

R3-44 301 257 #16

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 29, 1988

Ms. Judy Davis
R.R.#4
Tatamagouche, Nova Scotia
B0K 1V0

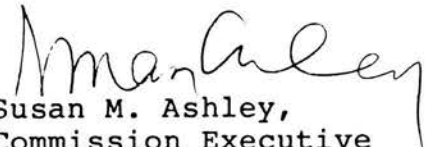
Dear Ms. Davis:

Thank you very much for sending along the information relating to the Westville Police Department. It has been circulated to Commission counsel, but I am not able to advise you at this point whether we will be able to investigate the allegations contained in the documentation.

As you know, the Royal Commission has a very big job to do and only a limited amount of time in which to do it. In the process of looking into the wrongful conviction of Donald Marshall, Jr., we are looking in more detail at the conduct of policing in Nova Scotia. In the Public Hearings of the Inquiry we have heard evidence from many members of the municipal police forces, as well as the R.C.M.P. We have also commissioned a research study on police practices, organization and training in Nova Scotia. We hope that even if we are not able to investigate all complaints that we have received relating to individual problems, our final recommendations for change in the area of police practices will also affect specific problem areas. We hope also that one of the positive effects of our report and recommendations will be to allow Nova Scotians to believe that their criminal justice system is sound and fair.

Thank you very much for sending along this material.

Yours very truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

JAN 26 1988

Jan. 22, 1988
R.R.#4
Tatamagouche, N.S.
BOK 1VO

To: Marshall Inquiry

From: Judy Davis

Inquiry Members,

In light of recent information which has come forth at the Inquiry pertaining to Staff Sgt. Harry Wheatons' statements that, "the dept. would not begin an investigation into a police chief, judge or anyone who would attract media attention unless instructions from the Attorney Generals Department were recieved first," ...I am sending you copies of material concerning an incident which took place ten years ago in the town of Westville, Pictou Co. N.S.

I am sending you this information as I feel the requested investigation into the police dept. and municipal authorities of that town is still valid today as the same Mayor (Walter Duggan) and police chief (oswald Chalker) are still in office today.

Could our unfulfilled request for an investigation, by several citizens of the town, not been carried out as a result of some sort of intervention by the Attorney Generals dept. of that time ?

Many questions regarding the death of John Wayne Hodgeson remain unsatisfactorily answered in the minds of many to this day.

If the enclosed information can be of any use in this inquiry presently underway or if I can provide you with more please feel free to contact me. If this information is not pertinent to the business at hand could you please return it to me. Thankyou.

Sincerely,

Judy Davis
Judy Davis

R.R.#4
Tatamagouche, N.S.
BOK 1VO

phone 657-3371

REGISTERED MAIL

R. R. # 2
Westville, Nova Scotia

June 23, 1978

The Attorney General for
the province of Nova Scotia
Halifax, Nova Scotia

Dear Sir:

The enclosed petition signed by the citizens of the town of Westville, in the county of Pictou, in the province of Nova Scotia, was prompted by the untimely death of JOHN WAYNE HODGSON while incarcerated in the Westville jail, on June 8th, 1978.

The poor and underprivileged, who comprise more than 60% of the population of the town of Westville, have frequently felt that they have been the victims of irregularities and maltreatment when they have been confronted by the town's law enforcement body. They feel HODGSON's death as the "LAST STRAW".

They can no longer tolerate living in a condition of paranoia -- wondering -- WHO ? will be the next victim; WHAT ? will be the next atrocity; WHEN ? will it happen. They want civic administrators and law enforcement officers whom they can respect and trust.

It would seem that the first step towards accomplishing this objective would be to have your department investigate the existing situation.

The undersigned, acting as representative for those who have signed the petition, would appreciate an acknowledgment from your office within five (5) days of receipt of this communication, suggesting the course of action your department will undertake.

