



## 5 | Sudden Death of Neil Stonechild Revisited – February 2000

### The Media

In February of 2000, the RCMP was asked by the Attorney-General for Saskatchewan to investigate the freezing deaths of Rodney Naistus and Lawrence Wegner, and the allegations of Darrell Night that he had been dropped off by members of the Saskatoon Police Service. This investigation was named Project Ferric. The initial mandate of the RCMP did not include investigating the death of Neil Stonechild. However, on February 22, 2000, the Saskatoon StarPhoenix published an article about the suspicious circumstances surrounding the death of Neil Stonechild. In this article, Stella Bignell expressed her continuing frustration and distress about her son's death and the failure of the Saskatoon Police Service to follow up on its investigation. The article also contained reference to Jason Roy's account of the evening that Stonechild disappeared. Shortly after learning of this article, the RCMP determined that the death of Neil Stonechild fit within the mandate of Project Ferric.

The Stonechild family and Jason Roy placed trust in the media by confiding to the media their concerns about Neil Stonechild's death and the Saskatoon Police Service. This trust was rewarded. It is interesting to contrast this with the view of the media that was expressed in the minutes of the Saskatoon Police Service Issue Team meetings:

“Can we be respectful of the process but not respectful of the media? Eg. If the media distorts the truth. Don't get into an argument with them. It's their job to cause alarm and a lot of what is stated the general public are able to see through this. The media's job is to sell newspapers. People trust less what they see and hear in the media.”<sup>429</sup>

Canadians have an ambivalent relationship with the members of the media. At times we are, individually, and collectively, critical of what we perceive to be unfairness, bias and excessive zeal. There is some merit to those criticisms.

There are, however, many other instances when journalists and reporters render enormous service to this country and its parts. Politicians, bureaucrats, business people, members of the justice system and others are made accountable every day for inappropriate or dishonest conduct.

When we shake our heads over the excesses we should be reminded of the words of the Supreme Court of Canada in *Re Alberta Press Case*:

“Democracy cannot be maintained without its foundation: free public opinion and free discussion throughout the nation of all matters affecting the State within the limits set by the criminal code and the common law.”<sup>430</sup>

It is for this reason that freedom of the press was enshrined in s. 2(b) of the *Constitution Act, 1982*:

“2. Everyone has the following fundamental freedoms:

<sup>429</sup> Minutes of Issue Team Meeting of July 22, 2003, Inquiry exhibit P-196

<sup>430</sup> [1938] S.C.R. 100 at 146



## Part 5 – Overview of the Evidence

- (a) freedom of conscience and religion
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other means of communication.
- (c) freedom of peaceful assembly; and
- (d) freedom of association.”

Police agencies are granted extraordinary powers by the State, and it is especially important that these agencies be open and accessible to public scrutiny.

There is no doubt that if the Saskatoon StarPhoenix had not taken the initiatives it did in March 1991, February 2000, and later, to draw attention to the conduct of the Neil Stonechild investigation, there would have been no further action taken. The March 4, 1991, and the February 22, 2000, articles are reproduced in Appendix “S” because of the importance they played and because they brought to the attention of the community, and particularly the RCMP, circumstances that demanded a thorough inquiry. Notwithstanding the best efforts of the newspaper’s reporters in March of 1991, it took even more prodding to get matters started. We owe a debt to the publishers and journalists of our daily newspaper. The CBC also drew attention to the same matter in a more limited way, as did a reporter for the Washington Post.

### **The RCMP Investigation**

The mandate of the Inquiry did not include, nor should it have included, a review of the RCMP investigation into the death of Neil Stonechild. Nevertheless, a great deal of evidence was heard that detailed the investigative steps taken by the RCMP, and the majority of the Inquiry exhibits came from the RCMP investigation file that was disclosed to the Commission in the spring of 2003. In light of this, I feel compelled to make the following observations about the work of the RCMP.

The investigation, which began in February of 2000, was carried out over a period of 2½ years. The RCMP interviewed approximately 200 witnesses and retained experts to assist in the investigation, such as Dr. Graeme Dowling, a Forensic Pathologist and the Chief Medical Examiner for Alberta, and Gary Robertson, the Photogrammetrist hired to measure the marks that were apparent in the post-mortem photographs of Stonechild’s body and, later, to compare these measurements to the measurements of handcuffs used by Saskatoon Police Service in 1990. It was the RCMP that identified the evidence that tied Cst. Hartwig and Cst. Senger to Neil Stonechild.

The evidence indicates that the RCMP investigation was carried out in a professional and even-handed fashion. When Project Ferric was initiated, both the RCMP and the Saskatoon Police Service were cognizant that some might be concerned about collusion between the two police forces in respect of the RCMP investigation, and steps were taken to address this concern. The evidence I heard on this point has convinced me that no collusion occurred. The evidence satisfies me that the RCMP followed every reasonable avenue of investigation, including the possibility that someone other than the Saskatoon Police Service was responsible for the death of Neil Stonechild. The RCMP investigators were also quick to follow-up on new information that surfaced during the Inquiry, and to supply Commission Counsel and the other Counsel with the results of their follow-up investigation. Their assistance to the Inquiry is greatly appreciated.