



BUILDING TRUST THROUGH BOLD ACTION ROADMAP FOR REAL CHANGE

Final Report of the Independent Expert Panel
to the Thunder Bay Police Services Board
April 2023

We respectfully acknowledge that Thunder Bay is located on the traditional lands of the Fort William First Nation within the Robinson-Superior Treaty and is the traditional territory of the Anishinaabeg. We also acknowledge the contributions of the Métis peoples.

Elder and Grandmother Guidance and Support

- Elder Anthony Shapwaykeesic
- Elder Peggy Adams
- Grandmother Evelyn Finlayson

Panel Members

- **Chair:** Alok Mukherjee, former Chair, Toronto Police Services Board; former President, Ontario Association of Police Services Boards and Canadian Association of Police Governance; former Acting Chief Commissioner and Vice Chair, Ontario Human Rights Commission
- Mark Baxter, President, Ontario Police Association
- Paul Cook, former Chief of Police, North Bay Police Service; former President, Ontario Association of Chiefs of Police
- Keith Forde, former Deputy Chief of Police, Toronto Police Service
- Dilnaz Garda, Canada Beyond the Blue
- Laura Kloosterman, Badge of Life Canada
- Candice Metallic, Founder and Lead Counsel, Metallic Law; former in-house legal counsel, Assembly of First Nations; former legal counsel, OCPC Investigation into Police Governance in Thunder Bay by the Honourable Murray Sinclair
- Mi'Azhiqwan (Janine Seymour), former Policy Advisor to Ogichidaa Francis Kavanaugh, Treaty 3 Grand Council
- L. A. (Sandy) Smallwood, former Vice Chair and Member, Ottawa Police Services Board; former Director, Canadian Association of Police Governance

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EXECUTIVE SUMMARY

In the Spring of 2022, we, the Independent Expert Panel, were engaged by the Thunder Bay Police Services Board (the Board) to provide advice in support of taking immediate actions to address ongoing issues of policing in Thunder Bay. As part of this engagement, we were asked to develop a final report to help guide the Board moving forward. After an initial round of public and private consultations in July of 2022, we identified an urgent need to address three areas, including recruitment of leadership and the strengthening of workplace culture within the Thunder Bay Police Service (the Service), which prompted the release of an Interim Report in September 2022, followed by additional in-person and virtual consultations in October 2022.

This is our final report, and we offer it with a sense of urgency. Systemic change is long overdue. The challenges and issues facing the Board and the Service have been well documented through various reports, reviews, and investigations, that, by our count, offer over 550 recommendations, all with varying degrees of implementation and success. It is understandable that people are losing their patience. They told us emphatically that the Board and the Service must immediately recognize and visibly implement transformative actions, to begin restoring trust.

We acknowledge that the current Board has made some changes that are being facilitated through Administrator Malcolm Mercer and Interim Chief of Police Dan Taddeo. Fundamentally, however, more is needed, and change must be sustained. We note the appointment of a new Chief of Police, an experienced senior RCMP officer who is Métis, and the appointment of two highly accomplished and respected Indigenous women to the new Board. However, significant, and substantial transformational change is needed that goes beyond representation within the ranks of the Board and the Service. It is not sufficient to go through a tick-box exercise to deem recommendations complete. Actions must be timebound and measured against benchmarks to determine success, and progress should be publicly reported to ensure accountability is upheld.

To that end, we have developed a roadmap for real change comprised of actions derived from conversations with First Nations leaders, Indigenous peoples, members of the Service, the Board, community groups, the people of Thunder Bay, as well as our own experience and expertise. It should be made clear that these proposals are not an alternative to the recommendations from the Coroner's inquests, the Sinclair report and the OIPRD's "Broken Trust" report. Their full implementation, in addition to the other recommendations from the reports listed above, provide the best opportunity for restoring the Board and the Service's

public credibility and gaining public trust in the policing of Thunder Bay. Further, our proposals in this Final Report supplement and enhance those made in our Interim Report of September 2022. We stand by them and urge the Board and the Service to continue adopting them.

The actions we propose are based on our conclusions that issues of systemic racism, mental health, human rights, and workplace culture need to be dealt with using a “whole-of-system” approach. That is, an effective response needs to be comprehensive, organizational, and systemic. We summarize these actions in the infographic below, and in detail, in Section 6 of this report.

Let us once again underscore the urgency of carrying out these actions. The time to do this work is now. Without it, we will continue to see an erosion of morale and effectiveness within the Service and irresolvable issues of trust outside it.

1 The Thunder Bay Police Services Board, through its Governance Committee, develop & implement an actionable timetable and process for implementing the action proposals from the Independent Expert Panel, Coroner's Inquests, OIPRD and OCPC reports. This enables a commitment to transparency in reporting via an interactive dashboard by Fall of 2023.

For the Board and Service / Chief of Police

- 2** HUMAN RIGHTS, ANTI-RACISM, INDIGENOUS, EQUITY, DIVERSITY, AND INCLUSION
- A. The Board develop and implement a comprehensive Human Rights, Anti-Racism, Indigenous, Equity, Diversity, and Inclusion Policy and monitor / report back on progress regularly.
 - B. Chief of Police re-design the existing organizational change initiative into a new project that applies the proposed EDI lens.
 - C. Chief of Police ensure that members facing allegations of misconduct do not participate in promotion processes until resolutions have been tabled in their favour.

- 4** REGIONAL, COLLABORATIVE MODEL OF POLICING
- A. The Board engage with First Nation's leaders to establish a formal forum for regular consultation, information sharing, advice and guidance on policy making.
 - B. Work with Chief of Police to invite and engage with heads of NAPS, APS, OPP, RCMP to establish forum for joint-response on policing issues.
 - C. Board and Chief in collaboration with A/B develop a regional model of policing while working with the community at large.

- 3** TRAUMA-INFORMED APPROACH
- A. The Board, in consultation with regional experts in trauma-informed practice, give consideration to implementing a trauma-informed approach internally and externally through police interactions.
 - B. The Chief of Police to ensure the full implementation of a Board policy on trauma-informed practices.

- 5** PARTNERSHIP APPROACH TO COMMUNITY SAFETY
- A. The Board adopt a policy to support peacekeeping and restorative justice-based approaches to dealing with non-violent/non-criminal matters.
 - B. The Board & Chief work to develop alternative, community based, non-police responses to non-criminal acts, while establishing or strengthening partnerships with community organizations.

ACTION PROPOSALS IN SUMMARY

For the Board

6 GOVERNANCE	DELIVERY	LABOUR RELATIONS
A. Complete Board training proposed in our interim report.	A. Set annual performance objectives; develop and use a rigorous performance evaluation tool to monitor progress and set new objectives.	A. Board to take responsibility for labour relations and workplace health and safety.
B. Organize and hold a Board retreat with guidance and support from an Elder, to develop a internal conflict resolution process.	B. Work with Chief of Police to establish an independent pillar for Indigenous Peacekeeping.	B. Work with TBPA to create a policy ensuring equitable promotional practices.
C. Review <i>Many Voices, One Vision 2030</i> and either amend, renew or replace.	C. Work with Chief of Police to create a leadership structure with HR, training and education, human rights, professional standards, finance and IT under a civilian Command Officer.	C. Work with TBPA to explore the possibility of including, in collective agreements, an independent medical/psychological evaluator
D. Develop and implement all policies recommended by the Sinclair report.		D. Work with the Chief of Police and the TBPA to ensure that the President of the Association has dedicated paid time off from their regular policing duties.
E. Develop a continuous Board training plan on governance.		

For the Service / Chief of Police

7 LEADERSHIP & DELIVERY OF SERVICES	LABOUR RELATIONS
A. Model and champion human rights / EDI values.	A. Conduct review of human rights complaints / pending grievances and consider alternate approach to resolution.
B. Implement clear standards for ethical conduct including real and perceived conflict of interest.	B. Introduce training of trauma-informed approach for managerial personnel and health / wellness members.
C. Develop a leadership succession plan.	C. Engage external expert to review the use of the disciplinary process.
D. Establish an outcomes-based, timebound process with KPIs to implement all pending recommendations.	D. Conduct external review of disciplinary process and cases of members denied promotions.
E. Conduct independent evaluation of implemented recommendations to ensure they meet intended objectives.	E. Review promotional process to ensure objectivity, credibility and consistency with EDI principles.
F. Establish ombudsman office to serve as an independent mediator.	

Various Stakeholders

- 8** FORENSIC PATHOLOGY UNIT IN THUNDER BAY
- A. A. The Board and Chief of Police lead a dialogue with First Nations, Municipalities, Thunder Bay Regional Health Sciences Centre, Office of the Chief Coroner and Province of Ontario to reverse the decision to suspend performing medicolegal autopsies at the Thunder Bay Regional Health Sciences Centre.
 - B. Develop a long-term and sustainable plan to deliver and implement recommendation 29 in OIPRD that "The Ontario Forensic Pathology Service establish a Forensic Pathology Unit in Thunder Bay, ideally housed along the Regional Coroner's Office."

- 9/10** INDEPENDENT MONITORING/ACCOUNTABILITY
- 9. We propose that the OCPC exercise its mandate to:
 - A. Conduct regular monitoring of the progress in implementing the action proposals from the Independent Expert Panel, Coroner's Inquests, OIPRD and OCPC reports. Measure implementation against concrete outcomes.
 - B. Provide regular public updates on its findings, every 6 months until the OCPC is satisfied with the progress made by the Board and the Service.
 - 10. The OIPRD should report publicly on the Service's progress in implementing recommendations from "Broken Trust", as per R. 43. This should be done every 6 months until the OIPRD is satisfied with progress.

1 INTRODUCTION

1.1 Message from the Expert Panel

In the Spring of 2022, we, the Independent Expert Panel, were engaged by the Thunder Bay Police Services Board (the Board) to provide advice in support of taking immediate actions to address ongoing issues of policing in Thunder Bay. As part of this engagement, we were asked to develop a final report to help guide the Board moving forward. After an initial round of public and private consultations in July of 2022, there was an urgent need to address three areas, including recruitment of leadership and the strengthening of workplace culture within the Thunder Bay Police Service (the Service), which prompted the release of our Interim Report in September 2022, followed by additional in-person and virtual consultations in October 2022.

This is our final report, and we offer it with a sense of urgency. We have heard widespread dissatisfaction and a profound lack of trust in the community and within the Service. Hundreds of thoughtful recommendations made over the last few years as part of previous inquests, reviews, and investigations lie unimplemented or inadequately executed. Our extensive consultations with members of the public and the Service brought to our attention the significant consequences of persisting with the status quo.

The time for small fixes, tinkering and modest change has long passed; bold transformative action is well overdue. The Board, the Chief of Police and Senior Command of the Service, as well as the City of Thunder Bay must commit themselves to taking immediate action now with a keen and watchful eye and the support of the province and appropriate oversight agencies, in particular, the Ontario Civilian Police Commission (OCPC). Failure to do so will only strengthen the prevailing sense of despair and intensify calls for external intervention, such as disbandment of the Service. There is an obligation for the Government of Ontario, through these oversight agencies, to ensure that the Board and the Service have the funding and support required to fully implement the necessary changes. The citizens of Thunder Bay cannot bear these costs alone.

Over the past few months, we have witnessed some movement: Both the OCPC-appointed Administrator, Malcolm Mercer, and Interim Chief of Police Dan Taddeo, have taken important and long overdue steps that should be acknowledged. We note the appointment of a new Chief of Police, Darcy Fleury, who is an experienced senior RCMP officer and

Métis, and the appointments of two highly accomplished and respected Indigenous women, Denise Baxter and Karen Machado, to the new Board. This progress must continue and be accelerated through planned, systematic, timebound and outcomes-based measures, as well as the appropriate accountability mechanisms to achieve a comprehensive organizational transformation.

When we think about much needed change, it strikes us as concerning that the Thunder Bay Regional Health Sciences Centre is planning to stop performing medicolegal autopsies. This is especially troubling given one of Sinclair's recommendations was to create a permanent facility in Thunder Bay to perform this essential examination to determine cause of death across Northwestern Ontario. This example of systemic racism and geographic discrimination highlights how all government and non-government partners need to come together to implement the various calls to action which have remained unfulfilled.

Transformational change is needed, and it is needed now. Those in the community, particularly First Nations communities, have agreed that meaningful change must be delivered now, and failure to take this opportunity to do so could result in a further deterioration of trust and relations, leading to more calls for disbandment. Through our articulation of urgent priorities in this report, we outline a clear path forward that we believe will create the conditions for progress. However, we also know that comprehensive change depends on the Board and the Service's full commitment to long-term transformation of policing services in Thunder Bay.

While we are not the ones who can impose change, we believe it is important for us to do all we can to put in place the right leadership at both governance and operational levels, insist on a Nation-to-Nation dialogue between the Service, the Board and First Nations, advocate for collaboration, and offer a vision. Further, we cannot emphasize enough the need to immediately address festering internal problems around labour relations. Past employee surveys show that morale is low and that too many staff feel they have been treated unfairly in terms of the handling of their health and wellbeing needs, their treatment in the workplace, their career prospects and managing ever-growing workloads due to rates of violent crime in the city.

Throughout our engagement, we have looked to members of the community, the Board, and the Service (both Senior Command, and frontline members) for their feedback and perspectives. We believe our mandate is to support the achievement of real change for policing and police governance in Thunder Bay; change that can only occur through intentional listening, learning, and understanding of issues past and present, through honest acknowledgement of any past and recent mistakes, and through immediate actions as required to move forward. We are indebted to those who shared their stories and hope that in this final report, we have honoured their voices in a way that reflects their thoughts, needs, and recommendations.

Based on all we have learned, it is our view that dealing with issues of systemic racism, human rights, mental health, and workplace culture, requires a comprehensive, systemic response. Therefore, in this final report, we propose actionable measures we believe will assist the Board and the Service to achieve comprehensive, systemic change that members of the community and the Service need and expect. To that end, we have developed a practical roadmap with built in accountability mechanisms that outlines a step-by-step process, considering factors such as time, resources, and complexity. This roadmap must be revisited frequently; as modern policing continues to shift and evolve, so too does the need to evolve our thinking as progress is being made.

As a final note to our readers: just as we were finalizing our report, the Nova Scotia Mass Casualty Commission (MCC) released its report. Several of the findings and observations made within the wide-ranging inquiry into the operations of the RCMP resonated with us, and we believe they broadly support the direction policing in Thunder Bay must take. In his public comments, the commission chair, former Nova Scotia Chief Justice Michael MacDonald, noted the uneven implementation by the RCMP of recommendations from past inquiries. He called for sweeping changes that have a direct bearing on the future of policing and emphasized the need for political will and strong oversight to make these changes happen. The commission's many recommendations include a massive overhaul in RCMP's organizational processes and culture to ensure a more transparent organization that admits its mistakes, communicates honestly, enforces the highest standards of ethical conduct, and enhances training and education of members. In totality, the MCC calls for fundamental change that can begin to be brought forth through the actioning of their recommendations.

Of special relevance for us was the Chair's call to the community to read the report and insist on its implementation. Our panel now makes this same point to the people and communities of Thunder Bay and Northwestern Ontario. Community ownership of change and insistence that decision makers – be it the government, the Board, or the Chief of Police – hold themselves responsible for their actions.

1.2 Our Mandate

As an independent group of experts, our mandate is to identify actions for the Board and the Service to implement to help bring about systemic and cultural change for policing in Thunder Bay. We were required to review the many concerns presented, identify gaps, provide recommendations to achieve systemic and culture change in the Service, and provide guidance to the Board on next steps.

Our mandate, approved by the Board in March-April 2022, includes:

- Review of human rights and mental health related concerns raised by concerned members of the Service and the broader community.
- Review of relevant past OCPC and OIPRD recommendations.
- Review of policies, procedures, training, and practices related to the Board and the Service's response to internal and public concerns regarding human rights and mental health issues.
- Identification of potential systemic and cultural barriers in the areas of human rights and mental health.
- Consultation with the Board, the Service and the community on the barriers and possible action.
- Development of recommendations for action.

Our efforts have been informed by the important work that has come before us, as well as our own expertise and conversations with the communities in Thunder Bay and Northwestern Ontario. We are not retracing the steps of previous reviews and investigations. They have assisted us in identifying current and outstanding issues and served as a baseline for the actions we set out in this report.

We understand that many in Thunder Bay, especially Indigenous peoples, are tired of reports and are looking for action. We understand this frustration and have purposefully crafted our final report to demonstrate in the strongest language, that change is needed. Policing is a constantly evolving profession that requires open and honest scrutiny both internally and externally. It is how we will all move forward with compassion, confidence, and trust.

1.3 Our Proposals in the Interim Report: A Brief Review

In September 2022, we released an interim report that was an immediate call-to-action for the Board and other responsible entities to introduce fundamental changes in areas requiring urgent attention. Specifically, these included action proposals related to the appointment of a new Chief of Police, the reconstitution of the Board, and addressing outstanding issues of labour relations in relation to mental health and human rights. For each of these focus areas, we identified a series of actions for the Board to take in the short-term, that would set the stage for success in implementing longer-term changes outlined in this final report. We have summarized our proposals below. A comprehensive list of these actions can be found in Appendix A.

1.3.1 Summary of Actions for Selecting a New Chief of Police

Under the *Police Services Act*, the appointment of a Chief of Police, setting the Chief's annual performance objectives and evaluating their performance are critical responsibilities of a police services board. We firmly believe that the health of the Service, its future direction, and its relationship with the community in general, and First Nations in particular, significantly depend on who is placed at the helm. With this in mind, we proposed:

- Actions to improve the selection process for a new Chief of Police, including steps to make the process inclusive, collaborative, and representative of the region, as well as approaches to attract a diverse pool of candidates.
- Key attributes (criteria) for the new Chief of Police, including sound knowledge of the region and a demonstrated ability to be collaborative, innovative, and inclusive.

1.3.2 Summary of Actions for Board Appointments

Strong and effective civilian governance is the cornerstone of our system of democratic policing. Ontario's *Police Services Act* gives a police services board a set of important responsibilities, the carrying out of which demands a broad range of knowledge, understanding, skills, expertise as well as community connectedness. The Board must have the caliber, expertise, political sophistication, and, most importantly, the political savvy to provide visionary leadership. It is also critical for the Board to have the financial and human resources necessary to carry out its responsibilities effectively. To that end, we proposed a comprehensive 13-step appointment process, with topics including:

- Expanding board membership and ensuring diverse representation reflective of the region and communities it serves.
- Embracing Indigenous equity, diversity, and inclusion, as well as human rights and trauma informed practices as guiding principles.
- Developing and implementing a mandatory Board Governance Training Program.

1.3.3 Summary of Actions to Improve Labour Relations

The Service is a large employer in the city of Thunder Bay and the surrounding region. Those who work for the Service, both uniform and civilian, perform critical work for the safety and well-being of those who live, work, and visit this regional hub for Northwestern Ontario. As the employer, the Board has important responsibilities under the province's *Police Service Act* around labour relations, as well as a statutory responsibility to ensure that tenets of the Canadian *Charter of Rights and Freedoms*, the Ontario *Human Rights Code* and the Ontario *Occupational Health and Safety Act* are upheld in letter and spirit.

To ensure the Board creates conditions for broader changes required to improve labour relations, we identified several actions to be taken immediately. These included:

- Introducing and implementing policy and practice reflecting a trauma-informed approach to labour relations.
- Establishing a stand-alone Human Rights, Anti-Racism, Indigenous Equity, Diversity, and Inclusion unit that, among others, provides training and development to the

entire organization, deals with complaints, and applies principles of restorative justice to resolving conflicts.

- Developing internal support networks for various groups of service members.

1.3.4 Progress on Our Proposed Interim Actions

It is our belief that to carry out the actions proposed in this final report, the Board and the Service will have needed to move ahead with the implementation of proposals in the interim report. The Board's response to our proposals is contained in a "Memorandum to the Board" by OCPC-appointed Administrator, Malcolm Mercer, in January 2023. The full response can be found in Appendix B. While Administrator Mercer did not agree with or agree to act unilaterally on all our proposals, the key elements of his response were encouraging:

- The Board's process for selection of a new Chief of Police was changed and the new process reflected our proposals.
- The Interim Chief of Police engaged in discussions with his counterpart at the Nishnawbe Aski Police Service to develop a formal working relationship.
- The OCPC-appointed Administrator is giving active consideration to our proposals in the areas of Board size, composition, and labour relations.
- Honorariums for board members as well as the board's annual operational budget are slated to be increased by the City this year.

We must also note that the OCPC's Order on March 9, 2023 to extend the appointment of the Administrator to the end of March 2024 makes specific and extensive reference to the Independent Expert Panel's proposals related to Board governance.

The decision by the OCPC will ensure that the new Board and the new Chief of Police will be overseen by Administrator Mercer during a period of transition. Until June 30, 2023, Mercer will continue to have the sole vote as he oversees the orderly transition to new leadership by the Board and the Chief of Police that ensures good governance at both levels. Thereafter, from July 2023 to March 2024 (or beyond, at the OCPC's discretion), he will continue to act in an observer role to support the Board and ensure progress is made on implementing recommendations made by Senator Murray Sinclair in his 2018 report. He will relinquish his position as Administrator once the OCPC is satisfied that new Board

members and Service leadership are operating effectively and making progress on these important matters.

The Order by OCPC Chair, Sean Weir, finds that the OCPC declared emergency in 2018 has not yet come to an end due to the “failures to effectively address the concerns of the Indigenous community.” Chair Weir notes the multiple and persistent failures of the Board in implementing the Sinclair recommendations and in addressing the policy implications of the OIPRD “Broken Trust” report. He also points to the “important role” of the Board “in monitoring the performance of the Police Chief to ensure the effective implementation of the OIPRD recommendations.” While the OCPC Order acknowledges that the recently established governance committee of the Board will “help to facilitate” the work that remains to be done in the above noted areas, it emphasizes that “Commission oversight is necessary to ensure that the work is completed.” The Panel agrees with Chair Weir’s view that the Board “will require additional time to build the community’s trust in its ability to provide proper oversight of the Service,” and the OCPC must remain engaged through the Administrator to provide guidance, support, and monitor progress.

1.4 Our Methodology

The action proposals outlined in this report are based on our review and analysis of extensive information gathered from two sources: documentation and consultation with members of the public and the Service. As with the interim report, the background materials helped us immensely to understand historical context, learn about previous recommendations and the status of their implementation, and identify the present conditions and challenges of policing in Thunder Bay. The documents reviewed include, but are not limited to:

Coroner’s Inquests	TBPSB Strategic Plan
OCPC Sinclair Report	Organizational Change Initiative
OIPRD “Broken Trust” Report	Collective Agreements
Blended Investigation Team Report	HRTO Complaint Files
Implementation Updates	TBPS Mental Health/Resiliency Training

TBPSB Policies	Community and Employee Satisfaction Surveys
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In addition to our document review, we also spoke to approximately 100 organizations and individuals to listen to their perspectives and understand their needs for improving conditions of policing in Thunder Bay. The organizations and individuals we spoke to include:

Indigenous Leaders including Grand Chiefs, Deputy Grand Chiefs, Chiefs, and Elders	At least 26 Present and Former Front-Line Officers/Civilian Staff
Present and Former Thunder Bay Police Services Board members and staff	Representatives from bargaining units of the Thunder Bay Police Service
City Staff	At least 25 Community Organizations and Service Providers
Majority of Senior Command of Thunder Bay Police Service	Experts and Key Informants
Two public consultations attended by members of the community	

2 BACKGROUND AND CONTEXT SETTING

The fractured relationships that exist between Indigenous peoples and police in Thunder Bay and Northwestern Ontario are deeply rooted in the challenges and colonial failures of the past and their continuing manifestations. To understand the issues of today, we must acknowledge the history of the region and the impacts of colonization on Indigenous peoples who first inhabited the land.

We would also like to acknowledge the extensive work of previous reports and investigations on this topic and have drawn on their expertise to develop this content. While it is not our intent to reiterate the history of Northwestern Ontario, it is necessary to recognize the past and its inextricable link to the challenges of the present. We therefore

provide a summary of the region's history with an understanding that this is only a snapshot of the complexities and nuances that have compounded over time.

2.1 A History of Northwestern Ontario

Long before Europeans arrived in Northwestern Ontario in the 17th Century, Indigenous groups known as the Anishinaabeg had been living, moving, and growing with the region for millennia. It was not until the early years of the fur trade that Europeans gravitated toward the region of Thunder Bay, with the Kaministiquia River serving as the point of entry and transit for western settlement (Sinclair, 2018). During this time, permanent European settlement was established with the construction of Fort William, which came to be known as one of the most important settlements for the North-West fur trading empire (McNeilly, 2018).

Even after the boom of the fur trade faded, the British viewed the geographic value of Northwestern Ontario with great interest and moved to secure and develop the land through the 1850 Robinson-Superior Treaty. This agreement provided the Crown with access to 43,000 square kilometres of land in exchange for a promise to share the resource and wealth of the region through annual payments to First Nations signatories as well as guaranteed rights for Indigenous peoples to hunt, fish and gather without limitation to jurisdiction (Sinclair, 2018). This promise, however, was not kept by the Crown, who insisted on the reliability of their own written versions of treaty negotiations and agreements as the official record, with little to no credence given to the oral recollections of and the treaties made with First Nations. This, amongst other known issues with the Robinson Treaty, bred mistrust and uncertainty between the Anishinaabeg and the Crown.

The resulting European expropriation of land for settlement and resource extraction deprived the Anishinaabeg of both their land and their livelihoods. Year-over-year the Fort William First Nation was made to surrender hundreds of acres of land and displace its community members. (Hay 2017)

The erosion of trust between the Anishinaabeg and settlers was compounded by the implementation of the 1876 *Indian Act*, which “empowered the Federal government, through the Department of Indian Affairs, to unilaterally control every aspect of life on reserves and to create whatever infrastructure it considered necessary to achieve its policy of assimilation” (McNeilly, 2018). Through this *Act*, legal institutions and systems were

created to control, oppress, exploit, assimilate, and eradicate Indigenous peoples. The Port Arthur Courthouse and neighbouring jail were two such institutions used to intensify assimilation and dispossession, where many Indigenous peoples were wrongly fined and incarcerated for exercising their rights to hunt and fish under the Robinson treaty.

In the late 19th Century, the industrial boom expedited the expansion and growth of Northwestern Ontario, a prosperous time primarily enjoyed by European settlers. This prosperity soon ended with the ushering in of World War I, during which the exclusionary practices toward Indigenous peoples continued until reinforcements were required. Despite Indigenous soldiers voluntarily enlisting and fighting in the war, treatment of First Nations did not change upon their return home. In fact, conditions only worsened when, in 1920, an amendment was made to the *Indian Act* forcing Indigenous children between the ages of seven and fifteen to attend residential schools, while the reality was that some children younger than seven were forced to attend. This amendment, we now recognize as one of the worst acts of assimilation and eradication, the devastating impacts of which will be felt forever and remembered through the taken lives and unmarked graves of thousands of Indigenous children.

The *history* of assimilation is, however, by no means only historical. It is recent. Indigenous peoples across Canada live with real intergenerational trauma whose profound consequences continue to be felt in the present. One cannot begin to understand the broken relationships and mistrust we see today without recognizing the profound consequences of the wrongs perpetrated against Indigenous people.

2.2 Thunder Bay as a Regional Hub

Thunder Bay is a relatively young city, having come into existence in 1970 with the amalgamation of Port Arthur, Fort William, and the townships of Neebing and McIntyre. However, located on the lands of Robinson Superior Treaty territory, it is a city built on forgotten resistances; on the resiliency and bravery of Anishinaabe people, who, in the face of colonial efforts to assimilate and eradicate Indigenous cultures and ways of life, refused to be expunged. Today, the City of Thunder Bay is the hub for Northwestern Ontario, which rests upon the traditional territory of 88 First Nations.

Designated the Census Metropolitan Area by Statistics Canada, the city of Thunder Bay is considered to have the highest proportion of urban Indigenous people in Canada (Statistics

Canada, 2016). In recent years, however, many have come to question the methodology used by Statistics Canada to collect data pertaining to Indigenous populations (Thompson 2022). One such study, conducted by Well Living House, a Toronto-based Indigenous health research centre, estimated the true Indigenous population of Thunder Bay in 2021 to be between 23,080 to 42,641 as compared to the 2021 Census data indicating a total of 15,055 Indigenous people living in Thunder Bay (McConkey, 2021). This variation is due to the methodological failure of Statistics Canada to recognize the continuous flow of Indigenous peoples between the city, as the regional hub, and First Nations in the region. The permanent Indigenous population of Thunder Bay is augmented routinely by those who come to the city to receive education, obtain health care, access various services, and seek employment.

This disparity between counted to actual Indigenous population has many repercussions. Not only is the act of being accounted for a basic human right, but the inaccuracy of data also has a negative impact on accessing the funding needed to plan for and provide the services required by communities. As a result, many of the region's social services are stretched beyond their current resources, with workers supporting a disproportionate ratio of population to service providers. This means that many institutions, including policing, emergency medical services, mental and physical health, housing, and addictions, lack the necessary funding and staff to provide the calibre of services communities expect and deserve.

This disparity has significant detrimental impacts on both the quality of services provided to the community, and the mental health and well-being of the providers and the communities receiving these services. We must also be acutely cognizant of the disproportionate consequences of this situation for Indigenous people due to its intersection with the well-documented history of systemic racism, direct racism and unconscious bias informing the relationship between Indigenous communities and the dominant communities. While our primary focus is on policing in Thunder Bay, we categorically believe that other social services are intimately connected to public safety. One cannot examine policing without considering factors like poverty, being unhoused, or mental health and addictions.

We must assess the resulting challenges against the current model of policing in the region, for which Thunder Bay is the hub. It is our view that policing must be looked at holistically

along with other social services, rather than being limited by jurisdictional boundaries. This vast and diverse region requires a regional and collaborative approach, bringing together the Royal Canadian Mounted Police (RCMP), Ontario Provincial Police (OPP), Anishinabek Police Service (APS), Nishnawbe Aski Police Service (NAPS), and the Thunder Bay Police Service and its Board. Working together, and in partnership with public and community-based service providers, they can address the legacy of past injustice and make space for restorative justice, compassion, understanding, and concrete acts of restitution.

2.3 Historical Context of Policing in Thunder Bay

It is widely recognized that legacies of colonialism have lasting impacts on the fabric of our society and its structures. As a result, systemic racism is built into the political, economic, social, and cultural decisions, actions, and practices to give advantage to European settlers while disenfranchising traditional landowners. The institution of policing was used by the state to sustain this advantage through its involvement in colonial practices and reinforcement of assimilationist policies. The origins of broken trust between the Anishinaabe people and the state has created a cycle of systemic racism that is intergenerational. Its effects are still felt through all sectors by Indigenous peoples and communities to this day.

To understand the deeply complex and fractured relationship between Indigenous peoples and the police in Thunder Bay, we must consider its historical roots and their manifestation in recent events of policing. It is also important to recognize that a significant proportion of interactions between the police and Indigenous peoples is the result of social factors that have an adverse impact on the health and well-being of Indigenous peoples, both in their home First Nations and in Thunder Bay. Some of these include substance addiction, mental health, poverty, and being unhoused. Many of these factors are deeply intertwined, where those who are unhoused often face higher rates of substance addiction and challenges with mental health, and often have higher rates of exposure to police (Goodison et al., 2020). Police services and correctional facilities are not designed to be a substitute for health and social services, and officers may not be properly trained to deal with the complex needs of those who are unhoused, experiencing poverty and/or mental illness. Recognition of the interconnectedness of these services is, however, a necessary first step in developing a course of action that appropriately addresses the deeply problematic nature of relationships between the police and Indigenous peoples in Thunder Bay.

The political, economic, social, and cultural decisions taken in the context of colonialism have shaped the policies and practices of powerful agencies, including the police. They have also influenced the perspectives underlying these policies and practices, as well as individual perceptions of and views about Indigenous peoples. Over time, these factors become so embedded in both institutional and individual behaviours that they become “common sense” or “normal,” giving rise, in turn, to choices and decisions whose biased nature or impact is not recognized consciously. This is known as unconscious bias, which has an inevitable impact on the development of policies and practices that results in systemic racism; that is, organizational systems that produce oppressive, differential, and unequal interactions and outcomes for the historically and culturally excluded or marginalized, such as Indigenous peoples. While we recognize the existence of unconscious biases and systemic racism, we must also underscore the presence of conscious and deliberate racist ideas and actions in society. It is a reality that a segment of Canadian society holds to be true, that has given rise to racist stereotypes and assumptions toward Indigenous and other racialized groups. Thunder Bay is no exception to this reality.

Racism operates at both institutional and individual levels. Specific to policing in Thunder Bay, the Missing and Murdered Indigenous Women and Girls (MMIWG) report, the Sinclair report, the OIPRD’s “Broken Trust” report and the Coroner’s Inquests support and reinforce the long-standing concerns and complaints of First Nations leaders and Indigenous peoples. Most recently, the 2022 Coroner’s Inquest examined the presence and impact of anti-Indigenous racism on actions of the Thunder Bay Police Service and other agencies. Specifically, the inquest jury examined the cases of two Oji-Cree men, Don Mamakwa and Roland McKay, who died while in the custody of the Thunder Bay Police Service. The inquest provided 35 recommendations to the Service, the Board, Superior North EMS, and the Government of Ontario with the goal of preventing future avoidable deaths. The lives of these two men and how they came to end must become part of a larger dialogue to learn about and understand the ways in which unconscious bias, systemic practices, and deliberate racist ideas and actions have influenced and shaped the experiences of Indigenous peoples.

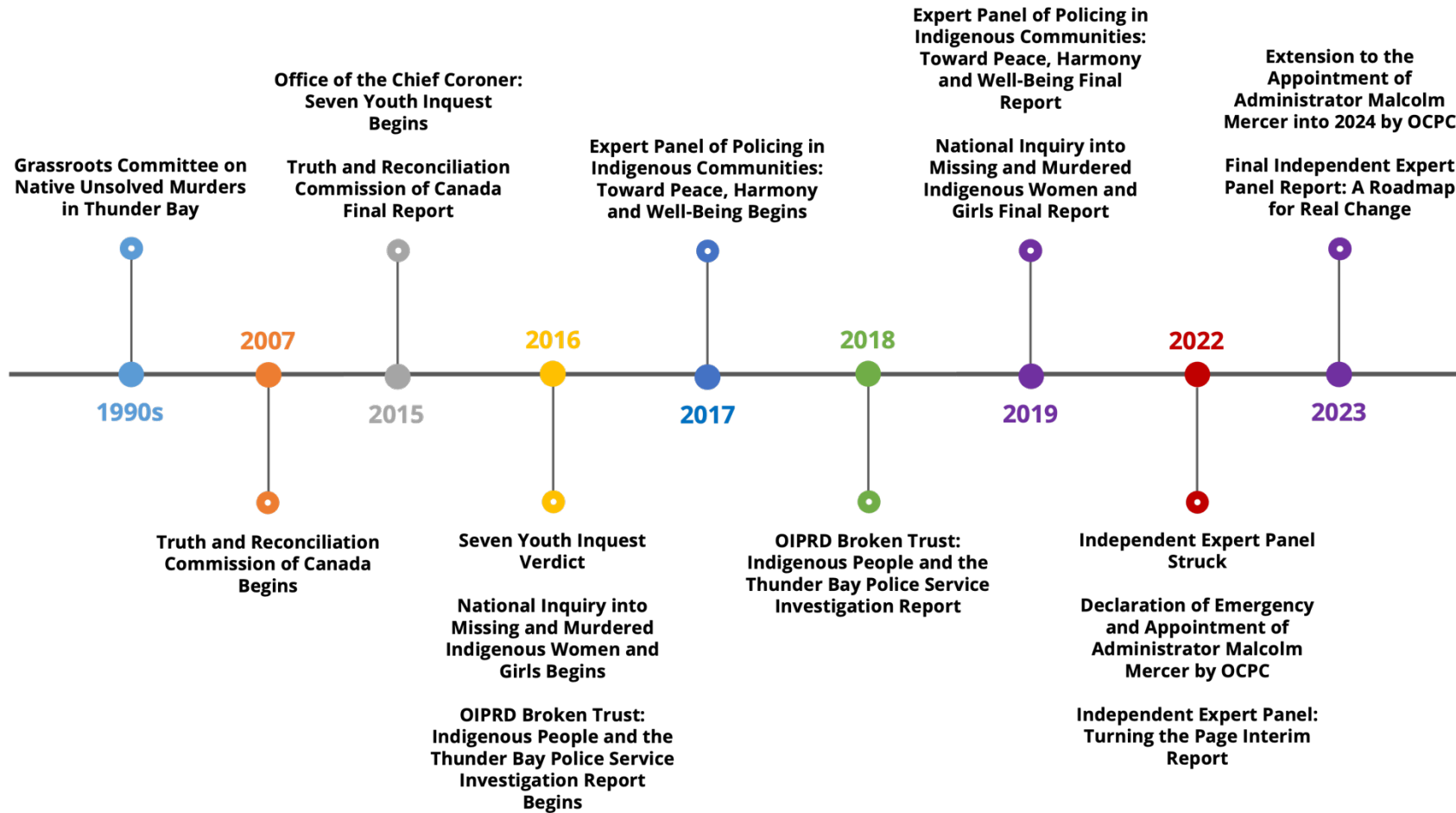
Additionally, an intensive review of sudden deaths in Thunder Bay was carried out by a team of investigators assembled as part of the recommendations coming from OIPRD’s “Broken Trust” report in 2018. This review uncovered 14 deaths of Indigenous people that need to be reinvestigated, as well as a missing persons death and drug-related death

requiring a coroner's review. The extent of mismanagement, lack of accountability and oversight involved in the loss of life cannot and should not be tolerated. It is only from honestly recognizing, learning from, and taking ownership of the impacts of racism, that meaningful remedies and preventive strategies can be developed.

