


NEIL STONECHILD: THE BOY IN THE SNOW

Introduction

Focus

This *News in Review* section looks at the story of Neil Stonechild, an Aboriginal teenager who was found frozen to death in Saskatoon in November 1990. Despite indications of foul play from the start, no one followed up on the case until an RCMP investigation in 2000 into the freezing deaths of four other Aboriginal men. The results of the investigation, and the subsequent government inquiry, painted a disturbing picture of institutional racism, police corruption, and a conscious choice by authorities to turn a blind eye to the case of the boy found dead in the snow.

 Sections marked with this symbol indicate content suitable for younger viewers.

On November 29, 1990, two men were constructing a fence in an industrial area of Saskatoon. They noticed the body of a person, frozen to death, lying face down in the snow. They called the police. When investigators arrived they noticed that the victim was not properly dressed for the bone-chilling -28°C weather, and that one of the victim's shoes was missing. Police traced the footprints of the victim in a relatively straight line back to a gravel-covered parking lot a short distance away. The body of the deceased was removed from the scene and, other than a scant search of the field by the canine unit, the investigation of the crime scene ended. No one bothered to search the parking lot or the properties adjacent to the crime scene. No one tried to figure out how the boy wound up dead in a field in the middle of nowhere. Both crime scene investigators and members of the morality squad were quick to rule out foul play, and the case file was closed. They concluded that the victim must have been intoxicated and stumbled into the field. There he fell victim to the freezing temperature and died of exposure.

Justice Denied

Such a convenient explanation for the circumstances surrounding the November 1990 death of 17-year-old Neil Stonechild became a source of bewilderment for his family and the Aboriginal community from the moment the death was reported. How did Stonechild get from the neighbourhood where he was last seen to the industrial area of northwest Saskatoon on the night he died? Was he the latest passenger in the

Saskatoon police "starlight tours"? The police maintained that starlight tours were an urban myth. However, the Aboriginal community knew of more than one of their own who had been picked up in town while drunk, driven miles away, and left to make the long, sobering walk home instead of being taken back to the police station for processing. Some never made it back alive. Stonechild fit the profile of a starlight tour passenger. He was intoxicated the night he went missing, a witness saw him in the back of a police cruiser, and his dead body was found days later on the other side of town. If Stonechild had been taken on a starlight tour, the point was moot. By early December, his file was closed, and it looked like the young man was gone and forgotten.

Starlight Tours 2000

The case of Neil Stonechild lay dormant until a series of similar events took place in the winter of 2000. On January 28, Darrell Night was taken into custody by police. Night was intoxicated, so the police took him for a starlight tour, dropping him off on the outskirts of Saskatoon. It was -22° and he was not dressed for the weather, with only a jean jacket to keep him warm and running shoes on his feet. A disoriented Night made his way to the Queen Elizabeth Power Station a few kilometres away and caught the attention of a security guard who took him inside to warm up. While the security guard found Night's story hard to believe, he did get the man a taxi back into town. Within a week, two other Aboriginal men were found frozen to

Further Research

To learn more about the Saskatoon Police Services and its programs and procedures, consider a visit to the official Web site at www.police.saskatoon.sk.ca.

death in the same area. Night went to the police and filed a complaint. Suddenly the starlight tour shifted in the public consciousness from myth to reality. The RCMP opened an investigation into the case of Darrell Night and the freezing deaths of Rodney Naistus and Lawrence Wegner. Soon evidence of two other suspicious deaths came to light—Lloyd Dustyhorn and D'Arcy Dean Ironchild had both been in police custody and later wound up frozen to death. While police culpability was only proven in the case of Darrell Night, the RCMP decided to resurrect the decade-old Neil Stonechild case to make sure the boy hadn't been the victim of foul play. By 2003, two officers were sent to prison for taking Night on a starlight tour, and the government of Saskatchewan bowed to public pressure, calling an inquiry into Stonechild's death. Finally, Stonechild's family and friends were going to get some answers.

