Public Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System

IN THE MATTER OF the Investigation into the Treatment, Experience and Outcome in the Child Protection System of JAMES POKER (deceased on or about February 2015)

BEFORE Commissioners James Igloliorte, Anastasia Qupee and Dr. Michael Devine

Submissions on Behalf of Thomas Poker Re Investigation into the Death of His Son James Kaniuekutat Poker

Overview

1. James Kaniuekutat Poker died in February of 2015 at the age of 17 years. He had spent approximately six years in the child protection system, most of that time outside of the province. His time in care had significant consequences for James, and his family continues to endure the anguish of his loss.
2. The Terms of Reference for the *Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System Order*. (O.C.2022-103) provided that in addition to an inquiry into the treatment, experiences and outcomes of Innu children, youth and families in the child protection system, the deaths of Innu children who were or had recently been in care be investigated by this Commission of Inquiry:

> *(2) In addition to those matters referred to in subsection (1), the inquiry shall investigate the death of an Innu child, youth or adult who experienced time in care or custody and who meet the following criteria:*

> *(a) the child, youth or adult was under the age of 25 at the time of death;*
>
> *(b) the child, youth or adult died on or after September 30, 2007; and*
>
> *(c) a parent or, where appropriate, other next of kin of the child, youth or adult consents to the investigation and attests to the belief that the child's, youth's or adult's time in care or custody contributed to their death.*

3. On December 23, 2022, Thomas Poker, the father of James Poker, was granted Limited Standing to participate in the Formal Hearings of the Inquiry, and full rights of participation in the Formal Hearing in relation to the death of James Poker.
4. The following documentation was provided and reviewed:
    a. The CSSD file for James, including pre-apprehension contact, records relating to his time in care, and Youth Services;
    b. Records from Broken Arrow Residential Treatment Services relating to the years James spent in care in Ontario;
    c. Records from Ranch Ehrlo Treatment Centre for Addiction and Mental Health in Regina, Saskatchewan;
    d. Provincial Court Records relating to temporary and permanent custody orders for James;
    e. Medical records relating to care and treatment which James received in Labrador throughout his life;
    f. RCMP records relating to the search for James when he went missing; and
    g. Records from the Office of the Chief Medical Examiner relating to James' death.
5. Following the review of the records, and in consultation with James' father, the parameters of the death investigation were defined by a Nature and Scope Order. The following areas were to be investigated:
    a. James's experience in care and custody of the Manager, why actions were taken or not taken, and why information was not effectively communicated;
    b. Supports offered or not offered to James' family by the child protection system prior to and during James' time in care and custody of the Manager;

c. James's experience in out of province placements, and the reasons for choosing out of province placements;
d. James's experience with medical and mental health treatment and services while involved with or exiting child protection services, including medications;
e. Communication and barriers to communication within CSSD, between CSSD and out of province placement providers, between CSSD and other service providers, and between CSSD, service providers, placement providers and the Applicant/family members;
f. James's access to Innu culture, Innu language (Innu-aimun), Innu land-based activities, community connection and family connection, and related impact on his well-being; and
g. Reintegration planning and support for James when exiting care and custody of the Manager, including any youth services and other supports after returning to Labrador.

6. The manner and immediate cause of James's death and James's life prior to coming into care were not part of the investigation.
7. The *Investigation Report James Poker* was prepared by Tara Petti, BA, BSW and MSW, and Lead Investigator, Kenn Richard, MSW, MSC, respecting their findings on the systemic issues in James' experience while in care. Ms. Petti and Mr. Richard reviewed documents and interviewed witnesses, including James' father, brother, and sisters. Their report discussed how the following issues contributed to James' death:
    a. Colonial legacy and intergenerational trauma;
    b. The disempowerment of Innu on matters respecting their lives;
    c. Crisis driven service delivery;
    d. The absence of preventive and remedial services to the Innu
    e. Misdirection of scarce resources
    f. Over-reliance on out-of-province placements;
    g. Failure to address mental health needs;
    h. Inconsistent and fragmented communication;

i. Inadequate culturally relevant services;
j. Cultural disconnect in care environments;
k. Youth aging out without supports; and
l. Lack of comprehensive case management, accountability, and oversight.

