

# **IPPERWASH INQUIRY**

**The Honourable Sidney B. Linden, Commissioner**

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**REPLY SUBMISSIONS OF  
THE CHIPPEWAS OF KETTLE AND STONY POINT  
(Parts I and II)**



**August 16, 2006**

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1. The Chippewas of Kettle and Stony Point invite the Commissioner to establish parameters for the identification and resolution of Aboriginal land disputes consistent with emerging standards of international law, and for that reason adopt and commend the submissions of Amnesty International (at p. 7):

Similarly, the Committee on the Elimination of Racial Discrimination (CERD) has interpreted the binding obligations of states under the International Convention on the Elimination of All Forms of Racial Discrimination as including a duty to:

- (a) Recognize and respect Indigenous distinct culture, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation;
- (b) Ensure that members of indigenous peoples are free and equal in dignity and rights and free from any discrimination, in particular that based on indigenous origin or identity;
- (c) Provide indigenous peoples with conditions allowing for a sustainable economic and social development compatible with their cultural characteristics;
- (d) Ensure that members of Indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent;
- (e) Ensure that Indigenous communities can exercise their rights to practise and revitalize their cultural traditions and customs and to preserve and to practise their languages.

Specifically on the issue of lands, territories and resources, CERD has called on state parties to:

recognize and protect the rights of Indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories.

2. CKSP recognizes that progress is being made in Canada on all these fronts, but all too slowly on many of them. The record of this Inquiry demonstrates amply that there is much more to be done and with much more despatch. The above principles and the obvious need for early and effective change should, in our respectful submission, inform and guide the report of this Inquiry.
3. CKSP does not intend to provide detailed responses to all of the submissions of the parties by way of reply. The Commission is well aware of the evidence and the positions of the party and, to borrow a term from civil litigation, the issues are fairly joined.
4. By way of general observation, however, many of the submissions, particularly from police and political figures appear to invite the Commissioner to report on the sinking of the Titanic from the perspective of the iceberg: "I did nothing wrong. There was a bump in the night, followed by a lot of noise and light, and then it got very quiet."
5. With respect, these parties were neither passive nor blameless. There remains, for example, no adequate explanation of why the CMU/TRU were deployed down to the sandy parking lot on the night of September 6, 1995. Someone made a bad decision based on faulty and unreliable information, resulting in a strategic debacle, the complete undermining of the OPP's own operational plan and the death of Dudley George. Yet no one admits error and many rush to justify the unjustifiable.

6. The Commissioner should note the evidence of the Superintendent Parkin who, having been briefed of the situation that evening by Dale Linton in the worst possible (and inaccurate) terms, told Linton that the location should be contained and that something more was needed before any action should be taken:

22 Q: And so far, what you've heard from  
23 him is that there's a bunch of, let's call it unverified  
24 information or information that doesn't represent a  
25 threat as you put it, and then there's this woman with

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1 the car; that's what you've heard from him?  
2 A: Correct.  
3 Q: And you haven't told him, You know,  
4 we don't have a heck of a lot here; you haven't said  
5 that, have you?  
6 A: No, I haven't.  
7 Q: Okay. Now:  
8 "PARKIN: Okay. So basically, I mean,  
9 you're kind of saying that if something  
10 happens on the road or off the Park.  
11 LINTON: Yes.  
12 PARKIN: Park in proper.  
13 A: Yes.  
14 You're going to take whatever action is  
15 reasonable.  
16 LINTON: [top of page 47] Yeah.  
17 PARKIN: And -- but if it stays inside  
18 the Park --  
19 LINTON: Yeah.  
20 -- we're -- we're not planning on going  
21 in?  
22 LINTON: No."  
23 Stop there for a moment. And this is the  
24 part, and this is why I've been so careful to -- to spend  
25 -- to do each line, Mr. Commissioner. I need to

