



Woman's death in custody exposes indigenous policing issues

Gloria Galloway

THUNDER BAY — The Globe and Mail

Published Sunday, Nov. 06, 2016 9:07PM EST

Last updated Monday, Nov. 07, 2016 9:37AM EST

Lena Anderson took her own life as she sat alone in the back of a police truck on the Kasabonika Lake First Nation on a cold late afternoon in February, 2013.

Five members of a coroner's jury are now being asked to determine how she met her end – a mandatory procedure in Ontario when someone dies in police custody.

Regardless of their findings, Ms. Anderson's case, along with the horrific deaths of two young men being held in a jail on the Kashechewan First Nation in 2006, serve as stark reminders that the right to a minimum standard of policing, and a basic level of security, do not exist everywhere in Canada. Indigenous communities with their own culturally sensitive police forces have no law to set requirements for officer training, mandatory equipment, use of force or codes of conduct.

Related: Ontario First Nations threaten to disband police service over funding issues
[\[http://www.theglobeandmail.com/news/politics/ontario-first-nations-threaten-to-disband-police-service-over-funding-issues/article31072310/\]](http://www.theglobeandmail.com/news/politics/ontario-first-nations-threaten-to-disband-police-service-over-funding-issues/article31072310/)

Related: The Trafficked: The story behind our investigation into the exploitation of indigenous women and girls [\[http://www.theglobeandmail.com/news/national/the-trafficked-the-story-behind-our-investigation-into-the-exploitation-of-indigenous-women-and-girls/article28700697/\]](http://www.theglobeandmail.com/news/national/the-trafficked-the-story-behind-our-investigation-into-the-exploitation-of-indigenous-women-and-girls/article28700697/)

"At any given time, we have communities with no police, we have communities with one police officer working alone," Terry Armstrong, the chief of the Nishnawbe-Aski Police Service (NAPS), told the inquest. "If you were to ask me right now if it's safe, it's not safe."

As it stands, indigenous policing is just another government program financed by Ottawa and the province of Ontario. The only way the communities of the Nishnawbe Aski Nation (NAN) will get security “backed by the rule of law” is if NAPS is covered by the Ontario Police Services Act, Mr. Armstrong said.

Without the act, First Nations residents cannot demand that sufficient resources be applied to the job of keeping them safe. Detachments can be decrepit shacks – or non-existent. Police are not required to have radios or access to investigative services. There is nothing to say a lone officer should not be on call seven days a week, around the clock.

In 2014, Alvin Fiddler, then deputy chief of NAN, said he would not renew the four-year agreement with the federal government or province to operate NAPS unless the province agreed to talk about bringing the communities under the provincial legislation. So Ontario, which is responsible for setting police standards within its boundaries, quietly entered into a negotiation with NAPS and the First Nations leadership in 2014 about putting the NAN communities under the act.

Those discussions wrapped up last summer. What the province has promised behind closed doors is confidential. But “it would be just up to the government to legislate it,” Mike Metatawabin, the chair of the NAPS board, told the coroner’s inquiry.

The coroner’s jury has also been told it might prevent deaths like that of Lena Anderson.

She was in the truck where she took her own life because it was the only contained space in which the officers of the Nishnawbe-Aski Police Service in the remote Northern Ontario fly-in community could hold people in custody. The back seat of a Ford 150 was the jail cell for the Kasabonika First Nation.

Ms. Anderson, the 23-year-old mother of a preschool-age daughter, was a troubled young woman with a history of alcohol abuse who had made several previous suicide attempts. She was drunk on homemade liquor, and her only child had just been apprehended by a social-service worker, when she looped the drawstring of her track pants through the cage around a light in the back of the truck and then tied it around her neck to hang herself.

“She did drugs, she drank. As a mother, I could see that,” Maryann Shewaybick, Ms. Anderson’s mother, told the jury last week. But “she was also caring, loving, friendly. ... It is very hard on me to lose my baby.”

Constables Jeremy Swanson and Troy Wlodarek, who were the only NAPS officers in Kasabonika, had been working for more than 24 hours straight at the time that Constable Swanson arrested Ms. Anderson during the altercation that followed the apprehension of her daughter.

The decrepit holding cells in the police detachment that was part of the Kasabonika band office were no longer in use because prisoners could escape through holes in the floor. So a directive from NAPS headquarters had directed that the facility not be used.

A new pre-fab detachment, which had been shipped to the reserve despite NAPS leaders’ concerns that it was inadequate for a northern climate, was not in use because there was no heat. The force had decided that, in the absence of other options, “officers may arrest and hold in the secure police vehicle.”

Perhaps if more officers had been available that night, or if there had been a real holding cell, “things might have turned out differently,” Constable Wlodarek told the coroner’s jury. “I can’t even put words to how

Constable Swanson is dealing with it. But three years later, I am still trying to forget."