8. In July of 2025, Thomas Poker opted to participate in a Healing Circle in relation to the inquiry into his son's death, rather than a formal court-style investigative hearing. During the Healing Circle, Mr. Richard and Ms. Petti discussed some of their findings, prompting powerful emotional responses and discussion amongst the participants. The Healing Circle discussions addressed several of the systemic issues that lead to James' death. The findings of the investigators on these issues should be accepted as an accurate description of the systemic failures within the child protection system during the years when James Poker was in care.
9. Both Mr. Richard and Ms. Petti are expert witnesses in Indigenous child welfare. In their subsequent report and testimony on March 31, 2026, they provided a cumulative summary of the common issues that prevailed in Natuashish between 2015 and 2020 and identified the systemic issues which contributed to each of the deaths. This final *Investigator's Report* echoed most of the issues found within their earlier report relating to James Poker:
    a. Colonial legacy of intergenerational trauma;
    b. Disempowerment of Innu families and youth;
    c. The persistence of gasoline sniffing;
    d. Service gaps and crisis-driven interventions;
    e. Over-reliance on out-of- province placements;
    f. The lack of, the irrelevance to, and the inappropriateness of CSSD services to the needs of Innu families and children;
    g. Mental health and clinical care deficiencies;
    h. Governance, oversight, and accountability failures;
    i. Communication breakdowns;
    j. Reintegration; aging out, and aftercare failures;
    k. Cultural disconnection and the absence of land-based healing; and

l. Fiscal and ethical issues related to for-profit, out-of-province placements of Innu youth.

10. The Investigators described systemic issues as part of the common experience of Innu in the child protection system and discussed how the various components of the system acted in such a way that they could cause harm, or harm was caused. Of particular concern for James and his family were his placement outside the province, communication breakdowns, lack of transition planning, inadequate services in the community, and loss of culture. Each of these issues, as well as the legacy of colonialism, intergenerational trauma, and inadequate culturally relevant services, contributed to the treatment, experience, and tragic outcome for James.
11. The Investigators' mandate was limited to the review of systemic issues, and they did not review isolated incidents, professional conduct, or the actions of individual service providers. In these submissions, it is intended to describe some of the missed opportunities, lapses, and failures as they related to James' care before, during, and after his involvement in the child protection system. These include the failure to identify and investigate sexual abuse, loss of culture, poor and misleading communication with James' family, the absence of transition planning, and the lack of community supports, particularly in relation to mental health services and housing.
12. It is hoped that the findings and recommendations of this Commission of Inquiry will address the issues as they relate to James and to all Innu who encounter the child protection system. It is acknowledged that in the decade since James' death there has been significant legislative reform which recognizes the rights of Indigenous peoples and the responsibilities of Government. Several of these issues have already been addressed and constructive work is continuing with the hope that tragedies such as this can be avoided in the future.

James' Contact with Child Protection Services Before Apprehension

13. James was born on May 30, 1997, to Thomas Poker and Suzanne Rich Poker. When he was about two tears old, he was traditionally adopted by his maternal

aunt and her husband. James remained with them until he was ten years old, when he placed himself in care.

14. James had contact with child protection services on several occasions prior to going into care. Some of this contact raised red flags which were neither identified nor adequately investigated, and the potential for early remedial intervention was lost.
15. On numerous occasions, James was frequently found unsupervised in the community, at times late at night, and stated that he was afraid to go home. James complained that everyone was drinking in the home, but the social workers who investigated sometimes determined that this was not true, and no other explanation for James' fears were considered. His statements that he was afraid to go home were never sufficiently investigated by child protection.
16. In October of 2007, an incident was reported to child protection that James had engaged in threatening and sexualized behaviour with three younger boys. James was interviewed by the RCMP, and child protection services were notified, but the only result was advice to supervise James more closely. The incident was treated as a behavioural issue requiring management, with no inquiry as to why James has acted that way. No questions or red flags were noted by anyone regarding the possibility of a connection between incident and James' fear of being in the home.
17. Several years later, James reported that he had been sexually abused in the home of his adoptive parents. By that time James had a history of substance abuse was experiencing serious mental health issues.
18. There is a strong correlation between childhood sexual abuse, substance abuse and the mental health issues which James later experienced. It is impossible to know whether timely discovery of the abuse and early intervention and treatment would have made any difference for James, however, it was a missed opportunity to potentially circumvent or mitigate future problems.
19. Not long after the incident with the younger boys, James was again found by wandering in the community in the early morning hours. He told the RCMP officer who found him that he did not want to go home and was looking for a place to sleep. He was brought to a safe house and later removed from the care of his

adoptive parents. As will be discussed further below, in times of distress, James ran away. This risky behaviour continued throughout James' brief life.

