



6 | The Saskatoon Police Service – Then and Now

The Saskatoon Police Service, and to a lesser extent the Saskatoon City Police Association, elicited a great deal of evidence about the problems and challenges plaguing the Saskatoon Police Service in 1990. The Saskatoon Police Service also presented evidence of improvements that have been instituted since 1990.

The evidence established that the Saskatoon Police Service has had, generally, a long and honorable history and has served this community well and continues to do so. Notwithstanding this history and the integrity of its members, the Inquiry identified some significant problems as the evidence unfolded.

Organization and Operation of the Plainclothes Division

In the year 1990 and thereafter, the Service suffered from major morale and leadership problems. The decision to abolish the various specialized divisions that had long existed proved to be a mistake. A Morality Officer cannot be expected to be a Traffic Investigator and a Youth Counselor, depending on the task given to him or her each day. I concede that police training needs to be broad and moving members into various units or divisions of the Service gives them experience and the insights they need to broaden their competence. I conclude, from all I saw and heard, however, that members function best when they are attached to a particular division or function. Transfers would appear to be most justified where promotion arises or an officer requires further training. The evidence suggested that the Saskatoon Police Service has wisely returned to the model of specialized investigation units.

The investigative work of plainclothes officers was also hampered by “4 day on/4 day off” 12 hour shift rotation in place at the time. This system caused both internal and external complaints as investigation files would often sit unattended until the Investigator returned from his or her four days off. This problem was partly due to failure of file supervisors to assign a substitute Investigator to cover the primary Investigator’s absence. For instance, the Stonechild file not reassigned when Sgt. Jarvis began his four day period on December 1, 1990, even though Sgt. Jarvis made this explicit request.

The evidence also revealed a more fundamental problem with the training and promotion of investigators around 1990. Deputy Chief Wiks testified that, in 1990, investigators were not provided with the training necessary to perform their jobs. He also indicated that, at the time, seniority was given too much weight in the promotion process. Deputy Chief Wiks testified to a number of improvements that have been made in regard to training and promotion in recent years.

Breakdown in the Chain of Command

I have commented on the shortcomings of the Plainclothes Division in 1990. A greater crisis existed at the top of the Police Department. The commissioned officers, in 1990 and early 1991, did not perform adequately or professionally their duties in regard to the Stonechild investigation. Chief Penkala testified that he ought to have been informed by his officers of the discovery of Stonechild’s body. Apparently he was not. Penkala also testified that he would have ordered his Deputy Chief to review the investigation if he had read or been informed about the March 4, 1991 article, which contained grave allegations about the



Part 5 – Overview of the Evidence

Service. This did not happen. This breakdown in the chain of command points to the need for changes in attitude, in training and accountability.

Deputy Chief Wiks provided evidence as to one improvement that the Saskatoon Police Service has instituted to address this problem. The Saskatoon Police Service recently created a Sudden Death Review Committee. Investigations into sudden deaths can no longer be concluded without the approval of this committee.

The Need for Racial and Cultural Diversity in the Saskatoon Police Service

It is abundantly and painfully clear that Aboriginal people are significantly under-represented in the Saskatoon Police Service. Joe Penkala, a former chief of the Saskatoon Police Service, explained the racial imbalance as follows:

“A. Well, we dealt with issues surrounding the involvement of Aboriginal people within the Police Service. One of the – one of the issues that constantly came up during my time was the hiring practices and that we weren’t hiring Native Aboriginal people. We – we did address those issues. We did whatever we could within our resources to invite Aboriginal people to join the police force. I personally recall speaking to the Native government, I think it was probably Saskatoon Tribal Council, and invited them at that point to send their young people to the police department for the possibility of becoming candidates and serving on the police force. Now, so while there may not have been a specific person co-ordinating that issue, there was certainly attention paid to that.

...

One of the things that I did know is that we had very few, if any, applications from the Aboriginal community. And when – when I personally got involved in some of these issues I learnt very quickly that the Aboriginal people did not want to be in the profession of policing.”⁴³¹

I do not accept the suggestion that Aboriginal leaders and persons are not interested in policing. I point out the large number of Aboriginal social workers, teachers, probation officers, nurses, lawyers, and, increasingly, but in smaller numbers, judges. Why should anyone think that the police profession would be any less appealing or interesting?

I add, parenthetically, but without any statistical information, that I have met a large number of Aboriginal men and women in the RCMP, both professionally and personally. Surely the Province of Saskatchewan and the City of Saskatoon have a pressing responsibility to join with the leaders of the Aboriginal communities, Aboriginal colleges and schools, and the chiefs and band leaders to develop and promote programs to encourage Aboriginal police candidates. If Cst. Louttit is an example of what we can expect from Aboriginal peace officers, then the search for candidates should proceed as quickly as possible. One can only hope that many more officers like him will be recruited.

⁴³¹ Evidence of Joe Penkala, Inquiry transcript, vol. 21 (October 20, 2003): 3930-3932



Responsiveness to Complaints

As the evidence unfolded, I became concerned that some members of the Saskatoon Police Service may hold an overly defensive attitude when it comes to complaints about the Service and its members.

