing Persons DNA Program. Can you explain what that program is and what it does?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

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

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

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

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

Yes.

**MS. ANNE MCCONVILLE:** Can you identify this
DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

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

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

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

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

CHIEF COMMISSIONER MARION BULLER:

One-o-seven (107) please.

--- Exhibit No. 107:

Investigator’s Guide to the National Missing Persons DNA Program, 2018-04-12 (15 pages)

Witness: Deputy Commissioner Brenda Butterworth-Carr, Commanding Officer of the British Columbia RCMP (“E” Division)
Submitted by Anne McConville, Counsel
for Government of Canada

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

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

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

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

CHIEF COMMISSIONER MARION BULLER:
One-o-eight (108) please.
--- Exhibit No. 108:

“A Family’s Guide to the National
Missing Persons DNA Program: Submitting
DNA for the investigations of missing
people” (eight pages)
Witness: Deputy Commissioner Brenda
Butterworth-Carr, Commanding Officer of
the British Columbia RCMP (“E”)
In-Ch (McConville)

Submitted by Anne McConville, Counsel for Government of Canada

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

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

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

DEPUTY COMMISSIONER BUTTERWORTH-CARR: Yes, it is.

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

Who determines the cause of death in a sudden death investigation?
DEPUTY COMMISSIONER BUTTERWORTH-CARR: That determination is made by a coroner, a medical examiner, or in some instances, a pathologist.

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

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

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

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

And typically, we try to ensure that there is at least two people that would attend to a family's home or do the notification. I think what's critical as well is that recognizing, especially within our Indigenous families, that we've got good support to do that. The primary person that's going to be doing the notification, they will have the understanding of the investigation so
they're able to provide some answers to the best of their ability, you know, given the nature of the death.

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

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

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

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

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

So we facilitated their ability to come down
to Prince George, and then we took them to the site, after
we obviously completed the investigation, so that they
could do their ceremony.

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

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

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

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

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

**CHIEF COMMISSIONER MARION BULLER:**
Exhibit 109 is the Operation Manual of Human Deaths.

--- Exhibit No. 109:

RCMP Operational Manual, Chapter 41.3
“Human Deaths” & Chapter 41.3.1 “Next
of Kin Death Notification Checklist”
both amended June 14, 2018 (ten pages
combined)
MS. ANNE McCONVILLE: Okay. Turning now to homicides, and I'd specifically like to focus on historical homicides.

When do homicides become historical homicide investigations for the RCMP?

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

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

MS. ANNE McCONVILLE: And what is the role
of the Historical Case Units?

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

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

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

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

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

**DEPUTY COMMISSIONER BUTTERWORTH-CARR:** There is a multitude of challenges because, of course, we want to
be able to further the investigation as soon as possible and put the adequate resources to it. And what happens when they become historical is it could be, you know, witnesses are no longer living and/or the evidence that we have as it pertains to DNA and so forth, audio statements, sometimes they erode. So it's critical to be able to maintain that and preserve any of the information and evidence that we require.

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

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

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

**DEPUTY COMMISSIONER BUTTERWORTH-CARR:** Absolutely we do. You know, we share best practices in a
number of different venues. So as an example, with the
Western Criminal Criminal Operations officers we have an
established meeting that happens twice a year, and that's
outside of their National Integration and Operational
Council meetings that happen in Ottawa three times a year.

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

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

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

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

DEPUTY COMMISSIONER BUTTERWORTH-CARR: So
task forces are initiated when there is a significant
amount of investigations or material that needs to be
investigated. And we do joint task forces where we work
with the RCMP as well as other policing jurisdictions. And
essentially, it's a mechanism to manage, as I was mentioning, voluminous amount of investigation material and disclosure, which is -- can be incredibly intense as well.

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

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

Additionally, we were able to identify two other suspects involving one case with six women and another case with three women. And, of course, the active investigations that we are still pursuing, many of them have gone back to the Vancouver Police Department and then the RCMP retains five.
With respect to project E-Pana, that is an investigation that happened in Northern British Columbia, very strict parameters with respect to the files that are contained within that investigation. Eighteen (18) -- there was an intense search of multiple, multiple files. But essentially the parameters were that, you know, an individual is along Highway 16, which would be from Prince Rupert to Prince George. It took into consideration Highway 97 from Prince George down to Hope. And then it also took into the consideration Highway 5 and Highway 97.

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

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

And then, of course, we have Project KARE at the height. It was put together based upon the amount of unidentified remains that were located in the Edmonton area, and it was a joint project between Edmonton and the RCMP jurisdiction. It, you know, is scaled back based upon
the resources, where they are now, but ultimately there's four components to it. So they're unidentified historical case units there. They've got their Project KARE reach out, which of course, we work with our most vulnerable in the streets to ensure that we're collecting information from them so that we can help facilitate and know where they are.

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

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

It's integral, because there's just such an incredible amount of volume of information. And I think specifically of E-Pana as an example, so I'd mentioned earlier that, you know, my interactions with the families. When we went down to Vancouver I travelled with some of the families and so we met with the unsolved homicide unit that was in charge with this, and still is in charge of this project. There
were 700 banker boxes of investigative material that they had to go through and it was overwhelming. And that all had to be put into an electronic format and ultimately, you know, uploaded so that they would have the ability to navigate it. And then, of course, assist with disclosure. Like, it's incredibly voluminous.

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

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

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

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR: And that was a lot of the lessons that came out of Evenhanded, and certainly were reflected with respect to
His Honourable Wally Oppal's report, the Forsaken, and, you know, the importance of ensuring that we have good relationships with our most vulnerable in our communities and those that are sex trade workers and so forth.

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

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

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

And so basically what I was just mentioning. Essentially, they're tasked with reaching out. They've got a registry where they will take information for, you know, those that are being -- you know, really, they're the most vulnerable in our communities. And, you know, like our sex trade's workers and then some -- you know, they're there because they're being forced to, so that we can at least acquire the information and that we have it in the case that they, you know, go missing.

**MS. ANNE McCONVILLE:** I want to turn now to communications with families. You spoke a little bit about it earlier, but can you generally let us know what the
RCMP's approach is to communicating with families in major case investigations?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

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

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

And the challenge can be though, because we've got such a complexity -- and I think of even my own family, right, there's a lot of family in terms of identifying cousins, but they're -- you know, I call them siblings because that's who they are to me. And, you know, just recognizing the -- that we're all over the country
too. And then, who do you identify as the contact and that we've got the consistent communication with family members and doing so in a respective way.

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

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

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

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

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

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
So in speaking to so many of our families through the province of British Columbia, you know, we ended up developing through our major crime section the Family Guide. And it tells about victim services. It speaks to, you know, who's in charge of the investigation, who you can
contact, how you can be kept informed. And it's just really a one on one for our families so that they can better understand, you know, the complexity because it is challenging.

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

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

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

--- Exhibit 110:

"Family Guide: Support for Families of Homicide Victims or Missing Persons where Foul Play is Suspected," BC RCMP Major Crime Section, Integrated Homicide Investigation Team (12 pages)

Witness: Deputy Commissioner Brenda
Butterworth-Carr, Commanding Officer of the British Columbia RCMP (“E” Division)
Submitted by Anne McConville, Counsel for Government of Canada

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

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

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

**CHIEF COMMISSIONER MARION BULLER:** Yes, the Operations Manual, Victim Assistance is 111. Thanks.

--- Exhibit 111:

RCMP Operational Manual, chapter 37.6

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

Submitted by Anne McConville, Counsel for

Government of Canada

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

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

**MS. ANNE MCCONVILLE:** Sure.

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

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

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

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

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

**MS. CHRISTA BIG CANOE:** Yes, sorry.
CHIEF COMMISSIONER MARION BULLER: --- to be clear.

MS. CHRISTA BIG CANOE: The title of the document is the RCMP’s National Missing Persons Strategy dated 2014.

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

MS. CHRISTA BIG CANOE: Sorry.

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

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

CHIEF COMMISSIONER MARION BULLER: Yes.

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

CHIEF COMMISSIONER MARION BULLER: That’s
not my understanding, but I don’t want to take time --

MS. CHRISTA BIG CANOE: Okay.

CHIEF COMMISSIONER MARION BULLER: --- right now. We have all of the documents marked with the exception, I believe, of the Risk Assessment Form at Tab 7.

MS. ANNE MCCONVILLE: No, we did that one.

CHIEF COMMISSIONER MARION BULLER: You have that as one of ---

MS. CHRISTA BIG CANOE: I have that as Exhibit 104.

CHIEF COMMISSIONER MARION BULLER: Okay. I think I understand where the problem is. We’ll sort this out ---

MS. CHRISTA BIG CANOE: Certainly.

CHIEF COMMISSIONER MARION BULLER: --- let’s not take time.

MS. CHRISTA BIG CANOE: Yes.

CHIEF COMMISSIONER MARION BULLER: Okay.

MS. CHRISTA BIG CANOE: Thank you. There was one more clarification or administrative question, Ms. McConville, if I may ask your witness directly.

In relation to a question that Ms. McConville asked you and in regards to Exhibit 100, which is your overview of testimony, she asked if you could cover any of the information in that overview. And, for
clarification sake and purpose of the record, so it’s clear in procedures moving forward, now that this is an exhibited document, if there was something you weren’t able to cover in the 50 minutes, but it is in this overview document, would you be able to answer a question in relation to it?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

Yes, I can.

**MS. CHRISTA BIG CANOE:** Thank you. I have had a request for at least a 5 minute break before we call the next witness, if that’s possible, please.

**CHIEF COMMISSIONER MARION BULLER:**

Certainly.

--- Upon recessing at 11:12 a.m.

--- Upon resuming at 11:27 a.m.

**MS. CHRISTA BIG CANOE:** Just a second.

Chief Commissioner and Commissioners, I am now going to ask, on behalf of Commission Counsel, Mr. Bernard Jacob to call the next witness, Captain Paul Charbonneau.

**CHIEF COMMISSIONER MARION BULLER:** We need to ---

**MS. CHRISTA BIG CANOE:** Sorry, we’ll just wait for your microphone. Can the Chief have a microphone, please?

**CHIEF COMMISSIONER MARION BULLER:** Okay.

Just before we commence with the new witness, there was one
tab that was missed. So, Ms. McConville, do you want the
document found at Tab 5 of your Book of Documents entitled,
RCMP’s National Missing Persons Strategy (2014) marked as
an exhibit?

MS. ANNE MCConVILLE: Yes, please.

CHIEF COMMISSIONER MARION BULLER: Okay.

That document found at Tab 5 will be Exhibit 112. Go
ahead, please.

--- Exhibit 112:

“RCMP’s National Missing Persons Strategy
2014” (six pages)

Witness: Deputy Commissioner Brenda
Butterworth-Carr, Commanding Officer of the
British Columbia RCMP (“E” Division)
Submitted by Anne McConville, Counsel for
Government of Canada

MS. CHRISTA BIG CANOE: And, just for the
purpose, Mr. Registrar, if you could please have the clock
set at 50 minutes, 5-0. And, this examination will be
fully in French, so anyone who requires the audio device,
please make sure you have one.

MR. BERNARD JACOB: Good morning, everyone.

Good morning, Commissioners, elders and members of the
community. My first witness will be Capitaine Paul
Charbonneau.
Est-ce que vous pouvez assermenter le capitaine? Une déclaration sous serment. Not on the Bible.

MR. BRYAN ZANDBERG: D’accord. Merci.

CAPT. PAUL CHARBONNEAU, sous affirmation solennelle:

MR. BRYAN ZANDBERG: Alors, Monsieur, est-ce que vous affirmez solennellement de dire la vérité, toute la vérité, et rien que la vérité?

CAPT. PAUL CHARBONNEAU: Je l’affirme solennellement.

MR. BRYAN ZANDBERG: Merci.

--- INTERROGATOIRE PRINCIPAL PAR Me BERNARD JACOB:

Me BERNARD JACOB: Alors, Monsieur Charbonneau, quelle est votre occupation?

CAPT. PAUL CHARBONNEAU: Je suis présentement, de façon intérimaire, le directeur des Services juridiques à la Sûreté du Québec.

Me BERNARD JACOB: Quel est votre grade?

CAPT. PAUL CHARBONNEAU: Je suis capitaine.

Me BERNARD JACOB: Depuis quand êtes-vous directeur des Services juridiques par intérim?

CAPT. PAUL CHARBONNEAU: Depuis le 19 mars 2018.

Me BERNARD JACOB: Monsieur Charbonneau, je vous montre à l’onglet A votre biographie.

Que j’aimerais, Madame la commissaire en
chef, déposer en preuve sous le titre « Biographie du Capitaine Paul Charbonneau ».

CHIEF COMMISSIONER MARION BULLER:

Exhibit 113.

--- Exhibit 113:

Biography of Paul Charbonneau (one page)

Witness: Capitaine Paul Charbonneau,

Directeur par intérim, Autorité disciplinaire et services juridiques, Sûreté du Québec

Submitted by Bernard Jacob, Commission Counsel

Me BERNARD JACOB: Alors, Monsieur Charbonneau, je vois que vous avez été affecté dans plusieurs régions du Québec.

CAPT. PAUL CHARBONNEAU: C'est exact.

Me BERNARD JACOB: Entre autres, la Minganie, la Côte-Nord, Sept-Îles, l’Ouest du Québec.

CAPT. PAUL CHARBONNEAU: En fait, je n’ai pas été affecté en Minganie là, mon périple sur le Côte-Nord a commencé dans la MRC de Caniapiscau, ensuite Manicouagan, Sept-Rivières, ensuite j’ai quitté la Côte-Nord pour les Laurentides.

Me BERNARD JACOB: Est-ce qu’au cours de votre périple à travers le Québec, vous avez eu l’occasion
d’être en contact avec les communautés autochtones?

CAPT. PAUL CHARBONNEAU: Oui, tout à fait.

J’ai été en contact avec la communauté innue lorsque j’étais à Schefferville, également la communauté de naskapie qui est 15 kilomètres au nord de Schefferville. J’ai continué d’être en contact avec la communauté innue à… sur la Côte-Nord, que ce soit dans la MRC Manicouagan ou à la MRC Sept-Rivières à Sept-Îles.

Me BERNARD JACOB: Qu’est-ce que vous retenez de votre contact avec ces communautés? Est-ce que y’a un point commun quant à la façon d’entrer en contact avec…

CAPT. PAUL CHARBONNEAU: Ce que je retiens… en fait, mon temps à Schefferville fait partie de mes… j’ai été là pratiquement quatre ans, c’est parmi les plus belles années que j’ai passées à la Sûreté du Québec durant ma carrière. Ce que je retiens surtout, c’est le respect et certaines… effectivement, certaines différences culturelles. Les souvenirs que j’en ai, c’est… je pourrais parler d’un peuple très accueillant.

Me BERNARD JACOB: Qu’est-ce que vous voyez comme différences culturelles qui peut avoir un impact sur l’intervention policière?

CAPT. PAUL CHARBONNEAU: En fait, votre question, c’est une excellente question. La réponse peut être très large, dépendamment de où on est avec quelle
nation on est. Mon expérience personnelle avec les Innus, c’est que... exemple, ce que j’ai pu vivre à Pessamit a été différent de ce que j’ai vécu par exemple à Uashat Mak Mani-Utenam ou même à Matimekush-Lac John, et c’était complètement différent aussi avec les Naskapis, et quelques petites différences culturelles, je dirais, qu’on va noter au fil du temps, mais ça prend un certain temps avant de voir ces petites différences-là.

Me BERNARD JACOB: Avez-vous des exemples?

CAPT. PAUL CHARBONNEAU: Je racontais cette semaine à quelqu’un en fait, moi, l’exemple qui m’a le plus frappé à l’époque où j’étais à Schefferville, c’est comment qu’on communique par téléphone. Quand on appelait au poste de police, normalement quand on appelle quelqu’un, on appelle et on demande à qui on veut parler; à Schefferville, quand on appelait au poste, on demandait qui parlait. Ça fait que là, je disais : « Ben, c’est Paul. » Là, on me demandait si Gaétan était là. Ben là, je disais : « Non, moi, est-ce que je peux t’aider? – OK, Martin est-tu là? – Ben, je disais, non. » Là, on me disait :

Puis j’avais d’ailleurs écrit un petit texte
là dédié à mes scouts pour leur montrer la différence qui existait entre ce que nous on pouvait vivre dans le fond.
Moi, à ce moment-là, je venais de la région de Shawininigan quand je suis arrivé à Schefferville, et cette anecdote-là finit là par le fait qu’on m’a demandé si j’avais sorti le relevé du caribou. Là, j’ai dit : « Oui, c’est au comptoir. — OK, je vais passer cet après-midi. »
Ça fait que c’est des petites différences, mais quand qu’on n’est pas habitué à ça, ben, ça peut provoquer de l’incompréhension.

Me BERNARD JACOB: D’accord. Vous étiez officier dans toutes ces années-là. Est-ce que vous avez été témoin d’actes ou de paroles racistes et comment avez-vous réagi?
CAPT. PAUL CHARBONNEAU: En fait, ça m’est arrivé une fois lorsque j’étais à Schefferville. Moi, je suis arrivé à Schefferville le 11 février 2005, et puis, je me rappelle, y’a eu ce qu’on appellera la « crise du caribou » en 2006 où les Innus avaient monté un blocus d’une route qui menait aux pourvoiries, à la base d’avion des pourvoiries. Les revendications étaient qu’on accusait les pourvoyeurs de dévier, si on veut, le cheptel ou le troupeau de caribous de façon à ce que les caribous, au lieu de passer là où ils veulent bien passer, se dirigeaient vers les secteurs de chasse des pourvoiries.
Ceci dans le but évident que la clientèle puisse pouvoir prélever du caribou. Alors, les Innus dénonçaient cette pratique et y’a eu un blocage de la route qui menait de l’aéroport de Schefferville où les chasseurs arrivaient et étaient transportés par voie terrestre jusqu’à la base d’hydravion pour ensuite aller dans les secteurs de chasse des pourvoiries.

À ce moment-là, vous comprendrez que y’a une opération de surveillance qui a été mise en place par la Sûreté du Québec. Également, y’a des renforts qui sont provenus du Sud, si on peut dire, spécifiquement d’une unité de Québec, et la pratique à ce moment-là, les Innus ne bloquaient pas le chemin à la police parce qu’en fait ça coupait mon territoire de patrouille complètement en deux. Alors, quand qu’on arrivait à la barricade, l’entente que j’avais prise avec le responsable des manifestants, c’était « ben, vous allez bloquer l’accès à l’auto-patrouille, vous allez nous demander ce qu’on fait, on va vous dire qu’on va aller patrouiller de l’autre côté », pis... et là, on ouvrait la barricade et on passait.

Ça se passait très bien jusqu’à ce qu’un policier en particulier a été impatient sur la barricade, peut-être ç’a pris un petit peu plus de temps qu’habituellement, et là, en fait là, y’a dit quelque chose que y’aurait jamais dû dire, y’a dit : « C’est pas un
kawish qui va venir me dire quoi faire. »

À ce moment-là, la réaction de son

partenaire, parce que y’étaient deux dans l’auto-

patrouille, ç’a été de me le ramener au poste de police.

Immédiatement, quand j’ai été informé de ça, j’ai suspendu

le policier sur-le-champ, je lui ai retiré son arme de

service, et deux heures plus tard y’était sur un avion de

retour à Québec.

Me BERNARD JACOB: Donc, c’est des

comportements qui sont pas tolérés.

CAPT. PAUL CHARBONNEAU: C’est des

comportements qui ne sont pas tolérés, Mesdames les

commissaires, Monsieur le commissaire. C’est des

comportements que la Sûreté du Québec ne cautionne pas, ça

va pas du tout avec la philosophie de police de proximité

qui encadre toutes les interventions de la Sûreté du

Québec. La philosophie de la police de proximité comporte

cinq fondements, je pourrai peut-être y revenir un peu plus

tard, mais, entre autres, c’est basé sur le respect qui est

une, d’ailleurs, des valeurs de la Sûreté du Québec.

Me BERNARD JACOB: Dans ce contexte-là,

juste… on va aller à l’onglet B, on voit ici « Directeur-

président du Comité de discipline et directeur des Services

juridiques, Direction générale ». Est-ce que vous

reconnaissez ce document-là?
CAPT. PAUL CHARBONNEAU: Oui, il s’agit de la description du poste d’emploi de... la description de l’emploi du poste que j’occupe présentement.

Me BERNARD JACOB: Donc, vous êtes président du Comité de discipline?

CAPT. PAUL CHARBONNEAU: Non, pas tout à fait. De par ma fonction intérimaire, la présidence du Comité de discipline ne m’a pas été transférée, elle est toujours conservée par la personne qui l’avait avant mon arrivée, qui est maintenant le directeur du cabinet du directeur général.

Me BERNARD JACOB: OK. Donc, vous reconnaissez ce document-là?

CAPT. PAUL CHARBONNEAU: Oui, tout à fait.

Me BERNARD JACOB: Madame la commissaire en chef, j’aimerais le déposer.

CHIEF COMMISSIONER MARION BULLER: Yes, the job description?

Me BERNARD JACOB: Yes.

CHIEF COMMISSIONER MARION BULLER: My translation is Exhibit 114.

--- Exhibit 114:

Job description for the position of Président du comité de discipline et Directeur des services juridiques
Witness: Capitaine Paul Charbonneau, Directeur par intérim, Autorité disciplinaire et services juridiques, Sûreté du Québec
Submitted by Bernard Jacob, Commission Counsel

Me BERNARD JACOB: Vous dites « Comité de discipline ». Ça vise quoi exactement?

CAPT. PAUL CHARBONNEAU: Ben, le Comité de discipline, d’ailleurs, pour le bénéfice des commissaires, j’en suis membre. Je suis le membre policier ayant le plus d’expérience au sein de ce comité qui est composé actuellement de quatre policiers et de deux personnes civiles qui ont été nommées par le gouvernement. La discipline… et là, souvent, c’est des concepts qui sont… qui peuvent être abstraits et ça peut être mélangé, je vais tenter d’éclaircir la situation.

La discipline gère la relation qu’un policier a avec son employeur. Par exemple, des retards fréquentes, ne pas respecter des directives, ce genre de choses là. Alors, les comportements d’un policier versus son employeur, c’est géré par la discipline.

Me BERNARD JACOB: Et à l’égard des citoyens?

CAPT. PAUL CHARBONNEAU: À l’égard des
citoyens, c’est la déontologie policière, donc le
commissaire à la Déontologie policière du Québec.

**Me BERNARD JACOB:** Qui est un organisme
indépendant.

**CAPT. PAUL CHARBONNEAU:** Qui est un organisme
indépendant, le commissaire étant nommé par l’Assemblée
nationale.

**Me BERNARD JACOB:** Vous avez parlé de… vous
êtes sur le Comité de discipline depuis combien d’années?

**CAPT. PAUL CHARBONNEAU:** J’ai été nommé pour
la première fois en 2013.

**Me BERNARD JACOB:** Donc, ça fait près de
15 ans?

**CAPT. PAUL CHARBONNEAU:** En 2013, ça fait
cinq ans. Je suis membre du Comité de discipline depuis
cinq ans.

**Me BERNARD JACOB:** Je suis un avocat, hein?
Je suis pas habitué de soustraire, mais d’additionner.

(RIRES)

**Me BERNARD JACOB:** Ça va être dans les notes.
Bon, à tout événement, j’aimerais… est-ce
que vous connaissez le numéro de poste de Val-d’Or?

**CAPT. PAUL CHARBONNEAU:** Oui, c’est le poste
PQ40144.

**Me BERNARD JACOB:** Est-ce que vous avez été,
comme membre du Comité de discipline, sensibilisé à la
problématique de bracelets portés par vos membres – on
parle aussi de respect là – portant un bracelet rouge
portant un numéro 144? Est-ce que vous êtes sensibilisé…
est-ce que vous connaissez cette réalité?

**CAPT. PAUL CHARBONNEAU:** Oui, je connais très
bien cette réalité; par contre, je n’ai pas été sensibilisé
à cela parce que je suis sur le Comité de discipline. Je
connais très bien cette réalité parce que depuis mon
arrivée comme conseiller à la direction des Services
juridiques en janvier, par la suite à titre de directeur
intérimaire en mars, j’ai entre autres comme mandat de
suivre les travaux des commissions, de la Commission de
l’enquête nationale ici et la Commission Viens au Québec.
Alors, c’est dans le cadre de ces… c’est dans le cadre de
ces fonctions-là que j’ai été sensibilisé à la question.

**Me BERNARD JACOB:** Est-ce que vous savez…
bon, on va se comprendre. Y’a des étoiles, savez-vous y’a
combien d’étoiles dessus?

**CAPT. PAUL CHARBONNEAU:** Non, je n’ai pas
personnellement le nombre d’étoiles.

**Me BERNARD JACOB:** Si je vous dis que y’en a
huit pour les huit… les huit policiers qui ont été
suspendus suite aux événements qui ont été divulgués par
les journalistes, c’est possible?
CAPITAINE PAUL CHARBONNEAU: Oui, c’est possible.

Me BERNARD JACOB: O.k. Donc, dans ce contexte-là, que fait la Sûreté du... comment c’est perçu par les communautés? Est-ce que vous avez suivi la Commission Viens, qui a eu des reportages? Comment c’est perçu par la communauté ce port de bracelet là?

CAPITAINE PAUL CHARBONNEAU: En fait, oui, parce que j’ai suivi la Commission, mais j’ai aussi eu des communications avec certains membres du personnel de la Commission. En fait, on parle de perception, Mesdames les commissaires, Monsieur le commissaire. J’aimerais vous entretenir là-dessus un petit peu.

Comment c’est perçu par les communautés? C’est clair que c’est vu comme un affront pour eux, pour les communautés. Spécifiquement dans la région de Val d’Or, c’est perçu comme étant un support aux policiers qui ont été suspendus, qui ont été, dans le fond, impliqués dans des allégations. Ça c’est la façon que c’est perçu. Ça leur cause un traumatisme, en fait. Quand ils voient un policier arriver avec ça sur l’uniforme, pour eux c’est un rappel évident des événements de 2015.

Me BERNARD JACOB: Alors, pourquoi la Sûreté du Québec n’interdit pas à ses membres subalternes de porter ledit bracelet?
CAPITAINE PAUL CHARBONNEAU: En fait, la Sûreté, on a fait des interventions. Ce qui est important de comprendre c’est, dans un premier temps, on a tenté de sensibiliser le personnel sur l’impact que le port de ce bracelet-là pouvait avoir sur la communauté.

Puis en même temps, j’aimerais attirer votre attention que la communauté le perçoit de cette façon-là, mais pour les policiers, le port de ce... c’est parce que le bracelet n’est pas seulement porté que dans la région de Val d’Or. Je dirais qu’il est porté pas mal partout à travers la province. J’ai personnellement vu des policiers circuler dans certaines unités bien loin de Val d’Or arborant ce bracelet-là, soit au poignet, soit sur leur veste. Pour les policiers, le port de ce bracelet-là ne signifie en aucun cas... en aucun cas... un cautionné des allégations. C’est plutôt en support de tout le poste de Val d’Or qui a à subir les contrecoups des événements de Val d’Or, parce que suite à ces événements-là, vous comprendrez qu’à l’intérieur même du poste, c’a été difficile pour le morale des policiers.

Me BERNARD JACOB: Mais dans ce contexte-là, est-ce que vous avez mis en poste un poste particulier à Val d’Or qui s’appelle le CP...

CAPITAINE PAUL CHARBONNEAU: Le PPCMA.

Me BERNARD JACOB: Mais là, vous savez qu’il
y a des policiers du PPCMA qui sont supposés se rapprocher
de la communauté qui portent ce bracelet-là?

**CAPITAINE PAUL CHARBONNEAU:** En fait,
presentement, il n’y a plus de policiers au PPCMA qui
portent ce bracelet-là.

**Me BERNARD JACOB:** Mais il y en a déjà eus?

**CAPITAINE PAUL CHARBONNEAU:** Il y en a déjà
eus. D’ailleurs, je crois qu’on peut en apercevoir dans la
vidéo promotionnelle de la Sûreté du Québec. Il y a eu
deux vidéos. Je crois qu’il y en a une qui sera déposée en
preuve, Mesdames les commissaires, Monsieur le commissaire.
Il y a une première vidéo qui a été faite à l’époque du
projet pilote et il y a une deuxième vidéo qui est plus
récent. En fait, les deux vidéos sont disponibles sur
YouTube. Si on tape PPCMA, on va trouver les deux vidéos
de la Sûreté du Québec sur YouTube.

Comme je disais, pour terminer là-dessus,
sur le port du bracelet par les policiers, c’est plus un
mouvement de solidarité envers les policiers qui ont eu à
vivre les contrecoups de cet événement-là. Ce n’est pas
seulement que quelques policiers qui étaient visés par les
allégations.

**Me BERNARD JACOB:** Mais la question c’est
pourquoi la Sûreté du Québec ne donne pas d’ordre à ses
membres de cesser de porter ce signe qui peut être
considéré comme offensant dans la communauté visée?