20. Aside from brief periods, James remained in care outside of the province until he "aged-out" at sixteen.

Out-of-Province Placement

21. The decision to place James in a foster home in North Bay, Ontario was based in part on his own request to be with his older siblings. It was noted by Mr. Richard and Ms. Petti that James was possibly the youngest Innu child to be place in out-of-province care. While the decision to place James in the same home as his older brothers and near his sister was well-intentioned, it was short-sighted. His brothers left care as soon as they were able. While James was able to maintain relatively close contact with his sister when in Ontario, all the siblings were isolated from their remaining family, community and culture.
22. As noted in the *Investigation Report James Poker*: "it is worthy to consider that if James and his family had the required supports in earlier stages of his life it could have prevented his expensive out of province placement and resulted in better outcomes." The lack of preventive and remedial services and the misdirection of scarce resources contributed to the over-reliance on out-of-province placements, and once James was outside the community, little was done to enable his return. He was "safe", at least physically, although James' frequent unauthorized absences from his foster homes to some extent undermines that assertion.
23. Aside from brief periods, James remained in out-of-province care until he "aged out" of care at sixteen years old. He was with BARTS in Ontario for almost four years, and at Ranch Ehrlo in Saskatchewan for sixteen months.

Familial and Cultural Disconnect

<u>Broken Arrow Residential Treatment Services (BARTS)</u>

24. James' father was misled about the nature of James' placement at BARTS. First, he expected that James would be in some sort of treatment facility or otherwise receive treatment, but when he visited his James and his siblings in Ontario, their placements were similar to a typical foster home.
25. Further, although the name "Broken Arrow" suggests an association with the one or more Indigenous communities, no connection exists between BARTS and any Indigenous community. Mr. Richard and Ms. Petti noted that the name appropriates an Indigenous metaphor, but no Innu or non-Innu indigenous cultural programs, education or experiences, were provided by BARTS, and none of the placements were in either Innu or non-Innu indigenous homes. As noted by the Investigators: "the institutional environment itself lacked any formal integration of Innu culture. There were no structured programs that involved traditional knowledge, Innu elders, land-based learning, or teachings rooted in Innu worldview."
26. The only interaction that James had with Innu culture while in Ontario was when he was with his siblings, briefly living with another Innu foster child, and in visits and phone calls with his father or other family members. James' contact with his father was described as consistent and positive. About once a year. James visited family in St. John's, Natuashish, and Sheshatshiu, and on one occasion his father visited him in North Bay. However, as noted in the Investigation Report, James' contact with his family, language and culture was inconsistent and fragmented. James yearned for contact with his mother, as she did with him, but their communication was restricted, ostensibly because of concerns that his mother had been drinking. James' mother, who is deceased, reported to her ex-husband that she had been refused contact with James because she was drinking, even when she had not been.
27. BARTS was a for-profit enterprise which was chosen as a placement for Innu children not because it provided any connection to indigenous culture, but because it was one of few options available. Mr. Richard an Ms. Petti have discussed that once a child was physically safe, the social workers had little capacity to provide for their cultural well being.

28. While BARTS was chosen in part to permit James to have contact with his older siblings, this was temporary since his brothers eventually left care. James was placed in several different foster homes in Ontario, and there is no indication that James ever formed close bonds with any of his foster parents.
29. The family members with whom James had the most contact were his sister, who was also in care in Ontario, and his father.

