



**Tribunals Ontario**  
Ontario Civilian Police Commission

15 Grosvenor Street, Ground Floor  
Toronto, ON M7A 2G6  
Email: [OCPCRegistrar@ontario.ca](mailto:OCPCRegistrar@ontario.ca)

**Tribunaux décisionnels Ontario**  
La Commission civile de l'Ontario sur la police

15, rue Grosvenor, rez-de-chaussée  
Toronto (Ontario) M7A 2G6  
Email: [OCPCRegistrar@ontario.ca](mailto:OCPCRegistrar@ontario.ca)

## **Notice of Particulars**

### **Re: Notice of Hearing of Ontario Civilian Police Commission to Chief Sylvie Hauth of the Thunder Bay Police Service, dated June 22, 2022**

#### **With Respect to Count #1**

1. In May 2020, the Thunder Bay Police Service (Service) initiated a criminal investigation into leaks by an unidentified member of the Service of confidential information to a Thunder Bay resident named Brian Webster who operated a Facebook page called 'The Courthouse Inside Edition'.
2. On July 24, 2020, Cst Exell of the Break, Enter, and Armed Robbery (BEAR) unit received a text message on his Service issued cell phone containing the following text: "Hey Mike, I see they are thanking members of the Thunder Bay Police in their bust announcement. Any anonymous info about what hardworking TBPS officers did?" Cst Exell informed his immediate superior officer, D/Cst Woods.
3. The cell phone receiving the text was previously assigned to then Cst Michael Dimini who had left the BEAR unit approximately five months previously.
4. Inquiries revealed the text message emanated from a phone number belonging to a Brian Webster. Later inquiries cleared Cst Dimini of any involvement in being the source of a leak to Mr. Webster.
5. On or about August 2, 2020, then Thunder Bay Police Services Board (Board) Chair Ms. Georjann Morriveau was shopping in a local Home Sense store when she was approached by a man wearing a Covid mask. He appeared to be a police officer with the Service but provided no identifiers. After some general

conversation with Chair Morriseau, he informed her that members of the BEAR unit were gossiping about the text message referred to above. Chair Morriseau did not know the identity of this officer who approached her that day.

6. On August 7, 2020, Chair Morriseau informed Deputy Chief (DC) Ryan Hughes of the contents of the conversation she had with the unidentified officer in the Home Sense store.
7. Inspector John Fennell, who was in charge of the criminal investigation into the leaks, interviewed Chair Morriseau at her residence on August 18, 2020. The Chair reiterated the information she had previously provided to DC Hughes. Inspector Fennell specifically asked her if the officer who approached her that day was Det Jason Rybak. She responded that it was not that officer.
8. Shortly thereafter, the Service began a *Police Services Act (PSA)* internal misconduct investigation into the identity of the officer who approached Chair Morriseau on August 2, 2020 alleging that the unidentified officer had improperly imparted confidential information to Chair Morriseau.
9. On August 30, 2020 Professional Standards Staff Sergeant (S/Sgt) Robert Gombola interviewed Chair Morriseau in a recorded phone conversation. Once again, the name Det Rybak was posed to her as the unidentified officer in question, and once again, she denied it, saying that she knew this officer and would have recognized him.
10. On September 8, 2020, S/Sgt Gombola wrote a report on his investigation, concluding that no disciplinary action be initiated at that time because the officer in question could not be identified. However, the *PSA* investigation continued with respect to Cst Exell' and Cst Woods' involvement.
11. On September 23, 2020, the Service's legal counsel, Ms. Holly Walbourne, attended the Chair's residence to discuss a number of issues. The internal investigation was discussed. While subject to different interpretations, both agree the name 'Rybak' was mentioned in the context of the identity of the

officer who approached her in the Home Sense store. Again, Chair Morriseau said it was not that officer.

