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

PUBLIC

Mixed Part 2 & 3 Volume 5
Monday September 17, 2018

Panel 1:
“First Nations Policing: Agreements & Legislation in Ontario”

Chief Terry Armstrong, Nishnawbe-Aski Police Service

Mike Metatawabin, Nishnawbe-Aski Police Service Board Chair

INTERNATIONAL REPORTING INC.
II
APPEARANCES

Amnesty International Canada

Assembly of First Nations

Assembly of Manitoba Chiefs

Association of Native Child & Family Service Agencies Ontario (ANCFSAO)

Awo TAAN Healing Lodge Society

Canadian Association of Chiefs of Police (CACP)

Canadian Association of Police Governance/First Nations Police Governance Council

Congress of Aboriginal Peoples

Directeur des poursuites criminelles et pénales (Québec)

Eastern Door Indigenous Women's Association

Families for Justice

Femmes autochtones du Québec

Jacqueline Hansen (Representative)

Julie McGregor (Legal Counsel)

Stacey Soldier (Legal Counsel)

Josephine de Whytell (Legal Counsel), Daniel McCoy (Articling student)

Darrin Blain (Legal Counsel)

Ashley Smith (Legal Counsel)

Michelle Brass (Legal Counsel)

Melissa Cernigoy (Representative)

Anny Bernier (Legal Counsel)

Natalie D. Clifford (Legal Counsel)

Suzan E. Fraser (Legal Counsel)

Rainbow Miller (Legal Counsel)
III
APPEARANCES

Government of Alberta Doreen Mueller (Legal Counsel)
Government of Canada Anne Turley (Legal Counsel), Marie-Eve Robillard (Legal Counsel), Nancy Azzi (Legal Counsel)
Government of British Columbia Jean Walters (Legal Counsel), J. Alexandra Dutton (Legal Counsel)
Government of Manitoba Coral Lang (Legal Counsel), Lorraine Prefontaine (Legal Counsel)
Government of New Brunswick Heather Hobart (Legal Counsel)
Government of Newfoundland and Labrador Denise Spencer (Legal Counsel)
Government of the Northwest Territories Karin Taylor (Legal Counsel)
Government of Saskatchewan Barbara Mysko (Legal Counsel)
Government of Yukon Minister Jeanie Dendys (Representative), Valerie Royle (Representative)
Independent First Nations Josephine de Whytell (Legal Counsel), Daniel McCoy (Articling student)
Inuit Tapiriit Kanatami (ITK) Elizabeth Zarpa (Legal Counsel)
Innu Takuaikan Uashat mak Mani-Utenam (ITUM) Elise Veillette (Legal Counsel)
Manitoba Keewatinowi Okimakanak (MKO) Jessica Barlow (Legal Counsel)
MMIWG Coalition Manitoba Catherine Dunn (Legal Counsel), Hilda Anderson Pyrz (Representative)
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Chair: Christa Big Canoe, Commission Counsel
Second Chair: Thomas Barnett, Commission Counsel

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

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


Clerks: Bryana Bouchir & Gladys Wraight

Registrar: Bryan Zandberg
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**Panel 1: First Nations Policing: Agreements and Legislation in Ontario**

**Witnesses:** Chief Terry Armstrong & Chair Mike Metatawabin  
**Counsel:** Christa Big Canoe (Commission Counsel)

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

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

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

**(OPENING CEREMONY/CÉRÉMONIE D’OUVERTURE)**

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

* Kwe-kwe aweti’. Bienvenue, tout le monde.

Bienvenue sur le territoire Nionwentsio de Wendake. Ah,
o.k.

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

Je ne serai pas long parce que pour moi une
cérémonie ce n'est pas un spectacle. C'est vraiment un
remerciement au Créateur.
I won't be long since that for us, purification is not a show. It's something to be grateful to the Creator way up there. Okay.

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

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

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

(COURTE PAUSE/SHORT PAUSE)

M. ROLLAND SIoui: Puisset le Créeateur vous apporter plein de petits bonheurs quotidiens pendant tout le restant de votre vie. Tiawenhk.

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

Merci. Bonne journée.

Mme NADINE GROS-LOUIS: Tiawenhk, Monsieur
Sioui.

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

**Mme PENEOPE GUAY:** Merci. Bon matin.

Bienvenue à cette semaine qu'on va vivre ensemble. Merci aux commissaires d'être présents. Merci aux grand-mères aussi qui sont présentes avec moi pour le support avec les commissaires.

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

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

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

Je remercie aussi le Créateur de nous avoir choisis d'être ici. C'est lui qui a fait le choix que
nous travaillons, que nous sommes responsables de faire ce qu'on a à faire ici. C'est une grande responsabilité puis je le remercie de nous avoir donné cette responsabilité. Faut en être fier. Faut travailler avec honnêteté, avec sagesse.

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


_Mme NADINE GROS-LOUIS:_ Tiawenhk, Penelope.

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

_(ALLUMAGE DU QULLIQ/LIGHTNING OF THE QULLIQ)_

_MS. REBECCA VEEVEE:_ My lighter is not working.

_(RIRES/LAUGHTER)_

_MS. REBECCA VEEVEE:_ Thank you, sir.

Okay. (Speaking in Inuktitut) This is lighting for us, my grandmother said -- woke up in the morning, he laid in a (Speaking in Inuktitut). Everybody so smiling happy. Like a candle, it’s not a candle, it’s Qulliq, making food and making tea and making bannock and
we play outside. We come back home, the house is so warm, I want to be here to the warm. Okay. Thanks very much. Here’s grandma. My grandma say, “Don't touch the Qulliq because we don't have another house if we are burn it.” I liked to touch it but I was a kid, we’re not allowed to touch it because we only have one house. That's my grandmother key.

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

(LAUGHTER/RIRES)

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

So, I’m Nadine Gros-Louis, I’m your from (Speaking in indigenous language) from Wendake, and I’ll be chairing the meeting this week. And I would like to welcome you to the knowledge keeper, expert and institutional hearing on criminal justice oversight and accountability.
Alors, sans plus tarder je demanderais maintenant... j’inviterais maintenant le Grand Chef Siouï de la Nation Huronne-Wendat à venir vous adresser quelques mots.

GRAND CHIEF KONRAD SIOUÏ: (Speaking in Indigenous language) Thank you. Merci, Nadine.

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

So, I come here first to welcome you, it’s important the welcoming capacity that we do have as a nation to welcome you all on what we call the “Nionwentsio”. Nionwentsio, this is the traditional ancestral national territory of the Wendat. This is our nation. Each nation has its own territory; right? So here this is the territory of the Huronne-Wendat. The
French called us Huron, we kept the name because we made sexist out of this name, you know, because we -- at the beginning we were here in Staraconi (ph), a beautiful town, right at the beginning of the first encounter.

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

And what happened is just the same here as it happened down there, you know in Brazil or in Costa Rica or elsewhere, you know. They encountered in match, it was a bad encounter, a really, really bad
encounter, you know, because we are people of a circular mind, you know, we want to make room for everyone and there's room for everyone around the circle. While they would arrive here with a linear mind, a linear objective of trying to get the riches of the land, please the king or the queen of their overseas kingdom and to do away with the resources and to forget about the order that might exist. So they broke the order of this continent, wherever, you know.

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

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

And they said:
“We see some people also having to almost lay down to the floor in front of other people because they were of a highest rank.”

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

And so, this is the Two Row Wampum, the Two Row Wampum Treaty, the first treaty that was entered into, you know, from an Iroquoian perspective. You know, we said, you know, “We are going to respect each other. We are going to respect each other’s culture; you know? But, don’t interfere and don’t try to undermine my river. I never want to see you trying to bring my river or dig up my river and falling into yours. That I will not accept, you know. Let’s follow the path of life, in parallel, the Two Rows with you, yourself and your canoe – in your boat. I am in my canoe. I am going to exchange you the best I have. We are going to exchange each and other the best we have, you know, from all angles, but never to try to assimilate or integrate the other or swallow the other. Don’t ever try that.” But, it has
been tried, you know, and it was never respected, this
first treaty for all kinds of reasons.

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

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

   So, that was the way treaties were
made at the beginning. This is our treaty. It was tested
in the Supreme Court of Canada -- up to the Supreme Court
of Canada in 1990. And, if there is, within the treaty
interpretation, some misunderstandings, at the benefit of
the First Nations, please; okay? So, this is clear.
So, the courts have helped us out for the last, I would say, 40, 50 years, you know, because it is only the courts that was -- and are still our recourse, you know, because the -- the first minister’s conferences that I really participated when I was younger, did not give any result; you know? The constitution was replicated from Canada, and we thought that we would have a rapport of a capacity to, you know, at least speak from a brother or a sister to a sister relationship, but it wasn’t true; you know?

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

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

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

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

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

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

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

I won’t be too long. The Indian Act,
you know, let’s -- you know, the only thing I am going to say about the Indian Act is this. You know, if you want to get rid of that for all kinds of reasons, good or bad, or whatever, you know, please -- you know, and speaking from a very old nation here, you know, that went through many, many centuries of interrelations, you know, please make sure that you see the picture, the clear picture of the day after. Don’t sign a blank cheque to no one.

Let’s not sign a blank cheque to no one.

We get one good real Indian Act, okay.

But, what is replacing it? What can I bring back home? What am I going to say to my children, my grandchildren here? We are replacing the Indian Act by the full respect of our treaties. Okay. How does it work; you know? You know, and let’s -- nothing -- like not answer perfectly, the clear picture, otherwise you will end up and we will end up with something that we don’t want to; you know?

The Indian Act is something that they are responsible for; you know? They took responsibility, a fiduciary responsibility; you know? It is in the federal system, the federal laws; you know? So, otherwise -- I remember when we were talking about the independent (indiscernible), you know, Jacques Parizeau and Bernard Landry and these guys, you know, who wanted to take our country to make a new country called Québec, the
Québec country. And, they would say, “Well, you know, you should leave the federal system and you should come with us. You should do away with the federal. See how badly they treat you? Come with us and we’ll build a new country, Québec.” And, we would say to ourselves, “Hmm, well, Madam, Monsieur Parizeau, do you want me to sign you a blank cheque? The answer is no. No.” No, because Canada is me, and will always be, and I will never part from brothers and sisters, you know? In fact, we’re North Americans, you know? So, without borders, you know.

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

So, because the demographic aspects of our nations will hurt us today and tomorrow also. You know, talking about the Indian Act, there is a register also, the ones that register our children, the ones that decide if this person is going to be on the list or not. And, we have many marriages that might be mixed, and because the register said that he’s going to put in place a termination act, so if one 61 marries with a 60, they
have 62 and then they marriage again with 60, and then we end up with people who are not -- our own grandchildren who are no more on the list, you know. So, we have to address it also. Are we going to remain on the termination act capacity of the Indian Affairs Department, or are we going to build -- I’m not saying that we should rebuild our own constitution because we have already governing capacities, but at least to address the citizenship capacity, the membership capacity of our nations, you know. Well, this is a task that we all have to do.

So, many things on the floor, many things to discuss. I just wanted to throw these few thoughts that I do have that I wanted to share with you and to commend you for the good work and to ask you to continue on. The Commission Viens just came last week. I guess regarding the actions of the police regarding our women again in Lac-Simon and pretty sad to see that, again, no one -- no one is to blame. There’s no blame, you know. And, I have all the respect for the parents and grandparents and the family of Cédrika Provencher in Trois-Rivières, you know. All respect for her and her family. She -- you know, we haven’t found -- they haven’t found the killer of Cédrika Provencher. But, let’s take this example to show
that all of our children, all of our people, should be
treated as fairly and equally as Cédrika Provencher has
been treated. I mean, inquiries, researches, money that
has to go with it also. So, this is maybe the way we
should be addressing it, you know. Up until we’re going
to see our children treated the way that Cédrika
Provencher has been treated, you know. There’s going to
be a gap. We need to fill that gap, and let’s start right
now. Thank you.

MS. NADINE GROS-LOUIS: Tiawenhk,

Grand Chef Sioui. Maintenant je vais appeler des
représentantes du Cercle conseil national des familles
avec nous. Donc, je vais inviter Madame Mélanie Morrison
et Pamela Fillier de vous adresser la parole. Alors, les
membres du Cercle conseil national des familles, elles
sont 15 représentantes qui donnent des avis et des
orientations aux commissaires et à l’Enquête national.
Elles sont reconnues pour la défense d’intérêt et
egalement parce qu’elles ont également perdu des êtres
chers ou elles sont des survivantes de violence.

So, I would like to invite Madam
Melanie Morrison and Pamela Fillier, two representatives
of 15 of the members of the National Family Advisory
Circle. These members are bringing valuable advice and
guidance to the Commissioners, and as well as the National
Inquiry. They are recognized as advocates, strong advocates women, and also because of their stories of lost loved ones or survivors of violence. So, Melanie and Pamela.

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

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

I’d like to thank the elders for their beautiful words this morning in helping to open up this week. And, I’d like to thank the Commissioners for giving us the opportunity to be present this week with everyone to hear the experts and knowledge keepers.
So, I’m going to keep it short. And,

I am wishing everybody a very insightful and positive
week. And, hopefully we come out with some really good,
important directions from the people who kind of manage
the justice system, and hear things that will change it
for our families and those families who, God forbid, will
have this reality later on in our life.

**MS. NADINE GROS-LOUIS:** Tiawenhk,

Melanie and Pamela. Sorry, I was running after the Grand
Chief. We had a gift for him. Donc, je m’excuse. Je
courrais après le Grand Chef Sioui parce que nous avions
un cadeau à lui remettre. Maintenant, je voudrais juste
m’assurer, est-ce que je vois Madame Viviane Michel dans
la salle? Non. Donc, alors on va procéder avec les mots
des commissaires en débutant avec la Commissaire -- ou
devrais-je dire Docteure Michèle Audette. Donc,
Commissaire Michèle Audette.

**COMMISSIONER MICHELE AUDETTE:** Merci

beaucoup, Nadine. Et ma fille, quand elle m’a dit
« Docteure », Shishka Awasia, que vous avez connu via
Skype, « Tu vas pouvoir nous guérir quand on va être
malade. » Et j’ai dit, « Non. La seule chose que je peux
vous donner, c’est des prescriptions d’amour. »

In English, thank you, Nadine. I have
to say thank you to Grand Chief, but I think he ran away
or ran? Ran. Grand Chief is also the uncle of Shishka Awasia and Yokwasi who you met by Skype last week. So, I am allowed to tease him. Alors, merci beaucoup, Monsieur Sioui, pour votre prière. Merci beaucoup, Nohkom Penelope.


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

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

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

Ce qui va être très, très intéressant aussi, c’est que le reste du Canada va entendre les
preuves qui vont émanées de ces gens-là du milieu
autochtone et non-autochtone pour nous dire comment on
devrait faire les choses ici au Canada.

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

The four of us, the Commissioners,
will not be able to change just like this, but all
together, we will be able to make that change. Like I say all the time, I am just a tool to bring those voices to where it needs to be across Canada. Let’s start with the federal government, and each government across including our own government, Indigenous government.

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

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

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

**COMMISSIONER BRIAN EYOLFSON:** Kwe. Bonjour. Good morning. I would like to thank the Huron-Wendat people for welcoming us back to this beautiful territory here. I would also like to thank our respected
elders and our very special grandmothers for their support
and for their guidance, so in particular, I would like to
thank Rolland Sioui and Grandmother Penelope Guay for
getting us started in a good way, and Elder Rebecca Veevee
for the lighting of the qulliq, and also Grand Chief Sioui
for welcoming us here. Also, thank you to members of our
National Family Advisory Circle for their support,
dedication and valuable advice, and I would like to thank
Melanie Morrison, Pamela Fillier and Darlene Osborne who
are here with us this week.

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

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

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

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

Merci.

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

COMMISSIONER QAJAQ ROBINSON: Kwe. Ulagook (phonetic). Bonjour. I would like to begin by acknowledging and thanking all the families and survivors who are here in attendance today, are watching. I want to thank and acknowledge the members of the National Family Advisory Circle, Melanie, Pam and Fred, Darlene and John, thank you for joining us this week and for going through this learning with us. I want to thank and acknowledge the opening remarks from Grand Chief Sioui, and I also want to thank very much for the opening prayers, Roland, Penelope, and for lighting the qulliq. (Speaking in Inuktitut)
COMMISSIONER QAJAQ ROBINSON: (Speaks in Inuktitut). And gratefully you are here with us again, and I’m looking forward to eating, laughing and probably crying with you a few times this week. Nakurmiik.

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

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

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

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

We’ve also heard last week how police have been used as an instrument of colonization and of disruption of Indigenous families, individuals and
communities.

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

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

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

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

MS. NADINE GROS-LOUIS: Nakurmiik, Commissioner Robinson. Maintenant, j’inviterais la Commissaire en chef, Marion Buller, de vous adresser la parole. So, Chief Commissioner Marion Buller.

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

I want to first start by acknowledging the beautiful territory that we’re on, the unceded territory of the Huron-Wendat. And, while we’re here this
week, and every time we’re doing our work and we gather, I welcome the spirits of the missing and murdered Indigenous women and girls to stay close with us and guide us in our work.

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

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

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

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

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

    So, this week when we hear from
witnesses and other weeks to come and other weeks in the past, those witnesses will help us build on what the families and survivors have told us what the problems are, and what the solutions are. We keep building on what we’ve been told, because what we need to be able to do at the end of this is to think outside of the colonization box that has kept us prisoners for so many years. We need to move past that box, be creative, make recommendations that will bring women and girls back to their rightful positions in their own societies.

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

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

So, the purple lanyard health support team, please stand up? Oui, merci. Alors, les gens que
vous voyez debout présentement font partie de l’équipe de soutien en santé. Alors, ils sont disponibles pour vous à tout moment. Les discussions, les témoignages des fois peuvent déclencher des émotions, un état d’esprit, et des fois on a besoin de parler à des gens. Ils sont là pour vous aider. Il y a également les ainés qui sont présents également avec lesquels pour pouvez avoir une discussion.

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

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

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

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

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

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

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

--- Upon recessing at 9:10
--- Upon resuming at 9:20

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

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

To start this morning, I just want to
say really quickly, and I will not spend a great amount of
detail on the overview, but the whole entire week is
dedicated to the criminal justice system, oversight and
accountability. And, today’s panel will be on First
Nations policing, it will be discussing the tripartite
agreements and legislation that is developing in Ontario
that may set out a new course. In other evidence,
particularly in Regina, the Commission have the
opportunity to hear quite a bit about tripartite
agreements as they are in Québec, and we hear a lot of the
under resourcing of the various First Nation and Inuit
police services. Today’s panel, I think, will enlighten
us on some opportunities moving forward and provide
potentially good recommendations.

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

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

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

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

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

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

Their biographies are lengthy and impressive. We have a limited amount of time, so after they are sworn in, we will refer to documents rather than taking you line by line, if that is
okay, Chief Commissioner. So, they are prepared to be sworn.

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

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

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

**CHIEF TERRY ARMSTRONG, Affirmed:**

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

**CHAIR MIKE METATAWABIN:** Yes.

**CHAIR MIKE METATAWABIN, Affirmed:**

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

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

**MR. JULIAN FALCONER:** Chief Commissioner and Commissioners, we have provided a book of documents. And, in addition to that, we have also prepared several PowerPoint that I expect to be up on the screen shortly. I hope not to be slaves to these PowerPoints, I sometimes call them PowerPointless, because
you lose the ability to hear from the witness, you hear
from paper. So, we will try to move through this quickly,
there is a lot of information to deliver.

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

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: I believe it
is three years.

MR. JULIAN FALCONER: It’s a three-
year term. And, in the time that you were not chair of
the board, you in fact were, from 2009 to 2012, actually
the Deputy Grand Chief of Nishnawbe Aski Nation with the
portfolio of policing; is that correct?

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Correct.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes, that’s
correct.

MR. JULIAN FALCONER: And, prior to
becoming the Chief of NAPS, you worked in a huge array of policing roles, really all directed towards remote communities; is that right?

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes, it does.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes. An, acting role. Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: You will be
retiring soon?

CHIEF TERRY ARMSTRONG: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

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

CHAIR MIKE METATAWABIN: Nishnawbe-Aski Police Service is the First Nations police service. It is the largest in Canada, and it services our remote area in Northern Ontario. The estimated population of the
Nishnawbe Aski Nation is 4,000 to 5,000. And, we have 162 officers. The communities that are covered, they are all fly-in communities. There are -- there is no road access. We have an independent board of directors, and the -- administered by the Chief of Police, and he reports to the board of directors.

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

**CHAIR MIKE METATAWABIN:** Yes.

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

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

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

**CHAIR MIKE METATAWABIN:** Yes.

**MR. JULIAN FALCONER:** And, in fact, two-thirds of the province is actually Northern Ontario is
depicted on the PowerPoint; is that right?

CHAIR MIKE METATAWABIN: That’s right.

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

CHAIR MIKE METATAWABIN: That’s correct.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: That’s correct.

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

CHAIR MIKE METATAWABIN: Yes, they are.

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

**CHAIR MIKE METATAWABIN:** Yes.

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

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

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

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

**CHAIR MIKE METATAWABIN:** Yes.

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

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

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

**CHAIR MIKE METATAWABIN:** Yes.

**MR. JULIAN FALCONER:** Now, at the next slide, please, could you tell the Commissioners, and the families and those witnessing these proceedings a little
a bit about how NAPS is funded, please?

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

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

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

MR. JULIAN FALCONER: Or municipal police services?

CHAIR MIKE METATAWABIN: Or municipal, yes.

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: And, in being program-based, it lacks any legislative criteria for
keeping people safe; is that right?

    CHAIR MIKE METATAWABIN: That’s correct.

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


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

    CHAIR MIKE METATAWABIN: Yes.

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

    CHAIR MIKE METATAWABIN: None at the moment.

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

    CHAIR MIKE METATAWABIN: I am sure it was thought of, but it wasn’t the intent of the government.

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

    CHAIR MIKE METATAWABIN: Yes.
MR. JULIAN FALCONER: Amongst those, and could you switch to the next slide, are the inquest into the deaths of Jamie Goodwin and Ricardo Wesley known as the Kashechewan Inquest; is that right?

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Mm-hmm.

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

CHAIR MIKE METATAWABIN: Yes. Sorry.

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

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

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

MR. JULIAN FALCONER: In fact, the Kashechewan Inquest is a story about a detachment that
lacked heat, that a fire broke out and the facilities were so poor that they could not find or weren’t able to manipulate the locks to let out these two young men. And, ultimately, they died a tragic death locked in their cells; is that right?

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: And, that was in
2009; is that right? That is when the inquest recommendations happened?

**CHAIR MIKE METATAWABIN:** Yes.

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

**CHAIR MIKE METATAWABIN:** Yes.

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

**CHAIR MIKE METATAWABIN:** Yes.

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

**CHAIR MIKE METATAWABIN:** Yes.

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

**CHAIR MIKE METATAWABIN:** Yeah.

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

**CHAIR MIKE METATAWABIN:** Yes.

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

**CHAIR MIKE METATAWABIN:** Yes.

**MR. JULIAN FALCONER:** She died because she
was kept in a vehicle and she committed suicide; yes?

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Correct.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Correct.

MR. JULIAN FALCONER: That inquest produced recommendations again and those recommendations were to create safety backed by the rule of law for Indigenous Peoples; is that right?
CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: That was five years ago?

CHAIR MIKE METATAWABIN: Yes.

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

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

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

CHAIR MIKE METATAWABIN: It’s titled “Public Safety Notice”.

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

CHAIR MIKE METATAWABIN: It’s the
leadership within Nishnawbe-Aski Nation issued a statement that the citizens of Nishnawbe-Aski Nation were not safe, and therefore we could not continue to operate a police service that could not provide safety to their own people -- to Indigenous People.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: And this document refers to the countless number of recommendations to address the fact of a lack of a legislative criteria and the lack of funding; is that right?
CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

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

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Correct.

MR. JULIAN FALCONER: That was five years ago?

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

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

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

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

CHIEF TERRY ARMSTRONG: Certainly.

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

CHIEF TERRY ARMSTRONG: Well there's a -- I mean we’re not on the same playing field as
municipal police forces and provincial police forces in
the province. We, as you mentioned, are backed by the
rule of law, so it restricts us quite a bit in our funding
agreements and how we can actually work to get funding.

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

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

CHIEF TERRY ARMSTRONG: No.

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

CHIEF TERRY ARMSTRONG: Well, because
of the chronic underfunding of NAPS, we haven't had
partners for all our police -- all our detachments, we
haven't had a radio communication system, which are very
unsafe for the communities. They don't allow the officers
to do their job at the same capacity as you would elsewhere, and it puts people’s safety in jeopardy. And not having a communication system where you can call to somebody for backup or assistance -- in our case a lot of times there is not backup anyway -- but not even having a system where you can call and say -- as we say in policing, “Run somebody to see what their, you know, what their records are” or any of these things, we don't have that same capacity unless we go back to the detachment and get to a landline to make a call.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: If you turn to Slide 4 of this particular slide presentation, it played
out in real time in the death of Lena Anderson; is that right?

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

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

The old detachment, you could actually crawl through the floors and there was no fire suppression and a number of other things. So, the officer had secured Miss Anderson in the back of the vehicle and went to look
for another partner, his partner, the only fellow in the community to come and assist him.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: Go on.

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

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

MR. JULIAN FALCONER: You’ll need to
speak up, please.

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

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: No, absolutely
not.

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

CHAIR MIKE METATAWABIN: No. No.

MR. JULIAN FALCONER: And so, at Slide
5 of this PowerPoint presentation, we reproduced one of
the inquest recommendations; is that right? To ensure
adequate and sustainable funding and policy support to ensure that officers in communities have access to a central communication dispatch centre, so a radio; is that right?

CHIEF TERRY ARMSTRONG: Yes.

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

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

MR. JULIAN FALCONER: And, there’s a percentage referred to at the bottom of slide 6. What is that?

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

MR. JULIAN FALCONER: So, you put an
individual to police the community without backup and without a radio, and people die. The stress would be extraordinary, the difficulties for the community extraordinary, and is it a shock that almost, basically, a quarter of NAPS officers are on some form of stress or disability leave?

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

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: The remote scheduling, and this was just a snapshot that we took of some of that remote scheduling. So, on the day that we did this recently, we had -- in the northeast region, we had -- one out of five remote locations had only one officer working. In central region, we had six out of eight remote locations had only one officer working, and one had more than one working, and one had no coverage at all. In the northeast [sic] region, five out of 11 remote locations only had one officer working.
MR. JULIAN FALCONER: And, that would be the northwest region?

CHIEF TERRY ARMSTRONG: Yes, sorry, northwest region.

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

CHIEF TERRY ARMSTRONG: Yes.

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

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

Community, obviously, the risk with only one assigned officer, and we quite often find that chiefs and councils are helping the officers. They’re
working as backup and that’s a safety issue in itself to
the people in the communities. You know, they’re
untrained and -- they’re willing to help on many
occasions, but they’re not trained, and as we know it,
things are getting, you know, pretty dangerous at times
and we’re putting them in a position they could get hurt.

