



Rainy River First Nations

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SENT ELECTRONICALLY AND VIA REGULAR MAIL

June 6, 2017

Commissioner J.V.N. (Vince) Hawkes
Ontario Provincial Police
777 Memorial Avenue
Orillia, Ontario
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Commissioner Hawkes,

Re: OPP Public Misinformation

As Chief of Rainy River First Nations and a co-complainant, along with Brad DeBungee, in respect of the systemic review of the Thunder Bay Police Service (TBPS), I am writing to urge you to retract your statements denying that the OPP declined to investigate the death of Stacy DeBungee.

For the sake of clarity and "truth-telling", I am setting out the detailed written record of your refusals to answer me or the DeBungee Family and ultimately your refusal to conduct an investigation "during the course of an outstanding OIPRD investigation." In doing so, in the spirit of reconciliation, it is my expectation that you will immediately issue an apology retracting any suggestion that the public statements of May 31, 2017 of the Grand Chiefs of NAN and Treaty Three, as well as myself, were untrue or inaccurate.

In a letter dated September 16, 2016, Chief Levesque of the TBPS referenced a personal meeting with you and quoted your personal refusal to investigate and the reasons for refusing:

Further to my response dated September 1, 2016, I have met in person with Commissioner Hawkes of the Ontario Provincial Police regarding the investigation of Mr. DeBungee's death.

Although it is not unusual for a municipal police service to make such a request of the OPP, Commissioner 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 this matter at this time.
(emphasis added)

In a subsequent CBC interview, on September 23, 2016, your office took no issue with the above as the article states that "the provincial police confirmed the accuracy of that information" concerning the refusal to investigate.¹

Of course, this letter was a culmination of many efforts to obtain any response from you Commissioner, which date back as far as July 21, 2016 and then continued up to October 5, 2016 when you remained silent in the face of our complaint (copied to you) to the Minister of Community Safety and Correctional Service.

Factual Details of the Correspondence to the Commissioner

The facts as confirmed in the extensive record of correspondence copied to you paints a picture entirely at odds with your public statement made June 5, 2017. Commissioner, I suggest to you that the difficult and strained relationship between First Nations and the Ontario Provincial Police will not be improved by misinformation and embarrassing efforts to discredit our leadership.

In fact, as set out below, you remained silent in the face of no less than six separate letters sent to you from me and the family raising a potential OPP investigation. In each case, you would have had an opportunity to engage in respectful dialogue or at least simply acknowledge the correspondence and concerns of the DeBungee family and Rainy River First Nations. But you repeatedly and resoundingly opted for silence.

As you know, from the outset, the DeBungee family and Rainy River First Nations requested an outside investigation of the death of Stacy DeBungee dating back to the OIPRD complaint filed in June 2016. We requested the removal of the file from the TBPS and a reassignment of the investigation to another police force. We did not request a "review" of the investigation but an independent investigation, as reflected in the complaint:

34. Further, as this death is a relatively recent loss, and as certain investigative steps have been clearly laid out by Perry in his preliminary report, we respectfully request that the file be removed from the TBPS and reassigned to another police force to complete an investigation into the death of Stacy DeBungee.

(see paragraph 34 page 6 of the complaint)

On July 4, 2016, Ken Cormier, senior manager for the OIPRD, advised us that the systemic review and conduct investigation were underway but that any reassignment of the investigation into the death of Stacy DeBungee would have to occur at the direction of Chief Levesque of the Thunder Bay Police Service.

¹ CBC "Thunder Bay, Ont., police face 'systemic review' of Indigenous death investigations", September 23, 2016, online: <http://www.cbc.ca/news/canada/thunder-bay/thunder-bay-police-review-racism-1.3775023>

What then followed should be a source of embarrassment to both the TBPS and the OPP, as letter after letter went unacknowledged and unaddressed. The following is an inventory of the correspondence in which you were copied and which you never acknowledged:

