



Finding Safety: IPCO's Journey for Equitable Indigenous Policing

PRESENTED BY IPCO AND FALCONERS LLP AT COO FALL CHIEFS
ASSEMBLY (NOVEMBER 22, 2023)



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Introduction: Legal Landscape of Indigenous Policing



Canadian Human Rights Tribunal
 Tribunal canadien des droits de la personne

Citation: 2022 CHRT 4
 Date: January 31, 2022
 File No.: T2251/0618

(ENGLISH)

Between: Takuhikan v. Attorney General of Quebec 2022 QCCA 1699

Gilbert Dominique (on behalf of the n
 No

COURT OF APPEAL

CANADA
 PROVINCE OF QUEBEC
 GREFFY OF QUEBEC

N° : 200-09-010153-200
 (155-17-000027-173)

DATE: December 15, 2022

TRAINING: THE HONORABLE

PEKUAKAMIUNUATSH TAKUHI
 APPELLANT - Applicant

c.
 THE ATTORNEY GENERAL OF Q
 and
 THE ATTORNEY GENERAL OF C
 Defendants - Defendants

Federal Court
 Cour fédérale

Date: 20230630
 Docket: T-961-23
 Citation: 2023 FC 916

Montréal, Québec, June 30, 2023

PRESENT: Mr. Justice Gascon

BETWEEN:

INDIGENOUS POLICE CHIEFS OF ONTARIO
 Complainants / Moving Party

and

PUBLIC SAFETY CANADA
 Respondent

and

ASSEMBLY OF FIRST NATIONS
 Intervener

ORDER AND REASONS



Introduction

- In recent years, there have been a number of legal decisions recognizing Canada’s failure to administer the First Nations and Inuit Policing Program (“FNIPP”) in line with the founding First Nations Policing Policy (“FNP Policy”).
- These decisions have also recognized that Canada has a duty when dealing with Indigenous peoples to act honourably.
- Here in Ontario, the Ministry of the Solicitor General has indicated that the new policing legislation, the *Community Safety and Policing Act, 2019* will come into force on April 1, 2024. This legislation will give First Nations who opt-in to the legislation, the same standards for policing that other communities in Ontario have always had access to.

Part I: Saying “No” to Canada’s Playbook

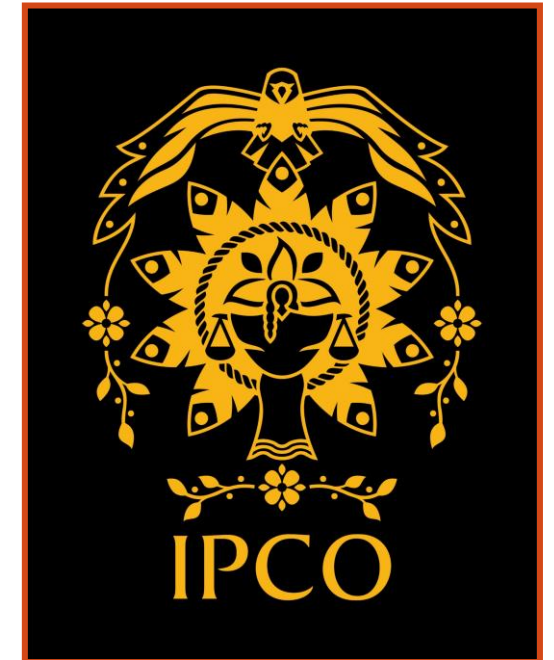
- Indigenous Police Chiefs of Ontario
- No More “Status Quo”
- Creation of the Tri-Coalition
- Keys to Canada’s Playbook





IPCO/Tri-Coalition of Services

- The Indigenous Police Chiefs of Ontario (“IPCO”) and Anishinabek Police Service (“APS”), Treaty Three Police Service (“T3PS”), and UCCM Anishnaabe Police Service (“UCCM Police”) all have united together **TO JUST SAY NO.**
- IPCO is comprised of the nine (9) self-administered Indigenous police forces across Ontario.
- The IPCO mission statement is ‘Unity for Equality’.
- The focus of IPCO is to bring together all the self-administered Indigenous services in Ontario to present a united front and advocate for:
 - Policing equality;
 - Essential service status;
 - Full parity with other Ontario police services (wages/benefits); and
 - Proper and adequate staffing.





