

“Systemic racism is the racism that's left over after you get rid of the racists” – Murray Sinclair

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Sharing for today...

- A little bit about the Indigenous Justice Division
- A little bit of statistics and data to show the magnitude of the problem
- Coroner's Inquests
- Proposed change in approach and revised Legislation
- Share a poem

Ontario coroner sets date for inquest into deaths of 7 First Nation youth in Thunder Bay

National News | September 16, 2015 by APTN National News | 0 Comments

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APTN National News

TORONTO — An inquest into the deaths of seven First Nation youth attending school in Thunder Bay will begin Oct. 5.

Ontario's coroner set the long awaited date Wednesday.

Dr. Dirk Huyer said in a release that the inquest will run from October to March 2016, and hear from approximately 200 witnesses.

Huyer said Dr. David Eden will preside over the inquest at a location that has yet to be named.

Jethro Anderson, 15, Curran Strang, 18, Paul Panacheese, 21, Robyn Harper, 19, Kyle Morrisseau, 17, Jordan Wabasse, 15, and Reggie Bushie, 15 were all from remote First Nation communities and were attending school in Thunder Bay when they died.



ONTARIO

Men burned alive in cells, witness tells inquiry

It is an image that will torture Silus Reuben for the rest of his life: 22-year-old Ricardo Wesley clinging to the bars of his jail cell, burning alive with no hope of escape.

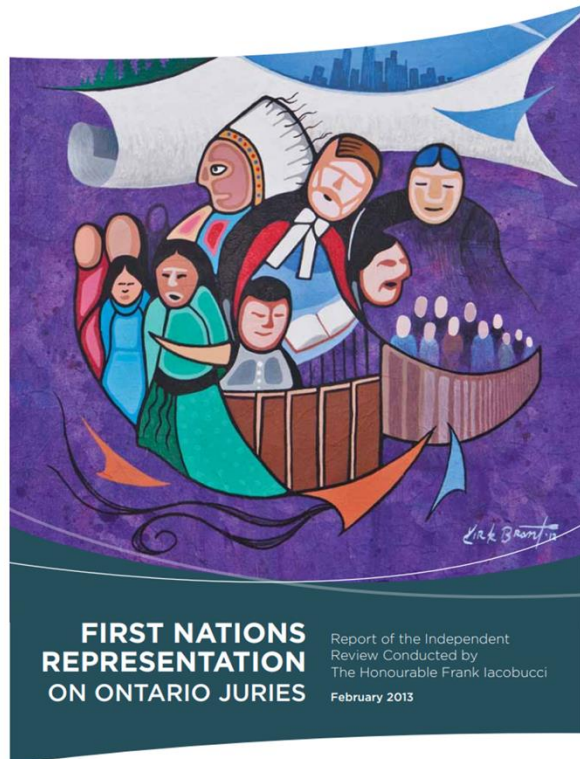
Hearing In The Deaths Of Ricardo Wesley And Jamie Goodwin Announced

by NationTalk on [March 31, 2007](#)

TORONTO, March 30 – Dr. Bonita Porter, Deputy Chief Coroner of Inquests, today announced further details regarding the inquest into the deaths of Ricardo Wesley and Jamie Goodwin.

Mr. Wesley and Mr. Goodwin, both 20, died following a fire at the police holding facility in Kashechewan First Nation on January 8, 2006. The inquest will examine the circumstances surrounding the deaths including the cause of the fire, fire suppression efforts and the training of First Nations police officers.

Lack of First Nations Representation on Ontario Juries Symptomatic of Larger Problems: Iacobucci Report



In August 2011, former Supreme Court Justice Frank Iacobucci was appointed to review the legislation and processes for including First Nations persons living on reserves on the jury roll. In February 2013, the Honourable Frank Iacobucci released his report, First Nations Representation on Ontario Juries.