2.3.1 Calling Attention to Issues of Injustice in Thunder Bay – Summary of Reports

The relationship between the Service and Indigenous peoples is characterized by historical and continuing tensions that have left deep wounds and bred a lack of trust in the systems and institutions meant to preserve the safety and wellbeing of all without distinction. The high-profile reports, inquests, and investigations that ensued as a result have shone a spotlight on the crisis of policing in Thunder Bay. The following timeline represents the efforts made to address and resolve issues affecting the relationship between policing and the Indigenous peoples, beginning with the work of the Grass Roots Committee on Native and Unsolved Murders in Thunder Bay in the 1990s. A summary of these works follow the timeline on page 22, and reveals a troubling history spanning over three decades with origins steeped in colonial injustice.

Timeline of Events



Grassroots Committee of Native Unsolved Murders of Thunder Bay

In the 1990s, Indigenous communities raised concerns about the quality of the investigations by the Service into the deaths of Indigenous peoples, leading to the formation of the Grassroots Committee on Native Unsolved Murders. The committee identified over 30 suspicious deaths of Indigenous people, where it was alleged that the Service did not conduct sufficiently thorough investigations.

A petition was circulated by the Committee in 1993, calling on the Government of Canada to hold a public inquiry into how the Service was investigating murders of Indigenous peoples in Thunder Bay. The petition garnered vast support, accruing some 3,000 signatures. Additionally, the then Chief Cheri Pervais of Fort William First Nation tabled a resolution titled "Racism in Thunder Bay," which was supported by the Grass Roots Committee and adopted by the Chiefs of Ontario (McNeilly, 2018).

In 1992, the murder of Sandra Johnson further demonstrated the Service's unequal treatment of Indigenous deaths. "Sandra Johnson was last seen leaving her residence at 1:30 a.m., and was discovered hours later, naked on the frozen surface of the Neebing-McIntyre floodway" (Casey, 2018). While the Service denied that the investigation was affected by racism, it states that the investigation remains active and that the Service communicates with Johnson's sister regarding developments. Ultimately, though, the case remains unsolved.

Truth and Reconciliation Commission: Calls to Action

The Truth and Reconciliation Commission of Canada was established on June 1, 2008, following the Indian Residential Schools Settlement Agreement. The Commission's mandate was to document the historical and lasting impacts of Canada's Indian Residential Schools system on Indigenous survivors and their families. The Commission held public and private meetings across the country to hear from survivors about their experiences, and in June of 2015, released an executive summary of its findings, along with 94 calls to action divided into two parts: legacy (1 – 42) and reconciliation (43 – 94).

Intergenerational trauma and the legacy of suppression of culture and language have had a profoundly negative impact on Indigenous peoples and communities. The Commission's calls to action urge all levels of government – federal, provincial, territorial, and Aboriginal –

to work together to change policies and programs in a collaborative way to begin repairing harm and restoring justice to residential school survivors and their families.

The extent of implementation of the Commission's calls to action vary depending on the researching body. A prominent assessment was conducted by the Yellowhead Institute at Toronto Metropolitan University (formerly Ryerson University). In its research, the study found that by the end of 2022, "13 calls to action have been completed. At this rate, it will take 42 years, or until 2065, to complete all the Calls to Action" (Jewell & Mosby, 2022).

The Expert Panel on Policing in Indigenous Communities: Toward peace, harmony, and well-being

The Expert Panel on Policing in Indigenous Communities was brought together by the Council of Canadian Academies (CCA), at the request of Public Safety Canada, to assess the current evidence and knowledge about the present and future role of policing in Indigenous communities across Canada and identify promising and leading practices that can be applied. Ultimately, the Panel aimed to provide Indigenous leaders, policymakers, and service providers with the foundation to build models more aligned to the safety and well-being of Indigenous communities. Further, the report highlighted the ways policing is connected to broader societal issues faced by Indigenous peoples and communities.

The report found that "many Indigenous communities do not receive policing services that adequately meet their safety and security needs, and evidence suggests a relationship based, community driven approach provides an opportunity to make meaningful and sustainable improvements" (Murray et al., 2019). The disparity in how services are provided is, according to the Expert Panel, embedded within a set of socio-cultural, historical, legal, political, and geographic considerations. The Panel asserted that policing cannot be the only solution to ensuring public safety, as it is difficult to consider it as separate from other social services or from the concept of community (Murray et al., 2019). In its recommendations, the Panel focused on ways in which policing can be decolonized to help restore control and decision-making authority to Indigenous peoples.

Office of the Chief Coroner: Seven Youth Inquest

Between 2000 and 2011, seven youths who had relocated to Thunder Bay from remote northern First Nations, died while attending high school in the city. Further, in 2015, the inquest was expanded to include six other youths whose deaths were not seriously

investigated by the Service (Sinclair, 2018). According to the testimony of a retired police officer, the Service did not launch a criminal investigation into the death of one of the missing Indigenous youth, Jethro Anderson, until six days after he was reported missing.

The inquest shone light on the inadequacies in the treatment of cases involving Indigenous youth, including the failure to follow up on missing children reports and to protect the safety of students despite knowledge of other attacks on Indigenous peoples. As a result of this work, 145 jury recommendations were made to support the prevention of similar deaths. Year-over-year, the Aboriginal Legal Services, which served as counsel for all but one of the families in the inquest, releases a report on progress, the most recent of which indicates advancement. Counsel did state, however, that outstanding recommendations will be among the most challenging to implement, including drinking water, broadband access throughout the North, equivalent salaries for teachers working on reserve, and having high schools accessible on reserve or in a nearby community (CBC, 2021). These actions are not the sole responsibility of local government but depend on collaborative effort by multiple stakeholders and government entities to improve conditions of safety and well-being for Indigenous communities in Northwestern Ontario.

National Inquiry into Missing and Murdered Indigenous Women and Girls

In 2016, the Government of Canada announced a key initiative to put an end to the disproportionately high rates of violence against Indigenous females, launching the National Inquiry into Missing and Murdered Indigenous Women and Girls. The inquiry was also the Government of Canada's response to the forty-first call to action from the TRC, which states:

We call on the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls.

The goal of the inquiry was to research and report on the systemic causes of violence against Indigenous women and girls, including the underlying social, economic, cultural, institutional, and historical causes that affect enduring issues and vulnerabilities. In its research, the Commission asked the Service for information pertaining to missing women and girls from Thunder Bay, the results of which were inadequate; the Service did not report on all cases, claiming it was not involved in all of them.

On June 3, 2019, the inquiry released its final report, “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.” The report details 231 calls for justice that are sorted into four areas, including calls for justice for all governments, and for industries, institutions, services, and partnerships.

According to the National Action Plan’s 2022 progress report on MMIWG, steps have been taken in some areas including violence prevention programs, shelters and transitional housing and direct support services (NAP, 2022). According to a group of partners who oversee the plan, it is difficult to measure its progress (NAP, 2022). This is apparent in the lack of follow through to create an implementation plan for the national action plan, the result being no clear accountability, metrics, or understanding of progress toward outcomes.

Office of the Independent Police Review Director: Broken Trust, Indigenous People, and the Thunder Bay Police Service

On November 3, 2016, the Office of the Independent Police Review Director (OIPRD) initiated a systemic review to investigate and respond to concerns related to the Service’s investigations of Indigenous deaths and other interactions with police. The OIPRD received complaints from Indigenous leaders and community members, asserting that the Service interacted in ways that “devalued Indigenous lives, reflected differential treatment and were based on racist attitudes and stereotypical preconceptions about Indigenous peoples” (McNeilly, 2018).

The primary focus of the OIPRD review was to investigate Indigenous deaths, particularly those that were sudden. The report also analyzed cases examined in the Seven Youth Inquest and those within the mandate of the National Inquiry into Missing and Murdered Indigenous Women and Girls. The review revealed a disturbing pattern of discriminatory interactions resulting in an environment devoid of trust between police officers from the Service and Indigenous peoples.

The OIPRD also reviewed the work conducted by the Service to address concerns raised about its relationship with Indigenous peoples in Thunder Bay, as well as the challenges and barriers to implement change. The report indicated that many of these initiatives could enhance the quality of policing in Thunder Bay and its relationship with Indigenous peoples and organizations, especially when paired with recommendations made by the Council of Canadian Academies.

In total, the OIPRD provided 44 recommendations to the Service and other entities to enable meaningful change to occur between officers and Indigenous peoples. The review confirmed the existence of racism at the institutional level in the Service and the need for fundamental remedial action. It also underscored the importance of the Service public acknowledging that systemic racism is an issue that must be prioritized and addressed.

On February 26, 2020, the OIPRD released its follow-on report, *One Year After Broken Trust: Report on Implementation*, providing an overview of the progress made on the implementation of each of the recommendations in the systemic review. Some of the work the Service has started includes:

- Diversifying its staff and revamping the Aboriginal Liaison Unit.
- The reorganization of the Criminal Investigations Branch and establishment of a Major Crimes Unit.
- The completion of the in-car and body-worn camera pilot project and recommendation to the Board to proceed with full deployment.
- Continued work on an organizational change project, which has the potential of initiating systemic change within the service.

The Panel's conclusions based on our own review of progress in implementing the OIPRD recommendations can be found in Section 4.1 below. Appendix C provides full details of our analysis.

Ontario Civilian Police Commission: Thunder Bay Police Services Board Investigation, Final Report

On July 21, 2017, the Ontario Civilian Police Commission (OCPC) retained the Hon. Murray Sinclair to lead and direct an investigation into the Board. The investigation was in response to concerns of First Nations leaders from Nishnawbe Aski Nation, Grand Council of Treaty #3, and Rainy River First Nations, regarding the state of civilian police oversight and public confidence in the delivery of services following multiple instances of race-based violence and sudden deaths of Indigenous peoples in Thunder Bay.

Following extensive consultations as well as document and literature review, the Investigation Team determined that the key issues with policing in Thunder Bay were the result of deeply rooted systemic racism and discrimination where an unacceptable status quo was seen as business as usual. This mindset was perpetuated by the organization's

structure, in which the agencies that were mandated to oversee policing were also unconsciously biased, discriminatory, and guided by systemic patterns of racism. In his report, Sinclair provided three clear reasons for this failure:

- 1) an absence of plans and policies to address the crisis in violent crime;
- 2) disengagement of the oversight body from its fundamental functions of planning, policy development and community engagement; and
- 3) lack of the basic tools by the Board to conduct good governance and oversight.

Sinclair provided a series of recommendations, the first being for the OCPC to exercise its authority under sections 23(1) and 24(1) of the PSA to appoint an Administrator for a period of time on an emergency basis to temporarily exercise all powers of the Board while most of the Board was reconstituted. Sinclair set out 45 additional recommendations with respect to the functions and responsibilities of the Board and the Ministry of Community Safety and Correctional Services (MCSCS) to address the issue of systemic racism in the policing of Indigenous peoples in Thunder Bay. The result of our review of the status of these recommendations is provided in Section 4.2 of this report. Appendix D provides full details of this analysis.

2.3.2 Our Reflections on the Status of Previous Findings

It is clear to us that, in terms of relationships and interactions with Indigenous peoples and communities in Thunder Bay and the region, the institution of policing and the bodies that govern it are in a state of crisis requiring immediate action, not symbolic gestures. There is serious and honest work to be done to rectify a situation that has persisted for far too long, to ensure that every person in need of service is treated with respect and dignity while recognizing their identity, culture, history, and socio-economic status. Furthermore, it is essential to establish an institutional/governmental relationship marked by principles of equality, respect, consultation, collaboration, transparency, and accountability.

There is no shortage of ideas or advice. By our count, the reports summarized above offer more than 550 recommendations with varying degrees of implementation and success. Our mandate included a thorough review of the Seven Youth Inquest, the OIPRD report, and the OCPC report to identify the barriers hindering responsible parties from acting on the previous proposals, as well as to provide guidance on how to mitigate the challenges posed by these barriers. We want to be clear that not every delay in acting on the

recommendations is due to a structural hurdle. There are many that have yet to be carried out because of a lack of accountability and willful blindness by institutional bodies that must take ownership to create change.

In the following pages, we identify where barriers exist that need to be addressed, while also being clear about where action has not been taken due to resistance and/or tolerance for the status quo. We feel it is important to make this distinction, because of the differences in how they can be addressed. While the former is about identifying changes to things such as process, structure and relationships, the latter focuses more on human behaviour and unlearning of historical biases that support systemic racism in today's institution.

3 OUR REVIEW OF THE STATUS OF OIPRD AND OCPC RECOMMENDATIONS

We began our work by reviewing the status of recommendations made by the Hon. Murray Sinclair, and of the OIPRD's systemic review. The two inquiries arose from concerns expressed by Indigenous leaders and community members about interactions with the Service and leadership of the Board. Our purpose was to ascertain the progress made in implementing the recommendations and gain an understanding of the ongoing issues and challenges that led to renewed expressions of community dissatisfaction with the Service and the Board, including a call for disbandment. This review provided us with the basis for consultations with the Board, the Service, Indigenous leaders, community groups and peoples, the wider community, and other stakeholders to determine the source of the persisting concerns and to receive advice on actions that need to be taken. Details of these consultations can be found in Section 5 of this report, and our action proposals are provided in Section 6.

3.1 Status of OIPRD Recommendations

The OIPRD report, *Broken Trust, Indigenous People, and the Thunder Bay Police Service*, issued in 2018 included 44 recommendations calling for significant activities to be undertaken by the Thunder Bay Police Service, the Government of Ontario, the Office of the Chief Coroner, the Chief Forensic Pathologist of Ontario, the Office of the Regional Supervising Coroner, and the Ontario Forensic Pathology Service.

We provide a summary of our findings below. A detailed table in Appendix C contains our assessment of the implementation of all recommendations addressed to the Service.

3.1.1 Our Findings

Overall, the implementation of the OIPRD recommendations can only be described as uneven. A major contributor to this conclusion is the absence of concrete and verifiable evidence of the degree to which a recommendation has been or is being carried out. It is difficult, as a result, to substantiate and quantify progress even where the Service claims full implementation of a recommendation.

To illustrate this, we will use recommendation 7, which calls on the Service to establish a Major Crimes Unit (MCU) within the Criminal Investigations Branch. In reports to the OIPRD and the Board, this recommendation is marked as complete, and while we can confirm that the Major Crimes Unit has been created within the Criminal Investigations Branch, the status of its operationalization, as previously reported, has proven to be inaccurate. As of March 2023, the Panel has found that the MCU is not operating with its fully established complement including its dedicated training officers, due to budget constraints and ongoing staffing challenges. In addition, these training officers were reported to the Board by Chief of Police Sylvie Hauth as being part of the investigative contingent of 16 Detective Constables.

The increase in funding sought through the Service's 2023-2024 operating budget is intended to address these staffing issues. This increase was approved by Administrator Mercer and passed by City Council, though not without some controversy due to its potential impact on other program areas. These issues lead us and those we spoke to during our consultations to believe that this recommendation, and others like it, are underway, but not meaningfully completed.

We were warned during consultations that there could soon be a Broken Trust 2.0 caused by growing caseloads because of the state of violent crime in Thunder Bay. This, paired with a lack of resources, which contribute to challenges related to training, mentorship, succession planning and knowledge transfer protocols, creates cause for concern over the ability of officers to have the necessary support to complete quality investigations. The reported likelihood of further departures of experienced officers from the MCU adds to this concern.

Information gathered from consultations similarly contradicts the reported completeness of several other recommendations, such as the ones regarding collaboration and relationship building with First Nations police services. With respect to recommendations 15 and 35, we are led to conclude that recommended initiatives were not properly formalized and, instead, undertaken on an ad-hoc operational basis. With respect to the former, we found that the Community Outreach Branch Policy is currently under review. There is no formal policy outlining how the Community Inclusion Team is integrated into the rest of the Service, and instead informal knowledge exchanges occur. As for the latter recommendation, we found there to be no permanent advisory group involving the Chief of Police and Indigenous leadership. Instead, there is an Executive Committee made up of volunteers that has been put on hold to be redefined to better meet the needs of the community.

It is clear there have been challenges with the meaningful implementation of actions recommended by the OIPRD. Absence of a properly thought out, coordinated, organization-wide implementation plan supported by concrete outcomes, a timetable, adequate resources, key performance indicators, clear lines of accountability and a Service-wide communication strategy may well be major factors that have prevented the Service's Chief of Police and Senior Command from taking definitive action. Questions arise, as well, about the role of the Service's institutional culture and the values, beliefs, and practices embedded in it. We found no evidence that the leadership of the Service and the Board accounted for the impact institutional culture could have on making the kind of sweeping organizational change the OIPRD recommendations entailed, or engaged in a deliberate strategy to mitigate the resistance to change that it may produce. The nature of governance provided by the Board, and its failure to hold the Chief of Police accountable, may well be seen as part of the problem.

Despite the uneven implementation of the OIPRD recommendations, we want to underscore that progress is being made in areas that, if continued, can lead to meaningful change and the building of trust in the community. By our count, of the 44 recommendations, 21 are complete, 16 are in progress, and 5 are incomplete or not implemented in a meaningful way. Related to those incomplete, 3 are directed towards the Office of the Chief Coroner, 1 towards the OIPRD, and 3 towards the Service (2 of which are joint recommendations towards multiple organizations). When we say 'complete' we do not mean that the Service is required to take no further action, rather, that a recommendation which has been fully implemented will be reviewed and updated as required. For example,

recommendation 40 states that the Service should implement psychological testing designed to eliminate applicants who have or express racist views and attitudes. This recommendation has been implemented through the following actions:

- Enhancing screening through increased use of three separate tests that are analyzed by a psychologist to ensure a candidate's suitability to be a police officer.
 - One of these tests, the M-Pulse, specifically analyzes liability factors including racially offensive conduct, negativity, and inappropriate attitudes.
- Candidates receive face-to-face interviews with a psychologist should any portion of the testing be inconclusive or potentially concerning.
 - Candidates with concerning test results are screened out of the process.

In addition to those recommendations marked as “complete”, there are a number whose implementation is in progress. For example, recommendation 37 speaks to the Service taking Indigenous cultural competency training to enable its members to work better with First Nations police services and visit remote First Nations to provide outreach. Interim Chief of Police Dan Taddeo is currently finalizing a protocol arrangement with NAPS. As well, a Grade 8 visit project is currently in place where officers visit First Nations communities to listen, learn, and grow their knowledge of Indigenous culture, needs, and challenges.

Recommendation 43 requires the Service to report to the OIPRD on the extent of progress made on recommendations and in return, the OIPRD should report publicly on the Service's response and the extent to which recommendations are implemented. The OIPRD has not publicly reported on this progress since 2019; this is combined with a lack of key performance indicators and other metrics in determining progress on recommendations. The OIPRD, the Service, and the Board must address this failure of transparent public communication.

3.2 Status of OCPC Recommendations

In 2017, the OCPC appointed the Hon. Murray Sinclair to carry out an investigation of the effectiveness of governance provided by the Board. In his report, issued in 2018, he found serious gaps and deficiencies in the performance of the Board, its competence, and its relationship with the Service as well as the Indigenous community. He made 45 recommendations providing comprehensive direction for strengthening civilian governance of policing in Thunder Bay.

Our findings on the implementation of the Sinclair recommendations support the conclusions reached by Administrator Mercer in his August 18, 2022 report to OCPC, based on his assessment of events leading to his appointment. The table in Appendix D provides our detailed assessment of the status of the implementation of Sinclair's recommendations.

3.2.1 Our Findings

Put bluntly, the Board made only marginal material progress in implementing the Sinclair recommendations. We emphasize our use of the word *material*: in our assessment many of the actions indicated as "in-progress" or "complete" are only tentative first steps.

Between 2019 and 2021, the Board published four progress reports on its implementation of the Sinclair recommendations. Collectively, they show very limited progress, leading Administrator Mercer to state in his August report to the OCPC that while "the Board, and its members, have been well intentioned and have collectively done good work...there have been failures of governance, significant distractions, and a very concerning failure to advance the recommendations that were made as a result of the investigation led by Senator Murray Sinclair." The COVID-19 pandemic and internal dynamics within the Board may have had a bearing on this lack of progress, however, it would be inadequate to conclude that those were the only factors.

The chequered status of implementation raises larger issues regarding the Board's culture, commitment, competence, and most importantly, access to or use of necessary expertise. This is not a comment on all the individuals who have served on the Board over the years. The vast majority of them, no doubt, became members with good intentions and a positive desire to serve the community; they gave their time and talents for a token remuneration. Our observation pertains to the Board as an institution that – like all institutions – has, over the course of its existence, developed a perspective on its role and responsibilities, an approach to governance and decision making, a set of values, and a view of its relationships with the Service and the public. Its ability to discharge its duties has been significantly affected by the financial resources and expertise at its disposal, as well as by the training and education available to the members. Further, its response to the issues of First Nations in the region has been influenced by the history as well as the current realities of the city, the role of the city's political establishment and the consciousness of its members and advisors.

Some may say that in these respects, this Board is not unique, and that police governance is generally characterized by these factors. However, to make that claim would be to minimize the gravity of the First Nation specific issues in Thunder Bay, and the “wilful blindness” found by Sinclair. What matters is the impact that the history and the current realities of the city have on how the Board handles the widely identified need for change in policing and police governance in Thunder Bay. With respect to the Sinclair report, we believe that these factors played a significant role in impeding the full implementation of the recommendations in letter and in spirit.

A major thread running through the report is the need to recognize the history of racism in Thunder Bay and within policing, and, as its concomitant, the Board’s responsibility to act urgently and decisively. In recommendation 8, Sinclair calls on the Board to develop a comprehensive anti-racism strategy and policy, both for itself and the Service. No work has been done on this except for the Board to identify it as a high priority. In the meantime, allegations of racism of all types – systemic, deliberate, and unconscious – continue to come forward, vitiating relationships of Indigenous people with the Service and its members and of the community with the Board. By its failure to take the bold and concrete actions recommended by Sinclair for tackling an issue that has long festered in Thunder Bay, the Board has failed to show the leadership or the sense of urgency, which are essential for gaining community trust and respect.

The Sinclair report also included recommendations on mandatory board training and orientation. While training is not the panacea for enhancing board competence and effectiveness, it is certainly a very important ingredient for developing effective governance; something Sinclair recognized based on his examination of the Board’s functioning and decision making. In relation to training, the recommendations included:

- Specific training on the region’s Indigenous people to understand the historical, social, and cultural context that shapes policing in Thunder Bay.
- Development of a compulsory, standard orientation package in collaboration with the Ontario Association of Police Services Boards (OAPSB) for new board members addressing the critical skills and knowledge areas outlined in part four of the report.

While there was some initial flurry of activity, the recommendations on board training were not fully implemented. With the support of the OCPC, the first phase of a training program did occur with external facilitators and was attended by Board members and staff as well

as the police and Thunder Bay Police Association (the TBPA) leadership. However, there was no follow-up, and from our discussions we learned that Board members were generally not perceived to be actively engaged and did not demonstrate real commitment to learning. This was a missed opportunity since, from our review of the contents and design of the training that was delivered, it was potentially a very strong program. Without real buy-in and continuous engagement from the Board, training will fail to have real impact, which is to challenge entrenched ways of thinking and functioning to confront systemic discrimination.

These, for us, are important examples of how most Sinclair recommendations have been either partially implemented or not implemented at all.

3.3 Community Response and Recent Developments Leading to the Appointment of the Independent Expert Panel

Policing in Thunder Bay has been under a microscope for nearly three decades, beginning with the Grass Roots Committee on Native Unsolved Murders in 1993. The Board and the Service have been the subject of reviews and investigations since that time, with numerous recommendations to change the way policing services are provided to the Thunder Bay community. To our best knowledge, this is more scrutiny than any other municipal police board or police service has faced in Ontario and across Canada. However, this scrutiny has not resulted in substantive or meaningful change. Deeply disappointed and frustrated by the failure to fully implement the recommendations and directions from earlier reports, Indigenous leaders and organizations have issued their own calls to action.

There are now calls from some Indigenous leaders in Northwestern Ontario for the Service to be disbanded and policing of the city brought under direct provincial oversight. For them, despite evidence of continued racism in policing, the Service and the Board have demonstrated little ownership of these issues, much less commitment to substantive action. Instead, the response has been to produce statements that deny the problem or pass the blame to factors seemingly outside the Service's and the Board's control. In an opinion piece in the *Toronto Star*, Anna Betty Achneepineskum, the Deputy Grand Chief of Nishnawbe Aski Nation asserted: "Project Broken Trust has done little to fix the relationships between the police and our people, and I have not witnessed anything to convince me that service will ever change in a meaningful way" (Achneepineskum, 2022).

In addition to the call for disbandment, on March 30, 2022, Indigenous leaders from Anishinabek Nation and Nishnawbe Aski Nation spoke at Queen's Park to call upon the Ontario government to take immediate action on the Service. According to Reg Niganobe, Anishinabek Nation Grand Council Chief, and Anna Betty Achneepineskum, Nishnawbe Aski Nation Deputy Grand Chief, systemic racism is real and prevalent in the Service, and must be removed. The lack of attention to this racism prompted the two leaders to call for a fundamental re-examination of whether the Service should continue to exist at all, and for the then Solicitor General of Ontario, Sylvia Jones, to proceed with dismantling it. Minister Jones referred the matter to the OCPC.

During this time, the OCPC was also contacted by the Board's former Chair and member, Georjann Morriseau. Ms. Morriseau, formerly Chief and Councillor for Fort William First Nation, called for an investigation into the Board's and then Chief of Police Sylvie Hauth's treatment towards her, which she stated to be racist. The Board also requested an investigation by the OCPC. This signalled to us and the public at large, the crises of leadership within both the Board and the Service.

In June 2022, following its investigation into allegations against Chief of Police Sylvie Hauth, Deputy Chief of Police Ryan Hughes and Chief of Police's legal counsel, Holly Walbourne, the OCPC found cause to charge Chief Hauth on several counts under the *Police Services Act*. The OCPC found that certain actions of Chief Hauth related to Board Chair Georjann Morriseau were "without lawful excuse" and constituted misconduct. These actions had "deceived or attempted to deceive" the Board and were "likely to bring discredit upon the reputation of the Thunder Bay Police Service." Accordingly, a disciplinary hearing was ordered, and the Notice of Hearing contained the following specific charges:

- Chief Hauth, without lawful excuse, acted in a manner likely to bring discredit upon the reputation of the police force of which she is a member [...] and did thereby commit misconduct by engaging in discreditable conduct [...].
- Chief Hauth, without lawful excuse, deceived or attempted to deceive the Thunder Bay Police Services Board by wilfully or negligently making false, misleading, or inaccurate statements in a memo entitled 'Confidential Memo from the Office of the Chief of Police to the Thunder Bay Police Services Board Re: OPP Investigation – G. Morriseau' dated October 12, 2021 [...] and did thereby commit misconduct by engaging in deceitful conduct [...].

- Chief Hauth, without lawful excuse, deceived or attempted to deceive the Thunder Bay Police Services Board by wilfully or negligently making false, misleading, or inaccurate statements in a memo entitled 'Confidential Memo from the Office of the Chief of Police to the Thunder Bay Police Services Board Re: OPP Investigation – Additional Information' dated October 18, 2021 [...] and did thereby commit misconduct by engaging in deceitful conduct [...].

The disciplinary hearing was scheduled to begin on February 6, 2023, however it had to be adjourned permanently when Chief Hauth opted to retire on January 27, 2023, and as a result, the Hearing Officer lost jurisdiction over the matter. Under the *Police Services Act*, only serving members can be the subject of disciplinary hearings, and when an officer retires, the tribunal can no longer continue due to loss of jurisdiction, even on matters that pertain to the time when the officer was a serving member of a police force. This is a systemic problem with the law generally, and one that negatively impacts the credibility of police services and police officers. It reinforces the perception that the law gives police officers a way to avoid accountability for their actions.

Ian Scott, a former Director of the province's Special Investigation Unit and Crown Counsel, had been appointed to review the allegations against Deputy Chief of Police Ryan Hughes and Chief of Police's legal counsel Holly Walbourne. In his report of September 2022, Scott reported that he had found no grounds to substantiate these allegations. Administrator Mercer's August report to the OCPC, referred to earlier, provides details of these developments.

In addition to dealing with these conduct issues, the OCPC also investigated the complaints about the functioning of the Board as the governing body of the Service. Following a preliminary investigation, OCPC Chair Sean Weir concluded that an "emergency" existed and appointed an Administrator – Malcolm Mercer – to oversee the Board. While Board members were not removed, their voting and decision-making authority was transferred to Mercer. In response to this development, three of the five members, including Chair Kristen Oliver, resigned.

In October 2022, the OCPC announced that its investigation into senior members of the Service had concluded. With respect to the requested inquiry into the administration of the Service, the OCPC determined that this should be deferred pending appointment of new Board members and a new Chief of Police. At the same time, the OCPC extended the appointment of Administrator Malcolm Mercer.

Despite these investigations and the steps taken by the OCPC, it should be recognized that many on the Board – and especially its Chair, Counsellor Kristen Oliver – were not completely idle. Attempts were made to follow up on the recommendations of the Hon. Murray Sinclair, which led to the appointment of our Independent Expert Panel in March 2022. We would also like to note that, since his appointment, Administrator Mercer has taken steps to strengthen board governance and begin a systematic process for the development of board policies. Interim Chief of Police Dan Taddeo has also initiated efforts to formalize cross cultural and knowledge sharing relations with First Nations police services, starting with the Nishnawbe Aski Police Service, which as of the time of this report, are being finalized.

As this section shows, there is an almost three-decades long history of efforts to bring about changes in policing in Thunder Bay that has generated hundreds of recommendations. Our view of the matter, which is based on our extensive reviews and consultations, is that the response of the Service and the Board has, at best, consisted of half-hearted and sporadic measures to act on the many good ideas that were proposed. At worst, there have been claims of action that are unsustainable, based on results. There has been no real improvement between affected communities and the municipal police service. It is no surprise, then, that there is a pervasive feeling of distrust and frustration, of hopelessness, and of having reached the end of the line where nothing short of drastic action is needed. We once again refer to the findings of the Nova Scotia Mass Casualty Commission, drawing attention to its emphasis on the need for police to be more transparent in taking responsibility for its failings and mistakes.

4 OUR FINDINGS

In this section, we provide a summary of findings drawn from our review of documents received from the Board, the Service, and other sources, as well as from our consultations with members of the Board and Service (both Senior Command and front line), First Nations leaders, Indigenous peoples and community groups, social services providers, and the wider community of Thunder Bay, with subject matter experts, and with representatives of the entities who conducted the inquests, reviews, and investigations. We wished to get a thorough grasp of the historical and current issues related to mental health, human rights, and workplace culture as they affect members of the Service and the community. Through our research, it became clear that in order to identify the barriers to taking necessary action, these issues could not be separated from the broader factors of

leadership, decision making, management, and functioning of the Board and the Service. Therefore, we have taken a “whole-of-system” approach to our analysis.

4.1 A Status Update

At the outset, we want to acknowledge certain significant developments in relation to the Board and the Service that are consistent with some of the action proposals in the Panel’s September 2022 Interim Report. Of note is Administrator Mercer building on the Hon. Murray Sinclair’s recommendation to establish a Governance Committee whose composition is reflective of the community, with enhanced representation of Indigenous peoples. Particularly noteworthy is the use of an openly advertised recruitment process to solicit qualified and credible members from the community. The Governance Committee’s primary responsibility is the development of board policies recommended in the Sinclair report. Its community members were also involved in the process for the selection of a new Chief of Police. We must underscore that this systematic process for selecting and involving members of the community in the Board’s work and decisions needs to become an integral part of the way the Board functions.

The process of selecting a new Chief of Police included community members of the Governance Committee, Indigenous leaders from the region, various community-based organizations, and other community representatives. These groups supported the development of key attributes to be represented in a new Chief of Police. This, too, was in keeping with our Interim Report’s proposals on this subject. As a result, the selection process proved to be inclusive, consultative, and attentive to the needs and expectations of the broader community; a process that must serve as the template for the future selection of Chiefs and Deputy Chiefs of the Service.

On March 21, the Board announced that it had selected Darcy Fleury, an RCMP Chief Superintendent and District Commander for Central Alberta District, as the new Chief of Police. Chief-Designate Fleury is a 36-year veteran of the RCMP and a Member of the Manitoba Métis Federation of which his father was a Founding Member. In his early public comments, he listed building relations with Indigenous leaders and communities, and gaining public trust in Thunder Bay policing as among his first priorities. He also stated his intention to review the human rights complaints made by members of the Service.

Our Interim Report also emphasized the need to ensure significant and meaningful presence of Indigenous members on the Board, as well as the intentional selection of

board members who bring with them the necessary and critical expertise and knowledge required to fulfill their role. While the appointment of board members is the responsibility of the City of Thunder Bay and the Government of Ontario, we recognize the effort made by Administrator Mercer to highlight the importance of accounting for these considerations to the various appointing authorities. Two of the new five-member board are Indigenous women appointed by the province and the municipality.

Denise Baxter, the municipal appointee, is a member of Marten Falls First Nation and has been the Vice Provost of Indigenous Initiatives at Lakehead University since 2017. In October 2022, she became a member of the Board's Governance Committee. Baxter's nearly 30 years of experience in education has been focused on working to establish networks, strengthening relationships with Indigenous communities and governments, and building capacity between Indigenous, public, and private partners.

Karen Machado, the provincial appointee, is a member of the Red Rock Band outside of Nipigon, who has lived in Thunder Bay for the past 50 years. A provincial public servant for over 30 years, she retired as Superintendent of the Thunder Bay Correctional Centre in 2020. Within the Ministry of the Solicitor General, Machado co-chaired the Systemic and Anti-Racism Organizational Change Committee and was appointed the Provincial Co-Chair for the Indigenous Subcommittee of the Ministry's Human Rights Project Charter project. The knowledge, experience and community connectedness of Baxter and Machado bodes well for the Board moving forward.

