

Date of Report: June 12, 2019
Date of Meeting: June 18, 2019
Report No: 21/19

Chair and Members
Thunder Bay Police Services Board
500 E. Donald Street
Thunder Bay, ON
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SUBJECT

OIPRD Systemic Review Recommendations

REPORT SUMMARY

At the January 2019 Board Meeting, the Board was advised that the Thunder Bay Police Service would provide a more comprehensive, fulsome report in six (6) months' time. Below you will find the Service's 6 month progress report.

RECOMMENDATIONS

OIPRD Report Recommendations:

Recommendations Regarding TBPS Sudden Death and Other Investigations

1. Nine of the TBPS sudden death investigations that the OIPRD reviewed are so problematic I recommend these cases be reinvestigated.
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.
3. The multi-discipline investigation team should establish a protocol for determining whether other TBPS sudden death investigations should be reinvestigated.
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.

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

Progress Report on Recommendations 1 to 5:

It has been decided, in consultation with the Office of the Chief Coroner and the Ontario Forensic Pathology Service, that nine (9) of the cases identified by the OIPRD will be reviewed by an independent, multi-disciplinary and multi-agency team to determine investigative steps.

The nine cases are:

1. Christine GLIDDY
2. Shania BOB
3. Marie SPENCE
4. Aaron LOON
5. Sarah MOONIAS
6. Jethro ANDERSON
7. Curran STRANG
8. Kyle MORRISSEAU
9. Jordan WABASSE

The goals of these enhanced investigations include:

- Truth-seeking and transparency
- Restoring the confidence of the public and the affected communities and families
- Supporting the administration of justice
- Enhancing professional collaboration among the partner agencies
- Development of the Thunder Bay Police investigative team through application of best practices

There will be a three-tiered oversight framework to manage and conduct the investigations. It will be as follows:

- Executive Governance Committee will include the Thunder Bay Police Chief, Grand Chief of NAN, Chief Coroner, Chief Forensic Pathologist, and a retired Judge.
- Investigative Resource Committee will include a coroner, pathologist, crown attorney, toxicologist, forensic identification officer, Indigenous justice counsel, and defence counsel.
- Blended Investigative Team will include representation from the Thunder Bay Police (not previously involved in the named cases), NAPS, and an experienced retired investigator previously of a separate police service.

The role of each of the tiers is as follows:

Executive Governance Committee

- Approve the re-investigative framework, procedures and terms of reference
- Track progress against key milestones
- Make public the re-investigative findings as appropriate
- Brief senior officials and key stakeholders
- Approve all completed reinvestigations
- Make recommendations for future investigations as appropriate
- Meet twice throughout the year

Investigative Resource Committee

- Act as expert resources for the Blended Investigative Team
 - Sub-committees with particular expertise may be struck to respond to specific questions
- Meet at the discretion of the Blended Investigative Team, but no less than once every two months

Blended Investigative Team

- Conduct police reinvestigations as per agreed upon terms of reference
- Each case to be investigated by the external police service appointee, plus one or more investigators from Thunder Bay Police and NAPS
- Communicate with the affected communities and families
- Report to the Investigative Resource Committee and Executive Governance Committee

The tentative timeline being proposed to conclude the reinvestigations is:

- July to December 2019, commence reinvestigation
 - September and December 2019, Blended Investigative Team meet with Investigative Resource Committee for update
- January 2020, all levels of reinvestigation meet with Executive Governance Committee for update
 - Update to be made public as appropriate
- March and May 2020, Blended Investigative Team meet with Investigative Resource Committee for update
- June 2020, all reinvestigations completed and final report presented to the Executive Governance Committee for review and approval and public release

We are hopeful that the parties listed above will also make up the external peer-review process for the recommended three (3) year period.

Recommendations Regarding TBPS Investigators and the Criminal Investigations Branch

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.

Progress Report on Recommendation 6:

Funding and resources remain a large concern for TBPS. However, the budget for 2019 has been expanded in the amount of \$1,082,000, a portion of which will be utilized to add five (5) officers to the Criminal Investigation Branch. Further, the Branch underwent a reorganization to allow for better coverage and efficiency. The Units now work on a twelve (12) hour shift schedule, with four (4) days on, and four days off. The reorganization will be revisited shortly to determine if this is the best use of the currently available resources.

