

Decision/Direction Note
Department of Justice and Public Safety

Title: Replacement of Honeywell Self-Contained Breathing Apparatus (SCBA)

Decision/Direction Required:

s. 35(1)(g)

- Whether to fund replacement of Honeywell SCBAs [REDACTED] for volunteer fire departments within the province due to the brand being discontinued on December 16th, 2024 and will no longer be National Institution of Occupational Safety and Health (NIOSH) certified.

Background and Current Status:

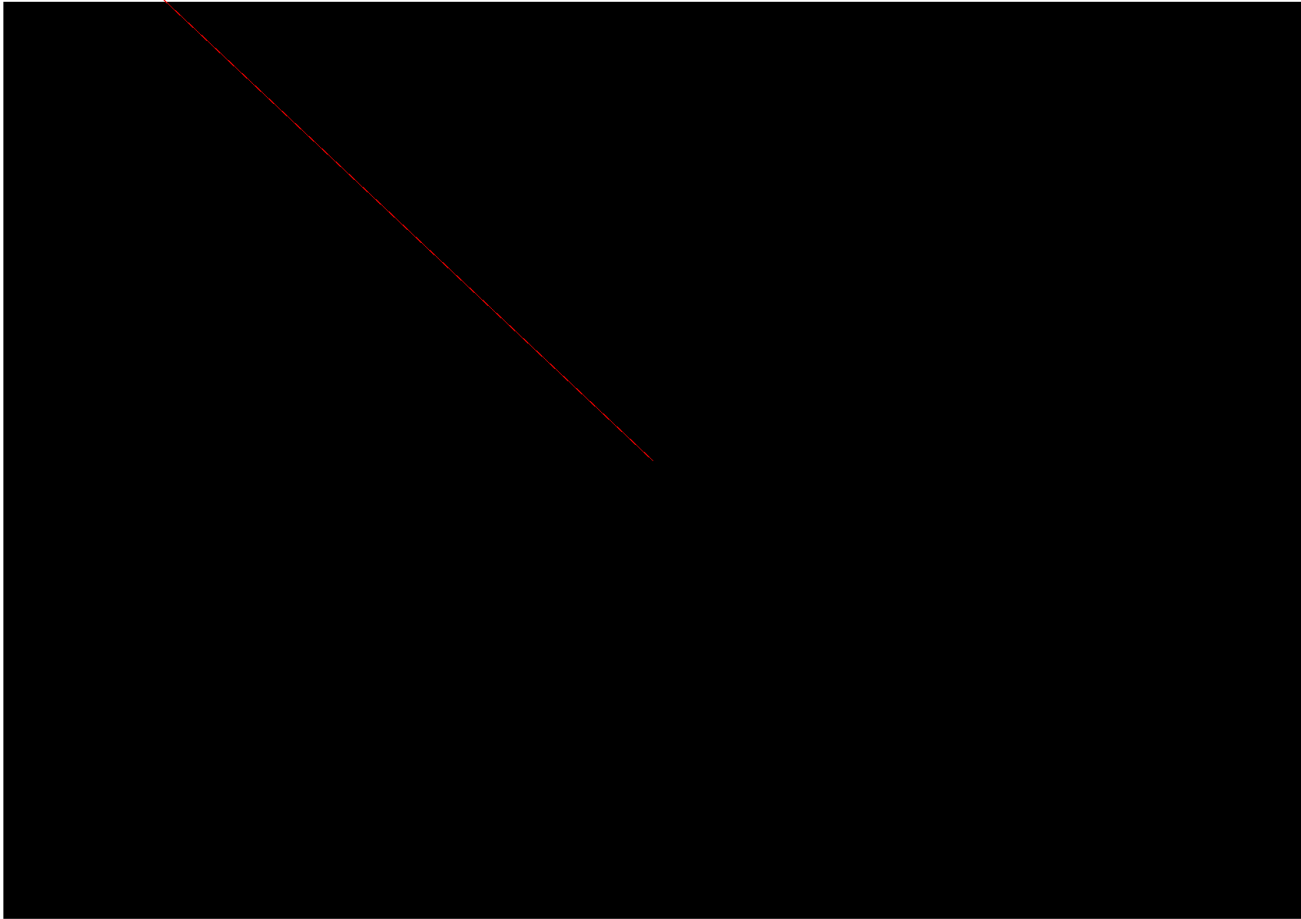
- Volunteer fire departments in Newfoundland and Labrador are currently using a variety of SCBAs for firefighting within the communities they service. One brand is Honeywell which will be discontinued in December 2024 (see Annex A).
- There are 55 volunteer fire departments across the province using the Honeywell SCBAs, based on the applications received by the Fire Services Division (FSD).

Analysis:

- With a variety of SCBAs currently being used in volunteer fire departments, there are some fire departments that only have the Honeywell brand. FSD currently has applications from 55 fire departments for the replacement of 301 sets plus cylinders.
- There are ongoing conversations with the Fire Commissioner, the Occupational Health and Safety (OHS) division and the current SCBA supplier about having one more service check completed on the sets, which will provide certification for one more year and to ensure there are sufficient parts available to service the SCBAs during the deviation period.
- If the Honeywell SCBAs are not replaced by December 2024, Fire Services will need to apply for a deviation to Section 85(2) of the **Occupational Health and Safety Act** which states:
 - Respiratory protection equipment
 - 85. (1) An employer shall select and provide appropriate respiratory protection equipment based on the respiratory hazard to which a worker is exposed and workplace and user factors that affect the performance and reliability of the equipment.
 - (2) The equipment referred to in subsection (1) shall be certified by the National Institution of Occupational Safety and Health and used in compliance with the conditions of its certification.

- [REDACTED]
- [REDACTED]
- [REDACTED]

s. 29(1)(a), s. 35(1)(g)



Prepared/Approved by:
Ministerial Approval:

C. Greeley/D. Dunphy
Received from Hon. Bernard Davis

August 1, 2024

A handwritten signature in black ink, consisting of a circular scribble followed by a long horizontal stroke.

