

MEETING: THE SIXTH MEETING OF THE FIFTY-FOURTH THUNDER BAY POLICE SERVICES BOARD (CLOSED SESSION)

DATE: MARCH 21, 2023

TIME: 10:52 A.M.

PLACE: VALHALLA HOTEL & CONFERENCE CENTRE
1 Valhalla Inn Road, Thunder Bay, ON

ADMINISTRATOR: MR. M. MERCER

PRESENT:

Mayor K. Boshcoff
Councillor S. Ch'ng
Ms. K. Machado
Mr. M. Mercer

ABSENT:

Ms. D. Baxter

OFFICIALS:

Mr. D. Taddeo, Acting Chief of Police
Mr. R. Hughes, Deputy Chief of Police
Detective Inspector J. Pearson, Thunder Bay Police Service

Mr. J. Hannam, Secretary – Thunder Bay Police Services Board

Ms. L. Douglas, Assistant to the Secretary - Thunder Bay Police Services Board

ATTENDING BY ZOOM:

Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP

1. DISCLOSURES OF INTEREST

There were no disclosures of interest declared at this time.

2. DEPUTATIONS

a) Overtime Slip Denial - Grievance

Correspondence to Allison Scott, Civilian Director – Thunder Bay Police Association, from Acting Chief of Police Daniel M. Taddeo, dated February 22, 2023, relative to his denial of a grievance regarding the denial of an Overtime Slip submitted by Staff Sergeant T. Lewis, was provided for the Board's information.

Correspondence to Malcolm Mercer, Thunder Bay Police Services Board, from Allison Scott, Grievance Chair for the Thunder Bay Police Association, dated March 8, 2023, relative to the denial of the above-noted grievance, was provided for the Board's information.

Thunder Bay Police Association President, Colin Woods, provided background information and an overview of the above-noted correspondence. He responded to questions about Staff Sergeant Lewis' perception of responding to the message texted to her while of annual leave, relative to the Collective Agreement. It was noted that the subject officer did not physically report for duty

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(as per the Collective Agreement).

After the Association representatives left the meeting, Interim Chief of Police Taddeo provided his comments on the grievance. It was his view that this was not an official request and not a work-related issue. There was no intention to a call of duty; accordingly, nothing was triggered for overtime. He noted that past practices are not relevant in this case, since there is new language in the current Collective Agreement.

It was the consensus of the Board to deny this grievance. Mr. J. Hannam will advise the Association, citing no contravention of the Collective Agreement.

b) Compensation for Coach Officers - Grievance

Correspondence to Malcolm Mercer, Thunder Bay Police Services Board, from Allison Scott, Grievance Chair for the Thunder Bay Police Association, dated March 8, 2023, relative to the Service's failure to compensate members who have been scheduled to coach recruits, was provided for the Board's information.

Thunder Bay Police Association President, Colin Woods, provided an overview relative to the above noted and responded to questions. Since the collective agreement was ratified in November 2020, there have been numerous officers who have coached without the coach training and have been compensated for the training. One-off situations have been compensated up until the beginning of 2023, when the rules were changed without the Association being notified.

Mr. Woods was thanked for presentations. All Association representatives (including those in the gallery) left the meeting at 11:15 a.m.

Interim Chief Taddeo provided his comments and some background information on officers who provide training. There is a difference between training (with the use of the training manual/a structured plan) and orientation - on the job training. He noted that the coaching of a new recruit is very structured.

Mr. D. Jarvis noted that there is no express statement to have coach training in the Collective Agreement.

It was the consensus of the Board to deny the above noted grievance, noting that the Board did not accept the Association's interpretation of actions of the Service.

3. UNFINISHED BUSINESS

Greenshield Benefit Grievance

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At the February 21, 2023 Closed Session of the Board, a grievance on the Board's failure to provide extended health care benefits, as required by the Uniform and Civilian Collective Agreements, was presented by Special Constable Rich Luskleet, representative for the Thunder Bay Police Association.

Mr. J. Hannam advised that, further to conversations with Administrator Mercer and Mr. Don Jarvis, the Board is going to accept the grievance as of the date of the grievance, but organize a meeting among the parties involved to discuss how the collective agreement benefits are being administered.

Mr. D. Jarvis advised that the Board needs to ensure that the benefits are provided under the terms of the Collective agreement. Accordingly, Mr. Hannam will send a draft response to Mr. Jarvis first, for his review, prior to sending his response to the Association.

