

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  
PALAIS DES CONGRÈS  
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**COMPARUTIONS :**

**POUR LA COMMISSION :**

**Me CHRISTIAN LEBLANC**

**Me MARIE-JOSÉE BARRY-GOSSELIN**

**Me SUZANNE ARPIN**

**PARTICIPANTS :**

**Me MAXIME LAGANIÈRE** pour  
Direction des poursuites criminelles  
et pénales

**Me MARIE-PAULE BOUCHER** pour  
le Procureur général du Québec

**Me DENISE ROBILLARD** pour  
Le Procureur général du Québec

**Me WINA SIOUI** pour  
L'Assemblée des Premières Nations  
Québec-Labrador (APNQL)

**Me DAVID CODERRE** pour  
L'association de policiers et  
policières du Québec

**Me JEAN-FRANÇOIS LOISELLE** pour  
Les services de police de Montréal

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1 OUVERTURE DE LA SÉANCE

2 **LA GREFFIÈRE :**

3 La Commission d'enquête sur les relations entre les  
4 Autochtones et certains services publics du Québec,  
5 présidée par l'honorable Jacques Viens, est  
6 maintenant ouverte.

7 **L'H L'HONORABLE JUGE JACQUES VIENS (LE COMMISSAIRE) :**

8 Alors, bonjour. Bienvenue ce matin pour la  
9 poursuite des audiences de la Commission. Alors, je  
10 souhaite la bienvenue aux gens qui sont avec nous  
11 dans la salle ici à Montréal ainsi qu'à ceux qui  
12 vont nous suivre sur le site internet de la  
13 Commission. Alors, Maître Leblanc, je vais  
14 commencer par demander aux procureurs de  
15 s'identifier.

16 **M<sup>e</sup> CHRISTIAN LEBLANC,**

17 **PROCUREUR POUR LA COMMISSION :**

18 Vous avez un petit peu vendu le punch, Monsieur le  
19 Commissaire. Je suis Christian Leblanc, procureur  
20 en chef de la Commission.

21 **M<sup>e</sup> DENISE ROBILLARD,**

22 **PROCUREUR GÉNÉRAL DU QUÉBEC :**

23 Bonjour, Denise Robillard, pour la procureure  
24 générale du Québec.

25 **M<sup>e</sup> MARIE-PAULE BOUCHER,**

1 **POUR LE PROCUREUR GÉNÉRAL DU QUÉBEC :**

2 Me Marie-Paule Boucher pour la procureure générale  
3 du Québec.

4 **M<sup>e</sup> MAXIME LAGANIÈRE,**

5 **PROCUREUR POUR LE DIRECTEUR DES POURSUITE CRIMINELLES ET**  
6 **PÉNALES :**

7 Bonjour, Maxime Laganière pour le Directeur des  
8 poursuites criminelles et pénales.

9 **LE COMMISSAIRE :**

10 Alors, bienvenue. Alors, Maître Leblanc, pourriez-  
11 vous nous donner une idée du programme de la  
12 journée.

13 **M<sup>e</sup> CHRISTIAN LEBLANC :**

14 Oui, Monsieur le Commissaire. Alors, on va  
15 commencer ce matin avec un témoin citoyen, Monsieur  
16 Michel Tooktoo. Ensuite, à onze heure (11h00), nous  
17 allons entendre deux (2) témoins, Monsieur Serge  
18 Tremblay et Vivien Carli qui sont du Centre de  
19 justice des Premiers peuples de Montréal. Cet  
20 après-midi, Madame Sarah Papialouc, un témoin  
21 citoyen et nous allons compléter le programme  
22 aujourd'hui avec deux témoins, David Chapman et  
23 Caleb Clark, qui sont respectivement, Directeur  
24 d'Open Door et ancien Directeur d'Open Door.

25 **LE COMMISSAIRE :**



1           So, I'm officially filing those documents. It's  
2           actually procès-verbaux from the file Mr. Tooktoo.  
3           Because what we're going to talk about today, Mr.  
4           Commissioner is the fact that in the file of  
5           Mr. Tooktoo, who is charged with some criminal  
6           charges and detained preventively awaiting his trial  
7           in that particular file. The file was postponed on  
8           fourteen (14) separate occasions.

9           So, his file was called on fourteen (14)  
10          separate occasions in Court over a period of about  
11          almost nineteen (19) months. So, before having Mr.  
12          Tooktoo to testify, what I suggest is that I first  
13          start with going through those procès-verbaux.

14          So, to establish the basis of those  
15          postponements so that we have a clear picture of  
16          what went on in his file. And after that, I will  
17          ask Mr. Tooktoo to come forward and offer his  
18          personal testimony about the case.

19          So, those are documents everybody has the same  
20          copy? On the upper right space of those pages,  
21          there's a handwritten number from 1, with a circle.  
22          So, it's in orange, from 1 to 14. So, I may  
23          refer to those numbers just to locate which document  
24          I'm talking about.

25          So, I will start with the first document. It's

1 the procès-verbal from September third (3<sup>rd</sup>) two  
2 thousand twelve (2012). So, we can see in the third  
3 section, a (inaudible) section where it's written  
4 "accused". So, we have the date of that particular  
5 appearance. In the middle section where we see  
6 "Michel Tooktoo", there's a little square that could  
7 be marked. The accused is either present, absent or  
8 represented by lawyer with the permission of the  
9 Court and the very right hand, you're going to see  
10 that each time, he is under arrest. So, he is  
11 detained. He was detained the whole time.

12 So, on that first document, we see the first  
13 appearance. He is not represented. He is,  
14 according to the document, present in the courtroom,  
15 which would make sense for a first appearance. And  
16 he is, like I mentioned, detained. The file is  
17 postponed. In the center part of the document, the  
18 big rectangle there, the fourth section, let's say,  
19 we see at the righthand of it, the date at which the  
20 file is postponed. So, in this case, we see the  
21 fourth (4<sup>th</sup>) of September, two thousand twelve  
22 (2012), so it's postponed to the next day. And  
23 that's pretty much it for that first date.

24 Second date. So, second document marked  
25 number 2. If we go through the same sections, we

1 see that Michel, it's still Michel Tooktoo, we see  
2 in the second section, "accused" that it seems that  
3 it was marked "present", but it was erased. And  
4 it's the fourth section that is marked "represented  
5 by lawyer with permission of the court" and still,  
6 he is detained. So, it seems that in this  
7 particular case, Mr. Tooktoo was not present in the  
8 courtroom at the time the file was called.

9 Okay, this is an element that I will bring the  
10 attention of the Commission on in each document.  
11 Either if he was present in the courtroom or not  
12 present and represented by lawyer with the  
13 permission of the Court, at the time.

14 So, an election was made. Judge alone with a  
15 preliminary inquiry. And we see that that  
16 preliminary inquiry was postponed, assigned, so,  
17 with witnesses for October ten (10) two thousand  
18 twelve (2012). So, where do I get that information  
19 from? In the middle section, we see "Judge with  
20 jury". Okay, I said: "Judge alone" is "Judge and  
21 jury", "Demande enquête préliminaire", so, there's a  
22 request for it. Then, we see that the number 3 that  
23 I've colored in yellow means that, if we refer to  
24 the little annex, it's "assign", "assignation de  
25 témoin".

1           So, we understand that, from that date of  
2           September fourth (4<sup>th</sup>), it was postponed to October  
3           ten (10) and we see that three (3) hours is  
4           scheduled for that hearing because it's with  
5           witnesses. So, this is the first time the  
6           preliminary inquiry is postponed with witnesses.  
7           So, assigned, to use the legal language.

8           We get to the third document, third procès-  
9           verbal. October ten (10), two thousand twelve  
10          (2012). We see that the accused is present, it  
11          seems that he's present in the room. He is  
12          represented and still detained, of course. He's  
13          been detained the whole time. And we see that there  
14          is a, in the middle section, there's a mark on  
15          number 3, "Request for postponement" at the "Demande  
16          de la poursuite". So, at the request of the  
17          Prosecution. And from there, it's postponed five  
18          (5) days later. So, from October ten (10) to  
19          October fifteen (15) with witnesses.

20          So, from that preliminary inquiry that did not  
21          proceed. We don't know exactly the reason since the  
22          request is made by the Prosecution. We can, I  
23          guess, presume that something the Prosecution needed  
24          was not available that day. It might be the victim,  
25          we don't know. But the request is made by the

1 Prosecution who could not proceed. So, therefore,  
2 asked for postponement. The postponement, like I  
3 said, was made to five (5) days later without  
4 witnesses.

5 Document number 4. Okay. So...

6 **LE COMMISSAIRE :**

7 What was the object of the charge?

8 **M<sup>e</sup> CHRISTIAN LEBLANC :**

9 The...

10 **LE COMMISSAIRE :**

11 And where was it?

12 **M<sup>e</sup> CHRISTIAN LEBLANC :**

13 The charges were from September first (1<sup>st</sup>) two  
14 thousand twelve (2012). So, basically, two days  
15 before his first appearance.

16 **LE COMMISSAIRE :**

17 Hum-hum.

18 **M<sup>e</sup> CHRISTIAN LEBLANC :**

19 And there are four (4) charges that are crimes of  
20 against a person with violence. There's a 267 a).  
21 so, an assault with weapon. A sexual assault with  
22 weapon. Possession of a weapon for a purpose  
23 dangerous to the public peace, section 88 (2). And  
24 I guess, during the arrest, obstructing a police  
25 officer.

1 **LE COMMISSAIRE :**

2 Okay.

3 **M<sup>e</sup> CHRISTIAN LEBLANC :**

4 So, of course, in the whole case, Mr. Commissioner,  
5 we will not discuss or challenge the decision that  
6 the Prosecution made at the time to object to his  
7 release. And there is no indication that the  
8 Defence ever asked for a bail hearing in this case.  
9 So, it's not about why the legal basis of him being  
10 detained, awaiting for his trial. It's really about  
11 the whole process. The number of postponements and  
12 how he went through it as an Inuk because Mr.  
13 Tooktoo as his name suggests is an Inuk from the  
14 Great North, from Nunavik. More specifically from  
15 Kujjuarapik. And the victim, the alleged victim in  
16 this file is also Inuit. And she's also from the  
17 North.

18 So, we're on document number 4. We're on  
19 October fifteen (15), two thousand twelve (2012).  
20 It's the preliminary inquiry *pro forma* from five  
21 days prior. The accused is not present in the room  
22 at that particular date, he is still detained. And  
23 then, it's assigned, it's postponed, the preliminary  
24 inquiry is assigned for a second time from October  
25 fifteen (15) to November twenty-eight (28), two

1           thousand twelve (2012). So, a month and a week  
2           later. We see that two (2) hours are scheduled.

3           To know what's the nature of the next hearing,  
4           we have to look in the middle section, right in the  
5           middle of it. You have the actual hearing and the  
6           next one. So, we have to go in the column of next  
7           one, the third line, "Enquête préliminaire" and we  
8           see the, it's handwritten number 3. And then, we  
9           refer to, a little lower, number 3 means  
10          "Assignment de témoins". So, this how we... and  
11          then, we see anyway that the clerk mentioned two (2)  
12          hours. So, it's an additional information that the  
13          next date would be with witnesses.

14          So, it brings to document number 5. It's the  
15          fifth appearance in court. We are, at that time, on  
16          November twenty-eight (28), two thousand twelve  
17          (2012). The accused is still represented. It seems  
18          that he's present in the room. From the second  
19          section of the procès-verbal, detained. Just to  
20          mention that in the middle section, section 4, it's  
21          handwritten with little arrows "assigné" with  
22          number 3 being circled. Same for the next step  
23          "assigné". This is my handwriting, Mr.  
24          Commissioner. It's because it's my copy of the  
25          procès-verbaux that were photocopied in color. So,

1 I forgot remove that. It's just to refer that the  
2 actual hearing on November twenty-eight (28) being  
3 marked with number 3, means it was assigned that  
4 date and it's postponed to sixteenth (16<sup>th</sup>) of  
5 January, two thousand thirteen (2013). Number 3  
6 means it was postponed assigned. So, this is what  
7 happened that day.

8 The remarks of the clerk mention "problème avec  
9 visio conférence avec Kuujjuak. Un témoin devait  
10 témoigner de Kuujjuak. » So, knowing that the  
11 alleged victim is from the North, knowing that most  
12 likely, it's the victim that the Prosecution  
13 intended to have as a witness at the preliminary  
14 inquiry, it makes sense that, it explains why, at  
15 this date of November twenty-eight (28), the  
16 Prosecution asked for a postponement. It's at their  
17 request. And like I said, the file was postponed a  
18 third time for preliminary inquiry a third time for  
19 January sixteen (16), two thousand thirteen (2013).

20 Brings us to document number 6. So, appearance  
21 number 6. That document was written on that  
22 particular day. The accused is still represented.  
23 Not the present in the room. So, represented by  
24 lawyer with permission of the Court, still detained.  
25 And again, the preliminary inquiry could not

1           proceed, "problème avec la visio conférence avec  
2           Kuujjuak". So, again, the main witness of the  
3           Prosecution could not be heard. It's postponed to  
4           Twenty-third (23<sup>rd</sup>) of January, two thousand thirteen  
5           (2013) again with witnesses. A time period of two  
6           (2) hours is reserved for the next court date.

7           Document number 7. We are at quite an  
8           important date in the whole story. It's the twenty-  
9           third (23) of January, two thousand thirteen (2013).  
10          The accused is still represented according to the  
11          procès-verbal, he is present in the room. And there  
12          is a 549 that is done that day referring to the  
13          section of the *Criminal Code* of renouncing to the  
14          preliminary inquiry. So, the accused, Mr. Tooktoo,  
15          by way of his lawyer, I understand, it's usually the  
16          way it's done, renounced to his preliminary inquiry  
17          and there is a re-election for "Juge seul", so judge  
18          alone. Because at the beginning it was Judge and  
19          jury. So, there is a re-election for Judge alone.  
20          It's line number 9 on the list of postponement  
21          reasons. With the number 1 being: indicating that  
22          the next date is *pro forma*.

23          So, from the twenty-third (23<sup>rd</sup>), so, what  
24          happened that day, because we don't know. In the  
25          sense that this was a date from the previous

1           postponement when it should have proceeded to the  
2           preliminary inquiry. It did not proceed and a 549  
3           was made or I presume it didn't proceed. But a 549  
4           was made. And the file was postponed to February  
5           the second (2<sup>nd</sup>) *pro forma* without witnesses.

6           Document number 8 of, like I said, seventh (7<sup>th</sup>)  
7           of February, two thousand thirteen (2013). Mr.  
8           Tooktoo is not present in the room and we can  
9           presume that the mark was made there and it was  
10          erased, because we can see that a piece of the word  
11          "présent" is missing and either marked "Represented  
12          by lawyer with permission of the Court". At that  
13          date, it was postponed *pro forma* to nineteenth  
14          (19<sup>th</sup>) of April and there's a mention "Renonce au  
15          délai", that the accused renounced to the delay  
16          between February the seventh (7<sup>th</sup>) and April the  
17          nineteenth (19<sup>th</sup>).

18          Document number 9. From April nineteenth  
19          (19<sup>th</sup>). The accused is not present in the room,  
20          represented by lawyer. There's a "Requête pour  
21          cesser d'occuper". So, a Petition to cease to  
22          represent Mr. Tooktoo, presented by the first lawyer  
23          and that particular date, a second lawyer that will  
24          represent Mr. Tooktoo up to the end comes into the  
25          file.

1           So, we can say just by calculating the dates  
2           that he had a lawyer for the first six months and a  
3           second lawyer for the remaining, about a little more  
4           than a year after that. So, the file is postponed.  
5           We are at the step of the trial by then because he  
6           has renounced to his preliminary inquiry four  
7           months prior. It's postponed to June the sixth (6<sup>th</sup>)  
8           *pro forma*.

9           Document number 10. So, we're in June, the  
10          fourth (4<sup>th</sup>). He is represented by a second lawyer.  
11          He is not present in the room and the file is  
12          postponed *pro forma* to April the second (2<sup>nd</sup>), so, a  
13          month later. Again, the information I give you, Mr.  
14          Commissioner is coming from those vertical columns  
15          in the center section. Number 1 of the actual  
16          hearing is *pro forma*. Number 1 of the next one  
17          referred to *pro forma*.

18       **LE COMMISSAIRE :**

19          April second (2<sup>nd</sup>). I think I see July second (2<sup>nd</sup>).

20       **M<sup>e</sup> CHRISTIAN LEBLANC :**

21          Oh, I'm sorry, I said... Okay, I just made a  
22          mistake.

23       **LE COMMISSAIRE :**

24          I just want to make sure.

25       **M<sup>e</sup> CHRISTIAN LEBLANC :**

1           You're right. We are at that particular date. We  
2           are in June the fourth (4<sup>th</sup>) and it's postponed to  
3           July the second (2<sup>nd</sup>). I said April, it's July. In  
4           time, we go forward not backwards.

5           So, document number 11. Oh, just, I'm sorry.  
6           Let's, yes, document number 11, that's an  
7           interesting document from July the second (2<sup>nd</sup>). The  
8           accused is present in the room and at this step it's  
9           trial without witnesses. And there's two  
10          handwritten indications, remarks from the clerk:

11                   "Mr. Tooktoo indique qu'il veut procéder à  
12                   son enquête préliminaire."

13          He wants to proceed to his preliminary inquiry.

14                   "Il indique qu'il ne savait pas que  
15                   l'avocat qui le représentait à ce moment-  
16                   là avait renoncé à son enquête  
17                   préliminaire le vingt-trois (23) janvier  
18                   deux mille treize (2013)."

19          So it indicates that he, talking about Mr.  
20          Tooktoo, indicates that he didn't know that his  
21          lawyer had renounced to the preliminary inquiry on  
22          the twenty-third (23<sup>rd</sup>) of January, two thousand  
23          thirteen (2013). The file from that date of July  
24          second (2<sup>nd</sup>) is postponed *pro forma* to July the eight  
25          (8). So, about a week later.

1 Document number 12 from July the eight (8). He  
2 is present in the room, still represented, still  
3 detained. Then the trial is assigned with  
4 witnesses, it's postponed assigned for the first  
5 time from July the eight (8) to November twenty-  
6 eight (28). So, that's a long postponement.

7 Brings us to document number 13 from November  
8 twenty-eight (28). The accused seems to be present  
9 in the room, still detained. Victim not present,  
10 "victime pas présente", that's a handwritten  
11 indication from the clerk. "Demande de remise",  
12 Request for postponement at the request of the  
13 Prosecution, "à la demande de la poursuite". The  
14 file is postponed with witnesses to March eighteen  
15 (18), two thousand fourteen (2014).

16 Last document, number 14, March eighteenth  
17 (18th), two thousand fourteen (2014). The accused  
18 is acquitted and it's indicated "aucune preuve à  
19 offrir sur les chefs 1 à 4". Victim could not be  
20 offered as a witness. So, therefore, the  
21 Prosecution requested that, just announced that  
22 there would be no evidence and therefore, the  
23 accused was acquitted.

24 So, just to summarize what I just presented.  
25 There was fourteen (14) presences of Mr. Tooktoo in

1 Court. Fourteen (14) different dates. According to  
2 the documents, on six of those fourteen times, he  
3 was not present in the room. There are seven (7)  
4 presence in Court, seven (7) times the file was  
5 called after January twenty-third (23), two thousand  
6 thirteen (2013), which is the date of the  
7 renunciation to the preliminary inquiry. The  
8 preliminary inquiry was postponed, assigned with  
9 witnesses four times between September fourth (4<sup>th</sup>),  
10 two thousand twelve (2012) and January twenty-third  
11 (23<sup>rd</sup>), two thousand thirteen (2013). The trial was  
12 postponed twice. The last time being when he was  
13 acquitted and no evidence was produced.

14 So, at this step, Mr. Commissioner, I will call  
15 Mr. Tooktoo to come forward, Michel Tooktoo.

16 **M. MICHEL TOOKTOO:**

17 Hi.

18 **LE COMMISSAIRE :**

19 Welcome. Welcome, Mr. Tooktoo

20 **M. MICHEL TOOKTOO:**

21 Thank you.

22 **Me CHRISTIAN LEBLANC :**

23 So, he will be sworn in.

24 **LA GREFFIÈRE:**

25 You want to be sworn in on the Bible?

1 **M. MICHEL TOOKTOO:**

2           Yes.

3 -----

1 M. MICHEL TOOKTOO  
2 Assermenté  
3 -----

4 **M<sup>e</sup> CHRISTIAN LEBLANC:**

5 So, Mr. Tooktoo, it's nice to have you with us. We  
6 were supposed to have you last week.

7 **LE COMMISSAIRE:**

8 Yes, we did.

9 **M<sup>e</sup> CHRISTIAN LEBLANC :**

10 But because of transport problems from the North we  
11 were very happy to be able to reschedule you. It's  
12 a pleasure to have you with us and we thank you for  
13 travelling to Montreal to offer your testimony.

14 So, Mr. Tooktook, you heard everything I  
15 explained to the Commissioner?

16 **Mr. MICHEL TOOKTOO:**

17 Yes.

18 **M<sup>e</sup> CHRISTIAN LEBLANC :**

19 So, this is, I was talking about you, of course,  
20 it's your file. So, would you, yourself, explain  
21 what you recall of that process. We will not go, we  
22 will not talk about the charges themselves. You  
23 were charged with crimes with accusations and then  
24 you were brought to court for a first appearance.  
25 So, tell us what's your understanding and

1 recollection of what happened?

2 **Mr. MICHEL TOOKTOO:**

3 When I first went to Court I didn't even know my  
4 charges yet. And when I heard my charges,  
5 especially the sexual assault, I was very surprised.  
6 Because that girl, I knew her, we had sex like two  
7 nights before. And that day, the incident where the  
8 stabbing happened. We never had sex or anything.

9 **LE COMMISSAIRE :**

10 But...

11 **M<sup>e</sup> CHRISTIAN LEBLANC :**

12 I will, I will (inaudible) there, yes.

13 **LE COMMISSAIRE :**

14 The Counsel didn't ask you to get in the case  
15 itself.

16 **Mr. MICHEL TOOKTOO:**

17 Oh, okay.

18 **LE COMMISSAIRE :**

19 I understand he wants to you speak about the  
20 procedure, the way it went after.

21 **Mr. MICHEL TOOKTOO:**

22 Okay.

23 **M<sup>e</sup> CHRISTIAN LEBLANC :**

24 Yes, like I mentioned. We won't be talking about  
25 those charges, okay? But I just mentioned it to

1 explain why you were brought to Court, okay? So,  
2 I'm going to ask you to tell us what you recall  
3 about the legal process of coming to court and the  
4 postponement and all that. So, tell me what's your  
5 understanding of what happened? How did it happen  
6 from your point of view.

7 **Mr. MICHEL TOOKTOO:**

8 I was going to court and after the process we went  
9 to a preliminary hearing and I was told that after  
10 three times, if the victim didn't show up to the  
11 preliminary hearing, I was going to get acquitted  
12 and that never happened.

13 And just today, I found out that the lawyer I  
14 had at the beginning waived my rights for a  
15 preliminary hearing, during that time, I thought I  
16 was going to get acquitted, but that never happened  
17 for so long. And I never waived my rights for a  
18 preliminary hearing. Especially knowing that the  
19 person didn't show up and that after three times, I  
20 would have been acquitted. And...

21 **M<sup>e</sup> CHRISTIAN LEBLANC :**

22 So, I'm sorry. You were explaining that along the  
23 road that if the victim didn't show up three times  
24 during that process, let's say, for the preliminary  
25 inquiry, that you would get acquitted or you would

1           be free of those charges?

2   **Mr. MICHEL TOOKTOO:**

3           Yes.

4   **M<sup>e</sup> CHRISTIAN LEBLANC :**

5           That was your understanding?

6   **Mr. MICHEL TOOKTOO:**

7           Yes.

8   **M<sup>e</sup> CHRISTIAN LEBLANC :**

9           During those fourteen (14) times that your file was  
10          called. Did the victim ever testify at any of those  
11          dates?

12   **Mr. MICHEL TOOKTOO:**

13          No.

14   **M<sup>e</sup> CHRISTIAN LEBLANC :**

15          Okay. Tell me how it was happening? What was  
16          happening? You were detained in a detention centre  
17          in the Montreal region. So, explain so that we can  
18          see how it would happened when you would come to the  
19          courthouse? What was going on?

20   **Mr. MICHEL TOOKTOO:**

21          I would tell my lawyer that I want to see the judge,  
22          I want to go in the courtroom. I want to hear  
23          what's going on because my lawyer was not giving me  
24          any information. Every time I called him, he told  
25          me he was busy, he's on the other line or he told

1 me to call him back and I would and he would tell me  
2 the same thing over and over. I asked to see the  
3 documents from the Court and I never received it.

4 And from what I understood when I was going to  
5 trial or something, when I really thought I was  
6 going to get acquitted, he said he didn't want to  
7 represent me no more. I guess he didn't want me to  
8 get acquitted and it's been a while so...

9 **M<sup>e</sup> CHRISTIAN LEBLANC :**

10 Yes. Let's come back to the way, let's say on a  
11 particular date, you have to come to the Montreal  
12 courthouse?

13 **Mr. MICHEL TOOKTOO:**

14 Yes.

15 **M<sup>e</sup> CHRISTIAN LEBLANC :**

16 So, I guess you're transported by the detention  
17 people?

18 **Mr. MICHEL TOOKTOO:**

19 Yes.

20 **M<sup>e</sup> CHRISTIAN LEBLANC :**

21 To the courthouse?

22 **Mr. MICHEL TOOKTOO:**

23 Yes.

24 **M<sup>e</sup> CHRISTIAN LEBLANC :**

25 In the courthouse, there is, what we call open

1 section of the courthouse for detention. Is that  
2 right?

3 **Mr. MICHEL TOOKTOO:**

4 Yes.

5 **M<sup>e</sup> CHRISTIAN LEBLANC :**

6 So they would bring you there?

7 **MR. MICHEL TOOKTOO:**

8 Yes.

9 **ME CHRISTIAN LEBLANC :**

10 And I understand this where you would meet your  
11 lawyer?

12 **Mr. MICHEL TOOKTOO:**

13 I would not even meet my lawyer. I would ask to, I  
14 would tell him I want to see the judge, I want to  
15 see the inside of the courtroom, I want to know  
16 what's going on. And I would go to the Palais de  
17 justice Montreal and I would go there. I would be  
18 there all day and I would ask to see my lawyer.  
19 They would tell me to call them and my lawyer, I  
20 would leave him messages. Never even call me back,  
21 never saw me and I would be in the courthouse all  
22 day waiting for my court and transport would call me  
23 saying I'm going back and I would not know what  
24 happened in the court before I finally call my  
25 lawyer. But the guards would tell me my next court

1           date without the court telling or my lawyer and I  
2           would be so disappointed, angry, feeling *misjustice*  
3           done on me. And that was the longest prison time I  
4           feel like I've done, even if I've done so much time.

5   **M<sup>e</sup> CHRISTIAN LEBLANC :**

6           Okay. So, let's come back on everything you just  
7           said. So, you would be brought from the detention,  
8           the regular detention where you were kept.  
9           Transported to the courthouse. Brought to the  
10          detention section of the courthouse. And then, you  
11          would stay there all day without going to the actual  
12          courtroom?

13   **Mr. MICHEL TOOKTOO:**

14          Yes. And sometimes I would go to the floor by the  
15          elevator, to the courtroom, just outside the  
16          courtroom, in the little bullpens there that where  
17          you wait before you go to Court, and I would go  
18          upstairs, they would put me in the room and without  
19          me even seeing my lawyer or the judge. They would  
20          send me back to the bullpen and tell me my next  
21          court date.

22   **M<sup>e</sup> CHRISTIAN LEBLANC :**

23          Okay. So, you would be brought there at the Palais  
24          de justice, at the courthouse and you would stay  
25          there in different places in the building without

1 going to the courtroom? And...

2 **Mr. MICHEL TOOKTOO:**

3 Or even seeing my lawyer.

4 **M<sup>e</sup> CHRISTIAN LEBLANC :**

5 Without seeing your lawyer, without seeing the  
6 judge?

7 **Mr. MICHEL TOOKTOO:**

8 Nothing.

9 **M<sup>e</sup> CHRISTIAN LEBLANC :**

10 Okay. You...

11 **Mr. MICHEL TOOKTOO:**

12 And those six times, they said I never went inside  
13 the courtroom. I thought it was a lot more than  
14 that.

15 **M<sup>e</sup> CHRISTIAN LEBLANC :**

16 Okay. On those fourteen (14) times, to your memory,  
17 you think it's on more occasions than you did not go  
18 to the courtroom?

19 **Mr. MICHEL TOOKTOO:**

20 Yes.

21 **M<sup>e</sup> CHRISTIAN LEBLANC :**

22 Okay. But there is a couple of times that you did,  
23 you were brought in the courtroom?

24 **Mr. MICHEL TOOKTOO:**

25 Yes, yes.

1 **M<sup>e</sup> CHRISTIAN LEBLANC :**

2       Okay. And that you did see the judge?

3 **Mr. MICHEL TOOKTOO:**

4       Yes. And when I would finally see the judge I would  
5       have so many questions that are unanswered and I  
6       would try to talk to him respectfully and he would  
7       tell me: talk to your lawyer. And when I do, my  
8       lawyer was always busy. I never saw documents,  
9       I've never seen evidence, I never seen statements.  
10      All this time, I didn't know what I was facing. All  
11      my lawyer would tell me is you're going to get four  
12      years minimum. And like, he would tell me that  
13      almost every time I call him or finally see him. He  
14      would be telling me you're going to get four years  
15      minimum. And that was really hurting me. When I  
16      think I'm finally getting acquitted, I don't know  
17      what reasons they didn't even tell me. I would not  
18      even see the inside of the courtroom. All I would  
19      know is my next court date. And it was so long.

20 **M<sup>e</sup> CHRISTIAN LEBLANC :**

21      You just mentioned, your lawyer was telling that you  
22      were facing, you would be facing potentially four  
23      years, you mean, as a potential sentence, if you  
24      were to be found guilty of those crimes. Is that  
25      correct?

1 **Mr. MICHEL TOOKTOO:**

2 He would not say like that. He would tell me that  
3 as soon as the victim shows up, when the victim is  
4 present, you're going to get your sentence right  
5 away and you're going to get four years minimum, he  
6 would tell me.

7 **M<sup>e</sup> CHRISTIAN LEBLANC :**

8 So, so, you would, those times that you were not  
9 brought inside the courtroom, those times you didn't  
10 see the judge and so, your file was postponed to  
11 another date. It's the detention people that would  
12 tell you what's the next date?

13 **Mr. MICHEL TOOKTOO:**

14 Yes.

15 **M<sup>e</sup> CHRISTIAN LEBLANC :**

16 Okay. And did they you understand what was going on  
17 in your file?

18 **Mr. MICHEL TOOKTOO:**

19 Not at all. I've never seen documents, no  
20 statements, no evidence. All I would think is that  
21 I'm going to get acquitted. Because it was so long,  
22 so many times I was going to court. Especially in  
23 the beginning after three times, preliminary  
24 hearing, I thought I was going to get acquitted.  
25 Instead, they, my lawyer waived my right for a

1 preliminary hearing which I never done. When I  
2 thought I was going to get acquitted, he waived my  
3 right for a preliminary hearing instead, after, thee  
4 or four times, the victim didn't show up, like, I  
5 thought I was going to get acquitted according to  
6 the law.

7 **M<sup>e</sup> CHRISTIAN LEBLANC :**

8 Okay. Because that was your understanding that if  
9 the victim was not there for three times that it  
10 would stop?

11 **Mr. MICHEL TOOKTOO:**

12 Yes.

13 **M<sup>e</sup> CHRISTIAN LEBLANC :**

14 Okay. So, and you just mentioned, you've made  
15 reference to some emotion that you have from those  
16 postponements and not understanding what was going  
17 on. You mentioned you were upset, disappointed and  
18 I think you mentioned, angry.

19 **Mr. MICHEL TOOKTOO:**

20 And depressed.

21 **M<sup>e</sup> CHRISTIAN LEBLANC :**

22 And depressed. How did you, I mean emotionally, how  
23 did it, it lasted nineteen (19) months. How did you  
24 feel during that time? Yourself, personally?

25 **Mr. MICHEL TOOKTOO:**

1 In the beginning, I was very hopeful of getting  
2 acquitted, but it didn't happen, it wasn't  
3 happening. They kept bringing me back. telling that  
4 I'm going to get four years minimum and I didn't, I  
5 was, I got depressed. I was never happy. I started  
6 blocking everything out, emotionally. I, even the  
7 Court, I would try to forget about it. And I was  
8 very depressed that my emotions, I was blocking my  
9 emotions because if I didn't, I was going to be  
10 hurting on myself. A lot emotionally even  
11 physically. So, I felt that I had no choice just to  
12 forget everything, let everything be. Just to  
13 forget myself.

14 **M<sup>e</sup> CHRISTIAN LEBLANC :**

15 How do you think you were treated by the justice  
16 system, Mr. Tooktoo?

17 **Mr. MICHEL TOOKTOO:**

18 Personally, I think the judge, the lawyer and the  
19 Prosecutor was all in this. And this *misjustice*  
20 done on me, I think they were all in it together. I  
21 don't think a lawyer would be able to do this  
22 himself. And I think that they did it to me because  
23 I was a Native.

24 **M<sup>e</sup> CHRISTIAN LEBLANC :**

25 You think they, it happened the way it did because

1           you're Inuit?

2   **Mr. MICHEL TOOKTOO:**

3           Yes.

4   **M<sup>e</sup> CHRISTIAN LEBLANC :**

5           Inuk.

6   **Mr. MICHEL TOOKTOO:**

7           Because I see so many people in prison. They have  
8           very serious charge and they were getting acquitted  
9           and I was still inside. And I've never seen this  
10          happen to anybody else.

11   **M<sup>e</sup> CHRISTIAN LEBLANC :**

12          Do you remember, I think you kind of answered it.

13          But I want you to maybe repeat it if it's the case.

14          do you have any recollection of renouncing to your  
15          preliminary inquiry?

16   **Mr. MICHEL TOOKTOO:**

17          Not, not at all. But after what you've told me I  
18          remember that was the time I thought I was really  
19          going to get acquitted after the third time the  
20          victim was not showing up for Court, to the  
21          preliminary hearing.

22   **M<sup>e</sup> CHRISTIAN LEBLANC :**

23          Because of what you understood that if she was not  
24          to show up or not to be available to testify, three  
25          times at the preliminary inquiry, you would be

1 acquitted?

2 **Mr. MICHEL TOOKTOO:**

3 Yes.

4 **M<sup>e</sup> CHRISTIAN LEBLANC :**

5 And that, according to the document, that time of  
6 twenty-third (23<sup>rd</sup>) of January was the fourth time.

7 Do you recall renouncing or being explained that you  
8 were renouncing to delays between postponements?

9 **Mr. MICHEL TOOKTOO:**

10 Say that again?

11 **M<sup>e</sup> CHRISTIAN LEBLANC :**

12 There is a mention in one of the documents that on  
13 July second (2<sup>nd</sup>), two thousand thirteen (2013), the  
14 file was postponed to another date and that you  
15 specifically renounced to the delays. Remember?

16 **Mr. MICHEL TOOKTOO:**

17 Which date was it?

18 **M<sup>e</sup> CHRISTIAN LEBLANC :**

19 Let me just refer to the proper document. It's...

20 **LE COMMISSAIRE :**

21 It's file 8.

22 **M<sup>e</sup> CHRISTIAN LEBLANC :**

23 Yeah, number 8. So, you were, it's the date after  
24 the twenty-third (23<sup>rd</sup>) of January where you,  
25 according to the documents, renounced to the

1 preliminary inquiry? It was postponed to the  
2 seventh (7<sup>th</sup>) of February. So, maybe two weeks  
3 later. According to the document, you were not  
4 present in the room and it's written and it was from  
5 there postponed to April. So, from February to  
6 April and it's specifically mentioned that you  
7 renounced to the delays. Do you remember any of it?

8 **Mr. MICHEL TOOKTOO:**

9 No.

10 **M<sup>e</sup> CHRISTIAN LEBLANC :**

11 Do you remember having any discussion with anyone  
12 about renouncing any delays?

13 **Mr. MICHEL TOOKTOO:**

14 No, even when they wanted to postpone the  
15 preliminary hearing, I tried to tell the Court that  
16 I didn't want it. I didn't, it was not fair. And  
17 after all this time, I'm waiting for the preliminary  
18 hearing that never happened. I don't, after three  
19 times, I was thinking, I'm going to get acquitted.  
20 I didn't even know it was four times. Even after  
21 that, I wanted to get my court over and done with.  
22 I would never delay or I mean, I would never agree  
23 for a postponement of any kind. Every time I go to  
24 Court, I was hoping for to being acquitted.

25 **M<sup>e</sup> CHRISTIAN LEBLANC :**

1 Do you remember in September, I'm sorry, in July two  
2 thousand thirteen (2013), so about six (6) months  
3 after the renouncing of the preliminary inquiry,  
4 that you were in the room and you mentioned to the  
5 court that you wanted to have your preliminary  
6 inquiry and that you have never waived it?

7 **Mr. MICHEL TOOKTOO:**

8 Yes.

9 **M<sup>e</sup> CHRISTIAN LEBLANC :**

10 Do you remember telling that the judge?

11 **Mr. MICHEL TOOKTOO:**

12 I think so. Yes, it rings a bell.

13 **M<sup>e</sup> CHRISTIAN LEBLANC :**

14 Do you feel during the whole process that you were  
15 properly explained what was going on in your file?

16 **Mr. MICHEL TOOKTOO:**

17 Not at all. I was never explained at all what's the  
18 next court. I always, am I getting acquitted this  
19 time? And all he would do is, my lawyer would just  
20 try to scare me probably into stopping me asking  
21 him, questioning him. He would just tell me that as  
22 soon as the victim shows up, you're going to get  
23 four (4) years minimum that same day. He would tell  
24 me. And I would be scared until the next court  
25 date. After Court, they told me to call. So, I

1           would call in the evening and talk to him. Every  
2           time I call him, he has to mention as soon as she  
3           shows up, that same day, you're going to get four  
4           years minimum and that would scare me very much.

5   **M<sup>e</sup> CHRISTIAN LEBLANC :**

6           Is there anything else Mr. Tooktoo, you would like  
7           to add to your testimony about how you went through  
8           those nineteen (19) months and the process?

9   **Mr. MICHEL TOOKTOO:**

10          When I finally got acquitted I remember that was  
11          when I was finally able to smile again, but I feel  
12          like I was never the same after that time, because  
13          it was so long. But I was depressed and my emotions  
14          were not the same. It's like I'm, I need to keep  
15          stuff to myself, I need to be quiet, I have to  
16          leave everybody alone, Try to cast attention on  
17          them, just in case they try to cause problems for  
18          me. I started coming up with all kinds of ideas  
19          like this that I didn't want people to know my  
20          problems instead or they're going to try to make it  
21          worse. I don't have faith in the justice system at  
22          all anymore.

