

# THE CORPORATION OF THE CITY OF NELSON

Nelson Police Board  
MINUTES  
Nelson, British Columbia  
March 20, 2007

**THE THIRD REGULAR MEETING** of the Nelson Police Board for the year 2007 was held at the Nelson Police Department Boardroom, 606 Stanley Street, Nelson, BC, on Tuesday, March 20, 2007.

PRESENT: Mayor John Dooley, Chair  
Director Anna Maskerine  
Director Leona Ashcroft  
Director Neil Muth  
Director Barrie Taylor

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

## **1. ADOPT AGENDA**

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

*That the agenda be adopted as presented.*

**CARRIED**

## **2. APPROVAL OF PREVIOUS MEETING MINUTES**

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

*That the minutes of the Regular meeting of the Nelson Police Board of February 13, 2007, be adopted as circulated.*

**CARRIED**

### **3. PRESENTATIONS / AUDIENCE WITH BOARD**

Sgt. Steve Bank attended the meeting on behalf of the Nelson Police Association and was welcomed by the Mayor.

Mr. Mark Cochrane attended the meeting to speak on behalf of a group of Concerned Citizens from the community regarding the *Immigration & Refugee Protection Act*, and was accompanied by a delegation of eight (8) other individuals. Mayor Dooley reviewed the parameters for presentations with those in attendance. (*Information for Public Participation at Public Meetings of the Nelson Police Board attached as Appendix "A"*)

Since the group was not aware of the parameters for presentation prior to the meeting, and Mr. Klaus Offermann was not formally listed on the Agenda to make a presentation, Mr. Cochrane asked permission for Mr. Offermann to speak following Mr. Cochrane's presentation. Mayor Dooley agreed to the request.

Mark Cochrane, of 1478 Granite Road, Nelson, stated the purpose of his appearance at the Board meeting was that he was concerned that through the reporting in the press of the Kyle Snyder incident, there were no clear answers to questions remaining in the minds of the group.

Chief Maluta responded by indicating he had spoken to various members of the press on several occasions in an effort to be as transparent as possible. The Chief proceeded to describe the process that was followed in the arrest of Mr. Snyder and outlined the legal responsibilities of the Nelson Police Department. Mr. Cochrane and Chief Maluta reiterated the facts as reported in the paper, and Chief Maluta indicated that some of the questions asked by Mr. Cochrane were not answered in the press because they were not asked of him.

Mr. Cochrane also questioned the difficulties he had gathering information from the Nelson Police Department regarding this case. Chief Maluta explained that the Department does not reveal its confidential sources. Chief Maluta also addressed the Freedom of Information and Privacy Act regulations regarding protecting Mr. Snyder's privacy and therefore not releasing certain information. Chief Maluta informed Mr. Cochrane that he is free to file a complaint with the Office of the Police Complaint Commissioner if Mr. Cochrane is still concerned about how the Department handled his request for information.

Mr. Cochrane expressed concern that the venue, time and nature of the Police Board meeting was varied each time he called the Department. Mayor Dooley explained that the March Police Board Meeting was scheduled to be a special meeting with City Council, on business unrelated to Kyle Snyder, but once the need for a public meeting was apparent, the Board fast-tracked its availability to hear the presentation on behalf of the Concerned Citizens group.

Mr. Klaus Offermann of Robertson Road, North Nelson, described himself also as a Concerned Citizen, and indicated he was asked by Mr. Cochrane to assist him with a complaint regarding the Kyle Snyder case. Mr. Offermann requested a town hall meeting with the Chief and Mayor in attendance, to answer questions regarding the Kyle Snyder arrest from an ad hoc group of people. He clarified Kyle Snyder is not a client of the ad hoc group.

Mr. Offermann expressed concerns, including the use and abuse of authority by the Nelson Police Department, and the lost trust and confidence on the part of the community. He suggested to the Board that this is a governance issue for the Board with respect to what can and cannot be done in the course of conducting an arrest. In light of the fact that it appears to some people that the Department acted as bounty hunters for the United States Army, Mr. Offermann asked what appropriate policy response the Police Board could provide to restore public trust in the Department. Mr. Offermann suggested that the Board encourage an open and frank process and provide as much information as possible, while at the same time respecting confidentiality. The group has been doing its best to gather information from the news reports.

Mr. Offermann quoted a variety of secondary sources that have provided information about the Kyle Snyder matter, including immigration officials, CBSA spokespeople, local media and the CP press. The Concerned Citizens are confused and have questions about whether the United States Army was involved, and as to the grounds for the arrest, and therefore question the legality of the arrest. Specifically, Mr. Offermann asked how Kyle Snyder violated the *Immigration Act*.

Mr. Offermann also requested a Town Hall meeting to answer questions and in an effort to heal any trust issues with the Nelson Police Department. He suggested that Nelson is a very anti-war community and supportive of war resisters.

