



Report to the Minister of Justice Public Fatality Inquiry

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the The Alberta Court of Justice
in the City of Fort McMurray, in the Province of Alberta,
(City, Town or Village) (Name of City, Town, Village)
on the nineteenth day of April, 2023, (and by adjournment
year
on the twentieth day of April, 2023),
year
before Stephanie A. Cleary, a Justice of the Alberta Court of Justice,
into the death of Tracy Lyle Janvier 41
(Name in Full) (Age)
of Janvier, Alberta and the following findings were made:
(Residence)

Date and Time of Death: August 21, 2016

Place: Hwy 881 Km 251, North of Janvier, 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 – *Fatality Inquiries Act*, Section 1(d)).

Multiple Injuries

Manner of Death:

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

Accidental

Circumstances under which Death occurred:

On April 19 and 20, 2023 in the Alberta Court of Justice in Fort McMurray, I presided over a Fatality Inquiry. This inquiry took place at the Courthouse in Fort McMurray which is located on Treaty 8 Territory, the traditional lands of the Cree and Dene, and the unceded territory of the Metis people. The participants of the inquiry were privileged to take part in a process which was opened and closed with a blessing by a lovely Elder, Ms. Ida K. Stepanowich. This is my report.

To determine the cause, manner and circumstances under which Tracy Lyle Janvier's death occurred, the Inquiry heard from 6 witnesses over 2 days. I reviewed over 400 pages of exhibits and relevant legislation. I also listened to the entirety of a criminal trial held April 1-4, 2019, and the judgment later delivered by the presiding Justice. A copy of official recording of those proceedings became an exhibit at the Fatality Inquiry. I reviewed the written judgment of Justice J.T. McCarthy issued on June 14, 2019. In his closing submissions, counsel for the Department of Justice referred to "Turning the Tide Together", the final report of the Mass Casualty Commission in Nova Scotia. I have considered, in particular, Volume 4 (Community) and Volume 5 (Policing), which contain detailed findings and thoughtful recommendations regarding rural communities and policing. I have lived in this community for almost 15 years, and I have driven to the location of Mr. Janvier's death, stopped to view it. I heard from the witnesses and listened to their responses to the questions from experienced and well-prepared counsel for the Inquiry and the Department of Justice. I had submissions from both counsel. I also had the benefit of thoughtful questions and oral submissions from Marina Nokohoo, one of Mr. Janvier's older sisters. Ms. Nokohoo faithfully attended every day of the criminal proceedings and of the Fatality Inquiry and listened to all the evidence given in both proceedings.

Mr. Tracy Janvier was an interesting and well-loved family and community member. He was killed in the middle of the night at an unlighted location on Highway 881 in northeastern Alberta on August 21, 2016. He had been hit by a southbound vehicle driven by a citizen and was lying in the northbound lane. He was then run over by a northbound police vehicle driven by a police officer who was responding at very high speed to the report he had been hit. She had been hoping to save his life. The report of the first collision had been made by the husband of the citizen who hit Mr. Janvier. That person was a passenger in her vehicle. He had called 911 for help. That person was also hit by the police vehicle and suffered a serious injury to his hand. Mr. Janvier succumbed to multiple and catastrophic injuries. To compound this horrifying tragedy, the citizen whose vehicle first struck Mr. Janvier was his aunt. A family that came upon the scene shortly thereafter had been attending the same wedding reception where he had also been a guest earlier that evening and saw the collision with the police vehicle. His sister, Ms. Nokohoo, had attended the same wedding and reception and was travelling home having left the reception slightly later than he did. She arrived at the scene moments after the collision. At this point, because of a phone call Mr. Janvier had with their mother, Ms. Nokohoo knew he had been walking on the highway and she was intending to pick him up and give him a lift the rest of the way home. Having been told that it was her brother who was the victim of the collisions, she could not believe it and understandably wanted to see him so she could confirm this. So, she had the dreadful experience of seeing him moments after his death. It is hard to imagine a worse set of circumstances for any of the people there that night to experience. It was clear from listening to the evidence that Mr. Janvier's death has had lasting consequences for many people.

Circumstances of Mr. Janvier's Death

On the day before he was killed, Mr. Janvier, along with many of his family and friends, attended a wedding in his small home community of Janvier, AB and then the wedding reception here in Fort McMurray, north of Janvier. While Mr. Janvier did not regularly drink alcohol, he appears to have consumed some at the wedding reception. There was some discussion about who was to leave when. Originally Mr. Janvier was going to drive back home with his sister, but he eventually decided to return home with his cousin and her husband.

For some unexplained reason, Mr. Janvier really did not cope well on the drive home. He was upset and talked about suicide. On two occasions, he tried to get out of the vehicle while it was moving. Somehow his cousin was able to physically restrain him in the vehicle. He tried to get out of the vehicle a third time and his cousin's husband had to stop the vehicle at that point for Mr. Janvier's own safety, because he and his wife could not keep him safe in the moving vehicle. They stopped just north of the community of Anzac, AB on Highway 881, south of Fort McMurray and north of Janvier. There, Mr. Janvier got out of the vehicle and was on foot on the highway, dressed in the dark clothing he had worn to the wedding and reception. His cousin called Mr. Janvier's sister to let her know this had happened. She and her husband could do nothing further for Mr. Janvier and continued towards their home in Janvier.

Mr. Janvier appears to have made his way some distance south of where he was dropped off. He was then picked up south of the town of Anzac by a truck driver and given a lift further south down the highway near the turnoff to the LaLoche winter road. He also used that person's phone to contact his mother to let her know where he was and that he would need a drive. Mr. Janvier's mother did not drive but called his sister, Ms. Nokohoo, to tell her where he was. Ms. Nokohoo was on her way home from the wedding and told their mother and sister to let Mr. Janvier know she was on her way.

The next place Mr. Janvier was seen by someone else was quite close to where the truck driver dropped him off, near Kilometer 252 on Highway 881. This was also near to the place where he was killed and is about 30 kilometers further south of Anzac and closer to Janvier than where he was dropped off by his cousin and her husband. This is known because someone called 911 and told the Northern Alberta Operational Call Centre that they had just driven past that kilometer marker and a person in dark clothing was walking on the roadway and had darted out into the centre of the highway.

