

Part 4 – The Evidence

5 | The Investigation by Saskatoon Police Service

Under the second branch of the Terms of Reference, I am charged with the responsibility to inquire into the conduct of the Saskatoon Police Service investigation into the death of Neil Stonechild. In this section I review the evidence of the many past and present members of the Saskatoon Police Service who had evidence to offer concerning the conduct of the investigation and the questions that were raised about the investigation after it was concluded. This section summarizes the evidence of those police witnesses who were directly and indirectly involved with or concerned about the investigation, and those who were not but perhaps should have been.

The Saskatoon Police Service Investigation File

When the RCMP began its investigation into the death of Neil Stonechild, a search was conducted for the Saskatoon Police Service investigation file that contained the reports of the officers who attended the scene of Stonechild's death and the reports of the officer assigned to investigate the death. It was determined that the official copy of this file was destroyed. All that remained of the official Saskatoon Police Service file in relation to the investigation of Stonechild's death was very basic indexing information about the file that was stored on the SIM System.¹⁵⁹ The text of the reports filed by the investigating officers was not stored on the SIM System. It was not until 1992 that the Saskatoon Police Service began to store the full text of investigation files on the SIM System.

The evidence established that the paper file was destroyed in 1998. This was not in accordance with the file retention policy¹⁶⁰ of the Saskatoon Police Service, developed in 1993, which required all operational reports originating prior to 1992 to be maintained for a minimum of ten years. Deputy Chief Dan Wiks testified that in 1998 Saskatoon Police Service departed from the policy to free up badly needed storage space for renovations.¹⁶¹ They required extra space, and a decision was made to revert to the file retention requirements under *The Police Act, 1990*. Under the requirements of *The Police Act, 1990*, the Stonechild Investigation file had to be retained for only three years as it was classified as a sudden death, not a homicide. If it had been classified as a homicide the file would not have been destroyed.

However, in 2001, Cst. Ernie Louttit of the Saskatoon Police Service came forward with a copy of the file that he had made in early December of 1990. The file was made an Inquiry exhibit.¹⁶² This file contained the written reports from the officers attending the scene of Stonechild's death (Rene Lagimodiere, Robert Morton) and the written reports of Keith Jarvis, the Investigator assigned to the file. While the final report of Keith Jarvis, dated December 5, 1990, states that the file is "Concluded at this time", questions were raised as to whether or not this was a complete copy of the Saskatoon Police Service investigation file. The computer records of the Saskatoon Police Service address this point.

¹⁵⁹ In 1990, the SIM System was used simply as an electronic index of occurrence reports that would refer the user to a paper file. This electronic index would contain only basic information about the file such as: the time, place, and date of occurrence; the names, addresses, and dates of birth of persons involved; the name of the officer who submitted the original report; and the name of the Investigator assigned to the file. See Report of Deputy Chief Wiks, Inquiry exhibit P-144:2; and see also Evidence of Jack Heiser, Inquiry transcript, vol. 17 (October 10, 2003): 3137-3216

¹⁶⁰ Report of Deputy Chief Wiks, Inquiry exhibit P-144: 33

¹⁶¹ Evidence of Deputy Chief Wiks, Inquiry transcript, vol. 34 (March 8, 2004): 6578-6579

¹⁶² Saskatoon Police Service Investigation File, Inquiry exhibit P-61 reproduced in this Report as Appendix "R"

The information technology specialists with the Saskatoon Police Service were able to supply the Inquiry with a computer printout log for the Stonechild file. This computer log states that the file was concluded and last updated on December 5, 1990, which was the date of the final report of Keith Jarvis.¹⁶³ Deputy Chief Dan Wiks testified that if there were any investigation reports on the Stonechild file after December 5, 1990, he would assume that the log would not contain “December 5, 1990” as the date of the last update and conclusion of the file.¹⁶⁴

Cst. Louttit also testified that, in 1992 or 1993, he returned to the Central Records department of the Saskatoon Police Service to review the Stonechild file. Cst. Louttit stated that he was certain that there were no new investigation reports relating to the Stonechild matter on the file at that time.¹⁶⁵ The only new material that Cst. Louttit observed on the file was the Stonechild Toxicology Report, the Stonechild Autopsy Report, and a report that appeared to be related to another file. I am satisfied based on the evidence of S/Sgt. Murray Zoorkan of the Saskatoon Police Service that the report observed by Cst. Louttit did indeed belong to another investigation and was accidentally misfiled on the Stonechild file.¹⁶⁶ The RCMP obtained copies of the Stonechild Autopsy Report and the Toxicology Report from the Coroner, Dr. Fern, and they were made exhibits at the Inquiry.¹⁶⁷

I conclude, therefore, that the Inquiry has the complete copy of the Saskatoon Police Service paper file relating to the death of Neil Stonechild. I address the content of this file through my summaries of the evidence of the police officers who contributed reports to the file. I now turn to the evidence of those officers and the other members of the Saskatoon Police Service who had a connection to the investigation into the death of Neil Stonechild.

Rene Lagimodiere¹⁶⁸

Rene Lagimodiere joined the Saskatoon Police Service in December of 1974. In November of 1990, he was a Uniform Officer in the Patrol Division. He was the first officer dispatched to the scene where the body of Neil Stonechild was located.

Lagimodiere described the scene. He stated that he was able to recall a reasonable amount of detail without reference to his notebook or the written report he prepared for the investigation file. However, he had reviewed both the notebook¹⁶⁹ and written report¹⁷⁰ prior to testifying. Lagimodiere was dispatched at 12:54 p.m. on November 29, 1990, and arrived at the scene at 12:58. He was directed to the body by two men working in the area. Lagimodiere approached the body from the south and confirmed that the person was dead. He then contacted a dispatcher, likely from his portable radio.

¹⁶³ Computer Printout Log re Stonechild File, Inquiry exhibit P-143 and Evidence of Deputy Chief Wiks, Inquiry transcript, vol. 34 (January 9, 2004): 6574

¹⁶⁴ Evidence of Deputy Chief Wiks, Inquiry transcript, vol. 38 (March 11, 2004): 7335-7336

¹⁶⁵ Evidence of Cst. Ernie Louttit, Inquiry transcript, vol. 16 (October 9, 2003): 2858

¹⁶⁶ Evidence of S/Sgt. Murray Zoorkan, Inquiry transcript, vol. 31 (January 6, 2004): 5935-5936

¹⁶⁷ Toxicology Report, Inquiry exhibit P-50; and Autopsy Report, Inquiry exhibit P-49. The Autopsy Report is reproduced in this Report as Appendix “N”

¹⁶⁸ Evidence of Rene Lagimodiere, Inquiry transcript, vol. 9/10/11 (September 22/23/24, 2003): 1652-1697 and 1855-1954

¹⁶⁹ Notebook of Rene Lagimodiere, Inquiry exhibit P-43

¹⁷⁰ Occurrence Report by Rene Lagimodiere, Inquiry exhibit P-44. Lagimodiere’s Report is also contained in Saskatoon Police Service Investigation File, Inquiry exhibit P-61

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Lagimodiere testified that he had previously attended sudden death scenes. He indicated the responsibility of the first attending officer is to survey the scene and determine if there are obvious signs of foul play. Such information would be relayed to the dispatcher. The dispatcher would then notify the Patrol Sergeant.

Lagimodiere identified footprints made by the deceased and followed them back to a gravel parking lot off 57th Street. He testified that there was no indication of the deceased's footprints beyond the gravel parking lot, although, it does not appear that any search was made. He testified that "there were no other footprints leading to the body other than the fellow that went to check".¹⁷¹

Lagimodiere testified the tracks went north from where the body was located to a small ravine. The impressions in the snow, at this point, indicated the deceased had fallen before proceeding south to where the body was located. On cross-examination, he testified that he formed the opinion that the deceased had been intoxicated and was stumbling around in the field. Later in his testimony, he acknowledged that the track of the footprints from the south were relatively straight.

Lagimodiere's report indicates that he called for an Identification Section Officer and the Coroner to attend at 13:04. He then took steps to secure the scene. Lagimodiere's written report indicates that Sgt. Morton and Cst. Middleton, from the Identification Section, arrived at 13:43, and Dr. Fern, the Coroner, arrived at 13:57. Lagimodiere's report records that Dr. Fern indicated that he believed the body had been there for several days. Lagimodiere also testified he called for the Canine Division to attend the scene to search for the missing shoe. The search did not turn up the shoe. Lagimodiere did not recall Patrol Sgt. Michael Petty being at the scene, and there is no mention of him in his report. However, the Investigation Report of Morton indicates Petty was at the scene.¹⁷²

Lagimodiere testified that he did not call an Investigator to the scene as that was the responsibility of the Patrol Sergeant. However, he also stated that there was no reason to call an Investigator, because there were no obvious signs of foul play. Lagimodiere acknowledged, on cross-examination, that he had wondered how Stonechild got there, but maintained there was no cause for believing there had been foul play. On cross-examination, Lagimodiere also agreed that locating the body was an "unusual situation and an unusual location",¹⁷³ and that it could have been foul play as he did not know how the body got there.¹⁷⁴ Lagimodiere's initial view that there was no sign of foul play was reflected in his written report, and this may explain why the file was assigned to the Morality Unit for follow-up, as opposed to the Major Crimes Unit.¹⁷⁵

Lagimodiere remained on the scene until the body was removed. After the body was removed, Lagimodiere returned to the station and dictated his report at 6:40 p.m. In the

¹⁷¹ Evidence of Rene Lagimodiere, Inquiry transcript, vol. 9 (September 22, 2003): 1667

¹⁷² Investigation Report of Robert Morton, Inquiry exhibit P-57. Morton's Report is also contained in Saskatoon Police Service Investigation File, Inquiry exhibit P-61

¹⁷³ Evidence of Rene Lagimodiere, Inquiry transcript, vol. 11 (September 24, 2003): 1928

¹⁷⁴ Evidence of Rene Lagimodiere, Inquiry transcript, vol. 11 (September 24, 2003): 1934

¹⁷⁵ Two former officers testified that upon reviewing Lagimodiere's written report (just prior to testifying), they felt the file should have been sent to the Morality Section: Evidence of Raymond Pfeil, Inquiry transcript, vol. 14 (October 7, 2003): 2593; Evidence of Bruce Bolton, Inquiry transcript, vol. 17 (October 10, 2003): 3253

report Lagimodiere describes Stonechild's clothing and observes that the footprints appeared to be "several days old". Lagimodiere does not recall having any further involvement with the Stonechild file after he submitted his written report. He did not recall having any contact with an Investigator, though he acknowledges that he may have had such contact.

Other police witnesses were questioned about Lagimodiere's handling of the scene as a first responder. This evidence for the most part suggests that Lagimodiere met his responsibilities as a first responder¹⁷⁶, and that his supervisory role over the scene investigation passed to the Patrol Sergeant, Michael Petty, when Petty arrived at the scene. There was a suggestion made that it was the responsibility of the first responder or the Patrol Sergeant to notify the Duty Inspector that a body had been located. This does not appear to have occurred.¹⁷⁷ The significance of this evidence is that Dave Wilton, the Duty Inspector on November 29, 1990, testified that if he would have been aware of the discovery of a body in such circumstances, he would have ensured that an Investigator attend the scene, regardless of whether or not this required overtime pay.¹⁷⁸ However, as discussed below, the responsibility for ensuring an Investigator attended the scene appears to have rested on the Patrol Sergeant, not the first responder.

Lagimodiere was also questioned by Counsel about comments he had earlier provided to the RCMP regarding Cst. Hartwig. In an interview with the RCMP, Lagimodiere referred to Cst. Hartwig as a very aggressive individual who suffered from "small man syndrome". Lagimodiere testified at the Inquiry that Cst. Hartwig's reputation within the Police Service is to charge if he sees an offence, and arrest if he sees someone who is to be arrested.¹⁷⁹

Staff Sergeant Michael Petty¹⁸⁰

Michael Petty is currently a staff sergeant with the Saskatoon Police Service in charge of Identification Services. He joined the Saskatoon Police Service in 1968. Between 1988 and 1997, Michael Petty was a Patrol Sergeant in charge of the West Side District. As noted, a Patrol Sergeant is the senior officer on patrol during a shift. The job of a Patrol Sergeant includes the responsibility to co-ordinate the efforts of constables at major incidents such as crimes scenes or the discovery of a body, and to determine what, if any, additional assistance is needed at the scene, such as Identification personnel and investigators.

S/Sgt. Petty recalled attending the scene where the body of Neil Stonechild was located. He attended the scene as Patrol Sergeant, but did not file any report. He testified that it is not typical for the Patrol Sergeant to file a report. The Occurrence Report is normally left by the first officer on the scene.

S/Sgt. Petty acknowledged that his role at the scene was to make sure everything is done that should be done. He also acknowledged that it is his job to see that additional

¹⁷⁶ Evidence of Joe Penkala, Inquiry transcript, vol. 20 (October 16, 2003): 3854; Evidence of Deputy Chief Wiks, Inquiry transcript, vol. 33 (January 9, 2004): 6411. Bruce Bolton did testify that if he was the officer in charge at the scene he would have conducted a thorough investigation of the area within a block or so of where the body was found to see if the shoe could be located: Evidence of Bruce Bolton, Inquiry transcript, vol. 17 (October 20, 2003): 3254

¹⁷⁷ Evidence of Dave Wilton, Inquiry transcript, vol. 38 (March 11, 2004): 7387-7391

¹⁷⁸ Evidence of Dave Wilton, Inquiry transcript, vol. 38 (March 11, 2004): 7388

¹⁷⁹ Evidence of Rene Lagimodiere, Inquiry transcript, vol. 11 (September 24, 2003): 1947

¹⁸⁰ Evidence of S/Sgt. Michael Petty, Inquiry transcript, vol. 13 (October 6, 2003): 2484-2531



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assistance is called, such as an Identification Officer and an Investigator. Petty testified that, although he had no specific recollection of doing so, it would be normal for him to report the circumstances to the Platoon Staff Sergeant on duty and possibly the Duty Officer, if the Staff Sergeant was not available. He believed the policy at that time was to notify the Morality Unit or Major Crimes Unit of all sudden deaths. He indicated that while he would notify these investigative units that a body had been found, the Staff Sergeant in charge of Morality and/or Major Crimes would probably get the first call and make the decision as to whether to send somebody to the scene or just assign the file afterwards. He further testified that, in this particular circumstance, he would not have been unduly concerned if an Investigator did not show up. The circumstances did not raise issues with him as to how the deceased had got to the location. He was satisfied that the death was accidental.

S/Sgt. Petty's attitude is illustrated by an exchange with Mr. Halyk, counsel for the FSIN.

- “Q. Did you make a determination where he had come from, where he had been before you came to your conclusion?
- A. You're asking me questions that you should be asking of an Investigator. I wasn't the Investigator at the scene.
- Q. No, but you indicated that you had some power and control over what happened at the scene and whether –
- A. I had some power and control over the constables at the scene, yes.
- Q. Yes. And you had no concern that there was no Investigator at the scene you said?
- A. I had no concern at the scene.
- Q. And yet you formed the opinion that there was nothing suspicious about the death; it was just a simple freezing?
- A. In the – in conversations, I guess they would have been, with the people I called to the scene for that purpose, no, I had no concerns.
- Q. You had no concerns. And did you see any evidence of blood in the snow around the body?
- A. No.
- Q. Did you look for any?
- A. No.
- Q. Did you have anybody report to you whether there was any?
- A. No.
- Q. And did you know if there was any examination, or any intention of examining the clothes to see if there was any indication of any blood, bodily fluids, fiber, hair; did you ask any of that stuff be done, before you came to your conclusion?
- A. You seem to be – have the impression that my conclusion closed the case. It didn't. My conclusions was, is it safe to leave the scene at this point. All



those things were – may be subsequent – certainly after the clothing had thawed out, the investigators may have requested all manner of different things. But at the scene, no, I wouldn't have done that.