12. Sometime in October 2020, Det Rybak telephoned Chair Morriseau to discuss collective bargaining issues. During the discussion, Chair Morriseau informed him that his name had been mentioned in the August 30, 2020 interview referred to above and by counsel Walbourne.
13. On November 10, 2020, DC Hughes had a conversation with Det Rybak regarding an unrelated investigation. During that conversation, Det Rybak informed DC Hughes that he had been informed his name had been mentioned in the internal investigation about giving the Chair information regarding the text message and suggesting he was the unidentified officer in question.
14. On November 19, 2020, in a subsequent conversation with DC Hughes, Det Rybak informed him that the individual who imparted this information to him was Chair Morriseau.
15. Shortly after receiving this information, a criminal investigation was initiated against Chair Morriseau for an alleged breach of trust and obstruct police under the *Criminal Code*. The basis for the investigation was Chair Morriseau telling Det Rybak that his name came up in the internal investigation as a possible suspect in providing her with the information about the text message.
16. On November 23, 2020, DC Hughes informed Chief Hauth in an email that a file had been opened to which only they had access, and that he was considering bringing a Part 6 application under the *Criminal Code* to access text messages on Chair Morriseau's phone. (Later, Det Sergeant (D/Sgt) Dan Irwin and Det Cst Graham Forshaw had access to the file to further the investigation.) Chief Hauth acknowledged receipt of DC Hughes' email later the same day.
17. On November 25, 2020, DC Hughes asked D/Sgt Irwin to conduct an interview of Det Rybak. Before the interview, DC Hughes sent an email to Chief Hauth informing her of the

upcoming interview, and that it was criminal in nature.

18. The interview took place on November 26, 2020. Det Rybak informed D/Sgt Irwin about the call with Chair Morriseau and the subsequent calls with DC Hughes.
19. On November 27, 2020, by email, DC Hughes informed Chief Hauth that D/Sgt Irwin's report of the interview was available for her in the restricted access file. In the same email, he stated that he was having a "Production Order done of Morriseau phone from her interview date August 30<sup>th</sup> to mid November when Rybak told me about what she said".
20. On November 28, 2020, DC Hughes further informed Chief Hauth that the return on a Production Order would take a "full 30 days".
21. On November 30, 2020, a three-way conversation took place among Chief Hauth, DC Hughes and counsel Walbourne. Part of that discussion involved DC Hughes briefing the other two on the Morriseau investigation.
22. On the same day, Det Cst Forshaw was tasked with drafting an Information to Obtain (ITO) for a Production Order to satisfy a Justice of the Peace that there were "reasonable grounds to believe" a criminal offence had taken place, and that the Call Detail Records of Chair Morriseau's cell phone from July 24 to December 30, 2020 would afford evidence of a breach of trust.
23. The ITO and a draft Production Order were submitted to the Court on December 1, 2022. A Justice of the Peace of the Ontario Court of Justice signed a Production Order that day compelling TBay Tel to produce the Call Detail Records, subscriber information and resulting subscriber information of contact numbers of Chair Morriseau's cellphone between the aforementioned dates.
24. Sometime between December 9 and December 17, 2020, Chief Hauth made a decision to transfer the criminal investigation to the Ontario Provincial Police (OPP). On

December 17, 2020, Chief Hauth formally requested OPP Commissioner Carrique to take over the criminal investigation against Chair Morriseau. On December 24, 2020, the OPP investigation was assigned to its Criminal Investigations Branch.

25. On December 28, 2020, Det Cst Forshaw received a return from the Production Order, and forwarded its contents to D/Sgt Irwin. D/Sgt Irwin had an analyst review the information. D/Sgt Irwin wrote a summary report of Chair Morriseau's subscriber information for the Service's file.
26. Chief Hauth told DC Hughes the investigation was going to the OPP on December 14, 2020.
27. Among a municipal police board's statutory responsibilities under s. 31 of the *PSA* are appointing the chief, annually determining her remuneration, directing her, and monitoring her performance. Further, the board must establish the objectives, priorities, and policies for the service. As well, the governing jurisprudence holds that a board "is meant to be a civilian overseer of the police on behalf of the community": *Booth v. Huxter*, (1994) 111 D.L.R. (Div. Ct.), leave to appeal to the C.A. refused February 28, 1994.
28. Under ss. 41(1) of the *PSA*, the duties of the chief include administering the police force and overseeing its operation in accordance with the objectives, priorities and policies established by the board under ss. 31(1). Under ss. 41(2), the Chief reports to the Board.
29. As she wrote in a Confidential Memo to her Board dated October 12, 2021 discussed in the Count #2 particulars, Chief Hauth knew "it would not be appropriate for a police service to investigate any of its members or board members...".
30. Chief Hauth's commission in tacitly or overtly consenting to this criminal investigation or omission in not immediately terminating or transferring a criminal investigation into Chair Morriseau to another police service was likely to bring discredit to the Thunder Bay Police Service because she knew or ought to have known that she placed her office as Chief in an

irreconcilable conflict between her duty to account to the Board and the duty of her Service to conduct a fair and unbiased investigation.

