

Manitoba Ombudsman

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September 23, 2016

The Honourable Margaret Wiebe
Chief Judge
Provincial Court of Manitoba
5th Floor – 408 York Avenue
Winnipeg, MB R3C 0P9

Dear Chief Judge Wiebe:

**Inquest into the deaths of Demus James, Throne Kirkness and Kayleigh Okemow;
Ombudsman File 2015-0383 and;
Inquest into the death of Errabella Angel Harper; Ombudsman File 2015-0384**

As you are aware, it is the practice of my office to follow up on inquest recommendations when they relate to a provincial department, agency or municipality.

I am writing to advise you of the results of inquiries by my office concerning two inquest reports and recommendations by the Provincial Court Judge Tracey Lord on October 30, 2015. As the recommendations to the Manitoba Office of the Fire Commissioner (OFC) and the OFC's responses to both inquest reports are the same, we have combined the results of our inquiries into one report.

The deaths of Demus James (age 73), Throne Kirkness (age 2), and Kayleigh Okemow (age 3) occurred on March 14, 2011 in God's Lake, Manitoba. Errabella Angel Harper (age 2 ½ months) died on January 16, 2011, in the community of St. Theresa Point, Manitoba. These deaths occurred as a result of house fires occurring in First Nation communities.

The Honourable Judge Lord stated that she adopted the Manitoba Fire Commissioner's recommendations (p.15 of his report). These recommendations were identified as Exhibit 6 in both inquest reports¹ and are summarized in the inquest reports as follows:

That where possible, provincial and federal fire protection programs be aligned to reduce duplication of effort, and improve service delivery. As an example, endeavoring to coordinate training programs and public education initiatives offered in provincial northern affairs and First Nation communities to benefit both communities.

¹ Responses and Proposed Recommendations to the Inquest into the Fire Deaths at St. Theresa Point First Nation and God's Lake First Nation prepared by the Office of the Fire Commissioner – July 10, 2013.

That the Manitoba OFC endeavor to develop a closer working relationship with federal representatives as well as Tribal Councils in an effort to assist First Nations Communities to prepare formal fire protection plans, having a strong emphasis in the area of home fire safety and residential fire inspection programs.

That the Manitoba OFC endeavor to work with federal representatives to ensure that a consistent level of training and fire prevention services are provided to First Nation communities and Manitoba Municipal Fire services.

That the level of support provided by the Manitoba OFC to First Nation communities in Manitoba be delivered at a level consistent with that provided to the rest of Manitoba Municipal Fire services.²

Judge Lord made two more recommendations directed to the Province of Manitoba Office of the Fire Commissioner:

Recommendation One:

Develop a close working relationship with federal representatives as well as Tribal Councils to develop and implement comprehensive fire protection plans for all First Nation communities.

Recommendation Two:

Continue to provide educational resources and firefighting training in a manner that best addresses the geographical constraints and challenges faced by first nation communities in Manitoba.

On September 2, 2016, we received the following responses to our inquiries regarding the inquest recommendations from Manitoba Growth, Enterprise and Trade, the department responsible for the Manitoba OFC.

Fire prevention and protection programming in First Nation communities is funded through Indigenous and Northern Affairs Canada. Each First Nation community is then responsible for providing the fire protection and prevention services in their community. Although the province has no jurisdiction in these communities the province, through the OFC, provides a significant amount of support, access to resources and coordination.

In 2011, a memorandum of understanding was signed between the Government of Manitoba and the Assembly of Manitoba Chiefs. This memorandum of understanding included the hiring of a Program Officer who was tasked with visiting each of Manitoba's 63 First Nation communities to conduct a fire protection hazard analysis and risk assessment. The completed surveys were provided to the Assembly of Manitoba Chiefs, Tribal Councils and individual communities. This provided a strong starting point

² (para.150, James et al Inquest Report and para.159, Harper Inquest Report)

for communities to begin making improvements to fire prevention planning and protection.

To coordinate these efforts, the OFC established a Working Group comprised of Provincial, Federal and First Nations representatives who meet quarterly to discuss issues and to assist in the development of strategies to protect individuals living in First Nation communities. Together, with the assistance of the OFC, a new form was developed to make it easier for communities to keep a record of, and to provide accurate information regarding the numbers, types of fires, and value of property affected by fire. These reports assist in prevention efforts and help to support and justify funding requests made by communities to the federal government.