Mayor Dooley requested a copy of Mr. Cochrane's and Mr. Offermann's presentations in order for the Board to review them in detail. Both presenters agreed to submit copies of their presentations. The Mayor reiterated that no Board comment would be made in response to the presentations at this meeting, as stated in the presentation guidelines.

Chief Maluta outlined the process for filing complaints with the Police Complaint Commissioner, since from what both presenters had to say, Chief Maluta predicted that complaint(s) would be forthcoming. Official complaints being forwarded to the OPCC would preclude a town hall meeting, in accordance with the *Police Act*.

The Mayor thanked the speakers and delegation for bringing their concerns forward. He indicated the Police Board is indeed in touch with the community and demonstrated this fact by providing the first available opportunity for the

Concerned Citizens to present their concerns to the Board.

#### **4. BUSINESS ARISING FROM PREVIOUS MEETING**

**a. Amended Board Meeting Schedule – attached as Appendix “B”**

The Board Meeting Schedule amended March 14, 2007 reflects the BCAPB Meeting Schedule as well as the Nelson Police Board Meeting dates. It was suggested that the Nelson Police Department website should contain the schedule of meetings as well as the City of Nelson newsletter that occurs on the back page of the Kootenay Express. It was also noted that, if in the future, a larger meeting venue is required; the meeting rooms below the Nelson Municipal Library are available to be booked in advance.

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

*That the Nelson Police Board Meeting Schedule amended March 14, 2007 be accepted as presented.*

**CARRIED**

**b. Proposed Amendments to the Financial Format - Director Muth**

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

*That the amended financial statement format be amended as suggested by Director Muth. This format will be used in future financial reports to the Nelson Police Board.*

**CARRIED**

**c. Set date in June for Planning Session – Director Ashcroft**

On Director Ashcroft’s suggestion, it was decided that the Nelson Police Board Members meet, inviting Platoon Sergeants, off-site on Friday, June 15 from 8:00 am to 2:00 pm to review and update the Department’s Strategic Plan. The Board Secretary will arrange a venue and notify the Board members.

## **5. DEPARTMENT REPORTS**

- a. **Chief Constable's Report**  
*(Chief Maluta's written report is attached as "Appendix C" to these Minutes.)*
  
- b. **Inspector's Report**  
Inspector Paivarinta received information about a Flash Cam that is utilized in some jurisdictions to prevent vandalism in specific areas. The City of Williams Lake has employed the camera with successful results. The Flash Cam is a portable solar powered box that can be mounted on a building and is operated by simple software. The unit costs \$6000, is motion activated, takes high resolution photographs and can be programmed to provide a pre-recorded audio warning to vandals that their picture is being taken. The Inspector will forward the specifications of the device to the Nelson Business Association, City of Nelson Department Heads, and City Council for consideration.
  
- c. **Financial Reports**  
The Board Secretary will determine for the next meeting why, in the Financial Statement for the month ending February 2007, the Police Prisoner Maintenance Recovery Revenue item shows 125% remaining.

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

*That the reports be accepted for information.*

**CARRIED**

## **6. DIRECTOR'S REPORTS**

- a. **Directors**  
Nothing to report
  
- b. **Mayor Dooley**  
Mayor Dooley reported he learned a great deal at the British Columbia Association of Police Boards Annual General Meeting and Conference held in February in New Westminster. Mayor of Saanich Frank Leonard is a veteran mayor and has been a valuable resource for Mayor Dooley, providing good suggestions and ideas for issues as they arise. The Saanich Police Department has produced an excellent flyer called "Saanich Police Community Report", including a 2007 Community Calendar that the Nelson Police Department may find useful when developing our website.

From listening to the guest speakers at the conference, Mayor Dooley concluded that policing is not easy in the 21<sup>st</sup> century. The community expects the police to protect them and at the same time the police force is under the microscope by the community. The Mayor believes citizens tend to take for granted the multi-tasking the police of today provide. Mayor Dooley stated he is extremely proud of the service the Nelson Police Department provides to our community. Hardships the Department encounters will afford it the opportunity to improve service.

The Mayor thanked the volunteer Police Board Members for their commitment to their roles as community leaders.

Mayor Dooley recently enjoyed a meaningful meeting with Vanessa Patry, the Community Development Co-ordinator of the Nelson Committee on Homelessness and is confident she will provide considerable benefit to the community.

One issue that was discussed at the Federation of Canadian Municipalities was the fact that sex offenders can move freely from province to province. Sex offenders must register with the police authority in the offender's new community. When asked whether the Nelson Police Department would notify the community of a sex offender moving to our city, Chief Maluta said when considering the risk of the offender re-offending versus the right to privacy of the individual, the Nelson Police has erred on the side of caution and notified the community of that person's presence.