**CAPITAINE PAUL CHARBONNEAU:** En termes clairs, nous préférons beaucoup mieux convaincre que contraindre.

Les travaux en cours dans les deux commissions et l’effet du temps aidant, j’ai bon espoir que finalement le port de ce bracelet-là va s’estomper avec le temps.

**Me BERNARD JACOB:** Donc, je comprends que l’état-major de la Sûreté du Québec a fait le choix politique de ne pas ordonner à ses membres de cesser de porter ce signe... je l’ai qualifié d’ostentatoire, mais c’est typiquement québécois, de ce signe qui porte atteinte aux gens des communautés?

**CAPITAINE PAUL CHARBONNEAU:** En fait, je ne veux pas me substituer à l’état-major, mais moi, ce que j’en comprends c’est que si on convainc les gens d’une chose, l’effet va être beaucoup plus durable que si on tente de le contraindre. Ça c’est dans un premier temps.

Et lorsqu’on prend conscience d’une chose, que ce soit de parts et d’autres, ça aide à la compréhension. On est conscient qu’il y a un enjeu de confiance actuellement et que le port de ce bracelet-là est un facteur dans cet enjeu-là.

**Me BERNARD JACOB:** Donc, je comprends que
c’est un facteur qui vise à miner la... qui a pour effet de miner la confiance.

**MS. CHRISTA BIG CANOE:** Sorry, I apologize. You just need to give an opportunity for translation to catch up. And then if it can catch up, then when you’re ready, we’ll start the time again.

**COMMISSAIRE MICHELINE AUDETTE:** S’il n’y a pas une pause entre chaque...

**MS. CHRISTA BIG CANOE:** No worries.

**Me BERNARD JACOB:** Désolé.

**MS. CHRISTA BIG CANOE:** So we’re going to let the translator, if they’re able to translate, and then we’ll start the time so that the time isn’t delayed based on the translation, please.

Would you like them to repeat?

**Me BERNARD JACOB:** Ça va? Je peux rouler?

**THE INTERPRETER:** Repeat the last...

**Me BERNARD JACOB:** The last question?

Je comprends que c’est un signe qui peut avoir pour effet d’atteindre la confiance, de miner la confiance entre la communauté et la Sûreté du Québec. C’est ce que j’ai compris de votre témoignage.

**CAPITAINE PAUL CHARBONNEAU:** C’est exact.

**Me BERNARD JACOB:** Dans ce contexte-là, je comprends, qu’est-ce que la Sûreté du Québec a fait pour
convaincre ses policiers de cesser, parce que vous dites que vous avez décidé de ne pas donner d’ordre, et quel moyen avez-vous pris pour que cesse le port de ce bracelet, de convaincre le port de ce bracelet? Et je vais vous le dire de façon transparente, comment se fait-il que quelque chose qui était spécifique à Val d’Or s’est étendu à, selon votre témoignage, à peu près l’ensemble du Québec? Il n’y a pas un problème là quant au message envoyé aux communautés des Premières nations et des Inuits?

CAPITaine PAUL CHARBONNEAU: En fait, je vous reviendrais au niveau de la perception. Pour les policiers, il ne s’agit pas de cautionner des gestes ou d’être contre une communauté, loin de là. Il s’agit pour l’ensemble des policiers de démontrer leur support face à... par rapport à des collègues qui vivent des moments difficiles.

D’ailleurs, il n’y a pas que le fameux bracelet rouge 144 qu’on peut voir à l’occasion sur les uniformes. On peut voir d’ailleurs, je pense que c’est thin blue line. Il y a aussi un bracelet thin blue line qui a commencé à faire son apparition et d’ailleurs pas seulement à la Sûreté du Québec. Ça c’est en support de certains policiers qui font peut-être face à la justice. C’est pour démontrer un certain support moral sur des épreuves que certaines peuvent vivre. Ce n’est pas un
statement... pardonnez l’anglicisme... contre une communauté.

**Me BERNARD JACOB:** Mais encore une fois, Monsieur Charbonneau, je vais donner l’exemple de... moi, hier, il y a une membre d’une famille qui m’a fait un commentaire sur ce que je faisais en avant avec mon téléphone cellulaire. J’ai compris le message. Je me suis excusé et j’ai cessé d’avoir ce comportement fautif.

Pourquoi ne pas expliquer aux policiers que leur comportement n’est pas acceptable et qu’ils souhaitent que vous cessiez de l’utiliser? On fait affaire à leur bonne foi, à la nécessité de rétablir des ponts avec les communautés autochtones. Alors pourquoi ne pas tenter de les convaincre? Ce que vous me dites c’est que vous n’avez rien fait?

**CAPITAINE PAUL CHARBONNEAU:** Non, ce n’est pas ce que j’ai dit. Ce que je dis, et je le répète, nous préférons convaincre que contraindre.

**Me BERNARD JACOB:** Alors qu’avez-vous fait pour les convaincre?

**CAPITAINE PAUL CHARBONNEAU:** Il y a eu plusieurs rencontres qui ont été effectuées envers le personnel qui porte ce... et d’ailleurs, il y a du personnel qui ont cessé de le porter. Il a toutefois encore du personnel qui le porte. Alors, nous multiplions
les rencontres en ce sens, le but de sensibiliser les policiers sur l’effet que ce signe sur l’uniforme peut avoir sur la communauté. Le but c’est de les sensibiliser, de leur faire comprendre. Et puis on veut les convaincre et non les contraindre pour que l’effet soit beaucoup plus durable.

Me BERNARD JACOB: Alors, on va passer à un autre aspect.

Vous êtes ici en regard... parce que vous avez reçu un subpoena émis par la Commission, c’est bien ça?

CAPITAINE PAUL CHARBONNEAU: C’est exact.

Me BERNARD JACOB: Je vais à l’onglet C.

CAPITAINE PAUL CHARBONNEAU: En fait, j’aimerais, si c’est possible, ajouter quelque chose sur le fait d’être ici sous assignation par subpoena. La Sûreté du Québec doit collaborer sans aucune retenue avec la Commission, avec l’Enquête nationale sur les femmes et les filles autochtones disparues ou assassinées. Également, nous allons collaborer sans retenue avec la Commission sur les relations entre certains services publics et les autochtones, la Commission Viens au Québec.

La raison qu’on est venu sous assignation, c’est de commune pratique depuis des années à la Sûreté du Québec, d’attendre d’être assigné pour se présenter. Ça a
été le cas il y a... l’an dernier, à la Commission Chamberland. Alors, c’est la raison pour laquelle nous avons été assignés.

Également, pardonnez-moi l’anglicisme encore une fois, mais le timing du panel cette semaine. La Sûreté, vous n’êtes pas sans le savoir, au cours des dernières semaines, a eu beaucoup d’énergie déployée dans l’organisation du G7. On a fait d’ailleurs une collaboration avec la GRC. Ça a nécessité beaucoup de ressources de la Sûreté du Québec et l’opération avec le G7 s’est terminée le 12 juin pour certains et le 18 juin pour d’autres, alors que nous étions en phase de démobilisation. Alors survient le timing de la Commission.

Et d’ailleurs, l’officier qui est généralement à la tête du Bureau des affaires autochtones à la Sûreté du Québec et c’est une entité dont j’aurai le plaisir de vous entretenir plus longuement, ultérieurement, mais cet officier-là avait déjà des vacances prévues durant cette semaine-ci. Alors, on avait concentré nos énergies un peu ailleurs et lorsque nous avons reçu l’assignation, en fait, moi, j’ai été assigné pour venir ici à titre de Directeur des services juridiques, de par la connaissance que j’ai des dossiers. Alors, on s’est préparés depuis les deux dernières semaines à venir vous offrir toute la collaboration et donner les documents requis et le
témoignage requis.

**ME BERNARD JACOB** : Alors, on va essayer d’avancer un peu plus vite, parce qu’il nous reste juste 30 minutes.

Onglet C, avenant au contrat numéro 2015-00-71-31-01. Qu’est-ce que c’est, ça, M. Charbonneau?

**CAPITAINE PAUL CHARBONNEAU** : En fait, c’est l’avenant dans un contrat de gré à gré que nous avons avec la compagnie, je pense que c’est Gripma de M. Pierre Picard de Wendake.

**ME BERNARD JACOB** : Quel est l’objet du contrat?

**CAPITAINE PAUL CHARBONNEAU** : L’objet de ce contrat-là est d’offrir une formation sur la sensibilité aux réalités autochtones à nos policiers, tant les patrouilleurs que les enquêteurs, formation qui a été, par ailleurs, dans les dernières années, renouvelée. J’ai eu l’opportunité moi-même de la suivre à trois...

**ME BERNARD JACOB** : Je vais vous laisser... je vous interromps. J’aimerais déposer la pièce C sous la cote, Madame la Commissaire en Chef.

**CHIEF COMMISSIONNER MARION BULLER** : Yes.

**ME BERNARD JACOB** : Ça va s’appeler Avenant au contrat no 2015-00-71-31-01.

**CHIEF COMMISSIONEEER MARION BULLER** : Yes.
The service contract for training is Exhibit 115.

--- PIÈCE NO. 115:

Contract « Contrat de service de gré à gré » between Sûreté du Québec and Pierre Picard / Groupe de recherche en intervention psychosociale en milieu autochtone (GRIPMA), project number : 2015-00-7131-01, along with two different addenda, both named « Avenant 1 au contrat numéro 2015-00-7131-01 »

Witness: Capitaine Paul Charbonneau, Directeur par intérim, Autorité disciplinaire et services juridiques, Sûreté du Québec Submitted by Bernard Jacob, Commission Counsel

Me BERNARD JACOB : Next tab, C is the Contrat de service de gré à gré, quelle cote? Quelle cote, Madame la Chef...

CHIEF COMMISSIONNER MARION BULLER :
Contract... what is the... sorry, 115.

ME BERNARD JACOB : It’s the same... okay. And we have the other one, always on Tab C, all these documents are about the formation of the Sûreté du Québec officers.

CAPITAINE PAUL CHARBONNEAU : Oui, c’est
exact.

ME BERNARD JACOB : Alors, peut-être en complément, Madame la Commissaire en chef, avec votre autorisation, je vais aller immédiatement à l’onglet K, ça va?

CHIEF COMMISSIONER MARION BULLER : Yes.

ME BERNARD JACOB : J’aimerais déposer l’onglet K sous une cote.

CHIEF COMMISSIONNER MARION BULLER : And the name of the document, please?

ME BERNARD JACOB : Session de sensibilisation aux réalités autochtones, volet opérationnel.

CHIEF COMMISSIONNER MARION BULLER : 116, please.

ME BERNARD JACOB : Thanks.

--- PIÈCE NO. 116:

Printout of Powerpoint « Session de sensibilisation aux réalités autochtones » Sûreté du Québec (86 pages)

Witness: Capitaine Paul Charbonneau, Directeur par intérim, Autorité disciplinaire et services juridiques, Sûreté du Québec
Submitted by Bernard Jacob, Commission Counsel

ME BERNARD JACOB : And next tab I want to show you I -- le PowerPoint est...

PERSONNE NON IDENTIFIÉE : C’est la dernière...

le Powerpoint, c’est la dernière.

ME BERNARD JACOB : La dernière? Non, ce n’est pas le même.

PERSONNE NON IDENTIFIÉE : O.

ME BERNARD JACOB : O. Non, it’s not the...

oui, yes, onglet O. Vous reconnaisssez ce document?

CAPITAINE PAUL CHARBONNEAU : Oui, tout à fait.

MS. SUSAN FRASER: I’m sorry to rise, Commissioners. I just have an objection.

Unless somebody can correct me, but I was in transit this morning to get here, but as of late last night, there were no translated versions of the exhibits to Mr. Charbonneau’s evidence. Am I -- and so I don’t -- we haven’t seen the English versions.

MS. CHRISTA BIG CANOE: And as is true with the inverse, when a document is produced in English by a government and the official language is that and they have not produced a translation, we can’t undertake to translate documents that belong to a government that are issued by a
government. So although this may be one of the few times a large number of the English parties don’t have the English translation, in most of our proceedings, it’s been the inverse true for any of the francophone parties not necessarily having a French. But we can’t undertake, if the document belongs to a party or to a government, to make a translation because they haven’t produced an official translation.

So often what you’ll see in the record, for example, when Canada produces documents, it’s often in both official languages pursuant to their obligation to do so, they are. So we don’t translate documents that belong to other parties, and this has actually been occurring throughout the hearing process. It might be coming to your attention for the first time as an Anglophone as opposed to the Francophone parties who have only had the opportunity to have English documents at points.

**MS. SUSAN FRASER:** Well, I can’t say why others may not have objected, but I am objecting now. I don’t think it’s fair. I don’t think it’s fair to the process or the parties, and I want to make that objection known.

**MS. CHRISTA BIG CANOE:** I’m going to take no position other than to the explanation I was making in relation to our obligation or not interfering in
translating other parties’ documents and leave it to the Commissioners to address.

(SHORT PAUSE/COURTE PAUSE)

CHIEF COMMISSIONER MARION BULLER: Ms. Fraser, I’m sorry, I don’t know where you went. What remedy are you seeking?

MS. SUSAN FRASER: I would ask that the documents be translated so that the parties can have a reasonable right of cross-examination.

(APPLAUSE/APPLAUDISSEMENTS)

MR. ROY STEWART: I just wanted to support the previous objection given that many of my clients’ concerns in the southern region of Labrador have this overlap with the close proximity of Quebec. So I do think it’s unfair as well given that we were only provided them in French. So I do support the previous objection.

MS. CHRISTA BIG CANOE: So if we could -- just one moment.

(SHORT PAUSE/COURTE PAUSE)

MS. CHRISTA BIG CANOE: So if I could recognize Ms. Marie-Paul Boucher.

Me MARIE-PAUL BOUCHER : Bonjour, Mesdames les commissaires, Messieurs les commissaires. Donc, si cette demande va d’un côté, on comprend que ça va être des deux côtés. Jamais on ne nous a demandé, par la
Commission... le témoin est présenté par Me Jacob. Jamais on nous a demandé de fournir de la documentation dans les deux langues. On n’a pas cette obligation légale-là au Québec, à ma connaissance.


MS. CHRISTA BIG CANOE: And so if I may also add just in terms of background, when the National Inquiry produces documents, whether they are summaries or not, they are produced in both languages because of our requirement of producing documents in both languages.

However, when it’s proprietary or in interests that belong to either another party or a government, it’s their document and there’s no requirement for them to translate.

And so that’s just -- I’m not taking a position. I’m just explaining sort of the world we’re working in in terms of producing our document productions,
what our responsibilities or liability in terms of the National Inquiry -- we put in a concerted effort to make sure anything we’re producing is in both languages, and sometimes there’s a lapse either way. Sometimes if it’s produced first in French, it’s a little delayed to get it in English and vice versa.

(SHORT PAUSE/COURTE PAUSE)

MS. CHRISTA BIG CANOE: I’m sorry, I do have to raise one thing my colleague has brought to my attention as well, and I just had a moment to confer on quick. One of the implications of a determination you may make now is the effect of having to recall this particular witness, and so I just wanted to put on the record that in your consideration, you take into account that factor. And this individual has been subpoenaed to attend and has met the subpoena.

So on that basis, it’s just something I think you may have to consider in your deliberation of the objection.

Me BERNARD JACOB: Avec respect pour les Commissaires, je tiens à souligner qu’en vertu... le Gouvernement du Québec a ce qu’on appelle la Charte de langue française et seuls les lois et les règlements doivent être traduits dans les deux langues. La langue de l’état québécois est le français. Donc, conséquemment, les
documents sont produits dans la langue de l’état québécois.

C’est la situation. J’en suis sincèrement désolé. Mais juste pour éclairer les commissaires, on s’en remet à la discrétion du Board. Merci.

(SHORT PAUSE/COURTE PAUSE)

CHIEF COMMISSIONER MARION BULLER: Go ahead, please.

Me WINA SIOUI: Bonjour. Je veux simplement noter qu’au nom de... Wina Sioui, au nom de l’Assemblée des Premières nations Québec-Labrador, j’appuie le sentiment d’équité qui doit être accordé à tous les représentants francophones qu’on a vécu une grande partie de la situation à l’inverse, mais je ne suis pas ici en train de demander qu’on puisse ravoir tout notre temps de façon équitable aussi pour contre-interroger.

Merci.

MR. ROY STEWART: Commissioners, I would just ask that -- I guess first, I do respect the burden imposed if you were to order a translation and I respect Commission Counsel’s position.

However, I would just ask that you consider the ultimate objective of the Inquiry and the protection of indigenous women and girls and that it shouldn’t come down to an English or French translation.

MS. CHRISTA BIG CANOE: And sorry, I might
also -- and I ask your indulgence to make a further submission on this -- our next witness’ materials are only in English and Ontario has not produced a French version of the materials and they were not required to. And again, we cannot make an official translation of other people’s material.

So the determination you make now will not impact just one witness but the next two witnesses if all is being treated equally.

**MS. DE WHYTELL:** If I may, I just have one thing to add to this, and that is that the parties themselves might have had the opportunity to translate the materials if the disclosure was provided a little sooner, and that’s no reflection on the work that the Commission has been doing, but it speaks to the extension of this important work.

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

**CHIEF COMMISSIONER MARION BULLER:** We have an objection before us with respect to translation of documents as a larger issue, but more specifically that documents provided by this particular witness are in the French language only and have not been translated into English.

As I understand the law of the land, the Quebec government is not required to provide those
documents in both languages unless, of course, I suppose, they were asked to do so or volunteered to do so.

On the other hand, we have to remember and we’re mindful of the fact that many witnesses have produced documents only in English, and francophone parties have had to work in those circumstances, not to mention the Commissioners and National Inquiry staff have had to deal with this dichotomy or split in languages.

The difficulty that we face is timing, of course. This objection is brought in the middle of the examination of a witness. I’m not being critical; I’m just pointing this out for the record.

As Commission Counsel has properly pointed out, we cannot force a government, but we could ask a government, to translate documents, as with any other party.

As one of the witnesses said, time is our blood, or words to that effect, and we have to proceed today in the existing circumstances. That, I suppose, is equally unfair to everyone.

So I am not going to order translation of documents written in French into English at this point in time. However, this is an issue, an operational issue, that we will take up with further witnesses. So we will maintain the status quo for this hearing. However, this is
a critical point that’s been raised.

MS. CHRISTA BIG CANOE: Thank you, Commissioners.

And we’re not looking for a broader sweeping determination because we’ll deal with what we have before us today, but I did, for the purposes of the record, want to suggest that that same principle or sentiment probably applies to all the other governments in Anglophone that we would then be requesting they produce them in French as well.

CHIEF COMMISSIONER MARION BULLER: Okay.

Let’s proceed with this witness. The ruling stands.

MS. CHRISTA BIG CANOE: Thank you.

Me BERNARD JACOB: Merci.


CHIEF COMMISSIONER MARION BULLER: Thank you. The document at Tab O is Exhibit 117, please.

--- PIÈCE NO. 117:

« Enquête sur les femmes et les filles autochtones disparues et assassinées - Présentation de la Sûreté du Québec »
Me BERNARD JACOB: Merci.

Je demanderais aux techniciens de mettre sur la projection le document 117, s'il vous plait. Et je vais inviter Monsieur Charbonneau à prendre connaissance de la page 35 dudit document qui traite... trente-cinq/thirty-five... Okay. Houston, we've got a problem.

Monsieur Charbonneau, pouvez-vous lire la page 35 du document et expliquer... on voit ici « Session de sensibilisation reliée aux autochtones ». Vous l'avez suivie cette formation-là?

CAPITAINE PAUL CHARBONNEAU: Oui. En fait, j'ai suivi cette version... la version actuelle de la formation en mars dernier. J'avais, auparavant, suivi à deux reprises l'ancienne version de la formation parce que la formation a évolué dans le temps.

Me BERNARD JACOB: Dans quel sens elle a évolué? Pouvez-vous expliquer?
CAPITAINE PAUL CHARBONNEAU : Oui. Je vous remercie de l'opportunité de me permettre d'expliquer cette avancée à la Sûreté du Québec.

En fait, quand on a débuté la formation de sensibilisation aux réalités autochtones, dans le cursus de cette formation-là -et là, je tente de parler lentement pour les besoins de la traduction - dans le cursus de cette formation-là, on s'attardait, la première journée, je vous dirais, à une vision anthropologique des Premières Nations.

Alors, juste pour vous donner une idée, on commençait la session, entre autres, c'était donné par un Abénaki à l'époque, un M. Obobsawin qui avait déjà été membre de la Sûreté du Québec par ailleurs et un anthropologue, de mémoire, M. Bouchard. Et on commençait en expliquant que les Premières Nations étaient arrivées en Amérique par un nisme, lors de la glaciation, ils étaient partis de l'Asie, etc.

Avec le temps, à la Sûreté, on s'est aperçu que peut-être que ça ne répondait pas tout à fait aux besoins qu'ont les policiers de savoir ce qu'est la culture autochtone. Et c'est quelque chose qui est important pour nous, que cette sensibilité-là soit comprise par nos policiers, parce que ça va aider grandement dans les opérations policières et dans les interventions policières.

Alors, la nouvelle formation, je ne sais pas
si vous voyez l’onglet derrière moi, mais ça indique le
cursus de la première journée. On a plutôt une vision
socioculturelle : l’organisation sociale, politique,
territoriale des Premières Nations au Québec. Et là, c’est
important ce qui se passait avant la colonisation et après
la colonisation.

Et Monsieur Picard, qui est de Wendaké, il
met… je n’ai pas le mot en français, mais un stress sur le
fait qu’il y a aussi une différence au sein des Premières
nations entre est-ce qu’on est sédentaires ou nomades? Et
cé sont des traits… et c’est effectivement important de le
comprendre puis je vais donner un exemple concret de mon
vécu personnel.

Les gens qui sont plutôt d’une culture de
type nomade, si on ne sait pas que… quand ils parlent et
s’expriment, il arrive qu’ils font des pauses et ce n’est
pas parce qu’ils ont fini de parler. Or, vous savez la
culture européenne –moi, je suis Irlandais de souche- les
moments de silence, on n’aime pas ça, on a tendance à
vouloir remplir le silence. Alors, si on fait ça, peut-être
qu’on est en train de faire perdre le fil d’idées de la
personne qui nous parle.

Si on comprend… par exemple, moi, j’ai vécu
avec les Innus, à Sherferville, si on comprend que les
nomades ont tendance à faire ça, le silence ne deviendra
plus inconfortable pour nous, lorsqu’on fait des entrevues
de victimes ou lorsqu’on fait des interrogatoires de
suspects. C’est un léger détail, mais qui peut, lors d’une
enquête, lors d’une intervention policière, faire toute la
différence. Et c’est pour ça que la Sûreté du Québec
reconnaît l’importance. Et d’ailleurs…

**ME BERNARD JACOB** : D’ailleurs, dans ce
contexte-là, si c’est important, qui doit suivre cette
formation-là?

**CAPITAINE PAUL CHARBONNEAU** : En fait, le
souhait de la Sûreté, c’est que tous nos policiers la
suivent.

**ME BERNARD JACOB** : Vous dites « le souhait »
; quels moyens prenez-vous pour que votre souhait soit
rencontré?

**CAPITAINE PAUL CHARBONNEAU** : On a multiplié
les sessions de formation. On a accéléré la cadence avec…

**MS. CHRISTA BIG CANOE** : I’m sorry, stop
please.

I’m sorry for interrupting. There was just
a little lag in the translation. It was on the wrong
channel.

You can continue. Interpreter, are you able
to insert or to provide a translation on that last 30
seconds?
COMISSAIRE MICHÈLE AUDETTE: Welcome to my world. I felt so lonely for many months.

CAPITAINE PAUL CHARBONNEAU: Je peux parler?

MS. CHRISTA BIG CANOE: Before we start, Mr. Registrar, wait 30 seconds to start the clock again, please.

ME BERNARD JACOB: Donc, on revient à ma question : quels moyens vous prenez pour vous assurer que l’ensemble des membres de la Sûreté du Québec suivent cette formation?

CAPITAINE PAUL CHARBONNEAU: Premièrement, on priorise les patrouilleurs qui sont près des nations. On priorise les patrouilleurs qui doivent se rendre en support dans les nations, les enquêteurs également qui ont à travailler avec... à des dossiers autochtones.

On assigne des policiers... en fait, un policier à la Sûreté du Québec, lorsqu’il est assigné à une formation, il doit simplement s’y rendre. Par contre...

ME BERNARD JACOB: Donc, elle devient obligatoire pour le policier qui est assigné?

CAPITAINE PAUL CHARBONNEAU: Tout à fait. Par contre, on n’a pas nécessairement besoin de contraintes. Je vous dirais qu’on a beaucoup de volontaires pour cette formation-là. Puis principalement, la raison, c’est, pardonnez-moi l’expression, mais le marketing qui
est fait par nos agents de liaison autochtones et les gens qui ont suivi la formation, les gens comme moi. Moi, je la trouve très intéressante, cette formation-là et j’en parle allègrement.

Et lorsque les gens... vous savez, lorsqu’on engage des policiers, le trait commun chez tous les policiers, c’est la curiosité, parce que si on n’était pas curieux, on ne trouverait jamais d’indices et on ne résoudrait pas de crimes, tout simplement.

ME BERNARD JACOB : Donc, les gens sont volontaires?

CAPITaine PAUL CHARBONNEAU : Les gens sont volontaires. Par curiosité, ils entendent parler de la formation et ils veulent aller la suivre, par intérêt personnel.

Mais effectivement, nous avons accéléré la cadence avec laquelle on offre ces formations-là. On offre beaucoup plus de groupes, on a élargi les groupes et c’est une formation, d’ailleurs, que nous avons étendue et nous invitons les corps de police autochtones également à envoyer leur personnel suivre cette formation-là.

ME BERNARD JACOB : Capitaine Charbonneau, je vais vous amener à l’onglet H et je vais demander à Madame la Commissaire en chef une cote, s’il vous plaît? Onglet H, qui s’appelle Intervention en milieu autochtone – ligne du
CHIEF COMMISSIONER MARION BULLER : The timeline at Schedule H is 118, please.

ME BERNARD JACOB : Thanks.

--- PIÈCE NO. 118 :

Timeline « Interventions en milieu autochtone – Ligne du temps Annexe 2 »
Sûreté du Québec (one page)
Witness: Capitaine Paul Charbonneau,
Directeur par intérim, Autorité disciplinaire et services juridiques,
Sûreté du Québec
Submitted by Bernard Jacob, Commission Counsel

ME BERNARD JACOB : On voit que ce document-là, c’est une ligne du temps, est-ce que je comprends bien? On voit l’évolution de la Sûreté du Québec.


ME BERNARD JACOB : Donc, je comprends que la
Sûreté reçoit le mandat d’organiser et de développer des services policiers cri et inuit, c’est en lien avec la Convention de la baie James du Nord québécois. C’est bien cela?

CAPITAINE PAUL CHARBONNEAU : C’est exact, le mandat qui avait été donné par le gouvernement.

ME BERNARD JACOB : Ensuite, suite à la crise du saumon à Restigouche, la Sûreté du Québec se repositionne dans ses relations avec les communautés autochtones. C’est bien ça?

CAPITAINE PAUL CHARBONNEAU : C’est exact.

Suite à une intervention lors de cette crise-là, on s’est aperçu que peut-être que nos méthodes de travail étaient incomprises et que si on avait adapté nos méthodes de travail et qu’on avait eu peut-être l’apport qu’on a maintenant, d’ailleurs, des agents de liaison autochtones, assurément que ça aurait connu une autre tournure, cette crise-là.

ME BERNARD JACOB : On va ici à la crise d’Oka : ça a entraîné… ceci a entraîné… la Sûreté assure la liaison auprès des corps de police autochtone et répond à des demandes d’assistance. C’est bien ça

CAPITAINE PAUL CHARBONNEAU : En fait, dans la ligne du temps, oui, il y a eu la crise d’Oka en 1990 et en 1991, nous avons élargi le mandat des agents de liaison
autochtones.

**ME BERNARD JACOB** : Ensuite, en 1995, il y a la crise de Ipperwash et le dépôt du rapport Gilbert. Et, suite à ça, la Sûreté du Québec intègre les recommandations du rapport Gilbert à ses interventions en milieux autochtones. C’est bien ça?


**ME BERNARD JACOB** : Suite au dépôt du rapport Lindell, la Sûreté révise son approche en liaison autochtone à la suite d’une tournée des nations et double l’approche des milieux autochtones. C’est bien ça?

**CAPITAINE PAUL CHARBONNEAU** : C’est exact. C’est ce qui est inscrit.

**ME BERNARD JACOB** : Le conflit Norfolk amène la Sûreté à centraliser la gestion des liaisons autochtones et redéploie ses effectifs en fonction des nations. C’est bien ça?

