

LA COMMISSION D'ENQUÊTE SUR LES RELATIONS
ENTRE LES AUTOCHTONES
ET CERTAINS SERVICES PUBLICS

SOUS LA PRÉSIDENCE DE
L'HONORABLE JACQUES VIENS, COMMISSAIRE

AUDIENCE TENUE AU
COMPLEXE NEOSKWESKAU
206, MAIN STREET
MISTISSINI, QUÉBEC G0W 1C0

LE 19 JUIN 2018

VOLUME 117

Monique J. Le Clerc, o.c.r.
Gabrielle Clément, s.o.

Sténographes officielles
STENOEXPRESS
201 ch. De l'Horizon,
Saint-Sauveur (Québec) J0R 1R1

COMPARUTIONS :

POUR LA COMMISSION :

Me DONALD BOURGET

Me MARIE-ANDRÉE DENIS-BOILEAU

POUR LES PARTIES PARTICIPANTES :

Me MARIE-PAULE BOUCHER, pour la
procureure générale du Québec

TABLE DES MATIÈRES

Liste des pièces cotées.....	4
Préliminaires.....	5
Dwayne Zacharie.....	7
HC-62.....	80
James Bobbish.....	106
Matthew Sherrard.....	106
Jeanne d'Arc Petiguay.....	162
Hélène Petiguay.....	162

LISTE DES PIÈCES COTÉES

P-645 Agreement concerning the modalities relating to the provision of police services in the community of Kahnawake 7

P-646 En liasse, les calepins de notes 93

P-647 Présentation Background and Perspectives on An Act to amend the Civil Code and other legislative provisions as regards adoption and the disclosure of information 106

P-648 En liasse résolution de l'Assemblée Nationale, 1985 107

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OUVERTURE DE LA SÉANCE

LA GREFFIÈRE-AUDIENCIÈRE :

La Commission d'enquête sur les relations entre les Autochtones et certains services publics au Québec, présidée par l'Honorable Jacques Viens, est maintenant ouverte.

L'HONORABLE JACQUES VIENS (LE COMMISSAIRE) :

So, welcome. I will ask first to counsels to introduce themselves for the benefit of the registration.

Me DONALD BOURGET,

PROCUREUR POUR LA COMMISSION VIENS :

Good morning, Mr. Commissioner. Good morning, Mr. Zacharie. Donald Bourget for the Commission.

Me MARIE-PAULE BOUCHER,

PROCUREURE POUR LA PROCUREURE GÉNÉRALE DU QUÉBEC :

Bonjour. Me Marie-Paule Boucher pour la Procureure générale du Québec. Bonjour.

LE COMMISSAIRE :

Welcome to both of you. Now, Me Bourget, I understand you will present your next witness?

Me DONALD BOURGET :

Yes, my next witness is Mr. Derryl... Derrick...

LE COMMISSAIRE :

1 Dwayne, Dwayne Zacharie.

2 **Me DONALD BOURGET :**

3 Alright. Zacharie, who will make a presentation as
4 Chief of the Peace, the Kahnawake Peacekeepers. And
5 he's also President of the First Nations Chiefs of
6 Police Association and he will make a presentation
7 about the reality and difficulties for the First
8 Nations Police Services in Quebec and outside of the
9 province, in other provinces, because he's President
10 of the Association. So, after...

11 **LE COMMISSAIRE :**

12 We will have...

13 **Me DONALD BOURGET :**

14 ... the language (inaudible).

15 **LE COMMISSAIRE :**

16 ... to start, to proceed with the oath.

17 -----

18

19

20

21

22

23

24

25

1 M. Dwayne Zacharie
2 Président de l'association des chefs de police des
3 Premières Nations et chef des Peacekeepers de Kahnawake
4 Affirmation solennelle

5 -----

6 **M. DWAYNE ZACHARIE :**

7 Thank you.

8 **LE COMMISSAIRE :**

9 I'm sure we'll learn many things that will be very
10 helpful for our report.

11 **M. DWAYNE ZACHARIE :**

12 I'll certainly do my best, Sir.

13 **LE COMMISSAIRE :**

14 Thank you.

15 **Me DONALD BOURGET :**

16 And first of all, Mr. Zacharie brought with him a
17 document that could be filed in as exhibit P-645,
18 which is an agreement concerning the modalities
19 relating to the provision of police services in the
20 community of Kahnawake and he... we will have some
21 reference to the document during the testimony.

22 So, first of all, can you tell the Commission
23 about the community approach you have as Chief of
24 the Kahnawake Peacekeepers in the community?

25 **- PIÈCE COTÉE P-645 -**

1 **M. DWAYNE ZACHARIE:**

2 Absolutely. The Kahnawake Peacekeepers are a First
3 Nations police service. We're responsible for law
4 enforcement and safety and security in the territory
5 of Kahnawake, just on the South Shore of Montreal.
6 We have approximately ten thousand (10,000)
7 residents in our community. We have approximately
8 eighty thousand (80,000) cars per day that come
9 through our territory to access the island of
10 Montreal. So, we're responsible for everyone's
11 safety and security when they're in our territory.

12 I don't think it's any secret that policing
13 has a stigma attached to it when you're speaking
14 about First Nations communities. It's not a
15 traditional career path for many First Nations
16 people. I'm lucky in that the men and women that
17 work for the Kahnawake Peacekeepers are invested in
18 the community. They feel like it's a real necessity
19 and a real need to provide professional services to
20 the community in the area of law enforcement.

21 So, for us, our big thing, when we're dealing
22 with our community is we practice community-based
23 policing. And what that means is we realize that as
24 police officers, we have the ability to arrest
25 people. We have the ability to bring people before

1 the Courts, but is that always the best way to deal
2 with the situation? You know, in our experience, we
3 found "No." So, there are different ways that we
4 try to work with the community and oftentimes, it's
5 about education and making partnerships with some of
6 the other services in our community such as social
7 services or the Court that we have in our community,
8 we have our own local Court.

9 So, we develop different programs. For
10 example, we have "ADR", which "Alternative Dispute
11 Resolution" and it's very similar in ways, it's
12 similar to what other communities have with the
13 talking circles and the like, but we've made an
14 agreement or an understanding with Superior Court in
15 Longueuil that if we have certain types of crime,
16 mostly summary conviction, mischief, simple assault,
17 that type of thing, we want it heard in our
18 community, we want to deal with it within the
19 community, because we feel like people need... they
20 need a chance to atone for what they've done, you
21 know?

22 Obviously, serious crimes need to be dealt
23 within... in a serious way, but some of the lesser
24 crimes can be dealt within... we can handle them in
25 our own community, because traditionally, that's

1 what we've done, right? We used to... there wasn't
2 such thing as "policing", not in the sense that we
3 have it today, but within the community, they were
4 responsible on their own for dealing with crimes and
5 dealing with issues, you know? And so, ADR for us
6 is an important program, project that of course,
7 doesn't receive any funding, except from within our
8 own community, we find ways of making it work. We
9 have people who are trained in mediation, in... like
10 the psychology. Of course, we partner with social
11 services, to find a solution to the issue. So,
12 we'll bring in all of the people concerned in a
13 particular issue.

14 Let's call it a mischief. Somebody breaks a
15 window in your home. If we went the normal way, you
16 know and "normal way" meaning what most police
17 services do, they find the offender, they charge him
18 with mischief, they end up going through the Court
19 system. In the end, the victim with the broken
20 window, does her window get broken, do they end up
21 having to fix it themselves? Does their insurance
22 cover it? In the end, do they feel satisfied with
23 the outcome? Oftentimes, we hear - no, that's not
24 the case. And especially in... dealing with First
25 Nations people, the Courts don't always take into

1 consideration the culture of a person, so, it's
2 really difficult to... for them to feel invested in
3 that type of process and to feel like they're going
4 to get a fair shake or feel as though they're being
5 heard.

6 So, what we've done is we've spoken to the
7 Court and we said - listen, we're going to charge
8 the people, but the charge is going to be suspended
9 on the side while they go through the Alternative
10 Dispute Resolution process. And if they go through
11 it and they complete the entire process, then the
12 charges are suspended. We never go through the
13 Court process. And what will happen is all of the
14 people involved, the victims and the accused, they
15 must agree to go through the process, right? They
16 must agree to it so that we... it's going to be a
17 successful process, otherwise, if there's only one
18 party that agrees, what's the point of going through
19 it?

20 So generally, everyone agrees, right? They'll
21 go through the process and they'll develop a program
22 for the offender to atone for what he or she has
23 done. In this particular instance, let's say it's
24 someone who can't afford to pay for the window, they
25 might put them through some kind of compensatory

1 works which he'll, you know... doing something for
2 the community that's productive and at the same
3 time, the community will take care of the window,
4 right? So, everyone, it's a win-win situation and
5 people learn and at the same time, people get to
6 learn how it affects the victims and all the people
7 involved, you know? Family, friends, how their
8 parents, their significant others felt in a
9 particular situation; witness the shame of it... you
10 know, shame is a really big, big, big deal in First
11 Nations communities, so we go through our process
12 like that.

13 Community-based policing, for us, is kind of
14 contained in that example I gave you. We want to
15 work with our community, we want to develop a safer
16 and secure community by working with people in our
17 community, we want to educate them. You know, of
18 course, if there are serious crimes, we deal with
19 that too, you know? That's our role, that's our
20 job, but mainly, we want everyone in our
21 community... and that's not just the residents,
22 that's everybody that's passing through our
23 community to feel safe as well, you know...

24 Just like any other community, we're just on
25 the South Shore of Montreal, so, it's a five

1 minutes drive for us, we can see the island of
2 Montreal looming in the background in the distance,
3 you know... And they our partners too and we work
4 well with them, we work well with the Sûreté du
5 Québec and the other communities that surround our
6 territory. And we want everyone to understand that
7 the Kahnawake Peacekeepers are a professional
8 police service and that the services that we are
9 providing, you know, people don't have to worry
10 about the quality of the service they receive.

11 **Me DONALD BOURGET :**

12 Do the other police forces recognize you as a
13 professional corps and deal with you equal to equal?

14 **M. DWAYNE ZACHARIE:**

15 When I first became the Chief Peacekeeper, relations
16 between other police services were strained. There
17 was a feeling of superiority on their part. It felt
18 like they were looking down on us, it felt like they
19 felt we weren't up to the task, whatever it may be.
20 It felt like they treated us like second class
21 citizens. You know, they didn't consider the
22 service that we were going to provide to be on par
23 with the service they provided. It felt like they,
24 you know, thought like - what are we going to get by
25 partnering with this service?

1 It took a long time, it took a lot of
2 discussions, it took a lot of listening amongst
3 ourselves to develop good partnerships and I'm happy
4 to say today the police services that are our
5 neighbours, as well as our partners, I'm happy to
6 say, is, you know, has been working out quite well.
7 We have a great relationship with the Sûreté du
8 Québec, which are, you know, which is not too far
9 away from us.

10 The communities that surround our territory,
11 they call us all the time for assistance. We work
12 really well together, we work together in different
13 projects, because the same things that affect our
14 communities are affecting theirs and we can't live
15 in silos anymore, right? The world is a much
16 different place and in order for us to really
17 collaborate, we have to break down these silos and
18 we have to have discussions and we have to talk
19 about the things that are affecting all of us, you
20 know? And at the same time, we have to listen to
21 each other to say this is a problem that I have and
22 this is a problem that you have. How can we come to
23 a solution that's going to help the both of us,
24 right?

25 And I think that's something that hasn't

1 happened yet between First Nations communities and
2 the government. I don't think it's happened. I
3 don't think there has been real or true dialogue yet
4 to actually look at what the issues are that are
5 affecting each of us and say this is my problem,
6 from both sides and say - how do we work together to
7 come to a solution? You know... and I'm waiting for
8 that day, you know...

9 Oftentimes, it feels like the government says:
10 well, that First Nations community has a problem.
11 We're going to fix it for them. And then they go
12 about trying to fix it without consulting with us,
13 right? And they make changes or they try to make
14 adjustments that, you know, without consultation,
15 you know, we feel like... why are you making these
16 changes? You didn't ask us, you didn't try and
17 find out what the underlying issues really are.

18 **Me DONALD BOURGET :**

19 You were talking about partnership with other
20 services into the community. Who is funding those
21 services? Is it part of your budget or budget
22 community?

23 **M. DWAYNE ZACHARIE:**

24 So, whatever... The budget that we receive for
25 policing is solely for the... to provide policing

1 services to our community. Anything else, we have
2 to be creative about the way we go about it, so
3 we'll partner with other services within our
4 community and we'll kind of share the burden a
5 little bit. We don't receive additional funding for
6 education, for prevention, we don't, but sometimes,
7 we'll have to say, well, maybe we're not going to
8 buy some equipment this year, so we can have the
9 funds to be able to offer different types of
10 education or prevention programs, right, along...

11 We don't have any officers that are strictly
12 or solely dedicated to programs such as drug
13 diversion or violence or anything like that. We do
14 have officers who are trained in those disciplines,
15 but they're officers who are also required to
16 provide a service to the community. So they're on
17 shift and what we do is we look at their shift
18 schedules and we try to schedule them to go into
19 schools, into public service venues to talk
20 about... you name it: drugs and alcohol addiction,
21 bullying, domestic violence, all of these things

22 Yet, those officers may be required to go
23 and do the talks and then later on, they're on
24 shift working. So, we don't have an officer, we
25 don't have an office that's available to us that

1 says, that completely is... that's completely
2 dedicated to this process, right? And I think that
3 all First Nations communities, not just First
4 Nations communities, all communities in Canada
5 would benefit from having the funds available to
6 them, because we know prevention works, right?
7 It's not just about law enforcement. Prevention is
8 a big deal in this country.

9 **Me DONALD BOURGET :**

10 You were talking about local force. I understand
11 that there is a local law or Mohawk law and how do
12 you deal with that duality of Court (inaudible)
13 jurisdiction and laws?

14 **M. DWAYNE ZACHARIE:**

15 We have our own local Court in the community of
16 Kahnawake and the Court, the judges are... receive
17 their authority under the Indian Act, section 017,
18 that gives them the power to hear certain types of
19 cases. We have our own traffic Court. We hear some
20 reconviction offenses at the... at that Court level.

21 In our community, we also have Mohawk laws and
22 all of the officers, all of the Peacekeepers take an
23 oath to uphold Mohawk law, right? And even in the
24 oath, it says that it's paramount to any other laws.
25 And at times, it can be difficult just because the

1 laws themselves can't be heard even in our own local
2 Court, right, because the judges are... receive
3 their authority under the Indian act and the laws
4 themselves aren't put through that process, right?

5 So, we have to be creative about the way we do
6 things. More often than not, we have to follow
7 what... the laws that are applicable in the province
8 of Quebec, right? And again, that goes back to the
9 stigma of policing. Our community wants to assert
10 it's jurisdiction. Our community wants to be able
11 to provide for its people in the territory, but at
12 the same time it feels a lot like Big Brother at
13 times, right?

14 And people who get into policing, you know,
15 they have a rough go of it. When you think about
16 it, the Kahnawake Peacekeepers, each member is
17 living in the community right now, right? They live
18 there, they work there, it's not just when they're
19 on shift and patrolling, they're on... it's almost
20 like they're on duty twenty-four hours (24 h) a day,
21 seven (7) days a week. There is no break for them,
22 there is no downtime, right? They're always under a
23 microscope, so, it's really difficult.

24 You think about it, they have friends, they
25 have family, they live and work in the community and

1 when they're not working and people from their...
2 their children, say, for example, are participating
3 in sporting activities, you know, they're out there
4 and they could be dealing with the same people that
5 they dealt with while they're on the job, right?
6 So, it's really difficult and it's stressful.
7 Whenever they go and deal with an incident, you
8 know, it's always somebody that you know, it's
9 always someone that you've known forever, you know?
10 And... well, you have to do your job, you have to be
11 professional and we take pride in that.

12 And I feel really good about the job that the
13 members of the Kahnawake Peacekeepers do. We've
14 worked really hard at becoming professional, we
15 worked really hard at getting the training and
16 making sure that our officers are prepared for the
17 job that's before them, you know? And it's been a
18 long process and I think not only people in our
19 community, but in neighbouring communities see it as
20 well and that went back to what we had spoke about
21 for partnership.

22 The partnerships are there, you know, but
23 there's so much more that we want to do in our
24 community. We want to have these permanent
25 prevention programs. We want to have these

1 educational programs, we want to be able to provide
2 that to our community, we want to become leaders in
3 public safety and security, you know? We don't
4 want to be waiting year to year to year to see if
5 we're going to exist at the end of the policing
6 agreement, if we're still going to be employed, you
7 know? All this lends itself to a bunch of issues.

8 Think about it, you know, these First
9 Nations police officers, they work really hard at
10 what they do, especially... it's not me that's
11 saying it, if you look at stats, people understand
12 that violence is higher in First Nations
13 communities, suicide is higher, the rates of
14 addictions are higher, you know and these officers
15 are dealing with violent crimes and they're
16 happening in our communities. And they're doing
17 the same job that other officers are doing for less
18 money, you know?

19 And I'm not just talking about salaries, I'm
20 talking about less resources, less infrastructure,
21 sometimes inferior quality equipment just because
22 there is less money. And of course, the bottom
23 line, these officers are doing this job, this work
24 for less, you know? Same job as any other officer,
25 but for less. Sometimes, much less. Twenty (20),

1 thirty (30), forty (40), fifty per cent (50 %)
2 less.

3 **Me DONALD BOURGET :**

4 The stigma of the police being repressive is coming
5 from where? As far as I can understand the specific
6 interventions made in the community, in partnership
7 with the community, so it's not repression anymore?

8 **M. DWAYNE ZACHARIE:**

9 No. No, absolutely not. And that's why I speak
10 about the way we do things. You know, we want to
11 work with our community. I mean, of course our job
12 is difficult and I mean, no one wants to be dealt
13 with by the police, I mean, that... it's usually
14 when you have to deal with the police, it's not the
15 best day you're ever having, right?

16 But we want to be a partner, right? We want
17 to treat everybody with respect; and my service,
18 every member of the service is a First Nations
19 person, okay? We're one of the only First Nations
20 police services in the entire country that has our
21 entire workforce First Nations. And that goes a
22 long way to having the community accept and want to
23 work with us, you know?

24 The community of Kahnawake is not very
25 receptive to outside police services and outside

1 police incursions. I mean, think of the things
2 that have happened in our history, right? I mean,
3 think about residential schools, right? Who was
4 responsible to bring the children? Right? The
5 RCMP, you know, those types of services. That
6 stays in people's minds.

7 Look at the... nineteen ninety (1990), right?
8 The blockade that had happened in Kahnawake and in
9 our neighbouring community of Kanasatake, you know?
10 The army, the RCMP, the Sûreté du Québec, they were
11 all there. People look at it and feel as though
12 they're being... they felt oppressed and they felt
13 as though they were being invaded, so now, the
14 feeling in the community is they don't want that,
15 they don't want other police services in their
16 community. They want to have their own police
17 service, a police service that they know,
18 understand where they're coming from, you know, but
19 at the same time, the concept of policing, it has a
20 stigma attached to it, right?

21 Because I mean right now, the laws that we do
22 enforce, the Criminal Code of Canada, the Quebec
23 Highway Safety Code, those are pieces of
24 legislation that we enforce, right? So, people
25 feel it, but we try to put a flavour to it, right?

1 The Kahnawake Peacekeepers, community-based
2 policing, that's how we do things.

3 **Me DONALD BOURGET :**

4 With the conditions you were talking about, less
5 wages, poor condition compared to other police
6 corps, do you have problems recruiting members and
7 what are the perspectives for the future?

8 **M. DWAYNE ZACHARIE:**

9 Yes. Many... let me qualify it. I'm very, very
10 lucky in Kahnawake, because the men and women that
11 work for the Kahnawake Peacekeepers are super
12 invested in the community. I have guys who have
13 worked for... men and women who have worked for the
14 Kahnawake Peacekeepers for decades. Some of them
15 have been working for decades at the same rate of
16 pay that we've been... they... for the last twenty
17 (20) years, you know? And they continue to work and
18 I don't really have a problem with recruitment,
19 except that every time we have a process, it gets
20 more and more difficult to find First Nations people
21 to fill those roles, you know? And in my community,
22 they're not ready to have someone policing in the
23 community that's not of First Nations descent. It's
24 not going to be a reality.

25 Now, when you talk about other First Nations

1 communities, it's very difficult to find members to
2 go on police there. Why would you want to get
3 involved in policing? There's a stigma attached to
4 it, you earn less money than any other police
5 officers in the country and in the province of
6 Quebec, right? Quebec is the lowest paid province
7 for First Nations police officers compared to even
8 other First Nations in Ontario, in Manitoba, in
9 Saskatchewan, in Alberta, you know, in British
10 Columbia, it's the lowest paid province.

11 So recruitment is extremely difficult and at
12 the same time, I mean, even if you're lucky enough
13 to find members to go and work there, right, they
14 start working and once they get a little bit of
15 experience, there's other police services that are
16 ready to come in and say come and work here, you
17 have experience now, you've already been trained,
18 you're ready to go. And they're going to... and
19 these people have families, they have lives, they
20 have mortgages, you know? More than likely, they
21 want to stay in that First Nations community, but
22 they can barely survive, sometimes.

23 **Me DONALD BOURGET :**

24 What about the evaluation from the ministère de la
25 Sécurité publique du Québec of the efficiency or

1 conformity of the police body? Because under the
2 Police Act, they have to proceed at that every five
3 years, I think?

4 **M. DWAYNE ZACHARIE:**

5 Right. Well, in my entire time as the Chief
6 Peacekeeper, we've never been inspected. We've
7 never had anybody from the MSP, ministère de la
8 Sécurité publique, come in and do an inspection. I
9 don't know if they've ever done an inspection
10 anywhere in the province for First Nations police
11 departments. I know, from talking to my peers,
12 other Directors, they haven't been inspected,
13 however, last week, I attended the *colloque* in
14 Quebec City for First Nations Police Directors and
15 one of the topics that Public Security did have on
16 the agenda was inspections and they talked about...
17 that they were going to start doing them now, right?
18 So, I guess it's a coincidence.

19 Maybe it's going to happen, I don't know how
20 it's going to roll out, I don't know what their
21 plans are. They talked about the inspections being
22 collaborative, because they wanted things to
23 improve, not because they wanted departments to
24 close down. We'll see what happens, right? We'll
25 have to have a discussion about that.

1 **Me DONALD BOURGET :**

2 Do you understand that because, compared to other
3 police corps, they don't have to make inspection if
4 it's a Peacekeeper in a First Nation community?

5 **M. DWAYNE ZACHARIE:**

6 Can you repeat the question? Sorry.

7 **Me DONALD BOURGET :**

8 Do they have to make the inspection with the
9 Peacekeeper Force?

10 **M. DWAYNE ZACHARIE:**

11 So, from...

12 **Me DONALD BOURGET :**

13 The same that with the other police corps?

14 **M. DWAYNE ZACHARIE:**

15 Okay. Well, as you mentioned before, the
16 modalities relating to Aboriginal police services
17 in Kahnawake, we have an agreement with the
18 province of Quebec. This is not with Canada, this
19 is with the province. We wanted to be... and I'll
20 talk more about this later, but we wanted to be
21 recognized, we wanted the province to say look, the
22 Kahnawake Peacekeepers are the recognized authority
23 in the community of Kahnawake, they're responsible
24 for law enforcement and we wanted that something in
25 an agreement on paper talking about that. So, in

1 the community of Kahnawake, we have a Peacekeeper
2 law. It's similar to the concept that the Police
3 Act has, right? So, we wanted them to recognize
4 that that's we had and that's what we're using.