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

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

Emergency response times are
lengthened. We have a number of caveats to that.
Weather, because you fly in a remote community. Sometimes
we can’t get response in there on time because weather
will go out, or sometimes it’s even not being able to find
an aircraft. Recently, we had a difficulty with finding -
- the closest plane was in Montreal.

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

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

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

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

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

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

**CHAIR MIKE METATAWABIN:** Yes.

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

**CHAIR MIKE METATAWABIN:** Yes.

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

**CHAIR MIKE METATAWABIN:** And arrest the individual involved and he had to answer the other calls in the community at the same time which at that particular -- on that particular occurrence, he had to actually go to another call in a community while he was
trying to investigate and secure homicide scenes. And he called out for backup about -- well, in the early evening after supper. It says here 8:00 and I think that's fairly correct in the time.

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

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

CHAIR MIKE METATAWABIN: Yes.

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

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

MR. JULIAN FALCONER: And you say that, that Indigenous people need to keep Indigenous
people safe. How do you do that in the present circumstances?

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

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

CHAIR MIKE METATAWABIN: We have not been silent.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: How does that work?

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

MR. JULIAN FALCONER: And so they
convene spring, summer, winter assemblies, correct?

CHAIR MIKE METATAWABIN: Correct.

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

CHAIR MIKE METATAWABIN: Correct.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes, they are.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: I don’t know if I understand the question.

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

CHAIR MIKE METATAWABIN: Well, through the assembly, they discuss them together and after that,
they make a decision.

MR. JULIAN FALCONER: And the decision

is done through resolutions?

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: At Tab D of -- D

for Delta of the Document Book, multiple resolutions are

included that are resolutions of NAN Chiefs. Is that

right?

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: There are 12

resolutions included at Tab D for Delta and I'm going to

quickly lead you through them. I'm not going to take more

than three minutes to do this. I mean no disrespect to

the leaders of NAN or to you, Chair or Chief. I'm just

going to try to get us so you can have -- Chief

Commissioner and Commissioners, you can have a flavour of

how decisions are made.

Now, first of all, when a resolution

is passed by NAN, is it communicated to the levels of

government?

CHAIR MIKE METATAWABIN: Yes, they

are.

MR. JULIAN FALCONER: All right. So

these resolutions are each communicated to Canada and

Ontario among others?
CHAIR MIKE METATAWABIN: Yes.

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

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: And so the
Chiefs and assembly urged Canada and Ontario to reconvene to reopen the Tripartite Agreement, right?

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: They called on – they called on the governments to make progress, right?

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: They called on them to close the substandard detachments and demanded that they house people in a safe environment, right?
In-Ch (FALCONER)

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: And that was in 2007.

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: In 2008, they cite the fact -- next page -- only one of 35 NAPS detachments meets basic national health and safety standards. And again, they call on Ontario and Canada to
prioritize adequately resourcing NAPS, right?

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

Has that been done?

CHAIR MIKE METATAWABIN: No.

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

CHAIR MIKE METATAWABIN: It hasn't been done.

MR. JULIAN FALCONER: Is there something about NAN communities that is less deserving of
safety than anywhere else?

**CHAIR MIKE METATAWABIN:** No.

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

**CHAIR MIKE METATAWABIN:** None.

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

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

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

**CHIEF TERRY ARMSTRONG:** Yes.

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

**CHIEF TERRY ARMSTRONG:** No.

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

**CHIEF TERRY ARMSTRONG:** No.
MR. JULIAN FALCONER: The next resolution is the resolution as it applies to Eabametoong, also known in the Anglican name as Fort Hope. That detachment had particularly dilapidated conditions; is that right?

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: Alvin Fiddler subsequently becomes Grand Chief; is that right?
MR. JULIAN FALCONER: It’s in 2014 that the discussion begins around a definitive action plan for dealing with the unconscionable conditions in NAN communities; is that right?

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes, I can. That was the -- it was not an easy decision. It was
decided that we could no longer continue with status quo, could no longer continue to operate in those conditions, where there was inadequate funding. It was just -- it was not safe anymore, it was not appropriate. We were not doing justice for our people if we continued to operate like that.

MR. JULIAN FALCONER: Chief Armstrong, can you add to that?

CHIEF TERRY ARMSTRONG: Could you repeat the question though?

MR. JULIAN FALCONER: Sure. Could you give your perspective on this decision, that if good faith negotiations did not result in a legislative base for policing, that service was to be wound down. What’s your perspective on that?

CHIEF TERRY ARMSTRONG: Well, the police service was unable to keep the community safe and we swore to do that as police officers. And, when I was asked to become the Chief, I also came there to keep this community safe and keep the people within the community safe, and we just could not do it. We just cannot do it with the resources as they were -- as the program, and without any avenues to get proper resources, human resources, and upper staff and all those things.

I mean, as Mike said, it was a very
difficult decision, but we just were no longer in a position, and had not been for a while, to keep the communities at a level of a safety that the rest of Ontarians get, and probably Canadians.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: It was a call to address the police services and to set in motion what needed to be done to make things right, to make the operation raise its standards, live up to its standard that it was supposed to have been in the first place, and
that that was the intent of those discussions.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes, they did.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.
MR. JULIAN FALCONER: --- in Ontario, called the Safer Ontario Act?

CHAIR MIKE METATAWABIN: Correct.

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

CHAIR MIKE METATAWABIN: Correct.

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: Under the Police Services Act ---

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: That’s right.

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

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: So, throughout this process, Canada was still expected to be part of the process, yes?
CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: And, could you tell us a little bit about how negotiations work for
funding or how they historically worked?

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

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

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

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

MR. JULIAN FALCONER: And, that is entirely consistent with what a program is, isn’t it?

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: “Here is your program dollars” ---

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: --- right?

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: You were never presented with political leadership, were you?
CHAIR MIKE METATAWABIN: No. Never.

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

CHAIR MIKE METATAWABIN: Yes.

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

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

MR. JULIAN FALCONER: And, just stopping you there for a moment, you said the Grand Chief put a letter in to say we are finished. It is fair to say that early in the process -- and this happens for all of the standalone Indigenous police services, but also the
other police services that are -- or police-funded
services that are part of the federal program, there is a
cycle of agreements coming up every three years; is that
right?

CHIEF TERRY ARMSTRONG: Yes, that is
correct.

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

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: And, every three
years, bureaucrats show up and meet, and say, “We have
this much money to keep your people safe, and that’s it,”
right?

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

MR. JULIAN FALCONER: That’s right.

CHIEF TERRY ARMSTRONG: And, it was --

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

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: And, in fact, a
terms of reference was presented from NAN and NAPS working
together?
CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: That is true.

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

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: Both ministers?

CHAIR MIKE METATAWABIN: Yes, both ministers.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Well, the results were a number of things that we have been -- you
know, have been asking for, for many years, a partner and
a radio, to keep it simple, and I know that is a theme
that was used over and over.

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

CHIEF TERRY ARMSTRONG: Yes, a radio
and a partner.

MR. JULIAN FALCONER: Or a partner and
a radio.

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

MR. JULIAN FALCONER: Right.

CHIEF TERRY ARMSTRONG: Deficits that
were incurred by a number of new buildings that were pre-
fabbed and brought in and were given no O&M, or operations
and maintenance, to cover these buildings. So, they
basically were costing us an extra $470,000 a year to
maintain these buildings with no money from governments to
do that maintenance.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: No, we weren’t
provided the funding to run the buildings.

MR. JULIAN FALCONER: To run the
buildings.

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Correct.

MR. JULIAN FALCONER: The terms of
of the requirements is that political leadership or their representatives, not bureaucrats, also attend the negotiations; is that right?

CHIEF TERRY ARMSTRONG: That’s correct.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes, we are
going to get 79 officers with 55 of those coming in the first three years.

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

**CHIEF TERRY ARMSTRONG:** Yes.

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

**CHIEF TERRY ARMSTRONG:** Yes.

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

**CHIEF TERRY ARMSTRONG:** Yes.

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

**CHIEF TERRY ARMSTRONG:** Absolutely.

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

**CHIEF TERRY ARMSTRONG:** Yes.

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

**CHIEF TERRY ARMSTRONG:** Yes.
MR. JULIAN FALCONER: Furthermore, your deficit is being wiped out?

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

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

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

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

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

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

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: Chair -- Commissioners, there is a section of the presentation on what the new legislation looks like. I worry that it is really boring and dry. I am a lawyer, and I can’t help myself, but I also think it is important for you, respectfully, to have a flavour of the sections without it
being read line by line. So, if I might, and for those
listening and watching, this is where the lawyer fakes it.
He acts like he is leading the witness, when he is really
reading off a screen.

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

CHIEF COMMISSIONER MARION BULLER:

Please.

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

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

So, by way of -- this is one of these
that need an explanation. The original Police Services
Act, the one in force right now, it refers to the need to
ensure the safety and security of all persons and property
in Ontario. That is what it says. But, of course, it
doesn’t include Indigenous people. And so, what NAN and
NAPS did was insist on amending the preamble to say the
words “including on First Nation reserves”. And so, you
see the new statement of principles under (1) saying that
in the new legislation.

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

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

CHAIR MIKE METATAWABIN: They were
not.

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

CHAIR MIKE METATAWABIN: Yes.
MR. JULIAN FALCONER: All right.

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

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

CHIEF TERRY ARMSTRONG: Yes, that is correct.

MR. JULIAN FALCONER: Those who are not in Indigenous communities have made sure that when they are not funded properly, they have an avenue; isn’t that right?
CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: And, they can get orders for funding, can’t they?

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: No.

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

CHAIR MIKE METATAWABIN: Yes.
MR. JULIAN FALCONER: Is there something about Fort Albany First Nation that you don’t deserve a communication centre?

CHAIR MIKE METATAWABIN: No.

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

CHAIR MIKE METATAWABIN: No.

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

CHAIR MIKE METATAWABIN: Yes.

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

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

CHAIR MIKE METATAWABIN: Yes.
MR. JULIAN FALCONER: The labour relations provisions in the Police Services Act would become applicable, so it would be an essential service. Ontario and/or Canada would have to provide sufficient funding. There is a neutral arbiter who would have the authority to resolve funding disputes. There would be a funding mechanism.

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

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: And, it starts with a board seeking to be legally constituted. They must apply under Section 32; is that right?
CHAIR MIKE METATAWABIN: Yes.

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

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: There is no longer a series of duties and powers that a First Nations
chief has versus others; is that right?

CHIEF TERRY ARMSTRONG: Correct.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

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

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: So, no more
program bureaucrats presenting you, “Sign it, take it or leave it;” is that right?

**CHAIR MIKE METATAWABIN:** That’s right.

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

**CHAIR MIKE METATAWABIN:** Yes.

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

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

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

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

**CHIEF TERRY ARMSTRONG:** Yes.

**MR. JULIAN FALCONER:** Chair Metatawabin, did you not express the concern repeatedly,
and I’m talking about outside of the meeting room, because of course the meetings are confidential, did you not express the concern repeatedly to the chiefs of NAN that you did not want to create another OPP?

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

And so, as an example, built into it is a requirement -- you see this at the bottom of Slide 14
-- that there be consultation with band council, chief and
council, and that the policing, in accordance with
cultural traditions, be squarely addressed. That’s in the
legislation.

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

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

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

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

CHIEF TERRY ARMSTRONG: Yes, they
MR. JULIAN FALCONER: And, what was the end result of that?

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

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes, you’re correct.

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

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: Training, that they required and had to accept that they will require extensive training on cultural competence and interacting
with First Nations or Indigenous people, yes?

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: And so, they’ve
agreed to submit themselves to evaluation measures?

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: No.

MR. JULIAN FALCONER: You saw your
role as representing the first inroad into true Indigenous
legislative policing; is that right?
CHIEF TERRY ARMSTRONG: Yes, and we wanted -- we didn’t want to leave anybody behind. We wanted the opportunity for other First Nations’ police services in the province to follow by choice.

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

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

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

As mentioned, I am retiring this week after 38.5 years in uniform, but when I was asked to come and help out with the communities five years ago, I was honoured to be asked. I didn’t have to apply, and I came and my immediate reaction from being an ex-OPP member and Treaty 3 Deputy Chief was that, man, there was a real lot
that wasn’t being done. The police service was in rough shape, and it just -- there was just a real lack of equality for safety for the communities that we police.

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

Like I say, it’s just -- it’s been very challenging and it’s not from the communities. The communities themselves have, you know, they've been very resilient in the 20 -- it’ll be 25 years I guess in April for the police service, we’re 24 and a half now, it’s just -- they've been very resilient and -- but I was very proud to be a part of them saying that they couldn’t -- they
couldn’t -- because the safety of the communities it needs to be Indigenous communities policing and creating that safety for Indigenous communities. And that’s the best -- that’s the best way to do it, and I think historically it’s been tried elsewhere -- other avenues and it hasn’t -- hasn’t got the same results.

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

(Speaking in Inuktitut)

MR. JULIAN FALCONER: Miigwech, Chief Armstrong.

And now, I didn’t want to spend too much time on bios because of the story we needed to bring out, but I’m going to direct people’s attention to Tab C, which is Chief Armstrong’s bio, and I’m going to ask
people to turn it up for a moment.

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

“He continues to work as a helper with
Wilfred Laurier University’s faculty of graduate and post-
doctoral studies in the Master of Social Work Program
assisting with the Indigenous Cultural Ceremonies and
activities for the students.” (As read)

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

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

MR. JULIAN FALCONER: As I understand
it, somewhere in our materials we made the mistake of
suggesting you’d only been married for three years, I thought you should be allowed to correct that for the record.

CHIEF TERRY ARMSTRONG: Yes, it’s 33 and half years.

(LAUGHTER/RIRES)

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

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

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

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

CHAIR MIKE METATAWABIN: Yes. I -- when I think back about this work -- this process I've been involved and almost getting to where we need to be, I think about our communities, in particular I think about one of my cousins who was a constable back in 1998. And that's where I -- that’s where I knew then that something
had to be done, something needed to be done, there was a lot of shortfalls. And when I had that conversation with my cousin, she needed mental -- mental health support and there was none at the time. And that's how I got involved with the police services, I made inquiries. I was a Chief at the time in my community, I called up the police service and asked -- inquired about mental health services, and that's how I continued to get involved. I did not -- I did not know that I would be on this journey for this long.

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

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

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

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

MR. JULIAN FALCONER: Miigwech, Chair.

And in fact, your role as a political leader for your
community of Fort Albany actually spanned some eight years, from 1998 to 2006; isn’t that right?

CHAIR MIKE METATAWABIN: Yes.

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

CHAIR MIKE METATAWABIN: Yes.

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

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

MR. JULIAN FALCONER: Sure.

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

MR. JULIAN FALCONER: I would suggest, if it’s -- and I confess that because Ms. Ordnick (ph)
does such an excellent job that I haven’t been needed, it’s a really sad truth to have to live with. So I’m not familiar with your practices, so there is a summary of their evidence at Tab A of the materials. In the ordinary course I would call that a will-say, and because it’s a fairly convoluted journey, it’s a summary that I commend to you, Commissioners, and I’m wondering if there’s some merit in filing it as part of the exhibit book, but it may not because it’s a summary that covers all the areas.

CHIEF COMMISSIONER MARION BULLER:
Well certainly it’s admissible. As my colleague has reminded me, it goes to weight. So let’s go through each one and Mr. Registrar, stop me if we get too far ahead of you.

MR. JULIAN FALCONER: Great. So ---

CHIEF COMMISSIONER MARION BULLER: So ---

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

CHIEF COMMISSIONER MARION BULLER: Excuse me, we have a process here, bear with me ---

MR. JULIAN FALCONER: Oh!

CHIEF COMMISSIONER MARION BULLER: --- and I’ll walk through it.
MR. JULIAN FALCONER: Oh! My apologies.

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

--- EXHIBIT 1:

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

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

--- EXHIBIT 2:

Biography of Mike Metatawabin (one page)

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

--- EXHIBIT 3:

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

MS. CHRISTA BIG CANOE: May I suggest-

CHIEF COMMISSIONER MARION BULLER: Tab D, Resolution 99 to 59, Recommendations Volume 1, Investigations and Finding -- Findings, rather, will be
Exhibit 4.

--- EXHIBIT NO. 4:
Set of ten Nishnawbe Aski Resolutions (13 pages)

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

--- EXHIBIT NO. 5:
Ipperwash Inquiry Recommendations (19 pages / pp. 95-113)

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

--- EXHIBIT NO. 6:
Goodwin & Wesley Inquest, Verdict of Coroner’s Jury & Recommendations, both verdicts received May 21, 2009 (38 pages)

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

--- EXHIBIT NO. 7:
Anderson Inquest, Verdict of Coroner’s Jury & Recommendations, verdict received November 10, 2016 (four pages)
CHIEF COMMISSIONER MARION BULLER:

Although these haven’t been identified ---

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

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

CHIEF TERRY ARMSTRONG: Yes. I thought I was their lawyer.

CHAIR MIKE METATAWABIN: Yes.

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

CHIEF TERRY ARMSTRONG: I’m familiar with it generally and ---

MS. CHRISTA BIG CANOE: Yeah.

CHIEF TERRY ARMSTRONG: --- answer some questions.

MS. CHRISTA BIG CANOE: And you too, Chair?
CHAIR MIKE METATAWABIN: Not entirely.

MS. CHRISTA BIG CANOE: Okay.

CHIEF COMMISSIONER MARION BULLER: So the document at Tab H, Auditor General’s Spring 2014 Report, given the witnesses’ comments will be Exhibit 8.

--- EXHIBIT NO. 8:


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

--- EXHIBIT NO. 9:

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

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

--- EXHIBIT NO. 10:

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

CHIEF COMMISSIONER MARION BULLER: Tab K hasn’t been identified.
MR. JULIAN FALCONER: So I was going to suggest, Chair, since it’s the current legislation -- I don't know if it’s your practice to make legislation exhibits -- , because it’s the current legislation, you don't need to make it an exhibit because it’s simply legislation in place, it’s your convenience. J is different of course, because it’s not legislation yet, the only way it would go in is in its current form.

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

MR. JULIAN FALCONER: Yes.

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

--- EXHIBIT NO. 11:

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

CHIEF COMMISSIONER MARION BULLER: Then -- we don't have hard copies yet of all the
PowerPoints, but that would be helpful.

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

**CHIEF COMMISSIONER MARION BULLER:**

Okay, let’s just -- one at a time here. So, the Overview PowerPoint will be Exhibit 12.

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

PowerPoint presentation 1: “NAN / NAPS History: Overview,” dated September 16, 2018 (11 slides)

**CHIEF COMMISSIONER MARION BULLER:** “No Partner, No Radio” will be Exhibit 13.

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

PowerPoint presentation 2: “No Partner No Radio” (19 slides)

**MS. CHRISTA BIG CANOE:** And then the next would be the “NAN NAPS Pursuit of Indigenous Policing Backed by the Rule of Law”.

**CHIEF COMMISSIONER MARION BULLER:**

Okay. Exhibit 14 is the “NAN NAPS Pursuit of Indigenous Policing Backed by the Rule of Law”.

--- **EXHIBIT NO. 14:**
PowerPoint presentation 3: “NAN/NAPS Pursuit of Indigenous Policing Backed by the Rule of Law” (17 slides)

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

**CHIEF TERRY ARMSTRONG:** Yes.

**CHAIR MIKE METATAWABIN:** Yeah.

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

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

In the schedule we’ve allotted a 30-minute break and that seems long for a morning break. However, this will enable parties to go through the verification process for cross-examination. It's -- at this time I ask that we have a 30-minute break, and I kindly ask the parties with standing to make their way to the Dufferin Room for the verification process.
And then just -- I’d said I would do it earlier, so I’ll remind everyone pursuant to Rule 48, now counsel, once this process starts, can actually discuss with the witnesses -- not obviously during the hearing -- about their evidence and Mr. Falconer will not be able to. So, at this time I please request the 30-minute break.

CHIEF COMMISSIONER MARION BULLER:
Sure, 30 minutes.

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

--- Upon recessing at 11:08
--- Upon resuming at 11:43

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

--- PANEL 1, Resumed:

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

MS. SUZAN FRASER: Thank you,
Commissioners. Thank you, Ms. Big Canoe.

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

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

CHIEF TERRY ARMSTRONG: Yes.

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

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

MS. SUZAN FRASER: Right.

CHIEF TERRY ARMSTRONG: Yes.

MS. SUZAN FRASER: Okay.

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

MS. SUZAN FRASER: Right. So, I am
going to have some follow-up questions, but predominantly what happens, I’m hearing from you, is that women and girls may leave the communities for whatever reason, go to another jurisdiction, and then go missing from those communities; is that ---

CHIEF TERRY ARMSTRONG: Correct.

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

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

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

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

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

CHIEF TERRY ARMSTRONG: Yes.

MS. SUZAN FRASER: Okay. And so, the
implications in terms of being under-resourced and underfunded, for example, if there is -- let’s say a woman was to go missing within the community, that officer would have to be in charge of the search for that person?

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

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

CHIEF TERRY ARMSTRONG: Right.

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

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

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

CHIEF TERRY ARMSTRONG: Yes.
MS. SUZAN FRASER: And, would also be in charge of apprehending the individual who -- if there is a suspect; right?

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

MS. SUZAN FRASER: Right.

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

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

CHIEF TERRY ARMSTRONG: Yes ---

MS. SUZAN FRASER: Okay.

CHIEF TERRY ARMSTRONG: --- from the OPP.

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

CHIEF TERRY ARMSTRONG: Yes.

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

CHIEF TERRY ARMSTRONG: It is usually within the same 24 hours.
MS. SUZAN FRASER: Okay.

CHIEF TERRY ARMSTRONG: I should note that there is another program that is called the SOCO, the scenes of crimes officers —

MS. SUZAN FRASER: Yes.

CHIEF TERRY ARMSTRONG: — which can do some forensic, and we do have members trained in that.

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

CHIEF TERRY ARMSTRONG: The OPC, Ontario Police College.

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

CHAIR MIKE METATAWABIN: Yes.

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

CHIEF TERRY ARMSTRONG: Not a separate one, no.

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

CHIEF TERRY ARMSTRONG: I really couldn’t speak to all of their training in that respect.
I know they do touch on some cultural sensitivity training. I don’t know the program.

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

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

**MS. SUZAN FRASER:** Right.

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

**MS. SUZAN FRASER:** Okay. You spoke a great deal about the inability to do preventative work. And, just in terms of doing that preventative work, the work that you are talking about is the kind of work that
might reduce crime in NAN communities; is that fair?

CHIEF TERRY ARMSTRONG: Absolutely.

Yes.

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

CHIEF TERRY ARMSTRONG: Yes.

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

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

MS. SUZAN FRASER: Yes, you are.

CHIEF TERRY ARMSTRONG: Yes.

MS. SUZAN FRASER: When we were at another set of hearings in Regina, the OPP came and they showed a video of OPP officers working with Indigenous youth, I think it was in Pikangikum, which seemed to be an investment in building relationships with youth. Are you
— is your police service able to do that kind of work?

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

**MS. SUZAN FRASER:** Yes.

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

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

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

**MS. SUZAN FRASER:** That is right.

Thank you. We got the materials, in terms of your panel, very late, so I am sorry I am not able to be more specific about my questions, but I actually had no idea what you were going to testify about until very late last night when we received materials and your PowerPoint this morning. So, I would have framed my questions much better, so thank you.

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

**CHIEF TERRY ARMSTRONG:** No, that is
the OPP’s project. But, it is, as you mentioned, the project, it has been very successful. So, we have actually sent some of our people away to be trained in that training, because we see some value to it.

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

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

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

**CHIEF TERRY ARMSTRONG:** Well, there is -- the -- some of the evidence is short-lived. There is a number of caveats to ensuring that you secure evidence, you secure scenes, you interview victims. And, we do employ -- we are not funded for them, but we do employ crime units. But, the difficulty is, is they are not there either. They are placed in Sioux Lookout and
Cochrane so that they can fly to various communities to do
the more serious investigations and allow the frontline
officers to go about investigating.

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

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

**CHIEF TERRY ARMSTRONG:** Okay.

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

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

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

**CHIEF TERRY ARMSTRONG:** At this
moment, I couldn’t give you an answer to that. I don’t know.

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

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

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

**CHIEF TERRY ARMSTRONG:** Yes.

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

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

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

**MS. CHRISTA BIG CANOE:** I would just note that the PowerPoint presentations were delivered last
night. At this point ---

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

 **MR. JULIAN FALCONER:** That’s fair.

Yes.

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

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

 **CHIEF COMMISSIONER MARION BULLER:**

Excuse me, I didn’t hear the name of the party.

 **MS. CHRISTA BIG CANOE:** Certainly.

It’s NunatuKavut.
MR. ROY STEWART: Yes, it’s the NunatuKavut Community Council.

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

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

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

CHAIR MIKE METATAWABIN: Sure.

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

But, for Indigenous communities that do not have their own policing services, this means that they’re often faced with high-turnover rates of non-Indigenous police officers with no cultural knowledge, very limited cultural training, like, especially absent knowledge of that specific community.
So, if an Indigenous group or community is not yet in a position to push forward with their own policing, what are your thoughts on how we remedy that situation or that problem that continues to occur until this very day?

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

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

CHIEF TERRY ARMSTRONG: Well, if you’re talking about remote locations that -- take the RCMP or ---

MR. ROY STEWART: Right.

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

MR. ROY STEWART: I guess absent that option, if you don’t -- if you can’t do that, you know, say step one, how do these other police agencies effectively address this cultural knowledge gap and, you
know, the hands-on practical aspect when they’re coming into a community that’s foreign and unknown to them?

**CHIEF TERRY ARMSTRONG:** It’s a --

that’s a loaded question, because it’s not -- I mean, you don’t give somebody a two-day course and expect them to be culturally sensitive. Like I say, probably the best scenario is to get Indigenous officers to police Indigenous communities because they know their communities. Outside of that, like, I mean, you can give them training but, you know, I guess through experience, it’s -- I mean, 34 years I started, and I still don’t know very much about -- you know?

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

**MR. ROY STEWART:** Yes. No, I
completely agree with what you’re saying. My next
question is actually for you again, Chief Armstrong. It’s
in relation to -- it was Schedule E, the Ipperwash Inquiry
recommendations which you’re familiar with those?

CHIEF TERRY ARMSTRONG: Some of them, yes. I haven’t committed them to memory ---

MR. ROY STEWART: Right.

CHIEF TERRY ARMSTRONG: --- but I
certainly know the main -- the important ones.

MR. ROY STEWART: So, it was Volume 2
which I’m speaking to now, Section 1 of Volume 2,
recommends the establishment of a permanent independent
and impartial agency to facilitate and oversee the
settling of land claims.

Now, I’m here on behalf of the
southern Inuit of Labrador, the NunatuKavut Inuit, and I
see this recommendation, you know, as -- you know, it
aligns with the view of the NunatuKavut, and that they do
not yet have a finalized land claim or modern treaty
agreement. And, in previous hearings ---

MS. CHRISTA BIG CANOE: Sorry, Mr.
Stewart. Can we stop the time, please?