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.

Progress Report on Recommendation 7:

A Major Crimes Unit has been established as a result of the above noted reorganization of the Criminal Investigation Branch. The official start date for the new Major Crime Unit was January 1, 2019. As of June 1, 2019 there was six (6) police officers (four Constables and two Sergeants) assigned to the Major Crime Unit.

In October of 2019, once our eight (8) additional recruits return from Ontario Police College and undergo additional internal training, there will be an additional four (4) police officers assigned to the Criminal Investigations Branch – two will be placed in the Major Crime Unit and two will be placed in the General Investigations Unit.

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

Progress Report on Recommendation 8:

The TBPS does have a secondment program to allow for officers in other branches, such as Uniform Patrol, to spend time in the Criminal Investigations Branch. Unfortunately, this is becoming increasingly difficult to achieve as a result of needing more officers in all areas, but especially Uniform Patrol. As stated above, the Service will begin to utilize the secondment program once our recruits return from Ontario Police College and other officers are hired.

However, to realistically allow for proper training and appropriate projections, additional officers will be needed in the Uniform Patrol Branch in upcoming budgets.

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

Progress Report on Recommendation 9:

The Criminal Investigations Branch and the Major Crime Unit, specifically, adhere to all provincially mandated policies and procedures on investigating crime.

The Service is also in the process of creating a Quality Assurance position which will be staffed with a Staff Sergeant. This position will be in charge of developing plans and protocols, as well as training packages. As a result, a formalized process will be compiled when the position is filled.

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.

Progress Report on Recommendation 10:

While we are in process of completing this recommendation, it will be an ongoing endeavour – please see above. Again, this will require additional funding in order for it to be successful.

11. TBPS should establish procedures to ensure occurrent 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.

Progress Report on Recommendation 11:

This has been addressed. Please also note that in January 2019, the Ministry of Community Safety and Correctional Services released their Major Case Management Inspection Report that deals directly with these matters. All recommendations made in the Report have been fulfilled.

However, prior to the release of either Report, the Inspector of Criminal Investigations Branch implemented new procedures to ensure lead investigators and case managers were adequately apprised of their investigations. Changes were made to policy to reflect the above changes in procedures and protocols.

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

Progress Report on Recommendation 12:

In process – lead investigators and case managers are to ensure, on an ongoing basis, that forensic identification officers are kept apprised during the initial processing of the scene and that they are involved going forward.

A protocol is being worked on in conjunction with the Coroner to ensure open communication and to ensure best practices are utilized in all cases.

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

Progress Report on Recommendation 13:

As stated above, the Ministry of Community Safety and Correctional Services has just released their Major Case Management Inspection Report that deals directly with these matters.

Further, the Service is currently in the process of looking into the migration to OPTIC to replace our current records management system, NICHE. Funding was secured in the 2019 budget to facilitate this transition in database.

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.

Progress Report on Recommendation 14:

Such protocols, both formal and informal, already exist. In addition to our policies and Memorandums of Understanding with other agencies mandating information sharing when necessary, the legislation is very clear that law enforcement agencies can share information between each other freely.

However, the migration to OPTIC will address the concerns of information sharing and the new database will allow for enhanced information-sharing capabilities.

Recommendations Regarding Other TBPS Operational Areas

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.

Progress Report on Recommendation 15:

The Service has been undergoing an Organizational Change Project, in which a consultant was hired and a committee of internal and external members were tasked with diversifying the Service and making it more inclusive. Part of this project was to look at the role of the Aboriginal Liaison Unit. The committee has identified areas of change and will be presenting to the Police Services Board in September 2019 when they have finalized their process.

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

Progress Report for Recommendation 16:

The Service's goal is to increase the number of officers in the Aboriginal Liaison Unit, however our current budget does not allow for this. In the 2019 budget, the Chief asked for one civilian position to be added to the ALU.

In the 2020 budget, the Chief may be making a request to allow for additional officers, some which could be added to the Aboriginal Liaison Unit, if the budget request is granted.

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

Progress Report for Recommendation 17:

In Process. In the main second floor lobby, we currently have on display the Robinson Superior Treaty and a Roy Thomas piece entitled "Relatives".

