

Presupposed, Predisposed

[00:00:00] [Police sirens sounds while someone is walking, their footsteps crunch the snow beneath them. Guns shots are heard three times, one after another. The creak of a slowly closing heavy steel door sounds before clanking shut and locking.]

[00:00:43][Simon speaking] Ok. So a few months back I was a Saturday night out at school because I had a test on the Monday and I had no time to get ready. So of course I'd be cramming on a Saturday. So I leave the school, I leave the school library at around 6 o'clock. I get into my car, everything's all good. We started driving. Nothing, nothing to worry about. And then I hit Glenmore and then I'm heading south towards Deerfoot, so I'm going, I'm driving. There's nothing, nothing to worry about. There's a cop beside me. So OK there's no issues to worry about. So I continue driving. And then as, right before we get onto the exit on Deerfoot the cop goes behind me. I'm not worried about that because I'm thinking where, what's it called, we're taking the same way home. So we get on Deerfoot, as I'm driving, I looked at my rear, and I noticed the cop like on my bumper. And to me I thought I was like OK cop was really running the plates and I was driving my mom's car at the time, so I knew, OK they're going run the place to be a problem. But the cop kept tailing me so I get on, we're on Deerfoot and I see Peigan. So I was like OK I'm take this exit because that's the exit I usually take home and take that turn and the cops still follow me. I'm not worried at the moment, but I'm suspicious. I'm like OK the cop is following me. Let's see how long this goes.

[00:02:20] So keep going, we keep driving and the cops still on my bumper. As it's happening, one of the things that pops in my head is OK follow the speed limit or the cop is gonna pull you over for some reason. But nothing happens. So we keep driving. Five minutes later the cop is still on my tail. So we get on 52nd, and I used to work in this area because it was an industrial area. I used to work there. So I knew the area a little bit and I knew there was a CO-OP so I was going to turn there and the cop kept following us. We could pull up, pull over at the CO-OP gas station. So I take the turn cops are still on my tail. At that moment I blacked out and I started... I just got mad. So I take the turn and I was like OK screw it I'm going to go to this the parking lot and see what happens. So I instantly speed to the parking lot and I pull up, pull up on one of the what's it called, pull up the gas station and I pull up right at the pump, time to fill gas. As I pull up there, the cop goes parks at the convenience store of the gas station. So I stay in my car and

wait for the cop to get out, and they both get out. As they do that I get out of my car and I start looking at them.

[00:03:35] They don't say nothing and I don't say nothing. And then the lady kept staring at me, the guy walked away. The lady kept staring at me and I don't know why I was provoked. I was like "is there an issue?" The lady said "excuse me?" I was like "is there an issue?" She said no. So I was like "well you've been for me for ten minutes. Is there an issue, like did I do something?" They're like no, and I was like "well why are following me?" And then the guy thought I was getting aggressive. He's like "can you calm down please?" So I was like "why were you following me?", and they won't give me a straight answer. So I said "can I please go home?" They said "excuse me?" I said "can I please go home?!" They still kept saying "excuse me? excuse me?" "It's like you were falling for 10 minutes. I haven't been pulled over. I'm not arrested. Can I go home in peace?"

[00:04:18] And they thought I was testing them and the cops started getting mad and kept telling me to calm down. I said "you've been following me for fucking ten minutes, can I go home?" And then the cop got shook because he's like OK he's cussin' maybe something happened. I can't go, I kept saying... I kept repeating "can I go home? Can I go home?" And the cop just kept saying, kept saying the same shit, he's like "calm down". I'm like I want to go home. That's all I want to do I want to go home. You've been following for 10 minutes, can I please leave. And it got to the point the guy give me like I got into my car and sped off.

[00:04:55] Now during all this I blacked out. I'm like mentally I was what's it called, I... I was aware what I was doing but I couldn't stop because I got defensive. I felt targeted. I was like I don't want this to happen. So I get home, my parents find me like flipping out madly throwing stuff, my dad is trying to calm me down. I told him what happens. He's like OK we'll talk about this tomorrow, just calm down. So I told him the story. They called their understanding. They're like, OK, OK we see what happened. They let it go for a day. The next day my parents let me have it, but not for the reasons you guys think. They said "you're a black man. What do you think what happened to you?" I said "excuse me?" They said "you're a black man. You see all the stuff going on. What do you think that happened to you?" I said I don't care. I get that... my dad was like "no you don't get it. You saying 'can I go home' could have just triggered them. You could have been shot." And... it doesn't dawn on you until after and that's the sad part.