For instance, when faced with both internal and external complaints about the Stonechild investigation, the Saskatoon Police Service did not lift a finger to inquire into the merits of the complaints against its members. In February of 1991, Cst. Louttit attempted to raise concerns about the investigation with both his Staff Sergeant and the Staff Sergeant in charge of the Major Crimes Unit. Cst. Louttit was told that he had to deal directly with Jarvis. No other action was taken. After the March 4, 1991 StarPhoenix article, the Stonechild file might have been revisited had the Saskatoon Police Service been responsive to the complaint that the file had been prematurely closed.

A defensive posture was apparent in May of 2003 when the public was misled by statements made by Deputy Chief Wiks to the press. The Deputy told the reporter that he was not aware that Cst. Hartwig and Cst. Senger were suspects in the RCMP investigation. Wiks was well aware that by that time they were the only suspects.

A defensive attitude was also revealed in various comments contained in the Minutes of the Issue Team. While the Issues Team undoubtedly performed legitimate tasks, it also evolved into a partisan forum for planning ways to rebut the evidence compiled by the RCMP against its members.

S/Sgt. Murray Zoorkan identified the issue when, during his testimony, he noted that while the Saskatoon Police Service will pursue its members in cases of wrongdoing, “if you’re unjustly accused, we’re defenders of our own.” In other words, the Saskatoon Police Service will be an advocate for its members. This is certainly an attitude one would hope to see from the Saskatoon City Police Association, which has a partisan responsibility to protect the interests of its members. The Saskatoon Police Service, however, has a broader responsibility to the general public to ensure that its members observe and enforce the law. This responsibility includes receiving and investigating complaints about its members. In my view, a public body charged with the task of receiving and investigating complaints must never become an advocate for one side or the other.

Certainly, the Saskatoon Police Service must treat its members with respect and dignity and observe the procedural and substantive protections of the law. If, however, the Saskatoon Police Service becomes an advocate for its members, it assumes a role that is antithetical to its responsibility to the public. In assuming such a partisan role, the Saskatoon Police Service contributes to a public perception that the police cannot police themselves and that complaints against the police are futile. The perception was expressed by Gary Pratt:

“Q. Now you, in answering questions of Mr. Curtis’s, you indicated some apparent unhappiness with the Saskatoon Police Service. I wonder if you’ve – if you’ve filed any complaints with them or with anyone regarding the Saskatoon police?

A. No, I haven’t. I don’t think I would really get any positive response.



Part 5 – Overview of the Evidence

Q. Well, Mr. – Mr. Pratt, are you aware that you can file complaints against the Saskatoon police with the Police Service itself, the Saskatoon Board of Police Commissioners, or the Saskatchewan Police Commission?

A. Oh, yes, I'm quite aware of all of that.

Q. And you've chosen not to?

A. I've chosen not to."⁴³²

Deputy Chief Wiks testified that the Saskatoon Police Service is currently exploring ways to improve the public complaint process, such as adding more venues for complaints. This review is being undertaken in consultation with other organizations such as the F.S.I.N. and the Open Door Society. The review will no doubt have positive results. However, as long as the Saskatoon Police Service continues to have a role in receiving and investigating complaints against its members, the adding of complaint venues will not motivate those who share Mr. Pratt's skepticism about the complaints process. The fundamental problem the Service has to address is the public perception that it does not take seriously complaints about its members and that it defends its members against complaints.

I do not wish to suggest that an obstructive and defensive attitude pervades the Saskatoon Police Service. The vast majority of the members of the police service that appeared at the Inquiry exhibited the best qualities of a police service: integrity, fairness, professional responsibility, and a keen sense of duty to all the people of Saskatoon. I particularly point to Sgt. Neil Wylie and Cst. Louttit as fine examples.

I was also impressed by the evidence that Counsel for the Saskatoon Police Service elicited from Deputy Dan Wiks of the changes that the Saskatoon Police Service have undergone in terms of training, procedures, and technological improvements. The Chief and the management of the Service are to be commended. A review in two or three years would be a useful exercise to see what changes have resulted.

7 | Final Comments

The eminent Canadian author, Hugh MacLennan, wrote a thoughtful and profound commentary on the chasm that separates Anglophones and Francophones in Canada. The novel, *Two Solitudes*, was published in 1945.

As I reviewed the evidence in this Inquiry, I was reminded, again and again, of the chasm that separates Aboriginal and non-Aboriginal people in this city and province. Our two communities do not know each other and do not seem to want to.

The void is emphasized by the interaction of an essentially non-Aboriginal police force and the Aboriginal community. The justice system produces another set of difficulties.

I was struck by the comments of Mr. Justice Cawsey in a report released in 1999: *Report of the Task Force on the Criminal Justice System and Its Impact on the Indian and Métis People of Alberta [Justice on Trial]*.⁴³³ The Chair of the Task Force, Mr. Justice R.A. Cawsey, made these observations:

⁴³² Evidence of Gary Pratt, Inquiry transcript, vol. 33 (January 9, 2004): 6335-6336

⁴³³ (Edmonton: The Task Force, 1991)