Q. Well, did you, as a Patrol Sergeant, request any follow-up with the investigation, or suggest any?

A. No.

Q. Did you follow it up in any way?

A. No.¹⁸¹

I find S/Sgt. Petty's opinion that the death was obviously accidental and did not require further investigation at the scene, to be untenable. Further, it was contradicted by the evidence of a number of other police witnesses.

Robert Morton, the Identification Officer who attended the scene, noted in his Investigation Report that the file required investigation as to why an individual would be wandering in a remote business area of town.¹⁸² On cross-examination, S/Sgt. Petty himself acknowledged that he could only recall two freezing deaths in his 35 years of service that were in the outskirts of the city.

Dave Wilton, who was the Duty Inspector on November 29, 1990, testified that he would have called out an Investigator in the circumstances even if overtime pay was required. Wilton stated that he would have expected to have been notified by one of the officers at the scene that a body had been found. He was not.¹⁸³

Ray Pfeil testified that if he was Patrol Sergeant called to the scene where a frozen body was found in a field, he would in all cases call in an Investigator. In his experience the Investigator would attend.¹⁸⁴

Bruce Bolton testified that in circumstances where a body is found frozen in a field in the north industrial area of the city, an Investigator either from Morality or Major Crimes should have been dispatched to attend at the scene.¹⁸⁵ If no one was on duty, one could be called out. The Investigator who would be assigned to the file should be in on the "ground floor".

Deputy Chief Dan Wiks testified that it was the responsibility of the Patrol Sergeant to assess the circumstances to determine whether an Investigator was required. In Wiks' view, the circumstances of the Stonechild scene of death required the Patrol Sergeant to call out an Investigator. If an Investigator was not available, then Wiks testified that the Patrol Sergeant's job was to take over the role of Investigator.¹⁸⁶

S/Sgt. Petty testified that he did not conduct any investigation, as he did not view this as part of his function. He understood his role was simply to determine what facilities or resources were needed at the scene. That was not good enough.

¹⁸¹ Evidence of S/Sgt. Michael Petty, Inquiry transcript, vol. 13 (October 6, 2003): 2518-2520

¹⁸² Investigation Report of Robert Morton, Inquiry exhibit P-57: 3. Morton's Investigation Report is also contained in Saskatoon Police Service Investigation File, Inquiry exhibit P-61

¹⁸³ Evidence of Dave Wilton, Inquiry transcript, vol. 38 (March 11, 2004): 7383-7391

¹⁸⁴ Evidence of Ray Pfeil, Inquiry transcript, vol. 14 (October 7, 2003): 2554

¹⁸⁵ Evidence of Bruce Bolton, Inquiry transcript, vol. 17 (October 10, 2003): 3251-3252

¹⁸⁶ Evidence of Deputy Chief Dan Wiks, Inquiry transcript, vol. 33 (January 9, 2004): 6414-6417

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Sergeant Gregory Robert¹⁸⁷

Sergeant Robert joined Saskatoon Police Service in 1984, following six years of service with the RCMP. From 1987 to 1992, he was assigned to the Canine Unit. Sgt. Robert attended the scene where the body of Stonechild was discovered with his dog. He had no recollection of attending the scene prior to reviewing the police reports. He believes he was called to the scene by the Patrol Sergeant, Michael Petty.

Sgt. Robert testified that his role was to use the dog to search for the missing shoe and any other evidence that may be in the area. He did not conduct the search until after the body was removed. After the body was removed, the dog searched the field for any human scent related articles or articles foreign to the area. He testified that he searched the lot in which the body was found, bounded by the streets. The search was done very quickly, because they were looking for a large article.

The dog did not locate anything. Sgt. Robert explained the problem with such a search:

“Well after reviewing the reports I noted that I had attended to the scene while the body was still there. I believe that Staff Sergeant, or then Sergeant Mike Petty was the one that requested I attend the scene. After attending there I advised him that I would do a search for a shoe and any other evidence that may be related to the case, but I requested that they examine the area directly around the body themselves and have the body removed prior to me doing the search. And my reasons for that were two-fold; I didn’t want to have my police service dog or myself destroy any evidence that may have been around the body and I did not know how my service dog would react to the body.

Q. Now I want to come back to what search was done, but was any – were you requested to try and retrace the path, the origin of the deceased?

A. Not to my knowledge, no, I was not.

Q. Is that something that you could have done at that time?

A. I wouldn’t have used the service dog for that. Our dogs are trained to the Royal Canadian Mounted Police course training standard and when we go to scenes the dog, in a tracking scenario, would pursue the freshest human scent. There would be no human scent there left from Mr. Stonechild. The only fresh human scent around that area would have been the police and any witnesses that may have been around the body.”¹⁸⁸

No attempt was made to use the dog to retrace the route taken by Stonechild. Sgt. Robert testified that this would not have been possible as the dog was trained only to follow the freshest scent.

Sgt. Robert did not file a report as the search was unsuccessful.

¹⁸⁷ Evidence of Gregory Robert, Inquiry transcript, vol. 14 (October 7, 2003): 2653-2698

¹⁸⁸ Evidence of Gregory Robert, Inquiry transcript, vol. 14 (October 7, 2003): 2656-2657

Robert Morton¹⁸⁹

Robert Morton served as a member of the Saskatoon Police Service for 33½ years. He retired in February of 2000. In 1985, he was posted to the Identification Section. He attended an Identification Methods and Techniques Course in Ottawa for approximately two months in 1985. By the time of his retirement he had obtained the rank of Staff Sergeant.

Robert Morton was the identification officer dispatched on November 29, 1990, to the scene where the body of Neil Stonechild was located. Morton has no independent recollection of attending the scene, other than his recollection of seeing television clips taken at the scene. He testified that the identification officers function at the scene was the collection of evidence, including taking photographs and making measurements. The body is also examined for evidence of foul play, but this is usually done after the Coroner arrives. It is also the function of the Identification Section to attempt to determine the identity of the deceased.

Sgt. Morton, as he then was, filed an Investigation Report in respect of his attendance at the scene of where the body of Stonechild was located.¹⁹⁰ The report is dated November 29, 1990, and indicates it was received at 8:55 p.m. Morton's testimony as to his involvement was based on his review of the report.

He was called to the scene at 1:10 p.m. He noted that at the time of his arrival Cst. Lagimodiere, Sgt. Michael Petty, and Cst. Middleton were also at the scene. Sgt. Morton took photographs and video of the scene.

He records in his Report that there were several sets of foot tracks in the snow going towards the body. The tracks were accounted for by the civilians who found the body and Cst. Lagimodiere. He noted there was a track leading from between the buildings on 57th Street and going north into the vacant lot area that could be directly tied to the deceased. These footprints had been slightly blown over which indicated to him that they were not fresh footprints.

Sgt. Morton's report also listed the clothing worn by the deceased. Neil Stonechild was wearing a blue cloth baseball type jacket. Under the jacket he wore a red lumberjack shirt and under that a white T-shirt. He was also wearing a pair of light blue jeans. Under the jeans he was wearing a pair of red and white spandex type thigh length shorts and under those a pair of normal underwear. On his left foot was a running shoe. The laces were undone. There was also a white sport sock on the left foot. The right running shoe was missing. The only thing on the right foot was a white sport sock. Sgt. Morton recorded his observation of the right foot as follows:

"The sock was pulled down and bunched at the top in a fashion that would indicate that he had been walking with just his sock foot. The heel area of the sock was completely worn out and visible on the actual heel of the body was what appeared to be dirt etc, which left me to believe that he had been walking for some time without a running shoe on that foot."¹⁹¹

¹⁸⁹ Evidence of Robert Morton, Inquiry transcript, vol. 13 (October 6, 2003): 2338-2483

¹⁹⁰ Investigation Report of Robert Morton, Inquiry exhibit P-57. Morton's Report is also contained in Saskatoon Police Service Investigation File, Inquiry exhibit P-61

¹⁹¹ Investigation Report of Robert Morton, Inquiry exhibit P-57: 2

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The only other observations made at the scene by Sgt. Morton were “two scrapes across the bridge of the nose and a small cut to the lower lip.” Sgt. Morton testified that the identification officer had authority to request that an Investigator come to the scene. He made no such request.

Sgt. Morton’s report indicates the body was removed at 3:20 p.m. and taken to St. Paul’s Hospital morgue. Cst. John Middleton accompanied the body to the morgue. Sgt. Morton explained that the body is treated as evidence, and the person that accompanies the body to the morgue is to maintain continuity of the evidence.

Sgt. Morton attended the morgue at 3:45 p.m. to seize the clothing. The blue jacket, red lumber jacket, T-shirt, both socks and the running shoe were seized at that time. The blue jeans, the spandex type shorts and the underwear shorts were left as it was impossible to remove them from the frozen body.

Although Sgt. Morton seized Stonechild’s clothing at the morgue, he recorded no observation other than the fact that a stone was found in the left running shoe, and that it appeared to have been there for some time as it had caused a noticeable depression into the foot. Curiously, Sgt. Morton does not recall and did not record making any observation of the wear on the left sock. He testified that he could only assume that the wear on the sock was reasonably normal.

Sgt. Morton stored the clothing as a police exhibit, but he did not send the clothing to the Regina Crime Lab for examination. He testified that the Identification Officer or the Investigator could decide to send the clothing to the Crime Lab. Sgt. Morton’s practice was to send all exhibits to the Crime Lab in cases of obvious homicides to determine if there was any evidence of blood, fibres, hairs, or other such evidence.

When the clothing was removed at the morgue, some pictures and papers were located in Stonechild’s right rear pant pocket. A note on one of the photographs indicated it was to a person by the name of Neil. Two phone numbers were also recorded on a piece of paper. Sgt. Morton left the morgue at 4:30 p.m. after being advised by Dr. Adolph that the body would be locked in the room while it thawed, and the Identification Section would be notified when the autopsy was to be performed.

Sgt. Morton and Cst. Middleton returned to the police station and made a preliminary identification of the body. Based on the “NS” tattoo and the photographs indicating a first name of ‘Neil’, Cst. Middleton searched the identification card system for persons with the last name starting with ‘S’ and a first name of ‘Neil’. Cst. Middleton came up with the name Neil Christopher Stonechild. Based on the photographs and the description of tattoos, he determined a possible identity as Neil Stonechild.

Sgt. Morton returned to the morgue at 8:10 with Morality Investigator Sgt. Keith Jarvis to obtain a thumb print from Stonechild. A positive identification of the body was made based on the comparison of the thumb print with records maintained by the Saskatoon Police Service. Sgt. Morton then left the morgue at 8:20 p.m. and dictated his Investigation Report shortly before 9:00 p.m.

Sgt. Morton attended the autopsy on November 30th, 1990, and took a series of photographs. However, he did not file any report of his attendance at the autopsy.

SIM records indicate that Stonechild's clothing and belongings were destroyed on January 12, 1993, at the request of Sgt. Jarvis.¹⁹² Sgt. Morton testified that the clothing would be turned over to the family if they received a request for the clothing from the family. Sgt. Morton had no recollection of receiving such a request, nor was there an indication of the request in the report. I note that the procedure that Robert Morton followed in destroying Stonechild's clothing was not in accordance with the procedure described by former Superintendent Frank Simpson of the Saskatoon Police Service. Simpson worked for a number of years in the Identification Section. He was questioned as to practice and policy with respect to destruction of exhibits, in particular clothing. He stated that if the investigation had been concluded, the clothing would normally be returned to the family. It was always his practice to obtain clearance from the family before destroying clothing. He felt this practice was carried out by most of the identification officers. However, his experience in the Identification Section was in the 60's and 70's. He could not say whether the practice had changed.¹⁹³

While Sgt. Morton commented in his Investigation Report of November 29, 1990, that the preliminary and limited physical examination of the frozen body at the scene did not yield any obvious signs of foul play, and while he did not send the clothing to the Crime Lab, his actions at the scene and afterwards demonstrate that he prudently treated the matter as a suspicious death. He took a detailed video and a number of photographs of the scene. He had Cst. Middleton accompany the body to the morgue to preserve the continuity of evidence. Morton attended the autopsy, which he indicated that he would only do in situations where there was some evidence of foul play. He also arranged to have blood samples sent to the RCMP Crime Lab.¹⁹⁴ There was evidence that blood samples could be sent to the Provincial Lab if there was no indication of foul play.¹⁹⁵

I am satisfied from the evidence that Sgt. Morton adequately discharged his responsibility as the Identification Officer, which was to provide support to the Investigator through the collection and preservation of evidence. Sgt. Morton, in the final remarks of his November 29, 1990 Report, correctly articulated the crucial question that required further investigation, and appropriately identified where the responsibility for that investigation lay:

“All information pertaining to this case has been turned over to **Sgt. JARVIS** for purposes of notifying next of kin and **trying to determine why this individual would have been out into [sic] that basically remote business area of town.**”¹⁹⁶ [Emphasis added]

Keith Jarvis¹⁹⁷

Keith Jarvis joined the Saskatoon Police Service in 1966 and retired in August of 1993 with the rank of Staff Sergeant. During his service, he worked in a number of sections, including patrol, communications, detention and plainclothes investigations.

¹⁹² SIM Incident Report, Inquiry exhibit P-59

¹⁹³ Evidence of Frank Simpson, Inquiry transcript, vol. 19 (October 15, 2003): 3621-3622

¹⁹⁴ This is noted in Sgt. Keith Jarvis' Investigation Report of December 5, 1990 Saskatoon Police Service Investigation File, Inquiry exhibit P-61

¹⁹⁵ Evidence of Deputy Chief Wiks, Inquiry transcript, vol. 33 (January 9, 2004): 6428

¹⁹⁶ Investigation Report of Robert Morton, Inquiry exhibit P-57: 3

¹⁹⁷ Evidence of Keith Jarvis, Inquiry transcript, vol. 23-24 (October 23-24, 2003): 4429-4611 & vols. 25-27 (November 24-26, 2003): 4646-5332

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In 1979, he was promoted from Constable to Corporal and was assigned to the Youth Section as a Plainclothes Investigator. In 1983, he was promoted to Sergeant. In 1988, Jarvis was assigned to the Morality Division where he remained until early 1991. His employee profile, referred to as a “tombstone”, was entered into evidence.¹⁹⁸ It lists the numerous training courses he took over the course of his career. I will come back to one important part of his training.

On November 29th, 1990, Sgt. Jarvis was working the evening shift from 3:00 p.m. until 3:00 a.m. During that shift, he was assigned the investigation into the death of Neil Stonechild. He detailed the process followed when a criminal investigation file was assigned to a Morality Investigator:

- “Q. Okay. And typically how was it assigned to you? Would that have been done verbally by the staff sergeant or –
- A. No, sir, the – the file would be typed up in Central Records, it would go through the staff sergeant reader who would peruse the file, make sure that it made sense, then be sent onto the appropriate division, be it Morality or Detectives. It would go to the morality staff sergeant who would, in turn, look at the file, decide who should investigate it, who was available to investigate it. It would be assigned to a member of the Morality Section. The file itself would also be entered into a log book that was maintained by the morality staff sergeant. A control copy of that file would also be maintained or kept by the staff sergeant in charge and filed in his filing cabinet. The file would also be diary dated in his log.”¹⁹⁹

He did not attend the death scene. There was no suggestion that he was called to the scene. In fact, he was assigned the investigation after the body had already been removed from the scene and transported to St. Paul’s Hospital.