23   **M<sup>e</sup> CHRISTIAN LEBLANC :**

24          I can see it's still...

25   **Mr. MICHEL TOOKTOO:**

1 I don't even, I don't try to even think about that  
2 time anymore. Because I think it's better off I  
3 forget about it, because it hurts me to this day.

4 **M<sup>e</sup> CHRISTIAN LEBLANC :**

5 Because I was about to say and you kind of answered  
6 it. Even today, it's difficult for you to talk  
7 about that period of nineteen months?

8 **Mr. MICHEL TOOKTOO:**

9 Yeah, very.

10 **M<sup>e</sup> CHRISTIAN LEBLANC :**

11 So, I don't have any other questions for you. Is  
12 there anything else you would like to add Mr.  
13 Tooktoo?

14 **Mr. MICHEL TOOKTOO:**

15 No.

16 **LE COMMISSAIRE :**

17 Maître Boucher, do you have questions?

18 **M<sup>e</sup> MARIE-PAULE BOUCHER :**

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

20 **LE COMMISSAIRE :**

21 Maître Laganière?

22 **M<sup>e</sup> MAXIME LAGANIÈRE :**

23 J'aurais peut-être une précision ou deux, s'il vous  
24 plaît.

25 **LE COMMISSAIRE :**

1           If you want to come forward?

2   **M<sup>e</sup> MAXIME LAGANIÈRE :**

3           Thanks.

4   **LE COMMISSAIRE :**

5           It would be easier for the witness, he won't have to  
6           turn his head to the back.

7   **M<sup>e</sup> MAXIME LAGANIÈRE :**

8           Good morning, Mr. Tooktoo.

9   **Mr. MICHEL TOOKTOO:**

10          Good morning.

11   **M<sup>e</sup> MAXIME LAGANIÈRE :**

12          As I can see you don't have headset, so if my  
13          English is not that good, just tell me.

14   **LE COMMISSAIRE :**

15          Maître Laganière, would you push the button?

16   **M<sup>e</sup> MAXIME LAGANIÈRE :**

17          Is that okay?

18   **Mr. MICHEL TOOKTOO:**

19          Yes.

20   **M<sup>e</sup> MAXIME LAGANIÈRE :**

21          I just want to make sure if I understand well one  
22          thing. I don't want a name, okay? Someone told you  
23          that if the victim didn't show up three or four  
24          times, the charges would be dropped. I just want to  
25          make sure that this person is not the Crown

1 attorney? Am I right?

2 **Mr. MICHEL TOOKTOO:**

3 Yes.

4 **M<sup>e</sup> MAXIME LAGANIÈRE :**

5 Thanks, that was the only question.

6 **LE COMMISSAIRE :**

7 So, Mr. Tooktoo, I understand you spent nineteen(19)

8 months in jail with fourteen (14) appearances at the

9 court or fourteen (14) dates you will have appeared.

10 Sometimes you were there at the court, sometimes not

11 and no hearing was really held during all this time.

12 **Mr. MICHEL TOOKTOO:**

13 Yes.

14 **LE COMMISSAIRE :**

15 Before you got acquitted at the end.

16 **Mr. MICHEL TOOKTOO:**

17 Yes.

18 **LE COMMISSAIRE :**

19 No witnesses were heard at the court?

20 **Mr. MICHEL TOOKTOO:**

21 No.

22 **LE COMMISSAIRE :**

23 You were not heard as a witness?

24 **Mr. MICHEL TOOKTOO:**

25 No.

1 **LE COMMISSAIRE :**

2           And I understand that you don't understand why it  
3           took so long before the case was settled?

4 **Mr. MICHEL TOOKTOO:**

5           Yes.

6 **LE COMMISSAIRE :**

7           And I understand also that you didn't get much  
8           explanations?

9 **Mr. MICHEL TOOKTOO:**

10          Yes.

11 **LE COMMISSAIRE :**

12          Concerning what was going on?

13 **Mr. MICHEL TOOKTOO:**

14          Yes.

15 **LE COMMISSAIRE :**

16          Why the case was postponed?

17 **Mr. MICHEL TOOKTOO:**

18          Yes.

19 **LE COMMISSAIRE :**

20          It's written on page 11 of the document that at one  
21          time you said that you wanted to proceed to the  
22          preliminary inquiry?

23 **Mr. MICHEL TOOKTOO:**

24          Yes.

25 **LE COMMISSAIRE :**

1           And I guess you were told that you had to renounce  
2           to it and you said that you didn't know that there  
3           was a renunciation of the preliminary inquiry?

4   **Mr. MICHEL TOOKTOO:**

5           Yes. I even forgot about that part until he  
6           reminded me earlier. Only after, I didn't remember.  
7           But when he mentioned it.

8   **LE COMMISSAIRE :**

9           It's written in the procès-verbal.

10 **Mr. MICHEL TOOKTOO:**

11          That's when I (inaudible).

12 **LE COMMISSAIRE :**

13          I suppose it happened?

14 **Mr. MICHEL TOOKTOO:**

15          Yes. Now, I remember it only after when he  
16          mentioned it again here. That's how much I try to  
17          forget about that time.

18 **LE COMMISSAIRE :**

19          Yes. I have to realize that it took really a long  
20          time.

21 **Mr. MICHEL TOOKTOO:**

22          Hum-hum.

23 **LE COMMISSAIRE :**

24          I'm sorry it happened. Hope it won't happen again.  
25          You have something else Maître Leblanc?

1 **M<sup>e</sup> CHRISTIAN LEBLANC :**

2 That concludes for me.

3 **LE COMMISSAIRE :**

4 Okay.

5 **M<sup>e</sup> CHRISTIAN LEBLANC :**

6 So, I suggest a break. And we will see if we can  
7 maybe start a bit earlier with the next witness?

8 **LE COMMISSAIRE :**

9 Okay. So, Mr. Tooktoo, I would like to thank you.  
10 You came from Kuujjuarapik, it's a long way and to  
11 come here to explain what happened. And I  
12 understand that it's hard on you to speak about  
13 that. You're still... you had some problem with it.  
14 I hope it will get better. I wish it won't happen  
15 again.

16 **Mr. MICHEL TOOKTOO:**

17 Thanks a lot, Commissioner.

18 **LE COMMISSAIRE :**

19 I wish you good luck.

20 **Mr. MICHEL TOOKTOO:**

21 Yes.

22 **LE COMMISSAIRE :**

23 And thank you for coming.

24 **Mr. MICHEL TOOKTOO:**

25 Thank you, bye.

1 **LE COMMISSAIRE :**

2 So, we'll take a break for fifteen minutes?

3 (inaudible). We're on time? Okay.

4 **LA GREFFIÈRE :**

5 Ajournement des audiences pour quinze (15) minutes.

6 SUSPENSION

7 -----

8 REPRISE

9 **LA GREFFIÈRE :**

10 Reprise des audiences.

11 **LE COMMISSAIRE :**

12 Alors, bienvenue. Alors, je souhaite la bienvenue à

13 Maître Marie-Josée Baril-Gosselin qui prend la suite

14 pour la Commission.

15 **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

16 Oui.

17 **LE COMMISSAIRE :**

18 Et je souhaite aussi la bienvenue à M<sup>e</sup> Sioui qui

19 représente l'Assemblée des Premières Nations Québec-

20 Labrador. Alors, bienvenue M<sup>e</sup> Sioui.

21 **M<sup>e</sup> SIOUI :**

22 Bonjour.

23 **LE COMMISSAIRE :**

24 Qui a remplacé la semaine dernière M<sup>e</sup> Marie-Ève

25 Bordeleau qui est devenue Commissaire aux affaires

1 autochtones à la Ville de Montréal. Hein?

2 **M<sup>e</sup> SIOUI :**

3 Oui.

4 **LE COMMISSAIRE :**

5 Alors, bienvenue. Nous sommes très heureux de vous  
6 accueillir.

7 **M<sup>e</sup> SIOUI :**

8 Merci.

9 **LE COMMISSAIRE :**

10 Et Maître Boucher continue à représenter le  
11 Procureur général du Québec?

12 **M<sup>e</sup> MARIE-PAULE BOUCHER :**

13 Oui, bonjour.

14 **LE COMMISSAIRE :**

15 C'est ça. Alors, M<sup>e</sup> Barry-Gosselin vous allez nous  
16 présenter vos prochains témoins?

17 **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

18 Certainement, Monsieur le Commissaire. En fait, on  
19 entendra deux témoins du Centre de justice des  
20 premiers peuples de Montréal qui viendront faire une  
21 présentation sur l'organisme ce matin. Également,  
22 une présentation, bon, sur le mandat, le  
23 fonctionnement, la création, le besoin en fait, de  
24 cet organisme-là. Ce sera suivi par une section sur  
25 les défis, les enjeux et certaines recommandations,

1 en fait, d'améliorations de services.

2 Donc, ça sera jusqu'à l'heure du dîner. Et cet  
3 après-midi, on reprendra le relais avec des  
4 collègues, Maître Suzanne Arpin, pour la Commission  
5 fera un dossier d'un témoin citoyen et ensuite  
6 Maître Paul Crépeau entendra quatre représentants de  
7 l'organisme Open Door qui vont venir parler en fait,  
8 de leur organisme et aussi de situations qui ont été  
9 vécues par cet organisme-là ou par des clients de  
10 cet organisme-là à Montréal. C'est le plan.

11 Avant de présenter mes témoins de ce matin. Si  
12 vous me permettez, Monsieur le Commissaire, j'aurais  
13 quelques documents à déposer qui sont en lien avec  
14 un témoignage qui a été entendu au mois de juin à la  
15 Commission d'enquête. Nous avons entendu Melissa  
16 Saganash et Matthew Coon Come qui était à ce moment-  
17 là le grand chef de la Nation Cree, un témoignage et  
18 Maître John Hurley qui représente au sein de la  
19 Commission, comme le statut de participant à la  
20 Nation Cree, nous a fait parvenir de la  
21 documentation que je juge tout à fait pertinente,  
22 là, pour les travaux de la Commission. Si vous me  
23 permettez donc, je déposerais quatre (4) pièces en  
24 audience.

25 Madame la Greffière, le premier document

1 s'intitule: « Point de rupture - La crise des  
2 suicides dans les communautés autochtones » qui est  
3 un Rapport du comité permanent des Affaires  
4 autochtones et du Nord, de juin 2017. Un rapport,  
5 en fait, du Sénat qui est en liasse. Je vais  
6 déposer la version anglaise et la version français  
7 sous la pièce P-420.

8 **- PIÈCE COTÉE P-420 -**

9 D'ailleurs, je me permets de dire que c'est la  
10 première fois qu'on dépose un document traitant  
11 spécifiquement du suicide chez les autochtones.  
12 Mais on aura plus tard, en fait, une preuve plus  
13 complète sur le sujet, Monsieur le Commissaire.

14 Je vais également déposer un document qui  
15 s'intitule en anglais: « *Submission to the*  
16 *government of Canada. Police abuse of indigenous*  
17 *women in Saskatchewan and failures to protect*  
18 *indigenous women from violence* », qui est un document  
19 de Human Rights Watch de juin 2017. Déposée la  
20 version anglaise sous P-420... P-421, pardon. La  
21 pertinence de ce document-là c'est qu'il y a  
22 recommandations qui visaient le corps de police de  
23 la Saskatchewan, la province et le gouvernement  
24 fédéral qui pourraient être des recommandations  
25 intéressantes également pour des corps de police,

1 par exemple, provinciaux au Québec d'où l'intérêt de  
2 cette pièce-là.

3 - PIÈCE COTÉE P-421 -

4 Finalement, sous P-422, un document qui  
5 s'intitule: « *Mesure de la violence faite aux*  
6 *femmes - tendances statistiques* » qui est un  
7 document de deux mille treize (2013) de Statistiques  
8 Canada, en liasse, la version française et la  
9 version anglaise.

10 - PIÈCE COTÉE P-422 -

11 Et finalement, un document qui est très récent  
12 de janvier deux mille dix-huit (2018) qui  
13 s'intitule « *Portrait des inégalités*  
14 *socioéconomiques touchant les autochtones au*  
15 *Québec* », qui est un document, un article rédigé par  
16 Julia Posca, chercheure à l'IRIS dans la série  
17 « Paul-Bertrand sur les inégalités sociales » de  
18 janvier deux mille dix-huit (2018) et ça sera sous  
19 P-423, la version française du document.

20 - PIÈCE COTÉE P-423 -

21 Je remercie évidemment Maître Hurley de nous  
22 avoir fait parvenir ces documents-là pour les  
23 déposer en audience.

24 **LE COMMISSAIRE :**

25 Qui nous assure toujours d'ailleurs une très bonne

1           collaboration.

2   **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

3           C'est exact.

4   **LE COMMISSAIRE :**

5           Et je l'en remercie.

6   **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

7           Oui. Donc, si on commence, en fait, pour ce matin.

8           Donc, on a Maître Serge Tremblay qui est le

9           président du Conseil d'administration du Centre de

10          justice des premiers peuples de Montréal, qui est

11          également avocat, membre du Barreau et qui est un

12          Innu originaire de Mashteuiatsh, dans la région du

13          Lac St-Jean, qui va venir présenter le premier

14          volet, c'est-à-dire la présentation de l'organisme,

15          le mandat, la création et la nécessité. Il est

16          accompagné de Madame Vivien Carli, qui est associée

17          principale de recherches au « Mohawk Centre de

18          l'École de politiques publiques et de gouvernance de

19          l'Université de Toronto ». Mais, qui est également

20          la co-fondatrice du « Centre de justice des premiers

21          peuples » et toujours sur le Conseil

22          d'administration. Madame Carli va plutôt parler des

23          défis, des enjeux et des recommandations en lien

24          avec le Centre de justice.

25   **LE COMMISSAIRE :**

1           Alors, Madame Carli...avez-vous autre chose?

2   **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

3           Oui. Bien une dernière précision Maître Tremblay va  
4           témoigner en français. Madame Carli témoignera en  
5           anglais. Donc, on a un PowerPoint qui représente  
6           bien la diversité, moitié française, moitié version  
7           anglaise.

8   **LE COMMISSAIRE :**

9           Bon. Alors, Madame Carli, bienvenue, welcome...

10  **Mme VIVIEN CARLI :**

11           Merci.

12  **LE COMMISSAIRE :**

13           To the Commission and Maître Tremblay, nous sommes  
14           heureux de vous accueillir

15  **M<sup>e</sup> SERGE TREMBLAY :**

16           Merci, Monsieur le Juge.

17  **LE COMMISSAIRE :**

18           Maître va témoigner sous son serment d'office, vous  
19           êtes avocat.

20  **M<sup>e</sup> SERGE TREMBLAY :**

21           Tout à fait.

22  **LE COMMISSAIRE :**

23           Et Madame Carli, je vais demander à la greffière de  
24           vous assermenter.

25

1 Me Serge Tremblay  
2 Président du Conseil d'administration au Centre de  
3 justice des Premiers peuples de Montréal  
4 Serment d'office

5 -----

6 **LE COMMISSAIRE :**

7 Alors, bienvenue à vous deux. Nous sommes très  
8 heureux de vous accueillir. Welcome both of you.  
9 We are really happy to have you here today.

10 **Mme VIVIEN CARLI :**

11 Merci.

12 **M<sup>e</sup> SERGE TREMBLAY :**

13 Merci, Monsieur le Juge. Premièrement, au nom du  
14 Centre, je vous remercie de nous avoir invité. Vous  
15 nous donnez la chance de venir partager nos idées  
16 puis de présenter le « Centre de justice des  
17 Premières Nations autochtones de Montréal » à la  
18 Commission. J'aimerais tout de suite, en entrée de  
19 jeu, comme je le disais ce matin dans la rencontre  
20 de préambule.

21 Madame la Greffière, si je vais trop vite, vous  
22 me le dites. Pour les interprètes, j'ai tendance à  
23 parler vite. Au Lac St-Jean, on est pressé.

24 **LE COMMISSAIRE :**

25 Alors, Maître Tremblay, si je vois les interprètes

1           en arrière faire des signes et il y en a un des deux  
2           qui a (inaudible) quand ça va trop vite.

3   **M<sup>e</sup> SERGE TREMBLAY :**

4           Qui s'est essoufflé, qui s'est essoufflé.

5   **LE COMMISSAIRE :**

6           Quand ça va trop vite. Je vous ferai signe.

7   **M<sup>e</sup> SERGE TREMBLAY :**

8           Dites-le-moi, ça me fera plaisir de modérer. Ma  
9           collègue aussi, Vivien, j'ai passé le mot, elle va  
10          me donner une petite tape si je vais trop vite.

11          Alors, bien, dans un premier temps, Monsieur le  
12          Juge, je ne suis pas un sage, ni un aîné, je suis  
13          pas pressé à l'être. Mais, je ne prononcerai pas  
14          une prière, mais, je veux quand même souligner.  
15          Nous sommes en territoire, quand même autochtone et  
16          j'aimerais avoir une petite pensée pour la nation  
17          qui accueille.

18          Dans un premier temps, j'aimerais reconnaître  
19          que nous sommes situés dans un territoire  
20          autochtone, lequel n'a jamais été cédé. Nous  
21          reconnaissons la nation Kanien'kéha comme gardienne  
22          des terres et des eaux sur lesquels nous sommes  
23          réunis aujourd'hui.

24          Montréal est historiquement connue comme un  
25          lieu de rassemblement pour de nombreuses Premières

1 Nations. Et aujourd'hui une population autochtone  
2 diversifiée ainsi que d'autres peuples y résident.  
3 C'est dans le respect des gains avec le passé, le  
4 présent et l'avenir que nous reconnaissons les  
5 relations continues entre les peuples autochtones et  
6 autres personnes de la communauté montréalaise.

7 Alors, si vous permettez, dans un premier  
8 temps, je vais vous présenter au niveau du Centre de  
9 justice autochtone, ce qui a amené à la création du  
10 Centre de justice des premiers peuples de Montréal.  
11 Evidemment, c'est dû à des rencontres qui se sont  
12 tenues en novembre deux mille onze (2011) par un  
13 groupe de travail de programme en justice  
14 communautaire autochtone au Québec, qui a identifié  
15 le besoin d'avoir des ressources en justice  
16 communautaire autochtone de Montréal pour rencontre  
17 des besoins suivants:

18 Premièrement, Montréal compte peu de ressources  
19 qui offrent aux autochtones en conflit avec la loi  
20 un ensemble de services de soutien tout au long des  
21 procédures judiciaires et liées au système  
22 correctionnel.

23 En second lieu, l'absence d'une structure en  
24 justice communautaire et d'approche alternative pour  
25 gérer les crimes et résoudre les conflits basés sur

1 des valeurs et la culture autochtone à Montréal.

2 En dernier lieu, il y a un besoin d'outils  
3 d'information appropriés culturellement pour  
4 améliorer la compréhension des problèmes et des  
5 causes sous-jacentes derrière les crimes commis par  
6 les autochtones.

7 A l'époque, le groupe de travail a mandaté Mme  
8 Lyne St-Louis de Taïga Vision pour envisager la  
9 possibilité de réseauter avec les ressources  
10 autochtones de Montréal, soit le sous-comité de  
11 justice du réseau par la stratégie urbaine de la  
12 Communauté autochtone de Montréal. Le sous-comité a  
13 regardé les données suivantes.

14 Selon l'étude urbaine, « Aboriginal Peoples  
15 Study », de tous les individus interviewés, soixante  
16 pourcent (60 %) ont suggéré que la mise sur pied  
17 d'un système de justice autochtone complémentaire et  
18 distinct du système conventionnel était nécessaire.

19 Selon les données des services parajudiciaires  
20 autochtones du Québec, en deux mille onze (2011), la  
21 clientèle du personnel parajudiciaires autochtone de  
22 Montréal Métropolitain était composée de trois cents  
23 trente et un (331) clients d'origine autochtone  
24 accusés d'un crime. De ce nombre, soixante-quatorze  
25 pourcent (74 %) des accusés étaient des hommes et

1 vingt-six pourcent (26 %) étaient des femmes.

2 Les deux catégories courantes de crimes qu'on a  
3 retrouvés à l'époque étaient évidemment, voies de  
4 fait simples et voies de fait graves.

5 Malheureusement, comme c'est le cas dans certains  
6 services, le Service de police de Montréal ne  
7 possède aucune donnée sur la population spécifique,  
8 dont la population autochtone à Montréal.

9 Les services correctionnels ont fourni  
10 certaines données sur le nombre de contrevenants  
11 autochtones sous leur surveillance. Depuis un an on  
12 a compté trente-huit (38) autochtones sous des  
13 libérations conditionnelles. Le centre de services  
14 correctionnels, excuse-moi, Monsieur le Juge,  
15 services correctionnels a également révélé que  
16 plusieurs autochtones restent emprisonnés plus  
17 longtemps en raison d'absence de programmes de  
18 justice à Montréal.

19 Le sous-comité a décidé que les recherches  
20 étaient nécessaires et par conséquent, les données  
21 actuelles ont été recueillies par le biais de deux  
22 projets d'étude et un projet de recherche plus  
23 élaboré. Il y a eu la thèse de maîtrise de Michael  
24 Grenier qui a contribué à la recherche. Egalement,  
25 Aboriginal Justice Research Project, projet de

1 recherche en justice autochtone de Vivien Carli, ma  
2 collègue ici présente. Alors, elle va pouvoir vous  
3 en discuter tantôt. Et le programme, finalement, le  
4 programme « Just Peace », dirigé par le sous-comité  
5 de justice du réseau.

6 Les projets de recherche sur la justice  
7 autochtone qui s'est déroulés au mois de mars et  
8 avril deux mille douze (2012), comprenaient  
9 soixante-trois (63) entrevues. Les résultats ont  
10 révélé, premièrement, un manque important de soutien  
11 culturellement approprié pour la population  
12 autochtone durant toutes les étapes, c'est-à-dire la  
13 prévention d'une infraction pendant le processus  
14 judiciaire, après l'incarcération et au cours de  
15 l'intégration.

16 Egalement, on a constaté un manque d'accès à  
17 des mesures de justice alternative, c'est-à-dire,  
18 évidemment, solutions à la substitution à  
19 l'incarcération. Ils ont constaté également un  
20 manque de compréhension au niveau du système  
21 judiciaire et des droits personnels lors d'un  
22 processus judiciaire, c'est-à-dire le manque de  
23 compréhension de la part des autochtones à l'accusé  
24 du délit. Je pense que ce matin vous avez eu une  
25 bonne idée du témoignage de cet aspect-là. Alors,

1 j'ai participé à son témoignage ce matin et j'ai  
2 trouvé que ça représentait beaucoup certains  
3 symptômes que le Centre de justice a marqués.

4 Alors, en dernier lieu, un manque de  
5 compréhension de la part du personnel des services  
6 judiciaires correctionnels à propos de la culture  
7 autochtone et des problèmes particuliers touchant  
8 cette population.

9 L'étude détaillée, le programme « Just Peace »  
10 comprenaient quarante-deux (42) entrevues. Les  
11 résultats ont révélé; la plupart des intervenants  
12 clés judiciaires et socio-judiciaires ont souligné  
13 la réalité grandissante du nombre élevé des détenus  
14 autochtones qui se retrouvent dans ces centres de  
15 détention provinciaux. Une fois ceux-ci libérés,  
16 ils sont retenus à Montréal où un nombre important  
17 d'entre eux deviennent des sans-abris en raison de  
18 l'absence d'une stratégie de réintégration  
19 appropriée.

20 Au niveau fédéral, les maisons de transition  
21 sont en mesure d'offrir une forme de réintégration  
22 mais sans approche adaptée. Elles ne possèdent pas  
23 les informations concernant les communautés  
24 autochtones du client. Par conséquent, les  
25 principaux enjeux, j'espère que ça va bien pour les

1 interprètes, Monsieur le Juge? Oui. Tout est beau?

2 **LE COMMISSAIRE :**

3 Un petit peu moins vite.

4 **M<sup>e</sup> SERGE TREMBLAY :**

5 Un petit peu moins vite. Je me sens comme dans  
6 l'esprit olympique, ça fait que...

7 **LE COMMISSAIRE :**

8 Non. Mais, vous savez on n'est pas pressé. On va  
9 prendre le temps de vous entendre. Soyez bien à  
10 l'aise.

11 **M<sup>e</sup> SERGE TREMBLAY :**

12 Je vais aller plus lentement. Alors, dans un  
13 premier temps, l'absence de stratégie de  
14 réintégration appropriée pour les ex-contrevenants  
15 autochtones à Montréal. Le manque de suivis et de  
16 renseignements sur les trajectoires de ces  
17 individus.

18 Montréal ne compte aucun service de justice  
19 appropriée aux autochtones. Plusieurs services et  
20 ressources non-autochtones ne possèdent pas les  
21 connaissances et la formation nécessaire pour  
22 intervenir auprès de la clientèle. Il est  
23 nécessaire de mettre sur pied une ressource centrale  
24 pour voir à ce que les intervenants clés  
25 communiquent entre eux afin d'assurer que les

1 autochtones ne tombent pas entre les mailles du  
2 filet. Il y a un besoin croissant de mises en  
3 disposition d'informations et un centre indépendant  
4 pour offrir une approche holistique et agir comme  
5 point central pour accéder à d'autres services.

6 Egalement, le comité a détecté que les  
7 ressources sociales et judiciaires ont tendance à  
8 être déficientes en matière de connaissance générale  
9 de l'ensemble des services sociaux judiciaires.

10 Les services parajudiciaires autochtones du  
11 Québec représentent un des groupes qui s'implique le  
12 plus au long du processus judiciaire. Cependant, il  
13 ne possède pas les ressources nécessaires pour  
14 assurer un suivi auprès de leurs clients à part  
15 compléter leur sentence. Egalement, de  
16 connaissances au sujet des solutions de rechange et  
17 de ressources pour la clientèle autochtone chez la  
18 plupart des intervenants judiciaires à Montréal.

19 Les études ont démontré à l'époque, qu'il y  
20 avait un besoin évident de la mise en place d'un  
21 programme de justice autochtone. Après de  
22 nombreuses consultations, des options ont été  
23 explorées. Le Centre de justice du premiers peuples  
24 de Montréal a été officiellement constitué le vingt-  
25 deux (22) janvier deux mille quatorze (2014) en tant

1 qu'organisme indépendant.

2 Maintenant, je vais vous exposer dans le  
3 prochain chapitre, le mandat du « Centre des  
4 premiers peuples autochtones de Montréal ». Le  
5 Centre a ouvert ses portes, Monsieur le Juge, au  
6 printemps deux mille dix-sept (2017). Il a commencé  
7 à offrir des services dans le cadre de son programme  
8 de prévention, de déjudiciarisation et  
9 d'intervention. Le Centre est une nouvelle  
10 ressource importante qui permet à la population  
11 autochtone de Montréal d'avoir accès à un ensemble  
12 de services de soutien socio-judiciaires, soit des  
13 alternatives à la déjudiciarisation, de la justice  
14 réparatrice, des services culturellement adaptés et  
15 des programmes de prévention. Le tout, afin de  
16 faciliter la réadaptation, la réintégration et la  
17 réinsertion sociale des délinquants et améliorer  
18 leur qualité de vie.

19 Le mandat de l'organisation est de chercher à  
20 travailler avec la communauté autochtone en vue de  
21 mettre un terme aux problèmes systémiques associés à  
22 la marginalisation, la discrimination et  
23 victimisation de la population autochtone dans le  
24 système de justice correctionnel, moyens de  
25 ressources et de services adaptés à leur culture.

1           Le Centre adopte une approche spécifique pour  
2           s'attaquer à la surpopulation des autochtones dans  
3           le système judiciaire et correctionnel. L'objectif  
4           est de sensibiliser la population autochtone et  
5           développer un sentiment d'appartenance adapté à leur  
6           culture et à leur valeur.

7           Maintenant, Monsieur le Juge, si vous me le  
8           permettez, je vais vous présenter le Conseil  
9           d'administration qui siège présentement sur le  
10          Centre de justice des Premières Nations autochtones  
11          de Montréal.

12          Evidemment, on m'a présenté tantôt. Je suis  
13          Maître Tremblay, je pratique le droit. Je suis Innu  
14          du (inaudible). Je pratique le droit depuis quatre-  
15          vingt-neuf (89). Je suis dans les communautés  
16          depuis trente-cinq (35) ans en milieu autochtone.  
17          Et puis, je pratique le droit criminel,  
18          administratif et différents droits également  
19          adjacents au droit administratif.

20          Nous avons également sur notre comité Maître  
21          Julie Philippe, qui est Vice-présidente et membre du  
22          Barreau du Québec depuis deux mille quatre (2004).  
23          Elle est associée au sein du bureau Lamarre, Linteau  
24          et Montcalm où elle pratique le litige civil,  
25          commercial et familial depuis plus de treize (13)

1           ans. Elle est autochtone de la nation Innu issue de  
2           la première nation Mashteuiatsh, excusez-moi,  
3           Monsieur le juge. Mon anglais n'est pas bon mais  
4           mon montagnais non plus, alors, dans la communauté  
5           de Mashteuiatsh au Lac St-Jean. Elle occupe  
6           également le poste de coordonnatrice au recrutement  
7           et aux affaires autochtones auprès de la Faculté de  
8           droit de l'Université de Sherbrooke.

9           Catherine Jimson, elle est secrétaire-  
10          trésorière, possède une riche expertise en droit et  
11          les politiques publiques, ayant travaillé pendant  
12          plusieurs années comme avocate dans le domaine des  
13          revendications territoriales autochtones,  
14          ancestrales et du droit de la responsabilité civile.  
15          Elle a ensuite obtenu son diplôme de maîtrise en  
16          administration publique axé sur la gouvernance  
17          autochtone de l'Université Queens.

18          Une personne très importante sur le comité  
19          d'administration, qui m'accompagne aujourd'hui, que  
20          sans elle, c'est un pilier du conseil, Mme Vivien  
21          Carli, qui est associée principale de recherche de  
22          « Mohawk Centre de l'école politique publique et  
23          gouvernance de l'Université de Toronto ».

24          Dernièrement, Vivian, si vous me permettez de la  
25          tutoyer, a dirigé la restructuration d'un programme

1 régional de sécurité communautaire de la société  
2 Makivik à l'intention des Inuits du Nord du Québec.  
3 Elle est co-fondatrice du « Centre de justice des  
4 Premiers peuples de Montréal ».

5 Mme Vicki Boldo, que vous avez rencontré la  
6 semaine dernière dans le centre Réseau.

7 **LE COMMISSAIRE :**

8 Avec plaisir.

9 **M<sup>e</sup> SERGE TREMBLAY :**

10 Siège également sur notre conseil, très bonne  
11 expertise auprès de nous. Elle est d'origine Cree  
12 Salish du (inaudible) Métis et membre du clan de  
13 l'ours. Elle est praticienne enregistrée en  
14 médecine énergétique et détient un certificat en  
15 journalisme de l'Université Concordia. Elle est co-  
16 présidente du Réseau pour les stratégies urbaines de  
17 la Communauté autochtone de Montréal. Vicki est  
18 engagée comme Aînée au Centre des ressources pour  
19 les étudiants-étudiantes autochtones de l'Université  
20 Concordia.

21 Nous avons également M<sup>e</sup> Nicholas Wilt(?), est  
22 avocat à l'aide juridique et est membre du Barreau  
23 depuis environ, excusez-moi, je n'ai pas la date  
24 précise, mais d'une dizaine années. Il a travaillé  
25 à Kuujjuaq avec les Inuits et possède une bonne

1 expertise dans le secteur autochtone.

2 Nous avons également M<sup>e</sup> Marjorie Saulnier.

3 Elle est membre du Barreau du Québec depuis deux  
4 mille onze (2011). Marjorie a travaillé comme  
5 avocate dans le secteur privé durant plusieurs  
6 années avant de se joindre aux Affaires Mondiales  
7 Canada en deux mille quatorze (2014) au sein de la  
8 Division de l'accès à l'information et la protection  
9 des renseignements personnels. Depuis deux mille  
10 dix-sept (2017), elle œuvre à titre d'analyste des  
11 politiques dans la division des pratiques  
12 commerciales responsables.

13 Et également, Monsieur le Juge, tout récemment,  
14 quand je vous dis tout récemment, c'est très frais  
15 comme on dit. Mme Wina Sioui, vient de se joindre  
16 au sein de notre Conseil d'administration. Elle a  
17 accepté de se joindre à nous et c'est avec grand  
18 plaisir que le Conseil d'administration a approuvé  
19 sa demande au sein de notre équipe. Elle est  
20 avocate. Elle représente le Conseil des Premières  
21 Nations et nous avons le plaisir de l'avoir parmi  
22 nous aujourd'hui. Bienvenue Wina, nous sommes très  
23 heureux de t'accueillir dans notre équipe.

24 Alors, ensuite, Monsieur le Juge, le Centre est  
25 composé, nous avons deux employés à temps plein.

1           Premièrement, Mme Danielle Beaulieu, elle est la  
2           coordonnatrice au programme de prévention du Centre.  
3           Elle est une travailleuse sociale. Elle a travaillé  
4           à titre d'intervenante psycho-sociale dans un Centre  
5           d'hébergement pour les membres des Premières  
6           Nations, Inuit et Métis, en situation d'itinérance  
7           de deux mille quatorze (2014) à deux mille dix-sept  
8           (2017).

9           Également, qui est venue joindre notre équipe,  
10          Mme Anna-Aude Caouette, elle est la coordonnatrice  
11          du programme Diversion du Centre. Elle est  
12          d'origine Métis et s'identifie comme autochtone.  
13          Son père étant de la nation Cree de Waskaganish et  
14          sa mère d'Amos, région que vous connaissez bien, je  
15          pense.

16       **LE COMMISSAIRE :**

17          Oui, absolument, oui.

18       **M<sup>e</sup> SERGE TREMBLAY :**

19          Elle est intéressée par le mouvement de  
20          revitalisation des langues et cultures autochtones  
21          et rêve de passer plus de temps sur les territoires  
22          d'Ekuanitshit avec ses enfants et sa famille.

23          Alors, Monsieur le Commissaire, chers membres,  
24          comme vous pouvez le constater, le Conseil est  
25          constitué d'une belle équipe regroupant des

1 personnes ressources issues de tous les milieux et  
2 possédant une bonne expertise en droit et en milieu  
3 autochtone.

4 Maintenant, les services que le Centre dispose.  
5 Permettez-moi juste une petite pause. Je suis  
6 convaincu que les interprètes sont heureux.  
7 Maintenant, le Centre dispose des services suivants.  
8 Bon, prévention de déjudiciarisation, programme sur  
9 l'établissement des relations saines, programme sur  
10 la gestion de la colère, programme sur la  
11 toxicomanie et l'usage des substances, guérison et  
12 *mentonariat* des Aînés.

13 Le deuxième volet, c'est l'intervention et  
14 diversion. Offrir des informations juridiques de  
15 base, des références, soutien et accompagnement.  
16 Offrir un soutien financier durant le transport,  
17 programme de la Cour municipale PAJIC et la Clinique  
18 Droit Devant. Également, un programme de travaux  
19 compensatoires en partenariat avec le YMCA de  
20 Montréal.

21 Troisième volet. Sensibilisation et  
22 renforcement d'incapacités. Ça comprend la réalité  
23 autochtone, la sécurité culturelle, l'information  
24 sur le continuum de la justice et des peuples  
25 autochtones et des plaidoyers.

1            Cette année, le Centre vise à continuer  
2            d'adapter culturellement le programme PAJIC auprès  
3            de sa clientèle. Consolider le programme des  
4            travaux compensatoires avec le YMCA. Créer des  
5            programmes de travaux communautaires en partenariat  
6            avec les organisations autochtones et allochtones.  
7            Créer un programme de mesures de rechange en matière  
8            criminelle, c'est-à-dire palais de justice. Créer  
9            un programme de visites en prisons fédérales et  
10            provinciales. Accroître le réseau du Centre.

11            Nous avons comme partenaire pour nous aider  
12            dans ces objectifs le Foyer pour femmes autochtones  
13            de Montréal; La Porte Ouverte; Projet autochtone du  
14            Québec. Nous avons les centres de métiers  
15            autochtones de Montréal, la Clinique Droit Devant.  
16            Également le YMCA, le Centre Onoktikum (inaudible)  
17            Lodge(?)) et une étroite collaboration avec la Cour  
18            municipale de Montréal.

19            Maintenant, laissez-moi vous présenter le  
20            profil de la clientèle du Centre de justice des  
21            Premières Nations du peuple autochtone de Montréal.  
22            Depuis son ouverture, le Centre offre du soutien et  
23            de l'accompagnement auprès de plusieurs membres des  
24            Premières Nations, Inuits, Métis, en situation  
25            d'itinérance et de précarité à Montréal. Nos

1 clients se sont identifiés comme ayant des relations  
2 avec de nombreuses communautés. Notamment, Innu,  
3 Inuit, Cree, Atikamek, Mohawk, Anishnabe et  
4 Mic'macs, représentant ainsi sept des onze nations  
5 du Québec.

6 Nous remarquons également que nous avons des  
7 clients autochtones provenant de d'autres  
8 communautés à l'extérieur du Québec. Les besoins  
9 identifiés, Monsieur le Juge, évidemment, soutien  
10 psychologique et juridique; la prévention du  
11 suicide; intervention en intervention de crises; le  
12 deuil et la perte; la signalisation d'abus commis  
13 par la police. Vous avez eu des témoignages aussi,  
14 j'ai vu la semaine dernière sur cet aspect-là;  
15 évidemment, ce n'est pas toute la police mais  
16 certains individus; soutien concernant les rapports  
17 de police disparus. De la totalité des individus  
18 ayant accédé aux services du Centre, on remarque une  
19 participation équivalente entre les femmes et les  
20 hommes.

21 Au niveau de langue et des prestations de  
22 services, la majorité de la clientèle préfère  
23 recevoir des services en anglais. On retrouve  
24 également des clients issus de nations Innu, Cree et  
25 Anishnabe, qui communiquent plutôt en français.

1           Quelques données. Évidemment, Monsieur le  
2           Juge, le Centre, comme je le disais tantôt, les  
3           portes sont ouvertes depuis seulement printemps deux  
4           mille dix-sept (2017).

5           Alors, nos données que nous avons, c'est des  
6           données que nous avons, qui sont très récentes.  
7           Alors, depuis deux mille dix-sept (2017), le Centre  
8           (inaudible) ses services à soixante-six (66)  
9           personnes. Parmi eux, trente-et-une (31) femmes et  
10          trente-trois (33) hommes. Sur le plan culturel,  
11          cinquante pourcent (50 %) des clients sont Inuits,  
12          cinquante pourcent (50 %) sont issus des Premières  
13          Nations.

14          Le programme de prévention a fourni les  
15          services suivants: programme axé sur la relation  
16          saine - cinq (5) clients; programme axé sur la  
17          consommation - huit (8) clients; soutien aux  
18          victimes d'actes criminels - un (1) client;  
19          programme PAGIC à la Cour municipale, nous avons  
20          quarante (40) individus qui ont accédé aux services  
21          en lien avec le PAGIC. De ceux-ci, environ dix (10)  
22          personnes ont finalisé le programme, ayant réussi à  
23          éliminer deux cents vingt-trois (223) contraventions  
24          et adressé trois (3) accusations criminelles;  
25          services psychosociaux individuel - sept (7)

1 clients; programme d'heures compensatoires - trois  
2 (3) clients; programme d'heures communautaires -deux  
3 (2) clients.

