



# Thunder Bay Police Service

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Date of Report: January 13, 2020  
Date of Meeting: January 21, 2020  
Report No: 05/20

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 June 2019, followed by yearly updates for the following three (3) years. The following is the one year update.

## **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:

The Terms of Reference for the Reinvestigations were finalized as of September 2019. The Terms of Reference are attached.

All parties involved in the process have been named and the reinvestigations are underway. Updates will be provided by the Executive Governance Committee.

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

While the reinvestigations are ongoing, the TBPS is taking this opportunity to work with the involved parties to implement other efficiencies such as with document exchange with the Coroner's Office.

The TBPS will also be implementing a new internal streamlined plan of Sudden Death reviews in February 2020.

#### **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.
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 6 & 7:

The TBPS Criminal Investigations Branch has now been expanded. The Criminal Investigations Branch will shortly have twenty (20) members dedicated to Major Crime investigations. There will be four (4) units comprised of one (1) Sergeant and four (4) detective constables. This has not yet been fully realized as a result of four (4) detective constables being utilized for the re-investigations.

All members will have the necessary major case training upon entering the unit or within six (6) months of being on the unit. All Major Case Command Triangle officers will have the required major case management (MCM) courses before the conclusion of 2020. The Criminal Investigations Branch has also implemented a mentoring plan which occurs in

three (3) month intervals, ensuring the newer officers are paired with experienced officers.

Further, at the end of March 2020, the TBPS will have a member certified to train other staff in PowerCase, which is something we have not had before. Prior to this, we were required to send members to the Ontario Police College, making it difficult to send multiple people as a result of the costs.

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 has been difficult to achieve as a result of needing more officers assigned to the Uniform Patrol Branch. As stated above, the Service will begin to utilize the secondment program once our recruits return from Ontario Police College and other experienced officers are hired.

However, to realistically allow for proper training and appropriate projections, additional officers may be needed in the Uniform Patrol Branch, impacting future 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 now has a Staff Sergeant in charge of Quality Assurance. As part of this role, training manuals are being developed. We anticipate that a training manual, specific to Major Crime's will be developed in the coming months.

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 may require additional funding in order for it to be successfully implemented.

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. Again, the Quality Assurance Staff Sergeant will incorporate the changes made into a training manual specific to major crime investigations.

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 released their Major Case Management Inspection Report that deals directly with these matters.

The move to OPTIC continues in 2020. We are scheduled to upgrade our systems to OPTIC by the end of April 2020. The full conversion to the OPTIC Niche RMS will follow. There will be training and operational reviews involving all our Branches to ensure a smooth transition.

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.

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

The re-investigative process also includes a partnership with NAPS in which we are able to utilize one of their detective constables to assist in the re-investigative process.

**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. Operational changes continue to occur.

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.

However, the Service is looking at integrating ALU in other areas of the Service to ensure widespread change occurs, namely in recruitment and training initiatives.

There is no larger update at this time as this has been an ongoing project but we expect that an update will come throughout the year.

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 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 Service announced its winners on social media in late 2019. The art will soon be displayed in a chosen location of the building.

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:

Names tags will be implemented within the first quarter of 2020 once the budget is approved.

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

Progress Report for Recommendation 19:

In the late spring of 2019, the Thunder Bay Police Service (TBPS) concluded a comprehensive pilot project of body worn camera and in-car cameras and their respective integration with a cloud-based digital evidence management system (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 success of the project. 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 results of the pilot project and recommendation to proceed with a full deployment of in-car cameras, body worn cameras, and a digital evidence management system was presented to the Thunder Bay Police Services Board.

Subsequent to this, the TBPS through public procurement assisted by the City of Thunder Bay published a "Request for Information" in an effort to gain information from vendors on suitable products and solutions to move forward. Once that information was received, it was examined and assessed in order to prepare a "Request for Proposals" (RFP) document. At the same time however, other Ontario police services were engaged similarly; most notably York Regional Police who were completing an RFP for in-car cameras and integrated DEMS. While the TBPS was examining the potential to use the York Regional Police RFP and vendor agreement instead of proceeding to an RFP, it was learned that the Toronto Police Service would be announcing a successful vendor for a body-worn camera deployment integrated with a DEMS.

This latter announcement was supposed to have occurred in the last quarter of 2019 however it has been delayed until the early first quarter of 2020. It is anticipated that the TBPS will be able to use the process utilized by the Toronto Police Service as well as York Regional Police to decide on a successful vendor for a full deployment of body worn cameras, in-car cameras, and a DEMS by the late 2nd quarter of 2020. A full actual front-line deployment will occur shortly thereafter.

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 legislation. However, our 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."