5 We also have our own Civilian Oversight Board
6 that's responsible for the administration of the
7 Kahnawake Peacekeepers that's to provide
8 insulation, so there is arms length from political
9 bodies, there's no interference, right? That
10 essentially, that the Peacekeepers Services Board,
11 the PSB, that's my boss, that's who I have to deal
12 with, that's who I report to, I don't report to
13 Chief in Council about administrative issues or
14 operational issues, right? It's... so, that way,
15 we can do our job and not have to worry about
16 interference in any way.

17 **Me DONALD BOURGET :**

18 So, you deal with the Peacekeepers Service Board...

19 **M. DWAYNE ZACHARIE:**

20 Yes.

21 **Me DONALD BOURGET :**

22 Rather than being under the jurisdiction of the
23 Mohawk Council of Kahnawake?

24 **M. DWAYNE ZACHARIE:**

25 Correct. The Peacekeepers Services Board has the

1 link to the Council. For example, for my position,
2 the Peacekeepers Services Board would post and
3 recruit how they decide to go and they would make a
4 recommendation to the Council just so that way, it
5 would be recognized, right... and they go from
6 there. But all of the hiring and firing within the
7 department is the sole discretion of the Chief
8 Peacekeeper. It has nothing to do with Chief in
9 Council.

10 **Me DONALD BOURGET :**

11 So, that's...

12 **M. DWAYNE ZACHARIE:**

13 Operations... they don't interfere.
14 Administration, they don't interfere. The PSB was
15 put into place, the Peacekeepers Services Board was
16 put into place to ensure the proper administration
17 of the Kahnawake Peacekeepers as well as... to make
18 sure that, you know, the Chief is being fiscally
19 responsible year to year to year.

20 **Me DONALD BOURGET :**

21 So, you feel you have the margin of a... doing
22 things without political interference from the
23 government? The...

24 **M. DWAYNE ZACHARIE:**

25 Correct. Yeah.

1 **Me DONALD BOURGET :**

2 ... the government?

3 **M. DWAYNE ZACHARIE:**

4 Yeah.

5 **Me DONALD BOURGET :**

6 I'll come back with the inspection and evaluation.

7 **M. DWAYNE ZACHARIE:**

8 Sure.

9 **Me DONALD BOURGET :**

10 How come... how does the Minister evaluate the
11 funding without evaluating the needs of the police
12 corps? On which base do they fix the amount of
13 funding you should receive, without evaluation of
14 the needs?

15 **M. DWAYNE ZACHARIE:**

16 Yes. I'm not really sure the formula they use and
17 that's an issue, right? So, every year, when... it
18 was five years this time, but there was a time when
19 every year we were required to go to the government
20 to justify our existence, right, because we didn't
21 have a long term policing agreement. And every time
22 we did that, we talked about what we wanted to do,
23 what the future looked like for us, how we wanted to
24 grow and expand and some of the things that we
25 wanted to do in the near future and further on,

1 right, for success in planning and the like.

2 And it was... it's still a mystery to me what
3 formula they employ to say this community gets this
4 much money, this community gets that much money,
5 right? When we went and we did the negotiation, it
6 wasn't really a negotiation, you know, we went in,
7 we had our... we met the parties and they wanted us
8 to tell a little bit about our services and I
9 talked to other First Nations Directors as well and
10 it was pretty much choreographed.

11 We went in, we did our song and dance, we told
12 them what we wanted to do, how we wanted to expand,
13 how we wanted to grow, what our needs were and
14 then, they... we were told - okay, we're going to
15 take a five minutes bathroom break... they came
16 back and said - here, this is what you get. And to
17 me, it seemed like a waste of time, because I felt
18 as though the minute we walked in the room, they
19 already knew the amount that we were going to be
20 offered, right? And even though I use the word
21 "offer" and I use the word "negotiation", it's not
22 really, it's like - here, this is what you get and
23 that's it.

24 And I advised them that it wasn't acceptable
25 and I'm not interested in taking that deal and we

1 were not going to sign for a long term policing
2 agreement, we were going to take the... this next
3 year to develop a business plan to say this is what
4 we want to do and hopefully, they're going to look
5 at it and really want to negotiate with us and
6 really take it seriously instead of just
7 (inaudible) - well this is all that they need.

8 At the same time, during that negotiation, they
9 mentioned that they understood that the cost of
10 policing, you know, per head, nationally, is about a
11 hundred and eighty thousand dollars (\$ 180,000) per
12 officer. And they understood also that in First
13 Nations policing, it's about a hundred and thirty
14 thousand dollars (\$ 130,000). So, there's fifty
15 thousand dollars (\$ 50,000) difference, right,
16 between First Nations police officers and... I hate
17 to say this, but for lack of a better term,
18 "mainstream policing", right?

19 So, at the same time, it's still... it makes me
20 feel like we're being treated as second-class
21 citizens again, we're not being looked at equally.
22 We're not being treated equally, we're not getting
23 the respect that we deserve, because you know, all
24 of us, all of our services are there to provide
25 safety and security to their respective communities.

1 And it's not an easy job to do and we're doing it on
2 these shoestring budgets at times.

3 You know, officers are out there with equipment
4 that's outdated, you know... there are First Nations
5 Directors that have advised me that their officers
6 are out there wearing bulletproof vests that are ten
7 years old. They only have a five years shelf life.
8 Right? But they're wearing it, because that's the
9 best that they have. You know, they have
10 infrastructures that are condemned. They have mould
11 in them. People can't be in them, but that's their
12 office building, right? They... it's just...
13 conditions are horrible in some communities, you
14 know?

15 Many First Nations communities complain that
16 they're not able to provide their workforce with a
17 safe work environment either. In the sense that
18 officers are out on patrol on night shifts, one
19 person, there's no backup. One person. Other
20 services, they provide for two officers per
21 vehicle, right, to be on patrol. Health and safety
22 requires it, right? So, many of them who are
23 unionized, it's a requirement. The departments
24 can't live up to that, because they don't have the
25 resources, they don't have the human resources,

1 they don't have the funding to do that. So, what
2 happens if an officer gets hurt? Who is
3 responsible for that? Right?

4 Because it... is it the organization that's
5 going to get sued? Probably. And who else? Who
6 knows, right? I mean, think about it, you know,
7 there's a lot of liability involved and these
8 officers are going out and doing the best that they
9 can under the circumstances with the limited
10 resources that they have at their disposal at any
11 given time.

12 **Me DONALD BOURGET :**

13 (Inaudible - audio) at the end of the agreement
14 every time or...? And what about the other
15 communities, as far as you know?

16 **M. DWAYNE ZACHARIE:**

17 It feels like we have to justify our existence, it
18 really feels that way. If you think about it, if
19 you just think about what I said about the cost of
20 a police officer in Canada, the average cost, a
21 hundred and eighty dollars (180,000 \$), but First
22 Nations policing is a hundred and thirty thousand
23 dollars (\$ 130,000). So, there's a fifty thousand
24 dollars (\$ 50,000) difference. If First Nations
25 policing goes away, if it doesn't exist anymore,

1 who is going to fill that void? Is it going to be
2 the Sûreté du Québec? Is it going to be the OPP?
3 Is it going to be the RCMP? It's going to be
4 somebody that has to fill that gap, that void. And
5 what is the cost then? What does the government
6 pay then, right?

7 **Me DONALD BOURGET :**

8 It's going to cost more.

9 **M. DWAYNE ZACHARIE:**

10 Absolutely, it's going to cost more, so, it doesn't
11 make sense to me. It doesn't make sense. Why
12 would you want people to... why would you treat
13 people that way? You know, why wouldn't you
14 recognize what they're doing? Why wouldn't you
15 provide them with the resources that they need to
16 provide the services that they need? Aren't First
17 Nations communities, you know, worthy of
18 professional services as well? I think yes. And
19 we work every day at trying to provide that to our
20 communities. Exceptionally hard and you know what,
21 I think we're doing a great job and if you look at
22 stats, you know, nobody can argue that. First
23 Nations communities are doing the work that's
24 required, they're just doing it for less.

25 **Me DONALD BOURGET :**

1 For less. You feel that the government knows about
2 the fact that you do a great job in the community?

3 **M. DWAYNE ZACHARIE:**

4 They know. We're not afraid to tell them. We tell
5 them all the time, we always provide the stats. In
6 the absence of the evaluations that you asked about,
7 we're required to report on every single thing that
8 we do. We report, we report, we report. We report
9 to the province, we report to the Feds, we report on
10 everything we're doing. Every nickel and dime we
11 spend, we report about it, so they know. They know
12 what it costs to provide policing in a First Nations
13 community, they know what we're doing.

14 You know, we respond about calls for service,
15 all that stuff is provided in the report. We do an
16 annual report to them, we talk about our staff, we
17 talk about the programs that we provide, we talk
18 about our activities for the year. So they know.

19 **Me DONALD BOURGET :**

20 But...

21 **M. DWAYNE ZACHARIE:**

22 It's not a secret.

23 **Me DONALD BOURGET :**

24 But the level of recognition is going with the stats
25 and the job you do?

1 **M. DWAYNE ZACHARIE:**

2 Oh, I don't think that they really recognize what
3 we're doing. I mean, it's clear to me that we're
4 not recognized like our peers, you know, in other
5 communities. You know, we've been asking for years
6 and years and years to be recognized as an essential
7 service. Policing everywhere else is an essential
8 service. We're a program, right? And programs, I
9 mean, forgive me, maybe I'm wrong, but to me,
10 programs are... have beginning and end dates.
11 Right? And it seems like right now, we're in a
12 little bit different situation than we were in in
13 the past.

14 In nineteen ninety-five (1995), the community
15 of Kahnawake signed a policing agreement for five
16 (5) years. So it lasted until two thousand (2000).
17 In two thousand (2000) it was renewed, right, and
18 then, that was the last renewal for about seven (7)
19 years. So, every year after that, it was a one-year
20 extension of the old agreement. No adjustments to
21 the fundings, right? Maybe a small cost of living
22 adjustment, but that's it. It stayed the same for
23 about seven (7) years.

24 So, I mean, we're still dealing with dollars
25 from two thousand and six (2006), right? It's two

1 thousand and eighteen (2018). They're asking us to
2 provide policing at two thousand and six (2006)
3 dollars. It doesn't make sense to me, you know? I
4 mean, in two thousand fourteen (2014), the Auditor
5 General and I know that report has been deposited
6 here too, made many recommendations on changing the
7 First Nations policing program. Nothing has been
8 done.

9 Two thousand thirteen (2013) to two thousand
10 eighteen (2018), the last agreement that just
11 finished this past March, you know, for... during
12 those five years, every First Nations community,
13 every First Nations Police Director was expecting
14 big change; it didn't happen. You know, the wheels
15 of the government turn really, really slowly and
16 nothing has happened. You know, no big changes.

17 I... you know, I do know that the Public
18 Security minister for Canada has come out and, you
19 know, extra dollars have been set aside for First
20 Nations policing. Additional dollars have been set
21 aside for additional officers. We just don't know
22 how this is all going to roll out, right? Is it
23 actually going to go to First Nations communities?
24 Or is it going to go to the Big Three, right? The
25 RCMP, the OPP, the Sûreté du Québec? Is it going

1 to get filtered through them and then finally, when
2 it gets to First Nations policing, it's kind of
3 like the leftovers or what's left... I don't know.
4 And those... there is supposed to be dollars for an
5 additional hundred and ten (110) officers. Are
6 those hundred and ten (110) officers, are they
7 going to be First Nations police officers or are
8 they going to be police officers that are going to
9 be assigned to work in First Nations communities?
10 We don't know. I do know that the First Nations
11 Policing Program was developed to give First
12 Nations communities the ability to provide proper
13 services to their communities, right? Safety,
14 security and all that.

15 When I first started as a Peacekeeper, as a
16 police officer, you know, there were probably about
17 thirteen hundred (1,300) First Nations police
18 officers across the country. Now, there are maybe a
19 one thousand (1,000)... right, we're not going in
20 the right direction. You know, when I first
21 started, there were many, many, many First Nations
22 Police Directors. It's not the case anymore, right?
23 First Nations are starting to hire people not from
24 the community to administer.

25 Now, I mean, we need to ensure that we have

1 the right people at the helm for sure, I'm totally
2 for that. I'm totally for inspections, but I want
3 to make sure that the inspections are done for the
4 right reason, right? I want to make sure that
5 these inspections help First Nations policing to
6 improve and get better. It's not so we can say
7 well, this place has to close, and this place has
8 to close and we need to put this service here and
9 that service there, you know?

10 **Me DONALD BOURGET :**

11 Why... what's going on with the agreement since it's
12 over since last March, I think?

13 **M. DWAYNE ZACHARIE:**

14 Well, I know some communities in the province have
15 signed a policing agreement. Some have signed for
16 one year, some have signed on for the entire five
17 years, right?

18 The thing about the agreement is, if you come
19 from a community that has resources, you know, has
20 some funding, is not cash strapped, you have to
21 ability to hold out a little bit longer, it's the
22 truth. Some communities, at the end of the
23 agreement, they have no money, they have nothing.
24 Their employees are not going to get paid, you
25 know? They're forced to sign. If they want to

1 continue to having services in their community,
2 they have to sign the agreement. There's no choice
3 about that, you know? It's almost as though
4 they're being forced to do it, because they don't
5 have the ability to continue without it. And
6 without it, you know, like, at the end of the
7 agreement, their officers aren't even considered
8 officers anymore. Once March thirty-first (31st)
9 comes along, April first (1st), if they don't have
10 an agreement, those people don't... aren't
11 recognized as officers even. What can they do?

12 **Me DONALD BOURGET :**

13 That's no negotiation?

14 **M. DWAYNE ZACHARIE:**

15 No, it's not a negotiation.

16 **Me DONALD BOURGET :**

17 Therefore, it's to... into...

18 **M. DWAYNE ZACHARIE:**

19 Of course, you're forced, you have to sign. I mean,
20 without it, they wouldn't have jobs, they wouldn't
21 be able to provide for their families.

22 **LE COMMISSAIRE :**

23 But you know the provincial government accepted to
24 postpone for a certain time and granting two point
25 seventy five per cent (2.75%)?

1 **M. DWAYNE ZACHARIE:**

2 Yeah, I do know that for sure...

3 **LE COMMISSAIRE :**

4 Just...

5 **M. DWAYNE ZACHARIE:**

6 But...

7 **LE COMMISSAIRE :**

8 We are still waiting for Canada?

9 **M. DWAYNE ZACHARIE:**

10 And point taken, it's a recent development though.

11 **LE COMMISSAIRE :**

12 Um-hum.

13 **M. DWAYNE ZACHARIE:**

14 You know, it hasn't been going... we've been dealing
15 with this for many, many, many years, you know? The
16 First Nations Policing Program has been in existence
17 since nineteen ninety-one (1991), you know? And
18 there hasn't been a lot of change to it since
19 nineteen ninety-one (1991). And I believe that
20 in... at the outset, there were probably about sixty
21 (60) First Nations police departments across the
22 country that were funded under that program, you
23 know and within ten years, it was down to half. You
24 know? Thirty (30) police departments. So,
25 something is not going right, something is not

1 working.

2 **LE COMMISSAIRE :**

3 Ah, I hope it will be possible to have negotiations
4 and...

5 **M. DWAYNE ZACHARIE:**

6 You know...

7 **LE COMMISSAIRE :**

8 That each police force in communities be able to
9 deal with governments, both of them, each one with
10 their own needs.

11 **M. DWAYNE ZACHARIE:**

12 I agree with you, I think it's a definite need and
13 you know, I know each community would welcome that
14 opportunity. You know, it brings out, it feels too
15 much like your parent is telling you - here's your
16 allowance, take it or leave it.

17 **LE COMMISSAIRE :**

18 Because we know it's not the same situation
19 everywhere and it's difficult to say I give you two
20 point seventy-five (2.75) all of you...

21 **M. DWAYNE ZACHARIE:**

22 Yes.

23 **LE COMMISSAIRE :**

24 I'm not taking in consideration special needs...

25 **M. DWAYNE ZACHARIE:**

1 Exactly.

2 **LE COMMISSAIRE :**

3 ... in some communities.

4 **M. DWAYNE ZACHARIE:**

5 Each community is unique and has its own set of
6 circumstances that define who it is, right? And
7 from that, the only way you're going to find out
8 what the true needs are for each community is to go
9 and have a conversation with them, actually look at
10 it and do a true assessment to say - this is what
11 has to happen. You have to have the will to do
12 that.

13 **LE COMMISSAIRE :**

14 So, I have a dream.

15 **M. DWAYNE ZACHARIE:**

16 (Laughter)... An officer's dream.

17 **LE COMMISSAIRE :**

18 (Laughter)!

19 **Me DONALD BOURGET :**

20 I'm referring to the document found in... under
21 exhibit P-645, "Agreement concerning the community
22 of Kahnawake". What did... well, you tell me about
23 the purposes preparing your document, page 5, is it
24 or not a success story I would say, I would ask...

25 "First of all, ensure that the community

1 benefits from policing services that are
2 professional, effective and culturally
3 appropriate.”

4 **M. DWAYNE ZACHARIE:**

5 Yes. The reason that we wanted to enter into this
6 agreement is because we wanted the province to
7 recognize what we were doing. We wanted them to say
8 that they recognize what we were doing and the
9 province - don't get me wrong - you know, things
10 have changed a lot over the years, not so much in
11 terms of funding and resources necessarily, but the
12 relationship has changed. It's... as we go along,
13 it gets a little more open every year and you know,
14 like we want to approach this as a partnership, you
15 know? We've been doing a lot of good faith, waiting
16 and waiting. It's time now for the other side to
17 come across and want to work with us.

18 So, this agreement, as far as I'm concerned,
19 is a win. And I think that it's something that
20 other First Nations communities can look at and say
21 - that's something we want to get into as well to
22 gain the recognition, to gain, you know, a firm
23 footing in this whole process... you know?

24 Kahnawake is a community that fights for
25 everything that it needs and we're going to

1 continue that fight, we're not giving up, you know,
2 we feel that the Kahnawake Peacekeepers is an
3 example to other First Nations communities, you
4 know, who have First Nations policing, as well as
5 other First Nations communities that have a desire
6 to develop their own First Nations Police Service,
7 right? Because when you look at it, the program as
8 it stands now only provides funding for existing
9 police services. What happens to other communities
10 that need... that need it or want it. There's
11 nothing there for them. There's no opportunity at
12 this particular moment. So, that needs to change.

13 **Me DONALD BOURGET :**

14 "Second purpose: Maintain the police
15 force - referred to as the Kahnawake
16 Peacekeepers - to ensure the provision of
17 policing services in the community in
18 accordance with applicable laws."

19 So, we talked about that...

20 **M. DWAYNE ZACHARIE:**

21 Yes.

22 **Me DONALD BOURGET :**

23 ... earlier in your testimony. That's something you
24 can deal with?

25 **M. DWAYNE ZACHARIE:**

1 Yes. I mean, we have the Kahnawake Peacekeepers
2 law which are the rules and regulations for the
3 Kahnawake Peacekeepers, it's... it was designed in
4 the same vein as the Police Act, but it's
5 appropriate to all our needs, to our community's
6 needs, right, to our cultural needs. Because the
7 Kahnawake Peacekeepers can't be like a regular
8 municipal police service or a provincial police
9 service for that matter, it has to be there for the
10 community to provide a service that's commensurate
11 with the needs of the community.

12 And every First Nations community is
13 different, so, for us to say that we can go into
14 other communities and do the policing there is not
15 the right thing to say. What we can say is that
16 from this, this can be used as a template so that
17 people can develop their own process for their
18 community that has meaning for them.

19 **Me DONALD BOURGET :**

20 "Ensure that the community establishes
21 structures that are independent of
22 political powers to support the
23 management and administration of the
24 Kahnawake Peacekeepers."

25 **M. DWAYNE ZACHARIE:**

1 Yeah. That particular section deals with the
2 development of the Peacekeepers Services Board, so,
3 we have that oversight body that acts as my
4 supervisors, as my boss and they insulate us from
5 political interference or anything else, right?
6 And they also ensure the proper administration of
7 the department. I report to them, you know, they
8 make sure that I'm doing my job, they evaluate me,
9 you know?

10 **Me DONALD BOURGET :**

11 Would you say that the Peacekeepers Services Board
12 is... should be within all the communities?

13 **M. DWAYNE ZACHARIE:**

14 I think that each community would benefit from
15 having their own Board such as this for sure, you
16 know? And I mean, it gives the service itself
17 respect, you know? Because people understand that
18 the service that's going to be provided to them is
19 unbiased, you know? They're going to get a
20 professional service, they're going to get what
21 they need, whatever it is. I mean, (inaudible),
22 there are a lot of talks out there about the job
23 that police officers are doing, not just in First
24 Nations communities, but across the board.

25 Should a police officer be doing traffic duty?

1 Should a police officer be responding to this type
2 of call or that type of call... you know? The
3 reality in today's world is that a police officer,
4 a Kahnawake Peacekeeper, you know, an officer from
5 Eeyou Eenou Service, you have to be a jack-of-all-
6 trades, you have to be a police officer, you have
7 to be a social worker, you have these things and
8 you're doing it because oftentimes, in communities,
9 the other services just aren't there, you know?

10 So, you do the best that you can and that...
11 this whole document lends itself to that, because
12 it defines who we are, it defines the service that
13 we provide, you know? Maybe sure, some down...
14 somewhere down the road, there are some things that
15 we can kind of... I don't want to say ... push off
16 on to someone else, but they are some things that
17 maybe we don't need to do. But the way things are
18 right now, especially in the First Nations
19 communities, people call us and why do they call
20 us? They call us because they know that we're
21 going to provide them with the service. They know
22 that they can rely on us. That's the short of it,
23 they know that they can rely on us.

24 **Me DONALD BOURGET :**

25 You answer if you can. What do you think about

1 regional organization of policing back in Cree
2 territory, where we are or Inuit territory?

3 **M. DWAYNE ZACHARIE:**

4 Yeah.

5 **Me DONALD BOURGET :**

6 Versus local organization (inaudible) of policing?

7 **M. DWAYNE ZACHARIE:**

8 Well, I think there's a time and place for
9 everything and I think the Cree Regional Police
10 Service, the Eeyou Eenou Service, I think they do
11 an excellent job, I think they... they're working
12 really hard to provide services to their nine
13 communities. You know, in that particular
14 instance, you know, it works for them.

15 But I think for other communities, it depends.
16 It depends on the situation, it depends on the
17 circumstances, it's really hard to say in a
18 particular area, like, it depends on what the
19 formula would be, right? Because in my area, for
20 example, or close by, we have the Kahnawake
21 Peacekeepers for the community of Kahnawake,
22 there's Kanasatake that doesn't have a police
23 service right now, it's the Sûreté du Québec that
24 are providing police services, you know? There's
25 Akwesasne which is Quebec and Ontario. They're

1 about an... all of these communities are about an
2 hour away, they're all Mohawk communities, but they
3 all have their own realities. Is it a possibility?
4 I don't know.