MR. JULIAN FALCONER: I apologize for
interrupting my friend. The aspect of the Ipperwash
Inquiry Report that was relied upon in giving examination
in-chief relates to the recommendations around a legislative base for policing. I was -- I had the honour of being counsel on the Ipperwash Inquiry and couldn’t agree more with the importance of the recommendation that my friend is referring to. The problem is, it’s completely outside of the scope of what either the Chair of the Chief here was dealing with.

And, to be fair, I just don’t want them in the position of having to opine about something that they’re not, with all due respect, either offering their evidence about or trained to deal with, which is the significance of the struggle for lands that obviously occupied the communities at that time in -- when the death of Dudley George happened and occupy your claims. But, I just don’t see how the chief of NAPS or the chair of the NAPS board ---

MR. ROY STEWART: No, and I wasn’t trying to, you know, put forward difficult questions, but I guess just so I’m clear, are all questions related to the Ipperwash Inquiry recommendations off limits then?

MR. JULIAN FALCONER: I’ve identified the scope they gave the evidence on. The scope was with respect to the recommendations for legislative base for policing. That was the -- they were actually expressly identified in the materials, and that was what we offered
If my friend goes into a policing question that has to do with policing, then, obviously, you know, that’s his prerogative and up to the Commissioner if it is an appropriate question. Going into land claims, well, that is not a policing matter, and that becomes highly difficult and challenging to expect the witnesses to deal with.

CHIEF COMMISSIONER MARION BULLER: I am taking for the moment that we have a formal objection to the line of questioning on the record which requires a ruling. Just a reminder to counsel that when a witness can’t answer a question, or has to guess or speculate, that is not helpful to us because that is of little weight and no probative value. So, having heard the objection, I think that the witnesses -- or I do rule that the witnesses can answer the question, but it may be of no assistance to us, notwithstanding the objection by counsel. Go ahead.

MR. ROY STEWART: Well, I guess I can reframe it. You know, and my question isn’t specifically related to, you know, a land claim or treaty. I guess what I was saying is that during previous hearings of this inquiry, we have heard about the importance of Indigenous peoples having, you know, a meaningful connection to their
land or some, you know, tangible control. And, I guess, do you see a link between this and your experience between having some real connection to their home territory and being able to effectively implement Indigenous policing?

CHIEF TERRY ARMSTRONG: I would say yes.

MR. ROY STEWART: And, I guess absent that, you know, say if the Indigenous communities do not have, you know, control over their resources or territory, and if it is a non-Indigenous police force that is implementing the services, is there a way for that Indigenous community to get to where, say, NAPS is?

CHIEF TERRY ARMSTRONG: I don’t know if I can answer that one, it is kind of speculatory too, I think.

MR. ROY STEWART: All right. So, my next question, Chief Armstrong, you spoke about NAPS not being on the same playing field as municipal and provincial police forces with respect to funding agreements specifically. And so, given this disparity between what does exist or did exist in the municipal and provincial policing, this seems like it would be something that would almost dissuade other First Nations or other Indigenous groups across the country from trying to move forward with their own Indigenous policing services.
You know, even if you have this legislative regime that you both spoke to this morning, if you can’t have that comparability and funding -- so I guess, you know, you are both speaking here at this Inquiry, you know, other Indigenous groups, they see this playing out, do you see some hesitation on the part of other Indigenous groups from wanting to move forward with their own policing services?

CHIEF TERRY ARMSTRONG: Is that one for me as well?

MR. ROY STEWART: For whoever is more comfortable in answering.

CHIEF TERRY ARMSTRONG: I haven’t seen that. No.

MR. ROY STEWART: So, I mean...

CHIEF TERRY ARMSTRONG: I haven’t experienced that.

MR. ROY STEWART: Having Canada’s largest Indigenous police force ---

CHIEF TERRY ARMSTRONG: Yes.

MR. ROY STEWART: --- but still the numerous barriers that you both explained, I guess maybe, Mike, I could ask you this one, even today, you know, you said -- you explained in numerous successes and this -- you know, the new legislative regime that is taken, I
don’t know how many resolutions that your counsel walked through, but yet still having to climb over that barrier of -- the funding barrier. You know, what -- I guess just in your opinion, what is going to make other Indigenous groups, like other First Nations from other provinces or Inuit groups from wanting to push forward with a similar regime such as NAPS if they just foresee similar barriers?

CHAIR MIKE METATAWABIN: I think that was the point of my statement. For the work that we have done, we are almost there. Implementation stage technically should begin January 2019. Once that moves forward, I think it could be a model for all other policing services across the country. It would set a precedent. Right now, we don’t have that. We don’t have that luxury or that privilege to be able to be effective.

Going back to your first question about what would -- how would this bring in more First Nations people to get involved, well that has been the challenge. That has been -- we have had to endure, we have had to live this growing pain of dealing with the inadequate resourcing. And, the people in our communities are witness to the lack of resource -- the inadequate resourcing because they see the police services right in their community, right before their eyes, and they are thinking, well, I can’t join that if it is totally under-
resourced.

For the folks who come from the south, non-Indigenous, I commend those people. I applaud their desire to work with First Nations people, because although they may leave eventually, like within a year or some of them sometimes shorter, they come away with a better perspective. They come away with a better insight as to what First Nation challenges are. And, I think that itself is -- should be acknowledged, should be respected, because beforehand when they come in there, they have no knowledge, no clue. But, once they are immersed into the community and then they begin realizing what is going on and what is happening, some of them move onto other police services and they become advisors or they are more prepared. They are more equipped.

So, there is a lot of -- I am trying to answer your question in the broadest ---

MR. ROY STEWART: I guess what I’m ---

CHAIR MIKE METATAWABIN: --- way possible.

MR. ROY STEWART: One quick question to follow-up what you just said that these new recruits will almost pass through the Indigenous policing and go on and be advisors elsewhere, when you say that, I almost think that these police officers then are -- maybe use the
Indigenous policing services and knowledge as almost as a stepping stone, and then leave the community and, you know, go take their skills, and knowledge and training to a non-Indigenous police service; is that accurate?

CHAIR MIKE METATAWABIN: Well, I have been around since 1998, and I have been involved with the police services and, over the years, made many friends over the years with the former constables while they are in the community, while they are working with us. And, for the ones that have left, that is the indication I get when I have those conversations is that they are better -- a better person for having lived that experience and having dealt with First Nations people. They are more -- their attitude toward their -- they have a more positive outlook.

And, for myself, I made that opinion myself one time -- well, recently. We are becoming a training ground for non-Indigenous folks who join our police service. They come to our communities and they become better knowledgeable or better acquainted to us to what the First Nations), and they leave as better people.

And, I think that is an area that should be explored.

But, like I said earlier as well, we need to step up as well, our community, our young people,
and men and women. We need to join the municipal, regional and national police forces to be able to make enough -- an effect in the -- in policing to provide that perspective of providing safety to our own Indigenous people.

MR. ROY STEWART: Great. Thank you. I am definitely way over my time, so I just want to thank both of you for being here today.

CHIEF TERRY ARMSTRONG: Thank you.

MS. CHRISTA BIG CANOE: Thank you, Mr. Stewart. At this time, we would like to invite up the Independent First Nations. Ms. Josephine de Whytell will have 12 minutes.

--- CROSS EXAMINATION BY MS. JOSEPHINE DE WHYTELL:

MS. JOSEPHINE DE WHYTELL: Hi, good morning. I would like to acknowledge the territory of the Wendat and the sacred items in the room, and thank the witnesses for their testimony this morning.

My first question is for Mister Board Chair Mike Metatawabin. In 2006, Ricardo Wesley and Jamie Goodwin died in the cells due to inadequate state of NAPS prison facility in Kashechewan, I understand that from your testimony; is that correct?

CHAIR MIKE METATAWABIN: Yes.

MS. JOSEPHINE DE WHYTELL: And,
because of their deaths, there was an inquest and
recommendations that NAPS get better funding and
facilities; is that correct?

CHAIR MIKE METATAWABIN: Yes.

MS. JOSEPHINE DE WHYTELL: And, Lena
Anderson, after her death, there was an inquest and
recommendations that NAPS get better funding and
facilities; is that correct?

CHAIR MIKE METATAWABIN: Yes.

MS. JOSEPHINE DE WHYTELL: And, we are
here after so many women have died and gone missing, that
there is a National Inquiry into what has gone wrong. In
your view, if NAPS had better funding and better
facilities, would you have -- over the past 24 years,
could this problem have been prevented in NAPS territory?

CHAIR MIKE METATAWABIN: I believe so.
I have -- over the years, as the former chief being born
and raised in my own community, the lack of resourcing to
our police services has contributed to the lack or the
inability to investigate domestic issues, domestic
problems. And, a lot of times, our women become the
victims to those uninvestigated incidents, and therefore
most times they are left with no choice but to leave, and
it’s also -- maybe it’s the only avenue some of them have
had, and they end up coming out to the urban centres and -
- I would -- to answer you question, yes, I am sure it would have made a difference. Providing justice at the community level is what is really missing.

**MS. JOSEPHINE DE WHYTELL:** Is it your understanding that the crime prevention standards prescribed in provincial legislation are the minimal standards necessary to protect NAPS officers?

**CHAIR MIKE METATAWABIN:** Sorry, could you repeat that?

**MS. JOSEPHINE DE WHYTELL:** Certainly. Is it your understanding that the crime prevention standards prescribed in provincial legislation are the minimal standard -- is the minimal standard necessary to protect NAPS officers in the field?

**CHAIR MIKE METATAWABIN:** For the constables themselves or ---

**MS. JOSEPHINE DE WHYTELL:** Yes.

**CHAIR MIKE METATAWABIN:** I don’t know how to answer that question. I am still not getting it.

**MS. JOSEPHINE DE WHYTELL:** I’ll rephrase it. From the legislation that I have reviewed in Bill 175, I am wondering if the provincial legislation that provides funding and, as you said, the backing of the rule of law, whether or not that is the minimal standard that would be required to protect NAPS officers in the
field?

CHAIR MIKE METATAWABIN: Well, I am still not sure, but -- I am not sure about using the word “minimal”. I would like to see more -- a better standard, a higher standard to protect anybody, especially our First Nation constables. Working alone is not providing safety or it is not to their safety, it has got to be equal standards across the board, whether it is municipal or provincial.

MS. JOSEPHINE DE WHYTELL: Would you agree that the greater threat of violence, the more important it is for officers to be armed and able to protect themselves and others?

CHAIR MIKE METATAWABIN: Sorry.

Repeat that again, sorry.

MS. JOSEPHINE DE WHYTELL: Would you agree that the greater the threat of violence in communities, the more important it is for NAPS officers to be able to protect themselves and have sufficient protections in place for their safety?

CHIEF TERRY ARMSTRONG: I think the answer would be “yes”.

MS. JOSEPHINE DE WHYTELL: Yes. But, would you also agree that the militarization of police, as we have seen to varying degrees in other parts of Canada
arguably, can have profound negative effects on Indigenous people in Canada?

CHAIR MIKE METATAWABIN: Yes, I have seen and heard that. It can be problematic.

MS. JOSEPHINE DE WHYTELL: And so, how, in your view, would you reconcile the requirement to protect officers doing their job with Indigenous principles of restorative justice?

CHAIR MIKE METATAWABIN: Well, that’s something at the community level is a good place to start. I have always encouraged that the communities establish policing committees, to have a group of people from the community be able to work with the police services, police force, so that way there is an understanding or there is an appreciation of how certain things are carried out or how they are uniform-wise I guess.

I have heard those comments before in my community and those are things that do require maybe some discussion and build an understanding. That is what is missing right now, the communication is missing, the involvement and cooperation perhaps. That is what is missing, we need to work together then things can -- I think things can resolve themselves.

MS. JOSEPHINE DE WHYTELL: Thank you. Would you agree that policing has become more important
into Indigenous communities because of the legacy of

CHAIR MIKE METATAWABIN: Has it become

more important?

MS. JOSEPHINE DE WHYTELL: Mm-hmm.

MR. JULIAN FALCONER: I ---

MS. CHRISTA BIG CANOE: Stop time.

MR. JULIAN FALCONER: --- am going to

raise ---

MS. CHRISTA BIG CANOE: Stop time.

MR. JULIAN FALCONER: --- an

objection.

MS. CHRISTA BIG CANOE: Can we please

stop time?

MR. JULIAN FALCONER: So, if I could --

-- the basis for my objection is the blanket use of the

term “genocide” creates an unfair question to the witness.

It assumes that the witness understands what my friend

means by genocide, and since -- I know that the Chair is

smarter than I am, and so is the Chief of Police, but

since I don’t know what she means by “genocide”, I can

hardly assume my client does.

MS. JOSEPHINE DE WHYTELL: Certainly.

I apologize ---

CHIEF COMMISSIONER MARION BULLER:
Could you please clarify what you mean by (indiscernible)?

MS. JOSEPHINE DE WHYTELL: Thank you.

Based on the Truth and Reconciliation Commission’s findings, there has been some recognition in Canada of cultural genocide having occurred. Are you aware of that or would you agree?

CHAIR MIKE METATAWABIN: Yes, I am aware.

MS. JOSEPHINE DE WHYTELL: Thank you.

Would you agree that the legacy of what the Truth and Reconciliation Commission found has increased the need for policing in First Nation communities because of the level of harm?

CHAIR MIKE METATAWABIN: Well, policing has always been -- it has always been -- as far as I can remember, just going back, growing up in my community, policing is something that -- well, there is a whole history here, but I will stick to what I have witnessed over the years.

So, the beginnings of policing in our communities, and that was with the -- I will start with the provincial police. They would come in periodically, do their work, but it was periodic, maybe every two weeks they would come in. And, I think that, over the years, culminated a need for a First Nations police service
presence in the communities.

What we have to remember is, the assimilation policies, the residential school policies and their impacts have left a lasting legacy which is violence, anger, unresolved issues. And, I think for the most part, I, myself, as a survivor of residential school, did not understand what happened, or what happened to us or what is happening even within our own families. Trying to understand the anger or why people are so angry with each other. It took me until I was -- I reached the age of 30 years old before I began to understand what had happened. And, for the most part, most of our people have never had that chance or do not have that beginning yet. We are still a long ways to go. We have a long ways to go before we understand what really happened to us with all these policies.

They took away our children through the Sixties Scoop, they took away the children through residential school, the assimilation policies -- it has always been hurtful and harmful to our communities, and it is up to us, it is up to us to try to make that change as well, to provide healing, to bring services to create an understanding of what transpired.

**MS. JOSEPHINE DE WHYTELL:** And, in your view, those additional services that are required,
would you agree that NAPS does not have the benefit of liaising with properly funded First Nation services in the same way that non-Indigenous people services have, for example, social services, mobile crisis, victim services, women shelters.

And would you agree that these services need to be funded to ensure that NAPS can provide adequate and effective services?

**CHAIR MIKE METATAWABIN:** Yes, I believe so.

**MS. JOSEPHINE DE WHYTTEL:** In your view, are NAPS families and children less deserving of protection than people who have been arrested by NAPS officers?

**CHAIR MIKE METATAWABIN:** Our women and children become most vulnerable when police services cannot perform their jobs to the best as possible. They need the support as well from the other frontline services and if they're not available, then they become -- they deal with these matters all by themselves. So it would be -- we need the other services to work with our police service.

**MS. JOSEPHINE DE WHYTTEL:** Would it benefit NAPS if there were more women shelters in NAPS territory?
CHAIR MIKE METATAWABIN: Yes, I think so. I believe so. We need to have support facilities. It's an ever-changing environment and that's the other thing that I wish to point out. We're dealing with an opioid crisis today. Whereas yesterday it was alcohol and domestic violence, now it's a changing landscape where we're dealing with opioid crisis. Now we're in a different element where we're dealing with different scenarios.

The communities are at a crisis point where we're not prepared for this. Nobody is prepared for this opioid crisis and that again we're on to a different area of what type of services do we need.

MS. JOSEPHINE DE WHYTELL: Thank you very much. Those are my question.

MS. CHRISTA BIG CANOE: Thank you.

Next, we would like to invite up Manitoba Keewatinowi Okimakanak, MKO. MKO is represented by Jessica Barlow. Ms. Barlow has 12 minutes in her cross-examination.

--- CROSS-EXAMINATION BY MS. JESSICA BARLOW:

MS. JESSICA BARLOW: Good afternoon. I would like to acknowledge the Elders and those who spoke this morning to start us off in a good way. I would like to acknowledge the sacred items in the room. I would like
to acknowledge the families and survivors, the
Commissioners, and the witnesses for providing your
testimony today.

I would like to express my sincere
gratitude to the Huron-Wendat Nations of this territory
for welcoming us here today to conduct this really
important work.

My name is Jessica Barlow and I am
legal counsel on behalf of MKO, and today my questions
will be openly directed to both of you, Chief Armstrong
and Chair Metatawabin. And so please feel free to answer
if you're able.

And so we heard a statement today to
the effect that all communities are deserving of receiving
equitable levels of policing and safety. Is that a fair
paraphrasing of your testimony?

CHIEF TERRY ARMSTRONG: Yes.

CHAIR MIKE METATAWABIN: Yes.

MS. JESSICA BARLOW: Thank you. And
so building off of your earlier testimony, I would like to
put to you that not only are Indigenous communities
deserving of equitable policing and safety but this
equality should be substantive in nature.

And what I mean by that is from what
we've heard in other hearings and also what Google tells
me is that substantive equality is something when it recognizes that practices and policies that are put in place to suit the majority of people appear to be non-discriminatory in nature. However, it may not address the specific needs of certain groups of people and in effect may indirectly create systemic discrimination.

And so by way of an example is if everyone is given $100, that $100 in one community may work but in another community with higher needs, it may not.

Is that a concept that you would agree should be applied in First Nations and Indigenous policing?

CHIEF TERRY ARMSTRONG: If I'm understanding the question that the communities aren’t all the same and some may need different resources provided, if that's -- if I'm understanding the question, I would agree to that.

MS. JESSICA BARLOW: Yes, and the question more specifically ---

CHIEF TERRY ARMSTRONG: Because it's not a cookie-cutter approach, right?

MS. JESSICA BARLOW: Right, and the question more specifically is it shouldn’t just be equality, so it shouldn’t just be like equal funding
amounts for each Indigenous policing service. It should be equivalent to that of the need, so a substantive equality.

Would you agree with that statement?

CHIEF TERRY ARMSTRONG: I would say yes.

MS. JESSICA BARLOW: Thank you. And so as you may or may not be aware, MKO communities are situated in northern and remote Manitoba and so they are similarly situated to your NAN communities as well and they face similar barriers that you described today. However, the RCMP is the main source of policing in those communities. They have similar infrastructure issues. For example, in the not so distant past, detainees may have even been held in hockey dressing rooms because there was a lack of infrastructure.

And so given the geography and the cost associated and also other barriers, both human and financial, would you agree that the essential nature of public safety in communities through mechanisms of policing should be substantively equal, so equal to the need of the communities?

CHIEF TERRY ARMSTRONG: That's fair.

MS. JESSICA BARLOW: And we've heard some examples in your testimony of the inequities that
NAPS faces and I'm wondering why you feel -- well one, why
you feel that it's such a struggle for NAPS to achieve
this substantive quality, and second part to that question
is what type of recommendations you would provide so that
it isn't such a struggle?

CHIEF TERRY ARMSTRONG: Could you
break it down into two questions?

MS. JESSICA BARLOW: Certainly. So
why do you feel that NAPS experiences such a struggle in
order to maintain or even receive substantive equality in
something like funding from the government?

CHIEF TERRY ARMSTRONG: We haven't
been -- and this has been brought up over the years a
number of times that legal -- having that legal backing,
you know, a service backed by the rule of law is something
that's -- that's obviously something we need.

And what was the other ---

MS. JESSICA BARLOW: And the second
part was any recommendations that you would provide so
that it's not such a struggle in the future to obtain
substantive equality and funding.

CHIEF TERRY ARMSTRONG: Well I think
the recommendation there would be for -- you know, for the
powers to be if you will, the governments, the people that
hold the purse strings, the funders, to look at
substantive policing as you're talking about and properly funding the police services, look at their needs.

Actually, as we mentioned earlier, there was a lack of negotiations, actually negotiate, go have a look at -- and not a 20-minute fly-in and fly-out, actually go in and visit communities and see what communities need and what type of policing would best serve them.

MS. JESSICA BARLOW: Okay, thank you.

CHIEF TERRY ARMSTRONG: And just for all our inequities, there is a lot of stuff that -- I just wanted to make it on record, there's a lot of stuff that is very appealing to the First Nation communities as well in respect to NAPS and I think that's why we survived today is because the communities support us and support an Indigenous police force for their communities. They really support that.

MS. JESSICA BARLOW: Right. And that's perfect. That actually was my next question is that we heard earlier that the services provided by NAPS and the benefit to those services are something that are not necessarily delivered in the same culturally relevant way by other organizations, so for example, OPP or RCMP.

And so I'm wondering if you would agree with me that even though there may be higher costs
or, you know, maybe a higher substantive cost to get an equitable funding base for such a program, I'm wondering if you would say that the benefits of Indigenous policing far outweigh the financial outlay?

CHIEF TERRY ARMSTRONG: I would say yes but I don’t think that the cost is higher to have Indigenous police forces. That hasn't been our experience that it's going to be at a higher cost.

MS. JESSICA BARLOW: Perfect. So it's just a matter of under resourcing as opposed to cost...

CHIEF TERRY ARMSTRONG: Yes.

MS. JESSICA BARLOW: ...is essentially the issue?

CHIEF TERRY ARMSTRONG: Yes.

MS. JESSICA BARLOW: Wonderful. And so if those resources were provided aptly, then the benefit should outweigh the cost of that resourcing?

CHIEF TERRY ARMSTRONG: Yes.

MS. JESSICA BARLOW: Wonderful.

CHIEF TERRY ARMSTRONG: And we're talking about safety, so what's the cost, you know.

MS. JESSICA BARLOW: Exactly, absolutely. And so we heard in Regina, Commissioner Lucki of the RCMP was talking about how in northern and remote communities sometimes policing can be reactive instead of
preventative given some of the barriers, so for example, lack of resourcing, so not enough officers, geography or weather based, so those types of things. And I'm wondering if this is something that NAPS would experience?

CHIEF TERRY ARMSTRONG: Yes, yes. MS. JESSICA BARLOW: And so, in understanding that reactivity isn’t always preventable, what recommendations would you make to assist in maintaining a preventative structure versus a reactive structure?

CHIEF TERRY ARMSTRONG: Have enough human resources to do preventing policing, and not just have reactive -- model reactive policing. Have specialty units in communities or accessible to communities, because that’s one of the things we’re inherently just funded for, frontline policing, and that’s where things like the opioid crisis get away on you, and it becomes much more of a crisis than it really needed to be, is when you don’t have the resources to hit that on the front end before it gets out of hand.

MS. JESSICA BARLOW: And, we also heard you say earlier that because of some of the issues, for example, the safety of a community, and if there are not the resources available to provide that safety that some people leave the communities. And, I’m wondering if
you would agree that if the levels of safety could
increase through the mechanisms that you’ve already spoken
about today, that people may not need to leave or want to
leave the communities if they felt safer?

CHIEF TERRY ARMSTRONG: I certainly
think it would help our communities to feel safer if those
resources were there. Absolutely. Yes.

MS. JESSICA BARLOW: Wonderful. And,
those are all of my questions, so I want to say thank you
and chi migwetch. Thank you.

MS. CHRISTA BIG CANOE: Thank you. I
was just going to ask, would now be a good time for the
lunch break? Yes. On that basis, we kindly request a
one-hour lunch, and we would be returning for 1:30.

CHIEF COMMISSIONER MARION BULLER:
Okay, let’s make it 1:30, please.

MS. CHRISTA BIG CANOE: Yes. And,
just so that -- just as a housekeeping note just so
everyone is aware, there is lunch available for everyone
in attendance, and I understand it is right next door.
So, thank you.

--- Upon recessing at 12:26
--- Upon resuming at 13:36

MS. CHRISTA BIG CANOE: ...de Whytell
will have 12 minutes as counsel on behalf of ANCFSAO.
MS. JOSEPHINE DE WHYTELL: Thank you very much. My first few questions are for ---

MS. CHRISTA BIG CANOE: Sorry, one moment, Ms. Whytell. Can we please set the time for 12 minutes? Thank you. Thank you.

--- CROSS-EXAMINATION BY MS. JOSEPHINE DE WHYTELL:

MS. JOSEPHINE DE WHYTELL: Thank you. My first few questions are for Mike Metatawabin. You testified that negotiations with various levels of government were often tied to and centred around elections. Would you agree that part of the problem with negotiations between the Government of Canada and Ontario is related to politics?

CHAIR MIKE METATAWABIN: Yes.

MS. JOSEPHINE DE WHYTELL: And, is it your experience that politicians in Ontario and Canada prioritize re-election more than the safety and wellbeing of Indigenous communities?

CHAIR MIKE METATAWABIN: Yes.

MS. JOSEPHINE DE WHYTELL: In order to provide proper protections for Indigenous women and girls in Canada, do you think Canada’s fiduciary obligations to Indigenous peoples need more backing by the rule of law?

CHAIR MIKE METATAWABIN: Yes.
MS. JOSEPHINE DE WHYTELL: Thank you.

My next questions are for Chief Armstrong. You testified that NAPS lacks proactive funding and that proactive funding is important for reducing harm. Have I got that right?

CHIEF TERRY ARMSTRONG: Yes.

MS. JOSEPHINE DE WHYTELL: Given the importance of inter-disciplinary responses to family violence, don’t you think it’s just as important for First Nation child and family services to be funded proactively?

CHIEF TERRY ARMSTRONG: If I understand the question, that family services be funded --

MS. JOSEPHINE DE WHYTELL: Proactively.

CHIEF TERRY ARMSTRONG: Yes.

Absolutely. Yes.

MS. JOSEPHINE DE WHYTELL: Thank you.

Do you agree that there is a connection between involvement in child welfare and the likelihood of involvement in youth criminal justice -- or in the youth criminal justice system? Have you noticed that correlation in your experience?

CHIEF TERRY ARMSTRONG: Could you ask that question again?
MS. JOSEPHINE DE WHYTELL: Yes, certainly. Do you agree that there is a connection between the involvement in child welfare or in the child welfare system and the likelihood of involvement in the youth criminal justice system?

CHIEF TERRY ARMSTRONG: Yes.

MS. JOSEPHINE DE WHYTELL: And, in your view, would the proactive funding of child welfare services support NAPS’ objectives in preventing youth crime?

CHIEF TERRY ARMSTRONG: Yes.

MS. JOSEPHINE DE WHYTELL: Do you think proactive funding of child welfare and other support services would reduce the need for police interventions?

CHIEF TERRY ARMSTRONG: That’s possible.

MS. JOSEPHINE DE WHYTELL: Do you agree that policing has similar goals to child welfare in terms of prevention and protection?

CHIEF TERRY ARMSTRONG: Yes.

MS. JOSEPHINE DE WHYTELL: Would you like to see, and do you think it’s realistic in the future that policing in First Nation communities could focus on prevention the way that child welfare tries to?

CHIEF TERRY ARMSTRONG: Certainly,
it’s got to be a part of the focus for sure.

MS. JOSEPHINE DE WHYTELL: And, how do you think that policing in the future, say, for example, in the next five years could incorporate more prevention services?