The Inquiry

The Stonechild Inquiry put the Saskatoon Police Service under the public microscope. Dozens of witnesses were called, and their testimony severely damaged the reputation of the force. Neil Stonechild's death was definitely suspicious, and the lack of any real investigation was deemed disgraceful by many, including inquiry commissioner Mr. Justice David Wright. The Aboriginal community claimed that the death of Stonechild was just the tip of the iceberg. According to some Aboriginal leaders, the death of the young man was one of many cases of overt racism committed by the Saskatoon police. The fact that the police ignored repeated requests by the Stonechild family and Aboriginal leaders to reopen the case only reinforced this

belief. Further, most cases of police misconduct went unreported because the Aboriginal community simply did not trust the police to administer justice.

Wright's final report, released in fall 2004, was a brutally honest account of the testimony he heard and did not shy away from pointing the finger at the police. He found that two Saskatoon police officers, Cst. Bradley Senger and Cst. Lawrence Hartwig, took Stonechild into custody on November 24, 1990, contrary to the testimony of the two officers. Jason Roy, a friend of Stonechild's, encountered the officers and saw Stonechild in the back of their cruiser. Wright believed Roy's testimony over that of the officers. He also described the investigation into the boy's death by Sgt. Keith Jarvis to be "superficial and totally inadequate" (Stonechild Inquiry Report p. 212). Finally, Wright found that the Saskatoon police had ignored or rejected requests from the Stonechild family and other members of the police force to reopen the case. Based on these findings, Wright made a number of recommendations. These recommendations included the recruitment of Aboriginal candidates to the police service, the implementation of a procedure to impartially field and investigate complaints against the police, the appointment of an Aboriginal peace officer in larger urban centres, and improved education and training for officers in the areas of anger management, dispute resolution, and Aboriginal issues.

The Stonechild Inquiry exposed a relationship between the Aboriginal community and the Saskatoon Police Service that was in dire need of repair. The police had the power and, as the Stonechild case demonstrated, sometimes that power was being used either to ignore evidence or dismiss crimes

Update

While no charges have been brought forward in the Stonechild case, Cst. Senger and Cst. Hartwig were fired from the Saskatoon Police Service shortly after the release of Justice Wright's report for their part in the events of November 24, 1990. The dismissals are currently being fought by the Saskatoon Police Association.

against members of the Aboriginal community. The findings and recommendations of Wright's report were a resounding wake-up call for those charged with ensuring that the dignity

of people always be the cornerstone of policing. This was a call that needed to be made because a boy was found frozen to death in the snow.

Inquiry

1. Why did members of Stonechild's family and the Aboriginal community reject the conclusions of the police investigation in 1990?

2. Define "starlight tour." Why did the idea of a starlight tour shift from myth to reality in the public eye in 2000?

3. How did the Stonechild Inquiry put the conduct of the Saskatoon Police Service under the public microscope?

4. What conclusions did Justice Wright come to regarding police conduct in the Stonechild case? What recommendations did he make to the Saskatoon police?

5. Which of Wright's conclusions do you think is most important? Why?

6. What do you think is the fundamental problem in the relationship between the Saskatoon police and the Aboriginal community?

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Video Review

Respond to the questions as you view the video. Review any questions that you were not able to answer with your teacher/peers.

Quote

"He never had a chance to become a man. They never gave him that chance." — Stella Bignell (Neil Stonechild's mother), *News in Review* video

1. What suspicious circumstances surrounded the death of Neil Stonechild?

2. Why wasn't Stonechild's family satisfied with the police explanation of the circumstances surrounding his death?

3. What happened in 2000 to put the spotlight back on the Stonechild case?

4. What are "starlight tours"?

5. What evidence does Erica Stonechild believe proves foul play in the death of her brother?

6. Describe Neil Stonechild as a person.

7. Describe the events that occurred the night Stonechild died.

8. What important information did Jason Roy try to share with police?

9. How do some Aboriginal teens feel about the Saskatoon police?

10. Did Justice Wright believe the stories of Cst. Hartwig and Cst. Senger?

11. What eventually happened to the two officers?

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Who Was Neil Stonechild?