At approximately 8:10 p.m., Sgt. Jarvis attended the morgue at St. Paul’s Hospital with Sgt. Bob Morton of the Identification Section to confirm the identity of the deceased. A thumbprint was taken, but Sgt. Jarvis did not examine the body. His explanation for this omission was that he had no medical training. This was one of the many curious statements made by Jarvis during his appearance before the Commission. As a trained and experienced investigating Officer he was quite capable of examining the body as it lay disrobed on the autopsy table.

The thumbprint confirmed the identity of Neil Stonechild. At 8:40 p.m., Sgt. Jarvis contacted the coroner, Dr. Fern, and advised him of the identification of the deceased. He then undertook to notify the next of kin. At 9:30 p.m., he contacted Velma Blackey, Neil Stonechild’s aunt. She provided him with contact information for Stella Stonechild, the deceased’s mother. At 9:45 p.m., Sgt. Jarvis attended the residence of Mrs. Stonechild to notify her of the death of her son. He learned from the family that Neil was last seen on November 24th, 1990, at approximately 9:00 p.m. At that time, he was with Jason Roy and was going to see Eddie Rushton.

At approximately 10:30 p.m., Sgt. Jarvis learned that Neil Stonechild had been in open-custody at a community home operated by Gary and Pat Pickard. He contacted Pat Pickard

¹⁹⁸ Employee Profile for Keith Jarvis, Inquiry exhibit P-114

¹⁹⁹ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4440-4441



and was advised that she had last spoken to the deceased at approximately 10:00 p.m. on the evening of November 24th, and that he had indicated his intention to return to open-custody the following day. Pickard provided Jarvis with the names Shannon Nowaselski, Eddie Rushton, Jason Roy, Shawn Draper, and Dennis (Dewie) McCallum as persons who may have had contact with Neil while he was unlawfully at large from the group home.

At approximately midnight on November 29th, Sgt. Jarvis filed an Investigative Report detailing his activities and the information obtained that day.²⁰⁰

On Friday, November 30th, 1990, Sgt. Jarvis again worked the evening shift from 3:00 p.m. to 3:00 a.m. At 3:00 p.m., he spoke to Shannon Nowaselski and was advised that she had not seen Neil for approximately two weeks. At approximately 4:00 p.m., Sgt. Jarvis spoke to Trevor Nowaselski who indicated he had seen Neil on/or about November 26th at approximately 3:00 p.m. At that time, Neil was with a friend whose name Nowaselski did not recall. Nowaselski did recall that they were catching a bus.

Around this time, Sgt. Jarvis also received information suggesting the possible involvement of Danny and Gary Pratt in the death of Neil Stonechild. A Crime Stoppers' tip was received at 4:42 p.m., suggesting that Neil was taken to the area of 57th Street and beaten and left there by Danny and Gary Pratt. The tip suggested that the reason for the beating was that Neil was "fooling" with Gary Pratt's girlfriend. The evidence presented at the Inquiry indicates there was no truth to this report. However, there was no indication that Jarvis took any steps to confirm or refute this report.

Sgt. Jarvis also received an important piece of information from Cst. Wylie, during this period, which suggested another possible motive for Gary Pratt's involvement in the death of Neil Stonechild. Wylie recalled an incident from August 1990 in which the Pratt's had been involved in an assault on Eddie Rushton. Charges were laid against Gary Pratt and Neil Stonechild was to testify against him. Wylie relayed these particulars to Sgt. Jarvis. Sgt. Jarvis recorded the occurrence number, but amazingly, he never looked at the file. He was asked for an explanation:

"Q. Okay. Would you not have been interested in the details of that occurrence in light of the information Constable Wylie provided you?

A. No, sir. This was something that had happened some time before. It was already before the courts.

Q. But I gather what he's indicated to you is that there had been some dispute or potential dispute between GP and the deceased.

A. That's correct.

Q. And you're saying that wasn't of interest, the details of that situation?

A. At that time it didn't seem to be, I guess, sir."²⁰¹

²⁰⁰ The Investigation Reports of Keith Jarvis are contained in the Saskatoon Police Service Investigation File, Inquiry exhibit P-61, which is reproduced in this Report as Appendix "R"

²⁰¹ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4465-4466. "GP" in the transcript refers to Gary Pratt. At the beginning of the hearings, a concern was identified that Mr. Pratt may have been a youth in 1990. *The Young Offenders Act*, R.S.C. 1985, C. Y-1 would have prohibited the publication of Mr. Pratt's identity if he had been a youth at the time. It was subsequently determined that he was an adult.

Part 4 – The Evidence

Even more interesting was Sgt. Jarvis's admission that he had some involvement in the Pratt/Rushton incident that Wylie brought to his attention.²⁰²

Before I leave this part of the evidence, it is appropriate to make further comment about the appearance of Sgt. Wylie. He is now in charge of the Cold Case Unit of the Saskatoon Police Service. It is easy to see why. He was an intelligent and articulate witness. Indeed, he struck me as the kind of officer who would be an ideal candidate for the position of Inspector or even at a higher level of the police service. I will have more to say about Wylie's timely intervention later when I contrast his actions with those of Constables Hartwig and Senger, who never volunteered any information to anyone about their assignment of November 24th and their search for Neil Stonechild.

Sgt. Jarvis' notes indicate that around this time he became aware of a complaint regarding Neil Stonechild made by Trent Ewart on November 24th, 1990, at 11:51 p.m. He learned that Cst. Hartwig and Cst. Senger were dispatched to deal with the complaint on November 24, 1990, at 11:56 p.m. I refer to his Investigation Report of November 30, 1990:

"On checking the calls dispatched I learned that Cst. Hartwig had attended at this residence at approx 2356 hrs and cleared at 0017 hrs on November 25/90 being unable to locate the deceased."²⁰³

The source of this information is not disclosed in his notes or Investigation Report. The obvious question that arises is why would he check the dispatcher's calls for November 24/25, 1990 when all he really knew was that a dead body had been found? He was questioned about this:

"Q. I'm sorry, I'm – what – I understand you went to dispatch records. My question really though is what prompted you to go to the dispatch records, what information had you received at that point in time that prompted you to search the dispatch records to see – in relation to the investigation of Neil Stonechild?

A. That I became aware that a car had been sent to Snowberry Downs, sir, to remove Neil Stonechild for intoxication.

Q. Now I understand that too, but how did you become aware? Can you tell –

A. That I don't know sir. I don't recall –

Q. All right.

A. – how I got that information."²⁰⁴

Although there is no reference in his notes or Investigation Report, Sgt. Jarvis testified that he did contact Cst. Hartwig and Cst. Senger. He did not recall whether he did so personally or by inter-office memo. He was questioned about this contact:

"A. After receiving the information that cars had been dispatched to Snowberry Downs on the evening of the 24th I did make a request to the officers who

²⁰² Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4468

²⁰³ November 30, 1990 Investigation Report of Keith Jarvis contained in the Saskatoon Police Service Investigation File, Inquiry exhibit P-61, which is reproduced in this Report as Appendix "R"

²⁰⁴ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4471



attended for a report to indicate what actions they took at the residence at Snowberry Downs and to include what, if any, contact they had with Neil Stonechild.

Q. Okay. Now, there's no reference in your notes to having made that request.

A. No, sir.

Q. Any explanation for that?

A. No, sir.

Q. And what – did you get a response to that request?

A. I don't know, sir. It's not in my notes and I don't see it attached to this portion of the file.

Q. Would you have concluded the file without getting a response from them?

A. No, sir.²⁰⁵

I refer also to the following exchange:

“THE COMMISSIONER: So, while I've interrupted you, Mr. Hesje, I'll ask another question so that I don't keep on doing so. If you don't mind, Mr. Jarvis, let me go back to the question of you having spoken to Constables Hartwig and Senger and having some discussion about them. I'm a little unclear about that because I gather what you're saying, and it seemed to me, with respect, you were being a diligent police officer. You got hold of the two people who may well have been the last persons to see this young man alive.

THE WITNESS: Yes, sir, they're...

THE COMMISSIONER: I'm not saying they were, but I'm saying given what you knew about dispatch, about them being sent to the location where people were complaining about Mr. Stonechild's activities and so on, would you agree that it was possible that they were the last persons to see Mr. Stonechild alive?

THE WITNESS: Yes, sir.

THE COMMISSIONER: That would be a significant factor.

THE WITNESS: Yes, sir.

THE COMMISSIONER: You've told us earlier that one of the things you want to find out is who saw the deceased alive last, if I can put it that way.

THE WITNESS: That's correct, sir.

THE COMMISSIONER: And you tell us that you spoke to both of them and as a – at least I gather that?

THE WITNESS: I contacted or requested, I believe – it was one of two ways, My Lord. I don't recall exactly how I contacted them, either by a Jet Set, which

²⁰⁵ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4505

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was an interoffice memo, or I may have spoken to them personally. Which one, I don't recall, but I did request an Investigation Report from them as to their activities and dealings at that time.

THE COMMISSIONER: And having apparently concluded that they had – they were not able to assist you, you didn't record that fact and close that avenue so that it was apparent that they were not the last people to see him alive?

THE WITNESS: I didn't include it in my notebook, no, sir.

THE COMMISSIONER: Wouldn't that be a fairly significant thing to enter in your notebook?

THE WITNESS: It would have been covered by a separate Investigation Report left by them, My Lord.”²⁰⁶

Sgt. Jarvis was suggesting that there may be additional investigation reports that were destroyed. The evidence establishes that there were no such additional investigation reports.

Sgt. Jarvis made various contradictory statements about whether he spoke to Cst. Hartwig and Cst. Senger. He was questioned about his answer to the RCMP that he thought he had approached the two officers personally.²⁰⁷ In the final analysis, he seemed to be insisting that he had in fact communicated with them in some way. It is difficult to understand these responses as, given his insistence that he wrote down everything of importance in his notebook, that there is no account of any kind that he made any inquiries of Cst. Hartwig or Cst. Senger, or that any conversation or communication took place between Sgt. Jarvis and either of them.

At 6:52 p.m., Jason Roy contacted Sgt. Jarvis and advised him that he was with Neil most of the day and evening of November 24th. Sgt. Jarvis arranged to meet with Jason Roy at 8:30 p.m. at 1121 Avenue P South for the purpose of taking a statement from him.

Prior to meeting with Jason Roy, Sgt. Jarvis spoke to Claudine Neetz at 7:40 p.m. She advised him that Trent Ewart was babysitting on the evening of November 24th and had friends at the apartment, being her sister, Lucille Neetz, and Gary Horse. Sgt. Jarvis arranged to meet Trent Ewart at the police station at 10:00 p.m. for the purpose of taking a statement from him.

At 8:45 p.m., Sgt. Jarvis attended at 1121 Avenue P South to meet with Jason Roy.

Sgt. Jarvis and Roy were together for 55 minutes. The Sergeant made no notes of their conversation. He had Roy complete a longhand statement and answer a series of questions. Roy signed the statement.²⁰⁸ I have reproduced the text of this handwritten statement in my review of Roy's evidence. However, it is worth repeating in this context:

“Me & Neil were at juli Binnngs of 3269 Milton street we were sitting around having coffee & neil said lets go see Trevor and I said ok we left at about 2:00 p.m. and caught the Bus at the confed terminal, and we were talking to this one white guy about old time fights then wee kept on going to Trevor we got there at about 2:45 sat around with Trevor and just talked about custody

²⁰⁶ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4512-4514

²⁰⁷ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4512-4513

²⁰⁸ Handwritten Statement of Jason Roy dated November 30, 1990, reproduced in this Report as Appendix “L”



time & girls. We busing around & I saw an old friend & he lent me \$20.00 didn't have nothing to do. We went and hung around circle park mall till around 6:30 & niel said lets go to my moms and get some money from his mom so went over there and niels mom wasnt home so I sold my goves to Marcelle and he went & bought us a 40 ounce oef Silent Sam. We over to juli's and drank the hole bottle straight just me & neil. We were just sitting around talking about whatever and he said lets go find Lucille. So we started on our way to Snowberry Downs I don't rember how we got to seven-11. we stopped there and tried buying something but a cant remember If they sold me anything we started walking over there and stopped on the boulevard and we were arguing but I dont what about and we got to one apartment looked for lucille's sister but it wasn't there so we checked other apartments for the name neetz. But we couldn't it any where so we got to the last apartment and we were about to check it then I must have stopped him and we stood there and argued for what I don't and he turned around and said fuckin Jay and I looked around and blacked out and woke up at juli binnings.

Q. What time approx did you last see Neil Stonechild alive on NOVEMBER 24 1990

A. Could be about 1130 pm.

Q. When you say the name Trevor is that Trevor Nowaselski

A. Yes.

Q. What condition was Neil in when you last saw him

A. Pretty Drunk. Well totally out of it

Q. Is there anything else you wish to tell me

A. No that's all I can think of.

Q. Is this a true statement

A. Yes.²⁰⁹

Sgt. Jarvis maintained that nothing was discussed during the Roy meeting other than what appears in the statement. This statement would not have occupied 55 minutes, even allowing for some preliminary conversation. Roy could have recounted what was reproduced in his one and a half page longhand statement in 5 to 10 minutes. Writing it down might have occupied another 10, or possibly, 15 minutes. A useful comparison can be made with the times recorded when Sgt. Jarvis took Trent Ewart's statement at 10:00 p.m. the same night. Ewart's statement was one page in length. The total interview with Ewart, according to Sgt. Jarvis's report, lasted 10 minutes. I do not accept that Sgt. Jarvis and Roy only discussed what was in Roy's written statement.

As we will see later, Sgt. Jarvis knew a great deal more about what happened on November 24/25, and he learned it from Roy. He conceded, by the way, that he may have talked to Roy several times.

²⁰⁹ Transcribed text of Handwritten Statement of Jason Roy, dated November 30, 1990, Inquiry exhibit P-6

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At 9:45 p.m., Sgt. Jarvis spoke with Lucille Neetz. She indicated she had seen Neil Stonechild and Jason Roy on a bus at approximately 8:00 p.m. on the evening of November 24th. She also reported that Neil had been at the Snowberry Downs apartment at around midnight on November 24th.

At 10:00 p.m., Sgt. Jarvis took a written statement from Trent Ewart at the police station.²¹⁰ The interview lasted 10 minutes.

At approximately 10:45 p.m., Sgt. Jarvis filed his Investigation Report, summarizing the events of November 30th in relation to the investigation of the death of Neil Stonechild.

In his November 30, 1990 report he said this:

“It is possible that the deceased was in fact going to turn himself in as indicated by the witnesses and was possibly heading for the correctional centre on 60th Street to do so when due to his alleged (sic) intoxicated state he stumbled, fell asleep and froze to death.”²¹¹

Sgt. Jarvis did not offer any basis for this theory. In later years, he raised it again with the RCMP but could not point to any evidence to support the suggestion. He was also questioned about this theory at the hearings. I refer to the following exchange:

“Q. Now halfway down that report you write, “At this time there is no evidence to support foul play, but the information about Pratts cannot be ruled out.” And that was your view at the time?”

A. Yes, sir.

Q. And then you state, “A clearer picture will show following the autopsy and its findings.” You continue, “It is possible that deceased was, in fact, going to turn himself in, as indicated by the witness, and was possibly heading for the Correctional Centre on 60th Street to do so when due to his alleged intoxicated state he stumbled, fell asleep and froze to death.”

