



Part 5 – Overview of the Evidence

Q. Well, Mr. – Mr. Pratt, are you aware that you can file complaints against the Saskatoon police with the Police Service itself, the Saskatoon Board of Police Commissioners, or the Saskatchewan Police Commission?

A. Oh, yes, I'm quite aware of all of that.

Q. And you've chosen not to?

A. I've chosen not to."⁴³²

Deputy Chief Wiks testified that the Saskatoon Police Service is currently exploring ways to improve the public complaint process, such as adding more venues for complaints. This review is being undertaken in consultation with other organizations such as the F.S.I.N. and the Open Door Society. The review will no doubt have positive results. However, as long as the Saskatoon Police Service continues to have a role in receiving and investigating complaints against its members, the adding of complaint venues will not motivate those who share Mr. Pratt's skepticism about the complaints process. The fundamental problem the Service has to address is the public perception that it does not take seriously complaints about its members and that it defends its members against complaints.

I do not wish to suggest that an obstructive and defensive attitude pervades the Saskatoon Police Service. The vast majority of the members of the police service that appeared at the Inquiry exhibited the best qualities of a police service: integrity, fairness, professional responsibility, and a keen sense of duty to all the people of Saskatoon. I particularly point to Sgt. Neil Wylie and Cst. Louttit as fine examples.

I was also impressed by the evidence that Counsel for the Saskatoon Police Service elicited from Deputy Dan Wiks of the changes that the Saskatoon Police Service have undergone in terms of training, procedures, and technological improvements. The Chief and the management of the Service are to be commended. A review in two or three years would be a useful exercise to see what changes have resulted.

7 | Final Comments

The eminent Canadian author, Hugh MacLennan, wrote a thoughtful and profound commentary on the chasm that separates Anglophones and Francophones in Canada. The novel, *Two Solitudes*, was published in 1945.

As I reviewed the evidence in this Inquiry, I was reminded, again and again, of the chasm that separates Aboriginal and non-Aboriginal people in this city and province. Our two communities do not know each other and do not seem to want to.

The void is emphasized by the interaction of an essentially non-Aboriginal police force and the Aboriginal community. The justice system produces another set of difficulties.

I was struck by the comments of Mr. Justice Cawsey in a report released in 1999: *Report of the Task Force on the Criminal Justice System and Its Impact on the Indian and Métis People of Alberta [Justice on Trial]*.⁴³³ The Chair of the Task Force, Mr. Justice R.A. Cawsey, made these observations:

⁴³² Evidence of Gary Pratt, Inquiry transcript, vol. 33 (January 9, 2004): 6335-6336

⁴³³ (Edmonton: The Task Force, 1991)



1. A standard caution administered to an Aboriginal person may have little or no meaning.
2. Some Aboriginal people are deferential to people in authority and may therefore, answer any questions posed to them by police officers.
3. Aboriginal people will, at times respond by giving an answer they believe the police officer wishes to hear.
4. Although Aboriginal persons may appear to understand and speak English well, they may not understand the concepts used or they may translate them into equivalent Aboriginal concepts.
5. Non-Aboriginal concepts of time, space, and distance may not be the same as the concepts held by an Aboriginal person.
6. When an Aboriginal person is questioned about an event, all facts may not be brought out, especially if telling the whole story requires that the Aboriginal person criticize directly someone present, or if the telling of the story would result in overt expressions of emotion.

These comments were adopted by the Alberta Court of Appeal in *R. v. Moneyas* (1995), 194 A.R. 1 (C.A.) at 30.