No More “Status Quo”

- In March 2023, three IPCO members had funding agreements that were about to expire – Anishinabek Police Service (“APS”), Treaty Three Police Service (“T3PS”), and UCCM Anishnaabe Police Service (“UCCM Police”).
- The three services police 45 communities, comprised of over 55,000 community members.
- Funding for self-administered Indigenous police services is provided by means of tripartite agreements under the FNIPP, where funding is shared 52% by Canada and 48% by Ontario.
- Prior to March 2023, the three services had attempted to meet with Canada and Ontario to negotiate new terms for their funding agreements.
- In November 2022, T3PS met with Canada and Ontario for a two-day in-person session in Kenora. Despite some initial challenges where Canada and Ontario removed all references to self-determination and the unique history of T3PS and the communities they police, the result of the two-day meeting was the creation of a Terms of Reference to guide negotiations that were “90% complete”.



No More “Status Quo” (cont’d)

- Following the two days of meetings, Canada advised that they were no longer willing to sign the Terms of Reference (“ToR”). At the time, they did not provide specifics in relation to the concerns they had with the ToR.
- Each of the services had recognized the discriminatory provisions of the funding agreements that they had historically signed and wanted to negotiate new, progressive funding agreements that adequately reflected the needs of their communities.
- Since their refusal to sign the ToR, Canada made repeated efforts to pressure the three services into signing funding agreements on the same basis that they always had. In January 2023, Canada sent correspondence proposing to initiate discussions on the “renewal” of the existing funding agreements for the three services, dropping all references to a “negotiation”.



No More “Status Quo” (cont’d)

- Courts and Tribunals in Ontario have found that funding agreements founded on the FNIPP, and the underlying Terms and Conditions, include certain discriminatory terms that prevent Indigenous police services from accessing the same resources that other non-Indigenous police services across Ontario are able to benefit from. These terms were:
 - Prohibition on specialized services such as canine units, forensic units, and domestic violence units;
 - Prohibition on the owning of infrastructure; and
 - Prohibition on legal representation for interpretation, disputes, or negotiation in respect of funding agreements.

- Instead of working with the three services, Canada made efforts to impose the same restrictions that various Courts have found violate the *Canadian Human Rights Act*.



Creation of the Tri-Coalition

- While each of the three services faced service specific challenges, there were many common issues.
- On this basis, the three services entered a joint Memorandum of Understanding (“MoU”) at the end of March 2023. The three services, the Tri-Coalition, worked together on a collective strategy with respect to FNIPP funding negotiations with Canada and Ontario.
- The Tri-Coalition agreed that it would be an unconscionable breach of their duties to their communities if they signed onto Canada’s discriminatory terms. All three services agreed that they could not in good conscience agree to Canada’s knowingly discriminatory terms to access funding, as the funding provided does not equate to equitable policing and safety for Indigenous communities.
- Canada strategically allowed the funding agreements for each of the three services to run out on March 31, 2023, in an 11th hour attempt to force the services to sign onto discriminatory agreements.

