

JULIAN N. FALCONER, B.A., LL.B., LL.D. (Hon.)
ASHA JAMES, B.A., LL.B., J.D.
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WILLIAM WABOOSE PERRY, M.A., J.D.

For Distribution –

Supporting materials for press conference (June 8, 2021)

**Families call for independent reinvestigations of
deaths of Indigenous persons, fulfilment of *Broken
Trust* recommendations re: Thunder Bay Police
Service.**



**Supporting Materials for Press Conference –
Broken Trust Report and Reinvestigations of Deaths of Indigenous Persons in
Thunder Bay**

June 8, 2021

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TAB 1



FOR IMMEDIATE RELEASE

June 8, 2021

**FAMILIES CRY FOUL OVER CHIEF HAUTH'S CONFLICT IN
DEATH INVESTIGATION REPORTING**

Two-and-a-half years after the Office of the Independent Police Review Director (OIPRD) recommended that the deaths of at least nine Indigenous people in Thunder Bay be reinvestigated due to serious deficiencies in investigations conducted by the Thunder Bay Police Service ("TBPS"), family members are sounding the alarm over the role of TBPS Chief Sylvie Hauth in the reinvestigations.

The OIPRD launched a systemic review of the TBPS after receiving complaints in 2016 from Brad DeBungee, brother of the late Stacy DeBungee of Rainy River First Nations, and from the Chief of Rainy River First Nations, Jim Leonard. The complaints alleged a pattern of neglect by the TBPS in investigating Indigenous deaths. On December 12, 2018, the OIPRD confirmed in its report, *Broken Trust: Indigenous People and the Thunder Bay Police Service*, that systemic racism has left Indigenous deaths in Thunder Bay woefully neglected. Indigenous people have been treated as unworthy victims.

The OIPRD issued 44 recommendations for the TBPS to address the systemic issues identified through the OIPRD's review. The recommendations include the following:

- The creation of a "multi-discipline investigation team" to reinvestigate *at minimum* the deaths of nine Indigenous people whose deaths were investigated by the TBPS in such a "problematic" manner that new investigations were required. These nine people are Marie Spence, Arron Loon, Christina Gliddy, Shania Bob, Sarah Moonias, Jethro Anderson, Curran Strang, Kyle Morrisseau, and Jordan Wabasse;
- That the multi-discipline investigation team assess whether Stacy DeBungee's death should be reinvestigated; and
- That the multi-discipline investigation team establish a protocol for determining whether other TBPS sudden death investigations should be reinvestigated.

The "independent" multi-discipline team [announced by TBPS Chief Sylvie Hauth](#) and her legal team to the TBPS Board in June of 2019 consists of a three-tier structure. Chief Hauth herself sits on one of those tiers, the Executive Governance Committee. With the news that a reinvestigation report is being prepared, concerns have surfaced about just how independent the reinvestigation process is if Chief Hauth is involved.



Family members have serious concerns about the role of Chief Hauth and her lawyers in determining what is done with information gathered through the reinvestigations. The Terms of Reference state that the Executive Governance Committee is expected to receive all reinvestigations and a final report “for review, approval and public release.” Family members have asked whether Chief Hauth has recused herself from this aspect of the Executive Governance Committee’s work to avoid any conflict. They have been met with silence. Family members have zero confidence in a process that lacks transparency. They will not have any confidence in a report on reinvestigations that Chief Hauth exercises control over.

For further information, please view our website at www.falconers.ca.



TAB 2



June 8, 2021

Thunder Bay, ON –

On June 8, 2021, family members of Indigenous people whose deaths were neglected by the Thunder Bay Police Service (TBPS), and are now subsequently the subject of reinvestigation thanks to recommendations of the Office of the Independent Police Review Director, are speaking publicly about their concerns with the role of TBPS Chief Sylvie Hauth in the reinvestigations.

In a press conference held at the Victoria Inn in Thunder Bay, Brad DeBungee, brother of the late Stacy DeBungee, will be speaking alongside lawyer for the DeBungee family, Julian Falconer.

Brad DeBungee and his sisters Treasa DeBungie and Candace DeBungee have issued a joint statement:

Statement of the family of the late Stacy DeBungee

We and Stacy deserve a credible reinvestigation process from start to finish. Based on our experience with the Thunder Bay Police Service, we have no confidence in a reinvestigation process that Chief of Police Sylvie Hauth has any sway over. We need an assurance that she is not involved in any way in the reinvestigation, including reporting on its findings. We need transparency, not cover-ups.

