

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

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**DATE:** SEPTEMBER 19, 2023

**TIME:** 10:30 A.M.

**PLACE:** VALHALLA HOTEL & CONFERENCE CENTRE  
1 Valhalla Inn Road, Thunder Bay, ON

**CHAIR:** MS. K. MACHADO

**PRESENT:**

Mr. W. Bahlheda  
Ms. D. Baxter  
Mayor K. Boshcoff  
Councillor K. Etreni  
Ms. K. Machado  
Mr. M. Mercer

**GUESTS:**

Ms. P. Robinet, City Solicitor – City of  
Thunder Bay

**OFFICIALS:**

Mr. D. Fleury, Chief of Police  
Mr. R. Hughes, Deputy Chief of Police  
Ms. D. Paris, Director – Financial Services &  
Facilities, Thunder Bay Police Service  
Inspector G. Snyder, Thunder Bay Police Service  
Mr. J. Hannam, Secretary – Thunder Bay Police  
Services Board  
Ms. L. Douglas, Assistant to the Secretary - Thunder  
Bay Police Services Board

**ATTENDING BY ZOOM:**

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

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1. DISCLOSURES OF INTEREST

There were no disclosures of interest declared at this time.

2. CONFIRMATION OF AGENDA

The order of several agenda items were changed and brought forward to facilitate more efficient staff time.

MOVED BY: Councillor K. Etreni  
SECONDED BY: Mr. Wayne Bahlheda

With respect to the Eighteenth Session (Closed) of the Fifty-Fourth Thunder Bay Police Services Board held on September 19, 2023, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3. CONFIRMATION OF MINUTES

The Minutes of the Thirteenth and Sixteenth Sessions (Closed) of the Fifty-Fourth Thunder Bay

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Police Services Board held on June 20, 2023 and July 18, 2023 respectively, and the Fourteenth Session (Special Closed) of the Fifty-Fourth Thunder Bay Police Services Board held on June 26, 2023, to be confirmed. It was noted that the June 20, 2023 and July 18, 2023 sets of minutes listed Chief Fleury as Designate Chief. Both errors will be corrected.

MOVED BY: Ms. D. Baxter  
SECONDED BY: Mr. W. Bahlieda

Minutes of the Thirteenth and Sixteenth Sessions (Closed) of the Fifty-Fourth Thunder Bay Police Services Board held on June 20, 2023 and July 18, 2023 respectively, and the Fourteenth Session (Special Closed) of the Fifty-Fourth Thunder Bay Police Services Board held on June 26, 2023, be confirmed as amended.

CARRIED

Mayor K. Boshcoff left the meeting at 10:35 a.m.

4. ORGANIZATION AND PERSONNEL

a) Approval of New Hires

Report No. 25/23 (Police) relative to the approval of three (3) Cadets, was provided for the Board's information.

Chief D. Fleury provided an overview relative to the above noted and responded to questions.

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

No. 25/23 (Police) from Chief D. Fleury, we approve the hiring of Seija Nousianen, Kristof Lengwenus, and Kallum Kennedy as Cadets, with a start date of October 10, 2023.

AND THAT the Chief of Police be authorized to execute the contracts.

CARRIED

Report No. 26/23 (Police) relative to the approval of four (4) Cadets to Fourth-Class Constables, and one (1) Cadet to Second-Class Constable, was provided for the Board's information.

Chief D. Fleury provided an overview relative to the above noted.

MOVED BY: Councillor K. Etrene  
SECONDED BY: Ms. D. Baxter

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With respect to Report No. 26/23 (Police) from Chief D. Fleury, we approve the hiring of Stephanie Nordlund, Johnathan-Dylan Samas, and Ross Tansey as Fourth-Class Constables, sworn in on August 25, 2023;

AND THAT Lauren Maki be approved for hire as a Fourth-Class Constable, sworn in on September 14, 2023;

AND THAT Michael Boyechko be approved for hire as a Second-Class Constable, sworn in on August 25, 2023;

AND THAT the Chief of Police be authorized to execute the contracts.

CARRIED

b) Request to Hire – Intern Positions

Memorandum to the Thunder Bay Police Services Board from Inspector Gordon Snyder, dated September 8, 2023, relative to a request for hiring two intern positions, was provided for the Board's information.

