

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

DATE: OCTOBER 17, 2023

TIME: 11:31 A.M.

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

CHAIR: MS. K. MACHADO

PRESENT:

Mr. W. Bahlhieda
Ms. D. Baxter
Mayor K. Boshcoff
Councillor K. Etrene
Ms. K. Machado
Mr. M. Mercer

OFFICIALS:

Mr. D. Fleury, Chief of Police
Mr. R. Hughes, Deputy Chief of Police
Inspector G. Snyder, 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. T. Gervais, Ministry of the Solicitor
General

1. DISCLOSURES OF INTEREST

There were no disclosures of interest declared at this time.

2. CONFIRMATION OF AGENDA

Under New Business, discussion about a 2nd Deputy Chief of Police position was added.

Two reports from Inspector G. Snyder were brought forward in the agenda to facilitate more efficient staff time.

MOVED BY: Ms. D. Baxter
SECONDED BY: Councillor K. Etrene

With respect to the Twentieth Session (Closed) of the Fifty-Fourth Thunder Bay Police Services Board held on October 17, 2023, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3. CONFIRMATION OF MINUTES

The Minutes of the Eighteenth Session (Closed) of the Fifty-Fourth Thunder Bay Police Services

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Board held on September 19, 2023, to be confirmed.

MOVED BY: Ms. D. Baxter
SECONDED BY: Mr. W. Bahlieda

Minutes of the Eighteenth Session (Closed) of the Fifty-Fourth Thunder Bay Police Services Board held on September 19, 2023 be confirmed.

CARRIED

4. REPORTS OF THE THUNDER BAY POLICE SERVICE

PSA s.32 SIU Administrative Reports

Confidential Memorandums to the Thunder Bay Police Services Board from Inspector Gordon Snyder, dated June 12, 2023, relative to Administrative Reports required under the *Police Services Act* for SIU Case #23-OCI-007 and SIU Case #23-OVI-005, were provided for the Board's information.

Inspector G. Snyder noted that reports to the Board for the above noted cases are legislative requirements upon the conclusion of investigations. Inspector Snyder provided overviews of the two investigations and responded to questions.

5. GENERAL MATTERS

a) Mamakwa-McKay Inquest Recommendations

Confidential Memorandum to the Thunder Bay Police Services Board from Inspector Gordon Snyder, dated June 27, 2023, relative to a response to the recommendations resulting from an inquest into the deaths of Donald Mamakwa and Marlon Roland McKay, was provided for the Board's information.

Inspector G. Snyder provided an update on the recommendations that resulted from the inquest. He noted that 22 recommendations were specifically directed to or in part directed to the Thunder Bay Police Service. All have been responded to.

Inspector G. Snyder left meeting at 11:50 a.m.

6. REPORTS OF COMMITTEES

a) Labour Relations Committee

Memorandum to the Thunder Bay Police Services Board from John S. Hannam, Secretary, dated October 11, 2023, relative to the composition and appointments to the Labour Relations

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Committee, was provided for the Board's information.

Mr. J. Hannam, Secretary to the Thunder Bay Police Services Board, provided an update on the Committee and noted that there is a vacancy which resulted from Councillor S. Ch'ng's resignation from the Board.

MOVED BY: Mayor K. Boshcoff
SECONDED BY: Ms. D. Baxter

With respect to the Labour Relations Committee, we recommend that the Thunder Bay Police Services Board amend the composition of the Committee to include 3 members of the Board;

AND THAT Councillor Kasey Etreni and Mr. Wayne Bahlleda be appointed to the Committee for three (3) and one (1) year terms respectively.

CARRIED

b) Labour Relations Committee – Bargaining Protocol

Copies of the draft Thunder Bay Police Services Board Bargaining Protocol were for the Board's information.

Mr. J. Hannam, Secretary to the Thunder Bay Police Services Board, provided an update and responded to questions relative to the above noted.

Composition of the Bargaining Committee was discussed. Mr. Hannam noted that composition of the Bargaining Committee is subject to the limitations set out under the *Police Services Act*.

The following amendment was made to the Bargaining Protocol:

Under **Steps toward Collective Bargaining**, "And as advisors" was added.