CHIEF TERRY ARMSTRONG: Over the next five years?

MS. JOSEPHINE DE WHYTELL: Mm-hmm. For example.

CHIEF TERRY ARMSTRONG: If we were to receive additional funding, is that what you mean?

MS. JOSEPHINE DE WHYTELL: If it was a perfect world, what would you like to see in terms of prevention services that police could offer to the communities?

CHIEF TERRY ARMSTRONG: Well, there’s a number of police prevention issues, but there’s -- as you mentioned, there’s other areas that could use prevention services as well. So, there’s a number of programs in policing, preventative programs that we would like to administer. Quite a string of them actually.

MS. JOSEPHINE DE WHYTELL: Could you describe some of them?

CHIEF TERRY ARMSTRONG: We’ve done a lot of work with the gangs, gang involvement. I think I
mentioned that earlier. And then it is cut off because the funding is gone. It’s a year gone by. I think those type of things -- you know, even more land-based work with communities so that people aren’t having to, you know, get involved in the system and send out to other places.

Like, as you know, there’s no women’s shelters in our communities, so people have to be sent out, and they’re kind of re-victimized when they get sent somewhere else. It’s almost like they did something wrong if a woman has to leave her home to go to a shelter somewhere else. So, there’s -- yeah.

MS. JOSEPHINE DE WHYTELL: Thank you. The way that you see police prevention, do you foresee that to be more of an inter-disciplinary approach where there is more communication between police services or First Nation police services and other First Nation organizations?

CHIEF TERRY ARMSTRONG: We don’t have a lot of other organizations to work with in the communities. That’s the difficult part of that question. But, I mean, we work inter-agency with whoever is on the ground, and we work inter-agency with other police services as well.

MS. JOSEPHINE DE WHYTELL: And, do you have -- in your experience, is there a lot of
collaboration or ought there to be more collaboration between police and child and welfare services?

CHIEF TERRY ARMSTRONG: More than with other police? Is that what you’re ---

MS. JOSEPHINE DE WHYTELL: More than what there is right now.

CHIEF TERRY ARMSTRONG: There needs to be, yes. Absolutely. We can always get better at those things, yeah.

MS. JOSEPHINE DE WHYTELL: Thank you.

Those are my questions.

MS. CHRISTA BIG CANOE: Thank you.

Next, we’d like to invite up Ms. Julie McGregor on behalf of the Assembly of First Nations. Ms. McGregor will have 12 minutes in her cross-examination.

--- CROSS-EXAMINATION BY MS. JULIE MCGREGOR:

MS. JULIE MCGREGOR: Good afternoon.

My name is Julie McGregor, and I represent the Assembly of First Nations. I would like to acknowledge the territory here of the Huron-Wendat, and I would also like to acknowledge the sacred items in the room. And, I would also like to thank the panel for their evidence today.

To start off my questions, I’d like to start with Chief Armstrong. First, I would like to congratulate you on your upcoming retirement.
CHIEF TERRY ARMSTRONG: Thank you.

MS. JULIE MCGREGOR: And, to thank you for all your hard work and commitment to First Nations policing. In the presentation of the evidence that we heard this morning, we heard that until very recently, negotiations for funding for NAPS was a take it or leave scenario, and negotiations were usually led by bureaucrats; is that correct?

CHIEF TERRY ARMSTRONG: Yes.

MS. JULIE MCGREGOR: And, it was also discussed how that changed with an increase in First Nations leadership support, and how, you know, there was a process in which terms of reference were provided; is that correct?

CHIEF TERRY ARMSTRONG: Yes.

MS. JULIE MCGREGOR: And, how this then led to a new NAPS, a transformation of the process; is that correct?

CHIEF TERRY ARMSTRONG: Yes. Yes. Very much so.

MS. JULIE MCGREGOR: My question is whether you are aware of this new approach, this more balanced approach to negotiating funding agreements, is being used in other First Nations communities -- or other First Nations, I should say.
CHIEF TERRY ARMSTRONG: Well, I can only speak for Ontario First Nations. I know -- I am a member of the First Nations Chiefs of Police Association from across Canada, but I don’t know what the movement is. But, then -- and some of the other provinces to date. But, with this negotiation within Ontario, the other First Nations Police Services had already signed on, because the government basically came to the table again with “this is what we’re offering”. And, by the time we got to this point, most of them accepted it, had accepted what was being offered.

MS. JULIE MCGREGOR: So, there is likely still inconsistencies in the government’s approach to negotiation funding agreements across Canada today, or at least in Ontario?

CHIEF TERRY ARMSTRONG: I would believe that, yes.

MS. JULIE MCGREGOR: Thank you. During these negotiations and this more balanced approach, was funding specific for missing and murdered Indigenous women cases or prevention for Indigenous women -- Indigenous -- missing and murdered Indigenous women cases considered as a part of the funding agreement?

CHIEF TERRY ARMSTRONG: There was a number of other things that were considered. And,
basically the deal we got was as far as, I guess, the leadership could push the envelope, so to speak. I mean, that was -- it was a very tough negotiation too, because they came to the table with a very small percentage increase and the same as they were offering the rest of the province. So, it was -- like we needed a second aircraft for the size of the area that we police and we couldn’t get that in either. There was a number of things that we did, but couldn’t get in. But, we have, like, a gamut of things that we wanted to deal with.

**MS. JULIE MCGREGOR:** Yes. And, for maybe in the future and for future considerations, do you think that that is something that should be built into funding agreements, consideration specifically for missing and murdered Indigenous women?

**CHIEF TERRY ARMSTRONG:** Yes, absolutely.

**MS. JULIE MCGREGOR:** Thank you. During your presentation, you were -- there was discussion of an oversight committee and how there would be an evaluation of culturally appropriate training. Do you know, at this point, how this evaluation will be done and whether the First Nations that NAPS provide services to will play a role in that evaluation of culturally appropriate services?
CHIEF TERRY ARMSTRONG: No. To date, I don’t know of what is going to be evaluated.

MR. JULIAN FALCONER: I have an objection. It may just be my misunderstanding of the question, but there was a reference to an oversight committee, and that was not the nature of the evidence I thought we called. So, the reference was to the existence of oversight bodies that will be triggered by the legislation applying, being OIPRD, SIU and OCPC, and that they would be expected to achieve a level of cultural competence in doing their work, but no reference to an oversight committee.

MS. JULIE MCGREGOR: All right. I can withdraw the question.

CHIEF COMMISSIONER MARION BULLER: Okay. Thank you.

MS. JULIE MCGREGOR: I am going to now move to questions for Chair Metatawabin. As the Chair of NAPS, and the NAPS board and also a long-time leader of your people, do you have any concerns about -- or did you have any concerns about the amendments to the Police Services Act and specifically about the relationship with the provincial government?

CHAIR MIKE METATAWABIN: Well, I -- to answer that question, if there was any concern, I may have
entertained the thought. But, in terms of Ontario, we looked at it from the point of view of a treaty relationship. As you know, Treaty 9 is -- Ontario is a co-signer of Treaty 9, so there is a relationship there. So, we took it from that angle to move ahead on this one.

Ms. Julie McGregor: And, do you think it is important to go back to those fundamentals of the treaty relationship and how First Nations interact with various levels of government?

Chair Mike Metatawabin: It has become obvious, I believe, that there needs to be that -- we need to maintain those relationships and build on those relationships.

Ms. Julie McGregor: And, you mentioned in your evidence that First Nations leadership needs to step up in terms of supporting First Nations policing and then looking at -- you know, possibly looking at different ways of overcoming a lot of the obstacles that First Nations policing has and they have to support one another. Can you give me some examples of how First Nations leadership can become more vocal and how can they support improvements to police services?

Chair Mike Metatawabin: One of the examples I provided one time in addressing this, we were at a conference in Winnipeg one time with the chiefs of
police, and I was Deputy Grand Chief at the time for Nishnawbe Aski Nation. And, the representative from Canada said something that was -- it insulted me the way he said something. And, I took the opportunity to question him what he meant by his comment.

He said, “You need to be unique before we can consider any further adjustments.” I took offence to that comment. I asked him, “What exactly do you mean by that? What is unique? What is more unique than what we have to deal with?” And, I asked him if I should be wearing a headdress and a tomahawk. Is that -- would that be unique enough?

Making that statement to him, after that incident, one of the chiefs of police that was in attendance came up and said, “Thank you for that, because we cannot say those things. We cannot confront our government bureaucrats and say things like that.”

So, that is where I got that idea that we need leadership -- we need people in leadership to get involved. We need their support all the way up to AFN level. We need the full support of leaders to make policing a priority. It should be a priority already if it’s not.

MS. JULIE MCGREGOR: And, throughout -- and this is my final question. And, throughout all of
these hearings, we have heard how everything is interconnected, like all of the issues. So, we have, you know, poor housing poverty rates, you know, child welfare, all of these things. And, do you think that what needs to happen as well to support good First Nations community policing or First Nations policing is that we need to build up all of those priority areas and build the infrastructure to support everyone who is involved in these issues?

CHAIR MIKE METATAWABIN: If there is one thing that I learned from the process we went through in negotiating going towards a legislative model is that there needs to be an amendment to any existing Act. In our case, it was the Police Services Act. An amendment had to be made before we could proceed further. And, I think it is the same for child and family services and all the other services. We need to get back to the table and see what needs to be fixed.

Currently, bureaucracy follows what is in place before them, existing Acts, and they will follow them, and that is where we need to bring the leadership in. Negotiations need to lead in that direction where we have to look at the existing Acts and make amendments to them before we can be effective.

MS. JULIE MCGREGOR: Okay. Chi-
meegwetch, Chair Metatawabin and Chief Armstrong. Those
are my questions.

MS. CHRISTA BIG CANOE: Thank you, Ms. McGregor. Next, we would like to invite up the Assembly
of Manitoba Chiefs. Ms. Soldier will have 12 minutes in
cross-examination.

--- CROSS EXAMINATION BY MS. STACEY SOLDIER:

MS. STACEY SOLDIER: Hello. I first
want to start by thanking the Huron-Wendat for us being on
-- being welcome onto their community and their territory.
I also want to show my -- pay my respect to the families
and survivors who are present here today, as well as the
elders for their wisdom and their comfort throughout the
day, and the staff who I see working so very hard, as well
as the Commissioners. I am very pleased to be here. My
name is Stacey Soldier. I am representing Assembly of
Manitoba Chiefs, and I am Anishinaabekwe from Swan Lake
First Nation in Manitoba.

My first question, Chairman

Metatawabin -- am I saying that correctly?

CHAIR MIKE METATAWABIN: Yes.

MS. STACEY SOLDIER: Thank you. Have
you heard from your members not only those in leadership,
but also community members about their sense of security
given the limited presence that police do have in the
communities?

CHAIR MIKE METATAWABIN: Have I gotten a sense from the community membership?

MS. STACEY SOLDIER: Yes.

CHAIR MIKE METATAWABIN: It is a topic that is common or discussed all the time. The ongoing issue with the -- well, the lack of full complements contributes to not being able to carry the work or follow through with the work, and other different challenges.

MS. STACEY SOLDIER: And, would it be fair to say that some of those challenges come specifically to issues of safety for women and girls in your communities, would you agree with that?

CHAIR MIKE METATAWABIN: Yes.

MS. STACEY SOLDIER: And, further to that, with not a full complement of officers and sometimes one officer only in the community, have members and leadership reported that perhaps -- that people may find that a deterrent in reporting crime that is going on?

CHAIR MIKE METATAWABIN: Possibly.

Yes.

MS. STACEY SOLDIER: Okay. Now, I know that this has been touched on a few times already, but the communities in knowing, and I’m sure everybody knows, the ongoing issues with funding and dealing with
the levels of government, and I think you have touched on
it briefly, but have there been attempts to engage on the
community level in preventative work in addressing issues
surrounding crime?

**CHAIR MIKE METATAWABIN:** Well, as I
said earlier, I have always tried to suggest that there
would be a committee, a group of people working together
with the police services that would ensure that there is
communication or a bridge that the leadership could be
involved in working with the police services. I can’t
speak for everybody in all of the NAN territory, but we
need to make that happen more, we need to engage the
membership to work with our police services.

**MS. STACEY SOLDIER:** I also wanted to
ask, and this is a question for both you, Chief Armstrong,
as well as Chairman. In terms of the limited resources
that are available with policing, I wanted to talk just
specifically about the lack of victim supports. And, I
think it was mentioned in the materials that the heavy
workload for police members places limitations on how they
can help victims who report crime. Have there been any
improvements or are there plans for improvements in that
area?

**CHIEF TERRY ARMSTRONG:** We just
started a victim support unit that is made up of three of
our First Nations women officers and they -- the unit itself is limited funding. Right now, we are only getting a year for it, but we are hoping that this successes, that we can show with working with women and victims that we can -- as victims, that we can show that we can keep that program going. But, like I say, it’s -- they always just say, okay, you have got one year. So...

MS. STACEY SOLDIER: And, you would agree, that would be an area that needs improvement from the government level in terms of not holding the organizations and police services to that one year funding agreement, rather a multi-year agreement I think. Would you agree with me that that would be -- that would help quite a bit actually?

CHIEF TERRY ARMSTRONG: Yes, it would. And, the fact that you -- when they give you a year’s funding, you don’t ever get a year, because by the time you make the deal, it is three months before you get any assistance for the program, and by the time you are up and running, you might get six or seven months of that program. So...

MS. STACEY SOLDIER: So, not a great way to run things I would ---

CHIEF TERRY ARMSTRONG: No.

MS. STACEY SOLDIER: --- say. Chief
Armstrong, you also mentioned earlier, and I really like this quote, that Indigenous policing by Indigenous people is the way to go. Chairman, you also mentioned that the challenges of recruitment. I almost feel like I know the answer before I ask it, but does any of the funding, up until now or in the future, cover recruitment?

CHIEF TERRY ARMSTRONG: Sorry?

MS. STACEY SOLDIER: Sorry. Does any of the funding that you receive cover recruitment of officers?

CHIEF TERRY ARMSTRONG: Yes.

MS. STACEY SOLDIER: Okay.

CHIEF TERRY ARMSTRONG: They give us some additional funding to hire those extra 79 that we are getting over the next five years. So, there was money given for that.

MS. STACEY SOLDIER: Okay. So, that is something new. Okay.

CHIEF TERRY ARMSTRONG: More along the lines of equipment than stuff like that, but yes ---

MS. STACEY SOLDIER: Right.

CHIEF TERRY ARMSTRONG: --- a little bit.

MS. STACEY SOLDIER: Now, in terms of the funding, and this is certainly from my -- just to
confirm in my mind, you had mentioned before, Chief Armstrong, that there are not -- it is essentially based -- overall policing, general policing, but not specific units; is that correct that you said that?

CHIEF TERRY ARMSTRONG: Yes. No specialized units. We do engage in that, but we have to take people from elsewhere, off the frontline to do that. But, no, we don’t get funded for specialized units and they are imperative in this day and age in policing.

MS. STACEY SOLDIER: Right. And, is that something that is ongoing -- ongoing discussions with the levels of government, in terms of trying to get those specialized units?

CHIEF TERRY ARMSTRONG: Yes. Yes. And, probably the biggest one is the drug units because that’s -- when I talk to 34 chiefs, that is usually the first topic that comes up, is the drugs.

MS. STACEY SOLDIER: Certainly, because they certainly lead to a myriad of problems within the communities ---

CHIEF TERRY ARMSTRONG: Absolutely. It leads to other crime, yes.

MS. STACEY SOLDIER: Yes. Those are my questions. Thank you.

CHIEF TERRY ARMSTRONG: Thank you.
MS. CHRISTA BIG CANOE: Thank you, Ms. Soldier. Next, we would like to invite up Pauktuutit and other Inuit organizations represented by counsel, Beth Symes. Ms. Symes has 12 minutes.

--- CROSS-EXAMINATION BY MS. BETH SYMES:

MS. BETH SYMES: Good afternoon, Chair Metatawabin, Chief Armstrong and Julian Falconer. I represent Pauktuutit, the Inuit Women of Canada; the Inuit Women of Labrador, Saturviit, which are the Inuit Women of Québec; the Ottawa Inuit Children’s Centre and the Manitoba Inuit Association.

You may think or wonder why I am asking questions of you and so let me explain the background. For Inuit women and girls in the Northwest Territories, Nunavut and Nunatsiavut, which is a part of Labrador, they are policed by the RCMP. And, we had evidence in Regina that there are very, very few Inuit officers in the RCMP, perhaps 11 or 12 all across Canada. And so, I want to explore with you that the NAPS history and experience for a model of alternate policing for Inuit communities. So, that is why I am asking you these questions, okay?

So, before 1994, I think, Chair, that you are probably the one, you have been there the longest, were the NAN people policed by the OPP?
CHAIR MIKE METATAWABIN: Yes.

MS. BETH SYMES: And, in answer to a question that Ms. de Whytell asked, before 1994, did you tell her that the OPP came into NAN communities every couple of weeks? Did I hear you correctly?

CHAIR MIKE METATAWABIN: Yes.

MS. BETH SYMES: In other words, sir, were there no permanent OPP detachments in NAN territory prior to 1994?

CHAIR MIKE METATAWABIN: The program – or the OPP, their First Nation program developed at some point, then we had some First National special constables in place. That was the work that was done up to date at that time.

MS. BETH SYMES: Okay. And, a special constable does not have all of the rights, and responsibilities and duties as a full police officer?

CHAIR MIKE METATAWABIN: I don’t think so.

MS. BETH SYMES: Okay.

CHAIR MIKE METATAWABIN: But, in terms of workload, the workload was above and beyond.

MS. BETH SYMES: We heard about that in Regina. As of 1994 then, NAPS began to establish permanent detachments in the NAN communities; is that
correct?

**CHAIR MIKE METATAWABIN:** As best as possible.

**MS. BETH SYMES:** And, how long, sir, did it take from 1994 forward to get a detachment in every community?

**CHAIR MIKE METATAWABIN:** It wasn’t -- I mean, there was -- there’s different stories. I mean, there’s one community that did not even have a detachment, but they continued to try to operate as a detachment, but they were housed in a motel, one room being used as the holding place, and the room next door being the home of the police constables.

So, it was -- it was a process that took long. I don’t know the details but not every community had a detachment, and it took many years to get there.

**MS. BETH SYMES:** Fair enough. And, you’ve explained both in your evidence in-chief and in cross-examination that NAPS has been held back in keeping up with all of the latest advances in policing. You talk about radios, but let alone electronic communication because of lack of funding.

**CHAIR MIKE METATAWABIN:** Yes.

**MS. BETH SYMES:** And, your dream and
your hope is that with Bill 175, that will change?

CHAIR MIKE METATAWABIN: Yes.

MS. BETH SYMES: But, sir, and perhaps I can ask of all three of you, Bill 175 was passed under the Liberal Wynne government; is that correct?

CHAIR MIKE METATAWABIN: Yes.

MS. BETH SYMES: Safer Ontario Act is complex legislation?

CHAIR MIKE METATAWABIN: Yes.

MS. BETH SYMES: It amends a number of existing acts dealing with police?

CHAIR MIKE METATAWABIN: Yes.

MS. BETH SYMES: And, it also creates new acts dealing with police and policing?

CHAIR MIKE METATAWABIN: It changes some of the act. I don’t know if there’s any real new sections.

MS. BETH SYMES: Mr. Falconer, there are some new acts; right?

MR. JULIAN FALCONER: Yes. If I may, if it’s all right, chair, as their counsel, because we’re now getting sort of beyond the scope of their evidence, but Bill 175 and what’s called the Safer Ontario Act is actually an omnibus piece of legislation that combines amendments in many acts across the forensic examination
coroner system through a whole plethora of legislation.

**MS. BETH SYMES:** Now, I understand that the first section that was to come into effect on July 1, 2018 was the oversight of police -- oversight of policing; am I correct?

**MR. JULIAN FALCONER:** May I answer, Chief Commissioner, again?

**MS. BETH SYMES:** It would be helpful, I think, that -- this is important for the record.

**MS. CHRISTA BIG CANOE:** So, sorry, Commission counsel’s position on this I know that it’s helpful, but I also note that Mr. Falconer is not the witness, and then we’re putting counsel leading evidence into the position to be giving the answer. So, it does put us in a bit of a conundrum; right? So, I defer to the Commissioners’ position on this.

**CHIEF COMMISSIONER MARION BULLER:** I think we can all read the bill.

**MS. BETH SYMES:** With respect, it’s much more complicated than that. It is not in the bill, the questions I’m asking.

**CHIEF COMMISSIONER MARION BULLER:** Well, again, I don’t know if this witness is able to answer the question. You can ask it, but you have to live with the answer.
MS. BETH SYMES: Okay. So, let me try that, then. Was the first thing, then, that was going to affect policing was the oversight of policing that was to come into effect on July 1st, 2018?

MR. JULIAN FALCONER: So, Chief Commissioner, I don’t want to run afoul of what you’ve just directed ---

MS. BETH SYMES: Could we just stop the clock, please?

MR. JULIAN FALCONER: --- and I’ll be honest, I’m a bit confused about what you’ve just directed. These are not facts in dispute, and sometimes when facts are not in dispute, the parties are, and the adjudicator is, content to permit those facts to be put forward. I would respectfully suggest this might be one of those moments.

I know that my clients are not in a position to speak to this. I am, if it’s helpful to you.

MS. BETH SYMES: Madam Chair, my ---

CHIEF COMMISSIONER MARION BULLER: Yes.

MS. BETH SYMES: Madam Commissioner, my position is that it is really important information that all four of you need to know that hasn’t yet gone into the record before you write about this in your
report. It’s a work in progress.

CHIEF COMMISSIONER MARION BULLER: I agree it’s important evidence. You’re absolutely correct in that regard. But, my concern is whether these are the appropriate witnesses to which to lead that evidence.

MS. BETH SYMES: If you would agree, you know, I think that a dialogue between myself and Mr. Falconer as their representative and as a key actor in this might be the most efficient and the most reliable way to get this evidence in.

CHIEF COMMISSIONER MARION BULLER: Let’s do this. I note that we have six minutes and 9 seconds left on the clock for Pauktuutit. I invite to counsel, and perhaps with Commission counsel, to speak during the break. We will recall you after the break with six minutes and 9 seconds on the clock.

MS. BETH SYMES: Thank you.

CHIEF COMMISSIONER MARION BULLER: And, we’ll go to the next party, please.

MS. CHRISTA BIG CANOE: Yes, please.

Next, we would like to invite up the Native Women’s Association of the Northwest Territories. Ms. Caroline Wawzonek, and I apologize if I have mispronounced that, has 12 minutes.

--- CROSS-EXAMINATION BY MS. CAROLINE WAWZONEK:
MS. CAROLINE WAWZONEK: Bon après-midi, Commissaire en chef et Commissaires. I wanted to express my gratitude first to the warm welcome we received this morning to these lands from the Huron-Wendat First Nation. I’m presenting the Native Women’s Association of the Northwest Territories. They represent Indigenous women across the Canadian political boundary known as the Northwest Territories. Their operations are centred in Sambaa K’ee, which is the traditional lands of the Yellowknife Dencho Dene First Nation in Chief (indiscernible) territory. And, for the record, my name is Caroline Wawzonek.

My first question would be to Chief Armstrong. In the inquest into the death of Lena Anderson, you had recommended, or you produced Recommendation No. 6 in regards to ensuring the provision of adequate and sustainable funding to provide an adequate complement of backup officers, supervising officers, and to ensure that the community members have access to police services.

I wanted to ask you some questions about access to police services. Would you agree that women can face additional barriers to accessing police services, particularly in remote communities, if the police services are exclusively male?
CHIEF TERRY ARMSTRONG: I don’t think I can agree to that totally because, I mean, everybody has access to the police. So, could you -- if you could direct the question a little differently? Like I say, I don’t think that our -- it might be the victims that don’t -- that feel the barrier, but the police are there to respond.

And, we do have in -- our crime units all have First Nations’ officers, females in our crime units. So, we have that availability, but we may not have it on the ground at the time. But, we encourage that, so -- women are very important to us, obviously, and their safety.

MS. CAROLINE WAWZONEK: And, you actually picked up on more of the tickler concern that I wanted to raise. With respect to taking a statement from a complainant or a witness who is a woman, do they face additional barriers if they’re dealing with exclusively male officers in their community who is investigating the situation?

CHIEF TERRY ARMSTRONG: We have the availability of Anishinaabekwe, of female officers to take the statements and -- yeah.

MS. CAROLINE WAWZONEK: And, are they available in every community?
CHIEF TERRY ARMSTRONG: Excuse me?

MS. CAROLINE WAWZONEK: Are they available in every community?

CHIEF TERRY ARMSTRONG: They’re available to every community, but not in every community, no.

MS. CAROLINE WAWZONEK: Would there sometimes be a delay, then, in having a female officer present in the community in which a crime may have occurred?

CHIEF TERRY ARMSTRONG: Yes.

MS. CAROLINE WAWZONEK: And, would that potentially create some barrier or some challenge for the woman who is being asked to participate in that investigation process?

CHIEF TERRY ARMSTRONG: Yes.

MS. CAROLINE WAWZONEK: And, would you agree that having proactive efforts to recruit more women would benefit the overall investigative process in small communities?

CHIEF TERRY ARMSTRONG: Absolutely, and that’s a target for us right now in our recruiting, is to -- and I think -- I believe in this class that we have done there now, I think there’s three First
Nations females in our present class that we’re putting through.

MS. CAROLINE WAWZONEK: Are there any particular things you are doing to recruit women specifically to the NAPS police services?

CHIEF TERRY ARMSTRONG: Generally, we advertise for police officers, but I know our recruiter is a First Nations officer that’s female and, like, I mean, I put it out to her. We’ve got to up our numbers. It’s hard, though, because we’re not getting the applicants.

MS. CAROLINE WAWZONEK: Right.

CHIEF TERRY ARMSTRONG: So that’s the difficulty, is we’re not getting the applicants. But, she knows that that’s a demographic that we want to target.

MS. CAROLINE WAWZONEK: If I can turn a question, then, to Chair Metatawabin? Are there any particular programs or efforts being made to target youth women, Indigenous women specifically to joining the police services?

CHAIR MIKE METATAWABIN: We don’t -- I mean, yes, we do try to promote policing as a career. We have gone to events. They go to the youth events that occur. One -- most recently, the Aboriginal Sports and Wellness Council had an event and our police services were present to have a booth and to try to attract youth.
MS. CAROLINE WAWZONEK: Thank you.
Chair Metatawabin, I have another question for you, please. It was discussed a bit earlier about the burnout that is suffered when there is insufficient numbers of officers in the community, and you mentioned that civilians, members of the council or chiefs were actually being called and/or had been called on to fill those gaps. Can you tell me if that sort of work would include assisting witnesses? Would have included assisting witnesses?

CHAIR MIKE METATAWABIN: Can you repeat it? Sorry.

MS. CAROLINE WAWZONEK: Sure. Sorry.
On occasions when chief or council have been called in to fill in a gap, when there was an insufficient number of officers, the work that chief or council would do in those circumstances, would it include work with witnesses?

CHAIR MIKE METATAWABIN: I would say so, yes.