Yours truly,



(Judy Davis)

Copies of this letter and petition are being sent to:

- 1) The Westville Town Council
WESTVILLE, Nova Scotia
- 2) Joe Ross, Director of
the Nova Scotia Police Association
HALIFAX, Nova Scotia
P.O. Box 1557
- 3) The Ombudsman for
the province of Nova Scotia
HALIFAX, Nova Scotia
- 4) The Nova Scotia Police Commission
P.O. Box 1573
HALIFAX, Nova Scotia
Attn: Admiral H.A. Porter

REGISTERED MAIL

TO WHOM IT MAY CONCERN:

WHEREAS:

The recent death of a resident of the town of Westville while in detention in the Westville jail, and numerous incidents of violence connected with the town of Westville police force when Oswald Chauker has been in charge of the said force, has raised serious concern in the minds of many of the citizens of Westville as to Oswald Chauker's suitability as an officer of the law.

AND WHEREAS:

This same Oswald Chauker has recently been appointed chief of the police force for the town of Westville by the Westville town council.

THEREFORE BE IT RESOLVED:

That the undersigned citizens of the town of Westville, in the county of Pictou, in the province of Nova Scotia, wish to have an investigation into the appointment of Oswald Chauker to chief of police of the police force of the town of Westville be conducted by the department of the Attorney General for Nova Scotia.

AND FURTHER:

An investigation to determine whether or not the municipal administrators of the town of Westville are truly representative of the people of the community.

Signed on and after this 12th day of June, in the year of 1978.

Submitted on the th day of June, in the year of 1978.

Mrs. Jan Davis Matthew St. Matthews St., W.S.

Douglas Daisy Matthew St. Matthews St.

George Laroche Ballant St.

Melvin MacSkell Ballant St.

Linda Pearson Ballant St.

Sabina White Matthew St.

Pete Mayne

Matthew St.

Harold Macdonald Matthew St.

Randy D. [unclear]	Greenwood St.	Westville
David [unclear]	South Main St.	"
Karen Robinson	Quinn Street	Westville
Susan Connors	Park Street	Westville
Kurt I. Roy	Spring Garden Road	Westville
Candy A. Roy	Spring Garden Road	Westville
Billy M. [unclear]	Main St.	Westville
Gyron M. [unclear]	Park St.	Westville
W. D. [unclear]	Campbell Rd	Westville
Ledna Miller	Matheson	Westville
Tom Davis	Matheson St.	Westville
Kathy Noel	North St	Westville
Eric Noel	North St	Westville
Anders Noel	North St	Westville
Muriel [unclear]	East St.	Westville
Paul [unclear]	North St	Westville

Mrs. Alice Marshall Campbell Rd.
 Mrs. Alice Marshall Campbell Rd.
 Mrs. Ernest Reed Spring Garden Rd.
 Mr. [unclear] Westville
 Mary Morris Academy Ave. Westville

Ladie Molyneux.	Machison St.	Westville.
Judy Kelly	Church St.	Westville, N.S.
Conna Kerr	Diamond St.	Westville, N.S.
Gandy Roy	Office St.	Westville N.S.
Idella Hall	Office St.	Westville N.S.
Mary Austin	Munroe Rd.	Westville N.S.
Foot M ^r Graham	So. Main St.	Westville N.S.
Wayne M ^r Graham	So. Main St.	Westville N.S.
Natalie M ^r Donald	South Main St.	Westville N.S.
Barbara Hunter	MacKay St.	Westville, N.S.
Dean Hunter	MacKay St.	Westville, N.S.
Susan Swales	MacKay St.	Westville, N.S.
Jeon Steuers	MacKay St.	Westville N.S.
W ^r L ^r Steuers	MacKay St.	Westville N.S.
W ^r M ^r Steuers	Spring Road	Westville N.S.
George Brimicombe	Hayt St	Westville N.S.
Ric Brimicombe	Hayt St	Westville N.S.
Rene Brimicombe	Hayt St.	Westville N.S.
Alice Brimicombe	Hayt St.	Westville N.S.
George Kayman	Park St	Westville N.S.
Geo Hayman	Victoria St.	Westville N.S.
John Feed	Spring Road	Westville N.S.
Garfield Marshall	Campbell Rd.	Westville N.S.
John Fegan	Spring C. Road	Westville N.S.
Alex Fegan	Spring Road	Westville N.S.