As a result of the delegation appearing at the start of this meeting to speak about the Snyder case, it has become apparent that the public is not informed as to the identity of the members of the Nelson Police Board, nor is the public aware of the protocol to be followed at a presentation to the Board. It was suggested that this information could be included in the City of Nelson Newsletter in the Express newspaper. The Department's website needs to be updated to include this information as well. Mayor Dooley predicted the updated website should be up and running in the next couple of months.

Moved by Director Muth, seconded by Director Maskerine,  
And Resolved:

***That the complaint process be included as an item on the April 17 Regular Meeting of the Nelson Police Board, as well as some strategies to communicate to the public who the Board members are.***

**CARRIED**

**7. CORRESPONDENCE AND INFORMATION**

**a. Police Board Member Reappointments (4)**

Moved by Director Maskerine, seconded by Director Muth,  
And Resolved:

*That the Correspondence and Information be accepted for information.*

**CARRIED**

**8. NEW BUSINESS/LATE ITEMS**

**a. Joint BCAPB/BCAMCP Conference in Nelson – May 2, 3, 4, 2008**

Nelson will host the 2008 Joint British Columbia Association of Police Boards Annual General Meeting and Conference and British Columbia Association of Municipal Chiefs of Police Meeting at the Prestige Lakeside Resort. The sessions will be worthwhile and open to attendance by City Council members.

**9. ADJOURNMENT/CONFIRM DATE FOR NEXT MEETING**

Moved by Director Taylor, and seconded by Director Ashcroft,  
And Resolved:

*That the Third Regular Meeting of 2007 of the Nelson Police Board be adjourned.*

**CARRIED**

Certified Correct:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chair

**NEXT MEETING: Tuesday, April 17, 2007**

**Time: 3:00 pm**

**Nelson Police Department Board Room**

## **THE CITY OF NELSON POLICE BOARD**

### **INFORMATION FOR PUBLIC PARTICIPATION AT PUBLIC MEETINGS OF THE NELSON POLICE BOARD**

**(Maximum time allotment all participants is 15 minutes)**

The Nelson Police Board is interested in hearing from the public on the issues it is dealing with or on any other issue that is of interest to the general public. To ensure that this process is open and does not feel uncomfortable to anyone, we have set up some simple parameters to follow. Prior to speaking about your issue, please:

1. Identify yourself, stating your name and place of residence and the issue you are bringing forward.
2. The subject of your presentation should be limited to items of broad public interest. This is not a forum for complaints. Any complaints will be dealt with through the established complaint process as stated in the *Police Act*. Staff at Nelson Police will assist complainants by providing and assisting with completing the necessary forms, if required. Alternatively, persons wishing to make a complaint may contact the Office of the Police Complaint Commissioner directly.
3. Presentation: You must limit your questions and/or comments to a maximum of five minutes. This will permit time for all who are present to participate.
4. The Board will not make any decisions at the meeting at which you make your presentation. The Board may provide a reply, where the Board deems it appropriate. Additionally, the item may be referred to the Chief Constable for follow-up.

If you have any questions about this process, kindly direct them to the Chair of the Nelson Police Board. We thank you for taking the time to participate in a positive way at the Nelson Police Board meeting.

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**Appendix "B" to March 20, 2007 Police Board Regular Meeting Minutes  
Nelson Police Board/BCAPB – 2007 Meeting Schedule**

- Revised March 14, 2007

<b>DATE</b>	<b>LOCATION</b>	<b>TIME</b>
January 16, Tuesday	NPD Board Room	3:00 pm
February 13, Tuesday	NPD Board Room	3:00 pm
BCAPB – Feb 16-18	BCAPB - New Westminster	
March 20, Tuesday	NPD Board Room	4:15 pm
April 17, Tuesday	NPD Board Room	3:00 pm
BCAPB – April 28, Sat	BCAPB – Central Saanich	
May 17, Thursday	NPD Board Room	3:00 pm
June 12, Tuesday	NPD Board Room	3:00 pm
BCAPB – June 16, Sat	BCAPB - Delta	
July 17, Tuesday	NPD Board Room Chief on Annual Leave – Inspector Paivarinta will represent the Chief	3:00 pm
August	No Meeting	
September 25, Tuesday	NPD Board Room	3:00 pm
BCAPB – Sept 15, Sat	BCAPB – Central Saanich	
October 23, Tuesday	NPD Board Room	3:00 pm
November 13, Tuesday	NPD Board Room	3:00 pm
BCAPB – Nov 3, Sat	BCAPB - Delta	
December 18, Tuesday	NPD Board Room	3:00 pm

