

'Neglect of duty' found in review of Thunder Bay police investigation into death of Indigenous man

First Nations chiefs are calling for the resignation of police chief after oversight body finds 'deficiencies'

By Lisa Mayor, Gillian Findlay, [CBC News](#) Posted: Mar 04, 2018 9:05 PM ET Last Updated: Mar 04, 2018 9:05 PM ET



Stacy DeBungee's body was found in the McIntyre River in Thunder Bay on Oct. 19, 2015. (CBC)

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An independent review of the Thunder Bay Police Service's investigation into the death of an Indigenous man in 2015 found "substantial" deficiencies that are being considered "neglect of duty," *The Fifth Estate* has found.

Now, First Nations chiefs are calling for the resignation of the Thunder Bay police Chief J.P. Levesque.

"Leadership comes from top down and there's a systemic problem with the Thunder Bay police force, so I'm calling for Chief Levesque's resignation," Rainier River First Nations Chief Robin McGinnis said.

"Barring that, I think the police board has to do their job and fire him."

Reached on Sunday, the Thunder Bay Police Service refused to comment on the report, citing issues of confidentiality and the privacy interests of all parties involved.

The report was done by the Office of the Independent Police Review Director (OIPRD) — a civilian police oversight body.



Current Rainy River First Nations chief Robin McGinnis and former chief Jim Leonard are calling on the Thunder Bay Police Services Chief J.P. Levesque to resign in the wake of a damning review of the police services treatment of the death of an Indigenous man. (CBC)

Stacy DeBungee, 41, was found dead in the McIntyre river in Thunder Bay in the fall of 2015. Within three hours of finding the body and before it had been identified, the Thunder Bay Police Service quickly ruled out murder — issuing a statement saying the death "did not appear suspicious" and a day later determining the death was "non-criminal."

'There was no basis to affirmatively rule out foul play based on observations made at the scene or even after the autopsy examination' - Office of the Independent Police Review

Director report

The dead man's brother and Rainy River First Nations petitioned the review board to look at the case after their own investigation found the Thunder Bay Police Service's efforts lacking.

"The deficiencies in the investigation were so substantial — and deviated so significantly from what was required as to provide reasonable and probable grounds to support an allegation of neglect of duty," the OIPRD report says.

Leads ignored

The report flagged several examples of important leads that were ignored or neglected by the police, among them:

- A witness who told police he'd seen an altercation on the river bank the night before DeBungee's body was found.
- A second potential witness whose identification was found at the scene and likely the last person to see DeBungee alive.
- An alleged deathbed confession by a woman who claimed she'd pushed DeBungee into river.

Shortly after DeBungee's body was found, and with no answers coming from the Thunder Bay police, Rainy River First Nations hired their own investigator, who shared his work with *The Fifth Estate* as part of a documentary in 2016.

The Fifth Estate's documentary "No Foul Play" and the report by retired Toronto Police investigator Dave Perry, raised serious questions about clues that weren't pursued.

Within 48 hour of being on the ground in Thunder Bay, Perry found information he felt was important to the police investigation — but when he attempted to share it with the Thunder Bay Police Service, he says the officer he spoke with rebuffed him.



Dave Perry, a retired Toronto Police investigator, was hired by the DeBungee family and the Rainy River First Nation to investigate the death of 41-year-old DeBungee. (CBC)

"I felt like I just interrupted this gentleman's day," Perry told *The Fifth Estate*. "He didn't take me seriously."

Asked why he thought that was, Perry said he felt racism played a role and that police shouldn't jump to conclusions - in this case, that because an Indigenous person was found in the river, "this is simply a drowning.

"That's a dead wrong approach and it's completely improper."

Witnesses not interviewed

It's that approach the OIPRD report criticizes as well. It confirms key findings of *The Fifth Estate* report, including how another man's ID was found near the river bank where DeBungee died, a lead that was not seriously pursued.

Also, that DeBungee's debit card had been used six times after his death, raising questions about whether he might have been robbed.

In 2016, *The Fifth Estate* tracked down people who had been with DeBungee the night he died, including a woman who admitted she'd used DeBungee's debit card. They told *Fifth Estate* host Gillian Findlay that more than a year later, they had yet to be contacted by police for an interview.



Thunder Bay police Chief J.P. Levesque said he tries 'not to micromanage' cases. (CBC)

When Findlay asked Thunder Bay Police Chief J.P. Levesque about that in an interview, he said "Are you willing to be interviewed by our investigators?"

When she pointed out that information had been made known to police in Perry's report, his response was, "I try not to micromanage... I let the investigators do their job."

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The scathing OIPRD report uncovered more evidence that there was a rush to judgment by police.

"There was no basis to affirmatively rule out foul play based on observations made at the scene or even after the autopsy examination," it concludes.

The review states there was "overwhelming" evidence that the two main detectives on the case "prematurely concluded that DeBungee rolled into the river and drowned."

It also concludes racism may have influenced how they handled the investigation.