Inspector G. Snyder, Thunder Bay Police Service, provided an overview relative to the above noted and responded to questions. He noted that most of the funding for these two positions will come from the Northern Ontario Heritage Fund Intern Grant.

MOVED BY: Councillor K. Etreni  
SECONDED BY: Ms. D. Baxter

With respect to the Thunder Bay Police Service's request to hire two interns, as presented at the September 19, 2023 Closed Session of the Board, we approve the hiring of two interns;

AND we acknowledge that there will be an unbudgeted cost to the Police Service of \$9,000 for the remainder 2023;

AND we authorize the Board Chair and Secretary to duly execute the grant agreements, and any other documentation required in support of the grant.

CARRIED

c) Memorandum of Agreement – DEMS Supervisor

Memorandum of Agreement relative to the creation of a new position, Digital Evidence

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Management (DEMS) Supervisor, in the current Civilian Collective Agreement, was provided for the Board's information.

Deputy Chief R. Hughes provided an overview of the new position. He noted that this unit will be expanding significantly in the upcoming years, due to the amount of digital evidence that needs to be viewed and redacted. This position would greatly benefit the Police service.

Chief Fleury also responded to questions. A brief discussion was held relative to delaying the hire until January 1, 2024 (of the new budget year).

MOVED BY: Councillor K. Etreni  
SECONDED BY: Ms. D. Baxter

With respect to Memorandum of Agreement between the Thunder Bay Police Services Board and the Thunder Bay Police Association, relative to the creation of a new position, Digital Evidence Management (DEMS) Supervisor, in the current Civilian Collective Agreement, as presented at the September 19, 2023 Closed Session of the Board, we authorize the Board Chair to duly execute the Memorandum of Agreement.

CARRIED

d) Reward Request – Missing Person Investigation

Report No. 27/23 (Police) relative to a Missing Person Investigation – Alexander Lawson, was provided for the Board's information.

Detective Michael Tomasevic and Detective Sergeant Rob Gombola provided an overview of the above noted file, and noted that Mr. Lawson was confirmed missing a month after the last confirmed sighting. Multiple videos have been released to the public for assistance; however, nothing concrete has been received to assist with the investigation. Mr. Lawson is on the National Missing Persons Registry.

Since there is no criminality evident, this matter cannot go through Crime Stoppers.

Posting a reward would be ground-breaking for the Police Service, and an important next step in the investigation.

Discussion was held relative to the content of the media release and communications with the public.

It was noted that there have been over 2,500 missing persons since 2019, and only this case remains open. All other missing persons have been found.

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It was also noted that the Police Board needs a policy and procedure for missing persons.

Mayor K. Boshcoff re-entered the meeting at 11:08 a.m.

MOVED BY: Councillor K. Etreni  
SECONDED BY: Ms. D. Baxter

With respect to Report No. 27/23, relative to the Alexander Lawson Missing Person Investigation, as presented at the September 19, 2023 Closed Session of the Board;

THAT the Thunder Bay Police Services Board approves a reward in the amount of five thousand dollars (\$5,000) for information leading to the whereabouts of missing person Alexander Lawson.

CARRIED

At 11:22 a.m., Deputy Chief R. Hughes, Ms. D. Paris, Detective M. Tomasevic and Detective Sergeant R. Gombola left the meeting room.

e) HRTO Complaints

Correspondence to the Thunder Bay Police Services Board from WeirFoulds, dated September 5, 2023, relative to updates on multiple HRTO complaints, was provided for the Board's information.

Copies of summaries of 10 outstanding HRTO applications, provided by Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP, were emailed to Board Members on September 18, 2023.

Kelsey Ivory and Raj Anand, WeirFoulds LLP and Patty Robinet, City Solicitor – City of Thunder Bay, were in attendance by Zoom and in person to provide overviews of their files relative to Board-related complaints submitted to the Human Rights Tribunal of Ontario.

Using a PowerPoint presentation and via Zoom, Ms. K. Ivory and Mr. R. Anand, WeirFoulds LLP, provided an overview of the files they have been representing the Board on for the past seventeen (17) months. It was noted that the Human Rights Tribunal of Ontario (HRTO) is backed up with about three (3) years' worth of applications/complaints, largely due to the Covid-19 pandemic.

WeirFoulds has filed motions to dismiss most files; to date, there has been no response from the HRTO.

