



SENT VIA EMAIL (joseph.martino@jus.gov.on.ca)

May 22, 2026

Joseph Martino
Director, Special Investigations Unit
5090 Commerce Boulevard
Mississauga, ON L4W 5M4

Dear Mr. Martino:

**Re: Outstanding Issues Concerning SIU Director's Report Corrigendum:
Death of Jenna Ostberg, Case No. 23-OOD-536**

As you know, we are counsel for the Ostberg-Beardy family in relation to the above-noted matter. This correspondence serves as the family's response to the Special Investigations Unit ("SIU") Corrigendum dated April 29, 2026 ("**Corrigendum**"), to the Director's Report, regarding the death of Jenna Sapporah Ostberg ("**Jenna**") on December 30, 2023.

I. Background

Jenna passed away on December 30, 2023, at the young age of 21-years-old. On the day of Jenna's death, several 9-1-1 calls were placed to Thunder Bay Police Service ("**TBPS**"), and the TBPS failed to respond to three separate 9-1-1 calls. Jenna was a survivor of domestic violence. TBPS cancelled a response to a 9-1-1 call, despite having known, at a minimum, there was a non-communication order related to the parties involved in the 9-1-1 call. Had TBPS reviewed any of the parties' recent history, they would have seen that the non-communication order stemmed from an incident of violence, where Jenna was assaulted.¹

In light of the TBPS's nonattendance to the 9-1-1 calls, Jenna's death and the circumstances around it were investigated by the SIU. On July 14, 2025, you released a Director's Report ("**Report**"), finding no wrongdoing on the part of the officers who failed to respond to the 9-1-1 calls.

The Family, very early on, raised concerns with certain discrepancies in the report, but it was not until after continued advocacy by the family and legal counsel that you decided to re-examine specific issues contained within the Report. Resultingly, you released a Corrigendum to the Report. The Corrigendum identified errors committed by forensic

¹ Director's Report, *Special Investigations Unit*, July 14, 2025, at p. 15.



examiners, specifically inadvertence and incomplete review, but maintains the findings of the original Report that the police were not at fault for Jenna's death.

This finding, while frustrating for the family, is not surprising. The SIU continues to ignore the historical and current realities of violence endured by Indigenous women and failed to review this case, having regard to the Calls for Justice 9.1, 9.2, 9.4, and 9.5, included in the National Inquiry into Missing and Murdered Women and Girls Final Report. These calls echo what communities have been asking police services to acknowledge and accomplish, including that the historical and current relationship between Indigenous women, girls, and 2SLGBTQIA+ people and police services has largely been defined by colonialism, racism, bias, discrimination, and fundamental cultural and societal differences. The Calls for Justice further bolster and amplify core messaging from the Truth and Reconciliation Commission of Canada: Calls to Action. These National Inquiries were released over seven (7) and eleven (11) years ago, respectively. Yet, the disproportionate violence and victimization of Indigenous women continue to be ignored, as is the case with Jenna's death. Not to mention, the backdrop of the history and context within the Thunder Bay Police Service ("TBPS") and its relationship with Indigenous people.

The alarm has been sounded for decades through different National Inquiries and Commissions, as well as the Seven Youths Inquest, the Broken Trust Report, One Year After Broken Trust, and the late Senator Sinclair's investigation into the TBPS Board. The list goes on and on. The SIU's failure to conduct its investigation through this lens is yet another example of how the justice system continues to fail Indigenous people, specifically Indigenous women.

II. Concerns regarding the SIU's Investigation and Release of Corrigendum

The family has identified two (2) remaining questions as they relate to the SIU's investigation and corresponding Corrigendum:

1. The Director's Response to Issue 1 lacks a reconciliatory lens and disregards how violence disproportionately impacts Indigenous women.

The Director's Response to Issue 1 states that the "Report contains the information most pertinent to the purpose of the Report itself". However, understanding the prominence of violence against Indigenous women, how does the SIU justify excluding the fact that Jenna was the victim of assault with a weapon causing bodily harm,² and aggravated assault³? Further, how does the SIU reconcile this with the fact that, on or around October 6, 2023, Jenna's mother, Melanie Beardy, called 9-1-1 to report that Jenna was not safe and informed the TBPS responding officers that the next time they would be called to her boyfriend's residence, Jenna would be taken out in a body bag.

² Criminal Code (R.S.C., 1985, c. C-46), s. 267 (a)(b) [*Criminal Code*].

³ *Ibid.*, s. 268(1).



2. The Corrigendum fails to account for important factual details overlooked by the TBPS.

On December 4, 2025, Jenna's parents, accompanied by legal counsel, met with Dr. Kevin Miller, Regional Supervising Coroner of the Northwest Region, Dr. Andrew Williams, and Heenal Trivedi at the Office of the Chief Coroner. In this meeting, the family learned that:

- When Jenna's body was recovered, she was barefoot and had no socks on. Her winter jacket and boots were never recovered from the residence at 403 Ray Boulevard.
 - This leads us to believe she had no way of leaving the residence in the middle of winter in Thunder Bay.
- The clothing found on her body at the time of death was not her clothing.
- The handwriting on her arm started on the top of her forearm and proceeded to be written to her outer forearm towards the bone near the pinky finger on her left arm.
- The markings on her neck were over her throat and went behind her ears.
- The responding officer who performed cardiopulmonary resuscitation ("**CPR**") performed CPR in the hallway.
 - This is contrary to her being found in the closet hanging, as alleged by Civilian Witness #2 ("**CW #2**"). Without a proper investigation (including reenactment of the scene, the use of interrogation and resolving different factual narrative tactics, and/or conclusive fingerprint analysis), it remains unclear why the TBPS immediately accepted CW #2's version of events.

The Corrigendum identifies the last user activity on Jenna's phone as 05:17 on December 30, 2023. The family continues to have questions surrounding how you reconcile the fact that the Subject Officer ("**SO**") cancelled the 9-1-1 call at 03:08, and Jenna allegedly passed away shortly after 02:42, yet you concluded there is no nexus between her death and the SO's actions. Additionally, there is no explanation for why Jenna's phone was used or who was using it, given that she had allegedly already died.

It is for these reasons that the family maintains the view that the SIU's investigation and corresponding reports identify irreconcilable issues, specifically as they relate to the TBPS actions and SO's decisions. Further, it remains the family's view that the reports do not adequately investigate whether the actions of the TBPS and SO constituted causing death by criminal negligence⁴, as they fail to genuinely grapple with the circumstances and nuances of the case.

There is an article in the media from July 16, 2025, that further outlines this position. It can be accessed here: <https://www.orilliamatters.com/police-beat/siu-finds-a-police-officer-committed-no-crime-in-connection-with-first-nations-womans-death-10950010>.

⁴ *Supra* note 2, s. 220.



III. Conclusion

As a final point, confidently concluding that Jenna died by suicide, without having performed a proper death investigation by an independent and competent outside agency, further perpetuates the racist idea that First Nations people do not deserve adequate and effective policing, and their lives do not matter. This is absolutely unacceptable in 2026.

Sincerely,



Julian N. Falconer

