

MEETING: THE FIFTH SESSION OF THE FIFTY-FOURTH THUNDER BAY POLICE SERVICES BOARD

DATE: MARCH 21, 2023

TIME: 9:00 A.M.

PLACE: VALHALLA HOTEL & CONFERENCE CENTRE
1 VALHALLA INN ROAD, THUNDER BAY

ADMINISTRATOR: MR. M. MERCER

PRESENT:

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

REGRETS:

Ms. D. Baxter

OFFICIALS:

Mr. D. Taddeo, Interim Chief of Police
Mr. R. Hughes, Deputy Chief of Police
Mr. C. Adams, Director – Communications & Technology, Thunder Bay Police Service
Mr. S. Paradis, Media Relations Coordinator
Ms. D. Paris, Director – Financial Services & Facilities, Thunder Bay Police Service
Detective Sergeant J. Rybak, Major Crime Unit – Thunder Bay Police Service
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

1. DISCLOSURES OF INTEREST

There were no disclosures of interest declared at this time.

2. ACKNOWLEDGEMENT OF DEATHS

On behalf of the Board, Administrator M. Mercer began the meeting with an acknowledgement of the tragic loss of two Edmonton Police Service officers, Constable Travis Jordan and Constable Brett Ryan, killed in the line of duty while responding to a domestic violence call.

3. CONFIRMATION OF AGENDA

A thank you from LUNSA was added to agenda item 11. a) Annual Lakehead University LUNSA Powwow.

MOVED BY: Mr. M. Mercer

With respect to the Fifth Session (Regular) 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

4. CONFIRMATION OF MINUTES

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

MOVED BY: Mr. M. Mercer

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

CARRIED by the Administrator

5. ANNOUNCEMENT OF NEW CHIEF OF POLICE

Administrator M. Mercer was pleased to announce the selection of Darcy Fleury as the new Chief of Police for the Thunder Bay Police Service.

Administrator Mercer noted that members of the Board's Governance Committee participated with the Board in the selection process. It was his pleasure working with this group, and he thanked the Governance Committee and the Board for their collaborative efforts.

Mr. Fleury is expected to start work with the Service on April 17th, with a Change of Command ceremony being planned for May 15th.

6. PRESENTATION

Our Call Video Series

Mr. C. Adams, Director – Communications & Technology, and Mr. S. Paradis, Media Relations Coordinator, presented the 10th episode of the Police Service's "Our Call" video series.

The episode featured the CORE Unit. Officers learned of an unconscious male in a stairway; it was determined that the male was unconscious due to a drug overdose. The officers administered several doses of naloxone and, ultimately, the male did gain consciousness and was delivered to the Regional Hospital.

The Service was glad to help this individual and give him a second chance.

7. REPORTS OF COMMITTEES

a) Thunder Bay Police Services Board - Governance Committee

Further to a request to have a standing agenda item on governance at each meeting, Mr. Hannam provided an overview of Article 5.00 of the Board's Procedural By-law. Copies of Procedural By-Law/Article 5.00 – Rules for Agenda Items, were distributed separately on desks at the meeting.

Access to the Board's Procedural By-law Number PC5-2020, a by-law providing rules governing the proceedings of the Thunder Bay Police Services Board and its Committees, can be found at:

<https://thunderbaypsb.ca/resource/>

8. UNFINISHED BUSINESS

Request for Change of Fee Schedule

At the February 21, 2023 Regular Session of the Board, Report No. 11/23 (Police) relative to a request for a change in the fee schedule with respect to By-Law #PC9-2005, was presented for the Board's information and approved.

Mr. J. Hannam, Secretary to the Board, provide an update relative to the above noted. Thunder Bay Police Services Board By-law Number PC5-2023, a by-law to adopt an updated Fee Schedule, consolidating all previous amendments, was presented for the Board's consideration. It was noted that all legislation around taxi and limousines was removed about five (5) years ago.

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, sealed and numbered:

1. A by-law to adopt a Fee Schedule for reports, services, permits, licenses, and other services provided by the Thunder Bay Police Service to members of the public; and that By-law PC9-2005 and its amendments be repealed and replaced with the Fee Schedule, as presented at the March 21, 2023 Regular Session of the Thunder Bay Police Services Board.

BY-LAW NUMBER: PC5-2023

CARRIED by the Administrator

9. REPORTS OF THE THUNDER BAY POLICE SERVICE

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a) Annual Report – Missing Persons Act

Report No. 16/23 (Police) relative to the Police Service's requirement to report annually on their use of urgent demands under the *Missing Persons Act*, was provided for the Board's information.

Detective Inspector J. Pearson provided an overview relative to the above report. He noted that authority for urgent demands under the *Missing Persons Act* was made two (2) times in 2022; demand for missing persons investigations was made once. The report will be posted on the Board's website for public viewing.

b) Year-End Financial Results – Police Service

Report No. 15/23 (Police) relative to an update on the status of the Operational Budget of the Thunder Bay Police Service for the Year Ended December 31, 2022, was for the Board's information.