James Parley	Union St.	Westville, N.S.
Isabelle Dooley	Union St	Westville N.S.
Mrs Harry Dooley	Union St	Westville, N.S.
Mr. Harry Dooley	Union St.	Westville N.S.
Mr & Mrs Rex Wood	Union St.	Westville N.S.
Karam Dean	Main St.	Westville N.S.
Paul Dean	Main St.	Westville N.S.
Caldy Mitchell	Purvis Ave.	Westville N.S.
Rickie Austin	Munroe Rd.	Westville N.S.
Jenny	Purvis Ave.	Westville, N.S.
Stirling MacDonald		Westville
Danny Skidmore	1801 main St	Westville
Horton Bowler	Acadia Ave.	Westville N.S.
Steven Herder	Campbell Rd	Westville
John MacLachlan	1962 South Main St	Westville
Carrie P. Craun	1960 South Main St.	Westville
Margaret Baker	Drummond Rd.	Westville
Eddie Davis	Matheson St,	" "

These names have been gathered with little effort. Many more could sign, but because we wished to get this to you in a hurry, we decided not to wait any longer.

Judy Davis



ATTORNEY GENERAL
NOVA SCOTIA

Halifax, Nova Scotia
B3J 2L6

July 13, 1978

Mrs. Judy Davis
Matheson Street
WESTVILLE
Pictou County
Nova Scotia

Dear Mrs. Davis:

I have your registered letter of June 23, 1978, which was mailed in Stellarton on June 27.

I understand that the matter to which you refer has been dealt with by the courts and a decision reached to the effect that there was no negligence.

The R.C.M.P., as you know, are now patrolling the Town and I understand that there have not been very many difficulties.

I note your other comments with respect to an investigation and I will make some enquiries into the situation and will be in touch with you. I do understand that the Nova Scotia Police Commission is aware of the situation.

Yours very truly,

A handwritten signature in cursive script, appearing to read "George M. Mitchell".

George M. Mitchell



Post Office Box 1557
Halifax
Nova Scotia
B3J 2Y3

Executive Director
J. W. (Joe) Ross
1154 Rockcliffe Street
Halifax
Nova Scotia
Office: 902 423-7477
Home: 902 429-0343

President
Sgt. Bill Meisner
Dartmouth

First Vice-President
Cst. Ed Joyce
Halifax

Second Vice-President
Sgt. Len Harkness
Amherst

Secretary/Treasurer
Sgt. Sheldon Tipter
Dartmouth

Solicitor
Bruce Evans

Member:
Canadian Police
Association and the
International
Conference of Police
Associations

June 29th, 1978

Miss Judy Davis
R. R. # 2,
Westville
Nova Scotia

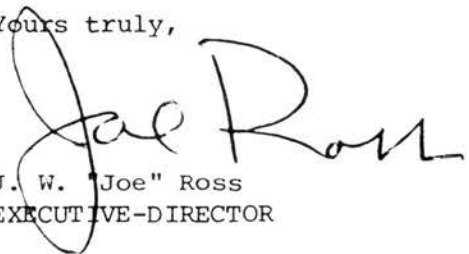
Dear Miss Davis:

Thank you for the copy of your letter to the
Attorney-General of the Province.

I wish you all the best in your efforts to have
an investigation into the Westville Police Department, it needs
it.

Please find enclosed a letter to the Attorney-
General sent by me some time ago, for your information.

Yours truly,



J. W. "Joe" Ross
EXECUTIVE-DIRECTOR

JWR/lcr
pc/ Rod MacIntyre, Director PANS
Anthony Chisholm, President
Westville Police Association

May 12, 1978

Mr. George Mitchell
Attorney-General
Province of Nova Scotia

Dear Mr. Mitchell:

The recent appointment of a one Mr. Oswald Chaulker to the position of Chief of Police in the Town of Westville, has greatly disturbed the members of the Police Association of Nova Scotia.

On behalf of the Police Association of Nova Scotia, we request you to direct the Nova Scotia Police Commission to undertake a complete investigation into the operation of the Westville Police Department

Looking forward to your earliest attention to this matter.