1 understand, sir, from you what happened here because I'm  
2 going to suggest to you that you give him a "what if".  
3 You say, quote:  
4 "Okay. So basically you're kind of  
5 saying that if -- if something happens  
6 on the road or off of the Park --  
7 Yes?  
8 -- you're going to take whatever  
9 reasonable action is necessary."  
10 Right? That's what you're saying, "if  
11 something happens", right?  
12 A: Correct.  
13 Q: You haven't told them that you think  
14 it's happened have you? Have you said to him in this  
15 statement, You know, what you described to me, it's  
16 happened so you're going to do what's right? That's not  
17 what you say to him, is it?  
18 A: That's correct, I don't.  
19 Q: You -- you actually create a  
20 contingent. You say if something happens, right?  
21 A: Correct.  
22 Q: Something beyond what is in these  
23 pages so far, right?  
24 A: It reads like that.  
25 Q: Well, and that's why, you know, the

1 Commissioner doesn't make determinations based on a  
2 transcript. You're a witness; you're here. It reads  
3 like that but tell me it's different. Tell me that's not  
4 what you were saying.  
5 A: I can't.

Falconer examination of A. Parkin, Feb. 8, 2006

7. There was a rational, alternative course of action. It was not taken. The results were tragic, disastrous and traumatic, primarily to the First Nation community. But there is no fault to be found? The iceberg was blameless; the OPP is not.
8. Even so, the OPP has taken some remedial action and has provided the Commission with many useful recommendations. CKSP cautions that some may be excessively self-congratulatory in terms of the repeated invitations to endorse the OPP “Framework for Police Preparedness for Aboriginal Critical Incidents”. The Commissioner should not readily assume that this framework is the answer, or by any means a complete answer, to the policing aspects of Part II of his mandate.
9. Amnesty International (p. 17) expresses its concerns about the framework in the following terms, which CKSP endorses:

The Framework includes a number of significant structural reforms, including the establishment of an Aboriginal Relations Team and calling for the deployment of a Critical Incident Mediator in the event of a confrontation. It is not clear, however, how well the new direction signaled by this Framework has been institutionalized and acculturated within the OPP and its many structures and large force of officers. Indeed, as signaled by recent events at Caledonia, there is an urgent need for an independent evaluation of this framework and its implementation.

10. The issue of “acculturation” is an important one, given the dozens of statements in the record of the Inquiry which convey disrespect, stereotyping, animosity and overt racism on the part of some police officers and politicians towards Aboriginal peoples. Indeed, as we have seen, all of these were at one time in living memory, official government policy and practice. Much needs to be done on this front. The denials of some are not persuasive; the apologies of others are not enough.

1014. Those few officers who testified at the Inquiry and whose recorded conversations were identified to contain inappropriate comments, acknowledge the inappropriateness of the comment recorded and expressed regret for it.

**OPPA Submissions, p. 271**

11. This Inquiry has only had a small window opened upon the issue of embedded racism in police culture: conversations that happened to be recorded. While it is possible to conclude that this is all there was, reason suggests that there was much more in private and unrecorded discourse among the officers. CKSP is confident that police authorities are addressing this issue, but wonders if its range and depth are fully understood. The Commissioner can provide valuable insight and guidance in this area.

12. One cannot ignore the opinion of Mike Harris on this very subject:

20 Q: Okay. Suppose somebody said, I want  
21 the fucking Indians out of the Park, would that be a  
22 racist statement in your view, sir?  
23 A: I think so.

**Rosenthal examination of Mike Harris, Feb. 16, 2006, p. 201**

The Commissioner also has the benefit of the very cogent evidence of Charles Harnick that Mr. Harris said those very words. And the evidence of Dr. Todres that Chris Hodgson said the same. Both, of course have denied those statements.



13. CKSP is alarmed that such terminology would be used in deliberations at the most senior levels of any government, and would like to think that this no longer happens. But sentiments inform policies in the human sphere, and policies convey messages today just as they did under the Harris government. Those messages were not misperceived by the Aboriginal people of this province.
14. Further, the continued silence of Ontario legislation on the subject of Aboriginal and Treaty rights is a matter of continuing concern since that silence is a tacit statement of their unimportance in the overall scheme of things. It is contrary to the Constitution of Canada that these recognized rights not be affirmed in provincial legislation, it is contrary to the pronouncements of the Supreme Court of Canada on section 35 of the *Constitution Act, 1982*, and it runs counter to any legal or perceived sense of reconciliation. CKSP respectfully requests that the Commissioner address these issues, consistent with the submission made in the first paragraph of this reply.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED, this 16<sup>th</sup> day of August, 2006**