At the same time, since assuming office on July 4, 2022, Interim Chief of Police Dan Taddeo, has taken several immediate actions that signify a shift from the prevailing leadership culture and practice within the Service. We noted, for example, the swift action taken to increase visibility of the Chief among the rank and file working in the headquarters. Interim Chief Taddeo made a daily effort to be present with the employees, enquiring about their wellbeing and acknowledging their concerns. In terms of employee morale, this symbolic shift had positive value. He also began to build a dialogue with the Thunder Bay Police Association (TBPA), the employees' representative body that, until recently, only had an adversarial relationship with the organization in the absence of a direct working relationship with the Chief. While it did not resolve the outstanding labour relations issues, the initiative was an important first step with the potential to overturn a relationship and an environment characterized by many as poisoned and retributive.

The Interim Chief of Police took action to address the chronic under-staffing as a result of budgetary pressures from previous budgets that did not adequately cover the needs of the Service. An important step in this regard was the submission of an operating budget for 2023, which included funding to hire more police officers. The budget, approved by the Board through Administrator Mercer, was later passed by city council.

Externally, the most significant development under Interim Chief Taddeo is the opening of direct communication and consultation with First Nations in the region. Our Interim Report noted a complete absence of this relationship and the necessity of building one. The Interim Chief of Police initiated person-to-person communication with the Chiefs of neighbouring First Nations police services, demonstrating an understanding of and openness to a cooperative operational model that is regional in scope. In this context, his effort to enter into a formal agreement of cooperation with the Nishnawbe-Aski Police Service is particularly noteworthy. This is in line with our panel's view, and it is one that must be completed and expanded to other services of the region.

4.2 Gap Between Expectation and Action

The developments noted above, while initial steps, should be viewed as positive and, in some cases, foundational to creating and sustaining longer term change. Despite this progress, it is critical to acknowledge that major gaps between expectation and needed action remain, as evidenced from the information we have collected and from the people we have consulted with.

Overall, our conclusion is that the Service's and the Board's delivery of policing and police governance to the residents of Thunder Bay and those who come here from First Nations in search of education, health care, employment, and other services have suffered from a willfully unresponsive, unintentionally neglectful, or significantly inadequate approach to supporting the needs, experiences, and expectations of the public. This stems from the history of community relationships as much as from issues related to institutional culture, leadership, decision making, priority setting, community connectedness, practice of consultation, and systems of accountability. Equally important is how the ability to provide these services has suffered from an insufficient understanding of, attention to, and appreciation for the history, culture, and safety needs of those being served.

We have also concluded that the treatment of those who work for the Service, whether sworn or civilian, leaves much to be desired. This is evidenced by:

- The state of morale in the organization.
- Ongoing grievances and human rights complaints.
- Allegations of inconsistent handling of requests for accommodation for mental health issues.
- A perceived coercive approach to return to work.
- The tendency to resort to formal discipline too quickly.
- A human resources management system that, in relation to hiring and promotion practices, is widely perceived to be biased and discriminatory, despite the amendments to the promotional process included in the Collective Agreement between the Board and the TBPA.
- Lapses or weakness in the ability of the TBPA to provide adequate representation to its members.
- Intolerance for diversity of opinion.

We also detected significant distrust, pain, and hurt within the organization, which, based on the information gathered and reviewed by us, has resulted from the persistent failure of the Board to provide independent governance in the area of human resources management and labour relations and the organization's management style. The Board appears to have adopted a hands-off approach that was inconsistent with its statutory responsibilities under various legislations. The day-to-day management of human resources and labour relations, on the other hand, is deemed to have been characterized by arbitrary decision making, perceptions of an uncaring and coercive approach to human resources management, an appearance of excessive reliance on legal advice, concerns over how employees' disability claims were being dealt with, insufficient appreciation of members with mental health challenges, and widespread allegations of a culture of preferential treatment. We must emphasize that these conclusions are derived from multiple sources, including employee satisfaction surveys conducted by the Board, the Service and the TBPA, and interviews with members present and past. In other words, in reaching our conclusions, we have not relied solely on the word of those who have any personal issues with the organization.

It is important to note here that whatever the conventional belief and historical practice may be, especially in medium and small sized police boards and services, there are clearly articulated statutory provisions which impose on boards certain obligations and delineate distinct governance and operational responsibilities between the boards and the chiefs of

police. We are referring here to the current *Police Services Act*, the *Human Rights Code* and the *Occupational Health and Safety Act* (OHSA). The first two of these have implications for the board's duties and obligations in relation to the delivery of policing services as well as the management of human resources. The *OHSA*, on the other hand, spells out specific roles for the board as employer. In our view, these three pieces of legislation, in addition, of course, to the *Canadian Charter of Rights and Freedoms*, constitute the foundation on which effective police governance and operations must be based.

Therefore, by way of setting the context for our analysis and conclusions, we will draw attention to the salient provisions of Ontario's *Police Services Act*, *Human Rights Code* and *Occupational Health and Safety Act*. Of primary importance in the *Police Services Act* are section 31, which lists a board's responsibilities as well as limitations, and section 41, which enumerates the duties of the chief of police.

Responsibilities of Boards

31 (1) A board is responsible for the provision of adequate and effective police services in the municipality and shall,

- (a) appoint the members of the municipal police force;
- (b) generally, determine, after consultation with the chief of police, objectives, and priorities with respect to police services in the municipality;
- (c) establish policies for the effective management of the police force;
- (d) recruit and appoint the chief of police and any deputy chief of police, and annually determine their remuneration and working conditions, taking their submissions into account;
- (e) direct the chief of police and monitor his or her performance;
- (f) establish policies respecting the disclosure by chiefs of police of personal information about individuals;
- (g) receive regular reports from the chief of police on disclosures and decisions made under [section 49](#) (secondary activities);
- (h) establish guidelines with respect to the indemnification of members of the police force for legal costs under [section 50](#);
- (i) establish guidelines for dealing with complaints under Part V, subject to subsection (1.1);

- (j) review the chief of police's administration of the complaints system under Part V and receive regular reports from the chief of police on his or her administration of the complaints system. R.S.O. 1990, c. P.15, s. 31 (1); 1995, c. 4, s. 4 (7); 1997, c. 8, s. 21 (1-3); 1997, c. 17, s. 8; 2007, c. 5, s. 9 (1).

Members of police force under board's jurisdiction

- (2) The members of the police force, whether they were appointed by the board or not, are under the board's jurisdiction.

Restriction

- (3) The board may give orders and directions to the chief of police, but not to other members of the police force, and no individual member of the board shall give orders or directions to any member of the police force.

Idem

- (4) The board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force.

Rules re management of police force

- (6) The board may, by by-law, make rules for the effective management of the police force. R.S.O. 1990, c. P.15, s. 31 (2-6).

Guidelines re secondary activities

- (7) The board may establish guidelines consistent with [section 49](#) for disclosing secondary activities and for deciding whether to permit such activities. 1997, c. 8, s. 21 (4).

These responsibilities of the board need to be considered alongside the duties of the chief of police provided in section (41) (1) of the *Act*. However, as section 41 (2) makes clear, "The chief of police reports to the board and shall obey its lawful orders and directions." In other words, the chief's administrative and operational oversight functions are guided and circumscribed by the priorities, objectives, rules, and directions of the board.

Duties of chief of police

- 41** (1) The duties of a chief of police include,

- (a) in the case of a municipal police force, administering the police force and overseeing its operation in accordance with the objectives, priorities and policies established by the board under [subsection 31 \(1\)](#);
- (b) ensuring that members of the police force carry out their duties in accordance with this Act and the regulations and in a manner that reflects the needs of the community, and that discipline is maintained in the police force;
- (c) ensuring that the police force provides community-oriented police services;
- (d) administering the complaints system in accordance with Part V. R.S.O. 1990, c. P.15, s. 41 (1); 1995, c. 4, s. 4 (8, 9); 1997, c. 8, s. 27.

While these two sections of the *Act* set out the respective roles and responsibilities of the board and the chief of police, attention must also be paid to sections 47, 50, 115, 119 and 120 of the *Act*. In whole or in part, they are particularly germane to the discussion of the board's role and responsibility versus those of the Chief of Police in relation to management of human resources and labour relations. Section 47 assigns to the board the duty to accommodate, short of undue hardship to the organization in terms of issues of cost or health and safety, the needs of an employee who becomes incapable of performing the essential duties of their position due to mental or physical disability. Section (50) makes the board liable for the torts committed by members of the police force in the course of their employment, and for indemnifying members for reasonable legal costs either through its own guidelines under 31 (1) (h) or through collective agreement. Sections (115), (119) and (120) fall under Part VIII of the *Act*, titled Labour Relations. They deal with establishing the remuneration and working conditions of the chief of police and deputy chief(s) of police as well as engaging in collective bargaining with associations representing members of the police service. They lay out the process to be followed and the composition of the bargaining committees. The chief of police or a chiefs designate by parties' consent, is given an advisory role in the bargaining process.

Taken together, these parts of the *Police Services Act* assign to the board specific responsibilities that clearly recognize it as the employer. A plain reading of these provisions shows that the current legislation contemplates a direct and active role for the board beyond the making of policy and rules in respect of human resource management and labour relations. A number of specific responsibilities flow from subsections (1), (2) and (6) of section 31. The board is, quite clearly, the employer and nothing in the *Act* dilutes the responsibilities associated with this role. The board appoints members of the police service, and exercises jurisdiction over them. The board makes the rules for their

management, establishes guidelines either on its own or through collective bargaining for their indemnification, decides on their continued employment in the event of medical or physical disability or when accommodating such disability may cause undue hardship and, generally, determines or agrees upon working conditions through the collective bargaining process. The bargaining process may result in provisions that give the board a direct role, such as through creation of special or standing joint committees to deal with systemic or policy issues, or in the resolution of grievances and arbitrations. And, very importantly, the board is liable for torts committed by members of the service as employees. Further, it is the entity named in civil litigations, human rights complaints or workplace health and safety related matters brought before the Ministry of Labour. The *Act* has no provision for a board to devolve these responsibilities, including bargaining, to the chief of police, who is given a strictly advisory role in the collective bargaining process.

The province's *Occupational Health and Safety Act* (OHSa) further reinforces the duties and obligations of the board as employer. Section (1) (1) of this legislation defines "employer" as "a person who employs one or more workers or contracts for the services of one or more workers." *OHSa* enjoins upon the employer to ensure that the workplace is safe and free from discrimination and harassment. And, for this purpose, it calls for a "health and safety management system," which is defined as "a coordinated system of procedures, processes and other measures that is designed to be implemented by employers in order to promote continuous improvement in occupational health and safety." Part III.0.1, dealing with workplace violence and harassment lays down very detailed policy and program requirements.

32.0.1 (1) An employer shall,

- (a) prepare a policy with respect to workplace violence;
- (b) prepare a policy with respect to workplace harassment; and
- (c) review the policies as often as is necessary, but at least annually.

Written form, posting

(2) The policies shall be in written form and shall be posted at a conspicuous place in the workplace.

Program, violence

32.0.2 (1) An employer shall develop and maintain a program to implement the policy with respect to workplace violence required under clause 32.0.1 (1) (a).

Contents

- (2) Without limiting the generality of subsection (1), the program shall,
- (a) include measures and procedures to control the risks identified in the assessment required under subsection 32.0.3 (1) as likely to expose a worker to physical injury;
 - (b) include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
 - (c) include measures and procedures for workers to report incidents of workplace violence to the employer or supervisor;
 - (d) set out how the employer will investigate and deal with incidents or complaints of workplace violence; and
 - (e) include any prescribed elements.

Program, harassment

32.0.6 (1) An employer shall, in consultation with the committee or a health and safety representative, if any, develop and maintain a written program to implement the policy with respect to workplace harassment required under clause 32.0.1 (1) (b).

Contents

- (2) Without limiting the generality of subsection (1), the program shall,
- (a) include measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor;
 - (b) include measures and procedures for workers to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser;
 - (c) set out how incidents or complaints of workplace harassment will be investigated and dealt with;

- (d) set out how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law;
- (e) set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation; and
- (f) include any prescribed elements.

Duties re harassment

32.0.7 (1) To protect a worker from workplace harassment, an employer shall ensure that,

- (a) an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances;
- (b) the worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation;
- (c) the program developed under section 32.0.6 is reviewed as often as necessary, but at least annually, to ensure that it adequately implements the policy with respect to workplace harassment required under clause 32.0.1 (1) (b); and
- (d) such other duties as may be prescribed are carried out.

In Part II, *OHS* contemplates a joint committee system comprised of employer and employee representatives for the administration of the legislation's provisions.

The [...] employer shall cause a joint health and safety committee to be established and maintained at the workplace unless the Minister is satisfied that a committee of like nature or an arrangement, program or system in which the workers participate was, on the 1st day of October, 1979, established and maintained pursuant to a

collective agreement or other agreement or arrangement and that such committee, arrangement, program or system provides benefits for the health and safety of the workers equal to, or greater than, the benefits to be derived under a committee established under this section.

This committee, consisting of at least four persons for a workplace of more than fifty workers, must represent the non-managerial workers and the employer equally. Employer's representatives must be people who exercise managerial functions at the workplace. Co-chaired by the two sides, the committee, under section (18) of the *OHSA*, has power to,

- (a) identify situations that may be a source of danger or hazard to workers;
- (b) make recommendations to the [...] employer and the workers for the improvement of the health and safety of workers;
- (c) recommend to the [...] employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers;
- (d) obtain information from the [...] employer respecting,
 - (i) the identification of potential or existing hazards of materials, processes, or equipment, and
 - (ii) health and safety experience and work practices and standards in similar or other industries of which the [...] employer has knowledge;
- (e) obtain information from the . . . employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical, or physical agent in or about a workplace for the purpose of occupational health and safety; and
- (f) be consulted about, and have a designated member representing workers be present at the beginning of, testing referred to in clause (e) conducted in or about the workplace if the designated member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid.

Finally, part VI of the *OHSA* prohibits any form of reprisal against an employee for raising issues about potential breaches of the law, such as an unsafe workplace.

50 (1) No employer or person acting on behalf of an employer shall,

- (a) dismiss or threaten to dismiss a worker;
- (b) discipline or suspend or threaten to discipline or suspend a worker;
- (c) impose any penalty upon a worker; or
- (d) intimidate or coerce a worker,

because the worker has acted in compliance with this Act or the regulations or an order made thereunder, has sought the enforcement of this Act or the regulations or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the *Coroners Act*.

We draw attention to these parts of the *OHSA* at some length because boards do not often take them into account when considering their duties. The provisions are unambiguous, and they have a significant bearing on how a board discharges its obligations to its employees. On one hand, they build on certain aspects of the *Police Services Act*, and on the other, they reflect the overarching requirements of the *Human Rights Code*. So, finally, we will look at the relevant elements of the *Code*, given their implications for the board's obligations as the provider of a service and as employer.

The Ontario *Human Rights Code*, which takes precedence over both the *Police Services Act* and the *Occupational Health and Safety Act*, prohibits discrimination or harassment on the grounds listed in the *Code* in respect of employment as well as provision of service. The prohibition extends to individual actions as well as systemic practices. It places a positive obligation on the organization to not only deal with discrimination and harassment, if and when they are alleged, but also to take affirmative measures to identify and eliminate any potential systemic barriers to equal treatment without discrimination, on one hand, and to make reasonable accommodation for legitimate special needs short of undue hardship to the organization, on the other. What constitutes undue hardship, it should be recognized, is defined quite narrowly and precisely; it is not whatever an organization subjectively determines. The most relevant parts of the *Code* are cited below.

Services

1 Every person has a right to equal treatment with respect to services, goods, and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

Employment

5 (1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability [...].

Harassment in employment

(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability [...].

Sexual harassment

Harassment because of sex in workplaces

[7] (2) Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee.

Thus, it is not enough for the board to defend itself, its officers, and employees when a complaint has been brought to the Human Rights Tribunal. The board has an obligation to act proactively through its policies, systemic reviews, and monitoring to prevent and, to the extent possible, eliminate the potential for any breaches of the human rights of its employees and recipients of services. The board cannot be a silent or passive party. This obligation is not only implicit but is also explicitly contained in the language and purpose of the sections of the *Code* having to do with constructive discrimination, special programs, disability, and accommodation. Some of these sections also set out the exemptions on the basis of undue hardship.

Constructive discrimination

11 (1) A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction, or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

- (a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or
- (b) it is declared in this Act, other than in section 17, that to discriminate because of such ground is not an infringement of a right.

Idem

(2) The Tribunal or a court shall not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any.

Special programs

14 (1) A right under Part I is not infringed by the implementation of a special program designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity or that is likely to contribute to the elimination of the infringement of rights under Part I.

Disability

17 (1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of disability.

Accommodation

(2) No tribunal or court shall find a person incapable unless it is satisfied that the needs of the person cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any.

The *Code* clearly makes allowances for certain material realities or considerations when accommodating special needs or establishing special programs to ameliorate gaps or deal with systemic barriers. These are only three: cost, availability of other funding, and health and safety. These are not subjective but require concrete evidence to justify denial of accommodation due to undue hardship. Nevertheless, the onus on the board as service provider and employer to implement these measures is clear. Thus, both the *Human Rights Code* and the *Occupational Health and Safety Act* place certain positive obligations on the board that must be considered in the carrying out of responsibilities set out in the *Police Services Act*.

It may well be that, because of capacity and resource limitations or administrative efficiency, a board delegates some or more of these statutory responsibilities to the Chief of Police. However, neither any such arrangements made for convenience, nor the *PSA*'s prohibitions against the Board's involvement in the service's "day to day operations" dilutes the positive duties and obligations of the Board. And, as we have shown, there are requirements, such as those related to collective bargaining in the *PSA* and to joint health and safety committees in the *OHSA*, that call for the board to take an active role. We believe that the above statutory scheme, in fact, sets out a relationship-based model in which the board and the chief of police make and implement decisions through ongoing and open dialogue and consultation; it is one that is characterized by effective oversight on the part of the board and complete accountability on the part of the chief. It bears repeating that this model is especially relevant for dealing with issues of mental health, human rights and workplace culture affecting the community and the members of the service.

It is through this statutory lens, comprised of the three above noted statutes, that we have reviewed the information we have gathered. The following sections provide more detail on our findings and how we came to the above conclusions. We have organized it by the type of materials reviewed, as well as by the different bodies, stakeholders, and individuals we spoke with. Our discoveries in both the document review and consultations have enabled us to develop a roadmap for change that can be found in Section 6 of this final report.

4.3 What we Learned – Our Overall Findings

A great chasm exists between the Service's and Board's perception of the issues and that of the community. Official pronouncements and reports tend to suggest that the leadership of the Board and the Senior Command of the Service are fully engaged in taking action to bring about change in the organization in order to move it forward along the lines

recommended by the various external entities. A majority of civilian and sworn members (retired and active) of the Service as well as many in the community do not share this view.

The following sub-sections detail our key findings from our document review and extensive consultations.

4.3.1 The Board and Its Approach to Governance

A police services board has several responsibilities, including the setting of policies, developing, in consultation with the Chief of Police, a strategic plan with priorities consistent with the municipality's Community Safety and Wellbeing Plan, evaluating the performance of the Chief of Police and setting objectives annually, entering into collective agreements with police associations, and approving police budgets for submission to Thunder Bay City Council.

With occasional exceptions, it appears that the Board's approach to these responsibilities has been passive, reactive and with minimal intention to comply with statutory requirements. Access to sufficient financial and expert resources was, no doubt, part of the reason for this. However, in our view, the importance of the Board understanding its role, being responsive to regional and city issues, and holding itself and the police service accountable cannot go unnamed as contributors to this issue.

The Board does not have a regularly updated policy handbook or manual containing board policies for the Service or for its own operations. This leads to concerns around the state of good governance of the Board. As our detailed analysis in Appendix D shows, most of the substantive policies recommended by the Hon. Murray Sinclair have not been created. While the Board has acknowledged this, it also did not take any steps of its own in response to other critical reports and calls for action, such as, those of the Truth and Reconciliation Commission, the Inquiry into Missing and Murdered Indigenous Women and Girls, the Seven Youth Inquest, and the systemic review by the Ontario Independent Police Review Director. The Board does not appear to have asked if it had a role in response to these and, if so, what it was. Further, the Board did not seem to have considered what obligation, if any, these reports placed upon it to develop policies, examine the need for different priorities, restructure the organization to improve the provision of services, engage with and seek the advice and involvement of the impacted community, or examine whether the existing systems of accountability were satisfactory. There is no evidence that the Board explored the adequacy of its traditional role or involvement in the

implementation of actions outlined in these reports. Neither did the Board seek direct involvement in the work these reports necessitated, nor did it investigate the need to put in place an independent, externally performed audit or evaluation of the work the Service supposedly undertook. Instead, the Board was content to rely on the word of the Service.

The following examples illustrate the Board's largely passive and minimalist approach to its role.

4.3.1.1 *Response to Seven Youth Inquest Report, 2016*

According to the Service, 8 of the 145 recommendations in the Seven Youth Inquest specifically named the Service as responsible for implementation. For each of these areas, the Service provided annual updates to the Board on its progress. We reviewed four of these updates dated May 2018, June 2019, July 2020, and June 2021. Here is what we found.

While it is true that many of the recommendations were "operational" in nature and therefore the responsibility of the Service, the inquest was dealing with some of the most disturbing issues concerning policing in Thunder Bay and Northwestern Ontario; issues that have a profound impact on relations with and trust of Indigenous peoples and communities. As the entity responsible for the provision of "adequate and effective policing" under the *Police Services Act*, the Board had an important role in providing leadership and direction.

Beyond those recommendations that did not explicitly name the Board as responsible, there are a few areas that do call for the direct involvement of the Board. These include:

- Specific calls for an annual review of existing policies and developing new policies to address Indigenous equity and equality gaps in services.
- Involvement in a collaborative effort to develop a public education campaign to identify and discuss racially motivated crimes, especially against the city's Indigenous community.
- Broad-based consultation to develop an alternative facility, such as a shelter or a detox unit, for intoxicated youth, including remote First Nations students who cannot return home while intoxicated.

The annual updates by then-Chief of Police Sylvie Hauth mention areas of policy changes and a public awareness campaign on the issue of missing persons. However, there is no evidence that the Board took any direct ownership of the report or sought to play its role in identified areas. Neither did the Board demonstrate any strategic appreciation of the

importance of engaging directly with Indigenous peoples, other impacted communities, or the city at large. There is no record of what role the Board played in seeking the establishment of an alternative safe site for intoxicated youth, and it does not appear that the Board initiated any kind of a public process to share information with members of the public with respect to the implementation of the recommendations. The Board also neglected to seek input and feedback on the adequacy, effectiveness and impacts of the changes being made by the Service.

The Inquest also recommended that existing training modules for members of the Service be revised to incorporate cultural issues relevant to Indigenous communities. Chief Hauth's update in June 2019 refers to the hiring of an external consultant, Dr. Leisa Desmoulins of Lakehead University, to advise on cultural issues to be included in the Service's training modules and curriculum as part of a broader Organizational Change Initiative. In our view, this was an opportune moment for the Board to ask for the development of a trauma-informed approach and policy to help guide police interactions with Indigenous communities. This did not happen and is indicative of the Board's hands-off approach to overseeing the Service's work on the Inquest's recommendations.

In August 2017, a year after the release of the Inquest, the Aboriginal Legal Services of Toronto gave the Service a B+ grade on progress to-date. This community assessment should have prompted the Board to exercise a greater level of vigilance and engagement as the governing body, which would have been consistent with the "Friendship Agreement" it had entered in 2018 with North Caribou Lake First Nation, Fort William First Nation, and the City of Thunder Bay. One of the ten commitments in this agreement was to address "the root causes relating to public safety" and to make "youth safety" a priority. There is nothing to demonstrate that the Board considered what its role was in relation to this or any of the other commitments.

We found a high level of distrust and lack of confidence in the Board when speaking with First Nations leaders and Indigenous peoples. They felt there was minimal effort by the Board to ensure meaningful implementation of Inquest recommendations, as well as recommendations in the OIPRD's "Broken Trust" report. Given that these reports have a direct bearing on addressing issues of mental health and human rights as they relate to police interactions with local and remote Indigenous communities, there was and is a need for the Board to provide visibly active leadership. Recent allegations of anti-Indigenous racism in policing in Thunder Bay underscores this need for leadership to prevent

unnecessary and tragic deaths, such as those of Marlon Roland McKay and Donald Mamakwa.

The Board's newly established Governance Committee is currently working on revamping and creating new policies under the oversight of Administer Mercer. We have been advised that as they are completed, the Board will update and revamp its policy handbook.

4.3.1.2 *The Board's Development and Adoption of a Strategic Plan, 2021 – 2023*

Context

The *Police Services Act* requires all police services boards to develop a three-year strategic plan in consultation with the Chief of Police and stakeholders from the community at large. The plan must be consistent with the municipality's mandatory Community Safety and Wellbeing Plan and should set priorities for the Police Service. In 2021, the Board adopted a new strategic plan, *Many Voices One Vision 2030*, which was billed as "a strategic plan for Thunder Bay policing for the next three years". This plan was meant to "provide a pathway to realize a more progressive, diverse, and trusted Thunder Bay Police Service by 2030." In her introductory message, City Councillor Kristen Oliver, the-then Chair of the Board, issued a strong, encouraging, and visionary statement:

We have been listening through the lens of past reports and recommendations and the weight of this moment to get it right.

In imagining a new way forward for policing in Thunder Bay, we have considered what our history has taught us about the importance of community partnerships, of listening and engaging and working hard to understand each other, of acknowledging the wrongs of our past before looking to the future. And while we continue to listen and engage and work to understand, the time has come for a plan that moves us forward, together. Many Voices, One Vision: 2030 paves the way for policing not only for the next two years, but for the decade to come. It sets a trajectory for long-term success, and signals our commitment to meaningful, informed, and collaborative change.

A detailed process was followed to develop the strategic plan, including extensive consultations with members of the community and employees of the Service. There was also a review of the critical reports we have referenced above. Of particular significance was the input received from the "Citizen Satisfaction and Trust Survey" which was conducted for the Service in 2018-19. This survey identified group sensitivity, fair treatment, building relations with the community and being approachable as areas that needed attention. Some 1,848 people had participated in the survey, 1,421 on-line and 427 in person, which was a good sample size.

The community survey carried out specifically for the strategic plan involved 1260 responses, of which 8% were from Indigenous respondents, 5% from those identified as "Asian" and 78% from White/Caucasian.

33.5% of these participants stated that their experience with police officers was "excellent" while 35.5% rated it as "fair" to "poor." The survey found that six of the top strategic priorities for building relationships with the community were: communications and transparency, cultural awareness and sensitivity, Indigenous services, community partnerships, support for victims and handling of complaints. The survey included 1,050 comments, a sampling of which we provide below:

- Implement all OIPRD recommendations, cultural sensitivity/awareness not enough.
- Alternative mental health response
- Recruitment: not filling police force with individuals looking to hand out physical or verbal beat downs to minorities
- Equal, fair, and respectful treatment for all
- Re-training, better officer attitude
- Re-building relations with Indigenous youth
- Broken trust going on for decades, fixing relationships between the two main ethnic groups will take longer than three years
- Acting with compassion, treat people with dignity and respect, accept institutional racism

Analyzing Elements of the Strategic Plan

According to Chair Oliver's message, the Board listened and took to heart the "past wrongs." The strategic goals, objectives and actions set out in the plan, then, are intended to reflect the learnings derived from the planning process. The four strategic goals of the plan – A Healthy and Supported Workplace, Sustainable Community Policing, Restored Reputation and Relationship, and Building for Transformation – appear to do just that. It is only when we consider the related objectives and actions that questions arise as to whether they are sufficiently strong and specific enough to help achieve these goals. As well, the absence of concrete benchmarks means that outcomes could not be measured to determine whether goals and objectives had been met. The plan appears to recognize the need for metrics and assures that as a "next step," "key performance indicators will be developed to help the community understand how the results of the changes are being monitored and measured over the next three years."

We understand that strategic plans are, by nature, high level expressions of direction. Yet, as this strategic plan itself acknowledges, under the *Police Services Act*, Ontario regulation 3/99, this is also "a business plan." Further, it assures that the plan "goes beyond the legislative responsibilities of the *Police Services Act*," and, "has been developed considering the challenges of local policing now and into the future, and translates many voices, needs, and aspirations into actions." As such, there are two questions that arise:

- Are the objectives and, more particularly, the actions adequately reflective of and consistent with the challenges that the Board was fully aware of?
- Does the plan provide for specific, measurable outcomes?

Analysis of Strategic Plan Objectives and Actions

In addressing the first question, the three objectives for each goal and the thirty-nine corresponding actions are meant to set the strategic direction for three years and beyond. However, the language of these objectives and actions does not convey the sense of urgency consistent with the challenges facing the Board and the Service internally and externally, and shows, instead, an over-emphasis on the desire to be positive. The requisite specificity, strength, and commitment to creative solutions are absent and there is no mention of issues like racial bias, trauma, human rights, or workplace culture, except, perhaps, by implication.

We do not mean to imply that the goals themselves are completely invalid, or that all objectives and actions fall short equally. There are elements that are of considerable merit, such as the actions to achieve the objective to “attract, recruit, and retain skilled people who reflect the diversity of our community.” This objective is concise and reflective of the current issue of representation in the workforce. By contrast, the actions proposed to achieve the objective to “foster a corporate culture of holistic health and wellness” do not reflect the gravity of issues around mental health and trauma within the Service. The three actions being proposed to achieve this objective are:

- Develop and implement a leading-edge Health, Safety & Wellness strategy for policing that focuses on physical, mental, emotional, and cultural health
- Provide our workforce with the necessary people, training, space, and equipment to perform their duties safely and effectively
- Work with our Association, members, and civilians to immediately address their top concerns in the workplace

It is difficult to see how these actions – stated in such overly-broad language – address the expressed concerns of employees about their health and wellness. During our consultations, we learned of a significant gap between the needs of the members and the nature of response to these needs. With limited oversight over the management of the Service, the Board does not provide enough guidance or exercise its authority to ensure that this gap closes. As well, we find it concerning that there is no objective that speaks to having an equitable, compassionate, and harassment-free workplace that is without discrimination and whose recruitment and promotion practices are non-biased. This specific issue was raised numerous times in our consultations, but it is absent in the strategic vision of the organization.

Analysis of the goal of “Restored Reputation and Relationship” showed that the Board was alive to the prevailing situation. However, the associated objectives and actions are not commensurate with what is required. Given the level of distrust caused by a history of negative events, practices, and relationships, how valid is the expectation that trust with Indigenous peoples and other racialized communities can be “rebuilt” through “culturally sensitive approaches to service”? Further, the actions proposed for this objective offer little that is new:

- Implement the newly released Community Inclusion Team Strategic Plan, fostering positive relationships between police, Indigenous people, other racialized and underrepresented groups served.
- Continue to implement the recommendations of the OIPRD Broken Trust report and the Hon. Murray Sinclair report, and report progress back to the community annually.
- Increase grassroots and neighbourhood engagement activities that improve relationships with at-risk populations.

Clearly, full, demonstrated implementation of the “Broken Trust” and the Sinclair reports was of the utmost importance, since perceived and actual failure to do so had contributed to the loss of public trust. But that loss of trust was as much due to the failure of full implementation as it was about the commitment of the Board and the Service. How adequate was the promise to provide an annual progress report? And, more importantly, how appropriate was it to present the implementation of these reports as evidence of cultural sensitivity? Further, while the implementation of a Community Inclusion Team Strategic Plan had considerable value, depending on its nature and scope, it is open to question whether participation in neighbourhood and grassroots level events contribute to improved relationships. Given the history of mistrust, suspicion and broken relationships as well as of what the community considers to be deep-rooted systemic issues, grassroot initiatives may be a starting point, but cannot be the only point in attempting to improve relationships.

Analysis of Metrics

The absence of concrete and measurable benchmarks and outcomes in the strategic plan is a notable oversight. This plan was developed at a critical juncture in the history of policing in Thunder Bay – a history marked by the larger history of racism and unequal treatment in the city to which the Coroner’s Seven Youth Inquest, the OIPRD “Broken Trust” report, and the Sinclair report had drawn attention forcefully. In preparing to develop the strategic plan, input from the members of the Service and community had emphasized the need for a bold direction. In our view, the moment called for a strategic plan that reflected the magnitude of the challenge by offering a direction tied to transformational results expressed in measurable benchmarks and outcomes. Instead, for each goal, there is a set of generalized hopes or expectations called “What Success Will Look Like.” In the absence of exact success criteria or indicators, it would be impossible to know, beyond a subjective

impression, whether the expressed hopes had been met. As well, the interpretation of what success looks like will vary from person-to-person. What looks like success to the management of the Service, or the Board may be entirely different from what it looks like to someone from the community, especially Indigenous, racialized, or marginalized individuals or groups.

The Board appears to have understood this. According to the “Next Steps” described in the document, “key performance indicators will be developed to help the community understand how the results of the changes are being monitored and measured over the next three years.” However, there is no explanation as to who would be responsible for developing them and within what timeframe, whether the community would have a role in the process, or how the results will be communicated to the public.

It can be argued that strategic plans are high level, and it is through operational plans that they are turned into concrete action, and that, in policing, it is the responsibility of the Chief of Police to develop these plans. This is true; however, we have not seen a corresponding operational plan that was provided to the Board for consideration. Instead, on June 28, 2022, the Board was given, for information only, a Strategic Plan Operational Progress Report for the period January to June 2022. The Board received a further “Strategic Plan Response” from Interim Chief of Police Dan Taddeo on January 17, 2023, containing information requested by board member, Councillor Shelby Ch’ng, at the September 20, 2022, board meeting.

In response to a question from a Board member about “‘Quantitative and qualitative performance objectives,’ as found in the *Community Safety and Policing Act* 39. 3. i-x.,” the Interim Chief of Police advised that “it is up to the Board to prepare and adopt a strategic plan for the provision of policing which shall address the requested data defined as ‘quantitative and qualitative performance objectives.” We take the Interim Chief of Police to mean that it is the Board’s responsibility to provide performance objectives as part of its strategic plan – a perspective we wholly support and share.

The progress report itself is filled with very detailed statistical and narrative information about city policing, presumably consistent with the objectives of the strategic plan. It provides statistical breakdowns of the types of priority calls, youth crimes and clearance rates for youth crimes, as well as a narrative account of programs including the provision of community-based crime prevention initiatives, community patrol and criminal investigation services, police assistance to victims of crime and re-victimization rates, and road safety.

This very informative report gives readers a good sense of the Service's output, but not of the outcome. It does not tell us, in the context of the strategic plan, what impact these programs and activities had or what difference they have made on community safety and wellbeing.

4.3.1.3 *The Board's Policymaking Function*

A police services board's core function is to make policy, as stated in the law. These policies are one of the ways by which the Board gives direction to the Service. For example, there are policies that a board must create to implement provisions of the *Police Services Act* and its Adequacy Standards Regulations, and then there are policies it creates on its own accord to comply with other laws or municipal requirements, or to respond to community's needs and concerns. The latter example speaks to the need to establish policy based on recommendations from previous reports. In the case of the Sinclair report, it was recommended that a series of policies be developed by the Board as part of its governance responsibility. Similarly, the Coroner's Seven Youth Inquest and the OIPRD's "Broken Trust" report also opened up potential areas for the creation of policies.

With some exceptions, policies are public documents, accessible to the public. This is not the case with the Board; its policies are not available on its website. In the context of our panel's mandate, we wanted to review Board policies as they related to human rights, mental health, accommodation, employee wellness, resilience, and workplace safety to name a few. It was our expectation that, at a minimum, there would be policies through which the Board gave effect to its responsibilities as the employer.

The Board has a policy manual; however, it has not been regularly updated. This is problematic given the lack of policies within the Board, generally. What policies were provided in response to our request, were incorporated in the procedures developed and approved by the Senior Command of the Service. These Service policies do not bear the stamp of the Board's approval and give no indication as to whether they were even established by it. We found this to be unusual, as the general practice is for the Board to establish policy, and for the Chief of Police to create the procedures, reporting mechanisms and training to implement it. It is not unusual for boards to request their chiefs to draft policy, especially if a board has insufficient capacity of its own. It is also common practice for boards to consult with their chiefs during the policy development process. But no matter the process, policies are and should be identified as products of the board.

