

ONE YEAR AFTER **BROKEN TRUST**

Report on Implementation





This systemic review follow-up report involves the Thunder Bay Police Service and events that occurred in Thunder Bay. The OIPRD respectfully acknowledges that Thunder Bay is located on the traditional lands of the Fort William First Nation within the Robinson Superior Treaty, and is the traditional territory of the Anishnaabeg and the Métis.

DIRECTOR'S MESSAGE

The following report is the result of discussions held over several months determining the current status of the implementation of the recommendations made in Broken Trust: Indigenous People and the Thunder Bay Police Service.

All the discussion and work creating this report was completed prior to my term as Ontario's Independent Police Review Director.

Accordingly, the statements made in this report on behalf of the OIPRD are those of my predecessor, the Interim Director, Sylvana Capogreco. I thank Ms. Capogreco for her hard work on this report and throughout her time as the Interim Director.

Sincerely,



Stephen Leach

Independent Police Review Director



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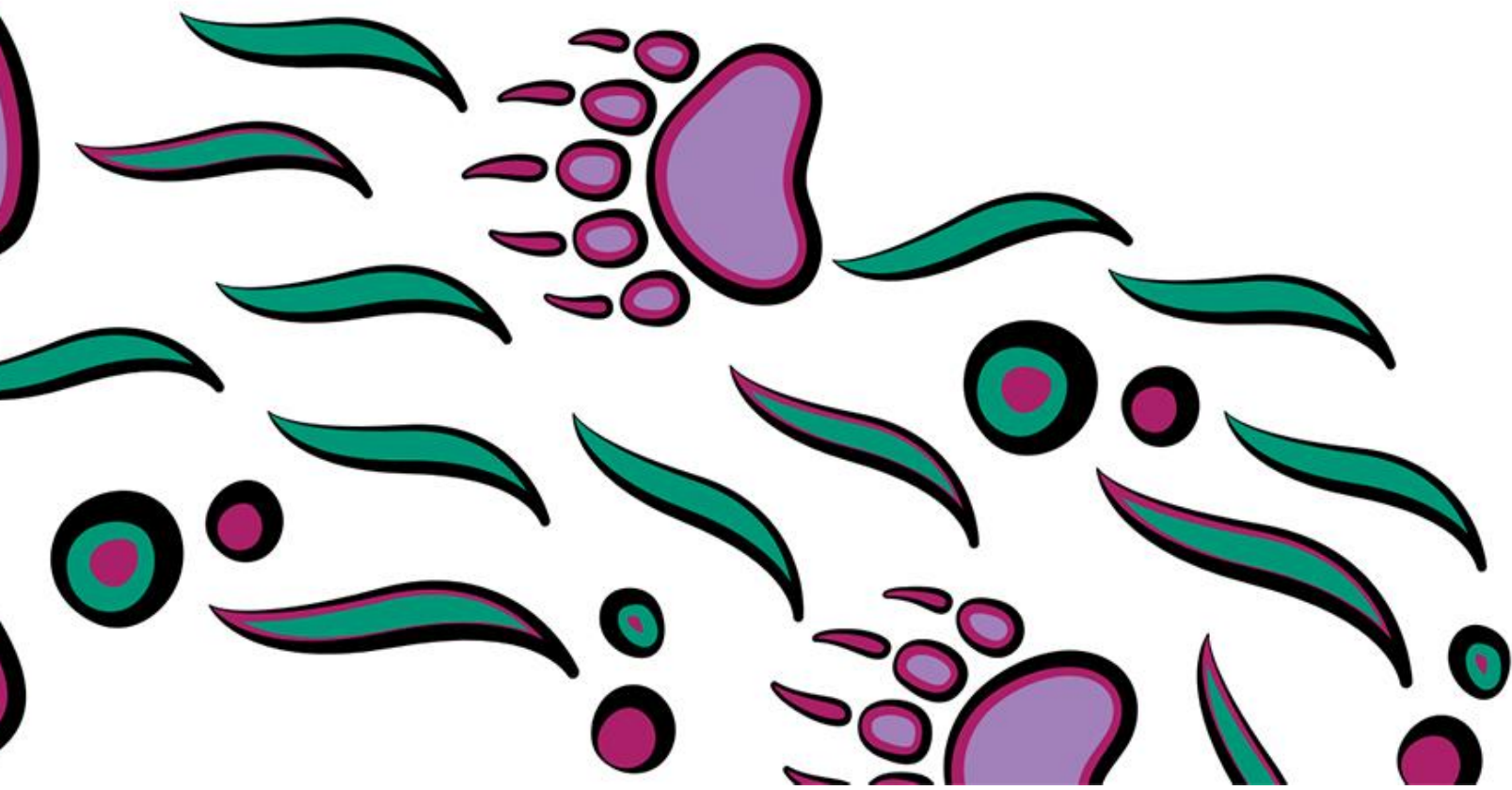
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INTRODUCTION

December 12, 2019, marked the one-year anniversary of the release of the Office of the Independent Police Review Director’s (OIPRD) systemic review, *Broken Trust: Indigenous People and the Thunder Bay Police Service* (further referred to as *Broken Trust*).

Broken Trust found that systemic racism exists in the Thunder Bay Police Service (TBPS) at an institutional level that affected the investigations into the deaths of Indigenous people. The Report determined that TBPS officers repeatedly relied on generalized notions of how Indigenous people came to their deaths, and acted, or refrained from

acting based on those biases. The failure to conduct adequate investigations and the premature conclusions drawn in cases involving the deaths of Indigenous people were partly attributable to racist attitudes and racial stereotyping.

The Report also described a “crisis of trust” afflicting the relationship between Indigenous people and TBPS. It identified serious systemic issues and deficiencies surrounding the investigations of sudden deaths of Indigenous people.

For many Indigenous people, the findings were not surprising. As

described in Broken Trust, in 1993, a “Grassroots Committee on Native Unsolved Murders” circulated a petition that garnered 3000 signatures requesting that a federal inquiry be established to look into the circumstances of “18 unsolved deaths of Aboriginal people in Thunder Bay.”

Broken Trust provided answers to some of the very same questions and concerns that were raised by Indigenous people more than a quarter century ago.

Broken Trust signaled that trust must be earned. The OIPRD strongly believes that the implementation of its recommendations is an important step towards affecting change and earning trust.

The OIPRD made 44 recommendations to address:

- TBPS’s sudden death and other investigations
- TBPS investigators and the Criminal Investigations Branch (CIB)
- Other TBPS operational areas and missing persons cases
- The relationship between TBPS and the Office of the Chief Coroner (OCC)

- The relationship between TBPS and the Ontario Forensic Pathology Service (OFPS)
- Racism in TBPS
- Training, recruitment and promotion to reduce or eliminate racism
- The implementation of these recommendations

The recommendations provide guidance to TBPS in ensuring that its investigations are thorough, effective and non-discriminatory. The recommendations also provide TBPS with a path forward to improve its relationship with Indigenous people. It was essential that Broken Trust not sit on a shelf and that the recommendations be implemented meaningfully. To this end, recommendation 43 stated that TBPS should report to the OIPRD on the extent to which Broken Trust’s recommendations have been implemented, and that the OIPRD, in turn, should report publicly on TBPS’s response.

What follows is the OIPRD’s public report on TBPS’s progress on implementing Broken Trust’s recommendations.

Engagement Meetings

To evaluate TBPS's progress, the OIPRD has monitored the work done by TBPS to date, and the extent to which the OIPRD's recommendations have or have not been implemented. To facilitate this evaluation in November 2019, the Interim Director, Sylvana Capogreco, consulted with Indigenous leaders, community organizations, and policing stakeholders, including senior management and members of the Thunder Bay Police Services Board (the Board). These were necessary conversations to have before the OIPRD

could report publicly on TBPS's progress. Repairing the broken relationship between TBPS and Indigenous communities is only possible with a shared vision and joint commitment. The OIPRD's systemic review was conducted with the premise that positive change can only occur through meaningful collaboration between all those involved. It follows that the communities served by TBPS have an important role in assessing, on an ongoing basis, whether such change is taking place.

Through in-person meetings and teleconference calls, the Interim Director had the opportunity to speak with the following organizations and individuals to obtain their feedback and advice:

- Grand Chief Alvin Fiddler, Nishnawbe Aski Nation
- Chief Peter Collins, Fort William First Nation
- Chief Robin McGinnis, Rainy River First Nations
- Dilico Anishinabek Family Care
- Dr. Leisa Desmoulins, Associate Professor at Lakehead University, Department of Aboriginal Studies
- Kinna-aweya Legal Clinic
- Nishnawbe-Aski Legal Services
- Ontario Native Women's Association
- Thunder Bay Indigenous Friendship Centre
- Thunder Bay Public Library
- Chief Sylvie Hauth of TBPS
- The Board

The OIPRD also corresponded with OCC and OFPS and received valuable information from the Chief Coroner, Dr. Dirk Huyer, and the Chief Pathologist of Ontario, Dr. Michael Pollanen.

The Interim Director would like to thank all those who participated in the engagement process. Their contributions and much-valued insight have greatly assisted the OIPRD in better understanding the work done to date. The Interim Director also appreciates the cooperation of TBPS and Chief Hauth. In preparation for this review, TBPS provided the OIPRD with several reports by the Chief to the Board setting

out TBPS’s response to Broken Trust’s recommendations. TBPS responded to questions arising from these reports and provided the OIPRD with documents, including, but not limited to, new or amended TBPS policies¹ relevant to our recommendations, and TBPS training materials.

It should be noted that the responses from TBPS, OCC and OFPS were largely reproduced verbatim. However, some responses were abbreviated. A number of TBPS’s responses were also drawn from their reports to the Board regarding the implementation of the Broken Trust recommendations.



¹ The Police Services Act distinguishes between policies created by police services boards and procedures or practices created or adopted by chiefs of police or their services. Not infrequently, in Thunder Bay, “policies” refer to all of the above. The Board and TBPS should ensure, going forward, that

appropriate distinctions are maintained between the Board’s policies and the TBPS’s procedures or practices. These distinctions better enable the Board and the Service to fulfill their separate but related responsibilities under the Act.

OVERVIEW

The OIPRD is encouraged by the steps taken by TBPS and the Board to acknowledge existing problems and to commit themselves to implementing the OIPRD's recommendations. While the OIPRD is encouraged by these steps, it is still too early to assess the extent to which the recommendations will ultimately be implemented to the level required to earn trust with Indigenous communities.

