

MEETING: THE FIFTEENTH SESSION OF THE FIFTY-FIFTH THUNDER BAY POLICE SERVICE BOARD (CLOSED SESSION)

DATE: JUNE 18, 2024

TIME: 9:06 A.M.

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

CHAIR: MS. K. MACHADO

PRESENT:

Mayor K. Boshcoff
Councillor K. Etreni
Ms. K. Machado

ATTENDING BY ZOOM:

Mr. W. Bahlheda
Ms. D. Baxter

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. D. Jarvis, Filion Wakely Thorup Angeletti LLP

1. DISCLOSURES OF INTEREST

There were no disclosures of interest declared at this time.

2. CONFIRMATION OF AGENDA

The general nature of the matters to be considered at this closed meeting of the Board are subject to the following sections of *the Community Safety and Policing Act, 2019*:

44 (2) (a) *the security of the property of the Board;*

44 (2) (b) *personal matters about an identifiable individual, including members of the Police Service or any other employees of the Board;*

44 (2) (d) *labour relations or employee negotiations;*

44 (2) (f) *Advice that would be inadmissible in a court by reason of any privilege under the law of evidence, including communications necessary for that purpose;*

44 (2) (h) *a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;*

44 (2) (j) *a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the board.*

Confidential Memorandum regarding the hiring of an in-house psychologist for the TB Police Service was added under New Business.

Also under New Business, Chief D. Fleury added an update on the recent Pride Event.

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

With respect to the Fifteenth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on June 18, 2024, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3. CONFIRMATION OF MINUTES (2 minutes)

Minutes of the Twelfth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on May 21, 2024, to be confirmed.

MOVED BY: Mr. W. Bahlida
SECONDED BY: Mayor K. Boshcoff

Minutes of the Twelfth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on May 21, 2024, be confirmed.

CARRIED

4. NEW BUSINESS

a) In-House Psychologist for the Thunder Bay Police Service

Confidential Memorandum to the Thunder Bay Police Service Board from Inspector G. Snyder, dated June 14, 2024, regarding the hiring of an in-house psychologist for the TB Police Service. Memo was distributed separately by email to Board members on June 17, 2024.

Inspector G. Snyder, Thunder Bay Police Service, provided an overview of the development of a position for a full time psychologist. He noted that the majority of lost time for members results from mental health issues. There are currently 20 members off duty long term due to mental health components and at work injuries. A lot of pressure has been put on the Peer Support Coordinator and Team, who aren't qualified to deal with mental health issues, but are doing their best to help them.

An overview of the reorganization of positions within the current budget (in order to fund the new position) was provided. The Peer Support Team will stay in place, but oversight would be given to new psychologist. An overview of Project Safeguard, which deals with PTSD, was provided.

A psychologist would be a real time liaison with the medical community, and would provide a

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healthy and supportive work environment.

Discussion on the new position was held, and Inspector Snyder responded to questions. It was noted that the SOA Collective Agreement would have to be updated with this new position. Deputy Chief of Police R. Hughes noted that the City will be providing the salary range for a psychologist.

It was noted that a new psychologist would be hired solely for the Police Service. The paramedics and Fire Service are exploring other options.

5. UPDATES FROM LEGAL COUNSEL

Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP, provided updates on outstanding grievances. Arbitration has been scheduled on August 22, 2024 for one grievance. Four (4) grievances have been filed for conciliation.

Mr. Jarvis will be meeting with Chief Fleury and HR to discuss the most recent proposal from the Police Association on the WSIB grievance.

An update on outstanding HRTO applications with respect to Chantelle Bryson's applications on behalf of several Thunder Bay Police Service officers was provided. Mr. Jarvis reported that Ms. Bryson has withdrawn from all of the applications. The Tribunal has issued CADs (case assessment directions) on several of these applications. In each case, the pressure is being put on the applicant to file responses between now and early August with respect to questions raised by the Tribunal.