Appendix A

Honeywell

Honeywell Update on Discontinued Product and NIOSH Certification

Honeywell Personal Protective Equipment

Date: January 25, 2024

To: SCBA, PD-SAR & EBA Respiratory Customers

Subject: Honeywell NIOSH SCBA, PD-SAR, & EBA Replacement Parts Support

As communicated on the dates below, Honeywell discontinued the following products:¹

- April 6, 2017
 - Panther Self-Contained Breathing Apparatus with Heads-Up Display, 2002
 - Cougar Self-Contained Breathing Apparatus with Heads-Up Display
- July 1, 2020
 - Panther Self-Contained Breathing Apparatus, 1997
- October 15, 2021
 - Survivair Cougar SCBA
 - Survivair Puma SCBA
 - Honeywell TITAN™ SCBA
 - Honeywell BA1000 & ER7000
 - Command Communication System
 - Pathfinder Tracking System
 - Cascade System Components
- June 1, 2022
 - ER5000 Escape Breathing Apparatus (EBA)
 - Panther Pressure Demand Supplied Air Respirators (PDSAR)

Due to factors beyond Honeywell's control, including but not limited to an increasingly limited availability of parts and materials, we will be submitting a request for rescission to NIOSH for the products above, with a target of **December 16, 2024**. At that time, we will no longer be able to support parts or repairs for these products, so they will no longer be considered NIOSH approved and can no longer be used in occupational settings that require compliance with OSHA 1910.134.²

This one-year timeframe is intended give customers the opportunity to plan for future needs. We will continue to support the products below that are still within the warranty period until **December 16, 2024**:

¹ See NIOSH approval number list in Addendum A

²Rescinding NIOSH approval means that the product will no longer be listed as NIOSH-approved or certified. Rescinding also means that products may no longer be manufactured, assembled, sold, or distributed bearing the approval number. After December 16, 2024, the respirators listed on this document will no longer be considered NIOSH approved and can no longer be used in occupational settings that require compliance with OSHA 1910.134.

1910.134(d)(1)(ii) The employer shall select a NIOSH-certified respirator. The respirator shall be used in compliance with the conditions of its certification.

1910.134(d)(2)(ii) Respirators provided only for escape from IDLH atmospheres shall be NIOSH-certified for escape from the atmosphere in which they will be used.

1910.134(d)(2)(iii) Respirators provided only for escape from IDLH atmospheres shall be NIOSH-certified for escape from the atmosphere in which they will be used.

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- NIOSH approved Self Contained Breathing Apparatus (SCBA) Replacement Parts
- NIOSH approved Escape Breathing Apparatus (EBA) Replacement Parts
- NIOSH approved Pressure Demand Supplied Air Respirators (PD-SAR) Replacement Parts

To the best of our knowledge as of the date of this letter, the service centers listed in Addendum B can be contacted about servicing these products, until NIOSH rescission occurs. Please note that these are third parties that may or may not be Honeywell-authorized service centers and as such, should be vetted properly before being engaged. Honeywell is not liable for services performed or parts provided by these centers.

Please note, Honeywell will not accept orders that include components already discontinued and no longer available. Please communicate this to your customer base as appropriate, as soon as possible.

For more information about this Notice, please contact your local sales representative or Honeywell Respiratory Technical Services at (800) 873-5242 (press 2).

Thank you for your understanding and support of this process.

Wesley Kipton

LIMITED WARRANTY/REMEDIES

Subject to the following conditions, Honeywell provides a limited warranty that the products in this notice will be free of defective materials and faulty workmanship for twelve (12) months from shipment. Honeywell's standard product warranty applies unless agreed to otherwise by Honeywell in writing; please refer to your order acknowledgment or consult your local sales office for specific warranty details. If warranted goods are returned to Honeywell during the period of warranty coverage, Honeywell will repair, replace or credit, at its option, without charge those items that Honeywell, in its sole discretion, finds defective.

Notwithstanding the foregoing, in the event of a product end-of-life or obsolescence or rescission, or inability of Honeywell to manufacture or source materials or component parts for a product, for whatever reason, and/or any associated last-time buy in relation to a product (an "EOL"), Honeywell shall engage in commercially reasonable efforts to repair or replace products in accordance with the terms of its standard warranty as outlined above, but in no event shall it be liable if it is unable to do so due to the EOL. The foregoing is

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buyer's sole remedy and is in lieu of all other warranties, expressed or implied, including those of merchantability and fitness for a particular purpose. In no event shall Honeywell be liable for consequential, special, or indirect damages.