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## **PART “A”**

### **SUMMARY OF CKSP RECOMMENDATIONS**

**CKSP RECOMMENDATION:**      **NUMBER ONE**  
**SUBJECT:**                      **FIRST NATION HISTORY**

*The Chippewas of Kettle and Stony Point do not expect the Commission to make any findings or recommendations about the "one band, two band" controversy. It is expected, however, that any historical recitation will be faithful to the actual history of the First Nation and to the full documented record in the Inquiry's database.*

**REFERENCE:**      **CKSP SUBMISSIONS, p. 22**

**CONSISTENT RECOMMENDATIONS:**

**INCONSISTENT RECOMMENDATIONS:**

GEORGE FAMILY GROUP:      (First section of Recommendations,  
Part II Project Submission)

**COMMENTS:**

Note also the evidence on point in the examinations and cross-examinations of Professor Darlene Johnston and Ms. Joan Holmes.

**CKSP RECOMMENDATION:**      NUMBER TWO  
**SUBJECT:**                      DESECRATION OF BURIAL GROUNDS

*The Chippewas of Kettle and Stony Point strongly urge that the racism manifest in these known occurrences of desecration be condemned by this Inquiry.*

REFERENCE:      CKSP SUBMISSIONS, p. 39

**CONSISTENT RECOMMENDATIONS:**

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

**CKSP RECOMMENDATION:**      **NUMBER THREE**  
**SUBJECT:**                      **LAND CLAIMS POLICY AND PROCESS**

***The Inquiry has commissioned a paper from Professor Michael Coyle and the Chippewas of Kettle and Stony Point are content to commend his recommendations to the Commissioner.***

**REFERENCE: CKSP SUBMISSIONS, p. 72**

**CONSISTENT RECOMMENDATIONS:**

CHIEFS OF ONTARIO OFFICE (Part II) Recommendation No. C-2, also C-1 to C-4  
ALST Recommendation No. 3 (no mention of Coyle)

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

Note: THEDFORD COMMUNITY MEETING, Minutes, p. 2

**CKSP RECOMMENDATION:**      **NUMBER FOUR**  
**SUBJECT:**                      **LAND CLAIMS POLICY**  
   **FEDERAL/PROVINCIAL DISPUTES**

*Surely Ontario can devise a policy that would see claims settled and any issues of responsibility or financing resolved with Canada by way of separate dispute resolution.*

**REFERENCE:**            **CKSP SUBMISSIONS, p. 73**

**CONSISTENT RECOMMENDATIONS:**

CHIEFS OF ONTARIO OFFICE (Part II) Recommendation No. C-3  
GEORGE FAMILY GROUP Recommendation No. 15 (4), 21  
OPP (Part II), para. 204 (19)

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

**CKSP RECOMMENDATION:**      **NUMBER FIVE**  
**SUBJECT:**                      **LAND CLAIMS POLICY**  
   **MUNICIPAL TAXATION OF LAND**

*The Commissioner should recommend that section 3 of the Assessment Act be amended to its pre-Harris state.*

**REFERENCE:**            **CKSP SUBMISSIONS, p. 73**

**CONSISTENT RECOMMENDATIONS:**

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

The original wording in s. 3(1) 2. of the Act was an exemption in respect of:

“Land held in trust for a band or body of Indians.”

The “Harris” change, deleting this provision, was made pursuant to Bill 149, An Act to continue the reforms begun by *the Fair Municipal Finance Act, 1997*. The intent is described at

[http://www.ontla.on.ca/hansard/committee\\_debates/36\\_parl/session1/finance/f047.htm#P67\\_2992](http://www.ontla.on.ca/hansard/committee_debates/36_parl/session1/finance/f047.htm#P67_2992)

(see text under the heading “Slide 16” and the exchange between Messrs. Barrett and Sweeting). It is clear that government’s intention was to “level the field” in terms of competing First Nation and non-First Nation businesses. The collateral effect was to subject “banked” land (e.g., land intended to become reserve land under a claim settlement or other agreement) to municipal assessment.

Note also that, under sections 36 and 89 of the *Indian Act*, such lands may yet be exempt from municipal assessment under federal law, but a purposive amendment to provincial law will obviate any need to litigate this highly contentious issue of interpretation and paramountcy and achieve a just result.