MS. CAROLINE WAWZONEK: And, on those instances, would you find that they -- do you know whether they have also experienced similar levels of burnout?

CHAIR MIKE METATAWABIN: The chief and council?

MS. CAROLINE WAWZONEK: Yes. Would
they experience the same sort of effects of the burnout that you described earlier for officers? Would the civilians also experience that?

**CHAIR MIKE METATAWABIN:** That has been raised on occasion at our board meetings where due to the lack of a full complement, council members have had to be involved. And, yes, some communities are very busy and, yes, they have experienced.

**MS. CAROLINE WAWZONEK:** And, do you know whether those individuals received any specialized assistance afterwards, either from crisis counselling or otherwise?

**CHAIR MIKE METATAWABIN:** That is one of the areas that is severely lacking in our communities, so no.

**MS. CAROLINE WAWZONEK:** Another question for you, please, about crisis counselling actually, and it was one of the recommendations from Ipperwash, that communities have access to crisis counselling when there has been a violent incident with police. Are you aware whether any such opportunity is currently available in any of your communities?

**CHAIR MIKE METATAWABIN:** After they have been involved with police?

**MS. CAROLINE WAWZONEK:** If there has
been a violent incident with the police, is there crisis
counselling available to the members of the community who
were involved?

CHAIR MIKE METATAWABIN: I don’t
recall any.

MS. CAROLINE WAWZONEK: Okay.

CHAIR MIKE METATAWABIN: I don’t -- I
am trying to remember, but I don’t recall any.

MS. CAROLINE WAWZONEK: Would you
agree that having a crisis counsellor available to members
of the community after a violent incident involving police
would improve the relationship with police services?

CHAIR MIKE METATAWABIN: Yes, we do
need the service like that. Yes.

MS. CAROLINE WAWZONEK: Thank you. If
I could turn back to Chief Armstrong, please. Similarly,
back to the discussion around burnout, if you could speak,
please, to whether or not an officer who is burnt out is
also -- can be -- become a threat to public safety?

CHIEF TERRY ARMSTRONG: Well,
certainly if somebody is burnt out and they are trying to
do the job, yes, that could affect their overall
performance.

MS. CAROLINE WAWZONEK: And, would it
involve their performance or would it also involve their
personal interactions in the community?

CHIEF TERRY ARMSTRONG: It could.

MS. CAROLINE WAWZONEK: Does it raise the risk of, for instance, domestic violence in the home of that officer if they have PTSD?

CHIEF TERRY ARMSTRONG: We have had incidences reported, yes.

MS. CAROLINE WAWZONEK: And then would you agree that if there is, again, better access to community services, would that officer be less prone or less impacted by that burnout?

CHIEF TERRY ARMSTRONG: Yes.

MS. CAROLINE WAWZONEK: And, Chief Armstrong again, please, if -- you were talking a lot about proactive policing. Can you tell me whether or not teaching trauma-informed practices to officers is something that you are currently engaged in or that the force is currently engaged in?

CHIEF TERRY ARMSTRONG: We -- through our block training, we do debriefs and we do scenario-based training, and the officers get that annually. So, yes, we do.

MS. CAROLINE WAWZONEK: And, does that include a trauma-informed communication when they are dealing with witnesses, in particular the women and girls,
and asking them to give statements in terms of ways to communicate with those people?

**CHIEF TERRY ARMSTRONG:** I haven’t -- I don’t know if I could directly answer that question, because I haven’t been inside one of those training sessions for a while. But, they are constantly changing and evolving, and -- like the annual process. But, yes.

**MS. CAROLINE WAWZONEK:** Okay. Similarly, you may not be able to answer, please just say -- let me know if I am outside your area. But, to the extent that you can comment, would using a trauma-informed approach by an investigating officer elicit better information or more helpful information in the course of their investigation?

**CHIEF TERRY ARMSTRONG:** I would say yes. I mean, any tools you have in your toolbox to help you out, or your toolkit, yes, for sure.

**MS. CAROLINE WAWZONEK:** And, would you agree that something like that is likely to improve the relationship between the community and the investigating police forces?

**CHIEF TERRY ARMSTRONG:** Yes.

**MS. CAROLINE WAWZONEK:** I have just one last question, please, Chair Metatawabin. One of the recommendations that was referenced earlier,
Recommendation 29, mentioned the unique characteristics of remote and, I think, fly-in NAN communities as being one of the things that needed to be readdressed. When you reopened the negotiations that you had and then you engaged in what you described as a more meaningful negotiation process, can you discuss what unique characteristics you see as being related to remote and fly-in communities and how that impacted negotiations?

CHAIR MIKE METATAWABIN: One of the things we did was invite the negotiating parties from both Canada and Ontario to come visit in our communities, because most negotiation processes take place in an urban setting. And, the reason behind that to take them up North was to see firsthand what any specific community has to deal with, whether it is a facility, a poor facility, or whether it is a complement, or even the geographic layout itself is an eye-opener. Most people don’t know anything about the North. Most bureaucracies, they think the Township of Barry is the North, and anything beyond that is -- they don’t have an idea. So, that is why we took that approach to bring that in.

MS. CAROLINE WAWZONEK: Wasi (phonetic). I don’t have any other questions. Thank you.

MS. CHRISTA BIG CANOE: Thank you.

Next, we would like to invite up the Missing and Murdered
Indigenous Women and Girls Coalition of Manitoba.

Counsel, Ms. Catherine Dunn, has 12 minutes.

--- CROSS-EXAMINATION BY MS. CATHERINE DUNN:

**MS. CATHERINE DUNN:** Yes, good afternoon. My name is Catherine Dunn. And, on behalf of my client, Manitoba Coalition of Missing and Murdered Girls, I would like to thank you very much for inviting us to your -- Huron-Wendat territory. And, I would like to begin my first questions with respect to Exhibit 12, which is the Quick Fact Sheet. And, Chief, I think perhaps you might be the best to answer this set of questions, if you don’t mind.

You indicated that there is currently 147 sworn police officer in NAPS?

**CHIEF TERRY ARMSTRONG:** Yes.

**MS. CATHERINE DUNN:** That will be increased by, is it, 79 new officers?

**CHIEF TERRY ARMSTRONG:** Yes.

**MS. CATHERINE DUNN:** And, that is as of January 2019?

**CHIEF TERRY ARMSTRONG:** No, we have actually started hiring already. And, the first wave is -- we are allowed to hire 15 this year, 20 next year, 20 the following year, and then there are going to be discussions around the remaining after the 55 as to how they will come in the next two years, how that is split.
MS. CATHERINE DUNN: And, who decided specifically that that 79 extra officers was sufficient for the 45,000 people who live in those jurisdictions?

CHIEF TERRY ARMSTRONG: Well, that was decided by operationally and for the numbers just to get the partner and the radio scenario in, and it didn’t include the specialities. And, we wanted to include the specialties, but we were only able to move the bar that far this time.

MS. CATHERINE DUNN: So, does that mean, sir, that the additional staffing was a request by NCAPS [sic]?

CHIEF TERRY ARMSTRONG: Sorry?

MS. CATHERINE DUNN: Does that mean that the additional staffing request came from your police organization or ---

CHIEF TERRY ARMSTRONG: Well, it came through the negotiations, but the numbers come from the organization ---

MS. CATHERINE DUNN: Okay.

CHIEF TERRY ARMSTRONG: --- as to how many it would take to have a partner for everybody and supervision, yes.

MS. CATHERINE DUNN: All right, okay. And when I'm looking at Exhibit 12 in terms of the
organizational chart that's set out there, I note that you have a number of specific subsets within the organization. For example, guns and gangs, is that correct?

CHIEF TERRY ARMSTRONG: Yes.

MS. CATHERINE DUNN: A drug unit, is that correct?

CHIEF TERRY ARMSTRONG: Yes. It's not funded but it's -- the guns and gangs unit is. So actually, on the ground right now, we have 162. The 147 was without those, like you say, one-time funding ones which is PAVIS. There's 1,000 Officer Program that brings an additional 15 officers. So we're actually at 162 but like I say, some of them are compliment.

MS. CATHERINE DUNN: All right, thank you.

CHIEF TERRY ARMSTRONG: And so we got specific funding just for guns and gangs, as did the rest of the police services in the Province of Ontario at the time.

MS. CATHERINE DUNN: So one of the main focusses that you get funded for, one is guns and gangs, the other is for the drug unit. Is that correct?

CHIEF TERRY ARMSTRONG: No, the drug unit is not funded. We use our operational funds because of the importance of drugs...
MS. CATHERINE DUNN: Okay, all right.

CHIEF TERRY ARMSTRONG: ...in the communities. It's an important piece to the communities.

MS. CATHERINE DUNN: Okay. Is there anything on your organizational chart that relates specifically to the issue of murdered and missing women and girls?

CHIEF TERRY ARMSTRONG: Not specifically, no.

MS. CATHERINE DUNN: Okay. Do you think that would be something that would be beneficial to your police organization to have a specific focus on something like that?

CHIEF TERRY ARMSTRONG: Yeah, if we were in a position to do that, absolutely, yeah.

MS. CATHERINE DUNN: Okay. And you said if we were in a position to do that, does that mean you don’t have the money now or ---

CHIEF TERRY ARMSTRONG: Frontline is all we're funded for, frontline.

MS. CATHERINE DUNN: All right. So your answer is no, you don’t have the money for a specific unit dealing with murdered and missing Indigenous women and girls?

CHIEF TERRY ARMSTRONG: We've never
been funded for that and when we go outside of the agreement and -- yeah.

MS. CATHERINE DUNN: Okay. You also have a part of your organization a professional standards -- is it bureau?

CHIEF TERRY ARMSTRONG: Yes, it's basically one guy though.

MS. CATHERINE DUNN: Yeah, that's what I was going to ask. Of the 100 and roughly 62 staff, there is one guy that deals with professional standards.

CHIEF TERRY ARMSTRONG: Yeah.

MS. CATHERINE DUNN: And that one guy is responsible for making sure that the 162 police officers toe the line professionally.

CHIEF TERRY ARMSTRONG: Yes, plus our supervisors. There are just the ones -- he's the only one that investigates them but I mean we have three regional staff sergeants who are also trained in PSB that can assist him from the frontline but he's the only one that that's his only duties that he's assigned to.

MS. CATHERINE DUNN: I see. How many open files does that particular individual have at any moment in time?

CHIEF TERRY ARMSTRONG: I couldn’t tell you exactly.
MS. CATHERINE DUNN: Okay. Is there a way to -- do you know how he picks and chooses his files?

CHIEF TERRY ARMSTRONG: No, he doesn't pick and choose. They're reported and whether it's an internal or an external complaint, he has to investigate them.

MS. CATHERINE DUNN: Okay. Can a civilian go to him directly and say this happened in my community?

CHIEF TERRY ARMSTRONG: Yes.

MS. CATHERINE DUNN: All right. Is that advertised in some way to the individual communities?

CHIEF TERRY ARMSTRONG: Yes.

MS. CATHERINE DUNN: And how is that advertised?

CHIEF TERRY ARMSTRONG: Our website. I believe it's also on Facebook but I'm not sure. But our website goes through the whole complaint system.

MS. CATHERINE DUNN: Would you say that that individual is busy in his job?

CHIEF TERRY ARMSTRONG: Yes, very busy.

MS. CATHERINE DUNN: Okay. And would you say that one person is sufficient to deal with professional standards from respecting 34 detachments and
45,000 people?

**CHIEF TERRY ARMSTRONG:** The thing is I guess the answer would be no and that's occasionally what we'll do is we'll -- as the workload gets busier, we'll move somebody in there temporarily to assist him with the files, somebody that's trained in and we do have other individuals trained in the PSB, but depending on the workload.

**MS. CATHERINE DUNN:** Yeah. Well your workload, you've indicated is quite strong. In fact, a good significant portion of your police force suffers from burnout. That was your evidence, correct?

**CHIEF TERRY ARMSTRONG:** Yes.

**MS. CATHERINE DUNN:** And so I'm suggesting to you that if a significant portion of your workforce suffers from burnout, that has direct implications for police standards and if they're being applied evenly or if they're being applied correctly. And I'm suggesting, sir, that one person in charge of professional standards when something like 23 percent of the workforce is on burnout is something less than a finger in the dike.

**MR. JULIAN FALCONER:** I’m objecting, if I may.

**MS. CHRISTA BIG CANOE:** Go ahead.
MR. JULIAN FALCONER: So in addition to asking several questions at once, the connection that my friend just drew between officers being on disability and breaching Police Services Act standards is not a legitimate connection. The fact that officers, a significant percentage, 24 percent, are on some form of disability does not mean that that means more officers or less officers breach Police Services Act standards. There's no connection.

On the other hand, it is and has been discussed as symbolic of a problem of resources and strain on officers. It's just that glossing over and reaching the point of discipline like breaches it's just not there. And then to make matters more complicated, she added another question to that and I simply say that the combination of it all just creates an unfair situation for the witness respectfully.

MS. CATHERINE DUNN: Well, I would love to dialogue with learned friend but I think I would like an answer from the witnesses and if I have phrased those questions in a way that is complicated, I apologize and I will try and rephrase the question.

CHIEF COMMISSIONER MARION BULLER:

Excuse me, Commission counsel, anything to add?

MS. CHRISTA BIG CANOE: Actually, I'm
just going to defer to what Mr. Falconer has raised and leave it in your hands.

CHIEF COMMISSIONER MARION BULLER:
Certainly. I found the question difficult to follow.

MS. CATHERINE DUNN: All right.

CHIEF COMMISSIONER MARION BULLER: So if you could break it down into smaller steps, that would be helpful and also that will determine whether or not the witnesses are capable of answering.

MS. CATHERINE DUNN: All right. Just cutting to the chase of my question, the point that I'm trying to make is that if a significant portion of the police force is suffering from burnout, is that your evidence?

CHIEF TERRY ARMSTRONG: There's 24 percent.

MS. CATHERINE DUNN: I would say that's a significant number of staff.

CHIEF TERRY ARMSTRONG: Yes.

MS. CATHERINE DUNN: If a significant number of your staff are on burnout, that indicates to me, although I'm not a statistician, is that your force is under a great deal of stress, whether they're on disability or not.

CHIEF TERRY ARMSTRONG: Yes.
MS. CATHERINE DUNN: And when there is stress, I am going to suggest to you that there are times when professional standards are not met.

MS. CHRISTA BIG CANOE: There's an objection, sorry, it's not the time.

MR. JULIAN FALCONER: That is just not -- actually, it's not just about putting what I would call a non-sequitur or a false statement to witness so the witness can refute it, it's that her question was based on non-sequitur and that becomes the problem. She rolled up what -- it does not follow into another question. So that's my objection. I simply renew it. And I don’t mind having a dialogue with my friend.

CHIEF COMMISSIONER MARION BULLER: Quite frankly, we don’t have time for dialogue. I think the real question is in this chief's opinion, what impact does that have on the quality of work that his police force is doing.

MS. CATHERINE DUNN: That's so much more simple than I was trying to do.

CHIEF COMMISSIONER MARION BULLER: Go ahead.

MS. CATHERINE DUNN: So if you could ask the Chief Commissioner’s question, that is exactly the point I'm trying to make.
CHIEF TERRY ARMSTRONG: If you could
give it to me again, I'd appreciate it.

CHIEF COMMISSIONER MARION BULLER: I
don't know if I can. Given the 24 percent, what impact,
if any, does that have on the quality of the police
services offered?

CHIEF TERRY ARMSTRONG: I guess to put
it in this compliant perspective, we're not getting more
complaints about the officers as a result of that.

CHIEF COMMISSIONER MARION BULLER:
There's your answer.

MS. CATHERINE DUNN: Thank you.

MR. JULIAN FALCONER: And I do wish to
clarify it's 24 percent of NAPS officers are currently on
stress or disability leave. I know the short form
"burnout" has been used. It's not accurate to say that 24
percent of NAPS officers are on burnout. They are either
on stress or disability leave. That 24 percent hasn't
been broken down beyond that. I just want to be careful
that we're accurate and respectful of the officers.

CHIEF COMMISSIONER MARION BULLER:
Your point is taken. Thank you.

Go ahead.

MS. CATHERINE DUNN: In terms of your
evidence, Chief, you indicated that something like 23 out
of 34 communities are fly-in communities. Is that correct?

CHIEF TERRY ARMSTRONG: Yes.

MS. CATHERINE DUNN: And there's a lot of police time and effort connected to bringing people in and getting people out of the community.

CHIEF TERRY ARMSTRONG: Yes.

MS. CATHERINE DUNN: Is there separate funding available for women or children who are in domestic violence situations to get out of the community with police funding?

CHIEF TERRY ARMSTRONG: Not police funding.

MS. CATHERINE DUNN: Okay. How many of these 34 detachments have domestic shelters, domestic violence shelters?

CHIEF TERRY ARMSTRONG: How many of the locations?

MS. CATHERINE DUNN: The locations.

CHIEF TERRY ARMSTRONG: The detachments don’t have them, but how many locations?

MS. CATHERINE DUNN: Right.

CHIEF TERRY ARMSTRONG: There isn’t any.

MS. CATHERINE DUNN: Okay. So, there
are 34 detachments and there is 34 communities, is that fair?

CHIEF TERRY ARMSTRONG: Yes, there actually isn’t 34 detachments, but there is 34 communities ---

MS. CATHERINE DUNN: Okay.

CHIEF TERRY ARMSTRONG: --- because a couple of the road access communities actually share a detachment.

MS. CATHERINE DUNN: Okay. Well, I am just looking at your sheet, it says 34 detach -- but in any event, in 34 communities, how many domestic violence shelters are there?

CHIEF TERRY ARMSTRONG: None.

MS. CATHERINE DUNN: None. All right. And, how does a victim of domestic violence get out of the community then?

CHIEF TERRY ARMSTRONG: Family services in different -- other places put up the funding, and victims of violence, the other avenues that pay for that.

MS. CATHERINE DUNN: Well, you have to report the crime in order to get out of the community; correct?

CHIEF TERRY ARMSTRONG: Mm-hmm.
MS. CATHERINE DUNN: Would you agree that it is sometimes easier to speak to a female officer than it is to a male officer about personal events such as sexual assault or childhood traumatic incidences ——

CHIEF TERRY ARMSTRONG: Yes, I would agree to that.

MS. CATHERINE DUNN: —— of sexual assault? And, how many female staff do you have at the current time in your organization?

CHIEF TERRY ARMSTRONG: We are probably running at about 13 percent.

MS. CATHERINE DUNN: And, obviously you would like more female officers, would that be fair to say?

CHIEF TERRY ARMSTRONG: Absolutely.

MS. CATHERINE DUNN: Yes. And, in terms of the training that your police officers get, how long is their training? You have indicated where they went, but you don’t indicate what kind of ——

CHIEF TERRY ARMSTRONG: Yes, it’s —— policing, there’s the initial training, there’s the basic training, and then there is specialty training. So, if you are in a crime unit, you are going to get obviously a lot of interviewing courses and —— so I mean, I took over 40 police courses in my career. So, the initial training,
three months.

**MS. CATHERINE DUNN:** Three months?

**CHIEF TERRY ARMSTRONG:** Yes.

**MS. CATHERINE DUNN:** And, the average time that a police officer stays in one community is what?

**CHIEF TERRY ARMSTRONG:** I would not be able to give you an average.

**MS. CATHERINE DUNN:** Okay. Would it be fair to say that many of your staff members are young in terms of police work?

**CHIEF TERRY ARMSTRONG:** Yes.

**MS. CATHERINE DUNN:** And, would it be fair to say that many of your police officers leave after a discreet period of time ---

**CHIEF TERRY ARMSTRONG:** Yes.

**MS. CATHERINE DUNN:** --- to go to other places?

**CHIEF TERRY ARMSTRONG:** Yes.

**MS. CATHERINE DUNN:** And, does that result in a turnover within the community of police officers?

**CHIEF TERRY ARMSTRONG:** Yes.

**MS. CATHERINE DUNN:** And, affects the trust levels and communication levels?

**CHIEF TERRY ARMSTRONG:** I could not
really speak to the trust levels. I don’t think that
the...

**MS. CATHERINE DUNN:** Well, I am just

using a -- like, in terms of the ability to know your

police force, it changes ---

**CHIEF TERRY ARMSTRONG:** You are

meeting a new police officer quite often ---

**MS. CATHERINE DUNN:** Right. All

right.

**CHIEF TERRY ARMSTRONG:** So, I guess,

yes, you can make that inference.

**MS. CATHERINE DUNN:** Now, you had

indicated that ---

**MS. CHRISTA BIG CANOE:** Ms. Dunn, I’m

sorry ---

**MS. CATHERINE DUNN:** Yes.

**MS. CHRISTA BIG CANOE:** --- you are

out of time.

**MS. CATHERINE DUNN:** Thank you.

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

Chief Commissioner and Commissioners, could we request a

15 minute -- this is probably an opportune time for the

afternoon break. Can we please have 15 minutes, and that

will also afford Commission Counsel, along

with counsel for Pauktuutit a few minutes.
CHIEF COMMISSIONER MARION BULLER:

Sure. 15 minute break, please.

MS. CHRISTA BIG CANOE: Thank you.

--- Upon recessing at 14:37

--- Upon resuming at 14:57

CHIEF COMMISSIONER MARION BULLER: Go ahead.

--- CONTINUED CROSS-EXAMINATION BY MS. BETH SYMES:

MS. BETH SYMES: This is not on. Just to back up, putting things in context, the Safer Ontario Act, would you agree with me, was an omnibus piece of legislation with different sections in it; is that correct?

CHIEF TERRY ARMSTRONG: Yes.

MS. BETH SYMES: And, those sections were to come into force at different times?

CHIEF TERRY ARMSTRONG: Yes.

MS. BETH SYMES: The first one to come into force was to be the Special Investigation Unit Act?

CHIEF TERRY ARMSTRONG: Yes.

MS. BETH SYMES: And, that was to come into force on July 1, 2018?

CHIEF TERRY ARMSTRONG: That’s my understanding, yes.

MS. BETH SYMES: And, sir, on June the
29th, 2018, the new government in Ontario passed an Order in Council pausing that?

CHIEF TERRY ARMSTRONG: Yes.

MS. BETH SYMES: And, sir, that the premier of Ontario, Mr. Ford, said that the government would conduct a full and thorough review of the whole legislation by consulting experts, police services and the public?

CHIEF TERRY ARMSTRONG: Yes.

MS. BETH SYMES: Yes. In other words, sir, are you concerned that the amendments to the Police Services Act that brings Indigenous policing into the mainstream is not a done deal as yet?

CHIEF TERRY ARMSTRONG: Yes.

MS. BETH SYMES: Thank you. In this Inquiry, my clients are focused on prevention, that is stopping murders and disappearance of Inuit women and girls. Would you agree with me that that falls into proactive policing?

CHIEF TERRY ARMSTRONG: Sorry, could you back up a bit?

MS. BETH SYMES: My clients are focused on prevention; right? Stopping murders and the disappearance of Inuit women and girls. Would you agree with me that that prevention requires proactive policing?
CHIEF TERRY ARMSTRONG: Yes. Some proactive policing definitely, yes.

MS. BETH SYMES: And, on slide 8 of Exhibit 12, I think it says, a lack of proactive policing for women and girls of the NAN territory; is that correct?

CHIEF TERRY ARMSTRONG: I don’t have it in front of me.

MS. BETH SYMES: Could it just pause, please, for me?

MR. JULIAN FALCONER: Could you simply repeat the cite, please?

MS. BETH SYMES: Yes. I thought it was on page 12, but it must be of the second PowerPoint.

MR. JULIAN FALCONER: Because you said Exhibit 12 before.

MS. BETH SYMES: No, sorry, it’s Exhibit 12, page 8.

MR. JULIAN FALCONER: All right. I have it here.

MS. BETH SYMES: Sorry, slide 8. Could you just -- we just pause and then...

MR. JULIAN FALCONER: This is under the Inquest to the death of Lena Anderson?

MS. BETH SYMES: Oh, I must have the wrong one. Just a second.
MS. CHRISTA BIG CANOE: Or is it this one, consequences of not having a partner?

MR. JULIAN FALCONER: So, slide 8 of the radio and a partner is consequences of not having a partner, and that’s where it refers to a series of issues including lack of proactive policing. Is that the slide ---

MS. BETH SYMES: Yes.

MR. JULIAN FALCONER: --- you are looking for?

MS. BETH SYMES: I believe so.

MR. JULIAN FALCONER: So, I am going to place the slide in front of Chief Armstrong. Slide 8 ---

MS. CHRISTA BIG CANOE: Okay. And, we will recommence ---

MR. JULIAN FALCONER: --- from No Radio, No Partner.

MS. CHRISTA BIG CANOE: --- the time, please.

CHIEF COMMISSIONER MARION BULLER: And, that is Exhibit 13.

MS. BETH SYMES: No, I think it is Exhibit 12 -- 13. I’m sorry, it is Exhibit 13. Now, Chief ---
CHIEF TERRY ARMSTRONG: I see that, what you read out.

MS. BETH SYMES: Yes. So, Chief, you told Ms. Fraser before lunch I think that there have been murdered women from NAN; is that correct?

CHIEF TERRY ARMSTRONG: Yes, I recall one in my five years.

MS. BETH SYMES: One in your five years. And, Chair, do you recall in your many years with NAPS there being murdered of Indigenous women from NAN?

CHAIR MIKE METATAWABIN: We have had members who have gone missing while they are out in the urban centres, yes.

MS. BETH SYMES: And, have you had women murdered in NAN other than the one that Chief had said.

CHAIR MIKE METATAWABIN: Within NAN?

MS. BETH SYMES: Yes.

CHAIR MIKE METATAWABIN: Not to my knowledge.

MS. BETH SYMES: Okay. So, perhaps then this is a good question. In terms of prevention, that is stopping the murder of women and girls, Indigenous women and girls, can you tell us what difference has NAPS made to improve the safety of NAN women and girls?
CHIEF TERRY ARMSTRONG: I am thinking of as a police service and the situation that we are discussing is a domestic situation, that we -- as a police service, we do investigate crimes against women, girls, as reported. We do complete and thorough investigations. We encourage people that are victims of domestic violence to come forward. We have done a number of presentations on that. Alana Morrison, who was out in Regina ---

MS. BETH SYMES: Yes.

CHIEF TERRY ARMSTRONG: --- she actually started up a victims unit, and they are doing a lot more of that as well. So, we are actively engaging in that in respect of helping victims, women and girls.

Yes, so general police stuff, plus the extras that we are doing in respect to helping. And, they say the program that Alana Morrison has started up within our services has got limited funding, like a timeline funding. So, yes.

MS. BETH SYMES: Thank you. I think that means my time is up.

MS. CHRISTA BIG CANOE: Thank you.

MS. BETH SYMES: Thank you very much.

MS. CHRISTA BIG CANOE: Thank you.

Next, Commission counsel would like to invite up Femmes autochtones du Québec. Maître Rainbow
--- CROSS-EXAMINATION BY MS. RAINBOW MILLER:

**MS. RAINBOW MILLER:** Good day. My name is Rainbow Miller. I represent Québec Native Women Association. First of all, I want to thank you for coming all the way down here to Québec to give your testimony. I would also like to thank the Huron-Wendat First Nations for inviting us on their territory. And, also, I would like to acknowledge all of the elders. Thank you for your kindness and your knowledge. And, I would also like to acknowledge the families and the women who have gone missing.