31. The particulars for Count #1 incorporate the particulars in Counts #2 & 3.

### **With Respect to Count #2**

32. On August 24, 2021, OPP Commissioner Carrique provided the OPP's investigative report to Chief Hauth, concluding that Chair Morriseau's "actions did not meet the threshold of a criminal offence, particularly breach of trust – public official". No charges were laid.
33. On September 30, 2021, the OPP provided Chief Hauth with an Executive Summary of its investigative report.
34. On October 12, 2021, Chief Hauth submitted a Confidential Memorandum regarding the OPP investigation into the allegations against Chair Morriseau to the Board. The report contained a number of false statements which would lead the reasonable reader to conclude that she had no knowledge that DC Hughes had initiated a criminal investigation against Chair Morriseau until December 9, 2020. That memo was distributed to the Board members on October 12, 2021 and it was anticipated they could rely upon it for the truth of its contents.
35. In particular, Chief Hauth wrote that DC Hughes had only informed her in late November 2020 that Chair Morriseau may have engaged in potentially criminal activity, and beyond that she had no other knowledge of an investigation until December 9, 2020.
36. She failed to mention that she had knowledge prior to December 9, 2020 that:
- DC Hughes had initiated a criminal investigation;
  - Det Rybak was going to be interviewed on November 26 and was interviewed on that day; and
  - the Service was going to apply for a Production Order on December 1, 2020.

37. Emails from DC Hughes to her dated November 23, 26, 27 & 28, 2020 referred to in the Count #1 particulars put her on notice that he was going to take or had taken the investigative steps referred to in those emails well before December 9, 2020. She did not tell DC Hughes that the criminal investigation against Chair Morriseau was transferred to the OPP until December 14, 2022, and before that date did not tell him to terminate the investigation.
38. Chief Hauth deceived or attempted to deceive the Board members in her October 12, 2021 memo by denying knowledge of the criminal investigation as it was unfolding in November 2020 in an attempt to avoid her responsibility to immediately terminate or transfer such an investigation.
39. The particulars for Count #2 incorporate the particulars in Counts #1 & 3.

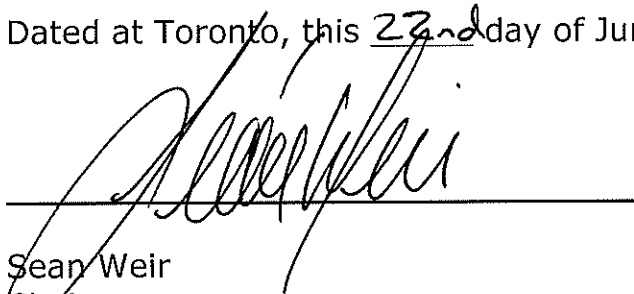
### **With Respect to Count #3**

40. Shortly after the October 12, 2021 memo was provided to the Board members, DC Hughes emailed Chief Hauth, asking that it be amended and attaching his November 2020 emails referred above.
41. As a result, Chief Hauth submitted another Confidential Memo dated October 18, 2021 providing "additional information" to her October 12, 2021 memo. The October 18 amending memo conceded that DC Hughes first informed her that he would be initiating a criminal investigation against Chair Morriseau on November 23, 2020, and that he first informed her that he would be applying for a Production Order on November 27, 2020, not December 9, 2020. However, it continued to mislead on the date she was informed of the Rybak interview and that a Production Order was imminent, not a mere possibility.
42. Chief Hauth deceived or attempted to deceive the Board in her October 18, 2021 memo by denying knowledge of the criminal investigation as it was unfolding in November 2020 in an attempt to avoid her responsibility to immediately terminate

or transfer such an investigation. It was only when confronted with DC Hughes' November 2020 emails that she submitted her October 18, 2021 amending her October 12<sup>th</sup> memo. Even then, it falsely deflected her knowledge of the initiation of the criminal investigation against Chair Morriseau to DC Hughes.

43. The particulars for Count #3 incorporate the particulars in Count #1 & 2.

Dated at Toronto, this 23<sup>rd</sup> day of June, 2022

A handwritten signature in black ink, appearing to read 'Sean Weir', is written over a solid horizontal line.

Sean Weir  
Chair,  
Ontario Civilian Police Commission  
Executive Chair,  
Tribunals Ontario