**CAPITAINE PAUL CHARBONNEAU** : non, ce n’est pas à cause du conflit Norfolk. La Sûreté du Québec a créé... parce que tantôt, on a parlé des événements de Val d’Or. La Sûreté du Québec, lors des événements de Val d’Or, a fait certains constats, a décidé... il y a eu la création du Bureau des affaires autochtones –j’imagine que j’aurai
l’opportunité d’en parler un peu plus tard.

On a aussi modifié la façon de déployer les
agents de liaison autochtones.

**ME BERNARD JACOB** : Donc, c’est survenu suite
aux événements de Val d’or?

**CAPITAINE PAUL CHARBONNEAU** : Oui. C’est des
actions que nous avons prises suite aux événements de Val
d’Or.

**ME BERNARD JACOB** : Donc, je comprends que la
Sûreté est toujours en réaction avec les événements et non
pas proactive?

**CAPITAINE PAUL CHARBONNEAU** : Non, je ne
dirais pas ça. Parce qu’en fait, il y a eu plusieurs… il y
a eu d’autres… je vais vous parler du module d’assistance
aux victimes. Il n’y a pas eu de crise puis on a décidé de…

**ME BERNARD JACOB** : Il y a eu un rapport
Gagné, par exemple?

**CAPITAINE PAUL CHARBONNEAU** : … de créer ce
module-là et de faire… d’innover, entre autres, avec les
chiens de soutien, d’innover en intégrant des gens du CAVAC
au sein des unités de la Sûreté du Québec pour faire de la
relance aux victimes.

**ME BERNARD JACOB** : Mais corrigez-moi si je
me trompe… on va le déposer, ce document-là, auquel se
réfère le capitaine Charbonneau. C’est la Table… il était
dans le dossier, je vais le retrouver.

PERSONNE NON IDENTIFIÉE : La ligne de temps?

ME BERNARD JACOB : Non, je veux savoir la
formation... ah non, il est dans le PowerPoint. Si vous allez
à la page... Assistance aux victimes, Partie 7, page 42 du
PowerPoint. C’est bien de ça dont vous voulez parler,
Monsieur Charbonneau?

CAPITAINE PAUL CHARBONNEAU : Oui, c’est
exact, les choses que la Sûreté fait pour l’assistance aux
victimes.

ME BERNARD JACOB : Et ça, ça ne faisait pas...
le rapport Gagné, c’est quoi?

CAPITAINE PAUL CHARBONNEAU : Je n’ai aucune
connaissance de ce rapport.

ME BERNARD JACOB : Okay. Donc, vous n’êtes
pas capable de nous dire si c’est suite au rapport Gagné
que ce module d’assistance aux victimes a été fait?

CAPITAINE PAUL CHARBONNEAU : Non, je ne suis
pas en mesure de vous dire ça.

Par contre, je suis en mesure de vous dire
que les initiatives avec les chiens de soutien et les
CAVAC, les Centres d’aide aux victimes d’actes criminels
d’intégrer des ressources à l’intérieur de nos rangs pour
faire de la relance aux victimes, ce n’est pas suite... ça,
ce sont des initiatives de la Sûreté.
Parce que la Sûreté, je vous le rappelle, est une organisation tournée vers l’avenir et on va se réévaluer lorsque... on se réévalue et on identifie des besoins pour le bien de la mission en sécurité publique. Et lorsqu’il y a des améliorations à être faites, nous allons prendre les devants, nous n’allons pas nécessairement attendre une crise.

Je comprends que quand on regarde la ligne du temps... Ce qu’il faut comprendre, la ligne du temps, lorsque nous l’avons écrite, entre autres, c’est pour expliquer à nos policiers les pourquoi et où on s’est rendu compte de certaines lacunes et pourquoi nous avons redirigé certains efforts.

ME BERNARD JACOB : Okay. Juste dans votre comité liaison, est-ce qu’il y a des autochtones qui sont impliqués?

CAPITAINE PAUL CHARBONNEAU : Vous parlez des agents de liaison autochtones?

ME BERNARD JACOB : Non, le comité... attendez... session de... non, ce n’est pas ça, excusez-moi. L’onglet 7, page... le Comité Voie, c’est quoi?

CAPITAINE PAUL CHARBONNEAU : Le Comité Voie, c’est la vérification... Voie, c’est un acronyme : V-O-I-E, la vérification et l’observation intersectorielle des enquêtes en matière d’agressions sexuelles. Ça fait suite,
entre autres... vous avez tous entendu parler du protocole Philadelphie? Alors, c’est une idée que nous avons importée parce que la Sûreté du Québec, on ne se gênera pas, quand il y a une bonne ailleurs, on va l’importer et l’appliquer, l’adapter à la réalité propre du Québec et de notre clientèle. Et ça, ça en est un exemple.

Alors, le comité Voie, c’est un comité, de mémoire, qui se réunit deux fois par année, qui implique les gens du DPCP, qui implique des gens des BAVAC, Bureaux d’aide aux victimes d’actes criminels, les CAVAC, les Centres d’aide pour victimes d’actes criminels, pour réviser les dossiers qui n’ont pas débouché sur des accusations. Certains dossiers, suite à cette révision-là, sont ré-enquêtés.

ME BERNARD JACOB : Je comprends qu’il n’y a personne du monde autochtone qui siège sur ce comité?

CAPITAINE PAUL CHARBONNEAU : Actuellement, à ma connaissance, non.

Par contre, nous sommes ouverts à toute suggestion et s’il y a besoin d’avoir des gens, c’est quelque chose que nous allons certainement évaluer, nous sommes ouverts à toute suggestion pour améliorer nos services.

ME BERNARD JACOB : Okay. Je comprends que le module Voix et le module Assistance aux victimes, ce sont
des modules de la Sûreté du Québec qui s’adressent à toute la population québécoise? Ce n’est pas spécifique aux personnes autochtones?

**CAPITAINE PAUL CHARBONNEAU :** Non, ce n’est pas spécifique aux personnes autochtones. Par contre, les problèmes vécus en matière d’agressions sexuelles par les femmes autochtones, ce sont des problèmes... qui se passent un peu partout au Québec. Et le travail qui va être fait dans Voie va nécessairement impliquer des dossiers de femmes autochtones.

**ME BERNARD JACOB :** Dans ce contexte-là, je vous ramène au Bureau des affaires autochtones. Vous connaissez ce bureau-là?

**CAPITAINE PAUL CHARBONNEAU :** Oui, tout à fait.

**ME BERNARD JACOB :** Il y a combien de personnes du monde autochtone qui siègent, qui sont sur le Bureau des affaires autochtones?

**CAPITAINE PAUL CHARBONNEAU :** Je n’ai pas les données actuelles, mais en 2017, il y avait deux personnes qui étaient agents de liaison autochtones qui provenaient du monde autochtone.

**ME BERNARD JACOB :** Okay. Avez-vous le nom de ces personnes-là de 2017?

**CAPITAINE PAUL CHARBONNEAU :** Pas de mémoire.
ME BERNARD JACOB : Il n’y avait pas M. Jean Vicaire?

CAPITAINE PAUL CHARBONNEAU : Jean Vicaire a déjà été agent de liaison autochtone, mais je crois qu’il avait quitté en janvier 2016. Mais je ne suis pas certain, je me rappelle son témoignage d’hier.

ME BERNARD JACOB : Juste pour me situer la force, le nombre de membres de la Sûreté du Québec est de combien?

CAPITAINE PAUL CHARBONNEAU : Nous avons actuellement 5 400 policiers et 2 200 civils, environ.

ME BERNARD JACOB : Combien de policiers issus des Premières Nations et des communautés inuites?

CAPITAINE PAUL CHARBONNEAU : Présentement, à la Sûreté du Québec, il y a 80 policiers issus des Premières Nations et 16... et là, c’est de mémoire, 16 ou 18 membres du personnel civil.

ME BERNARD JACOB : Le personnel civil, on parle de...?

CAPITAINE PAUL CHARBONNEAU : On parle d’agents de secrétariat ou de professionnels ou de techniciennes en administration, techniciens en administration.

ME BERNARD JACOB : Mais des policiers comme tels, il y en a 80?
CAPITAINE PAUL CHARBONNEAU: Il y en a 80 actuellement, à la Sûreté du Québec.

ME BERNARD JACOB : Sur l’ensemble de combien de membres?

CAPITAINE PAUL CHARBONNEAU : 5 400 policiers.

ME BERNARD JACOB : Ma question est : qu’est-ce que la Sûreté du Québec fait pour améliorer l’accès aux membres des Premières Nations?

CAPITAINE PAUL CHARBONNEAU : En fait, à la Sûreté du Québec, nous avons un programme d’accès d’égalité à l’emploi. Le but est, effectivement, d’augmenter le nombre de personnes des Premières Nations ou inuites au sein de la Sûreté du Québec. Mais c’est également d’augmenter le nombre de femmes, d’augmenter le nombre de minorités visibles ou de minorités ethniques et par là, j’entends les gens dont la langue maternelle n’est ni le français ni l’anglais.

Alors, nous tentons d’augmenter la représentativité au sein de nos effectifs.

ME BERNARD JACOB : Je comprends que vous avez un programme de discrimination positive, comme on l’appelle, un programme d’accès à l’égalité. Quelles mesures prenez-vous pour intéresser les gens des Premières Nations à devenir membres de la Sûreté du Québec?
CAPITAINE PAUL CHARBONNEAU : En fait, il y a deux façons dont on le fait : premièrement, il y a le travail de nos agents de liaison autochtones, qui sont dans les milieux. Et je ne me rappelle pas quel témoin l’a dit, cette semaine : si on voit les gens et on s’intéresse à leur travail, on va vouloir y aller. Et ce qu’on veut faire, c’est que les gens des Premières Nations soient intéressés à devenir policiers au sein de la Sûreté du Québec. On veut aussi que les gens des minorités ethniques et tout… c’est pour ça que nous avons ce programme-là.

Nous avons par ailleurs des agents recruteurs. Au cours des dernières années, nous avions des agents recruteurs qui, en plus de leurs fonctions habituelles soit de patrouilleur, de superviseur ou d’enquêteur, agissaient comme agents recruteurs.

Nous nous sommes aperçus que ce n’est peut-être pas si efficace que ça, alors nous avons des gens à temps plein, maintenant, des officiers recruteurs. De mémoire, nous en avons trois; j’en connais deux personnellement, mais je crois que de mémoire, nous en avons trois et qui vont dans les cégeps, dans les endroits propices pour tenter de recruter des candidats pour la Sûreté du Québec et également tenter de recruter dans les groupes visés par le Programme d’accès à l’égalité à l’emploi.

CHIEF COMMISSIONEER MARION BULLER : Yes, the Annual Report...

ME BERNARD JACOB : Yes.

CHIEF COMMISSIONEER MARION BULLER : ... will be Exhibit 119.

--- PIÈCE NO. 119:

Witness: Capitaine Paul Charbonneau, Directeur par intérim, Autorité disciplinaire et services juridiques, Sûreté du Québec
Submitted by Bernard Jacob, Commission Counsel

ME BERNARD JACOB : Vous reconnaisssez ce document-là?
CAPITAINE PAUL CHARBONNEAU : Oui.

ME BERNARD JACOB : On parle ici du Bureau des affaires autochtones. Combien y a-t-il d’agents de liaison autochtones à la Sûreté du Québec?

CAPITAINE PAUL CHARBONNEAU : De mémoire, il y a 13 personnes au Bureau des affaires autochtones. Il y a des agents de liaison autochtones ; la particularité de ceux-ci, on avait un peu amorcé le sujet tantôt, si je peux terminer à ce moment-ci… nous avons redistribué la façon… parce qu’auparavant, ce qu’il faut comprendre, c’est que les agents de liaison autochtones relevaient des bureaux de commandants.

Et, à la Sûreté du Québec, avant 2015, il y avait 10 districts, donc 10 commandants, 10 bureaux du commandant. Cette répartition-là, elle était géographique : on s’est aperçus que ce n’était pas efficace pour les nations autochtones.

Et je vais vous donner un exemple concret : les Attikameks. Les Attikameks, dans notre ancienne répartition géographique, il y avait le Saguenay Lac-Saint-Jean, qui était un district, il y avait Montréal/Laurentides/Lanaudière/Laval qui était un autre district puis il y avait Mauricie/Cœur-du-Québec qui est un autre district. Et les trois nations Attikameks étaient dans chacun des districts : Manawan était dans Lanaudière,
en Mauricie y’avait Weymontachie, Opitciwan, au Lac-Saint-Jean. Alors, y’avait trois agents de liaison autochtones différents pour ces trois communautés-là issues de la même nation. Alors, il arrivait qu’un conseil qui pouvait être donné à Opitciwan était différent, avait des nuances par rapport au conseil qui était donné à Manawan. Parce que ce qui est important de comprendre, nous avons décidé de redistribuer les agents de liaison autochtones par nation. Y’a une question de cohérence, une question de cohésion dans ce qui peut être amené, et aussi c’est difficile de demander à un agent de liaison autochtone de devenir très familier avec plusieurs nations parce que y’a certains districts que y’a plusieurs nations et on demande à un agent de liaison autochtone de... et ça devient difficile. Et chacun des agents de liaison autochtones à cette époque-là se rapportait au Bureau du commandant.

D’ailleurs, avant la création du BAA, moi, j’étais officier de mesures d’urgence pour...

**Me BERNARD JACOB:** Là, on a dix... parce que le temps coule. Y’a dix agents autochtones, combien sont agents de liaison autochtones, combien sont autochtones?

**CAPT. PAUL CHARBONNEAU:** Ben, j’ai pas cette donnée-là, mais je crois qu’ils en avaient deux l’an passé, je n’ai pas la donnée actuelle là, tel que j’ai répondu précédemment.
Me BERNARD JACOB: OK, vous l’avez pas.

Possible que y’en ait pas du tout non plus?

CAPT. PAUL CHARBONNEAU: Ben, c’est une information que je pourrais... que je pourrais vous rapporter ultérieurement, mais j’ai pas l’information au présent.

Me BERNARD JACOB: J’aimerais ça que Monsieur prenne l’engagement de nous fournir le nombre d’agents de liaison autochtones qui sont autochtones.

CAPT. PAUL CHARBONNEAU: Je prends l’engagement.

Me BERNARD JACOB: Merci.

Juste pour me situer parce que là on va prendre une question, vu le temps qui passe, l’onglet L, on a « Politique de gestion - Direction des enquêtes criminelles ». Vous reconnaissez ce document-là?

CAPT. PAUL CHARBONNEAU: Oui.

Me BERNARD JACOB: Ça, c’est une fugue... sur les fugues et les disparitions/enlèvements. C’est bien ça?

CAPT. PAUL CHARBONNEAU: Oui.

Me BERNARD JACOB: Quel... j’aimerais, Madame la commissaire en chef, une cote.

CHIEF COMMISSIONER MARION BULLER: A document at Tab L?

Me BERNARD JACOB: Yeah.

CHIEF COMMISSIONER MARION BULLER:
"Management Policy", is that correct?

Me BERNARD JACOB: Yeah.

CHIEF COMMISSIONER MARION BULLER: Is

Exhibit 120.

--- PIÈCE NO. 120:

Politique de gestion: Fugue, disparition, enlèvement

Witness: Capitaine Paul Charbonneau,
Directeur par intérim, Autorité disciplinaire et services juridiques,
Sûreté du Québec
Submitted by Bernard Jacob, Commission Counsel

--- Exhibit 121:

Sûreté du Québec Politique de gestion:
« Crime à caractère sexuel » last update 2016-08-31 (seven pages)
Witness: Capitaine Paul Charbonneau,
Directeur par intérim, Autorité disciplinaire et services juridiques,
Sûreté du Québec
Submitted by Bernard Jacob, Commission Counsel

Me BERNARD JACOB: Table M – like « Mother » – « Politique de gestion – Direction des affaires sur les
In-Ch (Jacob)

CHIEF COMMISSIONER MARION BULLER: Yes.

MS. SUSAN FRASER: Sorry to rise again, Commissioners. Thank you.

Have -- are the parties with standing -- are we in receipt of these because as of last evening and all I can find on the website is up to Tab K. So I don’t know if I’ve missed something, but I can’t find them on the website which we download the productions from, and so I’ve never seen -- first, it’s very difficult to follow because the documents are not being shown on the screen, but also we’re trying to follow along with the materials that we’ve prepared at the very last minute, but these I don’t think we’ve seen.

MS. CHRISTA BIG CANOE: So I can advise on -- I apologize, I’m looking because this is the way I can see where the email went out to best answer. I do believe that Ms. Tenley Desrochers, our paralegal, did upload. Without going on the site right now immediately, but a communication was sent out. We produced these as they were available to us and on that basis, you know, and pursuant to the Rules, we would prefer obviously a more advanced sharing of these documents, but right in our Rules, we produce them as they were available.
I will have to confirm, so maybe we can come back to this point after lunch and I can confirm because I don’t have a computer in front of me. We can look on the drive and see what was uploaded.

**MS. SUSAN FRASER:** And, Commissioners, we are trying to follow the pace and play along with the process and the constraints on it, but these are actually documents that, as of 11:00 p.m. last night, were not on the database.

**MS. CHRISTA BIG CANOE:** And I will have to confirm that. I can’t confirm that until I actually have an opportunity to talk to Ms. Desrochers and also to look when they were uploaded.

**MS. SUSAN FRASER:** Okay. Thank you.

**CHIEF COMMISSIONER MARION BULLER:** Thank you for raising that.

We’ll continue with this witness and during the lunch break we’ll sort out when the documents were disclosed.

**MS. SUSAN FRASER:** Thank you.

**CHIEF COMMISSIONER MARION BULLER:** So getting back to marking exhibits, at ---

**Me BERNARD JACOB:** « Crimes à caractère sexuel », onglet M.

**CHIEF COMMISSIONER MARION BULLER:** “M”.
"Management Policy for Major Crimes ---

Me BERNARD JACOB: Yes.

CHIEF COMMISSIONER MARION BULLER: -- and

Major Crimes and Sexual Offences", I believe is the

wording. 121, please.

--- PIÈCE NO. 121:

No description given

Me BERNARD JACOB: Tab N, « Intervention en

matière de violence familiale ».

CHIEF COMMISSIONER MARION BULLER: I’m sorry?

So this Tab N is about family violence?

Me BERNARD JACOB: Yes.

CHIEF COMMISSIONER MARION BULLER: 122.

--- PIÈCE NO. 122:

Sûreté du Québec Politique de gestion:

« Intervention en matière de violence

familiale » last update 2014-09-19

(four pages)

Witness: Capitaine Paul Charbonneau,

Directeur par intérim, Autorité
disciplinaire et services juridiques,

Sûreté du Québec

Submitted by Bernard Jacob, Commission
counsel

Me BERNARD JACOB: OK. La question : quel est
le rôle de la Sûreté du Québec en matière de violence familiale? Comment la Sûreté du Québec intervient en matière de violence familiale, de disparition de femmes autochtones et d'assassinats là, de meurtre de femmes autochtones, et quel est le rôle des agents autochtones? C'est la question fourre-tout à trois minutes de la fin.

**CAPT. PAUL CHARBONNEAU:** OK. Si je comprends bien la question : quel est le rôle de la Sûreté du Québec lorsqu'un événement survient dans une communauté qui est desservie par un corps de police autochtone.

**Me BERNARD JACOB:** Oui.

**CAPT. PAUL CHARBONNEAU:** Bon, lorsque y’a un événement qui survient dans un corps de police autochtone, prenons l’exemple de… pour nommer quelque chose, à Sept-Îles, à Uashat-Maliotenam, y’a une agression sexuelle sur le territoire, les agents du Service de police de Uashat-Maliotenam vont se rendre sur place prendre la plainte, faire les premières démarches, et, si besoin d’assistance, vont appeler au numéro unique qui est valable pour tous les corps de police au Québec qui est au Centre de vigie et de coordination opérationnelles à Montréal, et à partir de ce moment-là, le support sera donné au corps de police, que ça soit par le biais d’enquêteurs, de techniciens en scènes de crime, de spécialistes quelconques de quelconques
expertises qui pourraient être requis pour faire de l’interrogatoire vidéo, le cas échéant, un maître-chien qui pourrait... on pourrait avoir besoin d’un maître-chien pour trouver des indices à l’extérieur, ce genre de choses là. À ce moment-là, la Sûreté va se déplacer et, selon la posture opérationnelle du moment là, les effectifs seront peut-être déplacés depuis le poste de Sept-Îles, peut-être depuis le quartier général à Baie-Comeau, et cetera.

**Me BERNARD JACOB:** Est-ce que y’a une différence de traitement entre les situations en milieu autochtone versus en milieu... versus hors réserve?

**CAPT. PAUL CHARBONNEAU:** Non, du tout, y’a pas vraiment de différence. Je vais vous donner un exemple. Si dans un de nos postes dans les Laurentides, à Saint-Sauveur, y’arrive une plainte d’agression sexuelle, les patrouilleurs de la SQ de Saint-Sauveur se rendent sur place, font les mêmes démarches que tout autre corps de police que ce soit, et si y’ont besoin d’assistance pour des services supérieurs offerts par la Sûreté du Québec là de façon régionale ou nationale, à ce moment-là ils appellent également au Centre de vigie et de coordination opérationnelle, font la demande et les services sont envoyés en fonction de la posture opérationnelle.

**Me BERNARD JACOB:** Donc, comment se fait la différenciation pour la Sûreté du Québec entre les
interventions en milieu autochtone versus hors réserve?

**CAPT. PAUL CHARBONNEAU:** En fait, au niveau travail policier, Mesdames les commissaires, Monsieur le commissaire, y’a pas vraiment de différence; la différence est dans l’environnement dans lequel on travaille. Et ça, ça revient à ce qu’on parlait tantôt au niveau de l’importance à ce que nos policiers soient sensibilisés aux réalités autochtones parce qu’on n’intervient pas… peu importe le milieu, y’a des différences, on n’intervient pas de la même façon dans différents milieux. On peut pas expliquer notre travail, les actions qu’on va poser, la nature du travail de la même façon dépendamment où on fait ces actions-là.

**Me BERNARD JACOB:** La pièce sous l’onglet D, on a ici le Bureau des affaires autochtones, une description, Madame la commissaire en chef.

**CAPT. PAUL CHARBONNEAU:** En fait, le Bu…

**CHIEF COMMISSIONER MARION BULLER:** Yes. The… I can’t even say this in English. The organigram --

**Me BERNARD JACOB:** Of the Bureau des affaires autochtones.

**CHIEF COMMISSIONER MARION BULLER:** Yes.

Indian -- Office of Indian Affairs at Schedule D is Exhibit 123.

--- **EXHIBIT NO. 123:**
Org chart / Organigramme « Le Bureau des affaires autochtones » (one page)

Witness: Capitaine Paul Charbonneau,
Directeur par intérim, Autorité disciplinaire et services juridiques,
Sûreté du Québec
Submitted by Bernard Jacob, Commission Counsel

Me BERNARD JACOB: 123. OK, I will talk to put some more exhibits at the lunch.

CHIEF COMMISSIONER MARION BULLER: Sure.

Thank you.

Me BERNARD JACOB: Thank you.

MS. CHRISTA BIG CANOE: I actually, for purposes of clarification again and to ensure we have it on the record, have one question.

So you may need the headset or you’re good to answer my question in English?

Me BERNARD JACOB: Ah, he’s perfectly bilingual.

MS. CHRISTA BIG CANOE: Perfect. Thank you.

I just want to, for the purposes of the record, ask one question. Is it okay if I do that, please?

CAPT. PAUL CHARBONNEAU: You want me to ask one question?
MS. CHRISTA BIG CANOE: No, I want to ask you a question.

(RIRES)

MS. CHRISTA BIG CANOE: That’s what I’m saying, do you need translation ‘cause... can you ---

CAPT. PAUL CHARBONNEAU: Parce que j’en avais plusieurs.

(RIRES)

MS. CHRISTA BIG CANOE: We’re good? Okay.

CAPT. PAUL CHARBONNEAU: I was born in Scarborough ---

MS. CHRISTA BIG CANOE: Okay.

CAPT. PAUL CHARBONNEAU: -- but raised in Toronto.

MS. CHRISTA BIG CANOE: Okay.

CAPT. PAUL CHARBONNEAU: I understand English but I will testify in French.

MS. CHRISTA BIG CANOE: Okay.

MS. CHRISTA BIG CANOE: Thank you. The question I have for you is, Monsieur Jacob, he walked you through a number of the exhibits and you've identified them and understood them well. If there is a question that arises from parties withstanding in relation to any of the exhibits put in are you comfortable answering them?

CAPTAIN PAUL CHARBONNEAU: Oui, je le suis
---

**MS. CHRISTA BIG CANOE:** To the best of your ability. I'm not saying ---

**CAPTAIN PAUL CHARBONNEAU:** Au meilleur de ma…

**MS. CHRISTA BIG CANOE:** --- you can only answer a question -- to the best of your ability?

**CAPTAIN PAUL CHARBONNEAU:** Exactement.

**MS. CHRISTA BIG CANOE:** And you are comfortable?

**CAPTAIN PAUL CHARBONNEAU:** Oui, je le suis.

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

**CHIEF COMMISSIONER MARION BULLER:** Okay.

**MS. CHRISTA BIG CANOE:** At this point, Commissioners, I will be requesting a lunch adjournment, but I do have a couple of housekeeping matters, if I might just briefly.

The first one is, again, we will be having lunch for party withstanding's in the Oak Room, that's the room that they can meet in. For everyone else, it'll available just downstairs, so lunch is provided for anyone in attendance.

With -- in relation to the parties withstanding for the draw for cross, we have just a couple of parties that still haven't done so. So please, if you
could, at the lunchbreak take the time to draw, if you haven't, and to also submit your numbers please, so that Commission counsel can begin to prepare the order for cross-examination.

I also, just for the purposes of the record, because we are still in examination in-chief, would like to remind all parties of Rule 48, which for the purposes of the examination in-chief, it's not a prohibition on talking to the witness. For example, you can ask them how they are or talk about lunch, but you are not allowed to speak with the witnesses in relation to the evidence that they are discussing while they're in their examination in-chief. Later, that rule will reverse, but for now that's where we're at, and I just wanted to remind everyone on the record.

And I would request, I'm sorry, not require, request that we actually take a 45-minute break because that will allow us to deal with some of the administrative needs of the rest of the operations.

CHIEF COMMISSIONER MARION BULLER: One-thirty (1:30), please.

MS. CHRISTA BIG CANOE: Thank you.

MR. BERNARD JACOB: Okay. Tab E like Edward.

CHIEF COMMISSIONER MARION BULLER: Name, le
nom?

MR BERNARD JACOB : Directives concernant l’ensemble des conditions de travail des cadres.

CHIEF COMMISSIONER MARION BULLER: 124.

--- PIÈCE NO. 124:
Directive concernant l’ensemble des conditions de travail des cadres (39 pages)
Witness: Capitaine Paul Charbonneau, Directeur par intérim, Autorité disciplinaire et services juridiques, Sûreté du Québec
Submitted by Bernard Jacob, Commission Counsel

Me BERNARD JACOB : Table F : Contrat de travail entre le gouvernement du Québec et l’Association des policières et policiers provinciaux du Québec.

CHIEF COMMISSIONER MARION BULLER: Contract at Table F is 125.

--- PIÈCE NO. 125:
Contrat de travail entre le Gouvernement du Québec et l’Association des policières et policiers provinciaux du Québec (259 pages)
Witness: Capitaine Paul Charbonneau,
Directeur par intérim, Autorité disciplinaire et services juridiques, Sûreté du Québec
Submitted by Bernard Jacob, Commission Counsel

MR BERNARD JACOB : Tab J :

CHIEF COMMISSIONER MARION BULLER: Onglet G? J?

Me BERNARD JACOB : Oui, G en anglais mais c’est J : la rémunération et les conditions relatives à l’exercice des fonctions des officiers de la Sûreté du Québec.

CHIEF COMMISSIONER MARION BULLER: At Tab G, remuneration, 126.
--- PIÈCE NO. 126 :

La rémunération et les conditions relatives à l’exercice des fonctions des officiers de la sûreté du Québec
Witness: Capitaine Paul Charbonneau, Directeur par intérim, Autorité disciplinaire et services juridiques, Sûreté du Québec
Submitted by Bernard Jacob, Commission Counsel
MR BERNARD JACOB: I will not depose Tab I.

No. I don’t -- this one. Skip, skip this one... no. This one, yes, I skip this. Okay.

CHIEF COMMISSIONER MARION BULLER: Done.

MR. BERNARD JACOB: Done. Done, done, done, done.

CHIEF COMMISSIONER MARION BULLER: Done.

--- Upon recessing at 12:47 p.m.

--- Upon resuming at 1:37 p.m.

MS. CHRISTA BIG CANOE: Good afternoon, Chief Commissioner and Commissioners.

Just before I call the next witness and their counsel to lead evidence, I have a couple of housekeeping notes, if I may.

Before the break adjourned, one of the objections I undertook to look into when material was uploaded. And so material was uploaded at two points yesterday to the full group and correspondence went out to the full group. The first time was at 10:32 a.m. Central time, and the second one was at at 3:03 p.m. in the afternoon, Central time.

