

Thunder Bay cops face probe for all missing persons cases

Review broadened to focus on interaction with indigenous community

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The director of Ontario's police watchdog says he has been getting complaints from indigenous people in Thunder Bay for years. All indigenous missing persons and death investigations will be under the microscope of the Ontario police watchdog as it expands its "systemic review" of the Thunder Bay Police Services, looking for discriminatory conduct.

The sweeping review, to be conducted by the Office of the Independent Police Review Director, was formally unveiled on Wednesday and begins immediately.

The issue of police racism toward indigenous people has galvanized the country in wake of greater exposure to the issue of murdered and missing indigenous women and girls. Many indigenous families have not been satisfied with how police authorities handled their initial complaints about their loved ones, and how they followed up on them.

Those concerns spill over into all aspects of the justice system and in cases of other indigenous death investigations. The incarceration of Adam Capay in segregation in a Thunder Bay cell for four years, without a trial, is a stark reminder of human rights inequalities. The systemic review will focus on the interaction between the police and indigenous people in Thunder Bay; if indigenous people have been "over-policed" or "under-policed," and if investigations have been carried out in a discriminatory manner, said Gerry McNeilly, the Independent Police Review director. "Indigenous leaders and community members say that these investigations, and other interactions with police, devalue indigenous lives, reflect differential treatment and are based on racist attitudes and or stereotypical preconceptions about the indigenous community," McNeilly said.

All cases that need to be examined will be. Those include cold cases of missing and murdered indigenous women and girls, deaths that are quickly dismissed as not suspicious, and the deaths of the seven students attending high school in Thunder Bay. Nishnawbe Aski Nation Grand Chief Alvin Fiddler welcomed the expansive scope of the review. He was instrumental in getting the inquest into the seven students started. It concluded in June and made 140 recommendations that included all levels of government and the police. “We are surprised it is going beyond what we had thought it would be. We are quite pleased,” Fiddler said.

The sweeping terms of reference of the review recognizes the “inevitable connectiveness” between how the indigenous cases were conducted from start to finish, said Julian Falconer, NAN’s lawyer. “There is an extraordinary tie amongst all these deaths and amongst the deficiencies in the investigations. There are way too many commonalities to attribute them to coincidence. The pattern is stark and obviously it is now for the OIPRD to unpack this,” he said. “The idea is to rescue the Thunder Bay Police. They require salvaging. I don’t think there can be any doubt, for indigenous communities, this police service has repeatedly failed them and you have leadership, like the police services board, that is missing in action,” Falconer added.

McNeilly said he will be looking for more resources from the province because he has few investigators. “I have to be very careful when I decide to undertake a systemic review . . . My resources consist of a very few people,” he said, adding he conducted a similar systemic review on the G20 protest in Toronto.

Rainy River First Nation Chief Jim Leonard was pleased to see the review was “all encompassing and going in a positive direction. It is good news.”

Leonard hopes the review’s recommendations are not forgotten. “They spend a lot of time on putting these reviews and commissions together and then they are put on the shelf.”

The OIPRD investigation will not replicate the current murdered and missing women and girls inquiry, led by B.C. Judge Marion Buller, McNeilly said. But he wants to meet with Buller because the issues are similar. McNeilly has been getting complaints from indigenous people in Thunder Bay for years. He is particularly concerned with the plight of indigenous youth and students in the city of 109,000 people. “We have had a number of instances when the complaint is withdrawn. That happens primarily with the young people. Why are they withdrawn? We are told it is reprisals. They are afraid and concerned with retaliation because, the officers will see them and say, ‘Oh, so you filed a complaint? We’ll be watching you,’ ” McNeilly

said, adding he has been travelling frequently to Thunder Bay, meeting the police community and indigenous people, trying to resolve problems. “It didn’t seem to stick. The issues keep growing.”

The review will also touch on the adequacy of officer training, if they are being held accountable for issues and how they deal with police complaints parents or family members make about missing loved ones. Thunder Bay Police Chief J.P. Levesque said the force respects the OIPRD mandate. “Our service will co-operate fully in the review process and it is our hope that any recommendations arising from the process will assist us, and other police services in Ontario, to move forward towards meeting the needs of our diverse communities. We will continue to strive to work toward building a stronger relationship with the indigenous community that we serve,” he said in a statement.

News of a potential review, first reported by the Star in September, came on the heels of a complaint concerning the investigation into the death of an indigenous man, Stacey DeBungee, in October 2015. His family felt DeBungee’s death was not adequately investigated, because within hours of finding his body — and before a post-mortem — a press release was issued by police saying their initial investigation did not indicate a suspicious death.