Important first steps have been taken to implement several of the recommendations. The creation of a robust framework for the reinvestigation of nine cases identified in Broken Trust, with the direct involvement of outside agencies and community input, represents a critical step in building trust with Indigenous communities. Other examples of positive change include enhanced training and education in a variety of areas, the creation of a Major Crimes Unit, the hiring of additional officers, a new recruitment plan designed to promote diversity and inclusion within TBPS, and an emphasis on building cultural competencies with the assistance of the community and outside expertise.

The feedback received from Indigenous leaders, community organizations and representatives were largely positive. Engagement meetings and discussions confirmed that community members have been working with TBPS on some important initiatives, many of which were prompted by or reinforced in Broken Trust. Community members stressed that Indigenous Elders must be further included in many of the newly established or revamped committees, advisory groups, and programs – a point of view adopted by Chief Hauth.

The OIPRD found that Indigenous leaders and community organizations and representatives that participated in the engagement process were supportive of Chief Hauth's efforts to implement the OIPRD's recommendations. Grand Chief Fiddler, Chief Collins, and Chief McGinnis expressed respect for Chief Hauth's forward thinking, and willingness to have constructive dialogue in the future about existing shortcomings and possible solutions. The Board was also supportive of Chief Hauth's efforts, although some expressed deep concerns over the budgetary pressures that have resulted from the recommendations.

Everyone we met with acknowledged that there remains much to do. The implementation of numerous recommendations represents a work in progress. Some recommendations are in the planning stages only. It is recognized that the OIPRD's recommendations could not be fully implemented within one year of the release of Broken Trust. However, this means that the OIPRD will continue to monitor the progress.

The Board must have an active and ongoing role in monitoring the response from TBPS. TBPS and the Board must also ensure that they engage the community in the process of evaluating the progress made on identified issues, and building trust in the relationship between TBPS, the Board, and the communities they serve.

The availability of adequate financial resources represents a barrier to the implementation of some of the OIPRD's recommendations, though some additional funding has been provided to TBPS. The OIPRD addresses the issue of financial resources later in this report. In the OIPRD's view, federal, provincial and municipal governments must recognize that the OIPRD's systemic review was driven by a crisis of significant proportions. This requires extraordinary measures to tackle the issues facing TBPS and the communities it serves.

The OIPRD also observes that workload, lack of training and resources cannot account for a number of the failings we observed. Our recommendations did not promote an idealized version of TBPS, but what is required to address the serious, longstanding issues facing the police service, to ensure that adequate, effective and non-discriminatory policing is provided and to protect the public it serves.

Of course, implementing the recommendations is only one part of the process of improving the relationship between TBPS and Indigenous communities. A continued commitment is required by TBPS's leadership, individual officers, and the service as a whole. Earning trust will take time and is part of a much broader process.

In the following section, the OIPRD outlines each of the recommendations made in Broken Trust, sometimes grouped together for ease of reference, TBPS's response, as well as the Interim Director's comments to the response. The final sections address finances.

This report comes with an important qualification. While the OIPRD consulted broadly and reviewed many documents, the OIPRD did not audit compliance with its recommendations. This approach reflects the reality that, as TBPS acknowledges, there is still much to do.

RECOMMENDATIONS UPDATE

Recommendations Regarding TBPS Sudden Death and Other Investigations

Recommendation 1

Nine of the TBPS sudden death investigations that the OIPRD reviewed are so problematic that the Director recommends these cases be reinvestigated.

Recommendation 2

A multi-discipline investigation team should be established to undertake, at a minimum, the reinvestigation of the deaths of the nine Indigenous people identified.

Thunder Bay Police Service Response

TBPS, OCC and OFPS have adopted an independent, multi-disciplinary and multi-agency team approach to reinvestigate the cases identified in the OIPRD's report.

In September 2019, Terms of Reference were established for the reinvestigations of the nine identified cases.

The goal of these reinvestigations as set out in the Terms of Reference include:

- Truth-seeking and transparency
- Supporting the administration of justice
- Development of the TBPS investigation team through application of best practices

- Enhancing professional collaboration among the partner agencies
- Community confidence in outcome/results of reinvestigations
- Restoring the confidence of the public and the affected communities and families

A three-tiered oversight framework has been established to manage and oversee the investigations:

Executive Governance Committee

Name	Title
Grand Chief Alvin Fiddler	Nishnawbe Aski Nation
Honourable Justice Stephen T. Goudge	Retired Court of Appeal Judge
Dr. Dirk Huyer	Chief Coroner for Ontario
Dr. Michael Pollanen	Chief Forensic Pathologist for Ontario
Chief Sylvie Hauth	Chief of TBPS
Ms. Helen Cromarty	Nishnawbe Aski Nation Elder

The Executive Governance Committee will:

- Oversee the reinvestigations
- Develop and approve the reinvestigation framework, procedures and terms of reference
- Track progress against key milestones
- Meet as required to complete necessary tasks
- Approve all completed reinvestigations
- Make public the reinvestigation findings as appropriate
- Brief senior officials and key stakeholders
- Make recommendations for future investigations as appropriate

Investigative Resource Committee

Name	Title
Dr. Kona Williams	Forensic Pathologist Sudbury Forensic Pathology Unit
Dr. Barry McLellan	Investigating Coroner
Kimberly Murray	Assistant Deputy Attorney General Indigenous Justice Division, Ministry of the Attorney General
Susan Orlando	Crown Attorney, Ministry of the Attorney General
Others	As required, for example, a toxicologist, a forensic identification officer, representatives to support families, etc.

The Investigative Resource Committee will:

- Act as expert resources for the Blended Investigative Team (sub-committees with particular expertise may be struck to respond to specific questions)
- Provide support to the Blended Investigative Team to ensure all existing information is obtained and that culturally safe trauma focused support is available to family members
- Meet at the discretion of the Blended Investigative Team, but no less than once every two months

Blended Investigative Team

Name	Title
Ken Leppert	Lead Detective Superintendent Retired Ontario Provincial Police (OPP)
One Detective Constable	Nishnawbe Aski Police Service (NAPS)
Three Detective Constables	TBPS
Victim Liaison	TBPS Constable Former member of NAPS

The Blended Investigative Team will:

- Conduct police reinvestigations
 - Gather all existing information regarding each of the nine cases, which may include coroner investigations, inquest briefs, and police reports/files
 - Utilize the Major Case Management Model principles to support the reinvestigations
- Each case to be investigated by the external police service appointee, plus one or more investigators from TBPS and NAPS
- Communicate with the affected communities and families
- Ensure support for families affected by the reinvestigation of the deaths (culturally safe trauma focused support)
- Report to the Investigative Resource Committee and Executive Governance Committee
- Share with the Executive Governance Committee additional cases identified during the reinvestigation work that, in the view of the team lead, would warrant further investigation

In October 2019, the reinvestigations commenced. The reinvestigations are taking place within the Major Case Management Model, supported by the OPP. The Executive Governance Committee will provide updates to the Board.

Interim Director's Comment

Chapter 7 of Broken Trust provides details on the TBPS investigations respecting nine deaths of Indigenous people that the OIPRD recommended for reinvestigation. Broken Trust outlined several the OIPRD's concerns regarding how the original investigations were conducted by the TBPS.

The OIPRD endorses the multi-disciplinary model adopted here. The Blended Investigative Team is designed to promote independence from the TBPS's earlier

investigations, while increasing competencies within TBPS.² The creation and composition of the Executive Governance Committee and the Investigative Resource Committee are designed to provide expertise and accountability. The model also reflects sensitivity to cultural competency, support for affected families and community engagement.

The use of the Major Case Management Model is consistent with Ontario Adequacy Standards. Equally important, the OIPRD hopes that its effective use will guide TBPS in future investigations, since the failure to use the Major Case Management Model in appropriate cases, or in an effective way, represented one of the deficiencies identified in Broken Trust.

The OIPRD's support of this framework is predicated on the understanding that:

1. None of the TBPS investigators involved in the original investigations will reinvestigate those cases.³
2. Deficiencies in the original investigations identified by the Blended Investigative Team (whether the same or different than those identified in Broken Trust) will be used to teach or train TBPS investigators more generally. This should be true regardless of whether the Blended Investigative Team comes to the same or different conclusions than arrived at in the original investigations.⁴

² The OIPRD is aware that the Investigative Resource Committee raised at its last meeting that there was no Indigenous representation on the Blended Investigative Team. While not explicitly recommended in Broken Trust, it is important that the Blended Investigative Team include Indigenous representation.

³ The OIPRD is aware that an issue regarding the involvement of an investigating officer in the original investigation was raised and addressed by the Investigative Resource Committee at its last meeting.

⁴ The Blended Investigative Team may report that the original conclusions reached in some or all of the nine cases under reinvestigation should not be altered. As reflected in Broken Trust, the OIPRD recommended these reinvestigations because they were seriously deficient – the deceased, their loved ones and their communities were entitled to have their deaths properly investigated, regardless of outcome.

Recommendation 3

The multi-discipline investigation team should establish a protocol for determining whether other TBPS sudden death investigations should be reinvestigated.

Thunder Bay Police Service Response

A “protocol of best practices” will be established to determine whether additional cases should be reinvestigated. This protocol will be based on the reinvestigations and developed on an ongoing basis throughout the process associated with the reinvestigations. Once this protocol is established, it will be used to determine if other cases should be reinvestigated based on the criteria set out in that document. Any concerns or cases that are identified through this process will be brought to the attention of the Executive Governance Committee to make decisions on a case-by-case basis.

TBPS will also be implementing a new internal streamlined plan respecting sudden death reviews in February 2020.

Interim Director’s Comments

As described in Broken Trust, the OIPRD reviewed 37 individual cases handled by TBPS and recommended nine for reinvestigation. In making this recommendation, the OIPRD recognized that only a subset of cases were examined, and that the selection of those cases was partially driven by random sampling. It follows that other deeply flawed investigations are likely to exist.

While it is premature to comment on the implementation of this recommendation until the protocol of best practices has been established and provided to the OIPRD, more than a year has passed since Broken Trust was released. For both Indigenous and non-Indigenous people, who may have questions about the investigations into their loved ones’ deaths, the implementation of this recommendation comes with a sense of urgency. The OIPRD looks forward to receiving TBPS’s plan in this regard.

