



Approaching Indigenous Deaths in Ontario: A Discussion

Dr. Dirk Huyer, Chief Coroner for Ontario
Ministry of Community Safety and Correctional Services
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Ontario's Death Investigation System:

Office of the Chief Coroner:

- Conducts approximately 15,000 death investigations by 300 fee-for-service coroners, and an average of 41 inquests annually under the *Coroners Act*
- Regional offices in Thunder Bay, Sudbury, Kingston, Ottawa, Hamilton, London, and four located within the Forensic Sciences and Coroners Complex in Toronto

Ontario Forensic Pathology Service:

- Pathologists perform approximately 7,000 coroner-ordered autopsies each year across the province in Toronto, Hamilton, Kingston, London, Sudbury, Ottawa and Sault Ste. Marie, as well as at various community hospitals
- Delivers expert witness testimony in criminal trials and coroner's inquests

Strategic Direction:

- Provide high quality death investigation that supports the administration of justice, the prevention of premature death, and is responsive to Ontario's diverse needs.
- Reliable and sustainable death investigation services across Ontario
- Optimize regional service delivery, align resources to the diverse needs of the system to ensure accessible service delivery.
- Enhance capacity in northern and Indigenous communities for coroner and forensic pathology services

Purpose of Engagement:

- The Office of the Chief Coroner and Ontario Forensic Pathology Service need your expertise, input and ideas:
 - Recognize there are long standing challenges providing death investigation services to Indigenous communities, especially in remote/fly-in communities
 - Previous efforts have fallen short – we do not have all the answers
 - Need solutions that are informed by input from Indigenous communities
 - We need to hear your concerns and your suggestions on how we can do better
 - We are committed to change

Challenges: Four Key Areas

- **Service Delivery:** Innovative models for service delivery to supplement/compliment the death investigation system
- **Communications:** Improved communications with families and communities – both in consistency and clarity
- **Inquests:** Suggestions for changing how inquests are structured and delivered for Indigenous people and in their communities
- **Representativeness of Inquest Juries:** Extension of volunteer jury pilot for Districts of Kenora and Thunder Bay until Debwewin Committee recommendations are provided

Discussion:

- Consider each of the key challenges - how and *why* have we tried to respond them?
- Solutions we have tried and why they were not effective.
- What has been missing from our approach?
- What have we learned?
- How can we learn from you?

Service Delivery: Coroners not attending death scenes to investigate in remote areas of Northern Ontario is a longstanding challenge.

- Justice Goudge made recommendations that we have explored:
 - Training police in death investigation to investigate under guidance of a coroner;
 - Training nurses in death investigation who have ready access to reserves;
 - Exploring technology for coroners to remotely attend scenes.
- Explore possibilities for new approaches to get coroners to attend at the time of death investigations

Communications: We have heard from families that they do not understand how their family member died.

- Like service delivery, the Office of the Chief Coroner has not been strong in communicating with First Nations communities or individual families.
- Justice Goudge also provided recommendations in this area, aimed at cultural awareness, direct communication through scene attendance, and broader ongoing communications with First Nations Governments and political organizations.
- Communications protocols developed
- Aboriginal Liaison Officer considered but not implemented

Inquests: Is the current approach to inquests effective and relevant in exploring the deaths of Indigenous people?

- The Office of the Chief Coroner is reviewing current inquest system.
- Purpose of the review is to modernize the inquest system so that it can be more effective and better suit its diverse publics.
- Ideal time to consider changes to how Indigenous inquests are planned and conducted.
- Considerations: venues, processes, culturally informed, enhanced collaboration, fair and effective, more community focused, honouring the deceased, inclusion of ceremonial procedures...

Jury Representativeness: Recognizing that inquest juries need to be representative of the communities they are serving.

- The consideration of volunteer jury members was a recommendation by Justice Iacobucci . The Debwewin Implementation Committee will be providing recommendations for solutions.
- To respond to the immediate need to ensure representative lists outstanding First Nations Inquest juries an interim solution was developed regarding on-reserve volunteers to supplement lists for inquest juries.
- December 2014 – time-limited minister’s regulation to the *Coroners Act* providing for the names of First Nations on-reserve volunteers from the districts of Kenora and Thunder Bay to be added to a list of names from the jury roll. This composite list, developed for each inquest, is the source from which the jury members are randomly obtained.
- Process has been used seven times so far, and of those, three volunteer jury members randomly selected.