We will shortly be showcasing art received as a result of an art competition put on by the TBPS for Fort William First Nation artists called "a call for artists". The competition closed in late 2018 and we have recently acquired two paintings.

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

Progress Report for Recommendation 18:

In Process. The options have been compiled and have gone to the clothing committee for review and costing.

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

Progress Report for Recommendation 19:

The Service was engaged in a pilot project for the use of body worn cameras from November 2018 until the end of April 2019. During the pilot project, the Service's Traffic Unit was equipped with in-car cameras and body-worn cameras. For the final two months of the pilot project, the body camera was rolled out to 4 uniform patrol members for testing.

A Request for Information was published on May 30, 2019 on various public procurement sites. The information will be assessed at the end of June 2019 and a Request for Proposals will be issued in early July 2019.

While the Service is still working on solutions with respect to evidence, storage, retention and various IT matters, we are confident that body worn cameras would be an asset to both the Service and the community at large. The hope is to have body worn cameras up and running by the end of 2019.

Initial funding was approved in the 2019 budget to initiate this project. A report to the Thunder Bay Police Services Board will be provided at the July 2019 meeting as to the results of the pilot project.

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

Progress Report on Recommendation 20:

Such a duty already exists in our policy and in the legislation.

Recommendations Regarding Missing Persons Cases

21. I urge the Ontario government to bring into force Schedule 7, the Missing Persons Act, 2018, as soon as possible.

Progress Report for Recommendation 21:

Not Applicable. However, the *Missing Persons Act* will be proclaimed into force in January 2020. At that time, the Service will review and implement the necessary changes.

22. TBPS and the Thunder Bay Police Services 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.

Progress Report for Recommendation 22:

The Report was released on June 3, 2019 and the Service is in the process of reviewing the 1200 page document. However, the Service has recently updated its Missing Persons Policy and continues to review it on an ongoing basis.

23. TBPS and the Thunder Bay Police Services 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.

Progress Report for Recommendation 23:

The Service will await the release of the Honourable Gloria Epstein's report and incorporate as necessary.

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

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

Progress Report on Recommendations 24 – 26:

The Service has just concluded in-house training with all officers that addresses the investigative relationship between the Police and the Coroner.

The Service is also in the process of developing further training regarding the investigative framework and will reach out to the Coroner's office to conduct joint training.

Recommendations Regarding the Relationship between the Police and Pathologist

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.

Progress Report on Recommendation 27:

Not Applicable.

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

Progress Report on Recommendation 28:

The Service's Sudden Death Policy has been fully reviewed and revised to incorporate the above. Also, as stated above, training has been completed that addresses the relationship between the investigators and pathologists.

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

Progress Report on Recommendation 29:

Not Applicable.

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.

Progress Report on Recommendation 30:

In Process.

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

Progress Report on Recommendation 31:

Not Applicable.

Recommendations Regarding Racism in TBPS Policing – General

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 reorganizational change strategy and action plan as recommended by the Ontario Human Rights Commission in October 2016.

Progress Report on Recommendation 32:

Senior Management and Board Members did undergo Human Rights Training provided by the Commissioner. However, when the Chief requested assistance from the

Commissioner on a more fundamental level, the Chief was told that the Commissioner did not have the resources to assist in a formal capacity.

The Service is currently undergoing an Organizational Change project initiated by the Chief of Police.

Since February 2017, the Service has begun its Organizational Change Project, with the help of consultant Dr. Leisa Desmoulins of Lakehead University, Department of Aboriginal Education.

The Change Project includes four (4) areas of change. Those areas are: Aboriginal Liaison Unit, Recruitment, Communication and Training. The roll out of these initiatives will overlap but will begin with the Aboriginal Liaison Unit. This was approved by the Police Services Board in October of 2017.

In December 2017 the Service asked its employees to complete an internal survey that will serve as the baseline for the project as to the composition and make up of our organization. The survey was open for completion until January 5, 2018.

Between January 8th and 22nd, 2018, the Service put out 2 advertisements, internal and external, to have members join the working group to assist in implementing the organizational changes. There are three (3) community members and four (4) service members sitting on the working group.

The first meeting was held in April 2018 and the first area of change is the Aboriginal Liaison Unit.

