

Schedule “A”
**To the Complaint of Brad DeBungee and Chief Leonard of the Rainy River First Nation to
the Office of the Independent Police Review Director**

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Overview

1. On October 19, 2015, at 9:30 a.m. the body of an unidentified Indigenous male was found in the McIntyre River. Three hours after the discovery of this body, at 12:45 p.m., the Thunder Bay Police Service (TBPS) published a press release stating that “[a]n initial investigation does not indicate a suspicious death” (attached at Tab 1). In a second press release published 25 hours after the discovery, at 10:15 a.m., the TBPS released the name of the person, Mr. Stacy Lance DeBungee, and declared that “Mr. DeBungie’s [sic] death has been deemed as non-criminal” (attached at Tab 2).
2. It is yet unknown how Stacy DeBungee came to be in the river.
3. On October 21, 2015, Stacy’s brother, Brad DeBungee, his cousin [REDACTED] and his aunt [REDACTED], attended the Thunder Bay Police station to request information about what happened to Stacy. The family spoke with three police officers: Detective Harrison, Detective Wiggles, and an unknown officer.
4. The officers informed the family that Stacy’s death was not classified as foul play. Later that day, when the family re-encountered Det. Harrison at the riverbank, Det. Harrison informed the family of his theory that Stacy had passed out, unconscious, and simply rolled 9-10 feet down the riverbank into the weeds and drowned.
5. Given that the investigating officers concluded that Stacy’s death was an accident prior to identifying him, prior to conducting a *post mortem*, and prior to taking any meaningful investigative steps, the family of Stacy DeBungee, as well as their First Nation community, Rainy River First Nation, hired a private investigation company, Investigative Solutions Network Inc. to investigate this death.
6. On November 16-19, 2016, Mr. Perry, founding partner and senior investigator of ISN Inc. personally attended in Thunder Bay. Perry has an extensive background in police investigations, specifically crimes of interpersonal violence and major investigations including homicide, sexual assault, child molestation, child prostitution, stalking, and criminal harassment. He served with the Toronto Police Service for 27 years, retiring at the rank of Detective Sergeant. He spent the majority of his career in the investigative field and specialized in homicide investigations, sexual assault investigations and child abductions.
7. Perry conducted interviews with Brad DeBungee, brother of the deceased; [REDACTED], step-daughter to the deceased; and [REDACTED], a close friend of the deceased, in addition to speaking with [REDACTED], the common-law partner of the deceased. All four of these people confirmed that they had not spoken with the TBPS. Perry also attended at the scene, and took additional steps in furtherance of a preliminary investigation.
8. In his investigative report Mr. Perry concluded:

It also appears that the Thunder Bay Police made an assumption that because the deceased was native, intoxicated, and reportedly sleeping alongside the river, that the only way he could have ended up in the river was by simply rolling over in his sleep. It is the Investigator's opinion that there are a number of other ways that Stacy DeBungee could have ended up in the river (ISN Preliminary Report, attached as Tab 3).

Mr. Perry concluded that based on the information available to him, Mr. DeBungee's death should have been treated as a criminally suspicious death.

Facts

a) Stacy Lance DeBungee

9. Mr. DeBungee was 41 years old at the time of his death. He is survived by three older siblings: [REDACTED], Brad DeBungee, and [REDACTED], as well as his partner, [REDACTED], and step daughter, [REDACTED], as well as other extended family. Brad, Stacy's brother, describes Stacy as a happy-go-lucky guy who was always smiling.
10. Stacy was on long term disability due to a cognitive impairment and had a personal guardian trustee to aid in making decisions with regard to his finances. Around the time of his death, it was rumoured that Stacy had recently come into some money (approximately \$4000) flowing from a land claim settlement from his community, Rainy River First Nation.
11. In describing his brother, Brad stated that Stacy was a homebody who never hung around the river. Brad was very surprised to learn where Stacy was found.

b) Tunnel Vision by the Thunder Bay Police Service

12. According to the information that the TBPS provided upon questioning by the family, Stacy was last seen around 7:30 p.m. on October 18, 2016, unconscious beside another man on the bank of the McIntyre River. This other man has not been identified to the family but they were informed that he has arrest warrants outstanding and does not want to be found.
13. The next morning, a passerby saw a body in the McIntyre River in the area of Carrick and Waterford Streets just before 9:30 a.m. and called 911. TBPS attended on the scene and within three hours after the discovery of this body, at 12:45 p.m., the TBPS published a press release stating that "[a]n initial investigation does not indicate a suspicious death. A post Mortem examination will be conducted to determine an exact cause of death. The male is still to be positively identified" (attached at Tab 1).