Recommendation 4

The multi-discipline investigation team should also assess whether the death of Stacy DeBungee should be reinvestigated, based on our Investigative Report and the Ontario Provincial Police review of the TBPS investigation. The team should also assess when and how the investigation should take place, without prejudicing ongoing Police Services Act proceedings.

Thunder Bay Police Service Response

Separate from the OIPRD's systemic review, and pursuant to a public complaint, the OIPRD conducted an investigation into whether the TBPS officers should face disciplinary charges arising out of the investigation into the sudden death of Stacy DeBungee. The OIPRD concluded that three officers should face disciplinary charges. However, the OIPRD's investigation was completed more than six months after the complaint was retained for investigation. Pursuant to the Police Services Act, the Chief of Police cannot serve a notice of a disciplinary hearing on the officers without the Board's approval if six months passed since the day the complaint was retained for investigation. The Board felt it would be in a conflict of interest in deciding whether or not an extension should be granted so that the Chief could serve notice on the three officers. The Superior Court designated retired Judge Lee Ferrier in place of the Board. During a legal proceeding, Mr. Ferrier ruled that the hearing to determine whether the extension should be granted should not be conducted in public. This decision was the subject of a legal challenge.

Very recently, the Ontario Court of Appeal returned the issue to Mr. Ferrier for reconsideration. Permission is being sought to appeal the Court of Appeal's decision to the Supreme Court of Canada. As such, disciplinary proceedings remain outstanding without any certainty as to whether those proceedings will ultimately be heard on the merits. The Chief of Police, in consultation with legal counsel, determined that the decision on whether or not to reinvestigate the death of Stacy DeBungee cannot be made until the court proceedings are concluded in their entirety and disciplinary

proceedings have taken place (if the extension of time is granted). That decision will ultimately be made pursuant to the protocol described in the response to Recommendation 3.

Interim Director's Comments

An overview of TBPS's investigation into the death of Stacy DeBungee can be found at pages 128-138 of Broken Trust.

There is no legal requirement that a reinvestigation of a sudden death be deferred pending the resolution of Police Services Act disciplinary proceedings. However, such a deferral may be an appropriate exercise of the Chief of Police's discretion. The OIPRD would prefer if the Chief of Police's decision is at least informed by discussions with the Executive Governance Committee. This decision should also be revisited on a periodic basis.

Recommendation 5

TBPS should initiate an external peer-review process for at least three years following the release of this report.

Thunder Bay Police Service Response

The external peer-review process will be developed based on the work of the multi-disciplinary investigative team. This process will be established in June 2020. The composition of the peer-review group has yet to be determined. Members from both the Executive Governance and Investigative Resource Committees will be included on the peer-review team. TBPS needs to have discussions with all stakeholders currently on the Executive Governance and Investigative Resource Committees to determine interest and also balance this against potential confidentiality issues.

Interim Director's Comments

As explained in Broken Trust, Recommendation 5 contemplates that every year, several sudden death and homicide investigations, selected either on a random basis or based on complexity, are peer-reviewed by experienced investigators from an outside police service. This was designed to provide further support and expertise to TBPS investigators, ensure heightened competence in accordance with provincial standards and build public confidence. Depending, in part, on the results of this peer-review process, TBPS leadership was to determine and publicly report on whether further changes must be made to its investigative processes. As well, if circumstances warranted, TBPS was to consider contracting out some of its investigations to the OPP or an external police service.

It is premature to comment on the implementation of this recommendation. However, the OIPRD expects to receive more concrete information about this process by June 2020.

Recommendations Regarding TBPS Investigators and the Criminal Investigations Branch

Recommendation 6

TBPS should immediately ensure sufficient staffing in its General Investigation Unit in the Criminal Investigations Branch. Adequate resources must be made available to enable this recommendation to be implemented on an urgent basis.

Thunder Bay Police Service Response

The CIB has undergone a reorganization to allow for better coverage and efficiency. The unit now works on a 12-hour shift schedule, with four days on and four days off. The 12-hour shifts help to ensure there is proper coverage and consistency of officers involved in an investigation. The reorganization will be revisited to determine if this is the best use of currently available resources.

There is a total of 66 officers in CIB, which includes officers for general crime, major crime, intelligence, drugs, guns and gangs, domestic violence, elder abuse, missing persons, human trafficking, fraud, and break and enters.

CIB will shortly have 20 members dedicated to major crime investigations. There will be four units each comprised of one sergeant and four detective constables. This has not yet been fully realized as a result of three detective constables being utilized for the reinvestigation pursuant to Recommendation 1.

All members will have the necessary major case training upon entering the unit or within six months of entering the unit. All Major Case Command Triangle⁵ officers will complete the required Major Case Management Model courses before the conclusion of

⁵ In every threshold major case investigation within a single jurisdiction, a Command Triangle is formed consisting of the functions and responsibilities of Major Case Management, Primary Investigation, and File Coordination.

2020. CIB has also implemented a mentoring plan which occurs in three-month intervals, ensuring newer officers are paired with experienced officers.

Further, at the end of March 2020, TBPS will have a member certified to train other staff in PowerCase, the Ministry of the Solicitor General approved software for the Major Case Management Model. Previously, the unavailability of a certified officer internally meant that members had to be sent for training to the Ontario Police College (OPC). Cost made it difficult to send multiple officers to OPC.

TBPS believes that this recommendation has mostly been implemented but will continue to monitor the situation and make changes as required.

Interim Director's Comments

Additional officers and training represent positive steps towards the implementation of this recommendation. It is premature to evaluate whether the additional staffing and resources are sufficient in the circumstances. The OIPRD has no comment on the creation of 12-hour shifts since this is a deployment decision beyond the scope of this report.

The use of PowerCase is provincially mandated for cases being investigated under the Major Case Management Model, so training in relation to the use of the PowerCase is essential. Until such training is delivered to officers, the Major Case Management Model cannot be fully realized. The training must ensure that data is properly entered onto PowerCase, and that it is used to effectively enhance the investigative work.

Recommendation 7

TBPS should establish a Major Crimes Unit – within the Criminal Investigations Branch – that complies with provincial standards and best practices in how it investigates serious cases, including homicides, sudden deaths and complex cases.

Thunder Bay Police Service Response

The Major Crimes Unit was established in January 2019. Its composition is described in the response to Recommendation 6. The Major Crimes Unit is overseen by the CIB Staff Sergeant, who reports to the CIB Inspector.

The experience of the officers in the unit range from newly established 1st class constables to officers with more than 25 years of experience.

The Major Crimes Unit follows the provincially mandated Major Case Management Model that outlines the criteria to determine what constitute major cases.

Interim Director's Comments

In the OIPRD's view, establishing and staffing a Major Crimes Unit is an important step in addressing this recommendation and the deficiencies that prompted it. Use of the Major Case Management Model is approved by the Ministry of the Solicitor General and complies with provincial adequacy standards. Provincial adequacy standards are set out in Regulations and the Major Case Management Manual. It is too early to evaluate the competencies within the Major Crimes Unit and its compliance with best practices.

The OIPRD received and reviewed the TBPS's updated Sudden Death Policy, released in March 2019. The policy represents a significant improvement on the previous version. It addresses and clarifies issues that were either previously missing or vague. For example, in compliance with the OIPRD recommendations regarding further collaboration between police, OCC and OFPS, the policy speaks to the role of different agencies and parties involved in a death investigation. In particular, the policy addresses the mandate

of the coroner and the duty of the officers in working together with the coroners and pathologists on death investigations.

The policy is a living document and should continue to be updated as needed. One significant gap in the current policy is that there is no requirement for officers who are investigating homicides to have homicide investigation training. This issue should be revisited in the next version of the policy.

Recommendation 8

TBPS should provide officers, who have taken the appropriate training with opportunities to be assigned to work with Criminal Investigations Branch and the Major Crimes Unit investigators to gain experience.

Thunder Bay Police Service Response

TBPS has a secondment program to allow for officers in other branches, such as Uniform Patrol, to spend time in CIB. Unfortunately, it is currently too difficult to employ the secondment program, due to the need for officers in all areas, especially Uniform Patrol. TBPS will begin to utilize the secondment program once the new recruits return from the Ontario Police College, and experienced officers from other services are hired. This will hopefully take place by the end of 2020.

TBPS is also introducing mentoring programs within CIB, as well as more extensive training that is specific to CIB that will be delivered with more frequency. To help facilitate that increased frequency, TBPS will use internal trainers wherever possible. However, to realistically allow for proper training and appropriate projections, additional officers may be needed in the Uniform Patrol Branch, which would impact future budgets.

Interim Director's Comments

The OIPRD supports increased mentoring and training for officers. The OIPRD also supports the use of secondments to provide experience and build competencies. The challenge here is whether these steps will be effectively implemented based on available resources. If internal trainers will figure more prominently in this work, it is important that those trainers demonstrate high competencies, rather than the deficiencies identified in Broken Trust. Beyond these comments, it is premature to evaluate the implementation of this recommendation.

Recommendation 9

TBPS should develop a formalized plan or protocol for training and mentoring officers assigned to Criminal Investigations Branch and the Major Crimes Unit.

Thunder Bay Police Service Response

CIB and the Major Crimes Unit specifically adhere to all provincially mandated policies and procedures on investigating crime. TBPS has assigned a Staff Sergeant to the new Quality Assurance position. The Staff Sergeant has already been in the role for five months. The officer in the Quality Assurance position acts as a risk manager and ensures that appropriate standards are in place. Some of the officer's major tasks include:

- Administration of Best Practices Committee and implementation of any resulting organizational changes
- Development and maintenance of training manuals for TBPS
- Oversight of TBPS policies and procedures development and maintenance
- Coordinate Quality Assurance Program
- Coordinate creation and delivery of training bulletins for TBPS staff
- Monitor and review all existing TBPS involved MOUs, and
- Perform all duties of a sworn police officer required and other duties as assigned.

The current priority for the position is to develop specific training packages for every position in TBPS. These packages are extensive and people with the necessary skills are tasked with providing relevant training – all overseen by higher ranking officers. A formalized process to address this recommendation will be developed once training packages have been established.

