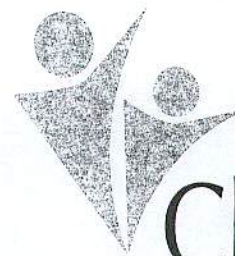


COPY



Child  
and Youth  
Officer for British Columbia

February 15, 2006

Honourable Wally Oppal, Q.C.  
Attorney General  
Ministry of Attorney General  
And Minister Responsible for Multiculturalism  
Room 234, Parliament Buildings  
Victoria BC V8V 1X4

Dear Mr. Attorney:

I am pleased to transmit to you under section 6 of the *Office for Children and Youth Act* a confidential report of results of my investigation of the Director's case review relating to the Nuu-chah-nulth child who died in Port Alberni on September 4, 2002.

My terms of reference as of November 10, 2005, were as follows:

With respect to the Director's Case Review of the death of [the late Nuu-chah-nulth child] on September 4, 2002, I request that you investigate and report to me by December 31, 2005:

1. The timelines involved in the writing, completion and release of that Review;
2. Why the terms of reference for that Review were changed;
3. To review the policy concerning a Director's Case Review, including those where a Kith and Kin [Agreement] has been applied, and make any recommendations necessary as a result; and
4. Any other matter you deem relevant to a full consideration of the Director's Case Review process in that case.

Mailing Address:  
PO Box 9207 Stn Prov Govt  
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Victoria BC V8W 2Y9

Facsimile: 250-356-0837

.../2  
Vancouver Location:  
Suite 901 - 808 West Hastings  
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If, in the course of conducting this investigation, you determine that the timelines, the change in terms of reference, or any defect in the Director's Case Review, may have materially affected the outcome of the Review, I request you to review whether the outcome was materially affected and make recommendations by March 31, 2006 to address any such impacts.

My enclosed report concerns why the terms of reference for the Director's case review were changed, the timelines involved in the Director's case review and recommendations about the Director's case review policy.

The December 31, 2005, date for reporting on these aspects of my terms of reference was extended to January 31, 2006, to enable me to give individuals and organizations that might be adversely affected by it an opportunity to make representations to me before the report was concluded. On January 9, 2006, I sent the following notice to those individuals or their counsel (a slightly modified version was used for the organizations):

I am required to make my confidential report of the results of my investigation in this matter to the Attorney General of British Columbia by January 31, 2006.

I wish to inform you that my report *may* contain facts and observations that reflect adversely on you. This does not necessarily mean that my report *will* contain facts and observations that are adverse to you and, before completing it, I am extending to you an opportunity to make written representations to me about information that reflects on you which I may be including and making observations about in my report. The substance of that information is set out in the attachment to this letter. You may deliver your representations to me by **4:00 pm on January 23, 2006**.

My investigation is not public, but the Attorney General is authorized to determine whether my confidential report to him should be made public. He has indicated his intention to do so in this case.

This notice is given to you solely for purposes of the *Office for Children and Youth Act*. Please therefore sign and immediately return the enclosed acknowledgement of confidentiality, and do not hesitate to contact me regarding any questions you may have about this notice.

As indicated, the notice given in each case included a document describing the substance of information reflecting adversely on the recipient that might be included in my report.

Before and through the week of January 23, 2006, I received representations, directly or through their counsel, from most of the persons to whom I sent

notices. Over the following days, I carefully considered all representations made to me. On January 31, 2006, my reporting date was extended two more weeks to allow me the time I needed to consider and incorporate those representations into my work.

The Director's case review, including the time taken to set it up, covered almost a three-year period and many drafts of the case review. I conducted my investigation by reviewing relevant documentation and carrying out over 60 hours of interviews under oath of 18 individuals. I also considered the representations I received in response to the notices I sent to potentially affected individuals and organizations.

In determining the contents of my enclosed report, I have been mindful of the importance of fairness and balance in describing and making observations about the involvement of the various individuals and organizations in this Director's case review. I have also been mindful of the importance of recording the results of my work with the completeness, candour and transparency necessary to meet the significant public interest that is served by an investigation and report under the *Office for Children and Youth Act*.

To all of these ends, I have incorporated the relevant substance of what I heard and read (including in the written representations that were made to me). In accordance with my mandate under the *Office for Children and Youth Act*, my objective throughout has been to observe how this Director's case review process unfolded and, based on those observations, to advise government how it might improve the Director's case review process in the future.

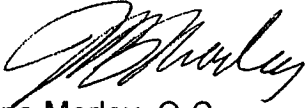
I have also been mindful of your stated intention to make the enclosed report public, subject to protection of privacy requirements. I wish to inform you that in my enclosed report:

- I have referred to the key officials who were involved with the Director's case review by name. I did this for transparency and readability and because these individuals are all readily identifiable by the context in any event.
- I have not referred to the late Nuu-chah-nulth child, her caregivers, or members of the child's or the caregivers' families by name. They are also readily identifiable, however, given the small community involved and the public notoriety of the tragic circumstances of the child's death.
- I considered and was satisfied that the results of my investigation could be communicated in the enclosed report without including information that could reasonably be expected to reveal the identity of a person who has

made a report under section 14 of the *Child, Family and Community Service Act*.

- I have striven to avoid including sensitive personal information that is not integral to the completeness and public interest purposes of my report of the results of my investigation under section 6 of the *Office for Children and Youth Act*.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Jane Morley', written in a cursive style.

Jane Morley, Q.C.  
Child and Youth Officer  
Province of British Columbia

Enclosure