Mr. Jarvis provided a brief overview on these files and how the Tribunal will proceed. He noted that he is not aware of any of the above noted officers having retained new counsel.

Mr. Jarvis advised that the Board should re-submit the issues on these files.

An overview of the John Semerling file was provided. A civil action on this file may commence. This matter is with the City of Thunder Bay and the City's legal counsel, Patty Robinet. Mr. J. Hannam advised that he has spoken with Ms. Robinet, and the Board will not proceed with anything until we are served with the application.

Mr. Jarvis provided an overview of the content of the draft letter that will be sent to the Police Association regarding Holly Walbourne's request for indemnification.

With respect to correspondence from WeirFoulds dated June 17, 2024, relative to HRTO matters, the following motion was presented to the Board for their consideration.

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

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With respect to the retention of Raj Anand at WeirFoulds as legal counsel on various HRTO files, it is acknowledged that, as of January 1, 2024, Raj Anand's representation continued via his professional corporation and Kelsey Ivory of WeirFoulds LLP also continues to represent the Board;

AND THAT we recommend that the Thunder Bay Police Service Board approves the retention of Kelsey Ivory of WeirFoulds and Raj Anand of Raj Anand Professional Corporation on Dunning 4 (bearing HRTO File No. 2022-50449).

CARRIED

Chief of Police D. Fleury reported that he had met with two (2) of the HRTO applicants last week, G. Morriseau and K. Walsh about their applications. They are interested in a settlement. He noted that neither currently has any legal counsel.

Chief Fleury reported that Constable Doherty (Semerling file) is scheduled for court in July. At that point, we should have some understanding on how to proceed.

Mr. D. Jarvis left meeting at 9:59 a.m.

6. ORGANIZATION AND PERSONNEL

a) Correspondence from TB Police Association – SIU Charge

The following was provided for the Board's information:

- News Release/Statement dated June 4, 2024 from the Thunder Bay Police Service Board relative to a Thunder Bay Police Service Officer Charge by SIU;
- TBnewswatch.com Article dated June 4, 2024 relative to a Thunder Bay police officer charged with assault causing bodily harm; and
- Correspondence to Chair K. Machado from Colin Woods, President – Thunder Bay Police Association, dated June 7, 2024, relative to Chair Machado's comments made in the TBnewswatch.com article.

Chair K. Machado presented the above information for discussion by the Board and noted that the statement was consistent with previous statements. The Board has said publicly that we will take all things seriously.

Chair Machado and Colin Woods, President – Thunder Bay Police Association, did meet and had a good conversation about the statement.

Councillor K. Ereni agreed on the importance of the Board having consistent messaging going forward. She agreed with the Board's message and suggested using a similar template going

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forward. Member W. Bahlieda noted that the statement was not vetted by the Board prior to being issued.

MOVED BY: Mr. W. Bahlieda
SECONDED BY: Mayor K. Boshcoff

THAT any Board press releases be vetted through the Communication Committee before they are issued.

LOST

Discussion was held relative to the content of the June 4, 2024 Statement. With regard to using a template, Chief of Police D. Fleury suggested that each event be looked at individually and communications be adapted to each event.

Chair Machado noted that it is the role of the Chair of the Board to speak on behalf of the Board. Due to timelines and the need to issue statements in a timely manner, the motion was lost.

It was noted that Terms of Reference for the Communications Committee have not been adopted as of this meeting. It was suggested that the Communications Committee meets with the Chief and the Police Association to collaborate on media releases.

The meeting recessed at 10:29 a.m.

The meeting reconvened at 11:37 a.m.

PRESENT: Ms. K. Machado, Councillor K. Etreni, Chief of Police D. Fleury, Deputy Chief of Police R. Hughes, Mr. J. Hannam, and Ms. L. Douglas.

