



Report to the Minister of Justice and Attorney General Public Fatality Inquiry

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the Court House in the Village of Ft. Vermilion, in the Province of Alberta, on the 25th day of June, 2008, (and by adjournment on the N/A day of N/A, N/A), before The Honourable E.J. Simpson, a Provincial Court Judge, into the death of Lancelot Corbin Wyatt Loonskin, 5 yrs of North Tallcree Alberta and the following findings were made:

Date and Time of Death: Between 5:30 pm and 6:30 pm, 16 November 2006

Place: North Tallcree Alberta

Medical Cause of Death:

(“cause of death” means the medical cause of death according to the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization – The Fatality Inquiries Act, Section 1(d)).

Multiple wounds.

Manner of Death:

(“manner of death” means the mode or method of death whether natural, homicidal, suicidal, accidental, unclassifiable or undeterminable – The Fatality Inquiries Act, Section 1(h)).

Accidental

Circumstances under which Death occurred:

See attached

Recommendations for the prevention of similar deaths:

See attached

DATED _____,

at _____, Alberta.

A Judge of the Provincial Court of Alberta

Introduction

1. This is a fatality inquiry into the death of Lancelot Corbin Wyatt Loonskin (Lance Loonskin) who died at the North Tallcree Indian Reserve in the Province of Alberta, on November 16, 2006.
2. Throughout this report:
 - a) All dates are in 2006 unless otherwise indicated.
 - b) All events referred to in this report occurred at the North Tallcree Indian Reserve, Province of Alberta (North Tallcree) unless otherwise specified.

Preliminary Matters

Applications for standing and legal counsel

3. At the commencement of the Inquiry and before any evidence was heard, those present were advised of the provisions of s. 49(2) of the *Fatality Inquiries Act, R.S.A. 2000, c.F-9* and the right of interested persons to apply for standing in the Inquiry. The Royal Canadian Mounted Police represented by Counsel, Mr. Kerry Boyd, from Justice Canada, applied and were granted standing.

Circumstances under which death occurred

4. Lance Loonskin was a male child, five years of age, on November 6, 2006. He, three siblings and his mother, Robbie Ruby Loonskin (Ruby Loonskin) were residing at North Tallcree with Ruby Loonskin's cousin, Loretta Alook (Alook). And Alook's husband, Ricky D'Or. At the time Alook was confined to a wheelchair.
5. The residence is on the north side of a residential roadway running east and west in front of the residence. The roadway is two lanes, undivided.
6. Caroline Noskiye (Noskiye), Alook's aunt, lived in a residence on the same side of the roadway approximately 250 to 275 yards to the west. She lived with her husband and eight children. Six of the children were under the age of eighteen years.
7. Lance Loonskin regularly went from the Alook residence to the Noskiye residence to play with Noskiye's children. At times he was accompanied by a brother at other times he went alone. It was not unusual for him to make the journey twice in one day. An adult can walk the distance in 2 to 3 minutes.
8. Between 4:30 pm and 5:00 pm, November 16, 2006, Lance Loonskin was playing outside of the Alook residence. Alook was observing him through a window. She left the window to use the bathroom and when she returned Lance Loonskin was no longer in sight. Alook called to Ruby Loonskin who was in her own room and advised her of that fact.
9. Alook assumed the child had gone to Noskiye's so she asked Ruby Loonskin to call the Noskiye residence and ask that someone from there phone the Alook residence and

advise when Lance Loonskin was leaving to return. Ruby Loonskin made the call but there is no evidence as to whom she spoke or what advice she received but Alook waited expecting a phone call.

10. Noskiye was away from her residence, in Ft. Vermilion shopping, when Lance Loonskin arrived. It was dark out when she returned. From all of the evidence including the sunset time and when she went to lay down to watch the 6:00 pm news, I find that a reasonable inference which I make is that she returned to her residence between 5:15 pm and 5:45 pm. Upon her return she noted Lance Loonskin playing with her children in her residence. Noskiye sat in the living room with her family and then moved to her daughter's bedroom to lay on a bed and watch the 6:00 pm news on television
11. Lance Loonskin left Noskiye's residence without her knowledge. Alook did not receive a call that Lance Loonskin was leaving. No one testified as to when Lance Loonskin left the Noskiye residence or as to why a telephone call was not made to the Alook residence advising he was leaving.
12. The evidence is unclear as to the time when Lance Loonskin left but from the evidence of Noskiye and Henry Hamelin (Hamelin) a reasonable inference which I make, is that he left at approximately 6:00 pm.
13. On the north side of the roadway and to the east of the Noskiye residence, at a distance of approximately 50 yards, is the residence of Peter Alook. Approximately 75 yards to the east of that residence is an occupied house trailer. The next residence to the east of the trailer, at a distance of approximately 150 yards, is the residence of Loretta Alook where the child, Lance Loonskin, was staying.
14. Across the street to the south and on a slight angle to the west of the trailer is the residence of Hamelin and his brother, Charlie Hamelin. After 6:00 pm and before 6:30 pm. Hamelin heard dogs barking outside. He asked Charlie Hamelin to look outside to see what was happening. Charlie Hamelin told him some dogs had grabbed something and were attacking it.
15. The two men went out taking shovels with them to drive off the dogs. Lance Loonskin was lying on the ground. Hamelin estimated there were six dogs. Using the shovels to hit the dogs they were able to force the dogs to run away.
16. Hamelin was not certain as to the nature of the object on the ground. He told Charlie Hamelin to wait there and Hamelin went in the residence of David Bow-Noskiye (Bow-Noskiye), which was located 100 yards to the east of the Hamelin residence on the same side of the street.
17. He told (Bow-Noskiye) of the situation and that he did not know what it was the dogs had attacked. Bow-Noskiye went with Hamelin to the location and noted the body and Hamelin then realized it was the body of a child.
18. Bow-Noskiye called 911 and reported the matter to the R.C.M.P. He then called Gabriel Meneen the Head of Public Works for the North Tallcree Band.
19. Meneen attended the location, obtained a blanket from Charlie Hamelin and covered the body. He also took steps to keep onlookers away.