Statement of lawyer Julian Falconer

The Thunder Bay Police Service is now a broken record of broken trust. My clients are once again being left in the dark, denied the transparency and answers they deserve about what happened to Stacy DeBugee and about the role of the Chief of the Thunder Bay Police in the reinvestigation process. My clients and the Indigenous people of Thunder Bay deserve a police force that is accountable to them --- and two-and-a-half years after the release of *Broken Trust*, it seems clear the Thunder Bay Police Service has no interest in being that force.



TAB 3



FAMILIES OF DECEASED INDIGENOUS PEOPLE EXPRESS CONCERN RE. ROLE OF CHIEF OF POLICE HAUTH IN THUNDER BAY REINVESTIGATIONS

PRESENTED BY FALCONERS LLP (JUNE 8, 2021)



Marie Spence



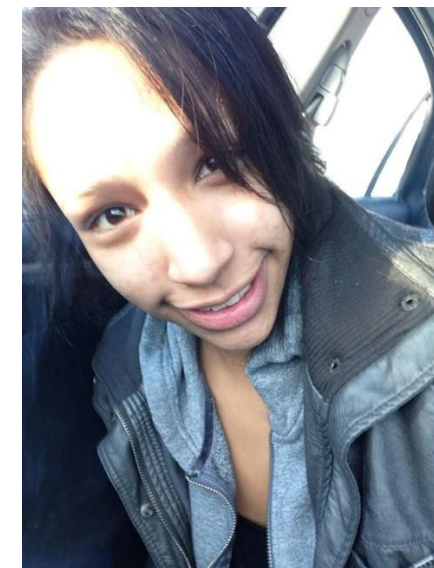
Arron Loon



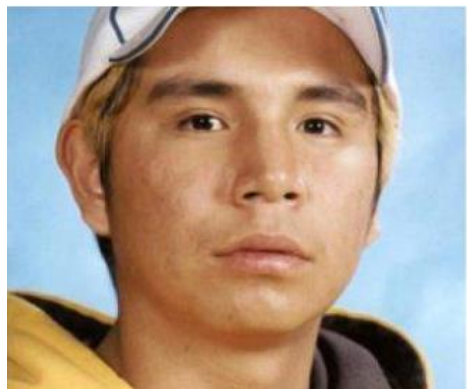
Stacy DeBungee



Sarah Moonias



Shania Bob



Curran Strang



Jethro Anderson



Christina Gliddy



Jordan Wabasse



Kyle Morriseau

2018: *Broken Trust*

Recommendations #1-5: Re. TBPS Sudden Death and Other Investigations

#	Content
1-2	<u>A multi-discipline investigation</u> team should be established to <u>undertake, at a minimum, the reinvestigation of nine specific deaths</u> – based on OIPRD’s identification of nine sudden death investigations “ <u>so problematic</u> ” as to require reinvestigation.
3	Multi-discipline team should <u>establish a protocol for determining if other sudden deaths need to be reinvestigated.</u> ➤ In other words, those identified by OIPRD may be tip of the iceberg.
4	Multi-discipline investigation team should <u>assess whether the death of Stacy DeBungee should be reinvestigated.</u>
5	TBPS should <u>initiate an external peer-review process</u> for at least three years following release of <i>Broken Trust</i> (December 2018).



2021: Broken Record

Failing Grade



ASSESSMENT

- **Recommendations #1-#2:** Concerns re. Chief of Police Hauth controlling findings; Multi-discipline team described by Chief Hauth as “independent” but she sits on its Executive Governance Committee.
- **Recommendation #3:** No protocol exists for determining whether other TBPS sudden death investigations should be reinvestigated. How many Indigenous deaths have been neglected?
- **Recommendation #4:** Reinvestigation resisted by Chief Hauth; Not started for over two years after *Broken Trust* published; Concerns re. Chief of Police Hauth controlling findings.
- **Recommendation #5:** No external review process after two-and-a-half years.

GRADE



R. v. Bushby, 2021 ONSC 4082 - Justice Pierce reasons



Madam Justice Pierce, reasons for sentencing:

[200] The **ripples from your actions continued beyond the city**. Your actions have signaled to Indigenous people across Canada that they cannot expect to be safe and that their lives are not valued. That's what happened when you threw that trailer hitch.