5 You know, I think there's so many differences
6 between each community even if they're closely
7 related that that's something that would have to be
8 evaluated, you know? And if we wanted to open it
9 up a little more, you know, the community of
10 Wendake, which is a Huron community, which is
11 Huron-Wendat, which is just outside of Quebec City,
12 you know, it's about two hours away from us. You
13 know, it's hard to say that they would benefit from
14 being part of a regionalized service, right?

15 So, I think each community - and that would
16 have to be part of the negotiation process or
17 evaluation process to say what are your needs - we
18 need to have our own unique service. Or we want to
19 opt in, do some kind of a regionalized model, you
20 know? But from what I hear from many of the
21 Directors that I talked to, you know, it depends on
22 the community itself and its will to be a part of
23 either a unionized... sorry, not a unionized... a
24 regionalized force or an individual police service.

25 **Me DONALD BOURGET :**

1 Creating is for sure an important condition of work
2 to be up to date. How things are funding... how
3 training is funding for the Peacekeepers, for
4 instance, compared to the other police corps in
5 Quebec?

6 **M. DWAYNE ZACHARIE:**

7 Okay. Well, as I said earlier, we receive funding,
8 fifty-two per cent (52 %) from the federal
9 government, forty-eight per cent (48 %) from the
10 province and they provide us with the dollars. They
11 don't say how much of those dollars are necessarily
12 earmarked for training or not. We decide how much
13 we want to earmark from the budget, right, based on,
14 well, salary and benefit, ONM, you name it, right?

15 The problem is that training is not always
16 available when we need training to be available,
17 right? And when I'm talking about training, I'm
18 not talking about basic training, I'm not talking
19 about some of the recurrent training that we do
20 every year anyway, I'm talking about advanced
21 training, right? I'm talking about training in
22 different disciplines from an advanced perspective,
23 because we deal with lots and lots of different
24 things every day in our policing lives and in order
25 for us to provide the service that our community

1 needs, each of our officers has to be trained to a
2 certain level.

3 Now, I know in the province of Quebec, the
4 Police Act has six different levels. Level 6 is
5 reserved for the Sûreté du Québec, level 5 is for
6 services like Montreal police, you know, big, big
7 services that have a lot of manpower and resources.
8 And then, as you go down the list, you know, the
9 Police Act kind of mentions that First Nations
10 police services are level 1; and level 1 is
11 basically being able to provide policing services
12 twenty-four hours (24 h) a day, seven (7) days a
13 week, but it doesn't say what kind of policing
14 services, it doesn't say what you can provide or
15 not, right?

16 And for us, we... the Kahnawake Peacekeepers,
17 we feel that's kind of a slap in the face to say
18 that we're level 1, because there's so many things
19 that we provide to our community. We have marine
20 patrol, we do highway patrol, we do... we handle so
21 many different types of files, right? And the only
22 assistance that we get from the Sûreté du Québec is
23 services for specialized field, because we don't
24 have the resources to do that and many, many
25 services in the province of Quebec don't have those

1 types of services either.

2 So, it makes sense for us, right? Like, why
3 would we spend what little resources we have to
4 train somebody when it only might be utilized once
5 in a while? Where these guys are from the Sûreté
6 and they're a great partner, you know. When we
7 call, they come, they work really well with our...
8 with the men and women of the Kahnawake
9 Peacekeepers, but it doesn't make sense for us to
10 spend our resources that way. Instead, we want to
11 train people to deal with the crime at hand, right,
12 whatever it may be, whether it's an assault, an
13 aggravated assault, a sexual assault, a homicide and
14 all those things happen in our communities, not just
15 in Kahnawake, but in other communities as well and
16 our officers have to be prepared to respond to that
17 type of thing.

18 I mean, look at the things that are happening
19 all over this country as well as in the United
20 States with the schools, right, the shootings? All
21 of our officers are trained to do active shooter
22 infirmity control. You know, these are things that
23 we've been working towards for years and years and
24 years, but not necessarily getting the funding to
25 do it, but saving for a rainy day in order to do

1 those things, because generally, the moneys we
2 receive are enough to continue the operation, not
3 to do anything advanced.

4 **Me DONALD BOURGET :**

5 So, when you receive... when your officers receive
6 training, does a bill come in with it to the...

7 **M. DWAYNE ZACHARIE:**

8 Oh!

9 **Me DONALD BOURGET :**

10 ... the Peacekeepers?

11 **M. DWAYNE ZACHARIE:**

12 Absolutely, there is a bill. So, usually, when
13 we... well, not "usually". Every time we do
14 training, there's obviously a cost associated to
15 that and we... At times, we partner with the École
16 Nationale and the École Nationale provides us
17 training when they can in English if they can,
18 right? Oftentimes, the training is not available.
19 Oftentimes, the story that we get is that the
20 training is being translated, you know? So we wait.
21 We've asked for training, certain types of training
22 for a long time. I'm not talking a couple of
23 months, I'm talking years and years and years we've
24 been asking for training, it hasn't materialized
25 yet.

1 So, when we do get the bill, it's definitely
2 higher than other police services, our bill for
3 anyway. You know, like two to three times higher.

4 **Me DONALD BOURGET :**

5 So, do you want to take a break before we... talking
6 to as President of First Nations Chiefs of Police
7 Association? Or you...

8 **M. DWAYNE ZACHARIE:**

9 Sure, two minutes would be great. Just that I can
10 get a drink. Like, I don't need to go anywhere,
11 just some water.

12 **LE COMMISSAIRE :**

13 Okay. So, we'll have a break a few minutes?

14 **Me DONALD BOURGET :**

15 Yes.

16 **VOIX MASCULINE NON IDENTIFIÉE :**

17 Five minutes.

18 **LE COMMISSAIRE :**

19 Oh, okay.

20 **Me DONALD BOURGET :**

21 A short break.

22 SUSPENSION

23 -----

24 REPRISE

25 **LA GREFFIÈRE-AUDIENCIÈRE :**

1 La Commission reprend ses audiences.

2 **LE COMMISSAIRE :**

3 So, welcome back. Me Bourget?

4 **Me DONALD BOURGET :**

5 Yes, welcome back, Mr. Dwayne Zacharie.

6 **M. DWAYNE ZACHARIE:**

7 Glad to be back.

8 **Me DONALD BOURGET :**

9 Now, I'm going to ask you a few questions as
10 President of the First Nations Chiefs of Police
11 Association. So, we understand that's throughout
12 Canada, other provinces? So, first of all, can you
13 talk about the needs in... other provinces than
14 Quebec? Are there any difference, main difference
15 in the needs for the police force?

16 **M. DWAYNE ZACHARIE:**

17 Sure. There are many differences across the
18 country. As we said earlier, you know, each First
19 Nations community is unique and each First Nations
20 community has its own set of needs, but nowhere in
21 the country are the needs more than in the province
22 of Quebec.

23 So, the province of Quebec has a number of
24 issues. The officers earn at a lower rate, the
25 resources are less and when you think about it, the

1 province of Quebec has twenty-one (21) First Nations
2 police services. That's the most in... anywhere
3 else in the country, more than anywhere.

4 Okay, the province of Ontario is second, I
5 believe, with nine (9) First Nations communities
6 and then, the rest of the country makes up the
7 remaining services. All of the First Nations
8 police services outside of the province of Quebec
9 receive parity in terms of wages and benefit,
10 right?

11 So, in Ontario, for example, the First Nations
12 police services are paid parity with the Ontario
13 Provincial Police. In Manitoba, Alberta and those
14 other places, they are paid parity with the RCMP.
15 You know? Whereas in the province of Quebec,
16 there's no line or reason as to how people receive
17 their salaries, you know? It boggles my mind,
18 like, you see people who are... who have been
19 working in First Nations policing for decades and
20 I'm not talking ten years or twenty years, like
21 sometimes, thirty or forty years and I think about
22 that - thirty or forty years working as a police
23 officer in a First Nations community, that's a real
24 investment, yet we're not recognizing that
25 investment that they're putting, you know, their

1 lives. And the salaries are all over the place,
2 you know and, in some cases,, you know, twenty
3 (20), thirty (30), forty thousand dollars (\$ 40,000)
4 a year less than an officer in a regular police
5 service.

6 **Me DONALD BOURGET :**

7 And what about the other aspect of the policing?
8 Conditions of work, training, equipment in other
9 provinces compared to Quebec?

10 **M. DWAYNE ZACHARIE:**

11 So, in that regard, there are many, many things
12 that are the same. So, even though those other
13 communities, First Nations communities in other
14 provinces receive parity, they suffer from many of
15 the same issues that we suffer from here in Quebec.
16 Some of them, it's lack of infrastructure, some of
17 them, it's lack of resources, you know, whether
18 it's a specialty equipment or what have you, or,
19 you know, some of them it's a matter of location,
20 geography. They suffer from different things.
21 Essentially, First Nations police services receive
22 dollars to operate, that's it. There aren't
23 additional dollars that are considered for advanced
24 training, for equipment, for infrastructure,
25 nothing of the like.

1 **Me DONALD BOURGET :**

2 About the evaluation or inspection of the police
3 corps outside of Quebec, is that different from us?

4 **M. DWAYNE ZACHARIE:**

5 It is different. I've spoken to a number of First
6 Nations Police Directors in different provinces and
7 all of them have been inspected by the... their
8 province, right, to see about the infrastructure,
9 the management. It's a report card essentially,
10 you know and they're given grades and then from
11 there, they have to make adjustments or changes.

12 **Me DONALD BOURGET :**

13 Do you know if it's on agreement basis negotiated
14 with each police corps, or it's an other way of
15 getting...

16 **M. DWAYNE ZACHARIE:**

17 Oh, I...

18 **Me DONALD BOURGET :**

19 ... the conditions?

20 **M. DWAYNE ZACHARIE:**

21 I don't think it's in the agreement per se. It may
22 very well be, but I believe it's through their
23 various police acts in the provinces. It's a
24 requirement for them to operate.

25 **Me DONALD BOURGET :**

1 About the independence from the political
2 authorities?

3 **M. DWAYNE ZACHARIE:**

4 Okay. So, that's where the province of Quebec is
5 very different. To my knowledge, the only First
6 Nations police department in the province of Quebec
7 that has an oversight body, you know, a civilian
8 oversight body, some kind of a body that helps with
9 accountability as well as insulation for political
10 interference is the Kahnawake Peacekeepers and
11 that's with the Peacekeepers Services Board.

12 Now, I don't want to get anybody angry. I know
13 that Akwesasne, the Akwesasne Mohawk Police, they
14 also have a Board, you know, similar to the same
15 makeup that we have, but they're in the province of
16 Ontario and Quebec too, right? And they receive all
17 of their training through the province of Ontario.

18 Right. And just to add to that, in Canada,
19 all of the other First Nations police services have
20 a board, have some kind of a oversight, have some
21 kind of accountability Board that oversees the
22 operations of the First Nations police services.
23 It just happens here in the province of Quebec.

24 **Me DONALD BOURGET :**

25 What about the recognition from the other provinces

1 of their Peacekeepers corps? As far as you know?

2 **M. DWAYNE ZACHARIE:**

3 Well, I know that the Boards are an integral part of
4 the First Nations police services, right? And just
5 like us, we receive funding that goes through the
6 Peacekeepers budget to provide for this Board, just
7 like the other services do, they have funding so
8 that these Boards are available. And I mean, it's
9 even in our agreement that we'll have with the
10 modalities, right, that we will have this type of
11 Board to provide for that type of oversight. And
12 it's the same in the other provinces too with the
13 other First Nations services.

14 **LE COMMISSAIRE :**

15 Just to make sure, when you speak about the twenty-
16 one (21) police forces in the province of Quebec, do
17 you include Cree territory and Nunavik with QRPS and
18 Cree police?

19 **M. DWAYNE ZACHARIE:**

20 Yes, I am including them too.

21 **LE COMMISSAIRE :**

22 Okay. Because we all know that...

23 **M. DWAYNE ZACHARIE:**

24 There's differences, absolutely. For sure, for
25 sure.

1 **LE COMMISSAIRE :**

2 Okay, you include?

3 **M. DWAYNE ZACHARIE:**

4 Yes, but I was just talking about how large the
5 province of Quebec is and how many different First
6 Nations police services we do have compared to the
7 rest of the country, right? That's all I was trying
8 to say.

9 **LE COMMISSAIRE :**

10 Thank you.

11 **M. DWAYNE ZACHARIE:**

12 Thank you.

13 **Me DONALD BOURGET :**

14 So, that means there is... well, I'm coming back to
15 Quebec territory. That means that there are twenty-
16 one (21) tables of negotiations? There's no allies
17 or getting together in front of the government?

18 **M. DWAYNE ZACHARIE:**

19 Each one is a separate negotiation, that's right.

20 **Me DONALD BOURGET :**

21 Okay. Is it a good thing from your point of view?
22 I understand that the needs are different, but is
23 there...

24 **M. DWAYNE ZACHARIE:**

25 Well...

1 **Me DONALD BOURGET :**

2 ... another way to negotiate with the government?

3 **M. DWAYNE ZACHARIE:**

4 I think there is another way, but let me say this -
5 it's like that across the country. Every First
6 Nation department negotiates its own agreement.
7 So, it feels like... there's a pie, right... and
8 the pie is...

9 **Me DONALD BOURGET :**

10 (Laughter)

11 **M. DWAYNE ZACHARIE:**

12 ... the dollars that are available and it feels
13 like we're all competing against each other for a
14 piece of that pie and it depends on how good your
15 negotiators are. It depends on how prepared you
16 are, you know, that's the size of the... or the
17 piece of the pie that you get. So, it feels a lot
18 like a competition amongst First Nations
19 communities and I don't think it should be that
20 way, you know? And I think one of the ways to
21 guard against that is give First Nations policing
22 the recognition it deserves. Make it an essential
23 service, make sure the dollars are there all the
24 time, don't make it so that at the end of an
25 agreement, people are scrambling to get the

1 agreement resigned so that they can continue their
2 existence. That's not the right way to do things.

3 **Me DONALD BOURGET :**

4 Why do you say that the police Peacekeepers should
5 be recognized as an "Essential services" rather than
6 a "Program"? Is that the way the government makes
7 you feel when they negotiate with you?

8 **M. DWAYNE ZACHARIE:**

9 Well, right now, First Nations policing falls under
10 a program. The dollars come from a program, it's
11 First Nations Policing Program, right? And I mean,
12 a program, as I said earlier, is something that can
13 be done away with, right, depending on certain
14 circumstances. I mean, I think it would be a real
15 imposition for the government to do away with First
16 Nations policing. I mean, just think of the
17 consequences, right? Just think of how much it
18 would cost them first off, not... just look at the
19 dollars. It would cost them so much money to be
20 able to provide policing to First Nations
21 communities.

22 And then, think about how the First Nations
23 communities would feel about having the RCMP or the
24 OPP or the Sûreté du Québec providing services in
25 their communities. Is that even the kind of

1 policing that they need? You know? To me, it
2 would be... well, I can't even imagine that
3 happening, you know? So, if that's the case and
4 like, I don't even imagine it happening and I don't
5 think that the government wants that either. I'm
6 hoping. Why all this issue? Why is it taking so
7 long for First Nations policing to be recognized,
8 to be considered an essential service? To get the
9 resources that First Nations policing needs across
10 the country so that way, services that police are
11 providing in First Nations communities are equal.

12 In First, in Quebec, we're looking at
13 equality. Right? We want to be equal to the other
14 First Nations police services as well as policing
15 in general. What's different about what we do? If
16 anything, we do more to provide services to our
17 community, you know? Our officers answer so many
18 calls for service every year, they do so many
19 different things in so many different rounds of
20 policing.

21 You know that after they have five years or
22 ten years of experience, it's like twenty years of
23 service in another service. You know, just because
24 of the things you get to do. It's a wealth of
25 knowledge and look how quickly other police

1 services are... look how quickly they act to pick
2 those people up and make them part of their
3 organization, because of the experience they have,
4 because of the knowledge they have. You know? We
5 have good men and women in First Nations policing
6 doing great jobs and it's time that they get
7 recognized for the job that they're doing. It's
8 time that they receive equity.

9 **Me DONALD BOURGET :**

10 Can you figure out how things would be if it
11 wouldn't... the police, the Peacekeepers force
12 wasn't there? It means, other police corps getting
13 into the community, how the community will react,
14 how the pop... the people will accept or not those
15 police services?

16 **M. DWAYNE ZACHARIE:**

17 Well, as I said earlier, I really wouldn't want to
18 imagine that, but if you want me to give you an idea
19 or a snapshot of what it might look like, you know,
20 I don't... first of all, I don't think that another
21 police service could provide policing services to a
22 community like Kahnawake other than the Kahnawake
23 Peacekeepers, you know?

24 In the province of Quebec, right, in that
25 instance, if the Kahnawake Peacekeepers ceased to

1 exist, the Sûreté du Québec would be responsible
2 for taking up the slack, to fill, you know, to fill
3 that void and I don't think they want that
4 responsibility. Definitely don't want that
5 responsibility and I'm certain you can ask anyone,
6 they don't want to be responsible for policing in
7 Kahnawake, you know?

8 And that's why I think partially too we make
9 such great partners, right, because they
10 understand, you know, on a level, like officer to
11 officer, there are no issues, we work well
12 together, the partnerships are great, it... you
13 know, it's more of a... the lack of understanding
14 maybe from the government.

15 **Me DONALD BOURGET :**

16 But in the past, correct me if I'm wrong, but there
17 was... there were community police forces who
18 couldn't make it and that have to close and so
19 the...

20 **M. DWAYNE ZACHARIE:**

21 Yes.

22 **Me DONALD BOURGET :**

23 ... the police, another police force had to take
24 over. So the government goes about what would
25 happen if there's no...

1 **M. DWAYNE ZACHARIE:**

2 Yes.

3 **Me DONALD BOURGET :**

4 ... police in their community?

5 **M. DWAYNE ZACHARIE:**

6 Right. So, in other communities, you're absolutely
7 right. First Nations policing, the services that
8 were there, for lack of a better word saying it,
9 became extinct. And now there is a void, so to
10 fill that void, the government has to put the
11 Sûreté du Québec there. And the costs rise, you
12 know, like three or four times the amount. And the
13 community is complaining that they're not getting
14 the service that they used to get, because the
15 police service is no longer there, it's no longer
16 present in the community, it's more of a pass
17 through, you know? The officer goes because he or
18 she has to do a patrol there, but there's nobody
19 actually dedicated to the community. The knowledge
20 of the community is not there, the relationship
21 with the community is not there, right? The
22 community suffers.

23 **Me DONALD BOURGET :**

24 Does that mean that First Nations police gives the
25 best services at the best price? Best cost?

1 **M. DWAYNE ZACHARIE:**

2 I think that it could be said, yes. I think First
3 Nations policing gives the best service, period, you
4 know? And I think now, it's time to start providing
5 First Nations police services with the resources
6 that they need, you know, on an equal basis. Let's
7 make it apples to apples, not apples to oranges any
8 more.

9 And you're right, I mean, somebody is getting
10 a bargain for the services that they're receiving,
11 absolutely.

12 **Me DONALD BOURGET :**

13 What are the lessons we can learn from the other
14 provinces in the way they deal with the police
15 enforcement?

16 **M. DWAYNE ZACHARIE:**

17 Well, I think the other provinces have taken a real
18 step forward. Take the province of Ontario, for
19 example, they've taken a real step forward, they've
20 made First Nations policing their partner. You
21 know? They... it seems to me that they have
22 meaningful dialogue, they understand that First
23 Nations communities need to have services that are
24 appropriate to their needs, you know? Not that
25 someone else has to come in and can provide a better

1 job, because that's not the case.

2 And I think here in Quebec, if we look at those
3 examples and we try to develop some kind of process
4 to discuss open and honest discussion about what the
5 needs are of each community, I think we would be in
6 a better place rather than: this is what I think
7 you need, here's what you get. It can't be that way
8 anymore. It's been that way for a long time and
9 it's not working.

10 Even in all of this, even on all the things
11 that I've said, First Nations communities are
12 creative in the way that they provide services to
13 their community, because they have to be, right?
14 They have to find ways to make their communities
15 safe and secure, given the resources that they get
16 now. Why does it have to be that way? It shouldn't
17 be. Right? We should be able to talk about the
18 future, we should be able to say to people: yes,
19 First Nations policing is a viable career. Let's
20 get into it.

21 Right now, you know, I know guys, other police
22 Directors who have children and their children grow
23 up seeing their fathers and mothers as police
24 officers and it's a great thing, they make, they're
25 great examples, right? They're role models, and

1 their children want to get involved in policing,
2 they want to follow in their footsteps and their
3 parents are saying: don't get involved in First
4 Nations policing, there's no future. You know?
5 Like what does that say?

6 **Me DONALD BOURGET :**

7 Yeah.

8 **M. DWAYNE ZACHARIE:**

9 We need to make changes now, because you know what?
10 First Nations policing needs to have a future.
11 First Nations policing is important and it's
12 relevant. So, changes need to happen.

13 **Me DONALD BOURGET :**

14 Thank you. No further question, Mr. Commissioner.

15 **LE COMMISSAIRE :**

16 So, I was asking myself how many officers do you
17 have? And I saw six point two (6.2) in the
18 agreement that

19 "The Kahnawake Peacekeepers shall consist
20 of a minimum of thirty-three (33)
21 officers full-time, including the
22 Director."

23 You.

24 **M. DWAYNE ZACHARIE:**

25 That's correct.

1 **LE COMMISSAIRE :**

2 Is it the case? Or is something different?

3 **M. DWAYNE ZACHARIE:**

4 So, we've had a very hard time maintaining thirty-
5 three (33) officers and I mean, things happen,
6 right? As I've said before, I've had a number of
7 officers who have worked for the Kahnawake
8 Peacekeepers for twenty, thirty years. They retire.
9 Every police service across the country is facing
10 the same problem - retirement, right? So, we try
11 really hard to grow and it doesn't seem like... we
12 haven't had very much luck at growing. We've had a
13 lot of luck at almost maintaining the thirty-three
14 (33).

15 So right now at it stands, we have thirty-
16 three... thirty-two (32) officers. We're about to
17 post to hire an additional officer to finally get to
18 our full contingent, but prior to that, this year,
19 we... I think we're going to get there, but for the
20 last four years, we've been operating at twenty-four
21 (24), twenty-five (25) officers including myself,
22 the Assistant Director and our Investigative Unit,
23 right? So... which are not necessarily available to
24 the patrol unit.

25 So, the actual patrol unit is a little bit

1 smaller. So, men and women are working and working
2 a lot and working often and that costs us overtime,
3 because in our community, we have a minimum
4 requirement as well. So, we say that if we don't
5 have three... if we have less than three officers on
6 duty at any given time, we have to ensure three is
7 the minimum. So that means we have to pay overtime
8 for somebody to come in to cover up that gap,
9 because we're so busy.

