

THE CORPORATION OF THE CITY OF NELSON

Nelson Police Board
MINUTES
Nelson, British Columbia
September 22, 2009

THE SIXTH REGULAR MEETING of the Nelson Police Board for the year 2009 was held at the Nelson Police Department Boardroom, 606 Stanley Street, Nelson, BC, on Tuesday, September 22, 2009.

PRESENT: Mayor John Dooley - Chair
Director Mike McIndoe
Director Leona Ashcroft
Director Tanji Zumpano

ALSO PRESENT: Chief Dan Maluta
Inspector Henry Paivarinta
Board Secretary Brita Wood

REGRETS: Director Barrie Taylor

1. ADOPT AGENDA

Moved by Director McIndoe, seconded by Director Ashcroft,
And Resolved:

That the Agenda be adopted as presented.

CARRIED

2. APPROVAL OF PREVIOUS MEETING MINUTES

Moved by Director McIndoe, seconded by Director Ashcroft,
And Resolved:

That the Minutes of the Regular meeting of the Nelson Police Board of June 23, 2009, be adopted as circulated.

CARRIED

3. PRESENTATIONS / AUDIENCE WITH BOARD

Mayor Dooley swore in our new Police Board Director Tanji Zumpano and welcomed her to the Board. Director Zumpano will arrange an orientation date and time suitable to Chief Maluta and incoming Director Mason.

4. BUSINESS ARISING FROM THE PREVIOUS MEETING

a. Fall Board Planning/Working Session – Director McIndoe

October 20, 2009 was set for this Board Planning/Working Session to be held in the Nelson Police Department Board Room to begin at 11:30 am with a working lunch brought in at 12:00 noon. The session will end at 2:30 pm with a half hour recess before the Board meeting begins at 3:00 pm.

The Board Secretary will schedule an Agenda setting meeting with Mayor Dooley and Director McIndoe the week of October 5. The Agenda will include a summary of key points on governance from Director Ashcroft.

b. Nelson Police Board Travel/Training Obligations for 2010

Moved by Director McIndoe, seconded by Director Ashcroft,
And Resolved:

That the Police Board put forward a 2010 budget for Police Board travel and training at \$10,000 to accommodate attendance of all members at the BCAPB conference in Abbotsford as well as Director orientation.

CARRIED

Every third year the Nelson Police Board hosts the annual BC Association of Police Boards AGM and Conference. On these years, the Board's costs to attend are much reduced, freeing up some of the Board travel budget for a Director to attend the annual Canadian Association of Police Boards.

Moved by Director Ashcroft, seconded by Director Zumpano,
And Resolved:

That the Police Board draft a letter to BCAPB requesting they make arrangements to provide a venue for Executive Meetings and Board Orientation training sessions that can accommodate video conferencing. This will allow a Nelson Police Board Director to reduce the Board's carbon footprint by attending these meetings via electronic means. This request also allows other Departments to explore their own energy saving means of attendance at meetings.

CARRIED

5. DEPARTMENT REPORTS

a. Chief's Report

The attached **Appendix "A"** contains the Strategic Priority Updates. The City Manager asked Department Heads to capture major initiatives that correspond with the Departments' Strategic Plans. These initiatives are outlined in detail in Appendix "A".

Appendix "B" contains the CPO Report of Community Policing activities since the last meeting.

Director McIndoe reported that Rotary has one more Anti-Graffiti painting session scheduled before winter and requested a report of any properties that require painting.

Chief Maluta confirmed that to combat power theft and grow ops, the Nelson Police Department has the ability to request hydro records which may point to marijuana grow operations.

Director Zumpano queried the Chief with respect to staffing and supervision. Chief Maluta confirmed the Department employs two platoon sergeants, each supervising five constables. The General Investigation Section Detective Sergeant supervises one Detective Constable and other constables assigned to him from time to time in the event of special assignments.

The Chief explained his efforts at updating the current By-Laws and the challenge the outdated By-Laws present to enforcement if they are not current. Mayor Dooley indicated he would explain the importance of this project to City staff in an effort to expedite their participation in the process.

Moved by Director McIndoe, seconded by Director Zumpano,
And Resolved:

That the Chief's report be received.

CARRIED

b. Inspector's Report

The attached **Appendix "C"** contains the Inspector's Report.

Inspector Paivarinta explained that the Crime Severity Index measures crime related to an assigned weight of the crime. The Nelson violent crime rate (29.3) is much lower than the BC average (117.2) and the Canadian average (97.7).

Moved by Director Ashcroft, seconded by Director McIndoe,
And Resolved:

That the Inspector's Report be received.

