

First Nations student inquest nearing the end



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Nearing the end

Christa Big Canoe and Jonathan Rudin, the lawyers representing six of the seven families involved in the inquest into the deaths of seven First Nation youth, gave their closing submissions at the Thunder Bay Courthouse on Wednesday.

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By Jodi Lundmark, CJ Staff |

More than half a year after it began, the inquest into the deaths of seven First Nation youth who died while attending high school in Thunder Bay is nearing its end. Closing submissions began on Wednesday at the Thunder Bay Courthouse with the parties involved making their cases to the jury on how each youth died, what caused their death and what recommendations they believe will help prevent future deaths.

The inquest is examining the deaths of Paul Panacheese, 21, who died of an unknown medical condition; Robyn Harper, 18, whose cause of death was alcohol poisoning; and Jethro Anderson, 15, Curran Strang, 18, Reggie Bushie, 15, Kyle Morrisseau, 17 and Jordan Wabasse, 15, who all drowned.

The seven youth died between 2000 and 2011. Coroner's counsel Trevor Jukes said in his submissions the manner of Panacheese's death should be ruled natural, Wabasse's as undetermined and the other five as accidental.

However, the lawyers representing the families of the youth, with the exception of Strang's family, believe all the males' deaths should be ruled undetermined and Harper's should be determined a homicide.

Harper died on Jan. 13, 2007 from acute ethanol toxicity on the floor of her boarding parents' home.

Jonathan Rudin, co-counsel for the families, said when youth come from their home communities, the Northern Nishnawbe Education Council — which runs Dennis Franklin Cromarty High School — provides services. These include on-call drivers and boarding parents, who are to act as parents.

“As well NNEC had a responsibility to train those individuals to do their jobs properly and Robyn’s death, which was from alcohol poisoning, is an incredibly preventable death,” said Rudin. “It is not hard to prevent that. If you know someone has had too much to drink and they can’t look after themselves, you take them to the hospital and what’s staggering to us is the on-calls drivers and the boarding home parents didn’t know that. While we put responsibility on those three individuals, at the same time they testified they didn’t know this in many cases because no one had told them.”

NNEC is also responsible because they didn’t provide the proper training, said Rudin, noting the organization now does provide the necessary training.

“But it’s come too late for Robyn and it should never have taken this,” he said.

In the cases of the river deaths, Rudin believes they should be ruled undetermined because there are too many unanswered questions.

“No one saw any of these young men go into the water and it was October, November and February,” he said.

During his submissions, Rudin said the boys wouldn’t be taking a swim at any of those times of the year and they were all found fully clothed. The court also heard evidence that a DFC student was thrown into the river by unknown males one evening. “That suggests another alternative explanation of how these young men could have gone in the water,” he said. For their recommendations, Rudin’s co-counsel Christa Big Canoe focused on the need for equity and equal access to education for First Nation youth.

“We shouldn’t be having conversations about why First Nation youth education systems are different than other Canadians,” she said. “If we want to put them actually on the same level playing field, we’re going to have to work harder because there is such a deficit as a result of the chronic underfunding.”

The families of the youth were all in attendance on Wednesday and Big Canoe said it’s key for them to be here in Thunder Bay. “This is about their children so we need to be guided by their instructions and their direction,” she said.

Another recommendation from the families to change the treatment of the youth coming to the city for school, specifically to stop the racism they're faced with. "It can't be acceptable," said Big Canoe, noting it can have a big impact on youth and can be linked to confidence, self-esteem and addictions issues.

During the coroner's counsels' submissions, Jukes said that six out of the seven deaths were preventable and that if supports had been in place immediately upon the arrival of the students in the city, it could have made a difference.

He also said there were missed opportunities in preventing Harper's death the night she died.

Jukes' co-counsel Karen Shea outlined the themes of their recommendations they submitted to the jury.

They included removing the obstacles and challenges for youth arriving in Thunder Bay in terms of supports and services available to them, improved communication to families about high school options and to boarding parents about what the expectations on them are.

Shea also said it's important to balance the youths' safety with their right to education.

For the Office of the Provincial Advocate for Children and Youth, tackling racism in Thunder Bay is one of the biggest concerns for youth coming to the city for their education.

"That is a driving factor for these kids to go out and drink and try to make themselves feel better," said Ardelle Sagutcheway, who is a member of the youth advisory committee with the OPACY.

One way to address the issue is to bring more public knowledge to the history of First Nation people, specifically how that continues to impact today's generation of youth.

"We're here for prevention of deaths," said Sagutcheway. "Seven kids lost their lives. It's very tragic and it all happened in one decade. That's pretty horrific when you think about it. These are just kids. They had futures, they had dreams and they had hope. I think the recommendations are important so future kids will not be harmed when they're here and going to school."

For the families of the seven youth, Sagutcheway said they came into the inquest looking for answers, answers they probably will never find. "Now they just want solutions," she said. "They don't want any other kids to die."

Closing submissions from the NNEC, Thunder Bay Police Service and Nishnawbe Aski Nation are expected Thursday.