10 **LE COMMISSAIRE :**

11 Um-hum.

12 Me Boucher, do you have questions?

13 **Me MARIE-PAULE BOUCHER :**

14 J'aurai pas de questions, Monsieur le Commissaire.

15 Merci beaucoup.

16 **LE COMMISSAIRE :**

17 Oh. Would you like to add something? No?

18 **M. DWAYNE ZACHARIE:**

19 No, I'm good, thank you very much. I appreciate the
20 time I've been allotted here. It was a great
21 experience, thank you.

22 **LE COMMISSAIRE :**

23 So I want to thank you very much. And if I can
24 look, tell me if I'm wrong. I have the impression
25 that communities in Quebec prefer to have their own

1 police force in the community, and if possible, with
2 Native officer members of those... these forces.
3 And actually, communities having their own police
4 force have agreement like programs between each
5 communities and provincial and federal government,
6 provincial paying forty-eight per cent (48 %),
7 federal fifty-two (52) and as we had this year, had
8 turned and that's why we feel it's a program.
9 It's... we have a beginning and an end unless
10 something else is signed and the delay was March
11 thirty-first (31st). We had a hearing concerning
12 that in Montreal. Provincial accepted to postpone
13 the delay, giving what they were offering, two point
14 seventy-five per cent (2.75 %) during the time I
15 hope there will be negotiations.

16 So, you would like to have parity with other
17 police force in the province, especially SQ or maybe
18 SPVM. Maybe it's almost the same, I don't know.
19 It's quite equivalent? Yeah?

20 And this, you have the feeling will be fair for
21 communities and I may add, if... tell me if I'm
22 wrong, if police force in communities were not
23 existing anymore, I guess SQ will take the gap and
24 continue and I was told by Chief Shecapio once that
25 it was costing one point two million (1,2 M) for SQ

1 in this community as he was asking for three hundred
2 thousand dollars (\$ 300,0000) before.

3 So, I understand that it will cost more,
4 because officers of the SQ are payed more than
5 member officers of police force in communities. So
6 you are wondering why not paying or giving police
7 force in communities what's necessary to pay fairly
8 their officers and have equipment not too old...
9 like you speak about protection, equipment. We
10 heard earlier about cars, about building.

11 So, do I understand well what you're saying today?

12 **M. DWAYNE ZACHARIE:**

13 Well, you said to tell you if you're wrong and I
14 can't tell you you're wrong. You heard very well
15 what I had to say. You know, maybe if I can just
16 reiterate a couple of points. If First Nations
17 policing goes away, the cost is going to increase
18 three or four times more. That's what it's going to
19 cost to have someone else doing the policing, you
20 know? And it doesn't make sense to me that First
21 Nations policing would not be recognized as an
22 essential service and would not have the same
23 recognition or consideration as other police
24 services, like why not? It makes no sense to me,
25 you know?

1 The men and women of First Nations policing
2 are out there doing a great job, they're
3 professional, they're trained, you know, they're
4 trained the same as all the other officers in the
5 province. Why wouldn't they get the same
6 recognition? Why wouldn't they receive the same
7 benefit? Why wouldn't they have equality too? It
8 doesn't make sense to me, you know?

9 And if you look at the picture across the
10 country, Quebec is lacking behind compared to other
11 provinces. Other provinces, the First Nations
12 police departments, the officers are receiving
13 parity in terms of wages, but First Nations
14 communities across the country have... are
15 suffering. Each one has its own set of
16 circumstances and they need to be addressed,
17 whether it's infrastructure, whether it's lack of
18 equipment, whether, you know, whatever the issue
19 may be, we need to find some kind of a process that
20 can evaluate this and remedy the issue.

21 **LE COMMISSAIRE :**

22 Thank you very much.

23 **M. DWAYNE ZACHARIE:**

24 Thank you.

25 **LE COMMISSAIRE :**

1 I wish you the best for the future.

2 **M. DWAYNE ZACHARIE :**

3 Thank you. I would like to see you all.

4 **LE COMMISSAIRE :**

5 Okay. So, we'll... but I understand you... for the
6 next witness, you want to ask for closed proceeding
7 (inaudible)?

8 **Me DONALD BOURGET :**

9 Yes, under closed doors, because it's a police
10 matter, but a Youth Protection matter. Especially
11 so, that's the reason why we have to ask in camera,
12 close doors for the next hearing.

13 **LE COMMISSAIRE :**

14 So, I will make this order right now to... so, it's
15 going to be public before going behind closed door.
16 So, considering that the Commission's hearing are
17 public unless the Commissioner orders closed
18 proceedings, considering that the Commission intends
19 to present witness or witnesses in the file
20 number... - quel numéro on est rendu?

21 **Me DONALD BOURGET :**

22 62.

23 **LA GREFFIÈRE-AUDIENCIÈRE :**

24 HC-62.

25 **LE COMMISSAIRE :**

1 HC-62. Concerning the application of the Youth
2 Protection Act, concerning section 43 to 47 and 88
3 of the Procedural and Operational Rules of the
4 Commission, considering especially sections 11.2,
5 11.2.1, 82 and 96 of the Youth Protection Act, I
6 order the hearing being closed door, closed
7 proceedings of the witness or witnesses in the file
8 HC-62 to come after the break. Orders the non-
9 disclosure, non-publication or distribution of the
10 testimony, evidence, application or observation in
11 this file.

12 So now, we'll take a break and go on with
13 closed proceeding.

14 **Me DONALD BOURGET :**

15 Thank you, Mr. Commissioner.

16 **LE COMMISSAIRE :**

17 Okay.

18 SUSPENSION

19 -----

20 REPRISE

21 **LA GREFFIÈRE-AUDIENCIÈRE :**

22 La Commission reprend ses audiences.

23 **LE COMMISSAIRE :**

24 So, welcome back. You will now present your next
25 witness?

1 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

2 Yes.

3 **LE COMMISSAIRE :**

4 It's understood that we are behind closed doors?

5 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

6 Um-hum.

7 **LE COMMISSAIRE :**

8 Okay. So, will you present your next witness?

9 And, oh, I will just, for the transcript, Me Denis-
10 Boileau, you're replacing Me Bourget now?

11 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

12 Yes, exactly.

13 **LE COMMISSAIRE :**

14 For the Commission? Okay. And Me Boucher is still
15 with us.

16 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

17 Okay. So...

18 **LE COMMISSAIRE :**

19 Representing the Attorney general. Okay?

20 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

21 So now, we will be hearing [REDACTED] [REDACTED] Before I
22 introduce her further, we can assess Mrs [REDACTED]

23

24

25

1 [REDACTED] [REDACTED]
2 témoin citoyen
3 Affirmation solennelle

4 -----

5 **MME** [REDACTED] [REDACTED] :

6 Thank you.

7 **LE COMMISSAIRE** :

8 So, welcome. We'll listen to you carefully.

9 Go on, Me Denis-Boileau.

10 **Me MARIE-ANDRÉE DENIS-BOILEAU** :

11 Yes. Maybe just before I start, I think there's
12 one person... well, there's two people we need to
13 allow in the hearing, that Mrs. [REDACTED] might be
14 joined by someone. I think you need just to...

15 **LE COMMISSAIRE** :

16 Okay. So even if it's behind closed door, I will
17 authorize madame Christine Desrochers to stay with
18 us and with the agreement of the witness. And we
19 will also let her cousin [REDACTED] to
20 assist when she'll arrive. And I understand the
21 guardian knows about that. Okay?

22 **Me MARIE-ANDRÉE DENIS-BOILEAU** :

23 Yes, they are informed.

24 **LE COMMISSAIRE** :

25 He'll let her in.

1 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

2 Um-hum.

3 **LE COMMISSAIRE :**

4 Okay. Go on.

5 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

6 Thank you. So, for the next hour, we will be
7 hearing from Mrs [REDACTED] [REDACTED] she will share her
8 impression, her feeling in relationship with an
9 event that happened with the Eeyou Eenou Police
10 Force and the Sûreté du Québec of Chibougamau-
11 Chapais. She might also provide some insight as to
12 avoid other people suffering what she suffered in
13 the past.

14 So, just to set the context, in October two
15 thousand sixteen (2016), Mrs [REDACTED] encountered
16 police officers from the Eeyou Eenou Police Force
17 and the Sûreté du Québec. So Mrs [REDACTED] can you
18 explain to us what happened on that day on October
19 twenty thousand sixteen (2016) and that brought you
20 today in front of us?

21 **MME [REDACTED] [REDACTED] :**

22 Yes. It started with... me and my brother were
23 talking at my house and we heard tires squealing and
24 we checked... and he said it's the police. And we
25 were transferring music from my old phone to my new

1 phone and my brother told me that they would take my
2 phones, that his friend, one of his friends happened
3 something like this to him and they took his phones.
4 So, I hid my phone, my new phone and threw it in the
5 back, which (inaudible), um-hum and I wasn't afraid
6 to throw it in the back, because it was water-
7 proof, so I figured it was safe, and I had my old
8 phone on... in my hand and I was holding it and the
9 police officer kicked my door down and my
10 (inaudible) sits beside the entrance, because it's
11 an old house, it's... I think it's supposed to be a
12 dining room, I don't know, but anyways, he kicked
13 the door down.

14 It was... I got up (crying) I was choking on
15 the bed. He opened (inaudible) when this police
16 officer came running to me, putting a gun at my face
17 I remember what he said. I'll never forget my son's
18 face, how scared he was. The police officer turned
19 me around and he was holding his gun against me and
20 I saw my son come here and he came running. (crying)
21 He came running and he hugged me and I was hoping
22 that... and I put my phone in my pants, because I
23 didn't have pockets in my underwear.

24 He pushed me, he pushed us all the way to the
25 (inaudible). I was scared, my son was scared. I

1 told him - "stop! I'm not doing anything". He
2 can't go (inaudible). (crying) My brother was
3 standing there, he went to go down on the kitchen
4 table. I told my son - "Go see [REDACTED] go stand
5 with him."

6 Today, my son is not the same. He's really
7 (inaudible - crying). An officer told me - you're
8 resisting an arrest. I said "I'm not. I'm not."
9 It was (inaudible). He put the paper first on the
10 stove, then he would come... the paper was folded in
11 three and it was open like you could see (inaudible)
12 enough time to read and he read me my rights. And
13 we're waiting for a female officer. The police
14 officers that arrested me, his name is [REDACTED]
15 [REDACTED] and he kept saying stuff to me throughout
16 the time we were at my house.

17 Today, I smoke cigarettes secretly. (Inaudible
18 - crying). My friend told me it makes her feel
19 better when she drinks a lot and I tried smoking.

20 I remember I asked one of the officers that was
21 there, he was standing by the sink, he looked like
22 the boss or something. I asked [REDACTED] first that I
23 needed to get a drink and he said "I know why." He
24 kept laughing throughout this, throughout the times
25 that we were at my house. Like, he'll keep just

1 smiling like he has this look, like... I don't know.
2 Like he was the Joker or something. I asked him to
3 get a drink and he said "No." And he said - "I know
4 why you're thirsty." and he said it with a smile.
5 I told my son there's some bad officers. There's
6 some bad officers, they... and this guy is one of
7 them. I was crying throughout the whole time. And
8 then, that, he looked like he was the boss, he gave
9 me the water.

10 I told [REDACTED] (inaudible). My baby was in a
11 room. She got up and I told him to go check on her.
12 They said she'll be fine, but it wasn't her room, it
13 was my other daughter's room and I told please check
14 on her, she might eat Crayon, she's only two years
15 old.

16 They checked on her, they played with her in
17 the room. Um-hum. The female officer came, and she
18 wanted to search me in front of everyone. I told
19 her, I begged her - please, not here. Not here
20 (inaudible) my brother. (crying) [REDACTED] refused, he
21 said - no. I told him - at least, let's go to the
22 washroom and [REDACTED] said no. (crying) I told my
23 brother - please don't let my son look at me. And I
24 kept begging her.

25 Then we went to the washroom. We were

1 completely inside, and she pulled down my pant. And
2 everyone that was around this (inaudible). I only
3 looked at [REDACTED] then. They took my phone then, we
4 went to the police station. Me and my son were sick
5 that night. We had pizza, I couldn't sleep.
6 (Inaudible) her stomach before, before it happened.
7 I was so confused.

8 I was at the police station from one (1:00 hr)
9 to four (4:00 hrs). I (inaudible) my stomach felt
10 better. There was a guy, I think, his name was
11 [REDACTED] he came to the cell, he asked me who my
12 lawyer was and I said I didn't have a lawyer. I
13 mean, my boyfriend's lawyer, his name was [REDACTED]
14 [REDACTED] but he wasn't my lawyer, but it's
15 still the person I thought of and he came back and
16 asked again who my lawyer was again and I told him.
17 And I went in the room, they asked questions,
18 they... I don't really remember what they asked. I
19 talked to a lawyer before the... they asked me
20 questions.

21 And they let me go after. Because this
22 happened, because of my boyfriend's family, they
23 really hate him. I noticed all the police officers
24 too in Waswanipi. A lot of police officers know
25 him, even in Chibougamau. (Inaudible) they know him

1 well and his past. I believe that it's his uncle.

2 I remember one time, he mentioned something in

3 his family, that's why they really hate him.

4 Something happened to his... I don't know, that's

5 not my story to tell, but they really hate him. I

6 really believe that's why this happened to me and

7 they didn't stop. They ended up using my babysitter

8 happy(?) for... I thought she was my friend. I

9 didn't know she went to their house. Um-hum. It's

10 my boyfriend's uncle and his girlfriend. I really

11 believe they're the ones who made a report on me.

12 See, they called me one time, that was my...

13 first, there was my babysitter, she babysat for me

14 for like fifteen (15) minutes and she wanted twenty

15 dollars (20 \$) which I didn't have, I told her I was

16 going to go to the bank tomorrow. And she really

17 wanted it. Actually, why did you really want it?

18 The store is closed. I didn't know she was going to

19 go to those people, [REDACTED] and [REDACTED]

20 They're... those are the people that made a report

21 on me, I believe. I really believe so, because who

22 else would it be? She went over there she went to

23 go drink over there. She came back, she smelt like

24 liquor and I told her you'll have to come back

25 tomorrow for your twenty dollars (20 \$).

1 Then, she went over there, they called me from
2 their house phone, [REDACTED] s house phone and they
3 said - we're going to come over there if you don't
4 give us our twenty (20)... we're going to come over
5 there and slash your tires. And [REDACTED] knew it
6 before that I was going to go visit my boyfriend in
7 (inaudible). So, they called me and threatened me
8 they're going to slash my tires.

9 So, I called the police. I could hear the
10 background that... the standard (inaudible) were
11 laughing and I called the police and (inaudible) and
12 I told her the situation and she said: "Oh, we can't
13 do anything, because it's not direct." "Isn't the
14 phone direct...?" Anyways, I woke up the next
15 morning and I find my two (2) back tires were
16 slashed and I called the police to come and look and
17 they said: "Did you see her do it?" "No, but I made
18 a call yesterday to warn that something was going to
19 happen." And... It's really sad, nothing was done
20 about that.

21 Ah, sometime after the raid, there was the
22 police officer that made fun of me. There was a
23 lady that mentions my mother on Facebook. It was
24 mean, making... nasty comments about me. It was the
25 police chief [REDACTED] she... he went out with

1 [REDACTED] She got divorced, so, I don't
2 know her last name now. And she messaged my mother
3 and told her her daughter should do something about
4 this. This man is very... I don't know what the
5 word she used, but calling her names all the time
6 when we see her, laugh at her when we see her. She
7 even said that (inaudible - crying). She made no...
8 must mean something she said. Obviously, the
9 polo(?) was there. My mother.

10 Another time, there was an officer, it was
11 still some time after the raid, he met with me. He
12 waved at me on Messenger and my... and then, he... I
13 was sitting at my front house, I could see him from
14 where I was. My friend is closed to [REDACTED]
15 He's a police officer and we could see him standing
16 outside his house and I told her - come here, look
17 at this... and we could see him from there and she
18 said... he said "Hey!" Then, she told me to say...
19 Say what? What if he wants to apologize? What
20 happens, you know... at my house. And I said -
21 "What?" And he said no response.

22 Then I went home. I went home and he waved at
23 me whoever like this but he was standing with her
24 like normal(?) and I told him (inaudible) she said I
25 saw.... I come from in his wife long time... We

1 could see bother me... he bothered me (crying). I
2 confronted his wife. She (inaudible) she works at
3 the daycare, I think she's like the boss, I don't
4 know. I saw her, I was (inaudible) with my kids at
5 that time and it bothered me to tell her I really
6 wanted to tell her and I told her - I need to speak
7 with you in your office. And she said - okay.

8 We went in the office and we talked and I
9 explained what happened, that her husband has been
10 messaging. And I told her how do you think that
11 makes me feel when she see me, when he see me my
12 private area (inaudible - crying). And she told me:
13 what did he say? Well, he said: Hey! - and what
14 did you say, she asked me. I said: what? That's
15 all, he didn't respond. And he did invite me to
16 your house. She wasn't there that time. She wasn't
17 there.

18 He follows me around with his personal vehicle
19 at that time. He stopped at one point, my friend
20 says - don't look in your window... So we just kept
21 going. That's when I dropped her off, we looked up
22 to his house, he was already at his house standing
23 outside, that's when he messaged me.

24 Another time, there was an officer, his name
25 was Simon, he was not Native. They were driving by

1 my house really slow as if they were watching me and
2 I seen (inaudible) something, and they drove by and
3 I got tired of it, I go to my trunk (inaudible). I
4 went (inaudible). They went behind the pool house,
5 I went there, my friend was with me and I got out
6 and I said: why are you guys following me? Why are
7 you guys watching me all the time like that? And
8 this guy [REDACTED] he just... he was just looking at me
9 when I talked and I told, I explained to him what
10 happened at my house and what he's doing, messaging
11 me, that if there's anything that he can do.

12 He said the police, he wasn't there at the
13 moment and that was his (inaudible) business. I
14 carry with the video, he's taking a video of me
15 talking. And he asked me: why do you go tell my
16 wife something like that? - Well, it's true, it
17 bothers me. I asked: what's wrong with you, do you
18 hate me or something? Last thing I asked me, what
19 was his... the officer's name that was with him?
20 And he said [REDACTED] (crying)

21 I had my daughter's birthday, the latest
22 birthday like a week ago. We were putting helium in
23 the rooms, my son was there and my friend. A blue
24 parked, my friend came running to me. I said:
25 what's wrong? And he said he was scared with the

1 blue (inaudible). (crying) It was heavy burden,
2 because I remember when he see me at the time of the
3 raid when they took my kids, I got them back the
4 next day. My mom told me later my son was very
5 scared that night. He kept saying to my mom: they
6 took my mom. She said: she's sleeping, she's okay.
7 - Well, can you just check on her? Leave my
8 children.

9 My mom said we pray for her... He slept
10 peaceful, he's worried. Next day, when they brought
11 him, the social services came, he was so scared, he
12 was shaking. I asked him: why did they have to
13 come with the police? Then, the lady told... one of
14 the ladies told me they won't come next time when
15 they come and they will (inaudible) (crying).

16 (Inaudible) still needs to see his mom today.

17 (Inaudible) about it, I always remind some face. I
18 think that's all.

19 **LE COMMISSAIRE :**

20 Est-ce que vous avez des questions? Do you have
21 some questions?

22 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

23 Yes, I have some questions.

24 Just some clarification actually, Mrs [REDACTED] I
25 just want to know how many police officers were

1 there in your house on that night?

2 **MME** [REDACTED] [REDACTED] :

3 Um... I'm not really sure, maybe six (6). I'm not
4 really sure.

5 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

6 Okay. And I understand some were from the Sûreté du
7 Québec and...

8 **MME** [REDACTED] [REDACTED] :

9 Yes.

10 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

11 ... some were from Eeyou Eenu Police Force?

12 **MME** [REDACTED] [REDACTED] :

13 Yes.

14 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

15 Do you remember more or less how much were Sûreté du
16 Québec and how much were Eeyou Eenu?

17 **MME** [REDACTED] [REDACTED] :

18 I think there was more (inaudible) Eenu police.

19 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

20 Thank you. And I understand that they... at some
21 point, they show you the warrant? Do you know
22 how... about more or less how long they were in the
23 house before they show you the warrant?

24 **MME** [REDACTED] [REDACTED] :

25 Um... maybe about... less than five (5) minutes for

1 notebook, it just confirms the fact that they... it
2 doesn't explain all of it, but it confirms that
3 there was a search by Eeyou Eenuu Police Force agent
4 before going to the police station.

5 And in the other notebook, it just... the
6 police officer notes that the two years old kid
7 seemed scared. So, that's why we're filing them
8 into evidence.

9 I have no more questions. Thank you.

10 **LE COMMISSAIRE :**

11 Me Boucher, do you have questions?

12 **Me MARIE-PAULE BOUCHER :**

13 Yes. One, Sir.

14 **LE COMMISSAIRE :**

15 If you want to come forward?

16 **Me MARIE-PAULE BOUCHER :**

17 Bonjour. I'm going to ask my questions in French,
18 because my English is not that good. So, maybe you
19 should put the hearing set?

20 **LE COMMISSAIRE :**

21 Well, Christine, is it possible to help her with the
22 device? And to... Now, we'll have the translator
23 to speak. So...

24 **MME** [REDACTED] [REDACTED] :

25 Okay.

1 **LE COMMISSAIRE :**

2 ... to speak in English on the channel "English" and
3 when you listen, you hear it, you say: "It's okay."

4 **MME [REDACTED] [REDACTED] :**

5 Okay.

6 **LE COMMISSAIRE :**

7 It's okay?

8 **Me MARIE-PAULE BOUCHER :**

9 Juste pour être sûre de bien comprendre l'histoire,
10 la personne qui a effectué la fouille, c'était bien
11 une femme? C'est bien ça?

12 **MME [REDACTED] [REDACTED] :**

13 Yes.

14 **Me MARIE-PAULE BOUCHER :**

15 Et c'était une femme qui était du corps de police de
16 Eeyou Istchee?

17 **VOIX MASCULINE NON IDENTIFIÉE :**

18 Yes.

19 **Me MARIE-PAULE BOUCHER :**

20 C'était pas celui de la Sûreté du Québec?

21 **MME [REDACTED] [REDACTED] :**

22 No.

23 **Me MARIE-PAULE BOUCHER :**

24 Est-ce que les policiers de la Sûreté du Québec,
25 lors de la fouille, étaient près de vous? Où se

1 trouvaient les gens de la Sûreté du Québec?

2 **MME** [REDACTED] [REDACTED] :

3 Where... right over the door. It was open.

4 **Me MARIE-PAULE BOUCHER** :

5 It was open?

6 **MME** [REDACTED] [REDACTED] :

7 Yes and they were looking. I know [REDACTED] the one
8 that was looking, because he's the only person that
9 looked, but they were all standing like this and
10 [REDACTED] was here.

11 **Me MARIE-PAULE BOUCHER** :

12 And [REDACTED] from Eeyou Istchee Police Force?

13 **MME** [REDACTED] [REDACTED] :

14 Yeah.

15 **Me MARIE-PAULE BOUCHER** :

16 Okay, just to make sure. Who is the one who...
17 c'est qui la personne qui vous a menottée
18 initialement? Est-ce que c'est quelqu'un de la SQ
19 ou si c'est quelqu'un de la force de police locale?