My first questions would be to Chief Armstrong. Of course my questions will be sexual-specific because I represent the women’s association. Have you ever encountered situations where in the community where there are a very small number of police officers where there would be two situations of family violence and the officers could simply not respond to one of those situations?

**CHIEF TERRY ARMSTRONG:** We have had situations where there isn’t any officers in the community when there has been family violent situations, so I guess that would be a yes.

**MS. RAINBOW MILLER:** Okay. Thank you.
So, would it be fair to say that when there is underfunding, that means it puts -- can put women at risk in the communities?

**CHIEF TERRY ARMSTRONG:** Absolutely.

**MS. RAINBOW MILLER:** Okay. I just wanted that on record.

**CHIEF TERRY ARMSTRONG:** Yes.

**MS. RAINBOW MILLER:** Also, would you say that throughout all the years of experience, you could -- you have encountered situations where you realize that there was underreporting of women of either sexual abuse or family violence?

**CHIEF TERRY ARMSTRONG:**

Underreporting? We -- our system is, everything that is reported, we make note of. So, if people aren’t -- I guess if you are saying that people aren’t coming forward or victims aren’t coming forward, I guess that could be -- as we know, a lot of times victims don’t come forward for their first number of encounters or whatever as well too. So, through my experience, like I say, any of the -- anything that is reported to us, we do investigate. And, if we don’t have police officers in the community at the time, we get community -- we get police officers in there.

**MS. RAINBOW MILLER:** Okay. But, have you ever talked with, for example, social service workers
or people who work in the community in the health department would tell you some of the reasons, you know, people are afraid to come to you, are people -- for example, women, are not comfortable telling a man about some situations ---

CHIEF TERRY ARMSTRONG: Yes, I have heard those things. I have heard those things.

MS. RAINBOW MILLER: Yes.

CHIEF TERRY ARMSTRONG: Yes.

MS. RAINBOW MILLER: So, would you say that one of those reasons could be, for example, a woman not being comfortable to talk to a male officer?

CHIEF TERRY ARMSTRONG: Yes.

MS. RAINBOW MILLER: Okay. Would one of those reasons also be that sometimes the police officers are family related to the alleged perpetrator?

CHIEF TERRY ARMSTRONG: That could happen. Obviously, the officer excuses himself and somebody else investigates if it is a report, but still have to take -- still have to do the report.

MS. RAINBOW MILLER: Okay. And, that is one of my ---

CHIEF TERRY ARMSTRONG: Take the report.

MS. RAINBOW MILLER: Okay. That is
one issue that I would like for you to tell us. The situation sometimes, you know, there can be a conflict of interest. What are the best practices of NAPS in those kind of situations?

CHIEF TERRY ARMSTRONG: If there is a conflict of interest?

MS. RAINBOW MILLER: Yes. Yes.

CHIEF TERRY ARMSTRONG: Well, we have a number of other officers, obviously, that could do that call or do that answer to the -- do that investigation. So, yes, we recognize the conflict and somebody else has to do that investigation.

MS. RAINBOW MILLER: What happens in the community if there is just one or two police officers?

CHIEF TERRY ARMSTRONG: We have access to our crime units to do those investigations, because those are -- in our policing role, domestic violence is a benchmark occurrence. It is the highest types of occurrences that we investigate. So, every family violence occurrence is benchmarked, it has to go through the crime unit and it has to go through senior crime unit people as far as -- even if the investigation is being done by a frontline officer, it is monitored -- has to be monitored by a crime unit.

MS. RAINBOW MILLER: Okay. And, is
there ---

CHIEF TERRY ARMSTRONG: With special skills.

MS. RAINBOW MILLER: Okay. Thank you.

CHIEF TERRY ARMSTRONG: Yes.

MS. RAINBOW MILLER: Is there an internal mechanism? For example, even if it goes through that process, if there is a family -- well, I mean, the victim who hears, you know, this person is investigating on my file, is there a mechanism where they can make a complaint or have it changed?

CHIEF TERRY ARMSTRONG: Yes.

MS. RAINBOW MILLER: Okay.

CHIEF TERRY ARMSTRONG: They can ask somebody else to look at the file, yes.

MS. RAINBOW MILLER: Do you have internal policies about how to deal with those conflict of interests?

CHIEF TERRY ARMSTRONG: Yes.

MS. RAINBOW MILLER: Would it be possible to have an undertaking of those policies? Because, for example, in Québec, we would like to have, you know, examples of those policies that work.

MR. JULIAN FALCONER: I’m sorry, I missed that last part, that last explanation.
MS. RAINBOW MILLER: If it would be possible to have a copy of those policies as a best practice, because we would like to have -- to see policies that actually work.

MR. JULIAN FALCONER: Chief Commissioner ---

MS. RAINBOW MILLER: To make recommendations at the end.

MR. JULIAN FALCONER: --- may I briefly consult my client?

CHIEF COMMISSIONER MARION BULLER: Sure. certainly.

MR. JULIAN FALCONER: Thank you.

CHIEF COMMISSIONER MARION BULLER: We will stop the clock.

MR. JULIAN FALCONER: So, if I may suggest this. Chief Armstrong isn’t 100 percent certain that the conflict of interest policy that he has in mind goes directly to the issue you have raised, so he would like the opportunity to check and make best efforts to ascertain whether the policy that you are asking about exists. And, if it does exist, he does not see any difficulty in sharing a copy of it.

CHIEF COMMISSIONER MARION BULLER: Are you satisfied with that?
MS. RAINBOW MILLER: Yes, thank you.

CHIEF COMMISSIONER MARION BULLER: Okay. Thank you.

MS. RAINBOW MILLER: One of my colleagues earlier talked about the issue of having a woman officer and that some women might feel more comfortable. One of my questions is that -- sorry, I forget my question. Do you consider that a woman officer would help in a woman -- for women to come forth and make reports about sexual assaults or family violence?

CHIEF TERRY ARMSTRONG: Yes.

MS. RAINBOW MILLER: Okay. And, does NAPS receive funding for a gender equality training of women?

CHIEF TERRY ARMSTRONG: Gender equality training?

MS. RAINBOW MILLER: Yes.

CHIEF TERRY ARMSTRONG: I don’t believe so.

MS. RAINBOW MILLER: Okay. Because sometimes, you know, governments have programs where ---

CHIEF TERRY ARMSTRONG: Yes.

MS. RAINBOW MILLER: --- they give additional to be trained?

CHIEF TERRY ARMSTRONG: Certainly,
more women to be trained is -- I guess is one of the
things that we’re constantly trying. And I think part of
our hiring difficulty with that, if I might add, is that,
you know, the working alone, those conditions, sometimes
the lady -- the women don't want to -- I mean don't want
to take on that responsibility just like some of the men
don't.

MS. RAINBOW MILLER: Okay.

CHIEF TERRY ARMSTRONG: So it’s hard
to -- it’s hard to recruit at that level.

MS. RAINBOW MILLER: And my last
question, it’s more actually like a comment, but the
United Nations Declaration of Human Rights of Indigenous
Peoples at Article 22, second paragraph, talks that States
should take measures in conjunction with Indigenous
Peoples to ensure that Indigenous women and children enjoy
the full protection and guarantees against all forms of
violence and discrimination. Do you believe that
additional funding for gender-specific issues of violence
could be a step into taking measures to protect women and
children in the communities?

CHIEF TERRY ARMSTRONG: Yes.

MS. RAINBOW MILLER: Thank you. Those
are my questions.

MS. SHELBY THOMAS: Thank you. Next,
Commission counsel would like to call Canadian Association of Police Governments and First Nations Police Governance counsel. Their Counsel Michelle Brass has 12 minutes.

--- CROSS-EXAMINATION BY MS. MICHELLE BRASS:

MS. MICHELLE BRASS: Thank you.

Good afternoon, Commissioners and Commission counsel. And to the witnesses, I want to thank you for your testimony from this morning. As Commission counsel chair indicated, my name is Michelle Brass. I am from -- I’m counsel for the Canadian Police Association Governance Counsel and First Nations Police Governance Counsel. I am originally from the Treaty 4 Territory, the Peepeekisis First nations in Saskatchewan.

So I have a few questions, I'm not sure who will be best suited to answer some of my questions, but they relate to the testimony this morning about when you indicated that NAPS was I guess almost threatening to walk away from the table, to give NAPS back to the province; is that correct?

CHIEF TERRY ARMSTRONG: Yes.

MS. MICHELLE BRASS: Yes, okay. I'm wondering at that point in the negotiations -- because it sounds like the negotiations were breaking down in terms of what NAN was needing in order to police the NAN territory properly. I’m wondering what motivated the
province or the federal government to actually take the negotiations seriously at that stage of the negotiations.

**MR. JULIAN FALCONER:** I’m going to respectfully object. To ask a witness what motivated another witness is -- or another party is highly problematic, I’m just wondering if my friend might consider rewording it.

**MS. MICHELLE BRASS:** Okay.

**CHIEF COMMISSIONER MARION BULLER:** Well, I suppose asking this witness if he can read minds, so assuming, with due respect, that neither of the witnesses can, would you please rephrase your question?

**MS. MICHELLE BRASS:** Yes, I will rephrase the question. In your opinion, what benefit does the province or the federal government have to have NAPS in place to police Northern Ontario?

**CHIEF TERRY ARMSTRONG:** Well, the -- it’s very difficult policing, it’s -- I can say it’s an anomaly to have fly-in remote communities. And I have policed on three different First Nations police services, and NAPS has been by far the most challenging as far as dealing with remoteness and shortages and funding.

So, the governments, and specifically the government of Ontario, it’s my feeling didn’t want to -- or wouldn’t want to take on the role of doing that
again. And there was -- actually they’d done a costing of it, we never got the actual numbers, but it was going to be a lot more expensive for them to transition back to the OPP and have the OPP police us, because that's the default if it’s not First Nations.

Plus, I do believe that they saw that, you know, historically the Mounties -- and I mean no disrespect -- but the RCMP and the OPP were not the best answers to the communities, it wasn’t an Indigenous police service, so to go back wasn’t a real answer to that too. So I think they -- obviously they weren’t threats, it was real though, the Grand Chief actually made a motion that we were shutting down, a notice to terminate, which is a -- which is a year-long process.

MS. MICHELLE BRASS: M’hm. And so, in your opinion, what is the benefits of having this Indigenous police service for Northern Ontario? If you can be specific, like give examples maybe.

CHIEF TERRY ARMSTRONG: Well, as I mentioned earlier, you know, an Indigenous communities looking after their own safety, looking after Indigenous safety, it’s just -- like I say, it’s shown over the years the other systems are -- there was lack of trust, there was lack of confidence, there's a lack of a number of things. And I actually policed prior to ’94, I actually
was on the Northwest Patrol of the OPP that used to fly up
to the communities as well. And they were only going in --
we were only going into communities -- only seeing them
every two weeks, so they were going long periods without --
without any policing.

So this model of having your own
Indigenous police service is the best way to go, and I
think that it was the intent originally and is that the --
this program would be enhanced by the OPP. But the
difficulty was that over time it got further and further
into an autonomous situation without funding to run it
autonomously.

**MS. MICHELLE BRASS:** Right. Can you
tell me how many Indigenous officers you have within your
servants?

**CHIEF TERRY ARMSTRONG:** We’re sitting
at about 54 percent, the last time I did the numbers.

**MS. MICHELLE BRASS:** Okay, so overall
54 percent Indigenous, and overall about 13 percent
aboriginal women officers?

**CHIEF TERRY ARMSTRONG:** It’s about 13
percent female.

**MS. MICHELLE BRASS:** Okay.

**CHIEF TERRY ARMSTRONG:** Yeah.

**MS. MICHELLE BRASS:** And how many of
those female are Indigenous?

CHIEF TERRY ARMSTRONG: I couldn’t
tell you exactly, but it’s -- it’s the high end.

MS. MICHELLE BRASS: Okay.

CHIEF TERRY ARMSTRONG: Because we
don't -- we don't get a lot of non-Indigenous women who
want to go up North.

MS. MICHELLE BRASS: Right. And a lot
of the officers that are Indigenous, are they from the
Northern Territories as well or do they come from other
parts of the country?

CHIEF TERRY ARMSTRONG: We’ve hired
Indigenous officers from Manitoba, we have some from
Southern Ontario, they're not all from the North, you
know. But our hiring demographic is we want to hire from
NAN first, and then if we -- if we can't get the NAN
applicants, the Nishnawbe-Aski Nation applicants, then
Indigenous from anywhere, and then -- then we have to look
at people from the North that are non-Indigenous next,
because we have less turnover if they understand the North
and the difficulties working in the North and they don’t
have as big a culture shock if you will ---

MS. MICHELLE BRASS: M'hm.

CHIEF TERRY ARMSTRONG: --- as if you
hire somebody -- if we hire somebody from Southern
Ontario, they will leave.

**MS. MICHELLE BRASS:** Culture shock.

**CHIEF TERRY ARMSTRONG:** They will leave eventually.

**MS. MICHELLE BRASS:** Right. And in your opinion, can you tell me whether you think that the officers for NAPS are better equipped to implement restorative justice measures within the communities?

**CHIEF TERRY ARMSTRONG:** We are doing it in some communities, but we need the communities on board for that, but we are doing restorative justice. And where we are -- where we have implemented it, it's been working well, but it’s -- we really need -- as you know, the community has to be a part of that as well.

**MS. MICHELLE BRASS:** Right. Okay. And do you find that the First Nations communities are more readily willing to trust NAPS officers than say, opposed to RCMP or the OPP?

**CHIEF TERRY ARMSTRONG:** Yes.

**MS. MICHELLE BRASS:** Okay. And is NAPS able to implement an Indigenous justice approach to criminal justice issues that may occur in the communities?

**CHIEF TERRY ARMSTRONG:** I’m not really understanding the question, sorry.

**MS. MICHELLE BRASS:** Sorry. So if for
example, let’s say an Indigenous justice approach -- say on the sentencing of an offender ---

CHIEF TERRY ARMSTRONG: Right.

MS. MICHELLE BRASS: --- which may include a restorative justice approach that may involve, say, going out into the land or something to execute a sentence, sort of thing.

CHIEF TERRY ARMSTRONG: Right. Yeah. And, actually, that’s something that’s being explored in a lot of the communities now, is that land-based, and we would be very pro that. Very pro accepting that, rather than sending people out, because when people leave the community to go to be incarcerated or just manage, you know, to stay away from the community until your court date and such a date, some of them get lost, you know, and other people have difficulty getting back and different things like that.

And, the prison system, a lot of our young people go out. You know, they first start getting into trouble or wherever they end up doing the 30 days wherever they end up getting recruited by gangs, and that’s been -- that’s the evolution in gangs in our communities, is sending people out to get trained at the correctional facilities.

MS. MICHELLE BRASS: Right. Are you
familiar with the Gladue case? I haven’t had time to go through the materials because I just received them this morning. So, I’m not sure if there was any discussion about Gladue.

CHIEF TERRY ARMSTRONG: Yes, I’m familiar with what Gladue represents, yes.

MS. MICHELLE BRASS: Okay. So, would NAPS and officers within NAPS, would they be better equipped to provide the information that would go into, say, a Gladue Report, like, providing community backgrounds or suggestions for alternative measures for a particular offender?

CHIEF TERRY ARMSTRONG: In some cases, but I wouldn’t say in all cases because of the turn over. Like, I mean, they might not have been there long enough to be able to provide that input to the Gladue Reports, as you’re speaking.

MS. MICHELLE BRASS: Right. Are they provided any training in relation to the Gladue case?

CHIEF TERRY ARMSTRONG: No, not presently.

MS. MICHELLE BRASS: No? Okay. Those are my questions.

MS. CHRISTA BIG CANOE: Thank you, Ms. Brass. Next, we would like to invite up the New Brunswick
Aboriginal Peoples Council. Ms. Elizabeth Blaney will have 12 minutes in cross.

--- CROSS-EXAMINATION BY MS. ELIZABETH BLANEY:

MS. ELIZABETH BLANEY: Good afternoon, everyone. I’d first like to acknowledge the Huron-Wendat territory. I’m very honoured to be here today with the elders, families, commissioners and panel.

Chair Metatawabin and Chief Armstrong, I’d like to thank you for your testimony. I’m sure it resonated and validated with many people across the country. I’ll leave these questions to you to decide how best to answer them.

In relationship with non-Indigenous police and other services, how do Indigenous policing services such as NAPS feel about their relationship with non-Indigenous police services and other mainstream criminal justice institutions? For example, do you get collaboration and support from other police services and/or do you see the new arrangement as a means to enhance collaboration and support?

CHIEF TERRY ARMSTRONG: In a lot of instances we do get collaboration, but there is also a lot of police services that don’t even know who we are. So, when we call them, the question arises: Well, where’s NAPS, and who are you, and what do you do? We work mostly
in collaboration with the OPP and our working relationship has been good.

**MS. ELIZABETH BLANEY:** That’s London police?

**CHIEF TERRY ARMSTRONG:** The OPP.

**MS. ELIZABETH BLANEY:** OPP.

**CHIEF TERRY ARMSTRONG:** Yes, Ontario Provincial Police, because they are our closest, and we don’t police in the areas that are really close to any big municipalities or that have their own services. As I say, the northern -- I shouldn’t say none but, like, we also have done work with Timmins Police Service, Thunder Bay. Like I say, there aren’t a lot of municipal forces up north. It’s mostly OPP.

**MS. ELIZABETH BLANEY:** Okay. That’s going to feed into my next question, actually. So, how will Indigenous people who live in more urban-type or off-reserve communities be assured through the new revised or the reviews Police Services Act that they will receive the same quality of culturally responsive policing that’s being proposed? Any suggestions?

**CHIEF TERRY ARMSTRONG:** That’s a good question. I don’t know if that, you know, the urban setting, whether that was part of the -- our cultural discussions with the Ontario government in getting our
involvement in the Police Services Act.

MS. ELIZABETH BLANEY: Okay. Do you know what boards will monitor this provision, any provisions around ---

CHIEF TERRY ARMSTRONG: A lot of that still needs to be developed, and actually, we were supposed to be a part of that. And so, that’s, I think, still up in the air maybe. And, now with -- somebody had mentioned how that legislation has kind of on hold right now. They’re probably looking at all those aspects.

MS. ELIZABETH BLANEY: Would you consider that outreach of NAPS?

MS. CHRISTA BIG CANOE: Sorry, can we stop the time for a moment, please? You’re going to raise an objection?

MR. JULIAN FALCONER: So, I don’t have an objection. What I have is a -- I do expect to re-examine, and I just wanted to footnote that with all due respect to Chief Armstrong, he was in error when he answered about the legislation. There is actually an express provision to provide for the need for cultural-responsive policing for each board that applies, and a responsibility.

Now, I can cover it in re-examination or I can clarify it now, and I don’t -- I don’t criticize
my friend. It’s a very fair question. And, Chief Armstrong is not supposed to be a lawyer. So, it’s...

**CHIEF COMMISSIONER MARION BULLER:**

Let’s not interfere anymore with this party’s line of questioning. It’s a matter for re-examination. You can deal with it then.

**MR. JULIAN FALCONER:** Yes, thank you.

**CHIEF COMMISSIONER MARION BULLER:** Go ahead.

**MS. ELIZABETH BLANEY:** I’m not sure whether to ask my next question or ---

**MR. JULIAN FALCONER:** Well, that’s the challenge.

**MS. ELIZABETH BLANEY:** I will ask it, just to have it on record. Do you know if any of this monitoring will occur through an Aboriginal Justice Division of the Attorney General, for example, if there’s any kind of monitoring of those provisions? And, I’m looking for recommendations on this if nothing exists.

**CHIEF TERRY ARMSTRONG:** Not at this point. I don’t know.

**MS. ELIZABETH BLANEY:** Yeah. So, in terms of addressing MMIW through hiring more Indigenous police officers, while being mindful not to perpetuate stigmatizing officers, but at the same time recognizing
that Indigenous recruits may come with historical traumas that require special attention, what sorts of supports are available for them?

For example, trauma-informed supports for first responders was mentioned earlier. Are there also supports in existence to deal with new recruits?

**CHIEF TERRY ARMSTRONG:** Yes. We source that out with a number of different agencies as it happens, so to speak. We don’t have any people on staff to do that. But, we source it out.

**MS. ELIZABETH BLANEY:** And, in terms of other kinds of supports, so how do travel police forces such as NAPS support officers from discrimination by other officers, and what kinds of accountability measures are in place?

**CHIEF TERRY ARMSTRONG:** We have our policing standards bureau that we mentioned earlier that has the use of other officers within the service. So, if there’s -- and we have had incidents in respect of complaints within, from officer-to-officer in respect to exactly what you’re saying, and they are investigated internally.

And, we run parallel to a lot of the information that’s provided through the PSA -- sorry, the policing standards bureau, our own policing standards
bureau. We have a set of information from history of, you
know, admonishments for whatever they’re doing,
punishments and so forth.

**MS. ELIZABETH BLANEY:** For example, if
a police officer experiences sexual harassment by a senior
officer, do you have anything in place for dealing with
that?

**CHIEF TERRY ARMSTRONG:** Yes.

**MS. ELIZABETH BLANEY:** Could you
elaborate?

**CHIEF TERRY ARMSTRONG:** Yes. That
would be investigated internally by the policing standards
bureau.

**MS. ELIZABETH BLANEY:** Excuse my
ignorance a bit here. So, I want to talk a little bit
about jurisdictional differences and how you might manage
those. Like, are there systems -- I don’t know -- I’m not
sure if you’ve encountered this, but if you do encounter
some kind of jurisdictional wrangling or ambiguities, do
you have a system in place that provides policing across
jurisdictions, like...

**CHIEF TERRY ARMSTRONG:** Okay. So, we
have worked with other policing agencies across
jurisdictions. We have done that. But, I mean, we do not
go into another jurisdiction and start investigating,
there has to be protocols -- interjurisdictional protocols that are dealt with, so...

**MS. ELIZABETH BLANEY:** So, NAPS has established those with other policing services at (indiscernible).

**CHIEF TERRY ARMSTRONG:** Yes, it is pretty much standard across the province of Ontario.

**MS. ELIZABETH BLANEY:** I just have one other question involving governing complaints. Does the NAPS model recommend internal and civil complaint processes to better address complaints based on sexual or anti-Indigenous discrimination?

**CHIEF TERRY ARMSTRONG:** Specific to that?

**MS. ELIZABETH BLANEY:** Yes.

**CHIEF TERRY ARMSTRONG:** We -- I guess I am struggling with that question, the way it is worded too, but if there is any of those actions, then it will also be investigated.

**MS. ELIZABETH BLANEY:** There is no specific ---

**CHIEF TERRY ARMSTRONG:** Does that help?

**MS. ELIZABETH BLANEY:** Well, there is no specific model then, what you are saying to deal with
CHIEF TERRY ARMSTRONG: I think I am just getting tired here actually.

MS. ELIZABETH BLANEY: I know, I know. It’s long.

CHIEF TERRY ARMSTRONG: So, can you rephrase the question? Give it to me again and I will try and do better.

MS. ELIZABETH BLANEY: Does NAPS have a model for dealing with any internal and civilian complaint processes to address complaints based on sexual or anti-Indigenous discrimination?

CHIEF TERRY ARMSTRONG: Yes. So, they would be dealt with the same as the other complaints -- any other complaints as well.

MS. ELIZABETH BLANEY: Through your body or ---

CHIEF TERRY ARMSTRONG: Yes.

MS. ELIZABETH BLANEY: --- the one guy that ---

CHIEF TERRY ARMSTRONG: Yes.

MS. ELIZABETH BLANEY: Yes, okay.

Okay.

CHIEF TERRY ARMSTRONG: He is -- and I do not have an exact number, but he is busy, but he is not
that busy. We actually don’t -- if you look at us compared to other agencies I have worked at, we get very few complaints, like internal complaints. Like, he is busy, but he is not overwhelmed. And, if there is a point in time he gets overwhelmed, like I say, we have sent -- we foresaw, you know, sending a number of other people within the agency, senior people, that can actually go in and give him a hand. And, they have taken the training through the OPP.

MS. ELIZABETH BLANEY: So, would you say that NAPS has an oversight body or...?

CHIEF TERRY ARMSTRONG: Now, I don’t know if I would use that terminology, but I guess you could use it if you put it that way.

MS. ELIZABETH BLANEY: Right.

CHIEF TERRY ARMSTRONG: But, we just -- in every police service in the province of Ontario, and I can only speak to the province of Ontario because that’s the only place I have policed, every police service has, you know, that I have run into, their own internal investigation as far as police -- PSB as they call it.

MS. ELIZABETH BLANEY: So, do you bring in civilians, like, into this process?

CHIEF TERRY ARMSTRONG: If a civilian is a complainant or the civilian is a witness, absolutely.
MS. ELIZABETH BLANEY: Would this be a recommendation to kind of, like, spruce this up some, into having a model? Like, we were just talking ---

CHIEF TERRY ARMSTRONG: It is like an investigation. They are doing an investigation -- if you had an assault and you investigate it. PSB does that on complaints. So, I would think that’s, kind of, the model. You investigate it, you interview witnesses, you take information. Like I say, I don't think that is an area that isn’t working kind of thing, but yes.

MS. ELIZABETH BLANEY: Okay. Great.

Thank you very much ---

CHIEF TERRY ARMSTRONG: Yes.

MS. ELIZABETH BLANEY: --- all of you.

MS. CHRISTA BIG CANOE: Thank you. At this time, we would like to invite Ms. Carly Teillet up on behalf of the Vancouver Sex Workers’ Right Collective. Ms. Teillet will have 12 minutes.

--- CROSS-EXAMINATION BY MS. CARLY TEILLET:

MS. CARLY TEILLET: Tashi, bon apres midi and good afternoon. I would like to start by thanking Grand Chief Sioui this morning for inviting us to the territory of this people, the Huron-Wendat, and to thank all of the elders, the survivors, the families, the medicine that are all here to help us with our work today.
And so, I would like to start by asking some questions to you, Chief. You mentioned in response to a question of my colleague, that when you receive a call or notified of an emergency, you respond? Even if you are not able to respond immediately, you respond; is that right?

CHIEF TERRY ARMSTRONG: Yes.

MS. CARLY TEILLET: Okay. And, do you prioritize your responses?

CHIEF TERRY ARMSTRONG: Yes. To some degree, yes.

MS. CARLY TEILLET: Okay. So, the most important and urgent are given a higher priority, I assume?

CHIEF TERRY ARMSTRONG: Yes. If there is two locations that do not have somebody and we need to -- yes, absolutely. A three year old break-in is not as important as a domestic violence that is going on at the moment.

MS. CARLY TEILLET: And, that part of the reason that you are asking for an increase in officers is to improve this response time, to be able to provide better services; is that right?

CHIEF TERRY ARMSTRONG: That is part of the reason, yes.
MS. CARLY TEILLET: And so, you described the resolutions and -- well, it was described, I should say. The resolutions and the public safety notice, and these were schedules D and I. And, in these, there were deaths described, the community was being described as being in grave jeopardy, that it was a frightening reality and that the safety of the community was at risk for far too long.