PRESENT VIA ZOOM: Ms. D. Baxter and Mr. W. Bahlieda

b) Request for Indemnification

Correspondence to Chief D. Fleury from the Thunder Bay Police Association, dated June 5, 2024, relative to a request for indemnification from Constable Taylor Auger, was provided for the Board's information.

Mr. J. Hannam and Chief of Police D. Fleury provided an overview relative to the above noted.

The section regarding indemnification in the Uniform Collective Agreement was read aloud for the Board's information. It was noted that there are no limitations to the sole use of Thunder Bay lawyers in this agreement.

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Discussion was held regarding developing a template for these types of requests.

MOVED BY: Councillor K. Etreni

SECONDED BY: Mr. W. Bahlheda

THAT the Board will indemnify Constable Taylor Auger, upon his being finally acquitted in accordance with Article 25.01 of the Uniform Collective Agreement;

AND THAT Article 25.01 will be included in the response to the Thunder Bay Police Association.

CARRIED

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

Ms. D. Baxter, Chair – Governance Committee, reported on the recruitment of a new Deputy Chief of Police – Administration. The final round of interviews is scheduled next Tuesday June 25, 2024, with two (2) internal candidates and one (1) external. Once the interviews are completed, the Governance Committee will bring a recommendation to the Board.

Chair K. Machado provided an overview of concerns received from Colin Woods, President of the Thunder Bay Police Association. He noted that Odgers Berndtson reached out to the Association when the Chief was being hired and questioned why they were not being consulted with the hiring of this new position. She committed to bringing their concerns forward to the Board, and will respond back to them following the meeting.

Mr. J. Hannam, Secretary, advised that, due to the dynamics at the time of hiring the new Chief and the public statements made by the Police Association, deliberate action was taken to involve the Police Association in the process.

Councillor K. Etreni would like the hiring process standardized going forward. This matter will be referred to the Governance Committee.

d) Minutes – New Hire Committee

Minutes from the May 28, 2024 meeting of the New Hire Committee to be confirmed.

MOVED BY: Ms. D. Baxter

SECONDED BY: Councillor K. Etreni

Minutes of the 13th meeting of the TBPSB New Hire Committee, held on May 28, 2024, be received.

CARRIED

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7. GENERAL MATTERS

a) Final Report of Administrator Malcolm Mercer

Confidential correspondence to Sean Weir, Executive Chair – Ontario Civilian Police Commission from Malcolm Mercer, dated April 22, 2024, relative to an overview of Mr. Mercer’s appointment as Administrator for the Thunder Bay Police Service Board, cc’d to the Board, was distributed separately by email to Board members on May 7, 2024.

Confidential Memorandum to the Thunder Bay Police Service Board from John S. Hannam, Secretary, dated June 12, 2024, relative to the Final Report of Administrator M. Mercer, was provided for the Board’s information.

Appendix – Summary of Recommendations, from the above noted Final Report of Administrator Malcolm Mercer, was also provided for the Board’s information.

Mr. J. Hannam, Secretary, provided an overview of motion being presented for consideration. Discussion was held relative to the Summary of Recommendations and Mr. Hannam encouraged the Board to review them and determine what they want to deal with. He noted that all of the recommendations in the Sinclair Report are mandatory; the Expert Panel recommendations are optional.

Mr. Hannam will send updates on status of all of the recommendations and will schedule a non-business meeting to discuss them.

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

With respect to the final report of Administrator Malcolm Mercer, we recommend that the Thunder Bay Police Service Board direct that its strategic planning process integrate the review of outstanding report recommendations and the themes presented in the report overall;

AND THAT the Board Chair establish a schedule of meetings with OCPC or the Inspectorate of Policing in support of the work of the Board.

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

With respect to the final report of Administrator Malcolm Mercer, we recommend that the review of outstanding report recommendations and the themes presented in the report be referred back to Administration.

CARRIED

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

THAT a non-business meeting of the Thunder Bay Police Service Board be established.