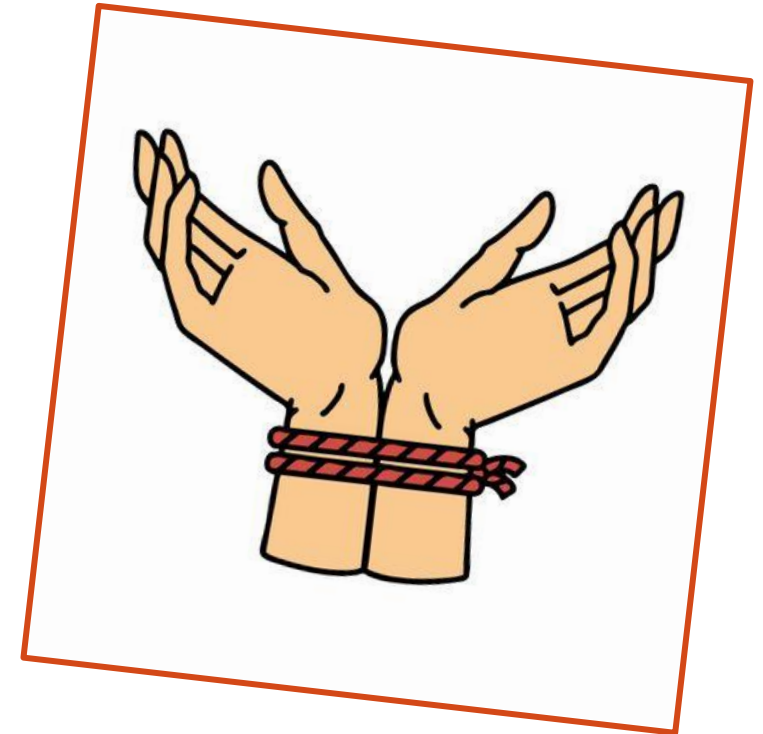


Canada's Playbook

- The Tri-Coalition continued to try to engage with Canada regarding the funding agreements, even after the funding expired, with no success. The services operated on limited surplus and bilateral funding while the communities they policed were left vulnerable because of Canada's actions.
- However, Canada continued to employ their usual unconscionable bargaining tactics. These tactics unfortunately are not new but instead are tactics long practiced by Canada which have forced First Nations to sign funding agreements with no negotiation being permitted.
- These tactics were further evidenced in correspondence received from Canada in April 2023, following the expiry of funding, which attached an "updated" ToR for negotiations. This ToR removed reference to the unique culture and history of T3PS and their communities, removed the recognition of their right to self-determination, and even removed the word **negotiate** in favour of the term **renewal**.

Keys to Canada's Playbook

- The following key components of Canada's playbook has had the effect of keeping First Nations down:
 - Refusal to engage with leadership;
 - Ignoring and defying court rulings;
 - Running the clock until the 11th hour and pressuring First Nations to cave or else risk losing their funding – i.e., giving First Nations no other choice;
 - Denying First Nations the right to negotiate or have the assistance of legal representation;
 - Resistance to signing a Terms of Reference intended to guide the negotiations process; and
 - Relying on the false paradigm that their hands are tied – i.e., they would like to help but cannot.





The Result of Canada's Tactics

- The result of this approach by Canada has been detrimental to First Nations communities and the Indigenous police services that serve them.
- Canada's actions undermine the sovereignty and self-determination of First Nations by refusing to allow them to enter the negotiations process.
- By keeping First Nations down, Canada not only minimizes Canada's own costs, but also ensures that they maintain the power imbalance over First Nations and thus protect the status quo.
- This approach gives First Nations no other choice than to submit to the discriminatory provisions of the FNIPP or else risk losing the funding for their police services, who are already chronically underfunded and under-resourced.



Part II: Importance of Unity

- Tri-Coalition Strength
- Declarations of Emergency
- Effecting Meaningful Change





Tri-Coalition Strength and Support

- APS, T3PS, and UCCM pledged to work together when their funding agreements all expired in March of 2023. The Tri-Coalition recognized that while they each serve communities with unique needs, the overarching challenges amongst the three remain the same – inadequate funding and resourcing to ensure culturally responsive policing.
- The strength of the creation of the Tri-Coalition allowed them to share information with one another and maintain consistent messaging with Canada and Ontario in respect of funding negotiation discussions.
- Historically, Canada has relied on their “divide and conquer” strategy, dealing with police services individually, and forcing First Nations to sign agreements that do not adequately provide for the funding and resources needed.
- The Tri-Coalition also had support from the political leadership of the communities they served.



Declarations of Emergency (June 2023)

- After funding expired, the First Nations policed by the Tri-Coalition **simultaneously released “Declarations of Emergency” in June 2023.**
- Each Declaration highlighted the fact that their respective police services were on track to cease operation once the last of their funding ran out.
- Each Declaration cited **specific conditions** – challenges unique to their communities – **while highlighting that none of this would have happened if not for Canada’s bad faith tactics.**
- Chief Brian Perrault, of Couchiching First Nation in Treaty 3 Territory stated, **“They are once again asking us to administer our own misery”.**

Kenora
Miner & News

Local News

Grand Council Treaty 3 declares state of emergency as Treaty 3 Police Service faces closure

Bronson Ca
Published J



First Nations chiefs say funds to provide policing in communities rapidly dwindling

COLIN FREE
PUBLISHED J

SNnewswatch.com

Anishinabek Nation declares state of emergency due to inequitable policing resources

This declaration comes as the funding agreement for the Anishinabek Police Service and United Chiefs and Councils of Manitoulin Anishnaabe Police expired on March 31.