4 Programme et Diversion et intervention. Alors,  
5 nous avons un programme culturel et rencontres avec  
6 les Aînés au Centre de détention de Bordeaux. Nous  
7 avons quatorze (14) participants. La planification  
8 et développement afin d'établir un conseil  
9 communautaire qui aura le mandat d'évaluer et de  
10 recommander des mesures de rechange culturellement  
11 sécurisantes et des plans de déjudiciarisation pour  
12 les personnes accusées.

13 Nous avons également établi un programme avec  
14 l'aide juridique qui a accepté de nous fournir un  
15 avocat pour les services à une journée et demi par  
16 semaine au même endroit que le Centre. Ça permet  
17 évidemment, Monsieur le Juge, de sécuriser beaucoup  
18 la clientèle et de les mettre en relation de  
19 confiance. Ils viennent au Centre de justice et  
20 l'aide juridique ouvre le dossier, rencontre le  
21 justiciable et permet à ce moment-là une entrevue  
22 tout à fait en confiance et sécurisante pour la  
23 clientèle. Alors, c'est un service que l'aide  
24 juridique nous offre maintenant qui est très  
25 apprécié.

1           Le Centre a fourni de l'argent pour le  
2           transport de vingt (20) clients jusqu'à présent pour  
3           accéder aux services, de se rendre à la cour ou aux  
4           rendez-vous avec leurs avocats. C'est un service  
5           qui semble peut-être simple mais très important pour  
6           la clientèle. Parfois, les individus pour se rendre  
7           au palais de justice ou aller voir leurs avocats,  
8           n'ont pas les ressources, n'ont pas les sous pour se  
9           rendre et peuvent devenir, des fois, défaut mandat  
10          ou n'ont pas de contact avec leur avocat, tout  
11          simplement parce qu'ils sont mal à l'aise, ils n'ont  
12          pas les sous pour se déplacer. Alors, le Centre  
13          offre ce service-là et le service d'appoint et de  
14          confiance auprès de la clientèle. On va les aider à  
15          pouvoir assurer leur assiduité auprès de leur avocat  
16          et auprès du tribunal.

17          Ensuite, le Centre a (inaudible) par son  
18          approbation. Il a également développé une  
19          collaboration informelle avec la CAVAC dans le but  
20          qu'un ou deux travailleurs de CAVAC soient formés  
21          pour travailler spécifiquement avec la clientèle du  
22          Centre autochtone. Vous savez que la CAVAC,  
23          évidemment, a un service de support et puis, au  
24          niveau autochtone, c'est une clientèle différente.  
25          Alors, on a une approche avec eux pour justement

1 développer puis s'adapter avec une clientèle  
2 typique, des autochtones vivant sur l'île de  
3 Montréal.

4 Alors maintenant, les impacts des services.  
5 Lorsque les programmes incluant le PAGIC et autres  
6 sont adaptés et offerts par le Centre de justice des  
7 premiers peuples autochtones de Montréal, il  
8 contribue à faciliter l'accès aux services  
9 culturellement sécurisants pour les personnes  
10 autochtones. Il contribue également à offrir un  
11 soutien continu et holistique aux personnes  
12 autochtones dans leurs expériences avec le système  
13 correctionnel et de justice.

14 Les impacts peuvent inclure - une réduction du  
15 nombre d'accusations contre les personnes  
16 autochtones; réduire le taux de récidive chez les  
17 personnes autochtones; changer les mentalités et  
18 augmenter la compréhension à propos des personnes  
19 autochtones en sensibilisant les différents acteurs  
20 socio-judiciaires; il assure une ville inclusive  
21 pour la population autochtone; développe des  
22 partenariats innovants lui permettant de (inaudible)  
23 les services légaux holistiques; développe les  
24 capacités des personnes autochtones, la  
25 compréhension du système judiciaire et de leurs

1           droits. Elle assure une population autochtone  
2           résiliente créant des alternatives au système de la  
3           justice contrôlé par la communauté.

4           Monsieur le Juge, voici la présentation du  
5           Centre de justice autochtone, des premiers peuples  
6           autochtones de Montréal, excusez-moi. Madame Vivien  
7           Carli va faire le deuxième volet. Mais avant de  
8           céder la parole, Monsieur le Juge à Mme Carli, on a  
9           signalé tantôt la bonne nouvelle de Mme Sioui qui  
10          s'est joint à nous. Je voudrais également souligner  
11          la bonne nouvelle, enfin, que l'administration de la  
12          Ville de Montréal, a pris l'initiative de créer un  
13          poste au Commissaire des affaires autochtones qui  
14          est très apprécié pour nous, qui enfin, un poste,  
15          qui j'espère, qui va sûrement faire évoluer les  
16          choses. D'autant plus, que c'est un commissaire qui  
17          a été nommé est une autochtone, une avocate, une  
18          personne qui a déjà siégé au sein de la Commission,  
19          qui possède, en tout cas, tous les atouts pour  
20          pouvoir remplir son mandat. Et assurez-vous, on  
21          (inaudible) vous assurer que le Centre de justice va  
22          collaborer avec Mme Bordeleau avec grand intérêt.

23          Nous aimerions également, Monsieur le Juge, que  
24          le gouvernement prenne exemple sur ce type de  
25          nomination de ce genre. Très peu d'autochtones

1           présentement siègent à des postes clés dans la  
2           matière de fonction publique. On parle des  
3           relations justement, conciliation, écoute, progrès  
4           avec les autochtones. Mais, on a constaté que  
5           lorsqu'on essaie de rencontrer différents organismes  
6           gouvernementaux, c'est difficile et puis la  
7           représentation autochtone est encore déficiente  
8           depuis de nombreuses années.

9           Nous sommes en deux mille dix-huit (2018),  
10          Monsieur le Juge, et en deux mille dix-sept (2017),  
11          le premier juge autochtone a été nommé, enfin, à la  
12          Cour du Québec qui est le juge Philippe qui est  
13          justement le frère de notre collègue sur le Conseil  
14          d'administration, Julie Philippe. Alors, enfin,  
15          c'est un pas dans la bonne direction. Mais,  
16          malheureusement, c'est très peu encore. Je ne parle  
17          pas juste au niveau de la magistrature, mais au  
18          niveau de la fonction publique, avoir des postes  
19          clés, ça serait important que le gouvernement prenne  
20          l'exemple sur la Ville de Montréal et faciliter à ce  
21          moment-là, la réintégration puis la collaboration  
22          auprès de la communauté autochtone.

23          Alors, j'aurai sûrement d'autre chose à ajouter  
24          tantôt. Mais je vais laisser la parole à ma  
25          collègue Vivien et puis revenir après pour

1 (inaudible) des questions, Monsieur le Juge. Merci.

2 **LE COMMISSAIRE :**

3 Merci.

4 **M<sup>e</sup> SERGE TREMBLAY :**

5 Je remercie les interprètes d'être aussi

6 (inaudible).

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1 Mme Vivien Carli  
2 Administratrice au conseil d'administration au centre de  
3 justice des Premiers peuples de Montréal  
4 Serment d'office

5 -----

6 **LE COMMISSAIRE :**

7 Welcome, Madame Carli.

8 **Mme VIVIEN CARLI :**

9 Merci Serge. So, we're going to be switching to  
10 English now. So, I'm going to speak about the  
11 challenges that we face, not just as a Centre but  
12 what I've had seen in the work, working in justice  
13 committees in the North and in Québec. And then,  
14 some recommendations. So, excuse-me if we will be a  
15 bit harsh in our recommendations.

16 So, I want to start my presentation with a  
17 quote that I've put up on this board. This also  
18 appears in a chapter that I had the honor to write  
19 with Lyne St-Louis, who was my former colleague at  
20 Makivik and who helped found this Centre. The quote  
21 is from someone I very much respect, some of you may  
22 know who he is. His name David Annanack, who used  
23 to be, he was one of the few young men in Nunavik  
24 who led the James Bay in Northern Québec agreement.  
25 And so, he, at the time, when he said this quote,

1 and I'll read it out. He was sitting on Inuit  
2 Justice Task Force. One of many justice groups,  
3 Aboriginal related groups that the Québec government  
4 has initiated. So, he says:

5 "Is the present justice system flexible  
6 enough to allow accommodation of what can  
7 be appear to be cultural incompatibility,  
8 sorry. Will the system allow encroachment  
9 upon its well established traditions to  
10 integrate aspects of a cultural, language  
11 and lifestyle foreign to itself. At what  
12 point will acceptable tinkering become  
13 regarded as unacceptable radical surgery."

14 This statement came out when he was a Chair  
15 Person of the Inuit Justice Task Force and during  
16 the Royal Commission on Aboriginal peoples which  
17 some of you know, took place over thirty (30) years  
18 ago. Let me say that this was thirty years and  
19 this phrase still remains relevant and for me, what  
20 that means is that we haven't moved forward.

21 So, before I continue, I want to say that I am  
22 non-indigenous person. I feel honored to be here.  
23 I cannot speak personally to the challenges of  
24 indigenous peoples. But I have had the honor to  
25 work with first nations and Inuit and be taught by

1           them for the last ten years and someone who has  
2           worked in crime prevention and community safety in  
3           Québec for the last ten years. So, my only hope is  
4           that us being here today, will move forward towards  
5           a reconciliation between indigenous and non-  
6           indigenous peoples and we can only first do that by  
7           educating ourselves and that's what we're here to do  
8           is to educate all of you, those who need it to take  
9           a deeper look inside and see what the major issues  
10          we're facing as a justice in a justice system.

11                 So, the first challenge that I want to speak to  
12          is obvious, is the issue of funding. And just to  
13          give you an idea, in two thousand sixteen (2016),  
14          two thousand seventeen (2017), the Centre was set up  
15          with funding from small amounts from the City of  
16          Montreal, Justice Québec and the Cabot Square  
17          Project, which was funded by the McConnell  
18          Foundation. With this funding, we could hire one  
19          coordinator and have some money for operations.

20                 For this current year, two thousand seventeen  
21          (2017), two thousand eighteen (2018), the Centre is  
22          surviving with small amounts of funding from the  
23          City of Montreal, Justice Québec, Justice Canada,  
24          McConnell Foundation, Makivik Corporation and  
25          Secrétariat des affaires autochtones. This funding

1 allows us to hire two coordinators and have some  
2 money for the operations, travel and developing  
3 programs. To give you an idea, we have about a  
4 hundred eighty thousand dollars (\$180,000). Justice  
5 Québec and Justice Canada give us each thirty-seven  
6 thousand five hundred dollars (\$37,500) per year.  
7 That together is seventy-five thousand dollars  
8 (\$75,000) which just about covers one salary. The  
9 City of Montreal gives us thirty thousand dollars  
10 (\$30,000). We have increased our budget  
11 significantly, thanks to the McConnell Foundation.  
12 Not thanks to the government but thanks to a private  
13 foundation, just to let you know.

14 Most of these resources and the ones we've  
15 applied for. We're waiting for money from public,  
16 well, we don't know but Public Safety Canada,  
17 Indigenous and Northern Affairs Canada, McConnell  
18 Foundation. A lot of them do not provide ongoing  
19 support. They give money one shot and then you  
20 can't ever go back to them.

21 City of Montreal despite being a key partner  
22 and speaking about advancing their reconciliation  
23 strategy. We have no idea if we will receive  
24 funding from them this year because they can't fit  
25 us into one of the funding boxes. They've made, you

1 know, they prioritized us in previous years but with  
2 small amounts.

3 Also, in terms of funding, when we apply for,  
4 because we are a justice centre, even though we do  
5 more holistic work. When we apply to Justice  
6 Québec, we cannot apply to other ministries because  
7 we are seen only in the justice sector. As a  
8 result, we do not have enough money to hire a  
9 Director. We spend as a Board, most of our... we  
10 are all volunteer Boards, as you know, we have full-  
11 time positions. We spend our time writing funding  
12 proposals for small amounts here and there.

13 This leaves actually very little time for  
14 service provision and as you saw the amount of work  
15 we do and what we've accomplished with one to two  
16 coordinators, it's pretty amazing. But we don't  
17 know how long we can continue doing this with a  
18 Board of directors that acts like a Director.

19 We are not alone and as you'll see in my  
20 chapter with Lyne St-Louis, in the justice  
21 committees, aboriginal committees all across Québec,  
22 I can't speak to them all, but a lot of them receive  
23 seventy-five thousand dollars (\$75,000), if they're  
24 luck from Justice Québec and Justice Canada. Most  
25 of them have one coordinator, that is it. And that

1 coordinator is supposed to reduce recidivism, divert  
2 the person, provide them support. So, it's almost  
3 impossible. So, we are set up to fail.

4 How is an organization like us suppose to meet  
5 our mandate. Now, I just want to add that Justice  
6 Québec and Canada, their mandate, the funding they  
7 give us, their large mandate is to create an  
8 aboriginal, you know, tailored justice system.  
9 These are huge mandates they have. But their  
10 funding doesn't represent what they are supposed to  
11 be achieving. Have Justice Québec and Justice  
12 Canada been evaluated, have they been able to meet  
13 their goals with the amount of funding they give  
14 out. We don't know.

15 How are we suppose to end the systemic issues  
16 of marginalization, discrimination and victimization  
17 of indigenous peoples just, I'm talking about, just  
18 the justice and correctional system when we can  
19 barely function. We don't wish to victimize  
20 ourselves, okay. We are working very hard at  
21 diversifying our funding. So, because we cannot  
22 rely on government funding, we are getting  
23 charitable status so that we can go to private  
24 donors, like the McConnell Foundation. This is our  
25 solution. We don't have others.

1           The other issue is that we, the other point is  
2           that we are working across organizations to, you  
3           know, to improve and expand our work that we do  
4           since we only have two coordinators, to have a  
5           larger impact. Because we know anyways we cannot  
6           solve these issues alone. So, we realize that we  
7           must work hard to secure the Centre, we know that.  
8           But there is a limit when we are not even receiving  
9           enough adequate support from the government.

10           The funding situation is broken and we need it  
11           to fix it. Here, I'm not referring to just the  
12           amount of money dedicated to indigenous peoples  
13           which is ridiculously low. But that we are stuck in  
14           archaic organizational structures that limit us from  
15           having a larger impact because funders are limited  
16           in how they fund. And now I'll speak to this more  
17           in my recommendations in terms of that we can't work  
18           in individual organizations anymore.

19           Some of the other issues that we're facing is  
20           to give you an idea. So, that we as (inaudible) in  
21           two thousand seventeen (2017), we started offering  
22           doing prison visits with an Elder who came and  
23           visited twelve (12) men at Bordeaux. It was a big  
24           success. The chaplain was very excited that we had  
25           very good reviews from those men that received those

1 services. Some of those men were suicidal and  
2 that's why we went in. We heard as when we came  
3 back in January to restart again the support and  
4 provide one on one services, we were told by  
5 Bordeaux that our project was on hold. And  
6 essentially, we would not be able to go in. We had  
7 no explanation why or what is happening. So, that's  
8 one of the challenges we face, is that we have no  
9 news and our services have been stopped in prison,  
10 in Bordeaux specifically for no reason.

11 Some other challenges, just to give you an  
12 idea. I want to add onto these challenges here is  
13 that, just to give you an idea in terms of the  
14 Gladue report writers. In Montreal, we have very  
15 few. There's about two that are trained from SPAQ,  
16 Services parajudiciaires autochtones du Québec. Our  
17 two staff will be trained in May. But that gives  
18 you an idea of how few Gladue writers there are.

19 Another issue that we face is that, just to  
20 give you an idea, one of our goals that we're  
21 developing is to develop an alternative measures  
22 program for some reconvictions and indictments, so  
23 for serious and minor crimes at the Palais de  
24 justice. Right now, the situation, so alternative  
25 measures allow people to be diverted from the

1 criminal justice system and go through a program  
2 like ours, our Center to have the services they  
3 actually need and not be, you know, put into a  
4 detention centre.

5 In urban areas in Québec, right now, there's a  
6 law that doesn't allow any sort of alternative  
7 measures program to exist because the urban  
8 environment is not considered an indigenous  
9 community. We are not, there's no reserve, there's  
10 no Inuit communities. So we cannot have alternative  
11 measures.

12 The good news is that we are hoping that the  
13 DPCP and Justice Québec is working together to put  
14 in place an Alternative Measures Program in two  
15 thousand nineteen (2019). And our Centre will be  
16 involved in that.

17 The one issue that we have is that, that's nice  
18 to have an Alternative Measures Program but we  
19 don't, we have funding for a bit of program  
20 development because when you do divert someone, you  
21 need to offer them services. So, the funding that  
22 we have for program development is coming from only  
23 the McConnell Foundation. We have no support from  
24 any other government body. In order to make the  
25 alternative measures actually work and have impact.

1 So, to give you an idea, is that, that's good that  
2 we'll have an Alternative Measures Program in two  
3 thousand nineteen (2019), but we can't offer a good  
4 program as of now and we need to develop that before  
5 two thousand nineteen (2019). That means we need to  
6 have staff, we need to have money for program  
7 development.

8 And as you know, there is an enormous amount of  
9 increase of indigenous peoples moving into cities.  
10 And an Alternative Measures program is going to  
11 become more and more important and they'll be a very  
12 high demand. So, we need to be prepared for that.  
13 But we need funding to do that.

14 Some other issues that I want to raise is the  
15 lack of data, the lack of information on what is  
16 happening with indigenous peoples in Montreal. To  
17 give you an idea, as Serge mentioned I'm going to  
18 restate. When we started to do our research, the  
19 City of Montreal, sorry, the SPVM, Service de Police  
20 de Montréal doesn't collect any data on, you know,  
21 on indigenous peoples. I think, in general, at  
22 (inaudible) base, they do not collect anything. But  
23 they consider, so, we heard, rational profiling.  
24 But we have no information on who they see, how they  
25 treat them, do they treat them differently? There

1 is no data.

2 The other issue is that when I was working at  
3 Makivik. We wanted information on Inuit offenders.  
4 How many were going into the system? What was  
5 happening to them? How long would they stay in  
6 there? Were they considered high risk? What was  
7 going on? What was the, were they coming back into  
8 the system?

9 When we went and we asked Ministère de la  
10 sécurité publique and Ministère de la justice, what  
11 was their data, they didn't know. Not only that,  
12 they had a base de données that had missing  
13 information, it was not complete. So, this is  
14 government, this is how the Services correctionnels,  
15 they have no proper data on that or it's not well  
16 organized and it is missing data. So, what we did  
17 is Makivik paid for Professeur (inaudible) Brassard  
18 and her student to go in and build that database.  
19 So, it wasn't the government that did that, that was  
20 Makivik that paid for that. And thanks to  
21 Professeur Brassard and her student to build their  
22 database and make it efficient.

23 Now, going forward. Who is going to maintain  
24 that information and fill in, you know, that  
25 information. Who is going to do that? And what it

1           showed to us is that there doesn't seem to be enough  
2           capacity for data collection or research internally  
3           in the Provincial government.

4           Some other issues I want to raise is, to give  
5           you an idea, is that there are very few treatment  
6           centres around Montreal. We have Onodogo(??) and we  
7           have a few others that are, there's about three that  
8           are, you know, culturally appropriate indigenous  
9           led, mainly First Nations-based programming. There  
10          is a major waiting lists. There is very little  
11          room. So, essentially, and they're short time lines  
12          or a few weeks to a few months. There is Portage  
13          also.

14          So, essentially, another issue that we face is  
15          that it's nice to we have the Centre. But when we  
16          have to refer our clients to get the services they  
17          need in terms of treatment. There aren't enough.  
18          And there isn't enough resources that go into that.  
19          So, like I said, long waiting lists, not enough  
20          space in there and the programs are short. Right?  
21          How do you, in eight weeks time can you help someone  
22          who has major addiction issues that's related to  
23          other issues? I can't speak too much to those  
24          details. But that's what we know.

25          Another issue that we see is that and as Serge

1           says, we worked with the Cour municipale for the  
2           PAGIC program, right now. And we're trying to adapt  
3           it, which is a slow process. PAGIC is, it's a good  
4           initiative, but it is not a solution. It is a band  
5           aid solution to actually reducing the number of  
6           indigenous peoples being criminalized. PAGIC, we  
7           have two volets, we have areas, one is the ticketing  
8           and with Municipal bylaws and then, we have one in  
9           terms of minor offences that they deal with. We  
10          have helped a series of people. But that's not  
11          going to prevent recidivism and these are people who  
12          are living in very, who are homeless, who are living  
13          in very difficult situations and, essentially PAGIC  
14          doesn't respond to those issues. And so, we are  
15          trying our best to adapt it. We have openness from  
16          the Court and we are happy to have that. But again,  
17          we don't know if that will be the solution to really  
18          reducing the issue.

19                 One of the things that we've been involved in  
20                 is there's been a letter written to the City of  
21                 Montreal about relooking at the Municipal bylaws  
22                 that we think are criminalizing of homeless people.  
23                 What we've seen over the years and Professeur  
24                 Belleau and Professeur Sylvestre have written on  
25                 this. Is that we've seen an increase in terms of

1 the criminalization and the harshness in Municipal  
2 bylaws that is only led to the need for programs  
3 like PAGIC.

4 So, the Municipal bylaws increasing the  
5 criminalization of the homeless population, a  
6 vulnerable population in Montreal has led to more of  
7 a need for PAGIC. So, if we were to relook at those  
8 bylaws, maybe we wouldn't need programs like PAGIC.  
9 And I can speak to more of that if you need.

10 Actually, Céline Belleau is doing a research for us  
11 on looking specifically at data regarding indigenous  
12 peoples and how many tickets they're receiving for  
13 which infractions, what's happening? So, we are  
14 going to collect data on that. Because again, there  
15 is no data on this.

16 Another thing I want to, you know, that I'm  
17 going to speak to now is a little bit around  
18 recommendations. There have been very, very good  
19 studies on what, how do we reduce recidivism? What  
20 are the solutions? And actually, I want to point, I  
21 didn't submit this to the Commission but I will.  
22 Tanya Rugge and John Bonta at the Public Safety  
23 Canada have done amazing work on this. They've done  
24 multi-year studies on all sort of organizations  
25 across Canada that are like us, trying to reduce

1           recidivism.

2                   The only that seems to work in terms of that,  
3           is a lot of funding for very complex programming,  
4           programming that's going to tackle housing,  
5           employment, health. So, if you have addictions  
6           issues. So, it's a very complex programming, not  
7           going to speak to that too much, but what that means  
8           is, the only way we've seen reduction in recidivism  
9           is through large scale programming. They don't  
10          write on, they haven't written on what works in the  
11          indigenous communities, so we actually don't know.  
12          But we do know that you need complex programming  
13          that not just touches on justice, but touches on  
14          health, education. So, and it costs a lot of money  
15          to have this type of programming and it's over long  
16          periods of time.

17                 So, the sense of having treatment centres and  
18          what not these are good. But this may not be the  
19          full solution and why we see a continuation of the  
20          issues. Just to give you an example, Aboriginal  
21          Legal Services of Toronto that came last week and  
22          spoke to the Commission, they are, we model our work  
23          off of them and they've existed since nineteen-  
24          ninety (1990) and they have sixty (60) employees,  
25          okay? We've just started and we have two employees

1 and very little funding.

2 Now they do amazing work, they have their own  
3 Court, etc. as Jonathan Rudin have explained to you,  
4 that these struggles to reduce recidivism very much.  
5 Because they are tackling one aspect, okay? They  
6 are justice-related and correction-related, they  
7 have prevention programming. But it's not enough.  
8 Just to give you an idea, Aboriginal Legal Services  
9 of Toronto, sixty (60) persons, incredible, the best  
10 practice across Canada. Even them, alone, cannot  
11 reduce recidivism. So, there's major issues that we  
12 are facing.

13 So, my recommendations. You know, usually, I  
14 would recommend things and we've written our  
15 chapter, things like, which I still are very  
16 important, because it's a step. The idea that we  
17 need to initiate meetings between justice officials,  
18 the police, probation, correctional agents, our  
19 Centre, other organizations working with indigenous  
20 peoples in conflict with the system. In one  
21 situation where it was done in Northern Québec, it  
22 worked very well and it gave an opportunity for the  
23 justice indigenous communities to hear from the  
24 justice officials and there being exchange and  
25 learning.

1           You know, another thing I would suggest, which  
2           would be very important as you all probably know, is  
3           annual ongoing training, okay? On realities, the  
4           history, you know, what's going on? What are the  
5           challenges that indigenous peoples are facing in the  
6           justice system? And this would require commitment  
7           of multiple years just potentially to have a change  
8           or awareness.

9           Now, this is good but it's not enough. Because  
10          for me, I think what we say, this is tinkering.  
11          This is touching on the edges. It's a surface level  
12          solution. It's important, but what we're doing is  
13          we're narrowing the solution, which will not solve  
14          the issues that we're facing.

15          Québec and Canada, well, Québec specifically  
16          have written numerous reports just on indigenous  
17          justice issues, either health, education, that's a  
18          whole other series. When we, for the chapter that  
19          we wrote. When we studied how many of these  
20          reports, these recommendations have been  
21          implemented, we didn't see any. The only ones that  
22          we saw that were implemented were the recent two  
23          thousand sixteen (2016) detention conditions,  
24          administration of justice and crime prevention in  
25          Nunavik. That was recently taken, that was

1 organized by the Québec ombudsman, very good report,  
2 very good study. They've started to implement that  
3 last year. So, that's wonderful. But all the other  
4 reports have not been implemented.

5 So, what are you doing that's different?  
6 Here's a suggestion. So, we know that the Canadian  
7 justice and correctional services is not working,  
8 not just for indigenous peoples, we know this, it's  
9 been written on, shown, proven. But why has nothing  
10 been done? For myself, I've seen the impact, the  
11 firsthand impact of when programs and initiatives  
12 were designed, led and run by indigenous peoples and  
13 we need to change the discourse to what can we learn  
14 from indigenous systems and world view? What we can  
15 we learn? I speak as a non-indigenous person and I  
16 think that that's what we need to be asking.

17 We know that taking someone outside of their  
18 environment, especially when I was working in the  
19 North in Nunavik, taking someone out of their  
20 environment where they have committed a crime and  
21 isolating them in a foreign environment with no  
22 guidance is a recipe for disaster. We know that.  
23 It's been proven, it's been researched on.

24 And I have a really good quote that comes from  
25 that Inuit Task Force that was, you know, that is

1 thirty years ago and still relevant. When you take  
2 those away for a period of time where we cannot help  
3 them. This is coming from an Inuk leader in the  
4 community, who was part of the Task Force. They  
5 often come back worse, isolating themselves and  
6 suffering. We kind of saw that this morning with  
7 the other testimony. At the end, it's not the Court  
8 who sees those coming back to their community as  
9 lost and struggling. It is us, that's the Inuit  
10 communities.

11 Why can't indigenous peoples have their own  
12 systems? Why are we not there yet? Actually, we  
13 are in some communities, but still. Having control  
14 over justice-related services is not the answer.  
15 There is a lot of discussion in Québec, reports  
16 about indigenous administration of justice. But  
17 that's indigenous adapting to the existing system.  
18 What we're thinking about is that we need,  
19 indigenous peoples need to develop their own  
20 solutions and expand beyond what we think as justice  
21 and corrections.

22 And so, we had examples of a few groups that  
23 are doing that, like I mentioned, Aboriginal Legal  
24 Services of Toronto and Vancouver Aboriginal  
25 Transformative Justice Services of Society. Just to

1 give you an idea of that one that I spoke about,  
2 Toronto's group. They are, they're sixty (60)  
3 people. They have significant programs, their own  
4 court, community council. They are almost... their  
5 huge amount of funding comes from the province of  
6 Ontario, okay? We don't have that same support  
7 here.

8 Vancouver is struggling ,too not as much as us,  
9 but they have significant support from the B.C.  
10 government.

11 So, I think very much that in order to make a  
12 real difference, we are working beyond the justice  
13 and criminal and correctional system to incorporate  
14 land, wellness, health and education, a holistic  
15 approach. Because this is the only thing that  
16 really works that we've seen. And we recognize that  
17 indigenous justice programs and organizations are  
18 more than just than the just western understanding  
19 of justice.

20 In pursuit of long-term change, we must address  
21 the root causes, as you know this of the social  
22 issues. We need to shift towards more of a system's  
23 perspective and I'm going to speak to this. That  
24 moves beyond the organization and the sector level,  
25 like I'm working the justice field, I'm working in

1 the correctional field, I'm working in health. This  
2 kind of idea to focus on systems change. This is  
3 why we're trying to do.

4 What I mean by this is that we need to move.  
5 We have individual organizations, okay? We are  
6 Board members, we know that quite well. But we are  
7 limited in how we work because the funding works and  
8 that you fund specific organizations. What we think  
9 needs to be done is that we need to develop networks  
10 of organizations working together. I'm not just  
11 talking about partnerships. We've been doing  
12 partnerships forever.

13 But we need to think about taking a whole other  
14 approach to the way that we work together. Because  
15 in my mind, if we can't rely on the government for  
16 assistance, we need to help each other. Just to  
17 give you an idea, I don't want to be too theoretical  
18 here, but there is a whole area called "Collective  
19 Impact Approach". And it's basically, it's premised  
20 on the belief that there is no single policy or  
21 government department or organization or program  
22 that can solve or tackle our increasingly complex  
23 social issues that we face as a society.

24 The approach calls for multiple organizations,  
25 government bodies to abandon their own agenda in

1 favor of one common agenda. Shared measurement,  
2 alignment of their effort. And unlike collaboration  
3 or partnership that we usually do, this is about  
4 having a centralized infrastructure known as a  
5 backbone organization with dedicated staff whose  
6 role is to help those organizations participating  
7 not to act alone.

8 So, just to give you an example, an idea. When  
9 the Justice Committees across Québec said we need a  
10 resource in Montreal, this was in two thousand  
11 eleven (2011). They wanted a centralized body. I  
12 don't know now what their desires are, but they  
13 wanted to centralize body that would act like a  
14 central network. And that we would be working  
15 together and while, yes, we would somewhat  
16 independent because the law forces us to be  
17 independent organizations, we would not act like  
18 independent organizations, we would have one goal  
19 and everyone working towards that goal.

20 And there's lots of examples of how  
21 organizations have done this. Now, we will try to  
22 do this, we are trying to do this with our partners,  
23 but we are limited because funding goes to  
24 individual organizations only. They do not go to,  
25 it's very rare that they'll go to a network of

1 organizations.

2 The Montreal Aboriginal Network here could be a  
3 resource that does that. We could take that on, who  
4 knows? But essentially, as funders, as a non-profit  
5 organization, we have increasing demands from  
6 funders, increasing accountability, demands for  
7 transparency and that's all good. But we would be  
8 set up to fail because individual organizations,  
9 that's a lot of demand on each of us and if we were  
10 to work closer together.

11 This is just an idea of how organizations will  
12 work together and it's been done in different places  
13 across Canada. I just feel that in Québec, we need  
14 to start doing this work of how there is one  
15 backbone organization and we're all working towards  
16 an issue. But that we are in limbo and we are  
17 moving and I'll explain a little bit more about  
18 that.

19 But what I want to recommend moving forward, is  
20 that... and this is something that that's been in my  
21 work at the University of Toronto now, nationally,  
22 the national work we're doing and what the rest of  
23 Canada is moving towards, is developments of these  
24 provincial funds to support these types of networks.  
25 And so, what I envisioned is that a fund, a province

1 comes together to fund a network of indigenous  
2 organizations working on certain issues together as  
3 needed.

4 The other thing I want to speak to is to set up  
5 an indigenous what works centre. This is a place  
6 where we collect information on what's working,  
7 what's not working. This is data. Here we have  
8 data. This is owned and collected by indigenous  
9 communities or organizations. It's not collected by  
10 government.

11 I want to speak to that. I forgot to speak to  
12 that. But we, as organizations to our funders, we  
13 have to write reports. We write reports to the  
14 Federal government and the Provincial government  
15 with data. How many clients did you see? What did  
16 you do? The government Québec and Canada, are  
17 collecting huge amounts of data, information from  
18 justice committees, like us and justice programs.  
19 But we never get to see that data. What's happening  
20 with all that information, and why can't we share  
21 that information to benefit other justice committees  
22 across Québec? So, we have huge amounts of  
23 reporting but we don't benefit from that data at  
24 all.

25 I mean, we do internally, but I don't know

1           what's going on across Québec. And that's what I'm  
2           getting at is that we are isolated and individual  
3           organizations and that's the way governments,  
4           funders are keeping us in these isolated kinds of  
5           silos.

6           The other thing I would suggest to set up is, I  
7           called it Indigenous Innovation Hub. It's nice to  
8           give money, but we need to test out different  
9           things. Like the Centre right now, we have money  
10          from the McConnell Foundation to do program  
11          development. McConnell Foundation is allowing us to  
12          test our ideas because sometimes they won't work,  
13          we're doing innovative work. It's new stuff,  
14          Québec's never seen this kind of urban approach to  
15          justice issues. We need to try and fail and try  
16          again. We need money to do that, okay?

17          So, if you don't allow that, people are going  
18          to produce projects that we don't know what the  
19          impact is and if the impact isn't positive, they'll  
20          be scared to report that. But they need to have the  
21          money to be able to learn, collect the information,  
22          learn from their mistakes and try again. So,  
23          innovation is a very important mean to have  
24          resources to do that.

25          And also, you know, we are looking at getting

1 more private money involved because of the lack  
2 that's coming from government. So, we need to  
3 diversify our funding and here is an idea of setting  
4 up social impact bonds. That's another thing coming  
5 from the Federal level.

6 So, here some ideas, if Québec government can  
7 provide more funding that how they could work and  
8 how they could think about giving funding in a  
9 general sense that's not justice individual  
10 organizations but to a larger impact.

11 So, one of the things that here, this is a  
12 wonderful quote that I think speaks to what we're  
13 trying to do and what we're trying to say, is that  
14 we'll change reflective of the goals and aspirations  
15 of indigenous peoples. But remember that Inuit is  
16 going to be different from certain First Nations,  
17 from different nations. From the Metis, it's going  
18 to be different. So, at the same time, we use  
19 indigenous peoples but we believe that each nation  
20 has their own approach, okay?

21 So, I'm sorry that we use indigenous peoples.  
22 But this how the government understands this. But  
23 we need to change that also. So, this would come  
24 only when they community members define what change  
25 would be and control that change. It doesn't mean,

1 let's adapt, you adapt the justice and how are we  
2 doing with PAGIC now? Let's adapt to what exists.  
3 No, that's not going to work. We're going to try.  
4 We're going to do that. But we need to create,  
5 build from the ground up.

6 So, my challenge to you at the Commission.  
7 Because I know, you know, I asked a little bit about  
8 what's happening after these testimonies. Is that I  
9 know that a nice report is going to be created and I  
10 know that you have good people sitting on that, your  
11 researchers, which makes me feel better about it.

12 But my challenge to you is to co-created, so, I  
13 know what's going to happen, is we present all this  
14 information and that you or your researches will  
15 decide what's you're going to take, right? That's a  
16 lot of information, you've done X number of  
17 *témoignages*, huge amounts of information. But it's  
18 ultimately you that's going to decide what's going  
19 to be presented or your researchers.

20 Why not co-create that document with indigenous  
21 communities and organizations? It will take more  
22 time, but you will have more, you know, buy in and  
23 respect, because the voices will be in there. The  
24 communities, organizations, like ours, need to be  
25 involved, us testifying is really important and

1 we're honored to be here.

2 But how much of what we suggest will you take?  
3 And what do you know? Who decides what's important  
4 to put in that report? So, that's my challenge to  
5 you. My other challenge is, I don't know, when the  
6 final report will come up, but why not it looked  
7 like an action plan with very specific amounts  
8 suggested to certain goal, you know actions that  
9 you're going to put forward.

10 Please don't produce another report that I'm  
11 going to write a chapter on in a few years saying  
12 that we don't know what the implications of these  
13 recommendations go to and co-create your  
14 recommendations with indigenous peoples, if you can.  
15 I ask you to do that. Because that has never been  
16 done and let's bet the first to do it, to co-create  
17 this final report that you're going to be producing.

18 So, I want to thank you. I don't know if Serge  
19 wants to add. Est-ce que tu veux ajouter quelque  
20 chose?

21 -----

22

23

24

25

1 **M<sup>e</sup> SERGE TREMBLAY :**

2 Écoutez. Vous avez compris ce que Vivien  
3 (inaudible) dans ses recommandations puis le défi  
4 qu'elle vous soulève, est un défi de taille, mais,  
5 aussi réaliste. Elle mentionnait les rapports.  
6 Vous savez, on a mis comment de temps dans la  
7 commission du (inaudible). Il y a eu la Commission  
8 de votre collègue, qu'on parlait ce matin, que, un  
9 chic type, un homme qui...

10 **LE COMMISSAIRE :**

11 Le juge Coutu.

12 **M<sup>e</sup> SERGE TREMBLAY :**

13 ... a tellement fait pour la justice, Jean-Charles  
14 Coutu qui disait: « Une justice avec et pour les  
15 autochtones. »

16 **LE COMMISSAIRE :**

17 Oui.

18 **M<sup>e</sup> SERGE TREMBLAY :**

19 J'ai participé, j'ai travaillé, on a présenté pleins  
20 de mémoires à l'époque. Je suis un ancien du  
21 gouvernement, puis, écoutez, c'est resté lettre  
22 morte. Votre Commission, comme Vivien l'a dit, on  
23 est très honoré pour le Centre de la justice et je  
24 suis persuadé qu'il y a d'autres organismes. J'ai  
25 entendu cette semaine, les autres semaines. La

1 première chose qu'ils vous disaient, c'était de vous  
2 remercier et de vous dire qu'ils étaient très  
3 honorés d'être ici. Mais, comme Vivien l'a dit, il  
4 faudrait que cette Commission-là ne demeure pas  
5 lettre morte et qu'il y a vraiment des actions, des  
6 décisions qui vont se prendre, que ça n'a pas été  
7 simplement fait pour discuter et discuter. Mais que  
8 là, vraiment on va pouvoir avoir des actions  
9 concrètes qui vont venir en aide pour les  
10 communautés autochtones au Québec, Monsieur le Juge.

11 **LE COMMISSAIRE :**

12 Hum-hum. Bon, j'aurai certainement certains  
13 commentaires. Maintenant, avez-vous des questions  
14 Maître Barry-Gosselin?

15 **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

16 Seulement quelques questions, Monsieur le  
17 Commissaire. Je vais me permettre de les poser en  
18 français parce que je sais que Mme Carli vous  
19 comprenez très bien le français. Mais, évidemment,  
20 si c'est vous qui répondez. Vous êtes tout à fait  
21 libre de répondre en anglais.

22 Vous avez parlé un petit peu du Aboriginal  
23 Legal Services de Toronto qui est venu faire une  
24 présentation la semaine dernière, créée dans les  
25 années quatre-vingt-dix ('90), soixante (60)

1 employés. Est-ce que vous avez qu'est-ce qui fait  
2 que le Québec est si en retard, en fait, sur ce  
3 volet-là des autochtones en milieu urbain?  
4 Notamment pour avoir une approche spécifique. On  
5 parle de la création de votre centre en deux mille  
6 quatorze (2014), mais, les activités réelles en deux  
7 mille dix-sept (2017). Donc, plus de vingt-cinq  
8 (25) ans après l'Ontario.

