

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

DATE: OCTOBER 24, 2024

TIME: 9:03 A.M.

PLACE: TBPSB BOARDROOM
1111 Victoria Avenue, East, Thunder Bay, ON

CHAIR: MS. K. MACHADO

PRESENT:

Mr. W. Bahlheda
Mayor K. Boshcoff
Councillor K. Etreni
Ms. K. Machado

REGRETS:

Ms. D. Baxter

OFFICIALS:

Mr. R. Hughes, Deputy Chief of Police
Ms. D. Paris, Director – Financial Services &
Facilities, 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. Fleury, Chief of Police
Mr. T. Gervais, Police Services Advisor – Ministry
of the Solicitor General
Mr. D. Jarvis, Fillion 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) (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.*

Mr. T. Gervais, Police Services Advisor – Ministry of the Solicitor General, asked to speak on the Report to the Inspectorate of Policing under General Matters.

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

With respect to the Twenty-Second Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on October 24, 2024, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3. CONFIRMATION OF MINUTES

Minutes of the Twentieth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on September 17, 2024 to be confirmed.

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

Minutes of the Twentieth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board, held on September 17, 2024 be confirmed.

CARRIED

4. UPDATES FROM LEGAL COUNSEL

Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP, advised that there were no material updates since the last Closed Session of the Board.

Several HRTO files are proceeding, and the Tribunal will now be making decisions based on submissions from the case assessments.

No updates on arbitrations. The Police Association is seeking to adjudicate the Annual Leave - WSIB grievance; it will probably be held in February 2025.

5. LABOUR RELATIONS

Mr. W. Bahlida, Chair – Labour Relations Committee, provided an overview of Day 1 of Conciliation that was held on October 22, 2024. Denise Wilson has been appointed as the conciliator. Proposals from the Association and the Board were discussed.

Discussion was held on the Board's mandate in these negotiations and the possibility of arbitration if matters are not settled. Mr. Bahlida asked the Board to consider expanding the parameter of 3.5% to possibly 4.25%. Ms. K. Machado noted that the Bargaining Committee is waiting for costings on proposals before they proceed.

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Mr. D. Jarvis commented that, given the conciliation and where the parties are right now, it isn't realistic to negotiate a settlement of 3.5%.

Discussion was held relative to the possibility of the matter going to arbitration, about the length of the next contract and increasing the mandate.

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

With respect to the bargaining mandate for the Bargaining Committee, we recommend that the Thunder Bay Police Service Board approves a mandate, increasing the upset limit from 3.5% to 4.25% overall, and to have the flexibility to pursue up to a five (5) year contract.

CARRIED

Mr. D. Jarvis left the meeting at 9:30 a.m. Ms. D. Paris entered the meeting at 9:30 a.m.

6. REPORTS OF THE THUNDER BAY POLICE SERVICE

2025 DRAFT Proposed Operating and Capital Budgets

Confidential Report No. 29/24 (Police) relative to an update on the development of the 2025 Operating and Capital Budgets for the Thunder Bay Police Service, was provided for the Board's information with the Closed Session Agenda.

Ms. D. Paris, Director – Financial Services & Facilities, Thunder Bay Police Service, provided an overview relative to the draft budgets for 2025 and responded to questions. A 4.0% wage contingency has been included in the operating budget.

She noted that Consilium will be providing a report on the organizational review in early 2025.

Chief of Police D. Fleury noted that the Police Service has done a very thorough job developing the budgets and have done their best to determine what staffing is needed in 2025. He reminded the Board that the cost of policing will continue to rise.

Discussion was held relative to repurposing police vehicles that are being replaced with new one.

Chief of Police Fleury responded to questions about the reduction in recruitment expenses in 2025.

The Board made several suggestions to clarify the Service's presentation of the budgets to City Council.

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Ms. Paris noted that the Police Service does not have a reserve fund. The Board could ask Finance to recommend putting a reserve fund in the budget. It was noted that many police service boards do have their own reserve funds. If all of the budgeted operating funds aren't used, the Board could consider putting them in a reserve fund.

Ms. Paris left the meeting at 10:03 a.m.

7. ORGANIZATION AND PERSONNEL

a) Request for Indemnification

Correspondence to Chief Fleury from the Thunder Bay Police Association, dated October 21, 2024, relative to a request for indemnification, was provided in the Additional Information distributed separately on October 23, 2024.