CARRIED

c. Financial Reports
Financial Reports to August 31, 2009

These reports were provided in the Agenda package for the Board's information. The Department's goal at this time is to be at 33% of the annual budget remaining and is currently on target.

Moved by Director Zumpano, seconded by Director McIndoe,
And Resolved:

That the Financial Reports be received.

CARRIED

6. DIRECTOR'S REPORTS

a. Director Ashcroft – BCAPB Update

Director Ashcroft will attend an Executive Meeting of the BCAPB via conference call on September 25, 2009. She will report on that meeting at the October Board meeting.

7. CORRESPONDENCE AND INFORMATION

- a. Thank you**
- b. Thank you**
- c. Noteworthy Performance – Cst. Jay Noppe – NAMOA**
- d. Thank you from RDCK Summer Fun Kids**
- e. OPP 2008 Annual Report**
- f. OPCC 2008 Annual Report**
- g. July 20, 2009 Press Release**
- h. July 23, 2009 Press Release**
- i. July 25, 2009 Press Release**
- j. August 18, 2009 Press Release**
- k. August 27, 2009 Press Release**
- l. SCBCTAPS 2008 Annual Report**
- m. Thank you from Osprey Air Cadet Squadron**

- n. **Order in Council – renewal of terms of Dirs. Ashcroft and Taylor**
- o. **Order in Council – renewal of term of Director McIndoe**
- p. **Board Appointments Media Release**
- q. **Thank you – Cst. Scott-Pryke – Transition House**
- r. **Thank you – Dana Barter – Transition House**
- s. **RCMP 2008 Year in Review**
- t. **Crime Stoppers Media Release**
- u. **Crime Stoppers West Kootenay Stats**
- v. **CAPB Golf Tournament Support**
- w. **Thank you to Csts. Markevich & Enkirch**

Moved by Director McIndoe, seconded by Director Ashcroft,
And Resolved:

That the Correspondence and Information be received.

CARRIED

8. NEW BUSINESS/LATE ITEMS

a. CCTV Public Safety Initiative

Chief Maluta asked the Board to endorse the initiative of installing a Closed Circuit TV camera in the 500 block of Ward Street at the transit shelter by way of sending a letter of support to City Council. The City has the technological capacity for such a camera because the infrastructure is now in place. A camera is being utilized at the Sewage Treatment plant as a way to ward off vandalism at that location. This technology is endorsed by the Attorney General and Solicitor General, and is currently in place in Trail and Kelowna where people are not feeling safe. The corner in question experiences up to ten-fold the calls for service of neighbouring blocks within the City. Local businesses have been canvassed and all have endorsed the idea as a way to enhance public safety, in addition to the Shop Steward who represents the Nelson transit drivers. The camera can be used to solve crime in real time and at the very least act as a deterrent to criminal behaviour by its presence alone.

The discussion turned to whether the community would view the use of a camera as an infringement of civil liberties.

Moved by Director Zumpano, seconded by Director McIndoe,
And Resolved:

That this issue be tabled to the next meeting when the entire Board will be in attendance to allow for comprehensive discussion before a decision is made whether to support the CCTV initiative on the 500 Block of Wards Street.

CARRIED

Moved by Director Zumpano, seconded by Director McIndoe,
And Resolved:

That the Chief send the entire package of information on the use of CCTV's in other municipalities to the Directors for their review prior to the October Board meeting.

CARRIED

b. Preliminary Report on CAPB Conference and 2009 Resolutions

Moved by Director Ashcroft, seconded by Director Zumpano,
And Resolved:

That the Preliminary Report on CAPB Conference and 2009 Resolutions be received.

CARRIED

c. CAPB 2010 Conference and Meeting

Moved by Director McIndoe, seconded by Director Zumpano,
And Resolved:

That the CAPB 2010 Conference and Meeting be received.

CARRIED

d. Request for Proposals – CAPB Conference Venues – 2011, 2012 2013

The Board discussed hosting a CAPB Conference and decided that the demands of such a conference exceed our capacity for accommodation and transportation.

Moved by Director Zumpano, seconded by Director Ashcroft,
And Resolved:

That the Request for Proposals – CAPB Conference Venues – 2011, 2012, and 2013 be received.

CARRIED

e. BCAPB -2010 Conference – Abbotsford, 2011 Conference - Nelson 2011.

Board Directors were asked to mark their calendars for April 22-24, 2010 in Abbotsford. The Directors will car pool to save on transportation costs.