9 Est-ce que vous avez des explications, en fait,  
10 sur le retard qu'accuse le Québec dans le volet  
11 autochtone en milieu urbain? Pour la justice ou...?

12 **Mme VIVIEN CARLI :**

13 Hum-hum. Tu veux que je réponde? I don't have all  
14 the answers to that. I think one of the things is  
15 that the, one part of it is that the alternative  
16 measures program not being legally able to take  
17 place in urban areas in Québec, is a huge, was a  
18 huge barrier to anyone starting these initiatives,  
19 which still hasn't been implemented. So, I think  
20 that's one of the reasons, the law prevents sort of  
21 any, sort of aboriginal alternative measures being  
22 put in place in an urban area in Québec, okay? I  
23 think that's one part of it.

24 On our part, you know, I'm not from the  
25 community here, but, I work with the community and

1 to set up the Centre. We work very hard to set up  
2 the Centre and as you see, it has taken a long time  
3 to set it up. This gives you an idea that the  
4 indigenous organizations in Montreal are extremely  
5 under-funded. And so, there was no sense of, there  
6 was really no capacity.

7 Why we built separate organization, is because  
8 the existing organization just could not take on  
9 this mandate. So, there was no, I mean, it took a  
10 long time for the City of Montreal alone to sort of,  
11 recognize in some way, indigenous peoples and build  
12 the, put funding towards the network that exists  
13 now. This one was built in two thousand eight  
14 (2008). So, just to give you a sense that the whole  
15 capacity interest from the government, interest from  
16 the City of Montreal was not there. And we are very  
17 behind in terms of development of openness and  
18 accepting in terms of what indigenous peoples need.

19 So, I think that goes along to the *la volonté*,  
20 the desire to have this. But also, that the  
21 under-resourcing that comes into existing indigenous  
22 organizations in Montreal and the capacity too.  
23 That organizations are stretched thin to do very  
24 difficult work on the ground.

25 So, we just didn't have the capacity. We

1 didn't have the resources and we had no interest  
2 from the government. You can see now, we're in two  
3 thousand eighteen (2018) and we are just like barely  
4 getting money from government, Québec government,  
5 Canada and the City of Montreal to open the Centre.  
6 So, you can see the amount of challenges with the  
7 lack of desire for this kind of program and this  
8 kind of initiative to be set up.

9 **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

10 Merci. Il a été question aussi également de  
11 l'absence de collecte d'information ou l'absence de  
12 données, en fait, sur la situation des autochtones.  
13 Notamment, vous parliez avec le Ministère de la  
14 sécurité publique ou le Service de police de la  
15 Ville de Montréal, la justice. Les conséquences  
16 pratiques de ça, le Centre de justice des premiers  
17 peuples, par exemple, est-ce que c'est, vous devez  
18 avoir l'information pour demander du financement?  
19 Le gouvernement vous le demande. Par ailleurs, vous  
20 ne pouvez pas avoir accès à l'information. Donc,  
21 vous devez utiliser une partie de votre budget pour  
22 obtenir de l'information exigée pour financer?  
23 C'est ce que j'ai compris?

24 **Mme VIVIEN CARLI :**

25 Oui.

1 **M<sup>e</sup> SERGE TREMBLAY :**

2 Puis, c'est un cercle vicieux aussi. Parce qu'ils  
3 nous demandent ces exigences-là et les rapports sont  
4 de plus en plus complexes. Mais, on sait que le  
5 gouvernement finance toujours en fonction du prorata  
6 des services qu'on va desservir. Et, compte tenu  
7 qu'on a de la difficulté à obtenir ces informations-  
8 là, lorsqu'on arrive avec nos chiffres, bien, ils  
9 nous disent ah non, le budget, bien, il est prévu  
10 pour telle portion de population. Vous desservez  
11 tant, bien, voici tant. Alors, on est pénalisé sur  
12 l'ensemble du budget également. Donc, c'est un  
13 cercle vicieux. On ne nous donne pas les chiffres  
14 que l'on veut, mais, en même temps, bien, on se sert  
15 de ça pour dire, bien, voici ce qu'on peut vous  
16 offrir comme montant d'argent, comme budget.

17 **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

18 O.K. Je comprends donc que le financement va  
19 souvent en fonction du pourcentage de population qui  
20 serait visée par exemple, c'est ce que vous  
21 expliquez? Bon, ça m'amène à une autre question.  
22 Est-ce qu'à ce moment-là, le fait que, dans certains  
23 services publics, si on fonctionne par de l'auto  
24 déclaration? Donc, la personne doit s'identifier  
25 comme étant une personne d'origine autochtone pour

1 être considérée comme une personne autochtone. Et  
2 sachant, qu'il y a, ces personnes-là ont peut-être  
3 vécues de la discrimination négative là? Est-ce que  
4 et que l'auto déclaration est souvent inférieure à  
5 la réalité, donc, ça l'entraîne qu'on vous finance  
6 pour une auto-déclaration qui est probablement  
7 inférieure à la réalité des personnes visées?

8 **M<sup>e</sup> SERGE TREMBLAY :**

9 Tout à fait.

10 **Mme VIVIEN CARLI :**

11 Je veux juste ajouter que les données ne sont pas  
12 justes pour les bailleurs de fonds, mais, c'est pour  
13 nous. On doit savoir il y a combien? Qu'est-ce qui  
14 se passe? Qui vont où? Pourquoi combien de temps?  
15 Si on n'a pas les données, on a aucune idée de  
16 qu'est-ce qui se passe. C'est quel programme on a  
17 besoin? En tout cas, sans les données, on sait  
18 rien, on commence de rien et c'est ça. Et c'est  
19 difficile de faire ça. Alors, ce n'est pas juste  
20 pour les bailleurs de fonds, c'est pour nous aussi,  
21 un Centre qui donne des services. Alors, c'est  
22 très, très important. Mais, c'est ça.

23 **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

24 L'ampleur du problème est pas nécessairement ou des  
25 problèmes ou de la situation est pas connu puisque

1           vous avez pas de données.

2       **Mme VIVIEN CARLI :**

3           Exactement.

4       **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

5           Justes ou exactes sur la situation. On parle de  
6           sous-représentation des autochtones, mais si les  
7           données sont inexactes ou difficilement...  
8           inexistantes, c'est difficile de les documenter?

9       **Mme VIVIEN CARLI :**

10          Exactement.

11       **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

12          O.K. Puis, juste une dernière question. Vous avez  
13          parlé des visites, en fait, en deux mille dix-sept  
14          (2017), il avait un projet au Centre de détention de  
15          Bordeaux à Montréal avec des *talking circles*, avec  
16          des Elders? Ce programme-là est suspendu  
17          actuellement, si j'ai bien compris?

18       **Mme VIVIEN CARLI :**

19          Oui.

20       **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

21          Il a été suspendu par le Ministère de la sécurité  
22          publique?

23       **Mme VIVIEN CARLI :**

24          On ne sait pas exactement. Qu'est-ce qu'on a comme  
25          information c'est que la Direction a suspendu ça

1            parce qu'ils sont en train de regarder leur  
2            stratégie pour ces types de programmes qui vient,  
3            les visites de centres de détention. On sait que  
4            pour maintenant, c'est juste, nous, c'est dans  
5            Bordeaux. Notre employée est allé à Leclerc  
6            accompagné un autre organisme. Alors, elle est  
7            entrée là, elle a donné des services. Mais, c'est  
8            ça, on n'a pas de nouvelles. C'est ça, la prochaine  
9            étape c'est vraiment de contacter le Ministère.

10        **M<sup>e</sup> SERGE TREMBLAY :**

11            Faire des démarches. Pour l'instant, je pense que  
12            c'est jute par le biais de l'aumônier qu'on peut  
13            essayer de passer pour aller avoir la clientèle.  
14            Alors, l'aumônier a un accès avec les détenus.  
15            Nous, à ce moment-là, le travailleur approche  
16            l'aumônier pour essayer de faire passer le message  
17            et rencontrer les gens qui sont détenus.

18        **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

19            Parce que l'objectif de ce service-là, c'était  
20            d'offrir des services spirituels ou de  
21            l'accompagnement spirituel...

22        **M<sup>e</sup> SERGE TREMBLAY :**

23            Du soutien.

24        **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

25            Du soutien spirituel pour les détenus qui purgent

1 des sentences au provincial.

2 **M<sup>e</sup> SERGE TREMBLAY :**

3 Tout à fait.

4 **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

5 Parce que c'est plus facile avoir accès à un prêtre  
6 en détention.

7 **M<sup>e</sup> SERGE TREMBLAY :**

8 Bien, exactement.

9 **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

10 Qu'à un Aîné dans un, spiritualité autochtone.

11 **M<sup>e</sup> SERGE TREMBLAY :**

12 Pour l'instant, c'est ça. Exactement, c'est  
13 exactement le cas. Alors, c'est un peu inusité là.  
14 Exactement.

15 **M<sup>e</sup> MARIE-JOSÉE BARRY-GOSSELIN :**

16 Ça complète pour mes questions. Je vous remercie  
17 Monsieur le Commissaire.

18 **LE COMMISSAIRE :**

19 Maître Sioui, est-ce que vous auriez des questions?

20 **M<sup>e</sup> SIOUI :**

21 (Inaudible). C'est une très bonne présentation,  
22 merci.

23 **LE COMMISSAIRE :**

24 Maître Boucher?

25 **M<sup>e</sup> MARIE-PAULE BOUCHER :**

1 J'aurai pas de questions, merci beaucoup.

2 **LE COMMISSAIRE :**

3 Non? Bon, moi, j'ai peut-être quelques, j'ai  
4 beaucoup apprécié votre présentation. Les sujets  
5 que vous abordez sont très pertinents. Évidemment,  
6 nous savons, nous avons entendu beaucoup de  
7 témoignages à l'effet que le système de justice a  
8 beaucoup de ratés. Je vais être poli, beaucoup de  
9 ratés en ce qui concerne les services rendus aux  
10 autochtones. C'est le moins qu'on puisse dire.  
11 Tant en milieu urbain que dans les milieux plus  
12 éloignés, dans les communautés et Madame Carli, vous  
13 mentionnez que les choses devraient être faites, non  
14 pas imposées aux autochtones, mais, que ça devrait  
15 vous dites, *from bottom up*, que les choses devraient  
16 être examinées avec eux, avec les gens dans les  
17 communautés. De voir leurs besoins. Ce qui veut  
18 pas dire de ne pas mettre à leur disposition des  
19 choses qui ont pu être suggérées déjà.

20 Je pense au rapport du juge Coutu de « La  
21 justice par et pour les autochtones ». D'ailleurs,  
22 j'ai eu l'occasion d'en parler avec lui récemment.  
23 Il est encore en forme. Vous avez mentionné le  
24 rapport Inuit « Task Force on Justice » qui date à  
25 peu près de la même époque. (inaudible) ainsi que

1 d'autres personnes. Je pense entre autres à  
2 (inaudible) et je me souviens très bien à la page 49  
3 dans son rapport, lorsqu'il dit: « Laissez-nous  
4 nous occuper des *summary convictions* et occupez-vous  
5 des choses plus graves, les meurtres, les viols, les  
6 agressions, etc., ça va aller beaucoup plus vite.  
7 Nous serons mieux desservis, » entre autres.

8 Alors, évidemment ce sont des choses qui, il va  
9 falloir se pencher et votre idée de tenir compte des  
10 vœux des communautés et nous savons qu'il y a quand  
11 même onze (11) nations au Québec. Il y a dix (10)  
12 Premières Nations ensuite les Inuits. Les problèmes  
13 sont pas tous les mêmes, les besoins sont pas les  
14 mêmes. Il y a cinquante-cinq (55) communautés  
15 réparties un peu partout dans le Québec. Les  
16 langues sont différentes. Les services sont plus ou  
17 moins rendus dans une fréquence qui permet d'avancer  
18 et de rendre vraiment des services. En fait, il y a  
19 beaucoup de choses à faire.

20 Vous, en milieu urbain, bien, vous avez des  
21 problèmes. Vous avez de la difficulté à avoir les  
22 renseignements qui vous permettent de connaître les  
23 véritables besoins tout en sachant qu'il y a des  
24 besoins. Maintenant, comment les évaluer? Bien, il  
25 nous est arrivé de demander à la Commission certains

1 renseignements et il y a des statistiques qui sont  
2 pas en faits en fonction du nombre d'autochtones qui  
3 pourraient être desservis ou affectés par la  
4 problématique.

5 C'est des questions de renseignements  
6 personnels, confidentiels, je le sais pas, mais il y  
7 a des éléments qui sont difficilement accessibles,  
8 vous le soulignez puis on l'a constaté nous aussi.  
9 Écoutez, il y a beaucoup de choses qui doivent,  
10 peuvent être faites. Ça sera peut-être pas dans,  
11 avec une baguette magique en criant ciseaux. Mais,  
12 c'est évident qu'il faut s'y pencher et votre  
13 suggestion de vraiment regarder ce qui pourrait  
14 convenir et de le voir avec des gens qui sont  
15 concernés, ça ne tombe pas dans l'oreille d'un  
16 sourd.

17 Je vous en remercie. Je vous remercie d'avoir  
18 accepté notre invitation de venir présenter vos  
19 services. Je vais vous souhaiter d'obtenir les  
20 fonds dont vous avez besoin pour fonctionner selon  
21 vos souhaits, selon les besoins. C'est important et  
22 si vous avez d'autres idées et d'autres suggestions,  
23 d'autres recommandations, vous savez comment nous  
24 rejoindre. En fait, ça sera toujours bienvenu.

25 Est-ce qu'il y a des documents à produire

1           Maître Barry-Gosselin? Je vais vous laisser le  
2           faire?

3           **[M<sup>e</sup> MARIE-PAULE BOUCHER : ]**

4           Oui, Monsieur le Commissaire. Madame la Greffière,  
5           j'aurai quelques documents. Donc, sous P-424, la  
6           présentation PowerPoint d'aujourd'hui, qui  
7           s'intitule: « Le Centre de justice des Premiers  
8           peuples de Montréal »

9   **- PIÈCE COTÉE P-424 -**

10           Sous E-425, ça sera un engagement, Monsieur le  
11           Commissaire, il y a le texte, en fait, qui a été lu  
12           par Maître Bouchard et Madame Carli avec certaines  
13           références. Il sera fourni à la Commission. Est-ce  
14           que dans les trente (30) prochains jours c'est  
15           réaliste?

16           **M<sup>e</sup> SERGE TREMBLAY :**

17           Ah, sans aucun problème.

18           **M<sup>e</sup> MARIE-PAULE BOUCHER :**

19           O.K. Donc, sous E-425.

20   **- PIÈCE COTÉE E-425 -**

21           Sous P-426, The First People Justice Centre of  
22           Montreal annual report, April first (1<sup>st</sup>) two  
23           thousand sixteen (2016), March thirty-first (31<sup>st</sup>),  
24           two thousand seventeen (2017). Donc, le rapport  
25           annuel, en fait, du Centre de justice des premiers

1           peuples de Montréal.

2                                   **- PIÈCE COTÉE P-426 -**

3           Et, également, The First People Justice Center  
4           of Montreal, Plan stratégique deux mille dix-sept  
5           (2017), deux mille vingt et un (2021). Donc,  
6           pardon, sous P-426, se sera le rapport annuel sous  
7           P-427, le plan stratégique.

8                                   **- PIÈCE COTÉE P-427 -**

9           Ensuite, un article à paraître dans un livre  
10          qui s'intitule : « Justice Committee in Nunavik -  
11          promoting integration and restoring balance » de  
12          Madame Lyne St-Louis et Vivien Carli, qui est un  
13          chapitre d'un livre qui sera publié, mais, on va  
14          déposer immédiatement le chapitre sous P-428.

15                                  **- PIÈCE COTÉE P-428 -**

16          Et ensuite, deux documents qui représentent des  
17          bonnes pratiques que Madame Carli m'a envoyés qui  
18          pourraient peut-être inspirer les travaux de  
19          l'équipe de recherche. Un document qui vient du  
20          Centre for Social Innovation, « Constellation  
21          collaboration : A model for multi-organizational  
22          partnership » from Tonya Surman. Donc, sous P-429.

23                                  **- PIÈCE COTÉE P-429 -**

24          Sous P-430, c'est un projet qui vient de  
25          Winnipeg, Monsieur le Commissaire. Le document

1 s'intitule: « The Winnipeg Boldness Projet.

2 - PIÈCE COTÉE P-430 -

3 Également, qui est sous les formes des bonnes  
4 pratiques et Maître Tremblay m'a également transmis,  
5 qu'on pourrait coter sous P-431, un Mémoire qui  
6 était une entente de principe d'ordre général du  
7 Barreau du Québec de février deux mille trois (2003)  
8 qui démontrait, en fait, à ce moment-là, certaines  
9 recommandations et l'implication du Barreau du  
10 Québec dans la question des autochtones, Premières  
11 Nations, Inuit à ce moment-là.

12 - PIÈCE COTÉE P-431 -

13 Donc, ça serait les documents que je voudrais  
14 déposer ce matin.

15 **LE COMMISSAIRE :**

16 Alors, merci beaucoup. Merci encore à vous d'être  
17 venus nous rencontrer aujourd'hui.

18 **Mme VIVIEN CARLI :**

19 Merci.

20 **M<sup>e</sup> SERGE TREMBLAY :**

21 Merci (inaudible) l'invitation.

22 **LE COMMISSAIRE :**

23 Bonne continuation dans vos travaux.

24 **Mme VIVIEN CARLI :**

25 Merci.

1 **LE COMMISSAIRE :**

2 Nous allons suspendre jusqu'à une heure trente  
3 (1 h 30), si j'ai bien compris ?

4 **M<sup>e</sup> MARIE-PAULE BOUCHER :**

5 Oui, s'il vous plaît, ça sera Maître Arpin, à ce  
6 moment-là qui prendra le relais à une trente (1h30).

7 **LE COMMISSAIRE :**

8 Très bien. Alors, bon appétit à tous.

9 SUSPENSION

10 -----

11 REPRISE

12 **L'HONORABLE JACQUES VIENS (LE COMMISSAIRE) :**

13 So, bonjour, good afternoon. Je vais d'abord  
14 demander aux procureurs de s'identifier. Plusieurs  
15 ont changé depuis ce matin. Pour les fins de  
16 l'enregistrement.

17 **Me SUZANNE ARPIN :**

18 Alors, Me Suzanne Arpin for the Commission.

19 **Me DENISE ROBILLARD :**

20 Bonjour. Denise Robillard pour la Procureure  
21 générale du Québec.

22 **Me MARIE-PAULE BOUCHER :**

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

25 **Me DAVID CODERRE :**

1           Bonjour à tous. David Coderre pour l'Association  
2           des policières et policiers provinciaux du Québec.

3           **LE COMMISSAIRE:**

4           Alors, bienvenue à vous. Alors, as we'll proceed  
5           in English this afternoon with the next witness?

6           **Me SUZANNE ARPIN:**

7           Yes, I would like...

8           **LE COMMISSAIRE:**

9           I will say "Welcome" to the counsels, the lawyer  
10          working with the Commission. And I will ask Me  
11          Arpin to introduce the next witness.

12          **Me SUZANNE ARPIN:**

13          Today, we have madame Sarah Papialuk. She wants to  
14          share her experience and perception concerning the  
15          social services, the Director of the Youth  
16          Protection, the police and the Leclerc's Detention  
17          Center. She will also have recommendations to  
18          improve the relationship between Indigenous people  
19          and public services. And she will testify in  
20          English, and make a solemn affirmation.

21          **LE COMMISSAIRE:**

22          So, I will ask the clerk of the Court to proceed to  
23          the oath.

24          -----

25

1 Sarah Papialuk  
2 Assermentée  
3 -----

4 **LA GREFFIÈRE-AUDIENCIÈRE :**

5 Thank you.

6 Your witness.

7 **LE COMMISSAIRE :**

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

9 **Me SUZANNE ARPIN :**

10 So, Sarah, I would like that you introduce yourself  
11 to the Commission or talking about your family and  
12 who you are.

13 **MME SARAH PAPIALUK :**

14 All right. My name is Sarah Papialuk. I was born  
15 in here, in Montreal and raised in Nunavik,  
16 Puvirnitug. I have... my parents are still alive.  
17 I have two older brothers and two older sisters,  
18 and I was incarcerated in detention of Leclerc for  
19 eleven (11) months. Right now, I am... I'm in a  
20 healing journey to therapy at Portage since  
21 February thirteenth (13th), two thousand eighteen  
22 (2018).

23 I just want to share a little story and I just  
24 want to share how I feel right now. I am feeling a  
25 little bit of loss, because yesterday, when we were  
26 having our traditional country food, I found out

1           that my cousin was dead. She passed away last  
2           month and...(crying), no one in my family mentioned  
3           her pass(passing). They did not mention it to me,  
4           not even the social workesr up North in Puvirnitug  
5           or Kuujjuarapik. I felt left out, because she was  
6           my cousin. I felt unimportant and I think the  
7           social workers need to work more on how people... I  
8           mean, I think the social workers need to have more  
9           training about how their job is, because me,  
10          myself, I am the cousin of the person who passed  
11          away and was detained.

12                 Having to hear that my cousin passed away  
13                 really touched me and hurt me, because I would have  
14                 asked for a temporary absence, I used to go to a  
15                 funeral of my cousin, but it did not happen, but I  
16                 cannot change that today, because it has been one  
17                 month already, but I will let the social workers or  
18                 the community to be more aware of the difficulty  
19                 and the difficult situation.

20                 I was incarcerated in the detention of Leclerc  
21                 for eleven (11) months. Right now I am on my  
22                 healing journey through therapy at Portage and I  
23                 was placed in a DYP of age thirteen (13) to  
24                 seventeen (17), eighteen (18) years old. I  
25                 remember my first flight to Montreal. I was going

1 to a juvenile lock-up unit called "Batshaw", it was  
2 Jean Sauvé. I cannot feel of belonging, I cannot  
3 feel a sense of belonging, because I was not used  
4 to being around White or Black people, because all  
5 my life, I've been around most of the time Inuit  
6 people where I come from.

7 During that time, I was suffering, I was hurt,  
8 I was going through a lot of anger, not  
9 understanding where I'm going, how I'm going to do  
10 with my days while in custody of Batshaw. Most of  
11 the time, we spoke in English and I cannot have  
12 visits, I cannot have my family to come see me,  
13 because they were complaining that it is too  
14 expensive to come to Montreal, to come (inaudible).

15 I felt angry with the DYP up North, because  
16 they took me all the way from Puvirnitug to  
17 Montreal to be placed in a Batshaw. Because I was  
18 changing my mentality living with non-Indian  
19 people. It was hard for me, it was hard to accept.  
20 I felt scared, I felt afraid and I cannot have  
21 anybody to explain the situation, because I did not  
22 trust most of the non-Inuit people.

23 I was *offers* to make phone calls to my family  
24 during my custody in Batshaw. At least, there was  
25 one to... it was one of the solutions I had during

1           that time. Because being an Innu person, it really  
2           *hurted* me to be so far away from my family, because  
3           I was used to my family, I was not open enough to  
4           deal with the Quebec society. I mean, that Quebec  
5           environment. I mean, in the South.

6           I experienced... I experienced being alone, I  
7           experienced being in a good home in Puvirnitug.  
8           During that time while I was placed in... at  
9           Puvirnitug, it was my... it's my community, but  
10          having to deal with the rules and the regulations  
11          in the group home was a difficult one, because  
12          there was twenty (20) to thirty (30) kids who were  
13          placed in the same place. And they were in open  
14          custody, but me and myself, I was in a closed  
15          custody, so I could not go see my family, I could  
16          not go out, unless if I have community services to  
17          do or to participate after (inaudible) day care. I  
18          cannot have visits, I was not allowed visits.

19          My experience, I have experienced healing  
20          alone for a long time and it lead me to frustration  
21          and anger. I felt that nobody understood me  
22          because... my need was to have contact with my  
23          family, but most of the time I do not have contact  
24          with my family.

25          It got me to the point where I hated this, I

1           hated how the system works, being away from my  
2           family for so long.

3           In the Inuit tradition or culture, most of the  
4           time, the Inuit are always sticking together, no  
5           matter where they are. Either they're at home or  
6           either they're in down South, or either they're in  
7           jail or either they're in group homes or... us  
8           Inuit, we always stick together. I guess that's a  
9           part of our culture.

10          When that cycle is broken, it affected me a  
11          lot. I'm sure it affected a lot of people, mostly  
12          my family and my friends. Most... during that time  
13          while I was taken care of by the DYP, most of the  
14          workers were White people. So, I cannot feel  
15          understood, I cannot feel comfortable.

16          But I can remember there was one DYP worker  
17          working on my case at that time... I think they  
18          should try to keep the children who are in the  
19          protection of the DYP, to bring them more closer to  
20          their family. I find that this is very important,  
21          because sometimes, it goes to the point, being a  
22          children, being a teenager, sometimes, it makes...  
23          it make me feel that I didn't belong to my family  
24          anymore. I can't belong to the community anymore.

25          I think it is important for the DYP to be

1           aware that this is the main reasons why they should  
2           keep the children close to their family and in the  
3           community.

4           I was also placed in a group home called  
5           "Boscoville", which is... I mean, which was in  
6           Montreal. It was a group home for Inuit kids.  
7           (Inaudible) some boys, it was a open unit. The  
8           same thing, we had to talk in English to  
9           participate in the programs, the activities and the  
10          tools, what we were working on. It was based on  
11          English all the time. So, I didn't really feel  
12          connected, I cannot feel... I felt irritated.

13          And again, when I was in Boscoville, my family  
14          was too far away from me. They could not come and  
15          see me because it was too expansive, it was too  
16          far. That feeling I had, it was my feeling for so  
17          long. I think it got me to the point where I  
18          started to hate the White people. I mean, when I  
19          was young...

20          But at the same time, it helped me realize  
21          what... it helped me realize, being away from  
22          family, but not for long, because most of the time,  
23          in our community (inaudible) is a lot of people are  
24          drinking, there is a lot of people who are smoking  
25          marijuana, it's... It helped me at the same time,

1 but on the other side, it did not really solve the  
2 problem.

3 When I went... when I finished all the custody  
4 from the group home, the Batshaw, the Boscoville  
5 group homes, when I finished, I went back home. I  
6 felt I was feeling a little bit stronger to go back  
7 home and as soon as I stepped in my community,  
8 things were going back all over again. I did not  
9 really help either. Things were completely  
10 different, but the problem was still there, I could  
11 feel the problem, I could feel that nothing has  
12 really changed to when I went back home, because  
13 people were doing the same thing over and over and  
14 over again.

15 I would like the DYP to be aware of how  
16 children can get into after they get older. I  
17 would like the DYP to be serious with their  
18 working, because they ask me questions how I'm  
19 doing, how I am doing or how I'm feeling. I tell  
20 them how I'm feeling, but they're not really doing  
21 anything about it. They just told me well, you're  
22 going to be better tomorrow. Or maybe you're going  
23 to feel better tonight... but that feeling was  
24 stuck in my life for so long. I mean... it just  
25 built more anger and anger.

1           I think the DYP should be more aware of the  
2           problems and try to solve the problems with the  
3           clan and their family, also in the community,  
4           because there are a lot of kids and people, they  
5           like to go back home after everything, maybe after  
6           the custody of group homes, after their  
7           incarceration, they always go back home. They have  
8           so much stress and strong-minded when they go back  
9           home, but at the same time, the problem is still  
10          there. Nobody is really taking care of the  
11          problem, nobody is really supporting to change the  
12          problem or to deal with that problem.

13          I think the DYP should have more training of  
14          the skills for the family. If the DYP is the... if  
15          the DYP worker is the White person, I think that  
16          DYP should have a... at least Inuk person to be  
17          together on a situation, how things can get better,  
18          because there are... from what I know, there are a  
19          lot of kids, where I come from, where taken by the  
20          DYP, because of their parent's drinking or smoking  
21          or abusing violence. There are a lot of kids I  
22          know that... coming to suicide from this kind of  
23          situation, being placed in the South or in a group  
24          home where their family are not close to. And I  
25          would like to see that change.

1           Not long ago, I have found out my uncle was  
2           passing away soon, because he had cancer, he was  
3           going through chemotherapy. Before he died, I was  
4           aware that he was going to die soon, because that's  
5           what he wanted, he was tired of doing chemotherapy,  
6           it didn't seem to work. So, he just wanted to take  
7           time to tell my family, his family, to be aware  
8           that he will pass away soon. And when I was aware  
9           of that, I went to the social workers in Puvirnitug  
10          and I decided to ask the social workers to help me  
11          with my airplane ticket to go for a funeral, at  
12          least to go see my uncle before he passed away,  
13          because I was very close to my uncle.

14                 He was the only uncle I had. I had four aunt  
15                 and one uncle, and in my life, my uncle was a very  
16                 special person. I explained that to the... to one  
17                 of the social workers who worked in Puvirnitug and  
18                 she heard my story, how I'm feeling and she told me  
19                 I will get back with you after I deal with my boss.  
20                 I'm going to tell... I'm going to go see my boss  
21                 and talk with him, and ask him if they can help you  
22                 with the airplane ticket. And she told me to keep  
23                 calling her every day to see if she have news from  
24                 her boss,

25                 But basically, I was asking for help and she

1           just told me just call me every day and try to see  
2           if I have any news for you, but her job is to call  
3           me and to tell me - unfortunately, maybe we can't  
4           help you. Like, it was her job and I felt like she  
5           put it... she gave her position to me, asking for  
6           help, if... I felt annoyed and for one week, I was  
7           calling her to see if she had any news. I see her  
8           in the streets or in the stores, I keep asking her  
9           - so, do you have any news? Basically, I was  
10          wasting my time with that and my uncle was dying.

11                 And a week later, she told me - unfortunately,  
12                 I have sad news, we cannot help you with that. My  
13                 boss told me he can't help you with that.

14                 And I was feeling sad, I felt touched. It  
15                 also made me feel angry. She cannot even mention  
16                 the other resources that can help me, like, let's  
17                 say maybe go see the Makivik Corporation. Ask them  
18                 if they can help you or go to the Air Inuit, ask if  
19                 they can help you, or Gg to the mayor. She cannot  
20                 even mention all this to me and she just let me go  
21                 outside the office and say just... Have a good day,  
22                 bye.

23                 I felt not important. I mean, it was my  
24                 uncle, I mean. And at that time, I was again  
25                 incarcerated, but I went back home. A month later,

1 I didn't have a job. I was starting to look for a  
2 job. I told them I can pay back after I find a  
3 job. Like, I want to take time to pay it and they  
4 just refused to help me. That was one of my  
5 problems with the social workers.

6 Like I said before, I am from Puvirnitug. I  
7 like... before, I like to staying at home in  
8 Puvirnitug. There is a Snow Festival that they put  
9 right every two years and I really loved being  
10 there, but at the same time, I had a lot of  
11 problems being there.

12 I... when I started drinking, I was getting  
13 arrested all the time. I was... I had a problem  
14 with my drinking, so I was getting arrested all the  
15 time, and my experience with the police officers in  
16 Puvirnitug was... shitty(shady?). Shitty... like  
17 it was... I felt more abused every time I get  
18 arrested. Every time I get arrested, I was always  
19 drunk, I didn't know what I was saying, I didn't  
20 know how I was acting, because I was intoxicated so  
21 bad that I had... I felt I needed to express my  
22 anger to the police officers every time I get  
23 arrested.

24 Most of the time, I got arrested by the police  
25 officers, I was being laughed at, I was being... I

1           felt I was judged, I felt I was embarrassing.  
2           Most... sometimes, they arrest me and just put me  
3           in a cell with no pillow, with no blanket. No  
4           toilet paper, nothing to drink. Sometimes, the  
5           toilet will not work, they just let us... they just  
6           put me in the cell and just ignore me and not do  
7           anything. I felt abused.

8                     At the beginning, when I was getting arrested  
9           they would let me go, and then the more often I got  
10          arrested, the more I got in the system, they would  
11          treat me like a piece of trash. I mean, they would  
12          ignore me for many, many hours. Sometimes, they  
13          would come and talk to me when I'm still drunk,  
14          while I'm still drunk, like...

15                    I feel that they're not taking their role as  
16          an important job, taking their job as a serious  
17          job, because every time they arrested me, they  
18          would scream at me and they would make fun of me,  
19          they would mentally abuse me, and...

20                    You know, when I'm influenced by alcohol, when  
21          I'm intoxicated with alcohol, I'm not the same  
22          person. Sometimes, like I said, I will give  
23          anger... my anger towards police officer. But then  
24          they will punish me until I get sober. I mean,  
25          when I get sober, they will punish me. "Oh, you

1           were screaming at me yesterday, you were not nice  
2           to me yesterday. So I have nothing for you. I  
3           can't give you nothing." I don't feel respected,  
4           because...

5                     When I got sober, while I'm still in  
6           detention, I was hungry, I was thirsty and I just  
7           felt like an animal, and I felt like I was treated  
8           being as an animal, not being able to eat, not  
9           being able to drink. Just because I said something  
10          when I was drunk, I cannot get anything after my...  
11          after getting sober.

12                    Afterwards my incarceration, I will go home, I  
13          will try to take more responsibility to respect the  
14          conditions and the probations they give me. But at  
15          the same time, I don't feel respected for having  
16          space in my own community, like every time I go out  
17          for a cigarette outside the house, I see police  
18          passing every thirty minutes, every hour, and...  
19          There's this police officer who has been a police  
20          officer for so long in my community. He says to me  
21          that he cannot forget for... he cannot forget how I  
22          am when I'm drunk, so he always keep an eye on me  
23          and always checking upon me, I feel insecure.

24                    I try to do my best. I try to follow the  
25          conditions and probations that they provided to me,

1 but not having space, always feeling insecure, it  
2 doesn't help, it doesn't seem to help me to focus  
3 on myself, because I'm always afraid - Oh, I'm  
4 going to get arrested tonight, or the police just  
5 passed or why is he present everywhere I go? It  
6 seems to me that I have not enough space. It gets  
7 me to the point where I want to give them what they  
8 want. They want... which is, maybe they probably  
9 want to arrest me or they want to punish me or... I  
10 don't know.

11 I think one of my recommendations for the  
12 police officers is to have more training, because  
13 most of the time I get arrested, all I say is a  
14 lack of training. It's not respectful. I find it  
15 very stupid for police officers to try to intervene  
16 the *drunkers* and I find it very stupid that they  
17 talk back to the people who are drunk. And tie  
18 them or just put shackles on them, and so they can  
19 stop (inaudible) or they can stop yelling.

20 I think the police officers are taking things  
21 so personal most of the time. I think one of my  
22 recommendations are they should let the *drunkers*  
23 into get sober, and start talking to that person  
24 after she sobers up.

25 They should understand people who are

1           influenced. How they're, you know, how they're...  
2           how they are drunk, it doesn't help trying to solve  
3           the problem while the person who got arrested is  
4           drunk, I mean... I just find it a lack of  
5           training.

6                     And... excuse me. I am known as a repeat  
7           offender by the police officers up North. I was  
8           accused and sentenced to two years minus one. I  
9           did eleven (11) months. I was incarcerated for  
10          eleven (11) months in Leclerc.

11                    During my incarceration, I also experienced  
12          mental abuse. I experienced a lot of difficulties.  
13          It was the same thing when I was little. I'm  
14          detained, my family is far, I didn't have visits,  
15          because it's too expensive. That's what they say.  
16          Oh, excuse me.

17                    Well, my incarceration, there are... is a lot  
18          of racism going on. Being an Inuk person,  
19          placed... being placed in a place where there are a  
20          lot of White people is very difficult for me. I  
21          mean, in jail, in prison, because there is a lot of  
22          discriminations, racism and a lot of attitude.  
23          There is a lot of ignorance. Even having to do  
24          with the guards, who are the guards in Leclerc,  
25          having to deal with them. Issues, there is racism

1           going on, because during my incarceration, my  
2           experience for eleven (11) months felt like I  
3           needed to force myself to speak in French, because  
4           nobody, not even the guards really wanted to help  
5           people who did not speak in French. They would  
6           tell me - I don't know what you're talking about.  
7           You should learn to start speaking in French,  
8           because we're in Quebec society and...

9                     It's very hurtful, being an Inuk person and  
10           being placed in places like this is very  
11           challenging at the same time. The guards over  
12           there are always impatient with Inuit people.  
13           Sometimes, we have activities and culture stuff  
14           going on, our country food with elders comes in,  
15           but there's not all the Inuit people, all the Inuit  
16           are not being called. There's always people  
17           missing. Maybe I'm concerned, maybe we're too  
18           special. We have things that other people can't  
19           have.

20                    Even when we try to solve the problem, it  
21           seems to me that they don't really care about our  
22           culture. They would... when we ask - Oh, you miss  
23           that person, maybe you have to call that person.  
24           Maybe that person would love to be here and to  
25           participate to this activity or the country food

1 we're going to eat. They just respond us, like, in  
2 a mean way. Or there's another time, there's  
3 always a time we can try. It's... for me, it's  
4 discrimination, I mean, I think...

5 It brought me a lot of anger at the same time.  
6 Being an Inuk person in places like this, it's not  
7 like we can have this... we can have that every day  
8 or every two weeks, it's always in every three  
9 months. I think it's a very important...

10 The Detention Center in Leclerc should be more  
11 alert every time the Elders or the activities are  
12 going to happen with Inuit. I think they should be  
13 more aware that we have that only every three  
14 months, I mean...

15 And one of the things that I don't understand  
16 in the detention, they provide food for Muslims,  
17 they give them Muslim foods in their lunch or  
18 supper, they give vegetarians and special meals for  
19 people who ask, but....

20 I mean, if they can provide Muslim food and  
21 vegetarians, how come they don't make sure that  
22 every Inuit people come to the activity we get only  
23 every three months? It's something that they don't  
24 really seem to care about.

25 **Me SUZANNE ARPIN:**

1           What do you plan of doing when your detention ends?

2           Sorry.

3           **MME SARAH PAPIALUK:**

4           Pardon?

5           **Me SUZANNE ARPIN:**

6           What do you want to do after your detention?

7           **MME SARAH PAPIALUK:**

8           After what I finish what I'm doing right now, I  
9           would like to start helping Indigenous kids and  
10          teenagers. How hard they're suffering towards this  
11          kind of stuff. I can... maybe there's a lot of  
12          kids and teenagers are relating, they have...  
13          they're relating to what I'm going through, so I  
14          would like to start helping the communities and the  
15          kids, the teenagers, because this is not an easy  
16          world to go through. I mean, some kids, they ended  
17          up committing suicide. I find it very sad.

18          (crying) I don't want to see more kids committing  
19          suicide. I think there's a lot of solutions for  
20          the kids in the community, the teenagers, I mean...  
21          I just would like to have the opportunity to start  
22          helping the kids. That's my ... that's my plan.

