

Thunder Bay Police Services Board

Memorandum

TO: Members of Thunder Bay Police Services Board

FROM: Linda Douglas, Assistant to the Secretary

DATE: February 14, 2022

SUBJECT: **Additional Information for February 15, 2022 Regular Session**

The following information and documents will be added to the agenda for the February 15, 2022 Regular Session of the Thunder Bay Police Services Board:

REGULAR SESSION

Under NEW BUSINESS:

b) Harassment in the Workplace

Memorandum to Thunder Bay Police Services Board Members from Chief S. Hauth, dated February 14, 2022, relative to Harassment in the Workplace – A Shift in Culture. **(Pages 2 – 4)**

Chief S. Hauth to provide an overview relative to the above noted.

c) Thunder Bay Police Service – Health and Wellbeing Support

Memorandum to Thunder Bay Police Services Board Members from Chief S. Hauth, dated February 14, 2022, relative to the Thunder Bay Police Service – Health and Wellbeing Support. **(Pages 5 – 6)**

Chief S. Hauth to provide an overview relative to the above noted.

d) General Implications of Confidentiality Breaches

Advice Memorandum to John Hannam, Secretary - Thunder Bay Police Services Board from Principles *Integrity*, dated February 14, 2022, relative to General Implications of Confidentiality Breaches. **(Pages 7 – 10)**

Mr. J. Hannam, Secretary to the Board, will provide an overview relative to the above noted.

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MEMORANDUM

Office of the Chief of Police

Tel: (807) 684-1304

Fax: (807) 623-9242

DATE: February 14, 2022
TO: Thunder Bay Police Services Board Members
FROM: Chief S. Hauth
SUBJECT: Harassment in the Workplace – A Shift in Culture

The purpose of this memo is to provide a public update relative to Harassment in the Workplace – A Shift in Culture. Specifically, this initiative emphasizes a workplace free of harassment while promoting civility and respect.

This initiative began over a year ago and thus far regular updates to the Board have been provided in closed session due to the nature of the information being received.

This update is being provided to the Board in Regular Session in an effort to be transparent and publicly provide a clear action plan on continued steps forward.

ACTION PLAN TO PROMOTE CIVILITY AND RESPECT IN THE WORKPLACE

Below is the action plan for the Thunder Bay Police Service to combat harassment and promote civility and respect in the workplace. The 2021-2023 Strategic Plan places an emphasis on creating a healthy workforce.

Given the challenges faced by the Thunder Bay Police Service, both internally and externally, the below action plan is being advanced.

1. Given the perceived mistrust and lack of internal expertise in harassment complaints, the Service has engaged external investigators to conduct workplace harassment complaints. This began in August of 2021 and will continue until the action plan is in place.



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2. Internal investigators will be re-trained in conducting harassment complaint investigations.
3. The TPBS Harassment Policy will be reviewed by a third party yearly to ensure that the Service has the most up to date and appropriate policies in place.
4. In the year 2022, Harassment Training will be provided to all Sworn and Civilian Supervisors to promote an understanding of what harassment is. Harassment Training was completed by Senior Administration in November 2021.
5. A Conflict Resolution Specialist will be retained to deal with interpersonal conflicts experienced in the workplace.
6. The Service is exploring Bystander Training. The ABLE (Active Bystandership for Law Enforcement) Project originated in the U.S and helps prepare officers to intervene to prevent harm and create a culture that supports peer intervention.
7. In the year 2022, the Service will continue to implement the Road to Mental Readiness (R2MR) program, a modified education and training program based on the program provided to Military Members.
8. The Service will begin implementing the National Standard of Psychological Health and Safety in the Workplace. This will begin by having all members complete the Readiness Test (13 psychological factors in the workplace) to use as a guide to further the proposed action plan and focus on the needs of the members.
9. Legal Counsel and the HR Manager now sit on a Multi-Jurisdictional Respectful Workplace Workshop that brings together Services across the Province to share their insights and knowledge, and to continue to collaborate on next steps to formulate a solid



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action plan for how to tackle some of the key, priority issues with respect to improving workplace culture in policing.

10. The Service is exploring engagement with the Canadian Centre for Diversity to help solidify and implement the Action Plan.

Updates with respect to this initiative will continue to be provided to the Thunder Bay Police Services Board as necessary.