A. Yes, sir.

Q. At that point in time is that what you believed happened?

A. Yes, sir. I was thinking out loud, if you will,”

...

Q. Did you think that it made any sense for the – a young offender to be turning himself in at the Correctional Centre?

A. No, sir, but being in the area that he was, where he was found, he was in close proximity to the Correctional Centre. With the weather conditions at the time it was very feasible for any individual to walk up to a Correctional Centre, knowing full well that he’s not going to be held there, but they would certainly contact the local police service to have him picked up and

²¹⁰ Handwritten Statement of Trent Ewart dated November 30, 1990 contained in the Saskatoon Police Service Investigation File, which is reproduced in this Report as Appendix “R”

²¹¹ Investigation Report of Keith Jarvis, November 30, 1990, contained in the Saskatoon Police Service Investigation File, Inquiry exhibit P-61, which is reproduced in this Report as Appendix “R”



either transported to, say, Kilburn Hall or a community group home, whatever the case may be. But it was an avenue for him to take.”²¹²

As I have observed elsewhere, the idea was rejected, and rightly so, as preposterous. The Sergeant was also asked what importance he attached to the fact that the deceased was found at 57th Street. He stated he was not concerned as it was not unusual for people to be found walking around in the north industrial area in the early hours of the morning:

“Q. And other than that, had – did you have any other explanation as to how the deceased got to the location between 57th and 58th Street?

A. No, sir.

Q. Was that a matter of concern to you, how he got there?

A. To some extent, but it wasn’t uncommon to find individuals walking around the North Industrial area in the early hours of the morning and late evenings. There was a tremendous amount of activity that went on in the North Industrial area, both warehouse employees, truckers, cars, there were individuals that were out there to commit offences.”²¹³

Not surprisingly, nobody confirmed this evidence. In fact, this assertion was contradicted by the testimony of Glen Winslow. In November of 1990, Winslow was an Area Sergeant assigned to the north end of Saskatoon, which included the location where Neil Stonechild’s body was located. Winslow testified as follows:

“Q. So you were fairly familiar with that area of 57th Street, 58th Street.

A. That whole area, yes.

Q. It’s my understanding at that time there was a Hitachi building on 58th Street.

A. Yes.

Q. And would you be on patrol in that area from time to time?

A. Because Area C was usually short changed with manpower I spent a great deal of time as probably the only policeman in that area.

Q. Okay.

A. A lot of the time, and yes, I patrolled that whole entire area.

Q. Was it – how frequently would you encounter youth, young people in that area at night?

A. Rarely.”²¹⁴

Given the character of the area, the time of day, and weather conditions it is no surprise that no activity was reported in the area by anyone. Indeed, the period of time, including

²¹² Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4489-4491

²¹³ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4493

²¹⁴ Evidence of Glen Winslow, Inquiry transcript, vol. 17 (October 10, 2003): 3317-3318

Part 4 – The Evidence

several daylight periods, did not produce one witness who observed Neil Stonechild's body until November 29th.

At the conclusion of his November 30 report, Sgt. Jarvis made this recommendation:

"It is suggested that with the possibility of foul play, that this file be turned over to Major Crimes for immediate follow up."²¹⁵

This was a very significant statement. It called for immediate and critical action. Sgt. Jarvis was asked what should have happened:

"Q. Now what did you expect to happen to the file on your four days off? You've indicated – suggested that the file should be turned over to Major Crimes for immediate follow-up?

A. That's what I expected to be done, sir.

Q. And like – this may be a little repetitious, but what was the process, how did you expect that to happen?

A. The Investigation Report, as we're looking at in P-61, was left by me, typed up. Again it would have gone through the – staff sergeant reader, he would have addressed the file, looked at it, signed it, if you will, put his badge number. It would have then gone back to my immediate supervisor, which was the staff sergeant in charge of Morality. With the request being made, he would have hopefully perused the report and passed it on to Major Crimes with the hopes that they would be able to pursue it further."²¹⁶

It is apparent, from all the evidence heard at the Inquiry, that this urgent request was dismissed by the Reader and the Staff Sergeant on duty on the next shift.

Sgt. Jarvis was off duty for the following four days, returning to duty on December 5th, 1990. He resumed his investigation of the death of Neil Stonechild at that time, and no explanation was provided as to why the file was not transferred to Major Crimes. Sgt. Jarvis did nothing to press his superior and Major Crimes for an explanation. Sgt. Jarvis could not recall any instance where a file referred to Major Crimes remained in Morality.²¹⁷ He also confirmed that he fully expected Major Crimes would follow through.²¹⁸

The only activity on the file, between November 30th and December 5th, is a call from a youth worker, Dianna Fraser. The call was received by Sgt. Pfeil on December 2nd, 1990. He filed an Investigation Report relating to the call. The information provided by Fraser again indicated the possibility of the Pratts being involved in the death of Neil Stonechild.

On December 5th, 1990, Sgt. Jarvis worked the day shift from 8:00 a.m. to 8:00 p.m. His investigations on that day were cursory at best. At 10:20 a.m. he spoke to Shawn Draper. Sgt. Jarvis's notes indicate that Draper last saw Neil on the 19th day of December and spoke to him on the phone on December 3rd. It appears the reference should have been to

²¹⁵ Investigation Report of Keith Jarvis dated November 30, 1990, contained in Saskatoon Police Service Investigation File, Inquiry exhibit P-61, which is reproduced in this Report as Appendix "R"

²¹⁶ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4494

²¹⁷ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4495

²¹⁸ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4496



November rather than December. At 1:30 p.m., Sgt. Jarvis attended at 3269 Milton Street and interviewed Sharon Night. She confirmed the deceased had been at that residence on the evening of November 24th. She also confirmed he was with Jason Roy and he and Roy were drinking a bottle of Vodka. Night indicated that Stonechild and Roy left the home at approximately 8:30 p.m., heading for the 7-Eleven at 33rd Street and Confederation Drive.

At approximately 2:00 p.m., Sgt. Jarvis attended at 104 – 28 Saskatchewan Crescent East looking for Gary Pratt. He did not locate him. At 2:45 p.m., Sgt. Jarvis attended at 1106 Avenue K North looking for Eddie Rushton, but again was unable to locate him.

At 3:35 p.m., Sgt. Jarvis spoke to the pathologist, Dr. Adolph. He indicated that although his initial opinion was that the deceased had been dead for a minimum of 48 hours, it was possible the deceased was dead from November 25th, 1990. The significance of that opinion was either lost on the Sergeant or ignored by him. He should have connected the time of death to the events of November 24/25 and raised an obvious question.

Sgt. Jarvis recorded that Dr. Adolph confirmed there were no signs of trauma to the body and that foul play was not evident. Dr. Adolph testified that, although he did not recall the conversation, he did not believe he said there were no signs of trauma to the body. He likely reported there was no evidence of traumatic death.

At approximately 4:30 p.m., Sgt. Jarvis filed an Investigation Report. It is helpful to set out the final comment in his report of December 5, 1990:

“Several Crime Stoppers tips have also been received however it is the opinion of the Investigator that these are unfounded and directed more toward causing disharmony on the street against the Pratts. It is felt that unless something concrete by way of evidence to the contrary is obtained the deceased died from exposure and froze to death. There is nothing to indicate why he was in the area other than possibilities he was going to turn himself in to the correctional centre or was attempting to follow the tracks back to Sutherland group home, or simply wandered around drunk until he passed out from the cold and alcohol and froze. Concluded at this time.”²¹⁹

Sgt. Jarvis was finished with the investigation. That conclusion is supported not only by his own words but other circumstances. Early in the hearings there were numerous suggestions that the file copied by Cst. Ernie Louttit was not the complete record of the Saskatoon Police Service investigation. These suggestions were not supported by the evidence. There was no evidence of any further investigation of the death after December 5th, 1990, until the RCMP began their investigation in 2000.

Sgt. Jarvis concluded the investigation after interviewing eight potential witnesses, and taking written statements from only two of them. Some of these interviews were done by telephone. In addition, he contacted the family for the purpose of notifying them of the death, and he has a record of contact with the Coroner, the Pathologist, and Sgt. Wylie.

There can be no doubt that the investigation was prematurely concluded. This is acknowledged by the Saskatoon Police Service, and to some extent, even by Sgt. Jarvis. I shall review the deficiencies in the investigation in part three of this report.

²¹⁹ Investigation Report of Keith Jarvis dated December 5, 1990, contained in the Saskatoon Police Service Investigation File, Inquiry transcript P-61, which is reproduced in this Report as Appendix “R”

Part 4 – The Evidence

In January, 1991, Cst. Louttit met with Sgt. Jarvis to advise him that the Stonechild family had information indicating Gary Pratt's involvement in Neil's death. Initially, Sgt. Jarvis stated that he had no recollection of the conversation. Given the tenor of the general discussion, as related accurately, in my view, by Cst. Louttit, I cannot imagine how Sgt. Jarvis could not have responded. I refer to Cst. Louttit's description of the meeting:

"A. We met for approximately 40 minutes point-by-point on what I – the concerns I had. I found Sergeant Jarvis to be argumentative, to be dismissive. You know, when I asked – when I'd asked about certain things, it was – and I can't remember the exact wording, but basically that the matter was in hand and that I should leave it alone. And I walked away from the meeting very frustrated and – I don't know how else to describe it, I came away frustrated and hoped for the best, I guess. He knew what the concerns were."²²⁰

In a tape recorded interview, Sgt. Jarvis was asked for his assessment of Cst. Louttit. The following exchange took place:

"Q. You mentioned earlier about Ernie Louttit. Tell me what your concern was with Louttit. You mentioned a report, that the only report we had –

A. I don't know what he's got to do with this though.

Q. Well –

A. He wasn't involved in the investigation at all.

Q. Alright.

A. He had absolutely nothing to do with this. He just had a bad habit of sticking his nose in other peoples files.

Q. Oh, yeah.

A. And not just mine. There was other people, other investigations that people were doing. He had a habit of sticking his nose in because he knew a lot of the Native community."²²¹

It is interesting that he remembers his reaction to Cst. Louttit's inquiry even though he said initially he did not recall the conversation. Mindful of Sgt. Jarvis' repeated statements that the Stonechild investigation was still pending after December 5, 1990, and would be reopened if any new evidence surfaced, one can only wonder what more it would have taken to get the Investigator to take some further action.

Sgt. Jarvis was approached by Sgt. Eli Tarasoff about the same time. Again Sgt. Jarvis claimed to have no recollection of his meeting with Sgt. Tarasoff. Sgt. Tarasoff, whose son was a friend of Neil Stonechild, had promised Neil's grieving mother that he would make some inquiries. I refer to Sgt. Tarasoff's evidence:

"Q. Did you – were you at some point contacted by Stella Bignell?

²²⁰ Evidence of Cst. Ernie Louttit, Inquiry transcript, vol. 15 (October 8, 2003): 2844-2845

²²¹ Transcript of tape recorded interview of Keith Jarvis by Robert Martell on August 11, 2003, Inquiry exhibit P-111: 76



- A. She did give me a call, it was some time after the incident, I believe, and she – she did ask me, I believe, to look into it.”²²²

Sgt. Tarasoff suffered the same fate as Cst. Louttit. Once again, what more was needed for Jarvis to act? Two experienced members of his own police service had, independently, presented him with compelling reasons to do more. They were not members of the public or informants. They were his colleagues.

One of the crucial issues that emerged at the hearings was whether Sgt. Jarvis received information that Neil Stonechild had been in police custody on November 24/25, 1990. As background to this issue, it is necessary to review the events of 2000/2003 relating to Sgt. Jarvis.

Sgt. Jarvis was contacted by Cpl. Jack Warner of the RCMP Task Force on March 3rd, 2000. At the time of the interview, Sgt. Jarvis did not have his notebook or the Saskatoon Police Service file. He had no recollection of the matter, but agreed to be interviewed and to cooperate with the RCMP.

On April 4th, 2000, Sgt. Lyons of the RCMP met with Jarvis at his residence at Burnaby, British Columbia. At this interview, Jarvis had only a vague recollection of events relating to the Stonechild investigation. He was again interviewed by Sgt. Lyons and Cpl. Warner on June 21st, 2000.

On October 11th, 2000, Jarvis again met with Sgt. Lyons and Cpl. Warner. At this time he was provided with a copy of his notebook for the relevant period, which had been located by S/Sgt. Zoorkan and turned over to the RCMP on July 19, 1990. On October 12th, 2000, Sgt. Lyons and Cpl. Warner took a tape recorded statement from Jarvis. In this tape recorded interview, Jarvis suggested that he had a recollection of Jason Roy telling him that he was stopped by the police and provided a phony name. Jarvis went further to suggest that he may have been told by Roy that he saw Stonechild was in the back of the police car. However, Jarvis also suggested that he may have learned this information from the RCMP investigators, rather than Jason Roy. I refer to the transcript of the October 12, 2000 RCMP interview of Jarvis:

“K.Jarvis: ah...the only thing I, ya’know, I...I can’t recall exactly what happened but from my understanding from...from having talked with... with yourselves and, ya’know, refreshing memories an’ so forth, he was checked by the police, he was unlawfully at large apparently at the time and gave a phony name...

Cpl. Warner: Uhm-mmm [affirmative]

K.Jarvis: ...so he wouldn’t get picked up ah...and from that stand point I’m not sure if he told me that Stonechild was in the back of the police car or if I learned that from the result of our conversations an’...”²²³

The Saskatoon Police Service file was located by Cst. Louttit on March 20, 2001, and provided to the RCMP. The RCMP again met with Jarvis on May 23, 2001, and provided him with a copy of the file. The RCMP summary of the interview with Jarvis includes the following statement with respect to the file:

²²² Evidence of Eli Tarasoff, Inquiry transcript, vol. 18 (October 14, 2003): 3475

²²³ Transcript of RCMP Interview of Keith Jarvis on October 12, 2000, Inquiry exhibit P-107

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“Having reviewed it, Jarvis confirmed Roy had disclosed seeing Stonechild in the back of the police car.”²²⁴

Jarvis was asked whether he made such statement to the RCMP. He did not dispute that he made such statement, but he claimed the statement was made in error.

The Commission hired Robert Martell, a retired RCMP officer to assist in interviewing some of the police witnesses and to consult on issues of police investigative practices as they related to the Stonechild case. Mr. Martell was the principal Investigator in three inquiries conducted in the province of Manitoba. They were:

1. *The Public Inquiry Into the Administration of Justice and Aboriginal People of Manitoba (Aboriginal Justice Inquiry) – The Deaths of Helen Betty Osborne and John Joseph Harper.*
2. *The Commission of Inquiry Into the Deaths of Rhonda Lavoie and Roy Lavoie – A study of Domestic Violence and the Justice System in Manitoba.*
3. *The Commission of Inquiry Into Allegations of Infractions of The Elections Act and The Elections Finances Act during the 1995 Manitoba General Election.*

On August 11th, 2003, Jarvis was interviewed by Robert Martell. The interview was tape recorded. Jarvis indicated in the interview that Jason Roy had told him in the course of the investigation that he last saw Neil Stonechild in the back of a police car. The following exchange took place in that interview:

“Q. During the general conversation, did Neil ask you – or did Jason Roy tell you that he had seen Neil in the back of the police car?

A. Yes. Jason and Neil, apparently, when they left Snowberry Downs, had their disagreement, went their separate ways according to Jason.

Q. Right.

A. Jason indicated, I believe, that he was on Confederation Drive walking when the police car pulled up and approached him and basically did a check on him.