23          **Me SUZANNE ARPIN:**

24          Do you want to add any other recommendations to the  
25          Commissioner?

1 **MME SARAH PAPIALUK:**

2 Yes. The DYP, they're used to (inaudible). I  
3 recommend them that they can start listening the  
4 people who are sharing this experience. Help, I  
5 mean, help them to understand that this last time  
6 could be very dangerous at the same time, very...  
7 I recommend them for the kids when they take care  
8 of the kids and to the DYP, Recommend them to...  
9 for the kids to stay in the community and start  
10 dealing with the problem inside the community where  
11 they come from, because bringing them... bringing  
12 the kids outside the community, it may help the  
13 kids, it may help them, but when they go back to  
14 their community, they still have that same problem.

15 I think it would be important that the DYP be  
16 aware of the situation and at least try to open up  
17 an activity for kids, so teenagers, like, most of  
18 the kids where we come from, they like to compete  
19 Other kids, they like to challenge other kids and  
20 nowadays in two thousand eighteen (2018), the kids  
21 are more interested in competing. I mean, you  
22 know, like when we have Christmas celebration,  
23 there's a lot of money to be won and there are a  
24 lot of kids interested in money. And it feels like  
25 most of those days, they're only showing up. I

1 think that at least the... ask Makivik or ask  
2 (inaudible) or the business that they're doing with  
3 in our community, at least ask, at least five  
4 thousand dollars (5,000 \$) or two thousand (2000)  
5 for the kids to try to be more active.

6 And I recommend, I mean, I would like to see  
7 the Youth Protection to be more aware of the  
8 problems that we have today and before. I just  
9 wanted to say that... and I think it's very  
10 important to take a look on keeping the kids to  
11 stay in the community and try to figure what their  
12 problem is in the community.

13 For the social workers, people go see social  
14 workers and ask for help. Sometimes that help  
15 is... it seems impossible. If it's related to  
16 family, if it's related to people dying, knowing  
17 that the people are dying soon, if it's related to  
18 that, at least try to help the person who is asking  
19 for help. Because it seems to me that the social  
20 workers are keeping an eye on the same person,  
21 like, it's always the same people, the same person.  
22 There's not a lot of... I don't know if there's a  
23 lot of people asking for help, but be more aware of  
24 the community and open up and explain at least.  
25 Where we come from, there's a lot of people who

1 goes on the radio. At least, go on the radio and  
2 say we have support, we have activities going on,  
3 we're going to work on this. At least, try to make  
4 up something, so people can be more aware that they  
5 have help.

6 I think the people who are asking for a  
7 financial, I mean, like a airplane ticket to go for  
8 a funeral, I think they have the right to ask. I  
9 think they have the right to have what they're  
10 asking for. If the social workers can't help, at  
11 least let the person know where that person can get  
12 support. At least, let them know where they can go  
13 for help and...

14 And about the police force up North, I think  
15 there's a lot of lack of training. I think they  
16 need to be more trained and be aware. Let them  
17 know if every police officer who wants to take that  
18 job, at least let them know that there will be a  
19 lot of difficulties going on when they're arresting  
20 people.

21 Because what I don't understand is why is the  
22 police officer working in a community like ours if  
23 they cannot deal with their own emotions? Their...  
24 if they cannot control their emotions, how they're  
25 feeling, why are they working in that kind of job?

1           If they know that they're going to arrest people  
2           who are onto influence. If they know that there  
3           will be a lot of violence... Because there is also  
4           a lot of violence into... there is also a lot of  
5           violence in... within the police officers.

6           Like, some of them, sometimes, I'm aware some  
7           of the officers, they bet with their partner - oh,  
8           I bet I'm going to arrest ten people tonight. How  
9           many are you going to take? Do you want to be that  
10          I will have more tonight... or how much do you bet?  
11          I mean, it's very, I find it very unprofessional.  
12          I find it very ignorant, because in their case,  
13          they have to receive a phone call asking for  
14          (inaudible), but they're betting with their partner  
15          and saying - oh, I bet I'm going to arrest ten  
16          people tonight. It's... it seems to me that they  
17          are giving a lot of pressure to the community, to  
18          the people who are onto the conditions, on  
19          probations. I mean...

20          I understand that people have to respect their  
21          conditions and probations, but at the same time,  
22          when the police is giving pressure and keeping an  
23          eye on that person for so long, it can bring the  
24          person down and make them... You can bring the  
25          person angry and very frustrated and feel like the

1 person cannot do anything better. I mean... I  
2 think there is a lot of training that needs to be  
3 done in the police force.

4 For now, I focus on what I'm doing. I am in  
5 therapy at Portage, approximately for six months,  
6 and I am working on my problems, my addictions, but  
7 I plan to stay in Montreal, because I realize that  
8 there's a lot of people drinking, and doing all  
9 kinds of activities that I don't like. But at the  
10 same time, I feel like I need to go back home and  
11 solve my problems over there.

12 I would like the social resources like the  
13 Youth Protection, the social workers, to find  
14 solutions for the... to find solutions in order for  
15 children and teenagers (inaudible) to be more aware  
16 that they... there needs to be a lot of help.

17 But at the same time, I feel like staying in  
18 Montreal, because I realize that there is a lot of  
19 supports. I realize that there is a lot of  
20 solutions to get some help. I feel like not going  
21 back home, because I don't think there's enough  
22 support up there.

23 I know I can go see a social worker when I get  
24 back home, but I don't feel there is support. Like  
25 I said, I would like to start helping Inuit

1 communities, Inuit kids, not just Inuit, in  
2 general, I would like to help kids and the  
3 teenagers, to make them understand how life can go,  
4 how life can end.

5 **Me SUZANNE ARPIN:**

6 Thank you very much.

7 **LE COMMISSAIRE:**

8 You don't have any more question, Me Arpin?

9 **Me SUZANNE ARPIN:**

10 No.

11 **LE COMMISSAIRE:**

12 No?

13 **Me SUZANNE ARPIN:**

14 No, thank you.

15 **LE COMMISSAIRE:**

16 Me Boucher?

17 **Me MARIE-PAULE BOUCHER:**

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

19 **LE COMMISSAIRE:**

20 Bien. Me Coderre?

21 **Me DAVID CODERRE:**

22 Moi non plus, merci.

23 **LE COMMISSAIRE:**

24 Non plus? So, Sarah...

25 **MME SARAH PAPIALUK:**

1           Merci.

2           **LE COMMISSAIRE :**

3           ... now is time for me to say to you "Naqurmiik".

4           **MME SARAH PAPIALUK :**

5           (rires)

6           **LE COMMISSAIRE :**

7           I noticed we'll just go to what I understood of  
8           what you said. I noticed that you have the feeling  
9           it's not an easy road to go, what happened to you,  
10          the time in jail and everything like this, what you  
11          had earlier with the DYP, you didn't like it, it  
12          kept you away from family. That's difficult.  
13          Difficult with visit, difficult to travel, it's  
14          expensive. Not many contact with family. What  
15          happened with your uncle. No help to see him  
16          before he died and you were close to him. And now  
17          you have some recommendations? Or I will call it  
18          "Calls to Action" To a DYP. Make sure that  
19          children are not taken away from their family, not  
20          taken away from their communities, the regions in  
21          the North, so they stay close with people of the  
22          community to get in touch with their language,  
23          culture.

24                 I understand also that... I spoke about that  
25                 already, but social workers to help when people

1           need some ways to feel safer, to reach family,  
2           especially the experience you had when your uncle  
3           passed away.

4           With the police, you suggest that they get  
5           more training, that they have a better  
6           understanding of culture in the North, in Nunavik.  
7           To understand how people behave.

8           I understand that for the future, you would  
9           like to help kids in your own community, but you  
10          feel you will not get enough support for now,  
11          support you have around Montreal actually. So,  
12          maybe staying here for a while and getting  
13          stronger. Maybe one day, you'll feel ready to  
14          help, because people need really help. Kids should  
15          know what happened to you and know maybe how they  
16          can avoid that. It's... as you told, it's not an  
17          easy road.

18          So, I would like to thank you very much for  
19          the courage you had to come here today to let us  
20          know what happened. You're still young, you have  
21          all the life before you and I understand you have  
22          the feeling that you may help other people of your  
23          communities, especially kids and you're on the way  
24          to get ready to be able to do that. I hope it will  
25          be possible.

1                   And finally, I will say "Naqurmiik".

2       **MME SARAH PAPIALUK:**

3                   Uh-hum.

4       **LE COMMISSAIRE:**

5                   And I wish you good luck for the future.

6       **MME SARAH PAPIALUK:**

7                   Thank you.

8       **LE COMMISSAIRE:**

9                   So, we'll suspend for a few minutes?

10      **Me SUZANNE ARPIN:**

11                  Please.

12      **LE COMMISSAIRE:**

13                  How long do you need?

14      **Me SUZANNE ARPIN:**

15                  Five minutes.

16      **Me PAUL CRÉPEAU:**

17                  Maybe five minutes?

18      **LE COMMISSAIRE:**

19                  Five minutes?

20      **Me PAUL CRÉPEAU:**

21                  We have a panel of four persons to install.

22      **LE COMMISSAIRE:**

23                  Okay, so, to get ready, five ... If it's a little  
24                  more, it will be a little more. So, a five minutes  
25                  break.

1 **Me SUZANNE ARPIN:**

2 Thank you.

3 **LA GREFFIÈRE-AUDIENCIÈRE:**

4 Ajournement de l'audience pour cinq minutes.

5 SUSPENSION

6 -----

7 REPRISE

8 **LA GREFFIÈRE-AUDIENCIÈRE:**

9 Reprise des audiences.

10 **LE COMMISSAIRE:**

11 So, welcome back. Me Crépeau, you're continuing  
12 for the Commission?

13 **Me PAUL CRÉPEAU:**

14 Yes, we're continuing (inaudible) for the witness.  
15 First of all, I have to... je veux le faire en  
16 français, j'ai des documents à déposer, Monsieur le  
17 Commissaire, qui ne sont pas en relation avec ces  
18 témoins-là. Je veux juste en profiter pour le  
19 faire. J'ai déjà fait parvenir à madame Leduc les  
20 documents en question.

21 Alors, sous P-312A, il s'agit des documents  
22 que le cégep de Sherbrooke nous a envoyés, les  
23 programmes de formation techniques policières, ils  
24 ont fait une mise à jour, ils me les ont envoyées.  
25 Alors, il s'agit de deux documents que j'aimerais

1           produire en liasse. Une lettre et un PowerPoint du  
2           cégep de Sherbrooke qui complètent le dossier de  
3           formation de l'École nationale de police. Alors,  
4           c'était déposé, ils sont déjà produits, les parties  
5           les ont reçus. Et on est prêts à continuer avec  
6           les témoins.

7           **LE COMMISSAIRE :**

8           Okay. So, and we have... Me Loïselle will showing  
9           us?

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1 **Me JEAN-NICOLAS LOISELLE,**  
2 **PROCUREUR POUR LE SERVICE DE POLICE DE LA VILLE DE**  
3 **MONTREAL:**

4 Oui, bon après-midi à tous. Alors, Jean-Nicolas  
5 Loiselles pour le Service de police de la Ville de  
6 Montréal.

7 **LE COMMISSAIRE:**

8 And Me Boucher and Me Robillard are still with us.  
9 Okay, Me Crépeau, will you introduce the next  
10 witnesses?

11 **Me PAUL CRÉPEAU:**

12 Yes.

13 **LE COMMISSAIRE:**

14 I understand it's going to be in English?

15 **Me PAUL CRÉPEAU:**

16 In English. So, we announce two witnesses,  
17 but there are four. So, we have at the center...  
18 sorry, from the left-hand side, Mrs Psegga Jones,  
19 which is... who is the housing case worker at the  
20 Open Door project. Right to her is Mr. Caleb  
21 Clark, the previous Director who is still around  
22 the Open Door project. Then, Mr. David Chapman,  
23 who's the Acting Director of the Open Door project.  
24 And at their right inside, Mr. Jean-François  
25 Tessier, mostly known under the name of "John

1 Tessier", I believe, who is the Intervention Worker  
2 at the Open Door. So, I'll let them present the  
3 project to you.

4 **LE COMMISSAIRE:**

5 Now...

6 **Me PAUL CRÉPEAU:**

7 Maybe...

8 **LE COMMISSAIRE:**

9 ... I will welcome the four of you and I will ask  
10 the clerk of the Commission to go on with the oath  
11 before your testimony.

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1 Psegga Jones  
2 Assermentée  
3 -----  
4 Caleb Clark  
5 Assermenté  
6 -----

7 **LA GREFFIÈRE-AUDIENCIÈRE :**

8 Thank you.

9 Mr. Chapman, do you solemnly affirm to tell  
10 the truth? Say I do.

11 **M. DAVID CHAPMAN,**

12 **ACTING DIRECTOR, OPEN DOOR:**

13 I do.

14 **LA GREFFIÈRE-AUDIENCIÈRE :**

15 Thank you.

16 Monsieur Tessier, est-ce que vous affirmez  
17 solennellement de dire la vérité? Dites je  
18 l'affirme.

19 **JEAN-FRANÇOIS TESSIER,**

20 **INTERVENTION WORKER, OPEN DOOR:**

21 I do.

22 **LA GREFFIÈRE-AUDIENCIÈRE :**

23 Thank you.

24 **LE COMMISSAIRE :**

25 You'll testify... you're going to testify in  
26 English too?

27 **JEAN-FRANÇOIS TESSIER:**

28 Yes, please.

1 **LE COMMISSAIRE :**

2 Okay.

3 **Me PAUL CRÉPEAU :**

4 Okay. So, good morning, ladies and gentlemen.

5 Maybe I will ask one of you, and I believe it will  
6 be Mr. Chapman, to present what is the Open Door  
7 project, where it is situated in Montreal, what is  
8 your mandate and give us a few explanations  
9 regarding the Open Door project.

10 **M. DAVID CHAPMAN :**

11 Great, yes. So, the Open Door is a homeless day  
12 centre operating in the City of Montreal for  
13 roughly thirty (30) years. We're... we have a  
14 number of services for homeless people, we have  
15 meals every day, breakfast and lunch, we have  
16 access to clothing, access to laundry services.  
17 You can see a nurse or social worker without any  
18 ID.

19 As well, we have some Inuit specific services,  
20 we have a housing project with two case managers  
21 putting... assisting Inuit transitioning into  
22 apartments. That's a program that's a year old.

23 We have as well a soapstone carving program,  
24 for Inuit teaching other Inuit to carve soapstone.  
25 And we have a third program that helps Inuit who

1           are in trouble, particularly under threats,  
2           perhaps, by a local pimp or a drug dealer or  
3           someone else who is taking advantage of them. And  
4           so frequently, we will help Inuit in difficult  
5           circumstances get out of Montreal and transition  
6           back to their home community. And that involves  
7           getting ID, sometimes arranging a plane ticket,  
8           sometimes arranging employment back in their home  
9           community, arranging a place to stay. So it's an  
10          extensive process.

11                 And yes, we have roughly about a forty per  
12          cent (40 %) Inuit clientele at the Open Door, and  
13          so, that's a brief introduction.

14                 There's three unique aspects to the Open Door,  
15          which will be informing our testimony today. One  
16          thing that is unique about the Open Door is that we  
17          allow in people even when they are intoxicated and  
18          we're one of the few places that do that. So you  
19          may have been drinking or taking drugs, and we will  
20          allow you in.

21                 And so we're known for being the most  
22          accessible in terms of there's really no entrance  
23          requirement. We let everybody in. And so that  
24          means that we end up working with some of the most  
25          vulnerable people in the city simply because we are

1           so accessible.

2       **Me PAUL CRÉPEAU:**

3           Can you maybe just give us a precision. Where...  
4           you're operating twenty-four hours (24 h) a day  
5           or...?

6       **M. DAVID CHAPMAN:**

7           It's a good question, yes. So, we're open Monday  
8           to Friday from seven thirty (7 h 30) to three  
9           thirty (3 h 30). We're a homeless day center.

10       **Me PAUL CRÉPEAU:**

11           Okay.

12       **M. DAVID CHAPMAN:**

13           Yeah.

14       **Me PAUL CRÉPEAU:**

15           During the day time, offering... breakfast and  
16           lunch?

17       **M. DAVID CHAPMAN:**

18           Breakfast, lunch, clothing, laundry services.  
19           Yeah. As well, the center is run by the homeless  
20           themselves, that's a second unique feature. So,  
21           not only do we allow in people who are intoxicated,  
22           but the main areas of the center today, so the  
23           front desk, the kitchen, the laundry service, food  
24           preparation, is all done by the homeless  
25           themselves, so people living on the street. And it

1 gives them an opportunity to contribute to give  
2 back and to, you know, do something meaningful.

3 A third thing that's quite unique about the  
4 center is... and this comes to some extent into my  
5 own background. I work as a (inaudible) counsellor  
6 as well in a hospital and basically, looking to  
7 create a certain kind of culture at Open Door,  
8 particularly a culture of healing. And so, we make  
9 an effort to sit with people who have been through  
10 trauma and so we make a real effort to sit with  
11 them and be with them in that trauma.

12 I can give you a particular example. We had a  
13 woman come in who was a residential school  
14 survivor. An Inuit woman in her mid-fifties about  
15 two months ago, she came in, and she just found out  
16 that her nephew in the North had committed suicide.  
17 The problem was, it wasn't her first nephew to  
18 commit suicide, there'd been others. And on this  
19 particular day, after a little bit of alcohol, she  
20 was rather free in her expression, in fact, was  
21 screaming at the top of her lungs.

22 Now, any place in the city where a person is  
23 screaming at the top of the lungs for more than  
24 five minutes, two large men appear, they take you  
25 by the shoulder, they take you out the door and

1           that doesn't matter if it's a hospital or if it's a  
2           homeless center or if it's a mall or whatever it  
3           is, that's what's going to happen. And so, we take  
4           a very different approach at the Open Door. In  
5           this particular case, I went and sat with that  
6           woman for about thirty minutes while she screamed.  
7           And others, the other staff, one of them being John  
8           to my right here, went about the center thanking  
9           people for their patience, letting them you that  
10          she's been through a really hard time, but this  
11          wouldn't be too much longer and that, you know, we  
12          really appreciate their patience.

13                 And so, one of the things we try and do is  
14          cultivate a culture of healing in the center. And  
15          it would have quite high expectations for the  
16          homeless population in that sense, and we find that  
17          many do rise to the challenge. And so, that is a  
18          third rather unique aspect to the Open Door.

19         **Me PAUL CRÉPEAU:**

20                 And when you say that job was going into the...  
21                 speak with other people who were at Open Door,  
22                 maybe just give us a precision where you are right  
23                 now?

24         **M. DAVID CHAPMAN:**

25                 Uh-hum.

1 **Me PAUL CRÉPEAU:**

2 For the time being.

3 **M. DAVID CHAPMAN:**

4 The location of the Open Door is at Atwater and  
5 Dorchester. So, right on the boarder line between  
6 Westmount and the City of Montreal.

7 **Me PAUL CRÉPEAU:**

8 In the Cabot Square?

9 **M. DAVID CHAPMAN:**

10 Yes, right in close proximity to Cabot Square,  
11 which is... been a meeting place for Inuit through  
12 the years.

13 **Me PAUL CRÉPEAU:**

14 Okay. And the place where you are right now is an  
15 old church?

16 **M. DAVID CHAPMAN:**

17 We're in an old church, St. Stephen's Anglican  
18 Church. And it was St. Stephen's Anglican Church  
19 that started the Open Door roughly thirty (30)  
20 years ago, but today, it is a much more broad  
21 organism. We have a broad funding base, for  
22 example. Some government fundings, some federal  
23 fundings, some funding from Makivik, funding from  
24 some local foundations, funding from individuals  
25 and churches. So, it's quite a broad base.

1 **Me PAUL CRÉPEAU:**

2 So, you were speaking, so, during the daytime, when  
3 you have people coming in, people would be laying  
4 or sleeping on the pew?

5 **M. DAVID CHAPMAN:**

6 Uh-hum. Good, good question. So, we do have  
7 people sleeping on the benches inside the center.  
8 It's important to try and create that visual, I  
9 guess.

10 **Me PAUL CRÉPEAU:**

11 Okay.

12 **M. DAVID CHAPMAN:**

13 As you were there yesterday, you saw it, but yes.  
14 typically, we cater frequently to the population  
15 that won't be admitted to night shelters precisely  
16 because they struggle so much with addiction  
17 issues. As a rule, the night shelters will not let  
18 you in if you've been... if you're visibly  
19 intoxicated. And so, what that means is there's a  
20 significant part of the homeless population that  
21 will be moving around a lot trying to stay warm in  
22 different locations throughout the night. And  
23 eventually, what will happen is that they will find  
24 their way to the center in the morning and not be  
25 very well rested, because perhaps they were at a

1 bank machine for a few hours, and then, the metro,  
2 and then, maybe McDonald's, but they're going to be  
3 moving around. And so, many of the people that we  
4 serve would be then sleeping on the benches during  
5 the day, to try to get some sleep that they didn't  
6 get the night before.

7 **Me PAUL CRÉPEAU:**

8 Okay. So, this is why you were explaining that  
9 John had to go and talk with the other residents or  
10 people who were in the church that day?

11 **M. DAVID CHAPMAN:**

12 That's correct.

13 **Me PAUL CRÉPEAU:**

14 You call...

15 **M. DAVID CHAPMAN:**

16 So, at any given time, there might be, you know,  
17 anywhere between twenty-five (25) and seventy (70)  
18 people in the center, you know.

19 **Me PAUL CRÉPEAU:**

20 Okay. Good. So, I'll let you go on. So, you were  
21 explaining your mandate, your funding. Just saying  
22 that you are in an old church. Are you still...

23 **M. DAVID CHAPMAN:**

24 Uh-hum.

25 **Me PAUL CRÉPEAU:**

1           ... there for a long time?

2           **M. DAVID CHAPMAN:**

3           Good question. Well, we are looking to move and  
4           that is proving very difficult. I've been... and  
5           this will help transition us, I think, into our  
6           presentation today. I've looked at roughly forty  
7           (40) buildings in the last, well, six months or so,  
8           a little more than six months, and it's been a real  
9           challenge. We actually found a building a couple  
10          of blocks away from the center and we found that as  
11          we were trying to sign the lease, word got out  
12          there was one local media piece down on how  
13          homeless centers can potentially lower a person's  
14          property values.

15                 A couple of people on the street started a  
16          petition against us moving to the new location and  
17          after some efforts, the local level of the City,  
18          that relocation to that space was blocked. And we  
19          quickly learned that there was very much a "not in  
20          my backyard" mentality that people liked the idea  
21          frequently of what we were doing, but when it came  
22          time to take collective responsibility for the sins  
23          of our ancestors - "Not in my backyard."

24          **Me PAUL CRÉPEAU:**

25          Uh-hum.

1 **M. DAVID CHAPMAN:**

2 And I say that, because many of the people we work  
3 with are first or second generation residential  
4 school survivors, and have issues which are very  
5 complicated. And in fact, I want to tell you a  
6 story in a moment, just to get to how complicated  
7 they are, because in looking at a solution you have  
8 to understand the complication of the problem. And  
9 I think that will inform the rest of our testimony  
10 this afternoon.

11 And so, I want to tell you a story about a  
12 young woman who I know, who has now returned back  
13 to her home community. She's quite a courageous  
14 woman. I've come to know her over the period of  
15 four years, and have a deep and profound respect  
16 for her. And I want to tell her story without  
17 mentioning her name, of course, because I think her  
18 story helps to highlight the way in which people  
19 can be misunderstood, particularly survivors of  
20 residential schools.

21 And so, this young woman, her earliest  
22 childhood experience is waking up in a house in the  
23 North. She's aged three and a half, there's no  
24 food in the house, no adults and (inaudible).  
25 That's all. Her parents went to residential

1 schools. Mother, severe alcoholic; father, selling  
2 drugs in the community. Both parents are dead  
3 before she's a teenager.

4 So basically, she's three and a half years  
5 old, and she's scavenging in her own house. By the  
6 time she's eight, she's drinking alcohol. By the  
7 time she's nine, she's drunk while raped by her  
8 uncle. By the time she's ten, she's had her first  
9 abortion. Today, in her early thirties, she can't  
10 estimate to within ten persons the number of people  
11 who have raped her.

12 And so, it's fair to say that she has a fairly  
13 complicated addiction to alcohol. And it's  
14 interesting, because I know this woman quite well  
15 and I'm quite proud of her that she's back in her  
16 own community now. And I'm quite proud of her that  
17 she's making an effort to look after her sister who  
18 is not well, even though she still struggles with  
19 an addiction to alcohol.

20 But having journeyed with her for over three  
21 years in Montreal through various challenges, I've  
22 observed her interaction with a number of public  
23 services, ambulance attendants, interactions with  
24 the police, interactions with the community more  
25 broadly speaking, and it has been a real education

1           for me to see the ways in which people can be  
2           deeply misunderstood.

3           And so, in the case of this woman, she had  
4           lived in Montreal for about three and a half years  
5           and was frequently known to exhibit behaviours  
6           which were seen as problematic; drinking alcohol in  
7           public places, sleeping in public places, sleeping  
8           in the metro. Sometimes, arguing loudly with  
9           people, sometimes, physically fighting with other  
10          people, urinating in public spaces. She was well  
11          known, hugh...! to the local police force.

12          And I think it's a... her story is very good,  
13          because she could be seen, if a person doesn't know  
14          the backstory, as simply an undisciplined menace.  
15          And frequently I saw her seen that way. In fact I  
16          remember ambulance attendants, on one occasion,  
17          shaking their heads at her and saying you know, you  
18          really should drink less, you know, tonight, just  
19          drink a little less.

20          And, you know, I've seen her, you know, with  
21          police officers shaking their heads at her and  
22          thinking - oh, not you again... you know, what have  
23          you done this time? And I've even seen her sitting  
24          on cement barriers while citizens walk by, and  
25          sometimes would shield their children's eyes from

1           having to see her. And there was a sense in which  
2           there... it was far too easy to judge, because  
3           having known her and having known some of her  
4           struggle, the other side of the story is that it's  
5           amazing she gets out of bed in the morning. It's  
6           amazing that she struggles another day. It's  
7           amazing that she's tried numerous times to overcome  
8           her addiction to alcohol. It's amazing that she's  
9           left Montreal finally and is back with her family.  
10          It's amazing that she wants to re-establish a  
11          relationship with her teenage son.

12                 There's another way of interpreting this  
13          behaviour, but that would require some education  
14          and some empathy. And that's one of the  
15          recommendations that we would be making today, is  
16          certainly that particularly in relation to first  
17          responders, ambulance attendants as well as the  
18          police service, that there would be a much more  
19          extensive Indigenous sensitivity training process,  
20          because the behaviours are complicated, and unless  
21          one understands the backstory, unless one  
22          understands that it was, for example, police  
23          officers who accompanied Indian agents to take away  
24          First Nations' children from their parents to  
25          residential schools, unless one understands the

1 history of mistrust, it's difficult to move forward  
2 well.

3 And so that's just an introductory story. I  
4 don't want to spend the whole time speaking,  
5 because I know we have a number of stories here,  
6 but I just want to give you that story of that  
7 woman, because it points to the very complicated  
8 struggle behind this. It's a deeply systemic  
9 problem, it isn't, for example, you know, simply a  
10 problem of good or bad policing, it's much more  
11 complicated than that. And not only that, but  
12 it's... the "not in my backyard" mentality is also  
13 deeply problematic, because it just represents the  
14 refusal to take some responsibility for the sins of  
15 our ancestors. And so we want to be highlighting  
16 these things this afternoon.

17 **Me PAUL CRÉPEAU:**

18 Okay. Maybe I'll ask at this point, because  
19 we're...you were just talking about "not in my  
20 backyard" syndrome.

21 **M. DAVID CHAPMAN:**

22 Uh-hum.

23 **Me PAUL CRÉPEAU:**

24

25

1           Maybe Caleb... Mr. Clark, do you have something to  
2           add on this while that happened, while you were the  
3           director of the project?

4           **M. CALEB CLARK:**

5           Well, I was the Director of the project "Not in my  
6           backyard".

7           **Me PAUL CRÉPEAU:**

8           Yes, the syndrome with the City of Westmount?

9           **M. CALEB CLARK:**

10          Yes. So, before I do that, I just want to say  
11          thank you for allowing us to come and testify, for  
12          us to speak of the stories that we've seen, but  
13          more importantly, to speak on behalf of the people  
14          who are too afraid to come and voice their own  
15          stories, and to speak on the behalf of those that  
16          have passed, whose... we're allowed to bring, keep  
17          their stories alive, and the memory of the wrongs  
18          that have been done to them a lot. So I thank you  
19          for that opportunity first and foremost.

20          I also know that we're going to be talking a  
21          lot of negative things that have happened by the  
22          SPVM and the health system, and Youth Protection,  
23          and City officials. But before I... we get into  
24          all of that, I want to preface tjos by saying there  
25          are good police officers, there are good

1 institutions that exist.

2 One, for instance, is the Montreal General.

3 We had phenomenal success in having Indigenous

4 people be respected and receive the treatment that

5 they should be receiving. And there's Project

6 Connections which is out of CLSC Metro, where they

7 go out, a nurse and a social worker, to the people,

8 to where they are, versus needing to come to an

9 employment. They go and find the people who need

10 their services. And that has been the best service

11 for the Indigenous people, because the people that

12 we work with, a schedule employment will not work

13 for the medical personnel who will come to you,

14 it's what works.

15 **Me PAUL CRÉPEAU:**

16 You were talking about "Projet Connexions". This

17 is one you called?

18 **M. CALEB CLARK:**

19 Connections, oui.

20 **Me PAUL CRÉPEAU:**

21 Connections.

22 **M. CALEB CLARK:**

23 Connections.

24 **Me PAUL CRÉPEAU:**

25 Qui, thank you.

1 **M. CALEB CLARK:**

2 And with SPVM, there's good officers for me. Carlo  
3 De Angelis, who is sitting behind us at the moment.  
4 Yes, but... and spoke at the... spoke here the  
5 other week. And even before he was in his current  
6 role, and he would always be bringing people into  
7 our organization instead of giving them a ticket,  
8 instead of giving them a hard time or kicking them  
9 out in the cold, he would accompany them to the  
10 Open Door and introduce them to us, and he would  
11 tell us - yeah, this is what the person said that  
12 they need. And he would wish them a good day, and  
13 he would head on his way with a smile.

14 **Me PAUL CRÉPEAU:**

15 No ticket?

16 **M. CALEB CLARK:**

17 No tickets.

18 **Me PAUL CRÉPEAU:**

19 Okay.

20 **M. CALEB CLARK:**

21 No tickets. And those are the interactions we  
22 need. And obviously, Carleston(?) has a different  
23 at this point. And from interactions with him, I  
24 know in his heart he wants to do as much good as he  
25 possibly can for the Indigenous people. There's

1 not a doubt in my mind on that statement. And  
2 other good officers to at Station 12, Jérôme and  
3 Ghislain, who... they're not allowed to use a car.  
4 They're on foot all the time in and around Cabot  
5 Square. And that allows them to create  
6 relationship with the people, with the Indigenous  
7 people, with the homeless population. And as a  
8 result of creating that relationship, you get to  
9 know the people and treat them with respect. And  
10 they've tried to thought... think of possible  
11 programs that could be created to help them, to  
12 help the people who are in need. And they're  
13 actively trying to make the situation better.

14 **Me PAUL CRÉPEAU:**

15 Okay, so while you're taking a sip of water, just  
16 to put it in evidence, the local police station in  
17 which you are... by which you are served is Station  
18 12, I believe?

19 **M. CALEB CLARK:**

20 That's correct.

21 **Me PAUL CRÉPEAU:**

22 Okay, thank you.

23 **M. CALEB CLARK:**

24 Yes. And the previous... well, one of the previous  
25 Commanders, he was instrumental in starting the

1 Cabot Square Security Committee, which myself and  
2 in and the network were founding members of this  
3 Committee. And if it wasn't for him pushing  
4 forward, it would never have happened. And so  
5 there are positive elements to speak of and I  
6 wanted to preface everything else that we're going  
7 to say with that. That the police serve, have a  
8 very important role in our society and we know  
9 that, but it can and should be better.

10 And the system itself, I believe, is broken.  
11 That the... system within the SPVM specifically.  
12 Because I see a system that's built to protect the  
13 officers first, not to protect the residents or the  
14 Indigenous population, which... the Indigenous  
15 population that we serve are the most vulnerable.

16 We've seen instances of people being openly  
17 mocked, Indigenous people being openly mocked by  
18 public servants, of police intimidating witnesses,  
19 intimidating the victims, convincing them to not  
20 file a report, to not follow through with it, and  
21 using intimidating elements, disregarding people  
22 asking for reports to be filed. Refusing to look  
23 into accusations and refusing to investigate,  
24 because the person was Indigenous. Openly  
25 admitting that they see their mandate as displacing

1           the Indigenous population.

2       **Me PAUL CRÉPEAU:**

3           Were you a witness to a special event regarding  
4           this...

5       **M. CALEB CLARK:**

6           Then one, I was...

7       **Me PAUL CRÉPEAU:**

8           Okay.

9       **M. CALEB CLARK:**

10           ... a witness, I was speaking with a officer in  
11           front of the Open Door and I was asking him why he  
12           was there that day, because... if the people see a  
13           police officer in front of the Open Door, they  
14           won't come in. Of course, they'll walk away,  
15           because they don't know why the officer is there  
16           because there is no trust and you know, it means  
17           our conversation... the conversation didn't go well  
18           from the beginning, but one of the things that he  
19           very clearly asserted that he sees his mandate as  
20           displacing. And you're talking about the homeless  
21           and Indigenous population. And I was asking him  
22           why they just push them away and he says - that's  
23           our mandate to displace the homeless... to  
24           displace them, is what he said. And my question is  
25           how can I work... how can you work on bridging gaps

1           if...? That is what they see as their mandate.

2           And the list continues of other instance of  
3           police threatening, ignoring rape incidents. There  
4           are times I would end other things that were told  
5           to me of... and it's someone officer who raped a  
6           woman, that I was not a witness to of an individual  
7           who died in police custody, and there were no clear  
8           (inaudible) answers of why. Ignoring calls from  
9           Indigenous people who are saying that they fear for  
10          their lives. Removing and... there has been  
11          removing of children from their parents' care and  
12          than the children are left unfed. Refusing to  
13          treat injured people. And acts of extreme violence  
14          towards the Indigenous population. There's a lot  
15          that I just listed within that, and we hope to...  
16          (inaudible) eliminate all of those points of the  
17          injustice that we have seen, and that we have been  
18          told of, and we do not witness, through the  
19          Commission. But to get to your question...

20       **Me PAUL CRÉPEAU:**

21           Yeah...

22       **M. CALEB CLARK:**

23           ... very well, we ended around that way. To get to  
24           your question, I was at a meeting with the City of  
25           Westmount, which is where the Open Door has resided

1 in for the thirty (30) years of its existence and  
2 this meeting would have been about four years ago,  
3 and it was with the local City counsellor and the  
4 Director General of the City, along with  
5 representatives from the Board of the Open Door,  
6 myself and Makivik Corporation. And the meeting  
7 started with the City of Westmount saying they  
8 wanted the Open Door gone. They wanted out... they  
9 want us out of our location.

10 **Me PAUL CRÉPEAU:**

11 Did they say why?

12 **M. CALEB CLARK:**

13 Well, the why of the entire... the meeting that  
14 we're meeting with them, that we thought it was  
15 because of the complaints of the local residents,  
16 because there were Indigenous people sleeping  
17 behind the building. And for us, that was the  
18 people who slept there reported to me that that is  
19 where they felt safest. So, they didn't have  
20 anywhere safer that they could think to go, and so,  
21 that's why they slept there. And that was their  
22 home. And the City of Westmount did not like that  
23 point, that Indigenous people slept in behind the  
24 church building. And as a result, they wanted us  
25 out.

1 **M. DAVID CHAPMAN:**

2 On that point, we did see a very... two very  
3 different reactions to the same phenomena. So, for  
4 example, let me explain two very different  
5 reactions of two different neighbours. We have one  
6 neighbour who lives really within a block of our  
7 Center, and he comes in on Wednesdays and makes  
8 soup for the homeless population. He does it on a  
9 regular basis, has been doing it now for, I'd say,  
10 more than two years.

11 And his response to the Center is quite  
12 different from the person who lives right next to  
13 him, who has been known to send regular e-mails to  
14 the Mayor, complaining about people leaving plates  
15 on his lawn, and peeing in his flowers. And quite  
16 strong worded e-mails insisting that we be, you  
17 know, out of the neighbourhood.

18 And so, here we have two different people  
19 experiencing really the same phenomena, because  
20 they live right next to each other, but responding  
21 in two different ways. One wanting to take some  
22 collective responsibility, and the other, not so  
23 much. And so, we're very familiar with this  
24 dynamic.

25 **M. CALEB CLARK:**

1           And the racism that exist against Indigenous  
2           people, or what the Commission is looking at, the  
3           government institutions, I feel it's a Quebec  
4           problem. A Quebec culture problem, it's a Canadian  
5           culture problem, the way that Indigenous people are  
6           talked about, the way that Indigenous people are  
7           treated across the board by the majority of people.  
8           And so, it is a huge problem to tackle. Oh, sorry.

9           **Me PAUL CRÉPEAU:**

10           Okay. We'll go through... we'll have some cases  
11           that you'll want to talk about, but I just want to  
12           go through the... a little bit about... speak a  
13           little bit about the housing project, and I see, I  
14           believe this is your responsibility maybe?

15           **MME PSEGGGA JONES:**

16           Uh-hum.

17           **Me PAUL CRÉPEAU:**

18           Explain to us what is this housing project, how  
19           it's going, and what are your success and failure?

20           **MME PSEGGGA JONES:**

21           Okay. So, we started a housing first project in  
22           the fall of two thousand sixteen (2016). It is a  
23           project that is based and geared towards the Inuit  
24           community as we work in partnership or under the  
25           umbrella of the Open Door, and the majority of the

1 clients are... at the Open Door are predominantly  
2 Inuit. We have chosen to focus there. We have a  
3 couple of participants that are not Inuit, but the  
4 majority of our participants are.

5 It is federally funded and we are... we  
6 provide subsidies for housing. We help people find  
7 housing through apartments. We subsidize their  
8 apartment and we offer them support to restrain  
9 space model, meaning that they lead the therapeutic  
10 process. We don't necessarily impose our ideas,  
11 our conditions per se, in that we don't tell them  
12 that they need to be this many months sober in  
13 order to be part of the project. We basically say  
14 you have a need and let's fill it, and then, we'll  
15 walk with you through whatever goals you would like  
16 to walk through or to succeed in.

17 And so, we started that and it's a bit of a  
18 guiney pig project in that it's the first one, as  
19 far as I believe, that was completely focused on  
20 the Inuit community, and that is because there has  
21 been... it has been noticed that there are a huge  
22 need in Montreal for the Inuit community as well as  
23 that there aren't a lot that... of projects and  
24 community services that are directed towards this  
25 particular population.

1           So, we have room. Our... what makes us  
2           distinct, once again, is that we have focused on  
3           the Inuit community. And the other focus is  
4           that... or the other distinction is that our  
5           caseload is very small in order for us to deal with  
6           the many layers of trauma and situation and  
7           circumstance that the Inuit community actually  
8           faced on a day-to-day basis and within their  
9           history.