Since this time, the Organizational Change Committee has identified areas of change and will be presenting to the Police Services Board in September of 2019.

Additionally, in March of 2019, the Chief of Police and the majority of the TBPS Senior Management team, along with the TBPS Board and members of the Thunder Bay Police Association, completed cultural awareness training provided by the Indigenous Justice Division with the Ministry of the Attorney General.

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.

Progress Report on Recommendation 33:

On the day the Systemic Review Report was released, the existence of systemic racism was acknowledged. It was also reiterated by TBPS leadership that racist views and actions are not, and will never be, tolerated by the Service. The Chief also acknowledged

the existence of systemic racism within the Service and the Board during the Board's Acknowledgement and Reconciliation Circle on January 13, 2019.

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.

Progress Report on Recommendation 34:

Not Applicable.

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.

Progress Report on Recommendation 35:

Currently, there is a group called the Executive Committee on Indigenous and Diversity Issues which 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 will need to be re-defined to better meet this recommendation.

Recommendations Regarding Racism in TBPS Policing – Training

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.

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.

Progress Report on Recommendation 36 & 37:

In Process. We have reached out to various organizations, and continue to do so, to obtain training ideas so we can make an informed decision. We are doing so in conjunction with the Board.

The Organizational Change Committee Coordinator, Dr. Leisa Desmoulins, will work with the Chief of Police to determine the appropriate training to meet the above guidelines.

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

Progress Report on Recommendation 38:

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 our leadership team volunteer for various organizations such as Special Olympics and the Youth Corps.

Within the last year, the Chief of Police has added to the TBPS Board agenda a public acknowledgement of the TBPS members. When a member is identified as having demonstrated an outstanding commitment to volunteering their time within the community, they are presented with a certificate of recognition.

Additionally, with a new leadership team, a greater emphasis is being placed on attending events, especially those that the officer's volunteer at, to show support and encourage more community involvement.

As part of the Organizational Change Committee revamping of the Aboriginal Liaison Unit portion, the Chief of Police and members of the Senior Command Team participated in a naming ceremony for the Aboriginal Liaison Unit, which included teachings, a sweat lodge, and a feast.

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

Progress Report on Recommendation 39:

In Process. Please see progress reports relating to Recommendations 32, 36, and 37.

Recommendations on Racism in TBPS Policing – Recruitment and Job Promotion

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.

Progress Report on Recommendation 40:

This recommendation is under review and information has been requested from the appropriate parties.

In the interim, our Human Resources department has added a battery of additional tests to the current psychological testing portion of the hiring process. These tests measure factors such as interpersonal difficulties, off duty misconduct, unprofessional conduct, racially offensive conduct, sexually offensive conduct, and potential for reprimand and suspension.

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.

Progress Report on Recommendation 41:

In addition to the Organizational Change Project, the Service has begun to increase the capacity and staff within the Human Resources department. This will allow for there to be a focus on recruitment and diversifying the Service.

As a starting point, the Service has already conducted a base line survey as part of its Organizational Change Committee which is discussed at Recommendation 32.

The Service is also currently looking at its promotional policy to allow for more inclusion and diversity throughout the ranks.

This Recommendation will advance in conjunction with the recommendations found in the OCPC Report (recommendations 13 and 14) that call on the Chief of Police to present a multi-year recruitment strategy to the Board.

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

Progress Report on Recommendation 42:

The Service is currently reviewing its promotional policy.

Recommendations for Implementation of Recommendations

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.

Progress Report on Recommendation 43:

As stated during the January 2019 Thunder Bay Police Service Board meeting, the Service promised to report, in open session, at the six (6) month mark. As a result, this report is being presented. At this time, the Service will continue to publicly report on the recommendation progress yearly for a period of three years. Therefore, the next report will be delivered in June 2020.

The Service will also stay in contact with the OIPRD and the Board to provide them with updates as requested.

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 breakdown of investigative outcomes, including homicide, accidental death, suicide, natural death and undetermined.

Progress Report on Recommendation 44:

While most of this information is available in the Service's annual report, the Service will identify the data more clearly in line with the above noted guidelines in next year's report.

Respectfully submitted,

Sylvie Hauth,
Chief of Police