Interim Director's Comments

Developing training packages and providing relevant training for every position in TBPS is a necessary step towards ensuring that investigations are conducted adequately. The OIPRD is encouraged by the initial steps taken to implement this recommendation, including the assignment of a Staff Sergeant to the new Quality Assurance position. The OIPRD team met with the newly assigned Staff Sergeant and were impressed with his commitment to improvement. It is premature to regard this recommendation as fully implemented.

Recommendation 10

TBPS should develop a strategic human resources succession plan to ensure the General Investigations Unit, Criminal Investigations Branch and the Major Crime Unit is never without officers who are experienced in investigations.

Thunder Bay Police Service Response

The Board is currently redefining the Human Resources department and recruitment. The Board is developing a new Business Plan that will address recruitment. The Board expects the new Business Plan to be completed in the first six months of 2020. Accordingly, this is a work in progress and may require additional funding to be successfully implemented.

Interim Director's Comments

The issues around financial resources are discussed in more detail below. This recommendation represents an important component of a successful investigative strategy for TBPS. Accordingly, it is premature to comment on its implementation until we know what resources, if any, will be made available and the content of the Business Plan.

Recommendation 11

TBPS should establish procedures to ensure occurrence or supplementary reports relevant to an investigation are brought to the attention of the lead investigator or case manager. This must take place regardless of whether a case has been earmarked for Major Case Management.

Thunder Bay Police Service Response

In January 2019, the Ministry of the Solicitor General provided TBPS with its Major Case Management Inspection Report that addressed these matters. This report was released publicly at the February 2019 Board meeting. Prior to the release of Broken Trust and the Major Case Management Inspection Report, the Inspector of CIB implemented new processes to ensure lead investigators and case managers were adequately apprised of their investigations through better communication, more productive case meetings, and proper report writing. The Board made changes to the Sudden Death, Homicide and Attempt Homicide policies to reflect the changes.

Interim Director's Comments

Positive developments have taken place in promoting more effective investigations, including better communication within the investigations. This work is ongoing since some of these developments have taken place informally and need to be better integrated, in writing, into the TBPS's procedures. The development of formal procedures and directives is required to enhance training, education and accountability.

Recommendation 12

TBPS should develop procedures to ensure forensic identification officers are provided with the information necessary to do their work effectively.

Thunder Bay Police Service Response

Through better communication, more productive case meetings, and proper report writing, lead Investigators and Case Managers are to ensure, on an ongoing basis, that Forensic Identification Officers are kept apprised during initial processing of the scene and that they are involved going forward. Every case requires a conference call with OCC. All members of CIB have received training with OCC.

A protocol is being developed in conjunction with OCC to ensure open communication and to ensure best practices are utilized in all cases.

Interim Director's Comments

The OIPRD suggested in Broken Trust that forensic investigation procedures should include, at a minimum:

- Clarity around the lead investigators' role in informing Forensic Identification Unit (FIU) officers about existing information and taking an active role in directing FIU officers as to their scene responsibilities. FIU officers need information from investigators about what may be important at a scene in relation to the investigation. Of course, this should not be a "one-way street." FIU Expertise should also inform investigative decision-making.
- Steps to ensure that, absent truly exigent circumstances, FIU officers who attend an autopsy are the same officers who attend the initial scene. Alternatively, FIU officers should be fully briefed about the case before attending an autopsy.
- Steps to ensure that FIU officers fully brief the lead investigators about the findings at an autopsy.

The OIPRD is encouraged by steps taken to implement this recommendation, though, as TBPS has acknowledged, more work must be done. Given the importance of this recommendation, the OIPRD expects to be provided with further information about the protocol that is being developed. The protocol should also address the OIPRD's comments above.

Recommendation 13

TBPS should immediately improve how it employs, structures and integrates its investigation file management system, Major Case Management system and its Niche database.

Thunder Bay Police Service Response

TBPS has become a member of the Ontario Police Technology Information Co-operative (OPTIC). The purpose of OPTIC is to provide state of the art information technology and data management systems, including but not limited to, Records Management System (RMS), Computer Aided Dispatch (CAD) and data networks for approved agencies. The participation in this Co-operative will address the issue of information-sharing between police services because the information found in the database is available to all member agencies.

Interim Director's Comments

At the time Broken Trust was released, TBPS had not integrated its Niche system with other police services. This concern was identified by some of the officers interviewed during the systemic review. The lack of integration contributed to a lack of information sharing and a lack of full coordination with other police services such as NAPS, Anishinabek Police Service (APS) and the OPP.

Migration of TBPS to OPTIC represents an important development since it addresses, in part, one of the issues identified in Broken Trust: the barriers to information-sharing

between regional police services. It is, however, premature to evaluate the effectiveness of major case investigations now taking place. In order to evaluate whether this recommendation has been fully implemented, it would be important to know when OPTIC will be fully operational within TBPS.

Recommendation 14

TBPS should, on a priority basis, establish protocols with other police services in the region, including Nishnawbe Aski Police Service and Anishinabek Police Service to enhance information-sharing.

Thunder Bay Police Service Response

Both formal and informal protocols exist. In addition to TBPS policies and Memoranda of Understanding with other agencies mandating information-sharing when necessary, legislation is very clear that law enforcement agencies can share information between each other freely. The migration to OPTIC will address the concerns about information-sharing. The new database allows for enhanced information-sharing capabilities.

In addition to the above, TBPS also has several Memoranda of Understanding with the OPP, NAPS, and APS for joint task forces on such things as drug enforcement and gun and gangs.

Interim Director's Comments

The existence of such protocols, Memoranda of Understanding, and enhanced technology is a necessary step in improving cooperation between police services. The OIPRD also identified issues around the sharing of information with other regional services, unrelated to technological limitations or the absence of protocols or Memoranda of Understanding. It is premature to evaluate the extent to which that sharing of information with other regional services has improved.

Recommendations Regarding Other TBPS Operational Areas

Recommendation 15

TBPS should fully integrate the Aboriginal Liaison Unit's role into additional areas of the police service. This would help to promote respectful relationships between TBPS and the Indigenous people it serves.

Thunder Bay Police Service Response

TBPS has been undergoing an Organizational Change Project, in which a consultant, Dr. Leisa Desmoulins, was hired and a committee of internal and external members were tasked with diversifying TBPS and making it more inclusive. Part of this project was to look at the role of the Aboriginal Liaison Unit (the ALU). There are currently two full time officers assigned to the ALU with no regular patrol duties. Further consultations occurred at the end of January 2020 with Fort William First Nation and the Urban Indigenous Strategy. The revamp of the ALU is in its final phases and the Chief hopes to present it to the Board at or before the March 2020 meeting.

The Board has approved a civilian coordinator position (the Community Inclusion Team Coordinator), which still needs to be filled. The purpose of this position is to assist the Community Inclusion Team (CIT) to identify, develop, implement and deliver culturally appropriate services to community members and groups, especially Indigenous peoples, and to strengthen relationships across Thunder Bay.⁶ The position will provide internal coordination by connecting with Indigenous and other communities, helping CIT provide appropriate services, programs, and events to improve community relationships. The position will involve project co-ordination, input to policy and procedures within CIT,

⁶ TBPS is planning to rename the ALU to the Community Inclusion Team (CIT). The current ALU is comprised of two officers. The new CIT will be comprised of two officers plus the additional civilian member referred to above. One of the officers will still have the Indigenous portfolio.

volunteer coordination and recruitment, finding training opportunities and trainers, and representing the unit through networking, committee work, and forums.

Chief Hauth believes there needs to be stronger Terms of Reference for the ALU. Even though this unit will be focused on Indigenous communities, there is also a need to address issues affecting newcomers. There are plans to establish a committee that involves Elders to provide advice on matters including the ALU. Internal cultural competency training to teach about Ceremonies, traditions, and history is being developed by the Organizational Change Committee headed by Dr. Desmoulins. The ALU has already been working closely with NAPS, including visits to youth in First Nations communities before they come to Thunder Bay to attend Dennis Franklin Cromarty High School.

It should also be noted that as part of the revamping of the ALU by the Organizational Change Committee, the Chief of Police and members of the Senior Command Team participated in a Naming Ceremony for the ALU.

Interim Director's Comments

In making this recommendation, the OIPRD suggested that the ALU's role should include, among other things:

- Greater engagement in facilitating investigations
- Greater engagement in front-line interactions with Indigenous people
- Greater ongoing engagement with Indigenous students
- Greater participation in visits to remote communities
- Greater visibility within the Service and participation in training.

The OIPRD is supportive of the Organizational Change Project, its goals and the involvement of Dr. Desmoulins and the Organizational Change Committee in this process. It is premature to evaluate whether this recommendation will be effectively implemented. The point of the recommendation was to ensure that the ALU's work was better integrated into other areas of policing (such as investigative assistance) without compromising the ALU's continuing relationship with Indigenous communities. It is unclear, at this point, whether this will take place.

Recommendation 16

TBPS should increase the number of officers in the Aboriginal Liaison Unit by at least three additional officers.

Thunder Bay Police Service Response

In the 2019 budget, the Chief has been granted one civilian position to be added to the ALU. The addition of three more officers cannot be achieved at this time due to budgetary constraints. TBPS, however, always would like to increase the number of officers in all areas, including the ALU, and as such has requested six additional officers in the 2020 budget.

Interim Director's Comments

As stated in Broken Trust, there is strong support in the community for the ALU; however, almost everyone the OIPRD spoke to indicated that two officers were insufficient. Many considered it tokenism.

While the OIPRD's recommendation was directed at hiring additional ALU police officers, the OIPRD supports the creation of an additional civilian position within the ALU. There was community support for this position as well. However, the added responsibilities of the ALU contemplated by Broken Trust, including its full integration into additional areas within the police service, would require additional personnel. The importance of this recommendation increases if TBPS decides to rename the ALU to the CIT and have this unit liaise with a broader range of diverse communities, in addition to Indigenous communities.

Recommendation 17

With Indigenous engagement and advice, TBPS should take measures to acknowledge Indigenous culture inside headquarters or immediately outside it.

Thunder Bay Police Service Response

TBPS has made some progress to address this recommendation. In the second-floor lobby, TBPS currently exhibits the Robinson Superior Treaty and a Roy Thomas piece of art entitled “Relatives.” TBPS will shortly be showcasing art as a result of an art competition it created for Fort William First Nation artists called “A Call for Artists”. The competition closed in late 2018, and TBPS announced its winners on social media in late 2019. TBPS has acquired two paintings, and the art will soon be displayed in a chosen location of the building.