Chief D. Fleury provided a general overview of the incident and suggested that the Board deny the request. It was noted that video evidence can be provided to the Board once the matter is investigated and processed.

Mr. T. Gervais was asked if he had any insight in this matter. He noted that the onus will be for the Association to prove that the subject officer was acting in good faith. Mr. Hannam noted that there has been no specific information received on this matter in order for the Board to consider in making a decision.

Deputy Chief of Police R. Hughes provided a general overview of the sequence of events based on body and in-car videos. Chief Fleury clarified that the Board does have grounds to deny the request for indemnification.

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

With respect to the request for indemnification from the Thunder Bay Police Association, on behalf of Constable Ritchie, as presented at the October 24, 2024 Closed Session of the Thunder Bay Police Service Board;

AND based on the information provided by the Chief of Police and Deputy Chief of Police on October 24, 2024, we recommend that the Board deny the request for indemnification.

CARRIED

Mr. J. Hannam will send a letter to the Police Association, advising them of the Board's decision.

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b) Communication with Staff Sgt. M. Dimini

Email to Karen Machado from Joel M. Dubois, dated October 22, 2024, relative to a proposed communication to Staff Sgt. M. Dimini, was provided for the Board's information with the Additional Information distributed separately on October 23, 2024.

Mr. J. Hannam and Chair K. Machado provided an overview of the situation and responded to questions. Chief Fleury wants the Notice of Extension served.

The Board had no strong objections to the plan of action discussed.

8. GENERAL MATTERS

a) Information Sharing Policy

Chief of Police D. Fleury provided an update on the frequency and timing of reports to the Board. The Police Service comply with the Board's timelines.

He noted that, due to current volumes, the Police Service wants to report monthly on secondary activities.

Chair K. Machado noted that that Board doesn't need to amend our current policy on information sharing.

b) Provision of Legal Services

On August 14, 2019, the proposal from Filion Wakely Thorup Angeletti LLP was accepted in strict accordance with the terms and conditions set out in RFP-55 Legal Services for the Thunder Bay Police Service Board. The current contract is set to expire on December 31, 2024.

Mr. J. Hannam, Secretary to the Board, noted that he expects the RFP to go out next week. He will be asking at the November meeting to establish an Evaluation Committee. The Board will also need to consider extending Mr. Jarvis' term from month to month (beyond December 31, 2024). Mr. D. Jarvis is aware of this situation and is willing to extend his contract on a month to month basis.

The meeting recessed at 10:29 a.m. in order to move into Regular Session.

The meeting reconvened at 11:53 a.m. to continue with the business at hand.

PRESENT: Mr. W. Bahlieda, Mayor K. Boshcoff, Councillor K. Etrene, Chair K. Machado, Deputy Chief of Police R. Hughes, Mr. J. Hannam, Ms. L. Douglas, and Mr. T. Gervais (by Zoom).

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c) Report to Inspectorate of Policing

Correspondence to Chair Karen Machado from the Inspectorate of Policing, dated October 10, 2024, relative to a notice of inspection, was provided for the Board's information.

Draft of the first semi-annual report to the Inspector General of Policing (IG), as recommended by Mr. Malcolm Mercer, was distributed separately for the Board's information on October 23, 2024.

John provided an overview of the draft report. He noted that recommendations are the top priority for the IG. Mr. T. Gervais noted that the Board should send the report directly to the IG. Content of the report and the approach to the content were discussed. Mr. Gervais urged the Board to use the term "inspection" as opposed to "investigation".

The report is due October 31st; Mr. Hannam will circulate the report to the Board prior to sending it to the IG.

The Notice of Inspection was discussed. It was noted that Detective Inspector J. Pearson will be the liaison between the Police Service and the Board. Mr. Gervais provided an overview of the reasons for the inspection.

Deputy Chief of Police Hughes noted that none of the positive accomplishments/compliances of the Service are ever made public.

9. NEW BUSINESS

There was no New Business presented.

10. CONFIRMING BY-LAW

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

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 24th day of October, 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.

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BY-LAW NUMBER: PC21-2024

CARRIED

11. ADJOURNMENT

The meeting adjourned at 12:57 p.m.