This does not seem to be the case with the material we received by way of policies. Rather than specific Board policies, it appears we were provided with the Chief of Police's operational procedures. And though they use terms like policy and program interchangeably, they do not bear the Board's stamp nor reference specific Board policies, as the following table demonstrates:

Title	Related Board Policy	Approved By	Date	Next Review
P1C1 Accommodation & Return to Work	None	A/Deputy D. Lewis	Dec. 20, 2018	2021
P1C2 Attendance Management Program	Uniform and Civilian Collective Agreements, Articles 18, and 19	Supt. Dan Taddeo	Jan. 11, 2022	2024
P1C3 Critical Incident Aftercare	None	A/Deputy D. Lewis	Dec. 20, 2020	Oct. 2020
P1C4 EFAP	None	Supt. Dan Taddeo	May 5, 2020	2023
P1C5 Peer Support Team Policy	None	A/Deputy D. Lewis	Dec. 20, 2018	2019
P1C6 Project Safeguard (Psychological Wellness Program)	None	Supt. Dan Taddeo	Oct. 30, 2019	Oct. 2022
P2C2 Code of Conduct	None	Supt. Dan Taddeo	Jan. 29, 2021	Jan. 2024
P2C10 Occupational Health & Safety	None	Chief Hauth	Aug. 16, 2019	Apr. 2018 [sic]
P2C46 Workplace Violence	None	Supt. Taddeo	Jan. 27, 2020	Jan. 2021
P2C47 Workplace Harassment	None	Chief S. Hauth	Nov. 2, 2021	Nov. 2, 2022
P2C57 Substance Use Policy	Thunder Bay Police Service Policies: Disability Management, Attendance Management, Discipline Process, Respect in the Workplace, Performance Management	Insp. G. Snyder	Apr. 12, 2022	Apr. 12, 2023

These policies/procedures are, of course, highly relevant, and important in addressing the proper treatment and care of members, the delivery of effective services to communities as well as management of corporate risk. It may be expected that these are matters of equal concern to the Board and the Service. It is, therefore, curious that there is no reference to a single enabling Board policy in the table above.

We know from our internal consultations with employees past and present, that they look to the Board to discharge its responsibilities towards them as the employer. Through our conversations with Board members and former chairs, we also know that they were aware of this responsibility, in terms of policymaking and duty of care to employees. We can only conclude that the Board lacked a practice of giving formal direction as to how employees should be cared for and having their health and wellness issues addressed. Regardless of what the Board may have done informally or by way of motions or resolutions at its meetings, it ultimately left the decision to the Chief of Police and Senior Command. Policies, along with a strategic plan and collective agreements, are essential tools of governance; it is through them that a board tells its chief **what** needs to be done to address matters of importance and holds the chief accountable for carrying out the direction through appropriate procedures.

The Board sought advice from our panel on dealing with issues of mental health, human rights, and workplace culture due to a recognition on its part that it needed help to better understand how to deal with these issues. Despite this, it is difficult to know if the policies/procedures contained in the above table reflect the Board's views and position and whether they have the Board's endorsement. Not only do the above not reference specific Board policies, the policy-type statements contained in their preamble also make no mention of the Board. The first parts of "Accommodation and Return to Work" and the "Substance Use Policy" are typical examples:

Accommodation and Return to Work

1.0 GENERAL

The Thunder Bay Police Service (TBPS) is committed to creating and maintaining a barrier-free work environment to ensure the full participation of all persons in accordance with applicable legislation including, but not limited to, the Accessibility for Ontarians with Disabilities Act (AODA), the Ontario Human Rights Code (Code) and the Workplace Safety and Insurance Act (WSIA).

1.1 In accordance with applicable legislation and collective agreement provisions, the TBPS will take all reasonable steps necessary to discharge its legal duty to accommodate members with disabilities. This duty requires the TBPS to take such measures as are reasonably necessary (up to the point of undue hardship).

1.2 The TBPS is committed to taking steps in a timely and safe manner to provide a fair and consistent program to support members with disabilities and, if applicable, develop a process for individualized job accommodation which takes into account a member's accessibility needs due to disability and satisfies the employer's obligations under applicable legislation. As part of its commitment, the TBPS has developed an Accommodated Work Program which sets out the return-to-work process as well as the steps and procedure involved in the development of individual Accommodation Plans.

Substance Use Policy

1.0 POLICY

The Thunder Bay Police Service (the "TBPS") is committed to protecting the health, safety, and wellbeing of the public and all individuals in its workplaces. The TBPS has a duty to take all reasonable precautions to protect the health and safety of its members, workers, and others in the workplace. TBPS members likewise have a duty to perform their job safely.

1.1 The TBPS is committed to taking all reasonable measures to maintain a workplace that is free from substance misuse. All TBPS Members and workers are expected to **report fit for duty** for work, and to be able to perform assigned duties safely and acceptably without limitations due to use or aftereffects of all substances, legal or illicit, including medications and alcohol, or any other substance that may impair judgment or performance.

1.2 The TBPS is respecting our commitment to accountability, transparency and taking responsibility for all we do. This is the procedure for addressing drugs, both legal (e.g., medications) and illicit, and alcohol in the workplace.

Findings

Notwithstanding the absence of the Board from these commitments, these are concrete expressions of the Service's awareness of its responsibility with respect to issues of employee health, wellness and safety and ensuring a workplace free from violence and harassment. The processes reflect an attempt to balance the needs of the employees with those of the organization, and they seek to provide managers and supervisors with a detailed, step-by-step approach to dealing with individual situations.

Despite these statements, a large segment of uniform and civilian members of the Service expressed dissatisfaction with the handling of mental health related issues and the resultant need for accommodation. They spoke about the failure to recognize trauma, stigmatization by some members of the Senior Command, arbitrary refusal to follow the advice of medical and psychological experts, noncompliance with accommodation plans, and a coercive approach to return to work recommendations and reprisal. Their responses raise questions about the nature of these policies/procedures and their application by decision makers, such as:

1. Do these policies/procedures achieve a satisfactory balance between the needs of the employer and the employees?
2. Is their compliance with legislation and standards, including the *Human Rights Code*, the *Occupational Health and Safety Act* and the *Workplace Safety and Insurance Act*, minimal or as high as practically possible?
3. Are they based on a restrictive – or, even, defective – interpretation of the duty of accommodation as provided by the Ontario Human Rights Commission and precedent?
4. Do they demonstrate a full understanding of trauma, generally, and of PTSD specifically, as an occupational risk for those involved in policing services, whether uniform or civilian?
5. Are there adequate provisions to resolve disagreements between management and the employee, such as a review or appeal mechanism, other than the grievance process?
6. Are supervisors and managers, in particular, newly promoted ones, provided with training on the use of these policies/procedures when they are created or revised to ensure consistency of use?

It is incumbent upon the Board, as the governing entity and as employer, to provide a trauma-informed policy direction on employee health, wellness, and workplace safety. The Board has not done this, relying instead on the Service to fill the gap.

4.3.2 The Police Service and its Response to Community Expectations

We recognize, once again, the positive developments that have occurred in the last few months since Interim Chief Taddeo assumed office in July 2022. Earlier, we acknowledged some of the initiatives the Service has taken under his leadership. Yet, as evidenced by the degree of implementation of the recommendations from the OIPRD's "Broken Trust" report in Appendix C, there is much that remains undone or partially complete due to the failure to deploy the necessary staffing and other required resources. In his own report to the Board on January 17, 2023, in which the Interim Chief provides the latest update on progress, he states that while the implementation of all, or a majority of the recommendations about investigations into sudden deaths is complete, completion "does not mean the Service will not continue to evaluate its operations and revise accordingly." In addition, there are several recommendations, the implementation of which is marked as "ongoing."

During our community consultations, First Nations leaders, and Indigenous peoples and organizations, both local and remote, told us in strong and clear terms that there had not been material change in police interactions and relationships with First Nations. This assessment is also reflected in responses to the community satisfaction survey. The lack of trust runs deep, and any current or future interactions that turn negative will only reinforce this. This mistrust also stems from the lack of meaningfully implementing recommendations in the reports from the OIPRD, the Coroner's Seven Youth Inquest, the Inquiry into the Missing and Murdered Indigenous Women and Girls, and the Truth and Reconciliation Commission.

We conclude that this prevailing view is influenced by an absence of visible change in the culture and practice of policing as it relates to the Indigenous peoples in Thunder Bay and Northwestern Ontario. In other words, change and progress are required to be measured by demonstrable and concrete outcomes, and not in terms of output. Policing is data driven; however, the data we are provided is largely input and output driven, which rarely, if ever, tell us about achievement of concrete outcomes. The public will continue to judge the effectiveness of a change in terms of experience and the nature of results, and so it is important that metrics be established to assess results and report publicly.

It is, for example, very well to say there are forums where police representatives regularly consult and take advice from Elders. It is quite another to show what is done with this counsel and the difference it has made on how the organization sees issues, makes tactical decisions, and handles situations. To demonstrate this point further, we have chosen recommendations 32-42 from the OIPRD's "Broken Trust" report.

4.3.2.1 OIPRD Recommendations on Racism in Police Service Policing and Training

The OIPRD made several recommendations on diversity, cultural awareness, human rights, and anti-racism training. By focusing on this area, the intent was to improve the cultural competency of the Service's officers in their interactions with Indigenous peoples. The updates provided to us by the Service suggest that considerable effort has been made to develop and deliver training in consultation with Elders. This training was also developed with the support of Dr. Leisa Desmoulins, an academic from Lakehead University specializing in Indigenous education, and provided to most of the Service. Additionally, we understand that the Senior Command has received human rights and Truth and Reconciliation training, and that a working group is in place to develop cultural competency training for the entire organization.

Training is, of course, integral to changing the culture and practices of an organization. However, to be meaningful, training must be clearly tied to performance and accounted for in promotional decisions. It is not clear that this type of consideration is given to training within the Service. This is not to say that one has not taken the training. It is, however, a question of how it is applied operationally to facilitate change within the Service. There are too many instances where the existence of training itself has been used as the marker for change, however, no matter how good a training event is, it is merely a step in the change process and will not be entirely effective unless tied to clear goals and objectives.

Secondly, trauma caused by inter-generational, societal, and individual/personal factors is now understood to have a major impact on the behaviour and actions of many Indigenous, racialized, and marginalized people – as much, perhaps, as the pattern of societal and historical racism itself. Yet, the reports by the Service to the Board and community mention nothing about the concept of trauma. This gap in training had every opportunity to be addressed when the OIPRD released its training-related recommendations. The Service could have positioned itself as a leader in trauma-informed practice, and instead, took a literal and minimalist approach to show that it had 'met' the recommendations.

We now know that an increasing number of police services are integrating trauma-informed approaches into practice, and the Thunder Bay Police Service should be no exception. With such a high degree of interactions with Indigenous people and other victimized and marginalized members of society, such as the unhoused, or victims of domestic violence, the Service must embrace a trauma-informed approach in its service delivery and make it a central part of its training initiatives. While the Service appeared to be lagging in this practice, its decision to co-host the second North-West Region Trauma and Violence Informed Training Conference in February 2023 is promising.

4.3.2.2 OIPRD Recommendations on Racism, Recruitment and Promotion

The OIPRD's recommendation 41 calls for "a proactive strategy to increase diversity within the service, with prominence given to Indigenous candidates." Recommendation 42 asks for job promotions to be linked to "demonstrated Indigenous cultural competency." In the Interim Chief of Police's January 17, 2023, update to the Board, both recommendations are marked as "complete." We have kept in mind the Interim Chief's caution that being marked "complete" does not mean implementation will not be evaluated and revised as needed.

Recommendation 41

From the latest update, it would appear the Service is taking "proactive" steps to recruit Indigenous candidates. This includes a revamping of the interview process to remove cultural barriers and extend outreach and recruitment to draw Indigenous candidates from outside Thunder Bay, including across Northwestern Ontario, Manitoba, and Saskatchewan. These efforts are to be lauded. Yet, as the data provided to us by the Board and the Service show, the participation of Indigenous and other racialized groups in the workforce is quite low, represented predominantly in the lower ranks of both uniform and civilian positions.

A meaningful rather than literal implementation of recommendation 41 would involve a far more aggressive and ambitious approach. It would be one that includes a timetable, a set of targets, an array of short- and long-term methods to attract, nurture, and recruit people from diverse backgrounds, and a system of accountability for constant monitoring of results and adjustments. We found no mention of a systematic plan in the reports to the Board or the community. An undefined recruitment process, without these types of components, does not, in our view, constitute "a proactive strategy." It may show good intentions but is unlikely to produce optimum results.

Recommendation 42

The OIPRD's recommendation 42 calls for the promotion of people with "demonstrated Indigenous cultural competency." We take this recommendation to mean that the Service should be led by people who have knowledge, skills, and understanding related to the history, culture, practices, traditions, and experiences of Indigenous peoples in Northwestern Ontario. The resulting competence would not only benefit their treatment of and dealings with Indigenous people, but also enable them to provide the necessary and appropriate guidance and direction to those reporting to them. Taken together, recommendations 41 and 42 offer a vision of an organization whose leadership represents the diversity of the community and is equipped with the knowledge and ability to engage with the part of the community with which the Service has had a historically poor relationship.

According to Interim Chief Taddeo's January 17, 2023, update, "[t]he interviews portion of the competition will include questions related to demonstrating cultural competency." He does not provide any more information as to the type of questions that will be used, how or by whom they were (or are being) developed, and exactly what kind of "demonstrated cultural competency" they look for. In the absence of full details, it is not possible to know on what basis the interviewer(s) will decide on the relative competency of one candidate over another.

There is considerable scepticism, internally and externally, over the promotional practices of the Service. We heard this in our consultations and saw it in survey responses. Allegations of favouritism and arbitrary changes to process to favour certain candidates have been made for some time. Whether true or not, such perceptions and suspicions have had a negative impact on the credibility of the Service's promotional practices. The "additional changes" to the Service's "promotional policy" made in accordance with the 2020-2023 Collective Agreements are, at least in part, due to these prevailing perceptions and suspicions. In this context, it is imperative that including questions to assess "demonstrated Indigenous cultural competency" be carefully thought out and every effort be made to ensure these questions are based on objective criteria.

4.3.2.3 Thunder Bay Police Service and Organizational Change

An "organizational change" initiative was launched by then Chief of Police Sylvie Hauth in 2018. The purpose of change was to re-right relations inside and outside the Service

(particularly Indigenous groups) to respond to calls of systemic discrimination within the Service via four elements:

1. Revamp the structure and function of the Aboriginal Liaison Unit to enhance community policing.
2. Invigorate recruitment to attract Indigenous and other under-represented groups to TBPS, both civilian and sworn, through a creative and interactive approach that engages the community.
3. Create structured, ongoing training opportunities for TBPS staff by offering diversity and culturally significant courses to enhance employees' knowledge and abilities to interact with all community members--over the course of their careers.
4. Enhance TBPS communications internally and externally to convey organizational changes and faster accountability through formative and summative evaluations.

In his January 17, 2023 update to the Board, Interim Chief of Police Dan Taddeo spoke about this change initiative involving a relatively small group of Service and Indigenous members, chaired, and facilitated by Dr. Leisa Desmoulins of Lakehead University. From the information we have been able to gather, the primary result to-date of the project's activities has been the transitioning of the Aboriginal Liaison Unit to a re-branded "Community Inclusion Team," or CIT, led by a civilian coordinator and comprised of a small team of uniform and civilian Service members. Intended to be guided by Anishinaabe laws and supported by an Elder and Knowledge Keepers, CIT's mandate is to build relations with all groups while maintaining focus on Indigenous peoples.

While CIT constitutes the front line of the organizational change project, the initiative also includes an Equity, Diversity, and Inclusion (EDI) Committee and a Curriculum Working Group (CWG). According to the Interim Chief's update, "[t]he EDI Committee's general purpose is to consider, discuss, research, and propose new innovations on who we are, what we represent internally and externally as a Service to ensure the best service to our community. This will include community engagement to hear about what our community would like to see from us." The CWG, on the other hand, is, according to the update, "actively gathering information and testing various training programs to be implemented throughout the duration of a police officer's career. The development of this curriculum is ongoing. The framework will reflect a community-focused service delivery model that activates the principles from the Truth and Reconciliation Commission's Final Report and

the training recommendations from the OIPRD's Broken Trust Report. The framework will be grounded in diversity, equity, and inclusion.”

The objectives and activities of CIT, EDI and CWG are, no doubt, important components of the Service's organizational change initiative. Organizational change, as we understand it, is a comprehensive, systemic undertaking with several elements and a structured, systematic process for transforming the whole organization. These elements include:

- Information gathering through consultation to identify issues.
- Review of policies, procedures, and practices to identify possible systemic and structural barriers.
- Identification of measures to eliminate barriers and establish new practices.
- Development of concrete goals, objectives, and desired outcomes, a timebound implementation plan, and a system of accountability.
- Preparation for implementation through forming new policies, procedures and practices or revising existing ones, and a training plan.
- Implementation of change.
- Monitoring implementation and evaluation of results.
- Review, revision, and renewal of the process.

Underlying all of these is continuous communication from the top to reinforce the organization's and its leaders' commitment to change and to ensure continued broad engagement of all members of the organization. An effective organizational change effort is, in other words, a participatory and collaborative transformational process involving all levels of the organization, based on identified needs.

We believe there has been significant consultation with members of the Service and the community resulting in the identifications of matters to be dealt with. Further, the various inquiries and reviews have drawn attention to existing barriers as well as the actions to take to bring about change in the way policing services are delivered to the people of Thunder Bay and the region. However, what is not evident is whether the various initiatives that have been launched under the organizational change project are part of a comprehensive, timebound and systematic implementation process with clear goals, objectives, and outcomes. Nor is it clear if there is a system of ongoing evaluation of results. These gaps must be addressed to bring about the kind of transformation that the

community and members of the Service are looking for. By demonstrating that they are serious about dealing with challenges through a comprehensive and well-planned transformational process, the Board and the Service will be in a better position to reverse the persistent lack of trust and confidence in the community.

4.3.3 Thunder Bay Police Association and Protection of Member's Rights and Interests

Police associations are required under the *Police Services Act* to engage in collective agreements with the police services board, and to represent their members in labour relations processes, such as grievances and arbitrations. This representation is subject to a common law duty to represent the members fairly and without acting arbitrarily, discriminatorily, or in bad faith. Beyond this labour role, many police associations, including the TBPA, provide additional services to members when they are engaged in issues surrounding workplace injury, discipline, and retirement.

These are important responsibilities, and the relationship associations have with the board and the police service has bearing on their members' health and wellbeing, a safe working environment and the quality of service provided to the public. During our consultations with members of the Service, we found a troubling level of scepticism about how effective the TBPA is in protecting members' rights and interests. This was attributed to a number of factors, including:

- Access to TBPA officials, and their responsiveness.
- Quality of representation provided in disputes with the employer.
- Perception of proximity to management on the part of some TBPA officials.
- Use of leadership positions in the TBPA as a steppingstone for promotions in the Service.
- Failure to co-develop an independent external mechanism for resolving disagreements related to return-to-work decisions.

We note these concerns without drawing any conclusions since the operation of the TBPA is outside the scope of our panel's mandate. We do, however, want to remark that the TBPA president does not have any dedicated time to conduct association business. The agreement allows for 756 hours for the entire executive through the year. Many police associations of similar size in other parts of Ontario, guarantee its executives, through

collective agreements, 10-20 hours per week off from their regular policing duties to devote to association issues. This includes Brantford, Sudbury, Barrie, and Guelph. For example, the President of the Barrie Police Association, representing approximately 386 members, is permitted by the collective agreement to devote 10 hours per week to association work, increasing to 20 hours per week in 2025, with an additional 600 hours for the executive to be used at its discretion. 20 hours per week is the equivalent of 1,040 hours a year, which is not represented in the TBPA's collective agreement.

As we pointed out in our Interim Report, there are several human rights complaints against the employer, mostly related to mental health issues and perceived reprisals, as well as pending grievances. We also found a tendency in the Service to skip the steps of progressive discipline and resort to formal discipline instead. These are matters of concern that require being investigated. It is through paying attention to such workplace patterns and trends that the TBPA can enjoy the trust and confidence of all its members. As part of that effort, the TBPA needs to review the quality of its relationship with management.

4.4 What We Learned – Consultations

We carried out consultations with over 100 organizations and individuals, listening to their perspectives and capturing their feedback and recommendations. These discussions enabled us to learn and understand the issues of policing from different viewpoints and lived experiences. Engaging with a wide and diverse set of stakeholders also allowed us to make informed and tangible decisions around what actions are required to remedy the issues of policing in Thunder Bay.

We have summarized our findings below, categorizing what we heard by group. This delineation was made based on the questions we asked and the topics that were raised during our discussions. The Roadmap for Change to build trust, mend relationships, and improve the system of policing is informed significantly by our understanding of the concerns and needs of these groups.

From our assessment of the issues, we organized findings into key topics that are further broken into areas of focus. Each area is then described by summarizing what we heard into aggregated statements. As well, to protect the anonymity of those we consulted with, no names are attributed to our learnings. Instead, we quantitatively sorted the data based on the number of times a perspective was expressed and linked it to the terminology below.

When we say:

1. **Most** we mean 80% - 100% of respondents voiced the perspective
2. **Many** we mean 50% - 79% of respondents voiced the perspective
3. **Some** we mean 25%- 49% of respondents voiced the perspective

Anything below the 25% threshold has been documented and helped to inform our understanding of the context. For the purposes of this report, we are not including this data, as we want to provide the reader with key points of consideration.

4.4.1 What we Heard – All Interviews

We reviewed and analyzed findings from each consultation and identified common topics that are consistent across every individual and group we spoke with. These consistencies helped to ground our interpretation of the data by confirming which issues are high priority across the various Indigenous and other stakeholder groups. The most spoken to topic was around the necessity for change and the improvements required to make this change in policing in Thunder Bay. The common improvements we documented across the consultations are:

- Ensuring all levels of government provide adequate funding for policing and social services in Thunder Bay.
- Providing adequate funding and staffing levels for the Service.
- Ensuring the Service is engaging with various communities and stakeholders in the way it should.
- Strengthening and building trust between the Service and the Board, and various communities and stakeholders.
- Holding the Service and the Board to account for the work and changes they are required to undertake.
- Bringing awareness of the misalignment between Thunder Bay's population as per census data and how many people actually live in the city and rely on services.

4.4.2 What We Learned – Consultations with Thunder Bay Police Service (Past and Present, Civilians, Uniform and Management)

In this section, and in the sections that follow, we have parsed consultation data by Indigenous groups and peoples, and by other stakeholder groups. It enabled us to clearly identify commonalities and divergences between groups and where to target certain actions for change.

An important note to our readers: it is critical for us to highlight the timeline of our interviews. Given the recent changes in the Service with the suspension of Chief of Police Sylvie Hauth and the appointment of Interim Chief of Police Dan Taddeo, it would be inaccurate to cast this as a commentary on the Interim Chief of Police's tenure. Rather, findings indicate a state of play within the Service, the Board, and the community.

WHAT WE HEARD - MOST

Topic	Area of Focus	Details
Workplace Environment and Culture	Workplace Toxicity	<p>Most individuals interviewed from the Service spoke to the unhealthy nature of the workplace culture. Top reasons for the toxicity include:</p> <ul style="list-style-type: none"> • Bullying and intimidation. • Inadequate leadership. • Lack of support and connection. • Intolerance for diversity of opinion.
	Low Morale	<p>Most interviewees expressed unhappiness with their current work and challenges in finding passion in their roles. Anonymized statements that summarize this issue include:</p> <ul style="list-style-type: none"> • “The Police Service is Broken.” • “It’s hard to move forward when there is an investigation hanging over the service” (OPP Investigation). • “Morale is horrendous. There is lack of internal support for the very public issues in our community.”

Topic	Area of Focus	Details
Workplace Environment and Culture	Capacity and Resourcing	<p>Most people discussed the high degree of burnout officers face in the Service. This is due to:</p> <ul style="list-style-type: none"> • Challenges with capacity, retention, and recruitment. • Crime rate increases with same/fewer resources. • Working overtime to balance shortage in resourcing. • Too few resources dedicated to high-priority areas (e.g., Indigenous liaison tasks). • Lack of motivation to shift from the status quo to more efficient ways of working.
	Mental Health	<p>Most spoke to the lack of mental health supports and siloed social services available to the Service.</p> <ul style="list-style-type: none"> • This becomes inflated with a record number of disability claims being submitted.

WHAT WE HEARD - MANY

Topic	Area of Focus	Details
Workplace Environment and Culture	Calibre of Work	<p>Despite the many challenges with the Service, many spoke to the good work being done by Service members that is often overshadowed by the challenges. Anonymized statements that summarize this include:</p> <ul style="list-style-type: none"> • “I see a lot of good work and day-to-day efforts to try to improve relationships.” • “I want to see my community be successful.” • “While morale is quite low, there is a group of people who keep their head down and do their job.”
	Trust Deficit	<p>There is a lack of trust between rank and file and senior management due to:</p> <ul style="list-style-type: none"> • The perception of alliances and allegiances to protect individuals. • The lack of connection and camaraderie up and down the chain of command. • The ongoing nature of investigations that erodes trust The <i>Police Services Act</i> used by management as a tool to threaten and silence.

Topic	Area of Focus	Details
Workplace Environment and Culture	Leadership Challenges	<p>Many spoke to the culture of complacency at the leadership level and the focus on realizing self-serving agendas. Anonymized statements that summarize this include:</p> <ul style="list-style-type: none"> • “Recommendations are referred to as ‘just recommendations.’” • “It’s not the environment that broke me. It’s the hazing and leadership that did.” • “We need someone who isn’t here to make a name for themselves, but someone who will fix things for good.”
	Thunder Bay as Regional Hub	<p>Many within the Service spoke to the uniqueness of Thunder Bay and the disparity of census population numbers versus actual population size. Challenges include:</p> <ul style="list-style-type: none"> • Uneven distribution of police to [actual] citizen ratio that strains capacity and causes burnout. • The Provincial and Federal government are not providing the funding to support solution building. • Rise in violent crime without the resources to support this increase.

Topic	Area of Focus	Details
Labour Relations	Broken Processes	<p>Many people in the Service voiced their concern over the lack of empathy within HR processes, including:</p> <ul style="list-style-type: none"> • PTSD diagnoses being used as a punishment. • WSIB being mismanaged and abused. • Non-compassionate return to work procedures.
	Nepotism/Favouritism	<p>Many found the promotional system to be unfair, emphasizing nepotism and favouritism as the two main contributors to this issue.</p>
Governance	Roles and Responsibilities	<p>Many talked about the lack of clear governance structures and responsibilities within the Board. In particular:</p> <ul style="list-style-type: none"> • Challenges with leadership of the Senior Command of the Service and the Board. • The Board not taking its role of overseeing the Service seriously or effectively. • Perception of an inappropriately close relationship between the Board and former Chief of Police.

Topic	Area of Focus	Details
Relationships	Loss of Indigenous Trust	<p>Many spoke about the sad reality of losing the Indigenous population's trust. Anonymized statements that summarize this include:</p> <ul style="list-style-type: none"> • "They deserve better." • "Indigenous peoples are overpoliced." • "Reconciliation needs to happen"
	Chief of Police's External Network	<p>Many in the Service spoke about need for the new Chief of Police being able to build external relationships. This can be facilitated by:</p> <ul style="list-style-type: none"> • Recruiting a Chief of Police with outside perspectives / is an external candidate.

WHAT WE HEARD – SOME

Topic	Area of Focus	Details
Workplace Environment and Culture	Trust Deficit	<p>Some interviewees spoke about the level of broken trust within the rank and file. In particular:</p> <ul style="list-style-type: none"> • Mistrust is not only between administration and the front-line, but amongst the front-line itself.
	Major Crime Unit Resourcing	<p>Some individuals spoke about issues of capacity and resourcing within the Major Crimes Unit. Anonymized statements that summarize this include:</p> <ul style="list-style-type: none"> • “The unit is significantly understaffed. It’s a recipe for disaster.” • “People within the major crime unit are doing the job of 3-5 officers.” • “Broken trust 2.0 is bound to happen unless there is significant and immediate change.”
	Training and Supports	<p>Some people spoke about the lack of capacity building to support awareness of mental health requirements. In particular, individuals spoke to:</p> <ul style="list-style-type: none"> • The lack of formal training around disability management. • Limited awareness and understanding of how to support someone suffering from PTSD.

Topic	Area of Focus	Details
Labour Relations	Thunder Bay Police Association	<p>Some who were interviewed spoke to how the TBPA contributes to broken labour issues and morale within the Service. This is due to:</p> <ul style="list-style-type: none"> • The erosion of trust between the TBPA and senior administration. • The unresponsiveness of the TBPA and its inability to represent members' best interests.
Labour Relations	Excessive Reliance on Legal Counsel	<ul style="list-style-type: none"> • Some interviewees spoke about the over reliance by the Service on its in-house legal counsel in the handling of day-to-day issues related to areas including labour relations and return to work.

4.4.3 Consultations With Board Members and Staff (past and present)

WHAT WE HEARD – MOST

Due to the small pool of individuals interviewed, we have only reflected those comments which we heard most during our consultations. This approach protects the anonymity of those who shared their candid thoughts and feedback.

Topic	Area of Focus	Details
Workplace Environment and Culture	Lack of Progress	<p>Board members spoke to the need to make progress on recommendations, emphasizing the importance of regaining trust and building transparency. Most Board members and staff interviewed:</p> <ul style="list-style-type: none"> • Acknowledged the mistakes that were/are being made.

Topic	Area of Focus	Details
Workplace Environment and Culture	Lack of Progress	<ul style="list-style-type: none"> • Agreed that not enough progress made on recommendations.
	Roles and Relationships	<p>The Board members spoke to specific tensions in roles and relationships, including:</p> <ul style="list-style-type: none"> • The power imbalance between the Service and the Board. • The broken relationship with the TBPA. • The misinterpretation of the role of Board Secretary, who should be driving conversation and not supporting the Board's will.
	Training and Supports	<p>The Board members talked about the lack of formal and informal training, including:</p> <ul style="list-style-type: none"> • The lack of training provided to previous Chairs to be able to lead effectively. • The unbalanced competencies in how to implement policy and deliver change at the Board level. • The need for more training around rules and procedures.
Governance	Good Governance	<p>The Board members spoke to the need to re-establish effective governance, both at the Service and the Board level. This includes:</p> <ul style="list-style-type: none"> • Training on what good governance is and best practice to follow.

Topic	Area of Focus	Details
		<ul style="list-style-type: none"> Formal governance structures and an understanding of how decisions are made / information is circulated.
Governance	Funding	<ul style="list-style-type: none"> The Board members made note of the following challenges with funding: The budget has become a highly politicized process. The Provincial and Federal Governments have not provided supports to help improve services. The Municipality is unable to bear the costs of improvements alone.

4.4.4 Consultations With First Nations Leaders, Indigenous Community Groups, and Social Services

WHAT WE HEARD – MOST

Topic	Area of Focus	Details
Accountability	Implementing Recommendations	<p>Most spoke to the need for the Service to be held accountable for acting on the recommendations in previous reports, and for there to be measures that indicate progress. Specifically, we heard:</p> <ul style="list-style-type: none"> “There is no accountability with the Sinclair or Broken Trust Report.” “We are not looking for perfection but progress.” “We see implementation plans without follow through.”

Topic	Area of Focus	Details
Accountability	Behavioural Misconduct	<p>Most individuals interviewed talked about the lack of accountability for misconduct at both the Service and the Board. Particular concerns raised were:</p> <ul style="list-style-type: none"> • The ability to hide behind closed doors and not be transparent on issues. • The alliances that protecting people who are performing poorly and/or exhibiting bad behaviour. • The lack of explicitly stating zero tolerance for harassment and violence in the workplace.
Relationships	Tension with the Service	<p>Most discussed the long-standing relational strain between Indigenous communities and the Service. This is due to:</p> <ul style="list-style-type: none"> • A lack of trust and fear of the Service. • The double standards and lack of awareness of systemic racism being exercised toward Indigenous communities. • Intergenerational trauma causing Indigenous women to be wary of police interacting with their children.

Topic	Area of Focus	Details
Relationships	Collaboration	<p>Most vocalized their want and need to work with both the Service and the Board. Specifically:</p> <ul style="list-style-type: none"> • To create an Indigenous relations strategy and have it led by Indigenous peoples. • To be part of the decision-making process at the Board in terms of representation without tokenism and consultation with vetted individuals. • To establish meaningful, not performative relationships with Indigenous communities and groups.
Relationships	Intergenerational Trauma	<p>Most talked about the Service's lack of acknowledgement of intergenerational trauma and how this impacts relationships and trust. Specifically:</p> <ul style="list-style-type: none"> • The need for the Service to implement a trauma-informed approach to the work they carry out. • To deliver services with sympathy and empathy. • To focus on restorative justice and mitigation strategies.

WHAT WE HEARD – MANY

Topic	Area of Focus	Details
Funding	Capacity and Resourcing	<p>Many agreed that the Service is short staffed and underfunded. Specifically, there needs to be more capacity in short-staffed areas such as:</p> <ul style="list-style-type: none"> • Major Crimes Unit • Drug Unit
	Funding Model Issues	<p>Indigenous population in Thunder Bay is underrepresented in funding models. This is due to the inaccurate population census data.</p>
	Social Services	<p>Many spoke to social services being underfunded for those who come to Thunder Bay, and siloed to those within the city and not the region:</p> <ul style="list-style-type: none"> • As an example, many spoke to the lack of funding for shelters, mental health services, and healthcare.
Leadership	New Chief of Police	<p>Many talked about the need for an external chief of police and one that can deliver real change by putting the needs of the community above individual and leadership desires.</p>

Topic	Area of Focus	Details
Leadership	Training and Oversight	<p>Many spoke to the need for the Service and the Board to receive more training and have more oversight to support the building of trust with Indigenous communities. Specifically:</p> <ul style="list-style-type: none"> • The Board and Service should learn about reconciliation and how to apply it within the policing context. • For the Service to undergo de-escalation training.

WHAT WE HEARD – SOME

Topic	Area of Focus	Details
Accountability	Public Facing Data	<p>Some talked about the importance of having more public facing data on:</p> <ul style="list-style-type: none"> • Misconduct. • Racism. • Progress on recommendations.
	Disbandment	<p>Some underscored that unless action is taken to demonstrate goodwill and progress toward change, the Service should be disbanded.</p>
Recruitment	Indigenous Representation	<p>Some emphasized the importance of recruiting Indigenous police officers. Specifically:</p>

Topic	Area of Focus	Details
		<ul style="list-style-type: none"> To create a process that ensures Indigenous peoples have an opportunity to become a member of the Service – a certain percentage of representation that is required.
Mental Health	Supports for the Service	<p>Some discussed the high degree of deaths that occur in Thunder Bay, and how this can be traumatizing to police and EMS.</p> <ul style="list-style-type: none"> More investment is needed in mental health supports to ensure effective rehabilitation and ongoing wellness of individuals who encounter such occurrences.

4.4.5 Consultations with Community and Institutional Organizations with Connection to Thunder Bay and the Service

WHAT WE HEARD – MANY

Topic	Area of Focus	Details
Funding	Social Services	<p>Many spoke about the underfunding of social services and the siloed access to these services due to inaccurate population data and imbalanced capacity to serve said population. In particular, we heard:</p> <ul style="list-style-type: none"> Stakeholders do not have enough resources nor funding. There is a competitive environment for funding of social services that leads to community programs not collaborating.