10           And so, there are two of us and we so far have  
11           attempted an half-house. We have fourteen (14)  
12           that have... we... so, we have two spots that are  
13           still left and so, we're trying to fill those. And  
14           we recognize that one of the challenges that we  
15           found has been... it is a slow process. We have  
16           these different kind of landmark, and these points  
17           setting goals and these dates, but we've already  
18           seen that trust needs to be built before anything  
19           else.

20           And so, we've been able to try to work on that  
21           slowly, them getting to know us, and then getting  
22           to know the project in order for the Inuit to  
23           communicate to each other, because if one kind of  
24           expected trust or celebrate something then they're  
25           able to communicate to the rest of the people that

1           this is okay.

2           And so we are working slowly. The women, we  
3           are trying to focus on both the men and women, and  
4           we found that it's been a bit more challenging for  
5           the females. You'd think that it wouldn't be for  
6           under the age of fifty (50), but it has been an  
7           interesting process to get people or get some of  
8           the females on board. And once again, that's  
9           because of trust and trauma and a lot of  
10          experiences, and the different attachment that  
11          they've made on the street to people that they've  
12          assumed trust and safety. And so, to be in  
13          apartments, that's been... it been something that's  
14          been quite interesting for them, but we've also  
15          seen a lot of successes. And in that, we have seen  
16          people reduce their consumption. We've seen people  
17          even get a taste of housing, and then desire more,  
18          and desire something different than living on the  
19          street.

20          We have seen a couple of people find  
21          employment and be able to start working, and  
22          supporting their families or trying to reunite  
23          families or keep families together, that's been  
24          something that we didn't expect to be. Something  
25          that would be a component of the project, but it

1           has. And it's been great to see that happen.

2           So...

3           **Me PAUL CRÉPEAU:**

4           And are you aware or is it possible to give us any  
5           kind of precision, if you have them, as to the  
6           effect that the... the fact that these people have  
7           now their own housing? Do they consume less  
8           services? Being police, ambulance, hospital,  
9           social... Is it possible, do you know if it has  
10          been quantified?

11          **MME PSEGGGA JONES:**

12          In my opinion, the services have been different  
13          (inaudible). And so for some, a lot of the  
14          downtown services, we've had people that have  
15          not... are not housed in the centre ville area and  
16          they have chosen to only use the services that they  
17          use as needed. And so, they'll still go to and get  
18          food or they'll go to community and that's... and  
19          in that regard, it's been used, the services are  
20          being used in that way. In terms of some of the  
21          resources, I don't know that I can quantify, in  
22          fact, to be quite honest. I know that for some, it  
23          has lessened their encounters with policemen. It  
24          has lessened their encounters with hospitals.  
25          For... as I said earlier, consumption has gone down

1 significantly. It hasn't been completely  
2 eradicated, but it has gone down for some of our  
3 participants. And more so, it's giving them the  
4 ability, or meeting a need in order for them to get  
5 that sleep, to be able to feed themselves, in order  
6 for them to have a clear head to walk through and  
7 say - oh, I have this choice or I want to make,  
8 take this step in my life. And so, that's been a  
9 positive that we've seen.

10 **Me PAUL CRÉPEAU:**

11 Okay. I'll ask Mr. Chapman now, I know that you  
12 showed me your research that was...

13 **M. DAVID CHAPMAN:**

14 Uh-hum.

15 **Me PAUL CRÉPEAU:**

16 ... recently done. And I believe it was talked  
17 about yesterday afternoon by... a research by  
18 Doctor Eric Latimer...

19 **M. DAVID CHAPMAN:**

20 Yes.

21 **Me PAUL CRÉPEAU:**

22 ... I believe? Well, we'd like to present it in  
23 evidence and we just... we'll have a copy, a scan  
24 copy in the next few days, but for the time being,  
25 we just have a paper copy, and I would like it,

1           maybe the title, Mr. Chapman?

2           **M. DAVID CHAPMAN:**

3           Yes. So, the research, so it was just presented  
4           last week to the Urban Aboriginal Strategy Network.  
5           It's basically entitled "Housing Needs and  
6           Preferences of Indigenous People Using Community  
7           Resources in Montreal" and... so this is new  
8           research by Doctor Eric Latimer and his team.  
9           Essentially, what it finds is that Inuit and First  
10          Nations population in Montreal could greatly  
11          benefit from low-cost housing or subsidized  
12          housing. And basically, that the house, sort of  
13          housing that they would find helpful is two  
14          different sorts; one sort being congregate housing  
15          with culturally sensitive services, so that's sort  
16          of housing within sort of one building. And then  
17          secondly, independent rent-subsidized apartments  
18          with follow-up. That either form of low-cost  
19          housing would... is desired by our Indigenous  
20          population. And so, certainly, I would refer you  
21          to this piece of research.

22                 And this is certainly something that we've  
23                 seen from experience. It has not taken long to  
24                 fill our housing program, which is basically now  
25                 full and we're looking certainly to expand it, but

1           it is one way of having less run-ins with the  
2           police and other services. I mean, the woman I  
3           described at the beginning of our discussion today,  
4           used to be regularly in touch with the ambulance  
5           service and the police service, and numerous  
6           interactions which, of course, come with a cost.  
7           And you know, basically, she's one of those people  
8           who did use the housing program for a period and is  
9           now returned to her home community.

10           And so, people find, they find their way, but  
11           the way in which they find their way is when there  
12           are supports around them. And certainly, when  
13           government is willing to make the commitments to  
14           bring those supports.

15           **Me PAUL CRÉPEAU:**

16           Okay. So, I'd like to put it up in evidence as  
17           P-432. And the participant will receive a scanned  
18           copy in the next few days. We don't have it for  
19           the moment, we received it yesterday.

20           **M. DAVID CHAPMAN:**

21           And on the subject of supports, I know Mr. Tessier  
22           to my right, I would say that... he might want to  
23           speak to that issue of detox and rehab services.

24           **Me PAUL CRÉPEAU:**

25           Okay. Mr. Tessier?

1 Jean-François Tessier  
2 Intervention worker, Open Door  
3 -----

4 **JEAN-FRANÇOIS TESSIER:**

5 Hi, I'm Jean-François Tessier, I go by "John  
6 Tessier" at the Center and I'm an intervention  
7 worker and say, my main function at the Open Door  
8 is to help support people and bettering their  
9 situation, whatever it may be. You know, if  
10 they're looking to get into rehab or detox, I try  
11 to help steer them in that direction. If it's just  
12 getting off the street to get a room or a studio  
13 apartment, or whatever the case is, I help them in  
14 doing that. You know, we helped several dozen  
15 people get off the street, like, at least a dozen  
16 get into detox or rehab. You know, close to a  
17 dozen get off the street and start getting into a  
18 room or an apartment, or something like that.

19 And now, I'm not privy to fancy research, and  
20 I don't have a doctorate from McGill, but I do feel  
21 specially qualified to speak to the subject,  
22 because I have a PhD from the streets, you know? I  
23 was somebody that received the support that David  
24 is talking about, because three and a half to four  
25 years ago, I was a client of the Open Door, you

1            know... David and Caleb used to wake me up.  
2            I was one of the guys Caleb talked about, sleeping  
3            behind the building, you know, and Caleb used to  
4            wake me up in the morning, David waked me up in the  
5            morning. So, I would come in and so, they gave me  
6            the support. And so I was ready to accept the  
7            solutions that were out there.

8            And you know, as far as the financial burden, I  
9            can tell you what, I have a lot... I haven't had  
10          one run-in with the police since I've gotten off  
11          the street, you know... since I've accepted that  
12          support, you know, not one. And my acquaintance  
13          with the Open Door, I was a client first, and then  
14          I worked off hundreds of hours of community  
15          service, and as far as, I was on probation, because  
16          you know, when I was on the street, I had a lot of  
17          run-ins with the police, I would shoplift to  
18          support my crack-cocaine addiction. I meant to eat  
19          and you know, I had to work off probation and  
20          things like that. And you know, I did all that, I  
21          was accountable, I took care of the things I needed  
22          to take care of and now I'm able to help steer  
23          people and be an example that it can be done, you  
24          know...

25          A lot of the people that I was chumming with on

1           the street are still clients of the Open Door, and  
2           several of them are helped to try to get into detox  
3           or rehab, and you know, one of our biggest, I'd  
4           say, our... we helped over a dozen people get  
5           into...

6           **VOIX MASCULINE NON IDENTIFIÉE:**

7           (Inaudible).

8           **JEAN-FRANÇOIS TESSIER:**

9           ... detox in the last year, just in the last year.  
10          But I'd say we've lost at least three dozen that  
11          we could have gotten into if there was a place for  
12          them to go, you know? And that's the frustrating  
13          part is somebody who comes to you and says I'm  
14          ready, you know, I'm ready right now! Let's go!  
15          And it's a few weeks process to get them into a  
16          detox, into a medical detox.

17          **Me PAUL CRÉPEAU:**

18          But explain it, please.

19          **VOIX MASCULINE NON IDENTIFIÉE:**

20          I'm sorry?

21          **Me PAUL CRÉPEAU:**

22          Just...

23          **VOIX MASCULINE NON IDENTIFIÉE:**

24          (Inaudible).

25          **Me PAUL CRÉPEAU:**

1           ... just explain.

2           **JEAN-FRANÇOIS TESSIER:**

3           Okay.

4           **Me PAUL CRÉPEAU:**

5           What's the process to get someone into detox when  
6           he's ready?

7           **JEAN-FRANÇOIS TESSIER:**

8           Well...

9           **Me PAUL CRÉPEAU:**

10          Or she's ready?

11          **JEAN-FRANÇOIS TESSIER:**

12          ... well, if it's just, for instance, a cocaine or  
13          a crack addiction, it's easy, I have places I can  
14          put them the same day and of all the people,  
15          except... all of them, except one have been mostly  
16          addicted to the crack and I've been able to get  
17          them to some place the same day or the next day,  
18          that's very simple. But if they're addicted to  
19          opioids or alcohol, it's an exasperating process,  
20          you know? The only place really that will take  
21          them for medical detox is St. Luc's. And we call  
22          St. Luc's... first off, it's a half an hour to  
23          forty-five minutes phone interview which is fine,  
24          but from that, now we're going to get an  
25          appointment in, say, a week from today, to come

1           have an evaluation in person by a nurse or  
2           whatever.

3           From that evaluation, if everything goes well,  
4           if they see, now they're going to have another  
5           appointment in a week after that to see an actual  
6           doctor. Then, from that appointment, if the doctor  
7           says that they need to be admitted, in three, four  
8           days, you'll be in.

9           So, it's two and a half to three-weeks process  
10          if everything goes smoothly. And you know, when  
11          somebody is homeless and they're struggling from  
12          alcohol addiction and... or heroin addiction,  
13          opioid addiction, pills, whatever the case is, I  
14          don't know where... we don't know where they're  
15          going to be tomorrow, let alone three weeks from  
16          today.

17          Now, the one person that was able to get... to  
18          go through all of these, you know, hoops, they  
19          finally get in, she left that night, because  
20          culturally speaking, things, you know, they wanted  
21          to wear contamination suits. She didn't  
22          understand, they were able to explain it to her in  
23          a pathetic enough way. She called me, I tried to  
24          convince her to stay, but she left that night, you  
25          know? Thank goodness now, she's up North. We did

1           get her through the program they were speaking  
2           about, she's back with her family and she's  
3           actually sober right now, doing twelve-steps  
4           fellowship meetings in the North, but you know,  
5           that's very frustrating.

6           Yesterday, just yesterday, we had a couple  
7           that was on the phone with a detox and the woman  
8           said she was feeling sick, dope-sick, which means  
9           that she hadn't had, you know, all day or in two  
10          days, whatever, because she tried to quit. As soon  
11          as I heard that: I'm sorry, no, we can't take you.  
12          because the... you need to be medically detoxed  
13          (inaudible). And of course, I understand their  
14          point, but we need something where if you won't go  
15          right now or...

16          You know, I've been through the rehab and  
17          detox process, and I understand for instance,  
18          there's a Foxter pavilion, it's a great rehab, but  
19          they have... they hold beds for people coming from  
20          detox. Like, if you're coming from Saint-Luc's or  
21          if you're coming from another detox, Foster keeps a  
22          certain amount of beds for people going straight  
23          there. It would be a great, if we could have  
24          St. Luc's or Montreal General or some of the  
25          hospitals hold, say, four or five beds for us,

1           for... when we have somebody, we could bring them  
2           straight there and they get in, right then and  
3           there.

4           **Me PAUL CRÉPEAU:**

5           Okay.

6           **JEAN-FRANÇOIS TESSIER:**

7           You know? And we could have saved probably at  
8           least another two dozen people, at least, you know,  
9           if now is possible over the last year, you know, if  
10          not more, you know? If people knew that that was  
11          available for them, I'm sure more people would come  
12          to us. And so that's something that's really  
13          desperately needed, I believe, is direct and  
14          immediate...

15          **M. DAVID CHAPMAN:**

16          The service...

17          **JEAN-FRANÇOIS TESSIER:**

18          ... availability...

19          **Me PAUL CRÉPEAU:**

20          Okay.

21          **JEAN-FRANÇOIS TESSIER:**

22          ... for people when they need a medical detox.

23          **Me PAUL CRÉPEAU:**

24          Now, maybe we could talk... I know there are other  
25          problems that you have at the Center. Maybe you

1           could talk about sexual assault, rape in and  
2           around, and I say "in an around" Open Door.

3           **M. DAVID CHAPMAN:**

4           Good, good point. Well, let me say briefly about  
5           that. This is one of the biggest problems we face.  
6           In the last year, ten different Indigenous women  
7           have told me that they've been either recently  
8           raped or sexually assaulted, meaning some  
9           explicitly just told me they were raped, and others  
10          had a hard time saying it, and so, they put it in  
11          terms of "sexual assault".

12          **JEAN-FRANÇOIS TESSIER:**

13          One was yesterday.

14          **M. DAVID CHAPMAN:**

15          As of yesterday, eleven (11). And I'll talk about  
16          that in a few minutes. But of the ten, from two  
17          thousand and seventeen (2017), only three were  
18          willing, after much convincing, to make a report to  
19          the police, meaning, myself and John would sit down  
20          with them and try and convince them to have the  
21          confidence to call the police. Or we... or that we  
22          would call the police for them, just even to be  
23          willing to speak to the police, only three have  
24          been willing to call or to go forward with that.  
25          And of those three cases, none of them has moved to

1           beyond the initial stages.

2           In other words, from last year, we're 0 for  
3           ten (10) in dealing with rape cases. And I think  
4           there's a couple of problems with that. There's a  
5           couple of reasons why it is that way. And these  
6           problems also get at the systemic nature of the  
7           problem that we're talking about. Having sat with  
8           people while they make their initial report to  
9           police on a number of occasions, I can tell you  
10          that the process is quite lengthy.

11          And so, we normally... Normally, what happens  
12          is two officers will arrive on the scene to hear  
13          the report after a 9-1-1 call is made, and the  
14          person will describe exactly how they've been  
15          victimized to these two strangers. And of course,  
16          this is a difficult process, because it's an  
17          intimate victimization. And at the end of their  
18          report, they'll normally then be informed that they  
19          need to go to the hospital and you know, so the  
20          physical evidence can be obtained and if... And so  
21          then they would need to then go to the hospital and  
22          essentially answer other questions about this event  
23          to another group of strangers. And then, if that  
24          works out, eventually, an investigator is going to  
25          be appointed, and they're going to then need to

1 report on camera to now a third group or  
2 individual, exactly how they've been intimately  
3 violated. And if that works out, then eventually,  
4 we're going to get to the Court where they're going  
5 to tell now a fourth group of strangers about how  
6 they've been intimately violated. Now, for a  
7 person who is well established in society with  
8 means and friends and...

9 **JEAN-FRANÇOIS TESSIER:**

10 Support.

11 **M. DAVID CHAPMAN:**

12 ... support, this is an excruciating process. For  
13 someone who lives on the street and/or struggles  
14 with a severe addiction, who is, for example, you  
15 know, drinking early in the morning, otherwise  
16 really no supports, well it's downright impossible.  
17 And so, one of the challenges is to adapt the  
18 system so that it can be more accessible to this  
19 vulnerable population. I mean, the... one of the  
20 challenges is that, you know, police will get off  
21 in a bad wrap, say why isn't the, you know, rate of  
22 success higher? And I think in the minds of many  
23 officers, they know, they know that the probability  
24 of getting someone to have a successful case in the  
25 Courts, who has a severe addiction, as it stands, I

1 mean, it's less than per cent (1 %), it's extremely  
2 difficult. And so, why would they bother? Why  
3 would they put their time into something, and their  
4 effort into something that has such a low  
5 probability of success?

6 And so, one of the things that we, you know,  
7 that I've suggested even to the Commander of  
8 Station 12 who's actually sitting behind me at the  
9 moment, is to potentially look at appointing an  
10 Inuktitut-speaking officer who could, you know,  
11 hear that report of rape or sexual violence the  
12 first time, and then communicate it to these other  
13 groups along the way at the hospital to the camera,  
14 to the Court, so that there could be some sort of  
15 optimized process that makes it not so incredibly  
16 difficult to make the report.

17 In fact, you know, one positive development is  
18 that I noted in a case that we reported yesterday  
19 that in fact, one of the supervising officers on  
20 the scene was actually looking to have the woman  
21 wait for the investigator to arrive to make that  
22 report more efficiently. And so, I could see that  
23 there is... there was some development there which  
24 was positive. And so, I think the word is slowly,  
25 you know, getting through, but there's an awful

1 long way to go, particularly in cases of sexual  
2 assault to the Indigenous population, and we will  
3 have a few more stories about that.

4 **JEAN-FRANÇOIS TESSIER:**

5 Can I mention...?

6 **M. DAVID CHAPMAN:**

7 Yes.

8 **JEAN-FRANÇOIS TESSIER:**

9 I'd like to mention like one reason why they, you  
10 know, some of the women may be hesitant to tell  
11 their story is because some of the officers do not  
12 take it seriously, you know, in my opinion, you  
13 know? And I've witnessed, like, the woman is  
14 speaking to the... that I helped, getting there,  
15 that we help get into to detox, and then that she  
16 went up North. One morning, I came to open the  
17 Open Door at seven thirty (7 h 30) in the morning  
18 and she's laying on our steps, crying, visibly  
19 beaten up. I said what's going on? - Call the  
20 police, I've been beaten up... my boyfriend beat me  
21 up. So, yes, they have a volatile relationship.  
22 Yes, they... this isn't their first time, I know  
23 that. I'm sure the police know that also, but it's  
24 my job to call the police when one of our clients  
25 is visibly beaten and asked me to call the police.

1 I called the police. They got there in a  
2 reasonable time.

3 When the police officer arrived, and I brought  
4 her along to our side entrance, when the police,  
5 the person who showed up, it was two officers who I  
6 know well from the area and who... the population  
7 knows well. The first thing the officer said when  
8 he got out - Oh... and he said her name, ... it's  
9 you again. Well, she's crying, she's beaten up,  
10 you know. I was okay, and I went to try to difuse  
11 this, so she wouldn't have to deal with them. I  
12 went - okay, this is what happened. Here's what  
13 she's telling me happened. She said bla bla,  
14 she... The officer said - no, why don't you let  
15 her tell the story? I said okay, no problem. So,  
16 I sit back and I let him deal with her. He says  
17 let me do the questioning here. So... fine. And  
18 he goes, and he starts questioning - okay...

19 (inaudible) that's her name, because he knows her  
20 very well - okay, listen, are you sure you weren't  
21 prodding him? Are you sure you weren't...? And I  
22 said well, why don't you let her tell you the story  
23 then? So I'm trying to intervene for the woman.

24 Finally, she's telling what happened and  
25 he's... just as a very condescending tone the

1           entire time... okay... well, alright. So listen,  
2           this time is... No, I'm saying.. okay, so she's  
3           saying she wants to file a report. He says okay,  
4           well, if we file a report this time, are you going  
5           to show up to Court? I mean, listen, this is none  
6           your business whether she's going to show up to  
7           Court or not, it's your job to do your job and take  
8           the report.

9           Listen, I'm the intervention worker. If I  
10          take this woman fifteen times to detox and she  
11          leaves every time the same day, does the sixteenth  
12          time, am I not going to bring her? No, I do my  
13          part, let them do their part. It's your job to do  
14          your job and take the report. So, take the report!  
15          Okay... So he takes out his notepad, his pen  
16          and... it's not even a real report, he's just  
17          jotting things down, you know, and then, another  
18          unit shows up and they're talking to her.

19          Meanwhile, from here to the stage right there,  
20          maybe six (6), seven feet (7') away, the original  
21          two officers are laughing and joking. And she  
22          hears that, and she's crying still. "Oh, see,  
23          they're laughing at me, they do not even taking me  
24          seriously." And then, I call them aside and say  
25          listen, come here... because I don't want to

1           disrespect them in front of her, but I say why are  
2           you laughing? You're laughing at the woman. You  
3           wonder why she doesn't want to file a report? And  
4           he says - you be careful, I'm not laughing. You  
5           know, you don't say... I said listen, I'm just  
6           telling you what I'm saying, okay? You're laughing  
7           and joking. - Oh, but we're not laughing at her,  
8           they said. I said it doesn't matter what you're  
9           laughing at. This is not joke-time, you know? If  
10          there's a doctor giving a prognosis to a cancer  
11          patient's family saying that their kid... there's  
12          not two other doctors in the room laughing and  
13          joking. This is not a time for jokes. Have some  
14          professionalism.

15                 I had to scold the man and tell him how to do  
16          his job basically. And it was so frustrating. And  
17          then, they try to get serious and they went with  
18          their note pad and we're talking there. Oh, but...  
19          and then, they left. I say - so, are you going to  
20          file a report? - oh, yeah, yeah, we're going to  
21          file... but they weren't filing a report, they were  
22          just jotting something down to make it look like  
23          they were doing, but... And when they left, that's  
24          why I don't like to call the police, that's why I  
25          don't like to bother with anything, but they're not

1 taking it seriously. That's not the first time.  
2 Yes, she's called the police many times, but that's  
3 not the point.

4 You know, we have to have professionalism in  
5 our jobs and rise above that, you know, and know  
6 that this could be the time, you know, it's not  
7 their business whether she's going to show up to  
8 Court or not, it's their business to do the job  
9 they're to do, which is take the police report and  
10 treat it with seriousness and professionalism.

11 **Me PAUL CRÉPEAU:**

12 Okay. Mr. Chapman, maybe you have something, I  
13 don't know, do you have something to add with...  
14 regarding the relation that you have with those two  
15 particular officers which John is talking about?

16 **M. DAVID CHAPMAN:**

17 Yes, in fact, John could fill you in on the end of  
18 the case that happened yesterday, in fact, because  
19 one of those officers was back again and to take  
20 the report from the woman yesterday. We... so  
21 basically, to start that interaction, we had a  
22 woman in the Center. She indicated... while  
23 actually you were there actually in the Center at  
24 this time visiting, and if you recall, we were  
25 talking and John pulled me aside, and once you know

1           it, there was a woman right that moment, while you  
2           were there, this is the frequency of how often rape  
3           happens in our region, who indicates that she's  
4           just been raped literally a few hours ago.

5           **JEAN-FRANÇOIS TESSIER:**

6           And the guy is in the Center.

7           **M. DAVID CHAPMAN:**

8           And the guy is in the Center. The person who did  
9           it. And you might recall me saying that, you know,  
10          you know, I hope this works out and you might want  
11          to watch at a distance, but given the probability  
12          from the past experiences of how these cases work,  
13          I'm not all that optimistic.

14          And so, we... John made a call to 9-1-1 and a  
15          couple of officers arrived on scene, and there was  
16          a lot of time, the woman was standing there  
17          sobbing. There's a lot of time talking about  
18          whether or not she had ID and she didn't have ID.  
19          We spent rather a lot of time talking about that.  
20          There was... she knew where the fellow lived, but  
21          she couldn't say the address and there wasn't much  
22          of an effort to want to go and maybe do a drive-by  
23          the house.

24          Eventually, John entered the ambulance with  
25          the woman, and I'll let John continue from there,

1           because he was inside the ambulance.

2           **JEAN-FRANÇOIS TESSIER:**

3           First, let me just mention that I understand  
4           there's a procedure that needs to be followed,  
5           that's understandable, but we need... I would think  
6           we should be flexible. I mean, we're dealing with  
7           a woman and who... yes, she was intoxicated at the  
8           time. Yes, she's homeless. Yes, this isn't the  
9           first time she's been raped. I mean, her sister  
10          was... some say committed suicide, some say  
11          murdered just in the summer, you know, a few blocks  
12          from the Open Door.

13          So, she... yes, she's been through a lot, but  
14          when the police show up, I understand there's a  
15          protocol they need to take, but this woman is  
16          saying now - I don't know the address but I know  
17          where it is. If you go down to De Maisonneuve and  
18          make a right... like in her mind it's still fresh  
19          where the guy lives. And he was just in our  
20          Center. When I went, when I was on the phone with  
21          the police, they're asking me what he's wearing and  
22          I went to try to look at him or try to keep him  
23          there, and he slipped out the back door.

24          So, fifteen minutes, twenty minutes earlier,  
25          he was in our Center. I'm sorry! I mean, I'm not a

1           detective, but common sense says that the closest  
2           place he's going to run to is his house a few  
3           blocks away. She knows where his house his right  
4           now. I don't know... common sense says okay, show  
5           me where this guy lives. And he's probably there  
6           right now. You know, but in the meantime... okay,  
7           we'll now, let's... okay, do you have ID? Okay,  
8           let's move... first, we're going to take you to the  
9           hospital. But, I mean, she's drunk, she probably  
10          won't remember tomorrow where he lives. Now, he's  
11          got off for it. You know... But if we'd have used  
12          some flexibility - okay, get in the car right now,  
13          show me where this guy lives. At least, get the  
14          address and he's probably there, but anyway.

15                 We get in an ambulance and after, I don't  
16                 know, they took at least fifteen minutes to get  
17                 there. We get in the ambulance and I understand  
18                 they're... I don't know what they were waiting for,  
19                 I don't know what the protocol is, but we were  
20                 waiting for something, and we waited in the  
21                 ambulance for, I'd say, close to half an hour, if  
22                 not a full half-hour.

23                 And after like fifteen... or ten, fifteen  
24                 minutes, she's getting antsy and she's like, you  
25                 know, because I've convinced her to go report and

1 go to the ambulance, and she didn't want to get in  
2 the ambulance in the first place. But we're in  
3 there and - I'm sorry... - No just stay... you  
4 know... - no, forget it, I want to get out. Now,  
5 the ambulance in charge was being amazing, you  
6 know, he was following my lead and I'm saying  
7 listen, no, you're going to be fine. - no, I'm  
8 going to get in trouble with the streets, I'm going  
9 to get in trouble from the streets... - Ah, you  
10 know, she's worried about retribution or whatever.  
11 I said don't worry, this guy is nobody, he's nobody  
12 on the street. We're there to help you. And the  
13 ambulance driver was following my lead - you know,  
14 don't worry, we're here, everyone here is to help  
15 you, we're going to protect you. So, he was being  
16 amazing, you know?

17 And another fifteen minutes passed by. So  
18 now, it's like thirty minutes. Finally, an officer  
19 showed up which I... maybe after they were waiting  
20 for, and it's the same officer that I mentioned  
21 from the other incident. And the first thing he  
22 says when he comes in - okay, listen, we can't make  
23 you go. If you don't want to go to the hospital,  
24 just sign the paper. Where's the paper? Would the  
25 ambulance driver get the paper? Like, he totally

1           just did not want to be bothered, you know? His  
2           entire purpose in that (inaudible) was to make her  
3           sign the paper that we didn't have to go anywhere.

4                     You know, instead of maybe following suit of  
5           what me and the ambulance driver were doing - no,  
6           it's going to be okay, let's go take care of this,  
7           you're doing the right thing, you know. Let's get  
8           this guy off the street. Instead of joining  
9           chorus with us, which is what I would think you  
10          would do if you actually want to get a rapist off  
11          the street and get justice for this woman, you  
12          know, he just totally... Hey, where's that paper?  
13          Do you... listen, you don't have to go if you  
14          don't want to go. Though, we can't make you go.  
15          Do you want us... do you need to sign this paper  
16          though? And then, five minutes later, she was out  
17          of the ambulance, signed the paper and it was over,  
18          you know? So we just have utter disinterest in  
19          trying to get any justice for this woman and get a  
20          rapist off the street.

21       **Me PAUL CRÉPEAU:**

22                 Maybe it will be time to take a five minutes  
23                 break?

24       **LE COMMISSAIRE:**

25                 Five minutes break?

1 **Me PAUL CRÉPEAU:**

2 Yes.

3 **LE COMMISSAIRE:**

4 Yes.

5 **Me PAUL CRÉPEAU:**

6 Good.

7 **LA GREFFIÈRE-AUDIENCIÈRE:**

8 The Commission will take a five minutes recess.

9 SUSPENSION

10 -----

11 REPRISE

12 **LA GREFFIÈRE-AUDIENCIÈRE:**

13 Reprise des audiences.

14 **LE COMMISSAIRE:**

15 So, welcome back.

16 **Me PAUL CRÉPEAU:**

17 So, explain maybe our last... all of you, I know,  
18 Mr. Chapman, you told us a few stories, histories.  
19 So maybe, if you want to give us some information  
20 regarding relation with the police, with the  
21 hospital. You've talked a little bit about the  
22 Montreal General. Start with maybe the hospital,  
23 you had something to say regarding the Montreal  
24 General? And was it with the Verdun Hospital that  
25 you had a story?

1 **M. DAVID CHAPMAN:**

2 Oh yes, yes. Good question. So... and then, after  
3 that, I want to come back to a rape case that...

4 **Me PAUL CRÉPEAU:**

5 Well...

6 **M. DAVID CHAPMAN:**

7 ... but so...

8 **Me PAUL CRÉPEAU:**

9 ... let's do with in your order, okay? No problem  
10 with it.

11 **M. DAVID CHAPMAN:**

12 Okay.

13 **Me PAUL CRÉPEAU:**

14 With the rape case.

15 **M. DAVID CHAPMAN:**

16 So, in September of two thousand and sixteen  
17 (2016), myself and Psegga beside me witnessed an  
18 attempted rape on the premises of our Center. And  
19 so, I wanted just to go through the details of what  
20 happened with that and try and get some of the  
21 larger issues. So, perhaps by way of beginning  
22 maybe, Psegga, if you could just mention what you  
23 saw on that September afternoon in two thousand and  
24 sixteen (2016) that alarmed you?

25 **Me PAUL CRÉPEAU:**

1 Psegga, could you push the red button? Yes. One  
2 of two the...

3 **MME PSEGGGA JONES:**

4 Oh.

5 **Me PAUL CRÉPEAU:**

6 Good.

7 **MME PSEGGGA JONES:**

8 Thank you. So, it was actually within the first  
9 month that I had started at the Open Door, and we  
10 were cleaning up at the end of the day when I saw a  
11 couple of people that were standing by the door  
12 with the door open, and it seemed that something  
13 was going on. And so, I had walked to the door and  
14 what I saw was shocking in that there was a man on  
15 top of a woman, and he was trying to hold her in  
16 place while she was squirming, and she was  
17 obviously under the influence of something, she was  
18 intoxicated, but aware enough that she knew this  
19 was not a position she wanted to be in. He was  
20 trying to take off her pants and her underwear. He  
21 was trying at the same time to disrobe himself. He  
22 was... and all of this was happening on a busy  
23 corner of Atwater and René-Levesque/Dorchester.  
24 And...

25 **Me PAUL CRÉPEAU:**

1           At three (3 hrs) in the afternoon?

2           **MME PSEGGGA JONES:**

3           Three (3 hrs) in the afternoon. Two forty-five  
4           (2 h 45) probably...

5           **Me PAUL CRÉPEAU:**

6           Okay.

7           **MME PSEGGGA JONES:**

8           ... around there. And cars were going by, and  
9           there were a couple of people walking by, and there  
10          are people that were just around. It wasn't super  
11          busy, but enough that there were cars going by.  
12          And this young girl was obviously not comfortable,  
13          she was trying to get away. And meanwhile, he was  
14          trying to hold her, and he was trying to take off  
15          his pants, and trying to take off her stuff, and...  
16          So, I immediately went inside and tried to beckon  
17          Dave to come and help address the situation. He  
18          then...

19          **M. DAVID CHAPMAN:**

20          Yes.

21          **MME PSEGGGA JONES:**

22          ... well...

23          **M. DAVID CHAPMAN:**

24          Okay.

25          **MME PSEGGGA JONES:**

1           ... correct. Dave, carry on.

2           **M. DAVID CHAPMAN:**

3           Okay.

4           **MME PSEGGGA JONES:**

5           And then, I'll go back to it.

6           **M. DAVID CHAPMAN:**

7           So, it's... so, just before I describe how I  
8           responded, I want to add one more piece to the  
9           description, which is that if you were on the  
10          premises of the Open Door, this is literally maybe  
11          fifteen feet (15') to the East of the front  
12          entrance on the lawn, literally only... on... like,  
13          on the edge of the sidewalk. So... so literally,  
14          five feet (5') of avenue Dorchester in the middle  
15          of the afternoon.

16          **MME PSEGGGA JONES:**

17          You couldn't walk by without going - excuse me,  
18          pardon me.

19          **M. DAVID CHAPMAN:**

20          And the fellow is on his knees above a woman,  
21          removing her bra and her pants. And beginning to  
22          remove his pants. And so, it's not... you know,  
23          one doesn't have to intuit too far to figure out  
24          what's going on here. And it's in the middle of  
25          the afternoon. Now, before this event, we had

1           actually heard of a man who was finding women in  
2           the region who were... who would be sleeping  
3           perhaps in a public place, and would be forcing  
4           himself on them sexually in the middle night. And  
5           we'd heard of a recurring pattern with this, and  
6           this man did fit the description that we'd been  
7           given. And... but we were surprised at the  
8           boldness of his approach on this particular day.

9           And so, we have a young Inuit woman, she's in  
10          her early twenties (20s) and we have a man over top  
11          of her. Well, for some reason, I don't know if  
12          it's the people standing around, but he realizes  
13          that this is maybe not the very best location for  
14          what he's about to do, and so, he picks her up and  
15          begins to drag her to the back of the property, to  
16          a more secluded location. And I... Psegga alerts  
17          me and I come running up the side of the building.  
18          And by the time I catch him dragging her, he's made  
19          a good forty meters (40 m) at least, forty (40) to  
20          fifty meters (50 m) up the side of the building,  
21          dragging her.

22          And so, I... by... I come up to him while he's  
23          dragging her literally across the ground and I tap  
24          him on the shoulder, tell him to get lost and he  
25          tells me, oh, he was just helping pull her out of

1           the mud. And then, he leaves. Then, she quickly  
2           is readjusting her bra and trying to put it back in  
3           place and to pull up her pants, and was quick...  
4           and as much as she was partly not alert, because  
5           she was clearly intoxicated with something, she was  
6           also very much clearly resisting what he was trying  
7           to do.

8                     And so, we called at this point, we called  
9           9-1-1 and Psegga went to the hospital with this  
10          young woman, and where she was examined, and fell  
11          asleep. And when she came to the Center the next  
12          day, she couldn't remember anything that had  
13          happened. And when we told her, she broke out  
14          crying, sobbing in disbelief at what had happened  
15          to her the day before. And...

16                     But the story gets far more interesting.

17          **MME PSEGGGA JONES:**

18                     Than that.

19          **M. DAVID CHAPMAN:**

20                     Uh-hum.

21          **MME PSEGGGA JONES:**

22                     So, after we had called the police, I just want to  
23                     make sure that this is noted that the first  
24                     responders were great. They were... they came  
25                     rather quickly. She... they were sensitive to the

1 fact that she did not want to be touched. There  
2 were... there was firefighters, there were two  
3 police officers and there were two ambulance people  
4 that were there. And they decided that they would  
5 take her to the hospital, which was a good idea.  
6 And I accompanied them there, I accompanied her  
7 there, and probably within the twenty minutes that  
8 we were there, two other officers also came, and  
9 they asked to recount, they tried to get her  
10 information. They talked to me about what had  
11 taken place and they did take a police report. And  
12 so, at that time, we... they had talked it through  
13 with me, and the, they asked me to write down  
14 everything that had taken place. Timeline, who was  
15 there, what had taken place and what not. And we  
16 thought that this was a positive step forward,  
17 and... but that is where it gets a little bit more  
18 interesting, and I'll let Dave do that.

19 **M. DAVID CHAPMAN:**

20 So, the next morning, when the woman arrived, she  
21 was distraught and in tears to learn of what had  
22 happened to her the day before. She could not  
23 remember any of it. And... but what was quite  
24 stunning to us was that the fellow who did this to  
25 her just came back the next day as though nothing

1           had happened, and started having lunch. And...

2           **MME PSEGGGA JONES:**

3           She wasn't in the building at the time.

4           **M. DAVID CHAPMAN:**

5           She wasn't in the building at this moment. And I  
6           thought well, this is really something. And I  
7           scrambled a bit to think what do I do? I... you  
8           know, do I just get rid of him right away or...?  
9           No, hold on, have another bowl of soup. I'm going  
10          to see if I can get some, you know, police here.  
11          And it just so happened that I actually had his  
12          welfare slip on my desk, and with his name written  
13          on the slip. And I locked up the front door, and  
14          wouldn't you know it, there's a police car half a  
15          block up the road, and there's two women officers,  
16          and they're watching people come around the corner  
17          and push the red light, and you know, looking to,  
18          you know, give the appropriate fines. And I think  
19          Ah, this is perfect. Perfect. Get another bowl of  
20          soup.

21          And so, I head out to the car and explain... I  
22          knock on the window and explain to the officers -  
23          you know, I have a man here in the building who I  
24          literally pulled off a woman the day before,  
25          attempting to rape here. And I explained that, you

1 know, he had been removing his clothes and her  
2 clothes, and he said he had dragged her forty  
3 meters (40 m) up the side of the building, and that  
4 myself and my case worker had witnessed personally  
5 the event. And I told them - je's in the building  
6 right now.

7 And so at this point, I thought I did have a  
8 reasonable expectation to think that they would  
9 want to do something. And so, they notified to me  
10 that well, at this stage in the investigation,  
11 there wasn't much they could do, but they could  
12 come and ID the man. And so they came into the  
13 building and I sent him to go and see them, and of  
14 course, I gave them his welfare slip. And they  
15 ID'd him. And then he came back and continued  
16 eating soup. So, they went back and continued with  
17 their tickets with the people coming around the  
18 corner.

19 And so, I did expect a little more than that,  
20 I must admit. And so then, I started getting on  
21 the phone to try and get some action on this case.  
22 And so I called Carlo De Angelis, and he was  
23 helpful in getting me connected to an investigator,  
24 and it was the end of the week, and I got a  
25 commitment out of an investigator who, after

1           telling me that he was very busy with many cases,  
2           that he would be able to come the following week.

