

Part 5 – Overview of the Evidence

discussed, an attempt was made by the Morality Investigator to transfer the file to Major Crimes on November 30, 1990. Inexplicably, this attempt was unsuccessful.

The Staff Sergeant in charge of the Morality Unit on the evening of November 29th, 1990, was S/Sgt. Theodore Johnson. Johnson assigned Keith Jarvis, one of his senior investigators, to conduct the Stonechild investigation. He and Sgt. Morton went to the morgue at St. Paul's Hospital at 8:10 p.m. Jarvis did not examine the body nor did he examine Stonechild's clothing. Morton took a fingerprint off the body and confirmed that the deceased was Neil Stonechild.

For the most part, the officers that attended the scene of Neil Stonechild's death performed their duties adequately. The fact that an Investigator did not attend the scene, and that the investigation was handed over the Morality Unit and not Major Crimes, causes me concern, but these shortcomings are dwarfed by the inadequacies of the investigation that followed.

3 | The Investigation of the Death of Neil Stonechild, November 29, 1990 – December 5, 1990

The investigation was superficial at best and was concluded prematurely. By the conclusion of the hearings, no party, with the possible exception of Keith Jarvis, was seriously contending otherwise. The Saskatoon Police Service acknowledged the serious deficiencies in the investigation.

The investigation was assigned to Sgt. Jarvis around 7:00 p.m. on November 29, 1990. The investigation on that day consisted of identifying the deceased, notifying the next-of-kin, and contacting Pat Pickard, the operator of the group home where Stonechild had been in open custody.

The following day, November 30, 1990, Jarvis interviewed six people, mostly by telephone. He took written statements from only two: Ewart and Roy. He received information from a Crime Stoppers tip and Sgt. Neil Willie pointing to the possible involvement of Gary and Danny Pratt. He checked dispatch records and learned that Cst. Hartwig and Cst. Senger had been dispatched in response to a complaint regarding Neil Stonechild late on November 24, 1990. At the end of the day, he had filed an Investigative Report recommending that the file be transferred to Major Crimes.

Jarvis's next day on duty was December 5, 1990. He resumed the investigation. On that date, he interviewed two people, one by telephone. He made some minimal unsuccessful attempts to contact Gary Pratt and Eddie Rushton. He spoke to the Pathologist, Dr. Adolph. He concluded his investigation by filing his Investigation Report at approximately 4:30 p.m. As noted elsewhere, there was no evidence that any further investigation was conducted until the RCMP task force became involved in 2000.

A consideration of what was not done is even more revealing as to the nature of the investigation. Jarvis never attended the death scene. While he was assigned the file after the body had been removed, it is reasonable to expect that he would at least drive by the location. Even more surprising, he did not look at the photos and video of the scene taken by the Identification Officer. He never examined Stonechild's body at the morgue. He never looked at the autopsy photographs taken by the Identification Officer. One must ask,

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parenthetically, what is the purpose of having identification officers gather evidence of this sort if the investigating officer ignores it?

Jarvis's failure to inspect the body or look at the photographs is not insignificant. Jarvis was asked about the marks on Neil Stonechild's wrists, marks which were the subject of much debate during the inquiry. He was shown one of the post-mortem photographs of Stonechild's wrist.⁴²⁴ He was asked what impact the photo of Stonechild's wrist would have had on him in 1990 if he had taken the time to look at the photograph:

"Question: And had you seen that photograph in 1990 when you were conducting the investigation, would it have had any impact on how you conducted the investigation?

Answer: Certainly.

Question: In what way?

Answer: I would have had to have looked closer to see if this individual was actually in custody at any given time."⁴²⁵

He never attended the autopsy and never read the autopsy report. He never read the toxicology report.

Jarvis did not examine Stonechild's clothing or request that it be sent to the crime lab for analysis.

Aside from a brief conversation with Shannon Knight, one of the Binning guests, Jarvis never interviewed any of the people who were present at the Binning residence as to what transpired the evening of November 24, 1990. If he had interviewed Julie Binning and Cheryl Antoine or either one of them, he would have learned immediately of Roy's statements to them about Neil Stonechild being in police custody.