Topic	Area of Focus	Details
		<ul style="list-style-type: none"> • A whole government approach is required to fund social programs as interventions before people end up in police interactions.
Funding	Alternative Pathways	<ul style="list-style-type: none"> • Many talked about the need to fund alternative pathways to divert calls away from police. • Many calls do not need to go to the police but do anyway and can often criminalize victims due to failed systems.
Relationships	Collaboration	<p>Many spoke to the lack of dialogue between social services and the Service:</p> <ul style="list-style-type: none"> • Regular meetings with the Service stopped through the pandemic and caused impacts to service. • The Service does not interact effectively with other institutions and groups, and is reactive rather than proactive in their engagements.
Relationships	Trust	<p>Many spoke to the conditions of historical trauma and a community deeply divided along socio-economic and racial lines. This has caused mistrust between the Service and the community it serves. In particular:</p> <ul style="list-style-type: none"> • Systemic racism exists and causes intergenerational trauma that needs to be recognized. • More transparency is needed from the Service and the Board to rebuild trust.

WHAT WE HEARD – SOME

Topic	Area of Focus	Details
Workplace Culture	Mental Health	<p>Some spoke about the lack of focus on mental health within the Service and the Board. In particular, we heard:</p> <ul style="list-style-type: none"> • “I’ve never seen an organization deal with WSIB claims like Thunder Bay.”
Relationships	Positive Relations	<p>Some discussed improvements and the building of good relationships due to:</p> <ul style="list-style-type: none"> • Some front-line officers. • The Interim Chief of Police.
	Trust	<p>Some are not sure if the Service can be reformed. This is due to:</p> <ul style="list-style-type: none"> • A lack of trust between the community and the Service, although part of the community is open to getting trust back. • A lack of leadership at the Chief of Police and Deputy Chief of Police level and the historical inability to bring forth change.

5 A ROADMAP FOR REAL CHANGE

5.1 Introduction

Our panel of experts was asked to provide advice on how best to deal with issues of mental health, human rights, and workplace culture in the Thunder Bay Police Service. We undertook an extensive process of consultation with members of Indigenous and non-Indigenous communities in Thunder Bay and the northwest region, the Board, the Service, the city's service providers and institutions, the teams that conducted the many inquests, investigations, and reviews, as well as experts. We listened respectfully and carefully to their personal experiences, perspectives, and analyses. We also carefully reviewed a large volume of documents – inquiry, investigation, and review reports; policies, progress reports, implementation plans; employee and community satisfaction surveys; human rights complaints, and so on – to draw our conclusions. In this section, we provide our action proposals for the Board and the Service.

We begin by saying that we support and strongly endorse the recommendations made by the Coroner's inquests, the OIPRD "Broken Trust" Report and the OCPC report by the Hon. Murray Sinclair. We also honour the fact that for some thirty years the community, especially Indigenous communities, has advocated for change. Sadly, the call has gone unheeded. The fact is the OCPC felt compelled to order an investigation and replace the Board with an Administrator twice in less than three years.

Policing in Thunder Bay needs transformational change, and the work must begin **now**.

The following proposals are intended to assist the Board and the Service to embark on a systematic, planned, outcomes-based, and timebound process of transformational change for dealing meaningfully with issues of human rights and mental health that affect those who work for the organization and those whom the organization serves. In the interim, and as an action to set the stage for change, we ask that the Board and the Chief of Police clean the slate. We urge that the new Board and the new Chief of Police review the outstanding grievances and human rights complaints and, in the spirit of healing, find, wherever possible, an alternative resolution to put to rest the consequences of past practices.

Finally, we reiterate that we stand by our action proposals in our Interim Report of September 2022. This final report reflects and builds on them, and the two should be considered together.

5.2 Summary of Recommendations Submitted to the Panel

We have received many recommendations for action from several First Nations leaders and individuals. In the table below, we have anonymized submissions by providing a thematic analysis and grouping recommendations based on areas of focus. These recommendations demonstrate the keen expectation in the community of real change being undertaken by the Board and the Chief of Police, working together with Indigenous leaders, and the people of Thunder Bay, while holding themselves accountable for real and meaningful results. Our action proposals that follow reflect most of these recommendations. However, we endorse the submissions from the First Nations leaders in and of themselves and ask that they be considered for action in ongoing discussions between the Board, the Chief of Police and First Nations.

SUBMISSION FROM FIRST NATIONS LEADERS

Topic	Issues/Concerns	Action Proposals
Collaborative Networks	The Service operates in siloes and not in collaboration with other entities.	<ul style="list-style-type: none"> • Build better working relationships with the Anishinabek Police Service, Nishnawbe Aski Police Service, OPP and RCMP. • Jointly construct a training facility rather than the proposed new police “campus” to replace the vintage station on Balmoral Street (shared training services, firing range and 911 call centre).
Indigenous Representation	There is a lack of representation reflective of the community of Thunder Bay on the Board and in the Service.	<ul style="list-style-type: none"> • Recruit and appoint Indigenous representatives to the Board and the Service, uniform as well as civilian staff. There must be a change in mindset and not just an Indigenous recruitment drive. It is essential that Indigenous leadership is represented and not just anyone identifying as Indigenous.
	There is a lack of voice to advocate for Indigenous needs in the Service and on the Board.	<ul style="list-style-type: none"> • Create a civilian Indigenous Relations Advisor to be a liaison on issues and assist in communicating with members of the public and Indigenous organizations.

Topic	Issues/Concerns	Action Proposals
Indigenous Representation	Indigenous representation is limited to Fort William First Nation on the Board.	<ul style="list-style-type: none"> • The Service and Board must reflect the realities of Thunder Bay as a regional hub and have representation from other First Nations besides Fort William. • First Nations need to be able to decide who will represent them on the Board.
Relationship Building	There are historical issues between the Service and the Nishnawbe Aski Nation that continues today.	<ul style="list-style-type: none"> • The relationship and dialogue must be re-established to repair this relationship to ensure Indigenous peoples from this Nation feel safe accessing services.
	Many Officers do not understand the experience of First Nations people or the challenges the NAPS faces in remote outpost policing.	<ul style="list-style-type: none"> • Require Service officers to participate in a 2-week deployment to a remote northern Ontario First Nation. This type of exchange could be made in agreement with NAPS.

Topic	Issues/Concerns	Action Proposals
Relationship Building	The relationship between the Matawa Education and Care Centre (MECC) and Matawa Student Centre (MSC) and the Service has diminished and needs rebuilding.	<ul style="list-style-type: none"> • Long-term: MECC would like to work with the Service to develop a joint plan, including goal setting, implementation, funding proposals for school safety officers to be seconded to MECC, as well as officer community visit programs to remote communities. • Short-term: Create a recreation schedule where officers can participate in events and get to know students better. Schedule monthly visits to MECC and MSC residence to take part in special events. <p>UPDATE: On April 4, 2023 – The Service signed a partnership with MECC for a dedicated School Resource Officer (SRO), through the end of August 2023, with hopes funding will continue and eventually become permanent.</p>
	Past Chiefs of Police in Thunder Bay have not done a good job at building relationships with communities of colour.	<ul style="list-style-type: none"> • The new Chief of Police must be someone who has a proven track record of working collaboratively across communities.
Training and Services	The policies, procedures and delivery of services are largely unknown to Indigenous people.	<ul style="list-style-type: none"> • Translation and interpretation services should be made available to ensure community understanding of policies, procedures, and service delivery

Topic	Issues/Concerns	Action Proposals
Training and Services	Policing services are largely not adaptive and responsive to cultural needs of individual communities.	<ul style="list-style-type: none"> Commit to a culturally responsive approach to policing, including employment of Indigenous officers, relevant training opportunities to increase officer awareness and competency concerning Indigenous cultures. Hire officers who speak one of the languages spoken in the First Nations communities being served and who live in these communities.

SUBMISSION FROM THE COMMUNITY

Topic	Issues/Concerns	Action Proposals
Workplace Culture	Issues with how officers are treated by upper management and Chief of Police.	<ul style="list-style-type: none"> Recognize the opportunity for growth and change – leadership must be demonstrated and articulated from the highest positions (Chief of Police and Board) down to entry level positions.
	In many cases, police officers wear a hard exterior that results in escalated situations that is detrimental to mental health.	<ul style="list-style-type: none"> Counselling should not just be offered as a service but be strongly encouraged for all staff members of the Service. More mental health services need to be made available to the public and trauma training for the police.

Topic	Issues/Concerns	Action Proposals
Workplace Culture	There is internal denial and debate over the existence of systemic racism in the Service.	<ul style="list-style-type: none"> <li data-bbox="877 347 1871 516">• A mechanism must be implemented for initiating, assessing, and enforcing anti-racist measures. Consider a standing independent commission that investigates and implements changes in response to current issues. <li data-bbox="877 548 1871 717">• Require mandatory certifications for all members of the Service on knowledge of Indigenous people, trauma-informed services, and a primer on racism. Upon completion, a symbol should be adopted on officer uniforms.
Workplace Culture	The police association has a deeply ingrained culture of protecting its own thus encouraging limited accountability, which only solidifies the public's distrust of the Service.	<ul style="list-style-type: none"> <li data-bbox="877 763 1871 834">• The Association should review its internal processes, which result in protecting the worker at the expense of the public being served.

Topic	Issues/Concerns	Action Proposals
Governance	<p>There seems to be no understanding of or commitment to principles of good governance (authority, responsibility, accountability, expectations, and roles).</p>	<ul style="list-style-type: none"> • Focus not on existing strategic plan, but on what the community agrees are its fundamental values. We can then move forward with plans and processes to bring confidence and pride in local administration. • Establish an oversight process that includes authority to measure progress and evaluate implementation with set deadlines for recommendations from previous reports. • Establish accountability mechanisms and processes to ensure that the Board takes responsibility for developing solutions.
	<p>Board composition and competencies have not been properly vetted to ensure qualification of role and authority.</p>	<ul style="list-style-type: none"> • The Board must be examined for its qualifications, structure, and composition. • Criteria for Board member appointments should include mandatory background in Indigenous issues. • The selection of Board members should involve consultation with First Nation groups to ensure they have a voice in these appointments.
	<p>There is limited accountability on the part of the Chief of Police in overseeing the Service.</p>	<ul style="list-style-type: none"> • An accountability process and metrics must be established to ensure the new Chief of Police (and those that come after), understand their responsibilities and expectations, and hold their staff accountable for their responsibilities.

Topic	Issues/Concerns	Action Proposals
Public Perception	Currently an abuse of power and non-adherence to the laws they enforce upon others.	<ul style="list-style-type: none"> The Service needs to become more aware that they are in the eye of the public, and as such, their behaviours will be witnessed and judged for what they are or are seen to be.
	Front office staff openly and shamelessly ridiculing citizens in front of other members of the public.	<ul style="list-style-type: none"> Major action must be taken to overhaul the Service members' interactions with the public. Leadership should be removed, replaced, and investigated for failing to do so. Same is true for Board Members – voting for future Board positions should occur by public ballot.
Mental Health	Officers are the first point of contact for someone dealing with intergenerational trauma, but often do not have the competencies to deal with these issues.	<ul style="list-style-type: none"> Increase collaboration with other support systems with expertise in healing and harm reduction and move away from criminalization. These relationships need to be formalized so there is accountability. The safety and well-being plan needs to be implemented with care.

Topic	Issues/Concerns	Action Proposals
Major Crime Investigations	<ul style="list-style-type: none"> The Service leaves a trail of inadequate investigations, a negligently managed records system, and a lack of oversight. Trust is broken. 	<ul style="list-style-type: none"> The Service should no longer be permitted to do major crime investigations, alone. There should be equitable and adequate resources for Major Crimes Unit and Drug Unit.
Recruitment	<ul style="list-style-type: none"> Chiefs of Police in years passed did not undergo a transparent hiring process, resulting in leadership that were not fit for the Service. 	<ul style="list-style-type: none"> Recruitment of a new Chief of Police must be transparent and conducted by a new organization, and not the search firm used in the past. Preference should be given to those candidates who are Indigenous and possess other required attributes such as demonstrated commitment to anti-racism, restorative justice, and EDI.
	<ul style="list-style-type: none"> The Service's recruitment process is not one that seems to follow any fair or transparent guidelines 	<ul style="list-style-type: none"> The recruitment process should be re-evaluated to ensure professional competence and adherence to code of conduct for police service employees.

5.3 Panel's Proposals for Action

The actions we propose are based on our conclusions that issues of mental health, human rights, and workplace culture need to be dealt with using a “whole-of-system” approach. That is, an effective response needs to be comprehensive, organizational, and systemic. Our proposals reflect this framework.

It should be made clear that these proposals are not an alternative to the recommendations from the coroner's inquests, the Sinclair report and the OIPRD's “Broken Trust” report. Their full implementation is an important pre-condition for restoring the Board and the Service's public credibility and gaining public trust in the policing of Thunder Bay. Further, our proposals in this Final Report supplement and enhance those made in our Interim Report of September 2022. We stand by them and continue to urge the Board and the Service to adopt them.

The following proposals for action are divided into three groups: those that are addressed to the Board and the Service jointly and those that are directed to the two entities individually. Further, while one set of proposals deals with matters that are internal to the Board and the Service, a second set requires action along with other organizations and entities.

Finally, we emphasize that implementation of transformational change requires a structured, systematic and timebound plan, with clearly delineated roles and responsibilities, concrete and measurable outcomes, and an evaluation component to facilitate ongoing review of results and renewal. And, of course, there should be regular public reporting of progress in achieving change. These, to us, are fundamental conditions for success in seeking transformational change.

5.3.1 Implementation for Action Proposals

Our proposals for action add to the long list of outstanding recommendations brought forth by Coroner's Inquests and reports from the OIPRD and the OCPC. The recent establishment of a Governance Committee, as recommended in the 2018 Sinclair report, is a positive development in having a body dedicated to working through this growing list. We recognize that this is a big task and, therefore, believe that a clear timeline and a mechanism for monitoring progress will not only be helpful but also necessary to ensure proposals and recommendations receive the required attention. With this in mind, our first action proposal is for the Governance Committee of the Board.

Action Proposal 1:

We propose that:

The Thunder Bay Police Services Board, through its Governance Committee, develop and implement an actionable timetable and process for implementing the recommendations and action proposals from the Expert Panel, the Coroner's Inquests, the OIPRD and the OCPC by October 2023 that:

1. Commits to transparency in reporting progress to Indigenous leaders, other stakeholders, and the public at large; and,
2. Institutes an interactive dashboard online by the Fall of 2023 to publish updates on progress.

5.3.2 Action Proposals for the Board, the Service, and the Chief of Police

A Human Rights, Anti-Racism, Indigenous, Equity, Diversity, and Inclusion Lens

Article 1 of the Ontario *Police Services Act* requires that policing in the province be delivered consistent with a set of principles:

1. The need to ensure the safety and security of all persons and property in Ontario.

2. The importance of safeguarding the fundamental rights guaranteed by the [*Canadian Charter of Rights and Freedoms*](#) and the [*Human Rights Code*](#).
3. The need for co-operation between the providers of police services and the communities they serve.
4. The importance of respect for victims of crime and understanding of their needs.
5. The need for sensitivity to the pluralistic, multiracial, and multicultural character of Ontario society.
6. The need to ensure that police forces are representative of the communities they serve. R.S.O. 1990, c. P.15, s. 1.

The long-standing concerns about the calibre of policing services provided to communities in Thunder Bay and Northwestern Ontario strongly suggest the need to pay renewed attention to these principles, and to embody them explicitly in the policies, procedures, practices, programs, and systems of accountability of the organization. They must be foundational to the way services are provided as well as of how those providing the service, namely, the employees, are recruited, managed, supervised, and treated.

The development and application of a “Human Rights, Anti-Racism, Indigenous, Equity, Diversity and Inclusion” lens is an essential pre-requisite for the Board and the Service to acknowledge their commitment to taking all necessary, reactive, preventive as well as positive and affirmative measures. This lens will enable and equip those delivering the services and those supervising and managing them, to respond to the realities, needs, and expectations of each group protected from discrimination and harassment by the *Human Rights Code*. It will also equip them to better understand and deal with the intersectionality of the identity and experiences of members of the protected groups. It will recognize that factors like sex, sexual orientation, race, ethnicity, culture, nationality, age, different mental and physical abilities, and socio-economic circumstances, combine and intersect in the lives and actions of people.

The components of this lens – human rights, anti-racism, Indigenous, equity, diversity, and inclusion – will involve an affirmative policy and practical commitment that the organization’s:

- Services and employment practices will be free from discrimination and harassment.

- Racism, whether systemic or individual, will not be ignored, and actively eliminated from the treatment of members of the community and of employees.
- Policies, programs, and practices pertaining to the provision of policing services and recruitment, promotion and supervision of employees will be firmly entrenched in the principles of equity, diversity, and inclusion.

Action Proposal 2:

We propose that:

1. The Thunder Bay Police Services Board develop and implement a comprehensive Human Rights, Anti-Racism, Indigenous, Equity, Diversity, and Inclusion Policy that:
 - a. Commits the Board to a positive and affirmative application of the components of the lens outlined above.
 - b. Requires the Chief of Police to establish and lead an organizational change initiative which applies this lens to examine all of the Service's procedures, programs, practices, and training to identify barriers that need to be eliminated and put in place measures that promote human rights, anti-racism, equity, diversity, and inclusion.
 - c. Monitors and reports to the community on a regular basis the results of the human rights, anti-racism, Indigenous, equity, diversity, and inclusion based organizational change initiative.
 - d. Identifies and incorporates best practices from work being done in this area by other police services and law enforcement organizations across Canada.
2. The Chief of Police re-design the existing organizational change initiative into a new project that applies the proposed lens, and which:
 - a. Includes four pillars: culturally appropriate services to and relations with the local and remote Indigenous peoples and communities; relations and interactions with the city's non-Indigenous, racial, and ethnic minority communities; relations and interactions with people who are poor, unhoused, and experience physical and mental disabilities; and, management of human resources, including recruitment, hiring,

- promotion, supervision, and treatment of people from Indigenous and other racialized backgrounds.
- b. Sets a clear mission, realistic timetable, concrete, measurable outcomes, and accountability for the new organizational change project and for each of its four pillars.
 - c. Assigns the work on each pillar to a team comprised of members of the Service and appropriate community members, led by a member of the Executive Team who reports to the Chief of Police.
 - d. Ensures that the work on each pillar is supported by the necessary cultural and technical expertise.
 - e. Provides a full, regular progress report, at a minimum, quarterly, to the Board and the community.
3. The Chief of Police ensure that, consistent with the lens in point B above, members facing allegations of misconduct do not participate in promotional processes until the allegations have been investigated and resolved in their favour. Promotion is a benefit conferred by the employer, not an automatic right, and there is judgement involved in who are deemed ready for this benefit. Inclusion of the proposed practice will communicate a clear message about the importance the Board and the Service attach to this lens.

Potential results of this initiative to identify barriers and implement affirmative measures could include:

- Zero-tolerance of any form of discrimination and harassment with strict enforcement by supervisors.
- Training and education for members of the service, including leadership development, crisis de-escalation, Indigenous cultural competency, anti-racism, anti-oppression, Indigenous culture appropriate responses, etc.
- Gathering and annual publication of race-based data.
- A comprehensive review of all employment systems (ESR) to identify and eliminate any barriers in recruitment, employment, and promotion practices and to implement practices to achieve Indigenous, equity, diversity, and inclusion throughout the organization.
- Accountability of the senior management team to promote Indigenous equity/inclusion and link performance evaluation of supervisory/managerial staff

and senior management to support promotion of human rights and EDI in the workplace.

Commitment to Trauma-Informed Approach to Policing and Human Resource Management

In our Interim Report we called for an immediate declaration of commitment to applying a trauma-informed approach to labour relations in the Service. We reiterate this call, and now propose this approach be embedded in the way policing services are delivered to those being served generally and, in particular, the most vulnerable and marginalized members of the population. This includes those who are Indigenous, racialized, facing mental health challenges, unhoused, poor, and experiencing intimate partner violence. Further, this approach must inform and be reflected in the policies, procedures, protocols and practices of the Board and the Service, and be implemented through training at all levels from the Board and the Senior Command to the front ranks.

We believe it is essential to ensure those who assist people with trauma histories have the knowledge and skills to do so with empathy and compassion. We are aware of the prevalence of traumas among Indigenous peoples, manifested as the current imprint of the pain, horror, and fear caused by both historical and ongoing events including colonization, racism, the residential school experience, destruction of traditional culture and languages, and sexual violence. Others in our society also carry traumas produced by such social determinants as poverty, being unhoused, sexism, racism, and sexual violence. It is critical that the response and practices of those responsible for helping are themselves not re-traumatizing. Trauma-informed practice can assist these helpers to establish the trusting relationship required to give effective help. The action proposals in this report call on the Board and the new Chief of Police to take their leadership role in implementing a trauma-informed approach in the delivery of policing services.

Trauma is a complex subject. It can be acute – manifested in a single event; complex – shown through a repetitive, prolonged, and cumulative pattern; or intergenerational – caused by historical events and persisting through time. Thus, sources of trauma can be individual, interpersonal, or collective. Its impact can range from microaggressions and abuse to PTSD. Trauma can be triggered by practices such as tone of voice, language of questions, or psychological detention. Prevention of trauma requires the establishment of

a respectful relationship through strategies such as active listening, validation, empathy, and humility. Above all, it involves focusing on the individual as a human.

Of note is that an increasing number of police organizations in Canada, and, particularly, Ontario, including municipal police services, the OPP and the RCMP, have acknowledged the need for adopting a trauma-informed approach. They have begun to train their members and use professional experts to assist them in implementing this practice. It is heartening, as well, to recognize that the Service has already demonstrated its interest in this area by co-hosting the North-West Region Trauma and Violence-Informed Training Conference in February of 2023. Our proposal, therefore, is in line with an emerging recognition and growing trend in policing, as well as interest among police leaders in Thunder Bay and the region.

Action Proposal 3:

We propose that:

1. The Thunder Bay Police Services Board, in consultation with regional experts in trauma-informed practice, give consideration to implementing a trauma-informed approach to police interactions with the community and to treatment of members of the Service. Further, the Board implement such practice by:
 - a. Developing a policy declaring the Board's expectation that a trauma-informed approach will be embedded in the Service's interactions with the community and in dealing with employees' mental health challenges, need for accommodation, and return to work.
 - b. Requesting the Chief of Police to provide an implementation plan with a timetable, key actions and an accountability/public reporting system for consideration and approval.
 - c. Mandating regular training for the Board and the Service with respect to trauma-informed approach and enlisting the necessary external expertise to assist the Board in enhancing its knowledge and understanding of a trauma-informed approach, and its capacity to monitor the effective application of this approach.
2. The Chief of Police ensure the full implementation of a Board policy on trauma-informed practices by:

- a. Developing, as a priority, the necessary procedures to put the policy into practice.
- b. Acquiring the necessary expertise for assistance in developing an implementation plan with timelines that includes any required changes in the Service's service delivery systems and labour relations practices, key measurable outcomes, a communications plan, accountability mechanisms, and an organization-wide training program.
- c. Communicating to senior officers, members of the organization and the community the Service's commitment to a trauma-informed practice and its expected impact on policing.
- d. Initiating systematic action to put into effect the implementation plan.
- e. Establishing a process for monitoring results and reporting publicly to the Board on a regular basis, at a minimum, quarterly.

Development of a Regional, Collaborative Model of Policing

It is now generally accepted, including by the Board and the Service, that the geographical area and the population they serve are larger than the City of Thunder Bay. The Service serves people who come from and, often, live across Northwestern Ontario, and particularly, First Nations. It is also a long-standing reality that much of the challenges and criticisms the Service has faced have been related to its handling of serious incidents and deaths involving local and remote Indigenous peoples. The Coroner's inquests, the OIPRD "Broken Trust" report and the OCPC Sinclair report, among others published over the last thirty years, bear witness to this.

It is also the case that, as required by the *Police Services Act*, the City of Thunder Bay funds municipal policing from its local tax revenue. The obvious limitation of this method is that the Service may not have the financial and human resources, training, or expertise and knowledge to provide the type, quality, and scope of service reflective of the needs of Thunder Bay's actual population, without negatively affecting the city's ability to support other programs and services that are also necessary for community wellbeing. This is where the Government of Ontario and the Government of Canada need to come to the table in a meaningful way to ensure that funding of policing and social services in Thunder Bay matches the needs of the actual population.

During our consultations, we detected a broad agreement that Thunder Bay and Northwestern Ontario would be better served by an integrated regional model of policing. We also found considerable support for this proposition within the leadership of the Service as well as the leadership of First Nations and their police services. We have approached the OPP to gauge its interest in this model and await a response at the time of writing this report. However, we understand that the Acting Chief of Police Dan Taddeo and the Chief of Nishnawbe Aski Police Service Roland Morrison are already engaged in developing a formal agreement between their two agencies.

We propose that the Board and the Service act to leverage the emerging partnership with NAPS to build a regional model of partnership, collaboration, cooperation, and sharing of resources among the region's law enforcement agencies. We believe this to be a model that will not only maximize the area's policing resources by channelling municipal, provincial, and federal funds but also increase the prospect of a more efficient and more culturally appropriate delivery of services.

We reiterate the need for the Government of Ontario and the Government of Canada to support this collaborative regional model, specifically through funding, as an important step in the process of reconciliation between First Nations and Canada.

At a minimum, in our view, the regional model should include the following elements:

1. Establishing a formal partnership agreement for regional cooperation, collaboration, decision making and sharing of resources involving the Board, the Service, First Nations, NAPS, APS, OPP and RCMP.
2. Building of joint training and shared firing range facilities.
3. Implementing a formal system of continuous and systematic exchange of personnel between the Service and First Nations police services.
4. Providing training for the Service's officers by First Nation police services on policing issues for Indigenous communities and appropriate ways of dealing with them.
5. Blended teams that are led by the Service, and mandatorily include Indigenous investigators to investigate cases of Indigenous sudden deaths and missing persons, among others, in Thunder Bay and the region.

Action Proposal 4:

We propose that:

1. The Board invite and engage with First Nations leaders in the region to establish a formal forum for regular consultation, information sharing, and advice and guidance on policymaking related to the safety and wellbeing of Indigenous peoples.
2. The Chief of Police invite and engage with the heads of NAPS, APS, the OPP, and the RCMP to establish a formal forum for regular consultation, information sharing, monitoring of emerging trends, and development of joint responses for immediate as well as long term policing issues.
3. The Board and the Chief of Police enter into dialogue, discussion, and exploration of options with members of the two forums – and others, as appropriate – to find agreement on a regional, collaborative model of policing. The outcome of this process should be to:
 - a. Identify the specific issues to be addressed, the next steps, and a timeline;
 - b. Allocate tasks and create the necessary working groups to carry them out;
 - c. Establish a timetable for reporting on progress; and,
 - d. Agree on specific deliverables.
4. Following completion of these steps, the parties communicate to their communities the changes to the model of policing in Thunder Bay and the region, and expected benefits.
5. The Board and the Chief of Police ensure that they keep the City of Thunder Bay informed and included in ongoing consultations.
6. Formalize the agreement(s) and complete all the approvals and processes required to implement the regional model.

This proposal is for the purpose of developing a formalized arrangement. We recognize this will require time to be done successfully. Despite the longer-term nature of this action proposal, we believe that small, intermediate opportunities for making change should not be ignored. Indeed, any possibility for partnership and cooperation that presents itself must be taken advantage of. These intermediate steps can be important building blocks for

the new approach. If there is a caution, it is that the final objective must not get lost in any immediate successes.

Adoption of a Partnership Approach to Community Safety with Other Public and Community-Based Services

It is our understanding that the Service has begun using a joint mobile crisis intervention team (JMCIT) approach to respond to calls for help from people in mental health crisis. This method of response, increasingly popular among police services, allows the police to work collaboratively with people who have expertise in mental health and, thus, provide a more effective response. Representatives of the Service are also reportedly participating in other forums where they interact with providers from different health and social service sectors.

These developments are consistent with the growing view among academics, policymakers as well as police leaders that it is not efficient or effective – in terms of cost, use of policing resources, or quality of service – to expect the police to perform tasks that others are better qualified and able to do. It has been estimated that a large proportion of responsibilities that have fallen on policing are neither violent nor criminal in nature and having to deal with them detracts from the ability to focus on what the police are trained to do.

However, by law or policy, governments have turned police services into agencies of first resort in matters that pertain primarily to health, education, social services, and community services sectors. As such, there is rising support amongst communities, academic experts, and police leaders for a partnership model whereby police agencies enter into active collaboration with appropriate public and community-based service providers to deal with essentially non-criminal matters. Doing so would not only enable the police to make better use of its limited resources but also ensure the provision of better services. It would allow the police to replace, where appropriate, a criminal justice-based approach to service with a peacekeeping and restorative justice-based one.

Action Proposal 5:

We propose that:

1. The Board adopt a policy supporting and promoting the use of a peacekeeping and restorative justice-based approach to policing, wherever safe, appropriate, and possible, especially in dealing with Indigenous people and people from other vulnerable sectors. This would be a culturally appropriate approach, using interventions that focus on de-escalation and problem-solving, on one hand, and working with Indigenous Elders, Knowledge Keepers, and community-based service providers to support people taking responsibility for their actions as well as healing the harm, on the other. It would also reduce criminalization wherever avoidable.
2. The Board and the Chief of Police, in cooperation with the City of Thunder Bay, Fort William First Nation, Nishnawbe Aski Nation, Anishinabek Nation, Matawa First Nations, the District of Thunder Bay Social Services Administration Board, and other community and social groups organize a forum to explore the feasibility, logistics, and requirements for developing an alternative, community-based collaborative response to calls for service that might be non-criminal, while maintaining a public safety lens. This would be done alongside the city's health, education, housing, social services and other similar public, Indigenous and community-based providers, with a focus on where these groups intersect with public safety.
3. As an interim measure, the Board and the Chief of Police enter into, or strengthen working partnerships with those community-based Indigenous and other service providers in mental health, human trafficking, substance use, and the unhoused to deal with situations not involving violence or criminality who have already expressed an interest in a collaborative relationship. This includes, but is not limited to:
 - a. Nishnawbe-Aski Legal Services
 - b. John Howard Society
 - c. Matawa Education Centre

5.3.3 The Board

Policing in Thunder Bay is in urgent and pressing need for effective, proactive, civilian leadership and strong governance to ensure the adequate provision of services to the community and management of those who work for the organization, both uniform and civilian. Our findings show that the significant low level of morale, lack of confidence, and experience of inconsistent treatment among employees of the Service requires attention. As discussed in our findings, the Board must strengthen its capacity to provide strong governance and assume an active leadership role, working in partnership with the Chief of Police. The action proposal in this report complements the proposals contained in our Interim Report.

Action Proposal 6:

We propose that the Board:

1. Governance
 - a. Complete the Board training proposed in the expert panel's Interim Report of September 2022
 - b. Organize and hold a Board retreat, with the guidance and support of a First Nations Elder, for team building, establishing an internal conflict resolution process based on the "Code of Conduct" for Board members in the *Police Services Act*, and developing a Board strategic plan to guide its work. This is intended to be separate and distinct from the Strategic Plan for the Service required under the *Police Services Act*.
 - c. Review progress from the Board Strategic Plan, "Many Voices, One Vision 2030," and amend, renew, or replace it with a plan that has concrete, measurable and timebound outcomes, and an ongoing system of accountability through regular public reporting (quarterly at a minimum) with the goal of having this finalized by the end of 2023, when the current Strategic Plan expires.
 - d. Develop and implement all the policies recommended by the Sinclair report.
 - e. Develop a continuous Board training and development plan on aspects of governance – explore the possibility of a partnership with an external institution or provider with expertise in police governance, as well as for

other training and education opportunities (such as CAPG, OAPSB, OACP and CACP training conferences).

2. Delivery of Policing Services

- a. Chief of Police and Senior Command performance – set annual performance objectives; integrate implementation and promotion of Board policies as an ongoing annual performance objective; develop and use a rigorous performance evaluation tool to monitor progress and set new objectives.
- b. Service Org Chart – work with the Chief of Police to establish an independent pillar for Indigenous Peacekeeping with its own head at the rank of a Deputy Chief of Police as well as a complement of Indigenous and appropriately trained and attitudinally suited non-Indigenous uniformed and civilian members. These members will assist and support other branches of the Service with culturally appropriate expertise, training on Indigenous culture, history and experiences, and necessary resources, such as, provision of translations. They will also establish and nurture positive and meaningful relations with the local and remote Indigenous communities as an alternative to the existing CIT/ALU model. This organizational arrangement would communicate the importance that the Board and the Service attach to dealing with policing of members of the Indigenous community in a culturally appropriate way, enable an integrated and knowledge-based delivery of services, and create a repository of expertise that would benefit the whole organization.
- c. Service Org Chart – work with the Chief of Police to create a co-leadership structure, with human resources, labour relations, civilian conduct, training and education, human rights, finance, and IT under a civilian Command Officer, such as a Chief Administrative Officer. This Command Officer should work jointly with the Chief of Police; however, they should have a direct reporting relationship with the Board. This arrangement does not impinge upon the powers given to the Chief of Police under the *Police Services Act* to direct day-to-day policing operations or to lay charges against uniform members but provides for a systematic and focused handling of those non-policing matters for which the Board has a statutory responsibility as employer and service provider.

3. Human Resources Management/Labour Relations

- a. Board as employer – take responsibility for labour relations and workplace health and safety; assume role as the employer co-chair of joint

committee with TBPA on health and safety either directly or through delegation; implement a strong support and counselling program on mental health and wellbeing with a strong focus on trauma-informed practice.

It must be understood that collective bargaining is a board responsibility. While it can develop proposals, cost analyses, etc., with the assistance, input, and advice of the Chief of Police, the final decisions are the Board's. It is important to ensure the Board has at its disposal independent labour relations-related legal advice. It is not unusual to retain this expertise to act as the board's spokesperson at the negotiating table.

- b. Board as employer – work with the TBPA and the Chief of Police to establish a new promotional process that is equitable and monitor results.
- c. Board as employer – explore with the TBPA, in consultation with the Chief of Police, the possibility of including, in the Collective Agreements, a provision for using a mutually agreed upon Independent Medical/Psychological Evaluator (IME) to provide a binding independent assessment of an employee's fitness to return to work, where there is dispute between the Service, the employee and the TBPA.
- d. Board and Labour Relations – work with the Chief of Police and the TBPA to ensure that the President has dedicated paid time off from regular duties to attend to their members' needs, separate from the existing envelope of hours assigned to the TPBA, as is the practice in most other police services.

5.3.4 Thunder Bay Police Service / Chief of Police

There are significant issues of morale, confidence, and satisfaction among members of the Service and communities. They are, we believe, related to the delivery of policing services to the public and to the management of the organization's human resources, including labour relations practices. These require immediate action buttressed by strong, compassionate leadership.

Action Proposal 7:

We propose that the Chief of Police:

1. Leadership
 - a. Model and champion human rights/EDI values personally.
 - b. Establish, implement, and hold all members of the Service at all ranks accountable for acting according to clear standards of ethical conduct.
 - c. Ensure that there are no real or perceived conflicts of interest, especially at supervisory and managerial ranks.
 - d. Develop a leadership succession plan, taking into consideration the strengths, attributes and qualities required for the successful implementation of a transformational plan consistent with this report and other previous reports, and put in place a process to identify and mentor potential leaders.
2. Delivery of Policing Services
 - a. Establish an outcomes-based, timebound process, with clear lines of accountability to implement all pending recommendations of the Coroner's inquests and the OIPRD "Broken Trust" report, with public reporting of progress and results.
 - b. Conduct an independent evaluation of recommendations already implemented to ascertain that they comply with the letter and the spirit of the recommendations and are meeting their intended objectives, reporting quarterly to the Board.
 - c. Establish an ombudsman office led by a high-ranking officer, who would serve as an independent mediator, and who would provide a safe space to bring concerns forward.

3. Human Resources Management/Labour Relations

- a. Workplace morale – Conduct an immediate review of all human rights complaints and pending grievances and, consider an alternative approach to resolve them amicably, wherever possible, to restore workplace peace.
- b. Mental health and wellness of members – a proactive approach, not only a voluntary EFAP; training of supervisory/managerial personnel in trauma-informed approach; introduce a trauma-informed approach for the health and wellness of members.
- c. Engage an external expert to conduct a review of the use of disciplinary process, in particular, *Police Services Act* charges stemming from Chief's complaints, in the past 4 years to determine whether it is being applied appropriately, consistently, and proportionately, and make changes as necessary in accordance with these criteria.
- d. Conduct an immediate external review of the cases of members denied promotions or assignments multiple times.
- e. Review promotional processes to ensure they are objective, credible, and consistent with Human Rights/EDI principles.