3                       So, the following week, I waited... got to  
4           the end of the week and there wasn't an  
5           investigator. So, I called back - Well, we have a  
6           really extreme caseload, you know, there's an awful  
7           lot of cases that we're working through and you  
8           know, we're going to see what we can do. Maybe in  
9           a couple of weeks, we'll be able to get there.  
10          Waited a few more weeks, no investigator. Then,  
11          there was a process of phone tag, leaving messages,  
12          voicemails back and forth.

13                      Then, eventually, there was an appointment set  
14          where I could bring this young woman across the  
15          city to meet with investigators at eight thirty  
16          (8 h 30) in the morning, on the other side of the  
17          city and in a location that she was unfamiliar  
18          with, but close to the police office presumably.  
19          And when I... initially, I asked the woman if  
20          she'd be willing to do that and she thought maybe.  
21          I said oh boy... I don't know if this is going to  
22          work. And as the date got closer, I asked her  
23          again and she wasn't sure that she wanted to go  
24          across the city and meet these officers at eight  
25          thirty (8 h 30) in the morning.

1           And so, I called back and said, you know, I  
2           don't know that this time is going to work, can we  
3           reschedule? And at that point, I was told that the  
4           police weren't interested in pursuing this case.  
5           And to be honest, I was completely stunned. And  
6           that was the end of that. And I'd like to say that  
7           this was a highly isolated incident, but  
8           unfortunately, it's not been.

9           And so, I could tell you that we had a woman  
10          come in to the Center, a different woman now. So  
11          now, we're on a different case, because we've got a  
12          few to talk about, but this particular one was  
13          quite troubling, because we had two real witnesses,  
14          a case worker and myself as the acting Director.  
15          And...

16       **Me PAUL CRÉPEAU:**

17               And you are talking about a possible multiple  
18               rapist? Someone...

19       **M. DAVID CHAPMAN:**

20               Yes.

21       **Me PAUL CRÉPEAU:**

22               ... you thought that could fit the description  
23               of...?

24       **M. DAVID CHAPMAN:**

25               That's correct.

1 **Me PAUL CRÉPEAU:**

2           Okay.

3 **M. DAVID CHAPMAN:**

4           So, this is someone who clearly was very  
5           comfortable with what he was doing, given the fact  
6           that he would be happy to do it in the middle of  
7           the afternoon, and come in the next day for lunch.  
8           Probably, he's done it a time or two before, you  
9           know? Your first time at it, you're probably not  
10          going to do it in the middle of the afternoon on a  
11          public intersection.

12                 And so, that was a deeply troubling case. And  
13                 so, it wasn't surprising when a few months later,  
14                 we had another case which was also deeply  
15                 troubling, where we had a young woman who came into  
16                 our Center and my co-worker John, to my right,  
17                 noted that she was behaving strangely, and out of  
18                 the norm from the way in which she normally  
19                 behaved. And he began to speak with her, and was  
20                 able to learn that she was reporting to have just  
21                 been raped by a drug dealer. And that had occurred  
22                 in the last forty-eight hours (48 h). And  
23                 initially, he asked her if she was interested in  
24                 speaking to the police and she didn't think she  
25                 was. And so, we then spent about half an hour

1           trying to convince the woman that she could trust  
2           the police, and that it was worth her effort to  
3           report this rape and to see this guy get some  
4           justice. I mean, it was a drug dealer, after all,  
5           someone who you'd think there'd be some interest  
6           in.

7                       And so, I made after about half an hour of  
8           convincing her, she came to the point where she  
9           said - okay... if we did in the building behind the  
10          Center where no one could see that she was speaking  
11          with police, that she'd be willing to make the  
12          report.

13       **Me PAUL CRÉPEAU:**

14           May I ask you just at this point, can you explain  
15           or do you have an explanation why this lady  
16           wouldn't want to be seen talking to the police?

17       **M. DAVID CHAPMAN:**

18           Good. Good question. So, one of the challenges is  
19           that often, if a person is seen talking to the  
20           police, those who are associated to you within the  
21           homeless community will become very suspect of you.  
22           They'll hold it against you or they... or perhaps  
23           begin rumors about what you might be saying. And  
24           so, if you're seen to be talking to the police,  
25           there frequently can be repercussions. Someone

1           else coming to strike back at you for speaking to  
2           the police.

3           And so, it was a sensitive situation and so, I  
4           then made a 9-1-1 call and explained to the 9-1-1  
5           operator everything that I have just said to you,  
6           that we have a young woman here, she's recently  
7           been raped, it was in the last forty-eight hours  
8           (48 h). She doesn't have a lot of confidence in  
9           the police. In fact, we had to spend half an hour  
10          trying to convince her to agree with this call.  
11          And she's not willing to come to a police station,  
12          because she doesn't want to be seen walking through  
13          the door, the front door of the police station,  
14          people could see her and she could face retribution  
15          for that. And so, we needed, you know, a car to  
16          come to the building behind our Center discreetly,  
17          so that we can sit with her and she can explain to  
18          you exactly how she's been raped.

19          And so, I gave a pretty elaborate description  
20          to the person on the end of the line. And so, I  
21          was surprised when fifty (50) minutes later, we  
22          were still waiting in the building behind us, and  
23          no car had arrived. Fortunately, John to my right  
24          was with me and he was trying to keep the woman  
25          sort of occupied, and trying to keep her interested

1           in the process, and I then made another call after  
2           about fifty (50) minutes back to 9-1-1 again,  
3           explaining that I called sometime earlier and I'm  
4           still waiting for a car, and the person on the line  
5           told me - okay, that the station will be calling  
6           you right away to explain the situation. No, I  
7           did get a call from Station 12 saying there was  
8           another high priority situation in... going on, and  
9           that they would be sending someone as soon as  
10          someone was available. And so, I continued to  
11          wait.

12                   And after about an hour and twenty-five  
13           (1 H 25) minutes, still no car had arrived. At  
14           this point, I must admit I was getting a little  
15           impatient. And so when I called 9-1-1 for the  
16           third time, I said to the operator - look, I've got  
17           a woman here who's been raped in the last forty-  
18           eight hours (48 h). She doesn't have a lot of  
19           confidence in the police, why on Earth is it taking  
20           so long? Would it be faster if I took a hammer and  
21           went across the street, and smashed the window on  
22           the neighbour's SUV? Would that get a car here  
23           more quickly? And the operator said to me - yes,  
24           it would.

25           **Me PAUL CRÉPEAU:**

1           So, this is the discussion that you had with  
2           9-1-1...

3           **M. DAVID CHAPMAN:**

4           Yes.

5           **Me PAUL CRÉPEAU:**

6           ... respondent? Okay.

7           **M. DAVID CHAPMAN:**

8           Yes. "Yes, it would." So, the smashed SUV would  
9           get the car there more quickly, but the rape of  
10          Indigenous woman, not so much a priority. And so,  
11          yes, this did get in the media after what... a car  
12          did arrive just shortly before two hours (2 h) had  
13          elapsed. And we weren't terribly surprised when  
14          the case didn't make it past the initial stages,  
15          because this was not exactly a confidence inspiring  
16          period for this young woman, waiting for two hours  
17          (2 h) for a car to show up. And so, yes, that...  
18          this is another story that is worth noting.

19          **JEAN-FRANÇOIS TESSIER:**

20          And just... I was there, you know, talking with the  
21          woman for almost two hours (2 h) to try to keep her  
22          there. When officers got there, you know, they  
23          were polite and courteous, and gave the appearance  
24          of caring and empathy, which is nice, but I didn't  
25          see any substance to it, you know? I don't recall

1           any notes being taken or a recorder, you know,  
2           recording what you're saying, but more than that,  
3           the woman had a picture of him and his Facebook  
4           profile.

5           **M. DAVID CHAPMAN:**

6           On her phone.

7           **JEAN-FRANÇOIS TESSIER:**

8           On her phone, saying "This is who raped me." So,  
9           we forwarded that profile and this, I saw two ...  
10          the detectives followed and we texted it to him,  
11          whatever. And that was that, I mean, I don't know.  
12          Like I said, I'm not a detective, I don't know the  
13          internal workings of the police, but I'm wondering  
14          like if that was our neighbour in Westmount or if  
15          that was like his seventeen (17) year old girl or  
16          twenty (20), if that was his twenty (20) year old  
17          daughter who would have said - this is the  
18          picture of the drug dealer that has raped me, I'm  
19          pretty sure they'd find a way to get find that who  
20          that guy is and get to his house. But that didn't  
21          happen. It was just I don't see the... you know,  
22          the work being done. It's nice to be polite and  
23          all, but let's actually do something. Ah...

24          **M. DAVID CHAPMAN:**

25          I... to add to that, the situation does get still

1 more troubling, because I did get a lengthy e-mail  
2 that night from a senior 9-1-1 officer who scolded  
3 me for wasting the time of the police by calling  
4 9-1-1 three (3) times. I have this e-mail. And...  
5 because it's an emergency line and what I had was  
6 not an emergency. A rape is only an emergency  
7 within twenty-four hours (24 h), not forty-eight  
8 hours (48 h).

9 **JEAN-FRANÇOIS TESSIER:**

10 Oh.

11 **M. DAVID CHAPMAN:**

12 And that I should familiarise myself more with  
13 police protocols. And in sort of scolding e-mail,  
14 but it told me a lot, and I could understand that  
15 obviously, this officer took this personally,  
16 because this was his, you know, line of work,  
17 but... and I thought about responding. In the end,  
18 I never did, but I... what I thought to myself is  
19 this helps to highlight the root of this problem.

20 The expectation is that the public is  
21 adapting itself to understand police and police  
22 protocols. What we need is the opposite. What we  
23 need is the police adapting themselves to  
24 understand the needs of the public. And this  
25 where, I think, the problem is quite a lot more

1 profound. Because unfortunately, in a number of  
2 cases, and there are more cases that we will be  
3 highlighting, frequently, when we see a lot of  
4 focus on the public perception of getting something  
5 done, that we're... you know, an effort to make  
6 public relations and making it look like something  
7 is happening, but frequently, not enough of an  
8 effort on actually making sure that actually  
9 justice is being done.

10 In relation to this case, I remember as well  
11 arguing with a 9-1-1 operator and explaining  
12 that... well, the 9-1-1 operator was offering to me  
13 what sounds like really a valid objection, which is  
14 that the police treat everyone equally, whether  
15 it's, you know, a person who's homeless or a person  
16 who's upper middle class, they treat each one in  
17 the same way. And so, why am I complaining about  
18 this process? And my response was that in... to  
19 this objection was that by treating everyone  
20 equally, you don't treat everyone equally, because  
21 not everyone is the same. And some of us are more  
22 vulnerable. And some of us had historically rooted  
23 reasons to not trust the police. And if we cannot  
24 adapt this into our process, then we might treat  
25 people, we... there will not be equity at the end

1 of the day. In treating people equally, we will  
2 not be producing equity.

3 **JEAN-FRANÇOIS TESSIER:**

4 And just one other thing that's important, because  
5 you had asked David about, you know, if there was  
6 suspicion to this gentleman, and this person had  
7 done this before in other supposedly somebody going  
8 around, doing this as a pattern. Well, you know,  
9 as somebody with my ear to the ground, you know,  
10 and close to the streets, and I hear things, that  
11 people talk to me, there are multiple serial  
12 rapists out there in the Cabot Square area, and I'm  
13 sure throughout Montreal, but in the Cabot Square,  
14 there are multiple serial rapists. There is men  
15 who this is their, quote unquote, "thing". Because  
16 it's known that if an Inuit woman, you know, if she  
17 has a few drinks, that you can force herself on her  
18 and rape her, and nothing is going to happen,  
19 nothing is going to come out of it.

20 **Me PAUL CRÉPEAU:**

21 No consequence?

22 **JEAN-FRANÇOIS TESSIER:**

23 There will be no consequence. So, there's got...  
24 nothing (inaudible) to her. Several... and of  
25 course, the woman who have been out there longer

1           than more... or the wiser women, they know to stay  
2           away from these men. But there's always new  
3           victims coming to town, and for instance, like the  
4           young woman who was mentioned earlier. And you  
5           know, they'll... Hey! you want a beer? Come take a  
6           beer with me. And he knows that after she had half  
7           of that beer, usually, they are drinking in an  
8           alley or some right away, he can just rape her.  
9           Now, nine out of ten times, ninety-nine out of a  
10          hundred times, she's not going to report it,  
11          because she's embarrassed and because she knows,  
12          SHE knows that nothing is going to happen out of  
13          it, even if it is reported.

14                 For instance, the case that David is talking  
15          about, so why bother reporting it, you know? The  
16          woman I was in an ambulance with yesterday, she's  
17          been raped numerous, dozens of times, you know, the  
18          officer who came in the car, in the ambulance with  
19          her.... - Okay, we know this isn't your first time  
20          this has happened to you. So, if you don't want to  
21          go to... Like, it's happened dozens of times.  
22          Now, it's embarrassing to them, so, yeah, they  
23          don't want to have to report it, but then, but why  
24          go through that if you know nothing is going to  
25          come out of it anyway... you know? And it

1           shouldn't be that way. You know, these men know  
2           they can prey on the women, because nothing is  
3           going to happen.

4           **MME PSEGGGA JONES:**

5           Can I also speak to that?

6           **Me PAUL CRÉPEAU:**

7           Yes.

8           **MME PSEGGGA JONES:**

9           I think that there are two things that also need to  
10          be remembered is that rape, from what I've  
11          observed, has been a bit normalized. And so, some  
12          of it has to do with feeling shame when they  
13          report, but some of it is because it has become  
14          normal. But when it comes to the police and  
15          reporting, I wonder or I question whether or not  
16          it's also a logistical issue in that it's the fact  
17          that it's not been remembered is that they are not  
18          in homes.

19          They live on the street and therefore, have  
20          making a phone call and saying I want to meet with  
21          you at this time, or them, the guarantee that  
22          they're going to be in the Center the next day  
23          isn't a sure thing. And so, when a person is  
24          reporting or if a woman is choosing to trust us  
25          with that information and wanting to report, then

1           the time is actually then and there to actually  
2           come into the space to follow through on those  
3           reports. Because the guarantee, it might not be  
4           that they don't want to, it might be that we might  
5           not see them for a week. Or it might be that they  
6           don't want to retell the story after they've  
7           already told David or Jonathan, John or myself for,  
8           or any of the other workers.

9           And so, the immediacy, as much as it is a  
10          twenty-four hours period, I think that needs to be  
11          considered and that... when it comes to some of the  
12          shelters and some of those... the resources that  
13          are given, the helps and supports that are given to  
14          the homeless population, that there needs to be an  
15          exception sometimes to that policy in that the  
16          contact with, it's too inconsistent to be able to  
17          make sure that the follow through happen. Does  
18          that make sense? And making sure that the steps  
19          are taken quickly in order for justice to be  
20          served.

21        **Me PAUL CRÉPEAU:**

22          We still have a lot to talk about. Maybe if we  
23          could talk... give us some information. I know  
24          that you have thing to say regarding the  
25          ticketing...

1       **M. DAVID CHAPMAN:**  
2             Uh-hum.

3       **MME PSEGGA JONES:**  
4             Um.

5       **Me PAUL CRÉPEAU:**  
6             ... or over-ticketing regarding Inuit people...

7       **M. DAVID CHAPMAN:**  
8             Uh-hum.

9       **Me PAUL CRÉPEAU:**  
10            ... in and around Cabot Square?

11       **M. DAVID CHAPMAN:**  
12            Yeah, so here's a couple of tickets here. « En  
13            étant couche par terre. »

14       **Me PAUL CRÉPEAU:**  
15            Okay.

16       **M. DAVID CHAPMAN:**  
17            It's basically...

18       **Me PAUL CRÉPEAU:**  
19            Lying...

20       **M. DAVID CHAPMAN:**  
21            ... lying on the ground.

22       **Me PAUL CRÉPEAU:**  
23            Okay.

24       **M. DAVID CHAPMAN:**  
25            A lot of people come in with tickets like this.

1           They've been perhaps sleeping in the metro and  
2           they're homeless. They get a ticket. It'd be nice  
3           to see some of the resources transferred from, you  
4           know, the folks doing tickets in the metro and  
5           transferred to the rape unit.

6           **JEAN-FRANÇOIS TESSIER:**

7           Yes.

8           **M. DAVID CHAPMAN:**

9           Um...

10          **M. CALEB CLARK:**

11          Yeah.

12          **M. DAVID CHAPMAN:**

13          Maybe that's an obvious point.

14          **M. CALEB CLARK:**

15          Yeah, and with the tickets, it's... it tends to be  
16          a year-round thing of just giving out tickets. And  
17          the police officers know most of the people that  
18          they give the tickets to, who are homeless, are not  
19          going to be paying them, but having these tickets  
20          is one barrier that the people have from making  
21          positive life-changing steps. As it's one barrier  
22          to have from interacting with the police, that they  
23          say - oh, I have these tickets that I'm not  
24          paying... and the fear (inaudible) it comes in of  
25          what are the police going to do to me if I have a

1 crime to report? Where I need..."

2 **MME PSEGGA JONES:**

3 Yes.

4 **M. CALEB CLARK:**

5 ... the police, I'm not going to call them, because  
6 I have a hundred (100) tickets I haven't paid, that  
7 I don't plan on paying.. And then, when you're  
8 close to Grand Prix week-end, if you are  
9 Indigenous...

10 **Me PAUL CRÉPEAU:**

11 What?

12 **M. DAVID CHAPMAN:**

13 "Grand Prix week-end".

14 **Me PAUL CRÉPEAU:**

15 Right, okay.

16 **M. DAVID CHAPMAN:**

17 Formula One.

18 **Me PAUL CRÉPEAU:**

19 Yes, okay.

20 **M. CALEB CLARK:**

21 Formula One week-end. If you are Indigenous, you  
22 need to hide the week before, because if there is  
23 any reason to put you in jail, the police will.  
24 That's one... it's... because it's the first big  
25 festival of the year, and every year, I've seen

1           just a systematic cleansing of the area of the  
2           Indigenous people. And something I've brought up  
3           numerous times to different police officers at  
4           different meetings, and it's always denied, but the  
5           pattern continues to exist. It's one of... that  
6           doesn't happen earlier in the year. It doesn't  
7           happen, whether it's... at that point every year,  
8           we would get numerous calls from inside, in jail,  
9           saying - yeah, I got locked up.

10                   And they say it's weird, I interacted with the  
11           same officer two weeks ago, and, you know, they  
12           just walked away. And they knew I had this charge  
13           against me, but they didn't do anything. But  
14           because it was the week of Formula One, they were  
15           arrested. And it's... if there's anything that  
16           they can, they will arrest that week-end. And so,  
17           it's... the homeless are already trying to hide.  
18           The homeless Indigenous are trying to hide even  
19           more so. And so, it's... the police should be a  
20           safe place for them to turn to, not another element  
21           where you need to hide at a group self-protection.

22           **Me PAUL CRÉPEAU:**

23           There are so many subjects, but while you are  
24           there, Mr. Clark, maybe I'd like you to tell us  
25           your story about some training that you've done at

1 Station 12. You've participated in...

2 **M. CALEB CLARK:**

3 Uh-hum.

4 **Me PAUL CRÉPEAU:**

5 ... the trainings for the police officers at the  
6 Station 12?

7 **M. CALEB CLARK:**

8 Yes.

9 **Me PAUL CRÉPEAU:**

10 That was how long ago?

11 **M. CALEB CLARK:**

12 Ah... let's see, I'm trying to remember. It's  
13 minimum two years ago, but probably farther back,  
14 and I can't remember the...

15 **Me PAUL CRÉPEAU:**

16 Okay, but just tell us what happened while you were  
17 doing that training.

18 **M. CALEB CLARK:**

19 Yes. It was a training that was organised by  
20 Station 12, the commander and one of the officers  
21 who is sitting behind, and invited, and there was a  
22 connection with Makivik Corporation to try to share  
23 the realities of Inuit culture, Inuit life and the  
24 Inuit homeless population that is in and around  
25 Cabot Square in the sector.

1           And at this training, we were broken up into  
2           different tables, and at my particular table, I was  
3           told by some of the people after that, they thought  
4           I got some of the worst truest officers. And it  
5           was every subject matter is not taken seriously.  
6           It was joking at (inaudible). You were, say, asked  
7           if you were interacting with, you know, an  
8           intoxicated Inuk in the metro, what would you do?  
9           And some just laughed... of course, I'd arrest him,  
10          you know, it's easy. And I asked the question to  
11          the table of... that I was sitting for - isn't  
12          there anything else you might try? And there was -  
13          no, why would we bother? It's a waste of our time.  
14          And I tried to make suggestions - well, you could  
15          call of the organisations around here, and we can  
16          go and help him. You could take him to the Open  
17          Door. We welcome in intoxicated people. Then,  
18          he's at a safe place to be, versus all the  
19          alternatives.

20                 And then, also at this training, there is one  
21                 gentleman who stood up to ask a question in French,  
22                 which I'm not fluent in French, so I didn't  
23                 understand what he said, but what I was told by  
24                 some of my colleagues who were also there, that it  
25                 was a extremely derogatory racist thing that he

1           said about the Inuit population, that it was a  
2           specific French word that he said, that you just  
3           don't say. And since I'm not a Francophone, I  
4           cannot... even though... or I don't speak French, I  
5           can't tell you what it was he said, but I know  
6           after the fact, his Commander made him go around to  
7           everyone that was, that were there from community  
8           organisations to apologize, that it was that bad  
9           and...

10                 Yes, that's just the... that's the culture  
11           that we're trying to fight against, one of  
12           systematic racism of Indigenous people. And...

13           **Me PAUL CRÉPEAU:**

14                 But it was expressed very openly at the police  
15           station?

16           **M. CALEB CLARK:**

17                 Expressed openly in the middle of this training,  
18           and you know, he continued to speak, and to me, he  
19           sat down without even thinking it was a problem.  
20           Like, it was one of... you know, I saw some of my  
21           colleagues' responses, and I'm like - okay, he said  
22           something bad. But for the most part, it was just  
23           my colleagues that I saw responding with disgust,  
24           not everyone in the room as I would hope. And that  
25           greatly distressed me.

1 **LE COMMISSAIRE :**

2 How many officers were there?

3 **M. CALEB CLARK :**

4 From what I was told, it was all of Station 12 was  
5 there. And my best guess would be about a hundred  
6 and twenty (120). I'm not sure the exact number,  
7 but that's my estimate.

8 **LE COMMISSAIRE :**

9 And I understand that the Commander asked him to  
10 apologize after?

11 **M. CALEB CLARK :**

12 Yes, that's what I was told. He was essentially  
13 ordered to go apologize.

14 **Me PAUL CRÉPEAU :**

15 David, I know that you still have things to tell  
16 us. If... you have a story regarding the woman  
17 that was... a woman carrying or wearing a  
18 colorectal bag that you have to tell us, or just...

19 **M. DAVID CHAPMAN :**

20 Yes, this is Caleb who will address this...

21 **M. CALEB CLARK :**

22 Yes.

23 **M. DAVID CHAPMAN :**

24 ... topic.

25 **M. CALEB CLARK :**

1           That was myself and... So, I was... it was the end  
2           of February of two thousand and sixteen (2016), and  
3           one of the few times in the seven (7) years that I  
4           worked at the Open Door that I got a lunch break,  
5           because it was just normally too busy for me to  
6           stop. So, I went on my lunch break quite happily,  
7           and as I was walking away from the Center, I saw  
8           two Inuit women run out of the metro exit in Cabot  
9           Square, and running very quickly, and I saw a third  
10          one, step out, run out, get to the bottom of the  
11          two or three steps that's there, and an officer  
12          from behind grabbed her by the back of her jacket,  
13          and flung her to the ground in an extremely violent  
14          manner. In the, well, you know, in the NFL, they  
15          call it "a horse-collar tackle", which is illegal  
16          in the NFL. Even in a violent sport like that, you  
17          don't do that.

18                 And so, of course, I went over to see what was  
19          happening, because that was a brutal takedown. And  
20          I get over, and she is crying on the ground. And  
21          the officer is just standing over her, yelling at  
22          her in French. And I bente down to console her,  
23          because well, it's a crying woman and that's the  
24          human thing to do, and I knew her. And the  
25          officers continue to stand behind me, and I just

1           continue seeing them jumping behind... over my  
2           shoulder and yelling at her, yelling at her that  
3           she's a drunk, yelling at her that... just awful  
4           things.

5                     And I finally turn around to them and say -  
6           are you aware of her situation? Are you aware of  
7           her, you know, physical situation? And they  
8           start... they tell me - yeah, well we know her, we  
9           know her well. We know of her bag, which is  
10          referring to her colonoscopy bag that she wears.  
11          And I was dumbfounded that you tackle someone that  
12          viciously, stand over them in this manner and mock  
13          them, and yell at them. You know, okay, you just  
14          assaulted someone and who has a physical  
15          impairment, and showed no remorse.

16                    And so, I turned back away from them and she  
17          continues to be on the ground, crying, and she  
18          starts saying, from listening to the things that  
19          she... that they're telling her and yelling at her  
20          over my shoulder, that it's not worth it, she's  
21          going to take her own life. She's had... I don't  
22          know how many times this particular woman attempted  
23          to take her own life. And the police did not care.  
24          They continued to ridicule her and mock her. And  
25          jumping over my shoulder. It was as if I had two

1           adolescent teens over my shoulder, antagonizing  
2           this woman. That's what I felt like.

3           And then, when she finally collected herself  
4           enough, after all this antagonisation and  
5           victimisation, she got up and she wanted to do  
6           something back to them. And I'm there, in between  
7           her and the officers, trying to restrain her,  
8           because it's obvious to me that they just want it,  
9           her to take a swat at them, so they could press  
10          charges.

11          And so, I'm holding her back, and her  
12          colonoscopy bag explodes on the two of us, and the  
13          police could just care less of what's happening.  
14          And I... and this goes on for several minutes, me  
15          trying to restrain her, and I'm just continually  
16          pestering her.

17       **M. DAVID CHAPMAN:**

18            Okay.

19       **M. CALEB CLARK:**

20           And finally, more officers arrive and there's a  
21           female officer who arrives, who was able to treat  
22           her with respect, able to treat her as a human.  
23           And the two officers who I referred to before,  
24           Jérôme and Jocelyn, from Station 12, came and they  
25           continued to help her. And it was particular,

1           because I was just so dumbfounded how those  
2           officers interacted. And it was two officers who I  
3           thought I had interacted with before, who had their  
4           names and badge numbers. So, I didn't ask them for  
5           them, but their faces were covered by baclavas, and  
6           so when I went back, I filed an official complaint  
7           about the situation.

8           **Me PAUL CRÉPEAU:**

9           With whom?

10          **M. CALEB CLARK:**

11          What's the name of.... I was online with the...

12          **Me PAUL CRÉPEAU:**

13          Le Commissaire à la déontologie policière?

14          **M. CALEB CLARK:**

15          Yes.

16          **Me PAUL CRÉPEAU:**

17          Okay, we don't have the name in English, but you

18          know what I'm talking...

19          **M. CALEB CLARK:**

20          I know what you're talking about, but I couldn't

21          even say the name after you said (inaudible).

22          **Me PAUL CRÉPEAU:**

23          Okay.

24          **M. CALEB CLARK:**

25          I would have forgotten. I've forgotten, but I

1 filed a complaint and with the badge numbers of the  
2 officers I thought it was, and all the other  
3 information, and they respond back to me. One of  
4 those officers wasn't working that day, and we go  
5 back and forth, and telling - well, this is the  
6 situation. (Inaudible) just thought it was a  
7 different officer, but this is the still details of  
8 the story.

9 And that would have... the last contact I  
10 would have had with them would have been in the  
11 summer of two thousand sixteen (2016). And since  
12 then, I've heard nothing on this case. I've  
13 been... I've not been contacted by an investigator  
14 or anyone on follow-up on this. And if, you know,  
15 if this was a case where someone assaulted me in  
16 the same manner, and it was not a police officer, I  
17 would have seen an investigator a lot quicker as a  
18 White man and being attacked by someone else. And  
19 there's not a doubt in my mind of that.

20 **Me PAUL CRÉPEAU:**

21 Mr. Clark, I will just ask you to give us the  
22 initials of the name of this lady, and the time  
23 frame, where... when it happened, because we have,  
24 I believe, two different stories, and we want to  
25 identify them clearly. So, if you can give us

1           the... you know that lady? Do you...

2           **M. CALEB CLARK:**

3           Yes, I do.

4           **Me PAUL CRÉPEAU:**

5           ... okay. What's (inaudible) her initials?

6           **M. CALEB CLARK:**

7           Her initials would be "M.B."

8           **Me PAUL CRÉPEAU:**

9           "M"...

10          **M. CALEB CLARK:**

11          "M" as in "Mary".

12          **Me PAUL CRÉPEAU:**

13          "B".

14          **M. CALEB CLARK:**

15          And "B" as in "Bob".

16          **Me PAUL CRÉPEAU:**

17          Okay, "M.B." Thank you.

18          **M. CALEB CLARK:**

19          And it happened at the end of February of two  
20          thousand sixteen (2016).

21          **Me PAUL CRÉPEAU:**

22          Okay. Maybe one of you, maybe you were talking  
23          about the hospital. You said good service at the  
24          Montreal General and you have something to say  
25          regarding one story with the Verdun Hospital, then

1           the Montreal...

2       **M. DAVID CHAPMAN:**

3           Yes.

4       **Me PAUL CRÉPEAU:**

5           ... General?

6       **M. DAVID CHAPMAN:**

7           Thank you. So, another story. There's a woman who  
8           we... who's now living back in the North, but on  
9           the particular morning, it was about... well, it  
10          was in two thousand and seventeen (2017), I could  
11          find the exact date, but I was scheduled to take a  
12          woman to the airport at five (5 H) in the morning  
13          on a Saturday morning. And so, I left my phone on  
14          that night, just in case something would come up.  
15          And I get a call at two (2 a.m.) in the morning  
16          from the woman that I was to be picking up to take  
17          to the airport, that she had just been beaten up by  
18          her boyfriend. And to make matters worse, well,  
19          she'd been beaten up badly enough that an  
20          ambulance, that somebody had called an ambulance,  
21          and that she was taken to the Verdun Hospital.

22                 But to make matters worse, she was just  
23          being left there, it's been quite a while. And  
24          there wasn't, you know, it wasn't a line-up,  
25          it's... it was in the middle of the night, and she

1           was just, you know, just dropped off in the waiting  
2           room, sitting there, and I thought - well, this is  
3           quite unbelievable.

4           So, she asked - well, can you come and pick me  
5           up, and take me to the Montreal General? - okay...  
6           So, I got in my van at two thirty (2 h 30) in the  
7           morning, and drove over to the Verdun Hospital, and  
8           there she is in the entrance of the hospital,  
9           covered in mud, because she... you know, she's been  
10          beaten up, and pushed around in the mud a bit. And  
11          so, she... you know, looked quite a sight, and she  
12          was a little bit intoxicated for sure.

13          And I could see a security guard right at the  
14          door of the hospital, quite eager to open the door,  
15          and have her pass through it, and be out on the  
16          other side, and here she comes right out the door,  
17          and so, you know, she comes into my van, and we  
18          start driving towards Montreal General, and she  
19          explains to me that she had been beaten up, and  
20          that an ambulance had been called, and that the  
21          ambulance attendants had... started joking in the  
22          ambulance in French, thinking that she couldn't  
23          understand French, and they were making jokes about  
24          intoxicated Inuit.

25          And then when she got to the hospital, she was

1           just left, left away until she got up and left on  
2           her own.

3           And so, I took her then to Montreal, the  
4           General Hospital and I stood there with her, and  
5           through the admission process, to make sure that  
6           she was admitted, and they did admit her, and they  
7           did check her over, and take X-rays, and... because  
8           she'd received a number of kicks in some of the  
9           vitals and the stomach. And so, she was processed  
10          there, and received good treatment. But it was a  
11          very striking story, and it's something that, you  
12          know, reveals to me, I think, the need for some  
13          significant Indigenous sensitivity training for  
14          frontline workers broadly speaking, not simply just  
15          police, but you know, ambulance attendants, any  
16          frontline worker that is dealing with the  
17          population, that frequently, you know, they're  
18          interested often in the technicalities of their  
19          job, but you know, they're not interested in  
20          learning about, for example, decolonization, or the  
21          true Indigenous history in our country.

22          And they're not interested in working through  
23          the pain and suffering, personally, or come to  
24          terms with that. But if it were to be a  
25          responsible society, we need to help them become

1 interested. And you know, it was said to me that  
2 in two thousand fifteen (2015), there was an  
3 agreement to begin the Aboriginal sensitivity  
4 training, and that, you know, a hundred and twenty  
5 (120) officers apparently had been trained to date,  
6 but the training was cancelled for various reasons.  
7 And that this is certainly not the direction, I  
8 think, we want to go here, and... but I would say  
9 it's not only something that's necessarily for  
10 officers, but certainly all frontline workers.

11 And if anything, the training needs to be  
12 quite a lot more extensive than it has been  
13 initially proposed, because it appears that the  
14 problems are quite extensive. And that it might  
15 even help to include in at meeting Indigenous  
16 Elders, building relationships with them, perhaps  
17 volunteering on reserves or with community  
18 organizations. In other words, to extend it and  
19 make it quite a lot more involved, to make sure  
20 that the message is getting through.

21 **MME PSEGG A JONES:**

22 Can I also speak to that?

23 **M. DAVID CHAPMAN:**

24 Uh-hum.

25 **MME PSEGG A JONES:**

1           One thing also that I'd like to highlight is the  
2           true fact. A lot of the Inuit community, there's  
3           some that do speak French, but the majority  
4           language is Inuktitut and English. And when  
5           they've gone to hospitals, the experiences there  
6           have been a bit challenging. The resources in  
7           terms of crisis intervention or crisis resources  
8           that are presented in Montreal, the majority of  
9           them are not staffed necessarily with strong  
10          English speakers or know Inuk speakers.

11                 And so, I have had... I've seen and I've been  
12           told of experiences where we are... we have the  
13           resources, and I think that also speaks to what  
14           John was talking about earlier in terms of detox  
15           resources. There are a few that are available, but  
16           there are not enough, it doesn't seem. And when  
17           we've gone to hospital case in point, I was with  
18           one of our participants, and they were given a  
19           social worker that was not strong in French or  
20           English. That wasn't neither was the first  
21           language, but their language was French, that they  
22           chose, but they were designated that worker, even  
23           though they were told that the person didn't... my  
24           participant did not speak French.

25                 And so, in terms of family ready, in terms of

1           resourcing properly, they're giving information  
2           about their child or about their family in a  
3           language that they don't understand. And so, they  
4           had to have someone... the partner who was there  
5           was able to speak French back and forth, but I  
6           don't think that should happen... Hmm!. If you're  
7           at a hospital getting care, and if it's emergent,  
8           that the resource needs to be done in a language  
9           that they can understand, and that they're able to  
10          communicate directly with the person that's given  
11          them their care. And so, I just wanted to make  
12          sure that that was put up there as well.

13       **M. CALEB CLARK:**

14           And I want to touch base back on David's  
15           recommendations for the different types of  
16           trainings. I strongly believe that it should be  
17           part of... it should be trainings that are done  
18           with all the current members of the police, of  
19           the... you know, the hospitals, frontline services.  
20           But in their initial training, to become a police  
21           officer, to become a nurse, to become a doctor,  
22           that these trainings, you know, are just more  
23           intensified, so there is more knowledge of  
24           Indigenous peoples before they ever start  
25           practicing their profession. That it's not

1           something they have to learn as they go or ten,  
2           fifteen years on the job from trainings, but it's  
3           something that is incorporated into their initial  
4           training.

5           And especially a lot of the people that go in  
6           are young, and ideally are still forming as we get  
7           older, we become more stuck in our ways and change  
8           is harder. So, it's an element of, while people  
9           are still young, trying to find who they're going  
10          to be in their professions. If we teach them about  
11          decolonization, about the true history of  
12          Indigenous people, and have them engage with  
13          Indigenous people, that their eyes will become open  
14          at a much earlier stage.

15          And I think involving Indigenous Elders in the  
16          process of, you know, when people are applying to  
17          the SPVM, that, you know, that Indigenous  
18          population is represented in deciding if people are  
19          accepted onto the police force, based on... and  
20          based on the questions that they have, that there  
21          needs to be more representation within that...  
22          within the systems that are, to make sure if there  
23          is someone with red flags, that it can be brought a  
24          lot quicker and sooner, and those that want to  
25          be... have a racist... racism within their

1 background and want to continue in these  
2 professions, that they have to at least gain...  
3 they need to gain the knowledge, and we can hope  
4 that through gaining this knowledge, that some  
5 change will start to happen. And I say it should  
6 happen in... these things should happen in their  
7 training when they're going for their professions.  
8 I think it should happen much, much earlier from  
9 that.

10 Speaking as someone that... when I was in  
11 fifth grade, I lived in a school close to a Reserve  
12 in Ontario, and I remember all of the horrible  
13 things that were said about the Indigenous  
14 population. I didn't understand any of it at the  
15 time, but I remember and...so confused by it.

16 So, the racism is starting at a very young age  
17 and we need to combat it. against it early on in  
18 people's lives.

19 **MME PSEGGA JONES:**

20 As well as I think that it's also something to  
21 recognize in the practical, in that if the present  
22 justice system and crisis kind of resources are  
23 being flooded by Indigenous and Inuit community,  
24 wouldn't it make sense to have some level of  
25 education? The(though?) resources actually

1 directed and geared to effectively support and  
2 bring support to the Indigenous community? It's  
3 practical to think of that if this is what is  
4 presented to us right now, wouldn't it make sense  
5 to make sure that we up the ante on the resources  
6 and the skill and the language, and everything that  
7 we have access to right now.

8 **Me PAUL CRÉPEAU:**

9 It's five twenty (5 h 20). We're trying maybe to...

10 **M. DAVID CHAPMAN:**

11 Uh-hum.

12 **Me PAUL CRÉPEAU:**

13 Is there a way to cap this presentation? Is there  
14 a way you have a recommendation that you'd like to  
15 give to the Commissioner? Things that... the  
16 essential of what you would like to leave her  
17 today?

18 **M. DAVID CHAPMAN:**

19 Well, yeah, I mean, unfortunately, there still are  
20 more cases that... I'd like to say that we've  
21 covered most of it, but unfortunately, I believe  
22 they're not... we really haven't... but I think  
23 there is really a profound need for a change in  
24 mentality in that it's... there isn't going to be a  
25 simple solution. I know everyone wants a simple

1           solution, but it's going to take years, really, to  
2           deal with this problem. That's the truth of the  
3           matter. And it's a deeply rooted problem, and what  
4           we've experienced, and there's another case that  
5           I'd like to discuss at some point, which helps to  
6           highlight it, is that frequently when interacting  
7           with police, what we find is - and other organisms,  
8           but particularly with police - is the tendency to  
9           prioritise public image, but not to look deep  
10          internally to say what are the major changes that  
11          we, as an organization, need to make.

