

**MEETING: THE SIXTEENTH MEETING OF THE FIFTY-FOURTH THUNDER BAY
POLICE SERVICES BOARD (CLOSED SESSION)**

DATE: JULY 18, 2023

TIME: 9:19 A.M.

PLACE: VIRTUAL VIA ZOOM

CHAIR: MS. K. MACHADO

PRESENT:

Mayor K. Boshcoff
Councillor S. Ch'ng
Ms. K. Machado
Administrator M. Mercer

OFFICIALS:

Mr. D. Fleury, Chief of Police
Mr. J. Hannam, Secretary – Thunder Bay Police
Services Board
Ms. L. Douglas, Assistant to the Secretary - Thunder
Bay Police Services Board

REGRETS:

Ms. D. Baxter

Mr. T. Gervais, Ministry of the Solicitor General
Mr. D. Jarvis, Fillion Wakely Thorup Angeletti LLP

GUEST:

Mr. C. Tempelman, Thunder Bay Police
Association

1. DISCLOSURES OF INTEREST

There were no disclosures of interest declared at this time.

2. CONFIRMATION OF AGENDA

MOVER: Councillor S. Ch'ng

SECONDER: Mayor K. Boshcoff

With respect to the Sixteenth Session (Closed) of the Fifty-Fourth Thunder Bay Police Services Board held on July 18, 2023, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3. ORGANIZATION AND PERSONNEL

a) Thunder Bay Police Association Grievance

Correspondence to Secretary John Hannam, Thunder Bay Police Services Board, from Curtis Tempelman, Thunder Bay Police Association, dated July 7, 2023, relative to a grievance with respect to Sgt. M. Dimini, was provided for the Board's information.

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Correspondence to Curtis Tempelman, Uniform Director – Thunder Bay Police Association, from Chief of Police Darcy Fleury, dated July 4, 2023, relative to denial of the above noted grievance regarding Sgt. M. Dimini, was provided for the Board's information.

The Police Services Board is required to respond within 15 calendar days of July 7, 2023.

Mr. Tempelman read aloud the letter submitted to Secretary Hannam. He noted that Chief Fleury had denied the grievance because it was outside of the timelines set out in the Uniform Collective Agreement. Mr. Tempelman noted that the Association wasn't made aware of this subject situation until a few months ago – in May, 2023. The Association is not asking for any additional punishment for Deputy Chief Hughes; they are simply representing the rights of one of their members.

Administrator M. Mercer asked when and where Sgt. Dimini became aware of this matter. Mr. Tempelman was unable to provide that information. Administrator Mercer also inquired about the relief and damages referenced in the letter to Secretary Hannam. Mr. Tempelman was unable to provide any monetary amount at this point; he noted that he is representing the Association, which is grieving the decision made by the Service.

Chief D. Fleury noted that this matter has already been dealt with in another forum (small claims court).

Mr. Tempelman was thanked for his presentation, and at 9:29 a.m., he left the meeting.

Board Counsel Don Jarvis provided a brief overview of the subject event as well as his preliminary observations. This is not an arbitrable grievance. It's outside of the grievance time limits. If the Board was to review the entire Uniform Collective Agreement, there is no specific provision that is triggered by the subject events. He provided an overview of a similar event that happened about 20 years ago. Mr. Jarvis was unsure if there should be any monetary amount.

Chief D. Fleury noted that there are other similar grievances, and he would like the Board to take an aggressive stand on this matter.

Administrator Mercer would like the Board to set out the objections they have and aggressively defend their decision. There was no doubt that Deputy Chief Hughes made a disclosure he shouldn't have made; however, Sgt. Dimini was not harmed by that disclosure. The timelines are also questionable. It was noted that Sgt. Dimini has also sued Deputy Chief Hughes in small claims court.

MOVED BY: Councillor S. Ch'ng

SECONDED: Mayor K. Boshcoff

THAT, having heard the grievance as presented by Curtis Tempelman at the July 18,

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2023 Closed Session, the Board denies the grievance.

CARRIED

Mr. J. Hannam, Secretary to the Thunder Bay Police Services Board, will collaborate with Board Counsel, Mr. D. Jarvis, on a response to the Police Association.

b) Parental Leave Requests

Correspondence to Chief D. Fleury from Detective Constable Kyle MacLeod, dated June 30, 2023, relative to a request for parental leave, as well as a response to Detective Constable Kyle MacLeod from Chief of Police Darcy Fleury, dated July 4, 2023, were provided for the Board's information.

Correspondence to Chief D. Fleury from Constable Carson Bamford, dated June 11, 2023, relative to an amendment to his request for parental leave, as well as a response to PC Carson Bamford from Chief of Police Darcy Fleury, dated June 13, 2023, were provided for the Board's information.

4. UPDATES FROM LEGAL COUNSEL

Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP, provided a high level overview of the Oruitemeka Inquest. The inquest was completed earlier this month. Some background information was provided. Mr. Oruitemeka passes away in 2014 after being in police custody. The jury's verdict was that the means of death was Undetermined. Arguments by both sides had been made on whether the death was a homicide or accidental. A number of recommendations have been made by the jury. Mr. J. Hannam noted that these recommendations, largely directed at the Service, will be presented to the Board at their September meeting. Chief Fleury will prepare a report to accompany the recommendations.

5. GENERAL MATTERS

a) Memorandum – Summary of Approvals by Administrator

Confidential Memorandum to Members of the Thunder Bay Police Services Board from Mr. J. Hannam, Secretary to the Board, dated July 13, 2023, relative to a summary of approvals made by Administrator Malcolm Mercer since the June 20, 2023 Closed Session, was provided for the Board's information.

b) Accounts Update – Approval for Payment of Invoices

Confidential Memorandum from John S. Hannam, Secretary to the Board, to Members of the Thunder Bay Police Services Board, dated July 13, 2023, relative to the invoices processed for

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payment since the June 20, 2023 Closed Session, was provided for the Board's information.

6. NEW BUSINESS

Mamakwa/McKay Inquest

A response to the Jury Recommendations from the Mamakwa/McKay Inquest was due by July 9, 2023. Mr. J. Hannam advised that a response was prepared and forwarded to the Coroner's office. A copy of the response will be forwarded to members of the Board after the meeting.

7. TRACKING OUTSTANDING MATTERS

- Request for Appointment of a Conciliation Officer - Firth
- Ogima Complaint
- Response to TBPA Grievance RE: Greenshield Benefits

8. CONFIRMING BY-LAW

MOVER: Councillor S. Ch'ng
SECONDER: Mayor K. Boshcoff

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

1. A By-law to confirm the proceedings of a Closed Session of The Thunder Bay Police Services Board, this 18th day of July, 2023.

Explanation: Confirmation of the proceedings and each motion, resolution and other action passed or taken by the Thunder Bay Police Services Board at this meeting is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

BY-LAW NUMBER: PC18 – 2023

CARRIED

9. ADJOURNMENT

The meeting adjourned at 10:03 a.m.