NAPS employs 145 officers who, even after a new labour agreement this summer gave them a substantial raise, still make about 10 per cent less than Ontario Provincial Police officers for working longer hours under more dangerous and difficult conditions. The force operates on a budget of about \$27-million annually and patrols an area the size of France with a homicide rate has been seven times the national average and where sexual assault occurs 10 times as often as it does in the rest of Canada.

It is estimated that it would cost \$60-million to \$80-million to have OPP police the region, the coroner's jury was told.

When asked by The Globe and Mail whether indigenous police forces would be brought under the Ontario Police Services Act, a spokesman for the Minister of Community Safety and Correctional Services said the province is developing a new "blueprint for effective, sustainable and community-based policing throughout Ontario," with legislation to be introduced in the spring, and sustainable First Nations policing would be part of that.

But Mr. Fiddler, who is now NAN's Grand Chief, said the lack of a definitive time frame for action is concerning. "I have made it clear to both Ontario and Canada," he said, "that I do not intend to sign another policing agreement that's based on a program, especially one that has been designed to fail."

After two young men, who were being held for public intoxication, burned to death in the Kashechewan police station in 2006, a survey was conducted of the police buildings on all of the reserves served by NAPS. Just one of the 35 was found to be compliant with health and safety standards.

A coroner's inquest after that tragedy made many recommendations for improving safety at police detachments on reserves. They were ignored.

Those two deaths prompted NAN leaders to write resolution after resolution to demand that Ontario and the federal government pay for proper facilities and better resources for their police. Nothing happened.

Ms. Anderson's death resulted in a public safety notice in February, 2013, from NAN sent to two federal ministers and three provincial ministers saying "on a go-forward basis, the federal and provincial governments will be responsible legally and morally for future deaths that are caused by inadequate resources." None of the ministers responded.

A year later, the federal Auditor-General said the fact that First Nations policing does not fall under a legislated framework such as Ontario's Police Services Act creates conditions that "present potentially serious health and safety risks to police officers, detainees and members of communities."

A labour agreement reached this summer between NAPS, NAN and the federal and provincial governments – after Mr. Fiddler threatened to disband the police force entirely to get Ottawa and Ontario to the table – will solve some of the problems. It increases wages and will lead to the hiring of 40 additional officers by 2018.

But it does not provide full parity with other Ontario police forces, Mr. Fiddler said. And it does not require the First Nations police force to meet the standards of the Ontario Police Services Act.

[Report Typo/Error](#)

Follow Gloria Galloway on Twitter: [@glorgal](https://twitter.com/@glorgal) [<https://twitter.com/@glorgal>]

Also on The Globe and Mail

Ontario promises \$100M to help end violence against indigenous women (CP Video)

More Related to this Story

- [Ontario First Nations threaten to disband police service over funding issues](#)
- [JULIEN GIGNAC Wynne promises to examine police response in aboriginal sexual assaults](#)
- [national Manitoba seeks federal financing to bolster First Nations policing](#)

Next story | [Learn More](#)



Two male suspects wanted after American man in Toronto for bachelor party beaten to death

SUNDAY, NOV. 6, 2016, 1:10PM EST

Canada is the hero America needs right now

MONDAY, NOV. 7, 2016, 5:00AM EST



Can Trump tap a hidden white wave?

MONDAY, NOV. 7, 2016, 5:00AM EST

Thank You!
Please check your email

We've sent an email to your email address containing a URL you'll need to follow to verify your account. You should receive the email within the next few minutes.

Please note Your Globe and Mail account will expire after 30 days if not validated as described in the email.

Share this selection

[Tweet](#)

[Email to a friend](#)

[Facebook](#)

Register for a Free Account

Already have an account? Log in here.

We did not find an account associated with the account below:

[Create new account](#)

[Cancel](#)

With your social account

Or with your email

Email address
Password
First name
Last name

Show

Display name
Postal/zip code

We need this Account Information to register you. We use your email to create your account, tell you important things about your account, or notify you of special Globe promotions. You can edit this information in our [Customer Preference Centre](#). You will be given a mechanism to unsubscribe from any non-essential email from us. Your email address will not be given to third parties for their commercial use.

By creating an account, you will be subject to our [Terms and Conditions](#). See also our [Privacy Policy](#) and [FAQs](#).

Supplementary Information

To improve your experience, please provide the following optional information.



By completing this optional information you give The Globe consent to display advertising, content recommendations and communications from The Globe based on supplementary information you provide.

By creating an account, you will be subject to our [Terms and Conditions](#). See also our [Privacy Policy](#) and [FAQs](#).

Log in

Don't have an account? Create one here.

We did not find an account associated with the account below:

[Create new account](#)

[Cancel](#)

With your social account

OR with your email and password

Your email address

Your password

Show



Keep me logged in



[Trouble logging in?](#)