Neil Stonechild was no angel. He was known to drink too much and he had been in trouble with the law. On the night he died, he was considered to be in breach of his probation because he had failed to return to the group home where he had been assigned. Instead, he went to his mother's home before a night of drinking and partying with his friend Jason Roy. By all accounts, Stonechild was not some saintly Aboriginal martyr; instead he was a 17-year-old boy, with his fair share of problems.

It is important to see Neil Stonechild in human terms. He was a boy who liked the thundering guitar riffs of his favourite band, Guns and Roses. He liked hanging out with his friends. He was personable and likeable. Some described him as good looking, popular, and charismatic. According to Jason Roy, "He was a kind-hearted person who was genuine and was able to be himself around his friends and his family." In other words, Neil Stonechild was not a people pleaser, simply bowing to authority out of fear and tacit respect. He was his own person, a rugged individual who believed in being good to his friends, having fun, and living life to the fullest. He had made some mistakes.

His love of life was reflected in his accomplishments. He was a successful high-school wrestler, winning a bantam-weight provincial title. He was an

artist. In fact, a mural he painted still hangs in the Kilburn Hall detention centre. He had a sense of humour, and his teachers described him as likeable and full of potential.

The only real harm that Neil Stonechild did was to himself, and he was trying to fix that. He knew he had a drinking problem so he became a member of Alcoholics Anonymous and had been regularly attending meetings. Obviously his battle with the bottle wasn't a complete victory since he was drinking the night he died. Clearly, he was a kid with a drinking problem—a problem he was working hard to resolve.

The bottle won the battle one November night in 1990. He took off from his group home and decided to get drunk. He caused a disturbance and wound up dead. What was his crime? Was he guilty of confronting the complexities of life and not totally succeeding? Was he guilty of being drunk and Aboriginal in the wrong place at the wrong time? It is easy to lose sight of the fact that Neil Stonechild was a real live person—not just a fellow who had an inquiry named after him. He was young—just 17 years old. He was loved and he loved. He was searching for a purpose in life just like anyone else. And he wound up dead—alone and frozen in an empty field—all his potential lost to a bitter, Saskatoon winter night.

Activity

1. Do you know any people like Neil Stonechild? How can you best help them?
2. Write a eulogy for Neil Stonechild based on the reading above. A eulogy is a speech that celebrates the life of a deceased individual.

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Conflicting Stories: The Night Stonechild Died

Two conflicting stories about what happened the night Neil Stonechild died emerged from the Stonechild Inquiry. On the one hand, the police had their story and on the other, Stonechild's friends had their version of events. In the end, Justice Wright believed Stonechild's friends. Here are summaries of both stories.

The Police Version

Shortly before midnight on November 24, 1990, the police received a call concerning a disturbance at the Snowberry Downs apartment complex. They dispatched Cst. Bradley Senger and Cst. Lawrence Hartwig, the occupants of the police cruiser nearest to the scene. Senger and Hartwig proceeded to the apartment complex where they searched for and failed to locate Stonechild. At 12:17 a.m. the officers cleared the call, informing dispatch that Stonechild was GOA (gone on arrival).

Four days later Stonechild's body was found in the northwest industrial area of Saskatoon. Police investigators concluded that the boy must have decided that, since he was in breach of his probation, he should turn himself in at the adult correctional facility located north of where his body was found. Thus, an intoxicated Stonechild, walked from one end of Saskatoon to the other, in -28° weather, to turn himself in at a prison for adult men. The fact that he was a young offender with no business being in an adult prison, and a resident at a group home, did not seem to concern police investigators in 1990.

Justice Wright's Story

After an evening of drinking and playing cards, an intoxicated Stonechild and a friend, Jason Roy, went searching for an ex-girlfriend. They made their way to the Snowberry Downs apartment complex, a short walk from where they were socializing, and started randomly pressing intercom buzzers trying to find her. Roy grew tired of the search and left, but Stonechild gained access to the apartment building and somehow found the woman he was looking for. A male companion of the woman warned Stonechild that he was calling the police, prompting Stonechild to give up on his plan and leave the apartment building. Shortly after exiting the building Stonechild was confronted by Senger and Hartwig, the two officers who responded to the police dispatch. Stonechild was put into the back of the cruiser and driven a short distance before Senger and Hartwig came across Jason Roy, where they asked him if he knew the prisoner in the back of the cruiser. Roy, fearing repercussions from the police, denied knowing Stonechild, who cursed at him from the back of the cruiser before screaming, "Jason help me! Just help me! These guys are going to kill me!" (cbc.ca, The Report of the Stonechild Inquiry). This was the last time Neil Stonechild was seen alive. Four days later Stonechild was found dead in a field in the northwest industrial area of Saskatoon.

