



CANADA
Province of Alberta

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

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the Law Courts, 1A Sir Winston Churchill Square
in the City of Edmonton
(City, Town or Village) (Name of City, Town, Village)
on the 17th day day of May, 2004, (and by adjournment
year
on the 23rd day day of September, 2004.)
year
before The Honourable Judge Darlene R. Wong, a Provincial Court Judge.
A jury was was not summoned and an inquiry was held into the death
of Joseph Dwayne Garon 25 years
(Name in Full) (Age)
of 21611 Meridian Street, Edmonton, Alberta and the following findings were made:
(Residence)

Date and Time of Death: January 16, 2001 at 09:22 hours

Place: 21611 Meridian Street, Edmonton, 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)).

Stab wounds of chest and neck.

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

Homicidal

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Circumstances under which Death occurred:

Mr. Garon was an inmate of the Edmonton Institution, a maximum security institution. He was serving a 2 1/2 year sentence of assault (2 convictions) assault a peace officer, and property offences. Jason Richard Kerr was also an inmate of the Edmonton Institution. Mr. Garon and Mr. Kerr had a disagreement the evening of January 15, 2001. Mr. Garon wanted coffee and Mr. Kerr said he did not have any. Mr. Garon yelled to Mr. Kerr that if he did not receive coffee, the guards would find Mr. Kerr with his head smashed in. Another inmate later told Mr. Kerr that if he did not give Mr. Garon coffee, he, Kerr, should not be around.

On the morning of January 16, 2001, Mr. Kerr set up the dining room for breakfast. Mr. Kerr took two 'shanks' which he had hidden underneath the sink. The 'shanks' (homemade weapons) were sharp. Mr. Kerr put the 'shanks' down his pants. The door to the dining room was propped open with a garbage can. Somebody closed the door. Mr. Garon came at Mr. Kerr with a 'shank'. Mr. Kerr pulled out his 'shank'. Mr. Garon tried to stab Mr. Kerr. He missed. Mr. Kerr stabbed Mr. Garon in the arm. Mr. Kerr said that Mr. Garon jumped back and paused for a second and then came back at Mr. Kerr and hit Mr. Kerr with his fist. Mr. Garon stabbed Mr. Kerr in the shoulder. Mr. Kerr stabbed Mr. Garon.

Mr. Garon was a member of the Indian Posse, a gang which exerted control over other inmates, and the institution at large, through intimidation and assault.

Mr. Kerr was charged with and acquitted of second degree murder on the basis of self-defence. Mr. Kerr was convicted of possession of weapon for a purpose dangerous to the public peace.

No. of additional pages attached: Nil

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Recommendations for the prevention of similar deaths:

A Board of Investigation was convened pursuant to an internal investigation procedure employed by the Correctional Service of Canada. The Board reported its findings September 28, 2000. As a result of the investigation, the Board made the following recommendations:

1. Offices adjacent to the unit dining areas be reconstructed to allow for large transparent windows to be built into the office walls so an officer can be visible to the inmates while monitoring the meal times.
2. The Warden and his Management Team in concert with the Inmate Committee develop a long-term strategy towards increasing more open movement and out-of-cell/off range programming and activities.
3. The Search Plan for Edmonton Institution be thoroughly developed and communicated to Correctional staff for implementation, and monitored at set intervals.
4. A formalized protocol in managing serious incidents without the formal opening of a Command Centre be developed to give clear direction and delineate specific responsibilities to supervisors responsible for managing the critical activities such as On-Scene Controller, Duty CS, CISM Coordinator, crime scene management with police and the like.

Recommendations 1, 2 and 3 have been implemented according to the Board of Investigation. The Board of Investigation reports that:

Immediately following the incident, the paint was removed from the windows in the offices located adjacent to the dining areas. Officers were directed to monitor all inmate meals by positioning themselves in these offices. The office windows are clear glass, and the Officers are visible to the inmates from the dining room.

In order to decrease the amount of time inmates are housed in their cells, several initiatives have been adopted. Since the incident, Edmonton Institution has increased the number of Program Delivery Officers in order to offer more frequent and diverse programs. In August 2000, a new compliment of Aboriginal Programs staff were hired to increase the opportunity for inmates to participate in Aboriginal based programs. The number of inmates enrolled in cell studies has decreased, and the number of those enrolled in classroom based education has increased. At present, the number of inmate employment positions is greater than the total number of population inmates; therefore the number of unemployed inmates has significantly decreased. In addition to the increased programming and employment opportunities, the institutional routine has been revised, allowing for all the general population units to exercise together. This has resulted in overall increased recreation time. Despite these initiatives, the population remains generally unmotivated and incidents continue to occur as a result of security risk these maximum-security inmates pose.

The Search Plan for the Edmonton Institution was revised on January 24, 2000. An electronic version of this plan is on a common drive accessible to all staff. In addition, the completion and findings of all cell searches are reported daily at the Warden's morning briefing. This has been occurring since February 17, 2000.

I have no further recommendations to offer.

No. of additional pages attached: Nil

DATED November 26, 2004,

at Edmonton, Alberta.



 The Honourable Judge Darlene R. Wong
 A Judge of the Provincial Court of Alberta