This 911 call resulted in Cst. Michelle Phillips being dispatched from where she was, north of Janvier on Highway 881, to the report of someone walking on the highway. The reasons for this would be obvious. There is no safe place for pedestrians to travel on this main highway and there was some indication this person may be behaving in a way that was putting themselves in danger. Cst. Phillips began driving north towards kilometer 252.

What happened next is truly dreadful. Mr. James Cardinal and his wife, Ms. Lucy Deltess, were travelling southbound from Fort McMurray to Janvier. Ms. Deltess was driving. On an unlit portion of highway 881, their vehicle hit something black in the southbound travel lane of the highway. There was simply no way for them to have avoided that collision. Mr. Cardinal thought they had hit a bear. Ms. Deltess pulled over to the side of the road and Mr. Cardinal got out to investigate only to find, to his horror, that they had hit a person. Their vehicle had struck Mr. Janvier. Mr. Janvier was lying in the northbound lane of highway 811, having suffered serious injuries. He was certainly still alive at that point.

Mr. Cardinal immediately called 911. I heard the audio tape of that call. Mr. Cardinal was obviously and understandably distraught, as anyone would be. He was able to remain on the

line and do his best to give information to the operator, but he struggled to maintain his composure. It is somewhat amazing to me that he was able to be as helpful as he was given the situation.

At the time the communications centre had no way to independently verify the location from which a call was coming. It was therefore necessary for the operator who took the call to try to establish where Mr. Cardinal was. Mr. Cardinal, who was over 70 years of age, whose first language is Dene, and who obviously had some struggles with perfect English in the middle of this traumatic event, told the operator he was 5-10 miles south of Anzac. The operator asked him to confirm he was 5-10 km south of Anzac and he, in this dreadful and stressful situation, confirmed that he was. Therefore, the conclusion that the 911 operator came to was that the collision scene was further north than it really was. This, of course, was wrong. This ended up being a factor of the chain of events that resulted in the second collision.

The supposed but incorrect location of the collision was relayed to Cst. Phillips. It was apparent that Cst. Phillips had good knowledge of the highway. She said “that might be a bit too far” meaning that she turned her mind at least briefly to the possible relationship between the original call reporting a pedestrian at km 252, and the second call where a pedestrian had been struck supposedly further north of that. However, Cst. Phillips accepted that the collision was 5-10 kilometers south of Anzac and sped up. She was trying to get to where she was told the collision scene was as quickly as possible. This was a “priority one” call where human life was at risk.

The Anzac Volunteer Fire Department was also dispatched to the collision scene. They were given the same information as Cst. Phillips regarding the location. They headed southbound from Anzac, as fast as their vehicles would permit, expecting to come upon the scene in 5-10 kilometers.

While Cst. Phillips was racing north, and the fire department south, Mr. Cardinal and Ms. Deltess were on the scene with Mr. Janvier, very near to Km 251. Mr. Cardinal remained on the phone with 911 for about eleven minutes. One can only imagine how difficult that was. It is apparent from listening to the audio that Mr. Cardinal did his best to follow the instructions of the operator, and that he could not personally have helped Mr. Janvier any more than he did that night.

While Mr. Cardinal was on the phone, Mr. Doyle, a truck driver operating a semi-truck southbound on highway 881 arrived at the scene. He was waved down by Ms. Deltess and pulled over on the southbound shoulder, with his truck remaining partly in the driving lane given how narrow the shoulders of the highway are. His vehicle was located about 300 meters south of Mr. Janvier, although Mr. Doyle did not see Mr. Janvier immediately given his dark clothing. He activated his semi truck’s four-way flashers and amber beacon lights. Mr. Doyle spoke to Mr. Cardinal and heard Mr. Janvier moaning, which meant that Mr. Janvier was still alive at that point also.

Another vehicle approached the scene from the north and Mr. Doyle headed to intercept them. He directed that vehicle to pull over and it did. He spoke to the occupants for a short time. In that vehicle was the Stepanowich family who had also been at the wedding in Fort McMurray. Ms. Stepanowich was driving and slowed down as she could see the hazard lights on the Deltess and Doyle vehicles. Mr. Doyle was wearing a reflective vest and was easily able to direct her to stop. She did so and activated her own hazard lights. Mr. Stepanovich could see that someone was lying horizontally in the northbound lane and that someone else was kneeling beside them. That was, of course, Mr. Janvier and Mr. Cardinal.

Mr. Doyle and Mr. Stepanowich then saw the red and blue lights of what turned out to be Cst. Phillips' police Silverado approaching. Mr. Doyle walked over to advise Mr. Cardinal the police were coming. Everyone on the scene was expecting that the police vehicle would slow down and stop.

Cst. Phillips was driving at a very high rate of speed. She saw the semi-truck's hazard lights on and the other vehicles on the west side of the southbound lanes, but she did not recognize this as potentially being the scene where the pedestrian had been hit. In her mind she thought she would have to drive further north to get to where she had been dispatched. She thought perhaps those vehicles had pulled over to allow her more room to drive past them. She also thought that the fire department would be at the scene before her since they were closer to where she had been told the collision scene was located. She thought that at least she was looking for a scene where a vehicle would be parked in the middle of the road having hit the person who was injured. Therefore, she did not slow down when she saw those vehicles' lights. Instead, she kept driving at 155-160 kilometers per hour right through the place on the highway where Mr. Janvier's body was lying and everyone had stopped to try to help him.

From the point of view of the people at the scene, they were astonished that the police vehicle did not stop. The occupants of the Stepanowich vehicle saw that a collision was imminent and at least one of them screamed in horror. Mr. Doyle was able to jump out of the way to avoid being struck. Mr. Janvier was on east side of the northbound lane and his hand was struck by the mirror of the police vehicle. The police Silverado also drove right over Mr. Janvier in the northbound lane.

Cst. Phillips was driving so fast that she did not have time to react and really did not even realize she was at the scene until after this collision had occurred. She stopped as quickly as she could, turned her vehicle around and parked it in the middle of the roadway, illuminating the scene for northbound traffic. She was expecting Cst. Kandola to join her at the scene from further to the south. She got out of her vehicle and tried to help the people on the scene.

While this was happening, the fire department had passed the place on the highway further north where they had been advised the pedestrian had been struck. Finding nothing there, they continued for another 15 kilometers to approximately km 252, also as fast as their equipment would allow, and came upon the vehicles pulled over to the side of the road. They slowed down and observed Cst. Philip's police vehicle in the middle of the road with its emergency equipment on. They parked the pumper truck in the driving lanes to further protect the scene.