[201] Mr. Bushby, there are no disposable people. **Each person in this community has value. Each of us is entitled to be treated with dignity;** to walk safely on the street, without fear.

R. v. Bushby, 2021 ONSC 4082

- Community Impact



[34] The statement of the Indigenous Bar Association and the National Association of Friendship Centres is a mixture of anger and sadness. **Among other commissions and studies, it references the report of the Office of the Independent Police Review Director.** The Director determined that it was a common experience for Indigenous people in Thunder Bay to be targeted by objects thrown from vehicles: for example, eggs, drinks, garbage, and bottles.

[35] The **joint statement concludes that these incidents are made worse by the lack of police response** and a lack of emphasis on deterrence and denunciation when sentencing offenders for these crimes...

“The image of a wounded Barbara Kentner felled by a trailer hitch heavy enough to require the convicted to use two hands to accelerate her death, has struck at the hearts of the Indigenous communities across Canada as another example of how our lives – particularly the lives of our women and girls – are devalued to the point of being meaningless. **The reports noted above vividly recount how prominent this devaluation is perceived by the non-Indigenous residents of Thunder Bay.** Senseless, unjustified violence against our women and girls exacerbate and reinforce our communities’ sense that our people simply are not valued due to the social constructs of race and gender. **We are made to feel unsafe.**”

R. v. Bushby, 2021 ONSC 4082 - Community Impact



Nokiiwin Tribal Council, community impact statement:

[46] **Hopefully this case and this guilty verdict can help bring about change and put value on Indigenous lives.** Hopefully it can help stop minimizing us as humans, and stopping victim-blaming when we are assaulted, attacked and murdered. **It appears that what happened to Barbara is an acceptable act for many people in Thunder Bay. This case has shown that there is a need to shine a light on the ongoing racism in Thunder Bay.** There needs to be a city-wide conversation about racism. There needs to be a reconciliation movement occurring in Thunder Bay. Our communities want to be part of it because Indigenous lives matter.



Miigwetch!



Litigation with a conscience.

TAB 4

JULIAN N. FALCONER, B.A., LL.B., LL.D. (Hon.)
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JEREMY GREENBERG, B.A., M.Sc., J.D.
WILLIAM WABOOSE PERRY, M.A., J.D.

SENT VIA EMAIL [REDACTED]

May 19, 2021

Reinvestigation Committees/Team (Executive Governance Committee, Investigative Resource Committee, Blended Investigative Team)
c/o Det. Supt. (Ret.) Ken Leppert
Blended Investigative Team Lead

To members of the Executive Governance Committee, the Investigative Resource Committee, and the Blended Investigative Team:

Re: Broken Trust Reinvestigations

Over the last six months, my firm has supported members of the DeBungee family in providing full cooperation in the long-awaited reinvestigation into Stacy DeBungee's death. After advocating for over five years to have a credible investigation into Mr. DeBungee's death conducted, the family was finally met with the welcome news last December that an investigation was commencing under your mandate and that no Thunder Bay Police Service ("TBPS") officers would be part of the investigation team. It comes as no surprise that the family's trust in policing was utterly shattered by the way the TBPS handled its investigation into Mr. DeBungee's death, including the way the TBPS treated the family. Finally, two years after the December 2018 release of the OIPRD's *Broken Trust* report and one year after the public release of your Terms of Reference for reinvestigations, the DeBungee family was informed that your reinvestigation into Mr. DeBungee's death was starting.

Despite this positive development, and without wishing to detract in any way from it, I am writing today to express concern with the lack of transparency of your processes. While the DeBungee family has welcomed speaking with investigators who treat them with respect and seem genuinely committed to getting to the bottom of what happened to Mr. DeBungee, we still do not understand your processes, the role of the Executive Governance Committee in the reinvestigations, or how decisions are made about what information will be made public and when. In short, your processes are opaque.

It is our information (from the media) that you will be releasing a report on reinvestigations imminently. Given that the reinvestigation into Stacy DeBungee's death is ongoing, it is obvious that your report will exclude Mr. DeBungee and the DeBungee family. Because information is so hard to come by, we do not understand why you are releasing a report excluding Mr. DeBungee, what the rationale for this is, who the driving force behind this decision is, and whether a subsequent report will be released addressing the reinvestigation into Mr. DeBungee's death.