IJD Delivers

IJD staff have a deep understanding of Indigenous Law, cultures and protocols on all justice issues that affect Indigenous people and communities and support IJD's mandate by:

EDUCATING

Educating justice sector professionals on the history and realities of Indigenous Peoples to increase cultural competency and improve access to justice for Indigenous people

SECTION 35 RIGHTS

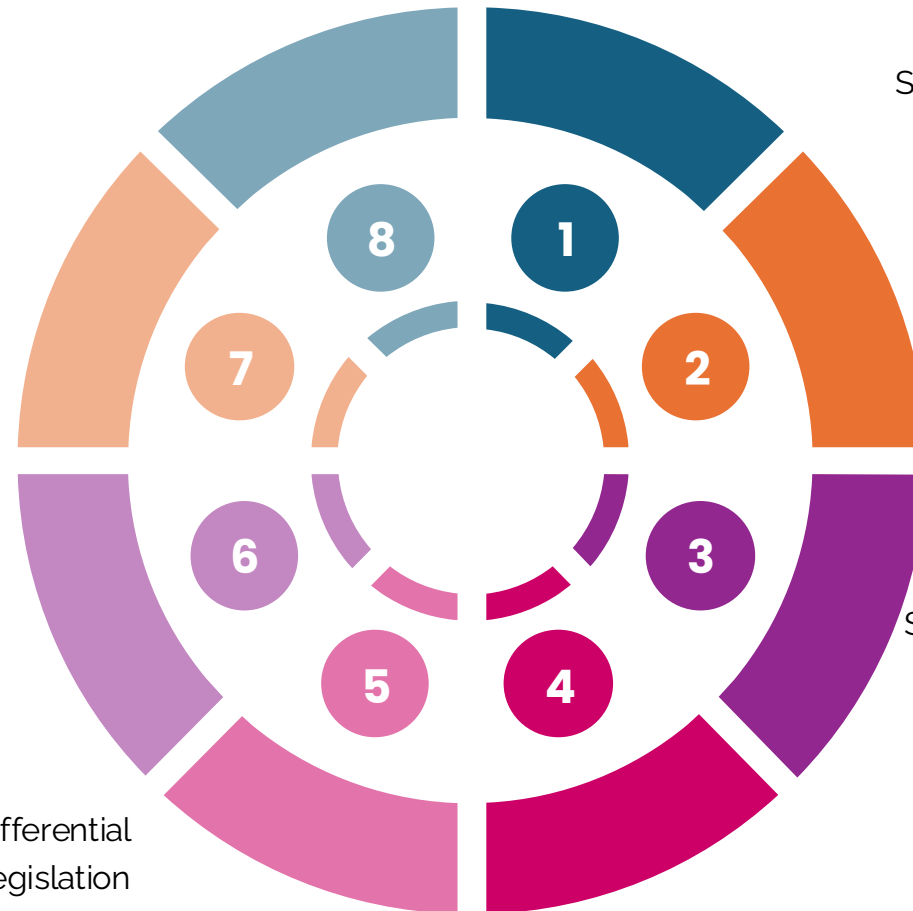
Providing expert legal review of all Constitutional Law Branch and Civil Law Division legal opinions relating to Aboriginal and Treaty Rights under section 35

CIVIL LITIGATION

Providing strategic advice on civil litigation strategies in cases involving Indigenous litigants

POLICY AND LEGAL ADVICE

Providing nuanced policy and legal advice on the differential impact on Indigenous people of justice policy and legislation



JUSTICE PROGRAMS

Supports Indigenous communities and organizations to develop and deliver justice programming. Operates the Family Information Liaison Unit in Ontario.

COMMUNITY ENGAGEMENT

Advising other divisions within the Ministry of the Attorney General and the Coroner's Office on how to respectfully engage with Indigenous communities

REDUCING REOFFENDING

Supporting culturally appropriate justice services for Indigenous people that address the root causes of crime with the aim of reducing the rates of reoffending

OTHER

Ensuring the consideration of Indigenous justice opportunities and impacts in strategic and operational requests and decisions