Interim Chief of Police D. Taddeo and Ms. D. Paris, Director – Financial Services & Facilities, provided an overview relative to the above noted, and provided explanations for the more significant variances.

The overall net unfavourable variance at year-end was \$3.4 million.

c) Year-End Financial Results – Police Services Board

Memorandum to Members of the Thunder Bay Police Services Board from John S. Hannam, Secretary to the Board, dated March 8, 2023, relative to the 2022 Budget Year End Variance, was provided for the Board's information.

Mr. J. Hannam, Secretary to the Thunder Bay Police Services Board, provided an overview and responded to questions relative to the above noted report. The net unfavourable variance at year-end was over \$700,000, largely due to much higher legal costs than budgeted for in September of 2021, as well as extraordinary expenses associated with the Mamakwa/McKay Inquest.

Administrator Mercer also responded to questions about fees associated with his position. OCPC is responsible for these fees, which are not included in the Board's costs. Mr. Hannam responded to questions about the 2023 budgeting process. He noted that the budget for legal fees in 2023 was increased, in an attempt to get the budget to a level that is representative of the Board's activities.

d) Norval Morrisseau Art Fraud Investigation

Detective Sergeant J. Rybak, Major Crime Unit, with the use of a PowerPoint slideshow, provided a verbal overview relative to the above noted investigation.

Background information on the art of Norval Morrisseau, considered the Picasso of the North, was provided. Detective Sergeant Rybak provided an overview of the partnerships formed for the investigative team. The investigation was international in nature.

The PowerPoint presentation included examples of original paintings versus fake paintings (using a black dry brush painting method), as well as fake Certificates of Authenticity and Appraisal.

It was noted that this investigation is ongoing.

The estate of Norval Morrisseau thanked the Thunder Bay Police Service for their work on this investigation. It is hoped that the Morrisseau legacy is never associated with this crime.

On behalf of the Board, Administrator Mercer thanked Detective Sergeant Rybak and the Thunder Bay Police Service for their good work on this investigation.

e) Thunder Bay Police Service – BriefCam Project Report - Update

At the February 21, 2023 Regular Session of the Board, a presentation on the BriefCam Project was provided for the Board.

Detective Inspector J. Pearson and Mr. C. Adams, Director – Communications & Technology, provided a verbal update on Next Steps taken since the last meeting. They are working on a draft policy and an operational plan.

Detective Inspector Pearson provided an overview of discussions with the Crown Attorney's Office relative to the use of the BriefCam software. There are no concerns with the legality of using the software. The Crown Attorney's Office did request a test case, which the Service has provided. An overview of in-house training was also provided.

It was noted that there has been an exponential growth of video evidence; thousands of hours of time could be spent on reviewing videos. BriefCam will be of tremendous assistance in cutting down the review time and the huge volumes of evidence.

Detective Inspector Pearson and Mr. Adams responded to questions about use of facial recognition and provided reasons why they will not be using the facial recognition feature at this point. Given the public concern about accuracy, the best option is to take it off the table at this time.

Mr. J. Hannam noted that the Board's Governance Committee will develop a policy for the use of Artificial Intelligence.

10. GENERAL MATTERS

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Accounts Update – Payment of Invoices

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

11. PETITIONS AND COMMUNICATIONS

a) Annual Lakehead University LUNSA Powwow

The Thunder Bay Police Services Board provided sponsorship to the 33rd Annual Lakehead University Native Student Association (LUNSA) Powwow, held from March 10 – March 12, 2023 at the Lakehead University Field House.

Interim Chief of Police D. Taddeo provided an overview of the Police Service's participation at the above noted event. The Service's Outreach Inclusion Team participated in various events, including the drumming.

Mr. Hannam presented a short video from LUNSA, thanking the sponsors.

b) Extension of the Order Appointing an Administrator

Correspondence from the Ontario Civilian Police Commission to John Hannam, Secretary to the Thunder Bay Police Services Board, dated March 9, 2023, relative to an Order to extend the appointment of Mr. Malcolm Mercer as Administrator of the Thunder Bay Police Services Board, was provided for the Board's information.

Mr. J. Hannam, Secretary to the Board, provided an overview relative to the above noted. All board members will participate as voting members starting July 1, 2023. Once a 5th member is appointed, Mr. Mercer will cease to have the sole vote, and will continue in a more limited role.

Administrator Mercer responded to questions about the state of emergency found by OCPC and referenced on Page 35 of the Board agenda. He explained that failure to fully implement the recommendations in the Sinclair Report led OCPC to conclude that an emergency continues and that this conclusion was necessary for continued appointment of an administrator. Our goal is to make effective progress on the implementation of the Sinclair Report's recommendations.

Mr. Hannam noted that there will be an opportunity for the Board to advocate for some middle ground, short of appointment of an administrator, for boards to be supported by OCPC.

c) Recommendations from the Mamakwa/McKay Inquest

Correspondence from the Ministry of the Solicitor General/Office of the Chief Coroner, to Mr.