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Addendum A

13F-0936	Models BA1000 / ER7000 Self Contained Breathing Apparatus, 30 minute, 2216 PSIG	30 min/ 2216 psi/SC/PD/EOSTI-25
13F-0937	Models BA1000 / ER7000 Self Contained Breathing Apparatus, 45 minute, 4500 PSIG	45 min/ 4500 psi/SC/PD/EOSTI-25
13F-0938	Models BA1000 / ER7000 Self Contained Breathing Apparatus, 60 minute, 4500 PSIG	60 min/ 4500 psi/SC/PD/EOSTI-25
13F-0231	EBA-5	SC/CF/ESC 5 min 2216 psi
13F-0232	EBA-10	SC/CF/ESC 10 min 3000 psi
13F-0255	HFS	SC/CF/ESC 5 min 3000 psi
13F-0284	Sigma/Omega/Panther/Cougar/Puma, 30 min, 4500 PSIG	30 min/ 4500 psi/ SC/SA/PD
13F-0284CBRN	Panther CBRN, 30 min, 4500 PSIG	SC/PD/CBRN/30 min/4500 psi
13F-0285	Sigma/Omega/Panther/Cougar/Puma, 30 min, 2216 PSIG	30 min/ 2216 psi/ SC/SA/PD
13F-0285CBRN	Panther CBRN, 30 min, 2216 PSIG	SC/PD/CBRN/30 min/2216 psi
13F-0286	Sigma/Omega/Panther/Cougar/Puma, 45 min, 4500 PSIG	45 min/ 4500 psi/ SC/SA/PD
13F-0286CBRN	Panther CBRN, 45 min, 4500 PSIG	SC/PD/CBRN/45 min/4500 psi
13F-0287	Sigma/Omega/Panther/Cougar/Puma, 60 min, 4500 PSIG	60 min/ 4500 psi/ SC/SA/PD
13F-0287CBRN	Panther CBRN, 60 min, 4500 PSIG	SC/PD/CBRN/60 min/4500 psi
13F-0300	SIGMA/Panther Hip-Pac, 5 min, 2216 PSIG	SA/SC/PD/ESC 5 min 2216 psi
13F-0805CBRN	Model Titan CBRN Self Contained Breathing Apparatus, 30 minute, 2216 PSIG	30 min/ 2216 psi/ SC/PD/CBRN/EOSTI-33
13F-0806CBRN	Model Titan CBRN Self Contained Breathing Apparatus, 30 minute, 2216 PSIG	30 min/ 2216 psi/ SC/PD/CBRN/EOSTI-33
13F-0807CBRN	Model Titan CBRN Self Contained Breathing Apparatus, 30 minute, 2216 PSIG	30 min/ 2216 psi/ SC/PD/CBRN/EOSTI-33
13F-0808CBRN	Model Titan CBRN Self Contained Breathing Apparatus, 30 minute, 4500 PSIG	30 min/ 4500 psi/ SC/PD/CBRN/EOSTI-33
13F-0809CBRN	Model Titan CBRN Self Contained Breathing Apparatus, 45 minute, 4500 PSIG	45 min/ 4500 psi/ SC/PD/CBRN/EOSTI-33
13F-0810CBRN	Model Titan CBRN Self Contained Breathing Apparatus, 60 minute, 4500 PSIG	60 min/ 4500 psi/ SC/PD/CBRN/EOSTI-33
13F-0805	Model Titan, Self Contained Breathing Apparatus, 2216 PSIG, 30 Minute	30 min/ 2216 psi/ SC/SA/PD/EOSTI-33
13F-0806	Model Titan, Self Contained Breathing Apparatus, 2216 PSIG, 30 Minute	30 min/ 2216 psi/ SC/SA/PD/EOSTI-33
13F-0807	Model Titan, Self Contained Breathing Apparatus, 2216 PSIG, 30 Minute	30 min/ 2216 psi/ SC/SA/PD/EOSTI-33
13F-0808	Model Titan, Self Contained Breathing Apparatus, 4500 PSIG, 30 Minute	30 min/ 4500 psi/SC/SA/PD/EOSTI-33
13F-0809	Model Titan, Self Contained Breathing Apparatus, 4500 PSIG, 45 Minute	45 min/ 4500 psi/SC/SA/PD/EOSTI-33
13F-0810	Model Titan, Self Contained Breathing Apparatus, 4500 PSIG, 60 Minute	60 min/ 4500 psi/SC/SA/PD/EOSTI-33
13F-0301	SIGMA/Panther Hip-Pac, 10 min, 3000 PSIG	SA/SC/PD/ESC 10 min 3000 psi
13F-0319	Lo-Pro, 30 min, 4500 PSIG	Lo-Pro, 30 min, 4500 PSIG
13F-0367	Sigma/Panther Hip-Pac, 15 min, 3000 PSIG	SA/SC/PD/ESC 15 min 3000 psi
13F-0447	Escape	
13F-0448	Escape	
13F-0463	Sigma/Omega/Panther/Cougar/Puma, 30 min, 3000 PSIG	30 min/ 3000 psi/ SC/SA/PD
13F-0789	ER5000, EBA-5 Escape Self Contained Breathing Apparatus, Continuous Flow	SC/CF/ESC 5 min 2216 psi
13F-0790	ER5000, EBA-10 Escape Self Contained Breathing Apparatus, Continuous Flow	SC/CF/ESC 10 min 3000 psi
13F-0791	ER5000, EBA-HF5 Escape Self Contained Breathing Apparatus, Continuous Flow	SC/CF/ESC 5 min HF 3000 psi
13F-0482	Panther Hip-Pac, 10 min, 4500 PSIG	SA/SC/PD/ESC 10 min 4500 psi
13F-0483	Panther HM, 30 min, 4500 PSIG	30 min/ 4500 psi/ SC/SA/PD
13F-0568	Warrior/Titan, 30 minute SCBA	30 min/ 2216 psi/ SC/SA/PD
13F-0568CBRN	Warrior/Titan SCBA, CBRN and NFPA 1981, 2007 Edition	30 min/ 2216 psi/ SC/PD/CBRN
13F-0569	Warrior, 30 minute SCBA	30 min/ 3000 psi/ SC/SA/PD
13F-0569CBRN	Warrior SCBA, CBRN and NFPA 1981, 2007 Edition	30 min/ 3000 psi/ SC/PD/CBRN
13F-0570	Warrior/Titan, 30 minute SCBA	30 min/ 4500 psi/ SC/SA/PD
13F-0570CBRN	Warrior/Titan SCBA, CBRN and NFPA 1981, 2007 Edition	30 min/ 4500 psi/ SC/PD/CBRN
13F-0571	Warrior/Titan, 45 minute SCBA	45 min/ 4500 psi/ SC/SA/PD
13F-0571CBRN	Warrior/Titan SCBA, CBRN and NFPA 1981, 2007 Edition	45 min/ 4500 psi/ SC/PD/CBRN
13F-0572	Warrior/Titan, 60 minute SCBA	60 min/ 4500 psi/ SC/SA/PD
13F-0572CBRN	Warrior/Titan SCBA, CBRN and NFPA 1981, 2007 Edition	60 min/ 4500 psi/ SC/PD/CBRN
13F-0727	Model Warrior Haz-mat (HM) Self-Contained Breathing Apparatus and Type C Supplied Air Respirator, 4500 PSIG, 30 Minute	30 min/ 4500 psi/ SC/SA/PD
19C-0302	SIGMA/Panther SAR	SA/PD

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Addendum B

Potential Service Centers

Name	Address	Phone
Extreme Safety	20850 Leapwood Avenue, Suite B Carson CA	310-856-0166
Border States Electric	5475 Joliet St., Unit B Denver CO	720-531-9895
High Country Fire Equipment, Inc.	10643 W. Berry Pl. Littleton CA 80127	(303) 324-8645
Gowans-Knight Co.	49 Knight Street Watertown CT	877-352-4871
FIRE-TEC	1485 Banks Road Margate FL	954-960-5068
Premier Safety	140 Satellite Blvd, NE, Suite B1 Suwanne GA	470-362-7016
SCBAs	403 Peoria St. Washington IL	800-747-7442
Mid-America Fire & Safety	4001 N. St. Joseph Ave. Evansville IN	812-423-5505
High Tech Rescue	1009 Mt. Vernon Rd. Shelbyville KY	502-633-0149
Delta Fire and Safety	235 Eastpark Dr. Eunice LA	888-944-4911
BGS	2204 S. Commerce Gonzales LA	866-247-3473
Premier Fire	6176 West Park Avenue Houma LA	985-580-1555
Premier Safety	46400 Continental Dr. Chesterfield MI	800-327-4260
Southeast Equipment	6408 Montclair Drive Troy MI	248-895-7531
Fire Safety USA	3253 19th Street NW, Suite #4 Rochester MN	507-529-8444
Mobile Test	1972 St. Andrews Church Rd. Sanford NC	919-776-8771
Danko Emergency Equipment	109 Ash Street Snyder NE	866-568-2200
Continental Fire & Safety	2740 Kuser Road Hamilton Twncsp NJ	800-313-1846
Premier Safety	422 Alexandersville Road Miamisburg OH	937-824-4400
Warren Fire Equipment	6880 Tod Avenue Warren OH	800-729-6176
Warren Fire Equipment	2044B South Alex Road West Carrollton OH	937-866-8918
NAFECO	2022 N. Broadway Moore OK	405-812-1028
3 Rivers Fire Equipment	1319 Airbrake Ave. Turtle Creek PA	412-824-9540
M&T Fire and Safety	111 Kasan Ave. Volga SD	605-627-5165
Fire Supply	500 West Railroad Ave., P.O. Box 89 Godley TX	800-338-1461
Kimco Services	103 Oyster Creek Dr. Lake Jackson TX	800-460-7227
Delta Industrial Service & Supply	3159 Summit Dr. Port Neches TX	409-724-1055
Apparatus Equipment & Service	1103 South 700 West Salt Lake City UT	801-886-0600
Fire ETC.	2190 Main St. San Diego, CA 92113	(619) 525-7286

Information Note
Department of Justice and Public Safety

Title: Public Safety in Happy Valley- Goose Bay

Issue: Response to public safety challenges experienced in Happy Valley-Goose Bay.