Q. All right.

A. He indicated that first of all he gave a false name.

Q. Right.

A. Because he was quite, actually quite happy about it –

Q. Right.

A. – the fact that he’d deceived the police, because there was a warrant out for his arrest –

Q. Right.

A. – for being unlawfully at large. He also indicated that Neil was in the back seat of the patrol car at that time.

²²⁴ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4534



- Q. Right.
- A. However he informed the police that he didn't know him because he also knew that Neil was unlawfully at large from the community, or group home in Sutherland.
- Q. Right.
- A. So he declined any knowledge of who Neil was. And that was the last he saw of him.
- Q. Okay. So we're talking about the interview that was done at what time again on the 30th?
- A. This would have been starting at 2145 hours.
...
- Q. So what you're telling me then is that when you – your preliminary investigation with Jason, he tells you about being checked by the police?
- A. It could have come out in the preliminary. I'm not sure when it actually came out.
- Q. But it was sometime during your – this meeting with him?
- A. My conversation with – it could have been during that meeting with him.
- Q. Yeah, okay. And he was telling you he was checked by the police, and what's he telling you about what he saw of Neil in the back of the police car?
- A. I believe he was supposedly in handcuffs.
- Q. Right.
- A. In the back seat. They were both under the influence and they were allowed – he was allowed to go on his way. He doesn't know what happened to Neil after that.
- Q. Okay. Did he say he was bleeding?
- A. No. He didn't indicate that he was bleeding.
- Q. He just said he saw him in the back of the police car?
- A. Did he say he was in handcuffs?
- A. He said he was in handcuffs.
- Q. Did he tell you that he was – what did he tell you about what the police did?
- A. They just checked him, asked who he was. He lied, gave them a phony address. Basically he was allowed to continue on his way.
- Q. Did he mention what type of check that they did?
- A. No.
- Q. Okay.

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- A. Not that I can remember anyway.
- Q. Did he mention that they checked him in the system though?
- A. Not that I'm aware of."²²⁵

When he testified at the hearings, he recanted these statements and claimed that he had "false memories". He attributed the false memories to the interviews he had with officers Lyons and Warner over a period of time three years earlier where scenarios were put to him as having possibly occurred. He was asked to elaborate:

- "Q. So what, can we be any more specific then, what is it that – first of all, start with the RCMP, what is it they did to create this false memory on your part?
- A. I believe it was in the course of their interview, sir. They were trying to assist me and prompting and jogging my memory, and suggestions were made, do you recall so-and-so saying this, do you recall so-and-so saying that. I don't know if I recalled it or not for sure; whether it was my own active memory, or it was the suggestion that was made enough times that after a while you start to believe that maybe that is your memory.
- Q. Well, let's then be clear on what we're saying about the portions I just read. Are you saying you're not sure whether that's your memory or not, or are you saying it is not your memory?
- A. I'm saying that is a comment made in error, sir. Had the – that information been, in fact, correct, it would have been in my report, it would have been in Mr. Roy's statement, and it would have been in my notebook."²²⁶

I was invited to listen to the tape recordings of the interviews by the RCMP and Martell; the suggestion being that it would in some way reveal that the investigators had acted inappropriately. The tapes revealed nothing inappropriate or unfair about the actions of the investigating officers nor, indeed, do the briefs filed by Counsel suggest otherwise, save for the oft-repeated suggestion that Roy's account of the interview with Sgt. Jarvis was sewed into Jarvis' mind by the RCMP. I was impressed by the professionalism and thoroughness of the RCMP members and Martell throughout their inquiries. It contrasted sharply with the actions of certain members of the Saskatoon Police Service.

Although certain counsel made suggestions that the RCMP had acted inappropriately in their interviews with Jarvis, he did not suggest they acted inappropriately. At one point, he was asked if the RCMP had tricked him. He responded as follows:

- "A. I'm not saying they tricked me, ma'am, they were attempting to assist me, if you will, in remembering. And as a result of their efforts to try and assist me I became confused with what was my own memory and what was being suggested as possibly having taken place. Or did I recall this having taken place?"²²⁷

²²⁵ Transcript Interview of Keith Jarvis by Robert Martell, August 11, 2003, Inquiry exhibit P-111: 55-58

²²⁶ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4566

²²⁷ Evidence of Keith Jarvis, Inquiry transcript, vol. 27 (November 26, 2003): 5149



In Jarvis' interview with Martel, there was no indication that Jarvis was uncertain or confused as to what Jason Roy had told him about Neil Stonechild being in the back of a police car. His statement is unequivocal and unqualified. At the time he made the statements to Martell, he believed them to be true. Jarvis never suggested otherwise. In his earlier interviews with the RCMP, Jarvis had pointed out that he may have some confusion about certain events. He gives no indication of any confusion in his interview with Martell, at least on this central point. What Jarvis was offering as explanation, goes beyond confusion. He was suggesting that he had a false memory. That is, he believed that certain things took place, which he came to realize were not factual.

In dealing with this claim of false memory, I was greatly assisted by the testimony of Dr. Yuille. His evidence is reviewed in more detail later in this Report. I comment here only on several specific points as they relate to Jarvis' testimony. Dr. Yuille stated that false memories could be created through improper interview techniques. However, based on his review of the summaries and transcripts of the interviews of Jarvis by the RCMP and Martell, he expressed the opinion that the interviews were not conducted in a manner which would create a risk of false memory. In particular, he noted that he did not see repeated suggestions of a kind that would create the risk of false memory.²²⁸

Dr. Yuille also noted that the background training and experience of the interviewee is a factor in assessing the risk of creating false memories. Keith Jarvis had extensive experience as a police officer. He served 27 years with the Saskatoon Police Service. His service included assignments as a Plainclothes Investigator. He acknowledged that he had conducted hundreds, if not thousands, of interviews.²²⁹ He had also received training in interview and interrogation techniques. This training included a course presented by Dr. Avinoam Sapir. Jarvis acknowledged that Dr. Sapir had a world renowned reputation for training police on how to conduct and obtain proper detailed and effective statements. The course included training in statement analysis.

Jarvis's training made him particularly aware of the risk of contaminating a witness's recollection through repeated suggestion. When he was interviewed by the RCMP, and certainly when he was interviewed by Martell, he was aware that the RCMP was investigating possible police involvement in the death of Neil Stonechild. He had to appreciate that information that Neil Stonechild was in police custody on November 24th, 1990, would be extremely significant to the investigation. In these circumstances, I cannot accept that he was susceptible to the creation of false memory.

Dr. Yuille also explained that a person with a false memory cannot distinguish a false memory from a true memory. He was asked how a person with a false memory may come to the realization that the memory is false. He said this can occur when the person is presented with incontrovertible clear evidence that refutes the memory.

Jarvis was asked when he awoke to the realization that what he had told Martell was a false memory. The only explanation he offered was that the information was not recorded in his notebook or his report. He was cross-examined extensively on this explanation, and it was demonstrated that he had numerous independent recollections and recalled numerous

²²⁸ Evidence of Dr. John Yuille, Inquiry transcript, vol. 39 (March 12, 2004): 7465

²²⁹ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4565

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details of the investigation that were not recorded in his notebook or the reports. The following are but a few examples:

- a. Jarvis testified that he contacted Constables Hartwig and Senger, but there is no record of the contact;
- b. Jarvis testified that he made several visits to Gary Pratt's house, but only one is recorded in his notes;
- c. Jarvis testified that he made several visits to Eddie Rushton's house, only one is recorded in his notes;
- d. Jarvis testified that family members came to him with concerns on several occasions, but none are recorded in his notes.

It was also established that he had independent recollection of events, which were confirmed in his notes, before he had access to his notes or his report. These include:

- a. Jarvis's recollection that he never personally attended the death scene or the autopsy;
- b. his recollection that the Canine Unit attended the scene to search for the shoe;
- c. his recollection that a complaint had come in from Snowberry Downs about Neil Stonechild.

These matters were all raised in Ms. Knox's cross-examination of Jarvis. I set out only a small portion of that exchange:

"Q. Okay. Now would you agree with me that on June 21st, 2000 without the benefit of your notes or report, you also told the RCMP that you were aware that a complaint had come in from Snowberry Downs apartments about Neil Stonechild on that night that he was last known to be alive?

A. Yes.

Q. And would you agree with me that that, too, was likely a product of your own memory, given the ability and the peace and quiet of being able to think about this event over a number of months?

A. Yes.

Q. Okay. So you, to this point in time, agree that there are various pieces of information that you were giving the police, the RCMP, by June 21st, 2000 that you had not remembered when you were first contacted on March 3rd, 2000, because you said you didn't remember it at all. But through the natural process of thinking and considering you were able to put some of these pieces into place?

A. Yes, ma'am."²³⁰

²³⁰ Evidence of Keith Jarvis, Inquiry transcript, vol. 27 (November 26, 2003): 5145-5146



I am not persuaded that what Jarvis told Martell was a product of false memory. Rather, I conclude that Jason Roy did in fact tell Sgt. Jarvis on November 30th, 1990, that he last saw Neil Stonechild in the back of the police car. Jarvis's recanting of this revelation, and his explanation for doing so, is not credible.

Even if Jarvis had not made such statements to Martell, I would not have accepted Jarvis's testimony that Roy's written statement on November 30th reflected everything that was disclosed to him at that time. It is inconceivable that a trained police officer, particularly one with special training in interviewing and statement analysis, would accept Roy's statement without further questioning. The written statement provides a rather detailed account of events of November 24th, 1990, before ending abruptly with the statement "he blacked out and woke up at Julie Binnings".²³¹ There should have been obvious concerns as to whether Roy was telling the whole story or whether he simply said he blacked out to conceal further details.

Jarvis did testify that he found Roy's claim to have "blacked out" to be incredible. He stated:

"I questioned whether he actually did blackout at Snowberry Downs. If he did, how did he get to Julie Binnings later?"²³²

Jason Roy telling Sgt. Jarvis that he last saw Neil Stonechild in police custody is also consistent with Sgt. Jarvis checking the dispatch records. No other explanation was offered.

This explanation was pursued in a very thorough cross-examination of Jarvis by Ms. Knox:

"Q. Okay. Would you not agree with me though that there was another significant piece of information that you gave to the officers that date that Jason Roy has said to the effect that you didn't go back and say maybe I'm mistaken, and I'm referring you to the information you gave very early in your – in the interview which is found at page two of the transcript, that in fact you remembered Jason Roy telling you that he'd been checked by the police that night?

A. I recall that, yes, ma'am.

Q. Okay. So you did tell them that early in the interview. Similarly, when they went back in April after the March, you had pieces of memory that you agree with me today are your memory. When you started back with them in October 2002 you offered them another piece of memory and you said you had a specific memory of being told on November 30th by Jason that he was checked by the police on November 24th.

A. I may have, ma'am, yes.

Q. Okay.

A. I don't recall that right now, but.

Q. Okay. Would you like me to refer you to that portion of your statement?

²³¹ Handwritten Statement of Jason Roy, dated November 30, 1990, Inquiry exhibit P-6. The handwritten statement is contained in the Saskatoon Police Service Investigation File which is reproduced in this Report as Appendix "R"

²³² Evidence of Keith Jarvis, Inquiry transcript, vol. 26 (November 25, 2003): 5066

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- A. No, I'm sure if it's – it's all in there, ma'am.
- Q. Would it be helpful to you if I suggested to you that what you said, "It was also brought to my attention as a result of the interview with Jason Roy, I believe, that he'd been checked by the police. However, he and Stonechild had gone separate ways," and that it was as a result of that information that you got from Jason Roy that you went to the Dispatch Office to check whether there'd been contact on November 24th?
- A. It may very well be, ma'am.
- Q. Okay.
- A. I don't know where the information came from that caused me to go to the Communications Section.
- Q. You do agree that you told me this morning that you didn't remember how you found it out?
- A. That's correct.
- Q. But you must have gotten something somewhere that prompted you to go to the Communications Office?
- A. Yes.
- Q. And, in fact, what you told the police is that Jason Roy was the one who gave you the information that prompted you to go to the – the Communications Office?
- A. That's what it would appear, yes, ma'am.
- Q. Okay. Now, can you say today that it is not true that that was the basis upon which you went to the Communications Office, that Jason Roy told you – or didn't tell you back on November 30th, 1990 that he'd been stopped and checked by the police?
- A. No, I can't, ma'am.
- Q. Okay. Would you go so far as to agree with me that in the circumstances it's possible that, in fact, just as Jason Roy says and just as you said to the police in October 2000, that is, in fact, what happened?
- A. It's possible, ma'am."²³³

As I have already noted, the interview with Roy lasted some 55 minutes. I believe Sgt. Jarvis did press Roy for further information after he had provided the written statement, as any competent Investigator would have done. I am satisfied that in so doing, Roy did reveal to Sgt. Jarvis that he last saw Neil Stonechild in the back of a police car as Roy testified, and as Sgt. Jarvis recounted in his interview with Martell.

Sgt. Jarvis did not record this important information in his notes or reports. This cast a totally different light on Sgt. Jarvis's actions as Investigator. What might have seemed inexcusable incompetence or neglect now took on a more serious focus.

²³³ Evidence of Keith Jarvis, Inquiry transcript, vol. 27 (November 26, 2003): 5201-5203

James Allan Brooks²³⁴

Mr. Brooks is a retired member of the Saskatoon Police Service. He joined the Service in 1969 and retired in 1997 at the rank of Sergeant. From August 1990 until his retirement, he was assigned to the Morality section.

Brooks testified that in 1990, the Morality Unit was responsible for sudden deaths. A Morality Officer would be sent to attend scenes of sudden deaths, if a Morality Officer was available at the time. In determining whether a Morality Officer was available, Communications would generally call the Morality office. If there was nobody there, they would generally page the Morality Officer on duty or broadcast a message by radio for any available Morality Officer. If there was no Morality Officer available on duty, the Platoon Staff Sergeant could call out an off duty Officer. If Morality officers were not available to attend the scene of a sudden death, the Patrol Sergeant would direct the investigation.

The Investigation Report filed by Sgt. Jarvis on November 30, 1990, states that the file is presently assigned to Sgt. Brooks (as he then was). However, Brooks testified that the file was never assigned to him and he never had any involvement in the investigation of the death of Neil Stonechild.

Brooks testified that once a file is assigned to an Officer, it remained with that Officer. He could not recall any situation where a file was turned over to another Officer because the assigned Officer was off work for several days. He did indicate that there were times when an assigned Officer would change their days to continue on with a file.

If a Morality Officer attended a sudden death and it appeared to be a homicide, Major Crimes would be asked to attend. However, Brooks recalled that there were only two Major Crimes officers in 1990, and they were very busy.

Brooks testified that, in his experience, if a report was dictated recommending the file go to Major Crimes, it would in fact, go to Major Crimes. He did go on to state that it might come straight back to Morality for further investigation.

Sergeant Douglas Neil Wylie²³⁵

Sgt. Neil Wylie is a serving member of the Saskatoon Police Service. He has been a member of the Saskatoon Police Service for approximately 25 years. He is currently assigned to the Major Crimes Unit and is the Investigator responsible for cold case files. The Neil Stonechild death was not subject to investigation by the Cold Case Files Section.

Sgt. Wylie is mentioned in the notebook of Sgt. Jarvis on November 30, 1990. The note refers to Sgt. Wylie advising Sgt. Jarvis that Stonechild had provided information regarding charges against Errol and Gary Pratt. Sgt. Wylie had no recollection providing that information to Sgt. Jarvis. Sgt. Wylie was not involved in the investigation at the Stonechild death.