Tri-Coalition Strength and Support (cont'd)



- We believe that, going forward, it would be helpful for all Indigenous police services in Ontario to expand upon the foundation laid by the Tri-Coalition. As stated previously, the overarching challenges for Indigenous police services remains the same. While Canada has been able to wear down individual services and communities, if services band together, we believe that the gains made by IPCO through the Federal Court decision can be further leveraged into other changes for Indigenous policing.
- What we have learned from the work of the Tri-Coalition is that working amongst multiple Indigenous police services is invaluable – both in terms of the sharing of information and supporting one another in circumstances that can create anxiety, tension, and stress.
- Working together would allow the services to leverage what works and avoid what does not. There would no longer be any backdoor deals made by Canada, where they tell services not to share the information amongst themselves.




Effecting Meaningful Change

- Through the legal advancements in the past several years, Indigenous police services have determined the key components of Canada's Playbook on Indigenous Policing. By knowing their tactics, Indigenous police services are able to determine and work on strategies to avoid the negative results of Canada's actions and inactions.
- There are imminent changes that will be occurring at the federal level that Indigenous police services in Ontario may want to take advantage of. We are now in receipt of what is essentially four decisions by the Courts that have indicated that the structure and funding of Indigenous police services in Canada is not acceptable, appropriate or even effective.
- Given the current political climate, we think that it is key to keep the pressure on Canada and one of the best ways to make this happen is unity and strength in numbers.



Part III: *IPC O v PSC*, 2023 FC 916 (“Gascon Decision”)

- Previous Legal Decisions
- IPC O’s CHRC Complaint
- Tri-Coalition Prepares for Federal Court
- Federal Court Decision
- Important Quotes

Federal Court  Cour fédérale

Date: 20230630
Docket: T-961-23
Citation: 2023 FC 916

Montréal, Québec, June 30, 2023

PRESENT: Mr. Justice Gascon

BETWEEN:

INDIGENOUS POLICE CHIEFS OF
ONTARIO
Complainants / Moving Party

and

PUBLIC SAFETY CANADA
Respondent

and

ASSEMBLY OF FIRST NATIONS
Intervener

ORDER AND REASONS



Previous Legal Decisions

- In recent years, there have been several decisions that have stated that provisions of the FNIPP and its implementation with respect to Indigenous police services is discriminatory.
- This started in 2016, when Chief Gilbert Dominique on behalf of Pekuakamiulnuatsh First Nation filed a Human Rights Complaint against Canada for discrimination based on the implementation of the FNIPP. The CHRT in this case found that “the **FNPP is perpetuating existing discrimination**, not eliminating it entirely. The **goal of substantive equality is not achieved and cannot be achieved by the FNPP because of its very structure...**” (para 326).
- On February 27, 2023, the Federal Court upheld all findings of the CHRT in *Dominique*.
- The Quebec Court of Appeal also issued its ruling in the related case, *Takuhikan c. Procureur général du Québec*, 2022 QCCA 1699 (“*Takuhikan*”) involving the same First Nation for compensation claims against Canada for budget shortfalls. The Supreme Court of Canada has granted leave to appeal this case.
- Despite clear findings made by both Courts and Tribunals, Canada continues to act as if the findings do not exist and continues to defy the rule of law.





IPC's *CHRC* Complaint

- Canada's continued approach to negotiations with the Tri-Coalition, along with the discriminatory application of the FNIPP propelled IPCO's decision to file a human rights Complaint with the Canadian Human Rights Commission.
- IPCO's Complaint was filed on March 29, 2023, and alleges that Canada systemically discriminates against Indigenous police services, through the deliberate and willful under-funding and under-resourcing via the FNIPP.
- Included in the Complaint is reference to Canada's unconscionable bargaining tactics, an example of which is their approach to the negotiations with the three services.
- As the three services continued without funding, IPCO (on behalf of the three services) brought an application for emergency injunctive relief to the Federal Court of Canada.