The Tree of Hope project is working to raise \$50,000, which will be offered as a reward for information that helps solve a Missing and Murdered Indigenous Women and Girls (MMIWG) case. TBPS Constable Sharlene Bourdeau organized the project. The Tree of Hope is located in front of the TBPS Headquarters and the lights on the tree represent MMIWG.

Interim Director’s Comments

It is important for TBPS to learn from and understand the communities it serves, including the history of the Robinson Superior Treaty. These are important measures that may assist in improving the relationship between police and Indigenous communities. Of course, these measures will only be effective in improving that relationship if accompanied by the implementation of the full range of recommendations in Broken Trust directed to relationship building. The OIPRD endorses these first steps taken to implement this recommendation and commends Constable Bourdeau and TBPS for the Tree of Hope initiative.

Recommendation 18

Thunder Bay Police Service should make wearing name tags on the front of their uniforms mandatory for all officers in the service.

Thunder Bay Police Service Response

TBPS is currently attempting to find resources in the 2020 budget to implement this recommendation. The TBPS's Clothing Committee approved this recommendation. Implementation will cost approximately \$30,000. Name tags will be implemented within the first quarter of 2020 once the budget is approved.

Interim Director's Comments

During the Interim Director's consultation with the Chief of Police, she reiterated the importance of all officers being required to wear name tags to enhance accountability and public trust in policing. Given the response above, TBPS supports the implementation of this recommendation, subject to the availability of financial resources. As already indicated, financial resources will be addressed more generally below.

Recommendation 19

TBPS should implement the use of in-car cameras and body-worn cameras.

Thunder Bay Police Service Response

In the late Spring 2019, TBPS concluded a comprehensive pilot project of body-worn and in-car cameras and their respective integration with a cloud-based digital evidence management system (the DEMS). The DEMS was an essential component of this pilot project as evidence gleaned from the two camera systems had to be seamlessly uploaded and then shared with the Crown Attorney and Provincial Offences Act prosecutors. At the conclusion of the pilot project, members of the management team began a comprehensive review of data and other factors in an effort to evaluate the project's success. This evaluation considered factors such as the value of evidence gained, time spent by officers processing evidence, time spent by support staff processing evidence, freedom of information requests, impact on prosecutions, impact on complaints, and overall impact on transparency and accountability. The evaluation resulted in the TBPS's recommendation to the Board to proceed with a full deployment of in-car and body-worn cameras, with a DEMS. It is anticipated that a vendor will be selected by the second quarter of 2020 with deployment to follow thereafter.

Interim Director's Comments

As indicated in Broken Trust, police in-car cameras and body-worn cameras have tremendous potential to enhance public safety, contribute to officer training, reduce public complaints, prevent negative interaction between police and members of the public and significantly increase public trust and confidence in police and policing.

As such, the OIPRD endorses the steps taken to implement this recommendation. This is an important development, as it enhances the administration of justice and accountability.

Recommendation 20

TBPS should, through policy, impose and reinforce a positive duty on all officers to disclose potential evidence of police misconduct.

Thunder Bay Police Service Response

Such a duty already exists in legislation. However, the existing policy has been revised to include: "It is the duty of every member of the Thunder Bay Police Service to address behavior that could be deemed as misconduct when learned about or observed."

Interim Director's Comments

The OIPRD is satisfied that this recommendation has been adequately implemented. Of course, it is the obligation of TBPS to create a culture that supports compliance with this duty.

Recommendations Regarding Missing Persons Cases

Recommendation 21

The Director urges the Ontario government to bring into force Schedule 7, the Missing Persons Act, 2018, as soon as possible.

Thunder Bay Police Service Response

The Missing Persons Act is now in force and the legislation is being utilized by members of TBPS to assist them in missing persons cases. The new powers have been communicated to the members and the legal department has had specific discussions with a detective constable, who is addressing missing person cases, to ensure the proper use of the powers. The new legislation will also be incorporated into academic day training throughout the year.

Interim Director's Comments

The Ontario government brought the Missing Persons Act into force on July 1, 2019. TBPS should report the extent to which training for its officers on the Acts provisions has been conducted as well as the content of those trainings. Further, the Service should ensure the provisions of the Act are incorporated within its Missing Persons Policy.

Recommendation 22

TBPS and the Board should re-evaluate their missing persons policies, procedures and practices upon review of the report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, due to be released on or before April 30, 2019.

Thunder Bay Police Service Response

On June 3, 2019, the National Inquiry's report was released. TBPS is in the process of reviewing the 1200-page document. The Board has recently updated its Missing Persons Policy and continues to review it on an ongoing basis. Subject to the comments that follow, it has not yet addressed the National Inquiry's recommendations.

TBPS has established two part-time Human Trafficking positions. These positions will be filled by detective constables from the domestic violence unit. The individuals will work opposite shifts in order to ensure coverage at all times. The detective constables will be responsible to communicate regularly with the victims of human trafficking, ensure investigations are complete, work with community groups/boards to educate them on human trafficking and how to recognize the signs of trafficking.

TBPS also utilizes the Family Information Liaison Unit (FILU) with the government of Ontario. FILU began providing services to families and loved ones of missing and murdered Indigenous women and girls in March 2017. Since that time, TBPS has developed a relationship with FILU to provide better service to families and loved ones in order to ensure they feel comfortable with the process and receive the information they need throughout the course of an investigation.

Interim Director's Comments

As indicated in Broken Trust, the National Inquiry into Missing and Murdered Indigenous Women and Girls' Final Report may provide significant insights for TBPS on how it should conduct missing persons investigations pertaining to Indigenous women and girls. The Final Report should also inform the TBPS's ongoing review of its policies, procedures, and practices.

The OIPRD expects that TBPS complete its review of the National Inquiry’s Final Report and to report on its re-evaluation of its missing person policies, procedures and practices within the next six months. The National Inquiry’s Final Report was released over seven months ago and specific Calls for Justice (recommendations) are directed at police services. While not a direct Call for Justice, the steps reported by TBPS to address human trafficking are encouraging and are responsive to themes explored throughout the Final Report. TBPS’s work with the Family Information Liaison Unit (Indigenous Justice Division, Ministry of the Attorney General) is also positive.

The OIPRD has reviewed TBPS’s new Missing Persons Policy. It is detailed and embodies standard practices employed by Ontario police. It more clearly delineates the role of different officers and civilian members of the police with respect to missing person reports and provides more guidance to the officers with respect to specific circumstances that would impact their investigation. While this policy is an improvement to its predecessor, there is still room for improvement, especially given that the Missing Persons Act has since come into force. It requires an update to incorporate the provisions regarding the definition of a “missing person” as well as the sections granting greater authority to officers, subject to appropriate privacy protections, to obtain and execute search warrants and production orders absent reasonable grounds to believe that a crime has been committed.

Recommendation 23

TBPS and the Board should re-evaluate their missing persons policies, procedures and practices upon review of the Honourable Gloria Epstein’s report on Toronto Police Service’s missing persons investigations due to be released in April 2020.

Thunder Bay Police Service Response

TBPS will await the release of the Honourable Gloria Epstein’s report and incorporate changes as necessary.

Interim Director's Comments

As mentioned in Broken Trust, the Toronto Police Services Board (TPSB) created an independent civilian review of missing persons investigations conducted by the Toronto Police Service (TPS). The review is designed to evaluate how TPS has conducted, and is conducting missing person investigations, particularly those involving members of vulnerable or marginalized communities. It is also examining the relationship between TPS and the diverse communities it serves.

The TPSB granted Judge Epstein an extension to the end of January 2021. Her mandate was expanded to fully examine TPS's investigation relating to the Bruce McArthur case in the aftermath of his guilty pleas to multiple counts of first-degree murder. Accordingly, the OIPRD does not expect TBPS to respond to Judge Epstein's report until mid-2021.

Recommendations Regarding the Relationship Between the Police and the Coroner's Office

Recommendation 24

The Office of the Chief Coroner, Ontario's Chief Forensic Pathologist, the Regional Coroner, and TBPS should implement the Thunder Bay Death Investigations Framework on a priority basis and should evaluate and modify it as required, with the input of the parties, annually.

Recommendation 25

The Office of the Chief Coroner should ensure police officers and coroners are trained on the framework to promote its effective implementation.

Responses from Thunder Bay Police Service, the Office of the Chief Coroner, and the Ontario Forensic Pathology Service

With respect to the implementation of the framework, OCC, OFPS and the Regional Coroner have met with TBPS. Aspects of the framework, such as developing an approach to the attendance of Forensic Identification officers at post-mortem examinations, have already been implemented. This framework also enabled the relevant stakeholders to develop a comprehensive Terms of Reference document for the nine reinvestigations (outlined in relation to Recommendation 1).

At this time, all parties have agreed that the framework is a living document and will be amended as needed.

With respect to educating the officers and coroners about the framework, OCC and TBPS ensured that the officers as well as the coroners receive adequate education.

All coroners received a copy of Broken Trust. The Regional Supervising Coroner of Northwestern Ontario, Dr. Michael Wilson, also provided training to coroners who are

involved with death investigations in Thunder Bay on the purpose and importance of the framework. Further, an audit tool was developed to measure adherence to the protocol in cases involving TBPS. Analyzing the results of the audit will help measure compliance and target any need for improvement.

Similarly, there have been several training sessions for TBPS officers. Training involving the Regional Coroner and TBPS took place in eight sessions in April and May 2018, in which Dr. Wilson, presented to TBPS officers. The purpose of these sessions was to build effective working relationships and clarify roles and responsibilities. Six to fifteen officers attended each session. During these sessions, Dr. Wilson highlighted the appropriate approaches for officers to take when a death investigation occurs, including the role of the coroner, the limitations on the coroner's powers and identifying high risk scenarios.

In addition to the above, there was internal training in Spring 2019 and a Death Investigator Course in November 2019. The Death Investigator Course has been developed for TBPS CIB and FIU units, as well as front-line supervisors with focus on death investigations. This was a four-day course based on the Major Case Management presentations delivered to police services in conjunction with the pathologist's police presentations. Senior members of TBPS, TBPS legal counsel, Forensic Pathologist Dr. Kona Williams, and Coroner Dr. Wilson presented at this course.