Mr. Cardinal suffered a serious de-gloving injury of his hand where it was struck by the passenger-side mirror of the police truck. Nothing could be done for Mr. Janvier however, as by this time it was discovered he had died as a result of his injuries.

Injuries

An autopsy was conducted by Medical Examiner Dr. Elizabeth Brooks-Lim, an experienced forensic pathologist who shortly after this was appointed Chief Medical Examiner for the province of Alberta. She is well-known to the court, having testified and provided expert evidence in many proceedings. Her findings indicated that Mr. Janvier had consumed prescription medication, some cannabis and some alcohol, none of which is surprising given his history and the fact that he had attended at a wedding reception where alcohol was served. She found that there was a potential Mr. Janvier was intoxicated by alcohol, and that this might have contributed to being struck by the first vehicle. Given that, as related by Ms. Nokohoo, Mr. Janvier was not in the habit of consuming alcohol, it seems reasonable that consuming it on the night in question might have affected him in ways he was not used to.

Dr. Brooks-Lim detailed the many and catastrophic injuries suffered by Mr. Janvier. She concluded that it was not possible to determine with certainty which injuries were from the impact with the first vehicle, which were from the impact with the road after that collision, and which were as a result of being run over by the police truck. She could not determine which of these many injuries was responsible for his death. She did find that it was “entirely possible” that Mr. Janvier was alive at the time he was struck by the police truck but was not able to say that, in her expert opinion, that this definitively was the case.

Investigation and Laying of Criminal Charges

Mr. Janvier’s death was thoroughly investigated by the Alberta Serious Incident Response Team. Every person who had any evidence to give cooperated fully with the investigators, giving statements as required. After rendering aid to Mr. Cardinal, Cst. Phillips followed protocols at the scene once another member arrived. She gave a lengthy statement to investigators. The scene was fully examined by an experienced collision analyst. That person’s findings were examined and reviewed by a second analyst from the Edmonton Police Service. The police vehicle being driven by Cst. Phillips was examined and its Event Data Recorder data downloaded, along with the video evidence from the camera system it carried on board.

Following a thorough investigation and consultation with the Crown, Cst. Phillips was charged with dangerous driving causing bodily harm to Mr. Cardinal, and dangerous driving causing the death of Mr. Janvier.

The Criminal Trial

The verdict in the criminal trial was rendered by Justice J.T. McCarthy in R. v. Phillips, 2019 ABQB 442. This verdict came after a four-day trial. Those proceedings were of course focused on whether the Crown could prove beyond a reasonable doubt that Cst. Phillips was guilty of the offences with which she was charged. Those proceedings were not designed to look at the wider issues that this inquiry was tasked with reviewing.

As has been the law for many hundreds of years in the common-law legal tradition, every person charged with a crime is presumed to be innocent and may not be convicted unless the Crown proves every element of the offence they are charged with beyond a reasonable doubt. This is a heavy burden that the Crown bears and is one of the safeguards in place to try to ensure that no innocent person is convicted of a crime they did not commit. The criminal trial process is therefore only about what the Crown can prove, to a high level of certainty, against someone charged with a crime.

With that test in mind and given the many years of legal precedent from superior courts, charges of dangerous driving are legally complicated. Justice McCarthy explained the intricate law in many paragraphs of his decision. Ultimately, Justice McCarthy found Cst. Phillips not guilty of both charges. In the criminal case, the Crown did not prove the elements of the offence of dangerous driving beyond a reasonable doubt. That is the Crown did not prove that the speed of the vehicle and decisions made by Cst. Phillips met the criminal law test for dangerous driving.

Justice McCarthy also determined that looking at the available evidence from witnesses at the scene and the evidence of the medical examiner, the Crown did not prove, beyond a reasonable doubt, that Mr. Janvier was still alive at the time he was run over by the police vehicle. In other words, because Dr. Brooks-Lim could not rule out that Mr. Janvier had already expired before his body was run over by the police vehicle, the court could not find legally exactly when Mr.

Janvier died. In that case, no matter how horrifying the incident was, and how traumatic it was for Mr. Janvier's family to know that he had been run over, it would not be legally proper to conclude that Mr. Janvier's death was proven, on the criminal standard of beyond a reasonable doubt, to have been caused by the police vehicle. The sad fact is that no one will ever truly know the truth on this point. This must be agonizing for Mr. Janvier's family but remains something that can never be known with certainty.

I wish to make some comments on the evidence of Mr. Cardinal, which I also had the privilege of listening to and which formed part of the evidence in this inquiry. Some of how Mr. Cardinal experienced those terrible events was recorded on the 911 audiotape. He gave a statement to the police. He later dutifully responded to a subpoena to testify, and 3 years after the incident had to relive the events on the witness stand. Understandably, his recollection many years later differed somewhat from what was recorded on the 911 tape. Justice McCarthy was required to deal with those differences in coming to his conclusion at the criminal trial. I know that members of Mr. Janvier's family, who are very close to Mr. Cardinal, and possibly Mr. Cardinal himself, were quite hurt about what they thought was the meaning of some of the findings at the trial. I wish to say that it was clear to me that Justice McCarthy did NOT find that Mr. Cardinal was unreliable or untruthful as a person. Rather he was unable to legally reconcile some of how Mr. Cardinal remembered things 3 years later with what he was recorded saying on the audiotape of the 911 call at the time those things were happening.

I have heard Mr. Cardinal's evidence and accept, as did Justice McCarthy, that Mr. Cardinal was being as truthful as possible with both the 911 operator and the Court at the criminal trial. It is the case that human beings, when they are relating a story, particularly when they have experienced trauma, may remember things differently over time. This is something we all encounter as people in our daily lives and something that happens in court on a regular basis. These differences do not necessarily mean, and they did not mean in this case, that Mr. Cardinal was not being as truthful as he could be. The differences were something that the trial judge was legally required to consider when determining what the Crown could prove about what happened. Ms. Stepanowich pointed out in her evidence that Mr. Cardinal may have been more comfortable testifying at the criminal trial in Dene, his first language. It is also unknown how Mr. Cardinal was prepared to testify. However, given the findings of the medical examiner, it is apparent that nothing Mr. Cardinal said or did not say on the stand impacted the ultimate verdict at the trial.