**CKSP RECOMMENDATION:**      **NUMBER SIX**  
**SUBJECT:**                      **ABORIGINAL AND TREATY RIGHTS**  
   **LEGISLATIVE CHANGE**

*[Ontario's legislation and regulations should be amended to include express recognition and confirmation of Aboriginal and Treaty rights]*

*Ontario legislation should also recognize, as an aboriginal right, the interest of First Nations in cultural sites and burial grounds off-reserve, whether on Crown or private land. Such recognition would lead to appropriate consultation in relation to such matters and entitle them to land claims resolution processes.*

*Law enforcement officials should receive timely and continuing training in the law of aboriginal and treaty rights.*

**REFERENCE:**              **CKSP SUBMISSIONS, pp. 71, 72**

**CONSISTENT RECOMMENDATIONS:**

CHIEFS OF ONTARIO: Part II; Recommendation Nos. B-1 to B-5	
CHIEFS OF ONTARIO OFFICE (Part II) Recommendation No. E.2	(not as aboriginal right)
CHIEFS OF ONTARIO OFFICE (Part II) Recommendation No. B-2	(broader training)
ALST Recommendation No. 4	(legislation, sacred sites)
GEORGE ESTATE Recommendation No. 11	(Cemeteries Act)
GEORGE FAMILY GROUP Recommendation Nos. 7, 32	(legislation, sacred sites)
UNION OF ONTARIO INDIANS Recommendation No. 6 (a)	(legislative recognition)
UNION OF ONTARIO INDIANS Recommendation No. 2, 5	(police training, ethics)
JOHN BORROWS, pp. 127-28	(s. 35, education)

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

See also CONSULTATION ON BURIAL AND SACRED SITES, p. 3.  
And JOHN BORROWS, pp. 111, 113-14



**CKSP RECOMMENDATION:**      **NUMBER SEVEN**  
**SUBJECT:**                      **CONSULTATION WITH FIRST NATIONS**

*As court decisions such as Haida Nation give direction to the necessity and nature of proper consultations with Aboriginal peoples, Ontario should give a clear statement of its intent to comply with that direction.*

*To ensure that such issues do not fall by the wayside, the policy should address consultation after notice to the province in any form of potential impact on aboriginal and treaty rights, including rights in respect of cultural sites and burial grounds.*

*The province should establish guidelines which require communications between the provincial government and all local First Nation Bands (within an affected area) where the province has notice of an Aboriginal land, or other related dispute, to ensure that the necessary level of consultation continues through to resolution.*

**REFERENCE:**      **CKSP SUBMISSIONS, pp. 73, 74**

**CONSISTENT RECOMMENDATIONS:**

CHIEFS OF ONTARIO OFFICE (Part II) Recommendation No. D-2  
GEORGE FAMILY GROUP Recommendation No. 23  
UNION OF ONTARIO INDIANS Recommendation No. 8 ( c )  
NAWASH Submissions, pp. 7, 9-10  
NAPS Recommendation No. 14

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

See also JOHN BORROWS, pp. 117-24

**CKSP RECOMMENDATION:**      **NUMBER EIGHT**  
**SUBJECT:**                      **PUBLIC RIGHTS INJUNCTIONS**

*The First Nation would add consideration of aboriginal and treaty rights and government's duty to consult to the factors to be considered by a court in the case of a public rights injunction involving an Aboriginal protest or dispute.*

*The same considerations should, of course, be applicable in contempt proceedings as well.*

**REFERENCE:**      **CKSP SUBMISSIONS, p. 75, 76**

**CONSISTENT RECOMMENDATIONS:**

OPP (Part II), para. 204 (17)

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

CCLA Highlights Document, at p. 3, discusses private injunctions with possible interventions by the Attorney General where aboriginal rights are implicated.