20 **MME** [REDACTED] [REDACTED] :

21 It was [REDACTED]

22 **Me MARIE-PAULE BOUCHER** :

23 C'était [REDACTED] J'aurai pas d'autres questions,
24 Monsieur le Commissaire. Merci beaucoup.

25 **LE COMMISSAIRE** :

1 Très bien. Me Denis-Boileau, do you have other
2 questions?

3 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

4 Yes, I'm sorry. It's just one thing I forgot to ask
5 you actually, because I know you had some
6 recommendations to have a better police work in the
7 future - trust - specifically the Eeyou Eenou Police
8 Force. So do you have any recommendations to share
9 with us?

10 **MME** [REDACTED] [REDACTED] :

11 I think I did mention before when something like
12 this happens, that there should be someone that...
13 that's not like... works at the police station,
14 like a witness, something like a witness, to be
15 there when... at the house when it happens. So,
16 they don't, like, talk to this person, you know,
17 like, to be able to trust somebody. There's no,
18 huh..huh, I guess...

19 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

20 Yet, you were also... yes, thank you. And you also
21 told us that when these types of situations happen,
22 you would prefer to have people from outside of the
23 committee. It's something you said. Is it
24 something...

25 **MME** [REDACTED] [REDACTED] :

1 Yeah, something like that. I'm not sure how I said
2 it, I have to... I didn't get through, huh!
3 (Inaudible). Well, yeah, someone outside of the
4 community to be there when it... before it happens
5 so they don't... you know? (Inaudible). So,
6 somebody that they don't know, I guess. Well, yes
7 the SQs, a good idea still, but you know, someone
8 Native, huh-huh, (inaudible). I don't know. It's
9 hard to... I forget what they said last time...

10 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

11 What's important is what you say today, so it
12 doesn't matter if it's not the same thing as last
13 time.

14 **MME** [REDACTED] [REDACTED] :

15 I forgot how I suggested. I already forgot. I
16 think that's all, um-hum.

17 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

18 Thank you.

19 **Me MARIE-PAULE BOUCHER :**

20 J'aurais une dernière question.

21 **LE COMMISSAIRE :**

22 Yes?

23 **Me MARIE-PAULE BOUCHER :**

24 J'ai oublié, Monsieur le Commissaire.

25 **LE COMMISSAIRE :**

1 Okay, go on, um-hum.

2 **Me MARIE-PAULE BOUCHER :**

3 La personne qui vous a donné un verre d'eau, est-ce
4 que c'est... ah, you put your hearing.

5 **LE COMMISSAIRE :**

6 Um-hum.

7 **Me MARIE-PAULE BOUCHER :**

8 La personne qui vous a donné un verre d'eau, est-ce
9 que c'était un membre de la police locale ou un
10 membre de la SQ?

11 **MME** [REDACTED] [REDACTED] :

12 The SQ.

13 **Me MARIE-PAULE BOUCHER :**

14 Merci beaucoup.

15 **MME** [REDACTED] [REDACTED] :

16 Um-hum.

17 **Me MARIE-PAULE BOUCHER :**

18 Merci.

19 **LE COMMISSAIRE :**

20 Is there something else? Would you like to add
21 something?

22 **MME** [REDACTED] [REDACTED] :

23 Um... no.

24 **LE COMMISSAIRE :**

25 Um, no?

1 **MME** [REDACTED] [REDACTED] :

2 (Inaudible).

3 **LE COMMISSAIRE** :

4 It's okay? So, I will thank you for having accepted
5 to share with us these moments not very happy. I
6 understand that you suffered a lot from that and
7 your son also. And that for your son, it's still
8 difficult for him. How old is he?

9 **MME** [REDACTED] [REDACTED] :

10 Six (6)... I always forget, because I have so many
11 children.

12 **LE COMMISSAIRE** :

13 Ah, ah, ah! Okay.

14 **MME** [REDACTED] [REDACTED] :

15 I have four...

16 **LE COMMISSAIRE** :

17 No, but he is...

18 **MME** [REDACTED] [REDACTED] :

19 ... four children.

20 **LE COMMISSAIRE** :

21 ... still young?

22 **MME** [REDACTED] [REDACTED] :

23 Yes.

24 **LE COMMISSAIRE** :

25 It's a child. So, I wish he can turn the page and

1 go on without having always this in his mind.

2 **MME** [REDACTED] [REDACTED] :

3 I think it will when his dad comes. His dad is in
4 prison for two years now and he always asks his
5 father. He wasn't around when this happened I think
6 he will be better when he comes. He's supposed to
7 come out this year. So, I think it will change
8 everything, um!

9 **LE COMMISSAIRE** :

10 Um-hum. Okay, so, I will wish you and your son the
11 best.

12 **MME** [REDACTED] [REDACTED] :

13 Thank you.

14 **LE COMMISSAIRE** :

15 And thank you again for sharing with us, hoping that
16 it won't happen again. Thank you very much.

17 **MME** [REDACTED] [REDACTED] :

18 Thank you.

19 **LE COMMISSAIRE** :

20 So, we'll suspend until one thirty (1 h 30)?

21 **Me MARIE-ANDRÉE DENIS-BOILEAU** :

22 We'll be because closed hearing at one thirty
23 (1 h 30).

24 **LE COMMISSAIRE** :

25 At one thirty (1:30)...

1 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

2 Yes.

3 **LE COMMISSAIRE :**

4 ... closed hearing?

5 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

6 Um-hum.

7 **LE COMMISSAIRE :**

8 Okay. So, we will pronounce this at the time.

9 We'll start the public at one thirty (1 h 30), we
10 will... you ask me at the time for closed hearing
11 and then, we'll go with the...

12 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

13 Okay.

14 **LE COMMISSAIRE :**

15 And what's the...

16 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

17 It will be a member of the...

18 **LE COMMISSAIRE :**

19 ... program of the afternoon? Is it closed hearing
20 all evening?

21 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

22 It's the...

23 **LE COMMISSAIRE :**

24 Uh, all afternoon, I mean?

25 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

1 Yes, it will Me Bourget.

2 **LE COMMISSAIRE :**

3 Okay, but nothing public this afternoon?

4 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

5 Not... no.

6 **LE COMMISSAIRE :**

7 Are you sure of that?

8 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

9 Yes.

10 **LE COMMISSAIRE :**

11 Okay.

12 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

13 That I know, yes.

14 **LE COMMISSAIRE :**

15 Ah, okay. We'll see.

16 **Me MARIE-ANDRÉE DENIS-BOILEAU :**

17 Yes.

18 **LE COMMISSAIRE :**

19 So, we'll postpone until one thirty (1 h 30).

20 SUSPENSION

21 -----

22 REPRISE

23 **LA GREFFIÈRE-AUDIENCIÈRE :**

24 La Commission reprend ses audiences.

25 **LE COMMISSAIRE :**



1 So, good afternoon everybody. Me Bourget, you are
2 going to present the next witnesses?

3 **Me DONALD BOURGET :**

4 Yes, Mr. Commissioner, good afternoon.

5 Good afternoon, Mr. Sherrard and Mr. Bobbish. So,
6 we're... the presentation is about the amendment of
7 the Civil Code and other legislative provision in
8 regards of adoption and disclosure information,
9 which is the Bill 113 regarding the customary
10 adoption and customary guardianship for the
11 Indigenous Nations.

12 So, Mr. Bobbish is a consultant and former
13 Chairman... Chairperson of the Cree Board of Health
14 and Social services of Baie James... James Bay. And
15 Me Matthew Sherrard is partner at Gowling law firm
16 in Montreal, legal counsel for the Grand Council of
17 Crees Eeyou Istchee. The... and the Cree Nation
18 government. And they are representatives for the Cree
19 Board of Health and social services. So, after...

20 **LE COMMISSAIRE :**

21 So, I understand Me Shephard[sic] is a lawyer?

22 **Me DONALD BOURGET :**

23 Yes.

24 **LE COMMISSAIRE :**

25 He will testify on his Oath of Office. And then, I

1 will ask the clerk to go on with the oath of Mr.

2 Bobbish.

3 -----

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 James Bobbish
2 Ancien président du Conseil Cri de la santé et des
3 services sociaux de la Baie James/Porte-parole du
4 Gouvernement de la Nation Cri
5 Affirmation solennelle

6 -----
7 Matthew Sherrard
8 Spécialiste de la gouvernance et du droit autochtones
9 Serment d'office

10 -----

11 **LE COMMISSAIRE :**

12 So, welcome, both of you. We will listen with very
13 carefully to what you... you'll have to say to us
14 this afternoon.

15 Me Bourget? Do you want to...?

16 **Me DONALD BOURGET :**

17 And watch the PowerPoint. We could file the
18 document before the presentation under exhibits 647
19 for the PowerPoint. And there is another document
20 which is a resolution of the National Assembly
21 giving... defining rights for Indigenous People, the
22 common... in two thousand one (2001) under exhibit
23 648. So, I'll let you go, gentlemen, with the
24 PowerPoint.

25

- PIÈCE COTÉE P-647 -

1 And certain perspectives that we're talking about
2 related to Bill 113 and any other considerations
3 that we think are important.

4 Bill 113 has passed in June two thousand
5 seventeen (2017). It's an act to amend the Civil
6 Code and other legislative provisions as regards to
7 adoption as well as the disclosure of information.
8 Bill 113 is a very positive step in the
9 reconciliation process between the government of
10 Quebec and Indigenous people in general.

11 The provisions of Bill 113 dealing with
12 customary adoption and customary guardianship
13 with... which we use "tutorship" were developed
14 collaboratively by the... what's this...?

15 **Me MATTHEW SHERRARD :**

16 Primary.

17 **M. JAMES BOBBISH:**

18 Primary. The provisions of the 113 - thank you -
19 with customary adoption, we... these discussions
20 and what we see provided within the amendment of
21 the law were developed collectively,
22 collaboratively - well, I could say "collectively"
23 also with Indigenous groups. It reflects the right
24 of Indigenous communities in governing their own
25 affairs especially in regards to children and

1 families.

2 To demonstrate the knowledge and recognition
3 of the government of Quebec, of the distinct
4 Indigenous Nations in Quebec with their own
5 identity and rights, in accordance with the
6 resolution of the Quebec National Assembly which is
7 dated March twenty (20), nineteen eighty-five
8 (1985), this is part of the documentation that
9 we've brought along, you know, for reference.

10 The provisions of Bill 113 with customary
11 adoption and customary guardianship also bridge
12 Indigenous customary law and Quebec civil law,
13 which clarifies the legal effects of Indigenous
14 customary adoptions and guardianships, so, it's a
15 hybrid situation here. This will allow for easy
16 recognition of these legal effects by persons and
17 bodies outside of our communities, including by
18 provincial public services, because there needs to
19 be an interface with what happens with customary
20 adoption and with the authorities of... different
21 authorities in Quebec.

22 Also, the provisions of Bill 113 will help to
23 reinforce and strengthen customary adoption,
24 customary guardianship practices for the benefit of
25 Indigenous children, families, communities and

1 nations.

2 These provisions of Bill 113 also help promote
3 proactive traditional approaches to situations
4 where a child should not or cannot be with his or
5 her biological parents, a situation like this.
6 These situations might otherwise end up in the
7 Youth Protection system, often perceived by
8 Indigenous people as intrusive and a "foreign" way
9 of working with such matters.

10 May decrease involvement of Youth Protection
11 services for Indigenous children and families as a
12 direct result of strengthened customary adoption
13 and guardianship practices.

14 Carrying on with the key points. These
15 proactive customary processes are fundamentally
16 based in our families, in our communities and
17 require strong collaboration of extended family
18 members. It is critical that extended family
19 members are able to reside in their communities in
20 a healthy and sustainable manner for these
21 institutions to function well. These require...
22 this requires adequate, appropriate housing in the
23 Cree communities. Currently, there is an acute
24 shortage of housing in the Cree communities.
25 Urgent action is needed to address overcrowded

1 substandard housing.

2 We've brought in housing as one example of how
3 these situations develop in the communities and
4 housing is one of the critical issues on how well
5 we're able to relate to each other in the
6 community. And having overcrowded and substandard
7 housing, you know, causes certain difficulties in
8 relationship to families and sometimes, affects the
9 children.

10 The importance of quality housing to the
11 overall health and well-being of Indigenous people
12 and communities cannot be emphasized enough. This
13 extends to customary practices based fundamentally
14 on our closed family and community bonds such as
15 community customary guardianship and customary
16 adoption.

17 Bill 113 is an important step in the
18 reconciliation process between the government of
19 Quebec and Indigenous people and Bill 113, as far
20 as we've seen so far, has been welcomed by
21 Indigenous groups, because we've made different
22 presentations to Band Councils, Chiefs and other
23 groups in the past few months.

24 These legislative changes carry additional
25 responsibilities for the Indigenous communities

1 that choose to participate and require financial
2 and other resources to implement properly, as
3 recommended by the Working Group on Customary
4 Adoption. These changes must be coupled with
5 planning and allocation of sufficient resources
6 determined on a Nation to Nation basis between
7 Quebec and Indigenous groups. We're not saying
8 that we all go there with one big idea, it's just
9 that people will have to go according to economies
10 of scale in the way that they wish to deal with
11 this matter.

12 Without proper resources, Bill 113 would be an
13 incomplete initiative which would set the stage for
14 implementation problems later on. And if we catch
15 those later, it might be, you know, complicated and
16 problematic.

17 Inadequate funding would also fall... fail to
18 respect the important work achieved by the Working
19 Group on Customary Adoption and the historical
20 legislative changes of Bill 113. And we say
21 "historical" very clearly, because we haven't seen
22 anything like this for... at least, I haven't seen
23 anything like this (inaudible) legislation that
24 goes to this effect.

25 So, the funding to Indigenous communities and

1 Nations by Quebec cannot be delayed, because we're
2 at the doorstep of implementation. If necessary,
3 Quebec and Canada again determine between them how
4 to share these costs. So we do have some talks
5 with Quebec at the moment on the practicalities of
6 implementing and we also would like to engage
7 Canada to a certain extent to see if any of their
8 programs can be, you know, used as part of this
9 implementation. And the programs or the way to
10 carry the program.

11 Customary adoption and customary guardianship
12 have been practiced by the Cree throughout many
13 generations and I can say probably countless
14 generations. Ever since there were Cree, there is
15 no direct literal translation for the term
16 "adoption" or "guardianship". It's... of a child,
17 it's more of a situation, there's no one definite
18 term that is used, at least in a technical sense.

19 Notions in our language are closer to concepts
20 of a person raising a child, other parents or
21 supporting such a child for a given period of time
22 to adulthood. So this would be the temporary
23 guardianship and a permanent adoption.

24 So, according to the Cree customs, some of the
25 customary situations are temporary arrangements and

1 can be understood as a form of guardianship.

2 Other of these customary situations result in
3 the child becoming part of their adoptive families
4 permanently and these can be understood as a form
5 of adoption. So, that's the two forms of adoption
6 that we're talking about, guardianship, which is
7 more of a temporary nature and the adopt...
8 customary adoption itself, which is set to be a
9 permanent situation.

10 These customary practices, whether permanent
11 or temporary, allow parents to share or transfer
12 their parental responsibilities to family or
13 community members if parents cannot assume their
14 responsibilities for different reasons and anybody,
15 I'm sure you heard of different reasons, so we'll
16 leave it at that.

17 Cree customary adoption and guardianship take
18 place in the interest of the child while into
19 account that for the Cree, the notion of interest
20 of the child also includes the interest of the
21 family and of the community and of the Cree Nation.
22 It's not an isolated concept in terms of... in the
23 care of the child, it involves the family and the
24 community.

25 This has always been a consensual process

1 between or within Cree families, often with the
2 support of the community, because everybody would
3 know about it and if anybody had a question on
4 that, he could come in, but this is more between
5 two families agreeing with each other, not making a
6 decision, but consenting with each other. And
7 usually, it was a verbal agreement. There were no
8 written documentation that just happens naturally,
9 more or less by a certain situation that happens
10 within that community for that family.

11 Despite the dark period of residential schools
12 and so-called "Sixties Group", customary adoption
13 and guardianships are still practiced widely today
14 by the Cree.

15 The customary adoption and customary
16 guardianship practices remain an integral part of
17 Cree culture and identity. Traditionally, the Cree
18 ensured our children were taken care of and that
19 their interests were protected.

20 The Cree Nation is taking appropriate
21 resources... measures, I'm sorry - to ensure that
22 this continues to be the case, including through
23 the development of an implementation framework for
24 the new administrative legal regime established
25 pursuant to Bill 113. So, we're in the middle of

1 those... talking about those measures with
2 different people and the Cree leadership.

3 Cree customary adoption, when we talk about
4 Cree rights specifically, it is an Aboriginal and
5 Cree right. It's confirmed by section 3 of the
6 James Bay and Northern Quebec Agreement, of which
7 the James Bay and Northern Quebec Agreement is a
8 constitutionally protected modern day treaty and
9 has been described as such.

10 The... Cree have the right to chose either
11 customary adoption or to choose a mainstream
12 adoption process under Quebec legislation, which is
13 the process that everybody knows about, so we can
14 have access to that, but at the same time, to
15 decide whether we want to do these measures in a
16 more customary way and Bill 113 allows that.

17 Basically, even without Bill 113, Cree
18 customary adoption is valid under Cree customs.
19 And domestic law has legal effects and is
20 constitutionally protected, so despite what is
21 happening. However, Bill 113 is so important that
22 these legal effects are not always recognized by
23 non-Cree third parties such as authorities,
24 government officials, government public services
25 such as youth protection, health and social

1 services, education, services outside of our
2 communities. So, it's... so, even though we're
3 allowed and are able to do these arrangements at
4 our local levels, the mechanisms are not there to
5 give that effect, even though we say this is our...
6 these are the provisions that we have.

7 So, these practicalities has led to problems
8 for Cree families and children who need to have
9 these legal effects recognized to exercise
10 responsibilities as adoptive parents or guardians.
11 As an example, the things that parents need to do,
12 the registering of a child for school, making sure
13 they have their health insurance card, consenting
14 to care in the health and social service setting
15 and government benefits for children, applying for
16 passport. You know, these are certain examples,
17 not all examples of what families encounter when
18 these effects are not carried out or recognized.

19 In some cases, this non-recognition of
20 customary adoption even resulted in children being
21 taken away from the Cree, a reminder of the days of
22 the residential schools and the so-called "Sixties
23 Scoop".

24 While the Cree have the required jurisdiction
25 to deal with adoption matters, we have supported

1 the idea of clarifying the Civil Code of Quebec and
2 other legislations to facilitate recognition of
3 this... of these adoptions.

4 **Me MATTHEW SHERRARD :**

5 So, this is effectively what has been accomplished
6 by Bill 113. So, it provides in essence a concrete
7 way to address these issues. So, as Mr. Bobbish
8 mentioned, it's a bridge between customary law and
9 Quebec law to facilitate the recognition of these
10 legal effects. And so, these have been the
11 approaches of Bill 113 and it addressed not only
12 the issues of customary adoption, but also
13 temporary customary guardianship situations. And
14 so Bill 113 is so important, because it provides
15 practical concrete solutions to address the issues
16 where non Cree third parties, specifically
17 government services, were not recognizing the legal
18 effects and this could pose problems for parents.

19 So, before discussing Bill 113 further, I
20 think we feel it's important to understand how this
21 important legislation came about and how these
22 changes came about.

23 Do you want to continue...?

24 **M. JAMES BOBBISH:**

25 I'll start, counsellor. I don't know. Many, some

1 people who are on the table will remember in two
2 thousand seven (2007), a report came out regarding
3 some concerns that Quebec had, with regard to
4 adoption at large and there was a call for certain
5 changes in the Civil Code and this is where the
6 Working Group worked on from that report and in
7 that report, there is a recommendation that other
8 Working Groups should work on the Aboriginal
9 customary adoption in order for to be established,
10 you know, for the purposes of... or it was the
11 intention in the amendment of the Civil Code.

12 In two thousand eight (2008), the customary...
13 the Working Group on Customary Adoption in
14 Aboriginal communities, which is we say as the
15 "Working Group", was formed to make recommendations
16 for legislative clarification, effects of Indigenous
17 customary adoption among other things.

18 **Me MATTHEW SHERRARD :**

19 Um-hum. So, the group was made up interestingly of
20 representatives from Quebec. So, the ministry of
21 Justice, the ministry of Health and Social services,
22 including the Director of Youth Protection and also
23 included representatives from different Inuit and
24 First Nations organizations and including Mr.
25 Bobbish and myself as well, I assisted Mr. Bobbish

1 who was, in fact, designated to represent the Grand
2 Council of the Crees of Eeyou Istchee and the Cree
3 Nation government as well as the Cree Board of
4 Health and social services of James Bay at the time.
5 So, there were other representatives of the AFNQL,
6 for instance, Quebec Native Women, Makivik
7 Corporation and others. So there were many, many
8 different representatives from both Quebec and
9 Indigenous persons.

10 **M. JAMES BOBBISH:**

11 Yes, we represented all the Native groups in
12 Quebec.

13 So, our Working Group helped to facilitate
14 important discussions regarding customary adoption,
15 including collaborative efforts to consider how its
16 legal effects could be reflected in a Civil Code
17 and other legislation. The Working Group report,
18 which is this report, it's a hundred and sixty-four
19 (164) pages, gives you all the background on how we
20 established the discussions from two thousand and
21 eight (2008) until when this report was finalized
22 in two thousand twelve (2012).

23 So, we made some... we consider important
24 findings and recommendations because a lot of
25 research was involved also to include in the

1 legislative proposal, to clarify the legal effects
2 of certain customary adoptions.

3 **Me MATTHEW SHERRARD :**

4 If I may... and then an interesting point, I think,
5 to retain, is that the Working Group formed, as
6 we'll see, general findings and recommendations
7 that, as Mr. Bobbish mentioned, they're actually
8 legislative solutions that were proposed as part of
9 the report. So, there was actually provisions to
10 change the Civil Code and to change the Youth
11 Protection Act that were proposed. And in fact,
12 many of these... this drafting was retained in the
13 Bill. There were actually two bills, we'll see,
14 they proceeded Bill 113 and finally, the third time
15 was the charm and Bill 113 was passed and adopted
16 and reflected many of these findings and
17 recommendations, including the drafting.

18 **M. JAMES BOBBISH:**

19 The other two efforts to have this Bill come into
20 play were dead on the table, died on the table and
21 it had to do with elections and not anything that
22 somebody, you know, obstructed.

23 **Me MATTHEW SHERRARD :**

24 Um-hum.

25 **M. JAMES BOBBISH:**

1 And so, as Matthew was saying, that each group had
2 their lawyers, so the recommendations in the
3 wording of Bill 113 was discussed a lot among the
4 groups, especially with their lawyers and then, the
5 lawyers went back to their main councils and that's
6 how, you know, things got reflected into this
7 report.

8 So, these findings and recommendations
9 influenced the approach taken later in the
10 legislative process with respect to provisions of...
11 on customary guardianship, Aboriginal customary
12 tutorship, because that... the customary
13 guardianship came later in the day as we were
14 working on the main aspect of permanent customary
15 adoption, so that's why we raised this point also.
16 And...