If there are parties who are having an issue with being able to access or upload, if you could let us know. Either Commission counsel or Ms. Desrochers, our paralegal, would be happy to assist you in locating them.
And at this particular hearing, we have made a printer available for parties withstanding if they have to print material. And if you're not familiar how to do that, Ms. Desrochers can show you and you can photocopy away, or print away.

In -- before I actually ask my colleague, Mr. Roy, to call the evidence of Chief Superintendent Mark Pritchard, I just want to note on the record that the Chief Superintendent will have, like other witnesses on this panel, 50 minutes; however, we have requested as Commission counsel additional time for this particular witness. Because we could have called him on yesterday's panel as well, but rather than try to put in six witnesses to address the topics of yesterday's panel, we just combined it for the purposes of today.

So on that basis, the Chief Superintendent will actually have one hour and twenty minutes, so we're requesting thirty minutes. Is that correct? I'm looking at Mr. Roy like I've said something wrong.

**MR. JULIAN ROY:** I hate to argue about time, but I think an hour and thirty minutes, I thought, on the last schedule, but I think we can probably do an hour and twenty anyway. So ---

**MS. CHRISTA BIG CANOE:** Okay. So -- but ---

**MR. JULIAN ROY:** ---I'll move a little
faster.

MS. CHRISTA BIG CANOE: --- based on the agreement, and consent of counsel, we will put 1:30 on the clock and I'll see if Mr. Roy can keep in his time.

MR. JULIAN ROY: It'll be a first if that happens.

MS. CHRISTA BIG CANOE: But essentially, though, Chief Superintendent could speak to both panels and has provided materials that could speak to both panels, but there was an efficiency in having him speak only once. And so on that basis, and just for the purpose of the record, or if any party is wondering why there's a discrepancy between the times, that is the reason why.

And at this point, on consent, I have asked Mr. Roy to lead the evidence of Chief Superintendent Mark Pritchard. And I can see that Mr. Registrar has already put up the 90 minutes, and on that basis, I will allow Mr. Roy to proceed.

MR. JULIAN ROY: All right. I think Chief Superintendent Pritchard needs to be sworn, please.

THE REGISTRAR: Good afternoon. I understand sworn in on the Bible? Yes?

MS. CHRISTA BIG CANOE: So can you please stop the time until the witness is actually sworn in and set it back to 90? Thank you.
MR. JULIAN ROY: Good afternoon, Chief Commissioner and Commissioners. Before I start, I'd like to acknowledge that we're on Treaty 3 territory in the homeland of the Métis Nation.

I'm from Saskatchewan originally, and I moved away a long time ago, and that's the first time I've made that acknowledgement. So I'm happy to make that right today.

So I'd like to start, Chief Superintendent Pritchard with your background. And I'm going to call you Chief Superintendent because I'm very old-fashioned, but you're okay with others calling you Mark?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. JULIAN ROY: All right. And so, if you could tell me, what police service are you with?

CHIEF SUPERINTENDENT MARK PRITCHARD: I'm with the Ontario Provincial Police.

MR. JULIAN ROY: And what is your current position, sir?

CHIEF SUPERINTENDENT MARK PRITCHARD: I'm the Chief Superintendent, and I was assigned in December of last year to lead the OPP's Inquiry Team in preparation for
this Inquiry.

MR. JULIAN ROY: And what do your responsibilities entail?

CHIEF SUPERINTENDENT MARK PRITCHARD:
There's a number of them. Primarily, mine is to focus on our policies and procedures and look for any gaps, come up with potential recommendations and provide advice back to the Commissioner.

MR. JULIAN ROY: Okay. And how long have you been with the OPP?

CHIEF SUPERINTENDENT MARK PRITCHARD: I'm just about finished my 35th year of policing. The majority of that was with the OPP. I did start with the Toronto Police many years ago.

MR. JULIAN ROY: Okay. And if you could give -- I'm not going to take you through your CV, it's been distributed elsewhere, and I'm going to be asking for that to be made an exhibit at the appropriate time. But if you could give the commissioners a bit of a Readers Digest of your career, in particular, as it relates to the matters you're going to be speaking to today.

CHIEF SUPERINTENDENT MARK PRITCHARD: Prior to this assignment, I was the original commander for Northwestern Ontario overseeing the delivery of police services to approximately 20 OPP locations, support to
approximately 60 First Nations, with a staff of about 500 officers. Prior to that, I was the commander of the OPP’s Indigenous Policing Bureau at headquarters. I was a detachment commander in Aurora which is a detachment in the GTA responsible for policing some of the busiest highways in North America, plus police administration and support to Georgina Island First Nation. For the better part of a decade, I was a major case manager in our criminal investigations branch which was tasked with investigative homicides and other serious offences.

I also spent two years seconded outside of the OPP as the officer in charge of major case management at the Ministry of Community Safety and Correctional Services. I was an acting criminal operations manager in Northeastern Ontario, a crime coordinator in Northeastern Ontario. I was a detective sergeant and detective constable on drug enforcement, as well as having been a constable in frontline policing duties.

MR. JULIAN ROY: Right. Have you had any involvement in the career that you’ve had with missing persons investigations?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, at many of those levels.

MR. JULIAN ROY: Okay. As a constable?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.
MR. JULIAN ROY: And, what about in a supervisory capacity?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes. Certainly as a crime coordinator, a criminal operations manager and as a major case manager.

MR. JULIAN ROY: All right. You’ve been following the evidence at this Inquiry, have you not?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, I have.

MR. JULIAN ROY: Okay. And, we are going to be addressing current practice and policy at the OPP with respect to missing persons investigations primarily. But, before I get there, you appreciate that many of the cases that this Commission has looked at and the families they’ve heard from are cases that go back decades, do you know that?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, absolutely.

MR. JULIAN ROY: Okay. And, let me just ask you this, having missing persons investigations evolved over that period of time, of decades?

CHIEF SUPERINTENDENT MARK PRITCHARD: They’ve evolved significantly. Our Missing Persons Policy first appeared in OPP police orders in 1980, it’s been revised 15 times since then and is currently undergoing its
sixteenth revision.

MR. JULIAN ROY: Okay. What about some of the technology and the practices involved in missing persons investigations, have they changed as well over that period of time?

CHIEF SUPERINTENDENT MARK PRITCHARD:

There’s been significant changes involving investigations, investigative technique, how investigations are conducted, the creation of a Missing Persons and Unidentified Remains Unit, which has now become the provincial centre for Missing Persons and Unidentified Remains, feeding it to the national centre run by the RCMP.

A number of technological enhancements, the use of GPS, DNA, very advanced trained canine dogs. Very importantly, over recent years, the ability to quickly use specially trained civilian employees to look for digital footprints on social media for missing persons.

MR. JULIAN ROY: Okay. We’re going to be having you give evidence with respect to the policy framework for missing persons investigations for the OPP. But, before we get into those details, do you acknowledge that families have real questions about the quality of missing persons investigations involving Indigenous people?

CHIEF SUPERINTENDENT MARK PRITCHARD: I certainly do.
MR. JULIAN ROY: Okay. And, are those concerns valid?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, they are.

MR. JULIAN ROY: All right. And, do you think it’s important for Indigenous people and people in the non-Indigenous community to understand what kind of -- what level of service they’re entitled to expect from police services?

CHIEF SUPERINTENDENT MARK PRITCHARD: Very much so.

MR. JULIAN ROY: Okay. And, is that really what we’re going to be talking about today, talking about that level of service that they should be expecting in every case?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. JULIAN ROY: Okay. Do you want to know -- in police leadership like you, do you want to know when your frontline officers are not complying with these expectations?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, we do.

MR. JULIAN ROY: Okay. And, is it important for you to hear that perspective from community as well?

CHIEF SUPERINTENDENT MARK PRITCHARD: As
police leaders, it’s crucially important. Without the trust of the community that’s at the core of what we do.

MR. JULIAN ROY: So, Chief Commissioner, Commissioners, there’s a document book that you should have, and I’m going to be referring to some documents subject to your direction. And, I’m also going to be giving the citations from the documents that were distributed to parties. So, just to make things very easy, we’ve numbered the book, but the documents as they’ve been distributed are lettered, so I’m going to give both just to try to ensure that everybody can follow along.

So, the first document I want to show you, it’s at, in the document book, it’s Tab A, and it’s Schedule B for counsel in the electronic documents. This is a document entitled, Overview of Chief Superintendent Mark Pritchard’s Evidence, June 25th to 29th.

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. JULIAN ROY: Okay. You’ve seen this document before?

CHIEF SUPERINTENDENT MARK PRITCHARD: I have.

MR. JULIAN ROY: Okay. And, you’re content with its contents?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, I am.
MR. JULIAN ROY: All right. I am going to be asking that this be made an exhibit. And, to the extent that we don’t cover some of the materials in viva voce evidence, counsel are free to ask questions about everything that’s in here.

CHIEF COMMISSIONER MARION BULLER: Okay. Thank you. The overview of evidence is Exhibit 126.

--- Exhibit 126:

Overview of Chief Superintendent Mark Pritchard’s Evidence
Witness: Chief Superintendent Mark Pritchard, Ontario Provincial Police
Submitted by Julian Roy, Government of Canada counsel

MR. JULIAN ROY: Are OPP missing persons investigations governed by written policy?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, we have policy within our police orders, as well as a Missing Persons Manual that’s contained in the orders as well.

MR. JULIAN ROY: Okay. And, I’m going to show you a document, it’s at Tab 3 of the document book, and it’s Schedule N for counsel. What is this document, sir?

CHIEF SUPERINTENDENT MARK PRITCHARD: That
is our Missing Persons Policy. Of note, at the beginning, it states that it’s a critical policy. And, the OPP, like any other large police organization, we have at least several hundred, if not more, policies. We have 18 critical policies that are considered critical to the completion of our mission of public safety and having the confidence and trust of the public.

MR. JULIAN ROY: And, what’s the expectation with respect to the 18 critical policies as opposed to the other hundreds of policies that police officers are bound by?

CHIEF SUPERINTENDENT MARK PRITCHARD: Well, there’s an expectation that officers will be familiar with them. They receive training when they’re recruits at the Provincial Police Academy, critical policy training.

MR. JULIAN ROY: Okay. And, I’m going to be asking that this document, Ontario Provincial Police Orders, Chapter 2, Law Enforcement, Chapter 2.18, Missing Person be the next exhibit, please.

CHIEF COMMISSIONER MARION BULLER: Yes, the OPP policy for missing persons is Exhibit 127.

--- Exhibit 127:

Ontario Provincial Police (O.P.P.) Orders, Chapter 2.18 “Missing Person” (six pages)

Witness: Chief Superintendent Mark
Pritchard, Ontario Provincial Police

Submitted by Julian Roy, Counsel for Government of Ontario

MR. JULIAN ROY: I’m going to show you another document as well. If I could put hand to it. And, that’s the Missing Persons Manual, and that’s at Tab 1 for the Commission. Yes, that would be at -- I think that’s Schedule D. Although I’m looking at it right now, I might have got that one wrong. There’s a document called, Missing Persons Manual, Tab 1 for ---

CHIEF SUPERINTENDENT MARK PRITCHARD: You put it at Tab 1, yes.

MR. JULIAN ROY: Yes. So, can you tell me what this document is?

CHIEF SUPERINTENDENT MARK PRITCHARD: This is the document that is the manual to help guide officers when they’re responding to and conducting a missing persons investigation. It serves as a reminder to them of the nuances and intricacies of investigation that’s quite complex, that they may not do on a day-to-day basis.

MR. JULIAN ROY: Okay. And, if this could be made the next exhibit, please, Missing Persons Manual.

CHIEF COMMISSIONER MARION BULLER: 128, please.

--- Exhibit 128:
O.P.P. Missing Person Manual, Missing Persons Unidentified Bodies (MPUB) Unit Investigation & Support Bureau, February 2011 (18 pages)


MR. JULIAN ROY: Thank you. Before we get into the details, what is the purpose of having written policy in the form of police orders and the manual?

CHIEF SUPERINTENDENT MARK PRITCHARD: It’s to provide clear expectations to officers of what’s expected of them when they’re conducting investigations. It’s to bring consistency from one end of the province to another, so we’re all working off the same page. And, also, to provide accountability to ensure these investigations are done properly.

MR. JULIAN ROY: Okay. Let me just ask some questions about accountability because I know that that’s going to be of interest to the Commissioners.

When you say accountability in relation to policies, can there be consequences if police officers fail to comply with these policies?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes,
that would be considered a neglect of duty and they would be subject to discipline.

MR. JULIAN ROY: Right. So, in terms of general principles that apply to missing persons investigations as governed by both the manual and the police orders, can you tell me what some of the general principles that apply to these investigations?

CHIEF SUPERINTENDENT MARK PRITCHARD: Right at the beginning of the manual it stipulates two general principles. One that a lost person is always missing, but a missing person is not always lost. But, every missing person is considered lost until proven otherwise. And, the other one is that foul play is to always be a consideration until there’s evidence that demonstrates otherwise.

MR. JULIAN ROY: Okay. Can we go to the first one that was an interesting two sentences together? Can you perhaps break that down for the Commission, please?

CHIEF SUPERINTENDENT MARK PRITCHARD: The OPP, we respond to about -- between 300 and 400 lost person occurrences a year. This can often be people that are hiking, fishing, boating, hunting that are thought to be in a specific area, and they’re considered lost. But, once that area that they’re believed to have been in is searched and they’re not located, then they’re missing. For instance, if somebody was fishing and their boat was found,
but they weren’t, they would then no longer be a lost person, but missing.

MR. JULIAN ROY: Okay. Let me ask you a couple other things about general principles. Is there any difference in the application of OPP policy in terms of the police orders in the manual in circumstances when there’s a period of time that passes between when the person was last seen and when the person was reported missing?

CHIEF SUPERINTENDENT MARK PRITCHARD: No. And, our statistics show that about 98 percent of missing people -- and we deal with between 6,000 and 7,000 missing persons occurrences a year, and our statistics show that about 98 percent of them are located or returned within the first 48 hours. So, the longer a person has been missing for, it would actually increase the urgency of the search for them based on those statistics.

MR. JULIAN ROY: Okay. So, in terms of the policy, the expectation is when there’s a delay in reporting that the police response is to be more urgent; is that right?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. JULIAN ROY: Okay. What about a situation where somebody is regularly going missing? What is the policy, and tell us about that.

CHIEF SUPERINTENDENT MARK PRITCHARD: The
policy stipulates that that shouldn’t be a factor in how
the investigation is conducted, that it should be conducted
just as any other missing persons investigation would be.

MR. JULIAN ROY: Okay. And, the 24-hour
period that we’ve heard so much about, does that rule or
so-called rule exist under the OPP policy?

CHIEF SUPERINTENDENT MARK PRITCHARD: No, it
does not, and I don’t believe it ever has. Researching
back through our policies over the years, I didn’t see that
anywhere. I think that’s a common misconception often
perpetuated by American television shows, but I actually
don’t know of any police service that has that policy.

MR. JULIAN ROY: Okay. All right. So, now
I’ve been promising a number of times that we would get
into some of the details in the policy, and I want to start
-- I don’t want to have you read them to the Commission
because I don’t think that that’s helpful. But, what I’d
like to do is kind of take us through the stages of how a
missing persons investigation would unfold, and how the
policy governs. So, I want to start with the initial
report that would come in. How are missing persons reports
received by OPP?

CHIEF SUPERINTENDENT MARK PRITCHARD:
Generally speaking, there would be two ways that they could
be received through one of our five communication centres.
When somebody calls the general OPP number, the call’s automatically routed to the closest of the five communication centres, or they could report it in person at a detachment or to an officer that they saw somewhere in the public.

MR. JULIAN ROY: Okay. Let’s deal with the situation when it’s called into one of the five Provincial Communication Centres. How is that information collected, recorded, and then disseminated?

CHIEF SUPERINTENDENT MARK PRITCHARD: Well, it’s recorded in two ways. All calls into our communication centres are verbally recorded. Everything that’s said on the telephone is recorded, and the call taker takes the information, and enters it into the computer. It’s called CAD, which is an acronym for computer-assisted dispatching system, and they would take the information from the caller that’s pertinent to the incident, and that is time stamped every time the communications operator hits the enter button. The information is time stamped and provides a chronology of when things were known. And, that would include, actually, receiving information from the officers over the radio. That’s all time stamped.

MR. JULIAN ROY: Okay. And, what kind of information is typically collected by the Provincial
Communication Centre?

CHIEF SUPERINTENDENT MARK PRITCHARD: They would collect information from the complainant, also information on who the missing person is, their name, birth date, description, clothing, where they were last seen, potential vehicle they might have, a licence plate number, a cell phone number if they had such, those type of particulars.

MR. JULIAN ROY: Okay. You’ve told us how it becomes electronically recorded when you hit enter and it goes into the system, who sees it?

CHIEF SUPERINTENDENT MARK PRITCHARD: Any employee that has access to the system can see the incidents, officers that are on the road in that detachment area, as well as the Provincial Operation Centre in Orillia can see all the occurrences that are ongoing in the province.

MR. JULIAN ROY: Okay. So, would supervisors have access to this information?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. JULIAN ROY: And, when would they get it?

CHIEF SUPERINTENDENT MARK PRITCHARD: The supervisor -- on two levels, the communication supervisor and what we commonly refer to as the road supervisor, who’s
the rank of sergeant, are to be notified immediately.

MR. JULIAN ROY: Okay. And, we’re going to drill down on that a little bit later. You talked about the member of the public coming into a detachment or perhaps flagging down a police officer on the road, what happens when a report is delivered through those means?

CHIEF SUPERINTENDENT MARK PRITCHARD: The officer is required to record the exact same information in their notebook and immediately notify the communication centre of the incident.

MR. JULIAN ROY: Okay. And, these requirements to take reports in the fashion that you’ve described, is it mandatory under the policy?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, it is.

MR. JULIAN ROY: And, is that something an officer can be disciplined over if they fail to do that?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, it would be a neglect of duty to not follow that procedure, and they could be disciplined under the -- there’s progressive steps of discipline under the Code of Conduct in the Police Services Act.

MR. JULIAN ROY: Okay. I want to take us further. So, we have dealt with the initial report, and how it’s recorded and what’s supposed to happen. I’d like
us to go to the next step, and the first responding officer
and what their obligations are under the policy being the
police orders and the manual.

**CHIEF SUPERINTENDENT MARK PRITCHARD:** The
officer is to respond to the location of the complainant.
They’re importantly to interview the complainant in person,
and gather as much information as they can to establish a
perimeter if there is one to be established, and to
commence the investigation at that time.

**MR. JULIAN ROY:** And, what’s the expectation
in terms of how quick that response is supposed to be?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** It’s a
Priority 1 call.

**MR. JULIAN ROY:** And, what does that mean?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** It’s
an urgent priority call.

**MR. JULIAN ROY:** Okay. Is that the highest
level of priority?

**CHIEF SUPERINTENDENT MARK PRITCHARD:**
There’s a Priority 0, which is actually the highest level,
and that’s where an officer is in a life threatening
situation and needs immediate backup.

**MR. JULIAN ROY:** Okay. So, in terms of the
obligation of that officer when they arrive on scene, you
mentioned that they’re to interview the complainant, and
that’s, in other words, the person reporting the person missing. Are there documents that assist them in doing that work?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, there is. There’s two documents that are to be completed, a Lost or Missing Persons Questionnaire and another form, which is evaluating the search urgency.

MR. JULIAN ROY: Okay. And, Commissioners, Chief Commissioner, if you could turn up Tab 8, please? And, for counsel, it’s Schedule J. Are you able to identify this document, Chief Superintendent?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. JULIAN ROY: Can you tell the Commissioners what this is?

CHIEF SUPERINTENDENT MARK PRITCHARD: That is the Lost or Missing Persons Questionnaire.

MR. JULIAN ROY: Okay. And, it’s a fairly lengthy document.

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, it is.

MR. JULIAN ROY: It’s 11 pages as a printout. Is this carried around in paper by officers or in what form is it?

CHIEF SUPERINTENDENT MARK PRITCHARD: It’s available on their mobile workstation. Every frontline
patrol vehicle has a mobile computer in it. The officer can simply pop it out of their cruiser and take it into the scene with them.

MR. JULIAN ROY: All right. And, what is the purpose of this document?

CHIEF SUPERINTENDENT MARK PRITCHARD: There’s a few purposes. Very importantly it removes discretion from the officer, but it also serves as a memory aide to guide them through to get as much information as possible. As I said, we have 6,000 or 7,000 of these occurrences a year, but we have close to 6,000 officers, so it may not be an investigation that an officer does on a regular basis. So, filling in all these boxes really would end up with information not being omitted that would be important.

MR. JULIAN ROY: Okay. When you say removes discretion, what do you mean by that?

CHIEF SUPERINTENDENT MARK PRITCHARD: Well, the officer wouldn’t have any discretion on whether or not they were going to gather information. It has to be done. It has to be approved by their supervisor and importantly, it has to be submitted before their -- they go off duty.

MR. JULIAN ROY: Okay. And how do they submit it before going off duty?

CHIEF SUPERINTENDENT MARK PRITCHARD: It
would be submitted electronically and would become part of the investigative case file and materials that are on the records management system.

**MR. JULIAN ROY:** And does that become then visible to everybody with a mobile workstation and including supervisors?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

**MR. JULIAN ROY:** Okay. And does a supervisor have to look at it before the office goes off shift?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

**MR. JULIAN ROY:** And what’s the purpose of that look?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Again, it’s just -- it’s another level of accountability to make sure that the reports have been done properly and that we’re investigating the matter as seriously as we should be.

**MR. JULIAN ROY:** Right. I’m going to ask Chief Commissioner, Commissioners, if you could turn up Tab 9, please? And that’s Schedule K for counsel.

**CHIEF COMMISSIONER MARION BULLER:** Just before we do that, do you want the document “Lost or Missing Persons Questionnaire” marked as an exhibit?

**MR. JULIAN ROY:** Okay. That’s the first
time I forgot to do that.

    CHIEF COMMISSIONER MARION BULLER: That’s why ---

    MR. JULIAN ROY: There will be other times.

    CHIEF COMMISSIONER MARION BULLER: That’s why I’m here. Exhibit 129 is “Lost or Missing Persons Questionnaire”.

    --- EXHIBIT 129:

    O.P.P. Lost or Missing Person(s) Questionnaire, Form ER035 2014/11 (12 pages) Witness: Chief Superintendent Mark Pritchard, Ontario Provincial Police

    Submitted by Julian Roy, Counsel for Government of Ontario

    MR. JULIAN ROY: Thank you.

    Tab 9, please, Chief Commissioner, the next document -- and other Commissioners, please. And for counsel, Schedule K. Could you -- Chief Superintendent, could you tell us what this is?

    CHIEF SUPERINTENDENT MARK PRITCHARD: This again is another document that it’s really -- I guess in some ways a risk assessment tool. It’s another document that removes discretion and it helps an officer by scoring the information received on evaluating whether the matter – the search is very urgent, urgent, or not urgent. And
anyone of those areas that indicates that the situation is life threatening, it would automatically become a very urgent response.

MR. JULIAN ROY: And is the first responding officer -- is there a mandatory requirement that this document be filled out by the first responding officer?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes. And it has to be filled out before they go off duty also.

MR. JULIAN ROY: Okay. And does this document -- is this also electronic and become visible to other members of the OPP?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. JULIAN ROY: Okay.

CHIEF SUPERINTENDENT MARK PRITCHARD: Actually, every one of our forms and reports is available over the mobile workstations electronically.

MR. JULIAN ROY: Right. I’m going to show you also Tab -- so if we could make that an exhibit. I remembered this time. Thank you.

CHIEF COMMISSIONER MARION BULLER: Yes, “Evaluating Search Urgency” is 130, please.

--- Exhibit 130:

O.P.P. Evaluating Search Urgency, Form ER036 2014/10 (one page)

Witness: Chief Superintendent Mark
Pritchard, Ontario Provincial Police
Submitted by Julian Roy, Counsel for
Government of Ontario

MR. JULIAN ROY: Thank you.

One more tic box form. It might not be the last, but at Tab 5, in Schedule G is something called a “Missing Persons Checklist”. Could you tell the Commission what that is?

CHIEF SUPERINTENDENT MARK PRITCHARD: That is in the OPP’s Field Guide, which is available electronically on the workstation, but also all the officers have them -- a paper copy of them. They’re issued to them. And again, it’s just a tic box form, if you will, to help with their memory and to make sure they’re not overlooking important questions that should be asked.

MR. JULIAN ROY: All right. I want to ask you this, because I know the Commissioners will be interested in this question, as will be families who’ve come before this Commission and others that are -- that may be watching either in the room or on the webcast. And that’s the assessment of whether foul play could potentially be involved.

I want you to just limit this answer to the first responding officer. Do they have a role in that assessment?
CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

That’s part of their initial -- when they’re interviewing the complainant initially is they’re to -- they are to attempt to make that assessment and then continually remake that assessment as the investigation progresses and more information comes in. It’s supposed to always be on their mind that that is something that is a possibility.

MR. JULIAN ROY: And what if the evidence doesn’t take you one way or the other, you just don’t know?

CHIEF SUPERINTENDENT MARK PRITCHARD: Well, then you still don’t know, but you still have to follow the evidence and continue gathering evidence. The policy requires that the investigations be conducted as if they were conducting a criminal investigation, really with no difference. So ---

MR. JULIAN ROY: Okay. Why don’t we speak to that right now? If you go to Tab 3 again, we’ve already made this an exhibit. And that’s the Missing Persons Policy 218, that’s Tab 3 of your documents.

CHIEF SUPERINTENDENT MARK PRITCHARD: So ---

CHIEF COMMISSIONER MARION BULLER: What about the Missing Person -- sorry. What about the Missing Persons Checklist? Do you want that marked?

MR. JULIAN ROY: I told you that wouldn’t be the last time.
MR. JULIAN ROY: Please.

CHIEF COMMISSIONER MARION BULLER: Okay.

MR. JULIAN ROY: I need a checklist to remember to enter these exhibits.

CHIEF COMMISSIONER MARION BULLER: Me too.

Missing Person Checklist is exhibit ---

MR. JULIAN ROY: Okay. But let’s go backwards now to Tab 3. You mentioned that these missing persons investigations have to be conducted as though they are a criminal investigation. Is there somewhere in the policy that you can point the Commissioners to that would justify that?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, 2.18.2, the last bullet point. It’s about halfway down the page. It says that:

“Missing persons investigations are conducted in accordance
with police orders, Chapter 2, Criminal Investigation
Management Procedures.”

MR. JULIAN ROY: Okay. And then that
document, Criminal Investigation Management Procedures”, if
we could go to Tab 2? And that’s Schedule C for counsel
following along, Tab 2. Are you able to identify this
document that we’re going to make an exhibit?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.
That is the Criminal Investigation Procedures.

MR. JULIAN ROY: And so that’s a document
Chief Commissioner, Ontario Provincial Police Orders
Chapter 2 Law Enforcement 2.7 Criminal Investigation
Management Procedures.

CHIEF COMMISSIONER MARION BULLER: Yes, 132,
please.

--- EXHIBIT 132:

O.P.P. Orders, Chapter 2.7 “Criminal
Investigation Management Procedures”
(six pages)
Witness: Chief Superintendent Mark
Pritchard, Ontario Provincial Police
Submitted by Julian Roy, Counsel for
Government of Ontario

MR. JULIAN ROY: Thank you. And what does
this policy govern?
CHIEF SUPERINTENDENT MARK PRITCHARD: It governs how criminal investigations are to be conducted.

MR. JULIAN ROY: Okay. And does this by virtue of the previous passage that you showed us, does it also govern missing persons investigations?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, it’s to make them seamless. So when you’ve got an investigation that you’re conducting into a missing person, when you’ve established foul play, you’ve already conducted your investigation as if it was a criminal matter from the beginning.

MR. JULIAN ROY: Okay. Now, I know we are considering -- this Commission is considering things like improvements. Have you turned your mind to potential improvements to the forms that might be of interest to the Commission?

CHIEF SUPERINTENDENT MARK PRITCHARD: Well, right now in response to an inquest in Ontario, the seven-youth inquest, for the search urgency form, we’re looking at making some changes to that to include if the missing person is of Indigenous identity. If their primary residence is on a First Nation but they’re missing in an urban area. If they have prior involvement of the child welfare system. And whether or not there’s indications of the potential for human trafficking.
MR. JULIAN ROY: Okay. And is that as a result of your work in following the work of this Commission?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. JULIAN ROY: Thank you. All right. So we’ve covered the responsibility of the first responding officer to both fill out the forms and then get a sign off from the supervisor. Are there any other responsibilities that the first responding officer has before he signs off — he or she signs off shift?

CHIEF SUPERINTENDENT MARK PRITCHARD: To make sure that there’s involvement of victim services where available. It’s a big province and sadly not every community has that, but most do.