IPCPO's Federal Court Motion

- Also on May 29, 2023, IPCPO filed a motion for emergency injunctive relief at the Federal Court of Canada.
- IPCPO prepared six supporting affidavits for the Emergency Motion, one from each Chief of Police and Board Chair, outlining:
 - Decades of chronic underfunding by Canada and Ontario, caused by Canada's discriminatory funding formula;
 - Communities facing disproportionate rates of crime, mental illness, and drug misuse (and trafficking);
 - Bad faith negotiation tactics that force First Nations to accept whatever terms Canada dictates, and, if they refuse, dragging out discussions until funding is set to expire.
- Additionally, the Assembly of First Nations was granted leave to intervene. The AFN filed an affidavit from its Vice President of Strategic Policy Integration, outlining Canada's pattern of refusing to negotiate with First Nations police services.



IPCPO's Federal Court Motion

- In its motion for emergency injunctive relief, IPCPO requested an order to flow funds to the three services for 12 months and that they be relieved of compliance with certain discriminatory provisions in the FNIPP Terms and Conditions.
- Specifically, the provisions of the Terms and Conditions at issue were:
 - The prohibition against using funding for specialized policing services, such as ERT, Canine Units and Forensic Services;
 - The prohibition against using funding for legal representation related to the negotiation of the agreement and any dispute related to the agreement or the funding received under the agreement; and
 - The prohibition against using funding for the financing of infrastructure.
- These are all prohibitions that do **not** apply to any other police services in Canada, and **only** apply with respect to self-administered Indigenous police services.

Tri-Coalition Prepares for Federal Court



- In advance of the Federal Court hearing, the Tri-Coalition sought to increase public awareness to the challenges they face as Indigenous police services.
- These challenges are not unique to the Tri-Coalition – they are, in effect, challenges faced by all Indigenous police services.
- On Monday June 12, 2023, two days before the Federal Court hearing, the Tri-Coalition Chiefs of Police travelled to Ottawa for a press conference held on Parliament Hill. They were joined by NDP MP Carol Hughes (Algoma-Manitoulin-Kapuskasing) and NDP MP Lori Idlout (Nunavut).
- At the press conference the three Chiefs of Police detailed the hardships of Indigenous police services, and how Canada’s approach to funding negotiations negatively impacts their services.



Chief Jeff Skye (APS - center), Chief Kai Liu (T3PS - right), and Chief James Killeen (UCCM Police - left) appear in Ottawa on June 12, 2023.



Comments from PSC Minister Mendicino

- With the increasing public pressure, public comments were also made by then Minister of Public Safety Canada, Marco Mendicino, just days before the hearing.
- Minister Mendicino told reporters in Ottawa, shortly after the press conference of the Chiefs of Police, that he was “not satisfied with the state of negotiations” between the police services and the government. Minister Mendicino went on to say:



"I believe that a number of their concerns in fact have merit, which is why I've now become directly engaged with the community and I've instructed my department to find solutions quickly so that we can resolve any ongoing issues with regards to the flow of monies to the community."



Federal Court Decision – ‘Gascon Decision’ (and Pre-Decision “Win”)

- On June 14, 2023, IPCO appeared before Justice Denis Gascon of the Federal Court. Justice Gascon “reserved” his decision for two weeks.
- After the hearing, but before the Court’s decision, then-Public Safety Canada Minister Marco Mendicino removed one of the three targeted restrictions:
 - As of June 24, 2023, the restriction on specialized policing units, such as ERTs, Homicide Units, and Domestic Assault Units, **has been removed from the Terms and Conditions of the FNIPP.**
 - **This would not have happened but for IPCO’s Federal Court motion.**
- Justice Gascon released his decision on June 30, 2023, ordering:
 - That Public Safety Canada flow funding for APS, T3PS, and UCCM for twelve months; and
 - That all three police services be relieved from compliance with the remaining two restrictions: (2) on legal representation and (3) on financing/mortgages.
- Justice Gascon also provided significant comments on Canada’s Honour of the Crown obligations, and their failure to negotiate.



Federal Court Hearing (cont'd)

- Quote from the decision of Justice Gascon:

[198] PSC will therefore be ordered to immediately flow funds to each of T3PS, APS, and UCCM for a 12-month period, in a manner consistent with the Policy and in at least the amounts flowed through the last tripartite funding agreements for the 2022-2023 fiscal period. For such 12-month period, T3PS, APS, and UCCM will also be relieved from any obligation of compliance with the provisions contained in section 6 of the Terms and Conditions prohibiting the use of funds for “costs related to amortization, depreciation, and interest on loans” and for “legal costs related to the negotiation of the agreement and any dispute related to the agreement or the funding received under the agreement.”