2. **Bargaining Committee:** As soon as is practical in the term of office a bargaining committee of the Board shall be struck. The composition of the committee shall be as follows:

- 2 members of the Board

And as advisors:

- The Chief of Police and/or such other person as designated by the Chief (with consent of other parties)
- The Service's Human Resource Manager
- Optional: the Board's legal counsel, or legal counsel for the Service

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MOVED BY: Mr. W. Bahlieda
SECONDED BY: Councillor K. Etreni

With respect to the Bargaining Protocol for the Thunder Bay Police Services Board, as presented at the October 17, 2023 Closed Session of the Board, we approve adoption of the Bargaining Protocol as amended.

CARRIED

At 12:00 noon, Deputy Chief of Police R. Hughes left the meeting.

7. ORGANIZATION AND PERSONNEL

a) Harrison/Dubuc/Woods Misconduct Hearing

Report No. 32/23 (Police), relative to requests for reimbursement for legal costs from Shawn Harrison, Justin Dubuc, and Colin Woods, was provided for the Board's information. The full report with supporting documentation was distributed separately by email with the Closed Session Agenda.

Chief D. Fleury provided an overview of the circumstances leading to the hearing, as well as how the hearing was handled.

Eligibility for the proposed indemnification for the three subject officers was discussed.

Due to the confidentiality of the matter, it was the consensus of the Board for Administrator M. Mercer to provide a high level perspective of the hearing in order to provide some clarification prior to making a decision.

MOVED BY: Mr. W. Bahlieda
SECONDED BY: Councillor K. Etreni

With respect to Report No. 32/23 (Police), as presented at the October 17, 2023 Closed Session of the Board, and relative to the request for reimbursement of legal costs incurred during the subject Misconduct Hearing;

THAT the Thunder Bay Police Services Board approves the payment of seven thousand, five hundred dollars (\$7,500.00) for each of the following members of the Thunder Bay Police Service:

- Staff Sergeant Shawn Harrison;
- Sergeant Justin Dubuc; and
- Constable Colin Woods.

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AND THAT the Chief of Police is directed to pay those costs from the Operating Budget of the Police Service.

CARRIED

Administrator Mercer cautioned members of the Board about the importance of confidentiality on this matter.

b) Parental Leave Requests

Correspondence to Chief D. Fleury from Constable T. Alexander, dated September 21, 2023, relative to a request for maternity leave, as well as a response to Constable T. Alexander from Chief of Police Darcy Fleury, dated September 25, 2023, were provided for the Board's information.

8. GENERAL MATTERS, *continued*

b) Simpson Street/Kaministiquia River Park Encampment

Memorandum to the Thunder Bay Police Services Board from Mayor K. Boshcoff, dated October 3, 2023, relative to concerns from business owners near the Simpson Street/Kaministiquia River Park encampment, was provided for the Board's information.

Mayor Boshcoff noted his concerns about the subject area and his concerns about the risks the local businesses are enduring due to proximity of the encampment. He deemed the matter as a serious community issue.

At 12:41 p.m., Mr. J. Hannam and Ms. L. Douglas left the meeting.

c) Board Staffing Needs

Memorandum from John S. Hannam, Secretary, relative to additional resources for the Board, was distributed separately by email on October 15, 2023 as Additional Information for the Board.

MOVED BY: Ms. D. Baxter
SECONDED BY: Councillor K. Etreni

With respect to the staffing needs of the Thunder Bay Police Services Board, we recommend that the Board approve the staffing model, as presented at the October 17, 2023 meeting of the Board;

AND THAT the positions be filled through independent contracts, in form and content satisfactory to the Board's Legal Counsel;

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AND THAT the Chair of the Board be authorized to execute any such contracts.

DEFERRED

At 12:58 p.m., Mayor K. Boshcoff left the meeting.

At 1:01 p.m., Mr. J. Hannam and Ms. L. Douglas re-entered the meeting.

The subject memorandum was deferred to the next meeting in order to provide sufficient time for members of the Board to provide their comments on the staffing model to the Chair.

9. UPDATES FROM LEGAL COUNSEL – No Updates

10. ORGANIZATION AND PERSONNEL, *continued*

c) Human Resources Matter – Dimini

Chief D. Fleury provided an update on Staff Sgt. M. Dimini, and reported that Staff Sgt. Dimini has been suspended on October 16, 2023. Chief Fleury asked for Board approval to request an external agency conduct an investigation on this matter.