OCC confirmed that a second session of this training is planned for the near future ensuring the attendance of all CIB and FIU officers from TBPS.

Recommendation 26

The Office of the Chief Coroner and TBPS should publicly report on the ongoing implementation of the framework in a way that does not prejudice ongoing investigations or prosecutions.

Responses from Thunder Bay Police Service and the Office of the Chief Coroner

Both OCC and TBPS through the Chief have discussed the issue of training/communication between the two organizations to ensure adequate investigations are completed. The framework helped inform the approach to reinvestigating the nine deaths of Indigenous people recommended in the report.

Interim Director's Comments Recommendations 24 – 26

Broken Trust found that there were serious issues with the relationship between the police and the coroners, including lack of coordination, delegation and information sharing. The Thunder Bay Death Investigations Framework, reproduced in Broken Trust at pages 173-175, was developed to identify challenges that have occurred during investigations of sudden deaths and provide steps to bring about future improvement. The goal of the framework is to ensure objective high-quality death investigations. The framework covers several areas including: scenarios that require special attention/should be considered suspicious, strategies to address roles and responsibilities during investigations, and enhanced communication.

The OIPRD welcomes the steps taken by OCC, OFPS and TBPS to implement the recommendations regarding the Thunder Bay Death Investigations Framework. The cooperation between these agencies to develop and deliver training in relation to the use of the framework is commendable.

Also, Recommendation 26 was designed to promote public reporting by OCC and TBPS on the extent to which the framework has successfully been implemented in their joint work. Given that the framework was the basis for the development of the Terms of

Reference for the reinvestigation of the nine deaths of Indigenous people as per recommendation 1, it demonstrates that OCC and TBPS are committed to the use of this framework. The OIPRD is encouraged by the steps taken to put the framework in place. Since implementation is an ongoing process, the OIPRD will welcome public updates on this important work.

Recommendations Regarding the Relationship Between the Police and Pathologist

Recommendation 27

The Ontario Forensic Pathology Service should train all pathologists on the Intersection of Police and Coroners for Thunder Bay Death Investigations as set out in the framework.

Ontario Forensic Pathology Service Response

OFPS has shared the Intersection of Police and Coroners for Thunder Bay Death Investigations document that addresses high quality death investigations with all pathologists on the registry. The expectations of the forensic pathologist outlined in this document are consistent with the Practice Manual of the Ontario Forensic Pathology Service (2014).

Recommendation 28

TBPS should reflect, in its procedures and training, fundamental principles to define the relationship between investigators and pathologists.

Thunder Bay Police Service Response

TBPS's Sudden Death Policy has been fully reviewed and revised to incorporate the above. Procedures are identified in the Missing Persons Policy that outline the role of coroners and pathologists, as well as when they need to be notified by officers. Also, training is provided to officers on the role of police and the role of OCC. Dr. Kona Williams provided training in November 2019 to the CIB and FIU officers, as well as front-line supervisors with a focus on death investigations.

Of course, training is ongoing and will be developed for TBPS's internal academic day training. Officers also will be given the opportunity to attend outside courses.

Recommendation 29

The Ontario Forensic Pathology Service should establish a Forensic Pathology Unit in Thunder Bay, ideally housed alongside the Regional Coroner's Office.

Responses from the Office of the Chief Coroner and the Ontario Forensic Pathology Service

OFPS and OCC continue to advocate for the establishment of a stand-alone forensic pathology unit in Thunder Bay. Ideally, the unit would co-locate OFPS, OCC and the Centre of Forensic Sciences Toxicology services to ensure seamless and timely death investigations. OFPS is having ongoing discussions with the Ministry of the Solicitor General to explore possible opportunities for a new building or co-locating with health or justice partners.

Recommendation 30

If a Forensic Pathology Unit cannot be located in Thunder Bay, TBPS and the Ontario Forensic Pathology Service should establish, on a priority basis, procedures to ensure timely and accurate exchange of information on sudden death and homicide investigations and regular case-conferencing on such cases.

Responses from the Thunder Bay Police Service and the Office of the Chief Coroner

The Intersection of Police and Coroners for Thunder Bay Death Investigations document and the Practice Manual of OFPS address procedures to ensure timeliness and accurate exchange of information among death investigation partners, including regular case conferencing. Review of this document will emphasize the importance of communication.

Recommendation 31

The Ontario Forensic Pathology Service should provide autopsy services compatible with cultural norms in Indigenous communities.

Ontario Forensic Pathology Service Response

Since 2010, OFPS and OCC have had a policy on accommodation of religious, cultural and conscience-based beliefs as they apply to death investigations and medico-legal autopsies. OFPS recognizes that Indigenous communities have unique cultural practices and that they strive to honour them while balancing the requirements of the death investigation, particularly in criminally suspicious cases. The 2015 Strategic Plan of OFPS and OCC highlighted the goal to provide death investigation services that meet the needs of Indigenous communities.

In 2016, OFPS implemented a pilot project that leveraged the expertise of Dr. Kona Williams, a First Nations forensic pathologist, to increase the awareness of the forensic pathologist's role and the death investigation system's willingness to consider religious/cultural accommodations. Dr. Williams also has communicated with families and community leaders in difficult cases. Building on this work, OFPS has met with Indigenous leaders and senior police officials (TBPS and NAN) to enhance their mutual understanding.

Interim Director's Comments for Recommendations 27 – 31

Broken Trust recommended that procedures and training on the fundamental principles to define the relationship between investigators and pathologists should:

- Ensure that the pathologist conducting any autopsy is fully aware of all relevant circumstances regarding the death. The onus is on the lead investigator(s) to ensure this is done and a record made of the information shared with the pathologist. That record may be made by an FIU officer attending the autopsy
- Ensure that the autopsy findings (whether conveyed orally, in writing or both) have been accurately recorded and communicated to the lead investigator(s) and preserved in the investigative file in a timely way

- TBPS should ensure all relevant coroner's reports and pathologist's reports, including the final post-mortem examination or autopsy report and any ancillary reports (such as toxicology reports) are placed in the investigative files for sudden death or homicide cases in a timely way
- Include the development of a procedure to ensure that lead investigator(s) review the reports.

Overall, the OIPRD supports the steps taken by TBPS, OFPS, and OCC in increasing collaboration between the three agencies to conduct more effective and timely death investigations. In particular, the updates to TBPS's Sudden Death Policy have been a critical step towards better coordination between investigators, OCC and OFPS.

The training materials also demonstrate that these agencies are committed to providing better education for their staff with respect to the role of different investigating bodies and overlapping jurisdictions in a sudden death investigation.

The OIPRD also commends Dr. Kona Williams for sharing her knowledge with and educating her colleagues at OFPS as well as working to ensure that death investigation services meet the needs of Indigenous communities.

Recommendations Regarding Racism in TBPS Policing – General

Recommendation 32

TBPS should focus proactively on actions to eliminate systemic racism, including removing systemic barriers and the root causes of racial inequities in the service. TBPS should undertake a human rights organizational change strategy and action plan as recommended by the Ontario Human Rights Commission in October 2016.

Thunder Bay Police Service Response

In March 2019, the Chief of Police and the majority of the TBPS senior management team, along with the Board and members of the Thunder Bay Police Association completed Bimickaway⁷ cultural awareness training provided by the Ministry of the Attorney General's Indigenous Justice Division.

TBPS senior management and the Board members also underwent human rights training provided by the Ontario Human Rights Commission (OHRC) in the early part of

⁷ Bimickaway is a training program based on Indigenous teaching methods developed by the Indigenous Justice Division. Bimickaway, is an Anishinabemowin word that means “to leave footprints”. Bimickaway training includes comprehensive information about the history of assimilative government laws and policies targeting Indigenous Peoples and challenges participants to consider what they think they know about Indigenous Peoples and Canada's history.

Bimickaway has five 3.5 hour modules: Module 1 (Terminology, Treaties and Attempts at Colonization); Module 2 (The Blanket Exercise); Module 3 (Northern Realities: Barriers to Accessing Health, Education, Justice and Policing Services); Module 4 (Anti-colonialism, Anti-racism, Dismantling Negative Stereotypes of Indigenous People); and Module 5 (Developed and tailored for each requesting division).

Bimickaway is delivered in-person to groups of up to 25 people at a time. An Indigenous Elder is invited to attend and add their meaningful life experiences to the curriculum. To date, over 5000 employees have participated in Bimickaway.

2018 as well as March of 2019. Further, in February 2019, TBPS Senior Management also underwent governance training with the Board.

TBPS is also currently undergoing an Organizational Change Project initiated by the Chief of Police titled Shaping Our Future. The Project commenced in February 2017.

The Organizational Change Project includes four areas of change:

1. Revamp the structure and function of the ALU to enhance community policing
2. Invigorate recruitment to attract Indigenous and other under-represented groups to TBPS, both civilian and sworn, through a creative, interactive approach that engages community
3. Create structured, ongoing training opportunities for TBPS staff by offering diversity and culturally significant courses to enhance employees' knowledge and abilities to interact with all community members over the course of their careers
4. Enhance TBPS communications internally and externally to convey organizational changes and foster accountability through formative and summative evaluations.

The roll out of these initiatives will overlap but will begin with the ALU.

In December 2017, TBPS asked its employees to complete an internal survey that will serve as the baseline for the project and inform TBPS about its own demographics.

The Organizational Change Committee is composed of three community members and four service members. Its first meeting was held in April 2018. It is expected that an update will be provided to the Board in February/March 2020.

Interim Director's Comments

As indicated earlier, the OIPRD is supportive of the Organizational Change Project and the work being undertaken by the Committee. It is premature for the OIPRD to comment on what this project will produce or its implementation; however, this project has the potential of making very significant systemic change within TBPS. The OIPRD

also acknowledges the training and education offered to key members of TBPS and the Board by both the OHRC and the Ministry of the Attorney General's Indigenous Justice Division.

Recommendation 33

TBPS leadership should publicly and formally acknowledge that racism exists at all levels within the police service and it will not tolerate racist views or actions. TBPS leadership should engage with Indigenous communities on the forum for and content of these acknowledgements. This would be an important step in TBPS advancing reconciliation with Indigenous people.

Recommendation 34

The Thunder Bay Police Services Board should publicly and formally acknowledge racism exists within TBPS and take a leadership role in repairing the relationship between TBPS and Indigenous communities. This too, is an important step in TBPS advancing reconciliation with Indigenous people.