17 **Me MATTHEW SHERRARD :**

18 Sure. So in certain findings, we won't go through
19 all the findings and recommendations, they're in
20 the report if people are interested, but certain of
21 the findings we did want to highlight, made by the
22 whole Working Group, is that Aboriginal customary
23 adoption has always existed and still exists.

24 That it is up to Aboriginal Nations and
25 communities and not the Quebec legislature, to

1 determine the conditions and effects of customary
2 adoption for their respective milieu. So again, I
3 think in recognition of that customary law, that
4 finding was made.

5 The customary adoption takes place in the
6 interest of the child and respecting the child's
7 needs while taking into account that in the
8 Aboriginal context, the notion of interest includes
9 the interest of the family, of the community and of
10 the Nation and particularly emphasizes the
11 protection of identity, culture, traditional
12 activities and language.

13 And another important finding that we wanted
14 to highlight was that customary adoption is a
15 consensual process involving at a minimum the
16 consent of the biological parents, the adoptive
17 parents and, if appropriate, the child.

18 So, other findings were that the Working Group
19 were that Aboriginal Nations or communities may, at
20 their discretion, adapt or develop their customary
21 adoption regimes in accordance with their needs,
22 traditions and customs and also to respond to new
23 social realities. So, that's the concept that a
24 custom is not fixed in time, it doesn't... and you
25 know and this is recognized by the Supreme Court

1 and other legislation... other, sorry,
2 jurisdiction, that is not frozen in time, you know,
3 pre-contact or given a period of time, it evolves
4 with changes in Indigenous societies.

5 Another finding was that Quebec legislation
6 rarely mentions the customary adoption and this
7 situation creates problems, practical problems as
8 Mr. Bobbish mentioned, both for the individuals
9 concerned and for the administrative authorities,
10 particularly with respect to the exercise of
11 parental responsibilities.

12 **M. JAMES BOBBISH:**

13 So, at least in the case of the Crees, since the
14 early nineteen eighties (1980s), the Aboriginal
15 peoples have sought the recognition of legal
16 effects of customary adoption within and for the
17 purposes of Quebec legislation. And there have
18 been various presentations or even letters written
19 related to this. Cree workers who worked on Youth
20 Protection issues and that they... at that time at
21 least, the Youth Protection Act was a piece of
22 legislation that had to be implemented in an
23 objective way and many times, workers found that
24 there had... there may have been a way to deal with
25 it in a more appropriate social or cultural manner

1 than in these avenues were not available in the way
2 that the laws were set up at the time.

3 But the customary adoption regime, as Matthew
4 mentioned, it remained evolutive not only in time,
5 but also in place and any adaptations or
6 clarifications brought by Aboriginal Nations and
7 communities, by the Quebec legislature, do not
8 freeze the customary adoption in any way, because
9 it's, as we say, it's fluid and it's evolutive,
10 because the situations have to be addressed at the
11 time that certain things happen.

12 **Me MATTHEW SHERRARD :**

13 So, certain recommendations that the Working Group
14 made in the report was that... to facilitate the
15 recognition of these legal effects of customary
16 adoption within and for the purposes of Quebec
17 legislation, particularly with respect to filiation
18 and parental authority, that this be recognized in
19 the Civil Code of Quebec, which obviously is the
20 central piece of legislation in our province and it
21 contains the bulk of the adoption regime, and in
22 other Quebec legislation.

23 And that this legislation provides that it's
24 really up to Aboriginal Nations or communities to
25 determine whether a customary adoption is taking

1 place. And that they may provide a mechanism for
2 the involvement of an Aboriginal authority for
3 their respective milieu and that authority is
4 competent for these purposes.

5 And that on request, the company... the
6 Competent Authority would attest to the Quebec
7 authorities that a customary adoption is taking
8 place when it creates a new bond of filiation
9 between the parents... the new parents and the
10 child, mentioning in particular the exchanges of
11 consent to the effects of the adoption on filiation
12 and the fact that the child has been entrusted to
13 the adoptive parents.

14 The recommendations of the Working Group
15 report also include that the customary adoption
16 must not be subject to an assessment by the
17 Director of Youth Protection or a Court decision.

18 The recommendation was also that the Youth
19 Protection Act recognize, in cases where the
20 situation of an Aboriginal child has been taken in
21 charge by a Director of Youth Protection, by a DYP,
22 that the customary adoption, pursuant to the Civil
23 Code, is an option in the context of the
24 development of a permanent life plan for the child.
25 So, that the customary adoption be one of the

1 several options provided for under the legislation.

2 And finally, the final recommendation was that
3 the relevant provincial and federal authorities
4 take correlative measures or take related measures
5 in relation to changes to Quebec legislation with
6 respect to the support of interactions with
7 development of financing of and the implementation
8 of the Aboriginal mechanisms that will be
9 associated with the recognition of customary
10 adoption within and for the purposes of Quebec
11 legislation.

12 So basically, that you know, that there be
13 measures taken to support all this implementation
14 by the competent authorities in the communities and
15 Nations.

16 And just a final note here, it's in very small
17 print, (chuckle) obviously, but it was part of the
18 report, that the parties to the James Bay and
19 Northern Quebec Agreement being the Cree parties and
20 the Inuit parties in the Northeastern Quebec
21 Agreement, being among others the Naskapi, maintain
22 that the legislation implementing those agreements
23 and other related Acts and regulations, already
24 recognize Aboriginal customary adoption. So that
25 was also part of the Working Group report.

1 **M. JAMES BOBBISH:**

2 The report of the Working Group, including its
3 findings, recommendations, legislative proposals,
4 was the product of close collaboration between the
5 representatives of Quebec and Indigenous groups.
6 "Close collaboration" meaning we always had the
7 intent to solve certain issues. It doesn't mean
8 that there were no good discussions, should I say,
9 for people to make their points on certain matters
10 related to Quebec's stands on these matters and
11 what the Aboriginal stands on these matters and the
12 effort was to find a common ground and we all
13 agreed that it would have to be a close
14 collaboration to achieve these.

15 This important work helped to shape Bill 113
16 as it also helped to shape the two previous bills
17 that "died on the order paper" with the calling of
18 elections. The other two were... the two previous
19 bills were very similar, at least in their context
20 and content, but there were some changes made and
21 Bill 113, as said, was passed last year and is the
22 final product of these discussions.

23 As recommended by the Working Group, Bill 113
24 essentially provides that it is an Indigenous
25 Nation or a community that determines if a given

1 customary adoption or guardianship has been carried
2 out according to customs. This is done through the
3 "Competent Authority" that it designates officially
4 to Quebec. This authority can be an entity or an
5 individual, as long as the person is not a party to
6 the adoption or the guardianship process itself.

7 So, all these details are still to be found
8 and determined and we hope in the next few weeks,
9 at least in the case of... that we can speak on
10 behalf of the Crees, that we'll be ready to present
11 the way we would like to create this Competent
12 Authority.

13 So, this approach of Bill 113 is also
14 consistent with Working Groups recommendations. A
15 recommendation that a customary adoption not be
16 subject to a Court decision or to an assessment by
17 a Director of the Youth Protection to have legal
18 effect. It all depends on how the Competent
19 Authority receives the information, that this
20 office has asked to officialize by a certain
21 certificate and it's only that authority that can
22 determine whether a... an adoption is to take place
23 or not and that we can listen to the Director of
24 Youth Protection and other people, but it's the
25 authority itself working with the local community

1 that has that responsibility.

2 So, you're doing next?

3 **Me MATTHEW SHERRARD :**

4 Um-hum. So, there's a similar approach, similar to
5 the customary adoption, the approach for customary
6 guardianship. The language that's used now in the
7 Civil Code is an "Aboriginal Customary Tutorship",
8 but generally, it's referred to as a customary
9 guardianship, which is also attested to by
10 Indigenous Competent Authority instead of being
11 given effect by a Court decision.

12 And so, this new concept of "suppletive
13 tutorship" in the Civil Code was introduced by Bill
14 113 and applies generally to the population in
15 Quebec whereas Aboriginal customary tutorship is
16 really for Indigenous groups only, but is based in
17 part on this new concept of suppletive tutorship.

18 So, the basic, the general concept of
19 suppletive tutorship, it allows a parent or
20 parents, both parents, to share or delegate their
21 parental authority and tutorship of a child to
22 certain persons. Again, in a general population,
23 it's restricted to a pool of family members. In a
24 customary context, it depends on the customs, but
25 can delegate that authority to certainly persons if

1 one or both of those parents cannot assume their
2 duties. And so, for that period of time when
3 there's a delegation, the biological parents, their
4 responsibilities are suspended and can subsequently
5 be reinstated.

6 For both the customary adoption or customary
7 guardianship, on application of the relevant
8 persons, the Indigenous Competent Authority ensures
9 that the adoption or guardianship took place as
10 carried out according to customs. So again, that
11 the principle, it is up to the Nation or community
12 to decide if the custom was respected and that's
13 reflected in the legislation.

14 And the Competent Authority also ensures that
15 the required consents have been given, so
16 obviously, the biological parents and the adoptive
17 parents or guardians consent. And depending on the
18 age and nature of the child, also, the child's
19 consent may be required.

20 That a child is in the care of the new
21 adoptive parents or guardians and that the adoption
22 or guardianship is in fact in the interest of the
23 child.

24 And if this is the case, then the Competent
25 Authority attests to the adoption or guardianship

1 by issuing a certificate. And for adoption, the
2 certificate is issued to the Director of the
3 Registrar of Civil Status of Quebec and the
4 Registrar of Civil Status automatically then
5 changes the birth certificate of the child, or, in
6 the case of guardianship, the Competent Authority
7 issues the certificate to the new adoptive parents
8 directly and this certificate from the authority
9 has legal force so that it requires no second step,
10 this is the document that has legal effect itself.

11 (Inaudible). I think (inaudible) just a couple
12 of slides. And back again. I think one more.

13 **M. JAMES BOBBISH:**

14 One more?

15 **Me MATTHEW SHERRARD :**

16 Yes... no, sorry.

17 **M. JAMES BOBBISH:**

18 So, to reiterate, the Quebec authorities, you know,
19 the number of them that have responsibilities in
20 these issues do not actually play a role in
21 determining whether or not customary adoption and
22 guardianship has occurred. As explained by Matthew,
23 this is in the hands of the Competent Authority as
24 long as the Competent Authority is assured, you
25 know, that all the discussions and consensus have

1 been given at the local level.

2 **Me MATTHEW SHERRARD :**

3 Yes. So, the DYP and the Indigenous authority have
4 to exchange information to allow the DYP to give
5 his opinion, which must be in writing and provide
6 reasons and also allows the DYP and requires the
7 DYP to disclose the confidential information to the
8 Competent Authority on which it's basing again...
9 as Mr. Bobbish mentioned, it's been up to the
10 Indigenous authority to decide how to proceed, so
11 whether or not (inaudible) the relevant
12 certificate.

13 So, they are really two separate roles and
14 responsibilities, two separate jurisdictions, if you
15 will.

16 Yes. So, even if a DYP is not intervening in
17 the case of a child, so even if there has not been
18 a report and an intervention, an Indigenous
19 Competent Authority may request that the DYP
20 provide similar information. So provide
21 confidential information that may be relevant and
22 the DYP is allowed to share this information
23 without a Court order or without consent of the
24 persons concerned.

25 And again, this is to ensure that the

1 Competent Authority can carry out its
2 responsibility to make sure that an adoption or
3 guardianship is in the interest of the child.

4 So, an important point to mention also is that
5 under Bill 113, if the adopter and the child, or the
6 guardian and child are from different Nations, then
7 it's only the Competent Authority of the child that
8 can attest to the adoption or guardianship. So
9 again, if you had, let's say, the adopters were Cree
10 and the child was an Algonquin child, it's only the
11 Competent Authority of the child being the Algonquin
12 Competent Authority that could attest to the
13 adoption. And this is consistent essentially with
14 the Cree position that only the Cree can confirm
15 that the adoption of a Cree child is carried out
16 according to Cree customs. And other Nations have
17 also taken a similar position. And so that is
18 reflected in the legislation.

19 **M. JAMES BOBBISH:**

20 So, Bill 113 demonstrates acknowledgement and
21 recognition of the government of Quebec of the
22 distinct Indigenous Nations in Quebec, with their
23 own identity and rights, in accordance with the
24 resolution of the Quebec National Assembly as
25 mentioned, which is dated March twenty (20),

1 nineteen eighty-five (1985).

2 Bill 113 also reflects the right of Indigenous
3 Nations to govern their own affairs regarding their
4 children and families. Overall, Bill 113 begins to
5 harmonize provincial laws with Quebec Aboriginal
6 and treaty rights regarding customary adoption.

7 It provides a mechanism to bridge Indigenous
8 customary law and Quebec civil law by clarifying
9 legal effects of customary adoptions and
10 guardianships.

11 It provides clear measures for persons and
12 bodies outside of the communities... of our
13 communities, including provincial public services to
14 easily recognize these legal effects. And this is
15 the ongoing work right now in our discussions with
16 the... with Quebec, that they have to also relate
17 these matters to the different departments that are
18 involved in such matters. So, there would be that
19 interface between what each Nation, I guess, will
20 set up and an interface with the offices of Quebec
21 so that whenever a certificate has been authorized,
22 then, it should easily be handled at different
23 levels so that the effects are felt by the people
24 that are adopting the child.

25 **Me MATTHEW SHERRARD :**

1 Do you want me to continue?

2 **M. JAMES BOBBISH:**

3 Yes.

4 **Me MATTHEW SHERRARD :**

5 So, I think it is important to note that the
6 administrative and legal regime that's created by
7 Bill 113 does not affect the Aboriginal and treaty
8 rights of the Cree regarding customary adoption.
9 So, in other words, this Bill doesn't replace Bills
10 that... traditional Cree customary adoption regime
11 is already contained in the James Bay and Northern
12 Quebec Agreement which has a constitutional level
13 of protection as well as the implementing
14 legislation of that agreement. And so, that's...
15 these two regimes exist in parallel. So a Cree
16 family can choose whether or not to have a
17 customary adoption attested to by the Cree
18 "Competent Authority" under Bill 113, but even if
19 it's not attested, Cree customary adoptions have
20 legal effect. I mean again, this is something that
21 was contemplated by the James Bay and Northern
22 Quebec Agreement in nineteen... in the nineteen
23 seventies (1970s) and it was intended to have a
24 legal effect even without having to go through this
25 process. But obviously, the intent here is to

1 make, you know, to address the practical issues
2 that have arisen and to allow these legal effects
3 to be more easily recognized by everyone, including
4 public services.

5 So, in essence, you know, a Cree family can...
6 who customarily got some child can have the
7 customary adoption attested to or not by the Cree
8 Competent Authority, let's say in this case and they
9 may also choose a mainstream adoption through the
10 Courts if they choose. So there's different options
11 available to them.

12 **M. JAMES BOBBISH:**

13 Yes. The provisions of Bill 113 will also help to
14 reinforce and strengthen customary adoption,
15 customary guardianship practices. We mentioned
16 this before, but we're reinforcing the idea so that
17 it's for the benefit of the Indigenous children,
18 families, communities and Nations. It will also
19 help to promote proactive traditional approaches to
20 situations where a child should not or cannot be
21 with his or her biological parents where these
22 matters might otherwise end up in a Youth
23 Protection system that is often perceived as
24 intrusive and "foreign" by Indigenous people.

25 And it's funny we say "foreign", because we

1 have Cree workers working in the Youth Protection,
2 with the Youth Protection Act and other Crees even
3 working in a foreign way and then trying to deal
4 with these social issues.

5 It would also help to decrease levels of
6 involvement in Youth Protection services for
7 Indigenous children and families as a direct result
8 of strengthened customary adoption and customary
9 guardianship practices.

10 There is general support for Bill 113 among
11 the many Cree people that I have spoken with
12 regarding these matters and there's also support
13 for the collaborative process that lead to the
14 development of 113. And I've taken the time to...
15 as part of my mandate to visit different Chiefs in
16 Council at their meetings and I presented this
17 information as well as having gone to different
18 conferences and other events, including the Justice
19 symposium that was here, mindfulness and there was
20 a justice conference going on in Val-d'Or. We made
21 presentations there and we received certain... many
22 requests for clarification on what it is, but
23 everybody is quite supportive of this.

24 Others see this as a way to emphasize the
25 importance of traditional family-based approaches

1 to these issues as opposed to the more
2 institutional types of approaches that may be
3 associated with Youth Protection issues and so, as
4 a point of interest, when we talk about customary
5 adoption, a lot of people ask: well, how does that
6 have to do with Youth Protection? And how is the
7 Youth Protection involved in this? Because both
8 customary adoption has to do with placement of a
9 child in a family and so it's the same thing for
10 the Youth Protection activities and
11 responsibilities. And then people would like to
12 see what we say is the difference and we explain
13 that as Matthew explained earlier, that there can
14 be a request to the DYP to give their information
15 and opinion on a certain situation, but it always
16 comes back to the authority to make the final
17 decision.

18 So, all these legislative changes that we've at
19 least tried to explain to people, have been well
20 received up today and this is like one year of
21 talking with people since the legislation came in
22 last June. Okay.

23 **Me MATTHEW SHERRARD :**

24 So these proactive customary processes are
25 fundamentally based in our families, in our

1 communities and require a strong collaboration of
2 extended family members. And I think... and I
3 believe this was the case of this is what I remember
4 when I was younger, that the family members were
5 involved in these types of decisions made at the
6 family level. It is critical that the extended
7 family members are able to reside in their
8 communities in a healthy and sustainable manner for
9 these situations to function well and all this
10 effort is to promote this type of sustainability and
11 healthy ways of doing things.

12 This requires adequate, again, appropriate
13 housing in the Cree communities. Currently, there's
14 an acute shortage of housing. Urgent action is
15 needed to address overcrowded, substandard housing,
16 because we always see this as a... as one of the
17 major factors on how family tensions and family
18 situations happen in the community.

19 So, the importance of quality housing to the
20 overall health and well-being of Indigenous people
21 and communities cannot be emphasized enough. This
22 extends to customary practices based fundamentally
23 on our closed family and community bonds such as
24 community guardianship and adoption.

25 So, Bill 113 as we... said it before, but we'll

1 repeat, is an important step in the reconciliation
2 process between the government of Quebec and
3 Indigenous people. And generally, Bill 113 has been
4 welcomed by Indigenous groups and clearly, these
5 legislative changes carry additional
6 responsibilities for the Indigenous communities that
7 choose to participate. So once again, you know,
8 it's an optional regime in the sense that a
9 community or Nation has to designate its Competent
10 Authority in order to enter into the regime and make
11 it available to its members, but once they have,
12 it's going to require financial and other resources
13 to implement it properly, and this was in fact the
14 recommendation by the Working Group on Customary
15 Adoption.

16 So essentially, the message is that these
17 changes need to be coupled with planning and
18 allocation of sufficient resources determined on a
19 Nation to Nation basis between Quebec and Indigenous
20 groups. And indeed, as Mr. Bobbish said previously,
21 without proper resources, Bill 113 would be
22 incomplete, it would be an incomplete initiative and
23 would set the stage for implementation problems if
24 there isn't adequate support. And essentially,
25 inadequate funding would fail to respect the

1 important work that was achieved by the Working
2 Group of Customary Adoption and it has been achieved
3 in these... I think what can be fairly qualified as
4 historical legislative changes of Bill 113.

5 And these are fairly significant, important
6 steps in the reconciliation process, but they need
7 to be coupled with funding in order to succeed. And
8 so, essentially, that funding to Indigenous
9 communities and Nations by Quebec cannot be delayed,
10 you know? The provisions on customary adoption,
11 customary guardianship came into force on Saturday,
12 on June sixteenth (16th). And the time is now for
13 that support to be provided. And if necessary,
14 Quebec and Canada can determine between them how to
15 share these costs, but that shouldn't... that
16 discussion shouldn't delay funding to Indigenous
17 Nations and communities to implement this.

18 **LE COMMISSAIRE :**

19 Meegwetch! Do you have questions?

20 **Me DONALD BOURGET :**

21 Yes, a few questions Mr. Commissioner...

22 **LE COMMISSAIRE :**

23 Ah.

24 **Me DONALD BOURGET :**

25 I mentioned in... at the beginning the importance

1 of the... and we filed in the resolution of the
2 National Assembly in nineteen eighty-five (1985) and
3 not in two thousand one (2001), I'm sorry, I made a
4 mistake. What's the importance? Is it the
5 beginning of something in two thousand eighty-five
6 (2085) from your point of view?

7 **Me MATTHEW SHERRARD :**

8 If I may, I think the resolution, the link is clear,
9 is... In nineteen eighty-five (1985), the National
10 Assembly made the choice to pass a clear resolution
11 that recognized the Indigenous Nations of Quebec.
12 Essentially, it's "Distinct Nations" in Quebec
13 society with particular rights and identities. And
14 I think fast-forward now, you know, over thirty (30)
15 years to Bill 113 and we see that in practice now.
16 So, we see a recognition of Distinct Indigenous
17 Nations in Quebec that have their own... they have
18 their own culture, they have their own language,
19 they have their own identity, but also, they have
20 their own way of doing this. So, the law, the
21 customary law.

22 And I think in a very concrete, practical way
23 and what makes Bill 113 so significant and
24 revolutionary in some ways is that the Civil Code
25 now includes a recognition of the effects of the

1 law... laws of these different Nations as they may
2 differ from one Nation to another. So, it's a very
3 tangible, concrete expression of the Quebec
4 legislature putting into practice the theory from
5 nineteen eighty-five (1985) of a distinct
6 recognition of these Distinct Nations, of Distinct
7 societies, if you will. And this is now, you know,
8 reflected in the legislation from my perspective.

9 **M. JAMES BOBBISH:**

10 Well, that... that's the way I see it and you know,
11 the nineteen eighty-five (1985) resolution is... was
12 a political statement by the government regarding
13 First Nations people, Native people in Quebec and I
14 don't know how many other projects have come through
15 similar to this, but in our experience, this is a
16 very practical example of, you know, what some of
17 those words mean in that resolution.

18 **Me MATTHEW SHERRARD :**

19 Yes, including the right to self-government. I
20 mean, this is a clear expression of self-government
21 in this legislation as well.

22 **Me DONALD BOURGET :**

23 Is that the reason why you say that it's a positive
24 step in the recognition... reconciliation process
25 between the Quebec government and the Indigenous

1 people? Is that the reason why?

2 **M. JAMES BOBBISH:**

3 Well, I think there has been many instances where at
4 least in the case of the Crees, I've had some
5 conflicts, I would say, with Quebec in the way they
6 would like to address the same problem and
7 sometimes, the Cree people felt that what actions
8 the government may have taken would not reflect what
9 the Native people would have wanted or what they
10 thought was the rightful way in dealing with their
11 situation.

12 And so, it's a reconciliation in that respect
13 and the fact that customary adoptions have taken
14 place, you know, way before any institutions were
15 set up in Quebec, then, we reach back to those
16 situations and say: okay, now, we can continue with
17 what those traditions were at one point and it's
18 recognized by Quebec without any regulation
19 interference.