[00:06:07] Because I felt so defensive that I couldn't like, everything I was taught because growing up I was taught you be, short quick answers with the police-yes sir no sir, yes ma'am no ma'am. The longer the conversation there might be a chance of trouble. But I didn't get. But that day that didn't processed in my head. So what's it called, as I'm getting lectured again, getting railed for it all. It dawns on you. I could have been another statistic. Like, things are left really quick. And you see this in society today. You either obey the police, whether they're right or wrong, you obey them or one of two things are going to happen. You're going to get arrested, or you're gonna get shot.

[00:07:04] And as a society has, has shown, it's not going to go your way. It's protect the police, whether they're right or wrong, because in a way they're the ones who are protecting, what's it called, our society.

[00:07:24][Chris speaking] People, police... proclaim they've done nothing wrong or harmful, yet, that's not true. In many cases, they've dealt the first injury: supposing someone will do something for who they are perceived to be, and that suddenly, somehow, there is an exception for them. This is almost always followed by a second injury: denying it. The frightful fact is that these exceptions are made all the time: It is not just one ball out of bounds, it is a constant callout that's commonplace day after day. Citizen, a book by Claudia Rankine provides many examples of such exceptions, much like Simon's story.

[00:08:13][Passage from Citizen: An American Lyric]

[00:09:46] There is a framework in place here. A framework that is formed to sanction. However, this framework is built with guidelines of a certain normalcy, a normalcy that doesn't fit everybody, and this poses a problem. Keep in mind, a sanction can be permission, or a penalty.

[00:10:06] The law is supposed to be fair. The law discriminates. The law is supposed to support. The law suppresses. The law is supposed to help, but in many cases, it doesn't. This feedback loop is seen time and time again in penitentiaries, streets and avenues, and even in

the words phrases that govern. Zong!, a book of poetry that replies only on the words of a legal document regarding the mass murder of African Slaves, calls attention to precisely this.

[00:10:44][Zong! #11]

[00:11:30][Aalayna speaking] Never once thought that any of them would be able- That's what was most devastating to me was the fact that these were people that I thought were friends, people that I thought were family. And, it was really hard. Sucked. It came out of nowhere and it happened really... how it started was me and one of the people who assaulted me were, heh, were having a conversation, a private conversation in one of the rooms in the upstairs apartment. And when you came downstairs his friend was making fun of him for you know, coming down from like a private conversation from upstairs because he thought it was like sexual. And he said Oh I didn't, I didn't know you were into trannies. I didn't know you were a fag and he was using really, really ugly language like that. And me being the activist that I am, I stood up for both of us because, you know I'm not going to let somebody use derogatory language especially when I'm in a house where I was invited.

[00:12:34] And it's filled with people that I consider family. So I felt safe enough to say hey you know that's kind of shady like. You know to not be addressing me like that. That is a really ugly term. So what if we were doing anything, it's none of your business. And it kind of just escalated from there. I defended the person that I was... I thought was my friend. And the other person who actually instigated the whole thing hit me really hard, and started a fight. And it all happened really really fast and it was over just as fast as it started when I got to the hospital my face was like swollen like two inches off of my skull basically and. It was...

[00:13:25] It was scary. I thought like I had fractured, fractures in my face and I didn't think I would ever look the same and it was... it was very scary. And I never thought anything like that would ever happen to me on my reserve let alone in the house of somebody that I call family. And I never thought that it would be three against one.

[00:13:51] So that was a really shitty situation and I was upstairs with also got involved. He was like denying that anything was happening and that's why he was upset was that he was being accused of you know... it was a lot of really ugly language like... no I would never know,

fuck a tranny or I would never be with a tranny and that word was thrown around a lot and that's what really hurt me and that's what I was like hey you know like I'm not going to sit here and let these people talk about me like that in front of my face. So I stood up for myself and they just escalated from there. It went from me telling these people to stop addressing me like that, to me being on the floor and not remembering, not knowing how I got there.

[00:14:43] Yeah I mean being on reserve that's, that's... that's a very real reality of like if you're to get into an argument with someone and usually ends up being physical. So as much as I wasn't expecting it I was prepared for it. Like if I had to defend myself I was going to defend myself and I did. And, but I could only do so much when there was three against one, right? So it was and it was two guys and a girl. After the assault happened after I was I got cleaned up. After my... my aunt pulled me off the ground.