Background and Current Status:

- Members of the public and business owners are reporting an increase in vandalism and criminal activity occurring in Happy Valley-Goose Bay (HVGB) prompting public safety concerns.
- On August 13, 2024, a public rally was held by residents and business owners in HVGB to voice public safety concerns and to call on the Government of Newfoundland and Labrador to increase public safety measures in the community.
- The Royal Canadian Mounted Police (RCMP) is responsible for policing in the Town of HVGB and northern Labrador coastal communities. The RCMP operates under two mandates in Newfoundland and Labrador - federal and provincial policing.
- Federal policing activities are funded one hundred per cent by the federal government. The federal policing branch includes federal, serious, and organized crime, national security and border integrity, financial/economic crime, undercover operations and criminal intelligence unit, and specialized policing (i.e., Explosive Disposal Unit, Digital Forensics Unit).
- Provincial policing services are provided on a 70/30 cost shared provincial/federal basis under the authority of the Provincial Police Service Agreement (PPSA), which exists between the Province and Public Safety Canada, with the RCMP acting as the service provider.
- RCMP HVGB detachment staffing complement is comprised of eighteen positions operating 20 hours per day (until 4 am) – seven days a week, with four current vacancies including one member transfer in progress, [REDACTED]
- RCMP calls for service statistics are typically high on a regular basis at approximately 400 calls per member annually (6500 files per year). The Town of HVGB is the hub for the North and experiences a high transient population in the summer months resulting in higher police call volume for service in the summer than in the fall and winter.
- The HVGB detachment is the policing hub for Northern Labrador coastal detachments, which are also high activity detachments.
- Despite concerns about public safety in the past few months, RCMP call for service volume has not increased. However, crime statistics for July 2024 in HVGB have identified a higher number of break and enters than in previous years.
- Member of the House of Assembly for Lake Melville, Perry Trimper met with officials from the Department of Justice and Public Safety and the RCMP on July 24, 2024, to discuss the deployment of additional resources to address public safety concerns in HVGB.

Analysis:

- In response to the meeting with MHA Trimper, within 48 hours, the RCMP temporarily increased the staffing resources on the ground for a 2-week period to allow for increased patrol, visibility, and response time. Meetings were held with the Town and a public service announcement blitz including a householder mail out, RCMP media interviews on CBC Labrador Morning Show and information released via social media channels, was conducted to remind residents and businesses to report crime to the police.
- The RCMP has advised that policing work has led to several arrests including an arrest of the individual(s) responsible for the recent arson of the Sand Bar lounge.
- The RCMP has advised that increased visibility of police and active patrols of known hot spots for criminal activity will help HVGB residents and businesses have more confidence in their public safety and to deter criminal activity.

Action Being Taken:

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- The RCMP will provide regular reports as to the impact of these measures to Justice and Public Safety (JPS).
- JPS will deploy the Policing Transformation Working Group (PTWG) to complete an analysis of policing in HGBV and make recommendations for improvements, including appropriate regional policing resource allocations. The analysis will be conducted within 60-days and the report with recommendations provided to the Minister of Justice and Public Safety. Given the complex, cross cutting nature of the existing social issues, cooperation with HCS, NLHS and NLHC may be required.

Prepared/Approved by: L Roberts/ D. Mahoney
Ministerial Approval:

August 14, 2024

Decision/Direction Note
Department of Justice and Public Safety

Title: Funding for Port Anson Fire Protection Vehicle

Decision/Direction Required:

- Whether to provide one-time funding of \$30,000 to the Town of Port Anson to purchase Fire Protection Vehicle they are currently leasing.

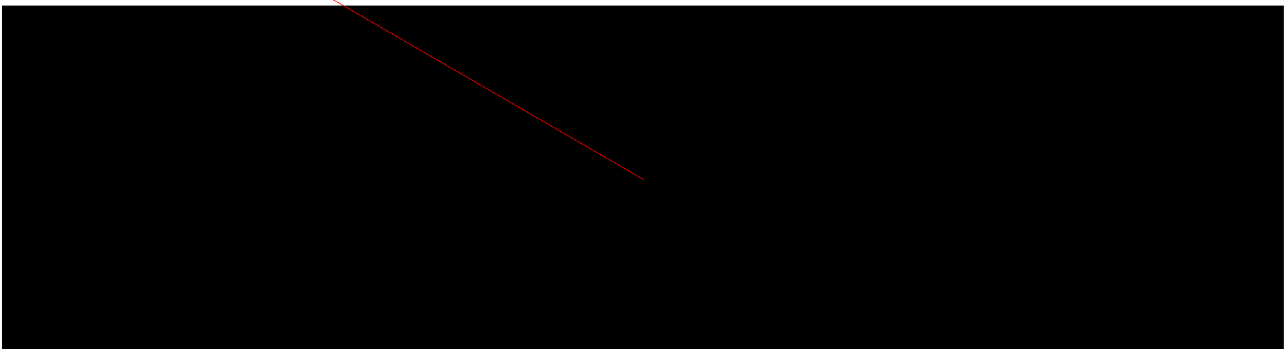
Background and Current Status:

- The Town of Port Anson's 1990 pumper truck is no longer functioning and has been removed from service.
- The Town is currently leasing a 1997 4 door Pumper from S & S Auto.
- The Town is requesting funding of \$30,000 to purchase the leased truck.