Moved by Director McIndoe, seconded by Director Zumpano,
And Resolved:

***That the BCAPB 2010 Conference – Abbotsford, 2011 Conference – Nelson
2011 be received.***

CARRIED

9. ADJOURNMENT/CONFIRM DATE FOR NEXT MEETING

Moved by Director McIndoe, and seconded by Director Zumpano,
And Resolved:

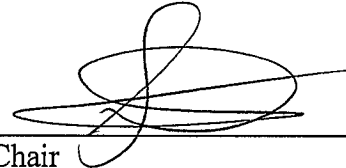
***That the Sixth Regular Meeting of 2009 of the Nelson Police Board be
adjourned, and the next meeting be held on Tuesday, October 20, 2009 at 3:00
pm.***

CARRIED

Certified Correct:

B. Wood

Secretary



Chair

**NEXT MEETING: Tuesday, October 20, 2009
Time: 3pm - Nelson Police Department Board Room**

**Appendix "A" for September 22, 2009
Nelson Police Board Meeting – Regular Meeting**

Chief's Report

STRATEGIC PLAN UPDATE

The following captures the key initiatives of the Department undertaken in 2009 up to the current period, which will carry into 2010. This is in congruence with our Strategic Plan 2005-2009 (updated October, 2007).

ADMINISTRATIVE

Policies and Procedures

- In order to empower our officers and mitigate liability, work has been done to review our police pursuits and redraft our policies to be congruent with the highest threshold in British Columbia. The pursuit policy will be forwarded to the Board for approval in October.
- With respect to another critical area, *Use of Force*, we are currently working under the direction of Police Services Division to align our policy with the ensuing recommendations of the Braidwood Commission of Inquiry. Once the new policy is reviewed and acceded to by the Board, training on the new X-26 Tasers will be undertaken and additional protocols put into place. One potential ramification is that NPD will be required to purchase and train members in the use of AED's; alternatively, we may be able to cover off this recommendation by having trained and equipped NFD staff on hand at critical incidents – this would be our preferred direction.

Succession Planning

- We are attempting to forecast and plan for at least 3 retirements of senior police personnel which will occur in the next 2 years, all from the NCO and managerial levels. Currently, we have staff enrolled at the Canadian Police College-*Executive Development in Policing*.
- Additionally, we have implemented the necessary steps for an NCO promotional competition to take place over the course of September-November of this year, whose elements include:
 - Preparation of a new qualifying exam and study guide in anticipation of 7 members competing in the process
 - Securing the Justice Institute of British Columbia (J.I.B.C.) in order to have the candidates undertake the *Sergeant Assessment Centre* process
 - Preparing the interview component for the Board's Executive Interview and file review

- The retirement of experienced officers with special skills will necessitate enhanced training forecasts for 2010, including *Collision Reconstructionist*, *BAC Datamaster Supervisor* and *Arson Investigator* training.

Exempt Staff Contracts and Salaries

- With the assistance of Finance Department, and over the course of several meetings and provincial funding reviews, we were able to develop sustainable salary and benefit packages for our *Regional Victim Services* staff. These have now been entrenched in employment agreements, which means all NPD staff are covered by either a Collective Agreement or specific employment agreement.

By-Law Development

- This is, perhaps, the most critical area where the NPD requires support from the Corporate/Legislative arm of the City in order to move forward. All By-Laws enforceable by police and by-law officers/animal control officers are cumbersome in terms of collection mechanisms, and the ticketing formats do not facilitate offender compliance. The NPD will continue to work diligently to assist the City with ramping up of the By-Laws. The Street and Traffic By-Law (#2232) was submitted for legal review in July, and we hope to follow with the Noise By-Law, Wharf By-Law, Grow-Op By-Law, and Animal Control By-Law, among others. Our ultimate goal is to not only have By-Laws in place that will be resistant to legal challenges, but to back these with an *Adjudication Process* for collections.

Provincial Keep of Prisoners (KOP) Agreement

- This issue, now 7 years into a unilateral agreement imposed on the police services by the Province, was brought up at the *BC Association of Chiefs of Police (BCACP)* in June. It was resolved by that body that a letter should be sent to the ADM of Corrections asking for a review and enhancement to the funding of the KOP program. A draft letter was forwarded by our Department to the Chair of the BCACP on August 27. Given the current economic state of the Province, it is not likely that we will find redress to this issue in the near future.

New Committees and Community Outreach

- The Department continues to run a joint *OH&S* committee and has representation on the broader *Corporate OH&S* committee. Additionally, from the start of 2009 we implemented a *Wellness Committee* which has focused on a sustained fitness challenge and a number of other initiatives.
- NPD representation continues on a number of community initiatives, 2 new ones being the *Outdoor Skate park (KLOSPS)* committee and the *VANOC 2010 Torch Run* committee.