[00:15:23] I... I called the police because made my argument the main reason I called the police was because my phone was stolen and that's all I could think about was the fact that my phone was stolen. Not that my face was bleeding or that I was on the floor bleeding and could have been killed. I only thought of my phone it's really funny, now that I think about it. So I called the police and I told them about my, my phone was stolen and oh also I was assaulted and they were like hey well do you need medical attention.

[00:15:54] And I said Yeah. And I kept asking about my phone because I mean that's all I could think about was my phone. And the officer, Alex Keyes, he wasn't very nice to me while he was on the phone he was very sharp and very...he's almost like he... to me it sounds like he hated his job like he was very annoyed that he was getting this call and he didn't want to deal with me and my, my aunt pulled me off the ground.

[00:17:51] And I just didn't feel like he didn't do his job. He didn't. He had no skills to be or he had no people skills couldn't talk to me wasn't able to talk to me wasn't able to console me.

[00:18:05] And I feel like if you're a police officer an RCMP officer that should be one of the things that you should be able to do is assess the situation and be able to you know help somebody who's clearly been beaten, like I was bleeding onto my, my dress I was bleeding my hair was messed up. I was beaten and he could care less.

[00:18:30] And so I got to we got to the hospital and the police officer stood outside the emergency room door and the nurse gave me... she assessed my injuries and took it. She was very detailed very happy with. How I was treated at the hospital. She was very thorough took time to absolutely every detail. And she was very empathetic and very attentive. So that was out of that entire night, that was the best thing that happened and when it came time for me to give my statement the police literally said verbatim we have better things to do and left. And that was it.

[00:19:19] I had to. And it wasn't until the next day that I was able to go into the RCMP station and get my statement. I had to go in voluntarily: on my own. I drove myself there and I did it by myself. And I remember I was terrified because I just.

[00:19:39] Police give me anxiety in general. And they took my statement and I asked that it be recorded as a hate crime because like they were using really shitty language and calling me tranny and calling me a bitch called me faggot and it was just yeah. So I needed it to be taken on as a hate crime.

[00:19:59] And so it's... I wish this bill had come out sooner. I'd like to think it was a couple of months after my assault and it was March that year at that mine that the I believe it's Bill C16 that amended the criminal act to include gender expression and gender identity. So I wish that had gone through sooner because then they probably would have taken it more seriously. But in the time that it was where I was on reserve and a very small rural reserve out with people who have no understanding of what it meant to be Trans I don't think they... they just they didn't take it as seriously as I wanted them to. And I didn't feel like my voice was being heard. I... I felt like I was being silenced even before I could use my voice and it was really hard. And as much as the police wanted to get the story straight and be there for me will not be there for me,

[00:21:16] But they wanted as much information out of me as they could get. And that's all they cared about they didn't care that I I felt that they didn't care that I was a person and this happened to me like I felt like they didn't care. And it was very cut and dry very back and we no I'm sorry this happened to you.

[00:21:37] There was no there was no empathy on the part of the police. And that's one of the things that was the scariest was I had I went to the people who I thought were going to help me and they had no empathy to what happened to me. Have no understanding of how they could help me or how serious my assault was.

[00:22:03] [Jenny speaking] Were the cops white? The ones that were helping you?

[Aalayna speaking] Yeah, all white.

[Jenny speaking] Do you think then, that there was like a racist reaction to going to a reserve call?

[00:22:15][Aalayna speaking] Yeah, I definitely feel like Officer Alex Keys was definitely had it in his head like oh was just another drunk Indian. And I... I feel that I have the right to say that because people in my reserve know who this officer was and know that he wasn't very nice to the people of my community and he wasn't very nice to me and he fucked with the wrong girl.

[00:22:45] And I was the only person who actually stood up and said hey this guy's an asshole. So after I filed my assault charges on the three people that assaulted me I also filed a report on his conduct and just how he treated me and how he handled the situation.

[00:23:02] I mean saying to a victim that they have better things to do was really like destroyed me and almost made me not want to go and give my statement. I almost let this slide. I almost didn't go to the police families just stayed home and stayed out of the public eye and healed but the meant I almost let this slide. Most didn't go to the police. I always just stayed home and stayed out of the public eye and yield but I needed to do something and I wasn't going to lie. One officer shitty comments stopped me almost dead.

[00:23:47] More recently it's taken a year for it to actually go and to be reviewed. I got a letter last week saying that they were finally just looking at my report and then my report of the officer Alex Keyes.

