



## INDIGENOUS POLICE CHIEFS OF ONTARIO

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**November 27, 2024**

Today, the Supreme Court of Canada (“SCC”) released its decision in *Quebec (Attorney General) v. Pekuakamiulnuatsh Takuhikan*, 2024 SCC 39, a case with major implications for Indigenous community safety and policing.

The Indigenous Police Chiefs of Ontario (“IPCO”), representing nine self-administered First Nations police services across 86 communities, participated in the case as an intervenor, speaking to the devastating impacts of chronic underfunding on First Nations safety in Ontario.

#### **Background:**

In 2017, the First Nation community of Pekuakamiulnuatsh Takuhikan sued Quebec and Canada for chronic underfunding of its police service, the Mashteuiatsh Police, under Canada’s First Nations and Inuit Policing Program (“FNIPP”).

In 2022, the Quebec Court of Appeal ruled that Canada and Quebec violated the Honour of the Crown through underfunding and refusing to negotiate funding terms.

Canada accepted the ruling, but Quebec appealed to the Supreme Court.

Today, the Supreme Court dismissed Quebec’s appeal in its entirety, ruling that:

- The Crown’s refusal to negotiate, despite knowing that First Nations policing is underfunded, was a breach of its duty to negotiate in good faith; and
- The Honour of the Crown was breached due to Canada and Quebec’s dishonourable conduct, and they must take immediate steps to ensure equitable policing is delivered in compliance with Canada’s 1996 First Nations and Inuit Policing Policy.

**In response to today’s decision, Chief of Police Darren Montour (Six Nations Police Service), President of IPCO, said:**

“This decision confirms what our communities have long known, which is that Canada and the provinces refuse to seriously consider the safety needs of First Nations. The result is conditions which would be unacceptable anywhere else in this country. Every day, our First Nations police services in Ontario are asked to do more with less.”

**Chief of Police James Killeen (UCCM Anishnaabe Police Service), Vice-President of IPCO, commented:**

“The unfortunate experiences of the Takuhikan community are sadly not limited to Quebec. As the Court acknowledged, Canada forces communities into an impossible choice: either to struggle with their own, chronically underfunded, First Nations police services, or to rely on non-First Nations services with a terrible track record in these communities. Thanks to the Supreme Court ruling, these communities should never have to make that choice again.”

**Julian Falconer, legal counsel to IPCO, added:**

“What this decision makes clear is that the safety of First Nations has been placed in jeopardy thanks to Canada and the provinces. The Supreme Court has recognized that these communities simply do not benefit from the same safety guarantees the rest of Canada takes for granted. At the same time, today’s decision is an important recognition of the role of the Honour of the Crown in guaranteeing community safety.”

**What Comes Next?**

While Canada and Quebec have been ordered to remedy their conduct in Quebec, IPCO’s own human rights complaint against Canada remains ongoing.

The matter of *IPCO v. Public Safety Canada* is scheduled to begin at the Canadian Human Rights Tribunal on January 6, 2025, in Ottawa (with livestreaming available). During the hearing, the Tribunal will hear from community members, police services, and safety experts about the significant safety challenges faced by Indigenous communities as a result of Canada’s ongoing discrimination in Ontario.

IPCO will continue to provide updates on its case as it progresses.

**For more about the Indigenous Police Chiefs of Ontario and our advocacy on behalf of First Nations community safety, visit our website at:**

<https://ipcounified.ca/>

**Please direct all inquiries or requests for comment to IPCO legal counsel Falconers LLP at:**

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