20 **Me MATTHEW SHERRARD :**

21 Yes. And if I could, I think... I find it is very
22 interesting to see this as a very tangible
23 expression of reconciliation and it truly is the
24 reconciliation of the practices and traditions and
25 rights of Indigenous people to their way of doing

1 things, you know? So these were for generations and
2 generations and generations before, you know,
3 colonial systems were put in place.

4 The way that families dealt in a proactive
5 manner with different situations that arose, that
6 required a child to be in a different... with a
7 different family, either on a temporary basis or on
8 a permanent basis and this legislation allows that
9 reconciliation between that traditional way,
10 customary way of dealing with these situations in a
11 proactive way and have it recognized by the
12 mainstream Quebec legal system and administrative
13 system that that is, you know, part of the deal, if
14 you will.

15 For instance, for the Cree in the James Bay
16 and Northern Quebec Agreement, it was enshrined in
17 the agreement that there was a Cree form of
18 customary adoption and that it be given legal
19 effect and be recognized as if it were, you know, a
20 mainstream adoption made by a Court order. And so
21 this legislation for the Cree, for instance, is a
22 concrete expression in a concrete way for different
23 public services.

24 And again, being in the mind fold of the
25 mandate of this Commission, for different public

1 services to be able to recognize what those legal
2 effects are and to help them to give effect to
3 that, you know and in doing so, resolves practical
4 issues faced by Cree families and Cree children in
5 having those rights given effect.

6 **Me DONALD BOURGET :**

7 Both of you were sitting at the table for the
8 discussion between two thousand eight (2008) and two
9 thousand twelve (2012) with the government
10 representatives and other Indigenous Nations
11 representatives. Can you tell us more about the
12 spirit of the discussion which lasted four years?
13 Maybe it was long or short, it depends. What do you
14 have to say about the context of the discussion?

15 **M. JAMES BOBBISH:**

16 Well, first of all, we were very glad that the other
17 Native groups that were represented, we were very
18 glad that they had a chance to sit with people that
19 were mandated by the various government departments,
20 in this case the ministry of Health and then the
21 ministry of Justice, to examine this question,
22 because in the context of writing this report, we
23 had to talk about what is customary adoption as we
24 understood, between... among the Native people as
25 well as for the Quebec representatives to understand

1 what it was, because here, we're asking the
2 government to make a piece of legislation to
3 recognize it, so of course, the Quebec departments
4 were curious what this is all about and then, we
5 took quite a bit of time to really discuss.

6 And also, at one point, going into our
7 communities with a questionnaire to ask people of
8 their experience and knowledge of customary adoption
9 and these were brought back into the discussion.
10 And we also had to look if there was any
11 jurisprudence elsewhere in the world that allowed
12 this kind of legislation and we did find some, but
13 we can happily say that it was not to the extent as
14 we see at Bill 113 at the moment.

15 So, the working relationships was well
16 received, but like I said, we did have some good
17 discussions and I don't know if Matthew wants to
18 have...

19 **Me MATTHEW SHERRARD :**

20 Um-hum.

21 **M. JAMES BOBBISH:**

22 ... make any points on that?

23 **Me MATTHEW SHERRARD :**

24 Um-hum. Yes and I think as you mentioned, four (4)
25 years was... it's a considerable period of time, but

1 when you think of the importance of these issues, I
2 mean, we're talking about children, we're talking
3 about families, we're talking about very critical
4 Aboriginal... and treaty rights, but these are
5 sensitive and important issues and I think the
6 interesting part from my perspective was the
7 representatives sitting on the table, as Mr. Bobbish
8 mentioned, were all working towards solutions and
9 took the time to find solutions in a very
10 collaborative, in a truly collaborative way, you
11 know? It wasn't just an exercise as... of checking
12 a box to say, you know, we met, we discussed, we had
13 three meetings, we weren't able to agree.

14 It was, you know, prolonged discussions over a
15 long period of time, discussions also among the
16 Indigenous groups who had different perspectives,
17 different points and different issues that we all
18 tried to, you know, as did representatives from
19 different government ministries. There were
20 representatives from the ministry of Justice, from
21 the ministry of Health and Social services, the
22 Director of Youth Protection with different
23 perspectives, but I think there was good faith
24 collaboration on the part of the representatives
25 around the table and I think there was also a

1 commitment on the part of the authorities behind
2 those representatives to continue to work to find
3 solutions and frankly, it was successful. I think
4 in my view, in a piece of legislation passed by the
5 Quebec government, by the National Assembly, that's
6 been welcomed largely, and it's recognized for
7 having been a collaborative process.

8 So, I think it shows that with time and
9 patience and dedication, solutions are possible,
10 but it needs to be done in a collaborative way and
11 I think part of the message also is that important
12 process and the investments that have taken place
13 to get to this legislation need to be continued in
14 implementing legislations. So, in support of
15 funding and resources and planning collaboration,
16 that that continue forward for this to really
17 continue in the track that it's been going.

18 **Me DONALD BOURGET :**

19 You looked to all the world for other legislation or
20 models, did you find something similar or your model
21 is kind of unique? Maybe ahead of others?

22 **Me MATTHEW SHERRARD :**

23 Yes, well, there are, in other Canadian
24 jurisdictions, so for instance, in the Northwest
25 territories and in Nunavut, there's an approach,

1 you know, that is similar, but it doesn't go as far
2 as this has gone. In terms of the recognition, I
3 think, of the... you know, the self-governance
4 aspect, the degree of respect for the role of the
5 Indigenous Nation community to determine how and
6 when adoption occurred.

7 So, that's the case for the Territories and in
8 the Yukon, there's also a process whereby customary
9 adoptions can be recognized, but it requires a
10 Court intervention. So again, I think the Quebec
11 legislation is more progressive in terms of its
12 approach and internationally, I think again the
13 research that was carried out on the... for the
14 Working Group revealed a kind of similar... some
15 similar results where there was a degree of
16 autonomy left for an Indigenous group to have their
17 customary adoptions recognized, but often it was a
18 Court involvement or there would be some other step
19 involved. It wasn't to the same extent as Quebec
20 has gone at this point. And I think it's been
21 perhaps a leader now in terms of this
22 reconciliation-style approach in this legislation.
23 Yes.

24 **Me DONALD BOURGET :**

25 An aspect of this negotiation is the flexibility for

1 the Nations to choose their own way of doing things.
2 That is something that you can find elsewhere? Or
3 it's very unique per se?

4 **Me MATTHEW SHERRARD :**

5 Hum...

6 **M. JAMES BOBBISH:**

7 Well, I think that as the Cree have operated over
8 many years, we have taken initiatives regarding our
9 decisions in a traditional way, but they are closed
10 in within that group. So, there is no... if we
11 make a traditional or customary decision, there is
12 no outlet at... outside of the group on how to
13 implement it if it doesn't involve resources, But
14 when you have to deal with a transfer of a child to
15 another set of parents where the... whatever
16 effects or benefits have to follow the child,
17 because we're in a situation where certain people
18 are doing the practice, but the paperwork is not
19 following the child, the mother is still receiving
20 the benefits and they have to work together on how
21 they are going to make the transfer, but it's not
22 an official transfer of, you know, those resources,
23 so... but having this goes right back into the
24 ministry... the government's ways of working things
25 and once they're registered in the system, then,

1 it's supplied like everybody else receives certain,
2 you know, things related to effects.

3 **Me DONALD BOURGET :**

4 Just one question. Is the... one official is that
5 adopt... customary adoption can be reserved for any
6 good reasons? But I understand it's mainly
7 concerning other members of the family... extended
8 family members or members of the community. Is that
9 possible to reverse the adoption... customary
10 adoption under certain circumstances?

11 **M. JAMES BOBBISH:**

12 Well, certainly in the case of the temporary
13 guardianship, then, you know, there's only a time
14 and place where they decide - okay, you go back to
15 the original placement of the child, but that time
16 is not determined, it has to be determined between
17 the families.

18 In the case of a permanent adoption, if such a
19 thing happens (inaudible) the tables, then the
20 families have to regroup back on the table, because
21 it will a flexible situation where two families
22 discussing a... an adoption can call in for
23 advisors such as Elders or people that have been
24 involved in these things that they remember. So,
25 it's not a specific arrangement, it's more a

1 collaborative arrangement within family groups in
2 the community and that everybody is part of the
3 consensus once it is made.

4 **Me MATTHEW SHERRARD :**

5 Yes. And I think, just speaking from a legal
6 perspective is... Bill 113 essentially, you know,
7 treats the customary adoption where there is a
8 change in family bonds as if, you know, basically,
9 the child will become legally the child of the new
10 family, so, in that sense, it's not possible to
11 reverse the process, but in the same way, a
12 mainstream adoption, you could have a situation
13 where the Court orders an adoption order, the child
14 becomes part of the family and then perhaps, there
15 is another adoption that takes place. I guess from
16 a legal perspective, that could happen, but the
17 intention is for the permanent adoption, it'd be a
18 situation that's intended to be permanent. And if
19 it's not intended to be permanent, then, it would
20 be more the temporary guardianship...

21 **Me DONALD BOURGET :**

22 (Inaudible).

23 **Me MATTHEW SHERRARD :**

24 ... situation where it's a suspension of the
25 parental responsibilities for the period of the

1 guardianship.

2 **Me DONALD BOURGET :**

3 And the last question, because the Bill is
4 mentioning disclosure of information. Do we
5 understand that's information from the Youth
6 Protection services, mainly?

7 **Me MATTHEW SHERRARD :**

8 Yeah, I mean, there's... with respect to the
9 provisions on customary adoption is other... there's
10 other aspects. I mean, Bill 113 changed the... you
11 know, many aspects of the adoption regime in Quebec,
12 which we won't go into the details as some of the
13 other aspects of disclosure of information, let's
14 say.... you know, formally mainstream adoption meant
15 it was absolute confidentiality. So, for instance,
16 the child is adopted, he wouldn't know who their...
17 his or her biological parents were.

18 If the legislation changes, those aspects,
19 with respect to the customary adoption piece, the
20 disclosure of information relates principally to
21 information held by the Youth Protection services,
22 let's say. So, as Mr. Bobbish mentioned, in cases
23 where there is an intervention of the Youth
24 Protection services in the case of a child who is
25 going to be customarily adopted or be the subject

1 of a customary guardianship situation, it allows
2 the DYP to share information with the Competent
3 Authority that would otherwise... that would have
4 previously been confidential, not... could not have
5 been shared, so that the Competent Authority can
6 help to make its own determination about whether or
7 not it will certify the adoption or guardianship as
8 being, you know and one of the conditions for that
9 certification is that it's in the interest of the
10 child. So, that's really, you know, where the
11 disclosure of confidential information has been now
12 permitted for this purpose, that wouldn't have been
13 possible previously. So as a collaboration is...
14 you know, would not have been possible without
15 these changes. Yeah.

16 **M. JAMES BOBBISH:**

17 That's the only... the details of the parameters
18 have to be clear on what information can be shared
19 and how it can be shared. So those things have to
20 be set up. We haven't had any particular
21 discussions with the Directrice of the Youth
22 Protection, knowing they have another table that is
23 discussing on how they're going to deal with the
24 changes with respect to Bill 99, but it's a
25 relationship, but it doesn't determine, you know,

1 what happens in a... the custom way that people
2 want to do the adoption at the local level.

3 **Me DONALD BOURGET :**

4 Well, thank you. I think that's a real step ahead,
5 what you issued in discussing to a consensus and
6 now, a bill in effect. Thank you very much.

7 **LE COMMISSAIRE :**

8 Um-hum. Me Boucher, do you have questions?

9 **Me MARIE-PAULE BOUCHER :**

10 J'aurai pas de questions. Thank you for your
11 presentation, it was really clear. Thank you.

12 **LE COMMISSAIRE :**

13 Um-hum. So now, do... would you like to add
14 something, before I thank you?

15 **M. JAMES BOBBISH:**

16 Well, just to show appreciation for the openness for
17 this subject to be discussed in this form, knowing
18 that as we talked about different departments within
19 Quebec that have to be involved in one part or
20 another, so that the effort of working with Quebec
21 right now is to determine what would be the
22 particular procedures that will be done with this in
23 respect to registering people and that we work to
24 see that this legislation will not be sitting. It
25 needs to be implemented, but also at the same time,

1 it has to be a very clear decision on the part of
2 the Native group, in our case, the Cree.

3 But making that decision also means that we
4 take the responsibility of making sure that the
5 process at the customary level is done in a real
6 and good way for the child and the family and that,
7 you know, that the community also is responsible in
8 a certain way. And because of close relationships
9 in a community, we tend to think that there could
10 be a variable number of people that could be
11 involved in a particular customary adoption
12 situation as opposed to having very particular
13 members, because those particular members could
14 have family involved in the adoption and we don't
15 want that interfering with the way a process would
16 be handled in an objective way.

17 **LE COMMISSAIRE :**

18 Um-hum. So, now, I will thank you very much for
19 having accepted our invitation to present concerning
20 Bill 113. I understand that it is a positive step
21 in the reconciliation process between the government
22 of Quebec and Indigenous people. We know that the
23 customary adoption occurred since a long time in
24 Indigenous communities, but with the society we have
25 today, I understand it was causing many problems and

1 you... registering a child for school...

2 **Me MATTHEW SHERRARD :**

3 Um-hum.

4 **LE COMMISSAIRE :**

5 ... obtaining health insurance card, care in health
6 and social services, government benefit for
7 children, applying for passport and maybe many other
8 matters...

9 **Me MATTHEW SHERRARD :**

10 Yes.

11 **LE COMMISSAIRE :**

12 ... that work. I understand that a few hundred
13 years ago, it was not... these were not problems.

14 **M. JAMES BOBBISH:**

15 I know.

16 **LE COMMISSAIRE :**

17 But today, it was necessary to deal with that.

18 **M. JAMES BOBBISH:**

19 (Inaudible).

20 **LE COMMISSAIRE :**

21 Hum?... to do something. So, the customary adoption
22 may survive in communities, but making sure that no
23 difficulties occurred to parents and children
24 involved. I understand that. As Me Bourget told
25 you, congratulation for having succeeded in the

1 discussions that brought this Bill 113. I wish you
2 the best, that... and I still keep in mind that it's
3 a part of reconciliation. Much more has to be done
4 concerning this reconciliation, but I'm happy to
5 hear that something happened.

6 I wish you the best. Thank you again for
7 sharing with us.

8 **M. JAMES BOBBISH:**

9 Alright.

10 **Me MATTHEW SHERRARD :**

11 Thank you.

12 **LE COMMISSAIRE :**

13 We'll now suspend maybe ten minutes, so you can get
14 ready with the next witnesses?

15 **Me DONALD BOURGET :**

16 We will be ready.

17 **LE COMMISSAIRE :**

18 Okay. Thank you.

19 SUSPENSION

20 -----

21 REPRISE

22 **LA GREFFIÈRE :**

23 La Commission reprend ses audiences.

24 **LE COMMISSAIRE :**

25 Alors, bienvenue de nouveau. Me Bourget, vous allez

1 nous présenter vos prochains témoins?

2 **M^e DONALD BOURGET :**

3 Oui. Bon après-midi, Monsieur le Commissaire.

4 Alors, effectivement, les prochains témoins sont

5 deux (2) sœurs, Jeanne-d'Arc et Hélène Petiguay qui

6 sont Atikamekw d'Obedjiwan et qui vont

7 effectivement vous faire une présentation, partager

8 leur récit sur la qualité ou la piètre qualité, là,

9 des services infirmiers du centre de santé

10 d'Obedjiwan dans le contexte du décès de leur père

11 en deux mille quatorze (2014) et effectivement,

12 leur désaccord sur le résultat de la plainte auprès

13 de l'Ordre des infirmiers, infirmières du Québec en

14 lien avec la situation de leur père.

15 **LE COMMISSAIRE :**

16 Alors, je vais demander à madame la greffière

17 d'assermenter les témoins.

18

19

20

21

22

23

24

25

1 Jeanne-d'Arc Petiguay
2 Témoin citoyen
3 Affirmation solennelle

4 -----
5 Hélène Petiguay
6 Témoin citoyen
7 Affirmation solennelle

8 -----

9 **M^e DONALD BOURGET :**

10 Oui, bonjour, Mesdames Petiguay. D'entrée de jeu,
11 j'annonçais qu'il s'agissait d'une situation
12 concernant les services... des services de santé de
13 la clinique d'Obedjiwan en lien avec l'état de
14 santé de votre père en deux mille quatorze (2014).
15 Est-ce que c'est bel et bien exact?

16 **MME HÉLÈNE PETIGUAY :**

17 Oui. Bien... parce que nous autres, on voulait
18 avoir le service puis il y avait une infirmière qui
19 est venue voir mon père chez nous puis là, je sais
20 que l'infirmière quand elle est venue, elle est
21 venue... elle avait amené ses affaires, mais je
22 l'ai pas vu de... examiner comme il le faut,
23 d'écouter le poumon, la pression. C'est ça qu'ils
24 ont fait puis je l'ai fait venir quatre (4) fois,
25 les infirmières... l'infirmière avec un interprète.

1 **M^e DONALD BOURGET :**

2 Est-ce qu'on comprend que votre père vivait sous le
3 même toit que vous?

4 **MME HÉLÈNE PETIGUAY :**

5 Oui, oui.

6 **M^e DONALD BOURGET :**

7 O.K.

8 **MME HÉLÈNE PETIGUAY :**

9 Mon père, il vivait avec moi. Il restait...

10 **M^e DONALD BOURGET :**

11 Quel âge? Quel âge a votre père et quel problème
12 de santé présentait-il?

13 **MME HÉLÈNE PETIGUAY :**

14 Mon père, il avait l'âge de soixante-seize (76)
15 ans.

16 **MME JEANNE D'ARC PETIGUAY :**

17 Quatre-vingt-deux (82).

18 **MME HÉLÈNE PETIGUAY :**

19 Quatre-vingt-deux (82)?

20 **MME JEANNE D'ARC PETIGUAY :**

21 Quatre-vingt-deux (82) ans.

22 **MME HÉLÈNE PETIGUAY :**

23 Parce qu'il est né en mille neuf cent trente-deux
24 (1932) puis là, il est décédé en deux mille
25 quatorze (2014) puis là, il avait quatre-vingt-deux

1 (82) ans. Puis là, nous autres, on avait besoin de
2 services.

3 **M^e DONALD BOURGET :**

4 Pourquoi est-ce que vous aviez besoin de services?
5 Quels étaient les problèmes de santé que présentait
6 votre père qui habitait chez vous?

7 **MME HÉLÈNE PETIGUAY :**

8 Parce que mon père, il toussait. Il *feelait* pas. Il
9 toussait beaucoup. On dirait qu'il avait des
10 sécrétions. Œdème *pneumonaire*?

11 **MME JEANNE D'ARC PETIGUAY :**

12 Œdème *pneumonaire*.

13 **MME HÉLÈNE PETIGUAY :**

14 *Pneumonaire*. Il faisait ça.

15 **M^e DONALD BOURGET :**

16 Est-ce que c'est la même infirmière qui est venue
17 les quatre (4) fois...

18 **MME HÉLÈNE PETIGUAY :**

19 Oui.

20 **M^e DONALD BOURGET :**

21 ... et dans quel espace-temps?

22 **MME HÉLÈNE PETIGUAY :**

23 Bien, c'est tout le temps elle qui venait, la même
24 infirmière.

25 **MME JEANNE D'ARC PETIGUAY :**

1 Quel espace?

2 **MME HÉLÈNE PETIGUAY :**

3 Quatre (4) fois.

4 **M^e DONALD BOURGET :**

5 Quatre (4) fois..

6 **MME HÉLÈNE PETIGUAY :**

7 Dans la semaine, il venait juste une fois, mais
8 c'est... quand je voyais mon père qui *feelait* pas,
9 c'est moi qui appelais l'infirmière. J'avais...
10 j'ai demandé s'il peut venir examiner mon père
11 parce que je voyais mon père qui faisait beaucoup
12 de sécrétions...

13 **MME JEANNE D'ARC PETIGUAY :**

14 Détérioré.

15 **MME HÉLÈNE PETIGUAY :**

16 Détérioré. Puis là, je l'ai fait venir,
17 l'infirmière puis là, il est venu. Il est venu
18 avec un interprète. Après ça, j'ai vu seulement
19 une fois qu'il avait pris la pression puis juste
20 une fois pendant... je l'ai fait venir quatre (4)
21 fois, l'infirmière.

22 **M^e DONALD BOURGET :**

23 Est-ce que l'infirmière avait une trousse
24 d'instruments pour justement...

25 **MME HÉLÈNE PETIGUAY :**

1 Une fois, il avait amené...

2 **M^e DONALD BOURGET :**

3 ... faire les examens?

4 **MME HÉLÈNE PETIGUAY :**

5 Juste une fois, la trousse.

6 **M^e DONALD BOURGET :**

7 Juste une fois, la trousse?

8 **MME HÉLÈNE PETIGUAY :**

9 Oui. Après ça, je l'ai fait venir parce que mon
10 père, il me disait qu'il allait mal. Je l'ai appelé
11 puis là, j'ai demandé s'il peut venir puis là, ils
12 sont venus puis là... puis ils ont amené une petite
13 bouteille pour donner une petite pilule, là. Je
14 sais pas c'est quoi la pilule.

15 **M^e DONALD BOURGET :**

16 L'infirmière vous a pas expliqué...

17 **MME HÉLÈNE PETIGUAY :**

18 Non, il m'avait pas...

19 **M^e DONALD BOURGET :**

20 ... pourquoi elle prescrivait des pilules?

21 **MME HÉLÈNE PETIGUAY :**

22 Non, il m'avait pas expliqué pourquoi il...

23 **MME JEANNE D'ARC PETIGUAY :**

24 Il a rien dit pour le médicament.

25 **MME HÉLÈNE PETIGUAY :**

1 Il m'a rien dit pour le médicament.

2 **M^e DONALD BOURGET :**

3 Est-ce qu'il a été question, étant donné que votre
4 père ne se sentait pas bien, qu'il soit hospitalisé
5 ou vu par un médecin?

6 **MME JEANNE D'ARC PETIGUAY :**

7 Il allait à son rendez-vous.

8 **MME HÉLÈNE PETIGUAY :**

9 Parce que mon père, il avait un rendez-vous pour
10 son *pacemaker*. Il s'en allait pas là pour voir un
11 médecin pour sa maladie. Il s'en allait pas à
12 l'urgence pour ça parce que mon père avait un
13 rendez-vous juste pour son *pacemaker*.

14 **MME JEANNE D'ARC PETIGUAY :**

15 Vérifier son *pacemaker*.

16 **MME HÉLÈNE PETIGUAY :**

17 Vérifier son *pacemaker*. Puis là, rendu à Roberval,
18 j'avais demandé à ma sœur de l'amener à l'urgence
19 puis là, ma sœur avait amené son père à l'urgence
20 parce que j'ai bien expliqué à mon père qu'il va à
21 son rendez-vous juste pour son *pacemaker*. « Tu
22 verras pas le médecin », j'ai dit. Puis c'est pour
23 ça que j'ai demandé à ma sœur de l'amener à
24 l'urgence puis là, ma sœur l'avait amené à
25 l'urgence, mon père puis mon père, il a été

1 hospitalisé. Il a été hospitalisé au lieu d'aller
2 à son rendez-vous pour son *pacemaker* parce qu'il
3 était vraiment détérioré mon père quand on avait...
4 quand on avait amené à Roberval. Puis les
5 infirmières, ils ont pas envoyé là. Eux autres, ils
6 ont rien fait. Quand mon père avait demandé qu'il
7 voulait voir un médecin, qu'il voulait aller voir
8 son médecin en ville, les infirmières ont dit
9 qu'elles peuvent pas l'envoyer à Roberval parce que
10 déjà, il y avait des médecins qui viennent à
11 Obedjiwan. « C'est lui qui va vous.. qui va vous
12 voir » qu'il a dit ça à mon père. Puis là, il a
13 jamais été vu mon père par le médecin à Obedjiwan.

