



Judicial inquiry into local jury rolls ordered

By Lloyd Mack- Kenora Daily Miner and News

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The Ontario Court of Appeal called Thursday for an inquiry into the way juries are selected for coroner's inquests following two separate cases in Northwestern Ontario. The court decision responds to concerns whether there was fair representation from First Nations communities on the juries for the two inquests

The court released Justice John Laskin's decision in *Pierre v. McRae*, a case in which the Provincial Advocate for Children and Youth intervened in support of the appellants. The court ordered that two coroners require a representative of the Attorney General to answer questions about what efforts have been made to ensure that First Nations people living on reserve are added to the jury list. The integrity of the jury pool at the inquests into the deaths of Jacy Pierre and Reggie Bushie, both in 2007, was called into question following the filing of affidavit *Pierre, 27*, overdosed in a Thunder Bay jail cell in October 2007, and 15-year-old Reggie Bushie drowned near Thunder Bay that fall.

Coroner's inquests consist a five-person jury, which is made up from a jury roll that's prepared each year by the region's sheriff. The randomly selected jury pool is derived from municipal assessment lists, but Laskin noted that "the names of First Nations persons living on reserves, however, are not found on municipal assessment lists."

Ontario's Provincial Advocate for Children and Youth, Irwin Elman (the Advocate), is pleased with this legal victory stating "it represents a first step towards a transparent process to examine whether the jury rolls in the District of Thunder Bay are representative and include people from reserve communities within the Judicial District. It will allow an open and transparent examination of the constitution of the jury pool and what the steps are being taken to remedy longstanding deficiencies."

Real change can only happen if the people affected by the change are involved in developing solutions. Elman states, "the apparent systematic exclusion of aboriginal people, in particular young aboriginal people living on reserve who have not been added to the jury list, undermines any confidence youth might have in our legal system and our coroners system. It also prevents them from being part of the solution."

Elman intervened at the inquest into the death of Reggie Bushie and the appeals to the Divisional Court and the Court of Appeal in order to partner with First Nations students who attend school outside of their home communities to bring their issues forward.

While this legal process unfolded, a group of youth from reserve communities in Northern Ontario partnered with the Advocate for Children and Youth to create solutions to the issues facing their communities. This led to the youth developing their own report and making representations to their leaders and leaders in the Ontario government. The Advocate's Office supports, encourages and applauds the efforts of these young people to prevent tragedies like the death of Reggie Bushie from happening.