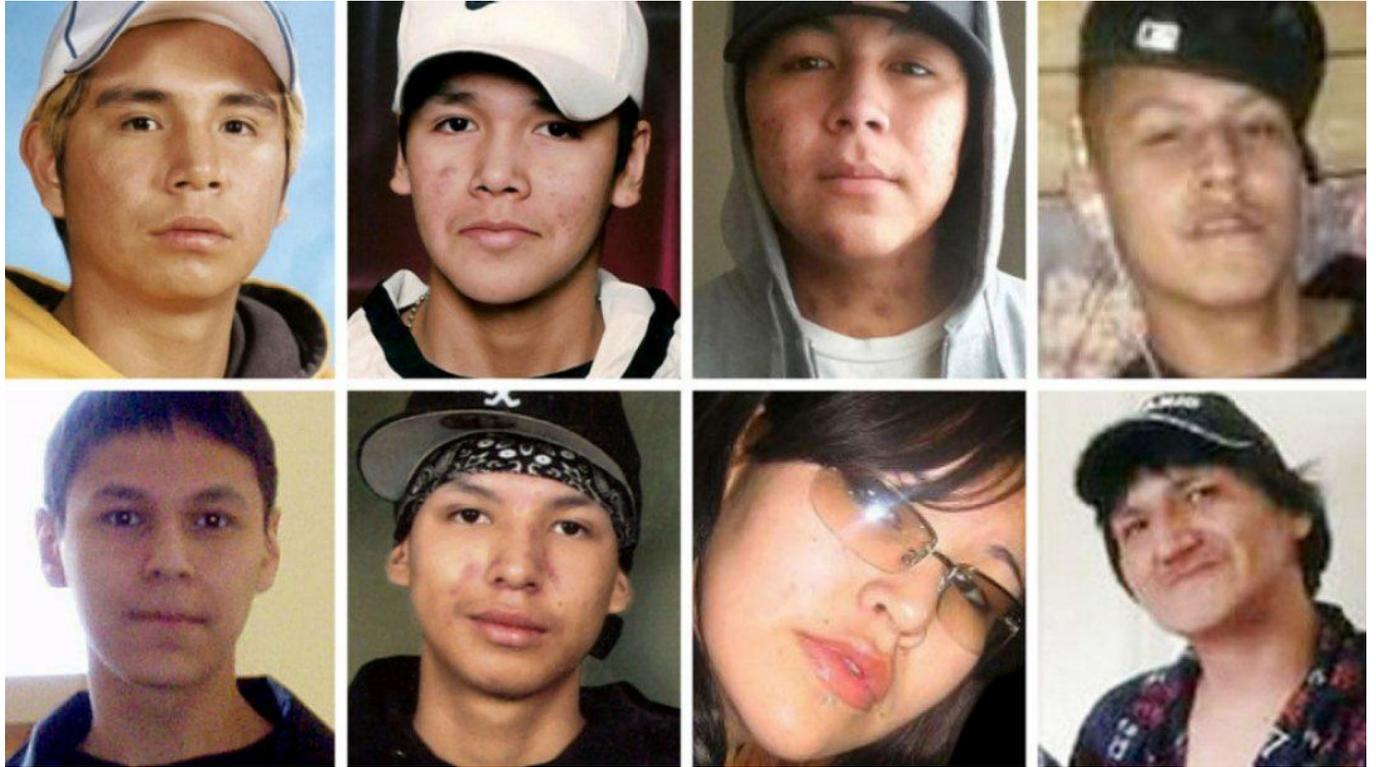


## Thunder Bay police face allegations of 'systemic' racism

Body of Stacey DeBungee found in a Thunder Bay river, prompts larger review of police actions



The OIPRD will be reviewing the deaths of 41-year-old Stacey DeBungee and seven Thunder Bay students who died between 2000-2011. Clockwise from top left: Curran Strang, Jethro Anderson, Jordan Wabasse, Kyle Morrisseau, Stacey DeBungee, Robyn Harper, Reggie Bushie, Paul Panacheese.

By **TANYA TALAGA** Global Economics Reporter

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The Ontario police oversight body will hold a sweeping review of Thunder Bay Police's conduct in the investigations in the deaths of indigenous people.

The Office of the Independent Police Review Director (OIPRD) will conduct their systemic review this fall. They will drill down on the deaths of Stacey DeBungee, 41, whose body was found in a Thunder Bay river on Oct. 19, 2015, and on

“information and evidence” surrounding the deaths of seven students who attended a Thunder Bay high school from 2000 to 2011.

DeBungee’s body was found in the McIntyre River. Within three hours of the discovery, the Thunder Bay Police issued a statement that a body was found and that an “initial investigation does not indicate a suspicious death. A post mortem examination will be conducted to determine an exact cause of death.”

In a second press release on Oct. 20, 25 hours after the discovery, the police identified DeBungee and said DeBungee’s “death has been deemed as non-criminal.”

“There is a systemic treatment of indigenous deaths that is not lost on any of my clients,” said Julian Falconer, the DeBungee family lawyer who also acted for Nishnawbe Aski Nation at the inquest into the seven students’ deaths.

The police put both the releases out before a post mortem occurred, Falconer said.