So, I take by these statements that the safety and well-being of NAN was a high priority for both NAPS and for the government of the people; is that right?

CHIEF TERRY ARMSTRONG: Yes.

MS. CARLY TEILLET: And, when you sent out this public safety notice saying that there was an emergency, or when it was sent out, saying that there was an emergency, that there were deaths, that there were safety issues, there was no response from the federal or provincial governments; is that right?

CHIEF TERRY ARMSTRONG: The only response was from the one coroner, acting coroner.

MS. CARLY TEILLET: And so, my clients, they are Indigenous women who engage in sex work and trade in Vancouver’s downtown Eastside, and they have expressed that they rarely call the police. And, it is
only when their lives are in immediate danger, when they feel like they are going to die, that they will call the police.

And, one of the overnight shelters that they use is only about two or three blocks away from a police station, and yet my clients have said that on numerous occasions, it has taken up -- two to four hours, if not even the next day, when police arrive on scene. This is not a remote community and this is not fly in access.

And so, if I understand your testimony this morning, would you agree that timely, culturally appropriate police responses to an emergency or incident is vital for the safety and well-being of our Indigenous women and girls and community?

CHIEF TERRY ARMSTRONG: Yes.

MS. CARLY TEILLET: And, if I understand the public safety notice, that from the perspective of NAN and of NAPS, that not being able to respond, or investigate or protect the community was unacceptable?

CHIEF TERRY ARMSTRONG: Yes.

MS. CARLY TEILLET: To follow up again on another question of one of my colleagues. You discussed the possibility of a conflict of interest, where
the police officer may be related to the perpetrator of
the violence, and that you may have a policy for that.

CHIEF TERRY ARMSTRONG: I -- and I am
having a recollection on it. I think it’s more of the
code of conduct. We have a code of conduct that governs
us, which is I guess a policy, but not the policies
because we have police orders policies as well. So, I am
going to do what I can for that.

MS. CARLY TEILLET: Thank you for
that. So, knowing that an officer is a family member of
the person that perpetrated the violence could be a
barrier to reporting that violence for a woman or child in
the community, is NAPS taking any steps to overcome this
initial barrier to reporting? So, for example, I am
thinking, is there a hotline, or a drop-in time with a
female officer or third party reporting in place to help
facilitate reporting?

CHIEF TERRY ARMSTRONG: We don’t have
a third party, but there is Crime Stoppers and then there
are a number of other things that are utilized in the
communities where they can call in that respect. Plus,
they can also call -- like, we quite often will have
people report to the OPP stuff that is happening and they
will report to us, and vice versa. So, there is other
ways to...
MS. CARLY TEILLET: I would like to turn to ask some questions about Bill 175, and I believe that was Schedule J. And, I understand that neither of the witnesses are lawyers, so I will keep my questions very general. And, I will provide a reference for the Commissioners.

In paragraph 143, it talks about community safety and well-being plans. And it says that “a municipality shall”, which in legal terms means you must or they will do this, and have a community safety plan. And, that “First Nations may have a community safety plan”, so it doesn’t say you have to. It says you can. Is NAN planning or do they already have a community safety plan or wellbeing plan?

CHIEF TERRY ARMSTRONG: I can’t speak on behalf of NAN on that. I don’t know.

CHAIR MIKE METATAWABIN: I think there was an exercise to come up with community safety plans at one time, so there might be some communities involved in that.

MS. CARLY TEILLET: Earlier in your testimony this morning, you discussed about the importance of culturally appropriate policing, and that is part of the reason that there was so much passion in the -- and desire to keep NAPS as a police force for the territory.
I am curious, in the discussion of a constitution or creating a culturally appropriate police force, is there a way in which NAPS is connected to a circle of elders or a community advisory board to make sure that they are in line with community teachings as they go forward with their police work?

CHAIR MIKE METATAWABIN: Off the top, I don’t know if we have. But, through the current processes we have, we -- each of the board members are -- I don’t know if I will be answering your question, but the -- each of the board members are chosen by their respective tribal council. And, from that perspective, we were -- we are speaking on behalf of our communities that are represented at the tribal council. I don’t know if I answered your question.

MS. CARLY TEILLET: Yes, thank you. So, I would like to ask a little bit about the services that NAPS may provide informally outside of your jurisdiction and if there is any movement to change that or if there is any funding to go with that. And so, what I am referring to, for example, is that I know that a lot of northern communities have individuals that move to the city for school or for various other reasons. And so, you have members of your nation in Thunder Bay or Toronto, or other areas. And, I know that those individuals sometimes
are incredibly vulnerable because they are in a new place, or they are youth without support services, or they might be LGBTQ2S individuals who needed a safe place to be.

And so, I am wondering about when those people go missing. And, in particular, I am thinking of some of the youth that went missing in Thunder Bay. And, it is my understanding that the community rallied and came down to help find these individuals or figure out what happened to them, and that there was work that was done outside the jurisdiction with some of the knowledge of the land and the people in the community down south. And so, I was wondering if you could talk a little bit about the importance of funding, that community link, when members from up north come down, when you are looking -- when you are doing that investigation in the city, how there needs to be a bridge between possibly NAPS and NAN and the police forces in the city so that we can find people faster and quicker.

CHIEF TERRY ARMSTRONG: We don’t -- I guess in the -- you are talking about the City of Thunder Bay. We -- if a death occurs or somebody goes missing in the city, the Thunder Bay police do the investigation. But -- and I think you will see this more in the future. They have reached out to us as a service and we provide whatever support it is.
It is quite a -- often it is that linkage back to community. And, because we are up there, we will go talk to family and, you know, who they -- you know, find out who they hang out with and where they are going. So, we have been doing that, and they have -- like I say, it took them reaching out to us, and -- but that work has been -- is being done. And, I think it is really important, because as far as the community members knowing their youth, in this case it is youth, it is just -- it just makes good sense. It is a question you probably already knew the answer to.

MS. CARLY TEILLET: Is there any funding that ties to that support?

CHIEF TERRY ARMSTRONG: We used our funding. Like, we just -- there isn’t any additional funding. Probably should be if you are looking for a recommendation.

MS. CARLY TEILLET: I think we are all looking for recommendations. Those are my questions. Miigwetch. Merci. Thank you.

MS. CHRISTA BIG CANOE: Thank you, Ms. Teillet. Next, we would like to invite up Ms. Melissa Cernigoy on behalf of the Congress of Aboriginal Peoples. Ms. Cernigoy has six minutes in her cross-examination.
--- CROSS-EXAMINATION BY MS. MELISSA CERNIGOY:

MS. MELISSA CERNIGOY: Thank you both for your presentations today, Chief Armstrong and Chair Metatawabin. I am Melissa Cernigoy, representative for the Congress of Aboriginal Peoples. As you may be familiar, the Congress works to represent the interest of Indigenous peoples living in urban and rural settings across Canada.

My first question, in your view, do the challenges faced by the police, and you have both described a number today including chronic underfunding, insufficient tools and insufficient resources which result in compromised community safety, contribute to why some residents may choose to leave the community to live in rural and urban centres?

CHAIR MIKE METATAWABIN: Well, there are different reasons why people leave the communities right from education. We have a number of First Nations who don’t have high schools in their community, so that is why we have young people that come and live in the urban centres. We also have -- for employment purposes or for medical reasons, long-term medical reasons, that is why people decide to relocate the first -- to urban centres and educational pursuits for the parents or to support their children. We do have parents who have done that.
And, for recreational or sports aspirations, some families have chosen to support their youth and make the move to relocate to urban centres. So, those are various reasons why people move.

**MS. MELISSA CERNIGOY:** Okay. And, can I ask you to answer, Chief Armstrong, as well?

**CHIEF TERRY ARMSTRONG:** Well, I think Chair Metatawabin put it pretty good as far as why people leave. Education is probably one of the big ones; work; sometimes it is -- they may even end up in the system and they end up going out for -- you know, to do some sentencing or whatever. But, there is a number of things.

**MS. MELISSA CERNIGOY:** Okay. And, related to the questions from my colleague, Ms. Teillet, are NAPS officers at times approached by community members when they can’t reach a relative in urban settings and they are concerned for their safety?

**CHAIR MIKE METATAWABIN:** I’m sorry, could you say that again?

**MS. MELISSA CERNIGOY:** Yes. So, I am wondering -- and this, in my mind, relates to the case of missing persons. So, are NAPS officers sometimes approached by their community members when they can’t reach a family member and they are concerned for their safety when they are away from community in an urban
setting?

CHIEF TERRY ARMSTRONG: Yes.

MS. MELISSA CERNIGOY: Okay.

CHAIR MIKE METATAWABIN: Yes, we have reports on that.

MS. MELISSA CERNIGOY: And, how do you work with other police forces then to investigate and share information? And, are there any barriers to working effectively with those police forces in other settings?

CHIEF TERRY ARMSTRONG: We would take an initial report and from -- and then we would pass that on to the police service or jurisdiction. And, generally, like I say, the -- we get a response, a corroborative response if there is somebody missing, what their -- how they investigate. Sometimes we won’t know. We will quite often check, because we will have a report. We will check, but we won’t investigate. We will assist in the investigation any way we can, providing information, taking statements, whatever, from family members, you know, because we certainly want to help in any way can to find them but, you know, we can’t fly to B.C. and do the investigation for Vancouver Police or whatever.

MS. MELISSA CERNIGOY: Right. Of course. I understand. So, do some of the challenges you mentioned in regards to resources, access
to communications, cause any barriers in being able to
assist with those investigations?

CHIEF TERRY ARMSTRONG: No, because
it’s more for, like, the radios, and that’s more of an
internal -- like, the lack of resources, lack of officers
sometimes, but as far as -- I mean, did we have -- you
know, especially in Ontario, we’re linked with 40-some
other police services internally with our reporting, our
(indiscernible) they call it, our records management
system. We’re tied in with them. And, of course, we, you
know, phone other agencies.

But, sometimes, like, getting the
information if, you know -- for example, if there’s no
officer in the community at the time; right? So, we might
have to wait until we get somebody in there.

MS. MELISSA CERNIGOY: Okay, thank you
both again. That’s all my questions today.

MS. CHRISTA BIG CANOE: Thank you.
The last cross-examination will occur by Commission
counsel. Mr. Thomas Barnett will have 12 minutes.

--- CROSS-EXAMINATION BY MR. THOMAS BARNETT:

MR. THOMAS BARNETT: So, first of all,
I’d like to thank the Wendat for welcoming us to their
territory. I’d also like to thank you, Chief Armstrong,
Mr. Metatawabin, for coming here to share your knowledge
and experiences with the Inquiry and assisting us in this important work.

My first question goes out to Chief Armstrong. In relation to the death of Lena Anderson, is it fair to say that there are many issues occurring the night of her death in addition to the under resourcing of NAPS? For example, I understand that there also issues of involvement with Tikinagan Child and Family Services temporarily apprehending Lena’s daughter the night she was taken into police custody.

The verdict of the coroner’s jury into the death of Lena Anderson entered here, I believe, as Exhibit 7 also makes recommendations, and specifically, Recommendation 16, and I will make the connection between the police resourcing and this recommendation.

So, in Recommendation 16, Tikinagan is recommended to develop a protocol that addresses and ensures the physical and emotional wellbeing of parents who have had their children apprehended. Given that Ms. Anderson found herself in police custody in part because of a resistance to her child being taken away from her, is it important to have protocols also developed between policing and family services in these circumstances?

CHIEF TERRY ARMSTRONG: Yes.

MR. THOMAS BARNETT: Do you believe
that there will be more opportunities for community policing to take approaches that cooperate with other services in the community where children are being apprehended with police involvement in a culturally appropriate manner?

CHIEF TERRY ARMSTRONG: If I’m understanding your question, that answer would be yes. I think what you’re saying is that we -- yeah. Sorry. I get it.

MR. THOMAS BARNETT: I understand that there’s new funding. There’s more equitable funding that’s coming to NAPS as well. With the funding that’s coming, do you think there’s going to be more opportunities for this sort of community work with police services in those areas?

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: Could I ask, chair, if at all possible ---

MS. CHRISTA BIG CANOE: So, stop time.

MR. JULIAN FALCONER: --- that the questioner indicate whether they’re directing the question to the chief or the chair? The problem is, I don’t want this to be quickest to the post for my -- for the two witnesses. Some of these questions clearly invoke the board more than the operational side, but there’s no
identification of who the question is to.

CHIEF COMMISSIONER MARION BULLER:

That’s fair. Go ahead.

MR. THOMAS BARNETT: Okay. I’ll

address this actually from a community policing-centred
and then also from a community involvement-centered as
well. So, perhaps both of your input. What sort of ways
can the police work with the community, maybe not just in
specific regard to child and welfare, but also such things
as mental health, suicide awareness, that sort of thing?
So, that answer can actually come both from a policing
perspective, but also community involvement perspective,
Mr. Metatawabin, if you both would like to give answers on
that.

CHAIR MIKE METATAWABIN: Well, I know
in some of the communities I represent, they have -- they
have the frontline service workers that get together.
They have their own names that they go by. And, that’s
how they’re able to help or support or at least identify
what’s going on at the community level.

MR. THOMAS BARNETT: So, I’ll just go
a bit further, Mr. Metatawabin. So, I understand that
there’s more resourcing that’s going to be coming through
the police services as well. Given that, what would you
like to see? Not just what has happened in the past, but
what would you like to see with that?

**CHAIR MIKE METATAWABIN:** For each community, well, a full complement will help. Full complement. If we had female constables in every community maybe, at least one or two, that would help. But, it’s up to the individual communities as well, or individuals who want to pursue a policing career. Not everybody does that. But, at the same time, with this -- once things get passed January 2019, things may -- well, things would look brighter for us with better opportunities.

When I think about all these questions that have been quoted, the Nishnawbe-Aski Police Services has never had the luxury of operating under a normal policing service. We’ve always been working under a pressure -- under pressure, always reacting. So, it’s hard to imagine what a normal police service would look like.

We’re busy putting out fires. We want to get to that level where -- I don’t know. It’s a whole -- everybody is working together or we’re tackling the issues as they come up. There’s different scenarios now, different priorities or different crises. I’ve pointed out to the opioid addictions, so that’s what we’re dealing with right now.
MR. THOMAS BARNETT: Chief Armstrong, is there anything you would like to add to that?

CHIEF TERRY ARMSTRONG: No. I think Mr. Falconer said one day, he said it’s like driving a car with no brakes, and that’s what our daily policing environment is. It’s just really crises after crises and it’s band-aid after band-aid, and as Mike said, there’s -- we’ve never really seen NAPS have, you know, support systems from other agencies. We’ve never seen us have enough people to do the work, and it’s -- like I say, you’re hanging on with your fingernails all the time. It’s not a way to do business, and it certainly isn’t safe.

MR. THOMAS BARNETT: So, from what I understand from the testimony today is that there’s going to be, sort of, a shift in thinking of how you deal with things from going to, sort of, reactionary, putting out the fires, but actually having some -- hopefully some equitable resources so you can start planning for the future.

With that transition, have you been able to plan for that hopeful future that’s coming, specifically with regard to combating violence against Indigenous women and girls. So, any possible programs that you would like to do that are -- you plan to do, any
policies that you will be changing with specific regard to
MMIWG issues?

CHIEF TERRY ARMSTRONG: We’re going to
-- as we grow and as things normalize with this last
agreement, we’ll be looking at a number of things. And,
based on our discussions and suggestions, I think that’s
got to be a part of it, for sure. We’re in the process of
business planning for the next three to five years right
now. I think our last business plan was three. So, yeah,
certainly we have to make those considerations for sure.

MR. THOMAS BARNETT: Okay. So, am I
correct in summing up that that’s something that you will
be planning for, but you haven’t planned for as of yet?

CHIEF TERRY ARMSTRONG: Yes. Yes.
That would be the definitive answer based on -- like I
say, it’s just -- it’s a daily struggle to make things
work.

MR. THOMAS BARNETT: And, this
question can actually go both out to Mr. Metatawabin and
Chief Armstrong as well. So, we have heard about some of
the issues at this Inquiry with limited duration posting
for police officers, and today we have actually heard
about some of the benefits those officers have when they
leave those communities, that being the knowledge and
understanding they get from being exposed to Indigenous
issues without having any experience with that sort of thing before.

But, would you agree that it is a fair statement that police officers are best suited to fulfill their duties when they have, at a minimum, some sort of knowledge or understanding of the communities in which they serve?

CHIEF TERRY ARMSTRONG: Yes.

MR. THOMAS BARNETT: And, given our mandate, can you tell us what training, what specific regard for MMIWG issues, new constables or new officers in these northern communities receive?

CHIEF TERRY ARMSTRONG: The -- it would be police college -- whatever they are getting at the police college. And, I don’t know what is in their syllabus for that, but whatever they are getting there would be what they are getting today.

MR. THOMAS BARNETT: Mr. Metatawabin, is there anything you would like to add to that?

CHAIR MIKE METATAWABIN: Repeat the question first. I...

MR. THOMAS BARNETT: I understand that, in your experience, you have gotten to know a lot of new constables, a lot of new officers to the north. In your experience so far, is there any sort of, perhaps,
community direct training or involvement that new officers in the north, new constables receive, so they can actually get some specific knowledge or history about the community and the people that they are actually working with?

CHAIR MIKE METATAWABIN: Well, there is the work of the Truth and Reconciliation. In there, you will find recommendations that need to be implemented, that need to be adopted by everybody. And, there is a history there that needs to be realized and appreciated. And, I think that itself, as I mentioned earlier, of all the policies that we have lived through and had to endure, that is where -- that is the reason why -- or that would be an area of training that could be provided to new recruits.

I don’t know if it is currently being done to -- to the extent, but we have a long ways to go in terms of coming out of what we have been through. We haven’t even addressed the tip of the iceberg. We have our community members who are still suffering at the community level, who have not even begun their healing journey, and that’s where we are at. We are at that stage of -- for myself, when I talk about this, I call it -- I use the analogy of the dropping of the atomic bomb, where you see children coming out of the carnage. That’s where we are at. That’s how far damaging those policies have
had to our communities, to our members, and we are just
coming out of the carnage. So, we have a whole community
behind us that we need to work with or to help and move
forward.

MR. THOMAS BARNETT: Thank you. I
understand that is where the state of things with how this
chronic under funding has just dramatically affect both
the community level and also the police services level.
And, it is, I gather, hard to plan for the future when you
are constantly in this crisis mode.

Mr. Metatawabin, you mentioned a few
times today that it is up to the community to step up as
well and ---

MS. CHRISTA BIG CANOE: Mr. Barnett,
sorry, you are ---

MR. THOMAS BARNETT: I apologize.

MS. CHRISTA BIG CANOE: --- out of
time.

MR. THOMAS BARNETT: I missed the
clock. I am out of time, but thank you both very much.

MS. CHRISTA BIG CANOE: Chief
Commissioner, Commissioners, this concludes the cross-
examination. Counsel representing the witnesses does have
re-direct -- re-examine, and the time that
is normally allotted for that is 20 minutes. So, I would
ask that they set the clock. And, if counsel requires, they can use the full 20 minutes. And, I turn it to you, Mr. Falconer.

--- RE-EXAMINATION BY MR. JULIAN FALCONER:

MR. JULIAN FALCONER: Thank you. So, I don't get credit for the time I was under before?

MS. CHRISTA BIG CANOE: No.

MR. JULIAN FALCONER: No.

MS. CHRISTA BIG CANOE: Nice try.

MR. JULIAN FALCONER: I thought it was like one of those NFL games, put time back on the clock.

MS. CHRISTA BIG CANOE: No.

MR. JULIAN FALCONER: No? All right. So, I have questions that flow from the questions of my colleagues and representatives of the parties, whether or not they are lawyers or otherwise.

So, I want to start with a question asked by Ms. Brass from the Canadian Association of Police Governance, the First Nations Police Governance section. You were asked, and I believe the question was directed to Chief Armstrong or he answered it, but whether -- do Indigenous people respond well to being policed by an Indigenous service, or words to that effect. And, I just want to start by asking you a question, can you comment -- I am going to start with Chief Armstrong. Can you comment
on the realities of community relationships when a police
officer is on her own or his own in a community?

CHIEF TERRY ARMSTRONG: Well, the
officers, when they are on their own in the community,
obviously rely on the community’s support, and quite often
they will be their back-up. We -- as our officers start,
even from day 1, we tell them, community engagement is the
utmost important because the community is your back-up.
They are the only help you are going to get at times,
until we can get people in there.

So, the relationship is very good and
it seems that -- you know, as soon as the community sees
the NAPS flash, they take a lot of ownership in their
police service and their officers. It’s actually very
nice to see that the community support the officers
regardless of whether they are Indigenous or not, because
of the -- they are their police service and they feel that
comfort in seeing that flash.

MR. JULIAN FALCONER: And, did you
want to respond to that as well, Chair, or did that
capture it? Okay. Now, I want to ask you something, and
I can lead you so I will. Flowing from what you said,
Chief Armstrong, am I fair to say that it is a way, in
fact it distinguishes non-Indigenous policing and the kind
of Indigenous policing NAPS does, is that there is a bond
between the officers and the community born of need; is that right?

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: Yes. You are both struggling. And, without each other, you are not going to make it; right?

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: Oddly enough, and correct me if I am wrong, in the 24 years since the creation of NAPS, no NAPS police officer has ever taken the life of a community member with his or her gun; is that right?

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: Twenty-four years. I referred in your CV to the fact that you were honoured with the bear claw necklace by the chiefs recently. Now, that relates to you personally and who you are, but it is fair to say that the chiefs take deep pride in their service, don’t they, Chair Metatawabin?

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: It is their service; right?

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: And, that truly distinguishes it from what would be ordinary policing such
as the OPP; is that right?

   CHAIR MIKE METATAWABIN: Yes.

   MR. JULIAN FALCONER: And so, when, and it wasn’t a threat, an actual letter confirming the wind down of NAPS was delivered to Ontario and Canada when they wouldn’t budge on addressing deficits, when that notice was given, it was with a heavy heart; am I right?

   CHAIR MIKE METATAWABIN: Yes.

   MR. JULIAN FALCONER: But, it was the right thing to do?

   CHAIR MIKE METATAWABIN: Yes.

   MR. JULIAN FALCONER: All right. I want to address questions asked by Ms. Blaney of the New Brunswick Aboriginal Peoples Council. And, I believe I, in error, called her my colleague. I apologize if I demoted you from being a good person to a lawyer, so I am sorry about that.

   But, Ms. Blaney had asked, how do boards in the south ensure that they would have cultural responsiveness or words to that effect. Chief Armstrong, do you remember that question?

   CHIEF TERRY ARMSTRONG: Yes.

   MR. JULIAN FALCONER: So, I just want to put to you, Chief Armstrong, and I want Ms. Blaney to take some comfort, that, in fact, this issue of different
areas requiring different approaches, that one size does not fit all, is actually directly in the new legislation. So, I want to ask if it is possible, and I am not going to exceed the 20 minutes, far from it. If we could go back to the PowerPoint that is Exhibit 14, which is the new legislation PowerPoint. And, as the folks who are in charge or are scrambling to keep up with me, and I apologize if I am going too fast, it is the PowerPoint that has the title on it, NAN/NAPS’ Pursuit of Indigenous Policing Backed by the Rule of Law. And, I am looking for slide 9, page 9 of that.

In that PowerPoint presentation, am I right, at slide 9, Chief Armstrong, that Section 10(1) of the new legislation actually speaks directly -- and it is the third paragraph down, Section 10(1). First Nation boards are required to deliver adequate and effective police services “in accordance with the needs of the population in the area and having regard for the diversity of the population in the area”; is that correct, Chief Armstrong?

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: So, in fact -- and I am going to go a little further in a minute. So, in fact, it is contemplated that each board, each First Nation board will have to address the regional needs of
the communities it deals with; is that right?

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: Now, going on to slide number 11, so if I could thank you. Slide number 11 actually quotes what an arbitrator must take into account in ruling on funding issues. So, I am at slide number 11, Chief Armstrong.

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: It says in quotes, Sections 51(1) and (2). So, on questions where an arbitrator has to make a determination, if funding is sufficient, (a) says that the test to be applied by the arbitrator is whether the total funding available to the board is sufficient to provide adequate and effective policing in the area for which it has policing responsibility. Again, am I right, it ties it to the regional needs; is that right?

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: So, it is hardly connected only to the north; am I right? Is that right?

CHIEF TERRY ARMSTRONG: Yes, yes.

MR. JULIAN FALCONER: Now, 51(5) on the same page -- I am not finished with you, Chief Armstrong, slide number 11, 51(5) provides that an arbitrator must consider whether any First Nation board
policies intended to reflect the cultural traditions of
First Nation communities being policed affect the funding
required to provide adequate and effective policing. So,
they must consider the cultural traditions of the company
being policed. So, it isn’t about the broad concept of
First Nation policing. It is actually about the community
being policed; is that right?

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: And then
finally, slide 14, there is an obligation on each board
under Section 38(3), and this is the last paragraph of
section -- page 14, First Nation boards are required, it
is a unique requirement, to consult with their chief and
council being policed about the cultural traditions in
issue for that community; isn’t that right?

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: And, again, this
is a way to ensure that a one-size fits all approach is
not taken; is that right?

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: And so, all in
all, in answered in Ms. Blaney’s very reasonable question,
I am going to suggest that that is how we ensure that
those in the south or anywhere else across the Province of
Ontario have their needs as they are locally defined by
them addressed; is that fair?

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: Now, Ms. Teillet asked about potential NAN initiatives, and I am going to direct this question to you, Chair Metatawabin, who formally is a Deputy Grand Chief of NAN. It is fair to say that Nishnawbe Aski Nation -- and I was counsel for them on the Seven Youth Inquest, so I want to put that out there, that that was a role I had and was honoured to have. It is fair to say that at the Seven Youth Inquest, NAN played a leading role in that inquest; is that right?

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: It resulted in an extraordinary number of recommendations aimed at trying to protect vulnerable youth in the Thunder Bay area; is that right?

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: And, this is addressing Ms. Teillet’s questions about how does NAN -- sorry, how does NAPS deal with or, in fact, engage in what might be extra jurisdictional work to protect youth. Do you recall that question?

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: One of the responsibilities of NAN has been to play an active role on
a committee expressly designed for implementation of the
literally hundreds of recommendations flowing from the
Seven Youth Inquest; isn’t that right?

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: And, in fact,
NAN has responsibility for overseeing a protocol in
respect of missing persons with the Thunder Bay Police
Service; is that right?

CHAIR MIKE METATAWABIN: Yes.

MR. JULIAN FALCONER: And, Chief
Armstrong, isn’t it true that pursuant to those same
recommendations from the Seven Youth Inquest, NAPS has
undertaken the role of mentoring Thunder Bay Police
Service officers in Indigenous relationships; is that
right?

CHIEF TERRY ARMSTRONG: Yes.

MR. JULIAN FALCONER: And so, NAPS
actually takes Thunder Bay Police Service officers into
communities; is that right?

CHIEF TERRY ARMSTRONG: Yes, we
facilitate that.