Ranch Ehrlo

30. In February of 2012, following his report of audio and visual hallucinations, James was sent to the Ranch Ehrlo Treatment Centre for Mental Health and Addictions in Regina, Saskatchewan. Neither then nor later was his father adequately informed of the extent of James' challenges, his ongoing need for treatment, therapy and medication, or the types of supports that James needed.
31. While at Ranch Ehrlo, James had telephone contact with his father and other family members, but there were no visits from members of his family and no visits home during his time there. Janes did meet several times with an elder and participated in non-Innu Indigenous ceremonies but had no access to Innu culture during this time. He was isolated from his family, community and culture.
32. James was AWOL from Ranch Ehrlo on ten separate occasions in 2012, on one occasion for three days. On most occasions he returned on his own volition. His father was not informed of these absences.
33. Most of the records from Ranch Ehrlo relate to psychiatric and psychological assessments and treatment. James mental wellness did improve during his stay at Ranch Ehrlo, but the disconnect from his family, community and culture grew to an immense chasm. The Investigative Report discusses the effect that this disconnect had on James' emotional health, identity, and development:

> *For James, the loss of cultural identity compounded his experience of trauma, disconnection, and mental health distress. He struggled with psychosis, substance use, and depression, and while clinical care was*

offered to manage his symptoms, these interventions did not address the root cause of his dislocation – the loss of identity, place, and belonging.[1]

Relationship with Caregivers

34. As a final note regarding the time that James spent out of province, there does not appear to have been any enduring relationship from his placements. James spent almost four years in BARTS foster homes, and sixteen months at Ranch Ehrlo, yet no foster parent, caregiver, counsellor, or other person from these institutions participated in the Healing Circle. Further, no CSSD social worker who was directly involved in James' care between 2007 and his death in 2015 participated in the Healing Circle. Everyone from the community who knew James has described him as extremely likeable and charismatic. However, after years in care, he had no evident lasting bonds with anyone from the child protection system. It is no wonder that he was desperate to return home to be with his family and community.
35. While the Healing Circle was a positive experience in many respects, the lack of participation by any social worker, foster parent or other professional who knew James while he was in care was a significant disappointment for his father and family.

Misleading and Inadequate Communication

36. While BARTS and Tuskers delivered regular reports to child protection workers in Newfoundland and Labrador, these provided limited and at times misleading information. As noted previously, James' father did not understand the nature of BARTS and thought that James was at a therapeutic treatment facility. It was only after visiting his children in Ontario that he discovered that they were living in a foster home that was more was more like a group home than a family dwelling.
37. Thomas Poker was either misinformed or not adequately informed in key areas, most notably, the fact that James frequently ran away, and the nature and seriousness of his mental health challenges. As he described at the Healing Circle,

[1] *Investigative Report James Poker,* at page 16

he found out found out that James had returned home from Ranch Ehrlo only when he saw James on the road in the community. He only learned about the medication that James was on when he found pills among James" belongings after his death. Thomas Poker became aware of many details about James' life in care only after documents were produced for this inquiry.

38. Mr. Richard and Ms. Petti observed that the reports received by Thomas were sporadic and often misleading, particularly with respect to running away. Their *Investigation Report James Poker* stated:

> *The failure to communicate these crucial details meant that Thomas, and perhaps others who cared for James, were not fully informed or prepared to respond effectively when James went missing. The lack of consistent, accurate information sharing limited the ability of those who knew and loved James to support him during his most vulnerable moments. This communication breakdown not only undermined trust but may have contributed to missed opportunities to ensure James's safety and well-being. His story highlights the need for more transparent, culturally informed and community connected approaches in the care of Innu children.*[2]

39. The disconnect between the reports and reality was most marked with respect to how unhappy James was, which was demonstrated by the frequency with which James ran away from his placements. The records note twenty-two separate occasions when James was "absent without leave," or "AWOL," at BARTS and Ranch Ehrlo. These absences were sometime brief, with James returning on his own. On other occasions he returned only after his disappearance had been reported to police. Nineteen of the twenty-two absences occurred in 2011 and 2012. On April 28, 2012, James ran away from Ranch Ehrlo and hitchhiked from Regina to Saskatoon. He was missing for three days and was found only after he called the police and asked to be returned to Ranch Ehrlo.

40. It was only after the receipt of documents in this Inquiry that the extent of James' absences from his foster homes became known to his father. The disconnect between the reports he received that James was thriving, and the

[2] At page 6

numerous times that James had run away from his foster placements has never been explained by anyone who was responsible for James' care.

41. As noted previously, much of James' early contact with child protection workers arose when he had run away from home and had been found wandering in the community. While this behaviour continued throughout his brief life, it is unclear whether identified as a risky behaviour that needed attention, beyond the immediate crisis. Running away in northern Labrador in the middle of winter can be fatal.