It was obvious from his decision that Justice McCarthy was greatly affected by hearing the evidence in this case. He appreciated that Mr. Janvier's family attended the entire trial and waited patiently for the verdict. That is not something that always happens in a criminal court. As judges we have some awareness of how difficult it is for a family to sit through the technical legal process of a trial where they can only watch. No matter what happens at a criminal trial, we know that, for casualties' families, the sad truth is that regardless of the outcome of that process, their loved one can never be restored to them.

Additional Evidence Heard at the Fatality Inquiry

Following the verdict at the criminal trial the process of holding this inquiry commenced, as recommended by the Fatality Review Board.

Section 53(2) of the Fatality Inquiries Act provides that I may make recommendations as to the prevention of similar deaths. To determine whether I ought to make such recommendations, the inquiry heard evidence regarding:

- The RCMP Operational Communications Centre, responsible for handling 911 calls;

- The construction of Highway 881 including signage and lighting;
- The structure and content of the RCMP Driver Training program, RCMP recruit training at Depot Division and at postings generally; and
- The relationship between the RCMP and the community of Janvier, AB

RCMP Operational Communications Centre

Mr. Christopher Spence, Acting Director for the RCMP Alberta Operational Communications Program, who has a long career in emergency communications testified at the inquiry.

The Operational Communications Centre (OCC) in Alberta is now integrated province wide. 911 calls are routed based on the relevant Emergency Service Zone and required service. All agencies are now coordinated to try to ensure that the appropriate one (police, fire, or ambulance) gets the information required to dispatch their responders as soon as possible. This is a comprehensive change from the system that was in place in 2016. Mr. Spence was of the view that while there was a learning curve, personnel at the OCC are becoming more and more proficient in ensuring that emergency calls are answered and responded to as swiftly as possible by the correct personnel.

Mr. Spence advised the inquiry that there are 154 operators between the two OCC locations. Optimal staffing per shift would include up to 32 operators. However, the OCC operates at about a 60% staffing level. This is because at any given time a certain number of people are on leave. The people filling these important jobs are trained for 5 weeks in class to a national standard. They then must complete a practicum or field coaching placement where they work for 100 hours with an experienced coach. They are then evaluated for 100 hours taking their own calls side by side with a coach and after 200 hours they are evaluated less intensively and only after all that time are they deemed proficient to work independently. Mandatory training includes training on cultural perceptions, awareness and humanity. There is great demand for a multi-day course on Indigenous perceptions, but this course is only offered a few times per year, and it is very competitive to get seats since they are sought by all police services both RCMP and municipal in addition to OCC operators.

Mr. Spence explained that operators with the RCMP OCC are not given a firm set of questions they must ask in a rote fashion, but rather are trained to follow the flow of the individual they are speaking with to get pertinent information as quickly as possible. They do have access to translators for callers that do not have English as a first language, either on an ad hoc basis in a community or through a national provider. Of course, such translation takes time – up to 10 minutes to set up a relay through the national provider. Therefore, it seems that in a serious emergency, such as this one, it would be prudent for an operator trained in using plain language, and trained to extract information from a caller, not to resort to using a translation service unless it was very clear it was required.

Mr. Spence noted that calls such as the one that Mr. Cardinal made take a considerable toll on the operators who take them. The 911 system is heavily used, more heavily than the non-emergency numbers. As he pointed out, those operators do not get the rest of the story that others involved in the incident do. He said, “In dispatch you get the beginning and the middle, or the middle and the end, but you don’t know the whole story and with 400-1200 calls per shift, not knowing how they end [it can be very difficult even for mature and well-trained individuals].” Even though OCC members have extensive training and support, doing this type of work can be very hard on them. Indeed, the operator who took Mr. Cardinal’s call had to leave the organization for a different career because of the difficulty of dealing with the trauma inherent in calls of this nature. It is difficult to keep those positions filled, even with extensive and ongoing recruiting and continuous training of new recruits.

Since this incident happened, the OCC system has been changed and updated. It is now capable of pinpointing a caller's precise location if there are cell phone towers in the area. In 2016 when Mr. Janvier was killed, there was no way to get this information automatically and operators had to rely more on the knowledge of local citizens and first responders. Now, when calls are received the triangulation information from nearby cell towers populates directly into a map which is part of the computer aided dispatch system used by operators at the OCC. Mr. Spence did advise that in rural Alberta, in a place such as Highway 881, the triangulation information might not be as precise as in a more populated area with a greater number of cell phone towers. However, it was his opinion that if Mr. Cardinal's call had been received today, it would have been quite unlikely that Cst. Phillips and the fire department could have been misdirected as to the location of the collision. He said that even along Highway 881, the radius surrounding the location would have been narrowed to about 1 kilometer at the largest. I accept that this system, when it works properly, can be superior to a caller describing their location. People who travel the same route often may not know precisely where they are due to the concept of complacency (one often does not remember the details of one's routine drive home from work, for example). People who are on an unfamiliar route may not know where they are due to that very fact. Further, the system removes the human factors which naturally exist with both callers and operators, and which were likely present in this case.

There are small pockets of the province where triangulation capability is not available. Mr. Spence advised that those pockets are mostly in remote areas – such as those used by resource exploration or remote adventure guides. He said that those folks are mostly reliant on satellite phones but would be aware in advance they are “off the grid” available to OCC. The triangulation system is not perfect, as there are pockets along even major highways where a cell signal is not available. Ms. Nokohoo testified that there are even places in Janvier where a cell signal is not available. Mr. Spence advised that in addition to telecommunication companies building more cell towers, the province has permitted some service providers to build off existing infrastructure and that there is generally quite good coverage with the system.

Mr. Spence did advise that, while it did not play a role in this case, it would be helpful if there was a standard mapping system for all rural communities, particularly indigenous communities. Given their history, some of these communities have several maps that are used, each with their own unique numbering system. He felt that it would be helpful for OCC to have a standard mapping system across all of Alberta. The maps used by OCC are fed to it by the municipalities and are updated about one per year at this point. OCC does have the capability of adding landmarks or markers to the maps they use and has done so on occasion, but it has been uncommon for that to happen. Mr. Spence advised that the OCC will be moving to a system with further upgrades by 2027 and that system will accommodate live-time updated maps.

Condition of Highway 881

Ms. Paula Campbell, P.Eng., Operations Manager with Alberta Transportation and Economic Corridors, testified at the inquiry about the highway where Mr. Janvier was killed – Highway 881 in Northeastern Alberta. She provided a Corridor Management Study of the highway that was completed in 2017.