OPERATIONS

Drug Enforcement

- Continues to be the focus of our enforcement effort as an adjunct to Patrol service delivery, with a two-stage undercover operation being successfully concluded over 2008/2009. This operation primarily targeted “hard” drugs such as cocaine, and involved long-term Nelson targets in licenced premises and businesses. As outlined in the Strategic Plan, some innovative efforts like pursuit of Civil Forfeiture are also beginning to experience success, with seized monies that are proven to be proceeds of drug trafficking remaining in the hands of the Crown.

Graffiti Management

- Our Community Policing Officer continues to provide a liaison function to the highly effective partnership with the Rotary Club and the City that seeks to do immediate repaints of the most visible acts of vandalism. Although there is still the occasional hue and cry about the extent of graffiti in our City, most anecdotal reports indicate an improvement through the program. Our hope is that the most glaring examples are remediated prior to the winter season, where they become more logistically challenging to deal with.

Squatters and Unlawful Camping

- Although we continue to experience the seasonal influx of transients, migrant workers and a spate of non-residents for Shambhala, it appears we have made inroads with respect to illegal squatter camps in forested areas contiguous to the City. This is a positive outcome both in terms of broad public safety (interface fire risk) and in terms of criminal victimization for Nelson. During sweeps conducted in August 2009, squatter camps were at an all-time low. It is believed that the sustained JFO’s with CP Railway Police over several years, combined with a proactive educational/media campaign against these makeshift camps, has had the much-needed deterrent effect. Conversely, one area of great interest to the City, Red Sands beach, has been a hotbed of activity in 2009.

Closed Circuit Television (CCTV) Initiative

- City IT staff have been working with NPD to determine the best locations for technological solutions in preventing and detecting crime, social disorder, and protection of City infrastructure. Solutions with significant capacity are now available through the upgrades and server located here as part of our Comms Room project.
- NPD management will bring this to the Board at the Sept. 22nd meeting for an endorsement as a pilot project, with the accompanying rationale, impacts and statistical data. It is hoped the Board will endorse this to Council, where other communities can be compared and policies developed around the use of the

technology. The CCTV camera initiative has the promise of aiding with the prevention and detection of crime, in addition to making City staff and the public at large feel safer.

Adaptation to Challenging *Mental Health Act* Protocols

- Never did we envision the scope of the download from the Province for the care and housing of persons with mental disorders to local communities, mental health agencies, hospitals and the police - the first line of defence. These individuals run the gamut of diagnosed maladies, from personality disorders, to schizophrenia and psychosis that render some unable to stand trial for their crimes, or *Not Criminally Responsible by Reason of Mental Disorder (NCRMD)*. With no long term care facilities in sight and fewer resources, the NPD and Nelson Mental Health are faced with the revolving door of seriously disordered people going off their medication, acting out or becoming violent, and needing committal by a physician to the Daly Pavilion in Trail. Typically, after 2 or 3 days they are released, whereupon the whole cycle begins anew.
- Notwithstanding, we are at least making some inroads on the intake and processing of these individuals. Our NCO's have had several meetings with hospital administration, forged a close working relationship with Nelson Mental Health, and are getting swifter responses from local doctors in KLH Emerg and faster access to the secure committal facility. Some recent, high profile cases in the local media illustrate the substantial gaps in our current mental health system.

Deployment to VANOC 2010

- The Department has agreed to send 3 members to the 2010 Olympics, one NPD Sergeant and two Constables, with deployments being an average of 32 days in length. Department leave has been blocked off during the period, and Courts throughout British Columbia are not scheduling trials to accommodate officers being unavailable. Additionally, our 3 members seconded to the West Kootenay Integrated Road Safety Unit (IRSU) will be posted to the Olympics, again one NPD Sergeant and two Constables. All travel and salary costs are recoverable through VANOC, and this promises to be a valuable training exercise in terms of the members being involved in event planning and logistics of a major international event.

D.R. (Dan) Maluta
Chief of Police

**Appendix "B" for September 22, 2009
Nelson Police Board Meeting – Regular Meeting**

Chief's Report

Nelson Police Department Community Policing Activities

June/July

(Cst. Janet Scott-Pryke)

Meetings:

June 17th, 2009 – MDO Meeting – Mental Health Office.

June 17th, 2009 –PARTY Program Board Meeting – end of school year wrap up and planning meeting for next year

Other Initiatives:

June 17th, 2009 – Granite Pointe Golf Course – ALS Fund Raiser – volunteer support team for 24 hour golf marathon.