“They are less than worthy victims. This is simply a more acute example, a very clear example, of what is sadly being experienced in the murdered and missing indigenous women and girls’ scenario. The quality of the investigations are in my decades of practice, well below the standard of anything I have ever seen,” Falconer said.

The OIPRD will investigate if “there is a pattern” by Thunder Bay Police to competently investigate aboriginal deaths, Falconer said. “There are too many cases of aboriginal deaths that simply go uninvestigated or incompetently investigated.”

The Thunder Bay Police would not comment on details because of the upcoming reviews.

“The OIPRD is investigating a complaint in regards to our investigation of the death of Mr. DeBungee, therefore we cannot comment on this matter. In regards to a systemic review of our service by the OIPRD, we have not been provided details from the Director as to scope or parameters,” wrote Thunder Bay Police executive officer Chris Adams in an email.

Bradley DeBungee, Stacey’s brother, said he was denied access to seeing his brother’s body and that the police didn’t answer his calls or his questions. DeBungee said he felt “disrespected.”

“I asked them how they found him in the river and who found them and they wouldn’t explain that. They were (dodging) all the questions I would ask,” DeBungee said Thursday in a teleconference call.

“This is blatant disregard of one human being over another based on lifestyle and background,” DeBungee said.

At his brother’s funeral, DeBungee expressed his concerns to Chief James Leonard of Rainy River First Nations and began to look for lawyers for help. None of the lawyers he contacted in Thunder Bay would agree to take the case until he found Falconer, who has recently set up a Thunder Bay branch of his Toronto practice.



Lawyer Julian Falconer (left) and Rainy River First Nation Chief James Leonard talk to the Toronto Star about the review of police cases in Thunder bay September 22, 2016. (CARLOS OSORIO/TORONTO STAR)

Similar police releases were issued in at least two of the deaths of the indigenous students — Jethro Anderson and Reggie Bushie.

The DeBungee family and Leonard asked Falconer to file a complaint to the police oversight body. They also asked that an outside police force reinvestigate the death of DeBungee.

Sonny McGinnis, DeBungee's cousin, said he wants the police to show accountability to all citizens, regardless of race.

"First Nations lives matter. We can't be looked upon as second-class citizens," said McGinnis.

However, the Thunder Bay Police is refusing to reassign the investigation.

In a letter to Falconer dated Sept., 9, 2016, Thunder Bay Police Chief J.P. Levesque said that while "it is not unusual for a municipal police service to make such a request of the OPP, Commissioner (Vince) Hawkes clearly expressed to me that he would not entertain such a request during the course of an outstanding OIPRD investigation. As such, I will not be making a request of the OPP for investigative assistance into the matter at this time."

Levesque added he would review the situation at the end of the external review.

Falconer called this a "stonewall" by police. "This smacks purely of reprisal," he said.

"What we are now hearing is that the service that is most acutely being investigated can't assign out its homicide investigations because it is being investigated. This is Alice in Wonderland," Falconer said.

During the joint inquest into the deaths of the seven students, the jury examined the conduct of the Thunder Bay Police, said Falconer. The inquest had more than 145 recommendations aimed at all levels of government, educators and law enforcement.

The OIPRD outlined their intentions in a July 4 letter to Falconer's lawyer Meaghan Daniel. The OIPRD could not be reached for comment.

"In terms of the complaints made by Mr. Brad DeBungee and Chief Jim Leonard, these complaints will be investigated by the OIPRD with the purpose of determining the facts surrounding the death of Stacey DeBungee and whether the investigation carried out by members of the Thunder Bay Police Service gives rise

to a finding that reasonable grounds exist that misconduct under the Police Services Act occurred,” the letter said.

“The investigation will probe the approach taken generally to such or similar cases as well as drawing on information and evidence from the current inquest into the deaths of aboriginal youths,” the letter said.

“The above will not only inform the outcome of the conduct investigation but will also lead to Director (Gerry) McNeilly’s determination as to how a broader systemic review into these issues will be conducted in the fall and in conjunction with the conclusion of the conduct investigation,” the letter said.

At the conclusion of oversight investigations, the chiefs of police and the OPP Commissioner are responsible for disciplining officers and holding hearings.

It is now time to appeal to a higher ground, said Leonard.

“We need to go further up the chain and get the attorney general, the province involved, the premier, the MPPs, legislators,” he said.

Philip Klassen, a spokesman for Ontario Attorney General Yasir Naqvi, said they cannot comment on specific complaints made to the OIPRD or about their investigations.

“The Ontario government is fully committed to effective and fair civilian oversight of police. The OIPRD is an independent agency responsible for receiving and dealing with public complaints about police in Ontario. The OIPRD makes decisions independent of government, police and the community,” Klassen said.

This is not the first time the DeBungee family has suffered miscarriages of justice.

Brad and Stacey DeBungee’s three aunts — Edith Quagon, Kathleen McGinnis and Sarah Mason — all were brutally killed and their story was featured in the Star series “Gone” on murdered and missing indigenous women and girls.

One of the sisters was run over on a highway in Alberta, her body parts strewn across the road. Police said an investigation was not needed. The other two sisters were killed — one man was charged in the death of Edith Quagon and found not guilty; another man pleaded guilty to manslaughter in the death of Sarah Mason and was sentenced to five years in prison but he only served three years before being placed on early parole.