4. CONFIRMATION OF AGENDA

MOVED BY: Mr. M. Mercer

With respect to the Sixth Session (Closed) of the Fifty-Fourth Thunder Bay Police Services Board held on March 21, 2023, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED by the Administrator

5. CONFIRMATION OF MINUTES

The Minutes of the Fourth Session (Closed) of the Fifty-Fourth Thunder Bay Police Services Board held on February 21, 2023, to be confirmed.

MOVED BY: Mr. M. Mercer

Minutes of the Fourth Session (Closed) of the Fifty-Fourth Thunder Bay Police Services Board, held on February 21, 2023 be confirmed.

CARRIED by the Administrator

6. REPORTS OF THE THUNDER BAY POLICE SERVICE

a) Annual Intelligence Unit Report: Community Threats

Detective Inspector J. Pearson provided an overview relative to the above noted report and responded to questions.

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A brief slideshow was included with his presentation, with comparisons to 2020, 2021, 2022 and YTD for 2023.

Sudden death investigations continue to place a heavy burden on financial costs (related to pathology taking place in Toronto) as well as staffing on the Police Service.

Administrator Mercer encouraged the Service to try to track and quantify the actual costs for the City and the District/Region in order for the Thunder Bay area to advocate for provision of local pathology services.

Interim Chief Taddeo noted that regional deaths are not the responsibility of the Thunder Bay Police Service. A discussion was held relative to actions under the *Coroner's Act* and who should be responsible for the associated expenses and use of the Thunder Bay Police Service (i.e. security).

Discussion was also held relative to breaking down the stats by race/race-based data in light of one of the recommendation in the Broken Trust Report. Discussion followed on the changes that have happened with investigations since the Broken Trust Report was issued. Mr. Hannam suggested that the Service report on changes in approach, staffing, analysis, etc. Interim Chief Taddeo suggested that data from convictions be considered, as well.

Major Case Investigations are broken down into the following categories: homicides, attempted homicides, sexual assaults, and suspicious deaths.

When managing major cases, Detective Inspector Pearson stated that it's an "all hands on deck" approach.

Detective Inspector Pearson was thanked for his presentation. At 12:48 p.m., both he and Deputy Chief Hughes left the meeting.

7. UPDATES FROM LEGAL COUNSEL

Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP, reported on the status of the following files:

- Grievance regarding Constable Zappitelli and a failure to accommodate after a workplace injury went to reconciliation but didn't get resolved. The Association wants arbitration, which is in the process of being scheduled.
- Natacha Colin's grievance and HRTO applications have been resolved since the last board meeting
- Grievance regarding depletion of annual leave while on WSIB: both parties are engaged in possible ways to resolve this matter. Mr. Jarvis was optimistic that this will be

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resolved.

Upon completion of his report, Mr. Jarvis left the meeting at 12:53 p.m.

8. REPORTS OF COMMITTEES

a) Committee Appointments

At the February 21, 2023 Closed Session of the Board, a confidential memorandum to Members of the Thunder Bay Police Services Board from Mr. J. Hannam, Secretary to the Thunder Bay Police Services Board, dated February 13, 2023, relative to Committee Appointments, was presented for the Board's information.

Due to Councillor S. Ch'ng's absence, the motion included in the above noted memorandum was deferred and re-presented at this meeting.

MOVED BY: Mr. M. Mercer

With respect to the composition of the Governance and Labour Relations committees, we recommend that the Thunder Bay Police Services Board appoints:

1. Karen Machado
2. Denise Baxter
3. Mayor Ken Boshcoff

to the Governance Committee for the duration of the term of the Board;

AND THAT the Thunder Bay Police Services Board appoints:

1. Shelby Ch'ng
2. Karen Machado

to the Labour Relations Committee for the duration of the term of the Board.

CARRIED by the Administrator

b) Appointment to the Governance Committee

Mr. J. Hannam, Secretary to the Thunder Bay Police Services Board, provided an update relative to the appointment of a new member to the Governance Committee. He noted that the 4-year term gives the Committee good staggering for continuity as the Board moves forward into the future.

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MOVED BY: Mr. M. Mercer

With respect to the vacancy for a community representative on the Thunder Bay Police Services Board's Governance Committee, we recommend that Donna Bain-Smith be appointed for a 4-year term, expiring on March 21, 2027 or as soon thereafter as a replacement is appointed.