June 18th, 2009 – 2010 Olympics Presentation – Nelson RCMP office.

June 30th, 2009 –Nelson and District Recreation Complex Day Camp – safety talk and tour of the NPD facilities.

July 1st, 2009 – Colour Guard – Lakeside Park.

July 9th, 2009 – Jordan Circus – liaison with Nelson and District Recreation Complex re possible protest.

July 20th, 2009 – Granite Pointe Golf Club Board Meeting

July 23rd, 2009 – Mental Health Office – MDO Meeting

August/September

Meetings:

August 13th, 2009 – Road Kings Parade and Car Show organizational meeting with Organizing Committee

August 31st, 2009 – PARTY Program Golf Tournament Organizing Meeting

September 8th, 2009 – PARTY Program Golf Tournament Organizing Meeting

September 8th, 2009 – Road Kings Parade and Car Show – Volunteer Orientation and Organization Meeting

Other Initiatives:

August 5th, 2009 – Broader Horizons – talk for Seniors' regarding safety, scams etc.

August 27th, 2009 – Rainbow Day Care Tour of NPD Office

September 11th, 2009 – Road Kings Parade – organization of Reserves, volunteers and traffic control

September 12th, 2009 – Road Kings Car Show – Rollover Simulator Demonstrations at Show with Cpl. J. Ferguson – Nelson RCMP

September 14th, 2009 – Cops for Kids bicycle tour – traffic control and welcome lunch for 25 riders and support staff along with donations to Cops for Kids – initiative with the Nelson RCMP

This is a short list due to summer time off as I had 2 weeks in August off and 1 week off in early September.

Respectfully submitted,
Cst. Janet Scott-Pryke
Community Policing Officer

Appendix "C"

INSPECTOR'S REPORT **Nelson Police Board Meeting – September 22, 2009** **Regular Meeting**

PRIME:

- As of July 3, 2009 Nelson Police have a 94% General Occurrence to Call ratio

Files of Interest:

June 13, 2009 – GO# 2009-2345

- At approximately 12:31 am, an audible alarm sounds at Kootenay Co-Op in 200 block Baker Street. PC #73 in the 300 block Baker Street observes the accused exiting from the alley behind Kootenay Co-Op. PC #73 observes a camera protruding from the suspect's jacket pocket. Officer arrests suspect, and finds a second camera concealed in his jacket. Officer views photos on digital cameras which originate from inside Kootenay Co-Op. Rear door is discovered insecure and property representative confirms both cameras stolen from premises.

June 26, 2009 – GO# 2009-2539

- At approximately 8:55 pm, police receive a complaint of an assault in progress in front of the Valhalla Apts. The suspect and victim are still on scene upon police arrival. Witnesses are interviewed and the suspect is subsequently arrested for assault of female victim.

July 3, 2009 – GO# 2009-2685

- At 6:05 pm police received a complaint of a home invasion in the 500 block Victoria Street. One male and two female suspects entered the home of the victim and demanded money that they felt was owed to them. All of the parties involved know each other from previous illegal dealings. After threatening the victim the male suspect proceeded to punch the victim in the face knocking out three of her front teeth. The three suspects proceeded to go through the victim's belongings before leaving with \$400 cash.

The two female suspects were located shortly after the incident. The male suspect was scheduled to attend the Nelson Police Department at 7:00 pm to serve his intermittent weekend sentence. When the suspect appeared to serve his sentence he was immediately arrested for the break-in, theft and assault of the victim.

All three parties were remanded into custody and scheduled to appear in court in August.

July 5, 2009 – GO # 2009-2724

- At 6:10 pm the victim attended the Nelson Police Department to report she had been assaulted by her ex-common law husband. The accused allegedly spit in her face, pushed her to the ground and tore off her necklace. Red marks were

observed on both sides of the victim's neck so photos were taken of her injuries. The accused was subsequently arrested and released on conditions.

July 11, 2009 – GO# 2009-2816

- At 12:20 am Nelson Police members observe the accused drive directly into the curb on Vancouver Street near Slocan Street as officers are driving by in the opposite direction. The suspect appeared to be under the influence of alcohol and is subsequently transported to the office where he provides two breath samples over the legal limit.

July 11, 2009 – GO# 2009-2830

- At 8:19 pm Nelson Police received a request from Castlegar RCMP to check a local pizza restaurant for a female suspect using a credit card that had been reported stolen in a recent residential break and enter. The female suspect had left the establishment but Nelson Police obtained a suitable description of the suspect to locate and arrest her later that same evening. The female was charged with fraud, possession of stolen property and break and enter (to a home in Castlegar).