14. In a second press release published 25 hours after the discovery, at 10:15 a.m., the TBPS released the name of the person, Mr. Stacy Lance DeBungee, and declared that “Mr. DeBungie’s [sic] death has been deemed as non-criminal” (attached at Tab 2).
15. On October 21, 2015, Stacy’s brother, Brad DeBungee, his cousin [REDACTED] and his aunt [REDACTED], attended the Thunder Bay police station and spoke with three police officers: Detective Harrison, Detective Wiggles, and an unknown officer.
16. The officers directly told the family that Stacy’s death was not classified as foul play and that further information would be coming from the coroner. The officers would not say how Stacy was found. When pressed with further questions, the officers explained that Stacy was last seen on October 18, 2016 at 7:30 p.m., with another man passed out on the river bank. It was further mentioned that another person’s identification documents were found scattered around the scene.
17. Later that day, when Brad, [REDACTED] and [REDACTED] went to attend at the scene where Stacy was found, Det. Harrison unexpectedly arrived and offered to show them the exact location. Det. Harrison indicated that Stacy was found face down where the weeds were trampled down. He informed the family of his theory that Stacy had simply rolled 9-10 feet down the river bank and into the weeds.
18. The investigating Coroner, Dr. Mike Scott, found in his preliminary report that the cause of death was drowning.

c) The Perry Report

19. Perry’s investigation determined that Stacy left his home around 4:30 p.m. on October 17, 2015 to meet [REDACTED] and [REDACTED] and to accept a money transfer into his bank account. They then went to the LCBO and then to the area where Stacy’s body was found.
20. Stacy, [REDACTED], [REDACTED], [REDACTED]’s brother [REDACTED], and [REDACTED] together drank alcohol alongside the McIntyre River that evening. These individuals were the last people to see Stacy.
21. The next day, [REDACTED] had Stacy’s debit card in her possession. This debit card was used several times to withdraw cash and make purchases after his death.
22. Two of the persons who were last seen with him, [REDACTED] and [REDACTED] moved to Kenora shortly following Stacy’s death.
23. None of the individuals interviewed by Perry were interviewed by the TBPS. In view of what Perry learned in the investigation and other unconfirmed rumors regarding an assault on Stacy on October 17, 2015, Perry made the following statements in his report:

The Investigator finds it difficult to understand how the Thunder Bay Police made their determination of “*no foul play*” and the death being “*non-criminal*” on the very same day that the body of Stacy DeBungee was recovered.

...

It is quite concerning that the Thunder Bay Police made this determination prior to the post-mortem being concluded and in the absence of the information one would expect they would have by way of family and witness interviews... (ISN Preliminary Report, attached at Tab 3).

Systemic Issues

24. The early determination of “no foul play” and subsequent lack of investigation of Stacy DeBungee’s death only adds to the community’s crisis of confidence with respect to the ability to thoroughly investigate the drownings of Indigenous people in Thunder Bay.
25. Since 2000, Jethro Anderson, Curran Strang, Reggie Bushie, Kyle Morisseau, and Jordan Wabasse all drowned in the city of Thunder Bay, in either the Kaministiquia or McIntyre rivers. All of these deaths, in addition to two other losses that were not drownings, are the subject of an Inquest into the Deaths of Seven First Nation Youth in the city of Thunder Bay. The Inquest began on October 5, 2015, and is ongoing.
26. While the quality of the Thunder Bay Police investigations was ruled to be outside of the scope of the Inquest, evidence concerning the investigative steps taken and the competency of the investigations has been canvassed in respect of each death. Major questions have been raised across NAN, based on a troubling and almost universal belief that the authorities have not taken the necessary steps to address these cases because the deceased are First Nations.
27. Specific investigative issues were pursued within each of these cases, but common to all is the fact that none of the witnesses who testified at the Inquest could say how any of the youth came to be in the water. These cases, some marked “complete”, “solved” and “non-criminal” remain unsolved, yet it is somehow been determined by TBPS that foul play was not a factor.¹

a) Early Determinations of “No Foul Play”

28. Jethro Anderson was from Kasabonika First Nation. He was living in Thunder Bay to attend high school at Dennis Franklin Cromarty. At the age of 15, he drowned in the Kaministiquia in 2000. His body was discovered on November 11, 2000 at approximately 5:15 p.m. by a volunteer search team. The same day, a press release was issued by the TBPS which stated as follows:

¹ During the Inquest, Det. Lewis testified that the cases involving Kyle Morisseau and Jordan Wabasse are marked solved but remain open, though not actively investigated.