**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:

The *Missing Persons Act* is now in force and the legislation is being utilized by members of the TBPS to assist them in missing persons cases.

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 and has been reviewed by the Service. The Service has recently updated its Missing Persons Policy and continues to review it on an ongoing basis.

The TBPS has also 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.

The 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, the TBPS has developed a relationship with the Unit 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.

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 concluded in-house training with all officers that addresses the investigative relationship between the Police and the Coroner. The Coroner's office is invited and does attend to assist in delivering this training.

The Service is also in the process of developing further training regarding the investigative framework. It is anticipated that a final version of such training will be



actualized once the re-investigations are complete as valuable lessons and information may come to light through that process.

### **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 8<sup>th</sup> and 22<sup>nd</sup>, 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 presented to the Police Services Board in the latter part of 2019.

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 is being re-defined to better meet the needs of the Community under the Organizational Change project and will include an Aboriginal Liaison Unit component.

It is hoped that a new Committee will be established by May of 2020.

**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 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.

Further, the Chief, alongside Dr. Leisa Desmoulins, are actively gathering information and testing various training programs to be implemented throughout the duration of a police officer's career. The development of this curriculum is ongoing. The framework 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 the OIPRD's Broken Trust Report. The framework will be grounded in diversity, equity and inclusion.

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.

This recommendation will be ongoing.

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:

Currently, the Service uses the following tests in its recruitment process:

**The Employee Screening Questionnaire version 2 (ESQ2)** is a personality-based selection measure designed to provide employers with an efficient and effective method for identifying superior job candidates. The ESQ2 measures employees' propensity to engage in both positive, as well as counterproductive work behaviors. The development of the ESQ2 was guided by a recognition that organizations seek to hire employees who are both committed and productive, and who abstain from undesirable behaviors such as theft and tardiness.

This test relates directly to policing as the position requires a high level of professionalism, integrity, and the ability to conduct oneself in a manner which represents the police service and the public. The ESQ2 provides sufficient data to the police recruiters to correlate an applicant's positive and negative work behaviours with their past experience. By providing reliable data to police recruiters/background

investigators/police psychologists, it helps validate the decisions made and identifies potential areas of concern.

**MMPI 2RF: The Minnesota Multiphasic Personality Inventory-2 Restructured Form (MMPI-2-RF)**, is a 338-item self-report measure linked conceptually and empirically to modern theories and models of psychopathology and personality. Tests will be submitted to psychologist for assessment. If there are concerns with the test, psychological interview will be recommended.

**Connor-Davidson Resiliency Scale:** analyses risk factors and the predisposition for the development of PTSD and other forms of anxiety.

However, it is important to note that the TBPS Human Resources Department is in the process of modernizing its recruitment process and changes will occur within the year. A separate report will be presented to the Board in January 2020.

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.

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. Such a report will be presented to the Board in January 2020, but below are the following relevant excerpts:

**Assessing and Removing Known Barriers to Recruitment and Selection**

The current recruitment process was reviewed, existing barriers were identified and a plan was initiated to address the OCPC recommendation 13-3 and the OIPRD recommendation 41. These recommendations requested an analysis of existing barriers to recruitment, selection, retention and advancement of under-represented groups as well to implement measures to address those barriers and that TBPS should, on a priority basis, create and adopt a proactive strategy to increase diversity within the service with prominence given to Indigenous candidates respectively.

In 2017, the TBPS began an organizational change initiative with the primary purpose being to repair relations with the Indigenous community and respond to calls of systemic discrimination. Diversity and cultural training opportunities were also created, along with

a curriculum to deliver this training to the members of the TBPS. This initiative included a Workforce Census to gain a baseline demographic of the workforce. A survey was provided to members of the TBPS with the opportunity to voluntarily identify their gender, age, and to identify as an Indigenous Person or a person of another visible minority. Findings from this survey determined that 53% of members of the TBPS participated and a baseline demographic of the TBPS's workforce was identified. Further, it was determined that the TBPS does not reflect the diversity of Thunder Bay and other police services in Ontario on race and gender representation in three areas: 1. civilians that identify as visible minority; 2. civilians and officers that identify as Aboriginal; and 3. female Constables. These gaps identify areas for the TBPS to focus its recruitment efforts toward a diverse workforce for women and staff members of a visible minority. To activate its commitment to a diverse workforce, the TBPS determined the need to investigate and eliminate existing employment barriers and develop and implement strategies for targeted recruitment to attract the identified, under-represented groups.

After careful analysis of best practices and a thorough review of the TBPS's 2017 Workforce Census, the current recruitment model has been redeveloped and has replaced the previously used Constable Selection System. Some of these barriers are discussed below. Further, the pre-application requirement of the Certification of Results from Applicant Testing Services, Inc. has been eliminated effective January 1, 2020 by the Ontario Association of Chiefs of Police which suggests best practices to be used by Ontario police services.