'The evidence is clear that an evidence-based proper investigation never took place into [DeBungee's] sudden death' - OIPRD report

"It can also be reasonably inferred that this premature conclusion may have been drawn because the deceased was Indigenous," the report says.

But the officers named by the OIPRD rejected that claim in interviews recorded in the report.

"Whether they're First Nations or Caucasian or any other type of race, we do our work based on a want to do what's right," one officer is quoted as saying.

The OIPRD report is the latest in a series of controversies and revelations that have plagued the Thunder Bay police amidst allegations of racism and indifference to the city's large Indigenous population.

Seven young Indigenous people — Jethro Anderson, 15, Curran Strang, 18, Robyn Harper, 19, Paul Panacheese, 21, Reggie Bushie, 15, Kyle Morrisseau, 17 and Jordan Wabasse, 15 — died in Thunder Bay between November 2000 and May 2011. The inquest into their deaths concluded in 2016 with jurors making 145 recommendations to police and other parties.

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"It was also troubling that this inadequate investigation took place in the context of an ongoing coroner's inquest into the deaths of seven First Nations youths, most involving river-related deaths," the report said.

"One would have reasonably expected that investigators would be particularly vigilant in ensuring that the investigation of the sudden death of an Indigenous man found in the river was thorough and responsive to the community's concerns. Unfortunately, the opposite was true here."

After Stacy DeBungee was found

The body of Stacy DeBungee, 41, was discovered in the McIntyre River on the morning of Oct. 19, 2015.

Within hours and before the body had even been identified, the Thunder Bay Police Service issued a statement saying the death did not appear suspicious.

The next day, before an autopsy had been conducted, they released another statement, this one saying DeBungee's death was non-criminal and involved no foul play.

Police determined at that time that DeBungee was intoxicated and rolled into the McIntyre River. That conclusion never sat right with his brother, Brad DeBungee.



Brad DeBungee shows The Fifth Estate's Gillian Findlay where his brother Stacy's body was found in the McIntyre River in Thunder Bay, Ont. (CBC)

"They're saying, he's just a drunk Indian," DeBungee said.

He has long believed his brother's death was not an accident.

"The evidence is clear that an evidence-based proper investigation never took place into [DeBungee's] sudden death while [the detective] led what little investigation took place," the report says.

Alleged deathbed confession

The report says police failed to diligently follow up with two key potential witnesses.

A man who claimed he saw the river altercation was not contacted until a year later.

A second man whose identification was found at the crime scene had been red-flagged in police computers for followup, but wasn't questioned about the death for months, even though he'd twice been in police custody for other matters.

Perhaps most seriously, the report also says police acted too late to investigate an alleged death-bed confession.

A woman whom police knew had been with DeBungee the night before his body was found was reported to have said she had "a shoving match with the deceased in which the deceased ended up in the river."

According to an acquaintance, the woman said she couldn't sleep because "she was having nightmares about a night when she was by the river, intoxicated, and was involved in a shoving match" with [DeBungee].



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

"She stated that DeBungee ended up in the river and she was not strong enough to pull him out of the water and his body floated away."

The report shows this information from the acquaintance was passed on to Thunder Bay Police detectives twice independently after the woman died. And yet, the information did not make it into the DeBungee investigation file. As a result, little was done by police for weeks to try and corroborate the story.

"An alleged confession relating to [DeBungee]'s death should have mobilized the TBPS to treat this lead on a priority or urgent basis, if it was truly committed to learning the full truth about [DeBungee]'s death," the report says.

Speculation is 'no substitute'

While critical of how the Thunder Bay Police Service handled the investigation of DeBungee's death, the report makes no findings as to how he ended up in the river that night.

"It could be speculated that the death resulted from an accident (such as falling into the river while intoxicated) or criminal activity (such as the deceased being pushed into the river) or be explained by a number of other scenarios. However, such speculation was no substitute for an evidence-based and informed investigation."

The report says the available evidence did not support the conclusion that foul play should be excluded, which "infected the entire approach to the minimal investigation which followed."

The OIPRD discovered in their investigation that no formal statements were taken from any of the people who were with DeBungee shortly before his death.

"The conversation which ensued is best described as superficial," the report says.

The report says one of the main detectives working on the case didn't review on an ongoing basis any supplementary reports in the investigative file.

The report says this resulted in that detective being unaware of a witness at the scene telling a uniformed officer that they saw a physical altercation the night before DeBungee's body was found.

No forensic identification

The report says investigators gave inadequate or no direction to the forensic unit in a manner consistent with the treatment of a sudden death as a potential homicide.

No video was taken at the scene and no photographs were taken of the body where or near where it was found.

"No consideration was given to holding the scene until the autopsy had been conducted," it says. "No measurements were taken at the scene."

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- [Ontario Provincial Police reviewed Thunder Bay service's investigation of Stacy DeBungee](#)

Efforts by Thunder Bay Police Services to contact the last person known to be alone with DeBungee "were sporadic and were given the lowest priority," according to the report. The interview was done with this person "a long time after the material events."

This occurred even though police returned his identification —which was found at the scene — to him a week after the body was found.