Mental Health Challenges

42. The file indicates that James began hearing voices as early as 2007, when he was just ten years old. In June 2011, he was first given anti-psychotic medication.
43. By the fall of 2011, James' mental health crisis had escalated with auditory hallucinations and erratic behaviour. A history of substance abuse was noted by medical personnel. James was again prescribed anti-psychotic medication and referred for mental health counselling, which he declined.
44. In the five-week period between December 26, 2011, and February 6, 2012, James, then fourteen years old, presented himself on four occasions as a walk-in patient at Melville Hospital Emergency Department for auditory hallucinations. On February 16, 2012, James was admitted to Ranch Ehrlo Treatment Centre for Addictions and Mental Health in Regina, Saskatchewan, where he remained until he "aged-out" of care. While James could have remained in care and continued to receive treatment, he was unhappy and yearned for family, culture, and community. He decided to leave care left care at the earliest possible opportunity, on his sixteenth birthday in May 2013.
45. The file indicates that James had regular contact with his father while at Ranch Ehrlo, but there is no documentation of any contact between Ranch Ehrlo and anyone in James' family.
46. In March of 2013, James' psychiatrist at Ranch Ehrlo recommended continued medication and follow up in six months. Since James was leaving care before the

next follow-up with his psychiatrist, a referral to a physician in Labrador was required. There is no indication in the file that this referral was ever made. James' contact with mental health professionals after leaving care were sporadic, inconsistent and crisis driven.

47. James' father knew that something was not right when James returned to Natuashish but was unaware of the nature and extent of James' mental health issues. While Thomas Poker had maintained regular contact with James, he did not have any communication with the staff at Ranch Ehrlo and did not know that James had been prescribed medication until he found pills in James' belongings after his death.

48. Mr. Richard and Ms. Petti summarized the failure to address James' mental health needs as follows:

> *Mental health services for James were inconsistent and uncoordinated, despite known issues, leading to deterioration in his psychological well-being and undermining his overall care. Treatment services are minimal to non-existent in James's case. Treatment is recognized as programs that include clinical assessments and diagnoses, a culturally safe and trauma informed approach, going beyond behavior management to the underlying causes, the prescribing and monitoring medications, and a close to continuous relationship based on case management principles. BARTS did not provide this to James and did not provide it to other Innu children. Once back in the community, there was no psychiatric service until mental distress and disintegration were full blown. This led to an emergency mental health intervention with a focus on behaviour management. No assessment or ongoing treatment was in place.*[3]

Absence of Transition Planning and Lack of Support

49. James' desperation for connections with his family, community and culture would have been a major factor in his decision to leave care at a point when he still needed a great deal of support. James was unhappy and desperate for family, culture, and community. It was left up to this child to make decisions about the

[3] At pp. 20-21

management of life and mental health, without guidance or input from his family or assistance with his plans.

50. There had not been any discussion between staff at Ranch Ehrlo or CSSD and Thomas or other members of James' family regarding the potential consequences of James' decision to leave care; nor was any consideration given to the resources and supports that needed to be in place to support and safeguard James' physical, emotional and mental well-being once he was returned to Labrador.

51. On June 14, 2013, James was escorted by a social worker from Ranch Ehrlo to a group home in Sheshatshiu. At the Healing Circle, Thomas Poker spoke of the pain of discovering that his son was back in Natuashish only after seeing him in the community. This failure to communicate such basic information is illustrative of the system's indifference to the need for support for James to reestablish the connections with his family, community, and culture after his long absence.

52. On July 13, 2013, James signed a request to have his continuous custody order set aside, and had no further involvement with CYFS until July 2014, when he entered into a Youth Services Agreement.

53. The CYFS file refers to James' reintegration into his family and community, but there was no plan to accomplish this. The file noted that James had the same social worker for the years he had been in care, but once he left care, one of the most stable relationships in his life ended. James chose not to enter into a Youth Service Agreement, so he had no contact with anyone from CYFS for over a year after his return. His father and family were not aware the extent of James' challenges and needs, and the necessary supports and services were not available to him in Natuashish.