CARRIED

b) Board Evaluation Proposal

Confidential Memorandum to the Thunder Bay Police Service Board from John S. Hannam, Secretary, dated June 10, 2024, relative to a Board Evaluation Proposal, was provided for the Board's information.

It was the consensus of the Board that the matter be referred to the Governance Committee for further discussion.

c) Confidentiality of Information

With respect to recent social media leaks on confidential information regarding former Chief of Police S. Hauth and former legal counsel, Holly Walbourne, discussion was held about the importance of confidentiality and how to reduce risk when people are provided with confidential information.

It was noted that there was no breach of confidentiality by any Board members.

Discussion was held relative to the importance of enforcing confidentiality statements.

Chief D. Fleury noted that the Service is aware of the leaks, and members of the Service have been advised that leaks could cost them their jobs.

d) Office Space

Memorandum to the Thunder Bay Police Service Board from John S. Hannam, Secretary, dated June 10, 2024, relative to an Office Space Lease Proposal, was provided for the Board's information. The Agreement to Lease was emailed to Board members on Saturday, June 15, 2024.

Mr. John S. Hannam, Secretary, provided an update relative to consideration of a new location for the Board Office. The offer has been accepted. He noted that the rent will remain the same for five (5) years. The Board will only pay for their internet and telephone services.

Discussion was held relative to the Agreement to Lease, and it was noted that the deposit should be changed to the exact amount of three (3) free months or \$11,865.00. All information regarding the new location should be posted to the Board Member Access side of the website.

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Councillor K. Etreni noted that the agreement states that no tenant can sublet – so we will have to ask the landlord for permission to sublet to Crime Stoppers.

Discussion was held about the three (3) months of free rent being changed from the end of the lease to the beginning of the lease. Everything needs to be clearly stated in the agreement.

Chair Machado and Secretary Hannam will arrange to have all concerns addressed and have the final version of the lease agreement updated with the revisions.

MOVED BY: Councillor K. Etreni

SECONDED BY: Ms. D. Baxter

With respect to the leasing of office space, we recommend that the Thunder Bay Police Service Board approve the execution of an offer to lease space at 1111 Victoria Avenue, East, in the City of Thunder Bay, for the terms outlined to the Board on June 18, 2024;

AND THAT the Board meet with and work with an interior designer to address the design, layout and colour schemes to achieve both a professional and welcoming space;

AND THAT the Chair and Secretary be authorized to enter into any final discussions as may be required to negotiate a final lease of the property;

AND THAT the Chair and Secretary be authorized to execute such a lease on behalf of the Board.

CARRIED

Ms. D. Baxter left the meeting at 1:00 p.m.

8. LABOUR RELATIONS

Mr. W. Bahlieda, Chair – Labour Relations Committee, reported that both parties will meet at the end of July, and that he is working with HR on costing.

9. NEW BUSINESS

b) Pride Event

Chief D. Fleury provided a confidential overview of the recent Pride Event regarding the use of Pride rockers on the vests of officers.

c) Schedule a Special Closed Session in August 2024

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Chief Fleury’s office has requested a Special Closed Session in early August, 2024, in order to request an extension (outside of the six-month timeframe) to initiate a PSA hearing for Staff Sgt. Mike Dimini.

Board members will be canvassed for a mutually agreeable meeting date for the majority of members.

d) WSIB Claims

Chief of Police D. Fleury reported that a working group has been formed to deal with the large number of WSIB claims. The EMS and Fire Service will be going through the City’s Inter-Governmental Affairs Committee for a combined approach to deal with their WSIB problems and concerns.

10. CONFIRMING BY-LAW

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

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

1. A By-law to confirm the proceedings of a Closed Session of The Thunder Bay Police Service Board, this 18th day of June, 2024.

Explanation: Confirmation of the proceedings and each motion, resolution and other action passed or taken by the Thunder Bay Police Service 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: PC14-2024

CARRIED

11. ADJOURNMENT

The meeting was adjourned at 1:15 p.m.