**CHIEF'S REPORT FOR MARCH 20, 2007 BOARD MEETING**

*Regular Meeting*

***On Integration Opportunities with the RCMP***

- Our combined Kootenay Integrated Road Safety Unit (K-IRSU) continues to experience success in enhancing road safety for the region, often partnering with the RCMP's West Kootenay Traffic Services Unit. Through aggressive enforcement campaigns, they are slowly but surely increasing the seat belt wearing rate. Statistics prove that percentage increases in the wearing rate translate directly to lives saved in crashes. They have also made several advances on the criminal interdiction front, with Sgt. Fred Mansveld having recently done a presentation to the provincial traffic commanders on the Unit's initiatives. The priorities for K-IRSU are impaired driving, seat belt compliance, commercial drivers, monitoring intersections and criminal interdiction. K-IRSU is part of the Province's Southeast District, where cash and drugs seized by traffic units in 2006 totalled \$7.5 million.
- The RCMP Provincial Dive Team provided a very rapid and effective response to a recent Missing Persons investigation in Nelson. They are to be thanked for these efforts.

***Highlights from the Community***

- Vanessa Patry, coordinator of the Nelson Committee on Homelessness conducted an in-depth interview with me to explore strategies for dealing with homelessness in our community – the public safety perspective. It was an excellent opportunity to look at solutions and Ms. Patry is committed to a balanced perspective on the homelessness issue. Nelson Police will keep abreast on the progress of NCOH through Director Maskerine and others, and will make themselves available for input as initiatives unfold.
- I attended the public presentation of the City of Nelson 2007 Budget at the Hume Hotel on March 7<sup>th</sup>, 2007, and was there to answer one question on policing and provide a media interview for the Nelson Daily News. This was captured in the March 19<sup>th</sup>, 2007 edition of that newspaper. Unfortunately, only three actual members of the public attended the presentation. This could be an indicator of satisfaction with the manner in which public funds are being spent, and some positive comments on the work of the Nelson Police were made in a public comments ledger. Ironically, a meeting of the supporters of U.S. war deserters and refugee claimant Kyle Snyder that same evening garnered an audience of approximately 75 people.
- Board attendance at Police Camp: This is now confirmed for the weekend of May 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup>. The Agenda has not yet been finalized, and the Board Secretary will forward the schedule to all Directors once it is set.

### ***Highlights within the Department***

- Some Occupational Health and Safety Issues have arisen with respect to officers experiencing back pain from their awkward positioning in the police vehicles while using the Mobile Data Terminals (MDT) to complete their investigational files. This is being researched in other police departments, but appears to be a universal concern. Indications are that larger seating capacity in trucks and SUV's tends to ameliorate the situation. This will be given consideration in future fleet purchases.
- The City of Nelson's Corporate Safety Officer recently circulated a spreadsheet of Accident and Injury Trends amongst City departments. Unfortunately, Nelson Police have reported significantly higher ratios of injury during the period from June 2006 to date. The largest common denominator appears to be non-compliance in confrontations with uncooperative and intoxicated persons where members are using low force levels, such as open hand compliance. This is the sort of result that drives up the use of compliance tools such as pepper spray and the Taser, and is of concern.
- A more user-friendly version of PRIME, MDT 7.0, has been installed in all the remote terminals.
- Operationally, the Department continues to be successful in resolving major incidents by arrest and charge, such as the recent stabbing incident on the railway tracks at Cedar and Simpson Streets. There has been an enhanced presence of downtown foot patrols of late, due to having a full complement of members and commitment from the patrol sergeants. Regulatory offences of a chronic problematic nature, such as unlawful pedestrian red-light crossings and aggressive panhandling, are being targeted for enforcement.

### ***British Columbia Association of Chiefs of Police***

- I co-chaired the joint meeting of the BCAMCP and BC Association of Police Boards along with Walter Donald, current President of the BCAPB, on February 16<sup>th</sup>, 2007 in New Westminster. The focus of the joint meeting was on Police Board and Council relationships and governance, with additional discussion on Chief and Board interaction. This was a very productive session that helped to showcase some "best practices" being currently engaged in by some police departments, along with illustrating the diversity in established practice amongst the municipal forces. Police Services Division will be following up with ongoing governance training for police boards.
- While Directors have already reported on the BCAPB conference that followed, a synopsis package will be put together and rolled out to those who were unable to attend.
- The BC Municipal Chief's meeting I chaired on March 13<sup>th</sup>, 2007 in Saanich dealt with several law enforcement initiatives, including (for discussion):
  1. The ability of our current Forensic Labs to keep up with processing of exhibits
  2. Motions to increase fines for Liquor Act offences on Violation Tickets
  3. Prime Governance Council representation
  4. Integration and Auditing of Units

5. Third Party Reporting – a new protocol proposed for reporting victims of sexual assault and other offences to the person where the victim wishes anonymity.
6. Use of Bear Spray against Police Officers
7. Conducted Energy Devices (Tasers) – their place in the Use of Force Continuum