Thunder Bay Police Service Response

On the day the OIPRD's Report was released, TBPS acknowledged the existence of systemic racism within TBPS. TBPS leadership reiterated that racist views and actions are not, and will never be, tolerated by the police service. On December 12, 2018, following the release of Broken Trust, TBPS formally acknowledged on its website that it must address the systemic racism, barriers and biases that exist within TBPS.

Similarly, the Board publicly acknowledged that systemic racism exists at TBPS and apologized to the Indigenous community during a Reconciliation Circle held on January 13, 2019.

Interim Director's Comments

Broken Trust stated that TBPS will not overcome the crisis of confidence for Indigenous people until the service publicly and formally acknowledges racism. It diminishes the ability to constructively repair the damage of racism to:

- Describe the issue as reflecting the existence of a “few bad apples”
- Focus on blaming Indigenous leadership for the crisis in confidence
- Attribute the legitimate concerns about racism within the police service solely or largely to “political correctness”.

On the day of Broken Trust's release, Chief Hauth was criticized for TBPS's initial response to the report. In a statement posted on its website during the OIPRD's press conference, Chief Hauth acknowledged that there are “systemic barriers in policing that must be addressed” and that “the service continues to work towards bias-free policing.” The statement failed to use the word racism.

TBPS's initial response attracted immediate criticism from Indigenous leadership in attendance at the OIPRD's press conference.

On the same day, and in the aftermath of criticism, TBPS issued a second statement “formally acknowledging that it must address the systemic racism, barriers and biases that exist within its service.”

The OIPRD understands why TBPS was critiqued for its initial response to Broken Trust. In order for systemic racism to be addressed directly, it must be named.

The steps taken afterwards by TBPS and the Board in the Reconciliation Circle were important. The OIPRD notes, however, that community members were disappointed that the Mayor did not attend and participate, given not only his role as a member of the Board, but as the City's leading official.

Recommendation 35

TBPS leadership should create a permanent advisory group involving the police chief and Indigenous leadership with a defined mandate, regular meetings and a mechanism for crisis-driven meetings to address racism within TBPS and other issues.

Thunder Bay Police Service Response

Currently, the Executive Committee on Indigenous and Diversity Issues meets quarterly. This Committee acts as an advisory group to the Chief of Police when major incidents occur that require community input. However, this Committee is being re-defined to better meet the needs of the community under the Organizational Change Project and will include an ALU component. It is hoped that a new Committee will be established by May of 2020.

Community members have asked for more meaningful consultation with TBPS. Chief Hauth is in regular contact with Indigenous leaders and stakeholders.

Interim Director's Comments

As outlined earlier, the OIPRD received largely positive comments from Indigenous leadership and community organizations about the current Chief of Police's efforts to engage Indigenous communities. However, this can be fairly described as an ongoing initiative, with much left to do to build a relationship of trust. During the engagement process, members of Indigenous communities, as well as the Chief of Police, agreed that the current model for the Executive Committee was not working well and needs to be revamped. Accordingly, while the OIPRD is supportive of important outreach steps taken by TBPS, a model is not yet in place that effectively implements this recommendation.

Recommendations Regarding Racism in TBPS Policing – Training

Recommendation 36

TBPS should work with training experts, Indigenous leaders, Elders and the Indigenous Justice Division of the Ministry of the Attorney General to design and implement mandatory Indigenous cultural competency and anti-racism training for all TBPS officers and employees, that:

- a. Is ongoing throughout the career of a TBPS officer or employee
- b. Involves “experiential training” that includes Indigenous Elders and community members who can share their perspective and answer questions based on their own lived experiences
- c. Is informed by content determined at the local level, and informed by all best practices
- d. Is interactive and allows for respectful dialogue involving all participants
- e. Reflects the diversity within Indigenous communities, rather than focusing on one culture to the exclusion of others
- f. Explains how the diversity of Indigenous people and pre and post contact history is relevant to the ongoing work of TBPS officers and employees. For example, Indigenous culture and practices are highly relevant to how officers should serve Indigenous people, conduct missing persons investigations, build trust, accommodate practices associated with the deaths of loved ones and avoid micro-aggressions. Micro-aggressions are daily verbal or non-verbal slights, snubs, or insults that communicate, often inadvertently, derogatory or negative messages to members of vulnerable or marginalized communities.

Thunder Bay Police Service Response

Bimickaway

As reflected in the response to Recommendation 32, the Chief of Police and the majority of TBPS's senior management received Bimickaway training⁸, provided by the Ministry of the Attorney General, Indigenous Justice Division.

Career Curriculum

Dr. Leisa Desmoulins, Assistant Professor of Aboriginal Education at Lakehead University, is currently helping develop a career curriculum for officers and TBPS civilian employees. The training relates to Indigenous issues and cultural competency, based on a cumulative/progressive approach. The training will be delivered in blocks for new recruits or newer officers, officers with intermediate experience, and senior officers.

The training will include six to seven topics in total, including bias, reconciliation, and mental health.

Dr. Desmoulins consulted with other services within Ontario and across Canada, and reviewed training materials to ensure the development of a progressive and robust training plan.

The Regina Police Service took eight years to fully establish its analogous training program, and almost three years to implement it. The program courses were initially mandatory, but the Regina Police Service has found that officers are now taking the courses voluntarily.

Interim Director's Comments

As explained in Broken Trust, there was a wide consensus during the OIPRD's meetings with policing and community organizations that police officers should receive mandatory training designed to promote cultural competency and anti-racism, particularly in relation to Indigenous people, to reduce the likelihood that officers will perform their duties in discriminatory ways.

Some important work has been done to move towards mandatory Indigenous cultural competency and anti-racism training for all TBPS officers and employees. The OIPRD

⁸ The content of the Bimickaway training was outlined in the footnote relating to Recommendation 32 above.

recognizes that the recommendation is sweeping and represents a fundamental change in how such training is done. It is very different than “one-off” programs. Accordingly, the OIPRD accepts that some time will be needed to fully implement it, without endorsing the timeframes adopted by other services.

Recommendation 37

TBPS should ensure the Indigenous cultural competency training recommended in this report is accompanied by initiatives in collaboration with First Nations police services that allow TBPS officers to train or work with First Nations police services and visit remote First Nations to provide outreach.

Thunder Bay Police Service Response

The ALU has been working closely with NAPS and has attended First Nations communities to meet with youth. The ALU is not the only unit that attends functions to meet with youth and community members. In fact, the entire Community Services Branch, from traffic, to school resource to community response officers, are engaged in these initiatives. Of course, financial restraints make it challenging for the officers to travel as often as hoped for. However, TBPS does take advantage of its partnerships with NAPS, and its officers fly with NAPS on its airplane when possible.

TBPS also has several Memoranda of Understanding with the OPP, NAPS, and APS for joint task forces on such things as drug enforcement and gun and gangs. The re-investigative process also has involved a partnership with NAPS.

To increase collaboration with Indigenous communities, Grand Chief Fiddler was invited to go on a ride-along with a TBPS Inspector. It was an excellent opportunity for the Grand Chief to discuss relevant challenges and issues. Although not yet scheduled, Chief Hauth has also expressed a desire to travel to First Nations communities with Indigenous leadership.

Interim Director's Comments

The OIPRD supports the initiatives outlined by TBPS in its response. The collaboration between TBPS, OPP, NAPS and APS and the development of several Memoranda of Understanding for the involvement of officers in joint task forces is positive. In my view, the involvement of NAPS and Indigenous leadership in the framework for reinvestigations is an important step in increasing collaboration and promoting consultation between TBPS, the community and regional police services.

Recommendation 38

TBPS leadership should provide greater support for voluntarism by attending relevant sporting or community events.

Thunder Bay Police Service Response

TBPS leadership does provide support for voluntarism. The Chief of Police attends many community events and ensures she is out in the community in support of as many events as possible. Other members of the TBPS leadership team volunteer for various organizations such as Special Olympics and Youth Corps.

In 2018, the Chief of Police added a standing agenda item for the Board's meetings to publicly acknowledge TBPS members who have demonstrated an outstanding commitment to volunteering within the community. Officers are presented with a certificate of recognition at the meetings.

TBPS has participated in the Tree of Hope Ceremony in 2019 and has also established an archery and basketball program with Dennis Franklin Cromarty High School students.

Interim Director's Comments

The OIPRD recommendation was prompted, in part, by concerns raised by officers within TBPS about the extent to which the TBPS leadership showed support for the

voluntarism of officers. Many community members and social service providers also discussed the need for TBPS to take a more community-centred approach to policing. In Broken Trust, the OIPRD suggested that support for voluntarism should include joint sponsorships of community events, and participation or attendance by senior management and rank-and-file officers (other than ALU officers) at such events on a regular basis.

A number of officers have been actively involved in community work with both Indigenous and non-Indigenous communities. This is another way in which trust can be built. Therefore, it is critically important for TBPS leadership to publicly support this work. The OIPRD accepts that the Chief of Police has shown a greater commitment to publicly support such voluntarism.

Recommendation 39

TBPS should develop and enhance additional cultural awareness training programs relating to the diverse community it serves.

Thunder Bay Police Service Response

Such programs and curriculum are currently being developed with Dr. Desmoulins and the Organizational Change Committee in conjunction with TBPS. The framework to such training will reflect a community-focused service delivery model that activates the principles from the Truth and Reconciliation Commission's Final Report and the training recommendations from Broken Trust. The framework will be grounded in diversity, equity and inclusion.

In addition to the above, the Thunder Bay Indigenous Friendship Centre provided training sessions for all 12 police shifts on the Gladue principles and the Indigenous People's Court. The Ontario Native Women's Association provided additional training for the service including one on cultural competency for officers with a focus on intergenerational trauma, as well as anti-human trafficking training to all frontline officers.

Interim Director's Comments

The OIPRD supports the work done to implement this recommendation to date. It is premature, of course, to comment more fully on its implementation pending the completion of the Organizational Change Committee's work. TBPS should remain mindful of the need for cultural awareness education and programs to be responsive to the communities it serves.

Recommendations on Racism in TBPS Policing – Recruitment and Job Promotion

Recommendation 40

TBPS should implement psychological testing designed to eliminate applicants who have or express racist views and attitudes. In Ontario, such specific testing is not done. It can be tailored to the TBPS experience. This testing should be implemented in Thunder Bay on a priority basis.