Ms. P. Robinet, City Solicitor for the City of Thunder Bay, provided general information on the relationship between the City of Thunder Bay and the Police Services Board, as well as why the

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City Solicitor is involved with these files.

An overview of fifteen (15) HRTO applications and steps that have been taken by legal counsel followed.

With respect to recent correspondence received by Board members, WeirFoulds advised that the Board not settle at this time, and not engage in any discussions or settlements with Ms. C. Bryson. Board members were reminded to always respond through legal counsel - not directly to Ms. Bryson. WeirFoulds will respond to the correspondence on the Board's behalf, declining the offers of settlement.

It was noted that the Board is not able to resolve any of the complaints at this time.

Ms. D. Baxter left meeting at 11:57 a.m.

Mr. R. Anand reviewed the process of what an applicant has to prove to the Tribunal (the Legal Test), as well as an overview of remedies (i.e. monetary, non-monetary, and public interest remedies).

Upon the completion of Mr. Anand's presentation, Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP, provided his own overview of the ten (10) cases he represents the Board on. As noted above, Board members have received settlement offers directly from opposing counsel. Mr. Jarvis advised that his office will respond on behalf of the Board; he will advise that the Board is not accepting those offers and is not prepared to participate in settlement discussions without legal counsel. Mr. Jarvis will advise Ms. Bryson that she has broken the rules of professional conduct.

### f) Retaining Legal Counsel – HRTO Applications

Confidential Memorandum to the Thunder Bay Police Services Board from John S. Hannam, Secretary, dated September 13, 2023, relative to the retention of Weir Foulds LLP on multiple applications to the Human Rights Tribunal of Ontario (HRTO), was provided for the Board's information.

Mr. J. Hannam, Secretary to the Thunder Bay Police Services Board, provided an overview relative to the above noted, and noted a slight revision to the motion presented in the agenda.

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

With respect to the applications filed with the Human Rights Tribunal of Ontario by Kelly Walsh (HRTO File Nos. 2023-52949), and by Constable Kerry Dunning (HRTO File Nos. 2023-52496), wherein the Thunder Bay Police Services Board is a named

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Organization Respondent, we recommend that the Board retain Weir Foulds LLP to represent and respond to these HRTO Applications on behalf of the Board;

AND THAT the Board acknowledges that Mr. Raj Anand of Weir Foulds LLP is also named as a respondent to HRTO file 2023-52496 (Dunning), and that Kelsey Ivory of WeirFoulds LLP will be counsel of record on this file.

AND THAT the Board acknowledges that the City Solicitor will continue to provide instruction to, and manage the retainer of, Weir Foulds LLP with respect to the HRTO Applications.

CARRIED

Discussion about Board the settlement offer process followed. Mr. Anand recommended a Law Society complaint be filed against Ms. C. Bryson by the Board. Mr. J. Hannam recommended that a letter be filed by Chair Machado on behalf of the Board. Chair Machado clarified for the new Board members that the complaint would only be based on direct contact with the Board, not the merits of each individual application.

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

With respect to the correspondence received by members of the Thunder Bay Police Services Board (the Board) from Ms. C. Bryson, dated August 15, 2023, proposing offers of settlement on the various HRTO complaints in which the Board (and others) are named as respondents, and excluding the Board's legal counsel, we recommend that the Thunder Bay Police Services Board make a complaint to the Law Society of Ontario on this breach of the Rules of Professional Conduct for members of the Law Society;

AND THAT the complaint be filed by Chair Karen Machado on behalf of the Board.

CARRIED

Mr. R. Anand left meeting at 12:47 p.m.

g) Updates from Legal Counsel

Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP, provided an update on the status of the grievances filed.

With respect to the grievance regarding Greenshield Benefits, Mr. Jarvis noted that Greenshield has undertaken to pay all outstanding claims.

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The Firth grievance is scheduled for arbitration in October, 2023.

Mr. Jarvis left meeting at 1:01 p.m. Ms. D. Paris re-entered the meeting.

5. REPORTS OF THE THUNDER BAY POLICE SERVICE

2024 Proposed Operating and Capital Budget – Thunder Bay Police Service

Report No. 28/23 (Police), relative to the 2024 DRAFT Proposed Operating and Capital Budget, was distributed separately via email to Board members on September 17, 2023.

Ms. D. Paris, Director – Financial Services & Facilities, Thunder Bay Police Service, provided a confidential overview relative to the draft budget for the Police Service, and noted that the presentation was for information purposes only.

