



British Columbia
Assembly of First Nations

PRESS RELEASE
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Unanimous Decision of the Quebec Court of Appeal: Governments urged to end underfunding of Indigenous police services across Canada

Mashteuiatsh/Vancouver/Wendake, December 21, 2022 - The federal and provincial governments are being called upon to accept the findings of the Quebec Court of Appeal in the matter of the underfunding of the Pekuakamiulnuatsh Takuhikan police services and to end the chronic underfunding of Indigenous police services across the country.

In response to the ruling delivered on December 15th, the Pekuakamiulnuatsh First Nation, the Assembly of First Nations Quebec-Labrador (AFNQL) and the British Columbia Assembly of First Nations (BCAFN) are joining forces to denounce the dishonourable attitude of the governments towards the issue of public safety in Indigenous communities.

With this astounding decision, the Quebec Court of Appeal deems the governments of Quebec and Canada to be acting in an unworthy, dishonourable, and abusive manner with regard to the funding of Indigenous police services, and considers that they are denying a reality that has been widely documented, especially by the Viens Commission. As a result of these failures, the highest court in Quebec has ruled in favor of the Pekuakamiulnuatsh First Nation, which was claiming an amount of \$1.6 million from the governments of Quebec and Canada, to make up for the deficit accumulated between 2013 and 2017 by its police service. The Court concluded that by refusing to fund Indigenous police services in a manner that would ensure the provision of services of the same quality as those offered to non-Indigenous people, the governments had failed in their constitutional obligation to act honourably and had committed an abuse of contractual right.

The Court noted that the underfunding of First Nations public safety has been widely documented for too long. First Nations do not have access to the same level and quality of police services as non-Indigenous people, despite the clear statements included in the *First Nations Policing Policy*, the *First Nations Policing Program* (FNPP), and the tripartite agreements intended to provide all appropriate resources. Even more shocking, the Court noted that in their defence, the governments' attorneys showed "total insensitivity to the findings of the various commissions of inquiry and studies that have examined the issue of policing on reserves and that have all deemed it inappropriate when applied to First Nations, because it is not adapted to their culture and specific needs."

According to the Court, the arguments used by the governments of Quebec and Canada were unfounded, and in attempting to demonstrate them, they (or those representing them) acted in an unworthy, dishonourable, and abusive manner.

First Nations leaders are now calling on government decision-makers to end their legal battle and not to attempt to appeal this decision to the Supreme Court. If the Court of Appeal's conclusions are not immediately acknowledged, they promise to mobilize all First Nations in Canada so that Indigenous communities can have access to police services of the same quality as those who non-Indigenous populations benefit from.

Quotes:

"This is the second ruling this year that confirms the chronic underfunding of our police services. This is another example of systemic racism that must stop. I applaud the unanimous decision of the Quebec Court of Appeal, which clearly establishes the governments' dishonorable attitude and condemns them to reimburse the community for the underfunding of its police station. This decision demonstrates that First Nations are in the best possible position when it comes to identifying the real needs of their communities."

- *Gilbert Dominique, Chief of the Pekuakamiulnuatsh First Nation*

"The Quebec Court of Appeal's decision shows that the governments of Canada and Quebec are insensitive to the realities of First Nations in terms of funding for our police services. Peace, order, and public safety are at the root of a blatant discrimination against our communities. Governments must recognize this and act."

- *Ghislain Picard, Regional Chief of the Assembly of First Nations Quebec-Labrador*

"The issue of inadequate funding for Indigenous police services, which is at the heart of this decision, has unfortunately been documented for a very long time, and its consequences are serious and numerous across the country. Mashteuiatsh has been able to establish without question that not only is the FNPP systemically underfunded, but that the tripartite agreements have not been properly funded either and have therefore never allowed the community, despite its own contributions, to sustain a police service on its territory that reaches a satisfactory threshold within the meaning of the Policy, that is, a quality of service comparable to that of neighboring communities. We call on Canada and the provinces to make the appropriate investments to ensure the safety and security of all citizens and improve First Nations policing."

- *Terry Teegee, Regional Chief of the British Columbia Assembly of First Nations*

Highlights:

- The decision rendered by the Court of Appeal of Quebec on December 15th, 2022, condemns the federal and provincial governments to reimburse \$1.6M to the community of Mashteuiatsh for the underfunding of its police station.
- The Quebec Court of Appeal thus overturns the decision of the trial judge, who had rejected the Pekuakamiulnuatsh First Nation's request in 2019.
- The Pekuakamiulnuatsh First Nation was seeking an amount equivalent to the accumulated deficits of its police station between 2013 and 2017.
- Chief Gilbert Dominique also filed a complaint on behalf of his First Nation with the Canadian Human Rights Tribunal, which ruled, on January 31st, 2022, that its police service was being discriminated against since it was not adequately funded by the Canadian government. Canada then applied for a judicial review.
- The Court of Appeal describes the governments' actions in this matter as insensitive and dishonourable.

Related links:

- [Decision of the Court of Appeal of Quebec](#)
- [Human Rights Tribunal Decision](#)

About the Pekuakamiulnuatsh First Nation

Pekuakamiulnuatsh Takuhikan is the political and administrative organization that represents the Pekuakamiulnuatsh. The Pekuakamiulnuatsh First Nation has 9,452 members, many of whom live in the community of Mashteuiatsh, on the shores of Pekuakami (Lac Saint-Jean) [www.mashteuiatsh.ca].

About the AFNQL

The Assembly of First Nations Quebec-Labrador is the political organization that brings together 43 First Nations Chiefs in Quebec and Labrador. [www.apnql.com]

About BCAFN

The British Columbia Assembly of First Nations (BCAFN) is a Provincial Territorial Organization (PTO) representing and advocating for the 203 First Nations in British Columbia.

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