

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

DATE: FEBRUARY 20, 2024

TIME: 9:01 A.M.

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

CHAIR: MS. K. MACHADO

PRESENT:

Mr. W. Bahlheda
Mayor K. Boshcoff
Councillor K. Etrene
Ms. K. Machado
Mr. M. Mercer, Administrator

OFFICIALS:

Mr. R. Hughes, Deputy Chief of Police
Inspector G. Snyder, Thunder Bay Police Service
Mr. T. Gervais, Ministry of the Solicitor General
Mr. J. Hannam, Secretary – Thunder Bay Police Services Board
Ms. L. Douglas, Assistant to the Secretary -
Thunder Bay Police Services Board

ATTENDING BY ZOOM:

Ms. D. Baxter

DISCLOSURES OF INTEREST

There were no disclosures of interest declared at this time.

1. CONFIRMATION OF AGENDA

MOVED BY: Mr. W. Bahlheda
SECONDED BY: Councillor K. Etrene

With respect to the Sixth Session (Closed) of the Fifty-Fifth Thunder Bay Police Services Board held on February 20, 2024, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

2. CONFIRMATION OF MINUTES

Minutes of the Fourth Session (Closed) of the Fifty-Fifth Thunder Bay Police Services Board held on January 16, 2024, to be confirmed.

MOVED BY: Councillor K. Etrene
SECONDED BY: Mr. W. Bahlheda

Minutes of the Fourth Session (Closed) of the Fifty-Fifth Thunder Bay Police Services Board held on January 16, 2024, be confirmed.

CARRIED

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3. UPDATES FROM LEGAL COUNSEL

Mr. J. Hannam, Secretary, reported that the Police Association has referred the Dimini grievance to arbitration. Dates are being explored and will be advised to the Board when set.

Chief Fleury plans to present a request for an extension for a Notice of Hearing regarding Constable R. Main, as service of the Notice is beyond the six (6) months limitation. It is expected at the March 19, 2024 Closed Session.

At 9:05 a.m., Deputy Chief of Police R. Hughes and Inspector G. Snyder left the meeting.

4. ORGANIZATION AND PERSONNEL

a) Dimini Complaint

Confidential Memorandum to Board members from Malcolm Mercer, dated February 15, 2024, relative to a Complaint by Michael Dimini, was distributed to Board Members only as Additional Information on February 18, 2024.

Administrator M. Mercer provided a comprehensive overview of his memorandum, including the three (3) areas related to Staff Sergeant Dimini's complaint.

MOVED BY: Councillor K. Etreni
SECONDED BY: Mayor K. Boshcoff

With regard to the confidential memorandum to the Thunder Bay Police Services Board from Malcolm Mercer, dated February 15, 2024, relative to a complaint by Michael Dimini, we recommend:

THAT Staff Sergeant Dimini and Chief Fleury be advised that the Board, having conducted an appropriate investigation, has not found workplace harassment of Staff Sergeant Dimini by Chief Fleury. More specifically, as required pursuant to section 32.07(1)(b) of the *Ontario Health and Safety Act*, Staff Sergeant Dimini and Chief Fleury should be informed in writing of the results of this investigation. In addition, Staff Sergeant Dimini should be advised that the Board has concluded that it will not exercise its authority under s.77 of the *Police Services Act* as requested.

AND THAT the Board provides the Ontario Civilian Police Commission with a copy of its response to Staff Sergeant Dimini.

CARRIED

At 9:19 a.m. Deputy Chief of Police R. Hughes and Inspector G. Snyder re-entered the meeting, and Mr. T. Gervais left the meeting.

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b) Parental Leave Request

Correspondence to Chief Darcy Fleury from Constable Dylan Coultis, dated January 31, 2024, relative to a request for parental leave, and well as a response from Chief Darcy Fleury, dated February 6, 2024, was provided for the Board's information.

c) New Hires Report

Report No. 04/24 (Police) relative to seeking approval to hire three (3) Cadets, was provided for the Board's information.

Deputy Chief of Police R. Hughes provided a brief overview.

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

With respect to Report No. 04/24 from Chief D. Fleury, we approve the hiring of Justin Fui, Joshua Westover, and Michael Cordeiro as Cadets with the Thunder Bay Police Service, with a start date of March 11, 2024;

AND THAT the Chief of Police be authorized to execute the contracts.

CARRIED

d) Update on the 2nd Deputy Chief of Police Position

Mr. J. Hannam reported that the position description has been finalized, with Board member input incorporated into the position description. The recruiter has been working on the search brief and it will be shared with the Governance Committee for their input.

e) SIU Report

Confidential Memorandum to the Thunder Bay Police Services Board from Inspector Gordon Snyder, dated February 12, 2024, relative to a SIU Administrative Report required under the PSA, was provided for the Board's information.

Inspector G. Snyder provided an overview of the memorandum and responded to questions.

5. GENERAL MATTERS

a) Emmanuel Oruitemeka Inquest (10 minutes)

The Board was provided with the following information, relative to the Inquest into the death of Emmanuel Oruitemeka:

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- Correspondence to former Chief of Police Sylvie Hauth from the Office of the Chief Coroner – Ontario Forensic Pathology Service, dated July 19, 2023, relative to the Inquest into the death of Emmanuel Oruitemeka.
- Verdict of Inquest Jury – Jury Recommendations to the Thunder Bay Police Service.
- Confidential Memorandum to the Thunder Bay Police Services Board from Inspector Gordon Snyder, dated January 26, 2024.

Responses to the Ministry of the Solicitor General relative to the Jury Recommendations were due by January 19, 2024.

Inspector G. Snyder, Thunder Bay Police Service, provided a confidential overview of the death of Mr. Oruitemeka and the inquest resulting from the death. He noted that the Police Service did respond by the deadline, and has already incorporated many of the recommendations into their procedures.

Administrator M. Mercer noted that it should be understood that these are recommendations made by a jury, and not directions to the Police Service.

b) Nominations for Victim Services Awards of Distinction

At the December 19, 2023 Regular Session, All Chiefs Memo Index No. 23-0077, relative to nominations for the 2023/2024 Attorney General's Victim Services Awards of Distinction, was provided for the Board's information.

Mr. J. Hannam, Secretary, advised that he would follow up on this opportunity, and would nominate groups brought forward by the Board, as appropriate.

Mr. J. Hannam, Secretary, reported that, on behalf of the Board, he has submitted two (2) nominations for the DEC Foundation and for the Thunder Bay and Area Victim Services. The Attorney General's Office has confirmed that the nominations have been received.

6. LABOUR RELATIONS

Mr. W. Bahlieda, Chair – Labour Relations Committee, reported that the Committee met last week to discuss contract negotiations. At that meeting, Administrator M. Mercer provided an update on the Dimini complaint. The Committee is currently looking at proposals for the Uniform Collective Agreement. Another meeting is scheduled for February 21, 2024.

The Committee will be preparing a proposal for negotiations; Mr. Bahlieda noted that there are a lot of issues that need to be addressed.

Mr. J. Hannam noted that late March/early April meeting dates have been proposed by the Association.

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7. NEW BUSINESS

Dimini Complaint

It was noted that counsel for the Police Association has advised the Board via email that they are looking at dates in July with respect to the arbitration on the Dimini complaint/grievance.

8. TRACKING OUTSTANDING MATTERS - None

9. CONFIRMING BY-LAW

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

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 20th day of February, 2024.

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: PC4-2024

CARRIED

10. ADJOURNMENT

The meeting adjourned at 10:01 a.m.