14 **M^e DONALD BOURGET :**

15 Il y a aucun rendez-vous qui a été fixé par les...

16 **MME HÉLÈNE PETIGUAY :**

17 Non.

18 **M^e DONALD BOURGET :**

19 Par les infirmières?

20 **MME HÉLÈNE PETIGUAY :**

21 Aucun rendez-vous qui a été fixé par les
22 infirmières. C'est nous autres. C'est le
23 transport *adapte* qui avait embarqué pour aller à
24 l'urgence au lieu d'aller à son rendez-vous puis
25 c'est pour son *pacemaker*.

1 **M^e DONALD BOURGET :**

2 Est-ce que votre père a parlé aux infirmières?
3 Qu'est-ce qui leur disait après quatre (4)
4 rencontres sans qu'il y ait de consultations auprès
5 d'un médecin?

6 **MME HÉLÈNE PETIGUAY :**

7 La quatrième rencontre, là, c'est moi-même qui
8 avait appelé encore. J'ai dit « est-ce que vous
9 pouvez venir voir mon père parce que je trouve
10 qu'il *feel* pas pantoute. Il est détérioré » parce
11 que moi, je voyais mon père qui tombait à son...
12 sur le divan, là. Il n'était plus capable de se
13 lever. Puis là, les infirmières sont venues puis
14 là, mon père a dit « pourquoi vous venez me voir
15 encore? » puis là, j'ai dit à mon père « c'est moi
16 qui l'a appelé ». « Pourquoi vous venez... » Il a
17 dit ça aux infirmières «... puis vous me faites
18 rien? Pourquoi vous m'envoyez pas à l'hôpital? »
19 Il a dit ça aux infirmières puis là, il a pas été
20 envoyé. Puis là, les infirmières, ils ont rien
21 dit. Ils ont dit... mon père, il a dit de partir.
22 « Vous venez ici puis vous me faites rien. Je vous
23 dis que je suis malade ». Il a dit ça aux
24 infirmières. « Puis là, qu'est-ce que vous venez
25 faire ici? » Il a dit ça aux infirmières puis là,

1 eux autres, ils ont rien dit. Puis nous autres, on
2 voulait avoir le service que mon père soit soigné
3 puis que mon père soit amené à l'hôpital, faire
4 évaluer par un médecin, faire des rayons X parce
5 qu'eux autres, ils voient pas à travers des
6 personnes, les infirmières. C'est ça qu'on
7 voulait, nous autres. Moi. De le faire évaluer
8 puis ils l'ont pas envoyé tout de suite, mon père.
9 Ils l'ont gardé au village.

10 **M^e DONALD BOURGET :**

11 Mais pourtant, les infirmières voyaient bien qu'il
12 était malade et qu'il était pas bien?

13 **MME JEANNE D'ARC PETIGUAY :**

14 Il était pas bien.

15 **MME HÉLÈNE PETIGUAY :**

16 Il était pas bien.

17 **MME JEANNE D'ARC PETIGUAY :**

18 Il était vraiment détérioré, malade. C'était trop
19 tard pour faire quelque chose par le médecin à
20 l'hôpital quand il a été hospitalisé. C'était
21 vraiment trop tard pour lui.

22 **M^e DONALD BOURGET :**

23 Pour quelle raison il a été hospitalisé à Roberval?

24 **MME JEANNE D'ARC PETIGUAY :**

25 C'était pour... c'était pour son œdème *pneumonaire*

1 qu'ils l'ont hospitalisé puis là, ils pouvaient
2 rien faire. C'était trop tard. L'eau était pas
3 mal... il y avait beaucoup d'eau.

4 **M^e DONALD BOURGET :**

5 Et combien de temps après la dernière visite de
6 l'infirmière a-t-il été à l'hôpital de Roberval?

7 **MME JEANNE D'ARC PETIGUAY :**

8 Combien de temps? Après la visite des infirmières?
9 Une semaine.

10 **MME HÉLÈNE PETIGUAY :**

11 Deux (2) semaines. Deux (2) semaines.

12 **MME JEANNE D'ARC PETIGUAY :**

13 Deux (2)... une semaine. Une à deux (2) semaines.

14 **M^e DONALD BOURGET :**

15 D'accord. Qu'est-ce qui s'est passé à Roberval?

16 **MME JEANNE D'ARC PETIGUAY :**

17 Pardon?

18 **M^e DONALD BOURGET :**

19 Qu'est-ce qui s'est passé à Roberval après son
20 hospitalisation?

21 **MME JEANNE D'ARC PETIGUAY :**

22 Qu'est-ce qui s'est passé à Roberval après son
23 hospitalisation?

24 **MME HÉLÈNE PETIGUAY :**

25 Eux autres, ils ont regardé. Ils ont essayé

1 d'évacuer de l'eau puis de l'eau a tout le temps
2 resté là dans le poumon puis dans le cœur aussi
3 et...

4 **MME JEANNE D'ARC PETIGUAY :**

5 Ils l'ont gardé là jusqu'à tant qu'il soit... qu'il
6 tombe dans le coma.

7 **M^e DONALD BOURGET :**

8 Il est tombé dans le coma...

9 **MME JEANNE D'ARC PETIGUAY :**

10 Oui.

11 **M^e DONALD BOURGET :**

12 ... combien de temps après son admission?

13 **MME JEANNE D'ARC PETIGUAY :**

14 Environ trois (3) jours puis c'est là, ça allait
15 pas bien. C'est là que ça... qu'il est parti, là.

16 **M^e DONALD BOURGET :**

17 Donc vous étiez pas satisfaites du tout des
18 services de l'infirmière. Est-ce que vous avez
19 porté plainte?

20 **MME JEANNE D'ARC PETIGUAY :**

21 Oui, on n'était vraiment pas satisfaites, vraiment
22 pas puis on a fait une plainte contre eux autres.

23 **M^e DONALD BOURGET :**

24 Et qu'est-ce qui s'est passé de cette plainte?

25 **MME JEANNE D'ARC PETIGUAY :**

1 Quand j'ai passé la plainte, oui, ils ont fait...
2 ils ont tous fait des... ils ont repris toute la
3 lettre de plainte puis ils ont essayé de voir
4 tout... l'infirmière en question puis pour moi, ça
5 a pas été vraiment... l'infirmière a pas été
6 professionnelle, je peux le dire.

7 **M^e DONALD BOURGET :**

8 Mais l'Ordre des infirmières a pas eu la même
9 conclusion?

10 **MME JEANNE D'ARC PETIGUAY :**

11 Non. Les conclusions, là, je pense que c'était pas
12 vraiment adéquat. Je peux pas... non, je voyais ça
13 qu'on dirait qu'elle a été presque... je peux dire,
14 moi, « camoufler » les informations qui a été écrit
15 dans le...

16 **M^e DONALD BOURGET :**

17 O.K. Donc vous avez l'impression que les
18 informations dans le dossier médical sont pas
19 conformes à ce que vous vous avez vu lorsque
20 l'infirmière est venue...

21 **MME JEANNE D'ARC PETIGUAY :**

22 Non, c'est...

23 **M^e DONALD BOURGET :**

24 ... à quatre (4) reprises?

25 **MME JEANNE D'ARC PETIGUAY :**

1 C'était vraiment pas conforme.

2 **M^e DONALD BOURGET :**

3 Est-ce que vous, une de vos deux (2) ou les deux
4 (2), avez confiance aujourd'hui dans les services
5 médicaux de la clinique d'Obedjiwan?

6 **MME JEANNE D'ARC PETIGUAY :**

7 Non.

8 **MME HÉLÈNE PETIGUAY :**

9 Moi non plus.

10 **MME JEANNE D'ARC PETIGUAY :**

11 Non. On n'est plus... on n'a plus affaire bien,
12 bien, nous autres, là-bas à cette heure, là. On se
13 sent tassés depuis que j'ai fait la plainte. C'est
14 ça.

15 **MME HÉLÈNE PETIGUAY :**

16 Comme moi aussi quand je tombe malade, quand mes
17 petits-enfants tombent malades, on se présente pas
18 à la clinique à Obedjiwan. Nous autres, on s'en va
19 tout de suite à l'extérieur dans les cas d'urgence.
20 Des fois, on s'en va à Roberval, Lac-Saint-Jean.
21 Des fois, on s'en vient ici à l'urgence à
22 Chibougamau à nos frais. C'est ça qu'on fait.

23 **M^e DONALD BOURGET :**

24 Et du vivant de votre père, est-ce que lui
25 préférerait aller ailleurs qu'à la clinique médicale

1 d'Obedjiwan?

2 **MME HÉLÈNE PETIGUAY :**

3 Oui.

4 **MME JEANNE D'ARC PETIGUAY :**

5 Oui.

6 **MME HÉLÈNE PETIGUAY :**

7 Oui. Il s'en allait... moi, j'ai tout le temps
8 amené aussi à Parent...

9 **MME JEANNE D'ARC PETIGUAY :**

10 Mont-Laurier.

11 **MME HÉLÈNE PETIGUAY :**

12 ... à la clinique. Après ça, Parent, ils
13 l'envoient à Mont-Laurier pour le faire soigner.
14 Les... de l'eau dans le poumon, là. Eux autres,
15 ils... je m'en souviens que j'avais amené quatre
16 (4) fois mon père à Mont-Laurier et il était
17 souvent hospitalisé. Puis là, mon père, il me
18 parlait qu'il avait beaucoup de soins par-là qu'ici
19 dans la communauté, là. Il a tout le temps aimé
20 là-bas. Comme qu'il me disait avant de partir,
21 « tu aurais dû m'amener à Mont-Laurier. Eux
22 autres, ils étaient... ils seraient capables de
23 soigner » qu'il me disait. « J'ai eu tout le temps
24 le meilleur service à Mont-Laurier » qu'il a dit.

25 **M^e DONALD BOURGET :**

1 Est-ce que vous connaissez d'autres personnes, des
2 proches ou des membres de la famille qui ont eu des
3 problèmes?

4 **MME HÉLÈNE PETIGUAY :**

5 Oui. Je connais un jeune... un jeune homme à peu
6 près quarante-cinq (45) ans, lui, qui a tout le
7 temps resté chez nous que j'ai tout le temps
8 hébergé. Quand il a tombé malade, je me souviens
9 quand on avait appelé à l'hôpital, au dispensaire à
10 la clinique. Les infirmières qui travaillaient là
11 d'urgence, ils ont... ils ont pas accepté le
12 monsieur qu'on voulait amener.

13 **MME JEANNE D'ARC PETIGUAY :**

14 Une évaluation.

15 **MME HÉLÈNE PETIGUAY :**

16 Pour une évaluation au dispensaire. Il nous a
17 dit... ils ont dit de l'amener le lendemain puis
18 c'était la soirée quand on avait appelé au
19 dispensaire. Puis là, eux autres, ils ont pas
20 accepté le monsieur puis là, le monsieur, il a été
21 le matin... le matin puis là, il a été envoyé...

22 **MME JEANNE D'ARC PETIGUAY :**

23 Évacué à l'hôpital...

24 **MME HÉLÈNE PETIGUAY :**

25 Évacué à l'hôpital.

1 **MME JEANNE D'ARC PETIGUAY :**

2 À Roberval...

3 **MME HÉLÈNE PETIGUAY :**

4 À Roberval.

5 **MME JEANNE D'ARC PETIGUAY :**

6 ... mais ça a pas duré. Dans l'après-midi, il
7 n'était plus là. Il était parti.

8 **M^e DONALD BOURGET :**

9 Durant le médévac, le transport, le transfert à
10 l'hôpital?

11 **MME JEANNE D'ARC PETIGUAY :**

12 Hum-hum.

13 **MME HÉLÈNE PETIGUAY :**

14 Hum-hum.

15 **M^e DONALD BOURGET :**

16 Et on parle de situation en deux mille quatorze
17 (2014) pour votre père. Avez-vous l'impression que
18 les choses se sont améliorées ou ont changé depuis?

19 **MME JEANNE D'ARC PETIGUAY :**

20 Non.

21 **MME HÉLÈNE PETIGUAY :**

22 Non. Ils ont pas changé.

23 **MME JEANNE D'ARC PETIGUAY :**

24 Ils ont rien changé.

25 **MME HÉLÈNE PETIGUAY :**

1 Il y a rien qui a été amélioré.

2 **M^e DONALD BOURGET :**

3 Qu'est-ce qui faudrait qui arrive comme changement?

4 **MME HÉLÈNE PETIGUAY :**

5 J'aimerais ça, moi que ça... dans les communautés
6 que ça n'arrivera plus de même, là comme qu'ils ont
7 fait à mon père. De l'évacuer quelqu'un quand il
8 est vraiment malade. Il faudrait travailler
9 là-dessus dans les communautés. Il ne faudrait
10 plus que ça arrive des cas de même.

11 **M^e DONALD BOURGET :**

12 Avec une bonne évaluation et éventuellement, un
13 transfert à l'hôpital.

14 **MME JEANNE D'ARC PETIGUAY :**

15 Oui.

16 **MME HÉLÈNE PETIGUAY :**

17 Transfert du village. Souvent, on demande souvent
18 de l'envoyer puis des fois, les infirmières, elles
19 veulent pas. Ils nous parlent souvent de la
20 coupure.

21 **LE COMMISSAIRE :**

22 Avant d'aller à Roberval quand l'infirmière est
23 allée quatre (4) fois, est-ce que votre père était
24 chez vous ou au dispensaire?

25 **MME HÉLÈNE PETIGUAY :**

1 Chez nous.

2 **MME JEANNE D'ARC PETIGUAY :**

3 À la maison.

4 **LE COMMISSAIRE :**

5 Il était chez vous?

6 **MME HÉLÈNE PETIGUAY :**

7 À la maison.

8 **LE COMMISSAIRE :**

9 Maintenant, j'ai compris qu'entre la dernière fois,
10 là, ou la quatrième fois que l'infirmière est allée
11 et le moment où il est allé à Roberval à l'hôpital,
12 il s'est écoulé une à deux (2) semaines si j'ai
13 bien entendu. Bon, et comment ça s'est fait le
14 transport à l'hôpital? Qui a décidé qu'il allait à
15 l'hôpital à Roberval et comment s'est-il rendu là?

16 **MME HÉLÈNE PETIGUAY :**

17 Parce que mon père avait un rendez-vous.

18 **MME JEANNE D'ARC PETIGUAY :**

19 Un transport adapté.

20 **MME HÉLÈNE PETIGUAY :**

21 Il avait pris un transport *adapte*.

22 **LE COMMISSAIRE :**

23 Un transport adapté?

24 **MME HÉLÈNE PETIGUAY :**

25 Oui.

1 **LE COMMISSAIRE :**

2 O.K. Et ça, c'est une à deux (2) semaines après la
3 dernière visite de l'infirmière, c'est ça?

4 **MME JEANNE D'ARC PETIGUAY :**

5 Une à deux (2) semaines... Ils l'avaient pas
6 envoyé.

7 **MME HÉLÈNE PETIGUAY :**

8 Ils l'avaient pas envoyé dans...

9 **LE COMMISSAIRE :**

10 O.K. Alors, il est allé à Roberval à cause du
11 *pacemaker*.

12 **MME HÉLÈNE PETIGUAY :**

13 Oui.

14 **LE COMMISSAIRE :**

15 C'est ça?

16 **MME HÉLÈNE PETIGUAY :**

17 Oui.

18 **MME JEANNE D'ARC PETIGUAY :**

19 C'était pour son *pacemaker* qu'il avait un
20 rendez-vous...

21 **LE COMMISSAIRE :**

22 O.K.

23 **MME JEANNE D'ARC PETIGUAY :**

24 ... et non pas pour...

25 **LE COMMISSAIRE :**

1 Ça fait que sans ça, il serait... si je comprends
2 bien, là, il serait pas allé à l'hôpital à Roberval
3 s'il y avait pas eu le rendez-vous du *pacemaker*?

4 **MME JEANNE D'ARC PETIGUAY :**

5 Oui.

6 **MME HÉLÈNE PETIGUAY :**

7 Oui.

8 **LE COMMISSAIRE :**

9 Merci. C'est ça que je voulais comprendre.

10 C'était pas clair.

11 **M^e DONALD BOURGET :**

12 J'avais pas d'autres questions, Monsieur le
13 Commissaire.

14 **LE COMMISSAIRE :**

15 Pas d'autres questions? Me Boucher, avez-vous des
16 questions?

17 **M^e MARIE-PAULE BOUCHER :**

18 Non, Monsieur le Commissaire.

19 **LE COMMISSAIRE :**

20 Non?

21 **M^e MARIE-PAULE BOUCHER :**

22 Ça va être complet.

23 **LE COMMISSAIRE :**

24 Est-ce qu'il y a des choses que vous aimeriez
25 ajouter?

1 **MME HÉLÈNE PETIGUAY :**

2 Le service... non.

3 **LE COMMISSAIRE :**

4 Non?

5 **MME HÉLÈNE PETIGUAY :**

6 Non. Je pense pas

7 **LE COMMISSAIRE :**

8 Alors, écoutez, je vais vous remercier. Je trouve
9 ça triste, là. Je vous offre mes condoléances.

10 **MME JEANNE D'ARC PETIGUAY :**

11 Merci.

12 **LE COMMISSAIRE :**

13 C'est toujours triste de perdre un proche, perdre
14 n'importe qui de sa famille, son père puis je
15 comprends que votre père habitait chez vous,
16 Madame? C'est...

17 **MME HÉLÈNE PETIGUAY :**

18 Oui.

19 **LE COMMISSAIRE :**

20 Ça, c'est proche, là et que toutes les deux (2),
21 vous suiviez sa situation. Alors, je suis vraiment
22 désolé que ça soit arrivé. C'est malheureux de
23 penser que s'il avait été transféré plus tôt dans
24 un hôpital, soit Mont-Laurier, soit Chibougamau,
25 soit Roberval... je pense que c'est les trois (3)

1 hypothèses qu'il aurait plus y avoir. Qu'est-ce
2 que ça aurait fait? Je le sais pas. Évidemment,
3 je... mais on peut penser que les chances auraient
4 été meilleures en tout cas.

5 **MME HÉLÈNE PETIGUAY :**

6 Oui.

7 **LE COMMISSAIRE :**

8 Ça aurait été important de réagir vite. Alors,
9 écoutez, je suis désolé. J'ai évidemment pas pris
10 connaissance, moi, du dossier de la plainte. J'ai
11 compris que vous êtes pas satisfaites des services
12 en général qu'il y a au dispensaire et que vous
13 prenez tous les moyens pour aller ailleurs quand
14 vous avez besoin de soins. Alors, on peut espérer
15 que... on peut souhaiter que la confiance dans les
16 services au dispensaire se bâtit parce que dans
17 le fond, Obedjiwan, vous êtes quand même assez
18 éloignés des services médicaux que ça soit à
19 Roberval, Mont-Laurier ou Chibougamau, c'est quand
20 même... là, on parle de plusieurs heures, là.
21 C'est quoi? Trois cents (300) kilomètres peut-être
22 d'une façon ou d'une autre, là. Il y a rien en bas
23 de ça. C'est quoi? C'est trois (3), quatre heures
24 (4 h), trois heures et demie (3 h 30) pour aller
25 chercher les soins. Alors, ça serait important que

1 les gens aient confiance dans la clinique qu'il y a
2 chez vous. Alors, écoutez, je le retiens. J'en
3 prends note. J'espère qu'on vous écoute. Je suis
4 d'ailleurs certain qu'on vous écoute. Il y a des
5 gens au gouvernement qui suivent les audiences
6 alors qui vont peut-être jeter un œil, essayer de
7 voir si on peut améliorer le service puis rebâtir
8 une confiance. Je pense que c'est ça qui est
9 important. Quand on subit des soins ou qu'on va
10 chercher des soins, bien, il faut avoir confiance
11 dans l'organisme qui donne les soins, les personnes
12 qui y sont puis quand la confiance est pas là,
13 bien, c'est pas facile, hein? Alors, merci d'avoir
14 partagé avec nous. Je vous souhaite... je vous
15 souhaite que ça aille bien pour l'avenir puis on
16 l'espère. Et quant à nous, bien, on va suspendre
17 jusqu'à demain matin neuf heures trente (9 h 30).

18 **M^e DONALD BOURGET :**

19 Demain matin neuf heures trente (9 h 30)
20 effectivement pour deux (2) témoignages rapportés,
21 dépôt de déclaration ainsi qu'un témoignage, là,
22 une présentation du chef...

23 **LE COMMISSAIRE :**

24 Oui, c'est ça. Alors demain, il y a le témoignage
25 du grand chef Abel Bosum. Le grand chef du

1 gouvernement Cri et ainsi que monsieur Bill
2 Namagoose qui est le directeur exécutif du Grand
3 Conseil des Cris. Et ensuite, après, il y a la
4 cérémonie de fermeture de nos audiences à
5 Mistissini. Nous avons été bien reçus par les gens
6 de Mistissini. Je les remercierai certainement
7 demain, mais pendant que j'y pense, bien, je le dis
8 maintenant. Alors, merci à toutes les personnes
9 qui ont fait que les audiences ont pu se tenir.
10 Merci à toutes les personnes qui sont venues
11 témoigner aussi. Bon, je le dis en français.
12 Demain, je le dirais en anglais. Merci à toutes
13 les personnes qui sont venues témoigner. Merci au
14 support que nous avons eu, nos traducteurs, les
15 gens du centre de services partagés, les gens qui
16 nous offraient le dîner le midi. C'était toujours
17 bon. On était toujours bien accueillis avec le
18 sourire. On a circulé un peu dans la communauté.
19 On a vu des belles choses. C'est une belle
20 communauté. Alors, merci à tous puis merci à vous
21 d'être venues partager avec nous. Alors, on
22 reprend demain à neuf heures trente (9 h 30)?

23 **M^e DONALD BOURGET :**

24 Sans faute.

25 **LE COMMISSAIRE :**

1 Très bien. Bonne soirée.

2 FIN DE LA TRANSCRIPTION

3 -----

4

5

6 Nous, soussignées, **Gabrielle clément**, sténographe
7 officielle, **et Monique J.LeClerc** sténographe
8 officielle bilingue, certifions que les pages qui
9 précèdent sont et contiennent la transcription
10 exacte et fidèle des notes recueillies au moyen de
11 l'enregistrement mécanique, le tout hors de notre
12 contrôle et au meilleur de la qualité dudit
13 enregistrement, le tout conformément à la loi;

14

15

16

Et nous avons signé :



17

18

19

20

21

Gabrielle Clément, s.o.

22

23

24



Monique J. Le Clerc, o.c.r.