MR. JULIAN FALCONER: You facilitate
it and it is designed to use who you are to keep people
safe; isn’t that right?

CHIEF TERRY ARMSTRONG: Yes.
MR. JULIAN FALCONER: And, not to keep people safe just in NAN communities, but to keep people safe in the City of Thunder Bay; isn’t that right?

CHIEF TERRY ARMSTRONG: Yes, absolutely.

MR. JULIAN FALCONER: Unless I have missed something -- and I apologize to the translators if I am going too fast for them, but unless I have missed something, I think that completes our re-examination, and I thank you Chair and Commissioners for the honour of having been before you today. Elders. I think it is safe to say that there are certain days in one’s career that we will never forget. This is a very special honour and opportunity to be part of today, so I want to thank you.

CHIEF COMMISSIONER MARION BULLER: The first Commissioner to ask questions will be Dr. Audette.

--- QUESTIONS BY COMMISSIONER MICHÈLE AUDETTE:

COMMISSIONER MICHÈLE AUDETTE: Merci! On dit au Québec, l’Honorable Buller.

Je vais parler en français... okay! Vos témoins sont numéro 1! Alors, tout d’abord, un gros merci pour cette présentation, je vous dirais, fort intéressante et aussi, à quelques moments, je vous dirais, M. Armstrong et M. Metatawabin, décevante ou frustrante – pas la présentation, mais en 2018, on remarque encore des
inégalités ou des injustices sur la prestation de services. Et ce qui me dérange le plus, c'est que souvent, ce sont les femmes et les enfants qui en paient le prix, surtout les femmes autochtones et les enfants autochtones.

J'ai aussi à vous dire, pour ceux et celles qui travaillent au niveau de la police, que vous êtes plusieurs à mettre vos vies en danger, d'essayer de protéger les gens sur le terrain, dans les communautés et ainsi de suite. Mes questions vont porter justement, suite à votre témoignage, la réalité réelle. Je comprends qu'on a eu une présentation sur l'entente tripartite, le manque de financement chronique, mais en tant que femme, en tant que mère et koukum, il y a cette préoccupation-là aussi sur, au quotidien, comment on applique cette sécurité publique là, comment on protège les femmes et les enfants dans les communautés. Et je suis sûre que vous avez certaines réponses à mes questions.

Je présume que vous avez une connaissance aussi sur les différents corps policiers à travers le Canada. Et comme vous le savez, au Québec, on a aussi des corps policiers des Premières Nations. Nous avons eu la chance d'entendre certains représentants de la police régionale de Kativik, M. Larose, Chief Larose, qui nous a fait réfléchir sur, justement le manque de financement au niveau des effectifs, pour protéger et
assurer adéquatement la sécurité des membres inuits dans
ce cas-ci et des membres autochtones en général, dans
d’autres communautés plus au sud, au Québec.

Vous nous avez démontré, lors de votre témoignage, que le manque de financement chronique, on s’entend ici, ça a été évident, et le sous-financement historique -on parle de 24 ans -des services de police de NASP pardon, a fait en sorte de compromettre la sécurité des membres des communautés de votre territoire.

Aux meilleures de vos connaissances, savez-vous si cette situation est généralisée à travers les communautés autochtones? Première question.

CHIEF TERRY ARMSTRONG: Yes.

COMMISSAIRE MICHELÉE AUDETTE: De quelle manière ce manque de ressources et de financement et d'effectifs affecte spécifiquement les femmes et les filles autochtones dans votre territoire?

CHIEF TERRY ARMSTRONG: I think the answer to that would be that their safety is at risk as community members when we can't do the job of keeping communities safe in general and when we don’t have police in some of those areas at times. So their safety is going to be at risk.

CHAIR MIKE METATAWABIN: If I can add, also the lack of community awareness or knowledge from the
non-Indigenous police personnel may have also contributed
to that and that's why it's important that we have that
training.

**COMMISSAIRE MICHÈLE AUDETTE:** Merci.

Maître Julian, mes questions
s'adressent en même temps à vos deux témoins. Excusez-moi
de... je n'ai pas clarifié ceci.

**Me JULIAN FALCONER:** Je comprends.

Oui, merci.

**COMMISSAIRE MICHÈLE AUDETTE:** Parfait.

Toujours aux deux témoins, est-ce que les besoins spéciaux
des femmes et des jeunes filles de votre territoire ont
été pris en compte lorsque vous avez négocié les ententes
tripartites? Par exemple, avoir plus de femmes
policières, plus d'agents de police formés pour justement
sur l'intervention en matière de violence sexuelle,
conjugale, familiale, et prendre des dépositions
d'agressions sexuelles, est-ce que ça c'est officiellement
mis dans votre entente tripartite?

**CHIEF TERRY ARMSTRONG:** No, it wasn’t.

**COMMISSAIRE MICHÈLE AUDETTE:**

Pourquoi?

**CHIEF TERRY ARMSTRONG:** Well,
basically what the negotiations surrounded was -- and
those are operational issues as opposed to negotiation
issues. So to negotiate for more people would allow us to operationally invoke those things that you're looking at. So they are more operational. So to get the numbers and get the specialized units in there would allow us to operationally do that, if I'm understanding the question correct.

CHAIR MIKE METATAWABIN: And if I can add, our arguments were based on the need, why we needed an effective police force. Those were the -- there were many reasons for myself from a community perspective as a leader. We need an effective police force that would provide safety to our community members on an ongoing basis instead of the way we're operating which is too many interruptions, too many obstacles. Just the current system right now doesn't work.

COMMISSAIRE MICHÈLE AUDETTE: Vous êtes d'accord avec moi que les policiers qui viennent du sud et qui travaillent chez vous ont un manque de connaissances sur la culture de votre peuple?

CHIEF TERRY ARMSTRONG: Yes.

COMMISSAIRE MICHÈLE AUDETTE: Vous êtes d'accord avec moi qu'on doit intervenir différemment quand c'est un homme versus une femme?

CHIEF TERRY ARMSTRONG: Yes.

COMMISSAIRE MICHÈLE AUDETTE: O.k.
Est-ce que cette nouvelle entente fournit le financement et les effectifs nécessaires et spécifiques dans certains domaines d'intervention comme la prévention, des enquêteurs spécialisés?

**CHIEF TERRY ARMSTRONG:** No. This basically gives us a partner so people don’t have to work alone. This covers having enough officers and supervision of those officers for frontline backup. All those other things we still -- we have to fight another day I guess would be the way to put it but we didn't make any movement on that. We would have loved to have had, you know, them address specialized units as well but we didn't -- we didn’t get any ground on that.

**COMMISSAIRE MICHÈLE AUDETTE:** Est-ce que la violence conjugale et sexuelle est très élevée dans les communautés que vous desservez?

**CHIEF TERRY ARMSTRONG:** Yes.

**COMMISSAIRE MICHÈLE AUDETTE:** Est-ce que vous travaillez en collaboration avec les services sociaux ou les services de santé pour prévenir ou diminuer?

**CHIEF TERRY ARMSTRONG:** Yes. Whatever services are available, we work with them. And there is a lack of other services in the communities as well. Like most communities don’t even have a doctor or any of those
things. Like a doctor will fly in every so often. They have a nurse, nursing stations or whatever, and sometimes those, if we don’t have police in those communities, the nurses won't go in. So it's a double, I guess, public safety threat because we've had nurses call up and say do you have a cop in this community today? No, we don’t. Sorry, we’re not going in. So it's an uphill battle for sure.

COMMISSAIRE MICHÈLE AUDETTE: Est-ce que les corps policiers qui font partie du « rule of law » de l'Ontario, les autres corps policiers, ont justement des équipes spécialisées pour intervenir en matière de violence conjugale, sexuelle et une formation aussi sur la trousse médico-légale et ainsi de suite? Est-ce que ces corps policiers-là ont cette capacité-là et l'effectif?

CHIEF TERRY ARMSTRONG: I can't speak for all of them obviously but yeah, and that's where the Police Services Act comes in for them where if they don’t have those things, they have the rule of law to go to get them enacted and put in place.

COMMISSAIRE MICHÈLE AUDETTE: Parfait, merci.

Et si vous aviez des recommandations sur la façon que vous faites les choses, votre entente historique parce que vous avez parlé que c'était une
entente historique, d'exporter ce modèle-là dans d'autres corps policiers autochtones, pensez-vous que c'est faisable? Pensez-vous que ça peut devenir pour nous aussi une des recommandations pour le rapport?

**Me JULIAN FALCONER:** Et cette question c'est pour les deux?

**COMMISSAIRE MICHÈLE AUDETTE:** Les deux.

**Me JULIAN FALCONER:** C'est les deux. Sorry, it's for both of you.

**COMMISSIONER MICHÈLE AUDETTE:** Now they speak French, wow.

(LAUGHTER/RIRES)

**CHAIR MIKE METATAWABIN:** As I stated, yes, I think you could take that model but I also made a statement that amendments need to happen with existing acts across the country, whether it's in policing, child family services, education. We're -- you could pretty much say that we're undertaking a new chapter, writing a new chapter here. The status quo does not work for us. We have to push for those amendments which include First Nations.

**COMMISSIONER MICHÈLE AUDETTE:** My last question in English, I’ll practise my English, and why in English it's because it's a conversation I had with some
women from your territory during the hearings that they do understand that we need to have First Nation police because of the culture, language and all of that. They do understand.

But where the gap or the misunderstanding or expectation, it's a mix of all of that, that some of them are in the -- they think that because of the negotiation with the government, the federal and the provincial for the tripartite agreement, there's a lack of services because everything is focussed on the negotiation. Is it something you’ve heard before from your people? If yes, what do you do to explain that you do work hard to make sure that this agreement is respected by the two governments?

CHAIR MIKE METATAWABIN: I don’t know if I’m repeating myself, but everything that -- or in my participation in the negotiations, I’m speaking on behalf of the communities I represent, the experience that I’ve lived and walked in living in the communities, in dealing with councils, in dealing with our women and children. The need for a proactive police force is very essential in all areas.

My compliments, my hat goes off to the constables who make the extra effort to engage with the youth at the community level. Whether it’s in basketball,
hockey or soccer, we have seen that, and those are --
those are the things that we need, that we would like to
see, and those are the things that are in the back of my
mind as well when we’re doing these things.

But, everything here that we negotiate
for is based on policing; policing models, policing
funding, policing -- what a police force is all about.
The extra, the community aspirations, well, for me, I
believe that that can come through in the form of chief
and councils becoming more proactive, community members
becoming more proactive, having that communication, that
dialogue. I keep mentioning the police committees as a
means of ensuring that there is communication and
representation of all issues.

COMMISSIONER MICHELE AUDETTE: You
want to add something?

CHIEF TERRY ARMSTRONG: Yes. I have
heard some of those comments, and it’s generally not
around issues of violence, domestic violence. But, I’ve
heard community members say that, you know, we’ve only got
one cop and she’s worked to the bone. She’s tired. I
don’t want to bother her with reporting something.

We, of course, encourage them, because
we’ll replace that officer if that officer can’t get to
that call or, you know. So, yes, I’ve heard those
comments that you’re -- but not on a more serious occurrence, more along the lines of, you know, the compassion of the people. It’s just like was said earlier that, you know, the caring for our officers, that’s the only reason we get through, is because of the community and the way they embrace and help us get through those things with our present condition. So, I just wanted to add that.

**COMMISSIONER MICHÈLE AUDETTE:** Merci.

Merci. And, it was beautiful to hear your -- the perception or the image of the cold man this morning, or cold cop or police. It was nice to hear that you have emotion, and the trust is so broken for women regarding the relationship with the police. So, it is important that we see a human being also behind this uniform. Thank you so much about that.

And, my only wish, I have to say, because we will write a report, we have a beautiful power, the four of us, to live, the first one, but the strength given by families, this is why we’re here, because of the families and survivors, to make sure that we make good recommendations, and I have one right now. I don’t know how many women were involved during those negotiations, with the tripartite negotiations, and you don’t need to tell me how many, if there were women involved, but we
make sure that we have more women working and putting
everything in place that they can become police, they can
work with you for the community. That’s, for me, a very
natural recommendation. And, thank you for the two of
you. (langue autochtone parlée).

--- QUESTIONS BY COMMISSIONER BRIAN EYOLFSON:

COMMISSIONER BRIAN EYOLFSON: First of
all, thank you very much, Chair Metatawabin and Chief
Armstrong for coming here and sharing your evidence with
us. I think a lot of what I had to ask has been covered
off by parties with standing and Commission counsel and my
colleague Commissioner Audette here, but we have you here
with your expertise, and I just want to -- I have a
follow-up question. I just want to make sure we’ve
covered this off. It’s been touched on, but based on your
experience in policing -- this question is for both of you
-- and aside from the changes to the legislation that are
underway and the additional resources you’re getting, is
there anything we’ve missed? Is there anything you can
add in terms of what can make the lives of Indigenous
women and girls safer in your region? Is there anything
that’s key, anything you would like to add that we didn’t
touch on?

CHIEF TERRY ARMSTRONG: I think for
the most part, most areas were touched on in respect to,
you know, the resources that are needed not only in policing, but outside of policing. I mean, they’ve mentioned, you know, shelters and -- so, there’s a lot of things that have been mentioned here today that I think -- and I know we’re here for policing, but there’s a lot of resources lacking that’s been gone on for far too long, and it’s to put some of those things in place, like I say, just the numbers.

And, I just wanted to say, like, I mean, I’ve negotiated a number of times, and there’s never been, as we’ve said, really any negotiation. So, to continually just get the door slammed in your face has been painful. It’s been hard. And, this is the first time that we came anywhere near negotiation. It’s always been no. You know, it’s a program and -- and always living under the, you know, auspice that they can pull the plug anytime, and they’ve done it to First Nations police services. I heard about one a few years ago where they sent them a fax that said, “you’re finished”, you know?

So, you know, it’s that kind of thing. It’s no way to, you know, look after safety of people. So, I think -- like I say, a lot of stuff has been covered.

**COMMISSIONER BRIAN EYOLFSON:** Okay.

Thank you.
CHAIR MIKE METATAWABIN: There is something that I would like to say, why people leave the communities, because we deny ourselves basic privileges that every other citizen enjoys that live in the urban areas.

People are still healing from their struggles, from their pains, and there are no accommodations made at the community level for their healing journey, for the support or mental counselling that they require. Even the basic confidentiality issue is not -- let me put it this way. Our community members leave the community to seek counselling because that basic confidentiality tenet is not respected nor upheld at the community level.

So, there is a lot of work that needs to happen. There is a lot of work that needs to take place to accommodate the individuals who have suffered so much in our history, that have endured so much in our history. And, those effects still continue to be a part of our lives, and we are only slowly beginning to address them.

Take, for instance, sexual abuse. That has been a topic not openly discussed up until now. Only today are we beginning to talk publicly about sexual abuse, and that’s something that’s only beginning. Right
now, we have a high epidemic of opioid addictions. That’s running out of control in our communities. We need healing in that regard or we need something, an alternative to why people abuse opioids. What is causing them to abuse opioids? What is driving those people? What is the pain? Our grandchildren are being neglected. We see our grandparents having to abandon their employment because their grandchildren are being neglected. They go because they have to look after the children, look after the grandchildren.

People think we don’t want to work. People think we don’t take those jobs. We do. But, when it comes to protecting our grandchildren, we will, and you see that in my community. That has been the trend these last few years, where both parents of these young parents have had to let go of their jobs because of the opioid addictions. It is having a very devastating effect to the communities. And, this is where we lose people. We lose our sisters, we lose our brothers. We are losing our young mothers. Our young mothers, in particular. We need to do something. Our young children are at greater risk today because of this epidemic we are seeing today.

We need to do something at the community level. We need to work in partnership with everybody. We need to work -- we need our health
services. We need to make sure our health services are in order. We need the management of our health services are in order so that they are effective in providing support and treatment to our community members. If not, then we will continue to see missing people, or people migrating out or chaos in the communities. It is the situation today.

I say that because I have done work in this area this summer in doing some research on opioid and the effects of -- at the community level. A few years ago, we did research on the impacts of suicide at the community level. And, the conclusions point to sexual abuse being the biggest problem. And, if I were to put something out there, sexual abuse is the leading cause of all issues at the community level.

I know it is -- I know I threw out a whole -- different things. I spoke about residential school, I spoke about assimilation, I spoke about Sixties Scoop, but let’s also consider the basic human needs, the basic privileges that we all enjoy at -- in any urban society. Those are the things that we deny ourselves with the idea that we are protecting our people when, in fact, we are endangering.

I say that because I was a chief one time in my community. I served for four terms.
Throughout those eight years, we lifted the policy of search and seizure. Why? To protect everybody, to protect the people that are out there searching, to protect the people who are trying to do -- come in. They were endangering themselves, endangering their own lives and, in turn, endangering our own frontline people.

There are so many things that could be said, and this is why policing has been a challenge, have been -- has proven to be very difficult. And, this is why we push hard to have a legislated police service so that at least we could have a police service that is well-equipped, well-trained.

I hope at the conclusion of your work, at the conclusion of the inquiry, one thing that has never sat well with me in all the inquiries, inquests that I have heard about over the years, they are non-binding. I hope this is an area that can be addressed, that inquiries or inquests -- you have heard our testimony, numerous inquests with many recommendations, but no action was ever taken. No policy changes. And, this is my -- this is one of the things that stands out for me. Whatever recommendations come from here, they need to be binding.

Those changes need to happen. Miigwetch.

COMMISSIONER BRIAN EYOLFSON: Thank you very much for answering my question. And, Chair
Metatawabin, thank you very much for raising those issues.
Chi-miigwetch.

--- QUESTIONS BY COMMISSIONER QAJAQ ROBINSON:

COMMISSIONER QAJAQ ROBINSON: Your last remarks gave me a dozen more questions and more to think about, so I want to thank you for that, Chair Metatawabin. And, Chief Armstrong, I want to thank you as well for your testimony.

Most of the questions that I have had have been asked and answered, and I thank you parties with standing for that, my colleagues for that and you for your answers. Your last comment about recommendations not being binding, I think that what you have shared with us today, the lack of legislative framework, a lack of legislated standards that could be used to inform how things are funded, it is that lack of clarity and lack of things being binding that results in you being dependent on the goodness of the hearts of politicians. And, there are great politicians out there, but you can’t always bank on the goodness of people’s hearts, so thank you for sharing that with us.

I want to ask a couple of questions primarily to get clarity on the governance of NAPS. And so, from the material, I see that the board oversees the work of NAPS and the chief of police reports to the board.
How are board members selected or identified?

**CHAIR MIKE METATAWABIN:** Okay. I can answer that. For myself, I represent the Mushkegowuk Tribal Council. And, within Nishnawbe Aski Nation, we have seven tribal councils. The current way that things are done, each tribal council appoints their own board member, so we have seven in total for the board of directors for Nishnawbe-Aski Police Service.

For Mushkegowuk Tribal Council, there is a callout for letters of interests, and that is their practice. And, that is -- so far, I have been -- I was appointed by Mushkegowuk to represent them. I have been there for a number of years now. And, yes, that is how it is done.

**COMMISSIONER QAJAQ ROBINSON:** Okay.

Thank you. We heard some from -- we have heard from some family members that have lost loved ones or their loved ones have been murdered within the jurisdictions of a First Nations police force who have expressed concern about the independence of their police force, because of either board members are band council members or they are appointed. That -- is that sort of concern about independence from politics, is that something that NAPS and NAN have heard and have looked at addressing.

**CHIEF TERRY ARMSTRONG:** It’s not
something I have directly heard. I don’t know if my colleague has or not, but I have not directly heard that, no.

COMMISSIONER QAJAQ ROBINSON: Okay.

Thank you.

CHAIR MIKE METATAWABIN: But ---

COMMISSIONER QAJAQ ROBINSON: Sorry.

CHAIR MIKE METATAWABIN: --- just to add a little bit to that. If there is any recommendation out there worth proposing, it is to gauge or to review the Police Services Board on how well they have done and are they doing the job, and if not, then (indiscernible) Tribal Council or -- there’s ways of addressing issues, so I am just pointing that out.

COMMISSIONER QAJAQ ROBINSON: Yes, absolutely. And, I want to acknowledge, you know, being able to think about some of these issues when you don’t have time to breathe is difficult. And so, I want to acknowledge the challenges, but also acknowledge and express my respect that there is always a will to do better and get better.

Chief Armstrong, you said something that I would like you to expand on, because I think there is often these ideas that -- you know, to fix these solutions, it is just going to cost a whole lot more money
and can we really afford it. And, you talked about the work that needs to be done, whether it is proactive work or the added resources you need, you said it is not at a higher cost, is that -- can you expand on that a little bit more?

CHIEF TERRY ARMSTRONG: I guess to put those things in place, it would be at a higher cost, but I guess the monetary cost isn’t more, you know, than the lives and things that go along with not doing it right. The costs are -- and it is interesting, because when we were dealing with governments over the last few years in my role here and my role as the Deputy Chief of Treaty 3, most of the time, they never even asked what the cost was. They just said, this is what you are getting, you are getting 2 percent, and that is it. Take it or leave it.

And, quite often, you know, what we were going to the table with wasn’t exorbitant in cost, because we are the largest First Nations Police Service in Canada and we still only have 160 people, to add 80 officers, when you do the math, isn’t a lot of money. I mean, they waste a lot of money doing other things every day that, you know, has nothing to do with safety, you know? And, you know, money -- I mean no disrespect to sending money to other countries, but we have people hurting in our own backyard and we need to address that.
There is people here that are suffering.

And, I know Mike spoke about the drug issue, and like I mentioned a number of times today, we are not funded to do that, but it is such a huge and has been a huge problem since the first opioid wave hit us a few years ago, and then they tried the OxyNEOs and all these other things.

Like, I had one chief approach me, he said 60 percent of his community was on suboxone. So, that means 60 percent of the community was recovering, there was probably still 20 percent using, and that’s scary. And, to have Health Canada tell us a number of years ago, in a policing forum, that the only drug that they were giving under medical services a number of years ago, the first wave, was oxycodone. Sounds like modern day -- I better not use that term “genocide”, but that’s what it -- I don’t know, just call it for what it is I guess, but...

COMMISSIONER QAJAQ ROBINSON: Thank you. I am going to leave it at that. I want to thank you both very much for coming and sharing with us your work and your challenges, and doing so with openness and humility. Nakurmiik. Thank you very much.

--- QUESTIONS BY CHIEF COMMISSIONER MARION BULLER:

CHIEF COMMISSIONER MARION BULLER:
Okay. First of all, to both of you, thank you very much for your roles in writing the new chapter on policing and thank you for being with us today. I just have a few questions.

Chair Metatawabin, you mentioned in your testimony that back in 2007, a First Nations filed a human rights action because of the state of policing. Do you know the name of the First Nation that did that?

**CHAIR MIKE METATAWABIN:** The human rights complaint?

**CHIEF COMMISSIONER MARION BULLER:**

Yes.

**CHAIR MIKE METATAWABIN:** That was done by the Mushkegowuk Tribal Council.

**CHIEF COMMISSIONER MARION BULLER:** Do you know what ever happened about that?

**CHAIR MIKE METATAWABIN:** It -- I am trying to remember, but...

**MR. JULIAN FALCONER:** If the witness does not know, he should be encouraged to say he does not know.

**CHAIR MIKE METATAWABIN:** Okay.

**MR. JULIAN FALCONER:** He should not speculate.

**CHAIR MIKE METATAWABIN:** One thing I
do know is that from that work, they are building housing for the constables for the Mushkegowuk communities. That was one of the results of that.

CHIEF COMMISSIONER MARION BULLER: Okay. Thank you.

MR. JULIAN FALCONER: And, if you will permit me, it is not in dispute where the complaint is at today, so if you do not mind, I can advise you of that if you want.

CHIEF COMMISSIONER MARION BULLER: I will continue with the witnesses.

MR. JULIAN FALCONER: All right.

CHIEF COMMISSIONER MARION BULLER: Thank you. We can do our own homework.

MR. JULIAN FALCONER: All right.

CHIEF COMMISSIONER MARION BULLER: Now, Chief Armstrong, given the current state of how you are -- police services are organized, is it correct that it is still a matter of police investigating police?

CHIEF TERRY ARMSTRONG: Yes.

CHIEF COMMISSIONER MARION BULLER: What obligation do you have for disclosure to the public of police investigations, be disciplinary or otherwise, of police members?

CHIEF TERRY ARMSTRONG: Well, we
disclose to the victims and complainants, and all that, they get the full disclosure, the outcomes of investigations. To our internal investigations I’m assuming you are speaking of?

CHIEF COMMISSIONER MARION BULLER:

Yes.

CHIEF TERRY ARMSTRONG: Yes.

CHIEF COMMISSIONER MARION BULLER:

Okay. Is there a disclosure to the public about number of complaints investigated, resolved, still under investigation every ---

CHIEF TERRY ARMSTRONG: Yes, we provide that to the governments, but it also goes in our annual report on our website.

CHIEF COMMISSIONER MARION BULLER:

Okay. Thank you. Perhaps a question for the both of you, the tentative start date of January 2019 was set in the legislation, but was that date negotiated? Was it part of your negotiations with governments ---

CHIEF TERRY ARMSTRONG: I don’t think I am in a position to talk to that.

CHIEF COMMISSIONER MARION BULLER: No.

Okay. Fine. And then finally, in the course of -- by way of background to start with. As I understand, your current tripartite agreement, both the province of Ontario
and the government of Canada provide funding. Perhaps for
different purposes, but both are sources of funding for
NAPS; is that correct?

CHIEF TERRY ARMSTRONG: Yes. Canada
and Ontario.

CHIEF COMMISSIONER MARION BULLER: So,
under the new legislation, there is reference to going to
an arbitrator and elsewhere regarding adequacy of funding
that, by law, can be with respect to the government of
Ontario. Is there any parallel negotiation or agreement
that will follow this legislation to ensure adequate
funding by the government of Canada that you are aware of?

CHIEF TERRY ARMSTRONG: No.

CHIEF COMMISSIONER MARION BULLER:
Okay. Thank you.

CHIEF TERRY ARMSTRONG: Just the
tripartite agreement, and then negotiations would have to
be between Ontario and Canada in some respects.

CHIEF COMMISSIONER MARION BULLER:
Okay. So, on a going forward basis, assuming for the
moment, this legislation does indeed come into effect,
what obligations will you have -- oh, wrong way of asking
it. What obligations will the government of Canada have,
as you understand them, to continue funding NAPS or its
new version?
CHIEF TERRY ARMSTRONG: Well, they will have to continue to fund us under the tripartite agreement and...

CHIEF COMMISSIONER MARION BULLER:

Okay.

CHIEF TERRY ARMSTRONG: Yes, that will be ongoing.

CHIEF COMMISSIONER MARION BULLER:

That will be. Okay. Good. Thank you. I wanted to clarify that. L’ouverture pour commencer à 8 h 30 avec le second panel.

So, tomorrow, we can reconvene at 8:00 for opening prayer, lighting of the Qulliq too. And, at 8:30, proceedings are going to start. Thank you. Have a nice evening. Bonne soirée.

--- Upon adjourning at 17:13
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
Sep 17, 2018