



ABORIGINAL LEGAL SERVICES

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

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Prepared Statement from Aboriginal Legal Services Press Conference re Project Broken Trust

Good afternoon,

My name is Caitlyn Kasper, and alongside Jonathan Rudin, we act as legal counsel for the families of JETHRO ANDERSON, JORDAN WABASSE and KYLE MORRISSEAU.

Today, we are here to express:

- Our loss of confidence in the management of Project Broken Trust; and,
- Grave concern for the legitimacy of any final report released by this project moving forward

We have not come to this decision lightly. Multiple attempts have been made by our office to engage with the Investigative Team collaboratively on behalf of the First Nations families we represent to ensure their meaningful participation in this process.

Ultimately, we decided to relay the serious issues we have had to the Executive Governance Committee overseeing the entirety of Project Broken Trust.

To date, we have received no response or even acknowledgement of our correspondence.

This is disrespectful to the families of JETHRO, JORDAN and KYLE, to their communities and to the public who have placed their faith in this Project.

Perhaps we should not be surprised.

Even before the Broken Trust Report from the OIPRD was released, our office represented the WABASSE, ANDERSON and MORRISSEAU/MORRISSEAU families during the Seven First Nations Youth Inquest, where it was clear from the start that communication between Thunder Bay Police Service and the families of the First Nations students following their child's death was not coordinated, not clear, and not complete.

Confirmation from the Broken Trust report that the initial investigations lacked quality and required re-investigation was not surprising to the families, who said from the beginning that much was left undone and unsaid – more should have happened right from the start.

As such, Aboriginal Legal Services has continued legal advocacy for the families of the Seven First Nations Youth over the last number of years. When Project Broken Trust was announced, we communicated the important nature of this relationship to the Investigative Team because this would be the third re-investigation experienced by the families, and the second that we would be present for, with them.

And while the ANDERSON, WABASSE and MORRISSEAU families were ready for answers with respect to the death of their children, a wariness about Thunder Bay Police Services remained. The failure of the Thunder Bay Police to treat or protect their children or family equally and without discrimination does not disappear because new faces in old uniforms appear.

After careful consideration, in the Fall of 2019, each of the First Nations families agreed to participate in the reinvestigative process of Project Broken Trust, if the police agreed to provide Jonathan and I with advance notice of any substantive meetings or interviews to take place, so that we could be there to support them either over the phone or in person, as we had done during the inquest re-investigations.

This was objected to by the Investigative Team, who desired full access to the families without interference.

It required a firm reminder from our office through Jonathan, that these families deserved all the support requested during this third reinvestigative process and that a part of re-establishing trust was to respect the choice of those you are interacting with and not to force a relationship with the police on them.

This is how respect between people is developed and how histories are repaired.

We were assured that Project Broken Trust would abide by the First Nations families' wishes.

It has been over a year since this commitment and I can say with the utmost confidence that neither the families nor Aboriginal Legal Services have seen from Project Broken Trust:

- Truth or transparency; or
- Restored confidence of the public and affected communities and families

Instead, we have been notified by the ANDERSON, WABASSE and MORRISSEAU families that police have continued to contact or attempt to contact them about the re-investigation being almost complete.

One family was interviewed, without notice so that all their relatives could be present, because the police happened to be in the fly-in community and requested one. This disallowed the family from any preparation and cannot be considered anywhere in the realm of meaningful participation.

None of the other families we represent have been interviewed by the Investigative Team, despite comments in October 2019 from the Chief Coroner for Ontario Dr. Huyer that the cases would be

investigated from oldest to newest and that families would be an important part of how the investigations move forward.

And I quote from the Chief Coroner:

“... Primarily at the start, we will be reaching out to the families to understand additional questions the families may have, other areas they feel may not have been explored, and that will set the stage for what investigation needs to occur.”

So how can this reinvestigation from Project Broken Trust be almost complete?

It has had no meaningful participation by the ANDERSON, WABASSE and MORRISSEAU families, which are three of the ten deaths being reinvestigated.

THIS is the crisis of trust that affects the relationship between Indigenous people and the Thunder Bay Police Services.

It is nothing short of baffling to Aboriginal Legal Services how the creation of a three-tiered, multi-agency “robust framework” with so many apparent checks and balances has managed to once again, be inadequate and ineffective in the police investigation and protection of the families of the First Nations youth who died in the Thunder Bay community.

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.

Miigwetch, with respect
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