12                 And so, we've seen a real interesting  
13          parallel, for example, in a recent case that was  
14          quickly deemed a suicide, when there were numerous  
15          questions for those who knew the person, and that  
16          question really whether it was a suicide, and we  
17          could get into that at another time, that's a long  
18          discussion, but what we did know in that case was a  
19          troubling pattern, which was within hours of the  
20          death of a young woman, it was ruled a suicide  
21          while it was known that she had been with numerous  
22          dangerous men.

23          **Me JEAN-NICOLAS LOISELLE:**

24                 Pardonnez-moi. Je veux simplement informer, j'en  
25          ai parlé avec Maître Marie-Josée, avec l'avocate

1           adjointe là, Marie-Josée. Ce dossier-là est encore  
2           sous enquête...

3           **Me PAUL CRÉPEAU:**

4           Sous enquête?

5           **Me JEAN-NICOLAS LOISELLE:**

6           ... en tant que tel.

7           **Me PAUL CRÉPEAU:**

8           O.K.

9           **Me JEAN-NICOLAS LOISELLE:**

10          Alors, je le sais pas si vous voulez en parler avec  
11          les conséquences que cela peut avoir...

12          **Me PAUL CRÉPEAU:**

13          Non.

14          **Me JEAN-NICOLAS LOISELLE:**

15          ... sur un dossier qui est encore sous enquête,  
16          mais je pense que le mandat de la Commission n'est  
17          pas là.

18          **Me PAUL CRÉPEAU:**

19          Effectivement.

20          **M. DAVID CHAPMAN:**

21          So...

22          **Me PAUL CRÉPEAU:**

23          Peut-être je... voulez-vous que je l'explique au  
24          témoin? Ou Monsieur le Commissaire? C'est à vous.

25          **Me JEAN-NICOLAS LOISELLE:**

1 (Inaudible).

2 **Me JEAN-NICOLAS LOISELLE:**

3 Sorry for the interruption.

4 **LE COMMISSAIRE:**

5 Yes.

6 **Me JEAN-NICOLAS LOISELLE:**

7 Just what I was telling to the Commissary, it's  
8 that this... the... this case that you're talking  
9 about, it's still in investigation by the Service  
10 Police of the Montreal...

11 **VOIX MASCULINE NON IDENTIFIÉE:**

12 (Inaudible).

13 **Me JEAN-NICOLAS LOISELLE:**

14 I think it's not a good idea to in public...

15 **M. DAVID CHAPMAN:**

16 Yes.

17 **Me JEAN-NICOLAS LOISELLE:**

18 ... discuss of this kind of...

19 **M. DAVID CHAPMAN:**

20 Good. So, we'll skip the details, but...

21 **M. CALEB CLARK:**

22 Yes.

23 **M. DAVID CHAPMAN:**

24 ... but...

25 **LE COMMISSAIRE:**

1 Listen, I agree with that.

2 **M. DAVID CHAPMAN:**

3 What I can... maybe what I can tell you is we've  
4 seen a pattern of very little investigating until a  
5 large piece comes out in the investigative media.  
6 And then all of the sudden, there's a lot of...  
7 there's a real interest to investigate, and we've  
8 noticed this. Investigators appearing just after.

9 **JEAN-FRANÇOIS TESSIER:**

10 Yes.

11 **LE COMMISSAIRE:**

12 But I understand there is an investigation going  
13 on?

14 **M. DAVID CHAPMAN:**

15 Yes.

16 **LE COMMISSAIRE:**

17 And we may go with something else.

18 **M. DAVID CHAPMAN:**

19 Fair enough.

20 **Me PAUL CRÉPEAU:**

21 Uh-hum. Okay.

22 **M. CALEB CLARK:**

23 And for me, I know we don't have a lot of time and  
24 there's a number of instances that, in my time,  
25 have been reported, though I was not a witness to,

1 but I'll just try to quickly summarize some of  
2 them. One of them involving a police officer  
3 who... someone came to me on the day that... on the  
4 morning when I unlocked the doors to the church,  
5 and told me a police officer had raped him that  
6 night. Under the overpass, saying, you know,  
7 "Either you're taking my gun or my... in your  
8 mouth."

9 And another circumstance where there is a man  
10 who was... his face was repeatedly submerged in a  
11 deep puddle in the middle of winter repeatedly, and  
12 he was someone that was physically handicapped, who  
13 did not have full function in one of his arms, and  
14 was released by... was arrested, when he was in  
15 handcuffs, his face was submerged in the puddle by  
16 two officers, and lifted up, submerged in the  
17 puddle, and that happened three or four times, and  
18 I have three witnesses to that event. I was not  
19 one of those witnesses, but three witnesses who all  
20 independently confirmed the story exactly how this  
21 Indigenous man had told me, and this particular  
22 Indigenous man wanted to pursue this. And...

23 **Me PAUL CRÉPEAU:**

24 Do you know if he did it? Did he went to the  
25 Commissaire à la déontologie?

1 **M. CALEB CLARK:**

2 He did not, it was one of...(inaudible)... It was  
3 before I... just before I was aware of that  
4 Commission, I called the local Commander to tell  
5 him this is what just happened. And the Commander  
6 said he could either come and take a statement, and  
7 he would file a complaint with them, or I could do  
8 it online, and I never saw that man again. It's  
9 someone I've known for a while, but the next time  
10 that I spoke with him, he had been arrested, and he  
11 was... he had lost interest. "Interest" isn't the  
12 right word.

13 **VOIX MASCULINE NON IDENTIFIÉE:**

14 Hope?

15 **M. CALEB CLARK:**

16 Yes, "hope" is a better word. He had lost hope  
17 that something could be done for him, that he could  
18 have justice. And the three witnesses who had...  
19 were all too petrified to speak, because in their  
20 mind, there was a hundred per cent certainty that  
21 the SPVM would come and seek vengeance on them.

22 That there is no doubt in their mind that  
23 they would either be getting a similar treatment as  
24 he got, being submerged in the water, or they would  
25 be getting beaten in another way, they would...

1           So, there is a systemic fear of the SPVM, and  
2           there's other cases where I can think of at least  
3           five (5) Indigenous people who were taken under the  
4           overpass on, and the firearm was taken out, pointed  
5           at their faces, they were forced to kneel. An  
6           officer started to... would threaten them about  
7           being in the area.

8           Now, I was never a witness to that, but five  
9           different accounts from five different people all  
10          reporting the same thing. And none of them  
11          believed that there was a chance that they could  
12          get justice. So much so, I don't know any of the  
13          officers in any of the cases that I had referenced,  
14          because they were even too afraid to tell me who it  
15          was.

16       **LE COMMISSAIRE :**

17            Uh-hum.

18       **M. CALEB CLARK :**

19            Because they knew retribution was coming if they  
20            spoke.

21       **LE COMMISSAIRE :**

22            I understand you have many events...

23       **MME PSEGGGA JONES :**

24            Yes.

25       **LE COMMISSAIRE :**

1           ... many occurrences happen that you heard or saw  
2           by yourself, that bring you to have the feeling  
3           that something has to change.

4           **M. CALEB CLARK:**

5           Uh-hum.

6           **LE COMMISSAIRE:**

7           I understand that you have many events to support,  
8           I will say "recommendations" or "Calls to Action",  
9           that you will like me to write in the report at the  
10          end?

11          **M. CALEB CLARK:**

12          Yes, I...

13          **LE COMMISSAIRE:**

14          I will like to know what you will like to change.  
15          I understand that.

16          **M. CALEB CLARK:**

17          Yeah.

18          **LE COMMISSAIRE:**

19          Many events happened.

20          **M. CALEB CLARK:**

21          Yes.

22          **LE COMMISSAIRE:**

23          But what...

24          **M. CALEB CLARK:**

25          And...

1 **LE COMMISSAIRE:**

2 ... would you like to change? What will you like  
3 me to recommend or Call to Action at the end?

4 **M. CALEB CLARK:**

5 I think...

6 **LE COMMISSAIRE:**

7 I'm interested in that.

8 **M. CALEB CLARK:**

9 Yes. In those...

10 **LE COMMISSAIRE:**

11 Because I understand that.

12 **MME PSEGGA JONES:**

13 Yes.

14 **LE COMMISSAIRE:**

15 Many things are going on...

16 **M. CALEB CLARK:**

17 Yes.

18 **LE COMMISSAIRE:**

19 ... but what should change?

20 **M. CALEB CLARK:**

21 I think in those circumstances, it needs to be  
22 easier for people to file a complaint than it  
23 currently is. As someone who has filed a  
24 complaint, the only correspondence I've ever had is  
25 through e-mail. Most of the people who come to the

1           Open Door don't have an e-mail account. It's not  
2           an easy process, and so making it an easier  
3           process.

4                   And I strongly believe that there should be  
5           an Indigenous oversight committee where if an  
6           Indigenous person is accused of committing a crime,  
7           or they're the victim of a crime, that there should  
8           be a committee made up of Indigenous Elders that,  
9           you know, if they're not (inaudible) investigating,  
10          but they can oversee to make sure that all of the  
11          proper channels were looked that, that justice is  
12          going to be done, that they can see the files and  
13          make sure that when the police say they're  
14          investigating something, they are, and it's not  
15          just a PR piece that they're saying, which, from my  
16          experience, it becomes a fear of...

17                   I have trouble trusting the SPVM myself when  
18          they say these things. And then, you look at the  
19          people who are truly the victims, it's... trying to  
20          give them hope that there might be justice for  
21          them. So, that's one thing that I think could help  
22          if there is oversight by an Indigenous body of...  
23          when there's an Indigenous victim or accused.

24       **LE COMMISSAIRE :**

25           And I understand that you would like much more

1           formation and education? And that...

2           **M. DAVID CHAPMAN:**

3           Yes. Yes.

4           **LE COMMISSAIRE:**

5           ... (inaudible) that I agree with you with that.

6           It has to start with quite young...

7           **M. CALEB CLARK:**

8           Uh-hum.

9           **LE COMMISSAIRE:**

10          ... the people in the general population should  
11          know about what happened to Indigenous people in  
12          the past.

13          **M. DAVID CHAPMAN:**

14          Uh-hum.

15          **LE COMMISSAIRE:**

16          They help to understand what's going on right now,  
17          and they change some beliefs the people have in  
18          general. And they help, because public servants  
19          and police, ambulance, nurses, everybody, lawyers,  
20          judges, they come from general population.

21          **M. CALEB CLARK:**

22          Yes.

23          **LE COMMISSAIRE:**

24          They have to know about that during education, not  
25          only formation at the end. It's not in a few days

1           that it's possible to change mentality. It has to  
2           start much earlier.

3           **M. DAVID CHAPMAN:**

4           Uh-hum. So... yes, this is the point about having  
5           a... that this is, you know, a deeply rooted  
6           problem and something that will take, I think, some  
7           time.

8           **LE COMMISSAIRE:**

9           It will take time, you said it, I agree with you...

10          **M. DAVID CHAPMAN:**

11          Uh-hum.

12          **LE COMMISSAIRE:**

13          ... but it's not a reason not to start right now.

14          **M. DAVID CHAPMAN:**

15          Absolutely. Absolutely, and I mean, certainly, the  
16          emphasis on educating frontline workers, you know,  
17          needs to be a priority, and making more resources  
18          available for prosecuting some of these cases like  
19          the right cases that we've mentioned. And further  
20          to that, making the prosecution right cases more  
21          accessible for an Indigenous population,  
22          particularly an Indigenous population that are  
23          homeless and lacking some of the resources that the  
24          broader population would have.

25                 You don't have a home, if you don't have a

1 steady income, if you have a serious addiction,  
2 you're not on the same level than someone who has a  
3 home, has friends and family around, and has  
4 numerous supports. And if you're going to treat  
5 both of those individuals the same way in your  
6 process moving forward, one is going to be in... is  
7 going to have much better results than the other.

8 **LE COMMISSAIRE:**

9 You see, what I feel important also is that people  
10 like you, and people just behind you...

11 **M. DAVID CHAPMAN:**

12 Yes.

13 **LE COMMISSAIRE:**

14 ... are... go along or go together...

15 **M. DAVID CHAPMAN:**

16 Yes.

17 **LE COMMISSAIRE:**

18 ... to discuss what's going well, because it  
19 happens that something is going well, so...

20 **M. DAVID CHAPMAN:**

21 And I've heard...

22 **LE COMMISSAIRE:**

23 ... (inaudible).

24 **M. DAVID CHAPMAN:**

25 ... some brilliant ideas from police officers.

1 **LE COMMISSAIRE :**

2 How to improve what's going on.

3 **M. DAVID CHAPMAN :**

4 Yes, yes, I had an officer come in two weeks ago or  
5 a little more than two weeks ago now, and he talked  
6 about the possibility of doing, you know, a public  
7 education video on, you know, what is it like to  
8 live inside the head of someone struggling with  
9 mental illness, you know? And to produce a video  
10 for the public on, you know, what is it like to  
11 live inside that person's head? And I said you  
12 know, that's a brilliant idea. In fact, you know,  
13 we could produce another one on what's it like to  
14 live inside the head of someone who's suffered  
15 residential schools? And he agreed. And I told  
16 him that's a brilliant idea, you know, go and make  
17 something of that, because empathy is what we need.

18 **MME PSEGGGA JONES :**

19 I... oh.

20 **JEAN-FRANÇOIS TESSIER :**

21 Can I...? Just a couple of things real quick. I  
22 would think that could be done, like, it shouldn't  
23 even be that difficult. One is to make a  
24 Commission or a Board or a committee similar to  
25 this one, that either our clients or workers like

1           ourselves can make complaints to about how  
2           investigations are going or... you know, it's hard  
3           to complaint to the police about the police, that  
4           doesn't work. There needs to be a third party that  
5           when we don't feel things are going right, there  
6           can be a complaint to, that actually has teeth,  
7           that can actually do something about it. That's  
8           one.

9           Two, and David has mentioned it, to have...  
10          can tell me the next three to six months if there  
11          can't be somebody in the Cabot Square area, a  
12          police officer that speaks Inuktitut. Either you  
13          go up there and recruit one, and get them down  
14          here, or you keep somebody who's already on the  
15          force, you teach them Inuktitut. There's Babbel,  
16          there's Rosetta Stone, there's programs where you  
17          can learn any language in three to six months,  
18          like, do it, you know? That shouldn't be  
19          difficult.

20          And a third thing, when you get drunk people  
21          in... addict people and homeless people off the  
22          streets, instead of locking them up and giving them  
23          tickets, let... make it where if I call St. Luc's  
24          and if I have, say, for... from a police officer,  
25          but we want to work together, or let me work with

1           the police where... listen, you want to get this  
2           person off the street? Obviously, addicted to  
3           drugs or obviously an alcoholic, they need to be in  
4           St. Luc's. Write me a referral where I can bring  
5           them right now to St. Luc's and they're going to  
6           get in. And I'm not going to have to go through a  
7           three-month or a three-week process, you know? And  
8           that's something very simple, you know, with a  
9           referral from a police officer, let me get this  
10          person right now into St. Luc's detox. So, those  
11          are just three suggestions that I think could be  
12          done very easily and quickly, and it will be very  
13          effective.

14       **MME PSEGGGA JONES:**

15           And I would echo back in that there is a need for  
16           an increase in accessible and intentional services  
17           for the Inuit community. Whether it'd be right in  
18           the hospitals or just on a partnership with  
19           hospitals and social establishments and staff. If  
20           we could, that would be the recommendation that I  
21           think all of us would have, just an increase in  
22           those resources.

23       **LE COMMISSAIRE:**

24           May I suggest that you put in writing...

25       **MME PSEGGGA JONES:**

1           Absolutely.

2           **LE COMMISSAIRE :**

3           ... all what...

4           **M. DAVID CHAPMAN :**

5           Yes.

6           **LE COMMISSAIRE :**

7           ... what are your Calls to Action...

8           **M. DAVID CHAPMAN :**

9           Yes.

10          **MME PSEGGA JONES :**

11          Yes.

12          **LE COMMISSAIRE :**

13          ... and send it to Me Crépeau?

14          **M. DAVID CHAPMAN :**

15          Absolutely.

16          **LE COMMISSAIRE :**

17          Well, just one by one, with some explanations, if  
18          you want. Maybe at the end, you will like to  
19          produce a Memoir? We'll be happy to receive a  
20          Memoir from any organization or any person in the  
21          province. We will still have some more hearings  
22          for the next months, but at the end, we will like  
23          to receive a Memoir with Calls to Action, but it  
24          may happen right now, if you're ready. You see?  
25          You can go on our site, you'll see how it may be

1           done. You have... everything is there. You know  
2           where is our site? Our...

3           **M. DAVID CHAPMAN:**

4           Uh-hum.

5           **LE COMMISSAIRE:**

6           ... Website? Yeah?

7           **M. DAVID CHAPMAN:**

8           Uh-hum.

9           **LE COMMISSAIRE:**

10          You'll find it there, and we'll be happy to receive  
11          your Calls to Action suggestion.

12          **JEAN-FRANÇOIS TESSIER:**

13          (Inaudible).

14          **LE COMMISSAIRE:**

15          Is there something else? Have we...?

16          **MME PSEGGA JONES:**

17          Thank you.

18          **LE COMMISSAIRE:**

19          Yes?

20          **M. DAVID CHAPMAN:**

21          Thank you for your time.

22          **LE COMMISSAIRE:**

23          Yes? Me Crépeau, you have questions?

24          **Me PAUL CRÉPEAU:**

25          No.

1 **LE COMMISSAIRE :**

2 No?

3 **Me PAUL CRÉPEAU :**

4 I had enough this afternoon.

5 **LE COMMISSAIRE :**

6 Me Loïselle?

7 **Me JEAN-NICOLAS LOISELLE :**

8 Oui, j'en aurais peut-être pour ten minutes, not  
9 more.

10 **LE COMMISSAIRE :**

11 Oh, a few minutes? Okay. If you have...

12 **Me JEAN-NICOLAS LOISELLE :**

13 Yes.

14 **LE COMMISSAIRE :**

15 ... to come forward?

16 **Me JEAN-NICOLAS LOISELLE :**

17 Yes.

18 **LE COMMISSAIRE :**

19 Me Boucher, will you have some questions? No?

20 Okay, Me Loïselle, we'll go with you.

21 **Me JEAN-NICOLAS LOISELLE :**

22 I don't know... Please... Yes. So, hi. So, I  
23 will present myself, Jean-Nicolas Loïselle. I'm  
24 the lawyer for the Service de police of Montreal.  
25 Just a few questions, just to make sure. The

1           organism Open Door, at your knowledge, it is the  
2           only organism that will accept person who will be  
3           *ivre* or with *toxicoman... des problèmes...*

4           **M. DAVID CHAPMAN:**

5           Intoxicated.

6           **Me JEAN-NICOLAS LOISELLE:**

7           ... intoxication...

8           **M. DAVID CHAPMAN:**

9           Drunk.

10          **Me JEAN-NICOLAS LOISELLE:**

11          ... intoxicated person in Montreal?

12          **M. DAVID CHAPMAN:**

13          Well, yes and no. It depends on what you mean by  
14          that. So, there are detox centers like Exode,  
15          which...

16          **Me JEAN-NICOLAS LOISELLE:**

17          Yes.

18          **M. DAVID CHAPMAN:**

19          ... will take people who are intoxicated. You need  
20          a reference to get in.

21          **Me JEAN-NICOLAS LOISELLE:**

22          Okay, but without reference?

23          **M. DAVID CHAPMAN:**

24          Without reference, there would be varying levels of  
25          tolerance from the night shelters, but generally

1 speaking, yes, throughout the day, in terms of a  
2 day center, we would be the most open that way.

3 **Me JEAN-NICOLAS LOISELLE:**

4 Okay. And at your knowledge at Montreal, the  
5 evening too, for supper or for the sleeping...

6 **M. DAVID CHAPMAN:**

7 Uh-hum.

8 **Me JEAN-NICOLAS LOISELLE:**

9 ... did the center accept persons or intoxicated or  
10 with problem of... were drunk when they come there?

11 **JEAN-FRANÇOIS TESSIER:**

12 I worked at another homeless shelter and the  
13 coldest months, if...

14 **Me JEAN-NICOLAS LOISELLE:**

15 Yes.

16 **JEAN-FRANÇOIS TESSIER:**

17 ... you're... if you're not trouble, but to make  
18 most part of you show up drunk, visibly  
19 intoxicated, you cannot get in.

20 **Me JEAN-NICOLAS LOISELLE:**

21 So, they stay, so... this person intoxicated or...

22 **JEAN-FRANÇOIS TESSIER:**

23 Stay...

24 **Me JEAN-NICOLAS LOISELLE:**

25 ... drunk stay in the street?

1 **JEAN-FRANÇOIS TESSIER:**

2 Yes.

3 **Me JEAN-NICOLAS LOISELLE:**

4 Uh-hum, okay, with all their problem. Okay. I  
5 have another question for the format... la  
6 formation that you have talked.

7 **Me PAUL CRÉPEAU:**

8 Training.

9 **Me JEAN-NICOLAS LOISELLE:**

10 The training...

11 **M. CALEB CLARK:**

12 (Inaudible).

13 **Me JEAN-NICOLAS LOISELLE:**

14 ... that you have talked...

15 **M. CALEB CLARK:**

16 Uh-hum.

17 **Me JEAN-NICOLAS LOISELLE:**

18 ... after and the... *au poste de quartier 12.*

19 **M. CALEB CLARK:**

20 Uh-hum.

21 **Me JEAN-NICOLAS LOISELLE:**

22 Do you remember, I (inaudible)... you think that  
23 the police that was there was speaking French?

24 **M. CALEB CLARK:**

25 Yes, he was.

1 **Me JEAN-NICOLAS LOISELLE:**

2 Yes, okay. So you, you didn't understand what's  
3 saying?

4 **M. CALEB CLARK:**

5 That is true.

6 **Me JEAN-NICOLAS LOISELLE:**

7 Okay. Do you remember if this person was an  
8 Englishman too? This police officer?

9 **M. CALEB CLARK:**

10 If he was an Englishman?

11 **Me JEAN-NICOLAS LOISELLE:**

12 Yeah. And when he talked, he make a bad  
13 translation of what he was taking in English and  
14 tell it in French in front of other people?

15 **M. CALEB CLARK:**

16 I'm not sure what your question is.

17 **Me JEAN-NICOLAS LOISELLE:**

18 Okay. The policeman that... you say that he was an  
19 event when the policeman...

20 **M. CALEB CLARK:**

21 Who stood up and...

22 **Me JEAN-NICOLAS LOISELLE:**

23 ... who stood up and...

24 **M. CALEB CLARK:**

25 (Inaudible).

1 **Me JEAN-NICOLAS LOISELLE:**

2 ... and answer or ask a question. Do you remember  
3 if this guy was an Englishman? And the French was  
4 his second language? And like me now?

5 **Me PAUL CRÉPEAU:**

6 An English-speaking (inaudible)...

7 **Me JEAN-NICOLAS LOISELLE:**

8 He was not an English people...

9 **Me PAUL CRÉPEAU:**

10 Okay.

11 **Me JEAN-NICOLAS LOISELLE:**

12 ... and like I am now, I'm not very good in  
13 English, so, maybe his translate was not good in  
14 French when he talked? Do you remember if maybe it  
15 was that?

16 **M. CALEB CLARK:**

17 I don't know what his first language...

18 **Me JEAN-NICOLAS LOISELLE:**

19 Okay.

20 **M. CALEB CLARK:**

21 ... is.

22 **Me JEAN-NICOLAS LOISELLE:**

23 And you didn't understand what he was saying?

24 **M. CALEB CLARK:**

25 I didn't understand what he...

1 **Me JEAN-NICOLAS LOISELLE:**

2 Perfect.

3 **M. CALEB CLARK:**

4 ... was saying, yes. But I think, from my  
5 recollection, most of the... a lot of the meeting,  
6 well, there was both French and English...

7 **Me JEAN-NICOLAS LOISELLE:**

8 English.

9 **M. CALEB CLARK:**

10 ... being spoken.

11 **Me JEAN-NICOLAS LOISELLE:**

12 Okay.

13 **M. CALEB CLARK:**

14 So, from just out of pure logic, if... it's going  
15 both ways and if someone...

16 **Me JEAN-NICOLAS LOISELLE:**

17 And maybe tried, somebody...

18 **M. CALEB CLARK:**

19 Did he...

20 **Me JEAN-NICOLAS LOISELLE:**

21 ... can try to just...

22 **M. CALEB CLARK:**

23 ... (inaudible).

24 **Me JEAN-NICOLAS LOISELLE:**

25 ... for this colleague on something?

1 **M. CALEB CLARK:**

2 Yes.

3 **Me JEAN-NICOLAS LOISELLE:**

4 Perfect. The other thing that I want to talk about  
5 you, you say that at this moment, the... le  
6 commandant asked at this people to go...

7 **VOIX MASCULINE NON IDENTIFIÉE:**

8 Apologize.

9 **Me JEAN-NICOLAS LOISELLE:**

10 Apologize...

11 **VOIX MASCULINE NON IDENTIFIÉE:**

12 (Inaudible).

13 **Me JEAN-NICOLAS LOISELLE:**

14 ... to everybody, okay. Do you remember all  
15 these... you talked about a different thing that  
16 happened in the PDQ 12, okay?

17 **Me PAUL CRÉPEAU:**

18 At the station?

19 **Me JEAN-NICOLAS LOISELLE:**

20 At the Station 12, yes. Do you remember to have...  
21 le Commandant Dubuc is there about November two  
22 thousand sixteen (2016)? I'm correct? The  
23 Commandant Dubuc?

24 **Me PAUL CRÉPEAU:**

25 Uh...

1 **M. CALEB CLARK:**

2 Commander...

3 **Me JEAN-NICOLAS LOISELLE:**

4 Le Commander Dubuc...

5 **M. CALEB CLARK:**

6 Oh, the commander?

7 **Me JEAN-NICOLAS LOISELLE:**

8 Yeah, yeah. That's you have?

9 **M. CALEB CLARK:**

10 No.

11 **Me JEAN-NICOLAS LOISELLE:**

12 No?

13 **M. CALEB CLARK:**

14 I mean, that she definitely was not the Commander  
15 at that time.

16 **Me JEAN-NICOLAS LOISELLE:**

17 At that time, perfect. Do you remember if you ever  
18 go seen Miss Commandant Dubuc to say that there are  
19 problem with police at the PdQ 12?

20 **M. DAVID CHAPMAN:**

21 Well, certainly, yes, I did have a meeting myself,  
22 and there was one, two, three, four others present  
23 from the field of intervention work, and then, one  
24 other police officer. That would have been the...  
25 towards the end of two thousand seventeen (2017).

1           We had a meeting for... yes, at least an hour, and  
2           as I mentioned in my testimony, one of the topics  
3           that was brought up was the need for an Inuktitut-  
4           speaking officer who could more easily engage Inuit  
5           women who had been recently raped, and to help them  
6           to be able to share more easily their story. And  
7           she seemed actually quite receptive to that idea.

8           **Me JEAN-NICOLAS LOISELLE:**

9           Okay.

10          **M. DAVID CHAPMAN:**

11           And told me that she was going to look into it, and  
12           I thought the meeting went relatively well.

13          **Me JEAN-NICOLAS LOISELLE:**

14           Perfect. And do you remember, did she even say to  
15           you that if you have any problem with police at...  
16           in this district, that you can make complaint to  
17           her?

18          **M. DAVID CHAPMAN:**

19           I'm sure that point has been made, yes.

20          **Me JEAN-NICOLAS LOISELLE:**

21           Okay. And you never make complaint over her about  
22           police of this district?

23          **M. DAVID CHAPMAN:**

24           We've made numerous complaints in the past.

25          **Me JEAN-NICOLAS LOISELLE:**

1           You made numerous in the past, but not at  
2           commandant Dubuc?

3           **M. DAVID CHAPMAN:**

4           Correct.

5           **Me JEAN-NICOLAS LOISELLE:**

6           Right.

7           **M. CALEB CLARK:**

8           I can say that my time, when I was working, which I  
9           haven't work... I've been working at the Open Door  
10          since September of two thousand sixteen (2016), and  
11          I never met the current Commander.

12          **Me JEAN-NICOLAS LOISELLE:**

13          Okay.

14          **M. CALEB CLARK:**

15          But I can say that the previous Commanders, well  
16          the previous two commanders, that I did have  
17          meetings with and discussed some of these different  
18          issues that I've mentioned today. And the most  
19          recent Commander Bastien, I was in more  
20          communication with him than the previous Commander  
21          to him.

22          **Me JEAN-NICOLAS LOISELLE:**

23          Okay.

24          **M. CALEB CLARK:**

25          And just he did, he gave me his personal cell phone

1 to use if there... if I was having trouble getting  
2 ahold of him, and there was an issue. So, he was  
3 and I regularly called him to say - there is this  
4 issue, and whether it was one of the officers in  
5 Station 12 or one of the officers on (inaudible)  
6 officers on the language, there were specially at  
7 that time, a lot of issues with. And I would call  
8 him, and he would tell me he would look into it.

9 **Me JEAN-NICOLAS LOISELLE:**

10 Perfect.

11 **M. CALEB CLARK:**

12 And so, in terms of that, we had a good  
13 communication going back and forth, and you know, I  
14 expressed my... because there needs to be drastic  
15 change that happens, that the drastic change needs  
16 to happen. I can't do it. That, for it to happen  
17 in the sector, it's on him. He's the one that  
18 needs to do it and... yes.

19 **Me JEAN-NICOLAS LOISELLE:**

20 Okay.

21 **JEAN-FRANÇOIS TESSIER:**

22 Regarding the incident I brought up, I mentioned it  
23 to... (inaudible). Right. And he's... well, like,  
24 I consider him a friend of the Open Door, you know,  
25 he bought us rice cooker and he brings us

1           donations, stuff of...

2           **VOIX MASCULINE NON IDENTIFIÉE:**

3           (Inaudible).

4           **JEAN-FRANÇOIS TESSIER:**

5           So, why... he's one of the officers I feel, you  
6           know, I... if I have a problem, I can talk to. So  
7           I saw him come in one day, and it was just like, I  
8           think, the next day after the incident, I was still  
9           pretty exasperated about it, so I aksed him his  
10          opinion, what do you think I should do about it?  
11          He said well, you know, you can call... ask for the  
12          sergeant. Anytime there's a problem, call and ask  
13          for the sergeant, it will be up to the sergeant.

14                 I believe he gave me good advice, and he said  
15          me personally I'll bring it up to the officer. And  
16          I saw him maybe a week or two later, I can't  
17          remember, and he said he'd brought it up to the  
18          officer. Yeah, I mean, that's all fine and I  
19          didn't know that I can call myself personally the  
20          Commander. I'd love to, you know, but...

21          **Me JEAN-NICOLAS LOISELLE:**

22          But maybe because it's in the way that you say, Mr.  
23          Tessier, that maybe it's to facilitate complaints?  
24          May... it's a way, I think, that you can make  
25          the...

1 **JEAN-FRANÇOIS TESSIER:**

2 No, but for...

3 **Me JEAN-NICOLAS LOISELLE:**

4 ... to call the Commandant?

5 **JEAN-FRANÇOIS TESSIER:**

6 ... complaining about the police to the police,  
7 nay.

8 **Me JEAN-NICOLAS LOISELLE:**

9 But (inaudible).

10 **JEAN-FRANÇOIS TESSIER:**

11 Historically, it's never worked very well, but...

12 **Me JEAN-NICOLAS LOISELLE:**

13 But did you...

14 **JEAN-FRANÇOIS TESSIER:**

15 ... (Inaudible).

16 **Me JEAN-NICOLAS LOISELLE:**

17 ... you didn't even try?

18 **JEAN-FRANÇOIS TESSIER:**

19 Maybe we will rewrite the wheel now?

20 **Me JEAN-NICOLAS LOISELLE:**

21 Perfect. (Inaudible).

22 **VOIX MASCULINE NON IDENTIFIÉE:**

23 (Inaudible) something?

24 **M. CALEB CLARK:**

25 Good, I'll answer that last question: "Have you

1           ever tried?" Yes, I have. I've tried, like...

2       **Me JEAN-NICOLAS LOISELLE:**

3           At the Commissaire à la déontologie?

4       **M. CALEB CLARK:**

5           Well, the Official... I've tried there, and...

6       **Me JEAN-NICOLAS LOISELLE:**

7           Yes.

8       **M. CALEB CLARK:**

9           You know, I've gotten...

10       **Me JEAN-NICOLAS LOISELLE:**

11           That's it.

12       **M. CALEB CLARK:**

13           ... nowhere with that.

14       **Me JEAN-NICOLAS LOISELLE:**

15           Thank you.

16       **M. CALEB CLARK:**

17           I've tried with Commander Bastien. Commander  
18           Bastien and the previous Commanders, and from what  
19           I see now, there has not been positive change. The  
20           complaints that I have made have not brought about  
21           positive change.

22       **Me JEAN-NICOLAS LOISELLE:**

23           Uh-hum.

24       **M. CALEB CLARK:**

25

1           That there are more rapes happening in the sector,  
2           but of the Indigenous people than there were  
3           previously. The situation is getting worse.  
4           Making complaints to the police about the police,  
5           sadly, has, for me, has got me nowhere.

6           **M. DAVID CHAPMAN:**

7           We did also both make a complaint sometime ago.  
8           Caleb and I, we witnessed an incident on the side  
9           of the building, where a person we knew who had  
10          conditions not to be in the presence of another  
11          person violently hit him in the face. We went out,  
12          we intervened and called 9-1-1. We ended up with a  
13          number of BEP officers arriving, who basically...  
14          where to begin?

15                 This should be a long discussion, but  
16          basically, we're unsuccessful in engaging the woman  
17          well and we're not interested in pursuing the  
18          person who had conditions not to be in her  
19          presence, and had just kicked her in the face. And  
20          so, I mean, he had left downhill. They left on  
21          their bicycles up the hill, and when we complained  
22          about it in a written complaint, we were told -  
23          well, the officers who were present had a different  
24          interpretation.

1 **LE COMMISSAIRE:**

2 Uh-hum.

3 **M. DAVID CHAPMAN:**

4 And so, you know, there is a point at which you  
5 stop. You give up, you know?

6 **LE COMMISSAIRE:**

7 I understand that. You had money problems. You  
8 were a witness by yourself, you heard about them.  
9 Now, I think everybody here in the room would like  
10 things to improve, hum? I see that you would like  
11 that. You have some Calls to Action, you will send  
12 us much more, I understand? There are people at  
13 the back of the room, they are here today to listen  
14 to you, not to me, uh?

15 **M. DAVID CHAPMAN:**

16 Uh-hum.

17 **LE COMMISSAIRE:**

18 I understand that they are here to listen to what  
19 you have said, and I understand from the question  
20 of Me Loiselle that you didn't have any problems  
21 with Commander Dubuc?

22 **M. DAVID CHAPMAN:**

23 She seems very open.

24 **LE COMMISSAIRE:**

25 Yes, and I heard that the officers sitting beside

1 her is a friend of Open Door. And we heard Mr. De  
2 Angelis before, and I understand that he may be a  
3 friend also, uh? I remember telling in French -  
4 *Vous devrez être... vous devriez être cloné,*  
5 *monsieur De Angelis.* I mean by that that there  
6 should be more De Angelis.

7 **M. CALEB CLARK:**

8 Definitely.

9 **LE COMMISSAIRE:**

10 So, I guess you have a friend there. And I will  
11 close by telling you from Open Door, and Indigenous  
12 people around Open Door, and in Montreal, and  
13 everywhere in the province, that I wish that you  
14 and officers, Commander Dubuc and officers with  
15 her, could try to be able to find a way that  
16 everything is going well, that people being served  
17 in a manner that will be appreciated by people. I  
18 wish this and I think the best way is to see each  
19 other, to discuss, to look at what may be done to  
20 improve. And I wish you that it may be possible.  
21 I will, in the report at the end, make the  
22 recommendation, but I guess many, many things may  
23 be done before that. I hope people won't wait for  
24 a report to improve what's going on.

25 **M. DAVID CHAPMAN:**

1           Uh-hum.

2   **LE COMMISSAIRE :**

3           You have to sit all together and try to reach it.  
4           You have people, I guess, willing to sit with you  
5           and to look, to listen to what you have said. And  
6           (inaudible) may have listened to us today, to you  
7           and understand that it may improve.

8           So, I wish you all that. I thank you for  
9           coming to let us know what's going on at Open Door  
10          and around Open Door, and hoping that the... you  
11          will see improvemenS, you will see ameliorationS,  
12          you will see that things are working better. I  
13          wish you that.

14          I will be happy, because the hearings, we'll  
15          have some more hearings, we'll be back in Montreal  
16          in March. I will like to hear that things are  
17          improving, that you have good relations, that it's  
18          going on. And as you told, Mr. Chapman, the  
19          general public, that the mentality won't change in  
20          two days.

21   **M. DAVID CHAPMAN :**

22          It's correct.

23   **LE COMMISSAIRE :**

24          And I don't own a magic stick, and I know nobody  
25          with a magic stick. It will be easy to have that.

1           We don't have that, we have to start now, do our  
2           best, exchange, try to fix matters, to improve, and  
3           if it's not working as we like and try again, and  
4           finally, improve. And human beings, we will always  
5           have people not behaving with the... not  
6           appropriate. We'll have this. And what's  
7           important, if at the police force, somebody is not  
8           acting as he should, it's important that officers  
9           tell him or her -do something else.

10   **M. DAVID CHAPMAN:**

11           Uh-hum.

12   **LE COMMISSAIRE:**

13           Not... it's important not to let that happen.

14           Otherwise, it becomes systemic.

15   **M. DAVID CHAPMAN:**

16           Uh-hum.

17   **LE COMMISSAIRE:**

18           We don't want that. So, I wish all the best to...

19   **M. DAVID CHAPMAN:**

20           Thank you.

21   **LE COMMISSAIRE:**

22           ... all of you.

23   **M. DAVID CHAPMAN:**

24           Uh-hum.

25   **LE COMMISSAIRE:**

1           And we will be back in March. I hope somebody will  
2           tell me: "It's better."

3   **M. DAVID CHAPMAN:**

4           I think so.

5   **LE COMMISSAIRE:**

6           So, we'll adjourn now until tomorrow morning, nine  
7           thirty (9 h 30)?

8   **Me PAUL CRÉPEAU:**

9           Nine (9), nine (9).

10   **LE COMMISSAIRE:**

11           Nine (9)? Nine o'clock (9 h), okay. Nine o'clock  
12           (9 h) tomorrow morning.

13   **M. DAVID CHAPMAN:**

14           Thank you.

15   **LE COMMISSAIRE:**

16           Have a good evening.

17   **LA GREFFIÈRE-AUDIENCIÈRE:**

18           Ajournement des audiences à mercredi, vingt et un  
19           (21) février, à neuf heures (9 h).

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3 Je soussignée, **Monique Leclerc**, sténographe officielle  
4 bilingue, certifiée sous mon serment d'office que les  
5 pages qui précèdent sont et contiennent la transcription  
6 exacte et fidèle, au meilleur de mes connaissances et de  
7 mon jugement, de l'enregistrement numérique effectué  
8 hors de mon contrôle et au meilleur de la qualité dudit  
9 enregistrement, le tout conformément à la loi.

10

11 Et j'ai signé,

12

13



14

15

16 **Monique Leclerc**  
17 Sténographe officielle

18

19