Jarvis made no serious attempt to contact Eddie Rushton, notwithstanding he had been told that Stonechild was in his company on the night he disappeared. Even more surprisingly, Jarvis made no serious attempt to contact Gary Pratt. As I have noted elsewhere, there was no credible evidence to support any involvement of Gary Pratt in the death of Neil Stonechild. However, this was not known to Jarvis at the time of his investigation. Jarvis had received information from several sources suggesting Pratt's involvement. This information was summarily dismissed without any investigation. Although Jarvis claimed to have made several attempts to locate Pratt, only one is recorded. There is also evidence that he could have enlisted the assistance of the Patrol Division in locating Pratt. It was not unusual to advise the patrol officers, at parade, to be on the lookout for a certain person. This was not done.

Jarvis made no record of the contact he maintains he had with Cst. Hartwig and Cst. Senger. There is no record as to what, if any, information he received from them. He made no record of receiving information from Jason Roy, as I have concluded he did, that Stonechild was in police custody on the evening of November 24, 1990.

As I have already observed, the deficiencies in the investigation go beyond incompetence or neglect. They were inexcusable. Jarvis was clearly not interested in pursuing the investigation.

⁴²⁴ Post-Mortem Photograph 42, Inquiry exhibit P-28 reproduced in Appendix "P"

⁴²⁵ Evidence of Keith Jarvis, Inquiry transcript, vol. 23 (October 22, 2003): 4519

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On November 30, 1990, he indicates there is a possibility of foul play and recommends the investigation be transferred to Major Crimes. When the file is not transferred, he summarily concludes the file on December 5, 1990. The only new information he received on that day was a verbal report from Dr. Adolph on the results of the autopsy. In any event, it simply does not make sense that any suspicions of foul play or necessity for further investigation by Major Crimes, are dispelled by the verbal report of Dr. Adolph. What is the point of recommending the file be transferred to Major Crimes if all that he was waiting for was the result of the autopsy report? If he was expecting the body to yield the answers as to how Neil Stonechild came to die, why would he not have inspected the body or even looked at the photographs?

The only reasonable inference that can be drawn is that Jarvis was not prepared to pursue the investigation because he was either aware of police involvement or suspected police involvement.

4 | Missed Opportunities – December 1990 – March 1991

The concern I have about the obvious inadequacies in the investigation of Stonechild's death is compounded by the fact that a number of opportunities to correct the situation came and went.

Investigation File Supervision

There were checks and balances in place in 1990 to ensure that an investigation file was properly conducted and not prematurely closed. After a detective's Investigation Report was transcribed by Central Records, it was forwarded by the Reader to the Staff Sergeant in charge of the investigative unit. It was the Staff Sergeant's role to review the reports to confirm that the file was being adequately investigated. Further, an investigation file could not be concluded unless the Staff Sergeant approved its closure.

There is very little evidence in regard to the supervision of the Stonechild investigation. The Staff Sergeant who was in charge of supervising the Stonechild investigation could not recall the file. There is also no indication in the Investigation file as to what, if any, supervisory role he played. The file simply states that he assigned the file to Jarvis, and that he approved the closure of the file. There is, for instance, no evidence that there were any discussions or steps taken to respond to Jarvis' recommendation in his November 30, 1990 Investigation Report that the file be turned over to Major Crimes. There is also no evidence of what, if any, discussions or review occurred when Jarvis recommended in his next Investigation Report of December 5, 1990, that the file be closed. In light of the glaring deficiencies in the investigation, which were confirmed by most if not all of the police witnesses who took the time to review the entire file,⁴²⁶ the only conclusion to be drawn is that the inadequacies would have been identified and remedied before the file was closed if the file had been properly supervised.

⁴²⁶ This list includes former Chief Penkala, Deputy Chief Wiks, former Chief Dave Scott, and S/Sgt. Murray Zoorkan