Sgt. Wylie, as a result of a careful search of the records of the Saskatoon Police Service, located a copy of the Occurrence Report he had filed with respect to the incident involving the Pratts and Stonechild. Although Sgt. Wylie only vaguely recalled the incident, based on his review of the Occurrence Report he described what took place on the 1100 Block of

²³⁴ Evidence of Albert Brooks, Inquiry transcript, vol. 16 (October 9, 2003): 3074-3134

²³⁵ Evidence of Sgt. Neil Wylie, Inquiry transcript, vol. 18 (October 14, 2003): 3409-3472

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Avenue K North on August 11, 1990. The incident involved a dispute over some firearms that were apparently stolen by Neil Stonechild and another young offender in a break and enter of a private residence. The dispute resulted in the serious assault of Eddie Rushton. Neil Stonechild was present at the time of the assault. An account of these events is also contained in the testimony of Gary Pratt.²³⁶

The Saskatoon Police Service records indicate a number of officers were dispatched to the scene on August 11th, 1990. The officers attending at the scene included both Cst. Hartwig and Cst. Senger. Sgt. Wylie had a note in his notebook indicating that Cst. Hartwig spoke to Neil Stonechild at the scene.

Police records indicate that Gary Pratt and his brother Errol were arrested and charged with the assault. Neil Stonechild was subpoenaed to testify against the Pratts. As I have noted, Neil Stonechild attended court for the purpose of testifying against the Pratts. However, the charges were apparently stayed as other witnesses failed to attend.

Although Sgt. Wylie does not have an independent recollection of speaking to Sgt. Jarvis, he expressed the opinion that he would likely have brought this incident to the attention of Sgt. Jarvis after he heard of the death of Neil Stonechild. He believed that the incident provided a potential motive for someone to do harm to Neil Stonechild.

At the time Sgt. Wylie passed the information on to Jarvis, he was working Patrol. He testified, that based on his subsequent experience as an Investigator, Patrol officers are very diligent in passing on information to investigators.

Constable Geoffrey Brand²³⁷

Constable Geoffrey Brand is a serving member of the Saskatoon Police Service. He joined the Police Service in 1981. He was interviewed by the RCMP in 2000. At that time, he did not have his notebook covering the period of November 1990. He subsequently located his notebook and produced it to the RCMP through Sgt. Murray Zoorkan of the Saskatoon Police Service. In an entry for November 30th, 1990, he had recorded information he had received from an informant relating to the death of Neil Stonechild. This information was copied by the RCMP and the notebook was returned to Cst. Brand. When he was interviewed by Commission Counsel in 2003, Cst. Brand had again misplaced his notebook. When he testified, he had again located it.²³⁸

On November 30th, 1990, Cst. Brand worked the day shift from 7:00 a.m. to 7:00 p.m. He testified that at some point during the shift he was advised that someone in detention wished to speak to him. He testified that he attended at the Detention Centre at the conclusion of his shift at approximately 7:00 p.m. He recalls speaking to an informant in detention, but could not recall the identity of the person. The information provided by the informant, as recorded in Cst. Brand's notebook, related to a previous incident between Neil Stonechild and Errol, Gary, and Danny Pratt. The informant advised that Neil Stonechild had been beaten by the Pratts after Stonechild and Eddie Rushton had attempted to sell the Pratt's stolen guns. The informant also advised Cst. Brand that Stonechild had concerns approximately a week before his death about his safety and had received threats.

²³⁶ Evidence of Gary Pratt, Inquiry transcript, vol. 32/33 (January 7/8, 2004): 6235-6253 & 6266-6362

²³⁷ Evidence of Geoffrey Brand, Inquiry transcript, vol. 14/15 (October 7/8, 2003): 2698-2822

²³⁸ Notebook of Cst. Brand, Inquiry exhibit P-62



Cst. Brand testified that he would have dictated a report to be left with the Investigator. However, no such report has been located, and Cst. Brand testified that he had never seen a copy of such report. He had no recollection of speaking to an Investigator about the information or of being contacted in follow-up to the information.

A summary of Cst. Brand's anticipated evidence prepared following an interview with Commission Counsel stated, "Cst. Brand passed this information on through an internal memo which he believes was given to SPS Sgt. Neil Wylie."

This statement that Cst. Brand made to Commission Counsel is puzzling. Sgt. Wylie denies that he received any information from Cst. Brand. Sgt. Jarvis records receiving information from Neil Wylie on November 30th, 1990, in his notebook. The notation appears between time entries of 4:42 p.m. and 6:52 p.m. This was before Cst. Brand met with his informant at 7:00 p.m. Cst. Brand was evasive when confronted with this statement made to Commission Counsel. He did not deny this statement, but indicated that it was possible he gave the information to Sgt. Wylie, but it could have been given to anybody.

On cross-examination, Cst. Brand acknowledged that informants are a valuable resource for police officers and that an officer's relationship with an informant was built on trust. However, he maintained that he could not recall the name of the informant. It seems somewhat unusual that Cst. Brand would not remember the name of the informant. The fact that the informant singled out Cst. Brand to provide the information would suggest that Cst. Brand had at least a good working relationship with the informant.

Cst. Brand was also questioned as to how the informant would have knowledge of the death of Neil Stonechild. He acknowledged that a person in Detention would not have access to radio or television and the body had not been identified until late on November 29th. The only explanation offered by Cst. Brand was that the informant may have been taken into custody later in the day on November 30th.

In light of the anomalies in Cst. Brand's testimony about the information he received, I question the reliability of his evidence.

Raymond Pfeil²³⁹

Raymond Pfeil joined the Saskatoon Police Service in June, 1967, and retired in October 2000. In 1990, Pfeil was a Sergeant assigned to the post of Reader with the Saskatoon Police Service from time to time. He testified that the responsibilities of a Reader were to read all files, investigation reports, occurrence reports, or incident reports, and to decide which section they should be directed to for further investigation or conclusion. Typically, the reports were dictated by an officer, typed up by central records staff, and then sent to the Reader's desk. He testified that in 1990, the investigation of sudden deaths, "if there is nothing really outstanding or suspicious"²⁴⁰, would be assigned to the Morality Unit. He reviewed the occurrence report filed by Cst. Lagimodiere and testified that he may have sent the file to Morality. The Reader had discretion in a case like this to send to either Morality or Major Crimes, and he might have gone either way. Later, under cross-examination, Pfeil

²³⁹ Evidence of Raymond Pfeil, Inquiry transcript, vol. 14 (October 7, 2003): 2534-2653

²⁴⁰ Evidence of Raymond Pfeil, Inquiry transcript, vol. 14 (October 7, 2003): 2542

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indicated he would probably lean toward sending the report to the Morality Unit. However, Pfeil was the Reader for the Investigation Report submitted by Cst. Middleton²⁴¹ on November 30, 1990, and he noted on the Report “MC/Jarvis”, which meant that Report should be forwarded to Major Crimes, Jarvis.

Mr. Pfeil dictated an investigation report²⁴² on December 2, 1990. He had no recollection of the information contained in the report. The report relates to a call he received from Diana Fraser. She either phoned the Staff Sergeant Office, when Pfeil was working as the acting Staff Sergeant, or he may have answered the Crime Stoppers phone. Sgt. Pfeil also signed the report as Reader indicating he was on the Reader’s desk on December 2nd, 1990. He indicated that the report would have been sent to Major Crimes. He is not sure why it was sent to Major Crimes. He speculated that this may have resulted from information he had received about the file prior to the call from Diana Fraser. He testified that he may also have looked up the file and found it had been assigned to Major Crimes.

The report prepared by Sgt. Pfeil indicates Diana Fraser advised him that Neil Stonechild had attended a party the night before his death. Gary Pratt was at the same party. She also advised that Pratt and Kelly McDonald assaulted Stonechild about a month ago. The report stated that Crime Stoppers information indicates that Danny and Gary Pratt are responsible for assaulting Stonechild at the location he was found on 57th Street, had some of his clothing taken and left to die. There was also reference of Diana Fraser indicating that she sees the Stonechild group gathering and suspects there will be trouble between the two groups.

Glen Clayton Winslow²⁴³

Glen Winslow joined the Saskatoon Police Service in December of 1968 and retired in June of 2003. In November of 1990, Winslow was assigned as Patrol Sergeant to area “C”, the north end of Saskatoon. This area took in the location where the body was discovered and extended close to Snowberry Downs.

Saskatoon Police Service records indicate that he was dispatched to a residence on 37th Street West at approximately 5:25 a.m. on November 25, 1990. Cst. Hartwig and Cst. Senger were also dispatched to the same address to notify next of kin of a murder/suicide involving a father and two sons. Winslow did not recall the incident nor any contact with Constables Hartwig and Senger on that night. He had no recollection of any dispatch or incident involving Neil Stonechild during his shift from 7:00 p.m. November 24th to 7:00 a.m. November 25th.

Winslow is familiar with the area around 57th Street where the body of Neil Stonechild was found. He testified that he spent a great deal of time as probably the only policeman in that area. He rarely encountered young people in the area at night.

²⁴¹ Investigation Report of Cst. Middleton, contained in Saskatoon Police Service Investigation File, Inquiry exhibit P-61

²⁴² Investigation Report of Raymond Pfeil, contained in Saskatoon Police Service Investigation File, Inquiry exhibit P-61

²⁴³ Evidence of Glen Winslow, Inquiry transcript, vol. 18 (October 14, 2003): 3324-3354

**James Edward Drader**²⁴⁴

Ed Drader retired from the Saskatoon Police Service in 1991 having obtained the rank of Staff Sergeant. He joined the force in 1965. In November of 1990, he held the rank of Operational Staff Sergeant and was assigned as a Reader for D Platoon.

While Drader does not recall the Stonechild file, he acknowledged that he was the Reader who reviewed Sgt. Jarvis's concluding Investigation Report of December 5, 1990.²⁴⁵ The report was left by Sgt. Jarvis at 4:30 p.m. and reviewed by S/Sgt. Drader at 5:16 p.m., some 26 minutes later.

The December 5th report states: "Concluded at this time." S/Sgt. Drader understood this to mean that the Officer had finished the investigation at that time and that there likely would not be anymore follow-up unless new evidence was developed. Notwithstanding that, S/Sgt. Drader signed the report with his badge number beside the words "Approved", he testified that did not indicate that he agreed that the file should be concluded at that time. Drader testified that it was not his function to examine the report for thoroughness or to determine whether there were things missed out or things that required follow-up. That was the responsibility of the Officer in charge of the section for which the Investigator worked.

Drader's view of the Reader's role in reviewing investigation reports is supported by the testimony of Bruce Bolton, a former Reader and, later, Staff Sergeant in charge of the Major Crimes Unit at the Saskatoon Police Service.²⁴⁶ Bolton testified that a reader's main function was to review occurrence reports, accident reports, and arrest reports and to assign them. Investigation reports in relation to files that have already been assigned to an investigative unit were not necessarily reviewed by the Reader to determine if the investigation was properly handled. Bolton stated that it was the responsibility of the Staff Sergeant in charge of the investigative unit to make that determination. The Reader did not have the time to do an in-depth analysis of every Investigation Report. They were simply redirected by the Reader to the appropriate investigation unit.

Drader's and Bolton's understanding of the responsibility of the Reader in reviewing investigation reports, however, is not entirely in accordance with the evidence of another former Saskatoon Police Service Reader, Raymond Pfeil. Pfeil's evidence is consistent with that of Drader and Bolton in the sense that Pfeil states that if he received a report from an Investigator indicating "concluded at this time" he would send it back to the Staff Sergeant in charge of the relevant investigative unit. It was up to the Officer in charge of that unit to conclude the file. However, Pfeil went on to state that if he did not feel the file should be concluded, as recommended, he would either make a note on it or get a hold of the Staff Sergeant in charge of the investigative unit.²⁴⁷

I accept the evidence of Pfeil that the Reader had some duty to flag reports where the recommendation to close the file was obviously premature. The evidence, however, is clear that the ultimate responsibility for supervising investigation files and approving the closure of such files lay with the Staff Sergeant in charge of the relevant investigative unit.

²⁴⁴ Evidence of James Drader, Inquiry transcript, vol. 16 (October 9, 2003): 3044-3074

²⁴⁵ Investigation Report of Keith Jarvis, dated December 5, 1990, contained in Saskatoon Police Service Investigation File, Inquiry exhibit, P-61

²⁴⁶ Evidence of Bruce Bolton, Inquiry transcript, vol. 17 (October 10, 2003): 3224-3226

²⁴⁷ Evidence of Raymond Pfeil, Inquiry transcript, vol. 14 (October 7, 2003): 2553

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Theodore Hugh (Bud) Johnson²⁴⁸

Bud Johnson joined the Saskatoon Police Service in 1963 and retired in February 1992 with the rank of Staff Sergeant. He served approximately 15 years as a Plainclothes Investigator. Most of that time was spent in the Youth Unit. In 1990, he also served as Staff Sergeant in charge of the Morality Unit.

Although Johnson was uncertain as to dates, it is clear that he was Staff Sergeant in charge of the Morality Unit in November of 1990. Sgt. Jarvis's notebook lists Johnson as his Staff Sergeant on November 29 & 30, 1990.²⁴⁹

S/Sgt. Johnson testified that an Investigator would be sent to the scene of a sudden death if the uniform officer in attendance requested an Investigator. He could not recall a situation where an Investigator was requested but none was sent out. He did allow that it was possible if no Investigator was available.

The SIM System Incident Report²⁵⁰ for the Stonechild file indicates the Stonechild file was assigned to Sgt. Jarvis by S/Sgt. Johnson. The same report indicates that the Jarvis report of December 5th, 1990, was approved by S/Sgt. Johnson. S/Sgt. Johnson had no specific recollection of the file or having approved Sgt. Jarvis' report. Under cross-examination, he acknowledged that he was the one that would have approved the conclusion or closure of the file.

Johnson acknowledged that a Staff Sergeant in charge of Morality would review the investigative reports filed by investigators working in that Unit. Johnson was referred to the November 30th Investigative Report filed by Sgt. Jarvis in which he suggests the matter should be assigned to Major Crimes.²⁵¹ He indicated that in a situation like that he probably would have discussed it with the Investigator and Major Crimes. Johnson testified that he would not expect that an Investigation Report would be filed with respect to a meeting with the Investigator and the Officer in charge of Major Crimes about reassigning a file to Major Crimes.

Johnson was also referred to Sgt. Jarvis' concluding Investigation Report of December 5, 1990.²⁵² If the report stated "Concluded at this time", he understood that to mean the file was closed. As the Staff Sergeant, he would review the file to see if he agreed that it should be concluded. He could not recall any situation where he referred the file back to the Investigator for further follow-up.

Constable Ernie Louttit²⁵³

Constable Louttit is a Patrol Constable with the Saskatoon Police Service. He has held that designation since joining the service in 1987.

²⁴⁸ Evidence of Theodore Johnson, Inquiry transcript, vol. 18 (October 14, 2003): 3354-3409

²⁴⁹ Notebook of Keith Jarvis, Inquiry exhibit P-106: 41-43

²⁵⁰ SIMs Incident Report, Inquiry exhibit P-59

²⁵¹ Investigation Report of Keith Jarvis, dated November 30, 1990 contained in Saskatoon Police Service Investigation File, Inquiry exhibit P-61

²⁵² Investigation Report of Keith Jarvis, dated December 5, 1990 contained in Saskatoon Police Service Investigation File, Inquiry exhibit P-61

²⁵³ Evidence of Ernie Louttit, Inquiry transcript, vol. 15-16 (October 15-16, 2003): 2822-3043



Constable Louttit knew Neil Stonechild's younger brother, Jason, who he referred to as "Jake". He also knew Neil Stonechild to see him. He recalled learning that the frozen body found in the north end of the City was identified as Neil Stonechild. He also recalled hearing stories or speculation that Stonechild had died on his way to the Correctional Centre.