5.3.5 Various Stakeholders

The policing and criminal justice issues facing Thunder Bay and Northwestern Ontario as they relate to interactions with the Indigenous communities cannot be resolved by the Board and the Service alone. Other public agencies and institutions have a major role, too, as the Coroner's inquests and the OIPRD "Broken Trust" reports, for example, have recognized. Perhaps there is no example more symbolic than the ongoing challenges around the timely performance of autopsies for Indigenous sudden death and suspicious death investigations in Northwestern Ontario. The region's residents face disproportionate delays compared to residents in other parts of Ontario because of the absence of facilities in the region, that is, Thunder Bay. This has a cascading effect on the ability to conduct speedy investigations by the Service, and on the financial resources of both the Service and the Office of the Chief Coroner. Most importantly, the resulting wait and uncertainty causes deep but avoidable emotional hardship and trauma for the families of those who died. This is an example of geographic discrimination and systemic racism. The hospital system and provincial and municipal governments have, we believe, a responsibility to work with the

law enforcement agencies, the Chief Coroner, and the Chief Forensic Pathologist to ameliorate this unacceptable situation urgently.

While the panel understands the shortage of pathologists in Ontario, it is concerned that not enough work has been done to increase the Health-related Human Resources despite the recommendation. The Chief Coroner, the Chief Forensic Pathologist, and the Solicitor General must move this recommendation immediately.

Some may say that the action being proposed here amounts to advocacy by the police in other policy and program areas and question if that is the role of the police. The fact of the matter is that there is an urgent and critical situation to be addressed and need for leadership. To the extent that the police often deal with the fallout or consequences of social policy failures in other sectors, we believe that it would be appropriate for the Board and the Service to take the initiative to open a dialogue with the various stakeholders. This is consistent with the “community mobilization” model to community-based policing that has been adopted and used by police agencies in some parts of Canada and the US. It involves initial leadership in mobilizing the community, and then passing on the role to others as the mobilization takes hold.

Action Proposal 8:

We propose that the Board, and the Chief of Police lead a dialogue with Fort William First Nations, Nishnawbe Aski Nation, Anishinabek Nation, Grand Council Treaty #3, City of Thunder Bay, Thunder Bay Regional Health Sciences Centre, Office of the Chief Coroner, and the Solicitor General of Ontario to immediately:

1. Work together to reverse the decision by the Thunder Bay Regional Health Sciences Centre to suspend performing medicolegal autopsies.
2. Develop a long-term, sustainable plan to deliver and implement recommendation 29 from the OIPRD “Broken Trust” report that “The Ontario Forensic Pathology Service should establish a Forensic Pathology Unit in Thunder Bay, ideally housed along the Regional Coroner’s Office.” Options for such a plan could include:
 - a. Working with neighbouring jurisdictions (Manitoba, Minnesota), as well as seeking the support of the federal government to provide more timely pathology services.

- b. Working with the College of Physicians and Surgeons of Ontario to fast-track accreditations for physicians from neighbouring jurisdiction to perform work in Ontario, on a fly-in basis in lieu of permanent staff being available locally.
- c. Committing to building a facility in Thunder Bay, while sourcing Health Human Resources to staff it.
- d. Working with Northern Ontario School of Medical (NOSM University) to create a Forensic Pathology Residency Training Program to ensure there are enough pathologists in Northern Ontario.

5.3.6 Independent Monitoring and Accountability

Throughout this report we have emphasized the importance of systematic monitoring of the implementation of pending and new changes proposed by us and the previous reports. It is critical that this is done, and seen to be done, by an independent entity. We believe that the body best placed and empowered to do this is the Ontario Civilian Police Commission. As it relates to “Broken Trust”, the Ontario Independent Police Review Director should be, as per recommendation 43 of the report.

A regular monitoring and public reporting of the progress achieved by the Board and the Service in implementing the recommended changes can, in our view, contribute significantly to the building of trust and restoration of credibility in the community.

Action Proposal 9:

We propose that the Ontario Civilian Police Commission (OCPC) exercise its mandate to:

1. Conduct regular monitoring of the progress in implementing the recommendations of the Coroner’s inquests, the OCPC Sinclair report, the OIPRD “Broken Trust” report as well as proposals contained in the Independent Expert Panel’s Interim and Final reports by the Board and the Chief of Police.
2. Measure the implementation against concrete outcomes.
3. Provide regular public updates on the results of its findings, preferably every 6 months.

4. Continue this process of monitoring until the OCPC is satisfied with the progress made by the Board and the Service.

Action Proposal 10:

We propose that the Ontario Independent Police Review Director (OIPRD) follow through on recommendation 43 from “Broken Trust” to:

1. Report publicly on the Service’s progress in implementing the recommendations from the “Broken Trust” report. This should be done every 6 months.
2. Continue this process of monitoring until the OIPRD is satisfied with the progress made by the Board and the Service.

6 CONCLUDING REMARKS

We are privileged to have been asked, as an Independent Panel of Experts, to advise the Board and the Service on addressing the burning issues of human rights, mental health, and workplace culture as they affect relations with communities – especially, the local and remote Indigenous communities, as well as other racialized, marginalized, and vulnerable groups – and the treatment of the employees of the organization.

We promised to do our work in consultation with the communities, the Board, and the Service. We made a commitment to listen with respect and interest, and to be guided by the advice and guidance we received from those who spoke to us.

Our work came at a critical time in the history of policing in Thunder Bay, characterized by lack of trust and low morale as well as disruption in leadership within. Due to a widely held conclusion that very little had changed despite the plethora of recommendations made over the recent years by numerous expert entities, many had decided that the only option left was to disband the municipal police service and replace it with another method of policing, such as the OPP, even if temporarily until a new service could be built.

Even the provincial oversight agency, the Ontario Civilian Police Commission, had found that an “emergency” existed in Thunder Bay’s Police Services Board and had appointed an Administrator as the sole decision maker on governance matters until June 30, 2023, and as an advisor to the Board until at least March 2024.

We have concluded that meaningful change requires bold leadership and bold action for a comprehensive, systemic process of organizational transformation, with the Board and the Chief of Police working together and in close consultation with the community, especially Indigenous peoples, and communities. To assist in this process, we have put forward a set of action proposals that ground the work of transformation on a foundation of human rights, anti-racism, Indigenous, equity, diversity, and inclusion. This is reinforced by the full adoption of a trauma-informed practice, on one hand, and an approach of partnership and collaboration, on the other.

Status quo and ***quick fixes*** are no longer tenable.

This ambitious effort depends, for its success, on the Board and the Service having the necessary resources. We urge the leaders of the City of Thunder Bay to provide them as a concrete expression of their support for transforming policing in the community. As well, we urge the Government of Canada and the Government of Ontario to recognize that the resolution of the history of fractured and troubled relationship between the city and Indigenous peoples and communities, specifically pertaining to policing requires that they be at the table and provide the financial resources needed for the building of a new model of regional policing.

And, finally, a plea and a request to the community, the Indigenous leaders, organizations, residents, service providers, and anyone else with a stake in the transformation of policing in Thunder Bay and northwestern region: progress to the kind of community safety and wellbeing services you want and have demanded requires that you get to know and deliberate upon the proposals made in this report, “own” them as yours, and stay engaged with the processes that unfold – as they must. You must ensure you are provided with timely and regular communication of the steps taken and results achieved.

7 A NOTE OF GRATITUDE AND APPRECIATION

We are grateful to our Grandmother Evelyn Finlayson, for starting us off in a good way during our consultations in Thunder Bay from July 11 to 15. Grandmother Finlayson began each day with a Call to the Creator. On the morning of our first day, she talked to us about the Indigenous Teachings we had to bear in mind in the course of our work. Throughout the week, Grandmother was present, giving us guidance and direction as well as support to those who came to speak to us and needed it. This presence was invaluable, and we hope its impact is reflected in the words and ideas of this Interim Report.

We would like to record our appreciation for Elder Peggy Adams, Elder Anthony Shapwaykeesic and the other Knowledge Keepers of Thunder Bay who led off our first Town Hall on July 12 with a Ceremonial Song. Their participation in the talking circle that evening was critical for our learning.

We are also very grateful to all First Nations Leaders of Northwestern Ontario who were generous with their time and interest. Chief Peter Collins of Fort William First Nation, Regional Deputy Grand Council Chief Melvin Hardy of Anishinabek Nation, Regional Deputy Grand Council Chief Travis Boissoneault of Anishinabek Nation, Grand Chief Derek Fox of Nishnawbe Aski Nation, Deputy Grand Chief Anna Betty Achneepineskum of Nishnawbe Aski Nation, Ogichidaa Francis Kavanaugh of Grand Council Treaty #3 and CEO David Paul Achneepineskum of Matawa First Nations found time in their busy schedules to meet with us to teach us about the history, culture and needs of their communities, and share their concerns, expectations and ideas for moving forward. We are thankful for their support.

We are grateful to Fred Kaustinen, Chief Governance Officer of Halton Region Police Board, former Executive Director of Ontario Association of Police Services Boards (OAPSB) and Principal of Governedge, for his help with issues of board governance training. Mr. Kaustinen and the late Andrew Graham, police governance expert from Queen's University, designed and delivered governance training to the Board recommended by the Hon. Murray Sinclair. Mr. Kaustinen shared with us the details of the training, his experience of and reflections on the delivery of the training, and, more broadly, his thoughts on the principles, objectives, and elements of effective police board governance training.

We are very grateful to Dr. Teresa Marsh, expert in trauma-informed practice from NOSM University, for so readily agreeing to educate us about this complex field. Her detailed presentation and materials were extremely valuable in deepening our knowledge and understanding of the background, principles, practice, and relevance of a trauma-informed approach in policing. We appreciate deeply the joint presentation by Scott Cooper, Acting Chief of Wikwemikong Tribal Police Service and Dr. Marion Maar of NOSM University on their pilot project on implementing a trauma-informed practice with the Wikwemikong Tribal Police Service.

We appreciate the valuable information and insights received from the nearly 100 individuals and organizations who met with our panel and trusted this process.

The Board struck this panel in March 2022 to propose a path forward, and for that, we thank them. And we thank Administrator Malcolm Mercer, Board Secretary John Hannam and Acting Chief of Police Dan Taddeo for their cooperation in this process.

8 REFERENCES

Achneepineskum, Anna Betty. 2022. "Why we are calling for the disbanding of the Thunder Bay Police Service." *The Toronto Star*. April 5. Accessed November 21, 2022.

<https://www.thestar.com/opinion/contributors/2022>

Barnum, Jeremy D, Sean E Goodison, Michael J.D Vermeer, Dulani Woods, Siara L Sitar, and Brian A. Jackson. 2020. *The Law Enforcement Response to Homelessness: Identifying High-Priority Needs to Improve Law Enforcement Strategies for Addressing Homelessness*. Santa Monica, CA. https://www.rand.org/pubs/research_reports/RRA108-6.html.

Canadian Broadcasting Corporation. 2021. "5 years on, report shows progress with Seven Youth Inquest recommendation, but work remains." *CBC*. December 13. Accessed November 12, 2022. <https://www.cbc.ca/news/canada/thunder-bay>

Hay, Travis. 2017. *How Thunder Bay Was Made*. January 3.

Jewell, Eva, Ian Mosby, and Hayden King. 2022. *Calls to Action Accountability: A 2022 Status Update on Reconciliation*. Yellowhead Institute and Toronto Metropolitan University.

Kim, Casey. 2018. *Thunder Bay city's True Murder investigations 1882 to 2017*. BookBaby.

McConkey, S., Brar, R., Blais G., Hardy, M., Smylie, J. 2022. *Indigenous Population Estimates for the City of Thunder Bay*. Well Living House.

McNeilly, Gerry. 2018. *Broken Trust - Indigenous People and the Thunder Bay Police Service*. Ontario: Office of the Independent Police Review Director.

Murray, Kimberly R., Jimmy S. Akavak, Harley Crowshoe, Mylene Jaccoud, Laurence J. Kirmayer, Eileen Luna-Firebaugh, Naiomi W. Metallic, et al. 2019. *Toward Peace, Harmony, and Well-Being: Policing in Indigenous Communities - the Expert Panel of policing in Indigenous Communities*. Council of Canadian Academies .

National Action Plan. 2022. *2022 Progress Report on the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan*. May 23.

Sinclair, Senator Murray. November 1, 2018. "Thunder Bay Police Services Board Investigation - Final Report." Ontario.

Statistics Canada. 2016. Thunder Bay, Ontario: Key Indicators by Census Metropolitan Area . Ottawa: ON.

Thompson, Jon. 2022. Indigenous populations in Thunder Bay and Kenora may be undercounted. Officials say that's a problem. CBC.

Ward, Dennis, and Kenneth Jackson. 2022. Taskforce calls on police to reinvestigate 14 deaths of Indigenous People in Thunder Bay. March 7.

Appendix A: The Independent Expert Panel's Interim Proposals

Actions for Improving the Selection Process

The key actions to include in the selection process of a new Chief of Police are:

Apply Equity, Diversity and Inclusion (EDI) lens to the selection process

Consult with community, including First Nations groups, Thunder Bay Police Association and Thunder Bay Senior Officers Association, in developing selection criteria that incorporate cultural competence

Consult with, seek input from and participation of Fort William, Anishnabek, Nishnawbe-Aski and Matawa First Nations in the selection committee and process

Conduct outreach to attract candidates from First Nations and other backgrounds. For example, reach out to the First Nations Police Governance Council and First Nations Chiefs of Police Association

Give preference to selecting a Chief who is Indigenous, or, alternatively, from a racialized background, who possesses demonstrated police leadership experience and meets the attributes required below

The five points above do not reflect the entire selection process, but rather the key steps for the Board to take in choosing its new Chief. We strongly recommend that this process for selection of a new Chief of Police be adopted as standard practice for all future recruitments of Chiefs and Deputy Chiefs.

Priority Characteristics for Selecting a New Chief of Police

The attributes for a new Chief of Police listed below reflect our determination of the highly desired characteristics required to confront the issues and challenges facing Thunder Bay Police Service today. As well, these reflect the perspectives and needs voiced by the community. The successful candidate must, therefore, be one who comes closest to meeting these priority characteristics:

1. Demonstrates sound knowledge and appreciation of Thunder Bay as the regional hub of Northwestern Ontario.
2. Possesses a critical understanding of the importance of social determinants of community safety and well-being, such as poverty, homelessness, mental health, and racism.
3. Embraces, supports, promotes, and works to ensure strong and effective civilian governance.
4. Understands the presence and role of the region's First Nations governments, and their relationship to Thunder Bay's municipal government.
5. Demonstrates willingness to build formal relations and develop a shared service delivery model with the region's First Nations police services, as a priority.

6. Demonstrates commitment to innovation in service delivery, including use of uniform and civilian personnel with a variety of knowledge, skills, and expertise, and building partnerships with Indigenous and non-Indigenous community-based service providers.
7. Demonstrates leadership qualities, experience in leading organizational change, effective communication, active listening, successful relationship/team building and accountability.
8. Possesses a proven track record in effective leadership in policing.
9. Understands and is committed to implementing a trauma-informed approach to the care of members of the Thunder Bay Police Service and delivery of policing services to the community.
10. Demonstrates commitment to promoting and upholding the principles of Equity, Diversity, and Inclusion (EDI), Anti-Racism and Human Rights.
11. Is committed to implementing Indigenous principles of justice, specifically, restorative justice, generally and, in particular, when dealing with Indigenous peoples.
12. Demonstrates ability and willingness to advocate vigorously with municipal, provincial, and federal governments for targeted funding to implement recommendations in this and past reports regarding TBPS and the Board.

Board Appointments

It is urgently required that the process for police board appointments to the Thunder Bay Police Services Board be revised to ensure new representation has the right skills, commitment, and motivation to implement changes to policies, structure and strategies that reflect the entire community's best interests. According to the OCPC report by the Honourable Murray Sinclair, the Board has not carried out its duty under the *Police Services Act* to provide the leadership needed to ensure success of the service they oversee. The appointment process laid out below is intended to put in place a board that would be unlikely to repeat the failures of the past:

1. Thunder Bay Police Services Board work with the City, Ontario Civilian Police Commission and Ontario's Solicitor General to seek exemption to expand its membership to 7 members and remove the requirement of local residency due to the unique nature of Thunder Bay as the regional hub of Northwestern Ontario and the need for the Board to be reflective of the communities the Police Service serves.
2. Use the [Winnipeg competency model](#) for appointment of police board members recommended in the Ontario Civilian Police Commission report by former Senator Murray Sinclair.
3. Ensure that Board members are informed about, embrace, and are committed to principles of EDI, Anti-Racism and Human Rights, and actively support a trauma-informed approach to dealing with members of the Thunder Bay Police Service as well as the community.

4. Ensure that in a five-member Board, two are First Nation members drawn from local and remote communities. In an expanded seven-member Board, Indigenous representation should rise to three. While one member should be from Fort William First Nation, the additional one or two members should be drawn from First Nations based on considerations including use of Thunder Bay's educational, medical and other services by members of their communities, and their history of leadership and advocacy for changes to policing, such as the Coroner's Seven Youths' Inquest, implementation of recommendations from the Inquest and initiatives related to anti-racism.
5. Work actively with First Nations leaders to identify and seek out appropriate potential Indigenous candidates from local and remote communities.
6. Work with City Council to establish a full-time chair position paid equal to a City Councilor (or as established by the City's Compensation Specialist).
7. Retain the Chair and Vice Chair in their role for five years to ensure stability and continuity.
8. Increase remuneration/honorarium for other citizen members to fairly reflect the time, effort and fiduciary as well as reputational risk involved in being a Board member, while ensuring citizen members can dedicate the time and attention necessary to fulfill their responsibilities,
9. Develop and enforce a mandatory Board Governance Training Program that includes, at a minimum, the following:
 - a. Knowledge of the critical governance elements of the *Police Services Act* and Regulations.
 - b. Knowledge of the PSA and Thunder Bay Police Services Board Codes of Conduct.
 - c. Understanding of a Board member's oaths of office and secrecy, and their scope.
 - d. A police services board's responsibilities and the line between policy and operation as delineated in the Independent Civilian Review into Matters Relating to the G20 Summit conducted for the Toronto Police Services Board by the Honourable John Morden.
 - e. Characteristics of policy governance (For example, Government of Ontario's Public Appointees Training).
 - f. Strategic planning, risk assessment, goal setting and performance evaluation.
 - g. Knowledge of the Ontario *Human Rights Code* and *Workplace Health & Safety Act* (especially in relation to workplace discrimination and harassment).
 - h. Knowledge of the principles of anti-racism, equity, diversity, and inclusion.
 - i. Knowledge of the elements of a trauma-informed practice.
 - j. Knowledge of the findings and recommendations directed to the TBPSB contained in the Coroner's Inquest in the death of seven Indigenous youth, the Ontario Civilian Police Commission's investigation of governance by the Honourable Murray Sinclair,

the Ontario Independent Police Review Directorate's "Broken Trust" report as well as the Independent Civilian Review into Matters Relating to the G20 Summit report by the Honourable John Morden to the Toronto Police Services Board.

10. Retain a qualified trainer/facilitator to develop and deliver an interactive and experiential Board Governance Training Program using case studies, scenarios, and presentations as appropriate.
 - a. Ensure that this training is provided within 6 months of the appointment of the new Board and all members receive the training as condition for remaining on the Board.
11. The Ontario Civilian Police Commission support and implement this Board Governance Training as part of the mandate of the Administrator.
12. Provide for a transition period for the development of the training program.
13. Ensure that there is no repetition of the failure to follow up on the training provided by Andrew Graham and Fred Kaustinen as a result of the Sinclair report.

Immediate Priorities for the Board to Action

To demonstrate its commitment to the community of Thunder Bay to improving its operations, the Board must take immediate action to resolve their highest priority issues. Based on our conversations with stakeholders, we have prioritized key areas for the Board to act on in the short-term. These priorities are:

1. Establish a formal nation-to-nation relationship with First Nations leaders to, among others, exchange information, consult on policy, address issues, and promote joint service delivery through a memorandum of understanding or formal agreement with policy and procedure (to ensure accountability and structure).
2. Establish a policy that the Chair be a citizen member to recognize the Police Services Board's status as an independent entity from the Municipality of Thunder Bay and to ensure the Board's concerns and business receive the chair's undivided attention.
3. Review, strengthen and enforce Board Code of Conduct as necessary to promote accountability.
4. Work with City Council to obtain funding necessary for the Board to have adequate staffing with necessary expertise and to obtain additional support as needed either through a shared service arrangement with the City or externally to have the capacity to oversee the delivery of adequate and effective policing services.
5. Ensure that the Board receives regular advice and guidance on governance issues by either appointing a full-time governance specialist as Executive Director or establishing a committee of experts to consult with on strategic issues on an ongoing basis.
6. Ensure that the Board budgets properly, supported by City Council, to ensure access to independent legal advice and counsel for carrying out its governance responsibilities, separate

from Thunder Bay Police Service legal counsel, and avoid any perceived or potential conflict of interest.

7. To enhance the Board's capacity, encourage participatory governance and benefit from the knowledge and expertise of the community at large, establish Board/Service/Community advisory committees to provide advice, guidance, and direction on urgent issues, such as mental health, substance use, intimate partner violence, alternative or collaborative approaches to community safety, and EDI, human rights, and anti-racism. The newly expanded Governance Committee can serve as a template for creating additional advisory committees.
8. Develop and use a formal process for advertising the advisory committees, inviting expressions of interest from members of the community, and ensuring transparency in selection. The outreach process should include a description of the committees' scope of work, structure, responsibility, estimated volunteer time commitment and term of appointment.
9. Develop and implement a system for annual evaluation of Board performance and publication of a public report card. This should be conducted by an independent external panel.
10. Ensure that there is a standing update at every month's Board meeting on the progress in the implementation of actions from the Interim and Final Reports.

Immediate Priorities to Action to Improve Labour Relations

We have identified the following priorities for the Board to act on immediately to create the conditions for the broader changes required to appropriately manage human resources. We will continue to build on these areas in our final report to the Board later this year. In light of the history with the implementation of recommendations from previous reports, it is critical that the Board's actions in response to these priority proposals be timebound.

1. The Board declare, as a priority, its full commitment, in principle, to the introduction and implementation of a trauma-informed labour relations approach for the assessment of employees' wellness, mental health claims, fitness to return to work, accommodations, and, where appropriate, discipline, based on any feasibility studies and costing that may be required. These activities should be completed within 30 days of this report, followed by decisions on implementation of actions laid out in item 2.
2. The Board retain an independent external expert in trauma-informed practice for assistance in carrying out the following tasks immediately after its decision as per item 1, in collaboration with the Chief of Police:
 - a. Develop and implement the necessary Board policy and corresponding Service procedures to put the commitment to a trauma-informed labour relations approach into action.
 - b. Ensure Senior Officers, Command Team, and all civilian and uniform managers and supervisors receive training in trauma-informed practice within 90 days of the Board's

decision, and this training be comprised of two parts: trauma as it affects the mental health and well-being of members of the police service and trauma as it affects the lives and realities of Indigenous members of the community.

- c. Develop the curriculum and delivery plan for trauma-informed training for all sworn and civilian members at all other ranks within 90 days of the Board's decision.
 - d. Deliver the training within the first six months of 2023.
3. The Board retain an independent external expert to reassess the trauma-informed practice policy and its implementation once every three years using qualitative and quantitative data gathered through member surveys.
4. The Board work with the Chief of Police to establish a dedicated properly funded and staffed arm's length Human Rights/Equity, Diversity and Inclusion (EDI) Unit headed by a Human Rights/EDI specialist to help develop and build a human rights supportive/friendly workplace through training and education, complaints intake and investigation, and an alternative dispute resolution process to reduce reliance on a complaints-driven, adversarial approach.
5. The Unit and its head should report directly to the Chief of Police and be an addition to the existing staff complement of the Service.
6. The Chief should provide a comprehensive quarterly report to the Board on the Unit's activities and their results, including a detailed statistical breakdown.
7. The Board begin work with the Service immediately to draw up plans within 90 days of this report for creating and launching the Unit within the first six months of 2023.
8. The Board ensure that the Unit is located outside police headquarters so that it is seen to be independent as well as to ensure confidentiality and safety for those seeking its assistance.
9. The Board ensures the Unit has the independence and the resources to acquire the subject matter and legal expertise needed to carry out its mandate by including these in the performance objectives of the Chief of Police.
10. The Unit develop and implement a comprehensive and ongoing training, development and education program for the entire organization that includes, at a minimum:
 - a. Mental health and wellbeing, anti-racism, and community relations, provided by external partners.
 - b. Annual training for members on unconscious bias and micro-and macro aggressions.
 - c. First Nations cultural competence.
 - d. Active bystandership training which allows members of the Service to share their concerns in a safe manner without fear of retribution.
11. The Unit develop and implement a restorative justice approach to conflict/dispute resolution and maintain a roster of third-party arbitrators who are qualified in this approach. The Thunder Bay Police Association may have standing in this process, subject to the consent of

the complainant.

12. The Unit develop, maintain, and support Internal Support Networks for various groups of Service members, including, but not limited to, First Nations, Women, racialized, Back-to-Work, and LGBTQ+.
13. The Unit install and maintain an anonymous portal for receiving comments and concerns from members of the Service and the public.
14. The Board engage an external partner with knowledge and experience with First Nations issues within 90 days of this report, preferably from outside the City of Thunder Bay to ensure complete independence, to:
 - a. Undertake a full review of all Board policies and service procedures to determine whether they are consistent with and support the principles of a trauma-informed practice, human rights, equity, diversity and inclusion, and restorative justice.
 - b. Provide assistance in addressing any gaps or deficiencies identified, or, alternatively, to develop appropriate new policies and procedures.

Appendix B: Memorandum to the Board From Malcolm Mercer

On September 20, 2022, the Expert Panel (the panel) provided an interim report which addressed three areas; the selection of the new Chief of Police, Board Appointments and Labour Relations. This memorandum provides a response. In developing my response, I have consulted with the Chair of the panel, Dr. Marsh (who assisted the panel), the Interim Chief of Police and representatives of the Police Association and of the Senior Officers Association. This has taken somewhat longer than I would have liked but has been appropriate and useful in my view.

Current Context

It is useful to first provide some current context. I have been the appointed administrator of the Thunder Bay Police Services Board since April 19, 2022. My appointment has been extended to March 30, 2023. Of the five people who were board members when I was appointed, only one remains a board member. There are currently three members of the Board. I expect that the new City Council will address board appointments by early December and that the Province may appoint its two board members by the end of the year. Given board orientation and training, I expect that it will take until early 2023 for a functioning board to be re-established. In this context, I am cognizant both that I have important responsibilities as administrator and that I have been asked to fulfil a temporary role as an outsider to the Thunder Bay communities. In my view, it would be unwise, and very likely ineffective, for me to attempt to be the decision-maker on important long-term policy issues for the board and the Police Service. Real change requires the effective involvement of those affected.

That said, it is my considered opinion that there are important structural issues to address in order to better ensure appropriate change and there is an immediate need to recruit and appoint a new Chief of Police.

With this in mind, a Governance Committee with expanded membership and scope was authorized in August 2022. A public call for interested persons was made. We consulted with First Nations leaders, the chair of the panel and others about potential candidates. We had the benefit of a number of interested people who were all interviewed. A short list was developed and was the subject of further consultation. The result was the appointment of David Paul Achneepineskum, CEO of Matawa First Nations, Denise Baxter, Vice Provost of Indigenous Initiatives at Lakehead University and Coralee McGuire-Cyrette, Executive Director of the Ontario Native Women's Association.

The process used for selecting and appointing community members for the Governance Committee has had a further benefit, namely identifying potential board members who may be willing to serve. This information may be of assistance to the Province and the City in their board appointment decisions.

Chief Selection

The interim report rightly addressed chief selection as an important priority. The interim report focuses on the selection process and the attributes/criteria for selection. I would note that work in developing the selection process was well already underway when the panel provided its interim report. I would also note the assistance and advice provided by Elders and Knowledge Keepers at the Elders Gathering sponsored by Animikii Wiikwedong Ikwewug Dewe'igan Wijiwaagan-ag on October 12, 2022.

Significantly, the re-formulated Governance Committee is assigned a lead role in the selection of the new Chief of Police. The newly appointed community members bring expertise and perspective to this process which fully aligns with the recommendations of the panel.

With respect to the other recommended improvements to the selection process and priority characteristics, I fully expect and intend that the selection process reflect these recommendations. Indeed, the process to date effectively does so.

Board Appointments

I have no difficulty generally agreeing with the observations and goals underlying the recommendations regarding board appointments. That said, the legislated decision-makers regarding Board composition are the City and the Province¹. Implementing the panel's recommendations would require agreement and collaboration by these decision-makers.

In accordance with the *Police Services Act*, the board is comprised of five people. Three members are appointed by City. Two members are appointed by the Province. The mayor is entitled to be a board member. The City is required to select one councilor and one community member for the other two municipal appointments. As a result, two of the five board members are necessarily elected municipal officials. This significantly limits who may be appointed. Further, in order to do what is recommended by the panel, it is necessary that the City and the Province work together to align their appointments. This is a challenge given a brand-new elected City council which will not have had the time to consider the recommendations before making the appointments required to re-establish the board.

If an effective board was in place and if the municipal election had not just occurred, much of what the panel recommends with respect to board composition could be achieved, subject to agreement by the City and the Province. In my view, it is necessary that the board now be re-constituted and that the agreement and collaboration required to implement the recommendations as to board composition is not achievable in the time available. That said, the recommendations could and should be addressed after the board is reconstituted, including the recommendation for appointment of a full-time long-term chair².

Further, it seems to me that the prospect of the Province and the City agreeing to what is proposed by the panel in terms of board composition is at best uncertain. In my view, the approach taken with respect to the Governance Committee has greater prospect for practical effect in achieving the intent of the recommendations and that the approach already taken has the prospect of informing the appointments made by the province and the municipality who are the relevant decision-makers. The same approach can be taken with respect to other Board Committees including, for example, a Labour Relations committee.

I note the recommendation for a seven-person board. I agree that a seven-person board would be desirable given the complexities faced by the Thunder Bay Police Services Board. That said, section 27(9)

¹ I refer to the City, rather than to City Council, and to the Province, rather than to the Lieutenant Governor in Council, for simplicity.

² As section 28(1) of the *Police Services Act* requires the annual election of a chair by the board and section 28(2) permits the annual election of a vice-chair, the board cannot establish five-year terms as recommended but could plan to annually reelect a chair and vice chair.

of the *Police Services Act* only permits the Province to approve a seven-person on the application of the municipal council for municipalities whose population exceeds 300,000 people. An amendment to the *Police Services Act* would be required to effect this recommendation. In this regard, I note that section 31(3) of the un-proclaimed *Community Safety and Policing Act, 2019* (the New Act) would allow the municipality, if and when the New Act is proclaimed, to provide for a seven-person board (of which three members would be required to be elected municipal officials). In this context, I doubt the utility of seeking a legislative amendment at this time to specifically address Thunder Bay.

Labour Relations

In the interim report, the panel said that they were struck by the relatively high number of disciplinary actions, requests for PTSD or other mental health related accommodations and human rights complaints. The panel recommended an immediate commitment, in principle, to a trauma-informed labour relations approach and retainer of an independent external expert in trauma-informed practice for assistance in carrying out certain tasks specified by the panel. The panel further recommended establishment of an independent EDI Unit.

The expert panel and trauma-informed culture and practice

In considering the interim report, I have found it useful to distinguish between (i) trauma-informed treatment (ii) trauma-informed policing and (iii) trauma-informed labour relations. As I understand it, the panel advocates both trauma-informed policing and trauma-informed labour relations and focuses on labour relations in its interim report. To state the obvious, trauma-informed treatment would be relevant to individual and organizational health care providers, as opposed to police services.

The panel said that “Trauma-informed culture and practice is a fundamental principle underlying [its] proposals for action to address issues of mental health, human rights and workplace culture”. The panel relied on advice from Dr. Teresa Marsh³ that this type of approach is essential for those that respond to calls for service, especially from the Indigenous and other marginalized communities. The panel further observed that members of the Service themselves experience trauma and that empathy and compassion must be extended to them. In effect, the panel recommended that a trauma-informed approach be taken by and within the Service.

I fully accept the panel’s recognition of:

the prevalence of trauma amongst Indigenous peoples that manifests itself as the current imprint of pain, horror, and fear caused by historical events including colonization, racism, residential schooling, the destruction of traditional culture and languages, and sexual violence.

and that:

[o]thers in our society also carry traumas produced by such social determinants as poverty, homelessness, sexism, racism, and sexual violence. It is critical that the

³ Dr. Marsh has a private practice. She is a registered nurse, a psychotherapist, a somatic experiencing practitioner and an assistant professor, Clinical Sciences, in addiction medicine with the Northern Ontario School of Medicine at Laurentian and Lakehead Universities.

response and practices of those responsible for helping are themselves not re-traumatizing.

Trauma and multi-generational trauma have ongoing effect on many of the people served by the Thunder Bay Police Service and that trauma is also experienced by those providing police services.

In considering the panel's recommendations, I considered the interim report, spoke with Dr. Marsh, reviewed academic literature that she recommended and undertook a further literature search in respect of trauma-informed practice. Having done so, it is worth noting that the context in which trauma is addressed is important. For example, Dr. Marsh has published interesting research which examines blended Indigenous and non-Indigenous approaches to help Indigenous peoples heal from intergenerational trauma symptoms and substance use disorders⁴. This research focuses on how to assist in healing. It draws on both traditional healing methods and Western counselling models, specifically Seeking Safety, for PTSD and substance abuse disorders.

Trauma-informed policing

In the context of the provision of police services, trauma-informed service would differ from the approach taken by treatment service providers, whether under a blended model or otherwise. Obviously, a police service does not provide treatment. In speaking with Dr. Marsh, her focus and recommendation is for education and training to better enable members of the police service to deal with victims, witnesses and accused persons who have suffered trauma. Dr. Marsh sees significant value in trauma-informed policing. As I understand her approach, Dr. Marsh would suggest significant training for police officers so they may better provide trauma-informed police services⁵.

In this respect, I note that it appears that the concept of trauma-informed police services, while intuitively appealing, is not well-established and is not entirely unclear. It may be that the idea is simply that members of the Service would benefit from better understanding the effect of past trauma on victims, witnesses and suspects. It may be that more is meant than that. If trauma-informed policing is to be meaningfully pursued, more definition would be necessary for proper consideration and evaluation.

The idea of trauma-informed policing follows initiatives in other sectors such as health services where trauma-informed service provision has been adopted. Hales *et al* in their article *Trauma-Informed Care Outcome Study*⁶ observed in the health care context that trauma-informed care can avoid retraumatization and better address health issues arising from trauma:

... in the midst of providing resources and supports, the service setting can inadvertently perpetuate or recreate conditions that activate traumatic histories, necessitating a guiding framework for optimal service delivery and outcomes. In a trauma-informed agency, all levels of staff recognize the pervasiveness of trauma

⁴ Marsh *et al*, The International Indigenous Policy Journal, Vol. 11(4), *The Impact of Training Indigenous Facilitators for a Two-Eyed Seeing Research Treatment Intervention for Intergenerational Trauma and Addiction*

⁵ For an article referred to me by Dr. Marsh on trauma-informed policing, see Jones, Journal of Community Safety and Well-Being, 5(2), 69-72, *Pandemic Policing: Trauma-Informed Services*.