Indigenous Justice Programs

Indigenous Bail and Remand	<p>Aims to lower the use of pre-trial custody for Indigenous accused persons and reduce breaches of bail conditions and address unique barriers currently experienced by Indigenous people at bail court, in particular in the north, such as geographical barriers, systemic discrimination, and transportation issues.</p>
Indigenous Restorative Justice	<p>IJD funds 58 Restorative Justice programs throughout the province that increase access to pre-charge and post-charge diversion programs. These programs are informed by Indigenous Worldviews, Indigenous Laws, and Indigenous dispute resolution processes and are focused on healing and restoration. They aim to strengthen resiliency and cultural identity and reduce the likelihood of future involvement with the justice system. IJD is also working specifically with First Nations leadership and organizations to pilot Restorative Justice options for enforcing Band Bylaws.</p>
Revitalization of Indigenous Legal Systems	<p>IJD supports efforts to identify, revitalize, and reclaim Indigenous Laws, and consider how to incorporate Indigenous Legal Principles into the justice system. Beginning in 2016, IJD provided funding to support 24 Projects focusing on Revitalizing Indigenous Legal Principles and Systems. Some of these projects have resulted in front-line service development.</p>
Indigenous Victim Services	<p>Indigenous-Specific Victim Services programs are designed and delivered by Indigenous communities and organizations in a culturally-appropriate and trauma-informed way. Indigenous-Specific Victim Services take a holistic approach to healing and support members of the whole family. These programs are designed to meet the unique needs of Indigenous victims.</p>
Gladue Writers and Aftercare Workers	<p>IJD (along with the federal Department of Justice and Legal Aid Ontario) funds Gladue Report Writers who serve 19 Ontario Court of Justice locations, including all Gladue Courts and some Superior Courts. Gladue Aftercare Workers assist Indigenous people to carry out recommendations within the Gladue report and/or a court sentence and can assist in reducing breaches, recidivism, and thus reduce costs to the justice system..</p>

Data on Indigenous Overrepresentation and Trends in Corrections Institutions

- In 2023/24, Indigenous adults were incarcerated at about 10 times the rate of non Indigenous adults in reporting provinces, and overrepresentation increased each year from 2019/20 to 2023/24.
- In 2023/2024, Indigenous adults made up 33.2% (8,734 Indigenous adults of the 26,297 custodial population) of the average daily count of the custodial population in federal and provincial facilities across the six reporting provinces, which includes Ontario.
- In 2021, roughly 3 percent of all Indigenous people experienced detention or incarceration in a provincial institution.
- Deaths in provincial custody have risen and nearly 40 percent of non-natural deaths from 2014–2021 were due to acute drug toxicity; First Nations in Ontario face 9x higher opioid mortality than non First Nations populations, compounding risk for Indigenous people intersecting with custody.
- According to CBC, in early 2025, jails averaged about 10,800 people for roughly 8,500 beds, with about 82% of prisoners on remand overall and 85% for women; the OCC's report stated that from 2014–2021, the remand rate was at about 68%.

- Indigenous people represent **32.2% of people on remand** and **31.1% of people admitted to custody**.
- Indigenous women account for **half of all women in federal prisons** yet represent fewer than 4% of Canadian women.
- Indigenous female youth represent **60% of all female youth in corrections**. Indigenous **male youth** are also overrepresented at **47%**.
- Indigenous people in custody are **released later in their sentence**, with most leaving prison at Statutory Release or Warrant Expiry dates.
- Indigenous people are **more likely to return to custody for administrative reasons**, not criminal violations.
- Indigenous people are **more likely to be classified as higher risk** and correspondingly are **over-represented in segregation and maximum-security populations**.

- The rate of **violent victimization** of Indigenous people is **more than double** that of non-Indigenous people.
- Indigenous people are **6 times more likely to be victims of homicide** than non-Indigenous people.
- Indigenous women and girls are **6 times more likely to experience violence** and **12 times more likely to be murdered or missing** than non-Indigenous women.
- Indigenous people who use drugs have a **5x higher mortality rate than other drug users**.
- Indigenous children comprise **58.3% of all children under 14 in foster care**. Indigenous children represent only 7.7% of children under 14.

IJD's Role within MAG

- IJD provides expert policy and legal advice informed by a deep understanding of Indigenous Law, cultures and protocols on all justice issues that affect Indigenous people and communities, including but not limited to:
 - providing expert legal review of all Constitutional Law Branch and Civil Law Division legal opinions relating to Aboriginal and Treaty Rights under section 35;
 - providing strategic advice on civil litigation strategies in cases involving Indigenous litigants;
 - providing nuanced policy and legal advice on the differential impact on Indigenous people of justice policy and legislation;
 - providing advice on justice programming related to Indigenous people to other divisions within the Ministry of the Attorney General and other Ontario government ministries;
 - advising other divisions within the Ministry of the Attorney General and the Coroner's Office on how to respectfully engage with Indigenous communities

A significant part of IJD's work focuses on the impact of criminal law, corrections, policing and coroner services on Indigenous people

One of those areas is Coroner's Inquests

Lawyers at IJD serve as Coroner's Counsel on Inquests where the loved one is Indigenous

What is an Inquest?