20. At approximately 6:30 pm Constable George Cardinal (Cardinal), a member of the Royal Canadian Mounted Police received a dispatch call regarding the incident. He was travelling with another member, Constable Timothy Bedard (Bedard). They proceeded to and arrived on the scene at about 7:15 pm.
21. Cardinal removed the blanket and noted extensive trauma to the body and that the child was deceased. He noted the body to be 10-15 yards from the unoccupied trailer near the side of the main road. The reasonable inference I make is it was near the north side of the road. Cardinal testified the temperature was about -20 degrees Celsius.
22. Cardinal made certain an ambulance was summoned. Upon arrival the ambulance attendant made no effort to resuscitate but rather loaded and transported the body.
23. Two dogs belonging to Bow-Noskiye were seized by the R.C.M.P. and transported to the office of Dr. Wendy Quist, veterinarian in Ft. Vermilion. The two dogs were eventually destroyed.
24. Quist testified from her experience that a dog running loose can be destructive to property, to other animals and persons. She also testified a group of dogs together are more aggressive.
25. Meneen is the head of Public Works for the North Tallcree Band. He testified there are dogs that run loose in Tallcree as allowed by the owners of the dogs. Since 1999 the Band, through Public Works, has taken steps on three occasions to capture and kill dogs running loose. However, the Band officials received complaints from the residents of North Tallcree and the steps were curtailed.
26. Meneen believed a resolution had been passed regarding the capture of dogs running loose but he could not produce it. Nor was he aware of anyone who could provide it.
27. There is no direct evidence regarding the movement of Lance Loonskin after he left the Noskiye residence.
28. The reasonable inferences which I make are that about 6:00 pm, November 16, 2006, Lance Loonskin, after leaving the Noskiye residence walked by himself east along the north side of the roadway towards the Alook residence.
29. Approximately 150 yards west of the Alook residence and between the road and an unoccupied house trailer he was attacked by dogs running loose. The number is uncertain only that Hamelin observed 6 when he drove them away.
30. He was knocked to the ground and suffered severe injuries from the bites of the dogs. He died from the injuries.
31. There is no evidence from Meneen and Bow-Noskiye, of any effort to resuscitate the child. Both appeared to have assumed the child to be deceased upon their arrival. From the evidence of Cardinal as to the extent of the injuries to Lance Loonskin that conclusion was reasonable. Cardinal testified the child was deceased when he arrived at 7:15 pm.

32. There is no medical evidence pointing to the time of death. From the evidence from Hamelin, Bow-Noskiye, Meneen, Cardinal and Noskiye, I can be no more precise than to state the time of death was between 5:30 pm and 6:30 pm on November 16, 2006.

Particulars regarding death

33. In my opinion, Lance Corbin Loonskin, died between 5:30 p.m. and 6:30 p.m. on November 16, 2006.
34. The medical cause of death was multiple wounds.
35. The manner of death was accidental.

Recommendations

Introduction

36. Dogs running loose, particularly in packs can be aggressive and thereby a danger to property, other animals, and people.
37. Considering the evidence presented in this inquiry it is clear that the North Tallcree Band has for a number of years experienced a problem of dogs left to run loose by their owners.
38. Regarding the problem of dogs running loose on the reserve the Band either passed a by-law and has no record of it or has not passed one.
39. The Band has taken steps in the past to capture and destroy dogs running loose but has faced negative public response.
40. As a result the Band has not been consistent in dealing with dogs running loose.

Recommendation: The Band Council of the North Tallcree Band should ascertain whether a by-law exists regarding dogs running loose on the reserve. If it does it should to be reviewed and if necessary amended to deal with the issue of the capture and destruction of the dogs.

If one has not been passed then it should be passed.

Once a by-law is in place the Department of Public Works should consistently enforce the by-law.