Justice Wright concluded that Senger and Hartwig had enough time (27 minutes) to transfer the boy to the industrial area before responding to their next call. Marks on Stonechild's wrists indicate injuries consistent with

Archives

For a broader study of other Aboriginal conflicts with Canadian institutions, consider visiting the CBC Archives at www.cbc.ca/archives and review the audio-visual resources on the following files: "The Oka Crisis," "A Lost Heritage: Canada's Residential Schools," and "The Battle for Aboriginal Treaty Rights."

police handcuffs. Therefore, according to Wright (with testimony corroborated by Jason Roy), Stonechild had been in police custody the night he died. Despite these findings, either because of the lack of physical evidence or the

narrow parameters of the inquiry's powers, there was not enough information to lay charges against Senger and Hartwig. Nonetheless, the two officers were fired from the force shortly after the release of Justice Wright's report.

Inquiry

1. Complete this chart on the similarities and differences between the two stories.

Similarities	Differences

2. Why do you think Justice Wright sided with the story put forward by Neil Stonechild's friend Jason Roy?

3. Which version of events do you think is most likely? Why?

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Stonechild Inquiry Document Study

Further Research

The full Stonechild Commission Report, including witness lists, evidence etc., is available online at www.stonechildinquiry.ca.

In 2003, the Saskatchewan government called an inquiry into the death of Neil Stonechild. The inquiry began in the fall with dozens of witnesses coming forward to give testimony regarding the circumstances surrounding the death of the 17-year-old boy. The inquiry concluded with the release of the report authored by inquiry commissioner Mr. Justice David Wright, who openly admitted that not everyone would be satisfied with his account of the events. One person who would not have been happy with Wright's report would be Saskatoon Sgt. Keith Jarvis. He is the subject of the document analysis below. Read this excerpt from the Stonechild Inquiry Report and answer the questions that follow.

The Investigation of the Death of Neil Stonechild, November 29, 1990 to 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 the 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 day, 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 crime 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, parenthetically, what is the purpose of having identification officers gather evidence of this sort if the investigation officer ignores it?

Jarvis's failure to inspect the body or look at the photographs is not insig-

Did you know . . .

The official mission statement of the Saskatoon City Police Department is "In partnership with the community we strive to provide service based on excellence to ensure a safe and secure environment"?

nificant. Jarvis was asked about the marks on Neil Stonechild's wrists, marks that were the subject of much debate during the inquiry**. He was shown one of the post-mortem photographs of Stonechild's wrist. 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.

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 . . .

. . . 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 go beyond incompetence or neglect. They were inexcusable. Jarvis was clearly not interested in pursuing the investigation. 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.

Source: "The Stonechild Inquiry Report," September 16, 2004. Mr. Justice David H. Wright, Commissioner. Excerpt taken from the section entitled "Overview of the Evidence," pp. 198-200.

* Gary and Danny Pratt had had issues with Stonechild. Eddie Rushton was a friend who had been involved in some criminal activities with Stonechild.

** Judge Wright concluded that the marks on Stonechild's wrists were made by police handcuffs, confirming that the young man was in custody the night that he died.

*** Judge Wright concluded that Stonechild was in the custody of Cst. Hartwig and Cst. Senger the night that he died.

Analysis

1. How does Justice Wright challenge Sgt. Keith Jarvis in the first paragraph of this document?

2. Give a detailed account of the investigative actions of Sgt. Jarvis from November 30 to December 5, 1990.

3. Make a list of things that Sgt. Jarvis should have done but didn't do when it came to the Stonechild investigation.

4. Why does Wright believe that Jarvis's failure to inspect the body or look at the photographs was not insignificant? What conclusions does he believe Jarvis missed by not examining the body or the photographs?