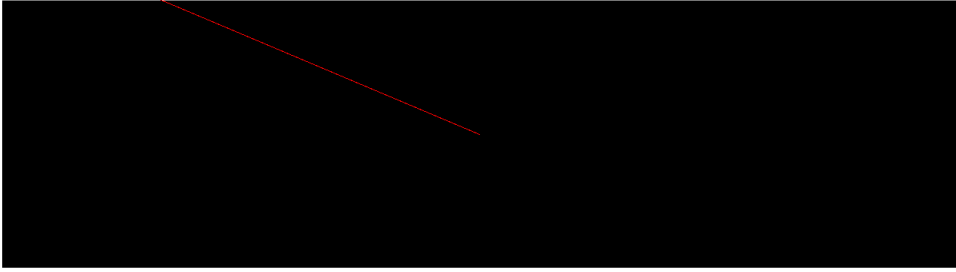
Analysis:

- The leased truck is functioning well and is in overall good condition.
- The 1997 truck has 23,150 KM (assuming it is KM)
- It has a 500-gallon poly tank; the pump size is 1250 gpm and type is SQF 125.
- The pump has been inspected.
- Equipment (hoses, ladders) from the old truck has been incorporated onto the leased truck.
- Fire Services Division supports the request and recommends the following be obtained if funding is approved:
 - Copy of a current pump inspection (within the last year) from a certified pump inspector.
 - Copy of a current Commercial Vehicle Inspection.
 - Minimum 30-day warranty from the time of purchase on both the truck and pump.

Alternatives: s. 29(1)(a)



s. 29(1)(a)



Prepared/Approved by: C. Foster/L.R. Fowler/D. Dunphy
Ministerial Approval:

August 13, 2024

Decision/Direction Note
Department of Justice and Public Safety

Title: Funding for Baytona Fire Protection Vehicle

Decision/Direction Required:

- Whether to approve fixed contribution funding of up to \$100,000 to the Town of Baytona to purchase a used Fire Protection Vehicle – 2 door/4 door pumper depending on available inventory. This would be considered an emergency purchase as they are currently without an emergency vehicle.

Background and Current Status:

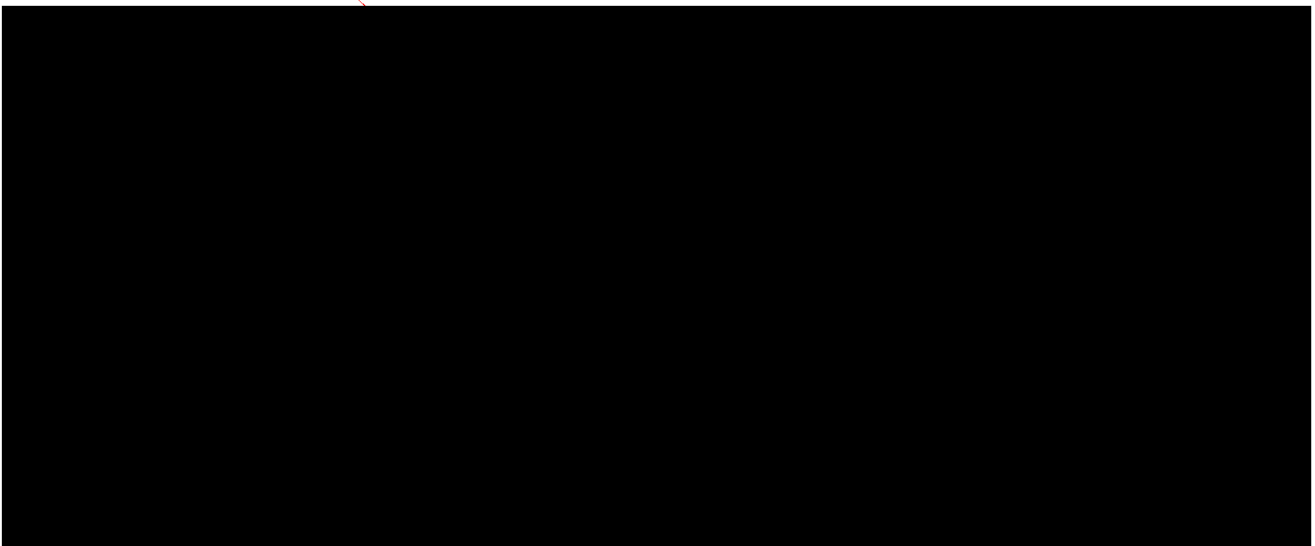
- The Town of Baytona's 1983 pumper truck is no longer functioning and has been removed from service.
- The other vehicle in the Fire Department's inventory is a 1996 Utility Van.
- The Town is requesting funding of up to \$100,000 to purchase a used pumper truck.

Analysis:

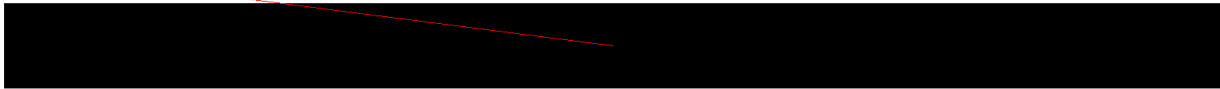
- The Town has been actively looking for a used truck to meet the fire protection needs of the community.
- Fire Protection for the Town is currently being provided with portable fire pumps that the Baytona Volunteer Fire Department has on-hand. Mutual aid is being provided by the Town of Birchy Bay.
- Fire Services Division indicates that there are used pumper trucks available on the market.
- Fire Services Division supports the request.

Alternatives:

s. 29(1)(a)



s. 29(1)(a)



Prepared/Approved by: C. Foster/L.R. Fowler/D. Dunphy
Ministerial Approval:

August 13, 2024

Meeting Note
Department of Justice and Public Safety
Meeting with the Commissioners of the Inquiry into the Treatment, Experiences and Outcomes of Innu in the Child Protection System
August 22, 2024
Cabot View Boardroom

Attendees: Anastasia Qupee, co-commissioner of the Innu Inquiry
Dr. Michael Devine, co-commissioner of the Innu Inquiry
The Honourable Bernard Davis, Minister of JPS
Denis Mahoney, KC, Deputy Minister of JPS

Purpose of Meeting:

- To discuss the status of the Inquiry into the Treatment, Experiences and Outcomes of Innu in the Child Protection System.

Background:

- The Government of Newfoundland and Labrador and the Innu Nation launched the Inquiry into the Treatment, Experiences and Outcomes of Innu in the Child Protection System (the Inquiry) in April 2022.
- The Inquiry has been established as a Part II Inquiry under the **Public Inquiries Act, 2006**.
- The mandate of the Inquiry is to examine the treatment, experiences and outcomes of Innu children, youth and families in the child protection system, and to identify recommendations for change.
- Commissioners of the Inquiry were appointed on April 27, 2022: retired Provincial Court Judge James Igloliorte, who is Chief Commissioner, Anastasia Qupee of Sheshatshiu, former Grand Chief of the Innu Nation, and Dr. Mike Devine, retired Associate Professor of the School of Social Work, Memorial University, who are both Commissioners.
- In July 2024, Judge James Igloliorte stepped down as co-commissioner of the Inquiry.
- On July 25, 2024, the remaining co-commissioners wrote Minister Davis outlining a number of requests for discussion.