Despite your Terms of Reference recognizing the importance of “[t]ruth seeking and transparency” and “[r]estoring the confidence of the public and the affected communities and families,”¹ your processes remain opaque. I am writing to raise concern that basic information about your processes remain shrouded in mystery.

There is minimal public information readily available about the reinvestigation process and the workings of your respective committees and team. You have not shared information with the DeBungee family to ensure they are less in the dark than the rest of the public about your work and decision-making processes. The *Canadian Victims Bill of Rights* recognizes that “victims of crime and their families deserve to be treated with courtesy, compassion and respect, including respect for their dignity.”² It also provides that a victim – or family member of the victim on their behalf – has the right to information on the status of the investigation into the offence.³ Similar principles are found in Ontario’s *Victims’ Bill of Rights, 1995*.⁴ It is concerning as a matter of general public interest that how you function is not readily transparent and clear, but it is even more concerning that your processes remain opaque even to victims and their families.

I wish to be clear that in the present context involving a unique structure for the reinvestigation and oversight of it, the responsibility for communicating effectively with the DeBungee family about how the larger structure works is not something we expect to fall on the shoulders of investigating officers. The DeBungee family’s experience with the reinvestigating officers assigned to Mr. DeBungee’s death (including specifically OPP Det. Cst. Amanda Maure) has been overall positive, despite the difficult emotions that the reinvestigation inevitably surfaces.

The most recent public update on your work is from TBPS Chief Sylvie Hauth and is available on the TBPS’ website⁵ and the TBPS Board’s website.⁶ It simply states, “All parties involved in the [reinvestigation] process have been named and the reinvestigations are underway, now including the investigation into the death of Stacey [sic] DeBungee.” It then states, “Updates will be provided by the Executive Governance Committee.” We have not been able to locate any further updates. Furthermore, no one from the Executive Governance Committee has ever reached out to our clients, either directly or through our office.

It is clear from the Terms of Reference that the Executive Governance Committee is expected to receive all reinvestigations and a final report “for review, approval and public release.” What role does the TBPS and specifically Chief Hauth have in this approval process? Has she recused herself from Executive Governance Committee deliberations at this stage to ensure there is no conflict of interest, either real or apparent? What is the relationship between the reinvestigation into Mr. DeBungee’s death and any “final” report?

¹ <https://live-thunderbay-policeboard.pantheonsite.io/wp-content/uploads/2019/10/Terms-of-Reference-Reinvestigations-September-2019.pdf>

² *Canadian Victims Bill of Rights*, SC 2015, c 13, s 2, Preamble.

³ *Ibid.*, ss. 3, 7.

⁴ SO 1995, c 6, Preamble & s. 2(1).

⁵ <https://www.thunderbaypolice.ca/Systemic-Update>

⁶ <https://live-thunderbay-policeboard.pantheonsite.io/2021/01/22/oiprd-report-recommendations-update/>



The DeBungee family decided to trust in your investigation process and gave full cooperation – from making themselves available to give statements, to directing us to provide a two-volume brief of documents in their possession and control to share with the investigative team, to providing authorization for the investigative team to access various institutional files pertaining to Stacy DeBungee. Despite initial reservations by some about my office acting as intermediary for my clients during the investigation, I can confirm – and believe the investigating officers would similarly confirm – that we have acted to facilitate effective exchange of information and have not gotten in the way of the investigation at all. Unfortunately, despite the difficult steps my clients have taken in trusting and cooperating with the reinvestigation, there seems to be little or no acknowledgment of their unique circumstances and the importance of appropriate information flow to the DeBungee family. I am writing today because I am unable to ease their concerns around the lack of transparency in your processes.

My clients would greatly appreciate an explanation of your decision-making processes, particularly as they pertain to decisions relating to reinvestigation findings, reports, and sharing of information with families and with the broader public. They would like a meaningful commitment to transparency going forward. As is clear from the above, my clients are particularly concerned about the role of the Thunder Bay Police Service, through Chief Hauth and legal counsel, at this juncture in the reinvestigation efforts.

I look forward to hearing back from you.

Given present circumstances, the DeBungee family has instructed me to ask that you respond to the inquiries in this letter by communicating directly with me and my office. In any communications with me, I ask that you please copy my associate Molly Churchill who can be reached at mollyc@falconers.ca.