[00:24:05] But on Christmas Eve a police officer came to my door and sat me down and told me while the officer feels like he doesn't need to apologize and all I asked for was an apology to how he treated me and he told his sergeant that he didn't do anything wrong and he didn't feel he needed to apologize to me and still feels that way. Sad that it's taken a year for this to go into review and it's taken a year for anything to happen and nothing's happened yet.

[00:24:46] All I've gotten is silence. And as of today all of the people due to lack of evidence all three of my... the people who assaulted me. Yeah well just kinda. Apparently there was conflicting stories people covering their own tracks and protecting themselves and protecting the people that assaulted me.

[00:25:07] It was, it was tough to get to know and learn that these people who I considered friends and family turned their backs on me to protect the people who almost killed me. And I feel like if I were anywhere else those people could have killed me. I wouldn't have the liberty and should be able to tell my story.

[00:25:26] And that's a reality that I live with like if I wasn't in that house if I was anywhere else they could have killed me and they would have gone with it, yeah. I would've just been in another drunk or dead trans girl. I would have been a statistic I would have been on that list this year.

[00:25:50] That's one of my worst fears as a trans woman is that one of the main person who instigated the entire thing was finally taken to trial and the two before him. The girl. Nothing really happened to the girl but she didn't go to court. Was basically it was just let go.

[00:26:14] Nothing happened because of the people who told them that she was embarrassed didn't do anything. Are the people who said that they didn't see anything and it was just my word against theirs. So she and the other guy got off. But the one who instigated the entire thing finally went to trial and it took a year for him to finally see a judge and to appear in court. And the whole court experience just having to be there in the same room with him was shitty and the whole process of like I told my lawyer that I don't want to see him. And when I take the stand I want my family member with me. And they did their best to accommodate me. It was

set up in this place that wasn't even a courtroom. It was just a place that they use for, for trials on reserve.

[00:27:16] At first she said OK there's no way we can make sure that he can't see you are you can't see him because he has a right to see you. And I said no if he can see me I'm not doing this because I don't want to see him. And I told them that. It's when they said told me that that I... I asked if I had a family member could stand with me and be with me while I get my testimony.

[00:27:43] And the judge almost didn't allow me to do that because it was so unheard of and all I wanted was just moral support just to sit beside me and they almost didn't let it happen. It was with great difficulty that the judge finally said OK that's fine I guess. And she like rolled her eyes at it. It was... it was shitty how I was the victim in this case and I wasn't being I guess respected and treated that way. And when my lawyer told me that he had a right to see me was the scariest thing because I didn't want to be even the same room with him.

[00:28:29] And it took about two weeks after the initial trial. And I finally got a phone call from my lawyer saying that he was found not guilty due to lack of evidence or confused and conflicting stories from the witnesses that showed up for him. And it's another shitty part of that is that one of the people that was the actress,

[00:28:55] I'm sorry, acted as a witness for him was the other person who assaulted me. Not only was I hanging almost all alone and if it wasn't for my sister I would have been all alone. But two of the people who assaulted me were also in the same room as me.

[00:29:19] I didn't feel safe. I didn't feel like boundaries were respected. I didn't feel that my story was respected and that defense lawyer was damn good at her job. It's I got to say about her. It was really... it was really... a traumatic experience that just never ended. And now that it's over it still feels like it's, it's not over because all three of them are were let off. They're all walking the streets of my reserve and then I go home that's a very real thing I'm afraid of that they could corner me or any of my family members, my younger siblings, because people don't understand how I guess how it works on reserve. It's not like the real world. And like that's one of the scariest and that's a fear that I have is that one of the people that assaulted me that might act out of spite or revenge to send somebody after one of my siblings or my mom or me

or in order to just get even. And that's how people work in my reserve and that's scary. And also like one of the things that my lawyer told me about was the only glimmer of mental health and accommodation to my anxiety was that they would have victims, the victims unit contact me and they never did at all. In the year that I was on my own nobody ever contacted me to. I guess to assess my mental health and be there for me and told me that I guess things were going to be OK even though the term really shitty. I wish the witnesses who were there would have screwed their heads on right and realize that what they did to me was wrong because now that they're off it lets other people in my reserve know like oh we can beat her up and we won't get charged for it. We won't get in trouble and the next time this happened I will I probably won't be lucky enough to walk away.

[00:31:41] It was terrifying. I don't feel like my home is my home anymore.

[00:32:02][Chris speaking] Was in the justice system have received all handed help From a structure that is supposed to be even handed. This podcast is a critique of the injustice in our justice system and a whole meant to those who have been caught up in it. Those who have been presupposed, and predisposed.