

Thunder Bay

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## **Thunder Bay, Ont., police face 'systemic review' of Indigenous death investigations**

**'First Nations lives matter,' says Sonny McGinnis, who helped launch complaint**

By Jody Porter, CBC News Posted: Sep 23, 2016 5:00 AM ET Last Updated: Sep 23, 2016 5:00 AM ET



Brad DeBungee says he doesn't believe the Thunder Bay, Ont., police theory that his brother Stacy DeBungee passed out and rolled into this spot to drown in the McIntyre River in October 2015. (Nick Sherman/CBC)

Police in Thunder Bay, Ont., are under review by the province's civilian police oversight body for the way they treat the deaths of Indigenous people, a move that one expert calls unprecedented in Ontario.

"In terms of the actions of this relatively new police oversight body, this is precedent setting in the province of Ontario," said Akwasi Owusu-Bempeh, an assistant sociology professor at the University of Toronto who specializes in race, crime and policing. "It is the first time they have investigated an entire police service for institutionalized racism."

The investigation by the Office of the Independent Police Review Director (OIPRD) comes almost a year after the drowning death of Stacey DeBungee, which was quickly deemed accidental by Thunder Bay police.

A private investigator, hired by the family, later found **several suspicious circumstances**, including the use of DeBungee's bank card after his death.

"There's a justice for non-Natives and there's a justice for Natives, that's what needs to be addressed," said DeBungee's cousin Sonny McGinnis.



Akwasi Owusu-Bempah, an assistant sociology professor at the University of Toronto, says it's a first for Canada to see an entire police service investigated for 'institutionalized racism.' (CBC)

"There has to be an inclusion of us as worthy citizens," he added. "First Nations lives matter."

The review will also "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 youth," said a July 4 letter from the investigating agency.

The deaths of **seven First Nations youths in Thunder Bay** were the subject of a coroner's inquest that concluded in June. Like DeBungee, five of the students

bodies were found in the river. The cause of three of the river deaths was ruled as undetermined by the inquest jury.

A letter from the agency saying it would launch an investigation to determine whether there was misconduct on behalf of police officers in the DeBungee case, as well as outlining the "broader systemic review," was sent to the lawyer for Rainy River First Nations in July.



"There's a justice for Natives and a justice for non-Natives, that's what needs to be rectified," says Rainy River First Nations Coun. Sonny McGinnis (left) with lawyer Julian Falconer and Chief Jim Leonard. (Kira Wakeam/CBC)

The agency does not speak publicly about its investigations.

Two things prompted First Nation leaders to release the letter to CBC News on Thursday.

Rainy River Chief Jim Leonard said a **CBC News story about alleged misbehaviour of Thunder Bay police** during a race relations course "absolutely horrified him."

Police called the situation a "misunderstanding."

"I saw that as the last straw," Leonard said. "When a story comes out like that, when [police] continue to do what they've always done, it just infuriated me."

Then there is what Leonard's lawyer, Julian Falconer, called the "absurd" situation that the complaint itself is standing in the way of the provincial police service taking over the investigation.

"Although 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," Thunder Bay police Chief J.P. Levesque wrote to Falconer on Sept. 9.

"This smacks purely of reprisal," Falconer said. "The family is being punished and deprived of a competent investigation because they accessed the OIPRD. What's the message?"