

Hoping to stop tragedies: lawyers outline more recommendations

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[Hoping to stop tragedies: lawyers outline more recommendations](#) By Jodi Lundmark, CJ Staff | [0 comments](#)

Nishnawbe Aski Nation Grand Chief Alvin Fiddler hopes the recommendations that come out of the inquest into the deaths of seven First Nation youth provides a roadmap on how to prevent any further tragedies.

Closing submissions continued on Thursday at the Thunder Bay Courthouse in the seven-month long inquest into the deaths of Paul Panacheese, Robyn Harper, Jethro Anderson, Curran Strang, Reggie Bushie, Kyle Morrisseau and Jordan Wabasse.

All seven youth died while attending high school in the city between 2000 and 2011.

Fiddler said throughout the process NAN's priority has been with the families of the youth.

"A year before we started this process, we began to work with them very closely to make sure they were comfortable with this process, that they feel supported," he said. "I know over the last six, seven months it's been very difficult for them. It's been a very painful experience. I also know and have been very impressed with their strength and their resolve to seeing this through because I know they're still grieving for the loss of their loved ones but they're also determined to create change, to ensure we don't lose any more lives."

The grand chief has also been encouraged by the co-operation between all the parties involved in the inquest, specifically working together on the joint slate of 112 recommendations for the jury to consider and Fiddler is hoping that spirit of co-operation will carry forward when it comes to implementing the recommendations.

The Northern Nishnawbe Education Council has already been making changes to their policies based on what they've been hearing from the inquest and Fiddler said that's promising.

"That's something we should not wait for," he said. "If we see immediate threats, if we see immediate danger with the safety and well-being of these kids, we should make those changes now."

The focus shouldn't just be on safety and the well-being of the youth coming to the city for school, but on providing them opportunities to succeed academically and move on beyond high school.

In NAN's closing submissions, the need for improvements to basic needs like housing, running water and access to health care.

"Everything is linked, especially with how these children are being raised, where they come from," said Fiddler.

"If a child is unhealthy or if a child does not have access to proper health care or does not get the proper attention they need, they will not succeed in school," he added.

NAN lawyer Meaghan Daniel urged the jury to be “courageously innovative” when it came to making recommendations during her closing submission.

“We all failed these kids,” she said, speaking of system failures that leave First Nation parents with little to no options when it comes to their children’s education.

Parents have to choose between the safety of their children by keeping them in their home communities or their education, which means sending them away.

Daniel also said Thunder Bay isn’t safe for indigenous children because of the racism they regularly face.

Her co-counsel Julian Falconer said the drowning deaths of Anderson, Bushie, Morrisseau, Strang and Wabasse shouldn’t be determined accidental because no one knows how they got in the water.

Calling them accidents is damage control, he added.

“It’s about reassuring themselves the worst didn’t happen at the river,” he said.

Thunder Bay Police Services lawyer Brian Gover gave his submissions earlier Thursday afternoon and said there is no evidence any of the seven deaths were criminal homicide or suicide.

He stressed the jury cannot rely on evidence cherry-picked for closing submissions and must consider all the evidence when making their recommendations and coming to a decision on the manner of death of each student.

Gover said his clients respect and value the inquest process and the police aren’t opposed to any of the joint recommendations.

Not only are all parties in this together, but they learn and move forward together, noted Gover.

On Wednesday, the lawyers representing the families of the youth asked the jury to reach a verdict of homicide in the death of Harper, who died from alcohol poisoning after being dropped off at her boarding parents’ home by NNEC on-call drivers.

Gover said the police are taking no position on the manner of Harper’s death, stating it was not criminal.

The NNEC had no part in Harper’s voluntary alcohol consumption that evening and the group of students she was with that night went out of their way to hide from the NNEC. The runner that purchased the alcohol for the group of youth also didn’t have a legal duty of care in the situation.

NNEC lawyer Etienne Esquega gave his submissions on Thursday morning and said it was unfortunate how things unfolded the night Harper died, but her death should be deemed accidental.

Harper was socializing with about six other individuals and the group drank a 60 ounce bottle of vodka, a 26 ounce bottle of vodka, four beers and some vodka coolers.

From the time the group started drinking to when Harper was picked up by the on-call drivers, less than 90 minutes had passed.

Harper was conscious and talking when they arrived, but couldn't walk on her own. They left her laying on her side in the hallway of her boarding home.

Esquega said the total effects of the alcohol consumed wouldn't have been visible in just 90 minutes from consuming it.

He added that death or harm wasn't foreseen and during the inquest, no one has said whether taking her to the hospital would have meant Harper's survival.

In terms of the recommendations, Esquega said that NECC schools, including Dennis Franklin Cromarty High School in Thunder Bay, need to be funded long-term and not on the annual basis it is now.

Funding allowances for the students as well as boarding home fees need to be increased as well as a travel budget to send the youth home more often, particularly on March Break or for kids to go home when there are family events like weddings.

Like most of the parties involved, the NNEC also would like to see a student residence in Thunder Bay to house the kids that attend DFC every year.

The school takes 130 students every year, but they could be taking more if they had more places for them to stay.

It would also make it safer for the students, giving them a place to hang out with extra-curricular activities.

Closing submissions in the inquest are expected to wrap up today.