MR. JULIAN ROY: Okay. And are you talking about victim services provided by the OPP, or community victim services, or elsewhere?

CHIEF SUPERINTENDENT MARK PRITCHARD: It would be community victim services. There is a responsibility that a victim liaison officer be assigned as well. And that would be — that could be the investigating officer. It’s preferable if it is another officer. But that is possible that the victim liaison officer is also the investigating officer.

MR. JULIAN ROY: Okay. And our personnel at
the local detachment, are they responsible to know what victim services are available in their community?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, they are.

MR. JULIAN ROY: All right. Let’s go to the supervisors, and here’s where it gets complicated because there’s lots of supervisors. So what I’d like us to do is for you to take us through how supervisors become involved in missing persons’ investigations.

CHIEF SUPERINTENDENT MARK PRITCHARD: Well, the communications centre supervisor becomes involved immediately when they’re notified, as does the road supervisor who is the rank of Sergeant. Often times when the dispatcher is putting the call over the radio, they would ask the Sergeant to acknowledge as well, because generally they’d be on the same radio as well. If they’re not, they’d be calling them on their phone and notifying them. As well as the notification, the supervisor would see it on their mobile workstation in their cruiser.

Importantly, I guess too, in Ontario, most of the self-administered First Nations Police Services are on the OPP's radio system and we also share a records management system. So those officers that would be working in the area, should it be in an area of a First Nation, would also become aware of the incident.
MR. JULIAN ROY: All right. So that would include the forms we already talked about? They would become visible to First Nation Police Services that are on RMS?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. JULIAN ROY: Okay. All right.

So you've told us about how the supervisors learn about the missing person's investigation and the timing for that. What are their responsibilities once notified?

CHIEF SUPERINTENDENT MARK PRITCHARD: The responsibility -- their prime responsibility, their overarching responsibility at all times is to make sure that the proper resources have been deployed, to continually assess. And also, to be making that assessment for foul play being there, a more senior experienced officer.

MR. JULIAN ROY: Okay. And in terms of the resources, ensuring that proper resources are available, that responsibility, is that mandatory under the policy as well?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, it is.

MR. JULIAN ROY: Okay. So another situation where supervisors could become subject to discipline if
they don't comply with their responsibilities in that regard?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Absolutely.

**MR. JULIAN ROY:** Okay. Let's talk a little bit about some of the resources that would be available in a typical missing person's investigation, if there is such a thing as typical.

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Well, there's -- first off, there's the detachment officers that would be working the shift that would be available. There would be ERT, which is an acronym for Emergency Response Team, which is charged with search and rescue operations. Canine, we have specific dogs that are trained for tracking that have a non-aggressive training. There's aviation services, which include unmanned aerial devices, commonly — I think everybody calls them drones, that have heat seekers on them. They have FLIR, the forward-looking infrared that can assist in looking, especially in suburban areas, for heat signatures. GPS tracking devices, social media, which has become very prevalent over the last few years as just about everybody these days has a mobile phone.

**MR. JULIAN ROY:** Okay. What about the responsibility of ensuring, if appropriate, that criminal
investigation resources are applied to the case? Is that also the responsibility of the supervisor?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes. As soon as there's -- well, the supervisor and the investigating officer share that same responsibility that the minute there's any indication or foul play is suspected they're to notify the area crime sergeant, who is an experienced criminal investigator that is charged with overseeing criminal investigations in their detachment area that brings a great deal of experience and training to the cases.

MR. JULIAN ROY: Okay. There was a question yesterday about the integration between the Emergency Response Team that the OPP provides and that Nishnawbe Aski Police Service provides. Is there that level of integration between First Nation Police ERT teams and the OPP ERT teams?

CHIEF SUPERINTENDENT MARK PRITCHARD: Specifically to NAPS or Nishnawbe Aski Police Service, they have three ERT-trained members, and they are integrated with our teams in the northwest. They work together. They train together. They have the same equipment, the same radio. And so they really work shoulder to shoulder. And that's a two-way street. The NAPS officers will assist on OPP calls and, you know, we assist in calls within their
jurisdictions as well.

**MR. JULIAN ROY:** Okay. Is there Indigenous-specific resources that are also available for the supervisor to assign in a missing person investigation?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes, there's the Provincial Liaison Team. The Provincial Liaison Team are a group of officers that are deployed throughout the province. Their specific job is to respond to critical incidents involving Indigenous people or in Indigenous communities and act as the OPP's communicators to the community, to Chief and Council, or other services within the communities. There's an expectation that those officers have a pre-existing relationship with Chief and Council within their area of responsibility. So when there is a critical incident, they already know each other and can quickly establish, you know, positive communications and make information flow.

**MR. JULIAN ROY:** Okay. And how many Provincial Liaison Team members are there?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** There's 26 full-time Provincial Liaison Team members within the OPP, about 60 part-time that would do PLT duties along with other duties. Also, there's a number of the self-administered First Nations officers that are PLT trained that work with OPP PLT, as well as a number within the 19
OFPNA communities that are PLT-trained. And that's ongoing training, regular training and, very importantly, working together on a regular basis.

**MR. JULIAN ROY:** All right. And how is that resource helpful in a missing person's investigation in this context involving Indigenous women and girls?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Well, many of those officers are Indigenous. Not all of them, but many of them are, although the supervisors are. And the flow of information and the communication is crucial, especially on community when they're -- you know, our Emergency Response Team members, their equipment and their dress is very similar to a tactical team and there's very few things that cause more stress in a First Nation than the arrival of a police tactical team. So having that communication, being able to explain to the community who they are and what they are, that they're there to, you know, search for their missing loved one is very important.

**MR. JULIAN ROY:** Okay. All right. So let's move forward. We've now covered the supervisors and their responsibility under the policy and some of the resources that are available. And I'm sure counsel and the Commission may have some more questions about those resources and some suggestions for you.

I want to drill down some more on the issue
of criminal investigations and that move from a missing person's investigation to a criminal investigation. You've already told us that the policy requires these investigations to be conducted like they're a criminal investigation.

And you've acknowledged previously that families, quite rightly and legitimately, have real concerns here about police, and whether or not there's a difference in how the cases of Indigenous women and girls, whether they're taken as seriously, and whether or not foul play is in the picture enough when police officers conduct these investigations. You've heard that; right?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, I have.

MR. JULIAN ROY: Okay.

CHIEF SUPERINTENDENT MARK PRITCHARD: Very clearly.

MR. JULIAN ROY: And can you help the Commission with explaining how the analysis works? How do we go from a missing persons to a criminal investigation?

CHIEF SUPERINTENDENT MARK PRITCHARD: I'm not sure I follow that actually.

MR. JULIAN ROY: Okay. Well, let me ask you this. Why don't I ask you this, because I think we've covered some of it already? The issue of an investigation
moving from an ordinary missing person's investigation to a
criminal investigation, does that involved judgement and
subjective discretion on the part of police officers?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** It
does.

**MR. JULIAN ROY:** Okay. And do you
acknowledge that whenever we have police officers
exercising discretion and subjective judgment that that is
a potential -- there's a potential risk that racism and
stereotyping can affect that decision making? Do you
acknowledge that?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes, I
do.

**MR. JULIAN ROY:** Okay. And acknowledging
that, what does the OPP do to attempt to address that, that
risk that discrimination is going to affect good decision
making?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Well,
having a very robust and descriptive policy in regards to
how these investigations are conducted when, if they're
not, the officers are subject to discipline for a neglect
of duty, having a number of people involved in the decision
making, not leaving one person out there to make a bad
decision on their own, having supervisors, potentially
multiple supervisors, involved in that decision.
Anti-bias training -- there's a component of anti-bias training in virtually every course that's offered at the Provincial Police Academy. Anti-bias training, valuing diversity and sound judgment are all factors that are used in measuring an officer's suitability for promotion.

Training, we have a five-day Indigenous awareness training course that's experiential. It's attend in person. Offered approximately 16 times a year, sometimes 17 or 18, but generally 16. It’s a one week course and it’s mandatory for supervisors and specialists to attend that course. So, having them having a greater understanding of the history of First Nations, the history of difficulties with the police in the past go towards that.

The Commissioner has an inclusion counsel and every regional commander has an inclusion counsel continually messaging from the Commissioner on down about the importance of diversity, the importance of the rich culture and history that First Nations people play in Ontario, and building relationships with those communities.

I think since the Ipperwash inquiry, the OPP has changed drastically. We’ve worked very hard to build those relationships with our communities. Our senior commanders work very hard in building relationships. Many
First Nations leaders, chiefs, regional chief -- deputy
grand chiefs, regional chiefs have our contact information.
And, I can tell you myself, I fielded so many calls from
First Nations leaders where they’re not happy with the work
or response of an officer, and being able to deal with the
situation in a timely fashion at that level can really
rectify a lot of those issues. And, I think rectifying
them timely is crucial to having those relationships of
trust.

MR. JULIAN ROY: Okay. Now, you’ve
mentioned a lot of things just now. Is it fair to say from
your answer that there isn’t one magic solution to this
issue of how do we ensure that frontline police officers
and their supervisors exercise their discretion in a non-
discriminatory manner? Is it fair to say that there isn’t
really one solution to that?

CHIEF SUPERINTENDENT MARK PRITCHARD: No,
there’s not. The issues are very complicated and stretch
over long periods of time, so it’s important to address the
situation from as many angles as possible.

MR. JULIAN ROY: Okay. All right. So, I’m
sure people will have questions for you about all that. I
want to ask you this though, so let’s say the judgment gets
exercised, that this is -- now foul play is suspected or
we’re now into a criminal investigation, how does that
change things?

CHIEF SUPERINTENDENT MARK PRITCHARD: Well, there’s an immediate assignment of a major case manager from our criminal investigations branch, those are officers with extensive experience, they’re at the rank of inspector, to oversee the investigation and really control it and be responsible for how the investigation is conducted.

MR. JULIAN ROY: Okay. So, you mentioned Major Case Management and I know that that’s an area that’s going to be of interest to the Commission. Now, we’ve heard already some evidence about that this morning, but why don’t you -- if you could tell us from your perspective what MCM is or Major Case Management -- I’m going to stop using acronyms. Major Case Management, if you could tell us what that is?

CHIEF SUPERINTENDENT MARK PRITCHARD:

Ontario Major Case Management is a regulation which is embedded within the Police Services Act. It applies to all police services in Ontario. There’s two components to it, the methodology or framework on how investigations are being conducted. As we heard earlier from the RCMP, the command triangle of the case manager, the file coordinator and the primary investigator.

Also, in Ontario, we have a very powerful
software called PowerCase. This regulation created in Ontario the first jurisdiction in the world where every police service is connected on their software that’s used in Major Case Management, to look for commonalities and linkages, analyze the vast amounts of information which is humanly impossible regardless of your level of skill, or dedication or how long you’ve been a detective for. It’s just impossible to do.

So, PowerCase brings that ability. It brings structure to the file, it brings the ability to analyze the file, research it. And, in the words of Justice Campbell, prevents information from slipping through the cracks.

MR. JULIAN ROY: Okay. So, in terms of preventing information slipping through the cracks, how is Major Case Management -- I almost did it again with the acronym. Major Case Management, how does that value add in terms of preventing things slipping between the cracks?

CHIEF SUPERINTENDENT MARK PRITCHARD: Well, it provides accountability to the investigation. Everything is tracked, everything is numbered, and everything is done in tasks. For instance, as a case manager, if I want to have Julian Roy interviewed as a potential witness, it’s not going to be forgotten about, it’s not going to slip through the tracks [sic], because
within PowerCase, the task is created, it’s assigned and it has to be responded to. And, if it’s not responded to, it shows up with the file coordinator as a task that’s not completed. So, it’s almost an insurance step, if I could use that term, to make sure that every task is completed and followed up on.

**MR. JULIAN ROY:** Okay. The software that you mentioned, and you talked about the vast amounts of data, can you give an illustration of that, please, for the Commission and for those watching?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Well, every investigation in this day and age that’s a major case is massive. Massive amounts of data, massive amounts of information that’s humanly possible -- impossible, I’m sorry, to analyze and be aware of. In both the Campbell inquiry and the Opal inquiry, both justices acknowledged that it’s impossible, that names and information does slip through the cracks.

So, for instance, just about everybody today has a smartphone. So, when one of our technician’s downloads the information out of that smartphone, there’s potential to be hundreds of thousands of pieces of information, thousands and thousands of e-mails, thousands of contacts. So, no human can possibly analyze all that or be aware of all that information. So, when that
information is put into PowerCase, it not only compares the information within the investigative file, but it would compare it to the investigative files of all other police services in Ontario looking for linkages.

So, again, once I have Julian Roy interviewed and his name goes into the investigative file, every night in Toronto, where the database lives, that information is compared to other investigative files within the province.

So, if Julian Roy -- he’s going to be mad at me for using his names.

MR. JULIAN ROY: Can you leave me out of this, please?

CHIEF SUPERINTENDENT MARK PRITCHARD: Is in that file, but also in another file somewhere else in the province, those officers will receive a notification. The case manager gets a notification that this person is in your file, that same name is in another file, and again those notifications have to be responded to. They have to be responded to within seven days. And, if they’re not responded to, a notification goes out to the supervisor and can, in fact, go all the way up to the Chief of Police or the Commissioner of the OPP if they’re not responded to.

MR. JULIAN ROY: And, he would be pretty mad if he got a notification like that?
MR. JULIAN ROY: Okay. And so, there’s all those levels of accountability right up the chain of command to make sure that if there’s these linkages sitting out there in that data, that the police act on it, fair?

CHIEF SUPERINTENDENT MARK PRITCHARD: Fair.

MR. JULIAN ROY: Okay. I’m going to ask -- I’m going to show you Tab 4 from our book, and this is Schedule D for counsel. This is a document called Ontario Major Case Management Manual. What’s this?

CHIEF SUPERINTENDENT MARK PRITCHARD: That is the manual that’s a regulation in Ontario ---

MR. JULIAN ROY: Okay.

CHIEF SUPERINTENDENT MARK PRITCHARD: ---

under the Police Services Act.

MR. JULIAN ROY: All right. If this could be made the next exhibit, please?


--- Exhibit 133:

Ontario Major Case Management Manual,
Ontario Ministry of Community Safety
and Correctional Services, December 1,
2017 (60 pages)
Witness: Chief Superintendent Mark Pritchard, Ontario Provincial Police
Submitted by Julian Roy, Counsel for Government of Ontario

MR. JULIAN ROY: Okay. And then if we could turn up, please, Chief Commissioner and Commissioners, Tab 12, please. I’m showing you a document, Chief Superintendent, Ontario Regulation 354/04. What’s this?

CHIEF SUPERINTENDENT MARK PRITCHARD: That is the actual regulation in the Police Services Act of Ontario.

MR. JULIAN ROY: Okay. And so, you mentioned that every police service is required to be linked through software?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. JULIAN ROY: And, that’s -- this is the regulation in law that does that?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. JULIAN ROY: First Nation Police Services, do they have access to Major Case Management?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, they do have access to it. There’s three First Nations self-administered services that are on it. In fairness though, under the FNPP, they’re not funded for that. And,
many of the -- most of the services have the OPP that investigate most of their serious crimes all of their homicides with the exception of one community that is on PowerCase. So, we do work to support the First Nations self-administered services and the First -- OFNPA communities, and an OPP case manager is assigned. So, if there’s a murder in a First Nation, the information would be on a PowerCase. However, it may not apply to all sexual assaults or missing persons investigations depending on whether or not the OPP were involved or that service was on PowerCase.

**MR. JULIAN ROY:** Okay. Thank you for that. All right. I want to move from major case management to something else.

**CHIEF COMMISSIONER MARION BULLER:** Before we do that...

**MR. JULIAN ROY:** I did not make an exhibit. Tab 12. I better do this. Ontario Regulation 354/04. I saw you shaking your head, Chief Commissioner, and I still didn’t know what I had done wrong. So, Ontario Regulation 354/04, if that could be the next exhibit, please?

**CHIEF COMMISSIONER MARION BULLER:** Yes, 134, please.

--- Exhibit 134:

*Police Services Act Ontario Regulation*
354/04, Major Case Management, last amendment 29/18 (two pages)
Witness: Chief Superintendent Mark Pritchard, Ontario Provincial Police
Submitted by Julian Roy, Counsel for Government of Ontario

MR. JULIAN ROY: I want to ask you about something else that may be of interest to the Commission and to people watching today and on the webcast, something called the Provincial Operations Centre. Can you tell the Commission what that is?

CHIEF SUPERINTENDENT MARK PRITCHARD: The Provincial Operations Centre is housed within our headquarters in Orillia, our general headquarters on the 3rd floor. It’s a situational awareness location staffed by a uniform inspector and other uniform officers 24/7, as well as civilian analysts and social media specialists. And, they are -- they keep aware of every incident that’s going on in the province. Certainly every significant incident they report up to senior command, to the Commissioner’s Office and other senior commanders of incidents that are going on.

They’ve proved very, very useful. Again, with the changes in technology and quickly being able to get involved in an investigation with the social media
specialists, looking for somebody’s digital footprint,
whether that’s a missing person or somebody who’s wanted as
a suspect. It’s just -- it’s hard to fathom for somebody
my age the amount of data that’s available, open source
that can be accessed and can be accessed very, very quickly
now.

MR. JULIAN ROY: Okay. And, does the
Provincial Operations Centre become involved in missing
persons investigations?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes,
they do. They would see them. They’re on the same records
management system as everybody else. So, when the incident
pops up in a communication centre, it also pops up on their
screen in Orillia and can see it. And, one of their
analysts can start looking for similar occurrences,
previous occurrences, where that person might have been
found previously and also start looking on social media for
clues.

MR. JULIAN ROY: Okay. And, do they have to
be asked to do that or do they just insert themselves in
the investigation automatically?

CHIEF SUPERINTENDENT MARK PRITCHARD: No,
that’s their job. They monitor and insert themselves into
matters that are going on. And, they also are responsible
for the deployment of any specialized resources, so it’s
one-stop shopping for investigations that need any
specialized resources. There’s one number to call. No
matter what the occurrence, no matter what the specialized
resources is, that’s the number they call.

MR. JULIAN ROY: Okay. All right. So, that completes the questions I wanted to ask you about missing persons investigations. I want to move on to some recommendations, and this was added recently, for counsel, to the will-say document. There was a revision to the will-say document. There’s 10. This would have been released yesterday or the day before. Yes, and I see that Chief Commissioner and Commissioners you have a separate document with the 10 recommendations.

I don’t want you to speak to all of these, because most of them appear pretty self-explanatory from your evidence or just from other things the Commission has heard. But, I want to focus on Recommendation 2 and 3, please. Recommendation 2 is that police services consider developing a protocol for the creation of written communication plans with families in respect of major investigations. What is that recommendation, please?

CHIEF SUPERINTENDENT MARK PRITCHARD: Well, when we read the interim report issued by the Commission, the common theme amongst the families appeared to be -- well, there’s two common themes, the lack of trusting
relationships and the poor communication. So, that’s an area that we thought we were doing well in, and clearly not doing as well as we thought we were and an area we need to improve on.

I assigned a senior Indigenous officer to interview some family members, and see how they felt about our communications, and it wasn’t that great. So, when I brought that information to the attention of the commissioner’s committee, they tasked me with doing some work on that and appointed me the FBI. So, a couple of us went to FBI Headquarters and met with the assistant director that’s in charge of Victim Services.

And, what I didn’t know prior to this is that the mandate of the FBI is very similar to serious criminal investigations on a First Nation in Ontario to that of the OPP’s criminal investigation branch where they investigate murders in -- on-reserve, as they say in America. So, they had established some really progressive communication plans. The assistant director we met with actually had a presidential citation for her work with victims and families. Importantly, President Obama, I guess.

(LAUGHTER)

MR. JULIAN ROY: I’m a neutral civil servant, so I can’t laugh at that joke.
CHIEF SUPERINTENDENT MARK PRITCHARD: So, they established a written communication plan with families, which kind of -- it serves as a -- like a contract between the police and the families on how they’re going to communicate, when they’re going to communicate, by what means, who they’re going to communicate to, who they’re not going to communicate to, addressing the, you know, intricacies of fractured families, and they sit down with the family and they draw this plan up together working with them. They give them a copy of it, they tell them, when the need arises, if they need it to be changed, it can be changed, that although it’s an agreement, it’s a fluid agreement. And, we’re very much committed to implementing that.

And, actually, last night in discussions with our Deputy Commissioner, what our plan is right now is we’re going to meet with some of those family members that weren’t real happy with us and how we communicated with them, and get their feedback in the creation of our own plan and steal the FBI’s, but turn it into our Ontario -- or an OPP version.

MR. JULIAN ROY: Okay. All right.

Recommendation 3 that police services consider the creation of a victim specialist position with defined roles, responsibilities and appropriate training.
Currently, the major case management manual specifies the duties of a victim liaison officer, and says the victim liaison officer is to have the knowledge, skills and abilities to be the victim liaison officer but doesn’t say what those are, or how to assess them, or what the training should be. So, again, looking at the FBI model, they have civilian employees embedded in their investigative teams that are victim specialists. And, this isn’t to replace any non-government or non-police victim advocacy role, it’s to be a more modern version of the police victim liaison person embedded with the investigative team.

Traditionally, the victim liaison officer is kept outside of the investigative team to prevent the inadvertent disclosure of information that you wouldn’t want to -- what’s the word I’m looking for?

MR. JULIAN ROY: Hold back information?

CHIEF SUPERINTENDENT MARK PRITCHARD: Hold back information is what the word we use common in policing. So, one of the things the FBI talked to us about -- we talked to a psychologist there because they really thought that that was old fashion thinking, and their experience was that the information actually flows much better two ways, between the family and the police when that person is properly trained and is embedded with the
investigative team.

MR. JULIAN ROY: Okay. Thank you. All right. We’re going to get into trouble because we’re going to run out of time. We’re moving on from missing persons investigations, and we're going to speak to, subject to you, Commissioners, to some of the issues that were raised in Panel 2, and that's the relationship-building issue. And we don't intend to cover the whole issue, but we had a best practice that we wanted to offer to the Commission.

And I'm wondering, Chief Commissioner, if you could tell quickly, because you're looking at the time and you know there's something else involved in this, what Project Journey is?

CHIEF SUPERINTENDENT MARK PRITCHARD: I think you meant me. You said ---

MR. JULIAN ROY: Sorry, Chief Superintendent. All right. Well, maybe you know what Project Journey is too.

CHIEF SUPERINTENDENT MARK PRITCHARD: So I don't think the two issues can be looked at in isolation of each other. Investigative practices and best practices, they go hand in hand with our community relations and those trusting relationships that are at the core of being able to provide an effective police service. And that goes right back to the days of Sir Robert Peel when modern
policing was created about the police having the -- or the public having the confidence in the police.

So Project Journey exists in the Community of Pikangikum First Nation in Northwestern Ontario. And it's a powerful program to help youth overcome the day to day challenges, to help them build life skills, to help them build self-confidence, to help them build self-esteem. It's a program that was based on an American program, again called Project Venture.

And the program was really built by the community, this Project Journey. The police role in it is that of coordinating, but it's a joint effort, a collaborative effort, if I can use that word, between the Police Chief and Council, the Education Authority, the Health Authority, and elders.

Earlier this year, a contingent of the youth came to OPP Headquarters in Orillia to speak to senior command as well as every other OPP employee that wished to participate, either in person or through webcast. And that was some of the youths from Project Journey. there was members of Chief in Council, the Education Authority, First Nations officers.

And the day after they did their presentation, I spoke with them, and one of the girls said to me that she wanted to go away to secondary school but
was afraid to leave her community because she didn't want
to become one of the murdered or missing.

So I asked the kids if they could produce me
a video that I'd hopefully be able to show to this Inquiry.
So I'm very happy today that we've got this opportunity to
do so.

Last night, I received an email from
Chief Dean Owen of Pikangikum, very pleased that the
Inquiry had agreed to hear the video, and very importantly,
to hear the youth of his community and how they see the
world and hoping that they will become the Nation's future
leaders.

So anyhow, I'll turn it over to watch the
video.

MR. JULIAN ROY: Okay. So just to be clear,
the OPP didn't create this video, did it?

CHIEF SUPERINTENDENT MARK PRITCHARD: We did
not. I asked them to produce me a video, and this is the
video I got from them about two weeks ago.

MR. JULIAN ROY: Okay. And you didn't edit
it or anything like that?

CHIEF SUPERINTENDENT MARK PRITCHARD: We've
done no editing, no production. We enhanced the sound
because some of it was hard to hear, but no input
whatsoever.
MR. JULIAN ROY: Thank you.

(VIDEO PRESENTATION ON PROJECT JOURNEY)

(APPLAUSE)

MR. JULIAN ROY: All right. I’m going to ask one more question. I have 1 minute. You have 1 minute to answer, and it’s the question that you asked me to ask you as the last question, Chief Superintendent, and that’s what has the OPP learned from Project Journey?

CHIEF SUPERINTENDENT MARK PRITCHARD: To properly answer that we’d dial up another 90 minutes. But, I think our biggest lesson from Project Journey aside from the collaboration and the fact that it’s a partnership. We often hear in the media the stories of troubled communities and all the bad things. And, I think to make these initiatives succeed is to look for the strengths and use a strength-based approach.

So, you can have a committee that’s struggling, that has troubles, but you find the -- you find their strengths because the strengths are there, you just have to look for them sometimes, and you capitalize on those strengths and you build a program around that. And, those strengths very quickly start emerging out of the use that are involved in the project. And, I think that’s been the key to the success, is using that approach.

MR. JULIAN ROY: All right. That’s my last
question, Chief Commissioner and Commissioners.

   MS. CHRISTA BIG CANOE: Thank you.

   MR. JULIAN ROY: Twelve seconds over.

   MS. CHRISTA BIG CANOE: Thirteen, 14. No,

   I’m just kidding.

   (LAUGHTER)

   MS. CHRISTA BIG CANOE: They can stop. We

   can stop the clock, please.

   CHIEF COMMISSIONER MARION BULLER: I just

   have one question. I don’t know what format that was in,

   but I would like to have that video marked as an exhibit.

   MS. CHRISTA BIG CANOE: Yes, please.

   MR. JULIAN ROY: Yes, please.

   CHIEF COMMISSIONER MARION BULLER: Is it...

   MS. CHRISTA BIG CANOE: Yes.

   CHIEF COMMISSIONER MARION BULLER: It’s on a

   website?

   MS. CHRISTA BIG CANOE: We can get an

   electronic format so that it’s available.

   CHIEF COMMISSIONER MARION BULLER: Okay.

   MS. CHRISTA BIG CANOE: I see Mr. Registrar

   nod his head too.

   CHIEF COMMISSIONER MARION BULLER: Okay.

   Well, if he says it’s okay, then it’s okay. We’ll have the

   video then as our next exhibit, which is 135. Thank you.
--- Exhibit 135:

Project Journey video, MP4 format, 862 MB (24 minutes 47 seconds)
Witness: Chief Superintendent Mark Pritchard, Ontario Provincial Police
Submitted by Julian Roy, Counsel for Government of Ontario

**MS. CHRISTA BIG CANOE:** And, with consent of my colleague here, I would ask that the one sheet page called “Recommendations” is also entered as an exhibit. I know that the witness had an opportunity to speak to two of the 10. Are you okay with that, Mr. Roy?

**MR. JULIAN ROY:** Yes.

**MS. CHRISTA BIG CANOE:** So, could we also please ask to have the Recommendation -- the one sheet Recommendation? And, I understand for the purposes of counsel, you don’t have the single sheet, but it is the same 10 recommendations that were in the will-say, and we can have it produced again as a single sheet to parties if they’d like that.

**CHIEF COMMISSIONER MARION BULLER:** Okay.

The recommendations, one page, will be Exhibit 136, please.

--- Exhibit 136:

Recommendations (one page)
Witness: Chief Superintendent Mark Pritchard, Ontario Provincial Police
Submitted by Julian Roy, Counsel for Government of Ontario

MS. CHRISTA BIG CANOE: Thank you. I note the time is almost 3:10. I’m going to request at least a 25-minute break, and that’s Commission Counsel requesting that time so we have the appropriate amount of time to do the verification process with the parties withstanding so we can determine the time allotments for cross-examination. I believe that that would take us to about 3:35.

If we could have that break, and then if I could just announce to parties withstanding, you know, take a few minutes up front to actually give yourself a break. And if you could also then make your way to the parties withstanding room, the oak room, so that we can do the verification process in approximately 10 minutes that would be appreciated.

CHIEF COMMISSIONER MARION BULLER: So what time are you ---

MS. CHRISTA BIG CANOE: So if we could return at 3:35 that would allow for a break and the verification process.

CHIEF COMMISSIONER MARION BULLER: Sure.
3:35.

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

--- Upon recessing at 3:13 p.m.

--- Upon resuming at 3:54 p.m.

**CHIEF COMMISSIONER MARION BULLER:** Cross-examination. I had to make a correction on the exhibit numbering. The document that was marked as Exhibit 126, Overview of Evidence that was at Tab A, I believe, now will be Exhibit 137.

