

# Thunder Bay police 'racism' must be rooted out, lawyer says

Police too quick to deem indigenous deaths 'non-criminal,' formal complaint alleges

By Jody Porter, [CBC News](#) Posted: Mar 26, 2016 6:00 AM ET Last Updated: Mar 26, 2016 1:16 PM ET



Brad DeBungee says he doesn't believe the Thunder Bay police theory that his brother Stacy DeBungee passed out and rolled from this spot into the McIntyre River last fall. (Nick Sherman/CBC)

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A formal complaint filed this month against city police in Thunder Bay, Ont., is seeking a comprehensive review of the service with an eye to eliminating alleged racism.

Brad DeBungee filed the complaint saying police ruled out foul play too quickly in the death of his brother Stacy DeBungee, after Stacy's body was found in the McIntyre River on Oct.19, 2015.

The complaint, filed with Ontario's civilian police oversight body, the Office of the Independent Police Review Director (OIPRD), also claims there is a pattern of Thunder Bay police declaring the deaths of First Nations people are not suspicious within hours of a body being discovered.

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"They gave me the runaround, like they tried to brush everything off, saying we [police] see it as an accidental drowning," Brad DeBungee told CBC News.

He doesn't buy the Thunder Bay police theory that his brother, 41, passed out on the river bank and rolled into the water.

## 'Basic steps'

A private detective, hired as part of the complaint process, said his preliminary investigation showed police didn't interview people with important information about Stacy DeBungee's death.

"I took what I would classify as some very basic steps in a death investigation to talk to some people," said Dave Perry, a retired Toronto police detective.

Perry said it didn't take him long to learn DeBungee's debit card was used after his death.

"There appear to be a few things that absolutely need to be cleared up," Perry said. "To me, it would be routine that an investigator would want to know the answers to all those questions."



Lawyer Julian Falconer says there is a pattern of police making a 'knee-jerk' conclusion about the deaths of aboriginal people in Thunder Bay. (CBC)

The Thunder Bay police investigation into DeBungee's death is continuing, according to Brian Gover, the lawyer representing the police service.

Thunder Bay police issued a news release on Oct. 20, 2015, the day after DeBungee's body was found, saying the death was "non-criminal."

## **'Knee-jerk ruling'**

Similar news releases were issued by Thunder Bay police after the death of two First Nations teens — Jethro Anderson, in 2000 and Reggie Bushie in 2007.

"I simply don't see how with this sort of knee-jerk ruling out of criminal conduct when the alleged victims are Aboriginal people, how you can simply ignore the patterns," said lawyer Julian Falconer who is representing Brad DeBungee in his complaint.

"If you were to package all this and have one word that describes this — it's racism," Falconer said, adding that there is a "crisis in confidence in the First Nations community from the repeated conduct" of Thunder Bay police.



"This has to stop," says Rainy River First Nations Chief Jim Leonard, who has joined the formal complaint against Thunder Bay police. (Nick Sherman/CBC)

The chief of Rainy River First Nations, where Brad and Stacy DeBungee are members, joined the formal complaint against the police.

"As I learned more and more about the case, I became very angry," Chief Jim Leonard said. "This has to stop. It happens over and over and over again."

The complaint also has the public support of Grand Chief Ojichidaa Warren White of Treaty 3 and Fort William First Nation Chief Peter Collins.

Thunder Bay police "rejects entirely" the premise that there is a crisis in confidence among First Nations people regarding police conduct, police lawyer Brian Gover said.



Thunder Bay police lawyer Brian Gover says he rejects the claim there is a 'crisis of confidence' among First Nations people when it comes to police conduct. (Martine Laberge/Radio-Canada)

Gover said there is no connection between the death of Stacy DeBungee, 41, and the deaths of the First Nations teens that are currently part of an inquest into the deaths of seven indigenous students in Thunder Bay.

The complaint, filed on March 18 by Brad DeBungee and Jim Leonard, makes four requests of the civilian oversight body:

- That the OIPRD investigate the complaint, not the Thunder Bay police.
- That the officers involved in the investigation into the death of Stacy DeBungee be investigated for misconduct.
- That Thunder Bay police be removed from the investigation into the death of DeBungee and another police service assigned to complete it.
- That a "systemic review" be conducted to determine whether Thunder Bay police practices comply with its own policies and legal obligations, and whether those policies can be improved to prevent future concerns about indigenous death investigations.

A spokesperson for the OIPRD said it usually takes a couple of weeks for the agency to determine whether it will be investigated, and an investigation generally takes four to six months to complete.

The OIPRD does not publicly comment on specific complaints.