- July 21, 2016 – Based on the direction from OIPRD, the DeBungee family and I instructed our lawyer to write to Chief Levesque copied to you Commissioner in which we reiterated our request: "I am writing to urge you to remove this file from your service and request that the OPP conduct an investigation." (See letter from Falconers LLP dated July 21, 2016 copied to Commissioner Hawkes)
- August 29, 2016 and September 1, 2016 – Attempts were made for acknowledgement of the receipt of correspondence to Chief Levesque, copied to the Commissioner, again no response.
- September 7, 2016 - We wrote to the Chair of the Thunder Bay Police Services Board, Jacqueline Dojack, citing the untenable situation of being ignored and raising the specter of another complaint to the OIPRD. Again, you were copied on this letter to the Thunder Bay Police Services Board and again we did not hear from your office. (See letter from Falconers LLP dated September 7, 2016 copied to Commissioner Hawkes)
- September 7, 2016 - After four attempts in writing (and following our complaint to the Chair), we finally received an email from Chief Levesque notifying us that a response could be expected in the mail. We wrote again on September 9, 2016, requesting that he forward his response by email, and found that the promised response was nothing more than a letter of acknowledgement of our correspondence.
- September 14, 2016 – After receiving no substantive response to the request for a reassignment of the investigation to the OPP, our lawyer again wrote to Chief Levesque expressing concern about the stonewalling. This letter again sought the intervention and support of the OPP. This letter again is copied to you Commissioner. Again, Commissioner, you neither responded or even acknowledged the stream of correspondence sent to you.
- September 23, 2016 - I confirm that by correspondence of September 23, 2016, the Independent Police Review Director wrote to both you and Chief Levesque citing his concern that the OIPRD systemic review would somehow be a bar to an independent investigation in relation to the death of Stacy DeBungee. Specifically, Director McNeilly stated the following:

"[A]ccordingly, if Chief Levesque is of the view that a request should be made by his service to the OPP for investigative assistance in Mr. DeBungee's death., I support that request being made and being and being responded to by the OPP without regard to the existence of an outstanding and differently focused investigation by my office. Indeed, if such a request is made, and excepted, our office will ensure that our investigation does not impede any OPP investigation into the death."

Despite our lawyer Julian Falconer being copied on Director McNeilly's letter to you Commissioner, again, chose to remain silent and no response was forthcoming from you.

- October 5, 2016 - Finally, Brad DeBungee and I personally wrote to the then Minister of Community Safety, David Oraziotti on October 5, 2016, seeking his intervention in the request for an independent investigation and specifically citing "deliberate stonewalling by the OPP and TBPS". Again, this letter was copied to you Commissioner. Again, you were completely silent in the face of our concerns.

That you now announce that a review has been "recently" conducted by the OPP is surprising and troubling for several reasons. Why keep this from the family or me in the face of all our requests dating back to July 2016? Since the OIPRD investigation is ongoing, why this change of direction? Why did you announce this development publicly on June 5, 2017 without a word of notice to me or the family? Why a mere "review" of the TBPS file when what we sought was an independent investigation? What does "recent" mean? Is it coincident with our letter seeking the intervention of the RCMP?

Sadly, your efforts to discredit our well documented expressions of concern simply reinforce the view that your public statement of June 5, 2017 was little more than an awkward and disrespectful public relations exercise. Your laundry list of unrelated OPP activities in your public statement (relevant because they may have involved an Indigenous person?), that are in no way connected to Stacy's death or the concerns of Rainy River First Nations, only serves to reinforce the reality that the OPP are out of touch with what is happening in Northern Ontario.

I urge you to address the inevitable perception you created by your public statement yesterday, June 5, 2017. Headlines such as "OPP refutes" make the point that the statement had the desired effect of attempting to discredit myself and my community, including the DeBungee family as well as the Grand Chiefs of NAN and Treaty 3.

You owe us an apology and a retraction. I look forward to your prompt response.



Chief Jim Leonard
Rainy River First Nations

cc: Brad DeBungee
Grand Chief Alvin Fiddler, Nishnawbe Aski Nation
Ogichidaa Francis Kavanaugh, Grand Council Treaty #3
Premier Kathleen Wynne
Minister Marie France Lalonde, Community Safety and Correctional Services
Deputy Minister Matthew Torigan, Ministry of Community Safety and Correctional Services
Gerry McNeilly, Independent Review Director
Julian N. Falconer, Legal Counsel