**MR. JULIAN ROY:** Can I also make a correction, Chief Commissioner, while we're making corrections? So I waited 28 years to acknowledge the territory we're on and that I grew up on and I got it wrong.

(LAUGHTER)

**MR. JULIAN ROY:** So Treaty 3, of course, is in Ontario where I do lots of work there too, so I'd like to acknowledge properly Treaty 4 territory that we're on. Thank you.

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

Just before we start into -- we're now at a transition point when the examination in-Chief is over and we now are entering into cross-examination, for those who are watching or in the room and haven't seen this before.

We -- I'm just going to remind everyone that
the rules, and particularly Rule 48, the inverse part of the rule now applies. And so essentially, once we're into the cross-examination, the counsel that led their party can no longer speak to them about the evidence that -- while questions by cross-examination is taking place. And just for clarity of the record, that means no notes, no conversations, nothing to do with any of the evidence. However, it's not a prohibition on them talking to them or, you know, about weather, children, other things, it's specific to the evidence. And so I just want to remind everyone that that rule is now in place until the end of cross-examination.

And on that basis, we now have a list. And there will be a list that will be distributed and put on the tables to the parties withstanding as well as to the Commissioners, but I do have the three -- the first three parties that will be doing cross-examination and would like to invite up New Brunswick Aboriginal Peoples Council. I believe Ms. Elizabeth Blaney will be -- no?

**MS. WENDY WETTELAND:** President and Chief Wendy Wetteland.

**MS. CHRISTA BIG CANOE:** Thank you. And the New Brunswick Aboriginal Peoples Council will have 10-and-a-half minutes for their cross-examination.

**MS. WENDY WETTELAND:** That's great. I
thought we had seven-and-a-half, so that's perfect.

**MS. CHRISTA BIG CANOE:** Once the time pooled you've been graced.

**MS. WENDY WETTELAND:** Great.

--- **CROSS-EXAMINATION BY MS. WENDY WETTELAND:**

**MS. WENDY WETTELAND:** So good afternoon, families, Elders, Commissioners and witnesses. I would like to address my questions today to Deputy Minister Brenda Butterworth-Carr.

So the transition from rural or on reserve to urban and off reserve living is a key period of vulnerability, whether the move is for work, school, marriage, access to services for seniors -- excuse me -- institutionalized care for persons with disabilities or various other reasons. People living in urban centres experience difficulty in accessing services to which they are entitled. This difficulty in obtaining services is due in part to mainstream service providers mistakenly believing that the Indigenous people should and can access services through a service providers -- a reserve community, without recognizing that many Indigenous people do not belong to a reserve and that many may live far away from their home reserve. Outside of urban areas, even fewer supports and services are available, which creates additional strains for off reserve, rural Indigenous
peoples.

So can you speak to how the RCMP interacts with off reserve communities? For example, native councils, friendship centres and urban areas where you police, and in more rural off reserve areas as well?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

Yeah, so in, you know, the Lower Mainland, as an example of British Columbia, you know, we know we have a large urban population, whether it's in Surrey or Richmond, Langley and others, Prince George and, you know, a number of other communities. And ultimately, we're very well connected to our friendship centres. You know, I can speak personally for myself from the time that I was in Prince George, you know, I keep in contact still with Barb Ward-Burkitt, recognizing, you know, the important role that she plays and how incredibly connected she is.

And I had an opportunity to speak to the Aboriginal Advisory -- Women's Aboriginal Advisory Committee as well, and to solicit from them some of the thoughts that they had with respect to our connectivity in our urban areas. And, again, the advice that we received is, you know, ensuring that we've got good liaison RCMP personnel, employees, and that we're taking advantage of the Urban Aboriginal Society and the friendship centres.

**MS. WENDY WETTELAND:** Okay. Thank you.
Okay.

So unfortunately, Indigeneity of a missing person may not get noted in police investigations for various reasons, including police are not asking comprehensive questions about identity and are instead relying on the individual notifying them of a missing person to indicate that the case involves an Indigenous person. Furthermore, investigators may have their own idea of who is or appears to be Indigenous and may not feel they need to ask because they are capable of determining whether this case is about Indigenous persons.

Assuming that the investigator will be able to determine Indigeneity without asking can lead to incorrect categorization of cases, especially in urban settings because there is no single way to look or be Indigenous. Failing to concretely and consistently identify cases as involving Indigenous individuals affects police interaction with the family and community members.

So what are the best practices being proposed to ensure that police identify off reserve cases about being about Aboriginal peoples? And is there a consistent process to identify files for off reserve populations?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

When it's a missing person, we -- as I had mentioned
previously, you know, we take all information that comes forward to us from any source. So specifically if it's somebody from our urban population that's bringing forward that information, you know, we fill out the assessment tool as required and then have a supervisor as well ensure that they're documenting on the file and, you know, we're looking for any family members and so forth.

So for us it's about ensuring that all of our people are treated, you know, equitably and that we get the information as fulsome as we possibly can to initiate that investigation expediently.

**MS. WENDY WETTELAND:** Okay. So, even when questions about Indigeneity -- sorry -- are asked, self-identification may not be forthcoming. As mentioned previously by panels, the reasons for this may include a lack of trust in police, concerns about not receiving adequate services as a result of self-identification, and having received better services in the past when read by the provider as not being Indigenous. Hesitance to self-identify when dealing with law enforcement means that past and present discriminatory practices by law enforcement impede access to police assistance.

You mentioned that there is a best practice model of risk assessment tools. So what is the approach of police to identify vulnerable populations who reside off
reserve who may not present or identify as Indigenous?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

Again, when a missing person is brought to our attention, the form, the assessment tool seeks that information. And so it's incredibly important for any of the officers that are responding and/or receiving that information to ensure that those questions are asked of the person that's reporting. And typically the person that would be reporting would have that knowledge or information.

MS. WENDY WETTELAND: Okay. So is Indigeneity considered a risk factor?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

I'm sorry, can you repeat that question?

MS. WENDY WETTELAND: Is Indigeneity considered a risk factor of its own? As in, would that trigger a higher alert response?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

All the missing persons that come to our attention are individually assessed. And as per the policy that I had referenced earlier today, you know, there's certain factors that are part of that. You know, lifestyle, whether there's potential self-harm that the individual may have conveyed. And that's all taken into consideration in the assessment. You know, for me it's about, if there's a high risk associated to an individual that's missing, then
that’s the assessment that’s utilized and we want to ensure
that a response is, you know, done completely and
immediately in terms of an investigation.

**MS. WENDY WETTELAND:** Okay. Thank you. So
you mentioned task forces are initiated when there’s a
significant amount of information to investigate, and this
may involve joint projects between policing services. For
clarity, do you mean across detachments, or might it also
be between a detachment and a provincial or a municipal
policing agency?

**DEPUTY COMMISSIONER BUTTERWORTH-CARR:** Yes,
and three of the examples that I provided this morning with
even-handed care as well as devote, were joint task forces
between municipal and RCMP agencies.

**MS. WENDY WETTELAND:** Okay. So in the case
of detachment and a municipal agency, whose procedures are
privileged?

**DEPUTY COMMISSIONER BUTTERWORTH-CARR:**
That’s the whole purpose of having the major case
management principles adapted by everyone, and ultimately,
you know they’re immediately applied as per the major case
management policy and regardless if its RCMP or otherwise,
it’s consistently applied.

**MS. WENDY WETTELAND:** Okay. So as
Aboriginal Peoples are a federal responsibility under
Section 9124 of the Constitution, does the RCMP have oversight on murdered and missing Indigenous women and girls’ cases across jurisdictional lines?

**DEPUTY COMMISSIONER BUTTERWORTH-CARR:**

Essentially, with the policing jurisdiction, so if it’s a joint operations, as we’ve experienced with the Vancouver city police and RCMP jurisdictions, it’s a mutual cooperation and we ensure that the priority is successfully investigating the file.

**MS. WENDY WETTELAND:** Okay. So as we heard throughout these hearings, there are limited to no service levels and slow response times for emergencies in rural areas. Slow response times are an issue because when a person has gone missing, the chances of successfully locating the person are highest when police services are notified quickly. Excuse me. Information about alternatives to first responder services for rural areas is not widely available. Do you have any information about the response times in rural and urban areas?

**DEPUTY COMMISSIONER BUTTERWORTH-CARR:** So in the province of British Columbia, one of the things that we are actually doing is assessing the response times through a business intelligence tool that we’ve developed and specifically, general duty assessment. And ultimately what that factors in is, you know, if they have a large
geographical area that they’re responsible for, then what is the timing in terms of getting from point A to point B?

And secondly, what are the, you know, acceptable timelines in terms of response, as well as is it victim related -- or sorry, persons related crime or a property crime. And there’s a number of other aspects involved in that.

MS. WENDY WETTELAND: Okay. And what is the availability of first culturally competent responders in rural and urban areas?

DEPUTY COMMISSIONER BUTTERWORTH-CARR: Based upon the training that we have internally within the RCMP, it’s as mentioned for British Columbia, it is mandatory that all of our employees have their First Nations online training. Additionally, we look to our communities to work with us to ensure that we have community level training. So as an example if you’re stationed in Sakintani (phonetic), or you know, in one of our urban populations, that we look to see how we can continue to collaborate with the communities. So that the members or employees as a whole -- because it’s also inclusive of any of our other support staff -- that we have the opportunity to work with an Elder and/or you know, somebody else that’s very well-respected and is willing to share the cultural component.

MS. WENDY WELLELAND: Okay. So I’ll try to
do this really quick.

So while there’ve been improvements in the amount of coverage and the narratives advanced about missing and murdered Indigenous women and girls, there is still significant work needed to end discriminatory and sensationalized media treatment. What kinds of media support protocols have the RCMP developed to assist families in interacting with the media about their missing loved ones? Would you recommend a uniform media protocol to ensure services are effectively using the media to locate missing persons, and are appropriately supporting families in their contact with the media?

**DEPUTY COMMISSIONER BUTTERWORTH-CARR:** One of the components in the national strategy is to have a consistent -- a communication model that is utilized and we can work with our families. I can say within British Columbia that we do have that and, you know, we look to our families when we’re going out to the media because we want to be very respectful if we’re providing news releases and/or if we’re giving updates in the media, we immediately consult our families. So we have a very strong communication plan with respect to how we interact with all of our families.

**MS. WENDY WETTELAND:** Okay. I thank you for your time.
MS. CHRISTA BIG CANOE: Thank you. And I’m sorry, could you do me a favour and just -- I’m sorry, counsel, could you come back to the microphone for a minute? Sorry. I didn’t get -- we want to make sure we have you full name on record again, please.

MS. WENDY WETTELAND: President and Chief Wendy Wetteland, New Brunswick Aboriginal Peoples Council.

MS. CHRISTA BIG CANOE: And it’s sorry, it’s Wendy ---?

MS. WENDY WETTELAND: Wetteland.

MS. CHRISTA BIG CANOE: Wetteland.

MS. WENDY WETTELAND: Yes.

MS. CHRISTA BIG CANOE: Okay. Thank you.

The next party that we’re going to invite up is the NunatuKavut Community Council Incorporated, Mr. Stewart will also have 10 and a half minutes.

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

MR. ROY STEWART: Good afternoon everybody, all the families, Commission, Commission Counsel, everybody contributing to the inquiry. I would just like to thank you yet, once again. My questions are for Deputy Commission Butterworth-Carr.

This week we heard from Commissioner Lucki and she discussed the relationship building protocol between AFN and the RCMP, and I was just wondering, are you
familiar with that protocol agreement?

**DEPUTY COMMISSIONER BUTTERWORTH-CARR:**

Intimately familiar, yes.

**MR. ROY STEWART:** Okay. So you -- would you be comfortable just clarifying a few questions?

**DEPUTY COMMISSIONER BUTTERWORTH-CARR:**

Absolutely.

**MR. ROY STEWART:** Okay. So before I ask a few questions, I just -- some context for my question is that there’s no such protocol agreement between the RCMP and the Southern Inuit of Labrador, or any Inuit, I don’t believe. And it was only this year that the RCMP engaged with the NunatuKavut Community Council with respect to moving forward with cultural awareness training.

Now, on the topic of that relationship protocol agreement, Commissioner Lucki stated during her cross-examination that she thinks the RCMP would benefit from similar partnership agreements with Inuit and Metis organizations. Do you agree with that?

**DEPUTY COMMISSIONER BUTTERWORTH-CARR:** So I’m not familiar with the relationship that you’ve just described. I would say though that I think that any relationship that we can improve would be of benefit. And in particular with British Columbia, I can say that we do have a public safety protocol that mirrors the national one
with the AFN, except that ours obviously is with the leadership council and it’s very similar with respect to what we want to achieve holistically.

**MR. ROY STEWART:** Okay. That sort of ties in with my next question, which we know that AFN is a national organization, but could similar protocol agreements be entered into with regional Indigenous organizations instead of a national organization?

**DEPUTY COMMISSIONER BUTTERWORTH-CARR:** Absolutely.

**MR. ROY STEWART:** Okay. Now, in my experience, in addition to Indigenous organizations being overwhelmed or stretched thin with consultations or other projects they have internally, they often receive pushback from federal or provincial governments and are excluded from various discussions and negotiation tables. And I guess -- so considering that, do you thin the onus should be on those Indigenous groups to initiate the conversation with the RCMP to begin that dialogue on entering into partnerships?

**DEPUTY COMMISSIONER BUTTERWORTH-CARR:** So I have a unique perspective because I come from a self-governing First Nation. And for me, you know, I clearly understand what consultation means, and so when we’re reaching out to our communities, you know, we often are the
ones that are reaching out. And I think that’s part of that importance of establishing relationships in all of our communities across the country.

And certainly, in speaking to my colleagues, you know, I have a high level of confidence that they would have the same perspective. That, you know, we don’t have to wait for communities to reach out to us. Part of establishing good relationships outside of a specific protocol, that’s what we should be doing in every one of our communities.

MR. ROY STEWART: Great. I agree. So my next few questions are in relation to the missing persons cases you discussed and the sharing of information with families. And you explained that the goal is always to protect the integrity of the investigation and sometimes officers want to share information, but they do not want to jeopardize the ongoing investigation.

And so, I was having a look at the national centre for missing persons best practice documents that is in your evidence. I believe it’s Exhibit 106, and the section that I was looking at is 3.11.6, which states that non-government organization and national aboriginal organizations may want to be involved or contribute information to those investigations, but they’re not afforded any legislative privilege or access to any more
information than that’s available to the public.

So, I just wanted to ask, you know, in your opinion, would legislation or some form of policy providing for more information sharing with Indigenous groups provide an opportunity to positively contribute to those ongoing investigations if supported by the communities and families that the Indigenous organization represents?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

So, if there’s specific information to further an investigation, then we would absolutely welcome that, because it’s critical that we have all information possible to help, you know, further any investigation. And, with respect to family members, one of the things that I commented on earlier is that they have the ability to identify or appoint somebody on their behalf to interact with the RCMP personnel.

MR. ROY STEWART: I guess my question was sort of the inverse of that where if more information was shared with the Indigenous organization that, you know, has close familial ties or knowledge of the community and the specific family at issue, if more information was shared with that Indigenous organization than that’s permitted at this time, would you agree that there may be opportunity for them to contribute positively towards that investigation if the information was shared in a privileged
manner?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

I’m not sure what information would be shared, because if it’s an active investigation, ongoing investigation, you know, the concern is that we always protect the integrity of that investigation. So, as I was talking or mentioning earlier, you know, it’s the same as when we’re interacting with families. Like, it’s so important that we don’t do anything to erode the integrity of it and, you know, inadvertently share information or that’s going to derail the success of that investigation. So, in terms of families, you know, families are welcome to communicate with any of the agencies if -- you know, and in terms of relationship building, absolutely, we would welcome the opportunity to create and enhance any relationships that we currently have.

MR. ROY STEWART: Okay. I guess I was just asking that question in the context of hearing of many families or organizations feeling frustrated, because they don’t receive enough information or they feel like there’s more that could be shared, and that’s not. So, I guess I’ll just leave that one there.

And, when I was engaging with Commissioner Lucki, I asked the following question, but she kindly referred it to you, and it was just whether you could
comment or have any knowledge regarding a correlation between communities where the local economy is based on resource development and incidents or reported sexual violence against Indigenous women or girls.

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

So, I can say, you know, very candidly that we see, certainly, the correlation. And, when we know that we’ve got industry that’s happening in any of our communities across the country, we’re constantly doing the assessment, we are working with, you know, as many people that -- as we can to ascertain, you know, the growth, and then be able to provide a meaningful response. So, if we have to look at mobilizing resources to help with the prevention and so forth, because we really want to ensure that, you know, our women are safe, like in any of our communities, and so they’re not, you know, victims of sexual exploitation or any of the other things that we know can happen within resource industries, especially with a transient population.

**MR. ROY STEWART:** I guess -- so when you refer to a transient population, is that, I guess, the non-Indigenous, or maybe it’s Indigenous, workers on the projects that are coming in or on their territory? Is that what you’re referring to, those peoples?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
I’m talking about the people that wouldn’t normally reside in that community.

MR. ROY STEWART: Okay. That’s what I thought you were saying. That’s all my questions I have. Thank you.

MS. CHRISTA BIG CANOE: Thank you, Mr. Stewart. Next, we would like to invite up the MMIWG Coalition of Manitoba. Ms. Catherine Dunn has 10-and-a-half minutes for her cross-examination.

--- CROSS-EXAMINATION BY MS. CATHERINE DUNN:

MS. CATHERINE DUNN: Good afternoon. My name is Catherine Dunn, and my questions this afternoon are for the RCMP Deputy Superintendent (sic) Butterworth-Carr. Ms. Carr, part of your testimony today dealt with your expertise in terms of dealing with families who are involved with victims of crime; is that fair to say?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR: I certainly have worked with families, yes.

MS. CATHERINE DUNN: And, as part of your work with families, you have referenced in your direct examination form called the Complainant/Family Communication Schedule, that’s Tab 8 to your written material, and it might be Exhibit 104. I’m not sure.

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR: It’s Exhibit 105.
MS. CATHERINE DUNN: Yes. Okay. 105 is the exhibit number. Now, that is a form that is written by and generated by the RCMP; is that correct?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
Yes, it is, out of National Headquarters.

MS. CATHERINE DUNN: All right. And, that form, the purpose of that form is to provide, at least in part, some accountability to the investigating officers who are investigating the crimes and how they relate to the family; is that fair?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
The form, as I was mentioning earlier, is an opportunity for investigators or family liaison personnel to sit down with families and complete a schedule to the mutual agreement with respect to our families.

MS. CATHERINE DUNN: Okay. You’re saying opportunity. I’m saying it is an obligation.

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
Sorry. Yes, it is. No, it is -- we are obligated to complete the form. That’s my bad terminology.

MS. CATHERINE DUNN: Yes. Okay. No problem. And, that form is important because it creates a record for the RCMP in terms of what was done with a particular family in terms of a communication or, in particular, a communication schedule; is that fair?
DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

So, all of our investigations have to have documentation with respect to our contact with our families, and this is a form to formalize it. Regardless, we would still have documentation on a file indicating the time and the frequency with which we would be contacting families. We just wanted to ensure that there was standardization.

MS. CATHERINE DUNN: This form proves you talked to families, in essence; right?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

It captures the time and the date, and who the family liaison member is, yes.

MS. CATHERINE DUNN: Okay. So, I’m going to direct your attention to the top right-hand corner of that form. And, what that says is it defines a number of circular things called Protection Level once the form has been completed. Do you see that box there?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

Yes.

MS. CATHERINE DUNN: And, one of the circled entities under that box is entitled “Secret”. Can you tell me why a complainant or family communication schedule form would be ticked off “Secret”?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

So, we have classification associated to all of our files,
and in terms of why this is specifically there and -- I’d be guessing. And so, as to why it would be secret, I can’t answer that, unfortunately.

MS. CATHERINE DUNN: Because the purpose of this form is to provide proof to yourself, as the -- one of the heads of the RCMP, that there is a tracking of a schedule of communication between the RCMP and the families; right?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR: Absolutely, that, you know, we are ensuring that we are communicating with families on the time schedule that was agreed upon between the family and the investigator.

MS. CATHERINE DUNN: And, if that circle is ticked off “Secret”, then that is antithetical to the purpose of this form, because by the word “secret”, I assume that means secret from the family, not from the RCMP, who is generating the form in the first place?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR: I -- that’s not what my perspective of the form would be. The form is to sit down and mutually agree upon the frequency and the timing and who the family liaison member is. I can see the perspective, but for myself, this is a form that goes on the file.

MS. CATHERINE DUNNE: Yes, and the file -- it goes on the file -- and I'm going to go back now to the
next block. It says "instructions to be completed by the
investigating member." So I'm assuming that the
investigator of the crime, the RCMP officer investigating
the crime fills out this form; right?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
Yes, or the family liaison member, but the investigator
certainly has to have knowledge of the agreed upon
schedule.

**MS. CATHERINE DUNNE:** Well, the reason that
I'm saying the investigating member is because that's what
the form says and a separate column, the middle column
there, is referencing the liaison member. And what I found
interesting is that the investigating member fills out this
form, not the liaison member. Do you know why that would
be?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
As I was mentioning, the investigating member has to have
knowledge and has to ensure that this form is completed and
that, again, the liaison as well is involved in the
process.

**MS. CATHERINE DUNNE:** The liaison is
involved in the process, but they have no control over
whether or not this form is completed or whether or not
this form is uploaded into the general police file; is that
fair?
DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
As I was mentioning, the liaison is involved in the process and ultimately the investigator has to ensure that it's been completed and it's on the file.

MS. CATHERINE DUNNE: But that's the responsibility of the RCMP investigating officer and not of the liaison member, who may or may not know whether or not this form was completed.

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
The liaison person has to know that the form is completed. If they're the ones that going to be contacting the family they have to have absolute knowledge that the form was completed and they have to know exactly when the meetings are to occur.

MS. CATHERINE DUNNE: It says "once completed, upload the -- to be completed by an investigating member." And then point number three is "once completed" -- that is, I assume completed by the investigating member, it is to be uploaded from the investigative file onto PROS or applicable RMS, which I assume is a RCMP file; right?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
Yes, it's our internal system.

MS. CATHERINE DUNNE: Right. So I don't see anything on this form that says the liaison member touches
this form or provides this form to anybody. This is a form
that is in the complete 100 per cent control of the
investigating member; is that not correct?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
No, the family liaison person that has been identified
would have knowledge of it. They would have access to it
and they would know when they would be the person that was
meeting with the family and agreed upon schedule. They
would have absolute knowledge that the form was completed
and the timing of when those meetings were to occur.

**MS. CATHERINE DUNNE:** They may have
knowledge of it. They don't have control of it. That's
the question.

The liaison member may indeed have knowledge
of what is on this form or not, but that is at the option
of the investigating officer. And the liaison member has
no control -- at least just reading the form -- about where
this form goes. I.e., whether it goes into the file or
whether it goes into the secret pile.

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
I can absolutely assure you the family liaison person will
have seen the form, they'll have -- they will absolutely
know when they have to meet with the family. They'll have
thorough knowledge of its existence and they'll have access
to it.
MS. CATHERINE DUNNE: The form does not have a space for the family to review and accept the communication schedule that is ticked off on this form. So, for example, if the form is ticked off as agreed upon communication frequency, for example monthly, the -- there's nowhere on this form for the family member to sign off on that; right? The RCMP signs off on that tick check of frequency.

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

Yes, it does.

MS. CATHERINE DUNNE: Yeah. So there's -- if this form was for accountability purposes, and I'm assuming that's why it's here, there is no check back with the family to confirm with them when they complain that they wanted more information, they can't say, well, you only wanted monthly information because you checked it off. They don't get to check off this form; do they?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

Not as it's currently written.

MS. CATHERINE DUNNE: And do you think on a going forward basis it would be a good idea to change this form to something more like the previous witnesses' material which allows a dual process of information between the police and the families?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
Absolutely.

**MS. CATHERINE DUNNE:** There is no box on this form that checks off language in which this information is to be communicated to the families. For example, if you were only Cree speaking or only Inuk speaking, there's nothing on this form to tell the person that that's the language that they prefer to be communicated in; is that correct?

**DEPUTY COMMISSIONER BRENDÁ BUTTERWORTH-CARR:** No, there isn't.

**MS. CATHERINE DUNNE:** Would that be a good idea in your view?

**DEPUTY COMMISSIONER BRENDÁ BUTTERWORTH-CARR:** I think it absolutely would be a great idea.

**MS. CATHERINE DUNNE:** And there's no place on this form for the level of understanding by the family in terms of what communication they're getting. That is, they have a good understanding, they have no understanding, they need more information.

**MS. CHRISTA BIG CANOE:** Sorry, Ms. Dunne, you're over time ---

**MS. CATHERINE DUNNE:** Oh, I'm sorry.

**MS. CHRISTA BIG CANOE:** --- at this point.

**MS. CATHERINE DUNNE:** I keep -- yeah, sorry.

Pardon me. Thank you.
MS. CHRISTA BIG CANOE: Thank you.

Next we would like to invite up the Assembly
of First Nations. Ms. Julie McGregor will have 14 minutes.

--- CROSS-EXAMINATION BY MS. JULIE McGREGOR:

MS. JULIE McGREGOR: Good afternoon, panel
members, as well as Commissioners. My name is Julie
McGregor and I'm representing the Assembly of First
Nations. I'm going to be asking each of the panel members
questions, but I would like to start today with Deputy
Commissioner Butterworth-Carr.

Deputy Commissioner, throughout this week, I
don't know, I'd say the bulk of the evidence we've heard is
about best practices and best case scenarios. So a lot of
stories about how -- well, not stories, but I mean,
discussions about how -- what happens when things go right
in a missing persons or a murder case.

And it struck me especially when I was
listening to your evidence because you provided that story
about the notification of a family member and that they
wanted to view the crime scene and how you accompanied them
and they were allowed to do a ceremony there.

And I appreciate I might be putting you on
the spot because we've heard from a lot of witnesses about
best case scenarios, but I'm going to ask you to share with
us an example of when things went wrong, because I think
it's important for everybody to hear not only best case scenarios, but when things don't go right and why they don't go right.

And keeping in mind, I don't want you to breach any kind of confidentiality or hurt the integrity of any ongoing investigations. I just would like sort of the same sort of -- the flip side of what you presented.

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
Yeah, well, I would think that -- well, I do think, you know, given the nature of some of the experiences or things that have happened, it's pretty observable in terms of the trauma that it leaves with families when, you know, we're not responsive or we're not culturally sensitive. It's pretty apparent that the relationships erode, have the potential to deteriorate and then become very challenging to overcome.

And so, you know, based upon those experiences, from my perspective, we need to be doing it the way I just described in my first example that we're always looking to work with our families and be truly respectful of all of our cultures and that, you know, we're facilitating that as best as we can given the crime scene and/or, you know, just in the manner in which we're interacting with the loves ones, you know, that we've lost.

MS JULIE McGregor: But you have been
involved in cases where it didn't go as a best practice or
best practices weren't followed and best case scenarios
didn't happen; correct?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
I have knowledge of it, yes.

MS JULIE McGREGOR: You spoke about
benchmark offences. And in addition -- and how additional
rigorous investigation is mandated in those circumstances;
correct?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
Yes.

MS JULIE McGREGOR: Has there ever been any
kind of evaluation done or handling -- of the handling of
benchmark offences investigations?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
There's a constant assessment and then -- and an analysis
of how those investigations are being completed. It's done
through peer review. As an example, we've got a Special
Projects Team, and then of course with the Office of
Investigative Standards and Practices, that is also
something that the new National Investigative Standards and
Practices will be doing.

But in absence of it, I can say that those
analyses and evaluations are continuous.

MS. JULIE McGREGOR: And is any of that
information made public, to the extent it can be?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
I’m not sure if it’s been made public previously. I’m sorry, I can’t answer that.

MS. JULIE McGREGOR: Okay. What types of accountability for benchmark offences investigations -- what kind of accountability is there to First Nations in terms of -- in benchmark offences investigations?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
So the accountability would be that the benchmark offence, if it occurred, that, again, if it was involving any of our indigenous families, we would immediately ensure that we were communicating and providing updates. Because of the requirements in terms of once that offence occurs and then ultimately as it’s being investigated, we want to ensure that we’re continuing to provide updates to our families.

MS. JULIE McGREGOR: And do you have -- like, I mean, in terms of -- yeah, you update families as well, but is there additional sort of, I guess, accountability to communities as well? Is there additional check-ins, I guess you could say, that are provided?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:
In terms of the benchmark offences, as I was mentioning, once they’re initiated based upon that, so if it’s a missing persons offence where there’s foul play suspected
or if it’s a homicide or if it’s a serious sexual assault, typically the updates are made, you know, to the family. Have I had, you know, inquiries with respect to some of our First Nation communities come forward or indigenous communities and ask for additional information if it’s a public safety concern, as an example? We have to be very mindful in how we’re providing that information, and we typically work with our families. And if it is a public safety concern, you know, there are certain aspects that we may come out publicly with, but we have to respect the Privacy Act and so forth associated to it.