See also Bucerius *et al*, The Police Journal: Theory, Practice and Principles, 2022, Vol. 95(3) 421-435, *Policing with a public health lens – Moving towards an understanding of crime as a public health issue*

⁶ Hales *et al*, Research on Social Work Practice, 2019, Vol. 29(5) 529-539, *Trauma-Informed Care Outcome Study*

and its effects, incorporate this knowledge into day-to-day operations, and actively avoid retraumatization. The implementation of trauma-informed care (TIC) shifts the focus from pathologizing to contextualizing. That is, instead of treating symptomatology, practitioners place presenting symptoms within the greater context of the person's history which, in behavioral health-care settings, often involves trauma. (citations omitted)

in *Policing with a public health lens*, Bucerius *et al* note the value of trauma informed services in other contexts saying that⁷:

Trauma informed training has proven to be effective in other settings such as foster care, Education in Child Advocacy Centres.

Moving from health care and other settings to policing, a trauma-informed approach to the provision of police services is supported by the observations by Bucerius *et al*⁸ that:

Police disproportionately deal with the most vulnerable members of society, including individuals with histories of substance use/abuse, street-involvement, mental illness and physical and sexual victimization. These encounters speak to the need for a different ideational and strategic approach to policing. ... (citations omitted)

These general observations are of course especially applicable to Indigenous persons who have experienced collective and individual trauma over generations.

Bucerius *et al* further observe that:

... police need to be trained on the background factors of the clients they deal with. With respect to the stark victim-offender overlap (i.e., the understanding that the vast majority of offenders are also victims, and, as evidenced above, are often victims before becoming offenders), we believe that moving to a trauma informed training model is pivotal. (citations omitted)

In the context of organizational provision of trauma informed care (TIC) services, Hales *et al* further observe that:

as an organizational approach TIC is not reducible to a universal, rigid tool kit of skills. Rather, imbedding TIC into an agency's formal and informal properties is a process shaped by the existing climate, culture, knowledge, and readiness of all stakeholders. Research in implementation processes has demonstrated that time-limited instruction and trainings alone are insufficient for the adoption of new technology like TIC. As such, the shift to TIC requires extensive learning, commitment, and change in mind-set in order to begin and sustain implementation and fidelity. A significant step in adopting and adapting TIC is the cultivation of TIC leadership in the form of mentors, champions, and administration. Even so, without consistent resources and purposeful reflection, the process will inevitably flounder. In all, the steps needed to take [the] values and domains from the theoretical to the

⁷ Ibid.

⁸ *Policing with a public health lens – Moving towards an understanding of crime as a public health issue*, The Police Journal: Theory, Practice and Principles. For other related research from Scotland, see *The impact of a trauma-awareness session on police officers' trauma-informed attitudes in Scotland* by Brodie and others, PsyArXiv, 24 Feb 2022

operational are largely unique to the agency as well as vast in scope and complexity.
(citations omitted)

In a subsequent paper in respect of trauma-informed approaches in healthcare organizations⁹, Hales *et al* observe that “There is also a growing body of literature, particularly in organizational intervention research, that commitment to change is a strong predictor in the receptivity of and subsequent effectiveness of implementation initiatives”.

These observations seem to support the common-sense propositions that training alone may not be effective to effect trauma-informed policing, that one-size does not fit all, even in respect of health care organizations, and that top-down externally driven change is less likely to be effective.

While the interim report addresses labour relations rather than delivery of police services, trauma-informed policing appears to merit further consideration, including understanding existing best trauma-informed practices in other police services, the extent to which training for trauma informed policing is currently available, the time/cost commitment required to deliver effective change and the extent to which trauma-informed policing has been effectively implemented in other police services. At the same time, the importance of other health and social service providers should be kept firmly in mind. Harm reduction is likely best achieved with the police service in partnership with other providers who are, or should be, best positioned to genuinely assist those who are in need and have experienced past-trauma.

Trauma-informed labour relations

The expert panel’s interim report provides recommendations in respect of labour relations rather than the provision of police services. The focus of the labour relations section of the interim report is on members of the police service as employees.

While there is some suggestion in the literature that trauma-informed health service provision benefits the staff within the service provider as well as those served¹⁰, this research does not obviously apply to the provision of police services which, by its nature, is quite different than the provision of health care services.

Respectfully, it is my view that the panel has proceeded too quickly from the apparently cogent observation that trauma suffered by victims, victimizers and police officers is important and should be reflected in thoughtful and effective policing and labour relations to the conclusion that there is a body of expert knowledge that is immediately applicable, and which can be quickly implemented with expert direction. Further, it is my opinion that a top-down, external expert-directed approach is less likely to achieve the laudable goals intended by the panel. While the panel has its own expertise and while assistance has been provided by Dr. Marsh, much more is required in my opinion if trauma-informed labour relations is to be pursued. I think that there is a real risk that performative declarations, and rushes to do something, risk doing little of real value.

⁹ Hale *et al*, *J Community Psychol.* 2022;50:1173–1184, *Twelve-month organizational study examining the associations among behavioral healthcare worker’s perceptions of autonomy, decision-making power, organizational commitment, and burnout*

¹⁰ Hales *et al* (2019) *supra*.

Volume of disciplinary actions, requests for PTSD or other mental health related accommodations and human rights complaints

As noted above, the interim report indicates that the panel was struck by the relatively high number of disciplinary actions, requests for PTSD or other mental health related accommodations and human rights complaints. Given the information gathering approach taken by the panel, I have made inquiries of the Police Service to better understand the volumes mentioned by the panel.

Disciplinary proceedings

There were 19 internal complaints against sworn officers under s. 76(1) of the *Police Services Act* in 2020¹¹, 12 internal complaints in 2021¹² and, year to date, 7 internal complaints in 2022¹³. Based on information from eight other Ontario police services, this is not an atypical volume of internal complaints¹⁴. Of the total 35 completed complaints, 71% were found to be substantiated and 17% were found to be unsubstantiated.

As for civilian members, there respectively were 6, 2 and 1 disciplinary investigations respectively in 2020, 2021 and 2022 year to date. Of the total 9 investigations, 56% were found to be substantiated, 22% were found not to merit discipline and 22% were found to be unsubstantiated.

Grievances and harassment complaints

There were 4, 6 and 1 grievances on behalf of individuals¹⁵ in 2020 and 2021 and, year to date, in 2022.

There are five unresolved individual grievances and six settled grievances. Two of these grievors have filed HRTO applications in respect of the same subject matter as their unresolved grievances.

As for harassment complaints, there were 2, 3 and 2 complaints respectively in 2020, 2021 and 2022 year to date. 2 complaints were found to be substantiated. One complaint was found to be unsubstantiated but led to recommendations for policy changes.

HRTO applications

One HRTO application was made by an employee in 2020. This application has been resolved.

Four HRTO applications were made by employees in 2021 and 7 were made in 2022. All but two of these applications were on the basis of disability. Two of these 11 applications alleged discrimination on the basis of race, ancestry, ethnic origin or gender. While discrimination contrary to the *Human Rights Code* is alleged, the allegations in the 2021 and 2022 applications are far-ranging and the applications are not typical HRTO applications.

¹¹ 12 complaints (63%) were substantiated, 3 were unsubstantiated and 4 were withdrawn. The matters involving the Chief and the Deputy Chief are not included in this review.

¹² 9 complaints (82% of those completed) were substantiated, 2 were unsubstantiated and 1 is ongoing

¹³ 4 complaints (80% of those completed) were substantiated, 1 was unsubstantiated and 2 are ongoing

¹⁴ For 2020 and 2021, the reported average for eight other police services was 9.3 internal complaints/100 officers for 2020 and 10.5/100 officers in 2021. Excluding the highest and the lowest, the averages were 7.3/100 for 2020 and 6.8 for 2021. In Thunder Bay, there were 7.9 internal complaints/100 officers in 2020 and 5.0/100 officers in 2021. The Thunder Bay internal complaint rate was in the middle of the range for both years.

¹⁵ Policy grievances are excluded to better address the specific recommendations proposed by the expert panel.

All of the HRTO applications brought in 2021 and 2022 are defended. The allegations are unproven. A number of the applicants have made additional applications alleging reprisal with the result that the total number of applications is substantially greater than the number of applicants. These further reprisal applications are also defended. All applications brought in 2021 and 2022 were brought by one lawyer. It remains to be seen if and when these applications will be heard as the lawyer acting for the applicants has asked the HRTO to delay consideration of these applications. The defences to many of the applications allege that the applications are abusive and not properly HRTO applications. The respondents to these applications now include Chief Hauth, Interim Chief Taddeo, Deputy Chief Hughes, Inspector Ryan Gibson, Inspector Derek West, Staff Sergeant Gordon Snyder, Holly Walbourne (lawyer for the Service), John Hannam (Board Secretary), Don Jarvis (lawyer for the Board), myself, the Thunder Bay Police Services Board, the Hamilton Police Service, Bernardi Law and the Workplace Safety and Insurance Board. The panel's mandate did not include investigating, or assessing, the merits of these applications. In my opinion, the fact of these atypical defended applications does not assist in assessing the issues raised and recommendations made in the panel's interim report.

WSIB claims

There are 33 employees involved with WSIB. Five of these are in respect of physical injuries.

Of the 28 non-physical injuries, 27 are in respect of sworn officers with claims of PTSD (24 sworn members) and psychological trauma (3 sworn members). Nine of these sworn members are back at work and 18 are not. It appears that approximately 7.5% of the sworn members are off work because of diagnosed PTSD or psychological trauma.

Observations and tentative conclusions

The most striking of the above information is, in my view, the proportion of sworn members of the Service who are off-work for diagnosed PTSD or psychological trauma. While I am not aware of comparator information for other police services or other sectors, this appears to be a significant issue both for the individuals involved and for the Service, including other members.

On the other hand, the above information does not indicate a volume of equity, diversity or inclusion issues (EDI) raised by members of the Service. This does not of course mean that there are not unreported EDI issues but rather that there are relatively few employee disputes involving EDI issues.

I draw two tentative conclusions from this review. The first is that the volume of disciplinary complaints, grievances, and harassment complaints does not appear to be excessive. The second is that there does appear to be a volume of employee claims regarding health and disability but there does not appear to be a volume of employee claims regarding issues relating to race, ancestry, ethnic origin or gender.

It appears to me that there is some conflation in the Labour Relations section of the panel's interim report between issues relating to employee mental health and EDI issues experienced by employees. It also seems to me that the approach best taken to each of these sets of issues differs and that the apparent volume ought to affect the appropriate organizational response.

Current organization and the proposed changes

For context, I note the following aspects of the current organization of the Service:

- The Deputy Chief of Police and the Inspector, Corporate Services report directly to the Chief of Police
- Professional Standards reports to the Deputy Chief of Police. Professional Standards is comprised of two sworn officers; a Staff Sergeant and a Sergeant. Professional Standards deals with discipline of sworn members under the *Police Services Act*.
- Human Resources reports to the Inspector, Corporate Services. Human Resources is comprised of three civilian members; an HR Manager, an HR Specialist, and a Health and Disability Management Co-Ordinator. HR is responsible for civilian discipline, workplace harassment investigations for sworn members and civilians, WSIB claims and liaison and return to work from disability leave.
- Also reporting to the Inspector, Corporate Services are a Risk Management Staff Sergeant and the Training Unit, which is comprised of one Sergeant and two Constables.
- The Peer Support Unit, comprised of one Constable, reports to the Inspector, Community Services¹⁶. The Peer Support Unit works with the volunteer Peer Support Team.

The panel recommends that

The Board work with the Chief of Police to establish a dedicated properly funded and staffed arm's length Human Rights/Equity, Diversity and Inclusion (EDI) Unit headed by a Human Rights/EDI specialist to help develop and build a human rights supportive/friendly workplace through training and education, complaints intake and investigation, and an alternative dispute resolution process to reduce reliance on a complaints-driven, adversarial approach.

and that:

The Board begin work with the Service immediately to draw up plans within 90 days of this report for creating and launching the Unit within the first six months of 2023.

I have considered this recommendation carefully. As part of my consideration, I have reviewed the volume of complaints and investigations in 2020, 2021 and 2022 that could have been handled by the proposed Unit. My conclusion is that the panel's impression as to the existing volume appears to be inconsistent with the actual volume and, in any event, a new independent and separate unit is not justifiable. At an annual cost of hundreds of thousands of dollars, I am not persuaded that such a unit makes sense given the apparent volume of matters that it would likely address. Such a unit may well be appropriate for a larger police service but it does not appear to be justifiable here. My discussions with the Interim Chief and the representatives of the Police Association and the Senior Officers' Association support this conclusion.

¹⁶ The Inspector, Community Services, reports to the Deputy Chief of Police.

Further, it seems to me that there are material issues in diverting *Police Services Act* conduct issues, grievances and disability/WSIB issues to such a unit if that is the panel's intention. As for conduct issues, I doubt that professional conduct lawfully can or should be dealt by such a unit.

As for grievances, I doubt that it is advisable that grievance disputes between the employer and the union should deal with by a unit that is not embedded in and fully familiar with the work of the employer. In my discussion with the representative of the Police Association, the principal concern raised was not with current grievance-related decision making within the Service but rather with the Board's approach to grievances. It is perceived that the Board is not independently assessing grievances. It seems to me that there would be valuable for the Board to better understand, and to be seen to better understand, the substance of grievances that it considers. But I doubt that the Board is currently well equipped to do so.

As for disability/WSIB issues, the WSIB will continue to be the decision-maker and, in my view, it is important that the employer be actively involved in avoiding disability and in facilitating return to work. In my discussion with the representative of the Police Association, it appeared to me that this perspective was shared and that return to work should be seen as a priority where possible.

By way of conclusion, I do not accept that a separate unit as proposed is justifiable even though it may be that changes to the approach taken to complaints intake and investigation may be appropriate. In any event, it seems to me that the most significant issue is with respect to mental health issues, which may well reflect trauma experienced by members of the service. I also conclude that greater substantive Board involvement with grievances that are before the Board may be appropriate.

In any event, I am not persuaded that either the panel or I have a sufficient basis from which to reliably assess the full nature or extent of the labour relations issues surfaced by the panel such that substantial organizational changes should be implemented at this time.

Further, it seems clear to me that there is substantial work to be done considering the many outstanding recommendations that have been made over the last several years and determining priorities and capacity. There is some risk of what might be described as "recommendation overload". This is not to suggest that recommendations are not all potentially valuable but rather than strategic assessment and prioritization is required.

In my view, the better course is for the new Chief and the new board to address these matters as a priority. I do not think that it would be wise for me, as a temporary administrator, to do so. Significant operational changes imposed on an expedited basis by an administrator on the advice of an advisory panel risk being the wrong changes and risk being ineffective when a new Chief and a new board take on their responsibilities.

My role as administrator

While I have already adverted to my role, I conclude this part of my response with the following observations. As I indicated at the board meeting at which the interim report was delivered, I have substantial concern about the recommendation for an immediate declarations and decisions from a governance perspective. The reality is that any declaration would be by me as administrator as I currently have the only vote. I doubt both the propriety and the efficacy of any such declaration by me.

It is unclear exactly what would be meant by the recommended declaration, and it is not obvious what effect, if any, such a declaration would have.

I am also concerned that to immediately act on the specific labour relations recommendations, as formulated, would be to treat the panel as a decision-maker, rather than as an advisor. My view, after considering the interim report and recommendations, is also that the work has not yet been done to identify what specifically should be done to effectively address the labour relations concerns raised by the panel. Further, I think it unwise to simply start carrying out “tasks” without the genuine involvement of the board and the Service in considering how to address the panel’s concerns. In my view, effective change management in labour relations requires collaboration rather than top-down decision making.

Conclusion and Summary

In my opinion, the recommendations in the interim report regarding recruitment of the new chief of police can and should be generally followed by the Board and its Governance Committee. The Board’s recruitment consultant and the Governance Committee have already taken steps to do so.

With respect to Board governance, it is for the Province and the City to make appointments. While a collaborative and coherent approach to appointments would be desirable, a new board is required in the near-term. While it is for the Province and the City to consider the panel’s recommendations, I doubt that there is a near-term prospect of material change in the appointments process. In my view, the best current approach is to encourage the Province and the City to make thoughtful high-quality appointments in order that the new Board is effective in its important mandates. Otherwise, it is not difficult to imagine further future problems. As for relations between the Board and Indigenous peoples, I generally agree with the panel’s recommendations. My view is that the appropriate approach is for the Governance Committee to recommend a strategic approach to the many outstanding recommendations of the OCPC Report and other relevant reports which includes a time-table for the completion of outstanding work. I would further support periodic (say twice yearly) formal reporting on this work to the public and to Indigenous governments and organizations.

With respect to labour relations, my view is that the Board should consider the panel’s recommendation for trauma-informed labour relations particularly in the disability context where PTSD is a material issue. I also support non-adversarial labour relations where possible but would observe that some aspects of police labour relations are not easily fit into the proposed model. Given the nature of policing and its effects on liberty and safety, proper professional conduct and accountability are particularly important. That said, there is a need, in my view, for greater board expertise in labour relations both for collective bargaining and in respect of ongoing labour relations, particularly grievances. It seems to me that a labour relations committee should now be established to permit added external expertise and focus. My understanding is that doing so would be consistent with prior conclusions of the Board.

Appendix C: The Panel's Analysis of OIPRD Related Progress

Summary of OIPRD Recommendations

Updated Chart – January 17, 2023 TBPSB Regular Session Meeting

This section provides a summary of the recommendations proposed to address the needs and issues identified through the OIPRD report.

The Independent Expert Panel has defined success as the following, and recommends that this standard be used going forward for reporting, with additional metrics to define success developed by both the Service and the Board.

- **COMPLETE** – Recommendation has been fully completed and implemented.
- **IN PROGRESS** – Work is progressing meaningfully, with a target for completion and implementation identified.
- **NOT COMPLETE** – Work has not started on developing policies, processes, or implementation of a recommendation.
- * - The Panel has found information that while, not changing the reporting of progress, is relevant for reporting.

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
RECOMMENDATIONS REGARDING TBPS INVESTIGATORS AND THE CRIMINAL INVESTIGATIONS BRANCH					
<p>R.11. TBPS should establish procedures to ensure occurrent or supplementary reports relevant to an investigation are brought to the attention of the lead investigator or case manager. This must take place regardless of whether a case has been earmarked for Major Case Management.</p>	COMPLETE	N/A	TBPS - CIB	<p>This is being/has been addressed. Please also note that the Ministry of Community Safety and Correctional Services has just released their Major Case Management Inspection Report that deals directly with these matters. However, prior to the release of either Report, the Inspector of Criminal Investigations Branch implemented new procedures to ensure lead investigators and case managers were adequately apprised of their investigations.</p> <p>Most recently, the CIB reporting structure has been streamlined within the Branch. CIB now has a dedicated transcriptionist who will complete the report for an officer to review and the Supervisor to approve.</p> <p>As of May 2022, The Inspector of CIB and the Regional Coroner will speak weekly to ensure continuous communication.</p>	COMPLETE

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
				<p>In a letter dated September 15, 2022 from Detective Inspector Shelley Tarnowski, Director of Ontario Major Case Management, it was stated that TBPS has recognized successes in part because of the creation and adherence to standardized practices, enhanced MCM training, and increased resources added to the General Investigations and Major Crime portfolios. The newly created training manuals, oversight review and mentorship positions have also had a positive impact on major crime calls. All of these enhancements support better practices with MCM. It is also stated that "it appears all areas identified in the 2018 MCM Inspection report have been addressed. Overall, your annual report submissions and major case entries indicate good compliance with PowerCase. There are no concerns with respect to the effective use of MCM in your major case investigations. Your service has implemented good practices to resolve the deficiencies and are progressing very well in respect to MCM." Suggestions on ongoing review of TBPS policies and procedures to ensure effectiveness on a go forward basis and establishing a consistent process to ensure there is no oversight in</p>	

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
				<p>notifications to the Serial Predator Crime Investigations Coordinator were made. These suggestions will be taken seriously and implemented as required.</p> <p>Update Jan 2023: Meetings between the Regional Supervising Coroner and the Inspector of Investigative Services continue – currently occurring on a monthly basis.</p>	
<p>R.13. TBPS should immediately improve how it employs, structures, and integrates its investigation file management system, Major Case Management System, and its Niche database.</p>	<p>ONGOING</p>	<p>Budget Additions</p> <p>2019 - \$200,000</p> <p>(OPTIC) 2020 – N/A</p> <p>2021 – N/A</p>	<p>TBPS – All Branches & IT</p>	<p>Please note that the Ministry of Community Safety and Correctional Services has just released their Major Case Management Inspection Report that deals directly with these matters.</p> <p>TBPS Major Crime will be loading cases with the MCM framework using the Powercase application. This will meet the Provincial standard.</p> <p>The move to OPTIC continues in 2021. The tentative date to be live within OPTIC is the end of March 2021.</p> <p>Currently scheduled to be operational week of July 18, 2022.</p> <p>Update Jan 2023: OPTIC is now live</p>	<p>COMPLETE</p>

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
R.14. TBPS should, on a priority basis, establish protocols with other police services in the region, including Nishnawbe- Aski Police Service and Anishinabek Police Service to enhance information- sharing.	COMPLETE	N/A	TBPS – All Branches & IT External stakeholders	Such protocols, both formal and informal, already exist. In addition, the move to OPTIC will allow enhanced information sharing between agencies. Update Jan 2023: A formalized agreement is being drafted to be signed by TBPS and NAN to enhance the relationship and sharing of resources to better deliver policing services to the community.	COMPLETE
RECOMMENDATIONS REGARDING OTHER TBPS OPERATIONAL AREAS					
R.16. TBPS should increase the number of officers in the Aboriginal Liaison Unit by at least three additional officers.	COMPLETE	Budget Addition 2019 – \$95,000 2020/21 – Above increase permanent	See R.15	S R.15	COMPLETE

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
<p>R.17. With Indigenous engagement and advice, TBPS should take measures to acknowledge Indigenous culture inside Headquarters or immediately outside it.</p>	<p>COMPLETE</p>	<p>N/A</p>		<p>In the main second floor lobby, we currently have on display the Robinson Superior Treaty and a Roy Thomas piece entitled "Relatives".</p> <p>We will shortly be showcasing art received as a result of an art competition put on by the TBPS for Fort William First Nation artists called "a call for artists".</p> <p>The TBPS fully supports and assists in the Tree of Hope project initiated by one of its constables, Sharlene Bourdeau and in partnership with Ontario Native Women's Association (ONWA).</p> <p>Update: The CIT Unit has updated the second floor display case acknowledging many different indigenous dates and themes. E.g. MMIWG, Every Child Matters, 2SLGBTQ, National Indigenous Day.</p> <p>The CIT Unit has worked with an Elders Advisory Committee to gather and be gifted with an Indigenous Bundle through ceremony E.g. Eagle Staff, Smudge kit with medicines, sweet grass, sage, cedar. Cedar has been raised over all entrances to bring good energy to the work being done by staff.</p>	<p>COMPLETE</p>

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
R.18. Thunder Bay Police Service should make wearing name tags on the front of their uniforms mandatory for all officers in the Service.	COMPLETE	Budget Additions 2019 - \$2,000 2020 - \$20,000	TBPS – all levels	All name tags have been issued and are mandatory and considered a permanent part of an officer's uniform.	COMPLETE
R.19. TBPS should implement the use of in-car cameras and body-worn cameras.	COMPLETE	Additional funding added to 2019 capital budget for 5 year project 1 st year implementation \$361,900 with \$72,000 infrastructure costs	TBPS – all levels	TBPS will be announcing the roll out of in-car cameras and body-worn cameras by the end of the first quarter of 2021. All body worn cameras have been deployed and are utilized by all front line officers in Uniform Patrol and Traffic. The in-car cameras installed in Primary Response front-line vehicles all became operational on July 5th, 2021. The camera system consists of a forward facing in-car camera and a rear prisoner compartment camera. There is also full audio recording within the police vehicle. We also have automatic triggers which start the in-car camera recordings when certain parameters are met. One of these parameters is the activation of the emergency lights. Another parameter is the opening of the	COMPLETE

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
				<p>rear prisoner compartment doors when the police vehicle is running. Once the cameras are activated, 30 seconds of pre-activation video is captured and the audio is captured beginning at the time of the activation. All these recordings are secured and automatically uploaded to a digital evidence management system. The video cannot be deleted or altered once it has been made. We currently have 30 in-car cameras installed.</p> <p>The Service has also launched a new video series called "Our Call" that showcases the calls for service our officers attend. This was spearheaded by Chris Adams and Scott Paradis. A video is shared monthly with the Thunder Bay Police Services Board at their open session meetings.</p>	
<p>R. 20. TBPS should, through policy, impose and reinforce a positive duty on all officers to disclose potential evidence of police misconduct.</p>	<p>COMPLETE</p>	<p>N/A</p>	<p>TBPS</p>	<p>Such a duty already exists in legislation. However, our policy has been revised to include: "It is the duty of every member of the Thunder Bay Police Service to address behavior that could be deemed as misconduct when learned about or observed."</p> <p>Additionally, TBPS has introduced a new Code of Conduct addressing this recommendation directly.</p>	<p>COMPLETE</p>

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
RECOMMENDATIONS REGARDING MISSING PERSONS CASES					
R.21. I urge the Ontario government to bring into force Schedule 7, the Missing Persons Act, 2018, as soon as possible.	COMPLETE	N/A	Ontario Gov't	<p>The Missing Persons Act is now in force and the legislation is being utilized by members of the TBPS to assist them in missing persons cases.</p> <p>The TBPS has participated in the training from the Ontario Police College to ensure full knowledge and compliance with the Act. All TBPS policies have been amended accordingly.</p>	COMPLETE
RECOMMENDATIONS REGARDING THE RELATIONSHIP BETWEEN THE POLICE AND THE CORONER'S OFFICE					
R.24. The Office of the Chief Coroner, Ontario's Chief Forensic Pathologist, the Regional Coroner, and TBPS should implement the Thunder Bay Death Investigations Framework on a priority basis and should evaluate and modify it as required, with the input of the parties, annually.	COMPLETE	N/A	TBPS & Coroner's Office	<p>The Service has concluded in-house training with all officers that addresses the investigative relationship between the Police and the Coroner. The Coroner's office is invited and does attend to assist in delivering this training. There is a working framework in place as outlined above that will be utilized on an ongoing basis.</p> <p>Update: See ongoing meetings between the Regional Supervising Coroner and Inspector of Investigative Services. (R. 11)</p>	COMPLETE

R.25.	The Office of the Chief Coroner should ensure police officers and coroners are trained on the framework to promote its effective implementation.	COMPLETE	See R.24	See R.24	See R.24	COMPLETE
R.26.	The Office of the Chief Coroner and TBPS should publicly report on the ongoing implementation of the framework in a way that does not prejudice ongoing investigations of prosecutions.	COMPLETE	See R.24	See R.24	See R.24	COMPLETE
RECOMMENDATIONS REGARDING THE RELATIONSHIP BETWEEN THE POLICE AND PATHOLOGIST						
R.28.	TBPS should reflect, in its procedures and training, fundamental principles to define the relationship between investigators and pathologists.	COMPLETE	N/A	TBPS	The Service's Sudden Death Policy has been fully reviewed and revised to incorporate the above. The policy will be continuously reviewed as required. Update Jan 2023: The policy will be continuously reviewed as required and is scheduled to be updated on a yearly basis.	COMPLETE

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
RECOMMENDATIONS ON RACISM IN TBPS POLICING – RECRUITMENT AND JOB PROMOTION					
<p>R. 40 TBPS should implement psychological testing designed to eliminate applicants who have or express racist views and attitudes. In Ontario, such specific testing is not done. It can be tailored to the TBPS experience. This testing should be implemented in Thunder Bay on a priority basis.</p>	COMPLETE	<p>Budget additions 2020 – 2021 -</p>		<p>The psychological testing TBPS now engages in is extensive and much more thorough than what has been completed in the past. We now have three separate psychological tests that are analyzed by a psychologist in order to inform a medical opinion on the candidate's suitability to be a police officer. One of these tests, the MPulse, specifically analyzes liability factors including racially offensive conduct, negativity and inappropriate attitudes. Candidates also receive face to face interviews with a psychologist should any portion of the testing be inconclusive or potentially concerning. Candidates with concerning test results are screened out of the process.</p>	COMPLETE
<p>R. 41 TBPS should, on a priority basis, create and adopt a proactive strategy to increase diversity within the Service, with prominence given to Indigenous candidates.</p>	COMPLETE	<p>Budget Additions 2020 – 2021 - (recruitment initiative costs)</p>	TBPS	<p>The entire recruitment process within the TBPS has been redeveloped with a focus on removing systemic barriers disproportionately encountered by Indigenous candidates. Everything from the initial testing to the background check has been modified or is completely new.</p> <p>A full report was provided to the TBPSB in January 2020</p>	COMPLETE

				<p>Also, the Service is in the process of reviewing its HR department and looking at ways to expand.</p> <p>Update Jan 2023: The Chief continues to develop initiatives to enhance recruiting for all personnel. The HR and Recruitment Team traveled to Manitoba and Saskatchewan in November of 2022 to continue the recruitment initiative.</p>		
R. 42	TBPS leadership should link job promotion to demonstrated Indigenous cultural competency.	COMPLETE	N/A	TBPS	<p>TBPS Promotional Policy newly implemented in 2020 Collective Agreement and internal procedures changed with emphasis placed on different criteria for promotions.</p>	COMPLETE

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
<p>1. Nine of the TBPS sudden death investigations that the OIPRD reviewed are so problematic I recommend these cases be reinvestigated.</p>	<p>ONGOING</p> <p>Goal: March 2021</p> <p>Revised Goal: September 2021</p> <p>Spring 2022</p>	<p>Funding will be taken from the TBPS budget as needed. Will not become a permanent line item. Overall costs covered by other agencies. TBPS covering Chair of Executive Committee and Lead Investigator for re-investigation team</p> <p>2020 – 2021 – To be determined</p>	<p>Primary: TBPS and Coroner's Office</p>	<p>For Recommendations 1 to 5:</p> <p>There are nine cases that were identified by the OIPRD as being recommended for re-investigation. A re-investigative team was established consisting of three tiers: Executive Governance as oversight, Investigative Resource and Blended Investigative team made up of members of various police services.</p> <p>All cases listed above have been reinvestigated and files are being completed for review of the Executive Governance committee. Additionally, the tenth case in the OIPRD report is now being reinvestigated. No members of the TBPS will participate in reinvestigation.</p> <p>All cases should be completed by March 2021 with exception of tenth which is anticipated to take longer given the later start date. While the expectation was to have the report completed by the end of 2021 it now appears that the aim is for the Spring of 2022.</p> <p>The meetings with the families are nearing completion with the last of the family update meetings occurring May 9-11, 2022.</p>	<p>IN PROGRESS</p> <p>Some cases have been referred to the OPP for further examination, report to be presented by Chief Coroner sometime in 2023.</p>

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
				The final report of the 9 re-investigations was released on March 3, 2022.	
R.2. A multi-discipline investigation team should be established to undertake, at a minimum, the reinvestigation of the deaths of the nine (9) Indigenous people identified.	ONGOING See R.1	See R.1	See R.1	See R.1	See R.1
R.3. The multi-discipline investigation team should establish a protocol for determining whether other TBPS sudden death investigations should be reinvestigated.	ONGOING See R.1	See R.1	See R.1	See R.1	See R.1
R.4. The multi-discipline investigation team should also assess whether the death of Stacy DeBungee should be re-investigated, based on our Investigative Report and the Ontario Provincial Police review of the TBPS investigation. The team should also assess when and how the investigation should take place, without prejudicing ongoing Police Services Act proceedings.	ONGOING Goal: January 2022	See R.1	See R.1	This is the tenth case referenced above. The multi-discipline investigation team and various committees have determined that the sudden death of Stacy DeBungee will be re-investigated starting in January 2021. Discussions have occurred to determine how this is undertaken without prejudicing the ongoing Police Services Act proceedings. As per direction from the Ministry of Attorney General this has been given to the OPP team	See R.1

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
				<p>to be reinvestigated</p> <p>Update Jan 2023: The Police Services Act proceedings relating to same have now concluded and a decision on penalty will be delivered within the following months. The sudden death of Stacy DeBungee is currently being reinvestigated by the OPP.</p>	
<p>R.5. TBPS should initiate an external peer-review process for at least three years following the release of this report.</p>	<p>ONGOING</p> <p>January 2022</p>	<p>To Be Determined</p>	<p>TBPS and various stakeholders</p>	<p>Once the above referenced re-investigations are complete, the documents and practices established will be utilized on a go forward basis to determine a comprehensive peer- review process.</p> <p>Update Jan 2023: Discussions have begun on developing a multi- disciplinary team for peer-review purposes. The Service currently utilizes a sudden death review process involving internal investigators and outside expertise such as the Crown Attorney and the Coroner in certain cases. The hope is to formalize a broader process which utilizes external agencies routinely.</p>	
<p>R.30. If a Forensic Pathology Unit cannot be located in Thunder Bay, TBPS and the Ontario Forensic Pathology Service should establish, on</p>	<p>COMPLETE</p>	<p>Budget Additions</p> <p>2021 – To be determined</p>	<p>TBPS & Coroner’s Office</p>	<p>The TBPS has recently entered into a Memorandum of Understanding with the Toronto Police Service for their assistance when post mortems are scheduled to be conducted in</p>	<p>NOT COMPLETE - Coroner’s Office - Delays due to availability of aircraft, weather, and more</p>

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
<p>a priority basis, procedures to ensure timely and accurate exchange of information on sudden death and homicide investigations and regular case-conferencing on such cases.</p>		<p>(cost recovery model by Toronto Police Service)</p>		<p>Toronto. This allows for continuity and efficiencies while cutting down on costs of travel and delay.</p> <p>The MOU received final signature of March 2, 2021.</p> <p>Update Jan 2023: TBPS completes an Ontario Forensic Pathology Service “Preliminary Police Report” form for any body being sent to Toronto for post mortem. This form includes the name, rank and badge number of the Major Crimes Unit Investigator and Forensic Identification Unit Investigator as well as a brief description of the scene and the circumstances surrounding the death.</p>	<p>cause issues for case officers, and trauma for families of sudden death victims. If a Forensic Pathology Unit isn't being placed in Thunder Bay. Then reliable and timely options must be put in place.</p>
<p>R.31. The Ontario Forensic Pathology Service should provide autopsy services compatible with cultural norms in Indigenous communities.</p>	<p>N/A</p>	<p>N/A</p>	<p>Coroner's Office</p>		<p>NOT COMPLETE -</p> <p>A lack of pathology and coroner services in Thunder Bay contribute to systemic racism through lengthy delays in the releasing of bodies of sudden death victims.</p>
<p>RECOMMENDATIONS REGARDING RACISM IN TBPS POLICING - GENERAL</p>					
<p>R.32. TBPS should focus proactively on actions to eliminate systemic racism, including removing</p>	<p>ONGOING</p>	<p>Budget Additions</p>	<p>TBPS & External Stakeholders</p>	<p>The Service is currently undergoing an Organizational Change project initiated by the Chief of Police. The details of the Organizational Change project</p>	<p>IN PROGRESS</p> <p>Organizational Change website</p>

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
<p>systemic barriers and the root causes of racial inequities in the Service. TBPS should undertake a human rights reorganizational change strategy and action plan as recommended by the Ontario Human Rights Commission in October 2016.</p>				<p>can be found on the TBPS website.</p> <p>The first meeting was held in April 2018 and the first area of change was the Aboriginal Liaison Unit. The Service is currently working on its Training Curriculum for all members of the TBPS, both civilian and sworn.</p> <p>The CIT Coordinator will participate in many aspects of this recommendation through the Organizational Change Project – training, recruitment and communication internally and externally. Culturally significant training plans will be presented to the Chief for acceptance early in 2021.</p> <p>The Chief authorized the establishment of an internal Equity, Diversity and Inclusion Committee. The Committee will discuss new initiatives such as the CIT Strategic Plan, various policy, recruitment initiatives and volunteer work.</p> <p>Recommendations from the work of the committee can be forwarded to the Chief to consider.</p> <p>Training will start based on the approved curriculum in December</p>	<p>appears to not be regularly updated.</p> <p>Ongoing human rights complaints and concerns brought to the panel around systemic racism, and internal racism suggest more work needs to be done in this space to meaningfully implement this recommendation.</p>