Agenda item #1 (Resignation of Commissioner Igloliorte)

- The Commissioners have requested the opportunity to discuss Commissioner Igloliorte's resignation.

Analysis

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s. 29(1)(a)

- [Redacted]
- [Redacted]

s. 29(1)(a)

Potential Speaking Points

- We appreciate your input with respect to the next Commissioner. We would be happy to hear your thoughts on the replacement for Commissioner Igloliorte.
- We will be working diligently to ensure that the Commissioner position is filled on a timely basis.

s. 29(1)(a)

- [Redacted]

s. 29(1)(a)

Proposed Actions

- [Redacted]

s. 29(1)(a)

Agenda Item #2 (Extension Request)

- The Commissioners have requested a 2-year extension to the Report deadline, to September 30, 2026, with the Inquiry fully concluding and the Office disbanding on March 30, 2027.

Analysis

- [Redacted]

s. 29(1)(a)

Potential Speaking Points

- [Redacted]

s. 29(1)(a)

Proposed Actions

- [Redacted]

s. 29(1)(a)

Agenda item #3 (Resources for the Inquiry)

- The Commissioners have requested access to the entirety of the financial resources requested in Budget 2024 to allow the Inquiry to undertake its work throughout the remainder of the 2024-25 fiscal year, as well as additional legal and human resources support.

Analysis

- [REDACTED]

s. 29(1)(a)

Potential Speaking Points

- In order for us to evaluate your request for resources, we would ask that you share an updated workplan with the Department for consideration.
- We have to follow internal Government budget/legislative processes.

Proposed Actions

- [REDACTED]

s. 29(1)(a)

Prepared/Approved by:
Ministerial Approval:

K. Martin/M. Noseworthy/D. Mahoney
Received from Honourable Bernard Davis

August 19, 2024

Annex A
Letter and Schedule



INQUIRY RESPECTING THE TREATMENT, EXPERIENCES AND OUTCOMES OF INNU IN THE CHILD PROTECTION SYSTEM

Ms. Anastasia Qupee
Commissioner

Dr. Michael Devine
Commissioner

25 July 2024

The Hon. Bernard Davis
Minister of Justice and Public Safety
Government of Newfoundland and Labrador

[VIA EMAIL]

Dear Minister Davis –

Congratulations on your appointment as the Minister of Justice and Public Safety.

The Terms of Reference of the **Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System** (the “Inquiry”) require the “inquiry panel”, comprising Commissioners Igloliorte, Qupee, and Devine, to “deliver a final report” to you on or before 30 September 2024. We write to you in respect of two issues arising from this requirement; namely, the impacts of Commissioner Igloliorte’s resignation from the Inquiry, and our requirement for more time to complete the work of the Inquiry and prepare and submit a final report to you.

Our commitment to discharging the mandate with which we have been charged is steadfast, but depends upon the continued support of your Department and your Government, particularly in terms of the time and financial resources provided to us to undertake the work, and in terms of the timely recruitment of the human resources necessary to execute that work.

Our requests may be summarised thusly:

1. A 2-year extension to the Report deadline is required, to **30 September 2026**.
2. Access to the entirety of the financial resources requested in Budget 2024 is required to allow the Inquiry to undertake its work throughout the remainder of FY2024-25.
3. Where your Department’s support is required for the Inquiry to secure required legal and human resources, that support must be provided without delay.
4. A meeting to discuss the resignation of Commissioner Igloliorte, and requests 1-3.

We have developed an aggressive, yet reasonable, schedule for the Inquiry, comprising a sufficient number of Formal and Investigation Hearings for the collection of evidence needed to prepare our report. Please see the new schedule appended hereto as ANNEX A. That schedule presupposes that the resources we require will be furnished without delay, as any delay will have direct effects on the schedule, and on the total financial resources required for the completion of the Inquiry.

To that end, and further to No. 3, above: earlier this month, Inquiry officials forwarded draft retainers to JPS officials for the retention of two new halftime Co-Counsel that are required to support the Inquiry’s Lead Counsel in preparing for and undertaking Formal Hearings in furtherance of the s. 4(1) mandate. Those retainers require immediate attention, as we have been advised that the prospective new Co-Counsel cannot commence work until those retainers are in effect, and our new schedule, which calls for our next Formal Hearing to be convened in September, depends upon those Co-Counsel commencing work immediately, and certainly by the first of August.

Fundamentally, the extension request, for an additional two years, is utterly dependent upon our second and third requests, related to financial and human resources, being fulfilled.

Since the Inquiry was established in April 2022, we have experienced innumerable delays, many of which have been beyond anyone's control (e.g., the cancellation of no less than four separate weeks of Community Meetings and Formal Hearings due to community tragedies; the time required to ensure translation of Inquiry proceedings into and from Innu-aimun).

However, certain delays appear to us to be less uncontrollable, such as the approximately 8-months required for Government to secure retainer letters with each of the six families' legal counsel, and the length of time it has taken for Government to respond, and still only partially, to our January 2024 identification of and request for additional legal and human resources.

These seemingly-avoidable delays have tangible impacts upon Inquiry schedule and finances. For example, the delay in retaining the two new Investigation Counsel led directly to a four-month delay in progressing the Investigations. We are ever mindful of the requirement to be prudent with public resources, and exert every effort to do so with respect to matters within our control.

It is notable that, in developing the new schedule, we have identified efficiencies that should mitigate the schedule impacts of further unforeseeable events (e.g., weather delays; cancellations resulting from community tragedies). It is hoped that these efficiencies, combined with the introduction of "overflow" months as outlined in ANNEX A, will help ensure the integrity of the Inquiry's new schedule.

Certain of these efficiencies may require adjustments to Government or Inquiry funding mechanisms. Your officials may wish to discuss this issue with Inquiry officials during your deliberations on our extension request.

Finally, we look forward to the opportunity to discuss Commissioner Igloliorte's resignation with you, and any insight you may be able to share on your Government's intended response(s), which we only surmise would include consideration of identifying and appointing a replacement Commissioner. At this juncture, we will only observe that the Inquiry no longer has a Commissioner with legal training and experience, skills we have relied upon over the past two years, and expect to require as we move forward through as many as six Investigation Hearings, and six Formal Hearings. At a minimum, we would welcome your thoughts on us convening Inquiry proceedings to collect evidence pursuant to s. 7 of the Terms of Reference, when the "inquiry panel" as defined in those Terms of Reference includes three named Commissioners.

When we were appointed, we were provided with 18 months to prepare a report, and two lawyers and a staff complement of five to support us in doing so. Only the experiences of the past two years have shown us that our mandate cannot be discharged without additional time, and without additional financial and human resources.