Note: Since the CKSP Submissions were filed, Marshall J. made an extraordinary order on August 8 in his "supervision" of the original injunction at Caledonia, even though the plaintiffs' interest had by then been purchased by the province, which did not seek any order. This gives further illustration of the CKSP Submissions concern about focusing on the injunction rather than the claim. While, in light of the intended appeal of this order, the matter is currently *sub judice* it may not be when the Commissioner's Report is delivered. Either way, appropriate comment and recommendations, if so advised, are warranted. See also the statement of Regional Chief Angus Toulouse at <http://www.chiefs-of-ontario.org/news/docs/ORC%20Calls%20for%20a%20Continued%20Focus%20on%20Negotiations%20August%209%202006.pdf>

**CKSP RECOMMENDATION:**      **NUMBER NINE**  
**SUBJECT:**                      **PUBLIC EDUCATION**

*The First Nation supports a recommendation for provincial policies, strategies and curricula developed with First Nations to address public education*

**REFERENCE:**      **CKSP SUBMISSIONS, p. 78 (see also p. 69)**

**CONSISTENT RECOMMENDATIONS:**

CHIEFS OF ONTARIO OFFICE (Part II) Recommendation No. C-5  
ALST Recommendation No. 6  
GEORGE ESTATE Recommendation No. 6  
GEORGE FAMILY GROUP Recommendation Nos. 56, 57  
UNION OF ONTARIO INDIANS Recommendation No. 13  
OPP (Part II), paras. 202, 203, 204 (16)  
THEDFORD COMMUNITY MEETING, Minutes, p. 2

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

See NAWASH “*Under Siege*”, Recommendation Nos. 29-34 as per Submissions, p. 10

**CKSP RECOMMENDATION:**      **NUMBER TEN**  
**SUBJECT:**                      **POLICING, TRAINING**

*The Manitoba Justice Inquiry provided a detailed list of the types of training that law enforcement officers should receive.*

*The First Nation supports these recommendations and commends them to the Commissioner.*

**REFERENCE:**      **CKSP SUBMISSIONS, pp. 78-80**

**CONSISTENT RECOMMENDATIONS:**

CHIEFS OF ONTARIO OFFICE (Part II) Recommendation No. G.3.c  
ACLC Recommendation No. iv  
AMNESTY, p. 20, first & third bullets  
NAWASH Submissions, p. 6                      (full year course + 6 mo. secondment)  
OPP (Part II), para. 204 (25)

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

**CKSP RECOMMENDATION:**      **NUMBER ELEVEN**  
**SUBJECT:**                      **POLICING, RACISM, LEGISLATIVE CHANGE**

*The Chippewas of Kettle and Stony Point submit that the Commissioner should recommend an amendment to the Police Services Act mandating a “zero tolerance” policy for all police services in Ontario.*

**REFERENCE:**      **CKSP SUBMISSIONS, p. 81**

**CONSISTENT RECOMMENDATIONS:**

GEORGE FAMILY GROUP Recommendation No. 44  
AMNESTY, p. 20, 4<sup>th</sup> bullet  
NAWASH Submissions, p. 6  
OPP (Part II), para. 204 (25)

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

NAWASH Submissions, pp. 5-8, also advocate greater use of Canada and Ontario Human Rights Commissions and of the *Criminal Code*.

CKSP notes the notoriously slow and changing procedures of Human Rights tribunals and, except in exceptional cases, would not recommend these as effective instruments to achieve a ‘zero tolerance’ objective.

**CKSP RECOMMENDATION:**      NUMBER TWELVE  
**SUBJECT:**                      POLICING, RACISM, DISCIPLINE

*It should be clear to all officers that racist behaviour or expression in any form is a matter for discipline. The Commissioner of the OPP should develop a specific policy for such discipline and submit it for review and comment to a broad spectrum of human rights organizations, including the Chiefs of Ontario Office, its member organizations and independent First Nations. Where the inappropriate conduct involves Aboriginal people, there should be provision for an Aboriginal elder to participate in the discipline process.*

*The discipline policy should make it clear that dismissal is an immediate option and that continued service is probationary if remedial training or counseling are indicated on the basis of some realistic expectation of reform.*

**REFERENCE:**      CKSP SUBMISSIONS, p. 81

**CONSISTENT RECOMMENDATIONS:**

ALST Recommendation No. 23

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

See also THEDFORD COMMUNITY MEETING, Minutes, p. 2

**CKSP RECOMMENDATION:**      **NUMBER THIRTEEN**  
**SUBJECT:**                      **POLICING, ABORIGINAL COMMUNITIES,**  
   **PERFORMANCE REVIEW AND PROMOTION**

