

Statutory Declaration

I, Etapp, Jimmy, Mistissini, 1956 [REDACTED]

(Name, first name, address, birth date)

I do solemnly declare that,

On 2018-01-23 a SQ police officer stopped me on the 3rd avenue for a tinted window.

The police officer approached the vehicle on my side (driver side). I told him "Good evening police officer, what's happening?"

He told me: "Sir, your tinted windows are dark. You can easily hit somebody because you can't see."

I told him: "Yes, I can see because I saw you people parked as I was driving on the main street. Vision through my windows is clear."

He asked me for my papers. Driver's licence, insurance and registration. He said: "Wait for me, I'll have to get a ticket."

I told him: "It's very hard to believe what's happening here!"

I came out to say: "You know I have heard of incidents like this that happened to the Cree people. I have seen it all over like in the Nation newspaper. Cree are being harassed for little things like this."

I told him: "I'm going to call my lawyer to check up on this. If it's legal or illegal" You know about the incident. He left than about 5 minutes later, both police officers came out.

I told him: "I'm going to contest on that ticket. To see if what took place is right." When I know I'm guilty, I feel guilty. I when I know I'm not guilty I have the right to contest.

Declarer signature _____

Declared before me, _____

at _____ on _____

So he looks at me. His eyes were almost popping out. A young rookie. He said: "Are you calling me a racist."

I told him: "Did you hear me calling you a racist? All I have said is you know the Cree have been harassed and I'm not taking this and I have the right to consent on this. What you are doing to me."

Then after he said "OK". His tone was a little up. Then he left. We both got into our cars and a little bit further we were side by side and I looked at them and they gave me a dirty look.

Why they couldn't just show me a document explaining the law. I work for the Cree Nation Government under the Justice and correctional services. My title is correctional liaison officer. I travel a lot, all over Québec. Working with our inmates in detention. It's the first time that I got stop for this kind of defect.

When I got stop, I never had any intention of calling this guy a racist.

He said; "Are you saying that I am a racist?" I said "no" and referred to incidents I heard about with Cree people. The reason why I have said that was because of the Inquiry Commission and that I see that a lot of people they don't understand and they don't come forward to say what the police are doing to the natives. It's more like a harassment. I've seen a lot of posts on Facebook about tinted windows.

Q.1: You know that our commission is temporary. Do you know an organisation to which you could refer to complain about this type of behavior from a policeman like the SQ policeman that you met on 2018-01-23?

A.1: Whenever I get stop by police I have always feel like. Am I guilty you know or am I innocent to what is happening? I always confront the police. I ask: "is there anything wrong?" or "Have I done anything wrong?" If I was going over the speed limit, I would feel guilty, and I would get a ticket. But in a case like this. Why is he stopping me?

Q.2: Was he saying that the tint was obstructing your vision?

A.2: Yes. Well if I can remember clearly when he (police officer) was talking about the tinted windows he was referring to himself not being able to see the inside. So, if I look at it now. I guess that is what they really meant. It's because when they approach me, the police officer on my right, was oscillating his flashlight trying to observe through the windows. I could easily see what he was doing.

He said: "We didn't see you that is why we stopped you."

X _____

Enquêteur

X _____

Déclarant

Benoit Théoret: So, there is a bit of contradiction. Not seeing you or you not being able to see outside your windows. What is the motive to proceed to stop you?

Jimmy Etapp: I was more concern because I just wanted to get to the point with him. I have heard of a story where a young Cree guy got stopped for tinted windows while another car passed by with even darker tint in its windows and the police did not bother stopping the car.

Q.3: What do you think that the police might have against the Cree people?

A.3: Well, it's been all over you know. Different kinds of harassment between the Cree and the police here in Val-d'Or. Especially in Val-d'Or and in Matagami. I have heard a lot of cases of people who have been harassed for small little incidents. Making it a bigger incident and which would turn into harassment.

Q.4: Do you think that this harassment takes place more in a personal way? Do you think that the decision to proceed to an interception of a particular vehicle is more of a personal decision or do you think that there is a message sent to the officers to check vehicles owned or driven by Cree people or aboriginal people in general?

A.4: That is when I questioned him. I told him: "You probably saw a vehicle going by with tinted window and you probably never stopped him. Why stop me? I'm pretty sure you can see me from where you are sitting and who I am (physical appearance) and who was beside me."

I just wanted to clear that with him. But overall you know, I would not say it was not something that... Like for them to...

The other thing too. I find they are very young rookies, probably just coming out of police academy.

After I talked about my lawyer he came back. He said I'm not giving you a ticket. He said: "I just want a verification on this matter."

Q.5: So in fact there was no ticket issued?

A.5: There was no fine on the ticket. It was a request to have my windows check to see if the window tint was exceeding the norm.

Q.7: Did they explain you the way to proceed with that warning?

A.7: No. They just told me to call this number and there is 3 numbers at the back of the warning.

Q.8: Which number? Can you show me?

A.8: Jimmy Etapp, circles the phone number: 1-800-361-7620

X _____

Enquêteur

X _____

Déclarant

He even wrote everything down in French, which I don't even understand what he is writing.

Q.9: Did you mention anything to him about the fact that he was writing everything in French?

A.9: No. He just gave it to me and said call this number. He spoke very good English. So I was able to communicate with him.

Q.10: Did you try calling this number?

A.10: No, I am going to call to that number.

Pause

Q.11: Do you allow me to take a copy of the warning?

A.11: Yes.

Explanations given on the local facility to pass the tinted window test given to Jimmy Etapp.

Q.12: Do you think I understood what your point was?

A.12: I am a former police officer. I did my training in Nicolet. I think he could have easily told me how to do it in English. It didn't feel right the way this police officer approached me.

Q.13: Did he speak in English all the way?

A.13: Yes. He spoke very good English.

Q.14: Some organisation would provide an English translation of the official document. Did you receive such a written translation of the text on the warning?

A.14: No.

He did not talk about a percentage of tint for the window.

Q.15: I ask you again. If the CERP is not there to hear your story about the behavior of the SQ police officer. Do you know where you could file a complaint?

A.15: I would call a lawyer. To check what could be done. When I called him he said Jimmy bring it first thing Monday morning and I'll check it. I asked him if he knew about tinted window. He said he did not remember any law about this.

X _____

Enquêteur

X _____

Déclarant

Q.16: Would you agree to come and testify in front of the commissioner?

A.16: Yes.

X

Enquêteur

X

Déclarant