We look forward to your timely and positive response, and welcome the opportunity to meet with you to discuss these issues, and our work at the Inquiry, at your earliest convenience. To that end, we would invite your officials to contact Ms. Ruth Steele, Inquiry Manager, to coordinate our respective schedules.

Sincerely yours,



s.40(1)

Ms. Amastasia Qupee
Commissioner

Dr. Michael Devine
Commissioner

ANNEX A

FISCAL YEAR 2024-25	
September	Formal Hearing No. 4
October	Formal Hearing No. 5
November	Formal Hearing No. 6
December	(overflow)
January	Formal Hearing No. 7
February	Death Investigation No. 1
March	(overflow)
FISCAL YEAR 2025-26	
April	Roundtable No. 1
May	(overflow)
June	Formal Hearing No. 8
July	Death Investigation No. 2
August	Death Investigation No. 3
September	(overflow)
October	Death Investigation No. 4
November	Death Investigation No. 5
December	(overflow)
January	Death Investigation No. 6
February	Roundtable No. 2
March	Formal Hearing No. 9
FISCAL YEAR 2026-27	
April	Written submissions invited
May	Written submissions invited
June	Oral submissions
July	Report preparation
August	Report preparation
30 September 2026	Report submission
October	<u>Internal:</u> prepare Plain Language Summary (s. 10 (4), NLR27/22)
November	<u>External:</u> Community Presentations (s. 4(a), OC2002-104)
December	<u>External:</u> Community Presentations (s. 4(a), OC2002-104)
January	
February	

**Ad-Hoc Meeting of Federal, Provincial, and Territorial Deputy Ministers
Responsible for Justice and Public Safety**

Issue:

- The stated purpose of the meeting is to discuss updates on the proposed federal policing changes, discuss policing models in non-RCMP jurisdictions, and an analysis of current contract policing across Canada.

Agenda item #1 (Updates on Proposed Federal Policing Changes, Public Safety Canada)

Background:

Summary of Minister LeBlanc's Letter to Ministers May 2024:

- An end-state for federal policing is envisioned that is separate and distinct from the RCMP's contract policing mandate.
- A statement of assurance that the Federal government is committed to honoring contract policing obligations, and that the continued commitment to contract policing includes delivery of policing in communities.
- The establishment of a secretariat within Public Safety Canada (PSC), led by Associate Deputy Minister, Ms. Tricia Geddes, to advance this work in close collaboration with Commissioner Mike Duheme. The letter states, Ms. Geddes will be "reaching out to your Deputies in short order to discuss the workplan and ensure your views are considered as policy work progresses."
- Minister LeBlanc's letter seeks to:
 - commit to work with provinces and territories on our approach to the renegotiations of the agreements and ensure we have the proper path forward to support you in your needs and priorities when it comes to policing in your jurisdiction today and beyond 2032.
 - learn more about the Provinces and Territories' plans for policing within their jurisdictions as we approach the expiry of the current policing contracts.

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Potential Speaking Points:

s. 34(1)(b), s. 34(1)(a)(i)

- We understand the complexities of policing and the proliferation of tech-enabled trans-national crime. We further understand that the Federal Policing Program has struggled with human resource challenges, a lack of adequate funding to support operations, and increased/changing mandates.
- We have reviewed the report tabled by the National Security and Intelligence Committee of Parliamentarians (NSICOP) and understand the following have been highlighted as challenges to the Federal Policing program:
 - weak governance and prioritization of federal activities and investigations;
 - poor data and data management;
 - an intelligence function misaligned with federal requirements; and
 - recruitment and training models ill-suited to its mandate.

- JPS is interested in understanding how RCMP Federal Policing intends to respond to the recommendations within this report, and how this response will impact the delivery of federal policing services in Newfoundland and Labrador.
- JPS expects that Federal Policing should be a supportive partner in the delivery of policing in this Province, with formalized and consistent linkages through contract and provincial policing.
- JPS has met with the new Assistant Commissioner for the Atlantic region and were reassured by the commitment to maintain current federal policing levels in our province.
- We look forward to continuing to be engaged in discussions around federal policing transformation, particularly as it relates to resources, and any impacts to the PPSA contract.

Agenda item #2 (Policing Models in Non-RCMP Jurisdictions, Ontario)

Background:

- Ontario will lead the discussion to present different levels of policing in that jurisdiction, for example, OPP, municipal police agencies, Indigenous police agencies, etc.
- Other areas of discussion to include the governance model, legislation, and funding streams.