Ms. Campbell advised that highways in Alberta are classified by how much traffic travels on them per day. Highway 881 is classified as a Level 2 highway – the level below twinned highways in the province. Between 2000-5000 vehicles per day travel on a highway of that classification. The Corridor Management Study was completed for Highway 881 because of the number of larger vehicles which travel on it because of the oil and gas industry which operates in this area.

These highways have lanes which are 3.5 meters wide in each direction of travel, a narrow, paved shoulder and then a compacted area of ground beside the shoulder. These highways are not considered safe for pedestrians to use and are not designed for that purpose. As Ms. Campbell said, these highways are generally far from communities and to get to communities that are closer to them one would generally have to travel by vehicle. There are no residences or homes that are along the highway itself.

Highway 881 has kilometer markers installed. These are very familiar to anyone living in the Regional Municipality of Wood Buffalo. Interestingly, these markers are installed by industry, not by government. However, the accuracy of those markers is confirmed by government during inspection of the highways.

Distance signs along Highway 881 are installed according to standards used elsewhere in the province. They are usually seen leaving a community and after major junctions. Occasionally additional signs are installed if there is a particularly long distance in between communities or turnoffs.

As far as cellphone towers go, Ms. Campbell's department has no influence on where they are located, nor does it grant any permission for their installation. Companies installing these would have to meet setback requirements and any other requirements but those are not related to the construction or maintenance of the highway itself.

Ms. Campbell said that Highway 881 is as safe as other comparable roads. Indeed, compared to similar highways it is below provincial averages when it comes to collision history. As she pointed out, some of that may be due to lower traffic volumes due to recent economic and other factors and traffic is returning to higher levels. However, there is nothing inherent in the design of Highway 881 that makes it necessarily unsafe to use as constructed.

Ms. Campbell was asked about whether it would be feasible to provide lights on the highway. She said that given there is little to no pedestrian traffic that is not something that is financially feasible. Each light standard is in the tens of thousands of dollars to install. To install thousands and thousands of those and maintain them all would not be a prudent use of resources. She pointed out that lighting all provincial highways would also be a significant source of light pollution.

Ms. Campbell said that Highway 881 is on the schedule for improvements and that her department is in the design phase of adding passing and climbing lanes to address some issues with driver frustration resulting from the number of large and heavy vehicles which are slower than regular passenger traffic.

RCMP Driver Training

The inquiry heard evidence from two highly qualified RCMP driving instructors. Sgt. Vincent Hetu was an instructor with the Police Driving Unit at the RCMP Depot Division from 2014-2017, instructing over 1500 cadets during his time in that position. At the time of the inquiry Sgt. Hetu was the NCO in charge of Traffic Services for the RCMP Wood Buffalo Detachment. He was therefore very familiar with the training that was provided to Cst. Phillips and other trainee RCMP members and with the highway where Mr. Janvier was killed.

St. Hetu outlined the training provided to all RCMP cadets. The training program at Depot Division lasts 6 months. Of that time, over 60 hours are dedicated to driver training. A portion of this is in-class training, and some occurs in a simulator. Most training occurs on roadways in

and around Depot or on specialized driving tracks. In addition to formal training hours, cadets are expected to practice on their own time in the City of Regina, although cadets practicing with police vehicles on highways at night is not permitted.

During the remainder of their time at Depot outside of driver training, recruits are also expected to learn everything that would be required for them to be posted to a position in a detachment to undertake police work.

Further training of new RCMP members continues for another 6 months after they graduate from Depot in the form of “cadet field coaching.” During this time, new members would be with a trainer all the time for at least two months, following which they are assessed. After this point new members may work on their own but are more closely monitored for the next four months.

St. Hetu detailed the progression of RCMP driver training throughout a cadet’s time in Depot. All driver training is taught within the same concepts that apply to all duties that members are responsible for, and cadets are taught to act always with those duties in mind. Cadets are trained to assess situations to which they are responding and act accordingly. There are therefore no absolutes with respect to acceptable response speeds. Rather, cadets are expected to drive within their own comfort level and not beyond their capabilities. As Sgt. Hetu noted, while all RCMP members are required to successfully complete the same training, some may be more capable than others at the extremes of vehicle operations. And, as with any human endeavor, individuals’ assessments of their own capabilities may vary from day to day and over time and as age and experience increase. Further, some people naturally have greater innate skill, and some might have to work to achieve or improve their skill level.

Sgt. Hetu is also responsible for driver reassessments for experienced members of the RCMP. These assessments are not routine but are triggered if concerns are identified during a member’s service. There are only a relatively few of these conducted yearly province wide. These reassessments can take from half a day to two days to complete. During the reassessment, Sgt. Hetu reaffirms original teaching points and provides a report to Training Brand outlining any remedial action required.

Sgt. Hetu testified that certain scenarios were taught during the driver training portion of the course at Depot, but none of those scenarios exactly mirrored the one that unfolded on August 21, 2016. Indeed, it is clear it would be impossible to envision every scenario that might unfold. Rather, new members are provided tools to analyze a situation and respond appropriately. These tools include monologuing, and various task sequencing approaches. It was clear from Sgt. Hetu’s testimony that individual responses to any given situation might vary and even if different from each other, might not necessarily be inappropriate considering the circumstances.

Sgt. Hetu advised that driver training at Depot did include use of two scenarios where RCMP members had struck pedestrians on the side of a highway. Cadets were shown news clippings and outcomes were discussed. This part of the curriculum was designed to remind cadets of the reality of the inherent risks of the operation of police vehicles and to remind them they are required to take into consideration the safety of everyone in their vicinity.

The inquiry also had the benefit of hearing evidence from Cpl. Robert Hirschfield, then employed at RCMP Depot Division as the subject matter resource for the Police Driving Unit. Cpl. Hirschfield was able to outline the training now in place for cadets during their time at Depot Division. He advised that while the training is constantly under review, the program had not significantly changed in the years since Mr. Janvier’s death. The Police Driving Unit still consists of 67 hours of formal instruction including classroom, roadway, track and simulator training.

Cpl. Hirschfield outlined the current Police Driving Unit Curriculum. He advised the classroom

portion of the program continues to use real-life scenarios and teach lessons learned from them. This includes the use of videos taken from dashboard cameras or aerial footage. Hypothetical situations and homework are also used as training tools. He testified that “night driving” is not taught as a specific skill, but rather than cadets are taught that night conditions are a factor to be considered when determining how to respond to a given scenario. He said that as every situation and driver are unique, there is no specific speed that is or is not appropriate in any given circumstance. He said that cadets continue to be taught that the primary considerations are police and public safety. They continue to be given tools to use to plan their response with those primary considerations in mind.