**MS. JULIE McGregor:** Thank you.

I’m going to move on to questions for Captain Paul Charbonneau.

Mr. Charbonneau, how does the Sûreté du Québec prioritize missing person cases in general?

**CAPITAINE PAUL CHARBONNEAU:** Une disparition c’est un appel de priorité 1.

**MS. JULIE McGregor:** And there’s no difference between Priority 1 calls -- or there’s no difference between a prioritization for indigenous people who go missing or indigenous women who go missing than any other population in Quebec; is that correct?

**CAPITAINE PAUL CHARBONNEAU:** C’est exact.

**MS. JULIE McGregor:** Okay. When somebody
goes missing, how does the Sûreté du Québec communicate with other police forces?

CAPITAINE PAUL CHARBONNEAU: Je vous dirais que ça dépend du dossier. Tout le monde connait l’alerte amber. Ça c’est un cas spécifique. Il pourrait y avoir une alerte amber. Sinon, c’est fait par le biais de la Centrale de renseignements policiers du Québec, le CRPQ, où il y a un message narratif. Ça se fait de façon informatique sur un ordinateur. On écrit le message et on l’envoie aux autres agences. Ce système-là fonctionne aussi inter-province.

MS. JULIE McGREGOR: And to reiterate my previous question, there’s no special communication for when an indigenous woman goes missing?

CAPITAINE PAUL CHARBONNEAU: Non. Toutes les plaintes de disparition à la Sûreté du Québec sont prises avec sérieux dès le départ. On a entendu dans les témoignages antérieurs à l’effet d’attendre un 24 heures. Ça n’existe pas à la Sûreté du Québec. Il n’y a pas d’attente. Une plainte de disparition c’est pris au sérieux tout de suite. C’est un appel et on doit faire une réponse immédiate.

MS. JULIE McGREGOR: Does the Sûreté du Québec communicate with First Nations police forces and update them on missing persons when the person is from a
First Nation -- the missing person is from a First Nations community?

CAPITaine PAUL CHARBonneau: Oui, tout à fait. Les services de police... les corps de police autochtones des Premières Nations sont partie intégrante du Centre de renseignements policiers du Québec.

MS. JULIE Mcgregor: Okay. Thank you.

I’m going to move on to my questions for Chief Superintendent Pritchard now. I want to start off by thanking you, Chief Superintendent Pritchard, for actually giving us evidence of -- going through evidence about how the OPP or a police force responds when a person goes missing. I think it’s the first time we’ve actually had that important evidence.

You stated in your evidence that if a police officer hasn’t followed these policies, and you outlined several policies and they were put into evidence, that it’s a neglect of duty and that a disciplinary action can be taken. Is that correct?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MS. JULIE Mcgregor: What are those disciplinary actions?

CHIEF SUPERINTENDENT MARK PRITCHARD: There’s a number of options available, and it would really depend on the severity of the neglect. There’s a
progressive discipline to follow that could start from a verbal warning, a written warning, a charge under the Police Services Act, the penalty for which, depending again on the severity of the charge, can range from loss of hours to demotion and ultimately dismissal.

**MS. JULIE McGregor:** In the past 15 to 20 years, how many officers have been disciplined for neglect of duty in cases of missing and murdered indigenous women and girls?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** I’m sorry, I don’t know that.

**MS. JULIE McGregor:** Okay. So similarly with regard to Victim Services, you stated that the Victims Liaison person is also the investigating officer; is that correct?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Potentially.

**MS. JULIE McGregor:** Yes. And that managers in those cases are responsible for ensuring there’s proper resources deployed to these cases, and if they’re not deployed, there’s also, again, disciplinary measures which I assume are similar to the ones you’ve just stated. Is that correct?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes. And for supervisors, generally the penalties are more harsh
because they have a higher level of responsibility. They are supervisors. Their job is to make sure things are done properly. So if they’re not doing it properly, then it’s more serious.

**MS. JULIE McGregor:** And in the past 15 to 20 years, how many managers have been disciplined for not providing adequate resources in cases of missing and murdered indigenous women?

**CHIEF SUPERINTENDENT MARK Pritchard:** I’m sorry, I don’t know that either.

**MS. JULIE McGregor:** With regard to urgent priority calls and missing persons, you said that an urgent priority call is number 1. How quickly must the OPP respond in those cases?

**CHIEF SUPERINTENDENT MARK Pritchard:** The response is immediate. Geography would play a factor potentially on how quickly the officer would arrive at the scene. It would really depend on where. We do have some fly-in communities that are more of a challenge.

**MS. JULIE McGregor:** That was actually my follow-up question. In terms of communities that are in the north or more remote, does this time -- obviously it can’t be immediate, but what kind of timing is there for those cases?

**CHIEF SUPERINTENDENT MARK Pritchard:** We
have aviation services available. We have a plane on the
ground in Thunder Bay, as well as a helicopter, and we also
have the ability to charter as necessary.

**MS. JULIE McGregor:** I want to turn now to
the Missing Persons Checklist, which I believe is Exhibit
131.

Can that be put before the witness, please?

**MR. Thomas Barnett:** That’s Tab 5 for Chief
Commissioner and Commissioners.

**MS. JULIE McGregor:** So the date on the
document refers to 2015; is that correct?

**Chief Superintendent Mark Pritchard:** That’s
correct.

**MS. JULIE McGregor:** Was it in use before
2015, this checklist?

**Chief Superintendent Mark Pritchard:** I
don’t know that.

**MS. JULIE McGregor:** Was there anything that
prompted the use of the checklist, any events?

**Chief Superintendent Mark Pritchard:** Not
that I’m aware of.

**MS. JULIE McGregor:** In discussing again the
use of the Victim Services liaison person, what kind of
training do victim liaison investigators receive in terms
of First Nations?
CHIEF SUPERINTENDENT MARK PRITCHARD: If the liaison officer happens to be a member of the Provincial Liaison Team, they’ve got extensive training. There is no specific training course right not for the -- specific to being a victim liaison officer. The Provincial Liaison Team member course is a 2-week course with yearly updates of, I can’t remember if it’s either two or three days per year.

MS. JULIE MCGREGOR: When was the Provincial Liaison Team established? What year was that?

CHIEF SUPERINTENDENT MARK PRITCHARD: It was sometime around The Ipperwash Inquiry. There was actually two teams. There was one called the ART, which was the Aboriginal Relations Team, and there’s one that was the Major Incident Liaison -- or Major Event Liaison Team, and they were combined into the one team, the Provincial Liaison Team.

MS. JULIE MCGREGOR: And, it was a result of The Ipperwash Inquiry?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MS. JULIE MCGREGOR: Okay. Thank you. That is my time.

MS. CHRISTA BIG CANOE: Thank you, Ms. McGregor. Just before I call the next party up, we are currently distributing a corrected and updated list, and so
I just wanted to bring that to the attention of parties as it comes around to you as well as -- thank you. Just a couple of quick notes. There was an agreement between two parties that are now in a different order. So, number 8 is a different party, and some other minor corrections.

To keep going though, I would like to next invite up ITK. I believe Ms. Elizabeth Zarpa? Yes, thank you, will be making submissions on -- doing cross-examination, and she will have 10-and-a-half minutes, please.

--- CROSS-EXAMINATION BY MS. ELIZABETH ZARPA:

**MS. ELIZABETH ZARPA:** Thank you, Commission Counsel. My name is Elizabeth Zarpa, and I am legal counsel here representing Inuit Tapiriit Kanatami, which is a national organization that represents Inuit throughout the country. So, my questions will hopefully hit all of the different testimony that’s been given today, and I want to say thank you for your time and your information.

So, Mr. Pritchard, you highlighted earlier that the electronic system where information is uploaded, like when an individual is missing, there’s an electronic system that information is put into?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

**MS. ELIZABETH ZARPA:** And, is this electronic system accessible throughout all police
jurisdictions in Canada?

CHIEF SUPERINTENDENT MARK PRITCHARD: No.

MS. ELIZABETH ZARPA: Is it only in Ontario?

CHIEF SUPERINTENDENT MARK PRITCHARD: Well, in Ontario, there’s actually a number of records management systems used by different police services. The most popular is the Records Management System, which the OPP and many municipal and First Nation services are on. Some of the bigger forces have their own systems. But, PowerCase, which is the software used for managing major cases, is for all police services.

MS. ELIZABETH ZARPA: Across the country?

CHIEF SUPERINTENDENT MARK PRITCHARD: Across Ontario.

MS. ELIZABETH ZARPA: Are there any national databases that are mandatory for different police institutions where they can upload this information so it’s accessible all throughout Canada?

CHIEF SUPERINTENDENT MARK PRITCHARD: Perhaps that’s best addressed to the RCMP. I’m not aware of that.

MS. ELIZABETH ZARPA: Okay. And, is the electronic system that you’re speaking of, is the access to information -- Privacy Protection Act, is that -- is this the electronic system excluded from that Act?
CHIEF SUPERINTENDENT MARK PRITCHARD: No.

MS. ELIZABETH ZARPA: So, anybody could call in to do an ATIP request to access information on this electronic system?

CHIEF SUPERINTENDENT MARK PRITCHARD: In Ontario, it’s got a different name, but yes.

MS. ELIZABETH ZARPA: Okay. Thank you. And so, earlier also, you highlighted there are five provincial call centres that are available for individuals if they want to speak of or make contact with the OPP regarding their missing family member or loved one?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MS. ELIZABETH ZARPA: So, when an individual calls in to provide information to these centres, is there desegregated data, such as the ancestry? Say for instance, an Inuit woman goes missing, is this data something that’s put into the call centre?

CHIEF SUPERINTENDENT MARK PRITCHARD: I’m not following your question. I’m sorry.

MS. ELIZABETH ZARPA: So, say for instance, there’s a missing Inuit woman, and then they call into the call centre, is the ancestry of this individual something that’s highlighted by the call centre?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MS. ELIZABETH ZARPA: Okay. And, is there
any information or any way that this call centre looks at
the origin or the ancestry of the individual? Say for
instance, there’s -- Ottawa has the highest population of
urban Inuit in Canada. Say, if an Inuit woman from Iqaluit
goes missing, is this information put into the call centre
as well?

CHIEF SUPERINTENDENT MARK PRITCHARD: Well,
our protocols -- our procedure doesn’t matter where the
person is from. We’d accept the report as being reported
missing. It doesn’t matter where you’re missing from. Our
policy is that we will accept a report.

MS. ELIZABETH ZARPA: And, in that
acceptance of the report, the information, the data of the
individual, the ancestry, the place of origin is something
that might come up in the call centre?

CHIEF SUPERINTENDENT MARK PRITCHARD:
Certainly.

MS. ELIZABETH ZARPA: Okay. Thank you.
And, of those five call centres you mentioned with --
throughout Ontario, are there any sections or centres that
are dedicated to families of missing and murdered
Indigenous women and girls?

CHIEF SUPERINTENDENT MARK PRITCHARD: No,
these are communication centres that all of the calls, that
when you phone the OPP, that your calls go to.
MS. ELIZABETH ZARPA: So, there’s no centre or section that’s dedicated entirely to missing Indigenous women or girls?

CHIEF SUPERINTENDENT MARK PRITCHARD: No.

MS. ELIZABETH ZARPA: Okay. So, under Exhibit 127, the Missing Persons Manual, you said that -- so if they don’t meet the expectations within this particular manual, do citizens -- can citizens file a complaint?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

In Ontario, there’s civilian oversight of policing, so a complaint can be made to the -- it’s called OIPRD, Ontario Independent Review Directorate.

MS. ELIZABETH ZARPA: And, how do citizens learn about these redress mechanisms?

CHIEF SUPERINTENDENT MARK PRITCHARD: Well, OIPRD has a website. Also, a complaint directly to the police, we would refer the individual to OIPRD if they wanted to speak to them and file a complaint. Complaints can be made online, over the phone and in person.

MS. ELIZABETH ZARPA: Okay. Thank you. My next questions will go to Deputy Minister Commissioner Brenda Butterworth-Carr. Could I call you Brenda?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR: Absolutely.
MS. ELIZABETH ZARPA: Okay. Thank you. So, you highlighted -- are you familiar with the federal Family Information Liaison Unit, also known as FILU?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

Yes, I am.

MS. ELIZABETH ZARPA: And, is this service something that you see as essential for families who need help navigating the several systems that they have to navigate when their loved one goes missing? Do you see this is as something that is essential?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

As I understand it, that’s their mandate, yes.

MS. ELIZABETH ZARPA: And, is this program temporary or is it permanent?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

I’m not sure of the permanency because it’s funded outside of the RCMP. It’s a completely separate program from us.

MS. ELIZABETH ZARPA: But, the work that you see the liaison workers do in the time of crisis, do you see this as something that’s essential to helping families navigate several systems in a traumatic event?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

The knowledge that I have of the FILU program, you know, they’ve certainly been very beneficial in interacting with families as how I’ve been briefed. I haven’t worked
directly with the FILU.

MS. ELIZABETH ZARPA: Okay. And, you highlighted earlier Historical Investigation Units?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

Yes.

MS. ELIZABETH ZARPA: Okay. So, how does a division get a Historical Investigation Unit?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:

Essentially, that is the determination of the Commanding Officer or Criminal Operations Officers in the respective provinces and territories. And, what I would say is that if they don’t have a designated historical unit, that they would certainly have somebody identified in their Serious Crime Unit that would have the responsibility to ensure that they were actively investigating, or they would have custody of any historical cases.

MS. ELIZABETH ZARPA: Okay. Thank you. My next set of questions will go to Captain Charbonneau. My French is very poor.

CAPTAIN PAUL CHARBONNEAU: Charbonneau.

But, everybody can call me Paul.

MS. ELIZABETH ZARPA: Okay. Thank you, Paul. Thank you. In your testimony, you highlighted the importance of increasing the number of Inuit, visible minorities and other individuals whose language is not
English or French within the SQ; correct?

CAPITAINE PAUL CHARBONNEAU: Oui, c’est exact. Il y a un programme d’accès d’égalité à l’emploi.

MS. ELIZABETH ZARPA: Okay. Could you please explain why you think this is important?

CAPITAINE PAUL CHARBONNEAU: En fait, le policier fait partie du tissu social. Alors, c’est important que son effectif représente la société. Alors, dans un monde idéal, l’effectif de la Sûreté du Québec représenterait de façon égale toute la composition de la société, en fait.

Je ne sais pas si je réponds à votre question?

MS. ELIZABETH ZARPA: Sure you are. Yes. And so are you aware that there are Inuit in Quebec?

CAPITAINE PAUL CHARBONNEAU: Je n’ai pas la donnée à savoir... je sais qu’il y a 80 policiers qui sont membres des Premières Nations, des autochtones, mais je n’ai pas les données par nation.

MS. ELIZABETH ZARPA: But are you aware that there are Inuit in Quebec?

CAPITAINE PAUL CHARBONNEAU: Oui, il y a 14 villages nordiques.

MS. ELIZABETH ZARPA: Okay. Thank you.

And from your experience, what barriers are
there for an Inuit person who lives in Nunavik to become a police officer in Quebec?

CAPITAINE PAUL CHARBONNEAU: En fait, je sais mal... il y a certainement... je ne suis pas sure de saisir votre question: des barrières pour devenir policier, si on est un Inuit?

MS. ELIZABETH ZARPA: Yes. Oui.

CAITAINE PAUL CHARBONNEAU: En vertu du programme d’accès à l’égalité, il y a les mêmes chances que tous. Il y a certains critères pour devenir policier au Québec qui sont enchâssés dans la Loi sur la police. Si on respecte ces critères-là, il y a possibilité d’appliquer à la Sûreté du Québec.

MS. ELIZABETH ZARPA: Okay. Thank you.

Earlier in the week we heard that when there's a major crime in Nunavik the Major Crime Unit is flown to a Nunavik community. Is it the SQ that provides those Major Crime Units to Nunavik?

CAPITAINE PAUL CHARBONNEAU: Oui, c’est exact. En vertu des niveaux de services policiers, lorsqu’un corps policier a besoin d’assistance, c’est la Sûreté du Québec qui va venir suppléer.

MS. ELIZABETH ZARPA: And do these officers speak Inuktitut?

MR. THOMAS BARNETT: Counsel, you're out of
time.

MS. ELIZABETH ZARPA: Thank you.

MR. THOMAS BARNETT: Next, if we could call the Ontario Native Women's Association? Counsel Robert Edwards, you have 18 minutes.

--- CROSS-EXAMINATION BY MR. ROBERT EDWARDS:

MR. ROBERT EDWARDS: Good afternoon Panel, Commissioners, it's my privilege to act for the Ontario Native Women's Association. I'm going to ask some questions, please, to Chief Superintendent Pritchard.

Chief Superintendent, my client's focus in this inquiry is on finding practices or programs that will stop violence against Indigenous women and girls throughout Ontario and Canada. And from your testimony today can I assume that you agree fully with that?

CHIEF SUPERINTENDENT RICHARD PRITCHARD: Absolutely.

MR. ROBERT EDWARDS: Yes. And one of the ways that the Ontario Native Women's Association believes that safety can be enhanced, violence lessened, if not stopped, is if the Indigenous Police Services are given the human resources and the tools and the opportunity to provide better protection on and off reserve. Would you agree with that as a general principle?

CHIEF SUPERINTENDENT RICHARD PRITCHARD:
Yes.

MR. ROBERT EDWARDS: Historically, do you agree that the Indigenous services have been undersupplied with the resources to do the job to your standards?

CHIEF SUPERINTENDENT RICHARD PRITCHARD: In many areas, certainly.

MR. ROBERT EDWARDS: Sir, I assume that you are familiar with the Ontario Regulation that provides mandatory adequacy and effectiveness for policing services in Ontario?

CHIEF SUPERINTENDENT RICHARD PRITCHARD: Yes, I believe that's in our package.

MR. ROBERT EDWARDS: It's in your material at Tab 0 and I don't believe that -- do you have a copy of it, sir, because I have an extra one here if you need it.

MR. JULIAN ROY: We have it.

MR. ROBERT EDWARDS: You have one? And it's at Tab --

MR. JULIAN ROY: Commissioners, that's at Tab 13 ---

MR. ROBERT EDWARDS: Tab 13, thank you.

MR. JULIAN ROY: Thirteen (13) of your book.

MR. ROBERT EDWARDS: That has not yet been entered as an exhibit, Madam -- Chief Commissioner. I believe that I'll be asking that it be so entered.
MR. JULIAN ROY: I have no issue with that at all.

CHIEF COMMISSIONER MARION BULLER: And Ontario Regulation 3/99 Adequacy and Effectiveness of Police Services is 138, please.

--- EXHIBIT NO. 138:

Ontario Police Services Act, Regulation 3/99 “Adequacy and Effectiveness of Police Services” last amendment O. Reg 185/16 (eight pages)
Witness: Chief Superintendent Mark Pritchard, Ontario Provincial Police Submitted by Robert Edward, Counsel for Ontario Native Women's Association

MR. ROBERT EDWARDS: Sir, I'm not going to read the entire thing into the record, but you would agree with me that these are mandatory standards, it speaks in mandatory language that a police service or a board or a chief of police, which actually would include the Commissioner by definition, shall do certain things; correct?

CHIEF SUPERINTENDENT RICHARD PRITCHARD: Correct.

MR. ROBERT EDWARDS: For example, number six on the second page,
"Police forces shall have a member of the police force available 24 hours a day to supervise police communication."

That's a mandatory standard in Ontario; correct?

CHIEF SUPERINTENDENT RICHARD PRITCHARD:
Yes, it is.

MR. ROBERT EDWARDS: Every chief of --

Section 10,
"Every chief of police shall,
[...] ensure that there is supervision available to members of the police force 24 hours a day"

That's also a mandatory standard; correct?

CHIEF SUPERINTENDENT RICHARD PRITCHARD:
Yes, it is.

MR. ROBERT EDWARDS: And if you go to one that is a very long list of about 28 requirements, I'll just highlight a few of them, Section 12, sir, at page 3 of the Regulation?

CHIEF SUPERINTENDENT RICHARD PRITCHARD:
Yes.

MR. ROBERT EDWARDS: "Every chief of police shall develop and maintain procedures on and processes for undertaking and managing general [crime] investigation[...]

and investigations into,
 [...] physical and sexual abuse of children;
 [...] child pornography;
 [...] criminal harassment;
 [...] domestic occurrences..."

And the list goes on and on; true?

CHIEF SUPERINTENDENT RICHARD PRITCHARD:
Yes.

MR. ROBERT EDWARDS: And the thrust of the Regulation is that Police Services shall provide adequate and effective services to the areas that they police, whatever adequate and effective means; is that fair?

CHIEF SUPERINTENDENT RICHARD PRITCHARD:
Yes.

MR. ROBERT EDWARDS: This came into effect actually in -- it says -- it's a Regulation from 1999, but it came into effect on January 1st of 2001?

CHIEF SUPERINTENDENT RICHARD PRITCHARD:
I'll take your word for that.

MR. ROBERT EDWARDS: All right. My -- it doesn't say that in the Reg, but it actually says that in the older version that I have.

Anyway, if a municipal service or a board failed to achieve that, Section 39(5) of the Police Services Act provides for a way to resolve the financial impediment. Are you familiar with that process?
CHIEF SUPERINTENDENT RICHARD PRITCHARD:

Yes, I am.

MR. ROBERT EDWARDS: After January 1st of 2001 Ontario signed a number of tripartite agreements pursuant to the Ontario First Nations Policing Agreement that included language as set out in Exhibit 41. Do you have that handy? I have an extra copy here, Counsel, if you need it.

MR. JULIAN ROY: I would say, Chief Commissioner and Commissioners, we are starting to get to the frontiers of what this witness could testify about. He's a police officer. He's not responsible for police governance. Of course, in Canada and in Ontario, the principle that civilians govern police and not the other way around is a cherished principle, so I think -- I'm just -- I'm alerting my friend of the fact that we may be getting, subject of course to your rulings, Commissioner, we may be getting to the frontiers of ---

MR. ROBERT EDWARDS: Madam Chair, I can assure that I'm not going very much further with this. It's in the record. I think at some stage I may make some argument about the difference between the old and the new, but I'm not going to ask this officer to -- really to comment on that at all. I don't think that would be fair and I agree with my friend to that extent.
Sir, you just acknowledged that the self-administered agreements had wording set out similar to that on the second -- the page of the agreement that says, "The purpose of the agreement is to provide for the continuation of effective policing and it is intended that the police service will reach a certain standard." (As read)

Is that language that you're at all familiar with?

CHIEF SUPERINTENDENT RICHARD PRITCHARD:
Yes.

MR. ROBERT EDWARDS: Thank you. Some people might say that those two standards, adequate and effective, in mandatory language are not the same as the language in the self-administered agreement, which seems to be aspirational. You think that's a reasonably held view that they're not the same?

CHIEF SUPERINTENDENT RICHARD PRITCHARD:
Yes, I think it is very much aspirational in nature.

MR. ROBERT EDWARDS: All right.

If Indigenous services opt in under the new legislation, Section 51 seems to provide very clearly -- and I'm not asking you for a legal opinion in this but I think we can all read it. The section applies if a First Nation board believes that the funding it receives from the
Minister and from other sources is not sufficient to
"provide adequate and effective policing in the area."

So it does seem to be a change or an
improvement in the standard; would you agree with that,
sir?

CHIEF SUPERINTENDENT RICHARD PRITCHARD:
Well, very much an improvement ---

MR. ROBERT EDWARDS:  Right.

CHIEF SUPERINTENDENT RICHARD PRITCHARD:  ---
you know, currently.

MR. ROBERT EDWARDS:  And may I assume that
you would actually be in favour of that improvement for the
adequacy and effectiveness for First Nations services?

MR. JULIAN ROY:  I'm a bit concerned
because, again ---

MS. CHRISTA BIG CANOE:  Yes.

UNIDENTIFIED FEMALE SPEAKER:  Slow down a
little bit ---

MR. JULIAN ROY:  I'm sorry?

UNIDENTIFIED FEMALE SPEAKER:  --- for the
translation?

UNIDENTIFIED FEMALE SPEAKER:  One mouth.

UNIDENTIFIED FEMALE SPEAKER:  One mouth at a
time.

MR. JULIAN ROY:  Yes. It’s hard for me.
I’m sorry. If we could stop ---

MR. ROBERT EDWARDS: Thank you for the caution, members of the panel.

MR. JULIAN ROY: Stop -- if we could -- the clock it stopped. I guess I’m reiterating my concern for a police officer to be giving his views on the advisability of something that civilians are responsible for. In other words, the legislative regime and governance of police.

I do think we -- if he wants -- if my friend wants to ask about the operational implications of there being different standards potentially, I think that would be in the heart of what Chief Superintendent Pritchard could speak to. But when we get into what civilian regime should apply to police, I think we start to upset the proper order of things.

MR. ROBERT EDWARDS: I was actually just going to operations, and I thank my friend for that.

If an Indigenous service opts in, and that’s another whole other issue, it would appear that there could be some improvement in their operational capacity, is that fair?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, and I think it would also give them the ability under adequacy and effectiveness standards to ---

MR. THOMAS BARNETT: Sorry, if we can just
restart the clock.

CHIEF SUPERINTENDENT MARK PRITCHARD: I think as adequacy and effective standards is written now, it also gives the Board the opportunity to form an agreement with another police service that can provide those services.

MR. ROBERT EDWARDS: And what you have, sir, with those agreements is a blending and mutual support, typically between the OPP and the Indigenous services, right? And it’s a balancing of the -- that they work out together, is that fair?

CHIEF SUPERINTENDENT MARK PRITCHARD: And I think that’s how it’s operationalized right now, actually, by in large.

MR. ROBERT EDWARDS: Right. But if an Indigenous service such as Treaty 3 or NAPS was to opt in, would you -- would you assume that the service level on reserve could be enhanced?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. ROBERT EDWARDS: So would you support if they had a 24 hour communications capacity in the Indigenous service?

CHIEF SUPERINTENDENT MARK PRITCHARD: Of course.

MR. ROBERT EDWARDS: Would you support it if
they had a criminal investigation management capacity in
the individual Indigenous service?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. ROBERT EDWARDS: And that other shopping
list of investigative tools, and investigative areas, would
you -- would you be in support of the Indigenous services
having enhanced capacity there?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes.

MR. ROBERT EDWARDS: Thank you.

Sir, this -- the legislation, Section 51 and
it is part of the new Police Services Act 2018, has been
passed and a proclamation date has been announced some
time, I think it’s a year in the future. Do you have any
reason to suspect that it might not come into force?

MR. JULIAN ROY: That’s -- in my respectful
submission that’s -- there is no way.

MR. ROBERT EDWARDS: I’ll withdraw that.

CHIEF COMMISSIONER MARION BULLER: Yes,
thank you.

MR. ROBERT EDWARDS: In any event, sir, the
-- I trust that the OPP would continue to work
cooperatively with the Indigenous services, no matter what
level of capacity it took to itself in it’s movement
towards self-government and self-regulation?

CHIEF SUPERINTENDENT MARK PRITCHARD: The
position that our Police Commissioner has taken is that the OPP will do everything we can to support First Nations police services in Ontario, and to help them succeed.

**MR. ROBERT EDWARDS:** Thank you for that, sir. Thank you also, for the strength-based video that you shared with us this afternoon. I think we all found that to be quite moving.

Sir, I’m going to switch to another question, sort of looking back, and then one sort of looking forward. You’re the lead on the OPP on Inquiry team; is that correct?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

**MR. ROBERT EDWARDS:** And in -- did you in that responsibility, I assume you conducted reviews of OPP programs, and practices, and training respecting missing persons, and human trafficking, and sexual assault, et cetera?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes.

**MR. ROBERT EDWARDS:** Major case management policing support for Indigenous policing partners, you looked at all that?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** Yes, we did.

**MR. ROBERT EDWARDS:** You did. And thank you for that. As part of that review, looking backwards to
today, did the OPP seek out the expertise of Indigenous women’s organizations or Indigenous women with lived experience as part of its preparation for coming here?

CHIEF SUPERINTENDENT MARK PRITCHARD: Yes, we did.

MR. ROBERT EDWARDS: I see. Well, then may -- on a go forward basis, sir, would you assume that you would -- after the Commission issues its decision, or issues its recommendations, may I assume that you would similarly consult and seek the expertise of Indigenous women’s organizations and Indigenous women with lived experience about implementation?

CHIEF SUPERINTENDENT MARK PRITCHARD: We’re already planning to do that before any recommendations come down. You know, we’ve got our list of 10 recommendations that we’ve respectfully put forward. Many of those we can move forward on ourselves as a police service. And as I said earlier, consultation will be very much part of that, including some of the Indigenous families that we interviewed where we were told we weren’t communicating very well. You know, we’re going to hopefully some of those families will agree to help us get better and improve our responses, improve our communications.