I found the comments of Delia Opekokew at a Conference on Aboriginal Peoples and Justice in Saskatoon in 1994 instructive. I refer to page 202 of the published text:

“It is the contention of the Indian people that principles of the court process tend to create fundamental problems for Indian people because of differences in culture. There is an overwhelming gulf between the Indian and the Anglo-Canadian culture on which the court process is based. The two cultures operate from very separate and different beliefs, myths and history. A Crown attorney familiar with Indian witnesses has commented:

“Acts are never merely acts. They are also signals of attitude. Those signals, however, are often culture specific. When acts are seen but their signal content misinterpreted, it is impossible to avoid forming inaccurate interpretations of other. Until we understand what particular acts mean to the other, we will continually ascribe motivations and states of mind which are well off the mark.”⁴³⁴

A striking example of how our two worlds view the police is found in the evidence of Trent Ewart, a non-Aboriginal, and Erica Stonechild, Neil Stonechild’s sister. Erica Stonechild was asked why she and her mother did not report matters to the police:

“Q. In general terms, can you explain to us why you say that, you don’t go to the police?

A. In general terms. There was no trust established there at all, period. My mother tried to teach us children that under every circumstance that you need help, call the police. That’s their job, that’s what they’re there for. When you have conflict with that, what you’ve been taught all your life, but

⁴³⁴ *Conference on Aboriginal Peoples and Justice* (Saskatoon, Saskatchewan: Purich, 1994)

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you're experiencing a whole lot of other things that suggest otherwise, then I'm sorry – there was a few incidences in my personal life and our entire family's. And I'm talking – when I say my entire family I'm talking about my mother and my brothers, you know, my uncle, my cousin, whoever happened to be most in our home at the – at that time. They were never reported simply because there is no trust. And it didn't -- and it's not going to say that I'm slashing up the Saskatoon Police Force because, please, there is a lot of good people out there, I know that there is. But we can't ignore the fact that they're human, everybody's a human being.

...

- A. We didn't have no trust for the City Police. If we had more trust for the City Police, my mother would have been reporting them left, right and centre, every time they went AWOL from somewhere, every time they were UAL from somewhere, or run away from their community home where she was trying so hard to help them, you know, understand their cycle of life, or whatever you want to call it, they're way of being and holding themself."⁴³⁵

Trent Ewart testimony revealed a fundamentally different perspective:

"Q. I understand in answering my learned friend's questions, Mr. Hesje, although you don't have any recollection of phoning the police at this time you agree it's possible you may have phoned the police?

A. Probably. I phone them all the time.

Q. Okay. I'm assuming if there's a problem you phone them.

A. Yeah, it's better they handle it.

...

Q. I see. I was interested in your comment that you call the police all the time.

A. Right.

Q. So if there's a problem you have no hesitation picking up the phone?

A. Absolutely not.

Q. You're not afraid of the police.

A. No.

Q. You're not Aboriginal, are you?

A. No."⁴³⁶

I cannot leave this area without noting that the Saskatoon Police Service's submissions regarding the improvements to the Service did not contain any reference at all to attempts to improve the Service's interaction with Aboriginals and other racial groups. This is an area that requires more emphasis and attention.

⁴³⁵ Evidence of Erica Stonechild, Inquiry transcript, vol. 9 (September 22, 2003): 1624-1625, 1646

⁴³⁶ Evidence of Trent Ewart, Inquiry transcript, vol. 7 (September 17, 2003): 1302, 1308-1309

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As I ended my report I felt profound sympathy for Stella Bignell and the Stonechild family as a result of all that they were forced to endure.

I have sympathy too, for the past and present members of the Saskatoon Police Service who have worked hard, often in trying circumstances, to protect and serve the people of this community. What must they be feeling as the disclosures about “drop-offs” of Aboriginal persons have slowly and painfully emerged? How do they deal with these events—events they had absolutely no responsibility for? What of their families and their friends, what about the people they know in both the Aboriginal and non-Aboriginal communities? How do the members of a police service maintain their commitment and professionalism? That is a question I cannot answer. I can only highlight these concerns so that others may respond in a sensitive and supportive way, mindful of the responsibilities members have as peace officers.

I found the Inquiry, as I noted at the end of the hearings, challenging, difficult and sometimes painful. It has been a learning experience and a sobering one as well. I hope the report meets the expectations of the many people interested in the Inquiry. Not everyone will be satisfied with the results.

Dated at the City of Saskatoon in the Province of Saskatchewan, the 16th day of September 2004

Mr. Justice David H. Wright
Commissioner