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DATE: February 14, 2022
TO: Thunder Bay Police Services Board Members
FROM: Chief S. Hauth
SUBJECT: Thunder Bay Police Service – Health and Wellbeing Support

The purpose of this memo is to provide the Thunder Bay Police Services Board with an update relative to steps taken over recent years to support the health and wellbeing of the Thunder Bay Police Service's sworn and civilian members.

The following is a list of the programs and initiatives which exist within the Service.

- The position of a Critical Incident/Peer Support Coordinator was created in 2015. At that time, consistent and timely incident debriefs were initiated with all staff involved in a traumatic incident. The Peer Support Coordinator position was created to ensure that members of the Service had confidential assistance if and when they needed it. The Peer Support Team was also created shortly thereafter and is made up of volunteer staff members who have received additional training and are willing to be contacted at any time to provide support. This team was selected by the members of the TBPS. The team was just recently expanded and continues to be an important part of our wellness approach within the Service.
- All members of the Thunder Bay Police Service are entitled to unlimited counselling as per the collective agreements. These supports include psychology, psychiatry, family counselling, and outside treatment facilities and programs.
- The TBPS has extensive Wellness Policies which have been in place since 2018 to guide our employees, supervisors and managers regarding Health and Wellness issues.



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- Sworn and civilian members applying to work within units which have a high probability of high intensity exposure to primary and secondary traumatic situations or content, are provide with psychological screening, support, and education. This program is called Project Safeguard.
- Following a successful pilot program, we now have a smart phone app available for our members called Peer Connect. This is a recent initiative which ensure that every member has access to peer support, mental health resources, and information from Thunder Bay Police Service whenever they need it, 24/7. Member privacy is the top priority of this app which is a secure, user friendly conduit to access mental health services.
- In 2019, the Return to Work Specialist position was created within the TBPS under the Human Resources branch. It was an important position to help monitor the effectiveness of treatment/rehabilitation plans, direct and participate in the development of return to work strategies and development individualized return to work plans and refer employees to appropriate resources regarding health and wellness issues.
- Yoga for First Responders was introduced as another health and wellness option. This program has had its challenges given the restrictions surrounding the COVID-19 pandemic.
- The TBPS receives regular visits from St. John's Ambulance therapy dogs. This program has been very popular and provides another form of support and stress relief.
- In 2020, the TBPS reintroduced a Police Chaplaincy program to provide spiritual and emotional support for our members.
- In 2022, the Service will continue to implement the Road to Mental Readiness (R2MR) program, a modified education and training program based on the program provided to Military Members on resiliency.

The Thunder Bay Police Service continues to be committed to providing health and wellbeing care to both sworn and civilian members of the Service and will provide updates to the Board as available.

Principles *Integrity*

ADVICE MEMORANDUM

TO: John Hannam
Secretary, Thunder Bay Police Services Board

FROM: Principles *Integrity*,
Integrity Commissioner for the Thunder Bay Police Services Board

DATED: February 14, 2022

FILE: General Implications of Confidentiality Breaches

We are responding to your email of February 10, 2022 and the discussion we have had since then. You have asked for our advice with respect to the implications associated with breaches of Thunder Bay Police Services Board Members' obligations to maintain confidentiality given the language set out in section 8 of the statutory code of conduct to which the Thunder Bay Police Services Board is subject pursuant to Ontario Regulation 421/97:

8. Board members shall uphold the letter and spirit of the Code of Conduct set out in this Regulation and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board.

You have, in particular, brought to our attention two newspaper articles which suggest that a Member of the Board has breached the Board's confidentiality.

Firstly, from a specific reference in a Globe and Mail article published on February 8, 2022 titled "Ontario coroner calls for new review of deaths of Indigenous people in Thunder Bay¹", you conclude that the Board's confidential information has once again been breached, noting that a series of other leaks of confidential information have occurred in the previous months:

Family members of the individuals whose deaths were reinvestigated had raised concerns about the role of Chief Hauth, in particular, as the leader of the service that was the main subject of the Broken Trust report that found "systemic racism exists in [the Thunder Bay Police Service] at an institutional level." They were worried specifically about her involvement in the content and framing of the final report.

In a confidential letter dated Nov. 10, 2021, Chief Hauth informed the police board that she had stepped down from the committee. This came after a Globe and Mail article about a human-rights complaint against her, including

¹ <https://www.theglobeandmail.com/canada/article-ontario-coroner-calls-for-new-review-of-deaths-of-indigenous-people-in/>

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allegations of racism and retaliation, and concerns from the committee of a potential conflict of interest.

