

## Statutory Declaration

I, Bates-Spencer, Lena, 1 Squirrel Trail, Nemaska, 1977-11-30

(Name, first name, address, birth date)

I do solemnly declare that,

I solemnly declare, during a telephonic meeting, with Marie-Hélène Francoeur-Malouin, investigative agent from the Viens Inquiry, on August 1, 2018.

This happened on March 17<sup>th</sup> or 18<sup>th</sup>, in 2004. It was on the birth of my daughter, Keira-Rose. I had a really difficult labour and I found out it was an unnecessary labour, a prolonged labour. I found the labour team was very, not discriminate but they were not checking up on me as much as they were checking up on the other patients that were non-natives. There were about ten births that happened while I was in labour; that's what I remember.

I remember that one of the nurses was really rough. When she would check how far I was dilated, I remember that one of the nurses was getting frustrated of me. I was frustrated as well because I was in labour for thirty-three hours. It was very, very long, and it was an induction so it was very intense. My contractions were very long and very strong. I remember I was getting worried towards the end because at one point my daughter was moving a lot around my ribcage, she was kicking to a point that I couldn't breathe and I was telling the nurses that something was wrong. They weren't really listening. They were telling me it was okay, it was my fist one and I was going to be fine. It wasn't until the nurses switched in the evening, when the other nurse came and said: "You are still here", that's when they started noticing. I was tired, I wasn't cooperating as much, and I was saying in my language to my family: "I don't know if I can do this". That's when I noticed that my daughter wasn't moving as much. I remember too that during the whole time from when I started the induction when before the surgical team came in, I only had one doctor, and she was an intem. I wouldn't say she was a real doctor yet.

Q1: So you just saw that one doctor for those thirty-three hours?

Declarer signature \_\_\_\_\_

Declared before me, \_\_\_\_\_

at \_\_\_\_\_ on \_\_\_\_\_

A1: Yes, for thirty hours I only saw one. It wasn't until they stopped my induction and when the whole surgical team came in. At one point my heartbeat went down, and my daughter's heartbeat went down, on every contraction my daughter's heartbeat went down. That's when the intern wanted to use forceps, and my mother is a registered nurse but she was retired already when she was there. She told the doctor to take those things out of her daughter right now. Then my husband got up and asked what was going on and my mother said: "I don't want those things inside Lena," and she said using forceps should not be allowed in Quebec. I remember her mentioning that those were illegal, they shouldn't use those anymore she said. The doctor was being very insistent, saying I was going to be fine and that they would pull the baby out because she was stuck.

What the doctor and the other nurses didn't tell me is that I had dilated back down; I only remember them telling me I was dilated to nine. It was only after, my sister told me I had dilated back down to six or seven, and they still wanted to use those things.

Q2: Instead of a C-section?

A2: Yes. They wanted to use those forceps and that's when my mother got up and said she wanted a second opinion right away. So they took the doctor out, because my regular doctor—I was usually with another doctor, it was Doctor Balou I had. He was the one that I saw regularly for check-ups. I remember the doctor saying to the intern: "Why didn't you call us after the sixteenth hour if she was having this much trouble?", and the intern didn't say anything. That's when everybody went outside of the room. At that point I was so tired that I was falling asleep on my own, with the nurses routinely waking me up because they didn't want me to sleep. My blood pressure was going down, my heartbeat was going low, and my daughter's heartbeat was going low. By this time I was in the emergency, my daughter was in distress.

Then I remember another team of nurses coming in. These were really nice, the surgical team. They were prepping me for surgery.

Q3: So the intern wanted to use the forceps, even if you were dilated down?

A3: Yes.

Q4: When your mom asked for a second opinion, they called your regular doctor?

A4: Yes.

Q5: And he is the one who decided you needed a C-section?

X  
\_\_\_\_\_  
Enquêteur

X  
\_\_\_\_\_  
Déclarant

A5: Yes. I guess he oversaw everything that was going on. I was constantly on that heart monitor. They wouldn't allow me to go walk around or take a break, I was constantly on the monitor. Then the surgeon came in and asked me how I felt and where I was sore, and I told him I was sore in my back, it was very painful in my back, it was like the baby was in my back and not in the front. When they went to the surgical room, they told my husband that my daughter was stuck inside my cervix. If they had used the forceps, they would've gotten her face. The way she was stuck, she wasn't faced towards the bottom, she was faced towards the side. When I dilated back down, the reason why she couldn't go back up was because my pelvic bones caught her on one side. She said the doctor would have done something to her and if she had pulled her out, the doctor wouldn't have realized there was the cord wrapped around her neck. When she was moving so much, the surgeon said she was wrapping the cord around her neck. So it was the surgeon the next day who was telling me all these things that was going on during my labour and that I shouldn't have been in labour that long. Today, I think it contributes to her learning difficulties. She had her oxygen cut off for quite a while, I think for a couple of hours.

Q6: There is a link between that and what happened that day?