Cpl. Hirschfield testified that curriculum used in the Police Driving Unit has been developed over time and that changes to it are continuous and ongoing. Best practices and internal policies change over time and those changes are accommodated. Traffic laws change and the curriculum must change with them. He testified that there is not a national multi-force-wide training standard in existence in Canada. The current curriculum used at Depot Division is Version 9 of the modern Police Driving Unit curriculum.

Cpl. Hirschfield advised that he was unsure if there was a national formal process for evaluating fatalities or serious collisions involving police driving as potential scenarios for inclusion in the PDU curriculum. He was aware that there are many people assessing the recommendations of the Mass Casualty Commission Report and that there was possibility that assessment might result in changes to the curriculum. In response to a question that I asked, he advised that in portions of the curriculum where real-life scenarios are used, names of deceased persons are not used unless that person was an RCMP member. He clarified that by saying that in at least one case the citizen who died was a young person and of course special privacy considerations apply there. In the newest lectures, names and photographs of RCMP members who have been killed in collisions are used to emphasize the seriousness of what police officers are engaged in and the need to constantly evaluate the risk to the public and themselves.

Community/Police Relationships in Janvier, AB

The Court heard from Ms. Ida K. Stepanowich, a member of the Chipewyan Prairie First Nation and an elder who gave expert evidence to the inquiry on the culture and people living in the Janvier area. She was born and raised in Fort Chipewyan but lives now in the community of Janvier. Ms. Stepanowich was previously a regular member of the RCMP. She was stationed in Fort McMurray and Boyle and also worked in an undercover capacity. While she was stationed in Fort McMurray, members flew in to Janvier which is how she met her husband, whose family is from that community. Following her retirement from the force Ms. Stepanowich accepted a position with the local school as a liaison, doing home visits and outreach work with families to support children attending the school. In one of the few light-hearted moments of the inquiry Ms. Stepanowich pointed out that she was testifying with a broken finger from skipping with the schoolchildren. Ms. Stepanowich’s life experience gave her a unique ability to provide information to the court in her area of expertise.

Ms. Stepanowich explained that there are other first nations along highway 881, and members of those communities speak Cree or Dene. She said that the older generation understands both languages. She gave examples of members of the community whose first language was either Dene or Cree, and she was able to tell the inquiry that those people understood the other language. She indicated that even aside from the language issue, it can be challenging for community members to provide directions to the RCMP or anyone from outside the community. She explained that community members use landmarks rather than kilometer markers or street addresses to explain where something is located and gave the inquiry many examples of those landmarks or locations.

Ms. Stepanowich explained that if someone is not from the community or part of its traditions, they would not know what geographic place those landmarks referred to. Because of her ancestry and community connections, when she was employed as an RCMP officer Ms. Stepanowich was more easily able to work with that information. This was not, and is not a skill available to all officers, even though they might become familiar with some places during the relatively short time they would be stationed to serve the community.

Ms. Stepanowich said that there are not many services located in Janvier for community members. Therefore, everyone who lives there comes to Fort McMurray or goes to Lac La Biche for groceries, court, specialists, the hospital, or other appointments. Older students must leave Janvier and travel the highway for school. This results in community members travelling on Highway 881 every day back and forth, which takes at least 1 hour and 15 minutes each way to Fort McMurray. In her experience the highway now has an increased amount of traffic and encountering semi-truck drivers or other large equipment can be intimidating given their size and the lack of courtesy used by some of their drivers. She said many people in the community, including herself, have had close calls on that road.

With respect to using the road, Ms. Stepanowich said that in her experience, older members of the community would still use either landmarks or possibly miles as opposed to kilometers to describe where something might be occurring on the highway. She pointed out this would be problematic for someone like a 911 operator who did not know the area. In her opinion it is also very important that the RCMP become aware of the community's local landmarks. On this point, Ms. Nokohoo later testified that there were places in Janvier itself where it is still not possible to get a cell-phone signal.

Ms. Stepanowich testified that in her opinion the RCMP currently has no real meaningful personal connection with the community of Janvier and its members. She herself had experience in forging those community connections when she was stationed in Boyle. She described how she had to drive the back roads and learn who lived where and connect with those people. In Ms. Stepanowich's opinion the connection between RCMP members and the community has been gone for 10 years or more at this point. Her assessment is that from the community's perspective it is almost like the members are afraid to make those connections. She suggested that it would be easy to come and learn about her people – having a cup of tea or a coffee, tanning hides or fishing or playing baseball with the kids. However, in her experience those types of things are simply not happening.

Ms. Stepanowich pointed out that it is quite unlikely anyone answering a phone at a call centre in a big city would know anything about the tiny community of Janvier. She felt that there could be more training to recognize when someone requires translation. In this case, Ms. Stepanowich was of the view that in the aftermath of Mr. Janvier's death, Mr. Cardinal's comfort level with his own language relative to English was not recognized. She had some very insightful comments to make about his participation in the trial process. Her comments and insights were informed by many years in the criminal justice system. While not strictly speaking related to preventing similar deaths, it was clear to me from listening to her, that the trial process itself took a toll not only on Mr. Cardinal but on how other members of the community viewed their own place in the system. Some community members were of the view that Mr. Cardinal was thought not to be a reliable person because he didn't speak English very well. As I have said previously, it was clear to me that this was not actually the case and hopefully my findings and a close review of Justice McCarthy's decision will help to change that perception. Mr. Stepanowich said that in her opinion it is very important that prosecutors consider whether a witness, particularly an elder, requires an interpreter to assist them in testifying. Had that happened it might have left Mr. Cardinal and the community with a different view of the trial.

I found Ms. Stepanowich to be a highly intelligent and insightful person. She had much to say which I think would benefit society if she were listened to. Her gracious nature, good humour, beautiful spirit and wisdom were of great benefit to me. I am grateful to have participated in this inquiry over which she was prepared to say a blessing.

Personal and Community Consequences of Mr. Janvier's Death

The final witness to testify at the Inquiry was Ms. Marina Nokohoo. Ms. Nokohoo is one of Tracy Janvier's older sisters. She was an articulate and thoughtful witness. She is an accomplished person – raising children of her own and now qualified to teach her indigenous language.

