

**INQUIRY INTO THE SAFETY AND SECURITY OF
RESIDENTS IN THE
LONG-TERM CARE HOMES SYSTEM**

**STATEMENT BY LEAD COMMISSION COUNSEL
WILLIAM C. MCDOWELL AT A
MEDIA CONFERENCE - LONDON - AUGUST 3, 2017**

In November, 2016, the people of Ontario learned that a registered nurse, Elizabeth Wettlaufer, had been charged with 14 criminal offences. She was accused of having abused her position of trust to take the lives of eight of her patients, to attempt to take the lives of four others, and to seriously assault two additional people. Ms. Wettlaufer admitted that these horrific allegations were true. Following her pleas of guilty on June 1, 2017 to these offences, including to eight counts of first degree murder, Ms. Wettlaufer was sentenced to life imprisonment.

As we have seen through the criminal proceedings, each of the deceased victims has surviving relatives who loved them and mourn their passing. Those victims who survived attempts on their lives are shaken by their experiences, as are those who are close to them. The community grieves with them all.

In the brief time since sentencing, there has naturally been much public discussion in media of all kinds. Common themes have included: How could such crimes have been committed within busy long-term care facilities? Had Ms. Wettlaufer come to the attention of the regulatory authorities? Was there anything in her private life or earlier career which ought to have raised concerns - somewhere - about her ability to provide safe and proper care within the long term care home setting?

The Terms of Reference for the Inquiry which were passed by Order in Council touch on these, and other questions. They give Commissioner Gillese the responsibility to inquire into the following:

- The events which led to the offences
- The circumstances and contributing factors allowing these events to occur including the effect, if any, of relevant policies, procedures, practices, and accountability and oversight mechanisms
- Other relevant matters that the Commissioner considers necessary to avoid similar tragedies

Let me say a few words about the nature and purpose of a public inquiry. A Commission of Inquiry is not a trial. At this point, no one else is

facing criminal charges, nor do the Commission proceedings have anything to do with any civil actions or regulatory proceedings which may be ongoing. The goal of the Inquiry is to investigate thoroughly these areas I have reviewed with you.

The role of the Commissioner, and our role as her counsel, is to act impartially. Our mandate is to conduct an investigation, and to present evidence which will allow the Commissioner to determine the facts. The Commissioner then has a duty to report to the public about those facts, to express her opinion with respect to those facts, and to make recommendations as to how tragic events like those in this case might be prevented in the future. Like other Commissioners in the past, Commissioner Gillese may recommend changes in provincial programs, legislation, standards, or guidelines. It will be for the government of the day to decide whether to make those changes.

We have a team of Commission counsel who will assist Commissioner Gillese. Public Inquiries have the power to summons witnesses and documents, and to hire and to retain such expert witnesses as the Commissioner thinks appropriate. We have begun some of those processes. It is our job, as lawyers, to ensure that Commissioner Gillese has the ability to look into every aspect of the matters outlined in the Terms of Reference.

We expect that the Inquiry will be divided into two broad areas. The first area will be to investigate all of the factual circumstances surrounding these offences. We will investigate the context in which the offences occurred, and any contributing factors that might be involved.

The second area of the Inquiry will be more policy-focused. It will consider how the existing legislative and regulatory framework might have contributed to allowing these offences to occur.

As well, the Commission may consider expert evidence from Ontario and elsewhere to determine whether changes are needed in the oversight of long-term care homes.

We are at the very beginning of the work of the Commission. That said, we do start knowing that the offences were committed, and having the benefit of an extensive investigation conducted by multiple police forces. We will need a considerable period of preparation and investigative time before getting to the public hearings.

We will arrange meetings with the victims' families in the very near future. We will, over the next several weeks, be issuing demands for the production of documents from the facilities involved, and from

provincial ministries and certain individuals. We have had some contact with the parties who are likely to be involved and have been assured of their cooperation. As indicated in the Terms of Reference, all government ministries and agencies have committed to assisting “the Commission to the fullest extent possible, including producing documents in a timely manner”.

The Commission has a website which may be reached at **longtermcareinquiry.ca**. That is the best place to look for updates as to the next steps in the work of the Commission, as well as for notification about public hearings and meetings of any kind.