

Police probe of Indigenous man's death in Thunder Bay shoddy: review

By Colin Perkel The Canadian Press



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TORONTO – A decision by police officers in Thunder Bay, Ont., to rule out foul play just hours after the body of an Indigenous man was found floating in a river was the result of a grossly inadequate investigation tainted by racism, an independent review has determined.

In a scathing report released Monday, the Office of the Independent Police Review Director concluded that several officers involved in investigating the 2015 death of Stacy DeBungee failed to live up to their professional obligations.

“The evidence is clear that an evidence-based, proper investigation never took place,” the report states. “The real issue should have been whether anything pointed to foul play or suspicious circumstances after a proper investigation, not before.”

A passerby spotted DeBungee, 41, in the McIntyre River on the morning of Oct. 19, 2015, and called police. Within a few hours – well before any autopsy – the service put out a statement calling the death non-suspicious. A second statement the following morning called the death “non-criminal.”

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Police chalked up DeBungee's death, which occurred during a coroner's inquest into how police had responded to the mostly river-related deaths of seven young Indigenous people, to accidental drowning while drunk.

“The available evidence did not support the conclusion that foul play had been excluded,” the director's report said. “This infected the entire approach to the minimal investigation.”

Among other things, the report notes, police took no video, photographs or measurements of the scene, and gave no thought to securing the area until an autopsy had been done. Apart from those initial deficiencies, the report finds the problems were compounded and exacerbated as time went on.

For example, investigators made no effort for five months to contact the last person known to have been alone with DeBungee even though the witness' name had been “red-flagged.” Detectives ignored a woman's confession that she had been in a shoving match with DeBungee before he ended up in the river.

Officers were also unaware that DeBungee's debit card was used after his death. They took no formal statements from anyone who was with DeBungee before his death, the report said.

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DeBungee, of the Rainy River First Nation, was a “happy-go-lucky” and friendly guy who made people laugh, according to his brother. In an effort to get at what happened, the family hired a private investigator, the report said. He was able to piece together what the victim had done the day before his death and who he had been with.

Police interviewed none of those people and refused to meet the investigator, the report said.

While officers involved denied race played any part in their investigation, the report concludes otherwise.

“It can reasonably be inferred that the investigating officers failed to treat or protect the deceased and his family equally and without discrimination based on the deceased's Indigenous status,” the report concludes.

“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 report upholds allegations of neglect of duty and discreditable conduct against lead Det. Shawn Harrison and Det. Const. Shawn Whipple. Additionally, it substantiates a complaint of neglect of duty against acting Insp. Susan Kaucharik. The OIPRD has ordered a hearing into the allegations.

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Robin McGinnis, chief of the Rainy River First Nation, said police Chief J.P. Levesque "needs to go."

"The degree of incompetence and indifference to the lives of First Nations is mind-boggling," McGinnis said in a statement. "Chief Levesque needs to step down to protect any chance for credible change in the Thunder Bay police service."

Neither Levesque nor any of the officers involved would comment. However, Insp. Don Lewis issued a statement on Monday that said confidentiality rules prevented any public discussion of the issues at hand.

"The Police Services Act is structured in this way to ensure that the integrity of the process is maintained and to protect the privacy interests of all those who have participated in or are touched by the (review director's) investigation," Lewis said.

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