



ABORIGINAL LEGAL SERVICES

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

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Wednesday, June 2, 2021

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

via email: [email addresses have been removed]

Alvin Fiddler
Stephen Goudge
Dire Huyer
Micheal Pollanen
Sylvie Hauth
H. Cromarty

To the Executive Governance Committee,

RE: BERNICE WABASSE, mother of JORDAN WABASSE
BEAULAH 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 MORRISEAU/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 the 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 disregarding of our clients' express instructions to have us notified and/or present for their 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 Reinvestigation Team immediately refrain from contacting:

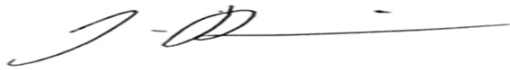
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Without advance notice and/or the presence of their legal counsel Mr. Rudin and Ms. Kasper, as directed by the named above.

Miigwetch, with respect
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