Yours very truly,



Julian N. Falconer

cc. The DeBungee family

Stephen Leach, Independent Police Review Director

[Redacted signature block]



TAB 5

June 6, 2021

Reinvestigation Committees/Team

To members of the Executive Governance Committee, the Investigative Resource Committee, and the Blended Investigative Team:

Re: Broken Trust Reinvestigations

I am a long-standing community advocate for Indigenous families in Thunder Bay and throughout Treaty #9 territory and Ontario's portion of Treaty #5. This includes families of the nine people whose deaths in Thunder Bay have recently been reinvestigated thanks to the December 2018 recommendations of the Office of the Independent Police Review Director (OIPRD). I am a citizen of Marten Falls First Nation, Treaty #9, and I am related to two of those nine people whose deaths were neglected by the Thunder Bay Police Service (TBPS): I am the aunt of the late Marie Spence and the great-aunt of the late Arron Loon. During my tenure as Deputy Grand Chief at Nishnawbe Aski Nation (NAN), I played an active role in NAN's involvement in the Seven Youth Inquest (inquest into the deaths of Jethro Anderson, Curran Strang, Kyle Morrisseau, Jordan Wabasse, Paul Panacheese, Robyn Harper, and Reggie Bushie). I also helped lead NAN's intervention at the Canadian Human Rights Tribunal in the *Caring Society* case about Canada's discrimination in on-reserve child welfare and failure to implement Jordan's Principle, a child-first principle intended to ensure substantive equality for our children in provision of public services.

I have been provided a copy of the May 19th letter sent to you on behalf of the family of Stacy DeBungee, a tenth Indigenous person whose death was neglected by the TBPS and is currently being reinvestigated thanks to the OIPRD's recommendations. We share the concerns expressed in that letter. We are in the same position as the DeBungee family: we do not understand your processes and we are concerned about the role of the Chief of the Thunder Bay Police, Chief Hauth, at this stage in the reinvestigations.

We understand that the reinvestigations into Marie's death and into Arron's death have concluded. We understand the same is true of the reinvestigations into the deaths of Christina Gliddy, Shania Bob, Sarah Moonias, Jethro Anderson, Curran Strang, Kyle Morrisseau, and Jordan Wabasse. We understand that a report is being prepared. But we have not been provided any information on how this report is being prepared or who is involved in critical decisions about the content, framing, and publishing of the report. We also understand that the death of Stacy DeBungee is still being reinvestigated and that the reinvestigation did not start until about six months ago. I wish to acknowledge that the OIPRD's systemic review would not have happened if it weren't for the advocacy and leadership shown by Stacy's brother, Brad DeBungee, and Chief of Rainy River First Nations at the time, Jim Leonard. It is not clear why Stacy's family had to wait for so long for the reinvestigation into this death to take place.

We have learned from the DeBungee family that the straightforward questions asked in their letter, including the question of whether Chief of Police Hauth has recused herself from discussions and decision-making relating to the report, have gone unanswered. This is unacceptable. We as family

members deserve to understand your processes. How can you expect our trust and confidence to be restored when we are being kept in the dark? when your silence suggests that Chief of Police Hauth is indeed involved in finalizing and approving a report on the reinvestigations into our loved one's deaths? These are reinvestigations that we have every reason to believe have served to shed further light on the egregious failings of the TBPS in providing us and our deceased loved ones with the respect we deserve. Our interest in learning the truth and in having maximum transparency and accountability is directly at odds with what we understand Chief Hauth's interest to be: protecting the reputation of her force and being saved from having to spend any more resources on uncovering the truths about Indigenous deaths in Thunder Bay.

I note that the second anniversary of the release of the Calls to Justice by the National Inquiry into Murdered and Missing Indigenous Women and Girls has just come and gone. My niece Marie is one of those women. I look at the Calls to Justice and the findings of the Inquiry, and I see Marie's story, and the story of her family, reflected there. For example, the Commissioners wrote the following:

Dismissal, contempt, and outright discrimination, in which police evoke racist stereotypes about Indigenous people as drunks, runaways, or prostitutes, and which ignore the insights that families bring them that something is wrong, were [...] reported by [...] families when they described their initial encounters with police. Similarly, assumptions about Indigenous people being "out partying" was another common response from the police.¹

I very much doubt Marie's story, or our story as family, would have been properly reflected in that report if Commissioner Lucki of the RCMP had been involved in finalizing the report. We as family of murdered and missing Indigenous women and girls would have had no faith in the process if she had been able to control any aspect of that report-writing or editing.