Yours truly,

J. W. "Joe" Ross
EXECUTIVE-DIRECTOR

pc/ Mr. Harry Porter, Chairman
Nova Scotia Police Commission
Mr. Rod MacIntyre, Area Director PANS
Mr. Anthony Chisholm, President
Westville Police Association
Mr. Bill Meisner, President PANS



ATTORNEY GENERAL
NOVA SCOTIA



Halifax, Nova Scotia
B3J 2L6

May 17, 1978

Mr. J. W. "Joe" Ross
Executive Director
Police Association of Nova Scotia
P. O. Box 1557
HALIFAX, Nova Scotia
B3J 2Y3

Dear Joe:

Thank you very much for your note of
May 12th concerning Mr. Oswald Chaulker.

I have looked into the matter and I am not
prepared to direct an investigation at this time into
the operation of the Westville Police Department.

It seems to me that this is entirely a
local matter and can only presume that the Council
took into consideration all of the qualifications of
the various applicants when they considered filling the
vacancy in their Department. While under the circumstances
it does not strike me as being the most logical appointment,
in view of the past history, this has to be a matter for
the local officials who are better equipped to deal with
the problem.

Yours very truly,

George M. Mitchell



OFFICE OF THE OMBUDSMAN
ROYAL BANK BUILDING
HALIFAX, NOVA SCOTIA
B3J 3B7

P.O. BOX 2152

OUR FILE:

62-129

PHONE 424-6780

28 June, 1978

Mrs. Judy Davis
R.R.#2, Westville
Nova Scotia

Dear Mrs. Davis:

I have received today, by registered mail, a copy of a letter dated June 23, 1978, which you addressed to the Attorney General of the Province of Nova Scotia. Attached to the letter is a petition signed by citizens of the Town of Westville, and a resolution relating to the death of John Wayne Hodgson, which occurred in the Westville Jail earlier this month.

On June 22, 1978, I wrote to Mr. Frank L. Belliveau of the Kings County Correctional Centre, in response to his epistle of June 15.

My understanding is that this matter is being investigated by the appropriate authorities, and that the Department of the Attorney General and the Nova Scotia Police Commission have been kept fully in the picture.

As the proper administrative wheels turn, we shall be interested to follow the progress of the undertakings by the appropriate departments.

Sincerely,

Dr. H. D. Smith
Ombudsman.

/vinr-w

c.c. Admiral H. A. Porter
Chairman
Nova Scotia Police Commission

July 22 1978

Negligence ruled out in Westville jail death

NEW GLASGOW — Judge Russell MacEwan Tuesday found no culpable negligence or blame attached to anyone in the death of John Wayne Hodgson, Westville, who was found dead in a cell in the Westville jail at about 7:45 a.m. The morning of June 8. The finding by Judge MacEwan was as a result of a magisterial inquiry held under the Fatalities Inquiry Act to determine all aspects under which the victim died. In his summary, however, Judge MacEwan recommended more frequent checks of cells in the jail.

Judge MacEwan said that he was satisfied after hearing all the testimony during the afternoon-long sessions that the death of Hodgson was self-inflicted.

MARKS EXPLAINED

There had been some anxiety as to marks on the deceased's throat, but Judge MacEwan stated he was satisfied that the testimony of the Aberdeen pathologist, Dr. Shanti Sebastian, pointed out that this was due to the manner of death where the body had hung with the deepest indentation at the point where the most stress was placed. As to a hairline fracture which appeared in the vicinity of the left eye, Dr. Sebastian stated it was her opinion this was consistent with a person falling to the floor and that this was not the type of fracture which would cause death and did not have anything to do with the death of the deceased. There are no significant blood vessels in that area, said the pathologist, and she was satisfied this was not related to the death.

The opinion was upheld by Dr. E. E. Henderson, radiologist at the Aberdeen who examined X-rays of the fracture, and by Sgt. Robert Messer of the RCMP investigation team, Truro, who led the investigation. Messer stated that the fracture was, in his opinion, received when the deceased had fallen to the concrete floor of the cell.

