

**INTRODUCTORY REMARKS GIVEN AT THE COMMENCEMENT OF THE INQUIRY HEARINGS****September 8, 2003**

I intend to make some preliminary comments before the inquiry begins formally.

I want to emphasize as I have before how important it is that the proceedings of the inquiry be as fair and balanced as possible, mindful of the interests of the parties. It is also essential that the public have as much information about the proceedings as possible, commensurate with the proper conduct of the hearings and the interests of the parties involved. The role of the media will be very important. In matters of this sort there must be transparency and accountability.

It is helpful, I believe, to refer to the comments made by the Ontario Court of Appeal in *Re The Children's Aid Society of the County of York*. I refer particularly to the following quotations. Firstly to those of Mr. Justice Mulock who said:

...in answering the questions submitted it might be advisable to point out the nature of the inquiry in question. It is one to bring to light evidence or information touching matters referred to the Commissioner. ...The Commissioner **should avail himself of all reasonable sources of information, giving a wide scope to the inquiry**. If, for example, some person were to inform the Commissioner where useful documents or other evidence could be obtained, it would seem reasonable that he avail himself of such a source of information. ...It is for the Commissioner, from all available sources, to bring to light such evidence as may have a bearing on the matters referred to him... (emphasis added)

And the comments of Mr. Justice Riddell:

...A Royal Commission is not for the purpose of trying a case or a charge against any one, any person or any institution—but for the purpose of informing the people concerning the facts of the matter to be inquired into. Information should be sought in every quarter available. ...

Everyone able to bring relevant facts before the Commission should be encouraged, should be urged, to do so.

**Nor are the strict rules of evidence to be enforced; much that could not be admitted on a trial in Court may be of the utmost assistance to the Commission...** (emphasis added)

And finally the comments of Mr. Justice Middleton:

...It is an inquiry not governed by the same rules as are applicable to the trial of an accused person. The public, for whose service this Society was formed, is entitled to full knowledge of what has been done by it and by those who are its agents and officers and manage its affairs. What has been done in the exercise of its power and in discharge of its duties is that which the Commissioner is to find out; so that any abuse, if abuse exist, may be remedied and misconduct, if misconduct exist, may be put an end to and be punished, not by the Commissioner, but by appropriate proceedings against any offending individual.

**This is a matter in which the fullest inquiry should be permitted.** All documents should be produced, and all witnesses should be heard, and the fullest right to cross-examine should be permitted. Only in this way can the truth be disclosed. ... (emphasis added)

Counsel will recognize that these observations are contained in my ruling with respect to the polygraph evidence. They are of sufficient importance however to bear repeating.

I intent to now invite Mr. Hesje to make some preliminary remarks and to outline for us all the course he expects the evidence will take and the order of the witnesses for the inquiry. I should say before he begins that at the conclusion of his remarks I will invite counsel to raise any matter which they think is appropriate at this juncture so you will have an opportunity to speak then.

Mr. Hesje...

## Opening Statement of Commission Counsel September 8th, 2003

Over the past several months, Commission staff have interviewed close to one hundred potential witnesses. We have met with various groups, agencies and individuals that have an interest in these proceedings. We have obtained and reviewed numerous documents and reports including evidence gathered by an RCMP Task force in relation to the death of Neil Stonechild. We have been provided with any and all information we have requested from the Saskatoon Police Service. Additional evidence may yet come to light. However, we are now ready to start presenting this evidence to this Public Inquiry.

A list of sixty-two witnesses we intend to call, in the order we anticipate they will appear, has been posted on the Inquiry Web site: [www.stonechildinquiry.ca](http://www.stonechildinquiry.ca). There may be additional witnesses called, and there will undoubtedly be some changes in the order of appearance. We will endeavor to provide as much advance notice as possible of any changes. Such changes will be posted on the web site.

Over the course of the Inquiry we intend to present all evidence, relevant to the terms of reference that has come to light. I would like to outline in general terms the course that I anticipate this evidence will take. To the extent possible, the evidence will be presented chronologically. We will begin with the events of November 24th, 1990. We will hear testimony from persons having contact with Neil Stonechild on that date. We will also present police records indicating possible contact between Saskatoon Police Service and Neil Stonechild in the late hours of November 24th, 1990. We will also hear from various witnesses that received information as to the events of November 24th, 1990.

We will then present evidence as to the circumstances surrounding the discovery of Neil Stonechild's frozen body on November 29th, 1990. This will include testimony from the attending officers, the coroner, and the pathologist.

The focus of the evidence will then shift to the Saskatoon Police Service investigation of the death. We will hear from the investigating officers and the chain of command within the Saskatoon Police Service at that time – many of whom are now retired. We intend to present all available evidence as to the conduct of the Saskatoon Police Service investigation including the extent of such investigation. We will also call the two Saskatoon Police Service officers who were dispatched in response to a complaint involving Neil Stonechild on November 24th, 1990.

We intend to present evidence as to the how of the death of Neil Stonechild became the subject of an RCMP investigation in 2000. Evidence that came to light as a result of that investigation will be presented in as much detail as possible.

In an attempt to cover all matters of potential public concern relating to the circumstances surrounding the death of Neil Stonechild we shall call evidence as to the information received or uncovered by the Saskatoon Police Service since 1990. This will include evidence as to the Saskatoon Police Service's response to such information and to public concerns raised with respect to the matter.

Throughout the hearing there will be evidence as to the policies, procedures, and practices of the Saskatoon Police Service that may have impacted on the Stonechild investigation. There will also be evidence of changes in such policies, procedures, and practices over the years.

Mr. Commissioner, you have observed that one of the primary purposes of a Public Inquiry is to inform the public considering the facts of the matter to be inquired into. I would like to briefly outline some of the steps that the Commission has taken to insure that the evidence at the hearings is available to the public.

The Commission is committed to a process of public hearings. As a general rule, the hearings are open to the public and the media. The dates and location of the hearings are posted on the inquiry web site. It should be noted that not all of the hearings will be held in this room. The hearings will commence at 10:00 a.m. on each day and conclude at approximately 4:30 p.m., unless you should otherwise direct.

The testimony given at the hearing will be transcribed and posted daily on the Inquiry web site. One hard copy of the transcript and a copy of all exhibits, subject to any ruling of confidentiality, will be maintained at the Commission office at 1020 – 606 Spadina Crescent East for public review by anyone not having access to the internet. Furthermore, hard copies of the transcripts may be ordered directly from the court reporter for a fee.

As you have previously stated, the media plays an important role in a Public Inquiry. The executive director to the Commission, Candace Congram, will be in attendance at the hearings on a regular basis. She will serve as media liaison, and will attempt to accommodate any reasonable requests from members of the media. To further accommodate the media, our clerk, Irene Beitel, will have extra copies of documents entered as exhibits for distribution to members of the media. These copies should be available on the day the exhibits are entered into evidence.

Ms. Congram has available for distribution to the media, copies of your introductory remarks and this opening statement.

Thank you.