Similarly, any report on reinvestigations into deaths of Indigenous people whom the TBPS so profoundly failed will have no credibility if Chief of Police Hauth is involved in the process.

Our families are victims of race-based genocidal policies and practices that have taken our loved ones from us:

The violence the National Inquiry heard about amounts to a race-based genocide of Indigenous Peoples, including First Nations, Inuit and Métis, which especially targets women, girls, and 2SLGBTQIA people. This genocide has been empowered by colonial structures, evidenced notably by the *Indian Act*, the Sixties Scoop, residential schools and breaches of human and Indigenous rights, leading directly to the current increased rates of violence, death, and suicide in Indigenous populations.²

We have the right to know what happened to our loved ones. This right is set out in international human rights law, including *Basic Principles and Guidelines on the Right to a Remedy and*

¹ *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, Volume 1a, Chapter 6: "Confronting Oppression – Right to Justice", at p. 650.

² *Ibid*, at p. 50.

Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. This document provides in part as follows:

[V]ictims and their representatives should be entitled to seek and obtain information on the causes leading to their victimization and on the causes and conditions pertaining to the gross violations of international human rights law and serious violations of international humanitarian law and to learn the truth in regard to these violations.³

We are concerned that this right is in jeopardy. Are we going to learn the truth about what happened to our loved ones, the truth about how the TBPS treated them as unworthy victims and dismissed our concerns? Does that truth have any chance of coming out in a report that Chief Hauth controls in any way?

I ask that you please confirm to me in writing what your process is for finalizing the report that will speak to the reinvestigations into the deaths of Marie and Arron, and of other Indigenous peoples whose families are equally deserving of this information. We specifically want to understand the role of the Chief of Police (including her lawyers) in this process.

Respectfully, the families and I hope to hear from you soon.

Miigwetch,

Anna Betty Achneepineskum
Social Justice Activist/Advocate

³ *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005, at Principle #24. See also Principles #10-11.

TAB 6



ABORIGINAL LEGAL SERVICES

Gaa kina gwii waabamaa debwewin • All those who seek the truth

Suite 500 - 211 Yonge Street Toronto ON M5B 1M4
Telephone: 416.408.4041 Toll Free: 844-633-2886 Fax: 416.408.1568
www.aboriginallegal.ca

Wednesday, June 2, 2021

Executive Governance Committee
Project Broken Trust
Reinvestigation of Deaths in Thunder Bay



To the Executive Governance Committee,

RE: BERNICE WABASSE, mother of JORDAN WABASSE
BEULAH WABASSE, grandmother of JORDAN WABASSE

STELLA ANDERSON, mother of JETHRO ANDERSON
SALOMA ANDERSON, aunt of JETHRO ANDERSON

CHRISTIAN MORRISSEAU, father of KYLE MORRISSEAU
LISA MORRISSEAU, aunt of KYLE MORRISSEAU

As legal counsel for the families of JETHRO ANDERSON, JORDAN WABASSE and KYLE MORRISSEAU, this letter is being written to express our grave concern with the manner in which our clients' request for legal representation and advice during the *Reinvestigation of Deaths in Thunder Bay as Recommended in Broken Trust – The Report of the Office of the Independent Police Review Director* has been continually and flagrantly ignored by the Blended Investigative Team (the "Investigative Team").

Background

Our office represented the WABASSE, ANDERSON and MORRISSEAU/MORRISSEAU families during the Seven First Nations Youth Inquest, where it was very clear that communication with the families of the First Nations students following their child's death was not coordinated, nor clear and complete.

We have continued legal advocacy for the families in matters that involve the death of JORDAN, JETHRO and KYLE, including this reinvestigation.

In September 2019 and at the request of the Executive Governance Committee, our office agreed to have an authorization and direction signed confirming that the WABASSE, ANDERSON and MORRISEAU /MORRISSEAU families

“... authorize and direct Ken Leppert and his assigned investigative team to contact (my) legal counsel Jonathan Rudin and /or Caitlyn Kasper, for the purposes of the re-investigation into the sudden death of (child’s name).”

On December 9, 2019, Mr Rudin received email confirmation from Victim Liaison Officer Christopher Carson with the Investigative Team that the consent forms had been received.

Notwithstanding that these forms had been signed and approved in coordination with Holly Walbourne, legal counsel for the Thunder Bay Police Service, Investigative Team members Ken Leppert and Christopher Carson requested additional confirmation that our clients did not want police to contact them directly.