Other testimony given in the inquiry showed that Hodgson had been picked up following a call to investigate a station wagon in the vicinity of Cowan and Office St. where a false fire alarm had been rung in. The station wagon was located and reported to be weaving across the road and almost hitting a boy on a bicycle before being stopped. The driver was the deceased. He was later taken to the RCMP quarters for a

breathalyzer test. The readings showed a high degree of impairment.

JOVIAL MOOD

It was further stated that when Hodgson was incarcerated in the Westville jail in the vicinity of 1 a.m. on June 8 he appeared in a jovial mood and not angry or depressed. All the necessary precautions were taken with his belt, boots and contents of his wallet taken from him as is customary, although later during one of the trips he was allowed to go to the washroom he put his boots on. However, they had no laces.

Testimony revealed he was let out several times to use the washroom and that the last time a check was made in the vicinity of 3 or 3:30 a.m. Hodgson was asleep on the cot. He was wearing blue jeans and a hockey jersey.

It was stated that checks are made as found necessary on persons placed in the cells with prisoners not just put there and left. Checks, the testimony showed, were made if the prisoner was unduly noisy or if the prisoner requested anything. Checks also depended on the amount of work which was to be done on any given night and the number of calls received. Normally the dispatcher on night duty, who also has janitorial duties, is not obliged to take a person out, but does so after being told by the constable present or after getting in contact with the officer who gives permission to do so. Testimony showed though that on occasions the dispatcher could and had made a check or taken a person to the washroom if needed. The dispatcher on duty that night, James Langille, Westville testified that when he last checked Hodgson around 3 a.m. on June 8 before going on to do janitorial work he (Hodgson) was asleep and he was sure that he could have heard from any point he was in any undo disturbance by the prisoner, after that time. He had permission to let the prisoner out twice to use the washroom.

There was also some concern as to a syringe found in the car of the deceased with some brownish liquid in it. Sgt. Robert Messer of the RCMP Truro, testified that this was analyzed and found to contain nothing but brake fluid.

NO MARKS

Testimony showed that when incarcerated in the cell that there were no bruises or marks on the deceased.

Raymond Larkin, Halifax, who was looking after the families interest, called for better checks to be made in the cells. Judge MacEwan in his remarks stated that the town was small with a small force but that he noted that the police had done all the routine things required such as the taking of laces, etc. However he stated in his opinion there should be a system of more regular checks made although he found no fault with the leaving of Hodgson's jeans and shirt on.

Those giving testimony in the order called by Crown Prosecutor Robert Parker, who was conducting the inquiry were: Sgt. Frank G. Pierpoint, of the RCMP's identification division; Truro, who had taken photographs; Dr. Walter D. MacLean, New Glasgow, medical examiner; Dr. Shanti Sebastian, Stellarton, Aberdeen Hospital pathologist; Dr. E. E. Henderson, New Glasgow, Aberdeen Hospital radiologist; Susan Lena Turnbull, Westville, who lived in the same apartment building as the deceased and his wife, who gave testimony as to seeing Hodgson earlier in the evening and of him having two beers in the company of his wife at her apartment. She told of Hodgson wanting to go to get some more liquor and of his wife not wanting him to and of them having words. She said he went anyway and she saw him again around 10:45 p.m. on the night previous to his death when he said he had a case of beer in the car and was going home to his own apartment. She did not see him further. Others testifying were Kelly Oickle, the officer investigating the call and the one who took Hodgson, for the breathalyzer and brought him back to the Westville jail; Cst. Douglas Grist, RCMP breathalyzer technician; Cst. Greg Campbell, of the Westville Force, who was the officer on duty all night; Chief Oswald Chaulker who came on the scene for his morning shift at about 8:45 a.m. June 8 and who discovered the prisoner dead; James Everett Langille, Westville; the night dispatcher; Sgt. Robert Messer, RCMP, Truro, the investigation officer and Cst. Robert Peebles, RCMP New Glasgow, who on the advice of his superior, Sgt. Joe Dickie, patrolled to Westville jail to take charge till the Truro team arrived as Chief Chaulker had called the attorney-general's department requesting an RCMP investigation.