Thunder Bay Police Service Response

The TBPS Human Resources department has added a battery of additional tests to the current psychological testing portion of the hiring process. As referred to elsewhere, TBPS has also introduced a new pre-constable selection system and recruitment plan. The selection system contains a personality-based candidate assessment process.

Interim Director's Comments

As explained in Broken Trust, police services in Ontario generally include psychological assessments in their recruitment processes. These assessments can help identify candidates who exhibit personality traits and characteristics that may be problematic in a police workplace. During the systemic review, the OIPRD learned that a specific assessment for racist attitudes was not done in Thunder Bay.

TBPS has provided some details to the OIPRD, not reproduced here, respecting the psychological testing now incorporated into the hiring process.⁹ However, Recommendation 40 addressed psychological testing specifically designed to eliminate applicants who have or express racist views and attitudes. The OIPRD provided TBPS with information about this testing being done in other jurisdictions. Since the release of

⁹ For details about the different psychological testing in place, please see the TBPS report to the Board, dated January 13, 2020.

Broken Trust, this testing is being employed in additional jurisdictions in Canada. This was identified as a priority item in Broken Trust. It did not appear to involve a large financial commitment, with obvious benefits to TBPS and its relationship to affected communities.

The OIPRD has been advised that the Human Resources Unit will be contacting the organization identified by the OIPRD that provides such testing. TBPS has advised the OIPRD that they have not ruled out its use. In the OIPRD's view, this recommendation has not been adopted, and has not been given the priority it needs as identified in Broken Trust. The OIPRD expects TBPS to explore this testing as soon as possible and report back on whether it will be adopted and if not, to provide an explanation as to why.

Recommendation 41

TBPS should, on a priority basis, create and adopt a proactive strategy to increase diversity within the service, with prominence given to Indigenous candidates.

Thunder Bay Police Service Response

This recommendation has been addressed in conjunction with the recommendations found in the Ontario Civilian Police Commission Report¹⁰ (recommendations 13 and 14) that call on the Chief of Police to present a multi-year recruitment strategy to the Board. TBPS has developed a comprehensive recruitment plan with medium and long-term goals, designed to identify and remove existing barriers to recruitment, selection, retention and advancement of under-represented groups.¹¹ The plan builds on work done through the Organizational Change Project, as well as outreach to seven Indigenous communities in Northwestern Ontario and Manitoba and schools and

¹⁰ For more details, please see the Final Report of the Thunder Bay Police Services Board Investigation by Senator Murray Sinclair, dated November 1, 2018

¹¹ For more details about the Recruitment strategy, please see the TBPS report to the Board – 2020 Recruitment Strategy.

colleges with significant Indigenous student populations. TBPS will translate its logo into Ojibway, Cree and Oji-Cree for recruitment promotional material. It has submitted an application to the Anti-racism Action Program through the Department of Canadian Heritage for funding to support an Indigenous Cadet Program. That program would help to eliminate discrimination and barriers for Indigenous police candidates and provide equitable employment opportunities. It has been developed in partnership with Indigenous organizations.

Interim Director's Comments

As indicated in Broken Trust, some TBPS officers expressed the need for more Indigenous and racialized officers within the police service. There were ideas about why more Indigenous officers were not applying for positions with TBPS, ranging from barriers around the formal documents required for background checks, to how recruitment and engagement with Indigenous communities occurs. Members of the Indigenous community indicated that it would be important to have Indigenous representation within TBPS.

The OIPRD supports the important steps taken to implement a comprehensive, new recruitment strategy to promote a diverse police service. It is, of course, premature to evaluate the plan's success.

Recommendation 42

TBPS leadership should link job promotion to demonstrated Indigenous cultural competency.

Thunder Bay Police Service Response

TBPS has updated its Promotion Policy and it became operative on January 2, 2020. The policy has reduced the weight given to Ontario Police College test marks as they were

shown to maintain bias that benefits certain candidates over others. Instead, more focus is now placed on experience. All portions of the Promotional Policy are now phrased in such a way that allows TBPS to take into account cultural competency at all stages. During the interview process, culture-based questions will be asked of the candidates. The completion of Indigenous cultural competency training will also be a factor taken into consideration during the promotional process.

The first competition using the new policy is underway. In the meantime, the TBPS Human Resources department will continue to research the best way to assess and link Indigenous cultural competency to job promotion, and the promotional process will be amended as needed.

Interim Director's Comments

The OIPRD welcomes TBPS's expressed intention to improve their promotional process. It is premature to evaluate the extent to which Indigenous cultural competency will be linked to the promotional process.

This recommendation was designed to contribute to a "sea change" in how cultural competency should inform what TBPS does. This means, among other things, that certain cultural competencies should be prerequisites for advancement. The demonstrated ability to answer case-scenario questions that test those competencies should also be a prerequisite for advancement. It would be important for TBPS to engage with Indigenous communities regarding the scenarios and questions that are developed as part of TBPS's interview process.

Recommendations for Implementation of the Recommendations

Recommendation 43

TBPS should report to the OIPRD on the extent to which the recommendations in this report are implemented. This is imperative given the crisis in confidence described in this report. The OIPRD should, in turn, report publicly on TBPS's response and the extent to which the recommendations in this report are implemented.

Thunder Bay Police Service Response

The Chief provided public updates regarding the recommendations from Broken Trust at the Board meetings in June 2019 and September 2019. On January 21, 2020, the Chief provided the TBPS's one-year update to the Board outlining the measures taken to respond to the OIPRD's recommendations.

The Chief will continue to make public updates at Board meetings, as necessary, and hopes to report back on the results of the reinvestigations in June 2020. The Chief has also stated an intention to provide another public update on the status of the OIPRD recommendations at the December 2020 meeting. TBPS will also stay in contact with the OIPRD to provide it with updates as requested.

Interim Director's Comments

The Chief of Police has publicly reported on the implementation of the OIPRD recommendations. The OIPRD noticed some examples of an outdated and problematic language and terminology in TBPS's documentation to the Board and to the OIPRD. The importance of using respectful and appropriate language is a necessary component in earning trust with both Indigenous and non-Indigenous communities.

We look forward to future reports both in addressing recommendations not yet implemented and in evaluating the effectiveness around implementation.

Recommendation 44

On an annual basis, TBPS should provide the public with reports that provide data on sudden death investigations. These reports can provide data, in a disaggregated Indigenous and non-Indigenous manner, detailing the total number of sudden death investigations with a breakdown of investigative outcomes, including homicide, accidental death, suicide, natural death and undetermined.

Thunder Bay Police Service Response

TBPS reports on this in its Annual Report. With respect to collecting race-based data, TBPS is still trying to determine a methodology for collecting and reporting such data, relating to both Indigenous and non-Indigenous matters. By mid-2020 a policy will be developed to implement the Anti-Racism Act and to guide the process of reporting on race-based data. This policy is now in its early stages. Until its completion, TBPS will not produce any report on this matter. TBPS anticipates that in the next year's report, the data will be identified more clearly in line with the legislation and related policies or guidelines.

Interim Director's Comments

This recommendation was designed not only to address the collection of race-based data, but also disaggregated data¹² on sudden death investigations and related outcomes. This is not contained in the Annual Report. This recommendation was meant to assist TBPS, the community and those providing formal oversight, including the Board and the OIPRD, in evaluating this key area of TBPS's work. Such data should be assembled, at a minimum, by the end of 2020.

¹² According to the *Ontario's Anti-Racism Data Standards*, disaggregated data refers to data that is broken down into component parts or smaller units of data for statistical analysis. In the context of race-based data, this means breaking down the composite (aggregate) "racialized" category into its component parts such as Black, South Asian, East/Southeast Asian, Latino, Middle Eastern, White, etc.

FINANCIAL RESOURCES

The OIPRD has been advised on several occasions that financial resources are limited and that this impacts the ability of TBPS to fully implement the recommendations contained in Broken Trust. Indeed, the Thunder Bay Mayor has been quite vocal in chastising the OIPRD and others for purportedly failing to recognize this reality. It was sometimes said that we should not insist on the standards set by better-funded police services that have little application to Thunder Bay.

The OIPRD understands the financial challenges faced by TBPS. These financial challenges are certainly not confined to Thunder Bay or TBPS.

However, limited financial resources do not relieve TBPS from meeting provincial adequacy standards or ensuring that sudden death investigations are conducted in an effective, and comprehensive way.

This is not simply an external critique by an oversight agency. Most Thunder Bay officers want more training. They want the time to properly pursue investigative leads. They want to attend an autopsy. Inadequate financial resources and a lack of appropriate training in line with

provincial standards have, in some cases, impacted investigations to the detriment of the communities they serve.

Similarly, limited resources do not relieve TBPS from ensuring that systemic and other forms of racism are rooted out and addressed. Indeed, the power that police officers have, and the critical role that a police service has in promoting racial equality and reconciliation with Indigenous people requires that they be held to a higher standard.

In summary, limited resources cannot trump public safety and equal protection for all members of the community. The finest recommendations in the world are meaningless if they are not implemented for financial reasons. The recommendations in Broken Trust are not “pie in the sky” but fulfill basic requirements for a responsive, effective, discriminatory-free police service.

Likewise, the finest recommendations in the world are also meaningless without a commitment to an organizational culture change. While the OIPRD is encouraged by many of TBPS’s

responses to the recommendations, we recognize that earning trust is a process that takes time.

The City of Thunder Bay faces a crisis, and it is no answer to say that resources can stand in the way of addressing that crisis. It should be the priority of governments to ensure TBPS has the financial resources it requires to implement the recommendations from Broken Trust.

The federal, provincial and municipal governments should also commit to

supporting TBPS, NAPS, APS, the OPP, Indigenous leadership and organizations, and the City of Thunder Bay, in continuing the important work of reconciliation and building trust in the area of policing. The public requires no less. Indigenous communities most seriously impacted by the issues described in Broken Trust deserve no less. And if we are to hold TBPS and its officers to appropriate standards, they too are entitled to no less.



CONCLUSION

The Chief of Police has committed herself – and the TBPS – to systemic change. The Board has committed itself to systemic change. They are to be commended for the positive change that has already taken place. Much more remains to be done. The OIPRD is optimistic that through ongoing meaningful discussions between all those impacted by the issues outlined in this report, Thunder Bay can become a model for systemic change.

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