On December 16, 2019, Mr. Rudin and Ms. Kasper had a teleconference with Ken Leppert and Christopher Carson of the Investigative Team. During the call, we reminded them that ALS lawyers had been present during many of the investigation interviews that took place as part of the Seven First Nations Youth Inquest. We also reminded the Investigative Team that this was the third investigation into the death of these families’ children. We emphasized that the families deserve all the support they require during this process.

Mr. Rudin especially, stressed that a part of re-establishing trust was to respect the choice of our clients and not to force a relationship with the police upon them.

On February 4, 2020, Mr. Rudin wrote to the Investigative Team and confirmed the clear direction of the families to have legal representation present when being questioned with respect to the death of their children. We insisted that we receive advance notice of any attempts to contact our clients. ALS was willing to be present at these interviews either in person or over the telephone.

On February 10, 2020, Victim Liaison Office Christopher Carson responded and indicated the following:

... Going forward we will do our best to include your office when communicating with the families you represent. When interviews are planned we will also provide your office advance notice to coordinate a conference call.

Shortly thereafter, we were notified and then advised our clients that due to COVID-19, all in person interviews with family and witnesses were suspended with respect to the Project Broken Trust reinvestigation.

A memorandum was issued by Grand Chief Alvin Fiddler in August 2020 that the reinvestigation was going to continue despite COVID-19 restrictions, with an aim for completion by the end of the year.

Current Status

We have been notified by each of the families we represent that despite the forms we submitted, the discussions we have had with the Investigative Team and the assurances from Christopher Carson, that the reinvestigation has continued to contact or attempt to contact our clients. These contacts are taking place without any notice to us. These repeated attempts at contact have not only resulted in confusion amongst the families, but anxiety as well.

Bernice Jacobs, mother of JORDAN WABASSE, has chosen not to respond to these calls and is waiting for us to contact her for further information.

Stella Anderson, mother of JETHRO ANDERSON, has indicated that police have faxed her papers. Ms. Anderson has to have documents translated from English for her and as that has not occurred she does not know what the contents of these documents are. We have repeatedly informed the Investigative Team of the need for translation for Ms. Anderson but this obviously has been ignored.

And in the case of Christian Morriveau and Lisa Morriveau, the father and aunt of KYLE MORRISSEAU, it was confirmed that an interview was completed with them in the Fall of 2020 without our knowledge or presence.

Aside from the MORRISSEAU / MORRISSEAU family, who were denied the opportunity to have their lawyers present as requested, **no other family has been interviewed, but have received notice from the Investigation Team that the reinvestigations are nearing completion, without their meaningful participation.**

It is our understanding that the goals of Project Broken Trust, as per the Terms of Reference, include truth seeking and transparency; restoring the confidence of the public and the affected communities and families; as well as best practices throughout the investigative process.

The fact that the Investigative Team continues to disregard the express wishes of our clients to have their counsel present during interviews shows that there is no real interest in repairing the trust that the OIPRD found in its report to be so broken between the Thunder Bay Police Service and the Indigenous people most harmed by the inadequate initial investigations of their loved one's deaths. The inescapable conclusion is that no lessons have been learned and that all the problems that beset the initial investigations of these deaths continue through today.

On behalf of our clients, we demand a written explanation for the continued disregard of our clients' express instructions to have us notified and/or present for their communications with and/or interviews by the Investigative Team. We also require a status update on the reinvestigation, including any and all future plans with respect to family interviews.

Finally, we must request that the Investigative Team immediately refrain from contacting:

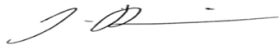
BERNICE WABASSE, mother of JORDAN WABASSE
BEULAH WABASSE, grandmother of JORDAN WABASSE

STELLA ANDERSON, mother of JETHRO ANDERSON
SALOMA ANDERSON, aunt of JETHRO ANDERSON

CHRISTIAN MORRISSEAU, father of KYLE MORRISSEAU
LISA MORRISSEAU, aunt of KYLE MORRISSEAU

Without advance notice and/or the presence of their legal counsel Mr. Rudin and Ms. Kasper, as directed by the named above.

Miigwetch, with respect
ABORIGINAL LEGAL SERVICES



Jonathan Rudin
Program Director
rudinj@lao.on.ca
ext. 226



Caitlyn E. Kasper
Senior Staff Lawyer
kasperc@lao.on.ca
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