Canada's Failure to Negotiate

- In his decision, Justice Gascon found that despite several existing decisions (ie. the Quebec/*Pekuakamiulnuatsh* cases), Canada had refused to make any concessions and attempted to continue their historic approach to forcing First Nations to sign funding agreements without negotiation.

[173] As IPCO repeatedly pointed out, this motion arises in the unusual context where one administrative tribunal and two courts, including this Court, have already found that the FNIPP and its funding Terms and Conditions contain discriminatory features against First Nations communities. Nevertheless, PSC and Canada persist in their attempts to renew the funding agreements with T3PS, APS, and UCCM on the same terms as before, as if these precedents were non-existent.

Canada's Failure to Negotiate (cont'd)



[134] However, this is not the case, as PSC's insistence to maintain the existing Terms and Conditions has become the determinative element leading to the cessation of the funding agreements. On that front, the evidence establishes that the FNIPP Terms and Conditions attached to the renewal of the funding agreements are unilaterally determined and imposed by Canada. Indeed, the late amendment made by PSC on June 24, 2023 to section 6 of the Terms and Conditions — whereby Minister Mendicino removed the prohibition on the funding of specialized police units — confirms that PSC and Canada have total control on the contents of these Terms and Conditions. Ironically, PSC and the Minister repeatedly state that they continue to be “constrained” by the FNIPP Terms and Conditions whereas they themselves have the ability to amend them at will, and can unilaterally modify what those “constraints” effectively are.

- Justice Gascon criticized PSC for claiming they are “constrained” by the Terms and Conditions, when they [PSC] are the ones with the ability to update them.



No Real “Choice”

[141] As such, the choice offered to IPCO and to the Three Police Services, which consisted of accepting funding on PSC’s own Terms and Conditions or lose funding, resulting in the interruption of self-administered Indigenous police services, is not a choice rendering the irreparable harm “avoidable.”

- Justice Gascon refused to dismiss the Motion based on Canada’s argument that it was “avoidable” harm since the Services could have just taken the money. In other words, Canada did not present a meaningful choice.



Canada's Failure to Negotiate (cont'd)

[143] In *Takuhikan* at paragraph 124, the QCCA held that “[b]y remaining deaf to the grievances of the appellant who, in the end, rather than resort to the Sûreté du Québec, accepted to be served by a police force of lesser quality, the respondents breached their obligation to act honourably” [my translation]. Similarly, the unwillingness of PSC to negotiate or even discuss the Terms and Conditions with IPCO, besides the amount of funding, is arguably not an honourable conduct and encroaches on the principles of reconciliation and of the honour of the Crown. As such, I am not persuaded that IPCO’s refusal of the funding under the Terms and Conditions imposed and enforced by PSC, and the irreparable harm resulting from it, can be considered avoidable. In this matter, the unavoidable irreparable harm arising from the lack of real choice offered to IPCO and the Three Police Services is a result of the special context applicable to the relationships between First Nations and Canada.

- Justice Gascon compared the situation of the three services to that of the First Nation in the Quebec Court of Appeal case, setting out that the staunch refusal of Canada to even discuss the Terms and Conditions did not amount to honourable conduct.



Honour of the Crown Obligations

- Justice Gascon also referred to Canada’s Honour of the Crown obligations, stating that these obligations include negotiating in good faith.

[142] The readiness and willingness of PSC to determine IPCO’s need for additional funding is one thing, but PSC’s outright refusal to negotiate the Terms and Conditions of such funding is quite another. Where the honour of the Crown applies, there is a special duty on Canada to negotiate honourably: “[t]his fiduciary relationship must form part of the context of the Panel’s analysis, along with the corollary principle that in all its dealings with Aboriginal peoples, the honour of the Crown is always at stake” [emphasis added] (*First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2 at para 95).



Importance of Reconciliation

[178] Nonetheless, IPCO has provided evidence, through its six affidavits and the materials filed in their support, where the representatives raised concerns about the conduct of PSC in its dealings with the Three Police Services, and its failure to be guided by the overarching principles of reconciliation and the honour of the Crown. These principles required more diligence and attention from PSC in dealing with funding agreements with the Three Police Services. As already explained above, PSC did not consistently follow its duty to act honourably and in the spirit of reconciliation as it kept insisting on the impossibility to negotiate the Terms and Conditions and the prohibitions they contain. The controlling question in all situations involving

■ Lastly, Justice Gascon made special comments on the importance of Reconciliation.