On December 4, 1990, while working patrol, Cst. Louttit encountered Jason Stonechild at an arcade on Avenue G and 20th Street. Jason wanted to speak to him about the death of his brother. Jason indicated that he had information that Neil was at a party in the north end, somewhere up by the 7-Eleven, and that he had been beaten up and dropped off by Gary and Danny Pratt.

Cst. Louttit made a note of this meeting in his notebook. The meeting took place at 4:50 p.m.

After receiving this information, Cst. Louttit went back to the police station, pulled the police file from Central Records, and photocopied it. Within the next day or two, he passed on the information he had received from Jason Stonechild to the Major Crimes Unit. He does not recall to whom the information was provided. He did not file a report.

Cst. Louttit believes that he had the report with him in a clipboard that he carried on patrol until March 1991. After that he took it home and put it in a locked box he had acquired during his service in the army. Cst. Louttit was interviewed several times by members of the RCMP task force in 2000. At the initial interviews, he did not recall that he had preserved a copy of the file. However, in March 2001, Cst. Louttit was looking through the barrack box for material from his army days. He located the Stonechild file and immediately called Corporal Jack Warner of the RCMP task force. The next morning, he delivered the file to acting Superintendent Murray Zoorkan. The file was then turned over to the RCMP. The file preserved by Cst. Louttit²⁵⁴ is the only known copy of the Saskatoon Police Service file, as the original had been destroyed.

Cst. Louttit testified that he had a number of concerns after reviewing the file. Shortly after that, at the request of Jason Stonechild, he spoke to Stella Bignell at her home. He did not make a note of this meeting or any other meeting with Mrs. Bignell. He was concerned that the Major Crimes Unit would consider him to be meddling in the investigation and he could even be subject to discipline.

He recalls that Stella Bignell was very upset and wanted answers to what happened to her son. Cst. Louttit felt she was being treated poorly in regards to the investigation, and the matter was not being thoroughly investigated. He told Stella that if Neil had been a person of different social stature, the investigation would have been much more thorough and the Officer involved in the investigation would have been more forthcoming with her.

The extent of Cst. Louttit's feelings about the handling of the Stonechild investigation was evident. He stated that if such an incident had occurred again he would have either moved to another police force or quit policing entirely.

He indicated to Mrs. Bignell that he would look into the matter further. He wrote down a list of his concerns and arranged a meeting with his Staff Sergeant. These concerns are listed in his notebook on December 30, 1990. His first concern related to the theory that Stonechild was walking to the Correctional Centre. As a young offender, he would have no

²⁵⁴ Saskatoon Police Service Investigation File, Inquiry exhibit P-61

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reason to go to the Correctional Centre. He was also concerned about the effort or lack of effort made to locate Neil's ball hat, which he was in the habit of wearing, and the missing shoe. He also wanted to know what efforts had been made to establish the activities of Neil on the night he disappeared, and what, if any, follow-up there had been on the information he provided about a party in the north end.

Cst. Louttit's Staff Sergeant arranged a meeting with S/Sgt. Bruce Bolton of Major Crimes. The meeting took place on January 7, 1991. The meeting with S/Sgt. Bolton lasted several minutes. S/Sgt. Bolton advised him to speak to Sgt. Jarvis. Cst. Louttit then met with Sgt. Jarvis for approximately 40 minutes and reviewed his concerns point by point. Cst. Louttit described Sgt. Jarvis as argumentative and dismissive. Sgt. Jarvis indicated the matter "was in hand" and that Cst. Louttit should leave it alone. In fact, Sgt. Jarvis had already closed the file.

He made no further investigations and restricted his contact with Mrs. Bignell as he felt he might compromise himself with the SPS.

Cst. Louttit recalled the March 4, 1991 article in the StarPhoenix.²⁵⁵ In that article, statements are attributed to Mrs. Bignell that a senior police officer had indicated to her that the investigation would be ongoing if Neil was the son of the mayor. Although Cst. Louttit was not identified in the article, he recognized that Mrs. Bignell had gone to the press with statements he had made. He called Mrs. Bignell shortly after the article came out to tell her she was going to have to deal with the investigators.

In 1992 or 1993, Cst. Louttit reviewed the Stonechild Central Record's file to see what had transpired since his meeting with Sgt. Jarvis. There was nothing on the file relating to the information he had received from Jason Stonechild and passed on to Major Crimes. There was nothing on the file with respect to the concerns he had raised with Sgt. Jarvis.

Cst. Louttit testified that he never received any information or rumors that members of the Saskatoon Police Service were involved in the death of Neil Stonechild. He testified that if he had received any such information, he would have pursued the matter with other members of the Police Service.

After the StarPhoenix article was published in March 1991, Cst. Louttit expected that the death would get investigated. He expected to be called in and either dressed down or pressed for information. Nothing happened.

Bruce Bolton²⁵⁶

Bruce Bolton joined the Saskatoon Police Service in 1963 and retired in 1994 having obtained the rank of Staff Sergeant. On January 7th, 1991, he was assigned as Staff Sergeant in charge of the Major Crime Section. In the latter part of 1990, he was an Operational Staff Sergeant assigned as a Reader. Bolton initialed the November 29th, 1990 Occurrence Report of Cst. Lagimodiere and the November 29th, 1990 and November 30th, 1990 investigation reports of Sgt. Jarvis. He initialed these reports as Reader.²⁵⁷

As indicated above, Bolton did not view it as the Reader's role to evaluate investigation reports to determine if the investigation was properly conducted. This was the job of the

²⁵⁵ StarPhoenix Article dated March 4, 1991, Inquiry exhibit P-1

²⁵⁶ Evidence of Bruce Bolton, Inquiry transcript, vol. 17 (October 10, 2003): 3216-3308

²⁵⁷ These Reports are contained in Saskatoon Police Service Investigation File, Inquiry exhibit P-61

Staff Sergeant supervising the investigation unit. Indeed, as Staff Sergeant in charge of Major Crime, S/Sgt. Bolton would review and evaluate investigative reports to determine if the investigation had been properly conducted. Bolton testified that when an Investigator recommended closing a file, it was the responsibility of the Staff Sergeant in charge of the investigative unit to take into account the complete file and determine whether it should be concluded. If he had any question about it, he might take it to a prosecutor to get an opinion as to whether there should be other investigations.

Counsel referred Bolton to the November 30th, 1990 Investigation Report of Keith Jarvis which was initialed by S/Sgt. Bolton as Reader. In this report, Sgt. Jarvis states, “It is suggested there was the possibility of foul play, that this file be turned over to Major Crimes for immediate follow-up.”²⁵⁸

While Bolton does not recall the specific situation, based on his experience, he testified that he would probably have still directed the file to the Morality Unit. It was the responsibility of the Staff Sergeant supervising that Unit to reassign the file. He testified that it was possible that the Staff Sergeant in charge of Morality would decide not to reassign the file. He also testified that, based on his experience as Staff Sergeant in charge of the Major Crimes Unit, he could not recall any situation where a request was made for the Major Crimes Unit to take over an investigation and Major Crimes declined to do so.

After reviewing the Occurrence Report filed by Rene Lagimodiere, Bolton testified that it would be consistent with his practice in 1990 to assign the file to the Morality Unit. He indicated that it could be reassigned to Major Crime if suspicious circumstances were identified. In that situation, he testified, there would likely be discussions between the Staff Sergeant in charge of Morality and the Staff Sergeant in charge of Major Crimes or the Inspector in charge of the Plainclothes Section. If, however, such discussions took place, Bolton would expect an Investigation Report would be filed to reflect the discussions and the decision that was made. There is no evidence that such an Investigation Report ever existed.

Mr. Bolton did not have any recollection of the Stonechild investigation or discussing the investigation with Cst. Ernie Louttit in January 1991. He did acknowledge it was possible that a meeting took place with Cst. Louttit as described by Cst. Louttit.

Bruce Bolton also acknowledged that he was disciplined by the Saskatoon Police Service for an incident in 1969 where he and his partner picked up an individual and dropped him off outside of town. That person filed a complaint and Bolton was disciplined.

Eli Tarasoff²⁵⁹

Eli Tarasoff joined the Saskatoon Police Service in 1965 and retired in May of 1999. At the time of his retirement he was a Sergeant. He spent a considerable amount of time in the service as a Plainclothes Investigator. He was not certain as to his assignment in November and December 1990, but believes he may have been a Patrol Sergeant on the east side at that time.

²⁵⁸ Investigation Report of Keith Jarvis dated November 30, 1990 contained in the Saskatoon Police Service Investigation File, Inquiry exhibit P-61, which is reproduced in this Report as Appendix “R”

²⁵⁹ Evidence of Eli Tarasoff, Inquiry transcript, vol. 18 (October 14, 2003): 3472-3544

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Tarasoff knew the Stonechild family prior to the death of Neil Stonechild. He has an adopted son of First Nations ancestry who was a friend of Neil and Marcel Stonechild. He believes that he had also met Neil's mother, Stella Bignell.

Tarasoff learned of the death of Neil Stonechild through an obituary published in the Saskatoon StarPhoenix. He recalls reviewing the Saskatoon Police Service file in Central Records. He recalls that he spoke with Mrs. Bignell "quite some time" after the death. Tarasoff also received a call from Mrs. Bignell. She asked him to look into the investigation of Neil's death. Tarasoff was uncertain as to whether he looked at the file shortly after he read the obituary or after he was contacted by Mrs. Bignell. Tarasoff does not believe the Autopsy Report or the Toxicology Report were on the file when he reviewed it.

Tarasoff spoke to Sgt. Jarvis about the Stonechild investigation. He believes that was likely after he spoke with Mrs. Bignell. He could not say whether he was aware of the file having been concluded after reading the file, but he did testify that after speaking with Jarvis he was aware the file was concluded.

In a statement Tarasoff provided RCMP, he described Keith Jarvis as "an Englishman with a colonial attitude". He further stated: "When natives were involved he did not take it serious." In his testimony, he confirmed that he believed that to be the case. He also testified that when he spoke to Sgt. Jarvis, he suggested to him that the investigation could have been done in more depth, and Sgt. Jarvis was rather flippant about it. He asked Sgt. Jarvis what he thought about the file and Sgt. Jarvis had responded: "The kid went out, got drunk, went for a walk and froze to death."

Tarasoff did not believe the death had been thoroughly investigated. However, he did not take his concerns with respect to the investigation to anyone else within the Saskatoon Police Service. Mr. Tarrasoff testified that he could not offer any good reason for not pursuing the matter, only an excuse. The excuse provided by Tarrasoff was that his personal life was in a shambles at that particular time. He did testify that he advised Mrs. Bignell that she should speak to a lawyer, and through a lawyer she might have some success in having the file reopened.

Tarasoff indicated that he did not hear anything from anyone associated with Neil Stonechild that police officers may have somehow been involved with Neil the night he disappeared.

David Scott²⁶⁰

Dave Scott joined the Saskatoon Police Service in 1969. From 1988 to October of 1991, he was the Crime Stoppers Media Co-ordinator of the Saskatoon Police Service. In March of 1989, he also assumed responsibility as the first Media Officer for the Saskatoon Police Service. In June of 1996, he became the Chief of the Saskatoon Police Service and served in that position until he left the force in June of 2001.

The responsibility of the Media Officer was to meet daily with the media to review occurrences from the previous day and also be a contact for the media in the event they wanted an interview with regard to investigations or other matters. The Media Officer also served as spokesperson for the Police Service in making public statements or announcements. As Media Officer, Scott was involved in the morning executive meetings of the Police Service.

²⁶⁰ Evidence of David Scott, Inquiry transcript, vol. 28 (November 27, 2003): 5352-5499

As Media Officer, Mr. Scott was interviewed by a StarPhoenix newspaper reporter, Terry Craig, in preparation of the story on the death of Stonechild which appeared on the front page of the March 4, 1991 edition.²⁶¹ Scott testified that he often dealt with Terry Craig. He considered Craig to be an excellent and fair-minded reporter. Interviews such as the one with Craig were generally initiated by the reporter contacting Scott to say that he or she was doing a story on a certain investigation or event. Scott would then inform himself as required prior to meeting with the reporter. Scott would speak to the Investigator and the Supervisor of the investigation file to determine what could be said to the media, particularly where there was a sensitive issue.

Scott agreed that the allegations raised in the StarPhoenix article were serious, as there was a suggestion made that racism was a contributing factor to the lack of an investigation. In the article, Scott denies the allegation there was an inadequate investigation. He is quoted as saying: "I don't agree. A tremendous amount of work went into that case."²⁶² The article also states that Scott pointed to a hefty file and said investigators pursued every avenue. Scott did not suggest that he had been misquoted in the article. Scott acknowledged that, as Media Officer, he recognized the importance of being forthright and honest with the public. Scott testified that he forwarded comments received from the Investigator or Supervisor in response to Terry Craig's questions.

Scott had no direct recollection of the background to the story, nor his contact with the reporter, Terry Craig. Based on his general practice, Scott believes he would have spoken to the Investigator or the Supervisor, or both.

Scott believes that the hefty file referred to by the reporter may have been one of two files that he routinely carried with him. One contained the current Crime Stoppers files that had been assigned to investigators; the other was a file of the occurrences of the previous 24 hours.

Based on his recent review of the Saskatoon Police Service Investigation file²⁶³ in relation to the death of Neil Stonechild, Scott acknowledged that there could have been more work done on the investigation. At various times in his testimony, Scott asserted that he did not review the reports. At other times, he stated he did not recall whether he had read some or all of the reports.

Scott also acknowledged that the comments attributed to him in the StarPhoenix article were inaccurate. It is clear the statements attributed to Scott that appeared in the March 4, 1991 StarPhoenix article were untrue. The public was seriously misled. The evidence does not establish that the deception was intentional. However, Scott and the Saskatoon Police Service owed a duty to the public to ensure the accuracy of the information conveyed to the public. If he had carefully reviewed the file, the matter may have been investigated further in 1991. As Scott acknowledged in his testimony, transparency and honesty is primary in gaining and maintaining public confidence in the police service.

I note that Scott played a role in initiating the process that ultimately led to the RCMP investigation into the death of Neil Stonechild. Scott was the Chief of Police in early 2000 when there was a flurry of media attention resulting from the freezing deaths of Naistus and

²⁶¹ StarPhoenix Article of March 4, 1991, Inquiry exhibit P-1

²⁶² StarPhoenix Article of March 4, 1991, Inquiry exhibit P-1

²⁶³ Saskatoon Police Service Investigation File, Inquiry exhibit P-61

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Wegner and the allegations of Darrell Night. Scott testified that within two days of the Night allegations, two officers, Hatchen and Munson, disclosed their involvement and were immediately suspended by Chief Scott. In cross-examination, Scott acknowledged that the suspension of Hatchen and Munson may have been several days after he received the disclosure that they had abandoned Darrell Night. Based on his testimony, it is apparent that he received the disclosure with respect to Night somewhat earlier. The public announcement was made on February 7, 2000, but he testified that he had asked Superintendent Weber and Deputy Chief Wiks to investigate the matter over the weekend.

Chief Scott ultimately wrote a letter to the Minister of Justice requesting that another police service be brought in to do an independent investigation of Night's allegations and the other two deaths. As a result of this request, an RCMP Task Force called Project Ferric was established in February of 2000. The Task Force soon after added the investigation of Neil Stonechild's death to its mandate when information about the death was published in the media. Chief Scott instructed members of the Saskatoon Police Service to cooperate fully with the RCMP task force and appointed Deputy Chief Dan Wiks to liaise with the task force.

