



TBPS Retrospective: EGC Report Back on Broken Trust Recommendations 1 to 4

Introduction

First and foremost, it is important to acknowledge the impact on the families regarding the loss of a loved one. Most of all, the families have an unquestionable need for answers. We acknowledge and support that need. Therefore, we have fully supported the independent oversight of the Executive Governance Committee (EGC) and the experts brought onboard for the reinvestigation of each of these deaths.

The report back to the OIPRD from the Executive Governance Committee states that the cause and manner of death for the deceased in 8 cases has been determined to be the same as the findings from the original investigations. One cause of death was changed from accidental to undetermined. The 9 original cases ranged from 2000 to 2017. The report also details several issues relating to each of the original investigations.

A final report, to be written by an independent author, will provide a number of recommendations which will be beneficial not only for the TBPS, but for all agencies involved in the death investigation system.

Context regarding the report findings:

Using the lens of today, the issues identified in the report by the Executive Governance Committee speak to a number of realities that were present during the time between 2000 to 2017. In order to understand the investigative processes which were in place since 2000, it is important to note the key milestones which include changes in legislation, technology, science, pathology, and resource capabilities/capacities which were in play during this 17-year time span of these death investigations.

- 1999 saw the introduction of Adequacy and Effectiveness Standards for Police Services in Ontario. All Police Services had to be compliant by January 2001. This standardization was necessary to ensure the delivery of the six core functions of policing:
 - Crime Prevention
 - Law Enforcement
 - Victims' Assistance
 - Public Order Maintenance
 - Emergency Response Services
 - Administration & Infrastructure

The TBPS worked through 2000 to meet the new standards. This included the creation of new policies, training, and development of processes to reflect best practices.

- A Major Case Management model was introduced by the province in 1997. It was not until 2002 that it was in use by all municipal police services and the O.P.P. The model has been refined since its inception to ensure that best practices would be in place for the investigation of serious incidents which meet the threshold of a major case.
- In 2001, the TBPS established a Professional Standards Unit in response to the new Adequacy & Effectiveness Standards.



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- The TBPS has had a high annual volume of calls for service which include very complex and resource intensive investigations.

Timelines & Evolution of Investigative Resources & Practices

The delivery of investigative services by the TBPS have continued to evolve since 2000 in response to legislative requirements, case loads, and public expectations. The Criminal Investigations Branch (CIB) has historically had a General Investigations Unit which was responsible for the investigations of major crimes.

In addition to the general investigation units, CIB has created specialized units which include forensic identification, intelligence- drugs & gangs, crime analytics, missing persons & youth, elder abuse, economic crime, cyber-crime, break – enter & robbery, domestic violence, sex offender registry, Coroner’s Constable, and a firearms officer.

As of 2021, there were a total of 71 sworn and 7 civilian members assigned to the Criminal Investigations Branch.

Criminal Investigations Branch – Additions to Resources:

2001 – 3 units - (each with a Detective & 3 Detective Constables)

2010 – 4 units - (each with a Detective & 2 Detective Constables)

2020 – CIB commenced a major reorganization to move from conventional General Investigation Units to Major Case Units with enhanced focus.

2021 – Major Case Units – 4 units – (each with a Detective & 4 Detective Constables)

Detailed Milestones - Progressive changes within the TBPS Criminal Investigations Branch:

2016

In the year 2016, the Thunder Bay Police Service began an extensive review of internal procedures and processes as they related to the investigation into missing persons and sudden deaths.

February 2016:

A complete revision of TBPS missing person’s policy occurred. The new policy came into effect on February 1, 2016. The revision of the policy occurred due to an acknowledgement that the previous policy was not working to properly investigate missing persons. The new policy takes into consideration such things as the demographics of Thunder Bay and the significant number of Aboriginal Youth residing in Thunder Bay to attend high school. The new policy outlines “at risk” individuals and requires a classification of search urgency.



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December 2016:

The Sudden Deaths Policy was extensively reviewed as of December 20, 2016. The Policy states that “Investigations into sudden or unexplained deaths and found human remains be considered potential homicides and be undertaken in accordance with the police service's Criminal Investigation Management Plan. Officers investigating sudden or unexplained death and found human remains occurrences must have the knowledge, skills and abilities required. Where an occurrence falls within the definition of a major case, ensure that officers comply with the procedures set out in the Ministry's designated Ontario Major Case Management Manual.”