5. What stunning conclusion does Wright come to at the end of the document?

6. What is your personal response to what is suggested by Wright? Explain clearly.

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The Stonechild Inquiry Recommendations

By the end of the Stonechild Inquiry, Mr. Justice David Wright was able to put the testimony into a cohesive report and make a number of important recommendations to the Minister of Justice in Saskatchewan. Read the recommendations below and complete the activity that follows:

- Introduce a program for Aboriginal candidates to join Municipal Police Services in Saskatchewan. _____
- Establish an advisory board to recommend programs to encourage First Nations persons to enter Municipal Police Service. _____
- Review and improve procedures established to deal with complaints from members of the public about inappropriate police conduct. _____
- Designate an Aboriginal peace officer with the rank of Sergeant in large urban centres, to act as a liaison person for First Nation persons. _____
- Have each municipal police force provide the Minister of Justice with an annual report regarding complaints about police officers and how the complaints were handled. _____
- Provide in-depth training for police officers in race relations, with specific emphasis on Aboriginal culture, history, societal and family structures. Refresher courses could be provided every three years, with Aboriginal course leaders for some sessions. _____
- Review the courses that police candidates take in anger management and dispute resolution. _____

Based on the recommendations section of "The Stonechild Inquiry Report," September 16, 2004. Mr. Justice David H. Wright, Commissioner. Excerpt taken from the section entitled "Overview of the Evidence," p. 213.

Activity

Rank the inquiry recommendations from (1) most important to (7) least important by writing in the blanks following each statement. Explain your ranking in 7 to 10 sentences.

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Activity

Teaching Option

Teachers may allow students to perform these first-person testimonies as dramatic monologues in front of the class as an alternative to a written account.

The story of the final day of Neil Stonechild's life is one of profound sadness for his family and for members of the Aboriginal community. The case itself is also distressing for members of the Saskatoon Police Service whose actions came under scrutiny as a result of the Stonechild inquiry. Your task in this activity is to try to get to the emotional core of the Neil Stonechild story.

First Person Testimony

Select **one** of the following people and attempt to write a first-hand account of their perspective on the Stonechild case. Use the information from the *News in Review* teaching resource to get some background information on each person. This is an exercise in empathy and creative writing so try your best to imagine what must have gone through the mind of the person you will be writing about.

Length: 250-400 words

Neil Stonechild — the tragic victim of some kind of foul play in November 1990. This calls on you to imagine what happened that night even though the inquiry was not able to ascertain all the facts. What would have been running through Neil Stonechild's mind that night? When would he have realized how much trouble he was in?

Stella Bignell — Neil Stonechild's mother, who immediately suspected foul play in the death of her son. How do you think she felt having her concerns ignored and the death of her son essentially dismissed by the Saskatoon Police Service?

Jason Roy — the friend who was drinking with Stonechild the night he died. Roy was the last person to see Stonechild alive. How do you think he felt when he found out that his friend had died? How much courage did it take for Roy to come forward with his eyewitness account of a distraught Stonechild in the back of a police cruiser?

Lucille Horse — Stonechild's ex-girlfriend and the person Stonechild and Roy were searching for at the Snowberry Downs apartment complex that fateful November night. Horse and her boyfriend turned Stonechild away because he seemed to be in an unpredictable mood—probably because he was intoxicated. How would she have felt upon learning the news of his death?

Sgt. Keith Jarvis — the Morality Squad investigator whose work inquiry commissioner Mr. Justice David Wright referred to as "superficial and totally inadequate." How would Jarvis have felt about the conclusions of the inquiry that basically accused him of looking the other way because of potential police involvement in the Stonechild case?

Mr. Justice David Wright — the inquiry Commissioner whose comprehensive report put a human face on the Neil Stonechild case. How would Justice Wright have felt about the testimony at the inquiry? How upset might he have been at the investigation into Stonechild's death and the actions of the Saskatoon Police Service?