*The policies of the OPP and other police services should include consideration of past interactions with Aboriginal persons, communities and enforcement matters with a view to having a scoring factor that affects performance reviews and promotions. Again, Aboriginal groups should participate in the development of such policies.*

**REFERENCE:**      **CKSP SUBMISSIONS, p. 81**

**CONSISTENT RECOMMENDATIONS:**

ACLC Recommendation No. iii

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

**CKSP RECOMMENDATION:**      **NUMBER FOURTEEN**  
**SUBJECT:**                      **POLICING, ERT/CMU/TRU MOBILIZATIONS**

*Specifically, a recommendation should be made that, in cases of CMU/TRU mobilization:*

- a. All communications are to be directed through monitored lines and channels which shall be recorded.*
- b. There should be duplication of recording facilities with separate switching to ensure that at least one record is made.*
- c. Officers shall complete their notes with all due despatch in the circumstances and in any event within 24 hours of an incident.*
- d. Officers notes shall be producible to the SIU and otherwise, as provided by law.*
- e. Officers shall complete an incident report whenever they draw, point or aim a firearm at a member of the public regardless of whether or not it is discharged.*

**REFERENCE:**      **CKSP SUBMISSIONS, pp. 81- 82**

**CONSISTENT RECOMMENDATIONS:**

GEORGE FAMILY GROUP Recommendation No. 40	(re ".e")
GEORGE FAMILY GROUP Recommendation No. 41	(re ".a" and ".b")
ACLC Recommendation No. viii	
THEDFORD COMMUNITY MEETING, Minutes, p. 2	

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

See also OPP (Part II), para. 209



**CKSP RECOMMENDATION:**      **NUMBER FIFTEEN**  
**SUBJECT:**                      **POLICING**  
   **ABORIGINAL INCIDENT MANAGEMENT TEAMS**

*It is recommended that the Ontario Provincial Police establish, within each of their regions, an Aboriginal Incident Management Team. This team would be comprised of police representation from within the particular Region, and those outside the organization, including municipal officials, emergency service, First Nation community members, local Band leadership, and at least one First Nation elder.*

*The duties of the Team would include:*

- a.     advising local OPP detachment commanders on general local policing issues affecting Aboriginal people;*
- b.     facilitating communication, and fostering good relations between local OPP detachments and area First Nation policing services and their officers as well as Aboriginal communities generally;*
- c.     when there is a public order event involving Aboriginal people, or protest involving Aboriginal rights or land, advise the detachment commander / incident commander, on OPP operations, and facilitate communication between affected parties.*

**REFERENCE:**      **CKSP SUBMISSIONS, pp. 82-83**

**CONSISTENT RECOMMENDATIONS:**

CHIEFS OF ONTARIO OFFICE (Part II) Recommendation No. G-2  
ALST Recommendation Nos. 15, 19

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

See STENNING, p. 16, referring to Patten Commission recommendation for "District Policing Partnership Boards"; also <http://www.nio.gov.uk/index/faq/niofaq-policing.htm>

**CKSP RECOMMENDATION:**      **NUMBER SIXTEEN**  
**SUBJECT:**                      **ONTARIO MINISTRY OF ABORIGINAL AFFAIRS**

*The province should establish a separate Ministry of Aboriginal Affairs, with a separate Minister, to have the direction of relationships between Ontario and its Aboriginal communities and members and to be charged with the implementation of the recommendations of this Inquiry.*

*The Ministry shall have a separate and specially-constituted advisory committee consisting of senior bureaucrats, representatives of Aboriginal communities and others. The committee shall have its role and duties specified in legislation creating the Ministry, after consultation with Aboriginal organizations and communities.*

**REFERENCE:**      **CKSP SUBMISSIONS, p. 83**

**CONSISTENT RECOMMENDATIONS:**

ALST Recommendation Nos. 8, 9, 10  
CHIEFS OF ONTARIO OFFICE (Part II) Recommendation Nos. B-3 to B-5  
GEORGE FAMILY GROUP Recommendation Nos. 52, 53  
UNION OF ONTARIO INDIANS Recommendation Nos. 4, 8 (First Nations Council etc.)  
UNION OF ONTARIO INDIANS Recommendation Nos. 11,12 (Roundtable Forums)