David Wilton²⁶⁴

David Wilton joined the Saskatoon Police Service in 1965 and retired in 1997 at the rank of Superintendent. The majority of his service was spent in plainclothes investigation. He was appointed Inspector in 1985 and, at the time of Neil Stonechild's death, was a Duty Officer. Although Wilton had no specific recollection, records indicate that he was the Duty Officer on November 24, 1990, and November 29, 1990.

The Duty Officer's role is to oversee the shift that is on duty and deal with any major events or problems that may arise either with personnel or incidents on the street. The Staff Sergeant in charge of the platoon would report to the Duty Officer. The Duty Officer in turn would report to the Superintendent of Operations.

Wilton had no recollection of the Stonechild death. However, the finding of a frozen body is something that he would expect to be brought to the attention of the Duty Officer.

Wilton testified that the finding of a frozen body in the circumstances of Stonechild, warranted the calling out of a Plainclothes Investigator. He testified that he would not be surprised if the Patrol Sergeant would call an Investigator directly in such circumstances. If no one is available, the Duty Officer would be contacted. Although, he did not recall the incident, Wilton testified that he would have had no difficulty in calling in an off-duty Investigator if an Investigator was not otherwise available.

In 1990, Wilton attended the morning executive meetings. He testified that a death in the circumstances of Stonechild is a matter that he would expect to be raised at such meetings. If he was not attending the morning meeting, his practice would be to write up the incident and pass it on to the day shift Inspector who would take it to the meeting.

Wilton had no recollection of the March 4, 1991 article in the StarPhoenix²⁶⁵ or any concerns being raised as a result of the article.

²⁶⁴ Evidence of David Wilton, Inquiry transcript, vol. 40 (March 14, 2004): 7637-7703

²⁶⁵ StarPhoenix Article of March 4, 1991, Inquiry exhibit P-1



A number of statements attributed to Wilton in an interview with the RCMP Task Force were put to Wilton. A summary of the interview with the RCMP states, in part, as follows:

“He stated he ‘can’t even remember Stonechild coming in or going out of cells – or what officers might have arrested him’. Wilton recalled there being ‘a fair bit of news and talk about it. That’s one case I had little or next to nothing to do with.’

– Wilton was asked how he had the feeling Stonechild had been arrested. His reply was ‘It’s the feeling I had. Back in 1990 I got the feeling a couple of officers brought him in (to the cells) and then took him out.’

– Wilton said that in the course of his duty, he spent a lot of time in the Detention facility as well as the Communication centre. ‘I don’t recall Stonechild, either seeing him or hearing of him.’

– Wilton was asked how he became aware that Stonechild had been arrested. He said there had been stories in the paper and from reading those stories, he had a feeling ‘in the back of my mind he (Stonechild) was brought in and taken out because there was no charge or he wasn’t drunk enough to hold.’

– Wilton said he remembered the investigation into the death. ‘I believe his family raised the issue about the police dropping him off.’ He could not recall who was in charge of the Morality Unit at the time of the investigation.”²⁶⁶

At the hearing, Wilton did not dispute any of these statements attributed to him. However, he maintained that the only knowledge he had of the Stonechild incident was gleaned from media reports following his retirement.

It is interesting to note that while Wilton expected he would be advised of a significant event such as the locating of a frozen body, he went beyond simply stating he had no recollection of being advised. He stated “It appears I wasn’t told”.²⁶⁷ He softened this somewhat and stated “I don’t recall being told by anyone about this body being found.”²⁶⁸ However, later he stated unqualifiedly that, “No, I wasn’t aware he was found on the day he was found.”²⁶⁹ I note that the testimony of the Communication Centre Staff Sergeant Kirk Dyck was that the duty officer would have been automatically notified by the Communications Centre in such circumstances.²⁷⁰

It is not clear from the evidence whether or not Dave Wilton was notified on November 29, 1990, that a frozen body was found in the north industrial area of Saskatoon. There is, however, no evidence that the Duty Inspector on November 29, 1990, whose role was to oversee the shift on duty and deal with any major incidents on the street, played any part in supervising the investigation of the scene where Stonechild was discovered.

²⁶⁶ Summary notes of Interview of Dave Wilton by RCMP Inspector McFadyen on August 30, 2000, Inquiry exhibit P-176

²⁶⁷ Evidence of Dave Wilton, Inquiry transcript, vol. 40 (March 15, 2004): 7677

²⁶⁸ Evidence of Dave Wilton, Inquiry transcript, vol. 40 (March 15, 2004): 7679

²⁶⁹ Evidence of Dave Wilton, Inquiry transcript, vol. 40 (March 15, 2004): 7685

²⁷⁰ Evidence of Kirk Dyck, Inquiry transcript, vol. 24 (October 23, 2003): 4621

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Frank Simpson²⁷¹

Frank Simpson served 35 years with the Saskatoon Police Service commencing in 1958 and retiring in 1992. While he was not certain of the precise dates, in 1990, at the time of the Stonechild death, it appears he was the Inspector in charge of plainclothes investigations. He was soon after promoted to Superintendent in charge of criminal investigation.

As Inspector in charge of plainclothes investigations, he would regularly meet with the staff sergeants in charge of each investigative unit. He did not recall ever having to deal with issues as to which investigative unit should take responsibility for a particular investigation. Decisions to close a file were left to the Staff Sergeant in charge of the unit. The Inspector did not play any role in reviewing such decisions.

Simpson had no recollection of the death of Neil Stonechild or any issues surrounding the investigation of that death.

Simpson would attend morning executive meetings with the Chief of Police and other executive officers. He had no recollection of the March 1991 StarPhoenix article²⁷² or the issues raised in the article ever being discussed at the executive meeting. He did acknowledge that that is the sort of thing that would be raised by the Chief or one of the Deputies at the executive meetings. There is no evidence to confirm that there was such a discussion at the executive meetings in 1990 or 1991.

Murray Montague²⁷³

Murray Montague joined the Saskatoon Police Service in 1959. He was appointed Deputy Chief in charge of operations in 1988 and retired with this rank in March of 1994. The responsibilities of the Deputy Chief of Operations were largely administrative and involved planning, budgeting, discipline and staffing. He had overall responsibility for the investigative side of the Police Department. Montague attended the daily meetings of the executive officers. There were no regular meetings of the investigative personnel. Montague had no recollection of any of the circumstances surrounding the death of Neil Stonechild. He did not recall the matter ever being a subject of discussion amongst the senior officers of the Saskatoon Police Service. He had no recollection of the March article in the StarPhoenix or any issues being raised as a result of the publication of that article. He did acknowledge that such a matter could “possibly” be raised at the executive meeting.

Montague testified that the Media Relations Officer was the one responsible for dealing with the media, but he would typically seek instructions or consult with the senior officers as to the form of a response that should be provided to concerns raised about police conduct. He recalled that happening from time to time.

Joe Penkala²⁷⁴

Joe Penkala joined the Saskatoon Police Service in 1954. From 1982 until his retirement, he was Chief of Police. Penkala retired in August of 1991, but did not serve full-time in the

²⁷¹ Evidence of Frank Simpson, Inquiry transcript, vol. 19 (October 15, 2003): 3575-3644

²⁷² StarPhoenix Article of March 4, 1991, Inquiry exhibit P-1

²⁷³ Evidence of Murray Montague, Inquiry transcript, vol. 19 (October 15, 2003): 3644-3709

²⁷⁴ Evidence of Joe Penkala, Inquiry transcript, vol. 19/20 (October 15/16, 2003): 3709-3817



months leading up to his retirement. He used up accumulated holidays from December 1990 to the middle of January 1991 and from the 1st of June through to the end of August. He was effectively out of office at the end of June.

Chief Penkala had instructed his subordinates, including the duty inspectors, that he wished to be advised of any serious incident or crime that occurred, and, if he was not on duty, this information should be made known to him at home at any time of the day or night.

Penkala had no recollection of the death of Neil Stonechild or any circumstances surrounding the death or investigation. Penkala stated categorically that he was not told of the Neil Stonechild death. He did not equivocate by saying he could not recall hearing of the death.

Penkala acknowledged that there was a direct relationship between the Media Relations Officer and the Chief of Police. If criticisms were directed at the police service in terms of investigation or lack of investigation, he would expect those issues to be brought to his attention and direction would be sought as to how to proceed. If he was satisfied there was a lack of investigation, he would direct that the particular incident be re-examined.

Penkala had no recollection of seeing the March 1991 StarPhoenix article.²⁷⁵ After reviewing his daily planner for the year 1991, Penkala acknowledged that he was working in early March when the story appeared in the StarPhoenix. He recognized the seriousness of the allegations and criticisms being made of the police service. He testified that had these criticisms been brought to his attention, he would have immediately followed up with his Deputy Chief of Operations and would have instructed him to review the entire incident and provide a report. If he still had concerns, he would have directed further investigation or action to be taken.

Penkala indicated that the Stonechild death was such that he would expect it to be brought to the attention of the executive meeting of senior officers held each morning. He has no recollection of the matter ever being raised at the executive meeting.

Penkala was referred to three small articles that appeared in the StarPhoenix on November 30, December 1, and December 3, 1990, all reporting on the location of the frozen body in the north end of the City and the subsequent identification of the body. Penkala had no recollection of seeing these articles.

He was asked to review the Saskatoon Police Service Investigation file on the death of Neil Stonechild.²⁷⁶ He readily acknowledged that the investigation was incomplete and went further by stating that there appeared to be negligence in the investigation. Penkala testified that the investigation should not have been concluded on December 5, 1990. He stated that fact should have been obvious to the Supervisor reviewing the report. Penkala could offer no explanation as to how this could happen.

James Maddin²⁷⁷

Jim Maddin joined the Saskatoon Police Service in 1972 and retired in 1997. From January 1st, 1994 to May 1st, 1995, he was assigned as a Detective in the Major Crimes Unit. At the

²⁷⁵ StarPhoenix Article of March 4, 1991, Inquiry exhibit P-1

²⁷⁶ Saskatoon Police Service Investigation File, Inquiry exhibit P-61

²⁷⁷ Evidence of James Maddin, Inquiry transcript, vol. 29 (November 28, 2003): 5503-5604

Part 4 – The Evidence

time of his retirement, he had obtained the rank of Superintendent. Following his retirement, he served a term as Mayor of the City of Saskatoon.

Maddin had no involvement in the investigation of the death of Neil Stonechild. He did recall hearing that a frozen body had been found in the north end of the city. He also testified that he subsequently heard stories circulating within the police department and the names of officers Hartwig and Senger were connected with these stories. He was not specific as to when he had heard these stories other than to state it was some time after Stonechild's body had been located and prior to his retirement in 1997. He was unable to identify the source of the stories. He was also unable to identify the nature of the "connect" of Cst. Senger and Cst. Hartwig with the death of Stonechild, and the stories that circulated.

Jim Maddin did confirm that a transcription of an interview with the CBC was accurate.²⁷⁸ In that interview he was quoted as saying: "With respect to the Neil Stonechild file, there was certainly concerns raised in and around the police service after the event. I cannot pin down exactly when, but I know that it did become knowledge to most of the members that gee, there may have been some involvement by a couple of members of the police service with Mr. Stonechild at about the time of his demise."

Maddin also acknowledged that he had made statements in the same interview with the CBC indicating "there were groups working within the police service that were successful in keeping information contained". However, when he testified, he stated that he did not believe that there was "contained" information with respect to Neil Stonechild that had been withheld from superiors or the public.

In a summary of an interview with the RCMP²⁷⁹, the RCMP recorded: "Maddin recalls reference to Stonechild being in the hands of the police, stories are going around – the police have dealt with him. These two names are out there." Maddin acknowledged that he made a statement to that affect to the RCMP. Maddin testified that, in his opinion, these stories and rumours would have been known to senior members of the police service. However, he also indicated that there was, at times, a disconnect between the lower ranks and the senior ranks and, that information circulated amongst the lower ranks, did not always get to the higher ranks.

Maddin also acknowledged as accurate another statement attributed to him on the summary of his interview with the RCMP. He stated: "I know that it was known that these guys were being looked at." He also acknowledged that his reference to "these guys" was a reference to Constables Hartwig and Senger. On cross-examination, Maddin stated that he had not heard stories indicating that Constables Hartwig and Senger had done anything improper or untoward in relation to Neil Stonechild.

Maddin's evidence is significant on two grounds. First, he belongs to the very small group of police witnesses who could even recall the death of Neil Stonechild. By far, the majority of police witnesses who testified, professed to have no memory, including some witnesses who were directly or indirectly involved in the investigation, and others who should have been involved in the supervision of the investigation. Second, Maddin is the only police

²⁷⁸ Excerpts of Transcript of CBC Interview of Jim Maddin, June 9, 2003, Inquiry exhibit P-121

²⁷⁹ Summary of Interview of James Maddin by RCMP C./Supt. McFadyen on June 17, 2003, Inquiry exhibit P-122

witness to testify that he was aware that Cst. Hartwig and Cst. Senger's names were tied to the death of Neil Stonechild prior to the RCMP Investigation which began in 2000.

Constable Brett Maki²⁸⁰

Cst. Maki's evidence does not directly relate to the investigation of the death of Neil Stonechild. However, I have concluded a summary of his testimony should be included, as the evidence he provided on two disparate subjects adds to my understanding of the facts.

Cst. Maki joined the Saskatoon Police Service in January 1989. He responded to a complaint of a robbery at Humpty's Restaurant on October 26th, 1990. He had no independent recollection of the event but he was able to refresh his memory from his notes and an Incident Report he filed at the time.

On November 10th, 1990, Cst. Maki recorded in his notebook that the suspects in the Humpty's robbery had been identified as Jason Roy and Elton Dustyhorn. He indicated that this information was likely read out at Parade so that other officers would be aware that these persons were wanted as suspects in the robbery.

On November 17th, 1990, Cst. Maki and his partner spoke with Elton Dustyhorn and Terrance Dustyhorn. A statement was taken from Terrance Dustyhorn implicating Jason Roy as the person responsible for the theft at Humpty's. Maki did not recall what he did with this information. He testified that he would normally attempt to contact the suspect. If he was unable to contact him he would normally place a warrant in the system for the arrest of the suspect. There is no evidence that a warrant was in fact issued for the arrest of Jason Roy. Maki stated that if he had encountered Jason Roy he would probably have arrested him.

On cross-examination, Cst. Maki acknowledged that from time to time he would arrest a person who was causing a disturbance and drop him off at a safe place several blocks away. He described this as "unarresting" the person.

Cst. Maki's testimony establishes that there is some basis for Jason Roy to believe that he was wanted by the Saskatoon Police on November 24th/25th, 1990.

6 | The Saskatoon Police Service at the Present Day

Staff Sergeant Murray Zoorkan²⁸¹

Murray Zoorkan joined the Saskatoon Police Service in 1972. He has been a detective with the Saskatoon Police Service for approximately 15 years. His current rank is Staff Sergeant in the General Investigation Section.

In January of 2000, Zoorkan was assigned to Saskatoon Police Service Cold Squad. The Cold Squad was created in 2000 as a result of a former officer's complaint to the Department of Justice about the quality of Saskatoon Police Service investigations. Zoorkan's function in the Cold Squad was to gather and review all unsolved homicide and long term missing person's files.

²⁸⁰ Evidence of Brett Maki, Inquiry transcript, vol. 11 (September 24, 2003): 2054-2098

²⁸¹ Evidence of Murray Zoorkan, Inquiry transcript, vol. 31 (January 6, 2004): 5914-6065