Ms. Paris and Chief Fleury responded to questions. There was a brief discussion about realistic statistics for the current population of Thunder Bay, and the need for further discussions with other levels of government.

Board members were encouraged to further review the draft budget after the meeting and to direct any questions to the Chief and Ms. Paris.

Ms. D. Paris left the meeting at 1:45 p.m.

6. GENERAL MATTERS

a) 2024 Proposed Operating Budget – Thunder Bay Police Services Board

Confidential Memorandum to the Thunder Bay Police Services Board from John S. Hannam, Secretary, dated September 13, 2023, relative to the Board's proposed 2024 Operating Budget, was provided for the Board's information.

Mr. J. Hannam provided an overview relative to the above noted and responded to questions.

7. ORGANIZATION AND PERSONNEL, continued

h) Request for Indemnification - HRTO Complaint 2023-51671-I – John Semerling

Confidential Memorandum to the Thunder Bay Police Services Board from John S. Hannam, Secretary, dated September 14, 2023, relative to Requests for Indemnification, was provided for the Board's information.

Mr. J. Hannam provided an overview relative to the above noted.



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

With respect to HRTO file 2023-51671-I (Semerling) we recommend that the Thunder Bay Police Services Board approve the request for indemnification of legal costs made by Constable Erik Hjorth be approved, in accordance with the collective agreement with the Thunder Bay Police Association;

AND THAT should the other named respondents make similar requests that those be approved as well, with notice of such requests being conveyed to the Board.

CARRIED

i) Parental Leave Requests

Correspondence to Chief D. Fleury from Detective Constable David Moore, dated July 26, 2023, relative to a request for an extension of parental leave, as well as a response to Detective Constable Moore from Chief of Police Darcy Fleury, dated August 3, 2023, was provided for the Board's information.

8. GENERAL MATTERS, continued

b) Illicit Drugs in Residential Areas

Correspondence to Mayor Ken Boshcoff from David Cavner, President of the McKellar Ward Community Association, dated July 17, 2023, relative to drug activity, drug overdoses and other concerns in the McKellar Ward, was provided for the Board's information.

Mayor K. Boshcoff was also been contacted about illegal drug activity occurring at May Street and Cumming Street. Mayor Boshcoff has requested a review of the public selling of illicit drugs in residential areas.

Residents of the Riverview Drive have also contacted Mayor Boshcoff about the encampment/squatter situated at the end of Victoria Avenue, near Riverview Drive. They have raised concerns about school starting, and children walking by this encampment.

Mayor K. Boshcoff advised that the above concerns were forwarded to the Police Service by his office for information purposes only.

Chief D. Fleury advised that he will be forming a team for crime reduction for these types of crimes. The team will come from existing resources.

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9. ORGANIZATION AND PERSONNEL, *continued*

In attendance: Chief D. Fleury, Mr. M. Mercer, Chair K. Machado, Mr. W. Bahlieda, Mayor K. Boshcoff, Councillor K. Etreni, Mr. J. Hannam, and Ms. L. Douglas

j) Human Resources Matter – Dimini

Chair K. Machado and Administrator M. Mercer provided an overview relative to background information, multiple HRTO-related applications, and concerns raised about Staff Sgt. M. Dimini.

It was noted by Administrator Mercer that this is an internal matter; the Board is not permitted to direct the Chief in matters such as this.

It was noted that Chief Fleury has responded to Staff Sgt. Dimini on the issues he can respond to at this time.

The Chair, on behalf of the Board, will respond to Staff Sgt. Dimini with the assistance of legal counsel.

10. NEW BUSINESS

Labour Relations Committee

Mr. J. Hannam advise Board members that, as a result of Councillor Ch'ng's resignation from the Board, there is a vacancy on the Labour Relations Committee.

He asked the new Board members to consider whether they wish to serve by sitting on the Labour Relations Committee. Both were invited to attend the upcoming meeting of the Committee.

11. TRACKING OUTSTANDING MATTERS

- Request for Appointment of a Conciliation Officer - Firth

12. CONFIRMING BY-LAW

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

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:

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1. A By-law to confirm the proceedings of a Closed Session of The Thunder Bay Police Services Board, this 19<sup>th</sup> day of September, 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: PC20 – 2023

CARRIED

13. ADJOURNMENT

The meeting adjourned at 2:40 p.m.