NOTE: In 1997, the Province of Ontario developed the Major Case Management (MCM) system in partnership with the Ontario policing community. The impetus of MCM was to develop one standard case management system for use by all Ontario police services. This system was to allow a higher standard across the province, allow linked cases to be integrated and to promote cooperation and information sharing between law enforcement agencies. The MCM system outlines criteria offences to be deemed as major cases and made a distinction between threshold and non-threshold offences in which a Primary Investigator shall be deemed and MCM utilized. In each major investigation a command triangle shall be formed consisting of Major Case Manager, Primary Investigator and File Coordinator. Specialized, Ministry approved software, called Power Case, is to be utilized when investigating a major case. Each role has assigned duties.

Very specific requirements are outlined in the Manual as it relates to scene investigation, forensic identification, field investigations and canvassing. In 2017, the MCM underwent numerous changes which expanded the offences that meet the threshold. Threshold cases, as they existed prior to 2017, include homicides, not all sudden deaths, and missing person occurrences where the circumstances indicate a strong possibility of foul play.

In 2017, offences were added as non-threshold offences which includes missing persons, where police have yet to ascertain whether foul play is involved when the individual remains outstanding and unaccounted for 30 days after being reported missing. All the Sudden Deaths should be looked at in the light of the above.

2017

January 2017:

The Thunder Bay Police Service implemented a Sudden Death Review Committee. It became a requirement that all sudden deaths be reviewed by a committee of Senior Officers prior to the conclusion of the investigation.

The Review Committee is comprised of the Deputy Chief of Police, the Criminal Investigations Branch Detective Inspector and Detective Sergeant and one other Inspector from Uniform Patrol, Corporate



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Services, Court Services or Community Services. The Committee meets monthly to review all outstanding sudden deaths to ensure all investigative requirements have been fulfilled.

March 2017:

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.

2018

November 2018:

A Memorandum of Understanding was created between TBPS Administration and the Thunder Bay Police Association to establish a Major Crimes Unit within the Criminal Investigations Branch that complies with provincial standards and best practices.

2019

2019 was a significant year for the TBPS in respect to professional development and innovation within the CIB. Training was implemented for all those in the Criminal Investigations Branch outlining the relationship between the Coroner and Police during sudden death investigations. Legislative changes regarding missing persons also impacted investigative processes.

January 2019:

The Memorandum of Understanding created between TBPS Administration, and the Thunder Bay Police Association in November 2018 came into effect which created a Major Crimes Unit. At this time, it was comprised of three (3) officers with a request for a major increase to properly staff the Unit made to the Board and City Council. This was included in budget submissions to increase sworn complement to allow for five (5) additional officers in the Major Case Unit.

March 2019:

Began looking at implementing the secondment program to allow for officers in other branches to spend time in the Criminal Investigations Branch. Also, during this time, a secondment program occurred to have Nishnawbe Aski Police officers work with the Thunder Bay Police Service in the Criminal Investigations Branch.

March 2019:

TBPS administration presented a compliance report to the Thunder Bay Police Services Board regarding the September 2018 inspection of the Service's Major Case Management.



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April 2019:

Establishment of multi-disciplinary case conferences involving the Coroner, Pathologist and investigators to review post-mortem and toxicology results in complex death investigations.

May 2019:

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

June 2019:

The TBPS established two part-time Human Trafficking positions. These positions are filled by Detective Constables from the Domestic Violence Unit. The Detective Constables are 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.

June 2019:

There were six (6) police officers (four Constables and two Sergeants) assigned to the Major Crime Unit, up from three in January 2019.

June 2019:

Two (2) CIB Investigators attend a Qualified Death Investigator course by York Regional Police to develop a course for the TBPS. The TBPS Qualified Death Investigator course has since been delivered to various members of the TBPS.

July 2019:

The *Missing Persons Act* came into force and the legislation is being utilized by members of the TBPS to assist them in missing persons cases. The Missing Persons Policy was revised to incorporate these changes.

October 2019:

An additional four (4) police officers assigned to the Criminal Investigations Branch. Two were placed in the Major Crime Unit and two were placed in the General Investigations Unit.

November 2019: The Service began 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.



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2020

March 2020:

The TBPS has a member certified to train other staff in Power Case software. Prior to this, TBPS was required to send members to the Ontario Police College.

March 2020:

The Service now has a Staff Sergeant in charge of Quality Assurance. As part of this role, training manuals are being developed.

June 2020:

All members will have the necessary major case training upon entering the unit or within six (6) months of being in the unit. All Major Case Command Triangle officers will have the required Major Case Management (MCM) courses before the conclusion of 2020.