Para 178 continued on next slide →



Importance of Reconciliation (cont'd)

IPC O v. PSC, 2023 FC 916, at para 178, cont'd:

First Nations is “what is required to maintain the honour of the Crown and to effect reconciliation between the Crown and the Aboriginal peoples with respect to the interests at stake” (*Haida* at para 45). Canada always has an obligation to act in ways that maintain the honour of the Crown vis-à-vis Indigenous peoples and that are in line with the objective of reconciliation. PSC’s omissions in that respect in the context of the renewal of the funding agreements of the Three Police Services is another element weighing in favour of IPCO on the balance of convenience.



Conclusion:

- IPCO's Role and CHRT Complaint

Federal Court



Cour fédérale

Date: 20230630

Docket: T-961-23

Citation: 2023 FC 916

Montréal, Québec, June 30, 2023

PRESENT: Mr. Justice Gascon

BETWEEN:

INDIGENOUS POLICE CHIEFS OF
ONTARIO

Complainants / Moving Party

and

PUBLIC SAFETY CANADA

Respondent

and

ASSEMBLY OF FIRST NATIONS

Intervener

ORDER AND REASONS



IPCPO's Role and CHRT Complaint

- IPCPO was created as a means to bring together the self-administered Indigenous police services in Ontario in order to collaborate and work together to advocate for and effect meaningful change.
- While the Tri-Coalition was the driving force behind the Federal Court hearing and their circumstances prompted the filing of the CHRT Complaint, IPCPO's support has been essential in this process.
- As self-administered Indigenous police services continue to advocate for change, working together for a collaborative and consistent approach is key.
- The CHRT Complaint, filed by IPCPO and including the experiences of the Tri-Coalition, is being expedited as we speak and we hope that referral to the Tribunal occurs by the end of the year, so that this progress can continue to be made.



ON Superior Court recognizes “Indigenous Law”

[48] The law that governs the relationship between Canada and Aboriginal peoples of Canada is what is now known as Aboriginal law. **Indigenous law is not the same as Aboriginal law. Both before and after the arrival of European settlers, the Aboriginal peoples in North America had well-developed civilizations that had legal systems and legal customs.** Those discrete legal systems are the source of Indigenous law, the law that governs the first cultures as discrete civilizations or civil societies.

- Justice Perrell, *IIFN39 First Nation v. Winnipeg*, 2021 ONSC 1209

CITATION: *Iskatewizaagegan No. 39 Independent First Nation v. Winnipeg (City)*, 2021 ONSC 1209
COURT FILE NO.: CV-20-00644545-0000
DATE: 2021/02/17

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:)
)
ISKATEWIZAAGEGAN NO. 39)
INDEPENDENT FIRST NATION) *Julian N. Falconer, Akosua Matthews and*
Plaintiff) *Mary (Molly) Churchill for the Plaintiff*
)
- and -)
)
CITY OF WINNIPEG and HER) *Thor Hansell and Shea Garber for the*
MAJESTY THE QUEEN IN RIGHT OF) *Defendant the City of Winnipeg*
ONTARIO)
Defendants) *Sarah Valair and Catherine Ma for the*
) *Defendant Her Majesty the Queen in Right*
) *of Ontario*
)
) HEARD: January 20, 2021

PERELL, J.

REASONS FOR DECISION

IPCO Federal Court Factum

Court File No. T-961-23



FEDERAL COURT

BETWEEN:

INDIGENOUS POLICE CHIEFS OF ONTARIO

Complainant/Moving Party

- and -

PUBLIC SAFETY CANADA

Respondent

MEMORANDUM OF FACT AND LAW OF THE MOVING PARTY

(Re. Motion Under Rule 372)

“What Canada is again asking us to do is Administer our own Misery.”

*Chief Brian Perrault, Couchiching First Nation, at Grand Council Treaty #3 Spring
Assembly, May 24, 2023*

OVERVIEW

1. This is an emergency motion for interlocutory relief under section 44 of the *Federal Courts Act* (the “*Act*”), sought pursuant to Rules 374 and 376 of the *Federal Courts Rules*.

Miigwetch!

Litigation with a conscience.