(emphasis added)

You also point to another specific reference in a Globe and Mail article published on February 11, 2022 entitled “OPP decision coming soon on whether to investigate Thunder Bay police force²”:

The board said it won’t comment further on the suspension. Documents show that at a December closed session, the board received a summary of allegations against Chief Hauth and Deputy Chief Hughes from a lawyer representing a Thunder Bay police sergeant. The confidential memo from Lauren Bernardi to board lawyer Don Jarvis said no findings had been made, that “these are merely allegations” and the investigation was ongoing.

The Code also makes one specific and one other general reference to a Board Member’s obligation to maintain confidentiality:

4. Board members shall keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public.

13. Board members shall refrain from engaging in conduct that would discredit or compromise the integrity of the board or the police force.

There can be no doubt that matters which are clearly identified as confidential at meetings of the Board are not to be shared without the Board giving permission to do so. No member of the board may act unilaterally in deciding that circumstances, as they perceive them, warrant the release of confidential information.

This is a basic governance rule that applies across all bodies and sectors. When the governing body considers a matter in the absence of the public, the material and discussions must be carefully protected by all members who participate.

The protection of information disclosed in confidence to Members of a Board in a meeting held in the absence of the public is a cardinal rule of good governance. The requirement to follow the rule is unequivocal.

A breach of the obligation to maintain confidentiality can sustain a complaint that Rule No. 4 of the statutory Code of Conduct has been breached. It would also result in the following considerations:

1. The disclosure of confidential closed session information may undermine a strategy developed by the Board in circumstances where it is authorized to do so in the absence of the public. For example a strategy to adopt a negotiating stance in labour

² <https://www.theglobeandmail.com/canada/article-opp-decision-coming-soon-on-whether-to-investigate-thunder-bay-police/>

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contract negotiations, or in response to litigation, would certainly be undermined by its disclosure to the persons the Board is negotiating or litigating with. Any disclosure of the discussions, or of the options considered, or of assessments of strength or weakness, carry with them obvious detriments for the Board's responsibility to consider its position on the basis of what serves the Board's best interests. Such a breach of confidentiality may carry with it significant financial exposure to the Board as well.

2. The disclosure may put a chill on information that is brought to the Board for its consideration, on the basis that the authors of reports and advice intended to support the Board's best interest considerations would be fearful that release of the information is inevitable. As a result those authors might become more circumspect in what information they share with the Board, and the Board's decision-making effectiveness would become constrained.

3. Inappropriate disclosures of confidential information tend to destroy the mutual trust and respect that a deliberative body requires in order to carry out the democratic process of debate and decision making. Members of the Board should not be fearful that their questions and positions taken in the course of a discussion will be used for ulterior purposes, or even for an opposing purpose, by a colleague on the Board.

As an aside, we bring the Board's attention a common phrase which is used to acknowledge that applicable rules and conventions constrain involved parties from commenting on matters before the Courts. Typically the sentiment is expressed in this way: "No Comment - the matter is before the Courts".

Though the matters referenced in the Globe and Mail articles noted above are not matters strictly speaking 'before the Courts', they are nevertheless before tribunals which have the jurisdiction to make determinations on the matters brought before them. The convention, which in legislative bodies is sometimes reflected in a standing order, is known as the *sub judice* rule.

Though the 'no comment' statement is often seen as a convenient mechanism to *avoid* speaking to the media, its real purpose is to avoid obstructing or influencing the proper processes of the judicial body. We make no determination on whether the usual ramifications of breaching the *sub judice* rule are applicable in the present circumstances (such as 'contempt of court' in a matter heard by a judge), however the intention of the rule is very much applicable. The purpose of the rule is to avoid prejudicing the parties to a matter and to avoid undue influence over the adjudication of the matter through the making of comments in the media.

The inappropriate disclosure of confidential information coupled with attempts to influence media coverage of the matter is concerning. Given the emphasis the statutory Code of Conduct places on the obligation of Police Services Board Members to 'refrain from engaging in conduct that would discredit or compromise the integrity of the board' and to uphold the 'letter and spirit of the Code of Conduct ... in a manner that will inspire public confidence in the abilities and integrity of the board', if a complaint were made, any Board

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Member who was found to have released confidential Board information and provided same to the media would risk adverse findings and a recommendation for the severest of available penalties.

For the reasons listed in the three enumerated paragraphs above, such conduct would be recognized as compromising the Board's ability to serve its most basic public interest objectives as the civilian oversight body for the Thunder Bay Police Service.

Should you wish to discuss our advice we would be pleased to meet with you at your convenience.