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**A firestorm of political correctness**

**Why alleged Starlight Tours ruined careers without a nickel's worth of evidence**

**By Robert Marshall**

Until recently I was under the impression that Saskatchewan officials had done a helluva job in rooting out rogue cops in Saskatoon.

Boy, was I wrong.

I thought that a few years back an investigation and inquiry had outed the officers who had taken Neil Stonechild on a so-called Starlight Tour, leaving him to freeze to death on the outskirts of Saskatoon in November 1990.

What I never understood was why those cops only got fired. Two others had gone to prison for driving a disruptive male toward home and letting him out to walk some of the way. That man wasn't injured. Evidence even suggested he went looking for a party instead of going home.

Why didn't former Saskatoon officers Larry Hartwig and Brad Senger go to jail?

Twenty years ago, on Nov. 24, 1990, Hartwig and Senger were working together for the first time and were paired, according to computerized records, shortly before 11 p.m.

Around midnight they were dispatched to a disturbance call regarding Stonechild, 17, for whom there was an outstanding warrant.

As they arrived in the area they spot-checked a couple of young people. One was a friend of Stonechild, Jason Roy, 16, who gave Hartwig and Senger a false name.

As a matter of protocol they also ran Neil Stonechild's name, checking for any outstanding matters and descriptors. They then they checked another male, Bruce Genaille, in close proximity to the call. Coincidentally, he was Stonechild's cousin. After the check he went on his way.

Then to the call. Stonechild was gone, his whereabouts unknown. But not far away a prowler, matching him, was reported. Hartwig and Senger took that in and learned the trespasser had been scared off.

Later, a bank manager was driving home with his family and observed a male, with Stonechild's descriptors, staggering along a road. Stonechild met his demise that night and was found in proximity of the banker's observations.

A decade passed and then an international scandal. Aboriginal males were freezing to death in Saskatoon and the finger was pointed squarely at the police. Racism was rampant.

Allegations abounded. The cops were wantonly abandoning natives to freeze.

Neil Stonechild became the poster boy. Hartwig and Senger became monsters.

A million-dollar investigation and an eight-month inquiry commissioned by the Saskatchewan government left the public believing that blame for Stonechild's death belonged with Hartwig and Senger.

They were fired. But no criminal charges. How did they get off so easily?

Maybe the inquiry was off-base.

The inquiry's star witness said he saw Stonechild in the back of a police car. He said that he was handcuffed, bloodied and screaming for his life. That was Jason Roy, the kid who had given a phony name. At the time he was troubled. His life was mired in booze, drugs, dysfunction and petty crime. Despite those blockbuster claims, no blood was found on Stonechild's clothing or his body.

Nevertheless, at the inquiry Justice David Wright concluded Roy's testimony laced with its many "errors and contradictions" was "credible."

Then there was Gary Robertson, labelled by the inquiry's final report as "the most controversial witness."

He's an expert in photogrammetry - taking measurements from pictures - often used in making maps from aerial photos.

He concluded that handcuffs, used as brass knuckles, likely caused marks on Stonechild's face and that some marks on his wrists indicated the use of handcuffs.

The inquiry readily accepted Robertson's "expert" evidence even when it became known that he had misrepresented his qualifications on his resumé.

Perhaps more surprisingly, Robertson's evidence was favoured over the science of forensic pathology and those who know about human tissue and its antemortem, perimortem, and postmortem characteristics.

Dr. Graeme Dowling, Alberta's Chief Medical Examiner, performed a second autopsy on Stonechild in 2001 and said there were no injuries to the face necessarily consistent with being punched by handcuffs.

He said the marks were superficial and as an expert could not tell if they were caused by a blow or a simple fall into the snow. Asked if he thought the marks could have been caused by handcuffs he said, "I would not go that far."

Dowling talked about the skin's elasticity and how assault marks seldom appear as a layman might expect and, as a forensic pathologist and former University of Alberta professor with years of experience, that speculating a specific would be "improper."

Pathologist Dr. Emma Lew, an expert on wounds, testified she didn't believe handcuffs caused the marks on the face. She thought a more likely explanation was that his face was marked when he fell into the frozen vegetation where his body was found. She also testified that the alleged handcuff mark on his wrist contained striations and were more consistent with a jacket's storm cuff than a smooth handcuff.

The inquiry final report says that, "Dr. Lew is a very experienced forensic pathologist" but that her evidence "is unreliable."

Instead, the inquiry went with Robertson who has a cartography technician's diploma.

Nobody bothered to call the bank manager to testify.

Bruce Genaille, who was checked by Hartwig and Senger after Jason Roy, testified that nobody was in the back of the car. To that, Justice Wright concluded that Genaille must have been checked sometime earlier, writing, "I believe it was... probably between 10:00-11:00 p.m." even though the two officers weren't working together then.

Why no criminal charges is obvious. There wasn't a nickel's worth of evidence.

With dangerous faith the inquiry concluded that the officers "encountered" Stonechild and "took him into custody." There is no further accusation. The rest is left to the public's imagination.

Hartwig has denied all along that he ever encountered Stonechild. He did again this week when I spoke with him.

Even as the officers were being fired for "lying" about dealing with Stonechild, the police board and executive made clear there was no allegation of the officers' driving him to an isolated location and abandoning him.

It was a firestorm of political correctness, more diversionary than useful. It satisfied a political need as it served up a pound of blue flesh and filled legal pockets while race relations in the City of Bridges continued on in crisis-mode.

For nearly two decades, thought has been that Saskatoon's freezing deaths were the result of a racist police department. Little consideration has ever focused on the inquiry's cheerleaders - native leaderships, various levels of government and academics - that have collectively failed to work together with the billions allocated annually to First Nations and turn around the plight of a population that has been downtrodden for centuries.

Can there be a clear slate of conscience among those who pounded square pegs into this investigation's round holes? All of the officers' legal remedies have been exhausted. If anyone's having a tough time sleeping, it's never too late to do the right thing.

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