MOVED BY: Councillor K. Etreni
SECONDED BY: Ms. W. Bahlieda

With respect to the suspension of Staff Sergeant M. Dimini, we recommend that the Thunder Bay Police Services Board approve the request of Chief D. Fleury to engage the Toronto Police Service to investigate the Chief's Complaint against Staff Sgt. M. Dimini.

CARRIED

Chief Fleury confirmed that the suspension has gone through the proper Code of Conduct process. Chief Fleury will notify the Ontario Civilian Police Commission (OCPC) about the investigation.

11. NEW BUSINESS

a) 2nd Deputy Chief of Police Position

Chief Darcy Fleury noted that the Expert Panel recommended that the Police Service add a 2nd Deputy Chief position, responsible for administration and corporate affairs.

Chief Fleury and Deputy Chief Hughes are working on a position description.

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Discussion was held relative to the selection of a recruiter. Mr. J. Hannam provided an overview of the Board's Purchasing Bylaw. The Board was asked to decide if they want to approach three (3) agencies for quotes or single source a recruiter. Mr. Hannam confirmed that the cost of a recruiter has been built into the 2024 Board budget. Chair Machado noted that, if the Service's budget is approved by the City, the position will move forward.

Mr. Hannam noted that the Governance Committee will perform the recruiting services and will make a recommendation to the Board.

MOVED BY: Councillor K. Etreni

SECONDED BY: Ms. D. Baxter

With respect to the recruitment of a 2nd Deputy Chief of Police, we recommend that the Thunder Bay Police Services Board approve the single source purchase of recruitment services from Odgers Berndston, in accordance with Bylaw PC25-2020, Article 4.08 (e & f).

CARRIED

Chief D. Fleury left the meeting at 1:15 p.m.

b) Official Complaint made by Staff Sgt. M. Dimini

Administrator M. Mercer provided an overview of emails from Staff Sgt. M. Dimini to John Hannam, Karen Machado, and Malcolm Mercer relative to his complaints about Chief Fleury's handling of the new round of harassment complaints by Staff Sgt. Dimini and other matters. Mr. Mercer and Chair Machado met with Chief Fleury in August for his then perspective on the new harassment complaints. Mr. Mercer noted that Dimini declined to frame his current complaint and to provide documents of names of witnesses, saying that he had provided sufficient information in his emails since July; he said that he would identify witnesses and provide documents when an external investigator is assigned.

Staff Sgt. Dimini has now made an official complaint. Mr. Mercer advised that the Board could:

- propose that Dimini meet with the Chair and the Administrator to hear his version of the complaint and to then propose next steps;
- hire an external workplace investigator under the *Occupational Health and Safety Act* or arrange for another police service to investigate under the *Police Services Act*;
- simply notify OCPC or request that OCPC investigate; or
- conclude that nothing needs to be done and respond to Staff Sgt. Dimini that they have received his complaint and no further steps will be taken.

Mr. T. Gervais, Police Services Advisor – Ministry of the Solicitor General, advised that the Board is required to review the complaint and come to a reasonable conclusion about how to proceed, which may take into account assessment of the credibility of the complaint.

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Administrator Mercer provided an overview of Dimini's complaint and responded to questions. He recommended that the Board direct that Mr. D. Jarvis be consulted to obtain legal advice as to how to proceed, including whether the Chair and the Administrator should meet with Dimini.

A strictly confidential memorandum to the Board from Malcolm Mercer, dated October 15, 2023, relative to the Dimini complaint was distributed on desks at the meeting. Administrator Mercer confirmed that the OCPC is in receipt of this memorandum.

Discussion on process relative to when an officer lodges a complaint against the Chief was held. It was suggested that a policy is needed in this regard for future complaints. Discussion was also held on whether legal counsel should be present if the Administrator and Chair meet with Dimini.

Chair Machado confirmed that she has responded to Dimini and acknowledged that the Board has received his complaint.

12. TRACKING OUTSTANDING MATTERS

- Request for Appointment of a Conciliation Officer - Firth

13. CONFIRMING BY-LAW

MOVED BY: Ms. D. Baxter
SECONDED BY: Mr. W. Bahlleda

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Chair 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 17th day of October, 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: PC22 – 2023

CARRIED

14. ADJOURNMENT

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The meeting adjourned at 1:52 p.m.