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John Hannam, Secretary to the Board, dated January 9, 2023, relative to the implementation of recommendations relating to the Donald Mamakwa/Marlon Roland McKay Inquest, was provided for the Board's information.

Mr. J. Hannam, Secretary to the Board, reported that these recommendations have been relayed to the Board through our legal counsel. This a formal notification; the directions to the Board will form some of the workload for the Governance Committee.

Administrator Mercer spoke on Recommendation #30, which calls upon the Governance Committee to form a plan for implementation of the Inquest Jury's recommendations. Interim Chief of Police Taddeo advised that the Police Service has also developed a committee to address the subject recommendations. He encouraged the Board to meet with this committee, as there will probably be a lot of alignment and good information between the two groups.

d) Request for Financial Support

Email correspondence from Detective Constable Shane Baker to Mr. J. Hannam, Secretary of the Board, dated February 28, 2023, relative to a request for financial support to attend the World Police and Fire Games, was provided for the Board's information.

Mr. J. Hannam, Secretary to the Board, provided an overview relative to the above noted. A brief discussion was held relative to the number of organizations that support these types of sponsorship requests.

MOVED BY: Mr. M. Mercer

With respect to a request for financial support from Detective Constable Shane Baker, relative to attending the World Police and Fire Games in Winnipeg, Manitoba, we authorize sponsorship in the amount of \$700;

AND THAT the sponsorship be paid from the Board's Special Account.

CARRIED by the Administrator

e) Notice of 2023 OAPSB Spring Conference & Annual General Meeting

Correspondence from the Ontario Association of Police Services Boards (OAPSB), relative to their 2023 Spring Conference and AGM, was provided for the Board's information at the February 21, 2023 Regular Session of the Board. Mayor K. Boshcoff, Ms. K. Machado, and Ms. D. Baxter expressed interest in attending.

Mr. J. Hannam canvassed Councillor S. Ch'ng for interest in attending the above noted Conference/AGM.

MOVED BY: Mr. M. Mercer

With respect to the Ontario Association of Police Services Boards' Notice of their 2023 Spring Conference & Annual General Meeting being held in-person May 30th to June 1st, 2023,

We authorize the following members of the Thunder Bay Police Services Board to attend:

1. Shelby Ch'ng

AND THAT all expenses incurred be paid from the Board's budget.

CARRIED by the Administrator

- f) Tracking Board Reports

There are *no updates* for the following outstanding Board reports/standing agenda items.

- i. Governance Committee – Policy Development

Policy responding to recommendations # 2 through 4 of the Epstein Report – Missing and Missed.

- ii. Governance Committee – Policy Development

At the May 24, 2022 Regular Session of the Board, the use of Artificial Intelligence by the Thunder Bay Police Service was presented to the Board. At the February 21, 2023 Regular Session of the Board, the BriefCam Project Report was presented.

The Police Services Board was asked to develop a policy to ensure proper oversight regarding artificial intelligence and the use of video analytics.

- iii. Mamakwa/McKay Inquest

A response to Jury Recommendations to the Ministry of the Solicitor General is required by July 9, 2023.

- iv. OCPC Chart – Summary of Recommendations

Summary of status/progress of OCPC Recommendations was last presented for the Board's information on June 28, 2022.

v. OIPRD Report Recommendations

Summary of the status/progress of the OIPRD Recommendations, since last presented for the Board's information on January 17, 2023.

12. NEW BUSINESS

a) Request for Financial Support

Correspondence to the Thunder Bay Police Services Board from the Organizing Committee of the First Responder Hockey Tournament, received March 14, 2023, relative to a request for financial support for a charity hockey tournament being held from April 27 – 29, 2023 was distributed on desks at the meeting. All money raised is being donated to the Thunder Bay Boys and Girls Club.

Mr. J. Hannam provided an overview relative to the above noted.

MOVED BY: Mr. M. Mercer

With respect to a request for financial support from the Organizing Committee of the First Responder Hockey Tournament, we authorize sponsorship in the amount of \$1,000;

AND THAT the sponsorship be paid from the Board's Special Account.

CARRIED by the Administrator

b) Retirement Announcement

Interim Chief of Police D. Taddeo announced that Mr. Chris Adams was retiring. This is his last Board meeting. On behalf of the Police Service, Acting Chief Taddeo thanked Mr. Adams for his many years of good work at the Senior Command Table.

Mr. Scott Paradis will be taking over the communications part of Mr. Adams' job.

On behalf of the Police Services Board, Administrator Malcolm offered his gratitude for Mr. Adams' contributions to the Service.

Mr. Adams thanked everyone for their kind words, and noted that it has been a great privilege to serve with this Board.

13. CONFIRMING BY-LAW

MOVED BY: Mr. M. Mercer

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

1. A By-law to confirm the proceedings of a Regular 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: PC6– 2023

CARRIED by the Administrator

14. ADJOURNMENT

The meeting adjourned at 10:26 a.m.