Ms. Nokohoo told the inquiry that her brother, Tracy Lyle Janvier, was the seventh oldest in a family of 10 children born to loving parents in Janvier AB. He was particularly close to his sister, Marina. As is common in families with many children, the older children often help look after the younger. Marina looked after Tracey and her siblings' physical health – making sure they were clean, had eaten and were properly clothed.

Ms. Nokohoo recalled very well the day that Tracy was born. She remembered that touchingly, as young children, she and her siblings thought that babies were brought to the family home on horseback. On the day of Tracy's birth, she was sent running to a neighbour's to get help for her grandmother and her mother gave birth to Tracy in their home. She described his arrival as "beautiful."

Inquiry counsel asked Ms. Nokohoo to describe Tracy's role in the family. In the beginning of her answer to this question she testified that she had always been taught by her parents to refer to her siblings not by their name but rather as "my brother" or "my sister." I found this to be a very powerful example of how important relationships were in the Janvier family – family members thought of each other not just as individuals but also as an extension of the relationship between them.

Even though their parents had struggles, Ms. Nokohoo described a childhood filled with love and food rather than with material things. She could not ever remember being "disciplined" by spanking or punishment but said that instead their parents taught them lessons. She related one story where one of her brothers took a new trike the children were supposed to be careful with and instead played with it wildly by doing "wheelies" on the two back wheels. The next morning the children discovered the front wheel was missing. When they told her father, he calmly replied he had heard that his son used only two wheels, so he removed the front wheel as clearly it was not needed. She felt this was a better way to learn a lesson than by use of punishment. Later in her evidence she described her parents "the best parents ever."

Tracy was born at a time when his parents and others in the community were still struggling with alcohol misuse, one of the lasting effects of colonization that continue to resonate through Indigenous communities today. However, Tracy was too young to have been much touched by their struggles with alcohol. Through exercise of great character and determination, his parents left those struggles behind and went on to live healthy lives free of addictions. Ms. Nokohoo advised that Tracy was nurtured in the family. She said he grew up to be very, very smart. He finished his education and spent time in Winnipeg and did many different things, eventually returning to his home community.

Tracy remained close to his parents and as he grew up his role became one of caregiver to them in their senior years. He took care of them, took them to their appointments, drove them, did their washing and cooked for them. Ms. Nokohoo said he was a wonderful caregiver, and

that she only wished he accepted the fact that they loved him for who he was and didn't care about his personal life.

Tracy was a gay indigenous man and struggled with what it meant to have that identity in today's world. His sister believes he thought of his sexuality as some form of shortcoming. I find that this is not at all how his family viewed him, but many times people are harder on themselves than anyone else can be. Tracy turned to prescription medication to deal with his inner struggles, but remained a loving and caring son, brother and uncle in his family. He saw Ms. Nokohoo's children every day and was very involved in their lives. Even with his internal struggles, he was a fun-loving person who loved his family and loved life.

On the day he was killed, Ms. Nokohoo said that Mr. Janvier was having a really good day. She said she had been looking for him and was hoping he would do her hair as he was great at hair and nails. Eventually they connected and the two of them and their mother attended the wedding. As we know, the wedding reception was to be held in Fort McMurray. Ms. Nokohoo had plans to travel to the reception with another family, but Mr. Janvier encouraged her to take the chance to ride there on a motorcycle with a different guest. She told him he was crazy and that she couldn't go wearing her dress, but he told her "Sister, you only live once, you have to do it!" He volunteered to drive her truck to the reception for her so she could have this experience. For Ms. Nokohoo this sweet memory is tinged with the regret she feels for not knowing, somehow, in advance, what dangers were ahead for her brother. However, there is no way she could possibly have known. I hope that eventually she will find some comfort in remembering what a loving sister she was and how much joy and laughter filled the last afternoon she spent with her brother.

As has already been stated, Mr. Janvier consumed some alcohol at the reception. He did not normally drink, and it affected him. He left early with another family. Eventually he ended up walking on the highway. By this time, Ms. Nokohoo was on her way home and intended to pick her brother up on the way. She knew he was walking on the highway because he had phoned their mother looking for a lift. She had told her mother and her sister to tell him that she was on her way.

When Ms. Nokohoo received various calls telling her there were reports her brother had been killed, she could not believe it was true. Even when she arrived at the scene and had been told that people who knew him had identified him, she could still not accept it. Her father warned her not to view her brother's body. In spite of the fact that she never disobeyed her father, she did so on this occasion. Her brother's body was covered but she was able to see his face. She said in her evidence "I should have known that my Dad knew better." This experience was extremely traumatic. For several years she could not face the memories of what she went through that evening. Even while attending the entire criminal trial and listening to the evidence, her own memories were absent. A few years after, she was driving in the same area, and everything came flooding back to her. It was clear to me that she has now has a clear memory of every moment of that night. I must say that I think Ms. Nokohoo is to be admired for her strength of character. Her insistence on seeing her brother that evening is a mark of that strength and of the depth of love that she had for him. As tragic as his death was, in a way he not only had her with him when he began his life, but she was also with him at its end. She should be proud of the sister that she is.

After Mr. Janvier died his family honoured his identity by filling the room where the wake was held with the rainbow, including a Pride flag and a rainbow cross. Before the wake, one of his little nephews insisted that "Uncle says something is wrong." A google search revealed the family had hung the Pride flag upside down and painted the colours on the cross in reverse order. They had to scramble to make sure all the colours were reversed. These poignant family memories demonstrate how seriously the family took the responsibility of honouring him. Ms.

Nokohoo said that, following their traditions, the family continues to listen to those who have passed on and not a day goes by that he is not mentioned, and missed.

I am of the view that everyone who heard Ms. Nokohoo's testimony had a better idea of the kind of person Mr. Janvier truly was. His loss was heartbreaking and devastating. It is clear he had the capacity to continue to contribute much to his family and the wider community and his loss is one the entire community has suffered. I am struck, once again, that what Ms. Nokohoo and her family truly deserve is the one thing that no court process can give them. What they really deserve is for this all never to have happened and to have Mr. Janvier still with them today.

Ms. Nokohoo is, of course, aware of this sad reality. She and her family truly wish that lessons can be learned from her brother's death. She hopes that if the teachings from those lessons are followed it will mean that no other family will have to go through what her family has. Mr. Janvier's life had great meaning, and his family fervently hopes that "he cannot have died for nothing."