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

**CKSP RECOMMENDATION:**      **NUMBER SEVENTEEN**  
**SUBJECT:**                      **HEALING**

***The Chief Coroner has made the following recommendation:***

***There is a need for provincial and/or federal authorities responsible for First Nation affairs to provide timely access to counseling services for those who experience debilitating emotional and psychological consequences from exposure to or involvement in violent and traumatic events involving police actions.***

***The First Nation supports that recommendation***

***The First Nation further recommends that the province, in consultation with the First Nation, conduct an audit of counseling needs arising from the incident and develop a healing strategy for access to counseling, whether such counseling be oriented more towards conventional medical services or towards Aboriginal traditional healing.***

**REFERENCE:**      **CKSP SUBMISSIONS, po. 83-84**

**CONSISTENT RECOMMENDATIONS:**

CHIEF CORONER, Recommendation No. 8

(quoted para.)

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

**CKSP RECOMMENDATION:**      **NUMBER EIGHTEEN**  
**SUBJECT:**                      **IPPERWASH PROVINCIAL PARK**

*The First Nation therefore respectfully requests a recommendation by the Commissioner that Ontario cede the administration and control of the lands known as Ipperwash Provincial Park to the Crown in right of Canada, to be set aside as, or as part of, Stoney Point Indian Reserve No. 43.*

**REFERENCE:**      **CKSP SUBMISSIONS, p. 85**

**CONSISTENT RECOMMENDATIONS:**

ALST Recommendation No. 2  
GEORGE ESTATE Recommendation Nos. 1, 5

**INCONSISTENT RECOMMENDATIONS:**

GEORGE FAMILY GROUP Recommendation No. 7:  
    "the Government of Ontario should return the care, control and ownership of the property known as Ipperwash Provincial Park to the Stoney Point First Nation."

BEAUBIEN Recommendation: para. 154  
    "the property must be returned to the Ministry of Natural Resources. "

**COMMENTS:**

The inconsistent recommendations should be rejected out of hand.

The first is a legal impossibility, both because the terms "care, control and ownership" are not legal usage in relation to Indian reserve lands, and because the so-called "Stoney Point First Nation" is an entity without legal status or capacity.

The second is merely offensive given the limited interest of Mr. Beaubien in this Inquiry. If adopted, it threatens to recreate the original incident rather than prevent similar ones in future. Generally speaking, political figures who contributed to the original problem are unlikely to contribute usefully to any resolution without much study, reflection and change of attitude. There is no evidence that in Mr. Beaubien's case; he is a footnote to the past, currently holding no public office, and his personal views are unworthy of note even if, in the view of the Commissioner, he has standing to make this recommendation.

**CKSP RECOMMENDATION:**      **NUMBER NINETEEN**  
**SUBJECT:**                      **MONUMENTS OR MEMORIALS**  
   **ANTHONY O'BRIEN "DUDLEY" GEORGE**

*The First Nation submits that the province should fund the establishment of a monument or memorial to the memory of Dudley George and his murder at the hands of the Ontario Provincial Police. The nature and site of this monument or memorial shall be established in consultation with the First Nation and its members together with the Dudley George Estate.*

**REFERENCE:**      **CKSP SUBMISSIONS, p. 85**

**CONSISTENT RECOMMENDATIONS:**

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**

The monument or memorial might also make mention of the Commission of Inquiry called to investigate the events surrounding the death of Dudley George.

**CKSP RECOMMENDATION:**      **NUMBER TWENTY**  
**SUBJECT:**                      **MONUMENTS OR MEMORIALS**  
   **"THE LOST GIRL"**

*The First Nation further submits that the province should fund the establishment of a monument or memorial, in consultation with the First Nation, at or near the site where the remains of the young Aboriginal girl were found in 1950, commemorating her and expressing an apology for the treatment afforded to her remains.*

**REFERENCE:**      **CKSP SUBMISSIONS, p. 85**

**CONSISTENT RECOMMENDATIONS:**

GEORGE FAMILY GROUP Recommendation No. 27

(broader apology)

**INCONSISTENT RECOMMENDATIONS:**

**COMMENTS:**