

'Universal failure' led to deaths of students at centre of inquest LOCAL



tbnewswatch file photograph
Clockwise from top left: Jethro Anderson, Curran Strang, Paul Panacheese, Robyn Harper, Reggie Bushie, Kyle Morriseau, Jordan Wabasse.

By Matt Vis, tbnewswatch.com

THUNDER BAY – The deaths of seven First Nations students are the result of a “universal failure” from all parties involved, a lawyer representing Nishnawbe Aski Nation told a coroner’s inquest jury.

The inquest examining the deaths of seven youth, who were all high school students in Thunder Bay when their lives ended between 2000 and 2011, heard its second day of closing statements on Thursday.

The inquest, which began in October, is probing the deaths of Jethro Anderson, Curran Strang, Paul Panacheese, Robyn Harper, Reggie Bushie, Kyle Morriseau and Jordan Wabasse.

NAN co-counsel Meaghan Daniel said though the address by the lawyers for parties with standing are classified as closing submissions, there is no closure.

"You say the hard thing," Daniel urged the jury. "We all failed. This is universal failure."

She also told the jury some organizations are "set up for failure" and urged the five, who will be tasked with developing recommendations to prevent future similar deaths, to be "courageously innovative" to level the playing field.

The parties with standing have presented the journey with a joint slate of 118 recommendations which include enhancing and guaranteeing educational funding, improving social determinants of health, improving transition for students and greater cooperation among all relevant stakeholders.

"There was a lot of cooperation with a lot of the parties coming together to work every closely with each other," Fiddler said in an interview Thursday afternoon.

"Just knowing the political climate out there in terms of how that's changed over the last year or so, we're confident and we're encouraged about what we're hearing in terms of the full implementation of the recommendations that will come out from this inquest."

Daniel said the joint slate of recommendations includes specific needs that can be addressed immediately, as well as structural overhauls.

Those reforms call for the creation of a new First Nations education funding framework, identifying the current achievement gap and establishing an education system that would "protect schools and keep students safe."

"I think what this report and the recommendations will provide is a roadmap for all of us to ensure changes are made and that we not only ensure the well-being and safety of these kids but their success as well," Fiddler said.

"We've just been focusing on their safety and well-being and that shouldn't be. We should be focusing on their ability and to ensure there's opportunities for them to exceed academically well beyond high school."

Closing submissions were also delivered by Thunder Bay Police Service lawyer Brian Gover, who said all parties need to be accountable.

"Not only are we all in this process together, we must learn together and move forward together," Gover said.

Gover also urged the jury to not rely on "cherry-picked" evidence when reaching a verdict in determining the cause and manner of death for each of the seven students and instead consider the total weight of evidence.

While the police are not taking a formal position on manners of death, Gover suggested members of the jury follow the testimony of the two experts, a forensic pathologist and toxicologist, who testified at two different stages of the inquest.

That would result in the deaths of Anderson, Strang, Bushie, Morriseau and Harper classified as accidental, the death of Wabasse to be undetermined and Panacheese's death to be found as from natural causes.

However, there is disagreement from various parties in each of the cases.

The families and NAN have submitted they believe Harper's death from alcohol poisoning should be classified as a homicide, due to negligence from NNEC support staff and not taking her to the hospital despite being obviously intoxicated to an extreme degree.

NNEC lawyer Etienne Esquega disagreed with that finding during his submissions on Thursday, saying the education council was "remorseful" but the death was not foreseeable or expected and was not intentionally caused.

The families and NAN also recommended the jury classify the deaths of the other five as being undetermined.

NAN co-counsel Julian Falconer argued classifying those deaths as accidental is essentially the easy way out, ignoring there is limited evidence to rule out the possibility of them being pushed in the river.

He said "bungled" police investigations gives pathologist Dr. Toby Rose little information on which to base her conclusions.

"She has no idea if they got rolled in the river," he said. "She has no idea."

Closing submissions continue on Friday.