Thunder Bay Police Detectives are investigating the discovery of a body in the Kaministiquia River late this afternoon... The searchers discovered the body around 5:15 p.m. Although a positive identification of the body has not been completed the physical description and clothing are similar to that of the missing 15-year-old... At this point foul play is not suspected but a post mortem will be conducted tomorrow morning to try to determine a cause of death (Thunder Bay Police Media Release, Nov. 11, 2000, attached as Tab 4).

29. On November 5, 2015, Julian Falconer cross examined Det. A. Wayne Shorrocks, former Staff Sergeant of the Thunder Bay Police Service with regard to the investigation into the drowning of Jethro Anderson. The following line of questions were directed at the practice of early media releases and what they might reveal about the investigative practices of the TBPS:

Q. Can you explain why this particular death would have been cited as no foul play being suspected?

A. I would have to base my answer on the reports that were submitted both from the attending coroner, any autopsy, postmortem, as well as the officers involved, sir.

Q. Right. And the reason you cite all those factors is because once those, that information comes in, it's appropriate to make that kind of call that no foul play is suspected, right?

A. It certainly provides us with additional information, but there are still witnesses to be interviewed, statements to be corroborated if possible.

Q. What you wouldn't do is declare that no foul play is suspected before, for example, the postmortem came in, correct?

A. Correct.

Q. Right. And the reason you wouldn't do that is it would reflect the closed mind to the possibilities, agreed?

A. Yes sir.

Q. A kind of tunnel vision, agreed?

A. Yes sir.

(Shorrocks Transcript, attached as Tab 5)

30. The phenomenon of an immediate “no foul play” press release was not limited to the investigation of Jethro Anderson. Reggie Bushie was a young person from Poplar Hill First Nation. He was living in Thunder Bay to attend high school at Dennis Franklin Cromarty. At the age of 15, he drowned in the McIntyre River in 2007. His body was recovered on November 1, 2007, and a media release was issued the next day stating “The body recovered from the McIntyre River on the 1st of November has been identified as 15 year old Reggie BUSHIE from Poplar Hill, Ontario. Foul play is not suspected” (Thunder Bay Police Media Release, November 2, 2007, attached as Tab 6).
31. Despite the fact that the bodies of five Indigenous boys and one Indigenous man have been found in rivers that flow through Thunder Bay, the TBPS seems to be working on the theory that repeated accidental drownings are isolated incidents. Det. Jim Glenna testified on November 27, 2015 at the inquest, that he was not briefed on the case of Jethro Anderson, or Curran Strang prior to undertaking the Bushie investigation. Det. Fennel testified at the inquest on January 11, 2016, that he was not briefed on the cases of Jethro Anderson or Reggie Bushie prior to undertaking the Morisseau investigation. It is critical that a police force consider these cases together, searching for connections if any, and reviewing the systemic issues that arise.

Request

32. In light of the systemic issues arising from the investigation into the death of Stacy DeBungee, and considering the evidence regarding this same conduct that was brought forward during the inquest, we respectfully request that the Office of the Independent Police Review Directorate investigate this complaint, and not refer the matter to the Thunder Bay Police Service.
33. For the sake of clarity, we are submitting this complaint against the officers involved in the investigation into the death of Stacy DeBungee. We believe that their actions give rise to misconduct as they are breaches of the sections 2(1)(a)(i), and 2(1)(c)(i) of the Police Code of Conduct.
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.
35. Finally, given the crisis in confidence in the First Nations community arising from the repeated conduct of the TBPS, we respectfully request that a systemic review be conducted by the OIPRD, to look at the underlying causes, and determine whether the TBPS’s practices comply with its underlying legal and policy framework. In addition, we request that this review be tasked to determine whether the legal and policy framework can be improved to prevent such issues from arising in the future.