54. James' had been isolated from his family, community and culture, but his return to Natuashish did not ameliorate this disconnectedness. He withdrew from the limited supports which were available, as described in the *Investigation Report*:

> *James' return to the community was marked by loneliness, instability and rootlessness. He had no permanent place to stay, and though he attempted to build relationships and re-enter community life, he was met with the profound challenge of being a stranger in his own land. … For James, this disconnect meant that he yearned for belonging – not just familial, but*

cultural – and found himself without the supports necessary to reclaim it. Despite speaking his language and desiring connection, the years of absence from land, elders, and ceremony had created a gap too wide to bridge alone. James's unmet longing for identity and rootedness was evident in his behaviors and ultimately in his withdrawal from available support, including mental health care and counselling.[4]

55. By January of 2014, less than six months after returning to Natuashish, James was again in crisis. He has stopped taking his medication months earlier and was admitted to hospital for suicidal ideation. He was again prescribed antipsychotic medication, which he likely did not take.
56. In February of 2014, James threatened to harm the person who had sexually abused him as a child. He was accompanied by the RCMP to the hospital in Goose Bay and was released into his father's care the next day. James disclosed to the Mental Heath and Addictions Counsellor that he had been sexually abused.
57. At the end of February 2014, James was unfocussed at school and was experiencing visual hallucinations. When speaking with a counsellor at the Healing Lodge, James stated that he had missed a few days of his medication.
58. A month later, James terminated counselling. The Youth Services Program was discussed with him, but he was not interested. His mental health needs were not addressed.
59. In June of 2014, James signed a Youth Services Agreement. The Youth Services Program provided financial assistance and help with housing but not support for his mental health.
60. In July of 2014, while being treated for an unrelated injury at the Natuashish medical clinic, it was noted that James had not picked up medication since May 5, 2014. James stated that he had stopped taking them and did not need them. On July 10, 2014, James entered a Youth Service Agreement, but the contact with CSSD was primarily concerned with housing and financial support and not support for his mental health needs.

[4] At page 17.

61. During his time in care James lost critical connections with Innu culture and traditions, which include learning how to navigate and survive on the land. James' father has spoken of a family camping trip with James shortly after his return. He observed that James was very uncomfortable in the country, and that James said that he did not know anything. James had entered care when he was ten years old and aged out when he was sixteen. When he returned to Natuashish, there was no plan to re-integrate him into Innu culture and community life.
62. In February of 2015, James was seventeen years old, irregularly attending school, erratically housed, and suffering from untreated mental illness. He was staying at the shelter in Natuashish when he disappeared.
63. On February 10, 2015, James left the shelter and did not return. James' father reported that James was missing on February 12, 2015, and the search for him began. On February 15, 2015, there was a report that James had been seen walking in the community, though know one knew where he was or where he had been staying.
64. We can never know with certainty why James left Natuashish at that time. It is thought that he was intending to walk to Hopedale. His disconnection from Innu culture and skills may have meant that he did not fully appreciate the risks involved in that journey and was unprepared for the harsh environment.
65. On February 25, 2015, James was found deceased on the ice of the Labrador Sea.

Conclusion

66. This Inquiry has heard a great deal about the effects of colonialization and the numerous systemic issues and failings which contributed to the death of James Poker. He is lovingly remembered and deeply missed by his father, siblings, family and community. The final words in these submissions are from his father, Thomas Poker:

> *February 25, 2015, is the day my son's body was discovered on the ice outside of Natuashish. I will always remember the devastating moment I*

learned he was gone, and the despair that followed still affects me today. I hope no other family ever has to experience this pain.

None of this would have happened if James had remained with his family and community. I wish he had never been taken away from his culture, traditional values, and way of life. When the child welfare system apprehended him, they should have found him local housing and worked with our family and community members instead of sending him elsewhere. The system failed James. After long periods away, he returned to Natuashish at age sixteen lost, unprepared, and unable to fit back into the community. He was robbed of his language and family bonds.

My hope is that things will be different for families in Natuashish and Sheshatshiu in the future. I want the system to work with families and community members to keep them together and offer the support needed to reunite them, rather than tearing them apart.

It is essential that the governments of Newfoundland and Labrador and Canada change legislation, policies, and regulations to align with the Innu way of life in both communities. Such changes are necessary to ensure that colonial practices are no longer perpetuated in this province.

Dated on April 7, 2026, at St. John’s, Newfoundland and Labrador.

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