



Public Statement

July 15, 2022

In the context of his mayoral bid, Councillor William Gordon ("Mr. Gordon") recently authored social media posts regarding the steps taken by the Midland Police Services Board (the "Board") and the Town of Midland ("Midland") to recover records of the former Midland Police Service ("MPS").

Town Council has instructed that a public statement be made regarding the facts on this matter.

Following Midland Town Council's decision to contract local policing to the OPP, the Board issued a formal direction to the former MPS Police Chief Osborne on September 18, 2017, to retain all records of the MPS. On Friday February 2, 2018, the Board delivered a letter reminding Mr. Osborne of his obligation to retain all MPS records.

The MPS file servers remained onsite after Mr. Osborne and Mr. Gordon, then MPS's civilian IT Manager, left on February 8, 2018. Town IT personnel later established that the file servers were encrypted. However, Mr. Osborne and Mr. Gordon refused to provide the encryption keys to the servers.

The Town and the Board established it needed to access MPS electronic records to comply with Freedom of Information requests, to respond to lawsuits against the Town and Board (including litigation brought by Mr. Osborne and an external law firm that he instructed), and to comply with subpoenas in proceedings involving other parties. Despite numerous offers by the Board and Town to have the encrypted records reviewed and maintained by the OPP, Mr. Osborne and Mr. Gordon declined to provide the encryption keys.

Eventually, on instruction by Town Council, a legal proceeding was launched in the fall of 2019 by the Town and Board to seek access to the electronic records stored on the servers. As the hearing date approached in the spring of 2020, Mr. Gordon surrendered the encryption keys, enabling examination of the MPS servers.

Despite the Town and Board gaining the ability to examine the contents of the servers after Mr. Gordon turned over the encryption keys, Mr. Osborne continued to assert various claims of legal privilege and confidentiality over the records of the MPS. As a result, the contents of the servers were not examined until 2021, when Mr. Osborne abandoned those claims.

A review of certain email records on the servers showed that, despite the Board's direction to maintain all records, Mr. Osborne had instructed Mr. Gordon to find a justification for destroying a large number of MPS hard drives just before disbandment. Mr. Osborne and Mr. Gordon carried out that destruction on February 5, 2018, three days before Mr. Osborne advised the Board that all MPS hard drives had been "maintained intact". No record of the contents of those drives has been provided.

In late 2021, after Mr. Osborne and Mr. Gordon's destruction of the hard drives came to light, Town Council asked staff to request the OPP to investigate. That investigation concluded that '*criminal intent*' was unlikely to be proved beyond a reasonable doubt, and no charges would be laid. Midland Council and the Board accepted the OPP's decision.