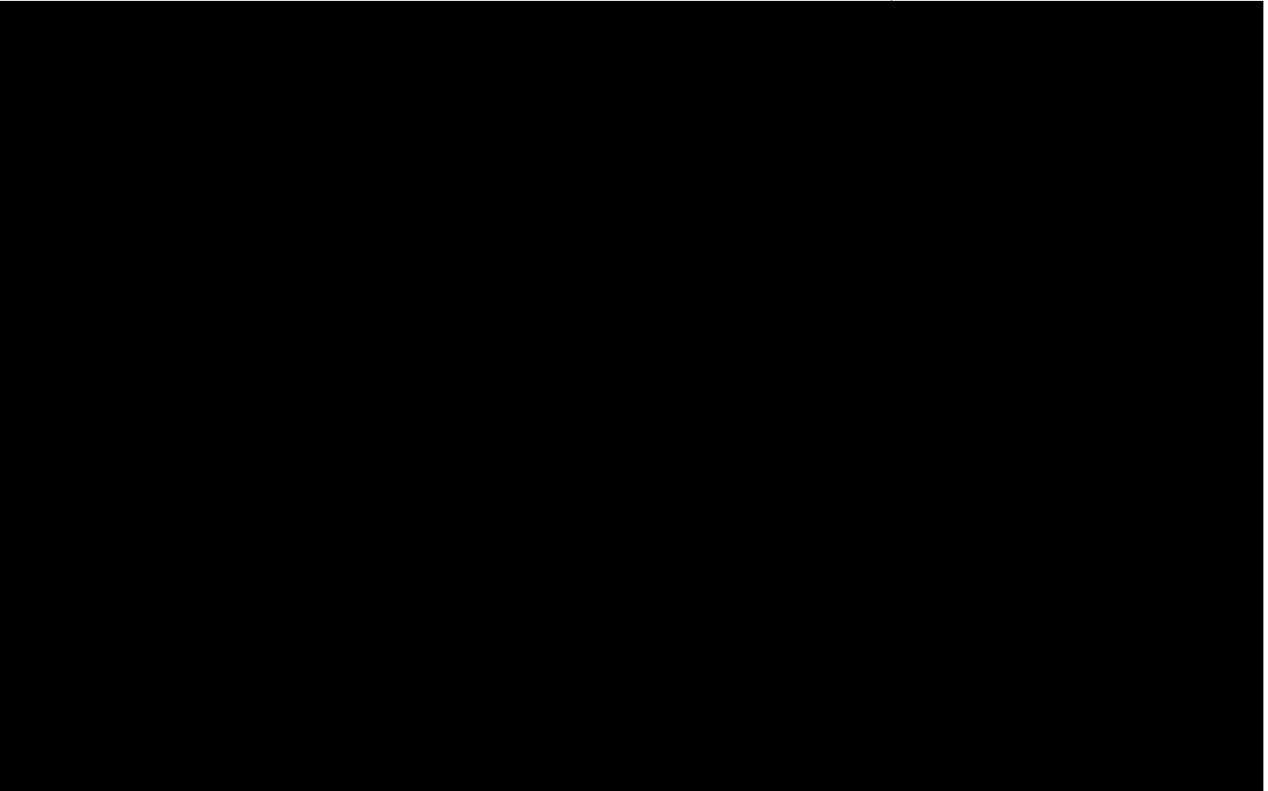
Potential Speaking Points

- NL welcomes learnings from all jurisdictions as it relates to police delivery models.

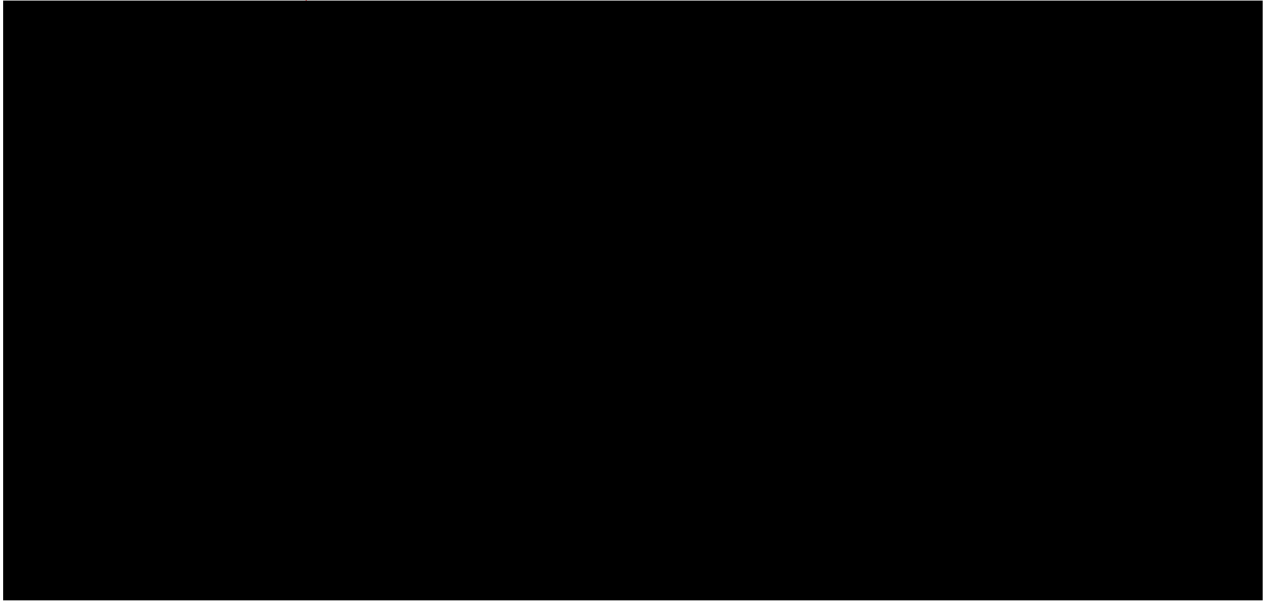
Agenda item #3 (Analysis of Current Contract)

s. 29(1)(a), s. 34(1)(b), s. 34(1)(a)(i)

Background:

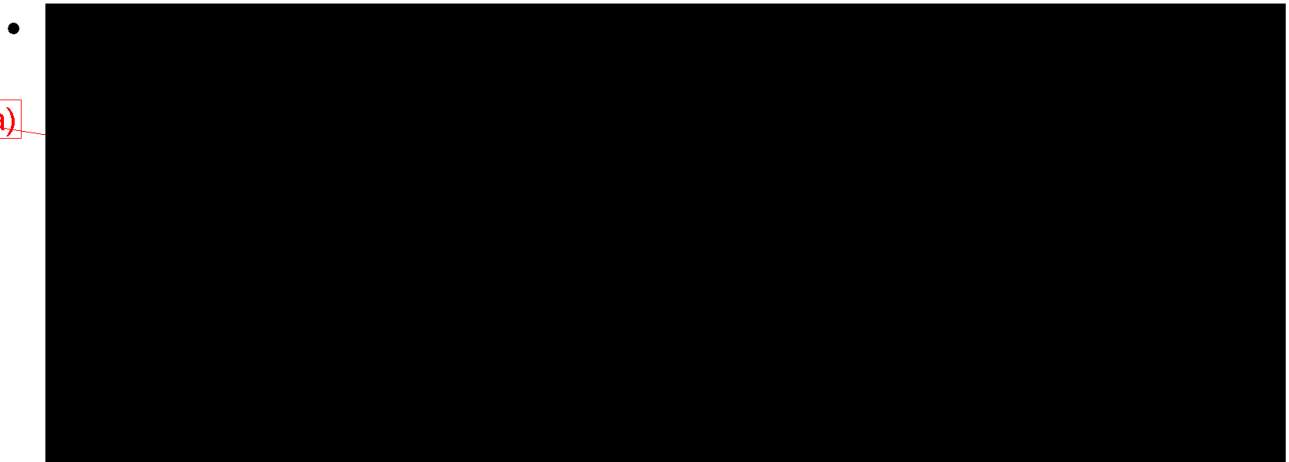
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s. 29(1)(a), s. 34(1)(b), s. 34(1)(a)(i)



Potential Speaking Points

- Policing is increasingly complex and costly. Consideration should be given to local contexts and there should be improved flexibility within the agreement to respond to local needs.
- There is an increased need for flexibility, transparency, and evolution of the service delivery models of the RCMP to better integrate with other services (police and social).
- A comprehensive policing review that began in Fall 2023 is ongoing. The recommendations from this review will help inform the negotiating mandate for our Province.
 - The scope of the review is broad and takes into consideration service delivery alternatives.



s. 29(1)(a)

Prepared/Approved by: K. Brodeur/S. Simmons/L. Roberts/D. Mahoney

August 19, 2024