July 2020:

Training from the Ontario Police College on the *Missing Persons Act* to be provided to all officers to ensure full knowledge and compliance with the *Act*.

July 2020:

The Missing Person Policy has just undergone another internal review and changes have made.

July 2020:

The Sudden Death Policy has been fully reviewed and revised to incorporate the above.

August 2020:

The TBPS Criminal Investigations Branch further expanded and undergone reorganization, with an additional two constables being added as of this date. The reorganization would now see the Criminal Investigations Branch 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.

October 2020:

The Criminal Investigations Branch implemented a secondment program for members in Uniform Patrol to gain experience in Criminal Investigations.



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2021

January 2021:

The TBPS Criminal Investigations Branch has been expanded. There are four (4) Detectives and sixteen (16) Detective Constables assigned to Major Case Management meaning the TBPS has met its goal of twenty (20) dedicated officers. This was done recently with the addition of the final two (2) Detective Constables. However, three (3) of these Detective Constables are currently being utilized for the reinvestigation process and form part of the re-investigative team. (All TBPS investigators returned to CIB in the fall of 2021).

All provincial training has been completed for twelve (12) of the twenty (20) officers.

January 2021:

New Detective Constables that have been assigned to CIB are now required to shadow an experienced officer for the purposes of development and training. Once the new Detective Constable is deemed to have demonstrated the appropriate skills and knowledge, they are then able to work independently of the experienced officer with the regular Supervisor oversight. Further, new detectives will be assigned to work with an experienced Major Case Detective to ensure the transfer of knowledge. Detectives will work within the MCM Command Triangle as their skills allow. All major cases will be overseen and reviewed by the CIB Detective Sergeant.

January 2021:

The TBPS signed an agreement with the Toronto Police Service, Homicide Unit to send TBPS officers for a one (1) month period to allow TBPS officers to develop skills and acquire knowledge from the TPS Homicide Unit. This program was paused as a result of the COVID pandemic.

January 2021:

Most recently, the CIB reporting structure has been streamlined within the Branch. CIB now has a dedicated transcriptionist who will complete the report for an officer to review and the Supervisor to approve.

January 2021:

TBPS has also now increased the Forensic Identification Unit (FIU) personnel by one (1) officer. This addition provides resources for the more involved cases. Further, the TBPS has also changed its platoon structure and work schedules to allow officers more opportunities for dedicated lab work.

Further, the TBPS has recently enhanced its Scenes of Crime Officer SOCO program to allow Uniform Patrol Branch officers to be trained on evidence collection to alleviate the workload of the Forensic Identification Unit personnel. After SOCO officers gain experience they will be provided opportunities to mentor with FIU officers to gain greater knowledge and skill sets. This will develop a pool of interested officers to enhance FIU applicants.



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January 2021:

The 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.

January 2021:

A Sudden Death checklist is now applied to all sudden death investigations.

January 2021:

The Sudden Death Review Committee meets on a more permanent and consistent basis. The Committee conducts a critical review of sudden deaths to ensure that all investigative leads have been examined.

June 2021:

There has been a creation of four Major Crime Units within the Criminal Investigations Branch. There are now twenty officers trained and dedicated to major crime investigations; there are four (4) Detectives and sixteen (16) Detective Constables assigned to Major Case Management. These officers make up four units of 1 Detective and 4 Detective Constables working a 12-hour shift schedule rotation ensuring maximum coverage.

September 2021:

The Thunder Bay Police Service reviewed and begun work on the Epstein Report.

2022

January 2022:

All provincial training completed for all members in Criminal Investigations Branch.

March 2022:

Additional mandatory training from Ontario Police College for all sworn members regarding the *Missing Persons Act*.

March 2022:

The TBPS created a 2nd Detective Sergeant position to oversee criminal Investigations, major cases, cold cases and sudden deaths. The other D.S. position will oversee general investigation units. CIB will now have 3 Detective Sergeants which will further enhance management and oversight of investigative processes.



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Concluding Thoughts:

As stated in the March 9, 2022 TBPS media release regarding the EGC's Report Back to the OIPRD:

The Thunder Bay Police Service will continue to evolve and respond to the needs and best interests of the families and communities who have lost loved ones. We recognize that each death we investigate is unique and will receive the best possible care and attention we can provide. We acknowledge the continued efforts of the members of the Thunder Bay Police Service to support those personally effected and we remain committed to building trust with Indigenous peoples.