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				<p>of 2021. First training session to be held December 13-16, 2021 with additional sessions scheduled for January 2022. Truth and Reconciliation Training (four days – ten hour sessions per day) is underway for all TBPS members.</p> <p>Update Jan 2023: All members of the TBPS will have completed the Reconciliation Training by Mid-2023. Continuous education will continue to occur throughout the course of a members’ career.</p>	
<p>R.33. TBPS leadership should publicly and formally acknowledge that racism exists at all levels within the Police Service and it will not tolerate racist views or actions. TBPS leadership should engage with Indigenous communities on the forum for and content of these acknowledgements. This would be an important step in TBPS advancing reconciliation with Indigenous People.</p>	COMPLETE	N/A	TBPS – Chief of Police	<p>On the day the Systemic Review Report was released, the existence of systemic racism was acknowledged. It was also reiterated by the TBPS leadership that racist views and actions are not, and will never be, tolerated by the Service. The Chief also acknowledged the existence of systemic racism within the Service and the Board during the Board’s Acknowledgement and Reconciliation Circle on January 13, 2019.</p>	COMPLETE
R.34 The Thunder Bay	N/A	N/A	N/A		IN PROGRESS

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
<p>Police Services Board should publicly and formally acknowledge racism exists within TBPS and take a leadership role in repairing the relationship between TBPS and Indigenous communities. This too, is an important step in TBPS advancing reconciliation with Indigenous People.</p>					<p>Interim Chief Taddeo is making efforts in starting efforts to engage with Indigenous leaders and communities. Previous to his appointment, there is no evidence of relationship building taking place in a meaningful way.</p>
<p>R.35 TBPS leadership should create a permanent advisory group involving the police chief and Indigenous leadership with a defined mandate, regular meetings, and a mechanism for crisis-driven meetings to address racism within the TBPS and other issues.</p>	<p>ONGOING</p>	<p>Not yet known. Currently the group is made up of volunteers.</p>	<p>TBPS & External Stakeholders</p>	<p>Currently, there is a group called the Executive Committee on Indigenous and Diversity Issues which meets quarterly. This Committee acts as an advisory group to the Chief of Police when major incidents occur that require community input. However, this Committee has been put on hold and is being re-defined to better meet the needs of the Community under the Organizational Change project.</p> <p>As part of the transition from the Aboriginal Liaison Unit to the Community Inclusion Team, the new Civilian Coordinator will be tasked with redefining the role of the Committee as well as reviewing the composition of the Committee. As an individual was</p>	<p>IN PROGRESS</p>

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				<p>just hired in this position, an update will follow.</p> <p>The development of the Equity, Diversity and Inclusion (EDI) Committee. An internal committee of the TBPS. First meeting held September of 2021. The EDI Committee's general purpose is to consider, discuss, research and propose new innovations on who we are, what we represent internally and externally as a Service to ensure the best service to our community. This will include community engagement to hear about what our community would like to see from us. The EDI Committee connects to the Community Inclusion Team (CIT) Strategic Plan, as well as, our response to the various reports and recommendations that impact our service delivery model.</p> <p>Update Jan 2023: The EDI Committee has reduced meeting frequency to quarterly and awaits recommendation to the Board by the Expert Panel to inform future work.</p>	
RECOMMENDATIONS REGARDING RACISM IN TBPS POLICING - TRAINING					
R.36 TBPS should work with training experts, Indigenous Leaders, Elders, and the	COMPLETE	Budget Additions	TBPS & External Stakeholders	Further, Dr. Leisa Desmoulines alongside the Curriculum Working Group are actively	IN PROGRESS - As of March 30, 90%

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
<p>Indigenous Justice Division of the Ministry of the Attorney General to design and implement mandatory Indigenous cultural competency and anti-racism training for all TBPS officers and employees, that:</p> <p>a) Is ongoing throughout the career of a TBPS officer or employee;</p> <p>b) Involves “experiential training” that includes Indigenous Elders and community members who can share their perspective and answer questions based on their own lived experiences;</p> <p>c) Is informed by content determined at the local level, and informed by all best practices;</p> <p>d) Is interactive and allows for respectful dialogue involving all participants;</p> <p>e) Reflects the diversity within Indigenous communities, rather</p>		<p>2021 – \$55,000 (actual training cost)</p>		<p>gathering information and testing various training programs to be implemented throughout the duration of a police officer's career. The development of this curriculum is ongoing. The framework will reflect a community- focused service delivery model that activates the principles from the Truth and Reconciliation Commission's Final Report and the training recommendations from the OIPRD's Broken Trust Report. The framework will be grounded in diversity, equity and inclusion</p> <p>In May 2020 Chief Hauth tasked the CWG members to develop a curriculum with four phases, grounded in recommendations from two previous reports. To date, the CWG has studied other curricula from the OPP and other local police services. Also, the group has consulted with trainers from the justice sector to find a trainer for the initial phase of the training. Currently they are customizing the training and selecting a trainer(s) with the capacity to train all members of TBPS. CWG members will present a report with recommendations for Phase I training to Chief Hauth by the end of the March 2021.</p>	<p>of staff have completed the Reconciliation Training session.</p> <p>All Senior Officers have either taken the current TBPS Reconciliation Training or an approved Ministry Course.</p> <p>Training courses include:</p> <ul style="list-style-type: none"> - Indigenous Awareness Training – OPP ongoing - Reconciliation Training - Walk-a-mile Indigenous Awareness training - Hate/Bias Training - MAG Cultural Training - Cross Cultural Conciliation Training - Restorative Justice Healing Circles - Restorative Justice Pre-charge Diversion Circles

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
<p>than focusing on one culture to the exclusion of others;</p> <p>f) Explains how the diversity of Indigenous People are pre and post contact</p>				<p>As per recommendation 32, the training commenced in December of 2021. The CWG provided parameters to be included in the Diversity Training. The CIT Coordinator is prepared the training which included</p>	
<p>R.37 TBPS should ensure the Indigenous cultural competency training recommended in this report is accompanied by initiatives in collaboration with First Nations police services that allow TBPS officers to train or work with First Nations police services and visit remote First Nations to provide outreach.</p>	COMPLETE	See R.36	TBPS & External Stakeholders	<p>In addition - currently have in place Grade 8 visit project in conjunction with NAPS where officers visit First Nations communities.</p>	IN PROGRESS As of March 2023, Interim Chief Taddeo in process of finalizing agreement with NAPS.
RECOMMENDATIONS FOR IMPLEMENTATION OF RECOMMENDATIONS					
<p>R.44 On an annual basis, TBPS should provide the public with reports that provide data on sudden death investigations. These reports can provide data, in a disaggregated Indigenous and non- Indigenous manner, detailing the total number of sudden death investigations with breakdown of investigative outcomes, including homicide, accidental death, suicide, natural death and undetermined.</p>	ONGOING	N/A	TBPS	<p>While most of this information is available in the Service's annual report, the Service is currently looking into ways to deliver as much of the above information in the coming annual reports.</p>	IN PROGRESS - But more data highlighting racial and gender identity patterns would be beneficial for transparency.

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
RECOMMENDATIONS REGARDING TBPS INVESTIGATORS AND THE CRIMINAL INVESTIGATIONS BRANCH					
R.6. TBPS should immediately ensure sufficient staffing in its General Investigations Unit in the Criminal Investigations Branch. Adequate resources must be made available to enable this recommendation to be implemented on an urgent basis.	COMPLETE * However will be ongoing and reassessed based on needs as they evolve	Budget additions 2019 - \$350,000 2020 – above now permanent 2021 – Above now permanent	TBPS - CIB	An additional 5 officers were added to the Criminal Investigations Branch in 2019. Positions were filled in the 2019 and 2020 years.	COMPLETED* Additional budget to support staffing was approved with 2023 budget. Hiring underway. Province wide shortage of officers, and recruitment challenges are an area that stresses existing staffing challenges. TBPS reports 9 applicants for 14 vacant positions.
R.7. TBPS should establish a Major Crimes Unit – within the Criminal Investigations Branch – that complies with provincial standards and best practices in how it investigates serious cases, including homicides, sudden deaths and complex cases.	COMPLETE	Budget additions 2019 - \$208,920 2020 – above now permanent 2021 – above now permanent	TBPS - CIB	There has been a creation of four Major Crime Units within the Criminal Investigations Branch. There are now twenty officers trained and dedicated to major crime investigations; there are four (4) detectives and sixteen (16) detective constables assigned to Major Case Management. These officers make up four units of 1 detective and 4 detective constables working a 12 hour shift schedule rotation ensuring maximum coverage.	COMPLETE* A lack of KPI's established by the board in reporting led to this number being artificially inflated in previous reporting by Chief Hauth. Of the 16 detective constables assigned to the unit, 2 were also the assigned training/mentoring officers. Current management do not

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					<p>define those roles as being investigative resources, as they are in fact training/mentoring roles.</p> <p>Those positions have been vacant for at least the last year.</p>
<p>R.8. TBPS should provide officers, who have taken the appropriate training with opportunities to be assigned work with Criminal Investigations Branch and the Major Crimes Unit investigators to gain experience.</p>	<p>COMPLETE</p>	<p>Budget additions</p> <p>2019 - \$49,500 for training</p> <p>2020 - above now permanent</p> <p>2021 - above now permanent</p>	<p>TBPS – All Branch Commanders</p>	<p>The TBPS does have a secondment program to allow for officers in other branches to spend time in the Criminal Investigations Branch.</p> <p>The TBPS now has two (2) mentoring positions dedicated to the Uniform Patrol Branch to spend a period of three (3) months in CIB. This will provide officers with the opportunity to learn the various roles performed in CIB and gain experience in criminal investigations. Such training will be tracked in a logbook and retained for career development and advancement purposes. All participants will also be offered the entry level “Criminal Investigation Techniques” course upon entering the mentorship</p>	<p>IN PROGRESS</p> <p>The two mentoring positions have been vacated due to ongoing shortages in uniform patrol.</p> <p>Despite the vacancies in the mentoring positions, the Service has been successful in working with the Ontario Police College to bring instructors to Thunder Bay for courses.</p> <p>Mentoring positions are intended to be filled, as staffing allows as part of the larger recruitment strategy.</p>

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
				<p>program.</p> <p>This program will see eight (8) officers a year cycle through.</p>	
RECOMMENDATIONS REGARDING TBPS INVESTIGATORS AND THE CRIMINAL INVESTIGATIONS BRANCH					
<p>R.10. TBPS should develop a strategic human resources succession plan to ensure the General Investigations Unit, Criminal Investigations Branch, and the Major Crimes Unit is never without officers who are experienced in investigations.</p>	ONGOING	Not yet known	TBPS – HR Manager & CIB	See above recommendations that assist in realizing the succession plan (specifically the mentorship program)	<p>NOT COMPLETE</p> <p>The Service acknowledges no ‘human resources succession plan’ exists or is being developed.</p> <p>The Service is prioritizing the recruitment of officers, to stabilize staffing levels.</p> <p>Such a policy will hold greater relevance when all the vacant positions are filled, addressing the acute challenges before focusing on medium- and longer-term challenges.</p>
RECOMMENDATIONS REGARDING OTHER TBPS OPERATIONAL AREAS					

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
<p>R.15. TBPS should fully integrate the Aboriginal Liaison Unit's role into additional areas of the Police Service. This would help to promote respectful relationships between TBPS and the Indigenous People it serves.</p>	<p>COMPLETE</p>	<p>Budget Additions Cost of Consultant</p>	<p>TBPS – Community Services Branch External Stakeholders engaged in Organizational Change Project</p>	<p>For more than a year, the Service has been undergoing an Organizational Change Project, in which a consultant was hired and a committee of internal and external members were tasked with diversifying the Service and making it more inclusive. Part of this project was to look at the role of the Aboriginal Liaison Unit, which is now called the Community Inclusion Team.</p> <p>TBPS hired a civilian Community Inclusion Team (CIT) Coordinator to work with the Indigenous Liaison Officers. The CIT will develop engagement plans for the community and the Coordinator will participate on the TPBS Organizational Change Project going forward. Currently, the project is focusing on career long diversity training with a focus on Bias, Racism, Indigenous people and Culture.</p> <p>The CIT Coordinator will be involved in all aspects of community engagement with the Indigenous Liaison Officers and internally on training and relationships with frontline sworn and civilian staff.</p>	<p>IN PROGRESS</p> <p>The Service acknowledges there is no formal policy outlining how the Community Inclusion Team (formerly Aboriginal Liaison Unit) is integrated into the Service, however there are several unofficial collaborations within the service through knowledge exchange.</p> <p>Primary Response officers, supervisors, Investigative Services and Service leadership reach out to the Community Inclusion Team to assist with victims of crime, major crime, and acts of racism.</p> <p>The Indigenous Liaison Officers within the Community Inclusion Team are well known and have built connections where concerns and</p>

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
					<p>dialogue occurs with the officers through social media direct messages or text.</p> <p>The Community Inclusion Team coordinator has introduced teachings with elders on Indigenous culture, traditions, protocols, youth engagement in addition to offering spring cedar ceremonies, participating in flag raising ceremonies and Tree of Hope support.</p> <p>The Community Outreach Branch policy is currently under review.</p>

RECOMMENDATIONS REGARDING MISSING PERSONS CASES

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
<p>R.23. TBPS and the Thunder Bay Police Services Board should re- evaluate their missing persons policies, procedures and practices upon review of the Honourable Gloria Epstein's report on Toronto Police Service's missing persons investigations due to be released in April, 2020.</p>	<p>ONGOING</p> <p>Goal: June 2021 for initial report</p> <p>Long Term: Multi-year</p>	<p>Not yet known but could be significant</p>	<p>TBPS & TBPSB</p>	<p>The Honourable Gloria Epstein's report was released on April 9, 2021. The TBPS is in the initial phases of reviewing the report. A longer presentation and implementation strategy will be presented to the Board in June 2021.</p> <p>The Service provided update reports as to how it is implementing the recommendations as outlined in Epstein's report. Reports went to the board in September and October of 2021. The next report will come in the first half of 2022.</p> <p>Update Jan 2023: The Service continues to meet on the recommendations made by Honourable Gloria Epstein however the Service awaits Board input and guidance to implement any recommendations.</p>	<p>IN PROGRESS</p> <p>The Board's Governance Committee will include this as part of its workplan.</p>

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
RECOMMENDATIONS REGARDING THE RELATIONSHIP BETWEEN THE POLICE AND PATHOLOGIST					
<p>R.29. The Ontario Forensic Pathology Service should establish a Forensic Pathology Unit in Thunder Bay, ideally housed alongside the Regional Coroner's Office.</p>	<p><i>N/A</i></p>	<p>N/A</p>	<p>TBPS & Coroner's Office & Key stakeholders</p>	<p>Chief Hauth sent a letter on October 22nd, 2019 to the then CEO of the Thunder Bay Regional Health Sciences Centre, Mr. Jean Bartkowiak, and copy to the Chief Coroner. The letter was in regards to the pressing need to establish a Forensic Pathology Unit in Thunder Bay. Conversations with the Chief Coroner's office are ongoing in relation to this matter.</p> <p>The Chief is in the process of authoring another letter advocating for additional resources. A copy will be shared with the Board prior to release.</p> <p>Chief Hauth sent a letter on November 24, 2021 to the Office of the Chief Coroner and copying the Thunder Bay Police Services Board. Within that correspondence Chief Hauth notes that alongside the Regional Coroner's Office, the establishment of a forensic pathology unit forms part of the OIPRD recommendations under Recommendation 29.</p>	<p>NOT COMPLETE - This should be the priority of all stakeholders to address barriers to have a Unit housed in Thunder Bay.</p>

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
RECOMMENDATIONS REGARDING RACISM IN TBPS POLICING – TRAINING					
R.39 TBPS should develop and enhance additional cultural awareness training programs relating to the diverse community it serves.	ONGOING	Not yet known	TBPS	See R.36 CIT established FACT Fridays communicating information to all members of the TBPS on Culture, 2SLGBTQ and relevant topics to inform, allow for better understanding and dispelling common myths.	IN PROGRESS The Service has reached out to partners at the Multi-Cultural Center, the local mosque, attend the Festival of India and attend Wake the Giant Festival, various pow wows, collaborate with Lakehead Public Schools, DFC, Matawa and Thunder Bay District Catholic School Board schools to engage Indigenous and non-Indigenous students. Deliver archery sessions at the Junior Canadian Rangers Camp Loon for engagement with Indigenous Youth, Mino-Bimaadziwin Youth Camp and partner with FWFN on various activities including boxing, fitness training and hockey. Many youths are indigenous and non-indigenous including new Canadian youth.

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
					<p>The Unit was provided direction to be focused and deliberate with the needs of the community, to enable capacity to engage different people and backgrounds.</p> <p>The pillars to guide them is through the following lens:</p> <ul style="list-style-type: none"> - Health and Harm reduction approaches - Connection to social services and community-based programs and outreach partners - Enforcement as a last resort when gaps cannot be filled but can be used when necessary for public safety. <p>The Service notes that efforts to resume the pace of events is underway after the impacts of COVID-19 pandemic and gathering restrictions over 2020 and 2021.</p> <p>During the Pandemic, the Service developed a CIT strategic</p>

RECOMMENDATION #	TIMELINE	FUNDING	RESPONSIBLE	PROGRESS & COMMENTS	FINDINGS OF PANEL
					<p>engagement plan after hearing from the community through the Chief's Breaking Barriers Organizational change project.</p> <p>The Service reports it's being implementation is ongoing.</p> <p>Additional training around LGBTQ+, and other BIPOC communities should be developed internally to supplement external community engagement.</p>
RECOMMENDATIONS FOR IMPLEMENTATION OF RECOMMENDATIONS					
<p>R.43 TBPS should report to the OIPRD on the extent to which the recommendations in this report are implemented. This is imperative given the crisis in confidence described in this report. The OIPRD should, in turn, report publicly on TBPS's response and the extent to which the recommendations in this report are implemented.</p>	COMPLETE	N/A	TBPS	TBPS reports yearly to the OIPRD and more frequently to the TBPSB on recommendation progress.	<p>NOT COMPLETE</p> <p>* OIPRD has not reported publicly since 2019</p> <p>* Panel has found a lack of metrics in determining the completion of recommendations warrant better reporting and analysis from the Service and Board</p>

Appendix D: The Panel’s Analysis on OCPC Related Progress

OCPC Recommendations and Implementation (As of June 2022) and Findings of Independent Expert Panel (as of January 2023)

Note to readers: *Regarding the Appointment of an Administrator – R.34 – R.41 refer to when recommendations were first brought forward and are therefore not evaluated below.*

COMPLETED RECOMMENDATIONS

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
Regarding Board Governance Policy:				
R.1. It is recommended that there be a clear statement of the role of the Board in governing the police service, defining the key instruments required to provide governance, and specifying the authorities and constraints on the Board.	Q3 2021	Board	October 15, 2019 Statement to be produced	COMPLETED
R.2. It is recommended that a person who does not carry out any other municipal role, especially one at the executive level, be appointed to provide services to the Board in the capacity of a Secretary.	Q3 2020	Board	Completed September 17, 2019 An RFP is in development as a first step – aiming to fill positions by December 2019. February 5, 2020 RFP final selection in progress for independent Secretary to the Board March 8, 2021 Completed	COMPLETED
R.3. It is recommended that the Board Chair, with support from the Chief, presents the budget to the municipal government that includes remuneration for an Executive Director.	Q4 2020	Board & Chief	September 17, 2019 Done – will continue yearly March 8, 2021 Completed/Annual Completed/Annual	COMPLETED
Regarding Relationships with Indigenous Groups:				

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
R.23. It is recommended that Board direct the TBPS to develop formal Terms of Reference for the Aboriginal Liaison Unit.	Q2 2021	Chief	<p>September 17, 2019 Following report of the Organizational Change Committee in October</p> <p>February 5, 2020 Re-vamp of the ALU to be presented publicly in Feb. or March 2020 with new terms of reference</p> <p>Completed October 2020 with rebranding as Community Inclusion Team, 4 officers and a civilian coordinator</p>	COMPLETE
Regarding Board and Police Training:				
R.25. It is recommended that newly appointed Board members not be able to vote until they have completed this training.			Completed/Ongoing	COMPLETE
R.27. It is recommended that TBPSB use the training and development resources available from the Canadian Association of Police Governance and Ontario Association of Police Service Boards.	Q1 2019	Board	Completed/Ongoing	COMPLETE
Regarding Support to Police Boards from the MCSCS:				
R.33. It is recommended that the MCSCS clarify in policy that Zone Advisors can attend all board meetings, whether they are open or closed, subject to the same confidentiality rules that apply to board members.	?	MCSCS	COMPLETE	COMPLETE

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
<i>Regarding the Appointment of an Administrator</i>				
R.42. It is recommended that for the appointment of any future Board member attention be paid to the range of attributes, characteristics and competencies outlined by the Winnipeg Police Board as desirable for effectively contribution to its Board.		BOARD	ONGOING	COMPLETED

PARTIALLY COMPLETED RECOMMENDATIONS

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
Regarding Board Governance Policy:				
R.5. It is recommended that the Board establish a Governance Committee to review and propose revisions where necessary to all existing policies, including its Missing Person Policy, and to oversee the development and regular maintenance of Board policies.	Q3 2020	Board	<p>Completed/Ongoing</p> <ul style="list-style-type: none"> September 17, 2019 - The Governance Committee establishment is on the September 2019 agenda. October 15, 2019 - The Governance Committee establishment is on the September 2019 agenda. Deferred 	IN PROGRESS – Reconstitution of Governance Committee occurred in late 2022.
R.7. It is recommended that the Board engage with First Nation organizations, including the Bear Clan and education authorities and local schools, to conduct a formal review of the Missing Persons Policy.	Q4 2021	Governance Committee		NOT COMPLETE

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
Regarding Recruitment, Retention and Promotion				
<p>R.13. It is recommended that the Board direct the Chief to submit, for its approval, a multi-year plan for the diversification of the TBPS, to include:</p> <ol style="list-style-type: none"> 1. Specific targets for recruitment and a timeline for their achievement; 2. Recruitment strategies that focus on marginalized communities not represented or under-represented in the TBPS; An analysis of existing barriers to recruitment, selection, retention and advancement of under-represented groups, and measures to address those barriers; 4. Creation of a multi-stakeholder advisory group to support initiatives for retention and recruitment; 5. A plan for the training and support of existing and newly recruited staff to explain and promote the value of a representative service; 6. A development and promotion plan for current Service members from First Nations and other under-represented groups; 7. A monitoring and reporting system that 	Q1 2020	Board & Chief	<ul style="list-style-type: none"> • A new HR specialist was hired in June 2019 – recruitment is next goal for organizational change committee • Recruitment plan/long term strategy was presented to the Board at PSB meeting on January 19, 2020 with short, medium and long term goals to recruitment and diversification of the Service. • Presentation at October Board meeting relative to Aboriginal Liaison Unit changes • HR for TBPS is working on recruitment and retention strategies • October 15, 2019: Chair met with Chief and Deputy – awaiting multi-year plan. • September 17, 2019: 	<p>IN PROGRESS</p> <ol style="list-style-type: none"> 1. No firm targets beyond “reflecting the population of Thunder Bay” and no timelines for their achievement when requested by Panel. Currently budgeted for and seeking outreach underway. 3. Completed 4. Not completed 5. Not completed 6. Does not exist 7. Chief reports back semi- annually, partially complete 2. Complete and engaged in as it relates to hiring of new Chief

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
<p>enables the Board to receive accurate and timely reviews of progress to measure results; and</p> <p>3. Formalizing the requirement that the Chief and the Deputy Chief have knowledge or experience with Indigenous peoples, cultures, histories, and policing.</p>			<p>Board work on adding this to the job descriptions of the Chief and Deputy Chief of Police</p> <ul style="list-style-type: none"> February 5, 2020: The chief and deputy are active in the indigenous community – i.e., pow wows, sweat lodge. Have done in house training and attends organizational events 	
Regarding Communication and Transparency:				
<p>R.17. It is recommended that, consistent with practice of many boards across the country, the following steps be taken by the TBPSB to make itself publicly accessible:</p> <ol style="list-style-type: none"> Creation of its own website, with a separate look and feel from the Police Service; Use of social media tools embedded in the site to encourage input; Posting of meaningful information on police activities such as budget, performance reports, etc.; and Development of Board - specific policy and 	<p>Q2 2019</p> <p>Q3 2021</p>	<p>Board & Admin</p>	<ul style="list-style-type: none"> Board website in place Q2 2019, other measures in process. <p>September 17, 2019</p> <ul style="list-style-type: none"> Website has been live since May 21/19 Board meeting. We are working on adding content. <p>February 5, 2020</p> <ul style="list-style-type: none"> 1 – soft launch – May 	<p>IN PROGRESS</p> <ol style="list-style-type: none"> Complete Complete Complete In Progress as part of work plan by Governance Committee

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
<p>protocols for representation of the Board, crisis communication, Board confidentiality, and other internal and external communication needs.</p>			<p>21, 2019 Regular Session Meeting</p> <ul style="list-style-type: none"> • Communications support identified March 2021, Communication Plan adopted April 2021 	

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
<p>R.19. It is recommended that the TBPSB create a policy statement committing to the principle of openness and transparency in its communication. Specific measure reflecting this policy should include:</p> <ol style="list-style-type: none"> 1. Commitment to open meetings, accessible to the community, with formal notice of the rationale for any closed or in-camera sessions or meetings; 2. Meetings held in non-police service facilities, with minimum security barriers or clearances necessary to gain access; 3. Publication of meeting notices, meeting agendas, supporting material, and minutes with sufficient detail to clarify the proceedings; 4. Online publication of Board policies, with opportunities for community members to provide input on policies under development; 5. Producing and posting video coverage of all public meetings; and 6. Any other measures consistent with the principle of openness and transparency. 	Q4 2021	Board	<p>September 17, 2019</p> <ol style="list-style-type: none"> 1. In Progress 2. Done 3. In Progress <p>March 8, 2021</p> <ul style="list-style-type: none"> • To be incorporated in Communications Strategy, some measures already in place 	<p>IN PROGRESS</p> <ol style="list-style-type: none"> 1. Not complete 2. Complete 3. Complete 4. Partially Complete 5. Partially Complete (live access only, not recordings published) 6. Complete

Regarding Board and Police Training:

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
<p>R.24. It is recommended that the Board, in co-operation with OAPSB and funded by the Province, develop a compulsory, standard orientation package for new Board members that will include:</p> <ol style="list-style-type: none"> 1. Briefing by the Chair on: <ul style="list-style-type: none"> • Oath of confidentiality; • Conflict of interest statement; • Relevant legislation, especially the governance provisions of the <i>Police Services Act</i>; • Strategic (Business) Plan for the Service: process and content; • Overview of current budget, and of the budgeting process; • Board policies and procedures; • Roles, powers, authorities, limitations and expectations of a Board member; • Review of current issues; • Review of confidential issues; • Communication protocols; and • Meeting schedule, planning, agendas, minutes, and protocols. 2. Overview of the Police Service by the Chief of Police: <ul style="list-style-type: none"> • Outline of the organization, personnel and deployment; • Tour of facilities; • Meeting with senior and frontline 	Q1 2019	BOARD & OAPSB	1. March 2019 Completed	IN PROGRESS (needs to be completed by new board)

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
officers; <ul style="list-style-type: none"> • Briefing on Current Challenges and Community Developments; and • “Ride Along” with • frontline officers. 				
Regarding training for new appointees:				
R.43. New Board members appointed to replace the outgoing board members be required to complete the On-Boarding and Orientation portion of the proposed strategy which will be the initial responsibility of the Administrator, as well as the ongoing duty of the Chair, to create and execute.				IN PROGRESS
Regarding Board Governance Policy:				

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
<p>R.4. It is recommended that the Board develop a policy regarding relations between the Board and the Chief that clearly delegates operational responsibility to the Chief, but also outlines the Chief's duties at a high level to include:</p> <ol style="list-style-type: none"> 1. The duty to manage the TBPS effectively and efficiently; 2. The duty to implement the policy direction of the Board; 3. The duty to ensure a service that reflects the community it serves; 4. The duty to provide information to the Board on the TBPS's performance, its compliance with policies, community relations, developing trends or significant incidents that would affect plans or changes to police services and annual training and reports on performance in delivering services free of bias, racism, discrimination and harassment; and 5. The duty to brief the Board on serious incidents that can affect the community, either past or anticipated. 	Q3 2021	Board & Chief	<p>In progress: September 17, 2019</p> <p>The Chair has met with Mr. Graham Wight from Ministry to begin the process. We are currently looking for a consultant who can help us with policy manual.</p>	NOT COMPLETED

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
R.6. It is recommended that the Board undertake development of a Board Policy Manual to address governance and other matters that are general to all police forces, as well as those that are unique to the circumstances of the Thunder Bay Police Service.	Q3 2021	Governance Committee	October 15, 2019 Chair is working with Solicitor General's Office and Policy Advisor Mr. Wight and Member Morriveau to complete this recommendation.	NOT COMPLETED
R.8. It is recommended that the Board develop and adopt an anti-racism strategy and policy for itself and the TBPS.	Q3 2021	Governance Committee	Sample policies sent to committee October 2021	NOT COMPLETED
R.9. It is recommended that all Board policies be publicly and easily accessible.	Q4 2021	Governance Committee		NOT COMPLETED

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
R.10. It is recommended that the Governance Committee post all draft policies on the Board's website for public review.	Q3 2021	Governance Committee	October 15, 2019 Working towards including policies on the Board's website.	NOT COMPLETED
<i>Regarding Board Planning</i>				
R.11. It is recommended that the Board develop a Policy on Business Planning.	Q3 2021	Governance Committee		NOT COMPLETED

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
R.12. It is recommended that the Board develop a Policy on Trend Analysis, Critical Points and Risk Management.	Q2 2022	Governance Committee		NOT COMPLETED
Regarding Recruitment and Retention				
R.14. It is recommended that the Board develop, in conjunction with the Chief, a plan to build partnerships with First Nations, educational facilities and other partners to encourage Indigenous recruitment into the TBPS.	Q1 2020	Board & Chief	Completed. September 17, 2019 Board work on adding this to the job descriptions of the Chief and Deputy Chief of Police forms part of current recruitment strategy presented in January 2020	NOT COMPLETE Board response: "Along with other outstanding recommendations this will subject to a priority setting work strategy for the new Board and its governance committee"
Regarding Oversight of the Chief and Deputy Chief:				
R.15. It is recommended that the Board develop a policy regarding relations between the Board, the Chair, and the Chief that clearly delegates operational responsibility to the Chief, but also outlines the Chief's duties at a high level to include:	Q3 2021	Board & Chief	In progress. September 17, 2019 See R. 4 March 8, 2021	NOT COMPLETE

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
<ol style="list-style-type: none"> 1. The duty to manage the TBPS effectively and efficiently; 2. The duty to implement the policy direction of the Board; 3. The duty to ensure the TBPS reflects the community it serves; 4. The duty to report to and provide information to the Board;and 5. The duty to brief the Board on serious incidents that can affect the community, either past or anticipated. 				
<p>R.16. It is recommended that Board policy on Relations with the Chief specify the Chief's responsibility to report to the Board on operational matters that may become matters of concern to the Board, including:</p> <ol style="list-style-type: none"> 1. The performance of the TBPS, specifically in delivering services free of bias, racism, discrimination and harassment; 2. TBPS compliance with policies; 3. The state of community relations; 4. Developing trends or significant incidents that would affect plans or changes to police services; 5. Implementation of operational and training plans; and Board input or decisions required. 	Q3 2021	Board & Chief	March 8, 2021 In progress	NOT COMPLETE

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
Regarding Communication and Transparency:				
R.18. It is recommended that the Board develop and publish online an annual outreach and consultation plan, identifying: <ul style="list-style-type: none"> • Groups that it plans to consult on specific issues or general matters; • First Nations affected by population flow between them and Thunder Bay; and • Indigenous organizations with actual or potential linkages to TBPS programs, services, and operations. 	Q4 2021	Board	September 17, 2019 On-Going To be incorporated in Communications Strategy	NOT COMPLETE Board response: "Along with other outstanding recommendations this will subject to a priority setting work strategy for the new Board and its governance committee"
Regarding Relationships with Indigenous Groups:				
R.20. It is recommended that the TBPSB formally and explicitly adopt principles of reconciliation and recognition of Indigenous peoples in their governance and service delivery models.	Q4 2021	Governance Committee	September 17, 2019 On-Going	NOT COMPLETE

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
R.21. It is recommended the Board establish a specific policy with respect to both the Board and the TBPS' relationship with First Nations communities, people, governments, organizations and service providers setting out the Board's goals, objectives, strategies, communication and consultation protocols, and other measures to facilitate more effective relationships.	Q4 2021	Governance Committee	September 17, 2019 The Board is meeting with Branch Commanders to discuss how the Board's Business Plan will complement what the service is doing. The Board will hold a one day planning retreat. March 8, 2021 To be incorporated in Communications Strategy	NOT COMPLETE
R.22. It is recommended that the Board establish formal agreements with First Nations governance bodies to share information and raise cultural awareness	Q1 2022	Board		NOT COMPLETE
Regarding Board and Police Training:				
R.26. It is recommended that the TBPSB undertake ongoing series of cultural awareness training sessions in which it invites various parts of the community to help it better understand their issues with respect to public safety.	Q1 2019	Board	One session Completed/Ongoing	IN PROGRESS Sessions should be ongoing through the tenure of Board members
Regarding Support to Police Boards from the MCSCS:				

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
<p>28. It is recommended that the MCSCS create a Police Board Governance Standard that would mandate the roles and necessary governance tools of each police service board, to include:</p> <ol style="list-style-type: none"> 1. Roles of the Board to govern the police service; 2. Obligation to engage community in its deliberations; 3. Need for Board to be sensitive to First Nations realities; 4. Duties of the Chair and Vice-Chair; 5. Governance Processes; 6. Public Access guidelines, most notably the need to constrain the use of closed meetings; and 7. Relationship with the Chief, including setting of goals, monitoring of performance and the need for formal performance evaluation processes. 	?	MCSCS		NOT COMPLETE
<p>R.29. It is recommended that the MCSCS create a New Board Member Orientation Standard that would require all new board members to undertake a specific training process before they can participate in board meetings as voting members.</p>	?	MCSCS		NOT COMPLETE

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
R.30. It is recommended that the MCSCS develop a Performance Evaluation Protocol to provide boards with the tools to assess their performance and to enable the MCSCS to conduct, through an inspection process not now in place, periodic evaluations of the board's performance. Such evaluations could take place every three years, as they would constitute a resource demand on the MCSCS.	?	MCSCS		NOT COMPLETE
R.31. It is recommended that the MCSCS designate, as applicable, the following crimes for which the TBPS Chief of Police must develop and maintain procedures and processes for criminal and general investigations: <ol style="list-style-type: none"> 1. Criminal Organization; 2. Human Trafficking; 3. Missing and Murdered Indigenous Women and Girls; and 4. Hate Crimes and Violence against Indigenous Peoples. 	?	MCSCS		NOT COMPLETE
R.32. It is recommended that the MCSCS create, or make more accessible, the trend analysis that the MCSCS is required to undertake under the PSA, and ensure that such analysis emphasizes marginalized communities,	?	MCSCS		NOT COMPLETE

RECOMMENDATION #	TIMELINE	RESPONSIBLE	PROGRESS & COMMENTS	PANEL FINDINGS
most notably First Nations.				
<i>Regarding training for new appointees:</i>				
R.44. It is recommended that the Province fund the development of the proposed training and assist the OAPSB in updating its current online orientation material, especially if it is to be the standard orientation package.				NOT COMPLETED
R.45. It is recommended that the Province fund the development of the proposed training and assist the OAPSB in updating its current online orientation material, especially if it is to be the standard orientation package.				NOT COMPLETED