

## Part 4 – The Evidence

Cst. Loutitt and Cst. Tarasoff told to stay out of the matter? Why does the Saskatoon Police Service state publicly in March of 1991 that the death had been thoroughly investigated when it clearly had not? On this point, it is significant that Cst. Loutitt testified he dropped the matter after the March article appeared in the StarPhoenix. He has a conviction that the matter has not been properly investigated. He hears a statement from the official spokesman for the Service that it was thoroughly investigated. Is it surprising that he dropped the matter? Why does Deputy Chief Wiks publicly state in May of 2003 that the Department did not know that Cst. Hartwig and Cst. Senger were considered suspects and that there was no indication of wrongdoing whatsoever? All of these matters should cause the administration to carefully consider its level of commitment to transparency and openness in the face of allegations of police misconduct.

### 7 | The RCMP Investigation of The Death of Neil Stonechild

#### **Chief Superintendent Darrell McFadyen<sup>288</sup>**

Darrell McFadyen joined the Royal Canadian Mounted Police in 1968. He became a Chief Superintendent for the RCMP in August of 2001. As Chief Superintendent, he is the second in command of RCMP “F” Division Saskatchewan.

The testimony of Chief Superintendent McFadyen provided the Inquiry with background concerning the RCMP investigation into the death of Neil Stonechild and the potential involvement of members of the Saskatoon Police Service.

He confirmed that on February 16, 2000, the Minister of Justice requested that the RCMP conduct an independent investigation of the allegation of Darrell Night that he had been taken by members of the Saskatoon Police Service to the outskirts of the City of Saskatoon and dropped off. The Minister of Justice also asked the RCMP to investigate the freezing deaths of two Aboriginal men in the south industrial area of the City and to determine whether or not the members of the Saskatoon Police Service had a practice of dropping individuals off at the outskirts of the City. The two men who had been found frozen were Rodney Naistus and Lawrence Wegner.

The RCMP formed a task force to conduct these investigations under the name Project Ferric. Inspector Darrell McFadyen (as he then was) was assigned as the overall Task Force commander. Sergeant Ken Lyons (as he then was) was placed in charge of the hands-on management of the investigations. At the height of Project Ferric, the RCMP had assigned around 32 investigators and support staff to work on the Task Force. McFadyen estimated that the RCMP expended on Project Ferric approximately \$749,000 on overtime, travel, and supplemental clerical expenses.

Shortly after the creation of Project Ferric, the Saskatoon StarPhoenix published an article describing the suspicious circumstances surrounding the death of Neil Stonechild. It was decided by the RCMP that this death fit within its mandate. On February 22, 2000, Project Ferric was extended to the investigation of the death of Neil Stonechild. Constable Jack Warner (as he then was) was assigned as the lead Investigator of the Stonechild file on February 25. Over the next 2½ years the RCMP interviewed approximately 200 witnesses in

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<sup>288</sup> Evidence of Darrell McFadyen, Inquiry transcript, vol. 32/33 (January 6/7, 2004): 6068-6235 & 6258-6266



regard to the Stonechild death. The RCMP also retained experts to assist in the investigation. Dr. Graeme Dowling, a forensic pathologist and Chief Medical Examiner for Alberta, was engaged to review the original autopsy of Stonechild and to conduct a second autopsy. Gary Robertson, the photogrammetrist, was hired to measure 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. As a result of the investigation, the RCMP identified two suspects: Cst. Lawrence Hartwig and Cst. Brad Senger.

Chief Superintendent McFadyen testified that as the scope of Project Ferric expanded, the task force required a contact within the Saskatoon Police Service who could advise RCMP investigators on the organization, culture and personnel of the Saskatoon Police Service at various points of time. Staff Sergeant Murray Zoorkan was appointed by the Saskatoon Police Service to liaison with the RCMP. McFadyen testified that the relationship between the Saskatoon Police Service and the RCMP throughout the investigation was professional and that the RCMP received the full cooperation of Saskatoon Police Service.

Chief Superintendent McFadyen gave evidence that he regularly briefed the Saskatoon Police Service on the progress of the Stonechild investigation. These briefings generally occurred through meetings with Deputy Chief Dan Wiks of the Saskatoon Police Service. On September 29, 2000, Chief Superintendent McFadyen met with Deputy Chief Wiks to discuss the newly discovered notebook of Sgt. Keith Jarvis. In March of 2001, the two met to discuss the discovery of a copy of the Saskatoon Police Service investigation file. Wiks also was advised at this meeting that Gary Pratt was eliminated as a suspect as a result of investigative measures. On April 25, 2001, McFadyen contacted Wiks to advise him of the results of the second autopsy of Stonechild. McFadyen met with Wiks and Interim Chief Matthews on July 23, 2001, for the purpose of bringing Matthews up to speed. McFadyen provided a detailed account of the evidence the RCMP had uncovered to date, including CPIC evidence and the photogrammetric report of Gary Robertson. On November 16, 2001 and December 18, 2001, Wiks and McFadyen met to discuss investigative measures that the RCMP pursued with respect to a member of the Saskatoon Police Service. On January 2, 2002, McFadyen met with Chief Sabo and Deputy Chief Wiks for the purpose of bringing Chief Sabo up to speed in regard to the Stonechild investigation. The evidence uncovered by the RCMP to date was discussed, including the photogrammetric evidence of Gary Robertson.

In June of 2002, the RCMP provided the Department of Justice with a report concerning the RCMP investigation into the death of Neil Stonechild. On August 8, 2002, McFadyen was informed that the Department of Justice was not recommending charges in relation to the Stonechild investigation.

In July of 2003, Deputy Chief Wiks approached Chief Superintendent McFadyen concerning the photogrammetric evidence of Gary Robertson. Wiks advised McFadyen that he had real concerns with the evidence of Gary Robertson, and that he wanted to obtain another assessment. While Chief Superintendent McFadyen testified that he was not pleased that the Saskatoon Police Service was pursuing another assessment, he told Deputy Chief Wiks to proceed with the assessment.