Conclusions:

I conclude that Tracy Lyle Janvier's tragic death occurred in a set of circumstances that were truly horrific. He was originally struck on Highway 881 by a vehicle driven by an extended family member who had absolutely no opportunity to avoid hitting him. It is impossible to say how and why Mr. Janvier came to be at that place on the highway at that time. He had consumed alcohol, which he was not accustomed to doing and that may have impaired his decision-making capability. Mr. Janvier suffered further injuries when the first impact flung him into the opposite lane of travel. As there was then no technology available to pinpoint the location of the collision, a conversation between a 911 operator and the citizen making the call for help resulted in an incorrect location being provided to first responders, including a police officer. The combination of incorrect information and what turned out to be incorrect assumptions made led to the responding officer failing to realize she was at the scene where Mr. Janvier had been hit and her police vehicle ran over his body at extremely high speed. Mr. Janvier survived the first collision, initially at least, and all emergency responders hoped they might have a chance to save him. It was not ultimately determined that Mr. Janvier was still alive at the time of the collision with the police vehicle, but even if he was not, the horror of that second collision for his family and the witnesses was not diminished. The collision with the police vehicle was witnessed by several citizens. Mr. Janvier's sister, who had been expecting to pick him up and drive him home without incident, arrived at the scene shortly after his death. Instead of being able to drive him home, she instead identified his body on the highway where he died.

As it was never determined exactly when Mr. Janvier expired, it is difficult to determine how, if at all, his death could have been avoided, except by mere operation of chance which might have kept him off the highway at the precise moment in time that he was struck by the first vehicle. However, this aspect of his death is the one that has been the most difficult for his family to come to terms with – the fact that he was subsequently run over by a police vehicle, and that this occurred because of human error in communication, understanding and assumptions made.

Recommendations for the prevention of similar deaths:

The Fatality Review Board recommended that the inquiry be held to “clarify circumstances” and “restore public confidence in the RCMP.” Section 53 of the Fatality Inquiries Act of Alberta provides that I must report to the Minister on certain issues and may also make recommendations to prevent similar deaths.

As is clear, there are circumstances surrounding Mr. Janvier’s death that can never be known with one hundred percent certainty. However, it was useful and important for there to be a public record of all the evidence that is available, and this inquiry was successful in that exercise.

As to the second task, it is somewhat outside the jurisdiction of the inquiry. However, the inquiry heard evidence on the relationship between the community and the RCMP and it may be helpful to make some comment on that evidence. It is obvious RCMP members take their duties to the communities they serve very seriously. However, there are unique challenges involved in policing isolated indigenous communities such as Janvier. Those challenges are great when officers who patrol there are not members of the community and in the case of Janvier, do not live there. I am of the view that a review of the evidence heard at the inquiry regarding the relationship between people in the community of Janvier and the RCMP would be helpful to both the community and the RCMP members who are trying to serve them. That relationship can be improved and strengthened. In particular, I suggest that the RCMP review the evidence of Ms. Stepanowich, and also consider following Ms. Nokohoo’s suggestion of working with community leadership to develop a short practicum, free of formal police work, that would support police officers in developing personal relationships with community members.

As to the jurisdiction granted to me by law, it is not known for certain that the collision with the police vehicle ultimately caused Mr. Janvier’s death. However, it is possible that it did. Even if not, the collision occurred in immediate proximity to his death and complicated the aftermath considerably. I am satisfied that recommendations to prevent similar collisions are encompassed in my mandate.

I therefore make the following recommendations to hopefully prevent similar deaths:

1. I recommend that a formal process be developed for evaluating all deaths resulting from collisions with RCMP vehicles to determine whether any change or addition should be made to the existing curriculum for the Police Driving Unit portion of training at Depot Division. I also recommend that the circumstances that led to Mr. Janvier’s death be the first such death to be so examined.
2. I recommend that if a collision where a citizen has suffered a fatality is used in the curriculum at Depot Division, permission be sought from the next-of-kin of that person to use their name and photograph in training materials. This permission could be revocable. This information is already used when RCMP members are victims in collisions, and I see no reason why extending this practice to include private citizens would not further humanize the risks involved in operation of police vehicles.

3. I recommend that the RCMP consider whether it is necessary for public safety to implement a periodic review of or requalification in police driving skills for members whose duties involve operating police vehicles responding to emergencies. The need for such revisiting and the timing thereof would, however, likely require further study. This would likely include comparison of the PDU portion of Depot Division’s curriculum, and the current policy of only revisiting these skills when a problem is identified, with other specialized curricula and policies for emergency responders such as fire departments.
4. OCC members are, for good reasons, not required to follow a formal script during their interactions with callers reporting emergencies. However, I recommend that consideration be given to training OCC members to direct citizens to position their vehicle across the driving lane with their hazard lights on, if possible, when a collision such as the one where Mr. Janvier was killed is reported to OCC. If followed, such a direction would result in a physical barrier being placed on the roadway and provide a signal to other vehicles of the location of a collision.
5. While certainly many RCMP officers have post-secondary education and life experience, a period of 6 months at Depot Division and 2-6 months of supervision in the field may be insufficient for even a mature individual to learn everything necessary to function fully independently after that time, as is currently the case. This is particularly challenging given the complex nature of laws and communities today. I therefore recommend that the RCMP continue to review the report of the Mass Casualty Commission with a view to implementing the changes to recruit training recommended therein.
6. I recommend if there are areas of public highways where gaps in cell tower coverage are identified and known, the Province of Alberta work with appropriate local authorities and the telecommunication industry to ensure any such gaps are closed. This will ensure that the Operational Communications Centre is able to receive proper location information for every 911 call received from a public roadway.

I thank both counsel for their assistance during the preparation for and conduct of this inquiry.

I wish to say again how privileged and humbled I felt to preside at this Fatality Inquiry. I know that Mr. Janvier’s death affected many people at a deep level. His death is a loss for the community at large. On behalf of the community, I want to again thank Ms. Nokohoo for her attendance at the inquiry and express our deepest sympathy to her and her family for their loss. I hope that they will eventually find the peace they deserve and that over time, their memories of her brother’s death will be outweighed by the blessing of their memories of their lives with him.

DATED August 9, 2023,

at Fort McMurray, Alberta.

“S.A. Cleary”

Stephanie A. Cleary
A Justice of the Alberta Court of Justice