- An inquest is a public hearing conducted by a coroner, lawyer, or retired judge before a jury of five community members.
- Inquests are held to inform the public about the circumstances of a death.
- The jury makes conclusions about the facts of the death and may make recommendations to prevent further deaths based on the evidence heard at the inquest.

Types of Inquests

Mandatory inquests are held in certain circumstances, including when:

- a death occurs on the job at a mine, pit, or quarry
- a person dies from non-natural causes while committed to a correctional institution
- a person dies while detained by, or in the custody of a peace officer
- a death occurs when the use of force by a police officer, special constable, auxiliary member of a police service or First Nation officer, was a cause of the person's death
- a death of a child is the result of a criminal act of a person who has custody of the child, if certain circumstances are met
- a death occurs while being physically restrained and detained in a psychiatric facility, hospital or secure treatment program

Discretionary inquest

- An inquest may be held at the discretion of the coroner if they determine that:
- an inquest would assist with a more accurate determination of five facts about the death, specifically:
 - who the deceased was
 - how and when the deceased came to their death
 - the cause and manner of death
- it is desirable for the public to have an open and full hearing of the circumstance of a death through an inquest
- a jury could make useful recommendations to prevent further deaths

What happens with the Verdict?

- At the conclusion of an inquest, the chief coroner will send the jury's recommendations to the named organizations. Recipients of the recommendations are asked to respond to the chief coroner outlining how they have considered the recommendations and what steps, if any, they have taken to implement them.
- The Office of the Chief Coroner does not have the authority to:
 - enforce the implementation of recommendations
 - endorse recommendations
 - encourage or coerce recipients to implement recommendations

Sharing

Trigger alert – some details will be upsetting

Proposed Amendments to the Coroner's Act

Ontario explores whether to amend Coroners Act to replace mandatory jail inquests with annual reviews

Province seeks input from lawyers, families and other stakeholders



Diona Macalinga · CBC News · Posted: Jan 16, 2026 4:00 AM EST | Last Updated: January 16



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Estimated 4 minutes



How will this impact Indigenous peoples? Racialized peoples?

- Given the overrepresentation of Indigenous people in custody, any change to the review of deaths in correctional institutions will carry implications for trust, transparency, and reconciliation.
- Inquests are the gold standard for reviewing deaths in custody.
- Moving to an annual review of all deaths in custody creates systemic discrimination that will disproportionately impact Indigenous and racialized peoples
- move scrutiny from a public process with family/community participation to a less in-depth, less transparent administrative review.
- Because of historic harms and the persistent overrepresentation of Indigenous people in custody, replacing mandatory inquests with annual reviews would likely be seen by Indigenous communities as a move away from reconciliation and transparency, removing public scrutiny and weakening engagement with Indigenous families.

MY SOUL IS IN A HURRY

I counted my years and discovered that I now have less time left to live than I had lived until now.

I feel like the kid who won a pack of candy; He ate the first few with pleasure, but when he realized there were few left, he began to savor them deeply.

I don't have time for endless meetings where we discuss bylaws, rules, procedures and internal regulations, knowing that nothing will happen.

I no longer have time to put up with absurd people who, despite their chronological age, have not grown up.

My time is short to discuss titles. I want the essential, my soul is in a hurry...

Without many sweets in the package...

I want to live next to human people, very human. Who know how to laugh at their mistakes, who are not vain of their triumphs.

People who don't consider themselves elected before their time, people who don't try to escape their responsibilities.

I am looking for people who defend human dignity, people who only want to walk on the side of truth and honesty.

The essential is what makes life worth living.

I want to surround myself with people who know how to touch people's hearts...

People who have learned from the hard knocks of life to grow up with soft touches in their soul

Yes..., I am in a hurry..., I am in a hurry to live with the intensity that only maturity can give.

I intend not to waste any of the candy I have left... I am sure they will be more exquisite than the ones I have eaten so far.

My goal is to arrive at the end satisfied and at peace with my loved ones and with my conscience.

We have two lives, and the second one starts when you realize that you have only one.....

Leave the jersey in a better place

In the book *Legacy*, James Kerr writes about the All Blacks—the most successful rugby team in history—and their philosophy of “leaving the jersey in a better place.”

That idea has stayed with me. Whether it’s in law, in public service, in sport, or in community—we each carry a responsibility to leave our roles, our institutions, and our communities stronger than we found them.

I carry the jersey of my ancestors, my parents, my community, and my children.

And every day, I strive to leave it in a better place—for those who will come after me.