CARRIED by the Administrator

c) Recruitment Recommendation

The Governance Committee concluded its recruitment process for the selection of a new Chief of Police with final interviews having been conducted on March 4, 2023. It is the recommendation of the Committee that the Board appoint Mr. Darcy Fleury as the new Chief of Police to replace retired Chief Sylvie Hauth:

MOVED BY: Mr. M. Mercer

With respect to the recruitment of a new Chief of Police for the Thunder Bay Police Service, we recommend that the Thunder Bay Police Services Board appoint Mr. Darcy Fleury as the Chief of Police with a starting date of April 17, 2023 as Chief Designate;

AND THAT following one month orientation with Interim Chief Dan Taddeo, Darcy Fleury be sworn in as Chief of Police on May 15, 2023, or as near that date as might be possible.

CARRIED by the Administrator

9. ORGANIZATION AND PERSONNEL

a) Parental Leave Request

Correspondence to Interim Chief D. Taddeo from Constable Michael Kilby, dated March 6, 2023, relative to a request for parental leave, as well as a response to Constable Kilby from Interim Chief of Police Daniel M. Taddeo, dated March 7, 2023, were provided for the Board's information.

b) Recruitment Incentives

Interim Chief D. Taddeo provided an overview of the current strategies/recruitment campaign for the Timmins Police Service in terms of recruiting experienced officers and new recruits.

Interim Chief Taddeo reported on the current status of the Thunder Bay Police Service's

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recruitment efforts and an overview of the Service's recruitment campaign that is about to be launched.

Interim Chief Taddeo provided recommendations for the Board's consideration, including the payment/reimbursement of tuition fees for new recruits (with caveats for the number of years of service/successfully completing the courses, etc.). He also suggested that experienced officers would be more inclined to apply if the cost of moving expenses were covered by the Board.

10. NEW BUSINESS

Legal Services – Thunder Bay Police Service

Confidential Memorandum to Members of the Thunder Bay Police Services Board from John S. Hannam, dated March 20, 2023, relative to contracting legal services externally, was distributed separately on desks at the meeting.

Administrator Mercer provided an overview of above noted memorandum and the role of internal legal counsel.

Interim Chief of Police Taddeo provided his comments and responded to questions. He noted the merits of retaining external legal counsel who are familiar with the Ontario *Police Services Act* relative to assisting the new Chief of Police.

A brief discussion was held relative to concerns about past compliance with professional obligations.

The following motion was presented for future consideration:

“With respect to the provision of legal services for the Thunder Bay Police Service, we recommend that the Thunder Bay Police Services Board approve the contracting of external legal services in accordance with the Board's Purchasing By-law;

AND THAT the Senior Officers Association and Ms. Walbourne be advised that the service provided by the position of Legal Counsel is being contracted out, and that Ms. Walbourne is laid off effective --/--/--.

Administrator Mercer cautioned board members about confidentiality on this matter.

11. GENERAL MATTERS

a) Memorandum – Summary of Approvals by Administrator

Confidential Memorandum to Members of the Thunder Bay Police Services Board from Mr. J.

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Hannam, Secretary to the Board, dated March 13, 2023, relative to a summary of approvals made by Administrator Malcolm Mercer since the February 21, 2023 Closed Session, was provided for the Board's information.

b) Accounts Update – Approval for Payment of Invoices

Confidential Memorandum from John S. Hannam, Secretary to the Board, to Members of the Thunder Bay Police Services Board, dated March 13, 2023, relative to the invoices processed for payment since the February 21, 2023 Closed Session, was provided for the Board's information.

12. TRACKING OUTSTANDING MATTERS

- Request for Appointment of a Conciliation Officer - Firth
- Ogima Complaint
- Oruitemeka Inquest
- Grievance: Green Shield Benefits

13. CONFIRMING BY-LAW

MOVED BY: Mr. M. Mercer

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Administrator and Secretary of the Thunder Bay Police Services Board, sealed and numbered:

1. A By-law to confirm the proceedings of a Closed Session of The Thunder Bay Police Services Board, this 21st day of March, 2023.

Explanation: Confirmation of the proceedings and each motion, resolution and other action passed or taken by the Thunder Bay Police Services Board at this meeting is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

BY-LAW NUMBER: PC7 – 2023

CARRIED by the Administrator

14. ADJOURNMENT

The meeting adjourned at 1:49 p.m.