

## OPINION

# First Nations peoples have lost confidence in Thunder Bay's police force

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SPECIAL TO THE GLOBE AND MAIL

PUBLISHED YESTERDAY

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Thunder Bay has become ground zero for human rights violations against Indigenous peoples in Canada.

Too many sudden and suspicious deaths of Indigenous peoples have not been investigated properly. There have been too many reports on what is wrong with policing in the city – including ones by former chair of the Truth and Reconciliation Commission Murray Sinclair and former Toronto Police board chair Alok Mukherjee, and another one called “Broken Trust,” in which the Office of the Independent Police Review Director said the Thunder Bay Police Service (TBPS) was guilty of “systemic racism” in 2018.

I can't count the number of coroner's inquests into the deaths of First Nations people in and around Thunder Bay. One of the largest inquests ever held in Ontario took place here, for the seven First Nations students who died between 2000 and 2011; when it finished in 2016, it offered 145 recommendations – most of which remain undone.

But each report and investigation has only left more questions than answers – all while First Nations people continue to die, their families left with nothing.

The latest twist is that over the last five months, criminal charges have been brought against top figures in the TBPS: Sergeant Michael Dimini, TBPS Association lawyer Holly Walbourne and, most significantly, the force's former chief, Sylvie Hauth, who faces four charges including breach of trust and obstruction of justice. (None of the charges have been proven in court.)

But incredibly, this isn't even the first time the head of the city's police has faced criminal charges. In 2017, J.P. Levesque was charged with breach of trust and obstruction after an OPP investigation; a Superior Court justice dismissed the charges the following year.

These kinds of long-standing problems at the highest levels of an institution whose very mission is to keep people safe would be shocking in any other city. But this, apparently, is the new normal for Thunder Bay, says Julian Falconer, a lawyer who works with Nishnawbe Aski Nation.

"Nowhere in this country has a city or a municipality been permitted to completely bungle death investigations on a systemic level," Mr. Falconer told me, "only to have them handed over to the province, through the OPP, and have the province process these death investigations at a snail's pace."

Among others, Mr. Falconer represents the family of Stacey DeBungee. In a case highlighted in "Broken Trust," the Rainy River First Nation man's body was found in the McIntyre River in 2015; the TBPS declared his death to be not suspicious within the first few hours of finding him, and then "non-criminal" the next day. The officer in charge of investigating the case, Shawn Harrison, was later found guilty under the Police Act with discreditable conduct and neglect of duty in 2022. The family is still waiting on the results of a reopened criminal investigation into Mr. DeBungee's death.

Mr. Falconer also acts on behalf of the family of Jenna Ostberg, a 21-year-old woman from Bearskin Lake First Nation who was found dead on Dec. 30, 2023, in a Thunder Bay home. In January, Ontario's independent Special Investigations Unit, which gets involved when there are allegations of police conduct that may have resulted in death, serious injury, sexual assault or the discharge of a firearm at a person, announced it was probing the case, but the SIU reportedly failed to inform her family. There hasn't been another release since.

Last June, the OPP reopened investigations into the sudden deaths of 13 Indigenous people in Thunder Bay between 2006 and 2019; little more has been said about them. And what about the 25 unsolved cases involving murdered and missing Indigenous women and girls that one report said should face external review?

“Nowhere else in this country has this type of systemic racism been allowed to operate,” Mr. Falconer said.

The force’s general dysfunction and the systemic racism noted in reports have sapped trust in the police, which is the fundamental tenet of any force – especially on the part of First Nations people in Thunder Bay. Why would they have confidence in a police service that has continually shown that it can’t even seem to police itself, and allows families of victims to wait and suffer?

Some prominent Thunder Bay voices, including Mr. Falconer and the leaders of NAN, have called for full disbandment of the TBPS. This may seem like a drastic response, and it has yet to gain significant momentum among decision-makers. But if this much apparent rot doesn’t justify extreme measures, then what does? And if there is no longer trust in police, how else can it be restored?

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