#### **Pre-Applicant Testing – New OACP Pre-hiring Certification**

The Ontario Association of Chiefs of Police (OACP) has introduced a new Pre-Constable Selection System which provides an online pre-application certificate for Police Applicants in Ontario. This online pre-testing includes a medical examination, a fitness log and a personal assessment that measures the verbal ability of the applicant to identify words, themes and concepts. The testing also measures problem solving and decision making skills and contains a personality-based candidate assessment measure. As with many Ontario services, TBPS has adopted this new pre-application process.

#### **New Recruitment Process**

This new process includes phases and consists of the OACP pre-application certificate followed by an in-house physical test (Level 7 Shuttle Run), local focus interview, two psychological tests to measure personality and resiliency, a redeveloped Essential Competency Interview, and a thorough background investigation. The previous COR testing was based on an absolute pass/fail per phase while the new process allows for flexibility. This phased process allows the Recruitment Team to efficiently evaluate candidates in groups and provides an opportunity to condense the process for out of town candidates so they are able to complete the process in one visit. Further, the new process provides flexibility to allow the Recruitment Team to schedule the recruitment phases to suit the availability of the applicants.

#### **Recruitment Outreach to First Nations, Northwestern Ontario and Manitoba**

In October 2019, members of the TBPS Recruitment Team travelled in excess of 3600 kilometres and visited 7 communities in Northwestern Ontario and Manitoba, presenting to over 200 students at various high schools and colleges, many of which have a high population of Indigenous students. Findings from this outreach indicated that the TBPS and career opportunities offered are not known outside of the immediate area of the City, and there are numerous prospective Indigenous and non-Indigenous candidates within a short distance who were not previously being targeted or engaged. In January 2020, TBPS returned to Manitoba to attend the University of Manitoba two-day career fair and to present to the Northwest Law Enforcement Academy, Assiniboine College and Brandon University. Upon conclusion of this trip, the majority of Northwestern Ontario and Manitoba have been canvassed and plans are underway for an outreach trip to Saskatchewan in the spring of 2020. On-going, annual recruitment visits to maintain partnerships with the educational institutions and First Nations communities that were visited is key to successful, long-term recruitment outreach.

Working relationships have been developed with First Nations band members and the Recruitment Team will liaise with these members to educate them on the recruitment process so they become champions for the TBPS in their communities. From this, they will be able assist their community members with the application and recruitment process and provide advice to the Recruitment Team in terms of the specific needs of their communities. Further, these new initiatives will support the TBPS in repairing and building relationships with local, regional and national Indigenous communities.

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

Progress Report on Recommendation 42:

The Service's promotional policy was changed, effective January 2, 2020 which focuses less on traditional exam results and more on experience and diversity of each individual officer. The first competition, using the new policy, is underway.

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.



## 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:

This Report represents the Service's one (1) year update.

The next Report will be issued in December 2020, marking the second yearly update.

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,



Chief Sylvie Hauth  
MAC, CMM III Police Executive

**REINVESTIGATIONS OF DEATHS IN THUNDER BAY  
AS  
RECOMMENDED IN BROKEN TRUST-THE REPORT OF THE OFFICE  
OF THE INDEPENDENT POLICE REVIEW DIRECTOR**

**Terms of Reference**

**PURPOSE**

The Office of the Independent Police Review Director (OIPRD) recent report into investigations of deaths of First Nation people in Thunder Bay, “Broken Trust”, identified systemic failings of death investigations. It recommended that nine of the cases that were reviewed be reinvestigated:

1. Christine GLIDDY (identified as A.B. in Broken Trust)
2. Shania BOB (identified as C.D. in Broken Trust)
3. Marie SPENCE (identified as E.F. in Broken Trust)
4. Aaron LOON (identified as G.H. in Broken Trust)
5. Sarah MOONIAS (identified as I.J. in Broken Trust)
6. Jethro ANDERSON (identified as M.N. in Broken Trust)
7. Curran STRANG (identified as O.P. in Broken Trust)
8. Kyle MORRISSEAU (identified as Q.R. in Broken Trust)
9. Jordan WABASSE (identified as S.T. in Broken Trust)

In response, the Thunder Bay Police Service, the Office of the Chief Coroner and the Ontario Forensic Pathology Service prepared an independent, multi-disciplinary and multi-agency team approach that would use basic principles to reinvestigate these cases.

The goals of these enhanced investigations include:

- Truth-seeking and transparency
- Supporting the administration of justice
- Development of the Thunder Bay Police Service 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

## **REINVESTIGATION STRUCTURE AND ROLES**

A three-tiered oversight framework to manage and conduct the reinvestigations.

