



COMMISSION OF INQUIRY INTO THE CIRCUMSTANCES
SURROUNDING THE DEATH OF PHOENIX SINCLAIR

COMMISSIONER: E.N. (TED) HUGHES, O.C., Q.C., LL.D (HON)

Report of Bruce Foster

The following is a report of my findings with respect to certain factual questions the Commission requested I investigate. My *Curriculum Vitae* is attached to this report.

By way of background, I am a professional private investigator who was retained by the Commission to assist with locating witnesses and relevant information. Specifically, I was asked by the Commission to follow up on phone calls allegedly made by DOE #3 to Intertribal Child and Family Services (“ICFS”) and phone calls allegedly made by SOR #5 and Kim Edwards to Winnipeg Child and Family Services (“CFS”). The results of my investigation are set out herein.

ALLEGED CALLS BY DOE #3:

- DOE #3 allegedly made calls to ICFS between April to July 2005. I understand that ICFS file notes record a call made by DOE #3 to ICFS on July 12th, 2005. ICFS file notes also indicate that ICFS worker, Madeline Bird called DOE #3 on July 13, 2005.
- The alleged phone calls were apparently made from DOE #3’s landline in Winnipeg. The writer reviewed a number of phone and related documents provided by ICFS in an attempt to evidence these calls, specifically:
 - Handwritten inter-office phone message forms created by ICFS reception and forwarded to others within the agency. I understand that these records are not part of Commission Disclosure as they are not related to Phoenix Sinclair. The records provided begin in the year 2000 through April 2006;
 - Phone records of calls into ICFS by way of toll free number (866) 573-4461 for the time period of April 2005 to August 2005;
 - Phone records of calls into ICFS Winnipeg Outreach Office toll free (866) 573-4460 for the time period of April 2005 to August 2005; and
 - Phone records of non-local calls originating from ICFS Fisher River office lines (204) 645-2744, (204) 645-3065, (204) 645-2310, (204) 645-2664 for the time period of April 2005 to August 2005.

- Inquiries were also made with Manitoba Telecoms Services (“MTS”) relative to the landline number from which DOE #3 reports making the calls to ICFS Fisher River office. MTS has indicated that, during the time period in question, DOE #3’s landline was blocked from making long distance or toll free calls. This block was the result of previous billing issues.

RESULTS OF DOCUMENT REVIEW:

- I was not able to locate an inter-office phone message slip relating to a call made to ICFS by DOE #3.
- In reviewing phone records of calls into ICFS by way of toll free number (866) 573-4461, I was not able to locate a call from DOE #3’s Winnipeg phone number to ICFS.
- In reviewing phone records of calls into ICFS Winnipeg Outreach by way of toll free number (866) 573-4460, I was not able to locate a call from DOE #3’s Winnipeg phone number.
- In reviewing phone records of non-local calls originating from ICFS Fisher River office phone lines, I located a single call to DOE #3’s Winnipeg phone number (as reflected in ICFS documents). This call originated from line (204) 645-2664. This call was placed on July 13th, 2005 at 10:24 AM and was for a duration of 36 seconds. It would appear that the office phone used to place this call was registered to Madeline Bird.
- There do not appear to be any telephone records evidencing a call made by DOE #3 from her land line to ICFS on either July 12 or 13, 2005.

PHONE CALL ALLEGEDLY MADE BY SOR #5:

- In addition, I was requested to follow up a phone call reportedly made by SOR #5 to Winnipeg CFS.
- The call was allegedly made, either from a Roger’s Communications cellular phone number (which I was provided) or from an MTS landline phone registered to a certain named individual. The timeline used for follow up purposes was January 2005 through April 2005. The public phone number used by Winnipeg CFS during this time period was (204) 944-4200.
- Records were obtained from Roger’s Communications by way of Subpoena for the cellular phone in question. A search of these records did not reveal a call to (204) 944-4200, or similar number during the above mentioned time period.
- Inquiries were made with MTS relative to the landline number provided. MTS reports that individual local calls between landlines are not a matter of record due to billing procedures, i.e. only calls that are billed individually, such as cellular, long distance or toll free calls are a matter of record. Therefore it is not possible to determine whether a call made from a land line to a local land line was made.

- It is my understanding at this time that Winnipeg CFS did not maintain a written log of calls into the agency after hours.

PHONE CALL ALLEGEDLY MADE BY KIM EDWARDS:

- Lastly, I was requested to follow up on a phone call reportedly made by Kim Edwards to Winnipeg CFS.
- Call is believed to have originated in April 2004 from an MTS cellular phone number with which I was provided. Records were obtained from MTS by way of Subpoena respecting this cell phone number for the relevant time period. A search of these records did not reveal a call to Winnipeg CFS (204) 944-4200 or similar number.

Bruce Foster

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