

# REPORT TO THE ATTORNEY GENERAL

## PUBLIC INQUIRY

### THE FATALITY INQUIRIES ACT

**CANADA**  
Province of Alberta

Pursuant to Section 36 of the Fatality Inquiries Act of Alberta a public inquiry into the death  
of

of Calgary,

Alberta was held on Friday, the 18<sup>th</sup> day of AUGUST, 2000 at the Provincial Court Building,  
323 - 6<sup>th</sup> Avenue S. E., in the City of Calgary in the Province of Alberta, before the  
Honourable Judge William N. Gilbert, a Provincial Court Judge, without a jury.

The following findings of fact were made:

1. **TIME AND DATE OF DEATH:** July 14, 1998 somewhere between the hours of midnight of the 13<sup>th</sup> of July, 1998 and 01:00 a.m. on the 14<sup>th</sup> of July, 1998.
2. **PLACE OF DEATH:** Footpath near 14<sup>th</sup> Street and Bow Trail S. W., Calgary, Alberta.
3. **MEDICAL CAUSE OF DEATH:** Stab wound to the heart.
4. **MANNER OF DEATH:** Homicide
5. **CIRCUMSTANCES UNDER WHICH DEATH OCCURRED:**

The deceased accompanied by \_\_\_\_\_ and Clinton MacDonald left a party at an apartment at

at approximately 15 minutes after midnight on July 13, 1998. Messrs

\_\_\_\_\_ and Macdonald prior to leaving the party had planned to beat up the deceased as he was suspected of having stolen a backpack and owed money. In a tunnel under the overpass on Bow Trail the deceased was beaten up and stabbed twice with a knife. The deceased managed to walk about a block to the footpath where he was later found dead by a passerby. Later the knife was found in the Bow River. The three individuals were charged with Second Degree Murder and on March 19, 1999 MacDonald was convicted of Manslaughter; on November 30, 1999 \_\_\_\_\_ was convicted of Aggravated Assault and on March 15, 2000 \_\_\_\_\_ was convicted of Manslaughter. The stab wound that caused death entered the front of the chest, cut the left sixth rib cartilage and perforated the left side of the heart. Both alcohol at a concentration of 80 milligrams in 100 millilitres of blood and traces of marihuana were detected in the body of the deceased following the autopsy. Neither substance directly contributed to the death of the deceased.

\_\_\_\_\_ parents, \_\_\_\_\_ of Moose Jaw, Saskatchewan and \_\_\_\_\_ of Parkview, British Columbia were contacted and they came to Calgary to claim his body and it was then learned that the deceased's legal last name was \_\_\_\_\_. The deceased had lived with his mother until he was thirteen, at which time he moved to Calgary to live with his father and stepmother. Seven months later he was kicked out of that home and following a stay at \_\_\_\_\_ where his stepmother worked, he was placed in foster care in Saskatchewan. In October of 1995 he returned to Calgary to live with \_\_\_\_\_ who was awarded guardianship. That ended when \_\_\_\_\_ was diagnosed with schizophrenia. From there he went to his maternal grandmother, then to Social Services and a group home and semi-independent

living placement, then back to his grandmother's, then to his mother's home where she apparently kicked him out and finally back to Calgary.

This young man's history shows that he had a number of placements including both natural parents, foster homes, group homes, semi-independent living arrangements, extended family members and teen shelters. During his involvement with Child Welfare in Calgary he had been variously placed with

The latter move came after he signed a custody agreement with Child Welfare Services which was to be from July 6, 1998 until he reached 18 years on October 7, 1998, some three months hence.

has been variously described as an intelligent and well meaning individual who on voluntarily returning to Child Welfare in Calgary in July of 1998 indicated he wanted to get off the street in a secure placement and learn to make more positive choices, learn to deal with his anger and depression, obtain some supports in his life and hopefully return in September to complete his schooling. As he was in need of protective services, he was placed into the - this placement is particularly suited for hard to serve youths. He wanted off the streets but would not accept group care, and foster care is extremely difficult to find for a person with his history and age. He also refused any kind of formal intervention such as counselling and felt all he really needed was a place to stay. The deceased had been living at the for six days prior to his death. All indications were that did not appear to be in danger or at risk. He phoned to on the evening of the 13<sup>th</sup> of July, 1998 to advise he was staying overnight at a friend's house. There was some confusion as to whether he had been given authority to stay overnight and whether or not permission had been given by a social worker. In any event this

issue in no way contributed to the death of

As \_\_\_\_\_ was a youth and under the care of Child Welfare Services pursuant to the written custody agreement with Alberta Family & Social Services, a departmental review was conducted by Susan Royan, social worker and Pat Gilbert, casework supervisor, with the adolescent unit of Child Welfare Services. Ms. Pat Gilbert testified before this tribunal and gave a complete history of \_\_\_\_\_ involvement with Child Welfare Services as well as what history the department had on file from \_\_\_\_\_ his parents, and the information they had received from Social Services in Moose Jaw, Saskatchewan. In addition a Special Case Review Investigation was held for the purpose of examining the departmental involvement of Calgary Rocky View Children Services in order to assess the practice and accountability related to the services and supports provided to \_\_\_\_\_ Mr. George Kallay one of the three review team members, testified at this inquiry. The review conducted was quite lengthy and extensive within its particular mandate. A copy of the report was entered as an exhibit to this inquiry. I am satisfied after listening to Mr. Kallay's testimony and reviewing the report of his review team, that there were no commissions or omissions by or on behalf of any Child Welfare workers or affiliated agencies that contributed to the death of \_\_\_\_\_.

The following Exhibits were received, entered and reviewed:

- EXHIBIT:**
1. Police Report - Calgary Police Services, Homicide Unit.
  2. Alberta Family & Social Services Custody Agreement.
  3. Alberta Family & Social Services delegation of powers to caregivers.
  4. Alberta Family & Social Services information consolidation.
  5. Certificate of Medical Examiner, Autopsy Report & Forensic Laboratory Report.

6. Conviction Records of the three Accused.
7. Sketch of the scene.
8. Special Case Review Investigation Report.

**RECOMMENDATIONS:**

Having carefully considered all of the testimony presented and exhibits entered at this Fatality Inquiry, I do not find that I have any recommendation to make which may assist in the prevention of similar deaths.

DATED at the City of Calgary in the Province of Alberta, this 12th day of September, A.D., 2000.

A handwritten signature in black ink, appearing to read 'W. N. Gilbert', written over a horizontal line.

William N. Gilbert, Provincial Judge.