Through this Working Group, First Nation Safety Officers now have better access to public education materials and resources. The Working Group has also adopted the provincial “SAFE” Home smoke alarm program whereby fire departments and recruited volunteers across Manitoba team up to install smoke alarms in homes in their community. With the support of funding provided by Indigenous and Northern Affairs Canada, 18 remote northern First Nation communities have acquired and worked to install smoke alarms in homes within their communities.

Due to the large geographic areas of the province, providing the protection and emergency services training to First Nation communities requires novel approaches. Providing emergency services training for community youth is a model that has been undertaken by the OFC. Sessions of the Firefighter Pre-Cadet Program are offered at the Northern Technical Centre at Frontier Collegiate Institute Campus in Cranberry Portage. The 110-hour program was developed and is delivered by the OFC in partnership with Frontier School Division. The program introduces cadets to the skills they require for success in firefighting and public safety. Participants are between 18 to 22 years of age and represent different First Nation communities across the province.

Annually, the OFC provides support to the First Nations Fire Fighter Rodeo. This event brings First Nation Fire Departments together in a skills based competition where participants can demonstrate and practice firefighting skills. This year, with the commitment of all members of the First Nations Working Group, the Rodeo was able to include two additional days of firefighter skills training. The OFC supported the training sessions with instructors, materials, equipment and apparatus. The basic skills taught included fire and life safety, public education delivery methods and tools, fire suppression, fire apparatus operations, ground search and rescue and traffic control. Other seminars included self-contained breathing apparatus operations and information from the Canadian Red Cross on their new role within First Nation Emergency management.

Fire prevention education for young people is an integral part of a successful fire prevention program. The OFC’s summer public education team continues to provide demonstrations of fire and life safety procedures to First Nation communities by hosting fire escape planning demonstrations in the fire prevention trailer. This trailer provides

interactive fire safety training, to young people. The program targets elementary school-aged children and the trailers are designed to look just like a house. Children learn about fire safety through the use of props like smoke machines and heated doors that simulate a real fire in a home.

As well, the OFC provides materials, training and assistance for youth fire intervention programming through the Arson Prevention Program for Children (TAPP-C). First Nation Safety Officers, schools and the RCMP work together using these materials to address fire setting behaviours of children and youth. This program includes materials that are translated to indigenous languages, and the training includes sections to address issues faced in First Nation communities. A number of First Nation Safety Officers are now part of the TAPP-C network and are assisting in delivering the program in First Nation communities.

Finally, the Operating Charter of the Agency has been amended to clearly provide the OFC with the required authority to provide Manitoba First Nation communities and their fire department members with the same access to training and education programs offered by the Manitoba Emergency Services College as that offered to any other local authority in the province.

Although the province of Manitoba does not have responsibility for funding or carrying out fire protection in First Nation communities directly, through the OFC there has been a significant effort to supporting fire protection, prevention and planning in these communities.

Prior to concluding this report, my office made further inquiries with the Manitoba OFC. We received the following information specific to the communities in which the deaths occurred:

1. 834 smoke alarms were issued for the community of God's Lake Narrows. The Keewatin Tribal Council reported to the Manitoba OFC that 820 of the smoke alarms were installed in April and May of 2015. Field inspections of the installations were conducted by First Nation Fire Safety Officers.
2. Island Lake Tribal Council (ILTC) had 1,470 smoke detectors shipped directly to the community of St. Theresa Point. No final report (of installations) has been provided to Indigenous and Northern Affairs Canada (INAC). We were advised that INAC continues to request confirmation of installations from ILTC. This information will be forwarded to our office by the Manitoba OFC when it becomes available.

Given the Manitoba OFC has provided its full response to the inquest recommendations and the only outstanding information (the number of installed smoke alarms in St. Theresa Point) at this time is the responsibility of INAC, a federal government office outside our jurisdiction, we will be concluding our monitoring of the implementation of the inquest recommendations. If, however, the information from INAC concerning smoke alarm installations becomes available, we will ensure it is provided to your office and appended to this report.

Please note, an electronic copy of this report will be posted on the Manitoba Ombudsman website: www.ombudsman.mb.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'CPaquin', with a horizontal line extending to the right.

Charlene Paquin
Manitoba Ombudsman

c: James Wilson, Deputy Minister of Growth, Enterprise and Trade
David Schafer, Manitoba Fire Commissioner
Dr. John Younes, A/Chief Medical Examiner