MR. ROBERT EDWARDS: Thank you for that, sir. I think it would be a synergy of mutual strengths
might system an effective implementation. I’ve not taken up all my time, and those are my questions for you, sir, and thank you. Thank you to the panel.

MR. THOMAS BARNETT: Thank you, counsel. If we could next call up the British Columbia Civil Liberties Association. We have counsel Ms. Michael Vonn. You have 13 minutes.

--- CROSS-EXAMINATION BY MS. MICHEAL VONN:

MS. MICHEAL VONN: Good afternoon. I would first like to thank the Aboriginal Legal Services for allocating some of their minutes to us. Being from British Columbia, it may come as no surprise that many of my questions are for Deputy Commissioner Butterworth-Carr.

Deputy Commissioner, I acknowledge that the major case management principles and protocol are applicable and mandatory, regardless of size of detachment. I would like to explore some of the possible gaps between the policy and the practice, or aspiration, and how the methodology scales to smaller communities.

So first, I would ask you if you would echo the testimony of your colleague, Chief Superintendent Pritchard, in acknowledging that there have been many concerns from indigenous families and communities regarding the adequacy and the appropriateness of the investigations into the deaths of their family and community members?
DEPUTY COMMISSIONER BUTTERWORTH-CARR:

Absolutely. I acknowledge that there’s been concerns expressed, absolutely.

MS. MICHEAL VONN: Thank you.

Noting the importance of an addition -- rather initial assessment and the categorization that evaluations come in, could I confirm with you that the sudden death investigation protocol requires that the default is set for deaths to be considered suspicious until the are proven otherwise. Is that the case?

DEPUTY COMMISSIONER BUTTERWORTH-CARR: So according to our human death policy, it clearly states that all human deaths need to be approached as though suspicious in nature until deemed otherwise, yes.

MS. MICHEAL VONN: Thank you.

And it is the coroner or pathologist who makes an official determination into the cause of death; is that correct?

DEPUTY COMMISSIONER BUTTERWORTH-CARR: Yes, it is.

MS. MICHEAL VONN: So if at the scene of a death, a family or community member were to overhear an officer greeting the coroner with words such as, “She was drunk, she fell in the river, and she drown.” Would that be inappropriate?
expectation and the training that all of our employees receive is that they are to be respectful in all instances. And if they’re not, and that information is brought forward, then we have an internal discipline policy where we would initiate an investigation if they were being disrespectful.

MS. MICHEAL VONN: And in your view, is that a likely breach of the policy that you just referenced?

DEPUTY COMMISSIONER BUTTERWORTH-CARR: It would certainly warrant a follow-up investigation.

MS. MICHEAL VONN: And who should the family or community member bring that concern to?

DEPUTY COMMISSIONER BUTTERWORTH-CARR: Families have a number of options. They can certainly bring it to the attention of the local detachment. If they didn’t feel comfortable bringing it forward to the local detachment then they also have the ability to bring it to the B.C. Liberty attention, as well as the commission -- the CRCC, so the Civilian Rights Complaints Commission. And there’s a number of avenues that they can bring it forward so that it could be thoroughly reviewed.

MS. MICHEAL VONN: Thank you. Deputy Commissioner, could you speak given the community’s concerns about how alcohol or drug ingestion has factored
into the determinations in so many of these cases? Could you please speak to the role of alcohol and drug use in investigations of these kinds?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

So, we certainly know that there has been an increase in opioid deaths within our Indigenous communities across the Province of British Columbia. You know, obviously that’s incredibly concerning, and we’re working with the Ministry of Health, as well as many other agencies to address it.

You know, the opioid crisis is significant in the Province of British Columbia, and I know that many of our communities across Canada are feeling it. It’s something that, you know, we want to continue to work with all of our communities in a multi-agency approach so that we can ensure that, you know, not only are we looking at enforcement options, but prevention and interdiction. It’s incredibly troubling.

**MS. MICHEAL VONN:** Indeed. And, Deputy Commissioner, could you speak specifically to the role of how, or if there are any directives within your division about how to view the ingestion of drugs or alcohol by a victim in relation to the investigation of that crime? For example, deaths that involve women falling from tall buildings.

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
So, that determination obviously would be through either the coroner, medical examiner and/or the pathologist who ultimately makes the final ruling with respect to cause of death.

**MS. MICHEAL VONN:** Certainly. But, the potential for investigating that event as an accident, a suicide or a potential crime is left to the police; am I correct?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

Now, as I was mentioning, we respond to all of our human deaths as they are suspicious, we investigate them. And then, ultimately, the coroner and/or the pathologist -- forensic pathologist will make that determination of cause of death.

**MS. MICHEAL VONN:** Thank you. Could we look at the major case management mechanism for a moment and, specifically, the provisions for independent file assessment? Who would do an independent file assessment?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

So, with respect to the independent file assessment as it pertains to our major crime units, as I was mentioning, we have the Office of Investigative Standards and Practices in the Province of British Columbia, and they would do the review. We also have a Special Projects Team who would, you know, look at some of our investigations as well. So,
it’s an independent lens to ensure that, you know, it’s strictly -- the Major Case Management principles are strictly adhered to.

In addition too, there’s -- with the special projects team, because they’re a peer review, they have a tremendous amount of experience, and it would be their responsibility, again, to review it to see if there’s any furtherance with respect to investigative techniques or avenues that they needed to pursue that the team commander or the primary investigator may not have considered. So, there’s a series of levels. And then it’s also provided to the senior officer, who’s an accredited team commander as well. There’s many levels of assessment and evaluation for our files.

MS. MICHEAL VONN: Do it take it then that that review is what is referred to as a paper review? So, you’re reviewing the documents only?

DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR: No, it’s the entirety of the investigation. It’s in our electronic case management. They will look at as to what’s already occurred. And, again, they’ll look at the techniques that have been used, you know, in terms of processing of some of the exhibits that might be associated to it. You know, they review the statements that may have been required -- or acquired, pardon me, from witnesses and
so forth, and there’s many aspects of it that they review.
It’s fairly broad.

**MS. MICHEAL VONN:** And, is any of that conducted in a way that would, for example, involve re-
interviewing any of those witnesses or probing any of the
documentation that finds its way into the electronic
systems?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
They have access to do all of that, absolutely.

**MS. MICHEAL VONN:** And, would they do so in a small detachment?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**
Absolutely. So, within the Province of British Columbia,
we have the District Senior Investigative Officers, and they’re all accredited team commanders. And so, if there is a file that’s at a smaller detachment, again, they have the ability to review it. They would initiate that review and, again, they would bring in, like the Special Projects Team for a peer review. So, there’s multiple layers. Like, files are not left at detachments with inexperienced individuals. There’s a very sound, robust opportunity to review that, and that happens consistently.

**MS. MICHEAL VONN:** I note -- thank you. I note that the policy says that this “should” be done. It is not mandatory. It should be done when necessary, is the
wording of the policy. Would a family concern of investigational inadequacy constitute a reason for a review being deemed necessary?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

So, as much as the policy says “should”, I can tell you in the Province of British Columbia, they are done. If it’s a benchmark offence or if it’s a serious investigation where the Major Case Management principles are applied, they are strictly adhered to, and those reviews are done continuously. And, I would say that if families do, in fact, have concerns with respect to the investigation, or if they don’t feel that they’re receiving fulsome information, then they can certainly reach out and contact, you know, through the major crime team in the area, through the District Senior Investigative Officer. Like, there’s a number of avenues that they can bring their concerns forward.

**MS. MICHEAL VONN:** But, certainly, with respect, in many cases, it would be those very people who are conducting the investigation, would it not?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

No, it would not be. It would actually be at a senior level.

**MS. MICHEAL VONN:** Okay. How would families become apprised of whether or not an independent file
assessment had been conducted?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

They can ask.

**MS. MICHEAL VONN:** Who?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

They can ask the investigator, and that’s something that can be shared in terms of has it been reviewed, who’s reviewed it. They can certainly ask.

**MS. MICHEAL VONN:** Assuming that they hadn’t just previously read the night before, as I did, the Major Case Management protocol, how would they know to even do such a thing?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

In the course of their conversations that the investigators have with family members and/or the family liaison officers. Again, you know, we share as much information as possible without compromising the integrity of the investigation. And, if the family does have concerns, you know, they can certainly ask those questions at that point. If they don’t feel that the answers are responsive enough, then they can elevate it to a higher level.

**MS. MICHEAL VONN:** Would E Division consider putting together some materials that would guide a family through how they would go about making their concerns about the adequacy of the investigation known and be made
effective in terms of a response to the RCMP?

**DEPUTY COMMISSIONER BRENDA BUTTERWORTH-CARR:**

Yes. So, the family guide that’s in the back of the book, it’s certainly an opportunity I think that we can place it in there. But, we do cover off as to why the investigator won’t answer the phone when the family members call and/or, you know, why police won’t tell us specific information about the investigation itself. So, there’s certainly an opportunity for that.

**MS. MICHEAL VONN:** Okay. Thank you.

Quickly, if I might just speak to Chief Superintendent Pritchard, I would like to follow-up on the question of the neglect of duty. We have canvassed that neglective duty could result in serious disciplinary infractions. My question to you would be, realistically, who could bring forward such a complaint other than people already within the detachment and working on the investigation?

What I’m getting at here, Chief Superintendent, is, how could you possibly know if such an infraction had occurred or such a complaint was warranted as a member of the general public or indeed someone involved in the investigation, let’s say, a family member?

**CHIEF SUPERINTENDENT MARK PRITCHARD:** That’s a little bit hypothetical, but if I understand you correctly, anybody can make a complaint to the civilian
oversight body in Ontario if they’re not satisfied with how
the police are or a police officer have performed their
duties. There’s really two aspects to that complaint.
They can make a complaint against the police service itself
for not following their protocols or practices, or they can
make a conduct investigation specific to an officer or
officers.

MS. MICHEAL VONN: True. How would you know
that the protocols and practices had not been fulfilled?

MR. THOMAS BARNETT: Thank you, counsel.
That’s actually your allotted time.

MS. MICHEAL VONN: I am done. Thank you.

(LAUGHTER)

MR. THOMAS BARNETT: Thank you. And, next,
if we can call up the Assembly of First Nations Québec-
Labrador? Counsel Wina Sioui you have 10.5 minutes.

--- CONTRE-INTERROGATOIRE PAR Me WINA SIoui:

Me WINA SIoui: Bonjour, est-ce que vous
m’entendez? Oui.

Bonjour, Mesdames les commissaires.
Bonjour, Monsieur le commissaire. Bonjour, chers
panellistes.

Mes questions... bien, premièremen, mon nom
est Wina Sioui. Je représente l’Assemblée des Premières
Nations Québec-Labrador et je m’adresse aujourd’hui
évidemment à Monsieur... Capitaine Charbonneau.

Capitaine Charbonneau, je vous réfère à la ligne du temps que vous avez déposée en preuve.

CAPITAINE PAUL CHARBONNEAU: Quel tab,
Maître?

Me WINA SIOUI: Honnêtement, je suis un peu... j’ai eu de la difficulté à suivre la liste des exhibits. Je suis pas certaine que c’était écrit non plus. Donc, je vous réfère à la pièce. Les événements... ben, c’est ça, la liste... la pièce, pardon, c’est la ligne du temps.

CAPITAINE PAUL CHARBONNEAU: OK.

Me WINA SIOUI: Je suis désolée là de...
Donc, pour pas trop prendre...

CAPITAINE PAUL CHARBONNEAU: J’écoute la question.

Me WINA SIOUI: Vous vous rappelez de la pièce?

CAPITAINE PAUL CHARBONNEAU: Je l’ai.

Me WINA SIOUI: La ligne du temps, c’est vous...

CAPITAINE PAUL CHARBONNEAU: Oui.

Me WINA SIOUI: ...c’est votre pièce?

CAPITAINE PAUL CHARBONNEAU: Oui. 118.

Me WINA SIOUI: 118?

PERSONNE NON IDENTIFIÉE: Oui.
Me WINA SIOUI: Excellent.

Dans cette ligne du temps, la mention « Événements survenus à Val-d’Or » est indiquée à côté de l’année 2015. Est-ce exact?

CAPITAINE PAUL CHARBONNEAU: Oui, c’est exact.

Me WINA SIOUI: À votre connaissance, est-ce que c’est possible qu’il y ait eu des allégations ou des dénonciations d’abus policiers envers des femmes des Premières Nations avant 2015, notamment à Val-d’Or, entre autres?

CAPITAINE PAUL CHARBONNEAU: Oui, c’est possible.

Me WINA SIOUI: Est-ce que vous êtes au courant?

CAPITAINE PAUL CHARBONNEAU: Je n’ai pas une connaissance personnelle, mais j’ai entendu le témoignage cette semaine.

Me WINA SIOUI: OK. Merci. Votre biographie introduite également en preuve au numéro de pièce que je n’ai pas…

M. BRYAN ZANDBERG: Vous allez l’avoir.

Me WINA SIOUI: …fait mention que vous êtes notamment membre du Comité de discipline de la Sûreté du Québec, et ça depuis 2013.
M. BRYAN ZANDBERG: Pièce 113, Maitre Sioui.

Me WINA SIOUI: Merci.

M. BRYAN ZANDBERG: J’adore être votre greffier.

Me WINA SIOUI: Pardon?

CAPITAINE PAUL CHARBONNEAU: J’adore être votre greffier.

Me WINA SIOUI: Ah oui, oui! Excellent.

Donc, considérant vos responsabilités et vos fonctions en lien avec la discipline, pourriez-vous nous dire si les allégations ou les dénonciations d’abus policiers envers des femmes des Premières Nations, particulièrement à Val-d’Or ou ailleurs au Québec, ont fait l’objet de mesures disciplinaires avant 2015?

CAPITAINE PAUL CHARBONNEAU: En fait, je n’ai pas cette information-là. J’aimerais clarifier ce qui peut arriver lors d’allég... parce qu’une allégation d’inconduite sexuelle ou d’agression sexuelle, ça, c’est un crime, c’est une infraction criminelle sanctionnée par le Code criminel du Canada. Dans cette mesure-là, il doit y avoir une allégation faite au ministre et y’a une enquête qui va être faite par la Direction des normes professionnelles dans le but de déposer des accusations devant la Cour du Québec, Chambre criminelle. À ce moment-là, le Comité de discipline, dont je fais partie, n’est pas impliqué.
Ce qu’il faut comprendre, au Québec, c’est que y’a trois avenues. Lorsque y’a une plainte, y’a trois avenues possibles : y’a une allégation criminelle, donc une enquête criminelle dans le but de déposer des accusations; y’a, comme je mentionnais dans mon interrogatoire principal, la Déontologie policière qui vient gérer les relations entre les citoyens et le public, ça, c'est fait par le commissaire à la Déontologie policière du Québec, à ce moment-là le Comité de discipline, dont je fais partie, n’est pas impliqué; et il y a le Comité de discipline lorsque, après ces options-là, si y’a une infraction au Code de discipline, et dans des cas comme ça, certainement que y’aurait une infraction possible si ce n’est que d’entacher l’honneur de la Sûreté du Québec, à ce moment-là, ça viendrait devant le Comité.

Me WINA SIoui: Donc, justement, à ce moment-là, y’a certaines informations qui vous sont partagées.

Capitaine Paul Charbonneau: Comme membre du Comité de discipline là, juste pour le bénéfice des commissaires, je suis un peu comme le juge et j’entends la cause. Alors, avant l’audience, je n’ai pas ces informations-là.

Me WINA SIoui: Mais est-ce que, justement pour mieux comprendre le rôle ou… j’aimerais connaître les… est-ce que… est-ce que y’a un suivi qui est apporté une
fois que y’a une mesure disciplinaire? Ou qu’est-ce que la… qu’est-ce que votre comité est en mesure de faire ou… pour montrer là le sérieux qui peut être apporté à une mesure disciplinaire?

**CAPITAINE PAUL CHARBONNEAU:** Oui. En fait, je peux peut-être prendre un exemple là rapide. Disons qu’un policier prend des congés auxquels il n’a pas droit, alors c’est une infraction au Code de discipline, y’aurait enquête. Ça, c’est purement disciplinaire à ce moment-là. Y’aurait enquête, y’aurait dépôt d’accusation disciplinaire devant le Comité de discipline par la Direction des normes professionnelles à la Sûreté du Québec.

À ce moment-là, le Comité est composé soit de un membre, à ce moment-là c’est un officier de la Sûreté du Québec, ou de trois membres, dépendamment de la sanction possible. Quand c’est un comité à trois membres, on siège en fait à deux policiers et un membre civil du comité.

Lorsque y’a… l’employé dans le fond, le membre de la Sûreté du Québec, est reconnu dérogatoire, y’a une sanction qui est applicable. Le suivi de l’application de cette sanction-là est sous la responsabilité de la Direction des normes professionnelles à la Sûreté du Québec.

**Me WINA SIOUI:** OK. Merci.

Je vais faire référence au Poste de police mixte de Val-d’Or que vous avez appelé, ben, l’acronyme là,
PPCMA, je crois?

CAPITAINE PAUL CHARBONNEAU: C'est exact.

Me WINA SIOUI: Quel type d'agents compose ce poste de police?

CAPITAINE PAUL CHARBONNEAU: C'est des agents patrouilleurs. Y’a également du personnel de supervision. Actuellement, le PPCMA – et je vous remercie pour la question, c’est de quoi je voulais dire tantôt –, le PPCMA actuellement est dirigé et codirigé par un policier de la Sûreté du Québec et Mme Sally Rankin, qui est un membre – et là, je m’excuse, je me rappelle pas de quelle communauté.

Me WINA SIOUI: Probablement Anishnabe d’Abitibiwinni?

CAPITAINE PAUL CHARBONNEAU: Je pourrais pas vous dire de quelle communauté, mais effectivement c’est une Anishnabe. Et y’a des patrouilleurs. Ça a été fait sur des bases volontaires.

Lorsque le projet a germé, rapidement il a été annoncé, c'est vrai, ça été dit dans le fond dans l’interrogatoire principal, et y’avait pas eu consultation à ce moment-là. Par contre, dans la phase de planification pour faire la mise en œuvre, y’a eu invitation à la communauté entre autres de Lac-Simon, de Kitcisakik et le Centre d’amitié autochtone de participer et le projet,
lorsqu’il a été complété, que y’a eu effectivement des
patrouilleurs sur le terrain, des intervenants sociaux, ce
n’est que plus tard.

On a d’ailleurs appris de d’ça et y’a un
projet qui s’en vient à Sept-Îles dans...

Me WINA SIOUI: Monsieur, sincèrement, c’est
parce que je vois mon temps qui passe, puis là, vous... on
est rendus un peu plus loin que la réponse à la question.
Est-ce que vous êtes d’accord? Je vais ramener un petit peu
là parce que ma question, c’était quel type d’agents qui
compose, puis je me demandais justement si y’avait combien
de policiers des Premières Nations qui sont à l’emploi.

UNIDENTIFIED SPEAKER: If we could stop the
clock, we have an objection.

PERSONNE NON IDENTIFIÉE: On s’ennuyait.

Mme MARIE-PAUL BOUCHER: Désolée, Maitre
Sioui.

Je voulais juste mentionner, si c’est
possible que le témoin puisse terminer... terminer la réponse
à sa question. Il n’avait pas encore terminé. Je crois que
les interrogatoires doivent être faits de manière
respectueuse et les règles de pratique, de ma
compréhension, permettent au témoin et encouragent le
témoin à terminer leur réponse avant d’être coupé par un
autre procureur.
Me WINA SIOUI: Je vais répondre. J’aimerais répondre.

Justement, on parle de réponse à une question. Je suis pas certaine que c’était une réponse à ma question. <Rires> Donc, c’est pour ça que j’ai fait une intervention.

Me BERNARD JACOB: En complément, la question était: « Quel type de policier compose le poste PP... Pardon?

PERSONNE NON IDENTIFIÉE: (Inaudible : hors micro)

Me BERNARD JACOB: « Quel type de policier compose le poste PPMA? » Et la réponse est : « On va en faire un autre à Sept-Îles, puis il va...

Me WINA SIOUI: Ben, c'est ça.

Me BERNARD JACOB: Donc, on était en projection, alors je pense que l’objection est bien fondée. Euh, mal fondée, excusez.

Mme MARIE-PAUL BOUCHER: Si je peux répliquer à ça, y’a quand même... elle a quand même demandé quel genre d’agents et qu’est-ce que c’était, et il l’expliquait qu’est-ce que c’était. Donc, je crois que mon objection était fondée, Mesdames et Messieurs les commissaires.

d’agents compose le centre? » Tout, tout simplement.

**MS. CHRISTA BIG CANOE:** So, if I might as well, on behalf of the Commission Counsel and in the interest of time, the general concept and rule is respectful questions, but you have to balance that with the accurate answer of questions and that is what I’m simply putting before you for your determination.

**CHIEF COMMISSIONER MARION BULLER:** Sir, is there anything else you’d like to add to your answer?

**CAPITAINE PAUL CHARBONNEAU:** Ben, je dirais, Madame la commissaire, respectueusement, la réponse à la question, c’est : c’est des agents patrouilleurs qui sont à Val-d’Or dans le PPCMA.

**CHIEF COMMISSIONER MARION BULLER:** Okay. Thank you.

**Me WINA SIOU:** Merci.

**CHIEF COMMISSIONER MARION BULLER:** Okay. Thank you.

**Me MARIE-PAULE BOUCHER:** Merci.

**MS. CHRISTA BIG CANOE:** We can start the time again, please.

**MS. WINA SIOU:** Ma question c’était pour en venir à combien de policiers de Premières Nations sont à l’emploi du poste et de quelle nations, s’il y a des agents qui viennent de Premières Nations, qui sont Premières
Nations, de quelles nations ils proviennent?

**CAPITAINE PAUL CHARBONNEAU:** En fait, à ce moment-ci, j’ai pas cette information précise là. Je m’engage à la transmettre à la Commission.

**Me WINA SIoui:** Je trouve ça dommage parce que j’aurais aimé... on parle quand même d’un poste de police mixte qui est supposé être mixte.

Justement, qu’est-ce qu’on entend par mixte?

**CAPITAINE PAUL CHARBONNEAU:** En fait, c’est ce que je suis en train de faire, c’est la philosophie ÉMD, Équipe mixte d’intervention policiers/intervenants communautaires. Il y a, à l’intérieur de ce poste, des intervenants communautaires. Je vais anticiper votre question pour dire je ne sais pas de quelle nation ils sont et s’ils sont autochtones. Je sais pour sûr que la codirectrice du poste est une Anishinaabe qui s’appelle Madame Sally Rankin.

**Me WINA SIoui:** Merci.

Donc, on va prendre en note l’engagement.

Donc, prochaine... ma prochaine question : considérant le fait que les corps policiers des Premières Nations sont largement sous financés et que ce sont les gouvernements de chacune des nations du Québec qui doivent payer pour la formation de leurs membres à l’École nationale de police du Québec, qui doivent justement payer
pour la formation de leurs membres et les sommes sont vraiment considérables. On parle de... on a entendu cette semaine 28 000 versus 8 000. Donc, 28 000 pour un membre des Premières Nations et ce montant-là doit être pris, si le Conseil, le gouvernement de la nation dans laquelle cette personne est membre, si le gouvernement de cette nation accepte de payer, c’est 28 000 $ que ça coûte et versus 8 000, de ce que j’ai compris, pour monsieur et madame qui ne sont pas Premières Nations.

Donc, je comprends qu’il y a un poste de police mixte, entre autres, c’est un exemple, mais la Sûreté du Québec aussi, on a compris, embauchait des policiers Premières Nations.

Considérez-vous qu’il n’y a pas une certaine iniquité ou une inégalité pour la SQ qui offre des conditions salariales nettement plus avantageuses que peuvent le faire les corps de policiers des Premières Nations?


Me WINA SIOUI: Ma question c’était pas sur
le... je ne vous demandais pas aujourd’hui de changer les salaires mais bien une question de... il n’y a pas une disproportion? Je vous demandais votre opinion là-dessus. Évidemment, vous n’êtes pas obligé d’y répondre.

Mais ce que je voulais savoir aussi c’est quand vous offrez un emploi à un membre d’une Première Nation que c’est son Conseil qui a payé sa formation, est-ce que la SQ rembourse ses coûts-là au Conseil?

**CAPITAINE PAUL CHARBONNEAU**: En fait, quand on engage un membre d’une Première Nation comme policier à la Sûreté du Québec, c’est le Gouvernement du Québec qui paye son salaire.

**Me WINA SIoui**: Oui, le salaire. Je parle de la formation pour qu’il arrive à être embauché?

**MS. CHRISTA BIG CANOE**: So -- sorry. Sorry, your time’s up.

**MS. WINA SIoui**: Okay. Yes.

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

I just wanted to canvass the Commissioners in terms of proceeding and how you would like to proceed. It’s now 5:30. One of the recommendations is that we would do what we have done for the last number of days, which is reconvene at 7:45 for opening, and start testimony at 8:00. A rough estimate of that has most of cross-examination done by lunchtime, approximately, or we’ll take your direction
on how we proceed for the remainder of the day.

**CHIEF COMMISSIONER MARION BULLER:** We’re going to stop for the day. I think that’s pretty clear. We’re going to stop for today. We’ll reconvene tomorrow morning at 7:45 to begin evidence at 8:00 a.m. We are officially adjourned for the day.

However, of course, we have other obligations that are wonderful. Thank you. Go ahead.

**MR. VERN BELLEGARDE:** Okay. Thank you very much, ladies and gentlemen. Is Grandma Louise -- Louise, I’ll ask you to extinguish the qu’liq. And, if you’ll give me -- yes, go ahead. She’s just going to blow it out.

(LAUGHTER)

**MR. VERN BELLEGARDE:** I’ve got a couple of short stories to -- which I hope may have some impact, perhaps, on some of the people that may be suffering and caring burdens, and I’ll share them with you. We’ll be out of here before 7:00.

(LAUGHTER)

**MR. VERN BELLEGARDE:** Actually, it may take about 2 or 3 minutes, and then we’ll have our closing prayer by Haus (phonetic) and Joanne. Are they here? Okay.

The first story I’d like to tell, about 40 years ago, I was called by the RCMP to come and identify a
body. It was my brother, we were about 18 months apart, and we spent all of our lives together hunting, fishing, trapping, playing ball, playing hockey.

What had happened, he was drinking with some friends. They had a broken muffler. He agreed to go fix it. While he was under the car, they decided they’re going to run him over, which they did, back and forth, back and forth. They went in and drank some more. My brother crawled up along the house, broken back, broken legs. They came out, saw him, pulled him out again, ran him over again, back and forth, back and forth. I was called to identify the body.

I bore this with me for about three years, and the Creator -- I talked to the Creator, how do I fix it? He said to forgive. Today, I hugged those people. Every time I see them, I’ve told them I have forgiven them.

Another story. I told you about my son. He wasn’t really my son, he was my daughter’s son, but we raised him from the time he was 9-months-old. He was stabbed in the back for 10 bucks and a bag of weed. My daughter went to the trial, the judge asked her if she would like to say something to the prisoner. She went to the railing and said, and I won’t use his name, but she said, “Danny, look at me.” He had his head down. And, she yelled at him, “Danny, look at me.” He looked up. She
said, “Danny, you took something from me. I forgive you.”
And, that’s something we have to do if we want to get on
with our lives. There’s a book here that says if you
cannot forgive, nothing good can come to you. It’s the
Bible, and I stand on God’s word.

Another story, a short one. Two weeks ago, I
attended my grandson’s graduation. Fourteen years ago, I
and his dad sat on a porch, we’re having coffee, and he was
with us. His dad asked him, “What do you want to be when
you grow up?” “I want to be like Papa.” “Why,” he says.
“Papa doesn’t drink.” And, this fall in this fall it'll be
38 years since I had a drink. Stood in the field with
colours all around me and yelled at my Creator, "Take it
away. Take it away." He lifted me up. From that day 'til
now I've never had a drink, never wanted a drink. Call on
your Creator. He's there for us.

I'd like to call on -- is Audrey here or did
she take off? Audrey Seagull? She was going to do a
little song presentation for us. But anyway, I'll --
music, please.

I'd like to call on Haas and Joanne Jack to
say our closing prayer and we'll see you at 7:15 in the
morning.

**MS. JOANNE HAAS:** Thank you, Elder Vern.

May we all rise, please?
(CLOSING PRAYER)

MS. JOANNE HAAS: Meegwetch.

ELDER VERN BELLEGARDE: Okay. We'll see you in the morning at 7:45. There's a pledge ceremony again at 7:00 followed by breakfast. And I left some money at the casino last night. I'm going to go get it back. Anybody else leaves some? If they did, I'll try to pick that up too. Have a great evening.

--- Upon adjourning at 6:38 p.m.
LEGAL DICTA-TYPIST’S CERTIFICATE

I, Félix Larose-Chevalier, Court Transcriber, hereby certify that I have transcribed the foregoing and it is a true and accurate transcript of the digital audio provided in this matter.

Félix Larose-Chevalier

June 25, 2018