A6: Yes, because she is kind of slower than the other girls. It takes time for her to register. We have to be very repetitive with her, and I was talking to her psycho educator and she said that sometimes it happens during labour when children have a lack of oxygen, it comes out later out in life that they have difficulties.

Q7: And where was that?

A7: Val-d'Or Hospital.

Q8: Do you feel that you didn't have that much of a check-up from the doctor, and that you had that intern, because you are Cree?

A8: Yes. I felt like I was hardly—even my husband asked why nobody was checking up on me. Even my sister said that too, and then the nurses would come in, and then the intern would come in every so often. It wasn't as often as when I had my son.

Q9: Did you have your son in Val-d'Or too?

A9: Yes.

Q10: For your son, it was better?

X

Enquêteur

X

Déclarant

A10: Yes. When I had my son and I wanted to leave, I wanted to have a natural labour with my boy, and the hospital didn't want to take a chance and they called the surgeon right away. They said I was getting a C-section and not a natural labour. We don't want happening what happened the last time again; I found that when I had my son I was treated a lot better but then it wasn't the same nurses that were there.

Q11: And how would you have liked to be treated when you gave birth to your daughter?

A11: The same amount of respect as the other patients. I kind of noticed because there was a non-native that was in the other room, and I noticed they were bringing her water and asking her how she was, fluffing up her pillows. They would only come in and check my vitals, they wouldn't say anything to me. I think it had a lot to do with the fact that they thought I didn't speak French, but I do speak French, I went to school in French until secondary three. Until the nurses heard me talking to the doctor in French, then things kind of changed.

Q12: Do you think that if they knew from the beginning that you were speaking French they would've been more caring?

A12: Yes.

Q13: What was the name of your regular doctor again?

A13: Balou.

Q14: Is there anything that you would like to add to your story?

A14: I don't think so.

Q15: It was really clear, I don't have any questions.

A15: I think this was an ordeal that stuck with me for a while.

Q16: It's a story that will be given to the commissioner, so hopefully this kind of situation doesn't happen again. It's something we've been hearing a lot in Val-d'Or.

X  
\_\_\_\_\_  
Enquêteur

X  
\_\_\_\_\_  
Déclarant

A16: Yes, it was the surgeon that was telling me too. It took him at least forty-five minutes to stop the bleeding that I had. I was in the surgical room for quite a while. He was the one, when he debriefed me the next day, he was telling my husband that his wife and daughter were very lucky to be here, that not only would his daughter could have left you but his wife also. That was something that stuck with me for a very long time. That's why I said that we should have been checked up on, because I had a high-risk pregnancy, I had gestational diabetes too at the same time; anything could have gone wrong.

Q17: From the beginning you were high risk?

A17: Yes. That's why I was sent to Val-d'Or early.

Q18: And knowing that, they should have been checking up on you more.

A18: Yes. And I found that they were making up for it when I had my son, even though I didn't have gestational diabetes and everything was normal with him.

Q19: If it's okay for you, I will read to you the consent form, and then ask you if you want to give your name.

A19: Yes.

*Q 20: Given the importance of the story that you shared with an Investigative Agent as part of the mandate of the public inquiry Commission into the relationship between Aboriginal people and certain public services in Quebec: Listening, Reconciliation and Progress (the "Viens Commission"), we want to make sure that your story will be collected as evidence. It is therefore possible that we will ask you to testify at a public hearing. Other equally effective ways are allowed for us to include your story as our evidence; the use of a witness rapporteur or the filing of your statement in evidence. In this context, and depending on the circumstances, it is possible that the prosecutor in charge of your case considers it preferable to file your statement in evidence or to present it via a witness reporter, rather than have you travel to testify in person. This consent form will allow the Commission's legal counsel to do so.*

*I, the undersigned Lena Bates (name of the participant in capital letters) freely consent, that if the public inquiry Commission deems it appropriate according to the circumstances that my statement be presented in evidence to the public inquiry Commission via a witness rapporteur or by filing my statement in writing.*

*In addition, I would like, if possible, that my story be:*

X  
\_\_\_\_\_  
Enquêteur

X  
\_\_\_\_\_  
Déclarant

- Identifiable (that my name is associated with my story);
- Anonymous (no information that would allow my identification to be known);

A20: I prefer with my name on it.

Q 21: I have read the form and understand the purpose, nature and benefits of contributing to the public inquiry by sharing my story. I understand that I can withdraw this consent at any time. I am satisfied with the explanations, clarifications and responses that the Investigation Agent has provided regarding my participation in this public inquiry Commission. Is that OK with you?

A21: Yes.

La présente déclaration statutaire a été présentée par : téléphone , courriel , courrier , en personne  à monsieur/madame Lena Bates-Spencer qui nous confirme que son contenu correspond bel et bien à ce qu'il/qu'elle nous a rapporté(e) en date du 1er août 2018.

Signature du déclarant : 

Date : 2018-09-17

X \_\_\_\_\_

Enquêteur

X \_\_\_\_\_

Déclarant