



January 19, 2021 – TBPS Post:
Don Mamakwa & Roland McKay Inquest – Motion to exclude video of Dino Kwandibens

Donald Mamakwa, 44, died on August 3, 2014 and Roland McKay, 50, died on July 19, 2017, both while in the custody of the Thunder Bay Police Service. An inquest into these deaths is pending, awaiting a start date.

The Ministry of the Solicitor General states that an Inquest is a public hearing conducted by a Coroner before a jury of five community members. Inquests are held for the purpose of informing the public about the circumstances of a death. Although the jury's conclusions are not binding, it is hoped that any recommendations suggested, if implemented, will prevent further deaths. A death in police custody is one of several reasons for such an Inquest.

During the lead up to this Inquest, several involved parties were able to bring legal motions forward regarding the admission of evidence to be reviewed and examined during the actual Inquest. On January 14, 2021, a motion was heard by the presiding Coroner, Dr. David Cameron, seeking the exclusion of a specific video dating back to August 2, 2014 involving an individual named Dino Kwandibens who was in the custody of the Thunder Bay Police Service. Mr. Kwandibens was not the subject of an Inquest and did not die in police custody.

A motion was brought forward in November 2020 by the TBPS Chief of Police, seeking to have the video excluded from the Inquest into the custody deaths into Don Mamakwa and Roland McKay.

The Chief of Police sought to have the video excluded as being irrelevant and outside of the scope of the Inquest. The Chief of Police argued, through counsel, that the focus of the Inquest should be on the in-custody deaths of Don Mamakwa and Roland McKay and not on Dino Kwandibens,

During the motion, counsel for the Chief of Police stressed that this was not an attempt to shy away from the harsh realities or painful experiences but rather that the law needed to be followed when looking at the proper function of an Inquest and relevant evidence that should be admitted. In the Inquest process, it is important to keep the focus on involved families, in this case, the families of Don Mamakwa and Roland McKay. This allows the jury to make meaningful recommendations based on the facts surrounding these two deaths.

In offering an alternative to the video, the Chief argued that should the Coroner wish to look at systemic racism at large, the best evidence would be to admit as evidence the OIPRD Broken Trust report and the Report of Senator Sinclair. As a further alternative, should these reports not satisfy, the Chief argued that additional video from the cell block area at TBPS should be admitted so the Inquest Jury would be able to make fully informed recommendations at the conclusion of the Inquest. One video will not serve the jury in seeing the full context and be able to conclude on issues of systemic racism.



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It is important to keep in mind that the 2014 Dino Kwandibens video is publicly available and was the subject of a public disciplinary hearing under the *Police Services Act*, at which the officer pleaded guilty and was subject to a penalty for his actions. It is further important to note that the Chief of Police has publicly acknowledged systemic racism and has been actively working to evolve the Thunder Bay Police Service.

The position taken at the motion on January 14, 2021 should in no way be interpreted to mean a pulling back from such admittance or an unwillingness to continue to work within the Service and with the Indigenous community to eradicate systemic racism and strengthen the relationship with the Indigenous community.