- **Executive Governance Committee:**
  - Nishnawbe Aski Nation Grand Chief Alvin Fiddler
  - Honourable Justice Stephen T. Goudge
  - Dr. Dirk Huyer, Chief Coroner for Ontario
  - Dr. Michael Pollanen, Chief Forensic Pathologist for Ontario
  - Chief Sylvie Hauth, Chief of Thunder Bay Police Service
  - Ms. Helen Cromarty, First Nation Elder
  
- **Investigative Resource Committee:**
  - 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
  - Other expertise as required such as toxicologist, forensic identification officer, representatives to support families, etc.
  
- **Blended Investigative Team:**
  - Detective Superintendent Ken Leppert (retired OPP) - LEAD
  - Nishnawbe Aski Police Service (NAPS) Detective Constable
  - Thunder Bay Police Service (TBPS) Detective Constables (5)

### **ROLES**

#### **Executive Governance Committee**

- Oversee the re-investigations
- 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**

- 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 Blended Investigative Team regarding:

- Ensuring all existing information is obtained
- Ensuring 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**

- Conduct police reinvestigations
  - Gather all existing information regarding each of the nine cases:
    - coroner investigations
    - inquest briefs
    - police reports/files
  - Utilize Major Case Management 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

### **CRITICAL PATH**

A one-year timeframe for the reinvestigations:

- **June 18, 2019**, obtain approval from the Thunder Bay Police Service Board
  - Announcement of the reinvestigation structure, framework and timelines
- **September 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 teams 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
- **July 2020**, all reinvestigations complete and final report presented to the Executive Governance Committee for review, approval and public release

## **REINVESTIGATION COSTS AND RESOURCES**

- The Thunder Bay Police Service is responsible for the costs of the reinvestigations relating to:
  - adequate facilities and equipment
  - approved officer travel, meal and accommodation expenses in accordance with the policies of the TBPS
  - remuneration and expenses of any individual contractors (e.g., retired police officer(s) and judge), honorarium for Elder
- Culturally safe support for families will be arranged and funded through existing programs
- The partner agencies will contribute in-kind expertise and will cover the salary and benefits of participating members
  - Coverage for travel expenses to attend meetings may be subject to negotiation with the TBPS and in accordance with the policies of the TBPS

## **CONFIDENTIALITY**

The participants agree to not to disclose or publish any information they receive without the prior consent of the Executive Governance Committee.

## **CONFLICT OF INTEREST**

The Executive Governance Committee will be consulted as necessary to address any emerging real or perceived conflicts of interest.

## **PART B: PARAMETERS FOR REINVESTIGATION**

**The Executive Governance Committee has set the following parameters for reinvestigation to ensure a balanced, thorough and consistent reinvestigation of the nine deaths:**

### **A: INVESTIGATION TO COVER THE FOLLOWING THREE DOMAINS CONSISTENT WITH THE FIRST PRINCIPLES OF INVESTIGATION:**

1. **FACTUAL:** Fully explore and reinvestigate the history, scene and circumstances of each of the deaths.
  - Discreet investigative tasks
  - Natural history of the person
  - What happened at the time of death and time leading into it – hours, days etc.

2. **FACTUAL:** All medical and scientific aspects of the deaths must be reinvestigated by the coroner, forensic pathologist and forensic scientists
  3. **DERIVE FROM FACTS:** multidisciplinary consensus-based opinion/analysis.
    - Reconstruction of the events leading to death and how the death occurred.
    - Nuanced analysis – Complete a wholistic analysis evaluating for intersections between the person, the examination, forensic testing findings and the circumstances of the death
- **OUTPUT:** Look at the facts of all nine deaths both in isolation then in comparison to each other – similarities, trends.

**The Executive Committee further expects:**

1. Families need to be re-interviewed.
    - Potential information or theories the family or others may have need to be investigated.
    - Families must be provided culturally safe trauma informed support prior to, during and after discussions with the investigators
  2. In addition, interviews need to be completed of any key witnesses/informants in the initial investigation or new ones that may come up in the re-investigation.
  3. Scenes will all be revisited and photographically recorded.
    - Possible forensic mapping of the locations of the deaths. Evaluating for potential hazards that may identify opportunity for public safety enhancement.
    - Complete an analysis of each of the death scenes for similarities and common factors.
- **OUTPUT:** Completed physical report that takes into account all of the above.
- Delivered to the Executive Committee for provision to the TBPS Board and can, at least in part, be made public.

***Guiding Principle: It is necessary to ensure confidence in the ability to investigate and to reinvestigate without bias.***